

Local Governance System and Students

(Handbook for the Students of Higher Secondary Schools)



Kerala Institute of Local Administration (KILA)

Mulamkunnathukavu P.O.

March 2015



Local Governance System and Students
(Translation)

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ISBN : 978-81-925633-4-3

Cover Designing

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Layout Designing

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Printing

Co-operative Press, Mulamkunnathukavu
Ph : 0487-2200391, 9895566621

March 2015

Preface

Kerala has a strong Local Governance system as compared to other States. As a grass root governing system, most of the needs related to the day to day affairs of its citizens are executed through the Local Self Government Institutions. Local Governance system is playing an important role here by successfully supporting the daily life of common people. They are fulfilling the development and welfare needs of the people. So people of Kerala hope a lot from our local administrative system.

The three - tier Panchayath system including Grama-Block-District Panchayaths and Urban Administrative System including Municipalities and Municipal Corporations are considered role models of Local self Governance System in the country as well as in the world. How we got this achievement? Through democratic decentralisation of power, transformed the Local bodies into independent Local Self Government Institutions. Grama Sabha in Rural Local Bodies and Ward Sabha in Urban Local Bodies are the democratic platforms where common people have the controlling power. Institutions and its officials were transferred to local bodies and put under its control. Local Self Government Institutions are inevitable part of the daily life of the people.

But it is a fact that the Local Government System is yet to be improved. The active participation of the new generation of the country in such reforming activities is very important. The students above 18 years of age are citizen with voting rights. They have to take more interest to understand the system deeply. Their active

participation can surely improve the Local Governance System. For this new generation must be well informed about the possibilities of a local administrative system and the role of youth for its creative functioning. With that aim, KILA in association with the Higher Secondary Directorate is taking initiative to conduct a training programme for the students of Higher Secondary School (HSS)

This handbook is meant to be distributed among the Students who participate in the training programme. Content of this book is divided into 3 parts.

1. Local Governance System
2. Grama Sabha/ Ward Sabha
3. Right to Information

Each part contains only a brief description of the topic. But, I hope that this training program and the booklet can inspire students to search for more about the system and enable them to intervene) in its activities. I hope this handbook will be useful to students of Higher Secondary Schools (HSSs)

I would like to extend my sincere thanks to Dr. J.B.Rajan, Assistant Professor, KILA and Mr. K. Gopalakrishnan, for their active involvement in the preparation of this hand book for the timely completion and also to all the other colleagues in KILA.

Dr. P.P.Balan
Director, KILA

About the Handbook

Kerala is a state with a strong Local Governance System (LGS). Comparatively the Local Self Government Institutions (LSGIs) are more close to the lives of common people than the State and Central Governments. All categories of people, directly or indirectly, are availing services from LSGIs. The active participation of each citizen is important for the effective functioning of the Local Governance System. Everybody, without any category of difference can participate in the activities of LGS. Even students can also intervene in its functioning. So, they must be fully aware of the importance and possibilities of LGS. They must be well aware of the responsibilities and powers of every member of the democratic platforms like Grama Sabha and Ward Sabha. Similarly, they must also understand the importance of the Right to Information (RTI) Act in the smooth progression of a transparent governance system, so that they can use its possibilities effectively. This handbook is compiled especially for the Higher Secondary School (HSS) students who are participating in the half day training program organised by KILA to make them better aware of Local Governance.

Dr.J.B.Rajan
Course Director

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1

Local Governance System

1.1 What is Local Governance System?

A Local self-governing system which is responsible for the local administration and development activities of a particular area is called a Local Governance System. When the Constitution of India came into force, two strata of administration were came into existence viz. Central Government and State Governments. As a result of long years discussions and deliberations, a Local Self Government System was included in the Constitution in 1992; as a three tier of administration system. Panchayati Raj Institutions and Nagarpalika Institutions became the part of the Constitution through 73rd and 74th Constitutional Amendment Act (CAA) respectively. With the amendments, all Panchayati Raj Institutions and Nagarpalika Institutions have got Constitutional backup like State and Central Governments.

1.2 Characteristics of a Local Governance System

Characteristics of a Local Governance System (Panchayati Raj and Nagarpalika Institutions) that came into force with the 73rd and 74th CAA are:

- Local Governance Systems have got constitutional back up.
- Definite democratic platforms like Grama Sabhas and Ward Sabhas also have the backing of the Constitution.
- For the administration of rural areas, three tier Panchayati Raj System viz; District/ Zilla Panchayat at District level, Intermediate/Block Panchayats at middle level, and Grama Panchayats at bottom level are in place. For the urban administration,

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Nagarapalika institutions viz; Municipalities and Municipal Corporations are in place.

