

4. CITIZEN ACTIVISM AND PUBLIC ACCOUNTABILITY: LESSONS FROM CASE STUDIES IN INDIA¹

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A central problem of accountability in public institutions is how to structure citizen participation so that it is meaningful, rather than tokenistic, and so that it extends beyond the exercise of 'voice' and towards concrete influence over decision making and enforcement. Both of the preceding chapters in this book closed with an invocation for greater participation. Woods pointed to the need for people in developing countries to have more influence in setting development priorities, and Germain suggested that a key challenge for institutions of financial governance in the 21st century will be to operationalize participation in order to achieve 'genuine' accountability.

This chapter begins to address this challenge by presenting two cases of citizen activism in India where notable gains in public accountability through participation have been achieved. These are municipal and state-level experiences, and thus cannot easily be translated into implications for global institutions for reasons already elaborated in this volume. However, if accountability is to be built from the bottom up, these cases provide an empirical opening.

Introduction

Aid and development organisations have in recent years funded a large number of anti-corruption commissions, auditors-general, human rights machineries, legislative public-accounts committees and sectoral regulatory agencies in developing countries. They are institutions of 'horizontal accountability' – state agencies that monitor other organs of the state. Their reform has been a central concern of contemporary 'good governance' policies. Low levels of public confidence in horizontal mechanisms of accountability in most developing countries have persisted alongside growing dissatisfaction with limitations on the effectiveness of 'vertical' forms of accountability, which include both the individual citizen's exercise of electoral choice and the collective exertion of pressure by civil society organisations. Vertical accountability systems suffer from many shortcomings, among which is their tendency to blunt the impact of citizen 'voice'.

To date, efforts to rectify problems of horizontal and vertical accountability have proceeded independently of one another. The focus has been on strengthening the performance of each axis, based on a fairly clear division of labour between the two. Thus, development organisations have supported horizontal accountability by reorganising audit and account mechanisms, and worked towards improvements in vertical accountability by funding electoral reform and voter-awareness initiatives, as well as encouraging consultation in policy formulation that allow civic groups greater access to decision-making processes. This has had the unintended effect of preserving the specialised and distinct roles to which political convention has assigned vertical and horizontal accountability systems.

¹ This chapter is an updated and abridged version of an article that appeared in *Public Management Review*, (2001), 3(3).

It is in this context that this chapter explores two cases civic activism in India that challenge the vertical-horizontal dichotomy around which accountability is usually conceived. The two organisations at the centre of these case studies adopted approximations of the methods normally associated with official state institutions of horizontal accountability, before initiating dialogue with different arms of the state in an effort to insert themselves more directly into this horizontal axis. This chapter argues that the work of these civic groups represents a hybrid form of accountability that bridges the vertical-horizontal divide – a form of direct citizen engagement that both mimics and prods improvements to intra-state accountability functions.

The first of our two cases is the Rationing Kruti Samiti (RKS), a coalition of NGOs and other social action groups working mainly among slum-dwellers in the Indian city of Mumbai (formerly Bombay). Since 1992, the RKS has been mobilising people to pressure officials to improve the operation of the city's Public Distribution System (PDS), a network of privately operated but publicly subsidized and supplied 'ration shops' through which a range of mainly food items are made available to poorer citizens. Acting as a form of collective pressure on the state, the RKS in many respects pursued conventional channels of vertical accountability. But the RKS realised early on that protest action was insufficient given the scale and complexity of corruption in the PDS. Official monitoring systems – the mechanisms of horizontal accountability – were manifestly failing. Through a partnership with a network of reform-minded officials, the RKS responded by, for a time, inserting its network of grassroots associations directly into official processes of oversight through which corruption in the PDS is supposed to be curbed. The RKS experience is based not only on the belief, common to many organisations representing marginalized social groups, that improved systems of vertical accountability require more organisational activity among the poor, but more importantly, on a conviction that responsive service delivery requires people's access to conventionally closed bureaucratic systems of horizontal accountability.

The second case study centres on the work of the Mazdoor Kisan Shakti Sangathan (MKSS), which like the RKS seeks to insert citizens and their associations directly into oversight functions – in this case relating to financial auditing – that have long been performed exclusively by government entities, such as the Comptroller and Auditor General of India. Beginning in the mid-1990s, the MKSS conducted participatory audits of local-government projects based on official expenditure records obtained informally from bureaucrats. It then succeeded in getting the state government to change the Local Government Act to include local residents directly in auditing official development schemes.

These and other cases of citizen activism represent a shift towards augmenting the effectiveness of civil society's watchdog function by breaking the state's monopoly of key oversight functions such as financial auditing and project appraisal. While we do not contend that this phenomenon of citizen engagement in horizontal accountability institutions is particularly widespread, the case studies explored here offer insights into how citizens might prompt more satisfactory performance from state authorities – or even encourage enforcement action against officials who engage in manifestly poor decision-making or outright corrupt behaviour. We conclude with a reflection on the daunting obstacles to this new hybrid form of accountability, including the state's tendency to neutralise citizen efforts to engage in horizontal

accountability processes by offering civic groups opportunities for *ex ante* consultation as a substitute for the ability to engage in *ex post* accountability.

