



# Transparency Review

Journal of Transparency Studies

## **DERAILED BY HEADQUARTERS**

**T**he one successful country-wide anti-poverty programme of the United Progressive Alliance MGNREA—the Mahatma Gandhi Rural Employment Guarantee Scheme—is being derailed by the Centre's Ministry of Rural Development itself. Confusion over the amount to be paid as daily wage has led to some workers being paid a miserly one rupee in the Tonk district of Rajasthan. Social audit has been restrained by conflicting orders while corruption is allowed a free rein. Sonia Gandhi and Congress Chief Ministers have written to the Prime Minister complaining about the embarrassment.

Restricting MGNREA funds for budgetary reasons makes little sense when thousands of crores are squandered on the Commonwealth Games and crores wasted by faulty procedures for the sale of spectrum.

Following a prolonged State-wide protest, the Mazdoor Haq Satyagraha, the Rajasthan government has agreed to raise MGNREA wages and link them to minimum wage. The success of the satyagraha is important for MGNREA. It demonstrates the popularity of the measure and the demand for increase in minimum wages, with which it is linked, and effective auditing.

## **INDIA'S MOCK WAR ON POVERTY**

**P.S.Appu**

**I**ndia became independent 63 years ago. Since Independence the country has implemented 10 Five Year Plans and a few Annual Plans. Currently the 11th Plan is being executed. Efforts made during the last six decades have resulted in the modernisation of a stagnant economy and India's emergence as a major industrial power. This period also witnessed remarkable progress in agricultural production.

But India has failed miserably in its efforts to alleviate poverty and create a more equal society. The Arjun Sengupta Committee concluded that some 77 per cent of Indians live on less than Rs.20 a day. According to the Global Hunger Index compiled by the International Food Policy Research Institute, India ranks 67 among 88 developing countries. In the course of economic growth the disparities have widened. The hope held out by the

*(Continued on next page)*

# CONTENTS

**Derailed by Headquarters**

**Battle Over NGNREGA**

*Aruna Roy & Nikhil Dey*

**India's Mock War on Poverty**

**Crisis of Minimum Wages**

*P.S.Appu*

*Suchi Pande*

**Deep Down in Global Poverty**

**Social Audit Draws World**

**Index**

*Arti Dhar*

**Attention**

*Seema Chishti*

## RIGHT TO FOOD

**Food Security with Rotting Grain**

**Food Security - By Definition**

*P.Sainath*

*P.Sainath*

**Rats Healthier than Average India**

**There's A Stink in the Godown**

*R.Krishna Kumar*

*Sukhdeep Kaur*

## RIGHT TO INFORMATION

**Right To Information and  
Elements of Good Governance**

**RTI Act Gets Logo**

**Information as a Right**

*M.M.Ansari, Information Commissioner*

*Dr. N. Bhaskara Rao*

## MEDIA REVIEW

**L C Jain's visit to CMS**

**Paid News, A Deep Seated Malaise**

*Dr. N. Bhaskara Rao*

**Editor: Ajit Bhattacharjea**

## **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 CMS has 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.



**CMS transparency**

RESEARCH HOUSE, Saket Community Centre, New Delhi 110 017 India

P: 91.11.2686 4020, 2685 1660; F: 91.11.2696 8282

E: cmstransparency@cmsindia.org, info@cmsindia.org

W: www.cmsindia.org/cmstransparency

distinguished economist Simon Kuznets decades ago that economic growth under enlightened capitalism would have a favourable impact on income distribution has not materialised in India's case. It is high time India introduced effective measures to abolish extreme forms of deprivation, reduce gross disparities and provide a level playing field to the wretched of the land.

## Mock war

In the first two decades of planning it was hoped that the implementation of land reform measures would transform the agrarian structure, release the productive energies of the long-suffering peasantry and usher in an egalitarian social order. Primarily because of the absence of political will, land reform failed to achieve the objectives set out in the Five Year Plans. The experience of the East Asian countries in the post-Second World War period demonstrated that land reform could indeed play a significant role in reducing rural poverty. The extent of redistribution was 43 per cent in the People's Republic of China, 37 per cent in Taiwan, 33 per cent in Japan and 32 per cent in South Korea. Against these, the extent of redistribution in India was a negligible six per cent.

As part of the Second Five Year Plan, India launched a well-thought-out Community Development Programme aimed at the all-round development of villages. It laid emphasis on agricultural extension, minor irrigation, education, comprehensive health care and other developmental activities. After making steady progress for a while the programme collapsed because of the failure to induct suitable personnel and owing to thoughtless mismanagement. To cite one instance, the Chief Minister of a major State in his wisdom, or rather the lack of it, passed an order

allowing each MLA to seek the transfer of two Block Development Officers. In course of time, the Community Development Programme collapsed.

After the historic split in the Congress in the late-1960s, Prime Minister Indira Gandhi came out with the catchy slogan of "Garibi Hatao." In the war on poverty, emphasis was laid on revising land reform laws and implementing them efficiently. Simultaneously, a number of other schemes were launched with fanfare. From a vantage point as the Central Land Reforms Commissioner during the 1970s, this writer had an insider's view of the phoney war on poverty. It was really an exercise in hypocrisy aimed at bamboozling the people. Though several token efforts were made, there was no significant reduction in poverty.



The framers of the Sixth Plan correctly identified three cardinal failures of Indian planning. These were: the failure to achieve full employment, the failure to eradicate poverty and the failure to create a more equal society. Then the planners proceeded to spell out a strategy for the drastic reduction of poverty. The essential elements of that strategy were enlarged employment opportunities in industry and agriculture, a minimum-needs programme aimed to improve the living

conditions of the poor and a few measures aimed to reduce disparities in income and wealth. After a detailed analysis of the proposals in the draft plan, I came to the conclusion that the Sixth Plan was not likely to make a dent on poverty in India. That critique was published in *Kurukshetra* on May 1, 1979. As expected, the measures suggested to solve the problem proved to be inadequate. With the liberalisation of the economy in the mid-1990s there has, of course, been a marked increase in the annual rate of growth of GDP but without any impact on the incidence of poverty. If anything, economic disparities have widened.

## 11th Plan initiatives

In the context of the political conditions prevailing in India, it is unrealistic to expect any radical measures being adopted. The only feasible approach is to augment employment opportunities, provide easy access to quality school education and healthcare, and operate a universal public distribution system guaranteeing monthly supply of foodgrains at subsidised prices to the poor. And this is what the recent initiatives offer.

Here, a word of caution will be in order. The government often speaks with a forked tongue. Among those who operate the levers of power, there are many who subscribe to the Washington Consensus and neoliberal shibboleths that constitute an antagonistic contradiction to the Indian Constitution, particularly the noble sentiments enshrined in the Preamble and Part IV on Directive Principles of State Policy.

Consider the Prime Minister's announcement regarding the opening of 6,000 Navodaya-type schools. Without losing time the Planning Commission announced that 3,500 of them would be in the public sector and 2,500 in the private sector — without bothering to note that in recent years school education has become a commercial activity. It should be squarely the responsibility of governments at the Central, State and lower levels to provide schooling to the poor. Similarly, in healthcare there is the mistaken emphasis on providing health insurance for the poor. These insidious attempts have to be identified and nipped in the bud to ensure that the governance of this country is in accordance with the Constitution.

The three new measures capable of making a dent on poverty are the NREGA (now rechristened

MGNREGA), the Right to Education Act and the proposed right to food legislation. If some glaring inadequacies in these schemes are rectified and they are properly implemented, the poor will get considerable relief. In an article published in *The Hindu* on September 15, 2009, I made certain suggestions to improve access to the disadvantaged sections of the population to quality school education. In an article published on October 14, 2009, I made suggestions to expand and re-orient the NREGA. Regarding the recent recommendation of the National Advisory Committee on the Food Security Bill, I support the suggestion made in an editorial in *The Hindu* (October 26, 2010) that the Bill should provide for universal entitlement to cereals and other components of a food basket. Recast on these lines, the three legal guarantees could turn out to be a veritable Magna Carta for the poor.

It is difficult to answer the question whether the phoney war would ever turn real. If the laws are suitably modified and efficiently implemented, it may become possible to make a dent on India's abysmal poverty. But considering that India's administration has become dysfunctional, the panchayati raj system is a shambles, pervasive corruption is eating into the country's vitals, and governance has evaporated, there is not much room for optimism.

Writing about conditions in France on the eve of the Revolution, Hilaire Belloc famously observed: "Government is a thing that guides, and if need be, compels. Visible in France there is not such a thing." Regrettably, India is heading towards that kind of situation.

*(P.S. Appu is a former Chief Secretary of Bihar and a former Director of the Lal Bahadur Shastri National Academy of Administration in Mussoorie. He can be reached at psappu@hotmail.com)*

*Courtesy: The Hindu*

## DEEP DOWN IN GLOBAL POVERTY INDEX

**Aarti Dhar**

**E**ight Indian States are home to 421 million multi-dimensionally poor people, more than the figure of 410 million in 26 poorest African countries.

The Multidimensional Poverty Index — which identifies serious simultaneous deprivations in health, education and income at the household level in 104 countries — brought out in the latest United Nations

Human Development Report has calculated that South Asia is home to half of the world's multi-dimensionally poor population, or 844 million people.

The rates of multidimensional poverty are, however, relatively low in most of East Asia and the Pacific including China and Thailand. In Delhi, the rate is close to Iraq and Vietnam's (about 14 per cent), while that of Bihar is similar to Sierra Leon and Guinea's

(about 81 per cent), according to the report released on Thursday. The Indian States include Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh, often referred to as the BIMARU States.

