



**Annual Technical Inspection Report**  
**on**  
**Panchayati Raj Institutions**  
**and**  
**Urban Local Bodies**  
**For the year ended 31 March 2014**



**Office of the Principal Accountant General**  
**(General & Social Sector Audit)**  
**Uttar Pradesh**



**Government of Uttar Pradesh**

## Table of Contents

Particulars	<i>Reference to</i>	
	Paragraph No.	Page No.
PREFACE	-	v
OVERVIEW	-	vii
<b>aCHAPTER 1</b>		
<b>An Overview of Accounts and Finances of <i>Panchayati Raj</i> Institutions</b>		
Introduction	1.1	1
Status of devolution of Funds, Functions and Functionaries to <i>Panchayati Raj</i> Institutions	1.2	1
State Profile	1.3	2
Audit Mechanism	1.4	2
Maintenance of Accounts	1.5	4
Organisational structure of <i>Panchayati Raj</i> Institutions	1.6	4
Standing Committees	1.7	4
District Planning Committee	1.8	5
Financial Profile	1.9	5
Aggregate Receipts	1.10	7
Utilisation of funds	1.11	9
Internal Control Mechanism	1.12	11
Conclusion	1.13	12
<b>CHAPTER 2</b>		
<b>Performance Audit, Long Paragraph and Compliance Audit of <i>Panchayati Raj</i> Institutions</b>		
<b>Performance Audit</b>		
Implementation of Total Sanitation Campaign/ <i>Nirmal Bharat Abhiyan</i>	2.1	13
<b>Long Paragraph</b>		
Working of <i>Panchayati Raj</i> Institutions in three <i>Zila Panchayats</i>	2.2	38
<b>Compliance Audit</b>		
Unfruitful expenditure	2.3.1	56
Loss due to construction of sub-standard road	2.3.2	57

Avoidable expenditure	2.3.3	58
Fraudulent payment	2.3.4	58
<b>CHAPTER-3</b>		
<b>An Overview of Accounts and Finances of Urban Local Bodies</b>		
Introduction	3.1	61
State Profile	3.2	61
Organisational structure of ULBs	3.3	62
Financial Profile	3.4	63
Maintenance of Accounts	3.5	66
Audit Mechanism	3.6	67
Human resource arrangement	3.7	69
Transfer of functions to ULBs	3.8	70
Constitution of District Planning Committee	3.9	71
Internal Control	3.10	72
Conclusion	3.11	72
<b>CHAPTER-4</b>		
<b>Performance Audit and Compliance Audit of Urban Local Bodies</b>		
<b>Performance Audit</b>		
Urban Local Bodies under Kanpur Commissionerate/ <i>Mandal</i>	4.1	73
<b>Compliance Audit</b>		
Blockade of fund	4.2.1	108
Unfruitful expenditure and revenue loss	4.2.2	109
Unfruitful expenditure	4.2.3	110
<b>Appendices</b>		
<b>Number</b>	<b>Particulars</b>	<b>Page Number</b>
1.1	Eleventh Schedule: List of 29 Subjects	113
1.2	Status of Transfer of Functions to PRIs	114
1.3	Organisational Structure of <i>Panchayati Raj</i> Institutions	115
1.4	Functions of Standing Committees	117
1.5	Revenue realised from own sources	118
1.6	Aggregate receipts: time series data on resources of PRIs	119
1.7	Devolution of funds vis-à-vis net proceeds	120

2.1.1	Components of TSC/NBA	121
2.1.2	Details of sampled units	122
2.1.3	Delayed credit of State share in bank account of the Scheme	124
2.1.4	Non-utilisation of funds provided for IHHLs	125
2.1.5	Differences in baseline survey and census-2011 reports	128
2.1.6	Inadequate planning in AIPs of the test-checked districts	129
2.1.7	Physical progress of TSC	130
2.1.8	Status of defunct toilets	131
2.1.9	Villages identified under TSC/NBA	132
2.1.10	Incomplete IHHLs due to non-timely execution of activities under convergence	133
2.1.11	Loans provided to Rural Sanitary Mart/Production Center	134
2.1.12	Funds available and expenditure on Information, Education and Communication in State	135
2.1.13	Details of inspection carried out in GPs	136
2.2.1	Details of test-checked ZPs, KPs and GPs	137
2.2.2	Encroachment of land	139
2.3.1	Details of avoidable expenditure on construction of rural link roads	140
2.3.2	Details of fraudulent payment	141
3.1	Devolution of SFC grants	142
3.2	Functions of Urban Local Bodies	143
4.1.1	Details of NPPs/ NPs under Kanpur <i>Mandal</i>	144
4.1.2	Details showing delay in release of funds to implementing agency by KNN	146
4.1.3	Details showing position of unadjusted advance at the end of 2013-14	147
4.1.4	Details showing realisation of tax/non-tax revenue during 2009-14	148
4.1.5	Details of additional stamp duty not received	149
4.1.6	List of 39 items under license fee	150
4.1.7	Statement showing delays in submission of original and revised budget estimates to EC and Corporation	151
4.1.8	Differences between figures of budget and annual accounts for the year 2009-10	152
4.1.9	Details showing opening and closing of bank accounts	153
4.1.10	Details showing difference in dates between cash book and bank statement regarding cash deposits	155

4.1.11	Details of cash books showing minus balances	156
4.1.12	Details showing differences of tax realisation between figures of zonal/ department and Accounts department of KNN	157
4.1.13	Categorisation of roads for placing street lights	158
4.1.14	Details of agreement executed after commencement of work	159
4.1.15	Details of agreement executed after completion of work	166
4.1.16	Details of payment of Bitumen without obtaining consignee receipt challan	170
4.1.17	A- Details showing the amount to be withheld for less collection of user charges	171
	B- Details showing amount of penalty not imposed by KNN	
4.1.18	Details of incomplete sewerage projects	172
4.1.19	Details of incomplete drinking water projects	173
4.1.20	Details of non-functional hospitals/ dispensaries	174
4.1.21	Details showing parks where permanent structures ( <i>viz.</i> religious) were constructed illegally	175
4.1.22	Details of sanctioned and vacant posts in KNN as on June 2014	176
4.1.23	Details of agreements executed for procurement of vehicles during 2009-14	179
4.1.24	Details showing position of technical staff as of July 2014	180
4.1.25	Position of non/ improper maintenance of records during 2009-14	181
4.1.26	Statement showing delayed issue of minutes of meetings of EC and Corporation	182
4.1.27	Details of receipt and expenditure of KNN and test-checked NPPs/ NPs during 2009-14	183
4.1.28	Details of works constructed without approval of Municipal Board	185
4.1.29	Statement showing details of meetings of Municipalities during 2009-14	186
4.2.1	Year wise Receipt and Expenditure of 12 <sup>th</sup> Finance Commission	187
4.2.2	Details of deposited and surrendered amount	188

## PREFACE

The Report has been prepared for submission to the Government of Uttar Pradesh in accordance with terms of notification dated 31 May 2011 issued by the Government of Uttar Pradesh entrusting the Comptroller and Auditor General of India with Technical Guidance and Support over the audit of *Panchayati Raj* Institutions and Urban Local Bodies.

Chapter 1 and 3 of this Report contain observations arising from examination of accounts and finances of *Panchayati Raj* Institutions and Urban Local Bodies respectively.

In Chapter 2, findings of Performance Audits on “Implementation of Total Sanitation Campaign/ *Nirmal Bharat Abhiyan*”, Long Paragraph on “Working of *Panchayati Raj* Institutions in three *Zila Panchayats*” in Uttar Pradesh and findings emerging from Compliance audit of *Panchayati Raj* Institutions are included. Chapter 4 contains findings of the Performance Audit of “Urban Local Bodies under Kanpur Commissionerate/*Mandal*” and findings emerging from Compliance audit of Urban Local Bodies.

The cases mentioned in this Report are among those which came to notice during course of test audit of accounts during 2013-14 as well as those which had come to notice in earlier years, but could not be dealt with in previous Reports. Matters relating to the period subsequent to 2013-14 have also been included, wherever necessary.

## OVERVIEW

This Report is prepared in two parts and consists of four chapters. Chapter 1 deals with an Overview of Accounts and Finances of *Panchayati Raj* Institutions. Chapter 2 includes Performance Audit on “Implementation of Total Sanitation Campaign/ *Nirmal Bharat Abhiyan*” and a Long Paragraph on “Working of *Panchayati Raj* Institutions in three *Zila Panchayats*”. This Chapter also includes findings on Compliance Audit of *Panchayati Raj* Institutions. Chapter 3 provides an Overview of Accounts and Finances of Urban Local Bodies. Chapter 4 comprises Performance Audit of “Urban Local Bodies under Kanpur Commissionerate/ *Mandal*”. It also includes findings on Compliance Audit of Urban Local Bodies. A synopsis of audit findings is presented below.

### **Chapter 1: An Overview of Accounts and Finances of *Panchayati Raj* Institutions**

Model Accounting System for *Panchayati Raj* Institutions viz. PRIASoft was partially implemented.

*(Paragraph 1.5)*

Annual budget in test-checked 149 *Kshetra Panchayats* and 1,187 *Gram Panchayats* was not being prepared.

*(Paragraph 1.9.1)*

There was short devolution of funds of ₹ 2,484 crore to PRIs during 2009-14 ranging between 3 and 26 *per cent*.

*(Paragraph 1.10.2)*

### **Chapter 2: Performance Audit, Long Paragraph and Compliance Audit of *Panchayati Raj* Institutions**

#### **2.1 Performance Audit on Implementation of Total Sanitation Campaign/ *Nirmal Bharat Abhiyan***

During 2009-14, expenditure of ₹ 1,867.90 crore was incurred on implementation of the scheme out of available fund of ₹ 2,259.94 crore. There was delay ranging from one to four months in release of State matching share.

*(Paragraphs 2.1.7.3 and 2.1.7.4)*

Registration of State Sanitation Mission and 10 District Sanitation Missions under Society Registration Act, 1860 were expired and these were not renewed since last two to seven years. Block Resource Centers to be set up for Information, Education and Communication (IEC) and capacity building were also not established as of June 2014.

*(Paragraph 2.1.8.1)*

During 2012-14, under NBA, 0.84 lakh IHHLs for BPL families were constructed in the test-checked districts as against the target of 1.62 lakh IHHLs (48 *per cent* shortfall). Further, 1.56 lakh out of 2.96 lakh IHHLs

planned for APL families were constructed (47 *per cent* shortfall). Out of 23 lakh BPL IHHLs constructed under TSC till March 2012, 12.18 lakh (53 *per cent*) IHHLs were found defunct in baseline survey of 2013.

*(Paragraph 2.1.9.1)*

The activities under convergence from Mahatma Gandhi National Rural Employment Guarantee Scheme amounting to ₹ 15.84 lakh were not ensured timely, which resulted in non-provision of 35,200 IHHLs in test-checked districts.

*(Paragraph 2.1.10.3)*

District implementing agencies were required to transfer central grants along with matching state share received for works to GPs. However, 10 test-checked DSMs, while transferring funds during 2010-14 deducted ₹ 10.93 crore for purchasing 2.42 lakh rural pans/ pipes though it was inadmissible.

*(Paragraph 2.1.10.4)*

IEC activities were not taken up vigorously. Out of ₹ 239.09 crore available for IEC in the State during 2009-14, the expenditure on various IEC activities was only ₹ 83.55 crore (35 *per cent*).

*(Paragraph 2.1.11.1)*

IHHLs provided to 438 beneficiaries were not found in beneficiary survey conducted by Audit. Of the 2,644 beneficiaries responded in the survey, 1,266 beneficiaries stated that they were defecating in open areas.

*(Paragraph 2.1.12)*

Inadequate monitoring resulted in slow progress of the scheme. Evaluation study of the scheme was not conducted, though required under the scheme guidelines.

*(Paragraphs 2.1.13.2 and 2.1.13.5)*

## **2.2 Long Paragraph on Working of Panchayati Raj Institutions in three Zila Panchayats**

Due to slow progress of projects, funds of ₹ 36.18 crore in the three Zila Panchayats were lying unutilised as of March 2014.

*(Paragraphs 2.2.4, 2.2.15 and 2.2.27)*

Under Backward Regions Grant Fund scheme 124 projects amounting to ₹ 13.52 crore remained incomplete as of March 2014.

*(Paragraphs 2.2.7.1 and 2.2.18.1)*

Under State Finance Commission and Thirteenth Finance Commission 233 projects of ₹ 19.95 crore were lying incomplete as of March 2014.

*(Paragraphs 2.2.7.2, 2.2.18.2 & 2.2.30)*



Due to non-maintenance of assets register in the test-checked *Gram Panchayats*, encroachment on *Gram Sabha* land could not be ascertained.

(*Paragraphs 2.2.14, 2.2.26 & 2.2.37*)

### **2.3 Compliance Audit**

Expenditure of ₹ 11.61 lakh on construction of shops in *Zila Panchayat*, Rampur during 2008-09 was rendered unfruitful due to non-allotment.

(*Paragraph 2.3.1*)

Sub-standard cement concrete road in *Zila Panchayat*, Sant Kabir Nagar constructed at a cost of ₹ 28.98 lakh during 2009-10 was damaged prematurely and subsequently got repaired by incurring avoidable expenditure of ₹ 20 lakh.

(*Paragraph 2.3.2*)

Non-observance of specifications in construction of rural link roads led to an avoidable expenditure of ₹ 35.07 lakh in *Zila Panchayat*, Aligarh.

(*Paragraph 2.3.3*)

Fraudulent payment of ₹ 1.01 lakh, indicating the same labourer's name and dates of execution on two muster rolls, was made during 2011-12 in *Kshetra Panchayat*, Narakhi, District Firozabad.

(*Paragraph 2.3.4*)

### **Chapter 3: An Overview of Accounts and Finances of Urban Local Bodies.**

The target fixed for revenue realization from own resources by the Government were not achieved by ULBs during 2012-14.

(*Paragraph 3.4.5*)

Accounting formats prescribed by the CAG were not fully adopted in the ULBs.

(*Paragraph 3.5*)

### **Chapter 4: Performance Audit and Compliance Audit of Urban Local Bodies**

#### **4.1 Performance Audit on "Urban Local Bodies under Kanpur Commissionirate/Mandal"**

##### **Kanpur Nagar Nigam (KNN)**

Against the total available funds of ₹ 3,563.06 crore, only 90 *per cent* funds were utilised by KNN and *Jal Kal Vibhag* during 2009-14. Further, there was shortfall of 41 and 61 *per cent* in collection of own revenue against demands of ₹ 919.05 crore and ₹ 768.52 crore raised respectively by Kanpur Nagar Nigam and *Jal kal Vibhag* during 2009-14. Annual rental value, in respect of property tax, was not revised at the prescribed intervals.

(*Paragraphs 4.1.7.1 & 4.1.7.2*)

Budget estimates for the year 2009-10, 2011-12 and 2012-13 were not laid before Executive Committee and Corporation. The budget estimates for the year 2010-11 and 2013-14 were submitted to Executive Committee with delays of 81 days and 70 days respectively.

**(Paragraph 4.1.7.3)**

Annual accounts for the years 2010-11 to 2013-14 were not finalised as of November 2014. The annual account for the year 2009-10 was finalised in September 2012 with delays of 27 months.

**(Paragraph 4.1.7.4)**

Annual Development Plans were not prepared, though it was required under Municipal Corporation Act, 1959.

**(Paragraph 4.1.8)**

Contract management was inadequate as agreements of 150 works amounting to ₹ 13.74 crore were not signed before commencement of works and 75 agreements of ₹ 5.15 crore were signed after completion of the works.

**(Paragraph 4.1.9.2)**

Management of Municipal Solid Waste (MSW) was inadequate, as 746.86 thousand Metric Ton (MT) MSW (38 *per cent*) out of total generated 1,979.35 thousand MT MSW remained uncollected in the city during 2010-14. Further, out of 1,232.49 thousand MT MSW collected from the city for processing, 425.68 thousand MT MSW (35 *per cent*) was lying dumped at MSW processing plant.

**(Paragraph 4.1.11.1)**

Facility of drinking water was in-sufficient in KNN. As against the total requirement of 520 million liter *per day* (mld), only 424 mld of drinking water was being supplied by *Jal Kal Vibhag* though its established capacity was of 638 mld. The shortfall in supply of water was due to failure of *Jal Kal Vibhag* to provide water connections to the households/bulk consumers.

**(Paragraph 4.1.12.1)**

Mandatory meetings of Corporation and Executive Committees were not held as per prescribed norms. Audit of accounts was not carried out by *Mukhya Nagar Lekha Parikshak* during 2009-14.

**(Paragraph 4.1.15)**

#### ***Nagar Palika Parishads (NPPs)***

Against the total available funds of ₹ 113.53 crore, only 89 *per cent* funds were utilised by three test-checked NPPs. There was shortfall of eight *per cent* in collection of own revenue against the demands of ₹ 13.84 crore. Further, the assessment lists of property tax were also not revised at the prescribed intervals of five years.

**(Paragraphs 4.1.16.1 & 4.1.16.2)**

Annual accounts for the period 2009-14 and 2010-14 were not prepared in NPPs, Kayamganj and Kannauj respectively.

*(Paragraph 4.1.16.4)*

Annual Development Plans were prepared but these were not presented to Municipality for approval in test-checked NPPs as required under Municipalities Act, 1916.

*(Paragraph 4.1.17)*

Mandatory meetings of Municipality were not held as per prescribed norms in test-checked NPPs.

*(Paragraph 4.1.21)*

### ***Nagar Panchayats (NPs)***

Against the total available funds of ₹ 55.54 crore, only 79 per cent funds were utilised by test-checked NPs. There was shortfall in collection of own revenue (37 per cent) against the total demand of ₹ 6.15 crore in test-checked NPs.

*(Paragraphs 4.1.22.1 & 4.1.22.2)*

Annual accounts were not prepared by NPs Kamalganj, Talgram and Tirwaganj.

*(Paragraph 4.1.22.4)*

In NP Kamalganj, Annual Development Plans were not prepared during 2009-14. NPs Atsu, Ekdil, Shivli, Talgram and Tirwaganj prepared Annual Development Plans, but these were not presented to Municipality for approval as required under Municipalities Act, 1916.

*(Paragraph 4.1.23)*

Mandatory meetings of Municipality were not held as per prescribed norms in test-checked NPs.

*(Paragraph 4.1.25)*

## **4.2 Compliance Audit**

Blockade of fund of ₹ 35.61 lakh under 12<sup>th</sup> Finance Commission grants due to absence of proper planning/ monitoring.

*(Paragraph 4.2.1)*

Construction of shops without assessment of requirement resulted in unfruitful expenditure for six to nine years due to non-allotment and subsequent allotment of shops without collecting premium resulted in loss of revenue of ₹ 21.35 lakh.

*(Paragraph 4.2.2)*

Unfruitful expenditure of ₹ 62.42 lakh, due to non-completion of work for improving street lights, in *Nagar Palika Parishad*, Ayodhya, Faizabad.

*(Paragraph 4.2.3)*

## AN OVERVIEW OF ACCOUNTS AND FINANCES OF *PANCHAYATI RAJ INSTITUTIONS*

### **1.1 Introduction**

Government of India (GoI) enacted the 73<sup>rd</sup> Constitutional Amendment Act in 1992 (Act) which envisaged decentralisation of powers to the rural self-governing bodies, viz., *Gram Panchayat* (GP) at the village level, *Kshetra Panchayat* (KP) at the intermediate or block level and *Zila Panchayat* (ZP) at the district level. The system of PRIs aimed at increasing the participation of people in local governance and effective implementation of rural development programmes. The responsibility of overall planning, co-ordination and supervision of developmental schemes vested in ZP. GoI provide funds to PRIs through successive Finance Commissions.

The States, in turn, were required to entrust these local bodies with such powers, functions and responsibilities, as to enable them to function as institutions of self-government. Consequently, the UP *Panchayati Raj Act* (UP PR Act), 1947 and Uttar Pradesh *Kshetra Panchayat and Zila Panchayat Adhiniyam* (UP KP & ZP Act), 1961 were amended in 1994 and Rules framed thereunder.

Rule 186 of Uttar Pradesh *Panchayati Raj* (17<sup>th</sup> amendment) Act, 2011 laid down the provisions for tabling the Annual Report of Chief Audit Officer, Cooperative Societies and *Panchayats* (CAO) and Annual Technical Inspection Report (ATIR) of the Comptroller and Auditor General of India (CAG) before the State Legislature. In pursuance to this, State Government constituted *Panchayati Raj Samiti* in March 2014 to review and monitor both the reports.

### **1.2 Status of devolution of Funds, Functions and Functionaries to *Panchayati Raj Institutions***

Eleventh schedule of the Constitution of India provided for the transfer of Funds, Functions and Functionaries to *Panchayati Raj* Institutions (PRIs) to enable them to function as institutions of self-government. Accordingly, the UP State Legislature amended the UP PR Act, 1947 and UP KP & ZP Act, 1961 by UP Act no. 9 of 1994 and devolved powers and functions to GPs as specified in Section 15 of the UP PR Act, 1947 and to KPs and ZPs as specified in Schedule I and Schedule II to UP KP & ZP Act, 1961. Out of 29 (*Appendix 1.1*), only 16 functions (*Appendix 1.2*) mentioned in the Eleventh Schedule of the Constitution have been devolved to PRIs as of 31 January 2015.

### 1.3 State Profile

Uttar Pradesh is the fifth largest State in the country in terms of size and spans an area of 2.41 lakh square kilometre. As per the Census 2011, total population of the State is 19.98 crore, of which 77.73 *per cent* resides in rural areas. The comparative demographic and development profile of the State *vis-a-vis* the national profile is given in **Table 1**.

**Table 1: Important statistics of the State**

Indicator	Unit	State value	National value
Population	Crore	19.98	121.07
Population density	Per square km.	829	382
Rural population	<i>Per cent</i>	77.73	68.84
Number of PRIs	Number	52,810	2,46,628
Number of ZPs	Number	75	598
Number of KPs	Number	821	6,391
Number of GPs	Number	51,914	2,39,639
Gender ratio	Females per 1000 males	912	940
Literacy	<i>Per cent</i>	67.68	74.04

(Source: Thirteenth Finance Commission, Director, *Panchayati Raj*, Lucknow and Census Report, 2011)

### 1.4 Audit Mechanism

#### 1.4.1 Primary Auditor

Chief Audit Officer, Co-operative Societies and *Panchayats*, is the primary auditor for all the three tiers of PRIs.

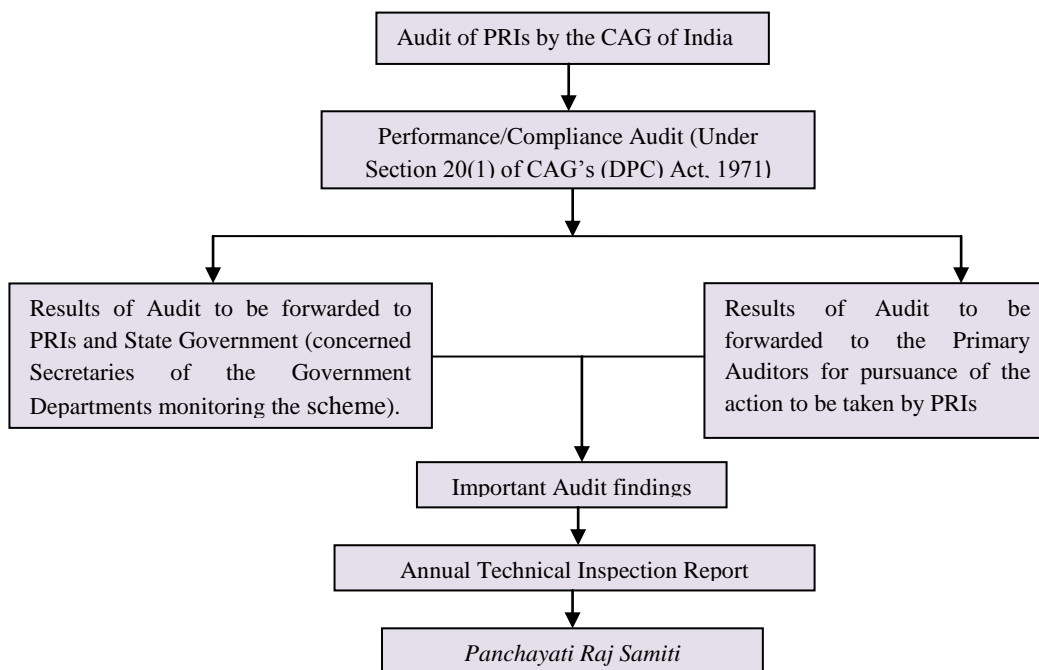
#### 1.4.2 Audit Mandate of the CAG

The Eleventh Finance Commission recommended Technical Guidance and Support (TGS) for proper maintenance of accounts of PRIs and their audit by CAG. Para 10.121 and 10.122 of the recommendations of Thirteenth Finance Commission stipulate that CAG is to be entrusted with TGS for all Local Bodies of all States and provide for placing of ATIR of the CAG as well as Annual Report of the Director of Local Fund Audit before the State Legislature which will provide a credible assurance of the audit of accounts. In pursuance of the finance commission recommendations TGS entrusted to CAG is given as under:

- (i) TGS to the audit of PRIs (to Local Fund Auditor/Director, Local Fund Audit (DLFA)) is given by the CAG under Section 20 (1) of CAG's (DPC) Act, 1971.
- (ii) The audit reports are sent to Director, PRI, State Government and CAO, for pursuance of action to be taken by PRIs.

The procedure of audit in PRIs is given in **Chart 1**.

**Chart 1: Procedure of audit in PRIs**



The audit objections were communicated to the Heads of the Offices, Director, *Panchayati Raj* and CAO. Details of outstanding audit objections and their amounts are given in **Table 2**.

**Table 2: Details of outstanding audit objections as on 31 March 2014**

(₹ in crore)

Sl. No.	Year	Opening balance of para		Para added during the year		Para settled during the year		Outstanding para	
		No.	Value	No.	Value	No.	Value	No.	Value
1	2009-10	9,924	507.40	2,775	388.76	5	0.79	12,694	895.37
2	2010-11	12,694	895.37	1,308	162.20	1	0.00	14,001	1,057.57
3	2011-12	14,001	1,057.57	2,033	242.37	-	-	16,034	1,299.94
4	2012-13	16,034	1,299.94	482	223.16	-	-	16,516	1,523.10
5	2013-14	16,516	1,523.10	3,310	1,073.44	-	-	19,826	2,596.54

(Source: Register of Audit Inspection Reports)

It would be seen from **Table 2** that 19,826 paragraphs with money value of ₹ 2,596.54 crore were outstanding at the close of 2013-14. No action was taken for settlement of paragraphs for the period 2011-14 which indicates that the entities were not responsive to audit observations.

On this being pointed out, CAO stated (July 2014) that review of the cases pending for settlement was not undertaken due to non-receipt of compliance report from the administrative departments.

## 1.5 Maintenance of Accounts

### *Adoption of accounting formats prescribed by the CAG*

PRIs maintain their accounts in the formats prescribed under UP KP & ZP Act, 1961. The Eleventh Finance Commission recommended exercising control and supervision over the maintenance of accounts of all the three tiers of PRIs by the CAG. Thirteenth Finance Commission also recommended (Para 10.161) that the State Government would be eligible to draw down its performance grant for succeeding fiscal year on production of a certificate that accounting system as recommended by the CAG has been introduced in all the Rural and Urban Local Bodies.

The CAG had prescribed Model Accounting System developed by National Informatics Centre for PRIs on web based software (PRIASoft) comprising of eight accounting formats. Ministry of *Panchayati Raj* (MoPR), GoI advised (October 2009) the State Government to introduce PRIASoft with effect from April 2010. Subsequently (January 2011), the State Government made it mandatory to maintain accounts on PRIASoft with effect from 1 April 2010. However, out of eight formats, reports in only three formats (Annual Receipt & Payment Account, Consolidated Abstract Register and Monthly Reconciliation Statement) were being generated by ZPs and KPs as of October 2014. In GPs only Annual Receipt and Payment Account and Consolidated Abstract Register are being generated as of October 2014.

## 1.6 Organisational structure of *Panchayati Raj* Institutions

Social sector programmes/schemes are implemented by PRIs, parallel bodies and line departments. The organisational chart of PRIs' parallel bodies and line departments with the administrative setup in Blocks, Districts and State level is given in *Appendix 1.3*.

## 1.7 Standing Committees

For proper functioning of the three tiers of *Panchayats*, Government of Uttar Pradesh (GoUP), vide order no. 4430/33-1-99-S.P.R./99 dated 29 July 1999, constituted six standing committees in each tier of *Panchayats*. Brief introduction on the working of PRIs and various standing committees involved in financial matters and implementation of schemes is given in **Table 3**.

**Table 3: Details of Standing Committees**

Tier Of PRI	Head of the Standing Committee	Names of the Standing Committees	Roles and responsibilities of the Standing Committees
Zila Panchayat	Apar Mukhya Adhikari/ Adhyaksh, Zila Panchayat	(i) <i>Niyojan Evam Vikas Samiti</i> (ii) <i>Shiksha Samiti</i> (iii) <i>Nirman Karya Samiti</i> (iv) <i>Swasthya Evam Kalyan Samiti</i> (v) <i>Prashasanik Samiti</i> (vi) <i>Jal Prabandhan Samiti</i>	As per UP Government Notification No. 4430/33-1-99/ SPR/99-Dated 29 July 1999 functions of standing committees are enumerated ( <i>Appendix 1.4</i> )

<i>Kshetra Panchayat</i>	<i>Pramukh</i>	(i) <i>Niyojan Avam Vikas Samiti</i> (ii) <i>Shiksha Samiti</i> (iii) <i>Nirman Karya Samiti</i> (iv) <i>Swasthya Avam Kalyan Samiti</i> (v) <i>Prashasanik Samiti</i> (vi) <i>Jal Prabandhan Samiti</i>	---As above---
<i>Gram Panchayat</i>	<i>Pradhan</i>	(i) <i>Niyojan Avam Vikas Samiti</i> (ii) <i>Shiksha Samiti</i> (iii) <i>Nirman Karya Samiti</i> (iv) <i>Swasthya Avam Kalyan Samiti</i> (v) <i>Prashasanik Samiti</i> (vi) <i>Jal Prabandhan Samiti</i>	As per UP Government Notification No. 4077/33-2-99-48G/99 Dated 29 July 1999 functions of standing committees are enumerated ( <b>Appendix 1.4</b> )

(Source: Director, *Panchayati Raj*, Uttar Pradesh, Lucknow)

## 1.8 District Planning Committee

Article 243 ZD of the Constitution of India (Constitution) inserted vide Seventy Fourth Constitutional Amendment Act in 1993 states that "There shall be constituted in every State at the district level a District Planning Committee (DPC) to consolidate the plans prepared by the *Panchayats* and the Municipalities in the district and to prepare a draft development plan for the district as a whole". The Government enacted the Uttar Pradesh District Planning Committee Act, 1999 in July 1999 but DPCs in the State were constituted in April 2008.

## 1.9 Financial Profile

### 1.9.1 Budgeting and Budgetary Process

Budgeting and budgetary process entails preparation and examination of the annual budget estimates and subsequent control over expenditure to ensure that it is kept within the authorised grants or appropriations. Section 110 and 115 of Uttar Pradesh *Kshetra Panchayat* and *Zila Panchayat* manual stipulates each PRI to prepare the annual budget.

It was noticed in audit during 2013-14 that the annual budget in 149 out of 187 KPs and 1,187 out of 1,274 GPs test-checked was not being prepared. Due to non-preparation of budget PRIs could not plan the implementation of schemes/programme resulted in substantial amount remaining unutilised in each financial year as discussed in Paragraph number 1.10.1.

### 1.9.2 Fund flow to PRIs

The resource base of PRIs consists of own receipts, State Finance Commission (SFC) grants, Central Finance Commission (CFC) grants, State Government grants and funds from Centrally Sponsored Schemes (CSS) for carrying out maintenance and development activities. The fund-wise source and its custody for each tier and the fund flow arrangements in flagship schemes are given in **Table 4 (A) & 4 (B)** and Fund Flow in **Chart 2**.



**Table 4 (A): Fund Flow - Source and custody of funds in PRIs**

Nature of fund	ZPs		KPs		GPs	
	Source of fund	Custody of fund	Source of fund	Custody of fund	Source of fund	Custody of fund
Own Receipt	Own resources	<i>Zila Nidhi</i>	NA	<i>Kshetra Nidhi</i>	Own resources	<i>Gram Nidhi</i>
State Finance Commission	State Government	<i>Zila Nidhi</i>	State Government	<i>Kshetra Nidhi</i>	State Government	<i>Gram Nidhi</i>
Central Finance Commission	GoI	<i>Zila Nidhi</i>	GoI	<i>Kshetra Nidhi</i>	GoI	<i>Gram Nidhi</i>
Centrally Sponsored Schemes	GoI	<i>Zila Nidhi</i>	GoI	<i>Kshetra Nidhi</i>	GoI	<i>Gram Nidhi</i>

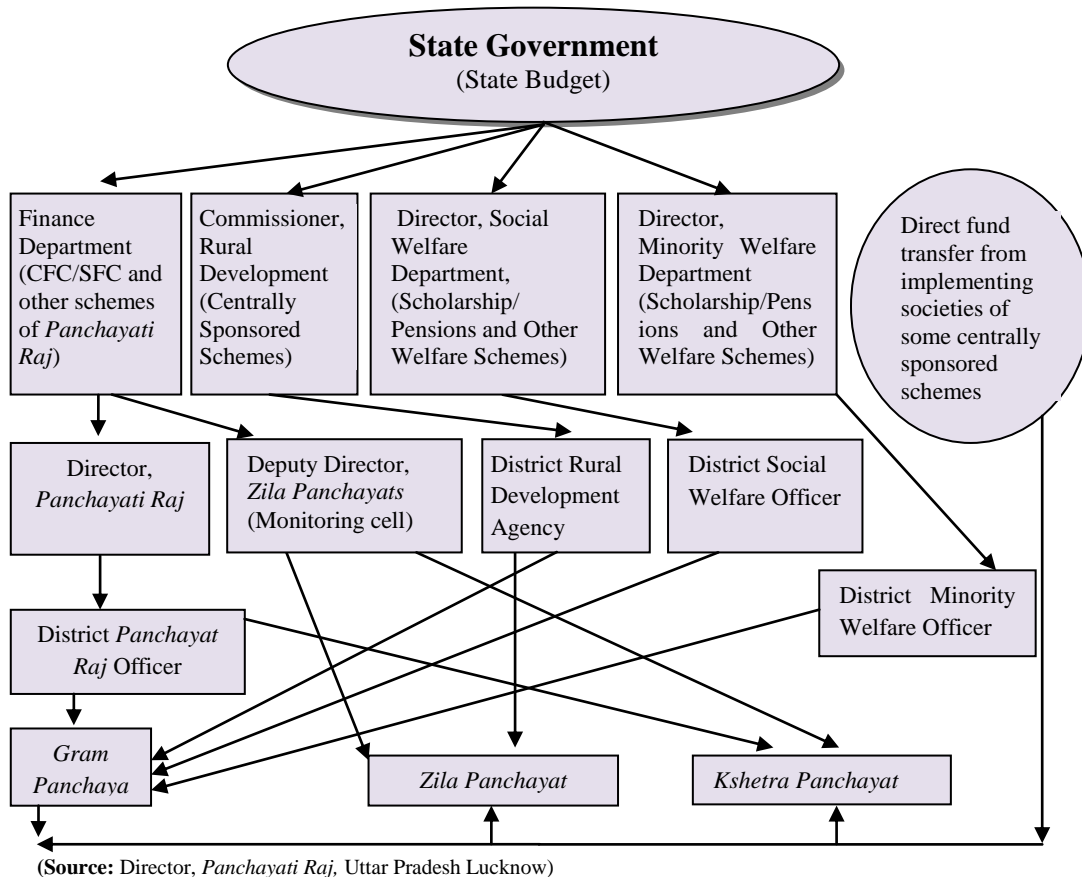
(Source: Director, *Panchayati Raj*, Uttar Pradesh, Lucknow)

**Table 4 (B): Fund flow arrangements in major Centrally Sponsored Flagship Schemes**

Sl. No.	Scheme	Fund flow arrangement
1	Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)	GoI and GoUP transfer their respective shares of MGNREGS funds in a Bank Account, called State Employment Guarantee Fund (SEGF), set up outside the State Accounts. Commissioner, Rural Development is the custodian of SEGF and administers onward transfer of funds.
2	<i>Sarva Shiksha Abhiyan</i> (SSA)	GoI and GoUP transfer their shares of SSA funds in Bank Account of the State Implementing Society (SIS) outside the State Accounts. SIS is a Society set up by GoUP for implementation of SSA headed by a State Project Director (SPD) who is the administrator of funds transfers to District Project Officer (DPO)/SSA for each district. Finance Controller and Senior Finance Officer of SSA are joint custodians of SSA Bank Account Funds at State level. At the district level, DPO and Assistant Accounts Officer in DPO's Office are joint custodians of the Bank Account.
3	<i>Indira Awas Yojana</i> (IAY)	GoI transfers its share directly to DRDA. DRDA draws GoUP's share from treasury and keep both in a Bank Account. Project Director/DRDA and Chief Development Officer (CDO) are administrator of the fund and responsible for transfer of the fund to the beneficiaries bank account for implementation of the scheme.
4	Rural Drinking Water Supply Programme (RDWSP)	For Accelerated Rural Water Supply Programme, GoUP transfers funds to Uttar Pradesh <i>Jal Nigam</i> (UPJN) centrally at Lucknow for the entire State. UPJN transfers funds to its district units. For other Rural Water Supply Schemes, DDO draws funds from district treasury out of allotments placed at his disposal and gives it to UPJN unit in the districts for execution.
5	Total Sanitation Campaign (TSC)	GoI transfers its share to state sanitation mission for its onward transfer to the bank account of District Water and Sanitation Mission. DPRO, ex-officio Secretary of the Mission, draws GoUP's share from district treasury on the basis of allotment received from GoUP and also deposits it in the Mission's Bank Account.

