

## **Right to Information and People's Participation at Local Level (Village and Block): A Comparative study of Bihar and Rajasthan (India)**

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### **1.1 Introduction:**

The Right to Information Act (hereinafter RTI) becomes all the more significant in India because of the fact that it has paved the way for making Indian democracy a substantive one. This Act has probably come at a right time, as the political systems around the world is moving towards a more direct and participatory democratic practices, and it is here the Right to Information becomes handy in facilitating the process of transforming a representative democracy into a participatory one (Sharma 2007). Democracy means meaningful participation of the people in the public affairs. Information availability ensures effective participation by enabling the people to make sound judgment on the policies and performance of the governance system. Information is important because without it the people cannot adequately exercise their rights and responsibilities as citizens (Joshi & Mander: undated). Well informed citizenry can make better choices and are able to effectively participate in the governance process. In the absence of information, the people may fail to reflect and appraise the success or failure of various policies committed to alleviate the conditions of the people.

In other words, for a democratic government to be responsive to the public opinion, information must be made available to the people. In this sense, the Right to Information has proven to be a key component of a healthy democracy because it empowers citizens with the right to demand what activities and decisions are being made in their name. Information and knowledge promote and ensure a transparent, open and accountable governance structure, the conditions that are necessary for the

success of democracy. Further, the right to information stands against arbitrariness and corruption by the agencies of state and in that it serves as a tool to foster good governance. Besides, it also acts as a restraint against arbitrary exercise of official power by empowering the people to hold public authorities accountable for their actions on a regular basis. RTI is very essential in local governance (such as Panchayat). As far as the importance of RTI is concerned, it lies in the fact that it is an essential precondition for the effective functioning of democratic governance. For, democracy requires an informed citizenry and transparency of information which are vital to its functioning. Moreover, it is quite well-known that the Right to Information not only provides the key to good governance, it also makes participatory democracy meaningful, helps in cementing trust in the administration, in supporting people centered development, in facilitating equitable socio-economic growth and in tackling the problem of corruption and maladministration (ARC: 2006).

It is generally argued that in modern society, information is power. It is also argued that by sharing information we can promote decentralisation and participatory governance. The dominant discourse on the Right to Information is that it is a revolutionary enactment which has placed huge powers in the hands of the ordinary citizens of the country to demand a transparent and accountable administration. Yet the most significant level of public service delivery is the grassroots level. For it is in the grassroots level that the success or failure of any policy or programme could determine. Moreover, the interaction of the common public whom the RTI Act intends to benefit is highest at the grassroots level. Looking above as background the focus of the present report will be on Right to Information and People's Participation at Local Level (Village and Block): A Comparative study of Bihar and Rajasthan (India). Here the focus of researcher will be on the role of RTI at Local Level that is Block and Gram Panchayat Level and the people's participation in it towards the socio economic development taking a comparative study of two states -Bihar and Rajasthan. I am interested in exploring whether the right to information has made Blocks and Villages more transparent and accountable institutions at the grassroots level. The study also looks at how rights

consciousness can play a role in making governance participatory. It is researcher's aim to look at the implementation of the right to information in relationship to institutions of local governance to examine whether the RTI Act helps the poor and marginalized. The study will detailed how the new information regime was portrayed as providing every citizen of the state access to information under the control of public authorities consistent with public interest. The study would also focus how both the government is maintaining the main objective of RTI by providing information, whether it promote openness, transparency and accountability in administration, whether it ensure participation of people in all the matters related to Governance.

### **1.2. Structure of the Report:**

The Present Report is divided into five sections. The First section will discuss about the Problems of the study, Scope and significance of the Study, Aims and Objectives of the Study, Research Methodology and Limitation of the Study. The Second section will discuss the historical evolution of RTI, Conceptual clarity of the law followed by review of the literatures on the subject. I will move on to discuss the relevance of RTI in third section. Then the researcher moves to discuss field experiences, observations and findings followed by a comparative study on the implementation of RTI between the two states (Bihar and Rajasthan) in the ground level (i.e. Block and G.P) level in Section Four. The last and final Section will be on personal opinion, suggestions and recommendations for better implementation of RTI in local level to make RTI more success and fruitful.

### **SECTION: 1**

#### **1.3 Problems of the Study:**

It is very unfortunate that even after six decades of independence of India the ground reality of grassroots level has not changed so much. Even now people are suffering from socio-economic and political maladies in the name of caste, class and gender. It is not that there are no provisions enacted to overcome of these maladies, but the problem lies in their ineffectiveness. However, RTI Act is one among the provisions, in the age of information technology, which aims to give justice to the people at their

door step in the shortest possible period. The Right to Information, by checking the levels of corruption, can make the representatives (local level institutions) more accountable to the people. The Act is a positive step for participative governance in rural areas where most of the poor people live and depend upon government sponsored rural development projects for wage employment and livelihood. The Act has been challenging the monopoly of the officials, representatives, and contractor nexus which has concerned maximum share of the development funds of the Panchayats.

At the cost of repetition, it can be said that in a country like India benefits of governance should meant for the weaker and disadvantaged or most marginalized sections of society. It is needless to say that majority of these people reside in the country-side. Hence the fruits of the various welfare and developmental programmes, such as, MGNREGA, PMGSY, IAY, BGY, etc., should be directed towards the betterment of these people. But unfortunately we find the rampant prevalence of corruption, hence, mal-administration in the grass-roots level institutions, unfortunately even at the Gram Panchayats level. As a result, the economic, political and social powerlessness of these people gets exacerbated. Because, as we know, benefits meant for the poorer sections of the people do not reach to them. In fact, the public funds meant for serving the causes of the poor and down-trodden are eaten up by more influential sets of people, e.g. the contractor, the *Sarapanch*, government officials and other so-called petty-leaders.

#### **1.4. Scope of the Study:**

RTI is a young legislation and is only five years old. The real journey of RTI has just begun, therefore the level of awareness regarding RTI is low, and particularly at the grass root level is surprisingly low. Till 2006 the aware generation had been confined to government advertisement but now private actors i.e. NGOs are also expanding their efforts in this direction. To bring RTI in full effect there is a need to come up with programs regarding awareness generation and capacity building. The real challenge before RTI is to provide information in the easiest possible way. The mindset of government functionaries and citizen would require a revolutionary transformation from

the clouds of secrecy and suspension to the rain of disclosure, to irrigate the satisfaction of the people. Same is needed from the side of citizens too as they were resisted earlier to do so and therefore a radical change is needed. There is a lack of monitoring mechanism to trace the problems in the implementation of the act and to suggest measures. As people in rural areas are parochial and illiterate there is a need of special awareness generation programmes through awareness camps through trained volunteers, street theatre popularly known as nautanki and nukkad natak. Moreover, the information regarding the benefits of RTI should be explained in the meetings of gram sabha, gram Panchayats and other bodies at several levels through a planned programme so that the things would be more easily understandable and people could use RTI with precaution and friendliness and transform the block and village institutions (PRIs) into a transparent and accountable public authority and pave the way to good governance.

#### **1.5. Aims and Objectives:**

- ❖ To study and analyse the role of RTI as an instrument of strengthening democracy through public participation at grass root level i.e block and village level.
- ❖ To do a comparative analysis of RTI status at local level (i.e.Village and Block) in two different states(Bihar and Rajasthan), how RTI has directly connected people with government to ventilate their grievances with the easiest way possible, especially for the poor and marginalized sections of society, to whom the benefits do not reach as easily.
- ❖ To study and analyse the role of RTI as a new right discourse in bringing shift from representative democracy to participatory democracy.

