

# **CITIZEN'S PARTICIPATION, URBAN GOVERNANCE AND RIGHT TO INFORMATION**

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- ★ 'Democracy and Decentralisation: Zilla, Taluk and Grama Panchayats,' A. Indira et al, March 2000.
- ★ 'Small Enterprises in Karnataka- Lessons from a survey in Karnataka' A.Indira, B.P.Vani, Vinod Vyasulu, February 2001
- ★ 'Development at the District Level: Kodagu in the 1990s' A. Indira. Note submitted to the District Planning Committee, March 2001.
- ★ 'A Health Budget in Karnataka: A Preliminary Study' A. Indira, Vinod Vyasulu, April 2001
- ★ 'The Estimation of District Income and Poverty in the Indian States' A. Indira, Meenakshi Rajeev, Vinod Vyasulu, August 2001
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- ★ The Budget of Apna Pradesh - A Hand Book - December, 2007.
- ★ 'Karnataka : Fiscal correction for Human Development' - by Vinod Vyasulu - 2008.

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The Centre for Budget and Policy Studies (hereinafter referred as the Centre) is a non-partisan, non-profit, independent society established by a group of professionals based in Bangalore and registered under the Karnataka Registration of Societies Act in February 1998 (no 777 of 1997/1998). The President is Dr. S. Rajagopalan and the Secretary M.S. Ramaprasad and Director is Dr. Vinod Vyasulu.

The objective of the Society is to contribute through research to understanding and implementing a process of long run, sustainable, equitable development in countries like India. Equity, as we understand it, extends across time - future generations must not be deprived of resources because of irresponsible use - and class and gender - all human beings have inalienable rights that society must ensure.

An area in which the CBPS has made a contribution is in the context of the ongoing process of democratisation and decentralisation following upon the 73rd and 74th amendments to the Indian Constitution. In this context, budgets of different governmental bodies are important statements of policy priority. Budget analysis at local levels is an area where much needs to be done. An example is the work of the Centre in studying the budgets of two zilla panchayats [Dharwad and Bangalore (Rural)] in Karnataka. This report, formally released by the Governor of Karnataka, Her Excellency Smt. Rama Devi on July 4, 2000, is being used in, programmes to orient those who have newly been elected to local government bodies. The CBPS is currently working on a study of the finances of a few city municipal councils in Karnataka.

One way of meeting our objective is by providing inputs into ongoing debates in society on matters of policy priority by collecting and analysing information and presenting scenarios on different options that face the public. Industry is one such area. The functioning of different sectors of industry, its impact on employment, livelihoods, productivity and the like, and the different options open to this country, in the midst of major global changes like the advent of the WTO, need careful study and debate. CBPS did a study and published a monograph. Another area of importance is an understanding of the nature of the local economy. The Centre has worked on this issue and a manual on the method to calculate District Income in India, sponsored by the Planning Commission, is being published by Macmillan India.

Another area of importance is ecological and environmental sustainability. The interface between local bodies and environmental programmes is another area of focus. CBPS has studied the working of programmes like drinking water, watershed development and joint forest management to see how local bodies can contribute to the meeting of national objectives.

CBPS is a partner in a campaign called PROOF (Public Record of Operations & Finance, along with 3 other Bangalore based organisations. The PROOF campaign provides an opportunity for citizens & the corporation of Bangalore (BMP) to join hands and demonstrate that public money is being used for public good. This will be achieved by systematic BMT performance report & reviews, substantiated by performance indicators & explanatory statements.

CBPS will remain a small body of professionals who will work by interacting and networking with others who share such interests. Working groups for different studies with professional membership will be set up, and will work with minimal infrastructure. Full use will be made of modern technology in this process. The results of such work will be used in training, in dissemination of results and in follow up programmes.

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## Abbreviations

APIO	Assistant Public Information Officer
BC	Backward Community
BPL	Below Poverty Line
CMC	City Municipal Councils
CO	Community Organiser
FDA	First Division Assistant
DMA	Directorate of Municipal Administration
GOK	Government of Karnataka
GOI	Government of India
MKSS	Mazdoor Kissan Sangatan Samithi
MLA	Member of Legislative Assembly
MLC	Member of Legislative Council
PIO	Public Information Officer
RTI	Right to Information
SC	Scheduled Caste
ST	Scheduled Tribe
SJSRY	Swarnajayanthi Shahari Rojgar Yojana
TMC	Town Municipal Councils
TP	Town Panchayat
UIDSMT	Urban Infrastructure Development Schemes for Small and Medium Towns
ULBs	Urban Local Bodies
ULSGBs	Urban Local Self Governing Bodies

# **Citizen's Participation, Urban Governance and Right to Information**

## **1. Background**

An important indicator of good governance is transparency and accountability in administration. The government of India has ushered-in these measures by passing the Right to Information Act in 2005. The Act, considered as a progressive, participatory and meaningful legislation, specifies that all government activities should be transparent, fair and open. The legislation covers all departments except Defense and is applicable to the governments at all levels- centre, state and local. Considered as a citizen-centric legislation, the Act has brought in a paradigm shift in the citizen- government relationship.