(Source: Director, *Panchayati Raj* and Commissioner, Rural Development, Lucknow)

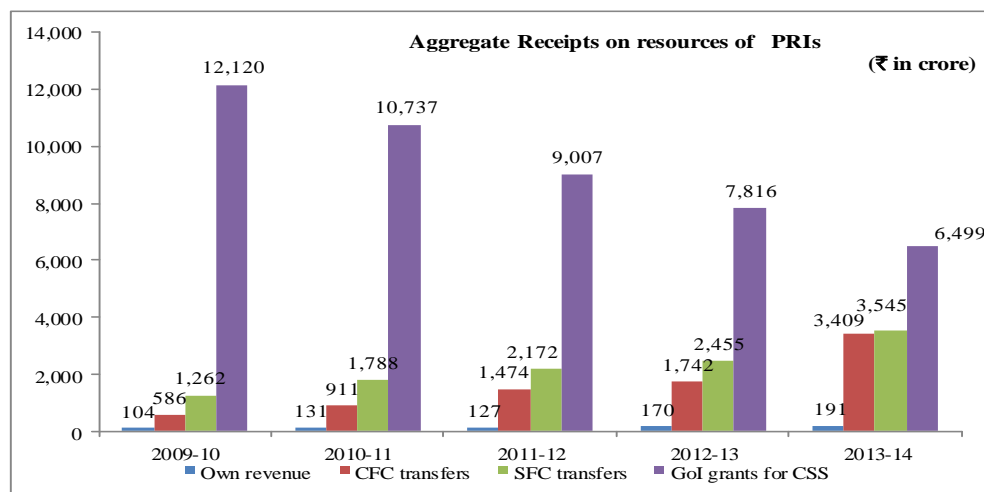
**Chart 2: Fund flow**



### 1.10 Aggregate Receipts

The position of aggregate grants received by PRIs under the recommendations of CFC, SFC, revenue realised from their own sources by charging rent, taxes, fees, etc., from the people as envisaged (*Appendix 1.5*) in Rule 37 of UP PR Act, 1947 and grants released under CSSs for rural development during 2009-14 (*Appendix 1.6*) is depicted in **Chart 3**.

**Chart 3: Resources –trends on resources of PRIs**



(Source: Director, Panchayati Raj, Commissioner, Rural Development and Deputy Director, Zila Panchayat Monitoring Cell, UP, Lucknow)

It would be seen from the **Chart 3** that there is an increasing trend in SFC and CFC grants, whereas GoI grants for certain CSS showed a decreasing trend during 2009-14.

### 1.10.1 Financial position of test-checked PRIs

During 2009-13, out of 52,810 records of 4,275 PRIs (ZPs: 136, KPs: 447 and GPs: 3,692) were test-checked in audit. The year-wise financial status of test-checked PRIs during 2009-13 is given in **Table 5**.

**Table 5: Financial position of test-checked PRIs during 2009-13**

(₹ in crore)

Year	Number of PRIs test-checked	Opening balances	Funds received	Total funds available	Expenditure (per cent)	Closing balances
<b>ZPs</b>						
2009-10	55	381.80	682.90	1,064.70	646.94(61)	417.76
2010-11	11	100.57	145.29	245.86	139.07(57)	106.79
2011-12	29	192.37	330.72	523.09	294.87(56)	228.22
2012-13	41	430.05	642.83	1,072.88	442.28(41)	630.60
<b>Total</b>	<b>136</b>					
<b>KPs</b>						
2009-10	147	86.13	248.56	334.69	246.26(74)	88.43
2010-11	54 <sup>1</sup>	33.21	102.17	135.38	87.36 (65)	48.02
2011-12	59	35.71	69.36	105.07	64.16(61)	40.91
2012-13	187 <sup>2</sup>	152.37	220.77	373.14	213.58(57)	159.55
<b>Total</b>	<b>447<sup>3</sup></b>					
<b>GPs</b>						
2009-10	1,891	78.85	252.95	331.80	220.41 (66)	111.39
2010-11	340 <sup>4</sup>	26.32	83.71	110.03	76.31 (69)	33.72
2011-12	187 <sup>5</sup>	10.45	22.69	33.14	24.01 (72)	9.13
2012-13	1,274 <sup>6</sup>	65.64	128.04	193.68	141.45 (73)	52.23
<b>Total</b>	<b>3,692</b>					

(Source: Register of Audit Inspection Reports)

It would be seen from the **Table 5** that substantial funds received by PRIs remained unutilised in each financial year during 2009-13. Decreasing trend of utilisation of funds was also noticed in ZPs and KPs.

### 1.10.2 Devolution of SFC grant

The 73<sup>rd</sup> Constitutional Amendment Act, 1992 provided for constitution of State Finance Commission (SFC) to devolve finances to *Panchayats* from the Consolidated Fund of the State (Article 243-I).

<sup>1</sup> Financial position of 12 out of 54 KPs was not available, hence not included in the table.

<sup>2</sup> Financial position of one out of 187 KPs was not available, hence not included in the table.

<sup>3</sup> Total number of KPs audited in the period i.e. 2009-13.

<sup>4</sup> Financial position of seven out of 340 GPs was not available, hence not included in the table.

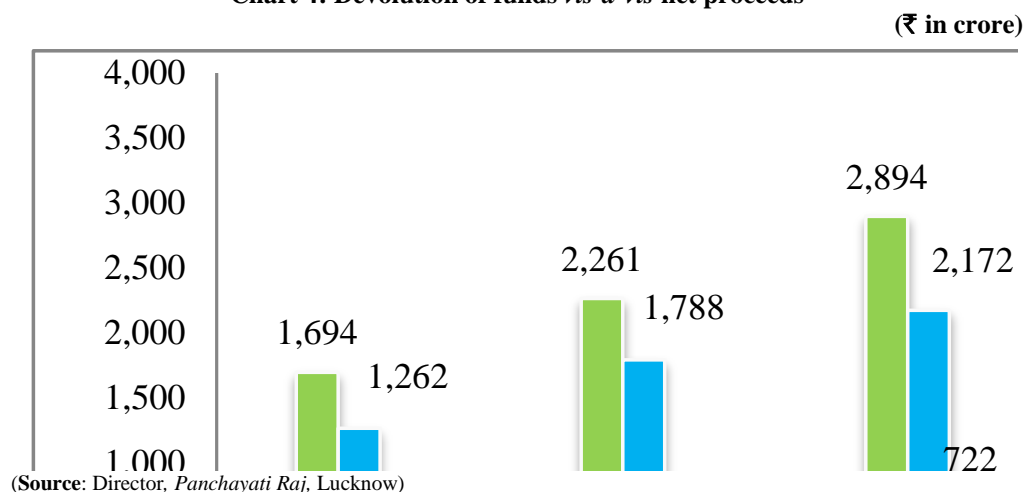
<sup>5</sup> Financial position of one out of 187 GPs was not available, hence not included in the table.

<sup>6</sup> Financial position of 13 out of 1,274 GPs was not available, hence not included in the table.

The Second SFC gave its recommendation in 2002, wherein five *per cent* of the net proceeds of total tax revenue of the State was to be devolved to PRIs. Considering the importance and need of PRIs, the Third SFC in its recommendations (2008), increased it to 5.5 *per cent* of the net proceeds of total tax revenue.

The devolution of funds and actual releases there against to PRIs by GoUP during 2009-14 is depicted in **Chart 4** and **Appendix 1.7**.

**Chart 4: Devolution of funds vis-à-vis net proceeds**



It would be seen from the **Chart 4** that during 2009-14, ₹ 11,222 crore was devolved against ₹ 13,706 crore resulting in overall short devolution of funds ₹ 2,484 crore, which ranged between 3 and 26 *per cent*. The maximum shortfall was noticed during 2012-13 during which only ₹ 2,455 crore was devolved against the admissible ₹ 3,195 crore.

## 1.11 Utilisation of funds

### 1.11.1 Utilisation of grants received under CFC

The position of funds available under Central Finance Commission and its utilisation thereof is given in **Table 6**.

**Table 6: Utilisation of grants received under CFC**

(₹ in crore)

Year	Total grants available	Grants utilized	Grants not utilized	
			Lapsed	Balance
2009-10	585.60	580.25	5.35	0.00
2010-11	911.29	911.29	0.00	0.00
2011-12	1,473.51	559.61	0.00	913.90
2012-13	1,742.36	1,498.45	0.00	243.91
2013-14	3,408.67	3,408.67	0.00	0.00

(Source: Director, Panchayati Raj, Lucknow)

**Table 6** indicates that during 2011-12 and 2012-13 total amounts of grants could not be utilised. The reasons for unutilised grants during 2011-12 and

2012-13 were not on record. However, entire grant (₹ 3,408.67 crore) for 2013-14 was utilised.

### 1.11.2 Utilisation of grants received under SFC

The status of grants available under SFC, its utilisation and non-utilisation thereof during 2009-14 is given in **Table 7**.

**Table 7: Utilisation of Grants received under SFC**

(₹ in crore)

Sl. No.	Year	Grants received	Grants utilised	Grants not utilised	
				Lapsed	Balance
1	2009-10	1,262.07	1,262.07	0.00	0.00
2	2010-11	1,787.57	1,787.57	0.00	0.00
3	2011-12	2,172.37	2,077.44	4.22	90.71
4	2012-13	2,455.04	1,020.34	0.00	1,434.70
5	2013-14	3,544.81	2,897.29	0.00	647.52

(Source: Director, Panchayati Raj, Deputy Director, Zila Panchayat Monitoring Cell, Lucknow)

It is evident from the **Table 7** that ₹ 4.22 crore lapsed during 2011-12 and ₹ 90.71 crore, ₹ 1,434.70 crore and ₹ 647.52 crore remained unutilised at the end of 2011-12, 2012-13 and 2013-14 respectively.

### 1.11.3 Grants for implementation of CSS

GoI sponsored schemes for rural development were executed by PRIs at the grass root level. The grant released by GoI during 2013-14 to GoUP for implementation of CSSs is given in **Table 8**.

**Table 8: Grant for implementation of CSSs**

(₹ in crore)

Names of CSS and periods	Grants released		
	Central	State	Total
<b>2013-14</b>			
Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)	2,896.39	321.82	3,218.21
Indira Awas Yojana (IAY)	1,494.62	459.54	1,954.16
Total Sanitation Campaign (TSC)	367.52	79.30	446.82
Bio gas	0.72	0	0.72
National Rural Livelihood Mission (NRLM)	83.49	65.98	149.47
Pradhanmantri Gram Sadak Yojana (PMGSY)	729.40	0	729.40
<b>Total</b>	<b>5,572.14</b>	<b>926.64</b>	<b>6,498.78</b>

(Source: Commissioner, Rural Development, Lucknow; Finance and Appropriation Accounts and concerned website)

**Table 8** indicates that GoI released substantial amount through its various schemes for rural development of the State through CSSs.

## 1.12 Internal Control Mechanism

Internal control is a system within an organisation that governs its activities effectively to achieve its objectives. It helps to provide reasonable assurance of adherence to Laws, Rules, Regulations and Orders, safeguards against fraud, abuse and mismanagement and ensures reliable financial and management information to higher authorities. The internal control and monitoring activities include proper maintenance of accounts, reconciliation of figures, documentation and system of authorisation and approval of payments, segregation of duties, inspection and audit.

### 1.12.1 Accountability framework by PRIs

A large number of PRIs remained unaudited by CAO Lucknow during 2011-14. The details of audit of PRIs proposed, actually audited and in arrears are given in **Table 9**.

**Table 9: Status of PRIs audit by CAO Lucknow**

Categories of PRIs	Units to be audited		Units audited		Arrear ( <i>per cent</i> )	
	Proposed for current year	Arrear of previous years	Against current	Against arrear	Against current	Against arrear
<b>2011-12</b>						
ZPs	71	182	30	33	41(58)	149(82)
KPs	819	7,277	115	402	704(86)	6,875(94)
GPs	51,257	2,43,599	24,929	19,578	26,328(51)	2,24,021(92)
<b>2012-13</b>						
ZPs	71	190	48	68	23(32)	122(64)
KPs	813	7,579	116	261	697(86)	7,318(97)
GPs	51,674	2,50,349	26,519	16,029	25,155(49)	2,34,320(94)
<b>2013-14</b>						
ZPs	73	145	45	45	28(38)	100(69)
KPs	820	8,015	89	208	731(89)	7,807(97)
GPs	51,674	2,59,475	33,378	22,298	18,296(35)	2,37,177(91)

(Source: CAO, Lucknow)

It would be seen from the **Table 9** that majority of PRIs (ZPs, KPs and GPs due for audit during the year) remained unaudited during 2011-14; as such the financial data of these PRIs was not authenticated.

On this being pointed out, CAO stated (July 2014) that non-production of records by ZPs, KPs and GPs were the main reason for large arrears. The Government should ensure to produce records of the PRIs to the CAO for audit.

Rule 186 of the UP PR Rules, 1947, as amended vide notification no. 854/33-1-2011-126/96 dated 30 March 2011, provides for preparation of annual audit reports of GPs. Annual audit report up to 2009-10 were not prepared by CAO to place before the State legislature. The CAO stated (July 2014) that report for 2010-11 had been prepared and submitted to administrative department.

Thus Annual audit reports for 2011-12 and 2012-13 were yet to be prepared and submitted to the legislature.

### **1.12.2 Monitoring Mechanism**

Based upon the recommendations of Eleventh Finance Commission, the CAG of India had prescribed the accounting formats with coding pattern for each tier of PRIs to strengthen their accounting system and enable the authorities to monitor the progress of receipt and expenditure under different objectives to take further action as required. However, accounts in the prescribed formats were not prepared by the test-checked PRIs. Further, effective implementation of the SFC and CFC schemes was not ensured as grants received under the schemes were not fully utilised.

### **1.13 Conclusion**

- PRIs were not maintaining accounts in the prescribed formats due to which accuracy of accounts could not be ascertained.
- The budgeting and budgetary process was not followed and the State Government did not release the full amount of devolved funds to PRIs.

## Chapter 2

### Performance Audit

#### 2.1 Implementation of Total Sanitation Campaign/*Nirmal Bharat Abhiyan*

##### Executive Summary

Government of India (GoI) launched in the year 1999 the Total Sanitation Campaign (TSC), a community-led comprehensive programme to ensure sanitation facilities in rural area. To provide a boost to the programme, a post achievement award scheme, the *Nirmal Gram Puraskar* (NGP) was introduced in 2003 as an incentive scheme for fully sanitized and open-defecation-free *Gram Panchayats*, blocks, districts and States. Encouraged by the success of NGP, TSC was revamped as *Nirmal Bharat Abhiyan* (NBA) with effect from 01 April 2012 with the objective to accelerate the sanitation coverage to achieve the vision of *Nirmal Bharat* by 2022 with all *Gram Panchayats* (GPs) in the country attaining *Nirmal* status. The Performance Audit on the implementation of the Scheme in Uttar Pradesh was conducted covering the period from 2009-10 to 2013-2014 (five years). Some of the major audit findings are discussed below.

- During 2009-14, expenditure of ₹ 1,867.90 crore was incurred on implementation of the scheme out of available fund of ₹ 2,259.94 crore. There was delay ranging from one to four months in release of State matching share.

*(Paragraphs 2.1.7.3 and 2.1.7.4)*

- Registration of State Sanitation Mission and 10 District Sanitation Missions under Society Registration Act, 1860 were expired and these were not renewed since last two to seven years. Block Resource Centers to be set up for Information, Education and Communication (IEC) and capacity building were also not established as of June 2014.

*(Paragraph 2.1.8.1)*

- During 2012-14, under NBA, 0.84 lakh IHHLs for BPL families were constructed in the test-checked districts as against the target of 1.62 lakh IHHLs (48 *per cent* shortfall). Further, 1.56 lakh out of 2.96 lakh IHHLs planned for APL families were constructed (47 *per cent* shortfall). Out of 23 lakh BPL IHHLs constructed under TSC till March 2012, 12.18 lakh (53 *per cent*) IHHLs were found defunct in baseline survey of 2013.

*(Paragraph 2.1.9.1)*



- The activities under convergence from Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) amounting to ₹ 15.84 lakh were not ensured timely, which resulted in non-provision of 35,200 IHHLs in test-checked districts.

*(Paragraph 2.1.10.3)*

- District implementing agencies were required to transfer central grants alongwith matching state share received for works to GPs. However, 10 test-checked DSMs, while transferring funds during 2010-14 deducted ₹ 10.93 crore for purchasing 2.42 lakh rural pans/pipes though it was inadmissible.

*(Paragraph 2.1.10.5)*

- IEC activities were not taken up vigorously. Out of ₹ 239.09 crore available for IEC in the State during 2009-14, the expenditure on various IEC activities was only ₹ 83.55 crore (35 per cent).

*(Paragraph 2.1.11.1)*

- IHHLs provided to 438 beneficiaries were not found in beneficiary survey conducted by Audit. Of the 2,644 beneficiaries responded in the survey, 1,266 beneficiaries stated that they were defecating in open areas.

*(Paragraph 2.1.12)*

- Inadequate monitoring resulted in slow progress of the scheme. Evaluation study of the scheme was not conducted, though required under the scheme guidelines.

*(Paragraphs 2.1.13.2 and 2.1.13.5)*

### **2.1.1 Introduction**

Government of India (GoI) launched in the year 1999 the Total Sanitation Campaign (TSC), a community-led comprehensive programme to ensure sanitation facilities in rural areas with broader goal to eradicate the practice of open defecation. TSC has evolved from Central Rural Sanitation Programme (CRSP), which was a supply-driven programme launched by GoI in 1986 for providing sanitation facilities in rural areas. TSC was demand-driven and gives emphasis on Information, Education and Communication (IEC), capacity building and hygiene education for effective behavioral change among the rural people and to generate demand for sanitary facilities. The objective of TSC was to accelerate the sanitation coverage in the rural areas to access toilets to all by 2017.

To provide a boost to the programme, GoI launched (October 2003) the *Nirmal Gram Puraskar* (NGP), an award based on incentive for fully sanitized and open defecation free *Gram Panchayat*, Block, District and State level. Encouraged by the success of NGP, the TSC was revamped as *Nirmal Bharat Abhiyan* (NBA), with effect from 01 April 2012 through renewed strategies and saturation approach. The objective of NBA was to accelerate the sanitation coverage in the rural areas so as to comprehensively cover the rural community to achieve the vision of *Nirmal Bharat* by 2022 with all *Gram*

*Panchayats* in the country attaining *Nirmal* status and to cover the remaining schools not covered under *Sarva Shiksha Abhiyan* (SSA) and *Anganwadi* Centres.

The Scheme was started in 1999-2000 in four districts<sup>1</sup> of the Uttar Pradesh and 70 districts were covered up to 2003-04. Subsequently, one district, Kanshiram Nagar, was taken up in 2010-11 and four new districts (Amethi in July 2010, Hapur, Sambhal and Shamli in September 2011) created after reorganisation of the existing 71 districts were also covered under the scheme (TSC/NBA).

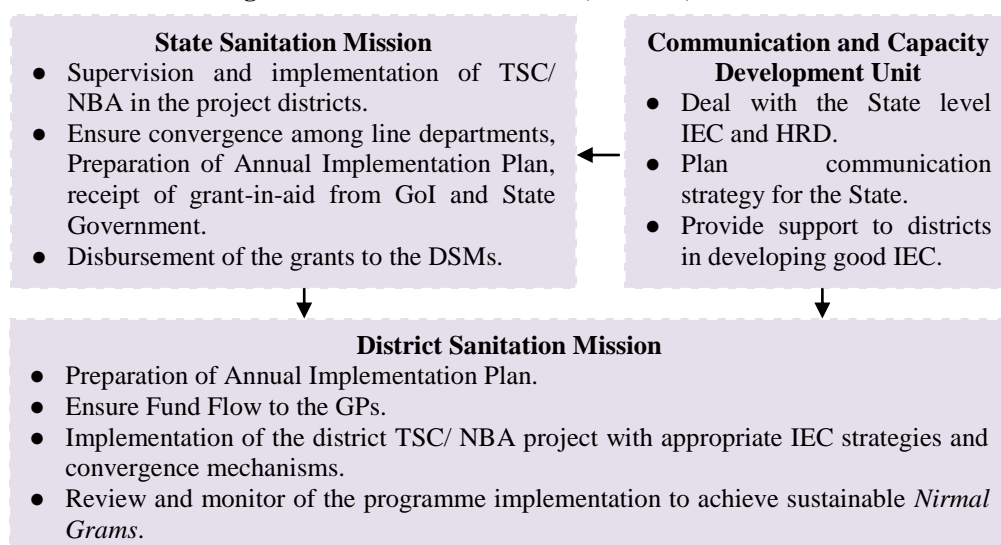
### 2.1.2 Components of TSC/NBA

Various components of TSC/NBA are discussed in *Appendix 2.1.1*. The Start-up Activity component was taken up for preliminary survey, baseline survey, orientation to key personnel and preparation of State Plan. For awareness generation, Information, Education and Communication activity (IEC) and for providing toilets, Construction of IHHL activity, were taken up. Hardware was to be ensured under Rural Sanitary Mart and Production Center activity. Construction of Community Sanitary Complex (CSC), Institutional toilets and Solid and Liquid Waste Management (SLWM) were taken up under the respective activity components. Revolving funds and administrative charges were also the components of TSC/NBA. Two new components viz. Capacity Building and Maintenance of Assets were incorporated under NBA.

### 2.1.3 Organisational structure

*Panchayati Raj* department is the nodal department for implementing the scheme. State Sanitation Mission is set up at the State level and District Sanitation Mission is established in each district. Block Resource Center and Village Water and Sanitation Committee (VWSC) implement the TSC/NBA at block and GP levels. The organisational structure at the State, District, Block and Village level are depicted in **Chart 1**.

**Chart 1: Organisational structure at State, District, Block and GP level**



<sup>1</sup> Chandauli, Lucknow, Mirzapur and Sonbhadra.

#### **Block Resource Centre**

- Provide guidance, support and monitor sanitation status in GPs.
- To help the village community in formation of VWSCs.
- Take up awareness generation.
- Conduct training courses at block and village level for members of VWSCs, GPs and other grassroots level workers viz. Accredited Social Health Activist, *Anganwadi* workers, school teachers, self-help groups, *Mahila* and *Yuvak mandals etc.* on various aspects of sanitations.



#### **Village Water and Sanitation Committee**

- Provides support in terms of motivation, mobilisation, implementation and supervision of the programme at GP level.

(Source: Guidelines of the scheme)

### **2.1.4 Audit Objectives**

The Performance Audit of the TSC/NBA was undertaken to ascertain whether:

- Funds were released, accounted for and utilised in accordance with the guidelines issued under the scheme;
- Planning for the implementation of the scheme at different levels was adequate, effective and was aimed towards achievement of the objectives of the scheme;
- Targets set in terms of number of units under various components of the scheme were sufficient to achieve and sustain the vision of *Nirmal Bharat* by 2022 with all GPs in attaining *Nirmal* status;
- System of selection of *Gram Panchayats* was transparent and construction of infrastructure under various components of the scheme was in accordance with parameters set out in the scheme guidelines. Activities under convergence from other programmes/stakeholders as envisaged was effectively achieved;
- IEC under the scheme was effective in generation of demand of TSC/NBA services through community mobilization; and
- Mechanism for monitoring and evaluation of outcomes of the scheme was adequate and effective.

### **2.1.5 Audit Criteria**

The main sources of audit criteria for the Performance Audit were:

- TSC guidelines, NBA guidelines, IEC guidelines, Guidelines for the award of *Nirmal Gram Puraskar*, Guidelines for engagement of *Swachchata Doot / Prerak*, notifications and circulars issued by Ministry of Drinking Water and Sanitation (GoI);
- Provisions of Financial Hand Books; and
- Physical and financial progress reported under Management Information System (MIS) available on website of the scheme ([tsc.gov.in](http://tsc.gov.in)).

## 2.1.6 Scope and methodology of audit

The Performance Audit covered activities of TSC/NBA for the period of 2009-14. Records were examined in the offices of the Principal Secretary (*Panchayati Raj*), SSM and implementing agencies in the 15 sampled districts (Auraiya, Azamgarh, Bijnor, Deoria, Gorakhpur, Hardoi, Jalaun, Kaushambi, Kushinagar, Lakhimpur Kheri, Mirzapur, Pilibhit, Pratapgarh, Sitapur and Varanasi). These districts were selected using PPSWR<sup>2</sup> method. In the sampled districts, 42 blocks and 420 *Gram Panchayats* (GPs) were selected (*Appendix 2.1.2*) using SRSWOR<sup>3</sup> method. For beneficiary survey and joint physical inspection of toilets, 2,683 beneficiaries using SRSWOR method were also sampled.

The Performance Audit commenced with an Entry Conference with the Principal Secretary (*Panchayati Raj*) on 26 May 2014, wherein the audit objectives, methodology, scope and criteria were discussed. After completion of audit, draft report was issued to the State Government on 30 September 2014. Replies received from the Government have been suitably incorporated.

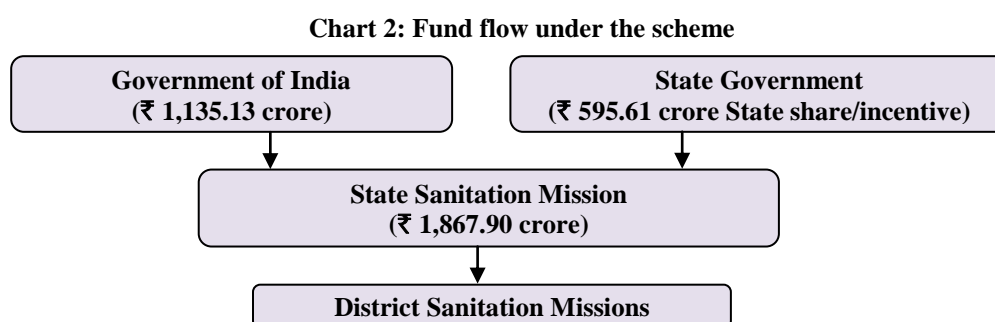
An Exit Conference with the State Government was also held on 4 February 2015 to discuss the audit findings and recommendations. The Government accepted the recommendations. The outcome of the Exit Conference has been suitably incorporated in the report.

## Audit findings

### 2.1.7 Financial management

#### 2.1.7.1 Fund flow

The **Chart 2** depicts fund flow under the scheme during 2009-14. The figures given in the **Chart 2** are the status of funds flow.



#### 2.1.7.2 Funding pattern

TSC/NBA is funded on cost-sharing basis among GoI, State Government and beneficiary. For implementation of the scheme, one district was considered as one project and funds were earmarked for various activities in terms of percentage of the total project outlay of the district. During 2009-14, the funding pattern for IHHLs kept changing under TSC/NBA. The component wise funding pattern is given in **Table 1**.

<sup>2</sup> PPSWR- Probability Proportional to Size With Replacement.

<sup>3</sup> SRSWOR- Simple Random Sampling Without Replacement.

**Table 1: Component-wise earmarking of funds and funding pattern under NBA**

Sl. No.	Component	Fund earmarked (As a percentage of a district/ project outlay)	Share (Per cent)		
			GoI	State Government	Beneficiary
1.	IEC, Start Up Activity and Capacity Building	Up to 15 per cent	80	20	0
2.	Revolving Fund	Up to 5 per cent	80	20	0
3.	Individual Household Latrines	Actual amount required for full coverage	₹ 3,200 <sup>4</sup>	₹ 1,400	₹ 900
4.	Community Sanitary Complexes	Actual amount required for full coverage	60	30	10
5.	Institutional Toilets	Actual amount required for full coverage	70	30	0
6.	Administrative charges	Up to 4 per cent	80	20	0
7.	Solid and Liquid Waste Management (Capital cost)	Actual amount as per SLWM project cost within limits permitted	70	30	0

(Source: NBA guidelines issued by MoDWS)

We noticed that the test-checked districts did not maintain records of component-wise sharing of funds, restricting its examination by Audit.

The Government stated (February 2015) that instruction to the districts for recording of component wise sharing of funds have been issued.

### 2.1.7.3 Financing of the scheme

Status of funds released, total availability of funds and the expenditure incurred under the scheme in the State during 2009-14 is given in **Table 2**.

**Table 2: Fund released, total availability of funds and expenditure**

Sl. No.	Particulars	2009-10	2010-11	2011-12	2012-13	2013-14	Status of 2009-14
1.	Opening balance	393.36	378.91	400.09	299.46	374.68	<b>393.36</b>
2.	Funds released by GoI	115.05	225.94	169.77	256.85	367.52	<b>1,135.13</b>
3.	Funds released by State Government	242.93	78.14	22.96	35.47	79.30	<b>458.80</b>
4.	Incentive/other release	82.39	18.28	26.83	9.31	0	<b>136.81</b>
5.	Interest	17.46	29.00	14.01	12.77	14.79	<b>88.03</b>
6.	Other receipts	0	0	15.47	13.17	19.17	<b>47.81</b>

<sup>4</sup> ₹ 3,700 were prescribed for hilly and difficult areas.

7.	Total availability of funds	851.19	730.27	649.13	627.03	855.46	<b>2,259.94</b>
8.	Expenditure	451.63	341.93	348.26	325.47	400.61	<b>1,867.90</b>
9.	Closing Balance	399.56	388.34	300.87	301.56	454.85	<b>454.85<sup>5</sup></b>

(Source: Data provided by SSM)

It would be seen from the **Table 2** that the project expenditure during 2009-14 was ₹ 1,867.90 crore as against the total available funds of ₹ 2,259.94 crore. The closing balances during these years ranged from ₹ 300.87 crore to ₹ 454.85 crore.

Financing of the Scheme in the 15 test-checked districts during 2009-14 is given in **Table 3**.

**Table 3: Fund released, total availability of funds and expenditure of the test-checked districts**

							(₹ in crore)
Sl. No.	Particulars	2009-10	2010-11	2011-12	2012-13	2013-14	Status of 2009-14
1.	Opening balance	101.17	83.37	94.12	85.12	101.04	<b>101.17</b>
2.	Funds released by GoI	33.05	73.35	59.45	83.30	95.04	<b>344.19</b>
3.	Funds released by State Government	70.15	12.99	11.57	11.11	24.60	<b>130.42</b>
4.	Incentive/other release	14.86	5.39	20.45	0.00	0.00	<b>40.70</b>
5.	Interest	2.96	5.24	2.92	3.29	3.05	<b>17.46</b>
6.	Other receipts	13.74	7.39	6.13	11.38	6.25	<b>44.89</b>
7.	Total availability of funds	235.93	187.73	194.64	194.20	229.98	<b>678.83</b>
8.	Expenditure	152.56	93.61	109.52	93.16	102.82	<b>551.67</b>
9.	Balance	83.37	94.12	85.12	101.04	127.16	<b>127.16</b>

(Source: Test-checked districts)

It would be seen from the **Table 3** that test-checked districts spent ₹ 551.67 crore out of the total available fund of ₹ 678.83 crore during 2009-14 leaving unspent balance (₹ 127.16 crore) ranging between ₹ 83.37 and ₹ 127.16 crore.

The Government stated (February 2015) that the funds to the districts were received delayed due to which balance of funds was created.

#### **2.1.7.4 Release of State share**

As per Paragraph 13.2 of the NBA guidelines, the Central share was to be released alongwith the matching State share to the District implementing agency within 15 days of receipt of Central grants. The District Implementing

<sup>5</sup> At the end of 2013-14, the closing balance ₹ 454.85 crore is equal to ₹ 2,259.94 crore minus ₹ 1,867.90 crore + ₹ 62.81 crore. As informed by SSM, the differences were because of the grants in transit and un-cashed cheques not taken into UCs prepared by district auditors.

Agency was to transfer funds to GPs within 15 days of its receipt and interest accrued on NBA funds was to be treated as receipt of fund under the scheme.

Audit noticed that during 2012-14, the SSM released Central share to test-checked districts with a delay ranging between two and 20 days and the State matching share by one to four months. During 2009-14, the State shares released through State treasuries were drawn and credited to DSM's TSC/NBA bank accounts in test-checked districts with delays ranging between 16 and 348 days (**Appendix 2.1.3**). Further, there was delay of more than two months in transfer of funds from test-checked districts to GPs.

In reply, Government stated (February 2015) that the TSC/NBA funds were drawn delayed from treasuries due to State Government's order for drawl of funds for two months requirement at a time. However, during Exit Conference (February 2015), the Government assured to issue directives for timely release of funds.

#### **2.1.7.5 Operation of Fund**

As per Paragraph 13.1 and 14.1 of the TSC guidelines, funds under the scheme were to be kept in a separate saving bank account opened in nationalised banks. The household/beneficiary contribution was not to be deposited in this account. Further, the interest accrued on TSC funds was to be treated as part of the TSC resources.

Audit noticed that prior to 2009-10, funds under the scheme were released directly to project districts. From 2009-10, these were released in saving bank account of SSM. From 2011-12, funds from other scheme viz. *e-Panchayat* were also credited in the SSM's bank account.

