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Role of Public Space in the Deliberative Public Sphere: The Case of India

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Abstract

This thesis examines the role of public space in the functioning of the public sphere within deliberative democracy, with a special focus on the Indian context. While much of the existing literature on deliberative democracy elaborates on its social requirements – the public sphere, its physical requirements – public space, have been largely overlooked. The contemporary public sphere primarily operates in a virtual environment through print and electronic media technologies in an increasingly globalized and virtually interconnected world. Despite its predominantly virtual existence, physical places that facilitate in-person deliberations still form a crucial aspect of a functioning public sphere. Academic scholarship on the topic undermines the physical needs of deliberative democracy. The thesis addresses this gap by analyzing how public spaces facilitate deliberative processes in this model of democracy and fulfill the limitations of the bourgeois public sphere and deliberative democracy. The thesis employs the methodology of rational reconstruction conceptualized by Jürgen Habermas (1989). This approach combines theoretical frameworks with empirical research by using the literature review method that sources data from books, journal articles, legal documents, and government websites. Drawing on the theoretical concepts of deliberative democracy, the public sphere, and public space, the study investigates how these elements interconnect and contribute to the workings of deliberative democracy. The empirical analysis of the Indian case illustrates the extent to which these Western theoretical frameworks remain applicable within the context of a developing country of the Global South. In particular, the thesis examines the case of India's Right to Information (RTI) anti-corruption grassroots social movement, which spanned across a period of 17 years from 1989 to 2005. During this movement, key actors extensively utilized public spaces to facilitate deliberative democratic processes and promote the public demand for transparent and accountable state governance, highlighting the significant role of physical places in operationalizing deliberative democracy at a grassroots level. The thesis provides a comprehensive understanding of the relationship between the public sphere and public space within deliberative democracy. It concludes that accessible physical places are a vital component of an inclusive and participatory public sphere, which is necessary for fostering a healthy deliberative democracy.

Key Words

deliberative democracy, public sphere, public space, right to information, India

Table of Contents

1. Introduction 1
Research Objectives 3
Research Methodology 7
Rational Reconstruction 7
Methodological Application 9
2. Theoretical Framework 11
2.1 Deliberative Democracy 11
Three Principles 11
State Institutions 12
2.2 The Public Sphere 14
Functions and Characteristics 14
Limitations 17
2.3 Public Space 20
Functions and Characteristics 20
Limitations 24
2.4 Role of Public Space in the Deliberative Public Sphere 27
Physical Requirements 27
Performative Requirements 33
3. The Case of India 37
3.1 Indian Deliberative Democracy 37
3.2 Indian Public Sphere 38
Functions and Characteristics 39
Limitations 40
3.3 Indian Public Space 41
Functions and Characteristics 42
Limitations 43
3.4 Social Movement of the Right to Information Act 2005 47
Socio-Political Context 47
Legal Context 48
Right to Information Act 2005 49
Actors 50
Phases and Deliberative Strategies 52
Phase I: 1989 – 1996 54
Phase I: Deliberative Strategies 54
Phase II: 1997 – 2005 71

Phase II: Deliberative Strategies 72
Current Developments: 2006 – Present 74
4. Discussion 75
Deliberative Democracy 76
Public Sphere 78
Public Space 82
Role of Public Space in the Deliberative Public Sphere 85
5. Conclusion 90
6. References 95

List of Tables

Table 1: Summary of Phase I of the RTI Movement 86

List of Figures

Figure 1: Research Objectives 4
Figure 2: Pioneers of MKSS: Shankar Singh, Aruna Roy, and Nikhil Dey 52
Figure 3: Landmarks in the RTI Journey, 1975 – 2009 53
Figure 4: Sit-in Hunger Strike in Bhim, July 1990 57
Figure 5: Regional Open Convention in Bhim, October 1990 58
Figure 6: MKSS Office in Devdungri, May 1990 60
Figure 7: Public Deliberations in Devdungi, April 1991 60
Figure 8: First Public Hearing in Kot Kirana, December 1994 63
Figure 9: Sit-in Demonstration in Beawar, April 1996 69
Figure 10: Sit-in Demonstration in Jaipur, May 1997 73
Figure 11: First Public Hearing in Kukrakheda, January 1998 73
Figure 12: NCPRI National Convention in Beawar, April 2001 73
Figure 13: People's Policy Truck March in Rajasthan, July 2003 74
Figure 14: NCPRI National Convention in Delhi, October 2004 74

List of Abbreviations

BDO	Block Development Officer
CAA 2019	Citizenship Amendment Act 2019
CIC	Central Information Commission
DDP	Desert Development Programme

DRDA	District Rural Development Authority
FIR	First Information Report
FOI	Freedom of Information
FOI Act 2002	Freedom of Information Act 2002
IDS	Institute of Development Studies
INR	Indian National Rupee
JRY	Jawahar Rozgar Yojana
LBSNAA	Lal Bahadur Shastri National Academy of Administration
MKSS	Mazdoor Kisan Shakti Sangathan
NCPRI	National Campaign for People's Right to Information
NGO	Non-governmental Organization
OSA 1923	Official Secrets Act 1923
PCI	Press Council of India
PIO	Public Information Officer
RTI	Right to Information
RTI Act 2005	Right to Information Act 2005
SIC	State Information Commission

Glossary

Bandh [Hindi]	Market closure
Dharna [Hindi]	Sit-in demonstration
Gram Panchayat [Hindi]	Village governance system
Gram Sabha [Hindi]	Village assembly
Jan Sunwai [Hindi]	Public hearings
Öffentlicher Raum [German]	Public space
Öffentlichkeit [German]	Public sphere
Orientierungfunktionen [German]	Function of orientation
Panch [Hindi]	Elected representative of village governance
Panchayati Raj [Hindi]	Village governance system
Transparenzfunktionen [German]	Function of transparency
Validierungsfunktionen [German]	Function of collective validation

1. INTRODUCTION

The concept of democracy is expansive, multifaceted, and complex and manifests in various forms. Among the different forms of democracy, deliberative democracy stands out as an important framework that shapes the operations of various political institutions in contemporary democratic states. Critical political questions about who holds the decision-making power, how decisions are made (Elstub 2018:188), and how they are implemented are effectively addressed by the deliberative model. As the term 'deliberative' implies, this model of democracy is centered on the idea of reasoned debates held amongst individuals of "free and equal" status (Joseph and Joseph 2018:9). In institutional deliberative democracy, the decision-making power rests with the public, and decisions are reached through rational discussions held between members of society (Joseph and Joseph 2018:10). The outcomes of these public deliberations are accepted and implemented through different institutional democratic systems (Joseph and Joseph 2018:10). In this regard, the deliberative form of democracy offers a distinctive method for addressing political matters through collective decision-making and reasoned public deliberation (Joseph and Joseph 2018:10).

Rationale

The concept of the public sphere is regarded as a fundamental component of deliberative democracy, meaning that deliberative democracy operates through the public sphere. Political communication within members of a society lies at the core of the public sphere (Habermas 1974:49). Habermas (1974:49) defines the public sphere as a social space where individuals freely engage in discussions on matters of interest and form public opinion through reasoned dialogue. The public sphere is described as an inclusive space accessible to all individuals in society (Habermas 1974:49), where participants are considered to have equal political status (Maia 2007:71). Interpersonal communication, group meetings, newspapers, magazines, radio, television (Habermas 1974:49), mass media (Maia 2007:78), and more recently, the Internet (Maia 2007:86) lie in the realm of the public sphere. The deliberative model is attentive to the formation of opinions within the public sphere and their impact on the development of political will in a democratic society (Maia 2007:70). A vibrant and well-informed public sphere, founded on the principles of inclusion, equality, and rational discourse on political matters, is essential for the effective functioning of deliberative democracy.

A substantial body of literature on deliberative democracy strongly focuses on its social component – the public sphere. However, this literature often overlooks the physical requirements of deliberative democracy. Deliberative democracy involves communicative actions that need to be performed, including interpersonal conversations, group discussions (Parkinson 2009:103), voting, demonstrating, and petition-gathering (Young 2000:16). This performative aspect of deliberative democracy necessitates physical sites for enactment (Parkinson 2009:103). In other words, deliberative democracy is not just rooted in the social public sphere but also in "actions, performances, and physical presence" that require tangible places (Parkinson 2009:103). The physical requirements of deliberative democracy are met through the availability of public space (Parkinson 2012c:6). The physical public space is described as a common good accessible to all individuals and can be utilized for public performances (Parkinson 2012f:61). Streets, city squares, public parks, and public buildings are a few examples of public spaces in an urban environment (Parkinson 2012f:57). While the public sphere is central to the functioning of deliberative democracy, the role of public space in strengthening the public sphere cannot be dismissed.

Hypotheses

The effective functioning of deliberative democracy rests on two components – the social component of the public sphere [*Öffentlichkeit* in German] and the physical component of public space [*Öffentlicher Raum* in German]. Both concepts are integral to the workings of deliberative democracy and fulfill distinct yet complementary roles. Societal communication that takes place within the public sphere occurs in the physical environment of the public space (Parkinson 2009:103). Thus, the social component of the public sphere relies on the physical component of public space to operate efficiently (Parkinson 2009:103). However, a paradox can be identified here – on the one hand, a vast body of literature on deliberative democracy and the public sphere does not sufficiently acknowledge the importance of physical public space in its functioning. On the other hand, literature on public space is predominantly informed by the deliberative democratic theory. While academic scholarship has largely explored the social aspects of deliberative democracy, it overlooks the role of physical space in facilitating the performative actions that are an integral part of this democratic model. Furthermore, feminist critiques highlight the limitations of the public sphere, suggesting that there is a need for new approaches to address these shortcomings. Public space can offer innovative physical avenues for holding inclusive public debates within a deliberative

democracy, which can be further explored to overcome the deficiencies of the public sphere.

Premise

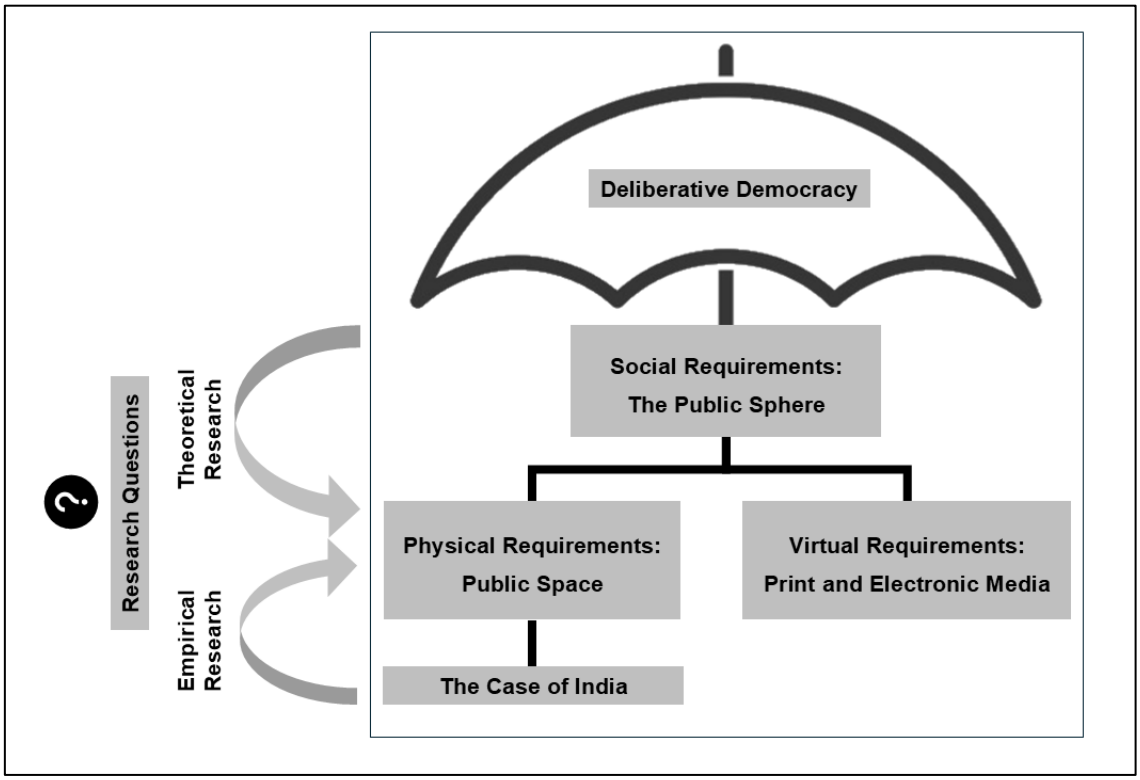
It is important to study a case that examines the aforementioned theoretical arguments. As a moniker of the world's largest democracy founded on deliberative institutions (Sahoo 2024:6), India offers a noteworthy example for exploring the relationship between the deliberative public sphere and public space. Following its decolonization in 1947, the country established itself as a sovereign secular federal republic with a parliamentary democratic system (Raikar et al. 2024:258–59). India takes pride in its extensive use of deliberative institutions, particularly the village assemblies [*Gram Sabha*], which impact 40 million rural citizens residing in nearly one million villages (Parthasarathy and Rao 2018:806). With an estimated population of 1.4 billion, 66 percent of whom live in the rural regions (The Information Architects of Encyclopaedia Britannica 2024:1), India's religious (Raikar et al. 2024:25), caste-based (Raikar et al. 2024:27), ethnic (Raikar et al. 2024:21) and linguistic diversity (Raikar et al. 2024:22) makes it complex pluralist society (Raikar et al. 2024:267, 271). This heterogeneity results in a wide range of viewpoints, which significantly shape the nature of public debates held within the Indian public sphere. Against this background, facilitating participatory and inclusive deliberations within India's diverse public sphere is a formidable challenge for the world's largest democracy (Joseph and Joseph 2018:11). Furthermore, access to the virtual public sphere is significantly limited in rural regions in India. In this context, public spaces are widely utilized for holding political debates, which fall under the public sphere. Due to these reasons, India provides a compelling case for examining the role of public space within the deliberative public sphere.

Research Objectives

Based on the current state of research on the subject, a research gap has been identified – while the social requirements (the public sphere) of deliberative democracy have been extensively studied, its physical requirements (public space) have been largely overlooked. Figure 1 graphically presents the research objectives of the thesis. As shown in the diagram, the theory of deliberative democracy acts as a theoretical umbrella under which both the public sphere and public space co-exist. Deliberative democracy operates primarily through the public sphere. The public sphere functions through the virtual

environment of print and electronic media technologies as well as in-person meetings that occupy physical public space. The physical requirements of the deliberative public sphere are, however, undermined in the extensive body of literature on the topic.

Figure 1: Research Objectives



Source: Author's creation

The thesis's primary objective is to examine the relationship between the public sphere and public space within deliberative democracy; in other words, the thesis investigates the physical requirements of deliberative democracy. In order to analyze the connection between the deliberative public sphere and public space, it is important to study an example, here, the case of India, that illustrates this relationship. Conducting empirical research is crucial for testing the applicability of theories in real-life contexts. Hence, the thesis draws on both the theoretical frameworks and empirical data related to the topic.

Accordingly, the research objectives are framed and divided into two parts – first, a set of theoretical questions (theoretical research question as RT) and second, a set of empirical questions (empirical research question as RE), as seen in Figure 1. Firstly, the theoretical part of the research addresses the relationship between the deliberative public sphere and public space. It consists of an in-depth analysis of two theories – the public sphere and public space. Here, the theory of deliberative democracy provides a background for understanding these two theories. Importantly, the thesis theoretically

expands on the role of public space within the public sphere. It investigates the impact of the usage of physical public space on the functioning of the public sphere, which ultimately affects the quality of deliberative democracy. Secondly, as part of the empirical analysis, these two theories and the relationship between the deliberative public sphere and public space are then tested against the Indian case. The empirical research examines the extent to which these theories remain applicable within the Indian context and analyzes the various ways in which public space facilitates the operations of the Indian public sphere. Importantly, the analysis of the Indian case points out the strengths and weaknesses of these theories and seeks to contribute to further theory development while expanding the understanding of the role of public space in deliberative democracy. In other words, the thesis reflects on what lessons can be learned from the Indian case that can add to the refinement and reconstruction of the theoretical framework.

The theoretical set of questions framed in this regard is as follows. Firstly, it can be argued that the scholarship on the public sphere does not adequately address the physical conditions that contribute to its effective functioning within a deliberative democracy. In a globalized, virtually interconnected world, the public sphere heavily relies on printed and digital mediums for political communication. Given that the contemporary public sphere predominantly exists in a virtual environment, the relevance of the physical public space in deliberative democracy has been increasingly challenged. To examine this issue, the primary overarching theoretical question that needs to be addressed here is:
RT: What is the relationship between the public space and the public sphere within deliberative democracy?

Secondly, the existing academic literature on deliberative democracy, the public sphere, and public space is predominantly rooted in Western contexts, referring to developed countries and marking their Eurocentric character. It would be important to study the extent to which these Western concepts find relevance in the context of developing countries of the Global South, such as India. In order to answer the primary research question, the following sub-question would have to be addressed:
RT1: What are the theories of deliberative democracy, the public sphere and public space framed in the Western context?

Thirdly, the feminist critique of the public sphere raises questions about the theory's efficacy in fulfilling the fundamental conditions of inclusivity and equality in deliberative democracy. Additionally, it is important to study how the limitations of public space affect

the operations of the public sphere within a deliberative democracy. Examining these criticisms is crucial to understanding the strengths and weaknesses of deliberative democracy. The theoretical sub-question framed in this regard is:
RT2: What are the limitations of the public sphere and public space, and how do they impact the functioning of deliberative democracy?

In the application of the theories to the Indian case, the main empirical question outlined is:
RE: How does the relationship between the deliberative public sphere and public space manifest within the Indian deliberative democracy?
To answer the main empirical question, the following sub-questions would have to be addressed:
RE1: To what extent do the Western theories apply to the Indian context?
RE2: How do the limitations of the Indian public sphere and public space affect the operations of the Indian deliberative democracy?

Theoretical Framework

The theories of the public sphere and public space are central to the research topic, and the thesis explores these concepts in depth. Here, the theory of deliberative democracy functions as an overarching framework that sets the stage for this study. The following section elaborates on the theoretical framework that guides this thesis.

Theory of Deliberative Democracy

The deliberative model of democracy is rooted in the idea that public deliberation held between members of society grants legitimacy to political decision-making (Cohen 1996:95). It follows that the social and political systems and procedures designed by the state are structured to enable participatory deliberation between members considered to have free and equal status (Cohen 1996:99). Central to deliberative democracy are reasoned public debates where issues of political significance are openly discussed and differing perspectives are acknowledged (Cohen 1996:99–100). By advocating equal opportunities and direct involvement of citizens in public issues, deliberative democracy is considered pivotal for “deepening democracy” (Joseph and Joseph 2018:9).

Theory of Public Sphere

Jürgen Habermas's (1989 [1962g]) seminal work *The Structural Transformation of the Public Sphere: An Inquiry Into a Category of Bourgeois Society [Strukturwandel der Öffentlichkeit* in German*]* is considered foundational for understanding the theory of the public sphere. Habermas (1989 [1962c]:89) describes the public sphere as both an idea and an ideology (Finlayson 2005b:12). It is envisioned as a social arena where individuals gather to exchange viewpoints on various topics while participating in free, unrestricted, and rational discussions (Finlayson 2005b:10; Habermas 1989 [1962d]:27). The public sphere is regarded as autonomous space, clearly separated from political institutions, where individual participation is voluntary (Finlayson 2005b:10; Habermas 1989 [1962d]:30). The granting of equal status to all participants and inclusion of diverse perspectives in open discussion forums characterizes the public sphere (Finlayson 2005b:10; Habermas 1974:49). Thus, the public sphere plays the role of an informal intermediary between civil society and the government (Finlayson 2005b:11; Habermas 1989 [1962d]:30).

Theory of Public Space

John R. Parkinson (2012f:62) articulates a working definition of public space that fulfills four fundamental criteria: it must be openly accessible to all members of the society, it must use shared resources, it has common effects on the public, and it is available for public performances (Parkinson 2012f:61). A distinction has been made between the concepts of public and private space although it is a challenging issue (Geuss 2001a:106). The public space is an arena where every individual has a "free right of entry" whereas this right is invalid for privately owned places (Geuss 2001c:52). The public space is regarded as a common property that can be utilized for societal benefit (Arendt 1998 [1958a]:52). Any individual or collective action that takes place in the public space will have direct or indirect consequences for society (Dewey 2016 [1927]:66). It has been argued that democracy requires a physical site to stage democratic roles, such as political campaigns and protests, which extensively use public spaces (Parkinson 2012f:66).

Research Methodology

Rational Reconstruction

This thesis employs Jürgen Habermas's (Finlayson and Rees 2023:24; Habermas 1979:8) rational reconstruction, which is both a philosophy as well as a methodological framework. The method acts as a bridge between philosophy and empirical political science (Gaus 2013:553). Central to this methodology is the idea of combining empirical ("normative") and theoretical ("descriptive") approaches in social scientific research, rather than having a clear separation between them (Habermas 1979:8; Pedersen 2008:458). Rational reconstruction aims to analyze political practices while being sensitive to particular contexts (Gaus 2013:554; Habermas 1979:16). It provides a framework to simultaneously understand, interpret, and explain real-life contexts through the analysis of theory and empirical data (Habermas 1979:16; Pedersen 2008:458). The methodology of rational reconstruction is based on the method of "formal analysis" that consists of a reinterpretation and a logical reconstruction of concepts, frameworks, and rules that guide societal norms and behavior (Habermas 1979:8). It aims to explain and clarify the meanings underlying these social concepts (Habermas 1979:8) and to reconstruct an individual's understanding of them (Habermas 1979:9). According to Habermas (1979:9), the application of the combination theoretical and empirical perspectives leads to a reconstruction of ideas, ultimately resulting in a newer understanding of previously held knowledge.

Habermas (Habermas 1979:15; Pedersen 2008:457) develops the methodology of rational reconstruction as a critique of two widely employed approaches in social scientific research. Social scientific methods can be broadly classified into two categories (Pedersen 2008:457). First is the "objectivist paradigm", in which the social researcher takes the role of an observer and describes the actor's actions without considering the meanings attributed to the actions (Pedersen 2008:457). This method is derived from natural sciences (Pedersen 2008:457). Second is the "subjectivist paradigm", in which the social researcher adopts the actor's viewpoint and focuses on meanings attached to the actions (Pedersen 2008:457). In the objectivist paradigm, providing a neutral description of actions takes precedence over understanding the meanings of actions (Pedersen 2008:457). Conversely, in the subjectivist paradigm, understanding the meanings of actions is prioritized over merely describing the actions (Pedersen 2008:457). Habermas's (Habermas 1979:16; Pedersen 2008:458) method of rational reconstruction poses as an alternative to both the objectivist and subjectivist paradigms and proposes the application of a reconstructivist approach by combining theory and empirical data for the reproduction of existing knowledge.

Methodological Application

The objective of this thesis is to explore the role of public space in the functioning of the deliberative public sphere through the application of rational reconstruction. Based on this methodology, the thesis combines both theoretical and empirical approaches. This implies a simultaneous reflection of the theories of the public sphere and public space within deliberative democracy (descriptive approach) informed by an analysis of the Indian context (empirical research). The thesis is primarily a literature review guided by the rational reconstructivist methodology. A literature review is a “systematic” research approach that involves “identifying, evaluating, and synthesizing” existing publications by experts, researchers, and scholars from the field (Fink 2014:6). This method involves selecting scientific literature from a range of materials, including book chapters, journal articles, theories, and other bibliographic sources. It entails selecting relevant articles from literary databases and interpreting and critically analyzing of these texts (Fink 2014:6–7). This thesis refers to primary scientific literature related to the topic, including books, journal articles, academic blogs, legal documents, and government websites that elaborate on the theories of deliberative democracy, the public sphere and public space, and the Indian context.

To examine the Indian context, the case of the social movement of the Right to Information Act 2005 (RTI Act 2005) is analyzed. This influential anti-corruption grassroots movement spanned a period of 17 years, from 1989 to 2005. It started in the rural region of Rajasthan in India in the 1990s and later spread nationwide (Mander and Joshi 1999:8). The RTI movement highlighted the need to address the issue of systemic corruption at different levels of state institutions within the Indian deliberative democratic framework (Mander and Joshi 1999:1). This resulted in a countrywide public demand for transparent and accountable governance (Mander and Joshi 1999:1). In order to ensure transparency and accountability in state administration, the Indian civil society advocated for the granting of a constitutional right for citizens to access public information held by the state (Mander and Joshi 1999:8). The movement culminated in passing the fundamental legal right to access government-held information, known as the Right to Information Act 2005 in May 2005 (GOI MLJ 2005:1).

