

**Revisiting the making of India's Right to Information Act:
The Continuing Relevance of a Consultative and
Collaborative Process of Lawmaking Analyzed from a
Multi-Stakeholder Governance Perspective**

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Abstract

The making of the Right to Information (RTI) Act of India in 2005 has been widely recorded as a democratic process. There are several ongoing studies and reports on its continuing impact and effectiveness. However, the success of India's RTI operation has hardly been analyzed in the context of consultative and collaborative lawmaking processes involving multi-stakeholders. This case study analyzes the operation in terms of how the interests of the stakeholders converged democratically into the formation of a law. Observations have been made in this case study, based on available Scholarly Papers and Reports on the topic, on features of the operation that led to the successful production of the law.

The case study, very briefly, explains how the identification of the success factors of the RTI lawmaking process could provide learning for ongoing initiatives of policymaking, specifically the net neutrality initiatives in India that involve interests of several stakeholders within similar geographical and cultural boundaries.

Table of Contents

I. Introduction	1
II. Background	1
III. The Phases of the Operation	2
A. The Articulation Phase	2
B. The Formulation Phase.....	2
IV. Structural Elements.....	3
A. Purpose	3
B. Participating Members	3
C. Procedure of consultation	4
D. Conflict Resolution	7
V. Observations on Success Factors	8
A. Clear Objective	8
B. Identity	8
C. Knowledge and Expertise	9
D. Strategies	9
E. Resource of ‘Time’	10
F. Effective interfacing	10
G. Operational Continuity.....	10
VI. Continuing Relevance to Other Ongoing Initiatives	11
VII. Conclusion	12

I. Introduction

It has been a decade since India passed the Right to Information Act (RTI) in 2005. There is no dearth of data¹ to prove the growing relevance of the law in terms of its impact and effectiveness. This case study looks at the creation of this law, at why it was unprecedented, and its substantive addition of value to the law. This case study also, very briefly, focuses on the relevance of this process to several other present day initiatives that aim at addressing common issues of public interest through the use of multi-stakeholder governance models.

Most of the existing literature² on the genesis and evolution of RTI movement in India describes it as a unique case of successful exercise of participatory democracy. It has been termed as an act of advocacy campaign, a people's movement, effective lobbying, and democratic deepening. Apart from consideration as a case of social experimentation utilizing ad hoc solutions, this democratic process of law-making has hardly been analyzed adequately for its consultative and collaborative approach, especially within the context of a multi-stakeholder governance process. This case study attempts to draw attention to some of the tools and procedures used during the entire period of the production of the RTI law in India, a result brought about by a combination of skillful strategizing and highly effective capacity in terms of knowledge and expertise and the ability to interface among the stakeholders.

The RTI enactment process is democratic because of its bottom-up formation. But such a process could not have successfully passed as law unless it was legitimized by effective representation, clear articulation of the demands of the people impacted by the law, and the skillful coordination among stakeholders amidst shifting power balances. This case study explores the dynamics of the alliance between the key stakeholders—the Government of India,³ the bureaucracy, and the combined forces of civil society organizations (CSOs), media, eminent individual activists and scholars, and the citizens of India. This report investigates the evolution of an advocacy organization into a key role as a coordinator and consultant. While methodologies used in this experimental social initiative may not fall within a theoretical or design framework, a set of tools can nonetheless be identified and strategically deployed in the future.

This report uses public records, government reports, peer-reviewed research sources, transcripts of interviews, scholarly articles and reputable news reports to outline the operations behind the law's enactment, and analyzes the success factors of the consultative process.

II. Background

From 1995 to 2005, the demand for a Right to Information (RTI) law in India surged. The global environmental movements⁴ of the 1990s laid the foundation by beginning demands for more transparency from government in matters relating to environmental

¹ Most of the data on the Act and its use, training and application can be found at the government sites: <http://www.righttoinformation.gov.in>; <https://rtionline.gov.in> Several non-governmental groups record data on the RTI's use as well.

