



Transparency Review

Journal of Transparency Studies

TWO YEARS OF NREGS

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De-silting of a canal under National Rural Employment Guarantee Scheme (NREGS)

Letters To The Editor

I just went through the latest Transparency Review. It is emerging as a real time objective observer of the evolving themes in Indian governance. It is a valuable primary source for all students of the contemporary Indian scene as well as social activists.

Congratulations! Please keep up the good work.

N. Vittal,
Former Chief Vigilance Commissioner

The issue contains a very interesting account relating to the pressing need for providing teeth to Right to Information. I was delighted to learn that you are trying to focus the attention of the public to the need to make this right meaningful and effective.

P.N. Bhagwati
Former Chief Justice of India
Member - U. N. Human Rights Committee
Chancellor - Shri Lal Bhadur Shastri Sanskrit Vidhyapeeth

Very well covered on the topics relating to RTI for the benefit of the neglected common man.

P.S. Srinivasan
GURGAON

Many, many thanks for a wonderful social service. I pray for more strength to your shoulders.

P.V. Indiresan

It is good and interesting. Best wishes.

Kiran

Readers are welcome to send their comments to the Editor. State Information Commissioners are also invited to share their thoughts.

Form -IV

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I, N. Bhaskara Rao, hereby declare that the particulars given above are true to the best of my knowledge and belief.

Sd/-

N. Bhaskara Rao
Signature of Publisher

Dt:21.04.08

(The National Rural Employment Guarantee Scheme is now two years old. Time to ask how many of the poor in the 200 districts chosen to launch the Scheme have benefited? Has the guaranteed 100 days' work at a minimum of Rs 60 a day made even a marginal change in their lives? There is the Auditor General's report which points to several deficiencies in implementation. On the other hand, there are social audits in different States which give a mixed picture. But overall, the Scheme has pulled many of the poor out of abject poverty. The Central Government says 3.08 crore households had been given employment under NREGS. This does not hide the fact that many loopholes need to be plugged. The following articles, beginning with success stories in Andhra Pradesh, give a broad picture of the ground reality.)

FROM MISERY TO HOPE

The transformation in the lives of about 100 selected families in Andhra Pradesh has been recorded in a survey commissioned by the State Government to assess the impact of the National Rural Employment Guarantee Scheme. The scheme had first been launched in 2006 in 13 backward districts of Anantpur. The surveyors (ACNeilsen ORG-MARG) chose these districts to assess the results of the scheme after an year of its working.

Detailed report of each of nearly 100 families which had completed the stipulated 100 days of work under the Scheme shows a sea-change in the lives of the poor, from abject poverty to a life with dignity. Money paid to them for their work through the post office has eliminated middlemen. The beneficiary families have used the money to clear debts, improve their financial condition or invest in the future. Since poverty makes no distinction between castes, discrimination in the villages on this score has taken a back-seat. Their three-odd months of toil has brought much-needed water to some of the villages, helped in water storage in others and provided connectivity through all-weather roads.

The following two stories illustrate the impact of



the scheme on the lives of the beneficiaries.

Ranga Reddy, like the other 12 districts, is branded backward. Among the inhabitants of Kothapalli village in the district is a Dalit family, Kammalapalli Sayamma, 36, her husband, Jangayya and their two children. The couple are casual labourers. Whenever they would get work, their earnings used to be Rs30 for the wife and Rs50 for the husband. This income was neither regular, nor enough to feed

the family. "We ate once a day and starved for the rest of the day," said the husband.

Work in their village depended on the monsoon, since the village lands were rain-fed. For the last six years, there had been no rain. And hence no cultivation - which meant no work. So the couple were forced to migrate to other places for work. Their search ended in Mangalapalli where both found work but gave them a pittance. The husband took to drinking ruining his health; and their son who had been left in a hostel in the village, got into bad company and ran away to work in a hotel. Sayamma blamed herself for leaving the village.

After spending a year in Mangalapalli the family returned to their village. There someone told Sayamma of the Rural Employment Guarantee

Scheme. Both husband and wife registered themselves under the Scheme, though initially they did not have much faith in it. First they were paid directly for 15 days but later the money they earned was deposited in their name in the post office. After working 112 days, they earned Rs12,500.

This money was much more than what they had earned ever before. Since the money was deposited in separate accounts, the wife used to accompany her husband, take charge of the earnings of both and ration the husband's "drinking allowance". As a result his health improved.

Work under the scheme has brought many indirect benefits. Earlier, the lower castes were looked down upon, beaten and exploited by landlords. As their living conditions have improved so has their social status. Now, the family is able to afford meat in the kitchen once a week, once a dream. Sayamma has been able to bring back her son and put him in a private school and also send her daughter to school. She was able to save Rs230 a month and repay a loan of Rs 8,000.

The other story is about Nagamma, 46, and her husband, Bagaranna, 52 living in Kankanivanipalli village in Mahabubnagar district belong to the backward community. The childless couple have adopted a boy. They own six acres of land and had hoped to bring up the boy well. But monsoon failure for six successive years rendered their land

unproductive. They could not afford to dig a bore or an open well. The land-owners were forced to work as agricultural labourers. The couple felt depressed and hopeless because of the change in their financial status and their inability to provide a good upbringing for their son.

Just then, they heard of the launch of NREGS in their village. They promptly enrolled themselves and found work. Their three month labour yielded Rs15,000. Along with other villagers, they worked on deepening the village tanks, which increased the water storage capacity in the tank. This meant more water was now available for irrigation and recharging of the ground water of the village.

Nagamma and her husband spent Rs8,000 to dig a bore well and now their barren land was cultivable. Some money was also spent on renovating their house from a mud plastered hut into a brick house. Her son could now be provided a comfortable life.

The scheme enabled ponds to be deepened to store rainwater. The water level in the wells and bores had come up. Bio-diesel plants had been watered. Canals and branch canals had been dug from the village tanks to the fields to provide irrigation facility.

If the scheme continues in the same way, Nagamma is confident that she can soon build a reinforced concrete house.

CM'S MEET ON COURSE CORRECTION

After the CAG draft performance audit report pointing to "significant deficiencies" in the implementation of UPA government's flagship National Rural Employment Guarantee Scheme (NREGS), the Rural Development Ministry has called a meeting of Chief Ministers and Rural Development Ministers of all the States to streamline the implementation of the scheme at the local level. The meeting is also likely to be addressed by Prime Minister Manmohan Singh.

"I have written a letter to the Prime Minister seeking his presence during the CMs' meeting, which will focus primarily on the implementation of the scheme. The meeting will be scheduled soon," said Rural Development Minister

(Courtesy: The Indian Express)

Raghuvansh Prasad Singh after the recent meeting of Central Employment Guarantee Council (CEGC).

Given the fact that the Opposition as well as the ruling Congress and even some Chief Ministers had raised concern over NREGS, the meeting of the CMs is aimed at taking all the State Governments into confidence about the implementation of the Scheme across the country.

"During the meeting our focus will be to get all the CMs and their State administration into confidence over the implementation of the scheme. Given that implementation depends extensively on the State administration, the meeting will help get the scheme implemented effectively across the country," said Singh.

WARTS IN THE SCHEME

Pointing out a number of shortcomings in the working of the Government's National Rural Employment Guarantee Scheme, an audit report on the first six months of its implementation has suggested that there was much scope for improvement.

In the 513 Gram Panachayats spread over 68 districts (of the 200 chosen to implement the scheme) in 26 States, the survey found that only 3.2 percent of the registered households could avail of the 100 days of employment promised under the path-breaking legislation between February 2006 and March next year. The preliminary report referred to alleged corruption, inefficiency in implementation, diversion of funds and unreliable figures.