During this movement, various forms of deliberative public forums that occupied public space were effectively utilized to advance the pro-transparency demands of the Indian civil society. In the history of India’s deliberative democracy, the RTI movement stands out as a prime example of using public space to facilitate the deliberative public sphere.

Various deliberative methods such as public hearings [*Jan Sunwai* in Hindi] (Mander and Joshi 1999:8), social audits (Mander and Joshi 1999:21), village assembles [*Gram Sabha* in Hindi] (Mander and Joshi 1999:21), sit-in demonstration [*Dharna* in Hindi] (Mander and Joshi 1999:12), picketing (Mander and Joshi 1999:15), all of which occupied public space, were employed to further the agenda for the citizens' right to access public information. The RTI movement is a fitting example for examining the role of public space in the deliberative public sphere for the following reasons. First, it tackled the issue of making public information accessible to citizens as a measure of transparent governance, which is a crucial matter of public interest in a deliberative democracy. Second, it insisted on restructuring the way public deliberations are held at an institutional level in a deliberative democracy. Third, it utilized public space for holding public deliberations to voice pressing public demands. Fourth, holding open assemblies in public spaces rendered a sense of urgency to the issue of systemic corruption. For these reasons, the Indian case of the RTI movement serves as a compelling example of how public space can be leveraged to conduct inclusive and effective public deliberations regarding matters of the common good in the public sphere. Examining the Indian case will provide valuable insights into understanding the role of public space in the functioning of the deliberative public sphere.

Thesis Structure

The thesis is divided into five chapters and respective sub-chapters. It is broadly divided into theoretical (chapter 2) and empirical content (chapter 3), followed by the discussion (chapter 4) and conclusion (chapter 5) of this study. The thesis begins with chapter 2. Theoretical Framework, which delves into the theoretical underpinnings of the study. It elaborates on the theories of deliberative democracy, the public sphere, and public space, examining their functions, characteristics, and limitations. In sub-chapter 2.4, the role of public space within the deliberative public sphere is analyzed in detail, highlighting the physical and performative requirements of deliberative democracy. This is followed by chapter 3. The Case of India, which examines the Indian context. It explores the country's deliberative democracy, public sphere, and public space and its functions, characteristics, and limitations. Sub-chapter 3.4 analyzes the social movement of the RTI Act 2005 as a case study, focusing on its socio-political and legal contexts, key actors, phases, and deliberative strategies used to advance the movement. The section on deliberative strategies expands on the usage of public space within the Indian public sphere, highlighting the significance of their relationship within the Indian deliberative democracy. Chapter 4. Discussion provides an analysis of the empirical findings in

reference to the theoretical frameworks. Drawing on the Indian case, it revisits the theoretical concepts of deliberative democracy, the public sphere, and public space, examining their interconnections within deliberative democracy. In the application of the methodology of rational reconstruction, this chapter focuses on the lessons drawn from the Indian case and their contribution to future theory development. The thesis ends with Chapter 5. Conclusion, which gives an overview of the key findings, limitations, and implications of this study, along with a concluding remark.

2. THEORETICAL FRAMEWORK

This chapter elaborates on the theories of deliberative democracy (sub-chapter 2.1), the public sphere (sub-chapter 2.2), and public space (sub-chapter 2.3), as articulated in the Western context. It expands on the functions, characteristics, and limitations of the public sphere and public space. Here, the theory of deliberative democracy provides a backdrop for understanding the theories of the public sphere and public space. Further, it theoretically examines the role of public space in the functioning of the deliberative public sphere (sub-chapter 2.4).

2.1 Deliberative Democracy

The deliberative model of democracy is characterized by two criteria: first, granting membership in the political community, and second, facilitating the process of collective political decision-making (Cohen 1996:95). The institutionalization of deliberative democracy implies adhering to these criteria. In addressing these two aspects, Cohen (1996:102) outlines three principles that form the foundation for the institutionalization of deliberative democracy.

Three Principles

1) Principle of Deliberative Inclusion

The principle of deliberative inclusion focuses foremost on safeguarding citizens' liberty and the right to expression (Cohen 1996:102–104). In the deliberative model of democracy, the objective is to accommodate diverse and conflicting views, ultimately arriving at reasons acceptable to all stakeholders through the process of deliberation (Cohen 1996:104). Under conditions of reasonable pluralism, the principle of deliberative

inclusion protects both “inputs” from the participants in the forum and the “outcomes” of the deliberation, so long as the reasons are acceptable to all deliberators (Cohen 1996:105).

2) Principle of Common Good

The deliberative model of democracy entrusts its citizens to have the capacity to evaluate the common good and reject a proposal that does not cater to their interests in public deliberation (Cohen 1996:105). However, the participants’ reasoning capacities, socio-economic and political positions, and access to resources can influence their perceptions of common good, leading them to prioritize specific collective interests over others (Cohen 1996:106). These limitations might affect the outcomes of the deliberation, which become a “binding collective choice” that governs all members of society (Cohen 1996:105).

3) Principle of Participation

For a deliberative process to be fairly participatory, the following three conditions have to be met (Cohen 1996:107). First, citizens should be granted equal political rights (Cohen 1996:107). With equal political status and rights, individuals can fully engage in deliberative forums to promote common interests (Cohen 1996:107). This is instrumental in reducing power imbalances, as disadvantaged social groups are given a voice in the deliberative process (Cohen 1996:107). Second, historical justifications for excluding certain individuals from having equal political rights are not deemed valid during deliberations (Cohen 1996:107). For example, exclusions based on social categories such as race and class are not accepted (Cohen 1996:107). Thus, all members have an equal right to participate in deliberative forums irrespective of their social background (Cohen 1996:107). Third, establishing equal opportunities is crucial for ensuring that citizens can effectively exercise their political rights (Cohen 1996:107). A framework of equal opportunity is essential for addressing existing social inequalities and promoting substantive equality (Cohen 1996:108).

State Institutions

The model of deliberative democracy is primarily composed of two key domains – state institutions and the public sphere (refer to Chapter 2.2 The Public Sphere). The following

section elaborates on the institutional and the proceduralist character of deliberative democracy.

Public deliberation grounded in reasoned discussions forms the core of the deliberative model of democracy (Cohen 1996:99). In this democratic form, political decisions result from free and rational deliberation held between citizens of equal political status (Cohen 1996:99). The institutional form of deliberative democracy facilities these public debates by establishing a “framework of social and institutional conditions” (Cohen 1996:99). In these discussions, issues of public interest, such as policies, institutions, and programs are debated in public forums where varied and opposing viewpoints are acknowledged (Cohen 1996:100). An institutional deliberative framework creates the possibility of holding state authorities in power accountable and makes decision-making procedures transparent and accessible to the public (Cohen 1996:101). In this process, providing reasonable justification takes precedence over reaching consensus (Cohen 1996:100). The results of these public deliberations are accepted as a “binding collective choice” that must be adhered to by all governed members (Cohen 1996:101). Thus, the deliberative model institutionalizes the idea of “popular authorization”, such that state decisions result from the collective will operationalized through the process of public deliberation (Cohen 1996:101).

The deliberative model of democracy is proceduralist in character, which implies that all decisions are made through institutional procedures and practices (Benhabib 1996:73). Three key issue concerning institutional decision-making procedures are addressed by Benhabib (1996:73). First, the deliberative model is based on value-pluralism – the idea that all values in society, despite being oppositional, hold equal importance (Benhabib 1996:73). Acknowledging pluralism is one of the core characteristics of deliberative democracy (Benhabib 1996:73). The deliberative model seeks to arrive at “acceptable formulations of the common good” through institutional procedures and practices (Benhabib 1996:73). It posits that institutional proceduralism provides a rational means for resolving conflicts arising from value-pluralism (Benhabib 1996:73). Second, the deliberative model addresses the issue of conflict of interest in social matters (Benhabib 1996:73). Institutional procedures provide the space for acknowledgment of opposing interests while encouraging mutual cooperation between the involved parties (Benhabib 1996:73). These procedures serve as mechanisms for articulating, analyzing, and evaluating arguments within the deliberative body (Benhabib 1996:73). The perspectives of those who are negatively affected by the decisions are still represented throughout the deliberation process (Benhabib 1996:73). This enables the affected parties to

reassess and refine their positions before presenting them in the public forum (Benhabib 1996:73). The proceduralist institutional deliberative model fosters conditions necessary for resolving conflicts and arriving at solutions that are acceptable to all concerned parties, ultimately facilitating mutual co-operation (Benhabib 1996:73). Third, the deliberative model recognizes that holding a mass assembly to make collective political decisions might not be feasible (Benhabib 1996:73). It assumes that when the size of the deliberative body exceeds an "invisible limit", the quality of the deliberation is compromised (Benhabib 1996:73). Rational decisions are more likely to be achieved when deliberation is carried out between a limited number of members (Benhabib 1996:73). Despite this, the deliberative model upholds the importance of "*plurality of modes of association*" ensuring that all relevant stakeholders have the opportunity to present their views (Benhabib 1996:73). The model prioritizes the quality of deliberation that incorporates diverse perspectives over the size (quantity) of the deliberative body (Benhabib 1996:73). These plural modes of association consist of various networks, organizations, and associations, such as "political parties, citizens' initiatives, social movements, and voluntary organizations" (Benhabib 1996:73). The deliberative model asserts that through the "interlocking net" and "overlapping networks" of these varied associations, an "anonymous public conversation" emerges within the public sphere (Benhabib 1996:74). Such a public sphere characterized by "deliberation, contestation, and argumentation" forms the backbone of deliberative democracy (Benhabib 1996:74).

2.2 The Public Sphere

Functions and Characteristics

Habermas (1989 [1962d]:27) conceptualizes the public sphere, a term derived from the German word "*Öffentlichkeit*" (Habermas 1989 [1962f]:2), as a domain where autonomous private individuals gather informally to discuss issues of general concern. The public sphere is distinct from the private and state realms; while the private realm comprises civil society and family, the realm of the state consists of government authorities such as the court and the police (Habermas 1989 [1962d]:30). The public sphere acts as an intermediary between these two realms (Habermas 1989 [1962d]:30) and provides a venue for individuals to critically reflect on the relationship between the state and citizens (Habermas 1989 [1962d]:29). Acting as a "vehicle of public opinion", the public sphere provides a platform for citizens to engage in rational debates and articulate their viewpoints on matters that affect them (Habermas 1989 [1962d]:31).

Importantly, the public opinions formed in the public sphere are then conveyed to the state authorities, which form the basis for future political action (Habermas 1974:53).

According to Habermas (1974), an ideal public sphere is characterized by the following key features. First, it ensures access to all individuals irrespective of their social background (Habermas 1974:49). Second, all members of the public sphere enjoy certain fundamental freedoms such as assembling in groups, forming associations, and expressing and publishing their opinions without restrictions on issues of common interest (Habermas 1974:49). Third, the public sphere is an important site for the formation of public opinions facilitated through "rational-critical debates" on matters of shared concern (Habermas 1989 [1962e]:72). These ideas are then disseminated through different forms of electronic and print media such as newspaper, publications, television, and radio (Habermas 1974:49). Fourth, the public sphere plays a decisive role in monitoring and evaluating state actions, acting as a "critical judge" (Habermas 1989 [1962f]:2) to ensure accountability and transparency in governance (Habermas 1974:49).

Since its development in the eighteenth century in England, France, and Germany (Nanz 2017:605), two attributes marked the public sphere (Seeliger and Sevignani 2022:4). First, the public sphere consisted of middle-class educated individuals from bourgeois families (Habermas 1989 [1962d]:29). This group was not burdened by financial pressures, was interested in arts and literature (Seeliger and Sevignani 2022:4), and was keen on engaging in "critical-rational public debate" on topics of shared interest (Habermas 1989 [1962d]:29). These bourgeois families found a free intimate space to pursue personal growth that aimed for an ideal of "unconstrained humanity" by forming a "voluntary community of love and education" in the public sphere (Hartmann 2006:169). Second, the public sphere was predominantly occupied by male members belonging to bourgeois families, giving it a distinctly masculine character (Fraser 1990:60). These members, seeking to engage in political discourse, used the public sphere to express their views (Habermas 2020:105) through lively discussions, newspaper readings, and gatherings in venues, such as coffeehouses and clubs (Seeliger and Sevignani 2022:4). Feminist critiques point out that these characteristics continue to influence the functioning of the public sphere in contemporary democratic societies (refer to Limitations).

The role of the public sphere in modern deliberative democracies is explained by Seeliger and Sevignani (2022). Any model of democracy is primarily based on the "rule

of the people" (Seeliger and Sevignani 2022:6). The political role of the public in democratic societies can be explained through a "two track" framework of democracy (Seeliger and Sevignani 2022:8). The first track consists members of the political community who participate in decision-making processes and are affected by these decisions (Seeliger and Sevignani 2022:8). The second track is composed of the political institutions, inclusive of representative bodies, that are responsible for implementing these decisions (Seeliger and Sevignani 2022:8). In pluralist societies, the coexistence of a diversity of perspectives and conflicting interests makes collective decision-making particularly challenging (Seeliger and Sevignani 2022:7) within this two track system. The legitimacy of this democratic two-track framework then rests on providing justification for political decisions to the public (Seeliger and Sevignani 2022:7). The role of public sphere becomes crucial in this regard because it addresses two crucial democratic issues – "normative legitimacy" and "political effectiveness" (Seeliger and Sevignani 2022:7). The public sphere offers an open venue for holding rational debates and creates the possibility of "collective learning" through these public discussions (Seeliger and Sevignani 2022:7). Collective learning in the public sphere occurs when agents of equal status engage in public debates, rethink and reframe their standpoints, and work towards reaching consensus on conflicting issues (Seeliger and Sevignani 2022:7). Thus, the public sphere ensures that the outcomes of these democratic public debates are both valid and justifiable (normative legitimacy) and, hence, can be deemed appropriate for execution through political systems (political effectiveness).

In addressing the issue of normative legitimacy of the public sphere, Neidhardt (1994:8–9) outlines three key functions it fulfills. First, the function of "*transparency*" ["*Transparenzfunktionen"* in German] (Neidhardt 1994:8), which ensures an inclusive forum accessible to all social groups that allows the discussion of varied topics and viewpoints of political relevance (Seeliger and Sevignani 2022:8). Second, the function of "collective *validation"* ["*Validierungsfunktionen"* in German] (Neidhardt 1994:8), which states that participants of the public sphere should engage with others' viewpoints and be willing to reconsider and appropriate their own perspectives (Seeliger and Sevignani 2022:8). Third, the function of "*orientation"* ["*Orientierungfunktionen*" in German] (Neidhardt 1994:9), through which the public sphere generates collective opinions on matters of public interest (Seeliger and Sevignani 2022:8). Additionally, the public sphere plays a crucial role in the functioning of democratic systems by touching upon three areas – politics, epistemology and culture (Seeliger and Sevignani 2022:8). In the political domain, the public sphere empowers citizens by allowing them to "make and control decisions"; in the epistemological domain, the public sphere identifies societal problems

and finds solutions through collective decision-making processes; and in the cultural domain, the public sphere is used for the formation and shaping of public opinion on issues of common good (Seeliger and Sevignani 2022:8).

According to Evans (2012:874), an ideal public sphere is deliberative and encompasses three characteristics: “inclusion, reason-giving, and open-mindedness”. First, including diverse perspectives lead to quality deliberation in the public sphere (Evans 2012:874). It is based on the assumption that citizens of the state hold equal political status and the rational capacity to conduct debates in political decision-making processes (Evans 2012:874). Second, the concept of reason-giving forms the core of public deliberation (Evans 2012:874). It acknowledges that, although agreement might not be an outcome of the public debate, the justification behind the decisions should be presented in the forum (Evans 2012:874). Reason-giving allows citizens to reflect upon the rationale behind the collective decisions and eventually accept it (Evans 2012:874). Third, a deliberative public sphere demands an orientation towards open-mindedness, where diverse viewpoints are understood and acknowledged (Evans 2012:874). Engaging with perspectives other than one's own creates the possibility for “complementary learning” that impacts future democratic outcomes (Evans 2012:874).

Limitations

The following section elaborates on feminist critiques of the public sphere as articulated by Fraser (1990) and Benhabib (1997). Fraser’s (1990) *Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy* is a critique of Habermas’s (1989 [1962g]) conceptualization of the bourgeois public sphere. Fraser (1990:62) raises four criticisms against Habermas’s “*bourgeois masculinist*” characterization of the public sphere.

First, Habermas (Fraser 1990:62) assumes that participants of the public sphere are capable of deliberating “as if they were social equals”, despite the differences in their social positions. Habermas (Fraser 1990:65) undermines how social inequalities affect democratic outcomes in the public sphere. The Habermasian (Fraser 1990:63) bourgeois public sphere is portrayed as an inclusive space openly accessible to all parties. For example, the bourgeois public sphere is regulated through unwritten protocols which, more often, subordinated groups such as women and men with lower socio-economic status find difficult to follow (Fraser 1990:63). This hinders their full participation in the public sphere further reinforcing existing social inequalities (Fraser

1990:63). Additionally, communication is central to the public sphere, where language becomes a crucial resource (Fraser 1990:64). Marginalized communities often struggle to articulate their opinions resulting in privileged groups dominating the public discussions (Fraser 1990:64). These factors together indicate that the establishment of social equality is a necessary condition for overcoming disparities in participation in the public sphere, which contradicts Habermas's viewpoint (Fraser 1990:65).

Second, Habermas (Fraser 1990:62) argues that the formation of multiple publics, instead of a "single, comprehensive public sphere", weakens democracy and hence is considered undesirable. Fraser (1990:66) challenges this assumption by stating that a singular overarching public sphere falls short in addressing the issues of various social groups in stratified and multicultural egalitarian societies. Due to systemic exclusionary mechanisms in hierarchical societies, the process of deliberation in the public sphere tends to marginalize the voices of subordinated sections of the society while proving to be beneficial to the dominant groups (Fraser 1990:66). In the case of a unified public sphere, minority groups may struggle to find representation to express their particular objectives, leaving their interests unaddressed (Fraser 1990:66). A multitude of competing publics overcomes this limitation of a singular public sphere by offering greater possibility for establishing participation parity (Fraser 1990:66). This can be evidenced in the "competing counterpublics" of the nineteenth and twentieth century, such as "nationalist publics, popular peasant publics, elite women's publics and working class publics", which brought different issues to the forefront in the public sphere, thus highlighting its inherently conflicting and antagonistic nature (Fraser 1990:61). Additionally, the public sphere is not a culturally neutral space of "zero degree culture" but is characterized by cultural diversity (Fraser 1990:69). Multicultural egalitarian societies thrive on the coexistence of plural cultures and social equality, and it is important that this cultural heterogeneity is reflected in the public sphere, which can effectively achieved through the development of multiple publics (Fraser 1990:69). The contribution of multiple publics to the public sphere in terms of fostering and integrating social equality, cultural diversity, and participation parity is vital for the functioning of democracy (Fraser 1990:70). Habermas's (Fraser 1990:70) idea of a single unified public discards this possibility and limits the discursive scope of the public sphere.

Third, Habermas (Fraser 1990:62) states that the public sphere should solely be concerned with issues of the common good and exclude topics of private interest. However, determining the private or public nature of a subject is debatable, since the affected and unaffected parties can have differing standpoints (Fraser 1990:71). For

example, the issue of domestic violence was formerly considered to belong to the private sphere (Fraser 1990:71). It was only after the feminist publics brought to light its systemic dimension that the topic was later reclassified as a collective concern, thus entering the public sphere (Fraser 1990:71). It is only through collective debate that a particular issue can be rendered relevant for the public discourse (Fraser 1990:71). Here, it is important for minority groups to have the chance to advocate for their specific concerns and persuade others of the significance of their problems as public matters within the public sphere (Fraser 1990:71). It implies that the public sphere should be admissive of all topics for public contestation, should not discard matters prior to the deliberation, must not limit the scope of the collective discussion (Fraser 1990:71), and should not make presumptions about the nature of common good (Fraser 1990:72). Fraser's (1990:72) assertion that the "outcome of deliberate process will be the discovery of the common good" challenges Habermas's (Fraser 1990:62) view that the public sphere should only engage with matters of public interest.

Fourth, Habermas's (Fraser 1990:63) conception of the public sphere assumes a clear separation between the state and the civil society. Here, the civil society is regarded as a "weak public" and the state a "strong public" (Fraser 1990:75). According to Habermas (Fraser 1990:75), the strong public should not intervene in the functioning of the weak public, which nourishes the articulation of public opinion. Such an intervention would threaten the independence and autonomy of the weak public, and subsequently, its ability to critically examine the actions of the strong public (Fraser 1990:75). However in a parliamentary democracy, the boundaries between the state and the civil society become blurred as the sovereign parliament takes the role of a "public sphere within the state" (Fraser 1990:75). Decision-making in the parliamentary system can only be truly democratic and effective when the civil society's (weak public) opinions translate into "authoritative decisions" recognized by parliament (strong public) (Fraser 1990:75). Thus, the overlapping of the weak and strong publics becomes a necessity for the functioning of democracy, whereas Habermas's notion of a strong separation between the two publics disallows such a possibility (Fraser 1990:75).

Seyla Benhabib (1997:7) sheds light on the publicity aspect of the evolving public sphere. Habermas's conception of the public sphere transitions from the usage of printed enlightenment periodicals such as newspapers and journals (Habermas 1989 [1962b]:25; Seeliger and Sevignani 2022:5), during the first phase of the development of the public sphere in the eighteenth century, to the adoption of electronic mass media (Habermas 1989 [1962a]:161), such as television, radio and the Internet (Seeliger and

Sevignani 2022:5), in second phase of nineteenth and twentieth centuries. Since the eighteenth century, these print and electronic media technologies have been used for the formation, publication, and dissemination of public opinion, which is a vital component of the public sphere (Habermas 1989 [1962e]:72). Benhabib (1997:7) contends that the public sphere has predominantly existed in a virtual domain that circulates narratives through the medium of information technologies. The heavy reliance on virtual platforms, such as the mass media, rather than face-to-face conversations in the articulation of collective opinion has rendered the public sphere into an "impersonal medium of *communication, information* and opinion-formation" (Benhabib 1997:7). The lack of direct human interaction, combined with an anonymous form of virtual political communication, has turned the public sphere into an abstract concept increasingly disconnected from lived realities (Benhabib 1997:7). Thus, the contemporary virtual public sphere is dominated by a third anonymous entity – "the voice of an unknown author" (Benhabib 1997:7) who is unidentifiable and therefore cannot be held accountable for their actions.

2.3 Public Space

Functions and Characteristics

An important aspect of physical space is the differentiation between its public and private character, which varies across different historical and cultural contexts (Lofland 1998:8). Although the public-private distinction is an important aspect of liberal politics and democratic theory, defining the concepts of public and private space is a complex issue (Parkinson 2012f:50). Different theorists emphasize different aspects of this issue depending on the weight they assign to particular factors (Parkinson 2012f:50). The following section elaborate on these various theoretical perspectives on public space.

Lofland (1998:10) divides the usage of physical space into three categories of social realms – the private realm, the parochial realm, and the public realm based on the types of human relationships it hosts, together known as the "trichotomous distinction". This trichotomous distinction outlines the social order that individuals follow to navigate through their daily lives (Lofland 1998:10). The private realm refers to intimate relationships within the household or personal networks such as family, friends, and kin (Lofland 1998:10). The private realm is characterized by deep, personal connections (Lofland 1998:10). The parochial realm is less intimate than the private realm and is

composed of interpersonal networks and relationships with acquaintances, such as neighbors within communities and colleagues at workplaces (Lofland 1998:10). A sense of commonality is characteristic of the parochial realm (Lofland 1998:10). The public realm is defined by impersonal relationships with strangers that one encounters in places such as the streets and markets (Lofland 1998:10). The trichotomous distinction points out that rural areas (villages, towns) mainly consist of the private and parochial realms, lacking the public realm, whereas urban regions (cities) contain all three realms, making them complex social environments (Lofland 1998:10). These realms reflect the social dynamics that exist within physical spaces (Lofland 1998:11). For example, in eighteenth-century London, elite females were secluded in the private realms, whereas men and women belonging to lower socio-economic classes freely participated in the parochial and the public realms (Lofland 1998:11).