² Books, scholarly articles and reports published by global agencies like UNDP, and World Bank. Some of these were referred and therefore listed in the reference section.

³ Subsequently referred to as "government" for convenience.

⁴ See <http://www.kalpavriksh.org/index.php/beginnings>

degradation caused by rapid industrialization, especially relating to hazardous industries. Then, progressive pronouncements by the Supreme Court of India supporting greater transparency gave a favorable nod to the right to information as a fundamental right.⁵ Another global trend encouraging the adoption of freedom-of-information legislation and policies across various countries added further fuel.⁶ Multilateral donor agencies were also driving governments, especially in the southern countries, to set up transparency regimes that were often tied conditionality to loans and aid (Singh, 2).

Economically, while India was opening its doors to global markets through economic liberalization policies, there was growing dissatisfaction with the government and representative democracy in India, and climbing political and economic inequality. Citizens wanted representation and participation beyond democratic elections. This context can aid in understanding the interests of the stakeholders working to draft RTI laws in India.

III. The Phases of the Operation

A. The Articulation Phase

From the early 1990s, a grassroots movement that began in the rural areas of the state of Rajasthan⁷ in India began demanding access to government information. The movement represented resentful workers and small farmers deprived of wages or benefits due to government schemes. The grassroots organization Mazdoor Kisan Shakti Sangathan⁸ (MKSS) helped translate these concerns into a strong demand for the opening government files. This articulation had no precedent, and the MKSS often relied on experimentation when searching for the most effective strategy when demanding transparency from governments and institutions. At the same time, citizens were also becoming more aware of the significance of transparency. As a result, the movement for a national RTI legislation spread across the country.

While the demand for an RTI law began at the grassroots level, soon after, many realized that such legislation required a national body to coordinate and oversee the process. It was at this stage the National Campaign for People's Right to Information⁹ (NCPRI) was formed. Its founding members included activists, journalists, lawyers, retired civil servants and academics. It is important to explain the role of NCPRI, as it played a significant role in coordinating among various stakeholders, assimilating the demands grassroots supporters, and progressing the process to an articulation stage.

B. The Formulation Phase

From 1996 to 2005, various stakeholders including the Indian government, the parliament, the NCPRI, and the entire body of CSOs collaborated to create a working

⁵ For more details see <http://www.humanrightsinitiative.org/programs/ai/rti/india/india.htm>

⁶ Global trends on the right to information: a survey of south Asia, (Article 19, CHRI, CPA, HRCP: ISBN 1 902598 44 x, July 2013), <https://www.article19.org/data/files/pdfs/publications/south-asia-foi-survey.pdf>

⁷ A subnational state of India.

⁸ See <http://www.mkssindia.org>

⁹ Subsequently referred to as "people's representative," "key CSO body," and "key coordinating body." See <http://ncpri.mkssindia.org/>

draft of the RTI bill. The first formal draft¹⁰ was a joint effort between NCPRI and the Press Council of India¹¹ (PCI). Several state government versions of the law¹² were already in force, but contained hardly any substance. After multiple meetings and revisions, the national Freedom of Information Act passed in 2002. Fortunately, the this act failed to specify an effective date,¹³ paving the way for the more robust and final national RTI Act in 2005.

IV. Structural Elements

This section analyzes the various elements of the process and tries to empirically understand how the operation exhibited a well-coordinated and well-executed act of consultative lawmaking involving a wide spectrum of beneficiaries.

A. Purpose

There was a growing need for transparency in the state-citizen relationship. Such transparency was achievable through a national RTI Act. But the main objective of this lawmaking exercise was to create a deliberative, consultative process that involved the participation of all the stakeholders through mutual acceptance of concerns and opinions.

