

# The Right to Information Act, 2005

## **A Guide for Urban Local Bodies (ULBs)**



## Acknowledgments

This Guide has been prepared by the National Implementing Agency (NIA) team on the 'Capacity Building for Access to Information Project' (CBAI) at the Centre for Good Governance (CGG), Hyderabad.

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While all efforts have been made to make this Guide as accurate and elaborate as possible, the information given in this book is merely for reference and must not be taken as binding in any way. This Guide is intended to provide guidance to the readers, but cannot be a substitute for the Act and the Rules made thereunder.

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[www.r2inet.org](http://www.r2inet.org)

## Abbreviations

AMC	Akola Municipal Corporation
AO	Appellate Officer
APIO	Assistant Public Information Officer
BPL	Below Poverty Line
BSUP	Basic services for urban poor
CAA	Constitution (74th Amendment) Act, 1992
CBAI	Capacity Building for Access to Information
CBO	Community based organization
CDS	Community Development Society
CGG	Centre for Good Governance
CIC	Central Information Commission
CSO	Civil Society Organisation
DFID	Department for International Development
DoPT	Department of Personnel and Training
DWCUA	Development of Women and Children in Urban Areas
EIUS	Environmental Improvement of Urban Slums
EWS	Economically Weaker Section
FIR	First Information Report
GIS	Geographical Information System
Gol	Government of India
IDSMT	Integrated Development of Small and Medium Towns
IHSDP	Integrated Housing and Slum Development Programme
ILCS	Integrated Low Cost Sanitation
JNNURM	Jawaharlal Nehru National Urban Renewal Mission
LIG	Low Income Group
MCD	Municipal Corporation of Delhi
MIS	Management Information System
MRTIA	Maharashtra Right to Information Act
NGO	Non Government Organisation

NHC	Neighbourhood Committee
NHG	Neighbourhood Group
NIA	National Implementing Agency
NRY	Nehru Rozgar Yojana
NSDP	National Slum Development Programme
O&M	Operation and Maintenance
PDS	Public Distribution System
PIO	Public Information Officer
PMIUPEP	Prime Minister's Integrated Urban Poverty Eradication Programme
PWD	Public works department
RTI Act	Right to Information Act, 2005
SC	Scheduled Caste
SIC	State Information Commission
SJSRY	Swarna Jayanthi Sahari Rozgar Yojana
ST	Scheduled Tribe
UBS	Urban Basic Services
UBSP	Urban Basic Services for Poor
UIDSSMT	Urban infrastructure Development Scheme for Small and Medium Towns
ULB	Urban Local Body
UNDP	United Nations Development Programme
USEP	Urban Self Employment Programme
UWEP	Urban Wage Employment Programme
VAMBAY	Valmiki Ambedkar Awas Yojana
VRS	Voluntary Retirement Scheme
YASHADA	Yashwantrao Chavan Academy of Development Administration

## PREFACE

The enactment of the Right to Information Act, 2005 is a historic event in the annals of democracy in India. Information is power and now the citizens of India have the right to access information held by or under control of public authorities. It has become the duty of all public authorities to provide information sought by citizens.

The Act prescribes mandatory disclosure of certain information to citizens, and designation of Public Information Officers and Assistant Public Information Officers in all public authorities to attend to requests from citizens for information. It also mandates the constitution of a Central Information Commission and State Information Commissions to inquire into complaints, hear appeals, and guide implementation of the Act.

Urban Local Bodies (ULBs) are important local government institutions as well as public authorities and they are also duty bound to provide information sought by citizens as any other public authority.

The Centre for Good Governance (CGG), Hyderabad in partnership with Yashwantrao Chavan Academy of Development Administration (YASHADA), Pune, has been designated as the 'National Implementing Agency' (NIA), under the Department of Personnel and Training (DoPT), Ministry of Personnel, Government of India and United Nations Development Programme (UNDP) supported 'Capacity Building for Access to Information' (CBAI) Project.

Under the project, the NIA is carrying out various activities like training resource persons, launching R2Inet, a comprehensive portal on Right to Information, conducting workshops, undertaking research and documentation and other advocacy and dissemination activities.

As a part of the agenda of the CBAI Project, the NIA is publishing Guides and Manuals for use by various public authorities, civil society, media and citizen groups who play a key role in making the right to information a tool for good governance and effective service delivery.

The Guide for ULBs is one such guide. It explains the scope of the Right to Information Act, the manner in which information can be sought and the way the information can be disclosed; and transparency and accountability of local bodies to the citizens can be improved. The Guide also focuses on how the Right to Information Act can be made good use of by the ULBs to secure enhanced public participation, effective service delivery and transparency in selection of beneficiaries under various subsidy schemes.

The case studies provide examples of how RTI can be used by citizens and citizen groups to make the public authorities accountable for various government programmes. This Guide would be of assistance to the ULBs in understanding the objectives of the Act, in monitoring its implementation and in using the Act provisions effectively to foster transparency and accountability in governance. CGG is obliged to receive any suggestion for improvement of this Guide.

**Director General  
Centre for Good Governance**

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## Chapter 1: Introduction to the Guide

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*"In a government of responsibility like ours where the agents of the public must be responsible for their conduct there can be but a few secrets. The people of this country have a right to know every public act, everything that is done in a public way by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing"*

*- Supreme Court in **State of UP vs. Raj Narain** in 1975*

### **1.1 Right to information**

1.1.1 The enactment of the Right to Information Act, 2005, is a historic event in the annals of democracy in India. Information is power and now the citizens of India have the right to access information "held by or under control of" public authorities. Concurrently, it is the duty of all public authorities to provide information sought by citizens. A sea change can be achieved towards transparency and accountability in governance by implementing the Act in letter and spirit.

1.1.2 Right to information under the Act not only means right to information accessible, but also includes right to (i) inspection of work, document records; (ii) taking notes, extracts or certified copies of documents or records; (iii) taking certified samples of material, and (iv) obtaining information in any electronic mode.

### **1.2 Local Governments and Informed Citizens**

1.2.1 In realising the objectives of the Act, the role of Urban Local Bodies (ULBs) assumes considerable importance. Urban Local Bodies are important local government institutions endowed with administrative and financial powers to deliver mandated services to its citizens.

1.2.2 The Constitution (Seventy Fourth Amendment) Act, 1992 envisages ULBs to undertake, among others, functions of urban planning including town planning, planning for economic and social development, urban forestry, protection of the environment and promotion of ecological aspects, safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded, slum

improvement and up-gradation, and urban poverty alleviation. As urban areas play a vital role in the economic development of the state as well as the country, ULBs are becoming important channels of distribution of the resources required for promoting and sustaining local economic development. Local government accountability is vital for the long run success of local development and it requires the mechanisms like right to information that promote transparency of the functioning of ULBs.

1.2.3 The Right to Information Act, 2005 (RTI Act) thus becomes a key to the successful citizen participation and involvement in local development planning and to enhance the accountability of the ULBs. The RTI Act is expected to further motivate and facilitate participation in local development and to improve the transparency of functioning of ULBs. Right to Information Act will infuse greater transparency and accountability in the administration of developmental programmes and enable the citizens, citizen groups and third parties like media and civil society organizations to check mismanagement and arrest the abuse of resources.

