CHAPTER - V

ANALYSIS

Introduction

Free flow of information is a must for every society. It is now widely recognized that the right to information is vital to democracy for making the governance transparent and accountable. The right to information equips the citizens to handle their affairs including participation in the governance of the country with adequate knowledge. Although the research seeks to analyze the impact of right to information Act in Kolhapur district carried out in three areas i.e. Kolhapur city, Kagal and Radhanagari talukas constituting it, overall a brief profiles of the state and the district Kolhapur, are deemed necessary to place subsequent talukas and village level analysis in their proper perspectives. The profile of the area under study needs to briefly discussed.

Profile of Maharashtra

Maharashtra lies between 15N and 22N latitudes and 72 E and 81 E longitudes and has total areas of 307583 square kilometers. The state comprises the Western coastal plain (Konkan) along the Arabian Sea backed by the steep Western hill ranges called the Ghats (Sahyadris). The eastern slopes of the Sahyadris together with some of its branches and valleys (Maval) extent into the deccan plateau. The surface of the plateau is made up of Western Maharashtra (East of the Maval tract),
South Eastern Maharashtra (Marathwada), North Western Maharashtra (Khandesh made by the districts of Dhulia and Jalgaon) and eastern Maharashtra (Vidarbha). Maharashtra's population of 7.89 crores constituted 9.3% the total population of India. The share of urban population at 38.7%, sex ratio of 934 and literacy rate of 64.9% was higher than the national average of 25%, 927 and 52.2% respectively. The Right to Information Movement in Maharashtra has played a significant role.

I- Profile of Kolhapur

Kolhapur is an ancient city. Prof. G.H. Khare has suggested that the name “Kolhapur” is to be explained in terms of its geographical and location origins. He argues that the city situated on the banks of the river Panchaganga takes its name from the original Kannada word “Kolla” or “Golla” meaning ‘riverbed’. The history of Kolhapur can be broadly divided into four periods. Early Hindu period extending to about A.D. 1347, the Muslim period lasting from A.D. 1347 to about AD 1700 followed by the Maratha and British periods. Kolhapur is a district of villages. 73.67% of its population lives in the rural sector. The district of Kolhapur lies in the South West of Maharashtra between 15 and 17 North latitude and 73 and 74 East longitude. The total area admeasures 7685 Sq. Km. with a population of 29.90 laksh as per the 2001 census. It is bounded on the north by Sangli district, on the west by Ratnagiri and Sindhudurg districts and in the South east by Belgaum district of Karnataka State. Kolhapur district constituting of 3.79% state’s population 73.67% of the population reside in rural areas.
The urban population of Kolhapur at 26.33% is lower than that of Maharashtra at 38.69% with a view to promoting development of democratic institutions and securing greater measure of participation by the people in local and governmental affairs, powers has been decentralized in the Municipal Corporation in city and Zilla Parishad and Panchayat Samities established in the district. Right to Information has been exercised by citizen of Kolhapur with public interest. Kolhapur city consisted of A, B, C, D and E ward. Kolhapur is a political centre. The local politics observed points out that it has different political groups which play an important role in local politics i.e. Congress, Shiv-Sena, N.C.P., B.J.P., and other groups. There are eminent political leaders belonging to Kolhapur city have no direct co-relation with the public administration but some political leaders have control over bodies like Municipal Corporation, K.D.C.C. and other establishments for their political identity.

Analysis

To observe and study of impact of Maharashtra Right to Information Act and Right to Information Act 2005 three detailed and comprehensive interview schedules were prepared and a pilot study was conducted. In interview – open ended questions were asked in order to collect the information. Questionnaires were operated at applicant level and interviews were held with Public Information Officers, Appellate authorities, applicants, organizations and non-applicants. In Kolhapur city, 32 officers
were interviewed. 22 offices in Kolhapur city were included in the scope of study as per table No.3.5 of Chapter No. III.