The Place of Civil Society in Accountability Institutions

It is widely agreed that contemporary democracies², North and South, face a ‘crisis of accountability’. The World Bank’s massive ‘Consultations with the Poor’ exercise concluded that ‘[f]rom the perspectives of poor people world wide, there is a crisis in governance.... State institutions, whether represented by central ministries or local government are often neither responsive nor accountable to the poor... Poor people see little recourse to injustice, criminality, abuse and corruption by institutions’ (Narayan et al., 2000, p. 172).³ In both the North and South, shortcomings in conventional accountability systems – secrecy in auditing, ineffective legislative oversight mechanisms, electoral systems that fail to reflect voter preferences, excessive delays in courts, and inadequate sanctions for administrative abuses – have fuelled demands for improved channels of vertical information flows and stronger accountability relationships between state agents and citizens.

Accountability can perhaps best be thought of as a relationship between two actors that is characterized by *answerability* (the requirement that one actor justify his actions) and *enforcement* (the right granted to the other actor to impose penalties if these actions, or the justification thereof, are deemed unsatisfactory) (Schedler, 1999). Accountability is often seen as operating along two dimensions, the vertical and the horizontal. The ‘vertical’ relationship between citizens and the state can be either formal (through electoral systems) or informal (though lobbying and public advocacy by civic associations). The ‘horizontal’ relationship involves one public authority scrutinizing the activities of another – for instance, legislative oversight of executive agencies, or the judiciary checking that public authorities have not exceeded their legal mandates. Alternatively, horizontal accountability can involve specialized authorities (ombudsmen, anti-corruption agencies, auditors-general) investigating charges of malfeasance, and if necessary triggering enforcement action (O’Donnell, 1999).

A deeply entrenched convention in this separation of ‘vertical’ and ‘horizontal’ systems of accountability is a differentiation between the types of actors who may legitimately demand accountability and participate in formal accountability processes. In ‘vertical’ channels of accountability, citizens – as voters or participants in civic associations – are the designated seekers of accountability. Horizontal channels of accountability, on the other hand, limit participation to state actors: the judiciary, civil servants, elected politicians, officially appointed auditors. This convention supports a principle common to all horizontal accountability functions: the maintenance of the public-sector worker’s remoteness from citizens and associations, and indeed disregard of information not obtained through the procedures stipulated in the legislative acts under which they operate. Bureaucrats, auditors, and judges are insulated from citizens and politicians precisely to guard against too much responsiveness to particular

² We restrict this discussion to democracies. Accountability problems are of course much more blatant in authoritarian regimes. In this chapter we begin with states that have formal vertical and horizontal institutions for accountability, and in which civil society has relative freedom to engage critically with the state. This implies democracy of some kind.

³ We are indebted to John Gaventa for bringing this quote to our attention.

interests. However, the protestation that public servants must remain 'neutral' is often an excuse for restricting public scrutiny of their actions and denying responsibility for their mistakes. The formal and informal institutions that insulate officials from citizens, such as official secrecy laws, the use of non-vernacular or impenetrably technical languages, or the physical distance of government offices from ordinary people, also helps to conceal the abuse of public office for private gain.

Of course, direct citizen engagement in official accountability processes is not without precedent. In long-established constitutional democracies, such as India and the USA, citizens have used their right to litigate to, in some cases, obtain rulings which serve to break down the vertical-horizontal accountability divide and bring citizens directly into what were once closed official processes (Grant, 1997). Of particular note is the experience of Public Interest Litigation, sometimes referred to as Social Action Litigation in the Indian context. Since the early 1980s, the number and visibility of PIL cases has expanded enormously. A series of landmark decisions by India's Supreme Court established the principle that the judiciary was morally required and constitutionally mandated to increase its responsiveness to citizen requests for investigative (and, if warranted, remedial) action in relation to the detailed performance of specific government agencies, including the police, service-delivery ministries, and pollution-control boards.

Public interest litigation itself represents a kind of template for the activism that has driven the creation of hybrid forms of accountability. While the judiciary is clearly an institution of public oversight, operating in the mode of horizontal accountability, when adjudicating public-interest cases brought by members of the public, the judiciary's orientation shifts to allow it to act as a mediator between the otherwise incommensurable vertical and horizontal axes of accountability. It is through judicial proceedings that citizens can begin entering the horizontal process of in-depth monitoring of government: using the tools available through litigation, individual citizens and activist groups become, in effect, part of an official fact-finding process. Discovery motions, for instance, lead to the availability of government-held information that can incriminate officials who never expected such detailed scrutiny of their decisions.

Now a familiar feature of India's institutional landscape, PIL has substantially legitimised the notion of direct citizen engagement with issues of executive oversight. PIL has shown that it is possible for citizen-litigants to engage directly – and indeed monitor the performance of – horizontal accountability institutions. Citizens and their associations thus become active demanders of answerability in a forum that carries the weight of enforcement. This combination of answers and sanctions is precisely what most citizen-initiated approaches to hybrid accountability aim to achieve.

