TRANSPARENCY AND
RIGHT TO INFORMATION
IN PANCHAYATI RAJ

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INTRODUCTION

Transparency is an important basic assumption in the Kerala Panchayati Raj Act. It has been accepted as a principle to ensure the citizens’ right to obtain information on matters of governance or development and to intervene in any related activity.

The core feature of decentralised democracy is people’s participation in governance, their responsibility and exercise of authority. This means that the distance between the government and the people becomes irrelevant. Focussing on this vision, to ensure transparency lawfully, features like Right to Information, Citizen’s Charter, Social Audit and Performance Audit have been incorporated in the Kerala Panchayati Raj Act. In order to ensure their prompt implementation, institutions like Ombudsman and Tribunal were set-up. Many more things remain to be done to improve the efficiency at the local level to sustain decentralisation and to extend democratic intervention further.

It is hoped that this handbook would facilitate a more efficient implementation of these arrangements at the local level through further deliberations and concerted efforts.

This handbook has incorporated a lot of ideas, concepts and examples from various interventions carried out by panchayats, organisations, social activists, KILA and other training institutes. Indications and inferences in the light of past experiences are also incorporated. While acknowledging and thanking all of the above, the author bears the responsibility of the views expressed in this book.
TRANSPARENCY AND RIGHT TO INFORMATION IN PANCHAYAT RAJ

The principle of transparency has been accepted to ensure that people have the legally guaranteed right to know and intervene in all activities related to governance as well as development.

The different levels of administration and the offices that are their nerve-centres get distanced from the public for various reasons. Indifferent and careless handling of applications or complaints from the public, their sufferings for want of prompt action on such matters, denial of the people’s right to information on governance or development related activities, failure in the timely delivery of benefits and services, maladministration, the ordeal of several unnecessary visits to an office for the same matter, the flaws in the behaviour of officials ..., several criticisms like these come up at different times. For these reasons, it has not been possible to secure the whole hearted cooperation of the public in the activities of local self government institutions which are meant to be the powerful forums of democratic decentralisation.

In such an institutional set-up, as persons at the helm of local governments,
the role of the Panchayat Committee/ Panchayat Members assumes great importance. Apart from assuming the role of an administrator, they have to play the part of a coordinator as well. This alone can ensure the realisation of the Panchayati Raj concept in its true sense and spirit. As instruments to facilitate democratic and transparent Panchayat governance, the Right to Information, Citizen’s Charter, Social Audit, Performance Audit, Ombudsman etc. have been brought in. Expertise to assist the local self governments in transparent governance is available locally. Its relevance increased considerably with the passing of the ‘Right to Information Act 2005’ by the Central and State governments.

1. THE RIGHT TO INFORMATION
Right to Information – what is it ?
Any citizen seeking information on matters related to governance, development or regulatory measures is legally entitled to get it in accordance with the accepted procedural formalities: this is the intention behind the relevant enactment.

Any citizen has the right to obtain information contained in any document / record or to get an attested copy or to transcribe the relevant portions of matters related to a Panchayat’s administrative, developmental or regulatory responsibilities.” {Kerala Panchayati Raj Act 271 [A] 271 [B] }.

But this right does not cover records / documents containing information of a special nature or information that is contained in any record / document notified as secret / confidential matter in the interest of administration, as notified in the Government Gazette. Any other information with the Panchayat has to be treated as public matter.
The people have the authority to evaluate the exercise of powers by the Panchayat - regulatory, administrative and developmental - and suggest appropriate corrective measures and render assistance.

Right to Information – why?

The people have the authority to evaluate the exercise of powers by the Panchayat - regulatory, administrative and developmental - and suggest appropriate corrective measures and render assistance. Such interventions will be feasible and productive only if the Panchayat's activities are transparent. This would contribute to improvement in the efficiency of Panchayat administration and facilitate presentation of problems by the public, directly and with greater confidence. Further, it will help to clear any misunderstanding and thus promote public participation. To ensure useful outcome of the social audit, relevant particulars have to be made available to the public before the audit. The social audit process can be made more productive by collecting any information that the people wish to have for this purpose from the LSG institution prior to the audit process [that is prior to any Gram Sabha].

Procedure for submitting an application

To obtain information contained in any document/record or to transcribe the relevant portions from any document or to take a photocopy, an application has to be submitted in the prescribed Form 1 to the functionary authorised to keep the records as per Rule 4 [1], like the Secretary of the Panchayat or the official in any of the offices under the Panchayat [see Application Form 1].

The fees [searching fees, copying fees] prescribed by the government {Rule 4 [2], 4[3]} has to be remitted and the relevant particulars shown in the application. One application is enough for copies of more than one record. [See Fee Rates].
If the amount remitted is less than the prescribed rate, the balance has to be remitted as per instructions. Any excess amount remitted will be refunded.

Reasons for rejection of an application [Rule 5]
1. The record sought is not a public document.
2. The record could not be found even after a search.
3. The record has been destroyed after the time limit.
4. The application is incomplete.
5. The prescribed fee has not been remitted.

The applicant must be informed in writing about the rejection of the application, stating the reasons thereof. The fee already remitted has to be refunded.

Rejection of an application without proper reason

As per section 271 [d] [1] of the Panchayati Raj Act, the official concerned is personally responsible for furnishing the required information.

- The decision taken on an application has to be intimated within 15 days failing which the official is liable to pay a fine at the rate of Rs. 50/- for each day's delay. {271 [d] [2]}
- For furnishing wrong information the penalty will be not less than Rs.1000/ {271 [d] [3]}
- The penalty thus collected is credited to the Panchayat Fund.
- But for any step taken in good faith, the interests of the officials concerned will be duly protected. [271 – e]

Processing of an application [ Rule 6]

- A decision must be taken within 15 days from the date of receipt of an application.
- The replies furnished must have the signature of the official concerned, with date and office seal.
If an application is rejected, the applicant can file an appeal before the official authorised for that purpose [Rule 8].

- If the application is for perusal and transcribing of any record, the applicant must be informed of the permission granted, the date and time allotted and also provided the facilities required for the purpose. The applicant should not make any correction or cause any damage to the records given for perusal.
- Particulars of records thus given for perusal must be noted in the register prescribed in Form 2 and kept safely [Rule 7].
- If an application is rejected, the applicant can file an appeal before the official authorised for that purpose [Rule 8].

Apart from individual citizens, Neighbourhood Groups, Kudumbashree Units etc. can also obtain information from Panchayats and other institutions on matters relevant and helpful for their functioning. Practices like collection of required information followed by discussions in their forums prior to the Gram Sabha, will help to strengthen the latter.

Transparency in Public Works

As part of the estimate, a note in the local language must also be attached, giving information on the following: quantities of materials included in the estimate, the quality specifications and price, estimated number of mandays, wages and estimated cost. Detailed information on the estimate of the public work, particulars of tender etc. should be published on the notice board of the Panchayat Office and also presented in the gram sabha of that area.

At the site where the public work is carried out, the following related details must be exhibited on a notice board.
Application Form- 1

Application for obtaining copies of Panchayat Records / Transcriptions of relevant portions of Panchayat Records

1. Name and address of the applicant
2. Name of the Panchayat
3. Name and location of the office / institution where the record is kept
4. Particulars of the record required:
   [subject, file number, year, order, date, etc. and any other particulars known to the applicant]
5. Specify the requirement: copy of a record or permission to transcribe relevant portions of a record
6. Particulars of searching fees, copying fees etc. remitted
   [amount, date of remittance, receipt number etc.]

The purpose for which copy of the record / transcription of the relevant portion is sought.

Place:
Date:
Signature of the applicant

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Fees Rate

A. Search Fees
(For searching the record)
1. That of the year preceding the current year Rs.5/-
2. Prior to the current year between one and two years Rs. 10/-
3. Between 3 and 5 years Rs. 15/-
4. More than 5 years Rs.20/-

B. Copying fees
1. A4 size – written or typed Rs. 5/-
2. A4 size- in tabular form, typed Rs. 10/-
3. A4 size-photo copy Rs.2/-
4. Computer print page Rs.5/-
5. Map, plan etc. that can be copied Rs.10/-
Ordinary people like us cannot understand anything in an estimate of a public work. What is the use of transparency?

In the rules framed under the Panchayati Raj Act, all the points have been clearly explained to enable ordinary people understand.

- Name of the work
- Execution of the work: on contract, direct execution by the Panchayat or through Beneficiaries’ Committee
- Name and address of the Contractor / Convenor of the Beneficiaries’ Committee/ Members of the Executive Committee
- Estimate amount and time for execution
- Date of commencement of work and stipulated date of completion
- Description of materials mentioned in the estimate—quality specifications,
quantities, cost, from where and how they are brought.
7. Tender rate sanctioned for the contractor
8. Market rate sanctioned for direct execution by the Panchayat and by the Beneficiaries’ Committee, number of workers, wage rate etc.
9. Advance amount paid for the work and other support provided.

