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## Editorial

The 108 districts in the states of Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra and Uttar Pradesh that fall within the purview of the Poorest Areas Civil Society (PACS) Programme, represent geographical and demographic scales of gigantic proportions – 1084 blocks, 128,830 villages and 161 million people! If considered as a contiguous zone, the population and area would exceed that of several nation states. More critically, the region accounts for a substantial segment of India's abject poor, whose lives have not been altered significantly by the role of the state, markets, 56 years of development or recent liberalisation.

The UN Millennium Development Goals provide a comprehensive framework to address the development needs of the poor, especially in the less developed countries such as India. There is urgency like never before to respond to the low human development indices, especially in the poorer performing states like Uttar Pradesh, Bihar, Jharkhand and Chhattisgarh. While policy frameworks for the poor and marginalised are in existence, there is a need to catalyse the processes to transform societal constructs and values that are at the root cause of inequality and injustice.

Securing the entitlements of the poor requires varied forums and more concerted efforts that reach beyond the converted. People-centred Advocacy with a rights based approach for strategies directed towards social mobilisation for addressing discrimination and marginalisation of the poor communities is emerging as the prime battlefield. Breaking out of the confines of the thematic straight jacket, PACS is seeking to address the concerns of the poor through an integrated approach and greater flexibility for every category of civil society organisations to participate in networking and alliance building that are necessary for advocacy.

Empowerpoor.org seeks to capture the multitude of perspectives and approaches of the mosaic of civil society organisations, people's movements and activist groups that work as cohesive networks through the Programme to secure entitlements for the poor and marginalised.

### Kiran Sharma

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## Poorest Areas Civil Society Support to Civil Society by Civil Society

Ashok Khosla

**I**t is hard to think of a single other country that has a more active and vibrant civil society than that of India. There are, hundreds of thousands, perhaps as many as a million or more organisations beavering away in their respective domains to make the nation a better place for all. Among them, they work on a whole universe of issues – health, education, family welfare, human rights, women's empowerment, services for the disabled, micro credit, environment and sustainable development.. They range from tiny groups serving a small, isolated community to large, countrywide operations working on major concerns of national and global significance. Many are dedicated to working directly in the field, teaching children, making toilets, digging wells, planting trees and in various ways building the confidence and capacity of the downtrodden to look after themselves. Others implement development programmes, provide supports to their networks and partners; research and create public awareness and try to bring about better policies through publication, outreach and advocacy. They maintain no less a level of motivation, commitment and integrity than those working in other sectors and in common with them, they too no doubt have their share of the good, the bad and even the downright corrupt.

Much of the work of these organisations is aimed at creating public welfare in some form or other. Often, their services or products are aimed at improving the lives of the poor, marginalised and otherwise disenfranchised. Most of these organisations, including the small but growing number of "social enterprises" who are able to generate revenues from the work that they do, need continuing financial support from public funding sources – governments, foundations and other

philanthropic organisations, religious and inter-faith groups, individuals and international donor agencies.

The money flowing through this sector has been variously estimated to be of the order of tens of thousand of crores (a few billion dollars). Although this would appear to be only a small percentage of the country's GDP, the impact of civil society work is actually very much larger. In comparison with the business and government sectors, its output is hugely leveraged by the harder conditions under which it is prepared to work and the much lower costs that it incurs.

Conventional support to civil society organisation has come mainly in the form of money. Overseas donors have established large – and often expensive – machineries in India, primarily for funding official projects. These machineries also usually take care of NGO project grants. It is difficult and costly for expatriate, and even local staff of international donors to manage these projects, given the necessity for frequent travel to remote locations, contextual knowledge and sensitivity to local needs and conditions. Civil society organisations have natural advantages in all these areas.

Recognising these attributes of the civil society and with the encouragement provided by the adoption of two pathbreaking White Papers on development assistance by the British Parliament, the UK Department for International Development (DFID) decided to open a new window for supporting civil society action at the grassroots. They commissioned Participatory Research in Asia (PRIA) and International NGO Training and Research Centre (INTRAC) to carry out a feasibility study and to design the kind of institutional framework needed. On the basis of this and with the agreement of the Indian Government, they pioneered a whole new form of grant making to be managed by civil society itself.

In 2001, following a rigorous selection process, they invited a consortium of Development Alternatives (DA) and Price Waterhouse Coopers (PwC) to manage the new initiative, which was entitled "The Poorest Areas Civil Society" Programme (PACS). Under the bilateral agreement, the programme was to provide financial and other support for grassroots and community based action aimed at empowering the poor.

It was restricted to the 108 poorest districts of the country, as identified by the Government of India. These districts are located in the states of Bihar, Chhatisgarh, Jharkhand, Madhya Pradesh, Maharashtra and Uttar Pradesh.

A good part of the reason for the choice of DA and PwC partnership to manage the PACS programme was that it was a natural extension – albeit a sizable one – to their on-going activities. PwC has a long-standing history of working with not-for-profits in the area of organisational development, in addition to its more commonly known audit and financial consultancy services. DA has, for more than a decade, built up its small organisation support programme, providing financing, technology, marketing, and management services to other Non-Governmental Organisations (NGOs) and agencies. Earlier, it managed sizable small grants programmes for various bilateral donors and for the Global Environmental Facility of the United Nations Development Programme. The environmental management systems and the



technology innovations of the organisation have been used by NGOs and community based groups in virtually every state in India.

Perhaps more important, the mission of DA, which is to create the means for people to generate sustainable livelihoods for themselves coincided with the central thrust of the then new DFID policy on development cooperation. Both organisations have considerable experience in working on grassroots issues and were agreed that "empowerment" for the poor and the marginalised comes from a combination of factors. These include building the capacity of the poor to exercise their entitlements (which in a democracy like India can be substantial but still not easy for every one to get), regenerating the resource base and having access to meaningful and remunerative employment. Both DFID and DA also recognised that if civil society is to provide communities with the support they need to become so empowered, civil society organisations themselves will need a variety of supports. Beyond raising funds, they need to build their technical and managerial capacity and have a platform for sharing knowledge among themselves. Such a platform could become invaluable by further enabling them to work together to bring about better development praxis and policy frameworks on a wider scale.

PACS also aims to demonstrate that grant making to civil society organisations by a civil society mechanism can be substantially more efficient and can produce even better and perhaps unexpected results than is the case with conventional approaches. To achieve this, PACS has put in place a carefully designed machinery for soliciting, preparing, analysing and selecting projects and organisations for support to ensure the best possible results. Overall governance of PACS, and the setting of policies and priorities, is in the hands of the National Advisory Board (NAB). The NAB is chaired by Professor K.C. Malhotra and of which DFID as the donor, Development Alternatives as the host institution and a small number of eminent persons as development experts are members. The Project Selection Committee, with a larger representation of highly experienced practitioners is responsible for selecting projects to be supported by PACS. The PACS Unit, comprising staff from DA and PwC, has responsibility for ensuring that the best and widest possible range of project proposals are submitted and full, timely support services are provided to those that are selected.

By any standards, the PACS programme is large. It disburses more funds than do most other donors working in the field of grassroots sustainable development – including many government ministries and international agencies. It has, therefore, a responsibility to be a model for support organisations, and to ensure the best possible results at all levels. In the early phase of development, the programme has naturally focused on the needs of applicants and partner organisations selected for funding. These partners are classified into several categories, ranging from the small community based organisations directly funded by PACS to large national level NGOs who manage projects (really sub-programmes) of a significant size to be implemented by their own networks of local partners.

In the course of its work, the PACS team often encounters organisations with initiatives and projects of extraordinary value, but which for various reasons cannot be funded by the programme. It is their effort to provide even some of these non-PACS activities the benefits of the PACS platform for sharing information, capacity building and advocacy opportunities. The NAB and the PSC share, with the PACS Unit the responsibility of ensuring the highest possible quality of performance in all aspects of the programme.

To achieve this, PACS is evolving a unique Monitoring, Evaluation and Learning System (MEAL). MEAL is designed to serve as a catalyst in the process of learning among stakeholders at all levels. MEAL ensures the fullest levels of accountability, sharing of experiences and cooperation among civil society organisations. The power of MEAL lies in its ability to help each individual project achieve its goals and refine them further on the basis of the lessons learnt during the course of its implementation. Simultaneously, it assists the PACS Unit and the PSC to do the same at the programme level, and for the NAB to make necessary improvements at the policy level.

To make the MEAL process truly effective and PACS capable of reaching its full potential, a large number of experts from a wide array of fields have been consulted to ensure that all PACS projects and programmes have the elements necessary to meet the basic requirements of sustainable development at the community level. These can range from the subtleties of social and cultural systems that need to be respected



and nurtured in the village, through such specific issues as gender, micro-credit and self-reliance, to consideration of the opportunities offered by technology and the marketplace.

