

CHAPTER-01

SOCIAL WORK APPROACH IN THE FORMULATION OF THE RIGHT TO INFORMATION ACT: POLICY DEVELOPMENT IN INDIA

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DOI: <https://doi.org/10.52458/9788196897451.nsp.2024.eb.ch-01>

Ch.Id:-GU/NSP/EB/IESDSPR/2024/Ch-01

ABSTRACT

An attempt has been made in the present article to study public policy formulation in India, the role of policy intellectuals as well as the public intellectuals in the process, the aspirations of our knowledge society and how the public policy framework actually imbibes into its sphere these demands and then how these resultant policies are churned out of the administrative machinery. More recently, strategy has again changed to engagement with the political process, as civil society have joined a national lobbying effort to change legislation governing the right to information and supporting transparent, accountable candidates for electoral office. Throughout these changes, organization deliberated to define the appropriate strategy for goals, and to identify creative, inclusive tactics to further strategy. Internally, while there is a growing sense among civil society actors that policy determination needs to be opened up to greater access and scrutiny, there exist dilemmas about the 'appropriate' ways to engage with the policymaking process and how civil society can best strategies to influence policymaking with greater equity, and from an empowered position. The purpose of this study is to understand the interplay of forces that shape policy making in India, the strategies of engagement that have been successful (or not) and the representativeness of India's policy making apparatus.

Keywords: *Democratization, Right to Information, Policy Making, Right to Information Act, Civil Service Organizations, Non-Government Organizations.*

1. FOUNDATIONS OF PUBLIC POLICY: SHAPING GOVERNANCE ACROSS TIME AND FORMS

Public policy is a long-term strategic and visionary decision. It is necessarily comprehensive, based on rational choices, effective towards the larger public good, efficient in its functioning with an eye for administrative feasibility, easily intelligible and sensitive towards the needs and aspirations of the people at large, while keeping the social environment of the particular system in constant interaction with the system itself. Public policies are primarily framed by the government to satisfy public needs and demands. They are the means by which, ends of a collective community are served. Without policy, government and administration are rudderless. Successful policies make for successful governments as well as administration. There is a saying that when the policy fails, the government fails.

2. REVIEW OF LITERATURE

In India, the literature on policy process focuses on the formal legislative process, mostly ignoring the role of actors such as civil society, media, and the judiciary. This paper documents the journey of RTI landmark law that were passed in 2005. Based on the observables from the case, a Legislative Strategy Framework is proposed. This

framework attempts to explain the time line for a law based on the interplay of strategies used by the legislative and the non-legislative actors.

World-wide, the connection between social movements and policy changes is under-theorised and under-studied (Meyer, Jenness, Ingram 2005). Social movement scholars tend to treat the policy process as a black box within the state, which movements may occasionally shake into action. On the other hand, policy scholars treat movements as undifferentiated and unitary actors who may or may not respond to disruption. In India, too, much of the policy studies research focused on the policy objectives and the impact assessment aspect and less on the policy making process. Studies on policy making process have been largely confined to examining the role of the state apparatus involved in policy making – legislature, executive, political parties, bureaucracy and to some extent, the judiciary – broadly in the area of public administration (Mathur and Bjorkman 1994; Mathur and Jayal 1997; Kapur and Mehta 2007; Sapru 2012; Mathur 2013; Rai and Johnson 2014). The study of the role of nonstate actors in bringing about societal change or reforms - campaigns, social movements and protest movements - have remained the subject of study in disciplines such as social history, sociology and anthropology rather than public policy.

The literature on social movements is comparatively larger than studies on the policy process but followed similar trajectories as scholars outside the country (Shah 2004; Kohli 2001). It includes chronicles of major movements, theoretical frameworks to study social movements and the role of civil society in reforming the state. There have been a few scholarly works on the methods used to influence policy making by business groups but much fewer work has been done on other strategies such as advocacy, petitioning, PILs and media management (Kochanek 1974; Khan 1997; Joshi 1999; Vyasulu and Vyasulu 2000; Jha 2004).

Few scholars have taken notice of this phenomenon and tried to analyse it, the most prominent among them being Mathur and Bjorkman (2009) and Mathur (2013). These scholars studied the different sources of policy making such as the Parliament, bureaucracy, planning commission, research institutes, and in more recent years, NGOs. They concluded that in recent times there is greater acceptability of policy advice from diverse sources.

Vaidyanatha R.V. Ayyar (2009) complements the policy analysis literature with 'political' analysis that assesses the policy environment and provides a guide on how to proceed in order to further one's policy preference. This book uses principles of management to throw light on how ministers and civil servants can become better policy navigators by gaining a better understanding of the policy process and politics.

Other scholars and practitioners have attempted to understand the policy making process – not always in full length books but through articles and book chapters. Key among them are Kochanek (1996), Sinha (2005), Yadav (2008), Baru (2009), Madan (2009) and Saha (2015).