The process of decentralization also stresses on citizen's participation and on ensuring transparency and accountability measures in governance. The government of India has geared up decentralization processes by passing the 73<sup>rd</sup> and the 74<sup>th</sup> Amendments to the Constitution in 1992. The 73<sup>rd</sup> Amendment (for the rural) and the 74<sup>th</sup> Amendment (for the urban) emphasizes on citizen's participation and places responsible local self governments which function in a transparent and accountable manner. Local self- governments are important service delivery mechanisms and perform important functions which cater to the needs of the local population. The Right to Information forms an important tool in the broader framework of decentralization and helps in furthering the process (of decentralization).

The Right to Information is an empowerment tool in the hands of the citizens; as it allows them to seek any accessible information from a public authority. Since its passing in 2005, the RTI Act has been much discussed and debated at various forums by the civil society organizations and the government. The debates have centered mainly on the provisions of the Act, the problems in implementation and effectiveness of implementation.

The debates and discussions have failed to take note of an essential ingredient of the legislation that of citizen's participation. On what aspects do citizens seek information? What aspects of local governance touch their lives most? What roles and functions do citizens expect the local governments to perform? Are they aware of the functions that are devolved/assigned to the local bodies? Do citizens interests restrict to prescribed administrative issues or do they expect 'more' from the local governments?

This study is taken to understand the citizen's awareness and participation in urban governance and to note the constraints faced by the urban local governments in meeting the demands of the citizens. The first step would be to identify the various aspects of citizen's interests. This can be viewed from the information seekers' and providers' angle. For the RTI Act to manifest its benefits, it is necessary that information should be available, accessible, and affordable both for the seeker and the provider. The study is placed in the context of urban local self- governments.

The study helps in identification and analysis of the Institutional, Structural and Systemic factors facilitating and hindering the implementation of the RTI Act at ULBs. Identification of the impediments, in the context of ULBs, and arriving at appropriate measures to overcome these would form the basic objective of this initiative. The various measures that need to be taken would require different inputs at the institutional, organizational and individual levels.

A number of governance issues emerge from this exercise. Responsiveness of the government to citizens needs is a measure of good governance but the effectiveness of the local self governments in responding to the queries of the citizens is faced with constraints. The constraints could be due to the shortage in funds, functionaries and functions i.e. devolution per se.

### **Objective:**

The study is taken up with the specific objective of:

- Gauging citizens' interests and needs in urban governance (enquiring into citizen's participation).
- Assessing gender differences in citizen's enquiry – is there any difference in what men and women ask?
- Looking at constraints faced by the ULBs in meeting the demands of the citizens and its implications for governance and for service delivery mechanisms.

### **Methodology:**

For purposes of conducting this study, a City Municipal Council (Mandya), a Town Municipal Council (Nanjundgud) and a Town Panchayat (T. Narasipura) in Mysore district, Karnataka were chosen<sup>1</sup>. There has been no special criterion adopted for choosing the specific municipalities. Data has been collected from the Public Information Officer/s and /or others at the Municipalities. The City Corporations are left out from this study, as they are under a different legislation, cover a larger perspective and area, than the Municipalities.

The findings are supported with the secondary sources of information and by interacting with the key respondents. This study is a first of its kind and generalizations will be possible when more local governments are studied.

This report is organized as follows: In the Section that follows this, a brief introduction to the Right to Information Act, its origin, functionaries involved is discussed. Section 3 highlights some of the aspects of the ULBs, the functions performed. Section 4 addresses the findings from the field of the Municipalities chosen viz Mandya, Nanjungud, T. Narasipura. The analysis is presented in Section 5. Section 6 summarizes the findings.

