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Implementing Right To Information Act, 2005
in
Urban Governance
A Case Study of Lucknow Municipal Corporation.

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Acknowledgement

Right to Information Act 2005, is a landmark in the history of Indian democracy. For the first time government has been made responsible for their performance by a legal mandate .My topic for this paper is to analyze and asses the impact of this act in the field of urban governance, through a case study of Lucknow Municipal Corporation,. This is a virgin territory as far as research is concerned, t it was very challenging to work in this field, especially for me with a background of practicing civil servant.

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Yogeshwar Ram Mishra

List of Acronyms and Abbreviations

| | | |
|-------|---|---|
| ADB | : | ASIAN DEVELOPMENT BANK |
| AIR | : | ALL INDIA REPORTER |
| APIO | : | ASST. PUBLIC INFORMATION OFFICER |
| JNURM | : | JAWAHAR LAL NEHRU URBAN RENEWAL MISSION |
| LMC | : | LUCKNOW MUNICIPAL CORPORATION |
| MDG | : | MILLENNIUM DEVELOPMENT GOALS |
| PIO | : | PUBLIC INFORMATION OFFICER |
| RTI | : | RIGHT TO INFORMATION |
| SCC | : | SUPREME COURT CASES |
| UN | : | UNITED NATIONS |
| UNDP | : | UNITED NATIONS DEVELOPMENT PROGRAMME |

Abstract

Right to Information Act, 2005 in India is paradigm shift in the traditional system of governance. It holds government and its instrumentalities accountable for their procedure and performance. This paper tries to analyze the effects of implementation in urban governance through a case study of Lucknow Municipal Corporation. The objectives that have been defined in the introductory chapter are to examine the impact of RTI on government functioning in terms of accountability, responsiveness, transparency, reduction in corruption and betterment of public service delivery system and how RTI is useful in improving urban governance? It also attempts to analyze that what are the views of different stakeholders about RTI and what are the bottlenecks in successful implementation of the Act? At the end it tries to assess as to how we can make implementation of this Act more effective?

The study makes clear that this Act has started working but actual results are still to be achieved. The initial impact analysis shows that despite the constitutional provisions, a lot has to be done for achieving the mission of this Act. A transparent, accountable, responsive and corruption free system of governance can be achieved through access to information. The role of all stakeholders is very important for fulfillment of the objective of the Act. The paper also shows that the initial response appears to be positive. The need appears to sustain the momentum to make it a success.

Keywords: Accountability, Corruption, Governance, Transparency, Urbanization,

Chapter- 1 : Introduction

“Knowledge will forever govern ignorance, and people who mean to be their own governors, must arm themselves with the power that knowledge gives. A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy or perhaps both”

- James Madison¹

‘The Right to Information Act, 2005 which enforce transparency and accountability in the working of the Public authority is a milestone in our Democratic system of governance. Democracy is by the people, for the people and of the people in which without transparency and accountability the target could not be achieved. This act redresses the grievance of the public who are made to run from pillar to post for some reason or other and empower them to get information across the table from the public authority as a matter of their right. The Act not only fulfills the public desire and expectation to know about the government functioning but also paves way to provide useful information and support for furtherance of the good governance. The accountability fixed on the public authorities through this Act makes them work in a better way for the betterment of the public services and Governance’.² ‘The enactment of the Right to Information Act, 2005 makes a noteworthy attempt to streamline the working of the Public Authorities in respect of providing information to the people. As for the citizens, this Act makes them aware of their one of the Constitutional Rights - Right to Information and gives them the opportunity to exercise it in good faith.’³

1.1. Objective

The researcher has selected Lucknow Municipal Corporation for the purpose of the project. This is the organization that is directly responsible for providing basic amenities to the citizen of Lucknow like water, sanitation, streetlight, cleanliness etc. There is a huge public interface between the organization and common man. Municipal Corporations are a mix of bureaucratic and political administrative system. The Mayor and the corporators are directly elected through general elections and all the municipal corporation staff including Municipal Commissioner are representative of state bureaucracy. The Municipal Commissioner is the executive head of Municipal Corporation and the Mayor is constitution head of Municipal Corporation. The structure of the organization is partly democratic and partly bureaucratic so it

¹ James Madison is one of the authors of the federalist papers, Madison became the President of USA in 1808. Transparency International, Global Corruption Report 2003, p-8 (<http://www.globalcorruptionreport.org>)

² www.pon.nic.in/RTI/rd/file1.pdf

³ http://EzineARTicles.com/?expert=Anand_Wadadekar

epitomizes the essence of Indian administrative system on a smaller scale. The objectives of the research paper are as follows.

1. What is the awareness level about RTI amongst the different stakeholders?
2. What is the impact of RTI on government functioning in terms of accountability, responsibility, transparency, reduction in corruption and betterment of public service delivery system?
3. How RTI is useful in improving urban governance?
4. What are the views of different stakeholders about RTI?
5. What are the bottlenecks in successful implementation of the Act?
6. What is the attitude of different stake holders towards RTI Act?
7. Do we need an attitudinal change in the behaviors of stake holders especially in the attitude of LMC staff?
8. How can we make it more effective?

In this analysis the author will try to analyze how Right to Information Act works as a tool kit to ensure accountability and transparency in actual working of Lucknow Municipal Corporation? How the different stake holders use this tool kit? This analysis will compliment and supplement by the conceptual frame work, how demand and supply of information can influence (positively, negatively or naturally) accountability and transparency in the administrative functioning of Lucknow Municipal Corporation.

1.2. Historical Background and Development of RTI

Accountability through access to information is accepted as a new paradigm in public administration. The following paragraphs show that the right to information is widely recognized internationally.

India is the largest democracy of the world with more than one billion population. For a long period the country was under colonial rule of the British. Even after the independence in August, 1947, the administrative set up and public delivery system remained unchanged. A new Constitution that was adopted in 1950 also retained various provisions that were identical with the British and other Western constitutions. The Constitution of India provides certain fundamental rights for empowerment of the citizenry. Article 19 of Indian Constitution provides freedom of speech and freedom of expression that implicitly covers the right to information as a fundamental human right but the Constitution was not categorical about the right to information as a fundamental right. In 1948, according to the United Nations' declaration, right to information is a fundamental human right. Article 19 of the U.N., Declaration of Human Rights says "Everyone has the right to freedom of opinion and expression; this right includes free to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers".⁴ Almost in the same way the International Covenant on Civil and Political Rights 1966

⁴ Universal Declaration of Human Rights, Art.19, <http://www.un.org/overview/rights.html>

provides everybody a right to hold opinions and freedom of expression. This right includes freedom to seek, receive and impart information on ideas of all kind. This right is subject to the certain restrictions. These restrictions are mainly concerned with the privacy and reputation of others and with issues of national integration and security.

In the same manner the European Convention of Human Rights 1950 under its article 10 expresses the freedom and right to information as under –

1. “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. .”⁵

The African Charter for Human and People Rights 1981 also provides the right to information for all individuals. The American Convention of Human Rights under its article 30 precisely provides of thoughts and expression and everyone shall have the right to freedom of thoughts and expression. This right includes the right to information. The United States of America has enacted an Act named as "Freedom of Information Act, 1966 (FOIA). This Act is meant for government agencies that include executives, government corporations, military and other regulatory agencies substantially supported by government. This Act makes government and its agencies obligatory to declare their funding pattern, activities, office structure and it further makes a provision for the publication of all relevant and important information which can be useful for population. The government agencies are made duty bound to provide information to the public. The Act, however, safeguards unnecessary and such information which can affect any type of privacy which is warranted.

These above mentioned provisions make this clear that all the international conventions are advising the member countries to make right to information as fundamental to their masses.

Secrecy in the administration is the most important cause of corruption and it is directly linked with the efficiency and effectiveness of the administration. During last days of 20th century poor service delivery in public administration and misallocation and misappropriation of funds and poor governance affected developing countries very badly. This trend continued in the 21st century and despite continuous efforts to make public service delivery system efficient and effective, position has not changed significantly.

5 <http://www.hri.org/docs/ECHR50.html#C.Art10>

According to the academic studies done by various international institutions and detailed surveys by international independent agencies like Transparency International, UNDP, World Bank, Asian Development Bank reflects that most of Asian, African, Latin American and Central American countries suffered the evils of bad governance that causes poor development and creates a type of state failure. (Barthwal, 2003) In certain cases states not only failed but they collapsed because of corrupt, weak and poor governance. When the causes of these failures were rationally analyzed, it was found that an accountable system of governance is a must to improve public delivery system and to provide a fair, effective, efficient and responsive administration. Right to Information Act or access to information can be used as a tool or weapon to fight corruption and malpractices of administration. By using the Right to Information Act, efficiency and effectiveness in public service delivery and administration can be improved. This improvement is only possible when citizenry is well informed and sensible. This improvement is based on the hypothesis and a very rational assumption that information is a main source of knowledge. Knowledge works like a lamp that lights and remove darkness. Darkness is in the form of ignorance and in the form of poor public service delivery that breeds corruption. There is a clear flow that shows improved knowledge through right to information creates accountability and responsiveness in the functioning of the government. This functioning can be done only through procedural fairness (Transparency) and a transparent and accountable system of governance is a pre-condition for less corrupt system of governance.

Right to information as a constitutional right has been, for the first time, introduced in Sweden by convention of 1766. In Sweden, the Freedom of the Press Act of 1766 granted public access to government documents. It thus became an integral part of the Swedish Constitution, and the first ever piece of freedom of information legislation in the modern sense. In Swedish this is known as *Offentlighetsprincipen*.⁶

The Right to Information makes legitimate access to the functioning of government and their activities. Right to Information gives public access to government record. This holds government accountable and responsible for their actions and procedures. Success of this implementation is only possible when government itself is proactively duty bound to make people informed. The responsibility of other stake holders is also very important because the Act is made for common citizen of India.

More than 40 countries now have their own well defined laws to access to State functioning. This list includes Canada⁷ (The Access to Information Act 1983), Columbia⁸ (1993), France⁹ (1978), Japan (2001), New Zealand, Norway, South Africa (1996), Spain, Sweden, United States More than 30 countries are in the process of enacting such legislation.

In India, Right to Information Act came in 2005 with the hope to improve governance, reduce corruption, and increase accountability to develop a clean public service and eliminate or minimize corruption in government and semi-government organizations under the hypothesis that this Act will strengthen democracy. Under the

⁶ 'The Principle of Public Access', <http://www.sweden.gov.se/sb/d/2184/a/15521>

⁷ Information Commissioner of Canada, <http://www.infocom.gc.ca>

⁸ Constitution of Columbia, 1991, <http://confinder.richmond.edu/columbiaconst2.html>

⁹ <http://www.yale.edu/lawweb/avalon/rightsof.htm>

cover of Official Secret Act, 1923, the bureaucracy was not accountable to the common citizenry. The basic spirit of democracy is “Government of the people, by the people and for the people”. But in reality the scenario is completely different. In a policy circle or under the system of governance, execution and implementation of the decisions is the most important and crucial. But due to lack of any effective legal system or provision the common masses of the country were not aware of the things and happenings which are supposed to be done in the name of their welfare. People were not allowed to access even minimal information about the benefits under the garb of official secret, using an archaic act like OSA 1923.

Like most of the developing countries corruption is big issue and concern in India. As per the latest World Corruption Index, India has been listed on 85th position (Transparency International Corruption Perception Index (CPI) 2008). The CPI is a composite index that draws on multiple expert opinion surveys measuring perceived levels of public corruption. Corruption traps millions in poverty and it points out strong correlation between corruption and poverty. Popular belief suggests that corruption and poverty are closely related in developing countries. Corruption in the public sector is often viewed as exacerbating conditions of poverty in countries already struggling with the strains of economic growth and democratic transition. Alternatively, countries experiencing chronic poverty are seen as natural breeding grounds for systemic corruption due to social and income inequalities and perverse economic incentives. This strong correlation is evident in the results of CPI 2008.

The demand for Right to Information Act in India begins with the last days of British rules. The new ‘moderate’ leadership of Indian National Congress, who were mostly well educated and were interested in the issues of governance started asking questions regarding the use of revenue and funds and started pointing out that government is doing less for social security, education and health. Further these groups of leaders started a civil disobedience movement under the leadership of Mahatma Gandhi. The entire motive of this movement was to create an independent political system where masses of this country can make rules and govern themselves. This rule is supposed to be under the concept of self rule and the rules which are meant for the welfare of the society. The rule which is supposed to be completely accountable and transparent for the citizen of India.¹⁰

The campaign for Right to Information has been raised with the independence of the country (1947). In 1948, the Press Laws Enquiry Committee recommended certain amendments in Official Secret Act. Demand for “Right to access to Information” was raised through political and social organizations in the later phase of British rule that continued after independence. Unfortunately even after the commencement of new constitution in 1950, the Official Secret Act, 1923 has not been repealed. Thus the demands for openness and access to information have been denied by the rulers not only in British India but in independent India as well.

The Indian Constitution provides certain fundamental rights to ensure safety and security of its citizen and to ensure equality among all. Article 19(1) of Indian Constitution is the legal basis for the Right to Information which states "All citizens shall have the right to freedom of speech and expression".¹¹ A fundamental right to

¹⁰ http://india.gov.in/nowindia/freedom_struggle4.php

¹¹ The Constitution of India <http://indiacode.nic.in>

life, expression and speech cannot be possible if there is no right to information. The preamble of Indian Constitution is focused on democracy and equity without any discretion. By Preamble itself it is clear that in the Indian democracy people are the supreme. The concept and practice of democracy gives an inherent power to common masses to know about performance, efficiency and effectiveness of their elected representatives. In a famous judgment [Ramesh Thapar Vs State of Madras (1950) SCR 594], the Supreme Court observed as under :

".....(The freedom) laid at the foundation of all democratic organizations for without free political discussions no public education, so essential for the proper functioning of the processes and popular government, is possible. A freedom of such amplitude might involve risks of abuse..... (but) "It is better to leave a few of its noxious branches to their luxuriant growth, than by pruning them away, to injure the vigor of those yielding the proper fruits."

The issue involved in the above mentioned case was freedom of press, the Apex Court held that the democracy

In an English case - the Attorney General Vs Times Newspaper Limited [(1973) 3 ALL ER 54] it was held that freedom of expression has four broad purposes to serve:

- (i) It helps an individual to attain self-fulfillment;
- (ii) It assists in the discovery of truth;
- (iii) It strengthens the capacity of an individual in participating in decision-making; and
- (iv) It provides a mechanism by which it would be possible to establish a reasonable balance between stability and social change.

The cautious public organizations who were deprived of information regarding governance and administration approached judiciary and in a landmark decision *Raj Narain Versus Union of India*, the Supreme court of India gave its verdict as under:-

"In a government of responsibility like ours where the agents of the public must be responsible for their conduct there can be 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."¹²

Similarly the Supreme Court of India in 1982 mentioned "the spirit of an open government is direct emanation from the right to know which seems implicit in the right of free speech and expression guaranteed under Article 19(1) (a). Therefore, disclosure of information in regard to functioning of government must and secrecy as exemption." (AIR 1982, Dinesh Trivedi Vs. Union of India)

There were so many legal disputes in various High Courts and Supreme Court of India regarding use and misuse of fundamental rights. Freedom of speech and

¹² *Raj Narain Versus Union of India*. 1975 (4) SCC, P-428

expression is a big canvas and does not specify the right to information. Apex Court of India in its numerous judgments has held that right of speech and expression includes access to information in the matters of governance and administration [Hamdard Dawakhana Vs Union of India (1960) Voll.-2, SCR-67] [LIC Vs Union of India, A-1993 SC-171(Para-8)]. This freedom also includes to right to impart and receive information through telecasting (Ministry of Information Vs Cricket Association 195, 2 SCC 161). It even includes publication and advertisement, commercial speeches [Tata Press Vs MTNL (1965) 5SCC 139]. All the above mentioned cases were related to **Official secrets Act, 1923** where information were denied by authorities under the name of confidentiality. These judgments from the Supreme Court of India make it very clear that access to information and right to acquire and get information is the fundamental constitutional right under the spirit of Indian Constitution. Till the commencement of Right to Information Act 2005 most of the government departments were denying information to common citizens under the provision of Official Secret Act 1923.

The right to information in a vibrant democracy is almost recognized world wide. It is a natural right flowing from the concept of democracy (Article 19(1)2) of the International covenant of civil and political rights where India is also a signatory, speaks as under -

- (1) Everyone shall have the right to hold opinions without interference;
- (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Interestingly, in Indian context right to information was first raised by a social leader Mr. Raj Narain who was resident of Uttar Pradesh. Mr. Raj Narain asked for certain information regarding the visit of the then Prime Minister Mrs. Indira Gandhi. Mr. Raj Narain had asked about the expenditure on Prime Minister's visit. This information were summarily rejected by the Superintendent of Police quoting that these information are secret and such information could not be provided under the provisions of Official Secret Act 1923. Though the fundamental rights under Indian constitution provide to freedom of speech and expression but unless and until there is a provision for information is exclusively not mentioned, this right was of little use. Ultimately, the matter was discussed in the Supreme Court of India and the Supreme Court of India considered the question whether the privilege can be claimed by the Government under the provisions of Official Secret Act and after a long legal debate the apex court has given its verdict as follows -

"In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but 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..." (UP Vs. Raj Narain and Others) [(1975)4 SCC 428].

In a similar case where an issue of information was involved the Supreme Court observed -

"True democracy cannot exist unless all citizens have a right to participate in the affairs of the polity of the country. The right to participate in the affairs of the country is meaningless unless the citizens are well informed on all sides of the issues, in respect of which they are called upon to express their views. One-sided information, disinformation, misinformation and non-information all equally create an uninformed citizenry which makes democracy a farce when medium of information is monopolized either by a partisan central authority or by private individuals or oligarchic organizations. This is particularly so in a country like ours where about 65 per cent of the population is illiterate and hardly 1-1/2 per cent of the population has an access to the print media which is not subject to pre-censorship." (Secretary, Ministry of Information & Broadcasting, Government of India vs. Cricket Association of Bengal) [(1965) 2 SCC 161].

In the above mentioned case there was dispute regarding broadcasting rights of cricket matches . The government was directed to disclose all the relevant documents which had been taken into account while making decision in favor of a particular firm.

The same type of verdict has been given in the case of Dinesh Trivedi, Member of Parliament vs. Union of India -

"In modern constitutional democracies, it is axiomatic that citizens have a right to know about the affairs of the government which, having been elected by them, seek to formulate sound policies of governance aimed at their welfare. Democracy expects openness and openness is concomitant of a free society and the sunlight is a best disinfectant". The issue here was that in a nation wedded to republican and democratic form of government where election as a Member of Parliament or as a Member of Legislative Assembly is of utmost importance for governance of the country, whether, before casting votes voters have a right to know relevant particulars of their candidates?¹³

Under the observations made by various courts and Supreme Court of India, a working group was set up to examine the Official Secret Act 1923 to ensure transparency and accountability in the government machinery but this working committee has not recommended any change in the existing system so it was all of futile exercise. In 1989 another working group of Members of Parliament (MPs) was set up to examine these issues again. This group suggested only some relaxation in the Official Secret Act and further suggested that certain information should be made available for common people, if it is demanded. No legislative authority recommended. Thus, the entire exercise could not be translated on ground. In 1986 the Press Council of India prepared a draft for access to information and suggested deletion of Official Secret Act. Meanwhile the social movements and non-governmental organizations put a heavy pressure for access to information. In 1986 the Government of India formed a committee under the chairmanship of H.D. Shourie (a social activist and founder of NGO named Common Cause. Under the basis of recommendations made by this committee and efforts done by legal institutions and

¹³ Dinesh Trivedi, Member of Parliament and others Vs Union of India [(1997) 4 SCC 306]

civil society organizations Right to Information Act was passed in the Parliament and enacted on June 15, 2005.