Separate bank account for TSC at GP level was not opened and funds were kept (*Gram Nidhi-1*) alongwith the 12<sup>th</sup> and 13<sup>th</sup> Finance Commission Grants and State Finance Commission Grants. Consequently, the interest earned on TSC funds could not be determined in audit. However, for NBA, separate bank accounts (*Gram Nidhi-6*) in test-checked GPs were opened (October 2012). Further, DSM Kushinagar and Jalaun operated two parallel bank accounts from October 2012 to June 2014.

The Government, while accepting the observations stated (February 2015) that separate bank account for SSM had been opened and the additional bank account in the districts had been closed. During Exit Conference (February 2015), the Government confirmed that the funds are now being kept separately.

#### **2.1.7.6 Non-utilisation of funds provided for IHHLs**

As per Paragraph 13.2.2 of the NBA guidelines, funds were to be transferred by DSMs to the implementing agencies (GPs) for works of IHHLs or construction of other components of the scheme in a financial year.



Audit noticed that the funds transferred by the DSMs in 84 test-checked GPs during 2009-13 for providing IHHLs remained unutilised. The closing balances of these GPs aggregated to ₹ 17.18 lakh (2009-10), ₹ 34.15 lakh (2010-11), ₹ 39.58 lakh (2011-12) and ₹ 7.34 lakh (2012-13) (*Appendix 2.1.4*). Further, in Kushinagar, ₹ 0.52 lakh sanctioned for construction of IHHLs was spent on non-sanitation activities by GP, Madhopur Gaujahi of block Vishunpura in 2009-13.

The Government stated (February 2015) that under NBA, the funds required under convergence from MGNREGS were not received timely which caused parking of funds in bank accounts.

Reply was not acceptable as ₹ 90.91 lakh out of ₹ 98.25 lakh fund balance was pertaining to pre-NBA period during which convergence was not provisioned.

*The Government should ensure timely release of funds and ensure that there should not be blockage of funds.*

## **2.1.8 Planning**

### **2.1.8.1 Institutional set up**

At the State level, a State Sanitation Mission (SSM) and at district level a District Sanitation Mission (DSM) were to be set up and registered under Society Registration Act, 1860. Further, at block level, Block Resource Centers (BRCs) were to be set up and manned with Block and Cluster Coordinators to help village community, create awareness generation and conduct training courses at block and village level.

Audit noticed the following deficiencies in establishment of institution arrangement for the scheme in the State:

- State Sanitation Mission was set up and registered under Society Registration Act, 1860 in February 2002. The registration of SSM expired in February 2012 but the registration was not renewed as of September 2014.
- District Sanitation Missions (DSMs) in test-checked 15 districts under the chairmanship of District Magistrates were set up and registered under the Society Registration Act during 2002-04, except DSMs of Kaushambi, Lakhimpur Kheri and Sitapur. The registration of 10 DSMs<sup>6</sup> had expired since five to seven years back, but it was not renewed as of June 2014.
- BRCs were not set up as of June 2014 in any of the test-checked districts. Consequently, the envisaged objectives for creation of the BRCs remained unachieved.

The Government, while accepting the audit observations stated (February 2015) that DSM Kaushambi has been registered and registration of the

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<sup>6</sup> Auraiya, Azamgarh, Bijnor, Deoria, Hardoi, Jalaun, Kushinagar, Mirzapur, Pratapgarh, and Varanasi.



remaining DSMs is under process. Directions for renewal of registration of SSM/DSMs have been issued and suitable action for setting up of BRCs is underway.

### **2.1.8.2 Implementation Plans**

As per Paragraph 18.1 of the NBA guidelines, a revised Project Implementation Plan (PIP) for the period 2012-2022 was to be prepared by the DSMs. The project proposal including all components of NBA was to be based on baseline survey report, latest Census data of districts. As per Paragraph 12.2 of the NBA guidelines, an Annual Implementation Plan (AIP) was also to be prepared by identification of *Gram Panchayats* to be saturated for attaining the project objectives. The GP plans were to be consolidated into Block Implementation Plan and further into district AIP.

An analysis of PIP and AIP revealed the following:

- Audit noticed that the revised PIP (2012-22) based on the results of baseline survey was prepared in January 2013. However, data incorporated in PIPs were at variance with that of the baseline survey reports of the districts. In the revised PIPs, eight districts<sup>7</sup> short planned for 6.36 lakh IHHLs and five districts<sup>8</sup> planned for 0.22 lakh IHHLs in excess of the IHHL's requirement indicated in the baseline survey reports.
- The data of total number of households, households with and without toilets as per baseline survey report (January 2013) and that as per Census Report-2011 also did not match (**Appendix 2.1.5**). However, the fact of deviation was not incorporated in the project proposal though it was to be incorporated as per guidelines for preparation of PIP.
- The AIPs prepared at the district level were not originated from GPs and were not consolidated into Block level Implementation Plans and district AIPs as envisaged.
- In view of PIPs, 1,67,926 IHHLs (1/10 of PIP) for BPL families in each year were required to be planned by these DSMs. However, only 88,204 and 73,419 IHHLs in 2012-13 and 2013-14 respectively were planned by the DSMs. Similarly, 1,23,328 and 1,72,738 IHHLs for APL families were planned in 2012-13 and 2013-14 respectively against the required planning of 3,55,457 IHHLs in each year. Details of short planning in other components are given in **Appendix 2.1.6**.

The Government stated (February 2015) that the funds under convergence from MGNREGS were received delayed which caused non-achievement of the targets. However, the Government did not furnish reply for non-fixation of the targets in AIPs as per scheme guidelines.

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<sup>7</sup> Deoria, Hardoi, Jalaun, Kaushambi, Mirzapur, Pratapgarh, Sitapur and Varanasi.

<sup>8</sup> Auraiya, Bijnor, Gorakhpur, Lakhimpur Kheri and Pilibhit.

- For ensuring sustainable development of sanitation facilities, the prescribed institutions at each level should be made functional by the Government.
- The Government should ascertain that the proportionate (1/10 of PIP) NBA activities should be planned every year to achieve the objective of NBA timely.

## 2.1.9 Execution of the scheme

### 2.1.9.1 Physical progress of the scheme

In order to declare the country *Nirmal Bharat*, a plan for ensuring IHHL in every rural household was to be prepared and executed during 2012-22. Community, particularly all family members were to be trained for proper upkeep and maintenance of the toilets. Priority for girl's toilets and toilets for the differently abled children in schools was to be given. *Anganwadi* workers were to be trained to impart hygiene education to the children and mothers for behavioral change from very early stage in life. The assistance of professional agencies/NGOs to develop/test/implement SLWM projects was also to be taken.

The performance of different components of the TSC compared to the targets fixed in test-checked districts indicated shortfalls ranging between zero (CSC) and 97 per cent (SLWM) (*Appendix 2.1.7*). The physical progress vis-a-vis planned activities is discussed below:

- *Individual household latrines*

We during Performance Audit noticed that under TSC, 23 lakh IHHLs against the project objective of 24.86 lakh IHHLs for BPL families were provided in the test-checked districts. Of these 12.18 lakh toilets (53 per cent) were found defunct in the baseline survey conducted in January 2013 (*Appendix 2.1.8*). Further, the test-checked districts provided 21.56 lakh IHHLs against the objective of 28.71 lakh APL IHHLs.

**Table 4** depicts year wise physical progress of IHHL of BPL and APL families under NBA in test-checked districts during 2012-14.

**Table 4: Physical progress of IHHLs in NBA**

(In number)					
Year	Planned in PIP	Planned in AIP	Actual Progress	Shortfall	Percentage shortfall
<b>IHHL BPL</b>					
2012-13	16,79,264	88,204	19,718	68,486	78
2013-14		73,419	64,416	9,003	12
<b>Total</b>	<b>16,79,264</b>	<b>1,61,623</b>	<b>84,134</b>	<b>77,489</b>	<b>48</b>
<b>IHHL APL</b>					
2012-13	35,54,572	1,23,328	37,800	85,528	69
2013-14		1,72,738	1,18,338	54,400	31
<b>Total</b>	<b>35,54,572</b>	<b>2,96,066</b>	<b>1,56,138</b>	<b>1,39,928</b>	<b>47</b>

(Source: AIP and PIP of test-checked districts)

As evident from **Table 4** that 0.84 lakh IHHLs for BPL families out of 1.62 lakh IHHLs planned and 1.56 lakh IHHLs for APL families out of 2.96 lakh IHHLs planned were provided during 2012-14. Thus, there was a shortfall of 48 and 47 *per cent* under IHHL BPL and IHHL APL respectively in the test-checked districts. The community, particularly the members of the family were not trained for proper upkeep and maintenance of the sanitation facilities created.

**Table 5** indicates shortfall in various other components of NBA in test-checked district during 2012-14.

**Table 5: Physical progress of other components in NBA**

(In number)						
Sl. No.	PIP Components	Planned in PIP	Planned in AIP	Actual Progress	Shortfall	Percentage shortfall
<b>2012-13</b>						
1.	Community Sanitary complex	1,282	323	5	318	98
2.	School toilets	5,021	1,085	60	1,025	94
3.	Anganwadi toilets	7,592	174	33	141	81
4.	SLWM	13,384	4,831	49	4,782	99
<b>2013-14</b>						
1.	Community Sanitary complex	1,282	89	0	89	100
2.	School toilets	5,021	952	0	952	100
3.	Anganwadi toilets	7,592	0	0	0	0
4.	SLWM	13,384	1,996	21	1,975	99

(Source: AIP and PIP of test-checked districts)

- **Community Sanitary Complexes**

In 2012-13, a shortfall of 98 *per cent* (318 CSCs) in planned Community Sanitary Complexes was noticed. Further 100 *per cent* shortfall in construction of CSCs (89) was noticed in 2013-14. CSCs were constructed only when there is lack of space in the households and at the places in the village acceptable and assessable to all. Department did not analyse reasons for shortfall in achievement to take corrective actions.

- **School toilets**

Adequate number of toilet units was not constructed to meet the requirements of schools as per strength of the students attending the schools. Priority to girl's toilets was given but not to the children with special needs. Assurance for provision of adequate funds for maintenance of school/Anganwadi toilets was not obtained from concerned departments. The implementing agencies did not ensure good co-ordination with Department of Education in order to provide a safe and healthy learning environment to all children in the schools. No teacher in the schools was trained in hygiene education to train the children through interesting activities and community projects emphasizing importance of hygiene.

Further shortfall in progress of providing toilets to schools was 94 *per cent* (1,025 toilets) during 2012-13 and toilets during 2013-14 were not constructed. Department did not analyse reasons for shortfall in achievement to take remedial action.

- ***Anganwadi toilets***

Baby friendly toilets were constructed in all *Anganwadis* operating out of Government buildings. But all other *Anganwadis* (operating from private buildings) were not covered for construction of toilets and no incentive was paid to the private owner of the *Anganwadis*. *Anganwadi* workers were not trained to impart hygiene education to the children and mothers for behavioral change from very early stage in life.

Further, shortfall of toilets for *Anganwadis* during 2012-13 was 81 *per cent* (141 toilets) and toilets for *Anganwadis* during 2013-14 were not planned. Department did not analyse reasons for shortfall in achievement.

- ***Solid and Liquid Waste Management***

Shortfall in progress of SLWM was 99 *per cent* (4,782 SLWM) during 2012-13 and against 1,996 SLWM planned, only 21 SLWM were provided during 2013-14. The financial assistance to implement sustainable SLWM projects in all GPs was capped on number of household basis and in accordance with varying cost sharing pattern. The activities like compost pits, vermin-composting, common and individual biogas plants, low cost drainage, soakage channels/pits, reuse of waste water and system for collection, segregation and disposal of household garbage were not taken up under SLWM. The assistance of professional agencies/NGOs to develop/ test/ implement SLWM projects was also not taken. Reasons for shortfall in achievement were not analysed and corrective actions were not taken.

Thus the programme was not accelerated to achieve the target of *Nirmal Bharat* by 2022.

The Government stated (February 2015) that delay in convergence from MGNREGS was the reason for non-achievement of the targets. No reply was given for the period 2009-12 during which convergence was not provisioned in the TSC guidelines. However, during Exit Conference (February 2015), the Government assured to issue necessary instruction in this regard.

*The Government should ensure timely completion of different activities of the scheme.*

### **2.1.10 Construction of infrastructure**

#### **2.1.10.1 Incorrect identification of GPs**

As per Paragraph 12.5 of NBA guidelines, the enlistment of *Gram Panchayats* was to be done in such a manner that all GPs in a Block/District are covered progressively.

We during Performance Audit noticed that:

- DSM did not follow the envisaged approach for selection of GPs. During 2009-12, the test-checked districts preferentially provided toilets under TSC to the beneficiaries of 2,431 villages identified under the State Government flagship programme 'Dr. Ambedkar *Gram Vikas Yojana*'. Similarly, during 2012-14, 885 villages identified under 'Dr. Ram Manohar Lohia *Gram Vikas Yojana*' were preferred by the districts for providing toilets under NBA (*Appendix 2.1.9*).

- DSM Kushinagar identified 83 GPs and released (2011-12) ₹ 63.05 lakh for construction of 2,866 IHHLs of BPL families. However, as per records, these GPs were already saturated in 2010-11. Thus, the BPL families in these GPs were allowed additional unit of IHHLs.

The Government in its reply stated (February 2015) that the villages were selected on the directives of the State Government. Further, an enquiry for double release of funds for toilets in Kushinagar district was assured by the Government.

Reply was not acceptable as the selection of villages was not based on saturation approach prescribed in the NBA guidelines.

*The Government should ensure identification of GPs as per the directives of the guidelines.*

#### **2.1.10.2 Construction of toilets by implementing agencies**

As per Paragraph 5.4.1 of the NBA guidelines, construction of household toilet was to be undertaken by household itself and on completion and use of the toilet, cash incentive was to be given to the household in recognition of its achievement. The demand for sanitary facilities in rural areas was to be triggered through behavioral change. Village level motivators were to be engaged for inter-personnel communication and door to door contact for motivating rural people to adopt hygiene behaviour as a way of life and thereby develop and maintain sanitation facilities.

We during Performance Audit noticed that village level motivators were not engaged and the objective of behavioral change for developing and maintaining the IHHLs by the rural people was not ensured. Consequently, beneficiaries of the scheme continued practice of defecation in open area as discussed in Paragraph 2.1.12.

We further noticed that the construction of IHHLs was done by the scheme implementing agencies (GPs) instead of by the beneficiaries. Thus, IHHLs were not provided in demand driven mode, which defeated the scheme objective of construction of IHHLs by the beneficiaries.

The Government accepted the audit findings (February 2015) related to the behavioral aspect and stated that the construction of the toilets was done by the beneficiary with the help of the GPs.

Reply was not acceptable because the toilets were to be constructed by beneficiaries and incentive was to be given by GPs only after ensuring their usage. Positive behavioral change in the beneficiaries was to be ensured through IEC by the Government.

### **2.1.10.3 Non-completion of IHHLs due to delay in convergence**

As per NBA guidelines, the convergence of the programme was to be ensured with MGNREGS. All the unskilled and skilled work was to be carried out from the MGNREGS funds. For completion of the IHHLs, the activities under convergence from MGNREGS were to be completed timely.

Audit noticed that seven out of 15 DSMs of test-checked districts released funds (₹ 27.63 crore) to GPs for construction of 60,072 IHHLs during 2012-14. However, construction of 35,200 IHHLs was not completed due to delay in release of funds (₹ 15.84 lakh) under convergence from MGNREGS as of July 2014 (*Appendix 2.1.10*). Thus, lack of co-ordination among the departments implementing the two schemes, MGNREGS and NBA, resulted in non-completion of 35,200 IHHLs.

Scrutiny of records further revealed that dovetailing of funds from other resources like MPLADS, MLALADS and State/GP funds was not ensured to meet the additional cost of Institutional toilets, SLWM and to meet the community contribution. Thus, the envisaged convergence of NBA with other schemes was not ensured fully.

The Government accepted the facts and assured (February 2015) that suitable action will be taken.

*The Government should ensure timely availability of funds from the scheme covered under convergence of NBA.*

### **2.1.10.4 Sanitary Hardware Marts**

As per Paragraph 5.5.1 of NBA guidelines, Rural Sanitary Mart (RSM) was a recognised outlet for sanitary hardware. The aim of having RSM was to provide materials, services and guidance needed to the beneficiaries for constructing different types of latrines and other sanitary facilities for clean environment. Interest free loan recoverable in 12-18 instalments after one year from the date of receiving the loan was to be provided for establishing RSM/Production Center (PC).

Audit noticed that five out of 15 test-checked districts provided funds of ₹ 49.74 lakh to the RSMs/PCs without indicating conditions for recovery of loan. Due to which, recovery of the loan amount was not made as of June 2014 (*Appendix 2.1.11*).

In reply, the Government (February 2015) stated that instruction for recovery of the loans has been issued to the districts.



### 2.1.10.5 Purchase of rural pans and other items

As per Paragraph 13.2 of the NBA guidelines, district implementing agency required to transfer central grants alongwith matching state share received for works to GPs and as per Paragraph number 5.5.1 of the guidelines, RSMs were to ensure that a variety of pans (ceramic, mosaic, HDP, fiberglass) are available for choice of the beneficiaries.

We during Performance Audit noticed that:

- At the instance (May 2010) of Director (*Panchayati Raj*), 10<sup>9</sup> out of 15 test-checked DSMs, while transferring funds to GPs, deducted (₹ 10.93 crore) estimated cost of sanitary rural pans, pipes etc. during 2010-14 and purchased 2.42 lakh rural pans/pipes at districts level by engaging *Zila Panchayat Udyogs/ Zila Swachchata Kendras* on contract basis without inviting open tenders. Payments to the suppliers were released in advance without its admissibility under the TSC/NBA guidelines. Moreover, purchase of these items by the implementing agencies was not admissible.
- Documents confirming actual supply of the rural pans etc. by *Zila Panchayat Udyog*, Khairabad, Sitapur were not produced to audit though called for (June 2014).
- In Kushinagar, an amount of ₹ 18.23 lakh deducted for purchase and supply of 3,086 pans, 1,351 pit covers etc. was not utilised by the district as of June 2014.
- Rural pans/pipes (8,217 rural pans, pipes and pit covers) etc. purchased for 210 GPs of seven blocks by the DSM Jalaun for ₹ 74.70 lakh remained unused since August 2010. Photograph below depicts the states of unutilised stores.



Rural pans, pipes etc., dumped in GP, Lohargaon, block Kadaura, district Jalaun.

<sup>9</sup> Auraiya (₹ 69 lakh), Azamgarh (₹ 20.40 lakh), Deoria (₹ 53.93 lakh), Gorakhpur (₹ 29.85 lakh), Hardoi (₹ 125.63 lakh), Jalaun (₹ 182.56 lakh), Kushinagar (₹ 331.20 lakh), Mirzapur (₹ 152.51 lakh), Pilibhit (₹ 33.04 lakh) and Sitapur (₹ 94.41 lakh).

Thus, the deficiencies mentioned above adversely impacted the functioning of the scheme on various accounts viz. advance payments, non-confirmation of actual purchase, non-provision of funds to GPs and non-utilisation of pans purchased etc.

The Government in reply (February 2015) stated that during inspections, non-availability of rural pans in GPs was noticed. Hence the decision to purchase the rural pans from outside the State through *Zila Panchayat Udyogs/ Zila Swachchata Kendras* was taken by the Director (*Panchayati Raj*). Replies on other issues were not furnished.

Reply was not acceptable as purchase of rural pans at district level was in contravention to the scheme guidelines.

*IHHLs should be constructed by beneficiaries and availability of variety of pans at RSMs for the choice of the beneficiaries should be ensured.*

#### **2.1.10.6 Nirmal Gram Puraskar**

*Nirmal Gram Puraskar* (NGP) was to be awarded on the basis of eligibility criteria prescribed in NGP guidelines 2010. The award money was to be released in two equal instalments: the first instalment was to be given at the time of award of NGP and the second instalment after two years of maintenance of Open Defecation Free (ODF) status by the GP. As per NGP guidelines 2012, the instalments were to be released in the ratio of 25:75 and the award money was to be utilised on sanitation purposes only.

##### **● Declaration of Nirmal Grams**

Audit noticed that at the direction of Director (*Panchayati Raj*) (September 2007), DSM Pilibhit submitted applications of 10 *per cent* of GPs for NGP-2008. While forwarding applications, DSM Pilibhit stated that works in the GPs as per prescribed standard was not completed. Despite this, seven GPs were awarded NGP in October 2008.

It was also observed that the NGP awarded GPs did not implement:

- the SLWM component of the TSC;
- the resolution to ban open defecation and impose penalty on the offenders; and
- functional mechanism for garbage disposal.

Thus, NGP status was given to seven GPs though these GPs did not qualify for declaration as *Nirmal* (open defecation free).

##### **● Delay in release of award money**

We further noticed that the award money of ₹ 12 lakh to the seven GPs of Pilibhit was released in 2010 in a single instalment. Similarly, there was delay of release in the award money (₹ 0.82 lakh) of NGP-2012 to GP, Badshahpur Laxmisen of block Dhampur of the district Bijnore, as it was released in July



2014. However, before releasing the total award money in one installment, fulfillment of the condition of two years of ODF status by the GPs was not ascertained.

- **Utilisation of award money in non-sanitation purposes**

Three GPs<sup>10</sup> of 3 test-checked districts spent an amount of NGP (₹ 1.94 lakh) on non-sanitation purposes such as purchase of tin and benches for primary school, flooring tiles and painting of *Panchayat Bhawan*, *Anganwadi Centers* and construction of *Khadanja roads* etc.

During Exit Conference (February 2015), the Government stated that delayed release of funds from GoI was the reason for providing the NGP in one installment. Further, the NGP is given to the GPs as untied fund for sanitation and sanitation related activities.

Reply is not convincing as maintenance of ODF status by the GPs was not ascertained before release of the award money in one instalment. Further, while incurring expenditure from the award money, the conditions of the NGP guidelines was not adhered to.

### **2.1.11 Information, Education and Communication activities**

Keeping in view the significance of Information, Education and Communication (IEC) activities in generating ‘participatory community awareness’ and ‘felt need’ triggering ‘behavioral change’ under TSC/NBA, 15 per cent of district project cost shared in the ratio of 80:20 between GoI and the State Government was earmarked for IEC activities. The fund was to be utilized for door to door visit, group meetings, street theatre, wall painting hoardings, print media etc. During Performance Audit of TSC/NBA, the following shortcomings were noticed:

#### **2.1.11.1 Short achievement of IEC activities**

As per Paragraph 12 of the TSC guidelines 2007 and Paragraph 5.2.3, 5.2.4 and 5.2.5 of the NBA guidelines, a Communication and Capacity Development Unit (CCDU) was to be set up at the State level for developing a good IEC plan and also to provide support to the districts in implementing it. Observance of Sanitation Day/ Sanitation Week / Sanitation Fortnight was to be made an essential component of the Annual Action Plan. For interpersonal communication and door to door contact *Swachhata Doots* were to be engaged. Funds for IEC activities were to be provided to Blocks and GPs also.

The deficiencies noticed during Performance Audit are discussed below.

- During 2009-14, ₹ 83.55 crore (35 per cent) out of ₹ 239.09 crore available for IEC in the State was spent by the districts (**Appendix 2.1.12**). Over the period of 2009-14, the expenditure ranged between 17 and 99 per cent.

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<sup>10</sup> In Bijnore, the GP Dharmapura of block Haldhaur spent the amount of NGP (₹ 0.95 lakh), GP Meerpur, block Chayal of Kaushambi spent (2009-11) the amount of NGP (₹ 0.52 lakh) and GP Lamhi of block Harahua, Varanasi spent ₹ 0.47 lakh of NGP.

- During 2009-11, CCDU set up (2010) for State level IEC, spent ₹ 70.20 lakh out of ₹ 70.32 lakh released against sanction of ₹ 1.41 crore. The amount was spent on *Nukkar Nataks*, purchase of IEC material, training to *Gram Preraks* and departmental functionaries etc. engaging *Zila Panchayat Udyogs* on contract basis without calling open tenders. It was stated that the *Panchayat Udyogs* are free from tender proceedings as per State Government orders of 1976/1984. Audit noticed that the relaxation in tender process to the *Panchayat Udyogs* was for their own productions only. Whereas the amount spent on various items mentioned above was not the own production of the *Zila Panchayat Udyogs*. After 2011, it took no activity and funds received (₹ 6.08 crore), from GoI for State level IEC activities in 2011 remained parked in bank account of the CCDU since February 2011 till June 2014.
- Test-checked districts prepared IEC plan only under NBA. Out of the GoI and State Government releases ₹ 474.60 crore during 2009-14, ₹ 71.19 crore (15 per cent) was available for various IEC activities. But the IEC expenditure (₹ 21.05 crore) was only four per cent of the funds released. Thus, the IEC activities were not taken up vigorously. The financial performance of the districts ranged between 10 and 63 per cent of the funds available for IEC as given in **Table 6**.

**Table 6: Funds available and expenditure on IEC**

(₹ in crore)

Year	State and GoI releases	Funds available for IEC	Expenditure on IEC	Percentage of IEC expenditure
2009-10	103.20	15.48	5.45	35
2010-11	86.34	12.95	3.53	27
2011-12	71.02	10.65	6.75	63
2012-13	94.40	14.16	1.45	10
2013-14	119.64	17.95	3.87	22
<b>Total</b>	<b>474.60</b>	<b>71.19</b>	<b>21.05</b>	<b>30</b>

(Source: Test-checked districts)

- SSM banned (November 2012) IEC activities from November 2012 to December 2013 in the State for streamlining it. However, it is evident from the **Table 6** above that only 22 per cent of available funds for the year could be utilised in 2013-14 even after streamlining of the IEC activities.
- Sanitation day, Sanitation week and Sanitation fortnight were neither included in IEC plan nor were observed as per the frequency prescribed in the guidelines in test-checked districts.
- *Swachhata Doots* (Village level motivators) were not engaged in test-checked GPs for interpersonal communication and door to door contact.
- Funds for various IEC activities at the Block and *Gram Panchayat* levels were not provided. Further, TSC fund (IEC), ₹ 2.53 crore, was diverted by DSM Sitapur (2011-12) at the instance of the Minister of *Panchayati Raj*, from TSC Central (₹ 0.99 crore) and State share (₹ 1.54 crore), to the State Government special incentive scheme for providing IHHLs. The diversion was

irregular and the diverted amount was not recouped by the State Government as of July 2014.

- Vigorous IEC at various levels for ensuring usage of the toilets was not done. Results of beneficiary survey and joint physical verification of toilets showed cases of open defecation in the villages provided with toilets.

Absence of vigorous IEC activities impacted in least generation of demand for toilets due to which toilets were provided after constructing by the implementing agencies. Further, behavioral change in the beneficiaries was not achieved, leading thereby, many of the constructed toilets remained unused.

The Government assured (February 2015) to take vigorous IEC activities in future.

#### **2.1.11.2 Installation of Retro-reflective board**

Hon'ble Minister-in-charge of the *Panchayati Raj* Department directed all the DPROs (January 2011) for erection of Retro Reflective Boards in Ambedkar Villages provided with IHHLs indicating name of beneficiaries. SSM provided design and specification (4\*3 ft.) of the board and also fixed its cost of supply and erection (₹ 18,000 per Sqm.).

We during Performance Audit noticed that DSM Pilibhit paid ₹ 22.80 lakh and DSM Kushinagar paid ₹ 1.50 lakh to the *Panchayat Udyog Kendras* of their district for supply and erection of 76 and five retro reflective boards having same quality and dimensions. The supply of the boards was taken at the rate of ₹ 30,000 per retro reflective board without calling open tenders. This had resulted in extra expenditure of ₹ 9.72 lakh on procurement of 81 retro reflective boards.

The State Government during Exit Conference (February 2015) assured to enquire into the matter soon.

*The Government should ensure vigorous IEC for increasing awareness among the public and generating demand for IHHLs.*

#### **2.1.12 Joint survey of beneficiaries**

We conducted survey of 2,644 beneficiaries<sup>11</sup> out of 2,683 sampled<sup>12</sup> in 289 GPs of the test-checked districts. The results of the survey are summarised in **Table 7**:

<sup>11</sup> 39 beneficiaries were either died or not found during survey.

<sup>12</sup> Desired number of beneficiaries (4,200) was not available in the sampled villages.

**Table 7: Findings of beneficiary survey**

Sl. No.	Title of observation	Survey findings
1.	Whether beneficiary has IHHL?	IHHLs provided to 438 beneficiaries were not found in the beneficiary survey.
2.	Whether beneficiary has a bucket latrine?	Surveyed beneficiaries have no bucket latrines.
3.	Where normally goes for defecation?	1,378 beneficiaries stated that they use IHHLs for defecation and 1,266 beneficiaries stated that they defecate in open areas.
4.	Where child faeces were disposed of?	<ul style="list-style-type: none"><li>• 870 beneficiaries dispose child faeces away from house.</li><li>• 1,074 beneficiaries dispose child faeces outside house.</li><li>• 657 beneficiaries dispose child faeces in pits.</li><li>• 43 beneficiaries dispose child faeces at other places.</li></ul>
5.	What were the sources of drinking water?	Source of drinking water for 2,639 beneficiaries was hand pumps and for 5 beneficiaries it was well/tube-well.
6.	Knowledge of hand washing before eating, after defecation and after handling child faeces.	The surveyed beneficiaries had the knowledge of hand washing at each of the occasions.

It is evident from the **Table 7** that 1,266 out of 2,644 beneficiaries surveyed, were defecating in open areas. Thus, the beneficiaries having IHHLs were also defecating in open areas. IHHLs provided to 438 beneficiaries were not found during the beneficiary survey.

During physical verification the following deficiencies were also noticed:

- As depicted in the photographs below, the hardware supplied against purchases made at the district level remained dumped (June 2014) at the residence of *Gram Pradhan* of GP Anghora, block Nadigaon of district Jalaun. Consequently the funds provided to the GP for 56 IHHLs in 2010-11 remained blocked and only 15 IHHLs were constructed.



(Hardware lying dumped at the residence of Gram Pradhan of GP, Anghora, block Nadigaon, Jalaun)

- Eight out of 10 IHHLs constructed in 2009-10 in GP Dhavarkan, block Bhatpar Rani of Deoria were either not found or found in damaged condition. Photograph of one of the IHHLs, is given below:





(Broken IHHL of a beneficiary of GP, Dhavarkan, block- Bhatpar Rani, Deoria)

- The photograph given below indicates that the IHHL constructed for a beneficiary of GP Ahibaranpur, Block Kunda, Pratapgarh has been converted into shop by the beneficiary.



IHHL of a beneficiary of GP, Ahibaranpur, Pratapgarh being used as a shop)

The Government, while accepting the results of the beneficiary survey stated (February 2015) that instructions to take corrective action have been issued to all the districts.

*The Government should ensure usages of IHHLs for ensuring ODF status of villages.*

### **2.1.13 Monitoring and Evaluation**

#### **2.1.13.1 Monitoring meetings**

SSM at the State level and DSM at the district level were to comprise Governing Body (GB) and Executive Bodies (EB) to review progress of the

scheme and day to day monitoring of the scheme respectively. Meetings of the GB and EB were to be held every six months and one month respectively.

We during Performance Audit noticed that meetings of the GB of the SSM were not held and only one or two meetings of the EB were held<sup>13</sup> during 2009-14. Governing body of the test-checked DSMs did not meet and only a few meetings<sup>14</sup> of their executive body were held. Thus the monitoring by the institutions was inadequate.

### **2.1.13.2 Inadequate inspections of the scheme**

As per Paragraph 15.1 of NBA guidelines, monitoring through regular field inspections by officers from the State and the district levels was essential for effective implementation of the project.

We during Performance Audit noticed the following shortcomings in inspection of the scheme activities:

- Team/panel of experts for reviewing the implementation of the scheme at district/State level was not constituted.
- Regular inspections by senior State and District level officers were not made to verify progress of implementation at grass root level and ensure that the execution of works was in accordance with the prescribed procedures and specifications.
- The test-checked District *Panchayati Raj* Officer (DPRO) and District Project Co-ordinators (DPC) conducted composite inspections during 2009-14 of various schemes in the villages and prepared inspection reports of all the schemes including TSC/NBA except Jalaun, Kaushambi, Pratapgarh and Varanasi.
- Total inspections conducted during 2009-14 by DPRO, DPC and Regional Deputy Director were 2,255, 3,441 and 262 villages respectively. However, no norms for such inspections were fixed under TSC/NBA. As a result adequacy of inspections carried out could not be established in audit. Details of inspections carried out are given in (*Appendix 2.1.13*).
- Inspection reports of the DPROs and DPCs reflected deficiencies in terms of quality of IHHLs. Cases of non/improper use of sanitary latrine were also noticed.

Thus, lack of robust functioning of the inbuilt monitoring mechanism contributed towards non-achievement of the Scheme's objectives.

The Government while accepting the observation stated that in future, monitoring as envisaged in guidelines would be done. In Exit Conference, while accepting the facts the Government assured (February 2015) that adequate record keeping in this regard will be ensured.

<sup>13</sup> Zero meeting in 2009-10, two meetings in 2010-11 and 2011-12 each, one meeting in 2012-13 and two meetings in 2013-14.

<sup>14</sup> Against prescribed 60 meetings during 2009-14, only four to 13 meetings were held.

### **2.1.13.3 Grievance redressal mechanism**

Specific grievance redressal mechanism was not in place at the State/district/ GP levels.

The Government assured (February 2015) to develop a mechanism in future.

### **2.1.13.4 Data validation**

Online MIS has been developed by the Ministry of Drinking Water and Sanitation. Correctness of the data uploaded on the MIS was to be ensured through cross checking with Annual Performance Report.

Audit noticed that the credibility of MIS data was not ensured through cross checking as MIS data was not matched with the data of Monthly Progress Report/ Utilisation Certificates. Further, data provided by the districts in data formats furnished to Audit was inconsistent with that of the AIP/PIP.

The Government stated (February 2015) that suitable measures would be taken for ensuring validation of MIS data in coming years.

### **2.1.13.5 Evaluation of the scheme**

As per Paragraph number 20.1 of the NBA guidelines, the State Government was to conduct periodical evaluation studies of the implementation of NBA by reputed Institutions and Organizations. Copies of these reports were to be furnished to GoI and remedial action was to be taken by the States thereon and also on the concurrent evaluation conducted by or on behalf of GoI. The cost of the study was to be charged to Administrative expenses.

Audit noticed that the periodical evaluation studies were not conducted by engaging institutions and organizations of repute to effect remedial action for lapses in the implementation of the scheme. No research agency was engaged as of June 2014 to study present technology of disposal of human excreta and waste in rural areas. The specialized organizations/NGOs for research in sanitation were also not engaged as of June 2014.

The Government while accepting the fact assured (February 2015) that evaluation study would be conducted in future.

