

# Vox Populi

voice of the people



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### BOOK - POST

Dear Reader

In the third issue of *Vox Populi*, Srinivas Madhav in the SAC Article discusses how citizens can protect their Right to Food using Right to Information. He also cites other legal and constitutional provisions that mandate information disclosure to help citizens protect their Right to Food. CUTS-CART's initiative encourages Civil Society and Grassroots Organisations to use RTI in combating corruption. Financial Management Service Foundation (FMSF) workshop reiterates that Social Audit is not a fault finding exercise but an assertive accountability tool that can be used to curtail corruption. The CommGap workshop presents communication processes practitioners' views on the role of communication and public opinion as effectiveness social accountability tools. The news letter also highlights the key activities of Kerala Institute of Local Administration (KILA) as an institution fostering social accountability in local governments. It also carries the regular SAC resources and Trivia.

We are receiving a number of articles from various institutions undertaking distinguished work in the area of social accountability. We hope that this newsletter will act as a medium to disseminate knowledge on social accountability and will facilitate sharing of ideas. Please share your experience and also visit the social accountability website ([www.sasanet.org](http://www.sasanet.org)) and post your ideas for discussion.



## SAC Article: Strong People Make Strong Nation: *Right to Information and Right to Food* – By Srinivas Madhav

India won her first individual Olympic gold medal, whilst China topped the world with 51 gold medals. Surely, there is a 'Great Wall' dividing these two countries. But the great cause for concern is the 'Nutritional Divide'. The greatest problem in India is hunger and the resultant malnutrition. National Family Health Survey (2005-2006 NFHS-3) revealed that 46% children under three years of age in India are underweight (too thin for age). On the other hand, just 7% of the Chinese children are underweight. <sup>1</sup>

Food and Agriculture Organization of the United Nations (FAO), in '*The State of Food Insecurity in the World*' (2006), complains that India saw virtually no change in the total number of undernourished people despite strong growth in per capita income of 3.9 percent per year from 1990 to 2003 ... the good overall economic performance was spread unevenly among sectors. At the same time the FAO compliments China: "Between 1990-92 and 2001-03, the decline in the number of hungry people in Asia and the Pacific was driven mainly by China, which saw a reduction from 194 million to 150 million. India has the largest number of undernourished people in the world, 212 million – only marginally below the 215 million estimated for 1990-92."

Amartya Sen, in '*Development as Freedom*', states: "No famine has ever taken place in the history of the world in a functioning democracy. A totalitarian state, utterly bereft of political opposition and freedom of information, makes the prevention of famine impossible." He holds the view that there was no overall shortage of rice during Bengal famine in 1943, when around 1.5 to 3 million people died from starvation and malnutrition. Availability was actually slightly higher than in 1941, when there was no famine. <sup>2</sup> Its root cause, Amartya Sen argues, lays in rumors of shortage which caused hoarding, and rapid price inflation caused by war-time demands which made rice stocks an excellent investment (prices had already doubled over the previous year). <sup>3</sup> The Great Chinese Famine between 1958 and 1961 killed nearly thirty million people. According to Amartya Sen:

*"While the famine was going on, there was also starving of information for the government. This is because each commune in China, each collective, obviously saw that they were not doing very well themselves but they read in the papers that everything was fine in the rest of the country. That's what censorship does. They all came to the conclusion respectively that they alone were failing. So rather than admitting failure, they cooked the numbers and reported higher food output than was true. When Beijing added these up at the height of the famine, they thought that they had a hundred million more metric tons of rice than they actually had."* <sup>4</sup>

Supreme Court emphasized the importance of the information in Interim Orders of 28<sup>th</sup> November 2001 and 2<sup>nd</sup> May 2003, in *PUCL v. Union of India and Others*, Writ Petition (Civil) 196 of 2001, public interest litigation known as the "Right to Food Case":