There are, however, daunting barriers to the effective use of PIL, particularly by poor people. These barriers include cost, time, biases in the courts, and the near-impossibility of having favourable decisions implemented by a hostile bureaucracy. The cases discussed in this chapter demonstrate citizen efforts to engage with accountability problems at the level of service delivery. The RKS has inserted itself into oversight of the performance of the Public Distribution System, while the MKSS has sought to substitute for failing official financial accountability mechanisms which should, in theory, be monitoring local development spending.

Both cases are notable for involving poor people themselves in the process of scrutinizing how state agencies, *and the official bodies responsible for monitoring them*, have performed. This challenges the widespread assumption that socially marginalized people lack either the skills or the capacity for collective action necessary to demand improvements in the quality of governance.

Mobilising for Food Security: Citizen-Initiated Vigilance Committees in Maharashtra

The Rationing Kruti Samiti (RKS), or Action Committee for Rationing, based in Mumbai, was created in the wake of the widespread (mainly) Hindu-Muslim rioting that shook the city in December 1992. Its objective was to improve the capacity of the Public Distribution System (PDS) – a national programme to supply subsidised food and a few other basic commodities (notably kerosene) – to the poor. In Mumbai's enormous low-income, or slum, settlements, the PDS is a critical resource for the food security of the poor, particularly women, who manage household food supplies. The PDS, despite its many successes in different parts of India, has over the years manifested a broad array of problems. It suffers from chronic management shortcomings concerning: the extent and timing of procurement, poor forecasting capacity, antiquated logistical systems, inappropriate product offerings, cost inefficiencies, poor quality food grain, harassment of consumers at the point of client interface, and exclusion of large numbers of the poor from the system entirely.

Above all, there is the problem of 'leakage' of grains supplied by the Food Corporation of India to the shop owners licensed by the state government's ministry of food and civil supplies to trade, at a stipulated profit, the commodities supplied at government-determined prices to holders of government-issued 'ration cards'. The illegal diversion of grain to the open market, through a highly institutionalised network of agents and middle-men, is a common practice, and severely undermines the capacity of the system to serve the needs of the poor. Widespread theft of supplies by the workers and managers who operate the vast network of PDS warehouses and fair-price shops means that poor consumers are faced with chronic shortages. Those products that are available are often adulterated to cover up leakages from stocks. In many areas, in order to obtain five kilograms of grain, consumers must agree to sign a shop register recording that they had received ten kilograms. This again helps to fix the otherwise out-of-balance books produced by the shop-keepers' (and government supply agencies') continued theft of supplies. With such systemic problems plaguing the PDS it is not surprising that one of the RKS's main objectives was to plug these 'leaks'.

The RKS has lobbied and agitated for improved norms and procedures relating to the issuing of ration cards. To obtain a ration card, which should be provided free of charge, requires the payment of a substantial bribe. People are willing to pay for their ration card even though the cost sometimes exceeds the financial payoff in terms of subsidized food because it also provides access to basic citizenship rights. Possession of a ration card is widely demanded by officials to verify identity and domicile. Without this form of identification, many public and private services would be unavailable. Seeking a ration card is thus a major preoccupation of many poor families.

To provide even a minimal food-security safety net in a vast city like Mumbai is an expensive proposition. Unwilling to devote resources from the state budget, as other state governments have done, to offset funding cuts created by the central government's *de facto*

reduction in the per capita food subsidy during the 1990s, the Maharashtra government slowly chipped away at the universality of the system. Beginning in the mid 1990s, the system of ration-card allocation was 'targeted' to eliminate access for middle-class families. In 1997, the government introduced a policy of issuing colour-coded ration cards to different income groups, providing varying levels of rights to purchase cheap commodities. Yellow cards provided the greatest range of subsidies, but were also the hardest to obtain, as they required applicants to provide documentary proof that they fell below the poverty line. The discretion exercised by local rationing officials in issuing these cards is, of course, an important source of illicit income.

The PDS is, in theory, monitored and 'performance audited' by official Vigilance Committees, chaired by the elected representative of the municipal ward in question, augmented by 'concerned citizens'. This arrangement bears a surface similarity to the idea of hybrid accountability introduced in the first two sections of this chapter. But these committees have been plagued by several defects. Appointment to the committees through a process of official selection increases the possibility of capture by the very political organisations that benefit from the forms of leakage outlined above. Moreover, committees have little access to information. And since many ration shops can function only thanks to the 'protection' of local politicians, who themselves sit on the committees, citizen-members have little incentive to remain eternally vigilant. Shopkeepers also often sit on these committees, and do their best to undermine any monitoring initiatives.