These studies have analysed the influence of industry bodies on trade policy and the strategies used by them. Others have documented the journey of a particular law or the role of a particular group in bringing about policy change (Bose, 2010; Grant, 2012; Ramesh and Khan, 2015; Seth, 2014).

Rai (2004) in his book entitled, *Human Rights and Fundamental Freedom*, has explained the entire concept of human rights and fundamental freedoms. The author has explained that the information revolution has not only assisted democracy loving people to check authoritarian power, but it has also expanded the ability of those same regime both to disseminate propaganda and monitor their own citizen's behavior. Khanwalker (2011) in his paper presentation, "The Right to Information Act in India: Its Connotations and Implementation" has given detailed account about the various aspects of RTI Act, 2005 in India. Reddy (2006) in his article, "The Right to Information: An Analysis of its Evolution and Socio- Political Implementations," has advocated that RTI is as crucial as freedom of expression in any democracy.

3. RESEARCH DESIGN AND DATA COLLECTION

This study borrows tools and concepts used in management, political science and sociology. The case study method, which is ideal for a holistic, in-depth investigation of a particular event, has been used to study the journey of the selected laws and bills. Each case study follows a similar structure and address questions about key players, strategies, use of media and the role of political institutions. For each case study, a large cross-section of stakeholders and key informants were interviewed in addition to secondary research about the facts and figures. This empirically-informed evidence about advocacy in India is useful to explore how India's policy making process fits in with different theoretical frameworks used to understand policy making in other countries. The sources of information for the case studies include published material – books, articles and newspaper reports – and, far more importantly, first person narratives of several of the key players and ring-side observers. Among the key reasons for the success of the RTI movement was its ability to bridge the rare – grassroots struggle, urban-middle class and media; its ability to build and consolidate alliances and effectively combining oppositional and engagement strategy with the government without getting caught in deadlocks. The RTI movement used a combination of methodologies, some innovative, some traditional or local along with new methods to

reach a diverse audience, and impact the government. But the underlying strategy was two-fold: one, to centrest age corruption and the need for transparency and accountability, and make these aburning public-political issue; and two, to then mobilise people to mount peaceful, democratic pressure on the government.

At the grassroots, one of the most innovative methods devised was that of junsunwayi. These public hearings were held through a careful process of identifying people's concerns, gathering relevant information, accessing and scrutinizing documents. After having ascertained prima facie cases of corruption and obtaining relevant documents, a date for public meeting would be fixed, and mobilisation would begin by sharing information with affected people at public work sites, through wall writings and pamphlets. Then an open meeting in the form of open panchayat would proceed to discuss discrepancies in wages and corruption cases. To build worker-peasant solidarity, youth camps and Majdoor-Kisan Mela were organized. Cultural medium was also used—folk theatre, puppet shows, songs and music—for awareness building and mobilizing. As the RTI movement gained momentum, the methods and channels of outreach (administrative, legislative, media, public spaces) diversified. Different methods included nationwide campaign, dharnas near Parliament, lobbying with political parties, media campaigns, bringing in 'eminent' individuals into the struggle; use of social and alternative media, street plays songs and dances and puppet shows. Other typical protest strategies such as signature campaigns, rallies by students and candlelight vigils were also used. To spread word, film screenings, live RTI radio, as well as seminars, workshops, exhibitions and lectures were organized in various urban centres. Among the less conventional methods included rock concerts, kite flying events and women raising the pitch by banging utensils, to demand RTI.

4. RESEARCH OUTCOMES & DISCUSSION

4.1 Dynamic Dimensions of Policy-Making: Beyond Governmental Top-Down Approaches

Public policy is about 'government action to address public issues'. A dominant tendency has been to treat crafting of public policy as a technical function of government—a top-down approach and rational choice based on available data and information. But it is increasingly also being seen as a matter of power and politics, time act, public policymaking is an interactive and dynamic process. It involves a gamut of actions and inactions by many groups, with varied interests, at varied stages in a network, through whom decisions flow, policy agendas get set, policies get shaped, programmes are formulated, implemented and evaluated. Though not all actors and interests have equal power, or equal chance to influence policymaking, the process

remains dynamic, with its shifts and slides. Notably then, making of public policy is not just about government, public officials and bodies, but involves a range of non-officials, groups or private actors who play an active role. Does the process allow civil society and citizens to participate from an empowered position? What are the social, political and economic factors that are enabling or impeding civil society's participation in policymaking? Policy making process is analytical and complex. There are various actors and agencies which perform their role in making and executing the policies. Different organs of the government at various distinct levels of their operations have specified tasks to accomplish through policies being enacted. Public policy making is the most significant activity of the government as it touches almost every facet of the life of the citizens and the nation as a whole. Policy making is one of the major functions of the political executive. Broadly speaking, the structure of the public policy making involves the entire political system. The ultimate authority in policy making, planning and budgeting rests with those who hold the power to legitimize policy. Legally, this power may be in the hands of a single individual (a king or a dictator), in the hands of a group of persons (a political party or military) or in the hands of the entire citizenry of a country. In this paper, we shall highlight the role of the political executive in policy making in India related to RTI act in India, the role played by the Prime Minister, Cabinet Secretariat and Cabinet Committees in identifying policy agenda, issue and proposals. A discussion on the role of public opinion in policy making will also be made.