Enabling people and their communities to empower themselves, after a history of oppression and marginalisation is a complex undertaking. In the early stages, considerable gains can be achieved with straightforward awareness and "conscientisation" activities aimed at building the confidence of people to demand what is their right. To take the process further

involves more sophisticated inputs involving harder choices and more rigorous analysis. This requires considerable understanding of such issues as appropriate technology choices, resource management methods, marketing skills, and the capacity to deal with legal and political issues on their own terms. While people in the village and their leaders are perfectly capable of mastering these complexities, they often need help in the initial stages in learning how to protect their interests in a wider economy. To provide such help, civil society must build its own capacity to understand and act in concert with the constituencies they work with. It has therefore become the job of PACS to set up the mechanisms, such as its outreach workshops, peer-based review forums, thematic discussions and other capacity building initiatives like knowledge management and project management. Provision of high quality technical inputs by carefully chosen external consultants is constantly being brought into the PACS fold, to help strengthen this capacity, particularly among its partners.

The PACS programme is a vital component in the strategy of DA to strengthen the capacity and power of civil society to reorient development choices and India a more just, fair and equitable society. Issues of environmental quality, resource management, technology use and access to the institutions of governance – all primary areas of concern to DA – are central to making this happen. The PACS grant from DFID makes it possible for the community of civil society organisations to come together and use their collective muscle to bring about such a change. Along this road, DA hopes to learn much more from its PACS partners about what are the most effective means to make the lives of our fellow citizens better. In this process, it also expects to establish long-term relationships with them that can help them and itself become more effective in achieving their respective goals. ■

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## Empowering the Marginalised What is People-Centred Advocacy?

John Samuel



**A**dvocacy means amplifying the voice. But the fundamental question facing activists is whose voice and for what purpose. Across the world large numbers of people are marginalised and unheard in the corridors of power. Advocacy can work to amplify their voices, however, this aspect of advocacy is often less understood or put into practice. Advocacy is more often perceived as a systematic process of influencing public policies. Yet, while policy change is necessary, it is not sufficient to transform the structures, attitudes and values that are at the root of societal inequities and injustice. Instead, a more people-centred approach focused on social transformation is needed.

People-centred advocacy is a set of organised actions aimed at influencing public policies, societal attitudes and socio-political processes that enable and empower the marginalised to speak for themselves. Its purpose is social transformation through the realisation of human rights: civil, political, economic, social and cultural. People-centred advocacy is by the people, of the people and for the people. Hence, it is the spirit of democracy that drives the very idea of people-centred advocacy.

A 'people-centred' approach acknowledges the critical role of citizens. However, it seeks to go beyond the framework of a "State-Citizen" axis to the arena of the people that include both citizens as well as disenfranchised people not recognised by the state as citizens. That is why the term people-

*"We have not made a single gain in civil rights without determined legal and non violent pressure ... Freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed."*

**Martin Luther King**

centred, instead of citizen-centred is preferred. As Mikhail Bakunin pointed out " No state, however democratic... is capable of giving the people what they need: the free organisation of their own interest from below upward, without any interference, tutelage or coercion from above. Because no state.....in essence represents anything but government... by an educated, and thereby privileged minority which supposedly understand the real interest of the people better than people themselves."<sup>1</sup> Hence, people-centred advocacy is about mobilising the politics of the people to ensure that the politics of the state is accountable, transparent, ethical and democratic. It is a mode of social and political action.

**Ethical Choices:** In people-centred advocacy " being" is as important as " becoming"

- ♦ Unless one believes in a cause, one cannot advocate for that particular cause. Integrity and legitimacy of advocates are what provide moral force to advocacy. Hence, it seeks to bridge the gap between the words and the deeds; theory and practice; rhetoric and real life experience. It stresses that unless you challenge and change yourself, you cannot change others.
- ♦ People-centred advocacy stresses the compatibility of means and ends. Unjust means can never be used for a just end. In this sense, people-centred advocacy seeks to change unjust power relations through non-violent direct action.

**Rights Based Approach:** People-centred advocacy encompasses a rights-based approach to social change and transformation

- ♦ People are not passive beneficiaries or charity seekers of the state or government. The state's political and moral responsibility is to guarantee all human rights to all human beings; particularly the right to live with dignity. Hence people have a right to demand that the state ensure equitable social change and distributive justice.

- ♦ Citizens are the owners of the state. Hence, the state should be transparent and accountable to citizens and defend human rights. People-centred advocacy mobilises people and civil society against societal violations of human rights.

- ♦ It seeks to bridge the gap between micro-level activism and macro-level policy change. It stresses a bottoms-up approach to social change rather than a top-down approach through macro-level policy change. It seeks to strengthen people's participation in the process of policy making and implementation.

#### **Political Perspective:**

- ♦ People-centred advocacy seeks to go beyond the idea of advocating on behalf of the marginalised to the practice of enabling and empowering the marginalised to speak for themselves.
- ♦ A value-driven process, it works to challenge and change unjust and unequal power relations, e.g patriarchy at every level of society; from private to public, from family to governance. Values of social justice and human rights are at its core.
- ♦ It seeks to go beyond a state-centred approach to social change and politics to one shaped and led by the people. Grounded in the right to democratic dissent, it also includes the responsibility to work for just and viable political and policy alternatives.

**Integrating Principles:** The three integrating principles of people-centred approaches are— Participation, Communication and Legitimacy. They integrate its politics and ethics as well as the various arenas of advocacy.

**Participation:** Participation is not a mere strategy to manufacture consent, manipulate consensus or extract cheap labour. Participation is a principle based on an inclusive moral choice; participation means sharing power, legitimacy, freedom, responsibilities and accountability.

Participation is both a principle and means to include as many people as possible in the process of social change. Built on a deep respect for plurality, tolerance and dissent, it also involves an ability to understand and appreciate differences. Transparency is a pre-requisite for true participation. In people-centred advocacy, participation is a crucial means to initiate, inform and inspire change in all arenas of advocacy.

A deep sense of participation and communication help promote solidarity. Strong social movements sprout from a cause and identity common to large numbers of people sharing a vision and passion for change.

**Communication:** Advocacy is a communicative act and a set of actions that involves communications designed to promote social action. Community, collectivism and communication are closely interwoven. The process of advocacy involves different elements. These include: Communicate to Convince; Convince to Change; Change to Commit and Commit to Convert to the cause.

Communication is not merely the use of language. It is an attitude—a willingness to share; to learn; to reach out; and to speak. The clarity of the message is as important as the choice of medium. An effective communication strategy involves the creative use of symbols, language, information, knowledge, poetry, prose and politics. The commitment of the communicator is as important as the message. Such a process involves learning from people, sharing with them, and inspiring and being inspired by them. Advocacy communication needs to be consistent, continuous, creative, compelling and convincing.

**Legitimacy:** Legitimacy is not merely about legality; it is both about ethics and politics. Legitimacy is not something one assumes, but something one acquires. Connected to the perception of power, legitimacy is derived over a period of time through a series of actions. It is the sense of deep commitment, accountability, communicability and action that help to derive legitimacy. It is both relative and dynamic and fosters credibility. Each arena of advocacy demands a particular type

of legitimacy.

