

Chapter III Compliance Audit

Audit of transactions of the Government Departments, their field formations as well as audit of the autonomous bodies brought out lapses in management of resources and failures in the observance of the norms of regularity, propriety and economy, which have been presented in the succeeding paragraphs under broad objective heads.

Non-compliance with Rules and Regulations

Disaster Management and Relief Department

3.1 Inadmissible and irregular extra expenditure on agriculture input subsidy to farmers

By adopting incorrect norms, the Department incurred inadmissible and irregular extra expenditure of ₹ 47.74 crore towards payment of agriculture input subsidy to farmers.

Paragraph 3.1 of Audit Report (G&SS), Rajasthan for the year ending 31 March 2015 had pointed out that payment of inadmissible amount of ₹ 21.29 crore was made to the farmers of Barmer District based on test check of records of Collector (Barmer) during November 2014. Further scrutiny of information collected from the Collectors Ajmer, Banswara, Bikaner, Jaisalmer, Jhunjhunu and Sikar during December 2015 to June 2016 revealed that an additional amount of ₹ 47.74 crore was also irregularly paid to the farmers of these six districts as detailed below.

Ministry of Home Affairs (Disaster Management Division), Government of India (GoI) prescribes from time to time, the items and norms for various categories of relief from the State Disaster Response Fund (SDRF) and the National Disaster Relief Fund (NDRF). GoI revised these norms of assistance¹ on 28 September 2012 with prospective effect. These norms were further revised² on 21 June 2013 with retrospective effect from first March 2013.

As per paragraph No. 2 of Chapter 4 of 'Drought Management Manual' of Government of Rajasthan, in scarcity situations, the dates for announcement of the first and the final 'Girdavari Reports' for Kharif crop is 31 October and 30 November respectively. It follows from the above that the NDRF norms dated 28 September 2012 were applicable for the Kharif crop 2012 (period June to October 2012).

1 Agriculture crops: ₹ 3,000 per hectare in rainfed areas; ₹ 6,000 per hectare in assured irrigated areas and perennial crops: ₹ 8,000 per hectare.

2 Agriculture crops: ₹ 4,500 per hectare in rainfed areas; ₹ 9,000 per hectare in assured irrigated areas and perennial crops: ₹ 12,000 per hectare.

Scrutiny of the information collected (December 2015 to June 2016) from Collectors (Relief) Ajmer, Banswara, Bikaner, Jaisalmer, Jhunjhunu and Sikar revealed that on the basis of 'Girdavari Reports Samvat 2069', received from respective District Collectors³, Government of Rajasthan *inter alia* notified (January 2013) 3,371 villages of these Districts as scarcity areas for *Kharif* crop 2012 (*Samvat* 2069) for sanction of agricultural input subsidy. Accordingly, Collectors (Relief), assessed and deposited agriculture subsidy amounting to ₹ 113.15 crore⁴ in the concerned Central Co-operative Bank Limited, for disbursement to the affected farmers. Of this, an amount of ₹ 112.22 crore was disbursed to the affected farmers under NDRF norms dated 28 September 2012 and remaining amount of ₹ 0.93 crore was returned to the State Government.

Subsequently, the State Government clarified (July 2013) that the departmental orders for payment of subsidy for *Kharif* crop 2012 have been issued on 15 March 2013 while revised (21 June 2013) NDRF norms were effective from first March 2013, therefore agricultural subsidy may be disbursed as per revised norms.

Accordingly, Collectors of these districts deposited the differential amount of ₹ 48.30 crore in concerned Central Co-operative Bank Limited for disbursement to affected farmers. Of this, an amount of ₹ 47.74 crore⁵ was disbursed to the farmers and remaining amount of ₹ 0.56 crore was returned to the Government.

Audit observed that as per provisions of Draught Manual, date prescribed for final *Girdavari* Report of *Kharif* crop is 30 November every year. Accordingly, subsidy for *Kharif* crop 2012 was required to be paid under the norms fixed by NDRF in September 2012 and not under the norms effective from March 2013. Therefore, payment of differential subsidy of ₹ 47.74 crore for *Kharif* crop 2012 was irregular.

On being pointed out Collector (Relief) Ajmer stated (December 2015) that the payment of input subsidy at revised rates was made to the farmers as per the directions of Secretary, Disaster Management and Relief Department. Collector (Relief), Sikar stated (January 2016) that the GoI revised the norms of assistance for the period 2010-15 in June 2013 which were effective from first March 2013. Further, as the agriculture input subsidy was sanctioned to the farmers after first March 2013 on the basis of the report of crops damage during the period July-October 2012 (*Samvat* 2069), therefore, the payment of input subsidy was made to the farmers at revised rates. While, Collector (Relief) Bikaner stated (April 2016) that payment of difference amount has been made in respect of only one Tehsil (Dungargarh).

3 Ajmer, Banswara, Barmer, Bikaner, Churu, Jaisalmer, Jhunjhunu, Jodhpur, Nagaur, Pali, Rajsamand and Sikar.

4 Ajmer: ₹ 26.89 crore; Banswara: ₹ 50.34 crore; Bikaner: ₹ 23.03 crore; Jaisalmer: ₹ 9.17 crore; Jhunjhunu: ₹ 2.65 crore and Sikar: ₹ 1.07 crore.

5 Ajmer: ₹ 13.45 crore; Banswara: ₹ 25.45 crore; Bikaner: ₹ 2.47 crore; Jaisalmer: ₹ 4.49 crore; Jhunjhunu: ₹ 1.33 crore and Sikar: ₹ 0.55 crore.

The replies were not convincing as the norms for assistance from the SDRF and NDRF revised (June 2013) by GoI were effective from 01 March 2013 and meant for *kharif* crop 2013 (*Samvat* 2070). Payment of agriculture input subsidy under revised norms (March 2013) for *kharif* crop 2012 was, therefore, irregular and in contravention of the decision of GoI. Reply from Collector (Relief) Jaisalmer, Jhunjhunu and Banswara has not been received so far.

Thus, by adopting incorrect norms, the Department allowed inadmissible agriculture input subsidy of ₹ 47.74 crore to farmers.

The matter was referred to State Government in April and October 2016, reply is awaited (December 2016).

Public Health Engineering Department

3.2 Avoidable extra expenditure on pipes

Avoidable extra expenditure of ₹ 132.88 crore on tender sanction at significantly high rate from typical rates.

Chief Engineer, Head Quarters, Public Health Engineering Department (PHED), directed (December 2010) field offices that while approving tenders based on single responsibility/turnkey basis or item rates for providing, laying and jointing of pipelines, rates for supply of ductile iron (DI)/Mild Steel (MS)/Ultra Poly Vinyl Carbonate (UPVC) pipes may be based on rates mentioned in the latest rate contracts, after adding necessary and justified expenses.

Principal Secretary, PHED also observed (December 2010) that in case of single responsibility/turnkey projects, the tenders of lowest bidders are approved on the basis of overall rates while the rates quoted by the bidders for certain items might be substantially higher/lower than their prevailing market rates. It was also instructed (December 2010) that while finalising such cases, a complete rate analysis comparing the quoted rates with market rates should be carried out and action for approving the overall rates should only be initiated thereafter.

In addition to this, Chief Engineer (CE) (Special Project), PHED prepared and circulated (April and July 2013) typical rates of various items on the basis of current market rates to maintain uniformity of rates in preparation of estimates in all major projects and to avoid necessity of revised sanctions.

Policy Planning Committee (PPC)/Financial Committee (FC) of Rajasthan Water Supply and Sewerage Management Board (RWSSMB) of PHED issued (August 2012 to September 2013) Administrative and Financial Sanction of ₹ 2,201.32 crore for eight works on single responsibility/turnkey basis under six PHED Divisions (detailed in *Appendix 3.1*) and the Technical Committee

(TC) accorded (December 2012 to October 2013) technical sanction for ₹ 1,479.95 crore for these works.

Test check (April 2015 to October 2015) of the records of Executive Engineers (EEs) of the concerned six Divisions and further information collected (January 2016) revealed that Finance Committee (FC) approved (May 2013 to September 2013) tenders of six contractors for a total sum of ₹ 1,680.47 crore. However, in some cases, rates approved for items of providing, laying and jointing of DI K-7 and K-9, MS, UPVC and DI sluice valves under these tenders were substantially high (10 to 87 per cent) as compared to the typical rates prepared by CE (SP) (**Appendix 3.1**). This indicated that FC did not consider the instructions issued by Principal Secretary/CE while approving the tenders. As the rates taken in typical rates were based on current market rates therefore, the FC was required to make a complete rate analysis of individual items, specially where bidders have quoted very high rates and to approve the tenders accordingly. Non-observance of the instructions resulted in avoidable expenditure of ₹ 132.88 crore (**Appendix 3.1**).

State Government, in case of Division-Neem Ka Thana, stated (May 2016) that the rates included works of CC road repairing, repairing the damaged road during excavation, shifting of water connection etc., amounting to ₹ 4.29 crore, which were not mentioned in the technical sanction and the competent authority approved the rate after considering all aspects.

EEs, Barmer and Bharatpur stated (September 2015 to January 2016) that the rates of work were approved by FC after negotiations with contractors while EE, Hindaun city stated (December 2015) that the rates quoted by contractor were for the whole work and were lower than the departmental estimates.

