Investigating the Impact of Uttar Pradesh's Freedom of Information Act on Local Government and the Gram Panchayats

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Abstract

Self-governing village communities have existed in India since ancient times and function as a form of local sovereignty. During the post-independence era, some governments created functional and self-sufficient municipal government institutions. Andhra Pradesh, West Bengal, and Karnataka were India's most notable states in embracing and implementing devolution of power to the lower level. In terms of service delivery, it has been said that the primary problems are in the "Implementation processes" rather than in planning and policy formulation. The bulk of issues encountered at the grassroots level may be related to people's lack of knowledge about accessible government services. People are susceptible to the dishonest tactics of local government officials because they lack the required knowledge to defend themselves. That is why RTI is such a game-changing piece of legislation; it empowers citizens to use their democratic rights and seek the benefits to which they are entitled.

RTI has been dubbed "a road to the right to food" since it implies access to other rights like as the BPL card, the ration card, and other services. RTI requests are used to get information on the status of job documents, wages, and unemployment benefits, similar to the "road to right to employment" title provided to RTI requests. 9 As a result, the method must inevitably generate concerns regarding discrepancies and delays. In light of the intertwined nature of RTI and decentralization discussed above, this section attempts to clarify the intersection of RTI and Panchayati Raj Institutions (hereinafter PRIs) in India, conducting an analysis of the links that highlight how RTI has been affecting

people's lives at the grassroots level by fighting corruption and calling public authorities' accountability into question.

I Introduction

The need for a more transparent and responsible government is increasing in countries all across the globe. An open government will remain a utopian ideal for both the government and the people unless citizens are given the tools, they need to exercise the rights guaranteed to them by the state. Right to Information Act, 2005 (here after RTI) enabled regular communication between citizens and their government. 1 On the one hand, RTI has given every citizen a level playing field on which to challenge the government; on the other, it has required government agencies to process citizen requests for information promptly. Since this nation has been actively practicing and experiencing "democracy" ever since it gained independence, it is reasonable to say that the passage of RTI law marks a watershed moment.

When it came to fixing the inefficient distribution of funds at the local level, the Indian government embraced the idea of decentralization. It became law on April 24, 1993, when the 73rd Amendment Act made the change permanent in the Constitution. When discussing post-independence India's transformations in the ways in which the government communicates with its citizens, RTI is often cited as a watershed moment. This is because effective people's engagement in decision making is often seen as a criterion for a healthy democracy. 3 However, the country's democratic framework, with its ever-expanding links of communication between people and the government and its compartmentalization with a "mailbag" design, has rendered decentralization rather sub-optimal.

By connecting people on an individual level in a democratic process, RTI has shattered the British legacy and ushered in revolutionary transformation. We must consider it in light of its function as a tool for resolving people's problems, in that it has helped them air out the difficulties they face on a daily basis.

The goal of India's RTI system has been articulated in the First Report of the Second Administrative Reforms Commission (henceforth ARC-II). The RTI Act is groundbreaking legislation that heralds the beginning of the end of the era of secrecy. It sheds light on the darkened, secretive thinking of public officials. The culture of

openness in the use of public authority (whether Executive, Legislative, or Judicial) should be fostered, with the caveat that privacy and secrecy must be respected in certain circumstances. As an added bonus, the RTI will be an effective tool in the fight against graft. The operation of a more participative democracy would be aided by a more vigilant atmosphere fostered by the successful execution of the RTI Act. 4 Based on what has been said, RTI has three primary purposes. It promotes public input into policymaking, combats corruption, and guarantees a transition from representational to participatory democracy. The analysis on the following pages is based on these three questions.

II Evolution of Right to Information

Right to information in India has been a huge success because to the unique Jan Sunwais social auditing strategy. Between December 1994 and April 1995, MKSS arranged a number of Jan Sunwais as a forerunner to the RTI. 8 Workers expressed their frustrations with the bureaucracy in front of locals and media, focusing on the unimplemented programmers and the withheld number of salaries.