### Arenas of People-Centred Advocacy

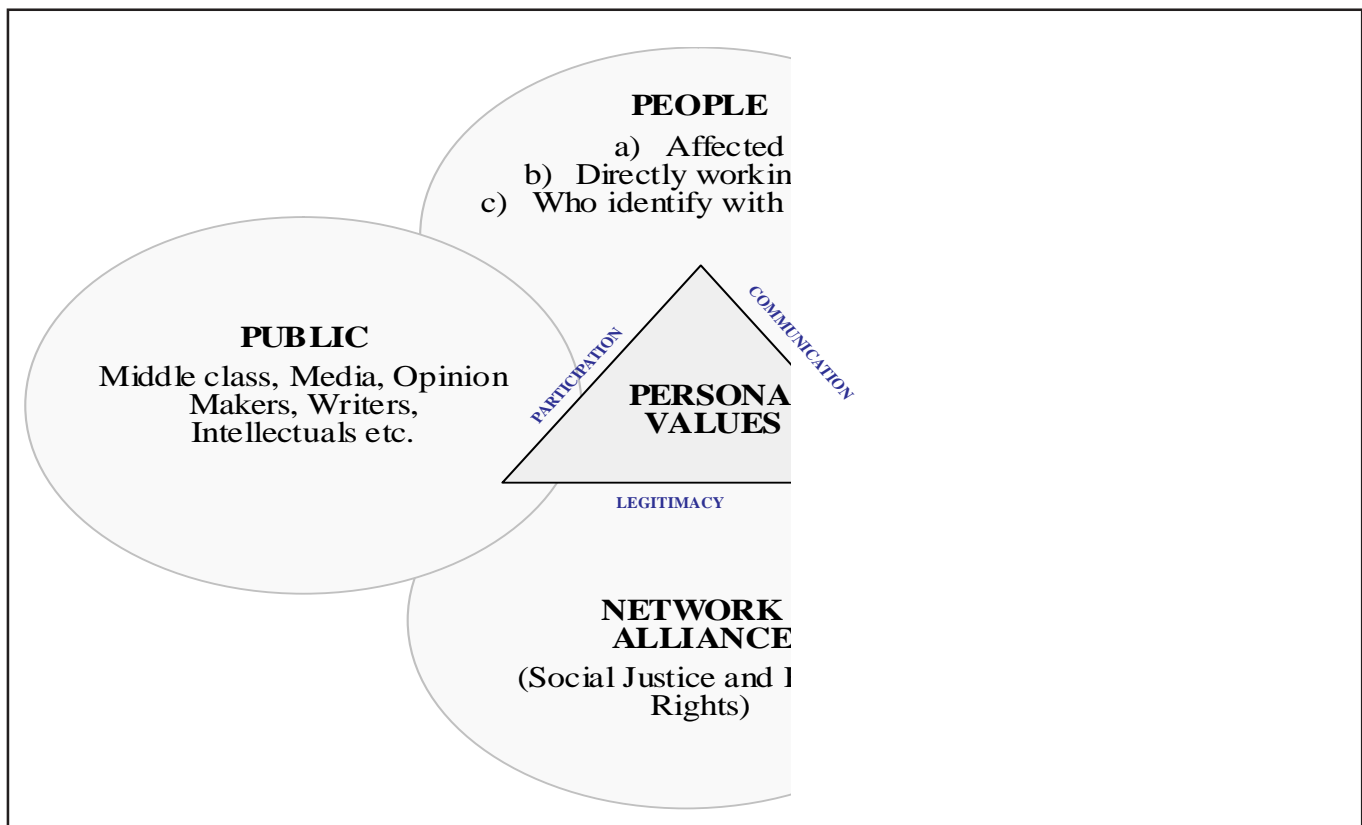
Defining the arenas of people-centred advocacy helps clarify the roles and strategies of different set of actors in bringing about social change. As Figure 1 shows, there are four arenas of people-centred advocacy — a) People b) Public c) Network/Alliance and d) Decision-makers — that are linked to each other and overlap at certain points

**People:** Key to the process is the arena of people: a) those who are directly affected by an issue b) those with whom an organisation or movement is directly working and c) those who identify with a particular cause or issue.

Advocacy work in this arena involves educating people on an issue, mobilising people around an issue, and organising a particular group or community for long-term social transformation. Mobilisation is a continuous process of interaction, learning, critical awareness and collective action. It needs to educate, enable and empower the people. Such a process needs a

#### Box 1

*Both **poetry and politics** can play a role in developing communication strategies. In a campaign against a Hydroelectric project in Silent Valley, a virgin forest in Kerala, India. Our experience validates the power of poetry in influencing the public. The Silent Valley campaign (1978-83) was meant to protect bio-diversity and to raise critical questions about the nature of development. No community was to be displaced by the project. The entire media, political establishment and trade unions were for the hydroelectric project. Yet over a period of time, four poets and five poems changed the public mood and political context. The poems caught the imagination of the young people and many were mobilised through the People's Science Movement. Media could not afford to ignore the concerns of such a large number of middle class youth nor the opinion of poets, writers and intellectuals. This created one of the first public discourses on the environment and sustainable development in India during the late seventies and early eighties. Advocacy strategies focused on the public arena can influence all other arenas substantially.*



clear political perspective and a long-term strategy for communication and participation.

**Public:** Public is one of the most used yet least understood terms. People-centred advocacy defines the public principally as the middle class, opinion makers, intellectuals and media. Whether as perpetrators or challengers of the status quo, they play a substantial role in shaping the political agenda and have the means to amplify the voice of the voiceless. To be effective, advocacy needs to tap a critical mass of the public.

Media Advocacy is the strategic use of communication and mass media to bring an issue into the public arena and the political discourse. It has two aspects: 1) creating news through building collective action and 2) articulating views through the media [see Box 1 above].

Knowledge-based activism is an important factor that influences the public. In the information age, it is not only the emotional appeal of an issue that matters, but the overall rationale based on a knowledge-based argument that makes a decisive impact.

**Networking and Alliance:** The arena of networking and alliance is important for sharing resources, co-ordinating multiple strategies and involving a large number of actors in advocacy. Networking widens the outreach and helps to build up a multiplier effect in terms of impact and public discourse. Advocacy seeks to integrate power of knowledge and the power of networking. Advocacy is also a process of negotiating with various institutions, including institutions of governance. Such a process requires long-term commitment and optimal institutional and financial resources. Networking is an important means to synergise the strengths of both institutions and individuals that identify with the advocacy cause. Clarity of goals, compatibility of perspective and convergence of interest are crucial for any sustainable networking. It seeks to bridge the gap between micro-level activism and macro-level policy initiative, developing multiple voices and diverse efforts in favour of the advocacy cause.

**Decision-Makers:** The decision-makers are those who have authority to make decisions and influence power relationship. This includes not only state policies, but also those who have the power to make decision in socio-cultural institutions, corporations, religious institutions, etc. There are multiple arenas of power and institutions that influence public policies and social attitudes. For instance, many of the religious institutions and practices perpetuate discrimination on the basis of gender and caste.

Lobbying is a strategic process of convincing those in the corridors of power to make decisions or to exert their influence in favour of an advocacy cause. It is a rational process of making a convincing argument, using information and knowledge. However, the real bargaining power of a lobbyist comes from people, the public as well as the process of networking. A people-centred perspective insists that lobbyists should be grounded in real life experience and have an organic relationship with grassroots movements and the credibility and legitimacy that comes from that relationship.

### POWER - POLITICS - POLICY

Public policy is a function of the dominant politics. Politics is a dominant set of power relationships, so there is a need to understand the link between public policies and political process on the one hand; and political process and power relationship within the society on the other hand. An issue needs to be framed the way people feel and perceive it. An issue is a social, economic or political concern or phenomenon, which affects a large number of people over a long period of time. It needs to be understood in terms of power relationships within the society, politics of the state and the policy priorities.

One of the key problems in most of the countries in the Global South is the increasing gap between policy rhetoric and real implementation. Radical sounding language is increasingly used to gloss over deprivation, injustice and inequality. Through the co-option of language, symbols and institutions that claim to represent civil society

and the marginalised, decision makers tend to create more and more **policy mirage**. Policy mirage is a public policy statement, which articulates a lofty vision and principles for change, without any clear programme to move toward that vision and without any budgetary allocation to implement the policy. Such policy mirages create illusions of change while perpetuating the status quo. Hence, there is a need to understand and change a public policy in terms policy direction, relevant legislation, accompanying programme, implementing mechanisms and, most importantly, financial allocation.

People-centred advocacy always considers every aspect of policy, process and negotiation in terms of the real impact it can bring to the lives of the poorest. Every action needs to be inspired and informed by Mahatma Gandhi's talisman:

**"I will give you a talisman... Recall the face of the poorest and the weakest man whom you may have seen, and ask yourself if the step you contemplate is going to be of any use to him. Will he gain anything by it? Will it restore him to a control over his own life and destiny? Then you will find your doubts and yourself melting away"**



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<sup>1</sup> Mikhail Bakunin, *Statism and Anarchy* 1873), translated and edited by Marshel .S. Shatz (Cambridge University Press, 1990). Page 24.

## People with Disability Including the Excluded

Anuradha Naidu

**M**Y travels across Hazaribagh district in Jharkhand last month took me to the home of a little girl called Soni. Six-year-old Soni has cerebral palsy, a multiply-disabling condition that often leaves family members and carers baffled and clueless as to how to support their child. Soni's mother takes care of her every need – feeding, bathing, dressing and playing – motivated enthusiastically by my young colleague Thomas, a rehab worker in that village. However, as it happens with most disabled children, neither Thomas nor the mother conceptualised a long-term vision for Soni beyond addressing her disabling condition.

Soni should be in a school with other children of her age. But my suggestion that Soni be sent to school in a wheelchair startled them at first. However, as we discussed the idea further, Soni's mother overcame her trepidation and began to think of ways to organise her time and day to support Soni's school inclusion.

