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INVITATION FOR ARTICLES

The Indian Journal of Public Audit and Accountability welcomes original articles of professional interest. The articles should broadly cover aspects relating to Public Accountability, Financial Management, Accounts, Audit, Public Administration with focus on Good Governance.

Ideally the article should be between 3000 and 3500 words and should not normally exceed 5000 words. Short articles on topical interest are also welcome which can be included in Commentary Section of the Journal. They should preferably be between 1000 and 2000 words.

Two printed copies of the articles should be submitted along with a soft copy in a word processing format. Articles can also be sent by e-mail followed by hard copy by post.

Articles in Hindi are also welcome, which will be published in original. They should preferably be in simple spoken Hindustani language format. An abstract of the article in about 100 words should also be sent.

EDITORIAL

This issue of Indian Journal of Public Audit and Accountability contains several articles that raise pertinent questions on contemporary issues.

Y.K. Alagh analyses the financial devolution approaches and issues raised in the XI Plan. Discussing these he has focused on the possibilities of improved resource raising at decentralized levels and suggests improved practices in this regard. He concludes that current problem of fiscal constraint at spending levels is not largely a resource problem but a restructuring and devolution problem. Productive spending is the need just as best practices in resource raising at local levels have to be replicated at the state and local level.

India is to host XIX Common Wealth Games in October 2010. A Report by the C&AG of India on the preparedness for these games is unique for several reasons as analyzed by Sethumadhavan in this article. This Report stands out for its quality of reporting and, what is more important, deals with 'current' or 'live' issues that have a great relevance for the executive for whom it seemed a 'wake up call'. The Report has used novel techniques like physical inspections of venues and infrastructure projects which were not used earlier in Auditing.

Water availability and supply is fast emerging as the critical issue not only in India but globally. B.N. Navalawala has brought out the various responses to this looming water scarcity. The National Water Policy has assigned higher priority to drinking water supply but despite five decades of planning and more than a decade of 'Drinking Water Missions' the problem remains acute specially in rural areas. The author has analyzed the various reasons and remedies available for improvements.

Infrastructure woes are the worst in our country and any literature on Indian economic development has spoken vehemently on upgrading the existing infrastructure and creating much more for the country to progress. The article by Raghav Chandra, which was presented in IPAI seminar at Bhopal, gives a brief but effective account of efforts made by the three fast growing economies of South East Asia for building great infrastructure and maintaining it well.

Under ‘Miscellaneous’, we have included a short write up contributed by the Director General, National Academy of Audit & Accounts, Shimla about the year long Diamond Jubilee Celebrations of the Academy that commenced on 17^{th} December 2009.

In the documents section, we are including a very pertinent and interesting document, for our readers namely, the Maintenance and Welfare of Parents and Senior Citizen Act, 2007.

We do hope our readers will enjoy the volume and at the same time will also get motivated to contribute articles to the Journal for its future editions.

Disclaimer:

The views and opinions expressed in the articles are entirely those of the contributors and do not reflect the official policy of the Institute.

Decentralization and Devolution in the Eleventh Plan

Yoginder K. Alagh[*]

Introduction

The Finance Commission is a widely researched subject and newer approaches are difficult to envisage. I therefore take a relatively focused issue the Eleventh Plan and financial devolution. We describe the financial devolution approaches and issues raised in the Eleventh Plan (may not be well known, since the document is privately published, but available on web). We describe the structure of major schematic sectoral approaches; taking agriculture and rural development, as a case, although much the same approaches are there in the social sectors. We discuss devolution methods including possibilities for improved resource raising at decentralized levels and improved practices. We also argue that urgency arises on account of the urgency of effective fiscal stimuli in the meltdown.

Eleventh Plan and CSS

Given the focus on decentralization in implementing rural development and social sector priorities, the Eleventh Plan is largely structured around big ticket Centrally Sponsored or Central Schemes in agriculture, rural development, education, health and urban development. NREGA, AIBP, Sarva Shiksha Abhiyan and others continue. A slew of new schemes is introduced in agriculture and rainfed area development. *Also, more important newer financing and organizational principles are enunciated.*

The new big ticket schemes and plans that the Government has introduced include:

- National Rain-fed Areas Authority (NRAA) to bring focus to the problems and potentials of these huge but hitherto neglected areas. The NRAA is expected to harmonize across the different central government efforts and offer expert advice to states on how to integrate these in their own agricultural Plans (GOI, 2007, p.34).
- National Food Security Mission as a Central sector scheme in mission-mode aimed at increasing food grains production by at least 20 million tonnes by the end of the 11th Plan to concentrate on capacity building, monitoring and planning, and that the execution of the programme would be within the district planning framework (GOI,p.35).
- An important innovation during the 11th Plan is the new Rashtriya Krishi Vikas Yojana (RKVY) with an outlay of Rs.25,000 crores which is designed to give more flexibility to States and incentivise them to spend more on agriculture and to do so on the basis of properly designed District and State plans, in the agro-climatic mould introduced by us at the time of the Rajiv Gandhi Planning Commission. The RKVY provides a framework to achieve

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this objective. It requires that every district should draw up a District plan that fully utilizes an initial resource envelope available from all existing schemes, State or Central, including resources at district level from Central schemes such as those of Rural Development, Ministry of Panchayati Raj, Ministry of Water Resources and other Ministries.

Normal Central Assistance and CSS

The Eleventh Plan has the following to say in its chapter on spatial development and regional imbalances;

- "It needs to be remembered that that, in fact, the significance of the *NCA amount has got substantially reduced since 2005-06*, the year from which the Central Government ceased to provide the loan component of NCA"(GOI,Vol.1, p.143).

Thus formula based assistance has gone down. (NCA is Normal Central Assistance)

However, as a counterfactual the Eleventh Plan states:

"The Central Government also transfers substantial resources to the States in the form of CSS and ACA for State Plan Schemes."(Ibid.,p.143)

Again in the Chapter on Financing the Plan, the Planning Commission states;

- "As shown in Table3.8 the Central assistance being transferred to the States in the Eleventh Plan amounts to 1.2% of GDP as against 1.43% in the Tenth Plan." (Ibid., p.41). It notes however that
- "Central assistance is not the only means of plan transfer. *Large transfers take place through the CSS which have been greatly expanded in the Eleventh Plan." (Ibid., p.42)*

(Emphasis added by author)

The Problem and Consequences

The 'Problem' is *not resources* but *devolution of autonomous resources* in the devolution process. Resources under the rule based devolution process of the Gadgil-Mukherji Formula have dwindled. (Vol.1, pp.141-143) and the slack is taken by tied assistance.

Reform to enable State and lower level bodies to access resources for capital requirements of development has also not taken place. This has further aggravated the resources position for rural infrastructure so badly needed for inclusive development.

The Review of State Finances by the Reserve Bank of India (RBI, Bulletin, Feb.2008), shows the collapse of autonomy of State Finances. *Big ticket Central Plan Schemes and Centrally Sponsored Schemes have increased by 127.8% and 49.6% in the Revised Estimates of 2006/07 over the actuals of 2005/06 (RBI, 2008,p.326), but plan loans are lower by 25.1% in the RE over BEs of 2006/07.*

The 12th Finance Commission *abolished the established scheme of market borrowings* and has dealt a major change to autonomous finance in the Federation. They had recommended a Loan Council for the switch over which has not been implemented and the allocations of permitted market borrowings are done by bureaucratic methods rather than formula based allocations as earlier. *The States have ample resources to implement big ticket Central schemes, but no leeway at their own level and further the implementing agencies are at the tail end.*

The reason cannot be fiscal prudence for Governments are issuing bonds of lakhs of crores to finance revenue subsidies. We need policies for financing rural infrastructure badly. The Thirteenth Finance Commission will have to address this. This was the argument by some of us earlier (Y.K. Alagh, 2006, in A.K. Singh, 2007 and SOPR, 2008) and interestingly now the Eleventh Plan repeats it with a major emphasis.

The Eleventh Plan and Implementation Structures

The Planning Commission lays a central role for decentralized implementation structures and provides rules for accessing resources. As an example, it states the implementation problem in the 11th Plan as follows:

The analysis of benefits or strengths and weaknesses of the watershed development projects implemented so far establish the following essential principles for guiding policy and its execution in the future.

- Equity: Watershed Development Projects should be considered as instruments for increased land productivity and inclusiveness;
- Decentralization : Establishing suitable institutional arrangements within the overall framework of the Panchayati Raj Institutions (PRIs), professional and dedicated human resources and operational flexibility in norms to suit varying local conditions will enhance decentralized decision making;
- Facilitating Agencies: Social mobilization, community organization, building capacities of communities in planning and implementation, ensuring equity arrangements etc., needs intensive facilitation by professional teams. They need to be provided financial support to perform the above specific functions in 11th Five Year Plan
- Centrality of Community Participation: The community organizations should be closely associated and accountable to Gram Sabha in the project implementation and get the support of the Gram Panchayat for convergence of all programmes in the area.

