

GOVERNMENT OF KARNATAKA

V. GOVINDARAJ, IAS.,
Secretary-II to Government,
Urban Development Department.

Karnataka Government Secretariat,
M.S.Building ,
Bangalore, dated 23rd October 97.

D.O.No. UDD 443 MLR 97.

Dear Sir,

Sub: Transparency in the functioning of the Local Bodies.

Ref: D.O. No.R-12011/1/97-PR, dated 2/7/97 from the Secretary, Ministry of Rural Areas and Employment, Dept. of Rural Development, G.O.I.

Please find herein enclosed D.O. letter dated 2/7/97 cited under reference regarding the need for transparency in the functioning of local bodies being closer to the people and their right to information and accessibility to the local bodies. I request you to take action to display all the vital information pertaining to development project, especially receipt of funds and how they are being spent in the local bodies, and to keep all the relevant records open for inspection to enable the members of the public and to obtain photo copies of documents pertaining to development projects as also matters of general public interest by paying actual / nominal charges. So as to see the functioning of the ULBs is made much more transparent than what is now, and other action as specified in the said D.O. letter. I also request you to let me know the action taken by you in this regard.

With regards,

Yours sincerely,

Sri,
Commissioner,
CMC, Corporation
Chief Officer,
TMC.

Copy of the D.O. letter No. R-12011 / 1/97-PR, dated 2/7/1997 from Sri. N.C. Saxena, Secretary, Govt. of India, Ministry of Rural Areas and Employment, Dept of Rural Development, addressed to Chief Secretaries of all states & union territories.

As you are aware, the Hon'ble Prime Minister is convening a conference of Chief Ministers on 26th July 1997 at Vigyan Bhavan New Delhi to discuss the progress made so far in the implementation of the Constitution (Seventy third Amendment) Act, 1992 and the provisions of the Panchayats (extension to the scheduled Areas) Act, 1996.

2. In this connection, I may mention that considerable period has passed since the enactment of the Constitution Amendment Act on Panchayats, but the progress made in the implementation of the said Act is very slow, particularly in regard to the delegation of Powers (Financial and administrative), defining the functions and responsibilities of the Panchayats at all levels, constitution of District Planning Committees (DRCs), submission of report of the State Finance Commissions and acceptance of their recommendations by the State Governments, transfer of DRDAS to Zilla Parishads etc.

3. An important factor for the success of the Panchayati Raj System is the need for transparency in the functioning of these bodies. Panchayats being closer to the people, their right to information and accessibility to the Panchayats must be ensured. This issue was discussed in the meeting of Panchayati Raj secretaries and it transpired that except in a few states such as Himachal Pradesh, Madhya Pradesh and Tamil Nadu, orders emphasizing transparency have either not been issued, or these are incomplete. As decided in the meeting each state may consider passing orders highlighting three different aspects of transparency. First, the Panchayati Raj Institutions (PRIs), especially Gram Panchayats, should display all vital information pertaining to development projects, especially receipt of funds and how they are being spent, in the Panchayat Offices or on a prominent board outside the school, for the information of the public. Second, all relevant records should be open to inspection, and third, members of public should also be able to obtain photocopies of documents pertaining to development projects as also matters of general public interest by paying a nominal charge. Particularly, all bills, muster rills, vouchers, estimates and measurement books also the criterion and procedure for selection of beneficiaries, and list of beneficiaries should not only be available for inspection, but photocopies of these relevant documents should be given on demand from a convenient place, such as block or tehsil Office. In case photocopying machines are not already in position in the office, loans may be given from banks to educate unemployed under various schemes, such as PMRY, for this purpose.

4. Instances have been reported where the Gram Panchayat Pradhans have to spend extraordinary amount of time visiting Block Offices. There are also instances of harassment by Block Office, for funds and / or technical approval need to be drastically changed. Village bodies should be able to spend funds on their own without having to take technical approval from government officials. These interactions with the block staff distort the role of Pradhans as elected representatives of the Gram Sabha and induct them into the bad old ways of officialdom, besides encouraging corruption.

5. The constitutions (Seventy Third Amendment) makes a provision for a Gram Sabha in each village, to exercise such powers and perform such functions as the legislature of a state

may, by law, provide. This is a provision of great import in so far as the Gram Sabha constitutes the entire electorate to whom all elected representatives in the local bodies, state legislature as well as Parliament are accountable. Proper functioning of the Gram Sabha could ensure a vibrant democracy with a great degree of transparency and accountability. However, several states have given short shift to the institution of Gram Sabha and vested them with only ritualistic powers of consideration of annual accounts, administrative reports, audit notes etc., of the Gram Panchayat. Even the suggestions and recommendations made by the Gram Sabha could be ignored by the Gram Panchayat.

On the other hand, some other states have developed more effective powers to the Gram Sabha, such as, approval of the budget of the Gram Panchayat, identification of beneficiaries for developmental programmes, constitution of vigilance committees, etc., in some States, failure to convene the Gram Sabha disqualifies the Sarpanch from holding his / her office. If more powers, such as power to sanction and disburse old age pensions and power to decide the location of drinking water handpumps, are given to the Gram Sabhas without referring such matters to higher officials, not only would it bring more transparency in the working of the Panchayats but it would attract more attendance in the meeting of the sabhas.

Apart from the inadequate devolution of powers and functions to the Gram Sabha, the experience shows that the meetings of the Gram Sabhas are organized at a time of the day when most of the weaker sections are busy working in the fields and the women are busy with their house-hold chores. This hampers effective participation of the weaker sections in the deliberations of the Gram Sabha

6. As you know, these issues are germanic to the successful functioning of HRIs. Therefore, it becomes necessary that the progress made in this regard be reviewed at the highest level.

7. It may be recalled that we have already written to the State Governments at the appropriate level from time to time. We also held a meeting of State Secretaries on 27 June, 1997. The issues mentioned above were broached in this meeting. The State Government will perhaps have looked into these issues by the time the Conference of Chief Ministers is held. For purposes of continuity and proper follow up, we request that the Secretary dealing with the Panchayati Raj may be asked to accompany the Chief Minister and Minister in charge of Panchayats. He/She may also be asked to send, well in advance, up-to-date information on the issues listed in the Annexure to this letter. We shall also be grateful if copies of relevant Government orders are also made available to us.

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