*Adequate monitoring by different level officers/functionaries should be ensured.*

### **2.1.14 Conclusion**

The primary objectives of behavioral change in the rural people, generation of demand for sanitation facilities and acceleration of the sanitation coverage in rural areas through renewed strategies and saturation approach in the State were achieved partially due to following weaknesses:

- During the period 2009-14, the expenditure of ₹ 1,867.90 crore was incurred by State Implementing Agency out of available fund of ₹ 2,259.94 crore. There were delays in release of State matching shares by one to four months and further, this was drawn and deposited in TSC/NBA bank accounts after a delay ranging from 16 to 348 days.
- Registration of State Sanitation Mission and 10 District Sanitation Missions, set up under Society Registration Act, were expired and these were not renewed since last two to seven years. BRCs meant for capacity building and IEC at the Block/GP were not established.
- For preparing the revised PIP, DSMs did not capture data correctly from baseline survey reports of the districts. District AIPs prepared were not originated from GP level.
- Physical progress of different activity components of the TSC in test-checked districts represented a shortfall ranging between zero (CSC) and 97 *per cent* (SLWM). In test-checked districts, 12.18 lakh out of 23.00 lakh toilets (53 *per cent*) constructed under TSC were found defunct in the baseline survey reports of the districts.
- During 2012-14, under NBA, 0.84 lakh IHHLs for BPL families were constructed in the test-checked districts as against the target of 1.62 lakh IHHLs (48 *per cent* shortfall). Further, 1.56 lakh out of 2.96 lakh IHHLs planned for APL families were constructed (47 *per cent* shortfall).
- IHHLs were not constructed by beneficiaries as envisaged in the scheme guidelines, these were constructed by the implementing agencies. Hardware was purchased by the DSMs at district level without tender. Further, there were delays in completing activities under convergence which affected physical progress of the scheme.
- IEC activities were stipulated as key intervention under the scheme for generating demand for IHHLs through behavioral changes. However, implementing agencies did not take up IEC vigorously, as expenditure incurred on IEC was only 35 *per cent* of the available funds. CCDU set up for State level IEC did not conduct any IEC activity since 2011 and funds of ₹ 6.08 crore received by CCDU from GoI for IEC activities remained parked in the bank account of the CCDU as of June 2014.
- Inadequate monitoring at various levels resulted in slow progress of the scheme. Grievance redressal mechanism was absent. Periodical evaluation study of the scheme was not conducted.



## Long Paragraph

### 2.2 Working of *Panchayati Raj* Institutions in three *Zila Panchayats*

#### 2.2.1 Introduction

The 73<sup>rd</sup> Constitutional amendment of 1992 provided for decentralised governance to *Panchayati Raj* Institutions (PRIs) and accordingly Uttar Pradesh *Kshetra Panchayat and Zila Panchayat Adhiniyam* (KP and ZP Act), 1961 was amended in 1994 to establish a three-tier<sup>15</sup> system of elected bodies. The amended Act envisaged devolution of powers of 29 subjects (as mentioned in **Appendix 1.1**) contained in Eleventh Schedule of the Constitution of India to rural self-governing bodies viz. *Gram Panchayat* (GP) at village level, *Kshetra Panchayat* (KP) at block level and *Zila Panchayat* (ZP) at district level.

The working of three ZPs, viz., Kaushambi, Mirzapur and Varanasi, nine KPs<sup>16</sup> of these districts and 45 GPs of the KPs (**Appendix 2.2.1**) was reviewed to ascertain as to whether allotment and release of funds to these PRIs were in accordance with the provisions of guidelines of the various scheme; mechanism for revenue realization was efficient; utilisation of funds and implementation of projects was effective and monitoring was adequate.

#### 2.2.2 Organisational Structure

Principal Secretary, *Panchayati Raj* and Principal Secretary, Rural Development Department assisted by Director, *Panchayati Raj*; Deputy Director, Monitoring Cell and Commissioner, Rural Development were overall responsible for implementation of Schemes and Programmes of ZPs, KPs and GPs. At the district level, Chief Development Officers (CDOs) were overall in-charge for implementation of the programme/scheme, the Project Director, District Rural Development Agencies (DRDAs), District Development Officers (DDOs) and District *Panchayat Raj* Officers were responsible for receipts and release of funds alongwith maintenance of accounts. *Apar Mukhya Adhikaris* (AMAs) at ZPs, Block Development Officers at KPs and *Gram Panchayat Adhikaris* at GPs level were responsible for implementation of the programme at grass root level. The responsibilities of ZPs also include effective implementation of rural development programme at KPs and GPs level. Detail of PRIs is given in **Appendix 1.3**.

#### 2.2.3 Audit Scope, Methodology and Criteria

The records for the period 2009-14 of the three ZPs, selected KPs and GPs (**Appendix 2.2.1**) were examined. The KPs and GPs were selected on the basis of Statistical Sampling using Probability Proportionate to Size with Replacement method. Audit also covered the Grants under State Finance Commission (SFC), Twelfth and Thirteenth Finance Commissions (TFCs) and

<sup>15</sup> Act no. 9 of 1994. *Zila Panchayat* at district level, *Kshetra Panchayat* at block level and *Gram Panchayat* at village level.

<sup>16</sup> Kaushambi - Muratganj, Sirathu, Sarsawan; Mirzapur - Halia, Patehra kala, Rajgarh; Varanasi - Baragaon, Cholapur and Sevapuri.

Backward Regions Grant Fund (BRGF). Further, records of revenue receipts maintained at PRIs' level were also examined in test-checked ZPs, KPs and GPs.

The main sources of audit criteria were - Provision of Uttar Pradesh *Kshetra Panchayat* and *Zila Panchayat Adhiniyam*, 1961 (KP and ZP Act) and rules framed thereunder; Uttar Pradesh *Panchayat Raj* Act, 1947 (PR Act) and rules framed thereunder; and guidelines, orders, notifications and instructions issued by Government of India (GoI) and Government of Uttar Pradesh (GoUP) for centrally sponsored and State funded schemes.

The audit findings were discussed in the Exit Conference held (February 2015) with the Principal Secretary, *Panchayati Raj*. The response of Department during the Exit Conference has been suitably incorporated.

## Audit findings

### *Zila Panchayat, Kaushambi*

The ZP Kaushambi is administered under provisions of KP and ZP Act. It has 24 elected members and is headed by *Adhyaksh*. It is responsible for providing civic amenities in rural areas in co-ordination with eight KPs and 440 GPs of the district.

#### 2.2.4 Financial Management

For execution of various development schemes, ZPs receive grants as BRGF, TFC, SFC etc alongwith receipts from own revenue.

The flow of funds to the PRIs at the grass root level is depicted earlier in Paragraph 1.9.1 and **Chart 2** for fund flow of Chapter 1. Year-wise receipt and expenditure of the ZP, Kaushambi is given in **Table 1**.

**Table 1: Financial position**

Year	₹ in crore )				
	2009-10	2010-11	2011-12	2012-13	2013-14
Opening balance	15.96	5.59	5.62	11.17	9.33
Receipt from Grants	10.32	6.16	16.24	9.13	17.18
Receipt from own resources	1.41	1.46	1.61	3.21	2.93
Total receipt during year	11.73	7.62	17.85	12.34	20.11
Total available fund	27.69	13.21	23.47	23.51	29.44
Expenditure	16.81	7.59	12.30	12.44	16.79
(percentage of available fund)	(61)	(57)	(52)	(53)	(57)
Amount surrendered	5.29	0.00	0.00	1.74	0.00
Closing Balance	5.59	5.62	11.17	9.33	12.65

(Source: Records of *Zila Panchayat* Kaushambi)

**Table 1** indicates that the percentage of expenditure ranged between 52 and 61 *per cent* of the total available fund (2009-14). Further we noticed in audit that ₹ 7.03 crore was surrendered and ₹ 12.65 crore remained unutilised at the end

of March 2014. The short utilisation of funds was due to slow implementation of the schemes as discussed in Paragraph 2.2.7.1 and 2.2.7.2.

In reply (February 2015), the Government stated that efforts are being made for utilising available grants under various schemes.

### 2.2.5 Revenue realisation

Under section 119 of UP KP and ZP Act, 1961, ZPs are collecting revenues from various sources. Further, section 239(2) of the Act empowers ZP to make bye-laws<sup>17</sup> to mobilise more revenue resources.

The budget estimate of revenue of the ZP and actual realisation thereagainst during 2009-14 are given in **Table 2**.

**Table 2: Budget estimate of revenue and actual realisation**

(₹ in crore)			
Year	Budget estimate	Actual realisation	Shortfall ( <i>per cent</i> )
2009-10	1.66	1.41	15
2010-11	1.75	1.46	17
2011-12	1.70	1.61	5
2012-13	4.13	3.21	22
2013-14	2.77	2.93	0

(Source: Zila Panchayat Kaushambi)

**Table 2** indicates the shortfall in actual realisation of revenue ranged between Zero and 22 *per cent* during 2009-14. The year-wise realisation of revenue under various heads of own resources of the ZP is given in **Table 3**.

**Table 3: Revenue realised under own resources in the ZP**

(₹ in lakh)						
Sl. No.	Sources of revenue realisation	2009-10	2010-11	2011-12	2012-13	2013-14
1.	Circumstances & Property (CP) Tax	23.76	20.91	25.98	27.92	26.99
2.	License Fees	23.92	34.71	33.75	34.39	33.63
3.	<i>Haddi Chamrha</i>	3.38	4.92	6.08	7.58	9.77
4.	Cattle Pond	0.40	0.20	0.21	0.39	0.38
5.	<i>Tehbazari</i>	26.91	19.50	20.17	18.24	0.00
6.	Income from Shops	1.05	1.81	2.50	2.56	10.04
7.	Sand Morem/Stone mines	13.59	19.65	29.84	134.80	143.93
8.	Fisheries/ <i>Naukaghat</i>	3.10	7.24	0.00	27.29	0.00
9.	Fairs & Exhibition	0.02	0.00	0.21	0.02	0.05
10.	Others	44.84	37.05	42.53	67.56	68.10
<b>Total</b>		<b>140.97</b>	<b>145.99</b>	<b>161.27</b>	<b>320.75</b>	<b>292.89</b>

(Source: Records of Zila Panchayat, Kaushambi)

**Table 3** indicates that realisation of revenue under CP Tax and License Fees were decreased in 2013-14 as compared to 2012-13. No revenue was realised

<sup>17</sup> Section 239 of UP KP and ZP Act, 1961 read with H-Miscellaneous.

from *Tehbazari* and Fisheries/ *Naukaghat* in 2013-14. The reason for non-realisation of revenue from Fisheries/ *Naukaghat* in 2013-14 was attributed to arrangement of sharing fisheries receipts between Kaushambi and Chitrakoot in alternate year.

Reason for increase of 452 *per cent* under Sand Morem/Stone Mines in 2012-13 as compared to 2011-12 was attributed to amendment in bye-laws *w.e.f* April 2012.

We noticed that bye-laws of various sources were not amended during 2009-14 except Sand Morem/ Stone Mines which affected the mobilization of revenues of ZP. Further, ZP did not realise outstanding rent worth ₹ 30.63 lakh<sup>18</sup> due from schools and shops for the period 1994 to March 2014.

In reply (February 2015), the Government stated that source of revenue from *Tehbazari* and Parking Stand were abolished and efforts were being made to increase the rent of the shops. Regarding non-realisation of rent, the Government stated that ₹ 3.42 lakh has been recovered and efforts are being made for realisation of the balance amount.

## **2.2.6 Planning**

As per section 63 of KP and ZP Act, the ZPs were to prepare their annual development plans with the help of Works Committee and obtain approval in the General Body meeting of *Zila Panchayat*. The ZP was to prepare a consolidated development Plan after inclusion of development plans of GPs and KPs for submission to District Planning Committee (DPC) for preparation of District Development Plan (DDP).

We during audit noticed that the ZP Kaushambi did not prepare a consolidated DDP during 2009-14 by compiling the plans of KPs and GPs.

During Exit Conference (February 2015) the Government assured to issue directions for consolidation of the annual development plans by ZP.

*ZP should prepare a consolidated annual development plan after compiling the plans of GPs and KPs.*

## **2.2.7 Implementation of Schemes**

### **2.2.7.1 Backward Regions Grant Fund**

Government of India introduced (January 2007) BRGF with the objective to redress regional imbalances in developmental works and to bridge critical gaps in local infrastructure in backward regions.

We during audit noticed that in ZP, Kaushambi, the fund of ₹ 40.75 crore for 571 sanctioned projects was released by GoUP under BRGF during 2009-13. Sixty projects pertaining to 2010-13 amounting to ₹ 7.00 crore remained incomplete as of March 2014. Incomplete projects mainly included

<sup>18</sup> ₹ 23.24 lakh (nine schools of Kaushambi), ₹ 1.20 lakh (five shops at Muratganj and 14 shops in campus of the ZP Kaushambi) and ₹ 6.19 lakh (17 lessees at Bharwari).

construction of GP *Sachivalays*, *Anganwadi* buildings, water supply schemes and road works.

We further noticed that ZP Kaushambi prepared an Annual Action Plan for 635 BRGF projects of ₹ 23.55 crore for 2013-14. Out of this, ₹ 22.95 crore was to be met from BRGF and rest from other sources. However, no project was started during 2013-14.

Regarding non-execution of the projects sanctioned for 2013-14, *Apar Mukhya Adhikari* replied (September 2014) that projects could not be started due to non-release of BRGF fund by GoUP. Government further replied (February 2015) that projects were delayed due to ban (August 2012 to August 2013) imposed by GoUP on execution of works.

### **2.2.7.2 Finance Commission Grants**

Government of India and GoUP releases grants on the recommendations of the Finance Commission to ZP, KPs and GPs for implementation of various programmes. As per condition of TFC, 1<sup>st</sup> instalment of the Grants was only to be utilised for maintenance of basic civic amenities like drinking water, sewerage, solid waste management, street lights, roads etc.

We during audit noticed that under SFC and TFC, 420 projects amounting to ₹ 32.72 crore were sanctioned during 2009-14. Out of these, 43 projects (bituminous roads, cement concrete roads, interlocking and *Khadanja*) pertaining to 2012-14 amounting to ₹ 3.21 crore were lying incomplete as of March 2014. We further noticed that no project on water supply, solid waste management and street light was taken up.

During Exit Conference (February 2015), the Government stated that projects under SFC/TFC were incomplete due to shortage of technical staff and efforts for timely completion were being made.

### **2.2.8 Monitoring: Meetings of Zila Panchayat and its Committees**

Government of Uttar Pradesh issued order (July 1999) for constitution of six committees<sup>19</sup> for proper functioning in three tiers of PRIs. Each committee was to consist of a chairman and six elected members and was to meet at least once in a month. Committees were responsible for planning for development of the area, implementation of the programmes and monitoring of the works *etc.* Moreover, section 61 of UP KP and ZP Act, 1961 provides for holding up at least one meeting of *Zila Panchayat* in two months.

We during audit noticed that out of six Committees, only Works Committee and Administrative Committee were functional. Only 17 against 30 meetings as per norms of *Zila Panchayat* were held in the ZP during 2009-14. However, the ZP did not supervise the works executed by the KPs and GPs as required under Section 33(3) of UP KP and ZP Act, 1961.

<sup>19</sup> Planning and Development Committee, Works Committee, Education Committee, Public Health Welfare Committee, Administrative Committee and Water Management Committee.

On this being pointed out, the Government replied (February 2015) that meetings of ZP were held as per provision of the Act and meetings of the committees were held as per requirements. Regarding non-supervision of KPs and GPs by ZP it was stated that the matter is under consideration.

The reply was not acceptable as there was 43 *per cent* shortfall in the meetings of *Zila Panchayat* and only two out of six committees were functional which indicates inadequate monitoring.

During Exit Conference (February 2015), the Government assured that required meetings of different committees of *Panchayats* will be held in future.

### ***Kshetra Panchayats***

Three KPs Muratganj, Sarsawan and Sirathu out of eight KPs of district Kaushambi were test-checked to review the working of these KPs. KPs are administered under UP KP and ZP Act. The elected body of KP, headed by *Pramukh*, is responsible for implementation of development programmes, levy and realisation of tax/ non-tax revenue etc.

#### **2.2.9 Preparation of budget**

In terms of section 115 of KP and ZP Act, executive committee of each KP was to prepare its revised budget (receipts and expenditure) for the current year and estimated budget of receipts and expenditure for the next year in the month of October and get it approved in the general meeting of *Kshetra Panchayat*.

We noted in audit that none of the three test-checked KPs prepared budget during 2009-14. The reason for non-preparation of budget by these KPs was not available on record.

During Exit Conference (February 2015), the Government assured to issue fresh directives for preparation of budget in KPs.

#### **2.2.10 Generation of revenue in KPs**

Section 131(A) and 142-145 of UP KP and ZP Act provides for levy of water tax, electricity charges, license fees *etc.* by KPs so as to increase their own revenue.

We during audit noticed that the test-checked KPs did not levy taxes/fees for revenue generation during the period 2009-14. These KPs also could not provide the reason for non-levy of taxes/fees.

During Exit Conference (February 2015), Government assured to take suitable action for revenue generation by KPs.

### **2.2.11 Planning**

As per section 86 of KP and ZP Act, the KPs were to prepare their development plans including plans of GPs and submit the consolidated development plan to ZP. However, we noticed in audit that KPs did not submit the consolidated development plan of KP and GPs to the ZP.

During Exit Conference (February 2015), Government assured to issue directions in this regard.

*KP should submit its consolidated annual development plan to the ZP.*

### **Gram Panchayats**

Out of 440 GPs of district Kaushambi, 15 GPs (*Appendix 2.2.1*) of three KPs Muratganj, Sarsawan and Sirathu were test-checked to review the working of these GPs. The GPs are administered under provisions of PR Act for providing civic amenities in villages. The elected body of the GP, headed by *Pradhan*, is responsible for implementation of various projects/schemes, levy & realisation of its tax/non-tax revenue etc.

### **2.2.12 Preparation of budget**

As per section 41 of UP PR Act, 1947 every GP shall prepare a statement of the estimated receipts and expenditure of the GP for the financial year commencing on the first day of April which shall be passed by the Gram Panchayat. However, we noted in audit that none of the 15 test-checked GPs prepared budget during 2009-14. The reason for non-preparation of budget was not available on record.

During Exit Conference (February 2015), the Government assured to issue fresh directives for preparation of budget in GPs.

### **2.2.13 Generation of revenue in GPs**

Section 37 of UP PR Act, 1947 provides for levy of taxes and fees<sup>20</sup> by GPs so as to increase their revenue for meeting their own expenses.

We during audit noticed that no revenue was generated during 2009-14 from the own resources in all the 15 test-checked GPs so the objective of GPs to become self-reliant could not be achieved.

During Exit Conference (February 2015), the Government assured to take suitable action for generation of revenue by GPs.

### **2.2.14 Land Management**

As per provision of Chapter 6, Para 2 of Accounts Manual for Maintenance of Finance and Accounts in *Gram Panchayats* each GP was to maintain a Register for the immovable assets vested with the GP. Further, section 117 of

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<sup>20</sup> Taxes on animals, sale of animals, goods for sale in market/ *haat* or *mela*, *sarais* etc and non-tax revenue as water charges, lighting fees, license fees etc.



Uttar Pradesh *Zamindari* Abolition and Land Reform Act, 1950, provides that all the *Gram Sabha* (GS) lands within the jurisdictions of GPs were to be managed by Land Management Committee headed by *Gram Pradhan* and concerned *Lekhpal* as Secretary. In case of any encroachment on GS land, a notice to the occupant was to be issued followed by institution of a case against such encroachment in Hon'ble Court under section 122(B) of the said Act.

We noticed that test-checked GPs did not maintain immovable assets registers. In absence of these, details of GS land could not be ascertained in audit. However, information collected from concerned *Tehsils* of the test-checked GPs in the district revealed 39 cases of encroachment of 8.482 hectare GS land valuing ₹ 0.76 crore by local people (**Appendix 2.2.2**). Against this, action was taken up in respect of only one case of encroachment.

The Government in its reply (February 2015) stated that suitable action against encroachment will be taken.

*Appropriate action should be initiated to remove the unauthorised encroachment from the Government land.*

### **Zila Panchayat, Mirzapur**

The ZP Mirzapur is administered under provisions of KP and ZP Act. It has 36 elected members and is headed by *Adhyaksh*. It is responsible for providing civic amenities in rural areas in co-ordination with 12 KPs and 758 GPs of the district.

#### **2.2.15 Financial Management**

The year-wise receipt and expenditure of the ZP, Mirzapur is given in **Table 4**.

**Table 4: Financial position**

Year	₹ in crore )				
	2009-10	2010-11	2011-12	2012-13	2013-14
Opening balance	7.29	6.89	6.94	6.82	12.52
Receipt from Grants	13.18	9.41	17.88	12.07	30.66
Receipt from own resources	1.28	0.71	1.01	1.45	2.51
Total receipt during year	14.46	10.12	18.89	13.52	33.17
Total available fund	21.75	17.01	25.83	20.34	45.69
Expenditure (percentage of available fund)	14.86 (68)	10.07 (59)	19.01 (74)	7.78 (38)	27.09 (59)
Amount surrendered	0.00	0.00	0.00	0.04	0.00
Closing Balance	6.89	6.94	6.82	12.52	18.60

(Source: Records of Zila Panchayat Mirzapur)

**Table 4** indicates that the percentage of expenditure ranged between 38 and 74 *per cent* of the total available fund (2009-14). Further we noticed that ₹ 0.04 crore was surrendered and ₹ 18.60 crore remained unutilised at the end of March 2014. The short utilisation of funds was due to slow implementation of the schemes as detailed in Paragraph 2.2.18.1 and 2.2.18.2.



In reply (February 2015), the Government stated that grants had been utilised. Reply is not acceptable as ₹ 18.60 crore was lying unspent as of March 2014 due to slow implementation of the schemes.

### 2.2.16 Revenue realisation

As per provisions discussed in Paragraph 2.2.5 *ante*, ZPs are empowered to make bye-laws to mobilise more revenue. The budget estimate of revenue of the ZP and actual realisation thereagainst during 2009-14 is given in **Table 5**.

**Table 5: Revenue realised under own resources in the ZP**

(₹ in crore)			
Year	Budget estimate	Actual realisation	Shortfall (per cent)
2009-10	1.29	1.28	1
2010-11	1.71	0.71	58
2011-12	1.46	1.01	31
2012-13	2.04	1.45	29
2013-14	3.03	2.51	17

(Source: Zila Panchayat Mirzapur)

**Table 5** indicates that shortfall in realisation of revenue ranged between one and 58 *per cent* during 2009-14. The year-wise realisation of revenue under various heads of own resources of the ZP is given in **Table 6**.

**Table 6: Revenue realised under various own resources in the ZP**

(₹ in lakh)						
Sl. No.	Items	2009-10	2010-11	2011-12	2012-13	2013-14
1.	Circumstances & Property Tax	17.94	8.40	20.15	34.99	34.66
2.	License Fees	13.86	10.53	16.47	24.01	24.22
3.	<i>Haddi Chamrha</i>	0.28	0.28	1.15	2.05	2.29
4.	Cattle Pond	0.05	0.04	0.11	0.04	0.06
5.	<i>Tehbazari/ Car Parking</i>	27.42	13.56	17.54	27.50	9.95
6.	Income from Shops	3.41	2.61	2.38	5.44	5.93
7.	Sand Morem/ Stone mines	50.28	25.23	31.90	43.82	132.26
8.	Fisheries/ <i>Naukaghat</i>	0.95	0.79	1.67	1.80	3.15
9.	Fairs & Exhibition	0.00	0.00	0.00	0.00	0.00
10.	Others	17.16	10.03	9.53	5.42	38.87
<b>Total</b>		<b>128.35</b>	<b>71.47</b>	<b>100.90</b>	<b>145.07</b>	<b>251.39</b>

(Source: Zila Panchayat records)

**Table 6** revealed that no revenue was realised from *Tehbazari* in 2013-14 and Fair and Exhibition during 2009-14. Scrutiny further revealed that no amendment of bye-laws was made during 2009-14 for the mobilisation of revenues of the ZP, except in case of Sand Morem/Stone Mines which was revised in April 2013.

In reply (February 2015), the Government stated that items of receipt, i.e. *Tehbazari* and Parking Stand were abolished and attributed the reasons behind short realisation of revenue to shortage of staff.

### **2.2.17 Planning**

As discussed in Paragraph 2.2.6 *ante*, ZPs were to prepare their annual development plans after inclusion of development plans of GPs and KPs for preparation of District Development Plan (DDP). However, we during audit noticed that the ZP Mirzapur did not prepare consolidated DDPs during 2009-14. Thus, the integrated roadmap for development of rural areas in Mirzapur was not prepared during these years.

During Exit Conference (February 2015) the Government assured to issue directions for consolidation of the annual development plans by ZP.

*ZP should prepare a consolidated annual development plan after compiling the plans of GPs and KPs.*

### **2.2.18 Implementation of Schemes**

#### **2.2.18.1 Backward Regions Grant Fund**

As discussed in Paragraph 2.2.7.1 *ante*, ZPs were to redress regional imbalances in developmental works and to bridge critical gaps in local infrastructure of backward regions.

We noticed in audit that in ZP Mirzapur, the fund of ₹ 16.98 crore for 160 sanctioned projects was released by GoUP under BRGF during 2009-14. Sixty four projects pertaining to 2011-14 amounting to ₹ 6.52 crore remained incomplete as of March 2014. Incomplete projects mainly included construction of GP *Sachivalays*, *Anganwadi* buildings, water supply schemes and road works.

On this being pointed out in audit, the Government replied (February 2015) that projects were delayed due to ban (August 2012 to August 2013) imposed by GoUP on execution of projects and works for the year 2013-14 have been completed. The reply was not acceptable as ban lasted upto August 2013 and 64 projects (40 *per cent*) were incomplete as of March 2014.

#### **2.2.18.2 Finance Commission Grants**

As discussed earlier in Paragraph 2.2.7.2 *ante*, ZPs were to utilize the grant of TFC and SFC for maintenance of basic civic amenities like drinking water, sewerage, solid waste management, street lights etc.

Scrutiny of records revealed that 445 projects for ₹ 38.94 crore sanctioned under SFC and TFC during 2009-14. 110 projects (bituminous roads, cement concrete roads, interlocking and *Khadanja*) pertaining to 2012-14 amounting to ₹ 11.15 crore were lying incomplete as of March 2014. We also noticed that no projects on water supply, solid waste management and street light were taken up.

During Exit Conference (February 2015), the Government stated that projects under SFC/TFC are incomplete due to shortage of technical staff.

### **2.2.19 Land management**

Rule 3 to 6 of ZP and KP (Movable and Immovable Assets) Rule, 1965 provides for maintenance of Assets Register and its verification by competent authority at least once in three years of all assets vested with ZP.

We during audit noticed that in ZP, Mirzapur assets were not verified since 1997. It was further noted that no development works was taken up on 28.49 hectare open land amounting to ₹ 2.05 crore<sup>21</sup> situated in four *Tehsils*.

During Exit Conference (February 2015), the Government stated that proper upkeep of assets register and timely verification of assets is being ensured.

*The Government should ensure physical verification of the assets periodically.*

### **2.2.20 Monitoring: Meetings of Zila Panchayat and its Committees**

As per provisions discussed in Paragraph 2.2.8 *ante*, six committees<sup>22</sup> were to be constituted in the ZPs responsible for planning the development of the area, implementation of programmes, monitoring of the works *etc.* and the ZP was to hold meeting of General Body at least once in two months.

We noticed that out of six Committees, only Works Committee and Planning & Development Committee were functional. Only 20 against 30 meetings as per norms of *Zila Panchayat* were held in the ZP during 2009-14. Further, we noticed that the ZP did not supervise the works executed by the KPs and GPs as required under Section 33(3) of UP KP and ZP Act, 1961.

On this being pointed out, the Government replied (February 2015) that meetings of ZP were held as per provision of the Act and meetings of the committees were held as per requirements. Regarding non-supervision of KPs and GPs by ZP it was stated that the matter is under consideration.

The reply was not acceptable as there was 33 *per cent* shortfall in the meetings of *Zila Panchayat* noticed against the norms and only two out of six committees were functional which indicates inadequate monitoring.

During Exit Conference (February 2015), the Government assured that required meetings of different committees of ZP will be held in future.

### ***Kshetra Panchayats***

Three KPs Halia, Patehara Kalan and Rajgarh out of 12 KPs of district Mirzapur were test-checked to review the working of these KPs. KPs are administered under UP KP and ZP Act. The elected body of KP, headed by

<sup>21</sup> Calculated at minimum rate of the GP of concerned *Tehsils*. *Tehsil* Lalganj: 0.8505 hectare @ ₹ 6,24,653= ₹ 5.31 lakh; *Tehsil* Madhiyan: 0.6399 hectare @ ₹ 4,20,280= ₹ 2.69 lakh; *Tehsil* Sadar: 14.06241 hectare @ ₹ 9,08,500= ₹ 127.76 lakh and *Tehsil* Chunar: 12.93651 hectare @ ₹ 5,32,000= ₹ 68.82 lakh

<sup>22</sup> Planning and Development Committee, Works Committee, Education Committee, Public Health Welfare Committee, Administrative Committee and Water Management Committee.

*Pramukh*, is responsible for implementation of development programmes, levy and realisation of tax/ non-tax revenue etc.

#### **2.2.21 Preparation of budget**

As per provisions discussed earlier in Paragraph 2.2.9 *ante*, the KPs were to prepare an estimated budget of receipt and expenditure. However, we noted in audit that none of the three test-checked KPs prepared budget during 2009-14. The reason for non-preparation of budget was not available on record.

During Exit Conference (February 2015), the Government assured to issue fresh directives for preparation of budget in KPs.

#### **2.2.22 Generation of revenue in KPs**

As per provisions discussed in Paragraph 2.2.10 *ante*, the KPs were to generate revenue from own sources. However, we during audit noticed that these KPs did not generate any revenue during the period 2009-14. No effort was made by these KPs for revenue generation as required under the Act.

During Exit Conference (February 2015), the Government assured to take suitable action for generation of revenue by KPs.

#### **2.2.23 Planning**

As per provisions discussed earlier in Paragraph 2.2.11 *ante*, the KPs were to prepare their development plans including plans of GPs and submit the compiled plan to ZP. However, we during audit noticed that though KPs prepared their annual plan, but they did not submit the consolidated development plan of KP and GPs to the ZP which affected the preparation of District Development Plan by incorporating their requirements.

During Exit Conference (February 2015), Government assured to issue directions in this regard.

*KP should submit its consolidated annual development plan to the ZP.*

#### ***Gram Panchayats***

Out of 758 GPs of district Mirzapur, 15 GPs (*Appendix 2.2.1*) of three KPs Halia, Patehara Kalan and Rajgarh were test-checked to review the working of these GPs. The GPs are administered under provisions of PR Act for providing civic amenities in villages. The elected body of the GP, headed by *Pradhan*, is responsible for implementation of various projects/schemes, levy & realisation of its tax/non-tax revenue etc.

#### **2.2.24 Preparation of budget**

As per provisions discussed in Paragraph 2.2.12 *ante*, GPs were to prepare an annual statement of the estimated receipt and expenditure. However, we noticed in audit that none of the 15 test-checked GPs prepared budget during 2009-14. The reason for non-preparation of budget was not available on record.

During Exit Conference (February 2015), the Government assured to issue fresh directives for preparation of budget in GPs.

### 2.2.25 Generation of revenue in GPs

As per provisions discussed earlier in Paragraph 2.2.13 *ante*, GPs were to generate revenue from own resources. However, we noticed during audit that no revenue was generated during 2009-14 from their own resources in any of the test-checked GPs, so the objective of GPs to become self-reliant could not be achieved.

During Exit Conference (February 2015), the Government assured to take suitable action for generation of revenue by GPs.

### 2.2.26 Land Management

As per provisions discussed in Paragraph 2.2.14 *ante*, GPs were to maintain a register for immovable assets and in case of any encroachment on GS land, a notice to the occupant was to be issued followed by institution of a case against such encroachment.

However, scrutiny revealed that test-checked GPs did not maintain immovable assets register. In absence of these, encroachment on GS land could not be ascertained in audit. However, information collected from the concerned *Tehsils* of the district revealed 24 cases of encroachment in 1.398 hectare of *Gram Sabha* land which were subjudice.

#### *Zila Panchayat, Varanasi*

The ZP Varanasi is administered under provisions of KP and ZP Act. It has 39 elected members and is headed by *Adhyaksh*. It is responsible for providing civic amenities in rural areas in co-ordination with eight KPs and 702 GPs of the district.

### 2.2.27 Financial Management

The year-wise receipt and expenditure of the ZP Varanasi is given in **Table 7**.

**Table 7: Financial position**

Year	(₹ in crore)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Opening balance	7.90	3.58	3.62	6.81	5.91
Receipt from Grants	6.23	7.25	7.82	10.36	20.55
Receipt from own resources	0.68	0.66	0.73	1.74	1.86
Total receipt during year	6.91	7.91	8.55	12.10	22.41
Total available fund	14.81	11.49	12.17	18.91	28.32
Expenditure	11.23	7.87	5.36	13.00	23.39
(percentage of available fund)	(76)	(68)	(44)	(69)	(83)
Amount surrendered	0.00	0.00	0.00	0.00	0.00
Closing Balance	3.58	3.62	6.81	5.91	4.93

(Source: Records of Zila Panchayat, Varanasi)

**Table 7** indicates that the percentage of expenditure ranged between 44 and 83 *per cent* of the total available fund (2009-14) and ₹ 4.93 crore remained unutilised at the end of March 2014. The short utilisation of funds was due to slow implementation of the schemes as detailed in Paragraph 2.2.30.

During Exit Conference (February 2015), the Government assured that funds will be utilised soon.

## 2.2.28 Revenue realisation

As per provisions discussed in Paragraph 2.2.5 *ante*, ZPs are empowered to make bye-laws to mobilise more revenue. The budget estimate of revenue of the ZP and actual realisation thereagainst during 2009-14 are given in **Table 8**.

**Table 8: Revenue realised under own resources in the ZP**

(₹ in crore)

Year	Budget estimate	Actual realisation	Shortfall ( <i>per cent</i> )
2009-10	0.78	0.68	13
2010-11	0.97	0.66	32
2011-12	1.03	0.73	29
2012-13	2.50	1.74	30
2013-14	1.86	1.86	0

(Source: Zila Panchayat, Varanasi)

**Table 8** indicates that shortfall in actual receipts ranged between 13 and 32 *per cent* during 2009-13.

The year-wise realisation of revenue under various heads of own resources of the ZP is given in **Table 9**.

**Table 9: Revenue realised under various own resources in the ZP**

(₹ in lakh)

Sl. No.	Source of revenue	2009-10	2010-11	2011-12	2012-13	2013-14
1.	Circumstances & Property Tax	42.00	43.22	51.44	59.26	68.97
2.	License Fees	13.67	11.48	16.12	30.03	25.85
3.	<i>Haddi Chamrha</i>	0.00	0.00	0.00	0.00	0.00
4.	Cattle Pond	0.00	0.00	0.00	0.00	0.00
5.	<i>Tehbazari</i>	0.00	0.00	0.00	0.00	0.00
6.	Income from Shops	0.00	1.54	0.25	0.17	0.32
7.	Sand Morem/Stone mines	0.00	0.00	0.00	0.00	0.00
8.	Fisheries/ <i>Naukaghat</i>	11.91	9.98	5.15	13.51	6.24
9.	Fairs & Exhibition	0.00	0.00	0.00	0.00	0.00
10.	Others	0.00	0.00	0.00	71.52	84.65
	<b>Total</b>	<b>67.58</b>	<b>66.22</b>	<b>72.96</b>	<b>174.49</b>	<b>186.03</b>

(Source: Zila Panchayat Varanasi's record)

**Table 9** revealed that no revenue was realised from *Haddi Chamda*, Cattle Pond, *Tehbazari* and Fair and Exhibition during 2009-14 and license fee decreased in 2013-14 as compared to 2012-13. We noticed in audit that no amendment of bye-laws was made during 2009-14 for the mobilisation of revenues of the ZP.

On being pointed out *Apar Mukhya Adhikari* stated that efforts were being made to enhance the revenue. Reply is not acceptable as bye-laws were not amended during 2009-14.