The report's new Inequality-adjusted HDI, measuring the effect of inequality in 139 countries, shows South Asia with an average 33 per cent loss due to inequality in health, education and income — the second largest for a development region after sub-Saharan Africa. India loses 30 per cent overall on the Inequality-adjusted HDI, including 41 per cent in education and 31 per cent in health.

Women's inequality remains a major barrier to human development throughout Asia, the 2010 report shows. The new Gender Inequality Index — which captures gender gaps in reproductive health, empowerment and workforce participation in 138 countries — shows that six countries of East Asia and the Pacific fall in the lower half in gender inequality, with Papua New Guinea among the lowest.

Several countries in East Asia and the Pacific have little or no female representation in Parliaments, although the Philippines and Indonesia have elected women leaders in recent decades.

South Asia is characterised by relatively weak female empowerment with an inequality loss of 35 per cent compared with 16 per cent in developed nations.

India ranks 122 out of the 138 countries on the Global Instability Index based on 2008 data — with nine per cent of the parliamentary seats held by women, and 27 per cent of adult women having secondary or higher levels of education compared to 50 per cent among men.

The Multidimensional Poverty Index, the Inequality-adjusted Index and the Gender Inequality Index have been added as new indicators in this year's report, which runs into its 20th year.

*Courtesy: The Hindu*

## BATTLE OVER MGNREGA

**Aruna Roy & Nikhil Dey**

**T**he monsoon has been unusually generous in most of Rajasthan. Travelling along any of the smaller rural roads through a resplendent carpet of green you can see hundreds of little shimmering water bodies, brimming to the top. Most of the newly constructed structures are MGNREGA works, and just the sight of successfully stored water should suffice as an answer to the critics who have belittled the potential benefit of digging earth. A few earthworks have of course crumbled under the force of water and poor execution. The positive effect of MGNREGA on the incomes of the poor will soon be supplemented by the noticeable impact of many of the works. That is, if it is allowed to follow its mandate.

In the midst of the monsoon season, whilst MGNREGA workers concentrate on farming, there are sharp battles being fought to capture the capture

the purse strings of MGNREGA in Rajasthan. The gram sewaks (secretaries of the panchayat) have gone on strike. They have a long list of complaints related to the MGNREGA and the burden it has placed on them, but their real demand, echoed even more loudly by the sarpanches of the state, is to return material procurement to their domain. The contradictory nature of the demand is not lost on anyone.

Social audits in Banswara, Karauli and Bhiwara Districts had revealed massive corruption in material purchases by the panchayats. The social audits found that many sarpanchs,

guided by the secretaries of the gram panchayat, had bought their own tractors, opened their own benami material supplier firms, printed their own bill books, and begun a brazen operation of looting lakhs and crores of rupees from MGNREGA funds. They placed order for supplied of stone, sand, gravel and

*The strength of the MGNREGA has been its provisions for public vigilance. Ambivalence and noticeable weakness in fighting corruption will not be forgiven by the people. The lasting change the act brings will not come from permanent works. It will come from the capacity to reach the money to the ordinary works, and the usefulness of the asset created for the poor*

cement with their own firms. They showed delivery to themselves and issued bills, seemingly at will. In many cases these were just computer printouts masquerading as bills. It was difficult to find the firms or their offices, because they simply did not exist. In one case the social audit team spent two days looking for the firm, and finally managed to get a phone number on one of the bills, which was answered by the sarpanch's son! In another case, a bewildered bicycle puncture repairman was questioned about the Rs 40 lakhs of material he was purported to have supplied to the panchayat. In most cases the social audit team found that the spouse of the sarpanch was the so-called proprietor of the firm that supplied material to the gram panchayat.

The social audit and its revelation led to some quick and decisive action by the state government. A series of orders were issued to have material tenders issued by the block instead of the gram panchayat, and a plan was made to take the social audit process across the state.

The sarpanches, who spent lakhs and even crores in their election, found themselves facing a monetary drought. Formulating an innovative, but transparently hollow set of arguments, they have also decided to invoke "the right based approach" against the social audit and new material purchase system. In both cases the claim is that the government and the people are violating their right to decentralised autonomous governance!

The subsequent sequence of events has been revealing and disturbing; under immense pressure, protest, litigation and bullying from the sarpanchs the state government suspended the social audit process. The central government helped the sarpanch association by striking an amendment surreptitiously made in the MGNREGA schedule that prevented the participation of any "outsider" in the social audit process. It was just the excuse the sarpanchs needed to agitate, block roads, gherao and intimidate the social audit teams under guise of "Keeping" "outsiders out" In its typical mode of appeasement the government dismantled the apparatus for independent social audit processes in the state.

In the response to protests, this time from civil society groups, the government ordered "special audits" in the panchayat that had made the most material purchases in each district. The special audits have established fraud of over Rs 6.2 crore in these 30 panchayats, at an average of Rs 21 lakhs. In some Panchayats over a crore had been siphoned off! It was obvious that material expenditure was the easiest means for the corrupt MGNREGA nexus to squeeze vast sums of money from the scheme.

The government also had to meet its statutory obligation to conduct biannual social audits. It announced social audits from August 26, to be facilitated and monitored by panchayat officials including the gram sewaks and sarpanchs. Even this compromised form of social audit is an irritant to the sarpanchs and secretaries. They see this as a good time to go on strike across the state, despite their many demands, is clear that their protestations will not end until the government gives them the power to make material purchases under MGNREGA. Unfortunately, there have been strong signs the Rajasthan government is likely to surrender on this count also.

The strength of the MGNREGA has been its provisions for public vigilance. Ambivalence and noticeable weakness in fighting corruption will not be forgiven by the people. The lasting changes the act brings will not come from permanent, or pucca, works. It will come from the capacity to reach the money to the ordinary worker, and the usefulness of the work created for poor –whether kuccha or pucca. Even well designed concrete works require proper use of resources, and become a cruel joke if corrupt intent is allowed to prevail. The Commonwealth Games have demonstrated the power of contracts and contractors to grow the most prestigious of projects in a cess pool of corruption.

As battles for control over funds continue beneath the surface, it remains to be seen whose right will prevail: the people for whom the law was made or the representatives and officials who are fighting to claim its resource. That will determine whether the earthen tanks filled with water, are a pointer to the positive legacy that this landmark legislation can bring.

# CRISIS OF MINIMUM WAGES

Suchi Pande

Rajasthan is one of the largest recipients of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). The state receives approximately Rs. 7200.9 Crore from Government of India under MGNREGA1. With a history of regular droughts it is also one of the states most dependent on the MGNREGA. Sixty five lakh households in rural Rajasthan are dependent on the employment guarantee scheme heralded as the UPA's flagship programme. However all is not well with the MGNREGA. There are several instances across the country where people are not being provided work, not being paid or non payment of unemployment allowances and compensation, getting delayed payment of wages and corruption. On many MGNREGA work sites across India workers are being paid less than the minimum wage. (AP, Karnataka, Kerala, HP, Haryana, and now Rajasthan for example).

The implementation of MGNREGA in the state of Rajasthan is a cause of grave concern. In spite of the successful mass training and implementation of social audit in Bhilwara the past year (after the first and only state led social audit in Bhilwara district) the process of public vigilance has been severely undermined with the government being non-committal on its intent to effectively implement legally mandated social audits. People's Campaigns and the State have been involved in a tug-of-war over the issue of social audit. Where the demand for implementing the principles of audit viz separation of the implementing and audit processes, and the insistence on accountability by the Campaigns; have been countered by the representatives of PRI institutions putting forward claims of devolution and the right to continue with processes which allow misappropriation. And recently, even the "wage rate" arbitrarily fixed by government is systematically violated with people being paid as little as one rupee a day (as was the case of 99 workers from Tonk in Rajasthan). The average payment of Rs. 75 per day paid in Rajasthan makes even the Rs. 100 a day a

charade and demonstrates a clear lack of accountability and administrative and political will in implementing the MGNREGA.

## Mazdoor Haq Yatra

As a result on 15 September the Suchna Evan Rozgar Adhikar Abhiyan (SR Abhiyan) began a *Mazdoor Haq Yatra*. The Yatra covered five divisions- Ajmer, Rajsamand, Kota, Jodhpur and Udaipur. The aim of the Yatra was to look into the status of the ten entitlements of MGNREGA in the state, as well as to mobilise support for the demand to increase minimum wages to Rs. 200 and link it to inflation. The fifteen day yatra drew tremendous support from villagers. Workers and farmers across the state endorsed the critical need to establish dignity and justice for themselves by supporting the demand to increase minimum wages.

On 2nd October the Yatra culminated near Statue Circle in Jaipur with an indefinite *Mazdoor Haq Satyagraha*.

## Satyagraha

The *Mazdoor Haq Satyagraha* demands an increase in minimum wages, linking minimum wages to inflation and effective implementation of social audits under MGNREGA. Everyday a series of activities are organised on various issues related to MGNREGA, and RTI. On 10th October a public hearing was organised on people with disability and MGNREGA, where people reminded the Minister of Rural Development GoI of his promise made at the Bhilwara Social Audit to ensure that people with disability are ensured work under MGNREGA. The Satyagraha also announced setting up a *Mazdoor Jan Ayog* (People's Commission on Wages) to discuss the sanctity of minimum wages and to fix wages for

*... where a person provides labour or service to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the meaning of the words 'forced labour' and attracts the condemnation of Article 23...*

workers, as well as a *Chota Kisan Ayog* (Commission) to take up issues of farmers, including land, subsidies, seeds, fertilizers, insurance, credit and minimum support prices [M.S.P.]. The Satyagraha has also demanded an Accountability Commission. The demand came for a spot survey conduct by the *satyagrahi's* on 7th October when they visited 48 government offices in Jaipur to review government functioning. Apart from one office, in most cases officials and government employees arrived after 10am, the only persons on time in most offices were the *karamcharis* (peons/clerks). The survey was conducted in response to the government's stand to a bizarre incident where the Rajasthan government paid Rs. 1 to workers under MGNREGA and defended its stand by stating that the workers had not completed the full task allotted to them. The Abhiyan has demanded that the government fix the task of all government officials and employees and levy penalties on all those that fall short or fail to complete their work.