It is noteworthy that the global situations also put a lot of pressure towards good governance. International organizations like World Bank, IMF and other world aid agencies pointed out that the main cause of under development in most of the Asian and African countries is due to poor governance so to eliminate corruption and create a system which work on the basis of role of law is a must for development. Thus, an international pressure could also be seen on the entire process of Right to Information activities in India. These pressures were in the form of grant reduction and poor ranking of India's position in international surveys on corruption and governance index,.

Keeping this in view, Right to Information Act 2005 has been enacted. The Preamble of the Act very clearly affirms this mandate -

"Whereas the Constitution of India has established democratic Republic;

And whereas democracy requires an informed citizenry and transparency of information which are vital to its functions and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;

And whereas revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;

And whereas it is necessary to harmonize these conflicting interests while preserving the paramount of the democratic ideal;

Now, therefore, it is expedient to provide for furnishing certain information to citizens who desire to have it. (Right to Information Act, 2005, Preamble)

The provisions of the Official Secrets Act, 1923 will not be binding on RTI Act.

1.3. Relevance of Research Paper

The hypothesis behind implementation of RTI Act is that by making citizenry informed, a transparent and accountable system of administration can be created and once administrative system is transparent and accountable it will help eliminate corruption. If corruption is eliminated, the system will more efficient and effective. This hypothesis and assumption is to be checked on the practical ground through a case study of Lucknow Municipal Corporation. The objective of this research paper is to check whether provisions of the Act and spirit of RTI Act is really translated in the functioning at ground level. It will further indicate that how this Act is performing in the Lucknow Municipal Corporation. Moreover, this paper will throw some light that how RTI Act can affect functional performance of a Municipal Corporation, through a case study of Lucknow Municipal Corporation. Ensuring implementation of any act in urban local bodies is a very difficult task. It is a fact that most of the basic common needs are undertaken by urban local bodies. It is also a fact that urban local bodies are

one of the most arbitrarily governed institutions. How Right to Information Act is taken by these urban local bodies? This question inspired me to undertake this research paper.

There are several instances where complaints were filed indicating that Municipal Corporations were not performing well. Municipal Corporations have a vital role to play in the area of urban governance. The basic needs of the urban population are directly affected by municipal corporations. There are regular complaints for poor public service delivery and non-sensitivity towards basic amenities. One major reason for these problems is information asymmetry. Information asymmetry means that there is no connection among the custodian of information and aspirant of information. In the case of democracy like India, bureaucracy is usually custodian of all information and the common citizenry is aspirant for information, if it is related to welfare of their own or even otherwise. People are not aware of the activities done by the Municipal Corporations. Right to Information Act has been proposed as a tool kit to improve the information level of common citizenry under the assumption that for a fair society and clean administration informed citizenry is a must. This assumption has a rational claim that informed citizenry leads or compels for responsive, transparent and accountable administration and if the management and administration is accountable it will certainly eliminate or minimize the malpractices and corruption and that will automatically leads to an effective, efficient and equitable administration.

1.4. Scope

This paper covers one organization that is Lucknow Municipal Corporation and its interaction with the citizen of Lucknow City with reference to RTI. The Lucknow city has population of about 25 lakhs and one of the largest cities of Uttar Pradesh India. The project also covers point of views of various stakeholders such as common citizen, employee of LMC, media persons, political activists, PIOs etc. Through sampling method researcher has tried to cover all segments of society that interacts with LMC in reference to some service. The paper attempts to analyze the impact of RTI on functioning of LMC and focuses mainly on practical aspect of RTI that is directly related to welfare of the people. Since this is the organization that provides most of the basic amenities to common man therefore the results are more appropriate for generalization.

Researcher also attempt to examine as to how Right to Information Act can be better implemented and exactly this is the essence for preparing a research paper on RTI Act.

1.5. Limitation of Paper

The author feels that the time was a big constraint. Unfortunately in July, August and mid September, the city was suffering from extra ordinary heavy rains (it was a record rain in this rainy season) so the field level bureaucracy and staff of LMC were very much involved for their routine works thus some time author find it very difficult to collect data despite his senior position in state bureaucracy. As the Right to Information Act is only three year old Act so there were no precedence and initial one

year was almost in the setting of the provisions of the Act provide logistic and technical support to create a system for implementation. Researcher's background from bureaucracy sometimes has limited the response from stakeholder; the interacting stakeholder has certain suspicion and reservation due to researcher background. Interview is selected either by bureaucratic hierarchy or by my own quittances so there may be a scope of certain prejudice and bias and other version may not be absolute representation but despite these limitations author hopes that his personal credibility and independent analysis of the problem will be useful and may provide some facts on unknown areas of performance in Lucknow Municipal Corporation. A true researcher will never be satisfied with the sample size. With the time constraint the sample size of the complainant has been limited to 200 that could have been enhanced with the availability of time.

1.6. Structure of the Paper

This paper is organized in five chapters. First chapter is introductory one. It also define objective of this project work and traces the historical development of RTI Act. It also describes the scope and limitation of this research paper. The second chapter will deal about how Right to Information Act, 2005 have affected LMC, and how it is being implemented in Lucknow Municipal Corporation. Chapter three discusses the conceptual and analytical frame work. The basic concepts around which this research paper revolves are accountability, responsibility and transparency. Chapter four deals with methodology and analysis aspect of the research paper. Fifth Chapter draws the conclusions and recommendations. In the end researcher also defines the future scope of this project.

Chapter-2

Why Lucknow Municipal Corporation?

2.1. Case of Lucknow Municipal Corporation

Lucknow Municipal Corporation:

Lucknow is the capital of Uttar Pradesh, the most populated state of India (with a population of 190 million). Lucknow is 11th largest city of India with 2.30 million populations; its area is 310 sq. km. Lucknow Municipal Corporation is divided in 110 wards. Every ward is represented by an elected corporator. These corporators are from different political parties. Apart from these elected corporators there are 10 nominated corporators. Usually they belong to a party which is in power in the State. There is a provision for Mayor who is directly elected by the voters of Municipal Corporation and supposed to be the leader of all corporators. The main functions of Municipal Corporation are to provide basic civic amenities which include street lighting, construction of roads in city areas, slum welfare, cattle catching, check food adulteration, overall sanitation and cleanliness in the city. Apart from these activities Lucknow Municipal Corporation runs several schools up to Intermediate level and has its own dispensaries.

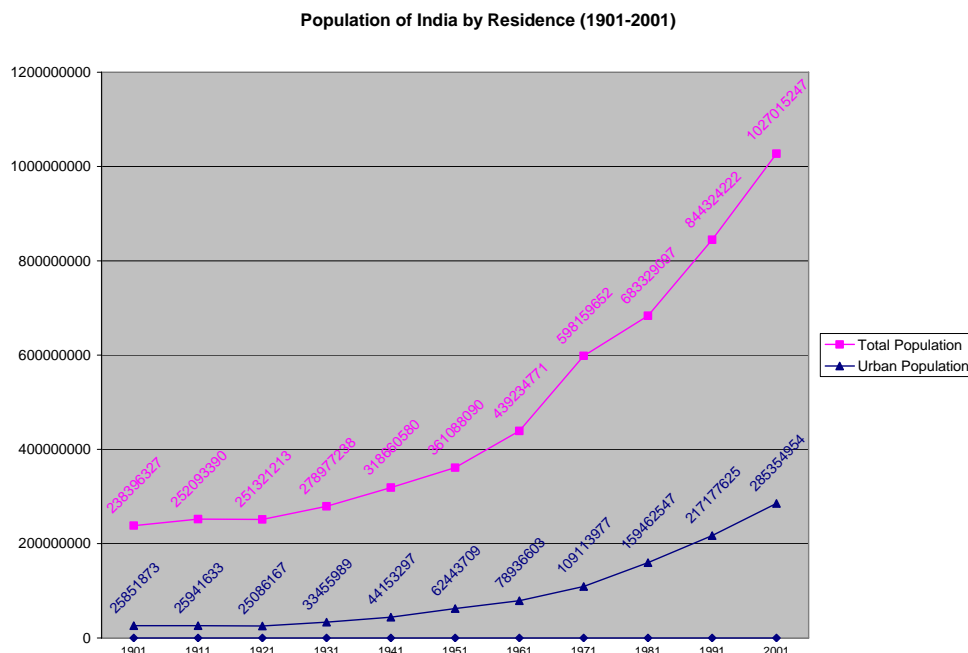
2.2. Urban Governance and Lucknow Municipal Corporation

Urbanization is an index of transformation from traditional ruled economy to modern one (Dutta, 2006). Urbanization is a long term process. The United Nations estimate indicate at the mid 1990s about 43% of the world population lived in urban areas with the urban population growing two and half times faster than its rural counter-part. The level of urbanization is projected to cross the 50% mark in 2005. United Nations publication further show that by 2025, more than three fifth of the world population will live in urban areas. Though the growth rate of urban population in most of the developing countries has a declining trend, but the position in India is slightly different in nature. The trend of Indian urbanization is mentioned in the table below:-

| <i>Census Year</i> | <i>Number of UA/Towns</i> | <i>Urban Population in Million</i> | <i>% Urban Population</i> | <i>Number of Towns/UA per 10 lakh Rural Population</i> | <i>Decennial Growth Rate of Population (%)</i> |
|---------------------------|----------------------------------|---|----------------------------------|---|---|
| 1901 | 1827 | 25.85 | 10.84 | 8.6 | - |
| 1911 | 1815 | 25.94 | 10.29 | 8.0 | 0.35 |
| 1921 | 1849 | 24.08 | 11.18 | 8.7 | 8.37 |
| 1931 | 2072 | 33.45 | 11.99 | 8.4 | 19.12 |
| 1941 | 2250 | 44.15 | 13.86 | 8.2 | 31.97 |
| 1951 | 2843 | 66.44 | 17.29 | 9.5 | 41.42 |
| 1961 | 2365 | 78.93 | 17.97 | 6.6 | 26.41 |

| | | | | | |
|-------|------|--------|-------|-----|-------|
| 1971 | 2590 | 109.11 | 19.91 | 5.9 | 38.23 |
| 1981 | 3387 | 159.46 | 23.34 | 6.4 | 46.14 |
| 1991 | 3768 | 217.17 | 25.72 | 6.0 | 36.10 |
| 2000* | - | 286.20 | 28.54 | - | 31.50 |

(Source: Census, India)



(Source: Graph based on latest Census Report published by
Ministry of Urban Development, Government of India)

Lucknow is the one of the oldest cities in India. Historically the city is named after Lakshman, the younger brother of Lord Ram. On the basis of historical evidence, the city has been ruled by people from different communities and castes, which is the reason that the culture of the city was always cosmopolitan. The city is known for its typical craft, culture and cuisine.

After the end of Nawab¹⁴ rule to run the city administration of Lucknow in 1860 a local committee was constituted under the chairmanship of the then Deputy Collector G. Campwell Square. At present the Municipal Corporation is extended in 310 sq. km. and according to 2001 census the population of this city is 21,85,927. At present this number is almost three million. The administration of Lucknow Municipal Corporation is managed and controlled by Uttar Pradesh Nagar Vikas Adhiniyam (Uttar Pradesh Municipal Corporation Act) 1959. According to the Act Municipal Corporation is headed by a Mayor, who is directly elected by the adult voters of city.

¹⁴ A **Nawab** was originally the *subedar* (provincial governor) or viceroy of a *subah* (province) or region of the *Mughal empire*. Lucknow was under Nawabs in the 18th – 19th century. The last Nawabs were from the *Shia* sect of Muslims.

The entire Municipal Corporation is divided in 110 wards; each ward is represented by a Corporator through a direct election. The tenure of Mayor and Corporator is five years from the date of election. Ten corporators are nominated by the Government. The Member (s) of Parliament (House of Representatives, Rajya Sabha) and Legislative Council (if they are registered voter under Municipal limits of the city) are the ex-officio members of the Municipal Corporation. All these members including Mayor elect Deputy Mayor. The financial and administrative works and budgeted is sanctioned by the house of corporators Chaired by Mayor. One of the major sources of revenue for the Municipal Corporation is Estate (House and property) Tax. Other sources of LMC's income are grants from State and Central Government, auction of parking places, advertisement, and license fee for various and rental income from old owned property etc. For the administrative supervision and control, the Municipality is divided in six zones situated in the different parts of the city. Each such zone is headed by Deputy Municipal Commissioner called Zonal Officer. The main work of Municipal Corporation is making and maintaining roads, street lights, sanitation, cleaning and clearing of sewage, drainage, parks, and environmental conservations, collection of revenue etc. The 74th Constitutional Amendment of India has provided mandate for the certain works which are clearly mentioned in the 12th Schedule¹⁵ of the Constitution. This schedule provide an illustrative list of municipal functions which includes –

- 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 the environment and promotion of ecological aspects;
- Safeguarding the interest of weaker sections of society, including the handicapped and the mentally retarded;
- Slum improvement and up gradation;
- Urban poverty alleviation;
- Provision for urban amenities and facilities such as parks, gardens and play grounds;
- Promotion of culture, educational and aesthetic aspects, burials and burial grounds, cremation grounds and electric crematoriums ;
- Cattle ponds, prevention of cruelty to animals;
- Vital statistics including registration of birth and death;

¹⁵ Appendix 14.1, 12th Schedule, Article 243 of Indian Constitution.

- Public amenities including street lighting, parking lots, bus stops and public conveniences;
- Regulation of slaughter houses and tanneries.

The role of urban local bodies (ULB) assumes considerable importance in realizing the objectives of Right to Information Act. Urban Local Bodies are important local government institutions endowed with administrative and financial power to deliver mandated services to its citizens. Further it is significantly felt that well and better informed citizens, local governments and key stake holder having knowledge about the nature of resource related process at the local level have better understanding of dynamics of their interaction with each other therein. It helps to increase accountability of elected/local government functionaries. Thus the Right to Information Act 2005 becomes a key to successful citizens' participation and involvement in local development planning and to enhance the accountability and transparency in the functioning of local bodies. The Act is expected to facilitate and motivate participation in local development; it further makes a way towards participatory budgeting and participatory functioning of local bodies. This may infuse greater transparency and accountability in the administration of developmental programme. It empowers citizens and other groups like Non-governmental organization, media and civil society organization to create a system of check and balance and to check mismanagement and abuse of resources. (Guide to Urban Local Bodies, National Implementing Agency by C.G.G.).

2.3. Jawahar Lal Nehru Urban Renewal Mission (JNNURM)

On 3rd December, 2005 Govt. of India launched JNNURM for 63 selected cities with an outlay of \$1,190.48 crores. This mission is to be implemented within a period of seven years. The main objectives of mission are: improvement in the existing services in the financially sustainable manner, Improvement in urban governance and service delivery with the goal to achieve the integrated development of infrastructure services, securing linkages between asset creation and maintenance, accelerating flow of investment into urban infrastructure services, planned development of cities, renewal and redevelopment of inner city area and universalization of urban services.

Lucknow Municipal Corporation is among the 63 cities which are taken under this Scheme. All above mentioned works relating to renewal and improvement of infrastructure will be done by Lucknow Municipal Corporation as an implementing agency. A total of \$ 1,704.98 lacs have been spent in the initial two years. This is a big amount to be spent on the welfare of city. Apart from JNNURM, the regular budget of Lucknow Municipal Corporation is also very huge. In the above context an accountable and transparent system of governance in LMC can prevent the funds to be misused. Right to Information Act has a 'watch dog' role to observe the utilization of above mentioned funds in the sprit and manner as they are supposed to be utilized. In this context use of RTI Act is very much important to get legitimate answers for non-performance and delays as well. It also works as a watch dog for the local administrative organizations like Municipal Corporation to become vigilant and perform in an effective and smart way.

2.4. RTI and Municipal Administration

About RTI

Right to Information Act is a tool kit to improve efficiency and effectiveness in public service delivery and to help eliminate corruption in public service. With these aims, the Right to Information Act was enacted on June 15, 2005. The Act provides the legal mandate for right to information to every citizen, secure access to information, control of several government and non government organizations. To achieve accountability and transparency in the working of public service delivery system, this Act works as basic instrument for common citizenry to combat corruption and other malpractices. The Right to Information Act makes mandatory provisions for certain practices. The Section 2 of the Act defines information as -

“2(a) Competent authority" means head of the office or any officer or person as may be noticed by the State Government for the purpose of this Act:

Provided that where the Competent Authority transfers application to any officer or person under the proviso to sub-section (2) of section 5, such officer or person shall be deemed to be the ‘Competent Authority’.

2(b) ‘Information’ means information relating to any matter in respect of the affairs of the administration or decisions of a public authority:

2(h) "public authority" means 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;

2(d) ‘Right to Information’ means right of access to information from any public authority -

- (i) by obtaining copies of any records;

- (ii) by obtaining diskettes, floppies or any other electronic mode or through print-outs where such information is stored in a computer or in any other device;

(iii) in such other manner as may be prescribed.”¹⁶

In the context of municipal administration, the act prescribes as a basic obligation of a Municipality shall be -

- Maintain all its records duly catalogued, indexed and computerized subject to availability of resources within a reasonable time frame.
- Provide as much information *suo-motto* to the public through various means of communications; including internet so those publics 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 APIO/PIO/AO
- Bring in necessary changes in existing systems of maintenance, management and destruction of records;
- Organize training of officials for effective implementation of the Act.

RTI Processes in Lucknow Municipal Corporation

Every Municipal Corporation will designate Public Information Officer (PIO) who will be responsible for the processing of information. Municipal Corporation shall also appoint some officers as Assistant Public Information Officers (APIOs). The Public Information Officer will dispose the application for information within 30 days either by supplying the information or by rejecting the request. Any information cannot be arbitrarily rejected. Sections 8 and 9 of the Act give the reasons and areas for any answer denied. If a Public Information Officer denies for any information he will has to mention the first appeal level in his order. The rejection order is supposed to be of well meaning and mentioning clearly the reasons on which the application is rejected. According to the provisions of the RTI Act, the Appellate Authority should be at least one rank senior to the rank of Public Information Officer. Further, Section 4 (b) of the RTI Act provides for proactive disclosure of information, the reasons for proactive disclosure is to make the system transparent and to minimize the number of questions. Under the proactive disclosure, below mentioned information are to be published mandatory -

- Particulars of organization, functions and duties.
- Powers and duties of officers and employees.
- Procedure followed for decision making.
- Norms set for discharge of functions.

¹⁶ Right to Information Act, 2005 (From bare Act)

- Rules/regulations/instructions/manuals/records.
- Categories of documents.
- Arrangements for citizen consultations.
- Details of Committees.
- Directory of officers and employees
- Monthly remuneration received by officers and employees.
- Budget, plans and expenditure details.
- Manner of execution of subsidy programmes and details of beneficiaries.
- Recipients of concessions and permits.
- Details of material in electronic form.
- Facilities available to citizens for obtaining information.
- Details of PIOs
- Such other information as prescribed.

