

Right to Information and Panchayati Raj in Kerala

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By setting aside 40% of plan funds for Kerala's panchayats - and enacting institutional reforms to support this process - the state's Left Democratic Front coalition government has gone a long way towards involving people in the process of setting their own developmental priorities. The People's Planning Campaign (PPC), launched in 1996, has invigorated grassroots democracy and motivated people to participate in the activities of gram sabhas which in Kerala take place at the local level. But a central question remains : will people's participation in drawing up local area development plans spur them to demand greater participation in monitoring the implementation of those plans. If so, then access to information will be critical. Fortunately, right to information provisions have been added to Kerala's revised Panchayati Raj legislation, and these should provide citizens an additional tool for obtaining official documents. Whether people attempt to use these provisions;

whether the panchayats are then forthcoming, whether information, where it is obtained, is shared with the entire community and used to demand accountability to weaker sections; whether these result in reformed practices - all of these questions remain to be answered.

A brief and far-from-exhaustive survey of people involved in the PPC appears to indicate that there has been relatively little direct uptake of Kerala's right to information provisions. These were instituted largely at the recommendation of the Sen Committee on Decentralisation of Powers, which submitted its report in late 1997. Success stories abound of neighborhood groups taking full charge of the development affairs of their communities, managing their own construction projects, and participating in the identification of below poverty line families for beneficiary schemes. But there are plenty of critical voices too, and there are popular perceptions that corruption has intensified at local levels. A study of panchayat performance in Thiruvananthapuram and Kallam districts by an NGO-network called SAHAYAI reports that 37% of respondents felt corruption had increased since decentralization, compared to just 7% who felt it had been reduced. It is impossible to say whether this impression is more illusory than real. With the shift in power to more local levels, corruption may now simply be more visible.

Either way, charges of corruption have ensured that public scrutiny of panchayat activities will intensify. Kerala's high social development indicators (especially literacy rates) would seem to make it fertile ground for people to effectively exercise their right to information. Kerala thus offers an important test case for the effectiveness of right to information provisions in promoting transparency in local government. If there is limited uptake among politically aware and literate Keralites, this may further highlight the importance of civil-society mobilization to support individual and group efforts to directly scrutinize government documents.

According to a member of the Kerala Satya Sahitya Parishad (KSSP), which has been closely involved with promoting the PPC and conducting training for elected representatives and technical resource people, so far there has been relatively limited uptake of provisions to inspect and photocopy government documents. The few cases he cited have mostly involved individuals challenging the basis of local body decision-making on the selection of beneficiaries for development schemes. One case involved an attempt to expose bureaucratic resistance to local people managing minor construction projects. A ward councilor (also a KSSP activist) asked to inspect documents regarding the measurement by a government engineer of the dimensions of a works project. These documents revealed under-measurement, in collusion with a higher-level official who had opposed the project. This under-measurement had led to under-payment to the citizens "beneficiary committee" which executed that work. **In general, it appears that the**

operation of beneficiary committees is one of the main areas in which corruption seems to have seeped into decentralization planning. Contractors have in many cases been able to infiltrate and dominate these committees, in violation of regulations. And where they have been unable to, they have exerted pressure, through their accomplices in the public works department, to thwart the efforts of genuine beneficiary committees to retain people's control over development works. Access to information would, again, be a crucial tool for resisting these distortions of decentralized planning.

Two organizations representing disadvantaged groups have in the last year tried to obtain gram panchayat expenditure information to trace whether funds intended for poor or socially excluded groups reach their targets. The Kerala Pulayam Maha Sabha (KPMS), in Kottayam district, has pressed a number of gram panchayats to reveal how they have spent funds earmarked for scheduled castes. Eleven percent of Panchayat Plan funds are supposed to be earmarked to benefit these groups. Although the KPMS has organised its members to intervene in gram sabhas to make sure that their needs are acknowledged in the local planning process, it has not been satisfied with the way Dalit interests are represented in panchayat annual plans. Nor has it been able to access details on actual expenditure, in spite of holding dharnas in front of village, block, and district panchayat offices. According to a Kottayam-based academic, KPMS activists have not specifically invoked right to information provisions in their efforts to access local government spending information. Access to actual documents, rather than responses compiled by officials from various sources, may however turn out to be crucial to pursuing their cause. **Gram panchayats have, for instance, counted the entire cost of constructing a road against the "special component" (i.e. scheduled caste) budget head, the justification being that the dwellings of some Dalit families were located adjacent to the road. Only access to detailed accounts can reveal such misleading accounting practices.**

The Programme for Community Organisation (PCO), which works with Kerala's fishing community, has conducted studies of allocations for fisherfolk in the gram panchayats in Thiruvananthapuram district. It has found that actual expenditure is much less than the already negligible amounts allocated to this community. But it has had very limited access to actual accounts, and has not employed the right to information provisions to photocopy panchayat documents. It relies instead on the published outlays which some panchayats included in their second annual plan, and on information supplied by sympathetic Fisheries Department officials. A PCO representative explained that panchayat secretaries were extremely reluctant to surrender information on actual outlays, and were often either simply not available or were hostile to PCO requests for information. It was felt that a formal written request under the right to information provisions would be too time consuming, and if rejected, would require a lengthy court procedure, which the PCO wished to avoid.

Outside of the decentralization process, there are a few other initiatives to promote broader rights to information in other areas of government. Kerala's Administrative Reforms Committee has recommended more sweeping legislation on right to information, and these recommendations are about to come before the cabinet. Independently of this, a modest initiative was taken in 1997 by lower level government functionaries (most of them from the Audit Department) to found a Citizen's Movement for Transparency. This is essentially a study group of less than 30 people, but they have worked on the draft legislation on the right to information for Kerala, and have taken some initiatives for greater transparency in public transport. For instance, they demanded that the KRTC publish bus schedules so that commuters can hold it to account. But in general, neither amongst Kerala's more powerful social movements (those promoting workers rights, rights of fisherfolk, or environmental issues), nor in Kerala's media establishment, has there been focused mobilization around the right to information.

Since the right to information is just one of an impressive range of measures which allow citizens to have greater access to decision making and to participate in the execution of development works, its potential role in exposing corruption may not yet have become fully apparent to civil society groups.

On the other hand, the political opposition, anxious to point out flaws in the PPC, may more readily appreciate the utility of right to information provisions in exposing local corruption. The UDF has even borrowed from the language of struggles for transparency, holding a series of 'public hearings' on corruption in local government in several parts of the state in February of this year. This may provide an example to less politically motivated groups to start exercising their right to information in the public interest.