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Towards a People's Assembly

(A 10-Day Dharna in Jaipur, August 2003)

Over 200 people from more than 25 organisations working together under the banner of Akal Sangharsh Samiti began a dharna at Statue Circle in Jaipur on 16th August 2003. The Rajasthan State Assembly was to begin its final session from the 21st of August. For almost 3 years the Akal Sangharsh Samiti and 60-70 organisations connected to it had been raising issues and supporting peoples struggles to overcome conditions of drought and poverty. One basic demand was to enact an Employment Guarantee Act in Rajasthan. The issue was now beginning to be taken seriously, but it was clear that none of the political parties were willing do any more then pay lip service to it, despite acknowledging its importance for the survival of the poor and the basic development of the State. It was necessary therefore, to ensure that this issue was debated both inside and outside the Assembly (Vidhan Sabha), and that the ground be prepared for making it an issue during the forthcoming State Elections. Along with the demand for an EGA there were several other related issues that were of critical concern to people's livelihoods that were to be addressed during the dharna.

From the very beginning the dharna had a two-fold objective. There was the objective of seeking immediate action on the multiple demands made. The more unconventional attempt however, was to provide space and create a democratic platform which would bring into popular focus those issues that should occupy the attention of the State Assembly and its legislators, but are lost in the immediate priorities of power politics.

On the first day, a 10-member delegation met the Rajasthan Chief Minister Ashok Gehlot for over an hour to discuss the list of demands. Also present was the Secretary to the CM and Policy Planning Mr. C.K Mathew. This meeting was followed by discussions with State Government officials over the next few days. A three-member delegation also met the CM at the Assembly on the 22nd of August. A brief detail of the demands and subsequent actions is attached in part II. The first part of this note however, will attempt to convey the kind of platform the dharna provided for democratic debate and protest. The title of the main pamphlet reflected this objective - "*yeh dharna nahin- jan vidhan sabha hai*". (This is a peoples Assembly- not just a sit-in.)

1. Dharna and "Jan Vidhan Sabha"

The Akal Sangharsh Samiti decided to time the dharna to coincide with the final session of the State Assembly. The MKSS therefore decided that the second phase of the truck Yatra would be merged with the dharna as the "Jan Niti Abhiyan" objective of highlighting basic issues of the ordinary citizen, including the demand for an Employment Guarantee Act would best be served by raising them as part of a broader network in Jaipur before and during the Vidhan Sabha session.

The irony was that the Vidhan Sabha effectively met to transact business for less than two working days. An analysis of what transpired on the floor of the House even during those two days shows that there was almost no substantive debate, and very little legislating was done.

It is here that the dharna revealed the potential of what kind of role the Vidhan Sabha could play. From all over the State and from disadvantaged communities living in Jaipur, people came to the dharna and spoke of their own problems, and the problems faced by their larger communities. In several cases citizens groups even offered constructive and well thought out alternatives and solutions. The dharna began every day with a detailed articulation of the primary demands, and the progress made on these demands in ongoing negotiations. The rest of the day was allocated to discussions on the issues being raised by the different ongoing campaigns and struggles. Each of these sessions was handled by a selected set of individuals and organizations with working experience and knowledge of the issues identified.

On the second day of the dharna for instance, a panel was formed to oversee a "public audit" of the working of the Right to Information (RTI) Act in the State, and the accountability of State institutions on complaints of corruption. Case studies were presented from different parts of the State relating to information sought from various departments. These presentations dramatically illustrated the importance of RTI as well as the great stumbling blocks that still existed for citizens trying to seek information. The case studies were documented and a representation was submitted to the government. A collective discussion took place to work out a more coordinated effort on RTI issues. Recommendations were framed to amend the State RTI Act.

In each of these sessions, songs were sung, plays were enacted, slogans were voiced, experiences were shared, demands were made, problems were identified, and solutions were discussed. Every day of the dharna was therefore a workshop, a platform for debate, a medium for publicizing the issue, a means for pressing the demands; and a network for joint action.

