

How Saeda Apa fuelled change

By Navaz Kotwal
RTI Network – West Bengal
September 18, 2008

The law is an ass. It does not work until you kick it. That's what Saeda Apa and her group in Kalol, Gujarat found out as they used RTI to change their town's public distribution system

The poverty line. You've heard that phrase often. How many people are below it; how many have moved above it. It was 36% below the poverty line once; now it's 26%. The numbers fly about, the debate rages on. But what does it actually *mean* to live an existence below the poverty line?

Today, 26% of India's population lives below the poverty line. The line is defined for rural India as consumption worth Rs 229 per person per month. In simple words, if you belong to a rural household of five members and your total monthly consumption is less than Rs 1,145 a month, or Rs 11,000 a year, you fall in the below-the-poverty-line category.

Being even slightly above the line will not solve your problems. If your annual household income crosses the modest sum of Rs 11,000, you are considered to have risen above the poverty line. The line provides a theoretical explanation for looking at the poor as a category to be taken care of through targeted ameliorative programmes.

One such government programme is the provision of subsidised rations to poor families under the Public Distribution System (PDS). The system itself is not free from corruption, and the media has often highlighted instances of diversion and the black marketing of supplies by unscrupulous shop owners acting in league with corrupt bureaucrats.

The poor, in fact the very poorest, realise that they need access to information as a practical means of getting what's due to them. Though unlettered, they are neither foolish nor weak nor ignorant. They don't want to know about nuclear missile sites or deep defence deals; they want to know where the millions of rupees worth of grain that was to reach them is going.

A small group of people in Kalol town in Gujarat decided to organise themselves locally to follow the issue.

As part of a larger initiative, they began to file a number of applications under the Right to Information (RTI) Act pertaining to the PDS -- ranging from the amount of rations to be provided to above the poverty line (APL) and below the poverty line (BPL) families, and at what rates; the procedure for issue of new and duplicate ration cards and the required documents; and the responsibilities and duties of fair price shop (FPS) owners.

A major problem was the quantity of kerosene being provided to BPL, APL and Antyodaya families. Most shop owners supplied the fuel according to whim -- some gave five litres, some six, some a maximum of seven litres. The kerosene was distributed only once a month.

If you went on the ‘wrong’ day, you had to return empty-handed. That meant buying kerosene from the market, at Rs 30 a litre. A price most families could not afford.

Saeda Apa, a resident of Kalol who is well up on the RTI Act and its usefulness in stemming corruption and making governments accountable, filed an application before the district supply officer (DSO) in Godhra asking for details on the number of days a fair price shop must be kept open, the number of days kerosene should be made available to the people, depending on the card category, how many litres of kerosene should be made available, and at what price.

She got a response in 15 days: that her application was not in the ‘prescribed format’. This so-called prescribed format was attached to the letter. The DSO had obviously not read the Act in detail; the format provided is optional and definitely not binding.

Saeda Apa marched over to the DSO and sought an explanation. He promptly opened his drawer to show her the ‘prescribed format’. “Madam, copies of this format were sent to all government departments. We have been instructed that all applications are to be received in this format alone.” Saeda Apa was carrying her own copy of the rules. She placed it before him. “Sir,” she said, “the rules clearly state that I am not bound to use the format.” The DSO’s confidence was replaced by embarrassment. He took her application and promised to give her the information she had asked for at the earliest. Just as Saeda Apa was about to step out of the office, he asked: “*Ben*, will you give me a copy of the rules that you carry?” Saeda Apa obliged.

As promised, the information came within 30 days. Saeda Apa was both pleased and surprised. She read that fair price shops had to stay open six days a week, through the month, between 8:30 am and 7:00 pm; kerosene must be made available on all days; families of three should get five litres of kerosene, and larger families a maximum of 10 litres irrespective of whether they are APL or BPL card holders. Clearly this was not happening anywhere.

The ration shop owners in Kalol were not pleased. Saeda Apa and her group made copies of the information they had got from the DSO, enlarged them, and pasted them in every available place -- the panchayat office, outside each ration shop, near the nagarpalika office, in the marketplace, and in every village and mohalla.

Change comes about slowly. Though the ration shop owners are not giving the stipulated 10 litres, all are providing a minimum of eight litres. The greatest relief to the people is that they are now open six days a week, and offer kerosene on all days.

Still, Saeda Apa and her group were not going to settle for less. They decided to collectively go for their rations. They would ask for the full 10 litres of kerosene, or nothing. Each carried a copy of the circular which they handed over to the shop owner along with their ration cards and the money. Each one said: “Give us 10 litres this time and every other time – we will take no less.”

The shop owner was forced to give in. Tears streaming down his face, he filled each container with 10 litres of kerosene. This was the first time in their lives that the people of Kalol had received their full quota of kerosene. They were delighted!

The RTI Act emerged out of a long struggle by civil society groups. Poor, illiterate, marginalised and vulnerable sections of society are meant to be its main beneficiaries. The Act is aimed at stopping those bad practices in government that keep the poor poor; practices that lead to corruption and injustice and slow the pace of real development. It is being seen as a cure for a lot that is wrong with present-day governance. And a shield for every public servant who is asked to do something he should not.

The law is an ass. It does not work until you kick it. Mere legislation does not bring about social change. What is important is awareness and access. That's the kick. By an informed citizenry.

(Navaz Kotwal is Programme Coordinator, Commonwealth Human Rights Initiative [CHRI], New Delhi)