B. Participating Members

The outline of these background events evinces the partnership of various stakeholders in the lawmaking process. The global trend along with domestic socio-economic demands made it crucial for the government and its bureaucracy¹⁴ to cultivate such a process. The evolution of the advocacy organization into a key representative of other stakeholders must be mentioned, especially for its role in maintaining stability sustained pressure over three changes in government during the

¹⁰ There have been several previous drafts, but this was the first formal draft that reached the government. In 1993, a draft RTI law was proposed by the Consumer Education and Research Council, Ahmedabad (CERC). In 1996, the Press Council of India headed by Justice P. B. Sawant presented a draft model law on the right to information to the Government of India. The draft model law was later updated and renamed the PCI-NIRD Freedom of Information Bill 1997. None of the draft laws were seriously considered by the government. See http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=65&Itemid=84

¹¹ The Press Council of India is a statutory body in India that governs the conduct of the print media. See <http://presscouncil.nic.in/>

¹² Tamil Nadu was the first State in India to enact a right to information law in 1997 followed by Goa in the same year. To date, seven other States have passed legislation including Rajasthan (2000), Karnataka (2000), Delhi (2001), Maharashtra (2002), Assam (2002), Madhya Pradesh (2003) and Jammu and Kashmir (2003). Campaign efforts in other States have had similar success: Uttar Pradesh framed an executive code on access to information in 2000 and draft bills have now been prepared by the Governments of Kerala and Orissa. See <http://www.humanrightsinitiative.org/programs/ai/rti/india/india.htm>

¹³ The Freedom of Information Act as passed by Parliament in 2002 had the provision would come into effect from the date notified. However, in the final act that was passed, this date was not notified and therefore the Act did not come into effect.

¹⁴ In India, a Conference of Chief Secretaries was held in 1996 in New Delhi to develop “An Agenda for Effective and Responsive Administration.” See http://darpg.gov.in/darpgwebsite/cms/Document/file/IIPA_Report_Citizen_Charter.pdf

period.¹⁵ The involvement of external international civil society organizations like CHRI¹⁶ also provided knowledge and expertise.

C. Procedure of consultation

While it will be difficult to analyze a procedure largely claimed to be experimental, and therefore not official, it is possible to identify and record chronologically the tools used to arrive at consensus. It is easy to attribute the success to the ad hoc methods used. But the success factors also lay in the correct matching of method to each stage in the process and its accompanying the context. Evidence indicates that the procedures were mostly coordinated by the NCPRI along with the support of other CSOs.

The methods of consultation ranged from open platform public conversation to intensive drafting processes involving knowledgeable specialists. There were several instances of document review, informational meetings, public hearings, and advisory committee formation and meetings. These methods and tools have been recorded chronologically in the following section.

At the articulation stage

When the grassroots forces were joining hands to form a collective demand for transparency, the MKSS used public hearings, known as “Jan Sunwai.”¹⁷ The MKSS developed and fine-tuned Jan Sunwai as a critical tool to hold local officials accountable. Typically, a well-known and disinterested party (such as a popular poet, or an NGO worker) would preside over the meetings, as their presence encouraged and maintained member perception that the group was neutral (Sharma, 97).

When faced with resistance from the government, mass meeting known as “dharna”¹⁸ (mass sitting in protest) were capable of mobilizing large masses of people linked by a common interest.

The extensive networks of MKSS leaders and urban intelligentsia from around the country represented the media, academics, and elected representatives, and participated and spoke at meetings. At the same time, the media also consistently treated the RTI bill as a high priority throughout the process, and thus sustained national coverage throughout the implementation process.¹⁹

¹⁵ Bharatiya Janata Party (BJP) led National Democratic Alliance (NDA) to power in 1998; NDA returned to power in 1999; and Congress-led United Progressive Alliance (UPA) came to power in 2004.