One of the RKS's critical decisions as an advocacy organisation – especially one built by already overburdened activists, heavily involved in managing clinics and childcare centres and helping slum-dwellers to avoid eviction – was to form parallel *informal* vigilance committees. These were composed of five women for each ration shop. These women were all PDS clients, and their concern was to track the amount and quality of subsidised commodities that arrived in their shops, and to monitor their sale to determine how much of the commodities had been illegally diverted to the private market by the shop owners and their accomplices. The RKS's initial strategy was to use its negotiating strength as a collective to establish a constructive relationship with public-sector officials. Its success on this front peaked in an 18-month period between 1992 and 1994, during which an unusually reform-minded bureaucrat held the post of Regional Controller of Rationing (RCR). This senior position gave him a huge degree of influence over the system. The Controller granted the RKS's vigilance committees access to information about PDS deliveries, and established monthly meetings between the RKS and officials involved in the PDS. The RKS used these meetings as a means of informing officials about specific cases of malpractice that had been uncovered by its vigilance committees. The regular meetings, which systematically reviewed progress on various aspects of reform, were also used to push successfully for simplification of procedures at the shop level and the introduction of new products.

The partnership between the RKS and the officials responsible for the functioning of the PDS also led to new measures to improve product quality, including a requirement that distribution agents attach a sealed transparent sample of each commodity for each new delivery. This sample would indicate the quality of commodities *at the time of delivery*. The purpose was to counter the practice of adulteration by shopkeepers or other intermediaries, in which kerosene is diluted, or rice mixed with sand, to disguise the theft of some portion of the original consignment. Physical evidence about the quality of the sample was important because it enabled illiterate consumers to identify differences between the quality of the original

consignment from the government warehouses and the commodity that actually made it to the PDS sale counter. Official auditors could be alerted to these cases, and could then perform a more detailed probe of the shop's operations.

Under the system developed collaboratively between the then Regional Controller of Rationing, the RKS, shop owner's associations, and lower-level ration inspectors, each shopkeeper was required to post information about deliveries and the updated prices of commodities on a notice-board in the shop. This data would be reproduced in the official delivery register through which shops report to the rationing bureaucracy's internal oversight processes. Finally, the sales register – in which shopkeepers record transaction details next to the ration-card number of each purchaser – was made available for inspection by ordinary PDS customers. In principle these reforms meant that the RKS's informal vigilance committees could monitor the incoming commodities against what was sold. Access to records of actual sales was of particular importance, since shopkeepers disguise their sales to the open market by recording sales against non-existent (or defunct) ration-card numbers, or (as noted above) by overstating the amount sold to an individual consumer. Many consumers have little choice but to conspire in this form of fraud for fear of souring their relationship with the shop owner, which could prove very costly for families on the economic margin.

The RKS's success during the early 1990s owed much to contingent factors: its actions coincided with a political crisis in which the bureaucracy needed to be seen to be responding to the poor after the 1992 riots, and with the appointment of a sympathetic Controller of Rationing. The Controller was able to use the RKS's activities to support much-needed reforms in this notoriously corrupt and under-resourced government service. He combined efforts to improve transparency, efficiency, and probity in the delivery and sale of subsidised commodities with efforts to improve working conditions for all staff, and to build a commitment to service delivery amongst the famously corrupt PDS staff. However, the reformist momentum was arrested when the Controller was transferred to another post, reportedly at the behest of politicians with an interest in returning to the status quo ante.

After the departure of this Controller in 1994, the relationship between the PDS bureaucracy and the RKS deteriorated, moving from 'continued cooperation, through disinterest and opposition to downright rejection of the credibility of the RKS as a networking group' (UNRISD, 1998, part 2). The RKS continued to try to enforce the transparency-related changes achieved during the 1992-94 era, but without official support, the RKS's women's committees found it difficult to monitor PDS shops effectively. Interestingly, few of the reforms instituted by the previous Controller were formally rescinded. Records of deliveries to each shop remained available, but only for a fee, and the format in which the data was presented made it useless to the RKS vigilance committees, whose literacy and numeracy skills were in any case weak. Shopkeepers found it easy to evade rules requiring them to post information on the quantity, quality, and price of deliveries, and blamed suppliers for not including the necessary transparency sample pouches.

In the end, this participatory monitoring partnership between civil society and the state was undermined by politics. Politicians were infuriated that their control over the PDS had been undermined by a bureaucrat and a group of CBOs. Without official support for its work, the RKS had to return to more conflictual but rather *ad hoc* tactics, such as citywide protest actions and sustained community pressure on individual shopkeepers. The RKS experience is at best a

limited 'success story'. CBOs were able to coordinate their actions, mobilize ordinary people, against great odds, and in some localities even spur temporary improvements in the quality of service. The RKS also probably helped to forestall further destruction of the PDS by the reckless and incompetent government that ruled Maharashtra during the second half of the 1990s. Moreover, the RKS experience – particularly its pattern of engagement with issues, and its development of new methods – reveals three noteworthy features of citizen efforts to hold government agencies accountable.

