

Using RTI to Pull up Fair Price Shops in Kalol Taluka of Gujarat

25% of our population in India today lives below the poverty line. The line is defined for rural India as consumption worth Rs 229/- per person a month. In simple words if you belong to a rural household of five members and your total monthly consumption is less than Rs 1145/- a month or Rs 11,000/ per year then you fall in the category of below the poverty line. Being even slightly above that does not solve your problem at all. If this annual household income crosses the modest sum of Rs 11,000/- then 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 programme of our government is the provision of subsidized rations to such families under the Public Distribution System (PDS). Not much needs to be said about the working of this system. The issue of BPL statistics and functioning of the PDS is a much controversial topic. While conceding to the importance of this debate I chose to leave it for another discussion.

If systems are bad or systems are not working make them work. That's what people in a lot of places are doing. It is also called survival strategies. I work with an active group of citizens in Kalol town in the Panchmahals district of Gujarat. As part of our routine work we have filed a number of applications under the now one year old Right to Information (RTI) Act pertaining to the PDS - ranging from the amount of ration to be provided to above poverty line (APL) and below poverty line (BPL) families and at what rates, the procedure for issue of new and duplicate ration cards and the supporting documents required to the responsibilities and duties of fair price shop (FPS) owners. Considerable number of applications have been successful and the information sought has been received without much difficulty. This has led to considerable change in the area and the system to some extent at least has started working or I would say that where people are aware of their entitlements and demanding the same they are getting what is due to them.

One major problem that came up was the quantity of kerosene that was to be provided to BPL, APL and Antodaya families. All ration shops owners were supplying kerosene according to their whims and fancies. Some shops were giving 5litres, some 6L and a maximum of 7L was being supplied. There was no uniformity even in a single taluka. Another problem was that the kerosene was provided only once a month and if a person came back for a second time for the remaining kerosene due to him the shop owner would merely send him back empty handed saying that it was all over. When most families do not own gas cylinders they have to rely on kerosene for cooking. Kerosene available in markets and that too in the black markets is as high as Rs 30/- a litre - a price, which most families could not afford.

With a history of success in other cases we decided to file one more such application. The application was filed by Mohanbhai before the District Supply Officer (DSO) asking for details of the number of days a FPS should be kept open, the number of days that kerosene should be made available to people, depending on the card category how many litres of kerosene should be made available to people and at what price this would be available.

In 15 days time Mohanbhai got a response from the DSO. It said that the application that was made was not in the prescribed format as scheduled in the RTI rules. The prescribed format was also attached with the letter and the applicant if he wanted the information should apply

for it in the attached format. This response was completely against the law or the rules. The format provided was optional and definitely not binding and a person was not obliged to follow the format.

The interesting story commences from here. Mohanbhai was well aware that the application need not be submitted in the prescribed format. He personally went over to the DSO and sought an explanation. The DSO opened his drawer and removed the “prescribed format”. He said that copies of this format were sent to all government departments. The departments were instructed that all applications under the Act were to be received in that format alone. Mohanbhai was carrying his own copy of the rules with him and when the DSO argued Mohanbhai placed the rules before him. In the rules it was clear that the applicant was not required to use the prescribed format. On the prescribed format available with all government departments was written Form A – rule 6. Funnily enough rule 6 of the Gujarat rules pertains to the appeal procedure and not application formats. The DSO was surprised enough to see the rules for the first time and even more embarrassed when Mohanbhai pointed the error pertaining to the rule numbers. The DSO had no option but to agree and accept the information request.

The episode was indicative of how serious governments are in implementing this act. Have these government servants who were to implement the Act been provided with any training or the details of the Act and what it entailed. When even the prescribed formats were printed wrongly not much needs to be said about the understanding of this Act within government functionaries.

The information was received within 30 days and was quite a relief for most people. The information was also received in the form that we had asked for. Every question that we had asked was dealt with and answered. All FPS would remain open 6 days a week through the month between 8:30am – 7:00pm, kerosene would be made available on all days, families of 3 persons would get 5L of kerosene and larger families would get a maximum of 10L irrespective of APL or BPL card owners.

The ration shop owners were for sure not happy with this. We added to their woes. Copies of the information received from the DSO were made, then enlarged to the maximum possible size with a photocopier machine and stuck these up at every available place ranging from the panchayat office, outside each ration shop, near the nagarpalika office, in the market place and in every village and in every mohalla.

Change comes but slowly. Though not the stipulated 10L but a minimum of 8L is now being provided by all ration shop owners. But the greater relief is that all ration shops are now open 6days a week and providing kerosene on all these days.

An interesting episode emerged out of this. In Boru village where a few people are working actively on the issue shared this information with 40-50 other members of the village. They unanimously decided that the next time they would all go to the ration shop on the same day to get their kerosene. And this time they would take the full 10L or nothing. The next time they went to the shop they showed the information to the shop owner and demanded that this time and each time henceforth they would take the 10L and no less. The ration shop owner

was left with no option but to give in. For the first time in their lives these persons had received their full quota of kerosene and delighted they were with their victory.

The story proves to some extent that law and government can be made to serve ordinary citizens. This newly enacted law has emerged out of a long struggle by civil society groups. Every citizen but more importantly the poor, illiterate, marginalised and vulnerable sections of the society are meant to be the main beneficiaries of the Act. The Act is meant to stop those bad practices in government, which keep people poor and those that continue to lead to corruption and injustice, and slowed down development. It is being seen, as a panacea that can cure much of that is wrong with present day governance. My belief is that mere legislations do not bring about social change. What is equally important is awareness of the legislations and how to access these legislations. And someone very truly said.... "*an informed citizenry is a condition precedent to democracy. Democracy otherwise can never be meaningful*"

Narrated by Navaz Kotwal for CHRI

{Mohanbhai is one of several men and women in Panchmahals district, Gujarat trained by the Commonwealth Human Rights Initiative to use the RTI Act since 2005}