

How to Use RTI To Get Information From Municipal Bodies

Glossary

- **Central Information Commission-** Defined under Section 2(b) of the RTI Act. The Central Information Commission is the competent authority to deal with complaints and appeals regarding public authorities under central government.
 - **Information-** According to Section 2 (f) any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.
 - **Public authority-** According to Section 2 (h) as any authority or body or institution of self-government established or constituted –
 - (a) by or under the Constitution;
 - (b) by any other law made by Parliament;
 - (c) by any other law made by State Legislature;
 - (d) by notification issued or order made by the appropriate Government, and includes any –
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;
1. **Right to Information-** According to Section 2 (j) the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to –
 - (i) inspection of work, documents, records;
 - (ii) taking notes, extracts or certified copies of documents or records;
 - (iii) taking certified samples of material;
 - (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device
 2. **State Information Commission-** Defined under Section 2(k) of the RTI Act. The State Information Commission is the competent authority to deal with complaint and appeals regarding public authorities under the state government.

1. Backdrop

The Right to Information Act, 2005 (herein after referred to as 'RTI') intends to furnish the sought information from public authorities. Information is defined under Section 2(f) of the RTI Act and public authority under Section 2(h) of the Act. The relevant sections are reproduced below-

Section 2(f)-*"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force*

Section 2(h)-*"public authority" means any authority or body or institution of self government established or constituted –*

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by State Legislature;

(d) by notification issued or order made by the appropriate Government, and includes any –

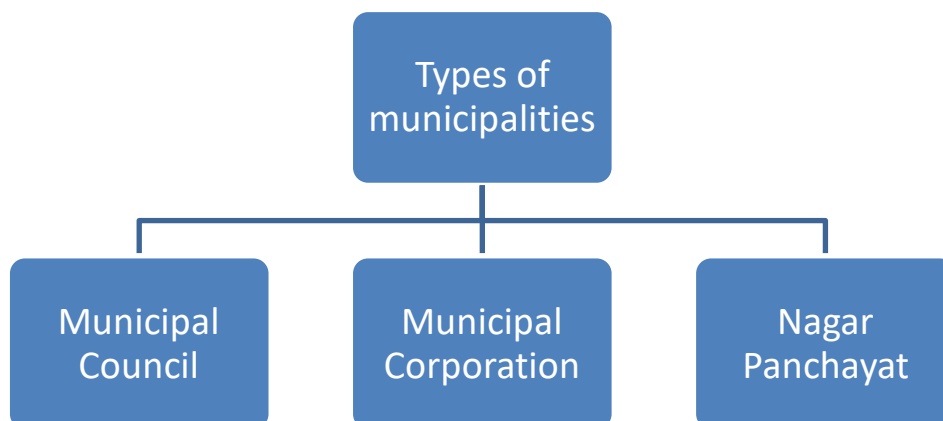
(i) body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

2. Are municipal bodies' public authority?

As per **Article 243Q** of the Indian Constitution every State should constitute three types of municipalities in urban areas. Therefore, municipal bodies fall under the definition of public authority as under Section 2(h) (a).

They are further classified under three heads-



They are explained as follows-

- a) Municipal Council: A Municipal Council is constituted for a smaller urban area; and
- b) Municipal Corporation: A Municipal Corporation is constituted for a larger urban area
- c) Nagar Panchayat: It must be constituted for a transitional area

Article 243W talks about the powers, authority and responsibilities of Municipalities, etc Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow. Moreover, the municipal bodies must also abide by Section 4 of the RTI Act. It lays the following obligations on municipal bodies:

Section 4(1) -Every public authority shall –

- a) maintain all its records duly catalogued and indexed
- b) publish within one hundred and twenty days from the enactment of this Act, –
 - (i) the particulars of its organisation, functions and duties;
 - (ii) the powers and duties of its officers and employees;
 - (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
 - (iv) the norms set by it for the discharge of its functions;
 - (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
 - (vi) a statement of the categories of documents that are held by it or under its control;
 - (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
 - (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
 - (ix) a directory of its officers and employees;
 - (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
 - (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
 - (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
 - (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
 - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
 - (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;

- (xvi) the names, designations and other particulars of the Public Information Officers;*
- (xvii) such other information as may be prescribed; and thereafter update these publications every years*
- c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;*
- d) provide reasons for its administrative or quasi-judicial decisions to affected persons.*

Municipal bodies must designate a PIO as under the following section-

Section 5(1)-Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.