The report, prepared under the aegis of the Comptroller and Auditor General of India, has been sent to the States by the Centre for their comments. Following are some of the points referred in the audit report:

In West Bengal, there was no evidence of the 20 works on which Rs38.49 lakhs had been spent;

The estimates of Rs2.57 crores for 843 works in Manipur were found to be "inflated";

In Jharkhand, projects were taken up on the recommendations of MLAs though they were not approved by the Gram Sabhas nor were part of the annual plan;

In Madhya Pradesh 214 minors were employed for 462 days and paid Rs 15 lakhs as wages;

In Orissa more than Rs 11,000 was said to have been paid to some beneficiaries who were actually dead and Rs 44,852 paid to daughters of labourers living outside the district;

In Kerala, West Bengal and Tripura the average mandays generated during the year was eight days, two days and five days, respectively. This could be interpreted to mean that against the Government's intention to provide an average income of about Rs8,000 per year, rural households, on an average, received less than Rs 1,500 a year.

In the case of four poor States (Bihar, Orissa,

Chattisgarh and Jharkhand), which accounted for 73 of the 200 poorest districts selected, the report said that "in the absence of identified low-wage areas" the scheme suffered from poor planning and hence non-timely provision of employment. Lack of documentation also resulted in non-payment of minimum wages and denial of unemployment allowance, resulting in diversion of funds.

According to the audit report, the key reasons behind the mismanagement of the scheme were: deficient financial management and tracking system; inadequate and delayed planning of the works, absence of authenticated books for records (a problem found in 14 States) and workers being paid wages lower than the minimum wage (in 11 States). In addition, lack of adequate administrative and technical manpower at the local level also impeded the proper implementation of the programme.

Another on-going study by an NGO, in 24 districts across 16 States found that neither the functionaries nor the funds were being devolved in an effective manner. Also, nearly 80% of the households were unaware of how the scheme worked on the ground. Feedback from the village panchayat members and NGOs suggested that that Rs1,300 crores meant for the scheme had been allowed to lapse. While village panchayats spent most of their financial allocations under the scheme, government departments showed "criminal negligence" by failing to utilize their share of the funds.

Dr Yogesh Kumar, Executive Director of the Bhopal-based Samarthan Centre for Development and Support (which prepared the study for the NGO Participatory Research In Asia) was quoted to say that since money for the unemployment dole had to come from the State and not the Central exchequer, the district level officials and panachayats refused to accept any applications for dole. Instead they periodically announced a programme to start tree-plantation or de-silting of water tanks and the entire district had to subscribe to it thereby diluting the whole spirit of the Act.

Some other glaring deficiencies pointed in the study were that individual panchayats or BDOs had sidelined the gram sabhas who actually had been tasked to implement the scheme; lack of authority resulted in gram panchayats not being able to encourage job card holders to apply for jobs; lack of awareness and confusion about the

(Based on news reports in the Hindustan Times and InfoChange Features)

registration process few tribals had benefited from the provision to get funds from the scheme to develop their land since they were not aware of it and, because of all these factors, projects undertaken under the scheme were not those approved by the gram sabhas. And hence they did not contribute to rural development.

MINISTER DEFENDS NREGA

Amidst hue and cry generated on the CAG report (Comptroller and Auditor General) on NREGA (National Rural Employment Guarantee Act), which pointed out some major flaws in what can be called the 'dream' programme initiated by the United Progressive Alliance (UPA) Government, the Rural Development Ministry has disowned the observation made by it. Raghuvansh Prasad Singh, the Union Minister for Rural Development, today clarified that the hullabaloo on the report is the generation of 'anti-poor and anti-rural lobby working in tandem with media'.

"The CAG report is not the final one, but just a draft report. The CAG also works on the data provided by us and there may be some misinformation behind this type of observation. The NREGA is going towards its full success and whatever is being written in the press is wrong," said the Minister.

The CAG report pointed out that the guidelines of providing jobs under the scheme were routinely violated and also indicated the absence of transparency safeguards, which is making the programme vulnerable to leakages.

Raghuvansh Prasad emphasised that transparency along with awareness, peoples participation, vigilance, and accountability are the unique features of this programme. However, he accepted that some deficiencies exist at the ground level and the Ministry was trying to tighten the loose ends.

(Courtesy: Headlines India)

Later, announcing the extension of the scheme to all the 604 districts in the country, the Minister said that its success depended on co-operation by all, the State Governments the people and monitoring. Of the 3.10 crore households who demanded jobs, 3.08 crore were given employment. But only 10 percent of the households completed the guaranteed 100 days, with 23% in Rajasthan, 13% in Madhya Pradesh, 7% in Uttar Pradesh, 6% in Andhra Pradesh and 6% in Chattisgarh.

Admitting that there were leakages and diversion of funds by some State Government, the Minister said that the first priority would be to ensure transparent and corruption - free implementation of the programme. To bring about transparency in the scheme wages were being paid through the post office and banks. Over 1.10 lakh accounts were opened for wage payment and Vigilance and Monitoring Committees set up at the State and district levels with the local elected representatives being part of the committees.

He said that poverty could be eliminated only by providing employment to every households living below the poverty line and claimed that NREGA had the potential to do that. "It is the biggest fight against poverty ever in India."

The Minister lauded the programme in creating national asset as well. "Huge permanent national assets are being created by NREGA. Around 1609.02 lakh rupees of asset has been created during the financial year 2007-08.

FAR FROM FAILURE

■ Jayati Ghosh

The National Rural Employment Guarantee Programme (NREGP) - the only successful flagship programme of the United Progressive Alliance (UPA) Government - is under attack. In the past month, the media have been full of reports that the scheme has provided jobs to only 3 per cent of those eligible, that it has led to colossal waste and diversion of funds and that it is a corrupt and inefficient exercise of a doddering Government.

Criticism of the NREGP is not new; even when the NREG Act was being formulated, there was protest among those who felt that the money would be dissipated in local-level corruption and the scheme would result in a massive wastage of public resources. Hugely inflated projections of the likely cost were presented without any statistical backing, and it was argued that the country simply could not afford such an expensive and wasteful programme.

The most recent media frenzy has centred on a recent draft report of the Comptroller and Auditor General (Performance Audit of Implementation of NREGA, 2005, Office of the Principal Director of Audit, Economic and Service Ministries, New Delhi, December 2006).

The negative findings of this report have been widely publicised and misrepresented in the mainstream media to argue that there are massive leakages and widespread corruption, that the benefits are not reaching the intended beneficiaries and that useful assets are not being created. Some columnists have even argued that the entire programme should simply be wound up to be replaced by a strategy of "giving skills" to the population.

The CAG report actually says something quite different. In fact, the report is not about corruption - the word does not appear even once in the entire document - and deals only tangentially with specific instances of diversion or misutilisation of funds. True, it does note that the prom-

ise of 100 days of employment per household has not been met, but that is well known even from the official figures which show an all-India average of 33 days of work provided to 25.5 million households.

The main focus of the report is on the lack of the administrative capacity to run this scheme in a decentralised manner as desired and the need to build this capacity quickly and effectively. This is evident from the main conclusion: "The main deficiency was the lack of adequate administrative and technical manpower at the Block and GP [Gram Panchayat] levels, especially the Programme Officer, Technical Assistants, and Employment Guarantee Assistants. The lack of manpower adversely affected the preparation of plans, scrutiny, approval, monitoring and measurement of works, and maintenance of the stipulated records at the block and GP level.

"Besides affecting the implementation of the scheme and the provision of employment, this also impacted adversely on transparency, and made it difficult to verify the provision of the legal guarantee of 100 days of employment on demand."

In other words, the CAG report has pointed out that the programme so far has not done what it was supposed to do to the full extent, mainly because of the shortage of administrative and technical staff.

What it stresses, therefore, is the urgent need to ensure more administrative assistance for the programme at all levels, which really means both resources and personnel devoted to the actual implementation, monitoring and financial management of the programme. This is a very useful and welcome suggestion, which the Central and State Governments need to take very seriously.

The report does not by any means suggest that the programme should be reduced or wound up. Instead, it refers to the need to ensure the administrative and technical capacity for the

expansion of the programme to all districts of the country.

It is increasingly recognised that the NREGP has the potential not only to generate more employment directly and indirectly but also to transform rural economic and social relations at many levels. Its huge potential is evident particularly from the enthusiastic response of local people, landless and marginal farmers and women workers, wherever information about the programme has been properly disseminated.