¹⁶ The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organization. It works to ensure practical realization of human rights in the countries of the Commonwealth. See

http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=65&Itemid=84

¹⁷ A method of public hearing where those affected by inefficiencies in government services publicly hold the erring official accountable for his actions in the presence of a neutral convener. See <http://www.mkssindia.org/writings/mkssandrti/the-right-to-information-discourse-in-india-%E2%80%93-neelabh-misra/>

¹⁸ See <http://www.mkssindia.org/writings/mkssandrti/chronology-of-events-relating-to-rti-1294-599>

¹⁹ News reports in Indian National Dailies like *The Hindu*, *The Times of India* and the *Indian Express* are referred. See

At this stage, in October 1995, a focused discussion with the participation of activists, professionals and administrators was carried out at Lal Bahadur Shastri National Academy for Administration²⁰ (LBSNAA) to set up a national representative body to coordinate the drafting of the RTI law.

At the formulation stage

A discussion tool was critical at this stage to debate the necessity of an RTI law in India and the various conceptual and operational issues surrounding it. The MKSS managed to involve the PCI in the process. Discussion meetings among a broad participant list included representatives of NGOs, independent professionals, and the government including the Chief Ministers.²¹ The credibility of these mass dharnas and meetings organized jointly by the MKSS and PCI helped garner national credibility. The two-day meetings were effective, and bridged conflicts of interests between stakeholders varying reviews of the draft bill to be submitted to the government.

A follow-up meeting involved higher profile members including ex-prime ministers, present union ministers and members of parliament.²² Alongside this meeting came the birth of the national advocacy body of the NCPRI, which was crucial at the formulation stage of the operation. The founding members of the NCPRI largely overlapped²³ with that of the MKSS.

The first draft of the RTI law that formed the basis of the national RTI Act was collaboratively prepared by the NCPRI and PCI. The draft was reviewed and discussed in detail at a large conference attended by all political parties of India. The finalized draft was then sent to the government approval.

The government had been resistant to the passing of the law throughout the process.²⁴ Therefore at this stage, the government instituted an ad hoc group called the Shourie Committee to examine the draft and recommend measures. After passing the Shourie committee, the government passed the recommended draft to a parliamentary committee. This committee sought depositions from the CSOs, including the CHRI, on the draft. Further delaying tactics included dilution of drafts, multiple conferences between chief ministers of states and committee of secretaries representing the bureaucracy. There were meetings between the Group of Ministers (GoMs) as well, an ad hoc body convened for pre-legislation and parliamentary standing committee meetings. This period saw two changes in the power of the central government as well.

<http://www.thehindu.com/2004/05/28/stories/2004052807371200.htm>

²⁰ This government institute trains civil servants on their entry into service.

²¹ For more detailed chronology of events see

<http://www.mkssindia.org/writings/mkssandrti/chronology-of-events-relating-to-rti-1294-599/>

²² The Parliament of India is composed of The President of India, Lok Sabha (House of the People), Rajya Sabha (Council of States).

²³ Some prominent members of the MKSS become key figures in the working committee of the NCPRI. See <http://www.mkssindia.org/mkss-about-us/> <http://righttoinformation.info/about-us/working-committee-of-the-ncpri>

²⁴ A right to information is for governments and institutions a renouncing of power and control. Governments do not ordinarily self-disempower. The interest of the government is explained in the section on success factors named “Strategies.” See <http://www.iipa.org.in/www/iipalibrary/RTI-PDF/Chap--4.pdf>

Finally, the Freedom of Information Act was passed in 2002. Much to the dissatisfaction of the demands of the other stakeholders in the process, it was a weaker version of the original bill drafted by the people. The resulting uproar among the CSOs regarding the FOI Act helped counteract the delaying tactics by the government. The success of these conflict resolutions methods utilized by the CSO are analyzed below in another section. Yet, despite being passed by both Houses of government and the consent of the President of India, an effective date was not mentioned in the Act.

In 2004, the UPA²⁵ came to power. The Congressional²⁶ party developed a Common Minimum Program²⁷ (CMP) document that reflected the party manifesto and included a mention to the RTI act, stating “The Right to Information Act will be made more progressive, participatory and meaningful.” This renewed the fervor for strong RTI legislation.