<sup>1</sup> Corporations, City Municipal Councils, Town Municipal Councils and Town Panchayats are the different ULBs that are categorized depending mainly on the criteria of population, density of population, revenue generated, economic importance



## 2. The Right to Information

*'Democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed' Right to Information Act 2005*

The origin and history of Right to Information in India can be traced to the movement started in a remote village in the north Indian state of Rajasthan. What started as a demand for labor that rightfully belonged to the poor as designed by the Food for Works programme of Government of India, led to 'Jan Sunwais'(public hearing) and a demand for information by the Mazdoor Kissan Sakthi Sangatan<sup>2</sup> The movement led to the formation and functioning of National Campaign for the People's Right to Information and the subsequent passing of the Right to Information Act in the select nine states. In 2005, a separate Act was passed by the Government of India which covers all the states in India.<sup>3</sup>

The Act has been passed to ensure transparency and accountability in administration. This initiative has been in line with the Freedom of Information Act that was passed in 2002 which was repealed to introduce the Right to Information Bill during December 2004. The transition from an opaque system of governance<sup>4</sup> to one of a transparent system - from one of 'confidentiality is the rule and disclosure an exception' to 'transparency is the norm and secrecy is an exception' is a progressive move as it ensures that all governmental activities are transparent, fair and open.

The concept behind the passing of the RTI Act is the acknowledgment that informed citizenry and transparency of information are vital to the functioning of a democracy. It is recognized that the transparent and accountable measures would curtail corruption and help to hold governments responsible and that it is expedient to provide information to 'the citizens who desire to have it'. The Act sets out the practical regime of right to information for citizens to secure access to information.

It covers all departments other than defense, atomic energy and matters relating to the security of the country.<sup>5</sup> The law is comprehensive and encompasses almost all matters of governance and has the widest possible reach, being applicable to Government at all levels- Union, State and Local. The RTI Act is an important citizen-centric legislation which that has brought in a paradigm shift in the citizen- government relationship.

As per the Act, Information would mean any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, log books,

<sup>2</sup> The commitment to serve the society by three individuals from different background gave birth to MKSS. For details on the struggle and movement of MKSS see [www.indigovernance.org](http://www.indigovernance.org).

<sup>3</sup> Other than the state of Jammu and Kashmir (Section 1 (2) of RTI Act, 2005)

<sup>4</sup> Opaque system of government was mandated by the Official Secrets Act, 1923

<sup>5</sup> Section 24 of the RTI Act, 2005

contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force (S 2) And this can be sought from any department/ public authority. Access to records is facilitated by ensuring that the public authority maintains all records in such a manner that it is shared easily.

**Briefly, the processes of RTI include:**

- Submission of application either in writing or electronically to the Public Information Officer (PIO)
- A fee of Rs. 10/- is charged for processing the application. The BPL families are exempt from paying this fee, provided they produce the valid certificate.
- The fee for supplying the information is separate – Rs. 2/ for each page of photocopy. Reasonable amounts are fixed for getting copies of maps, plans etc. Information can be sought electronically also. Inspection of records and documents and inspection of work sites are allowed by paying a fee.
- The PIO/ Assistant PIO receives the requests and provides the information
- Information is to be provided within thirty days, 48 hours in certain cases (if life or liberty is involved)
- If there is no action on application within thirty days, it is considered as deemed refusal (of information)
- Refusal of information or delay in providing it calls for penalties. PIO or APIO or any officer asked to assist PIO can be fined Rs. 250 per day, up to Rs. 25,000/ for unreasonable delay in providing the information. Refusal to accept application, malafide denial, knowingly providing false information, destruction of information also can be fined up to Rs. 25,000/.<sup>6</sup>
- Appeals are allowed to the Appellate authority.

**Administrative Structure:**

At the local/district level, the Public Information Officer plays an important role in enacting the RTI Act. The PIOs are officers designated by the public authorities in all administrative units or officers under it, to provide information to the citizens requesting for information under the Act. The duties of the PIOs includes rendering assistance to the applicants, providing information within 30 days or earlier and if information is to be refused s/he should give valid reasons for refusal and provide information on appeals that the applicant can make. The PIO is also expected to transfer application to other PIOs, if the matter is related to the other PIO within five days. The PIO can take assistance to any other officer for the proper discharge of his/her duties.

<sup>6</sup>. Ref: <http://www.rti.gov.in/>

### 3. Urban Local Self-Governments

Citizen's participation in governance is emphasized in the processes of decentralization which has gained constitutional sanctity with the passing of the 73<sup>rd</sup> (for the rural) and 74<sup>th</sup> (for the urban) Amendments to the Constitution in 1992.<sup>7</sup> The Amendments stress on transparency and accountability measures in governance. It has broadened the scope and activities of the municipal governments, which are expected to deal with urban growth and its associated problems and improve the availability and quality of municipal services which have deteriorated over the years.