Lofland (1998:11) further distinguishes between physical territories (places) and social territories (realms). Physical territories are tangible geographical places which include demarcated pieces of land (Lofland 1998:11). Social territories are defined by the social interactions occurring within them and consist of the private, parochial, and public realms (Lofland 1998:11). Since the human usage of spaces is constantly changing, the social territories are transformative in nature (Lofland 1998:11). The social territory is relational in character, as the boundaries between the three realms are often fluid or “mercurial” (Lofland 1998:14). Defining physical territories is less contentious than defining social territories, since the former possess a more rooted and static character than the latter (Lofland 1998:11). Typically, there is agreement amongst people over the location of the physical territory (Lofland 1998:14). However, this consensus does not extend to social territories, since the classification of a physical territory as a private, parochial, or public realm is not determined by its location but by the type of social interactions and relationships that occur within it (Lofland 1998:14). In other words “spaces and realms are independent” of each other (Lofland 1998:13) but might overlap functionally (Lofland 1998:12). For example, an empty public park inherently does not belong to a particular realm, whether private, parochial, or public, but when a family reunion is hosted in this park, a part of its physical area transforms into a private realm (Lofland 1998:12). The process of categorizing a physical space (physical territory) into social realms (social territory), whether private, parochial, or public, is a contested issue and is constantly redefined (Lofland 1998:14). To summarize, physical territory becomes a private realm if intimate relational form is prominent within the space; it becomes parochial if the communal relational form is dominant; and it becomes public when relationship with strangers is the primary form of engagement within this space (Lofland 1998:14).

Physical space can be viewed from the lens of private and public goods as conceptualized by Geuss (2001b:5). Geuss (2001b:8) defines three characteristics of a good. First, goods are physical, tangible “concrete objects” that serve a practical purpose and thus have “use-value” (Geuss 2001b:8). Second, a good could mean an object that is considered desirable and pleasant (Geuss 2001b:9). Third, the term ‘goods’ can be interpreted objectively and subjectively and can thereby carry a variety of meanings without having a fixed definition (Geuss 2001b:9). Since physical spaces fulfill these criteria, they are regarded as goods. Furthermore, according to Geuss (2001b:6), the “modes of access, control, and ownership of property” are the defining criteria for distinguishing between public and private goods. The ownership of public property rests with the collective, which is an “unrestricted set” of individuals or the state (Geuss 2001b:6), as opposed to private property owned by a “restricted set” of individuals (Geuss 2001b:7). Public goods are characterized as having open access, in contrast to restricted access associated with private goods (Geuss 2001b:7). The owners of the goods have the authority to regulate its usage and control its accessibility (Geuss 2001b:7). These characteristics qualify public spaces as public goods.

Parkinson (2012f:49) proposes a “four-fold definition of public space”, drawing on four criteria of publicness. These criteria distinguish between accessibility versus inaccessibility, issues that are joint concerns and public resources versus those which are private, topics that impact the broader population versus those that only affect individuals, and resources that are owned by the public or the state versus private ownership (Parkinson 2012f:49). This “bundle” of publicness embedded in the term ‘public space’ refers to the following four domains (Parkinson 2012f:51). First, places which are freely accessible and observable to all individuals (Geuss 2001c:52–53) and where individuals have a “right to free entry” are considered public (Parkinson 2012f:51). Public squares and market places are examples of such public places (Parkinson 2012f:51). Second, common resources which “concern, affect” and are beneficial to the masses are regarded as public goods (Parkinson 2012f:51). Here, Parkinson (2012f:51) draws on Arendt’s (1998 [1958b]:52) concept of the public realm as a “common world” of shared resources that binds individuals together in society. For example, “clean air and water and public transport” are considered public goods (Parkinson 2012f:51). Similarly, public spaces are also regarded as a public good. Third, public refers to a “noun, not an adjective”, meaning that the public represents a collective entity consisting of members of society (noun) rather than a descriptive term (adjective) used to illustrate the openness of a resource (Parkinson 2012f:51). This indicates that public spaces are collectively shared by members of society. Fourth, the public encompasses properties

such as “government buildings”, “national parks”, and “military bases” that are owned by the state or society and maintained through collective resources like taxes (Parkinson 2012f:51). By referring to this concept of publicness, Parkinson (2012f:61) puts forth a four-fold definition of public space which includes the following features:

“1. is openly accessible; and/or

2. uses common resources; and/or

3. has common effects; and/or

4. is used for the performance of public roles” (Parkinson 2012f:61).

Public spaces are not purely physical or neutral places but are socially and politically constructed (Parkinson 2012f:61), meaning that the usage of public spaces is influenced by social norms, rules and power dynamics. The topic of accessibility and control over the physical and cultural elements of the public space is a politically contested issue (Parkinson 2012f:61). In acknowledging these complexities, it is important to recognize the nuances in the four-fold conception of public spaces. Public spaces may not meet all four criteria simultaneously and might be public in different ways, fulfilling some but not all characteristics (Parkinson 2012f:61). Firstly, while public spaces are freely accessible to all members of the society (Parkinson 2012f:51), the nature of accessibility can vary depending on the function they fulfill (Parkinson 2012f:61). For example, recreational and legislative facilities are both public spaces; however, while the former offers unrestricted access, the latter might have limitations (Parkinson 2012f:61). In such cases, the activities held within the space, rather than physical space itself determine its publicness (Parkinson 2012f:61). Secondly, public spaces rely on collective resources, such as public funds from the state, for their sustenance and to fulfill particular social goals (Parkinson 2012f:60). Public facilities such transport hubs are an example of such state-funded public spaces (Parkinson 2012f:60). However, not all public spaces maintained through such public funding, primarily derived from citizens’ taxes, are classified as public spaces (Parkinson 2012f:60). For example, while military bases use public resources, they are, however, not considered public spaces (Parkinson 2012f:60). In this case, the usage of collective resources for constructing the public space does not imply collective ownership of it (Parkinson 2012f:60). Thirdly, public spaces should be regarded as “common goods” rather than a mere “class of property” since these built environments deeply affect the lives of residents (Parkinson 2012f:58). Fourthly, democracy requires physical places to perform specific essential roles, such as collective decision-making in parliaments and conducting election campaigns (Parkinson 2012f:66). In this case, public spaces play a crucial role in catering to democracy’s performative requirements (Parkinson 2012f:66).

Parkinson (2012f:57) provides some examples of public spaces that fulfill the four-fold definition of public spaces, including:

- “Recreational public facilities”, such as “parks, baths, promenades, arenas, concert halls” (Parkinson 2012f:57)
- “Other public facilities”, such as “libraries, schools and assembly rooms, public toilets, places of worship, cemeteries” (Parkinson 2012f:57)
- The “built environment” which influences factors like access to light and air, urban aesthetics, “memories and heritage” (Parkinson 2012f:57)
- The “natural environment”, which is a part of the “ecosystem”, might integrate with the built environment and serve recreational functions (Parkinson 2012f:57)
- Public “infrastructure”, which includes “power, water, and transport systems”, “public roads and parking systems (Parkinson 2012f:57)
- Spaces designed for performing democratic functions, such as “legislatures, town squares, speakers’ corners, and broad avenues”, which enable actions such as “narration, claim-making, decision-making, and electing” (Parkinson 2012f:57)
- “Monuments and streetscapes”, which represent the people through collective memories and identities (Parkinson 2012f:58)
- Collectively-owned spaces which fulfill certain functions, such as “security (police, military, and intelligence facilities) and the housing of other public servants (government office buildings)” (Parkinson 2012f:58)

Limitations

The ambiguity in the distinction between public and private spaces makes it difficult to clearly define these terms. Geuss (2001a:106) points out that since public-private differentiation is a largely contextual matter, it is challenging to formulate a universal, comprehensive, and substantive definition. It is important to acknowledge that the reasons, purpose, and implications behind framing such a distinction shape the definitions of the public and the private (Geuss 2001a:106–07). The public-private distinction becomes particularly significant in political contexts because “human political action” depends on and is impacted by it (Geuss 2001a:107). The political value assigned to the public-private distinction renders it a matter of public relevance (Geuss 2001a:107).

To substantiate this claim, Geuss (2001a:107) quotes Dewey’s (2016 [1927]) viewpoint in this regard. According to Dewey (2016 [1927]:66), the weight that a human act carries

depends on the direct or indirect consequences it has on other individuals. The boundary between the public and private notion is determined by the “extent and scope” of consequences of human activities (Dewey 2016 [1927]:69). In this case, if the consequences are deemed significant enough, they require systemic governance either by “inhibition or promotion” (Dewey 2016 [1927]:69), a role that is played by the state (Dewey 2016 [1927]:66). A few examples of this distinction are “private and public buildings, private and public schools, private paths and public highways, private assets and public funds, private persons and public officials” (Dewey 2016 [1927]:69). However, Geuss (2001a:107) challenges Dewey’s (2016 [1927]:69) framework by stating that specific criteria need to be established to determine the “sufficient importance” of a particular issue. The question of “whose judgment” (Geuss 2001a:107) will be prioritized in deciding the public or private nature of an issue, defining the effects of human actions, determining whose actions should be governed, and the extent of such regulations are crucial and contested matters (Geuss 2001a:108). It follows that the public-private distinction is not as clear and straightforward and involves multiple unrelated factors that determine this classification (Geuss 2001a:106), making it a “series of overlapping contrasts” (Geuss 2001b:6).

Viewing public spaces in the urban environment from a feminist perspective reveals its gendered character. The industrialized societies of the late nineteenth century laid emphasis not only on the mass production of goods but also its consumption (Kern 2020a:88). This gave rise to the gendering of public spaces by the creation of “separate spheres”, where production was associated with masculinity and consumption with femininity (Kern 2020a:88). Although women increasingly accessed historically male-dominant public spaces, their role was mostly limited to being consumers (Kern 2020a:88). This reinforced traditional gender norms that linked women to the domestic sphere as primary caretakers, without challenging the established “normative gender order” (Kern 2020a:88). While women have gained increasing visibility in public places, “spaces of consumption, culture, and entertainment”, which include activities such as shopping for “clothing, décor, and art” (Kern 2020a:88), still continue to be regarded as a feminine domain (Kern 2020a:89). The continued rise of consumption-oriented places in the post-industrial cities is termed as “feminization of urban space” (Kern 2020a:90). Spaces which were once primarily designed for masculine usage have undergone transformation in post-industrial societies (Kern 2020a:90). These commercial venues have “softened” their appearance to appeal to their female customers through their spatial design and aesthetics (Kern 2020a:90). Examples of these consumer spaces in the late twentieth century include shopping malls (Kern 2020a:89), cafés, pubs, and

restaurants (Kern 2020a:90). Additionally, a new form of social place has been seen to emerge in the twenty-first century (Kern 2020a:90), known as the “third place”, a termed coined by urban sociologists (Kern 2020a:91). A third place is neither a home nor a workplace but a venues regularly utilized as informal meeting spots by communities (Kern 2020a:91). These “feminized quasi-public quasi-home” spaces offer a carefully curated safe environment for individuals, groups and women (Kern 2020a:91). Cafés such as Starbucks are examples of such third places, where class status and heteronormativity is central to its design, catering to the “white, able-bodied, middle-class, cis woman” (Kern 2020a:91).

Despite the feminization of urban public spaces, safety concerns continue to hinder women’s access to public spaces. Women are “acutely aware” of their vulnerability due to the lack of security they experience once they move beyond “sanctioned” public places (Kern 2020a:89). The issues of “unwanted attention” (Kern 2020a:89), sexualized violence, and male harassment rampant in public places pose a threat to women’s lives and shapes their usage of public places (Kern 2020b:97). These problems are representative of the underlying patriarchal structures, gender discrimination, racism, and rape culture (Kern 2020b:98) that continue to oppress women in their daily lives (Kern 2020b:97). Whether through “self-imposed” or societal restrictions, these factors significantly limit women’s freedom to fully use public spaces (Kern 2020b:97). As a result, the exercise of the right to public space has become a nexus of “politics of gender and power” (Kern 2020b:97), where certain social groups feel a sense of “natural entitlement” to public spaces, while others, particularly women, are excluded (Kern 2020b:98). Feminist groups have assertively claimed their right to public space through social movements and demonstrations over the past centuries (Listerborn 2016:251). Some examples of this space-claiming include “Take Back the Night” march against sexual harassment in public spaces in 1978 in the United States of America and mass protests against sexualized violence in India in the 2000s (Listerborn 2016:251). In response to this, urban developers, corporations, and state authorities have increasingly focused on “control, surveillance and security” as a part of the “safety discourse” that shapes contemporary urban planning and renewal schemes (Listerborn 2016:252). Women’s fear of sexualized violence has been turned into a “commodity” that is effectively used to justify measures implemented by these agencies (Listerborn 2016:252). However, the process of commodification of safe spaces often caters to a narrow demographic of privileged “white middle-class women living in urban areas”, while excluding diverse female identities and other marginalized groups from the broader discussion about safe public spaces (Listerborn 2016:252).

2.4 Role of Public Space in the Deliberative Public Sphere

The concept of the public sphere has significantly evolved since its early inception in the eighteenth century (Parkinson 2012c:1). The public sphere, which occupied coffee houses and marketplaces in the beginning later expanded with the usage of newspapers and broadcast media (Parkinson 2012c:1). The contemporary public sphere predominantly exists in an “online, interconnected world” through “virtual, digital” spaces, which are “dispersed across billions of desktops, laptops, mobile phones, and personal digital assistants” (Parkinson 2012c:1). While these digital platforms facilitate political communication, at the core lie “real people who take up, occupy, share, and contest physical space” (Parkinson 2012c:1). As the world increasingly moves to a digital form of political communication, democracy still heavily relies on the availability and accessibility of physical public places (Parkinson 2012c:2). The following section elaborates on two aspects, namely, the physical and performative requirements of deliberative democracy that are essential for its effective functioning.

Physical Requirements

Parkinson (2012b:23) examines the relationship between democracy and public space by describing the premise for the physical requirements of deliberative democracy. Central to the traditional democratic theory is the aspect of political decision-making (Parkinson 2012b:23), which takes place in the formal and informal public sphere. The “deliberative turn” in democratic theory expands this traditionalist view by prioritizing the process of opinion formation over a focus on democratic functions, such as holding elections and formal institutionalization (Parkinson 2012b:23). The deliberative form of democracy rests on the formation and exchange of collective opinion in discursive forums within the public sphere, which is then conveyed to formal institutions for implementation (Parkinson 2012b:23). The process of public opinion development occurs within the public sphere, which exists in both virtual and physical environments (Parkinson 2012b:23). The public sphere constitutes two elements: first, the formal public sphere associated with the government, and second, the informal public sphere of social gatherings (Parkinson 2012d:87). While the importance of virtual digital spaces in enhancing the public sphere cannot be dismissed, it cannot, however, substitute the role of physical public places in the functioning of deliberative democracy (Parkinson 2012c:2). This is exemplified by the two ways in which public sphere occupies physical sites: first, legislative assemblies where decision-making occurs within the formal public

sphere; and second, public places, such as streets and squares, where citizens meet and publicly participate in democratic processes, such as demonstrations and mass assemblies, representing the informal public sphere (Parkinson 2012d:89).

The first example of the legislative assemblies constituting the formal public sphere highlights four key aspects related to its physicality: first, the advantages of physical meetings over virtual platforms; second, the architectural design of rooms within legislative buildings; third, the principle of publicity that guides legislative procedures; and fourth, the symbolic value that physical legislative sites generate. Firstly, the physical premises of legislative assemblies, such as the buildings and rooms inside it, provide effective venues for "face-to-face deliberation and decision-making" (Parkinson 2012a:94). In-person interactions in such assemblies makes communication easier, faster, and reduces the likelihood of misunderstanding each other's positions (Parkinson 2012a:94). Non-verbal communication such as "gestures, tone, facial expressions, body position, and setting" (Parkinson 2009:107–08), which are an essential part of a having a dialogue, can be witnessed in live assemblies (Parkinson 2012f:64). In contrast, virtual communication tends to omit these non-verbal cues, which increases the chances of ambiguity and misrepresentation (Parkinson 2012f:64). Additionally, the anonymity and physical distance created by online platforms might lead to uncivil behavior and conflicts, such as "name calling and demonization", as the members may feel less accountable under the pseudonyms used by them (Parkinson 2012f:64). Owing to these reasons, deliberative and participatory democratic theorists assert the importance of face-to-face meetings over virtual interactions, which make political communication more fluent, civil, and less ambiguous (Parkinson 2012f:64).

Secondly, certain bureaucratic tasks carried out in these legislative assembly buildings are difficult to execute remotely via online channels (Parkinson 2012a:94). To carry out this work, the interiors of the rooms known as the "debating chambers" are designed in particular ways to cater to certain functions (Parkinson 2012a:105). For example, the "oppositional" layout based on the Westminster model, the "fan" based on the French Estates General model, and the "theatre style" layout each serve a definite purpose and shape the deliberative proceedings within these rooms (Parkinson 2012a:105). In the oppositional layout, the rows of seats face each other, separated by an aisle, while the chairperson's seat is located at one end (Parkinson 2012a:105). The fan shaped layout can be designed in different forms, including "pure semi-circular", "horseshoe shape", or an "open curve" (Parkinson 2012a:105). In this design, all seats face the chairperson's seat (Parkinson 2012a:105), due to which there is greater visual connectivity between

the audience and the chair, making it a more inclusive design than the oppositional layout. In the theatre style layout, rows of seats are arranged in a straight line facing the chairperson's seat (Parkinson 2012a:105), similar to a cinema hall. This layout is more suitable for presentations where the focus is towards the front. In every layout, speeches can be delivered from the participants' seats or from a separate podium positioned near the chairperson's seat, which is designed for making speeches (Parkinson 2012a:105). Notably, the specific seating arrangement within these rooms influences the interpersonal interactions between participants, which in turn impacts the deliberative outcomes.

Thirdly, the principle of publicity guides the workings of legislative assemblies (Parkinson 2012a:95). When arguments are made publicly in physical settings, representatives are compelled to frame their claims in ways that are understandable and acceptable to fellow members (Parkinson 2012a:95). Such public claim-making requires an engaged and attentive audience (Parkinson 2012a:95). When the venues of collective decision-making are too dispersed, the publicity aspect is hampered, leading to claim-making becoming less effective (Parkinson 2012a:95). Having a "*single* site" for deliberation creates the possibility for relevant "attentive publics", such as the media, to gather in one place for participating in public debates and hold the speaker immediately accountable (Parkinson 2012a:95). This gives citizens a sense of better "democratic control", which is crucial for the functioning of deliberative democracy (Parkinson 2012a:95).

Fourthly, the concrete sites of government buildings provide a "dignified" environment for hosting public legislative debates (Parkinson 2012a:119). These legislature structures carry symbolic "status and power", which is reflected in the physical design of these spaces (Parkinson 2012a:93). The symbolic capital represented through legislative structures prompts citizens to take the proceedings "seriously" because, ultimately, these decisions affect their personal lives (Parkinson 2012a:93). For example, during the presidential inauguration, political leaders have the opportunity to present their speech to the public in these legislative buildings (Parkinson 2012a:119). This affirms the idea that "settings can send powerful cues" (Parkinson 2012a:119), which cannot possibly generate the same effect if performed in a virtual online environment.

The second example of mass assemblies brings attention to the role of physical public space within the informal public sphere of deliberative democracy. The constitutionally recognized universal right to assembly underlines the importance of mass gatherings in public spaces in a democratic framework (Parkinson 2012e:146). Such mass assemblies

encompass government-sanctioned public celebrations that support state narratives as well as demonstrations that challenge state authority and demand official action on issues of collective concern (Parkinson 2012e:146). In the case of protests, mass gatherings provide a platform for citizens to voice their dissent and make direct public claims, often bypassing formal procedures (Parkinson 2012e:146). Compared to the democratic participation of citizens in virtual mediums, physical social gatherings hold a unique significance in deliberative democracy; since they directly exhibit public claims to the target audience and make these demands harder for the state to dismiss (Parkinson 2012e:146). In this context, the availability and accessibility of public space become crucial, as protestors often strategically choose venues of symbolic importance for mass demonstrations (Parkinson 2012e:146).

The occupation of public space by non-state actors in informal mass assemblies brings to attention four key aspects of democracy – "presence, attention, membership, and dignity" (Parkinson 2012e:147). Importantly, these democratic aspects cannot be fully and effectively addressed in a virtual public sphere. First, the usage of public space allows protest organizers to make their "presence" felt by making their concerns "explicitly" physical and visible (Parkinson 2012e:147). Such social gatherings, which include diverse social groups, present a variety of issues and perspectives to the masses, actively contributing to the public sphere within a shared public space (Parkinson 2012e:147). Second, mass informal assemblies communicate diverse narratives and amplify public claims made by the participants (Parkinson 2012e:147). This action captures the "attention" of government authorities, decision-makers, and "attentive publics", such as the media, other citizens, and passersby (Parkinson 2012e:147). As a result, these audiences are compelled to acknowledge the urgency of the issue and take relevant action. Third, the physical and visual aspects of mass assemblies in public spaces encourage new members to empathize with the protesters' perspective, support them, and join in (Parkinson 2012e:147). This new membership strengthens a sense of belonging to the public or "demos", particularly for marginalized groups who believe their concerns have been overlooked so far (Parkinson 2012e:147). Fourth, gatherings in symbolically importance public places grant a certain weight to the protestor's claims, thereby reinforcing the legitimacy and "dignity" of their demands in the eyes of the intended audience (Parkinson 2012e:147). Thus, the utilization of public space for informal mass assemblies provides an essential avenue for citizens to express themselves through their physical "presence", attract recognition and "attention" from the broader public, foster a feeling of shared identity and unity through collective

“membership”, and build a sense of “dignity” and legitimacy around their demands (Parkinson 2012e:147).

Certain freedoms and democratic structures, such as the act of public debating and decision-making in the parliament building, and the right to public expression of opinions through demonstrations, are essential elements of a functioning democracy (Parkinson 2009:112). If these actions were to take place only in virtual settings, they would lose much of their democratic essence (Parkinson 2009:112). For example, in a virtual parliament, it would be more difficult to hold political leaders accountable than in a physical parliament (Parkinson 2009:112). If discussions and decision-making processes were shifted entirely online, the debates might turn more hostile and polarized due to the pseudonymity of the virtual environment (Parkinson 2009:112). The state might more easily ignore the online voices of dissent on urgent issues, which marks the importance of physical demonstrations that occupy public space (Parkinson 2009:112). In this context, the accessibility and availability of public space for facilitating such actions in the public sphere become crucial, suggesting that public spaces might not be “sufficient”, but are “still a necessary” (Parkinson 2009:112) aspect of a functioning democracy (Parkinson 2012b:23). By providing various avenues for participation, public spaces cater to different democratic roles and impact public engagement in deliberative democracy, reiterating that “space matters to democracy” (Parkinson 2012b:48) and that it should be regarded as an essential element for the “health of democracy” (Parkinson 2012b:41).

In reference to this materiality of deliberative democracy, sociologist Nilüfer Göle (2022a:1) sheds light on the concept of public place democracy. Public space democracy, as a theoretical framework, is distinct from the traditional sociology of social movements (Göle 2022a:1). While the social movements perspective studies the process of collective identity formation, the public space democracy approach focuses on citizens visibly assembling in public places to explore new forms of coexistence and collective action (Göle 2022a:1). The discipline of political philosophy of public space concentrates on its discursive and procedural aspects, whereas the field of urban studies assesses the design and management of physical place (Göle 2022a:2). The framework of public space democracy intends to bridge the gap between the these two disciplines by bringing together its “virtual” (theoretical) and “physical” (geographical) dimensions and apply this interdisciplinary integrated approach to politics and practices of everyday life (Göle 2022a:2). The application of public space democracy approach involves using a spatial perspective to examine political activity across various physical locations and

their local contexts, including different forms of assembly, visibility, and both individual and collective expression (Göle 2022a:2).

The public space democracy approach underscores the importance of physical public place as a crucial platform for everyday-life politics (Göle 2022a:1). Here, “everyday-life politics” is understood as a form of democratic engagement embedded in daily actions that reflects individual experiences and perspectives (Göle 2022a:3), where members of society exhibit their identities, express political opinions (Göle 2022a:1), and visibly engage in collective action (Göle 2022a:3). Global social movements of the early twenty-first century (2010s) exemplify the notion of public space democracy (Göle 2022a:1). These movements demonstrate the manner in which citizens occupy public places to challenge existing political agendas and collectively voice their dissatisfaction through social gatherings (Göle 2022a:1). Public place occupation is central to such everyday life politics and collective action, where mass gatherings make public demands visible, assert the actors’ presence, question established social norms, and reshape democratic agendas (Göle 2022a:3). Such mass assemblies consist of “performing bodies in public”, where citizens from diverse backgrounds coexist in a shared public venue (Göle 2022b:12). In these gatherings, individuals express their collective agency while still maintaining their personal self-representation and political stance (Göle 2022b:12). “Acting collectively while expressing individuality” lies at the core of such public space occupation movements, where mass assemblies bridge the gap between individual and collective identities due to the inclusive nature of these movements (Göle 2022b:13). In this regard, public places turn into an “experimental scene” where individual and collective subjectivities converge in a physical place and create alternative ways of democratic engagement (Göle 2022a:3). Göle (2022b:13) proposes that public spaces should be viewed as a “protagonist of politics”, since it creates the possibility of re-imagining new ways of organizing and experiencing human relationships by connecting “subjectivity” and “collectivity”. In other words, public places provide citizens with the opportunity to express their unique identities (subjectivity) while still being a part of a larger community (collectivity) (Göle 2022b:13).

