



Centre for Civil Society, New Delhi

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DUTY TO PUBLISH INDEX

REPORT CARD ON RTI COMPLIANCE OF 6 METROS

Delhi No.1 in RTI survey, other metros lag behind

EXECUTIVE SUMMARY

Section 4 of the Right to Information Act 2005 (RTI Act), obligates the government and its agencies to disclose information without being prompted or requested, this is their **Duty to Publish (DTP)**. This strong provision in the RTI Act, requires governments not only to collect information, but to widely disseminate it, even permitting citizens to walk into a government office and inspect files pertaining to it.

The Centre for Civil Society (CCS) has constructed a Duty to Publish Index, based on the provisions of section 4, which assesses the compliance of any government department. In this survey we covered 5 public services (local government, public health, sanitation, bus transport and water supply) across the 6 metros (Bangalore, Chennai, Delhi, Hyderabad, Kolkata and Mumbai).

Efficient implementation of projects is a central theme of Jawaharlal Nehru National Urban Renewal Mission (JNNURM). JNNURM is a central grant scheme which aims at rapid reform and urban renewal. One of the mandatory reforms under this scheme is a **powerful Duty to Publish** law applicable to municipalities. Such laws provide powerful tools for efficient monitoring of this large scale scheme by civil society organisations

Delhi releases just 65% of the required information, but is the leader in fulfilling its Duty to Publish obligations when compared with other metros in this study. Delhi public authorities: Delhi Jal Board and the Municipal Corporation of Delhi are top two of the 30 agencies studied in this survey, disclosing 89% and 76% respectively. In spite of this good news, most cities lag behind, with the average compliance rate being 29%. 62% of the local public authorities surveyed *did not provide any* information about their Public Information Officers.

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MAJOR FINDINGS

Comparing the 6 cities:

1. Delhi is the most proactive city, releasing 65% of the information required.
2. Chennai comes second at a distant 33%, followed by Bangalore 29%, Hyderabad 27% and Mumbai 16%.
3. Kolkata is consistently the least transparent local government, discloses an average of 7% of the information required, coming last in 4 of the 5 public services surveyed.

Comparing the 33 public authorities studied:

4. Delhi Jal Board(DJB) is the most compliant public authority of those surveyed publishing 89% of the information, followed by Municipal Corporation of Delhi publishing 76%, which also makes it the most compliant municipality.
5. Bangalore and Chennai Municipal Corporations publishing 62% of required information come in third. Kolkata's municipality, water supply and health departments share the bottom spot fulfilling only 5% of their Duty to Publish.
6. DJB provides information about every single required head, except:
 - a. Procedures and Guidelines for schemes/policies/projects underway
 - b. Names of Nodal Officers for Schemes/policies/projects underway
 - c. List of administrative/quasi-judicial decisions
 - d. Copies of the full decisions listed in the above pointIf they had provided this information they would be 100% compliant.

Looking at the type of information disclosed:

7. 62% of local public authorities assessed did not provide ANY information about their Public Information Officer. For Delhi all four surveyed public authorities provided the designation and contact information of their PIOs.
8. 62% of public authorities do not provide any information about their budgets. Of the 4 Delhi public authorities surveyed (MCD, MCD-Health, DJB and DTC), only DTC does not provide its budget.
9. 98% of the public authorities do not provide any information about subsidies they administer, while 85% provide no information about the licences, permits or authorisations that they issue.

SCORE SHEETS AND GRAPHS

Chart 1: Overall Metro Scores

Rank	Cities	Information Disclosed
1	Delhi	65%
2	Bangalore	30%
3	Chennai	27%
3	Hyderabad	27%
5	Mumbai	16%
6	Kolkata	7%