There was initial reluctance from the authorities, but after persistent pressure from the employees and media attention, the authorities eventually consented to give the information. With this data in hand, the MKSS conducted a social audit of the official government record. The data was then compared to what had been shared with locals via Gram Panchayats and similar forums. It became clear that the data didn't add up. Every year during the jan sunwai hearing, the organizers choose a project to be presented in detail, reading out information such as the timeframe, techniques utilized in execution, budgets agreed, details of employees and pay given to each worker, and the project's result.

The residents of the village rose and talked about the difficulties they had encountered as a result of the project or as a result of their involvement in it. Numerous instances of deceased personnel being listed on the payroll and of absentees being registered as "present" with their salary "paid" have been reported. The thumb imprints looked to have been fabricated.

The Public Works Administration's (PWA) road and other construction projects often seemed to be finished. The uninhibited questioning of even the illiterate jan sunwais, who could force the authorities to answer for even the most sophisticated record of the

finances, is one of the most striking aspects of these jan sunwais. The most helpless members of society were aided by this procedure in openly criticizing the administration with solid proof.

Jan Sunwais has a sparse material arrangement. A modest and practical setup, a tent, covering audience and few seats and tables for panelists and durries. Equipment including microphones, speakers, and a video recorder may be used to document the proceedings of a hearing. All of these elements were necessary to stage a single Jan Sunwai. The Jan Sunwai seems to be a powerful tool in the hands of the underprivileged at the grass-roots level. All the while keeping the "court of law" atmosphere, maintaining seriousness and impartiality of proceedings, it has been done in a very familiar and pleasant way, using the lexicon of idioms and phrases for communication. It's a farce to suggest that the judges on a Jan Sunwai panel aren't impartial since they all have impeccable qualifications and are able to hear all sides of an argument. The final judge is the public, or the audience. Even if a non-egalitarian slant were to be taken, it would be difficult to implement in the procedures.

By 1994, MKSS unified around the new empowering approach based on these democratic methods termed jan sunwai. After a long fight, the government announced a change in the panchayat act, allowing villagers to inspect local documents relating to the construction of local structures like schools, panchayat bhawans, dams, and bridges. This was all thanks to MKSS, which simply convened villagers and read out official documents before them. During the Jan sunwais, lies and exaggerations were exposed, and it was shown that the policies did not exist in practice as originally stated. It grew into a people's movement thanks to innovative forms of engagement like street theatre.

In 1999, MKSS's activity extended into new arenas, and it began using new democratic strategies to gain traction. By this point, the MKSS had begun using techniques like consultation, Mohalla meetings, and street plays like nukkad natak and nautanki (folk theatre) to raise people's levels of awareness. At the conclusion of each meeting, participants would hand out postcards to the Chief Minister, expressing their combined urgency for the RTI law to be passed. Successfully addressing a pressing public need in the face of inconsistencies in local government's work and support for rural livelihood, the MKSS attracted the attention of the media and the country's jurists, lawyers, academics, and bureaucrats through an innovative initiative

of such a unique nature that it quickly grew into a nationwide movement.

III Panchayati Raj Institutions in Uttar Pradesh

What we're interested in is the connection between devolution and development, and the history of devolution provides the context for this. It is debatable whether local level leadership can engineer a development process which will involve all sections of society, including the poor and the weak, and which will also favor them in the outcome, given that the formal leadership at the village level can be expected to mirror the prevailing power relationships. In this light, it is essential to foster conditions in which these groups may take an active role. Therefore, in a state like Uttar Pradesh, which has seen as few as four panchayat elections since independence, it is important to question whether and how the needs of participatory development and development for the poor mesh with emerging socio-economic and political realities of the rural countryside. It is important to examine how the limited devolution has affected power alignment and the distribution of gains from development initiatives that are now under the panchayat's jurisdiction. Although urban and rural India are often thought of as separate entities, the bulk of India's population actually lives in rural areas, making the institutions of rural local government a huge benefit for them. These regions have been left behind for quite some time because they have not been included in the developmental processes brought to them by the state and federal governments. In the years immediately after India's independence, the country was governed by a single party; this allowed just a small subset of the population to reap the benefits of democracy, while the rest of the country continued to be dominated by larger, more powerful factions. The effect of these deals was felt more keenly at the grass-roots level, and remnants of the practices are still prevalent in a number of states. John Harris has cited Kavi raj well on this topic. According to Kavi raj, the political elite of the new Indian state in the 1950s and 1960s generally failed to build a "common political language" for the people. He made this argument in 1991. The Congress party dominated Indian politics during the first quarter century after independence, and its clientelist structure reached from the lowest levels of urban and rural life all the way to the top. Over most of the nation, those with local power—typically the bigger landowners and the main peasant

