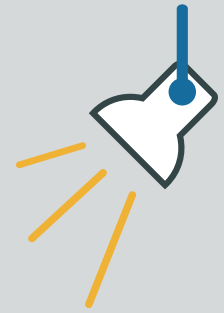


October 2020
Number 9

Accountability Note



From Peoples' Struggles to Public Policy: The Institutionalization of the Bhilwara Framework of Social Accountability in India

Rakshita Swamy

with a Preface by Aruna Roy



About Accountability Research Center (ARC)

The Accountability Research Center (ARC) is an action-research incubator based in the School of International Service at American University. ARC partners with civil society organizations and policy reformers in the global South to improve research and practice in the field of transparency, participation and accountability.

For more information about ARC, please visit: www.accountabilityresearch.org.

About ARC Publications

ARC publications serve as a platform for accountability strategists and researchers to share their experiences and insights with diverse readers and potential allies across issue areas and sectors. These publications frame distinctive local and national initiatives in terms that engage with the broader debates in the transparency, participation and accountability (TPA) field. Research publications include brief *Accountability Notes*, longer *Accountability Working Papers* and *Learning Exchange Reports*.

Rights and Permissions



The material in this publication is copyrighted under the Creative Commons Attribution 4.0 Unported license (CC BY 4.0) <https://creativecommons.org/licenses/by/4.0/>. Under the Creative Commons Attribution license, you are free to copy, distribute, transmit, and adapt this work, including for commercial purposes, under the following conditions:

Attribution—Please cite the work as follows: Swamy, Rakshita. 2020. "From Peoples' Struggles to Public Policy: The Institutionalization of the Bhilwara Framework of Social Accountability in India." Accountability Research Center, *Accountability Note* 9. doi.org/10.17606/qads-a210.

Translation—If you create a translation of this work, please add the following disclaimer along with the attribution: This translation was not created by the Accountability Research Center (ARC) and should not be considered an official ARC translation. ARC shall not be liable for any content or error in this translation.

Notes on Support

Support for ARC comes from the William and Flora Hewlett Foundation, the John D. and Catherine T. MacArthur Foundation, and Open Society Foundations.

Disclaimer

The findings, interpretations, and conclusions expressed here are those of the authors.

Contents

About the Authors	4
Preface	5
Summary	6
I. Introduction.....	8
II. The Monopoly of Knowledge	9
III. Tracing the Roots of the Framework	10
IV. The Elements of the Bhilwara Framework	13
1. Access to Actionable Information (<i>Jankari</i>)	13
2. Forums for Being Heard: The Registration and Acknowledgment of Grievances	14
3. A Guaranteed Response to Grievances Filed: Within a Time Frame and with a 'Speaking Order'	15
4. Protecting Citizens	15
5. Participation	15
6. A Formal Collective and Democratic Platform	16
V. The Defining Features of the Bhilwara Framework	17
VI. Widening Application and Transitioning to Policy	18
VI. Conclusion	20
Endnotes	22

About the Authors



Rakshita Swamy leads the Social Accountability Forum for Action and Research (SAFAR) based out of the National Law School of India University. SAFAR aims to work with citizen groups and governments to embrace, learn, demonstrate and advocate for the institutionalization of social accountability mechanisms such as pro-active disclosure of information, grievance redress, social audits, citizen facilitation and time-bound grievance redress. She has worked with civil society organizations, campaigns, movements and Government Departments in the States of Rajasthan, Karnataka, Kerala, Meghalaya, Chhattisgarh, Maharashtra and Delhi on learning and collaboratively developing accountability mechanisms across programs for social security, urban governance, rights of unorganized labor such as construction workers and waste pickers; use of information technology in governance; extractive industry; and Social Audits in 6th Schedule Areas, amongst others. Prior to this, she worked with the Ministry of Rural Development, Government of India for 5 years, where she was responsible for facilitating the institutionalization of social audits in the Mahatma Gandhi National Rural Employment Guarantee Act and drawing synergies between social audits and the formal audit undertaken by the Supreme Audit Institution (SAI) of the country. She served as the Convenor of the Task Force that developed the world's first Auditing Standards of Social Audit, jointly endorsed by Government and the SAI. She has been an honorary member of the Mazdoor Kisan Shakti Sangathan (MKSS) and the National Campaign for Peoples' Right to Information since 2010. She holds a Master's in Social Policy and Development from the London School of Economics.



Aruna Roy is a socio-political activist and Founder-Member, Mazdoor Kisan Shakti Sangathan (MKSS), National Campaign to People's Right to Information (NCPRI), and the School for Democracy (SFD). She was with the Indian Administrative Service from 1968-1975. In 1975 she came to Ajmer District, Rajasthan to work with the SWRC and the rural poor. In 1987 she moved to live with the poor in a village called Devdungri, Rajsamand District, in Rajasthan. In 1990 she was part of the group that set up the MKSS. She has worked for accessing constitutional rights for the poor—Right to Information, Employment, Food Security, etc. She was a member of the National Advisory Council from 2004-06 and 2010-13. She was a member of the steering committee of the Open Government Partnership (OGP) until 2014. She is President of the National Federation of Indian Women (NFIW). She was the 2016 Professor of Practice at McGill University ISID, Montreal, Canada, and the 2016 George Soros Visiting Practitioner Chair at Central European University, Budapest. Awards include the Ramon Magsaysay Award in 2000, the Nani Palkiwala Award, and the Lal Bahadur Shastri National Award. She was listed as one of the 100 most influential people in the world by TIME Magazine for 2011.

Acknowledgements

This paper draws from collective assertions over participatory democracy, primarily from Rajasthan and other parts of India. All thoughts and formulations articulated in the paper are based on the collective experience and struggles of countless citizens, campaigns, and organizations striving to create a more equal and just world by holding power to account and by keeping the essence of democracy alive. This author accepts responsibility for any limitations arising in articulation. However, the very rich processes, thoughts, and conceptualization have originated from the courage, creativity, and perseverance of citizens, individually and collectively.