- Regular elections must be conducted in every 5 year. (If any vacancy occurs in an institution or if any institution itself is dispersed, then bye-elections must be held within 6 months to fill the vacancy or elected body).
- 50% of seats are reserved for women in membership and position of office .i.e. President, Vice President. (During the time of 73rd and 74th CAA, there was only 1/3 of membership and positions reserved for women). (The Amendment was made by Govt. of Kerala on 7th October 2009 and 50% reservation came in to force in the election held in 2010)
- Reservation for Scheduled Castes (SCs) and Scheduled Tribes (STs) in membership and positions of office in proportion to their population.
- The State Election Commission: An independent Election Commission is to be constituted in the States for the conduct of election to the Local Self Government Institutions in a fair manner.
- The State Finance Commission: The State Finance Commission is to be constituted to advice the States for suggesting norms to devolve funds to Local Self Government Institutions.
- District Planning Committees (DPCs): It is a constitutional body to prepare a comprehensive development plan for the district and submit it to the State Government.
- Local Self Government have got powers to prepare and execute plan.
- Schedule 11 (responsibilities of the Panchayats) and Schedule 12 (responsibilities of Nagarapalika institutions) are included in the Constitution.

1.3 Kerala Panchayati Raj Act and Kerala Municipality Act

Kerala Panchayati Raj Act (1960) and Kerala Municipal Corporation Act (1961) were the two laws in force before the 73rd and 74th CAA. But in 1994, the new Panchayati Raj Act and Municipality Acts were passed by the Kerala Legislative Assembly in conformity with the CAA in 1992. All the three tier Panchayati Raj Institutions and Nagarapalika Institutions in Kerala are now functioning according to these two new Acts passed in 1994.

1.4 Functions of Local Self Government Institutions

Schedules 3, 4 and 5 of Kerala Panchayati Raj Act describe the functions of Grama, Block, and District Panchayats respectively. Schedule 1 of Kerala Municipality Act describes the functions of Municipalities and Municipal Corporations. As per these Schedules, the Grama Panchayats and Urban Local Bodies have 3 categories of functions.

- i. Mandatory functions,
- ii. General functions, and
- iii. Sector - wise functions

Mandatory functions are again categorised into four as public health related, public facility related, Public asset protection related, and license/permission related.

Block/District Panchayaths have two categories of functions viz.

- i. General functions, and
- ii. Sector - wise functions

Moreover, these Local Self Government Institutions (LSGIs) are performing the responsibilities assigned to them by the State and Central Governments from time to time.

1.5 Decentralisation of Power – Features of Kerala

Indian Constitution directs the State Governments to transfer certain powers from the State Government to the Local Self Government Institutions to accomplish decentralisation of powers. Kerala is the only State which actually executed the decentralisation of power in its letter and spirit as envisaged in the Constitution. Decentralisation of powers means devolution of powers from the higher levels (Centre/ State) to the lower levels (Grassroots or local level). Decentralisation must provide wide scope and opportunities to the Local Self Government Institutions (LSGIs) to work as institutions of self governance. For that, a Local Self Government Institution needs the following:

- i. Autonomy (Freedom)
- ii. Specific Functions
- iii. Resources (Fund)

- iv. Institutions & Officials (Functionaries)
- v. Acts and Rules.

All these are provided to the LSGIs in Kerala. “Power to the People” is the motto of decentralisation in Kerala. The initiative of Kerala on decentralisation is not just transferring of powers to grass root level, but it is based on broad democratic principles. Decentralisation process was started and established in Kerala through a campaign mode as People’s Plan Campaign (PPC) during the 9th five year plan. PPC gave a momentum for decentralised planning and flooded with the involvement of common people in planning, implementation, and monitoring of projects. Through democratic decentralisation, the following characteristics of good governance can be achieved.

