

Government of Punjab
Department of Local Government

THE PUNJAB MUNICIPALITY PUBLIC DISCLOSURE RULES 2012

No.

Dated:

Whereas it is considered necessary to institute transparency and accountability in the functioning of Municipalities through publication of information pertaining to various facets of municipal governance namely personnel, particulars of administrative structure, finance and operations;

2.0 Whereas the measures to institute transparency and accountability in the functioning of municipalities are envisaged to achieve:

- (a) Provision of appropriate financial and operational information on various municipal services to citizens and other stake holders;
- (b) Promotion of efficiency and consistency in the delivery of public goods and services by the municipalities; and
- (c) Comparison over time and space by disseminating information in a structured, regular and standardized manner;

3.0 Whereas one of the key measures to institute transparency and accountability in the functioning of municipalities is to set up a statutory system of public disclosure of information by the municipalities;

4.0 Whereas the statutory system of public disclosure is considered essential for accountability within as well as outside the municipal system for the following reasons:-

- (i) It helps to build channels between the local, State and Union levels of India's federal government structure for effective communication through voluntary disclosure of information;
- (ii) It helps the audit of financial and operational performance of ULBs;
- (iii) It helps to create an environment of healthy competition between different ULBs in delivering good quality of services to its citizens;
- (iv) It plays a lead role in enabling the citizens to effectively use participatory platform to influence municipal policies;

- (v) It allows ULBs to be accountable to a variety of other stake holders with which it must increasingly interact including lenders, credit rating agencies, donors, private contractors, etc;
- (vi) It helps citizens to play an effective role in their local governance through informed participation, thus strengthening citizen-state partnership; and
- (vii) It will help to bring out different critical issues to the fore and exert pressure on all stakeholders to resolve them;

5.0 Whereas the mechanism to ensure institute transparency and accountability in the functioning of municipalities can be achieved either through a well defined separate law on Compulsory Public Disclosure by them or through the existing laws including the Punjab Municipal Act, 1911, and the Right to Information Act, 2005 and the rules made thereunder;

6.0 Whereas the State Department of Legal and Legislative Affairs vide its advice dated 15.6.2012 has advised that the stated objective of compulsory disclosure of information by the municipalities can be achieved through the existing provisions as reproduced below of the Right to Information Act, 2005. Clause (h) of Section 2 of the Right to Information Act, 2005 reads as under: -

- "(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 organization substantially financed, directly or indirectly by funds provided by the appropriate Government."

Under section 4(1)(b)(xi) of the said Act, the public authorities are under obligation to publish the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made."

7.0 Whereas the Department of Local Government has further considered the matter in keeping with the provisions of section 240 of the Punjab Municipal Act, 1911 which confers powers on the State Government to make rules with previous publications and it is found that specific rules for

compulsory public disclosure of information by the municipalities will supplement the Right to Information Act, 2005 by making available regular information on ULBs activities suo motto;

8.0 Therefore, in exercise of powers conferred under section 240 of the Punjab Municipal Act 1911, the Governor of Punjab is pleased to make the following rules for compulsory disclosure of information pertaining to various aspects of municipal governance namely personnel, administrative structure, finance and operations:-

I. **Short title, commencement and application:**

- (i) These rules may be called the Punjab Municipality Compulsory Disclosure Rules, 2012;
- (ii) These shall come into force at once;
- (iii) These shall apply to all the municipalities in the State of Punjab set up under the Punjab Municipal Act, 1911;

II. **Definitions:**

In these Rules, unless the context otherwise requires:

- (a) 'Act' means the Punjab Municipal Act, 1911
- (b) 'Appendix' means appendix to these rules
- (c) 'Asset' means all immovable assets in al _____ in the municipality
- (d) 'Information' means information included Part A and B of the Appendix.
- (e) 'Director' means Director, Local Government, Punjab
- (f) 'Government' means the Government of the State of Punjab in the Local Government Department.
- (g) 'Liability' means the amount of money that a municipality legally owes to another persons, legally or otherwise;
- (h) 'Municipality' means institution of Local Self Government constituted under the Punjab Municipal Act, 1911
- (i) 'Rules' means Punjab Municipal Public Disclosure Rules, 2012

