

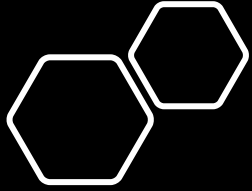
Registering the everyday state in India via the Right to Information Act, 2005

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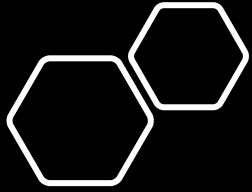




Introduction

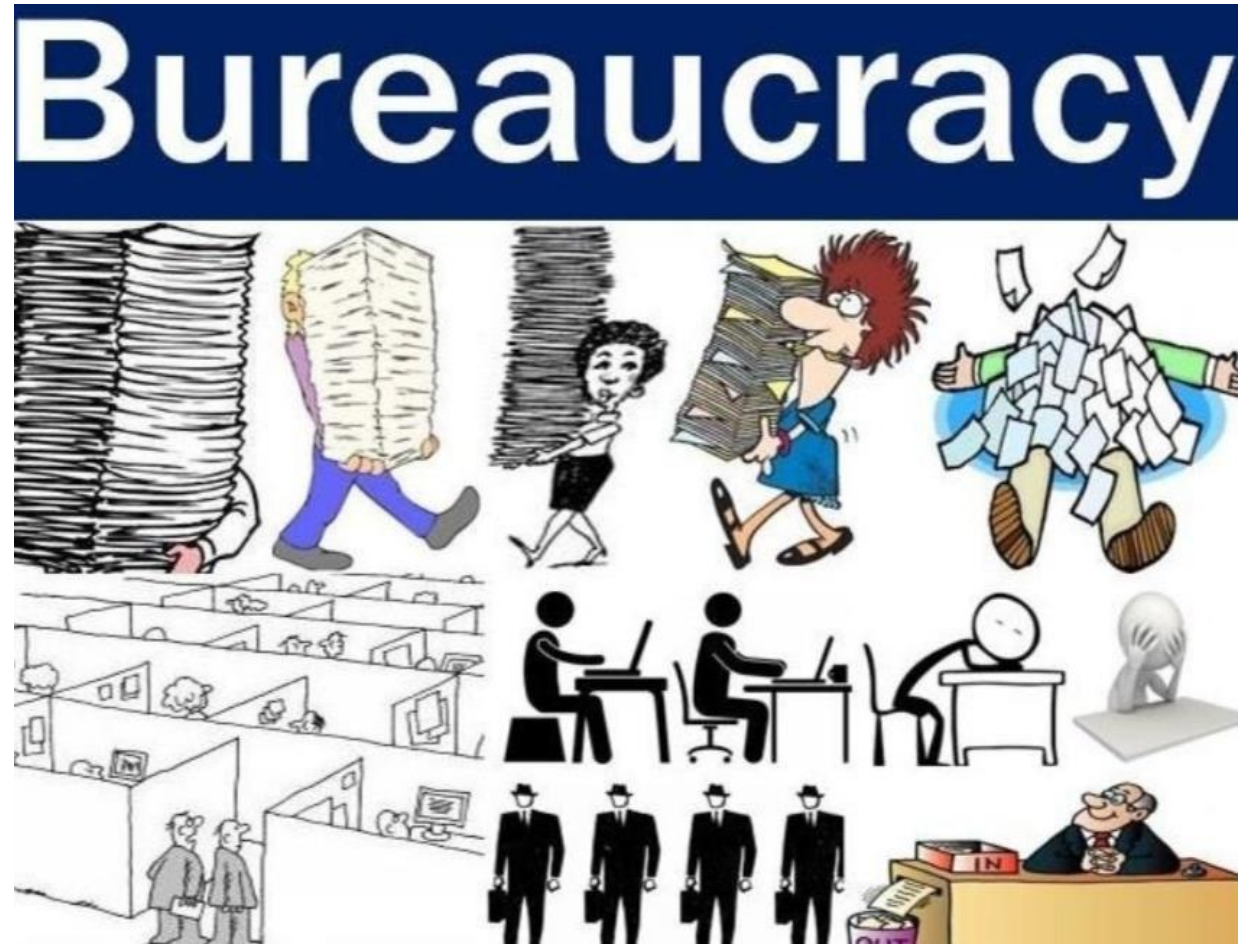
- The Right to Information Act was passed in India in 2005 to make the state and its administrative processes more **accessible** and **visible**.
- It was expected to address the problem of corruption and abuse of power.
- So, the key question this paper aims to address is what happens when the everyday state is made visible and accessible via the RTI law?
- I use three case studies of ordinary citizens registering appeals for information under the RTI Act to demonstrate how the impulse to register a query is driven by a wide range of personal and political interests
- Such use can have an effect over the everyday functioning of the state.
- The agency and power of the citizen-actor in driving this process of change needs to be recognised.