- i. Ensuring the right to self governance (Autonomy)
- ii. Ensuring people’s participation in governance (Participation)
- iii. Ensuring transparency in the governance (Transparency)
- iv. Efficient administration (Efficiency)
- v. Fulfilling the responsibility towards people (Accountability)
- vi. Equal and impartial opportunity to every citizen (Equity)
- vii. Responsiveness to public opinions (Responsiveness)
- viii. Rightful and responsible administrative procedure (Due process)

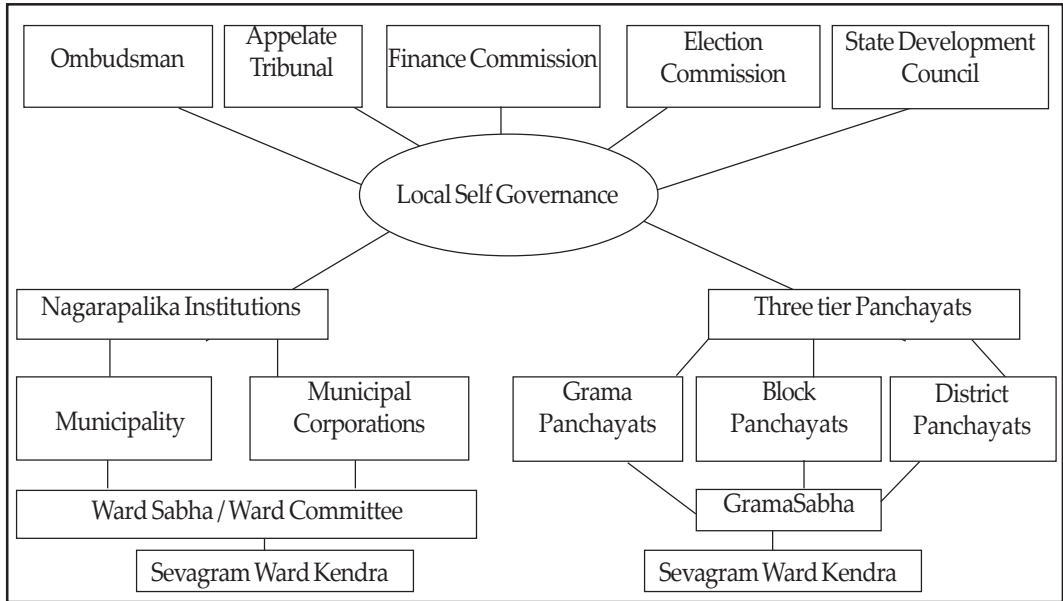
1.6 Local Self Governments and the Local Governance System

Local Government includes the Elected Representatives, Institutions Officials and Grama Sabhas. But Local Governance System includes, in addition to the above, the neighbourhood groups, various ward level committees, various Local Government level committees, various people’s organisations, voluntary organisations, social workers, etc.

1.7 Local Self Governance System in Kerala

The Local Self Governance System in Kerala is depicted in diagram 1.

Diagram 1 : Local Self Governance System



1.8 Local Self Government Institutions in Kerala

- i. As mentioned earlier, the three tier Panchayati Raj Institutions (Grama Panchayat, Block Panchayat and District Panchayat) were formed as per the Kerala Panchayat Raj Act (1994) and Nagarapalika institutions (Municipalities and Municipal Corporations) were formed as per the Kerala Municipality Act (1994). The number of LSGIs in Kerala is given in Table 1

Table 1: Local Self Government Institutions of Kerala (2010-2015)

Sl. No.	LSGIs	No. of LSGIs	No. of Wards	Strength (No. of Wards)	
				Lower Limit	Upper Limit
1	Grama Panchayat	978	16680	13	23
2	Block Panchayat	152	2093	13	23
3	District Panchayat	14	332	16	32
4	Municipality	60	2216	25	52
5	Municipal Corporation	5	359	55	100
	Total	1209	21680	-	-

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- ii. The number of wards is determined on the basis of population. It is the responsibility of State Government to determine the number of wards.
- iii. The boundary of a ward or a Local Self Government institution shall not be changed within the time period of a Elected Body.
- iv. The administrative powers vested with the committee of Elected Representatives.
- v. The committee meeting must be held at least once in a month.
- vi. LSGIs have the right to use its powers to exercise its duties. But all the activities must be bound by the law. To be specific, they only have self governing powers assigned by the law and not the supreme power.
- vii. Presidents (in three tier Panchayaths), Chairpersons (in Municipalities) and Mayors (in Corporations) are elected by the Elected Representatives from among themselves.
- viii. President/Chairperson is the Chief Executive Authority of a Local Self Government Institution.
- ix. Secretary is the Chief Executive Officer of a Local Self Government Institution.
- x. Head of the transferred Institutions are ex-officio Secretaries.
- xi. Election Commission has the responsibility to exercise all the functions connected with elections viz. delimitation of wards, selection of Reservation Constituencies and positions, Election to LSGIs, Election of Chairperson of LSGIs of Standing Committees, etc.

