



UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS  
UNITED NATIONS DEVELOPMENT PROGRAMME



**SEMINAR ON GOOD GOVERNANCE PRACTICES  
FOR THE PROMOTION OF HUMAN RIGHTS  
Seoul  
15 – 16 September 2004**

**Jointly organized by the Office of the United Nations High  
Commissioner for Human Rights and the United Nations  
Development Programme**

**Panel 4: Combating corruption in the public and private sectors**

**Preventing corruption: Transparency and accountability through the  
right to information \***

---

\* The views expressed in this paper do not necessarily reflect those of the OHCHR or UNDP.

## **Preventing corruption: Transparency and accountability through the right to information –Mazdoor Kisan Shakti Sangathan<sup>1</sup>**

### **Presentation Abstract**

#### **Summary**

1. State projects intended to provide services and create jobs for the poor and improve the rural infrastructure in a poor region of Rajasthan, failed in many cases to serve the poor. Officials reportedly made fake entries in the books that recorded the task performed and wages paid, and charged the government much more than was actually paid to workers, thus misappropriating public funds.
2. People's scrutiny of government accounts and records was likely to result in higher transparency and accountability in the system. However, the corresponding authority failed to provide information on development expenditure in about 100 villages.
3. Therefore MKSS started to organize *jan sunwais* or public hearings. A *jan sunwai* is an open forum in which besides the citizens of that area, social activists, lawyers, media persons and civil servants participate. It is a gathering of citizens before whom public documents are read. People ask questions and give testimony, pointing out inconsistencies between official records and their own experiences. A *jan sunwai* does not pass a verdict or punish the guilty. The decision of the assembled collective to pose a certain set of questions determines the priorities of the hearing.
4. *Jan sunwais* pointed out discrepancies between the official records and reality, exposing cases of payment for ghost works, fudged muster rolls, over-billed purchases, underpayment of wages, poor quality of construction, tinkering with prescribed labour-material ratio, payment to bogus companies, and community assets under personal possession and use. The *jan sunwais* gradually evolved into a more powerful "naming and shaming" mode.
5. Concerned government officials from the department(s) in question were also invited for such public hearings. However, they initially challenged that they could be subjected to such a public inquest and held that their records could only be audited by official auditors. Some government officials tried to bring stay orders from the court against divulging such information. On one occasion, the village development officers went on strike against the order of the District Collector that directed them to furnish information. Even among senior civil servants, skepticism was not uncommon. Some of them called it extra-legal form of evaluating evidence paying scant regard to rule of law with the sole objective of exposing guilty officials rather than bringing them to book through courts of law.

---

<sup>1</sup> Mazdoor Kisan Shakti Sangathan (MKSS), or the Organisation for the Power of Workers and Farmers is a grassroots organization founded in 1990 in the Indian state of Rajasthan. MKSS is a member organization without any formal hierarchy. The members are mostly from the lower socio-economic class, such as small and marginal farmers and landless laborers. Funds are raised from community contributions and individual donations.

6. Showing up tainted officials in full public glare in the *jan sunwais* did have its impact. Publicly shamed officials began to return the defalcated money. Some other officials either quit or were suspended from the service. Some arrests were also made. People participated for different reasons, underpayment of wages on public works, recognition of the link between leakages in development expenditure and quality of infrastructure.

7. MKSS built coalitions with other civil society groups and individuals, leading to the formation of the National Campaign for People's Right to Information (NCPRI) to provide support to grassroots struggles and advocacy at the national level.

## **Results**

8. The public hearings led to an amendment in the Panchayati Raj Act of Rajasthan, to allow citizens access to and obtain photocopies of, documents, and to the issue of social audit guidelines for all public works taken up under the Ministry's anti-poverty programmes. The public hearings underscored the need for direct and continuous accountability of public officials, and not only at election time. The information gathered that proved complicity of officials was admitted as evidence before the court and in fact was used as such; very few cases resulted in punishing the officials, many cases are still going on.

9. Now the state government has started organizing the *jan sunwais* under the supervision of MKSS so as to ensure the proper handling and use of public money by its officials. All expenses are discussed during the audit and the villagers decide whether or not the money was actually spent on them.

10. Initially being at the rural level, later public hearings also took place at the urban areas, such as Delhi. These audits were conducted by many other civil society organizations and expanded also to other areas, such as reading out the voters' lists in open meetings to control their accuracy.

## **Lessons Learned**

11. The application of the right to seek information leads to transparent decision-making and accountability of public officials, achieved in an open debate between the different stakeholders. This understanding of the right to information is a powerful means to ensure that public funds reach the poor in a way free from corruption restoring life opportunities for the poor, denied as a consequence of the manipulation of official records. Thus, the right to access these records becomes part of the right to life and livelihood. It is also a way to empower people, demonstrated by their willingness to testify against people in power, who very often belong to a higher caste and have a social standing that can be intimidating.