### **Crisis of Wages in MGNREGA**

In January 2009 the Government of India through a notification under section 6 (1) of the Act, froze the wage rate at Rs. 100. As a result State Governments with minimum wage rates exceeding Rs 100 have been restrained and have not been able to pay workers under MGNREGA the minimum wage due to them. On 4th October Government of Rajasthan decided to increase the state minimum wage by 35% (applicable from January 2011). However this increase was not extended to MGNREGA workers. The Rajasthan Government's view is that until the Ministry of Rural Development (MoRD) does not remove the cap on minimum wage rate of Rs. 100, the State government is constrained. It states that there are not enough resources to meet the additional

budgetary requirement. According to Arvind Mayaram, AS&FA NREGA in the MoRD "states are obliged to pay minimum wage as notified by it". If states want they can pay minimum wages above the fixed rate of Rs. 100. GoI will reimburse the amount permissible as per section 6(1) of the Act. Wages for workers under MGNREGA and outside can not be the same. The MGNREGA he says is only for those people who can not find work anywhere else. If wages are increased under MGNREGA, work and labour flow outside of NREGA will be affected.

The Central Employment Guarantee Council (CEGC) Working Group on Wages sought the legal opinion of the Additional Solicitor General Ms Indira Jai Singh on the wage issue. According to her; the payment of wages below minimum wages is unjustifiable. She drew attention to three judgments of the Supreme Court of India - *People's Union for Democratic Rights vs. Union of India* (1982), *Sanjit Roy vs. State of Rajasthan* (1983) as well as *Kamani Metals and Alloys vs. Their Workmen* (1967), where the Court has held that payment of wages less than the minimum wage is a direct violation of Article 23 of the Constitution and amounts to 'forced labour'.

In *Sanjit Roy vs. the State of Rajasthan* Justice Bhagwati held-

*... where a person provides labour or service to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the meaning of the words 'forced labour' and attracts the condemnation of Article 23...*

Section 6(1) according to the Additional Solicitor General needs to be considered in light of these judgments and any decision of the GoI to fix minimum wages below the minimum wage of the state would be a clear violation of Article 23 of the Constitution.

On 11th October a delegation of the Abhiyan met the Principal Secretary Rural Development and

Panchayati Raj Government of Rajasthan as well as the Chief Secretary of Rajasthan to discuss their demands. The Abhiyan learnt that the State Government had not yet written to the GoI for additional funds to extend the 35% increase in the state minimum wage to MGNREGA. This kind of behaviour as ridiculous as it appears is not surprising for a State that not only spends 90% of its total revenue (19,000 Crore) on salaries and pensions of officials and government employees who constitute merely 1% of the total population. In addition, the state government burdens the taxpayers, i.e., citizens to meet the additional Rs. 3000 Crore it requires to meet the total salaries/pensions expenditure (Rs. 22,000 Crore) of its bureaucratic and administrative machinery. In the last 2 years the salaries of all ranks and classes of government officials and employees in Rajasthan has more than doubled, however, the minimum wage of labourers is remained at Rs. 100.

### **Rajasthan Government violates Minimum Wages Act: Pays Rs. 1 under MGNREGA**

It is evident that in Rajasthan a government elected by its people clearly makes a mockery of democracy and uses a programme that launched this Government's 'human face of development' to deny the "last man" a right to life of dignity and justice. Take for example the case of 99 labourers from Guduliya gram panchayat, Tonk district who were paid Rs. 1 under MGNREGA, the lowest wages paid to anyone under MGNREGA in the entire country. The official response is - no work was done and Rs. 1 paid is justified. How Rs. 1 was calculated is yet to be explained.

Official documents accessed under RTI indicate, that out of the total sanctioned amount of approximately Rs. nine lakhs, a total of Rs. four lakh eighty thousand has been booked while records clearly

show that work worth only Rs. sixty thousand was done. For the entire period that the work was ongoing no measurements were taken. The engineering and technical staff was absent from the worksite. Over 150 workers have been shown to have worked at the worksite for eight weeks, with different groups of workers, working for two weeks on the same site. Four different groups received wages of Rs 1, 7, 9 and 12. Yet while the Collector of Tonk states that no work was done (in the 7th October spot survey participants waited till 1 pm and the Collector was absent from office), she has also not made a single visit to the worksite herself.

While the Government of Rajasthan's official position is that no work was done in Guduliya no action is yet initiated against the Assistant Engineer (AE) who has committed fraud by filling out fake measurement books for Rs. four lakh eighty thousand and stated on record that work worth Rs. sixty thousand has been done. Rs. four lakh twenty thousand should be recovered from him, rather than paying the workers Rs 1, 7, 9 and 12. In a statement, which is part of the documents accessed by the Abhiyan under RTI, the AE says that on 19th May when he visited the worksite out of 150 workers only 69 were present, 44 fake entries had been found in the muster roll. So why did he not initiate action on the 44 fake entries that he found is anybody's guess! In a letter to the Chief Minister the Abhiyan has demanded that an FIR be lodged against the AE and the state stop violation of minimum wage under MGNREGA.

While the Government remains unashamedly resolute in its defense of the payment of Rs. 1 as minimum wages, the Satyagraha continues to make the Government realise that by merely prefixing MG to the NREGA the government has not "improved" upon legal entitlements of workers since the real entitlements for labour are being steadily undermined.

# SOCIAL AUDIT DRAWS WORLD ATTENTION

Seema Chishti

*Ironically, an amendment has now made social audits in MNREGA, the scheme to see the most successful of experiment in this regard, illegal*

If Brazil has its Bolsa Familia, and Mexico its Progresa — schemes for alleviating poverty that have caught the fancy of international organisations — something that India has done recently is making news internationally. India's system of social audits, that is, independent but local auditing of social programmes to fight poverty, like the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA), is attracting world attention.

A 42-member delegation from 33 countries was in Rajasthan recently to study the unique way of auditing schemes through direct participation of people. The delegates represented countries as diverse as Ukraine, Saudi Arabia, Costa Rica and the Philippines. This programme is part of the international audit training conducted by the CAG's International Training Institute.

Social audits like the hugely successful model in Andhra Pradesh, which has set up an independent and autonomous Society for Social Audit, Accountability and Transparency (SSAAT) to help ensure proper working of the MNREGA, have excited people in various countries, especially Africa.

“The problems of inherent corruption trouble countries in the third world. We have trained hundreds of auditors abroad. For example, in Changamwe, in a slum in Kenya, we organised hearings to audit the constituency development fund. The local MP did not come, but as the hearing progressed, he was called by some participant, who realising the buzz it was creating amongst the constituents, ensured that he rushed there,” says Sowmya Kidambi, who heads the SSAAT and has just returned to Africa. Kidambi was also invited to work in Bangladesh, which has recently introduced its version of the Right to Employment Act and is keen to get local but independent auditors trained for it.

Vivek Ramkumar of the International Budget Project (IBP) based in Washington DC, which “works to strengthen citizen-based independent oversight mechanisms around the world”, says the social audit scheme has been getting a “lot of global attention”. He even cites US President Barack Obama, who in

his address to the UN last month “specifically mentioned India, Kenya, and Brazil as countries that have enabled local communities to track service delivery”.

At the UNDP recently, Amita Sharma, Joint Secretary, Ministry of Rural Development, in a paper claimed that “MNREGA's mandated use of social audits by the village assembly (gram sabha) goes beyond the right to information and serves to ensure accountability and corrective measures. Partnerships between government and civil society, the training of local resource persons, social mobilisations around the social audit forum and gram sabhas and the use of community-based organisations are just some ways in which social audits are sought to be made more effective.”

However, despite the accolades, a piquant situation has arisen as regards social auditing. Aruna Roy, who heads the working group on transparency and accountability of MNREGA in the Central Employment Guarantee Council, says that “despite the Andhra Pradesh model having been so successful and having uncovered irregularities of up to Rs 88 crore, with the work of over 4,500 officials found to be irregular, there is an attempt to not allow independent monitoring of the programme here.”

In a controversial move, the Centre, by amending Section 13(b) of MNREGA in December 2008, ended up making social audits illegal. As a result, despite repeated promises that all states will be mandatorily asked to independently get the schemes audited, the gram sabha alone acts as the implementor of the programme and audits itself — something that is not just against the principle of auditing but goes against the spirit of the MNREGA.

While the issue was discussed at the recent meeting of the Central Employment Guarantee Council, there seems to have been no assurance that it will be amended soon. Hyderabad-based activist Satyababu Bose says: “Unless these social programmes have auditing, which is local but independent embedded in them, corrupt practices will take seed and end up sabotaging the programme.”

*Courtesy: The Indian Express*



## FOOD SECURITY WITH ROTTING GRAIN

P. Sainath

The rotting of lakhs of tonnes of foodgrain in open yards, while shocking, is hardly new or surprising. Remember the rural poor marching on godowns in Andhra Pradesh in 2001 in similar circumstances? The Supreme Court was quite right in jolting the Union government. “In a country where admittedly people are starving, it is a crime to waste even a single grain,” said the annoyed Court. And suggested that the grain be released to those who deserve it.