Preface

Rakshita Swamy's paper, "From Peoples' Struggles to Public Policy: The Institutionalization of the Bhilwara Framework of Social Accountability in India," is located in an international governance discourse where *transparency* and *accountability* have become catchphrases. Administrators and policy-makers have always been preoccupied with accountability. The difference is that now, at least in India following the Right to Information (RTI) campaign, accountability is understood by laypersons as necessary to their engagement with structures of power. This particular preoccupation has enriched the contemporary discussion on transparency and accountability in the public domain. The campaign—and, subsequently, the movement—spread the seeds of this idea across the country and to other parts of the world, including Indonesia, Kenya, Mexico, and South Africa, amongst others. As part of the Open Government Partnership, the Mazdoor Kisan Shakti Sangathan (MKSS) had ample opportunity to also discuss this idea with member countries, particularly civil society formations.

The Indian RTI campaign has often reiterated the old adage that "the devil lies in the detail." Calls for transparency and accountability have questioned the impunity of the system, by paying great attention to both specificity and operating principles. This discussion has empowered many vulnerable groups who historically have been denied the right to question the system, including them in the conversation. It could be argued that one of the biggest contributions of the transparency movement in India has not only been its universal appeal across sectors to the 6 to 8 million users of the RTI today, but also as a tool for those who faced institutional prejudice and discrimination for thousands of years. The narrative of the Bhilwara Principles, around which Swamy's argument is constructed, focuses on empowering some of the most vulnerable in India to establish a more equal and just relationship with power.

This important and critical analysis on accountability continues the discourse on the nature of participatory democracy in its many manifestations—a theory that originated from practice. This paper has taken the articulation by young Dalits seeking justice from discrimination as the core of its argument. They were determined to speak truth to power, despite all odds stacked against them. Mechanisms for translating justice into practice were not in place, but this did not deter them from demanding ethical governance. For all those interested in participatory democracy, the connections perceived by those struggling for dignity and justice are at the core of an emerging concept that redefines accountability. Their seminal contribution must be understood, perceived, and acknowledged.

Aruna Roy
Tilonia, India, July 17, 2020

Summary

From Peoples' Struggles to Public Policy: The Institutionalization of the Bhilwara Framework of Social Accountability in India

This *Accountability Note* describes and explains a set of principles for social accountability that emerged out of the struggles of some of the most marginalized people in India. Although firmly rooted in the experience of local resistance, the Bhilwara Framework of Social Accountability speaks directly to national and global struggles for accountability. The essential elements of the Bhilwara Framework were first framed by Dalit activists fighting discrimination and structural injustice, who reflected on and theorized about the causes of their marginalization. These elements were then accepted, developed further, and disseminated by activists and social movements. This Note discusses the social origins of the Bhilwara Framework and explains how each of the six principles was derived and applied. The principles include:

- i. Access to meaningful and usable information;
- ii. The formal registration of citizen grievances;
- iii. The need for time-bound inquiry processes;
- iv. Platforms for citizen participation;
- v. Protection of complainants against reprisal; and
- vi. Public and collective spaces in which citizens can dialogue with their state.

This Note also describes how the Framework was refined and expanded, and how it was consequently institutionalized within the state. Unlike most activists' agendas, the Bhilwara Framework has made the transition from concept to policy. India's Supreme Audit Institution and Comptroller and Auditor General used the Bhilwara Framework to develop a set of minimum standards for social audits. The Framework has also been used to frame state and national policies on accountability for social justice and security for Dalits, rights holders accessing their entitlements under the right to work, food security, education, etc., urban poor workers, and other marginalized groups. It also informs an ongoing attempt to draft a legal framework for accountability by the Rajasthan State Government, a fitting tribute to where the struggle for these principles began. The Framework has helped define and develop the practice of 'independent facilitation,' which refers to the efforts made by the State to provide institutionalized platforms, institutions, and processes for enabling citizens to hold the State to account, that are independent of the latter's control and interests. Similar breakthroughs have been made in contemporary grievance redress reforms. Recognizing that complainants will face difficulty and perhaps intimidation while registering a grievance at the very office that is the cause of the grievance, the Bihar Public Grievance Redress Law mandates Information and Facilitation Centers to provide single window support centers for information, to register grievances and track their status, an independent officer to hear appeals, and a wide scope in the definition of a complaint. The Framework served as the point of reference for State and civil society jointly building the country's first web portal for mandatory disclosure of information (the Jan Soochna Portal). It has played an instrumental role in forming the basis of wider conceptions of social audits in tribal autonomous regions, labor welfare schemes and corrective or rehabilitation institutions run by the State.

These interconnected efforts have emerged from concerted grassroots struggles and refined by social movements and ordinary citizens and users of India's various rights-based legislation. These essential struggles deepen social accountability strategies, rooting them firmly in social justice and participatory democracy.



Women submitting complaints at a Right to Hearing Camp organized by the Government of Rajasthan under the Right to Hearing Act. Credit: Digvijay Singh.

I. Introduction



The exploration of the Bhilwara Framework of Social Accountability needs to begin with the story behind the theory.¹ This is an unusual story because it relates to the very nature of the theory as well. In this story, seminal elements of a theory were framed by communities of affected people; were accepted, developed, and propagated by activists and social movements; and were incorporated into law, policy, and academic literature.

The trajectory of the Framework begins with its grassroots articulation and continues through its national policy and legislative formulations. At the grassroots level, the basic elements of the Framework were first strongly and straightforwardly expressed by a group of Dalit¹ activists. At the time, the activists were demanding accountability on their complaints related to atrocities in the district of Bhilwara, Rajasthan. Their reflection was prompted by members of the Mazdoor Kisan Shakti Sangathan (MKSS), who were supporting the Dalit activists and had been involved in a joint public campaign between 2007 and 2009 to seek accountability for atrocities meted out to marginalized communities in the area. The Framework's elements were refined and developed further by groups such as the MKSS, Suchna Evum Rozgar Adhikar Abhiyan (SR Abhiyan), and other collectives over the next few years until they became a part of the debates around the bottom-up grievance redress and social accountability legislation and policy.