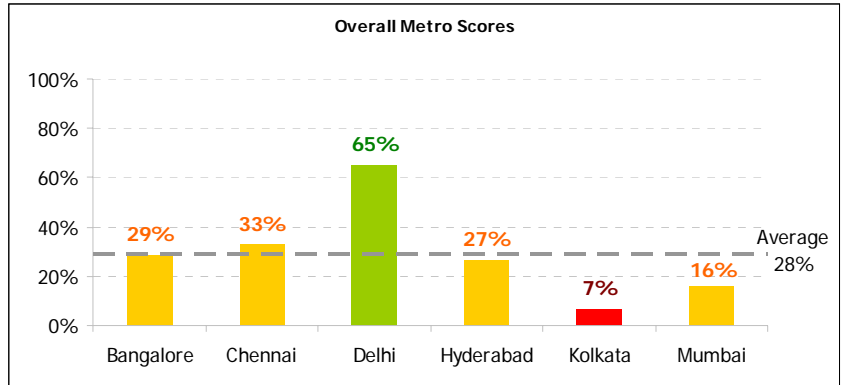
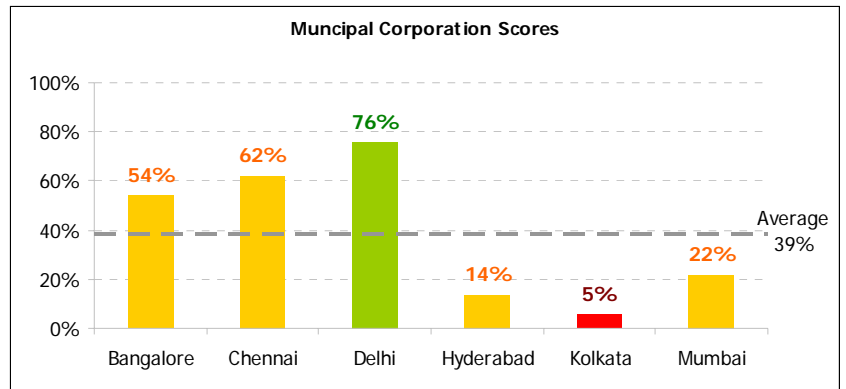


Chart 2: Municipality Scores

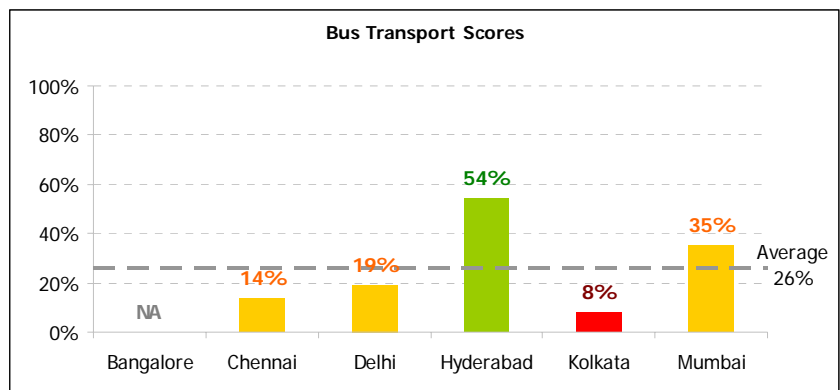
Rank	Agencies	Information Disclosed
1	Delhi MCD	76%
2	Chennai CC	62%
3	Bangalore BMP	54%
3	Mumbai BMC	22%
5	Hyderabad HMC	14%
6	Kolkata KMC	5%



MCD: Municipal Corporation of Delhi; BMP: Bangalore Mahanagar Palike; CC: Corporation of Chennai; HMC: Hyderabad Municipal Corporation; BMC Brihanmumbai Municipal Corporation; KMC: Kolkata Municipal Corporation.

Chart 3: Bus Transport

Rank	Agencies	Information Disclosed
1	Hyderabad APSRTC	54%
2	Mumbai BEST	35%
3	Delhi DTC	19%
3	Chennai MTC	14%
5	Kolkata CTC, CSRTC	8%
6	Bangalore BMTIC*	NA



DTC: Delhi Transport Corp.; BMTIC: Bangalore Municipal Transport Corp.; MTC: Metropolitan Transport Corp.; APSRTC: Andhra Pradesh State Road Transport Corporation; BEST: Brihanmumbai Electricity Supply and Transport Authority; CTC: Calcutta Tramways Corporation; CSRTC: Calcutta State Road Transport Corporation; BMTIC*: Bangalore Metropolitan Transport Corp. (website was down)

Chart 4: Health Scores

Rank	Agencies	Information Disclosed
1	Delhi MCD-Health	54%
2	Chennai CC-Health	27%
3	Bangalore BMP-Health	19%
3	Hyderabad HMC-Health	14%
5	Mumbai BMC-Health	8%
6	Kolkata KMC-Health	5%