The replies were not tenable as the items like CC road repairing, repairing the damaged road during excavation, shifting of water connection etc., were also considered as separate items but the approved rates were much higher. The fact remains that the Department did not adhere to the instruction of Principal Secretary/CE and failed to make a complete rate analysis before finalising the tenders.

The matter was referred to State Government in May 2016, a consolidated reply is awaited (December 2016)

3.3 Irregular and unauthorised sanction

Approving of irregular and unauthorised expenditure of ₹ 81.04 crore on execution of additional works in contravention of financial rules.

Rajasthan Public Works Financial and Accounts Rules (PWF&ARs) delegates the financial power of sanction, execution and payment of additional quantities of items existing in Schedule 'G' or Bills of Quantities (BOQ) of a particular work to the various levels of authorities in the Department.

Accordingly, Chief Engineer (CE)/Additional Chief Engineer (ACE)/Superintending Engineer (SE)/Executive Engineer (EE) could sanction additional quantity upto 5 *per cent* over the original quantity of each item. Additional quantity upto 25 *per cent* over the original quantity could be sanctioned by next higher authorities. Administrative Department could sanction additional quantity upto 50 *per cent* of original quantity of each item in schedule 'G'.

During test check (August 2015 to March 2016) of records of ten Divisions⁶ of Public Health Engineering Department (PHED) it was noticed that the executing authorities (Chief Engineer, Additional Chief Engineer and Superintending Engineer) approved annual rate contracts (**Appendix 3.2**) during the period 2011-14 and allotted works ranging between ₹ 0.04 crore and ₹ 2.25 crore, to various contractors.

After exhausting the tendered/work order value of these works, the executing authorities, without inviting fresh tenders, continued to release works under these rate contracts. Though approval of higher authorities was obtained in these cases but against the total NIT value of ₹ 34.71 crore, approvals for execution of additional works were granted for a value of ₹ 78.79 crore, which were 43 to 768 *per cent* more than the permissible financial limit of ₹ 8.67 crore (25 *per cent* of the NIT amount) as delegated to the approving authorities under PWF&ARs *ibid.* (**Appendix 3.2**).

In addition to the above, additional works amounting to ₹ 2.25 crore (12 to 85 *per cent* of NIT amount) were executed by EEs of two Divisions (Behror and Khetri) without any approval of higher authorities (**Appendix 3.3**).

State Government, in case of PHED Divisions, Taranagar and Churu, stated (May 2016) that these cases were covered under Rule 29(ii)(d) and 36 of Rajasthan Transparency in Public Procurement (RTPP) Rules and not under Serial No. 24 of Appendix XIII of PWF&ARs and approval of the financial limit was accorded by the competent authority under clause 12A of rate contract and as per prevailing practice in the Department for sanction of tenders. In case of PHED Division, Behror, the State Government stated (August 2016) that the payment was made to the contractor after approval of additional quantity of items of work by competent authorities, which increased due to inclusion of the cost of material supplied.

EEs, City Division, Jhunjhunu, Balotra, and Sirohi stated (November, December 2015 and February 2016) that in view of urgency and to resolve the drinking water problems, TWs were constructed. EE, District Rural Division-I, Jaipur and Pali stated (November 2015 and March 2016) that the works were executed as per approval of SE/ACE/CE (HQ). EE, Division Khetri stated (August 2015) that item of MS casing pipe was not included in the annual rate contract and was subsequently provided by the contractor. The payment made to contractor was inclusive of the cost of MS casing pipes, however, the expenditure incurred on these RCs were within prescribed limit after deducting

⁶ Balotra, Baheror, Churu, City Division Jhunjhunu, Khetri, Pali, District Rural Division-I, Jaipur, Chittorgarh, Sirohi and Taranagar.

the cost of MS casing pipes. EE, Chittorgarh stated (February 2016) that competent sanction for execution of remaining additional works (in excess of approval) would be obtained and intimated to Audit.

The replies of the EEs need to be viewed in the light of the facts that RTPP Rules, does not have overriding effect on PWF&ARs and item 24 of Appendix XIII *ibid* was relevant in these cases under which approving authorities were not competent to allow additional works of more than 25 per cent of the work order value. Moreover, clause 12(A) of contract agreement provides for sanctioning of additional work upto 50 per cent of each item limited to 20 per cent of the tendered value. This condition was also not followed in these cases. Department failed to assess its annual requirement of TWs and by keeping the tender value as low as ₹ 0.04 crore and ₹ 2.25 crore, the executing authorities not only deprived the Department from receiving competitive rates for high value works but also executed works beyond their financial limits. This resulted in irregular and unauthorised expenditure of ₹ 81.04 crore (₹ 78.79 crore + ₹ 2.25 crore).

The matter was referred to State Government in January 2016 and May 2016, a consolidated reply is awaited (December 2016).

Audit against propriety and cases of expenditure without adequate justification

Agriculture Department

3.4 Unfruitful expenditure on establishment of model and small nurseries

Establishment of model and small nurseries without assessing the requirement of plants, resulted in unfruitful expenditure of ₹ 1.59 crore.

For providing high and good quality grafted fruit plants to the farmers, the Director, Horticulture, Rajasthan, Jaipur issued (August 2006) guidelines for developing model⁷ and small nurseries in government sector under National Horticulture Mission (NHM) for which subsidy of 100 per cent of the cost of model nursery or ₹ 18 lakh (whichever is less) or 100 per cent of the cost of small nursery or ₹ 3 lakh (whichever is less) was admissible. The expenditure was to be incurred on construction of net house, shed net, trenches, drip irrigation system, tube well, soil sterilisation chamber and purchase of mother plants, manure/fertilisers, polythene sheets, pesticides etc. As per the guidelines, model nursery should have an area of 4 hectare and production capacity of 4 lakh grafted plants annually while small nursery should have an area of one hectare and production capacity of 50,000 grafted plants annually.

⁷ With construction of net house, mist irrigation in net house, construction of trenches, tube well/pond for water harvesting, pump house, motor and electrification etc.

During test check (February-March 2013) of the records of Maharana Pratap University of Agriculture and Technology (MPUAT), Udaipur and further information collected (November-December 2015 and January 2016), it was observed that for establishment of eight model and four small nurseries under the MPUAT's jurisdiction, Mission Director, Directorate of Horticulture Jaipur, sanctioned of ₹ 1.59 crore (August 2006: ₹ 18 lakh, December 2007: ₹ 99 lakh, September 2008: ₹ 36 lakh, and March 2011: ₹ 6.25 lakh) on the proposals sent by MPUAT. The University established (2008-09, 2009-10 and 2011-12) these nurseries, one in its campus and eleven in its Krishi Vigyan Kendras (KVKs) in the State with an expenditure of ₹ 1.59 crore, as shown in **Table-3.1**.

Table 3.1

S. No.	Period	Name of small/model nurseries	Expenditure (₹ in lakh)	No. of plants required to be produced (No.)	Plants actually produced	Shortfall (per cent)	Plants sold
1.	2008-9 to 2014-15	MPUAT, Udaipur (Model nursery)	18.00	28,00,000	3,22,579	24,77,421 (88.48)	2,67,293
2.	2009-10 to 2014-15	KVK, Sirohi (Model nursery)	18.00	24,00,000	4,54,785	19,45,215 (81.05)	4,50,201
3.	2009-10 to 2014-15	KVK, Bhilwara (Model nursery)	18.00	24,00,000	1,74,239	22,25,761 (92.74)	1,57,709
4.	2009-10 to 2014-15	KVK, Bundi (Model nursery)	18.00	24,00,000	1,74,366	22,25,634 (92.73)	1,64,866
5.	2009-10 to 2014-15	KVK, Dungarpur (Model nursery)	18.00	24,00,000	69,200	23,30,800 (97.12)	62,407
6.	2009-10 to 2014-15	KVK, Anta (Baran) (Small nursery)	3.00	3,00,000	1,05,214	1,94,786 (64.93)	94,929
7.	2009-10 to 2014-15	KVK, Banswara (one Model and one small nursery)	21.00	27,00,000	4,43,133	22,56,867 (83.59)	3,85,363
8.	2009-10 to 2014-15	KVK, Chittorgarh (one Model and one small nursery)	21.00	27,00,000	4,08,861	22,91,139 (84.86)	3,89,849
9.	2009-10 to 2014-15	KVK, Kota (Model nursery)	18.00	24,00,000	3,87,300	20,12,700 (83.86)	3,34,890
10.	2012-13 to 2014-15	KVK, Rajsamand# (Small nursery)	6.25#	1,50,000	44,418	1,05,582 (70.39)	44,418
		Total	159.25 i.e. ₹ 1.59 crore	2,06,50,000	25,84,095	1,80,65,905 (87.49 per cent)	23,51,925 (11.39 per cent)

Nursery established under *Rashtriya Krishi Vikas Yojana*.

Source: Information provided by MPUAT.

The table shows that against the target of growing 206.50 lakh plants, only 25.84 lakh plants (12.51 *per cent*) were grown during the period 2008-2015 by these nurseries, resulting in a shortfall of 180.66 lakh fruit plants (87.49 *per cent*). Moreover, against the production of 25.84 lakh plants, MPUAT could sell out 23.52 lakh plants (91.02 *per cent*). Thus, there was shortfall in production of fruit plants, ranging between 64.93 to 97.12 *per cent* and the expenditure of ₹ 1.59 crore incurred on establishment of eight model and four small nurseries was rendered unfruitful.

