

**ACCOUNTABILITY INITIATIVE**  
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**Engaging Accountability: Working Paper Series**

## **State of Accountability:**

### ***Evolution, Practice and Emerging Questions in Public Accountability in India***

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## **Abstract**

This working paper is an effort to trace the landscape of citizen-led efforts to hold the state accountable in India. It first offers an analytical narrative of the evolution of thought and practice in public accountability till the current emphasis on citizen-led accountability initiatives, and then after a quick overview of the different mechanisms and instruments through which citizens have begun to scrutinize the state, it identifies some of the key limitations in the current discourse on citizen-led accountability initiatives, arguing for a research agenda that addresses some of these issues.

In particular, the paper asks the following questions: how far have the institutional gains in accountability translated into practical improvements in service delivery and governance? What do we know about the links between institutional provisions for citizen engagement and their uptake by the citizens, and by extension improvement in accountability in service delivery? And how can these links be strengthened? Is institutionalization of citizen participation falling prey to its risks of over-institutionalization, and hence ritualization, tokenism, or worse, co-option? What of the role of the state in this increasing reliance on citizen-oversight? How far is it supplementary, and how far an offloading of state's own responsibility to monitor and effectively deliver its services? On the other hand what are the instruments that citizen groups are invoking to hold the state accountable? How do we begin to talk about their effectiveness? What of their scalability and replication?

## 1. Introduction: the state in India, and the crisis of accountability

In its competitive elections, coalition politics, free press, and fair judiciary, India's democracy is exemplary by most institutional standards. And yet as anyone who has ever encountered the Indian state in its hospitals, schools, police stations, local courts, electricity and water supply offices, or fair price shops would vouch, *something* in the way institutional ideals translate into practice makes the mechanics and the everyday experience of the state in India far from exemplary. Accordingly, there are incompetent doctors prescribing life-threatening treatments at health centres, apathetic teachers abstaining from their basic teaching duties at schools, corrupt officials cooking up muster rolls in state entitlement programs, shocking abuse of power by the police, desperate lack of maintenance of roads once built...the list goes on.

The paradox is inescapable. The *de jure* policies might appear to be all in place, and yet in the *de facto* implementation and delivery, there is rampant corruption, absenteeism, indifference, incompetence, inefficiencies or outright failures.

At the heart of these failures, is a *systemic crisis of accountability*. In fact, some observers have argued that the Indian state, its institutions, and the rules that govern them are structured to avoid accountability altogether (Mehta 2003, Saxena 2004).

Voting, the principal tool in a democracy through which citizens are to ensure accountable governance, is for some well-known reasons a blunt instrument through which to convey accountability signals. But this is especially so in a 'patronage democracy' (Chandra 2004) like India where votes are exchanged for personalistic favours, and electoral mobilization occurs more along ascriptive identities like caste and religion than on performance of the government. Constitutional separation of powers, specialist oversight bodies, rational delegation of bureaucratic responsibilities, rules of operation and conduct and redressal forums have all for structural or contextual reasons failed in part or in whole, leaving a comprehensive deficit in accountability.

Realization of the scale of the problem has in recent years evoked a variety of responses from both the state and the civil society. Manifest limitations in 'traditional' accountability channels have led to a growing recognition of the role of direct citizen oversight of the state, and increasingly, direct citizen engagement in the policymaking process. Organized civic activism has been at the forefront of efforts to increase citizen participation and enhance their ability to directly exact accountability from the state, signaling a profound shift in the discourse of public accountability in India, both in

terms of who demands it, and the mechanisms through which these demands are made. At the same time, and partly as a consequence of this activism, the state itself has undertaken unprecedented reforms aimed at institutionalizing citizen participation in its activities. The 73<sup>rd</sup> and 74<sup>th</sup> amendments to the Constitution reactivated the local level government, taking the state closer to the citizens, and significantly increasing its surface area. The Right to Information Act was a landmark legislation that in many ways is symbolic of this shift in the state-society accountability relationships. Coming as it did, the result of sustained and concerted activism by citizen groups around the country, the Act was a radical interpretation of citizens' right to know how they are governed and to demand detailed scrutiny of the process. Following on from the reforms, citizen consultations, oversight committees, social audits and grievance redressal forums are all now a regular feature in many of the state's development programs. These reforms although implemented with varying levels of enthusiasm by the state, represent an important opportunity for legitimizing citizen participation in the everyday affairs of the state, and thereby for strengthening accountability. As a consequence of all these changes, it would appear that the state in India today is closer and its scrutiny by its citizens noisier than ever before.

This paper is an effort to trace the accountability landscape in India, in particular tracing the evolving focus on citizen-state engagement for accountability. It offers a quick overview of the different instruments through which citizens in India have begun to scrutinize the state, and identifies some of the key limitations in the current discourse on citizen-led accountability initiatives, arguing for a research agenda that addresses some of these issues. In particular, the paper asks the following questions: how far have the institutional gains in accountability translated into practical improvements in service delivery and governance? What do we know about the links between institutional provisions for citizen engagement and their uptake by the citizens, and by extension improvement in accountability in service delivery? And how can these links be strengthened? Is institutionalization of citizen participation falling prey to its risks of over-institutionalization, and hence ritualization, tokenism, or worse, co-option? What of the role of the state in this increasing reliance on citizen-oversight? How far is it supplementary, and how far an off-loading of state's own responsibility to monitor and effectively deliver its services? On the other hand what are the instruments that citizen groups are invoking to hold the state accountable? How do we begin to talk about their effectiveness? And what of their scalability and replication?

The paper progresses as follows:

We begin in Section 2 by defining public accountability, and situating it in the social contract that citizens in a democracy share with their state. We then trace the evolution of thought and practice of accountability mechanisms in research and policy circles, and among citizen groups, starting with the traditional rigid distinctions between horizontal and vertical accountability channels, to the current 'transgressive' stream of 'hybrid accountability' and increasing citizen-state engagement in accountability initiatives.

In Section 3 we take stock of the accountability landscape in India. This section also offers a brief survey of the actual instruments that citizen groups in India are employing to demand accountability from the state. This is not a comprehensive survey, but is hoped to be broad enough to cover most of the important instruments. Some examples of citizen groups employing them are also provided.

Finally, in Section 4 we step back and critically analyse some of the issues that come up with this new focus on citizen-focused social accountability. We identify shortcomings in five crucial areas in the current accountability discourse, reflect on alternative propositions, and propose questions for future research, analysis and action in order to carry the accountability debates forward:

1. ***Strengthening the links between transparency and accountability:*** How best can we translate the transparency gains following the RTI Act into practical improvements in accountability in service delivery?
2. ***Participation and collective action for accountability:*** What factors enable and constraint collective action for accountability? How representative is the collection in collective action?
3. ***Engagement with the state - reconsidering the civil-political divides:*** From autonomy to arms-length relationship to increasing engagement and 'politicization' - is engaging the politics of the state the way forward for civil society?
4. ***Invoking accountability in a positive sense:*** Is the ever-increasing scrutiny cornering the public officials into a state of fear and paralysis? What of the institutional space and the capacity to be responsive? What of public service ethos and invoking accountability as responsibility?
5. ***Accountability mechanisms, context specificity and effectiveness:*** How do we begin to talk about effectiveness of particular accountability mechanisms in particular social, political and organizational contexts? What of replicability and scalability?

## 2. Accountability: the evolution of the concept

Accountability can broadly be defined as the obligation of those holding power to take responsibility for their behaviour and actions. This obligation might stem out of a moral-ethical need to account for one's behaviour, or out of a legal requirement. It is a relational concept as it concerns the relationship between those that perform an action or deliver a service, and those on whom the action or service has an effect. In this sense, it is often conceptualized in terms of principals and agents, where accountability is a function of the leverage that the agents have over the principal. Actualizing accountability involves two critical aspects: first is determining who should be accountable to whom and for what, and second is developing the institutional mechanisms and incentive-sanction structures on the basis of which accountability is realized.

There are various elements that come together in the notion of accountability, including *answerability* – the need for justification of actions, *enforcement* – the sanctions that could be imposed if the actions or justification for the actions are found to be unsatisfactory (Schedler 1999), and *responsiveness* – the ability of those held accountable to respond to the demands made. Crucially, accountability requires transparency so that actions can be scrutinized and performance assessed.

Public accountability i.e., the need for the state to be accountable to its citizens stems out of the 'social contract' that the citizens share with the state. In a democracy, this contract is operationalized when citizens elect a government and invest the elected representatives with the power to govern them. The government on its part is obliged to perform its duties of governance in a manner that keeps the citizens' interests at heart.

There are institutional provisions to ensure that the government respects this contract. Elections are the main mechanism through which citizens are given the power to ensure accountable governance. Citizens make their voting decisions and either vote the government back into power or out of it depending on their evaluation of whether it delivered on its promises during its term. Accountability claimed through this channel has been called *vertical accountability*. There are also provisions for *horizontal accountability* – institutional checks and balances to ensure that the government is



performing its duties in the interest of its citizens. Constitutional separation of powers into judiciary, executive and legislature, and official oversight of one's performance by the other are some of these. Also in this channel are specialist bodies like Auditor General, Ombudsmen, Anti Corruption Bureaus and Vigilance Commissions performing oversight of various government activities, and conducting investigations into misdoings, all with a view to create a restraint on abuse of power and in effect deliver accountable governance.

### **Traditional efforts at improving accountability: the horizontal-vertical divide**

Traditionally, efforts to improve accountability in governance have proceeded along these two axes – horizontal and vertical - largely independent of one another. On the vertical front, there have been electoral reforms, voter-awareness initiatives and so on, and on the horizontal front there have been efforts like reorganization of audit and account mechanisms (Goetz & Jenkins 2001). Important as they are, these efforts have had limited success in improving accountability in governance and service delivery. There are a number of reasons why.