The 74<sup>th</sup> Amendment has given a constitutional recognition to a third-tier of government. Structurally, the Amendment has provided for an elected body, with 1/3<sup>rd</sup> representation of seats reserved for women, formation of ward committees, setting up of a State Finance Commission, Election Commission and a Planning Body. The Amendment was passed by Parliament in the year 1992 and received the President's assent on June 3 1993. By June 1994, the Act became operational with all the States (Annexure 1 highlights the salient features of the 74<sup>th</sup> Amendment).

The Amendment provides a broad guideline, leaving each state to formulate detailed legislation, restructure the then existing laws to remove provisions which were in violation of the Amendment. There was no new legislation proposed in Karnataka but only certain amendments were made bringing the act in conformity with the constitutional Amendment. The Municipal bodies are now governed by the provisions contained in Karnataka Municipalities Act, 1964 (for City Municipalities, Town Municipalities and Town Panchayats) and Corporation Act, 1976 (for Corporations).

#### **The Structure:**

Municipal Areas are specified based on the population, density of population, revenue generated, economic importance and such other viability.

There are five categories of ULBs in Karnataka:

- The City Municipal Corporation
- The City Municipal Councils
- Town Municipal Councils
- Town Panchayats
- Notified Area Committees

The Corporations cover a population of 3 lakh and above with more than 30 and less than one hundred councilors, 23 to 35 councilors from a population range of 20,000 to three lakhs comprise the Municipal Councils, the TPs comprises of a population ranging from

<sup>7</sup> People's participation has been a key word in development initiatives; there have been shifts in development paradigms from trickle down effort to one that emphasis on people's participation.

10 to 25 thousand, with not less than 50 % of the population being in non-agricultural activities. Also for specified areas like industrial areas where municipal services are required to be provided, the government has created Notified Area Committees. (Annexure 2: Number of ULBs in Karnataka).

1/3<sup>rd</sup> seats are reserved for SCs/STs depending on their population. 1/3<sup>rd</sup> of the seats are reserved for the BCs and also for women. The seats are reserved for the posts of the heads of the municipalities too.

Ward Committees and Ward Sabhas are also urban governance mechanisms introduced by the Corporation and the Municipality Act. Ward Committee are constituted in cities with more than three lakhs or more population, with the Councilors of the Corporation as members and five knowledgeable persons of the area as nominated members. Ward Committees and Sabhas form important forums which seek citizen's participation.

The State has devolved 12 of the 18 functions specified by the 12<sup>th</sup> Schedule of the Constitution to the ULBs (Annexure 3: 12<sup>th</sup> Schedule). The ULBs are expected to perform discretionary and obligatory functions. Sanitation and public health, establishment, maintenance and regulation of public amenities, education, water supply and drainage, and regulation of building activity and many more (Annexure 4 gives details of the functions of the municipalities)

The Municipal Commissioner is the Executive head of the Municipal Council. The Chief Officers, Environmental Engineers, Health Officers, Accounts and Establishment staff and Pura Karmikas are the main functionaries of the Municipalities. The Government of Karnataka through the Directorate of Municipal Administration supervises the functioning of the municipalities.<sup>8</sup>

<sup>8</sup> For details on the DMA see: <http://municipaladministration.kar.nic.in>

## 4. Findings from the field

The RTI Act is applicable to the institution of self- governments, as they are specified as Public Authorities.<sup>9</sup>

### 4.1. City Municipal Council: Mandya

The City Municipal Council of Mandya covers an area of 17.05 sq kms and a population of 1,31,211 <sup>10</sup> . It comprises of 35 wards, with 1,05,775 voters, of which 53,681 are male and 52,094 are female <sup>11</sup>

The functions of the CMC includes registration of birth and death, maintenance of roads, water supply, maintenance of street lights, and sanitation, implementing programmes such as SJSRY, Ashraya, UIDSMT and those of the 12<sup>th</sup> Finance Commission. Issuing trade and building licenses are also the functions of the CMC. To perform these functions, the CMC has 237 staff in the sections of revenue, engineering, health, D group, drivers, pourakarmikas and administration.