### **2.2.29 Planning**

As discussed in Paragraph 2.2.6 *ante*, the ZPs were to prepare their annual development plans after inclusion of development plans of GPs and KPs for preparation of District Development Plan (DDP). However, we during audit noticed that the ZP did not prepare integrated DDPs during 2009-14 by compiling the plans of KPs and GPs.

During Exit Conference (February 2015), the Government assured to issue directions for consolidation of the annual development plans by ZP.

*ZP should prepare a consolidated annual development plan after compiling the plans of GPs and KPs.*

### **2.2.30 Implementation of Schemes: Finance Commission Grants**

As discussed earlier in Paragraph 2.2.7.2 *ante*, ZPs were to utilize the grant of TFC and SFC for maintenance of basic civic amenities like drinking water, sewerage, solid waste management, street lights etc. We noticed that 358 projects for ₹ 22.88 crore sanctioned under SFC and TFC during 2009-14. 80 projects (bituminous roads, cement concrete roads, interlocking and *khadanja*) pertaining to 2011-14 amounting to ₹ 5.59 crore were lying incomplete as of March 2014. We also noticed that no projects on water supply, solid waste management and street light were taken up.

During Exit Conference (February 2015), the Government stated that projects under SFC/TFC are incomplete due to shortage of technical staff.

### **2.2.31 Monitoring: Meetings of Zila Panchayat and its Committees**

As per provisions discussed in Paragraph 2.2.8 *ante*, six committees<sup>23</sup> constituted in the ZP were responsible for planning for development of the area, implementation of the programmes and monitoring of the works *etc.* and the ZP was to hold meeting of General Body at least once in two months. However, 22 against 30 meetings as per norms of *Zila Panchayat* were held in the ZP during 2009-14. Further, we noticed that the ZP did not supervise the works executed by the KPs and GPs as required under Section 33(3) of UP KP and ZP Act, 1961.

<sup>23</sup> Planning and Development Committee, Works Committee, Education Committee, Public Health Welfare Committee, Administrative Committee and Water Management Committee.



On this being pointed out, the Government replied (February 2015) that meetings of ZP were held as per provision of the Act and meetings of the committees were held as per requirements. Regarding non-supervision of KPs and GPs by ZP it was stated that the matter is under consideration.

The reply was not acceptable as there was 27 *per cent* shortfall of meetings of *Zila Panchayat* and only two out of six committees were functional which indicates inadequate monitoring.

During Exit Conference (February 2015), the Government assured that required meetings of different committees of *Panchayats* will be held in future.

### ***Kshetra Panchayats***

Three KPs Badagaon, Cholapur and Sewapuri out of eight KPs of district Varanasi were test-checked to review the working of these KPs. KPs are administered under UP KP and ZP Act. The elected body of KP, headed by *Pramukh*, is responsible for implementation of development programmes, levy and realisation of tax/ non-tax revenue etc.

#### **2.2.32 Preparation of budget**

As per provisions discussed earlier in Paragraph 2.2.9 *ante*, the KP was to prepare estimated budget of receipt and expenditure. However, we noted in audit that none of the three test-checked KPs prepared budget during 2009-14. The reason for non-preparation of budget could not be ascertained from record.

During Exit Conference (February 2015), the Government assured to issue fresh directives for preparation of budget in KPs.

#### **2.2.33 Generation of revenue in KPs**

As per provisions discussed in Paragraph 2.2.10 *ante*, the KPs was to generate revenue from own sources. However, we during audit noticed that no revenue was generated during the period 2009-14 from own resources in any of the test-checked KPs as required in the Act. Thus, the objective of KPs to become self-reliant could not be achieved.

During Exit Conference (February 2015), the Government assured to take suitable action for generation of revenue by KPs.

#### **2.2.34 Planning**

As per provisions discussed earlier in Paragraph 2.2.11 *ante*, the KPs were to prepare their development plans including plans of GPs and submit the compiled plan to ZP. However, we during audit noticed that though KPs prepared their annual plan, but they did not submit the consolidated development plan of KP and GPs to the ZP. The reason for non-submission of



integrated development plan of rural areas of the district could not be ascertained from record.

During Exit Conference (February 2015), the Government assured to issue directions in this regard.

*KP should submit its consolidated annual development plan to the ZP.*

### **Gram Panchayats**

Out of 702 GPs of district Varanasi, 15 GPs (*Appendix 2.2.1*) of three KPs Badagaon, Cholapur and Sewapuri were test-checked to review the working of these GPs. The GPs are administered under provisions of PR Act for providing civic amenities in villages. The elected body of the GP, headed by *Pradhan*, is responsible for implementation of various projects/schemes, levy & realisation of its tax/non-tax revenue etc.

#### **2.2.35 Preparation of budget**

As per provisions discussed in Paragraph 2.2.12 *ante*, GPs were to prepare an annual statement of the estimated receipt and expenditure. However, we noticed in audit that none of the 15 test-checked GPs prepared budget during 2009-14. The reason for non-preparation of budget was not available on record.

During Exit Conference (February 2015), the Government assured to issue fresh directives for preparation of budget in GPs.

#### **2.2.36 Generation of revenue in GPs**

As per provisions discussed earlier in Paragraph 2.2.13 *ante*, GPs were to generate revenue from own resources. However, we noticed during audit noticed that no revenue was generated during 2009-14 from their own resources in all the test-checked GPs so the objective of their becoming self-reliant could not be achieved.

During Exit Conference (February 2015), the Government assured to take suitable action for generation of revenue by GPs.

#### **2.2.37 Land Management**

As per provisions discussed in Paragraph 2.2.14 *ante*, GPs were to maintain a register for immovable assets and in case of any encroachment on GS land, a notice to the occupant was to be issued followed by institution of a case against such encroachment.

Test-checked GPs did not maintain immovable assets register. However, information collected from the concerned *Tehsils* of the district revealed 26 cases of encroachment in 1.964 hectare of *Gram Sabha* land which were subjudice. In the absence of immovable asset register, the assets of these GPs and encroachment on other GS land could not be ascertained in audit.

### 2.2.38 Conclusion

- In all the three ZPs, an amount of ₹ 36.18 crore (ZP Kaushambi: ₹ 12.65 crore ZP Mirzapur: ₹ 18.60 crore and ZP Varanasi: ₹ 4.93 crore) was remained unutilised as of March 2014 due slow progress of projects.
- There was short collection of revenue as compared to estimated revenue. The planning was also inadequate as ZPs did not prepare the district development plans of PRIs. Land management was ineffective as physical verification of assets was not carried out. Prescribed Committees for monitoring the development projects were not functional and ZPs also did not supervise works executed by KPs and GPs as required under Section 33(3) of UP KP and ZP Act, 1961.
- None of the test-checked KPs prepared the budget during 2009-14. These KPs also did not generate the income from their own sources. Further, KPs did not submit the compiled annual plans of GPs to ZP.
- Test-checked GPs did not prepare the budget during 2009-14 and they also could not generate the income from their own sources. Further, land management in the test-checked GPs was ineffective.

**2.3.1 Unfruitful expenditure****Expenditure of ₹ 11.61 lakh on construction of shops in Zila Panchayat, Rampur during 2008-09 was rendered unfruitful due to non-allotment.**

Government Order<sup>24</sup> (G.O.) provided that *Zila Panchayat* (ZP) may increase their income by constructing shops and shopping complexes on lands having commercial utility. The cost of construction was to be met out of the premium received in advance from the selected highest bidders among the interested parties. The premium was to be deposited immediately after completion of the bidding process.

Scrutiny of the records (October 2013) of ZP, Rampur revealed that administrative, financial and technical sanction for ₹ 16.26 lakh<sup>25</sup> was accorded (October and December 2008) under State Finance Commission (SFC) grant and was revised to ₹ 17.11 lakh<sup>26</sup> (March 2009) for construction of 22 shops<sup>27</sup> in *Tehsil Vilaspur* by the *Adhyaksh/ Apar Mukhya Adhikari* (AMA) of the ZP. The construction of 20 shops and two stair cases was completed (March 2009) by spending ₹ 17.11 lakh. It was observed that ZP made efforts 28 times to auction these shops during February 2009 to October 2013, but only six shops could be auctioned at a total cost of ₹ 5.50 lakh (February 2009) and remaining 14 shops were lying un-auctioned even after lapse of more than five years since their completion.

On this being pointed out in audit, AMA, ZP, Rampur replied (October 2013) that the shops were constructed after obtaining approval of ZP and allotment of shops did not take place as shops were situated on the first floor. Reply of the AMA was not acceptable because six auctioned shops were also situated on the first floor.

Thus, construction of shops out of SFC grant for commercial purpose, instead of from the premium collected in advance from the interested parties was in contravention to the G.O. dated 27 December 1997 and SFC guidelines. Further, demand for shops was also not assessed before their construction which led to non-allotment of the shops rendering expenditure of ₹ 11.61 lakh (₹ 17.11 lakh - ₹ 5.50 lakh) unfruitful.

In reply, the Government stated (February 2015) that premium for the shops was fixed at higher rates and the same would be revised for re-auction of the shops in future. The reply is not acceptable as the construction of shops was to be done from the premium amount and not from the grant of SFC.

During Exit Conference (February 2015) the Government, while accepting the facts and figures, assured that necessary action would be taken.

<sup>24</sup> 6336/33-3-97-185 G/97 dated 27 December 1997.

<sup>25</sup> ₹ 8.97 lakh for 12 shops and ₹ 7.29 lakh for 10 shops.

<sup>26</sup> ₹ 9.86 lakh for 12 shops (10 shops + two staircase) and ₹ 7.25 lakh for 10 shops.

<sup>27</sup> At the time of construction 20 shops and two stair case were constructed within the sanctioned cost.

### 2.3.2 Loss due to construction of sub-standard road

**Sub-standard cement concrete road in *Zila Panchayat*, Sant Kabir Nagar constructed at a cost of ₹ 28.98 lakh during 2009-10 was damaged prematurely and subsequently got repaired by incurring avoidable expenditure of ₹ 20 lakh.**

As per para 3.3 of Indian Road Congress: SP: 62-2004, concrete pavements designed and constructed will have a design life of not less than 20 years. Para 7.1 of Indian Road Congress: SP: 62-2004, applicable for rural roads, provides that the concrete pavement for rural roads is to be laid on a properly compacted sub-base and to be constructed on a subgrade of selected coarse-grained soil. Any loss to the *Zila Panchayat* (ZP)<sup>28</sup> due to substandard work or overpayment to the contractor, would attract recovery of 50 per cent of the loss from the contractor.

Scrutiny of the records (March 2013) of ZP, Sant Kabir Nagar revealed that estimate for construction of Cement Concrete Road from '*Khalilabad Mehdawal Mukhya Marg to Vikas Bhawan at village Badgo*' (length 410 metre and width 6 metre) for ₹ 29 lakh from the Twelfth Finance Commission grants was prepared in 2008-09 for which the technical sanction of ₹ 29 lakh was accorded by the Government of Uttar Pradesh (January 2009). The administrative and financial approval of the work for ₹ 29 lakh was accorded by the *Adhyaksh* of the ZP (January 2009). Contract for the work was awarded to the Contractor (January 2009). The work was completed in December 2009 after incurring expenditure of ₹ 28.98 lakh. It was observed that the road was damaged in less than two years as the work was executed without ascertaining proper compaction of earth under sub-base. The fact was reflected in the inquiry report of the Engineer, ZP (September 2011). Subsequently, the same road was got repaired in two phases, by incurring an expenditure of ₹ 20 lakh (₹ 10 lakh in December 2012 and ₹ 10 lakh in April 2013) under the State Finance Commission grant.

On this being pointed out in audit, the *Apar Mukhya Adhikari* (AMA), ZP stated (March 2013) that the work was executed in haste due to administrative pressure but the required quality was maintained. The reply of the AMA was not acceptable as the entire road was damaged in less than two years after its completion against the expected life of 20 years. Further, no proceeding for recovery of loss from the contractor was initiated as per the terms of the agreement.

Thus, due to non-adherence of the quality norms during construction of the road, the Government suffered a loss of ₹ 20 lakh.

In reply, the Government stated (February 2015) that district Sant Kabir Nagar is flood affected zone and due to high ground water level, the road gets cracked when overloaded. The reply is not acceptable as the inquiry report of Engineer ZP clearly states that damage was due to not ensuring proper compaction of earth under sub-base.

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<sup>28</sup> The agreement between contractor and *Apar Mukhya Adhikari*, ZP provided.

During Exit Conference (February 2015), the Government, while accepting the facts and figures, assured that necessary action would be taken.

### 2.3.3 Avoidable expenditure

#### **Non-observance of specifications in construction of rural link roads led to an avoidable expenditure of ₹ 35.07 lakh in Zila Panchayat, Aligarh.**

Specifications<sup>29</sup> relating to rural road issued by Uttar Pradesh Public Works Department (UPPWD), to be followed in construction of all rural roads by the *Panchayati Raj* Department, states<sup>30</sup> (June 2007) that Premix Carpeting (PC) and Seal Coat shall be laid directly by applying prime coat over top coat/Water Bound Macadam (WBM) surface i.e. first coat painting (P-1) was not required as per specification.

Scrutiny of the records (September 2013) of the *Zila Panchayat* (ZP), Aligarh revealed that administrative, financial and technical approval (April 2011 to January 2013) of ₹ 1.84 crore was accorded by the *Apar Mukhya Adhikari* (AMA) and Engineer, ZP respectively for construction of 20 rural link roads (7,773 metres). The roads were constructed between July 2011 and May 2013 for ₹ 1.82 crore. However, in contravention of PWD specifications, P-1 was laid between WBM and PC, leading to an avoidable expenditure of ₹ 35.07 lakh (*Appendix 2.3.1*).

On this being pointed out in Audit, the AMA, ZP stated (September 2013) that roads were constructed as per requirement of the site and provision of P-1 in the estimates has now been discontinued.

The reply was not acceptable as the specifications mentioned in the circular dated 13 June 2007 did not provide P-1 for rural roads, irrespective of site conditions. The reply confirms that the prescribed specification of UPPWD regarding construction of rural roads was not adhered to by the ZP resulting in an avoidable expenditure of ₹ 35.07 lakh.

During Exit Conference (February 2015), the Government, while accepting the facts and figures, assured that necessary action would be taken.

### 2.3.4 Fraudulent payment

#### **Fraudulent payment of ₹ 1.01 lakh, indicating the same labourer's name and dates of execution on two muster rolls, was made during 2011-12 in Kshetra Panchayat, Narakhi, District Firozabad.**

Section 101 A of the UP *Kshetra Panchayat* and *Zila Panchayat Adhiniyam*, 1961 states that all withdrawal of money from the fund of *Kshetra Panchayat* and disbursement thereof shall be made jointly by the *Pramukh* and *Khand Vikash Adhikari*/ Block Development Officer (BDO). Further, Rule 69 of UP *Zila Panchayat* and *Kshetra Panchayat* (Budget and General Accounts) Rules, 1965 stipulates that it will be the duty of concerned officers (*Zila Panchayat*

<sup>29</sup> Clause 511 and 513 of MORT&H specification 2001.

<sup>30</sup> Circular No. 3583 MT/60 MT/2007 dated 13.06.2007.

and *Kshetra Panchayat*) to maintain account of expenditures, keep it within budgetary/sanctioned limits and to scrutinize the bills to stop double payments.

Scrutiny of the records (March 2013) of *Kshetra Panchayat* (KP), Narakhi, District Firozabad revealed that for *khadanja work* “*Vinod kumar ki dukan se sahkari samiti hote huye nala puliya tak*” in village Jaudhari, under grants of the Second State Finance Commission (SFC), Technical sanction (₹ 9.16 lakh) was accorded by the Executive Engineer, Rural Engineering Department and Financial and Administrative sanction by BDO of the KP, respectively (September 2011). For the work executed between 25 November 2011 and 24 December 2011, payment of ₹ 95,580<sup>31</sup> (including expenditure on carted earth ₹ 33,600) was made through muster roll number 28 and 32 and a further payment of ₹ 1.01 lakh<sup>32</sup> on the same name and same execution dates (including expenditure on carted earth ₹ 43,200) was made through muster roll number 31 and 33 (***Appendix 2.3.2***).

Thus, fraudulent payment of ₹ 1.01 lakh, was made in *Kshetra Panchayat*, Narakhi, District Firozabad during 2011-12.

The Government accepted the audit contention (September 2014) and intimated that recovery proceedings have been initiated.

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<sup>31</sup> 29 labourers for 413 mandays @ ₹ 120 per day; 4 *mistri* 54 mandays @ ₹ 230 per day and 3 tractors for 42 man days @ ₹ 800 per day.

<sup>32</sup> 28 labourers for 395 man days @ ₹ 120 per day; 4 *mistri* 46 mandays @ ₹ 230 per day and 4 tractors for 54 man days @ ₹ 800 per day.

## CHAPTER 3

### AN OVERVIEW OF ACCOUNTS AND FINANCES OF URBAN LOCAL BODIES

#### 3.1 Introduction

The 74<sup>th</sup> Constitutional Amendment Act (1992) paved the way for decentralisation of powers and transfer and devolution of more functions and funds to Urban Local Bodies (ULBs). Consequently, more diversified responsibilities were devolved through three tier structure namely, *Nagar Nigam*<sup>1</sup> (NN), *Nagar Palika Parishad*<sup>2</sup> (NPP) and *Nagar Panchayat*<sup>3</sup> (NP). To incorporate the provisions of the 74<sup>th</sup> Constitutional Amendment, the legislature of Uttar Pradesh enacted (1994) the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994.

The Government implemented the system of democratic governance down to grass root level in ULBs through the Uttar Pradesh *Nagar Palika* Act, 1916 and Uttar Pradesh Municipal Corporation Act, 1959. The objective was to make ULBs self-reliant and to provide better civic facilities to the people of the areas under their jurisdictions.

#### 3.2 State Profile

Uttar Pradesh is the fifth largest State in the country in terms of size and span with an area of 2.41 lakh square kilometre. There were 630 ULBs in the State, governed by elected members of the boards with normally five years tenure. The last election to these ULBs was held in 2012. The profile of ULBs as compared to national value is given in **Table 1**.

**Table 1: Significant statistics of the state**

Sl. No.	Indicator	Unit	State Value	National Value
1	Urban population	<i>Per cent</i>	22.27	31.16
2	Number of ULBs	Number	630	3,842
3	Number of NNs	Number	13	139
4	Number of NPPs	Number	194	1,595
5	Number of NPs	Number	423	2,108
6	Gender Ratio (Urban)	Females per 1000 Males	894	926
7	Literacy(Urban)	<i>Per cent</i>	75.14	84.98

(Source: Census Report 2011 and Thirteenth Finance Commission Report)

<sup>1</sup> Represents ULBs, having the population of more than five lakh.

<sup>2</sup> Represents ULBs, having the population between 20 thousand and five lakh.

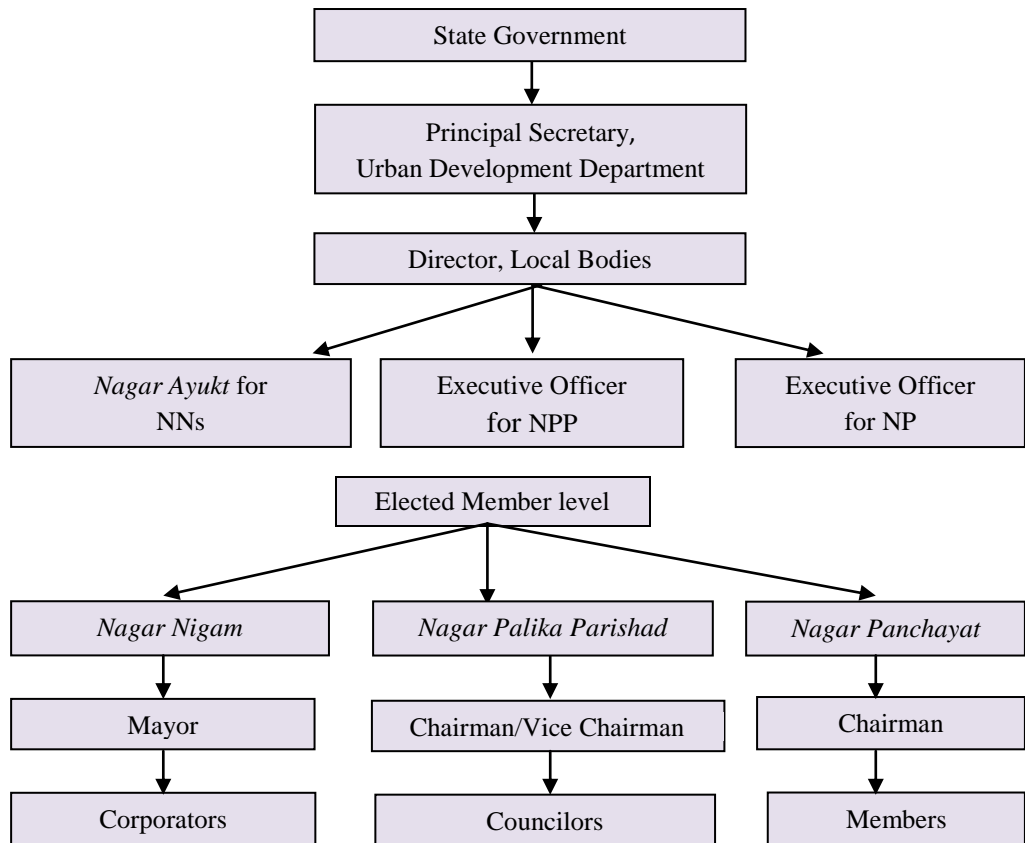
<sup>3</sup> Represents ULBs having the population below 20 thousand.



### 3.3 Organisational structure of ULBs

Chart 1 depicts the organisational structure of ULBs in the State.

**Chart 1: Organisational structure of ULBs**



(Source: Director, Local Bodies, Lucknow)

While Mayor heads the NN, Chairman heads NPP and NP. The elected representatives exercise their powers and discharge duties through the committees of elected members. *Nagar Ayukt* in case of NN and Executive Officer in case of NPP and NP are the administrative heads. At the Government level the Director, Local Bodies is the head of respective bodies under overall control of Principal Secretary, Urban Development Department (UDD).

#### 3.3.1 Standing Committees in ULBs

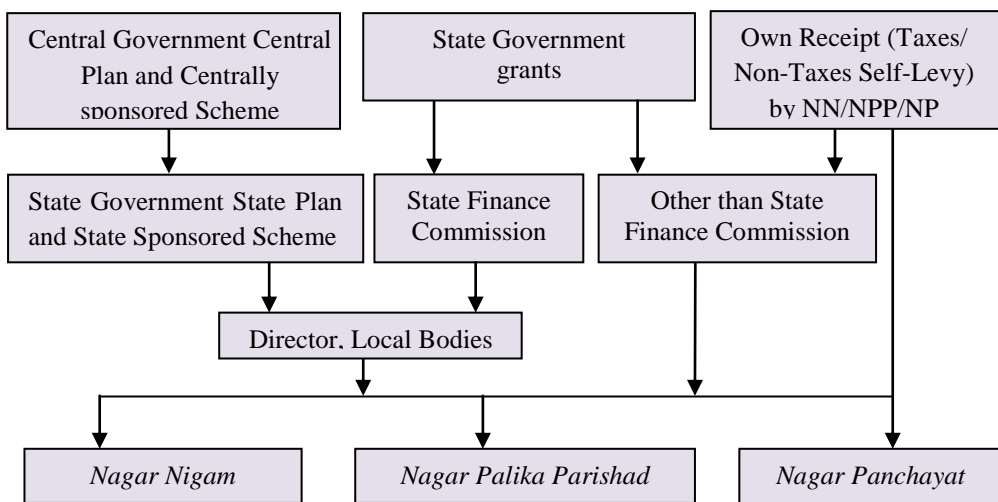
As per the provisions of Sections 88 to 105 of Uttar Pradesh *Nagar Nigam* Act, 1959 and Sections 104 to 112 of Uttar Pradesh *Nagar Palika* Act, 1916, a number of standing committees were required to be formed to carry out the business of ULBs. However, no information relating to committees formed and working in ULBs has been furnished by the Director, Local Bodies, though called for (January 2015).

### 3.4 Financial Profile

#### 3.4.1 Fund flow to ULBs

The resource base of ULBs consists of own receipts, State Finance Commission (SFC) grants, Central Finance Commission (CFC) grants, State Government grants and Centrally Sponsored Scheme (CSS) for maintenance and development purposes. The fund-wise sources and its custody for each level are given in **Chart 2 and Table 2**.

**Chart 2: Fund Flow of Local Bodies**



(Source: Director, Local Bodies, Lucknow)

**Table 2: Fund flow arrangement in major Centrally Sponsored Flagship Scheme**

Name of Scheme	Fund flow arrangement
Jawaharlal Nehru National Urban Renewal Mission (JNNURM)	As per guidelines issued by the Ministry of Urban Development, Government of India (GoI) fund under JNNURM from all sources (Central, State, ULB), according to their respective percentage share, flow to the State Level Nodal Agency's (SLNA) Account and from this, funds are released to the project account maintained by concerned ULBs for which project was sanctioned.

(Source: Director, Local Bodies, Lucknow)

#### 3.4.2 Flow of revenue

With the constitution of Eleventh Finance Commission, ULBs were brought within purview of the Finance Commissions for the first time. The objective was to augment Consolidated Fund to enable the State to supplement resources of ULBs. Accordingly, the Twelfth Finance Commission recommended release of grants to the State Government. State Government was also to release grants to ULBs as recommended by its own State Finance Commissions. In all, the sources of revenues for ULBs comprised:

- Grants assigned under Twelfth/Thirteenth CFC;
- Devolution of seven *per cent* of net proceeds of total Tax Revenue of the State Government under recommendations of the Third SFC;

- Funds from departments for functions transferred to ULBs; and
- Revenue earned by ULBs out of their own resources *i.e.* taxes, rent, fee etc.

The position of receipt and expenditure of ULBs during 2009-14 is given in **Tables 3**.

**Table 3: Receipt and expenditure of ULBs during 2009-14**

(₹ in crore)

Sl. No.	Year	Source of revenue							Total receipt	Expenditure		
		Own Revenue				Transfers from 12 <sup>th</sup> CFC/ 13 <sup>th</sup> CFC	Assigned + Devolution (SFC)	JNNUR M+ Adarsh Nagar Yojana		Revenue	Capital	Total
		Tax Revenue		Non-Tax (Inclusive of User Charges)	Total Own Receipts							
		Immovable Property Tax	Other Taxes									
1.	2009-10	455.04	57.68	271.07	783.79	103.40	2,290.45	870.56	4,048.20	3,162.04	1,732.23	4,894.27
2.	2010-11	507.39	78.67	350.34	936.40	274.92	2,730.74	962.98	4,905.04	3,359.90	1,893.87	5,253.77
3.	2011-12	647.16	68.88	373.15	1,089.19	517.51	3,354.37	1,539.28	6,500.35	4,207.63	2,457.61	6,665.24
4.	2012-13*	776.60	82.66	447.76	1,307.02	756.49	3,993.98	1,355.34	7,412.83	5,049.15	2,949.13	7,998.28
5.	2013-14	N.A	N.A	N.A	N.A	760.01	5,809.65	1,108.67	N.A	N.A	N.A	N.A

(Source: Director, Local Bodies, Lucknow)

\* (Estimated + Actual)

Note: Figures of 2013-14 was partially made available (January 2015) by Director, Local Bodies, Lucknow.

**Table 3** indicates that expenditure during 2009-13 was in excess over the receipts. On this being pointed out, the Director, Local Bodies, Lucknow intimated that arrear funds of preceding years have been spent in following years.

### 3.4.3 Budget provision and releases to ULBs

The position of budget provision *vis-a-vis* funds released by State Government to ULBs is given in **Table 4**.

**Table 4: Budget provision of SFC funds from State Budget**

(₹ in crore)

Sl. No.	Financial Year	General		Revised		Total		Less (-)/ More (+)
		Budget Provision	Released	Budget Provision	Released	Budget Provision	Released	
1.	2009-10	2,120.59	2,065.13	25.15	25.15	2,145.74	2,090.28	(-)55.46
2.	2010-11	2,565.68	2,514.37	45.15	45.15	2,610.83	2,559.52	(-)51.31
3.	2011-12	2,790.00	2,758.76	326.13	326.13	3,116.13	3,084.89	(-)31.24
4.	2012-13	3,373.65	3,303.91	393.66	393.66	3,767.31	3,697.57	(-)69.74
5.	2013-14	4,875.00	4,808.61	1,001.04	1,001.04	5,876.04	5,809.65	(-) 66.39

(Source: Director, Local Bodies, Lucknow)

It would be seen from the **Table 4** that during 2009-14, SFC fund was not released according to budget provision and total release was less than the budget provision.

### Allocation of CFC fund

The allocation and release of CFC fund to ULBs during the period 2009-14 is given in **Table 5**.

**Table 5: Allocations of CFC funds****(₹ in crore)**

Sl. No.	Financial Year	General Basic Grant		General Performance Grant		Total		Less (-)/ More (+) to total sanction
		Sanctioned	Released	Sanctioned	Released	Sanctioned	Released	
1	2009-10	103.40	103.40	-	-	103.40	103.40	-
2	2010-11	274.92	274.92	-	-	274.92	274.92	-
3	2011-12	318.83	344.60	109.02	172.91	427.85	517.51	(+) 89.66
4	2012-13	372.61	391.47	255.72	365.01	628.33	756.48	(+)128.15
5	2013-14	441.50	451.62	301.63	308.39	743.13	760.01	(+) 16.88

(Source: Director, Local Bodies, Lucknow)

It would be seen from the **Table 5** that the CFC fund released to ULBs during 2011-14 was higher than the fund sanctioned due to release of additional CFC grants as the State Government had fulfilled the nine conditions of the 13<sup>th</sup> Finance Commission for additional grants. In addition to that the fund of non-performing States is also distributed among the performing States.

During audit of ULBs, we also noticed the cases of improper preparation of accounts, irregular operation of bank accounts, non-reconciliation of bank accounts, non-implementation of e-governance.

#### 3.4.4 Expenditure under major CSS

JNNURM was the major CSS being implemented in ULBs. The GoI launched (December 2005) JNNURM with the objective of encouraging the reforms and fast-tracking development of major cities. Expenditure through ULBs during 2009-14 under this scheme is given in **Table 6**.

**Table 6: Expenditure under JNNURM****(₹ in crore)**

Sl. No.	Year	Allotment	Expenditure
1	2009-10	770.52	770.52
2	2010-11	866.50	866.50
3	2011-12	1,512.43	1,512.43
4	2012-13	1,279.38	1,279.38
5	2013-14	911.63	911.63
<b>Total</b>		<b>5,340.46</b>	<b>5,340.46</b>

(Source: Director, Local Bodies, Lucknow)

It would be seen from the **Table 6** that the entire funds allotted were utilised by the ULBs during 2009-14. Director, Local Bodies, Lucknow intimated that the funds released to ULBs were treated as final expenditure.

#### 3.4.5 Revenue realised from own resources

ULBs were required to generate revenues by collecting taxes, rent, fees etc., from the people of the area under their jurisdiction. Position of target fixed by the Government for revenue realisation and achieved there against during 2012-14 is given in **Table 7**.

**Table 7: Revenue realised from own resources**

(₹ in crore)

Category of ULBs	No. of Units	2012-13			2013-14		
		Target	Achievement	Percentage of shortfall	Target	Achievement	Percentage of shortfall
NNs	13	1,117.80	999.84	11	1,334.46	806.98	40
NPPs	194	358.65	238.64	33	426.63	320.84	25
NPs	423	91.85	68.54	25	114.37	75.80	34

(Source: Director, Local Bodies, Lucknow)

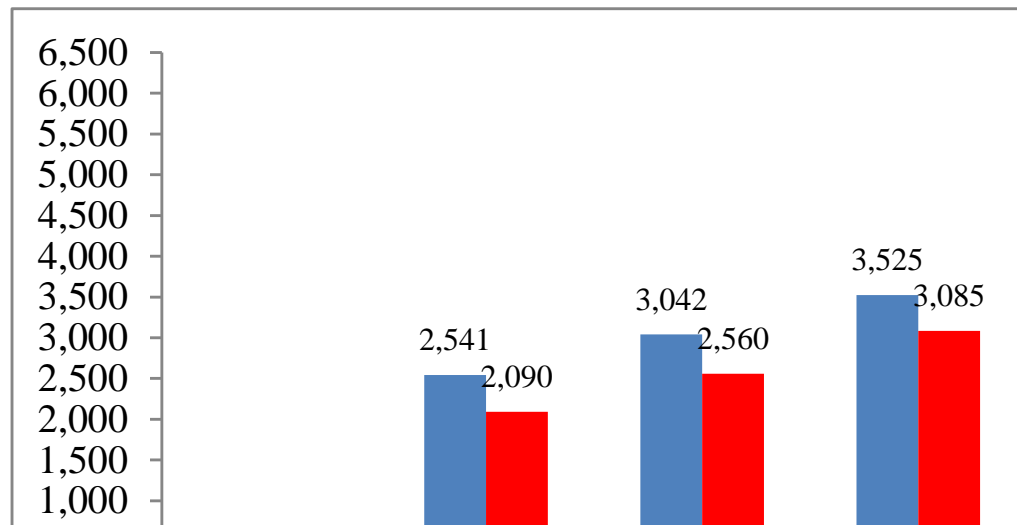
It would be seen from the **Table 7** that the target fixed by the Government was not achieved by ULBs during 2012-13 and 2013-14. However, the reason for non-achievement was not analysed by the ULBs for taking corrective steps in future.

### 3.4.6 Devolution of SFC grant

Second SFC recommended that 7.5 per cent of net proceeds of the Tax Revenue of the State Government should be devolved to ULBs but the Third SFC reduced it to 7 per cent. The devolution of funds during 2009-14 is given in **Chart 3** and **Appendix 3.1**.

**Chart 3: Devolution of SFC grants vis-à-vis net proceeds**

(₹ in crore)



(Source: Director, Local Bodies, Lucknow)

It would be seen from **Chart 3** that the Government did not devolve the envisaged share of net proceeds of the Tax revenue during 2009-13 as recommended by the Second and Third SFC, however, during 2013-14 the devolved fund was exceeded by 32 per cent. No reasons for non-devolution of funds as per norms were made available to audit though called for.

### 3.5 Maintenance of Accounts

#### *Adoption of account formats prescribed by the CAG*

The CAG on the recommendation of the 11<sup>th</sup> Finance Commission prescribed the Budget and accounting formats for accrual based accounts for ULBs. The

Ministry of Urban Development circulated (June 2003) it to the State Governments for their acceptance. The State Government issued an order (June 2008) for the implementation of the same in ULBs from the financial year 2009-10 onwards.

As of July 2014, out of 630 ULBs, 611 were in advanced stage of operationalising accrual based Double Entry Accounting System. Only 436 ULBs had finalised their Balance Sheet from the financial year 2009-10 upto 2011-12. Director, Local bodies assured (July 2014) to implement it fully in all ULBs by March 2014, the status of implementation was not made available by the Director, Local Bodies, Lucknow (January 2015).

### 3.6 Audit Mechanism

#### 3.6.1 Primary auditor

Director, Local Fund Audit (DLFA) is the primary auditor of ULBs in terms of the Uttar Pradesh Local Fund Audit Act, 1984. The accounts of such bodies ranging from 13 to 20 *per cent* remained unaudited by DLFA, Allahabad and were in arrears at the close of the years 2010-14. The year-wise position of audit of accounts conducted by DLFA and arrears thereof is given in **Table 8**.