This new UPA government set up a National Advisory Council²⁸ (NAC) to monitor the implementation of the CMP. This council included leaders of the Right to Information movement as members.

The first two NAC meetings along with the effective coordination of stakeholders and especially government representatives revamped and strengthened the RTI draft bill. This movement strategically showed the improvements over the non-operative FOI Act of 2002. NCPRI members capitalized on their opportunity to be included in the government’s NAC. Right after the first two NAC meetings, the NCPRI members who were part of the NAC wasted no time in bringing up the topic of reintroducing the RTI bill in parliament in the third NAC meeting. Also, since the weaker Freedom of Information Act of 2002 was not passed, the NCPRI members were prompt in coming up with the improvements at the very first opportunity to discuss the RTI Bill again and introduce a stronger Right to Information Bill.

The promptness of the submission of a draft for NAC consideration by the CSOs was vital at this stage. (Analysis of this process will be discussed in the conflict resolution section below.)

Once again, the possibility a strong RTI Bill seemed likely. But there were severe conflicts of interest to overcome. The peoples’ representative organizations like the NCPRI wanted the bill to include the central and the state governments within its scope.²⁹ But the draft bill sent to government by the NAC after a third meeting had

²⁵ The United Progressive Alliance (UPA) is a coalition of political parties in India formed after the 2004 general election. One of the members of UPA is the Indian National Congress.

²⁶ The Indian National Congress, also called Congress, is a national political party of India.

²⁷ The Common Minimum Program is a document outlining the minimum objectives of a coalition government in India, a norm popularized since the UPA government came to power in 2004.

²⁸ The National Advisory Council (NAC) of India was an advisory body set up by the first United Progressive Alliance (UPA) government to advise the Prime Minister of India. Sonia Gandhi, the Congress Party Chief, served as its Chairperson for much of the tenure of the UPA. The unfamiliarity of the system with this first-of-its-kind council and its functions and powers, and the clout of the council in terms of decision-making powers all led to a window of opportunity for the NCPRI. See: The Hindu, “Manmohan acknowledges key role of NAC,” June 11, 2010 <http://www.thehindu.com/news/national/article452119.ece>

²⁹ The Government of India is officially known as the Union Government, and is also known as the Central Government. State governments in India are the governments ruling States (subnational) of India. The power distribution between the federal government (the Centre) and the States in India is

recommended applicability only to the central, not the state, governments. A protest by the civil society network consisting of hundreds of people was mobilized through emails to the Prime Minister (Sharma, 110).

Once again the drafts were referred to parliamentary committees, which took the recommendations of the participating CSOs into consideration. Lobbying with members of the parliamentary committees was effectively carried out by the NCPRI, which acted as a coordinating body. The final committee report after passage by a Group of Ministers (GoM) was sent to the lower house of the parliament in March 2005. There, the Parliamentary Committee and Group of Ministers restored most of the provisions deleted in the first bill, including applicability to states. The Right to Information Bill, as amended, was passed by both houses of the Indian Parliament in May 2005. It received Presidential assent on 15 June 2005 and became fully operational on 13 October 2005.

D. Conflict Resolution

- When there was considerable delay on the part of the government in its progression toward a robust FOI law, the members of participating CSOs filed a Public Interest Litigation³⁰ with the Supreme Court of India that questioned the unwillingness of the government to facilitate the exercise of a fundamental right to information (Singh, 11). The Supreme Court's final judgment in favor of citizens directed the government to advise when the FOI Act would become effective.

The conflict regarding application of the law nationally, as demanded by the NCPRI and other CSOs, versus removing state governments from its purview, as argued by the government, was resolved by letters of protest sent to the NAC Chairperson by NCPRI members.³² Reports made by the CSOs along with meetings, verbal evidence and lobbying of GoM members helped in ultimately resolving this conflict.