Records like the tender approved for public works, estimate, rate approved by the Panchayat, measurements, bills of purchase of materials etc. are public records the copies of which will have to be provided by the Panchayat to anyone who asks for them, after collecting from him/her the fees prescribed for the same. Transparency to this extent is offered by this rule.

2. CITIZEN’S CHARTER
The Panchayat Samiti has the responsibility to keep the public informed about the Panchayat’s functioning to ensure transparency. Ignorance about the organisational set-up and functions of different offices, about the services provided by them and the related requirements, not getting the services in time, lack of transparency in development programmes, etc. are factors causing alienation of the people from governance and administration. This state of affairs will always be an impediment to sustainable development. There are many provisions in the Panchayat Act like Social Audit, Right to Information, Citizen’s Charter, Gram Sabha etc. that provide the right atmosphere for the panchayats to take the initiative to make governance transparent. These are not meant for fault finding and punishment but to facilitate timely intervention to set right matters. That is what makes them important.

Every panchayat will, no doubt, be keen on using these instruments effectively to make governance efficient. But the
The main difficulty is the absence of a practical model.

Let us look at the Citizen's Charter as an example. As per section 272[A] of the Kerala Panchayat Act there has to be a Citizen's Charter. There is also a government order explaining the procedure for its preparation. The obstacles to its implementation are the following:

- Its importance has not been realised through experience.
- Lack of awareness, partially or wholly, about the services to be provided and the related conditions.
- No vision about the manner in which the Citizen's Charter is to be prepared.
- Even after preparation, diffidence about its implementation.
- Even those who are obliged to prepare the Charter do not have a clear idea about its application in their own functioning.
- When all institutions in the Panchayat are not included, it loses its comprehensive nature.
- When the changes to be brought in the institutions and governance are not planned in a collective manner, the participative character is lost.
- Due to failure in ensuring the participation of all sections right from the time of preparation itself [those in charge of governance, officials, public etc.], it is not implemented even in the places where it is prepared.
- Lack of clarity about the ways to convince the people of its benefits and implementation.
- Lack of evidence/experience of its beneficial effects on governance.

The list is endless. It is not possible to prepare the Citizen's Charter after solving all these problems. While some of them have to be solved, the remaining ones will get sorted out through committed efforts.
What is Citizen’s Charter?
The Citizen’s Charter is a document that explains in a clear and lucid manner the various services provided to the public by the Panchayat and institutions / departments under it, in the areas of governance, development, welfare, regulations etc., how to apply for them, terms and conditions, time required, fee if any to be paid and its details, to whom the application has to be submitted and when, etc.

When information on the aforesaid lines is either not obtained in time or not known at all, the public suffer grave inconveniences. It also creates many misunderstandings as well:
• The public do not get the services in time.
• As the applicant is ignorant about the procedural formalities involved in getting some service, he/she insists on getting it at once.
• It is possible that persons occupying different seats in the same office may not be aware of the procedural formalities for obtaining the services provided by that office. The public often suffers on this score as well.
• In the local self-governments, it is the elected representatives who are nearest to the people. As a result of lack of proper knowledge on the part of the people’s representatives about the services and related conditions with regard to the Panchayat and institutions under it or those in its area, they are not able to handle matters properly or to monitor the functioning. For example, ignorance of services provided by the Panchayat and Village Offices and the consequent confusions are often brought up in the training programmes for people’s representatives. These are responsible for the alienation of the people from the local self-government institutions. Further, the people often find fault with these institutions.

The Citizen’s Charter is a document that contains information useful for people’s representatives on various services provided by the Panchayat and the relevant terms and conditions. It can be of great help for efficient governance and in dealings with the public.
Why a Citizen’s Charter?
A Citizen’s Charter can, to a great extent, solve the problems listed above.

- They will know whom to approach, in which office, with what records, how many days in advance, etc. This will help them as well as the officials to avoid waste of time, unnecessary work and misunderstanding.
- For the officials also, the Citizen’s Charter would make them knowledgeable about the services provided by their own offices and the relevant conditions, about services rendered by other offices and also help to avoid doubts on related operational matters.
- For the people’s representatives, information on all services and the related terms and conditions is provided in one document. This helps a great deal in efficient governance and in facilitating proper rapport with the public. It will also help them to save themselves from the misunderstandings in the name of rules and procedural formalities.
- A clear understanding of the services they are entitled to will enable the deserving people to secure them, which, otherwise, they might have lost.

Thus if the Citizen’s Charter is to be used effectively, it has to serve as an information guide as well. It means that apart from information pertaining to the Panchayat and institutions under it, it should contain particulars of services provided by all institutions in the Panchayat area. This would include the Village Office, Electricity Board, police station, Registrar’s office, banks, co-operative societies, etc. The logic behind this suggestion might be questioned on the plea that the Panchayat Act does not say anything about the inclusion of these institutions and the

The language used in the Citizen’s Charter must be simple and one that can be easily understood by the common man. The description must be brief while ensuring maximum clarity.
Panchayat cannot be responsible for their functioning. It is not just the Panchayat and the institutions under it but all institutions with which the public have dealings, have often a role, direct or otherwise, in local governance. As such the local self-government institutions have the moral responsibility to provide these particulars also to the public. This is essential to make the exercise complete. Of course the Panchayat cannot be responsible for the services provided by all the institutions. In the introduction to the Citizen’s Charter it must, therefore, be clearly stated that with regard to the services provided by other institutions (other than the Panchayat and institutions under it), they are included only for ‘information’ and the Panchayat is not responsible for them. Once a Panchayat Committee is formed through an election, the Citizen’s Charter has to be published within six months. [As per 272(A) of Panchayat Act and Rule [3] on preparation of Citizen’s Charter]

How to prepare the Citizen’s Charter?

The Citizen’s Charter must essentially have four parts:

Part 1: Panchayat and institutions under it.

Part 2: Services provided by the Vigilance Committee, Neighbourhood Group, Ward Development Committee, Panchayat Development Committee, Kudumbashree etc.

Part 3: Other institutions in the Panchayat area.

Part 4: Important services provided by the State and Central Governments.

The improvements being brought about in the functioning of the office to make it more efficient must also be explained. Each part must have an appendix wherein application forms, method of filling, model form (if application is on plain paper), etc. are included.

In the preparation of citizen’s Charter, systematic and well coordinated efforts are absolutely essential.
Language:
The language used in it must be very simple and one that ordinary people can understand easily. The description must be brief while ensuring maximum clarity.

Methodology:
The Panchayat Committee is fully responsible for the preparation of the Citizen’s Charter. Since this task has to be carried out in a systematic manner along with other activities, a sub-committee can be formed with two or three members, or the task can be assigned to a Standing Committee.
The responsibility of the Committee will be as follows:
• An Action Plan for the publication of the Citizen’s Charter must be prepared, presented in the Panchayat Committee and got approved.
• Every stage in the preparation of the Charter must be organised and carried out efficiently [the various stages are explained here].
• Provide the leadership for its publicity.
• Take up the primary responsibility to discuss and implement measures for the improvement of the functioning of the offices under various Standing committees concerned as well as the officials. Thereafter, the Steering Committee can oversee its implementation.
• The Sub Committee has to assist the Steering Group in monitoring the activities and the compliance with the Citizen’s Charter.
• Make appropriate changes in the Citizen’s Charter, every year
• Officials keep on changing and therefore the Sub Committee must make necessary arrangements to appraise the officials concerned about the Citizen’s Charter as well as the reforms/improvements in the offices.
• Assist the Steering Committee in the task of bringing about reforms/improvements in the offices.
At every stage of this task, the Sub Committee must report to the Panchayat Committee and on the basis of the decisions proceed further.

In the preparation of the Citizen’s charter, appropriate advance action and systematic coordinated efforts are essential. Let us look at the stages of action after the Panchayat Committee decides to prepare a Citizen’s Charter and entrusts the responsibility to the committee.

1. Sub Committee

The sub committee entrusted with the task must meet and prepare the draft of an action plan. Also, a ‘form’ must be prepared for each institution for furnishing relevant particulars of services, records to be produced for obtaining them, time required, fee to be paid, the purpose of the service etc. The committee has to present copies of this form in the meeting of the Panchayat Committee.

The name of the organisation that provides the service and the designation of the officer responsible must be shown at the top. In the second column the name of the service and a short note for easy understanding have to be given. The third column must indicate the conditions the applicant has to comply with. What are the records to be produced and how (attestation of copy is necessary or photocopy is enough). Whether a printed form is required or handwritten will suffice and any information to avoid any confusion must be given against the related service. The time limit for providing the service has to be indicated in the fourth column. It should not exceed the limit prescribed by the government.