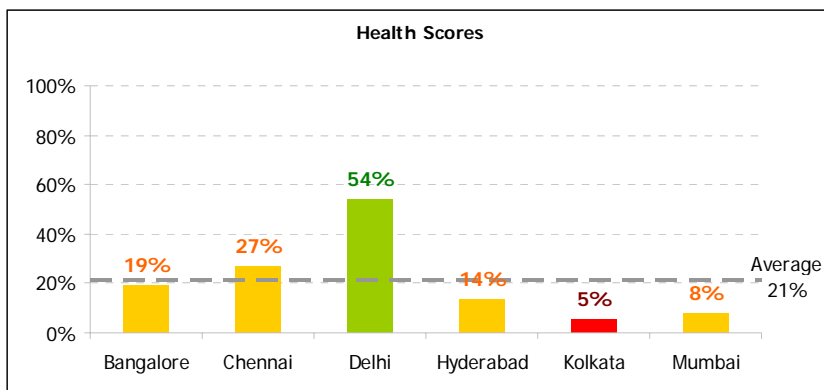
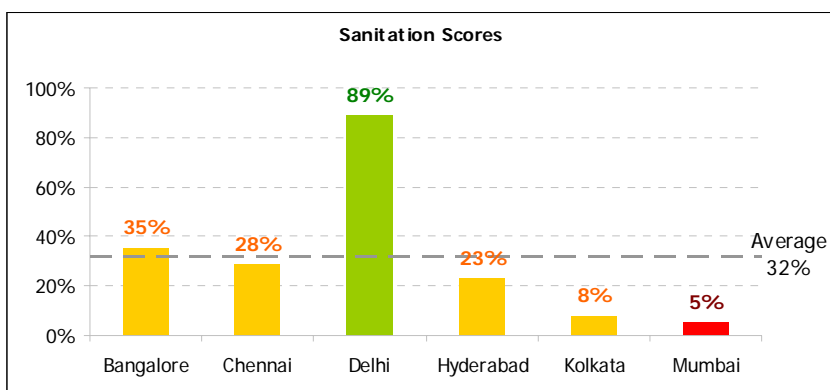


Chart 5: Sanitation Scores

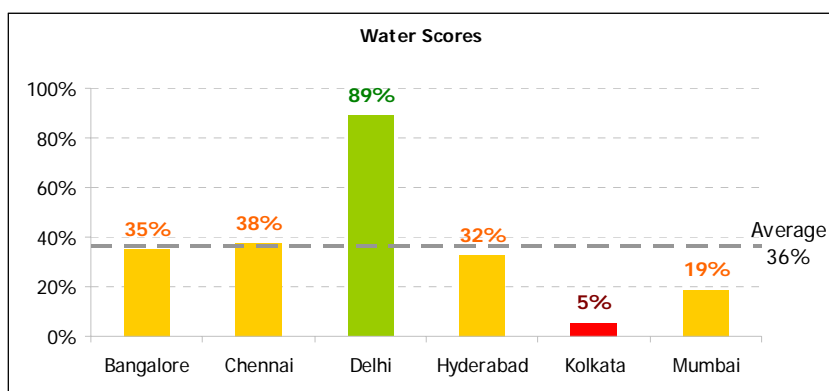
Rank	Agencies	Information Disclosed
1	Delhi DJB	89%
2	Bangalore BWSSB	35%
3	Chennai CWSSB, CSW	28%
3	Hyderabad HWSSB, HHS	23%
5	Kolkata KMC-S&D	8%
6	Mumbai BMC SWM&S	5%



DJB: Delhi Jal Board; *BWSSB*: Bangalore Water Supply and Sewage Board; *CWSSB*: Chennai Water Supply and Sewage Board; *CSW*: Corporation of Chennai, Solid Waste Management; *HWSSB*: Hyderabad Water Supply and Sewage Board; *HHS*: HMC department of Health and Sanitation; *KMC S&D*: KMC Sewage and Drainage; *BMC SWM&S*: BMC departments of Solid Waste Management and Sewage.

Chart 6: Water Scores

Rank	Agencies	Information Disclosed
1	Delhi DJB	89%
2	Chennai CWSSB	38%
3	Bangalore BWSSB	35%
3	Hyderabad HWSSB	32%
5	Mumbai BMC W&HE	19%
6	Kolkata KMC- Water	5%



BMC W&HE: BMC departments of Water Supply and Hydraulic Engineering. [For other acronyms look above]

HOW CAN DELHI RETAIN ITS LEAD?