MPUAT stated (November 2015) that the Horticulture Department provides subsidy to farmers/public on fruit plants at district level, whereas the University do not provide subsidy. This caused a huge difference in rates of fruit plants produced by the Department (₹ 20 per plant) and the University (₹ 40 per plant), due to this less number of plants are purchased by farmers from these nurseries.

The State Government stated (June 2016) that the targets were calculated one year after establishment of nurseries while establishment of pedigree mother orchard⁸ takes 4-5 years, thereafter 100-150 scion⁹/year per plant can be obtained for further multiplication/propagation.

The reply of the State Government is not convincing as the University could not achieve the targets of annual production even after the lapse of 4-5 years of establishment of these nurseries.

Agreeing the facts that non-requisition of plants by the Horticulture Department or any other Government agency from these nurseries resulted in wasteful expenditure on production of plants, MPUAT stated (July 2016) that scientific survey was also not conducted at district level to assess the demand of plants before establishment of these nurseries.

The fact remained that these nurseries were established without carrying out any scientific survey at the district level and as MPUAT did not have subsidised rates for these plants, there was less demand of plants from farmer/public. This rendered the expenditure of ₹ 1.59 crore unfruitful. It is recommended that the State Government should consider subsidising the rates of plants distributed by MPUAT, to generate demand of plants distributed from there.

Public Health Engineering Department

3.5 Unfruitful expenditure on works under Regional Water Supply Scheme

Unfruitful expenditure of ₹ 6.55 crore incurred on incomplete works under Regional Water Supply Scheme. Besides, the objective of the scheme to provide safe drinking water was also defeated, depriving the habitation from fluoride free water for more than six years.

Policy Planning Committee (PPC) of Rajasthan Water Supply and Sewerage Management Board (RWSSMB), Public Health Engineering Department (PHED) issued (July 2003) Administrative and Financial (A&F) sanction of ₹ 24.73 crore for Regional Water Supply Scheme for supply of safe drinking water in fluoride affected villages of Salumber and Sarada Tehsils of Udaipur

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- 8 Intentional planting of fruit or nut producing trees and maintaining their ancestral line for the purpose of taking cuttings/offsets in order to grow more quantity of the same plant.
9 A young shoot or twig of a plant especially one cut for grafting or rooting.

District. The Technical Committee (TC) accorded (May 2004) Technical Sanction for ₹ 21.21 crore and the A&F was further revised (July 2005) to ₹ 22.88 crore by Empowered Board Committee. The Scheme was divided into 12 packages¹⁰ (58 villages of Salumber and 26 villages of Sarada).

Test check (January 2016) of the records of Executive Engineer (EE), PHED, Division-Salumber revealed that tenders for execution of works under 12 packages were invited (2006-07 to 2008-09) by the Superintending Engineer (SE), PHED Circle Udaipur, and work orders were issued (May 2006 to December 2008) for ₹ 19.12 crore to nine contractors¹¹ with stipulated dates of completion between 12 January 2007 and 26 October 2009.

While the works under eight packages (₹ 12.33 crore) were completed by November 2011, works under four packages¹² (26 villages of Sarada Tehsil and one village of Salumber Tehsil), for which stipulated date of completion was between May 2009 to October 2009, were not completed (March 2016) even after incurring an expenditure of ₹ 6.55 crore.

EE, Division-Salumber stated (January 2016 and November 2016) that the work of four packages could not be completed within the original period of completion (October 2009) because Asbestos cement (AC) pipes proposed for use in the distribution system, could not be provided to the contractors. On account of change in pipe policy¹³ by the State Government in May 2010, a revised proposal was approved (August 2014) to accommodate the increase in the cost due to replacement of AC pipes with Ductile iron (DI) pipes. Further, even the DI pipes could not be provided to the contractors as the rate contract for supply of DI pipes did not exist. Hence, the work remained incomplete.

The reply of EE that the work remained incomplete due to change in pipe policy, was not tenable as the work was to be completed in 2009 only, whereas the pipe policy was changed in May 2010. Further, the works could not be

10 (i) Execution, operation and maintenance of construction of Intake Platform, (ii) L&J of DI/AC pipe line from RGF to Jhallra Balancing Reservoir, (iii) L&J of DI/AC pipe line from Jhallara balancing reservoir to Dangi Kheda GLSR, (iv) L&J of DI/AC pipe line from Kalyana Kala OHSR to Bhabrana OHSR, (v) L&J of DI/AC pipe line from Junction at Jodhpur Mod to Malguda OHSR, (vi) L&J of DI pipe line from Jhallara Junction to Kholadi OHSR, (vii) L&J of DI pipe line from Junction 'A' to Nayagaon Balancing Reservoir, (viii) L&J of DI pipe line from Nayagaon Balancing Reservoir to Noli CWR, (ix) L&J of DI/AC pipe line from T to Chadora OHSR and from OHSR Chandora to Neemari GLRs, (x) L&J of DI/AC pipeline from Neemri OHSR to Shyampura OHSR, (xi) L&J of Class DI/AC pipeline from Dholadhawara OHSR to Mallara OHSR, and (xii) L&J of Class DI/AC pipeline from Dholadhawara OHSR to Mallara OHSR.

11 M/s Vishnu Prakash Pungalia, Jodhpur, M/s Hema Construction, Udaipur, M/s Jain Construction, Mavali, M/s Pushkar Lal Dangi, Udaipur, M/s Ganshyam Anjana, Chhoti Sadari, M/s Santi Lal Tailor, Badawali, M/s Laxman Khinchi, Udaipur, M/s Ratan Lal Khinchi, Udaipur and M/s Himmat Singh Shaktawat, Neechalagudha.

12 (i) L&J of DI/AC pipe line from T to Chadora OHSR and from OHSR Chandora to Neemari GLRs, (ii) L&J of DI/AC pipeline from Neemri OHSR to Shyampura OHSR, (iii) L&J of Class DI/AC pipeline from Dholadhawara OHSR to Mallara OHSR and (iv) L&J of Class DI/AC pipeline from Dholadhawara OHSR to Mallara OHSR.

13 Under the policy, the State Government decided to use cast iron (CI)/ductile iron (DI)/mild steel (MS) pipes for rising mains, on economical analysis, in all types of strata in rural areas/small towns.

completed even after a lapse of 27 months (as of November 2016) from the date of approval (August 2014) for use of DI pipes in place of AC pipes. This shows a lackadaisical approach on the part of the Department in execution of works.

Thus, expenditure of ₹ 6.55 crore incurred on these four packages remained unfruitful. Besides, the objective of the scheme to provide safe drinking water to fluoride affected villages (26 villages of Sarada Tehsil and one village of Salumber Tehsil) was also defeated, depriving the habitation of fluoride free water for more than six years.

The matter was referred to State Government in March 2016, reply is awaited (December 2016).

Social Justice and Empowerment Department

3.6 Unfruitful expenditure on construction of Navjeevan Hostel

Unfruitful expenditure of ₹ 0.96 crore on construction of Navjeevan Hostel without proper assessment and contrary to the provisions of the scheme.

Government of Rajasthan introduced (August 2009) 'Navjeevan Yojana (NY)' for social and economic development and rehabilitation (viz. providing alternate opportunities/resources, eradicate illiteracy and providing basic amenities) of people/communities dealing in production, storage and sale of illicit liquor. Initially in 2009-10, *Sansi* and *Kanjar* castes were included in NY, thereafter in 2010-11, *Bhaat*, *Bhaand*, *Rana*, *Dholi*, *Nat* and *Dome* castes were included. Subsequently *Mogya*, *Bawariya*, *Bediya*, *Bagriya*, *Sirkiwala* and *Choubedar* castes were also added in 2012-13.

As per NY guidelines, District Executing Committee (DEC), with the help of NGOs, was to identify the beneficiaries of the targeted communities. The guidelines also envisaged admission of children of the identified beneficiaries for their educational development, in the existing Departmental Hostels for SC/ST/OBC/SBC.

Test check (August 2015) of records of Social Justice and Empowerment Department (SJED), Jodhpur and information collected (March 2016) from Deputy Director (DD), SJED, Jodhpur revealed that instead of engagement of NGOs to identify the beneficiaries children for educational development, Additional Chief Secretary, SJED, Rajasthan, Jaipur accorded (December 2012) Administrative and Financial sanction of ₹ 0.96 crore for construction of Navjeevan Hostel Building at Jodhpur. Further, though the hostel building was handed over by the executing agency (Public Works Department) to SJED on 27 July 2015, children of the targeted community were not admitted in the Hostel during 2015-16.

Thus, the Department constructed the hostel even though it was not provided for in the NY and failed to admit children of the beneficiaries in the hostel. This resulted in the expenditure of ₹ 0.96 crore remaining unfruitful.

Deputy Director, SJED, Jodhpur admitted (May 2016) that hostel was lying unutilized as identification of targeted community was not carried out and NGOs also did not provide the action plan or financial proposal to DEC.

