

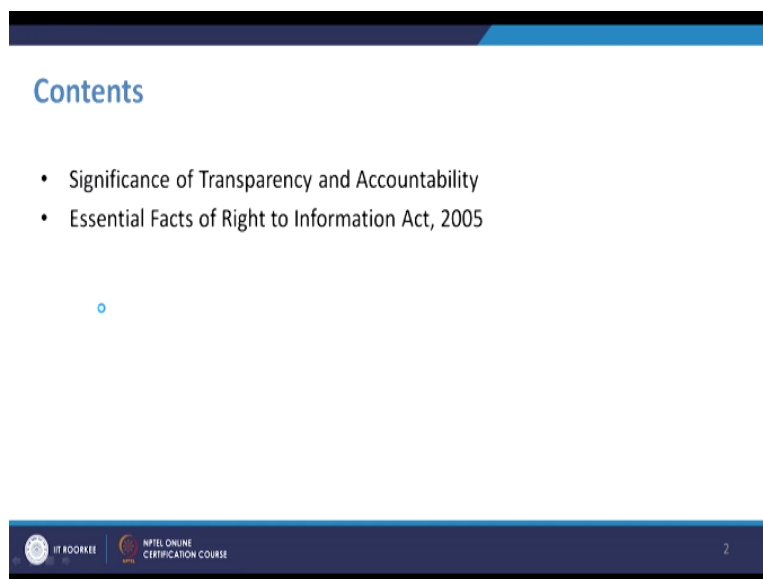
Urban Governance and Development Management (UGDM)
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Lecture - 12
Transparency and Accountability

Welcome to lecture 12. In lecture 12, will discuss about the transparency and accountability required for the urban governance. Before we start the lecture, let us have a quick recap of last lecture. In the last lecture, we have discussed the various dimensions of organization development. We have discussed that to provide very good amount of service in the urban areas, it is very much required that your organization is stronger; your organization can perform in desired level.

So for that you need to develop your organization. So you have to improve your manpower, you have to improve your environment, equipments, etc. So today will see that another very important aspect of the urban governance that is transparency and accountability.

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Now under this will discuss two very important part that why transparency and accountability is required for urban governance and second is the essential facts about Right to Information Act, 2005 which ensures accountability and transparency in urban local bodies and also in all kinds of government organization.

So we will discuss that part also. Now why transparency and accountability is important and why I mean what do exactly we mean about the transparency and accountability? Let me share one of my past experiences to understand or to describe the term. Few years back, when I was working in urban sector and in urban local bodies, there was one visit we as a team our technical persons we visited one urban local bodies.

And we saw before entering to the municipal office, we saw a very long queue of the people having senior citizens, children's all types of citizens were in queue and that was in hot summer season and then out of curiosity we asked the people that what is the matter, why you people are standing for queue in the sun and they told that they have been waiting for last two hours in the queue.

Then, I asked what is the reason so they said (FL) it is the relief amount which they are supposed to get for the flood. Then, I asked them when the flood was happened. So they told that flood happened 2 years back. So you can understand that a flood happens and after 2 years of that flood they get relief amount and that too they wait for 2 hours at least because after that we had a meeting and we came back and they were still waiting in the queue.

So this is a small incident but you know that in urban local bodies or urban government everyday people face lot of difficulty in getting their own legitimate service. For example, if people want to get their birth certificate or death certificate or any license or building plan approval or water supply connection, now the problem or any as example I gave that is the getting some relief for the flood victims.