As per Municipal Corporation are concerned, the Corporations are supposed to publish the below mentioned information -

- Organizational chart of Municipal Corporation.
- Basic particulars of Municipal Corporation.
- Composition of the Corporation/Council and other Committees.
- Directory containing officers and employees with their designations.
- Statement of officers, who grant permissions, permits, concessions of various sections relating to Municipal Corporation.
- Service levels of each service, namely, water supply, sewerage, drainage, solid waste management, roads, street lighting etc.
- Statement of officers responsible for delivery of various services, and their contact phone numbers.
- Particulars of fees and user charges for various services.
- Details of subsidy programmes and the manner and criteria of identification of beneficiaries under such programmes.
- List of beneficiaries of all welfare and subsidy programmes.
- Annual budget.
- Details of Income and Expenditure, Receipts and Payments and Balance Sheet on quarterly basis within 2 months of end of each quarter.
- Particulars of plans, outlay, expected time of completion etc. of all major programmes.

- Particulars of Master Plan, Development Plan or any plan concerning the development of municipal area.
- 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 (iii) list of defaulters etc. during the resources, assigned revenues, grants, loans and contributions etc. (ii) taxes and non-taxes remained uncollected (iii) list of defaulters etc. during the resources, assigned revenues, grants, loans and contributions etc. (ii) taxes and non-taxes remained uncollected (iii) list of defaulters etc. during the resources, assigned revenues, grants, loans and contributions etc. (ii) taxes and non-taxes remained uncollected (iii) list of defaulters etc. during the resources, assigned revenues, grants, loans and contributions etc. (ii) taxes and non-taxes remained uncollected (iii) list of defaulters etc. during the previous year.
- Minutes of meetings of Corporation.
- Fees for copies of records/disclosure of information.

The above information categories are categorized very comprehensively. This categorization covers administrative, financial and political all activities. This detailed list of items has been categorized in the manner that even a lay man can get information regarding the functioning of Municipal Corporation. This categorization is very much according to the spirit of RTI Act which emphasizes on proactive disclosure of information in place of being reactive.

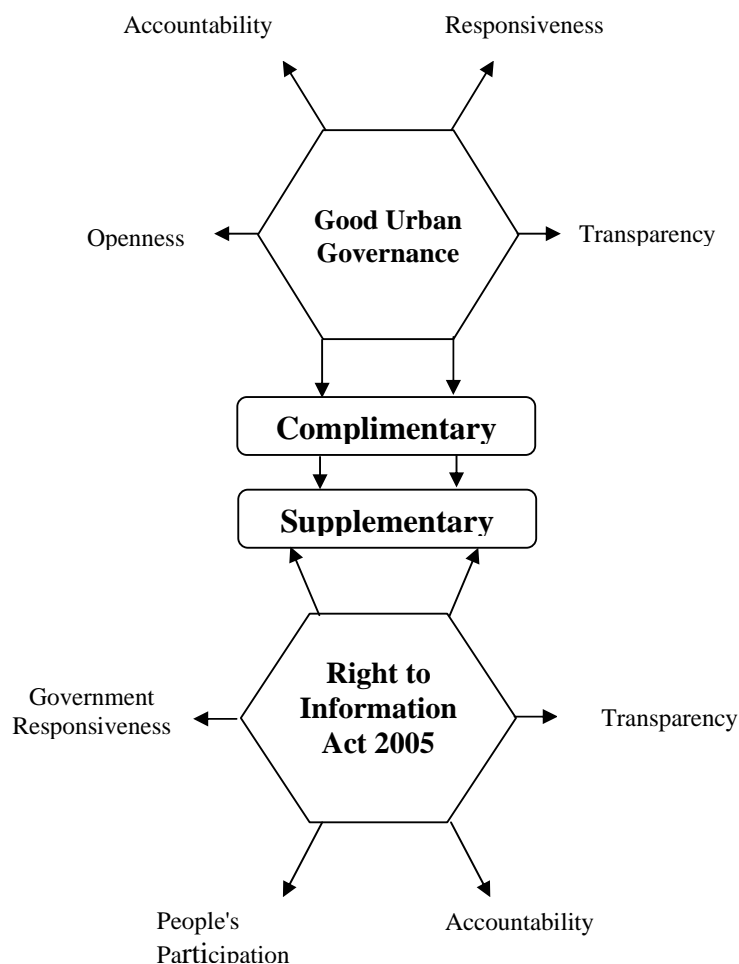
Mode of disclosure –

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 Municipal Corporation may disclose the information in the following manner -

1. important information through newspapers
2. through internet
3. placing information on notice board of Municipal Corporation.
4. placing information on notice boards of ward offices.
5. through print material

The provisions of the Right to Information Act, 2005 intend to promote good governance through the hypothesis that: corruption can be reduced in official working by creating a system of accountability and pattern on transparency in practice. This practice can be exercised only when citizenry is well informed..

This can be shown as a graph below:-



(Source: Goel, 2007, p-3)

In Lucknow Municipal Corporation the system adopted for implementation of Right to Information Act is as under: The Right to Information Act was adopted in Lucknow Municipal Corporation on 12 October, 2005. The Section 4(b) of RTI Act makes provision that within the 120 days of enactment of RTI Act every government and semi government department will make this Act functional. The provisions of section 4(b) are as under:

“4. (b) publish within one hundred and twenty days from the enactment of this Act,-

- (i) the particulars of its organization, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervisions and accountability;
- (iv) the norms set by it for the discharge of its functions;”¹⁷

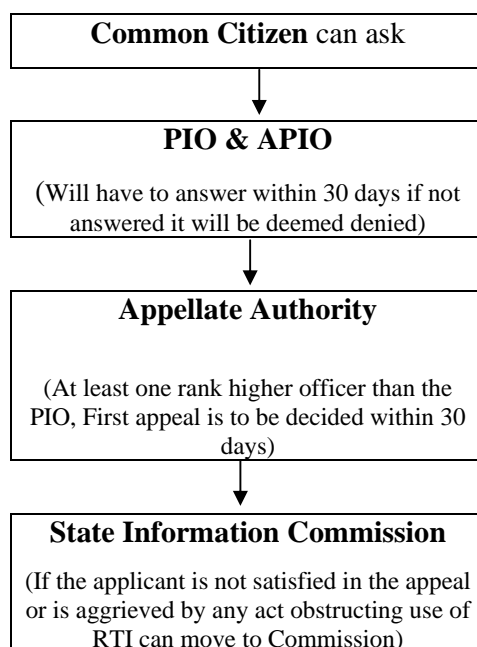
The first application under this Act was received in December, 2005. Interestingly in initial months of October and November, 2005 no such application has been received.

¹⁷ The Right to Information Act, 2005 (From bare Act)

The first application was regarding some construction work and it was duly answered (The detailed application and its answer translated in English is Annexed at the end of this paper).

There is a special and exclusive cell for handling applications concerned with Right to Information Act. Deputy Municipal Commissioner is appointed as APIO (Asst. Public Information Officer), above him there is a PIO (Public Information Officer) his rank is Additional Municipal Commissioner. The Municipal Commissioner is the Appellate Authority. According to the provisions of the RTI Act, 2005 if any applicant is aggrieved by the decisions of first appellate authority he or she can move to the State Information Commission in the second appeal. When the application for any answer is received in Lucknow Municipal Corporation, the RTI Cell first registers it in a register with specific column that contains details of applicant and desired answer. After registering application in the register the Cell sends the application to the concerned section from where information is to be collected. It is note worthy that in any case information is to be provided within 30 days. The concerned section within allotted time returns the question with the answers to the RTI Cell and through PIO the concerned person who has asked the question is answered. The organ gram of the Lucknow Municipal Corporation is as under:-

The process of question answer in LMC can be shown in this chart –



According to the Right to Information Act, 2005 “No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.”¹⁸

However, the writ jurisdiction of Hon’ble High Courts and Supreme Court have inherent jurisdiction to interfere, when the Courts are collusively satisfied that there is any violation of fundamental rights.

¹⁸ Section 23 of Right to Information Act, 2005

Chapter-3

Conceptual and Analytical frame work

This chapter deals with the concepts and analytical framework use to explain the Right to Information Act in practice. Though in the entire Right to Information Act, good governance word is not used but the preamble of the Act focuses on corruption, accountability and transparency in system. The concept of corruption is used in the Act as main cause of under development and main reason for malpractices. The reason of corruption is information asymmetry. This asymmetry leads to poor public service delivery and corruption in the system of governance and ultimately it causes ineffective and inefficient service delivery system (bad governance). That is the reason, the Act emphasizes more and more on creating a system of accountability and transparency in the administration mechanism under the assumption and hypothesis that by creating accountability and transparency in the system citizenry can be made more informed.

3.1. Concept-1: Good Governance

Good governance is a concept that is being used prominently in present development studies. It does not depend only on the administration side but depends on the efficient functioning of legislature, executive, judiciary, civil societies, NGOs. Governance is something different from Government. Governance is interplay of society, state and administration. Each society and state has different culture, tradition, economic status but the end result of administrative system is to ensure accountability, transparency, participation, procedural fairness, rule of law, protection of intellectual property right. In some all good ingredients which can lead towards better and foolproof service delivery system and which can protect citizen needs. Therefore, good governance has a political, ethical and economic dimension. Annual Report 1998 of Asian Development Bank, the Four Pillars of Good Governance is accountability, transparency, predictability and participation. The Right to Information Act, 2005 has main focus on accountability and transparency.

The major development agencies like World Bank and UNDP support the concept of good governance. Good governance model would include accountability, transparency, responsiveness, equity and inclusiveness, effectively and efficiency.¹⁹ Governance encompasses the forum of political authority, the process by which authority is exercised in the management of a country's economic and social resources for development and the *capacity of the government* to design formulate and implement policies and discharge functions. (Boas & McNeill, 2003: Italics added)

The good governance agenda was widely supported by international donor agency like World Bank, UNDP, ADB, and OECD. Because it was argued that the poor performance in public service delivery in third world countries is due to a governance deficit. This governance deficit is due to the performance gap between desired and actual level of performance and this gap can only be filled by adopting the motto of 'Good Governance'. It got prominence in developing countries because one of the

¹⁹ www.unescap.org

major reasons for under development in Asian, African and Latin American is poor performance of government in these countries.

Good governance in essence means the rule of law. This means that society must be governed by a law. In Manu Smriti this has been summarized “Dharam (Law) protects those who protect it.” Thus who destroys law get destroyed, therefore, law should not be destroyed so that we may not be destroyed as a consequence. (Manu VIII-15).

Unfortunately we have too much government and too little governance, too many public servants and too little public service, too much law but a little justice, too many controls and too little justice, too much take and a little action. This observation is based on several studies done in recent years.

In short good governance would be:-

- a) responsive administration,
- b) citizen friendly system of administration,
- c) transfer and administration,
- d) making administration ethical,
- e) making each service resultant.

3.2. Concept -2: Accountability

Dictionary defines accountability – “an obligation to accept responsibilities or to account for ones actions.” (www.merriam-webster.com/dictionary/accountability) Similar definitions by Professional Engineer Ontario Core Values (2004) describes accountability as “willingness to get responsibilities for actions and outcome, deliver what you promise to deliver, accept good and bad outcomes, owing up to short comings/mistakes and taking responsibilities for ones action, honoring obligations, expectation and requirements implementation” (www.peo.on.ca/governance).. Accountability is defined as the application and/or responsibility of anyone handling resources, public office, power of administration or any position of trust to report on the way it has been exercised (World Bank Institute(year?) Accountability has different meaning in different countries (?) or Institutions?, reflecting among other factors different administrative traditions. Accountability arrangements within a country may even vary according to the status and form of organizations, nature of activities and level of government. Despite these differences, there are common themes that make discussions of accountability both relevant and timely. The most important issue appears to be explicit or implicit efforts of governments to move from traditional compliance based accountability towards performance based accountability. The Institute of Social Ethical Accountability (ISEA) focuses on the quality of these processes. It defines accountability has following three main components:

’ **Transparency**, as used in the [humanities](#), implies openness, communication, and [accountability](#). It is a metaphorical extension of the meaning used in the [physical sciences](#): a “[transparent](#)” object is one that can be seen through.

Transparency is introduced as a means of holding public officials accountable and fighting corruption.²⁰

Responsiveness concerns the responsibility of the organization for its acts and omission including the process of decision making and the results of these decisions. Responsiveness is used as synonym of accountability in terms of response time to any given situation by responsible officers for the job.

Compliance is a act or process of **complying** to a desire, demand, proposal, or regimen or to coercion, and conformity in fulfilling official requirements (<http://www.merriam-webster.com/dictionary/compliance>)

Accountability is a multi-faceted concept. Traditionally public sector accountability codes and channels are undertaking profound changes, which emphasize the rule of accounting system in measuring and evaluating both financial and service performance, promote disclosure and communicate results to stakeholder (Guthrie et al, 1998; Guarini, 1999).

Accountability involves “being obliged to explain one’s actions, to justify what one does” (GASB, 1987) and may be viewed in terms of a setting, where one party (the accounter) is accountable to another party (accountee) for an action, process, output or outcome (Patton, 1992; Degeling et. al., 1996). The accounter must account and report to the accountee, who has the right to obtain information and to use it in order to evaluate the accounter. Consequently, accountability involves both the giving of information (to account) and the evaluation of the information obtained in order to judge (to hold to account) (Stewart, 1984: 14-15). Accounting provides one important, though not the sole component of the “account element”. A comprehensive concept of accountability requires not only the availability of information, but also that the information is (i) reliable, and qualitatively satisfying; (ii) understandable; (iii) accessible; (iv) in a wider view, it is diffused, distributed, disseminated (Herzlinger, 1996; Coy et al., 2001). Finally, accountability requires a judgment from the accountee, and the possibility of a feedback, a sanction.

Accountability is a multifaceted and complex concept. Consequently, it is necessary to specify who is accountable, to whom, why, through which means (Patton, 1992; Mussari, 1996: 167), and it is possible to identify different “types” of accountabilities. Table 1 summarizes some of the “classifications” of the concept.

Table 1 – Accountability as a multifaceted concept

| Authors | “Types of Accountability” |
|----------------|---|
| Stewart (1984) | A “ladder” of accountability (from accountability by standards to accountability by judgment): <ul style="list-style-type: none">- accountability for probity and legality- process accountability- performance accountability- programme accountability |

²⁰ <http://www.answers.com/topic/transparency-humanities>

| | |
|----------------------------|---|
| | - policy accountability |
| Gray & Jenkins (1985;1993) | <p>Three different codes of accountability result from the combination of different “rationalities” (legal, economic, technical, social, political):</p> <ul style="list-style-type: none"> - financial accountability (combining legal and economic rationality and emphasizing probity, compliance, efficiency) - managerial accountability (influenced by legal, economic and technical rationality; it is focused on responsibility for organizational integration, for the regularity, consistency and efficiency in service provision) - professional accountability (social rationality is combined with legal and technical rationality. emphasizing the responsibility for the accessibility, the appropriateness and the quality of the service provided, for the attention to client needs) |
| Sinclair (1995) | <p>The author distinguishes:</p> <ul style="list-style-type: none"> - public accountability (answering public concerns about administrative activity) - political accountability (linking public servants to the CEO, who is accountable to the elected body, which, in turn, is accountable to the electorate) - managerial accountability (focused on monitoring input transformation process) - professional accountability (refer to the sense of duty of a member of a professional group) - personal accountability (fidelity to personal conscience) |
| Rubin (1996) | <p>The author distinguishes:</p> <ul style="list-style-type: none"> - responding to bureaucratic or hierarchical authority (demonstrating compliance with law) - reporting to the public (how their money was spent) - holding elected officials responsible for budget outcomes and the quality of financial management - direct citizen control or influence over the formation of the budget, the allocation process, and priorities in the budget. |
| Johnston and Romzek (1999) | <p>On the basis of the degree of autonomy (low v. high) and the source of expectations and/or control (internal V. external, they distinguish:</p> <ul style="list-style-type: none"> - hierarchical accountability (low degree of autonomy; internal source of expectations) - legal accountability (high degree of autonomy; internal source of expectations) - professional accountability (high degree of |

| | |
|--------------------------|---|
| | autonomy; external source of expectation) <ul style="list-style-type: none"> - political accountability (high degree of autonomy ; external source of expectations) |
| Guarini (2000) | On the basis of the measurement object (viability of the single LG V. viability of the web of organizations converging on the LG and the information users (internal V. external) he distinguishes: <ul style="list-style-type: none"> - managerial accountability (viability of the LG; internal users) - partnership accountability (viability of the web of organizations; internal users) - public accountability (viability of the LG; external users) - governance accountability (viability of the web of organizations; external users) |
| Taylor and Rosair (2000) | They distinguish: <ul style="list-style-type: none"> - fiduciary accountability (which deals with compliance matters) - managerial accountability (which involves efficiency and effectiveness) |

Source : (Ilana Steccolini, 2002, p-6 & 7)

Accountability has been approached historically in different ways with the changing scenario of public administration the meaning of public accountability changes specially in the last 20 years it is witnessed that concept of accountability has been defused. This shift can be seen as a shift from political accountability to a regime which is more market and customer oriented. (Steccolini, 2002 p-7).

An operational definition of accountability can be the formal duties of any government servant in accordance with the provisions mentioned in his job chart which should be time bound and positive feel of responsiveness. This responsiveness can be measured in term of service delivery as objectively as possible.

3.3. Concept- 3 Transparency

It is now generally accepted that transparency in government is an essential element of good governance. It further enriches hypothesis of the more informed citizen can be more meaningful role they will play. One of the main aims of the Right to Information Act 2005 is to create transparency in the administrative machinery. Transparency is technically a term of physics which is used as an object that can be seen through humanities and public administration and is used as a metaphor. Thus, transparency is introduced as means of holding public officials' accountability and fighting corruption. When the government functioning are open to the public, when the financial statements, laws, rules and system of governance are open to discussion, they are seen as transparent. This openness eliminates the opportunity for the authorities to abuse or misuse the system in their interest. Transparency in the system makes the entire working open and accountable. Transparency concerns the duty to account to those with the legitimate interest in the organization. In public service, transparency is use as a tool kit for accountability and combating corruption. Dictionaries define it as "a state of being transparent – quality being open to see a

material. (www.ecmag.com/encyclopedia). In governance transparency is used for fairness and clarity in functions and operations. Transparency could be defined as, "A process by which information about existing conditions, decisions and actions is made accessible, visible and understandable". (Florini, 1999)

Transparency can be understood to serve two separate but related functions. First the public service provider should respect the positive and negative rights of individuals. The second purpose related to democratic participation, in case of RTI it allows individuals to know the decisions which may affect them.

Transparency in public administration refers to information being available to the general public, general rules, regulations and decisions being clear. Transparent rules and regulations prevent government officials from exercising their discretionary powers and put a check on malpractices. They are also less susceptible to its interpretation. Thus, transparency reinforces predictability, reduces uncertainty and inhibits corruption among public officials. In sum, it reduces corruption. Asian Development Bank (2003) defines corruption as "the abuse of public and private offices for personal gains. Making a system transparent means that by putting a check on arbitrary and discretionary functioning, procedural fairness openness and activities. Ultimately, transparency is one of the crucial and important instruments to make the system and government accountable. It creates an atmosphere of responsiveness through predictability, impartiality in the system.