*"In order to ensure transparency in selection of beneficiaries and their access to these Schemes, the Gram Panchayats will also display a list of all beneficiaries under the various Schemes. Copies of the Schemes and the list of beneficiaries shall be made available by the Gram Panchayats to members of public for inspection. We direct that a copy of this order be translated in regional languages and in English by the respective States/ Union Territories and prominently displayed in all Gram Panchayats, Govt. School Buildings and Fair Price Shops. We direct Doordarshan and AIR to adequately publicise various Schemes and this order. We direct the Chief Secretaries of each of the States and Union Territories to ensure compliance of this order. Wide publicity shall be given so as to make BPL families aware of their entitlement of food-grains."*



India spent Rs. 25869 crores on food subsidies during 2005-06. Where did this money go? A study by the National Council of Applied Economic Research (NCAER) discovered that 2.3 crore ghost cards were issued in India while 1.21 crore deserving poor had been left out of the Targeted Public Distribution System (TPDS). Another report commissioned by the Government to ORG-Marg, which has still not been public, revealed that in some states more than 50% of rice and wheat meant for poor was either stolen or diverted. <sup>5</sup>

People say in Hindi: “*dane dane per likha hai khane wale ka nam*” (the name of the person who is destined to eat the grain is written on it). Who is re-writing the name on the grains allotted to poor? Can a right to information law stop this?

The RTI Act is not the only law that gives a right of access to information. Beyond the RTI Act, there are some stronger provisions in other laws which promote transparency. The Public Distribution System (Control) (Amendment) Order, 2004, enables citizens to directly seek information from a Fair Price Shop (FPS) owner. Punishment for withholding information may extend up to three months imprisonment. This Order is stronger and tougher than the RTI Act itself. The following Clauses facilitate people's Right to Information:

*Clause 7(4): Any ration card holder desirous of obtaining extracts from the records of a fair price shop owner may make a written request to such owner along with deposit of the fee specified by the State Government.*

*Clause 7(4)(A): Within fourteen days from the date of receipt of a request and the specified fee under sub-clause (4), the fair price shop owner shall provide such extracts of records to the ration card holder.*

*Clause 9: Penalty: If any person contravenes any provisions of this Order under clauses 3, 4, 6 and 7, he shall be liable to punishment under Section 7 of the Act.*

The Act referred in Clause 9 is the Essential Commodities Act, 1955. Punishment for withholding information may extend up to three months imprisonment. States have made State Public Distribution System (Control) Orders to supplement the Central Order. Annex to the Public Distribution System (Control) Order, 2001 has some more transparency requirements. (See Box – 2)

To facilitate use of provisions of Right to Information Act in relation to functioning of TPDS and to make functioning of TPDS transparent and amenable to public security, Revised Model Citizens' Charter (July 2007) for the TPDS was issued by the Ministry of Consumer Affairs, Department of Food and Public

#### Box – 1: Success Stories

Kaniram, a 70 year old man, entitled to grain under the Annapurna programme, saw a group of people getting together to file applications for information in Beawar. He joined the group and filed an application, demanding to know why he had not got grain for the last year. Not only did he get the backlog in under a week, but he got coupons for the next six months and the copies of the records he had asked for. <sup>1</sup> Krishak Mukti Sangram Samiti (KMSS) used the Right to Information to expose corruption in the public distribution system and large-scale diversion of essential items meant for people below poverty line, in Assam. <sup>2</sup>

1. Aruna Roy, *The Journey Begins*, <<http://www.cnfonline.org/2005/2005v13n483.html>>
2. Samudra Gupta Kashyap, After RTI Disclosure, Raids Reveal PDS Rice in Godown, <<http://www.indianexpress.com/story/254593.html>>