**Table 8: Year-wise position of audit of units**

Sl. No.	Year	Number of units		Units in arrear	
		Planned for audit	Audited	In number	In per cent
1	2010-11	624	542	82	13
2	2011-12	625	529	96	15
3	2012-13	624	510	114	18
4	2013-14	628	500	128	20

(Source: Director, Local Fund Audit)

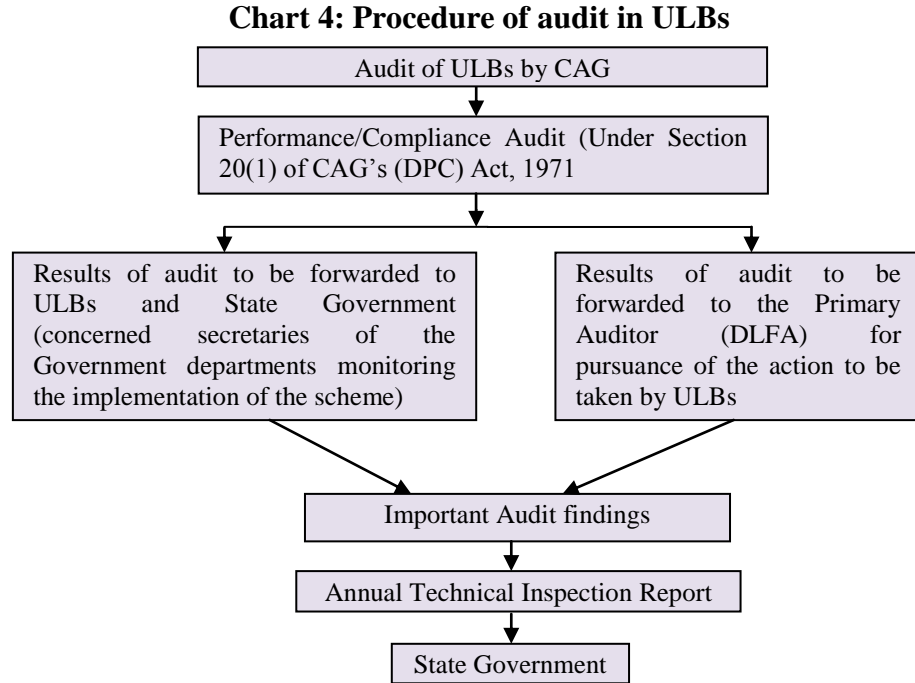
The DLFA, in terms of Section 8(3) of Uttar Pradesh Local Fund Audit Act, 1984, was required to prepare a consolidated audit report on the accounts of ULBs and submit it to the Government for placing it before the Legislative Assembly. However, such reports were placed up to 2009-10 only. Thus, the placement of consolidated Audit Report to State Legislature was in arrears for the period 2010-13.

#### 3.6.2 Audit mandate of the CAG

- Technical Guidance and Support (TGS) to Local Fund Auditors/Director, Local Fund Audit is to be given by the CAG under Section 20(1) of CAG's (DPC) Act, 1971.
- The parameters of TGS include test-check of accounts of ULBs, review of the auditing system and the internal control system of the Local Fund Auditor.
- As a part of the TGS arrangements, the reports of the test-check of ULBs were sent by the Principal Accountant General (G&SSA), UP, Allahabad to Director, Local Fund Audit (DLFA) for ensuring compliance of audit paragraphs.

- The result of audit *i.e.*, Annual Technical Inspection Reports (ATIR) on ULBs were sent to the Secretary, Urban Development Department; Director, Local Bodies and DLFA for compliance and pursuance of action.

Procedure of audit of ULBs is depicted in **Chart 4**:



The 11<sup>th</sup> Finance Commission recommended TGS arrangements for proper maintenance of accounts of ULBs and their audit by the CAG under Section 20(1) of CAG's (DPC) Act, 1971. As per recommendations of the 13<sup>th</sup> Finance Commission, the CAG is to be entrusted with TGS for all Local Bodies for all States, which will be a necessary consequence of the standardisation of accounting formats for all local bodies across State and to provide a credible assurance from the audit of accounts. The Government entrusted the audit of local bodies to the CAG in October 2001 and reiterated in March 2011. Categories of ULB units planned and audited during 2012-14 are depicted in **Table 9**.

**Table 9: Audit of ULBs**

Category of ULB	2012-13		2013-14	
	Unit planned	Audited	Unit planned	Audited
NNs	8	6	11	10
NPPs	29	31	64	62
NPs	60	49	60	56

(Source: Audit plan of office of the Principal Account General (G&SSA), UP, Allahabad)

Four hundred eighty five audit paragraphs (value: ₹ 3,787.45 crore) relating to the year 2012-13 and 756 audit paragraphs (value: ₹ 4,107.19 crore) related to the year 2013-14 were communicated to the heads of offices of the ULBs and the DLFA. However, no audit paragraphs were settled upto March 2014.



### 3.7 Human resource arrangement

Position of human resource arrangement for implementation of schemes and manpower sanctioned in ULBs *vis-a-vis* men-in-positions are given in **Table 10**.

**Table 10: Human resource arrangement**

Category of employees (As on 31-03-2013) <sup>4</sup>						
Categories of employees		NNs	NPPs	NPs	Total	
Centralised	Sanctioned	1,456	1,124	427	3,007	
	Working	794	639	218	1,651	
Non-centralised	Sanctioned	16,997	12,665	3,215	32,877	
	Working	Regular	11,385	10,727	2,915	25,027
		Non-regular	726	804	539	2,069
	<b>Total</b>	<b>12,111</b>	<b>11,531</b>	<b>3,454</b>	<b>27,096</b>	
<i>Safai Karmchari</i>	Sanctioned	26,640	19,410	4,915	50,965	
	Working	Regular	18,314	15,263	4,166	37,743
		Non-regular	12,929	13,053	7,555	33,537
	<b>Total</b>	<b>31,243</b>	<b>28,316</b>	<b>11,721</b>	<b>71,280</b>	
<b>Total employees</b>	<b>Sanctioned</b>	<b>45,093</b>	<b>33,199</b>	<b>8,557</b>	<b>86,849</b>	
	<b>Working</b>	<b>44,148</b>	<b>40,486</b>	<b>15,393</b>	<b>1,00,027</b>	

(Source: Director, Local Bodies, Lucknow)

It would be seen from the **Table 10** that in centralised and non-centralised category employees, 1,651 against the sanctioned strength of 3,007 (shortage of 45 per cent) and 25,027 against the sanctioned strength of 32,877 (shortage of 24 per cent) were working respectively. The shortages in non-centralised category were met to some extent by engaging 2,069 non-regular employees. In the category of *Safai Karmchari*, 37,743 employees were working as regular against the sanctioned strength of 50,965 with a shortage of 25.94 per cent. Against the shortage of 13,222 regular *Safai karmchari*, 33,537 non-regular *Safai Karmchari* were engaged in excess.

#### 3.7.1 Training

One lakh twenty seven employees were working (March 2013) in 630 ULBs. There were 630 Mayors/Chairmen and 11,290 elected Corporators/Members on the boards of ULBs. Director ULB intimated (July 2014) that for urban management and human resource development, UP lacks required infrastructure and institutional setup. To work in the spirit of the 74<sup>th</sup> Constitutional Amendment for empowerment of hub of urban development, there is an urgent need to design training module which is specific to the nature of duties and responsibilities of municipal functionaries. Director, Local Bodies proposed (August 2013) to establish an academy to improve the skill of the employees. We noticed that the Academy proposed for training was yet to be established as of July 2014.

<sup>4</sup> Category-wise position as on 31 March 2014 was not available with the Director, Local Bodies, Lucknow.

### 3.8 Transfer of functions to ULBs

Article 243-W of the Constitution refers to the powers, authority and responsibilities that the legislature of a State may provide to municipal bodies for enabling them to function as institutions of self-governance. As a follow up to the 74<sup>th</sup> Constitutional Amendment Act, 1992, the State Legislature enacted (March 1996) laws for devolving 18 functions to ULBs as detailed in **Appendix 3.2**.

The Constitution envisages an active role of these bodies in poverty alleviation and planning for economic and social development of the urban areas. It was the responsibility of the States to strengthen the ULBs by devolving the specific powers and responsibilities.

The State Government specified (March 1996) that the functions of ULBs would be performed by different agencies. The functions of ULBs, listed in the 74<sup>th</sup> amendment incorporated in Sections 7 and 114 of the UP Municipal Act, 1916 and the UP Municipal Corporation Act, 1959 respectively, were being performed by Development Authorities and Regional *Jal Sansthan*s, Regulated Area Authorities and concerned Government Departments.

According to the aforesaid Government orders out of 18, the following eight functions would be performed exclusively by ULBs:

- i. Water supply for domestic, industrial and commercial purposes.
- ii. Public health, sanitation, conservancy and solid waste management.
- iii. Provision of urban amenities and facilities, such as parks, gardens and play grounds.
- iv. Burials and burial grounds, cremation and cremation grounds.
- v. Cattle ponds, prevention of cruelty to animals.
- vi. Vital statistics including registration of births and deaths.
- vii. Public amenities including street lighting, parking lots, bus stops etc.
- viii. Regulation of slaughter houses and tanneries.

The following functions would continue to be performed by Government departments/agencies as mentioned in **Table 11**.

**Table 11: Functions performed by Government departments/ agencies**

Sl. No.	Services	Department
1.	Fire services	Fire Fighting Department
2.	Urban forestry	Forest Department
3.	Protection of environment and promotion of ecological aspects	Environment Department
4.	Safeguarding the interest of weaker sections of society including handicapped and mentally retarded people	Urban Poverty Alleviation and Employment Department through SUDA and DUDA
5.	Slum improvement and up gradation	Urban Poverty Alleviation and Employment Department through SUDA and DUDA

(Source: Director, Local Bodies, Lucknow)

The responsibility for discharging the following functions has been shared between ULBs and other Government agencies as mentioned in **Table 12**.

**Table 12: Sharing of functions between ULBs and Government Agencies**

Sl. No.	Services	Department/ Government Agencies
1.	Urban planning including town planning.	Urban Development Authorities in 27 cities and by ULBs in remaining towns.
2.	Regulation of land use and construction of buildings.	Development Authorities in 27 cities, Regulated area Authorities in 74 towns and ULBs in remaining towns.
3.	Promotion of cultural, educational and aesthetic aspects.	(i) Cultural Activities State Culture Department and ULBs.
		(ii) Education Education Department except middle level schools in Corporations.
		(iii) Aesthetic aspect Government Departments and ULBs.
4.	Planning for economic and social development.	Development Authorities, <i>Vikas Parishads</i> , ULBs, SUDA, UP <i>Jal Nigam</i> , UP <i>Jal Sansthans</i> and other departments.
5.	Roads and bridges	Development Authorities & ULBs.

(Source: Director, Local Bodies Lucknow)

As per Paragraph 10.168 of the 13<sup>th</sup> Finance Commission recommendation, development authorities are to be dissolved and their functions taken over by the local bodies under whose jurisdiction they operate. It further pointed out (Para 10.132), one of the reform measures mandated under Jawaharlal Nehru National Urban Renewal Mission (JNNURM) is "assigning or associating elected ULBs with city planning functions and transferring all special delivery civic services in urban areas to ULBs over a period of seven years". In the interim, it was recommended that these bodies should share a percentage of their income (including income from sale of land) with local bodies.

The Constitution envisages an active role of these bodies in poverty alleviation and planning for economic and social development of the urban areas as well. However, partial devolution of the funds, functions and functionaries restricted the activities of ULBs.

### 3.9 Constitution of District Planning Committee

Article 243 ZD of the Constitution of India (Constitution) inserted vide 74<sup>th</sup> Constitutional Amendment Act in 1993 states that "There shall be constituted in every State at the district level a District Planning Committee (DPC) to consolidate the plans prepared by the *Panchayats* and the Municipalities in the district and to prepare a draft development plan for the district as a whole".

In pursuance with the above amendment, the Government of Uttar Pradesh enacted the Uttar Pradesh DPC Act, 1999 (July 1999). The Act provides that there shall be constituted a DPC in each district to prepare District Development Plan (DDP) for whole of the district integrating the plans prepared by ULBs and allocate funds to sectors and sub-sectors within outlines of the DDP.

DPCs were constituted in April 2008 but became functional from December 2009 only.

### **3.10 Internal Control**

The State Government decided (2008) to adopt the accrual based double entry accounting system in the ULBs with a view to present true and fair picture of assets and liabilities in the balance sheet of test-checked records in audit of ULBs

### **3.11 Conclusion**

- The grants made available to ULBs were treated as final expenditure in the records of the Director, Local Bodies Lucknow.
- The Government did not devolve the envisaged share of net proceeds of the Tax Revenue as per norms recommended by the Second and Third SFC.
- The maintenance of accounts was inadequate and the approved formats of account recommended by the CAG were not adopted.
- Compliance of audit paragraphs was pending since long.
- Full devolution of funds, functions and functionaries to ULBs as envisaged in the Constitution did not take place.

The matter was reported (October 2014) to the Government; reply is awaited (February 2015).

## Chapter 4

### 4.1 Performance Audit of Urban Local Bodies under Kanpur Commissionerate/Mandal

#### Executive summary

Urban Local Bodies (ULBs) are administered under the Municipal Corporation Act, 1959 (MCA) & Municipalities Act, 1916 (MA) and are responsible for providing municipal services. Performance Audit of ULBs under Kanpur *Mandal* for the period from 2009-14 revealed the following deficiencies:

#### **Kanpur Nagar Nigam (KNN)**

- Against the total available funds of ₹ 3,563.06 crore, only 90 *per cent* funds were utilised by KNN and *Jal Kal Vibhag* during 2009-14. Further, there was shortfall of 41 and 61 *per cent* in collection of own revenue against demands of ₹ 919.05 crore and ₹ 768.52 crore raised respectively by Kanpur *Nagar Nigam* and *Jal kal Vibhag* during 2009-14. Annual rental value, in respect of property tax, was not revised at the prescribed intervals.

*(Paragraphs 4.1.7.1 & 4.1.7.2)*

- Budget estimates for the year 2009-10, 2011-12 and 2012-13 were not laid before Executive Committee and Corporation. The budget estimates for the years 2010-11 and 2013-14 were submitted to Executive Committee with delays of 81 days and 70 days respectively.

*(Paragraph 4.1.7.3)*

- Annual accounts for the years 2010-11 to 2013-14 were not finalised as of November 2014. The annual account for the year 2009-10 was finalised in September 2012 with delays of 27 months. Further, there was unreconciled difference of ₹ 3.75 crore between closing balance of cash books and bank accounts of KNN.

*(Paragraph 4.1.7.4)*

- In violation of government order, 15 bank accounts were opened in four private banks and ₹ 1.48 crore was transferred from nationalised banks to private banks during 2012-14.

*(Paragraph 4.1.7.4)*

- Annual Development Plans were not prepared, though it was required under Municipal Corporation Act, 1959.

*(Paragraph 4.1.8)*

- Contract management was inadequate as agreements of 150 works amounting to ₹ 13.74 crore were not signed before commencement of works and 75 agreements of ₹ 5.15 crore were signed after completion of the works.

**(Paragraph 4.1.9.2)**

- Management of Municipal Solid Waste (MSW) was inadequate, as 746.86 thousand Metric Ton (MT) MSW (38 *per cent*) out of total generated 1,979.35 thousand MT MSW remained uncollected in the city during 2010-14. Further, out of 1,232.49 thousand MT MSW collected from the city for processing, 425.68 thousand MT MSW (35 *per cent*) was lying dumped at MSW processing plant.

**(Paragraph 4.1.11.1)**

- Facility of drinking water was in-sufficient in KNN. As against the total requirement of 520 million liter *per day* (mld), only 424 mld of drinking water was being supplied by *Jal Kal Vibhag* though its established capacity was of 638 mld. The shortfall in supply of water was due to failure of *Jal Kal Vibhag* to provide water connections to the households/bulk consumers.

**(Paragraph 4.1.12.1)**

- Mandatory meetings of Corporation and Executive Committees were not held as per prescribed norms. Audit of accounts was not carried out by *Mukhya Nagar Lekha Parikshak* during 2009-14.

**(Paragraph 4.1.15)**

#### ***Nagar Palika Parishads (NPPs)***

Out of 12 NPPs under Kanpur *Mandal*, three NPPs *i.e.*, Ghatampur, Kannauj and Kayamganj, were selected for test-check of records. Audit of test-checked *Nagar Palika Parishads* for the period 2009-14 revealed the following deficiencies:

- Against the total available funds of ₹ 113.53 crore, only 89 *per cent* funds were utilised by three test-checked NPPs. There was shortfall of eight *per cent* in collection of own revenue against the demands of ₹ 13.84 crore. Further, the assessment lists of property tax were also not revised at the prescribed intervals of five years.

**(Paragraphs 4.1.16.1 & 4.1.16.2)**

- Annual accounts for the period 2009-14 and 2010-14 were not prepared in NPPs, Kayamganj and Kannauj respectively.

**(Paragraph 4.1.16.4)**

- Annual Development Plans were prepared but these were not presented to Municipality for approval in test-checked NPPs as required under Municipalities Act, 1916.

**(Paragraph 4.1.17)**

- In NPP, Kannauj, 18 works related to construction of roads and drains of ₹ 1.51 crore were executed by Executive Officer without approval of Municipality during 2013-14.

*(Paragraph 4.1.18 )*

- Mandatory meetings of Municipality were not held as per prescribed norms in test-checked NPPs.

*(Paragraph 4.1.21)*

#### ***Nagar Panchayats (NPs)***

Out of 28 NPs under Kanpur *Mandal*, seven NPs *i.e.*, Atsu, Ekdil, Kamalganj, Shivli, Shivrajpur, Talgram and Tirwaganj were selected. Audit of test-checked *Nagar Panchayats* for the period 2009-14 revealed the following deficiencies:

- Against the total available funds of ₹ 55.54 crore, only 79 *per cent* funds were utilised by test-checked NPs. There was shortfall in collection of own revenue (37 *per cent*) against the total demand of ₹ 6.15 crore in test-checked NPs.

*(Paragraphs 4.1.22.1 & 4.1.22.2)*

- Annual accounts were not prepared by NPs Kamalganj, Talgram and Tirwaganj.

*(Paragraph 4.1.22 .4 )*

- In NP Kamalganj, Annual Development Plans were not prepared during 2009-14. NPs Atsu, Ekdil, Shivli, Talgram and Tirwaganj prepared Annual Development Plans, but these were not presented to Municipality for approval as required under Municipalities Act, 1916.

*(Paragraph 4.1.23 )*

- Procurements were made without assessment of requirement as a result three submersible pumps of ₹ 6.86 lakh (procured during 2011-12) were lying idle in NPs Talgram and Tirwaganj. One drain cleaning machine and one sewer suction machine of ₹ 15.44 lakh was also lying idle in NP, Kamalganj for want of tractor of required capacity.

*(Paragraph 4.1.24 )*

- Mandatory meetings of Municipality were not held as per prescribed norms in test-checked NPs.

*(Paragraph 4.1.25)*

#### **4.1.1 Introduction**

To implement the 74<sup>th</sup> Constitutional Amendment Act (1992), the State Government enacted “Uttar Pradesh Local Self Government Law

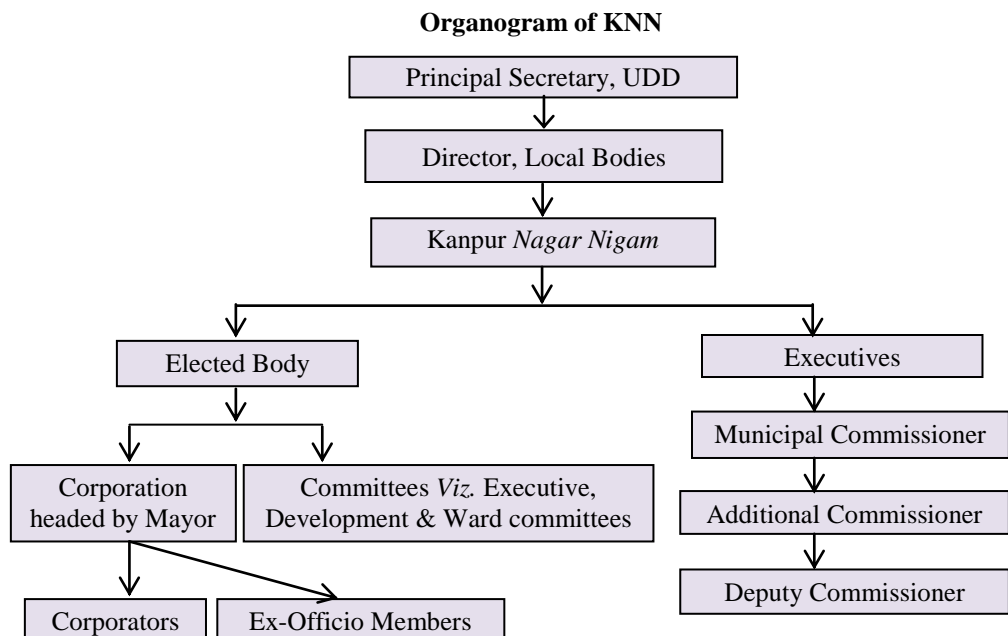


(Amendment) Act 1994” (Act) and provided constitutional status to Urban Local Bodies (ULBs) for local self-governance. Three level of ULBs were created under the Act viz., *Nagar Nigams* for large urban areas, *Nagar Palika Parishads* (NPPs) for smaller urban areas and *Nagar Panchayats* (NPs) for transitional areas. For decentralisation of powers and devolution of more functions to the ULBs, required amendments were also carried out by Act in UP Municipal Corporations Act, 1959 (MCA) and UP Municipalities Act, 1916 (MA).

ULBs under Kanpur *Mandal* were administered under the provisions of MCA and MA. Kanpur *Mandal* is divided in six districts i.e. Auraiya, Etawah, Farrukhabad, Kannauj, Kanpur Dehat & Kanpur Nagar. There are one *Nagar Nigam* i.e. Kanpur *Nagar Nigam* (KNN), 12 NPPs and 28 NPs in Kanpur *Mandal*. These ULBs were required to perform such functions (**Appendix 3.2**) and exercise such powers as embodied in MCA and MA. Few important functions of ULBs include providing sanitation through drainage, sewerage and municipal solid waste management; providing drinking water and street lighting; construction and maintenance of roads etc.

#### 4.1.2 Organisational structure

Principal Secretary, Urban Development Department (UDD) and Director, Local Bodies (LBs) are responsible for co-ordination and monitoring of ULBs at the Government and the Department levels respectively. Municipal Commissioner (MC) is responsible for smooth functioning of KNN. Besides, elected members of KNN, mainly Mayor, are in-charge of overall developmental activities as detailed under and also in Section A.



### 4.1.3 Audit Objectives

The Performance Audit of ULBs under Kanpur *Mandal* was conducted to ascertain whether:

- the financial management system was efficient and effective with due regard to economy and funds were optimally utilised for the purposes as envisaged in MCA and MA in consonance with the extant laws and rules;
- the planning process was effective and according to provisions of MCA/MA;
- effective mechanism was put in place for ensuring correct assessment, prompt raising of demands and collection of revenues;
- execution of various functions/schemes/programmes was transparent and cost effective;
- environmental issues and other municipal services were managed effectively; and
- monitoring mechanism was efficient and effective.

### 4.1.4 Audit Criteria

The following sources of audit criteria were adopted for Performance Audit:

- Provisions of MA and MCA and rules framed thereunder, *Lekha Niyamawali*, 1960 and National Municipal Accounts Manual (NMAM);
- Financial Hand Books, orders issued by Government of India (GoI)/ the State Government/Chief Vigilance Commission (CVC) and other extant/ applicable laws and rules; and
- Guidelines of various schemes being implemented.

### 4.1.5 Scope and methodology of Audit

Performance Audit of ULBs under Kanpur *Mandal* for the period 2009-14 was undertaken between April and September 2014. Information was also sought from Principal Secretary, UDD and Director, LBs. Besides, KNN, three (Ghatampur, Kannauj and Kayamganj) out of 12 NPPs (*Appendix 4.1.1*) and seven<sup>1</sup> (Atsu, Ekdil, Kamalganj, Shivli, Shivrajpur, Talgram and Tirwaganj) out of 28 NPs (*Appendix 4.1.1*) have been selected for test-check of records. NPs and NPPs were selected by adopting Simple Random Sampling with Replacement (SRSWR) method. Joint physical verification and photographic evidences were also conducted/ collected. The Principal Secretary, UDD was requested (March 2014) to hold an Entry Conference but the same could not be held despite taking up the matter at appropriate level. An Exit Conference was however held (February 2015) with the Secretary, UDD during which the facts and figures were confirmed and recommendations made by audit were accepted by the Government, but the Government reply was not submitted to audit.

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<sup>1</sup> No records were provided by NP Shivrajpur.

## **Audit Findings**

The result of audit of Urban Local Bodies under Kanpur *Mandal* are set out in three sections- Section A (Kanpur *Nagar Nigam*), Section B (*Nagar Palika Parishads*) and Section C (*Nagar Panchayats*) and each section reflects audit findings of respective test-checked ULBs.

### **Section A - Kanpur *Nagar Nigam***

Kanpur *Nagar Nigam* is administered under provisions of MCA for providing municipal services to the citizens and divided into 110 wards. The Corporation, the main elected body of KNN, is responsible for policy decisions related to expenditure from *Nigam* funds, implementation of various projects/schemes, levy & realisation of its tax/non-tax revenue etc. It is constituted by 110 Corporators and headed by Mayor.

Executive Committee (EC), constituted by 12 Corporators and headed by Mayor is responsible for all functions related to approval of budget, sanction of estimates/expenditure and monitoring of works. Further, Municipal Commissioner (MC), assisted by two Additional Commissioners and five Deputy Commissioners, is responsible for administration and execution of all schemes/projects subject to conditions imposed by the Corporation.

Apart from other municipal services, for providing water supply to domestic, industrial and commercial purposes, *Jal Kal Sansthan* was merged (February 2010) with KNN and working as *Jal Kal Vibhag* under administrative control of KNN.

It was noticed in audit that Ward Committees were not constituted during 2009-14 for performing duties of KNN in designated wards though it was required under section 6-A and 117 of MCA.

#### **4.1.6 Non-devolution of functions**

In follow up to the 74<sup>th</sup> Constitutional Amendment Act, 1992, the State Legislature enacted “Uttar Pradesh Local Self Government Law (Amendment) Act, 1994” for devolving 18 functions (enshrined in Twelfth Schedule of the Constitution) to ULBs as detailed in *Appendix 3.2*.

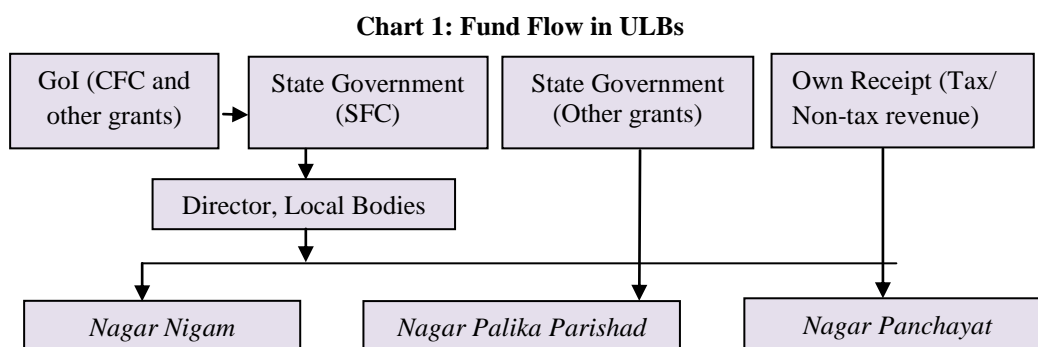
We noticed in audit that neither activities nor funds in respect of six functions *i.e.*, Urban forestry; Protection of environment and promotion of ecological aspects; Safeguarding the interest of weaker sections of society including handicapped and mentally retarded; Slum improvement and up-gradation; Urban planning including town planning and Regulation of land use and construction of buildings, were devolved to KNN by the State Government as envisaged by the Act even after lapse of more than 20 years from 1994. As a result, despite constitutional provisions, these functions of KNN were being carried out by Development authorities and different departments of the State Government.

## 4.1.7 Financial management

### 4.1.7.1 Sources and application of funds

Financial resources of ULBs comprise grants under the State Finance Commission (SFC) and the Central Finance Commission (CFC) recommendations, levy<sup>2</sup> and collection<sup>3</sup> of obligatory tax and non-tax revenues. Besides, the State Government, GoI also releases grants to ULBs for implementation of State plan schemes and centrally sponsored schemes respectively.

Fund flow chart of ULBs is given in **Chart 1**.



Year-wise details of receipt and expenditure of KNN and *Jal Kal Vibhag* are given in **Table 1**.

**Table 1: Receipt and expenditure of KNN and *Jal kal Vibhag* during 2009-14**

(₹ in crore)

Year	Opening balance	Govt. grants	Own revenue	Total available fund	Expenditure	Closing Balance
<b>Kanpur Nagar Nigam</b>						
2009-10	169.14	395.75	61.80	626.69	440.39	186.30
2010-11	186.30	301.30	82.55	570.15	388.00	182.15
2011-12	182.15	604.52	87.44	874.11	756.29	117.82
2012-13	117.82	625.81	97.72	841.35	681.00	160.35
2013-14	160.35	643.29	97.78	901.42	572.58	328.84
<b><i>Jal Kal Vibhag, Kanpur</i></b>						
2009-10	25.89	Nil	57.82	83.71	76.86	06.85
2010-11	06.85	Nil	80.34	87.19	75.59	11.60
2011-12	11.60	Nil	77.08	88.68	74.16	14.52
2012-13	14.52	Nil	76.32	90.84	75.96	14.88
2013-14	14.88	Nil	78.51	93.39	73.00	20.39
<b>Total</b>	<b>195.03</b>	<b>2,570.67</b>	<b>797.36</b>	<b>3,563.06</b>	<b>3,213.83*</b>	<b>349.23</b>

(Source: Information furnished by KNN) (\*Including ₹ 1.69 crore transferred to suspense accounts.)

It would be seen from the **Table 1** that ₹ 3,213.83 crore was utilised (90 per cent) against the total available funds of ₹ 3,563.06 crore by KNN and *Jal Kal Vibhag* during 2009-14.

<sup>2</sup> Under the provisions of Section 172 of MCA and 145 of MA.

<sup>3</sup> Under the provisions of section 503 of MCA and 168 of MA, recovery of revenue was to be made through issue of bills, serving written notice of demand.

We during audit also observed that:

- For implementation of six projects under Jawaharlal Nehru National Urban Renewal Mission (JNNURM), KNN transferred ₹ 387.23 crore to the implementing agencies with delays upto 730 days (**Appendix 4.1.2**) as against prescribed three days as per Guidelines of JNNURM;
- In violation of Government order (February 2012), regarding deposit of interest amount earned on funds received from the Government into treasuries, interest of ₹ 5.87 crore earned from the bank account of 13<sup>th</sup> Finance Commission Grant during 2009-14, was not deposited into treasuries as of November 2014; and
- As per provisions of section 57(3) of *Lekha Niymawali* 1960, temporary advances was to be adjusted before the closer of the financial year in which they were made and no fresh advance was to be made to an officer unless the previous one had been adjusted. However, temporary advance of ₹ 4.55 crore sanctioned during 1999-2014 were not adjusted (**Appendix 4.1.3**) even after lapse of periods upto 15 years. Contrary to the provisions, fresh advances were granted to same officials for various purposes<sup>4</sup> even though previously sanctioned advances were lying unadjusted.

In reply, KNN stated that necessary action will be taken to deposit interest earned into treasuries and adjust the outstanding advances.

#### **4.1.7.2 Levy and realisation of tax and non-tax revenue**

Scrutiny of records of KNN revealed that there was shortfall of ₹ 373.07 crore (41 *per cent*) against the total demand of ₹ 919.05 crore on account of realisation of tax and non-tax revenue during 2009-14 (**Appendix 4.1.4**). Besides, in *Jal Kal Vibhag* there was also shortfall of ₹ 465.67 crore (61 *per cent*) against the total demand of ₹ 768.52 crore on account of realisation of water tax and charges during 2009-14 (**Appendix 4.1.4**). However, KNN and *Jal Kal Vibhag* did not take any action for realisation of outstanding dues with cost of recovery by issuing warrant, selling of movable property of the defaulters, filing civil suits against the defaulters in the courts of law under the procedures mentioned in sections 507-516 of MCA.

Further, in order to make KNN self-reliant levy, demand and realisation of tax and non-tax revenue was to be made effectively. However, scrutiny revealed that KNN realised only ₹ 545.98 crore during 2009-14 through tax and non-tax revenue, which was not sufficient even to meet its establishment and recurring expenditure of ₹ 1,229.60 crore<sup>5</sup>. As a result, KNN was largely dependent on Government Grants for its establishment and recurring expenditure. Further, we also observed shortcomings in levy, demand and realisation of tax and non-tax revenue, as discussed in succeeding paragraphs:

<sup>4</sup> For maintenance of vehicles, procurement of solar lights, bulk SMS and call forwarding services *etc.*

<sup>5</sup> Establishment and recurring expenditure, 2009-10: ₹ 152.93 crore; 2010-11: ₹ 190.62 crore; 2011-12: ₹ 220.46 crore; 2012-13: ₹ 232.95 crore and 2013-14: ₹ 256.13 crore.

## ***Tax revenue receipts***

- ***Property Tax***

As per section 174 (2) B of MCA and 4 (A) of UP *Nagar Nigam* Property Tax Rules 2000, Annual Rental Value<sup>6</sup> (ARV) was to be revised in every two years according to the circle rates declared by District Magistrate (DM) for levy of property tax. The details of demand raised, revenue realised and short realisation of property tax, are given in **Table 2**.

**Table 2: Details of demand and realisation of property tax during 2009-14**

(₹ in crore)				
Year	Demand	Realisation	Short realisation	Percentage of realisation
2009-10	96.80	43.86	52.94	45
2010-11	136.58	57.97	78.61	42
2011-12	169.65	69.21	100.44	41
2012-13	213.15	91.64	121.51	43
2013-14	254.41	82.39	172.02	32
<b>Total</b>	<b>870.59</b>	<b>345.07</b>	<b>525.52</b>	<b>40</b>

(Source: Information furnished by KNN)

It would be seen from the above that only ₹ 345.98 crore was realised (40 *per cent*) during 2009-14, against the total demand of ₹ 870.59 crore. KNN did not furnish the reason for short realisation of ₹ 525.52 crore.

Scrutiny revealed that KNN revised the ARV in 2013-14 after the last revision of 2007-08. Thus, the revision in ARV was not done as per the prescribed periodicity of every two years. Moreover, the revised ARV was also not based on the applicable circle rates.

No reply was furnished by KNN regarding non revision of ARV in prescribed intervals.

- ***Show tax/ theatre tax***

In pursuance of section 172 of MCA, Show tax was imposed on theatres since 1979. Scrutiny of records revealed that ₹ 23.80 lakh was received against theatre tax during 2009-14. However, it was noticed during audit that KNN did not assess and raise demands for collection of theatre tax. As a result actual status of levy and collection of theatre tax could not be ascertained.

- ***Additional Stamp Duty***

Under the provisions of Uttar Pradesh Urban Planning Development Act, 1973 and the Government order (February 2008), ULBs were to be transferred an additional stamp duty of two *per cent* levied by the Deputy Inspector General, Stamp on transfer of immovable properties for development of infrastructure.

<sup>6</sup> As per section 174 of MCA, ARV is 12 times of minimum monthly rate of rent per unit area of the carpet area for every group of building within a ward.