This short paper analyzes the Framework as it was debated and defined by citizens and activist groups who were facing—and systematically highlighting—violations of social accountability in their daily lives. It illustrates the journey of a theoretical conception of accountability emanating from grassroots collective engagement and sustained assertions by citizens and campaigns to turn accountability mechanisms toward the people. This engagement sought to ensure that the principles of social accountability would be developed with special attention to the democratic rights of the

most marginalized. This required an understanding and exploration of the theoretical concepts of social democracy as well as finding the practical components that would make the realization of that possible. This would mean working on the nuts and bolts of an accountability system—not by only being reactive but also by dismantling the exclusive control of hierarchical power—and striving for the institutionalization of universal principles of accountability to the people.

Although the roots of the Framework are local, they speak to contemporary challenges being faced by theorists and practitioners of social accountability in different parts of the world. The paper draws on the Framework to demystify social accountability and places its core elements squarely within the framework of social justice, dignity, and democratic governance. It also marks the process of how these principles are enlivened through practice as well as how they are being accepted and institutionalized as minimum standards by different arms and institutions of the State.



A man waiting to submit his complaint at a Right to Hearing Camp organized by the Government of Rajasthan under the Right to Hearing Act. Credit: Digvijay Singh.

II. The Monopoly of Knowledge



The story of the Bhilwara Framework, however, should not have been unusual. It is in the struggles for accountability of the most marginalized people and communities that real and meaningful breakthroughs emerge. They experience societal and structural injustice, and they understand what it means to fight for their rights—with or without an enabling ecosystem around them. These breakthroughs are not recognized as seminal theory by the people who articulate them. For them, these are principles of justice that they advocate for application universally, and not for their communities alone. That pursuit keeps them engaged from one struggle to another, individually and collectively, and the concept of communities staking claim for being the ‘originators’ of these principles

does not exist. Most often, a theoretical understanding is gleaned retrospectively from collective demands that have emerged, and is refined over time. The codification of these basic demands and principles in legalese, and their conceptualization as theory, takes place much later, when more powerful people with access to their collective articulation as well as to elite institutions of academia and policy attempt to bring together, classify, understand, and arrange the pattern of these human efforts and experiences. The introduction of the Bhilwara Framework into theoretical discourse is an attempt to remind us of those who define original theories and yet only see them as mere extensions of their struggles for justice and equity.



State Official surrounded by files in an Indian government office. Poor record keeping increases the likelihood that complaints are misplaced. Credit: Prashant Panjiar.

III. Tracing the Roots of the Framework



The year 2007 catapulted the long-standing issue of social atrocities against Dalits in Bhilwara District to wide public attention. Sulia was a nondescript town in Bhilwara until October 2007, when a case was reported of an 81-year-old Dalit being barred from entering an ancient Hindu temple in the area. Barring Dalits from places of religious worship is a criminal offense² and should have led to predictable punitive actions taken by the local administration. However, this act was given social sanction by the majority community in the area. After the public outcry caused by the incident in Sulia, many cases were revealed of Dalits being subjected to restricted access to common points of water, forced ostracization from the village, and daily discriminatory practices in the area. The MKSS, in collaboration with local activists, undertook an advocacy campaign in the area in March 2007 to visit these physical sites of contestations between Dalit and non-Dalit communities, speak to the victims, and document whether they were able to access justice through due process.

The MKSS is a grassroots organization formed in 1990 with its headquarters in a small village in Central Rajasthan. It is one of the growing number of organizations in India considered to be part of the nonparty political process. It works on the concerns of its primary constituents—peasants and workers—but also engages with wider issues of participatory democracy and democratic struggle. It was already established as a pioneer in advocating for and institutionalizing the peoples' right to know and demanding accountability through public hearings in the country and internationally; it has remained invested in struggles seeking accountability in varying contexts of the centralization of power. A public hearing was organized in the District in April 2007. At the hearing, local residents, including the victims of atrocities and their perpetrators, publicly and collectively discussed how the rights of Dalits—as enshrined in law and in the Indian Constitution—were being systematically undermined in the presence of senior public administrators. Victims and witnesses clearly mentioned instances of how they were not able to access their rights because due process was

subverted at every step. Subsequent to the public hearing, activists such as Ganpat Bareth, Roshan Salvi, and Hajari Bhopa, all of whom had been victimized, not only pursued their own criminal cases to their conclusions but also supported others from their community who started resisting and speaking out against similar atrocities meted out to them. There was a concerted engagement by local Dalit youth collectives, including Dalit Adivasi Adhikar Abhiyan, to establish solidarity with other victims and challenge social and political centers of power collectively. They continued to face enormous challenges in their pursuit. This culminated with a public conclave of Dalit activists that was organized at a point in the center of town on April 14, 2008, to commemorate the birth anniversary of Dr. Bhim Rao Ambedkar.³ The conclave witnessed the participation of thousands of Dalit activists from across the state, and it also included the participation of a former minister in the Union Government. At the conclave, a group of Dalit youth activists responded to a question posed to them, asking what they believed accountability would entail. They had been challenged to respond to this question by the MKSS, which had been supporting them in their campaign to secure answers and fix accountability for violations of their rights.

It is important to note that although constituting nearly 17 percent of India's population, Dalits continue to be structurally marginalized in terms of fair access to employment, social mobility, health care, and access to education. The structural marginalization of Dalits takes place in spite of a firm and progressive constitutional mandate to proactively use different kinds of affirmative action to correct social imbalances. The Indian Constitution, for instance, particularly mandates that it is the responsibility of the Indian State to work toward "minimizing inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people." Therefore, their articulation of what accountability means to them, given the marginalization they feel on a daily basis, is significant because it lends credence to the very concept of constitutional rights.



Citizens reading and verifying records with the help of independent social audit resource persons in West Khasi Hills, Meghalaya. Credit: Meghalaya Society for Social Audit and Transparency.