#### Box -2: Requirements listed in the Annex to PDS (Control) Order, 2001

**Licensing:** The responsibilities & duties of fair price shop owners shall include, *inter alia*:

- (ii) display of information on a notice at a prominent place in the shop on daily basis regarding (a) list of BPL and Antodaya beneficiaries, (b) entitlement of essential commodities, (c) scale of issue, (d) retail issue prices, (e) timings of opening and closing of the fair price shop, (f) stock of essential commodities received during the month, (g) opening and closing stock of essential commodities and (h) the authority for redressal of grievances/lodging complaints with respect to quality and quantity of essential commodities under the Public Distribution System;
- (iii) maintenance of records of ration card holders (APL, BPL and Antyodaya), stock register, issue or sale register;
- (iv) furnishing of copies of specified documents, namely, ration card register, stock register, sale register to the office of the Gram Panchayat or Nagar Palika or Vigilance Committee or any other body authorized by State Governments for the purpose;



Distribution. It contains, among other things, basic information of interest to the consumers and a model procedure and time schedule for the services. The charter contains essential information, viz., entitlement of BPL families, quality of food grains, information regarding Fair Price Shops, procedure for the issue of ration cards inspection and checking, right to information, vigilance and public participation. This charter is intended to be a model for the State Governments and has been circulated to all States/UTs for its adoption and implementation. <sup>6</sup>

To efficiently provide for the enhancement of livelihood security of the households in rural areas, *The National Rural Employment Guarantee Act 2005 (NREGA) Operational Guidelines 2006*, prescribed by the Ministry of Rural Development, GoI, (2nd edition) goes one step ahead in promoting transparency, by reducing time limit for disclosure of the records requested under the RTI Act to just 'seven days' and further fees for obtaining information to 'actual photocopying costs'.

187 countries, including India have pledged to reduce by half the proportion of people who suffer from hunger by the target date of 2015. (MDGs, Goal 1, Target 2). Will the Right to Information help us achieve the target?

One day, we will be hosting the Olympic Games!

#### Notes:

1. UNICEF, *Progress for Children: A World Fit for Children Statistical Review (No. 6)*, states that India has 43 % Prevalence of underweight in children under five with just 0.9% Average annual rate of reduction (1990–2006). China has 7% Prevalence of underweight in children under five with 6.4% Average annual rate of reduction. Jamaica, hailed as 'the sprint factory of the world', has 4% Prevalence of underweight in children under five with 5.8% Average annual rate of reduction.
2. Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation* (Oxford) 1981 pp 58-9
3. *Bengal Famine of 1943*, Wikipedia, <[http://en.wikipedia.org/wiki/Bengal\\_famine\\_of\\_1943](http://en.wikipedia.org/wiki/Bengal_famine_of_1943)>
4. Interviewed by David Barsamian, Alternative Radio, Colorado, USA.
5. *YOJANA*, July 2008.
6. For Citizens' Charter, see <<http://fcamin.nic.in/dfpd/EventDetails.asp?EventId=21&Section=PDS&ParentID=0&Parent=1&check=0>>

*The writer is a Consultant on Right to Information at the Centre for Good Governance, Hyderabad.*

#### **SAC Project: Combating Corruption in Rajasthan State, India, by Applying RTI Act as a Tool'**

CUTS Centre for Consumer Action, Research & Training (CUTS-CART), Jaipur is implementing a project titled 'Combating Corruption in Rajasthan State, India, by Applying RTI Act as a Tool' from March 2007. The project was conceptualised and is implementing by CUTS CART in partnership with the Partnership for Transparency Fund (PTF), an international NGO based in Washington DC, USA dedicated to helping civil society to play an effective role in the design, implementation and monitoring of national anti-corruption programs.

The project is being implemented in two administrative districts of Rajasthan state viz., Bhilwara and Tonk with a rural community based approach. Its overall objective is awareness generation, encouraging the common citizens towards application of RTI Act; empowering the CSOs and the vulnerable sections at the grassroots supporting in improving functioning of the existing accountability mechanisms; and advocate with the policy makers for effective implementation of RTI Act for ensuring good governance and accountability.