The significance of public space occupation becomes more pronounced in the context of the rising “neopopulist ethnonationalism” observed in several countries across the world (Göle 2022a:2). Neopopulist agendas are typically seen to suppress the “autonomy of the public space”, impose restrictions on free speech, ban public assemblies, control media narratives, and increase surveillance in citizens’ daily lives (Göle 2022a:2). Reclaiming public spaces as sites of political expression and collective resistance is vital

to countering undemocratic actions, preventing authoritarianism, and reestablishing democratic values (Göle 2022a:2). Through the act of occupying public space, citizens assert their claim over the public sphere, thereby strengthening democratic engagement (Göle 2022b:10). Göle (2022a:2) argues that rediscovering the empowering potential of public space occupation, both "personally and collectively", opens up the possibility of establishing a healthy relationship between the state and the society. By challenging existing public order, these public space occupation movements confront the "vertical" relationship between the state and the society (Göle 2022b:11). They explore new forms of "horizontal" organization of social relationships, non-hierarchical structures of decision-making, and bring the political domain into the everyday lives of citizens, making politics more accessible to the general public (Göle 2022b:12). Thus, through the strategic and effective utilization of physical public place, these public space occupation movements help in constructing "new forms of citizenship" (Göle 2022a:1).

Performative Requirements

A commonly understood concept of deliberative democracy often treats it as an "abstract" concept overlooking its tangible aspect (Parkinson 2012b:23). Deliberative democracy is not merely an exchange of ideas and arguments occurring in a hypothetical public sphere (Parkinson 2012b:23). Instead, it should be acknowledged that this deliberative process is "performed" in the public sphere by real individuals with specific goals in concrete, real-world physical places (Parkinson 2012b:23). Viewing democracy from a "dramaturgical" lens bring to attention its performative aspect, which finds roots in classical ideas of politics (Parkinson 2012b:24). Although democracy is inherently communicative and interactive in nature, its theatrical dimension is often ignored in its mainstream modern perception (Parkinson 2012b:24). Democracy can be then understood as an enactment of roles within the public sphere by real individuals in publicly visible places, similar to actors on a stage (Parkinson 2012b:23–24). By neglecting this factor, modern democratic theory becomes detached from the practical realities of lived experiences and creates a misleading impression that it is a purely "abstract realm of ideas and reasons" existing in the public sphere that does not reflect the actual human condition (Parkinson 2012b:24). Democracy is not merely an exercise in an abstract intellectual discourse through the development of principles and ideas in the public sphere, but it is something that individuals actually do by performing democratic activities (Parkinson 2012b:24). Individuals make their voices heard in the public sphere through physical actions, such as public discussions, speeches, and

protests, which form an integral part of an individual's civic life (Parkinson 2012b:24). The political discourses circulated within a deliberative democracy through the public sphere only gain relevance because they are "grounded in activity, performance, and physicality" (Parkinson 2012b:24). Despite this, modern democratic theory often overlooks this physical dimension, focusing instead on abstract political narratives formulated in the public sphere that appear to be disconnected from concrete human experiences and actions (Parkinson 2012b:24). In other words, although political discourse is deeply connected with the direct participation of citizens in democratic activities, it is perceived as a "disembodied democratic engagement" (Parkinson 2012b:24). A critique against modern democratic theory is that it focuses more on the production of narratives through "discursive threads" in the public sphere, rather than on individual lives and the actual process of collective decision-making that shape these discourses (Parkinson 2012b:24).

This criticism against the normative modern notion of democracy as an abstract concept is reiterated by Young (2000:16). Deliberative democracy is fundamentally participatory in nature (Elstub 2018:187). While deliberative democracy and participatory democracy are different models of democracy, both models share some similarities (Elstub 2018:187). There is an agreement amongst theorists that the deliberative form finds its roots in participatory democracy (Elstub 2018:187). Participation of members in collective decision-making processes, facilitated through the public sphere, sustains deliberative democracy (Elstub 2018:188). This participation occurs through the channels of the formal public sphere, including state institutions, and the informal public sphere, such as civil society organizations (Parkinson 2012b:37). Young (2000:16) underlines this tangible participatory nature of democracy by stating that directly engaging in democracy often involves actions that are challenging and time-consuming (Young 2000:16). With an aim to convey public opinion to the state, individuals engage in activities, such as attending meetings, participating in public debates, signing petitions, and making phone calls, to advocate for certain causes and agendas (Young 2000:16), all of which fall under the public sphere. When issues are particularly pressing and demand public solidarity, citizens may work in campaigns and march in demonstrations while singing protest songs and shouting slogans (Young 2000:16). Active participation in democracy through the public sphere fosters its "intrinsic values" by broadening individuals' perspectives, enhancing critical thinking abilities, strengthening judgement, and promoting co-operation within society (Young 2000:16). The physical actions that reinforce democratic values might not always prove to be victorious and peaceful, but are fraught with "the angers, frustrations, fears, uncertainties, drudgery,

disappointments, and defeats" that ordinary people frequently encounter in their daily lives (Young 2000:16).

While different versions of deliberative democracy exhibit variations in the "scope and degree" of institutionalization of this model, they all share the fundamental principle of "rational consensus" achieved through public discussions held within the public sphere (Kohn 2000:408). Thus, reasonableness and communication lie at the core of deliberative democratic politics (Parkinson 2012b:34). Importantly, deliberative democracy has a distinctly discursive character, with "intersubjective communication" forming the basis for the circulation of various discourses in the public sphere (Kohn 2000:408). In a discursive deliberative democracy encompassing the public sphere, framing narratives is a crucial "first step", and performance is essential to manifest these narratives in real-life scenarios to make it accessible to citizens (Parkinson 2012b:47–48). In this context, philosopher Kenneth Burke's (Parkinson 2012b:39) concept of the "scene-act" ratio from dramatism finds relevance. Here, the term 'act' refers to human action, and 'scene' denotes the setting in which it occurs. This concept posits that an individual's behavior is influenced by its context and that different settings demand different forms of collective human actions (Parkinson 2012c:15–16). While interpersonal communication is vital to deliberative democracy, it is not a sufficient condition to fulfill the requirements for a functioning deliberative democracy (Parkinson 2012b:34). Deliberative democracy relies not only on the expression of opinions in the public sphere but also on "persuading audiences" which is done through a theatrical process that Harrington and Mitchell (1999:1) describe as "playacting", which entails performing or "putting on a show in order to manipulate". Parkinson (2012b:34) argues that in addition to "communicative competence", a certain degree of dramatic competence is "empirically necessary" to further rational communication within the public sphere of deliberative democracy.

It follows that the process of political communication within the deliberative public sphere is characterized by a strong performative aspect and that "democracy *depends* on performance", as the members are continually enacting certain democratic roles (Parkinson 2012b:36). Parkinson (2012b:36) lists the roles played by citizens in the deliberative public sphere which can be broadly divided into four categories: first, expressing opinions; second, making public claims; third, decision-making based on rationality; and fourth, examining public action or inaction. Amongst these, the first two roles of articulating opinions and public claim-making strongly exhibit the elements of performativity in democratic participation. The shaping of narratives through visible

democratic performances in the first two roles significantly impacts the third role of decision-making and the fourth role of scrutinizing public action.

The first role consists of narration in the public sphere, which allows individuals to share, shape, and spread their viewpoints in a deliberative democracy (Parkinson 2012b:39). These narrations emerge in informal physical settings such as homes, pubs, clubs, workplaces, and streets; in virtual settings such as online platforms, newspapers, magazines, blogs, and documentaries; and in formal settings such as the parliament (Parkinson 2012b:39).

The second role of making public claims in the public sphere occurs at small or large scales, both of which necessitate visibility and demand greater attention from the target audience (Parkinson 2012b:41). It must be noted that in the context of claim-making, the audience frequently plays a dual role as both speakers and listeners within democratic participation (Parkinson 2012b:44). In smaller communities, citizens can physically meet in assemblies to discuss their issues (Parkinson 2012b:41). However, in larger complex societies, organizing physical gatherings becomes challenging, hence the claim-making role is shifted to representatives in state institutions or expressed through media channels (Parkinson 2012b:41). When the issues require urgent attention, public discussions conducted in private meeting are not sufficient to convey their importance to the state authorities and may ultimately prove to be ineffective (Parkinson 2012b:42). Here, the notion of the scene-act ratio finds direct application (Parkinson 2012b:41). A certain degree of publicity facilitated by an active democratic performance in the public sphere is crucial to make public voices heard (Parkinson 2012b:42). It implies that pressing public claims within the public sphere need to be made in “publicly visible and accessible” prominent physical sites to attract broader public attention and support (Parkinson 2012b:42). For example, civil society groups might organize demonstrations and marches at symbolic locations, such as premises of government offices or venues hosting global summits (Parkinson 2012b:42). Leveraging the idea of “strength in numbers”, gathering a large crowd is often used as a strategy to attract attention from the state officials (Parkinson 2012b:42). Additionally, activists might perform certain “stunts” as a part of the democratic performance, aiming to ensure that their public claims are “taken seriously” by the state (Parkinson 2012b:42). Environmental activists climbing smokestacks or disability activists chaining themselves to public transport are a few examples of such performances (Parkinson 2012b:42). Such extraordinary acts are performed with the aim to capture media attention, since news channels are inclined to broadcast unusual events, thereby gaining greater public attention (Parkinson

2012b:42). The state finds it difficult to ignore such performances, either quantitative (public gatherings in large numbers) or qualitative (performing uncommon acts) (Parkinson 2012b:42). Due to this performative aspect of democratic participation within the public sphere, the state treats these matters as urgent and responds immediately, thereby addressing the citizens' need for their public claims to be "taken seriously" (Parkinson 2012b:42). The intension behind such a democratic performance in the public sphere is to persuade the target audience, garner public support, and eventually reach mutual consensus within the deliberative democracy (Parkinson 2012b:44).

3. THE CASE OF INDIA

This chapter focuses on the Indian context, elaborating on Indian deliberative democracy (sub-chapter 3.1), the Indian public sphere (sub-chapter 3.2), and Indian public space (sub-chapter 3.3). It examines the functions, characteristics, and limitations of both the Indian public sphere and Indian public space. Here, the section on Indian deliberative democracy provides a framework for comprehending the operations of the Indian public sphere and Indian public space. This is followed by an empirical analysis of the Indian case of the RTI movement. Sub-chapter 3.4 expands on the RTI social movement, exploring its various aspects, such as its socio-political and legal context, the constitutional law of the RTI Act 2005, the actors involved, phases of the movement, and the deliberative strategies that utilized public space during the movement.

3.1 Indian Deliberative Democracy

Since its decolonization in 1947, India established itself as a representative deliberative parliamentary democracy (Palanithurai 2015:1) and has upheld the functioning of various political institutions through procedural democracy for over seventy years (Joseph and Joseph 2018:11). In the Indian context, local governance units are regarded as the foundation of representative democracy (Palanithurai 2015:2–3). Over the past decades, the Indian state has made increasing efforts at a systemic level to enhance the participatory aspect of local governance (Joseph and Joseph 2018:11). The goal is to transition from a purely representative democracy to one that is decentralized and participatory, based on the rationale that such a shift would make political decision-making more inclusive and accessible to citizens (Joseph and Joseph 2018:11). It is important to note that these state-led initiatives were directed solely towards promoting rural democracy rather than urban democracy in India (Parthasarathy and Rao

2018:814). With this aim, the state introduced the 73rd Amendment to the Indian Constitution in 1992, which established the village assemblies [*Gram Sabha* in Hindi] for public deliberations in rural India (GOI MLJ 1993:1–2).

The institutionalization of the rural deliberative democracy through village assemblies marked a paradigm shift in the Indian political landscape (Datta 2021:54). These village assemblies form a part of the broader rural governance system [*Panchayati Raj* in Hindi] (Datta 2021:54). The rural governance system is hierarchically divided into village level governance structures [*Gram Panchayat* in Hindi] (Datta 2021:54). Each *Gram Panchayat* comprises one or more villages which are further divided into administrative wards (Datta 2021:54). Village representatives [*Panch* in Hindi] are directly elected from these wards who become members of the *Gram Panchayat* (Datta 2021:54). Seats are secured for women and minority groups through quotas in the *Gram Panchayat* (Datta 2021:54). The *Gram Panchayat* operates as a three-tiered system consisting of the administrative, the executive and the deliberative branches (village assemblies or *Gram Sabha* in Hindi) (Datta 2021:54). Currently, India has approximately 250,000 functioning *Gram Panchayat* village governance structures (Datta 2021:54).

Gram Sabha, the deliberative wing of the *Gram Panchayat,* is composed of persons who are registered voters in the local electoral rolls in the villages (Datta 2021:54). The *Sabha* acts as an “accountability forum”, where the elected officials directly engage with the electorate to deliberate on a wide range of topics (Datta 2021:54). Article 243A of the Indian Constitution outlines a mandate for the operations of the *Gram Sabha* (Kumar 2018:134). According to this constitutional provision, village assemblies must be organized at least once every six months, with a quorum consisting of one-tenth of the total membership for the session to proceed (Kumar 2018:134). These meetings require the attendance of at least 10 ward members, 30 percent of whom must be women, along with a proportionate representation from marginalized communities (Kumar 2018:134). Villagers use this platform to debate and advocate for matters of common interest, such as development initiatives, public services, and infrastructure projects, including the construction of roads, irrigation canals, sanitation facilities, provision of water hand pumps, and selection of beneficiaries for welfare schemes (Datta 2021:60). As the deliberative branch of the *Gram Panchayat* structure, the *Gram Sabha* is regarded as a “crucial pillar of rural democracy” in the Indian context (Datta 2021:54).

3.2 Indian Public Sphere

Functions and Characteristics

After gaining independence, India established itself as a secular and democratic state, with individuals' rights and freedoms safeguarded under the Indian Constitution adopted in 1950 (Raiguru 2023:7). This resulted in the expansion of both the private and public sphere in India (Raiguru 2023:7). Within the private sphere, citizens can freely engage in different matters without state intervention, whereas in the public sphere, individuals are granted the right to participate in democratic activities, voice their opinions, and hold the state accountable for their decisions (Raiguru 2023:7). The contemporary post-independence public sphere in India can be defined as a social space where individuals participate in discussions on subjects of common interest related to political, social, economic, and cultural issues (Raiguru 2023:4). As opposed to this, the private sphere encompasses topics concerning the personal and familial lives, which are typically protected from public intervention (Raiguru 2023:4). The boundaries between the public and private sphere are not always distinct and are continually negotiated and redefined depending on various social, cultural and historical contexts (Raiguru 2023:4–5). For example, issues related to gender and sexuality fall under both the private and public spheres, as they simultaneously refer to personal values and beliefs, and concern public policies and societal norms (Raiguru 2023:5).

The Constitution of India enshrines the right to freedom of expression and freedom to form associations, which refer to the right to form the public sphere. Part III of the Indian Constitution (GOI MLJ 2024 [1950b]:ii–iii) outlines the fundamental rights granted to citizens, including the "right to equality" (Article 14 to 18), "right to freedom" (Article 19 to 22), "right against exploitation" (Article 23 to 24), "right to freedom of religion" (Article 25 to 28), "cultural and educational rights" (Article 29 t0 30) and "right to constitutional remedies" (Article 32 to 35). Clauses (a) and (c) of Article 19(1) deal with the freedom of speech and the formation of associations within India (GOI MLJ 2024 [1950a]:9)

Right to Freedom

19. Protection of certain rights regarding freedom of speech, etc.—

(1) All citizens shall have the right—

(a) to freedom of speech and expression;

(…)

(c) to form associations or unions [or co-operative societies];

(…)

(GOI MLJ 2024 [1950a]:9).

The rights conferred under Article 19 (a) and Article 19(c) are not absolute (GOI MLJ 2024 [1950a]:10). The state can impose “reasonable restrictions” on citizens under certain conditions to protect the sovereignty, security, public order, morality, or prevent violence (GOI MLJ 2024 [1950a]:10). These restrictions are outlined in the clauses following Article 19(1), including:

- Article 19(2) allows restrictions on freedom and expression which are otherwise granted under Article 19(1)(a) (GOI MLJ 2024 [1950a]:10)
- Article 19(4) imposes restrictions on the formation of associations which is otherwise granted under Article 19(1)(c) (GOI MLJ 2024 [1950a]:10)

Since pre-independence, the Indian public sphere has been characterized as dynamic space for public debates and political action, which take on various forms (Raiguru 2023:3). In the contemporary Indian public sphere, newspapers, news channels, journals, and other outlets form an important part of the media landscape, which offer a platform for the expression of public opinion (Raiguru 2023:3). Artistic mediums such as literature, music, documentaries and films contribute to the public sphere by representing the aspirations of the Indian populace (Raiguru 2023:3). More recently, the decline of traditional forms of communication and the rise of social media have influenced the Indian public sphere, impacting personal, political, and cultural domains of life (Raiguru 2023:5). Civil society organizations such as “trade unions, women’s organizations, peasant organizations, and other social movements” (Raiguru 2023:3) have emerged as important sites for representing the interests of specific social groups (Raiguru 2023:4).

Limitations

Ali (2023:84) contends that the concept of the Habermasian universalist public sphere cannot find direct semblance in the Indian context due to the country’s historical, social, and political specificities (Ali 2023:85). The contemporary Indian public sphere has evolved from its colonial past and is impacted by social realities such as religious and caste-based hierarchies, gender discrimination, and economic inequalities (Ali 2023:85). The Indian Constitution adopted a distinct form of “contextual secularism” that emphasizes religious pluralism and religious neutrality, in sharp contrast to its Western definition (Ali 2023:86–87). Despite this, religion has proven to be a dominant force both in the private (“worship, rituals, beliefs”) and the public sphere (social and political organizations) (Ali 2023:86). Similarly, caste plays a vital role in building solidarities in both the private and public sphere in India (Ali 2023:89). While the Indian state

guarantees its citizens equal socio-economic and civil rights, and freedom from all forms of discrimination (Ali 2023:89), such political equality that is superimposed upon inherent social inequalities has not proven to be sustainable (Ali 2023:92–93). This social reality has significantly affected the Indian public sphere (Ali 2023:93), resulting in challenges related to ensuring “accessibility, acceptability”, and “participation” within it (Ali 2023:111). For the establishment of a well-functioning public sphere in India (Ali 2023:93), there is a need to establish “liberty, equality and fraternity” through the eradication of social hierarchies (Ali 2023:95).

The Indian government’s efforts to establish a formal, inclusive and effective public sphere have proven to be inadequate as it continues to face substantive challenges (Raiguru 2023:7). A major obstacle is the entrenched social inequalities which continue to hinder marginalized groups, such as religious minorities and women, from easily accessing the public sphere (Raiguru 2023:7). Patriarchal structures embedded in community and religious practices within the private sphere conflict with the principle of gender equality that characterizes the public sphere (Ali 2001:2424). A proposed solution is implementing a uniform civil code, which has turned into a highly debated issue, since it requires accommodating cultural diversity without compromising democratic principles (Ali 2001:2424). Additionally, there is a need for increased efforts to institutionalize the public sphere in order to accommodate minority cultures and prevent its monopolization by dominant cultural groups (Raiguru 2023:8–9).

The Indian state’s policy for minority empowerment has not adequately addressed social disparities, leading to persistent social hierarchies in the private sphere which, in turn, impact the public sphere (Ali 2001:2423). Another policy that emphasizes the private-public distinction has practically rendered the private sphere impenetrable (Ali 2001:2423). This inaccessibility makes it impossible for the state to bring any reforms in the private sphere, whereby, gender and religious inequalities, justified by religious norms, remain unaddressed (Ali 2001:2423). It is important to note that the efforts to democratize the public sphere should also extend to the private sphere, since a “democratic public sphere” cannot coexist alongside an “undemocratic private sphere” (Ali 2001:2424)

3.3 Indian Public Space

Functions and Characteristics

The right to peaceful gatherings in public spaces is regarded as an important aspect of democracy (Grover 2021a:2). The tradition of peaceful assembly in India finds historical roots where "non-violent, popular, participatory public gatherings, with marches and meetings" were extensively exercised during the anti-colonial struggle against the British rule (Grover 2021c:9). In post-colonial India, the constitution guarantees citizens the right to freedom of assembly through Article 19(1)(b) and grants citizens the right to free movement across India through Article 19(1)(d) (GOI MLJ 2024 [1950a]:9). These constitutional provisions are of particular importance since they explicitly grant Indian citizens the right to use public space.

Right to Freedom

19. Protection of certain rights regarding freedom of speech, etc.—

(1) All citizens shall have the right—

(…)

(b) to assemble peaceably and without arms;

(…)

(d) to move freely throughout the territory of India"

(GOI MLJ 2024 [1950a]:9).

Additionally, these rights are not absolute in nature, and the state can levy "reasonable restrictions" on citizens under certain circumstances as safety measures against disruption of public order, security, state sovereignty, or incitement to violence (GOI MLJ 2024 [1950a]:10).

- Article 19(3) limits the right to peaceful assembly otherwise granted under Article 19(1)(b) (GOI MLJ 2024 [1950a]:10)
- Article 19(5) governs restrictions on free movement within the country, particularly with regard to the protection of minorities, which are otherwise granted under Article 19(1)(d) (GOI MLJ 2024 [1950a]:10).

In a verdict given by the Supreme Court of India in 1973, the panel of judges reiterated the role of right to assembly in public spaces as a fundamental aspect of any democratic society that shapes social and political outcomes (Grover 2021b:11). The judgement emphasized the significance of social assemblies for the discussion of various issues, whether religious, political, economic, or social (Grover 2021b:11). Such gatherings play

a vital role in educating the masses and public opinion formation (Grover 2021b:11). In this context, the Supreme Court stated that public spaces such as streets are "'natural' places for expression of opinion and dissemination of ideas" and that, for a part of the population, these spaces might be the only "effective" places for exercising their right to free speech and assembly (Grover 2021b:11). According to the Indian Supreme Court, "public meeting in open spaces and public streets forms part of the tradition of our national life", underscoring the importance of such gatherings for a functioning democracy (Grover 2021b:11).

Public spaces in India can be divided into three categories as "formal public spaces, "informal public spaces" and "unplanned defined public spaces" (GIZ, Das and Mazumder n.d.:6). Formal public spaces include "parks, city level markets, playgrounds etc.", whereas informal public spaces include economic areas such as street markets, community squares, and "urban voids" that have typically developed organically rather than through formal urban planning (GIZ et al. n.d.:6). Unplanned defined public spaces include "protest grounds, fair grounds, grounds used for play etc." (GIZ et al. n.d.:6). While formal and unplanned defined spaces are recognized in the statutory urban plans, informal spaces are not (GIZ et al. n.d.:6).

Limitations

Even after more than seventy seven years of independence, the Indian state continues to tackle a series of problems related to provision of basic infrastructure and public services in an overpopulated country (Sharma 2023:2). In the urban context, the efforts to transform cities into well-planned areas often result in the displacement and loss of livelihood of economically disadvantaged groups, as witnessed in metropolis such as Mumbai (Sharma 2023:2) and Delhi, the national capital (Sharma 2023:2). This significantly contributes to urban segregation and reproduction of socio-economic inequalities in cities (Sharma 2023:3). The overlapping of issues including overpopulation, limited resources, poor urban infrastructure, and the housing crisis has led to a rise in informal settlements in several Indian cities (Sharma 2023:3). These informal settlements exacerbate social problems such as crime and poverty, and worsen the city's environmental conditions (Sharma 2023:3). The state's focus on reconstructing planned areas in cities has overlooked the need for inclusive development (Sharma 2023:3). For example, the construction of planned townships in Gurugram has created a sharp division between the wealthy, planned neighborhoods inside gated communities and unplanned, poorer settlements outside the township (Sharma 2023:3–4).

Contemporary urban challenges in India include problems, such as insufficient infrastructure, ineffective planning, urban segregation, environmental degradation (Sharma 2023:3), and limitations of urban planning laws and policies that impact daily lives of citizens (Sharma 2023:4).

Additionally, safety in public places continues to be a significant concern in India, which impacts women's access to public places. According to *Women Peace and Security Index 2023* (GIWPS and PRIO 2023c:i), India ranks 128th out of the 177 countries surveyed for women's status across three dimensions: "inclusion (economic, social, political); justice (formal and informal discrimination); and security (at the individual, community, and societal levels)" (GIWPS and PRIO 2023a:2). The registered cases of crime against women show an upward trend over past three years with 371,503 cases reported in 2020; 428,278 cases in 2021 and 445,256 cases in 2022 (NCRB MHA GOI 2023:211). These figures significantly increase in urban regions than in rural areas.

