

The Right to Information: "Facilitating people's participation and state accountability"

LAXMI SHARMA

The struggle for right to information was sparked off by an initial demand for details of Panchayat level expenditure, and it grew into a burgeoning movement and campaign for comprehensive legislation at the State and Central levels. In the search for a breakthrough on minimum wages and corruption, it was able to access the records of some works in Raipur Tehsil, Pali District of Rajasthan. Then in December 1994, the records of Kot Kirana and Bagdi Kalalia panchayats were examined on the complaint of a poor man about underpayment of wages. A co-operative bureaucrat, who held temporary charge of the Block Development Office, had allowed access to the documents. Members of the team took the information from village to village, verifying details. The reactions were beyond all expectations. Dead people had been paid. The fictitious names on muster rolls included the names of persons who had migrated, middle class women who never went for wage work, the names of an anganwadi worker, a Public Distribution System shopkeeper, a person employed in the Railways and one in the Roadways Department. None of them knew that their names were on the muster rolls. Their names had blithely been copied from the electoral rolls of the village.

There were also stark examples of incomplete works certified as complete. An over billing racket resulted in payments for materials never supplied. All hell broke loose after the Block Development Officer recorded statements of all those defrauded. A Deputy Speaker of the Rajasthan Legislative Assembly had a vested interest in sabotaging this effort, as his relations, the Panchayat Secretary and the Junior Engineer would lose their jobs. He quickly assembled the local goons to pressurize those who had testified, to retract their testimonies.

By exposing a fraud of a few lakhs of rupees in their Panchayats, people had raised an implicit question of the quantum of fraud in the nine thousand Panchayats in Rajasthan. They saw their simple acts of courage as an answer in the issues under national debate.

It was an occasion where poor people and common citizens felt that they could be a part of the forces that led to the making or running of the country. It was very difficult to lie in front of the whole village where everyone was an eyewitness.

In the nine thousand panchayats across Rajasthan and in the hundreds of thousands across the country citizens were being taken for a ride and here finally was a way for people themselves to expose it. The right to information campaign exposed the degree to which this method was being used, and forced the Government to change some of the impractical requirements.

This movement also exposed the unholy alliance on which the Indian electoral edifice is built. The panchayats and their heads are seen by members of Parliament and the State Legislatures as vote bank managers who can organise and deliver votes at the time of elections. In the increasing alienation of the people from those they elect, the Sarpanches are a surviving link who play the role of agents. There are no funds provided by the party for panchayat elections, and very little is provided from party funds for local

level expenditure during state and national elections. For the services these sarpanches perform of organising meetings, managing election campaigns and delivering votes, the MPs and MLAs ensure that their agents get access to development funds.

The sharp upward curve of money available to and being demanded by MPs and MLAs in the discretionary quota under the head of MP and MLA Local Area Development is indicative of the importance of these relationships. The sarpanchs provide the votes and the MPs provide the funds. The sarpanches are supposed to use the funds to keep their supporters happy, recover their expenses and be compensated for their troubles. That these adjustments are illegal and amount to blatant robbery from the poor is an open secret.

Panchayat Raj rules entitled people to access Panchayat accounts and procure certified copies. Armed with this, people began to raise queries. Even with a legal entitlement to procure copies of any panchayat record within four days, it took months to access the information. There were no provisions of penalties for non-compliance. Therefore, it had to mobilise interested people in order to have the law enforced. In Kukarkheda Panchayat, Rajsamand District, for instance, the sharing of information generated great tension and excitement. Every bill, voucher, muster roll, and every entry in the records was received with curiosity, suspicion, and an interest in details.

People showed patience, a willingness to wait, to know, to verify, and to counter mis-representation. The difference between the accessing of information for the first set of Jan Sunwais and the second was that this time there was a demand and not a request for information. In the initial stages, information was procured with persuasion and protests.

Two demands were made on 18 September 1999. The first was that the Gram Sabha be further divided for purposes of creating a viable unit of face to face democracy into their constituent wards. The corollary demand was that this ward Sabha be vested with substantive powers, including comprehensive powers of social audit. This would shift the systems of accountability away from the implementing hierarchy to the people themselves.

On 2 January 2000, the Rajasthan government issued an ordinance, which was passed as an amendment to the Panchayat Raj Act by the State Assembly in May 2000, amongst other things, creating the legal entity of the Ward Sabha and vesting it with powers of social audit. The Ward Sabhas and Gram Sabhas also have been given the right to remove the ward Panch or Sarpanch from office before the term is over. From the first of May to the 10th of May 2000, the first Ward Sabhas were held in Rajasthan. Here again, there is no evidence of Government follow-up action, but in the case of the social audit process, people are likely to demand greater authority and powers for the Ward Sabha to order recoveries and disciplinary action against those found guilty of corruption. This demand has great implications for modes of participatory democracy.

□ Courtesy: www.indlawnews.com