3.4. Concept-4 Corruption

Corruption is very big rather the biggest challenge for most of the developing countries. India is also facing the problem of corruption in every walk of life. The latest survey by Transparency International 2008 indicates that India is on 85th rank in the 180 countries as far as Corruption Perception Indicators (CPI) is concerned. Corruption is defined in so many ways by so many authors and academicians. When it is connected with power it becomes more vulnerable. A historical text of public administration in Arthshastra, Chanakya (Kautilya), 6th Century BC, stated just as it is impossible not to taste the honey or the poison that finds itself at the tip of tongue, so it is impossible for government servant not to eat up, at least, a bit of king's just as a fish moving under the water cannot possibly be found out either as drinking or not drinking water, so government servant in government work cannot be found out (while) taking money (for themselves). This gloomy picture depicts in Arthashastra as regards corruption in official functioning is very much realistic even today. It is rightly mentioned that power corrupts and absolute power corrupts absolutely.

Corruption is a multi-dimensional concept that escapes monolithic characterization. The dictionary defines corruption as moral decay and the subject of unconditional condemnation. It can be summarized as (impairment of integrity, virtue or moral principle" – Webster Dictionary. The diversity of approaches underpins the diverse definitions; "Corruption is simply defined as the breaching of legal codes - defining public duties - in order to obtain personal advantages. However, the usefulness of this definition is disputable once the prominence of power in defining the law and the indeterminacy of the legal codes is recognized (a point forcefully made by the schools of critical legal studies and legal realism, e.g. Hasans. 1995.

The World Bank defines corruption broadly as use of public office for private gains. A more comprehensive and more operational definition is "Corruption is a behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private regarding influence" (Nye, 1967: 419).

The objective of giving definition is not to search a right definition but it is useful to familiarize the concept of corruption and the definition of corruption are in legal and economic terms. Legally, corruption is an act of evil and liable for punishment. Economic definition indicates that when a public office involves in corruption, the office becomes a place of rent seeking and behaves like a market driven by demand and supply.

Corruption is commonly defined as abuse of public office for private gains. Governance is defined as exercise of authority through formal and informal traditions and institutions for common good. (Kaufmann, 2002 p-2)

There are types of corruption, petty corruption, grant corruption, political corruption, bureaucratic corruption, centralized corruption, decentralized corruption etc. The whole range of literature is available on these types of corruption. Interestingly, in a case of urban local body in India each type of such corruption above mentioned is evident in a less or more quantity.

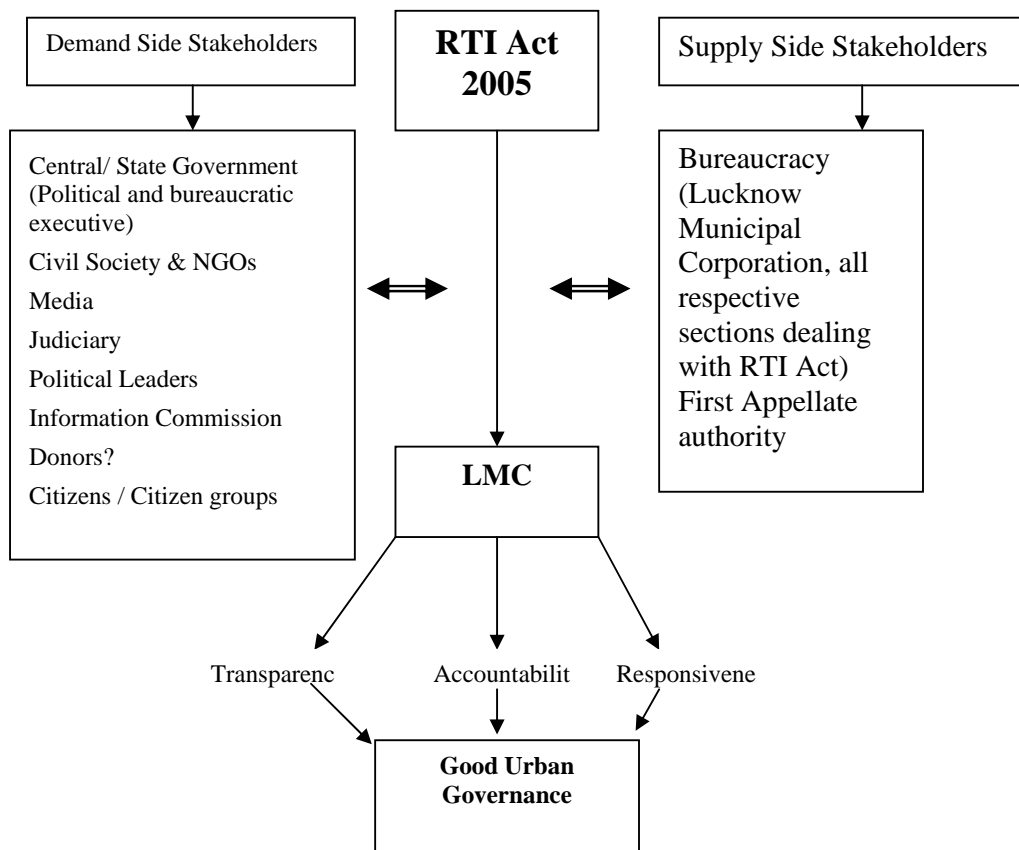
After the 74th Constitutional Amendment and the introduction of Jawaharlal Nehru Urban Renewal Mission, the scope of corruption has also risen. A huge amount is being granted to the urban local bodies for the improvement of infrastructure and for the upliftment of existing public conveniences so a lot of tendering and purchasing is being materialized in Municipalities. For example, the annual budget of Lucknow Municipal Corporation is about 250 crore. If an accountable and transparent system of work will not be ensured, there are fair chances of misappropriation of the funds. Here the role of Right to Information Act is very crucial and important for a check on the functioning of Lucknow Municipal Corporation. This Act can work as a watch dog for the conscious building of Lucknow Municipal Corporation's staff. A legal binding for being accountable and transparent in their functioning that will create a system of procedural fairness in the working of Lucknow Municipal Corporation. Here the civic society organization, NGOs, press-media and citizen and all strata of the society will be instrumental to ensure accountability and transparency in the working of LMC that will definitely minimize the level of corruption and in some it will lead towards better public service delivery to the citizen and ultimately it will be working for good urban governance.

3.5. Analytical Framework

In the entire process of Right to Information Act, the Act can be divided in two sides of stakeholders. Usually in almost all the Indian legal Acts, official machinery and administrative bureaucracy are on demand side. Right to Information Act, 2005 is an exception to it. Here the field level bureaucracy and entire administrative instrumentalities are on supply side. This is a paradigm shift in the realm of public services. The Right to Information Act puts absolute onus on bureaucracy to answer the questions which were not answerable till now. The bureaucracy is held responsible to provide each and every information (subject to certain restrictions as

mentioned in the Section 8 and 9 of the Act), to answer all the queries and questions which a common man can ask. The stake holders' analysis provides a picture and perception about the implementation of the Act. The actual actors are the stakeholders who interact in the process of implementation of the Right to Information Act. Keeping all in view the researcher made a list of all possible stake holders (actual actors), their role and performance in the actual implementation of Right to Information Act.

In a democracy, the principal-agent relations are very clear, Common citizenry is supposed to be the master of every affair through its agents. The bureaucracy is a very significant agent to address the issues of common citizenry through a system of governance. In this process role of information is very crucial and important. A normative assumption is that corruption is caused by information asymmetry. Corruption is also caused by lack of accountability and transparency in administrative operations. Thus the hypothesis here is that accountability and transparency will improve public service delivery and minimize corruption in public services. So to make the system accountable and transparent citizenry is to be informed. The latest studies on corruption shows that India is among one of the most corrupt countries and uninformed citizenry cannot fight with corruption. Thus information is directly proportionate to minimization of corruption. Thus increasing information level of common citizenry (principals in the democracy) will create effective, efficient and equitable system of governance. This is a vision and mission of Right to Information Act, 2005. By the introduction of this Act the principal- agent relation has taken various folds and dimensions. There are reported cases when the key stakeholders (common citizenry and bureaucracy) misuse and abuse the Act. The bureaucracy (supply side) provides improper, incomplete, incorrect and ambiguous answers and at the same time there are number of cases where demand side asked vague, manipulative and unwarranted questions. In this principal-agent relation, the researcher tried to analyze that who is using this Act and for what? How this Act has been visualized by stakeholders? Has introduction of Right to Information Act changed positively or negatively the performance of Lucknow Municipal Corporation and most important how Right to Information Act has been responded by ground level bureaucracy in Lucknow Municipal Corporation? How access to information is linked with accountability and transparency in public delivery system? This analysis has been done on the basis of responses collected from the stakeholders. The total process and outcome as regards accountability and transparency is concerned is analyzed through the interplay of all above mentioned stake holders. It is an interesting combination only one agency for supply of information (bureaucracy) and all other are in one way or another on demand site. In this analysis the author will try to analyze how Right to Information Act works as a tool kit to ensure accountability and transparency in actual working of Lucknow Municipal Corporation? How the different stake holders use this tool kit? This analysis will compliment and supplement by the conceptual frame work, how demand and supply of information can influence (positively, negatively or naturally) accountability and transparency in the administrative functioning of Lucknow Municipal Corporation.



Chapter -4

Methodology and Analysis

Researcher has collected both primary and secondary data. From the primary data the research target was to identify how the stakeholder (actors) who are involved (in any form) with the functions of Lucknow Municipal Corporation. Their interest and power both *de facto* and *de jure*, what are their expectations from the Municipal Corporation, how they use Right to Information Act, 2005 for their own information and how they are supplied.

4.1. Stakeholder Analysis

The stakeholder analysis has been done on the basis of participation of these stakeholders in the process of municipal administration. Researcher has narrowed it down for his analysis and has selected those stakeholders for this research paper – State Government, local representative body (Lucknow Municipal Corporation), civil society organizations and NGOs, media information and common citizenry. Author finds these stakeholders as key stakeholders for the initial analysis of using RTI Act. The secondary data is collected from the records made available by Government, Lucknow Municipal Corporation, State Information Commission and civil society organizations. Stakeholder analysis is an instrument to understand how any system is taking place and who are the people involved in this process. The people or the group of people is here termed as 'stakeholders'. Definitely they have their own interest and power to influence the entire process of functioning. Their powers and interest may be *de facto* and *de jure* both. The table below indicates all possible stakeholders in the process of implementing Right to Information Act in Lucknow Municipal Corporation and their powers and interest.

| STAKE HOLDER | INTEREST | POWER | De-facto interest and power |
|---|---|---|--|
| Central Government (political and bureaucratic executive) | To publicize the act and to improve accountability, transparency and responsiveness in government functioning. To check corruption | To make laws and rules To appoint central information commissioners | To control information and use it arbitrarily |
| State Government (Political and bureaucratic executive) | To enforce the act | To make state amendments in rules To appoint state information commissioners | To control information and use it arbitrarily |
| Local urban bodies | To apply the act in practical working | Custodian of information | Not to provide information or not to provide it as desired |
| Civil society organizations and NGOS | To make this act functional and operative Empowerment Capacity building | Awareness campaign | To show their strength and negotiate with authorities |

| | | | |
|--------------------------------------|---|---|--|
| Media-Press | To publish and broadcast success and failures Get advertisements | Opinion building Popularizing this act through print and electronic medium | Some times misusing and establishing their nuisance value |
| UNDP | Capacity building of both the sides; demand and supply. Complete access to information | Funding and other assistance | To promote Washington based governance agenda |
| Bureaucracy | To prove their Commitment | Initial and key source of information. | Inertia, low interest in information access Manipulation of information |
| Information commission | To make this act working | To hear second appeals and deliver judgments To impose fine To recommend government | To make a commanding position over government institutions |
| Courts(High court and Supreme court) | To watch the legal interpretation of act | To pass judgments in writ jurisdiction To issue directions even to the information commissions | Establish judicial authority above all |
| Political leaders | To use this act as an arm to help public | To amend and to add or delete certain or whole provisions of the act. | To use it in propaganda and for vote politics |
| Common citizenry | To get information as and when desired | Legal right to get information To go for appeals if information is denied or mislead | To get information, any how See administration accountable |

4.2. Data Collection Methods

Researcher has used various questionnaire for the stakeholders, semi-structured interviews and author own observation, Municipal Commissioner, City Mayor, State level Urban Development Ministry officers, Chief Information Commissioner, Corporators, press and media and 200 citizens from the city were questioned in a format mentioned in the annexure. The 200 common citizens include all type of population with different economic and financial status. This data collection has been done by questionnaires, semi and open ended interviews personally done by researcher and observations done by researcher in the RTI Cell of LMC and in the office of U.P. Information Commission, Lucknow. The main research question is how Right to Information Act, 2005 is implemented in Lucknow Municipal Corporation and has the introduction of Right to Information Act foster accountability and transparency in LMC administration. Under the canvas of these main question this sub questions are addressed:

- i) What is the process of Right to information operation in LMC?
- ii) What type of questions is asked?
- iii) Who are the people asking questions?

- iv) How questions are answered?
- v) What is the response of LMC Officers regarding use of Act?
- vi) How many applicants are going for appeal?
- vii) How the stake holders are interacting?
- viii) How far this Act has affected accountability in LMC administration?

| <i>Main Question</i> | <i>Sub Question</i> | <i>Methodology</i> |
|---|--|---|
| How Right to Information Act, 2005 is implemented in Lucknow Municipal Corporation and has the introduction of Right to Information Act foster accountability and transparency in LMC administration? | i) What is the process of Right to information operation in LMC? ii) What type of questions is asked? iii) Who are the people asking questions? iv) How questions are answered? v) What is the response of LMC Officers regarding use of Act? vi) How many applicants are going for appeal? vii) How the stake holders are interacting? viii) How far this Act has affected accountability in LMC administration? | i) Interviews of Mayor, Municipal Commissioner, State Government officials handling Urban Governance, Corporators, Public Information Officer in LMC, Appellate Authority in LMC, State Information Commission. ii) Questionnaire for stake holders like LMC staff, press and media, representatives of NGOs, RTI activists and common citizenry. iii) Focused group discussion with activist, legal experts, journalists. iv) Observation, inspection of RTI record mechanism in LMC. v) Interaction with 30 applicants who have been answered by LMC using RTI. |

The questionnaire has not been designed in absolute terms rather respondents has been asked to express their views on a given issue on the scale of 1 o 10. This has helped researcher to find the views from the respondents in exact degree so that the observations can be made as exact as possible.

The different kind of questionnaire and relevance of the questions can be explained as follows.

4.2.1. The awareness aspect

- Q. 1 What are the fees for asking information?
- Q. 2 How many information can be asked in one application?
- Q. 4 Applicant can go for the first appeal
- Q. 5 Applicant can go for the Second appeal
- Q. 6 What is the normal time to provide information to an applicant?

- Q. 8 Is there need for applicant to show reason for seeking information?
- Q. 9 Will the verbal information demanded by applicant be deemed as information demanded under Right to Information Act?

This set of questions was asked to common citizen as well as employees of the organization. The basic objective was to assess what is the awareness about the RTI and its provisions. The questions asked are of very basic nature and does not require any specific study of the Act.

4.2.2. Impact

1. Do you think that RTI has created more sense of responsibility among officers?
2. Do you think that RTI has created more transparency in the system? Most of the things related to work done and expenses occurred and activities carried out by the organization are open for public
3. Do you think that RTI has created more awareness about their rights in common citizen?
4. Do you think that RTI has made officers more responsible towards their job?
5. Do you think that RTI has given to media a new tool for attack on bureaucracy?
6. Do you think that RTI has given to Political activists a new tool for attack on bureaucracy?
7. Please list three most memorable incidents in reference to RTI that you have encountered
 1.
 2.
 3.

This set of questions has been designed to seek suggestions from the respondents as to what impact it has on the functioning of system and how has it strengthened the sense of right in common citizen as well as media and political activists. It also seeks what impact it has on the front of transparency, responsibility and accountability.

4.2.3. Suggestions

1. Do you think that judiciary should also be covered under the purview of RTI act?
3. Do you think that Application about only that information should be entertained that are of some use to the public in general. The information that are of no use to common good should not be

entertained. Each department should publish and notify that these information will be available for the public.

4. Do you think that each department should create a website and all the information should be made available on the website for public view. The responsibility of PIO should be limited to updating of the website on a regular interval.
5. Other Suggestions (Please list in detail)
 1.
 2.
 3.

It seeks responses in terms of suggestion as to how we can make it more effective with the use of information technology and what other institutions should be covered under the purview of RTI.

4.2.3. Issues in the organizations

This set of questions has been designed to assess the problems of the employees of the organization who are faced with the responsibility of discharging their duties as PIO.

- Q-1 You are satisfied with the logistic support made available to you to discharge your function as PIO.
- Q-2 There is much information in the official work that should not be disclosed to public because it will hinder official functioning.
- Q-3 As PIO I do not get coordination from other sections of the organization as they are not directly responsible.
- Q-4 Except PIO others are not aware about RTI and its implications.
- Q-5 By the senior officers due importance is not accorded to this work so to spare time for it becomes difficult?
- Q-6 At the cutting edge level (i.e. the basic information provider.) the awareness about the RTI act is very low.

4.3. Sampling system

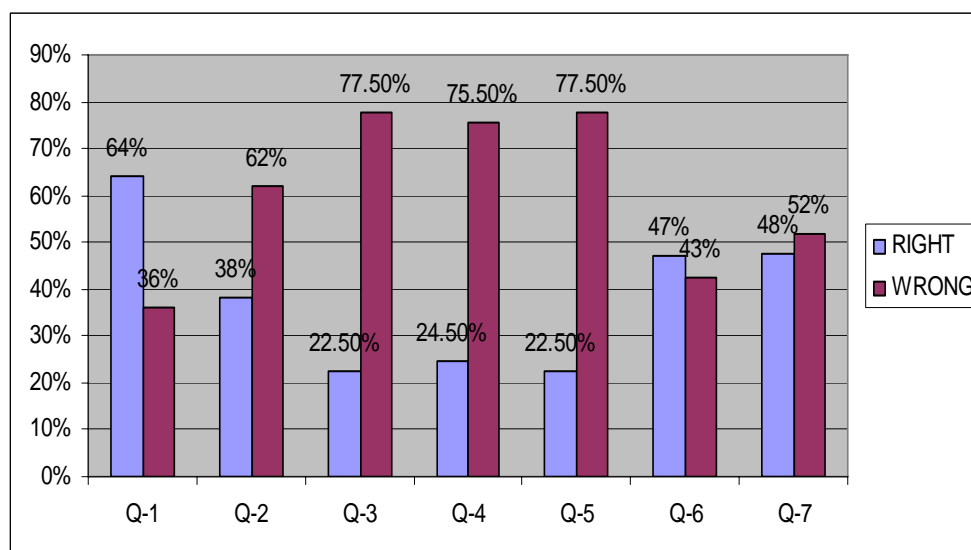
For the common citizen the data base from the LMC records has been taken for a period of 2 years and on random basis 200 citizens/complainants has been selected. For the staff of LMC 40 employees has been selected again on the random basis. On the officer level all the relevant officers has been interviewed. Amongst media persons we have tried to interview the established daily newspaper correspondents only. For the political activist group we have interviewed corporators who are directly responsible for the functioning of LMC so constitutes direct group of stake holder.