The CSS’s for the first time are in a District Plan mould. Again the Plan states;

- The District Agricultural Plan should include livestock and fishing and be integrated with minor irrigation projects, Rural Development works and with other schemes for water harvesting and conservation. The state agricultural plan should be based on these initial district plans, subject to reasonable resources from its own plan and adding those available from the centre, aimed at achieving the state’s agricultural growth objective, keeping in view the sustainable management of natural resources and technological possibilities in each agro-climatic region. This plan should then determine each district’s final resource envelope, their production plan and the associated input plan. Annual targets at the start of the fiscal year should be fixed and funds for relevant schemes ensured, with implementation reviewed every quarter both at district and state levels. Most agricultural activities figure in Schedule Eleven of the Constitution and form part of the domain of Panchayati Raj Institutions.

- The 74th Constitutional Amendment Act stipulates District Planning Committees at the district level to integrate Sectoral Plans including social sector schemes of a district, which then get further integrated into the State Plans. Planning Commission has already issued detailed guidelines of Plan process which needs to be followed by the states while preparing District Agriculture Plan as well.

The 11th Plan after laying down the structure and general financing structure and problems states the operative support principles as follows;

- Monitoring, Evaluation and Learning: Laying specific milestones, institutionalizing the process of participatory evaluation and learning are important instruments. A participatory, outcome or impact-oriented and user-focused approach has to be instituted.
- Capacity Building and Software Support: Ensuring effective capacity-building inputs to all key stakeholders at multiple levels (national to local) through long-term institutional arrangements with competent capacity building organizations and allocation of financial resources for the purpose are key instruments.
- Organizational Restructuring: Establishing appropriate technical and professional support structures at national, state, district and project levels and developing effective functional partnerships among project authorities, implementing agencies and support organizations is essential for ensuring effective project management (GOI,2008,11th Plan, pp.25-26).

This is the operative part of the central plan strategy. Large big ticket plan schemes are *structured and funded* around these principles. It is interesting that this time around these special features were developed by community groups and their facilitators. “When those working for Participatory management of natural resources were hoping for strengthening and carry forward participatory approach in 2000-2001…there was severe setback as described in the paper “The Fading Shine of the Golden Decade.” When this paper was presented to Dr. M.S. Swaminathan and Prof. Y.K. Alagh, they encouraged DSC to organize national level deliberations to voice concern at the dilution and almost reversal of the participatory approach and at the same time present principles that should guide the formulation and modification of schemes of NRM by center, states, or donors.” (Anil Shah, Bopal Declaration,2005).

- Principle-1: Centrality of Community Based Organizations (CBOs)
- Principle – 2: Equity
- Principle – 3: Decentralization
- Principle - 4: Importance of facilitating agency.
- Principle – 5 : Monitoring and Evaluation
- Principle – 6: Training and software inputs
- Principle – 7 : Sustained momentum of development
- Principle 8: Organizational re-structuring

The Bopal Declaration was lucky to get incorporated directly in the Eleventh Plan apart from Principle 7 or Watershed Plus.

If you are not in the District Plan, Agency Principle mode funds are denied. For example Gujarat was denied Rural development funds since they were not in District Planning mould. The RGKVY denies funds if plan are not in agro climatic mould, NREGA is conditional, so are programmes of National Rainfed Areas Authority. The method is well thought out since support is provided for local planning and statistical machineries through yet other Centrally Sponsored Schemes so far so good but are States and local bodies capable financially for the change? But the devolution is to the District level. Are District agencies ready?

Third Tier

The Notion that Panchayats do not raise resources is incorrect. There is wide variation in performance. In fact resource raising Panchayats are more than just ‘Best Practice Cases’; However, it is quite clear that more needs to be done. Some of the important issues to be discussed are:

- Measuring Success in Resource Raising
- Lessons from the Successful
- Non Sovereign Guaranteed Borrowing for Investment
- Efficiency in Expenditure
- Tied and Untied Resources: The Devolution Index: Role of Finance Commissions
- Resource Raising and the Global Recession

An example of this wide variation which is dated is as follows;

An Old Story on Variation
ZP Income Sources in Maharashtra in 1987

S.No.Particulars	Nanded	Aurangabad	Parbhani	Beed	Osmanabad	Latur
1. Tax and cess.	901.60	81.45	59.02	61.15	33.44	67.00
•	(8.3)	(0.26)	(15.9)	(0.9)	(0.4)	(0.8)
2.. Non-tax	47.01	62.15	17.92	76.90	60.91	1.71
•	(0.5)	(0.5)	(0.8)	(1.2)	(0.9)	(0.1)
3.. Grant from	579.31	*699.0*	*38.81*	917.47	828.43	309.12
• government	(88.7)	(52.2)	(10.5)	(96.8)	(98.7)	(95.0)
4. Borrowing/	273.60	987.24	255.22	89.34	1.50	363.47
• other	(2.5)	(46.7)	(68.8)	(1.1)	(Neg.)	(4.1)
5.Total Income	801.52	829.90	370.97	*144.86*	*926.28*	741.3
6.Total expenditure	798.56	521.92	*442.16*	905.03	*957.02*	865.01

Source: Yoginder K. Alagh, 2000,Popular Participation and Planning, Bangkok,UNESCAP, Transport Bulletin.

In this example the difference between relatively developed areas like Aurangabad and backward ones like Parbhani in grants, expenditure and own resource raising is obvious.

These kinds of differences continue. In Tamil Nadu 22% of Village Panchayat resources in 1996/97 came from tax and non tax resources and another 6.5% from

Miscellaneous receipts. In the same year the average expenditure of a Village Panchayat was Rs.1.06 lakhs (G. Paluntharai, 2008, Table .9)

Tamil Nadu: Village Panchayats Source of Income for 1996-97**

(Pre-SFC Devolution Period)

Sl. No.	Particulars	Average Amount per Panchayat	
		(Rs. in lakh)	Percentage
1.	Tax and non-tax	0.27	21.8
2.	Assigned revenue	0.75	60.5
3.	Other grants	0.14	11.2
4.	Miscellaneous receipts	0.08	6.5
Total		1.24	

The story is not dissimilar in the beginning of this century as the following data shows;

Village Panchayats TN 99/02

Source of Income

Sl. No. Particular	Average Amount per Panchayat (Rs. in lakhs)	Percentage
1.Own source including tax and non-tax	*0.53*	17.51.
2.Assigned revenue	0.82	27.17.
3.Grants	*1.48*	48.88.
4.Miscellaneous receipts	0.19	6.43
Total	*3.02*	

Source G. Palanithurai, Financial System and Processes for Local Governance, IRMA. Seminar ,Anand, 2008 –

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The average expenditure went up to Rs.3.64 lakhs, incrementally financed from grants and deficits. But the wide variation in performance continues.

1.	Less than 5,000	10	0
2.	5,000 – 10,000	178	0
3.	10,001 – 50,000	7422	1059
4.	50,001 – 1,00,000	3181	7283
5.	1,00,001 – 25,0,,000	1489	3733
6.	25,00,001 – 50,00,000	252	443
7.	50,00,001 – 1 crore	60	78
8.	1,00,00,001 – 3 crore	24	23
9.	3,00,00,001 and above	2	23
Total		12618	12618

Source: G. Palanithurai, IRMA. Seminar on Panchayat Finances and Thirteen Finance Commission, Anand, 2008

* Source: G. Palanithurai, Financial System and Processes for Local Governance, IRMA.- Seminar on Panchayat Finances and Thirteen Finance Commission, Anand, 2008

In Tamil Nadu the modal income group has moved from ten thousand to fifty thousand to fifty thousand to one lakh. Around a quarter of Gram Panchayats have income between one to two and a half lakhs and forty six above one crore. While the expenditure is above three lakhs, around a quarter of the Village Panchayats have own resources between one to two and a half lakhs of Rupees. These kind of facts suggest the need of detailed exercises for fiscal consolidation. The better units have to become models for the average Panchayats. State Finance Commissions can use them as examples for prudence and rule based policies.

Financing Rural Infrastructure

Investment finance for rural infrastructure is essential. It is essential that non-revenue sources have to be seriously rationalized and properly tapped. Efforts to help create healthy balance sheet for the local institutions will put them in a position to present a rating and a borrowing-risk that is viable if not attractive to the Financial Institutions that can then be approached for underwriting or taking exposure.

The moral of our story is that:

- If these are made models for incentivisation, PRIs and CBOs would soon meet current expenditures and be in a position to productively borrow if the Treasury does the reform to permit it.
- But it is slow. For example a policy for urban borrowing is still under preparation. It is easier to buy the bond of a foreign local body rather than an Indian one.
- Financial reform for local bodies and SHGs**,** newer financial product companies for rural areas is urgent

Efficiency and Equity

Local bodies will have to make the rupee go far. Recent Studies where Panchayats are placed as alternatives to others and relative effectiveness measured need attention. (Pranab Kumar Das and Surajit Mukhopadhyay, Decentralization and Service Delivery – A Study in the Rural Governance of the Gram Panchayats in West Bengal, IRMA, 13th Finance Commission Seminar, does so and deserves replication) The need to make SFCs more effective and the role of the Devolution Index for equity are well known and need implementation. There are, however also larger reform issues at the national and global level.