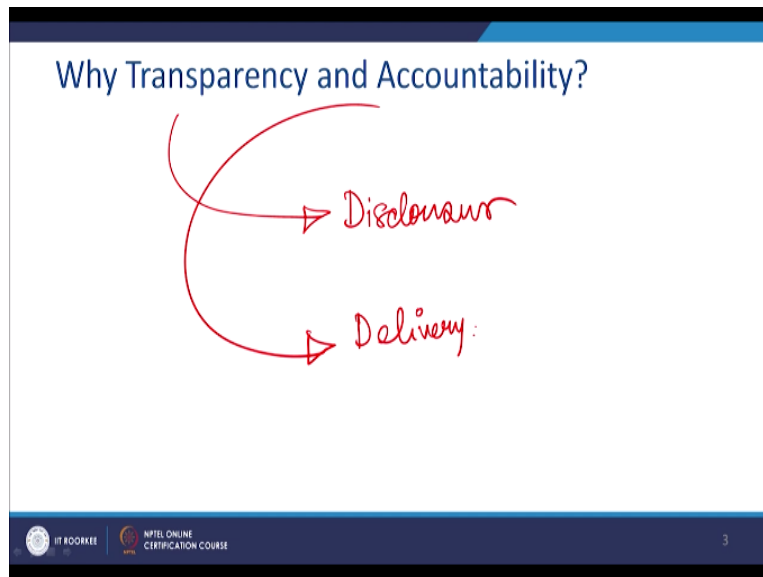
Now the problem is the people do not get the information very easily that what are the exact methodology involved in the process, what are the documentation required and most importantly that what is the time period for which after which they are going to get that service from the urban local bodies. Now this is the problem and this is a generic problem throughout our India. There are good examples, good practices also.

I will mention that but this is a general problem in urban local bodies. So that is why if we want to reach to the citizens to common people we have to enhance the transparency in terms of the accessibility of the information as I told already so access in all types of information and required information is transparency and accountability is whatever urban local bodies

commits to the people and they are mandated and committed, they are supposed to perform that function to give that service in accountable manner.

That means they are supposed to disclose all the details of the projects and the services with a time bound manner.

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So transparency and accountability, so transparency is all about the disclosure and accountability is all about delivery accountable services. So I am trying to give you just the idea of the two words and we will see definitely the importance of these two words in acts and laws, so based on that Government of India, they tried to bring relevant acts. Now I will show you few example that why this transparency and accountability is significant.

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Recipient of Bribes (in percent)

Services	Experience		
	Official/ Staff	Middlemen	Local representative (elected or otherwise)
Basic Services:			
✓ PDS	74	19	7
✓ Hospital	90	11	1
✓ School Education (up to Class XII)	86	12	1
✓ Electricity	81	18	1
✓ Water Supply	81 ?	18	1
Need Based Services:			
✓ NREGS	55	20	25
✓ Land Records/ Registration	82 ?	17	2
✓ Forest	91	10	0
✓ Housing	64	23	11
✓ Banking	73	22	4
Police	92	8	1

TII-CMS India Corruption Study - 2007

The table shows the percentage of recipients of bribes for various services, categorized by experience level. The 'Basic Services' section includes PDS, Hospital, School Education, Electricity, and Water Supply. The 'Need Based Services' section includes NREGS, Land Records/ Registration, Forest, Housing, Banking, and Police. Handwritten red circles and arrows highlight the percentages for Water Supply (81%), Land Records/ Registration (82%), and the 'Middlemen' column for several services.

There was a study by some organizations, they studied you can see the chart here where it tells us about that these are the some services like public distribution system, hospital, school education, electricity, water supply, land records, rural employment guarantee scheme, forestry, housing, banking and you can see the title is very interesting the recipient of bribes. That means the people need to give bribes to the government official to get the basic service.

And you can see the percentage say for example for water supply 81% of the officials they take bribe from the common people. For example, the land records 82% of the officials they take the bribes from the common people. So this is the official staff and they are all not only the official staffs, the middleman is also involved in the bribes. You can see and not only that very importantly local representative who are coming through the common election in the municipalities and other government, they are also involved.

So this is not only about the local government, this is for all kind of government and across the various countries this fact is true. So the learning from this example let us see few more illustrations okay.