The extent to which the time limit can be reduced has to be discussed, decided and then indicated. If any fees has to be paid for the service, the amount should be shown in the fifth column. Any other description can be given in the remarks column.

After the detailed discussions on the draft, a one-day meeting has to be convened at the Panchayat level. It should be seen as the beginning of a process to ascertain the views of the public and to create awareness among them on such matters.
The introduction in the Citizen’s Charter by the President of the Panchayat is also an affidavit on behalf of the Panchayat Committee.

If there are matters that cannot be explained within this format, the manner in which it can be accomplished may be thought of at appropriate levels. Once the subcommittee has met like this, the next stage is the meeting of the Panchayat Committee.

2. Meeting of the Panchayat Committee
   The officials of the Panchayat as well as the institutions under it must be invited for this meeting. Future steps and the action plan prepared by the subcommittee should be discussed and finalized.
   • A decision must be taken to prepare the list of particulars of the services provided by each institution. [The form prepared by the sub-committee should be distributed in this meeting and the format explained clearly.
   • After collecting the information, an institution-wise discussion has to be organised.

3. Meeting of other institutions
   A meeting of all important functionaries of institutions that are not

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Model form for the preparation of the Citizen’s Charter

Name of the institution:
Officer responsible:

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Particulars of services provided</th>
<th>Conditions to be complied with by the applicant</th>
<th>Time limit for providing the service</th>
<th>Amount to be remitted</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>
under the Panchayat but located in the Panchayat area, has to be convened. Here also matters have to be explained and forms distributed with the request to collect and furnish the required information pertaining to their institutions. A special mention must be made of the need to discuss the matter with all the staff in the offices while preparing the form. Participation of Panchayat representatives in the meeting will make it more productive.

4. Department level meetings

Department wise meetings of institutions transferred to the Panchayat have to be organised [mainly agriculture and allied sectors, health, education and Panchayat Office].

The officials of these departments and the members of the working groups of these sectors have to be invited to this meeting. All officials can express their views and gain a better understanding about the functioning of the offices. This exercise can be made more efficient through the participation of public and experts from these sectors.

- The draft prepared by each department must be presented and discussed in detail in groups [enough copies of the draft should be kept ready for distribution at the rate of one for each group].
- When delivery of services has to be improved on these lines changes have to be made accordingly in the functioning of the offices. What are the changes necessary, should be discussed and appropriate arrangements for office management must also be made. Ideally this discussion should begin at the initial stages of the preparation of the Citizen's Charter. To facilitate this, relevant information regarding the prevailing system and the arrangements for providing such

Once the Citizen's Charter is ready, it must be sent to all Neighbourhood Groups, Kudumbashree units, political parties and organisations and they must be encouraged to organise discussions on it.
particulars, the constraints, impediments and possibilities must also be obtained. This way along with the completion of the exercise for the preparation of the Citizen’s Charter, an office reform programme in a democratic manner will also be ready. Even if this exercise is incomplete, it has great significance as people’s representatives, officials and the public would have participated in it. Even if this exercise is incomplete, it has great significance as people’s representatives, officials and the public would have participated in it.

• From every such meeting one person must be selected for the Panchayat level core committee.

5. Meeting of the Core Committee
The main task of the meeting is the compilation of the matter from the discussions at different levels as well as the information furnished by other institutions in the Panchayat area and preparation of the draft of the Panchayat’s Citizen’s Charter. The compilation of matters pertaining to the Panchayat and that of institutions under it has to be done separately.
• That required for the Citizen’s Charter
• That required for office reform

Accordingly there must be two drafts. The office reform programme is required only for the institutions under the Panchayat.

6. Discussion on the draft of the Citizen’s Charter
It would be desirable to have further detailed discussions on the draft thus prepared. Before the discussion at the Panchayat level, it could be discussed under the auspices of the sub committee, with all institutions in the Panchayat [those under it or otherwise ], which would facilitate better understanding among them of the services provided by them and also help to avoid any duplication and misunderstanding.

Following this, a one – day meeting
has to be convened at the Panchayat level. It should be seen as the beginning of a process to ascertain the views of the public and to create awareness among them on these matters. To facilitate this, after the general presentation there should be discussion in groups. Those who were involved in the preparation of the draft charter must be part of each group and be responsible for making the presentation in the group. Formation of groups on the basis of office / institution is preferable. The following persons may be invited to the group meeting:

- All members of the working groups
- Officials
- Representatives of political parties
- Representatives of all trade unions and people’s organizations
- Office bearers of Area Development Society and Community Development Society
- Representatives of Community- based organisations [clubs, libraries, Farmers’ Group]
- Office bearers of Parent Teachers’ Association
- Members of the Core Team
- Representatives of Gram, Block and District Panchayat and Legislature
- Members of the Panchayat Committee.

This meeting must have two parts: the first will be a discussion on the draft of Citizen’s Charter and the second a discussion on the draft of office management / office reform. In this meeting itself an office level permanent Monitoring Committee can be formed to improve the functioning of each office, to assist the Panchayat Committee to monitor continuously to see if the working is in accordance with the charter and to help the institutions to function efficiently. It has to be ensured that the members of the committee are from areas close to the office. Also important is the inclusion of persons of the locality from among those Department-wise meetings of institutions transferred to the Panchayat have to be organised. The officials of these departments and the members of the working groups of these sectors must be invited to this meeting.
who participated in the Panchayat level discussion.

The date for the discussion on the Citizen’s Charter in the Gram Sabha can be decided and announced in this meeting.

7. Gram Sabha

The draft of the Citizen’s Charter must be presented and discussed in the Gram Sabha. The services of the members of the Core Team and participants of the Panchayat level service can be utilised for this purpose.

Ideas have to be conveyed in a simple and quick manner. For this, techniques like splitting into groups, use of chart, OHP etc. can be considered.

[Preparation of Citizen’s Charter – Rule 4 [3]]

8. Meeting of the Core Team

The Core Team must meet again to give final shape to the Citizen’s Charter on the basis of the Panchayat level and office level discussions. Following this the Panchayat Committee has to meet to read and approve the Citizen’s Charter and then to send it for printing. The important aspects of ‘office reform’ must be included in the charter thus brought out. It would be a good idea to invite the members of the core team to this meeting of the Panchayat Committee.

Few more points to be borne in mind while preparing the Citizen’s Charter

- While deciding the time within which a particular service will be delivered it has to be ensured that it does not exceed the time limit specified in any law, rule or order. On the contrary it should be reduced, if feasible.
- While deciding the time limit, factors like the number of staff available, limitations of the rule etc. must be considered.
- Records to be produced for obtaining a service, as per directions from the
Is the Citizen's Charter given free of cost?

Of course! You need give only a written request to the secretary.
To improve the functioning of each office, to assist the Panchayat Committee to monitor continuously to see if the working is in accordance with the Charter and to help the institutions to function efficiently, an office level permanent Monitoring Committee can be formed.

The Introduction is also the affidavit recorded by the President on behalf of the Panchayat Committee. It should be mentioned that while the Panchayat accepts the full responsibility for the accuracy of the particulars of services provided by the institutions under it, that pertaining to other institutions is provided only as ‘information’. Ideally this may be indicated for each part separately.

The remaining part can be arranged in the following manner:

Part 1
Information regarding regulatory, developmental and governance related services provided by the Panchayat and institutions transferred to it.

Appendix
Models of forms, manner of filling / writing, items to be provided by the applicant.

Part 2
Particulars of services provided by the Vigilance Committee, Neighbourhood groups, Ward Development Committee,
Panchayat Development Committee, Community Development Society, Labour Bank. As appendix, model of the application form may be given.

Part 3
Institutions other than those under the Panchayat, services provided by them, the related terms and conditions. This part also must have an appendix as mentioned earlier.

Part 4
Common services provided through State and Central governments.

Continuing tasks of the sub committee
The sub committee’s task does not end with the preparation of the Citizen’s Charter. It should see that the Charter reaches all Neighbourhood Groups, Kudumbashree units, other organisations and political parties and discussions are held on it. Special meetings of the Gram Sabha must be organised for discussing the Citizen’s Charter. Every year, when amendments are felt essential, they should be discussed and the updated version published. The institution level monitoring committees have to be assisted, their activities coordinated and monitored and reported to the Panchayat Committee at the proper time, training to be given as required to the monitoring committee, finalisation and publication of the office management / reform report, continuous assistance to the Panchayat Committee / Standing Committees to monitor its implementation … such tasks are also the responsibility of the sub committee.