Their considered response on April 14, 2008, in Bhilwara formed the essential architecture of what would be refined, added to, later be referred to, and codified as the Bhilwara Framework of Social Accountability. On that day, they articulated four elements of what accountability should entail. Their articulation was the culmination of almost a year of action and reflection amongst themselves that took place on an ongoing basis.

The first element they highlighted was the need to access information that is actionable. In their pursuit of justice and dignity for themselves and their families, they realized that the first impediment they faced was the lack of information on how to use laws that seemed to have been passed for their empowerment. These laws were wrapped up in legalese and had never been translated into actionable information for ordinary citizens. This made it difficult to understand their rights under various laws and how to pursue provisions of the law. This resulted in these laws and provisions being used by the perpetrators of violence instead of those seeking protection from the perpetrators.

The second element they highlighted was their right to be heard. They explained how impossible it was for

them to register a complaint and have it acknowledged by an official without resistance, even though it was their legal right. Disincentives were built into the design itself. For instance, those suffering from atrocities had to go back to the very same representatives of the administration under whose watch the atrocity had been committed in the first place. Their constant complaint was “no one listens to us.”

The third element they highlighted was the need to build a conducive atmosphere for speaking out against injustice and protecting those who do so. The absence of any independent platform available to them through which they could engage with and confront the State led to increased cases of attacks on complainants.

The fourth element they spoke of was the need for complainants to have a role in each step of the complaint redressal process. It was not enough for complainants to be able to register their complaint and then be informed of its outcome. They should have a right to participate in the redress of their complaints, present additional evidence on an ongoing basis, and corroborate the action taken by the administration to redress their complaint.

The four elements offer a perspective of what constitutes accountability to the very people who suffer the systematic and institutionalized violation of basic constitutional rights. Collectively referred to as the Bhilwara Framework of Social Accountability, they were further added to through a period of constant engagement between such groups as the MKSS, SR Abhiyan, and other accountability campaigns with the Dalit community of Bhilwara. They now consist of six elements that are considered to be the minimum principles necessary for citizens to engage, individually or collectively, with the State. The Bhilwara Framework has, in fact, continuously evolved and grown, and campaigns like the MKSS played a seminal role in carrying this set of ideas and processes forward and adding to it essential principles based on their own grassroots experience. The dialectic between action and reflection continued through the entire process of seeking accountability for atrocities committed on Dalits in that particular region, but extended to pursuing accountability across a much wider canvas of public schemes and the functioning of public institutions. They picked up on the potential of the simple but powerful components and used their own experiences to add to them and make them more comprehensive so that they were complete in and of themselves. Rather than putting ideas to test, pretested ideas and concepts were being developed and linked to one another.

Carrying these ideas to platforms of theoretical discussion and policy advocacy, by many people who agreed with the formulation and understood its wide relevance, gave the Bhilwara Framework life far beyond the geographical area where the concept had germinated and taken root. That is also how the Bhilwara Framework has

influenced the contemporary understanding of social accountability. The elements of the Bhilwara Framework have been tried and applied extensively. They have also already found their way into policy documents and frameworks of social accountability, including that of national policies and standards of the executive and the Supreme Audit Institution (SAI).⁴ It is necessary, therefore, to examine more closely the distinguishing features of this framework that make it amenable to both global and local interpretations of social accountability. In later years, as a part of this discourse, connections would also be made with the emphasis Dr. Ambedkar laid on 'social democracy' and his warnings about democratic concepts being twisted out of shape if fundamental issues of economic and social equality were not simultaneously addressed. Therefore, the strong connections between social democracy and social accountability, made with continuously evolving grassroots experience, have allowed the advocacy and institutionalization of the Bhilwara Framework in multiple instances where democratic accountability was sought in entrenched systems of power.

Collectively, the principles are referred to as the Bhilwara Framework of Social Accountability to give credit to the struggles that had set off the call for citizen-centric accountability. By placing their struggles to engage power at the center of the discourse, this working definition of social accountability articulated by affected people themselves is therefore a unique contribution to the theorization of accountability.

The following section includes a brief description of each of the six elements of the Framework.

IV. The Elements of the Bhilwara Framework



1. Access to Actionable Information (*Jankari*)

No process of seeking accountability can begin without an understanding of what constitutes the State's accountability. People need access to information that is meaningful, relevant, and actionable. Much of the contemporary discourse on access to information leans toward 'open data,' which is based on the State enabling large-scale access to its information and records in a neutral approach to information. Although this is necessary, it is not sufficient to enable people to seek accountability.

For instance, there are innumerable laws that mandate the disclosure of information related to the extractive industry. Disclosures mandated include toxic waste release, payments made to governments in terms of royalties, financial documents pertaining to ownership and

management, and contracts awarded, amongst other things. If it is recognized that residents living on and around the land in which extractive operations are running are the most affected and have the most at stake to seek and enforce accountability in the running of these operations, it is abundantly clear that information disclosed will have to be relevant and actionable from their point of view. With this recognition in place, the disclosures that can empower affected local communities to know and act will include the following:

- The precise conditions under which the operating extractive site was given the clearance to operate so that violations of the same can be identified;
- The daily permitted quantities of pollutants released at the extractive site;
- The working conditions that are required to be maintained at the site so that noncompliance can be identified by workers;



Citizens registering their complaints at a common window in a Gram Panchayat in Rajasthan. Credit: Digvijay Singh.

- The extent of land for which the extractive site has been given permission to operate within;
- The breakdown of payments made to different tiers of administration that govern the extractive site;
- The purposes for which the payments were used by the State for the local community;
- The details for officials who need to be contacted to report violations;
- The stipulated time frames in which reported grievances will be redressed.

These are all part of a mandate that the affected people and communities would list and define if they were the ones in control. It is that connection with people that provides the political and social understanding of transparency and accountability. The bottom line is—information for whom?

Disclosing information that enables a widespread understanding of entitlements, prescribed time frames, who is responsible for what, prescribed standards and rates, decision-making processes, possibilities for appeal, complaint or grievance redressal, and reasonably expected outputs and outcomes can actually improve accountability.