Strong and welcome words. However, the Court could take matters much further if it sees why the Government of India would rather have that grain rot than let the hungry eat it. The failure to understand that leads us to pit poor against poor. To see people in the APL category as the enemies of those who are BPL. Hence the suggestion that we take away grain from one to give it to the other. APL was itself a fiction created by the government to “reduce” the number of poor it was obliged to help. So the GoI would act selectively on this part of the Court’s advice with glee. This would exclude those in APL from even the pathetic little aid they get.

It will ignore the more important order of the Court to distribute the grain before it rots. It might pull up Food Corporation of India officers unable to look after the grain but who did not cause it to pile up in the first place. When you have twice the grain you are equipped to stock, you have a problem. The GoI could distribute that grain. Or release it at low prices through the public distribution system. It would hate either option. That would run against the grain of its ideology and economics. Letting the hungry eat it would, for the government, increase the “subsidy burden.” Why would the government do that after successfully slashing Rs. 450 crore from food subsidy in the current budget?

Two arguments mark the opposition to a universal system (whether in the PDS or other sectors like health). One, there is no money. Two, we do not have enough grain for a universal system.

The nation has spawned 49 dollar billionaires and about a 100,000 dollar millionaires in a decade. But it has no money to feed its hungry. So says a government that tosses Rs.500,000 crore of tax exemptions to the wealthy in the current budget under just three heads.

Not producing enough grain? Well, we spent two decades shifting countless lakhs of farmers from growing food to raising cash crops. That shift involved greater input costs, higher debt and more. We sowed risk and harvested hunger.

The impact on foodgrain? The average daily net per capita availability of foodgrain between 2005 and 2008 is a dismal 436 grams per Indian. That’s less than it was half a century ago. In 1955-58, it was 440 grams. Take pulses separately and the fall is 50 per cent. Around 35 grams in 2005-08 from nearly 70 grams in 1955-58.

This hasn’t stopped governments from claiming “record production” every other year. Remember the “record surpluses” in 2001-03? Those years we exported millions of tonnes of grain at prices lower than those offered to our own deprived. That grain fed European cattle — the most food-secure creatures on earth. While hundreds of millions went hungry at home. Today’s rotting grain, too, will at some point be flogged off to private traders at throwaway rates.

These last two decades also saw the collapse of public investment in agriculture. To starve farming of funds and say we haven’t enough grain is a travesty. Actually, commit yourself to universalisation, revive food crop, give the farmer a good price and boost the dismal levels of procurement that now exist. You’d be surprised how fast you can meet that challenge of production.

Instead, we seem to be heading, courtesy the National Advisory Council (NAC), for a “universal” system in 150 districts. “Universal” here could mean rice or wheat at Rs. 3 a kg to a limit of 35 kg per

household. This “universal” stops at rice and wheat, will not include pulses, oils and millets, does not see the size of a household and is limited to a fourth of the country. You can’t, goes the saying, be a little bit pregnant. You can’t be a little bit universal either. The debate between “targeting” — which is what the 150-districts notion is — and a universal PDS is not one over different routes to the same goal. It is one over different goals. You are either universal, or you are not. This move invites chaos.

First, as an editorial (August 10) in this newspaper pointed out, this seems to equate hunger with

Or take agricultural labourers in Orissa. An adult needs at least 750 grams of rice a day. So a family of five (including children) needs around 3 kg of rice a day. Let’s say they cannot manage more than 2.75 kg a day. They would still consume 82.5 kilos a month. The new “universal” would give them 35 kg of that for Rs.105. The remaining 47.5 kg, at Rs. 22 a kilo or more, would cost them well over Rs.1000. Where will they get that from?

Why do lakhs migrate each year from Kalahandi or Bolangir seeking work outside when the NREGS exists in those districts? Why do so many prefer the

## RATS HEALTHIER THAN AN AVERAGE INDIAN

R. Krishna Kumar

**R**enowned food scientist and former Director of Central Food Technological Research Institute H.A.B. Parpia has called for effective food storage measures to prevent losses and ensure food for all.

Promoting food loss prevention measures indefatigably since the last 55 years, Dr. Parpia underlined its imperatives if nutritional security for all as envisaged by the government is to become a reality.

In an interaction with The Hindu, Dr. Parpia, who was also associated with the Food and Agricultural Organisation of the United Nations, said: “Six rats eat the food of one man and an average rat in the country is more nutritionally healthy than an average Indian.” He pointed out that food loss during the post-harvest stage was 30 per cent to 35 per cent while the loss of perishable products was 50 per cent. “Food saved is equal to food produced and water conserved,” he said.

geography. What of millions in other districts? Are they not hungry? And how, for instance, would this impact on millions of poor migrant labourers?

Take Orissa’s Ganjam district which sends out four lakh migrant workers to Surat alone in Gujarat. Now Ganjam could well be in the 150 districts. How will its hungry migrants access that grain in Surat? Surely, Surat will not be in the list of 150? Can’t you just see the store keeper in Surat telling the migrant: “Yes, son, I’ve seen the law, too. Here’s your rice at Rs. 3.”

Meanwhile, even as these migrants fail to access their Rs. 3 a kilo grain, Ganjam could well be dropped from the list of 150 at some point — citing “poor demand.” Thane in Maharashtra with its famished adivasis, could well be a Rs.3-a-kilo district. Next door is Mumbai where rice goes at Rs.30 to Rs.40 a kilo. Result? Most of Thane’s cheap rice will migrate to Mumbai.

lesser pay of brick kilns in Andhra Pradesh? One major reason is that the NREGS restricts them to 100 days per household. In the awful brick kilns of Andhra Pradesh, every member of a five-strong family (including children) can get work for up to 180-200 days. The NREGS is restricted. The PDS is targeted. Only exploitation is universal.

The food security legislation in the form that now seems likely weakens and dilutes the Directive Principles of State Policy of the Indian Constitution. Those are universal, not targeted. Sure, we have to move towards making them real. But we need at every stage to ask whether the steps we take strengthen or weaken the Directive Principles. These steps on food security weaken them. Also when we act in isolation in one sector like food, we undermine the vital others. What we could do with is a comprehensive universal programme that covers nutrition, work, health and education. At one time, for one nation.

*Courtesy: The Hindu*

# FOOD SECURITY — BY DEFINITION

P. Sainath

Maybe the government, the National Advisory Council and other assorted enthusiasts of the Food Security Bill can learn from Maharashtra about moving towards ending hunger altogether.

In 1963, the government of Maharashtra ended famine forever in the State. It did this without adding a morsel to anyone's diet. It did so simply by passing an Act in the Legislature that deleted the word 'famine' from all laws of the State. No kidding. This was called "The Maharashtra Deletion Of The Term 'Famine' Act, 1963" (And was dug up after decades by an independent researcher from Bangalore.)

The basis for this? Let the Act explain itself. It asserts that "there is now no scope for famine conditions to develop." Why so? Because "the agricultural situation in the State is constantly watched by the State government." And "relief measures as warranted by the situation are provided as soon as signs of scarcity conditions are apparent." Goodbye Famine.

The next para says the term 'famine' *"has now become obsolete, and requires therefore to be deleted"* (emphasis added) from "other laws on the subject in their application to the State." It decrees that "for the words 'famine or acute scarcity' the word 'scarcity' shall be substituted," in all laws of the State. Lucky Maharashtra — it can't ever have acute scarcity either.

By slaying famine and acute scarcity on paper, a government kills its own responsibility towards citizens, mainly poor and hungry ones, in times of crisis. Its burden becomes less. It can concentrate (especially in Maharashtra) on boosting the Indian Premier League and its billionaires.

This approach essentially defines a problem out of existence. You can't fight famine — so abolish it. It's a proud tradition the State still hews to. Can't stop farmers' suicides, so redefine who a farmer is. Then redefine what a suicide is. Maharashtra has done both. Why not have a law banning the word 'farmer' or 'suicide' or both? Solves an annoying problem in a State that has seen, in official count, over 44,000 farm suicides since 1995.

This is an Act in a State with a gosh-awful record in food production for years. That includes a 24 per cent fall in 2008-09. A rich State that has seen far

more child hunger deaths than many poorer ones. A State that added greatly to its hungry with 2 million people losing their jobs between 2005-06 and 2007-08. That's over 1800 each day — and that's before the global meltdown of September 2008, according to the State's own economic survey.

The 1963 Act casts its shadow to this day. By legal definition, we cannot have a serious crisis in Maharashtra. So when there is one, we respond to it on a much lower scale than needed. No matter how deadly the crisis, relief work will never be up to the mark because it is not required by law to be so.

The Union government and the NAC can learn from this. Why not just abolish the word 'hunger' by law? Replace it, maybe, with 'a mild craving for calories' (mild, not 'acute,'). Or words to that effect. End of hunger. We've started down that road. The NAC's idea of 'universal PDS in 150 districts' is similar. It re-defines the word 'universal.' Death by definition has been routine for decades in India — consider the poverty line debates, for instance.

Meanwhile, say the 'experts,' the millions of tonnes of grain rotting in open yards present a "golden opportunity" for India to export this in bulk "and seize on the high prevailing global prices of grain." That is also what the government hopes to do. Its affidavit in response to a slap from the Supreme Court speaks of liquidating the excess stocks by open market sale (read exports).