The rule also stipulates that important parts of the Citizen’s Charter has to be exhibited at public places and street junctions. It is also required to present the published Citizen’s Charter in the ensuing Gram Sabha. A brief summary of the Charter must be written with paint on the wall of the Panchayat.

The term of office of a Panchayat Committee can be considered to be the period of validity of a Citizen’s Charter: or till the next Panchayat Committee brings out the next Citizen’s Charter.
Once the Citizen’s Charter is published, it is absolutely necessary to make appropriate changes in the organisational set-up of the Panchayat to facilitate the rendering of services as per the Charter. To accomplish this, the ‘Office Reform’ programme drafted at the same time as the preparation of the Citizen’s Charter, must be ready for implementation. For this, the draft must be discussed with the expert’s group, with the Panchayat that has already implemented it and with the management committees of all the offices. This way the ‘Office Reform’ programme has to be finalised.

Implementation of the ‘Office Reform’ Programme

A project has to be prepared for this, duly incorporating the financial commitments for the functions proposed as part of the reform and approval obtained for implementation. What cannot be done in one year can be made part of a plan for two years and implemented accordingly. This has to be done on a priority basis, as its successful implementation will ensure the smooth implementation of other activities. The sub committee must make appropriate arrangements to familiarise the officials who replace the ones that are transferred, to ensure its smooth implementation without interruption.

This task aims at the creation of an arrangement that ensures quick delivery of services, without any confusion whatsoever, to any person, in accordance with the Citizen’s Charter.

The following points are considered important and should necessarily be discussed in the Office Reform Programme:
- Attitude towards the public.
- The simplicity of the office, its cleanliness, approach.
Different Stages in the Preparation of the Citizen’s Charter

1. Panchayat Committee Meeting
   - Decision
   - Formation of SubCommittee

2. Development Standing Committee & Sub Committee
   - Preliminary activities

3. Panchayat Committee with officials
   - Formats, action plan, scheduling of meetings

4. Meeting of other institutions
   - Each office/institution discusses the services rendered by them

5. Core Team
   - Preparation of Citizen’s Charter

6. Publicity Monitoring
7. Gram Sabha
   - Discussion on Citizen’s Charter
8. Panchayat Committee
   - Finalisation Printing
9. Core Team
   - Final shape to Citizen’s Charter
10. Panchayat level workshop
11. Discussion on the Draft
12. Panchayat Committee
   - Approval of Draft Citizen’s Charter
13. Development Standing Committee Meeting
   - Discussion on Draft Citizen’s Charter
3. SOCIAL AUDIT

The general impression about audit is that it is a fault finding exercise. Perhaps, the thinking and approach in the past, may be responsible for this. Audit must be seen as a critical review or an exercise to correct mistakes or one to get convinced about the results of the activities and their appraisal, or to assess the plus and minus points or as an exercise to see clearly the direction for the future activities.

Now there are several types of audit in PRIs like Local Fund Audit, Performance Audit, Accountant General’s Audit and Social Audit. In the Local Self Government set-up the more relevant audit systems are the Social Audit and Performance Audit. The concept behind these are totally different from that of the others. The Performance Audit is a tool that helps to examine, on behalf of the public, the activities of the Panchayat and suggest measures to improve the performance. To facilitate this, the Panchayats have to be
visited once in three months and their receipts, expenditure, management, procedural matters, attainment of objectives etc. are examined and appropriate suggestions are given. Considering its importance it is required to present the Audit Report and the Panchayat Committee's reply to it in the Gram Sabha.

Unlike other audit systems, social audit envisages a forum that facilitates a thorough appraisal and review of the activities of the local self government institution, by the people. The transparency of Panchayat governance becomes more relevant in the social audit process. The Gram Sabhas must be made the important forums of social audit.

The social audit aims at the following:
- The extent to which the various activities have succeeded in attaining the objectives.
- Appraisal of the approach, intervention and style of functioning of those who were working for it / their institutions.
- A forum to create awareness among the citizens.
- Planning for the next stage after correcting the inadequacies.
- Winning the confidence of the public and thereby ensuring full participation.
- Sorting out the gains and losses on the basis of experience.
- Avoiding doubts and misunderstandings.
- Appraisal of the performance and approach of public workers, persons in charge of governance, officials, institutions and Panchayat members.
- Preventive action to avoid drawbacks.

As part of the social audit it is also possible to do the appraisal of the Panchayat's performance related to plan formulation and implementation, its income and expenditure, the selection of beneficiaries and fixing of priorities.

Audit must be seen as a critical review or an exercise to correct mistakes or one to get convinced about the results of the activities and their appraisal or to assess the plus and minus points or as an exercise to see clearly the direction for the future activities.
Today there will be the social audit of the agricultural programme implemented in our ward. We should take the President, Secretary and Agricultural Officer to task. See, this is the problem. Taking someone to task or finding fault is not the intention behind our participation.

Do you mean that we should not mention any problem? No, certainly not. Whatever has to be said must be said. If the programme has failed, the reasons must be examined. Our part in the failure must be identified. How to avoid recurrence of such failures? If it does not help in this manner, social audit is of no use.
Various day to day matters of the Panchayat like the response of the Panchayat Committee to the planning related suggestions from the Gram Sabhas and working groups, rationale of its decisions etc. can also be subjected to social audit. Further a social appraisal of matters like people's participation in Gram Sabhas, performance and approach of officials, discussions in the meetings of the Gram Sabha and the action taken on that basis by the Panchayat Committee and working of various committees provides an opportunity for rethinking. Above all, with Social Audit becoming an activity of the Gram Sabha, the people's sense of ownership and confidence in governance will increase. Beyond the mere discharge of an official task, social audit must become a natural activity. It is only then that appraisal of any programme implemented in public interest or the performance of those executing it, gets wide acceptance as an essential requirement and a citizen's right and accordingly becomes a routine activity.

Why Social Audit was not conducted?
- Its importance was not realised by the people or persons in charge of governance as well as officials.
- No previous experience.
- Doubts about the methodology to be adopted.
- Lack of confidence about its acceptance by the people.
- Attitudinal problem
- Improper documentation of activities
- Anxiety about the follow-up activities of social audit
- Shortage of time

What is Audit?
Panchayat's accounts and audit are explained in Rule 215 of the Panchayat Act. Art.188 is about the powers to inspect the records and documents of a Panchayat. Accordingly the Kerala Panchayat Raj

As part of the Social Audit it is also possible to do the appraisal of the Panchayat's performance related to plan formulation and implementation, its income and expenditure, the selection of beneficiaries, fixing of priorities in the implementation of schemes, etc.
Unlike other audit systems, Social Audit envisages a forum that facilitates a thorough appraisal and review of the activities of the local self-government institution by the people.

[Inspection Procedure and Audit Arrangements] Rules have also been published. Currently in force are the statutory audit by the Local Fund Audit Department, Performance Audit, audit by the Accountant General, Social Audit and inspection by the Department concerned.

What is Social Audit?

The process wherein people, in the light of their experience and on the basis of their conviction from observation as well as participation, appraise matters themselves, is what social audit is all about. The word audit in the term social audit often creates misunderstanding. It brings to our mind the idea of checking the accounts. The objective of social audit is, however, different. The manner of spending, excess expenditure, process, impact and quality have to be examined. What was our role on these matters? Was it performed promptly? Such self-appraisal must also be done. The Panchayat Committee has to think about very simple ways of conducting social audit. It will help a great deal in making governance efficient. The following are the ways to ensure this:

- The Gram Sabhas are the main forums for social audit.
- Social audit can also be conducted by the people / Neighbourhood Groups from the area where a scheme was implemented. Instead of organising a social audit for all the activities together, it is better to perform the audit by organising the beneficiaries / people who were involved, as and when programmes are implemented.
- Whatever be the manner in which social audit is conducted [other than in the Gram Sabha], particulars like who all were present, participation, manner in which it was done, discussion, suggestions that came up,
Can ordinary people like us conduct a social audit?

Only we can do it, because we are the stakeholders and have the experience.

But how can we audit technical matters?

It is not the technical matter but the impact of the programme that we have to examine. If technical aspects have to be examined, the Gram Sabha may include experts from our ward or Panchayat.
changes made accordingly etc. must be noted, presented in the gram sabha and after approval included in the minutes of the meeting.

The review of activities in each sector can be entrusted with sub committees constituted by the Gram Sabha. These committees have to prepare the review reports, present them in the Gram Sabha for discussion and approval. The social audit report must be used as the basic review report on the performance of the local self government. The public have to be convinced of its importance, that it is not merely an inspection but an exercise that provides the guidelines for future action. It must be possible to decide that while closing the file on any scheme, the monitoring and social audit reports are made part of it.