Public information officer - Overall, the Public Information Officers have stated that:

1) All the staff members in the office are not aware of the provisions of the Act in detail.
2) The PIO is solely responsible for the work.
3) The machinery for the proper implementation of the Act in the offices is not available. Increased burden of work due to improper filling of documents.
4) The staff of every department of government office is less than the ratio of present workload.
5) There is no co-ordination between staff members.

Applicants have right to ask any information and it is binding on PIO to supply the information within time limit. Under Maharashtra Right to Information Act, the responsibility was on the PIO and then it became difficult to follow the procedure and supply the information. But at present, under Right to Information Act, there are Assistant Public Information Officers who are responsible for supplying the information within 30 days.

It is observed that 50% applications were of individual nature. The people are satisfied with getting personal information. 30% applications were of public interest, 15% applications were just to create trouble
amongst authorities and 5% applications were rejected, being erroneous. But Public Information Officers told that 50% applications were of mischievous and were to create trouble, 30% applications were of individual nature, 20% applications were of public interest. There were less number of appeals in government offices. Public Information Officers were fully aware about the provisions of the Act than the appellate authority. Under Maharashtra Right to Information Act 2002, in rare cases the 1st appellate authority imposed penalty in Kolhapur city.

The interviews conducted pointed out that there are many difficulties in implementing the Act, like Lack of knowledge of staff, inadequate computer facilities, shortage of man power etc. It is necessary to acquaint with the knowledge about the provisions of the Act to each staff member. Funds must be available for the proper implementation of the Act. The workload has increased due to this Act because the documents and records are not properly maintained and the lethargy in the system adds to the problem. In 98% offices, authorities opined that in some cases the information to the applicant was misused by the applicant. The applicants misused the information supplied by adding their own views, and by giving publicity through media. According to the authorities, 20% of the information was misused by the applicants. But as per the observation it seems that in Kolhapur city, no applicant has misused by giving publicity to the information received by the authority.
In Kolhapur Municipal Corporation some applicants applied for copy of building plan which could be used by the applicant for his own building projects. Such advantage is been taken by a few applicants, but generally the information sought is not being given publicity through media. The public authorities opinioned that there must be provision of fine, imprisonment for the misuse of the Act. All authorities said that the Act is good and it encourages people to actively participate in development processes but there are some cases which are deliberately using the right to trouble and torture the department. The citizen must use the Act for public interest. The authorities suggested that there must be workshops on this Act for employees because if the Public Information Officer is absent then other staff is unable to attend the applicant properly.

**Appellate Authority**

Under Maharashtra Right to Information Act, the 1st appellate authority was empower to impose penalty by which there was harassment by 1st appellate authority over public information officers. Under Right to Information Act only State Information Commission has power to impose fine and penalty. The Public Information Officers are happy with this provision and they stated that under section 21 it was the facility provided to the PIO. If the information supplied by him is in good faith, the State Information Commissioner will not impose the penalty. This provision is in favour of the PIO.
1st appellate authorities have no power except supplying information. But in some cases the public information officer is pressurized not to supply certain information to the applicant then as it is an order of senior officer, the PIO is unable to supply the information available with him which consequently means that he is not in position to implement the Act properly.

Applicants

Under MRTI Act 2000 there were only 7 applications. Under MRTI Act 2002 there were 607 applications while under RTI Act 2005 there were 1319 applications during October 2005 – December 2006 in Kolhapur city. In the case of MRTI – 2000, since it was largely in favour of Government, it was opposed by the R.T.I Movement led by Anna Hajare demanding amendment in the Act. The number of applicants seems to be increasing as the awareness regarding the Act was increasing. Applicants in Kolhapur city are aware about the Act. 70% of applications were made for individual information and 30% relating to public interest. But the applications involving public interest are more important as it was done constructively and to expose corruption. 50% applications were made through pressure groups like Anna Hajare's Anti Corruption Jan Andolan. This points out that the Right to Information is being used by political agencies through pressure groups. But, the most important fact that was observed was the important role of "Anna Hajare's Anti Corruption Jan Andolan Movement" as a pressure group. This movement has brought out
cases of corruption related to draught relief fund distributed in Kolhapur district.