But there is also no doubt that this enormous potential is still incipient and requires to be substantially tapped in many different ways. This is because the way the NREGA has been framed and the desired mode of its implementation amount to no less than a social and political revolution.

The programme reverses the way the Indian State has traditionally dealt with the citizenry and envisages a complete change of the manner in which the State, the local power elites and the working classes in rural India interact.

The NREGP is completely different in conception from earlier Government employment schemes since it treats employment as a right and is intended to be demand-driven. Furthermore, the Act and its guidelines anticipate substantial participation of the local people in the planning and monitoring of the specific schemes to a degree that has not been at all common.

The recognition of employment as a right (even if it is limited to 100 days per household in the Act); Government's obligation to meet the demand for work within a specified time period and develop public works that can be drawn upon to meet this demand; the participation of panchayats in planning and monitoring the works; and the provision for social audit are all very new concepts.

For these to work, there are two minimum requirements: the ability and willingness of local governments and panchayats to plan works and run the programme effectively; and dissemination of information about the programme and its guidelines to local people who can make use of it to register, demand work and run social audits.

Obviously, all this will take time to permeate down to the local levels. So, an uneven record of implementation as well as the presence of a

large number of problems that require correction are only to be expected in the initial stages.

There are bound to be difficulties and time-lags in making local officials and others responsive to this very different approach. And, of course, it necessarily challenges the prevailing power structures, in some cases quite substantially. Therefore, attempts to oppose or subvert the correct and full implementation of the scheme in rural areas are only to be expected.

But the hostility in the national media is intriguing. In the last financial year, the programme cost only around Rs.8,000 crore, or about 1.5 per cent of total Central Government spending.

As it happens, the apparent misuse of much larger amounts of public funds is rarely covered by the Press in a big way, especially when it pertains to expenditure on works, such as major new highways or new airports, that are likely to benefit the urban elite. But on the relatively small amount of money spent on NREGP, there have been shrill and adverse allegations in the media from the very start.

Almost all the media coverage tends to be adverse. This is even though the experience of the NREGP and the degree to which it has been effective vary dramatically across the country, depending upon the extent of social and political mobilisation, the power and capacity of local panchayats, the degree of motivation and enthusiasm among officials of State and local Governments, and other factors.

Even with these variations, the overall story is still positive. Many households have been covered, but an average of 33 days' work has been provided, which is clearly a step forward. And this will obviously increase over time.

There are also some clear successes in certain States and districts. It is evident from field reports that there has been some improvement in consumption by the poor, reduction of distress migration and slight increases in lean season wage rates (especially for women) in areas where the programme is successful.

Obviously, these successes have to be sustained, replicated and expanded. And in other areas the weaknesses identified by the CAG and other observers have to be addressed through local mobilisation and other methods.

But this cannot happen overnight; it is necessar-

ily a long process. The important thing is to create a momentum whereby the programme will actually work as intended across the country.

Maybe this is actually what the critics of the NREGP fear: that, far from being an expensive failure, it will prove to be an extremely cost-effective way of increasing employment directly and indirectly, reviving the rural economy, providing basic consumption stability to poor

(Courtesy: Frontline)

households and improving the bargaining power of rural workers.

If it does all that, it would point to the potential success of active Government intervention to generate output and employment, which is seen as impossible by some of these critics. Maybe that is why so much of the corporate-controlled media seem to be actively engaged in trashing it.

STUDY SAYS LIMITED TAKERS

The much-hyped National Rural Employment Guarantee Act of the UPA government has limited takers, according to a study carried out by Centre for Science & Environment (CSE) across nine States, Andhra Pradesh, Madhya Pradesh, Uttar Pradesh, Rajasthan, Tamil Nadu, Bihar, Orissa, Gujarat and Karnataka. It suggests that the programme has failed to generate any major interest at the village levels.

In contrast to the NREGA, which guarantees 100 days of manual works, labour contractors provide more than 200 days of works in urban areas, the CSE study has said. "Casual labourers prefer to bunk the NREGA for more assured number of employment days and the programme has failed to articulate itself as more of a development programme than a wage employment programme," Richard Mahapatra, coordinator, said.

The study indicated that payment of wages to workers has been less than the minimum wage of the respective States. "Beside Tamil Nadu, workers have been paid less than stipulated minimum under NREGA," the study pointed out. "Due to erratic wage rate based on an archaic public works department formula, panchayats are increasingly demanding road and other construction works as they

fetch the workers minimum wage, and some times more," Mahapatra said.

Quoting the data from the Ministry of Rural development, the study said during 2006-07, Uttar Pradesh, Orissa, Himachal Pradesh, Assam and Bihar had more road connectivity activities than water conservation. Andhra Pradesh alone accounted for 66% of the total water conservation works under the NREGA. "The trend continues in the current fiscal with slight improvement as Andhra Pradesh accounts for around 44% of water conservation works while Andhra Pradesh along with Madhya Pradesh and Orissa account for 60% of the total water conservation works," Mahapatra said.

That apart, the study also revealed that only Rajasthan and Tamil Nadu have managed to generate more than 50 average person days of employment until September 2007. The NREGA was initially launched in February 2, 2006 across 200 poor districts. In the last two years, the Government has spent more than Rs 17,000 crore towards the programme. According to Government data, more than 2.5 crore rural households have got employment under the programme in the current fiscal. About 85 crore person days have been generated under it.

(Courtesy: The Indian Express)

FINISH THE JOB

■ Aruna Roy, Jean Drèze & Nikhil Dey)

During the last two years, we have been involved in a series of NREGA-related activities (social audits, field surveys, training programmes, etc.) in seven States: Andhra Pradesh, Chhattisgarh, Himachal Pradesh, Jharkhand, Orissa, Rajasthan and Tamil Nadu. Consistent with the secondary data available, we have observed a highly uneven picture of NREGA implementation in different parts of the country. There are States and districts where unprecedented amounts of employment have been generated, and the Act has shown its ability to be a new lifeline for rural communities. For instance, in 2006-07, the NREGA generated as many as 77 days of employment per rural household in the six districts of Rajasthan where the Act applied. In many other States, employment is still quite limited, and there are many procedural issues, as the recent draft CAG report illustrates. Nevertheless, in all the States mentioned above we have observed that the enactment of NREGA has initiated a paradigm shift in the standards of implementation of public works schemes. For instance, the Act has made it possible to confront a range of exploitative practices such as the non-payment of minimum wages, chronic delays in wage payments, the use of labour displacing machines, and the illegal contractor system. Further, NREGA has started setting new standards of transparency of accountability, enabling people to fight corruption not only in public works schemes, but also - potentially - in other development programmes. It is this broad trend of positive change that gives hope in the possibility of implementing the Act in letter and spirit across the country.

Having said this, the forthcoming extension of the NREGA presents new challenges, and there is a risk that it might boomerang unless adequate preparations are made to face them. That, indeed, is the real message of the draft CAG report, widely misrepresented in the media as an indictment of the Act. The experience of the last two years (*Courtesy: The Hindustan Times*)

needs to be understood and built upon to ensure the success of this "new phase" of the programme.

According to official data, the NREGA was employing nearly three million workers on an average day in 2006-07 (when the Act was in force in 200 districts). As the Act is extended to the whole of rural India, this could rise to 10 million or so - the largest public works programme ever. These numbers need corresponding support structures, especially as the NREGA is a law that creates legal responsibilities to deliver. For instance, the financial allocation for administrative expenses urgently needs to be raised from the present, meagre 4 per cent to 6 per cent at the very least. However, it is not just a question of financial resources. Adequate administrative, legal, technical and institutional support structures are also essential. In their absence, there are likely to be multiple failures in the delivery system, and these will be invoked once again to argue against the Act itself.

This challenge, however, can be turned into an opportunity. The success of the NREGA depends on sustained attention to details of a range of practical arrangements, such as the distribution of job cards, work application procedures, technical planning, worksite management, staff training, record-keeping, social audits and much more. This could be done in a creative manner, where systems are put into place supported by the pool of resources and skills available at the local level.