State Government also accepted the facts and stated (August 2016) that efforts to admit the beneficiary children was made during 2015-16 through NGOs but sufficient children did not turn up and the hostels could not be utilised. The hostel would now be utilised in 2016-17 session as online applications for admission of the students in hostels were being received. It was also stated that construction of hostels for the children of the targeted community was not denied under NY and the scope of the scheme could not be limited to admission of the children in the existing hostels.

The reply is not convincing as the guidelines for NY provided for identification of beneficiaries of targeted communities and admission of their children in existing hostels for SC/ST/OBC/SBC. The Department not only constructed the hostel contrary to the provisions of the scheme but also failed to admit children of the beneficiaries in the hostel. Therefore, in absence of identification of beneficiaries, construction of hostel building will not serve any benefit to the targeted communities.

Thus, the expenditure of ₹ 0.96 crore was rendered unfruitful as the Department constructed the hostel building without proper assessment and contrary to the provisions of the Scheme.

Persistent and pervasive irregularities

Finance Department

3.7 Excess/short payment of pension

Failure of the treasury officers to exercise prescribed checks led to excess/short/irregular payment of pension/family pension amounting to ₹ 3.51 crore.

Appendix VI (Sl. No. 9) of Rajasthan Civil Services (Pension) Rules, 1996 stipulates that Treasury Officer (TO) will check the correctness of the payments made by the Banks with reference to the records maintained by him and thereafter incorporate the transaction in his accounts.

Public Accounts Committee (PAC) while examining para 3.3.1 “Persistent excess payment of pension” of Audit Report (Civil) 2010-2011, recommended (February 2013) that the Department should take necessary steps to avoid recurrence of excess payment of pension in future and inform PAC and the Principal Accountant General about the same. PAC also recommended (February 2015) on paragraph 3.3.1 of the Audit Report (G&SS) 2011-12 on

the same subject, that excess payment of pension should be examined through on line pension check register.

The Department directed (April 2014) all TOs to update the database of civil pension in the treasuries and 100 per cent checking of correctness of monthly pension payment made by the Banks. They were also directed to include only those amounts in the monthly accounts which were reimbursed to the Banks after carrying out reconciliation of e-scrolls uploaded by the Banks on the website of civil pension with online pension check register prepared on the basis of treasury database. Test check (April 2014 to March 2016) of records relating to pension payments made by various Banks and Treasuries/Sub-Treasuries, however, revealed persistence of the irregularities and excess/short payments of pension/family pension in following cases:

(i) In 74 Banks and 40 Treasuries/Sub-Treasuries, excess/irregular payments of superannuation/family pensions amounting to ₹ 1.17 crore were made in 260 cases, as detailed in **Table 3.2**.

Table 3.2

(₹ in lakh)

S. No.	Reasons for excess payment	Excess payment made during 2014-15		Excess payment made during 2015-16	
		Number of cases	Amount	Number of cases	Amount
1.	Family pension not reduced after expiry of the prescribed period (Rule 62 of Rajasthan Civil Services (Pension) Rules 1996)	15	4.23	26	13.83
2.	Family pension not stopped after attaining the age of 25 years/marriage/employment of dependents (Rule 67 of Rajasthan Civil Services (Pension) Rules 1996)	-	-	1	0.85
3.	Pension not reduced after its commutation (Rule 28 of Rajasthan Civil Services (Commutation of Pension) Rules, 1996)	60	6.50	28	8.33
4.	Pension credited in Bank Accounts without receipt of Life Certificates (Rule 134 of Rajasthan Civil Services (Pension) Rules 1996)	-	-	15	13.77
5.	Pension paid after death of pensioners	02	0.15	4	1.51
6.	Dearness relief paid to pensioners during the period of their reemployment (Rule 164 of Rajasthan Civil Services (Pension) Rules 1996)	-	-	7	8.84
7.	Pension and Dearness Relief Paid at higher rate than admissible	13	3.55	45	26.73
8.	Non-recovery of dues from gratuity payments (Rule 92 of Rajasthan Civil Services (Pension) Rules 1996)	16	7.01	18	11.82
9.	Miscellaneous	04	1.44	6	7.95
	Total	110	22.88	150	93.63
	Grand Total		260		116.51

(ii) Test check in 109 Banks and one Sub-Treasury revealed short payments amounting to ₹ 2.34 crore¹⁴ in 1,310 cases. Reasons for short payment were:

- Payment of pension less than the minimum pension;
- Non-payment of dearness relief;
- Non-payment of additional pension.

14 2014-15: 361 cases, ₹ 0.75 crore; 2015-16: 949 cases ₹ 1.59 crore.

Cases of excess payment of pension have also been mentioned in the earlier Audit Reports during 2009-10 to 2013-14 as detailed in **Table 3.3**.

Table 3.3

Year of Audit Report	Para No.	No. of cases	Excess payment (₹ in crore)
2009-10 (Civil)	3.4.1	270	0.67
2010-11 (Civil)	3.3.1	202	0.58
2011-12 (G&SS)	3.3.1	278	0.94
2012-13 (G&SS)	2.3.1	193	0.92
2013-14 (G&SS)	3.3.1	308	1.54

The irregularities persisted due to failure of the TOs in (i) updating database of pension, (ii) ensuring 100 *per cent* check of payment of pension made by Banks and (iii) carrying out reconciliation of e-scrolls uploaded by the Banks on the website with online pension check register prepared on the basis of Treasury database.

It is evident that the recommendations of the PAC about avoiding recurrence of such irregularities in payment of pension in future were not followed scrupulously.

State Government, while accepting the facts, stated (November 2016) that recovery of ₹ 0.96 crore¹⁵ has been made against excess payment of ₹ 1.17 crore. Further, amount of ₹ 0.75 crore¹⁶ has been paid against short payment of ₹ 2.34 crore and efforts are being made for recovery/payment of the remaining amount.

Failure in implementation, monitoring and governance

Consumer Affairs Department

3.8 Implementation of Acts and Rules for Consumer Protection

3.8.1 Introduction

The Consumer Protection Act, 1986 (CP Act) was enacted by the Parliament to provide simple, speedy and inexpensive redressal for the consumers' grievances. The CP Act gives the consumer an additional remedy besides those already available under other existing laws. The CP Act and the Consumer Protection Rules, 1987 came into effect on 15 April 1987 and the Consumer Protection (Rajasthan) Rules 1987 came into force from 23 July 1987.

The CP Act is applicable to all goods and services and provides for establishment of three-tier quasi-judicial consumer dispute redressal mechanism at National, State and District levels. State Consumer Disputes Redressal Commission (SCDRC) at Jaipur has been set up at the State level

¹⁵ (2014-15: ₹ 0.18 crore; 2015-16: ₹ 0.78 crore).

¹⁶ (2014-15: ₹ 0.14 crore; 2015-16: ₹ 0.61 crore).

with seven Circuit benches¹⁷ and 37 District Consumer Disputes Redressal Forums¹⁸ have been set up in all 33 districts. These forums/commissions were set up to supplement the existing judicial system without all the formal procedures of a court. The Central Government and State Governments can also act on behalf of the consumer. These quasi-judicial bodies observe the principles of natural justice and are empowered to give relief and to award compensation to the consumers. The District Forum can entertain complaints of value upto ₹ 20 lakh and complaints of value exceeding ₹ 20 lakh and upto one crore would be entertained by SCDRC. SCDRC also entertains appeals against the orders of District Forums.

State Consumer Protection Council is the advisory body at State level to promote and protect the rights of the consumers and headed by the Minister of Food, Civil Supplies and Consumer Affairs Department. Director, Consumer Affairs Department is the Member Secretary of the Council. District Consumer Protection Council is the advisory body at the district level to promote and protect the rights of the consumers within the District and headed by the respective District Collector. The Department of Consumer Affairs headed by Principal Secretary, Department of Food, Civil Supplies and Consumer Affairs, deals with administration of the CP Act and implements measures to strengthen the consumer forums for speedy, affordable and simple dispensation of justice to the consumers.

Audit covered the examination of activities and programs carried out by the Consumer Affairs Department for implementation of the CP Act and Rules during 2012-16. Scrutiny of records of the Principal Secretary, Food, Civil Supplies and Consumer Affairs Department and Director, Consumer Affairs Department at the State level was done. Field study was conducted during March 2016 to July 2016. Records of the Divisional Consumer Protection Officers, District Supply Officers (DSOs) (entrusted with carrying out activities of consumer protection under the overall guidance of district collectors), Registrar, SCDRC and its circuit benches and 11 District Forums¹⁹, situated in seven selected districts namely Alwar, Bikaner, Jaipur, Jodhpur, Kota, Sikar and Udaipur were examined by Audit.

3.8.2 Audit Findings

3.8.2.1 Policy formulation and Notification of Rules

The CP Act provided for the State Government to make rules for carrying out the provisions of the Act. The Rajasthan Consumer Protection Rules, 1987 were notified during July 1987. The CP Act was further amended by the Parliament during 1991, 1993 and 2002. Thus, the Rules were also required to be amended to accommodate the amendments in the CP Act. Further, Public

17 Bikaner, Jaipur, Jodhpur, Kota and Udaipur benches have been set up and Ajmer and Bharatpur benches are yet to be set up.