Often, families and the community have very low expectations of people/children with disabilities. This is just as crippling and oppressive as fear, rejection, anxiety, horror, hostility and patronising behaviour that able-bodied people often display towards people with disabilities.

Part of the problem of the marginalisation of people with disabilities that results in their exclusion from school, employment and family and social life are social attitudes that stigmatise and discriminate.

In the sphere of education, progressive policies are in place, but these need to be implemented. The People With Disabilities Act of 1995 promises "to ensure access to free education and to promote the integration of students with disabilities in the normal schools" (PWD Act, 1995). The 83<sup>rd</sup> Constitutional Amendment made it mandatory for all children to go to school. Two major initiatives were launched by the government to achieve the goals of

universalisation of elementary education: the District Primary Education Programme (DPEP) and the Sarva Siksha Abhiyan (SSA) or Education for All campaign. Both programmes have accepted integration of children in mainstream schools as a commitment (M.M. Jha). However, if education for all, including children with disabilities, is to become a reality by 2015, each and every child, including children with disabilities, will need to be enrolled in school by this year.

For these policies to reach implementation stage and for children with disabilities to access these entitlements, there is a need for a change in the attitude of the community at large. Disability has been perceived as an issue of charity and welfare, and education of the disabled a matter for special schools and segregated environments. Today, NGOs have a significant role to play to ensure that there is access to information that will help demystify disability among the general public, and sensitise families, communities and government functionaries to play a proactive role in facilitating inclusion and mainstreaming of children with disabilities in regular schools. The issue is one of identifying the barriers to participation (at the social, cultural, physical and economic levels) rather than looking for the individual limitations in the person.

Rajinder Kumar makes his livelihood by repairing shoes. He has a small tin cabin in a market on a busy highway near Hazaribagh. He earns just enough to make ends meet. Some years ago, Rajinder had bone cancer, as a consequence of which his left leg was amputated. He had to give up a job in a shoe company and return home to recuperate. He says he was unable to save enough to build up capital, against which he could take a loan from a bank. Asked if he had heard of government schemes that encourage self-employment, he said he knew of none. Rajinder explained that he had taken a loan to cover his medical expenses and had to

return home before his treatment was completed as it was too expensive. He was paying for his treatment and was incurring a loss of income as well.

The economic costs of disabling conditions fall into three categories: direct cost of treatment and rehabilitation, which includes surgical procedures, fees, equipment, and travel; indirect cost to the family of the disabled, arising from the onset of disability; and opportunity costs. This latter comprises the income foregone owing to disability and earning opportunities lost due to caring responsibilities (Erb and White).

It is not uncommon to find households of disabled persons in debt and having to use up their savings as well as to borrow from moneylenders to pay for medical care and for repeated visits to hospitals. This is more so in the case of childhood disabilities, when parents are in a 'shopping phase' looking for treatment solutions for their child.

Eventually, the responsibility to provide care for disabled family members is taken on by the women of the household. Women who are housewives develop a flexible schedule to take on these additional tasks, but in households that depend on daily wages, women often leave the disabled persons to fend for themselves. It is not uncommon to find disabled children locked up inside their houses or wandering around the village until their parents return home from work.

Livelihood issues are a principal area of concern for adults with disabilities. A study conducted in Andhra Pradesh by ActionAid India (Draft Report titled 'Participatory Assessment on Evolving Strategies for the Empowerment of Disabled Persons in AP') bears this out. People with disabilities find it difficult to find wage labour. They are considered less efficient, paid less for the same work, or the number of workhours is increased. In many cases, disabled people are not aware of government schemes or, for that matter, of the People With Disabilities Act.

According to a study conducted by Susan Erb and Barbara Harriss-White on adult disability, incapacity and development in rural South India, disabled persons identify the

following as their needs:

- ♦ Simple aids, appliances and primary rehabilitation, which will facilitate their participation in social and community life;
- ♦ Financial assistance: loans, grants to access healthcare;
- ♦ Information and access to anti-poverty and employment schemes.

The NGO sector has pioneered a range of services - from medical support to institutional care to special schools to community-based initiatives. However, given the limited resources and infrastructure, these programmes have contributed only on a micro-scale. The challenge facing the sector today is for NGOs to

- ♦ build human capital through capacity-building of different stakeholders, which involves training, exposure and information dissemination
- ♦ build grassroot-level organisations of people with disabilities, which will play an advocacy role to access their entitlements
- ♦ conduct action research at the micro and macro levels to advocate changes in policy and adopt new policies for people with disabilities.

In conclusion, NGOs need to adopt a twin-track approach to addressing the concerns of people with disabilities. At a micro level, they must empower disabled people and their families to be aware of and demand their rights. At a macro level, they must work towards implementation of policy and, where necessary, lobby for policy changes. In short, they should play an enabling and facilitating role and give people with disabilities the opportunity to take charge of their lives. ■

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## Civil Society

# Potential And Opportunities

Girish Menon

CIVIL society has been a very visible, though not a clearly understood constituent of Indian society. Modern civil society can trace its origins to the 19<sup>th</sup> century movements for social and religious reforms in various parts of the country, which challenged traditional institutions on the diverse forms of discrimination in society. In the earlier half of the 20<sup>th</sup> century, mass mobilisation efforts transformed into a process of political transformation leading to India's independence. The following decades up to the mid-seventies saw active civil society action in various aspects of nation building through a range of efforts, complementing the socialistic aspects of the welfare state approach. It was probably the imposition of Emergency leading to suspension of civil and political rights of citizens that geared civil society to engage in empowerment and rights related issues through diverse advocacy strategies. All through, the democratic framework that sustained, has played a key facilitating role in promoting civil society action, though certain policy and administrative restrictions evident from the early eighties have sought to regulate and even control civil society actions.

Civil society action has taken deep roots in India. It has evolved in various forms – non-government organisations, community-based organisations, movements, self-help

groups, user groups, welfare associations, trade unions, co-operatives, media & communications organisations and academic & research organisations. Civil society actions have had impact on various socio-economic and political development spheres and have influenced policies and practices on a wide array of themes that include rights of the poor and marginalised (women, children, disabled, dalits, tribals, bonded labour, stigmatised groups), peace & justice, environment, education, health, water & sanitation, governance and corporate social responsibilities. Various international conventions, especially during and after the seventies, have provided an international forum for civil society to press for a fairer and a more equitable world.

There is a wealth of experience that exists in India on civil society action and there are diverse perspectives on their role in development, their comparative advantages and the directions they need to take in future. Studies have shown that civil society action is largely sustained by local efforts and by developing local constituencies of support across various stakeholders. Indian civil society though has attracted a fair share of international attention. The avenues included governments, international non-governmental organisations, the UN system, the International Financial Institutions and even the corporate sector and media. The United Nations and the World Bank, for instance, have been exploring ways of further mainstreaming the work of civil society and integrating their perspectives in various aspects of their work, with varying results. At the same time, there have been sharp criticisms from within civil society to such international support and attention, challenging the real and



perceived motivation to engage with civil society. Recent deliberations in forums such as the World Social Forum and the Asia Social Forum have come out strongly against the role of international systems in pushing policies for economic reforms which could potentially affect the poor, undermine the role of the state and enhance spaces of wider market forces even in the social sectors where states need to play the major role. The suspicion to elements of international support also stem from the perceived threat of the World Trade Organisation regime and its perceived negative impact on trade and investment in less developed countries. These are further challenged by internal inequalities, low levels of development and civil society support being 'used' as a means to offset the negative publicity associated with pushing pro-market agendas by the developed countries.

So, what is the role of civil society in this era of globalisation? There are various thoughts on this. One school of thought is determined to oppose the neo-liberal policies and seek a continued existence of the welfare state, based on the principles of self-reliance even at the cost of relative inefficiency of production, through protectionist policies that were the hallmark of the country's economic policies till the mid-eighties. The other school of thought accepts globalisation as a given and seeks strategic opportunities within to foster macro level development. The answer probably lies in finding a balance between the two positions that can lead to growth with equity.

Examples across countries provide evidence that there are more advantages to opening up a country to international trade and competition rather than keeping it insulated and protected. Opening up offers advantages of efficient technologies, wider range of goods

and services, new information and a more vibrant exchange, which in the long term, can benefit the less developed countries. A case in point is the communications and information technology sector. However, these would result in equitable and sustainable growth only if the fundamentals are tackled. A country can take advantage of opportunities coming its way only if it has a healthy, skilled and an aware population. Equity in accessing opportunities is critical to ensure a high degree of social cohesion within and among



communities that enable people to express their aspirations and find feasible, non-discriminatory ways to realise them. A country requires strong local institutions to manage its affairs. It needs an accountable and responsive public system that can address the different needs of its population and can guarantee the delivery of constitutional rights and provisions. It needs a strong regulatory mechanism that can maintain checks and balances within the system. It needs a fair redressal

mechanism that can ensure adherence to law and access to justice, while also protecting the rights of the poor and marginalised.