Crises, Urgency of Response and Reform

Soon after President Obama's election, US authorities in India asked the present author to speak on the short run and long run growth prospects of the Indian economy. The long term prospects are of an 8% growth rate it was argued using a model developed for the UN, with Kirit Parikh (Y.K. Alagh, 2006) since the Eleventh Plan does not have a chapter on Perspectives for the first time in India's history. But for the short run, more careful analysis was needed. Investment and export projections being lower than base level of Plan in 2008/09 lead to lowering of growth prospects.

Agricultural growth less than 3% was still on the recent growth trajectory. There was uncertainty on Fiscal deficit and trade deficit determining aggregate demand. Taking this into account in a national accounting model used earlier in the Planning Commission for short run purposes, a growth rate of seven percent and price inflation of around five percent seemed possible in 2008. But a Slow Down more severe was obvious for the next year as lagged effects showed up. A 5% growth for average agricultural year in 2009/10; 4-8% inflation depending on the new government's policies, seemed possible. This is now the reference forecast. It was argued that to do better State and local bodies must be involved.

President Obama has a constituency of farmers, small businesses and small industry.

Financial restructuring needs institutions which build instruments, collateral, facilitation for communities and the small producers on whom the real and not the derivative economy rests. This market is very robust in India today as the experience of groups like Basix and IFMR shows. These kind of arguments are central to global reform in the financial sector (See Cooper and Antieciwez, 2008 and John Kirton and Madeleine Cross, 2008 on the author's description of the relevance of the Indian experience).

Four years ago we worked it out in a UN meet with the former Swedish PM Ulsten. The point we made in the L20 volume in 2003 that the World must have early warning systems for crisis is very relevant. Colin Bradford makes the same points in these volumes (C. Bradford, 2008) There are synergies between releasing the constraint in local level spending and the current rate of Indian development getting out of crisis.

Conclusion

The current problem of releasing the fiscal constraint at the spending levels is not largely a resources problem, but a restructuring and devolution problem. For State and local bodies to spend along desirable lines, rather than digging and filling up ditches or spending mechanically on central schemes, either the best practices have to be replicated in resource raising and/ or free resources made available a la Gadgil-Mukherji formula. Newer financial structures and institutions at State and local levels need organizational and financial market reformat higher levels like markets for local securities, community collateral and so on. This reform has a national and global edge.

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(Un) Preparedness for the XIX Commonwealth Games 2010 – Report of the Comptroller and Auditor General of India – July 2009

T. Sethumadhavan [*]

Way back in the early nineties, the author of this article happened to be a member of a government delegation to negotiate a loan for a public sector undertaking from the Asian Development Bank in Manila. The draft agreement contained a number of clauses, some of them standard ones and the others specific to the loan under negotiation. During the two-day long elaborate discussions, the delegation suggested a series of amendments, with each member trying to outperform the other with several innovative recommendations. At the end of the successful negotiations, the leader of the ADB team, an Australian national, smilingly told us that the difference between Indians and Chinese delegations (one was at the Bank only recently in connection with a larger loan proposal) was that while we scrutinized and contested every point of the contract, the Chinese generally agreed to the Bank's conditions and clauses in its standard agreements. However, he added, with a feeling of desperation, that when the Bank would review the progress of the sanctioned loans, say after three years, the loan sanctioned to India would remain mostly unutilized and un- drawn whereas the Chinese would have withdrawn the entire amount and would have come for more!

Indian project administration is notorious for inordinate delays and faulty executions such that we have to have a special Ministry at the Centre to monitor project implementation by government departments and public sector units. In spite of it, however, we face persistent delays and overruns in almost every project, with hardly any official held responsible for the omissions and defaults. Most Reports of the Comptroller and Auditor General of India (CAG) routinely contain a number of instances of faulty and delayed project executions by the central government as well as by state governments and their agencies and public sector undertakings. The Report of the CAG on "Preparedness for the XIX Commonwealth Games 2010" (CWG) however, stands out for its exceptional quality of reporting. The Report includes a comprehensive and professional review and evaluation of the preparedness (or lack of it) for the prestigious event, by the nodal ministry (Ministry of Youth Affairs and Sports-MYAS) and various other public agencies responsible for the associated projects forming part of the Games. Indeed, the Report reads as a sad saga of omissions, failures and excuses by the entrusted public bodies, possibly even touching on culpable negligence, and highlights the glaring weaknesses in the planning and development of the infrastructure facilities for the prestigious international event, to be staged in October, 2010. As the Preface to the Report points out, 'the preparedness for the games is a very prestigious project for the country. The exercise is mammoth (sic) and involves the collaboration of at least a dozen different agencies. The coordination of all these agencies to ensure timely output is no mean (sic) task…. The CAG decided to conduct an independent study, which will serve as a benchmark for

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the Executive to monitor the progress of work and undertake midcourse corrections as may be deemed necessary".

Dr. A.P.J. Abdul Kalam, the former President of India, while addressing the Audit Advisory Board of the CAG, had advocated the need for the CAG's audit to be made concurrent with project executions so as to adduce more practical value to audit, and to make audit reports valuable for the Executive in making midcourse corrections. In the words of the former President, "The Audit Teams can work with Programme Chiefs or Executive of national programmes or projects from the inception of the projects and participate in the evolution of the PERT of the projects. The critical path in the project PERT will be the CAG's audit area and points. The aim of the audit should be to detect the deviations in real time when the project is in progress and provide constructive solutions so that the objective of the project is met well in time". Indeed, the Report on CWG would fulfill this wish and could not have been more timely.

Generally, CAG's audit reports are seen by the public as 'post-mortem' findings of bygone events, essentially to be discussed by Public Accounts Committees at leisure. In view of this, they generate only limited interest among the public at large and in the media and are left for responses (by way of action-taken-notes) to be drafted by the same officials who were responsible for the failures and omissions in the first instance. But, the CAG's Report on CWG is an agreeable exemption, and deals with "current" or "live" issues, providing an authentic commentary on the lackadaisical planning and execution of the projects which are the basic platforms and most essential for the conduct of the CWG. The Report is/ was a *wake-up call* for the top echelons of the administration. Surely, the CWG is one of the most prestigious events ever to be held in the country and will showcase India's economic and technical capability in organizing such events to the external world, and hopefully, raise India's chances to host even more prestigious events like Olympics in the not-too distant future. But all this would be possible only if those responsible to host the event accomplish the task with professional acumen and precision. Whether they are likely to do so would remain to be seen. However, viewed from the level of preparedness for the event as reflected in the CAG's Report, this would certainly remain a question mark, at least as of now. Meanwhile, we cannot but compliment the CAG and his team of officers who have done a remarkable job in meticulously ascertaining the actual progress of construction and development on the ground, and for bringing them to the notice of the government, concerned agencies and all stakeholders.

Contents of the Report

The CAG's Report is brief and to the point. The main report has 10 chapters and 9 annexures, and includes clear-cut statements and observations, supported with charts and diagrams and photographs which reveal the true position at the project sites absolutely in a tell-tale manner. Following an introductory chapter on the relevance of the project, the audit approach and the methodology followed, the Report contains audit observations on all major facilities and projects forming part of the preparedness for the CWG in eight chapters. The audit conclusions are based on the scrutiny of documents of different agencies, review of online progress reports on the MYAS web monitoring system *and physical inspection of venues and infrastructure projects.* The last methodology is of special interest not only to the Executive for whom the report is targeted, but also to public auditors and academics since the practice is somewhat novel to our public audit system; besides, this has provided specific value addition to the quality of the Report and is worth replicating.

Overall Planning and Management

The chapter on planning and management starts with an observation that the formation of the Organizing Committee (OC), the pivotal agency for CWG, itself was delayed by almost an year, which did not augur well for the preparedness for the games. *In comparison, the OC for the next CWG to be held in Glasgow has been formed even before the formal award of the game!* The illustration is strikingly apt. A very pertinent audit finding in the chapter is that many of the 21 major agencies involved in the exercise were unaware of their own roles and responsibilities and far worse, some of them were maintaining different sets of timelines for the same project! A sad commentary on the casual approach of the authorities in planning for the prestigious event!

The Report rightly affirms that the international practice for hosting such major events is to dedicate two years for planning and approvals, followed by four years for construction and development and the remaining two years are applied for testing and trial runs. This would show the systematic approach followed by most international organizers of such events, which would leave very little to chance. On the other hand, the CAG's audit team noted that the project implementation for CWG 2010 did not follow a phased and systematic approach; and the authorities went about the whole exercise in a totally perfunctory and unprofessional manner.

Venue Development

The Report has depicted the level of progress achieved till the date of audit for each major facility through a series of photographs. This presentation has proved to be more effective than describing them by means of a thousand words. The audit team has also awarded certain risk assignments to each facility, and has represented them through a colour code. The criteria for the risk assessments accorded for each project were by assigning high risk if the shortfall is more than 50 percent and low risk where it is less than 25 percent. This may be acceptable prima facie, but perhaps, a more technical analysis by correlating the complex nature (or otherwise) of the construction process and other technical features, as a technical expert would have done, may have added even more value to the observations. In this context, the need for strengthening public audit teams with technical professionals from related fields cannot be overemphasized.