Women's participation in public spaces is significantly hindered by both sexual and non-sexual violence (GIWPS and PRIO 2023b:35). In 2022, India reported 248 cases of "murder with rape/ gang rape" against women (NCRB MHA GOI 2023:212) and 85,310 cases of "kidnapping & abduction of women" (NCRB MHA GOI 2023:214), the majority of which occurred in public spaces. The issue of safety and security severely restricts the mobility of women in public places and their usage of public transport, where most women experience sexual harassment (Nandi 2023:1). In Delhi, the capital of India, 59 percent of women reported to have stopped going outdoors due to the threat of violence in public places in 2020 (Nandi 2023:1). There has been a rise in the number of Indian feminist movements (Phadke 2020:282) that demand safe public spaces for women (Phadke 2020:281) as well as the protection of the right to have "unconditional access" to public spaces (Phadke 2020:282). A few examples of these Indian feminist campaigns include the 'Blank Noise' project launched in Bengaluru in the 2000s (Phadke 2020:284), the protests triggered by the [*Nirbhaya]* gang rape and murder case in 2012 in Delhi (Phadke 2020:281), and the 'Why Loiter Movement' which began in Mumbai in 2014 (Phadke 2020:285). The lack of effective safety measures transforms public spaces into "restricted spaces", which are primarily accessible to a certain "class, gender and age" (Nandi 2023:3). These factors underline the "deeply gendered" character of public spaces in India in terms of accessibility and the right to use public space (Viswanath and Tandon Mehrotra 2007:1542). Gender inequalities, systemic discrimination, and deep-rooted patriarchy are cited as key reasons for this gender-based unequal usage of public spaces (Viswanath and Tandon Mehrotra 2007:1543). These factors together result in

an underrepresentation of women in public places such as “streets, markets, public transportation, parks” (Nandi 2023:1–2).

In reference to the laws regarding the usage of public space in India, the interpretation of Article 19(1)(b), which guarantees citizens the right to peaceful assembly (GOI MLJ 2024 [1950a]:9) and its sub-clause Article 19(3) that imparts the state the right to impose “reasonable restrictions” to maintain public order under the Indian Constitution (GOI MLJ 2024 [1950a]:10), became a subject of intense legal and political debate in 2020 and 2021. This debate was sparked by two major national social movements, namely, the anti-Citizenship Amendment Act 2019 (CAA 2019) movement in 2020 (Grover 2021c:7) and the farmers movement in 2021, both of which involved occupation of public space, particularly in the national capital, Delhi (Grover 2021c:8). In response to the anti-CAA 2019 protests, the Supreme Court of India (2020:10) ruled against the indefinite usage of public spaces stating that “public ways and public spaces cannot be occupied in such a manner and that too indefinitely (…) the demonstrations expressing dissent have to be in designated places alone” [paragraph 17]. In the case of the farmers’ protests, the Indian Supreme Court (Grover 2021c:8) ordered state authorities to keep roads clearly accessible for commuters to avoid traffic congestion. In both instances, the Supreme Court of India (2020:10) aimed to “balance” the rights of protestors and those of commuters [paragraph 16] (Supreme Court of India 2020:10). Although Article 19(1)(b) is framed to protect the right to peaceful assembly, the conveniences of everyday life such as clear roads, needs of commuters, residents, and business owners were prioritized over the concerns of marginalized social groups by the state in both cases (Grover 2021a:3). Reasons such as “public health or traffic” are often misused to justify the undue restrictions on public assemblies by the state authorities (Grover 2021a:2). Judicial verdicts such as the “designated space doctrine” (Grover 2021c:7) as well as the state’s employment of a “punitive, security-driven approach” increasingly fails to protect the right to peaceful assembly and delegitimizes the public expression of dissent (Grover 2021a:2). Additionally, the passing of a new law that requires organizers to seek “prior permission for assembly” is exploited by the state authorities to deny official permits, without which public gatherings are deemed unlawful and subject to criminal prosecution (Grover 2021a:2).

These measures by the Indian state bring to forefront the contested issue of legal interpretation of two terms: first, “public order” and second, “reasonable restrictions” embedded in Article 19(3) of the Indian Constitution (GOI MLJ 2024 [1950a]:10). Firstly, in this context, it is essential to distinguish between the concepts of public order and

public tranquility (Grover 2021b:13). As per a previous Supreme Court ruling, public order is defined as the "absence of all acts which are a danger to the security of the state" that include "the absence of insurrection, riot, turbulence, or cry of violence" (Grover 2021b:13). In contrast, public tranquility is defined as "serenity" (Grover 2021b:13). For example, the playing of loud music indoors at night disturbs public tranquility and not public order (Grover 2021b:13). The two cases can be understood in light of this distinction. The inconvenience caused to daily commuters and local residents due to peaceful demonstrations should be regarded as an act of disturbing public tranquility and not public order, and therefore cannot serve as a valid basis for imposing restrictions (Grover 2021b:13). The right to peaceful assembly encompasses the right to peaceful protest that will naturally disrupt daily lives to some extent (Grover 2021b:14). Here, greater significance is placed on the non-violent character of assemblies rather than the inconveniences caused to the general public (Grover 2021b:14). At the core, the aim of such peaceful assemblies is making concerns visible to the public (Grover 2021b:14). Thus, gatherings with large number of participants are an integral part of their political visibility, without which such assemblies would lose their value (Grover 2021b:14).

Secondly, the judgement assigning designated spaces for protests might outwardly appear to fulfill the criteria of reasonable restrictions outlined in Article 19(b) since it aims to provide a "logistical means to facilitate assemblies" while ensuring the security of citizens (Grover 2021b:18). However, denying protesters the right to choose a public space questions the very essence of the constitutional right to freedom of assembly (Grover 2021b:18). In a judgement passed in another case, the Supreme Court acknowledged the "*de facto exercise of the right over a number of years* on public streets and public parks" which contradicts the recent ruling regarding the anti-CAA 2019 protests (Grover 2021b:18). The legal requirement to seek prior formal permission to use designated spaces for protests implies an informal ban on the usage of non-designated spaces for peaceful assemblies, which should be regarded as unconstitutional (Grover 2021b:18). Additionally, due the existing spatial inequalities resulting from ineffective urban planning, the access to such designated spaces is not equitably distributed amongst the population (Grover 2021b:20). Disadvantaged social groups often struggle to access "open spaces, parks or grounds" for organizing public assemblies (Grover 2021b:20). For minority communities, organizing collective action in visible and accessible public venues is of particular importance for voicing their concerns and ensuring they are heard (Grover 2021b:20). The Supreme Court judgement overlooks the issue of unequal access that various social groups have to resources, infrastructure,

and cultural, social, and political capital (Grover 2021b:20). Consequently, the solutions that result from the state's attempts to balance the rights of protestors and residents alike further reinforce systemic inequalities and marginalization of discriminated communities (Grover 2021b:20).

3.4 Social Movement of the Right to Information Act 2005

The RTI movement in India, which started in the 1990s and continued until 2005, was a grassroots anti-corruption movement that led to a nationwide collective demand for the enactment of the constitutional right to access state-held public information. (Mishra 2003a:6). This section elaborates on the development of movement. It begins with an explanation of the socio-political and legal context of the RTI movement, along with the constitutional framework of the RTI Act 2005. This is followed by a description of the phases of the movement and the actors involved. The last section elaborates on the deliberative strategies that occupied public spaces employed by actors to advance the movement.

Socio-Political Context

Post-colonial India faces an "endemic problem" of corruption that affects both public and private sectors, impacting governance at all levels (Rahman 2022:1). This is reflected in statistical data from the World Bank's Worldwide Governance Indicators, which report the country's percentile rankings as follows: 41.51 for "control of corruption"; 67.92 for "government effectiveness"; and 51.47 for "voice and accountability" (WBG 2024). According to data published in 2020 under the Global Corruption Barometer 10th edition, 89 percent of Indian citizens considered "government corruption is a big problem" and 39 percent admitted to paying a bribe for using public services in the past 12 months (TI 2024). State authorities perpetuate this systemic corruption in India by exploiting "political, legal or procedural loopholes" to evade accountability (Bertelsmann Stiftung 2024:12).

The source of this systemic corruption in India can be traced to the dysfunctional state administration which is characterized by a lack of transparency in bureaucratic procedures, excessive delays in processes, and exploitation of ordinary citizens by government officials in power (Mander and Joshi 1999:2). The root cause lies in the state machinery's "denial of transparency, accessibility and accountability" compounded by

complicated and unclear rules and procedures which make it difficult for the public to navigate the system, resulting in them being vulnerable to exploitation by state authorities (Mander and Joshi 1999:2). In this context, the role of access to public information is crucial in fighting systemic corruption, reiterating the idea that, in a true sense, “information is power” (Mander and Joshi 1999:2). Withholding information from the general public expands the state’s scope of control and significantly increases the likelihood of corrupt practices (Mander and Joshi 1999:2). Here, the “demystification” of bureaucratic rules coupled with transparency in procedures and dissemination of public information is vital for ensuring accountable exercise of power by the state and safeguarding public welfare (Mander and Joshi 1999:2).

Legal Context

Until the formal establishment of the Right to Information Act in 2005, state-held information was governed and protected by the Official Secrets Act 1923 (OSA 1923), a colonial-era law that remained in force following India’s independence in 1947 (Imperial Legislative Council 1923:2). The OSA 1923 provides a comprehensive framework to protect sensitive state-held informed from being accessed or leaked, particularly to foreign agents, and thereby restricts the disclosure of classified information, which could potentially compromise the state’s security (Bahl Mehra and Kumar 2023:52).

While the RTI 2005 enables citizens to seek public information, fostering transparency and accountability in governance, the OSA 1923 restricts the disclosure of certain information, citing the reasons of national security and confidentiality (Malkan and Sangwan 2022:4372). Criticism has been raised against the OSA 1923, which contradicts democratic principles of fairness, openness, and governmental liability that is essential for good governance (Malkan and Sangwan 2022:4377). The OSA 1923 has been misused in several cases to protect “corruption and favoritism” under the pretext of discretion (Malkan and Sangwan 2022:4377). Although the OSA 1923 still remains in force, the introduction of the RTI Act 2005 legitimized the “constitutional and legal examination” of state activities by ordinary citizens, which was previously not possible under the OSA 1923, thereby providing citizens an important tool to fight corruption (Malkan and Sangwan 2022:4377). Thus, the implementation of the RTI 2005 marked a significant shift towards the promotion of transparency and accountability in public administration, which sharply challenged the colonial OSA 1923 that historically protected a legal culture of bureaucratic secrecy (Bahl Mehra and Kumar 2023:58). Section 22 of the RTI Act 2005 provides for the overriding of the OSA 1923 by stipulating

that in case of conflict between the two laws, the RTI Act 2005 will take precedence to safeguard larger public interest (Malkan and Sangwan 2022:4377). The section states that:

> 22. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act
> (GOI MLJ 2005:22).

Right to Information Act 2005

The RTI Act 2005, established in 2005, empowers citizens by granting them the constitutional right to request and obtain public information held by the Indian state (GOI MLJ 2005:1). In advancing public interests, it establishes a practical framework to promote transparency and accountability in the functioning of government bodies (GOI MLJ 2005:1). By making state authorities answerable to common citizens, the Act seeks to reduce corruption, improve governance and ensure openness in public administration (GOI MLJ 2005:1). The Gazette of India (2005) articulates the RTI Act 2005 as follows:

> An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.
> (GOI MLJ 2005:1)

This Act entails that state authorities in India are obliged to:

> maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated; publish within one hundred and twenty days from the enactment of this Act.
> (GOI MLJ 2005:4)

Section 12 of the RTI Act 2005 provides for establishing an institutional framework, which constitutes the Central Information Commission (CIC) that operates at a federal level (GOI MLJ 2005:1, 10). Similarly, Section 15 of the Act mandates the creation of State Information Commissions (SIC), which function at regional levels (GOI MLJ 2005:1, 12). These commissions are responsible for ensuring that public authorities comply with the Act (GOI MLJ 2005:1) by disseminating relevant public information to the RTI applicant within 30 working days from the date of request (GOI DPT 2023c).

The actual procedure for filing an RTI application for obtaining state-held public information consists of completing and submitting the government-recognized RTI form (GOI DPT 2023b). The applicant must fill out the form completely with precise details of the requested content ("3000 characters"; if exceeded, it should be attached as a "supporting document") and add their personal information (GOI DPT 2023a). The RTI form can be submitted online by linking to the bilingual (English and Hindi) national portal or visiting the government office in person (GOI DPT 2023c). Payment of nominal fees, exempt for citizens from economically weaker sections, forms a prerequisite for the approval of the RTI appeal (GOI DPT 2023a). Section 20 of RTI Act 2005 states that the public information officer (PIO) of the concerned department in the regional or central government is obligated to provide the requested information (GOI MLJ 2005:17). If the PIO refuses to accept an application, does not publish the requested information within the stipulated time period, furnishes "incorrect, incomplete or misleading information" or causes obstructions of any manner, they may face penalties under the Act (GOI MLJ 2005:17). Applicants can track the status of their RTI application by visiting the online portal; if dissatisfied they can file a "first appeal" without paying additional fees (GOI DPT 2023a).

Actors

The RTI movement, which began as a grassroots movement in the 1990s in Rajasthan, was driven by collective efforts from various stakeholders advocating for transparency and accountability in governance (Singh 2011:55). These stakeholders primarily comprised three groups (Singh 2011:54). The first group consisted of activists working towards ensuring basic economic rights of the rural poor, particularly landless laborers who faced exploitation (Singh 2011:54). These workers were denied access to government records documenting their daily work attendance, allowing employers to falsely record fewer working days, depriving them of their rightful wages (Singh 2011:54–55). Human rights activists operating in conflict-prone areas formed the second group of

stakeholders (Singh 2011:55). They focused on fighting against illegal detentions, disappearances, and other human rights abuses (Singh 2011:55). In this case, access to critical information regarding these detentions was denied to accused (Singh 2011:55). The third group comprised environmental activists concerned with ecological degradation, demanding information on decisions regarding environmental issues (Singh 2011:55). Importantly, predominantly illiterate and socio-economically marginalized population groups from rural regions in Rajasthan played a key role in advancing the RTI movement (Singh 2011:55). Additionally, professionals such as journalists, lawyers, academics, and civil servants supported the RTI movement (Singh 2011:55).

Organizations such as Mazdoor Kisan Shakti Sangathan (MKSS; literal translation: ‘organization for the empowerment of peasants and workers’) (Mishra 2003c:2), established on May 1, 1990 (Mishra 2003a:4), and the National Campaign for People’s Right to Information (NCPRI), formed on August 1, 1996 (Mishra 2003f:26), played a crucial role in shaping the RTI movement. Social activists Aruna Roy, Nikhil Dey, and Shankar Singh, who belonged to the first group of stakeholders, came together to form the MKSS in a village called Devdungri in the region of Rajasthan in India in May 1990 (Mishra 2003a:4). Initially, the primary objective of this organization was to address the issue of statutory wage and employment rights of workers while fighting corruption in state-run rural development schemes (Mishra 2003a:6). However, the MKSS soon recognized that the issue of systemic corruption was closely tied to the lack of disclosure and access to of state-held public information (Mishra 2003a:6). This realization led the organization to prioritize the public demand for RTI, directing its efforts towards spreading awareness and advocating for the formal implementation of the RTI (Mishra 2003a:6).

In August 1996, the MKSS, in collaboration with the Press Council of India (PCI) and Lal Bahadur Shastri National Academy of Administration (LBSNAA), organized a national convention in Delhi, bringing together legal experts, social activists, and civil servants to discuss the conceptual and practical issues related to the RTI (Mishra 2003f:26). The meeting culminated in the formation of NCPRI, a coalition of 21 experts (NCPRI n.d. [1996]:2) from different regions of India, who worked on drafting the first RTI bill (Mishra 2003f:26–27). This first draft was of monumental importance, since it laid the foundation for the RTI Act 2005, passed by the government of India in May 2005 (Roy 2018j:364).

Figure 2: Pioneers of MKSS: Shankar Singh, Aruna Roy, and Nikhil Dey

Source: MKSS Facebook Page (MKSS 2012)

Phases and Deliberative Strategies

The Indian RTI movement spanned across a period of 17 years from 1989 to 2005 (Singh 2011:68). Before 1989, the movement began to take root over a time span of 14 years from 1975 to 1988, characterized by occasional and sporadic demands for public access to information from various sections of society (Singh 2011:68). However, these efforts remained fragmented and lacked significant consolidation and strength (Singh 2011:68). The evolution of the 17-year long RTI struggle can be broadly divided into two phases: Phase I from 1989 to 1996 and phase II from 1997 to 2005. During both phases of the movement, formal and informal public deliberations were intentionally organized in public spaces, highlighting the significance of public spaces in the functioning of the Indian deliberative public sphere. Several deliberative strategies remained common in both phases. The following section provides a detailed account of the deliberative strategies employed during the first phase only, since many of these strategies were replicated in the second phase. The key events in the RTI movement are illustrated in the following table:

Figure 3: Landmarks in the RTI Journey, 1975 – 2009

SOME LANDMARKS IN THE RTI JOURNEY

1975:	Supreme Court of India rules that the people of India have a right to know.
1982:	Supreme Court rules that the right to information is a fundamental right.
1985:	Intervention application in the Supreme Court by environmental NGOs following the Bhopal gas tragedy, asking for access to information relating to environmental hazards.
1989:	Election promise by the new coalition government to bring in a transparency law.
1990:	Government falls before the transparency law can be introduced.
1990:	Formation of the *Mazdoor Kisan Shakti Sangathan* (MKSS) in Rajasthan and the launching of a movement demanding village level information.
1996:	Formation of the National Campaign for People's Right to Information (NCPRI).
1996:	Draft RTI bill prepared and sent to the government by NCPRI and other groups and movements, with the support of the Press Council of India.
1997:	Government refers the draft bill to a committee set up under the Chairmanship of HD Shourie.
1997:	The Shourie Committee submits its report to the government.
1999:	A cabinet minister allows access to information in his ministry. Order reversed by PM.
2000:	Case filed in the Supreme Court demanding the institutionalization of the RTI.
2000:	Shourie Committee report referred to a Parliamentary Committee.
2001:	Parliamentary Committee gives its recommendations
2002:	Supreme Court gives ultimatum to the government regarding the right to information.
2002:	Freedom of Information Act passed in both houses of Parliament.
2003:	Gets Presidential assent, but is never notified.
2004:	National elections announced, and the "strengthening" of the RTI Act included in the manifesto of the Congress Party.
May 2004:	The Congress Party comes to power as a part of a UPA coalition government, and the UPA formulates a "minimum common programme" which again stresses the RTI.
June 2004:	Government sets up a National Advisory Council (NAC) under Mrs. Sonia Gandhi.
August 2004:	NCPRI sends a draft bill to the NAC, formulated in consultation with many groups and movements. NAC discusses and forwards a slightly modified version, with its recommendations, to the government.
December 2004:	RTI Bill introduced in Parliament and immediately referred to a Parliamentary Committee. However, Bill only applicable to the central government.
Jan-April 2005:	Bill considered by the Parliamentary Committee and the Group of Ministers and a revised Bill, covering the central governments and the state introduced in Parliament.
May 2005:	The RTI Bill passed by both houses of Parliament.
June 2005:	RTI Bill gets the assent of the President of India
October 2005:	The RTI Act comes into force.
2006:	First abortive attempt by the government to amend the RTI Act.
2009:	Second abortive attempt by the government to amend the RTI Act

Source: Singh 2011:51

Phase I: 1989 – 1996

The first phase, lasting 8 years from 1989 to 1996, was the most prominent and was centered mainly in the rural areas of the region of Rajasthan (Singh 2011:68). This period witnessed the organization of intense collective action under the leadership of the MKSS (Singh 2011:68). The joint actions were often triggered by significant events occurring primarily in Rajasthan (Singh 2011:68). During this phase, no concrete measures were taken to institutionalize and legalize this right such that the common citizens could exercise it (Singh 2011:54). The first phase ended with the formation of the National Campaign for the People's Right to Information (NCPRI) in 1996 (Singh 2011:68).

Phase I: Deliberative Strategies

During the first phase of the RTI movement, citizens and activists employed various strategies based on the principles of the deliberative public sphere that occupied public space. This period witnessed diverse forms of collective mobilization, such as collective non-cooperation, sit-in protests, hunger strikes, large-scale conventions, informal meetings, social audits, and public hearings. This section elaborates on the key events and strategies adopted during the first phase. The important events that chronologically took place in the first phase included:

1) Collective Non-cooperation in Devdungri, April 1989
2) Sit-in Hunger Strike and Market Closure in Bhim, July 1990
3) Regional Open Convention in Bhim, October 1990
4) National Workshop in Jaipur, November 1990
5) Public Deliberations in Devdungi, April 1991
6) Public Hearings in Rajasthan, December 1994 – April 1995
   6.1) First Public Hearing in Kot Kirana, December 1994
7) Mass Meeting in Beawar, September 1995
8) Sit-in Demonstration in Beawar, April 1996
9) NCPRI National Convention in Delhi, August 1996

1) Collective Non-cooperation in Devdungri, April 1989

The RTI movement began at the grassroots level as an anti-corruption movement in the 1990s in Devdungri village located in the heartland of Rajasthan in India (Mishra 2003a:6). Devdungri, like many other villages in central Rajasthan, is chronically drought-

prone and has extensive areas of infertile land (Mishra 2003a:6). Due to these climatic and geographical constraints, agriculture does not provide a sustainable means of living for the inhabitants of these desert regions (Mishra 2003a:6). As a consequence, residents heavily rely on state-sponsored famine relief schemes and work in rural development projects to earn a living (Mishra 2003a:6). These programs are implemented through the rural governance system [*Panchayati Raj* in Hindi] (Mishra 2003a:6), which is plagued by widespread corruption (Mishra 2003c:1). Under the famine relief works, villagers were entitled to minimum wage from the state, but in reality, never received the full amount (Mishra 2003c:1). Similarly, the rural development projects including construction of schools, wells, roads, and bridges were marked as completed in official records but were never actually built (Mishra 2003c:1). A significant issue was the consistent underpayment of villagers employed in these state-led projects, which became the reason that sparked the first collective resistance in Devdungri (Mishra 2003a:6).

In 1989, the government initiated an irrigation project on a site one or two kilometers away from Devdungri in Rajasthan (Roy 2018b:42), employing 140 villagers (Mishra 2003a:6). According to the famine relief laws in 1989, the state promised a minimum wage of INR 11 per hour to the laborers (Roy 2018b:42). However, in practice, laborers received far less than the mandated amount; men were paid INR 7-8 per hour whereas women earned INR 5-6 per hour (Mishra 2003a:6). In protest, these 140 laborers refused to accept any payment below the entitled amount from the government officials (Mishra 2003a:6). The MKSS, in solidarity with the workers, insisted on accessing the government records regarding the wage payment, which was denied to them by the state officials (Roy 2018b:43). Without having access to these records, the laborers were unable to prove the fabricated nature of this official documentation and make a legitimate demand for fair wages (Mishra 2003c:1). This incident highlighted the critical importance of the workers' right to know by accessing official information (Mishra 2003c:1). In worker Lal Singh's words "For people, the Right to Information is really the right to live. The daily bread is concealed in the records of government offices" emphasizing "the direct link between the paper and their lives" (Roy 2018b:43). The struggle for "transparency, accountability and justice" (Raj 2024:4) that began in Devdungri became foundational for the RTI movement and earned the village the title of the "birthplace of RTI" (Raj 2024:2).