First, a huge increase in resources for operational costs will be required in order to improve the effectiveness of citizen monitoring of an entity as large and diverse as India's PDS, which encompasses the public and private sectors and operates through agencies of the local, district, state, and central administrations. The slum-dweller women who served on the informal vigilance committees had plenty of incentive to try to make the PDS more effective. Their main problem – in addition to the power of patronage politics – was a dearth of resources, particularly the time needed to continuously monitor the PDS stores to check for the arrival of commodities. Women slum-dwellers often lack the technical skills for monitoring and audit. They lack the literacy and accounting skills needed to make sense of PDS records so as to track inconsistencies between amounts of goods delivered and sold. All the talk of self-help aside, it is hard to imagine these kinds of committees making any sustained impact without some kind of official assistance, whether from Indian charitable trusts, development agencies, or publicly budgeted funds. The latter would, of course, imply a further 'officialisation' of the civil society's engagement with mechanisms of direct oversight, a point to which we return in the conclusion.

Second, an initiative such as this one requires a corresponding effort to create incentives for the 'street-level bureaucrats' – in this case the shop-keepers – to improve their performance. The RKS has thus not engaged seriously with the problem of raising incentives to shopkeepers for better performance. This is not very surprising, given the ill will between consumers and shop owners, some of whom have physically attacked customers who raise grievances or seek information (see Bhatt, 2000). But refusing to entertain the legitimate complaints of shop owners may be a tactical misjudgment. In late 2000, for instance, the RKS opposed a government proposal to double shopkeepers' commissions on the sale of subsidised goods to ten per cent (Bhatt, 2001, p. 8). This underlines the danger that civil society activism can 'harden' in steadfast opposition to potentially workable solutions when a service-delivery system has undergone persistent, systematic decline.

Finally, to return to the theoretical plane, this case supports the proposition that efforts of citizens and their associations to participate in conventionally closed institutions of horizontal accountability help to support their work in the more traditional channels of vertical accountability, through which associations press for change in the operation of public services. The RKS's protest actions could mobilize large numbers of people mainly due to the RKS member-organizations experience of participatory monitoring, which had galvanized public discontent and provided first-hand evidence of specific cases of malfeasance. In this sense, the RKS shares a key feature with the protagonists of the second case study under discussion.

We're All Auditors Now: The Rajasthan Experience of Public Hearings

The management of public accounts tends to be a highly secretive affair because of the great political sensitivities involved in identifying sources of government revenue, collecting it,

establishing expenditure priorities, and allocating funds to specific budget heads. But what comes after the budgeting and spending of funds – formal auditing – gets even less public attention, largely because the multiple levels of auditing are not fully grasped by most people. One form of auditing is to determine whether, according to government records, funds were indeed spent under the stipulated budget heads. For a more thorough assessment of government performance, however, auditors must also review financial records and investigate a sample of individual expenditure transactions, contacting recipients of funds to verify the amounts received, identifying other data sources that could corroborate or falsify the government's own record, inspecting the physical assets allegedly created under public-sector works programs. These are very time- and labour-intensive tasks.

Because these auditing functions concern the epicentre of corruption – where it is linked to operational fraud – it is normally closed to citizen involvement. Citizens have a great direct interest in how national and local funds are spent. But almost nowhere are citizens or their associations given access to information on, let alone a more substantive role in, formal auditing processes. Indeed, even in the far less sensitive area of expenditure *planning*, there is just a handful of experimental cases worldwide encouraging citizen involvement.⁴ Citizen *auditing* strikes at the heart of bureaucratic discretion and the political power underlying it. Secrecy in the management of public expenditure – especially the audit function – helps to mask the use of public funds for personal advantage.

However, the experiment in popular auditing initiated by the MKSS in the state of Rajasthan focused on intimate details of specific transactions in public works schemes, and stressed the importance of direct citizen engagement in local-level auditing of public spending.⁵ Citizen auditing is almost unheard of anywhere for several reasons. First, few countries offer citizens a statutory right to government-held information that is wide-ranging enough to provide access to the financial records of state agencies that detail ground-level public expenditure activity. Second, because citizen auditing can expose corruption and networks of privilege between bureaucrats and local elites, it is strongly resisted by administrators and politicians. It can, therefore, be a highly risky activity for ordinary citizens, jeopardizing carefully cultivated patronage relationships they may have nurtured with people in positions of authority. Third, a minimum level of expertise in financial accounting is required to make sense of government budget documents. Finally, for citizen auditing to be effective, a capacity for generating independent information on government spending is needed if individual transactions buried within official accounts are to be verified or falsified.

The Rajasthan experiment in public audits of spending on local development works, led by a 1000 person-strong self-defined 'non-party political movement' called the Mazdoor Kisan Shakti Sangathan (MKSS), or Workers and Farmers' Power Association, addresses each of these constraints on citizen auditing. It spearheaded a successful national campaign for the creation of

⁴ The most important of these are the participatory budgeting initiatives in Brazil (see next footnote). They should be distinguished from the gender-, poverty-, or environment-sensitive budget analysis methods that have been taken up with great vigour in, among other places, South Africa (see Budlender, 2000) and Canada, and have inspired similar efforts in Jamaica, Tanzania, Uganda and Mozambique (Esim, 2000).