4.4. Data Analysis

The data collected from various stake holders who have key role in the entire chain of Right to Information Act, has been illustrated by statistical graphics as under. For analysis of data simple counting of responses and converting into percentage has been used. To make it more expressive it has been represented through various charts and graphs. On responses given on scales of 1 to 10 each response has been assigned weightage on the scale of 1 to 10 and then the total points on any one issue has been calculated and converted into percentage.

4.4.1. Questions for Common Citizen : Awareness Aspect

- Q. 1 What are the fees for asking information?
- Q. 2 How many information can be asked in one application?
- Q. 3 Applicant can go for the first appeal
- Q. 4 Applicant can go for the Second appeal
- Q. 5 What is the normal time to provide information to an applicant?
- Q. 6 Is there need for applicant to show reason for seeking information?
- Q. 7 Will the verbal information demanded by applicant be deemed as information demanded under Right to Information Act?

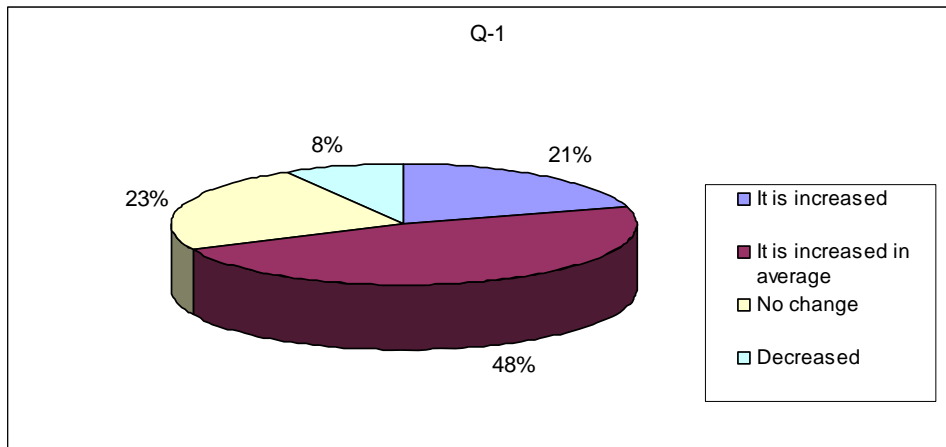


All these questions are of the nature of basic clauses of the act and were used to evaluate the awareness aspect in the common man. The above chart reflects that awareness about RTI in common man is very low. Except for the first question that is about the fee for all remaining questions the right answer percentage is below 38%. And on the lower side as low as 22.5%. Only one question has found maximum correct responses that are about the fees and the correct answer percentage is 64%. It shows at least people are aware that information can be obtained in 10 Rs. but beyond this they can be taken for a ride because of their low awareness.

4.4.2. Questions (Q1 to Q6) for common citizen: Impact Aspect

Q. 1 Is feeling of responsibility among officers increased?

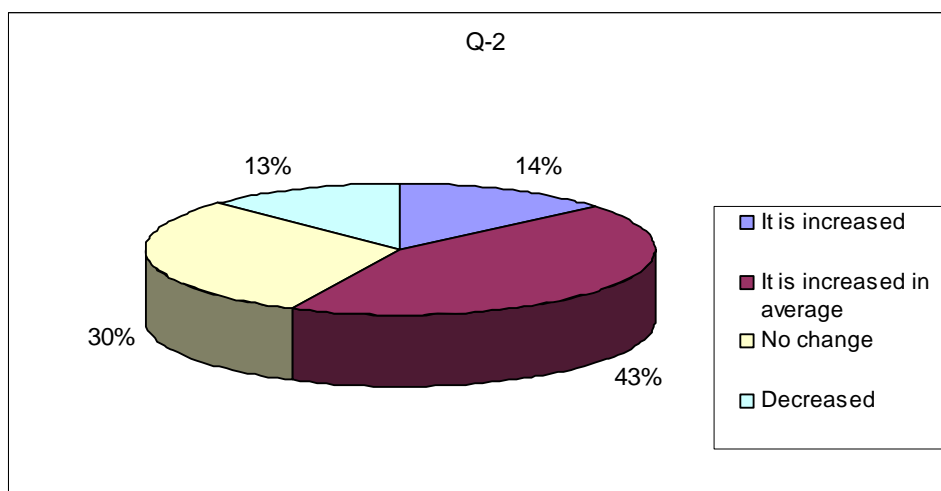
- 1- It is increased
- 2- It is increased in average
- 3- No change
- 4- Decreased



42% respondents has reported an average increase in sense of responsibility among officers and 18.55 has reported increment while only 7.5% has said that it has actually dipped.

Q. 2 Do you agree that through 'Right to Information' Public Service Delivery increased?

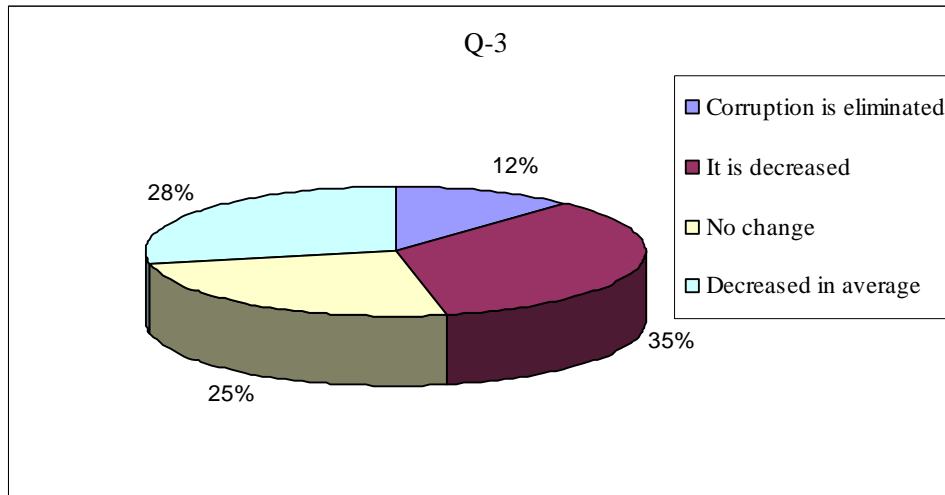
- 1- It is increased
- 2- It is increased in average
- 3- No change
- 4- Decreased



The response of first question appears to be translating into result also as 38.5% respondents have also reported that there is average increase in public service delivery

Q-3 Is Right to Information Act helpful in minimizing corruption?

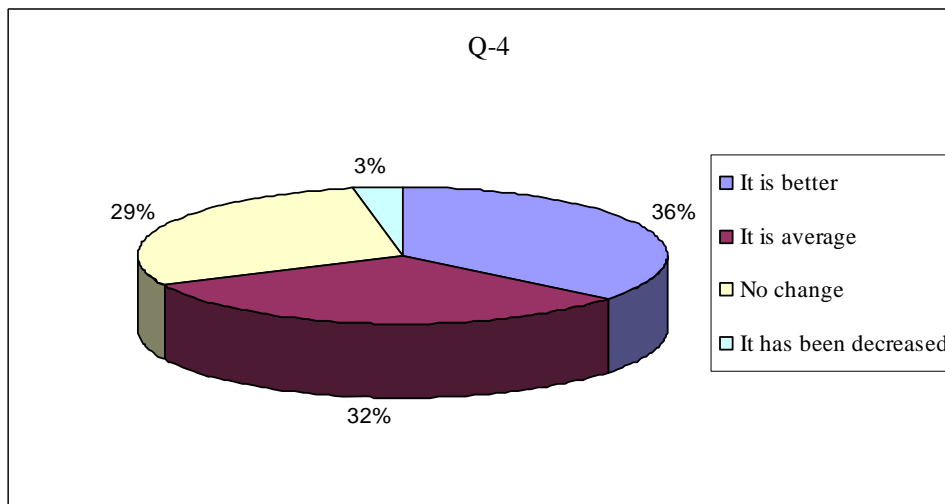
- 1- Corruption is eliminated
- 2- It is decreased
- 3- No change
- 4- Decreased in average



On corruption front opinion of respondents seems to be fragmented. Where as 10.5% says it has decreased, 25% also says that it has increased.

Q-4 Do you feel that after the introduction of Right to Information Act sanitation work near you locality is improved?

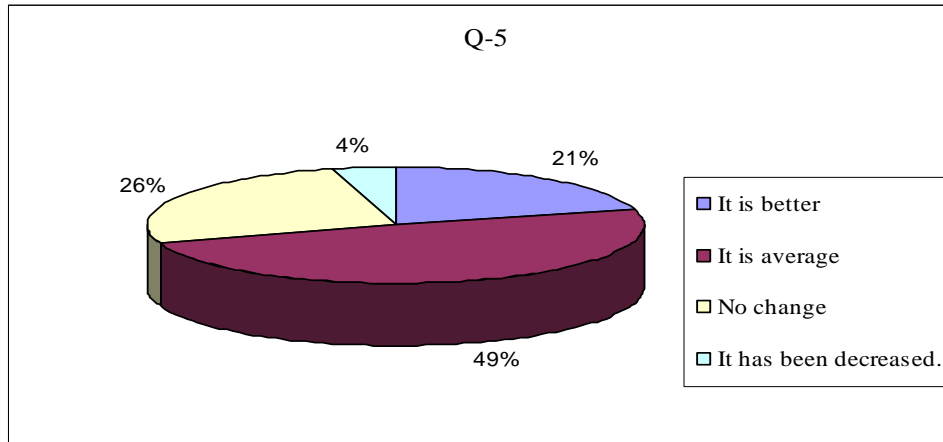
- 1- It is better
- 2- It is average
- 3- No change
- 4- It has been decreased.



The response appears to be similar to that of question 2 and in line with the other responses.

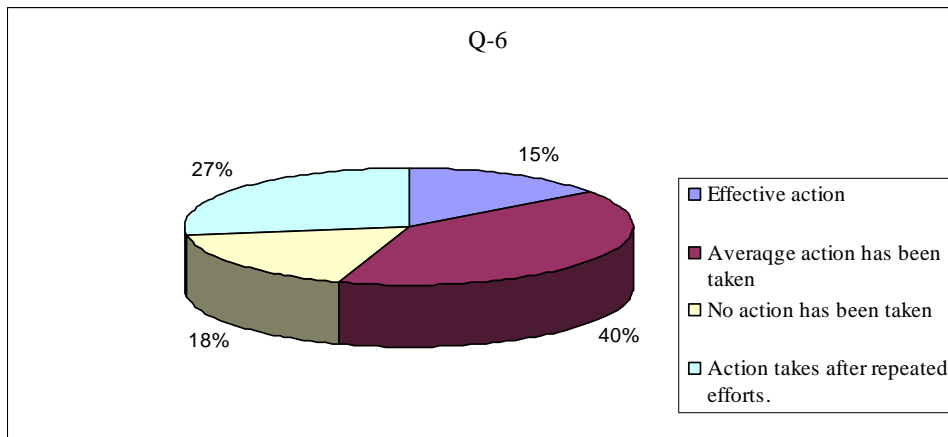
Q-5 Do you feel that after the introduction of Right to Information Act roads, street lights and general maintenance have been improved?

- 1- It is better
- 2- It is average
- 3- No change
- 4- It has been decreased.



Q-6 Do you feel that after the introduction of Right to Information Act if you complain in LMC, your complaint is properly noticed?

- 1- Effective action
- 2- Average action has been taken
- 3- No action has been taken
- 4- Action takes after repeated efforts.



On the impact front 42.5% respondents has opined that responsibility has improved, 38.5% respondents has opined that Public Service Delivery has improved, 31% respondents has opined that RTI has helped in minimizing corruption, 27% respondents has opined that sanitation, roads, street lights work near their locality has improved, 41.5% respondents has opined that their complaint is properly noticed on an average scale. The above data shows that on an average here is improvement on every aspect.

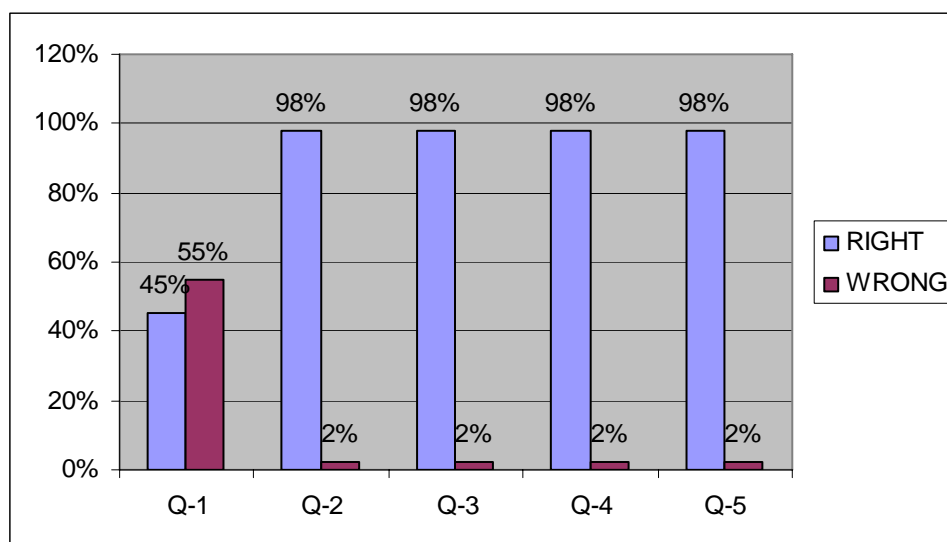
"One very obvious reason is the popularity of the Act, people are now getting aware of the Act and they keep up asking and complaining nature as I think most important reason is that still the administrative machinery has not adopted the Act in the letter and spirit so most of the time second appeals which are filed in the Commission are substantially not that may be decided at Commission level. They could have been decided either by Public Information Officer or by a first appellate authority. One trend is very alarming and dangerous that most of the first appellate officers decide the appeal as it was earlier decided by their departmental PIO. It is a mal-practice commonly done. It is very clear that the proceeding under this Act are quasi judicial at any level of officer whether he is a PIO or first level appellate authority, is supposed to decide the application on the merit and by applying his judicious mind. "

*Mr. Gyanendra Sharma,
Chief Information Commissioner Uttar Pradesh*

On the more positive side almost in response to all questions 12% to 18% respondents has reported that there has been a remarkable improvement. Only a very small percentage 3% to 7% has reported that the situation has worsened after the implementation of the act.

4.4.3. Questions for Municipal Corporation Employee: Knowledge Aspect

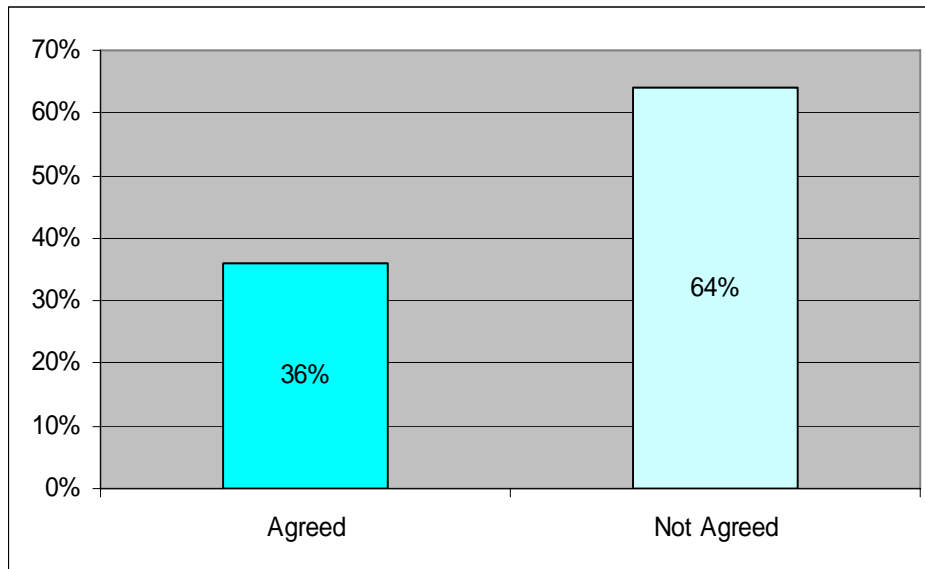
- 1.1 What is the normal time to provide information to an applicant?
- 1.2 What are the fees for asking information?
- 1.3 How many information can be asked in one application?
- 1.4 Applicant can go for the first appeal
- 1.5 Applicant can go for the Second appeal



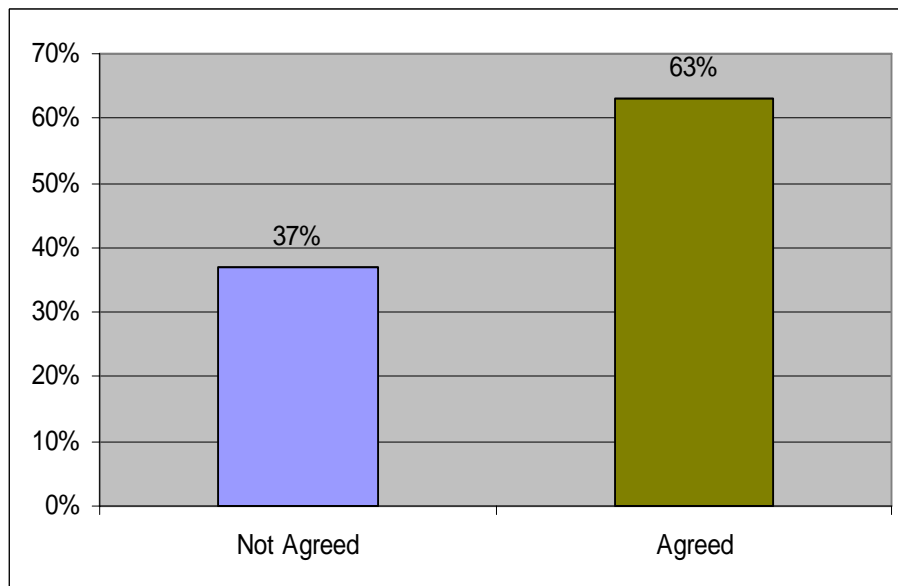
The knowledge aspect appears to be very good amongst employees of the LMC. This shows that the LMC has done a great job in training its staff.

4.4.4. Questions for Municipal Corporation Employee: Organizational Issues

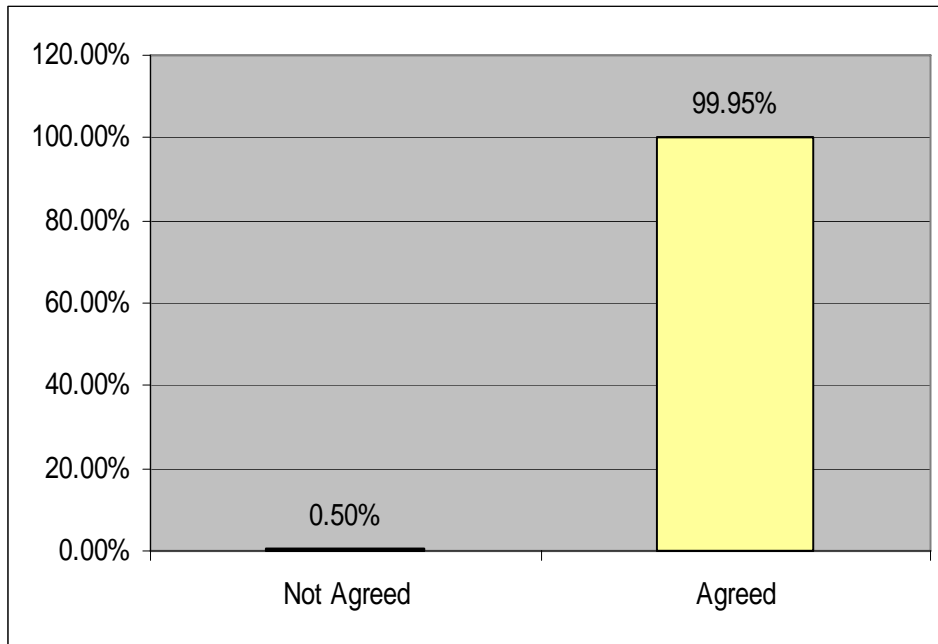
Q-1. You are satisfied with the logistic support made available to you to discharge your function as PIO.