2) Sit-in Hunger Strike and Market Closure in Bhim, July 1990

The Devdungri mobilization inspired workers across several other villages in Rajasthan to collectively fight against system corruption. A prominent example is the sit-in demonstration and hunger strike that took place in Bhim in Rajasthan. In 1990, workers in the village of Bhim faced a similar situation under the state-funded *Jawahar Rozgar Yojana* (JRY) (Roy 2018n:71), which promised a daily minimum wage of INR 14 per hour. During this time, the MKSS had passed a resolution that laborers would refuse to accept any amount below the promised minimum wage (Roy 2018n:71). Following this resolution, 300 workers in Bhim refused to accept unfair payment and formally notified the government official, the subdivisional magistrate of Bhim village (Roy 2018n:72). However, the magistrate not only dismissed their proposal but also refused to meet the workers to address their grievances (Roy 2018n:72). In response, 300 workers, 175 of whom were women, organized a day-long sit-in demonstration outside the magistrate's office in Bhim demanding payment of the promised daily minimum wage on July 18, 1990 (Roy 2018n:72). This peaceful sit-in protest was however ignored by the state administration (Roy 2018n:72) and the protestors had to suffer police violence where several were left injured (Roy 2018n:72)

The magistrate's disregard for their demands combined with state violence, agitated the workers prompting 17 of them, 3 of whom were women, to launch an in-definite hunger strike set up outside the magistrate's office on July 25, 1990 (Roy 2018n:73). The sit-in hunger strike was characterized by a performative aspect – speeches, revolutionary songs, street theatre and distribution of pamphlets were used to raise awareness and capture public attention (Roy 2018n:75). The protester's endurance and resilience earned them respect and empathy from the residents of Bhim (Roy 2018n:75). On the sixth day of the strike, the traders association of Bhim publicly expressed their support by observing a day-long closure of the market [*Bandh* in Hindi] in solidarity with the workers' cause (Roy 2018n:73). Witnessing this public support, the government officials finally decided to meet the agitators on the sixth day of the sit-in hunger strike (Roy 2018n:74). The officers urged the protestors to end the strike by promising to comply with the MKSS and workers' demands (Roy 2018n:74). However, eventually, the officials did not fulfill their promise and this led to intense feelings of betrayal and frustration amongst the laborers and MKSS team (Roy 2018n:76).

Figure 4: Sit-in Hunger Strike in Bhim, July 1990

Breaking the fast – first hunger strike, 1990.

Source: Roy 2018c:281

3) Regional Open Convention in Bhim, October 1990

The protests at Devdungri and Bhim taught the MKSS a crucial lesson in their fight for justice – peaceful protests are alone insufficient without a comprehensive understanding of legal rights and state policies (Roy 2018l:78). This led the MKSS to organize a two-day regional open convention for peasants and workers in an open public space in Bhim, Rajasthan on 24 – 25 October 1990 (Roy 2018l:78). The convention aimed to facilitate collective deliberative on matters that directly affected the participants (Roy 2018l:78). In preparation for the convention, the MKSS met with the Secretary of Ministry of Rural Development and submitted a memorandum demanding two crucial reforms: transparency in public works records and the enactment of a new law that guarantees employment (Roy 2018l:82). The secretary welcomed this initiative emphasizing that withholding information from the public was undemocratic and asserting that the government offices should operate “like a room made of glass” underlining the importance the need for transparency in administration (Roy 2018l:82). The convention drew around 2000 workers from all across Rajasthan as well as prominent lawyers, journalists, civil servants, commissioners from different departments of the state administration such as Ministry of Rural Development and members of the MKSS (Roy 2018l:79). The convention began as a public march through the streets and marketplace of Bhim with workers shouting slogans to attract public attention (Roy 2018l:79). The march turned into an informal meeting where several spoke about the issues of systemic corruption and wage inequities (Roy 2018l:79). During the two days of the convention, a series of speeches and discussions took place (Roy 2018l:79). The convention pointed out the local state administration needed to work in collaboration and consultation with the local citizens to address these issues effectively (Roy 2018l:80). It concluded

successfully with a consensus between the workers and government representatives regarding the need for transparency in government records on public works and prevention of labor exploitation in state funded projects (Roy 2018l:81).

Figure 5: Regional Open Convention in Bhim, October 1990

Left and Right: Bhim convention, 1990.

Source: Roy 2018c:281

4) National Workshop in Jaipur, November 1990

The open convention at Bhim had highlighted direct link between the right to work and the right to information (Roy 2018l:82). It pointed out the importance of collective action, public deliberation, and an in-depth understanding of laws in the fight for enactment of the RTI (Roy 2018l:82). In this context, MKSS found it crucial to engage in a dialogue with experts, not just from Rajasthan, but from other regions in India as well (Roy 2018l:83). Recognizing the need for a dialogic approach, the MKSS focused on generating newer platforms for fostering collaboration between various stakeholders from different institutions across private and public sectors (Roy 2018l:85). As a part of this effort, the MKSS partnered with the Institute of Development Studies (IDS) in Jaipur to organize a two day national workshop in November 1990 for specialists in the field (Roy 2018l:83). The workshop, held on the IDS campus, brought together a diverse groups of participants including educationists, policymakers, economists, legal experts, activists and representatives from non-governmental organizations (NGO) (Roy 2018l:83). High ranking government officials such as the secretary of the Ministry of Rural Development, secretary of the Ministry of Human Resource Development, and secretary working with the Government of Rajasthan also participated in this workshop (Roy 2018l:83). This workshop underlined that deliberation between state and non-state actors is central to democratic processes and the broader struggle for equality and justice, highlighting that “alternate use of action and reflection” is vital for sustaining

social movements (Roy 2018l:85). After extensive discussion on the issues of employment in rural development programs and the need for transparency in state administration, the two-day workshop ended with the adoption of key resolutions on various issues, such as:

- The state must ensure timely and fair payment of minimum wages to the employees; the National Commission on Rural Labor should consult a representative group of citizens before finalizing these wages (Roy 2018l:84)
- Trade unions and voluntary organizations were urged to be involved in state-led projects to ascertain fairness and effectiveness in administrative proceedings (Roy 2018l:84).
- State funding for development programs should be increased to meet the needs of the impoverished and the marginalized communities (Roy 2018l:84)
- Information regarding public works, such as the executing agency, project duration, employment terms, and wages, should be made available to the public to promote accountability and transparency in the implementation of state-funded schemes (Roy 2018l).

Following the workshop, the MKSS prepared a detailed report in both English and Hindi and submitted it to the IDS for publication (Roy 2018l:83). In 1991, the IDS published a book titled *Minimum Wages in Government Sponsored Rural Employment Programmes,* edited by Deepak Gianchandani (1991).

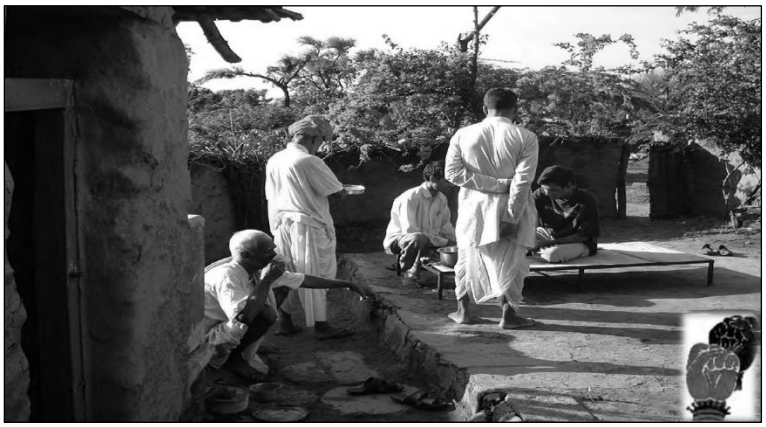
5) Public Deliberations in Devdungi, April 1991

In 1991, MKSS continued its efforts through collective deliberations held in public spaces (Roy 2018q:87). The organization's office in Devdungri was a small mud hut that soon became insufficient to provide room for the increasing number of visitors (Roy 2018q:87). The space outside the office began to be used for public deliberations since it was regarded as public property (Roy 2018q:87–88). These meetings were often conducted on a mud platform under the shade of a Neem tree (botanical name: Azadirachta indica) located just outside the office hut (Roy 2018q:87). The mud platform, being common property, allowed anyone to join, enhancing visibility, and inclusivity in public deliberations held within the public sphere. The Neem tree became a symbol of nurturing the RTI movement, metaphorically "cradling" its growth and development (Roy 2018q:87).

Figure 6: MKSS Office in Devdungri, May 1990

Source: MKSS Facebook Page (MKSS 2012)

Figure 7: Public Deliberations in Devdungi, April 1991



Source: MKSS Facebook Page (MKSS 2012)

6) Public Hearings in Rajasthan, December 1994 – April 1995

The sit-in hunger strikes at Bhim in 1990 made it evident to the MKSS that such a form of collective mobilization was not an efficient tactic (Roy 2018a:116). Firstly, a significant amount of resources had to be invested to sustain such protests, and secondly, these joint efforts yielded little success. In many instances, the state was indifferent to the demands of the activists. Additionally, the protestors often had to endure police violence, which took a physical and emotional toll on their well-being. This realization highlighted the need to develop alternative forms of public action to address these systemic deficiencies (Roy 2018a:118).

Accordingly, to tackle these challenges, MKSS decided to implement an innovative and effective approach to public deliberation to further the agenda of the RTI at the grassroots level (Roy 2018a:118). In 1994, the MKSS adopted the method of public hearings [*Jan Sunwai* in Hindi] combined with social audits (Roy 2018a:118). This framework was

grounded in the principles of participatory democracy and emphasized collective citizen participation in public discussions with state authorities (Roy 2018a:118). These public hearings used public spaces effectively for collective deliberations (Roy 2018f:120). The logistical requirements for organizing a public hearing in villages were simple: typically, a tent was set up in a public space (Roy 2018f:124). Inside the tent, chairs and tables were arranged for the panelists and participants (Roy 2018f:124). Equipment such as microphones, loudspeakers, and video recorders, which were inexpensive and rented, would be set up to document these public hearings (Roy 2018f:124). A panel of participants would facilitate these meetings, ensuring that all citizens had a fair chance to voice their grievances (Roy 2018f:124). In these social audits, the citizens themselves acted as jury members, expressing their judgment, and offering solutions to resolve issues of collective concern (Roy 2018f:124). The tent created an inclusive and accessible space for open participation where every member had a right to express their views, while non-participants were welcome to observe the proceedings. The filming of these proceedings allowed citizens to watch them at a later point, served as permanently documented evidence, rendered a sense of accountability among the participants, and acted as a safeguard against misrepresentation (Mishra 2003f:18). The public hearings advocated for a framework to ensure transparency, accountability, and justice in local governance at the village level [*Gram Panchayat* in Hindi] (Roy 2018f:127), inclusive of:

- Transparency: Granting citizens public access to official records held by the village-level administration (Roy 2018f:127)
- Accountability: Holding state officials and representatives, who were accused of misconduct, accountable for their actions (Roy 2018f:127)
- Institutionalizing Public Audits: Institutionalization of the system of public audits, where the community can verify the usage of public resources (Roy 2018f:127); The findings of these audits would be regarded as public domain information and could be accessed by any citizen (Roy 2018f:127).
- Redressal: Setting up a mechanism for the recovery of misused funds, and after collection, would be used for their originally intended purpose (Roy 2018f:127).

Adopting the strategy of the public hearings and social audits marked a structural transition in the MKSS's mode of protests, from reactive protests to a proactive approach, aimed at achieving sustainable systemic changes in public administration. In this way, MKSS intended to channel their activism towards governance reforms. Unlike traditional methods of citizen engagement, which relied on the governance system, which in itself was responsible for the problem, public hearings centered on the strength and legitimacy of direct collective participation (Roy 2018a:118). In this model, the community itself

became the driving force for justice and transparency, shifting the focus of accountability from the government to the people, thus giving them more power (Roy 2018a:118). The adoption of this new method represented a shift in MKSS's perspective towards collective action and public deliberation, which proved to be a "breakthrough in thought and strategy" (Roy 2018a:119). Through the application of the model of public hearings combined with public audits, the MKSS sought to fulfill dual goals: working on short-term goals, such as addressing urgent issues of public concern and working towards long-term goals of structural reforms in government functioning (Roy 2018a:119).

Following this structure, the first set of five public hearings coupled with social audits in Rajasthan were organized between 1994 and 1995 in the villages of Kot Kirana on December 2, 1994; Bhim on December 7, 1994; Vijaypura on December 17, 1994; Jawaja on January 7, 1995; and Thana on April 25, 1995 (Roy 2018f:127). The following paragraph describes the details of the first public hearing, which serves as a representative example of the four subsequent hearings.

6.1) First Public Hearing in Kot Kirana, December 1994

In August 1994, a villager from Kot Kirana approached the MKSS with allegations of corruption and falsification of official documents within the Kot Kirana local governance (Kot Kirana *Gram Panchayat*) in Rajasthan (Mishra 2003f:8). In response, the MKSS, with support from the Block Development Officer (BDO), conducted a thorough investigation of the issue (Mishra 2003f:8). The findings revealed that the *Panchayat* secretary and the junior engineer had misappropriated funds from the state-sponsored Desert Development Programme (DDP) in Kot Kirana (Mishra 2003f:8). Despite receiving multiple complaints from the villagers, the local police of Kot Kirana did not take any action against the secretary and the junior engineer (Mishra 2003f:9). Moreover, the mismanagement of the DDP not only impacted Kot Kirana but also smaller neighboring villages, which fell under the administrative jurisdiction of Kot Kirana (Mishra 2003f:10). Owing to these reasons, the MKSS decided to organize a public hearing and social audit to seek redressal (Mishra 2003f:10).

Accordingly, on December 2, 1994, the first public hearing was conducted inside the tent set up in public space in Kot Kirana village by the MKSS team (Mishra 2003f:10). The event drew hundreds of citizens from more than 20 villages under the administrative jurisdiction of Kot Kirana *Gram Panchayat* and Bagdi Kalaliya *Gram Panchayat* (Mishra 2003f:10). The public hearing was facilitated by a two-person panel which included a

lecturer and a planning consultant (Mishra 2003f:10; Roy 2018f:129). The news was covered by a local news agency (Roy 2018f:129). It is important to note that no government official participated in this social audit (Mishra 2003f:10). During the hearing, bills and vouchers related to the government building construction in Kot Kirana were openly displayed and read out to the attendees (Mishra 2003f:11). This exposed the scandal surrounding the DDP – the building construction remained unfinished although it was formally marked as completed in the state records by the secretary and junior engineer of the Kot Kirana *Gram Panchayat* (Mishra 2003f:11). Additionally, several villagers from Kot Kirana openly testified against the secretary and the junior regarding the falsification of wage documentation (Mishra 2003f:10). The muster roll disclosed hundreds of fraudulent (ghost) entries including names of deceased or non-existent persons, as well as forged signatures or thumbprints falsely confirming the wage receipts (Mishra 2003f:10). The public hearing ended in the lodging of a police complaint known as the First Information Report (FIR) against the accused secretary and junior engineer of Kot Kirana *Gram Panchayat* (Mishra 2003f:11).

Figure 8: First Public Hearing in Kot Kirana, December 1994

First Jan Sunwai at Kotkirana, 2 December 1994.

Source: Roy 2018c:287

Analysis of Public Hearings

The five public hearings held in rural areas of Rajasthan shared several commonalities. So far, the *Gram Panchayat* governance had failed to establish a mechanism for grievance redressal for rural citizens, nor had any efforts been made to institutionalize such a system (Mishra 2003f:17). The public hearings organized by the MKSS provided an effective alternative to address this important gap (Mishra 2003f:17). Each public hearing, organized by the MKSS, and was attended by 500 – 700 participants, half of

whom were women (Mishra 2003f:17). The panelists typically consisted of lawyers, jurists, writers, academicians, and intellectuals, who were associated with the RTI movement (Mishra 2003f:17). Local, regional, and national newspapers covered these public hearings, which earned them a wider audience beyond the immediate participants and helped in spreading awareness about the importance of these proceedings (Mishra 2003f:17). The social audits conducted during these hearings covered public works in clusters of 4 – 5 *Gram Panchayats* (Mishra 2003f:17). This clustering approach was adopted because rural development projects in one *Panchayat* often had significant impact on neighboring *Panchayats* (Mishra 2003f:17). Such a grouping of social audits facilitated collective information sharing and resource coordination among the involved *Panchayats* (Mishra 2003f:17). These social audits gained increasing legitimacy among the predominantly uneducated villagers, as they "transferred meaningless figures into actual reality" as "two types of information began to be compared. The records and the reality" (Mishra 2003f:18).

An important aspect of organizing public audits was the substantial amount of effort that the MKSS had to invest in making thorough preparations well in advance (Mishra 2003f:18). The MKSS team had to travel extensively from village to village collecting officials documents from the respective *Gram Panchayats* and workers employed in the rural development schemes (Mishra 2003f:18). Often, this required more than 10 visits to the local *Gram Panchayat* offices (Mishra 2003d:30). Their tasks included gathering expenditures reports, such as vouchers, bills, and muster rolls that recorded the laborers' attendance and wages, as well as documenting the material resources used and the status of the construction works funded by government programs (Mishra 2003f:18). To encourage villagers to attend the planned public hearings, the MKSS would print and distribute pamphlets to the village residents beforehand (Mishra 2003f:18). The public hearings brought to light the numerous obstacles that the MKSS members had to face while obtaining these official records (Mishra 2003f:15). The government officials at both the village and district levels were often reluctant to share information and resisted the organization of the social audits (Mishra 2003f:18).

Outcomes of Public Hearings

Soon after the fifth public hearing at Jawaja in January 1995, the MKSS submitted several petitions to the regional and central government outlining two demands: first, the right to access official information from state institutions (Mishra 2003f:14) and second, the institutionalization of social audits under the local rural governance system (Mishra

2003f:19). An important outcome of these public hearings was the Chief Minister of Rajasthan's declaration of the enactment of a regional RTI (Roy 2018h:147)

Demand for Constitutional RTI

The demand for RTI emphasizing access to public records included:

- Citizens should be able to obtain photocopies of important financial records related to rural development projects, such as bills, vouchers, and muster rolls of workers' attendance, and laborers' wage records upon paying a fee (Mishra 2003f:19).
- The District Rural Development Authority (DRDA) should provide computerized reports detailing approval and expenditures of rural development schemes, particularly poverty alleviation programs, at regular intervals, such as quarterly, half-yearly, and annually (Mishra 2003f:19).

Demand for Institutionalization of Social Audits

In 1992, the government of India introduced the 73rd Amendment to the Indian Constitution, which established the village assemblies [*Gram Sabha* in Hindi] for facilitating public deliberations in rural India (GOI MLJ 1993:1–2). However, these village assemblies did not include a mechanism for holding a social audit. Through practice, the five rural public hearings had effectively demonstrated the need for the establishment of a constitutionally mandated requirement for holding social audits within the *Gram Sabha* under the administration of the *Gram Panchayat* (Mishra 2003f:19). This would serve as an ideal solution for addressing citizen grievances, fighting corruption, and enhancing the accountability of local governance (Mishra 2003f:19). Key demands in this regard included:

- Social audits must be regularly conducted as part of the village assemblies, where public records must be displayed and read out to the attendees (Mishra 2003f:19).
- The procedures and guidelines of such a social audit should be clearly stated, including the identification of presenters and panelists and the details of the project under scrutiny (Mishra 2003f:19).
- The local village assembly should have the authority to take punitive action against the persons involved in corruption and the power to recover the misappropriated funds from those responsible (Mishra 2003f:19).

- An appellate unit or higher authority within the *Gram Panchayat* must be established to address complaints regarding the rural development projects (Mishra 2003f:19)
- A dedicated grievance unit comprising engaged and concerned citizens from the region should be set up to monitor the activities of the appellate complaints unit (Mishra 2003f:19).
- Complaints from the citizens must be addressed and resolved within a specified timeframe to ensure timely justice (Mishra 2003f:19).

Despite submitting these detailed petitions, the MKSS did not receive any official response from the regional or central government (Mishra 2003f:14). While the public hearings revealed the mismanagement of numerous rural development projects, neither the local administration nor the regional government took any action against the indicted parties (Mishra 2003f:21).

Chief Minister's Declaration of RTI Law in Rajasthan, April 1995

The growing popularity of public hearings in rural Rajasthan compelled the Chief Minister to respond to the citizens' collective efforts against systemic corruption and the demand for an RTI (Roy 2018h:145). Against the backdrop of the upcoming elections in Rajasthan in 1996; and likely driven by the political motive of gaining popular votes (Roy 2018f:138), the Chief Minister of Rajasthan made an important announcement regarding the RTI during a session of the regional legislative assembly on April 6, 1995 (Roy 2018h:147). The chief minister made four key promises that marked a significant landmark in the RTI movement in Rajasthan:

1) The government of Rajasthan promised to make all the information about rural development projects carried out by the local governance [*Panchayati Raj* in Hindi] institutions since 1990 publicly accessible (Mishra 2003f:14).
2) Citizens were allowed to make photocopies of state-held public documents, such as financial records related to rural development schemes, including bills, vouchers, muster roll records of attendance, and wages paid to workers upon payment of prescribed fees (Mishra 2003f:15).
3) The government of Rajasthan was committed to initiating inquiries whenever instances of fraud or corruption were exposed (Mishra 2003f:15)

4) The state of Rajasthan promised to take punitive measures against the parties found guilty of misconduct and to make efforts to recover the misappropriated funds (Mishra 2003f:15).

7) Mass Meeting in Beawar, September 1995

The lack of meaningful action following the Chief Minister's formal announcement of the RTI prompted the MKSS to intensify its campaigning efforts (Mishra 2003f:22). Accordingly, a large scale regional-level mass meeting was organized in a public space in the city of Beawar in Rajasthan on September 25, 1995 (Mishra 2003f:22). The objectives of this mass congregation was to debate the RTI in the context of the Chief Minister's declaration (Roy 2018h:149) and to draw attention from both the regional and central government (Mishra 2003f:22). The meeting was attended by over 2000 citizens, who were primarily peasants and laborers (Mishra 2003f:22). More than 30 speakers participated in this meeting including representatives of NGOs, former bureaucrats such as a former secretary to the prime minister of India (Roy 2018h:149), journalists, doctors, trade unionists, academicians and elected representatives of *Gram Panchayats* across Rajasthan (Mishra 2003f:22). Several representatives of *Gram Panchayat* from different villages in Rajasthan affirmed that they faced difficulties in accessing full information from state institutions (Mishra 2003f:22). The public discussions focused on the relevance and application of the RTI across various fields such as public health, land ownership records, socio-economic impact of large scale development projects, issues related to minimum wage and working conditions of state employees, and new policies proposed by the state (Mishra 2003f:22). This event received widespread coverage in local and regional newspapers (Roy 2018h:149).

8) Sit-in Demonstration in Beawar, April 1996

A year had passed since the Chief Minister's declaration, yet no concrete progress had been made towards its implementation (Mishra 2003f:22). After a year-long waiting period, the MKSS decided to launch an indefinite grassroots level peaceful sit-in demonstration precisely a year after the Chief Minister's announcement; on April 6, 1996, in the city of Beawar in Rajasthan (Mishra 2003f:22). The MKSS formally notified the regional government of Rajasthan about this planned event on April 2, 1996 (Mishra 2003f:23).

In preparation, months before the event, the MKSS team carried out a march through more than 300 villages in Rajasthan to inform and mobilize the villagers about the upcoming agitation (Roy 2018d:150). Importantly, the event's timing and location were strategically chosen – the Beawar sit-in protest was scheduled before the upcoming parliamentary elections and the selected protest site was a public space often used for electoral public meetings and speeches in Beawar (Roy 2018d:166). A tent was set up in a marketplace located near Chang gate in Beawar to accommodate the participants of the demonstration (Mishra 2003f:23). The sit-in demonstration lasted 40 consecutive days in Beawar, marking a pivotal moment in the history of the grassroots RTI movement in Rajasthan (Mishra 2003f:23).

The first four days saw the participation of more than 250 citizens, half of whom were women and some even carrying babies in their laps (Mishra 2003f:23). Supporters of the agitation contributed in various ways: food, vegetables and fuel for cooking was donated to the protestors; individuals made small monetary donations of INR 5 – 10; sweepers cleaned the protest site every day in the morning at 5:30 a.m. IST; and photographers documented the protest free of charge (Mishra 2003f:23). Doctors volunteered to offer their services, the police of Beawar made monetary contributions (Mishra 2003f:23), and several trade unions publicly declared their support (Mishra 2003f:24). Over this 40 day period, these collective contributions amounted to a sum INR 46000 which helped sustain the protest (Mishra 2003f:23). Eminent personalities from different fields such as journalism, public administration, economics, and theatre attended this sit-in agitation (Mishra 2003f:24).

The sit-in protest was kept alive by its vibrant and engaging performative elements (Mishra 2003f:23). Songs, puppet shows, street plays, speeches (Mishra 2003f:23), and interactive drama musicals characterized by songs, humor, political satire, and live dialogue between the artists and audiences (Roy 2018d:157) were used to spread the message during these 40 days (Mishra 2003f:23). Various groups exhibited their support through their performances inside the tent – professional artists performed musical political satires, bagpipers played protest music, poets recited poetry, and artists painted banners and posters to demonstrate their support of the cause (Mishra 2003f:23). Additionally, every morning, the protestors marched through the streets of Beawar singing protest songs, symbolically waking up the "sleeping government administration" (Roy 2018d:158).