### **1.3 Role of Centre for Good Governance**

1.3.1 The Centre for Good Governance (CGG), Hyderabad in partnership with Yashwantrao Chavan Academy of Development Administration (YASHADA), Pune, has been designated as the 'National Implementing Agency' (NIA), under the Department of Personnel and Training (DoPT), Ministry of Personnel, Government of India and United Nations Development Programme (UNDP) supported 'Capacity Building for Access to Information' (CBAI) Project.

1.3.2 As a part of the agenda of the CBAI Project, the NIA is publishing guides and manuals for use by various stakeholders including public authorities, Civil Society, media and citizen groups who play a key role in making the right to information a tool for good governance and effective service delivery.

### **1.4 A Guide for ULBs**

1.4.1 This Guide, prepared by the 'CBAI-NIA team' at CGG is part of the activities planned under the project during 2006-08. It aims at explaining why and how the ULBs could make use of the Right to Information Act for promoting development as

well as for improving their transparency. It also attempts to explain the scope of the Right to Information Act and the manner in which information can be sought that is vital to the empowerment of citizens and civil society, and to improve the accountability of local bodies to the citizens. It also helps citizens and citizen groups to understand the provisions laid down under the RTI Act in order to acquire such needful information from concerned local government authorities whenever needed. Moreover, the Act provisions are equally applicable to para-statal bodies like autonomous city water supply and sewerage boards, transport and electricity authorities as well as quasi-governmental bodies like Wakf Boards, Government Academies etc.

1.4.2 The Guide also focuses especially on how the Right to Information Act can be made good use of by the ULBs with respect to securing the benefits of enhanced public participation and support to development programmes including urban development planning, of increasing the transparency in the public services provision and in the decisions made with respect to sanctions and permissions, of the use of social audit mechanisms, of the selection of beneficiaries of various developmental programmes/ improvement schemes, and of effective implementation of programmes such as that for urban poor. The case studies provide examples of how RTI can be used by citizens and citizen groups to make the local governments becoming accountable for the projects and for spending on works.

1.4.3 The specific objectives of the Guide are to:

- Provide perspectives on access to information and an overview on the Right to Information Act, 2005 to the ULBs.
- Elucidate the principles underlying the RTI Act and the legal-institutional framework mandated therein.
- Assist ULBs with a ready reckoner on various provisions of the Act to enable them understand the provisions of the Act.
- Provide case studies that detail the way the citizens have been using the Right to Information Act in promoting accountability, transparency and improved service delivery in various government organizations including ULBs.

The guide has also incorporated feedbacks taken from PIOs, APIOs and Appellate Authorities of some ULBs in Andhra Pradesh. The discussions with these officials were primarily focused on the practical difficulties being faced by the ULBs in the implementation of the RTI Act. The following points are significant inferences drawn from the interactions with ULB officials:

- Awareness level among the public is still low and ULBs should focus on spreading awareness and sensitizing the citizens on RTI.
- Training needs of the ULB officials should be periodically assessed. Officials who would be with the ULBs for longer duration should be necessarily trained on RTI implementation to ensure that the requisite know-how of RTI implementation is there in the ULBs. There should also be a process to ensure transfer of knowledge among the officials in the ULBs.
- Trainings provided to the ULB officials should also bring about an attitudinal change in the officials. They should perceive RTI as an important tool towards development and not something that has been designed to harass the officials.
- Record Maintenance poses a potential challenge because when the applications increase over time, the officials will be hard-pressed and records must be accessible on a real-time basis.

## Chapter 2: Urban Local Bodies - An Overview

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### 2.1 Introduction

2.1.1 Cities are increasingly becoming important places of concentration of people, economy and administration across the world and particularly in developing countries. India, like other developing countries, is undergoing a major transformation from being a rural society into an urban-dominated society. According to the Census 2001, out of total population of 1027 million in India, about 285 million live in urban areas. Thus, around 28 out of every 100 persons in the country reside in cities and towns. The people living in urban areas of the country increased from 11 percent in 1901 to 28 percent in 2001.

2.1.2 The role of cities and urban areas as centres and engines of growth has increased much significantly as compared to the population. For example, urban areas contributed 41% to the national economy in the year 1981 which has gone up to 55% in 1991 and 60% in 2001. Cities are emerging as engines of productivity and economic growth and now it is recognised that national economic growth and poverty reduction efforts will be increasingly determined by the productivity of cities and towns.

### 2.2 Urban Local Bodies in India

2.2.1 Growth of cities makes the scale and complexity of urban problems daunting. Efficient management of cities requires effective governance management framework. Urban governance refers to the management of civic affairs by institutions to improve the quality of life in an inclusive, transparent and accountable manner. 'Good Urban Governance' is characterized by equity, efficiency, transparency, accountability, civic engagement and security of people and environment. Only good urban governance enhances city's competitiveness and contributes to sustainability. A number of institutions are involved in governing a city. They include the state government departments, local bodies and parastatals. While the departments are part of government, the local bodies and parastatals are created through Acts of legislature or government orders.

2.2.2 Urban Local Bodies (ULBs) have been in existence from a long time since 1688 in India. However, it can be said that since the 74<sup>th</sup> Amendment to the

Constitution that gives constitutional status to ULBs, there is a growing awareness of the need and importance of local self-government, as provider of services to local communities and as a mechanism for democratic self-government.

## **2.3 The 74th Amendment to the Constitution**

2.3.1 The Constitution (Seventy Third Amendment) Act, 1992 and the Constitution (Seventy Fourth Amendment) Act, 1992 are two path-breaking initiatives for governance reforms taken by India's Parliament. The two amendments aim at conferring the constitutional status of a third-tier government to the local bodies - Panchayats in rural areas and Municipalities in urban areas.

2.3.2 The Constitution (Seventy Fourth Amendment) Act, 1992 (CAA) introduces certain uniformity in the structure and mandate of municipal governments across the country. It emphasises the participation of directly elected representatives of the people in planning, management and delivery of civic services. The CAA is built on the foundation that all 'power' in a democracy rightfully belongs to 'the people'.

## **2.4 Municipal Functions**

2.4.1 Regarding the functional domain of the ULBs, the CAA envisages that the State Government may, by law, endow them "with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provision for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to (i) the preparation of plans for economic development and social justice; (ii) the performance of functions and implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule....." Thus the role envisaged of the ULBs is much broader than that as providers of public services.

## Chapter 3: Obligations of ULBs under the RTI Act

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### 3.1 Introduction

3.1.1 The RTI Act has been enacted with the objective to promote transparency and accountability in the working of every public authority and to empower the citizen(s) to secure access to information. Under the RTI Act, it is obligatory for every public authority to facilitate access to information to the citizens. The RTI Act clearly classifies all local bodies as Public Authorities and thus makes it mandatory for the local bodies to facilitate access to information.

3.1.2 Further, the 74<sup>th</sup> Amendment to the Constitution made the ULBs becoming important institutions for promoting sustainable local economic development in a participatory and democratic manner. The main objective of empowering local bodies with constitutional status is to promote decentralized decision making and enable people's participation in the development process. Urban local bodies, by their sheer constitution, have the ability to promote democracy by taking decision-making closer to the people. It allows direct, larger, continuous and more meaningful participation by citizens in the development process. This heightens a sense of true ownership by the citizens and their commitment to the civic cause.