proprietors—became essential brokers, mediating between the masses of the people and the government. The reformist goals of the Nehruvian elite were ultimately defeated by the local power holders.

According to the 73rd amendment, the Pradhan presides over the Gram Panchayat and delegates his or her power and authority to the up-Pradhan, who is selected by the Panchayat Council rather than the voters, as is the case in the state of Uttar Pradesh. A panchayat is often made up of a collection of villages. As many UP villages have populations of over a thousand, it is common for a panchayat to include more than one village. These gramme panchayats have been partitioned into electoral wards or constituencies for the purpose of electing their representatives.

IV State of Government Efforts in Uttar Pradesh's Education Sector

According to the guiding principle of state policy, all children between the ages of 6 and 14 must receive a free and obligatory public education. Education up to and including the level of a primary school is included. Studies have shown that enrollment in elementary and upper primary (also known as senior basic) education has been rising steadily. Statistics provided by the Government of UP show that the number of students enrolled in primary schools has risen from 2.63 million in 2011 to 3.18 million in 2018, while the number of students enrolled in upper primary schools has risen from 0.35 million to 3.18 million during the same time period. But the enrollment rate curve displays a wavy progression across the decades. Studies show that primary school enrollment climbed from 2.98 million in 1951 to 16.59 million in 1991, a growth rate of 1,375%. However, enrollment dropped to 1.34 percent yearly between 1991 and 2000, which is much lower than the 4.08 percent annual enrollment rate seen between 1951 and 1991. Girls are now more likely than males to enroll in school. Female enrollment in primary schools climbed by 6.37 percent from 1951 to 1991, then dropped to 2.25 percent yearly afterwards. However, it is worth noting that this percentage soared to 35. 2 percent over the decade 1991–2000, up from 19.8 percent during the previous decade. Boys' enrollment in primary school peaked at 3.43 percent between 1951 and 1991, but has since dropped to 0.88 percent between 1991 and 2000. 29 non-governmental organization (NGO) Annual Status of Education Report (ASER) data for 2014 on the number of children enrolled in

different schooling options is available (Table 5a).

Table 4a: Children in different types of schools in Uttar Pradesh, 2014

\Age Group	Govt.	Pvt.	Others	Not in School	Total
Age: 6-14 All	41.1	51.7	2.4	4.9	100
Age: 7-16 All	38.1	52.1	2.1	7.7	100
Age: 7-10 All	42.6	51.9	2.8	2.8	100
Age: 7-10 Boys	38.1	56.8	2.6	2.5	100
Age: 7-10 Girls	47.8	46.2	2.9	3.1	100
Age: 11-14 All	37.2	53.3	1.8	7.7	100
Age: 11-14 Boys	34.0	58.1	1.6	6.4	100
Age: 11-14 Girls	40.7	48.1	2.0	9.2	100
Age: 15-16 All	28.4	49.5	1.0	21.0	100
Age: 15-16 Boys	29.1	50.6	0.8	19.4	100
Age: 15-16 Girls	27.7	48.3	1.3	22.7	100

Note: Others include children going to madrasa and EGS.Not in School = dropped out +never enrolled

Approximately 20% of children in Uttar Pradesh between the ages of 6 and 13 were not in school in 1998–1999, according to a UNICEF study. According to the NSS's estimates for 1999-2000, between 28.6 percent and 22.5 percent of children in rural and urban Uttar Pradesh, respectively, are not in school.

