

# RIGHT TO INFORMATION AND RURAL DEVELOPMENT

Prof. Subhabrata Dutta

**D**isclosure of Government Information in India is governed by a law enacted during the British rule, the Official Secrets Act of 1889 which was amended in 1923. This law secures information related to security of the State, sovereignty of the country and friendly relations with foreign states and contains provisions which prohibit disclosure of non-classified information. Civil Service conduct rules and the Indian Evidence Act impose further restrictions on government officials' powers to disclose information to the public. In 1975, the Supreme Court delivered a landmark judgment on the citizen's Right to Know. The Right to Information (RTI) Act enacted by the Parliament in 2005 provides the citizens of India access to records of the Government. The Act applies to all states and Union Territories of India, except the state of Jammu Kashmir - which is covered under a state-level law. Under the provisions of the Act, any citizen (including the citizens within J&K) may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. The Act also requires every public authority to computerise their records for wide dissemination and to proactively publish certain categories of information so that the citizens need minimum recourse to request for information formally.

Right to Information is a basic democratic right existing in almost as conceptual level and less so



**RIGHT TO  
INFORMATION**

in practice. The concept has caught the limelight because of its inclusion as an aspect of good governance popularised by World Bank. The highest judiciary in many judgements has ruled that the right to information is a fundamental right flowing from freedom of speech and expression guaranteed under Article -19 (a) of the Constitution. The Parliament has passed the right to Information Act-2005 in its budget session to give effect to the concept.

## Process

Under the Act, all authorities covered must appoint their Public Information Officer (PIO). Any person may submit a request to the PIO for information in writing. It is the PIO's obligation to provide information to citizens of India who request information under the Act. If the request pertains to another public authority (in whole or part) it is the PIO's responsibility to transfer/forward the concerned portions of the request to a PIO of the other within five days. In addition, every public authority is required to designate Assistant Public Information Officers (APIOs) to receive RTI requests and appeals for forwarding to the PIOs of their public authority. The citizen making the request is not obliged to disclose any information except his name and contact particulars.

## Cost for Information

Since the information is to be paid for, the reply of the PIO is necessarily limited to either denying the request (in whole or part) and/or providing a computation of "further fees".

- (a) rupees two, for each page (in A-4 or A-3 size paper) created or copied; or
- (b) actual charge or cost price, for a copy in large size paper; or
- (c) actual cost price, for sample or model; or
- (d) rupees five for each fifteen minutes or fraction thereof, for inspection of records; or
- (e) rupees fifty per diskette or floppy, for information provided in the diskette or floppy; or

- (f) actual charge fixed for publication or rupees two per page of photocopy for extracts there from; for information provided in printed form.

The time between the reply of the PIO and the time taken to deposit the further fees for information is excluded from the time allowed. If information is not provided within this period, it is deemed as refusal. Refusal with or without reasons may be ground for appeal or complaint. Further, information not provided in the times prescribed is to be provided free of charge.

If the applicant is a Below Poverty Card holder, then no fee shall apply. Such BPL Card holders have to provide a copy of their BPL card along with their application to the public Authority.]

#### Case of MKSS:

In 1990s, two programmes implemented by Panchayati Raj Institutions all over the country were Jawahar Gram Samridhi Yojana (JGSY) and Employment Assurance Scheme (EAS). The purpose of these programmes was to provide wage employment in lean agricultural seasons and in case of natural calamities like drought, flood and earthquake and create community assets in these areas.

Rampant corruption amongst panchayat representatives, officials and contractors made these programmes only partially successful. The *Mazdoor Kisan Shakti Sangathan* (MKSS), a mass based organisation working for rights of wage labourers in Pali, Rajsamand, Ajmer and Bhilwara districts in Rajasthan found 85 per cent of the estimated rural development budget was not spent on development work. The labourers were paid almost half wages. When labourers demanded their due wages, the contractors alleged that their work was not satisfactory and hence they could get only lower wages. The availability of work was few. Women were thus forced to accept lower wages due to their precarious economic condition and immediate need for cash.

The local labourers were frightened to oppose these powerful contractors, sarpanchaes, officials and their henchman. MKSS took up their cause. It

organized hearings to publicly air these irregularities including non-payment of minimum wages.