Towards completion of the project it is expected that, a vibrant informal structure in the form of Consortium Group for Combating Corruption' (CGCC) will be in place in Ajmer and Jaipur divisional head quarters of the state. These CGCC will be empowered with resources in terms of knowledge, information, active support from



functional network of CSOs/CBOs, constant cooperation from the vigilant citizens, support from the proactive and committed government officials and access to corruption defeating agencies/mechanism. The CGCC will be able to support corruption-combating attempts by the common citizens especially the poor rural citizens. Hence, the CGCC will perform the role of a “watchdog” as well as local resource centre for facilitating filing of applications under RTI act.

Each CGCC will be assigned with achieving a minimum target of submission of two hundred fifty applications under the RTI Act through the public. Thus, a total of five hundred RTI applications in the Ajmer and Jaipur divisions will be filed by the public, asking for specific information, related to specific schemes and programmes meant for the poor in rural areas implemented by the Dept. of Rural Development, Government of Rajasthan. These submitted applications will help in substantially reducing the corrupt practices and discourage the belonging of corrupt officials.

The CA of “corruption handling mechanism” will put pressure on the government to take timely and effective punitive measures discouraging the corrupt practices. The entire process will ultimately help in facilitating the development growth of the state and reducing the poverty. In long term, an enabling and conducive environment would be created at the grassroots making the governance more transparent and accountable. The legal provisions of Right to Information Act, Citizen Charter and acts will no longer remain merely on papers rather the common citizens by effectively exercising such provisions in accessing information and get their legitimate entitlement.

The project will also create a synergy in various actions/movements combating corruption at national and sub-national level. The production of the QN and FD will be an effective tool of advocacy for the CGCC and generating awareness in the society at large on corruption issues.

Source: <http://www.cuts-international.org/CART.htm>

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### **SAC Event: Workshop on Social Audit – Financial Management Service Foundation (FMSF)**

FMSF was approached by Christian Aid for conducting a Social Audit Training for its South India Partners. Christian Aid works in nearly 50 countries with 600 overseas partner organisations to tackle poverty and its causes. The workshop was held in Chennai during February 2008. There were about 28 participants. The resource team of FMSF comprised of Mr. Sanjay Patra, Executive Director and Ms. Madhuchhanda Mishra, Research Co-ordinator who was involved in developing the Social Audit Toolkit prepared by (FMSF).

The issue of ‘Accountability’ has been a part of the development debate since quite some time. Even though there is a wide consensus regarding the need and importance of greater accountability mechanisms, there is little agreement upon the kind of mechanism which will be appropriately applicable for the voluntary sector; a mechanism that would ensure transparency and at the same time take care of the heterogeneity of the voluntary sector. One such tool is the ‘Social Audit’.

The workshop discussed the issue of accountability & its relevance in the context of the voluntary Sector. The sessions included introduction to the concept of social audit, key features of Social Audit, need, importance and principles of Social Audit. The sub-processes of Social Audit - Social Accounting & Book Keeping – were taken up through group work and case studies. The 8 step methodology for Social Audit was explained through a “mock Social Audit and Role Play”.

In conclusion it was agreed upon that Social Audit should not be a fault finding exercise. It should rather be a process of involving the community and taking feedback in order to improve upon the existing program.

Social Audit as a process has been implemented by various organizations and has assumed various forms. As a tool for promoting accountability, ‘Social Audit’ holds immense potential for development effectiveness. Over the past 13 years, FMSF has been working towards developing tools & methodologies for enhancing & promoting the accountability standards of the voluntary organizations. One of such endeavors is the Hand book on Social Audit. The ‘Handbook on Social Audit’ is the result of more than three years of study and research of FMSF.