Amongst the various cases studied, a one important case in the light of the purpose and objective of the Act are highlighted below:

At Municipal Corporation, Shivaji Sadguru, applied under the Right to Information Act for asking information of daily wages employees – list of Daily wages employees, their appointment dates, wages, position/post etc. The public authority supplied the information to the applicant by which it came to light that the applicant who was appointed as an employee is not working but his payment from last 10-14 years was picked up by the officers and the person appointed is not getting the benefit of the same. After getting the information he forced the Commissioner, to make enquiry. There was enquiry conducted by the Commissioner Municipal Corporation. In the enquiry it was found that these type of fraud took place against 139 people. Three officers were terminated from office and detailed enquiry is going on. It is due to Right to Information Act that this type of cases came into light and with this information the affected people would get justice.

Highest numbers of applications are relating to Municipal Corporation. Out of 367 applications, 112 applications were related to construction department of Municipal Corporation.
In Shivaji University under M.R.T.I. Act 2002, out of 11 applications 6 applications were made to affiliation section. Under R.T.I. Act 2005, out of 134 applications 64 applications were related to affiliation section.

In co-operative societies there was a flood of applications about the information of various co-operative societies.

In some offices like Office of Quality Control, Office of Labour Commissioner etc., there were no applications at all. When enquired about the reason for non application astonishingly the authorities said that this department has no concern with public work.

Applicants view is that the Act is good but it must be used by every citizen to make the democracy participatory. There must be control of people over public authorities because we are the master and the officers are our servants. Near about 75 appeals out of 607 applications are there under M.R.T.I Act 2000 with Lokayukta, and near about 200 appeals out of 1319 applications are there under R.T.I. Act 2005 with State Information Commission.

The number of applicants is very meagre as compared to the population of Kolhapur city. The reason observed is that the people did not know about the provisions of the Act and hence they are not using the Act. There is need to create awareness among the citizens. The mindset of the people is that they only think about themselves as individuals and they have no interest in society and its welfare.
Only 2% women have implemented the Act. They are not aware about this Act as in case of other rights. To protect their rights women must use this Act. Hence there is need to make the large section of citizens, including women, aware of this Act, to achieve the purpose and objectives of the Act. Thus, it is necessary to participate actively in the democracy through this Act. Political use of this Act is not observed but pressure groups have been instrumental in this area. Hence, over all, even if the applicants are in small number, a large number of the cases related to public spheres have definitely helped to expose corruption and lead towards transparency.

II - Profile of Kagal

Kagal taluka lies to the southeast of Kolhapur city. It is bounded on the north by Karvir and Hatkanangale talukas, on the west and southwest by Radhanagari and Bhudargad talukas and on the south by Ajara and Gadhinglaj talukas. The population of Kagal taluka is 213074 constituted 7.12% of the district population. The rural population at 184951 comprised 93805 males (50.71%) and 91146 females (49.20%). The population lives in 86 villages. The primary activity of the taluka is agriculture. The taluka has an area of 547.30 Sq.Kms. which are about 7.2% of the total area of the district. The taluka is administered through the Karveer revenue sub-division / Panchayat Samiti. The principal administrative officers of the taluka level is the tahsildar, Judicial Magistrate, Block Development Officer and officers of the revenue department.
Kagal has been the most important area of political control. Since
the study basically stresses upon the legal – political implication and
dimensions of right to information, the overall political background of the
area has to be briefly taken into consideration. Kagal has been
dominated by the Maratha class, toe-lining the politics of Maharashtra in
general. We observed that all the economic and political institutions have
been dominated by the Maratha’s, Shri Sadashivrao Mandlik, Shri
Hassanso Mushrif, Shri Vikramsingh Ghatge, and Shri Sanjaybaba Ghatge
are eminent political leaders. Kagal taluka has thus been dominated
politically and alternatively by the politically strong groups. Kagal taluka
has been involved in political activities of the groups. A political leader
tries to establish relation with the local people by way of providing them
the facilities through administration. The political leadership which had
already established their position also looked down upon the local support
for in-tact and secure political future.