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Factors faced in Availing Public Services (In percentage)

Services	Procedural	No forms	Absence of Staff	Corrupt Staff	Middleman
PDS	37	3	18	38	4
Hospital	38	4	26	31	2
School Education (up to Class XII)	35	7	21	33	3
Electricity	40	3	18	35	4
Water Supply	36	5	23	31	5
NREGS	33	7	10	33	13
Land Records/Registration	27	4	11	51	6
Forest	28	2	11	53	5
Housing	24	3	9	50	14
Banking	48	6	13	28	4
Police	17	2	4	73	4

TII-GMS India Corruption Study - 2007

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This chart shows that what are the factors faced by the people as a barrier as a problem. Now in this factor similarly all those basic services are mentioned including the public distribution systems like the food and rationing, the basic services like electricity, water supply, the development work like housing and all this and banking, police all the sectors. Now you can see that in terms of percentage the factors which are making a significant barrier is procedural number one.

There are no forms that is they do not know how to apply, no forms are available. Absence of the staff who are going to process the application. Then, corrupt staff who are asking for money or asking for some favour and middleman. So these are the factors or these are the contributors in the public service and its barrier in also municipalities. So from this chart you can see that information like say 37%, 38%, 35%.

So one side we can understand that we need to improve the procedural process in the municipality to streamline or to smoothen the process of the service delivery. On the other side, the problems like corrupt staff or problem of middlemen that can be reduced by stringent vigilance and the disclosure of the essential information. So these are the current reality, these are the grassroot reality which we are facing at all in the public services.

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Estimate of Bribe	Services	Total Bribe paid in the year (Rs. In Million)
	Basic Services:	
	PDS	450
	Hospital	870
	School Education (up to Class XII)	120
	Electricity	1,050
	Water Supply	240
Need Based Services:		
	NREGS	70
	Land Records/ Registration	1,240
	Forest	240
	Housing	1,570
	Banking	830
	Police	2,150
	Total for 11 services covered in the survey	8,830

TII-CMS India Corruption Study - 2007

Similarly another estimation was done that what is the total amount of bribes in million rupees. You can see that this is the amount of bribe which is given by the common people to the public service. It is done by the same organization and you can see the figures, it is the huge figure. So that is the problem and it gives the much more significance of bringing transparency, accountability in the municipal service delivery which is very important for our study.

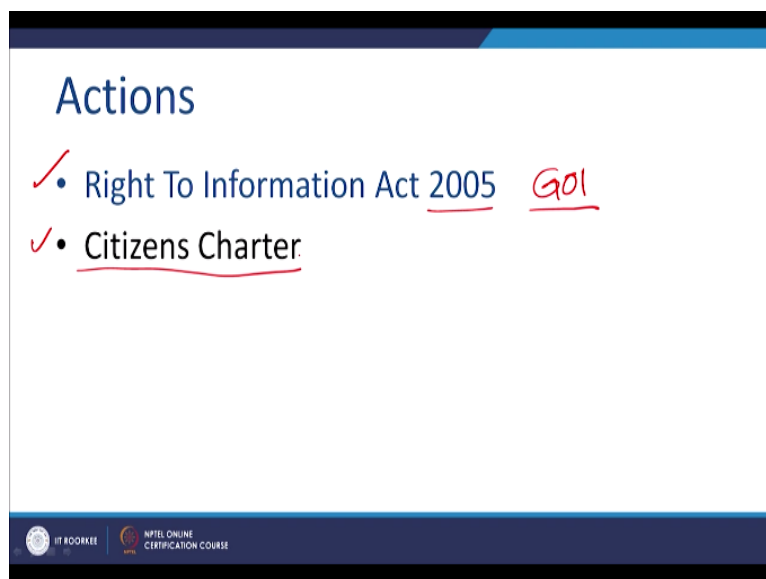
Now in addition to service delivery, the role of municipality are two fold, one is giving the basic service delivery like birth and death certificate, giving the license, giving the building plan approval or the land approval and another is the developmental. Municipality and the

urban local bodies they also perform as a planning and developing organization. They construct road, they construct building, they construct the essential infrastructure.

So for both the element of the development that is development and the service, they are supposed to bring transparency and accountability to make it a better organization, better government. Now the benefit of bringing transparency and accountability is that when people will know that yes my local government is transparent, is accountable giving accountable services, so they will be satisfied.

Once they will be satisfied; they will definitely support you in all kind of development activity and the image of the city. Now let us see that what can be done to avoid all kinds of problems like this.