3.1.3 Urban Local Bodies need to facilitate the decentralization process by enabling people's participation in the development processes. This can be achieved only if the citizens are well informed about the programmes, schemes, and about the decentralisation processes that enable people's participation.

### 3.2 Implementing the RTI Act

3.2.1 To achieve the true spirit of decentralisation and enable people's participation in the development process, it is mandatory that ULBs implement the RTI Act in its true spirit. ULBs, being Public Authorities, are required to have a thorough understanding of the RTI Act, be aware of all the provisions of the Act, and appoint **Public Information Officers/ Assistant Public Information Officers/Appellate Officers** (PIOs/APIOs/AOs) who are trained on the provisions of the Act. It is the

obligation of every ULB to create a regime of right to information. This is relevant not only from the perspective of the mandates of the RTI Act, but also from the perspective of promoting decentralized, transparent and accountable planning and development.

3.2.2 The following section briefly describes the role of ULBs and Public Information Officers in the Implementation of the RTI Act.

### **3.3 Basic Obligations of ULBs for creating a RTI regime**

As a basic obligation, a ULB, under section 4, shall

- Maintain all its records duly catalogued, indexed and computerized subject to availability of resources within a reasonable time frame.
- Provide as much information *suo motu* to the public through various means of communications; including internet so that public sparingly resort to the use of the Right to Information Act to obtain information.
- Communicate information through notice boards, news papers, public announcements, media broadcasts, the internet or any other means.
- Provide access to information in the form in which it is sought;
- Designate a PIO/ APIO/ AO
- Bring in necessary changes in existing systems of maintenance, management and destruction of records;
- Organise training of officials for effective implementation of the Act

### **3.4 Designation of Public Information Officers/Assistant Public Information Officers/Appellate Officers**

3.4.1 Every Urban Local Body must designate Public Information Officers (PIOs) who will be responsible for processing requests for information. The ULB shall also designate Assistant Public Information Officers (APIOs). The role of APIO is limited to receiving applications of requests for information and forwarding them to PIO. This does not preclude PIO to receive or accept applications direct. The PIOs shall receive requests for information and dispose off requests either by supplying the

information or rejecting the request for any of the reasons specified in Section 8 and 9 of the Act.

3.4.2 ULBs should also designate Appellate Officers (AOs) for attending to first appeals filed within the public authority in case the applicant is denied the information or the information supplied is delayed or found to be wrong etc. The AO shall be designated from the same office and shall be senior in rank to the PIO. The APIO can also receive appeals, but his role is to forward the appeal to the Appellate Officer.

3.4.3 The role of PIO is very crucial under RTI Act. Under Section 5 of RTI Act, every ULB shall, within one hundred days of enactment of the Act designate PIO. He plays a pivotal role in the sense that he deals with the requests from persons seeking information and render reasonable assistance to the persons seeking information. Under section 6 of the Act, any person desirous of obtaining information shall make a request to the PIO. Under section 7 of the Act, it is the responsibility of the PIO to provide the information. During the process, he may seek the assistance of any other officer. The ULB therefore should designate a pro-active and knowledgeable person as PIO. The PIO should have ability either to gather information himself or seek the assistance of other officers to gather information to enable him to supply the information sought for by the applicant. He need not seek the permission / approval of a superior officer of the public authority concerned for providing information under his / her control. The Act is clear about the fact that the PIO is an independent authority under the law and no approval is required from any superior official to release the requested information.

### **3.5 Proactive Disclosure of Information (Suo Motu Disclosure)**

Section 4(1)(b) of the Right to Information Act, 2005 provides for Proactive Disclosure of Information, which is designed to minimize the number of requests and should be such that important and relevant information should already be in the public domain. Further, the public authorities are duty bound under sections 4(3) and 4(4) of the RTI Act to widely disseminate the information prescribed under section

4(1)(b) through various means of communication including notice boards, newspapers, public announcements, media broadcasts, Internet, etc.,

### **3.6 Items for Proactive Disclosure**

3.6.1 Section 4(1)(b) of RTI Act provides that the ULB shall, within 120 days from enactment of the Act shall publish

- (1) Particulars of organization, functions and duties
- (2) Powers and duties of officers and employees
- (3) Procedure followed for decision making
- (4) Norms set for discharge of functions
- (5) Rules/regulations/instructions/manuals/records
- (6) Categories of documents
- (7) Arrangements for citizen consultations
- (8) Details of Committees
- (9) Directory of officers and employees
- (10) Monthly remuneration received by officers and employees
- (11) Budget, plans and expenditure details
- (12) Manner of execution of subsidy programs and details of beneficiaries
- (13) Recipients of concessions and permits
- (14) Details of material in electronic form
- (15) Facilities available to citizens for obtaining information
- (16) Details of PIOs
- (17) Such other information as prescribed

3.6.2 Many State Governments have prepared sets of templates or guidelines for proactive disclosure of information in order to achieve uniformity among the public authorities in disclosure. ULBs may refer to such templates and guidelines for disclosure of various categories of information under Section 4 (1) (b). Subsequently, they can devise their own formats while broadly conforming to the templates. In the event where the public authority is already publishing such information, they may continue with the publications with necessary additions to the publications, as per the requirements of the Act.

3.6.3 Keeping the role of ULB as a public authority and the information generally sought by citizens from ULB, the following items are identified for proactive disclosure:

- (a) Organisational chart of ULB
- (b) Basic particulars/statistics of ULB
- (c) Composition of the Corporation/Council and other Committees
- (d) Directory containing officers and employees with their designations.
- (e) Statement of officers, who grant permissions, permits, concessions of various sections relating to ULB.
- (f) Service levels of each services, namely, water supply, sewerage, drainage, solid waste management, roads, street lighting etc
- (g) Statement of officers responsible for delivery of various services, and their contact phone numbers
- (h) Particulars of fees and user charges for various services
- (i) Details of subsidy programmes and the manner and criteria of identification of beneficiaries under such programmes.
- (j) List of beneficiaries of all welfare and subsidy programmes
- (k) Annual budget
- (l) Details of Income and Expenditure, Receipts and Payments and Balance Sheet on quarterly basis within 2 months of end of each quarter
- (m) Particulars of plans, outlay, expected time of completion etc. of all major programmes
- (n) Particulars of Master Plan, Development Plan or any other plans concerning the development of municipal area.
- (o) Details of municipal finances, particularly, (i) income from various taxes and non-tax resources, assigned revenues, grants, loans and contributions etc., (ii) taxes and non-taxes remained uncollected during the previous year and the reasons thereof (iii) list of defaulters etc. during the previous year
- (p) Minutes of meetings of Corporation/Council
- (q) Fees for copies of records/ disclosure of information
- (r) List of defaulters who have arrears of property tax exceeding Rs. 1.00 lakh per annum
- (s) Annual Budget

- (t) Budget allocation made during the year for the welfare of Scheduled Castes, Scheduled Tribes, Women and Children together with the extent of utilization in the previous year
- (u) Budget allocation made during the year for the slum areas together with the extent of utilization in the previous year

### **3.7 Mode of disclosure**

Sub section (3) of Section 4 provides that information shall be disseminated widely and in such form and manner which is easily accessible to public. The ULB may disclose the information in the following manner:

- (a) important information through newspapers
- (b) through internet
- (c) placing information on notice board of ULB
- (d) placing information on notice boards of ward offices
- (e) through print material

### **3.8 Information on Policies and Decisions**

3.8.1 It is mandatory for the ULBs to publish all relevant facts while formulating important policies or announcing decisions which affect the public and provide reasons for their administrative or quasi-judicial decisions to affected persons. Whenever ULBs levy taxes for the first time or enhances the rate of tax, it is mandatory to publish the details in advance and call for objections/suggestions from public. Only after considering the objections/suggestions, ULBs will finally take the decision. Similarly, byelaws made by ULBs also have prior scrutiny of public.

