

Strengthening grassroots democracy through the National Rural Employment Guarantee Act and the Right to Information Act

The year 2005-2006 can be considered to be a historic one as far as India's socio-economic development is concerned. This year witnessed the enactment of two revolutionary pieces of legislation namely, the Right to Information Act (RTI) and the National Rural Employment Guarantee Act (NREGA). These enactments if implemented effectively can have far reaching consequences on the rural populace who comprise nearly 60% of India's population. This article discusses the importance of these two landmark Acts and their complementary role especially at the level of Gram Panchayats in India. In fact, the RTI Act can be considered to be an important tool to monitor the effective implementation of NREGA. This is particularly relevant in a country like India which is considered to be over legislated and under-performing as far as implementation of the laws is concerned.

The National Rural Employment Guarantee Act is one of the country's most ambitious anti-poverty programmes ever, which provides a legal guarantee of 100 day's work in a year to India's 60 million rural households whose adult members are willing to do unskilled manual labour. The scheme was launched by the Indian Prime Minister Dr. Manmohan Singh in the remote village of Bandlapalli in Anantpur district of Andhra Pradesh on 2 February 2006. At present, a total of 200 most backward districts have been identified across the country for the first phase of implementation of NREGA.¹ On the other hand, the Right to Information Act which was passed by the Indian Parliament in May 2005 became fully operational throughout the country from 12 October 2005.² The Act provides citizens the right to access government-held information from "public authorities."³ Citizens can inspect works, documents, records; take notes, extracts or certified copies of documents or records; take certified samples of materials; and obtain information in electronic form. The Panchayati Raj Institutions (PRIs) which have been established as per Part IX of the Indian Constitution are covered by the Act, thereby giving citizens an additional tool to access information from local bodies.

PRIs, especially the Gram Panchayats have been made the main implementing agencies of the employment guarantee scheme. The works to be carried out under this scheme have to be decided in the Gram Sabha after which applications have to be made by the

¹ There are five crucial components of this scheme:

- 100 days of work to earn a livelihood
- Payment of wages once a fortnight
- Equal wages for men and women
- Only works approved by gram sabhas will be undertaken.
- Works related to water conservation, watershed management, drought and flood proofing, forestry, land development, rural connectivity and wasteland development will be carried out under this scheme.

² The RTI Act does not apply to Jammu and Kashmir.

³ Section 2(h), *The Right to Information Act*, 2005. This section specifies that public authorities are those bodies or institutions of self-governance which are established by the Constitution, by any law made by Parliament or State Legislature.

adults (who wish to enroll themselves for this scheme) to the local Gram Panchayat.⁴ In many states the Gram Panchayats have also been notified as “public authorities” under the RTI Act. Public Information Officers (PIOs) have also been appointed at that level to receive applications for information from citizens, process the ad then provide the requested information within a stipulated time period. For example, states such as Uttaranchal and Chhattisgarh have designated the elected ‘*Sarpanchs*’ as PIOs, whereas States such as Rajasthan have appointed the Panchayat Secretary. This means that citizens can now directly obtain information from the Gram Panchayats.

RTI can monitor implementation of NREGA

The Right to Information Act is being considered to be a powerful tool in the hands of the people to ensure the proper implementation of the Employment Guarantee Programme. It will enable the people to know how their money is being spent by the government. The Prime Minister of India while addressing the Rural Development Ministers in a meeting in September last year was of the opinion that the methods of estimation and measurement of works and rates of payment for each task should be made transparent. “The labour that seeks work must understand what is offered, on what terms and demand its full entitlement. Similarly, there should be complete transparency in maintenance of muster rolls and payment of wages. “He further said that the RTI Act would cover every aspect of the implementation of NREGA. People will have general access to public records and information pertaining to NREGA.”⁵

A key provision of the new RTI Act is Section 4, which requires proactive disclosure of a range of information. Proactive disclosure refers to the obligation on the government (in this context the PRIs) to publish key information on an ongoing basis, without being requested to do so by citizens. Some of the information which have to be proactively disclosed include the budget allocated to each PRI, indicating particulars of all plans, proposed expenditures and reports of disbursements; and detailed plan of the implementation of subsidy programmes, including the amounts allocated and the details and beneficiaries of such programmes. Thus, details of sanctions and expenditures of all works are to be painted on the walls of the panchayats as well as on boards at the worksites. In addition, the Panchayati Raj Acts of all states also indicate the proactive disclosure of information through Gram Sabha meetings or by putting up information on notice boards. The other way of obtaining information under the RTI Act is upon request, wherein citizens have to apply for information from the PIO who is then duty bound to handle requests provide the information sought within 30 days. Citizens have to pay nominal charges for obtaining these documents, whereas all those belonging to “below poverty line” families have been exempt from paying any fees for obtaining information under the Act. From the above discussion therefore it is clear that:

- Citizens can now obtain all documents re the NREGA under the RTI Act;
- All NREGA related documents will be available for public scrutiny;
- Copies of the documents will be made available at nominal costs;

⁴ The Gram Panchayat is responsible for verifying the application mainly the applicant’s place of residence and whether he or she is an adult. After the authentication process a job card must be issued by the Gram Panchayat to the applicant household after which the registered household may apply for work.

⁵ www.thehindubusinessline.com/2005.