18 Includes four consumer forums in Jaipur district and two in Jodhpur district.

19 District Forums, Alwar, Bikaner, Jaipur-I, II, III and IV, Jodhpur-I and II, Kota, Sikar and Udaipur.

Accounts Committee had also recommended²⁰ (July 2009) for amending the Consumer Protection Rules to accommodate the amendments in the CP Act. It was, however, observed that the Department had belatedly prepared the draft amended Rules 2015.

State Government accepted the fact and stated (October 2016) that finalisation of draft of amended rules is under process. The fact, however, remains that even after lapse of more than 13 years, the State Government has not amended the Rules to accommodate the amendments in the CP Act and the Rules thereon. The procedure with regard to the transaction of business of State Council and District Councils has also not been prescribed. As the procedure brings out the methodologies for smooth functioning of the State Council and District Councils, the absence of these Rules hampered the functioning of the State Council and District Council.

Recommendation:

1. *The State Government should amend the Consumer Protection Rules to accommodate the amendments of the Act and notify them at the earliest in order to facilitate smoother procedures for implementation of the Act.*

3.8.2.2 Consumer Complaints

(i) Status of disposal of cases in the State Commission and District Forums

1. The status of total number of cases filed and disposed off by State Commission (SC) and 37 District Forums (DF) in the State during 2012-16, is given in **Table 3.4**.

Table 3.4

Year	Pending			Number of cases filed during the year/Restored ²¹			Number of cases disposed off			Number of cases pending		
	SC	DF	Total	SC	DF	Total	SC	DF	Total	SC	DF	Total
2012	3,686	29,374	33,060	2,963	24,016	26,979	2247	21,301	23,548	4,402	32,089	36,491
2013	4,402	32,089	36,491	2,601	22,140	24,741	2,312	20,879	23,191	4,691	33,350	38,041
2014	4,691	33,350	38,041	2,951	21,756	24,707	2,024	20,570	22,594	5,618	34,536	40,154
2015	5,618	34,536	40,154	3,509	23,001	26,510	1,779	20,504	22,283	7,348	37,033	44,381
2016 (Upto 3/16)	7,348	37,033	44,381	648	6,688	7,336	734	4,717	5,451	7,262	39,004	46,266
Total				12,672	97,601	1,10,273	9,096	87,971	97,067			

Source: State Consumer Dispute Redressal Commission.

From the table it can be seen that 46,266 cases²² were pending as of March 2016 and the pendency of the cases was increasing from 2012 till 2016. It can

20 Recommendation No. 6 of PAC Report No. 4 of 2009-10 (Thirteenth Legislative Assembly).

21 Cases dismissed in default due to non-appearance of the complainant or any other reasons are restored by order of the consumer forum on the application of the complainant. These cases are added in the cases filed in the year of such restoration.

22 These include Consumer cases, Revision Petitions, First Appeal cases/Appeals, Execution Applications, Review Applications, Caveat Applications and Interlocutory Applications.

be also seen that in addition to old pending cases, the number of new cases filed each year are more than the cases disposed off, leading to further accumulation of pending cases.

2. Analysis of data of the sector-wise cases filed (available on CONFONET²³ website) in respect to State Commission/District Forums during 2012-16, revealed that the top three sectors in which complaints were filed in Consumer Forums were Insurance (21.43 per cent), Electricity (16.66 per cent) and Banking (7.80 per cent), which was 45.89 per cent of total number of 60,186 cases filed. This was despite the fact that there were separate redressal mechanisms available for Insurance cases through the Insurance Ombudsman, Banking cases through Banking Ombudsman and Electricity cases through State Electricity Ombudsman. Considering the huge pendency of cases in the consumer forums, there is a need for creating a synergy between these platforms so that there is speedy disposal of consumer complaints.

Recommendation:

2. *The Department should strive to achieve synergy between the Consumer Forums and various other specific ombudsman platforms available for banking, insurance and electricity so that the number of cases before Consumer Forums are reduced.*

(ii) Disposal of Consumer Complaints

Section 13(3A) read with Section 18 of the CP Act prescribe that every complaint/appeal case shall be heard within a period of three months for deciding complaints which do not require analysis or testing of commodities and five months for the complaints which require analysis or testing of commodities.

It was observed that, out of total 46,266 pending cases as of March 2016, 35,825 cases pertained to cases of only complaints and appeals. Out of these, 32,692 cases²⁴ (91.25 per cent) were pending for periods more than the limits provided for in the Section *ibid*.

The position of disposal of complaint/appeal cases at the State Commission and 11 tests checked District Forums, during 2012-16 is given in **Table 3.5**.

23 'Computerisation and Computer Networking of Consumer Fora' launched by Government of India (GoI) in March 2005, under which, the Consumer Fora at all the three tiers throughout the country were to be fully computerised to enable access to information and quicker disposal of cases.

24 15,731 cases were pending for more than two years, 10,362 cases for more than one year and upto two years, 6,599 cases were pending for more than six months but less than one year.

Table 3.5

S No	Unit	Complaint/appeal cases filed	Complaint/appeal cases pending beyond three/five months	Per cent
1	State Commission	6,026	4,669	77.48
2	District Forum Alwar	8,178	7,855	96.05
3	District Forum Bikaner	1,797	1,610	89.59
4	District Forum-I Jaipur	5,661	5,438	96.06
5	District Forum-II Jaipur	7,262	5,629	77.51
6	District Forum-III Jaipur	4,655	4,429	95.14
7	District Forum-IV Jaipur	5,829	5,829	100.00
8	District Forum-I Jodhpur	3,940	3,213	81.55
9	District Forum-II Jodhpur	3,084	3,084	100.00
10	District Forum Kota	1,341	1,253	93.44
11	District Forum Sikar	2,762	2,605	94.32
12	District Forum Udaipur	1,963	1,691	86.14
	Total	52,498	47,305	90.11

Source: information provided by the Department.

It is seen from the table that during 2012-16, 90.11 *per cent* complaint/appeal cases were pending beyond the prescribed period of three/five months at the State Commission and 11 test checked District Forums. Further, disposal of cases within the prescribed period was 9.89 *per cent* (ranging between zero and 22.52 *per cent*).

State Government stated (October 2016) that the delay in disposal of cases was mainly attributable to adjournment sought by the parties, non-appointment of Presidents/Members and inadequate staff in District Forums. Further, vacancies of President, Members in State Commission and District Forums have now been filled and the cases will be disposed off in the prescribed time.

Recommendation:

3. *The State Commission and District Forums should have a permanent monitoring mechanism to monitor the pendency of cases and speed up their disposal.*

(iii) Discrepancies in data disseminated on the website

CP Regulation, 2005 stipulated computerisation and networking of State Commission and District Forums.

Comparison of data of the Complaint Cases/Appeal filed during 2012-16 revealed inconsistency in the data provided by the Department and retrieved from CONFONET. The details are given in **Table 3.6**.

Table 3.6

S No	Unit	Complaint Cases/Appeal filed during 2012-16	
		As per information provided by District Forum upto March 2016	As per CONFONET upto March 2016 (as on 01 August 2016)
1	District Forum Alwar	8,178	4,481
2	District Forum Bikaner	1,797	1,502
3	District Forum-I Jaipur	5,661	4,645
4	District Forum-II Jaipur	7,262	5,982
5	District Forum-III Jaipur	4,655	1,340
6	District Forum-IV Jaipur	5,829	1,999
7	District Forum-I Jodhpur	3,940	3,002
8	District Forum-II Jodhpur	3,084	1,423
9	District Forum Kota	1,341	1,221
10	District Forum Sikar	2,762	1,994
11	District Forum Udaipur	1,963	1,522
Total		46,472	29,111

Source: Department information and CONFONET Website.

It is evident from the above table that CONFONET website was not correctly updated even after lapse of 10 years of launching of the website and the picture projected in the public domain through this website was deceptive as it under-reported the pending cases.

State Government accepted the fact and stated (October 2016) that discrepancy occurred because data of disposal of cases done during 2012 to 2014 was not entered on the CONFONET website. The fact, however, remains that the District Forums failed to update the website regularly.

(iv) Representation of complaints by consumer/NGOs/State Government

The CP Act provided that a complaint could be filed by the consumer for any service with the District Forum directly or through a representative. GoI directed (March 2004) all District Collectors to promptly display the guidelines for consumers at District Forums and other important locations, so that they do not depend on lawyers or touts.

Scrutiny of the data provided by the State Commission and 11 test checked District Forums revealed that total 56,160 cases were filed during 2012-16 in the State Commission and District Forums. Out of these 55,641 cases (99 per cent) were filed by the consumers through Advocates. This indicated that the consumers were dependent on the Advocates to file their complaints.

State Government stated (October 2016) that the consumer prefers filing of complaints through Advocates due to legal complications and shortage of time and the Act does not restrict filing of cases through Advocates.

The reply of the State Government needs to be viewed in the light of the fact that these forums/commissions were set up to supplement the existing judicial system without all the formal procedures of a court thereby speeding up the redressal mechanism of their complaints.

Recommendation:

4. Department should take proactive measures to encourage filing of complaints without Advocates by taking up awareness campaigns so that intention of the Act in setting up of these Forums, without the need for formal procedures of a Court, is achieved.