#### **1.6. Methodology:**

In this report I have consulted primary and secondary sources of data. I have collected the primary data by accessing the records of blocks and gram panchayats of the selected districts from the proposed field sites. I have also collected primary data by doing sampling survey research of the gram panchayats coming under the blocks of Bihar

and Rajasthan state. For this purpose, I have used such research tools like open-ended, structured interviews with the villagers, RTI Applicants, public authorities, government officials, key informants, local politicians and political representatives. In order to collect data in the informal spheres in the gram panchayats I have conducted field survey in some panchayats randomly selected from the proposed study sites to collect first-hand data. The secondary source of data has involved consulting journals, government reports and documents. And finally, a comparative study has been made of data from the different gram panchayats of selected states and then findings have been analysed and presented.

**Table 1 .Date Sampling:**

Name of the State	Name of District	Total Number of Blocks Visited	Total Number of GPs Visited	Total Number of PIOs Interacted both at Block and GP Level	Total Number of Villagers Interacted Randomly
Rajasthan	Jaipur	02		12	48
		Jhotwara	06		
		Sanganer	04		
	Nagaur	02		07	57
		Mundwa	03		
		Nagaur	02		
Bihar	Patna	02		06	39
		Patna Sadar	02		
		Phulwari	02		
	Bhagalpur	02		09	31
		Naugachia	04		
		Rangra	03		
02	04	08	26	35	175

### 1.7. Limitations of the Study:

In fact, it is worthwhile to make it clear here that it is precisely because of the relation between RTI and local level governance that I chose to look at this issue to

understand it better through a comparative study. Hence, it can be claimed here that the point of departure of this work is that there has not been any scholarly work done on RTI vis-à-vis local governance. The present study will be based on two states i.e Bihar<sup>1</sup> and Rajasthan<sup>2</sup>. These two states were suggested by experts as Rajasthan is better in RTI implementation where as Bihar is not. The researcher was suggested to do a comparative analysis of RTI implementation in these two states. However, the aim of the present study is to bring out the detailed functioning of the RTI at local level and to find out whether people use the RTI at this level. The researcher will also look into the role of RTI towards a deepening democracy at local level.

For data collection, the researcher had visited a total of four districts of two states (see Table 1). The researcher had also visited and collected data from eight blocks and twenty six Gram Panchayats of these two states. A total of thirty five Public Information Officers (PIOs) are interacted during the field survey both at block and GP level. The researcher also interacted village level respondents to collect first hand information on the implementation of RTI at local level.

## SECTION 2

### 1.8. The Evolution of RTI, Conceptual Clarity and Review of the Literatures:

The researcher divided this section into three parts. The first part will detail a very short introduction about the evolution of RTI. The second part of this section will clarify some legal terms that are associated with the RTI Law followed by review of literature on the subject in third part.

Let begins with the development of RTI or Freedom of Information struggle in international perspective followed by analysis in national level. In international law, freedom of information was recognized as a Fundamental Human Right by the United

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<sup>1</sup> In Bihar, the researcher collected data from four selected blocks of two district i.e. Patna and Bhagalpur district. The names of four blocks are Patna Sadar & Phulwari block from Patna district, and Naugachia & Rangra block of Bhagalpur district. A total of 15 GPs were visited during the field study survey (See Table 1).

<sup>2</sup> In Rajasthan also the researcher has taken same portion of district and blocks. The Jhotwara & Sanganer blocks of Jaipur district and Mundwa & Nagaur blocks of Nagaur district. About 11 GPs were visited to collect the data from local level (see Table 1).

Nations (UN) at the first session of its General Assembly in 1946. The UN adopted resolution 59 (1) which declared that “Freedom of Information is a Fundamental Human Right” (CHRI 2001). In ensuring international instruments on Human Rights, freedom of information was made a part of the Fundamental Right of Freedom of Expression, which included the right to seek, receive and impart information. In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR), which reads as follows:

Everyone has the right to freedom of opinion and expression; this rights includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers(CHRI 2001:5).

The principle of maximum disclosure was adopted globally which meant that all public institutions are obliged to disclose information, which would be denied in extremely limited circumstances. Moreover, the regional Human Right treaties like the European Convention of Human Rights, 1950, the American Charter on Human and People’s Rights 1981, the Inter-American Declaration of Principles of Freedom of Expression 2000 and Declaration of the Principle of Freedom of Expression in Africa, 2002, have reiterated Article 19 of the UDHR by adopting Freedom of Expression and Information as a fundamental human right. An insight into the international scenario reveals that there has been a trend from administrative norm of ‘secrecy’ to freedom of information all over<sup>3</sup>.

However, USA, Australia and Sweden are countries where the legislation on openness is a norm rather than an exception. Sweden has a long history of an administrative openness and public access to information; here the public access to government documents is a right and non-accessibility only an exception. The credit of being the first country, which guaranteed the right to information to its citizens, also goes to Sweden. Finland adopted a law on the right to information in 1951. France has also

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<sup>3</sup> Chadah, S [2006] “Right to Information regime in India: a critical appraisal”. *Indian Journal of Public Administration*, 50 [1]: Jan-MarchPp.1-17.



accepted the principle of citizen's access to information. Countries like Norway and Denmark have also statutorised the public access to official information. Norway adopted the *Freedom of Information Act*, 1970 besides the constitutional right to access the public documents. Denmark promulgated the *Public Administration Files Act*, 1985. In USA, the foundation of openness and right to information rests in the constitutionally guaranteed fundamental right of freedom of speech. In U.K, the Freedom of Information Act was passed on November 30, 2000. It gives a general right to public of access to all types of 'recorded' information held by public authorities. Canada has the access to Information Act, 1985 and complementary Privacy Act, 1983. South Africa remains the only African country to have passed freedom of information legislation<sup>4</sup>.

The 1996 Constitution of the Republic of South Africa is perhaps unique, not only in the breadth of its guarantee of freedom of information, but also in that it requires the adoption of national legislation to give effect to this right, within three years of its coming into force. The enabling legislation, the promotion of access to Information Act, came into effect in March 2001<sup>5</sup> (Dhaka 2009).

In India, the Constitution does not expressly provide any right to freedom of information. Part III of the Constitution dealing with Fundamental Rights is conspicuously silent on the right to freedom of information. However, the fact that India has ratified Article 19 of Universal Declaration of Human Rights dealing with the right to "seek, receive and impart information" may be regarded as it adopting the right to information. In fact, the right to information in India emanates from various Supreme Court judgments that read this valuable right as part of Article 19(1) (a) guaranteeing the "right to freedom of speech and expression" (CHRI 2001). Over the years, the Supreme Court has consistently ruled in favour of the citizen's right to know. The nature of this right and the relevant restrictions

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<sup>4</sup> Chadah, S [2006] "Right to Information regime in India: a critical appraisal". *Indian Journal of Public Administration*, 50 (1): Jan-March.Pp.2-5.

<sup>5</sup> Dhaka, Rajiv S [2009] "Right to Information Act and Good Governance: Operational Problems and Road Ahead", *Indian Journal of Public Administration*, 55(3): July-Sept.Pp.534-61.

thereto, has been discussed by the Supreme Court in a number of cases, as we will note below.