<http://www.fmsfindia.org/fmsf/interface/issue34/news.pdf>



## SAC Results and Reports: CommGAP Surveys NGO Practitioners about Communication and Social Accountability Tools

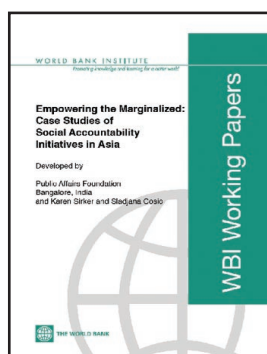
The Communication for Governance and Accountability Program (CommGAP) commissioned a quantitative survey of NGO practitioners to probe issues around communication processes and practitioners' views on the role of communication and public opinion in the use and effectiveness of social accountability tools. This web-based survey was conducted between June – August 2007. The survey universe included SA practitioners who took part in the World Bank Institute's Social Accountability Stocktaking Studies in Africa who now make up the ANSA-Africa social accountability network membership, Asia, Peru and Ecuador in the Latin America and the Caribbean region, and Europe and Central Asia. The survey instrument was translated into French, Spanish and Russian. The following are some of the highlights from the analysis of survey responses.

- Practitioners surveyed universally agree that public opinion and media are key to effective social accountability mechanisms.
- 95% of respondents rated public opinion as either "very important" (84%) or "important" (11%) to the effectiveness of social accountability mechanisms.
- 96% rated the media as either "very important" (80%) or "important" (16%) to achieving goals of social accountability work.
- The two most important factors in improving social accountability mechanisms are increasing citizen involvement with government (not increasing national or local government involvement in tools but increasing citizen involvement with government) and using budgets and budget information more effectively.
- Two biggest constraints to using social accountability programs are lack of government

One can access the full survey report of the practitioners at the source given below.

Source: <http://go.worldbank.org/7QRPT6CVL0>

## SAC Resources



### *Empowering the Marginalized: Case Studies of Social Accountability Initiatives in Asia*

Public Affairs Foundation (Bangalore, India)/Karen Sirkar and Sladjana Cosic (World Bank Institute)

Stock Number: 37266

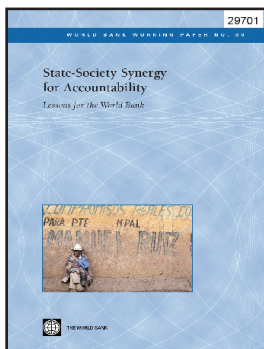
86 Pages

WBI Working Papers, WBI

Empowering the Marginalized reveals the power of demand-side approaches in enhancing governance through the concepts of citizens' voice, accountability, and responsiveness. It seeks to provide lessons on the establishment of social accountability mechanisms, thereby empowering the marginalized, who represent a majority of society not only in Asian countries, but in most developing countries worldwide. Since most of the projects documented in the case studies are fairly recent, the studies offer valuable practical lessons on program design and operation, establishment of partnerships and networks, and project management. This volume is a continuation of an earlier stocktaking of social accountability initiatives in Asia and the Pacific, from which 13 of the 54 initiatives were studied in an attempt to analyze different social accountability tools and mechanisms as applied in different contexts. A number of these case studies cover countries (such as Nepal, Pakistan, Korea, and Japan) where very little literature exists on social accountability initiatives.

Source: [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2008/03/24/000333037\\_20080324001838/Rendered/PDF/429940WBWP0Mar10Box327342B01PUBLIC1.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2008/03/24/000333037_20080324001838/Rendered/PDF/429940WBWP0Mar10Box327342B01PUBLIC1.pdf)





### ***State-Society Synergy for Accountability: Lessons for the World Bank***

World Bank Working Paper; No. 30

64 Pages

ISBN: 0-8213-5831-6

April, 2004

Publisher: World Bank

1818 H Street, N.W.

Washington, D.C. 20433, U.S.A.

The paper first surveys the literature on accountability and establishes a categorization of the different ways by which civil society can interact with the state in order to improve accountability. It then explores in detail seven case studies of successful experiences of “state-society synergy for accountability.” The studies draw from a wide range of different contexts (Brazil, India, Mexico, The United States etc.) and from a variety of different areas of government activity (corruption control, environmental regulation, poverty reduction, election monitoring, infrastructure provision, school reform, police reform). The paper concludes with a series of conceptual and practical lessons for World Bank staff on how best to initiate, design, and implement successful pro-accountability mechanisms grounded in state-society synergy. Some of the most important lessons include the need to fully institutionalize participative mechanisms, to involve societal actors from the very beginning of the design stage of the process, to open up participation to a wide diversity of social and political actors, and to complement decentralization with centralized supervision.