3.8.2.3 State Consumer Helpline

The State Consumer Helpline was set up by the State Government to encourage alternate consumer disputes redressal mechanism and help in resolving cases through a mediation cell. Under this scheme the Central Government provided the State Governments a one time non-recurring grant for establishing the State Consumer Helpline. Recurring grant was also provided for five years for smooth operation of these Helplines. It was the responsibility of the State Government to run the Helpline later on. The State Government authorised (March 2011) “Consumer Action and Network Society” (CANS) for operating and running the State Consumer Helpline. Total of 24,847 complaints calls²⁵ were received by CANS during 2012-16, of which 14,238 (57.30 per cent) complaints were related to Public Distribution System, Gas/Petroleum product services. These were to be processed by the DSOs²⁶.

Test check of records of DSOs revealed that they did not maintain the ‘Complaint Register’ to register the disposal of the complaints received from the Helpline. In absence of records, timely redressal of the complaints received by CANS, could not be ascertained.

It was also observed that the number of complaints forwarded by CANS did not match with the number of complaints received by DSOs in test checked districts. The details are given in **Table 3.7**. This indicates that the complaints from CANS were not acknowledged by these DSOs.

Table 3.7

Name of DSO	Complaints forwarded by the State Consumer Helpline					Complaints received in DSOs				
	2012-13	2013-14	2014-15	2015-16	Total	2012-13	2013-14	2014-15	2015-16	Total
Alwar	111	73	102	439	725	15	20	25	30	90
Bikaner-I &II	98	63	79	334	574	0	15	28	32	75
Jaipur-I&II	639	901	551	989	3,080	0	0	8	6	14*
Jodhpur-I&II	125	93	108	288	614	7	12	15	28	62
Kota-I&II	59	51	65	117	292	5	10	13	24	52
Sikar	382	222	265	336	1,205	25	30	35	40	130
Udaipur-I&II	31	24	39	133	227	2	4	12	15	33
Total	1,445	1,427	1,209	2,636	6,717	54	91	136	175	456

*Information not provided by DSO, Jaipur-II.

Source: information provided by the Department.

25 4,596 in 2012-13, 3,627 in 2013-14, 5,802 in 2014-15 and 10,822 in 2015-16.

26 District Supply Officers, who are entrusted with Consumer Protection activities under the overall guidance of District Collectors.

State Government stated (October 2016) that directions have been issued to all DSOs for proper recording of complaints so that an effective system for redressal of the complaints could be developed.

As per Clause 8(c) of agreement, CANS was also required to make complaint before State Commission or District Forums with the consent of the consumer, where the complaints call was not redressed effectively.

State Government stated (October 2016) that 89 complaints in 2012-13 and 82 complaints in 2015-16 were lodged by CANS. There was, however, no record to support this reply. Further, the information in respect of complaints lodged by the CANS during 2012-16, was not provided to Audit.

The fact remains that the State Consumer Helpline did not serve the purpose for which it was established as an alternate consumer dispute redressal mechanism to help in resolving cases through mediation.

3.8.2.4 Creation of circuit benches

In addition to the SCDRC at Jaipur, the State Government sanctioned (May 2005-May 2012) establishment of seven Circuit Benches²⁷ to reach out to the consumers in the vast geographical territory of the State and reduce the heavy pendency before the SCDRC.

It was observed that whereas Circuit Benches at Jaipur, Jodhpur and Udaipur are working regularly, two Circuit Benches at Ajmer and Bharatpur were not working since their creation. Further, the circuit benches at Kota and Bikaner were not sitting since November 2014 and February 2015 respectively. The sittings were deferred due to vacant posts of the President and Judicial members in SCDRC. The pendency of cases increased from 311 (November 2014) to 475 at Kota and 1,138 (February 2015) to 1,304 at Bikaner as of March 2016.

State Government accepted the fact and stated (October 2016) that after appointment of judicial members, the cases in circuit benches at Bikaner and Kota are now being heard regularly and pendency of cases had been reduced. Further, identification of land and construction of buildings for Ajmer and Bharatpur benches is under process.

3.8.2.5 Infrastructure for the forums

GoI norms provided for built up area of 5,000 square feet (including space for library, visitors rooms, chamber for president/members, record room etc.) for District Forums in 12th plan scheme. GoI launched a scheme²⁸ for strengthening of Consumer Forums in two phases. Funds sanctioned and

²⁷ Ajmer, Bharatpur, Bikaner, Jaipur, Jodhpur, Kota and Udaipur.

²⁸ Integrated Project on Consumer Protection (IPCP) and renamed as Strengthening of Consumer Fora (SCF) Scheme.

released by GoI and expenditure incurred as of March 2016, is given in **Table 3.8**.

Table 3.8

Phase	Sanctioned by GoI		Released by GoI		Expenditure as of March 2016		Status
	Buildings	Other than Buildings	Buildings	Other than Buildings	Buildings	Other than Buildings	
Phase-I (2007-10)	2.93	1.27	2.93	1.27	2.35	1.02	₹ 0.83 crore could not be utilised due to non-availability of land for construction of buildings.
Phase-II (2015)	12.76	3.90	3.71 (40 per cent of the estimated cost)	3.04	0	0	Administrative sanction issued in March 2016 for construction of new buildings.

Source: information provided by the Department.

Scrutiny revealed that adequate infrastructure was not available in four Circuit Benches²⁹ and two Circuit Benches³⁰ were not established at all. Out of 37 District Forums, only one District Forum at Karauli had adequate infrastructure facilities. Five District Forums³¹ were not provided their own premises and were working with interim arrangements. 31 District Forums also did not have adequate infrastructure facilities.

State Government stated (October 2016) that ₹ 1.39 crore was also sanctioned during 2016-17 for extension of existing buildings. State Government further stated that budget of ₹ 3.04 crore for providing facilities in new as well as the existing buildings would be released early.

In the 11 test checked District Forums³², the details of infrastructure deficiencies were as follows:

- Facilities for conference hall, library room, waiting room, record room, and computer room were not provided at Jaipur-I, II, III, IV and Kota District Forums.
- The District Forums Jaipur-I, II, III and IV were not operating in their own buildings. District Forum, Kota did not have adequate accommodation despite having its own building. Administrative Sanction of ₹ 0.88 crore each for District Forum, Jaipur I, II, III, IV and ₹ 1.25 crore for District Forum, Kota was accorded in March 2016 for construction of new buildings.

29 Bikaner, Jodhpur, Kota and Udaipur.

30 Ajmer and Bharatpur.

31 District Forums, Jaipur-I, II, III, IV and Jodhpur-II.

32 District Forums, Alwar, Bikaner, Jaipur-I, II, III and IV, Jodhpur-I and II, Kota, Sikar and Udaipur.

- District Forum Sikar though, had its own building, but basic amenities like toilet and drinking water, were not available to the complainants. A proposal was submitted (May 2013) for ₹ 0.17 crore for providing the same. It was not sanctioned as of May 2016, even after a lapse of more than three years.

Thus, inadequate infrastructure facilities in the Circuit Benches and District Forums were affecting their proper functioning and causing inconvenience to the complainants.

3.8.2.6 Manpower Management

(i) Inadequacy of staff in State Commission and District Forums

As per resolution adopted in the meeting (August 2004) convened by the National Commission, the process of selection of President/Member was to be started at least six months prior to the post falling vacant. Further, CP (Rajasthan) Rules, 1987 provided that the State Government would appoint supporting staff to assist the SCDRC. The position of Sanctioned Strength and Men in Position as of 31 March 2016 is given in **Table 3.9**.

Table 3.9

Forum	Post	Sanctioned Strength	Men in Position	Vacancy (Per cent)
SCDRC	President	1	1	0
	Member	8	6	2 (25.00)
	Other supporting staff	101	63	38 (37.62)
District Forum	President	37	32	5 (13.51)
	Member	74	69	5 (6.75)
	Other supporting staff	295	220	75 (25.42)

Source: information provided by the Department and State Commission.

It is evident that two posts of members (since May 2012) and 38 posts of supporting staff (37.62 per cent) were vacant in the State Commission. Further, five posts of Presidents³³, five posts of members³⁴ and 75 posts of supporting staff (25.42 per cent) were vacant in District Forums in the State as of March 2016.

It was observed that in 25 District Forums, posts of President remained vacant up to 20 months on various occasions during 2012-16. Similarly 22 posts of male members in 22 Forums and 24 posts of female members in 24 Forums also remained vacant up to 32 months during 2012-16. Moreover, post of President in the State Commission also remained vacant for 15 months (August 2014 to October 2015). As per Section 14(2) of the Act every proceeding shall be conducted by the President of the State Commission/District Forum and at least one member thereof sitting together. Hence filing up of the vacancies of members is essential for fulfilling the quorum for taking up cases.

33 Banswara (January 2015), Jhalawar (March 2016), Jodhpur-I (April 2016), Jodhpur-II (March 2016) and Sirohi (February 2016).

34 Bhilwara (September 2015), Jhalawar (July 2013), Jodhpur-I (April 2015), Pratapgarh (September 2015) and Sawaimadhopur (July 2013).

State Government stated (October 2016) that the process of appointment to fill the vacant post of Presidents and Members in State Commission and District Forums would be started early. Further, to fill up the vacancies of the supporting staff in State Commission and District Forums, requests have been made to the Rajasthan Public Service Commission (RPSC) and Rajasthan Subordinate and Ministerial Services Selection Board.