Giving the judgment in the case of *Cricket Association of Bengal vs. Union of India* (1995), the Court observed that the right to impart and receive information from electronic media was included in the freedom of speech. The airwaves were held to be public property and hence distribution of these waves between government and private channels was to be done on an equitable basis<sup>6</sup>. In the case of *Bennet Coleman v. Union of India*<sup>7</sup> (1973) the Supreme Court stated that the right to information was held to be included within the right to freedom of speech and expression guaranteed by Art.19 (1) (a) of the Constitution of India. This case, which was about the restriction of newsprint to newspapers, led the Supreme Court to observe that such restriction meant that an infringement of the right of the citizen's right to read and therefore, an infringement of the right to information. Thereby Article 19 (1) (a), which guarantees the right to freedom and expression would be infringed if the news print were not to be provided to the newspaper.

Right to information was also interpreted under Article 21 which protects the right to food, education, health and personal liberty from restraints and illegalities. When information which is related to these basic rights is not disclosed, can this be seen as infringing the right to information? This question was answered by Justice Mathew in the case of *State of UP vs. Raj Narain* (1975), who observed that

In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. The responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption (*State of UP vs. Raj Narain*, 1975, 4 SCC at 428).

In the case of *S.P.Gupta vs. Union of India* (1982), the seven Judges Constitution bench added a fresh, liberal dimension to the need for disclosure in matters relating to

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<sup>6</sup> *Secy., Ministry of I&B, Govt. of India v. Cricket Association of Bengal*, 1995 SCC at 161

<sup>7</sup> AIR 1973 SC 60

public affairs. The Court held that in regard to the functioning government, disclosure of information must be an ordinary rule, while secrecy must be an exception, justifiable only when it is demanded by the requirement of public interest (*S.P.Gupta v. Union of India*, AIR 1982 SC at 149). Moreover, in the case of *P.U.C.L. v. Union of India* (2004), it was held that the right to information was further elevated to the status of a human right, necessary for making governance transparent and accountable. It was also emphasized that governance must be participatory (*P.U.C.L. vs. Union of India*, 2004, SCC at 476).

These judicial shifts were accompanied by a changed political discourse on secrecy and governance. For instance, the Mathew Commission (1982) in its report recommended amendment to Section 5 of the *Official Secrets Act* (1923) on the ground that it suppressed the freedom of press and voices of the poor and marginalized section of the society<sup>8</sup>. The Commission also emphasized the citizen's right to know, hereby reflecting some of the shifts in the judicial discourse. The clearest exposition of the right to know was expressed in 1989 when the V.P. Singh's government declared its decision to make right to information a fundamental right. He expressed his intension in April 1991 in the 20<sup>th</sup> Conference of Ministers of Information and Cinematography as "an open system of governance is an essential prerequisite for the fullest flowering of democracy"<sup>9</sup>. However, it took the heroic efforts of a people's movement to bring a change in the legislation. I turn to the history of this movement in the following.

The movement for right to information in India may be traced to the efforts of *Mazdoor Kissan Shakti Sangathan* (MKSS), an organization committed for the empowerment of workers and peasants in a remote village of Devdungari (Rajsamand District, Rajasthan) in early 1990's. The movement had started to expose the corruption in the famine relief work by demanding information related to copies of bills, vouchers and muster rolls of workers recorded in government files, where their demand for minimum wages was repeatedly denied. Thus, the demand for minimum wages, which started in a

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<sup>8</sup> Chadah, S [2006] "Right to Information regime in India: a critical appraisal". *Indian Journal of Public Administration*, 50 (1): Jan-MarchPp.1-17.

<sup>9</sup> *Ibid*.pp.6-8.

small backward village of Rajasthan, became a fight for right to information. It was an important step towards participatory governance<sup>10</sup>. The movement soon spread across India. From a very modest beginning in the village of Rajasthan, the success of MKSS has been a source of inspiration for activists in India<sup>11</sup>.

In 1995 the Press Council of India drew up the first blue print for the Information Bill. It asserted that the information, which could not be denied to the Parliament or State Legislatures, should not be denied to the citizen<sup>12</sup>. In 1997, the Government of India decided to introduce the *Freedom of Information Bill*. It suggested that each state do likewise, to provide access to information in areas within its jurisdiction. As a result several states enacted Right to Information Act. In 1997, a working group on “Right to Information and Transparency” under the chairmanship of Shri H.D. Shourie was appointed to examine the feasibility and need for full-fledged *Right to Information Act*. On the basis of the recommendations made by the said group, a bill titled ‘Freedom of Information’ was drafted. It was introduced in the Parliament on July 25, 2000 after approval by the Cabinet. It was referred to the Parliamentary Standing Committee on Home Affairs, which in its report submitted to Parliament on July 25, 2001, agreed with the main provisions of the Bill but gave a few suggestions and observations. However, before the Bill could be passed, Parliament was dissolved and the bill lapsed<sup>13</sup>.

Subsequently, the National Common Minimum Programme of the United Progressive Alliance Government stipulated that ‘the Right to Information Act will be made more progressive, participatory and meaningful’<sup>14</sup>. In this regard, the National Advisory

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<sup>10</sup> Roy, Aruna, and Nikhil Dey and Suchi Pande [2008] “The Right to Information Act 2005: A Social Development Perspective”, India: *Social Development Report*, OUP, New Delhi, Oxford University Press.

<sup>11</sup> Monga, Anil and A. Mehta[2008] “ Right to information Act, 2005: Key for Effective Implementation”. *Indian Journal of Public Administration*, Vol.LIV, No.2, April-June, pp.297-314.

<sup>12</sup> Chadah, S [2006] “Right to Information regime in India: a critical appraisal”. *Indian Journal of Public Administration*, 50 (1): Jan-March Pp.1-17

<sup>13</sup> Monga, Anil and A. Mehta[2008] “ Right to information Act, 2005: Key for Effective Implementation”. *Indian Journal of Public Administration*, Vol.LIV, No.2, April-June, pp.297-314.

<sup>14</sup> Sarkar, S.K[2008], “Right to Information: Towards Transparency and Openness” in *Splander in the Grass: Innovations in Administration*, Penguin Enterprise, Penguin Books India, Govt. Of India, pp.42.

Council proposed that there should be maximum disclosure and minimum exemptions consistent with constitutional provisions, independent appeal mechanisms, penalties for failure to provide information as per the law, effective mechanisms for access to information, and disclosure by authorities. On the basis of these recommendations, the Government of India decided to repeal the *Freedom of Information Act, 2002*, and enacted a fresh legislation, called the *Right to Information Act, 2005*. The Act was passed in the Parliament on 15 June, 2005 and came into force on 12 October, 2005.

As mentioned above, the *Right to Information Act (RTI)* is a law enacted by the Parliament of India to give every citizen of India a right to information. Passed by the Parliament on 15 June 2005, it came into force on 13 October 2005. The Act extends to the whole of India except the state of Jammu and Kashmir. The main aim of the Act is to provide the citizens the right to information which will enable them to have access to information that controlled by public authorities. The Act seeks to promote transparency and accountability in the working of every public authority, besides providing for the constitution of Central Information Commission and State Information Commissions. *The Right to Information Act* is constituted by a number of assumptions about information, right to information, accountability, transparency, governance, good governance, corruption and public authority. In this section, I will briefly examine these categories.