III. **Duties of Municipalities:**

- (j) Every municipality shall maintain and publish all its record duly catalogued, maintained and indexed in a manner and form which facilitates it to disclose the required information as specified in part A and part B of the Appendix to this notification at half yearly intervals
- (ii) every municipality shall take steps in accordance with clause (i) above to provide as much information suo moto to the public at regular half yearly intervals to various communications

IV. **Manner of Disclosure:**

Every municipality shall disclose required information to the public through any of the two modes mentioned hereunder:-

- i. News paper in regional, Hindi and English language;
- ii. Internet;
- iii. Notice board of the Local Municipality;
- iv. Ward offices;
- v. Any other mode as may be prescribed by the State Government.

V. **Appointment of Designated Officer**

Every municipality shall within a period of one month from date of notification of the Rules shall designate an officer responsible for disclosing the relevant information to the public

VI. **Penalty for Non-compliance**

- (i) Every designated officer shall strict compliance of these rules failing which he shall be liable to pay penalty as provided under Section 199 for impingement of Rules and such penalty shall be imposed on him by the Director, Local Government, Punjab.
- (ii) Provided that before any such penalty is imposed, the Director, Local Government, Punjab, shall afford reasonable opportunity of being heard to such designated officer.
- (iii) Provided further that the burden of proving that he acted reasonably and delay in furnishing or disclosing information was beyond his control, shall be on the designated officer.

VII. **Power to remove difficulties**

Notwithstanding any provisions of the Rules, if any difficulty arises in giving effect to these Rules, the Director, Local Government, Punjab may by order make such provisions or give such directions as may be necessary or expedient for removing such difficulties and achieving the said objectives of these Rules.

Dated:

Suresh Kumar, IAS
Principal Secretary to Govt of Punjab
Department of Local Government

Endst. No.

Dated:

A copy is forwarded to the Controller, Printing and Stationery, Punjab, Chandigarh with the request that the above notification may please be published in Punjab Gazette (Extra-Ordinary). Twenty five copies may please be supplied to the department for record.

Additional Secretary

Endst. No.

Dated:

A copy is forwarded to the following for information and necessary action:

1. Commissioners of all Municipal Corporations, Punjab
2. Executive Officers of all Municipalities, Punjab
3. All Regional Deputy Directors, Local Government, Punjab.

Additional Secretary

Endst. No.

Dated:

A copy is forwarded to the following for information and necessary action:

1. PS/LGM
2. PS/PSLG

Superintendent

**Appendix to Notification No. _____ of _____ of the
Department of Local Government, Punjab.**

PART A

1. Particulars of the municipality/municipal corporation :
2. A statement of the boards, councils, committees and other bodies consisting of two or more person constituted as its part or 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 ;
3. A directory of its officers and employees.
4. The particulars of officers who grant concession, permits or authorization for each activity ;

PART B

1. Audited financial statements of Balance sheet, Receipts and Expenditures, and Cash Flow on a quarterly basis within two months of end of each quarter ; and statutorily audited financial statements for the full financial year, within three months of the end of the financial year ;
2. The service levels being provided for each of the services being undertaken by the municipality/municipal corporation ;
3. Particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;
4. Details of subsidy programmes on major services provided or activities performed by the municipality, and manner and criteria of identification of beneficiaries for such programmes ;
5. Particulars of the Municipal area plan as well as ward plans detailing the development of the municipal /ward area ;
6. The particulars of major works as may be defined in the Rules to be made under this Act, together with information on the value of works, time of completion, and details of contract ;
7. The details of the municipal funds i.e. income generated in the previous year by the following:
 - (a) Taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permission ;
 - (b) Taxes, duties cess and surcharge, rent from the properties, fees from licenses and permission that remain uncollected and the reasons thereof ;
 - (c) Share of taxes levied by the State government and transferred to municipality and the grants released to the municipality ;
 - (d) Grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the municipality the nature and extent of utilization ;
 - (e) Money raised through donation or contribution from public or non governmental agencies ;
8. Expenditure incurred in each ward in the preceding financial year.