Theories and concepts

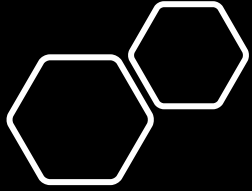
- In scholarly literature, 'the state' is seen as an "elusive object of study"
- Anthropologists have looked at everyday state and bureaucracy as sites of doing ethnography
- How power flows through bureaucracy, negotiation, etc
- Bureaucracy obviates human agency... the humaneness of humans lost (Bernstein, 2011)
- Ideas of 'seeing like a state' (Scott) and 'seeing the state' (Corbridge)



Notes on the Difficulty of Studying the State (1977)*

PHILIP ABRAMS
(1933-1981)

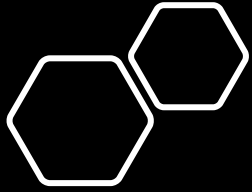
Abstract The state is not the reality which stands behind the mask of political practice. It is itself the mask which prevents our seeing political practice as it is. There is a state-system: a palpable nexus of practice and institutional structure centred in government and more or less extensive, unified and dominant in any given society. There is, too, a state-idea, projected, purveyed and variously believed in in different societies at different times. We are only making difficulties for ourselves in supposing that we have also to study the state - an entity, agent, function or relation over and above the state-system and the state-idea. The state comes into being as a structuration within political practice; it starts its life as an implicit construct; it is then reified - as the *res publica*, the public reification, no less - and acquires an overt symbolic identity progressively divorced from practice as an illusory account of practice. The ideological function is extended to a point where conservatives and radicals alike believe that their practice is not directed at each other but at the state; the world of illusion prevails. The task of the sociologist is to demystify; and in this context that means attending to the senses in which the state does not exist rather than to those in which it does.



Using RTI Act to 'study' the state

- The same way that government speeches and texts are analysed as part of studying the state, the bureaucratic engagement produced through RTI applications can also enlighten us about the state and the human actors managing it.

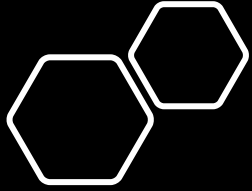




Registering RTI query

- Any Indian citizen can file an information request using the government online portal or via a paper-based application for a fee of INR 10 (£0.1)
- Most citizens admit that the RTI query provides them a 'foot-in-the-door' inside state functioning and processes not possible otherwise.

The screenshot shows the RTI Online portal homepage. At the top left is the State Emblem of India with the motto 'Satyameva Jayate'. To its right is a language selection dropdown set to 'English'. Further right, it says 'Public Authorities Available'. The main heading is 'RTI Online' with 'Version 2.0' below it, and 'An Initiative of Department of Personnel & Training, Government of India' underneath. A navigation bar contains links for 'Home', 'Submit Request', 'Submit First Appeal', 'View Status', 'View History' (with a 'new' tag), 'User Manual', and 'FAQ'. A central message states: 'Applicants can now pay the prescribed RTI fee or Additional fee using their RuPay C'. Below this is a warning box: 'Please do not file RTI applications through this portal for the public authorities under the State Governments, including Government of NCT Delhi. If filed, the application would be returned, without refund of amount.' The main content area is split into two columns. The left column contains a paragraph: 'This is a portal to file RTI applications/first appeals online along with payment gateway. Payment can be made through internet banking of SBI, debit/credit cards of Master/Visa and RuPay cards. Through this portal, RTI applications/first appeals can be filed by Indian Citizens for all Ministries/Departments and other Public Authorities of Central Government. RTI applications/first appeals should not be filed for other Public authorities under Central/State Govt. through this portal.' The right column features a 'Click here for Submit Request' link and a sign-in form. The form includes a 'RIGHT TO INFORMATION' logo, a 'Username:' field, a 'Password:' field, and a 'Sign In' button.