*Information* is viewed as power. The term information has been derived from the Latin word 'formation'; form means giving shape to something and forming a pattern. Information adds something new to our awareness and removes vagueness of our ideas. Nimmer (1992) also looks at information as power. He says that "information, unlike goods, can be used without being used up and can be sold without being given up. One can sell and deliver information to another but still retains the information in his possession and for his own personal use"<sup>15</sup>. Many scholars have argued that information is power and secrecy is the anti-thesis of democratic governance. In many ways, the government is seen as a "repository" of information over the citizens has a right. Information then is conceptualized

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<sup>15</sup> Nimmer, R.T. et al [1992], "Information as a Commodity: New Imperatives of Commercial Law, Law and Contemporary Problems", Vol.55, No.3. pp.105.

as something which belongs to citizens. This is incorporated in the governance agenda as a technique of enhancing citizen's participation in governance. Some scholars such as S.L.Goel (2007) think of information as currency which people can use purchase power, while other scholars think of information as a technique to exercise freedom of choice, where informed choice becomes the basis of exercising citizenship rights<sup>16</sup>. Moreover, Singh and Jain have observed that information is power that provides people with the knowledge to demand political, economic, and social rights from their governments (2009).

The RTI Act similarly frames information as a form of power which is held in a government's repository and belongs to the citizens. However, citizens cannot get information in what has been defined as the clause of exception, to which I will return later. First, let us look at the definition of information in the Act. Section 2(f) of the RTI Act, 2005 defines information as any material in any form, including the records, documents, inspection of the work, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material hold in any electronic form and information relating to any private body which can be accessed by a public authority under any law for the time being in force. Section 2 (i) defines 'record' as including any document, manuscript and file, any microfilm, microfiche and facsimile copy of a document, any reproduction of image or images embodies in such information and, any other material produced by a computer or any other device (For more details see RTI Act,2005).

The category of *public authority* however has been contested. The term public authority is defined under Section 2 (h) of the Act. The definition of 'public authority' under the Act consists of two parts. First, it specifies that the bodies created by or under the writ of the Constitution as well as by laws made by legislatures are public authorities. Besides, under the Act, all constitutional, statutory bodies, bodies created by government notification and local self government bodies are also public authority. Second, those

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<sup>16</sup> Mukhopadhyay, A.K.[2009], "The RTI Act: A Critical Assessment". *Indian Journal of Public Administration*, 55(3): July-Sept.Pp.434-54.

bodies which are owned, controlled or substantially financed directly or indirectly by funds provided by the appropriate government (both central and state) are public authorities<sup>17</sup>.

The *Right to Information Act* was heralded as a path-breaking legislation by nongovernmental organizations as a law which signaled the march from darkness of secrecy to the dawn of transparency. It was seen as tool by which awareness could raise to change the mindset of public authorities which is often clouded by suspicion and secrecy. It was also as a powerful means for fighting corruption. These groups hoped that the effective implementation of the Right to Information Act creates an environment of vigilance which will help in promoting a more participatory democracy<sup>18</sup>.

Indeed, the right to information is not limited only to the elite or middle class people. It has become a tool of survival for the most disadvantaged sections, from urban slum dwellers to tribals in far flung and remote areas. Non-governmental organizations have noted that despite various governmental efforts towards alleviating poverty, people are not able to avail the basic needs like food, water and health for the sheer lack of information (CHRI 2001). Being able to exercise this right was seen as making a difference between drudgery and dignity, or sometimes between life and death.

Therefore, the right to information has been seen as a key to the working of democratic governance and is vital for promoting open governance, strengthening transparency, participation, the rule of law and ensuring accountability of public decision makers. However, we must also note that for people to exercise their rights, material conditions which allow the exercise of rights have to be created.

*Accountability*, simply speaking, implies, 'holding public officials responsible for their actions and establishing criteria to measure the performance of public officials, as well as rights and mechanisms to ensure the standards are met'<sup>19</sup>. A complex definition of it is that

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<sup>17</sup> Saxena,P[2009]. "Public Authority and the RTI" ,*Economic and Political Weekly*, Vol.44. No.16, April, pp.13-16.

<sup>18</sup> For Details see, "Right to Information: Master Key to Good Governance", First report, Second Administrative Reforms Commission(ARC), Government of India. June, 2006.

<sup>19</sup> Mander,H and Mohammed Asif[2004]. "*Good Governance Resource Book*". Published by Books for Change,India.



“accountability is a liability to reveal, to explain and to justify what one does; how one discharges responsibilities, financial or other, whose several origins may be political, constitutional, hierarchical or contractual”. It can be used synonymously with such concepts as responsibility, answerability and enforcement among others. In fact, it postulates removal and absence of corruption, malpractice, mismanagement and abuse of discretion. The UNDP (2005) states that the accountability factor demand decision-makers in government, private sector and civil society organizations to be responsive to the public as well as to institutional stakeholders. Moreover, accountability is defined clearly by Pratap Bhanu Mehta as “the ability of one actor to demand and explanation of another actor for its actions and reward or punish the actor on the basis of its performance or its explanation”<sup>20</sup> (Mehta 2005:2).

*Transparency* is built on the free flow of information. In fact, transparency refers to ‘the availability of information to the general public and clarity about government rules, regulations and decisions’<sup>21</sup>. It is clear that in common parlance transparency is conflated with the right of access to official documents, but it is a much broader notion covering a wide set of differing claims. Thus, ‘transparency embraces not only ‘openness in government’ but also includes concepts such as simplicity and comprehensibility’. It is also argued that transparency is born out of a desire to enhance democracy. Moreover, it is believed that transparency in government will help to hold officials accountable for the mishandling of public time and money, as well as help to expose the corrupt and allow the honest to do their jobs without fear or favour<sup>22</sup>.

*Corruption* is a complex phenomenon rooted most deeply in bureaucratic and political institutions. The succinct definition utilized by the World Bank (2003) is “the abuse of public office for private gain”. In addition to this, the Transparency International (TI) (2007) defines corruption as “the misuse of entrusted power for private gain”. In the

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<sup>20</sup> Mehta ,P.B[2005], “ Citizenship and Accountability: The case of India”, Arusha Conference, *New Frontiers of Social Policy*, New Delhi,Dec,pp 12-15.

<sup>21</sup> Mander,H and Mohammed Asif[2004]. “*Good Governance Resource Book*”. Published by Books for Change,India.

<sup>22</sup> Raj, Triranjana and Sanjeev Kumar Sharma[2009], “Right to Information Act 2005: A critique with Governance and Administrative Reforms Perspective”, *Indian Journal of Public Administration*, 55(3): July-Sept.Pp.481-503.



context of public office, corruption is the misuse of public office, power or authority for private gain. Furthermore, it violates the public trust and corrodes social capital.

As the process of democratization and liberalization gathered momentum across the world during the latter half of the 20<sup>th</sup> century, the issue of *governance* and later *good governance* occupied a central stage in the development discourse. However, the word “governance” was first used by the World Bank in its report on Sub-Saharan Africa in 1989. The World Bank defines governance as the institutional capacity of public organizations to provide public and other goods demanded by a country’s citizens in an effective, transparent, impartial and accountable manner. On the other hand, UNDP articulates governance as the “exercise of economic, political and administrative authority to manage a country’s affairs at all levels” (1997: 9). The above definitions postulate that governance is defined as the manner in which power is exercised in the management of a country’s economic and social resources and it refers to reducing corruption and encouraging rule bound behaviour. As Mathur (2008) argues, governance is concerned with the network of relationship of three actors – state, market and civil society. He further states that it is an interactive process where government may like to impose its will but its acceptance will depend on compliance and action of others<sup>23</sup>.