2. Forums for Being Heard: The Registration and Acknowledgment of Grievances

Once people understand what the State is accountable for, they will need to make themselves heard and pinpoint the violation. Yet ordinary citizens face multiple challenges when trying to be heard—particularly given the imbalance of power with the administration. What will constitute a ‘legitimate’ grievance? Where will the citizens go to file their grievances? What do they need to write while reporting their grievances? Does anything need to be submitted to supplement the grievances? What if the citizens are unable to write their own grievances? What do they do when their grievances are not accepted by the officials who are supposed to receive them? The range of uncertainties that potential complainants face is not restricted to a particular class or community. Nevertheless,



Women holding dated acknowledgement slips at a Right to Hearing Camp organized by the Government of Rajasthan under the Right to Hearing Act. Photo credit: Digvijay Singh.

it goes up in proportion to a person’s vulnerabilities. Every grievance is an act of stating dissatisfaction with the way an administration has functioned and is thus an act of confronting the State. Any individual who does so is likely to feel confused and intimidated.

An accountability framework needs to account for this power asymmetry and put in place multiple platforms through which people, individually and collectively, can report complaints in their own language and at their own level of comfort. There needs to be an inherent understanding that people are not likely to want to inform the very same functionary who is the cause of the grievance about their grievance. Neutral physical places that are easily accessible need to be identified as spots where grievances can be submitted. Enabling people to define, articulate, and report their own complaint through the availability of multiple platforms is also a part of this essential principle of ensuring social accountability. For instance, there are many examples of interactive voice response system (IVRS) technology enabling people to report complaints by a phone call. However, the platform limits the scope of a complaint to

a choice from a list of prepared options. People should have the freedom to articulate a complaint in their own language, based on their own experiences, and have it recorded exactly as they have articulated it. People who cannot write their own grievances need pro-active facilitation to convert their oral articulation to a written complaint. Registered grievances should be acknowledged by the receiver, thereby extending confidence to the complainant that their grievance will be heard and responded to within an official system.

3. A Guaranteed Response to Grievances Filed: Within a Time Frame and with a 'Speaking Order'

The fact that registered grievances ought to be redressed is obvious. However, what the redress should entail needs to be unpacked from the point of view of those who register complaints in the first place. Another set of questions dominates the minds of complainants. How long will it take for their grievances to get redressed? What if their grievances concern life and liberty and need immediate resolutions? What if there are disagreements with the alleged resolutions of the grievances? Can the order handed out by the administration be contested?

Also, for a complaint redressal system to be accountable to the people, complainants must be assured of the time frame within which they will be redressed. Most often complaints are said to be 'resolved,' and hence 'closed,' on the basis of unilateral decisions by the administrator. Every resolution of a complaint should be accompanied by a written report of the action taken that records the cause of the grievance, the action taken by the administration to redress the grievance and hopefully prevent its reoccurrence, the details of monetary or disciplinary action taken against those officials found to have deviated from their duty, the details of compensation for which the complainant is eligible, and the avenues available to the complainant to appeal the action taken by the administrator to redress the grievance.

4. Protecting Citizens

One of the first issues the Dalit youth brought up in relation to accountability was the increased threat that

came with the filing of a grievance or complaint. Those who seek information or ask questions—and are likely to pursue the matter—are a threat to vested interests in society. Adequate protection needs to be extended to those seeking information and attempting to act on it by reporting or registering complaints so that they are able to do so free of intimidation and threat. Building disincentives for those agencies and individuals who might want to further intimidate the complainant is absolutely necessary. There are widespread reprisals for information being accessed. Threats of violence and intimidation need to be curtailed immediately and proactively, and prohibitions need to be put in place as a matter of design. For instance, one way to disincentivize those who threaten/harass/intimidate individuals seeking to access information that may expose acts of corruption is to ensure that if threats are made the information will be immediately made public. Similarly, any reprisal should result in an automatic investigation of the issue for which information was sought or a complaint registered.

5. Participation

A complaint redressal system ought to take into account the version of facts stated by the complainant before considering a complaint as redressed and hence closed. In other words, every person should get some form of a hearing. Even if mechanisms to provide information, register complaints, have them redressed within specific time frames, and protect complainants and information seekers are in place, they may become 'routinized' in the absence of institutionalized platforms through which people can meaningfully participate in all aspects of engagement. People ought to have a role in

- Defining the nature of information that must be publicly disclosed;
- Deciding on the multiple modes, locations, and platforms through which this information should be publicly disclosed;
- Articulating the grievance faced by them in their own language and form;

- Deciding on the multiple modes, locations, and platforms through which their complaints ought to be registered;
- Participating in the redress of their grievance by having their version of the facts heard and acknowledged by those inquiring into the cause of the complaint;
- Confirming the resolution of the grievance;
- Deciding on the multiple modes, locations, and platforms that can be used by people to report instances of intimidation, threats, or harassment; and
- Participating in collective platforms that give people, individually and collectively, a chance to publicly dialogue with the administration.

6. A Formal Collective and Democratic Platform

The power equation between a citizen and the State always tends to favor the latter. This can begin to tilt in

favor of the former only when people have a chance to engage with the State publicly and collectively. Such platforms facilitate public discussion based on evidence and lived realities. Dialogues with those in power, publicly and collectively, cannot be scripted, and they are often a dramatic process of redistribution of power based on evidence and fact. Individuals and communities are empowered and politicized when they experience the practical potential of participatory democracy. Once people have access to and begin to act in collective platforms and are faced with the challenge of making informed choices, democracy moves beyond the two-dimensional aspect of electoral majorities to the complex sphere of deliberation, dialogue, and ethical decision-making. Every voice counts: individually, persuasively, and collectively. For instance, the relevance of a social audit is not only its utility as a feedback tool to know the ground realities of the implementation of any program. Its relevance stems from the fact that it is able to institutionalize a dialogic process that redefines the very concept of expertise. This platform has to be formal and follow norms that allow equal and open participation and make the decision-making process public.