Analysis – In Kagal, 18 offices were covered under the study. 15 officers
were interviewed. They stated that they provided information to every
individual even on oral demand without application under this Act.
Administrative functionaries are very prompt due to pressure of ministers.
75% applications under this Act are from organizations and they serve the
social welfare. Every public authority knows about the provisions of the
Act very well. The staff, required carrying out the responsibility and other
machinery is not available in the administration. Funds are not available
for official expenses. 15% applications are related to individual information but the tendency of administrative authorities is positive and there is proactive disclosure of the information. Due to sound political background, the approach of administration is active and positive. Due to strong support of ministers information regarding every scheme, projects is available to the people through public offices. The citizens are supporters of ministers and thus there is proper functioning of administration. But still all government employees did not know about the Act. There are cases of misuse of some provisions of the Act. In one case, people belonging to one organization took benefit of the person who belongs to below poverty line. The organization wanted to procure huge documents and hence they applied through that BPL person as there is no fee for such people. The organization got the information. Thus, it is observed that the organizations acted as pressure groups. Public Information Officers stated that Maharashtra Right to Information Act 2002 was the best example for transparency and accountability than Right to Information Act 2005. As under Maharashtra Right to Information Act 2002, Tahasildar was Public Information Officer and Pranta (Circle Officer) was 1st appellate authority thus there was control of higher authority for proper functioning of the Act. But under Right to Information Act 2005, Naib Tahsildar is Public Information Officer and Tahsildar is the 1st appellate authority. Thus, in some cases there was pressure by 1st appellate authority on Public Information Officer about non-disclosure of some information.
In Kagal, the application regarding gas-holders and Sarva Shiksha Abhiyan were the best examples to control the corruption. The government distributed funds to every grantable school for introducing e-system for students. One applicant asked information about the utilization of funds to introduce e-system, and he asked for inspection of the material. After receiving information and inspecting the material it was found that the purchase receipts of computer was bogus and the computers were brought from education society's Milk dairy cooperative and they were not actually purchased by the school.

Less knowledge about the provisions of the Act, inadequate staff, and machinery, no-coordination amongst the staff etc. are the reasons told by the Public Information Officers for failure of proper implementation of the Act. In Tahasildar Office, there were 7 applications under Maharashtra Right to Information Act 2002 but under Right to Information Act 2005 there were 41 applications. Thus, the use of Right to Information is increasing among the citizen but the applicants in Kagal are the same and belong to the same organization. Yet, due to sound political atmosphere there are proactive disclosures of information by the administration. This leads to less number of applications and also corrects the administration to a large extent. The observation points out that 50% applications were of public interest, 25% are individual information related applications while 5% are erroneous and 20% are purposely used applications to trouble the officers. Right to Information is being used by
political agencies through pressure groups. A number of co-operatives, education institutions are using this Act in order to expose the opponents. Although direct political intervention from political leaders is absent, yet, the political base structures like sugar co-operative, Dairy co-operatives, primary credit societies etc. are observed to be definitely using this Act as an instrument. But the most important fact that was observed was the important role played by Anna Hajare's Anti Corruption Jan Andolan Movement as a pressure group. This movement has brought out cases of corruption. The applicants' number being very small. The non-applicants when interviewed stated generally that since the political leaders are easily reachable, the leaders are approached to solve their problems. Further since the leaders themselves are active, very few instances arise where there is a need to use the Right to Information Act.

III - Profile of Radhanagari

Radhanagari taluka is positioned in the middle of Kolhapur district and lies between 15.43 and 17.10 degrees north latitude and 73.40 and 74.42 degrees east latitude. It is bounded on the south by Bhudargad taluka, on the east by Kagal and Karvir talukas and on the west by Gaganbawada and Sindhudurg talukas. The north-south length of the taluka is around 50 Kms. And its width, east-west, ranges between 15 and 30 Kms. Of the total land area of 892.3 Sq.Kms. about 72.43% are hilly and mountainous. 24% constituted foothills and the remaining 3.57% is plain land. The taluka lies in the valleys of the Bhogawati, Tulsi and
Dudhaganga rivers. These three rivers rise in the Sahyadri mountains and drain the area lying in the hills to the north. The northern lower courses of the river valley form the drainage line of the taluka basin.