3.8.2 Another mandatory provision is that the decisions taken by the Corporation/Council are open for public information and they should be published in the notice board of the ULB immediately. Copies of the minutes of meetings of Corporation/Council should be provided on payment of fees.

### **3.9 Records Management System**

3.9.1 The ability to store and find information is important for the normal functioning of a public authority. To provide easy access to information, section 4 (1) of the Act specifies that, every public authority has to maintain all its records duly catalogued, indexed, computerised and connected through a network all over the country.

3.9.2 The above provisions of the Act may necessitate a critical review of the existing record management practices, record retention schedules for different categories of records and systems of indexing and numbering of records in public authorities. They may also call for changes in the legal framework for record management, especially with regard to the creation and destruction of electronic records. The proper cataloguing and indexing of records based on country-wide data/meta data standards is critically important. Apart from this, appropriate up-gradation of the existing record management systems in ULBs would also be necessary.

### **3.10 Dealing with Requests**

3.10.1 Every Public Authority designates PIOs who are responsible to deal with citizens' requests for information. Every PIO must accept requests for information and render assistance to citizens seeking information. The request may be in writing or through electronic means. Every request must be accompanied with prescribed fee [Section 6(1)]. The citizens are not required to provide any reasons for making requests for information [Section 6(2)]. PIOs in every public authority need to follow the following steps in processing the requests for information.

#### 3.10.2 Accept requests for Information

The Public Information Officer should render all assistance to citizens requesting information. If a citizen is unable to make a written request; it is the duty of the PIO to reduce oral request into writing [Proviso to section 6(1)]. The requests can be made in English, Hindi or in the official language of the area in which the application is made [Section 6(1)]. The requests for information should be accompanied by the prescribed fees, details of information required and with specifications of the format in which the information is sought and with the contact details of the applicant.

### 3.10.3 Transfer of Misdirected Requests

ULBs might receive requests for information that is held by other public authorities. In such a case, the ULBs will have to transfer the requests for information to that other public authority within five days of receipt of requests and inform the applicant about the transfer immediately [Section 6(3)].

### 3.10.4 Issue Acknowledgement

On receipt of request for information, the PIO needs to acknowledge the receipt of request by issuing a receipt to the applicant.

### 3.10.5 Register of Information sought under RTI Act

Maintaining a record of the applications received and information sought enables the PIO to keep track of the applications. The PIO may maintain a register containing details of applications received under RTI Act.

3.10.6 Among others, the register should contain the following details.

- Name and address of applicant (including contact number)
- Date of receipt
- Classification of applicant – Govt. Employee, NGO, BPL, Other
- Details of information sought
- Details of fees received
- Last date (30days) for disposal...
- Information provided or not
- Date of providing information
- Within time limit / crossed time limit
- Other fees or charges, if any
- If Information denied, reasons for denial
- Whether the applicant filed any appeal
- Any other information

### 3.10.7 Disposal of Requests

On receiving request for information, the PIO has to scrutinize the application for the information sought. If the application is supported with the prescribed fee, the PIO shall, as expeditiously as possible and in any case, within thirty days of receipt of the request, either provide the information or reject the request. The rejection should be supported by reasons [Section 7(1)]. When the information sought for concerns the life or liberty of a person, the information shall be provided within forty eight hours of receipt of request [Proviso to Section 7(1)]. If the applicant has requested for information in a particular format, the PIO has to intimate to the applicant the further fee representing the cost of providing the information along with its calculations. The applicant has to also be informed about the modalities of payment of fee, his rights for review of the fees charged and appeal against the calculation [Section 7(3)].

3.10.8 The fee referred above shall be reasonable and no fee shall be charged from the persons who are below poverty line [Proviso to Section 7(5)].

3.10.9 If the applicant has requested for inspection of works, materials, or taking samples, he has to be intimated about the timings for such inspections and details about when he can come for such inspections [Section 1(j)(i) to Section 1(j)(iii)]. The PIO has to make all the necessary arrangements to facilitate such inspection. Lastly, the PIO shall retain records on each application, disposal etc, so that material as required may be furnished to appellate authorities in case first/second appeal is preferred.

### 3.10.10 Rejection of Requests

If the PIO is of the opinion that the requested information cannot be provided, he shall, under section 7 (8) communicate to the person making the request -

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the appellate authority

### 3.10.11 Exemption from disclosure of information

Section 8 provides a list of exemptions, where there shall be no obligation to provide information to any citizen. They include information affecting sovereignty and integrity of India, security interests, relations with foreign states, expressly prohibited by courts, causes breach of privilege of Parliament or State Legislature, commercial confidence, cabinet papers etc.

### 3.10.12 Third party information

Section 11 deals with Third Party Information. If PIO intends to disclose any information which relates to or has been supplied by a third party and when the third party treats it as confidential, the PIO shall give an opportunity to the third party and seek his views. The views of third party should be kept in view by PIO while taking a decision for disclosure.

## **3.11 Appeal Provision**

3.11.1 Section 19 deals with appeal provision. In case, a person does not receive the information sought for within 30 days, he may prefer an appeal under sub-section (1) to the Appellate Officer designated as such in the same public authority. A person may also prefer an appeal

- if he is not informed of rejection of application within 30 days, or
- aggrieved by the decision of PIO

3.11.2 A person has a right to appeal in the following instances also:

- Unreasonable fees charged
- Non acceptance of application
- Crossed time limit
- Incomplete, misleading information
- Information sought pertains to life or liberty and was not provided within the stipulated time.

3.11.3 The appeal should be made within 30 days from the expiry of period allowed for disclosure of information or rejection. There is a provision of second appeal under

sub section (3) of section 19. Second appeal shall lie to the State Information Commission. The appeal should be filed within 90 days from the date on which the decision should have been made or was actually received.

### **3.12 State Information Commission**

3.12.1 Under section 15, every State Government shall constitute State Information Commission. The Commission shall consist of State Chief Information Commissioner and not more than ten State Information Commissioners. The duty of the Information Commission [Section 18(1)] is to receive and inquire into a complaint made by any person

- when no PIO has been appointed by a public authority
- when PIO has refused to accept a request for information
- when APIO has refused to receive or forward an appeal to AO
- when access to information is refused
- when there is no response to the request for information
- when the fee prescribed for information is unreasonable
- when information furnished according to him is incomplete, misleading or false
- any matter relating to access to records.

3.12.2 The State Information Commission may also accept second appeal under section 19(3) on the decision of the Appellate Officer (AO) referred under section 19(1).