Villagers at a Right to Hearing camp organized by the Government of Rajasthan under the Right to Hearing Act. The camps would ordinarily entail complainants submitting their grievances, getting dated acknowledgement slips ('pink slips') and them participating in an open collective forum where the administration would report publicly on actions taken on individual grievances. Photo credit: Digvijay Singh.

V. The Defining Features of the Bhilwara Framework



As is evident from the above description, the Bhilwara Framework offers a wider understanding of 'what can work' in strengthening accountability. Instead of being a methodology of dos and don'ts, it offers a touchstone to activists, academics, and administrators to design social accountability processes that empower the ordinary citizen by potentially turning traditional vertical accountability of public functionaries to their supervisors into accountability of the State to the people. The objective of the Framework is to give more strength to citizens, individually and collectively, in their engagement with centers of power and to strengthen their demands for accountability. It makes the connection of social accountability with social democracy.

The Bhilwara Framework of Social Accountability serves as a useful and flexible guide to conceive, build, and analyze practical mechanisms for furthering social accountability in varying contexts. Placing power at the center of its discourse, it helps to build the vocabulary for countervailing power necessary for social accountability to realize its promise. This is particularly true in contexts where power takes multiple forms, not all of them official, formal, and visible.

- i. The Bhilwara Framework is a continuum that builds on reiterative practice and collective learning. Diverse opportunities need to be identified where elements of the Framework can be put into practice so that opportunities and challenges expose themselves and lessons from those can widen the basic conception of the Framework in an iterative manner.
- ii. The Framework is not a hardwired end-to-end technique that can be replicated as it is. It is a set of minimum principles that need to form the basis of any

practical demonstration of an accountability ecosystem. The principles remain constant, but the detailed protocols that emerge in different contexts vary.

- iii. The Bhilwara Framework also recognizes the necessity of not being 'neutral.' Those who suffer the consequences of a lack of social accountability most tend to also be the most socially and economically disadvantaged. For a system to be able to respond fairly and justly, it needs to ensure that those citizens who are marginalized and deprived are more empowered than the others. It needs to recognize social justice, the principles of equality, and the protection of dignity as the foundation. A social accountability framework needs to be able to tilt the unequal balance of power between people in favor of those most in need. Support needs to be extended in proportion to felt vulnerability. There needs to be a positive bias toward helping the poor and the marginalized in seeking and accessing accountability.



Public hearing in East Garo Hills, Meghalaya, where Government officials respond to social audit findings in a public platform. Credit: Meghalaya Society for Social Audit and Transparency.

VI. Widening Application and Transitioning to Policy



Although the Bhilwara Framework originated in the context of Dalit communities fighting atrocities, it has now made its way into a wide range of sectors. Whether it is a collective conceiving of what accountability means to livelihoods and ecosystems ravaged by a natural disaster, or whether it is navigating through the challenges of pursuing answers and demanding fairness in urban municipality commissions, or whether it is seeking pathways to hold mining companies accountable to mining-affected communities, campaigns struggling in each of these areas have engaged with and applied aspects of the Framework to strengthen their struggles. This has been possible because the Bhilwara Framework presents an opportunity to unravel accountability while seeing it as intrinsically connected to hegemonies of power.

The strength of the Bhilwara Framework lies in the fact that it made the significant transition from concept to policy. The SAI developed a set of minimum conditions that social audits would have to honor (i.e., the Auditing Standards of Social Audit). The genesis of the Standards legitimized social audits as a formal component of the audit process and led to their being recognized by the State, its executive and eventually the judiciary, too.⁵ The Standards begin with laying down the Bhilwara Framework as the minimum principles that must govern institutionalized mechanisms for facilitating citizen oversight and participation in governance. The acceptance and codification of the Bhilwara Framework within the SAI's Standards was a substantial breakthrough. The Bhilwara Framework has also taken root in national policies on accountability framed by the ministry in charge of ensuring social justice and security for Dalits, transgender individuals, manual scavengers, waste pickers, rehabilitating drug addicts, and the elderly. The Framework also serves as the foundation for an ongoing attempt at drafting a legal framework for accountability by the state government of Rajasthan, becoming a fit tribute to where the struggle for these principles began.



Public hearing in West Jaintia Hills, Meghalaya, where the Department set up desks to engage with citizens on their individual grievances and respond to them.
Credit: Meghalaya Society for Social Audit and Transparency.

The Bhilwara Framework has also helped to develop the concept of independent facilitation: to further accountability, the State is mandated to provide, extend, and fund platforms, institutions, and processes that are independent of the interests of just the State. This is a crucial aspect of the evolution of social accountability because it ensures that citizens' concerns are heard despite the strength of their numbers or the reach of their social movements. The praxis of independent facilitation is a developing discipline and is intrinsic to the concept of social accountability under the Bhilwara Framework.

Social audits, a celebrated component of the Bhilwara Framework, offer one such breakthrough in demonstrating a practical manifestation of the delicate exercise of independent facilitation. Social audits are mandated by law and are funded by the State. In India's National Rural Employment Guarantee Act (NREGA), 0.5 percent of the budget is dedicated for conducting social audits in 600,000 villages across the country. This mandate has led to the setting up of 'Social Audit Units' in each state

that are responsible for ensuring that free and fair audits take place throughout the year as per a predetermined calendar. Although the Units are set up by the State, they are administered and monitored by persons independent of the implementation architecture of the employment guarantee program. Detailed standards endorsed by the SAI, the State, and the Supreme Court govern the running of these Units and the subsequent audit process to enable them to remain independent of the interests of the implementation wings of government. Norms for selecting human resources deployed in the Units, preparing the audit calendar for the year, setting up of bodies responsible for overseeing the functioning of the Units, and the audit protocols to be followed by teams on the ground have been established to promote and protect the concept of the State institutionalizing platforms like social audits for seeking accountability that are independent of itself.