Thus, non-filling up the vacant posts had hampered the smooth working of the forums. Consequently, the pendency of the complaints was increasing.

Recommendation:

5. *The State Government should make efforts to fill up the vacant posts in the SCDRC/District Forums and ensure adequate infrastructure for the smooth functioning of the Forums.*

3.8.2.7 Enforcement of orders of District Forum and State Commission

Section 25(3) of the CP Act, empowers the District Collector to recover the amount due under the order of the SCDRC and District Forums, as arrears of land revenue.

As of March 2016, in eight out of 11 test checked forums, 1,008 cases involving decretal amount ₹ 2.68 crore³⁵ were pending for recovery under the orders of the District Forums. These were sent to the respective District Collectors for recovery. In the absence of details of age wise pendency of cases, it was not possible to analyse the extent of delays in recovery of the decretal amount and payment to the consumers.

State Government stated (October 2016) that the directions would be issued to the District Forums for speedy recovery of decretal amount through the District Collectors. The fact remains that non-recovery of decretal amount denied the consumers of the benefit of speedy redressal of their complaints.

3.8.2.8 Not holding meetings of Consumer Protection Councils

The CP Act provided holding of at least two meetings every year of the State Council and District Consumer Protection Council. These are advisory bodies that make recommendations to promote and protect the rights³⁶ of the consumers.

35 Alwar (510 cases) ₹ 4.26 lakh; Bikaner (12 cases) ₹ 24.19 lakh; Jaipur-II (159 cases) ₹ 81.19 lakh; Jaipur-III (106 cases) ₹ 34.59 lakh; Jodhpur-I (3 cases) ₹ 3.86 lakh; Kota (81 cases) ₹ 1.00 lakh; Sikar (5 cases) ₹ 13.30 lakh; and Udaipur (132 cases) ₹ 105.49 lakh.

36 (a) The right to be protected against the marketing of goods and services which are hazardous to life and property; (b) the right to be informed about the quality, quantity, potency, purity, standard and price of goods or services to protect the consumer against unfair trade practices; (c) the right to be assured to access to a variety of goods and services at competitive prices; (d) the right to be heard that consumer's interests will receive due consideration at appropriate forums; (e) the right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers; and (f) the right to consumer education.

It was observed that only one meeting (6 August 2014) of the State Council was held against prescribed eight meetings during 2012-16. Regular meetings of the District Councils were also not held during 2012-16. The percentage of meetings held in three test checked districts (Bikaner, Sikar and Udaipur) ranged between 22.5 to 50 *per cent*. No meeting was held in the other four test checked districts (Alwar, Jaipur, Jodhpur and Kota). Moreover, there was no mechanism to monitor whether adequate follow up action was taken on the decisions of the meetings.

State Government stated (October 2016) that process of nomination of non-official members in State Consumer Protection Council is under way and the directions have been issued to District Consumer Protection Councils for regularly organising meetings.

The State Consumer Protection Council and District Consumer Protection Councils thus could not fulfill their mandated responsibilities of rendering advice and making recommendations for promotion and protection of consumer rights.

3.8.2.9 Awareness and empowerment of the consumers

(i) Protection of Consumer Rights

GoI suggested (March 2004) the appointment of a District Consumer Protection Officer (DCPO) to assist District Collector to promote the consumer movement at the district level. The State Government directed (April 2004) all District Collectors to nominate Additional District Collector (Administration) as DCPO.

Scrutiny revealed that District Collectors of test checked districts did not nominate Additional District Collector (Administration) as DCPO. Contrary to the instructions, the District Supply Officers (DSOs) were nominated as DCPOs.

State Government stated (October 2016) that though Additional District Collector (Administration) were nominated as DCPO but they were busy in Administrative/Revenue matters and could not carry out work of promotion of consumer movement to achieve the desired results. The reply is not acceptable as the State Government did not carry out necessary modifications in its earlier (2004) directions to give mandate to DSOs.

State Government sanctioned (August 2013) seven posts of Divisional Consumer Protection Officers (DiCPOs) along with supporting staff at divisional headquarters. They were assigned (March 2014) the duties for consumer awareness activities³⁷. The details of posts sanctioned for DiCPO and Men-in-Position thereagainst as of 31 March 2016, are given in **Table 3.10**.

37 Filing complaints on behalf of consumer, to give guidance to the consumers, to implement the Legal Aid Scheme for Poor/incapable Consumers, to promote the activities of the Voluntary Consumer Organisations, monitoring of consumer clubs and organising World Consumer Day/National Consumer Day etc.

Table 3.10

Post	Sanctioned strength	Men-in-Position	Vacancy	Remarks
DiCPOs	7	2	5	Additional charge was given to DSOs.
Accountant	7	0	7	
Lower Division Clerk	7	0	7	Four retired persons were engaged on contract basis.
Assistant	7	0	7	One retired person was engaged on contract basis.
Total	28	2	26	

Source: information provided by the Department.

It is evident from the table that regular DiCPOs were posted at only two divisional headquarters (Bikaner and Bharatpur). DSOs were additionally looking after the work of DiCPO in the remaining five divisional headquarters. Moreover, supporting staff was not posted with three DiCPOs in Ajmer, Bharatpur and Jodhpur. Only one person each was deployed on contract basis in the remaining DiCPOs at Bikaner, Jaipur, Kota and Udaipur. Thus, due to vacancies the duties assigned to DiCPOs for consumer awareness could not be carried out.

It was further observed that in all test checked districts DiCPOs/DSOs only organised World Consumer Day/National Consumer Day during 2012-16. No other consumer awareness activities were organised.

State Government accepted the fact and stated (October 2016) that DSOs were additionally looking after the work of DiCPOs due to delay in recruitment process.

The fact remains that the objective of increasing consumer awareness could not be fulfilled as the posts of DiCPOs could not be filled and the DSOs could not perform the required tasks.

(ii) *Consumer Welfare Fund*

Consumer Welfare Fund (CWF) was set up (June 2004) for creating consumer awareness and strengthening the consumer movement. CWF was also mandated to provide financial assistance to the recognized Voluntary Consumer Organisations (VCOs). The CWF was operated by a standing committee headed by the Principal Secretary, Consumer Affair Department. In this regard, it was observed that:

- The model rules for regulation of State Consumer Welfare Fund were forwarded (June 2005) by GoI for adoption as 'State Consumer Welfare Fund Rules' after publication in the State Gazette. The State Government modified (October 2011) the Rules and issued a departmental notification. The rules were not published in the State Gazette and hence were not enforceable.

State Government stated (October 2016) that the Rules have been revised and again issued during May 2016. The fact remained that the Rules were not yet published (October 2016) in the State Gazette and they continue to be not enforceable.

- The position of Consumer Welfare Fund during 2011-16, is given in **Table 3.11**.

Table 3.11

(₹ in crore)

Year	Opening balance as on 1 April of the year	Total receipt	Expenditure	Closing balance as on 31 March
2011-12	0.85	0.30	Nil	1.15
2012-13	1.15	0.38	0.18	1.35
2013-14	1.35	0.26	0.00	1.61
2014-15	1.61	0.40	0.26	1.75
2015-16	1.75	0.51	0.40	1.86
Total		1.85	0.84	

Source: information provided by the Department.

It was noticed that the expenditure of ₹ 0.84 crore was incurred on celebration of World Consumer Day/National Consumer Day and for revival of Consumer Clubs only during 2012-16. Other activities³⁸ to create consumer awareness and strengthen consumer movement and financial assistance to VCOs were not carried out, even though sufficient funds were available (₹ 1.86 crore as on March 2016).

State Government accepted the fact and stated (October 2016) that other activities to create consumer awareness and strengthen consumer movement will be started from this financial year.

Thus, the Consumer Welfare Fund could not be utilised for all activities as envisaged in the Rules.

(iii) *Consumer Clubs*

GoI launched (2002) a Scheme for establishment of Consumer Clubs (CCs) in each Middle/Secondary/Senior Secondary School affiliated to the recognised Board, to educate the students about the rights of the consumers. A grant of ₹ 10,000 per CC for two years were admissible under the Scheme. The scheme was transferred (April 2004) to the State Governments/UTs for implementation. In this regard it was observed that:

- There were 64,710 middle, secondary and senior secondary schools, functioning in the State during 2014-15. CCs were established in only 968 schools (1.50 per cent) as of January 2016. Further, during 2012-16, the State Government provided ₹ 0.16 crore (@ ₹ 2,000 to each 794 CCs in 30 districts) in March 2015 only. In absence of monitoring of activities and auditing of accounts, it could not be ensured that the CCs were functional during 2015-16.

38 Protection of consumer's health and safety from the hazardous goods and services, encouragement and protection of the consumer's economic interest, Information, education and communication about consumer's rights, distribution of literature and audio-visual material for the broadcast for consumer literacy, presentation-exhibition-organisation/workshops/meetings on the matters related to organisational goals of department, establishment of libraries and information centres, publishing of orders, rules related to consumer affairs as per the need in consumer welfare, and providing legal aid to consumers etc.