Figure 4b: Percentage of 6–14-year-old enrolled in school in Uttar Pradesh,
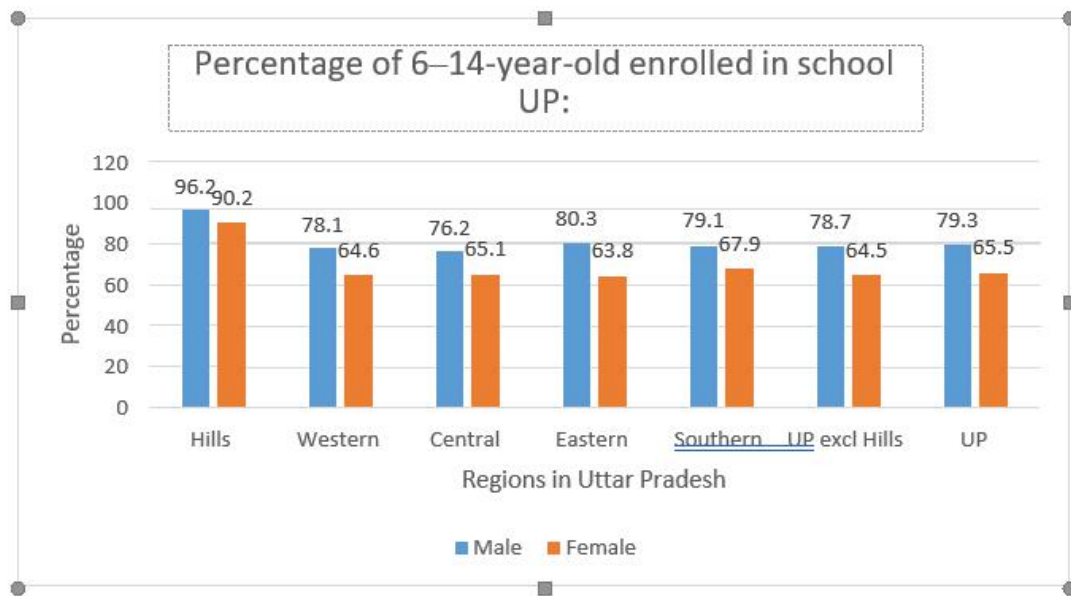
1999-00.

The Human Development Survey by the NCAER also found enrollment rate disparities across socioeconomic categories. According to the report, the enrollment rate of Muslim and SC children in UP is much lower than the statewide average. By comparing all of India's states, the researchers found that UP had far bigger inter-group gaps than those with significantly superior performance, such as Himachal Pradesh, Kerala, Tamil Nadu, and Maharashtra.

The Problem of High School Dropouts in Rural Uttar Pradesh According to the Government of India's figures on enrollment rate and dropout rate, more than half (52.45%) of the country's children drop out of school between the first and eighth grades. This is especially true for females (57.28%) compared to boys (49.87%). Statistics show that throughout the country in India, around 54.14 percent of students drop out of school over the same time period. 33 Although it is often believed that dropout rates are greater in urban India, a recent UNICEF research revealed the opposite to be true: dropout rates were higher in urban areas (3.97 per cent) than in rural regions (2.97 per cent) across all age groups. It has been observed that the disparity between the dropout rates of students aged 11-13 is larger than that of students aged 6-10. Girls in rural India have a somewhat lower dropout rate than males do (1.79 to 2.01). The gap is larger, but the same pattern holds true for children aged 11–13. 34 As the report shows, the dropout rate is highest among the SC/ST

population in rural India, followed by the OBC population, and finally the Upper caste groups. In addition, the report notes that the total dropout rate in urban areas is somewhat higher than that of SCs/STs, with the highest rate occurring among SCs/STs, followed by the OBCs, and finally the Upper Caste groupings, among students aged 11–13.