To deal with the RTI applications, the Commissioner of the CMC has been appointed as the Appellate Authority, the Assistant Executive Engineer as the PIO and the Manager as the APIO. The CMC has assigned the task of maintaining the register of cases filed and the status of the cases to the Community Organizer of SJSRY.<sup>12</sup>

A total of 70 and odd applications have been filed under RTI, since its implementation over the last two years. Of this, two are by women.

The applications relating to development works supersede the others (20), followed by katha (13), electric works (7), and enquiring details of municipal buildings (8). The other applications relate to enquiring about the details regarding the maintenance of public parks- source of finance for maintenance and expenses incurred, spending of 18% SCs/STs funds and on solid waste management. An enquiry into the audit of the CMC has also been filed by seeking details.

<sup>9</sup> The Public Authority is specified as any authority or body or institution of self- government established or constituted – (a) by or under the Constitution; (b) by any other law made by Parliament; (c) by any other law made by State Legislature; (d) by notification issued or order made by the appropriate Government, and includes any – (i) body owned, controlled or substantially financed; (ii) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government.

<sup>10</sup> Source: Census population data 2001

<sup>11</sup> Source: CMC Mandya

<sup>12</sup> Community Organisers work along with the Community Affairs Officers at the Municipalities and implement the of SJSRY programme. The Community Officers are lower in the hierarchy, and are assigned the task of mobilizing and motivating women at the grass roots.

The RTI applications of development works relate to the drainage facilities, place of providing the facilities, road metalling and construction of compound walls and so on.

The ones that relate to electric works include enquiry on street lights, types of lights, details on expenditure, and whether the works taken have been specified in the Action Plan of the CMC.

There have been cases (numbering 3) where the correction in the spelling of the birth certificate has been attempted through RTI. Though issuing birth certificate is an obligatory function of the Council, using RTI helps in reducing the waiting time. The filing for information regarding Katha relates to endorsements, changes in katha, request for katha extracts. The functionaries however feel that these enquiries are often used to collect information to malign individuals.

The RTI Act has provided ways by which accountability of the staff and use of finances is enquired into. The staff strength of the Council, functions assigned to the staff members, correlation between the designation and functions, have been the questions raised. There has been a request to see the audit reports of the CMC for the years- 2004-05 and 2005-06.

The RTI applications also relate to the programmes. 18 % of the funds of the municipality are allotted for the upliftment of the SCs and the STs.<sup>13</sup> The RTI request has been to find out the types of activities taken up under this. The funds are used for development works such as the construction of hostel for SC/STs, construction of drainage facilities in SC/ST localities, donating benches, desks and computers to schools and also for celebration of Ambedkar Jayanthi.

Information is also sought on housing programmes, details on solid waste management (land purchased for disposal and how the programme works), and infrastructure facilities provided in schools and colleges for girl students. This enquiry was filed by an MLA (women).

Some of the applications are filed by the journalists and members of various sanghas (federations), samithis (associations), and also lawyers. The officials allege that the genuine applicants who want information are only 20 % of the total applicants.

#### **Applications rejected:**

Two applications have been rejected as the requests for information recorded were vague.

#### **Cases for higher authority:**

Seven cases have been booked with the appellate authority – on grounds that information has not been given within the stipulated time of thirty days. Tardiness in disposing the applications by the case worker who was in charge of RTI applications has resulted in this.

### **4.2 Town Municipal Council: Nanjungud**

<sup>13</sup> GO: UD144GEL07 dated 25.06.07

The Town Municipal Council of Nanjungud covers a population of 42598. It comprises of 27 wards, with 37309 voters (18496 male and 18893 female)<sup>14</sup>

The functions of the TMC includes construction and maintenance of water supply, sanitation, street light, road, drainage, registration of birth and death, issuing building and trade license. The TMC has been supported by 30 staff including the Chief Officer. Manager, Accountant, Health Officers, Revenue Officer and those who support the establishment- LDC and FDC

The estimated budget figures of 2007-08 show that the total income is Rs. 2,60,680,00 and the expenditure is Rs. 50275000. The TMC's revenue is from water cess, issuing building license, auction of sites, Rent from municipal properties like shopping complex, buildings, State and Central sources funds - 10<sup>th</sup> finance, SFC and repayment of deposits by contractors. The TMC spends on Establishment charges, Public Protection, disaster management, Public Health and amenities, Public works done by PWD, Public works by the municipality, Public Education Department (school support), Help to schools etc

Others: Unusual debt, repayment of deposits by contractors

The government has designated the Chief Officer as APIO. The Community Organiser of the TMC is the case worker who deals with the RTI.