Scrutiny revealed that due to non-raising of demands by KNN against the due amount of ₹ 90.55 crore during 2009-14, only ₹ 70.17 crore (77 per cent) was received from Deputy Inspector General, Stamp, leaving a short receipt of ₹ 20.38 crore (*Appendix 4.1.5*).

In reply, KNN stated that correspondence would be made for realisation of outstanding additional stamp duty.

#### *Non-tax revenue receipts*

- *License fee*

The State Government directed (December 1997), to impose license fee on 39 items (*Appendix 4.1.6*) to make KNN self-reliant. However, license fee was imposed on only 17 items<sup>7</sup> and ₹ 5.27 crore was realised during 2009-14.

Audit scrutiny revealed that KNN did not assess and raise demands for collection of imposed license fee. As a result actual status of levy and collection of license fee could not be ascertained.

In reply, KNN accepted the audit observation however, efforts made for assessment and accordingly raising the demand thereon was not intimated by KNN.

*The Government may ensure levy of taxes at prescribed rates and deterrent action should be taken against the defaulters.*

#### **4.1.7.3 Budgeting**

According to section 146 and 147 of MCA, original budget estimates for the succeeding year were required to be laid by MC before EC on 10 January and EC had to submit the budget to the Corporation by 15 February of each year. The Corporation was required to approve the budget by 31 March. The revised budget estimates was to be laid before EC and Corporation on or before 10 September and 15 September respectively and required to be approved by the Corporation earliest after 1<sup>st</sup> October.

Scrutiny of records revealed that the original budget estimates of KNN for the year 2009-10, 2011-12 and 2012-13 were not laid by MC before EC and Corporation for approval. During 2010-11 and 2013-14, the original budget estimates were submitted to EC with delays of 81 days and 70 days respectively, which was further submitted to Corporation with delays of 301 days and 71 days respectively (*Appendix 4.1.7*).

Similarly, revised budget estimates of KNN for the year 2011-12 was not laid by MC before EC and Corporation for approval. Further, revised budget estimates of 2010-11 and 2012-14 of KNN were submitted to EC and Corporation with delays ranging from 105 to 175 days (*Appendix 4.1.7*). The revised budget of 2009-10 was submitted to EC after expiry of financial year.

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<sup>7</sup> Which includes mainly mechanical commercial vehicles as auto rickshaw, buses, taxi etc.



Scrutiny also revealed that in respect of *Jal Kal Vibhag*, only original budget estimates for 2010-11 and 2013-14 were submitted to EC and Corporation with delays ranging between 70 and 348 days (*Appendix 4.1.7*). The revised budget estimates were not submitted to EC and Corporation during 2010-14.

This indicated that provisions of MCA in preparation and submission of budget estimates were not followed in KNN and expenditure were incurred without budget during 2009-10 and 2011-12.

In reply, KNN stated that provisions of MCA regarding budget will be followed in future.

#### **4.1.7.4 Accounting framework**

##### ***Preparation of Accounts***

The State Government decided (2008) to adopt the accrual based double entry accounting system in the ULBs alongwith single entry system in ULBs for maintenance of financial accounts to present a true and fair picture of assets and liabilities in the balance sheet. We observed that accrual based double entry accounting system was adopted since 2008-09. The following shortcomings were noticed in preparation of annual accounts.

- No manual was prepared by the State Government for accrual based double entry accounting system due to which classification of assets & liabilities and depreciation rates were not defined.
- Annual accounts of KNN for 2009-10<sup>8</sup> were finalised in September 2012 with the delay of 27 months. However, the actual of receipt and expenditure for the year 2009-10 (as depicted in budget of 2010-11) did not match the corresponding receipts and expenditure figures of finalized accounts for the period (*Appendix 4.1.8*). Further, Receipt & Payment account was also not prepared with Annual Accounts, though it was required to be maintained under the prescribed format of accounting.
- Only provisional annual accounts of KNN were prepared for the period 2010-14, which were not finalised as of November 2014. Due to non-finalisation of annual accounts, actual receipt and expenditure incurred by KNN could not be ascertained in audit.
- Annual accounts for the period 2010-13 of *Jal Kal Vibhag* were finalised with the delays<sup>9</sup> upto 22 months. Further, the annual account for the year 2013-14 was not prepared as of September 2014.

##### ***Irregular operation of bank accounts***

As per the Government order (March 2012), municipal funds are required to be kept in saving bank accounts of State Bank of India (SBI) and other public sector banks.

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<sup>8</sup> Required records related to opening balance sheet were not produced to audit.

<sup>9</sup> Accounts for 2010-11, 2011-12 and 2012-13 were prepared in April 2013, July 2013 and April 2014 respectively.

Scrutiny of records revealed that 15 bank accounts were opened (2011-14) by Municipal Commissioner in different branches of four private banks for keeping the funds received under various schemes/activities. Moreover, bank accounts operated (before 2011) in SBI and other nationalised banks were closed during 2012-14 and balances of these accounts of ₹ 1.48 crore were also transferred to accounts of the private banks (*Appendix 4.1.9*).

In reply, KNN accepted the audit observation and assured that required action for adherence of the Government order will be made in future.

### ***Improper maintenance of cash book***

As per section 5.3 (a) and 30.7 of National Municipal Accounts Manual (NMAM), separate cash book was to be maintained for each bank account and reconciliation of balances of Zonal/Departmental cash book with the main cash book and with the bank statement were required on monthly basis. We observed that:

- only cash transactions were recorded in the cash book of KNN and its Zonal offices<sup>10</sup> and transactions made through cheques/draft/online were not recorded. As a result, transactions (March 2014) of receipts of ₹ 85.09 crore and payment of ₹ 117.70 crore were not recorded in cash book;
- even all cash transactions were also not entered in cash book viz., rent from civic amenities, park etc. As a result, ₹ 3.71 crore received in cash during 2009-14 was deposited directly in the concerned bank accounts without corresponding entries in the cash book;
- to avoid depicting the cash balance in cash books, entries of receipts and cash deposited in the bank accounts were made on the same date and even on sundays, although cash was actually deposited in the bank on later dates ranging between two and four days (*Appendix 4.1.10*);
- there was a difference of ₹ 3.75 crore<sup>11</sup> between closing balance of cash books and bank accounts as on 31 March 2014. However, reconciliation of difference in balances of cash books and bank accounts was not carried out;
- cash books of only four bank accounts, out of 59 accounts, were provided to audit, which revealed *minus* closing balances (*Appendix 4.1.11*); and
- there was a difference of ₹ 33.96 crore (*Appendix 4.1.12*), related to property and advertisement tax realised during 2009-14, between Zonal/Departmental cash book and main cash book of KNN.

In reply, KNN while accepting the audit observations stated that required adjustments will be carried out for minus closing balances.

*The Government should ensure proper maintenance of cash books for recording update transaction of bank accounts.*

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<sup>10</sup> KNN was divided into six zones for performing its duties effectively.

<sup>11</sup> Closing balance of cash book and bank accounts were ₹ 325.25 crore and ₹ 329.00 crore respectively.

#### **4.1.8 Planning**

Under the provisions of the District Planning Committee Act, 1999, enacted pursuant to the 74<sup>th</sup> constitutional amendment, the District Planning Committee (DPC) at the district level was to consolidate Annual Development Plans (ADPs) of Rural/Urban Local Bodies of the district for the formulation of District Development Plan (DDP).

Audit scrutiny revealed that KNN did not prepare ADPs during 2009-14, as required under section 383 'A' of MCA for further submission to DPC.

Further, section 383 of MCA envisages preparation of a *Maha Yojana*<sup>12</sup> for the KNN, which was to be revised in every ten years, indicating current and proposed status of arterial streets, residential areas, commercial and industrial areas, educational institutions etc., alongwith their general layout. However, KNN did not prepare *Maha Yojana* upto 2013-14 as Urban planning including Town planning was implemented by Kanpur Development Authority.

In reply, KNN stated that ADPs and *Maha Yojana* could not be prepared as no directives were issued by Mayor/Municipal Commissioner. During Exit Conference (February 2015) Secretary, UDD, however, intimated that the power to prepare *Maha Yojana* was suspended and given to Development Authorities.

Reply was not acceptable as Urban planning including Town planning was to be performed by ULBs as per the 74<sup>th</sup> Constitutional Amendment Act, 1992.

Fact remained that ADPs and *Maha Yojana* of the KNN were not prepared as of February 2015. As a result, holistic development of KNN was not planned, which showed lackadaisical approach towards planning activities.

*The Government should ensure preparation of Annual Development Plan according to the provisions of the Acts.*

#### **4.1.9 Procurements and Execution of works**

The works and procurements were to be executed adhering to provisions of various rules, Government orders and regulations framed under MCA. Following deficiencies were noticed in procurements and execution of works.

##### **4.1.9.1 Procurements**

Bureau of Indian Standards (BIS) code (1981) envisaged that wattage of the lamps in the street light should be decided according to the category of road (*Appendix 4.1.13*). KNN, however, purchased and installed street lights of different wattages (40 to 400) without any categorisation of roads. Further, it was also noticed that KNN had 78,022 street light points as of March 2014, but it did not have ward-wise details of installed street light points.

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<sup>12</sup> Detailed Plan.

In reply, KNN stated that arrangements of street lighting were based on reports of Lighting Inspectors. Reply was not acceptable as lamps were installed without categorisation of roads.

#### **4.1.9.2 Execution of works**

4,726 works<sup>13</sup> related to construction and maintenance of roads/ streets, drains, culverts etc., were executed during 2009-14. Scrutiny of records of randomly selected 200 works revealed deficiencies at various stages of execution, as discussed below:

##### ***Absence of basic information and control records***

Basic information required for preparation of estimates for execution of road works such as category, width, length, crust thickness of road, last renewals and repairs etc., was not maintained, as required under orders of Public Works Department. No traffic survey was conducted to ascertain the traffic density, traffic load and drainage<sup>14</sup> though required for strengthening and widening of State road; District road and other District roads. Besides, control records such as road register and renewal cycle register were also not maintained due to which it could not be ascertained as to when these roads were constructed/ repaired. Further, scrutiny of records of randomly selected 200 works revealed that no record measurements/levels etc. were taken into consideration before preparing the estimates.

In reply, KNN assured to maintain the requisite records.

##### ***Irregular sanction of estimates***

Section 135 and 136 of MCA provides different financial powers to authorities, MC upto ₹ 10 lakh; Mayor more than ₹ 10 lakh but less than ₹ 15 lakh; EC ₹ 15 lakh and above but less than ₹ 20 lakh; Corporation ₹ 20 lakh and above but less than ₹ 30 lakh; and the State Government ₹ 30 lakh and above, for sanction of estimates to execute works and procurements.

Contrary to the above provisions, 57 works<sup>15</sup> of estimated cost of ₹ 33 crore relating to roads and street works were executed during 2009-14 without approval of Executive Committee/ Corporation/ Government though these were required to be approved by these authorities as estimated cost of each work was more than ₹ 15 lakh.

In reply, KNN accepted the audit observation for compliance.

##### ***Weak contract management***

Financial rules, Government's orders and CVC instructions governed the process for tendering and contracting. Scrutiny revealed that the extant

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<sup>13</sup> KNN did not provide work-wise expenditure despite repeated requests.

<sup>14</sup> As per provisions of section 228 of MCA and Indian Road Congress guidelines (IRC SP-50-1999, Chapter-1).

<sup>15</sup> Costing more than ₹ 15 lakh and less than ₹ 20 lakh: two works; costing ₹ 20 lakh or more but less than ₹ 30 lakh: three works and costing ₹ 30 lakh or more: 52 works.

mandatory instructions, orders and guidelines were violated by KNN while executing agreements. We observed that:

- in contravention of the Government order (April 2001), only single bidding system was followed in randomly selected 200 agreements even though the works required valuation of technical specifications in form of two bid system;
- during 2009-14, 150 agreements were executed for 150 works amounting to ₹ 13.74 crore with the contractors after the commencement of the works (*Appendix 4.1.14*). 75 agreements (₹ 5.15 crore) was executed after the completion of the works (*Appendix 4.1.15*); and
- as per the Government order (May 2009), if the contractors arranged the bitumen by his own resources, Consignee Receipts Challan (CRC) in respect of procurement of bitumen from the authorised agency were to be submitted at the time of final payment. We noticed in 11 works, 8,083 MT bituminous macadam and semi dense bituminous concrete (₹ 2.56 crore) were claimed to have been consumed. However, KNN made payments without obtaining CRCs from the contractors (*Appendix 4.1.16*).

Thus, transparency in procurement and use of the bitumen in the works executed could not be ascertained.

In reply, KNN accepted the audit observations though no remedial action was intimated by KNN.

#### ***Absence of quality control mechanism***

The KNN neither had any mechanism of quality testing for road works nor did it carry out technical inspection through departmental/inter-departmental committees. Thus, quality of works executed by KNN was not ensured.

In reply, KNN accepted the audit observation though no remedial action was intimated by KNN.

#### ***Improper execution of cleaning of drains***

Cleaning of drains was to be done during April-June every year prior to monsoon and measurement of work was to be recorded prior to and after execution.

Scrutiny revealed that KNN did not have any firm recorded data regarding number of drains<sup>16</sup> available under its jurisdiction. It was also noticed that 19 drains were cleaned during 2009-14 in the month of July to March after incurring an expenditure of ₹ 10.15 lakh.

Further, scrutiny revealed that measurement was recorded neither prior to work nor after execution. Payment of ₹ 2.33 crore was made during 2009-14 on the basis of man days for execution of work due to which actual quantity of work executed could not be ascertained.

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<sup>16</sup> 449 drains required for cleaning in 2009-10 which was subsequently increased to 678 during 2013-14.

In reply, while accepting the audit observations, KNN stated that cleaning of drains in the month of July to March was carried out in public interest. Reply was not acceptable as cleaning of drains should be carried out prior to monsoon.

#### **4.1.10 Unfruitful expenditure on freehold fee**

The KNN applied (March 1995) for freehold title of 3,598.37 sq. meter of land<sup>17</sup> under its possession since 1904 and paid ₹ 6.48 lakh (December 1998) to district administration on the basis of self-assessment as freehold fee. However, district administration made (December 2008) revised demand of ₹ 89.36 lakh as freehold fee of the land. As KNN failed to deposit the freehold fee by due time, the demand was subsequently revised (May 2011) to ₹ 112.22 lakh after including penal interest of ₹ 92.47 lakh. Against it, KNN made payment (December 2008) of ₹ 62 lakh only to the district administration. Consequently, required land could not be made freehold in favour of KNN, despite making payment of ₹ 68.48 lakh as of November 2014.

In reply, KNN stated that required freehold fee could not be deposited as directives were not issued by higher authorities. Reply was not acceptable as required land could not be freehold in favour of KNN despite incurring expenditure.

#### **4.1.11 Protection of environment**

Protection of environment is one of the most important functions of ULBs. Following shortcomings were noticed in management of environmental issues during audit of KNN.

##### **4.1.11.1 Management of Municipal Solid Waste**

For Management of Municipal Solid Waste (MSW) generated in the city a processing plant was established (October 2010) under JNNURM at a cost of ₹ 56.02 crore. An agreement for 30 years period was executed (October 2010) among KNN, UP *Jal Nigam* and a private firm (Firm) for operation and maintenance of processing plant alongwith door to door collection and transportation of generated MSW.

As per agreement, Firm was responsible for collection and transportation of Assured Incoming Waste<sup>18</sup> (AIW) and realisation of user charges according to threshold limit (target of collection of user charges against total billable amount) prescribed<sup>19</sup> by KNN. Further, in case of short realisation of user charges, the same amount was to be withheld from the tipping fee payable to the firm. Tipping fee was payable to the Firm at the rate of ₹ 456 to 479 per MT during 2010-14 for transportation of MSW from primary storage station to processing plant. In case of non-maintenance of AIW by the Firm, penalty at the rate of 50 *per cent* of tipping fee, for short transported MSW, was also to be imposed by KNN. We observed that:

<sup>17</sup> Plot no-2 of block 96, Parade market.

<sup>18</sup> Firm has to collect 80 *per cent* of total generated MSW (1500 MT) *i.e.*, 1200 MT per Day.

<sup>19</sup> January to December 2011: ₹ 38.79 lakh per month; January to December 2012: ₹ 51.72 lakh per month and January 2013 and onwards: ₹ 64.65 lakh per month.

### *Short collection and disposal of MSW*

Position of generation, collection and disposal of MSW in KNN during 2010-14 is given in **Table 3**.

**Table 3: Details of generation, collection and disposal of MSW**

(In thousands MT)

Year	Generated MSW	Collected MSW	Uncollected MSW (col. 2-col. 3)	Processed MSW	Unmanaged MSW	
					At Plant site (col. 3-col. 5)	In KNN area (col. 4+col.6)
1	2	3	4	5	6	7
2010-11(from October 2010)	282.10	155.73	126.37	161.03	(-)5.30 <sup>20</sup>	121.07
2011-12	565.75	425.11	140.64	254.66	170.45	311.09
2012-13	565.75	331.24	234.51	276.22	55.02	289.53
2013-14	565.75	320.41	245.34	114.90	205.51	450.85
<b>Total</b>	<b>1,979.35</b>	<b>1,232.49</b>	<b>746.86</b>	<b>806.81</b>	<b>425.68</b>	<b>1,172.54</b>

(Source: Information collected from KNN)

It would be seen from the **Table 3** that even the collected MSW (1,232.49 thousand MT) was not processed fully by the Firm and 425.68 thousand MT remained dumped at plant site. Besides, 746.86 thousand MT of the uncollected MSW was also lying unmanaged in the city during 2010-14. The generated MSW as that Firm was not operating processing plant and transporting MSW according to provisions of agreement.



**Heap of the MSW dumped at the processing plant site**

In reply, KNN accepted the audit observation, however, action taken to ensure proper transportation and disposal of MSW was not intimated by KNN.

### *Irregular payment to Firm*

Scrutiny revealed that the Firm did not maintain the AIW during November 2010 to May 2014 but the penalty from the tipping fee of the Firm of ₹ 11.32 crore was not imposed by KNN. Besides, the Firm though failed to realise ₹ 7.68 crore during November to December 2010 and January 2013 to June

<sup>20</sup> Some MSW were dumped at plant site prior to functioning (October 2010) of processing plant.



2014 as user charges from the house holds upto threshold limit however, the Firm was paid full tipping fee on the basis of bills alongwith weighment slip of transported MSW produced by the Firm (*Appendix 4.1.17*).

In reply, KNN stated that decision for imposing penalty was to be taken at higher level. Reply was not acceptable as penalty was to be imposed by KNN as per agreement signed among KNN, UP *Jal Nigam* and the Firm on 16 October 2010. No reply was made by KNN regarding not withholding the amount from the tipping fee for short collection of user charges by the Firm.

#### ***In-sufficient arrangement for segregation and storage of MSW***

As per provisions of schedule-II of Municipal Solid Waste (Management and Handling) Rules, 2000, collected MSW should be segregated into biodegradable, recyclable and other wastes and should be stored in bins/containers of green, white and black colors respectively.

Scrutiny revealed that only green bins/containers were being used for storage of all types of MSW. It indicated that facility for segregation and storage of MSW was not maintained.

In reply, KNN accepted the audit observation though remedial action taken to ensure segregation of MSW was not intimated.

#### **4.1.11.2 Improper management of Common Effluent Treatment Plant**

Common Effluent Treatment Plant (CETP) was established (1993) at Jajmau, Kanpur with a view to keep river *Ganga* pollution free. Its designed capacity was for treatment of nine million litre *per day* (mld) tanneries effluents, restraining chromium level upto two mg *per litre* muddled with 27 mld of sewerage. Further, CETP was designed to treat tanneries effluents having Total Suspended Solids (TSSs) upto 1,200 mg *per litre*. It was required to maintain chromium within the permissible limit in tanneries effluent, so that presence of chromium could be avoided in digested sludge which was to be utilised as manure. UP Pollution Control Board (UPPCB) was responsible to monitor functioning of Primary Effluent Treatment Plant (PETP) and Chrome Recovery Plant (CRP) of tanneries, so that level of chromium and TSS in tannery effluent could be kept within permissible limits.

Scrutiny revealed that tanneries effluents of chromium levels upto 194.40 mg (97 times more than norms) *per litre* were transported to CETP through tannery waste pumping stations and rising main (main drain). Due to excessive level of chromium in tanneries effluents, digested sludge could not be utilised as manure for it contained chromium. As a result, an avoidable expenditure of ₹ 15.91 crore (upto May 2014) was incurred on transportation and disposal of hazardous waste sludge.

It was also noticed that, TSSs in tanneries effluents were found upto 13,868 mg *per litre* which was beyond the permissible limit and being flown in CETP through tannery waste pumping stations and rising main. As a result, performance of plant and machinery of CETP and pumping stations were

reduced, and rising main also got choked resulting in an avoidable expenditure of ₹ 5.71 crore on renovation<sup>21</sup> of CETP, pumping stations and laying of new rising main.

In reply, KNN stated that reports regarding non-adherence of design parameters of CETP are being sent to the Government on regular basis. However, the fact remains that the quality of tanneries effluents was not kept as per the designed parameters of CETP.

#### **4.1.11.3 Improper management of sewage**

Out of the total generation of 426 mld of sewage in KNN, only 171 mld sewage were being treated with three Sewage Treatment Plants (STPs)/CETP leaving 255 mld sewage waste unmanaged.

To augment the facility four STPs of 310 mld capacity (*Appendix 4.1.18*), proposed and sanctioned under three projects of JNNURM, were still incomplete (August 2014) for want of land and necessary permission from Cantonment Board and Army authorities. As a result, untreated sewage was being discharged in river *Ganga*.

In reply, KNN stated that due to non-completion of work of new STPs, untreated sewage is being discharged in river *Ganga*.

#### **4.1.11.4 Unauthorised operation of slaughter houses**

As per the provisions of Water (pollution prevention and control) Act, 1974, No Objection Certificate (NOC) from UPPCB is required for establishing a slaughter house. Section 433 of MCA prescribes that regular inspection of slaughter houses was to be done by Municipal Commissioner to check illegal slaughtering of animals.

Scrutiny revealed that five slaughter houses<sup>22</sup> were operated in the city without obtaining NOC from UPPCB. These slaughter houses also did not have facility for treatment of generated effluents. As a result, on the instructions of UPPCB slaughter houses were closed, in 2010-11(one) and in 2013-14 (four). However, examination of the minutes of meeting of EC dated 30 August 2014 revealed that these slaughter houses were still operating unauthorisedly. This indicated slackness on the part of Municipal Commissioner in carrying out inspections.

In reply KNN stated that due to vacant post of Veterinary officer, no action was taken for obtaining NOC and treatment of generated effluents. Reply was not acceptable as slaughter houses were established without obtaining NOC.

#### **4.1.11.5 Management of harmful gases**

An action plan of ₹ 22.65 lakh was prepared (October 2013) by IIT, Kanpur for study<sup>23</sup> of harmful gases being released from the STPs at Jajmau of Kanpur

<sup>21</sup> Under JNNURM Sewerage part-I project.

<sup>22</sup> Situated one each at Bakarganj, Bakarmandi & Cornelganj and two slaughter houses at Fazalganj.

<sup>23</sup> Which includes sampling in various locations and sample analysis, health based survey, data analysis and interpretation for remedial suggestions.

and for making recommendations of safety measures on which decision/action is still pending (November 2014) by KNN. This showed lackadaisical approach of KNN towards health of employees working in STPs and people of nearby areas, which were badly affected due to emission of harmful gases from STPs.

In reply, KNN stated that due to non-availability of funds, no decision was taken on the action plan of IIT, Kanpur.

*The Government should ensure proper functioning of Municipal Solid Waste processing plant, Common Effluent Treatment Plant, Primary Effluent Treatment Plant and Chrome Recovery Plant of tanneries for the safety of environment and human health.*

#### **4.1.12 Management of other municipal services**

##### **4.1.12.1 In-sufficient facility of drinking water**

Against the total requirement of 520 mld of drinking water for KNN, *Jal Kal Vibhag* was providing only 424 mld (82 *per cent*) to the citizens though it had established capacity of 638 mld. Further, analysis revealed that:

- Dr. Ram Manohar Lohia Ganga Water Supply Scheme with an established capacity of 200 mld was handed over to *Jal Kal Vibhag* by UP *Jal Nigam* after incurring an expenditure ₹ 82.88 crore during 2008-10 to provide drinking water facility to western district of Kanpur city. Against the established capacity of 200 mld, only 35 mld (18 *per cent*) were utilised, as *Jal Kal Vibhag* failed to provide water connections to the households/bulk consumers as of July 2014; and

- to augment the drinking water facilities two projects comprising of construction of raw water intake house, water treatment plant, feeder main, zonal pumping stations, distribution system etc. were sanctioned in October 2007 (₹ 270.95 crore) and January 2009 (₹ 393.93 crore) under JNNURM, with the schedule date of completion of the projects by October 2010 and January 2012 respectively. As per records made available to audit, none of the projects was completed as of November 2014, though ₹ 672.91 crore have been spent (June 2014). Details are given in **Appendix 4.1.19**.

Thus, due to under utilisation of established capacity and incomplete projects, *Jal Kal Vibhag* failed to provide drinking water facilities to citizens of Kanpur.

In reply, KNN accepted the audit observations though no remedial action was intimated by KNN.

*The Government should ensure utilisation of established capacity of Dr. Ram Manohar Lohia Ganga Water Supply Scheme and early completion of JNNURM projects.*

#### 4.1.12.2 Improper management of hospitals

Forty three hospitals/dispensaries<sup>24</sup> were established (since 1964) under the jurisdiction of KNN. The State Government decided (January 1995) to abolish the medical service cadre of KNN and instructed to fill the vacant posts from the Government hospitals. Scrutiny revealed that 24 hospitals/dispensaries were non-functional (*Appendix 4.1.20*) due to vacant post of doctors. Despite that, KNN did not make any efforts to fill the vacant post of doctors. Due to non-functioning of hospitals/dispensaries, expenditure of ₹ 5.27 crore incurred on the salaries of supporting staff<sup>25</sup> during 2009-14 remained infructuous and its objective for providing treatment to patient was also not achieved.

In reply, KNN accepted the audit observation though no remedial action was intimated by KNN.

#### 4.1.12.3 Irregular system for registration of birth and death

As per the provisions of “Registration of Birth and Death Act, 1969” and “Uttar Pradesh birth and death rules, 2002”, registration of each birth and death was to be recorded by the Registrar of KNN and it was the duty of individuals, Government/private hospitals and nursing homes to inform the Registrar regarding birth and death which took place in hospitals, nursing homes etc.. However, Registrar was also empowered to obtain information regarding birth and death from concerned persons/institutions.

We observed that 324 out of 672 private hospitals and all Government hospitals in the city did not furnish information regarding births and deaths that took place during 2009-14. KNN neither made any efforts to get the information from the private/Government hospitals nor initiated any action against them. So, factual status of births and deaths could not be ascertained.

In reply, KNN accepted the audit observation though no remedial action was intimated by KNN.

#### 4.1.12.4 Improper implementation of e-Governance

With a view to improve delivery of services to the people of KNN and quality of internal local government operations, GoI sanctioned (December 2010) an e-Governance project of ₹ 23.61 crore<sup>26</sup> for KNN under JNNURM scheme.

Accordingly, against the released amount of ₹ 5.90 crore, KNN utilised ₹ 5.29 crore for procurement (April 2013) of 200 Computers and 218 printers including development of required modules through National Informatics Centre (NIC). Scrutiny further revealed that out of 14 envisaged e-services<sup>27</sup>,

<sup>24</sup> Hospitals: three, Maternity centers: eight, Homeopathic dispensaries: 14, Allopathic dispensaries: five and Ayurvedic dispensaries: 13.

<sup>25</sup> Pharmacists, Nurses, Ward boys, Aaya, Peon and Chowkidar.

<sup>26</sup> 50 per cent central share: ₹ 11.81 crore, 20 per cent state share: ₹ 4.72 crore and 30 per cent ULB share: ₹ 7.09 crore.

<sup>27</sup> (i) Birth and death registration (ii) Payment of property tax (iii) Water supplies and other utilities (iv) Grievances and suggestions (v) Building approvals (vi) Monitoring of project/ward works (vii) Licenses (viii) Estates (ix) Works flow management (x) Accounting system (xi) Personnel Information system (xii) Stores management (xiii) Procurement and (xiv) Centralised administration module.

modules of only four services *i.e.*, birth & death registration, centralised administration, public grievance and e-procurement were operational and being utilised by KNN and required modules for remaining services were not provided by NIC (upto November 2014). Physical verification of stock also revealed that out of above procurement, 70 computers and 109 printers remained unpacked and were lying in store since April 2013. As a result, KNN failed to provide prescribed quality services to the people and also internal control in operation even after incurring an expenditure of ₹ 5.29 crore on e-Governance project.

In reply, KNN accepted the audit observation though no remedial action was intimated by KNN.



Monitors, CPUs and printers lying unpacked at store of KNN

#### **4.1.12.5 Encroachment of land**

Section 296 of MCA empowered MC to remove any encroachment of land under its jurisdiction without giving prior notice. The State Government also issued (December 2012) order to remove encroachments over the Government properties. Scrutiny revealed that 17 out of 675 parks within jurisdiction of KNN were encroached by local peoples and permanent structures were erected illegally on the encroached parks (*Appendix 4.1.21*). It was also noticed that houses were built by the illegal occupants on the vacant land of Fahimabad dumping station in Chamanganj. Similarly, shops and houses were illegally built by occupants on the land of Sisamau market of KNN. Land of two cattle pounds, Deputy Ka padav and Kalyanpur of KNN was also illegally occupied. However, no action was initiated by KNN to get encroachment evicted as of November 2014.

In reply, KNN accepted the audit observation and stated that necessary action will be taken in this regard.

### 4.1.13 Establishment

Following issues of establishment were noticed during audit. We observed that:

- Against the total sanctioned posts of 3,560 in all cadres (excluding *safai* staff), only 2,171 employees (61 *per cent*) were posted (*Appendix 4.1.22*) in KNN. Shortage in key functionaries viz., tax realisation functionaries, drivers etc., affected the functioning of KNN adversely.

In reply, KNN accepted the facts though no remedial action was intimated by KNN.

- KNN had 190 vehicles (178 heavy & medium vehicles and 12 light vehicles) in its fleet as of July 2014, which included 20 vehicles procured at the cost of ₹ 3.39 crore during 2009-14 (*Appendix 4.1.23*). However, KNN did not have sufficient drivers/technicians (*Appendix 4.1.24*) for operation and maintenance of these vehicles as shortage ranged between 41 and 100 *per cent* in the cadre of drivers, mechanics, fitter man and foreman. Due to shortage of drivers, 16 heavy and medium vehicles were lying unutilised<sup>28</sup> as on July 2014 and 125 vehicles of KNN were being operated by fitter, cleaner, peon etc.

In reply, KNN stated that vehicles were purchased on the basis of requirement. Reply was not acceptable as KNN did not ensure availability of trained man power for operation of vehicles before procurement.

- As per the Government order (December 1991), new appointment of daily wager or work charge employees were not allowed and recovery of wages paid to irregularly appointed employees was to be made from the appointing authority responsible for violating the orders. Scrutiny revealed that 137 employees were irregularly appointed on daily wages after issue of Government order (December 1991).

In reply, KNN accepted that no action was taken for recovery of wages paid from the responsible officers.

#### 4.1.13.1 Provident Fund

As per the Government order (November 1995), amount of Provident Fund (PF) deducted from the salary of employees was to be deposited into PF account of concerned employee opened in bank without any delay. We observed that:

- Out of 4,532 PF subscribers, KNN did not open PF account of 542 employees (12 *per cent*) as of July 2014. Scrutiny revealed that amount, deducted for PF, was being deposited (March 2014) in saving bank account of KNN named as base account. As a result, balance of ₹ 8.89 crore (including interest) was accumulated in the base account;

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<sup>28</sup> Records of unutilised vehicles were not provided by KNN.



- Further, in case of employees having PF accounts, amounts were transferred to PF accounts with delays ranging between 11 and 231 days during 2009-14 due to shortage of staff and non-availability of computers. As a result, an accrued interest ₹ 1.53 crore was accumulated in base account during 2009-14. However, no amount against interest accrued was transferred to concerned employee's account, hence, employees were deprived of the interest on PF amount deducted; and

In reply, KNN accepted the audit observations though no remedial action was intimated by KNN.

#### **4.1.14 Non-maintenance of records**

In compliance with the Government order (June 2008), ULBs were required to maintain various records viz. Loan register, Government grants register, Investment register, Deposit register, Suit and decree register etc. in the prescribed formats of *Lekha Niyamavali*, 1960. We observed that:

- Sixteen records required to be maintained were either not maintained or maintained improperly (*Appendix 4.1.25*); and
- The CAG of India, on the recommendation of the 11<sup>th</sup> Finance Commission, prescribed (June 2003) the budget and accounting formats on accrual basis for ULBs. However, KNN did not maintain its accounts on formats, prescribed by the CAG.

In reply, KNN accepted the audit observations though no remedial action was intimated by KNN.

#### **4.1.15 Monitoring**

According to section 88 of MCA, six meetings of Corporation and 12 meetings of EC were necessarily required to be held in a year.

Scrutiny revealed that in KNN only 10 meetings (33 *per cent*) of Corporation and 12 meetings (20 *per cent*) of EC were held during 2009-14. Further, minutes of meetings of Corporation and EC were issued with the delays of up to 35 and 172 days respectively (*Appendix 4.1.26*).

Further, as per section 142 of MCA, *Mukhya Nagar Lekha Parikshak* (MNLP) was responsible for audit of *Nigam's* accounts and preparation & submission of audit reports to EC. Scrutiny of records revealed that neither the accounts of KNN were audited by MNLP nor audit reports were prepared and submitted to EC during 2009-14.

Thus, monitoring of activities of KNN by public representatives could not be ensured as required meetings of Corporation & EC were not held.

In reply, KNN stated that meetings of EC and Corporation were organised on the instructions of Mayor and assured that action will be taken for audit of accounts.

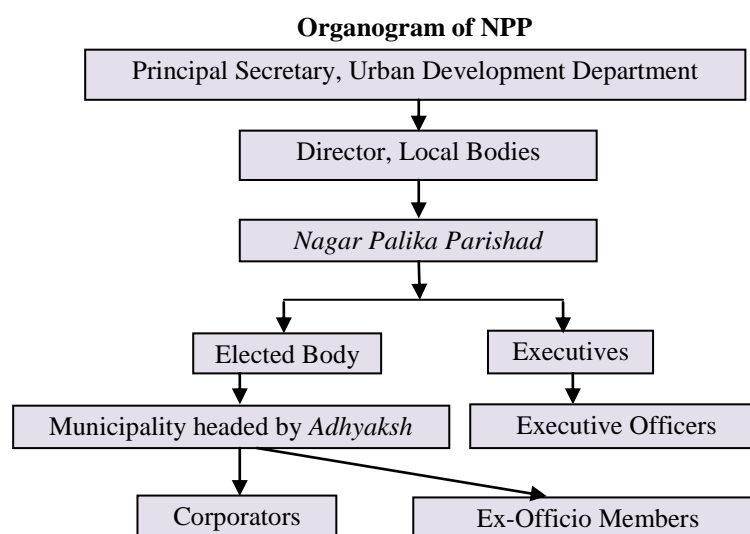
*The Government may ensure meetings of Corporation and Executive Committee as per norms for proper monitoring of the activities.*



## Section B - Nagar Palika Parishads

NPPs are constituted with wards for providing municipal services to the people. NPPs Ghatampur, Kannauj and Kayamganj (each NPP constituted with 25 wards) of Kanpur *Mandal* were selected for performance audit. *Nagar Palika Parishads* are administered under provisions of MA. Municipality, headed by *Adhyaksh*, is responsible for policy decisions related to municipal services; approval of budget and works; levy and realisation of tax/ non-tax revenue etc. Besides, Executive Officer is executing authority and is responsible for execution of works, schemes etc.