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We broadly propose two types of action; one is Right to Information Act, 2005 which is a Government of India Act. It came in 2005 and another action at the urban local bodies level is the Citizens Charter and its Publication. Today, we are going to discuss Right to Information Act 2005 in more details because all the government organizations need to know this and apply its provision.

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When does it come into force?
12th October, 2005 (120th day of its enactment on 15th June, 2005).

Who is covered?
whole of India except the State of Jammu and Kashmir.

What does information mean?
any material in any form including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, 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 but does not include "file notings" [S.2(f)]

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So Right to Information Act was effective from 2005 even though before 2005 there were lot of discussions in the country about its act and there were so many other kind of act like Public Disclosures Act, all this act but in 2005 The Right to Information Act was enacted by the parliament and it was enacted for all types of governmental organization. So it covers the whole of India except the state of Jammu and Kashmir.

Now under this act what does information mean? Since the act talks about the information, now please read these lines very carefully, I am sorry that the text matter is very large but I thought that it is very important to read even though the copies of the act will be given to you, you can study from that. So please see that what does information means.

Now information includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material anything even it is in electronic form that will be also a part of information okay but it does not include the file notings. You know that all the government decisions are made on a particular file and that file noting is not coming under this RTI Act.

But other than this all these document, circulars, notification, minutes, everything will come under the Right to Information Act.

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What does Right to Information mean?

✓ right to -

- inspect works, documents, records.
- take notes, extracts or certified copies of documents or records.
- take certified samples of material.
- obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts.

Then, what is the meaning of Right to Information? Now its meaning is this act giving right to the citizens of India to access certain amount of information. Let us see what are those information. So it gives the right to inspect, inspect what, inspect work, documents and records. It gives right to take notes or extracts from the certified copies or the documents or records from any government organization.

It gives right to take certified samples of materials. For example, you have visited some library, you have visited some government office, you can take some sample of the material or document. It gives right to obtain information in form of printouts, disks, floppies, tapes, video cassettes, etc whichever is available at the government organization.

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What are the obligations of public authority?

It shall publish within one hundred and twenty days of the enactment:-

- the particulars of its organization, functions and duties;
- the powers and duties of its officers and employees;
- the procedure followed in its decision making process, including channels of supervision and accountability;
- the norms set by it for the discharge of its functions; ✓

Now under this act there are some obligatory functions or obligatory duties about any government organization including local government has to perform. Now what are those? There are basically two types of obligatory function, one is mandatory disclosure, certain amounts of information they have to publish in their websites and the non-print media also and secondly if there is any query under the RTI Act for a particular information that is also mandated under this act that they have to serve that information.

So let us see one by one that what are those mandatory information. So you can read that it shall publish within 120 days of this enactment the particular so by this time because it was 2005, it is 2018 so all the government organization mostly they have published this document. So this document consist the particulars of the organization, functions and duties; then powers and duties of its officers and employees.



Procedure followed in its decision making process including channels of supervision and accountability. The norm set by it for the discharging of function, this is very much important for any service providing organizations including urban local governance. For example, for a municipality since it provides service like water supply, licenses, building plan approval, so mentioning the norms like norms in terms of time, norms in terms of service is very important by the local government.

So this leads to the preparation of the Citizen's Charter which is an elaborate task in some lectures later on we will come to this point also, will discuss this part as Citizen's Charter with much more example and cases. So this is one very important part, job of a municipality.

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...obligations of public authority

- the rules, regulations, instructions, manuals and records used by its employees for discharging its functions;
- a statement of the categories of the documents held by it or under its control;
- the particulars of any arrangement that exists for consultation with, or representation by the members of the public, in relation to the formulation of policy or implementation thereof;

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Then, the rules, regulations, instructions, manuals, records used by its employees for discharging its functions that is under the mandatory disclosure. A statement of the categories of the documents held by the organization or under the control. For academic organizations, all the thesis documents are part of that. For an organization like municipality, all the project reports also a part of this, so that they have to disclose in terms of a list.

Then, particulars of any arrangement that exist for. So you can see that if the organization take any public policy, formulation of the policy or the implementation, they have to disclose that information as well.