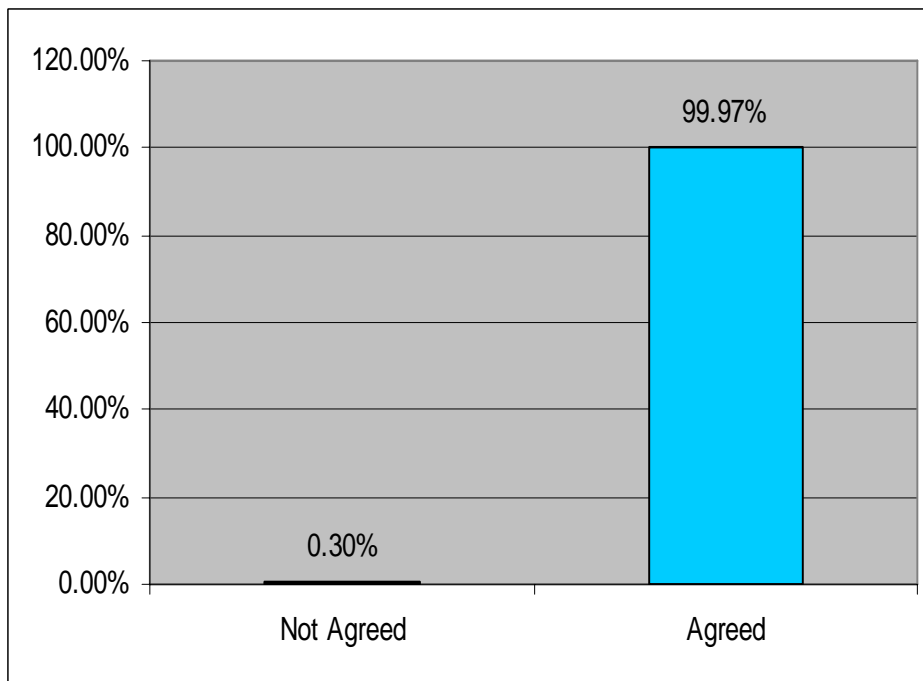
Q-2. There is much information in the official work that should not be disclosed to public because it will hinder official functioning.



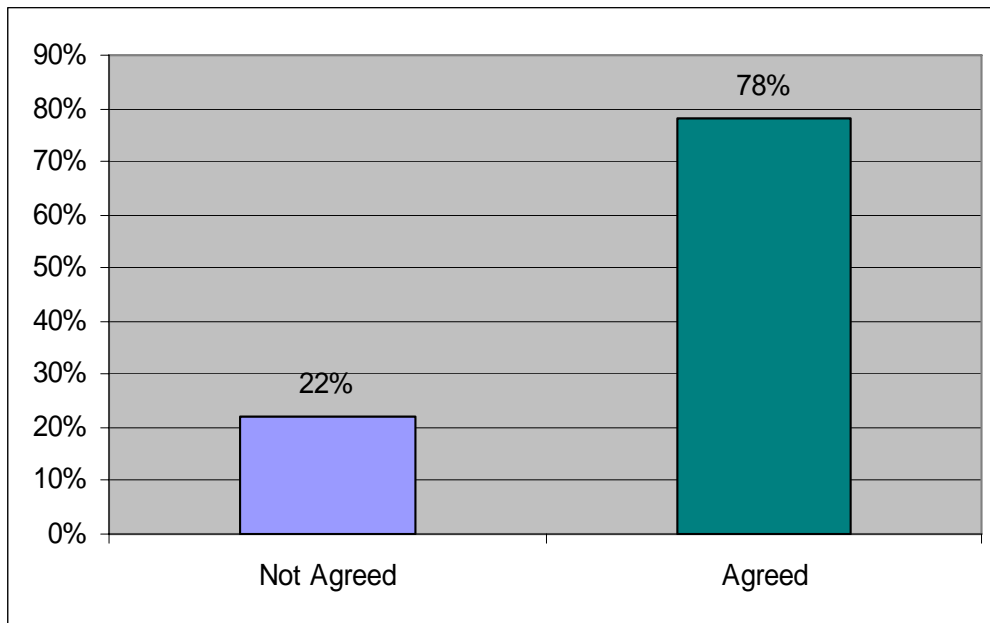
Q-3. As PIO I do not get coordination from other sections of the organization as they are not directly responsible.



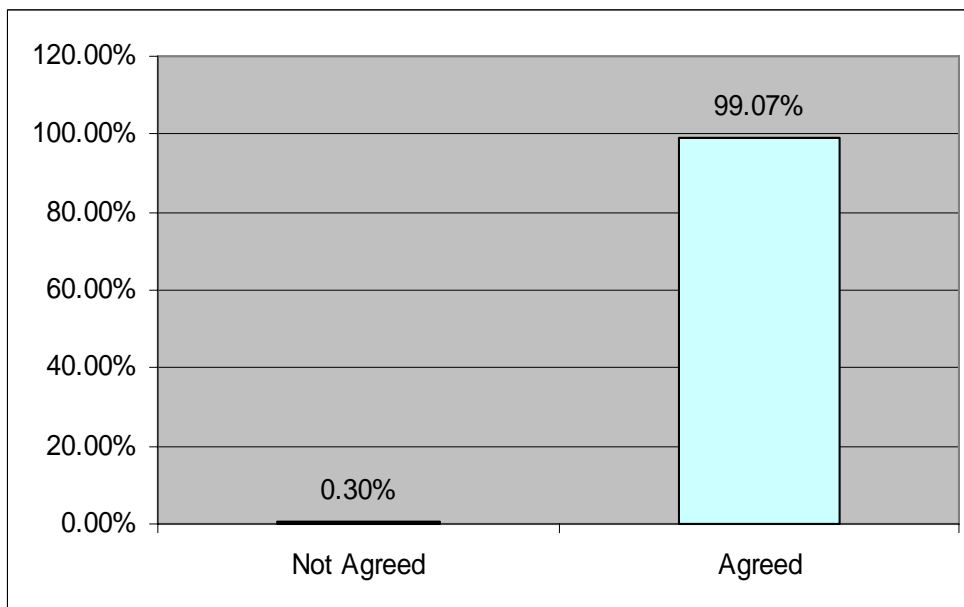
Q-4. Except PIO others are not aware about RTI and its implications.



Q-5. By the senior officers due importance is not accorded to this work so to spare time for it becomes difficult?



Q-6. At the cutting edge level (i.e. the basic information provider.) the awareness about the RTI act is very low.



The above charts show that employees at the cutting edge level are not quite satisfied with the infrastructure provided as 36% of them complained that the logistic support was inadequate. In every interesting response a whopping 67% employee still thinks that RTI and disclosure of information will create hindrance in official functioning. This is an area that needs to be improved upon. In response to another question the technical knowledge was found to be very good. But here comes the problem that lies in the attitude. The employees need a change and makeover in the attitude to make RTI a success story. Almost 100% and to be precise 99.5% responses attributed to the fact that they do not get proper response from the section concerned. They also opined that in case of otherwise the punishment falls on PIO and actual wrong does escapes the punishment. Usually it is the PIO who faces the problem and actual doer hides in the comfort of non-responsibility. Some internal organizational arrangements have to be made for coordination within the department and a frame work for noncompliance as well.

"I am highly disappointed with the performance of appellate authorities. Knowing very well that as an appellate authority they are supposed to work as a quasi-judicial officer, in most of the cases they act only as PIO has already decided. If you ask me to mark them on the scale of ten, I will mark them between zero to one only."

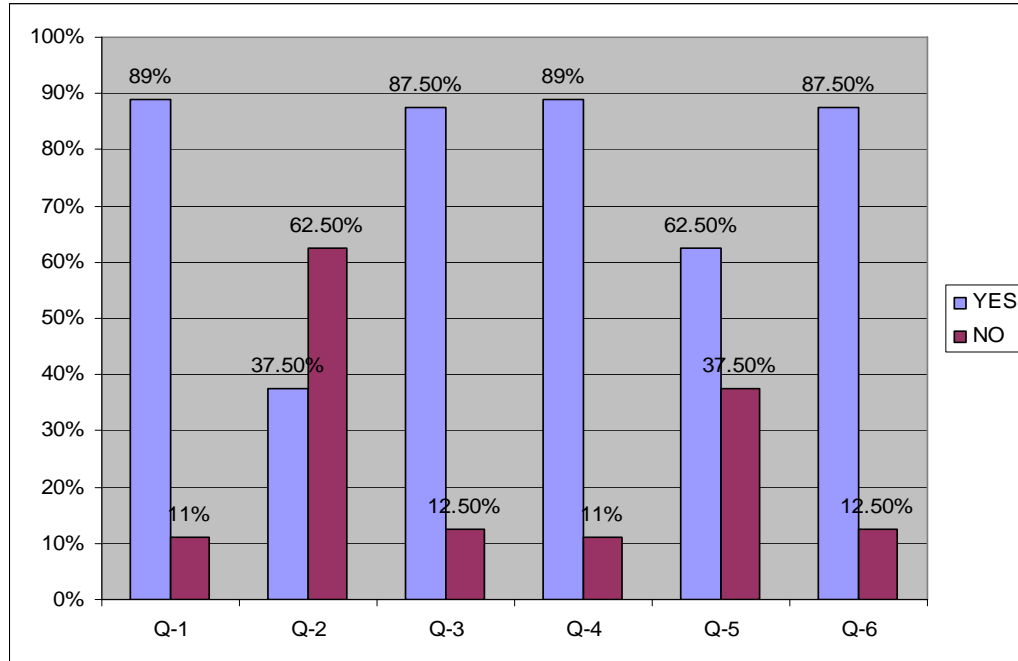
*Sandeep Pandey,
RTI Activist,
Raman Magasesy Award Winner*

The government departments have to come up with some strategy to ensure that PIO does not become victim in the process because of wrong doing of others. They have to develop some internal mechanism that will bound the actual concerned employee the deliver the information to the PIO in the time bound and accurate manner PIOs also said unanimously that awareness amongst other employees was very low about RTI but it proved to be wrong as answers in the awareness part of the questionnaire were quite correct. So again the problem lies in the attitude and not n the knowledge of the act. A majority of the employees 64% also opined that the due importance is not accorded to the work of RTI by the seniors. This is again an area of concern that needs to be addressed.

4.4.5. Questions for LMC Corporators : Impact Aspect

- Q-1 Do you think that after introduction of Right to Information Act the officers are more attentive towards their job?
- Q-2 Do you think that after introduction of Right to Information Act the working is being done by the tax of common man has become transparent?
- Q-3 Do you think that after introduction of Right to Information Act the common citizenry is more vigilant about their rights?
- Q-4 Do you think that Right to Information Act has made political workers more powerful?

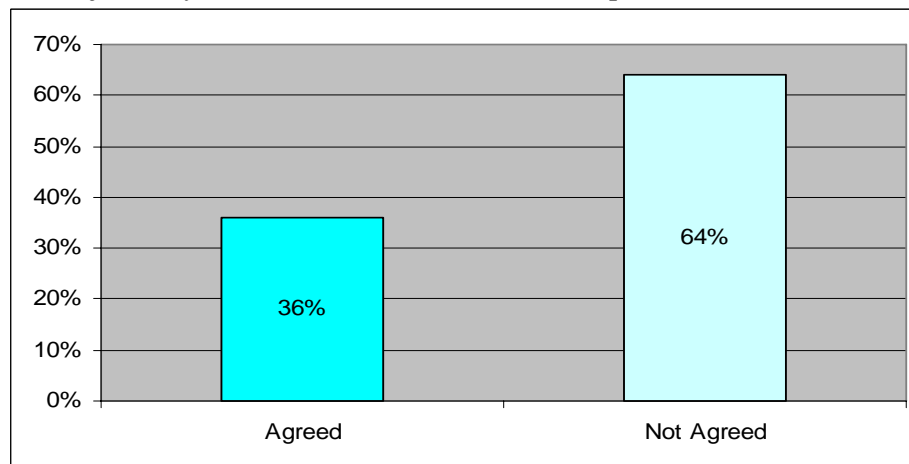
- Q-5 Do you think that judicial officers and judiciary should also be in the purview of Right to Information Act?
- Q-6 Do you think that Right to Information Act can be made more effective through information technology science?



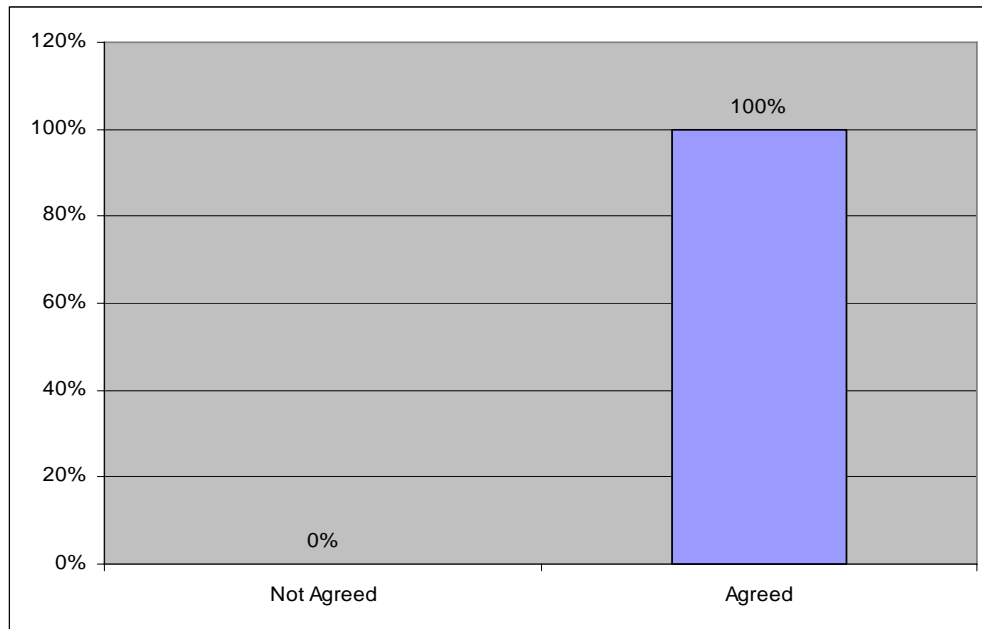
The LMC corporators appear to be more positive about impact of the RTI Act. In a contrast to response given by common citizen the political activist appears to be more positive as for as impact is concerned. One reason may be that These corporators are also a part of executive side so they are more positive.

4.4.6. Questions (Q1 to Q6) for Municipal Corporation Employee: Suggestion Aspect

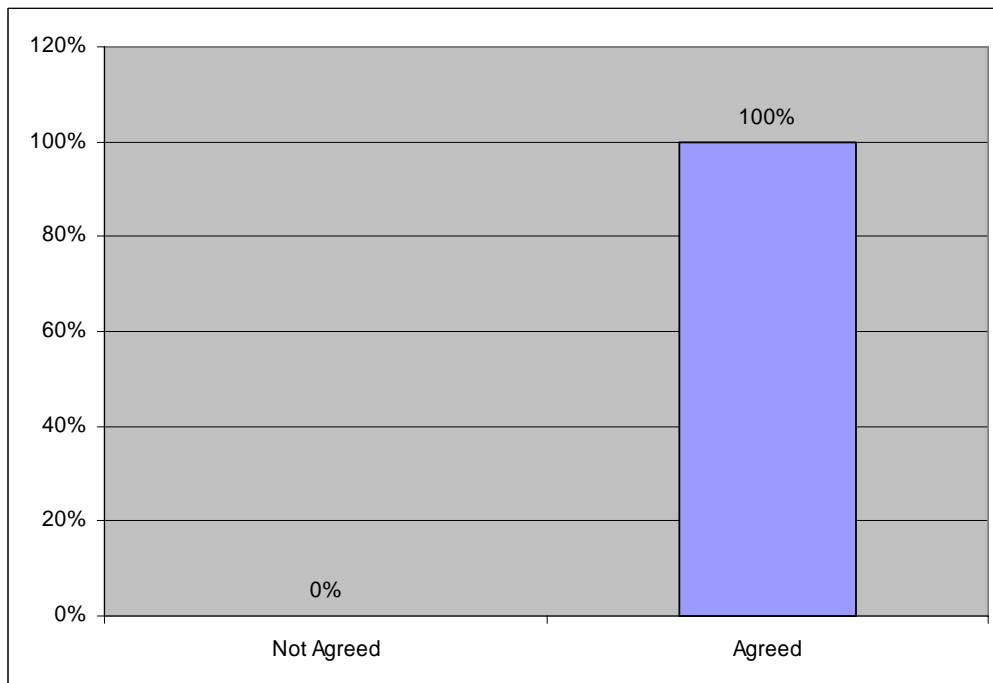
- Q-1 The judiciary should also be covered under the purview of RTI Act.



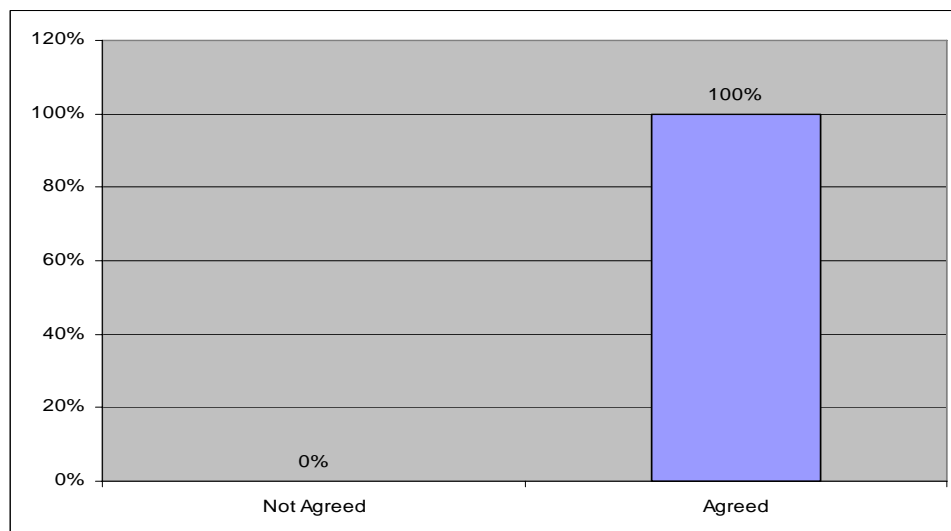
Q-2 In case of delay of information at the organizational level instead of PIO the section and officers of the concerned subject should be penalized.