The audit team has elaborated the findings on project delays with a box containing key issues for games venues, which would be quite useful for the authorities to assess the situation in each case. Another box highlights the reasons put forth by the implementing agency, the CPWD, for the delays. These include factors such as multiple revisions of drawings for each venue, delays in approvals by the OC, non-availability of details (for several facilities) in spite of follow up with the concerned agencies, and so on. Each of these observations reflects the poor quality of planning and management by those entrusted with the task and *ipso facto* amounts to admission of omissions and failures. Naturally, one is tempted to ask whether our executive is incapable at all of professional management and competency. When will our beaurocracy shun the “couldn’t care less” attitude in managing at least such prestigious projects?

To the credit of the audit team members, they had correctly cross-verified the attributed reasons for the delays attributed by the CPWD in select cases from the responsible agencies and observed that the former had not actually complied with all the requirements indicated by the sanctioning authorities. The audit findings are revealing and must be extremely helpful to the top management in straightening up the knots.

Another important audit finding relates to the engagements of technical consultants by the agencies and the way they were managed by the project authorities. The audit team observes that even though an amount of Rs.30 crore (not a small sum by any account) was released, the consultants had failed to provide the deliverables in time, which contributed to the cascading delays. Besides, an astonishing, if not disturbing, finding is that after the auditors submitted their draft report, the officials responsible for project monitoring had carried out substantial downward revisions in the planned progress of the projects, thereby attempting to limit the blame attached for the delays. One must say that such efforts should be regarded as self-defeating.

Financial Management

The chapter on Financial Management in the Report provides a break down of the estimated receipts and expenses for the CWG at Rs.1,780 crore and the audit team’s assessment of the accuracy of the estimates. The original estimate of Rs.205 crore (December 2003) has since gone up to Rs.1,780 crore, but the report does not delve into the reasons and justifications for the manifold increase. Perhaps, this may form part of a future audit when the actual realizations and expenditure would be available for scrutiny. However, the audit team has highlighted the lack of efforts to tie up contracts and firm up the revenue sources. The Report also critically observe that the auditors were unable to derive an assurance that the organization of the games would be ‘revenue-neutral’ as claimed. The revised budget submitted by the OC in July, 2008 was yet to be approved by the nodal ministry at the time of the audit. The explanation given for the delay was that the process involved several steps and that the estimates required detailed scrutiny to “protect the interests of the government”. One would only swallow it with a pinch of salt!

In the Introductory chapter, the Report deals more expansively with the budget for the CWG. Originally, at the time of bidding in May, 2003, the government sanctioned an amount of Rs.296 crore for the games (including for upgrading the sports infrastructure and the conduct of the games). The updated bid document of December, 2003 raised this figure to Rs.635 crore. Total expenditure (other than games operating expenses) was estimated at Rs.1,200 crore. The first budget for the games approved by the cabinet in April 2007 estimated the total expenditure for the games at Rs.3,566 crore with a permissible variation of up to Rs.300 crore. According to the audit team, the total expenses for the venues as well as the operation of the games would be of the order of Rs.12,888 crore. Talk about financial planning and budgeting!

Recommendations

As is the international practice among public auditors, the CAG's Report includes a basket of recommendations to the nodal ministry and other concerned agencies. These are given under each relevant item, and included as part of the chapters. However, one must observe that these are mostly routine in nature, without much value addition to the Report. The audit findings do bring out the deficiencies and shortfalls of each project and facility in adequate clarity, which is praiseworthy. Subsequent to that, the recommendations generally urge the responsible agencies to do more to overcome the shortfalls, by way of suggestions such as 'the documents should be finalized on top priority', the agency 'must expedite approval', 'must accord high priority' and so on. Perhaps, the inclusion of technical experts and evaluators in the audit teams which carried out the investigations may have helped to generate more valuable and practical recommendations in the Report. This issue will hopefully receive the required attention of audit planners in the future.

Presentation of the Report

In closing, one must appreciate the presentation and the lay out of the Report. It is not only reader-friendly, but the inclusion of diagrams and charts to indicate the status of the projects and to highlight audit findings and observations make it eminently appealing. The photographs of the project sites and the facilities add substantial value to the Report and prove the audit findings and conclusions. The technique will hopefully find increasing use in the future audit reports of the CAG.

The usage of boxes and case studies employed in the Report also would generate substantial reader interest.

Non-Submission of the Report to the Parliament

The CAG's Report on Preparedness for the CWG was, as stated in the Preface to the Report, intended to serve as a benchmark for the Executive to monitor the progress of work and to help it undertake midcourse corrections. Perhaps on that premise, the Report was not submitted to the Parliament. The question arises about the legality of the decision. Under section 13 of The Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971, the CAG is mandated, *inter-alia*, to audit all expenditure from the Consolidated Fund of India and ***in each case to report*** on the expenditure, transactions or accounts so audited by him. Although the Report on CWG was intended more as an interim management study, the justification not to present it to the Parliament would be debatable. Indeed the downside of following the established practice would have been the time factor in making the Report available to the public domain.

21st Century Challenges of Water Management in India

B. N. Navalawala[*]

For Six millennia, the human race has been involved in a battle to control water resources. Besides coal, water is the most fundamental substance making life possible on our Earth planet. While most resources have substitutes, water fulfils a number of functions where there is no substitute. Water in its ordinariness is extraordinary. But at the same time, water is also a fragile resource and for people in large parts of the developing countries, in particular, it is increasingly a scarce resource. Even if water is a renewable resource; it is, nevertheless, our finite resource. The reality is that there is essentially no more fresh water on the earth planet today than was available 2000 years ago when the human population was less than 3% of its current population of 5.6 billion people. Water deficits are not restricted to developing countries, or even to arid or semi-arid areas. The more water that is needed, the more likely is a perspective deficit. Industrial countries, which know well the value of water they use, will go to immense lengths to avoid the deficits that might threaten to halt their development. In India, water resources development has been an effective vehicle in ushering the Green Revolution that our country witnessed in post-Independence era. In the march of water resources development and management, India has seen many ups and downs and faced many unprecedented challenges successfully.

Although, India's population is about 17% of global population, its rivers possess just 4% of the total average annual run-off in the rivers of the world. China has 22% of the global population but has 8% of world's water resource. Against estimated annual precipitation of about 4,000 Billion Cubic Metres (BCM) including snow fall, India's total annual renewable fresh water resources are estimated at 1953 BCM. Ganga Brahamputra-Meghna system occupies the pride of place of having 43% of the catchment area of all the major rivers in the country. Against estimated annual precipitation of about 4,000 Billion Cubic Metres (BCM) including snow fall, India's total annual runoff in its river-systems is 1953 BCM. Due to various constraints of topography, uneven distribution of precipitation over time and space, it is assessed that only about 1086 BCM (comprising 690 BCM of surface water and 396 BCM of ground water) per year of water can be put to beneficial use by conventional methods of development. At the beginning of the 20th century, in the year 1901 India's per capita water availability was 4555 cubic meters (cu.m.) per year which, due to exponential population growth, particularly since 1960s, decreasing from 3008 cu.m. in 1951 to 1981 cu.m. in 1971 to 1283 cu.m. by the year 1991. With India's projected population of 1146 millions, 1333 millions and 1581 millions by the year 2010, 2025 and 2050, the per capital water availability (AWR) will be 943 cu.m., 814 cu.m. and 686 cu.m. respectively. In fact, India is likely to experience "water stress" from the year 2007 onwards. According to the leading Swedish expert, Dr. Malin Falkenmark, the 'annual water resources per capita' (AWR) of 1,700 m^3 means that only occasional and local stress may be experienced; an AWR of less than 1000 m^3 indicates a condition of stress and the AWR of 500 m^3 or less means a serious

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constraint and a threat to life. Under this categorization, India is somewhere between categories (i) and (ii). In other words, although, India is not among the most water-stressed countries of the world, this situation is changing with the growth of population and India may join the ranks of ‘water-stressed’ countries in near future if counter-measures are not taken.

Life could hardly be more different in a metropolitan city like Delhi or Kolkata and Western Rajasthan or North-Gujarat or in Kutch. At the touch of a tap, a child in a Metro-city has ample water for drinking, bathing, even swimming in a backward pool. His family probably uses some 3000 litres of water on a typical day, which is enough to feed their bathtub 20 times over. A child living in Rajasthan or in North Gujarat or in Kutch, on the other hand, daily takes several hours to a well or spring to help her mother bring home a couple of jugs of water. Her family uses daily 5 per cent as much water as a metropolitan household, which is just enough to satisfy their most basic needs. These two situations exhibit two very different faces of water scarcity. Such signs of water stress abound. Water tables are falling, lakes are shrinking, and wetlands are disappearing. Also, the competition is brewing between city-dwellers and farmers who lay claim to the same limited supply.

In the quest for better living standards and economic gain, modern society has come to view water only as a resource that is there for the taking, rather than a living system that drives the workings of a natural world we depend on. Harmonizing human needs with those of a healthy environment will require new ways of using and managing water. And, it will require adjusting our production and consumption patterns so as to remain within ecological limits. In each major area of water use – agriculture, industry and cities – demands have risen markedly since 1950. At that time, both population and material consumption began a steep climb, driving water use rapidly upward. By and large, those pressures continue today, as worldwide needs for food, industrial products, and household services expand.