The sit-in demonstration received extensive media coverage from local, regional, and national newspapers (Mishra 2003f:24). The newspaper *Jansatta* featured an article titled "Janana Jine Ke Liye" meaning "The Right to Know is the Right to Live" (Mishra 2003f:24), while another newspaper column used the headline "*Hum janenge, hum jiyenge"* meaning "We shall know, we shall live" which became a popular slogan of the protest (Roy 2018d:154). Nearly every social, political, and cultural organization in Beawar submitted formal appeals to the chief minister of Rajasthan urging to implement the RTI as per his declaration (Mishra 2003f:23). More than 400 organizations formally declared their support for the enactment of the RTI, strengthening the movement's legitimacy among masses (Roy 2018d:161).

Except the ruling party, other major political parties supported the protest (Mishra 2003f:24). On the 38th day of the sit-in demonstration at Beawar, the government of Rajasthan finally conceded and announced the formation of a five-member committee to implement the RTI, in line with the chief minister's declaration made a year ago (Mishra 2003f:24). This formal announcement was made through a press release on May 14, 1996 (Mishra 2003f:25). The committee was tasked with submitting its report to the Rajasthan government within two months (Mishra 2003f:25). Following this announcement, the sit-in protest was ultimately lifted on its 40th day, on May 16, 1996 (Mishra 2003f:25).

Figure 9: Sit-in Demonstration in Beawar, April 1996

Left and right: Beawar Dharna, the first big prolonged demand for the RTI, Beawar, 1996.

Aruna addressing a rally at Chang Gate, Beawar 1996.

Source: Roy 2018c:288, 290

9) NCPRI National Convention in Delhi, August 1996

The Beawar sit-in demonstration highlighted the need for the MKSS to direct its efforts toward the legalization of RTI, which would take effect across India (Roy 2018o:167). With this aim, MKSS members, with support from the Lal Bahadur Shastri National Academy of Administration (LBSNAA), organized a two-day national level convention in New Delhi, the capital of India, on July 31 and August 1, 1996 (Mishra 2003f:26). Members of the Press Council of India (PCI) actively participated in this event (Roy 2018o:170). It was at this meeting that the National Campaign for the People's Right to Information (NCPRI) was formally constituted (Mishra 2003f:26). The NCPRI comprised a team of experts including social activists, civil servants, lawyers (Roy 2018o:169), and journalists (Roy 2018o:170). The primary mission of the NCPRI was "to empower the people and to deepen democracy, through promoting people's right to information" (NCPRI n.d. [1996]:1). The NCPRI consisted of 21 members divided into two committees – the campaign committee and the working committee, both operating under the supervision of a convener (NCPRI n.d. [1996]:3). Among their major functions were:

- Ensuring the effective enforcement of the RTI Act 2005 by the state (NCPRI n.d. [1996]:7)
- Creating awareness about the RTI among the general public (NCPRI n.d. [1996]:8) through initiatives such as the publication of manuals in regional languages (NCPRI n.d. [1996]:7–8)
- Investing in research and development for enhancing the RTI, including setting up information centers and conducting regular surveys (NCPRI n.d. [1996]:9–10)
- Organizing social audits of state-led development programs and government institutions (NCPRI n.d. [1996]:10)

In 1996, under the leadership of the head of the PCI, who was a jurist, the NCPRI drafted the first formal RTI bill (Roy 2018o:170). The draft asserted that the provisions of the RTI legislation should overrule the Official Secrets Act 1923 (OSA 1923), which would otherwise create legal obstacles for accessing public information (Roy 2018o:167). The draft declared that any "information, which cannot be denied to the parliament or a state legislature shall not be denied to any person" (Roy 2018o:169). Before submitting the draft to the government of India, it was circulated among various groups and organizations for open debate and feedback (Roy 2018o:171). Public hearings were planned in various cities and villages across India to engage citizens at the grassroots level and spread awareness about the proposed RTI bill (Roy 2018o:171). A newsletter

was also published and circulated in Rajasthan to disseminate information on the RTI (Roy 2018o:172). After several meetings, debates, and incorporating the feedback received from engaged citizens, the draft was revised and finalized under the title “Press Council Draft” (Roy 2018o:173).

Two months later, on September 30, 1996, the PCI formally submitted the RTI bill to the then-prime minister of India, cabinet ministers, and all the members of the parliament in New Delhi (Roy 2018o:173). The PCI and MKSS held a press conference to announce the submission of the draft to the parliament and release it to the public (Roy 2018o:173). During this press conference, a statement made by an illiterate female member of the MKSS team captured the essence of the RTI movement in simple words, which became its symbolic slogan for the second phase (Roy 2018o:173). When asked by a journalist whether she understood the meaning of the RTI, her response was:

> When I send my son with 10 rupees to the marketplace, and he comes back I ask for accounts. The government spends billions of rupees in my name. Shouldn’t I ask for my accounts?
> ‘*Hamara paisa, hamara hisab*’ (Literally: [It’s] our money, our accounts)
> (Roy 2018o:174).

In 1996, the PCI and NCPRI’s joint presentation of the first draft of the RTI bill to the central government set the stage for subsequent legal developments (Mishra 2003f:27).

Phase II: 1997 – 2005

The second phase covering a period of 9 years from 1997 to 2005 began after the submission of the first RTI bill, initiated by the NCPRI, to the government of India and its processing in the Indian parliament (Singh 2011:68). Despite this submission, the government of India did not take any swift action and concrete measures towards enacting a constitutional law for the RTI with nationwide applicability (Mishra 2003f:27). During this phase, only 6 states out of the 28 regions in India, had enacted the RTI law at a regional-level by 2002, although a nationwide structure was still not in place (Singh 2011:68). At a national level, the central government of India passed the Freedom of Information Act 2002 (FOI Act 2002) in December 2002, which was applicable all across India at the national, regional, and local levels (Mishra 2003b:55). However, this law had a major limitation – it only guaranteed the disclosure of government-held data within different organs of the state including its executive, legislature, and judiciary branches (Mishra 2003b:55). The FOI Act 2002 entirely excluded non-state actors such private

individuals and organizations from accessing state-held information (Mishra 2003b:55). As a result, the fight towards establishing a comprehensive legal framework enabling ordinary citizens to access public information continued until 2005. This phase witnessed the rapid growth of the RTI movement all across India, ultimately culminating in the implementation of the RTI Act 2005 (Singh 2011:69). After 17 years of struggle, a landmark victory was achieved by the RTI movement when finally, on May 5, 2005, the RTI Act 2005 was unanimously passed by the Indian parliament and came into effect nationwide on October 13, 2005 (Roy 2018i:371).

Phase II: Deliberative Strategies

The second phase was influenced by the deliberative strategies employed during the first phase to advance the RTI movement. Drawing on the effectiveness of these approaches to public deliberation, these methods were widely replicated throughout the second phase across various regions in India. The important events in this phase included:

1) Sit-in demonstration in Jaipur, May 1997 (Mishra 2003f:27)
2) "Chariot of Scams" march [*Ghotala Rath Yatra* in Hindi] from Jaipur to Delhi, June 1997 (Roy 2018m:195)
3) Second set of five public hearings in Rajasthan from 1998 to 2000: Kukrakheda, January 1998 (Mishra 2003d:30); Surajpura, January 1998 (Mishra 2003d:32); Bori, December 1999 (Mishra 2003d:33); Bhim, May 2000 (Mishra 2003d:35); and Janawad, April 2001 (Mishra 2003d).
4) NCPRI National Convention in Beawar, April 2001 (Roy 2018g:302)
5) People's policy truck march [*Jan Niti Truck Yatra* in Hindi] across Rajasthan, July 2003 (Roy 2018e:327)
6) NCPRI National Convention in Delhi, October 2004 (Roy 2018k:347)
7) Parliamentary session passing the RTI Act 2005 in New Delhi, May 2005 (Roy 2018i:371)

Figure 10: Sit-in Demonstration in Jaipur, May 1997

Jaipur Dharna, a demand for the RTI at Statue Circle, Jaipur, 1997.

The dharna concludes with victory – the right to access records under the amended Panchayat Raj Act, 1997.

Source: Roy 2018c:290

Figure 11: First Public Hearing in Kukrakheda, January 1998

The second round of Jan Sunwais – Kukarkheda, 1998.

Source: Roy 2018c:291

Figure 12: NCPRI National Convention in Beawar, April 2001

The first NCPRI Convention Public Meeting in Beawar, 2001.

Source: Roy 2018c:295

Figure 13: People's Policy Truck March in Rajasthan, July 2003

Jan Niti Abhiyan Truck Yatra, 2003.

Source: Roy 2018c:297

Figure 14: NCPRI National Convention in Delhi, October 2004

The second NCPRI Convention – Vinay and Charul, singing *Janne ka haq* at the convention.

Source: Roy 2018c:298

Current Developments: 2006 – Present

The period from 2005 to the present, following formal enactment of the RTI Act 2005 across India, has focused on its effective nationwide implementation (Singh 2011:69). During this time, efforts have been directed at making the RTI regime "deeper and wider" by expanding its scope, enhancing public participation, and safeguarding it against potential weakening due to the introduction of new legal amendments (Singh 2011:69). Despite the RTI's potential, figures point towards its extreme underutilization as only 0.1% of India's population exercise the RTI (CIC 2019:22; Plecher 2020). Additionally, the applicant's position within intersectional social categories such as gender, class, religion, caste, regional background, and educational status influence their access to the RTI. An evaluation of the RTI's national usage indicates a correlation between the user's membership in social categories, existing social inequality, and the exercise of the RTI (RaaG and NCPRI 2009a; RaaG and NCPRI 2009b:7–34).

In the absence of effective state mechanisms, the RTI movement heavily relied on grassroots deliberative strategies such as public hearings (Mander and Joshi 1999:8) combined with people's audits (Mander and Joshi 1999:21). Despite their proven efficiency, the Indian state still has not institutionalized a framework for social audits within village assemblies. The slow pace of government-initiated developments further highlights the Indian state's inefficacy in administration. For example, it took 45 years after independence for the Indian state to introduce the 73rd constitutional amendment in 1992, which formally established village assemblies in rural areas. Even after the enactment of the RTI in 2005, the state has still not integrated social audits into the framework of village assemblies. Furthermore, the 73rd Amendment only applies to rural areas, completely excluding the urban population, comprising nearly 34 percent of the Indian population (The Information Architects of Encyclopaedia Britannica 2024:1), from this deliberative democratic system (Parthasarathy and Rao 2018:814). Thus, formal structures of deliberation have only been institutionalized in rural areas, excluding urban regions, leaving significant gaps in the Indian deliberative democracy. This exclusion underlines not only formal but also substantive deficiencies in the Indian institutional deliberative framework.

India's deliberative democracy has been criticized for its inefficiency and procedural delays. A significant limitation of procedural deliberative democracy is that bureaucratic processes are slow and time-consuming. For example, despite persistent collective efforts by the RTI movement, it took 17 years for the RTI law to be actually enacted in 2005. Moreover, the RTI is not just a legal framework; it is a fundamental right directly connected to individuals' daily sustenance and quality of life. Yet, it took 17 long years of waiting period for this right to become a reality. Similarly, village assemblies are mandated to meet twice a year (Kumar 2018:134). Given the scale and urgency of grassroots level issues, this frequency is severely inadequate. This is particularly concerning, since 66 percent of India's population resides in villages (The Information Architects of Encyclopaedia Britannica 2024:1). As the saying goes, 'justice delayed is justice denied', the absence of state-implemented fast-track mechanisms to deliver timely justice further intensifies the problem of systemic corruption, lack of accountability and transparency in public governance, and the inadequacy of citizens' grievance redressal mechanisms.

4. DISCUSSION

By employing Habermas's (1979:9) methodology of rational reconstruction, this chapter discusses the answers to the research questions by combining theoretical perspectives with empirical findings. First, it examines the extent to which the Western concepts of deliberative democracy, the public sphere, and public space find application in the Indian context (refer to RT1, RT2, RE1, and RE2 in 1. Introduction: Research Objectives). Here, the similarities and differences between the predominantly Western concepts and the Indian case are pointed out. By highlighting the limitations of the theories, it aims to contribute to the further reconstruction and renewed understanding of the theoretical frameworks. Second, it examines the lessons that can be learned from the Indian case regarding the role of public places in the functioning of the public sphere within deliberative democracy (refer to RT, RE in 1. Introduction: Research Objectives). In light of the Indian context, it elaborates on the relationship between the concepts of the public sphere and public space and how these impact the operations and quality of deliberative democracy.

Deliberative Democracy

The core principles of deliberative democracy outlined by Cohen (1996:102) signify the importance of inclusion, common good, and participation in decision-making processes within deliberative democracy. Under conditions of reasonable pluralism, inputs from the participants are debated upon and the outcomes of these discussions result in public decisions acceptable to affected stakeholders (Cohen 1996:105). These decisions ultimately become a binding collective choice for members of society (Cohen 1996:105). The deliberative model of democracy operates through the framework of state institutions at local, regional, and national levels, as well as the public sphere. State institutions are responsible for laying the ground conditions necessary for facilitating public discussions on matters of collective interest, such as public policies, institutional structures, and state-sponsored programs (Cohen 1996:100). Accountability, transparency, and accessibility form the core tenets that guide the joint decision-making processes in state institutions (Cohen 1996:101). The institutional framework within deliberative democracy is proceduralist in nature, meaning political decisions are reached by following formal norms and practices (Benhabib 1996:73).

The Indian state introduced a deliberative framework to the local administration system, particularly in rural areas (Parthasarathy and Rao 2018:814). The 73rd Amendment to the Indian Constitution in 1992 institutionalized rural deliberative democracy by

establishing village assemblies [*Gram Sabha* in Hindi] under the rural local governance system [*Panchayati Raj* in Hindi] (GOI MLJ 1993:1–2), which includes three components – the administrative, the executive, and the deliberative branches (Datta 2021:54). However, this framework does not cater to the urban regions.

The Indian case points to two important limitations within the theory of deliberative democracy. Firstly, procedural deliberative democracy demands important resources for its functioning, such as literacy, language skills, and education, to enable citizens to participate fully in deliberative forums and interpret government policies, often containing legal jargon. For example, in Rajasthan, according to the 1991 census, the average literacy rate in the region was 31.03 percent, which also had a gendered aspect – while 44.22 percent of males were literate, only 16.59 percent of women were literate (Sisodia 1991:85). This posed significant challenges for ordinary citizens, particularly women, to meaningfully engage in deliberative democratic processes. In the case of the RTI movement, the protestors largely depended on the support of educated activists and committed organizations such as the MKSS, without whom the RTI movement might not have achieved its goals. This brings to the forefront the question of how deliberative democracy can fulfill its core conditions of inclusion, common good, and participation (Cohen 1996:102) when citizens lack the resources to engage in deliberative forums fully. In this context, eradicating social disparities by promoting equal opportunities becomes imperative (Cohen 1996:107). However, this is a long-term goal, as the establishment of social equality is a slow process. Consequently, under immediate conditions of social inequality, privileged citizens have greater chances to actively participate in deliberative democracy, while the marginalized population groups find deliberative processes inaccessible, thereby reproducing existing inequalities. Given this limitation, the question remains how the state can truly ensure inclusive participation within deliberative democracy.

Secondly, the procedural deliberative model supports the idea of setting an “invisible limit” on the size of deliberative bodies, restricting the number of participants (Benhabib 1996:73). However, this notion is contradicted by the collective meetings organized within the informal public sphere during the RTI movement. For example, the regional open convention held in Bhim in October 1990 drew more than 2000 individuals from diverse social backgrounds (Roy 2018l:79), while the public hearing in Kot Kirana held in December 1994 saw the participation of more than 100 citizens from over 20 villages (Mishra 2003f:10). The inclusion of members from different backgrounds and the acknowledgment of a diversity of viewpoints is essential for a deliberative forum to be

truly representative. Here, the large number of participants highlighted the gravity of public matters and compelled the government bodies to take immediate and decisive action. This means that the number of participants holds a certain degree of significance in deliberative democracy and is often proportional to the seriousness of the issue at hand. Imposing a restriction on the number of participants in discussion forums might adversely affect the quality of deliberations within this model of democracy, ultimately affecting its outcomes.

Public Sphere

Habermas (1989 [1962d]:30) conceptualizes the public sphere as a link between the private domain, consisting of civil society and family, and the domain of the state, comprising government authorities. It is a space where individuals gather informally to freely deliberate on topics of public interest leading to the formation of public opinion (Habermas 1989 [1962d]:31). This public opinion guides the political actions of the state (Habermas 1974:53). Print and electronic media technologies such as the newspapers, journals, television, radio, and the Internet are extensively used to circulate public opinion to the broader population (Habermas 1974:49). The functioning of a deliberative democracy essentially rests an active and engaged public sphere. The deliberative model of democracy typically operates as a “two track” model (Seeliger and Sevignani 2022:8). The first track represents the public sphere, which involves citizens participating in joint decision-making processes that ultimately affect them (Seeliger and Sevignani 2022:8). The second track comprises state institutions that implement the political decisions taken in the first track of the formal public sphere (Seeliger and Sevignani 2022:8). An ideal public sphere exhibits three key characteristics that shape the outcomes of collective decision making processes (Evans 2012:874). First, the feature of inclusion ensures that diverse perspectives are represented in public debates centered around matters of common interest (Evans 2012:874). Second, reason-giving is an important characteristic whereby members provide rational justifications for their decisions, which allows other members to reflect and accept these collective decisions (Evans 2012:874). Third, the aspect of open-mindedness encourages participants to engage with viewpoints other than their own, which promotes collective learning (Evans 2012:874).

The Constitution of India (GOI MLJ 2024 [1950a]:9), under Article 19(1), enshrines the rights to freedom of speech, expression, and association, emphasizing their role in the effective functioning of the public sphere. These rights are not absolute, and the Indian

state might impose “reasonable restrictions” under Articles 19(2) and 19(4) in order to safeguard the sovereignty, security, and public order of the country (GOI MLJ 2024 [1950a]:10). These restrictions aim to maintain a balance between individual freedoms and national interests. The public sphere in India now exists through various platforms, including print and electronic mass media such as newspapers, journals, magazines, television, radio, and social media, which provide avenues for democratic engagement and expression to Indian citizens (Raiguru 2023:3).

In the Indian case, Fraser’s (1990:65) criticism of socio-economic inequalities influencing differential access to the public sphere holds true. Due to the country’s historical, social, and political specificities, the Habermasian public sphere cannot find full applicability in the Indian context (Ali 2023:84–85). Even after nearly eight decades since independence, India still endures stark systemic social inequalities such as religious and caste hierarchies, gender discrimination, and economic disparities (Ali 2023:85). These social inequalities hinder the full participation of marginalized groups in the Indian public sphere (Ali 2023:93). Additionally, the Indian state has formulated a policy for a clear distinction between the private and public sphere (Mahajan 1998:4). This policy makes it difficult for certain topics such as religion, caste, and sexuality to enter the Indian public sphere (Ali 2001:2423). The exclusion of controversial topics from public debates reduces the possibility of meaningful social change.

In the context of the RTI movement, the primary reason it emerged at the grassroots level is due to the socio-economic disparities between India’s rural and urban populations. In comparison to its urban counterpart, rural India faces significant deficiencies in basic public infrastructure, such as roads and electricity, and access to essential resources, such as education, opportunities for livelihood, and information technologies, including the Internet. The provision of numerous state-sponsored rural development schemes is an indicator of the underdevelopment of these regions. Under these circumstances, it is difficult and impractical for a virtual public sphere to thrive. When the citizens are preoccupied with issues related to survival, participating in the political public sphere becomes challenging, consequently reproducing inequalities in participation in the public sphere. For a public sphere to be truly democratic, the ground conditions of formal and substantive equality form essential prerequisites. A “democratic public sphere” cannot coexist alongside an “undemocratic private sphere” – which is indeed the case with India (Ali 2001:2424).

The Indian RTI movement demonstrated the active participation of a multitude of counterpublics, a concept elaborated upon by Fraser (1990:66). Among these, peasants and laborers were dominant counterpublics within the movement. Other interest groups, such as social activists, academicians, legal advisors, journalists, and organizations, such as the MKSS and NCPRI, were important members of the pool of Indian pluralistic counterpublics. This sharply contrasts with Habermas's (Fraser 1990:62) notion of the public sphere being predominantly bourgeois and unified in character. The public deliberations held within the RTI movement were mainly led by ordinary citizens, such as rural laborers, farmers, and activists working at the grassroots level, who primarily belonged to underprivileged groups (Singh 2011:54–55). Organizations like the MKSS (Mishra 2003a:4), NCPRI, and PCI (Mishra 2003f:26) significantly contributed to advocating for the RTI cause and pressing the state to address their demands. These organizations demonstrated the critical role of such meso-level connections between citizens (micro-level) and the state (macro-level) in a deliberative democracy. By acting as crucial intermediaries, they articulated citizens' demands, conveyed them to the government, organized accessible public debates on the topic, and addressed issues related to its constitutional and institutional frameworks necessary for the effective functioning of deliberative democracy.

Fraser's (1990:71) critique of Habermas's notion of the common good holds true in the Indian context. The RTI movement illustrated that the right to information was not initially considered a common good. Only after 17 years of collective struggle was it legally and formally recognized as a public good. Additionally, Habermas (Fraser 1990:75) advocates for a clear separation between the state and civil society and characterizes the state as a strong public and civil society as a weak public. Fraser (1990:75) challenges this idea by stating that the boundaries between the state and civil society are blurred when the civil society's (weak public) public opinions are transformed into legal decisions recognized by parliament (strong public). The RTI movement exhibited this blurring of boundaries between the civil society and the state in the Indian deliberative democracy. RTI social movement, which lasted 17 years, can be divided into two phases. The first phase from 1989 to 1996 was characterized by grassroots mobilization, where citizen participation in the public sphere became a crucial driver in promoting the rights agenda (Singh 2011:68). The second phase from 1997 to 2005 drew on the first phase and focused on the institutional and legislative framework of the RTI (Singh 2011:68). This highlights that in a deliberative democracy, both citizen engagement as well as state institutions are equally vital to its functioning. The public demands formulated within the informal public sphere of civil society (weak public) in the

first phase of the movement ultimately led to the enactment of the constitutional RTI Act 2005 by the Indian government (strong public) within the formal public sphere during the second phase of the movement. This indicates that civil society cannot be regarded as a weak public as it played a pivotal role in bringing about a landmark change in state legislation, exhibiting a blurring of boundaries. It also proves that the 'weak public' of civil society holds equal importance to the 'strong public' of the state in a deliberative democracy.

Benhabib's (1997:7) argument that the virtual public sphere is becoming ineffective due to its impersonal nature holds true in the Indian case. During the movement, virtual political communication made through bureaucratic procedures in the formal public sphere in India's deliberative democracy proved unproductive, as the state authorities frequently neglecting issues related to public welfare. This raises the question of how these inefficiencies can be addressed in the formal public sphere. The RTI movement addressed these deficiencies by moving to the public space for conducting physical deliberative public debates, such as public hearings and social audits, characterized by direct human interactions. Through such assemblies, public demands were communicated to the state officials, who were then compelled to respond to the concerns raised in the physical public sphere. This underlines the importance of in-person communication held in the tangible public sphere over correspondence made through the virtual public sphere. Holding the state authorities accountable for their actions becomes more effective when carried out in face-to-face meetings than in an anonymous digital public sphere. Importantly, in regions, particularly rural areas, lacking basic resources such as electricity, Internet access, and literacy, the virtual public sphere struggles to function effectively. This highlights that a virtual public sphere requires resources predominantly available to privileged groups in society. For communities deprived of these resources, participating in actual public debates becomes a viable solution to voice their opinions. While the public sphere increasingly moves to print and electronic mass media for its operations, the significance of physical meetings still remains relevant.

In the context of the Indian public sphere, the clause of "reasonable restrictions" under Article 19(2) of the Indian Constitution (GOI MLJ 2024 [1950a]:10) coupled with OSA 1923 (Imperial Legislative Council 1923:2) has been misused to silences voices of dissent. Such legal provisions enable the concentration of power in the hands of the state, rather than the citizens. Moreover, such clauses are laden with legal jargon, which makes it difficult for ordinary citizens to understand, interpret, and challenge them. As a

result, citizens find it difficult to actively engage in discussions concerning legal issues in the public sphere, thereby hindering their capacity to hold the state accountable. In this context, the question remains unanswered – whether the Habermasian ideal public sphere, which promises open access to citizens, rational debates over issues of common interest, and the ability to hold the state accountable, is practically and meaningfully feasible in countries where social inequalities are widespread.