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...obligations of public authority

- a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted by it. Additionally, information as to whether the meetings of these are open to the public, or the minutes' of such meetings are accessible to the public;
- a directory of its officers and employees;
- the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;

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Not only that they have to publish the statement of a board or councils, committees and other bodies. For example, for any urban local government, the board members, the list of the

board members, council members, like standing committees are there, ward committees are there, so all these are part of these mandatory disclosures. So if there is any committee which is formed for the particular function with two or more person that is also coming under this mandatory disclosure.

Then, a directory of its officers and employee has to be published with its monthly remuneration received by each of its officers and employees. So this is very important part that not only the documents, it is important to list the directory of the officers and the staffs with name, phone numbers, designation and their monthly remuneration, so you can check whether your organization has published this information or not.

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....obligations of public authority

- the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- the manner of execution of subsidy programmes, including the amounts allocated and the details and beneficiaries of such programmes;
- particulars of recipients of concessions, permits or authorizations granted by it;

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So then budget, you know that all government organizations they run on budget given by the central government or from other agencies budget for all plans, proposed expenditures and reports on disbursement made. So this is also applicable for the local government and after getting the budget how you are executing the project in terms of subsidy programme or in terms of a development programme.

So that part has to be also included under this disclosure. So programmes and schemes and then if you are recipient of some concessions, permits or authorization granted by it so what are the procedure of that concessions or the permits that also you have to mention.

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...obligations of public authority

- details of the information available to, or held by it, reduced in an electronic form;
- the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- the names, designations and other particulars of the Public Information Officers.[S.4(1)(b)]

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Then, apart from that the any other details of the information available to or held by it reduced in an electronic form. So apart from I mean this tells that whatever information was not listed whatever discussed in earlier slide, all those information has to be compressed in electronic media and has to be stored maybe on demand and maybe one list will be disclosed and on demand that can be shared with the common citizens.

Then, particulars of facilities available to citizens for obtaining information including working hours of the library or reading room or any public office. The names and designation and other particulars of the Public Information Officer. Now this is another very important provision every government organizations has to mandatorily disclose and identify a person's name as a Public Information Officer.

His job will be to provide information from within the organization or the particular staff when some information is asked or required by a common citizen through normal procedure. So let us see that what is that procedure and how they will be giving that information.

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- **What does a "public authority" mean?**

It means any authority or body or institution of self-government established or constituted:

- by or under the Constitution;
- by any other law made by Parliament;
- by any other law made by State Legislature;
- by notification issued or order made by the appropriate Government and includes any-
- body owned, controlled or substantially financed
- non-Government organization substantially financed directly or indirectly by the appropriate Government.

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So whenever you identify a Public Information Officer, the public word comes so this act also defines the public authority. So the public authority defines I mean is defined by the constitution or by parliament or by state legislature or by any notification or order by appropriate government level. It can be any body, owned, controlled or substantially financed.

That means all the PSUs will come under this and non-governmental organizations NGOs which are financed directly or indirectly by appropriate government. That means in your local government or the development authority apart from your municipal set up if there are any NGOs or committees or the ward level organizations or the committees, they are also coming under the coverage of this act.

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- **Who are Public Information Officers (PIOs)?**