For instance, recent experiments in Rajasthan have shown that the shortage of technical staff can be overcome by creating a cadre of trained worksite supervisors drawn from the community. This could lead to major improvements in worksite management without having to set up a new bureaucracy. Similarly, creative use of the Gram Rozgar Sevak (the NREGA assistant at the panchayat level) could go a long way in ensuring sound record-keeping as well as strict implementation of the transparency safeguards.

AUDIT UNCOVERS FRAUD

Social activist and Central Employment Guarantee Council member Aruna Roy has clarified that the audit by the Rozgar Evum Suchna Ka Adhikar and the one conducted by the G.B. Pant Social Science Institute recently in Jhalawar district of Rajasthan had both sought to encourage people's vigilance to protect the flagship scheme from the scourge of corruption.

In an attempt to clear the air over the apparent discrepancies between the findings of the two parallel exercises, Ms. Roy said both had attempted to verify facts by demanding transparency of documents and sharing of them with the people for an effective monitoring of the Government expenditure.

While the social audit uncovered large-scale frauds, extortion of money and lack of transparency, the survey found the track record of NREGS, particularly in employment generation, impressive with one-third of the job card holders getting 100 days' work in 2007-08.

The research team from Allahabad that conducted the survey was led by noted economist and Employment

Guarantee Council member Jean Dreze. The social audit was undertaken by the Rozgar Evum Suchana Ka Adhikar Abhiyan from January 27 to February 7. The Abhiyan activists had earlier been subjected to violent attacks by elements opposed to any scrutiny of the programme by "outsiders". The State Government too initially had remained passive and did not give any protection

(Courtesy: The Hindu)

to the activists but later, after widespread protests by civil society groups, allowed the audit to be carried out with adequate police protection.

Ms. Roy told *The Hindu* that the survey had examined the last paid muster rolls in 10 works in Manohar Thana block and its encouraging results reflected the high quantum of employment provided and wages paid to the people seeking and reporting for work. The social audit, on other hand, did not present figures in percentage.

"The survey's figures of 90 per cent clean muster rolls, based on the last paid muster roll in 10 randomly selected panchayats, would mean that where the expenditure is approximately Rs.100 crore, even a 5 to 10 per cent shortfall is a Rs.10 crore loss to the poor workers and to the development in a district," said the social activist.

While the survey used questionnaire and relied on a schedule and individual statements to verify

data, the social audit presented individual testimonies, asking people to testify publicly in front of a large gathering about the veracity of the records. "Both the exercises used selective data for examination and only



defined a trend," said Ms. Roy.

She said the social audit and survey had tried to conduct a micro-examination of the selected panchayats to highlight the significance of each worker getting the entitlements. "While the NREGS continues to show its strength, the Manohar Thana social audit must serve as a wake up call for the State Government".

WAGES FOR THE DEAD, STUDENTS

The dead are alive in Orissa. Not only that, they are also involved in daily labour. At least, that is what the records of National Rural Employment Guarantee Scheme (NREGS) in the State say.

Under NREGS, Orissa has paid wages to people who died long ago, students studying far away, Government employees as well as businessmen!

The Comptroller and Auditor General (CAG), which has conducted a performance audit, found 18 muster rolls wherein wages were paid to seven deceased besides students, employees and businessmen. While Rs 11,521 was paid to the dead, Rs 44,859 was paid to students, employees and businessmen.

The CAG also found irregularities in the implementation of the Central Scheme. The audit was ordered by the Union Rural Development Ministry following allegations by a Delhi-based NGO, the Centre for Environment and Food Security, that NREGS funds of Rs 500 crore had been misappropriated in the State.

"The CAG report has vindicated the worst fear of the Opposition that the Naveen Patnaik Government is involved in gross misutilisation of NREGS funds provided by the Centre", says Congress State president, Jayadev Jena.

The CAG performance report for fiscal 2006-07
(*Courtesy: The Financial Express*)

has detected irregularities in districts like Kalahandi, Balangir, Gajapati, Keonjhar.

According to the report, 149 packages worth Rs 7.55 crore in Bhawanipatna block of Kalahandi district were executed through contractors in the guise of village labour leaders (VLL), contrary to NREGS provisions. Three road works, executed at a cost of Rs 15 lakh in the block, remained kuchcha even after improvement. Delay in execution of 46 works in the block led to excess payment of Rs 35 lakh, while several projects under the scheme were executed without the gram sabha's approval.

Interestingly, the CAG found 18 muster rolls wherein wage payments were made to deceased persons, students, businessmen and Government and private employees. Further, in about 48 gram panchayats, the number of registered below poverty line (BPL) households was more than the actual household. "Verification of records of 48 gram panchayats revealed that 37,630 households were registered for jobs as against 31,027 BPL households."

In the districts of Balangir, Gajapati and Keonjhar, the CAG found that the very purpose of the NREGS had been defeated as the Government failed to provide unemployment allowance. In 12 test-checked blocks, as many as 5,143 registered households were not provided unemployment allowance even after the Government failed to provide them work.

BOON TO FARMHANDS, BANE FOR RYOTS

While the Central Government's National Rural Employment Guarantee Scheme (NREGS) has proved to be a boon to the farmhands, it is turning out to be a bane for the farmers.

Thanks to the NREGS and the slew of irrigation projects coming up in the area, farm-hands have their hands full and are unavailable for farm operations. As a result, the ready-to-harvest cotton crop is withering away in Adilabad, rated among the major cotton growing districts in Andhra Pradesh.

What is worse, there is bountiful yield this year. A handful of farmers are getting the cotton crop harvested employing child labourers, a practice common in most North Telangana districts.

The others are forced to pay more and even arrange transport facility to lure the labourers. The farmers

(*Courtesy: The Indian Express*)

are requisitioning autorickshaws and tractor trolleys to ferry across the labourers. In addition to these, the farmers are being asked to pay Rs 3 per kg of harvested crop.

To add to the farmers's woes, contractors engaged in the irrigation projects are paying advances to the labourers. Most of these labourers are being shifted from site to site and given necessary facilities.

"When we are getting good wages and are being given food and accommodation for free, where is the need for us to work in cotton fields," asked Maruthi, a farm-hand from Kubeer mandal headquarters town.

With their harvest budgets going awry, many farmers have left the cotton crop to wither away on the fields.

DENIED WAGES, COMMITS SUICIDE

A probe ordered by the Ranchi Deputy Commissioner following suicide by a 48-year-old landless Adivasi worker recently showed that he along with other labourers were not paid their dues under the NREG Scheme. Following the report, Ranchi Deputy Commissioner has suspended a Panchayat Sevak.

Faced with abject poverty and being unable to feed his four children, Turia Munda, a resident of Gitildih village, had hanged himself. Employed under the NREG scheme, Munda had not been paid his wages for over a month. As per the NREG guidelines, every worker engaged by the State Government should be paid on a weekly-basis.

However, none of the 30 workers hired to dig a pond – undertaken by BDO's office at Bundu in Ranchi district — had been paid full wages. BDO Lalan Kumar visited Munda's hut to give a cheque of Rs 12,500, 10 litre kerosene and 50 kg of rice as compensation to his dependents. Ranchi Deputy Commissioner Avinash Kumar had ordered SDO Chitranjan Kumar to inquire

(Courtesy: The Indian Express)

into the causes of his suicide.

In his report, Chitranjan Kumar said the project was worth Rs 2.53 lakhs and the pond was yet to be dug up. The BDO's office had constituted a committee and had asked the workers to work under the supervision of Panchayat Sevak Dhirndra Singh. Phani Bhushan Munda headed the committee. The SDO further noted that Singh, the junior-most staff at the BDO's office, had signed a file releasing the wages of the workers and Phani Bhushan Munda had drawn Rs 1.17 lakhs for their wages. However, none of the workers got their full wages. Following the SDO's report, Ranchi DC suspended Singh. BDO Lalan Kumar too, filed an FIR at Bundu police station on February 7 saying, "Although the remittance was made, secretary of the committee had withheld the wages of over two dozen workers."

But Mr Oraon of the CPI-M said, "The DC, SDO and the BDO were responsible for the execution of the NREG scheme. By implicating Panchayat Sevak and secretary of the committee, they have tried to hush up the case. We demand an inquiry into the case."