These may seem a tall order, but then these are the absolute essentials on which a strong country, free of poverty and discrimination can emerge. And this is where civil society has a key role to play. It has the responsibility and the potential to engage with governments and markets to ensure the poor, the vulnerable and the marginalised are able to access opportunities that the Constitution guarantees them. Civil society needs to facilitate the poor strengthen their voice and articulate their demands to make public system more accountable, responsible and transparent, to promote development that is inclusive and equitable. More importantly, they need to move further from doing these in 'pilots' to 'upscaling' and 'upstreaming' their work.

The UN Millennium Development Goals (MDGs) provide a comprehensive framework to address the development needs of the poor, especially in the less developed countries, India being one of them. India has the advantage of having sustained a democratic political system that has the potential to promote equitable development. The recent trends in promoting decentralised governance have substantially enhanced this potential. The Indian Constitution is highly articulate about fundamental rights for all its citizens. Various policy frameworks to address issues of poverty and discrimination exist. However, there is an urgent need to activate and use these provisions for the benefit of the poor and discriminated. Processes of participation, mobilisation and institutional building need to be accelerated. We need to urgently address the low human development attainments especially in the poorer performing states of the country and among specific groups of poor -

scheduled caste, scheduled tribes, religious minorities, specific occupational groups, severely deprived groups such as bonded labour, disabled, those affected by HIV/AIDS and commercial sex workers .

The World Development Report, 2004 clearly indicates that growth alone is not a sufficient condition to address issues of poverty and inequality and that growth alone would not guarantee achievement of the MDGs. It advocates an approach wherein the voice of the 'client' (and especially the poor) is strengthened to influence service providers and policy makers for pro-poor change. This approach advocates an important role for civil society in articulating and strengthening the voice of the poor. This also confirms and reinforces the analysis of India's 10<sup>th</sup> 5 Year Plan and the National Human Development Report 2001, which have highlighted issues of exclusion of the poorest in the development process in India in some specific states and in some specific socio-economic groups. There is a strategic opportunity for civil society to engage constructively with governments and promote improved outcomes for the poor, the marginalised and the excluded.

The Department for International Development (DFID) is aware of the challenge for India to achieve the targets of the 10<sup>th</sup> Five Year Plan and the MDGs. Its strategies for working in India are aligned with the directions and efforts of the central government and the state government of its partner states. DFID also recognises the potential and the key role that civil society can play in moving towards achievement of the 10<sup>th</sup> Five Year Plans and the MDGs, by constructively engaging with the government for pro-poor change. Poorest Areas Civil Society Programme is DFID's largest civil society engagement in India and it hopes to see PACS being an instrument of change for the lives of the millions of poor people in the 108 poorest districts it works in.



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## Gender Analysis of Land Women and Land Rights in Bihar

Jill Carr-Harris

LAND is a scarce resource and owning it confers social status. In general women do not own land and therefore have low economic and social status. In Bihar, along with gender inequality there is also unequal distribution of land. This means that there are high levels of landlessness and poverty. Given this situation there is pervasive violence. Women are generally the most vulnerable and they suffer from high degrees of personal insecurity.

Women are vulnerable because of a high degree of violence that takes place in the home and outside. Women's groups in Bihar suggest that one in every five women is a victim of domestic violence. In strengthening women to preempt such violence, women need to be given greater status within the home. As land endows power, women's greater control over land resources is one method to ensure lower levels of domestic violence. A study on the relationship of domestic violence and ownership of land in Kerala showed that women without land suffer about 49% incidence of domestic violence. Whereas, women who own houses suffer only 17% incidence of violence. And those who own house and property experienced about 8% incidence of violence.

The growing number of widows is a pointer to the violence outside the home. Without any land rights they are left bereft of land and income source. A review of newspaper records on the number of deaths caused by gang warfare and intercaste violence from 1971 to 2003 in the nine districts of Central Bihar, show that there are as many as 61 villages that have been affected by group violence and left 1050 people dead. These are

deaths that have been registered by the state, whereas the actual number could be much higher if one includes the death toll of unregistered people. In a study of seven Indian states, in 1991, it was concluded that 51% of widows inherit land. This does not seem to tally with the information in Bihar given the fact that widows are usually very young, often in their twenties and thirties. Even if widows do inherit land it is doubtful whether they maintain any control on the decision-making related to the land. Research from Madhya Pradesh, suggest that the husband's brother or other family members often take control of the land resources even if it were in the widow's name.

It is very important that women have land rights given the



high violence within the home and in the society at large. By ensuring that land distribution programmes allot land in the women's name

(*bhudan* land, housing plots, surplus land), would be an important step towards giving women basic security and indirectly reducing violence.

Bihar is primarily an agrarian society with 80 percent of the people living in rural areas. Farming is the largest employment sector and agricultural labour forms a large segment of the total labour force. Although 60% of agricultural labourers are women their role in the agricultural sector has remained largely invisible. The majority of agricultural labourers have little or no land and seldom have proper housing. A study taken up by Ekta Parishad of 100 villages in six districts of Central Bihar in 2001, revealed that 60% agricultural labourers were landless.

Without land resources employment opportunities are few and exploitation of agricultural labourers is consequently high. Daily wages for women in Bihar range from Rs.15 – 20 per day which is about one third of the set state-level minimum wage (Rs.54 per day). Although all landless labourers are a special focus for any land distribution programme, women need to be given special attention within that group. In the current distribution of housing plots and land the government is allotting it to women. Even the Bhudan Board has recently agreed to allot land to women as part of a joint title, underlining the acceptance of including women in land allotment schemes.

Joint titles are rare in Bihar today. A study conducted by Ekta Parishad in 20 villages of five districts, in 2002, revealed that only 9% of the women had land entitlement. Which implies 91% of the women do not have any land rights. This exposes the prevailing resistance of the society to women holding land titles.

In the various Land Reform Acts and their amendments passed within the State of Bihar (1958, 1964 and 1972), none of them have stipulated that joint title should be used. Land reform only refers to the order of succession in terms of inheritance. However, since 1980 the Government of India through the 6<sup>th</sup> Five Year Plan promoted the implementation of joint title. Although all States in India including Bihar have accepted this, there still remain some

administrative biases. Different awareness generation programmes along with monitoring are required by both state civil administrators and Central Administrative Services. It has been found that the revenue officials, tehsildars and sarpanches are not aware of joint title and women are often left out of land entitlement schemes.

By far the largest resistance comes from adverse social practices namely marriage rites, dowry, and death rites.

In marriages, there is a pervading belief that the daughters-in-law do not require rights within the joint family because they have inheritance rights of parental property. This is not usually the case because in practice daughters usually leave their rights at the time of marriage. In many parts of North India women marry out of the village (exogenous marriages). Therefore the land she may have inherited is either taken over by her family or sold for acquiring her dowry. It is assumed that she cannot manage the land from the new home because she will be representing the interest of "the sasural" (in-laws) which may lead to conflict with her parental home. Therefore she is given dowry in lieu of this which continues to be used as a means of denying women their inheritance.

By the same token the daughter-in-law is denied land rights in her new home. The rights are only ascribed to the son. In this way women lose on both counts and are victims of unfair social practices and consequently suffer low status, abuse and harassment.

This social practice can be seen in juxtaposition with one that takes place in parts of South India. Women tend to marry within the village (endogenous marriages) and therefore the property remains within the family. In this case, the daughters are more likely to maintain their inheritance rights of the parental property. However coercive practices of dowry are also prevalent in South India.

In the Hindu family system the eldest son lights the funeral pyre at the death of the male head. This symbolically suggests that the eldest son takes all the responsibility as the heir to the property. This negates the notion of the woman automatically receiving the land title after her husband's death particularly if she is not on good terms with the son.

There is resistance to women having land title because of the joint family system. The Hindu Succession Act (HSA) which governs Hindus, Jains, Sikhs and Buddhists ascribes the larger share of right to the sons as opposed to the wife or the daughters. In Kerala, the joint family rights were abolished in favour of equal rights. In Karnataka, Tamil Nadu and Andhra Pradesh, the HSA was amended to give daughters an equal share within the rights of the joint family. However, this has not been done in Bihar. It is suggested that coparcenary rights be extended to daughters from birth so that they inherit an equal share. Ekta Parishad is lobbying to have this become part of the Women's Policy for Bihar.