Preparations for social audit

1. The implementing officers responsible for different subjects have to prepare a record of activities from the previous social audit till date, and present it. Income, expenditure [place from which bought, list of articles bought, nature of expenses, account of money, number of workers per day], how the work was organised, purpose and aims, benefits derived, drawbacks, public cooperation and efforts to remove impediments must be in the written report.

2. Three or four extra copies of the report must be kept ready for distribution at the place where the group discussion is held.

3. Records like books of accounts, receipts, vouchers and copy of the project have to be taken to the place where the social audit / Gram Sabha is held. This would facilitate clarification of doubts with the help of records.

4. For clearing the doubts raised in the groups / Gram Sabhas, the persons concerned and relevant records must be available.
be available. Clear understanding should have been reached with the persons, through prior discussions.

5. Display with chart papers of particulars of activities carried out, photographs and accounts will help in making the exercise more serious and transparent.

6. It would be a good idea to write the accounts in big letters on chart paper, for presentation. Use of overhead projectors will be even better.

One might question the rationale behind such expenses and efforts for ‘preparations’. But they are certainly not unnecessary expenditure nor waste of time. If people can gain a clear understanding of activities past and future and thereby if their confidence can be secured, if they can be made aware of the drawbacks and reasons thereof as well as the achievements, then they would cooperate in implementing the scheme with a sense of ownership, in mobilising additional resources and thereafter in their management. The benefits thus derived will be much more than the expenses, time and efforts.

How to organise Social Audit?

The Panchayat Committee has the responsibility in organising social audit. But to facilitate proper implementation, the task can be assigned to a sub committee or standing committee. The term of such a committee should at least be one financial year. The main responsibilities are the following:

- The nature of the audit should be planned, discussed in the Panchayat Committee and its approval secured.
- Convening of a meeting of implementing officers to plan the conduct of the audit, its organisation and monitoring.
- Collection of social audit reports, arranging their presentation in Gram Sabhas if not done already, presentation of the report in the Gram Sabha, one’s own experience, participation and what has been seen and heard.
Social audit report must be used as the basic review report of activities of the local self-governments. Institutions, individuals (officials, members) and committees on the basis of the Panchayat Committee's decision, carrying out tasks like organisation and monitoring together with those concerned.

- Preparations for social audit, providing leadership for organising it.
- Ascertaining whether all the activities carried out during the past one year, performance of institutions, approach, etc. have been subjected to social audit, when can each one of them be done, which ones can be done together in the Gram Sabha. These aspects have to be planned and monitored.
- Providing leadership for all these tasks, planning the timely audit of all the activities of a financial year.

How to conduct Social Audit?

The report prepared by the implementing officer must be presented in detail. The problems and impediments he/she had to face in the course of implementation and the suggestions for improving matters must be included in the report. The assistance required to make the organisation of his/her office and its manner of functioning more efficient can also be included.

After the presentation groups have to be formed. The basis for group formation could be a person's connection with matters covered in the presentation like a programme implemented in his/her area. After group formation, a person should be selected from each group to lead the group to write down the views expressed in the group and later present it in the plenum. The report prepared earlier must be given to each member of the group to explain it.
Must participate in the social audit. The income and expenditure details of the Panchayat must be thoroughly checked.

Not only that. We should think of ways to solve the problems, work for that. Our role as members of the Gram Sabha in the process must also be examined.
The Panchayat Committee has the responsibility in organising social audit. But to facilitate proper implementation the task can be assigned to a sub-committee or standing committee.

Group. To explain matters in the group when the need arises, capable persons must be assigned to each group.

- Appraisal has to be done on the basis of the presentation in the Gram Sabha, one’s own experience, participation and what has been heard and seen. The appraisal must cover aspects like receipts for the work, expenditure, materials bought, land purchased, organisation and working, officials concerned and different committees. The officials concerned can sit with each group to clear doubts. [Care must be taken to see that it does not lead to heated arguments that serve no purpose]
- The general views on different subjects must be included in the report on the discussion.
- These views from all the groups should be presented in the plenum and got approved. A three member committee must be constituted to prepare this as the Gram Sabha’s audit report to be handed over to the Panchayat. This report must mention the drawbacks found and ways to set them right. Copies of this report have to be displayed on the Gram Sabha’s office board and other notice boards.
- If the Gram Sabha feels the need for further prob on any matter a sub committee can be constituted for the purpose. This committee should probe the matter and present its report in the next Gram Sabha.
- If the groups’ reports need more clarity or if any misunderstanding has to be cleared, it can be done with the help of proper records. Following this, if the Gram Sabha says that the clarification is adequate, the relevant observation in the audit report has to be waived and an announcement to that effect made in the plenum.
- While conducting social audit, a
proper assessment has to be made - in each project, in all activities and their organisation - of the consideration shown to women's interests and women's participation.

- In the report of the three member committee constituted by the Gram Sabha, the names of the persons, their address and signature must be given at the end of the report.
- A copy of this report must be given by the sub-committee to the secretary and the implementing officer.
- The Panchayat has to ensure subjecting this report to Performance audit.
- The social audit must be discussed in the ward level and Panchayat level forums. Copies of the report have to be sought from / supplied by the Panchayats.

Follow-up action on Social Audit
- The social audit report must be discussed in the Panchayat Committee.
- The various observations in it must be classified.
- The ways and means of finding appropriate solutions must be discussed with the officials concerned, committees, working groups, beneficiary committees, institutions and contractors and decided accordingly.
- The suggestions made by each Gram Sabha and the action taken on them must be filed separately and presented in the next Gram Sabha.
- For matters to be taken up at higher levels, appropriate arrangements have to be made to ensure that they reach those levels. The responses from them have to be communicated to the Gram Sabha.

All audits, especially performance audit and social audit, help the Panchayat Committee to provide the right atmosphere for its proper functioning.

Ombudsman is a word in the Swedish language for the official authorised to enquire into complaints from the people about maladministration and corruption.
Where is the time for making enquiries, gathering information and participating in social audit? If one could find time for such things I would have gone for some remunerative work.

It is not correct to think like that. Even if we get more income, if the living conditions are not good, it is of no use. The elected representatives alone are not responsible for this. We must be prepared to fulfill our responsibilities and exercise our powers.
4. OMBUDSMAN

What is Ombudsman?

Ombudsman is a word in the Swedish language for the official authorized to enquire into complaints from the people about maladministration and corruption. Ombudsman is an independent intermediary between the administration and the citizens. The meaning of this word, used for the first time in Sweden in 1810 as an official designation, is ‘agent’. The three main tasks assigned to the Ombudsman are:

1. Find solutions to people’s complaints
2. Make the administration clean
3. Assist the functioning of legislative bodies to exercise effective control over officials.

The Administrative Reforms Commission [1966] recommended the creation of institutions like Lok Pal and Lok Ayukta to make eradication of corruption effective. It also recommended the abolition of vigilance commissions that existed in few states. The appointment of Ombudsman in Kerala is a part of the follow-up action taken by the state on these recommendations.

The Ombudsman appointed at the state level is the authority to settle complaints against maladministration and corruption in the execution of governance by the local self government institutions and the public servants under them.

The responsibilities of Ombudsman [Sections in the Panchayati Raj Act chapter 25-B, 271 [F] to [R]]

• Conduct enquiry about any allegation contained in a complaint or mentioned by the government.
• Enquire into any complaints against maladministration or corruption by the local self government institutions and the public servants under them.
• Pass orders on the basis of such enquiries.
• If any criminal offence is involved,
On matters where a citizen suffers loss or inconvenience, compensation has to be ordered by the Ombudsman, to be paid through a local self government institution, by collecting the compensation amount from those responsible for the irregularity.

- On matters where a citizen suffers loss or inconvenience, compensation has to be ordered to be paid through the local self government institution, by collecting the compensation amount from those responsible for the irregularity.

- If extravagance or misuse in the case of funds of local self government institutions causes loss, orders have to be issued to make good the loss by recovering it from those responsible for the irregularity.

- If any matter has been left out due to some irregularity or indifference, orders must be issued for its inclusion and correction of the mistake.

- If it is certain that the activities of a local self government institution will cause loss or injury to a complainant, stop it from doing anything against the interests of the complainant; if the irregularity committed is in the nature of corruption for personal gains, impose a penalty also in addition to compensation.

Procedure

- Once a complaint is registered, a copy of the complaint and related records must be forwarded to the opposite party together with the notice. If that person fails to submit his response and related records within 15 days from the date of receipt of the notice, decision on the complaint must be taken ex parte.

- The Ombudsman can summon any person as a witness and direct the complainant or opposite party to produce any record. After two months from the date of disposal of the complaint and within a month’s time those who had produced the records have to take them back.