## **Chapter 4: Use of RTI in Urban Development Programmes**

### **4.1 Introduction**

4.1.1 A statutory right to information is in many ways the most significant reform in public administration in India in the last five and half decades. RTI is one of the most powerful laws which will give tooth and nail to the citizens to bring in transparency to all the activities of the government, including that of the urban local government. This is because it would secure for every citizen the enforceable right to know, examine, audit, review and assess local government acts and decisions, to ensure that these are consistent with the principles of public interest, probity and justice. It would promote openness, transparency and accountability in administration, by making local government more open to continuing public scrutiny.

4.1.2 RTI is a significant law that facilitates people's participation in the development process. Further, since the ULBs are implementers of various developmental programmes, citizens can get more involved in the process with the help of RTI Act. By securing access to relevant information and knowledge, the citizens would be able to assess government performance and participate in and influence the process of government decision-making and policy formulation on any issue of concern to them. They can also question the methods followed in the process, if they are found to be biased, or serve some vested interests, or are against the provisions under law or Constitution.

### **4.2 RTI applicability in ULBs**

4.2.1 Role of ULBs has been expanding from the traditional infrastructure development and service activities to providing socio-economic benefits to its people. The Constitution Seventy Fourth Amendment made the ULBs to take care of the following responsibilities:

- to function as institutions of self government
- to prepare plans for economic and social justice, and
- to perform the functions enlisted in the Twelfth Schedule.

4.2.2 The Twelfth Schedule has listed 18 functions and they can broadly be classified as:

- traditional services like water supply, sanitation, conservancy, roads, drains, street lighting etc. and provision of amenities like parks, public conveniences, burial grounds etc.
- development, regulatory and planning activities like land use, urban planning, building activities, trade regulations and planning for economic and social development
- Socio-economic activities like slum improvement, urban poverty alleviation, promotion of cultural, educational and aesthetic aspects etc.

4.2.3 All these activities affect the citizens directly in terms of, provision of civic amenities, better living conditions, economic and livelihood aspects of urban poor. Since people of all walks of life are associated in the civic matters and are desirous of knowing information, ULBs should be aware of their activities, develop proactive attitude and ensure that the information sought for is disclosed.

### **4.3 RTI and traditional services**

4.3.1 Traditionally, ULBs' responsibilities include provision and maintenance of infrastructure assets like roads, drains, public conveniences, street lighting etc. They are also responsible for sanitation, conservancy, and solid waste management. Another important activity is provision of water supply. Besides, the traditional activities include provision of urban amenities like market places, parks, play grounds and burial grounds etc.

The information relating to these services cover the following

- Existing infrastructure – length of roads and drains, number of street lights, number of public taps etc.
- Nature of service and gaps -- quantity of water required as per norms and supplied, garbage generated and lifted etc.
- Working/maintenance arrangements – manpower attending to the services, available equipment and tools, private agency undertaking the services

- Grievance redressal mechanism – how to make complaints, to whom to make complaints, responsibility centres, timelines for redressal, feedback arrangements etc.
- Finance arrangements – budget provision for new programmes/projects and maintenance, amounts utilized and available.

4.3.2 Under RTI Act, the following information can be sought with respect to services.

- Identification of benefiting areas and/or beneficiaries of public services
- Plans and programmes of services improvement and spending on works
- Working of institutions providing basic services
- Works - allotments, execution, supervision and completion
- Expenditure on staff (wages), capital and maintenance works
- Maintenance records of various assets and services

4.3.3 The information would be available in various records and registers being maintained by concerned functionaries in the ULB. The records/registers include:

- Register of assets
- Registers relating to water supply
- Register of works
- Register of estimates and allotments
- Registers relating to establishment
- Grievance Register

4.3.4 It is necessary that all the relevant records and registers should be updated to enable the ULB to supply the information sought for.

#### **4.4 RTI and Educational Institutions**

4.4.1 “Universalization of elementary education” is a primary mandate of the GoI. While the Government is spending huge amounts of money to provide basic education, there exist several children who are out of schools and who do not have access to education. Due to lack of monitoring and accountability, the public institutions are not performing their role in an effective manner.

4.4.2 It is necessary that the headmasters and other functionaries who are in-charge of the institutions should necessarily maintain the relevant registers about the institutions, its functioning, stores and other information. In particular, they should maintain the following registers:

- Attendance register of staff
- Attendance register of children/pupils
- Supply of books and other inputs to children/pupils
- Supply of food and other inputs
- Stores
- Details of contributions/donations
- Inspection Register
- Visitors' Book

4.4.3 The RTI Act can be used by citizens/citizen groups for collecting the following information to ensure that the schools and public education system function efficiently.

- Attendance of teachers
- Teaching standards
- Attendance of students
- Student performance
- Drop-out rate
- Results in public examination
- Mid-Day meal program
- Infrastructure standards in the schools

## **4.5 RTI and development, regulatory and planning activities**

4.5.1 This is a major area, where public interface is on high side. The major areas of regulatory activities include:

- regulation of town planning and building activity, and
- regulation of trades, installations, factories and workshops.

4.5.2 Town planning and development control are important regulatory functions of the local government i.e., municipalities, municipal corporations and nagar panchayats, and other special development authorities. Town planning and development control provide for an integrated approach towards development of cities and the basic infrastructure services. They include land use plan, detailed area/zonal development plans, laying out of areas with reference to land use and sanction of building plans. Permissions are given by the ULB authorities to various layout proposals of land development within the purview of broad plans and policies of Town Planning Department of the State and Local Government. Likewise, building or development permissions are also given by the Commissioners of ULBs within the provisions laid under building bye-laws and planning legislation. Developers and individuals normally apply for the approval of layout schemes and sanction of building permissions by Commissioners.

4.5.3 Another area of regulatory activity is licensing of trades, workshops, installations and factories. This activity is regulated by various parameters like land use and compliance with other legislations relating to labour, factories, health, pollution control, fire and police. While issuing permissions for trades and workshops, the concerned ULB functionaries keep various parameters and factors in view and consult other departments of Government. This is another area, where not only the permit holders, but also the people in general are affected in terms of health, pollution, traffic and fire risks etc.

4.5.4 In view of high level of public interface in respect of these activities, people can visit the concerned town planning section and public health section and request for the details pertaining to:

- Development plan and policies
- Land use/Master Plan details
- Development regulations
- Plot Layout sanctions
- Building regulations
- Building Permissions

- Licenses, permissions, approvals and sanctions of trades, factories, workshops, installation of machinery
- Public Infrastructure coverage, and
- Special provisions like heritage, environment and transport

4.5.5 Under RTI Act, citizens and citizen groups may also approach the concerned department and check the planning and development permissions in detail as to whether they were given after giving due consideration to all factors or any undue compromise is made to favour some groups. They can also approach the department to arrange inspection of buildings or trade premises to find out whether the building activity or trade activity is in accordance with the permissions and conditions. They may make appeals to the authorities based on their actual monitoring of actual development and its deviation from sanctions.

4.5.6 The ULBs maintain various records and registers covering the above aspects. They include:

- Register relating to Layouts
- Building Permissions Register
- Register of Unauthorized Constructions
- Deviations (from building permissions) Register
- Register of Trades
- Register of Installations (Factories, Workshops, Machinery)

In order to meet the mandate of RTI Act, i.e. to furnish information, ULB functionaries should ensure the maintenance of relevant registers and to update them regularly.