The population of Radhanagari at 16903 a comprising 83704 males and 83335 females constituted 5.6% of the district population. 100% of the population resides in the rural areas. The population lives in 30818 households in 117 villages. A typical village has an area of around 7.62 Sq.Kms. and a population of 1445 which is lower than the district average of 1854. The taluka has an area of 809.04 Sq.Kms. which are about 10.52% of the total area of the district. The taluka is administered through the Radhanagari revenue, sub-division / Panchayat Samiti. The principal administrative officers of the taluka level are the Tahasildar, Judicial Magistrate, Block Development Officer and officers of the relative development departments. The tahsil is head quartered at Radhanagari village. There are 113 villages in the taluka. The taluka is classified as 'Rural' taluka since it has neither a municipal council nor a municipal local body.

In Radhanagari taluka the local politics observed points out that it has five political parties that play an important role in local politics i.e. Congress, Janta Dal(S), N.C.P., Peasant and Workers Party and Shiv-Sena. Namdevrao Bhoite, Vijayrao More, Arunkumar Dongle, Udaysingh Patil-Kaulavkar, K.P.Patil, Arun Sonalkar, and Sampatrao Pawar-Patil etc. are eminent political leaders. Unlike the Kagal taluka politics we see that here
we have five political parties active in different regions of the taluka. Radhanagari taluka having no direct co-relation with the administration through strong leaders thus it lacks moral as well as financial support. The politics of Radhanagari taluka could be divided region-wise with different political parties influencing the different regions of the taluka. The individual leaders are dominant only in their respective election constituency. Thus, there is no direct influence of political leaders on the administration of the region.

In Radhanagari, 14 officers were covered under the study. 10 officers were interviewed. Only 27 applications were made out of which 5% applications are of public interest. The political situation of this region is different from that of Kolhapur and Kagai. Various political leaders have consolidated their power in different parts of Radhanagari region, without intervening into each other's area. Thus, the Act has not been used as an instrument, besides the major reason being unawareness of the Act. Public Information Officers opinioned that they did not know the provisions of the Act in detail. There is need to create awareness about the Act. The staff members, machinery available in the offices is not sufficient. The officers are not willing to work there. The public authorities are not satisfied with infrastructure. The posting at Radhanagari is treated as punishment because it is remote rural area.

There are 8 applications under M.R.T.I. 2002 and 19 under R.T.I. 2005. This is a very small number and the reason is villagers did not know about
the Act. The main occupation of the villagers is agriculture and they feel that the Act cannot be used in case of agriculture and hence they don't have any interest in the activities carried out by the government. The villages are far away from the administrative office place. Only people belonging to organizations made applications under the Act. The information of Indal Project of Durgamanwad and the cutting of medicinal plants from forest are the only areas of public interest; other applications were of individual information related to personal conflicts. The applicants were not satisfied with the information received. The observation points out that the public authorities are supplying wrong and false information to the applicant. The applicant doesn't know that information supplied is false and wrong. This may be lead as to hide the information and hence it may be deducted that the administration is not transparent and it could be handing matters related to corruption. Further the last appellate authority being at Mumbai is far away and hence people dare to go so far from Radhangari. The applicants have no capacity to file an appeal at Kolhapur so they have not thought about last appeal. Out of 27 applications, 4 applications were erroneous, 90% people did not know about the Act only in 2 applications 1st appeal was made by the applicant. No 2nd appeal was filed by any appellant. It is necessary to create awareness among the authorities as well as villagers. Political leaders come to visit the places during election period, they have
no interest in the welfare of public and administration as compared to Kagal Taluka.

Since the posting of officers is considered as a penalty, the officers' interest is lowest, people are from rural area and hence are not much participatory, women participation is nil, as no women had applied, due to the dominance of patriarchal system.