The Shariat, the personal law governing Muslim communities gives equal share to daughters and sons and also provides for maintenance. Unfortunately this is



not how it is interpreted. Similarly under the Indian Succession Act that pertains to Christians and Parsis, equal rights are given. These need to be understood by different communities so that they can make the argument for equal rights under the existing law.

Another level of resistance is around social relations. It is argued that naming the daughter on the patta would lead to more fragmentation of the land. This is not the case because fragmentation need occur only if the land is managed separately. There several cases where brothers manage land resources jointly even when they are not residing on the same property.

Similarly men keep exclusive decision-making control over farming operations. They usually do the ploughing while women do twelve out of the fourteen farming operations in the cultivation of paddy. Yet they are not considered "farmers".

By adding women's name to the land patta (deed), she potentially can have greater control over the household economy. This in turn allows her to have a greater say in selling of the land or mortgaging it to the bank. In a society with high male emigration giving women farmers a say in land management is critical.

There needs to be considerable social awareness generated on joint title so that women understand that land entitlement gives them security. It also gives greater role in decision-making. Ideally, all landed property should be put on joint titles.

However, for women to have greater land rights in Bihar it is necessary that the government set up a mechanism to distribute land that gives equal consideration to women. ■

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Based on the paper "Women and Land Rights" presented on the occasion Women and Land Rights Day – October 7, 2003 at Patna, Bihar

## Right to Information Not Quite Right

Mrinal Ojha

**T**HE struggle for right to information (RTI) in India has the unique distinction of starting mainly as a grassroots struggle. In most other countries the link to this right had always been made with the right to freedom of speech and expression. Its chief beneficiaries were considered to be the press. Even in India the majority of cases that came before the judiciary were related to the media and consequently this right was mostly interpreted in light of Article 19(1)(a)<sup>1</sup>. A poverty perspective was still missing. The real value of this right was brought to the forefront through the struggles of grassroots organisations such as the Mazdoor Kisan Shakti Sangathan (MKSS). Their usage of this right demonstrated how it influences the lives of the marginalised. This article will focus mainly on the current initiatives being taken by social activists, non-governmental organisations (NGOs) and civil society members in using the right to information to bring about change.

The right to information is recognised as being a part of freedom of speech and expression and the right to life by the courts. Though this right has not been explicitly stated in the Indian Constitution, it is a fundamental right guaranteed as per judiciary's interpretation. The scope of this right is fairly broad and the recent Supreme Court decision regarding the voters right to know is another example of how this right is being interpreted.<sup>2</sup>

However, clearly worded laws which meet the minimum standards and are accepted universally are required to make this right operational. It also needs to set up structures and systems for enabling information flow to the people. Without a Statute dealing with these nuances this right will remain mere theory as people will need to take recourse to lengthy court procedures. There are also cases where right to information statutes are poorly worded and structurally weak. Since 1997 eight States in

India have passed legislation on this in addition to the passage of the extremely weak Central Freedom of Information Act 2002. The first state to pass this law was Tamil Nadu (1997), followed by Goa (1997), Rajasthan (2000), Karnataka (2000), Delhi (2001), Maharashtra (2002), Assam (2002) and Madhya Pradesh (2003). Of these, Madhya Pradesh had taken steps to enact a law on this subject as early as 1997 but failed due to lack of consent by the Centre. Maharashtra repealed its earlier R.T.I. Act of 2000 to bring out a stronger one in 2002. There are also instances of provisions in the Panchayati Raj Act in some states that enable access to information at the grassroots level. Uttar Pradesh formulated a Code of Access in 2000. Certain executive orders passed in Madhya Pradesh in 1997, are also applicable in Chattisgarh. These orders extend to about 50 government departments but there is little evidence of adherence.

So what is it that people could do once they have a law on right to information? This is an area where grassroots organisations have intervened in a creative manner and there has been an emergence of alternative models making transparency, accountability and public participation a reality. States have learnt from each other's experiences and adapted them according to their local needs and dynamics.

### Public Hearings in Rajasthan:

One of the major uses of this right has been to conduct public hearings ('Jan Sunvai'). A jan sunvai is an innovative method where official records are read in the presence of the public and checked against ground reality. For example, the government record books may show an entry of a house being allotted to a particular person under a housing scheme for the poor who in reality has never even been approached by the authorities.

The beginnings of this exercise were in Rajasthan, where on 2<sup>nd</sup> Dec 1994 MKSS held the first

public hearing at Kot Kirana in Pali District.<sup>3</sup> This public hearing focused on the false entries in muster rolls and corruption in development works. The bills, vouchers and muster rolls were read out in public and the people were outraged when they heard the amount of money that had been spent on them as per the records. The daily-wagers were never given the amounts claimed in the muster rolls. Government officials chose to stay out of this exercise. However, their participation started to increase and was more visible in later public hearings.

This exercise was later followed in the areas of Bhim, Vijaypura (Rajsamand District) and Jawaja (Ajmer District). By this time, government officials and elected representatives were determined to sabotage this growing movement for RTI. The fifth public hearing was held later in Thana (Bhilwara District) in April 1995. It was conducted with the active support of the elected Panchayat functionaries. It was realised that a law was needed to give effect to the citizens' fundamental right to know. After much agitation and struggle the State government gave in to the people and the Panchayati Raj Acts were amended, allowing access to records of development works. Disclosure of information, which was voluntary earlier, became mandatory. Since its inception MKSS has conducted numerous jan sunvais, unearthing large scale corruption. The initial focus was on wages being paid to workers and development works "invisible" on the ground. This right was used mainly in issues relating to housing schemes for the poor or food grain distribution during draughts and famines. There was always something hidden from the people that resulted in a denial of their rights.

It was argued that without education a right to information will not be able to achieve much unless people were able to read and write. This myth too was demolished through the initiatives of MKSS where a largely illiterate village could also benefit from the jan sunvais. In areas like education, millions were supposedly spent with no proof of its actual utilisation. Jan sunvais can go a long way in bringing corruption to light since information in government papers can be compared with ground realities thereby making discrepancies indefensible.

### Initiatives in Delhi:

In Delhi the law on right to information has achieved a relatively higher level of maturity with the Act that came into force in 2001. This has been largely possible due to the initiatives taken by civil society groups. The Delhi RTI Act has been used to seek information on a variety of developmental works (constructing drains, roads, public toilets etc.).<sup>4</sup> It has been demonstrated that the Act has the potential of solving many public grievances. In instances where the information was not forthcoming, the grievances were not addressed by the authorities. Corrupt government bodies have an interest in secrecy where any disclosure

of information is likely to embarrass them. A public hearing conducted by Parivartan, a civil society group, in Sundarnagri (a resettlement colony in East Delhi) on the 14<sup>th</sup> of December 2002 unearthed corruption that ran into millions of rupees.<sup>5</sup> This was the first urban jan-sunvai held in India.

The law has also been used to obtain information to assess the existing strengths and defects of particular systems and to see how they should be working. An example of this is the information on the vacancies existing and some other facets of education in schools in Delhi. This helped in understanding the dynamics of the system and it was found that the prescribed teacher and student ratio in the city is not poor but for the fact that most teachers wanted postings in schools in the better localities of Delhi. The law is also being used to find out the level of implementation of mid-day meals in schools and the amenities provided for the students.

Recently, information was sought from ration shop owners on the amount of ration that they were receiving and distributing.<sup>6</sup> This led to a lot of friction between the state food supplies department and the people seeking the information. The food supplies department were seen to be backing the ration shop owners. In cases where this information was given, it was clear that the ration shop owners were denying people legitimate access to rations. Access to information

has been used for getting personal and community grievances solved and for seeking changes in policies of the government on certain issues. Right to information has helped people see how behind the veil of secrecy their legal entitlements were denied to them.

### The Karnataka Story:

Though the State had legislation on right to information in place since 2000, it was notified only in July 2002. Awareness of this Act had till recently been abysmally low but this is slowly changing due to the initiatives taken by organisations like the Public Affairs Centre (PAC), Consumer Research Education and Awareness Trust (CREAT) and the Commonwealth Human Rights Initiative (CHRI). The government by passing legislation on RTI had considered its duty completed, making no efforts to implement it. It was the innovative intervention of PAC and CHRI in conducting an 'implementation audit' that brought out the disinterest in implementing this law.<sup>7</sup> The questions asked under the Act sought answers pertaining to a wide cross-section of departments but most of them remained unanswered.

