

# Governance and the Right to Information in Maharashtra

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The Right to Information Act is supposed to ensure transparency in administration and governance. But a survey done by Pragati Abhiyan in Nashik district of Maharashtra finds that many government offices have not yet nominated a public information officer as required under the Act. Often information exists in a raw form, but it is not processed into a consolidated format.

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The efficient and equitable provision of local public goods and services depends on good governance by local governments, especially at the district level. The latter is difficult to achieve because local governments are run by officials who are appointed by authorities at the state and even central level with no mechanisms to ensure accountability to local users. Decentralisation of some of these services to panchayats has been one response to ensure greater accountability in their provision. However, even such reforms can fail to work if the local government is captured by vested interests.

The Right to Information (RTI) Act empowers citizens to monitor and investigate the actions and policies of government. This, it is hoped, will lead to better governance as officials and elected representatives not be able to hide poor

performance. The objective of the Act is to ensure transparency in administration and governance. The Act applies to all information held by public authorities in whatever form (including documents, records, opinion, contracts, emails). Under the Act, every public authority has to designate a public information officer (PIO), who is responsible for responding to requests for information.

The RTI has been around since 2002 in Maharashtra and since 2005 in the entire country. How well has it worked? Have development schemes been better administered because of it? Have the benefits of these schemes reached the intended beneficiaries?

To answer these questions, we at Pragati Abhiyan addressed the issue in the following manner. First, under Section 4 of the RTI Act, all public authorities are required to publish certain information on their own. This has to be made available to the public. So we undertook a survey of 84 offices of the government in Nashik district to evaluate the compliance with this section. Second, the RTI Act enables citizens to obtain information about government records and documents by

requesting such information. A fee has to be paid along with the application for the information. To evaluate the responsiveness under these provisions, we filed applications for information under RTI Act regarding major development spending schemes and financial statements of village panchayats.

### Survey Description

We surveyed 84 offices in Nashik district that are subject to the RTI Act. The offices were spread across Nashik city and Igatpuri, Traimbakeshwar and Peth tehsils. The offices covered included district collectorate, zilla parishad, police offices, services of the government like Life Insurance Corporation (LIC), Maharashtra State Electricity Board (MSEB), Provident Fund (PF), Maharashtra Housing and Area Development Authority (MHADA), District Rural Development Agency (DRDA), etc.

A group of volunteers consisting of retired personnel, college students and youngsters belonging to Shramajivee Sanghatana and team members of Pragati Abhiyan were the surveyors. They visited various offices to contact the PIOs and to obtain the information as per the Section IV of the Act. In addition, the survey investigators were asked to file responses to the following questions:

- (1) Is there a board displaying the name and designation of the public information officer?
- (2) Is there a board displaying the name and designation of the appellate authority?
- (3) What efforts were required to locate the PIO?
- (4) How much time was required to locate the PIO?

The entire exercise was completed in two days in December 2007.

### Survey Findings

On whether there is a board displaying names of the PIO and the appellate authority:

In 63 offices boards displaying the names of the PIO and appellate authorities were there but not seen in 21 offices. In one of the offices, a police station, the board was ready but not displayed. They asked the surveyors to wait, put up the board and then answered the query in affirmative.

To know about the time and efforts required to locate the PIO:

The PIOs were found immediately only in 17 offices of the total 84. It took around 10 minutes to locate the PIO in 11 offices. For eight offices, it took more than one hour to find the PIO. And in the rest, 48 offices, they were “not in office” or “not appointed”. So in majority of the offices, it was difficult to find the PIOs.

In one of the offices, a volunteer walked into the office and enquired for the PIO as there was no board outside. He was directed to meet a person on the next table who in turn asked the investigator to meet another person. After being referred to six different officials, the investigator learnt that the first official was indeed the PIO. Knowing why the volunteer was in his office, he used this ploy to disappear before the volunteer learnt of his identity. The surveyors visited that office thrice on the day but the PIO did not return to work.

### Section IV Information

Of the 84 offices visited by the survey investigators, 10 offices were fully complied with the Act and all the 17 types of information listed in the Act were readily available. There were 10 more offices

which adhered reasonably to this section of the Act. However, compliance was poor to non-existent in the remaining 64 offices.

This was the case even with the Nashik district collector's office who declined to provide the information citing the excuse that their file had been sent to the irrigation office for updating information. On the other hand, the municipal office was one of the best and they were glad to receive the volunteers and ready to provide the information pleasantly.

The tehsil offices were not in good shape and were almost uniformly ignorant of the provisions of the Act especially the Section IV suo motu declaration of information by respective offices.

In many offices, volunteers faced refusal and almost asked to get out unceremoniously. In some places they were asked to come some other day since they did not have time for such tasks.

Here we submitted applications seeking information about the public distribution system (PDS), employment guarantee scheme (EGS) and village balance sheets.