⁵ This distinguishes it from the better-known examples of direct citizen participation in local expenditure planning, in particular the experiments with participatory budgeting in Brazil, where reviews are conducted by looking at aggregated data on expenditure. See Abers, 1998, and Avritzer, 2000.

a statutory right to information to enable citizens to access most non-defence-related documents held by government, including of course records of expenditure transactions. The MKSS also developed tools for analysing accounts and making them accessible to illiterate people, while also establishing the importance of mobilisation and solidarity to support the process of investigating and exposing specific instances of corruption.

The main tools for expenditure analysis and audit used by the MKSS are their dramatic, but infrequent public hearings (*jan sunwai*), which have been held periodically since 1994 in villages around the organisation's base in Rajsamand district, located in the central part of the state. These hearings are the culmination of a methodology for reviewing local government accounts and determining whether funds were spent in the manner indicated in official records. Meticulous research is conducted in the weeks prior to the public hearing. The first step is to procure government expenditure accounts, including receipts for building materials purchased and employment-wage registers. Sometimes this information is given willingly by sympathetic bureaucrats; at other times, filching by low-level clerks connected with the MKSS has proven effective. The MKSS's implied threat of agitation and protest creates an incentive for at least some officials to cooperate.

The MKSS's team of activist 'auditors' compares records of ostensible expenditures with hard evidence of actual spending. This evidence is gathered through interviews with workers and contractors on public-works schemes, as well as villagers who observe poor quality work – such as excessive sand in cement, violations of building codes – or the complete absence of works promised. This is a painstaking process: citizen auditors must verify, for instance, that all day-labourers listed on an employment register for a particular public work were indeed involved in the work. The individuals listed on the daily registers are contacted and asked to recollect the number of days they worked on a particular project, the amount of work they accomplished, and what (or even whether) they were paid. Some workers have developed, with the help of the MKSS, methods for recording their work schedules for precisely this reason. Suppliers are asked to show their accounts and attest to the quality of materials supplied, the quantity supplied, and the amounts they were paid. Dossiers are compiled on every public work under investigation. These virtually reconstitute government accounts from scratch. This direct and intimate form of public audit enables a much more accurate investigation of local accounts than is possible in massive 'paper' audits. Because the latter focus only on consistency within the documentation, and do not cross-check documentary sources against physical evidence or the testimony of local people, they cannot uncover the many small diversions of funds at the local level which can mean so much to poor people's livelihoods.

At the MKSS's public hearings, held in large cloth tents in village squares and town markets, the relevant details of questionable public works schemes are read aloud to the largely illiterate assembly. For each work under examination, individual local residents identified in the pre-hearing research phase as having relevant testimony are invited by the MKSS moderators to inform the meeting of whether their own experience, observation, or knowledge of a specific transaction is at variance with the officially recorded version. For instance, did each of the workers on the drain-pipe installation project on the main road get paid Rs 50 per day, as stated in the employment register signed by the foreman and approved by junior officials in the relevant administrative agency? The names of individual labourers listed on these registers are read

aloud, and those present will often step forward to recount the actual payments received. The mainly women workers on drought-relief public works programmes, on which the MKSS's auditing work has focussed, often discover that the portion of their wage which they had been denied on the grounds of insufficient public funds had in fact been divided between the head of the village council (the *sarpanch*) and the junior engineer and supervisor overseeing the schemes on behalf of the department of public works. Others may discover that they had been listed as beneficiaries of anti-poverty schemes but had never received the job opportunities or subsidised housing which was their due. Or the collective may discover that names of non-existent or dead villagers had been used to pad out the beneficiary lists of anti-poverty schemes to create a reserve to be drained by village politicians and bureaucrats.

This very public, and collective, form of speaking out – into a microphone in front of hundreds of people, some engrossed and others milling around the nearby tea stalls – can act as a spur to others, some of whom will reveal information leading to unexplored cases. The accused officials are sometimes in the audience, and at times appear markedly sheepish at revelations of the gap between what they were paying the workers and what they claimed from the state government for their wage bill. The officials' earlier excuses for underpayment are sarcastically reprised by the very irate workers, both individually in their testimonials and in the audience-reaction chatter.

In fact, local officials (including the District Collector, a post reserved for members of the elite Indian Administrative Service, or IAS) are invited to attend the hearings, and sometimes do. On several occasions, an exposed *sarpanch* has pledged to return stolen monies. In the early phases of this experiment in popular auditing, a major constraint was the absence of a statutory right to information (that is access to government held documents) about local government spending. During the 1990s, the MKSS and its supporters in other social movements – most notably the women's movement – launched high-profile public protests to demand the right to information about government accounts. In 1996 and 1997, extended protest actions in the state capital and in other small towns generated widespread public backing, and resulted in Rajasthan's chief minister promising to change regulations such that ordinary people would be granted the right to photocopy local government accounting documents. These promises were never fully implemented, but sustained pressure, and the opportunities created by the installation of a sympathetic state government in late 1998, resulted in the passing of a state-level Right to Information Act by the Rajasthan state assembly in May 2000.