- Muster rolls will be pro-actively displayed at the Panchayat Bhavan;
- All relevant documents will be provided to the Gram Sabha by Gram Panchayats and other implementing agencies and
- Gram Sabhas may conduct social audits of all works taken up within the Gram Panchayats.

In the past there have been several instances of villagers demanding information related to various schemes of the government. The information thus obtained and verified has then been used for demanding greater accountability and transparency in the functioning of panchayat bodies. One such instance has been illustrated in the box below.

Muster Roll fraud exposed⁶

On 17 October 2005, five days after the national Right to Information Act came into force; local residents conducted a public hearing in relation to the recent construction of a “talab” (pond) under the National Food for Work Programme. A sum of Rs. 3.5 lakhs was sanctioned to the Irrigation Department for the project, of which Rs. 3.1 lakh was spent on labour, tracked in three weekly “muster rolls”.

The muster rolls were obtained with difficulty – only after a sit in was conducted at the local office of the Irrigation Department. The public hearing immediately showed that the muster rolls had been fudged. Although there were 320 names on the rolls, it emerged that only 63 of the 320 names were genuine. That means that the wages of nearly 80% of the labourers was appropriated by corrupt officials.

Additionally, it was found that all the thumbprints in the muster roll were false, even in the case of “genuine” labourers. They had put their thumbprint or had signed on a different document - the “kaccha” muster roll, an informal register maintained at the worksite to record attendance and make wage payments. This practice of maintaining two muster rolls, one for wage payments and one for securing the release of funds, has been widespread and is a convenient means of siphoning money from public works programmes. This method has been successful because muster rolls have historically been inaccessible to the public.

At the end of the public hearing, a delegation was sent to the District Collector of Surguja and the evidence was presented to him. The villagers were promised that action would be taken against the culprits. However, earlier experience in Surguja and elsewhere is not encouraging in this respect: corrupt officials are rarely caught, let alone punished. It is to be hoped that the new RTI Act will change this culture of secrecy and immunity.

In another instance, in 2001, in Janawad panchayat (Rajsamand district, Rajasthan) the information of public works expenditure was painted on a panchayat wall. This awareness amongst the people led them to mobilize and protest, exposing fraud and ghost works amounting to Rs.70 lakh, at a public hearing. This was later substantiated by a special government investigation leading to a number of institutionalised measures for

⁶ Jean Dreze (2005) “Another muster roll fraud exposed”, India Together on-line resource: see www.Indiatogether.org/direct/2005/cdr-000088.html.

transparency and accountability. Landmark events like these, facilitated by people's use of the right to information, have had a profound impact.

NREGA and RTI will strengthen grassroots democracy and bring about good governance

Information is the oxygen of democracy. If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of that society. Information is not just a necessity for people – it is essential part of good government.

Some of the key determinants and core values of democracy and good governance include inclusiveness, political participation, public accountability of democratic institutions, transparency, responsibility, responsiveness (to the needs of the people) etc. Both the Acts will help in strengthening grassroots democracy and will make the government more responsible, transparent and accountable. The Panchayati Raj institutions, with the assistance of government agencies, are central to the implementation of the NREGA. The NREGA has a provision for Gram Sabhas to conduct social audit⁷ of all the works taken up by the Gram Panchayats. This can be made possible if the citizens know how much money has been allocated for a particular project, how decisions have been made, how the money is being disbursed and so on. Using the RTI Act, citizens can get hold of this information from the panchayats and hold them accountable. Meaningful public participation requires informed citizens who then have the capacity to take joint action. The greater the access to citizens to information, the greater the responsiveness of government to community needs. Without information people cannot adequately exercise their rights as citizens or make informed choices. People need to know about the goals of the various programmes, the resources that have been invested and the achievements that have been made. Thus, in other words for democracy to function as “government of the people” it is necessary for ordinary citizens to have access to official information so that they ‘know’ and therefore can ‘ask’ if developmental work or other aspects are not proceeding in the right direction.

NREGA and RTI Act will help in reduction of poverty

The NREGA can be considered to be a visionary attempt to remove poverty in India. It is expected that this scheme which is meant for the rural poor will help in raising families above the poverty line and also break the vicious circle of poverty. The public works programmes provide an indispensable lifeline to the rural poor. With the rise in income of a large section of the population, there will automatically be an increase in their purchasing power and thereby give a big push to the overall economic development. Along with the rural employment guarantee scheme the RTI Act will also give a push to the economic development of the nation as “liberation from government of information that would otherwise have remained unutilized increases economic opportunity for the

⁷ The concept of social audit has become popular in recent times after the functioning of constitutionally mandated panchayats. Social audit in the context of the present discussion is the scrutiny and analysis of the working of PRIs from the perspective of the vast majority of the people in whose name and for whose cause this institutional system has been promoted and legitimitised.

less powerful.”⁸ With this Act a construction labourer working under the NREGA can now ask for information about labor regulations and their entitlements; or farmers can get hold of land records, market trend analysis and pricing information.

By way of conclusion it can be said that the enactment of the NREGA and the RTI Act in India is indeed revolutionary. It is hoped that with time and with proper implementation of these two legislations, many of the obstacles in the way of India’s overall development will be removed and will pave the way for a more peaceful, corruption-free, and economically vibrant country to live in.

Sohini Paul
Project Officer
Right to Information Programme
Commonwealth Human Rights Initiative
New Delhi

⁸ CHRI (2003), Open Sesame: Looking for the Right to Information in the Commonwealth.