Public Space

Lofland (1998:10) categorizes physical spaces into three types of social realms, namely, private, parochial, and public realms, depending on the human relationships the facilitate. Typically, rural regions are dominated by the private and parochial realms, whereas urban areas contain all three realms (Lofland 1998:10). A further distinction has been made between physical and social territories (Lofland 1998:10). Physical territories contain tangible geographical places including demarcated pieces of land (Lofland 1998:11). Social territories are shaped by the human relationships and activities that occur within the physical spaces which consist of the private, parochial, and public realms (Lofland 1998:11). Geuss (2001b:5) examines public space from the framework of public and private goods and concludes that public spaces are classified as a public good. This implies that issues related to public space can be legitimately debated in the public sphere, which focuses on matters of common good and collective interest. Parkinson (2012f:49) outlines a four-fold definition of public space, which is “1. openly accessible; 2. uses common resources; 3. has common effects; and 4. is used for the performance of public roles (Parkinson 2012f:61). Public space may not exhibit all four characteristics simultaneously as described in the definition but may demonstrate publicness in different ways (Parkinson 2012f:61).

The Indian Constitution guarantees citizens the right to freedom of assembly under Article 19(1)(b) and right to freedom of movement across the country under Article 19(1)(d) affirming their right to use public space (GOI MLJ 2024 [1950a]:9). However, these rights are not absolute and are subject to “reasonable restrictions” under Articles 19(3) and 19(5), aiming to protect the public order, security, state sovereignty, and to avoid possible cases of violence (GOI MLJ 2024 [1950a]:10). The Supreme Court of India has reiterated the importance of social assemblies for the formation of public opinion on various topics of collective interest (Grover 2021b:11). Here, public spaces play a crucial role in facilitating such mass gatherings by providing a physical platform,

where citizens can express and disseminate their viewpoints, thereby exercising their fundamental rights of freedom of expression and assembly (Grover 2021b:11).

According to Lofland (1998:10), the parochial and private social realms are more dominant in rural areas than urban regions. However, the grassroots Indian RTI movement utilized all three realms, namely the private, parochial, and public realms in the rural region of Rajasthan. For example, meetings conducted in the MKSS office used the private realm; social audits fell under the parochial realm, whereas mass demonstrations and marches occupied the public realm. Some of these marches were held on highways, such as the one from Jaipur to Delhi, where activists traveled in trucks from village to village to spread awareness about the RTI issue and gather support. Spaces such as highways connect cities but do not lie within the geographical and administrative boundaries of a particular city. These interlinking spaces that lie at the borders of towns connected the urban and rural populations during the movement, thereby becoming important sites of mobilization. Such intermediary spaces are not addressed in Lofland's (1998:10) classification of physical places.

Lofland (1998:14) points out the ambiguous and overlapping character of physical territories and social realms, which was demonstrated by the RTI movement. For example, the interiors of the MKSS office hut served as a private realm, but its outer space under a tree became a public realm accessible to all villagers during deliberative meetings. Similarly, the open space of playgrounds, which falls under the public realm, was converted to a parochial social realm by using tents to host the participants of the public hearings. Highways, typically regarded as a public realm, were transformed into a parochial realm when they were used for holding region-to-region truck marches. This exemplifies the fluid nature of the term 'public space', where the function it serves takes precedence over its geographical location when defining it.

Geuss (2001b:5) regards public space as a common good. This implies that such a physical form of public good can be utilized as an avenue within the public sphere to express opinions about collective concerns. The governance of public spaces directly impacts individual and collective human actions, as seen in the RTI movement. For example, police violence used in the movement during peaceful demonstrations illustrates how the state regulates public spaces by selectively allowing or prohibiting certain activities. Protests were often deemed threatening and hence suppressed, while public hearings and social audits were seen as legitimate and, therefore, permitted by the state authorities. This issue highlights that by controlling the usage of public spaces,

the state attempts to control the public sphere and, thereby, citizens' fundamental right to freedom of expression and access to public space. The state's sanctioning certain behaviors in public space not only affects individual actions but also shapes the public sphere, as the state indirectly manages the expression of public opinion by governing these venues of deliberation. Within the Indian context, such regulation of public places is justified by constitutional laws such as Article 19(3) that endorses the application of 'reasonable restrictions' in instances where national security is at stake (GOI MLJ 2024 [1950a]:10). Such legal provisions are often subject to misinterpretation and misuse, enabling the state to act as an ultimate decision-maker without the topic being openly debated in the public sphere. By limiting access to public spaces and imposing restrictions on its occupation, for instance, by curbing protests through police violence, the state has the ability to influence the public sphere, which often results in silencing dissenting voices and obstructing collective expression. In this case, the fundamental aspect of the Habermasian public sphere of being an independent entity for the formation of public opinion is challenged. The question of how deliberative democracy can address the questions of who governs, who is governed, what is governed, and to what extent such governance is justified is a topic of contentious debate.

While public spaces have witnessed feminization on a global scale (Kern 2020a:90), they continue to exhibit a gendered character in several countries, where women remain majorly underrepresented in these places mainly due to safety concerns. It is important to note that the RTI movement showcased a contrasting trend even as India still struggles to provide safe public spaces to its citizens due to systemic and social barriers. Aruna Roy, a prominent female activist, was one of the pioneers of the RTI movement (Mishra 2003a:4), representing the central role women played in furthering this movement. Women actively engaged in the RTI movement, accounting for nearly 50 percent of participants in rural deliberative forums such as public hearings and social audits (Mishra 2003f:17). This indicates that when public spaces provide the necessary safety, women's participation in the public sphere increases, highlighting the crucial role of safe public spaces in fostering greater political engagement. In a conducive environment, women are able to express and articulate their opinions, even if they lack formal education, as seen in the case of RTI, where a majority of the participants were illiterate. In developing countries like India, where access to the virtual public sphere remains limited, the utilization of safe public spaces for facilitating collective deliberations within the public sphere could serve as an innovative alternative to promote direct political participation, particularly among women.

Role of Public Space in the Deliberative Public Sphere

Deliberative democracy rests on two tangible components to function effectively: first, physical requirements, which involve the availability and accessibility of public spaces, and second, performance requirements, which include the enactment of democratic roles. Firstly, the physical sites that deliberative democracy requires for its operations fall into two categories: the formal public sphere, which includes legislative assemblies and the informal public sphere, which consists of mass assemblies (Parkinson 2012d:89). The formal public sphere occupies physical places through built environments, such as the legislative buildings, whereas the informal public sphere exists in public spaces such streets and squares (Parkinson 2012d:89). Secondly, deliberative democracy is simultaneously performative and participatory in character (Elstub 2018:187), meaning that the implementation of deliberative model of democracy involves performing certain participatory activities in collective decision-making processes (Elstub 2018:188). These human actions are enacted in both the formal public sphere of state institutions as well as the informal public sphere of civil society (Parkinson 2012b:37). Active participation in the deliberative public sphere often consists of carrying out activities, such as attending meetings, engaging in public discussions, signing petitions, working for political campaigns, and marching in protest rallies, all of which have a performative dimension (Young 2000:16).

In the Indian case, in order to establish a democratic dialogue between the state and the citizens, the RTI movement employed various deliberative strategies at the grassroots level, which ensured inclusive participation, transparency of democratic processes, and accountability of governance. A few examples of such techniques include village assemblies, social audits, public hearings, sit-in demonstrations, and collaborative conventions. All these deliberations within the public sphere were conducted in visible public spaces accessible to the concerned stakeholders. The success of these deliberations in amplifying the voices of the protesting groups and raising awareness about the RTI agenda can be attributed to the strategic use of public spaces for facilitating them and the employment of democratic performances. These examples highlight the significance of physical and performative dimensions of deliberative democracy, emphasizing the vital role of public space in operationalizing the public sphere. Table 1 shows a list of deliberative strategies employed during the RTI movement during the first phase, demonstrating a link between the deliberative public sphere and public space. An explanation of the table is given below.

Table 1: Summary of Phase I of the RTI Movement

No.	Event	Actors	Location	Deliberative Strategy
	Phase I			
1)	Collective Non-cooperation in Devdungri, April 1989	140 workers, MKSS team	Irrigation site	Collective non-cooperation (refusal to accept unfair wages)
2)	Sit-in Hunger Strike and Market Closure in Bhim, July 1990	300 workers (sit-in demonstration), 17 workers (hunger strike), MKSS team	Outside government office	Sit-in demonstration, hunger strike, speeches, revolutionary songs, street theatre, pamphlet distribution, market closure
3)	Regional Open Convention in Bhim, October 1990	2000 participants, lawyers, journalists, civil servants, state commissioners, MKSS team	Tent in public space	Open convention, street march with slogans, informal meetings, speeches, discussions
4)	National Workshop in Jaipur, November 1990	Educationists, policymakers, economists, legal experts, activists, NGO representatives, state officials, MKSS team	IDS campus	Workshop, report and book publication
5)	Public Deliberations in Devdungi, April 1991	MKSS team, visitors	MKSS office and space outside it	Informal meetings
6)	Public Hearings in Rajasthan, December 1994 – April 1995 Kot Kirana on December 2, 1994; Bhim on December 7, 1994; Vijaypura on December 17, 1994; Jawaja on January 7, 1995; and Thana on April 25, 1995	500 – 700 participants, MKSS team		Social audit, public hearing, newspaper coverage (Before the event: pamphlet distribution, collecting official documents, examining current state of rural development projects)
6.1)	First Public Hearing in Kot Kirana, December 1994	100+ participants, MKSS team, panel (lecturer, planning consultant)	Tent in public space	Social audit, public hearing, newspaper coverage
7)	Mass Meeting in Beawar, September 1995	2000 participants, 30 speakers, NGO representatives, bureaucrats, journalists, doctors, trade unionists, academicians, elected representatives	Tent in public space	Discussions, speeches
8)	Sit-in Demonstration in Beawar, April 1996	250 participants x 40 days, journalists, public administrators, economists, artists,	Tent in public space	Sit-in demonstration, songs, puppet shows, street plays, speeches, interactive

		musicians, poets, doctors, photographers, sweepers, trade unionists, 400 NGO declared support, opposition political parties, MKSS team		drama, musicals, political satire, poetry, protest music, posters, banners, marches, newspaper coverage (Before event: march across 300 villages)
9)	NCPRI National Convention in Delhi, August 1996	MKSS team, PCI members		formation of NCPRI, speeches, discussions

Source: Created by author using data sourced from Roy (2018p) and Mishra (2003e)

Deliberative Strategy

Within this informal public sphere of the RTI movement, various physical deliberative strategies were employed by activists, such as mass participation in collective non-cooperation initiatives, sit-in protests, marches within and outside villages, truck rallies that traveled across cities, open conventions, national-level workshops, open public debates, public hearings, and social audits (refer to Table 1: Deliberative Strategies). Of particular importance was the organization of public hearings and social audits that attempted to combine both the formal and informal public to address citizens' concerns in rural India. The deliberative strategy of public hearings and social audits demonstrates how the informal and formal public spheres can effectively work together in the absence of state-organized grievance redressal systems.

Location

These collective activities were conducted in public spaces such as places outside offices, tents on open grounds, streets, squares, and highways (refer to Table 1: Locations). The organization of mass assemblies in symbolically important public places confers a sense of dignity and legitimacy, which leads to increasing support from the target audience (Parkinson 2012e:147). In alignment with this claim, the strategic use of public places for conducting marches, sit-ins, public deliberations, and social audits increased the number of rural participants in the movement, particularly women. The principle of publicity characterized by transparency and accessibility (Parkinson 2012a:95) guided the employment of these deliberative methods during the movement. Openly accessible visible public spaces physically enable this form of publicity, accessibility, and transparency, rendering a sense of legitimacy to the collective demands made within the public sphere. This publicity captured the attention of

government officials and attentive publics, such as the media, academicians, educationists, policymakers, experts from the field, activists, and representatives from NGOs. It can be drawn that the occupation of public spaces directly impacts the participatory and inclusive aspects of the public sphere.

Importantly, the choice of public space is correlated with the significance of the matter at hand and the actors involved. The RTI movement demonstrates a clear progression in the size of the public space utilized – the more urgent the demand, the larger the occupation of public space. As the demands intensified, more actors participated in the movement, necessitating the usage of larger public spaces for holding mass assemblies. For example, in the first phase of the movement, deliberations were initially held in smaller groups outside the MKSS office whereas in the later stages, large tents were set up in public spaces for conducting public hearings, social audits, and sit-in demonstrations. In the second phase, this occupation of public space expanded beyond the administrative boundaries of the villages. An example is the truck rallies such as the "Chariot of Scams" march carried out from Jaipur to Delhi in June 1997 (Roy 2018m:195) and the people's policy truck march held across Rajasthan in July 2003 (Roy 2018e:327), which traveled across regions via occupation of highways.

Actors

The physical character of such mass gatherings within the informal public sphere makes the solidarity among participants, who belong to different social groups, noticeable and their concerns explicit (Parkinson 2012e:147). The occupation of public places for expressing their demands by various actors, such as activists, predominantly uneducated laborers and farmers, experts from the field, NGO members, and other population groups during the RTI movement validates this claim. The visual appeal of such direct collective actions creates a larger impact, increases the membership of the agitating group, and gains recognition from the attentive publics (Parkinson 2012e:147). This is witnessed in the case of the RTI movement, where the public space-claiming by the masses amplified citizens' voices and garnered increasing support from other population groups. Merchants declaring a closedown of their businesses in support of the protestors during the sit-in hunger strike in Bhim in July 1990 is one example of this growth in membership (Roy 2018n:73).

Interconnection: Deliberative Democracy, the Public Sphere and Public Space

The deliberative model of democracy requires two physical sites for its functioning, which fall under the formal public sphere of legislative assemblies and the informal public sphere of mass assemblies (Parkinson 2012d:89). Within the context of the RTI movement, this becomes evident. Phase I of the RTI movement primarily operated within the informal public sphere, while Phase II transitioned into the formal public sphere, indicating that both are vital organs of a deliberative democracy. Phase I exhibited the formal public sphere's inefficacy in addressing the citizens' concerns via institutional frameworks due to the lack of transparency, accountability, and corruption in state governance. In the absence of state-organized grievance redressal mechanisms, the informal public sphere becomes dominant, as evidenced in the RTI movement. In this case, the drawbacks of a formal public sphere led to the non-state actors' increased participation in the informal public sphere. The agitated citizens heavily relied on the usage of public spaces to express their collective grievances. Such an occupation of public places by citizens gives a sense of urgency to civic matters. As a result, the state is compelled to take these issues seriously and puts efforts into resolving them promptly. The RTI movement exemplifies the role of public places not only in facilitating the public sphere but also in effective political communication in a deliberative democracy. Here, public spaces gain more relevance in contexts where the virtual public sphere is inaccessible to ordinary citizens. This is relevant in the contexts of developing countries like India, particularly in rural regions, where access to the virtual public sphere is restricted due to ground conditions that are marked by a significant lack of basic resources, such as poverty, low literacy rates, insufficient digital connectivity and limited access to electronic and print media. Importantly, the question of how deliberative democracy can legitimately address deficiencies in the formal public sphere, however, remains unanswered. In the case of the Indian RTI movement, the citizens turned to the usage of public space to address these shortcomings, marking the significance of public spaces in deliberative democracy, an aspect that is overlooked in academic scholarship. The key question that needs to be addressed is how citizens can legitimately respond when the government is unable to fulfill the basic principles of deliberative democracy and what structural changes might be necessary to address this systemic gap.

The deliberative form of democracy is characterized by performative elements where citizens enact certain roles in public forums (Elstub 2018:187). In this context, both communicative and dramatic competence are equally necessary for furthering discussions in a deliberative public sphere (Parkinson 2012b:34). This is validated by

the RTI movement, where theatrical methods were strategically utilized to gain support from the target audience. During the various RTI protests, sit-in demonstrations, hunger strikes, speeches, street plays, songs, puppet shows, marches, interactive drama, and political satire were used to spread awareness among the masses (Refer Table 1: Deliberative Strategies). Against the background that the participant base was largely illiterate, the RTI movement relied heavily on oratory and performative acts, employing colloquial native language, traditional folk art, and music, commonly understood by the villagers, to communicate effectively with the rural population. The minimal setup of video recording and speakers used to broadcast the public hearings organized in tents in public spaces was marked by a performative dimension. During the truck rallies such as the "Chariot of Scams" march carried out from Jaipur to Delhi in June 1997 (Roy 2018m:195) and the people's policy truck march held across Rajasthan in July 2003 (Roy 2018e:327), streets were transformed into moving stages of protests, attracting attention from the onlookers encouraging them to participate. When matters of public concern require urgent redressal, the level of performance increases in proportion to their significance (Parkinson 2012b:42). An example of this phenomenon is the prolonged 40-day sit-in demonstration held at Beawar (Mishra 2003f:25), which ultimately compelled the state to deliberate on the constitutional framework of the RTI Act, marking an important milestone in the RTI journey. These examples reiterate the role of performativity in the public sphere, demonstrating how theatrical tactics are leveraged to make public claims that undeniably necessitate the usage of physical public space.

5. CONCLUSION

The thesis examined the relationship between the public sphere and public space within the framework of deliberative democracy, using the Indian case of the RTI movement. By employing the methodology of Habermas's (1979:15) rational reconstruction, it combined theoretical approaches with empirical evidence. It provided an in-depth analysis of the theories of the public sphere and public space and tested the extent to which these Western concepts find applicability in the Indian context. The empirical analysis of the Indian case pointed out the important limitations of these theories, which can contribute to further theory development. The detailed analysis of the Indian RTI movement demonstrated the critical role of public spaces in physically enabling deliberative democratic processes within the public sphere. This highlights that deliberative democracy not only operates through the social public sphere but also relies on physical spaces for its effective functioning. The following section presents the key findings, limitations, and implications of the study, along with a concluding remark.

Key Findings

As the world becomes increasingly globalized and virtually interconnected through electronic and print media technologies, physical public space still remains relevant for the workings of deliberative democracy. The usage of public space to facilitate the public sphere is particularly vital in the context of developing countries, where access to the virtual public sphere is limited and basic resources are often lacking. In regions marked by a digital divide, the role of public spaces in ensuring democratic participation, particularly at the grassroots level, becomes more pronounced.

Deliberative democracy is fundamentally participatory in character, which implies that physicality and performativity are central to its operations. The performative and physical requirements of this model of democracy necessitate the usage of physical venues for enabling participatory deliberative decision-making processes. In the Indian case, the strategic use of public places for holding collective debates transformed the public sphere into an inclusive and accessible platform, particularly for marginalized population groups, which, in turn, helped enhance the quality of public deliberations. This indicates that public spaces can be effectively utilized to overcome the limitations of the public sphere, thereby meaningfully fulfilling the fundamental principles of inclusion, common good, and participation central to deliberative democracy (Cohen 1996:102).

These aspects highlight that deliberative democracy not only requires its social component – the public sphere for its efficient functioning but also its physical component – the public space, a topic that is not sufficiently discussed in the existing body of literature. The thesis attempted to address this gap in academic scholarship on deliberative democracy. It concludes that public spaces are not merely physical territories but are important arenas for tangibly operationalizing equality, inclusivity, and the formation of public opinion, which are integral to the public sphere and ultimately impact the quality of deliberative democracy.

Limitations

The thesis is marked by two important limitations. First, while explaining the methodology of rational reconstruction, Habermas (1979:15) applies it to the topic of linguistic communication, “cognitive development, and moral reasoning” (Finlayson and Rees 2023:25). The methodology has been mainly used to analyze the evolution of historical knowledge (Finlayson and Rees 2023:26). Habermas does not explicitly elaborate on

how this methodology could be employed for analyzing other topics in the field of social sciences. It lacks a clear, step-by-step framework that academicians could follow to conduct social scientific research. Habermas does not provide practical examples of methodological application, which could help researchers to understand and utilize this methodology more effectively. Moreover, the language of the text is complex and difficult to follow, which makes it challenging to fully grasp the content. Therefore, the thesis had to rely on secondary sources that explained Habermas's approach to thoroughly comprehend this methodology, such as texts by Pedersen (2008), Finlayson and Rees (2023), and Finlayson (2005a). While conducting research on the relationship between the public sphere and public space, the thesis attempted to challenge existing theoretical assumptions and test them against empirical findings of the Indian case, thus combining theoretical approaches with empirical analysis. The critical examination of the discrepancies between theories and empirical data would contribute to further theory development. In this context, Habermas does not clarify how the results of such empirical research can actually be utilized for the refinement of established theoretical frameworks. For the rational reconstruction of theories, it is important for researchers to have clear and practical guidelines on addressing gaps between theory and research, which would ultimately result in the formation of reconstructed theories and newer knowledge.

Second, the examination of the Indian case of the RTI movement draws on two primary sources: *The RTI Story*, a book written by Aruna Roy (2018p) and *People's Right to Information Movement: Lessons from Rajasthan*, a discussion paper by Neelabh Mishra (2003e). These works are firsthand documentation of the RTI movement, chronicled by its pioneers. While these texts provide descriptions about the movement's key events, they do not explicitly expand on the interconnection between the public sphere and public space. Importantly, details about the architectural aspects of the physical places used during the movement, such as their precise geographical locations and the spatial coverage (in square kilometers) of the open grounds, are absent in both texts. They also omit other logistical information regarding the events, such as the time duration of the activities and itinerary of the day. Additionally, *The RTI Story* lacks an academic tone; as the title suggests, it is reported as a firsthand narrative that incorporates participant interviews. Although the book provides valuable empirical data, its storytelling style makes it difficult to extract information directly relevant to the research topic. Details about each event are dispersed across several chapters, often not in chronological order, resulting in an overall lack of coherence. This makes it difficult to consolidate information regarding a particular issue. Although a large body of literature exists on the RTI movement, it predominantly focuses on its social and political dimensions, leaving out

the documentation and examination of public spaces utilized during the movement. Due to this reason, other texts on the topic were not referenced for this thesis since they did not address the role of public space in the operations of the RTI movement. This problem highlights a broader research gap – while the social requirements of deliberative democracy are extensively explored, its physical requirements remain largely underresearched in academic scholarship. Another limitation of the thesis is that the Indian RTI movement is rooted in certain socio-political specificities, therefore, the findings of this study cannot be generalized to other contexts.

Implications

The thesis focuses on the physical requirements of deliberative democracy, emphasizing the role of public space in promoting greater democratic engagement. It concludes that despite the contemporary public sphere becoming increasingly digitized, physical public spaces will continue to remain relevant for fostering deliberative processes in the future. This means that there is a need for this topic to receive greater attention than it has so far. While its conceptual frameworks are extensively studied, the material dimensions of deliberative democracy have been largely overlooked. As an underexplored topic, it would be important to promote academic research and development that focuses on the spatial physicality of deliberative democracy and the interplay between public space and the public sphere. This research could then be used for framing new policies and legislatures.

In doing so, existing critiques of theoretical frameworks and empirical data could be effectively utilized for the reconstruction of established theories, contributing to a more nuanced understanding of these concepts. Applying Habermas's methodology of rational reconstruction could provide useful insights for further theory development. The employment of interdisciplinary approaches of comparative studies and critical studies would prove to be effective and give direction to such efforts. An interdisciplinary and collaborative approach is essential for such an endeavor. Policymakers, urban planners, architects, sociologists, political scientists, academicians, activists, politicians, representatives of state institutions, civil society organizations, and ordinary citizens would have to work together to create a renewed understanding of public spaces. This interdisciplinary project would include formulating relevant policies through deliberative decision-making processes. Additionally, a joint effort would have to be made by concerned stakeholders to ensure that public spaces remain accessible, inclusive, and safe. It is essential for the state to invest greater resources in maintaining public spaces,

as they provide the vital infrastructure necessary for the efficient functioning of deliberative democracy.

Importantly, new policies and laws should adopt a context-sensitive approach that addresses the socio-political, economic, and geographical realities of specific regions. These policies should be informed by a body of diverse global knowledge, incorporating insights not only from the Western perspectives of developed countries but also from the experiences and learnings of developing democracies. Case studies of different global contexts could provide the necessary information for such a research project. Additionally, an intersectional approach could be applied to understand how different social positions and social categories, such as gender, class, religion, and nationality, along with existing social inequalities, impact the usage of public space and access to the public sphere. This access to the public sphere and public space ultimately affects members' participation in the deliberative democracy. New policies should aim to reduce social disparities and foster increased participation in deliberative democracy. Here, it would be important to explore the ways in which public space could be utilized to make the deliberative public sphere more inclusive and participatory. Furthermore, in an increasingly digitized and data-driven world, it would be crucial to remain attentive to state surveillance of public spaces and the public sphere to ensure that both remain accessible and inclusive.

Concluding Remark

While the contemporary public sphere is dominated by the virtual environment, the thesis affirms the continued importance of physical public spaces in operationalizing deliberative democratic processes. The virtual realm of electronic and print media cannot fully replace the physical and performative necessities of deliberative democracy. Physical public spaces are not merely geographical locations; they are crucial venues for enacting democratic actions. Such a visible enactment of democratic roles in public places is important for sustaining a vibrant, inclusive, participatory, and healthy deliberative democracy. This thesis advocates for a renewed focus on the role of public space in the functioning of the public sphere and calls for further exploration of the materiality of deliberative democracy.

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