Agriculture claims the lion’s share of all the water taken from rivers, lakes, and aquifers, accounting for an estimated 65 per cent of global water use. As opportunities to extend cropland area have dwindled, augmenting food production has come to depend more on coaxing higher yields from existing farmland that often requires irrigation. Over the course of this century, as the number of people to feed swelled from 1.6 billion to more than 5.4 billion, agriculture’s water use has increased fivefold. The really rapid rise began around mid-century, when water development entered its heyday and continued as the Green Revolution-- involving fertilizers, pesticides, high-yielding seeds, and irrigation--- took hold and spread.

Industries make the second largest claim on the world’s water bodies, accounting for a fourth of global water use. Generating electricity in thermal power plants (nuclear and fossil fuel) takes copious amounts of water, as does making the paper, steel, plastics, and other materials we use everyday. Spurred by droughts and strict pollution control requirements, industries in the richer countries have shown that they can reduce their water use dramatically by recycling and reusing their supplies. Yet, these technologies remain greatly under-used, particularly in the developing world, where industry’s water use is now rising rapidly.

Domestic water use for drinking, food preparation, washing, cleaning, gardens and service industries such as restaurants etc. accounts for only a small portion of total use in most countries. The amount of water people apply to household purposes tends to increase with rising standards of living and, thus, variations in domestic water use are substantial. In the United States, each individual typically uses more than 700 liters each day or 185 gallons for domestic tasks. In Senegal, the average individual uses just 29 liters or 7.6 gallons to meet household needs. However, in case of the countries, whether rich or poor but have little agriculture or industry, their domestic needs account for a greater share of overall water use. For example, in both Kuwait and Zambia, nearly two out of every three liters of water are used in households.

Everybody agrees that the supply of water has become a critical issue in India as well as in many other developing countries. Yet, outside the limited circle of specialists and their technical reports, the question does not give rise to a sense of urgency amongst people, especially politicians. The same is true of academics dealing with development issues, whether one looks at curricula, research or publications. Down to earth issues of vital importance, like the notion of the quality of service and the inadequacy of the notion of access to water, especially for the poor have not received much attention. At the same time, taking the note of a growing perception of a looming water scarcity, several institutions and networks sprang upto deal with this and related matters and many exercises were undertaken during the years 1997 to 2000 in preparation for the massive World Water Forum held at The Hague in March 2000. A common trend in most of the discussions, preceding the Hague Forum as well as those at the Forum sessions, was to proceed from projections of demand to supply-side solutions in the form of 'water resource development' projects; estimate the massive investment funds needed; take note of the severe limitations on the availability of financial resources with governments; point to private sector investments as the answer; and stress the need for policy changes to facilitate this. Within India, a consciousness of the importance of the subject led to the establishment of a National Commission for Integrated Water Resources Development Plan (NCIWRDP) in 1996 and the Commission – the first National Commission on water – submitted its Report in September, 1999. The Report covered extensive ground and made numerous recommendations but, unfortunately, it has not been widely disseminated.

The National Water Policy (NWP), as revised in 2002, has assigned the highest priority to drinking water but like most statements in the NWP, this remained a mere declaration on paper. Despite five decades of planning and more than a decade of "Drinking Water Missions", there are large numbers of 'no source' villages (i.e. those with no identified source of safe drinking water). The curious fact is that targets for covering such 'no source' villages are repeatedly achieved but the numbers grow larger rather than smaller. This must mean that some 'covered' villages are lapsing back into the uncovered category and that newer villages are being added to this class. A significant aspect of the scarcity of water in rural areas is that the burden of fetching water from distant sources falls on women (including girl children) and yet women who are the providers and managers of water in the household have little voice in our water resource planning. As for urban areas, most large cities are chronically short of water. A few illustrations may suffice. Chennai has been waiting for water from the Krishna under the Telugu Ganga Project but the partial supplies that began belatedly appear to have stopped because of some difficulties. Efforts to review the old, abandoned Veernam project also seem to have run into difficulties. Bangalore is hoping for water from the distant Cauvery IV Project.

The efficiency of the water infrastructure network in developing cities is often constrained by a combination of inadequate operations, maintenance systems and financial difficulties. The percentage of unaccounted water (i.e. water produced minus water consumed) in developing countries is two to three times higher than that in developed countries. In 1997, the net operating ratio (i.e. operation and maintenance costs divided by total amount of water billed) was as high as 1.48 for Delhi as against 0.6 each for Kuala Lumpur and Singapore. Even, Kolkata and Mumbai cities have the lower ratios of 0.89 and 1.08 respectively. Another important aspect is regarding the leakage in our urban water supply systems. In most cities, leakage is estimated at around 20 to 30 per cent. In case of Delhi, it is estimated to be about 40 per cent. Delhi is repeatedly asking its neighboring States for more water. Against the backdrop of such situation, it has been planned to augment Delhi's water supply on long-terms basis through the construction of three new dams, i.e. Tehri, Kishau and Renuka. Here, it is to mention that in the absence of effective management of water resources, the costs of supply of water from these projects would be quiet high and, thus, will have considerable financial consequences for the Govt. of National Capital Territory of Delhi.

There has been over-extraction (mining) of groundwater leading to depletion in some areas, and salinity ingress in coastal zones (e.g. in Gujarat). On the other hand, there is a situation of rising water tables and the emergence of waterlogging and salinity in other areas (e.g. in the Sharda Sahayak command in Uttar Pradesh). Water markets tend to emerge in the context of groundwater extraction through tube wells and bore wells and they serve some useful purposes but there are dangers of unsustainable extraction as also of inequitable relationships between sellers and buyers. For such a situation, the answers lie in regulation but this has so far not been found feasible because of political factors and the legal problem of easement rights. Under the directions of the Supreme Court, the Central Groundwater Authority has been established but it is not yet clear how it will evolve and operate, what kind of regulation it will attempt, and with what success.

There are pollution control laws and institutions but these have not been able to prevent the growing pollution and contamination of water sources and systems, which in effect makes much of the 'available' water resources unusable. This is in fact as great a threat (if not greater) to security as the scarcity about which alarm bells have been ringing. What needs to be done is clear enough (prescription and continuous review of standards; their enforcement, not forgetting the cumulative impact of individual clearances and permits; making the polluter pay; adopting and moving towards clear, time-bound goals in regard to desired water quality, and so on), but not much of this has begun to happen as yet.

Against such backdrop, it is heartening to find that a new water era has now begun. In contrast to earlier decades of unfettered damming, drilling, and diverting to gain ever-greater control over water, the next generation will be marked by limits and constraints – political, economic and ecological. Yet numerous opportunities arise as well. Exploiting the market potential of new water-saving technologies is an obvious one. And in many cases, achieving better water management will require decentralizing control over water and moving from top-down decision making to greater people's participation – a shift necessary for better human and economic development overall. Most fundamentally, water scarcity challenges us to adopt a new ethic to guide our relationship to the earth's natural systems, to other species, and to each other. Recognizing ourselves as part of the life-support network, we depend on and learning to live within water's limits are integral aspects of creating a society that is sustainable in all respects. Measures to conserve water and use it more efficiently are now the most economical and environmentally sound water supply options available for much of the world – and they have barely been tapped.

Doing more with less is the first and easiest step along the path toward water security. By using water more efficiently, we in effect create a new source of supply. Each litre conserved can help meet new water demands substantially and thereby reduce our dependence on damning another stretch of river or depleting more ground water. With technologies and methods available today, farmers could cut their water needs by 10-15 per cent, industries by 40-90 per cent, and cities by a third with no sacrifice of economic output or quality of life. Most investments in water efficiency, recycling, reuse, and conservation yield more usable water per rupee than investments in conventional water supply projects do. But, they will not materialize until policies, laws and institutions begin to foster such measures rather than hinder them.

Sum Up

To sum up, we must begin valuing water appropriately and using it more wisely while taking heed of water's limits and learning to live within them and thereby going for a major transformation in our relationship to fresh water which needs to be unmistakably reflected and integrated in our water resources planning as a "Paradigm shift" in our present planning approach for water resource development and management. Thus, it is clear that the water profession will face a critical problem in terms of efficient water management in the 21st century, the magnitude and complexity of which no earlier generation has ever had to face. In the run-up to the 21st century, the water profession has really two stark choices: to carry on as before with a 'business as usual' attitude with only some marginally incremental changes, thus endowing our future generations with a legacy of sub-optimal water management practices, or to continue in earnest an accelerated effort to plan and manage water use efficiency and sustainably. No longer, we have any soft options - only hard choices. The Chinese word 'crisis' consists of two letters, which individually mean 'opportunity' and 'danger'. Thus, while facing a crisis of water availability in the 21st century, we should treat this as a golden opportunity that would enable the water profession to develop and implement efficient water management practices for all sectors for the future welfare of mankind.

Infrastructure Management and Urban Governance, *how the miracle is being sustained*

An analysis of Thailand, Malaysia and Singapore

Raghav Chandra*

South East Asian nations: Singapore, Malaysia and Thailand have been in the forefront of the East-Asian economic miracle. Some of the common factors for this amazing growth and phenomenal turnaround has been the high level of public spending on education, health and social policy, an export-led growth and a conscious attempt to upgrade their economy by attracting foreign investment and involving the private sector to become globally competitive.