The other major constraint on the public hearing method was the lack of mandatory legal action to ensure that cases of corruption or malfeasance highlighted through such open processes were acted upon by the investigative agencies, police, courts, and other organs of the state government. Neither the identification of accounting discrepancies clearly worthy of further investigation, nor even admissions of guilt from local officials at the MKSS's unofficial public hearings, were sufficient in most cases to force the state police to initiate follow-up action. Nor have other state agencies been cooperative. For instance, the Rajasthan local government ministry, responsible for monitoring the performance of elected local government bodies, has been largely unresponsive when the MKSS has brought *prima facie* evidence of misconduct to its attention, even when the discrepancies between data in official documents and the physical evidence on the ground could easily be verified through an official inspection.

In response to this persistent obstacle, the MKSS, alongside its efforts to promote right to information legislation, successfully campaigned for amendments to Rajasthan's local government law (the Panchayati Raj Act) to create mandatory legal procedures for the investigation of corruption and to institutionalise the participatory-audit/public-hearing method at the village assembly (Gram Sabha) level. The amended Act legally empowers (indeed, requires) village assemblies to conduct collective participatory audits of the development activities initiated by their elected local councillors (the ward *panches* and the *sarpanch*) and by local bureaucrats – particularly the *gram sevak* (the village development worker), the junior engineer (who oversees and signs off on all public works), and the *patwari* (the lowest-level land registry official). Under the amended Act, the Gram Sabha forwards cases of what it believes to be mis-use of funds to higher-level officials, such as the Sub-Divisional Officer (SDO), the latter are legally obliged to register these cases, constitute an enquiry committee, and eventually report back to the Gram Sabha (Mander, 2000, p. 27).

Prospects for the Proliferation of Hybrid Forms of Accountability

Clearly, what makes these two cases of citizen activism noteworthy is their exceptional nature rather than their representativeness. There are other groups in India engaged in similar work – especially in mobilising people to demand fuller information from bureaucrats processing applications for industrial projects financed by multinational corporations. While there has been considerable national interest in the MKSS's participatory-audit/public-hearing method,⁶ there is not a huge amount of evidence of comparable action to support a claim that the MKSS approach has been widely replicated. The RKS is more or less *sui generis* as well.

One reason for the dearth of similar efforts to clean up official oversight institutions is the enormous risk involved, particularly for poor people, in confronting power-holders in the ways described above. This is especially so where the poor rely on officials to turn a blind eye (often for a price) to illegal activity that poor people routinely engage in to survive, such as squatting on city pavements, encroaching forest lands, making use of child labour, and so forth. Moreover, members of the RKS and MKSS have had to face tremendous hostility, including physical harassment, from politicians and bureaucrats for the obvious reason that efforts to clean up official oversight processes directly challenge the material interests of these officials. This is a basic political problem that confronts any citizen group pushing for better government performance, and can only be resolved through organisational strength, a point stressed by both RKS and MKSS activists. Another option is to enter the political arena, which the MKSS has done in a small way by running candidates in local government elections (occasionally even winning some seats). But other recent efforts to build political alliances around the social movements of the poor, such as the National Alliance of Peoples Movements, spearheaded in the mid-1990s by the anti-Narmada Dam activists, have not assumed the profile many had hoped.

⁶ The MKSS has participated in a nation-wide learning process involving other social movements and some NGOs working to improve local government accountability. In March 2000 the MKSS hosted a large assembly of representatives of these groups in Dev Dungi, its village base, and organised a public hearing for the panchayat of Bhim as a demonstration of its methods.

Beyond this central constraint to generalising citizen engagement in the state's internal oversight functions, there are two other problems worth noting here. The first is the tendency for the state to resist citizen poaching on its exclusive oversight domain. An increasingly popular means of reasserting state control over the accountability agenda is for the state to pre-empt the emergence of new forms of citizen participation in oversight institutions by introducing similar-seeming initiatives of its own. New hybrid forms of accountability thus face stiff competition from the state itself. State elites, eager to justify their evasion and emasculation of intra-state (horizontal) mechanisms of accountability, argue that their own reform initiatives are geared towards modified forms of (vertical) accountability that link the state directly to citizens and their groups. These are typically unproductive means of obtaining citizen 'input,' or else forums for citizen 'complaint'. They are pale imitations of the RKS and MKSS methods⁷, which are themselves, ironically, a conscious mimicking of state process. State substitutes for direct citizen engagement in auditing functions – citizens' juries, consultative forums, focus groups, and citizens' charters – may amplify the 'voice' of certain previously excluded groups, but they almost never supply participants with statutory rights to a response or explanation from officials, let alone with obligations on the state to provide recompense for citizens' grievances.