Over the last two years since RTI has been enacted, 9 applications have been filed. Six are pertaining to Katha, 3 to the Engineering Section and 2 are related to the Establishment.

Katha enquiries have focused on seeking copies of katha extract regarding the Municipality sites leased to the agricultural marketing board and proof of land being acquired to build the police station, lay out plans of a new extension that is planned (Sabapathi Layout).

The resolution of the meeting of the council- dating to 1970- has been asked too. This information has been sought to clarify matters regarding the land given on lease to the local sports club. The information was sought by a journalist.

Details of the plan approval of roads in a ward, the road length and the amounts allotted to it, water supply to a new layout were asked from the engineering section. To whom is the contract given and such other details were enquired into.

#### **4.3 Town Panchayat: T Narasipur:**

The Town Panchayat of T Narasipur covers an area of 3.7 sq kms and a population of 9728. It comprises of 11 wards, with 8889 voters.

The functions of the TP include works, maintaining cleanliness and other departmental works. The TP has 21 staff 2 FDA, 4 SDA, 2 Engineers, 1 Health Inspector, 3 Wall Men, 1 Health Inspector, 4 Group D employees, 2 SJSRY and a Chief Officer.

<sup>14</sup> Source: Taluk Office, Nanjungud



The estimated budget of the TP is Rs. 2.5 crores which includes monies collected by the TP like the water charge collection, SAS, rentals from shopping complex and also government grants (2007-08).

The SDA is placed in charge of the RTI applications.

A total of 16 applications have been received over the last two years. Since a separate ledger has not been maintained for recording/inwarding the RTI applications, the figures are not reliable.

All the 16 applications have been filed by men and pertain to the development works, katha and accounts. Proof of katha (ownership) for certain lands; details regarding the conversion from Grama Panchayat to TP are the information asked. Amounts spent by the TP on repairing the bore well, for supplying drinking water, on street lights etc are asked. The details of tenders- the processes of tender, the modes of communication and so on are also enquired. Interestingly, of the 11 applications (2008-07), 5 are by the same individual and focus on various facilities such as streetlights, drinking water supply, and repair of bore well – which are the obligatory functions of the TP.

One application had been represented to Appellate authority and has been resolved in favour of the TP.



## 5. Analysis

The number of applications filed under RTI in the urban local bodies has been minimal. In all of the local self- governments visited, the numbers of applications filed were few – 70 in Mandya, 9 in Nanajungud and 16 in T. Narasipur. In comparison to the population in the respective areas, this is negligible. This indicates to lack of awareness among the various stakeholders on the tenets of the Act. The proponents of Right to Information point to the fact that information sharing on information Act has been inadequate. The number of applications filed over a period of two years – 2006-07 and 2007-08, after the enactment of the Act during October 2005, has shown more or less the same pattern. There has been no substantial increase in the second year.

The participation of women in seeking information has been non- existent. Except for three applications filed at Nanjungud, which focused on katha and Ashraya housing programmes, women's participation has been nil.

The formats specified for filing RTI applications is a simple one and does not seek specifications of gender. The suggestion would be to add this, as it would help in assessing women's participation, their interest in governance apart from assessing their knowledge levels.

At present, less number of cases and rapport of the officials with the public in small towns have made it possible to sort the applications gender and age- wise. Age of the applicant is not sought in the applications but in Nanjungud TMC, the Community Organizer who is in charge of the RTI applications is able to recollect all the details.

The number of application filed at each of the municipalities is an approximation. None of the ULGS visited could specify the exact number of applications received. This clearly indicates that the preparedness to record information has been constrained. In Nanjungud and T. Narasipura separate ledgers are not maintained to note all the applications received under the RTI Act. Efficiency in urban governance would improve, by maintaining records systematically.

The less number of applications are attributed by some to two factors (i) since this is an elected body, the councilors act as information points as they are easily approachable and answer most of the queries. The enquiries therefore confine to oral mode than a written one and (ii) the administrators dissuade the applicants from filing applications to evade work.

A constraint expressed by the officials is one of an inability to meet the demand for information dating back to twenty years or sometimes even more. This is difficult to be complied despite the urban bodies being in existence for a long time. For e.g. the Municipality in Nanjungud was established in 1908. The records have been maintained since 1949-50 but are apparently not in a good condition. The officers of the CMC claim that the records from 1964 onwards are in a good condition and measures have to be taken to improve the record maintenance systems. The ULBs have failed as public authorities to maintain all its records: 'duly catalogued and indeed in a manner and form which facilitates the right to information

under the Act'. It is also necessary to ensure that 'all records that are appropriate are computerized within a reasonable time and subject to availability of resources' (S 4 (i) of RTI Act).