- If any matter mentioned in the
complaint warrants in depth investigation, reports from the police, other government officials or technical experts will be considered.

- If a specific request is made, the opportunity to present matters directly can be granted and orders passed after examining the evidence and records presented.
- If it is realised that the case against the complainant involves a criminal offence, the Secretary of the Ombudsman can forward the Ombudsman’s inferences and recommendations to the Superintendent of Police. The Superintendent of Police must register a case and pursue further action and inform the Ombudsman accordingly.

1. The final orders on the complaints received will be passed within six months.
2. The orders will be either in English or Malayalam.
3. Everyone concerned is obliged to execute the orders. The Ombudsman can take appropriate action against those who fail to comply with the orders.
4. Copies of the final order will be given to all concerned within a month’s time.
5. The Ombudsman’s signature and office seal must be affixed on all orders. All copies of the order must have the Secretary’s signature and office seal.
6. The Ombudsman can on his/her own or on the basis of a complaint presented within sixty days, reconsider any decision.
7. The relevant records must be properly preserved.

Procedure for filing a complaint

A complaint addressed to the Ombudsman can be submitted directly

The Ombudsman can, on his/her own, or on the basis of a complaint presented within 60 days, reconsider any decision.
A complaint addressed to the Ombudsman can be submitted directly before the Secretary of the Ombudsman or sent by registered post.

Fees
The complainant must affix court fee stamp worth Rs 10/- on every complaint. But when a complaint is filed on behalf of the government by a person authorised by the government, no fees need be paid.

Copies of the complaint
The number of copies of each complaint and the accompanying records must be the same as the number of opposite parties.

Solemn declaration
Along with each complaint a solemn declaration has to be filed stating that everything mentioned in the complaint is true to the best of his/her knowledge and belief.

Model of a complaint
As far as possible, complaints must be submitted in the following format:
Before the Ombudsman for the local self-government institutions, appointed as per section 13/271 G of 1994 of the Kerala Panchayat Act 1994.

Complaint Number :
Name and address of Complainant :
Name and address of Opposite Party / Parties :
1. Name of Complainant :
2. Name of father / husband :
3. a] Age : b] Occupation :
4. Permanent address :
   a] Name :
   b] House name /number :
   c] Post Office :
   d] Taluk :
   e] District :
5. Nature of the complaint :
   Description and details
6. Names and addresses of persons [if any] who, according to the complainant, are aware of the facts related to the complaint and the complainant wishes to be summoned before the Ombudsman
7. Particulars of records submitted with the complaint
   1. ..................................... 2. ..................................... 3. .....................................
   4. ..................................... 5. ..................................... 6. .....................................
   7...................................... 8. ..................................... 9. .....................................

Place
Date
Signature of the complainant

I hereby solemnly declare that the particulars given above are true and correct to the best of my knowledge and belief.

Signature
Date

Note: The complainant can copy this form on white paper. Depending on the nature of the complaint additional sheets of paper can be used to furnish more information.
5. TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS

What is the Tribunal?

The Kerala Panchayati Raj Act Chapter 25-C, 271-S, 271-U sections and section 509 of the Kerala Municipalities Act provide for the formation of a Tribunal for local self government institutions. According to this the Tribunal is empowered to consider and pass orders on appeal / revision petitions against the decisions of the local self government institutions. It is also empowered to consider disputes between Panchayats and the state government and convey its opinion to the state government. The Act also suggests the appointment of a Tribunal for each district or for more than one district.

The important elements of the government order No.[P] 252 / 99/ LSGD dated December 20, 1999 containing the rules pertaining to the Tribunal, are as follows:

Formation

The government has to appoint as Tribunal, a person from the state judicial service holding the rank of a District Judge, in consultation with the Chief Justice of the Kerala High Court.

Term of Office

The term of office will be three years from the date of assumption of charge or the date of super annuation from the judicial service.

Staff

An officer not below the rank of an Under Secretary in the Law Department has to be appointed by the government as the Secretary to the Tribunal. The other officers and staff have also to be appointed as per requirements.
Registers
A] The Petitions Register in Form [A] to record the particulars of petitions received and summary of orders.
B] The Diary Register in Form [B] to record the gist of petitions received by the Tribunal and notes on action taken and orders issued till the final disposal.
C] Other registers deemed necessary by the Tribunal.

Petitions
1. The petition must be an appeal / revision petition against an order or action of the Gram Panchayat, Municipality, Finance Standing Committee or Secretary.
2. Petitions can be filed on matters for which time limits have been fixed by the Panchayat or Municipality but decisions have not been taken by the Standing Committee or the Secretary.
3. If the petition is against a notice or order, it has to be filed before the Tribunal within 30 days or within 60 days after filing an appeal before the local self government institution and 90 days for matters on which no decision has been taken. However, petitions filed even after the specified time limits can be accepted up to one month if the Tribunal is convinced that there were valid reasons for the delay.
4. Attested copies of all related records must also be submitted along with the petition.

Fees
While submitting a petition a sum of Rs. 50/- has to be remitted in the Office of the Tribunal or a Demand Draft for Rs.50/- issued on a bank at the place at which the Tribunal is based, must be enclosed.

Powers
While trying a case under the civil law, the Tribunal will have the same powers as those vested in a civil court.
1. To suspend the proceedings of notice and orders.
2. To send notice to the opposite party.
3. To summon witnesses for trial and to call for records
4. To issue orders to the local self government institutions.
5. To conduct hearing of pleas of parties.
6. To pass judgement after examining the petitions and records. [The judgement must be recorded, duly signed and have the official seal. A copy of the judgement must be given to the persons concerned within a week from the date of judgement].

Manner of filing a petition
The petition can be filed directly by the petitioner or through registered post.

Copies of the petition and records
Along with the petition, an attested copy each of the petition and the related records have to be submitted to the Tribunal. As many number of attested copies as the number of opposite parties must also be submitted.

Application Form
A model of the application form is given on page 53.

Matters on which Appeal /Revision Petition can be filed before the Tribunal for Local Self Government Institutions
1. Assessment, demand and collection of tax, fees or cess.
2. Grant of permission and license for trading, setting up a factory, industry, market etc.
3. Registration of private hospitals, para medical institutions, tutorial colleges etc.
4. Water supply in the local self government institutions’ areas.
5. Street lighting
6. Construction and management of drains
7. Management of public toilets; action against private toilets causing public nuisance
8. Removal and processing of garbage and solid waste.
9. Regulation of fairs and festivals; collection of cost of cleaning operations from the organisers.
10. Maintenance of public streets and prevention of encroachment on them.
11. Protection of public places
12. Regulation of building construction.
13. Protection of ‘Poromboke’ land [unclaimed land]
14. Action against structures, trees or places that are dangerous or are a nuisance; action against dangerous quarrying, rock blasting etc.
15. Action against ponds, pits, wells, tanks, lakes, marshes, drains, mud-holes etc. which are either dangerous or are sources of nuisance
16. Regulation of farming and manuring practices that are injurious to public health
17. Protection of common water sources.
18. Ban against pets that are a nuisance to others.
19. Control over slaughter houses / abattoirs; action against unauthorised slaughter.
21. Licensing of parking lots, unloading yards etc.
22. Licensing of hotels, restaurants, banning sale of food material that is injurious to health and the destruction of such material.
23. Licensing of cremation / burial grounds

While submitting a petition a sum of Rs. 50/- has to be remitted in the office of the Tribunal or a Demand Draft for Rs. 50/- issued on a bank at the place at which the Tribunal is based, must be enclosed.
Model Application Form
Before the Tribunal for Local Self Government Institutions

1. Name and address of the petitioner
2. Name and address of opposite parties
3. Is this petition an Appeal or Revision Petition?
4. Name of the institutional authority that issued the notice / order or took action which is the reason of this petition and the number and date of that notice / order.
5. Date on which aforesaid order was received / action taken was noticed.
6. Reason for challenging the notice / order.
7. Is a stay sought on the notice / order / action and if so the reasons thereof
8. If the receipt for payment of any tax is produced, its number and date
9. If the petition is a claim for money, the amount involved
10. Remedy / solution sought
11. Details of records submitted in support of the petition
   i. ...........
   ii. ...........
   iii. ...........
12. Particulars of fees for the petition
I .............................................................................. whose name is mentioned above, hereby declare that the particulars given above are true and correct to the best of my knowledge and belief.

Place
Date

Signature of the Petitioner

Along with the petition, an attested copy each of the petition and the related records have to be submitted to the Tribunal. As many numbers of attested copies as the number of opposite parties may also be submitted.
Forging links with all types of organisations and using the strength so derived to promote local development that facilitates the growth of an orderly way of life, is an important basic tenet of Panchayati Raj. The influence of various small and big CBOs in the progress of Kerala has been considerable.