Source:<http://siteresources.worldbank.org/INTPCENG/214578-1116499844371/20524131/297010PAPER0State1society0synergy.pdf>

### **SAC Institution: KILA – Kerala Institute of Local Administration**

Kerala Institute of Local Administration (KILA) was established in 1990 in the pattern of a national institute with the main objective of training, research and consultancy in decentralized governance and administration. KILA is a one of its kind Institution in India that functions with the sole mandate of promoting decentralized governance both in urban and rural areas.

KILA was set up with the objectives of facilitating and accelerating socio-economic development of the state through local self government institutions.

The training and capacity building efforts of KILA are designed to ensure coherence and support towards the overall Kerala Development Plan. KILA works very closely with both local bodies and the State Government. The feedback received from the participants of the various programmes helps in formulating policies by the Government. It works closely with different parts of the whole system and offers training courses of a wide variety targeted to a range of groups. Over the years, the Institute has established its expertise in the following areas.

- Decentralized Participatory Planning
- Local Governance and Administration
- Urban Development & Local Level Development
- Participatory Poverty Alleviation Management
- Gender and Development



- Development of Marginalised Social Groups
- Natural Resource Management and Watershed Development
- Training Skill Development of Trainers
- HIV/AIDS and related interventions through Local Governance

KILA has also worked extensively on accountability issues in governance through participatory planning and management. It has also taken up the role of disseminating and building capacities at the grassroots with the help of local governments. Innovative training modules to help the local governments have been developed. TQM (Total Quality Management) module developed and implemented by KILA is an excellent module that helps panchayats in improving their service delivery, transparency, accountability and participation.

Source: <http://www.kilaonline.org> & <http://www.theindiapost.com/?p=1900>

### SAC Trivia – Did you know?

1. Students in India used Right to Information Act and forced the recruitment giant Union Public Service Commission (UPSC) to disclose cut-off marks, scaling method and model answers. And a recent decision pronounced by the Central Information Commission (CIC) gives access to, not only your answer sheets, but also your class mate's answer sheets, after evaluation.
2. JANAGRAHA, a citizen's movement based in Bangalore committed to increasing citizen participation in local government. Three Janaagraha programmes – the Community Leadership Programme, Bala Janaagraha and Yuva Janaagraha work to promote citizen participation in governance. Janaagraha has advocated the institutionalisation of citizen participation with the Government of India, which has resulted in the inclusion of Community Participation Law as one of the mandatory reforms under JNNURM. Now the onus will be on State Governments to pass the law within the Mission period 2006-2011.
3. Intellectuals led by SEZ Virodhi Manch and Goa Bachao Abhiyan in Goa sensibly used RTI and obtained crucial documents to launch a successful battle against Special Economic Zones (SEZs) while people lost their lives fighting a similar battle in West Bengal. In the first incident of a reversal of a Central policy, eight SEZ proposals in Goa were scrapped by the inter-ministerial Board of Approvals in February this year.

### About SASANET

South Asia Social Accountability Network (SasaNet) is an initiative taken by the Centre for Good Governance (CGG) and the South Asia Sustainable Development (SASSD) Division of the World Bank to develop a broader understanding amongst various Government and Civil Society Organization towards the potential use of SAC tools in promoting good governance. The network offers a platform for mutual cooperation, exchange of experiences among organizations, associations and informal groups. The SasaNet website ([www.sasanet.org](http://www.sasanet.org)) is the electronic voice of the South Asia Social Accountability Network. It offers a comprehensive knowledge base which includes conceptual information, set of tools, best practices and case studies for facilitating enhanced social accountability in governance.

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