Capturing Institutional Change: The Case of Right to Information Act in India

Mr Himanshu Jha
PhD Candidate, South Asian Studies Programme, NUS

ABSTRACT
Right to Information Act (RTIA), 2005 enacted by the Indian Parliament on 12 October 2005 sets out a practical ‘regime’ of seeking and accessing information under the control of public authorities and extends to the entire country (except for the state of Jammu and Kashmir). This presentation seeks to examine the process of institutional change through the lens of transformation in the ‘information regime’ in India by tracing the passage of the RTIA.

Case of RTIA presents a research puzzle. Prior to the RTIA, the details and process of governance were shrouded in secrecy. Laws such as the Official Secrets Act, 1923 (OSA); Civil Services Conduct Rules, 1964; and the Indian Evidence Act, 1872 (Sections 1, 2, and 3) had weakened the citizens’ right to know. The logic and demand for transparency and accountability was on the fringes during the pre-RTI period, and the institution of ‘secrecy’ was ‘locked in’ within the state at all systemic levels. In contrast to this past, transparency and accountability are truly at the centre stage of governance discourse today. Why did the state decide to initiate institutional change in the legal regime established in colonial times, and even strengthened in 1967 after the Indo-China conflict (1962) and Indo-Pak war (1965)? The puzzle deepens in the light of the fact that the Indian state is viewed to be dominated by the interest-based nexus of the propertied class (Bardhan 1998); business–politics nexus (Kohli 2012, 1982); regime type (Kohli 1982); dominant caste–class configurations (Lakshman 2012; Kohli 1982); and patronage democracy (Chandra 2009; 2007). So, why would the state initiate a change in the legal framework of the information regime, which would be used, variously, to highlight and expose the very nexus said to govern these institutions?

This presentation seeks to unravel this puzzle by capturing the why and how of institutional change. Additionally, we will also examine the extent of this change in what we term as ‘institutional progression’ by looking at its implementation. By highlighting the socio-political processes that contributed towards both theory and policy, we seek to nuance the narrative of the RTIA, and contribute conceptually to the emerging literature on institutional change.

ABOUT THE SPEAKER
Himanshu Jha is a doctoral candidate in the South Asian Studies Programme at the National University of Singapore. Jha’s thesis explores the processes of institutional change by looking in-depth at the evolution of Right to Information Act in India. As a part of his doctoral work he traced the institutional journey of ideas taking shape of norms, finally adopted as rights. Jha holds a Bachelor with Honors in History from University of Delhi, Masters in Political Science from Jawahararl Nehru University and an M. Phil in Public Policy from Australian National University. Prior to his doctoral engagement he was working in developmental sector in India. His most recent work is a blend of academic and social research with active advocacy at various policy levels.

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VENUE Malay Studies Seminar Room, AS7 #04-13, Singapore 117570

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