1.9 Local Self Government Institutions and Committee System

The Local Governance System in Kerala is based on collective responsibility. The power and responsibility do not vested in any single person. The decision-making is a collective process. For this, various committees are in place under the Local Governance System.

(i) Standing Committees

- Standing Committees are democratic participatory platforms for effective decision making and implementation the Local Government.

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- Standing Committee members are Elected Representatives of the Local Self Government Institution.
- Each Elected Representative will be included in any one Standing Committee.
- An Elected Representative cannot be included in more than one Standing Committee.
- Every Standing Committee must have a Chairperson.
- The Vice President/Vice Chairperson/Deputy Mayor shall be the Chairperson of the Finance Committee.
- The Chairperson of the Local Self Government Institution shall be an ex-officio member of each and every Standing Committee.
- The responsibilities of a Local Government Institutions are divided among its Standing Committees. But the decisions taken by a Standing Committee is binding upon approval from the Local Self Government Institution.

Table 2 shows the Standing Committees in Local Self Government Institutions.

Table 2: Standing Committees of Local Self Government Institutions

#	Name of Standing Committee	Local Self Government Institutions				
		Grama Panchayats	Block Panchayats	District Panchayats	Municipality	Municipal Corporation
1.	Finance	√	√	√	√	√
2.	Development	√	√	√	√	√
3.	Welfare	√	√	√	√	√
4.	Health & Education	√	√	√	–	–
5.	Public Works			√	√	√
6.	Health				√	√
7.	Education Arts and Sports				√	–
8.	Education and Sports					√
9.	Urban Planning				–	√
10.	Tax Appeal				–	√

(ii) Steering Committee

A Steering Committee consists of the Chairperson of the Local Self Government Institution and the Chairpersons of all the Standing Committees. The responsibility of the Steering Committee is to co-ordinate the activities of different Standing Committees.

(iii) Working Committees

Working Committees can be formed for various subjects like Agriculture, Health, and Education. A working Committee engages in the activities of planning, implementation, and monitoring of programmes in their respective subject area.

(iv) Sub Committees

A Sub Committee can also be formed, if needed, to execute any particular activity or project so that it can be implemented more effectively.

(v) Ward Committees

Ward Committee can be formed for fulfilling any specific need of a ward. It supports, supervises, and evaluate all the activities undergone in that ward. (But, this is not the Ward Committee formed under section 43 of Municipality Act).

(vi) Joint Committees

Joint Committees is a committee formed for implementing any joint activity planned by more than one Local Self Government Institutions. For example, a Joint Committee including the members of two Panchayaths can be formed to implement a drinking water project planned by the two Panchayaths.

1.10 Local Governance System and Democratic Platforms

The public confidence on democratic system is based on the opportunities provided by the system to its people's to participate in the administrative process. People shall not become a passive civilian or a mere beneficiary. A democratic system shall be effective only when the people participate in the decision making, implementation and evaluation of the activities.

Many democratic people's organisations other than Grama/Ward Sabhas, Working Committees, Sub committees, Ward Committees, etc. are also actively functioning in LSGIs. Patasekhara Samithies, Parents Teachers Associations, Hospital Management Committees, Anganavadi Welfare Committees, Kudumbasree Community based

Organisations (Ayalkkoottam, ADS, CDS), Beneficiary Committees, etc. are functioning according to the guidelines issued by the State Government. Democratic People's Organisations like Clubs, Libraries, Unions of Students/Youth/Women/Old Aged/Farmers/Workers, Pensioner's Associations, Service Associations, etc. and a large number of other Voluntary and Non Government Organisations are also functioning in local governance. These groups must be linked with the activities of Local Self Government Institutions for ensuring more transparency and accountability.

1.11 Government Institutions and Officials

As a result of decentralisation of power, the State Government has transferred the concerned Government Institutions and its Staff to LSGIs. Agriculture Office, Veterinary Hospital, Allopathic/Ayurveda/Homeopathic Hospitals, Anganwadi Centres, Government Primary Schools, etc. are under the control and management of Grama Panchayat or Urban Local Body where they situated. Like this, institution at Block and District level are under the control of Block Panchayath and District Panchayath respectively. The Staff of these institutions are now under the control of Local Self Government Institutions.

The different activities of the LSGIs under various heads (Education, Agriculture, and Health) are implemented through the respective offices of that area. It is the responsibility of these officials transferred to LSGIs, to give expert advice regarding technical, legal and financial matters to the LSGIs to take decisions.