### Maharashtra's Experience:

In Maharashtra, the RTI law was first formulated and notified in 2000, but was replaced with a stronger Ordinance in 2002. After its lapse, there had been a vacuum for some time and it was only after the efforts of noted social activist Anna Hazare that the law was



enforced again. The use of this law has been growing with time and it is being used for securing information related to both micro and macro affairs of the State. There are instances where questions regarding fund utilisation by the municipal bodies were sought to assess efficiency. The State also has the distinction of being the first state in the country where an engineer of the Maharashtra State Electricity Board was fined a sum of Rs. 3,250 for violating the Right to Information Act.<sup>8</sup> Though a few other States have legislation with accountability and penal provisions for violation of the Act, these have never been imposed. Although there has never been a jan-sunvai in the State, public-spirited persons and some civil society organisations have been seeking answers under this Act.

### The Rest of the States:

Although Goa has had an RTI Act since 1997 its utilisation by the public has been limited. A major hurdle here is the fact that the application fee is one of the highest in the country (Rs. 100/- per application), and this works as a deterrent for people seeking information under the Act.

The oldest and most unusable law in the country on this subject exists in Tamil Nadu despite the efforts of civil society in making use of the RTI Act. Madhya Pradesh and Assam have the dubious distinction of keeping their right to information laws an extremely well kept secret. This has led to the obvious conclusion that some State Governments are not interested in implementing these laws as their departments would have a lot to explain if the system were anymore transparent.

In states like Gujarat and Orissa where even in the absence of any comprehensive law on right to information some steps have been taken by civil society organisations to induce transparency and accountability in the workings of the government. In Orissa, organisations such as ActionAid have played a pivotal role in conducting public hearings in Malkanagiri, Sundargarh and Jharnapalli on issues like food for work schemes, minimum wages, tribal land holdings and certain developmental works. There has been some concern on the after effects of these exercises as sometimes the local people have had to face the wrath of the officials. Often government functionaries are only publicly exposed but no official action is taken against them which leaves the citizens disillusioned.

In places like Gujarat, some women's groups under the guidance of an organisation called 'ANANDI' are running 'Mahiti Kendras' (Information Centres) that collect information regarding issues on widow pension schemes, housing schemes for the poor. The devastating earthquake of 2001 had led to large scale loss of records of ration cards and property rights to housing, commercial property and land. These information centres helped collate information from government offices and made efforts to ensure that funds and schemes allocated for the victims were actually spent on them. They are being run in interior Gujarat in villages like Ghoghamba, Shihor, Kharisra, which are geographically spread out. While hard questions regarding policy formulation and large-scale corruption are still not being addressed, the authorities have nevertheless been fulfilling an important function by providing useful

information to the people on a variety of issues. The local people are also assisted in filling up forms and applications and there have been instances where these centres have had to agitate for obtaining information from the officials. In places like Shihor (Bhavnagar District) these centres have got official recognition and space provided within the premises of the taluka offices.

Right to information in India has still not attained a great deal of maturity. There are numerous problems in making use of this right ranging from the low level of awareness of the law amongst the public and government officials to the complete absence of mechanisms needed to facilitate information flow. There is an element of vested interest in secrecy within and outside the government and it is only through public pressure that this equation may change. So far only NGOs and some social activists have been making maximum use of this law while most of the public remains oblivious to this right. The fact that only 8 States in the country have a law on this subject still leaves another 18 where there is no effective mechanism to enable flow of information to the people. The Freedom of Information Act 2002 is hardly comparable in terms of quality of content to the legislation in States like Maharashtra, Karnataka and Delhi. Some States that had some mechanisms for providing information to the people are now erasing their own laws and rules regarding them.<sup>9</sup> There is an urgent need to build greater awareness on this right and ensure that the governments do not lose respect for this fundamental right. ■

**The author is from the Commonwealth Human Rights Initiative (CHRI)**

<sup>1</sup> Bennett Coleman & Co. v. Union of India, AIR 1973 SC 783; Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India (1985) 1 SCC 641; For mention of Right to Information in the context of Article 21 of the Indian Constitution see: Reliance Petrochemicals Ltd. v. Proprietors of Indian Express Newspapers Bombay Pvt. Ltd., AIR 1984 SC 190

<sup>2</sup> Association for Democratic Reforms v. Union of India JT 2002 (4) SC 501; People's Union for Civil Liberties v. Union of India JT 2003(2) SC 528

<sup>3</sup> For a chronology and details of Public Hearings conducted by MKSS in Rajasthan see: Neelabh Mishra, "People's Right to Information: Lessons from Rajasthan", HDRC/UNDP 2003

<sup>4</sup> For more details of usage of the Delhi Right to Information Act 2001 visit [www.pariivartan.com](http://www.pariivartan.com)

<sup>5</sup> Swasti Rana, "First Jan Sunvai in Delhi: Right to Information now a reality", Combat Law Vol 1 Issue 6 (February 2003)

<sup>6</sup> Indian Express, Delhi, August 30, 2003

<sup>7</sup> Swasti Rana, "Right to Information Implementation Audit", CHRI Newsletter, Vol 10 No.2 (Autumn 2003)

<sup>8</sup> Indian Express, Pune, October 31, 2003

<sup>9</sup> The Orissa Records Manual 1964 lays down extensive provisions for access to information from government bodies but there is hardly any awareness of its existence within the government and outside.

## Systems And Procedures Manual

# An Asset For The Organisation

Tarun Kr. Gupta, (PACS Team)

**T**HE Poorest Areas Civil Society (PACS) Programme aims to support Civil Society Organisations (CSOs) in assisting people in the poorest and most backward districts of India to realise their entitlements. The strength of such a partnership with CSOs to promote inclusive development depends on the capacities of individual organisations to select, plan, design and implement projects effectively. The Programme is unique as it brings together the applied development experience and policy perspectives of a CSO (Development Alternatives) with the financial acumen of a 'Big 4' accounting firm (PricewaterhouseCoopers (P) Ltd.

During project appraisal visits to more than 250 CSOs, under the PACS Programme, the system of Accounting and Financial management followed by many organisations was found to be quite inadequate. Though ample importance is given in following basic accounting practices, most CSOs have limited technical expertise to evolve a professional system and tend to follow irregular methods, which they may have adopted over the years.

The CSOs can be categorised into four levels, viz. National, State, District, Panchayat/Village according to their geographical presence. Most of these organisations are governed by a Trust or Society deed. This deed contains laws and rules to be followed for appointment of the Governing Board, number of meetings to be held, and authority for banking operations. There is a need to cover much more than this.

There are a number of factors that contribute to weak financial management and accounting practices. Some of them are as follows:

- ◆ Limited in-house technical capability. including that of the Board
- ◆ The Accounts department manned by a single accountant
- ◆ Adherence to rules of different funding agencies, which may differ from one agency to the other, leading to a different treatment of the same situation
- ◆ Excessive dependence on the auditor for all matters pertaining to accounting
- ◆ Lack of proper documentation of systems and procedures

### Need for a structured Systems and Procedures Manual

A good Systems and Procedures Manual would act as an asset for the organisation. It is a guidebook for streamlining all areas of operation within an organisation. It addresses many issues relating to

governance, which leads to transparency and more accountability towards society. It also helps save valuable time of the CSO head from being dragged into routine functions due to lack of clarity. Employees can work in tandem and tackle situations according to the guidelines and procedures set in the manual.

The Systems and Procedures Manual is meant for an organisation and is not specific to any project or programme. The Manual contains all aspects of accounting and financial management. During the project appraisal visits an enquiry for the manual would nearly always be met with a "we know the procedures" - but such procedures were hardly ever documented. This is clearly a very irregular way of financial management as accountants or chief functionaries are not bonded to the organisation for life. A chaotic situation can arise when the accountant decides to quit and the new employee does not know the "procedure". The key issue being that it is not with them that the responsibility of systems rest, but with the organisation. Systems and procedures should be set, documented and passed by the Governing Board. These should be updated on a regular basis and cleared by the Board. The sooner this is done the better it will be for the organisation in its day to day operations.

The development of a comprehensive Systems and Procedures Manual takes care of the documenting process. The now "empowered" accountant is in a better position to carry out his functions as he has before him a detailed map of how to maintain and manage the finance of the organisation. Thus a single accountant would be able to carry out a number of functions more effectively. Dependence on auditors would automatically decrease, as the Manual would suffice, except when it needs to be updated. It will be easier to follow rules of different funding agencies, as organisations will have a single rule for a function. This will enhance stability in terms of accounting and financial management. When procedures get documented and are passed by a Governing Board, the importance of this function automatically rises.

### Contents of the Manual

The Manual can be divided into four major categories.