Several rounds of meetings and discussions happened among the committee members and the other stakeholders in order to resolve various conflicts. For example, the bureaucracy debated issues related to “appellate mechanism” and the assurance of easy access for citizens to the appellate forum. In case of a denial of information by the government, citizens could make an appeal to a city civil court. This was advocated for by the NCPRI and other advocacy partners. The procedure included two stages: first, a standing committee proposed a two-tier appellate remedy of a purely departmental character with no recourse to courts. But the advocacy groups were concerned about the independence of the appellate body. Finally, a committee report allowed for a first-level departmental review and proposed the creation of an independent

defined in the Indian constitution. This part is divided between legislative, administrative and executive powers. The legislative section is divided into three lists: Union list, States list and Concurrent list.

³⁰ Public-Interest Litigation is litigation for the protection of the public interest. In India, the right to file suit is given to a member of the public by the courts through judicial activism.

appeal structure in the form of Information Commissions at the state as well as central government levels that would accept appeals.³¹

V. Observations on Success Factors

In many ways, the process achieved its objective and enacted a substantive transparency law demanded by the people. As one of the first consultative and collaborative approaches to lawmaking, it was a major success. Current challenges include general lack of awareness, ineffective implementation,³² and attempts by the government to amend and repurpose the law.³³ The role of various democratic safeguards used to stall such attempts will be analyzed as tools for maintaining operational continuity by stakeholders.

A. Clear Objective

At the very beginning of the process of demanding better transparency in government affairs affecting the citizens at large, there was a clear identification of the need for an RTI law which covered the country, including both central and state public authorities. There was no deviation from the fundamental principles of the law demanded by the people's representative bodies. This helped increase legitimacy, which in turn helped to resolve conflicts.

B. Identity

Throughout the lawmaking process, the operation's identity as a "democratic grassroots" process was consistently maintained³⁴ This perception was strategic, and not only allowed the process to progress, but also enabled representative organizations, like the NCPRI, to win the trust and confidence of the people and gain credibility before other stakeholders, like the government.

Such an identity was created over time through informal meetings at the community-level conducted early on³⁵ and helped overcome initial public doubt. Local concerns were thus identified and addressed later on, which developed trust and communication with local communities.

³¹ The Central Information Commission (CIC) was set up under the Right to Information Act as the authorized body under the Government of India to act upon complaints from individuals who have not been able to submit information requests to a Central Public Information Officer or State Public Information Officer due to either officer not having been appointed, or because the respective Central Assistant Public Information Officer or State Assistant Public Information Officer refused to receive the application for information under the RTI Act.

³² See <http://rti.gov.in/rticorner/studybypwc/index-study.htm>

³³ See *The Hindustan Times*, "Don't amend RTI Act without consulting NGOs, activists urge PM," (New Delhi July 27, 2013) <http://www.hindustantimes.com/newdelhi/don-t-amend-rti-act-without-consulting-ngos-activists-urge-pm/article1-1099402.aspx>

³⁴ Most National Dailies describe the process of the production of the RTI Act in India as a democratic revolution rising from the community of the people. For example see *The Hindu*, "Bringing in 'RTI' revolution," (Chennai, May 18, 2004)

<http://www.thehindu.com/op/2004/05/18/stories/2004051800341500.htm>

³⁵ See "Setting It Right," *tehelka.com* (October 22, 2012)

<http://www.tehelka.com/2012/10/the-rti-journey-has-shown-us-why-citizens-must-remain-vigilant/2/>

C. Knowledge and Expertise

The incorporation of local knowledge at the articulation stage immensely shaped the design of the process. This local knowledge proved crucial not just as a great source of knowledge and information, but also as a tool for legitimacy by increasing a sense of participation among the people. It also proved effective in raising awareness and capacity-building.

Specialized subject knowledge of individuals who were active members of the civil society groups like the NCPRI played an important role in the success of the process. Most of the members of these groups and individual members had backgrounds in law, civil services and academia, which proved immensely helpful during the collaborative stage of drafting of the law when the government was looking for active support and participation. At the formulation stage, without the specialized knowledge resource and the promptness of delivering with suggestions and advice, the government would have delayed or obstructed the process.