In theory, free and fair elections provide an incentive-sanction structure, which should ensure that the elected representatives keep their promises and perform in the interest of the electorate. However, elections as an instrument of vertical accountability have some well-known limitations. Elections not just occur only once in every few years, but also force an incredible diversity of opinions and evaluations together into one single vote, which makes them a rather blunt instrument to convey accountability signals to individual office holders. Moreover, elections only hold elected officials accountable, whereas the vast majority of public officials are appointed bureaucrats and hence not subject to electoral processes. Contextual realities in many developing countries weaken their potency even further. Both voters and political parties operate under severe informational constraints, and clientelism and patronage are rife. Voters are mobilized more on the basis of ascriptive identities like religion and caste, or by the lure of personalistic benefits rather than on the basis of accountable governance and initiatives that bring long-term benefits to the public as a whole (Ackerman 2004).

Reorganizing horizontal accountability channels on their part have limitations. It is impossible to monitor the almost infinite number of government actions (and inactions). Practices like bias and inefficient resource use lend themselves to investigation less easily than more express forms of corruption. Absence of second order accountability

(who will watch the watchers?), lack of adequate funding and limited enforcement capacity all serve to further weaken these mechanisms (*ibid.*).

This division of labour approach to improving accountability channels might have had an additional unintended effect – that of preserving the specialized roles of distinct actors that could take part in vertical and horizontal accountability systems. (Goetz & Jenkins 2001). Accordingly, there was a legitimization and delegitimization of the types of actors who may and may not demand accountability. In vertical channels, citizens as voters were the designated seekers of accountability, whereas horizontal channels limited participation to state actors – judiciary, elected politicians, officially appointed auditors and so on. To be sure, some of this segregation was intended. In the Weberian model of modern bureaucracies, which has been emulated in most developing countries, public-sector workers were as a principle to be insulated from citizens so as to maintain objectivity in public service. But in practice this was often just an excuse for restricting public scrutiny of their actions and denying responsibility for their mistakes. Hiding behind the insulation of official secrecy laws, the use of non-vernacular or unintelligibly dense technical languages, or the physical distance of government offices from ordinary citizens, helped conceal the abuse of public office for private gain (*ibid.*).

### **Social Accountability: the growing importance of citizen participation**

In more recent years there has been an acknowledgement in research, policy and practice around the world, of these limitations in traditional accountability channels. Alongside was the recognition that participation in state's activities by societal actors could play an important role in strengthening accountability and responsiveness in service delivery. Accordingly, there has been an evolution of ways in which societal actors have directly engaged with the state to improving accountability – a process that has broadly been called 'social accountability'.

Drawing on Hirschman<sup>1</sup>, Paul (1992) first pointed out that accountability in public service delivery could only be improved if the traditional 'hierarchical controls' were reinforced by the public's willingness and ability to 'exit' or to use 'voice'. In other words, service providers will be forced to deliver accountably if there was a threat of the citizen-customers shifting their custom to a competitor if the service was unsatisfactory;

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<sup>1</sup> Albert Hirschman theorized accountability as a function of the leverage that the principals had on their agents. 'Voice' was the channel through which principals made their preferences known to their agents and gave feedback on the goods and services that the agents had been delegated to provide. The threat of 'exit' by the principal (consumer in a market situation) kept the agents on their feet and ensured appropriate and accountable service delivery.

in a non-market scenario (which is true of public service delivery in most developing countries) on the other hand, an emphasis on citizens' input and feedback into service delivery would make it more appropriate, responsive and accountable. Corroborating this, an increasing body of literature from around the world (Evans 1996, Ostrom 1996, Lam 1996, Tandler 1997) documented how participation of citizens in planning and implementation of projects not only increased the effectiveness of public service delivery and made it more appropriate, but also increased accountability and reduced corruption. Accordingly, societal participation in state's development activities was no longer seen as a 'bother', but was instead actively encouraged as a means to ensure responsiveness and accountability. However, this participation by citizens was distinctly apolitical in that it was circumscribed to implementation of specific government projects (Ackerman 2004). Measures for responsiveness were largely limited to *ex ante* consultations, and those for accountability largely to *ex post* monitoring.

Emanating mostly out of the Latin American experiences, a second wave of writings on society's pro-accountability role went a step further and argued that a more *political* form of participation was an effective way in which societal actors could hold the state accountable (Smulovitz & Peruzzotti 2000, Cunill 2000 and Waisbord 2000 cited in *ibid.*). Using (at times confrontational) strategies like mass mobilization, media exposes, and with recourse to judiciary, society would act as a 'watchdog' in ensuring government accountability. Smulovitz and Peruzzotti distinguish this form of accountability from electoral and horizontal forms as:

*"a non electoral, yet vertical mechanism of control that rests on the actions of a multiple array of citizens' associations and movements and on the media; actions that aim at exposing governmental wrongdoing, bringing new issues into the public agenda, or activating the operation of horizontal agencies"* (Peruzzotti & Smulovitz, 2000: 150 quoted in *ibid.*).

While this represented an advance in thinking about society's pro-accountability role from "well-behaved" local participation to a more openly political, even confrontational engagement with the government apparatus, it still emphasized – and defended - an "arms-length" relationship between the state and the society. Autonomy from the state was deemed as fundamentally important for legitimacy of civil society in its pro-accountability role (*ibid.*). Summarizing this succinctly, Cunill wrote: "co-management is irreconcilable with control. The efficacy of societal control is directly dependent on the

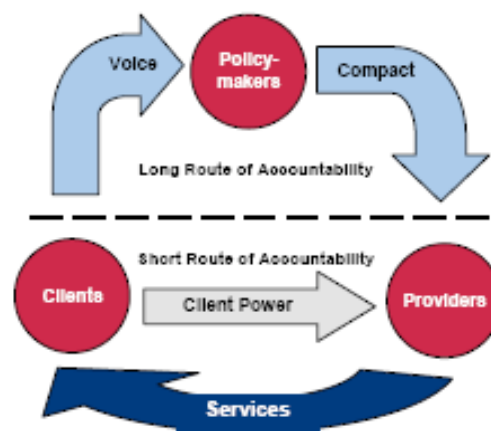
independence and autonomy that societal actors maintain with respect to state actors” (Cunill 2000 translated in *ibid.*).

More recently, a ‘transgressive’ stream of research and practice has questioned this separation between the state and the society. Moving on from the circumscribed participation in co-production of specific services, and arms-length relationship in pressuring the government from outside, this group of authors (Isunza 2003, Goetz & Jenkins 2001, 2002 cited in *ibid.*) argue that accountability is best sought in “co-governance” spaces which confuse the boundary between the state and the society. These writings draw on experiences from around the world where citizen groups have been experimenting with inserting themselves more and more directly into the state apparatus: into its core functions and everyday workings, monitoring its hitherto opaque operations, and influencing policy from the *inside*. Participatory Budgeting in Porto Alegre, Brazil was one of the early experiences in this stream where instead of externally influencing the policy, ordinary citizens were inside the governmental apparatus, involved directly in the planning and supervision of public spending - activities normally under the exclusive purview of public officials (*ibid.*).

Goetz and Jenkins (2002) argue that this form of activism represents a ‘new accountability agenda’. Through their analysis of the experience of the *Mazdoor Kisan Shakti Sangathan* (MKSS) - a Rajasthan based grassroots organization - in India they draw attention to what they describe as ‘hybrid’ accountability where citizens (as vertical actors) directly engage with institutions of horizontal accountability. MKSS employed social audits to empower ordinary citizens to turn into auditors, and obtain access to the hitherto privileged state documents such as muster rolls, in order to expose malfeasance. This form of accountability is remarkable in that it breaks the state’s monopoly over official oversight and legitimizes citizen-inclusion into hitherto exclusive affairs of the state.

The World Bank’s *World Development Report 2004* drew on these emerging notions of accountability to articulate a framework for public accountability. The report defined public accountability as a set of relationships between citizens and the state that is achieved through a ‘long route’ where horizontal and vertical arms of accountability operate in tandem. Accordingly, public accountability is achieved when citizens, drawing on vertical accountability mechanisms exercise their *voice* to express preferences and hold the state (the politicians and policy makers) to account for the fulfillment of these

preferences. The state in turn, acting as an agent of its citizens, must be able to activate horizontal accountability mechanisms to transmit these demands to the actual provider of services (line agencies, departments, public sector bodies) and hold them accountable for the service provided. In World Bank's formulation, this relationship is referred to as *compact*. In this framework, accountability is ensured when the incentives to service providers are aligned to the ultimate preference of citizens, and when providers are made directly accountable to people. Strengthening accountability thus requires enhancing citizens' voice and ensuring that the mechanisms for transmitting this voice into practice are in place (World Bank 2003).