Similar breakthroughs have been made in contemporary grievance redress reforms. Recognizing that complainants will face difficulty and perhaps intimidation while registering a grievance at the very office that is the cause of the grievance, the Bihar Public Grievance Redress Law mandates the setting up of Information and Facilitation Centers (IFCs) at the sub-state level. Each IFC serves as a single window support center for local citizens to access information about government programs, register grievances and file applications, and track their status. The IFCs are established and funded by the State, but they are managed by persons identified through an independent search and selection process. These individuals could be chosen from nongovernmental organizations (NGOs) working in the area or from members of local self-help groups (SHGs). Once

they are selected for this mandate, they work as IFC resource persons and not as representatives of their SHGs/NGOs. Although the boundaries of these identities are often indistinct and blurred, norms have been carved out to enable this socialization. States like Jharkhand require a memorandum of understanding between such resource persons and the State detailing their separate roles and responsibilities. The establishment of institutions like IFCs is another example of the State acknowledging and putting in place platforms for enabling accountability, but also maintaining the required distance and independence from them.

The framing of accountability in terms of a universal right is enabled by institutionalizing elements of the Bhilwara Framework. It is in this regard that independent facilitation plays a critical role in democratizing accountability.

The broad acceptance of the Bhilwara Framework by many citizen groups, campaigns, and collectives helped it to enter policy discourses at different levels. People connected to campaigns such as the MKSS and the SR Abhiyan engaged with invited spaces, and also pushed to create space where none existed for consultation within the State and pursued the translation of these concepts into policy prescriptions. The Framework's resonance with universal principles of justice and equality also enabled it to be contextualized to landscapes widely different from each other. For instance, it could enable accountability when applied to the running of a public works program, legislation protecting Dalit and tribal communities from atrocities, the running of welfare schemes for construction workers, and the running of a decentralized public distribution system for food grains.

VI. Conclusion



The Bhilwara Framework of Social Accountability offers a distinct perspective for understanding social accountability in different parts of the world and assessing the potential for social accountability programs to meet their intended objectives. Though the Framework originated in a small rural region of western India, it has the ability to speak to years of collective action on promoting and strengthening social accountability across a much wider geographical and social canvas. It is able to be both specific and universal because it approaches social accountability from a framework of power and inequity—the seeds of which are found in almost all struggles for accountability across the world.

Any social accountability framework, however, needs to continuously evolve. It can do so by remaining relevant in every dynamic intersectionality of the State, society, and citizens. Efforts to expand the scope of social accountability need to continue to emanate from and remain connected to social movements and campaigns.



The Rozgar Adhikar Yatra, campaigning for the passage of an employment guarantee law in 2002. Credit: Sohrab Hura.

This is essential for struggles for deepening social accountability and ensures that they remain centered in the concept of social justice and not just the concepts of participatory democracy. This was the connection that was made by Dr. Ambedkar when he spoke of a social democracy based on concepts of liberty, equality, and fraternity as an ‘indivisible triumvirate.’ The conceptual connection of the struggles of Dalit youth with the understanding and breadth of vision in Ambedkar’s formulations has allowed these principles to become a ‘framework.’ It is both ends that have allowed this Framework to enrich the understanding of social accountability in practical as well as theoretical terms.

Poor accountability affects the functioning of all public institutions in a democracy, not just public service delivery. The inability of ordinary citizens to ask questions and seek answers also pervades the criminal justice system. It is what enables state-sponsored targeted killings. It enables displacement without choice and rehabilitation on paper. It allows unchecked operations of the extractive industry. It forces people to have to access public services through the private sector, with no accountability fixed at any level. It allows the perversion of the sacred relationship of dignity and equality in the intersections of the State, society, and citizens. Without a practical framework, these will remain theoretical concepts without being of real meaning to ordinary and oppressed people. The Bhilwara Framework needs to be applied to each of these contexts so that the relevance of these essential principles can be validated or developed further. The form, texture, and shape of the Bhilwara Framework will develop and mature when it is applied to furthering accountability in each of these diverse streams. The Framework will help provide a practical template of social accountability. That application—and the inevitable challenges—will, in turn, help further develop the Bhilwara Principles.

For social accountability to grow from principles to action, it needs to be enshrined in law and embedded in policy. The people who formulated the Bhilwara

Principles, built alliances, intervened in debates, and fostered engagement so that they could take their ideas and lessons from the open squares of public action to the rooms and corridors where policy is framed. In this pursuit, alliances were drawn with champions of these ideas within other wings of governance, including the courts, the SAI, and the media. Most significantly, the Bhilwara Framework showed the need for challenging imbalanced power relationships at every level and sphere of democratic governance as a means to pave

the path for social accountability. It taught us that social accountability would not have the impact we would like it to have unless efforts to promote it actively recognize equality, liberty, and fraternity as the means through which control of the groups who hold power can be dismantled by creating platforms where they are held accountable to the people. The Framework once again reminds us all of the undeniable link between accountability and democracy.

Endnotes

1. This *Accountability Note* builds on earlier writings by the author. See Swamy, Rakshita. 2019. "The Bhilwara Principles: An Accountability Framework in Action." *Common Cause* XXXVIII, no. 2 (April-May) 36-41. <https://www.commoncause.in/pdf/The-Bhilwara-Principles.pdf>. Swamy, Rakshita. 2019. "Explorations in the Concept of Social Accountability: From Theory to Practice, and from Practice to Theory." New Delhi: Centre for Budget and Governance Accountability. <https://www.cbgaindia.org/wp-content/uploads/2019/04/Explorations-in-the-Concept-of-Social-Accountability.pdf>.
2. A nomenclature chosen to be used by a community officially known as the 'Scheduled Caste' as per the Indian Constitution. In the past, Dalits were referred to as 'untouchables,' 'depressed classes,' and 'lower classes' to indicate their alleged lower status in the Hindu caste system.
3. As per the Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act, 1989.
4. Dr. Bhim Rao Ambedkar was the chairman of the Drafting Committee of the Indian Constitution that was presented to the country on November 25, 1949. While being an eminent jurist and economist, he is also considered as one of the leading advocates for the rights of Dalits.
5. Known as the Comptroller and Auditor General of India.
6. The Supreme Court of India referred to these standards in the course of public-interest legislations and directed the central and state governments to conduct social audits as per these standards of schemes for the public distribution of food grains, the running of correctional facilities for juveniles, and the distribution of welfare benefits for construction workers.