The modern concept of *good governance* goes beyond the concept of governance in that it includes, among others, participation, transparency, accountability and seeks to promote the rule of law. It ensures that the political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and most vulnerable are heard in decision-making over the allocation of development resources (UNDP 1997).

#### *Review of Literature:*

Books and research articles on right to information and local governance are plentifully available. However no article or book has discussed the importance of RTI in local governance in details. I have reviewed some of the important literatures available on the

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<sup>23</sup> Mathur, Kuldeep[2008], “ From Government to Governance: A Brief Survey of Indian Experience”, National Book Trust India, 2008.

subject. These literatures do not intend to focus the relationship between RTI and local governance. In this context the present study significance.

O. P. Kejriwala has an interpreting observation with regard to RTI in India. He strongly believes that RTI has the potential to ensure transparency in the public life. However RTI has to be used judiciously and with great precaution. It is important that the government officials should look at RTIs in a positive mind set otherwise right to information will have no bearing on the livelihood of millions of poor. The members of the public the public authorities and the information commission have to play an achieve and meaningful role. He argues that to information is an important instrument in the hands of ordinary citizen. He can now question bureaucratic and political masters which can go a long way in curbing corruption and making the entire administration more responsible transparent and responsive to public needs.

In his article, Dengil fernands , to giving more importance to civil society ,he said that information is power and more information available in public domain is a more empowering to civil society groups .the absence of adequate information stunts the growth for civil society groups. And he said that, it is the civil society who have been played several roles to make new found right of the people as effective as possible. And also observed that, right to information as a legal mechanism by which citizens of India can access information at all levels of government in a time bound manner. He said that, civil society played an important role in the governance of a democratic state and it also helps to make greater transparency and accountability in governance.

Sapna Chadah, in her work "Right to Information regime in India" says that right to information is one such device experimented and promoted by the mature democracies. The democracy means meaningful participation in the public affairs and a democratic government must be sensitive to the public opinion for which information must be made available to the people. For her, information and knowledge are instrument of transformation and transparency, openness and accountability are the basic postulates of a responsive and accountability government. As Oulac Niranjana, says that democracy is

fundamental to the constitution of India and participation is the essence of democracy. Therefore the right to information must be made fundamental right in the Constitution.

Harsh Mander in his article, "corruption and Right to information", focused on corruption in the public authorities in India, where he says that, corruption is an indication of the rupture of institutions of governance. For him lack of transparency, accessibility and accountability, cumbersome and confusing procedures, proliferation of mindless controls and a lack of reward and punishment system are the main causes to make public authorities to be a corrupt. For which, the poor and marginalized and disadvantaged sections of society are suffering maximum from such type of acts of public authorities. Therefore the author argues that, it is the right to information which is an important means to increase bureaucratic transparency and check corrupt and unaccountable exercise of power. Moreover he says that for transparency and accountability government information is more important, without it the people cannot adequately exercise their rights and responsibilities as citizens.

Arvind Kejriwal in his work ,RTI: aspirations and challenges" has taken various incident of society , where he shows that ,the complete lack of accountability in the way citizens properties are being mismanaged to the point of exploitation by the public servants . The first incident, where the author talks about Triveni, a poor woman of slum colony in east Delhi, who had been cheated for a long time by a shopkeeper. She was denied to receive grains even having 'Antyodaya Card' issued by the government of India. The second incident happened with Nannu, who was a daily wage earner of Mazdoor colony of east Delhi. After lost his ration card, he applied for duplicate but when he went to collect his card, he was given a very warm treatment by the Food and Supply Officer, who was the head of that circle. In everyday life there are lots of people are suffering from such type of difficulties in different parts of countries. Therefore the author argues that, it is the right to information by which the evidence of corruption and inefficiency, which is hitherto hidden in files comes to public domain.

In her work "Expanding The Public Domain", the author Kalpana Kannabiran talks about

how the demand of right to information stand against arbitrariness and corruption by the agencies of state which have an immediate and grave impact on the issues related to the most underprivileged and marginalized sections of the society. Basically the author deals with two issues, One was women, where they deliver of justice for women has been absent in the field of domestic violence and sexual assault in day to day life in both private sphere of family and public sphere of work. The second deals with the persons with disabilities, where the most serious problem is dealing with the differently abled people is the absence of any formal mechanism to records numbers and the universality of these numbers in the public domain. However, the author says that , it is the demand of right to information by which justice can only be impartial in the constitution of judiciary all levels.

P.K.Das explained that the government functions must be transparent and the three instrumentalities such as executive, legislative and judiciary of the state should be prevented from the deceiving people. He also explained how one sided information, disinformation, misinformation and non-information can equally create uninformed citizen. Further, he argued that the information seeker can ask information on what exists with the PIOs or ask for copies of documents which the Information Officer has in his/her possession or which s/he could have called for (Das 2006).

According to S.L.Goel, while good governance is the ultimate end of democratic polity, the right to information is a valuable instrument to achieve it. He said that, right to information is not only of instrumental value, but has become a democratic value in itself. Further, he suggested to make full use of information that has been available in this information regime (Goel 2007). In this context, M.N.Nagaraj said that, while good governance is the ultimate end of democratic polity, the right to information is a valuable instrument to achieve it (Nagraj : undated).

For U.Chandra, RTI is the most progressive legislation ever passed by the Indian Parliament and its purpose is to secure citizens access to information under the control of public authorities to promote transparency and accountability in the working of every public authority that has enabled the citizens to fight against corruption, inefficiency and

the arbitrary use of power by the public officials.

Nigam Shalu, who explained that the Right to Information Act is a beginning of new era in our country by providing Right to access information from the public authorities by citizens. It gives the enforceable right to question, examine, audit, review and access government acts and decisions to ensure that these are consistent with the principles of public interest, probity and justice. The Act promotes openness, transparency and accountability in administration by making the government more open to public security.

For Ajay Pandey, RTI which has brought accountability and transparency among government organisations needs to be remove unjustifiable provisions as well as to include necessary provisions. Further, He says that the present form of RTI act is frustrating the objectives of good governance (Pandey 2004).

Now I move to discuss the relevance of RTI.

### **SECTION 3**

#### **1.9. Relevance of RTI**

##### **1.9.1. It can change the secretive culture of government:**

Britishers have left their legacy in India in the form of Officials Secret Act 1923, which made governance in India opaque and still has its effects in administrative functioning. The act restricts any official from disclosing any information related government functioning and is regarded as an offence. Other examples which further make administrative culture secretive are the central civil services conduct rules, 1964, Indian evidence Act etc. These all provisions have blanketed government information from the reach of people. Even RTI itself have 10 exceptions, exempted from disclosure because of their sensitive nature. Despite this exception RTI says, "Information that cannot be denied to parliament or state legislature shall not be denied to any citizen".

Further, it is observed by the Deepak Sharma that the Right to Information upholds the supremacy of public interest over the need to secrecy and it will bring the need to

foster transparency in and development initiatives into sharp focus (Deepak Sharma:2009). Free and open access to information to citizens is an essential pre-requisite of democracy. A democratic process of participatory decision-making can be ensured with full transparency and information sharing. A secretive regime is virtually inefficient because the free flow of information is essential if problems are to be identified and resolved through participation, efficiency and economy. Moreover, a secretive culture cultivates suspicion and promotes rent seeking which in turn allows inefficiency to thrive and choke the potential for an inclusive growth and development apart from incapacitating political institutions by reducing public confidence in their function and sanctity.