**Awareness programme on Right to Information.**

In pursuance of the research study awareness programmes were also conducted as it was hypothetically considered that awareness programmes would help in positive implementation of the Act. During the awareness programmes conducted at all the three area under the scope of study, two questionnaires were operated. One questionnaire was given before the beginning of the programme and the second questionnaire was operated after the end of the awareness programme. In the questionnaire 8 structured questions were asked and 2 open-ended questions were asked. The data collected from these questionnaire are given in the tabular format as below–

**Table No. 5.1**

Analysis of Awareness Programme

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<th>To some extent</th>
<th>Large extent</th>
<th>Yes</th>
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<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
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<tr>
<td>Before Awareness Programme</td>
<td>55</td>
<td>32</td>
<td>12</td>
<td>01</td>
</tr>
<tr>
<td>After Awareness Programme</td>
<td>Nill</td>
<td>43</td>
<td>50</td>
<td>07</td>
</tr>
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<td>Q.2 R.T.I. Act came into force</td>
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<td>04</td>
<td>38.75</td>
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Before Awareness Programme
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<tr>
<th>Question</th>
<th>Before Awareness Programme</th>
<th>After Awareness Programme</th>
<th>%</th>
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<tbody>
<tr>
<td>Q.3 Use of Right to Information</td>
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<td>69.50 17.25 12.25 01</td>
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<td>Q.4 About the Information received</td>
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<td>12.50 10.50 07.50 69.50</td>
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<tr>
<td>Q.5 Relevancy of the Act</td>
<td>Nil 88 Nil 22</td>
<td>05 80 Nil 15</td>
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<tr>
<td>Q.6 Proper mechanism in Administration</td>
<td>10.25 24.50 03 59.75</td>
<td>7.5 29 05 02</td>
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<tr>
<td>Q.7 Difficulty in getting Information</td>
<td>5.25 21.50 47.75 25.50</td>
<td>1.25 0.5 42 55</td>
<td></td>
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<tr>
<td>Q.8 About Transparency</td>
<td>Nil 2.25 44.25 52</td>
<td>Nil 1.50 45.50 53</td>
<td></td>
</tr>
</tbody>
</table>

Some Participants ticked at two options

Some participants did not understand about the mechanism.

Q. 9. Opinion about the R.T.I - Majority of Participants mentioned that

1) It is boon to the layman.
2) There will be transparency in governance.
3) Corruption will be eradicated.
4) We shall get administrative information without delay.
5) The rift between government and common man will be reduced.
6) It is a powerful Act.
7) It should be utilized in all fields for the welfare of the country.
8) Need for awareness.
9) Proper implementation must take place.
10) People must be made aware regarding their fundamental rights.
11) Proper implementation of this Act can bring change into socio, economic and political sphere that can lead to more development.
12) Knowledge of this Act must reach to the grass root sections of our society.
13) Thanks to Anna Hajare etc.

1) Process should be made easy.
2) Exemptions under section 8 must be reduced.
3) Provision regarding misuse of the Act.
4) Government should take efforts to make the society aware about the use of the Act.
5) Provision for workshop, seminar etc. for awareness.
6) Act must be publicized through education.
7) Media should publish the leading examples and instances of Right to Information.

8) The student can act as the best agent to carry the Act to the society at large.

9) Proactive disclosure is essential.

10) Cross-checking is required.

It was observed that people did not know about M.R.T.I Act but they knew about Right to Information Act through media. After awareness programme they are willing to apply under the Act. A path breaking Act which will no doubt escalate the process of effectiveness in the system. The area under the study reveals that the number of applications has increased, but is very meagre as compared to the population. In Kolhapur, Kagal and Radhanagari, comparatively, the Act has been largely used for individual purposes. The public welfare related applications came largely from political pressure groups and parties especially in Kolhapur and Kagal. Radhanagari is the area where least applications were made. This could be related to its overall backwardness. Anna Hajare's movement has definitely played an important role in achieving the objective of the Act and thereby creating awareness in society.

Reference:

All data is based on the survey conducted through questionnaires and interviews.