Self Help Groups, Women’s Neighbourhood Groups [connected with Kudumbashree], common neighbourhood groups [groups comprising all the members of about 50 households that are located close to each other], clubs, women’s associations [Mahila Samajam], libraries / reading rooms, farmers’ associations, P.T.A [Parent Teachers’ Association] Mother P.T.As, Ward-Panchayat Development Committees, Area Development Societies, Community Development Societies [both related to Kudumbashree], Residents’ Associations [whose number is increasing steadily], citizens’ groups, workers’ organisations, youth organisations and such small and big CBOs can be seen in any Gram Panchayat.

But, at present, they are mostly involved in their own activities only. For some of them the only activity is the celebration of their anniversary while some have only financial dealings. Most of them drift away from the objectives of social work, without finding the space for such work or by failing to recognise the space that does exist. For this reason, most of them fail to get the society’s acceptance or are incapable of exerting any influence on the society. Further they do not succeed in

If we look into the development of any area, we find that in areas where the number of community based organisations is high or the groups are more active, there has been more of development and the efficiency of the administrative machinery has also been greater.
reaching the goals set by them.

In all these small groups, the citizens of the respective areas are the members. If we look into the development of any area, we find that in areas where the number of such groups is high or the groups are more active, there has been more of development and the efficiency of the administrative machinery has also been greater. In Kerala itself several activities like construction of roads, health services, awareness building programmes, study programmes, construction of schools, bridges, environmental protection, social forestry, construction of waiting sheds, caring of destitutes, cultural groups / organisation of competitions, assisting the administration and activism against evil and injustice were successfully carried out through voluntary efforts without any assistance from the government. All these efforts involved the maximum utilisation of local resources particularly human resources. It showed the basic awareness about the essential need of joint efforts for human survival.

Now, with the establishment of the Panchayati Raj system, governance, powers, finances and its utilisation have all come close to the people. The 'Gram Sabha' has become the most important institution in the system. In other words, an organisational arrangement is in place, facilitating implementation of activities with greater vigour compared to the past, with centres of governance and authority standing shoulder to shoulder. For the aforesaid organisations new and vast possibilities have opened up. It is an opportunity to intervene as citizens to discharge one’s responsibilities and contribute their mite for the development of the country in diverse areas. The possibilities for such intervention must be looked into duly considering one’s area of intervention and the objectives and goals of the organisation. It means that instead of keeping aloof and finding faults,
one must be ready to discharge his / her responsibilities. By making the functioning of the organisation transparent and subjecting it to social audit, they should endeavour to make the functioning of the Panchayat transparent.

The approach should be to find out ways and means of utilising the capacities of the organisation to strengthen the functioning of the Panchayat.

Development is understood to be the sole responsibility of the government. But it is a process that should take place through collective action.

The main responsibility for this lies with the local self governments. Moreover, in a state like Kerala there are political parties to provide the leadership. If there is decline of cultural values in an area or weakening of the agricultural sector, it means that all organisations involved in related activities are also responsible for it. In the prevailing circumstances the responsibility of organisations formed with specific objectives in each sector, is great.

It should be possible for them to work / help at the levels at which they can. Mainly three types of activities are possible:

i) Have a clear concept within their organisation about the local government system, the problems and possibilities related to the development of the area, and their responsibilities in the sector of their intervention.

ii) Use the knowledge gained and expertise acquired by each of these organisations in the sectors related to their activities for the smooth functioning of local governments in planning - in implementation - in training - in technical expertise - in other organisational matters - in resource mobilisation - in conducting studies

iii] Conduct social audit, give publicity to the citizen’s charter and create...
The perception that the approach to development must be in tandem with environmental protection, must be nurtured.

Awareness among people about their right to information.

Types of intervention

1. For Conceptual Clarity
   Every organisation must acquire conceptual clarity on all these matters by studying them, by securing the help of others, through discussions, from their own enquiries and experiences.

   In a politically enlightened state like Kerala, strong intervention of the political parties leading the local self governments, is absolutely essential to help the Panchayat Committees to formulate suitable policies on matters like approach to development of the area, their vision and implementation.

2. To identify the problems and find solutions
   In accordance with the nature of the organisation and its competence, the problems of the area must be identified and the ways and means of solving them effectively must be investigated. For example, if it is a farmers’ group, the problems of that sector must be identified. Parent-Teacher Association in the education sector, libraries and clubs in the areas of culture, non-formal education and environment, labour organisations in their area, etc. To facilitate this, discussions could be arranged among the public or among its members or stakeholders. The role of various organisations, the public and the different tiers of governments must be studied and programmes prepared accordingly. Public involvement and action are to be ensured. When matters are taken to the Gram Sabha, the desire for a common approach as well as a comprehensive long term vision will gradually emerge, paving the way for practical suggestions and joint efforts, with the Panchayat Committee rising to the occasion and assuming the leadership role.
3. Interaction with the public
   While the organisations study the prevailing situation, it should be possible for them to convince the public within their operational sphere. Depending on the sector whose problems are being studied for possible interventions, public participation and conceptual clarity have to be ensured.

4. Evolving a new development culture
   Through such interventions it should be possible to evolve a new development culture. There is a notion that development of infrastructure alone is development. Instead, people must be made to realise that it is only one aspect of development and unless it is accompanied by other elements, infrastructure by itself is neither adequate nor a panacea. To evolve a development culture that is in tune with nature, there has to be a radical change in the lifestyle and conventional practices. The people must be assisted to prepare in writing the norms to be followed / observed, for approval by the Gram Sabha. On the basis of this, it should be possible for the Panchayat to formulate local rules / policies.

5. Environmental protection
   The perception that the approach to development must be in tandem with environmental protection, must be nurtured. Further, the plan of action and livelihood patterns promoted should be such as to help protection of the environment. The endeavour should be to implement such programmes while strengthening the hands of the Gram Sabha as well as the local government to oppose the forces that obstruct the smooth progress of such initiatives.

Protection of public property lying in its area of operation, monitoring of activities therein etc. should be done and brought to the notice of the people.
6. Participation in integrated development
While planning the measures for integrated development, a meeting of the organisations of the area must be convened to discuss and decide the sectors in which they would be able to support the efforts of the Panchayat. The responsibility of each should be made clear. Resource mobilisation, voluntary efforts, imparting training in the utilisation of the funds received in a manner that is helpful for the activities, in providing technical expertise, in organising the Gram Sabha, in conducting studies and in mobilising the people are matters in which their support can be extended according to the circumstances. In the decentralised governance system there is no scope for any parallel system other than the one that accepts the authority of the Panchayat and is against the concept of decentralisation / Panchayati Raj. It will have only a negative impact. Collective thinking will help to avoid duplication of efforts and facilitate the utilisation of the Panchayat’s resources and efforts in new avenues.

7. Help the planning process
Apart from assisting in the organisation of the Gram Sabha, Panchayats can be helped through the working group for planning and in mobilising the stake holders. There are also other areas like preparation of different maps to enable the Panchayat to collect information and similar matters.

8. Assist in resource mobilisation
They can take the initiative to more than double the funds obtained by the Panchayat through their voluntary efforts by improving tax payments, by collecting donations and by finding other sources of funds.

In forging links between the administration and the people, the organisations must adopt a style of working where they work closely with both sides.
9 Organising cultural events
Organising the celebration of important days [like Republic Day, Independence Day, Kerala Day], honouring persons with attainments in different fields, celebrating national festivals, organising fairs related to production and marketing, taking the lead in cultural events, programmes to encourage in children and adults with skills in sports and games and artistic talents- All in collaboration with local governments.

10. Explore / find out the markets and promote them
Publicity for the local products, improving access to market, finding out the markets, organisation of weekly markets and nurturing self reliance.

11. Organisation of common forums
For consultations on such matters, common forums that would enable people at Panchayat level [or ward level] to participate, can be organised. They should provide the freedom / opportunity to discuss any issue. If required, the responsibility for organising these events can be accepted by different organisations in turn. A priority list of such organizations can be prepared. The list of invitees can include officials, members of the District, Block and Gram Panchayats, MLA etc. Further the event should be such that any one can attend and present his/ her views. A detailed explanation on this is given in the handbook on Gram Sabha.

12 Assist the institutional monitoring committees
Assist the monitoring committee set up to monitor the functioning of offices and public institutions within the area of operation of the small groups and present a report on this in every Gram Sabha.
13 Assist the citizens in the discharge of their duties
Along with the support given to the Panchayats, the citizens have to be assisted in discharging their duties. These would include monitoring, conduct of social audit, use of right to information, working of vigilance committees, maintaining efficiency in performance, effective use of the Citizen’s Charter and proper selection of beneficiaries.
In such small groups, the Citizen’s Charter must be discussed and monitored regularly to see if the implementation is proper and react / intervene wherever it is not proper. The activities of each locality must be monitored right from the beginning and be ready to discuss it in the group and present related matters in the Gram Sabha. Through such interventions the social audit can be made more effective and the functioning of the local government stronger. It should also be possible to assist the functioning of the Panchayat, ward level vigilance committees and appraise their performance regularly. Further, it should help gathering of required information as part of the ‘Right to Information’ for use in a positive manner.