Leave aside for a moment the appalling insensitivity of exporting grain when there are, as the Supreme Court says, many "admittedly starving people" at home. Just look at the logic of it. You have a gigantic pile up of grain. You have these admittedly starving people. You say the production is not enough to go for a universal system in PDS — even while boasting we have so much grain, we can cash in on high global prices. Remember that the government has bragged of "recording the highest ever production of about 235 million tonnes of food grains in 2008-09 ..." So much so that we cannot store half of it and it is rotting.

Who will you export it to? Are there good global prices for rotting grain? Grain that even when in best condition was not of superior quality? What you will do is flog it at rock bottom prices to traders who know you won't consider any other option — like letting the hungry eat it — and can knock your prices through

the floor. And then the traders can export it as cattle feed — like India has done before in this very decade. About the only thing Iran and Iraq could agree on in 30 years was that the grain exported to them from India was unfit for human consumption. Both rejected shipments early this decade. But there are always, never fear, European cattle. Talk of sacred cows — these will be subsidised by some of the hungriest humans on the planet.

The government knows this is how it will end up — and is not at all averse to that happening. Apart from the juicy avenues of corruption it presents to many connected to the Food Ministry and the trader lobbies linked to them, it makes “sound economic sense” in their worldview. One in which the hungry count for little. The National Democratic Alliance did the same thing in 2001-03 and paid the price for it in 2004. The United Progressive Alliance feels confident the elections are far off. And there are no pesky Leftists to restrain them in this innings. This is the time to ram through ‘hard decisions.’

Meanwhile, even as we talk of ‘exportable surpluses,’ we look around for ways to make up our production shortfall. Indian companies are buying land in parts of Africa to grow foodgrain. This finds approval with the Working Group on Agricultural Production set up by the Prime Minister and chaired by Haryana Chief Minister B.S. Hooda. Its report says “We should seriously consider these options for at least 2 million tonnes of pulses and 5 million tonnes of edible oil for 15-20 years.”

Indeed, the Hooda report wants us to spread our net further. It says “Indian companies can be encouraged to buy lands in countries like Canada, Myanmar, Australia and Argentina for producing pulses under long-term supply contracts to Indian canalizing agencies.” (Thereby eyeing four continents besides Africa). So even as we convert more and more food crop land to cash crop or to non-farm use

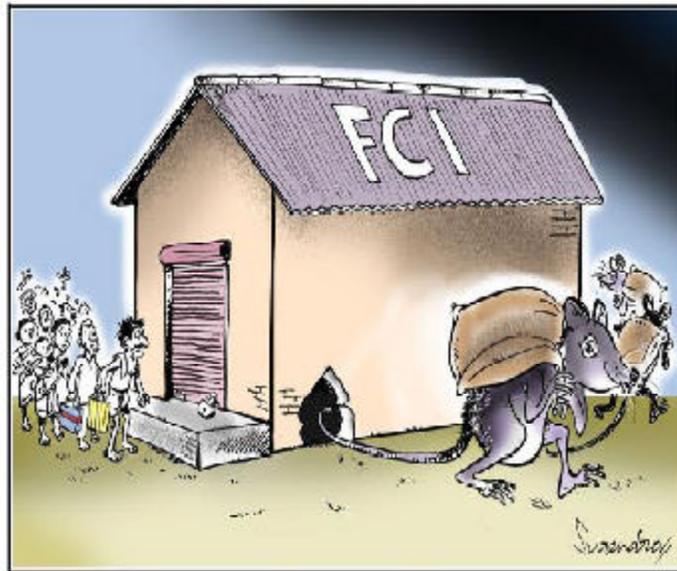
at home, Indian companies (doubtless with handsome government support) will buy land and grow grain in poorer countries (which is where it will mainly happen). Why? So we can create worse food crises in even poorer nations? But what if the locals get restless? They might resent the food they hunger for being shipped to India? No worries. What are we building a Blue Water Navy for, anyway?

A dismal debate all around. Yet, in the next few weeks, the government, the NAC, Parliament, and the judiciary will all be called upon to take major decisions, even vital steps, on the food security of the Indian people. They might want to remember that there is existing legislation to draw from. Legislation far superior to and of a very different kidney from the “Maharashtra Deletion of the Term ‘Famine’ Act, 1963.” That is, the Directive Principles of State Policy — that give us the vision and soul of the Indian Constitution.

Of course, the moment we speak of the Directive Principles, up pops the point: “but these are not enforceable!” Yet, the very line of the Constitution which says they are not enforceable goes on to say they are “fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws.” How the state — and others — perform their duties will be on display in the next fortnight.

Will the courts say anything about the notion of shipping grain abroad when millions go hungry at home? Will the government say something other than ‘no’ to the needs of the hungry? Will the NAC rethink its stand on a universal PDS? Will Parliament accept fraudulent definitions of food security? Will anyone speak for the Directive Principles of State Policy and how policy must work towards strengthening them? It would, of course, be silly to expect a government of this sensitivity to care a fig for the Directive Principles. But perhaps we can hope that the Supreme Court does?

*Courtesy: The Hindu*



# THERE'S A STINK IN THE GODOWN

Sukhdeep Kaur

**T**he bountiful harvest of Punjab is now raising a stink. At a time when the Opposition has held up Parliament over high foodgrain prices, over 12 lakh metric tonnes of rice, paddy and wheat have rotted in Punjab's godowns and on open plinths this decade — courtesy the problem of storing its plenty that revisits the state year after year. Of the total damage, 4.56 lakh metric tonnes belonged to the central agency Food Corporation of India (FCI), and 7.5 lakh MT to Punjab's five state agencies — Pungrain, Markfed, Punjab Agro, Punjab State Warehousing Corporation (PSWC) and Punsup.

Since the FCI stores the entire rice procured from the state for the central pool and only 15 per cent of the wheat, its damage figures are more for rice. Nearly 2.94 lakh MT rice and 1.18 lakh MT paddy (unmilled rice) have been declared as damaged by the agency between 2001 and 2010. In case of wheat, the damage amounts to 43,872 lakh MT, against nearly 8 lakh MT that rotted in the custody of the five state agencies, which store 85 per cent of the wheat procured for the central pool — over 90 per cent of it on open plinths.

Though a part of the actual cost was later redeemed by the FCI through auction of the damaged stocks as cattle and animal feed, industrial use or manure, the difference between the cost realised and the current prices of the foodgrains still adds up to a loss of Rs 56 crore.

The state agencies, in their claim-sheet to the Union Food Ministry, have claimed Rs 392 crore for the damage of 7.56 lakh MT wheat.

Together, the loss is Rs 448 crore of foodgrains in a country fighting hunger.

## Rising stocks, falling private purchases

THE genesis of the storage crisis, says the FCI, lies in the overflowing buffer stocks of the country. Against its total covered storage capacity of 419 lakh MT across the country, the FCI is currently holding 600 lakh MT of foodgrains. As a result, 178 lakh MT of foodstocks are lying in the open, with nearly 60 per cent of this — 99.82 lakh MT — in Punjab's fields, schools, market yards and closed sugar and rice mills.

“Against the average for the past six years, the FCI is currently holding nearly 1.5 times more foodstocks. In 2006-07, our countrywide wheat procurement figure was 92 lakh MT, while in 2009-10 it was 254 lakh MT, with Punjab alone contributing 107.3 lakh MT. In rice too, the total procurement has gone up by 30 per cent, to 336 lakh MT in 2009-10, against the procurement figure for 2007-08. So even though our offtake for the Public Distribution System nationally grew to 148 lakh MT for wheat and 223 lakh MT for rice last year, we have still much more stocks to handle than our storage or movement capacity,” says Punjab FCI DGM (Storage), Aseem Chhabra.

Meanwhile, Punjab's contribution to the central pool went down from 57 per cent in 2003 to 42 per cent in 2009-10, owing to higher contribution from states such as Madhya Pradesh, Bihar, Rajasthan, Uttar Pradesh, Maharashtra and Gujarat — some of them have even become wheat-surplus states — further worsening Punjab's storage woes.

The high minimum support price (MSP) for wheat and paddy is the reason private buyers keep away from mandis. So despite movement of 155 lakh MT of wheat and rice from the state in the year 2009-10, Punjab is currently holding 111 lakh MT wheat, 99.82 per cent of which is stacked on open plinths covered by tarpaulin sheets, known as CAP storage.

## THE MOP-UP

AFTER segregating “damaged” stocks from those with higher than 5 per cent damage, the FCI “upgrades” lakhs of metric tonnes of foodstocks every year. The foodstocks with more than 5 per cent damage are classified as non-issuable and therefore unfit for the public distribution system (PDS), and are yet again segregated to be auctioned under five different categories depending on the percentage of damage — while the worst of the lot is totally disregarded, the rest goes for either industrial use, animal feed, cattle feed or manure.

Consider this: Nearly 4.09 lakh MT wheat stored on open plinths in 1999 in Fazilka in Punjab's remote Ferozepur district was finally lifted by the FCI in 2005. “The maximum limit for open storage is 12 months

but it was in 2005 that the FCI asked us to upgrade the entire stock by opening the 95-kg bags and segregating them into smaller 50-kg ones. Three food officials, including me, were later chargesheeted by the state food agency, Punsup, for damages,” recalls Sushil Verma, a Fazilka-based food inspector who has since retired but is still facing criminal and civil suits for negligence and has also been denied all retirement benefits.

And Verma is just one of hundreds of food officials facing similar charges, some even found innocent by courts or inquiry committees set up by the respective state agencies.

The conviction rate is even higher in the state FCI, where 4,000 officials were slapped by the Vigilance Department with corruption charges in 2007. The number is down to 300 now after set targets for damage and loss were framed, forcing officials to be on their guard, and the permissible damage percentage progressively reduced from 0.5 per cent in 2000 to 0.18 per cent in 2010.