### **1.9.2. RTI is a check on corrupt practices, it can unveil corruption:**

RTI can unveil corruption. It can led government to answer each and every question which people ask with no scope. The whole debate that led to the suspension on Bt Brinjal was a result of RTI application. Kaluram Salvi ,40 of Vijayapura Village in Rajasthan has set a good example by using the powerful RTI Act to stop corruption in MGNAREGA and came with 100% employment. In 2010, K.S. Sagaria, a resident of Kushmal village in rural Odisha, filed an RTI application seeking information on the number of ponds constructed in his village under the government's national wage employment scheme. The information he received was revealing: the ponds had never been constructed even though money had been allocated and spent. Following complaints from villagers, the local administration was forced to take action and suspend the officials involved in the pond scam.

### **1.9.3. RTI can empower poor people.**

In a country like India where majority of population reside in villages the benefits of governance should meant for these people. Programs made for these people rarely

achieve the desired goals because of presence of rampant prevalence of corruption and malpractices in the face of middle man. There always exist the voice a few and not of each and every individual. As a result people struggle to fulfill their needs. The public fund meant for serving the cause of these people goes in the hands of middle man and influential people. In this regard RTI is a powerful instrument to pressure government to use the funds and programs in the best possible way to bring a visible change.

Moreover, every citizen of a nation has a right to be informed of the important aspects governance affecting his life. It marks the beginning of a new set of relationship between the government and the various segments of the society. It is the RTI Act that envisages the empowerment of the common citizen with ideas and information to seek his/her entitlements. It is also believed that RTI is the dawn of a new era in our process of governance, an era which will truly fulfil the hopes of our founding fathers of Republic.

#### **1.9.4. RTI can transform representative democracy into participatory democracy.**

Elections are a means of public participation in governance but it's a kind of indirect participation where we vote to a representative of people and we get a government and sit at home for five years. RTI is a way to participate every day. RTI connects people directly to government. A lay man can directly question government for any mis functioning. RTI enhances people participation as was never before.

#### **1.9.5. It can further consolidate the trust between people and government.**

Trust building between people and government is a necessary condition for the survival of democracy. The level of trust depends on government's accountability and people quest to question government approach towards people. In this regard RTI can act as a means of connectivity between people and government. Trust building further leads to stability in the functioning of government and meets the satisfaction of the people.

## **SECTION 4**

This section begins with a brief introduction of State profiles of Bihar and Rajasthan followed by & RTI status. Then the section move to discuss the field experiences and major findings followed by a comparative study on the implementation of RTI between the two states. Before going to into the details of field experiences, it is quite necessary to discuss briefly the state profiles of both states (Bihar & Rajasthan).

### **Bihar:**

The State Bihar is located in the eastern part of the country. The State lies between the humid West Bengal in the east and the sub humid Uttar Pradesh in the west. The state is bounded by Nepal in the North and by Jharkhand in the south. The state came into existence on 31 March, 1936. The State capital is located at Patna. For administrative purpose the state has been divided into 38 districts, 101 sub-divisions, 534 CD blocks and 8,406 *Panchayats*. The state Bihar occupies the 21<sup>st</sup> position (out of 23) in Human Development Index<sup>24</sup>. According to 2011, the total population of Bihar is 10,38,04,637. Out of this 89 percent population lives in rural areas. The sex ratio of Bihar is 916 females per thousand males. The Density of population of Bihar is 1,102 per Sq Kms. The total literacy rate of Bihar is 63.82 per cent<sup>25</sup>.

### **Rajasthan:**

The State Rajasthan was formed on 30<sup>th</sup> March and it is located in the north-western region of India. It is the largest State in the Republic of India. The State is endowed with magnificent forts, places, havellis, natural resources, heritage, beauty and culture. The total area of the State is 3,42,239 (Sq.km). The State is divided into 9 regions and 33 districts, 244 Tehsils, 295 Panchayat Samitis, 5 Municipality Corporations, 166 Municipalities and 9894 Gram Panchayats for administrative purpose and its capital is located at Jaipur<sup>26</sup>. As per as 2011 census is concerned the State population is 6.86 crores and the Rural Population is 5.15 crores. The Per capita income of the State is Rs.39, 967. The Literacy Rate of the State is

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<sup>24</sup> [http://www.undp.org/content/dam/india/docs/bihar\\_factsheet.pdf](http://www.undp.org/content/dam/india/docs/bihar_factsheet.pdf).

<sup>25</sup> <http://gov.bih.nic.in/Profile/default.htm>

<sup>26</sup> <http://rajpanchayat.rajasthan.gov.in/>



67.06 percent. The Sex Ratio is 926 females per thousand males. Poverty rate is 22.1 percent (2004-05). Before going to describe the field experiences, I would like to highlight about the current RTI status at state level of both states.

### **1.10. RTI Status in Bihar and Rajasthan:**

The Bihar State Information Commission (BSIC) was constituted on 17<sup>th</sup> August, 2006 and it is located at state capital Patna. The total strength of Information Commissioners at present is 3 including Chief Information Commissioner<sup>27</sup>. As for as Bihar State Information Annual Report 2011-12 is concerned a total of 1,29,807 RTI applications was received by various public authorities of State Government. Out of these 1,12,968 RTI applications were disposed ; 13,935 applications were in pending; and 5,484 applications were rejected under section 8 and 9 of RTI Act. A total of 31,084 applications were received as a form of first appeal in the year of 2011-12, out of which 25,411 appeal cases was disposed; 1924 cases were still pending and 617 cases rejected and didn't provide information. However, a total of 73989 cases were received as second appeal/compliant case by the Bihar State Information Commission since 2006 to 2012 and out of these 70822 cases were disposed and 3167 cases were still pending with the Commission (BSIC Annual Report 2011-12).

The Rajasthan Information Commission (RIC) was constituted on April 18<sup>th</sup>, 2006 and it is located at state capital Jaipur. A total of three Information Commissioners are there in office including Chief Information Commissioner<sup>28</sup>. According to the Rajasthan Information Commission Annual Report 2014-15, a total of 1,70,809 RTI applications were registered at various public authorities of different department of government. Out of total applications, 1, 37,721 were disposed, 5890 applications were rejected and rest around 27198 were pending with different public authorities. The report also described a total of 14678 first appeal applications were received at various public authorities, out of which 9160 appeals were take into consideration, 4190 appeals were rejected and 1328 appeal were pending in

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<sup>27</sup> Sri Ashok Kumar Sinha is the Chief Information Commissioner. The names of other Information Commissioners are Shri Vijay Verma and Shri Arun Kumar verma (As on Date: 22/01/2016).

<sup>28</sup> Sri Suresh Chaudhary is the Chief Information Commissioner. The names of other Information Commissioners are Shri C.M.Meena and Shri Ashutosh Sharma (As on Date: 22/01/2016).