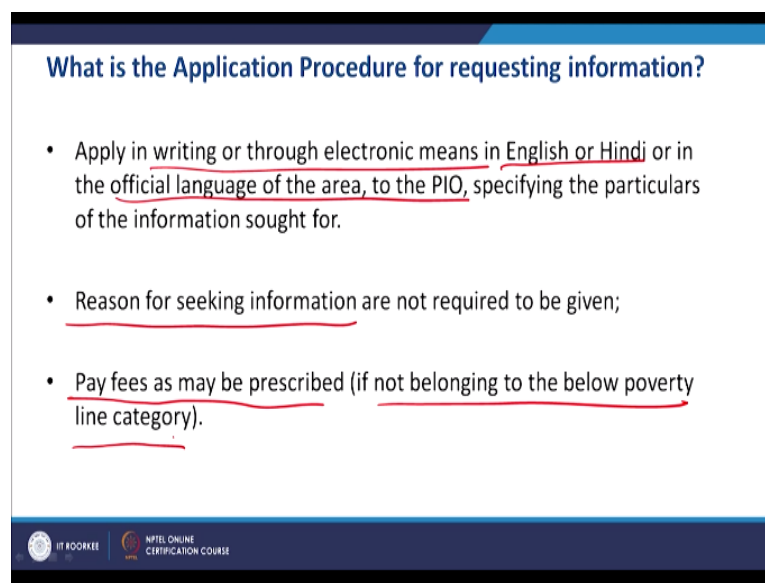
- PIOs are officers designated by the public authorities in all administrative units or offices under it to provide information to the citizens requesting for information under the Act.
- Any officer, whose assistance has been sought by the PIO for the proper discharge of his or **her duties,**

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Now let us see who are the Public Information Officer, so PIO in short we are calling it as a PIO. So PIOs are the officers designated by the public authorities on every government. So under after identification of the PIO any officer who is assistants has been sought by the PIO for the proper discharge of his or her duties. That means in your organization suppose Mr. X is identified as PIO.

But I submit an application for a particular subject and PIU transfers that query to a particular department or particular person for that information. So that department or that person also become responsible for giving that information. That is the spirit of this act.

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What is the Application Procedure for requesting information?

- Apply in writing or through electronic means in English or Hindi or in the official language of the area, to the PIO, specifying the particulars of the information sought for.
- Reason for seeking information are not required to be given;
- Pay fees as may be prescribed (if not belonging to the below poverty line category).

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The duty of the PIO is PIO shall deal with the request from the person seeking the information, it can be request through the non-print media, print media, electronic media whatever may be but the duty of the PIO will be to furnish the information within a stipulated time. So usually this can be given on writing through electronic media maybe in English or Hindi or any official language to the PIO.

And not only that you have to provide a reason for seeking such information for which you are asking for the information and you have to pay a nominal fees. When the act came that time it was just 10 rupees but this fees is not applicable if you are coming under any BPL category or any citizen from the BPL family applies for information.

So that means that any common citizens can apply through the prescribed media and prescribed fees and prescribed forms for any particular information and PIO and his office has to render that information with the stipulated time.

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What is the time limit to get the information?

- 30 days from the date of application
- 48 hours for information concerning the life and liberty of a person
- 5 days shall be added to the above response time, in case the application for information is given to Assistant Public Information Officer.
- If the interests of a third party are involved then time limit will be 40 days (maximum period + time given to the party to make representation).
- Failure to provide information within the specified period is a deemed refusal.

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So as per the act the stipulated time is just 30 days that means one month and 48 hours of the information concerning the life and liberty of a person. So this is the time limit given under this act to find this information and the very important part is if it is not provided within a specified period, so failure to provide information within the specified period is deemed refusal.

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What is the role of Governments?

- Develop educational programmes for the public especially disadvantaged communities on RTI.
- Encourage Public Authorities to participate in the development and organization of such programmes.
- Promote timely dissemination of accurate information to the public.
- Train officers and develop training materials.
- Compile and disseminate a User Guide for the public in the respective official language.
- Publish names, designation postal addresses and contact details of PIOs and other information such as notices regarding fees to be paid, remedies available in law if request is rejected etc. (S.26)

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And in that case, a penalty will be applicable for that particular staff or particular department. So having said that let us see that what is the role of government including the local

government. So as a municipality or the urban local bodies, they are supposed to develop educational programmes for public especially disadvantaged communities on RTI. There was a study we have seen that not more than 10% to 20% of the people in the urban local bodies they are aware about the Right to Information Act.

So the local government need to publish that, need to make awareness among the common people and encourage the public authorities to participate in the development and organization and promote timely dissemination of the accurate information, train officers and develop training materials, compile and disseminate an user guide for the public in the respective official language.

And publish names, designation, postal address and the contact details of PIOs and other information. There could be assistant PIO, so he have to publish all the information and information regarding fees, formats, etc has to be published. So this is the essential function and the mandatory actions required by any government including local government under the Right to Information Act.