### **The blame game**

THE damage figures have sparked off a blame game between the FCI and Punjab Food and Civil Supply Department, which oversees the procurement and storage operations of the five state agencies. While the FCI does not completely discard Punjab’s theory that the damage is the result of foodstocks lying unsold for long periods, it also blames “wilful neglect” and “wrong site selection” by the state’s agencies.

For example, it cited “glaring irregularities” in the case of storage in Kotla Bhai Ka area in its correspondence with Punjab Agro. “About 16,000 MT of wheat was stacked by the agency at Kotla Bhai Ka area in 2008 in a low-lying open field. We asked them to move out the stock on priority basis but it was found unfit for dispatch within two months of its procurement... On enquiry the lone official supervising the stock was found to be negligent and the site selection for open plinth storage was poor,” a senior Punjab FCI official said.

A letter written by the FCI, Punjab, to its headquarters and the Food and Civil Supplies Ministry, Government of India, on the low procurement of paddy

by it also highlighted its “stringent inspection measures”, compared to the state agencies’ “laxity”.

“As the FCI stocks are subject to stringent supervision, its staff has to be very particular about the contentious issue of moisture content, discoloration and damage of procured wheat and rice,” the letter said. Procurement by state agencies, on the other hand, it said, was done under directions from the state government and led to below-specification foodgrains being lifted under pressure of farmer bodies.

The state agencies, on their part, blame the damage on lack of a proper storage policy and tardy progress in tendering for godowns. Pointing to the FCI’s initiative to create 127.6 lakh MT warehousing space in the entire country, including 71.25 MT in Punjab and 39 lakh MT in neighbouring Haryana, a senior food and supply official said: “In a span of 11 months, it has floated its third tender, each time with revised norms. Its guiding rates and guarantee period for hiring private godowns were not lucrative for private investors.”

### **DE-HIRING POLICY**

While the storage crisis has deepened now owing to buffer stocks, by the FCI’s own admittance, the capacity was proactively decreased during lean years. Interestingly, the annual confidential reports (ACRs) of FCI officials even carry a high rating for those who save rent to the corporation by “de-hiring” godowns. For a long time, while the FCI gave up private godowns with a capacity to store lakhs of metric tonnes, newspaper advertisements offered corporation’s own godowns for hire. Says Col N S Dhillon, the general secretary of Punjab Private Godown Owners’ Association: “The high land prices in Punjab are a huge deterrent for investors. Therefore, the foodgrain storage policy should be for all times to come. All that an investor needs is continuity in payment of rent so that there is no uncertainty of his godowns lying vacant.”

Punjab Food and Civil Supply Minister Adesh Pratap Singh Kairon, says state agencies cannot be expected to hold foodstocks for an unreasonably long period without adequate scientific storage and management.”It is for the Government of India to deal with the stocks or endorse a proper storage policy for Punjab,” he says.

*Courtesy: Indian Express*



## RIGHT TO INFORMATION AND ELEMENTS OF GOOD GOVERNANCE

M M Ansari, Information Commissioner



*Prof. Ansari has been appointed as Information Commissioner of the Central Information Commission, which has been constituted by the Government of India for effective implementation of Right to Information Act 2005. He investigates complaints from people who believe they have been denied rights under the Act. He is also responsible for enforcing the provisions of the Act as well as educating the stakeholders, mainly information seekers and providers. Prof. Ansari is an Economist and Education Specialist. He has served on the staff of several institutions in senior positions and provided research and consultancy services to national and international organizations. He holds a Ph.D degree in Economics, PG Diploma in Public Finance, M.A. Economics, 1st Division, from the Universities of Buckingham (England) and Aligarh.*

The first five years' record of achievements demonstrate implementation of the Right to Information Act 2005 has been a astounding success in promoting openness in the functioning of Government and strengthening democratic governance.

Under the RTI regime, there is mandatory requirement for maximum disclosure of the details of various public activities with a view to obtaining requisite feedback from the affected persons for designing and executing citizen centric programmes for improving quality of life of people.

The right to know is a powerful instrument for not only **dismantling the culture of secrecy** so as to **contain corruption**, but also to galvanize people's participation in the process of development which alone can ensure that the benefits of public expenditure reach the target group.

The Government's initiative of ensuring free flow of information and ideas to build a knowledge society, and to create conditions for good governance is considered most significant policy decision, mainly from the view point of **democratization of knowledge resources** that are critical for empowerment of deprived groups and their participation in development process.

The Information Commissions, constituted under the Act, by the Centre and the States ensure enforcement of the provisions of the Act. The Commission's have powers to (i) penalize and impose monetary penalty

on the information providers, u/s 20 of the Act, for withholding information without reasonable cause; and (ii) award compensation u/s 19(8) (b) of the Act to the information seekers for the detriment suffered by them. Besides this, disciplinary action against an official could also be recommended by the Commissions for violation of any provision of the Act.

As a result of enforcement of above provisions and increased access to information, our perception about the accountability of public authorities has begun to change. More importantly owing to free access to information or knowledge resources, people are empowered to **shape their destinies for a brighter future**.

Access to relevant information within reasonable time frame of 30 days facilitates the process of taking informed decisions and improving productivity of resources, which makes the entire system duly **efficient and competitive in the global economy**.

In almost every sphere of development activities, people are making use of the information. This is reflected from the results that show that India's growth trajectory has shifted upward. In particular, the outcomes of implementation of flagship programmes, mainly poverty alleviation schemes have been encouraging due mainly to exercise of RTI by the beneficiary groups, who demand for services and exert genuine pressure on service providers for adherence to the norms and guidelines **for realizing**

**such entitlements as jobs to poor** and payment of their wages.

There is therefore considerable improvement in delivery of social services, mainly education and health care. People seek accountability of the authorities on the issues of effective implementation of flagship programmes such as Sarva Shiksha Abhiyan, National Rural Health Mission and others. For instance, people

the grounds of their involvement in corrupt practices, mis-use of funds or lack of concern for delivery of services that were promised to the voters.

RTI has thus not only improved accountability of public servants but has also made a deep dent in the area of **cleansing political system**, by way of creating conditions for taking informed decisions in every sphere of life and exposing the wrong doers.

## RTI ACT GETS LOGO

**S**peaking about the need for a logo, Mr Chavan noted that it need was felt in order to create greater awareness about the five-year-old Right to Information Act. The need to do so arose after the government realized in rural areas is very poor there. Therefore the logo, he not literate will be able to Chavan.

The bright blue logo itself is paper with information on it in Behind the sheet is shown the expected to provide applicant. The lines are also depicted in a manner to indicate

In the background is the form to depict the human form but also is linked to “i” for information.



that the awareness about his act owing to the poor literacy levels said, which ever those who are associate with the RTI, said Mr

one which shows a sheet of the form of five straight lines. authority figure which is information to an RTI significant in that they have been transparency, the USP of RTI. of “i” which is not only meant

seek information about the teachers' absenteeism, delivery of mid- day meals, award of scholarship to eligible students, attendance of doctors and nurses at health centers and distribution of medicines, payment of old age pension, supply and distribution of domestic gas, etc. In effect, thus, due to increased effective demand from the target groups, not only accountability of service providers has duly improved but the **wastages of resources due to pilferage have also minimized owing mainly to people's involvement in the development process.**

The media reports make us believe that there are signs of **desirable impacts of RTI on our democratic institutions as well.** For instance, access to information relating to the use of MPLAD Fund and the provisions for other basic amenities such as drinking water, rural roads, transport and communication, electricity, PDS, etc., have helped in identifying the elected leaders who have belied people's expectations in promoting welfare schemes in their respective constituencies. Election results indicate that a number of leaders were voted out on

The people are thus empowered to improve governance and to take charge of their lives.

The perceived **corruption in public life**, though still very high by any reckoning, has considerably reduced in certain departments, as demonstrated by a recent study jointly conducted by Transparency International and Centre for Media Studies. As a result, considerable amount of financial resources, which were otherwise wasted due to corruption and leakages, are properly used for promotion of welfare of people.

This is also reflected in higher growth rates of over 8 percent and improvement in quality of life, as measured by the indicators of income, literacy and healthcare. More importantly, due to effective implementation of rural development programmes, out **migration of labour force to cities has decelerated**, as widely known through media reports. Such a trend in rural-urban migration would hopefully alleviate the burden of urban areas for providing essential services and would also check the growth of slums in the cities.

# INFORMATION AS A RIGHT

Dr. N. Bhaskara Rao

Marking the completion of five years, in September 2010, of the enactment of the Right to Information Act, the Central Information Commission (CIC) held the fifth annual convention on “RTI: Challenges and Opportunities,” in New Delhi on September 13 and 14. It was largely a gathering of Information Commissioners from the States and the Centre.

The five technical sessions had presentations by Commissioners and other experts. I had actively taken part in the earlier four annual conventions organised by the CIC more or less on similar lines. Six things stood out at this latest meeting.

First, the key leadership role played by Wajahat Habibullah, as the Chief Information Commissioner, in ushering in the RTI regime was acknowledged and he was credited for ensuring the independent standing of the Commissions.

A second outcome was that the fact that Section 4 of the RTI Act has not received the kind of attention it deserves in order to sustain the right to information regime — Mr. Habibullah himself has highlighted this aspect more than once — was echoed on both the days, but no specific suggestions emerged. Governments at the Centre and in the States need to do more in this regard than what the Information Commissions themselves could do.