**Figure 1. Voice + Compact: the long route of public accountability (WDR 2004 Framework)**

As this discussion indicates, the importance of societal actors in ensuring state accountability and the ways and means by which they do this have evolved over the years. Today the domain of social accountability consists of a multiple array of efforts by individual citizens, citizen groups, and the media, often working in collaboration with each other, employing multiple instruments that focus on citizen 'voice' rather than 'vote' as the principal tool for accountability (Jayal 2008). The strategic emphasis of these efforts differs according to the countries and contexts: they could be aimed at ensuring procedural compliance within the state and checking corruption, or could be outcome related; they could be working on civil and political rights, or on social and economic rights (Joshi 2008). Similarly they could be aimed at the whole spectrum of stages in service delivery by the state – from planning and analysis, to implementation, to monitoring and evaluation. These efforts are not for particularistic and one-off benefits but aim to durably institutionalize citizen influence over policies that affect the society at large. Mobilization of citizens is not only during the elections but also in periods in between; they can be catalysed on-demand where a situation requires such

mobilization, and can be directed at single issues, or policies, or functionaries (Jayal 2008). These efforts are always in the public domain and often claims are framed in terms of rights and legalities. However, as opposed to the more traditional vertical mechanisms like voting, where the losers have to concede power, social accountability mechanisms work much less directly: whether they use the public domain to highlight issues and mobilize support, or whether - like in some countries - they work within the institutional spaces that facilitate them, the force of the media, the public debate, the reputational damage, or the triggering of traditional accountability mechanisms (like the judiciary, in many cases) is assumed to bring about the intended effects (Joshi 2008).

### **Evolving institutional responses:**

Institutional responses followed to reflect these shifting accountability relationships between the state and its citizens. First came the New Public Management reforms, which were based on the diagnosis that poor service delivery in the public sector was a matter of perverse incentives faced by the rent-seeking service providers. Accordingly, measures were suggested to turn these incentives towards delivering service accountably. Subjecting the providers to pressures of the market, or market-like mechanisms, it was assumed, would do this. Privatization and its techniques like contracting out, performance-based contracts, user fees etc were applied to the public sector to various degrees. Also implied under these reforms was pluralization of service provision where multiple providers of service (state and non-state) would increase the choice for the citizen-consumer and bring in market competition, which would keep the providers on their toes. However, there has been no evidence that these reforms have worked in complex social and political environments, and criticisms remain about market failures based on lack of effective competition in public services in developing countries, and on information constraints (*ibid.*)

While 'managerial reforms' that address state's internal apparatus for service delivery, through measures like rationalizing the incentive-sanction structures, clarity in delegation of tasks, emphasis on outcomes, greater transparency, and effective sanctions for poor performance still remain important ways in which to address the accountability deficit, the new thinking on societal role in accountability emphasizes empowering the citizens as a countervailing power to have a more direct voice in formulation of policies that affect them, and a more direct role in monitoring service provision and holding service providers accountable. Accordingly we now have reforms like Decentralization

and institutionalization of direct citizen participation, which took the state and its decision-making processes closer to the citizens, and created newer 'invited spaces' (Cornwall 2004) in which they could engage directly with service provision. The emphasis of these reforms is to strengthen and integrate citizen voice into the everyday workings of the state, and to create avenues for direct monitoring of service providers by citizens. For instance, on the one hand there are features like formal computerized complaint systems and citizen charters to enable citizens to interact with the service providers better and more directly, and on the other, there is decentralization of service provision, and creation of Community Based Organizations to give the communities a more direct role in planning, delivery and monitoring of these services. There has also been a wave of Access to Information legislations in many countries that further facilitated this process by opening up state operations to increasingly free scrutiny by the citizens.

**Taking stock:** As we have traced, over the last few years there has been a fundamental transformation in the way in which accountability is sought from the state. From a division of labour approach that segregated horizontal and vertical accountability efforts, there is now a distinct trend towards 'hybrid' accountability where citizens are increasingly involved directly in the monitoring and decision-making processes of the state.

In the next section, we locate this within the Indian context and attempt to trace the landscape of accountability efforts by the civil society and the state in India.

### **3. The Accountability Landscape in India**

There is a general consensus among observers today that India's institutions of accountability have under-performed significantly. Take for example, the country's judicial system: it is plagued with problems of inordinate delays in delivering justice. The statistics are staggering. According to the Malimath Committee Report, there were 28 million cases pending in the courts in 1996. Another survey of 1,849 companies that had pending cases in the High Courts reported that 59% of these cases had been pending for over a decade (Mehta forthcoming). Interestingly, although the Indian Judiciary has been at the forefront of efforts to hold the Executive to account, it has actively resisted any external attempt at exacting accountability in its own activities. One instance of this resistance was the Supreme Court's response to a Right to Information application and a subsequent order passed in January 2009 by the Central

Information Commission (CIC) mandating the disclosure of information pertaining to assets of the judges. The Supreme Court actively opposed this order arguing that the Supreme Court itself remains above the purview of the Right to Information Law. The Supreme Court went on to challenge the Information Commission order and moved the Delhi High Court to stay the order of the CIC. The matter is still under deliberation in the Courts.

The performance of other key regulatory bodies such as Vigilance Commissions entrusted with dealing with corruption cases tells a similar story of delays and weak enforcement. According to data collected by the Central Vigilance Commission, investigations into anti-corruption cases can take anything between six months and three years. Conviction rates are equally dismal. A 2005 World Bank study reports that in a 10 year period Rajasthan managed to convict a mere 411 public officials for corrupt practices (World Bank 2006). In 2005, a study conducted by an Orissa based research group called Praxis, on the performance of vigilance authorities in Orissa, revealed that the state Lokayukta (state level Ombudsman) had over 1800 cases pending in trial courts. Worse still, long judicial delays meant that 12% of the defendants were dead before their cases came to court! (Study quoted in World Bank 2006)

Crucially, the Legislature itself has under-performed and proven to be extremely ineffective in its oversight functions. There is a compelling body of evidence that suggests a steady deterioration in both the quality and quantity of deliberations in Parliament and State Legislatures. Parliamentary sittings were as low as 46 days in 2008 (a sharp drop from an average of 130 days in the 1950s), with an attendant decline in the number of bills passed, questions asked and debates undertaken. According to data compiled by PRS Legislative Research, during its 5-year existence, 28% of the bills passed by the 14<sup>th</sup> Lok Sabha went through with less than twenty minutes of debate, and a further 19% were passed with less than one hour of debate. Other indicators of Parliamentary performance are equally discouraging. Parliamentary Standing Committees rarely meet, and when they do their deliberations seldom lead to any substantial decision-making, or enforcement. The Public Accounts Committee, for instance, scrutinizes a very small number of audit reports, and line ministries rarely follow up on the Committee's recommendations. According to the Comptroller and Auditor General's own reports, out of the 9000 audit paras included in the reports tabled in the Parliament between 1994 and 2008, over 3000 are yet to be responded to (CAG 2008).



The reasons for these institutional failures are complex and a serious analysis is beyond the scope of this paper. However, they do point to the fact that India's institutions of accountability are plagued with inherent structural weaknesses – be it the multiplicity of institutions with overlapping roles, responsibilities and jurisdictions, the lack of enforcement powers, or poor internal performance standards – all of these have produced an adverse incentive structure that has rendered efficiency and accountability impossible.

But perhaps the biggest puzzle in India's accountability story has been that over 6 decades of the seemingly robust democratic structure of the country has failed to produce a politics of accountability. Why is it that elections are never fought on issues related to welfare provision by the state? Why is there no collective effort to pressurize successive governments to deliver public goods like health, education, or law and order? This puzzle is compounded by the fact that India's poorest - who are most severely affected by state's indifference - are also democracies greatest enthusiasts: voter turn-outs are highest amongst the poor and the historically disadvantaged groups (Yadav 2000). Elections, as we discussed in Chapter 2, have some acknowledged weaknesses as an instrument of accountability. But in India, these problems have been made particularly acute by the fact that the political space seems to have evolved much more as a space for assertion of ascriptive identities like caste, language and religion, than as a space to assert rights to public goods and services.

This needs to be understood in the context of the political economy of the Indian state. Many political scientists have argued, the state-led centralized model of development adopted at independence conferred large amounts of discretionary powers on the bureaucracy. In an economy of shortages and a society mired in hierarchy, the state emerged as the only avenue for greater social mobility, empowerment and access to resources. As Pratap Bhanu Mehta notes, "access to the state gave jobs and a likely class status that was better than anything available outside the state; the discretionary power the state conferred on all its officials was experienced by many as empowerment or at least an escape from the subordination that resulted from being at the receiving end of that power. Access to state power was about the only way of ensuring that one counted for somebody" (Mehta 2003).

Thus, the state and its apparatus were treated not as a space for generating public goods but for the accumulation of private wealth and power. After all, the power to grant

contracts and tenders, identify development schemes and choose beneficiaries comes with the potential for enormous personal gain.

Even today, for much of India that has remained untouched by benefits of economic growth, the state still remains the locus of hope: the source of money, power and opportunity. In a recent study on perceptions of status and power amongst rural women in Andhra Pradesh, government officials occupied the highest level, ahead of businessmen, moneylenders and large farmers (World Bank 2006). Access to state resources is thus still considered key to power and social advancement. Mehta in his analysis cogently summarizes this state of affairs. 'The state', he argues, 'exists primarily to satisfy the private interests of collusive groups...the net result has been that almost never has the state been governed by a public philosophy; it is a rather high-stakes competitive game in which individuals or groups seek advantages along particularistic lines' (Mehta 2003).

Interestingly, access to political power offers the swiftest route to the states resources. Democracy's greatest success in India has been the fact that it has offered the institutional space for the mobilization and political assertion of historically disadvantaged groups. Everyday, India is witness to new forms of political mobilization and party formation. However, owing to this peculiar notion of the state, access to state power has not translated into a demand for greater welfare benefits precisely because that was never its objective in the first place. Political mobilization is aimed not at ensuring that citizen's welfare needs and rights are protected by the state but to access these prized state resources for the benefit of particular groups and identities. Political mobilization has thus not been so much about making the state accountable for the delivery of public goods, but about accessing its resources.