BETTER-OFF STATES WAY BEHIND

Latest data on the National Rural Employment Guarantee Act (NREGA) shows that prosperous States care less or neglect the poor.

Punjab started off as an exception among the richer states; in 2006-07, the State provided jobs to over 80% of all card holders. However, in the next year, it too fell into the general pattern of the rich States.

The records for the laggards seem unlikely to change this year too. Although more than half the current financial year has passed, Maharashtra, Gujarat, Punjab, Haryana, Karnataka and Orissa have still not crossed the one-third mark in terms of number of registered households given work.

The national average till October was 44%. But both Bihar and Andhra Pradesh, which were doing badly in 2006-07, have considerably improved their per-

(Courtesy: The Indian Express)

formance this year.

Under NREGA, households needing work get themselves registered, after which they are given job cards. Then they apply for work, which can be a maximum of 100 days in one year for one household.

Prevailing minimum wages are paid for manual labour like digging ditches and canals, making roads and embankments, forestation etc. In 2006-07, about 3.7 crore families were provided job cards in the 200 districts of the country where the scheme was initiated.

In 2007, the scheme was extended to 330 districts and job card holders have gone up to nearly 5.5 crore by October-November. The growing numbers, however, have not ensured a corresponding growth in jobs.

FALLOW CHUNKS TURN FARMLANDS

Malakota Dalits never dreamt that the craggy, rockribbed, given-up-for-good 700 acres in Chittor district (in Andhra Pradesh) that they were assigned in the 1970's will ever be cultivable.

But the Comprehensive Land Development Programme (CLDP), conceptualised and executed by the present Government, has made this fallow-to-farm land metamorphosis possible for the 150-odd resourceless Dalits of Malakota, part of Bangala panchayat in Pichatur mandal.

"All these years, we went in for rain-fed crops as we weren't in a position to invest money on making the land cultivable. More often than not, these rain-fed crops let us down," said 70-year-old Ramani, who proudly showed the lush groundnut crop in her acre land.

"I never thought I could raise a crop and make profit," she added. District Water Management Agency (DWMA), the nodal agency for the scheme, had spent Rs 32 lakh to develop the lands. The amount is deemed a grant, thus relieving the

(Courtesy: The Indipress)

Dalits of the burden of repaying it.

The recent decision to blend the CLDP with the National Rural Employment Guarantee Scheme (NREGS) helped the farmland development get the much-needed momentum. Under this initiative, the farmers, who labour to develop their lands, will get wages from the NREGS.

The hillock-hemmed assigned lands at Pothapalu are a case in point. Not long ago dry and pot-holed, these lands flaunt lush green crops now.

Talking to this website's newspaper, District Collector SS Rawat said that so far Rs 128 crore had been spent under the CLDP, paving the way for the development of about 70,000 acres of barren lands in the district. He said that under the NREGS, the beneficiaries were able to raise mango orchards.

"The aim is to help the poor Dalits, most of whom cannot even afford a square meal a day, take up the works on their own lands for which they get paid under the NREGS. This is as helpful in sustaining their families as it aids in developing the lands," he said.

GUIDELINES IN TAMIL

The All India Agricultural Workers' Union, Cuddalore chapter, has brought out a Tamil version of the National Rural Employment Guarantee Act and the guidelines for its implementations, according to T.Ravindran, district secretary of the union.

Mr. Ravindran told The Hindu that since the Act was in English the target group, constituting most illiterates or semi-literates, could not grasp the details of the scheme. Moreover, even among the officials and the employees of the local bodies who involved in the scheme were not well versed about the provisions of the Act.

Therefore, to remove the lacuna the union had printed 1,000 copies in Tamil to be dis-

(Courtesy: The Hindu)

tributed among the officials and the beneficiaries or those organisations keeping a tab on its implementation.

Mr. Ravindran hoped that other organisations too would come forward to print more such copies. He said the union had played a pivotal role in educating the rural people: to teach them to put their signature and read the job cards.

Mr. Ravindran said the scheme had quite a vast reach, covering 2.54 lakh of the total number of four lakh families in 681 panchayats (61.75 per cent) in the district. In the last two years Rs 109 crore had been disbursed as wages and assets worth Rs 165 crore had been either created or restored.

SCAM BUSTER

Here's how social audit done by NGOs working with the State Government is rooting out corruption: It makes officials accountable to the beneficiaries of the scheme; ensures that all records are easily available in the public domain; allows the beneficiaries to demand work or get unemployment allowance; monitors the growth of capital assets like water conservation projects and empowers women by giving them leadership roles as well as auditors of ongoing projects. The Ministry had been lobbying for a budgetary allocation of Rs 18,000 crore (Rs 6,000 more than last year) since the Act will now cover all districts instead of the earlier 300. In the next budget allocation for the scheme would be only Rs 16,000 crore.

Most critics of the Act call it a "dole" that is prone to "massive corruption". The critics quote the CAG draft report that created a storm over corruption in implementing the NREGA. This, when it had only found a few isolated instances of pilferage amounting to a rather minuscule amount for a Rs 12,000 crore scheme. Indeed, evidence on the ground as well as a detailed perusal of the CAG report tells another story. The NREGs urgently requires infrastructural support to make it a success. Till now, it has been undermined more by non-implementation by State Governments than by corruption.

But what has grabbed the headlines is the corruption. Conveniently ignored is how pilferage of funds is being effectively checked through social audits. This exercise, carried out by the Government with the

help of NGOs, is mandated for in the Act and is fast proving to be an effective weapon to rein in erring officials. In Jhalawar, the assembly constituency of Rajasthan Chief Minister Vasundhararaje a social audit has brought about what activists call a "mini-revolution". An Outlook team was witness to farmers inspecting muster rolls and holding their sarpanches to account. Having worked for NREGs projects, they could quickly spot the discrepancies in the bills that had been forged by work supervisors. During February 7-9, payment details were tracked with the help of social auditors. The villagers got their money back.

If Rajasthan is showing signs of encouraging recoveries of public money, Andhra Pradesh is clearly the winner in this respect. In the last six months, the social audits conducted jointly by the State Government and NGOs recovered more than Rs 1 crore by ensuring that the Sarpanches paid back the money they had siphoned off. "In January this year, in one instance, a Sarpanch came and deposited Rs 6 lakh in cash on the table even as the social audit was on," remembers Sowmya Kidambi, a member of the NGO Mazdoor Kisan Shakti Sanghathan (MKSS), a key participant in the social audits.

Karuna B. Akella, director, NREGs, Andhra Pradesh, points out that this is the first opportunity for the poorest of the poor to demand their rights. "We have become the first State to ensure that all the money is paid through bank accounts.

(Courtesy: Outlook)

NEW ROLE FOR PANCHAYAT PRESIDENTS

The Tamil Nadu Government has appointed village panchayat presidents as the Project Executive Officers of the National Rural Employment Guarantee Scheme (NREGS) in the respective panchayats, according to Vellore Collector Dharmendra Pratap Yadav.

The Collector has been appointed as the District Project Coordinator of the NREGS, which to be implemented in Vellore district from April.

He was presiding over a one-day training programme on NREGS for Block Development Officers (BDOs), deputy BDOs, panchayat union engineers, work supervisors and road inspectors. Mr. Yadav briefed the trainees on the features of the NREGS, the procedure for receiving applica-

tions from beneficiaries and methods for implementation of the scheme.

He said the Project Officer of the District Rural Development Agency would be the Joint District Project Coordinator of the scheme. The scheme, inaugurated in February 2006, was implemented in six districts in Tamil Nadu in the first phase and had now been extended to all the remaining 20 districts in the State.

The scheme would be implemented with 90 per cent Central grant and 10 per cent State grant. Both men and women in rural areas, above the age of 18 years and residents of the village where the work was to be undertaken, were eligible to apply for jobs under the scheme.

(Courtesy: The Indian Express)

RURAL JOB PUSH STRONG

The National Rural Employment Guarantee Programme, which provides job on demand to the rural population, has been extended to all the 604 rural districts in the country with effect from April.