14 Competences of each organisation may be different. It should be possible to identify this and use it accordingly, as well as to link and extend such capacities through a network of these organisations.

15 Resource mobilisation for a Panchayat can be from different sources and in several ways. Panchayats can be assisted in finding out these sources and in securing them.
In short, what is required is a working
style that is marked by joint efforts to link the governing institutions with the citizens. Both must be given the support—technical and intellectual—to fulfill their duties and responsibilities. Such activities will, no doubt, be conducive to the acceptance of the organisation by the people and contribute to the improvement of the efficiency of its members as well as the community.

There is no development, only rhetoric! The agricultural scene presents a dismal picture, not to speak of the cultural scene. Where are we going?

If the agricultural, cultural or developmental scene in an area presents a dismal picture, then all organizations related to these sectors are also responsible for it. It is the collective responsibility of all concerned. Small organisations do have a big role in the task.

The activities of each locality must be monitored right from the beginning, discussed in the group and relevant matters presented in the Gram Sabha.
The central and state governments passed the Right to Information Act to make governance transparent and thereby provide the opportunity to the people to obtain all information as if from an open book. In a democratic country the citizens are the supreme authorities. They have the right to know about the governing system made for them. Based on this principle, the Right to Information Act is intended to confer to every citizen the right to obtain any information (except those declared as secret record in the interest of the national security). Accordingly the government is obliged to provide to its citizens information on any matter.

It includes not only the government departments but covers quasi government organisations, public sector, local self government institutions and organisations in which government has shares or those that get assistance from the government. In all organisations that come within the purview of this law, Information Officers have to be appointed at district level, state level and secretariat level. They are responsible for providing the information sought by the public. If the information is not provided or if the information furnished is wrong, a complaint can be filed before the Information Commissioner and thereafter before the Chief Information Commissioner.

Public Places of Authority
The Public Places of Authority are institutions that are mentioned in the constitution or come under it, those that
have been established as per a law passed either by the Parliament or by the State legislature, non-governmental organisations and institutions that function with the assistance provided by the government directly or indirectly and all organisations included in this category by a government notification or order.

Responsibility of Public Places of Authority

As the Right to information requires quick and accurate response, all records in the common places of authority must be properly classified, indexed and preserved. Further, those that can be stored in the computer must be computerised within a reasonable time depending on the availability of resources and made accessible all over the country through the network.

Within 120 days of enactment of this legislation, a document must be prepared with the particulars on the following points and renewed every year with appropriate corrections.

1] Particulars of the formation of the authority, its responsibilities and functioning.
2] The powers and responsibilities of the officers and employees in it.
3] Procedure in the formulation of policy including the arrangements for supervision, responsibilities and duties and related conditions.
4] Instructions, manuals and records relating to the rules and regulations framed for its functioning.
5] A statement about the records in its possession or under its control.
6] Consultations with the public on matters related to its functioning and their participatory nature.
7] A statement about different Boards, Councils etc. If they have Boards or Advisory Committees with two or more members are their meetings open to the public? Can people
Whenever important policies are formulated or decisions affecting the public are announced, all relevant particulars must be published.

- Obtain copies of the minutes and the procedures.
- A directory of officers and staff, their monthly income and compensation for losses.
- Sanctioned budget, schemes and their particulars, accounts of income and expenditure, details of payments made.
- Subsidy, nature of implementation, sanctioned amount, details of beneficiaries.
- Sanctioned benefits, particulars of their beneficiaries.
- Details that are provided.
- Arrangements made for providing information, if facilities like library have been established, details thereof.
- Names and designations of Public Information Officers.
- Any other prescribed information.

Whenever important policies are formulated or decisions affecting the public are announced, all relevant particulars must be published. Further, the reasons that led to decisions of an administrative or quasi judicial nature, must be communicated to the aggrieved party.

Information has to be provided in the mother tongue. For this the electronic media can be used. Furnishing of information must be done free of cost. However, the expenses for media or printing can be accepted while giving publicity to all matters as per the rules. In addition arrangements must be made to convey information to the public through notice boards, newspapers, public announcements, visual media, internet etc.

Public Information Officer

All public Places of Authority must appoint within 100 days from the date on which the relevant law has come into effect.
force, the required number of officers at the appropriate places, to provide information. It can be as Chief Public Information Officer or as Public Information Officers in the administrative offices or other offices under them. If the services of any other officer is required to ensure their proper functioning, that can be sought.

Application for obtaining information

To get any information an application written in English, Hindi or the regional language of the area or in the electronic form, has to be given. The prescribed fees must be remitted along with the application. In the case of Public Place of Authority, the application has to be given to the Chief Information Officer, Asst. Chief Information Officer or State Information Officer. If a person is incapable of filing a written application, the officer concerned is responsible for helping in preparing a written application.

The applicant apart from furnishing information that enables the authority to contact him is in no way obliged to state the purpose for which the information is sought or any personal particulars.

If the application concerns another Public Place of Authority or is closely related to its responsibilities, the Authority that received the application must pass on that application or its relevant portion and inform the applicant accordingly. The transfer of an application in this manner should not take more than five days.

Disposal of an application

An application must be disposed of within 30 days from the date of receipt. But if the information sought relates to a person's life or individual freedom, the information has to be provided within 48 hours. If the amount remitted is less than the prescribed fee, the applicant must be informed about it as quick as possible. In this intimation mention must be made of:

Arrangements must be made to convey information to the public through notice boards, newspapers, public announcements, visual media, internet etc.
An application must be disposed of within 30 days from the date of receipt. But if the information sought relates to a person's life or individual freedom, the information has to be provided within 48 hours.

The applicant's right to seek reconsideration of the decision on the fee amount, the authority's explanation, legal limitations and procedural formalities. If the applicant is a person below poverty line, no fees need be charged. If the time limit prescribed for providing the information is not adhered to, the information must be furnished free of cost.

If an application is rejected for some reason, the following details must be provided to the applicant:
1] The reason for rejection of the application
2] Time limit for filing an appeal against the rejection
3] Details of appellate authority.

Few important reasons for rejection:
Applications can be rejected when the information sought relates to any of the following:
- Information that adversely affects India's sovereignty and solidarity, its security, its military, scientific, or economic interests: matters affecting our relationship with other countries, information that might cause or encourage criminal actions.
- Any information forbidden by a court or tribunal or that which would be contempt of court.
- Information that can adversely affect any criminal investigation or the arrest of criminals or their prosecution.
- Records of cabinet papers including the records of discussions of Ministers, Secretaries to Government and other officials [But the decisions, the reasons, the facts based on which the decisions were made etc. have to be furnished after such decisions are taken or after a matter has ended.]
- Any information that is detrimental to an entire department.

A law like this has great historical significance. But it has to go a long way to acquire strength in its practical application. Effective action plans have to be prepared.
The Right to Information Act 2005 has great historical significance. But it has to go a long way to acquire strength in its practical application. Effective action plans have to be prepared to make people realise the importance of this law. As the governance level at which public have direct dealings, ways and means of linking it with the functioning of local self-government institutions have to be thought of. Obtaining information, sharing it, discussing matters collectively, working together, discharging our responsibilities and using our authority in an effective manner are the only ways for the people to solve their problems, to bequeath better tomorrows to posterity and build a stable and accountable governing institution. By exercising our right to information, let us work together, discharge our responsibilities and use our authority in an effective manner.
THE KERALA CONTEXT

- Panchayat Committee is the committee of elected representatives.
- Every Gram Panchayat is divided into 12-22 wards depending on the size of the population and geographical area.
- Each ward elects a ward member and the ward members elect the President, Vice President and Chairpersons of the various Standing Committees.
- Gram Sabha in Kerala is ward based.
- Working Group is the committee of local experts, stakeholders, officials and elected representatives. Panchayats constitute working groups for each of the development sectors. These working groups help the Panchayat committee in preparing draft projects and plans.
- Kudumbashree Mission is the State Poverty Eradication Mission and is following a process approach to eradicate absolute poverty within a definite time frame under the leadership of Local Self-Governments.
- ADS (Area Development Society) is the federation of Kudumbashree NHGs (Neighbourhood Groups) at the ward level where as CDS (Community Development Society) is the Gram Panchayat level federation of ADS and is a registered society.