3. Area of Operations

According to Article 243- Powers, authority and responsibilities of Municipalities, etc Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow

(a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to

(i) the preparation of plans for economic development and social justice;

(ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule;

(b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule

The major area of operation of municipal bodies is as follows-

- a) Services such as water supply, sanitation, conservancy, roads, drains, street lighting
- b) Public amenities like parks, public conveniences, burial grounds
- c) Planning activities like land use, urban planning, building activities, trade regulation
- d) Planning for economic and social development and socio-economic activities like slum improvement, urban poverty alleviation, promotion of cultural, educational and aesthetic aspects.
- e) Implementation of various government schemes at grass root levels

The following information that is widely sought by the RTI is as follows:

- a) Allocated budget and estimated revenue
- b) Maintenance work to be taken up
- c) List of contractors
- d) List of bidders for various projects
- e) Funds allocated
- f) List of beneficiaries under various schemes
- g) Pay scale of government employees
- h) Directory of officers
- i) Process of decision making

4. Online Portals for filing RTI to local bodies

The table below shows links to online portals of local bodies of States, UT's, and districts-

Haryana	https://www.filertionline.in/how-to-file-rti-in-urban-local-bodies-haryana-in-haryana
Coimbatore	https://coimbatore.nic.in/rti/
Kozhikode	https://kozhikodecorporation.lsgkerala.gov.in/en/RTI
Odisha	https://rtiodisha.gov.in/pa/T1RILzEzLzc3MS8xMQ
Villupuram district	https://viluppuram.nic.in/rti/
Kolkata	https://www.kmcgov.in/KMCPortal/jsp/AppellateAuthorities.jsp
UT Chandigarh	http://mcchandigarh.gov.in/?q=rti-branch
Punjab	http://lgpunjab.gov.in/cms/rti.php

5. Recent Developments

Below mentioned are a few recent developments with respect to RTI and local bodies.

- a) In 2019, the RTI Act enabled the residents of Bijnor to identify the discrepancies in development work as well as misappropriation and corruption of funds.
- b) The efforts of Ankit Jain, an RTI activist compelled the local body of Derabassi to seal 4 buildings which were being illegally constructed.
- c) The Central Information Commission (herein after referred to as 'CIC') passed an order in the case of [Rahul Sharma v PWD Delhi \(2018\)](#) to facilitate free flow of information regarding the development of public information. It's relevant part has been extracted below-

“the Commission in exercise of powers vested under Section 19(8)(a)(iv) of the RTI Act directs the respondent department as well as CPWD, MoUD, GoI to incorporate adequate changes in its information/ record retention practices as regards the itemised material procurement bills submitted by the contractors. In each case, it shall be mandatory for the PWD, GNCTD & CPWD to retain the authenticated copies of itemised bills on record invariably irrespective of existence of any terms & condition specified in work award contract. Authenticated copies must be obtained by work executing agencies/ contractors before settling payments. It is the need of the hour that the public authorities must adopt such proactive methods to minimise defiance of the morals of good governance and promote greater transparency in executive functioning.”

- d) In 2013, Mr. Shailesh Gandhi, Central Information Commissioner had imposed [penalty](#) on six sanitation superintendents for causing a delay of over 100 days in providing the sought information.

Sample RTI Application

October 31, 2021

To,
The Public Information Officer,
Municipal Corporation
New Delhi, India

Sir/Ma'am,

The following information is sought under section 6(1) of the RTI Act, 2005. Please furnish:

1. The number of street lights in Delhi.
2. The list of contractors who have been assigned the task of maintenance of street lights.
3. A copy of contract signed between the Municipal Corporation and contractor.
4. The budget allocated for maintenance of street lights.
5. The time slot when these street lights are switched on.

Yours Faithfully,
XYZ

PLEASE CONSIDER BEFORE DISPOSING OF THE APPLICATION:

1. If required then, please '*render reasonable assistance*' for the purpose of obtaining the information **u/s 5(3)** of the Right to Information Act, 2005.
2. If the information, wholly or partially is available with any other particular department then as per the provision **u/s 6(3)**, please transfer the application, wholly or partially, to the concerned department.