## **4.6 RTI and Protection of Environment and Heritage Areas**

4.6.1 Protection of urban environment is an important function of urban local bodies as well as other agencies like pollution control boards. Similar is the case with protection of heritage areas and heritage buildings. The local authorities need to ensure a balance between natural and built environment in urban areas and hence ensure preservation of lakes, parks, green areas, ground water and other ecologically sensitive areas. The Pollution Control Boards set up by the State

Government and other Governmental agencies involved in environmental protection need to provide, maintain and update the records relating to public safety and threshold levels of pollution, inspection of industrial units and so on. Citizen/ citizen groups may seek information on environmental protection data from the public authority using the RTI Act.

4.6.2 Heritage areas are important repositories of past architecture, art, landscape and culture that need to be preserved so that the future generations benefit from it. Maintenance of these sites/areas and ensuring compliance of the sentiments of local people in maintaining the character of site / area are difficult to achieve, as there are development pressures. The ULBs should effectively enforce the available legal measures and preserve the heritage sites/areas and maintain proper records of the action taken to preserve them. Citizens may invoke RTI Act and seek information on the maintenance of the sites and regulation of development around the structures/areas and even perform social audits to bring about any major differences between the allowed and actual development.

#### **4.7 RTI and socio-economic activities**

4.7.1 This is a new area, where ULBs are actively associated with for the last two-three decades. Earlier, the ULB responsibilities were limited to provision of some infrastructure like roads, drains, culverts, street lighting etc. and few services like sanitation, conservancy and water supply. They were not concerned with socio-economic activities of the people, the idea being that the urban dwellers are affordable, educated, self supported and take care of themselves. But, the later developments changed the functions/responsibilities of ULBs. Migration of rural people, particularly to seek livelihood, to urban areas has increased, resulting in growth of poor settlements and slum areas. It has become necessary to urban governments to take care of the urban poor, in terms of infrastructure improvement of poor areas, housing, social inputs like health and literacy and economic or livelihood support.

4.7.2 Various programmes under this activity have been introduced by State Governments and Central Government to be undertaken by ULBs, important of them being:

- Environmental Improvement of Urban Slums (EIUS)
- Urban Basic Services (UBS)
- Urban Basic Services for Poor (UBSP)
- Nehru Rozgar Yojana (NRY)
- Prime Minister's Integrated Urban Poverty Eradication Programme (PMIUPEP)
- Swarna Jayanthi Sahari Rozgar Yojana (SJSRY)
- National Slum Development Programme (NSDP)
- Integrated Low Cost Sanitation (ILCS)
- Valmiki Ambedkar Awas Yojana (VAMBAY)

4.7.3 All these schemes are addressed to the urban poor and relate to (i) infrastructure improvement in slum areas, (ii) social inputs, (iii) housing, and (iv) livelihood. These schemes are funded by Central Government as well as State Governments. Apart from the specific schemes referred above, State Government mandates ULBs to apportion certain percentage of their development expenditure for development of areas predominantly occupied by SCs/STs or slum areas.

4.7.4 All the above schemes are now subsumed into Swarna Jayanthi Sahari Rozgar Yojana (SJSRY) and Jawaharlal Nehru National Urban Renewal Mission (JNNURM). While SJSRY subsumes EIUS, UBS, UBSP, NRY and PMIUPEP, the other programmes have become part of JNNURM.

4.7.5 Further, Department for International Development (DFID) of UK Government also provides assistance to some ULBs in the country to undertake urban poverty reduction related programmes.

## **4.8 Swarna Jayanti Shahri Rojgar Yojana (SJSRY)**

4.8.1 The scheme is basically an urban employment generation programme. The scheme has two different approaches towards promotion of employment generation

–

- (i) Wage Employment through undertaking asset creation works in poorer localities under Urban Wage Employment Programme (UWEP)
- (ii) Self Employment through financial support under Urban Self Employment Programme (USEP)

4.8.2 SJSRY also envisages setting up of community based organizations (CBOs), namely Neighbourhood Groups (NHGs), Neighbourhood Committees (NHCs) and Community Development Societies (CDSs) covering urban poor and slum dwellers.

4.8.3 Before taking up any programme under SJSRY, it is necessary that the ULB should form the CBOs. ULBs should therefore ensure that the records, wherein the CBOs are formed are maintained properly.

4.8.4 Urban Wage Employment Programme (UWEP): Under this component, ULB undertakes certain infrastructure works, like roads, drains, culverts, community toilets etc in poorer locations. Poor people living in the location are engaged in the execution of works and they will be paid wages. While identifying the works, it is ensured that 40% of the cost of work should relate to wages. Wages to the workers engaged are governed under Minimum Wages Act. To ensure transparency in the programme, ULB has to maintain and update the following records and registers.

4.8.5 Works Register: This register lists various works taken up under UWEP. It also contain information relating

- Name of work
- Location
- Estimate amount
- Wage component
- Sanction details
- Nature of execution
- Commence date
- Completion date

- How many man-days generated through wage component

4.8.6 Muster Roll Register: Urban authorities and Implementing Agencies shall maintain a Muster Roll Register. Urban authority shall also maintain a record of the copies of muster rolls received from other Implementing Agencies.

4.8.7 Measurement Book: A book in which all the measurements of the works are recorded

4.8.8 Complaint Register: All complaints received in implementing the programme can be entered in the register. Action taken on the complaints can also be entered in the register.

4.8.9 Apart from checking the registers, the citizens/ citizen groups may also verify the following:

- Whether requests for work(s) are being processed as per norms
- Transparency in sanction of works
- Transparency in execution of works
- Quality and quantity of works executed
- Whether wages are paid at a designated public place at a designated time

4.8.10 Other important issues connected with SJSRY that can be enquired include:

- Quality of work
- Work dimensions
- Selection of location
- Whether minimum wages paid
- Whether wages paid on time
- Whether all bill payments been made
- Whether any complaints made during the work
- What redressal has taken place regarding complaints or grievances

4.8.11 Urban Self Employment Programme (USEP): The USEP covers setting up of micro-enterprises by urban poor with funds provided as subsidy from the programme and loan from banks. There is also an element of beneficiary contribution. Various

parameters have been prescribed for identification of beneficiaries. It is also necessary to consider the nature of enterprise, (trade, production, service), amount of subsidy, loan component, beneficiary.contribution etc. before approving the enterprise. There is a provision of enhanced subsidy, if the beneficiaries are women and it is a group enterprise.

4.8.12 Apart from setting up of micro-enterprises, there is training component under USEP, where skills are imparted or improved. Here also, there are various activities like identification of beneficiaries, identification of skill, (basic or improvement), identification of trainer, period of training, training costs etc. This is also an entirely subsidized programme. The subsidy contains stipend to beneficiary, remuneration to trainer and cost of training material etc.