In this environment of multiple institutional failures, and a virtual crowding out of the political space for citizen action for accountability, *civil society* in India has emerged as an important arena for mobilization of public opinion and action for accountability, and access to public goods. A wide variety of accountability instruments and mechanisms are employed by citizen groups within this space. At the same time, and partly as a consequence of civil society activism, the state itself has initiated efforts to create newer structures for closer citizen engagement to strengthen accountability. The 73<sup>rd</sup> and 74<sup>th</sup> amendments to the Indian Constitution that decentralized powers and responsibilities to local governments more than had been the case in the past, and the more recent Right to Information Act, are state provisions that have facilitated citizen mobilization around

newer axes, and created opportunities for the emergence of newer spaces and instruments through which citizens can engage with, and scrutinize the state.

As a result, the accountability space in India today – in particular the citizen-state engagement in the space - is diverse and vibrant, with all manner of initiatives addressing a whole range of issues in governance and service delivery. These efforts, while in no means a panacea to the accountability conundrum, have the potential to significantly empower citizens, and in so doing, initiate the first few critical steps towards establishing a politics of accountability.

In this section, we attempt to take stock of these efforts. We begin by identifying efforts by civil society before examining, in brief, provisions by the state. In both cases we first attempt to map the landscape before drawing some general analytical conclusions leading on to the research questions in the next section.

### **3.1 Efforts by Civil Society:**

As we have discussed, in recent years India's civil society has emerged as a crucial space for citizens to mobilize and make demands for accountability on the state. Arguably, this marks the beginnings of a paradigm shift in state-society engagement, in that it is beginning to move beyond mere political representation, towards newer platforms where a broader set of stakeholders engage with the state processes more directly.

In practice, this push for greater accountability has unfolded in a variety of ways. Organized civic groups (NGOs, social movements for example) have been at the forefront of what some commentators have described as the 'new accountability agenda'. Most of these efforts are premised on the assumption that availability of meaningful information, along with platforms for engagement with the state, can substantially strengthen citizens' ability to demand accountability and improve governance outcomes. In the process of accessing information and creating these platforms, civil society organizations have been experimenting with innovative mechanisms and instruments. The strategic focus of these instruments varies: some are aimed at addressing the representative deficit, some the participative deficit, some to improve transparency in state's conduct and decision-making, and all of them towards the broader objective of improving accountability and responsiveness of the state.

There are multiple ways in which to map this milieu of initiatives. In the matrix below, we have attempted to navigate it by linking them directly with the different stages of service delivery. To do this, we have unbundled service delivery into stages that lead from a policy being formulated, to the ground-level implementation, and its final outcome. This of course runs the risk of oversimplifying what is a complex, political negotiation. But our objective here is simply to try and give some sense of coherence to the range and variety of efforts, and in so doing, identify some of the key characteristics of this new accountability agenda.

**Table 1: Mapping the accountability efforts of civil society groups in India**

Stage of Service Delivery	Strategies and Instruments		
	Research for Lobbying and Advocacy	Creating an Enabling Environment	Direct Citizen Engagement
<b>Legislation and Policy Formulation</b>	Public Interest Litigations (PILs) Budget Analysis	Capacity building for legislators Election Watch SMS Campaign	Participation to influence political party manifestos
<b>Standard Setting</b>		Citizen Charters Proactive Disclosures through RTI	
<b>Planning and Implementation Design</b>		Community Radio Local Government Capacity Building	Participatory Budgeting
<b>Program Implementation and Operation</b>		Gram Sabha Mobilization	Watershed Management
<b>Process Monitoring</b>	Public Expenditure Tracking Corruption Watch /Corruption Perception Index	Capacity Building for using instruments such as RTI	Social Audits and Public Hearings Citizen Based Vigilance Committees E-Tools: SMS based complaint mechanisms
<b>Outcome Evaluation</b>	Citizen Report Cards Participatory research for evaluating outcomes Performance evaluation of elected representatives		Community Score Cards Political party manifesto watch

The vertical columns list the range of strategies and instruments adopted by civil society to enhance accountability - at the different stages of service delivery listed in the horizontal rows. The strategies range from efforts to undertake *research* and collect evidence of government performance in order to *lobby for policy level changes* -- to efforts to *create an enabling environment* by building capacity and ensuring access to information for citizens to directly exact accountability from the state -- to strategies that aim to *create platforms for direct citizen – state engagement*. As is evident, the level of citizen participation varies greatly across different strategies. Strategies aimed at undertaking research as a tool for policy-level lobbying and advocacy usually involve indirect forms of citizen participation. For the most part these strategies are adopted by organized civil society organizations and think tanks that undertake research to collect information on citizens' needs and perceptions of government action and draw on this research to hold the state to account. Research instruments tend to be innovative and participatory and thus reflective of citizen voice. On the other hand, strategies aimed at creating an enabling environment and at direct citizen engagement, seek to institutionalize citizen participation more directly in state's decision-making process, and in the operation of its schemes and programs. Some instruments and tools employed under these strategies also aim at strengthening direct citizen participation in horizontal accountability functions of the state.

In what follows we give a quick overview of the prominent features of some of these instruments, followed in the end by some general analytical conclusions<sup>2</sup>.

## **Description of strategies and instruments:**

### **3.1.1. Research for Lobbying and Advocacy**

**Budget Analysis and Advocacy:** Budget analysis and advocacy by civil society aims to improve budget transparency and influence government expenditures so that they reflect poverty-focused expenditure priorities. In India civil society groups have been working on budgets for about 10 years now. The focus of much of this work is on evaluating budgetary allocation from the perspective of the poor and the marginalized. Some organizations do this from the broad perspective of social sector spending, and

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<sup>2</sup> A great deal has been written elsewhere on some of the other instruments, which we have not elaborated here. For an indicative reading see Goetz and Gaventa (2001), *Bringing Citizen Voice and Client Focus into Service Delivery*, IDS Working Paper 138, and Public Affairs Foundation (Bangalore, India)/Karen Sirker and Sladjana Cosic (World Bank Institute), 2007, *Empowering the Marginalized: Case Studies of Social Accountability Initiatives in Asia*

some approach the budget from an issue-specific perspective, such as Dalit issues, or public health. This analysis includes demystifying the budget, and presenting it in an easily comprehensible manner for the common man, and disseminating it widely to mobilize citizen voice, which in turn is taken to the policymakers through direct lobbying or through the use of media.

### **Box 1: Civil society groups working on budget analysis and advocacy**

#### **DISHA: Developing Initiatives for Social and Human Action**

Often referred to as the pioneer of budget advocacy work in India, DISHA – a Gujarat-based NGO – began its foray into budget analysis in 1995 when it set up *Patheya* – a dedicated budget analysis unit. DISHA's budget work focuses on analyzing the Gujarat state budget to determine the extent to which budget policy and priorities reflect the interests of the poor, in particular Dalits and people belonging to India's indigenous community. DISHA is active primarily at the legislative review and implementation stages of the budget process. Once the budget is tabled in the legislature, DISHA evaluates the trends in the proposed allocations to assess their impact on schemes for marginalized groups. This information is then collated and circulated to legislators, who can use the information as reference materials once the budget debate gets underway. Over the years, DISHA has developed a computerized database of all the ministries and departments of the government with data on income received by and expenditures incurred by the government on all its activities, programs, and schemes. In addition, DISHA has developed a special database of government expenditures on specific sectors and programs; these data are then used to evaluate actual expenditures against projected commitments.

#### **NCDHR: National Campaign on Dalit Human Rights**

The NCDHR is a coalition of organizations working on the promotion of Dalit rights. Its budget work focuses on analyzing allocations made under the Special Component Plan (SCP) for the Dalit community. The SCP is a program under which the government commits to investing a portion of the budget for the benefit of the Dalit community equivalent to the percentage of the Dalit population in the total national population. Using its analyses, the NCDHR has been actively campaigning with policy makers and legislatures to push the government to implement the SCP effectively.

**Participatory Research for Evaluating Outcomes:** Regular tracking of progress on public expenditures and evaluating outcomes is crucial to holding policy makers to account for their stated commitments. The Indian state is a classic example of the failure of just this. Funds spent are rarely tracked and when they are, the focus tends mostly to be input-oriented. There is little information available on the outcomes of public expenditures. In recent years, civil society organizations have begun to fill this information gap. A number of innovative tools such as expenditure tracking surveys, satisfaction surveys, scorecards and monitoring outcomes on the basis of service specific outcome indicators have been developed to collect data to monitor expenditures and evaluate outcomes. Data collected through these instruments is publicized widely in an effort to catch the attention of policy makers and push for reforms to improve outcomes.

### **Box 2: Civil society groups working on participatory research for evaluating outcomes**

### ASER: The Annual Survey of Education Report

In 2005, Pratham, an NGO working on elementary education in India, spearheaded an initiative called ASER to track learning achievement levels amongst primary school children. The survey was a country-wide effort, involving the participation of a wide variety of CSOs that collected data from every district in the country. To assess learning quality, ASER developed a simple tool that tests learning levels of school children across key indicators of reading, comprehension and arithmetic. ASER has been conducted every year since 2005. Consequent to this regular tracking of learning outcomes, it is now possible to track yearly progress of learning levels across states, draw inter-state comparisons and most importantly hold policy makers to account for the large quantum of funds currently being spent on primary education.