#### Rural Development and RTI:

The term 'Rural Development' is a complete term, which integrates a variety of elements of human life and activities. It essentially means desired positive change in the rural areas both in quantities as well as qualitative sense, in such a way that each component of rural life changes in a desired direction and in sympathy with the other components. Further more 'Rural Development' means structural changes in the socio-economic situation in the rural areas in order that human welfare the prime goal of all development is secured at the earliest and that the society is able to absorb changes necessary in the field of technology, man-environment relationship, population growth etc. (Kunwar :1990). According to Mohsin (1985), Rural Development involves a process in which the rural society as a whole, moves from one step of the economic ladder to the next step ahead, thereby enhancing its social and economic status. Rural Development is the set of activities of diverse actors- individual, organizations and groups which taken together leads to progress (growth of income and wealth, poverty alleviation and cultural, spiritual and ethical development) in rural areas.

Rural development is probably the biggest challenge before the planners and policy makers of India. Despite launching numerous schemes and programmes, and pumping corers of rupees into Rural Development, the overall picture of rural India continues to be grim. Today, rural India is marked by high incidence of poverty and illiteracy, widespread disease, considerable unemployment, malnutrition among children, women and masses at large, existence of miserable rural infrastructure like roads, electricity, primary health, drinking water etc. lack of irrigation facilities and many other socio-political problems. The failure in improving the rural scenario is attributed less to their implementation. The problem lies in ignorance on the part of the people about the details of the programmes and prevalence of widespread corruption during this execution. It is in these areas that the tool of 'right to information act' can make path-breaking

impact. The use of right to information can spread awareness among the masses about various ingredients of developmental and welfare schemes and bring about openness and transparency in their implementation, thereby facilitating the process of people's participation in both policy formulation and implementation.

The National Rural employment Guarantee Scheme (NREGS) that promises to provide at least 100 days of guaranteed wage employment to every household, proposed to cover all wage employment schemes into one. So far this scheme has suffered due to corruption and leakages. Fudging of muster rolls and embezzlement of government funds are rampant. Nexus between contractors, officials, panchayat bodies and growing influence of middleman in extracting the payment are some of ills that plague the scheme. Pervasive corruption is also observed in the selection of beneficiaries and distribution of job-cards. Panchayat members told that they had to pay a 20-40 per cent cut to government officials for obtaining sanction and payments of NREGS schemes. Thousands are neither getting work nor unemployment allowance. Thus the success of this scheme requires wide use of RTI.

### **Role of PRIs:**

On 20<sup>th</sup> April 1993 getting the assent from the President of India, the 73<sup>rd</sup> Constitutional Act 1992 was brought into force by government notification which provides new look, dimension and power to the Panchayati Raj Institutions (PRIs) as a weapon for Rural Development. It has mentioned that there shall be a three-tier system of panchayats at village, Intermediate block and district level (more than 20 lakh populated states), seats in panchayats at all three levels shall be filled by direct election, in all the panchayats seats would be reserved for SCs and STs in proportion to their population, offices of chairpersons of the panchayats at all levels shall also be reserved in favour of SCs and STs in proportion to their population and on third of total number of seats will be reserved for women, state legislators have the liberty to provide reservation of seats and offices of chairpersons in panchayat in favour of backward classes.

The newly set up Panchayati Raj system

introduced '*Gram Sabha*' - "A body consisting of show persons registered in the electoral roles relating to a village comprised within the area of panchayat at the village level" and "*Gram Sansad*" (Voters of a particular Constituencies). *Gram Sabha* and *Gram Sansad* are the forum in the system where people participate directly and it expresses the collective aspiration, wisdom and will of the people. Face to face participatory democracy can be practiced here which will foster maximum accountability and transparency of administration and public awareness. At this level all the available resources - physical and human are mobilised to develop priority programmes in socio-economic sectors.

Constitution has empowered panchayats with various powers and authority as may be necessary to enable them to function as institution of local self-government. There are 29 items ranging from agriculture, minor irrigation, mining of minor minerals to small scale industries. It has also touched the issue of education, health, literacy and sports. The welfare activities for weaker and disabled persons are also placed under its jurisdiction. In this developmental functions mainly ranging from land improvement, social forestry and minor irrigation, all the way through village, khadi and small-scale industry, to education, literacy and family planning are included. These function are classified as per the nature into three categories (a) General administrative function (b) Developmental and social and (c) maintenance. In SGSY the role of PRIs is described clearly that they should take the leading role in identifying, planning and implementing the scheme.

The masses should be made to realize that the potential of such concept in redressing individual and public grievances should encouraged. Besides the media methods the help of traditional methods like road dramas, puppet show, community radios, local news paper etc may be taken to spread the message to every rural household where the PRIs have to be active enough. Fast Track Courts should be constituted for the speedy disposal of corruption cases caught as a result of use of RTI.

*(The author is Professor & Head of Social Work and Dean of Students' Welfare, Assam (Central) University, Silchar)*