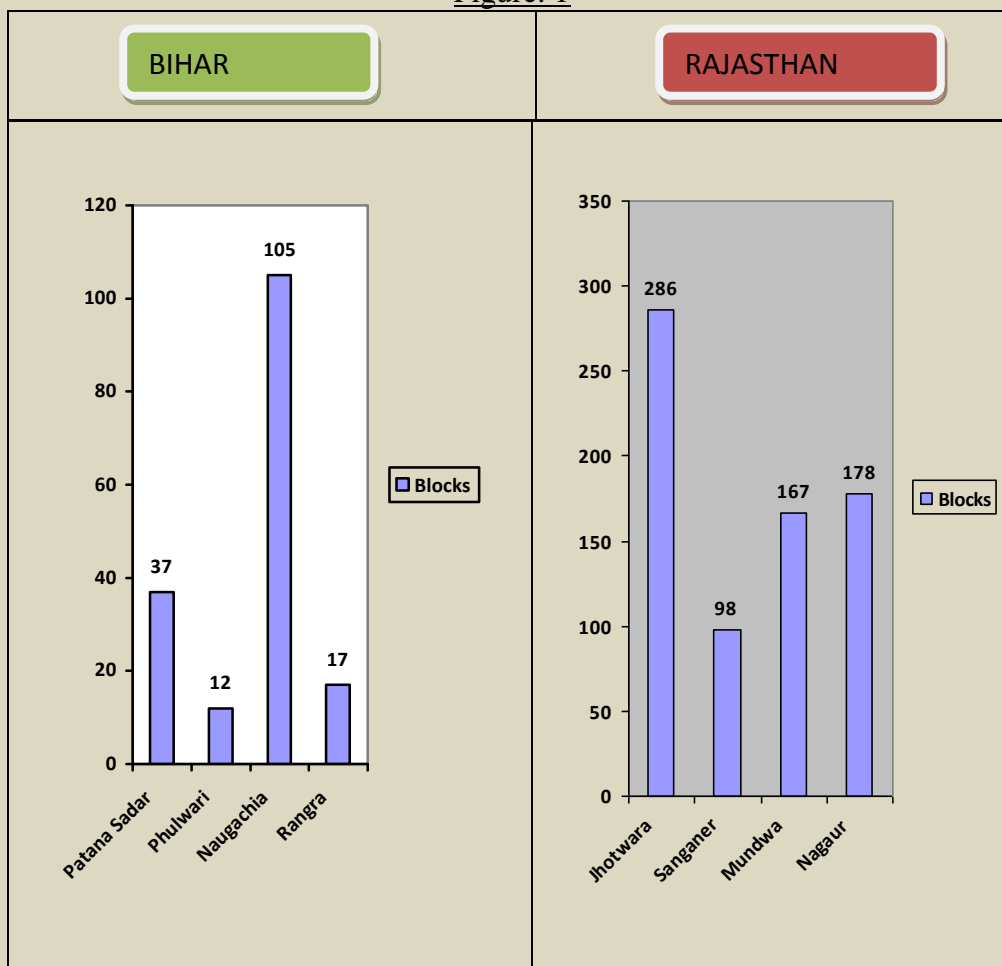
the year of 2014-15. If we look into the matter of second appeal and complaint cases of RTI application, a total of 14071 cases were pending with the RIC till 31<sup>st</sup> March 2014. In the year of 2015, the RIC received a total of 876 second appeals and it was able to dispose only 974 second appeal cases in the year of 2015 (RIC Annual Report 2014-15). However, the aim here is to present the overall experiences on RTI and peoples participation in it at local level in the State of Bihar and Rajasthan. As the researcher has already discussed in the above that, a total of 8 blocks and 26 Gram Panchayats of 4 districts from the state of Bihar and Rajasthan were considered for the field experiences. The research has also interacted with 35 PIOs (block and panchayat level) and village level respondents (Table 1). Now let the researcher move to discuss his observations and findings during the field survey.

### **1.11. Field Observations and Major Findings:**

Let's begin with the status of RTI applications and nature of RTI applications at block and GPs level of Bihar and Rajasthan accordingly. In the state of Bihar the researcher had collected data from 4 blocks, two from each district, of Patna (Patna Sadar & Phulwari block) and Bhagalpur (Naugachia & Sanganer block) District. However, a total of 171 RTI applications were received by the PIOs of all 4 blocks (see Figure 1). At the same time a total of 729 RTI applications were received by the Jaipur (Jhotwara & Sanganer block) and Nagaur (Mundwa & Nagaur block) district of Rajasthan. The number of received RTI applications in Rajasthan was highest in comparison to Bihar and it is because the people of Rajasthan were more aware about RTI than Bihar. Due to official restrictions and lack of proper register maintenance on RTI applications I am unable to produce the actual data on the nature of RTI people are asked at both block and GPs level. However, it was the views of majority of the PIOs at both block and GP level was that, most of the RTI applications were filed in matter related to Land records & maps, employment related, MGNREGS, BPL, PDS, and village developmental work related. However, it is researcher's observation from field survey that, 5 out of every 10 RTI applications was filed matter related to land records and officials using RTI matter related to their employment such as pension, promotion list in the

state of Rajasthan where as 3 out of every 10 RTI applications were filed matter related to BPL, PDS, and Developmental work in the state of Bihar.

Figure: 1



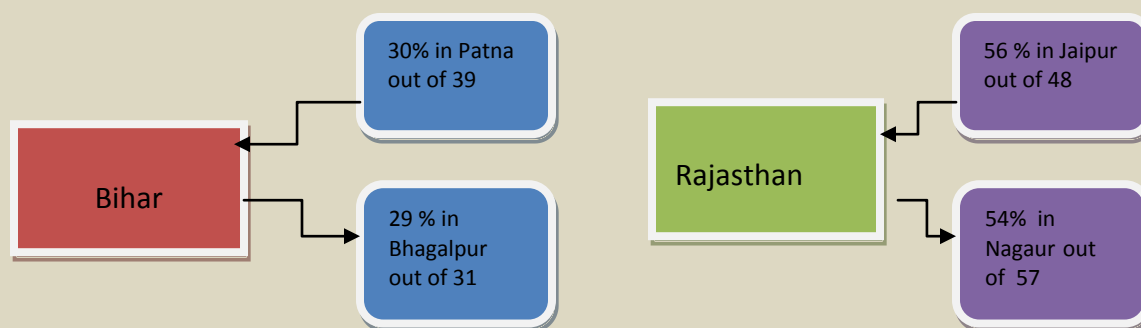
\*The RTI applications were received by the PIOs of Block and GP Level from the Year of 2006 to February 2016

### 1.12. Observations on RTI Awareness:

During the field survey the researcher queried about RTI awareness level among the people and PIOs at block and GPs level of Bihar and Rajasthan through questionnaire method. The numbers of respondent who had been interacted during field survey were 39 in Patana & 31 in Bhagalpur district of Bihar; and 48 respondents in Jaipur & 57 in Nagaur district of Rajasthan respectively. Out of total respondents from the respective districts and states approximately 30 percent in Patna & 29 percent in Bhagalpur respondents of Bihar were aware of RTI, whereas 56 percent in Jaipur & 54 percent in Nagaur of Rajasthan respondents were aware of RTI (see Figure 2).Majority of the respondents from Bihar said

that they are aware of RTI through the awareness programmes organised by the state governments. At the same time, the respondents from Rajasthan said that they are aware of RTI through the media, TV channels, newspapers and civil society organisations. During the field survey, the researcher observed that PIOs at the block level in the state of Bihar were not well trained on RTI whereas the PIOs at the GPs level had very less knowledge on RTI. The researcher also observed similar situation in the state of Rajasthan where the PIOs at GPs level were lacking the knowledge on RTI.