Accountability Research Center Publications

Learning Exchange Reports

- Brenda Rodriguez Herrera, Rebeca Salazar Ramírez, and Mariana González Moyo. 2018. "First Meeting of Auxiliary Watershed organizations: Good Practices, Limitations, Lessons, and Prospects. Rapporteur's Report." *Learning Exchange Report 4*.
- Marta Schaaf, Caitlin Warthin, Amy Manning, and Stephanie Topp. 2018. "Report on the Think-in on Community Health Worker Voice, Power, and Citizens' Right to Health." *Learning Exchange Report 3*.
- Joy Acheron, Angela Bailey, Shaazka Beyerle and Jonathan Fox. 2017. "Citizen Action Against Corruption." *Learning Exchange Report 2*.
- Victoria Boydell, Jonathan Fox and Sarah Shaw. 2017. "Transparency and Accountability Strategies & Reproductive Health Delivery Systems." *Learning Exchange Report 1*.

Books

- Joy Acheron (Ed.). 2018. *Going Vertical: Citizen-led Reform Campaigns in the Philippines (Second Edition)*. Quezon City and Washington DC: Government Watch (G-Watch) and Accountability Research Center (ARC).

Accountability Research Center Publications

Accountability Notes

- Benilda Batzin, Paulina Culum, and Julia Fischer-Mackey. 2020. "Defending the Right to Health in Guatemala: Reflections of Two Indigenous Women on the Frontlines." *Accountability Note 8*.
- Benilda Batzin, Paulina Culum y Julia Fischer-Mackey. 2020. "Defendiendo el derecho a la salud en Guatemala: Reflexiones de dos indígenas de primera línea." *Accountability Note 8*.
- Daniela Rea. 2019. "The Women of Caltongo Who Opened the Government's Doors: Social Accountability at the Edge of Mexico City." *Accountability Note 7*.
- Rachel Sullivan Robinson. 2019. "Setting the Stage for Increased Accountability: The White Ribbon Alliance Nigeria Campaign to Improve Maternal, Newborn, and Child Health in Niger State." *Accountability Note 6*.
- Carlos García Jiménez. 2019. "Citizen Experiences and Challenges in Bringing Transparency and Accountability to Local Governments in Southern Mexico." *Accountability Note 5*.
- Carlos García Jiménez. 2019. "Experiencias y desafíos ciudadanos para instituir la transparencia y la rendición de cuentas en gobiernos locales del sur de México." *Accountability Note 5*.
- समीर गर्ग और शुची पांडे. 2018. सथाई बदलाव के लिए सीखने की रणनीतिक भूमिका: भारत में मितानि सामुदायिक स्वास्थ्य कार्यकर्ताओं द्वारा सावजनिक उत्तरदायित्व को बढ़ाने पर कार्य. *Accountability Note 4*.
- Samir Garg and Suchi Pande. 2018. "Learning to Sustain Change: Mitani Community Health Workers Promote Public Accountability in India." *Accountability Note 4*.
- Elana Berger. 2018. "How a Community-Led Response to Sexual Exploitation in Uganda Led to Systemic World Bank Reform." *Accountability Note 3*.
- Walter Flores. 2018. "How Can Evidence Bolster Citizen Action? Learning and Adapting for Accountable Public Health in Guatemala." *Accountability Note 2*.
- Walter Flores. 2018. "Lecciones sobre acción ciudadana y rendición de cuentas en los servicios públicos de salud de Guatemala." *Accountability Note 2*.
- Abdulkarim Mohammed. 2017. "Following the Money in Ghana: From the Grassroots to the Hallways of the IMF." *Accountability Note 1*.

Working Papers

- Marcos Mendiburu. 2020. "Citizen Participation in Latin America's Supreme Audit Institutions: Progress or Impasse?" *Accountability Working Paper 6*.
- Felipe J. Hevia and Samana Vergara-Lope. 2019. "Educational Accountability or Social Accountability in Education? Similarities, Tensions, and Differences." *Accountability Working Paper 5*.
- Felipe J. Hevia y Samana Vergara-Lope. 2019. "¿Accountability Educativo o Accountability Social en educación? Semejanzas, tensiones y diferencias." *Accountability Working Paper 5*.
- Joy Aceron. 2019. "Pitfalls of Aiming to Empower the Bottom from the Center: The Case of Philippine Participatory Budgeting." *Accountability Working Paper 4*.
- Rachel Nadelman, Ha Le and Anjali Sah. 2019. "How Does the World Bank Build Citizen Engagement Commitments into Project Design? Results from Pilot Assessments in Mozambique, Myanmar, Nigeria, and Pakistan." Institute of Development Studies. *IDS Working Paper 525*.
- Nani Zulminarni, Valerie Miller, Alexa Bradley, Angela Bailey and Jonathan Fox. 2019. "Membangun Gerakan Untuk Akuntabilitas: Belajar dari Pengorganisasian Perempuan Indonesia." *Kertas Kerja Akuntabilitas 3*.
- Nani Zulminarni, Valerie Miller, Alexa Bradley, Angela Bailey, Jonathan Fox. 2018. "Movement-building for Accountability: Learning from Indonesian Women's Organizing." *Accountability Working Paper 3*.
- Francis Isaac, Danilo Carranza and Joy Aceron. 2017. "From the Ground Up: Multi-Level Accountability Politics in Land Reform in the Philippines." *Accountability Working Paper 2*.
- Suchi Pande and Rakesh R. Dubbudu. 2017. "Citizen Oversight and India's Right to Work Program: What do the Social Auditors Say?" *Accountability Working Paper 1*.

See all publications at <http://accountabilityresearch.org/publications/>