**Performance evaluation of elected representatives:** Despite its many weaknesses, in a democracy elections are an important instrument through which citizens can hold politicians and thereby other institutions of the state to account. In recent years, some civil society organizations in India have begun to develop strategies to strengthen the electoral process and push for greater political accountability. Instruments adopted include monitoring the work of elected representatives and making available information on their performance, and pushing for public disclosure of contesting candidates' assets, criminal and financial records. The recent Lok Sabha elections in May 2009 saw the emergence of a number of efforts by civil society to collect and publicize widely data on MP performance in Parliament as well as constituency-wide performance. In addition, many groups came together to try and improve the standard of candidates contesting elections and keep criminals out of the electoral fray.

#### Box 3: Civil society groups working on performance evaluation of elected representatives

##### SNS: *Satark Nagrik Sangathan*

*Satark Nagrik Sangathan* (SNS) is a Delhi based group that has been working towards building citizens' capacity to use the Right to Information Act to access information about their representative's performance. In 2006, prior to the Municipal Councilor elections in Delhi, SNS assisted people to access information on how Councilors had used their discretionary development funds (Rs. 1 crore per year) during their 5-year term. Information camps and social audits were held across Delhi. In the campaign that preceded the 2008 Delhi State elections, the SNS undertook a similar exercise of collecting information on how Members of the Legislative Assembly spent their discretionary development funds as well as on their performance in the legislative assembly. To disseminate this data widely, the SNS partnered with the Times of India, one of India's leading English dailies as well as the Hindustan, a leading mainstream Hindi newspaper and developed report cards on individual MLA performance that were published every day throughout the campaign. To ensure that candidates heard people's voices both in terms of their evaluation of MLA performance as well as their expectations of their elected representatives, the SNS organized a Public Hearing where citizens from local slums came together to express their views to a panel of MLA's across different political parties.

### 3.1.2. Creating an Enabling Environment

**Building Capacities of Legislators:** As we discussed, over the years in India the quality and quantity of Parliamentary deliberation has undergone a steady decline. An

emerging field of civil society engagement with accountability aims at strengthening this legislative arm of the state by working with legislators to make the quality of legislative debate better informed, transparent and participatory. These groups do not engage in any issue-based advocacy or lobbying, but in a political neutral way, work directly with parliamentarians to build their analysis capacities and strengthen their involvement in the legislative and developmental functions of the state.

#### **Box 4: Civil society groups working on building capacities of legislators**

##### **PRS Legislative Research**

Founded in 2005, PRS Legislative Research (PRS) is an independent research organization that aims to strengthen parliamentary debate by analyzing and demystifying legislative bills. To this end PRS produces short legislative briefs that articulate the key issues and implications of the provision in Bills that are to be tabled in Parliament. These briefs are prepared through extensive research and consultations with experts and all stakeholders. The legislative briefs are circulated widely to Parliamentarians across all political parties as well as other stakeholders. PRS also runs a project of rating MPs' performance in the parliament on indicators like attendance and the extent and quality of participation in the proceedings and the debates.

##### **Democracy Connect**

Democracy Connect started out in 2004 by providing professional support to one single first time MP and from there grew in to a full fledged support organization for MPs. Democracy Connect provides information, research and policy services to MPs by drawing on a pool of experts and volunteers from across the globe. Democracy Connect supports MPs in fulfilling their legislative responsibilities in two key ways. First, they undertake interactive sessions and policy workshops with MPs where they bring in experts to discuss relevant issues. Since their inception, they have undertaken demand based sessions on VAT, NREGA, RTI and the Tribal Bill for MPs across party lines. Second, they have created a pool of global volunteers that through a web-based interface called the virtual policy cell to respond to specific questions raised by interested MPs during parliament sessions. Apart from legislative support, Democracy Connect offers MPs constituency development services to assist them with specific developmental projects in their constituencies.

**Engaging with the political party manifestos:** Its one thing to hold the executive to account for policy formulation, but what of political parties? In recent years, some civil society organizations have begun to engage directly with the political parties to both influence the party manifesto, and hold them accountable to it. Strategies employed include public presentation of charters of demand during the run up to elections when political party's prepare their manifesto's through public hearings as well as closed-door interactions with key political players.

#### **Box 5: Civil society groups engaging with political party manifestos**

##### ***Wada Na Thodo Abhiyan***

*Wada Na Thodo Abhiyan (WNTA)* is a national campaign by citizen groups that have been watching the political party manifestos, and working to hold the government accountable to the promises made. Emerging out of a consensus among citizen groups following the World Social Forum in 2004, WNTA has dedicated itself to monitoring the progress on the promises the government made in its own election manifesto and in the context of UN Millennium Declaration of 2000. WNTA tracks these promises, creates



public awareness and mobilizes support to put pressure on the government to follow through with the promises. In particular, in its campaigns, it focuses on issues like education, health, livelihoods and social discrimination.

Currently, WNTA has also been running a campaign to formulate a People's Manifesto consisting of citizens' development priorities from around the country, and has been engaging with the political parties in public hearings in an attempt to integrate the priorities into their electoral agenda.

### **Building capacities of elected representatives at the local government level:**

Although the 73<sup>rd</sup> and 74<sup>th</sup> amendments significantly reactivated the local level governments, the 'deepening the democracy' ideal of the reforms faces serious limitations due to both the participatory deficit (the attendance and quality of Gram Sabhas continues to be low), and capacity constraints (the limited ability to handle big budgets and decision making). Some citizen groups have been working to strengthen the local governance by addressing these deficits and constraints. Instruments used include training workshops to build managerial and administrative capacities, creation of information kiosks and support centres to provide day-to-day assistance to local governments as well as efforts to train and mobilize citizens to participate effectively in Gram Sabha and Ward committee meetings.

### **Box 5: Civil society groups building capacities of local-level elected representatives**

#### **The Hunger Project**

The Hunger Project (THP) is an example of an NGO that has been working to strengthen local governments in the villages, particularly focusing on representation by women, and on capacity building of elected women representatives. Since 2000, THP has been working with partner organizations and now covering 14 states across the country. They work in 5-year cycles, coinciding with the Panchayat election cycles. In Year 1, training sessions are organized for the newly elected women representatives with a view to building their planning and administrative capacities, and confidence and leadership skills. Progressively thereafter, THP works with these women to form Self Help Groups (SHGs) of women in the villages for mutual economic and social support, alongside exhorting them to regularly participate and contribute to the *Gram Sabha* meetings, in order to hold the Panchayat to account. Leadership and capacity building of the elected representatives is continued through the cycle, and at the end of the 5-Year period, they again mobilize the women to actively participate in the next elections, both as candidates and as voters. The organization also sensitizes the Panchayat Secretaries to contribute their bit in holding effective *Gram Sabhas*.

### **3.1.3. Direct Citizen Participation**

**Social Audits and Public Hearings on Service Delivery:** In India, there are very few organized spaces for citizens to directly participate in regular monitoring and evaluation of government programs and hold the state officials to account for their performance. Civil society in India has experimented with a unique model of evidence-based advocacy, using social audits and public hearings to create these spaces. Pioneered by MKSS in Rajasthan, these much celebrated instruments involve making auditors out of

everyday citizens, and consist in getting hold of, and verifying, government records and supposed expenditures on entitlements, against testimonies of the beneficiaries. The process culminates in public hearings where discrepancies have been exposed, erring officials publicly denounced, and at times loots even returned. Unlike in the earlier years which involved protests to get access to the government records, this process is now greatly facilitated after the passage of the Right to Information Act in 2005 where citizens have uninhibited access to these records. Similar models of public hearings have also been used by groups like *Parivartan* in Delhi to expose corruption in Public Distribution System. In recent years, tentative steps have been taken to institutionalize social audits in government programs and schemes. One example is the National Rural Employment Guarantee Act, which mandates the regular conduct of social audits as a crucial part of the implementation of the Act. This has acted as a catalyst for the emergence of very innovative partnerships between the state and civil society to ensure the objective and regular conduct of social audits.

#### **Box 6: Social Audits in NREGA**

##### **Social Audits in NREGA**

With built-in features like decentralized planning and implementation, proactive disclosures, and mandatory social audits on its projects, the National Rural Employment Guarantee Act (NREGA) provides the catalyst for activist governments and civil society organizations to institutionalize accountability tools in governance system. A remarkable instance of one such activist government is Andhra Pradesh which has since the inception of the program in 2006 been conducting systematic and regular social audits on its NREGA works across the state.

A strong political will and committed top-level bureaucracy provided the impetus for this venture. The institutional space for developing a team and managing the social audits was found in the Strategy and Performance Innovation Unit (SPIU) of the Department of Rural Development. Between March and July 2006, the Department collaborated with MKSS, the civic group in Rajasthan that pioneered social auditing in India, to hold training sessions for officials and interested civil society activists, and to help with the design and conduct of pilot social audits. These trainings culminated in the setting up of strong cadre of 25-member state resource persons, drawn exclusively from the civil society, which is crucial to ensuring a high degree of autonomy and objectivity in the exercise. In addition, 260 district-level resource persons have also since been trained. The actual audit is conducted by educated youth volunteers in the village, who are identified and trained by this pool of resource persons. The first social audit was conducted in July 2006. Since then, an average of 54 social audits are conducted every month across all 13 NREGA districts.

This is a unique instance in that nowhere else in India have social audits taken place on such a large scale with such frequency. And although research needs to address whether such deep institutionalization of accountability mechanisms has indeed resulted in improved accountability in service delivery, emerging evidence points to significant and lasting improvements in citizens' awareness levels, their confidence and self-respect, and importantly their ability to engage with local officials.

#### **Taking stock:**

Some general observations can be drawn from this survey. Foremost is that the dominant feature in most of the initiatives is that they work to enhance and integrate

citizen voice into the everyday workings and decision-making processes of the state. 'Voice' rather than 'vote' is the principal accountability tool of the citizens.