Expertise of several CSOs combined with external experts were mobilized throughout the process.

D. Strategies

This case study elaborates on some of the processes and ideas, especially from the perspective of the umbrella civil society group NCPRI. However, a main strategy was to remain flexible and dynamic, and thus always prepared to accommodate emerging challenges.³⁶

For one, the NCPRI's promptness in preparing a comparative analysis of the weaker FOI Act 2002³⁷ and the revised RTI Draft is an example of one such strategy. The NCPRI built alliances with different movements and civil society organizations to increase solidarity and strengthen the demands of the CSOs together. It also enhanced the necessary expertise across diverse fields and legitimacy among stakeholders. Right to information was common to all CSOs (Singh, 7).

The CSOs ability to establish and maintain excellent relationships with the media proved extremely beneficial. The media attention given to both the movement and its leadership helped forward the cause.³⁸

The NCPRI did not just managed to establish its credibility as a representative of the people and their demands, but also as an umbrella organization representing the combined interests of the various CSOs. It also very strategically broadened its constituency of supporters by coordinating with numerous workshops, conventions and seminars hosted by universities and research institutions that were held throughout the country during this period.

³⁶ As mentioned before, the unfamiliarity of the system with this first-of-its-kind council and its functions and powers, and the clout of the council in terms of decision making powers, all led to a window of opportunity for NCPRI as its members.

³⁷ See

http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=62&Itemid=71

³⁸ See Amita Bavishkar, "IDS Research summary Winning the right to information campaign in India," (October 2008)

http://internationalbudget.org/wp-content/uploads/2011/01/India_FOI_case.pdf

There is reason to believe that the interests of the different stakeholders were treated internally with clarity. This process of enacting the RTI Bill involved interests of stakeholders that were not just diverse, but complex. This law was meant to take effect during a shift in the balance of power. In such a scenario, it was extremely vital to help stakeholders understand the political implications of a transparency law. Their support was garnered explaining how the operational safeguards or transparency could improve election odds. The bureaucracy also soon recognized the checks included within the system to ward against misuse. And finally, enthusiasts were granted a perceived victory through the recognition of an honest official. Thus much of the success of the operation can be attributed an alignment of goals. According to a prominent member of the NCPRI, in the 2004 elections following the passing of RTI Law, The Congress Party gained many seats. Such a victory has been attributed, at least in part, to the passing of RTI Act. (Singh, 18)

E. Resource of 'Time'

Participating in a multi-stakeholder process requires time. In this case, the key CSOs especially the NCPRI, was able to remain committed to the cause over an extensive period of time, almost a decade. The time spent on research, developing and executing strategies, resolving conflicts and escaping deadlocks was extensive.

F. Effective interfacing

Efficient coordination across various stakeholders by the CSOs under the leadership of the NCPRI was crucial. Interfacing between the people and the upper echelons of the government and other stakeholders at the initial stages and interfacing between the various branches of government and administration at the drafting stages was a complex task that was effectively managed. Discussions at local public meetings were completed using effective leaders and by breaking down information using straightforward and intelligible language.³⁹

Preexisting relationships between stakeholders was also effectively leveraged. The core members of RTI movement were ex-civil servants, who used their preexisting relationships with the administration to provide knowledge and access.

Effective lobbying with members of the government, administration, legislature, and political parties needed immense strategizing and coordination.⁴⁰

G. Operational Continuity

A very important aspect of a successful consultative process is ultimately the implementation of the outcome. The NCPRI along with other CSOs have been able, to a certain extent, to monitor the implementation of the law. Current agenda items include managing the accessibility of the law, raising awareness and training of

³⁹ The language of the communications, negotiations and finally the law has been English. But to interact with local people, local languages and simplified information was used through members of the CSO organizations. A look at MKSS and NCPRI memberships, their profiles, and the outlines of their activities would aid in understanding this phenomenon. See <http://ncpri.mkssindia.org> and <http://ncpri.mkssindia.org>