The allocation made for the scheme with legislative backing is Rs 16,000 crore. For 2007-08, the allocation for the scheme implemented in 330 districts was Rs 12,000 crore.

The Finance Minister has assured that as the scheme was not an Act, the Government would provide financial backing for it, no matter what the amount.

But, according to the Ministry of Rural Development, till December 2007, the NREGA was able to spend only 60 per cent of the funds available. At the same time, the NREGA was able to provide more than 85 crore man-days of work to more than 25 million households in 2007-08.

The Finance Minister has also said that as long as the country experienced a growth rate of more
(*Courtesy: Business Standard*)

than 8.5 per cent, it could create jobs required for all segments.

For Swarnajayanti Gram Swarozgar Yojana, a programme providing self-employment to the rural poor, an allocation of Rs 2,150 crore was made, up Rs 350 crore from Rs 1,800 crore provided in Budget 2007-08.

While letting the individual Ministries like Labour and Employment carry on with their own skill development programmes, the Minister announced establishment of a non-profit corporation with the mission of imparting world-class skills for the emerging economy.

The Government will provide Rs 1,000 crore, while Rs 15,000 crore will be raised from other sources.

The Government has allotted Rs 750 crore to upgrade 300 ITIs next year. It intends to upgrade 1,396 out of the 1,896 government ITIs in public-private partnership by the end of the Eleventh Plan period, which will provide quality technicians to the industry.

The following Government figures show the benefits to the villagers

ASSETS CREATED UNDER NREGA (FY-2007-08)				
Type of Work	Total works taken (no.)	Works Completed (no.)	Ongoing Works (no.)	Benefit Created (in lakhs)
Water Conservation and Water Harvesting (CU.MT.)	347515	94907	252608	960.88
Flood Control and Protection (KM)	29509	11984	17525	4.49
Micro Irrigation Works (KM)	57557	14366	43191	0.29
Provision of Irrigation facility to Land Owned by SC/ST (HECTARE)	161508	38355	123153	0.40
Renovation of Traditional Water bodies (CU.MT.)	97760	28565	69195	784.70
Land Development (HECTARE)	175790	50482	125308	6.65
Drought Proofing (HECTARE)	113294	31453	81841	5.55
Rural Connectivity (KM)	206398	80472	125926	2.72
Any Other activity	41799	20940	20859	
	1231130	371524	859606	

(*Source: Press Information Bureau*)



CAMPAIGN MUST GO BEYOND URBAN AREAS

Dr. N.Bhaskara Rao

At the end of the first year of implementation of RTI Act, Transparency Unit of CMS, which is one of the proactive agencies supporting information regime in the country, had brought out certain facts - how progress had been tardy, how Governmental efforts had been half-hearted and how only a few within the power system were availing the Act. Since then, several civil society groups across the country have been active in sensitizing citizens about the provisions of the Act and so have even the State Information Commissions. The news media too have, of late, increased coverage based on RTI judgements and operations.

At the end of the second year of RTI Act, Transparency Review of CMS had suggested appraisal of implementation and utilization of the Act across the country. Availing the opportunity of a nationwide field survey of BPL families, mostly in rural areas, "TII-CMS India Corruption Study" looked into RTI Act. This first ever nation wide field survey on RTI Act, its implementation and the extent of its utilization specifically by BPL families, which, in the ultimate analysis, is the litmus test of the potential of RTI Act.

The study covered 22,700 BPL families from all 31 States including all North - Eastern States and

J & K. From each BPL family one adult member was interviewed, alternatively a male and a female. The survey was conducted between

November 2007 and January 2008. The highlights of the survey on RTI are summed up here. The BPL families were randomly selected from out of the listings and "white card" holding households. Two to five districts having NREG



from each State were included for the survey, depending on the size of the State.

1. Heard about RTI Act?

It is heartening that this survey among BPL households in rural India has brought out that ten percent of them, on an average, had heard about RTI Act. In a few States awareness was much more. But it is disappointing that in some important States awareness is woefully low-below three percent.

Overall, States in the South fared better. So also the States in the West. Among the North-East States the awareness level was high in Mizoram, Manipur and Nagaland and very low in Meghalaya.

In States like Uttar Pradesh, West Bengal, Goa and Bihar, it appears as if RTI Act had not taken off or the efforts being made are not good enough.

2. Awareness of the Act.

Those who had heard of Act were asked about their general understanding of it. Their answers showed that while an impressive two-thirds of BPL families who had heard about the Act also had some understanding of it, one-third had no knowledge about it.

Here too the variation between States was very wide. In some States, there was a reasonable level of understanding about the Act among BPL families, but among many others the extent of knowl-

edge was disappointing.

Going by this survey more than 10 percent of BPL households had some understanding about RTI Act in Andhra Pradesh, Assam and between 4 - 8 percent in Tamil Nadu, Maharashtra, Madhya Pradesh, Gujarat, Rajasthan and Delhi.

In the case of West Bengal, Uttar Pradesh, Bihar, Goa, Tripura and Meghalaya hardly one percent of BPL households had some understanding. In Bihar also this percentage was less than two percent.

Awareness about RTI Act			
State	BPL hh (%)	State	BPL hh (%)
Andhra Pradesh	13.0	Maharashtra	6.9
Arunachal Pradesh	4.5	Manipur	13.0
Assam	10.3	Meghalaya	0.6
Bihar	1.4	Mizoram	12.0
Chhattisgarh	4.1	Nagaland	14.1
Delhi	5.0	Orissa	3.8
Goa	1.2	Pondicherry	8.0
Gujarat	4.4	Punjab	2.7
Haryana	2.7	Rajasthan	5.7
Himachal Pradesh	2.9	Sikkim	2.7
Jammu & Kashmir	4.5	Tamil Nadu	6.7
Jharkhand	5.0	Tripura	0.5
Karnataka	12.8	Uttar Pradesh	1.4
Kerala	10.7	Uttarakhand	8.4
Madhya Pradesh	4.9	West Bengal	1.4

3. Source of Awareness

All those who have heard about RTI Act were asked to recall where they had first heard about the Act. Interestingly, even among BPL families, newspaper was mentioned by 32 percent followed by television (21 percent) and friends /campaign (26) percent.

Sources for Awareness About RTI Act	
Source	In percent
Newspaper	32
Television	21
Friends/Campaign	26
Radio	9
Government	9
Politicians/ elected representatives	1

Campaigns organized mostly by civil society groups in the last two years had in fact helped citizens, including those below the poverty line, to know about the Act and also apply for informa-

tion under the Act. In some North-East States like Mizoram the awareness is high because of higher literacy level, intense readership of a range of vernacular newspapers, and activism of religious and educational institutions. Also, wherever news media has taken up; awareness level has gone up.

4. How Many Asked for Information?

All the respondents who had heard about and understood the Act were asked whether they had ever applied or tried to apply for information. In some States as high as four percent of those who had heard about the Act also applied or tried to seek information under the Act.

In States like Uttar Pradesh, Himachal Pradesh, Jharkhand, Bihar, Uttarakhand there were hardly any applicants from among BPL households. This survey confirmed that a few were applying frequently which swelled the number of total applications in some States. Which meant that campaigns had not penetrated far to reach grassroots communi-

ties in these States. This needs to be probed further in the next round.

5. Services Mostly Applied For

Applied under RTI Act			
State	BPL hh (%)	State	BPL hh (%)
Andhra Pradesh	1.0	Mizoram	0.2
Arunachal Pradesh	0.2	Madhya Pradesh	0.3
Assam	0.2	Nagaland	0.4
Bihar	0.1	Orissa	0.2
Chhattisgarh	0.8	Pondicherry	0.2
Delhi	0.1	Punjab	0.3
Gujarat	1.5	Rajasthan	0.6
Haryana	0.3	Sikkim	0.2
Karnataka	0.4	Tamil Nadu	0.2
Kerala	0.6	Uttarakhand	0.1
Maharashtra	0.1	West Bengal	0.8

All those who had applied under RTI Act were asked to name the department to which they had applied.