Q-3 Application about only that information should be entertained that are of some use to the public in general. The information that are of no use to common good should not be entertained. Each department should publish and notify that theses information will be available for the public.

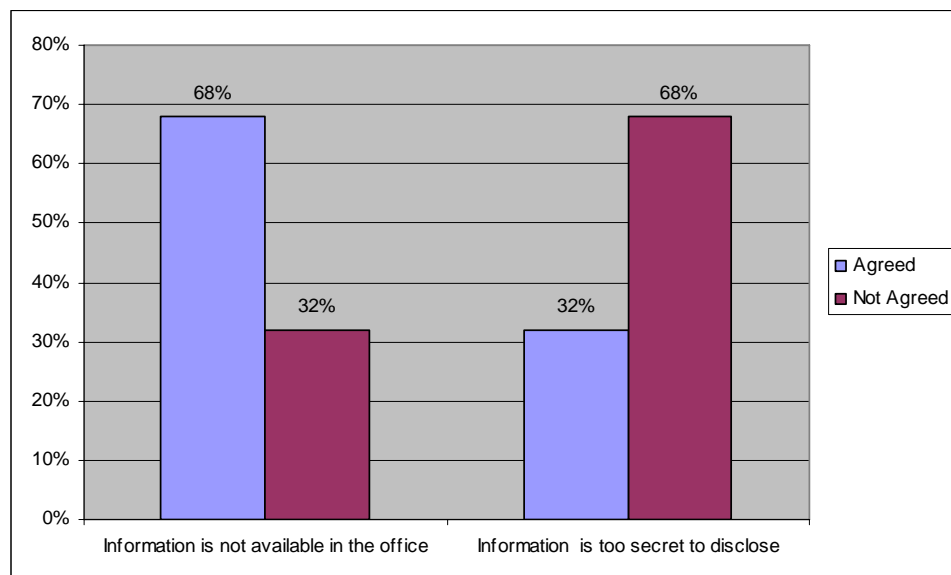


- Q-4 Each department should create a website and all the information should be made available on the website for public view. The responsibility of PIO should be limited to updating of the website on a regular interval.



- Q-5 If the information is not being provided then reasons are

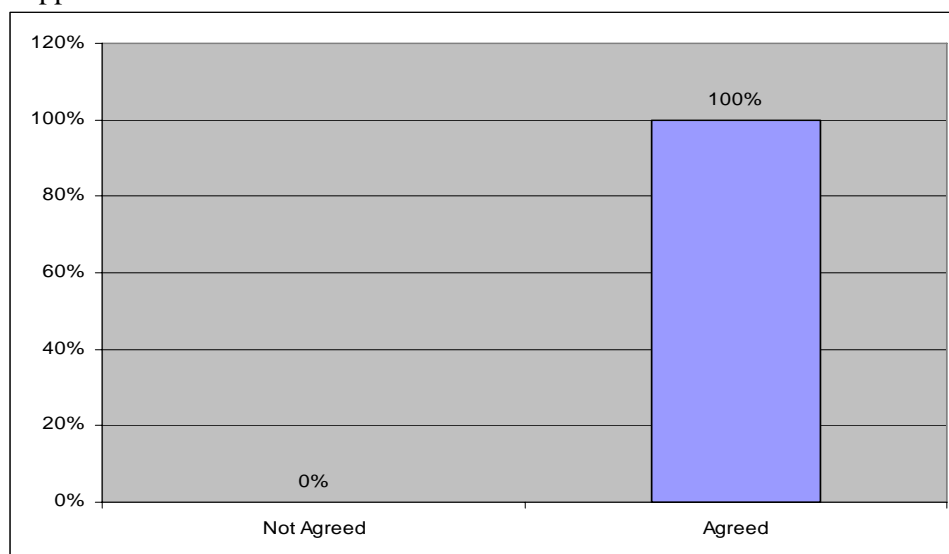
- a. Information is not available in the office Agree() Disagree()
b. Information is too secret to disclose Agree() Disagree()



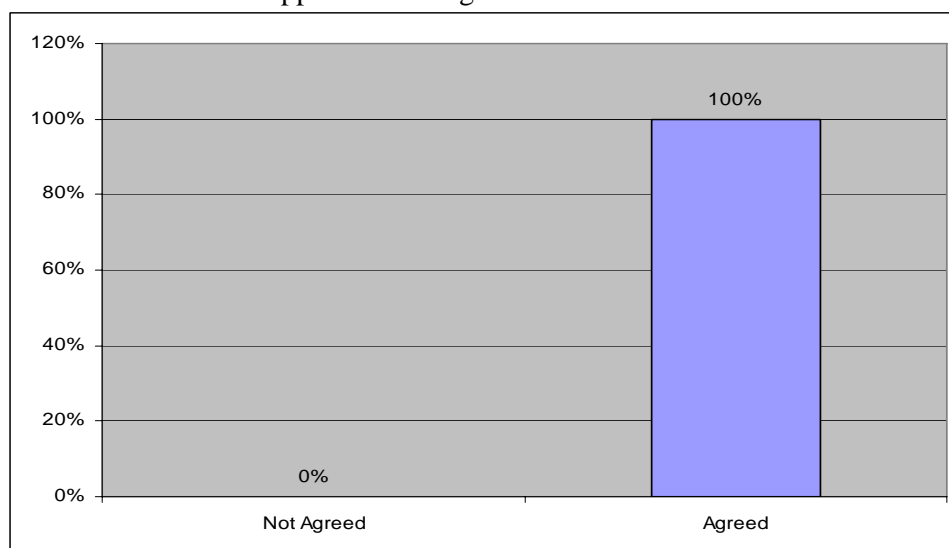
The above graphs that relates to suggestion aspect shows that all employees are of the opinion that Information technology should be used as far as possible in implementing RTI Act. All of them also think that Judiciary should also be covered in the purview of RTI Act.

4.4.7. Questions for Municipal Corporation Employee: Attitudinal Aspect

Q-1. Applicant asks irreverent information



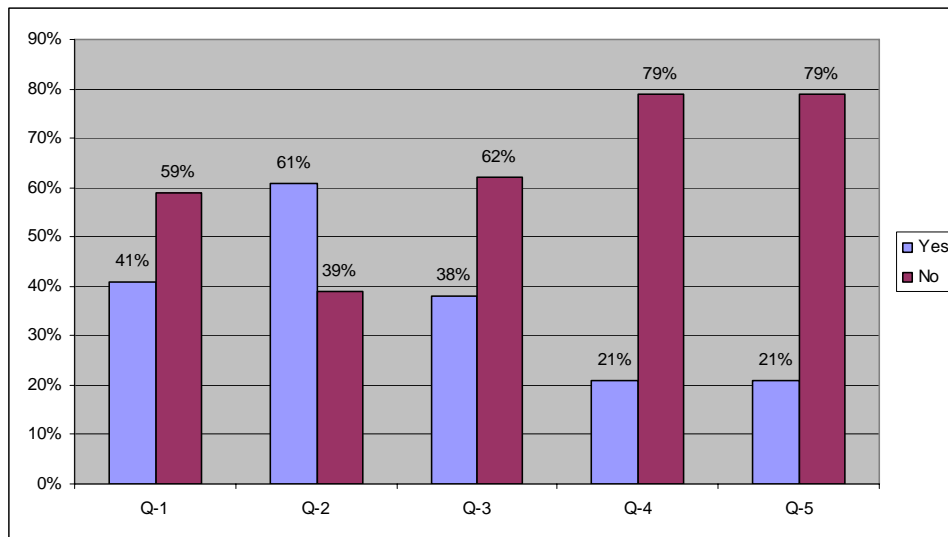
Q-2. The behavior of the applicant is not good



- A huge number of respondents think that the behavior of the applicant under RTI is not up to the mark, he seeks useless information, he seeks information to harm others and not for his own benefit. When we compared this with the information asked from the organizations record then these perceptions were found to be wrong. This appears basically an attitudinal problem and difference in perception from view of different people of the society. For information a citizen may think that it is important and employee may think it is useless. Employees are still not able to cope with the fact that information has become a right for a common citizen irrespective of its importance and they are bound to give the information.

4.4.8. Questions for Media Persons : Awareness Aspect

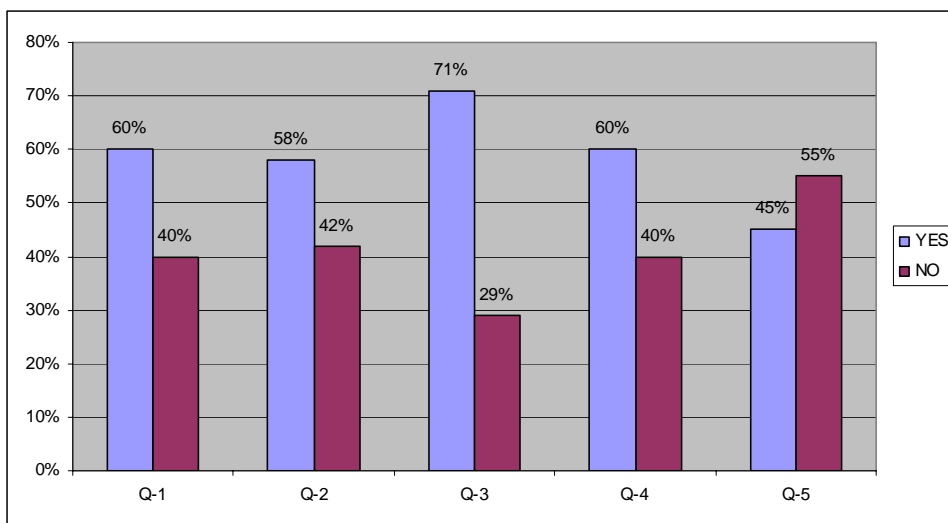
- 1.1 What is the normal time to provide information to an applicant?
- 1.2 What are the fees for asking information?
- 1.3 How many information can be asked in one application?
- 1.4 What is the fee for inspecting the records?
- 1.5 Applicant can go for the first and second appeal to respectively?



This appears to be a matter of concern. The awareness about RTI Act in the media is very low. They are one important segment of society and responsible for creating awareness in the society. Mass media is one of the strongest tools for spreading something. So this is a segment where training should be organized.

4.4.9. Questions for Media Persons: Impact Aspect

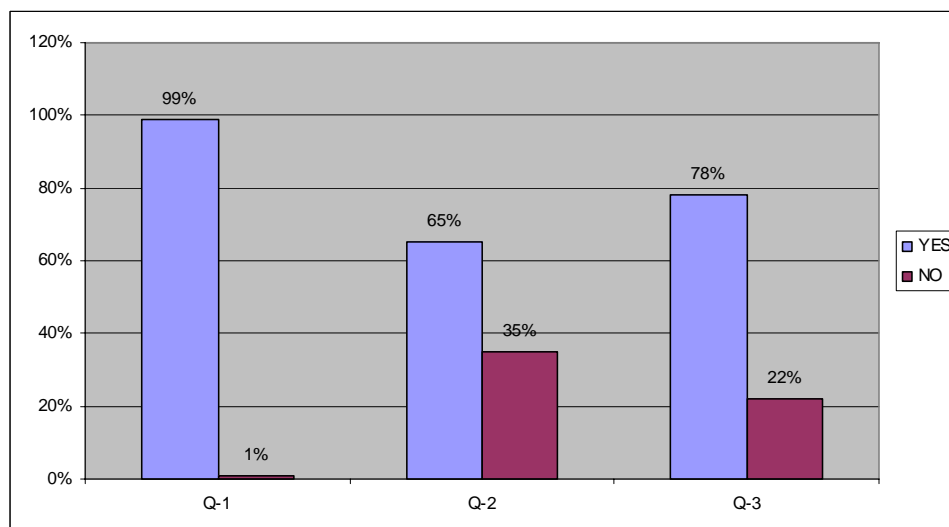
1. Do you think that RTI has created more sense of responsibility among officers?
2. Do you think that RTI has created more transparency in the system? Most of the things related to work done and expenses occurred and activities carried out by the organization are open for public.
3. Do you think that RTI has created more awareness about their rights in common citizen?
4. Do you think that RTI has made officers more responsible towards their job?
5. Do you think that RTI has given to media a new tool for attack on bureaucracy?
6. Do you think that RTI has given to Political activists a new tool for attack on bureaucracy?
7. Please list three most memorable incidents in reference to RTI that you have encountered.



Anyhow despite low awareness the media also thinks that the RTI Act is having positive impact on the functioning of the government. This will also help in creating the positive atmosphere about RTI Act.

4.4.10. Questions for Media Persons: Suggestion Aspect

1. Do you think that judiciary should also be covered under the purview of RTI Act?
2. Do you think that application about only that information should be entertained that are of no use to common good should not be entertained. Each department should publish and notify that theses information will be available for the public.
3. Do you think that each department should create a website and all the information should be made available on the website for public view. The responsibility of PIO should be limited to updating of the website on a regular interval.



About judiciary 100% respondents says that judiciary should also be included in the net of RTI Act. This is in the line of the responses given by other set of stakeholders. There appears to be unity in the opinion on this issue.

Besides the above questionnaire some interviews were also conducted with Mayor of LMC, Chairman, State Information Commission, Municipal Commissioner and RTI Activist Mr. Sandeep Pandey. On the issue of improvement in governance especially in terms of accountability and transparency, all agreed that RTI Act is very useful. However Mayor of the city was more concerned about the selection procedure of members of the Information commission. He suggests that members of the Information commission must be very reputed persons and should be apolitical. The RTI Activists admits that Act is working but he is worried about the attitude of bureaucracy. A typical mental blockade or inertia is still present in the heads of the officer at the cutting edge level. The Municipal commissioner is worried about the numbers and the nature of the questions. Too much volume of questions affects the functions of office. (All these interviews are annexed with this paper)

Chapter 5

The Results

5.1. Conclusions

At the end of this research paper, the researcher concludes that Right to Information Act, 2005 is a historical event in the history of Indian governance system. The Act provides legal weapon to fight corruption and to get the relevant information of common interest. As a special case of Lucknow Municipal Corporation, the study makes it very clear that feel of accountability is substantially increased amongst the officers. Right from top management to bottom level bureaucracy everyone tries to be procedurally fair at least apparently in appearance. A number of applicants, sometimes in individual and sometimes in groups have become active to ask questions which causes problems for the smooth functioning of LMC. The clerical level is very conscious while putting notes and drafts. They have a feel of fear that these records can be summoned by any upper authority or it can be asked through a question in RTI Act by any common citizen. The important thing is that this view was supported by all stakeholders though the degree of support was varying.

As for as construction works, contracting out and auctioning is concerned, the LMC staff appears to be fairly transparent. They publish all the information in leading newspapers and on other electronic mediums. This is a proactive approach towards making information available to a common citizen and it needs to be encouraged and replicated in other areas also. It will also help in creating a positive image about the organization in the common man.

When information is being asked as a matter of right under RTI Act by a common citizen then the attitude of municipal staff is not friendly with RTI Act. Most of the staff members admit that this Act has created many hurdles for them and the staff is not mentally tuned up with the mission and vision of the RTI Act. They feel that this Act is made for their own inconvenience. The LMC staff has unwillingness to work proactively for this Act. They quote the examples of questions where enormous number of information is asked. They complained about the logistic and infrastructure support for proper implementation of this Act and to some extent it is true also.

The common citizenry is not aware about the exact provisions and scope of the RTI Act. They appears to have a vague idea that they have right to demand information. So on procedural aspect there are some practical problems that needs to be addressed. Indian political leaders played a big role in enacting Right to Information Act but some how on the implementation aspect the Act does not figure on their priority agenda. In it's preliminary stage it also needs support in terms of strong political will to get the Act implemented in the desired spirit.

The Public Information Officers are mostly reactive. There are very little occasions where organizations ensure proactive disclosure of information. The first appellate authority is usually not performing according to the provisions of the Act. As an

administrative patronage they decide the appeals as they are initially answered by Public Information Officer.

Press and media have played very active role in raising issues of common concern which are connected with Right to Information but this research shows that the knowledge aspect amongst media persons is not up to the mark. So this is again an area of concern where ways are to be devised to create awareness amongst media persons at the cutting edge level about the exact provisions of the RTI Act.

Non Governmental Organizations are quite active but they are unorganized.

Observations and reports from various sources have mixed opinion about the role of State Information Commission but neutrally Information Commission is working very actively. Certain decisions where State Information Commission has passed speaking orders and put LMC responsible for misleading and insufficient answers, sped up the process of implementation of RTI Act.

Almost all the stakeholders have opined unanimously that judiciary should also be covered under the preview of RTI act. This will create a very conducive atmosphere for the success of RTI act.

In the case of Lucknow Municipal Corporation, this Act is implemented according to the provisions of the RTI Act, 2005 but with reluctance, mental resistance and reactively in place of willful and proactive disclosure. If we are able to address these issues in coming future then it will certainly go a long way in creating transparency in the system and a sense of responsiveness amongst the officers.

5.2. Suggestions

The success of RTI Act requires and massive awareness campaign for side's stakeholders, the demand side and the supply side. It is provided in the Act itself that intensive training programmes should be run to sensitize the bureaucracy and public to use this Act. Exclusive training programs for media persons and political activists should also be conducted for capacity building. At the organizational level usually training is limited to PIOs only. Since PIO is only a representative of organization for RTI Act and information may need to come from any section so all the employees at the cutting edge level needs to be trained about the procedures and the provisions of the Act.

There is a need to check enormous applications and type of information. This can be achieved through more awareness amongst common citizen and proactive disclosure of information at the organizational level. There is a penal provision for public authorities in the Act. A penal provision for misuse and abuse of the Act should also be amended in the Act.

The provision for proactive disclosure should be further strengthened and all the information that directly involves tax-payers money and interest of citizen at large should be covered under the proactive disclosure clause. Use of Information technology has to be enhanced to make this possible. This will also require computer literacy for all the government employees that is very low at present. The maximum possible proactive disclosure should be emphasized by the government.

The training on the RTI Act should also include attitudinal training for all the employees of LMC. At the local organizational level attitudinal change workshops can be organized for employees of LMC.

Logistic support needs further strengthening. Since this is a continuous process and more the time will pass the more information will be asked so the LMC needs to gear up considering the future challenge.

5.3. Future scope

The outcomes and conclusions of this research paper can be illustratively used for further researchers studying on the impact of Right to Information Act on local urban governance and to check the assumptions made under this Act. This can be used as an impact analysis of this Act on municipalities. This can further be useful to check on ground whether the Right to Information Act is being implemented in the letter and spirit or it is used only in letters not in the spirit. to make further assumptions for various local urban governance and to see whether this Act is being implemented in the letter spirit or only in letters not in the spirit. It may further useful for future researchers to do work in this area.