**(a) Public Distribution System:** Two applications were submitted to the district

supply officer (DSO) of Nashik district. One was to get information about the number of ration card holders of various categories like below poverty level (BPL), Antodaya, above poverty level (APL) and such. The second application asked for information about the monthly quota allotments among various tehsils, the monthly lifting of PDS supplies (at the tehsil level) and the total monthly sales (again at the tehsil level). This information was requested for the calendar year 2007 and the application was made in January 2008.

We received responses for both these applications from the DSO, informing us that a copy of the application being sent to all the tehsildars separately. We were informed that we could expect information from each of the tehsils. This meant that no consolidated information of the sort we had asked for existed with the DSO.

In the next two months, out of the 15 tehsils in Nashik district we did not receive any response from seven tehsils. Of the eight tehsils that responded, we received varied answers. One tehsil, Malegaon sent the information in seven pages without asking for any fees. They were also giving prompt information in time. Four tehsils – Kalwan, Traimbak, Peth, Sinner and Dindori – responded by prescribing the fees – Rs 160, Rs 6,030, Rs 6,720, Rs 10 to Rs 15,000 and Rs 18,730 respectively although Kalwan later sent some of the data even before we had sent the fees. When we enquired why fees varied so much across tehsils, we understood that while some tehsils had this data in reasonably organised form, others were not so prepared. They were therefore planning to send us the entire volume of ledger receipts so that we could consolidate them on our own. Niphad said they did not understand the data requirements and asked for an elaboration. Yeola responded with incomplete data, in one page.

**(b) Employment Guarantee Scheme:** Here we applied to the deputy collector in charge of EGS for Nashik district asking villagewise information about EGS works done in four tehsils of Nashik. We requested them to give information

regarding works undertaken, labour attendance and details of payments for financial years – 2004, 2005 and 2006.

Once again, such information did not exist in a consolidated form at the tehsil level. Instead, we were sent two kinds of reports for two of the three years that we requested. The first kind of reports were village weekly reports of labourers on a particular site – the number of men and women employed and the number of man-days generated with site locations. The second kind of records that we obtained were payment sheets which records attendance, total work done by each labourer and the corresponding payment made. The problem is that it is very difficult to match the payments and total work done on the payment sheets with the employment numbers in the weekly village reports. This is because the payment sheet is generated by the executing agency (e.g., public works department (PWD) or the irrigation department) with different reporting periods, and furthermore they are usually done when payments are made (which could be several months after the work is completed).

**(c) Village Council Balance Sheet:** Each gram panchayat is supposed to keep a balance sheet of accounts of each year which records their collections and payments.

We applied for balance sheet of 300 villages across 17 districts and 118 tehsils of Maharashtra state for the year 2006. This information was requested from the tehsildar's office.

However, it turned out that the tehsildar's office did not generally keep such information and they forwarded the request to "gram sevaks" in the respective villages who generally do not have any fixed office location. We started getting answers from different sources: sometimes from the gram sevaks, sometimes from the circle officers and sometimes from the tehsildar's office. There were instances, where the same information, of a particular village, had been sent from three different sources. Sometimes they simply said that such information did not exist. From some offices we got the information in the given format, properly written and complete. But most of them

had sent incomplete information in varying formats.

## Conclusions

From the experiments undertaken by Pragati Abhiyan, several findings emerge. First, it is clear that many government offices as yet do not have a PIO even though that is a fundamental step in getting this Act off the ground. At the appellate and state level too all the necessary information commissioners have not yet been nominated. Not having proper personnel in appropriate place almost leads to denial of information.

Second, even where a PIO exists on paper, compliance with the law is spotty. In particular, many offices have not even bothered to collect the information stipulated in Section IV of the Act.

Thirdly, in using the Act to monitor the progress of development spending programmes, we found that while information exists in raw form, it generally is not processed in consolidated formats. From the examples we have given, it is clear that we had asked for information that might reasonably interest anyone (and in particular, the administrators of the scheme whether at the district or the state level) who wished to monitor the impacts of government spending. Yet, the absence of such information at the offices of various decision-making authorities suggests an alarming absence of any kind of such monitoring. The PDS is an example. If the district supply officer does not have information on lifting of stocks and sales in the immediate past period, what could quota allocations be based on? Similarly, the lack of uniform and coordinated formats with which EGS data is reported makes it clear that this programme is not monitored for the goals for which it was created.

At higher levels of government, there is much talk of outcome budgeting as a way of emphasising the importance of outcomes over outlays. Our RTI exercise reveals that the foundations for such efforts are as yet absent. On the other hand, it should not be difficult for efforts in the direction of good governance to stipulate and ensure uniform standards of data reporting without which practical issues of complying with RTI would undermine the purpose of the Act.