The number of those who applied for other reasons were very few.

Services for which Applied for	
Hospital Services	Chhattisgarh, Gujarat, Andhra Pradesh, Karnataka, Kerala, Madhya Pradesh
PDS	Chhattisgarh, Gujarat, Kerala, Rajasthan, Orissa, Andhra Pradesh
Education	Chattisgarh, Gujarat
NREGS	Chattisgarh, Gujarat, Rajasthan
Banking Services	Gujarat, Punjab

In Andhra Pradesh, West Bengal, Chattisgarh, Gujarat, Rajasthan and Kerala a number of BPL households had availed RTI Act. Health Services, PDS and NREGS are some of the services for which BPL households had applied in the previous one year.

6. Citizen Charters & RTI Act

Citizen Charters have been in existence for much longer than the RTI Act but never been taken seriously. No wonder that Citizen Charters, despite high potential for good governance, has not become an instrument as is brought out by this survey.

Those who knew citizen charter associated it with PDS or health services as in Tamil Nadu and Andhra Pradesh. The other services known in one or other State include electricity, banks, land reg-

RTI Act & Citizen Charters		
Percent		
	RTI Act	Citizen Charter
Heard about	10	6
Also knew about it	6.7	2.5

istration, education and police.

Tamil Nadu, AP, MP, Chattisgarh, Gujarat, Orissa and Pondicherry were the States where these services were associated with Citizen Charters by a few BPL households.

In the ultimate analysis, merely "hearing about" RTI Act does not mean anything particularly for BPL families. What matters more is how many knew of its potential and also had availed of the Act. And, of course, availed it for what purpose.

Overall, the findings are not so gloomy in many States. The awareness level among "APL" (above poverty line) households is expected to be much higher. This is something CMS Transparency Unit proposes to take up as a part of its larger study in 2009. What difference the implementation of RTI Act and Citizen Charters have made on "good governance" aspect of important public utilities involving large sections of citizens?.

Mere number of application filed, or received, alone cannot be an indication of the success of campaigns or better implementation of RTI Act. The trend has been a "few filing many". This analysis brings out the need to take the campaign to the poorer sections of people in the far flung corners. There is need to understand how in some States like Chattisgarh the poor are availing RTI Act but not so in States like Uttar Pradesh, even with regard to PDS.

At the end of third year we should look more closely into the way these basic services are reorganizing themselves as a way forward and whether those who are applying under the Act are in fact getting better access and delivery of service.

(Dr. Rao is the Chairman of CMS)

GOVERNMENT A HURDLE, SAYS CIC

India's information watchdog has said the Government is coming in the way of your right to know. Chief Information Commissioner, Mr. Wajahat Habibullah said the old mindset should be changed for effective implementation of the Right to Information Act.

Mr. Habibullah has said the judiciary, barring those of the Supreme Court and the Delhi High Court, has been slow in implementing the Act to provide information to ordinary people.

"In certain areas of the Government, there has been hesitation to provide information. There have been instances where officials even refused to show details of Cabinet meetings to the CIC, despite our assurances that these would not be made public," he said in an interview to HT.

Advocating a change in the mindset of Government functioning, according to which official information was considered sacrosanct, he said: "All apprehensions about the Government's apperception being turned upside down after the implementation of the RTI Act have been proved wrong in two years' time".

On the implementation of the RTI Act in the judiciary, Habibullah said, "The implementation of the Act was not easy in the judiciary as it already had its own rules in this regard. The



question of defining was also there to see how much of the Act could be implemented there (in the judiciary)."

"In our view, the judiciary was initially slow to respond to the Act, and the compliance speed is still below desirable levels, but the Supreme Court and the Delhi High Court have shown the way to other courts in the country."

Singling out the Delhi High Court for successful implementation of the RTI Act, Mr. Habibullah said, "All other courts in the country could follow that model."

He pointed out: "The country witnessed a fierce debate on whether official file notings could be made public under the RTI Act, and within 24 months all such doubts turned out to be unfounded."

"The impact of the RTI Act was visible in many cases where the government moved courts in a bid to keep the information secret. People are feeling empowered and that is why they want to know more and more about matters affecting them.

"The Government moved the court, challenging our order to see the exchange of letters between former President KR Narayanan and then Prime Minister Vajpayee after the 2002 Gujarat riots. Similarly, appointment of the present Foreign Secretary by superseding senior officers has also reached the court," he said.

(Courtesy: The Hindustan Times)

CAUGHT ON THE WRONG FOOT

The Chief Information Commission itself was found wanting in furnishing to an applicant under RTI such basic data as the number and status of cases and appeals pending with it. The applicant Ms. Shrutika Singh Chauhan was told by the Information Officer of the CIC, and later confirmed by the first appellate authority, that the Commission kept no such record.

(Courtesy: The Times of India)

She complained to the head of the Commission, Mr. Wajahat Habibullah, who admitted it was a "grievous defect" and ordered "immediate computerization and maintenance of all appeals and complaints admitted, date of hearing of each appeal, and decision in each case with the state of announcement". He also ordered that the appellant be furnished the information sought within a month.

BRIEFS

CIC PULLS UP DEPARTMENTS

Two years after the UPA Government introduced the Right to Information Act and showed commitment to ensure transparency and corruption-free bureaucracy, several high-profile Government departments have not even properly set up their offices to handle applicants submitted under the Act.

The Central Information Commission has pulled up several departments, including the Ministry of Defence, Central Bureau of Investigation, Director-General of Military Intelligence and Delhi High Court for not replying to applications filed under the RTI Act.

The CIC has asked the concerned Central Public Information Officers to show cause as to why they should not be penalised for not replying to applications in the stipulated time of 30 days.

In the case of an application filed by Ms Shruti Chauhan under the Right to Information Act, asking for information from the Delhi High Court, no reply was given by the Central Public Information Officer (CPIO) for over two months. Ms Chauhan who had asked for information about appointments of Class 3 and Class 4 employees filed a complaint at the CIC.

The Commission decided to admit Ms Chauhan's complaint petition u/s 18 (1) (c) of the said Act and directed the PIO, Delhi High Court to respond to the request for information by the complainant within 15 working days. The Central Information Commission also directed the PIO to show cause as to why a penalty of Rs 250 per day from the date when the information fell due to the date when the information was actually supplied, not

(Courtesy: The Asian Age)

exceeding Rs 25,000 should not be imposed on him under Section 20(1) of the RTI Act.

In another case, Mr B.R. Manhas asked for information from the CBI under the RTI Act. He also did not receive a reply so he filed a complaint to CIC. The Commission decided to admit Mr. Manhas's appeal as a complaint and directed the Superintendent of Police and Central Public Information Officer, Central Bureau of Investigation to respond to the request for information. The CIC also directed the CBI, CPIO to show cause as to why a penalty of Rs 250 per day should not be imposed for the delayed period.

Mr Vivek Kumar asked for information from the branch recruiting office of the Ministry of Defence. He too did not receive any reply for over two months so he filed a complaint to the Central Information Commission who in turn asked the CPIO of the Ministry of Defence to provide the information and also to show cause as to why he should not be penalised for the number of days of delay in replying to the application under RTI.

Similarly, when Mr. Om Prakash Sharma asked for information under the RTI Act from the Director-General Military Intelligence, Army Headquarters he did not receive any reply for two months.

Mr Sharma complained to the Central Information Commission who took cognance of this and asked the CPIO of DGMI to respond to the application under RTI of Mr Sharma. CIC also issued a show cause notice to the Central Public Information Officer of DGMI and asked him to explain why he should not be penalised for the days of delay.

NOW SMS FOR INFORMATION

There is good news for persons seeking information from the Government Departments in Andhra Pradesh under the Right to Information (RTI) Act as they can forthwith know the status of their request on their mobile phone.

The A.P. Information Commission has introduced a first of its kind service that will enable users to learn the status of their queries through SMS. Users should send an SMS to 99896-

(Courtesy: PTI)

51152 giving the number furnished to their application and the year in which it was submitted. The service would be available on 24 X 7 basis.

This was stated by C.D. Arha, Chief Information Commissioner, at a meeting of the National Coordination Committee on RTI.