⁴⁰ There is record of interviews, opinion pieces, articles by active members of the CSOs participating in the RTI operation elaborate on the effectiveness of the lobbying. See http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=62&Itemid=71

managers. Attempts at amending the RTI law have been successfully staved through effective monitoring and protests.⁴¹

VI. Continuing Relevance to Other Ongoing Initiatives

The production of the RTI Act in India has been celebrated as democratic. Analyzed through a multistakeholder consultative and collaborative perspective, this designation comes under scrutiny. A short comparison of the RTI lawmaking process with a present ongoing case of India's multistakeholder policymaking initiative on net neutrality can provide those participants with applicable lessons. The comparison is done not with the purpose showing how an ongoing multi-stakeholder initiative could benefit from a similar operation within the same country.

In another nod toward a consultative process,⁴² the Department of Telecommunications⁴³ called for public comment and response to a committee report submitted to the department and published publicly. Many viewed this move as a positive step by the government towards transparency and accountable decision-making processes.⁴⁴ However, there always exists the danger that such consultative processes will be overshadowed by objections from industry stakeholders. Citizens have shown overwhelming interest in contributing to this policy-making process. But while such open consultative process could create legitimacy through transparency and government support, it could also cause interminable delays where a speedy solution is needed.

Like the RTI lawmaking process, it would be justified to claim a need for a collective governing body that represents the interests of the citizens as well as several technical and research organizations. Such a body would not only need to build on its constituency, but also maintain credibility. Such a representative body would check the MSI and discourage bias towards either the government or industry. Time devoted to the process, research and drafting would be crucial. Expertise, promptness in delivering and continuous monitoring would also be necessary for a successful outcome. The overwhelming diversity of interests on an issue like net neutrality would need systematic streamlining of participants' views and feedback so that the industry and government have no reason to sideline concerns through an excuse of volume. Right now there is no such single governing body that could take up the work of articulating the various demands regarding net neutrality, apart from the government's regulatory body. Learning from a past success story of consultative

⁴¹ *The Times of India*, "Activists meet PM to protest against RTI amendments", (New Delhi, August 19, 2013). <http://timesofindia.indiatimes.com/india/Activists-meet-PM-to-protest-against-RTI-amendments/movie-review/21919587.cms>

⁴² As of now, there are no net neutrality laws in India. Recent violations have led to citizen activism and signs that the government is incorporating multi-stakeholder model of governance in the policymaking process. Geetha Hariharan, *Multi-stakeholder Models of Internet Governance within States: Why, Who & How?* The Centre for Internet and Society (June, 2014) <http://cis-india.org/internet-governance/blog/multi-stakeholder-models-of-internet-governance-within-states-why-who-how>

⁴³ The Department of Telecommunications (DoT) is part of the Ministry of Communications and Information Technology of the executive branch of the Government of India.

⁴⁴ *The Hindu*, "Yes to Multistakeholderism" (July 20, 2015) <http://www.thehindu.com/opinion/op-ed/on-multistakeholder-governance-of-the-internet/article7440857.ece#comments>

lawmaking could lead net neutrality policy in India towards an outcome desired by all.

VII. Conclusion

The successful effort to bring to life a single national body representing the people that coordinated the formation of an RTI law among multiple stakeholders should be given its due importance as a success. Based on the analysis of the identified tools used in the process and its success factors, citizens have been introduced to a consultative process of policymaking. With the growing impact of communication technology, it is only going to get better. This case study tries to establish the success of the consultative approach of lawmaking used in the RTI enactment as a reference for future use. Consultations with particular focus on those who are likely to be most impacted by proposed law and incorporation of their feedback is vital to a multistakeholder initiative of policymaking. The case study analysis provides evidence to conclude how the RTI lawmaking process in India was successful in developing for the first time a deliberative process that generated knowledge and learning among affected citizens, and a process that integrated expertise at various levels and propelled progress to a desired outcome.

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