1.12 Role of the Students in the Local Governance System

Local Governance System is designed in such a way to include different categories of people. Students also have opportunities to be a part of it. A few possible activities in which students can participate are given below.

- Bringing students' issues and demands to the attention of a LSGI, pressurise them to take proper steps, participating in its implementation and monitoring..
- Students, especially girls, are facing lots of problems in these days. Conducting a study to find out such issues existing in the local area and suggest solutions for such issues. They can also organise redressal measures in association with LSGIs.
- Travelling of students by using public conveyance, especially in private buses is very miserable Students can find out solutions by discussing the issues with police authorities and Elected Representatives.

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- Conducting studies, debates, discussions, etc. on various topics (eg. health, environment, waste management, social issues, etc.) affecting the area. Bring the gravity of the issues to the public notice, convince the authorities, and pressurise them to take actions at the level of the Local Government. Students can also make use of such subjects for their research subject as a part of academic activities.
- Students can provide their service in voluntary basis in planning, organising, and implementing of various activities of LSGIs.
- Take initiative to inspire students to be more active at public platforms. For this, conduct poster exhibitions, quiz, street plays, debates and interactive sessions with Elected Representatives.
- Provide physical labour as voluntary contribution in the local development activities.
- Organise legal literacy programmes for the public in association with the Kerala Legal Services Agency.
- Conduct awareness programmes to ensure the availability of all the basic necessities in the schools as per the Right to Education Act.
- Participate in the activities of Bala Sabha and Bala Panchayat.
- Include Local governance related subjects too in the list of activities of Science Clubs and Teenage Clubs.

2

Grama Sabha / Ward Sabha

2.1 What is Grama Sabha/ Ward Sabha ?

Grama Sabhas/Ward Sabhas are people's assemblies envisaged by the Constitution of India. Kerala Panchayati Raj Act and Kerala Municipality Act mandates many powers and rights to Grama Sabhas and Ward Sabhas. Every electoral constituency of a Grama Panchayat is considered as a Ward. All the Voters in the electoral roll of the Ward are members of the Grama Sabha/Ward Sabha. (Grama Sabha in the case of Grama Panchayat and Ward Sabha in the case of Municipality or Corporation). (Every Municipality with a population more than one lakh must form a Ward Committee in addition to its Ward Sabha. Ward committees have all the powers of Ward Sabha, except the power to suggest development plans).

Sections 3, 3A, 3B of Kerala Panchayati Raj Act describe the structure, Powers and responsibilities of Grama Sabha respectively. Section 42A of Kerala Municipality Act describes about Ward Sabhas and Section 43 about Ward Committees (Committee which has to be formed in Municipalities with a population more than one lakh).

2.2 Who is a member of Grama Sabha / Ward Sabha?

All person whose names are included in the electoral rolls relating to a ward shall from Gramasabha / Wardsabha of that ward.

2.3 Who is responsible to organise a Grama Sabha / Ward Sabha?

Conveners are the responsible persons to organise a Grama Sabha/Ward Sabha. Ward members are the Conveners of a Grama Sabha and Ward Councillors are the Conveners of a Ward Sabha. If a convener is inconvenient to discharge duties as

Convener, then the Chairperson of the Local Government may handover those duties to one of the members of the neighbouring wards.

2.4 Who should be the Chairperson of a Grama Sabha / Ward Sabha?

Grama Panchayat President will preside over the Grama Sabha meetings. In his/her absence, the Vice-President and in the absence of both of them the Convener of the Grama Sabha will preside over the meetings. Similarly, Chairperson of Municipality/ Corporation will preside over the Ward Sabha meetings and in his absence, the Deputy Chairperson or a Standing Committee Chairperson suggested by the Chairperson and in the absence of all of them the Convener of the Ward Sabha will preside over the meetings.

2.5 Grama Sabha / Ward Sabha meetings

- Grama Sabha/ Ward Sabha meetings must be held at least once in every three months in a selected place.
- Ward member/councillor, who is also the Convener, is the responsible person to organise meetings.
- All the members of Grama Sabha/Ward Sabha must be informed about the meeting. Invitation must also be given to the MLA, MP and members of Block/District Panchayats who represents that particular Grama Sabha/Ward Sabha area.
- The quorum of a Grama Sabha/Ward Sabha meeting is 10% of the total voters of the ward. If the Grama Sabha / Ward Sabha is convening meeting second time because of postponement due to lack of quorum, the quorum is 50 voters of the ward.
- A special Grama Sabha / Ward Sabha meeting must be organised by the Convener within 15 days, if it is officially requested by more than 10% of the Grama/Ward Sabha members.
- Officers of a Local Government Institution or of any other institution under the Local Government are bound to attend the Grama Sabha/ Ward Sabha meetings, if requested by the President/Chairperson.

