



## **Mazdoor Kisan Shakti Sangathan**

A non-party peoples' organisation

### **Towards a just and equal society**

MAZDOOR KISAN SHAKTI SANGATHAN, (MKSS) is a People's Organisation and part of the growing Non-party political process in India.

The MKSS works with workers and peasants in the villages of Central Rajasthan. It was set up by the people of the area in 1990 to strengthen participatory democratic processes, so that ordinary citizens could live their lives with dignity and justice.

The organisation was born out of a struggle for community land held illegally by a feudal landlord. The subsequent struggle for minimum wages made it evident to the people, that transparency and accountability of systems of governance are basic to access any right. It became clear that access to relevant information is a fundamental tool for ensuring transparency and accountability of the government, and of all bodies that affect public interest.

### **Our Money; Our Accounts:**

#### **MKSS and the Right to Information**

By mid 1994, MKSS had formulated a specific demand for copies of financial records of expenditure incurred in the local government institutions including Panchayats. However, since there was no legal entitlement to access relevant information even within the Panchayat, the MKSS had to mostly rely on informal means and sympathetic officials for access to these documents. Once procured, these records were closely examined by the people of the concerned Panchayats. Public hearings were organised where residents came together to verify and audit the work of their Panchayat through individual and collective testimonies. Thus, the demand for transparency, accountability, and redressal through social audit (physical audit by the people), began to take shape. The first Public Hearing the MKSS organised in December 1994 established the importance of information for the people, and

exposed the official opposition to disclosure of records. This flagged off the struggle for the people's **Right to Information**.

When government officials refused to part with records, and the Rajasthan Chief Minister failed to keep assurances made in the State Assembly in 1995, a 3 year long struggle was waged to secure relevant amendments in the Panchayati Raj Act and enact a comprehensive legal entitlement for the People's Right to Information.

In July 1997, the Government of Rajasthan amended the Panchayati Raj Rules. The Rajasthan State Right to Information Act was formally passed by the State Legislature in May 2000 as the campaign became increasingly visible and popular.

However, the Rajasthan Act suffered from many lacunae and the Right to Information Campaign continued to highlight these shortcomings through its use of the Act. Public Hearings continue to be held, and have moved beyond development works to many other areas of human, development and democratic rights. These have been powerful illustrations of the scope and potential of the right of citizens to question, examine, audit and finally control every act of a democratic government.

In a democracy, without the right to know there can be no real right to exercise power and make the Government and the State accountable to its people. The Constitution of India acknowledges that the people are the sovereign power. To exercise their sovereignty in a responsible, ethical, and effective manner, the people must have the right to know.

The elected government and the bureaucracy exercise power arbitrarily. They are both riddled with corruption, without any real accountability to the people. Corruption impacts the poor and their survival. In a democratic framework, it makes a mockery of the people's right to decision making by undermining even the formulation and implementation of law and policy.

Right to Information is an effective tool to control the arbitrary exercise of power and corruption, and to secure the Government's accountability to its people. Exercising the Right to Information can transform the relationship between people and their Government by empowering people to exercise control over governance. It is of utmost importance in preventing anti-people policies and is a crucial part of the larger movement to deepen democracy and ensure democratic rights, development rights and human rights.

It is now recognized that Right to Information legislation is necessary to enable enforcement of the citizens' fundamental rights under both the Freedom of Expression under Article 19 - (1)A and the Right to Life under Article 21 of the Indian Constitution.

**The Right to Know; the Right to Live:**

**The National Campaign for Right to Information**

With this understanding, the NATIONAL CAMPAIGN FOR THE PEOPLE'S RIGHT TO INFORMATION (NCPRI) was created in 1996. The NCPRI's mandate is to work towards drafting and campaigning for effective legislation to be passed at the Centre (Parliament) and the States; as well as to support people's struggles and groups agitating for accessing relevant information and records.

Since 1996, Right to Information Laws have been enacted in the States of Tamil Nadu (1996), Goa (1997), Madhya Pradesh (1998), Rajasthan (2000), Maharashtra (2000), Karnataka (2000), Delhi (2001), Assam (2002), and Jammu and Kashmir (2003). A national Bill, was placed in Parliament in June 2000 and was passed as the Freedom of Information Act in 2002, but not notified. On protest that the national law was weak and ineffective, the UPA government promised a better law under its Common Minimum Programme. Despite bureaucratic subterfuge, and resistance from various quarters, vigilance and advocacy by citizens groups helped ensure that a strong right to information was passed by the Indian Parliament in June 2005, which came into effect on the 12<sup>th</sup> of October 2005.

Since then citizens have been using the law in different parts of the country with varying degrees of success. Despite the passage of the law it is clear that the bureaucracy politician nexus continues to drag its feet on implementation, in order to frustrate efforts at bringing in transparency and openness. This constant denial of access to information only proves that information is power, and the ones who have it do not want to share it. But it is clear now, that the Government cannot overtly deny the people's right to know, and that we need to continue our struggle to get better legal provisions enacted and implemented.

There is also the wider, global context. While people struggle to mould a more meaningful and accountable democratic framework for themselves, vital decisions concerning people's lives and livelihoods are being usurped by distant supra national bodies like the World Bank, the IMF, and the WTO, whose jurisdiction lies beyond the scope of national governments. The challenge before movements for democratic rights will be to find ways to dismantle this more distant, yet more powerful form of control. This process will also have to begin with simple and straightforward questions which unmask the web of exploitative relationships. With increasing concentration of economic and political power, information in the hands of ordinary people is an important tool that can help break these illegitimate centres of power.

National Governments must be forced to work with the people's mandate. Links with the world outside simply cannot derail the people's right to live, to know and decide on matters that affect their lives.

With increasing militarisation the world over and the frequent fundamentalist postures of leaders, it is imperative that the citizens of every country know what is being done in their name.

Denial of Right to Information, taken to its logical conclusion, implies the denial of the right to make informed decisions. We need to start exercising our rights. The stakes are too high; it is a question of our lives, indeed of life on this planet...

**Work for all; Just wages for all:**

### **MKSS and the National Rural Employment Guarantee Act**

The campaign for the Right to Information was born out of the MKSS's struggle to ensure that all workers receive minimum wages. Since the state of Rajasthan, where MKSS is based, receives very little rainfall most poor people depended on government drought relief work (under the Famine Relief Code) for their survival. Since the demand to see records arose over disputes of Panchayat public works, RTI was closely associated with work and wages. The MKSS, with other like-minded organisations, has built upon an older demand for the extension of work guarantee, the demand arising from the existence of the Maharashtra State Employment Guarantee Act (1977). From this widespread campaign emerged a demand for a National Rural Employment Guarantee Act (NREGA) as a legal entitlement. Parliament passed the NREGA (now MGNREGA, Mahatma Gandhi NREGA) in August 2005. This law guarantees all rural households in India 100 days of employment, on demand every year at minimum wages. As, this act emerged in small part from the RTI Campaign, it mandates transparency and accountability in all aspects of implementation. It also mandates Social Audits, in which the local communities (village councils and beneficiaries of the law) physically verify all the works, against official records, now to be displayed and or accessed under the law.

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