Second, these initiatives have significantly expanded the realm of accountability, both in terms of seekers of accountability- who now range from individual citizens to organized civic groups and informal collectives, and those of whom accountability is sought -who now include not just elected representatives but also other non-elected arms of the state from bureaucracy to regulatory agencies and the judiciary.

Third, transparency is central to social accountability efforts. The main channel through which citizens are being empowered to demand accountability is through creation of, and access to, more information. So the recurrent theme seems to be: more information means more empowerment, which in the context of greater participation means more voice, which means greater accountability.

Fourth, the Judiciary remains, by and large, the institution of choice to which civil society's claims are addressed. Accordingly claims, like in many parts of the world, are framed in the context of rights, legalities and entitlements. Interestingly, as some analysts have pointed out, the state has tended to respond to civil society demands and pressures only after intervention by the courts (Chandhoke 2004). All the same, in the last few years, the civil society has shown some signs of a shift away from judicial activism towards a more direct engagement with the political space. Accordingly, there appears now to be an incipient focus on the one hand on engaging directly with party politics, through lobbying to influence manifestos, and on the other hand with the Legislature to influence policy formulation. The traditional uncertainty in the civil-political engagement, then, might be in a state of flux.

Fifth, social accountability initiatives have begun to evolve new strategies for getting things done. Historically, civil society has drawn heavily on the idiom of mass mobilization and political agitation of the sort popularized by the country's freedom movement. Gandhian means of civil disobedience characterized by mass action, rallies, petitions, and direct confrontation have been the dominant strategies through which civil society has engaged with the State. However, many of the social accountability efforts, with the exception perhaps of the Right to Information movement, rely much more on generating evidence of state performance, and using that as a mechanism to influence policies. Whether these are satisfaction surveys, expenditure tracking systems or outcome monitoring, the emphasis is on generating objective data on state performance and using this data to push the state towards greater accountability.

Pressure is generated much less through mechanisms of mass mobilization than through drawing on the media and networks of stakeholders to bring issues in to the public domain.

Finally, and perhaps most crucially, strategic engagement with the state by strengthening the co-governance spaces is increasingly being adopted as a key strategy by civil society organizations. There are many instances across India where civil society actors are now members of Commissions and Councils set up by the state to pursue the social accountability agenda. Some of these have resulted in remarkable levels of success in institutionalizing social accountability mechanisms into state policy. The Andhra Pradesh example referred to above is one such innovation. These successes signal the emergence of a new trend in civil society activism, and some commentators have gone so far as suggesting that this marks a strategic shift in the nature of state-society relations away from 'protest' towards greater 'engagement'.

### **3.2 State provisions for accountability:**

The state on its part has begun to take some significant, if slow and halting, steps to incorporate measures to ensure more accountability to its citizens, particularly by way of strengthening citizen voice and direct citizen participation in its activities and oversight.

As mentioned above, Decentralization reforms in the form of 73<sup>rd</sup> and 74<sup>th</sup> Amendments to the Constitution, reactivated the system of local governance, making it mandatory to conduct regular elections at town and village level, and significantly devolving administrative powers and financial resources to local governments. Doing so meant creating hundreds and thousands of voter-accountable institutions where none existed before, bringing the state closer to the people and greatly increasing its surface area, with a view to making it more responsive and therefore more accountable. However, owing largely to internal resistance within the state, these reforms have had limited success. With the exception of a few states like Kerala and Karnataka, the process of administrative decentralization i.e. the devolution of powers and resources to local governments has been extremely weak. Added to that, little has been done to strengthen local government capacity for effective governance. One of the primary objectives of decentralization reforms is to enhance greater citizen participation in the everyday workings of the state through the mechanism of the Gram Sabha. While it is difficult to generalize, there is a widespread perception that the Gram Sabhas have proven to be very weak: on most occasions they are not even held, and when held the quality of

participation is extremely poor. For instance, in 2002-03 as many as 75% of Gram Sabhas in Himachal Pradesh (generally quite a functional state) had to be adjourned for lack of a quorum—where a quorum requires just 10% attendance. Besley and others collected data from more than 4000 households across four south Indian states (generally considered as ‘advanced’ on the PRI agenda) and found that (a) a quarter of the GPs surveyed did not even hold Gram Sabhas, (b) only 20% of the households had ever attended a Gram Sabha, and (c) Gram Sabhas continued to reflect the social inequity prevalent in the village, with women and the landless being much less likely to attend and speak in the meetings (Besley *et al* 2005).

Within the context of decentralization, a further institutional feature aimed at strengthening citizen voice and formalizing direct citizen participation in governance, has been the creation of a number of local Community Based Organizations (CBOs) in charge of aspects of planning, implementation, and much of the monitoring of state’s service delivery programs. Village Education Committees (VECs), Village Water and Sanitation Committees, Village Health Committees, and in some urban contexts, Residents Welfare Associations, are all CBOs that have been created with a view to making services more responsive to local needs, and to empower communities to participate, and ensure accountability in service delivery. However, here too, success has been limited. The state has invested very little in building capacity and devolving powers and resources that would allow these groups to function meaningfully and effectively. A recent survey by Accountability Initiative on VECs found that most committee members were not even aware of their appointment to the VEC. Even amongst members who were aware of their roles in the VEC, access to information on school budgets, expenditures and performance was scarce. In the absence of a serious effort to address these issues, these provisions would amount to a mere offloading of state’s responsibilities, or, as in some cases, serve to undermine the traditional representative channels of democracy: issues we take up in the next section.

Finally, perhaps the most path-breaking reform in recent times has been the passage of the Right to Information Act of 2005. Coming as a result of concerted and sustained efforts by the civil society groups, the RTI Act legitimized citizens’ right to know how they are governed and demand detailed scrutiny of the process. In doing so it created newer axes around which citizens have been mobilizing action to demand accountability from the state. The states are now required to open up many of their operations for public scrutiny through citizen charters and RTI disclosures. Two of the biggest central government projects in recent times, NREGA and NRHM have built in voluntary

disclosures and social audits as mandatory safeguards legitimizing direct citizen engagement in the ensuring transparency and accountability. However, issues still remain about how much bureaucratic buy-in there is to this new requirement of citizen engagement, and to disclosures of hitherto opaque aspects of their everyday work; and most importantly, about follow up and redressal of information accessed using the Act. We pick up on these issues in the next section.

Despite their weaknesses, reforms of the state have been a much-needed step in the right direction, and represent an important opportunity for strengthening its accountability. Recent policy analysis suggests that the way state institutions are organized significantly shapes the nature and mechanisms through which societal actors engage in social accountability (Skopcol 1992, Houtzager 2003 cited in Joshi 2008). By opening up new spaces for participation, however weak, reforms like Decentralization and the Right to Information Act have the potential to significantly strengthen the incentives and ability of societal actors to mobilize and demand accountability. However, issues still remain to be addressed, on the *substantive* aspects of these institutional provisions, including stakeholder buy-in of the provisions, aspects on the strength and quality of citizen participation in the new spaces, and critically the second-order reforms to translate the gains from the provisions into meaningful improvements in accountability.

In what follows, we step back and critically analyse the current discourse on accountability in India, picking up on these and other issues raised in the previous chapters, and argue for a research agenda that addresses some of them.

#### **4. Taking the accountability debates forward**

In the previous sections we traced the emergence of newer mechanisms through which accountability is demanded from the state, with the focus increasingly on strengthening direct citizen participation in its activities and oversight. We surveyed the principle instruments that citizen groups in India have used to this effect, and noted that unprecedented reforms have been undertaken by the state to institutionalize citizen participation. Despite the significance of these efforts, current analytical work on the issue remains limited. We know very little about the potential, effectiveness and challenges of these different initiatives: what works, what does not, and in what contexts?

In this section we critically analyse some of the issues that have emerged with the new focus on citizen engagement. We take stock of the caveats, reflect on alternative propositions, and identify five crucial areas for future research, analysis and action in order to take the accountability debates forward.

#### **4.1 Strengthening the links between transparency and accountability:**

As we discussed, the Right to Information Act of 2005 represented a major landmark in the social accountability space in India. The passage of the Act was the culmination of a concerted effort by civic groups using innovative methods and strategic connections within the state to politicise and push the accountability agenda. Ever since, the number of RTI applications filed on state departments and public service providers is on the rise, and there is an ever-increasing amount of information that is being generated about everything from procurement of goods to quality at the point of service delivery.

Information generation is an important step in making governance and service delivery *transparent*. It is a means to sensitize citizens about what to expect of their government, and therefore to benchmark service delivery, and to expose misdoings, biases and inefficiencies. Most crucially, it brings decision-making processes closer to citizens. To this extent, the RTI Act is an effective mechanism to facilitate mobilization and action to bring about greater transparency and citizen awareness. However transparency is only an instrument towards accountability. And the links between the two are neither implicit nor automatic. There is a need to better understand the crucial next steps in what to do with the information as is gleaned through RTI in order to translate the transparency gains into advances in accountability.

Much work has been done to understand the procedural need for transparency, and document how the informal naming and shaming that follows some of the RTI exposes might have created some deterrent among erring officials. But relatively less attention has been paid to the question of whether this has led to any substantial and sustained improvements in accountability. In fact, as Jayal points out, even in the celebrated cases of greater transparency resulting from the use of RTI – for instance in the case of the NGO Parivartan’s exposure of corruption in Delhi PDS (Pande 2008) – it is unclear if any sustained reduction in corruption, or improvement in access has indeed occurred (Jayal 2008). The Andhra model (Box 6) of institutionalized social audits in the NREGA programmes in the state presents a unique opportunity to study if indeed there has been any significant reduction in corruption or increased deterrence in the programmes as a result of sustained and regular audits.