2.6 Organising Grama Sabha / Ward Sabha

- An officer entrusted by the Grama Panchayat / Municipality shall be appointed as the Co-ordinator of Grama Sabha/Ward Sabha and she/he is responsible to support the Convener in organising and conducting the Grama Sabha/ward Sabha meeting. .
- Co-ordinator is responsible to record the minutes and decisions of the meetings. Voters can sign the minutes and can demand a copy if needed.
- Minutes and decisions of the Grama Sabha/Ward Sabha meetings must be recorded on the spot and read out to the members at the end of the meeting.
- Facilitators must be appointed for each ward to support Grama Sabha / Ward Sabha to function more effectively. Their services can be used in presenting subjects, to lead group discussions or general co-ordination.
- The Grama Sabha/Ward Sabha can constitute a sub-committee consisting of not less than ten members, for effective implementation of any plan or decision of the Grama Sabha/Ward Sabha and to execute its powers and responsibilities.

Some of the points to be noted for successfully organising Grama Sabha / Ward Sabha meetings are:

- Each and every time, an organising committee at the ward level must be formed to do the promotional and organising activities..
- A detailed notice showing subject-wise agenda must be delivered to all the houses at least 7 days prior to the meeting and get it back signed too.
- Proper propaganda must be given through all possible ways using squads, banners, notices, posters, school assembly, announcement etc.

2.7 Questions, Suggestions and Resolutions

- Members can submit their queries and suggestions that need to be considered in the Grama Sabha/Ward Sabha in writing before or during the meeting.
- Grama Sabha/Ward Sabha can pass resolutions on the basis of majority decision related to any matter under its jurisdiction.

2.8 Grama / Ward Sabha meetings and Disqualification of members

Grama/Ward Sabha meetings are to be held once in every three months. If a Ward Member/Councillor fails to convene the three consecutive meetings of Grama Sabha/Ward Sabha, then she/he will automatically be disqualified.

2.9 Powers and Responsibilities of Grama / Ward Sabhas

i. Project planning, implementation, evaluation related

- Right to suggest developmental activities and their priorities.
- Right to inspect, evaluate, and to ensure effectiveness of the implementation of developmental, service, and welfare activities.

ii. Public facilities related

- Right to suggest the locations for the installation of street lights, public taps, public wells/ponds, public sanitation units, public irrigation facilities, other public facilities, etc.

iii. Public works related

- Right to know the details regarding the estimate, quantity of materials, and the details of expenditure of the works that have been or to be implemented in the Ward.

iv. Examine the eligibility criteria and selection of the beneficiaries

- The Grama Sabha/Ward Sabha has the right to select the beneficiaries of different developmental and welfare schemes, after considering their eligibility and priority.
- Right to know the details regarding the families selected as BPL, beneficiaries of Ashraya, those who receive special benefits from the public distribution system, and those who are selected as beneficiaries of various development schemes.

v. Assessing the performance of the institutions and staff

- Right to examine and assess the performance of the institutions and staff and give suggestions for improvement.

vi. Income and Expenditure related

- Right to know the budget details, fund utilisation details, income/expenditure details, project expenditure details, administrative costs, etc.
- Right to ask for the audit reports. Audit reports shall be presented and discussed in the Grama Sabha/Ward Sabha.

vii. Social Audit related

- Right to conduct social audit on the activities of the Local Government Institution. Grama Sabha/ Ward Sabha can appoint a social audit team for conducting social audit on behalf of Grama Sabha/ Ward Sabha.

viii. Grama Sabha/Ward Sabha decisions related

- Right to know the actions taken by the LSGI with regard to each and every decisions taken by Grama Sabha / Ward Sabha. And also have the right to know the reason behind non implementation of decisions taken by the Grama Sabha / Ward Sabha.