On subsequent days similar workshops / public hearings were held on the priorities of dalit groups; on the gender issue; on the impact of globalization on workers in the unorganized sector; on protecting democratic spaces and the right to strike of government servants; on communalism and building relationships of peace and security; on electoral reforms and an "election watch" campaign; and of course on the Employment Guarantee Act and drought policies in the State. Regular coverage in the media brought the issues into larger focus and some of the discussions even became subject matter for editorials, features and interviews in the English and Hindi press.

The "*ghotala rath yatra*" (a mobile spoof called the chariot of scams) was used as a means of taking the message of the dharna to different parts of Jaipur. It appropriately and quite dramatically led the two rallies to the State Assembly. Some people from the dharna went to schools and colleges to talk about democratic issues and invite students to join the campaigns. The Delhi based theatre group Alarippu sent a team to perform a play for school students called the "Gift" as their gesture of support. Participating organizations contributed time, money, and grain collected from the people of their area. A collective decision making process for conducting the dharna was set up, and separate groups were formed to prepare daily press releases, keep transparent and accessible accounts, lobby with MLA's, do fund raising, and document all that was going on.

This was a dharna in name but in fact, was a much larger collective effort to bring the poor and marginalized into focus within the process of policy formulation and execution. When contrasted with the State Assembly sessions it exposed the shortcomings and superficiality of representative democracy in its practice today. It also confirmed the competence, ability and commitment of ordinary citizens to take decisions on matters related to their own lives. The dharna ended with the conclusion of the State Assembly on the 25th of August 2003.

A brief description of the major demands and the response of the government (in two meetings with the Chief Minister, and subsequent discussions with State Officials) are given below.

2. Demands and Responses:

a) Demand for a Rajasthan Employment Guarantee Act:

The Chief Minister said he was in complete agreement with the demand – it was a question of finding the resources to implement such an entitlement. He said he had urged the implementation of an EGA on several occasions and said that if the Central Government provided at least the grain component, the state government would do the rest. He said there should be a central act in the whole country. He read out estimates made by state government officials of the money required for such an act in the state. While economists connected with the Right to Work movement had come up with an estimated requirement of approximately Rs.1600 Crores a year for EGA the Rajasthan Government bureaucrats had given the CM figures of Rs.8000 Crores for complete coverage, and Rs.2100 Crores to cover those below the poverty line in the state. It seemed clear that by pegging the estimates extremely high, policy makers were creating the impression that this was an impossible entitlement for the State Government to provide.

The Andolan has asked for details of how these estimates were made and reiterated its position that the demand for an employment guarantee Act is practical and reasonable. Even more important, its intrinsic relationship with the right to live makes its implementation imperative. This is something that the CM also acknowledged during his talks with the delegation when he said that. ("I have stated on more than one occasion as long as there is no employment guarantee act instances and reports of starvation deaths will not cease.") Another delegation of the Akal Sangarsh Samiti met the CM in the State Assembly on the 22nd of August when he reiterated his position that the state did not have the resources to pass such legislation immediately. However, he said that an EGA would be in the Congress Party manifesto for the upcoming state elections. During the Assembly session delegates also met the leader of the opposition Gulab Chand Kataria and leaders of the Janata Dal and CPM. Amra Ram of the CPM said his party supported the Bill drafted by the andolan and he would be happy to present it as a private member's bill. The leader of the Opposition made it clear that there was going to be little time for substantive discussions on any issues as the Assembly was likely to last only two days. The position at the end of the Dharna was clear: parties are supportive of the EGA theoretically, but are not willing to do anything substantive to have it passed and implemented. The priorities for parties even at the time of elections are not the poor. Parties are much more concerned with meeting the demands of intermediaries and vote bank managers who they perceive as controlling the divided blocks of the vote bank of the poor. In the competing demands for public resources, the poor are still of least concern. The Dharna had succeeded in bringing the issue into focus, but it would require sustained pressure and a much larger mobilization before a fundamental issue like the EGA gets any more than lip service support. The movement will have to be intensified during and after the elections as part of an effort to bring such livelihood issues of the poor into central focus.

b) Stopping of arbitrary eviction notices to tribals living in forest areas

Like in other parts of the country, tribal communities in Rajasthan have been under grave threat due to the eviction notices being served on them subsequent to the Supreme Court case on clearing so called "occupation" of forest land. The crisis had become immediate and intense ever since eviction notices were being issued without examining the date of occupation as required under the law. Over 5000 such notices had been issued in Southern Rajasthan, and just the process of replying to the notices was harrowing and expensive.