The RTI Act and activism around it has made significant inroads into making the state processes transparent. We will now need to pay much more attention to how best to strengthen state machinery in order to translate these transparency gains into accountable service delivery and governance. Establishing a strong mechanism for redressal of the RTI exposes by effective implementation of formal sanctions against erring officials is crucial. This might involve creation of newer institutional structures. What are the best ways in which this can be done? A department-wise institutional code for punitive and corrective action as a follow up to Social Audits? Perhaps quicker justiciability of RTI cases explored along the lines of *Lok Adalats*? This would be an important area for future research.

Another issue in strengthening the links between transparency and accountability is to identify what *kind* of information is most effective in exacting accountability. Lant Pritchett enumerates the 3Rs that any information about services has to satisfy to be effective in improving the quality of services: it has to be *regular, reliable* and *relevant* (Pritchett 2006). By these parameters, initiatives like Annual Survey of Education Report (ASER, Box 2) brought out by the NGO Pratham could be useful models to emulate. ASER has had considerable success in the drawing attention of policy makers and the general public to the pressing need to look at the poor quality of learning in our schools, and it has done this by bringing out information about the learning outcomes regularly (once a year), reliably (by using scalable indicators comparable across all states in the country) and relevantly (by concretizing abstract notions of 'quality of learning' into simple indicators of reading and numeracy that draw attention to the urgency of the problem). The pressure that this brings upon the policy makers to address the issue is admittedly incremental, but it would seem to be working in the right direction. The ASER experience holds important lessons for effective use of information generation in mobilizing support for practical improvements in service delivery.

On the question of the generated information being *relevant*, Stuti Khemani in a recent paper suggests that information campaigns can have sustainable impact on public services only when they change the *political incentives*, as it is politicians who have ultimate authority over management of public employees and budgets. Such campaigns would be about information on development outcomes at the level of a *politically relevant jurisdiction*, for instance, an MLA's constituency. She hypothesises that if such information is made available in a credible manner to citizens on a regular basis, they can compare performance in one electoral constituency to another over time, and this can potentially lead to voter coordination in evaluating governments on this basis, and



thereby promote competition between districts to improve development performance (Khemani 2006). This would seem to be a plausible suggestion. The work of organizations like *Satark Nagrik Sanghatan* in sensitizing the electorate about the performance of their elected representatives might be a step in this direction (Box 3). A more detailed case study might be able to shed some light on whether this is indeed changing the political incentives of the representatives, and by extension whether it is leading to improved performance and greater accountability. We need to do more research into these crucial questions.

#### **4.2 Participation and collective action for accountability**

Experience from around the world proves that if citizen-focused direct accountability mechanisms are to work, collective action is essential. Even at the level of policy, engagement at key stages of policy formulation by collective actors representing the poor has made public services more responsive to their needs. The role of health movement in Brazil in securing universal public health care (Duarte 2007), the role of the social movements in India in securing the Right to Work and Right to Information in India are both ready examples. What then are the conditions that enable (or constrain) such collective action?

For one, reforms of the state can have significant impact on the incentives faced by collective actors. Decentralization brings the state closer to the people, and institutionalized participation creates 'invited spaces' (Cornwall 2004) for citizens to come together and participate in articulation of their voices. The success of People's Campaign for Decentralized Planning in Kerala has been attributed, among other things, to the significant financial and functional devolution and the institutional incentives for participation which led to increased representation of hitherto marginalised voices like those of SCs, STs and women. This also supports the point that participation and collective action is especially forthcoming if people have a *legal* right to participate. This is because legal rights create collective interests that cut across social divisions, hence making it possible for larger collectives to form and mobilize. Legal rights also provide a degree of legitimacy – the rightfulness of one's claims – that both facilitates alliance building with other groups and, reduces risk of state repression (Joshi 2008, Pande 2008). This is an important reason why most claims on social issues are now being framed in the context of rights - including right to food, right to work and so on.

However institutional reforms alone can run into natural limitations if local capacities are constrained. Furthermore, there are opportunity costs, perceptions and path

dependencies that might get in the way of institutional provisions and actual collective action by the citizens.

Participation has an opportunity cost for anyone, but particularly for the poor. Time, education and money are the obvious resources that the poor need to make their voices heard, but less obvious is the danger of challenging the existing power-relations that standing up and getting your voice heard involves. Street-level service providers have considerable discretion in the implementation of their jobs, and antagonising them by voicing opinions against them might not always be in the best interest for the poor (Joshi 2007).

Even if it was not about challenging the power relations, unless people believe in the efficacy of their own actions on service delivery outcomes, it is unlikely that they will participate in any meaningful way. Deeply entrenched notions of inaction and distrust towards politicians, and hence political reforms, or simply adaptation to, and 'routinization' of, inefficiencies might create resistance to change even when avenues for change are available. There are also other factors that affect citizen participation, among which are whether participation is in large groups or small, or whether it is for direct control of aspects of service delivery e.g., the power to hire additional teachers by village education committees (VECs) or indirect e.g. through complaining to another authority against an erring agent, and so on.

An insightful study by MIT of Village Education Committees (VECs) in Uttar Pradesh sheds light on some of the factors that may constraint (or encourage) participation. VECs were created as the citizen-based local level monitoring and management committees for village schools under SSA. And although they were present everywhere, they were almost entirely non-functional. Not only did the VEC members not do their basic job of monitoring the quality of education in the schools, many of them did not even know that they were members of any committee. The study proposes several possible causes for this, including the challenges of co-ordinating and sustaining collective action in a large group, the expectation people had of whether the VEC would succeed or not, which influenced the interest they showed in participating in the VEC, and the lack of recognition among the villagers for quality of education as something worth investing their time in. The same study finds by contrast that interventions of the 'small group-direct control' sort – which offered committed individuals the opportunity and competence to directly improve learning among children, by training them in a teaching tool and making them in charge of holding reading camps outside of schools

everyday – had great success in both eliciting participation and effecting the desired improvements (Banerjee et al 2006). Notwithstanding the path-dependent effects, then, could a more systematic design of decentralized interventions elicit increased participation and collective action for accountability?

A related point is the role of social cohesion and internal community dynamics in collective action for accountability. Mehtta's study comparing the performance of Mid-Day Meal program in an MCD school with an NDMC school in Delhi finds that the sense of trust, interdependence and joint-liability within the community of MCD parents made them accountable to one another, and this led to better participation in, and oversight of, the MDM implementation. By contrast the lack of trust and solidarity among the community of NDMC parents meant that not only did they not participate in earnest in their oversight functions, they were actually complicit in the poor delivery of MDM food. She proposes that in accountability initiatives that involve participation and collective action by citizens we need to lay more emphasis on understanding the local community dynamics (inter and intra caste, religion, gender) through dialogue with the community, and encourage community strengthening interventions like visioning workshops and training that lead citizens to become agents of change as opposed to 'silent beneficiaries' (Mehtta 2009). We need more such comparative case studies and analyses to understand these importance links between social cohesion and collective action for accountability.

On a more critical note, however, questions still remain about how *representative* participation and collective action is. In other words, whose voice is getting represented in these participatory spaces? Social accountability requires resources to mobilise people's opinions, perhaps use the media and judiciary to get the agenda across. The middle classes are the ones that have access to these. Is this crowding out action by the poor? A worrying study by Chakrabarti about collective action by Resident Welfare Associations among middle classes of Delhi finds that middle classes can sometimes demand accountability from state institutions for not upholding laws which if enforced reduces the access of the poor to urban spaces and resources (Chakrabarti 2008). So the assumption that collective action for accountability invariably calls to account the interests of the broader public might be in question.

In sum, institutionally invited spaces for participation need not implicitly lead to collective action or representative participation by the citizens. There is a need to better

understand the links between the two, and the conditions under which such collective action ensues and succeeds.

### **4.3 Engagement with the political: reconsidering the civil-political divides**

Traditionally, civil society has by definition been held as autonomous from the state and the political parties. Especially in its pro-accountability role it has generally been believed that this autonomy is fundamental to the objectivity expected in the role. The possibility of partisanship, division, co-option and hence control are all readily identified dangers to credibility in such engagement. This separation is compounded by the fact that mistrust and antagonism have traditionally characterized the relationship between civil society and political parties, where the former sometimes appears to pit itself as a 'virtuous alternative' to the 'evil' politics of the latter.

Be that as it may, recent experience, as we discussed in the previous section, suggests that this traditional shunning between the two sides is beginning to be reconsidered, and civil society groups are increasingly engaging the politics of the state. There is a realization of the importance of legislation for durable solutions to service delivery problems. And of the fact that legislation in a democracy is an inescapably *political* process. It involves complex bargaining between opposing parties, and buy-in of important stakeholders to create broad support coalitions. In the end the developmental logic has to match a political logic, and political parties are well placed to juggle these various interests (Joshi 2007). This realization is leading to an increasing engagement of civil society groups with political parties, and legislators. Active engagement with the state and political parties was at the heart of successful civil society initiatives like NREGA, and the RTI Act, which is the bedrock of so many accountability efforts in the country today. The groups working on these issues continue to lobby with the political parties in order to influence the direction of policy. Groups like PRS Legislative Research (Box 4) engage closely with the elected representatives and educate them on legislative issues in an independent, non-partisan manner. Association for Democratic Reforms works towards 'cleaning up' the politics of the parties by urging for disclosure of criminal, educational and financial backgrounds of the electoral candidates. And on a yet different level, the group *Lok Satta* in Andhra Pradesh has taken civil society's demand for 'alternative politics' to a new level by starting a political party of its own. Contrary to the traditional wisdom, then, these recent experiences point to a blurring of the civil-political divides around which state-society engagement has traditionally been

conceived. Engagement with the politics of the state is now increasingly seen as being of necessary strategic importance.