4.8.13 ULB has to maintain records and registers which contain:

Under micro-enterprise programme -

- List of beneficiaries
- How they are identified
- Details of micro-enterprise
- Cost of programme
- Amount of subsidy
- Amount of loan
- Beneficiary contribution
- Bank details
- Payment details
- Establishment of enterprise
- Recovery (of loan) details

Under training component -

- List of beneficiaries
- How they are identified
- Skill (basic or improvement)
- Trainer details
- Period of training
- Start date
- Completion date

- Amount of subsidy
- Details of payment of subsidy
- Whether there is any benefit to trainee (beneficiary)

4.8.14 The citizens and citizen groups can make effective use of the RTI Act to ensure that the self-employment benefits reach the appropriate target groups laid down under the programme and that they are effectively utilised for the employment generation of the unemployed. This may include the inspection of details like:

- Beneficiaries of the programme and the enterprises set up by them
- How the enterprise is running
- Subsidy amount provided
- Loan sanctions and repayments
- Training programmes/ Skill development
- Benefits out of training/skill development programme.

4.8.15 The RTI Act can be used as an effective tool in ensuring that the unemployed and under-employed have got livelihood and acquire employment through improved skills. In the absence of employment generation, this can help people in requesting and demanding employment generation programmes from the ULB.

4.8.16 In addition to the above programmes, SJSRY also provides assistance in formation of DWACUA (Development of Women and Children in Urban Areas) groups and Thrift and Credit Societies for urban poor. There are various incentives in formation of groups and the urban poor women can make use of the programme and get benefited economically and socially. To ensure that the programme is implemented effectively, the ULB shall maintain proper records and registers. The records and registers should contain

- Details of groups
- Number of members in various groups
- Incentives provided and the details
- When incentives are provided
- Effectiveness of or benefits for groups

4.8.17 The RTI Act can be used as an effective tool in ensuring that the incentives proposed for organized women groups are properly provided and the women groups are empowered and benefited socially and economically.

#### **4.9 Jawaharlal Nehru National urban Renewal Mission (JNNURM)**

4.9.1 Government of India has launched the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) on 3rd December, 2005 for 63 select cities with an outlay of 50 thousand crores of rupees to be implemented in a period of 7 years.

While the goals of the Mission are (i) improvement in the existing services in a financially sustainable manner, and (ii) improvement in urban governance and service delivery, the objectives are (i) integrated development of infrastructure services, (ii) securing linkages between asset creation and maintenance, (iii) accelerating the flow of investment into urban infrastructure services, (iv) planned development of cities, (v) renewal and re-development of inner city area, and (vi) universalisation of urban services.

While JNNURM covers infrastructure and governance; and basic services for urban poor (BSUP) of the 63 select cities, the other towns are covered under Integrated Housing and Slum Development Programme (IHSDP), subsuming the existing National Slum Development Programme (NSDP) and Valmiki Ambedkar Awas Yojana (VAMBAY). JNNURM also includes Urban infrastructure Development Scheme for Small and Medium Towns (UIDSSMT) for integrated development of small and medium towns. The earlier IDSMT (Integrated Development of Small and Medium Towns) has been discontinued with this scheme.

The JNNURM is funded with financial assistance from Gol, State Government and the concerned ULB. As seen above, the goal of the Mission is not simply improvement of existing services, but also improvement of urban governance and service delivery.

In terms of the latter goal, the Mission has identified the following Mandatory Reforms for ULBs (six) and State Governments (seven)-

- Adoption of modern, accrual-based double entry system of accounting in ULBs and parastatals.
- Introduction of e-Governance with GIS and MIS Applications for services provided by ULBs and parastatals.
- Property Tax Reform with GIS-based Tax Mapping aimed at improving collection efficiency to at least 85% within next 7 years.
- Levy of reasonable user charges by ULBs with the objective that full cost of O&M is collected within next 7 years.
- Internal earmarking within local body, budgets for basic services to the urban poor.
- Provision of basic services to urban poor including security of tenure at affordable prices.
- Implementation of decentralisation measures as envisaged in Constitution 74<sup>th</sup> Amendment Act
- Repeal of Urban Land Ceiling and Regulation Act
- Reform of Rent Control Laws balancing the interests of landlords and tenants
- Rationalisation of Stamp duty to bring it down to not more than 5% within next 7 years.
- Enactment of Public Disclosure Law - medium-term fiscal plan and quarterly performance report to public.
- Enactment of Community Participation Law to institutionalise citizen participation and Area Sabha.
- Assigning or associating elected ULBs with “city planning function” – accountability platforms for parastatals.

### Optional Reforms

Ten optional reforms are suggested for the States and ULBs. The States and Cities under the JNNURM will have the freedom to opt for any two reforms from the following ten in each year of implementation.

- Revision of bye-laws to streamline the approval process for construction of buildings, development of sites etc.

- Simplification of legal and procedural frameworks for conversion of agricultural land for non-agricultural purposes.
- Introduction of Property Title Certification System in ULBs.
- Earmarking at least 20-25% of developed land in all housing projects for EWS and LIG category with a system of cross subsidisation
- Introduction of computerised process of registration of land and property
- Revision of byelaws to make rain-water harvesting mandatory in all buildings and adoption of water conservation measures
- Byelaws for reuse of recycled water
- Administrative reforms i.e. reduction in establishment costs by adopting the Voluntary Retirement Scheme (VRS), not filling posts falling vacant due to retirement etc., and achieving specified milestones
- Structural reforms
- Encouraging Public-Private-Partnerships

#### Infrastructure development under JNNURM

Under infrastructure development component of JNNURM, the following sectors and projects are eligible for assistance

- Water Supply and Sanitation.
- Sewerage and Solid Waste Management.
- Construction and Improvement of drains.
- Urban Renewal (re-development of old city areas).
- Urban transportation including roads.
- Parking lots.
- Preservation of water bodies.

#### Basic Services to the Urban Poor (BSUP) under JNNURM

This Sub-Mission under JNNURM has been launched with thrust on integrated development of slums and provision of utilities to urban poor through providing shelter, basic services and other related civic amenities. The objectives of BSUP are:

- Focused attention to integrated development of basic services to the urban poor

- Security of tenure at affordable price, improved housing, water supply and sanitation
- Convergence of services in fields of education, health and social security
- As far as possible, providing housing near the place of occupation of the urban poor
- Effective linkage between asset creation and asset management to ensure efficiency
- Scaling up delivery of civic amenities and provision of utilities with emphasis on universal access to urban poor.
- Ensuring adequate investment of funds to fulfill deficiencies in the basic services to the urban poor.

#### Integrated Housing & Slum Development Programme (IHSDP)

The Scheme will apply to all cities/towns as per 2001 Census, excepting cities/towns covered under JNNURM. The target group under the scheme is slum dwellers from all sections of the community through a cluster approach. The earlier NSDP and VAMBAY schemes are merged in this programme.

#### Admissible Components

- Provision of shelter including upgradation and construction of new houses
- Provision of community toilets
- Provision of physical amenities like water supply, storm water drains, community bath, widening and paving of existing lanes, sewers, community latrines, street lights etc.
- Community Infrastructure like provision of community centres to be used for pre-school education, non-formal education, adult education, recreational activities etc.
- Community Primary Health Centre Buildings.
- Social amenities like pre-school education, non-formal education, adult education, maternity, child health and primary health care including immunization etc.
- Provision of Model Demonstration Projects.
- Sites and Services / houses at affordable costs for EWS & LIG categories

- Slum improvement and rehabilitation projects

Keeping the goals and objectives of JNNURM, the State Government as well ULBs have to maintain various records and registers including

- Action taken on reforms
- Legislative measures on reforms
- Institutional framework on reforms
- Infrastructure provisions
- Financial details
- Details of shelter/housing provisions to urban poor
- Social inputs to urban poor

All records and registers should be updated, not only to send reports to higher Governments, but also to provide information under RTI Act.