Economic and political analysts have referred to this development as the “wild geese” pattern of growth – the successive industrialization and economic boom in Japan and South Korea in the past followed by emerging economies of Singapore, Malaysia and Thailand, and later in China and partially in India. Geopolitical and macroeconomic factors notwithstanding. One compelling reason for the sustained success of these nations has been the presence of enlightened leaders who have emphasized the need to upgrade the creaking infrastructure to world standards and to systematize their archaic systems of governance. The solid basework done has been borne out by the fact that these emerging economies have completely shrugged off the memories of the Asian currency crises of 1996-97 and are once again fit and roaring.

There is at least one salient facet of each country that merits being highlighted: (1) Civic Governance in Thailand, (2) Physical Infrastructure in Malaysia, (3) Urban Management in Singapore.

Thailand: On the urban infrastructure front, has launched several initiatives. A new international airport is under construction and is officially scheduled for completion soon. A new administrative capital to relieve pressure on Bangkok has been planned.

Bangkok and its suburbs have been networked by intricate maize of elevated six land roads, designated “Expressways”. An Expressway and Rapid Transit Authority (ETA) of Thailand has been established to execute these highly capital-intensive projects under cost-sharing and revenue-sharing arrangement with the private partners. ETA has completed 171 km of expressways and another 27 km are under construction. They have planned another 300 km of expressways. A very detailed safety and service policy has been set in place. The expressways are extremely important corridors for traffic-mitigation.

The Don-Muong Tollway connecting the Bangkok International Airport to the heart of the city has alleviated much of the traffic concerns that an international traveler used to earlier apprehend when commuting to the Airport. A six-lane elevated expressway has been built under public private partnership. This is a 20 km cement-

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concrete marvel, with an elevated single-span of 25 meters width with heavy steel reinforcement and has cost about Rs.75 crore per km. Since it is a loss-making venture, due to the high price-elasticity of travellers (there is an existing highway which has become smooth for traffic with easement of additional traffic density), the Government is now considering alternatives to bail this company out.

Bangkok also has an elevated LRT (Light Rail Transport) built over an elevated 10m spanway running across the densely populated civic areas like Sukhumvit Road. Besides this, there is also a Mass Rapid Transit (MRT) which has been built underground and more than 22 km are under operation presently.

With the overall level of urban infrastructure improving in Bangkok, the Government has set its sights on other tourist resorts like Pattaya, Phuket, Chiang-Mai, etc. and is making strong efforts to make them friendly for tourists, environmentally-friendly and with better civic facilities. Not surprisingly, Thailand is set to get 15 million tourists this year, much ahead of all other countries in this region.

A drive through the new **Malaysian** government district of **Putrajaya** is enough to convince anyone about their determination to strive for excellence. Mahathir Mohammad, the man who was their Prime Minister for two decades, had aptly summed up his vision when he had addressed one of the first meetings of the World Economic Forum, that it was only romantic novelists who wrote of South-East Asia as the “Far-East, because with its efforts at infrastructure development and economic success, this region had become of interest not just to romantics, but to hard-nosed economic planners and political strategists.

The three most visible facets of Malaysian infrastructure development can be seen in Airport and Airport logistics, highway development, and urban infrastructure.

The new KL International Airport is rated as the best Airport in the world today. Earlier, the Chiangi Airport of Singapore had stood out as picture-perfect with escalators, carpets, flowers, plants and squeaking clean facilities, almost like a business-class lounge, but today the KL International Airport stands out as more futuristic.

With an area of 3.30 lakh sq. km and a population of 2.5 crores, Malaysia is smaller than many Indian States. However, it is rich in petroleum and has exports of over US $ 100 billion, as compared to total Indian exports of US $ 40 billion.

In the last five years, Malaysia has added about 10,000 km of new roads and substantially upgraded existing roads. Federal roads are funded directly by the Federal budget and built by the Federal PWD. Maintenance of State roads is the responsibility of the respective State Government, but significantly, this is funded by the Federal Government as an Annual State grant. This displays that the Government of Malaysia treats roads not just a matter of State concern, but as a matter of national economic importance.

A Highway Network Development Plan Review has been launched since 2003, so that the Highway Network Master Plan can last till 2020. For this, a reliable traffic information collection system has been initiated in which a bi-annual traffic census is carried out twice a year across 534 stations through district PWD offices. This data is used both by the Government agencies and private ones, and collated by the highway Planning Unit of the Federal Ministry of Works.

Involvement of the Private Sector is a major plank of the Government's highway infrastructure development strategy. While in the 80s there was virtually no involvement of the private sector, its share has been now almost half of total infrastructure investment today.

The Federal Roads (Private Management) Act 1984 allows the Government to grant private companies the right to collect toll on public roads. Private operators are allowed to construct, operate and maintain new roads and recover costs through collection of tolls. The privatization scheme also allows the government to hand over sectors of completed roads to private companies for upgrading and subsequent maintenance over a concession period.

The MHA (Malaysian Highway Authority) was established to design, construct, regulate, operate and maintain highways, to improve and to collect tolls, and to enter into contracts. Road transportation accounts for 96 per cent of the total passenger and goods transported in Malaysia and of the 74,000 km of roads, 79 per cent are paved. In the last decade, consistently, the roads sector has drawn the maximum government infrastructure investment: about Rs.4,000 crores annually, as compared to only about 1500 crores for the Railways. Unlike the case in India today, where the NHAI is virtually autonomous to plan and execute road projects, the Ministry of Works maintains overarching planning and coordination control over its wings: Malaysia Highway Authority, the Construction Industry Development Board (the promotional arm to help their companies' bag overseas projects), the PWD amongst others.

One important tool of the Ministry of Works is the HPU, the Highway Planning Unit, which reports directly to the Secretary General of the Department.. Apart from conducting national and regional highway transportation studies, it is also actively involved in urban transportation issues like traffic congestion, public transport, pedestrian walkways and bridges and road safety and environmental pollution. Intelligent Traffic Management System development is being given consideration with the setting up of an ITS Council with US assistance to focus on traffic and expressway management systems.

An Economic Planning Unit (EPU) has been set up directly under the Prime Minister for giving a fillip infrastructure development endeavours. The national plan budget allocates huge funds for development of roads. Urban transport management is also a priority area with emphasis on public transport, efficient feeder services, integrated transport terminals, pedestrianization to reduce car-traffic and street furniture for formation and coordination.

Privatization of infrastructure projects is a hallmark of government policy. Yet, it has been delineated from the route that would be adopted in case of existing public sector assets would be that of commercialization, followed by corporatization and then divestiture.

Surprisingly, proposals for new infrastructure projects can be initiated before the EPU either by a Government department or even the private sector along the principle of first-come-first served. The chief criterion for deciding the lead implementing agency is an assessment of uniqueness, innovativeness and creativity with intention to promote entrepreneurship. While the EPU undertakes centralized planning and processing, actual implementation is undertaken by specific line ministries and State Governments.

The KL International Airport is unique in its contemporary design – steel and glass and ceramic with every enclosure made of highly tensile cords stretched outwards from the peak. A vestibule shuttle service in various parts of the airport and one gets the impression of living inside a space-colony. Further, the airport is connected by a Shinkanzen-style express-train to the central city so that checking-in can be done in the city itself. The train is itself so modern that the bathrooms look futuristic as its speeds past dazzling new buildings all the way to the Airport passing the brilliantly illuminated Putrajaya epitomized by the vivid international convention centre on a hillock.

Singapore, the island city and country with a mere area of about 680 sq. km is a model of continuous re-creation for sustenance in a global economy. About 4.35 million people of mixed racial stock reside and the literacy rate is 93 per cent. Its major traditional strengths have been the Port with a superb natural port, that handles more tonnage than any other port in the world. It has a highly disciplined and educated workforce, with a per capita income of about Rs.60,000 per month. Singapore's exports are about UT $ 142 billion, or more than three times that of India.

The government has recognized the economic importance of infrastructure. Further it has, correctly, evaluated the prime value of land as a finite resource and has, therefore, integrated transport development and management with the function of land use planning and management so that the two are not at cross-purposes so that synergies can be tapped.

The Ministry of Transport has overall responsibility for policy in the transport sector with a aim to develop Singapore's land, sea and air-transport sectors so as to enhance competitiveness and quality of life for its knowledge based economy.

The traditional PWD (Public Works Department) has been privatized and so its entire functions are now executed by the CPG Corporation, an Australian Consultancy Company.

With more than 5 million trips made in buses, trains and taxis in Singapore each day, improving Public Transport Infrastructure and facilities to serve commuters is the chief aim of the land Transport Authority. Singapore prides itself in the fact that 85 per cent of all journeys undertaken in any direction in the city take less than 45 minutes to complete by public transport.

An Electronic Road Pricing System (ERP) is currently in place. Along expressways and arterial roads ERP operates from morning peak till 7 p.m. with no charge between 10 am and 12 noon. The tolling rates are flexible and constantly under review. Especially in peak holiday seasons. If motorists are observed to be moving slowly due to excessive traffic volumes, rates are increased. Conversely, if more traffic can be allowed to optimize road capacity the toll rates are often reduced.

Those who want to purchase new cars have to buy a Certificate of Entitlement through an open auction system that is designed to discourage people from adding new cars wantonly by imposing a tax on them.