2.10 Role of Students in Strengthening of Grama/ Ward Sabha

Some of the activities through which students can contribute to the effectiveness of Grama Sabhas / Ward Sabhas are:

- Conducting discussions, poster exhibitions, quiz, debates, and interviews with the members of LSGIs about the Grama/Ward Sabha.
- Giving awareness to the family members about the importance of Grama Sabha / Ward Sabha and inspiring them to participate actively in the meetings.
- Attending the Grama Sabha/ Ward Sabha meetings. Try to study agenda well and ask questions and present resolutions. Participate in the general discussions and group discussions.
- Always be well informed about the decisions taken by Grama Sabha / Ward Sabha and examine the progress of its implementation. Be aware of the powers and responsibilities of Grama Sabha / Ward Sabha, exercise the powers effectively.

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- Assisting Grama Sabha / Ward Sabha in its activities such as propaganda, registration, hall arrangement, facilitation, group discussions, preparing notes, minutes, recording the decisions, etc.
- Assessing the performances of various public institutions and its staff in the ward.
- Observing all the activities including the public works in the Ward, assessing its progress, and providing suggestions, if any.
- Analysing the list of the beneficiaries who receive various benefits from the State/Local Government. (Pensions, unemployment wages, BPL family benefits, benefits of different development projects, etc). Examine the eligibility of them and report to the authorities, if there are errors or anomalies.
- Volunteering to be a part of the Grama Sabha social audit team and getting involved in its activities. Provide voluntary service in the activities of the Ward.

3

Right to Information Act

3.1 Right to Information

A successful and efficient governance requires responsible and transparent administration. Public must aware of the matters taking place at the administration level. The Right to Information Act was passed in 2005 to ensure the citizen's right to know. This Act was passed by the Parliament on 11 May, 2005, approved by the President of India on 15 June 2005 and came into force on 12 October 2005 (on the 120th day of its approval by the President). The Act empowers every citizen to obtain any information from Public Authorities, except those information exempted by this Act.

3.2 Scope

The Right to Information Act, 2005 extends to the whole of India except the State of Jammu and Kashmir. (In Jammu and Kashmir 'J&K Right to Information Act' is in force). All the Government departments and Public Sector Undertakings, including Police and Judiciary, (except Intelligence and Security agencies as per the section 24 of the Act) come under the purview of this Act. In addition to this, all non government or other institutions who are substantially funded directly or indirectly by the Government also come under the purview of this Act.

3.3 Who is the Public Authority?

In this Act, public authority means any of the following entities:

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- Authorities, Institutions, Self Governing Institutions established by the Constitution or working under the Constitution or established by an Act.
- Institutions established under an Act passed by the Parliament or State Legislative Assembly or by a Government Order.
- Institutions under the ownership of Government or controlled by Government or supported by the Government funds or other assistance.

Non-government institutions supported directly or indirectly by Government funds or other assistance.

3.4 What is Information?

Information means records, memos, E-mails, agreements, orders, agreements, logbooks, models, samples, computer files, samples of materials, reports etc. obtained in any form from the Public Authority.

3.5 What is Right to Information?

It is the right of a citizen to get information under the control of authority of Public Authority. The right includes: Inspection of records, documents or activities.

- Obtain attested true copies of governmental records, documents or notes from the same.
- Obtain certified samples of materials
- Obtain computerised information in the form of CDs, diskette, floppies, tapes or video cassettes or any other electronic form or their printed form.

3.6 How to request for Information?

- An application in writing can be submitted to the Public Authority. Application can also be submitted through E-mail.
- If a person is unable to make a request in writing, the Public Information Officer should render necessary assistance.
- If the information sought is in the custody of another Public Authority, then the application must be sent to the concerned authority agency within 5 days and the applicant must be informed about it. The application shall not be rejected on the basis of this.

- The Public Information Officer shall not ask the reason for seeking information to an applicant.
- Information shall be given within 30 days of application.
- Application fee of Rs 10 shall be remitted. Those who are below poverty line are exempted from application fee.
- Expenses to provide the information can be charged from the applicant and the applicant must be informed it.
- If an application is being refused, then the applicant must be informed about the reason for refusal, time limit for appeal, and the Appeal Authority..

3.7 Fees to get Information (in Kerala)

1. Application fees : Rs. 10/-
2. Fees to provide information :
 - Ordinary Single page (A4) : Rs. 2/-
 - Large sheet : Actual cost
 - Inspection of records : No fee for the first hour; and a fee of Rs.10/- for each subsequent half hour.
 - Information provided in CD : Rs.50/- per CD
 - If the authority fails to provide information within the time limit, then it must be provided for free of cost.

Application fees can be remitted by means of Court fee stamp, demand draft, Pay order cheque or in cash. Fee for providing information can be remitted by means of demand draft, pay order cheque or in cash.