The impulse to register – i) Curiosity

- Saurav Das, an independent journalist, registered an RTI query with the Ministry of Health on India's preparedness to handle the COVID19 pandemic, after reading international news reports about US President Donald Trump's trade adviser warning him of the adverse consequences of Coronavirus in January. The RTI query was prompted by curiosity to know what the Indian govt. was doing in this regard.

Trade Adviser Warned White House in January of Risks of a Pandemic

A memo from Peter Navarro is the most direct warning known to have circulated at a key moment among top administration officials.



The response

- Q 5. In relation to point 4, a copy of the action taken on such a communication be furnished along with a copy of file notings.
- Ans. Please refer to ICMR website, particularly media link.
- Q 6. Whether any internal reports on a possibility of a pandemic like situation arising in India was communicated within the Ministry or its departments. If so, furnish a copy of the same along with dates and action taken details. Furnish the file notings as well.
- Ans. As at 5 above.
- Q 7. Whether the Ministry/its departments had received any intelligence information on the coronavirus/possible pandemic/Wuhan virus/China Virus/Influenza-like disease originating from China possibly affecting India in future. If so, the details thereof, including the date on which such information was received.
- Ans. NA
- Q 8. In relation to Point 7, kindly furnish a copy of the report along with the action taken on the report. File notings be also furnished.
- Ans. NA
- Q 9. Whether the Government of India/this Ministry or its various departments communicated with China on their coronavirus situation. If so, the details of the communication, nature of communication be furnished along with all the dates.
- Ans. NA
- Q 10. Whether the Government of India/this Ministry or its various departments sought China's assistance in getting the sample of Virus. If so, on which date and consequent actions and reply received be furnished.
- Ans. Not available.
- Q 11. Whether the Government of India/this Ministry or its various departments requested China for sharing Virus genetic sequence. If so, the details thereof including the date and subsequent response and action taken.
- Ans. As above at 10.
- Q 12. The date on which the Ministry of Health first communicated with the Prime Ministers Office on a possibility of this virus affecting India. The date be furnished. Copies of the communication be furnished as well.
- Ans. Not pertains to ICMR.
- Q 13. The date on which the issue of inadequate Personal Protective Equipment was discussed in the Ministry. Furnish copy of the minutes of the meeting and subsequent action taken. File notings be furnished.
- Ans. Not pertains to ICMR.

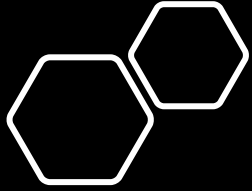
20240001,20240007,20240010,20240014
20240016,20240018,20240021,20240023

भारतीय आयुर्विज्ञान अनुसंधान परिषद
INDIAN COUNCIL OF MEDICAL RESEARCH

वी. रामलिंगस्वामी भवन, अन्नाले नगर, पोस्ट बॉक्स 4911, नूंहूरिरी - 110 029
V. RAMALINGASWAMI BHAVAN, ANNALE NAGAR, POST BOX 4911, NEW DELHI - 110029

No. RTI/Receipts/2020-ICMR Date: 18.6.2020

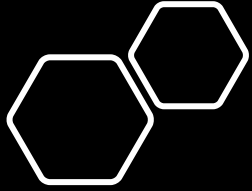
- To,
Shri Saurav Das,
Member,
National campaign for People's
Right to Information,
No.16, Nainippan Pillai Street,
Near Bardeque Nation,
Puducherry - 605001.
- Subject :- Information under RTI Act 2005.
- Sir,
With reference to your application on the subject mentioned above, I am furnishing the following information :-
- Q 1. The date when the Government of India FIRST received information on the coronavirus / Wuhan Virus/virus affecting China. A copy of the communication / report be furnished.
- Ans. Not pertains to ICMR.
- Q 2. Whether any communication was received by the Government of India about a possible pandemic like situation in India between the period of November 2019 to March 2020. If so, a copy of the report/communication be furnished.
- Ans. Not pertains to ICMR.
- Q 3. A copy of the minutes of the meeting that took place to look into the possibility of declaring coronavirus a health emergency or not between the period of March 05 to March 14 2020. Copies of the reports/communications/memos relating to such declaration of health emergency by any officers/experts be furnished as well.
- Ans. Not declared by ICMR.
- Q 4. Whether the Government of India/any of its ministries or departments had received warnings/alerts/communication from the World Health Organisation on the possibility of coronavirus affecting India. If so, the date of the communication(s) along with the copies of the communication(s) be furnished.
- Ans. Only through WHO website.