#### Governance

- ◆ Overall management of the organisation
- ◆ Constitution of the Board
- ◆ Appointment, retirement, dismissal of the members
- ◆ Qualifications of the members
- ◆ Powers, rights, duties and responsibilities of the Board
- ◆ Changing the Trust/ Society deed
- ◆ Board/ General body meetings

#### Programme Implementation

- ◆ Organisation structure
- ◆ Roles and responsibilities of staff
- ◆ Reporting systems
- ◆ Human Resource guidelines
- ◆ Technical and financial monitoring
- ◆ Programme evaluation

## Financial Management

- ◆ Fund Management
- ◆ System of budgeting
- ◆ Basis of Accounting and major accounting principles
- ◆ Cash management
- ◆ Banking operations
- ◆ Management Information System
- ◆ Fixed Assets
- ◆ Systems for purchase and sale
- ◆ Adherence to various reporting guidelines for funding agencies
- ◆ Inventory management
- ◆ Local contribution
- ◆ Investments

## Internal Control Systems and Risk Management

- ◆ Internal control procedures
- ◆ Internal audit
- ◆ Internal checks
- ◆ Procedures of cheque and voucher sanction
- ◆ Compliance with law

The Management Consultants of the PACS Programme have documented the entire systems and procedures of the Programme as Operating Systems

Manual. The first year of the programme was invested in preparing this document, which was then ratified by the National Advisory Board (NAB) and the Department for International Development (DFID). All systems and processes were duly documented before programme implementation commenced. The Manual covers a host of issues such as the campaign strategy, guidelines for planning grants, formats and appraisal process of concept paper and proposals, financial management, etc. Development of the Manual is an on-going process as learning is regularly incorporated in the Manual. DFID and NAB ratify the incorporations and amendments.

The CSOs can take the help of their Auditor in getting the Manual documented. They can also buy a readymade Manual and customise it according to their needs and get it implemented. The confidence level of the various stakeholders increases when processes are documented and there is transparency in actions.

Thus, the importance of a Systems and Procedures Manual is in documenting and streamlining the organisation. This would benefit it for years to come and build its capacity, leading to increased level of confidence among the stakeholders. Such a Manual would certainly be an asset to the organisation. ■

**The author is from the Management Consultants representing PricewaterhouseCoopers. The views expressed are his own.**

## Advocacy Seminar Agenda Marriot Hotel, Saket, New Delhi

### Day I: 30th January 2004

- |  |  |
|--|--|
| <b>Inaugural session</b><br>(09.00 – 10.00 hrs)  | Opening address<br><i>Dr Ashok Khosla, President, Development Alternatives</i><br>Message from DFID<br><i>Charlotte Seymour-Smith, Head of DFID India</i><br>Message from the PACS Programme<br><i>Prof. KC Malhotra, Chairperson, PACS</i>  |
| <b>Keynote address</b><br>(10.00 – 10.30 hrs)    | Advocacy for Realising Rights and<br><i>Eradicating Poverty</i><br><i>Dr. NC Saxena</i>  |
|  | Tee (10.30 – 10.45)  |
| <b>Panel Discussion</b><br>(10.45 – 13.00)       | Civil Society, Governance and Legal Perspectives<br><i>Chairperson: John Samuel</i>  |
|  | Lunch (13.00 – 14.00 hrs)  |
| <b>Post-lunch session</b><br>(14.00 – 17.30 hrs) | Livelihoods, Women's Empowerment and Reforming Local self-governance – PACS Thematic Areas<br>Moderated working group discussion<br>- Identification and Analysis of Issues<br>- Strategies and Support Mechanisms for Advocacy<br>Presentations of working group<br>Discussion and concluding session |
| <b>Post-seminar evening</b>                      | Photo Exhibition, Short Film, Folk artists' Performance<br><br>Dinner  |

### Day II: 31st January 2004

- |  |   |
|--|---|
| <b>Morning session</b><br>(09.00 – 13.00 hrs)    | Role of Information and Communication Technologies in Advocacy<br><i>Dr Ashok Khosla, President, Development Alternatives</i>   |
|  | Skill for Policy Advocacy<br>Building Perspectives on Advocacy<br>Developing an Advocacy Planning Framework   |
|  | Lunch (13.00 – 14.00)   |
| <b>Post-lunch session</b><br>(14.00 – 17.30 hrs) | The Way Forward<br>Themes for Advocacy and Alliance Building through PACS<br><i>Disability, Land Rights and the right to Information</i><br>Recommendations for PACS Advocacy Strategy<br>PACS and CSO partners |
|  | Valedictory Address<br><i>Justice Sujata Manohar</i><br>National Human Rights Commission (NHRC)   |

## Advocacy for Realising Rights and Eradicating Poverty

India ranks 127<sup>th</sup> in the Human Development Index and is "home to the largest number of hungry people". Adult illiteracy is 42%. We are listed among the nations that have extremely low Gender Development Indicators and figure at 103 in the ranking.

The Human Development Report, 2003 draws attention to the uneven progress of India. On some fronts, the report states that India has "achieved great progress". But the gap between the less privileged and the economically advantaged section of our society is enormous.

Public policies can play a significant role in "strengthening the links between growth and poverty reduction". They must ensure that dividends of economic growth reach poor people. This requires "investments in basic services, expanding poor people's access to entitlements, and promoting livelihoods and employment." In order that these objectives are achieved, we give importance to 'advocacy', as a strategy that enables "a set of organised action to change public policies in a way that will empower the marginalised".

Within the context of the development paradigm, advocacy is not only a tool of policy change, but one that can enable social change. It is therefore important that, the values and perspective of actor who lead 'advocacy' are framed by the principles of social justice, equality and rights. Since social beliefs and practices cannot be changed overnight, advocacy strategies must be sensitive to the local people and their environment. Different mediums and messages may also be used for affecting change at the level of the family, community institution and the society at large.

Looking at it from a rights perspective, it is essential that the objectives of any advocacy agenda must be determined by the poor and marginalised, themselves. Therefore the focus on, "people-centred advocacy", which is defined as a "a set of organised actions aimed at influencing public policies, societal attitudes and social political processes that enables and empower the marginalised to speak for themselves". While the success of advocacy in influencing policies has been seen for long, a people-centred approach will not only empower the poor by giving them an independent voice, but also significantly impact the processes of social transformation.

The Poorest Areas Civil Society (PACS) Programme is organising a National Seminar on 'Advocacy for Realising Rights and Eradicating Poverty' from 30<sup>th</sup> to 31<sup>st</sup> January 2004, in New Delhi, to discuss and identify, present and future strategies for poverty reduction.

The seminar aims at strengthening advocacy strategies for the recognition, protection and promotion of the

entitlement of the poorest of the poor. It will bring together PACS partners, advocacy experts, representatives of national and state governments, key decision makers, elected representatives ideologues and academicians.

A preparatory meeting of the drafting committee comprising of PACS partners, will identify and finalise issues to be tabled at the seminar, on 29<sup>th</sup> January 2004.

**National Seminar on 'Advocacy for Realising Rights and Eradicating Poverty' in New Delhi from 30<sup>th</sup> to 31<sup>st</sup> January 2004.**

### Key Objectives

- ♦ To facilitate an improved understand of the PACS programme objectives among development partners, in order to empower the poor to realise their entitlements.
- ♦ To identify key action points that enable effective advocacy initiative around the thematic areas of the PACS programme, addressing livelihoods, women's empowerments and local self-governance.
- ♦ To promote 'people-centred' advocacy approaches the enable the marginalised to stand up for their rights.
- ♦ To bridge the gap between grassroots activism and macro policy reforms by building rights-based perspectives, engendering collective approaches, strengthening networks and capacities for advocacy.

### Expected Outcomes

- ♦ Conceptual clarity on people-centred advocacy for realising entitlements and eradicating poverty.
- ♦ Identification of issue and foci for advocacy through the PACS programme.
- ♦ Strategies and Networks for civil society partners of PACS for advocacy on the PACS thematic areas.

# About PACS

## A Partnership Initiative against Poverty

The Poorest Areas Civil Society (PACS) Programme is probably the single largest anti-poverty programme being implemented in India by a network of civil society organisations (CSOs).

Supported by the UK Government's Department for International Development (DFID) and managed by Development Alternatives and PricewaterhouseCoopers (P) Ltd., the PACS Programme focuses on the 108 poorest districts of India. Over 80% of India's poorest districts are located in the states of Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra and Uttar Pradesh. These are the states covered by the PACS Programme.

A seven-year programme, PACS is currently in the third year of implementation. The programme already has a network of 350 CSOs in 55 districts, covering over 7000 villages in these six states.

### **Objective: Empowering the Poor**

PACS aims to empower the poor so that they can exercise their political, economic, cultural, social and human rights and demand their entitlements. The programme also aims to strengthen Indian CSOs working for the poor.

CSOs that are part of the PACS Programme are involved in a number of activities including:

- Training in responsive local self-governance
- Advocacy, awareness building and information dissemination
- Women's empowerment
- Social cohesion
- Self-help

### **For more information about the programme, contact:**

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