Third, most participants reiterated that awareness about the Act, its provisions and potential was very low, and that more serious efforts are required. Also, efforts to sensitise the functionaries concerned were not good enough.

A fourth and more sensitive question that became evident during the deliberations was who, between the Commissions and civil society, has taken the Act to the people and are responsible for prompting the imagination of the people. Surprisingly, the divide in this regard was open. The Commissioners ought to have acknowledged the active role played by civil society and reiterated the need to work together even more in the future. The keynote speaker and other speakers expressed their concern about certain “belligerent tendencies” on the part of individual activists. Such isolated instances should not weaken the critical role played by civil society groups on this front.

## Threats to activists

Fifth, the convention expressed concern over threats that some activists faced in the course of their work and condemned the killing of certain RTI activists that have occurred. In this context, Union Minister for Law and Justice M. Veerappa Moily, who inaugurated the convention, confirmed that the Union Cabinet was determined to bring forward the whistleblowers bill [‘The Public Interest Disclosure and Protection to Persons making the Disclosure Bill, 2010’] in the coming session of Parliament.

Sixth, the delay in disposing of applications and the backlog in the process that the Commissions are confronted with was yet another issue that was deliberated upon. But no options or alternatives came up. It was agreed that the RTI Act had kept the bureaucracy on its toes. But a general view was that the pile-up of applications was caused by the fact that the government and its agencies were not forthcoming in providing information promptly. One of the sessions dwelt on how the judiciary, the subordinate judiciary in particular, was largely apathetic and non-cooperative in responding to RTI petitions.

According to a PTI news report, the Minister who inaugurated the event said “RTI should not be a casualty of corrupt bureaucrats.” Shailesh Gandhi, a proactive Central Information Commissioner with the distinction of having been an RTI activist himself in Maharashtra before becoming Commissioner, said later in his presentation that the RTI Act need to be guarded from three potential threats — from the government, the judicial processes and the Commissions themselves.

Mr. Gandhi wanted Information Commissions to take an initiative on issues with wide-ranging and long-term implications: it would be too late to do anything if the Commissions have to wait. He himself had asked the Delhi government to put all its contract agreements concerning consultancy arrangements for the Commonwealth Games in the public domain within a week.

Gajendra Haldea of the Planning Commission, in a presentation on the Public-Private Partnership model,

theorised that 20 years from now a third of the land in India would be in the hands of a few private corporates, going by the manner in which Special Economic Zone agreements were being entered into (with public scrutiny).

Mrinal Pande, chairperson of the Prasar Bharati Board, wanted the media to be brought under the preview of the RTI Act. (This was a suggestion that this writer had made at the second annual convention in 2007 and has been advocating since then, without success.)

The session should have deliberated on the media's role and acknowledged the sustained interest taken by some media outlets such as the Telugu newspaper *Eenadu* and NDTV, and the difference they have made to the situation.

The convention failed to note that women in sufficient numbers are not taking advantage of the provisions of the RTI Act, or what steps could be taken to correct the situation.

It also failed to look at why the academic community has not been taking a real interest in studying the impact of the RTI Act and in promoting it.

There was no evidence of annual reports of Information Commissions in these four years ever having been discussed in Parliament or in State Assemblies. How is it so? It should be examined how many Commissions could not come up with their annual reports and why even the annual reports that were available did not make any difference.

In his valedictory address, Minister of State in the Ministry of Communications and Information Technology Sachin Pilot talked about the shift in the balance of power and the equitable growth that the RTI Act should strive for. He wanted the RTI movement to take advantage of communication technologies.

## Conventions and sessions

The CIC has been holding annual conventions in Delhi as an "official programme," attended mostly by Information Commissioners, their staff, one or two

Ministers and bureaucrats. The participation of civil society representatives has been marginal: those who did come were mostly from the National Capital Region. There has not been any acknowledgement of the role of civil society organisations in taking the RTI movement forward. At all the five conventions in Delhi, access was controlled. The CIC, nevertheless, deserves praise for holding the conventions.

This writer had the opportunity to take part in all the five official CIC conventions held in New Delhi as well as in organising five Open House sessions on the RTI in Hyderabad. The Social Audit Council of Andhra Pradesh, comprising a group of civil society organisations and backed by CMS, has been holding annual Open House meetings over the last five years on the implementation of the RTI Act. These were open to anyone but were attended mostly by RTI

activists from the districts. The deliberations were based on their presentations and insights to realise the potential of the Act. At

least one activist from each district gave such a review. A couple of bureaucrats concerned with the implementation of the RTI Act were specially invited to the Open House. V.S. Ramadevi, former Governor of Himachal Pradesh and Karnataka, was the chief guest in 2006. Wajahat Habibullah, Shailesh Gandhi, C.D. Arha and freedom fighter Purshotham Rao were the chief guests in the subsequent years. The State Information Commissioners were invited to all the five events, although only one or two chose to attend. Each year the Open House sessions honoured activists, officers and mediapersons for their initiatives in taking the Act forward.

The Fifth Open House session in Hyderabad on August 23, 2010, came up with some specific suggestions on the threats against and the killing of activists. It decided to prepare a directory of activists district-wise, form a network of activists, create a website, start counselling centres in districts and launch a helpline.

The sixth convention in 2011 in New Delhi should be an Open House. The participants should be predominantly from civil society, and include academics and women's groups in particular.

*Five years after the enactment of the Right to Information Act, awareness of the law, its provisions and potential appears to be very low*

## L.C.JAIN'S VISIT TO CMS

All of us at CMS are shocked to know that Dr L C Jain is no more. We convey our sincere condolences and pray for his soul to rest in peace.

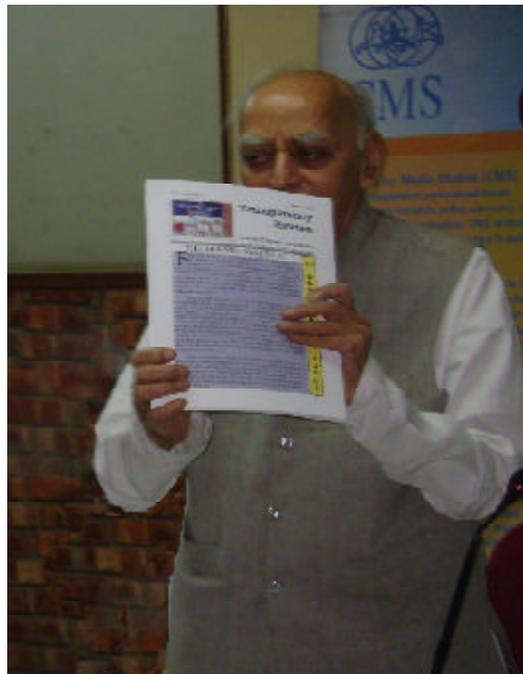
Dr L C Jain has influenced everyone he ever met the same way he did with use. His visit to our campus a couple of months ago, on the eve of 20 years of CMS, was memorable. He spoke on many issues, for us at CMS, to consider and pursue. The fourth anniversary issue of Transparency Review was released by him.

Our condolences to Dr Devaki Jain, Mr. Srinivas Jain and Gopal Jain.

### Need for transparency in media

Mr Jain highlighted the urgent need for transparency in contemporary media practices, which he felt was badly lacking. He focused on the transformative power of media, which media is not utilizing its potential in the right direction. He felt deeply anguished at the lackadaisical attitude of contemporary media. "Media is not called the fourth estate of democracy for nothing. It is supposed to make the other three estates, namely legislature, executive and judiciary look and act in a transparent manner in the governance of the country," he said. He shared various anecdotes from his field trips in different parts of the country, showing how efforts are being made to curb information by

government agencies even after the implementation of RTI. Media here can play an important role in bringing developmental issues to the fore. He felt that there was a greater need for media transparency and appreciated the efforts made by CMS in this direction. He congratulated the veteran journalist Ajit Bhattacharjea for spearheading Transparency Review Publication, which carries erudite pieces by media watchdogs like P Sainath and others prominent journalists. "CMS should work towards forming an all India network of journalists, particularly those covering elections and political beats. Journalists in this network should be sensitized and the phenomena of paid news should be curbed," he advised.



Mr Jain was particularly pained by the nexus of corporates, politicians and media. He wondered how the ethics and morals could be sustained in the functioning of media. He also underscored the importance of restraint and self regulation by media. In this context, he reminded that Gandhiji, who is hailed as the

biggest communicator of this country, did not receive any advertisement, and used to run his paper on subscription basis.

*(Dr L C Jain has been engaged in economic-social development for the last 60 years in the country and was a member of the Planning Commission and also India's high commissioner to South Africa).*

# PAID NEWS, A DEEP SEATED MALAISE

Dr. N. Bhaskara Rao

The practice of paid news is not a recent phenomenon. It was blatantly evident in the Assembly and the Lok Sabha elections. It has been there all along in the coverage of corporates also. Earlier, it was limited to a few journalists, and covertly. It has now become an overt and institutionalised affair, as if there was nothing unusual or deviant about this. It has now reached the proportion of being described as “fourth estate on sale” (EPW). This practice is no longer limited to smaller or regional language news media. It is happening all across the news media. Like ‘overzealous ad managers,’ there are overzealous journalists. This practice, if not addressed now, will become formally overt as a normal course of the news media’s function.

It is difficult to define paid news. It could also be described as quid pro quo news, it may even be better described as unfair or camouflaged news or advertising. It may not always be possible to establish something

as unfair or camouflaged. But it should be possible to develop a methodology even without circumstantial evidence. There could be an independent monitoring and analysis arrangement in a transparent way for a six-month period before a Legislative Assembly election. An ASCI-like arrangement could be mobilised by the Press Council of India (PCI) and the Election Commission of India (ECI) together. Various bodies like the Indian Broadcasting Foundation (IBF) and the News Broadcasters Association (NBA) should also be involved in formulating guidelines. But they should not wait for a consensus.