Such state-initiated measures tend to fail on five key prerequisites that must accompany any official effort to incorporate people and their associations within formerly closed channels of horizontal accountability: (1) legal standing for non-government participants, (2) regular and continuous presence for these non-state actors, (3) clear procedures for conducting meetings, (4) an iron-clad right to information, and (4) the right for non-state actors to issue a dissenting report to legislative bodies on the conduct of auditing activities. State-driven accountability experiments are designed to create the impression of a government willing to listen, and they do at times inform officials about public perceptions of government behaviour. But they require neither an answer from officials, nor impose sanctions for poor performance – the two litmus tests for any accountability initiative. By virtue of working with NGOs, these state-initiated programmes give the appearance of blurring the vertical/horizontal distinction. But state-led efforts are based on motivations that bear little resemblance to those that have animated the work of the RKS or the MKSS, and their presence can even constrain the ability of more radical experiments, initiated by people's organisations themselves, to proliferate more widely into arenas where they could be profitably pursued, such as within regulatory bodies.⁸

⁷ Indeed, a measure of the impact of the MKSS in Rajasthan was a borrowing of the public hearing method by the state government in 1999, when its State Planning Board invited comment upon its progress in implementing its development programmes, particularly in health care, rural electrification, and social welfare services. Public meetings were held at panchayat samitis, but only elected local politicians, not the general public, were invited to participate ("Rajasthan launches panchayat samiti evaluation meetings", *The Hindu*, 22 October 1999; "Review to verify development statistics", *The Hindu*, 7 December 1999).

⁸ Indeed, an expanded definition of horizontal accountability agencies would include regulatory agencies, to the extent that they oversee not just private-sector entities, but also other government departments and parastatal organisations. The Telecom Regulatory Authority of India, for instance, regulates competition between private- and public-sector providers, as well as the government department responsible for devising and implementing policy in the sector. Some of these agents of horizontal accountability have greater investigative powers than others; some have greater enforcement power. The MKSS has itself moved in the direction of regulatory issues. In November 1999 it organised a public hearing on 'Transparency in Power Sector Reforms'. While the immediate intention was to assert that "people have a right to know what is happening in the power sector and how it is going to affect their lives", the broader issue was a consistently articulated demand that decision-making take place on the basis of equal access to quality information made available on a systematic basis (that is, as part of an information regime) to non-

The second constraint on the proliferation of mechanisms for formally including ordinary citizens into official oversight processes is the problem of scaling-up. Both of the case study organisations discussed in this chapter operate at very local levels. And the one example that involves formal institutionalisation – the Gram Sabha reforms in Rajasthan – is actually a part of the local government structure. Any move beyond the level at which ordinary people’s personal experience and knowledge can convincingly contradict the state’s account of its transactions increases the risk that citizen-auditors will succumb to the same practical difficulties as normal auditors: how can one verify things that one does not know about? In fact, civil society watchdogs face an additional problem of legitimacy when their representatives are elevated to official observer status within auditing institutions: there is always a suspicion that such figures may sell out the people on whose behalf they are ostensibly acting.

This last point underscores the limitations of citizen-initiated accountability efforts, particularly those that end up establishing scrutiny processes parallel to, rather than in partnership with, official horizontal accountability institutions. In different ways, both the RKS’s informal vigilance committees and public protests and the MKSS’s people’s audits have functioned as surrogate courts. In adopting, almost mimicking, legal processes, these cases reflect the influence of Public Interest Litigation on Indian social movements and politics. This influence has taken the form of procedurally complex public hearings, where voluntary groups and NGOs fill the space vacated by authorities that fail to provide information or consult with citizens. This is particularly true for controversial infrastructure projects likely to have damaging environmental or financial impacts, such as the Enron power project in coastal Maharashtra. The logistical arrangements surrounding the collection of evidence, both for one-off hearings as well as for the researching of faux-official ‘status reports’ on incidents of police violence, or (as in the RKS case) tracking the leakage of subsidised commodities onto the black market, are formidable and represent a ‘legalisation’ of social action. Instead of demanding an enquiry, such activist-led initiatives conduct enquiries themselves, and if sufficiently successful in conveying their evidence to a larger constituency, are sometimes in a strong position to demand at least *ex-officio* inclusion in official investigations.

But the proliferation of these do-it-yourself investigations, hearings, and even mock trials brings serious risks that they will be used as forums for score-settling. The MKSS itself has been accused of this by its detractors, who complain that the MKSS has no democratic mandate, no obvious processes or institutions through which it can be held accountable even by its own constituency, and that there is no ‘objective’ external monitor of its work, save for the panels of eminent people from within and outside the local area who sit as panelists at the MKSS-organized public hearings. The MKSS relies for its credibility and legitimacy on the reputation of its core leadership group for incorruptibility and modest living. But the MKSS’s increasingly prominence beyond Rajasthan have raised questions legitimacy and representation, and are behind debates within the organization about whether and how to enter the political process, and whether to move to a more formal organizational structure.

The substitution of citizens' informal institutions for state accountability institutions inevitably runs into problems of legitimate authority, controls on power, and at the same time, limited impact. Where such institutions function as, in effect, surrogate courts, without a democratic mandate and with, in the end, rather limited resources for investigating official wrong-doing, some miscreants may evade prosecution, while others may become scapegoats. It is precisely for this reason that the MKSS stages its public hearings infrequently, and with great care, and is now seeking means of incorporating its techniques within the procedures used by official institutions.

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