Organogram of NPP is given below:



### 4.1.16 Financial management

#### 4.1.16.1 Sources and application of funds

Source and application of funds of NPPs were earlier discussed in Paragraph 4.1.7.1. Detail of total available fund alongwith expenditure (*Appendix 4.1.27*) of test-checked NPPs during 2009-14 is summarised in **Table 4**.

**Table 4: Total available fund and expenditure of test-checked NPPs during 2009-14**

Name of NPP	Opening balance	Own revenue	Govt. grants	Total available fund	Expenditure	₹ in crore	
						Closing Balance	Percentage of utilisation
Kannauj	07.57	09.07	49.00	65.64	57.31	8.33	87
Kayamganj	00.96	01.49	20.57	24.87	24.04	0.83	97
Ghatampur	01.49	02.90	20.48	23.02	20.18	2.84	88
<b>Total NPPs</b>	<b>10.02</b>	<b>13.46</b>	<b>90.05</b>	<b>113.53</b>	<b>101.53</b>	<b>12.00</b>	<b>89</b>

(Source: Test-checked NPPs)

It would be seen from the **Table 4** that ₹ 101.53 crore was utilised (89 *per cent*) against the total available funds of ₹ 113.53 crore by test-checked NPPs during 2009-14. We during audit also observed that:

Under Urban Infrastructure Development scheme a sewerage project (₹ 38.66 crore) for NPP Kannauj was sanctioned (November 2008) by the State Government and ₹ 3.87 crore was released (February 2009) to the NPP, which was subsequently transferred to Construction division, UP, *Jal Nigam*, Kannauj. However, the project was not approved by GoI. No reasons for non-sanction of the project were on record. Further, it was also noticed that instead of refund of released amount to the Government, UP; *Jal Nigam* parked ₹ 3.87 crore in the fixed deposit receipt since 2012-13 to till date.

No reply, in this regard, was furnished by the Government as of February 2015.

#### 4.1.16.2 Levy and realisation of tax and non-tax revenue

As per provisions of section 166-173 of MA, realisation of outstanding tax/non-tax revenue was to be made by NPPs/NPs by issuing warrant, selling of movable property of the defaulters, filing civil suits against defaulters etc.

Scrutiny of records of test-checked NPPs revealed that, only ₹ 12.68 crore was realised, against the total demand of ₹ 13.84 crore, on account of realisation of tax and non-tax revenue during 2009-14 (*Appendix 4.1.4*), leaving a shortfall of ₹ 1.16 crore (8.38 *per cent*). However, no action was taken by test-checked NPPs for realisation of outstanding tax/non-tax revenue as required under provisions of MA.

Following shortcomings are also noticed in levy, demand and realisation of tax/non-tax revenue during audit. We observed that:

##### *Tax revenue receipts*

- *Property tax*

As per section 145 of MA, a new assessment list indicating all buildings and lands under municipal area, was to be prepared in every five year period for imposing property tax.

Detail of demand raised; revenue realised and short realisation of property tax of test-checked NPPs during 2009-14 is given in **Table 5**.

**Table 5: Detail of demand and realisation of property tax during 2009-14**

(₹ in lakh)

Name of NPPs	Demand	Realisation	Shortfall	Percentage of realisation
Kannauj	522.62	59.20	463.42	11
Ghatampur	25.92	09.47	16.45	37
Kayamganj	95.12	30.09	65.03	32
<b>Total of NPPs</b>	<b>643.66</b>	<b>98.76</b>	<b>544.90</b>	<b>15</b>

(Source: Test-checked NPPs)

It would be seen from the **Table 5** that only ₹ 98.76 lakh was realised (15 *per cent*) against the total demands of ₹ 643.66 lakh in test-checked NPPs during 2009-14, leaving a short realisation of ₹ 544.90 lakh.

Further, assessment list was not prepared as per prescribed periodicity in NPPs Ghatampur<sup>29</sup>, Kannauj and Kayamganj. Consequently, property Tax was being levied in these NPPs on the basis of assessment list of the years 1979-80, 2003-04 and 2008-09 respectively. Thus, due to non-preparation of periodical assessment list, NPPs could not increase its property tax base.

In reply, test-checked NPPs accepted the audit observation, however, efforts made for revision of assessment lists were not intimated.

- ***Water tax***

As per provisions of section 128 of MA, NPPs/NPs were empowered for levy<sup>30</sup> and realisation of water tax on ARV of lands/buildings. Scrutiny revealed that Water Tax was not levied in NPP, Ghatampur during 2009-14.

- ***Additional Stamp Duty***

As per the provisions discussed in Paragraph 4.1.7.2 *ante*, due to non-raising of demands, only ₹ 3.22 crore (69 *per cent*) was received from Deputy Inspector General; Stamp, in NPP Kannauj, on account of additional stamp duty, leaving a short receipt of ₹ 1.46 crore (***Appendix 4.1.5***).

In reply test-checked NPP accepted the audit observations though no remedial action was intimated by NPP.

#### ***Non-tax revenue receipts***

- ***Water charges***

The Government suggested (January 1997), NPPs and NPs to fix minimum water charges at the rate of ₹ 50 *per month per connection* and ₹ 30 *per month per connection* respectively, for meeting the expenditure incurred on water supply.

Scrutiny of records revealed that water charges were never levied in NPP Kannauj upto 2013-14. In NPP, Ghatampur water charges were fixed at the rate of ₹ 25 *per month per connection* and not revised according to the Government suggestion even after lapse of 17 years.

In reply, test-checked NPPs stated that efforts will be made to impose and revise the water charges.

- ***License fee***

The State Government directed (December 1997), to impose license fee on 39 items (***Appendix 4.1.6***) to make NPP self-reliant. However, no license fee was imposed by any of the test-checked NPPs during 2009-14.

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<sup>29</sup> Only 3,040 houses were under taxation instead of total available houses of 7,800 up to 2013-14.

<sup>30</sup> Rates of water tax, in certain percentage of ARV, were to be decided by Municipality.

#### **4.1.16.3 Budgeting**

According to section 99 and 103 of MA, complete account of actuals of preceding year and budget estimates of succeeding year of NPP/NP was to be laid before Municipality for approval.

Scrutiny of records of NPP, Kayamganj revealed that budget estimate for 2012-13 was not submitted to Municipality for approval.

In reply NPP, Kayamganj accepted the audit observation though no remedial action was intimated by NPP.

#### **4.1.16.4 Accounting framework**

##### ***Preparation of Accounts***

As per provisions discussed in Paragraph 4.1.7.4 *ante*, test-checked NPPs though adopted accrual based double entry accounting system since 2008-09, however, no manual was prepared by the State Government for accrual based double entry accounting system due to which classification of assets & liabilities and depreciation rates were not defined in any of the test-checked NPPs.

Scrutiny revealed that in NPPs Kannauj and Kayamganj, annual accounts including balance sheets were not prepared for the period 2010-14 and 2009-14 respectively and only cash books were prepared for maintenance of accounts.

In reply, test-checked NPPs accepted the facts though no remedial action was intimated by NPPs.

#### **4.1.17 Planning**

In compliance of provisions of DPC (as discussed earlier in Paragraph 4.1.8), ADPs were required to be prepared by NPPs and NPs for further submission to DPC after getting it approved by Municipality under the provisions contained in section 127 B of MA.

Scrutiny of records of test-checked NPPs revealed that though ADPs were prepared but not presented before Municipalities for approval and sent directly to DPC. Besides, ADPs also did not include proposal for Central/State plan schemes. Scrutiny further revealed that in NPPs, Kannauj and Kayamganj, ADPs were prepared only for the year 2012-14 and 2012-13 respectively.

Thus, provisions of MA were not followed in test-checked NPPs for proper planning.

In reply, test-checked NPPs accepted the audit observations though no remedial action was intimated by NPPs.

#### **4.1.18 Procurements and Execution of works**

##### ***Execution of works without approval***

As per the provisions of section 111 of MA, executions of works were to be carried out after approval of the Municipality. Contrary to the provisions, 18 works related to construction of roads and drainage of ₹ 1.51 crore (**Appendix 4.1.28**) were executed by EO without approval of Municipality in NPP, Kannauj during 2013-14.

In reply, NPP accepted the audit observation though no remedial action was intimated by NPP.

#### **4.1.19 Unfruitful expenditure**

Scrutiny of records of NPP, Kannauj revealed that two auto three-wheelers amounting to ₹ 5.59 lakh were purchased during June 2010 for transportation of MSW without assessing requirement of vehicles. As a result vehicles were lying idle since December 2011, rendering expenditure of ₹ 5.59 lakh unfruitful. Further, scrutiny revealed that registration and insurance of vehicles were also not carried out by NPP.

In reply, test-checked NPP accepted the audit observations though no remedial action was intimated by NPP.

#### **4.1.20 Unauthorised operation of slaughter house**

As per the provisions discussed in Paragraph 4.1.11.4 *ante*, in NPP Kayamganj, one slaughter house was operational (since last 15 years) without having facility for treatment of generated effluents and required NOC from UPPCB.

In reply, NPP, Kayamganj accepted the audit observation though no remedial action was intimated by NPP.

#### **4.1.21 Monitoring**

According to section 86 of MA, 12 meetings of Municipality were necessarily required to be held in a year in NPPs and NPs.

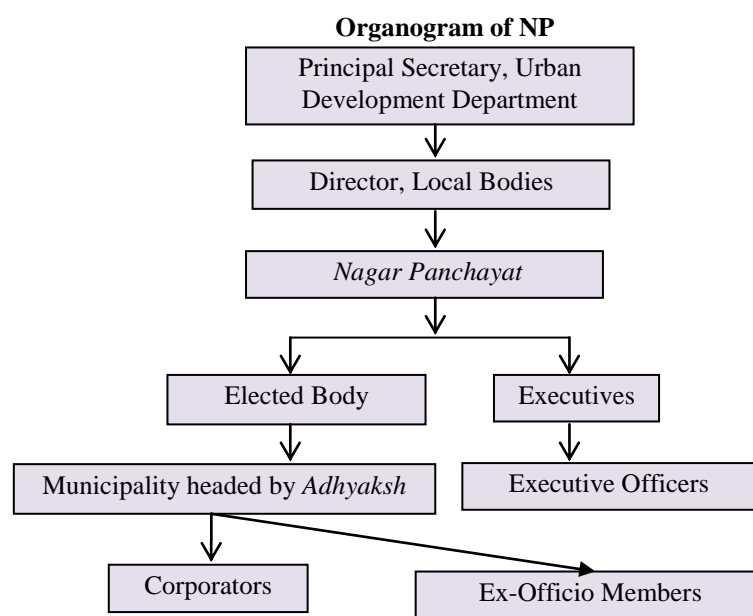
Scrutiny revealed that in test-checked NPPs, shortfall in meetings of Municipalities ranged from 67 to 75 *per cent* as detailed in **Appendix 4.1.29**. Further, in NPP Ghatampur, minutes of meetings of Municipality were not issued during 2009-14 and in NPPs Kannauj and Kayamganj, minutes of meetings of Municipality were issued with delays upto five days.

Test-checked NPPs accepted the audit observations though no remedial action was intimated by NPPs.

#### **Section C- Nagar Panchayats**

NPs are constituted with wards for providing municipal services to the people. Seven NPs of Kanpur *Mandal* i.e., Atsu (with 11 wards); Ekdil (with 10 wards); Kamalganj (with 12 wards); Shivli (with 10 wards); Shivrajpur;

Talgram (with 11 wards) and Tirwaganj (with 15 wards), were selected for performance audit. However, no records were provided by NP Shivrajpur. *Nagar Panchayats* are also administered under provisions of MA. Municipality, headed by *Adhyaksh*, is responsible for policy decision related to municipal services; approval of budget and works; levy and realisation of tax/non-tax revenue etc. Besides, Executive Officer is responsible for execution of works, schemes etc. Organogram of NP is given below:



## 4.1.22 Financial management

### 4.1.22.1 Sources and application of funds

Source and application of funds of NPs were discussed earlier in Paragraphs 4.1.7.1. Detail of total available fund alongwith expenditure (*Appendix 4.1.27*) of test-checked NPs during 2009-14 is summarised in **Table 6**.

**Table 6: Total available fund and expenditure of test-checked NPs during 2009-14**  
(₹ in crore)

Name of NPs	OB	Own revenue	Govt. grants	Total available fund	Expenditure	CB	Percentage of utilisation
Talgram	00.05	00.62	6.87	7.54	5.10	2.44	68
Tirwaganj	00.22	01.46	11.84	13.52	11.80	1.72	87
Shivali	00.03	00.36	06.91	7.30	5.96	1.34	82
Atsu	00.02	00.40	07.45	7.87	5.60	2.27	71
Ekdil	00.04	00.30	06.61	6.95	5.58	1.37	80
Kamalganj	00.15	01.23	10.98	12.36	9.56	2.80	77
<b>Total of NPs</b>	<b>00.51</b>	<b>04.37</b>	<b>50.66</b>	<b>55.54</b>	<b>43.60</b>	<b>11.94</b>	<b>79</b>

(Source: Test-checked NPs)

It would be seen from the **Table 6** that ₹ 43.60 crore was utilised (79 per cent) against the total available funds of ₹ 55.54 crore by test-checked NPs during 2009-14.

In reply test-checked NPs accepted the facts.

#### 4.1.22.2 Levy and realisation of tax and non-tax revenue

As per provisions discussed in Paragraph 4.1.16.2 *ante*, no efforts were made by test- checked NPs for realisation of outstanding tax/non-tax revenue.

Scrutiny of records of test-checked NPs revealed that, only ₹ 3.87 crore was realised, against the total demand of ₹ 6.15 crore, on account of tax and non-tax revenue during 2009-14 (*Appendix 4.1.4*), leaving a shortfall of ₹ 2.28 crore (37 per cent).

Following shortcomings are noticed in levy, demand and realisation of tax/non-tax revenue during audit. We observed that:

##### *Tax revenue receipts*

##### ● *Property tax*

As per the provisions discussed in Paragraph 4.1.16.2 *ante*, no property tax was levied during 2009-14 in NP, Talgram and realisation of property tax of ₹ 5.37 lakh pertaining to the period prior to 2009-10 was outstanding as of March 2014. Besides, in NP, Kamalganj property tax for the years 2009-12 were imposed during 2009-14 and property tax for the years 2012-14 were not imposed upto November 2014.

It was also noticed that in NPs Atsu and Ekdil, records of demands and realisation of property tax were not maintained. Further, details of demand raised; revenue realised and short realisation of property tax of other test-checked NPs during 2009-14 is given in **Table 7**.

**Table 7: Details of demand and realisation of property tax during 2009-14**

(₹ in lakh)

Name of NPs	Demand	Realisation	Shortfall	Percentage of realisation
Kamalganj	30.74	06.92	23.82	23
Shivli	08.75	02.31	06.44	26
Tirwaganj	27.76	08.26	19.50	30
<b>Total of NPs</b>	<b>67.25</b>	<b>17.49</b>	<b>49.76</b>	<b>26</b>

(Source: Test-checked NPs)

It would be seen from **Table 7** that in NPs, Kamalganj; Shivli and Tirwaganj, only ₹ 17.49 lakh was realised (26 per cent), against the total demand of ₹ 67.25 lakh during 2009-14, leaving a short realisation of ₹ 49.76 lakh.

In reply test-checked NPs accepted the audit observations, however, efforts made for levy and realisation of outstanding property tax were not intimated by NPs.

##### ● *Water tax*

As per the provisions discussed in Paragraph 4.1.16.2 *ante*, Water Tax was not imposed in NPs Atsu, Ekdil, Shivli and Talgram during 2009-14 as required under provision of MA.



- ***Additional Stamp Duty***

As per the provisions discussed in Paragraph 4.1.7.2 *ante*, due to non-raising of demands, only ₹ 0.71 crore (75 *per cent*) was received from Deputy Inspector General; Stamp, in NPs Talgram and Tirwaganj, on account of additional stamp duty, leaving a short receipt of ₹ 0.24 crore (**Appendix 4.1.5**).

In reply test-checked NPs accepted the audit observations, however efforts made for recovery of short-realised additional stamp duty were not intimated by NPs.

#### ***Non-tax revenue receipts***

- ***Water charges***

As per the provisions discussed in Paragraph 4.1.16.2 *ante*, in NPs Ekdil and Atsu, water charges were not fixed according to the Government suggestion even after lapse of 17 years and levied at the rate of ₹ 15 *per month per* connection and ₹ 20 *per month per* connection respectively.

In reply, test-checked NPs stated that efforts will be made to revise and realise the outstanding water charges.

- ***License fee***

The State Government directed (December 1997), to impose license fee on 39 items (**Appendix 4.1.6**) to make NP self-reliant. However, no license fee was imposed by any of the test-checked NPs during 2009-14.

#### **4.1.22.3 Budgeting**

As per the provisions discussed in Paragraph 4.1.16.3 *ante*, budget estimate for 2012-13 was not submitted to Municipality for approval in test-checked NPs Kamalganj, Talgram and Tirwaganj.

Further scrutiny revealed that in NP, Ekdil budget estimates for 2010-11 and 2013-14 were not prepared. In NPs, Kamalganj, Talgram and Tirwaganj actuals of preceding year were not laid before municipality alongwith budget estimates. Thus, provisions of MA regarding budget were not followed in test-checked NPs.

In reply test-checked NPs accepted the audit observation. However, NPs did not inform the reasons for non-adherence to the provisions of MA.

#### **4.1.22.4 Accounting framework**

##### ***Preparation of Accounts***

As per provisions discussed in Paragraph 4.1.7.4 *ante*, test-checked NPs though adopted accrual based double entry accounting system since 2008-09, however, no manual was prepared by the State Government for accrual based double entry accounting system.

Scrutiny revealed that in NPs, Kamalganj, Talgram and Tirwaganj only cash books were prepared; however, annual accounts including balance sheets were not prepared for the period 2010-14, 2009-14 and 2009-14 respectively.

In reply, test-checked NPs accepted the facts though no remedial action was intimated by NPs.

#### **4.1.23 Planning**

As discussed earlier in Paragraph 4.1.17 *ante*, ADPs were also not presented before Municipalities for approval in test-checked NPs (Atsu, Ekdil, Shivli, Talgram and Tirwaganj) and also did not include proposal for Central/State plan schemes. Further, in NPs Tirwaganj, Talgram and Ekdil, ADPs were prepared only for the year 2011-14, 2013-14 and 2009-11 & 2012-14 respectively. Scrutiny further revealed that in NP Kamalganj, ADPs were not prepared during 2009-14.

In reply, test-checked NPs accepted the audit observations though no remedial action was intimated by NPs.

#### **4.1.24 Procurements and execution of works**

Following instances of unfruitful expenditure were noticed during scrutiny of records of test-checked NPs. We observed that:

- In NPs, Talgram and Tirwaganj, three submersible pumps were purchased during 2011-12 at a cost of ₹ 6.86 lakh without assessment of requirement. These submersible pumps were lying idle as of May 2014, rendering expenditure of ₹ 6.86 lakh unfruitful.
- In NP, Kamalganj, one drain cleaning machine of ₹ 8.98 lakh and one sewer suction machine of ₹ 6.46 lakh was purchased at a total cost of ₹ 15.44 lakh during March 2014. For operation of both machines, a tractor of 35 Horse Power (HP) was required. However, NP purchased these machines without prior arrangement of required capacity of tractor. Due to non-availability of tractor, both machines were lying idle as of November 2014, rendering expenditure of ₹ 15.44 lakh unfruitful.
- Ward-wise maps of Class-I town were to be prepared upto October 2008 for the purpose of census 2011. Scrutiny revealed that NP, Tirwaganj (Class-IV town) incurred expenditure of ₹ 8.53 lakh for preparation (2012-13) of ward-wise maps even after completion of census 2011, which was unjustified.

In reply, test-checked NP accepted the audit observations and stated that work was carried out on the instructions of the Directorate.

- In NP Shivli, construction of a *Barat Ghar* under *Sangathit Vikas Yojana* was approved (April 2007) at a cost of ₹ 32.09 lakh. Accordingly, ₹ 18.04 lakh was to be provided under scheme funds and remaining ₹ 14.05 lakh was to be arranged by NP from own sources. Scrutiny revealed that construction of *Barat Ghar* was started in August 2007 after receiving funds from the State

Government. However, construction work was stopped (November 2008) in mid-way after utilising the released amount of ₹ 18.04 lakh as NP Shivli failed to provide its share of ₹ 14.05 lakh (upto July 2014), rendering an expenditure of ₹ 18.04 lakh unfruitful.

In reply, test-checked NP accepted the audit observation though no remedial action was intimated by NP.

#### **4.1.25 Monitoring**

As per provisions discussed in Paragraph 4.1.22 *ante*, shortfall in meetings of Municipalities in test-checked NPs ranged between 17 and 70 *per cent* as detailed in **Appendix 4.1.29**. Further, in NPs, Atsu, Ekdil, Shivli, Talgram and Tirwaganj, minutes of meetings of Municipalities were not issued during 2009-14 and in NP, Kamalganj minutes of meetings of Municipality were issued with delays upto 12 days.

Test-checked NPs accepted the audit observations though no remedial action was intimated by NPs.

#### **4.1.26 Conclusion**

##### **Kanpur Nagar Nigam**

- Kanpur Nagar Nigam failed to take recourse to the provisions of Municipal Corporation Act, in levy, demand, revision and realisation of tax and non-tax revenues. There was shortfall of 41 and 61 *per cent* in collection of own revenue against demands of ₹ 919.05 crore and ₹ 768.52 crore raised respectively by Kanpur Nagar Nigam and Jal kal Vibhag during 2009-14. Annual rental value, in respect of property tax, was not revised at the prescribed intervals.
- Budget was either not prepared in time or not submitted to Executive Committee and Corporation for approval in Kanpur Nagar Nigam.
- Annual accounts for the period 2010-14 were not finalised and annual accounts for the year 2009-10 were finalised with delays upto 27 months.
- Annual Development Plans were not prepared, though it was required to be prepared as per the provisions of the Municipal Corporation Act.
- Extant mandatory instruction, orders and guidelines were violated during execution of agreements for implementation of works in Kanpur Nagar Nigam. Agreements for execution of 150 works amounting to ₹ 13.74 crore were not signed before commencement of works and 75 agreements of ₹ 5.15 crore were signed after completion of the works.
- Management of environmental issues and municipal services were inadequate in Kanpur Nagar Nigam. Municipal Solid Waste remained uncollected in the city as well as lying dumped at processing plant site.

- Mandatory meetings of Corporation and Executive Committee were not held as per prescribed norms and accounts were not audited by *Mukhya Nagar Lekha Parikshak* during 2009-14.

#### ***Nagar Palika Parishads***

- Against the total available funds of ₹ 113.53 crore, only 89 *per cent* funds were utilised by three test-checked NPPs. There was shortfall of eight *per cent* in collection of own revenue against the demands of ₹ 13.84 crore. Further, the assessment lists of property tax were also not revised at the prescribed intervals of five years.
- Annual accounts were not prepared in test-checked *Nagar Palika Parishads*.
- Annual Development Plans were prepared but these were not presented to Municipality for approval in test-checked NPPs as required under Municipalities Act, 1916.
- Mandatory meeting of Municipalities was not held as per prescribed norms in test-checked *Nagar Palika Parishads*.

#### ***Nagar Panchayats***

- Against the total available funds of ₹ 55.54 crore, only 79 *per cent* funds were utilised by test-checked NPs. There was shortfall in collection of own revenue (37 *per cent*) against the total demand of ₹ 6.15 crore in test-checked NPs.
- Annual accounts were not prepared by three NPs Kamalganj, Talgram and Tirwaganj out of seven test-checked *Nagar Panchayats*.
- Annual Development Plans were not prepared according to provisions of the Municipalities Act, 1916 in test-checked *Nagar Panchayats*.
- Procurements were made without assessment of requirement as a result three submersible pumps of ₹ 6.86 lakh (procured during 2011-12) were lying idle in NPs Talgram and Tirwaganj. One drain cleaning machine and one sewer suction machine of ₹ 15.44 lakh were also lying idle in NP, Kamalganj for want of tractor of required capacity.
- Monitoring was lax as mandatory meetings of Municipalities were not held as per prescribed norms in test-checked *Nagar Panchayats*.

The matter was reported (October 2014) to the Government and reply is awaited. However, the facts and figures of the Performance Audit report were confirmed by Government in Exit Conference (February 2015).



## 4.2 Compliance Audit

### 4.2.1 Blockade of fund

#### **Blockade of fund of ₹ 35.61 lakh under the 12<sup>th</sup> Finance Commission grants due to absence of proper planning.**

Twelfth Finance Commission (TFC) recommends grants for urban local bodies is to be provided to improve civic facilities viz. Solid Waste Management, Roads, Water Supply, Street lights, Computerisation of data base and other development works like traffic improvement work, maintenance of crematorium/ burial grounds, parks, gardens and play grounds etc.

The Government of Uttar Pradesh (GoUP) released grant of ₹ 19.05 crore during the period 2005 to 2010 to *Nagar Nigam*, Meerut (**Appendix 4.2.1**) as per the recommendations of 12<sup>th</sup> Finance Commission, for solid waste management ₹ 9.52 crore (50 per cent), improvement/ widening of roads, development of parking lots, construction/ maintenance of drainage system ₹ 4.76 crore (25 per cent), Water Supply arrangements ₹ 1.90 crore (10 per cent), Street lights ₹ 0.95 crore (five per cent), Computerisation and maintenance of data base ₹ 0.38 crore (two per cent), and other development works ₹ 1.53 crore (eight per cent) for utilisation during the relevant financial years. The utilisation certificate was to be provided to the Government in the same financial year.

Scrutiny of the records of *Nagar Nigam*, Meerut (April 2013) revealed that out of ₹ 19.05 crore, only ₹ 12.50 crore was spent<sup>31</sup> by the *Nigam* as of March 2010 but due to laxity of the department, ₹ 7.70 crore (including interest) remained unspent<sup>32</sup> and was lying in the bank (₹ 5.18 crore) and in Personal Ledger Account (PLA) of the treasury (₹ 1.37 crore) during 2005-06 to 2014-15 (August 2014) (**Appendix 4.2.2**). The interest of ₹ 1.15 crore was accrued in the bank account. Thus, the *Nagar Ayukta* failed to create infrastructure as approved by the 12<sup>th</sup> Finance Commission for benefit of public and for which the fund was made available by the Government of India.

On this being pointed out in audit, the *Nagar Ayukta* of *Nagar Nigam* Meerut stated (April 2013) that due to non-sanction of works and specific instructions from the Government, amount remained unspent in PLA/bank account. Further, it stated (October 2014) that ₹ 7.34 crore (including interest) was transferred in relevant heads between September 2014 and October 2014. The reply was not acceptable as the sum of ₹ 7.34 crore had been surrendered to the State Government after four to nine years as the department failed to get the development works executed though it had already been sanctioned prior to the release of fund. The specific instruction for execution should have been obtained from the Government by the competent authority. We further noticed that ₹ 35.61 lakh was still lying unutilised in PLA.

<sup>31</sup> SWM: ₹ 6.47 crore; Roads: ₹ 3.26 crore; Drinking water: ₹ 0.96 crore; Street lights: ₹ 0.56 crore; Computerisation: ₹ 0.30 crore; and other development works: ₹ 0.95 crore.

<sup>32</sup> SWM: ₹ 3.06 crore; Roads: ₹ 1.50 crore; Drinking water: ₹ 0.95 crore; Street lights: ₹ 0.39 crore; Computerisation: ₹ 0.08 crore; and Other development works: ₹ 0.58 crore (₹ 1.37 crore in PLA and ₹ 6.33 crore in Bank accounts of Punjab National Bank).

Thus, due to improper planning of the department, TFC grant could not be utilised for intended purpose as it was lying unspent up to nine years and ₹ 35.61 lakh was still blocked.

During discussion (February 2015), the Government, while accepting the facts and figures assured that necessary action would be taken.

#### **4.2.2 Unfruitful expenditure and revenue loss**

**Construction of shops without assessment of requirement resulted in unfruitful expenditure for six to nine years due to non-allotment and subsequent allotment of shops without collecting premium resulted in loss of revenue of ₹ 21.35 lakh.**

With a view to generate income from its own sources by providing market place to the local shopkeepers, *Nagar Panchayat* (NP), Hariharpur, District Sant Kabir Nagar decided (2001-02) to construct 23 shops in Indira Nagar Commercial *Yojana*, 20 shops in Meat and Fish Market. The decision for construction of 10 shops in *Jalkal* Compound Commercial *Yojana* was taken in October 2004 under Integrated Development of Small and Medium Towns (IDSMT) schemes. Before construction of shops, survey was to be conducted to ascertain the feasibility and assess the requirement of shops in the area. These shops were to be allotted to the shopkeepers after realisation of the premium and monthly rent to be fixed by the NP.

Scrutiny of the records (September 2013) revealed that the Urban and Rural Planning Department (URPD) sanctioned (March 2002) two schemes under IDSMT for NP, Hariharpur, namely (i) Meat and Fish Market at the cost of ₹ 6.16 lakh and Indira Nagar Commercial *Yojana* at cost of ₹ 15.27 lakh. The State Government released (March 2002) 1<sup>st</sup> instalment of ₹ 16.67 lakh to NP Hariharpur under IDSMT schemes with a condition that after completion of Meat and Fish market, certain number of shops should be constructed in Indira Nagar Commercial *Yojana* from the balance amount of ₹ 10.51 lakh. The sanction envisaged that any excess amount incurred shall be adjusted from the premium received from allotment of shops. We noticed that eight shops of Meat and Fish Market were constructed (December 2002) at a total cost of ₹ 3.92 lakh and 23 shops were constructed (March 2003) in Indira Nagar Commercial *Yojana* at a total cost of ₹ 13.99 lakh.

Further, N.P. Hariharpur decided (October 2004) for construction of 10 shops in *Jalkal* Compound Commercial *Yojana* under IDSMT schemes. The URPD sanctioned (January 2005) ₹ 8.78 lakh for this *Yojana*. The State Government released ₹ 33.20 lakh in 2<sup>nd</sup> instalment (October 2004) which included ₹ 10.24 lakh for *Jalkal* Compound Commercial *Yojana*. The construction of 10 shops was done (October 2005) at a total cost of ₹ 9.59 lakh under this *Yojana*.

We noticed (September 2013) that the premium of ₹ 62,740 and ₹ 71,000 per shops was fixed respectively for Meat and Fish Market and Indira Nagar Commercial *Yojana* respectively and no premium was fixed for the shops of *Jalkal* Compound Commercial *Yojana*. Rent for the shops was also not decided. It was further revealed that none of the shops constructed in these



schemes were allotted to the shopkeepers. This resulted in unfruitful expenditure of ₹ 27.50<sup>33</sup> lakh incurred on the construction of aforesaid 41 shops during 2002-03 to 2005-06.

On this being pointed out in audit, the Executive Officer (EO), NP, Hariharpur intimated (September 2014) that all the shops were allotted during 2012-13 but no premium was collected. The reply of the EO confirms that shops remained un-allotted for six to nine years and no premium was collected.

Thus, expenditure incurred on construction of shops without assessment of the demand remained unfruitful for six to nine years and allotment of shops without collecting premium also resulted in loss of revenue amounting to ₹ 21.35 lakh<sup>34</sup>.

During discussion (February 2015), the Government, while accepting the facts and figures assured that necessary action would be taken.

### **4.2.3 Unfruitful expenditure**

#### **Unfruitful expenditure of ₹ 62.42 lakh, due to non-completion of work for improving street lights, in Nagar Palika Parishad, Ayodhya, Faizabad.**

The Government of Uttar Pradesh (GoUP) sanctioned<sup>35</sup> (July 2010) interest free loan of ₹ 5.45 crore under Manyavar Kanshi Ram Nagar Development Scheme for the construction/ improvement of roads including ₹ 65.21 lakh for improving street lights<sup>36</sup> in *Nagar Palika Parishad* (NPP), Ayodhya, Faizabad.

Scrutiny of the records (November 2013) of NPP, Ayodhya, Faizabad revealed that contract for construction/ improvement of road light work was awarded (November 2010) to the contractor on the basis of lowest bid in tender. The work order was issued (November 2010) to the contractor with scheduled period of completion of three months. The bill for ₹ 64.34 lakh presented by the contractor for payment, out of which ₹ 62.42 lakh<sup>37</sup> was paid (March 2011) without assessing the actual quantity of work done. However the EO deducted ₹ 1.91 lakh for incomplete items of work. After receiving the payment, contractor did not complete the work.

The Light Inspector (March 2013) reported that incomplete works included 185 poles not been grouted, 11 Mini High Mast Platforms unconstructed, cabling of 66 poles was not done and 15 poles alongwith cables had not been erected. Accordingly, the matter was reported to the District Magistrate in June 2013. The NPP, Faizabad also issued notices<sup>38</sup> to the contractor through newspaper etc., (June 2011) to complete the works failing which the Contractor was also blacklisted by NPP (February 2014).

<sup>33</sup> ₹ 3.92 lakh (Eight shops) + ₹ 13.99 lakh ( 23 shops) + ₹ 9.59 lakh (10 shops) = ₹ 27.50 lakh (41 shops).

<sup>34</sup> 23 shops \* ₹ 71,000 = ₹ 16,33,000; 08 shops \* ₹ 62,740 = ₹ 5,01,920; Total: ₹ 21,34,920 or ₹ 21.35 lakh.

<sup>35</sup> Government order 5235/Nao-5-2010-42 Sa /09 dated 15 July 2010.

<sup>36</sup> Mini high mast 11 number (₹ 1.40 lakh per mast) - ₹ 15.40 lakh; Erection of 200 new electric poles - ₹ 36 lakh; and 200 Sodium light fittings complete 250 watt - ₹ 13.81 lakh.

<sup>37</sup> Bill no. 527: ₹ 14.59 lakh; Bill no. 528: ₹ 13.63 lakh; and Bill no. 529: ₹ 34.20 lakh.

<sup>38</sup> Four notices (April 2011, May 2011, June 2011 and July 2011).



On this being pointed out by audit, EO stated (November 2013) that ₹ 1.91 lakh was deducted before making the payment from the bills of the contractor in lieu of incomplete work, it further stated that the work is still incomplete (September 2014) and a sum of ₹ 10.11 lakh<sup>39</sup> has been deducted from the earlier dues of the contractor on account of incomplete works. The reply was not acceptable as the payment was made without verification of work executed.

Fact remained that the expenditure of ₹ 62.42 lakh incurred on road light work has been rendered unfruitful and the beneficiaries have also been deprived of the intended benefits.

During discussion (February 2015), the Government, while accepting the facts and figures assured that necessary action would be taken.

ALLAHABAD

THE **15 MAY 2015**



(BHAVIKA JOSHI LATHE)  
Deputy Accountant General  
General and Social Sector Audit  
Uttar Pradesh

COUNTERSIGNED

ALLAHABAD

THE **15 MAY 2015**



(MUKESH P SINGH)  
Principal Accountant General  
General and Social Sector Audit  
Uttar Pradesh

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<sup>39</sup> Details of incomplete work: Grouting of poles: ₹ 0.39 lakh; High mast platform: ₹ 0.88 lakh; Non-cabling of poles: ₹ 6.14 lakh; and Poles with cables ₹ 2.70 lakh.