V Analyzing Data and Performing Hypothesis Tests

A Linear Regression model is developed to analyses the effect of MGNREGA-generated assets on rural infrastructure development. Using information provided by respondents about the development and maintenance of different types of works by MGNREGA in their respective villages, an index1 for MGNREGA-created assets was developed. With a five-point Likert scale, where a "1" indicates strong disagreement and a "5" indicates strong agreement, respondents rated their level of satisfaction with various types of employment. Index1 was calculated by averaging the respondent's ratings across all job types. Beneficiaries' opinions on the longevity and value of MGNREGA-funded projects were compiled into a second index2 for analysis. Using a five-point Likert scale (where "1" indicates strongly disagree and "5" indicates strongly agree), respondents ranked the usefulness of various types of works. Similar methods were used to determine index2's value (Shome et al., 2012). In general, these indices were quite trustworthy (Cronbach's Alpha=.855).

A Linear Regression Model was used to test the hypothesis that "there is no substantial influence of assets developed by MGNREGA on rural infrastructure development," where index1 was the independent variable and index2 was the dependent variable.

Statistics with a Focus on Describing Features 5.4.1.1

The median index value for MGNREGA-led asset creation is 3.57, whereas the median index value for rural infrastructure development is 3.58. Both indices demonstrate rather stable reactions from recipients, with a standard deviation of 387 and 353, respectively.

Table (5.8) Descriptive Statistics

Variables	Mean	Std. Dev.	N
Rural Infrastructure Development	3.582	.3873	600

(Index2)			
Assets created by MGNREGA (index1)	3.573	.3530	600

VI Conclusion

In order to completely revamp the system, UP has been working on it from the ground up. RTI's growth in social responsibility throughout time. There has been a total revamp of the Public Authorities in Uttar Pradesh, thanks to the efforts of the Right to Information apparatus. As was previously indicated, the UPSIC intends for its programmed to increase access to RTI for the general public. If the new RTI regulations 2015 and the accompanying website are strictly adhered to, they have the potential to alter the way RTI is implemented on the ground in Uttar Pradesh. Panchayat Raj Institutions and Right to Information (RTI) have intersected in a way that has opened up exciting new possibilities for efficient government operations and the equitable distribution of resources.

People who have used the RTI system, including applicants, appellants, Public Information Officers, and members of the Civil Society, have had a range of reactions in UP's grassroots level. While more people are becoming active in response to problems like procedural delays, threats to life, and bureaucratic hurdles, they are also beginning to recognize the positive improvements that RTI may bring in some situations. As a result, a robust grassroots movement in the state is actively pushing for RTI.

On October 12, 2015, a full decade has elapsed since RTI's implementation in 2005. (Passed on 15 June). With much hoopla, the nation heralded the measure as a historic first for the country's ruling elite. There were still scams and scandals surrounding the UPA government, but it was also this administration that gave the go-ahead for a law that has given millions of people a leg up and inspired the idea of active citizenship. Without a shadow of a doubt, RTI has enabled the common man to contact directly with the public authority, stifling the practice of service delivery by the "authority's man" and posing a challenge to the common practice of assigning the "middleman" the responsibility for doling out benefits. The research shows that RTI is helpful in preventing the misuse of public funds at the local level by public authorities. Putting

RTI into full operation will undoubtedly require a considerable amount of time, but almost as much time will be needed to effect cultural shifts in the workplace and alter the attitudes of public officials and citizens. Corruption, it seems, is pervasive throughout the nation and requires a broad coalition of citizens and non-governmental organizations to tackle it head-on. Differences at the grassroots level in India may be traced back to local mafias' involvement in political and bureaucratic networking. It is not enough for the government to just let individuals know their rights and obligations; rather, it must also provide regular trainings to improve competence in handling RTI requests and awareness generating initiatives for the general public. Having the backing of well-known NGOs already active in the same subject may be a huge help, especially at the grassroots level.

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