4.2 Media Dynamics in Policy Narratives: Navigating Power Structures in Public Policy Arena

Mass media, such as newspapers, magazines, films, radio and television, facilitate "one-way communication from one to many". They transmit a message "from a source to reach a large and often widely dispersed audience". The twentieth century has been blessed with the "trenchant" growth of the mass media. The films and television are most effective as they combine the audio and visual together. To Bertram Gross, television has changed the role of mass media by making non-face-to-face communication as practical and efficient and in many cases a face-to-face relation. The use of satellite brought about a revolution in the field of communication systems. Thanks to this communication revolution, it is now possible "to bring the people from remote corners face-to-face with a new reality". Public policy formulation has not really articulated the views of the public sphere. In fact, the foremost challenges to policy came from the social movements and from civil society which identified policy and experts as mere extensions to the state and saw the need to revitalize this approach of policy planning. The movements that grew around the Bhopal gas tragedy, the Narmada dam, the narratives of displacement and dispossession raised deep questions about public

policy. As a concomitant corollary, governance is now seen no longer as a statist exercise but the question of governance has now started involving civil society, articulating new epistemologies, notions of citizenship, ideas about the democratization of knowledge and the assessment of public policy impacts. Governance has got tucked to democracy, with public sphere becoming crucial and public policy a critical field. Power is critical to the policymaking process. At any given time, there is plurality of views and ideas. However, not every voice or idea has a chance to be heard. Power comes into play in policy process at various levels—between civil society and government, among policymakers and between civil society groups. The ability to build a coalition with the middle class, and media support seemed to bring power in policymaking. Here from what perspective, and for whom these coalitions were built seemed to be important to some extent, as demonstrated in the case of RTI which worked to empower the marginalised even as it spread among middle classes. However, bridging gaps with the middle class becomes far more tricky on issues such as displacement and eviction of urban poor, or land or social justice issues. Similarly, having a base in Delhi or a middle class articulated representation within civil society also seemed powerful measures. The fallout then is that grassroots or rural-based groups with local leadership lose out in policymaking. This is a question that needs to be addressed by civil society actors. Another critical challenge that civil society actors need to confront is how do we surface and address the power dynamics within CSOs, of who is getting heard, who is visible and who is excluded? Social workers can also engage in policy practice at organisational levels, if some of its operations are unfair, oppressive, discriminatory or unsuitable, advertently or inadvertently. Some organisations provide mechanisms for building systematic evidence of such unfair practices and use it to bring policy changes within an organisation. By being an insider of an organisation, social workers can constructively and innovatively engage in policy practice, though it may be slow and incremental, yet meaningful (Pawar & Anscombe, 2015). Policy practice at organisational level may be challenging, if it threatens the social worker's job or if such practice is interpreted negatively from the organisational point of view. So one needs to tread carefully and diligently, if protecting her/his employment is important for a worker. Given that context specificity is an important factor in analysing policy processes, the search for a universal formula or framework to make predictions about the policy process is somewhat futile. However, the proposed Legislative Strategy Framework, based on the in-depth study of the journeys of RTI laws, does throw light on certain key aspects of policy making process in India such as the role of civil society actors in agenda setting, the importance of "windows of opportunity" to push through a policy change and the diversity of stakeholders involved in the policy process, including the judiciary, media and bodies such as the Comptroller and Auditor General of India, the National

Advisory Council and the erstwhile Planning Commission (now NITI Aayog). In May 2005, the Indian Parliament passed the Right to Information Act, which came into effect on October 13, 2005. This act empowers citizens to exercise their sovereign democratic right, under the Indian constitution, to access information and thereby ensure that their government is accountable to them.

5. CONCLUSION

In summary, public policy is an integral aspect of governance across diverse forms of government. Evolving with the changing responsibilities of the State, public policies have become instrumental in steering economic and social transformations. The extensive reach of policies into every facet of societal life necessitates their comprehensive, rational, and efficient formulation. Acknowledging the dynamic nature of policy development, it is essential to recognize the interactive processes involving various actors and interests. The power dynamics inherent in policymaking underscore the importance of understanding how diverse stakeholders, including civil society, media, and the judiciary, contribute to shaping policies. Social workers, embedded within organizations, can play a vital role in influencing policy changes by addressing systemic injustices. Despite the complexity and specificity of policy processes, this study provides a valuable insight into the legislative strategy framework, offering a nuanced understanding of the policymaking journey in the context of India's Right to Information Act.

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