A significant facet of Singapore's road and transport management policy is the integration of city's master planning and transport management. Thus, a conscious effort has been made to restrict the outward concentration of the city and to plan for effective transportation in dense corridors. The Urban Renewal Authority has reclaimed land from the sea, but the effort is to leave as much land free as buffer for future development as possible, by allowing for higher FARs commensurate with the quality of transport infrastructure in place.

MISCELLANEOUS:

Diamond Jubilee Celebrations of the National Academy of Audit & Accounts, Shimla

Contributed by Shri S.B. Pillay, Director General, NAAA, Shimla

The Indian Audit & Accounts Department has a long and illustrious history dating back to the middle of the 19th century. The Audit Department was formed in 1860 when Government Accounting and Auditing functions were amalgamated and placed under the Auditor General of India. In 1919, the Auditor General was given statutory recognition. In 1935, the status of the Auditor General was further enhanced and in 1950, when the Constitution came into force, the Auditor General was re-designated as the Comptroller & Auditor General of India. For carrying out diverse functions, the Comptroller & Auditor General of India is assisted by one of India's oldest and premier services – the Indian Audit & Accounts Service.

The year 2010 is very significant for the Department and the Service. The former enters its 150th year and the latter is celebrating its Diamond Jubilee year of institutional training of officers allotted to IA&AS. For the IA&AS, the *alma mater* is represented by 'Yarrows' which has been the home of all officers post 1950, who have lived in this heritage building during their probationary period. The training arrangements for IA&AS officers were set up in Shimla in 1950, and it has graduated from School to Institute to the present Academy and moved from Chadwick Hall to Gorton Castle to Railway Board Building to its present location which is our own building. 18th December is celebrated as the Academy Day, i.e. the date on which the 1st lecture was delivered in the present Academy.

The department and the Academy are organizing a year long celebration which kicked off on 17th December 2009, with the induction of the new probationers (Officer Trainees) of the 2009 batch. For the event, the office of the C&AG of India selected 60 serving and 10 retired officers to come to Shimla to participate in the festivities. The main event was a panel discussion on "The Way Forward for the Audit Department" which was held on 18th December 2009 at the Academy Auditorium. The panelists were Shri Pratyush Sinha, Central Vigilance Commissioner and Ms Vineeta Rai, former Secretary, Administrative Reforms Commission, Shri A.K Awasthi, IAAS, Additional Deputy Comptroller and Auditor General, Shri Amitabh Mukhopadhyay, IAAS, Joint Secretary, Lok Sabha Secretariat, and Shri T. Sethumadhavan, IAAS (Retd.)

The panel discussion was very fruitful and the focus centered mainly on, the Audit Mandate, the Audit Process, (how we carry out our audit), the Audit Product, (our reports), and how to engage the civil society in our Audit work. A presentation was made by the 2008 batch of Officer Trainees which was widely appreciated. Their presentation focused on:

1. Increasing the visibility of the IA&AD,
2. New focus areas and New Initiatives in the Audit work,

3. Measures required to be taken by the legislature and the executive to enhance the audit effectiveness.

The C&AG of India, on Academy Day, released the following:

1. The Academy Logo and Lapel Pin;
2. The Academy Tie for men and Scarf for lady officers;
3. A Memento, which is the drawing of Yarrows etched on wood; and
4. The Jubilee Journal which is an irreverent look at life in Yarrows/ Academy.

All in all, it was a nostalgic reunion of 'old boys', serving and retired, and afforded an opportunity to all participants, to ponder on how to strengthen the institution of the CAG in the task of contributing to the cause of accountability in governance of the nation.

DOCUMENTS:

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

Act No. 56 of 2007
[29th December 2007]

An Act to provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-eight Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title extent, application and commencement

(1) This Act may be called the Maintenance and Welfare of Parents and Senior Citizens Act, 2007

(2) It extends to the whole of India except the State of Jammu and Kashmir and it applies also to citizens of India outside India

(3) It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions

In this Act, unless the context otherwise requires -

(a) "children" includes son, daughter, grandson and grand-daughter but does not include a minor;

(b) "maintenance" includes provision for food, clothing, residence and medical attendance and treatment;

(c) "minor" means a person who, under the provisions of the Indian Majority Act, 1875 (9 of 1975) is deemed not to have attained the age of majority;

(d) "parent" means father or mother whether biological, adoptive or step father or step mother, as the case may be, whether or not the father or the mother is a senior citizen;

(e) "prescribed" means prescribed by rules made by the State Government under this Act;

(f) "property" means property of any kind, whether movable or immovable, ancestral or self acquired, tangible or intangible and includes rights or interests in such property;

(g) "relative" means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death;

(h) "senior citizen" means any person being a citizen of India, who has attained the age of sixty years or above;

(i) "State Government" in relation to a Union territory, means the administrator thereof appointed under article 239 of the Constitution;

(j) "Tribunal" means the Maintenance Tribunal constituted under section 7;

(k) "welfare" means provision for food, health care, recreation centres and other amenities necessary for the senior citizens.

3. Act to have overriding effect

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or in any instrument having effect by virtue of any enactment other than this Act.

CHAPTER II

MAINTENANCE OF PARENTS AND SENIOR CITIZENS

4. Maintenance of parents and senior citizens

(1) A senior citizen including parent who is unable to maintain himself from his own earning or out of the property owned by him, shall be entitled to make an application under section 5 in case of -

(i) parent or grand-parent, against one or more of his children not being a minor;

(ii) a childless senior citizen, against such of his relative referred to in clause (g) of section 2.

(2) The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.

(3) The obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.

(4) Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such senior citizen or he would inherit the property of such senior citizen:

Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relative in the proportion in which they would inherit his property.

5. Application for maintenance

(1) An application for maintenance under section 4, may be made -

(a) by a senior citizen or a parent, as the case may be; or

(b) if he is incapable, by any other person or organisation authorised by him; or

(c) the Tribunal may take cognizance *suo motu*

Explanation – For the purposes of this section "organisation" means any voluntary association registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being in force.

(2) The Tribunal may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this section, order such children or relative to make a monthly allowance for the interim maintenance of such senior citizen including parent and to pay the same to such senior citizen including parent as the Tribunal may from time to time direct.

(3) On receipt of an application for maintenance under sub-section (I) after giving notice of the application to the children or relative and after giving the parties an opportunity of being heard, hold an inquiry for determining the amount of maintenance

(4) An application filed under sub-section (2) for the monthly allowance for the maintenance and expenses for proceeding shall be disposed of within ninety days from the date of the service of notice of the application to such person:

Provided that the Tribunal may extend the said period, once for a maximum period of thirty days in exceptional circumstances for reasons to be recorded in writing.

(5) An application for maintenance under sub-section (I) may be filed against one or more persons:

Provided that such children or relative may implead the other person liable to maintain parent in the application for maintenance.

(6) Where a maintenance order was made against more than one person, the death of one of them does not affect the liability of others to continue paying maintenance.

(7) Any such allowance for the maintenance and expenses for proceeding shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance or expenses of proceeding, as the case may be.

(8) If, children or relative so ordered fail, without sufficient cause to comply with the order, any such Tribunal may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person for the whole, or any part of each month's allowance for the maintenance and expenses of proceeding, as the case may be, remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Tribunal to levy such amount within a period of three months from the date on which it became due.

6. Jurisdiction and Procedure

(1) The proceedings under section 5 may be taken against any children or relative in any district -

(a) where he resides or last resided, or

(b) where children or relative resides.

(2) On receipt of the application under section 5, the Tribunal shall issue a process for procuring the presence of children or relative against whom the application is filed.

(3) For securing the attendance of children or relative the Tribunal shall have the power of a Judicial Magistrate of first class as provided under the Code of Criminal Procedure, 1973 (2 of 1974).

(4) All evidence to such proceedings shall be taken in the presence of the children or relative against whom an order for payment of maintenance is proposed to be made, and shall be recorded in the manner prescribed for summons cases:

Provided that if the Tribunal is satisfied that the children or relative against whom an order for payment of maintenance is proposed to be made is willfully avoiding service, or willfully neglecting to attend the Tribunal, the Tribunal may proceed to hear and determine the case ex-parte

(5) Where the children or relative is residing out of India, the summons shall be served by the Tribunal through such authority, as the Central Government may by notification in the official Gazette, specify in this behalf.

(6) The Tribunal before hearing an application under section 5 may, refer the same to a Conciliation Officer and such Conciliation Officer shall submit his findings within one month and if amicable settlement has been arrived at, the Tribunal shall pass an order to that effect.

Explanation - For the purposes of this sub-section "Conciliation Officer" means any person or representative of an organisation referred to in Explanation to sub-section(1) of section 5 or the Maintenance Officers designated by the State Government under subsection (1) of section 18 or any other person nominated by the Tribunal for this purpose.

7. Constitution of Maintenance Tribunal

(1) The State Government shall within a period of six months from the date of the commencement of this Act, by notification in the Official Gazette, constitute for each Sub-division one or more Tribunals as may be specified in the notification for the purpose of adjudicating and deciding upon the order for maintenance under section 5.

(2) The Tribunal shall be presided over by an officer not below the rank of Sub-Divisional Officer of a State.

(3) Where two or more Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.