The impulse to register – ii) grievance

- Transparency campaigner Anjali Bharadwaj filed an RTI query with the Delhi state government's Department of Food & Supplies to find out how many people benefitted from the e-coupon scheme for accessing subsidised food grains during the Coronavirus lockdown. This was at a time when migrant workers without access to 'ration cards' were facing a spectre of starvation. The RTI query was prompted by citizen grievance.





The impulse to register – i) suspicion

- Lokesh Batra, a retired Commodore from the Indian Navy, filed several RTI queries with the Department of Economic Affairs, the Reserve Bank of India, Election Commission of India, etc. on the issuance of electoral bonds for political financing because the anonymous nature of donations created suspicion that overseas finance maybe used to subvert democracy.

SBI
भारतीय स्टेट बैंक STATE BANK OF INDIA
(भारतीय स्टेट बैंक अधिनियम, 1955 के तहत गठित / Constituted under the State Bank of India Act, 1955)
कॉर्पोरेट केन्द्र, स्टेट बैंक भवन, मादाम कामा रोड, नरीमन पॉइंट, मुंबई - 400021
Corporate Centre, State Bank Bhavan, Madame Cama Road, Nariman Point, Mumbai - 400021

इलेक्टोरल बॉण्ड / ELECTORAL BOND
(प्रोमिसरी नोट के स्वरूप में / IN THE FORM OF PROMISSORY NOTE)

10 APR 2018

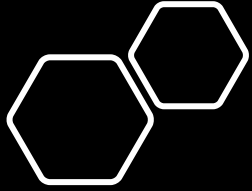
जारी करने की तिथि / DATE OF ISSUE : 10 APR 2018
जारी करने की तिथि से 15 दिनों तक वैध / VALID UPTO 15 DAYS FROM THE DATE OF ISSUE
लिखत की राशि / VALUE OF THE INSTRUMENT : ₹ 1,000/- (रुपये एक हजार मात्र / Rupees One Thousand only)

प्राप्त की गई राशि के लिए, बैंक एतद्वारा पात्र आदाता को जो इस लिखत का धारक है, मांग करने पर पात्र राजनीतिक पार्टी के नामित बैंक खाते में यह मूल लिखत जमा करने पर इस लिखत की राशि ₹ 1,000/- (रुपये एक हजार मात्र) का भुगतान करने का वचन देता है जो कि केन्द्र सरकार की गजट अधिसूचना क्रमांक 20 दिनांक 2 जनवरी 2018 द्वारा अधिसूचित इलेक्टोरल बॉण्ड स्कीम, 2018 के अनुसार है।

उक्त राशि का भुगतान करने के उपरांत बैंक की देयता पूर्ण रूप से समाप्त हो जाएगी।

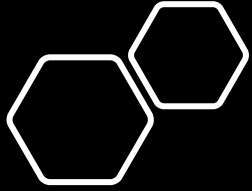
For value received, the Bank hereby promises to pay on demand to the eligible Payee which is holding this instrument, upon surrender of the original instrument in the Designated Account of the eligible Political Party with the Bank, the sum representing the value of this instrument of ₹ 1,000/- (Rupees One Thousand only) in accordance with the Scheme called 'The Electoral Bond Scheme, 2018', notified by the Central Government vide Gazette Notification No. 20 dated the 2nd January, 2018.

On payment of the said amount, the liability of the Bank hereunder shall stand fully extinguished.



What the responses reveal

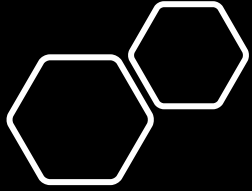
- Analysing some of the government responses to RTI queries and what they reveal to us about the state. For example, the nature of decision-making (processes), refusal to provide information (resistance/secretcy), role of power in bureaucracy, and leadership and organisation culture (eg. Modi govt not wanting accountability)



Scope and limitation

- RTI registration cannot reveal all aspects of state functioning, but it does provide useful insights. One thing that case data shows is citizens can influence processes of decision-making within the government.





Concluding remarks

- In a democracy, the state cannot be perceived as a fixed entity that exists ‘in itself’.
- The pluri-centric nature of the state is made evident.
- Citizen-actors can exercise agency in ways that influence processes
- Secrets can also be **revealing** in many ways
- States used knowledge as a means for preserving power, but this privilege now shared by citizens has allowed for a dismantling of state power.
- State authority a mere façade upheld through symbolic domination