Central Information Commissioner M.M. Ansari, formally launched the SMS service.

CIC COMES TO WIDOW'S RESCUE OVER PENSION

For over 20 years, Parvati Bai Yadav of Kumharkala village in Jharkhand has been in the dark over her widow's pension and allowances promised for her two children's education. A few years after the death of her husband Rangnath, an employee in Madhya Pradesh State Mining Corporation Ltd, died (on February 23, 1986,) her children had to pull out of school and the family's income went below the poverty line.

The last straw for Parvati came on April 4, 2007, when the Regional Provident Fund Commissioner, Raipur, disposed of her appeal under the Right to Information (RTI) Act, "correcting" Rangnath's date of death to January 24, 1987. Worse still, as per the records cited by the Commissioner, her husband's claims were "settled" in 1988, post his "retirement", almost two years after his death.

Interestingly, Rangnath's date of death was cited as his date of retirement in the Commissioner's order. "Rangnath's claim was settled on November 16, 1988, at the Regional Office, Indore, and the date of leaving service was February 23, 1986. His date of death was given as January 24, 1987. Thus the case was not that of death while in service as per our records," observed the Commissioner.

Taking up the case, the Chief Information Commission (CIC), apex body under the RTI Act, noted that promoting "accountability" in the working of public authorities was still a "major concern".

(Courtesy: The Indian Express)

"The fact that a widow and her children have been denied of their entitlements for decades demonstrates the lackadaisical attitude of the officials concerned who have failed in their duties," Information Commissioner M.M. Ansari observed in a recent decision.

Noting that a "large number of retired employees" were resorting to RTI to redress grievances on payment of Employees' Provident Fund (EPF), the CIC quoted its February 15 order to the Central EPF Commissioner to file an action-taken report on the setting up of an "efficient system to meet the expectations of the retired employees within a reasonable timeframe".

Seeking particulars of the officials "responsible for non-payment of the widow's pension" to Parvati, the RTI body directed the Central Public Information Officer (CPIO) and Regional Provident Fund Commissioner, Randra Samal, to show cause why a compensation of Rs 1 lakh ought not to be paid in favour of Parvati.

For "furnishing misleading and incorrect information about the date of Rangnath's death", the Commission gave the official 15-day time to explain why a penalty of Rs 25,000 not be imposed on him. "It is indeed difficult to believe that a woman pensioner in India of the 21st century has to wait for so long to get her entitlement," rued the CIC.

CASES PILE UP

A huge pendency of cases with the Central Information Commission (CIC) is likely to delay citizen's quest to seek information under the Right to Information Act.

Records available with the CIC, show that while the Commission has been flooded with an influx of new applications over the last few months, the number of pending cases have increased thereby slowing down the rate of disposal of cases.

Till December last year, the Commission had a total of 4,344 cases, including complaints as well as appeals, pending before it. The pendency do not appear to be decreasing with the CIC adding to over 500 cases in a month.

(Courtesy: PTI)

Concerned over the increasing number of backlog cases within the Commission, RTI activist Arvind Kejriwal said, "the CIC should improve upon its functional framework to reduce the huge pendency of cases lying with it." Drawing comparison between the Information Commissioners (ICs) and Judges, he said that on an average a Mumbai High Court Judge disposes 200 cases in a month, while Commissioners at the CIC dispose of a mere 100 cases within the same time period.

He added that while Judges had to deal with matters relating to various legislations, the Information Commissioner's were required to handle cases pertaining to one single piece of legislation.

TERROR TOLL MORE THAN 1300

As Congress and the BJP argue about national security and who can ensure safety in the time of terror, here is a reality check: at least 1333 persons — civilians and security personnel — have lost their lives across the country in attacks by terrorists and separatists between January 2002 and December 2007. This works out to seven people getting killed every 10 days. The number of injured in the same period is just under three times that number: 3678.

These numbers, obtained from the Union Home Ministry by The Sunday Express under the Right to Information Act, show a couple of clearly new trends:

- In Jammu and Kashmir, long known as the epicentre of terrorism, there has been a marked decrease in casualties since 2002 in contrast to the trend in the rest of the country. For the period January 2002-December 2007, the total number of casualties in J&K in militancy-related incidents is 306, about 23% of the national total, while the number of injured is 794. In fact, 2006 and 2007

saw the lowest death toll in J&K: 14 and 11 respectively.

- The number of those killed in Naxalite violence has surged since 2005 — 98 in 2006 and 160 in 2007.

- In these five years, 211 persons were killed in separatist incidents in the North-East.

Incidentally, most of the terrorist-related incidents, be it in J&K, North-East or elsewhere, have remained unsolved, with the alleged masterminds continuing to evade the police and security agencies.

That terror has gone national is evident in a string of attacks over the last five years: in Mumbai on 7/11 (killing 187 people) and injuring 844; the attack on the Pakistan-bound Samjhauta/Attari Express near Panipat on February 18 last year that killed 68. The serial blasts in Delhi in October, 2005 killed 67 and injured 224. The August 2003 twin car bomb blasts that rocked South Mumbai's Gateway of India and busy Zaveri Bazar left 52 dead and 184 injured. And the twin blasts in Hyderabad killed 42 people last August.

(Courtesy: Express India)

SAARC COUNTRIES TO REPLICATE RTI

SAARC countries have decided to replicate the Right to Information in their countries.

This was agreed at a two-day conference of Forum of Ministers of Social Development of the SAARC Region in the capital recently. The meeting was attended by the representatives of Bhutan, Maldives, Nepal, Pakistan, Sri Lanka, Afghanistan, Bangladesh and India.

"All the SAARC nations have decided to replicate the Right to Information Act in their respective countries considering their social and economical limitations," Minister of State for Human Resource and Development D Purandeshwari told reporters. The meeting was aimed at developing a consensus between all the SAARC nations about transparency and a mechanism that will address problems being faced in the areas of social development.

The countries have agreed to enhance cooperation among themselves in the field of social science research through exchange of social sci-

entists, information on research outcomes and mutual cooperation. Some SAARC nations like Pakistan informed that they have the Right to Information at the local level. Pakistan's High Commissioner to India Shahid Malik said, "people have an accessibility to information but at the local level. The extension of the same at a higher level will have to happen at a later stage".

Bhutan's Minister of Education Lyonpo Thinley Gyamtsho said, "we have already prepared the draft to come out with an Act to provide accessibility to information at all levels. However, making it a legislation would take a little time."

The nations have also agreed to ensure that the agreements and decisions taken in the first forum of Ministers in South Asia, Burubari, in May 2006 are implemented. The members will also meet for a mid-term review to analyse the pace of implementation of the decisions taken in the meetings before the third meeting of SAARC in Nepal.

(Courtesy: Express India)

TRANSPARENCY STUDIES

The Right to Information Act 2005 represents a historic breakthrough in recognising the citizen's democratic rights to monitor measures affecting the public good. Following adoption of the Act by the Parliament of India, the Centre for Media Studies (CMS) set up a Transparency Studies wing to document, examine and publicise the interrelation between governance and society in all its aspects. It facilitates dissemination of relevant material, confers with experts and field workers and networks with the media to promote implementation and awareness.

The functions of Transparency Studies include:

- ◆ Publishing and distribution by electronic mail of *Transparency Review*, a journal designed to publicise news, articles and documentation concerning developments in Right to Information and the overall interface between governance and society. Priority is given to right to education, especially of children; right to work; right to justice and associated human and social rights, especially at the grassroots.
- ◆ Operating Transparency Features to disseminate articles and information on the above.
- ◆ Linking with civil society groups to further common objectives like exposing corruption, monitoring elections, improving civic services.
- ◆ Arranging discussions on emerging issues and problems between specialists and mediapersons.

CENTRE FOR MEDIA STUDIES (CMS)

Centre for Media Studies (CMS) is an independent professional forum engaged in research, policy advocacy, advisory services and programme evaluation. CMS promotes accountability, responsiveness and transparency in policy-making in public systems and services. CMS debates and dialogues on important public issues are appreciated nationally.



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