The Chief Minister issued immediate orders to cease eviction processes until proper investigations had been conducted into each case to determine whether the occupation of the land preceded 1980. These orders have percolated to the concerned districts and tribals have received temporary reprieve. However, for a longer term solution the jungle- zameen andolan has begun a sustained campaign under which thousands of tribals have been presenting their written claims to the Government.

c) Making the Right to Information (RTI) Act more effective in Rajasthan

The Central Government had sent a letter to all State Governments restraining them from making any further improvements / changes in the State Acts, on the grounds that a Central Act had been passed, which in its opinion would render the State Acts infructuous. Even though the Central Act is yet to be notified, and from all accounts the government has no immediate plans to bring it into effect, the GOI had issued these instructions with great alacrity. Many legal experts feel that nothing can prevent State Government from legislating on a state subject matter, and therefore even after the Central Act comes into force the State RTI Acts would continue to apply on State subjects.

The state legislature of Maharashtra had passed a very effective RTI Act, and repealed its earlier more ineffective version but it was not allowed to come into effect because of the GOI interpretation given above. On the 9th of August Shri Anna Hazare began a hunger strike demanding amongst other things implementation of the new Maharashtra RTI Act. By the time Akal Sangharsh Samiti's dharna began on the 16th in Jaipur, Shri Anna Hazare's demand had been accepted and the Maharashtra Act had been brought into effect. By changing its stand on the Maharashtra RTI act by sending it to the President for approval, the GOI has opened the doors for other states to improve their RTI Acts. The dharna began with over 200 people sitting on fast for a day in sympathy with Shri. Anna Hazare's strike, as well as making a demand to improve the Rajasthan RTI Act along the lines of the Maharashtra Act.

The Chief Minister and later the Secretary to the Chief Minister promised to have the State Act examined, and have the National Campaign for Peoples Right to Information (NCPRI) proposals

considered. Although they felt it was too late to bring these amendments before the legislative assembly they said that a suitable ordinance could be brought into effect. They also promised follow up action on pending Right to Information anti corruption applications on a case-by-case basis.

d) Verification of Electoral Rolls:

Based on orders from the central election commission, the State government issued detailed instructions to read out and verify electoral rolls in ward sabha and other citizen's fora, from August 25th to 31st with the objective of cleaning up electoral rolls before the State Assembly Elections. This had come out of an earlier demand made by the NCPRI to the Election Commission and the State Government to this effect. The related demand to have common panchayat and legislative assembly rolls was considered, but a decision was deferred until after the State Assembly Elections on the grounds of paucity of time.

e) Other democratic and human rights issues

As the dharna continued for ten days at Statue Circle, several other cases of individual grievances and public concern were raised at the platform provided by the dharna. These included atrocities against women, dalits, freedom of ex-expression issues like the implication of the Supreme Courts orders banning government servants going on strike etc. An issue that was highlighted repeatedly through the dharna was the availability of the "Statue Circle" as a place for public protest. After years of Statue Circle being used as the dharna spot where visible space was available protected for public protest, the government had responded to a High Court notice by banning all dharnas at the Circle. The Akal Sangharsh Samiti dharna raised this as an important issue concerning all citizens and made it clear that such a move was patently anti democratic. The Samiti demanded the re- opening of the Statue Circle for democratic protest and the protecting the sanctity of such democratic spaces. The Chief Minister promised to look into the case and follow up work on this issue is continuing.

Individual complaints of atrocities that were presented at the dharna site were submitted to the government during the course of the dharna and citizens organizations dealing with such complaints have taken responsibility to continue with the detailed follow up action that is always required in such cases.