Since the number of applications itself is on the lower side, the Appeal to the higher authority i.e. to the Appellate Authority have been minimal. There is no accessible data at the municipalities on Rejected applications. This would have been a very important tool to gauge the understanding of the civil society on the roles and functions that the local self- governments are expected to play.

The ULSGs deal with the issuing of kathas as an obligatory function. But RTI is being used for this purpose so that the waiting time is reduced. RTI comes with a time frame, complying within which is important, otherwise it is subject to penalties. This is an indication that the officials can dispose files, if deadlines are given especially with penalty clause attached, and has implications for good governance.

Development works and municipal finance are issues of importance and have been enquired by the civil society indicating that the RTI Act is full filling its objective of achieving transparency and demanding accountability from the officials. How tenders are called, advertised etc are frequently asked questions relating to the development works of the municipalities. Audited reports of the municipalities are also sought (Mandya).

Requesting for the resolution of the council is a good measure of holding elected representatives responsible too. Such a case has been noticed at Nanjungud. But the civil society is yet to become aware that they can verify the promises made by the councilors by asking for the resolutions passed at the council meetings.

Since RTI does full fill its mandate of achieving transparency in governance, it cannot be brushed aside by the officials, as they generally tend to do. Officials, who deal with the RTI applications, show apathy in implementing it; some say that they are "pained" by the very Act. The other reason given is: no extra hands to facilitate implementation. In smaller municipalities, the Community Organizer of SJSRY programme is entrusted with this work. The comment heard is that this programme is being implemented at the cost of helping the poor.<sup>15</sup>

The officials also feel that the civil society using RTI only to harass them. Only 10% of the applications are filed with genuine interest in governance, the rest are used for blackmailing is the general comment in all the municipalities. The fact that journalists and lawyers are the main applicants gives boost to their argument. Informed citizenry would help in better implementation of the Acts- both RTI and the Municipalities. The citizens should also ensure that the enquiries are supported with reasonably clear mandates and if possible, supporting documents. This would facilitate the work of the officials and strengthen RTI Act.

<sup>15</sup> The COs are also entrusted with other works too such as providing water connections, audits etc. The DMA has issued orders that the COs should be withdrawn from RTI work, as it feels that implementation of SJSRY is taking a back seat.

Despite few applications, the administrators feel that the burden of work is more because of the quantum of work involved, especially given the time frame prescribed by the Act and also because of the dastardly way of having maintained the records.

Ad hoc placement of different administrators in charge of RTI applications is also the result of indifference in implementation. In Mandya, the Executive Engineer is made the PIO- s/ he is on the site visits most of the times and difficult to be contacted. Someone more static like the Manager would be better as RTI applications demand time bound replies.

## 6. Summary

The key concept with which RTI has been envisaged has been to ensure transparency and accountability in the working of every public authority, including those of the self governing local bodies. RTI is a tool in the hands of the common man to get information from the government as a matter of right. This makes the approach to RTI – a right based approach. In this it is different from the governance Acts which are participation based.

The RTI requires the public authorities covered under the law to publish suo moto or proactively a wide range of information on their own, even when no one has specifically requested for it. It recognizes that some information is so important and useful to the community and public at large, that it should be given out regularly without any citizen requesting it, as it recognizes the transparency is in the public interest. This is applicable to the Municipality Act too by way of citizen's charters which are considered as important elements of the decentralization processes. But lack of seriousness in implementing this-practicing display of information- is a proof of the indifference of ULBs to share/make available information. The capacity aspects of orienting the bureaucrats in the ULBs should shift from not-sharing information to one of willingness to voluntarily share.

Women's participation in urban governance can be built by enabling and educating women on using RTI. Urban women self help groups should incorporate capacity building sessions which stress on RTI. This would build the knowledge base of the women and also help in getting answers to their grievances, independent of any support.

The implementation process of the Act rests on the institutions of ULBs. The Right to Information includes the right to inspect works, documents and records. Using this in ULBs helps to check corruption. The RTI also can help expose inaction of the government and resulting delays. Strengthening the ULBs would ensure that the availability of and accessibility to information is better facilitated both for the seeker and the provider of information.

One of the ways by which efficiency in urban governance could be improved is by adopting better mechanisms of maintaining records- computerization in bigger municipalities and separate books/ledger maintenance in the smaller municipalities would help.