Delhi's Right to Information Act, 2001 was a path breaker for the transparency movement in India. It was the first to talk about the "Obligations of public authorities" i.e. their Duty to Publish information into the public domain. This seems to have had an effect on some of the public authorities under its jurisdiction, with the Delhi Jal Board and the Municipal Corporation of Delhi both disclosing more than 3/4th of the information that they are required to under the national RTI Act 2005.

The graph below shows the four public authorities studied in Delhi and the percentage of information they have disclosed of all the information that they should have under the RTI Act, 2005.

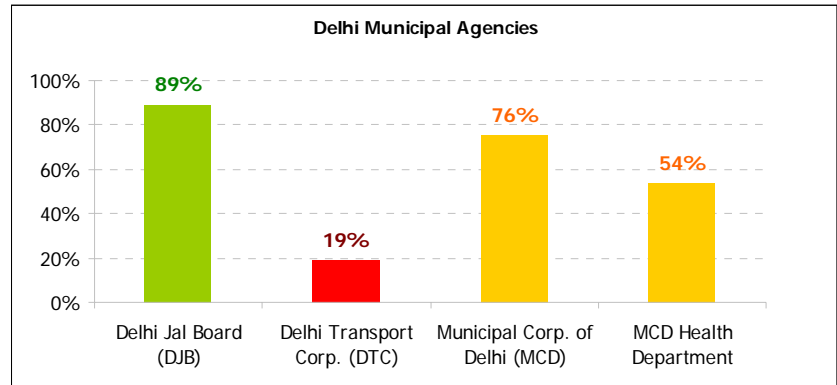
Delhi Jal Board, seems to have grasped the idea of proactive disclosure better than any other public authority that we have studied in this and other surveys. They have even interpreted vague provisions in section 4(1)(b)(xvii), which is vaguely worded as: "such other information as may be prescribed and thereafter update these publications

every year", has been proactively interpreted by DJB. They have disclosed details of welfare schemes for employees, cases being handled by different advocates working with DJB, cases which have been disposed of in the High Court, a monthly report of cases in arbitration, details of estate managers for staff quarters and the licence fees charged for staff quarters. These are interesting initiatives which deserve to be lauded.

However the information disclosed is apparently determined by those who can influence the decision making process, i.e. employees within the organisation. The process of deciding what information is published should be more regularised, and transparent. Mr. Shekhar Singh of the National Campaign for the Right to Information (NCPRI) has suggested that the information that is to be disclosed should be decided on a quarterly basis based on what kind of applications have been received.

Now that a national right to information law has been put in place, Delhi can continue on the path of consolidating its lead in good governance, by passing a new Duty to Publish legislation. Such a law would clarify the ambiguities of section 4 of the current Act, and make it mandatory rather than voluntary to disclose all information held by public authorities within a specified time frame. This would give real objective to the e-governance initiatives in the state. Delhi needs e-governance in the pursuit of transparency, which in turn is in pursuit of good governance.

From the very small sample that we have studied it is apparent, that left to themselves government authorities will display a great deal of variation in what kind of information they disclose, simply because of the vagueness of the law. If the law is clear about what information is to be published, in what framework and within what time frame, it will lend a lot of structure to the efforts of officers in the Delhi government trying to steer towards transparency and accountability.



WHAT IS THE DUTY TO PUBLISH?

The Right to Information Act 2005 (RTI Act), which came into force on the 12th of October 2005, brought with it two major responsibilities for government bodies in India. It binds the government to a Duty to Furnish information on demand, and enhances this provision with a Duty to Publish certain information proactively before any demand is made.

Amongst the state legislation that preceded the RTI Act, Delhi's 2001 Act was the first to incorporate the Duty to Publish obligations. Maharashtra and Madhya Pradesh enacted their legislation in 2003 which contained similar provisions. The Jammu and Kashmir RTI Act 2003 also contains similar provisions.

This Duty to Publish or DTP is enshrined in section 4 of the RTI Act. Along with more basic information about their aims, functions and remuneration of each employee, government bodies are required to reveal detailed information about subsidies, licenses and projects that are under their purview. They must also list information about the boards and committees that function under their aegis, and the accessibility of the minutes and the meetings to the public.

As specified in section 4(2) of the RTI Act, the intention of this clause is that the public should have minimum resort to the Duty to Furnish in order to obtain information.