Now let us see one example. I have taken the front page of the IIT Roorkee that is my organizations, how they provide information.

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Background of this handbook	Right to Information Act, 2005 (RTI Act)
Objective / purpose of this handbook	To provide information about the institute and source of information
Users of this Handbook	Students and Staff of the Institute, general public etc
Organization of the information in the Handbook	As per guidelines of RTI Act.
Contact Person	Registrar, Indian Institute of Technology Roorkee, Roorkee-247667(UA), Telephone: (01332) 285311

So you can see that in this web page they have given, I am just reading this line only one line, this document contains the information compiled in the form of 17 manuals as per the requirement of Right to Information Act and it provide the contact person's name. I am not

going to show the remaining pages. I request all of you that you visit your organization or any other government organization's web page.

And see that how they have disclosed all the informations about the organization including the contact address and details of the PIO, Public Informations Officer. So with this we will conclude the today's lecture with a quick summary. So today we discussed the elements and the significance of the transparency and accountability. We have told you that common citizens, common people they do not get service on time.

They do not get proper service and adequate service on time and not only that they do not get exact information that how to get those services from the urban local bodies. In addition, they face the cases of bribes, cases of middleman and difficulties and for that we need to bring transparency and accountability in urban local bodies. In 2005 Government of India, they have enacted Right to Information Act in all the government sectors including local bodies to implement transparency and accountability.

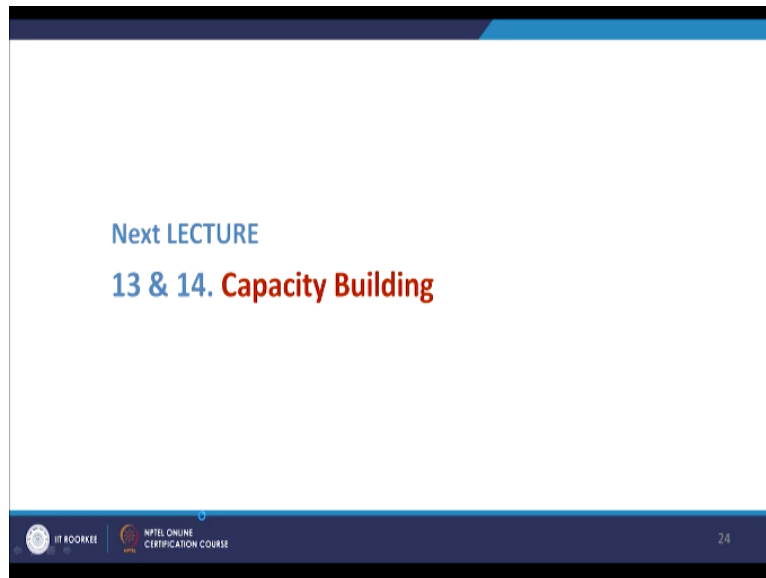
So if you read this at the first page says that objective of this act to bring transparency and accountability in government organization. This act gives two fold mandatory actions; one is the mandatory disclosure of various information. There are 17 manuals or 17 items under which all the informations will be given to or disclosed by the government organization.

In addition, there will be a provision for any information which can be asked by the common citizens and a Public Information Officer will be identified and they are liable to give, provide or furnish the information within the stipulated time and failing that a concerned person will be liable for the penalty or fine. So this is the arrangement of the Right to Information Act.

I hope you have seen that there are many cases from RTI application in the country and because of that common citizens, media group, social media group, the community organizations they have been able to get important information and because of the information, the government department has become much more accountable, much more responsive than earlier times.

So that is the change in the government sector including the local government which affected or which happened after the Right to Information Act. So having said that my request will be please visit or see or read the whole document of Right to Information Act. If possible browse through some cases and some instances about RTI Act and also visit your organization's website and see how the organizations have disclosed the information under Right to Information Act.

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So next day will discuss, next two lectures will be on the capacity building of the organizations, how municipal organization can be or their performance can be improved through the capacity building that will discuss in 13 and 14. So thank you very much for attending today's lecture.