Citizens and citizen groups can use the RTI Act to monitor ULBs' performance under the JNNURM and in ensuring that the benefits of the Mission accrue to them (ULBs) as well as people. Citizens can obtain the following information from ULBs

- Progress made under various items of Mandatory and Optional Reforms of JNNURM
- Progress of infrastructure works under JNNURM
- Whether all the slums in the city are covered under the IHSDP
- Whether basic infrastructure and services are being provided under the IHSDP
- Details of works taken up under UIDSSMT
- Details of slum improvement and rehabilitation works

Citizen groups can demand the provision of services such as water supply, storm water drains, community bath, widening and paving of existing lanes, sewers, community latrines, street lights, etc. under IHSDP and also demand physical inspection and verification of the works under progress as well as after execution.

## Chapter 5 - Case Studies

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### **CASE STUDY 1: MUNICIPAL CORPORATION OFFICIALS FINED UNDER RTI ACT**

Five officials of Akola Municipal Corporation (AMC) in Maharashtra State who did not supply the information sought by applicants have been fined to the tune of over Rs.1.50 lakh under the Maharashtra Right to Information Act, 2002. AMC Commissioner, Gajananrao Ghate passed the order on 21 December 2004 after the five officers - an official in the Administration Wing, a PWD Engineer, a Town Planner and two other officers - failed to supply information within the stipulated time, as per the provisions of the Act. The fine amount would be recovered from the salaries of the respective officials, the Commissioner's order clarified. The action was taken against these officials on the basis of the petitions filed by ordinary citizens.

***Source: Press Trust of India Article (December 22, 2004) sent by Prakash Kardaley via Hum Janenge Discussion Board Message No.676 (December 22, 2004)***

*<http://in.groups.yahoo.com/group/HumJanenge>*

### **CASE STUDY 2: JAN SUNWAI ON PUBLIC WORKS BRINGS TRANSPARENCY**

In December 2002, Parivartan, an NGO crusading for citizens rights in New Delhi conducted a *jan sunwai* (public hearing) to expose the high levels of corruption in public works carried out by the Municipal Corporation of Delhi (MCD). Using the Delhi Right to Information Act to acquire copies of contracts for public works in two resettlement colonies in East Delhi, Parivartan conducted a social audit of 68 such works with alarming results. The social audit uncovered specific instances of corruption.

Under 10 contracts, 29 hand pumps with electric motors were supposed to be installed, but residents of the area reported only 14 hand pumps were actually being installed. Electric motors were not installed in a single case. The loss estimated on account of missing hand pumps and motors was approximately Rs.7,85,965. Secondly, out of a total of 253 iron gratings scheduled to be installed on the drains going across the streets, for which payments were made, only 30 iron gratings were actually put up. The loss on account of this was estimated at Rs.7,30,952. Whenever a new street is made, as per rules, the drains on both sides of the street are also supposed to be demolished and remade afresh. Parivartan found that out of a total of 35 cases examined, though payment had been made by the MCD for constructing fresh drains, this was not done in a single case. In 19 cases, the level of the existing drains was raised by one brick while in the rest of the cases; no work was done at all. The loss on account of this was roughly estimated at Rs.13,85,175. According to bills, the thickness of cement concrete layer in the streets should be 10 cm. In most cases after digging, it was found to be only 5 cm. This is usually the most expensive item in such contracts. The loss here was roughly calculated to be Rs.8,33,935. The investigation also showed cases of roads and streets existing only on paper, where in practice, no roads had been built. The loss here was roughly estimated at Rs.12,92,398. In two instances, it was discovered that payments have been made twice for the same work, cumulatively, worth Rs.1.30 crores. Parivartan's investigations into the 68 public works found that items worth Rs.70 lakhs were missing.

With these findings in hand, Parivartan met the Chief Minister, Chief Secretary, Secretary (Administrative Reforms) of Government of Delhi and the MCD Commissioner demanding that the guilty be punished. They also wrote to the Delhi Police to file an FIR (First Information Report) to start the process for framing charges. Despite these efforts, a year passed without any action against the MCD.

### **CASE STUDY 3: RTI REVEALS CITIZENS OF MUMBAI ROBBED OF Rs, 48.70 CRORES ANNUALLY**

Shailesh Gandhi, a crusader for citizens' rights and a strong advocate of the right to information began using the Maharashtra Right to Information Act (MRTIA) to investigate the lease agreements of public properties administered by officials of the State Government. His findings have shed light on the murky world of State sponsored corruption in the administration of citizens' properties.

By filing applications with the Collector of Mumbai, Collector of Mumbai Suburban and the Assistant Commissioner (Estate) of the Municipal Corporation of Mumbai, for information on the lease agreements of lands in their charge, Shailesh Gandhi found that though collectively leasing a total of 2 crore (20 million) square metres of land, the annual lease rent accrued by these authorities was only about 28 crore rupees - or a paltry Rs.1.40 per sq.ft per year! An incongruous figure considering that many of these properties are very valuable commercial and industrial estates. Analysing the data released by the authorities under the MRTIA, Gandhi found in a majority of cases, the lease agreements had been allowed to lapse. For example, the leases of at least 8 mills in the city had expired and were not renewed, and in one instance, a lease deed was never made. The information showed that a total 386 leases from the Mumbai Collector, 25 from the Suburban Collector and a substantial number from the Municipal Corporation had lapsed. Moreover, illegal occupancy and usage of these lands has been allowed to continue despite the end of the original lease agreements.

### **CASE STUDY 4: PARIVARTAN BRINGS TRANSPARENCY TO THE PUBLIC DISTRIBUTION SYSTEM**

Parivartan, a Delhi based NGO, has waged a two-year campaign for proper distribution of food rations and promoted a corruption-free system. The Government of India spends Rs.26,000 crores annually on food subsidies to 6.5 crore people living below the poverty line. The system works by providing food rations to poor people at highly subsidised prices under what is called the Public Distribution System (PDS). The PDS

works by issuing licences to private people to run "fair price" shops, which dispense food at subsidised prices to citizens issued with ration cards.

Investigations into the PDS system have revealed widespread corruption and abuse of the system. Shops are rarely open for business, and when they are, shopkeepers either claim that stocks are not available or dole out rations that are less than the prescribed quantity or quality. Frequently, food rations released by the Government never even reach the fair price shops: it has been found that trucks carrying rations drive directly to private mills rather than the food shops, where they are then sold on the black market. Tactics such as these ensure that a bulk of the population reliant on rations for their survival, are denied access. In a study, economist Jean Dreze, closely involved in the right to food campaign, calculated the national average for food stolen from ration shops was around 50%. Sadly, local authorities and the police appear to be complicit in the siphoning off of food rations in this manner.

This led to recommending systemic changes in the PDS in Delhi to Government, which include provision to increase the commission levels of the Fair Price Shops in order to make them more economically viable to the shop keepers. They are also making available the records of all shops in Delhi for inspection every Saturday between 1 pm and 4 pm. This last transparency initiative should give greater power to the people, because there is no need to give prior intimation that a person wants to inspect their records, and if any discrepancies are uncovered then immediate suspension and criminal proceedings will commence.

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