WHY IS IT IMPORTANT?

Properly implemented the Duty to Publish can potentially revolutionize the landscape of governance in India. Section 4(1)(a) of the RTI Act is the first instance in India of a law that explicitly calls for the use of information technology to improve the record keeping and management of all government functions. Section 4(3) strongly recommends that the specified information is not just made available but widely disseminated.

The most powerful direction in this section is the **right it gives every citizen to walk into a government office and ask to see the files or documents** pertaining to information specified in section 4. This right is not tempered by a 30 day waiting period or a fee.

However these rights, which are implied in the government's Duty to Publish, are not explicitly supported by any incentive system, as is the case with the Duty to Furnish information. If information requested under the Act is not provided within 30 days, citizens have recourse to an appellate process. If however, information is not disclosed under the Duty to Publish, the law is silent about what penalties the Public Information Officer or the government body will face.

Certain provisions of the Act can however be read to imply that the Central/State Information Commissions (CIC/SICs) have the power to act to enforce section 4. Shekhar Singh of the NCPRI has said that section 18 and 19 of the Act which outlines the powers and duties of the commissions, also requires them to enforce all the provisions of the Act including section 4. He further suggests that the CIC/SICs should be asked through RTI requests whether they have taken cognizance of the non-compliance in their jurisdictions.

DTP and JNNURM

Jawaharlal Nehru National Urban Renewal Mission (JNNURM) is a 50,000 crore rupee centrally funded programme that is aimed at bringing about much needed reforms in public governance, while funding rapid urban renewal across 63 cities. A significant problem with large scale projects such as this is the poor quality of existing monitoring systems which makes it difficult to assess whether funds spent at the local level actually follow the guidelines of the programme.

Monitoring from the centre is a gargantuan task, involving a trade off between scale and accountability. The larger and more distributed the project is across the country, the more difficult it becomes to ensure that the goals are being strictly met. Interestingly one of the mandatory reforms required of any state signing up for JNNURM, is the creation of a Duty to Publish law especially applicable to municipal authorities. The current RTI Act allows some *post hoc* monitoring. A Duty to Publish law will compel authorities to publish information *a priori*.

The central government has appointed appraisal agencies like the National Institute of Urban Affairs (NIUA). However the only neutral evaluation can come from civil society organisations (CSOs). Duty to Publish will give CSOs a strong and effective tool to monitor projects' progress. This kind of distributed monitoring for a distributed project is a significant innovation in central grant policies.

The model bill which has been prepared for this purpose expands on the provisions found in section 4 of the RTI Act 2005. It specifies that the information must be disclosed in newspapers in English, Hindi and regional languages, on the internet, on notice boards and in ward offices. Especially noteworthy are the details of which financial and policy documents are required to be published on a quarterly basis. These include the City Development or Master Plans, details of not just expenditures but also revenues from taxes and duties, the breakdown of the origin of municipal funding (since they are often funded by central or state grants) as well as the budget of each ward.

Most of these documents are already supposed to be in the public domain. The revolutionary nature of this proposal is that like section 4 of the RTI Act, it requires the information not just to be compiled and made available, but also widely disseminated. Information compiled under the RTI Act and held under the power of some officers who are not required to publicise it, is almost as good as having no information at all.

Inculcating the habits of transparency in local government bodies is an explicit objective of JNNURM. Apart from the proactive disclosure bill, states signing up are also required to adopt double entry accounting systems and to computerize property-title systems. In the case of cities, transparency measures are doubly significant because municipal services are the face of the government for over a quarter of our country's population.

A suitably modified Duty to Publish Index should be incorporated into the municipal disclosure laws. This could take the form of a built-in indicator of effectiveness, ensuring municipal compliance. There is a need for a special legislation to clarify the Duty to Publish requirements in section 4 of the RTI Act 2005, and such state laws would certainly help to deepen the Right to Information culture in government. To be truly effective, such laws should be extended beyond the few municipalities, to the state governments and Panchayati Raj institutions as well.

DUTY TO PUBLISH INDEX

Going by the dictum, *'If it matters, it should be measured'*, we developed a measure for compliance with the Duty to Publish. Measuring the compliance of government bodies with their legal obligations is an important step towards ensuring that they don't get away with anything short of full compliance.