8. Summary procedure in case of inquiry

(1) In holding any inquiry under section 5, the Tribunal may, subject to any rules that may be prescribed by the State Government in this behalf, follow such summary procedure as it deems fit.

(2) The Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(3) Subject to any rule that may be made in this behalf, the Tribunal may, for the, purpose of adjudicating and deciding upon any claim for maintenance, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist it in holding the inquiry.

9. Order for maintenance

(1) If children or relatives, as the case may be, neglect or refuse to maintain a senior citizen being unable to maintain himself, the Tribunal may, on being satisfied of such neglect or refusal, order such children or relatives to make a monthly allowance at such monthly rate for the maintenance of such senior citizen, as the Tribunal may deem fit and to pay the same to such senior citizen as the Tribunal may, from time to time, direct.

(2) The maximum maintenance allowance which may be ordered by such Tribunal shall be such as may be prescribed by the State Government which shall not exceed ten thousand rupees per month.

10. Alteration in allowance

(1) On proof of misrepresentation or mistake of fact or a change in the circumstances of any person, receiving a monthly allowance under section 9, for the maintenance ordered under that section to pay a monthly allowance for the maintenance, the Tribunal may-make such alteration, as it thinks fit, in the allowance for the maintenance.

(2) Where it appears to the Tribunal that, in consequence of any decision of a competent Civil Court, any order made under section 9 should be cancelled or varied, it shall cancel the order or, as the case may be, vary the same accordingly.

11. Enforcement of order of maintenance

(1) A copy of the order of maintenance and including the order regarding expenses of proceedings, as the case may be, shall be given without payment of any fee to the senior citizen or to parent, as the case may be, in whose favour it is made and such order may be enforced by any

Tribunal in any place where the person against whom it is made, such Tribunal on being satisfied as to the identity of the parties and the non-payment of the allowance, or as the case may be, expenses, due.

(2) A maintenance order made under this Act shall have the same force and effect as an order passed under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) and shall be executed in the manner prescribed for the execution of such order by that Code.

12. Option regarding maintenance in certain cases

Notwithstanding anything contained in Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974), where a senior citizen or a parent is entitled for maintenance under the said Chapter and also entitled for maintenance under this Act may, without prejudice to the provisions of Chapter IX of the said Code, claim such maintenance under either of those Acts but not under both.

13. Deposit of maintenance amount

When an order is made under this Chapter, the children or relative who is required to pay any amount in terms of such order shall, within thirty days of the date of announcing the order by the Tribunal, deposit the entire amount ordered in such manner as the Tribunal may direct.

14. Award of interest where any claim is allowed

Where any Tribunal makes an order for maintenance made under this Act, such Tribunal may direct that in addition to the amount of maintenance, simple interest shall also be paid at such rate and from such date not earlier than the date of making the application as may be determined by the Tribunal which shall not be less than five per cent, and not more than eighteen per cent:

Provided that where any application for maintenance under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) is pending before a Court at the commencement of this Act, then the Court shall allow the withdrawal of such application on the request of the parent and such parent shall be entitled to file an application for maintenance before the Tribunal.

15. Constitution of Appellate Tribunal

(1) The State Government may, by notification in the Official Gazette, constitute one Appellate Tribunal for each district to hear the appeal against the order of the Tribunal.

(2) The Appellate Tribunal shall be presided over by an officer not below the rank of District Magistrate.

16. Appeals

(1) Any senior citizen or a parent, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal:

Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent the amount so ordered, in the manner directed by the Appellate Tribunal:

Provided further that the Appellate Tribunal may, entertain the appeal alter the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) On receipt of an appeal, the Appellate Tribunal shall, cause a notice to be served upon the respondent.

(3) The Appellate Tribunal may call for the record of proceedings from the Tribunal against whose order the appeal is preferred.

(4) The Appellate Tribunal may, after examining the appeal and the records called for either allow or reject the appeal.

(5) The Appellate Tribunal shall, adjudicate and decide upon the appeal filed against the order of the Tribunal and the order of the Appellate Tribunal shall be final:

Provided that no appeal shall be rejected unless an opportunity has been given to both the parties of being heard in person or through a duly authorised representative.

(6) The Appellate Tribunal shall make an endeavour to pronounce its order in writing within one month of the receipt of an appeal.

(7) A copy of every order made under sub-section (5) shall be sent to both the panics free of cost.

17. Right to legal representation

Notwithstanding anything contained in any law, no party to a proceeding before a Tribunal or Appellate Tribunal shall be represented by a legal practitioner.

18. Maintenance Officer

(1) The State Government shall designate the District Social Welfare Officer or an officer not below the rank of a District Social Welfare Officer, by whatever name called as Maintenance Officer.

(2) The Maintenance Officer referred to in sub-section (1), shall represent a parent if he so desires, during the proceedings of the Tribunal, or the Appellate Tribunal, as the case may be.

CHAPTER III

ESTABLISHMENT OF OLDAGE HOMES

19. Establishment of oldage homes

(1) The State Government may establish and maintain such number of oldage homes at accessible places, as it may deem necessary, in a phased manner, beginning with at least one in each district to accommodate in such homes a minimum of one hundred fifty senior citizens who are indigent.

(2) The State Government may, prescribe a scheme for management of oldage homes, including the standards and various types of services to be provided by them which are necessary for medical care and means of entertainment to the inhabitants of such homes.

Explanation - for the purposes of this section, "indigent" means any senior citizen who is not having sufficient means, as determined by the State Government, from time to time, to maintain himself

CHAPTER IV

PROVISIONS FOR MEDICAL CARE OF SENIOR CITIZEN

20. Medical support for senior citizens

The State Government shall ensure that -

(1) the Government hospitals or hospitals funded fully or partially by the Government shall provide beds for all senior citizens as far as possible;

(2) separate queues be arranged for senior citizens;

(3) facility for treatment of chronic, terminal and degenerative diseases is expanded for senior citizens;

(4) research activities for chronic elderly diseases and ageing is expanded;

(5) there are earmarked facilities for geriatric patients in every district hospital duly headed by a medical officer with experience in geriatric care.

CHAPTER V

PROTECTION OF LIFE AND PROPERTY OF SENIOR CITIZEN

21. Measures for publicity, awareness, etc. for welfare of senior citizens

The State Government shall, take all measures to ensure that -

(i) the provisions of this Act are given wide publicity through public media including the television, radio and the print, at regular intervals;

(ii) the Central Government and State Government Officers, including the police officers and the members of the judicial service, are given periodic sensitization and awareness training on the issues relating to this Act;

(iii) effective co-ordination between the services provided by the concerned Ministries or Departments dealing with law, home affairs, health and welfare, to address the issues relating to the welfare of the senior citizens and periodical review of the same is conducted.

22. Authorities who may be specified for implementing the provisions of this Act

(1) The State Government may, confer such powers and impose such duties on a District Magistrate as may be necessary, to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer as may be prescribed.

(2) The State Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizens.

23. Transfer of property to be void in certain circumstances

(1) Where any senior citizen who, after the commencement of this Act, has by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.

(2) Where any senior citizen has a right to receive maintenance out of an estate and such estate or part , thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.

(3) If any senior citizen is incapable of enforcing the rights under sub-sections (1) and (2), action may be taken on his behalf by any of the organisation referred to in Explanation to sub-section (1) of section 5.

CHAPTER VI

OFFENCES AND PROCEDURE FOR TRIAL

24. Exposure and abandonment of senior citizen

Whoever, having the care or protection of senior citizen leaves, such senior citizen in any place with the intention of wholly abandoning such senior citizen, shall be punishable with imprisonment of either description for a term which may extend to three months or fine which may extend to five thousand rupees or with both.

25. Cognizance of offences

(1) Notwithstanding any thing contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under this Act shall be cognizable and bailable.

(2) An offence under this Act shall be tried summarily by a Magistrate.

CHAPTER VII

MISCELLANEOUS

26. Officers to be public servants

Every officer or staff appointed to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 (45 of 1860) of the Indian Penal Code.

27. Jurisdiction of civil courts barred

No Civil Court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any Civil Court in respect of anything which is done or intended to be done by or under this Act.

28. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.

29. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the dale of the commencement of this Act.

30. Power of Central Government to give directions

The Central Government may give directions to State Governments as to the carrying into execution of the provisions of this Act.

31. Power of Central Government to review

The Central Government may make periodic review and monitor the progress of the implementation of the provisions of this Act by the State Governments.

32. Power of State Government to make rules

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for -

- (a) the manner of holding inquiry under section 5 subject to such rules as may be prescribed under sub-section (1) of section 8;
- (b) the power and procedure of the Tribunal for other purposes under subsection (2) of section 8.
- (c) the maximum maintenance allowance which may be ordered by the Tribunal under sub-section (2) of section 9;
- (d) the scheme for management of oldage homes, including the standards and various types of services to be provided by them which arc necessary for medical care and means of entertainment to the inhabitants of such homes under sub-section {2) of section 19;
- (e) the powers and duties of the authorities for implementing the provisions of this Act. under sub-section (1) of section 22;

(f) a comprehensive action plan for providing protection of life and property of senior citizens under sub-section (2) of section 22;

(g) any other matter which is to be, or may be, prescribed

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of State Legislature, where it consists of two Houses or where such legislature consists of one House, before that House.

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