That said, the mistrust and antagonism that traditionally characterized the relationship between the two sides, still seems to be always just beneath the surface, and both sides still struggle with the 'how to' of the new engagement. In this context, there is now a need to take stock of these evolving engagements, and assess them analytically against the backdrop of this mistrust. The challenge is to understand better the intersection of the two spheres, and to systematically 'work on both sides of the equation' to strengthen the depth and quality of their overlap (Gaventa 2006). Some possible questions in this regard would be: what are the best strategies in which civil society can engage the politics of the state? Is it by building links with political parties? By running civil society leaders for office? By entering co-governance spaces? If so, as advocates, as deliberators, as governors? By non-partisan capacity building of legislators? What of 'political capacity building' of civil society actors? (*ibid.*) What are the relative strengths in each of these strategies? And finally, when we grant the strategic importance of this engagement, what of the dangers of co-option and dilution of agendas that could potentially occur when civil society engages the mainstream politics? We need far more research to understand these issues, and their implications on the civil-political divides.

#### **4.4 Accountability as responsibility: invoking accountability in a positive sense**

The current focus on citizen-led accountability initiatives might be invoking accountability increasingly in a negative sense. Mechanisms like social audits are an extension of catching officials in the act, and this 'gotcha' mentality and the threat of punishment is expected to restrain the providers and bureaucrats from using public office for private gains. Punishment is a critical element in the enforceability aspect of accountability. And if ensuring *rule-following* was our main aim of accountability this would be less problematic. If however, improving government *responsiveness* was the broader aim, which is true of most conceptions of accountability, a narrow focus on punishments can be counter-productive.

The distinction between rule-following and responsiveness is an important one. As rules and procedures are unlikely to cover all the situations that public officials are likely to face, we would want them to be given the institutional space and discretion to be able to listen and be responsive to the needs of the people on the ground. The lack of trust in public officials to not abuse this discretion means that there is an ever-increasing

emphasis on monitoring. And this kind of low-trust-high-monitoring environment can constrain responsiveness and demotivate workers. Even in cases where increased monitoring is justified, it might not, for practical reasons, be feasible to apply any close or direct accountability because the actions of providers are not easy to monitor (fieldworkers in rural areas for example), and attempts to increase monitoring and supervision can be very costly (Joshi 2007).

Perhaps a better alternative to uncritically intensifying monitoring mechanisms, then, is to strike a balance between increased probity of public officials by the citizens, and placing some *trust* in the officials' work by focusing on a creating an organizational ethos of public service that emphasizes this trust, responsibility and pride in the public official's work (Joshi 2007). Tandler documents that in Ceara, Brazil, this kind of approach had considerable success in increasing worker commitment and making service delivery more accountable and more responsive to local needs (Tandler 1997).

In a similar vein, both public and private sectors in industrialized countries rely extensively on encouraging strong professional and organizational service norms to keep the officials motivated (Joshi 2007). Identification with a profession can be a powerful work motivator (Grindle 1997, Leonard 1977, DiIulio 1994 cited in *ibid.*). But we frequently invoke professional organizations and unions in a negative sense - as means of collective bargaining (*ibid.*). Moving beyond such notions, how best can we leverage the roles of professional unions in advancing professional knowledge, maintaining professional ethics and advocating on policy issues?

Performance and responsiveness in public service delivery is also a function of *capacities* of public officials to deliver the services. There are few studies addressing how capacities of public officials are being built to deal with the increasing citizen-engagement in service delivery. What change has this increased requirement of citizen engagement had on the work-culture of the street-level bureaucrats, and how are they being prepared to handle it? Is enough training and learning being done before score-keeping and monitoring?

In sum, under an ever-increasing emphasis on making the public officials over-account, what can we do to keep in the debate the merits of invoking accountability in a positive sense- as responsibility, and a means to learn, rather than blame?

#### **4.5 Accountability mechanisms, context specificity and effectiveness**

How do we begin to talk about effectiveness of accountability mechanisms? What becomes evident from the analysis in the preceding sections is that any discussion on the effectiveness of particular accountability mechanisms must start by re-emphasizing the oft-repeated but important maxim, that 'no one size fits all'. In the present scenario, as Thampi points out, given the overriding primacy of technique, there is a tendency to 'plunge into any context with a given tool' (Thampi 2008). However, different social, political and organizational contexts will require different responses to address the accountability deficit, and the choice of strategy should be entirely contextually defined. For instance, Jayal points to the contrast between Public Distribution Systems (PDS) in Delhi and Tamil Nadu. In Delhi, the NGO Parivartan had to invoke RTI Act to expose the corruption and misappropriation of food meant for the poor, whereas in Tamil Nadu, NGOs did not have to resort to this strategy as political competition serves as the 'instrument of accountability' there, with PDS being an electorally sensitive issue (Jayal 2008). An instructive example of fitting the context with the tool is the 'adaptability/fit' process that the PAC in Bangalore follows to evaluate whether a given context warrants the Citizen Report Card approach. This evaluation is done along 8 critical factors - including political context, extent of decentralization of utilities, feasibility of seeking public feedback, presence or activist independent and non-partisan CSOs in the region, survey and research competencies, quality of the media to publicize the findings, and ultimately responsiveness of service providers - all of which are crucial to determining the suitability, and chances of success, of the CRC methodology (Thampi 2008).

Equally, different reforms of the state have different effects on the incentives and capacities of social actors to engage in collective action. Decentralization and institutionalization of participation tend to encourage collective action by the citizens, whereas pluralization tends to dissipate it (Joshi 2008). The larger point is that applicability and hence effectiveness of accountability tools, and specific state reforms, to specific situations is entirely contingent on the evaluation of the social, political and organizational context of the situation. There is very little work done on such an understanding of the effectiveness and impact of accountability tools in different contexts.

With that caveat in mind, what could be the possible indicators of effectiveness of accountability mechanisms? Take social audits for instance. Institutionalization of social audits into state development programs constitutes one step forward in that it

formalizes the role of civil society in state oversight, which bodes well for sustainable engagement in the long run. But by what indicators do we say a given social audit has been successful? The frequency of the audits? The number of people attending the audit? The presence of more government officials at the meeting? These are no doubt important intermediate indicators, but what of the follow-up aspects of exposed malfeasance? What of long term impact that social audits have on the levels of corruption in projects, or on compliance without supervision and oversight, which is, arguably, the ultimate goal of an accountability initiative? There is a danger of instruments being mistaken for goals, when outputs are measured for outcomes. Identifying the right indicators to assess the effectiveness of accountability initiatives is an important area of research. Further, as Jayal as argued, when we talk of effectiveness of different instruments, we need also to think about how they are related to each other and to the larger objective of achieving accountable governance (Jayal 2008).

Relatedly, the proliferation and success of many of the accountability experiments tends, in most part, to be one-time isolated efforts undertaken by select civil society groups. Most of these experiments remain limited in scale and are not being replicated across the country. This holds true even for social auditing that has now been adopted by the government of India as a mandatory exercise in many of its social welfare programs. Part of the reason for this is the absence of an effort to document and disseminate information related to the methodology and process of using these tools. Little effort has been made to make these tools intelligible and accessible to a wide-ranging audience, and this is an important gap that remains to be filled in the accountability efforts across the country.

## 5. Conclusion

The new churning in civic associations in India, and newer hybrid means by which they are demanding responsiveness from the state, the Decentralization and increased 'sightings of the state' (Corbridge *et al* 2005), the Right to Information Legislation - all present the potential to open up newer opportunities for empowerment of people, and for their claims for an accountable government.

However as we have argued, a number of issues still remain on the substantive aspects of this new citizen-state engagement for accountability, and any uncritical acceptance of the *status quo* would only amount to complacency. Much needs to be done to translate the gains into practical and sustainable improvements in accountability, and we hope



that through this document we have been able to identify some of the issues to take the cause of an accountable government in India forward.

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### **Accountability Initiative**

The Accountability Initiative is an independent effort to strengthen state accountability in India by undertaking policy research, creating networks of stakeholders, exploring new areas and ways to collect and disseminate information on the quality of public services in India. The initiative's work is collaborative. It seeks to strengthen current accountability efforts by government, civil society, research institutes and the media.

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- Develop new areas and innovations to enhance accountability
- Support the creation of better quality data on basic public services
- Seek innovative ways to disseminate this data to the public
- Encourage an informed, evidence-based debate on accountability and improved service delivery outcomes in India

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### **Engaging Accountability: Working Paper Series**

In the last decade or so non-state actors- social movements, non-governmental organizations (NGOs) and the media- have emerged as a powerful force through which demands for state accountability are being articulated. Often referred to as social accountability, these new accountability claims signal a profound shift in the accountability discourse both in terms of who demands accountability and mechanisms through which it is demanded.

Despite the proliferation of these efforts, analytical work on this engagement remains limited. We know very little about the nature, form, effectiveness and challenges of these modes of state-society engagement: what are the chief instruments? What works in what contexts? And what are the lessons that can be drawn from them?

The 'Engaging Accountability' working paper series is an effort to address some of these questions in the Indian context. It focuses on three main questions:

- What are the factors- institutional and political- that create conditions under which citizens engage in social accountability? And what are the policy implications?
- What are instruments and strategies through which social accountability actors demand accountability?
- How does one measure the effectiveness of social accountability?