3.8 Denial of Information

- If the information is not provided within the prescribed time limit of 30 days or if it is denied without legally acceptable reasons then a penalty of Rs. 250/- per day can be imposed on the concerned Public Information Officer. The total penalty cannot exceed Rs 25,000/-.
- Information not provided within the prescribed time limit can be considered as denial of information and the applicant can file an appeal against it.

3.9. Information exempted from disclosure

- disclosure of information which would prejudicially affect the sovereignty and integrity of the country, the security, the strategic, scientific and economic interests of the State, relation with foreign countries, etc.
- disclosure of information which will cause a crime or offence.
- disclosure of information which has been forbidden to be published by any court of law or tribunal.
- disclosure of information which may constitute contempt of court.
- Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature.
- Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party.
- Confidential information available to a person through his personal relationships, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.
- Information received in confidence from Foreign Government.
- Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwanted invasion of the privacy of the individual.
- Information which violates the Copyright Acts.

3.10 Responsibilities of a Public Authority

- Maintain all its records duly catalogued and indexed.
- All records that are appropriate to be computerised are computerised.
- Details about the functions and duties of the Institution, the powers and duties of its officers and employees, the procedure followed in the decision making process, budget details, the policies and norms set for the discharge of its functions etc. must be made available to the public.
- Disclose all relevant facts while taking decisions which affect the public.

- Public Information Officers must be appointed at all the offices of the organisation.

3.11 Appeal

An appeal can be filed in the following situations

- If information is not supplied on time.
- If decision on the seeking information is delayed beyond the limit.
- If any objection about the decision of the Public Information Officer exists.
- If objection raised by the third party to reveal an information relating to such third party.
- An appeal to the first appeal authority can be submitted within 30 days after the prescribed time limit. (An appeal can be accepted even after 30 days under reasonable circumstances).
- An appeal shall be disposed of within thirty days of the receipt of the appeal or within an extended period not exceeding a total of fortyfive days from the date of filing.
- A second appeal against the decision of the first appeal shall be submitted to the Central Information Commission or the State Information Commission - as the case may be - within ninety days from the date on which the decision was made on the first appeal.

3.12 Powers of the Information Commission

- Central/State Information Commissions can accept an appeal.
- They can accept complaint from the public directly.
- They can conduct investigation based on the complaints received.
- They can summon a person as part of investigation. They can accept oral or written evidence on oath.
- They have the power to capture the records and documents and inspect them.
- They have the power to punish the Public Information Officer, if he is found guilty.

3.12 Miscellaneous

- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith intended to be done under this Act.
- No court shall entertain any suit, application or other proceeding in respect of any order made under this Act. But it is bound to the Writ powers of the Supreme Court and the High Courts of India.

Addresses:

Central Information Commission
August kranthi bhavan, Bhikaji cama palace, New Delhi – 110 066
Web site : www.rti.gov.in
State Information Commission
T.C. 26/298, Punnen Road, Thiruvananthapuram – 695 001
Ph.: 0471 – 2335 199,
Web site : www.rti.kerala.gov.in

3.13. Students and the Right to Information Act

Students, being the citizens to determine the future of the country have the responsibility to make proper use of RTI Act to purify the governance system and make it more transparent and effective. Some of the activities students can initiate with this aim are:

- Conducting awareness programmes based on RTI Act among the students and public.
- Organising seminars, debates, quiz, poster exhibitions, campaigns, street plays etc. based on RTI.
- Inspecting whether proper display boards explaining RTI Act are exhibited in Government offices and organisations. Take initiative to fix the boards where ever it is missing.
- Constitute *Vivaravakasa sena (An Army of RTI Activists)* in each and every Grama Panchayath and Municipality/Corporation by organising the youth who actively participating in the activities in the clubs, libraries and voluntary organisations of that area. Impart training to the members of these groups.

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- Initiating to make available to the public the official reports/papers available to the public regarding local administration, such as (list of people receiving welfare measures and other benefits, income-expenditure details of various projects, income and expenditure details of local self government institutions, project proposals to be included in the Plan, audit reports etc.),
- Use the provisions of RTI Act to obtain factual information regarding any corruption or misuse or nepotism or profligacy issue and help the public to be aware of the facts.
- There is a rule to fix display boards explaining the details of work at every construction sites and work sites including the MGNREGS work sites.. If it is not done properly, point out the issue and take initiative to make them do that.
- Analyse development report, plan document, Citizen's Charter etc. published by the LSGIs.