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Annexures

Questionnaires

1. Questionnaire For Common Citizens

1.1. What is the normal time to provide information to an applicant?

1. 45 Days
2. 14 Days
3. 21 Days
4. 30 Days

1.2. What are the fees for asking information?

1. 10 Rs.
2. 20 Rs.
3. Other.
4. Free of cost

1.3. How many information can be asked in one application?

1. Only 1
2. Only 2
3. Only 3
4. Unlimited

1.4. What are the fees for inspecting the records?

1. Free of cost for any time period
2. Free of cost for initial one hour and after that 5 Rs. for every 15 minutes.
3. Free of cost for initial one hour and after that 10 Rs. for every 15 minutes.
4. Free of cost for initial one hour and after that 10 Rs. for every one hour

1.5. Applicant can go for the first appeal

1. Appellate authority
2. Head of the department
3. Secretary of the department
4. SIC

1.6 Applicant can go for the Second appeal

1. SIC
2. Appellate authority
3. Principal Secretary of the department
4. CIC

1.7. Is feeling of responsibility among officers increased?

- 1- It is increased
- 2- It is increased in average
- 3- No change
- 4- Decreased

1.8. Do you agree that through 'Right to Information' Public Service Delivery increased?

- 1- It is increased
- 2- It is increased in average

- 3- No change
 - 4- Decreased
- 1.9. Is Right to Information Act helpful in minimising corruption?
- 1- Corruption of eliminated
 - 2- It is decreased
 - 3- No change
 - 4- Decreased in average
- 1.10. Do you feel that after the introduction of Right to Information Act sanitation work near you locality is improved?
- 1- It is better
 - 2- It is average
 - 3- No change
 - 4- It has been decreased.
- 1.11. Do you feel that after the introduction of Right to Information Act roads, street lights and general maintenance have been improved?
- 1- It is better
 - 2- It is average
 - 3- No change
 - 4- It has been decreased.
- 1.12. Do you feel that after the introduction of Right to Information Act if you complain in LMC, your complaint is properly noticed?
- 1- Effective action
 - 2- Average action has been taken
 - 3- No action has been taken
 - 4- Action takes after repeated efforts.

2.Questionnaire For Media Persons

1. AWARENESS

- 2.1.1. What is the normal time to provide information to an applicant?
- 1. 7 Days
 - 2. Days
 - 3. Days
 - 4. Days
- 2.1.2. What are the fees for asking information?
- 1. 10 Rs.
 - 2. 20 Rs.
 - 3. 30 Rs.
 - 4. Free of cost
- 2.1.3. How many information can be asked in one application?
- 1. Only 1
 - 2. Only 2
 - 3. Only 3
 - 4. Unlimited
- 2.1.4. What are the fees for inspecting the records?
- 1. Free of cost for any time period
 - 2. Free of cost for initial one hour and after that 5 Rs. for every 15 minutes.

3. Free of cost for initial one hour and after that 10 Rs. for every 15 minutes.
4. Free of cost for initial one hour and after that 10 Rs. for every one hour
- 2.1.5. Applicant can go for the first and second appeal to respectively
 1. Appellate authority and SIC
 2. Head of the department and Appellate authority
 3. Secretary of the department and Principal Secretary of the department.
 4. SIC and CIC

2. IMPACT

- 2.2.1. Do you think that RTI has created more sense of responsibility among officers?
- 2.2.2. Do you think that RTI has created more transparency in the system?
Most of the things related to work done and expenses occurred and activities carried out by the organization are open for public
- 2.2.3. Do you think that RTI has created more awareness about their rights in common citizen?
- 2.2.4. Do you think that RTI has made officers more responsible towards their job?
- 2.2.5. Do you think that RTI has given to media a new tool for attack on bureaucracy?
- 2.2.6. Do you think that RTI has given to Political activists a new tool for attack on bureaucracy?
- 2.2.7. Please list three most memorable incidents in reference to RTI that you have encountered
 - 1.
 - 2.
 - 3.

3. SUGGESTIONS

- 2.3.1. Do you think that judiciary should also be covered under the purview of RTI act?
- 2.3.2. Do you think that Application about only that information should be entertained that are of some use to the public in general. The information that are of no use to common good should not be entertained. Each department should publish and notify that theses information will be available for the public.
- 2.3.3. Do you think that each department should create a website and all the information should be made available on the website for public view. The responsibility of PIO should be limited to updating of the website on a regular interval.
- 2.3.4. Other Suggestions (Please list in detail)
 - 1.
 - 2.

3.

3. Questionnaire For Employees of Lucknow Municipal Corporation

3.1. AWARENESS

3.1.1. What is the normal time to provide information to an applicant?

1. 45 Days
2. 30 Days
3. 15 Days
4. 10 Days

3.1.2. What are the fees for asking information?

1. 10 Rs.
2. 20 Rs.
3. Other.
4. Free of cost

3.1.3. How many information can be asked in one application?

1. Only 1
2. Only 2
3. Only 3
4. Unlimited

3.1.4. What are the fees for inspecting the records?

1. Free of cost for any time period
2. Free of cost for initial one hour and after that 5 Rs. for every 15 minutes.
3. Free of cost for initial one hour and after that 10 Rs. for every 15 minutes.
4. Free of cost for initial one hour and after that 10 Rs. for every one hour

3.1.5. Applicant can go for the first appeal

1. Appellate authority
2. Head of the department
3. Secretary of the department
4. SIC

3.1.6 Applicant can go for the Second appeal

1. SIC
2. Appellate authority
3. Principal Secretary of the department
4. CIC

3.1.7 If the information is not being provided then reasons are

1. Information is not available in the office
2. Information is too secret to disclose
3. Disclosing the information exposed the wrong ruing of the office.
4. Information was available but because of casual approach it was not available in the time.

2. PROBLEMS FACED

3.2.1. What are the problems from applicant side? Rank them on a scale of 1 to 10. If you highly agree with the statement then rate at 10 points. If you highly

disagree then rate at 1 point.

1. Applicant asks irreverent information
(1 2 3 4 5 6 7 8 9 10)
2. The behavior of the applicant is not good
(1 2 3 4 5 6 7 8 9 10)
3. The applicant asks information for creating undue pressure
(1 2 3 4 5 6 7 8 9 10)
4. The applicant asks information that will expose the departmental lapses
(1 2 3 4 5 6 7 8 9 10)

3.2.2. What are the problems from organizational side? Rank them on a scale of 1 to 10. If you highly agree with the statement then rate at 10 points. If you highly disagree then rate at 1 point.

1. As PIO I do not get coordination from other sections of the organization as they are not directly responsible.
(1 2 3 4 5 6 7 8 9 10)
2. Except PIO others are not aware about RTI and its implications.
(1 2 3 4 5 6 7 8 9 10)
3. By the senior officers due importance is not accorded to this work so to spare time for it becomes difficult
(1 2 3 4 5 6 7 8 9 10)
4. At the cutting edge level (i.e. the basic information provider.) the awareness about the RTI act is very low.
(1 2 3 4 5 6 7 8 9 10)
5. The act does not punish the wrong doer but it certainly acts as if you strongly agree with the situation then please specify some incidents
(1 2 3 4 5 6 7 8 9 10)
6. There is much information in the official work that should not be disclosed to public because it will hinder official functioning.
(1 2 3 4 5 6 7 8 9 10)
7. You are satisfied with the logistic support made available to you to discharge your function as PIO.
(1 2 3 4 5 6 7 8 9 10)

3.3. IMPACT

3.3.1 How has RTI affected the following areas? Where it has more positive impact rate at 10 points. Where it has negligible impact rate it at 1 point

1. It has created more sense of responsibility among officers
(1 2 3 4 5 6 7 8 9 10)
2. It has created more transparency in the system. Most of the things related to work done and expenses occurred and activities carried out by the organization are open for public
(1 2 3 4 5 6 7 8 9 10)
3. It has created more awareness about their rights in common citizen.
(1 2 3 4 5 6 7 8 9 10)
4. It has made officers more responsible towards their job
(1 2 3 4 5 6 7 8 9 10)
5. It has given to media a new tool for attack on bureaucracy
(1 2 3 4 5 6 7 8 9 10)
6. It has given to Political activists a new tool for attack on bureaucracy

(1 2 3 4 5 6 7 8 9 10)
 3.3.2 As PIO please list three most relevant information that you have provided to a Persons that has been instrumental in reducing corruption/create transparency /improved public delivery etc.

- 1.
- 2.
- 3.

3.3.3 As PIO please list three most irrelevant information that you were asked and those information were of no use to anybody i.e. common citizen/ organization/system/society etc

- 1.
- 2.
- 3.

3.4. SUGGESTIONS

The suggestions with which you agree please rate at a scale of 10 and with which you disagree most. Please rate at a scale of 1.

The judiciary should also be covered under the purview of RTI act.

(1 2 3 4 5 6 7 8 9 10)
 2. In case of delay of information at the organizational level instead of PIO the section and officers of the concerned subject should be penalized.

(1 2 3 4 5 6 7 8 9 10)
 3. Application about only that information should be entertained that are of some use to the public in general. The information that are of no use to common good should not be entertained. Each department should publish and notify that theses information will be available for the public.

(1 2 3 4 5 6 7 8 9 10)
 4. Each department should create a website and all the information should be made available on the website for public view. The responsibility of PIO should be limited to updating of the website on a regular interval.

(1 2 3 4 5 6 7 8 9 10)
 5. Other Suggestions (Please list in detail)
 1.
 2.
 3.

4. Questionnaire For Corporators

- 4.1 Do you think that after introduction of Right to Information Act the officers are more attentive towards their job?
- 4.2 Do you think that after introduction of Right to Information Act the working is being done by the tax of common man has become transparent?
- 4.3 Do you think that after introduction of Right to Information Act the common citizenry is more vigilant about their rights?
- 4.4 Do you think that Right to Information Act has made political workers more powerful?

- 4.5 Do you think that judicial officers and judiciary should also be in the purview of Right to Information Act?
- 4.6 Do you think that Right to Information Act can be made more effective through information technology science?

**Interview of Mr. Gyanendra Sharma,
Hon'ble Chief Information Commissioner, Uttar Pradesh**

Question : Mr. Sharma, State Information Commission is functional since 2006. What do you think about the role of State Information Commission?

Answer : Technically speaking, the mandate of the State Information Commission is broadly two-fold, one to ensure that in every desired Government and Semi-Government office, the Information Officer is appointed and the system of implementing this Act has been functional and secondly to decide the second appeals where the applicant is not satisfied by the Public Information Officer and even by the first appellate authority.

Question : In the recent years, the number of applications and appeals in the State Commission has risen in a huge number, what do you think the reason behind it?

Answer : One very obvious reason is the popularity of the Act; people are now aware of the Act and they keep on asking and complaining. I think the most important reason is that still the administrative machinery has not adopted the Act in the letter and spirit, so most of the time second appeals which are filed in the Commission are substantially not to be decided at Commission level. They could have been decided either by the Public Information Officer or by a first appellate authority. One trend is very alarming and dangerous that most of the first appellate officers decide the appeal as it was earlier decided by their departmental PIO. It is a mal-practice commonly done. It is very clear that the proceedings under this Act are quasi-judicial at any level of officer whether he is a PIO or first appellate authority, is supposed to decide the application on the merit and by applying a judicious mind.

Question : Mr. Sharma, I am doing a case study of Lucknow Municipal Corporation and I have been informed that a number of second appeals regarding LMC are pending in Commission. What is your view on these petitions?

Answer : Yes, it is true that several second appeals are pending regarding Lucknow Municipal Corporation. Answering each of them is not possible here and as a matter of policy the decision cannot be disclosed in this interview but in some decisions which have been delivered by PIOs and first appellate authority were not proper. Even in several cases the information provided was prima facie appear to be misleading and in some cases deliberately the wanted

information had been denied or answered in a way that is not going to suffice the applicant.

Question : How you link functional accountability after commencement of this Act specially in urban governance and more precisely in the case of Lucknow Municipal Corporation?

Answer : As you know the Lucknow Municipal Corporation is a very big institution and is involved in the day to day needs of life. But the sensitivity which was supposed to be seen in the performance of Lucknow Municipal Corporation is still lacking. But RTI has definitely made some improvement in the working of LMC. Still a lot of work is needed to be done specially training the LMC staff to be proactive with this Act.

Question : Any other suggestion to improve the efficiency and effectiveness of LMC by using RTI.

Answer : One suggestion that LMC should work for proactive and suo motto disclosure. The more you disclose the less are the chances and scope for questions and answers. So a proactive disclosure can help for improving efficiency and effectiveness in the service delivery. Another important suggestion that change of mind set in bureaucracy required. Now the time has come where providing information is better and safer then avoiding information and certainly the future of this Act is very bright and it will deliver miraculous results to improve public service delivery system and to decrease the percentage of corruption.

Interview of Dr. Dinesh Sharma Mayor, Lucknow Municipal Corporation

Dr. Dinesh Sharma by profession is a professor of Commerce in Lucknow University. His political background is from Bhartiya Janta Party and Mayor of Lucknow Municipality since 14th November, 2006.

Question : Dr. Sharma, what is the arrangement in Lucknow Municipal Corporation for seeking information under Right to Information Act, 2005?

Answer : We have made Public Information Officer, Asst. Public Information Officer and Corporation maintains a register of questions in a centralized manner and just after receiving any question the RTI Cell sends it to the Department concerned and ensures that asked information is to be delivered within 30 days.

Question : Do you think that the present system of providing information is perfect?

Answer : As a matter of administrative arrangement it is O.K. But my concern is more about quality of information that I admit we lack sometimes.

Question : What do you feel are the reasons for this situation?

Answer : There are so many reasons for this tendency like bureaucracy and the administrative machinery is still reluctant to provide information to common citizen. Even the officers try to play very safe and that is the reason they provide the least information and some time they misrepresent. In certain cases I have found that answers are nor sensible, they lack full details and some times misleading as well. The main reason for this practice is typical mental blockade in the bureaucracy.

Question : Right to Information Act has been introduced to combat corruption and to create accountability in administrative system. How do you see this in the context of Lucknow Municipal Corporation?

Answer : The hypothesis behind this enactment is very bious. In a democratic system of governance, RTI is a alert call for corrupt practices and corrupt officials but in most of the government offices, the Act has been implemented in letter not in spirit. Lucknow Municipal Corporation is not a exception to it.

Question : What are your suggestions to implement this Act in the letter and spirit both?

Answer : This question has very wide range and I will start it from Constitution of Information Commission. My suggestion is that Chief Information Commissioner and Information Commissioners should be from judicial background and they should be free from any political attachment and political affiliation. This requires a comprehensive awareness programme for the officials, for the political leaders and real awareness campaign to the common masses. In this field role of social organizations and NGOs is very vital to create a constructive awareness campaign. Highest administrative and political offices like Chief Minister, ministers, public representatives should also be under the coverage of this Act. Press and media has a big role to play for the publicity of this Act. Training is also a very important component for practicing bureaucrats so that they can be sensitized for the actual implementation of this Act.

Question: This Act has been enacted in June, 2005 and now it has completed three years. What achievement has it made in the context of Lucknow Municipal Corporation?

Answer : Honestly speaking the success or progress is partial but at least I can say it is a very good beginning and I am confident that in coming years this Act will be a important weapon to create responsive and accountable administrative system.

Question: You are the Mayor and first citizen of city, what is your message to your organization and to the citizen of Lucknow Municipalities?

Answer : For the officers my message is to improve transparency and accountability in their performance and to handle the questions in a constructive manner and they should be free from any mental prejudice and bias. For the citizen of this city my message is to get inform and use this Act in constructive manner not for harassing any institution or a public authority.

Interview of Mr. Sandeep Pandey, RTI Activist

QUESTION : Mr. Pandey, what do you think about use of RTI?

ANSWER : I feel use of this act has very positive results in the field of administration. It is a very effective legal tool to fight against corruption and to improve efficiency in system.

QUESTION : Mr. Pandey, what do you think about the role of Lucknow Municipal Corporation after implementation of this act?

ANSWER : Lucknow Municipal Corporation is traditionally known for its poor management and administrative system but after the implementation of this act, a certain level of accountability and promptness in public utilities can be seen. Honestly speaking still there is a lot of work has to be done to reach the vision of the RTI Act.

QUESTION : How do you relate accountability and transparency in administrative machinery?

ANSWER : Definitely there is a change.

QUESTION : If I ask you to grade PIO in Lucknow Municipal Corporation in range of zero to ten, how much marks you will provide?

ANSWER : Five.

QUESTION : If you have to mark the officials of the LMC as regards implementation of RTI is concerned, how much marks you will give under the same range of marks?

ANSWER : It will vary from 5 to 6.

QUESTION : What do you think about the appellate level?

ANSWER : I am highly disappointed with the performances of appellate

authorities. Knowing very well that as an appellate authority they are supposed to work as a quasi-judicial officer, in most of the case, they act only as PIO has already decided. If you ask me to mark them i will mark them between zero to one only.

QUESTION : Finally, Mr. Pandey, what do you feel the problem for non-performance of the act?

ANSWER : The biggest problem as I feel is the problem of mental set up. The bureaucracy is still not out of its ruler attitude. This mentality has to be changed and the bureaucracy will have to work as a facilitator instead of a ruler.

QUESTION : What are your suggestions?

ANSWER : My suggestion is simply for pro active disclosure of information, the more information you provide the less questions will be asked. There must be awareness campaign both for bureaucracy and citizenry to make this act work.

Interview of Municipal Commissioner, Lucknow

Question : Mr. Sharma, State Information Commission is functional since 2006 What do you think about the role of State Information Commission?

Answer : In Lucknow Municipal Corporation this Act is fully functional and operational as mentioned in Right to Information Act. The Act is operational since 12.10.2005.

Question : What is the system of implementation of Right to Information Act in Lucknow Municipal Corporation?

Answer : We have made an exclusive and separate cell for Right to Information. Lucknow Municipal Corporation has appointed Public Information Officers and Assistant Information Officers to answer the questions asked by any Indian citizen. We regularly supervise and monitor it and try to make sure that every question is to be answered within 30 days.

Question : The Act has been introduced to ensure accountability and transparency in governance. How you link it in the functioning of Lucknow Municipal Corporation?

Answer : The Act is very clear about its objectives. In implementation we see that has made feel to accountability and transparency in the working. Proactive disclosure of almost all activities has made tremendous change in operational working of Lucknow Municipal Corporation. People are *suo motto* aware of much more information and ultimately this awareness makes functional staff aware and vigilant too.

Question : If I ask you to compare it with pre Act period, what will be your reply?

Answer : I don't mean that there was not accountability and transparency in the working but after introduction of Right to Information Act citizenry is more conscious and use this Act as a matter of their legal right. This legal right had made a sea change in officers'/officials' working in Lucknow Municipal Corporation. They are very particular in their noting-drafting and about procedure. They have a mental barrier in their minds that any misappropriation can be questionable. Previously, it was not so.

Question : What are the problems you feel in implementation of Right to Information Act?

Answer : There is no problem in its implementation but when enormous number of question are asked and people start asking questions just to harass someone then it becomes problematic to handle. For example, there was one question asked by a social organization which has 54 sub-questions and each sub question involved huge number of material. In such type of cases manpower is exhausted without any fruitful service delivery.

Question : What are your suggestions?

Answer : I suggest first that there must be some fee for all citizens without any discrimination.

For very small cases senior officers are summoned by Information Commission. This tendency should be minimized.

Government should create a dedicated cell to deal with Right to Information Act because it requires a lot of resources and manpower.

A proper training as well as capacity building not only for the Lucknow Municipal Corporation staff and other government staff but also for citizens must be imparted.

Question : At last I ask what will be your message to the citizen of this city.

Answer : My message is very clear that Lucknow Municipal Corporation is open for any type of information admissible under RTI Act. I also appeal to the officers working below me to implement the Act in latter and spirit. At last I appeal to all citizens of this city to ask question but keep in mind that useless questions should be avoided.

Organogram of Lucknow Municipal Corporation