In that spirit, we have formulated an index which closely follows the letter and intent of section 4 of the RTI Act. This index can be applied to any government body or public authority as defined by the Act, to get a measure of the amount of information that it has disclosed under its provisions.

Typically we have been administering the Index on the websites of government bodies, but it could be easily administered on Notice boards or other mediums of dissemination which have been prescribed.

The index is administered using the points of compliance listed below, and then the score is turned into a percentage of the maximum possible score of 37. This percentage is the DTP Index score.

The points of compliance included in the Index are listed below:

Serial	Point of Compliance	Related subsection of the RTI Act
1	Aim or why the department was set-up?	4(b)(i)
2	Organisation chart [Clearly defined office hierarchy from director/secretary to clerk/peon].	4(b)(i)
3	Functions and duties of the public authority	4(b)(i)
4	Powers and duties of officials and employees	4(b)(ii)
5	Procedure followed in the decision-making process	4(b)(iii)
6	Channels of supervision and accountability	4(b)(iii)
7	Norms set by the public authority for the discharge of its functions (personnel, financial, administrative, financial, etc.)	4(b)(iv)
8	List of rules/regulations/instruction manuals used by the employees of the public authority while discharging functions	4(b)(v)
9	Links to the rules/regulations/instruction manuals used by the employees of the public authority while discharging functions	4(b)(v)
10	Categories of records/documents held by/ under the control of the public authority	4(b)(vi)
11	A detailed listing of the subheads/subcategories of documentation	4(b)(vi)
12	List of committees/ councils/ boards where the public is represented	4(b)(vii)
13	Particulars of constituents of committees/ councils/ boards where the public is represented	4(b)(vii)
14	List of internal boards, councils, committees and other bodies constituted as part of the public authority	4(b)(viii)
15	Particulars of constituents of such internal boards, councils, committees and other bodies constituted as part of the public authority	4(b)(viii)
16	Information regarding whether meetings of such boards, councils, committees and other bodies are open to the public?	4(b)(viii)

17	Minutes of meetings of such boards, councils, committees and other bodies	4(b)(viii)
18	Directory of officers and employees	4(b)(ix)
19	Monthly remuneration including system of compensation received by the officers and employees	4(b)(x)
20	Budget allocated to each agency (all plans, proposed expenditures and reports on disbursements made)	4(b)(xi)
21	Manner of execution of subsidy programmes	4(b)(xii)
22	Amount allotted to subsidy programmes	4(b)(xii)
23	Details of beneficiaries of subsidy programmes	4(b)(xii)
24	Particulars of recipients of concessions, permits or authorizations	4(b)(xiii)
25	Information available to the public authority or held in an electronic form and available on its website	4(b)(xiv)
26	Particulars of facilities available to citizens for obtaining information (working hours of the library/reading room, internet, notice boards, newspapers)	4(b)(xv)
27	Name of the Public Information Officer	4(b)(xvi)
28	Designation of the Public Information Officer	4(b)(xvi)
29	Contact details of the Public Information Officer (official phone number, e-mail address, postal address)	4(b)(xvi)
30	List of completed schemes/policies/projects	4(c)
31	List of schemes/policies/projects underway	4(c)
32	Procedures/guidelines for the above schemes/policies/projects	4(c)
33	Budget/grants for the above schemes/policies/projects	4(c)
34	Nodal officers for the above schemes/policies/projects	4(c)
35	Details of identifiable/measurable outputs/outcomes	4(c)
36	List of administrative/quasi-judicial decisions	4(d)
37	Link to the full decision	4(d)

INDEXING METRO PUBLIC AGENCIES' COMPLIANCE

Urban local government agencies provide basic services for a quarter of Indian citizens. Ideally an analysis of all public authorities providing services to this population would have been desirable. However limitations on resources forced us to look at only at 5 services across 6 metros. The 6 metros are: Bangalore, Chennai, Delhi, Hyderabad, Kolkata and Mumbai. The 5 services are: municipal corporations (local government), bus transport, public health, sewage and solid waste management (sanitation) and water supply.

We administered the Duty to Publish Index on 33 local public authorities in all. Some of the results are explained in the Major Findings section at the beginning of this document. The summary results and graphs are on pages 3 and 4.

Although the overall performance is dismal, the leaders provide some hope for their citizens and set a standard which the laggards would do well to emulate.