The responsibility of ensuring effective implementation of the RTI Act is on the citizen too. The citizen's should be educated to benefit fully from the legislation. Capacity building programmes which would orient citizens on the use of RTI would be important to build informed citizenry. Without information, people cannot adequately exercise their rights as citizens or make choice/s. Greater the access of the citizen to information, greater is the responsiveness of the government to community needs.

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## Annexure

### 01: Salient features of the 74<sup>th</sup> Amendment

The 74<sup>th</sup> Amendment has provided for:

\*Mandatory elections: Regular and fair conduct of elections to be conducted by statutorily constituted State Election Commissions.

\*Territorial jurisdiction of ULGBs by newly defined criteria, designated as Nagar Panchayats, Municipal Councils for the smaller urban area and the Municipal Corporations for the larger urban area.

\*Adequate representation to women and weaker sections of the society in ULGBs and in the offices of Chairpersons of these bodies through reservation of seats

\*Constitution of Wards Committee in urban areas with a population of three lakhs or more, in order to ensure popular participation in civic affairs at the grass- root level

\*Specification, by law, through the state legislatures, of the process and functional responsibilities to be entrusted to the municipal bodies and various committees. 12<sup>th</sup> Schedule added in the Constitution containing illustrative lists of functions to be assigned to ULGBs.

\*Specification through State laws, of the provisions for the mobilization of local finances through taxes and revenue sharing assignment, and the statutory appointment of State Finance Commission every five years, for reviewing the financial position of the local bodies, and for making recommendations on local taxes, and transfers by way of assigned taxes, tolls and duties, as well as grants-in-aid.

\*Provision for setting up Committees, with predominant composition of elected representatives, for comprehensive District Planning and Metropolitan Planning, by integrating the plans of the urban and rural areas

\*Limiting the state power for dissolution of the local bodies

### 02. Number of Urban Local Bodies in Karnataka

Urban Bodies in Karnataka	
Corporations	8
City Municipal Councils	43
Town Municipal Councils	94
Town Panchayaths	68
Notified Area Committees	5
<b>Total</b>	<b>218</b>

Source: Personally checked with Directorate of Municipal Administration, Bangalore, year 2001, because of different number of their website.

### 03. 12th Schedule listing 18 functions for the ULSGs

- ☞ Urban planning, including town planning
- ☞ Regulation of land use and construction of buildings
- ☞ Planning for economic and social development
- ☞ Roads and bridges
- ☞ Water supply for domestic, industrial and commercial purposes
- ☞ Public health, sanitation, conservancy and solid waste management Fire services
- ☞ Urban forestry, protection of 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  
Urban poverty alleviation
- ☞ Provision of urban amenities and facilities such as, parks, gardens and playgrounds  
Promotion of cultural education and aesthetic aspects
  - ☞ Burials and burial grounds, cremations, cremation ghats/grounds, and electric crematoria
  - ☞ Cattle pounds, prevention of cruelty to animals
  - ☞ Vital statistics including registration of births and deaths
  - ☞ Public amenities including street lighting, parking lots, bus stops and public conveniences
  - ☞ Regulation of slaughter houses and tanneries
  - ☞ the distribution between the State and the municipalities of the net proceeds of the taxes, duties, tolls and fees livable by the State which may be divided between them under this Part and the allocation between the municipalities at all levels of their respective shares of such proceeds;
  - ☞ the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the municipalities;
  - ☞ the grants in aid to the municipalities from the Consolidated Fund of the State

### 04: Functions of the Municipalities

Municipalities have been constituted with the objective of discharging certain obligatory functions like (a) supply of drinking water (b) providing and maintaining drainage and sewage systems (c) public street lighting (d) maintaining sanitation and hygiene of public places (e) construction and maintenance of bus terminals, roads, culverts and bridges (f) maintenance of public parks and gardens (g) ensuring systematic/planned urban growth (h) regulation of building construction (i) licensing of Trade activities as well as (j) maintenance

of Birth and Death records. In addition, certain discretionary functions can also be taken up which could include educational, health, community and recreational services depending upon each ULBs resources. Of late, the sphere of activity of municipalities has been extended to implementation of special programmes like SJSRY (for poverty alleviation).

**05. Population details of the study area.**

<b>Name of the Municipality</b>	<b>Total Population</b>	<b>Male</b>	<b>Female</b>
Mandya	131211	66630	64581
Nanjungud	42598	21245	20853
TNarasipura	9728	4989	4939