Figure 2:



### 1.13. Major Observations and Findings:

- ❖ Majority of respondents at Village level said that, RTI is like “*Hatiyar*” to remove corrupt practices from *Neta* and *babus*. It creates fear among officials and politicians to do any kind of wrong activities.
- ❖ Majority of the respondents in GP level knows about RTI but very less number of people filed RTI for the benefits of public interest.
- ❖ Some of the respondents from Bihar and Rajasthan said that, they faced difficulties during filling the form for RTI as neither the PIOs helped then nor anyone from government helped to fill up the RTI application.
- ❖ The other major finding was women participation in RTI was very less both in the state of Bihar and Rajasthan. It was researcher’s observation that there were two

- reasons behind the less participation. The first one, of course, the lack of RTI awareness programmes, and, the second one was the socio-cultural restrictions on them by the society.
- ❖ After interaction with the PIOs at GP and Block level, the researcher observed that the majorities of PIOs were not proper aware of RTI Act and they were also not aware of their powers and duties as a PIO. They simply circulate information filed under RTI with the fear to face the Information Commission<sup>29</sup>.
  - ❖ Most of the PIOs at block level said that, they had to transfer RTI applications all the time to the PIOs at GP level under the section 4(1) of RTI Act as people mistakenly send application to them instead sending to the PIOs at GP level. These processes not only take their time but also creates hurdle to do their official duty for which they have been appointed for. The main observation here leads that due to lack of proper awareness on RTI people send their RTI application to wrong place or public authority.
  - ❖ The researcher observed that, most of the places there was no proper arrangements of technology such as computers, printers and photo copy machine especially at the local level to disseminate information for which either the information cost is so high for the information seeker or the information provider take too much time to provide the information which they termed it as officials RTI burden.
  - ❖ The researcher also found that, all the public authority of Bihar and Rajasthan had not disclose the information under the section 4 (1) (b) of RTI Act which they were suppose to display it on their notice board.
  - ❖ The researcher observed from the statement of majority of the PIOs that, the people who had been filed RTI at Gram Panchayat and Block level were Reporter (News/Press), Local Advocates, defeated local Politicians.

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<sup>29</sup> The observation was made from most of the PIOs at block and GPs level, especially from the PIO of Nagaur block and PIOs at most of GPs who only know that under the RTI Act people have right to get information and if they are denied information or delayed then the PIOs has to face penalty. This is not their duty under RTI which compel them to circulate the information, but, the penalty of fear does compel. However, the purpose of RTI is being served.

- ❖ During the field survey in Rajasthan the researcher observed that there was no training, workshop and awareness programme by state government for officials and the villagers on RTI. In the state of Bihar also it was very surprised that, most of the PIOs at GPs level were not trained at all and they were also not up to date with the RTI registers.
- ❖ In some cases the researcher found that the defeated local political party members filed RTI application against the ruling party related to NREGA and Panchayat Development work report for blackmailing and for their own popularity by making it as news<sup>30</sup>.

#### 1.14. RTI in Bihar and Rajasthan: Comparative Perspective

- ❖ The researcher observed that, the people of Rajasthan were much more aware of RTI than the people of Bihar but, it was Bihar state where RTI was being used more for the public interest in comparison to Rajasthan.
- ❖ The researcher observed that in the state of Rajasthan the PIOs had maintained RTI register but there was no RTI register except Naugachia and Rangra block. Some of PIOs in Bihar had no records of RTI applications. The PIO of Rangra block of Bihar said that “due to insufficient panchayat secretaries (who supposed to deal RTI matter at GP level) we have to face difficulties to handle RTI matters”. Giving answer to a question, how do they implement RTI in their Panchayat, the PIOs at GP level of Rangra block, said that, they do have time for RTI as they have many thing to do and government is not appointing new secretaries for which they have to take care multiple panchayats at a time”.
- ❖ The researcher observed from the views of PIOs that, the state government of Bihar had trained the PIOs on RTI through BIPRD whereas the PIOs of Rajasthan said that they had no training/workshops at all except the RTI booklet. They said whatever they learned about RTI, it was from the booklet.

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<sup>30</sup> The statement was observed during the field survey from the PIOs of Nagaur & Sanganer block of Rajasthan and Rangra block of Bihar.

- ❖ During the field survey, the researcher could not find many success stories in both the states except few. The respondents from the Balwa GP of Nagaur block of Rajasthan said that, “due to RTI we got PDS in our village.<sup>31</sup>” Similarly, the respondents from the Rangra block of Bhagalpur district of Bihar said that, “there was a misappropriation of public fund by our panchayat secretary along with our sarapanch and this matter came to light because of RTI.”
- ❖ It was the views of most of the PIOs of both Bihar and Rajasthan that majority of RTI applications are filed for blackmailing purpose not for public interests. They also said that there few individuals who files RTI regularly to harass the public officials.

## SECTION 5

### 1.15. Suggestions and Recommendations for better implementation of RTI:

From the overall field observations and experiences the researcher feels that, the RTI implementation and people’s participation at the local level is not that robust as it should have. To make RTI more successful at the local level the researcher suggests the following recommendations.

- ❖ RTI awareness programme such as RTI training and Workshops at both block and GP level is most needed to make RTI more effective at local level. The training and awareness programme is needed both for the officials as well as for people. The similar suggestion also made by various studies and reports (see Dhaka: 2009, Jha: 2008, RaaG & NCPRI: 2009, Mallick: 2010, CHRI 2014) but still there is no serious steps has been taken yet on this matter.
- ❖ Both state and Central government should take special attention to encourage the women by giving training and awareness on RTI to use RTI

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<sup>31</sup> The statement was given by the respondents from the Balwa Gram Panchayat of Nagaur block of Rajasthan on 2<sup>nd</sup> February 2016.

more to participation in the matter of governance and there should be more lady officers appointed as PIO to encourage the women.

- ❖ There should be a RTI help desk at every public authority so that the people who do not fill RTI for their own can get help through RTI help desk. This kind of initiative will must bring effective changes in RTI regime.
- ❖ The government at local, state and central level should make sure that every public authority, whether its block or GPs level, has the facility of computers, printers and photocopy machines which will be easy both for information provider ( to disseminate and store information) and information seeker(to get information).
- ❖ All most all study and reports suggested to implement section 4 (1) (b) of the RTI Act but it's very unfortunate the neither the government nor the public authorities are taken this mater seriously. Therefore, if we need to RTI more successful one government and all information commission should take this matter seriously and implement it.
- ❖ To bring a positive feelings and encouragement among the PIOs for RTI there should be provisions for Rewards for PIOs who is delivering his duty properly and following the guidelines of RTI.
- ❖ The DoPT should intimate concerned state information commission and officials of selected research areas prior to fellows visit so that no RTI fellow faces any difficulties during the field work. I am giving this suggestion because during my field work I had to face a lot of difficulties to have access to RTI registers, Offices etc. Sometimes I had to wait for long to meet the concerned officials and at times I was also ignored by the officials when they came to know that I have come to ask something related to RTI. Though I was carrying a bonafide from the DoPT still the officials were not talking



properly and avoided me saying that they didn't get any information from the DoPT.

- ❖ Last but not the least, the researcher would like to suggest extending the period of fellowship from three months to six months. The present period of three months is very less especially when you are going to do research on a newly implemented policy or Act like RTI.

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