SUMMARY DATA TABLE

The table below provides summary data for all the public authorities we surveyed. Descriptions of information in each column are at the end of the table.

1	2	3	4	5			6	7	8
City	Department	Service	Score	Public Information Officer			Budget	Manner of Executing Subsidies	Licenses & Permits
				Name	Designation	Contact Information			
Bangalore <i>(5 Public Authorities)</i>	BMTC	Bus Transport	0 (0%)	No	No	No	No	No	No
	BMP - Health	Health	7 (19%)	No	No	No	Yes	No	No
	BMP	Municipality	20 (54%)	Yes	Yes	Yes	Yes	No	No
	BWSSB	Sanitation	13 (35%)	No	No	No	No	No	No
	BWSSB	Water	13 (35%)	No	No	No	No	No	No
Chennai <i>(6 Public Authorities)</i>	MTC	Bus Transport	5 (14%)	No	No	No	No	No	No
	CC - Health	Health	10 (27%)	Yes	Yes	Yes	No	No	No
	Corp. of Chennai	Municipality	23 (62%)	Yes	Yes	Yes	Yes	No	Yes
	CC- Solid Waste	Sanitation	7 (19%)	No	No	No	No	No	No
	CWSSB	Sanitation	14 (38%)	No	No	No	Yes	No	No
	CWSSB	Water	14 (38%)	No	No	No	Yes	No	No
Delhi <i>(4 Public Authorities)</i>	DTC	Bus Transport	7 (19%)	No	Yes	Yes	No	No	Yes
	MCD-Health	Health	20 (54%)	No	Yes	Yes	Yes	No	No
	MCD	Municipality	28 (76%)	No	Yes	Yes	Yes	No	Yes
	DJB	Water & Sanitation	33 (89%)	Yes	Yes	Yes	Yes	Yes	Yes
Hyderabad <i>(5 Public Authorities)</i>	APSRTC	Bus Transport	20 (54%)	No	Yes	Yes	Yes	Yes	Yes
	HMC - Health & Sanitation	Health & Sanitation	5 (14%)	No	No	No	Yes	No	No
	HMC	Municipality	5 (14%)	No	No	No	Yes	No	No
	HWSSB	Sanitation	12 (32%)	Yes	Yes	Yes	No	No	No
	HWSSB	Water	12 (32%)	Yes	Yes	Yes	No	No	No

1	2	3	4	5			6	7	8
City	Department	Service	Score	Public Information Officer			Budget	Manner of Executing Subsidies	Licences & Permits
				Name	Designation	Contact Information			
Kolkata (6 Public Authorities)	CTC	Bus Transport	6 (16%)	No	No	No	No	No	No
	CSRTC	Bus Transport	0 (0%)	No	No	No	No	No	No
	KMC - Health	Health	2 (5%)	No	No	No	No	No	No
	KMC	Municipality	2 (5%)	No	No	No	No	No	No
	KMC - Sewage and Drainage	Sanitation	3 (8%)	No	No	No	No	No	No
	KMC - Water	Water	2 (5%)	No	No	No	No	No	No
Mumbai (7 Public Authorities)	BEST	Bus Transport	13 (35%)	Yes	Yes	Yes	Yes	No	No
	BMC - Health	Health	3 (8%)	No	No	No	No	No	No
	BMC	Municipality	8 (22%)	No	No	No	Yes	No	No
	BMC - Solid Waste	Sanitation	1 (3%)	No	No	No	No	No	No
	BMC - Sewage	Sanitation	3 (8%)	No	No	No	No	No	No
	BMC - Water Supply	Water	8 (22%)	No	No	No	No	No	No
	BMC - Hydraulic Engineering	Water	6 (16%)	No	No	No	No	No	No

Descriptions: **Column 1** has the name of the cities and total number of public authorities in that city; **Column 2** has the name of the department surveyed; **Column 3** is the name of the service provided by the department; **Column 4** has the score which is the number of points complied with by the agency, the maximum score being 37, in brackets is the percentage score; **Column 5** shows which agencies provide the name, designation and contact information of the public information officer; **Column 6** shows which agencies publish information about their budgets; **Column 7** shows which agencies publish information about the manner of execution of subsidies under their purview; **Column 8** shows which agencies publish information about licenses, permits or authorisations they handle.

NOTE: For columns 5 through 8 a "Yes" means that the information has been disclosed, and a "No" means that it has not be disclosed.