Much-talked-about political reforms, particularly electoral reforms, are yet to see the light. In the meanwhile, everyone knows how money and media power in India’s electoral politics has been on the increase. The ‘note for vote’ phenomenon nationwide is hardly a secret. Transparency by way of disclosures both by political parties and contesting candidates is vital. The ECI’s measures to restrain money power and media power should be viewed as well within its purview. In a democracy, free and fair

elections and a free press are equally important. Each should sustain the vibrancy of the other.

The situation calls for protective measures and corrective initiatives by news media themselves in their own interest and by other stakeholders in civil society. No single initiative or measure can curb such deviant behaviour; a combination is required in the spirit of “checks and balance.” The best bet, of course, is a more active audience and citizenry. But in the absence of such sustained activism, three-pronged efforts are needed. First, from within news media, individually, and as a Fourth Estate institution. Secondly, from professional bodies like academics, independent research and civil society groups. Lastly, from regulatory agencies like the PCI, the ECI, the Information Commission, and the Telecom Regulatory Authority of India (TRAI).

*The practice of paid news is no longer limited to smaller or regional language news media. If not addressed now, it will become overt as a normal course of the news media’s function*

## Series of initiatives needed

1. *Dependence on ratings/ranking:* There are by corporate instruments, not editorial

ones. Discussions on the pros and cons of this syndrome need to be encouraged and promoted so that more reliable and relevant criteria can be evolved in such a way that the credibility of the news media is retained.

2. *Disclosure practice:* This should happen at two levels. One, news media must state any conflict of interests in the course of news coverage and presentation. The media should also disclose their own ethical code or standards. They should indicate the responsible person for such disclosures periodically, like the readers’ editor, ombudsman or a panel of internal and external experts. The disclosure should also be of revenues, linkages with other industries and corporates, and shareholding in other media. Disclosure should be built into the reporting pattern as well, as *Mint* has been doing for a couple of years. The news media, for example, should report on their own how much space and time they have devoted to commercials in the previous quarter or six months. Editors too could disclose their assets voluntarily and periodically in their own interest.

3. *Redressal arrangements*: Complaints about any aspect of media operations have positive implications — for content. There should be some provision for readers and viewers to “write back” or “talk back” and for an explanation in turn by the person responsible in the news media. The Readers Editor of *The Hindu* has set a good precedent in taking note of complaints and explaining wherever necessary, as he did in the case of the paid news phenomenon. News media should promote such arrangement so that readers and viewers are aware of it. This is over and above what the state agencies are expected to do. In the more specific context of paid news during elections, the Election Commission should be both proactive and also take on measures to curb such practices on its own and preferably with the Press Council of India.

4. *Media watch*: Academic bodies, independent research agencies, and civil society groups should be encouraged to monitor media contents and articulate their views from time to time. Several such independent media watch groups are needed in the country. Basic data based on trends of space and time for advertisements and analysis of ad content is essential for preventive initiatives. The Centre for Media Studies (CMS) has been doing this. In fact, way back in 1995, it came up with the description, “marketing media not mass media.” And in 2001 it brought out a publication for the first time, “Paradigm shifts in media operations.”

5. Professional bodies engaged or associated with news media in various capacities like the Editors Guild, the Advertising Standards Council of India, journalists associations, and the Indian Broadcasters Foundation, should take the initiative towards a more responsible and accountable news media. This can be done by setting up their own panel, as the Editors Guild did in the case of paid news and codes or guidelines for their members, particularly on conflict of interest.

6. State bodies like the Press Council of India, the Information Commissions, TRAI, and the Election Commission of India need to be proactive. Only then can they play their role. But their taking up deviations by individual news media organisations is equally important. The Press Council should come up with guidelines after involving the media across the country (even if a consensus is not possible) and the Election Commission should take the responsibility to implement the guidelines.

7. The media should be brought under the Right to Information Act (RTI) so that some accountability comes into media operations and managements.

8. Government media campaigns, other than on specific occasions, should be discouraged six months before elections.

9. Real-time counselling services should be provided to individual journalists, political leaders, and candidates in specific situations on how they should go about their tasks in a given context. Such counselling can be by an independent body but specialised.

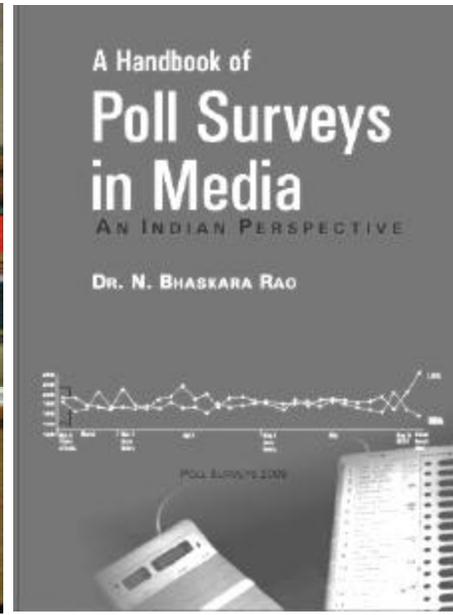
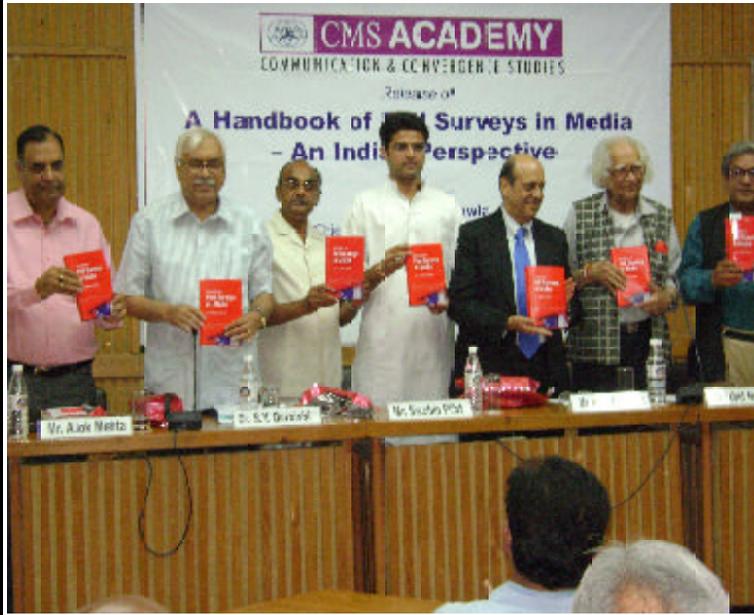
10. Guidelines, however broad, for the news media on poll coverage should be formulated. Television channels and newspapers should be viewed together in relation to their coverage of candidates, parties, issues, and campaigns.

11. Limits on ads either in terms of percentage of space or time or in terms of percentage of revenue from commercials can be considered. Such limits may not be legally sustainable but could come through a voluntary industrial effort. Apart from this, advertisements of all kinds should be positioned distinctly to demarcate them from the edited space and time the same way as facts and comments are demarcated from news reporting.

## Conclusion

The practice of paid news or camouflaged news or advertising is not limited to election times. It was not something new, which was encountered for the first time, during the 2009 Lok Sabha elections. The practice has been there in many different contexts and for much longer. It is not always possible to isolate such coverage. Circumstantial evidence may not always be available. Nevertheless, guidelines can be worked out for an independent monitoring and analysis arrangement in a transparent way. By not taking cognisance even when the practice has been brought to public notice, the concerned agencies have failed and professional bodies have gone along. The malaise lies much deeper. As free and fair elections are as important as a free and independent press, correctives are needed in our electoral process too. The issues involved need to be addressed comprehensively and the ‘cleaning wounds’ approach will have only a temporary effect.

This latest publication (318 pages , 10 chapter) of CMS Academy was released in August 2009 at India International Centre, New Delhi



Dr. N. Bhaskara Rao has been a fountainhead of poll surveys and psephology in India. Backed by an excellent academic background in political science and sociology and a Ph.D. in communication, he belongs to the avant-garde in India, which ventured over three decades ago to apply survey research to the Indian electoral scene in a big way. He initiated poll surveys as a part of market research at ORG as its Chief and refined further at CMS and MDRA.

**Dr. Abid Hussain**

*Former Ambassador to USA, October 16, 2002*

## Why another Media-Communication Academy?

**because ...** India has to be in the frontline of the ongoing media, communication and knowledge revolution and needs thought leaders for driving the multiple communication industry.

**because ...** India is free, democratic, diverse and developing fast. It offers unique opportunities for the aspiring media and communication leaders. Challenges them at every step to frame new rules of the game in media, social and marketing communication and research.

**because ...** The country wants the young to see the big picture of her destiny and be part of it. And she beckons persons who acquire and harness media and communication technology and professional skills for shaping the big picture.

**because ...** a youthful India wants you to set "tomorrow's" agenda, not be content with "today's" professional skills, chores and thoughts. CMS Academy welcomes you as leaders and wants you to see not just the big picture but be its creators, and messengers. Be part of the future media and communication revolution as the center of this big picture, making it relevant to the affluent and the poor who both have one vote each. that defines our democracy and demography and destiny.



Think  
Big  
Beyond...

 **CMS ACADEMY**  
COMMUNICATION & CONVERGENCE STUDIES  
[www.cmsacademy.org](http://www.cmsacademy.org)