- Besides, due to lack of proper financial support most of them had become non functional. Thus, neither the CCs were established in all the schools nor were they strengthened with sufficient funds to promote consumer education amongst the students.

State Government stated (October 2016) that the scheme was discontinued by GoI, however, the State Government rejuvenated CCs with financial assistance, but DSOs could not prioritise the coordination for CCs.

The reply was not acceptable. The scheme was transferred by GoI to the State Government, which did not implement the scheme in all the schools of the State. Besides, four other schemes³⁹ were also introduced by the State Government to promote and protect the rights of the consumers within the State. It was, however, observed that no activity was undertaken under the schemes during 2012-16, thereby defeating the purpose of introduction of these schemes.

State Government stated (October 2016) that scheme for State level Prize for 'Best Consumer Club' will be taken up from 2016-17. No application was received for *Yuva Puruskar* and *Prashasti-Patra Yojana*. Schemes of Legal Aid Scheme for poor/incapable consumers and strengthening scheme of VCOs would be reviewed for their continuance.

3.8.2.10 Conclusion

The pendency of consumer cases was increasing from 2012 to 2016 and was as high as 46,266 as of 31 March 2016. The disposal of complaint/appeal cases within the prescribed period was only 9.89 *per cent*. The delays were attributable to the lack of adequate infrastructure and manpower. The Rules prescribing the procedure and methodology for smooth functioning of the State Consumer Protection Council and District Consumer Protection Councils were not yet notified and the meetings of the State Council and District Councils were not held regularly.

The purpose of increasing consumer awareness could not be fulfilled as adequate manpower could not be posted, Consumer Welfare Fund could not be fully utilised and only very few Consumer Clubs in schools were formed. Even though the Consumer Forums were set up to supplement the existing judicial system without all the formal procedures of a Court, 99 *per cent* of the complainants were not confident of filing the case without an Advocate to support them.

Thus, the objective of providing speedy relief to consumers provided in the CP Act could not be fully achieved.

39 (i) *Yuva Puruskar* and *Prashasti-Patra Yojana* during 1989, (ii) State level Prize for 'Best Consumer Club' during 2002, (iii) Legal Aid Scheme for poor/incapable consumers during 2005 and (iv) Strengthening scheme of Voluntary Consumer Organisations during 2005.

Home (Jail) Department

3.9 Follow-up action on recommendations of Public Accounts Committee/audit on 'Performance Audit of Jail Department' incorporated in Audit Report (Civil) 2004-05

Follow-up Audit of action taken on recommendations of Public Accounts Committee on 'Performance Audit of Jail Department' incorporated in Audit Report (Civil) 2004-05

3.9.1 Introduction

Jail Department is functioning to keep the safe custody of prisoners, organise activities to improve and change their living style and habits so that they may join the mainstream of society as useful and good citizens on their release.

Performance Audit (PA) of Jail Department was conducted in 2005. Audit reviewed functioning of Jails in the State for the period 2000-2005 through test-check of records of Director General (DG) office, four Central Jails (CJ)⁴⁰ and 16 other Jails and units⁴¹. The PA revealed deficiencies in management of security, sanitation, transportation, health and rehabilitation of prisoners. There were lacunae in financial management, in housing in prisons and in monitoring. Findings of the PA were incorporated in Paragraph 3.2 of Audit Report (Civil) for the year 2004-05.

The Public Accounts Committee (PAC) took-up the PA for detailed examination in February 2010. PAC made (March 2010) 48 recommendations⁴² for remedial action. PAC examined the compliance submitted by the Jail Department on these recommendations. PAC submitted (February 2011) its Action Taken Report to the Legislature. 15 recommendations were treated as executed, 19 were treated as complied and 14 remained for final compliance.

A follow-up audit was carried out to review the status of implementation of recommendations of PAC/Audit in the units covered in the earlier PA. Findings of the follow-up audit were discussed with DG, Jails on 29 July 2016 and his comments have suitably been incorporated. The State Government submitted that it had executed 15 recommendations made by PAC and other 19 were treated as complied. It was, however, noticed that 22 recommendations⁴³ were not complied with and irregularities were still persisting.

40 CJs: Ajmer, Jaipur, Jodhpur and Udaipur.

41 District Jails (DJs): Dausa, Jhalawar, Sirohi and Tonk; Sub Jails: Abu Road, Beawar, Behror, Kotputali, Malpura and Sambhar Lake; Jail Training Institute: Ajmer; Juvenile Reformatory: Jaitaran; Woman Reformatory: Jaipur and Open Camp Jail: Sanganer, Mandore and Udaipur.

42 PAC Report No. 35 of 2009-10 (Thirteenth Legislative Assembly).

43 Recommendation number 4, 8, 14, 18, 19, 20, 22, 23, 24, 26, 28, 32, 33, 35, 37, 38, 39, 42, 44, 45, 46 and 47= Total 22 recommendations.

Audit findings on the follow up action against recommendations of the PAC are discussed below:

3.9.2 Inadequate security arrangements

Paragraph 3.2.10 of Audit Report pointed out that in 12 Jails, security equipment were lying out of order and security equipment were not provided in three sub-jails.

PAC recommended that security equipment⁴⁴ lying out of order for many years may result in serious consequences. Therefore proper arrangements may be made in future.

The Department had assured (February 2010) PAC that necessary action had been taken to repair the security equipment and auction (June 2007) the unserviceable items.

The Department, however, had failed to provide adequate security as discussed below:

(i) The Department issued (November 2014) work order to M/s Bharat Electronics Limited, Panchkula (firm) for supply, installation and commissioning of 57 Cellular Phone 4G Jamming system in eight CJ⁴⁵, costing ₹ 20.13 crore. As per agreement, full payment of ₹ 20.13 crore was made (December 2014) as advance to the firm. The work was to be completed within 12 months (December 2015) from the date of payment.

Scrutiny of the records of DG revealed (July 2016) that 17 Jamming systems were not installed by the firm. 32 Jamming systems became non-functional after few days from their installation. The details of eight Jamming systems were not made available to Audit.

State Government stated (November 2016) that 47 Jammers have been activated and remaining ten would be activated in November 2016. The reply is not acceptable as the details of activation were neither on record nor intimated to Audit.

(ii) Power generator sets were required to maintain un-interrupted power supply in the event of load shedding to maintain security in the Jails. Audit found that out of 16 test checked Jails power generator sets were not available in nine Jail units⁴⁶.

State Government stated (November 2016) that the proposal for providing generator sets in all Jails has been made in the budget estimates for 2017-18. The fact remains that the irregularity persisted and the security of the Jails continued to be compromised.

44 Hand Metal Detector (HMD), Door Fitted Metal Detector (DFMD), CCTV Cameras, and Electric Sirens.

45 CJs: Ajmer, Bharatpur, Bikaner, Sriganganagar, Jaipur, Kota, Udaipur and High Security Jail Ajmer.

46 DJs: Dausa and Sirohi; Sub Jails: Abu Road, Beawar, Behrore, Kotputali, Malpura, and Sambhar Lake; and Juvenile Reformatory, Jaitaran.

3.9.3 *Escape from Jails*

In Paragraph 3.2.11 Audit highlighted that 35 cases involving escaping of 89 inmates occurred during 2000-05, out of whom 29 inmates could not be traced. The Department initiated departmental enquires against defaulting Jail security personnel.

PAC recommended that pending departmental enquiries (two cases) be completed immediately and keeping in view the past experience the matter may be reviewed at high level to prevent escaping in future.

Audit observed that the departmental enquiry in the case of escaping of three inmates from District Jail, Dholpur (November 2001) was still pending (June 2016) with Department of Personnel (DoP), despite lapse of almost 15 years.

The Department did not provide information regarding conducting of high level review to prevent escaping. Scrutiny revealed that the cases of escaping increased during 2012-15 in the State, as 323 inmates⁴⁷ escaped in 275 incidents during the period and only 171 inmates were recaptured, as of March 2016.

State Government replied (November 2016) that the number of escaping prisoners decreased in 2015. This was due to enhancement of security, jammers, CCTV etc. Necessary coordination was being made with the Police Department to recapture them.

3.9.4 *Construction works*

3.9.4.1 *Incomplete works*

Paragraph 3.2.20 of Audit Report pointed out that of the 82 works taken up under modernisation of Jails, 18 were completed and handed over and 25 though completed but were not handed over. 31 works were in progress while eight works were not started (March 2005).

PAC in its final report recommended early completion of eight works pending as of 2011.

Audit observed that all the eight⁴⁸ works were completed as of March 2016. New Jail Building, Karauli (Cost: ₹ 4.07 crore) though completed (April 2010), was handed over (September 2015) after five years due to delay in electric and water supply connections. Further, even after handing over, the New Jail Building was not being utilised.

47 Escaping from police: 98, Escaping from Jail/Open Jail: 95 and Escaping from parole: 130.

48 Jail Building: Karauli, Staff Quarters: CJ Jodhpur, DJ: Alwar, Sirohi, Sub Jail Rajgarh, Kotra, Mavli and Neem Ka Thana.



Unutilised New Jail Building at Karauli

Deputy Superintendent (DJ), Karauli accepted the facts and stated (May 2016) that the new building could not be utilised as sufficient staff was not available. Thus infrastructure was created without ensuring proper deployment of staff resulting in unfruitful expenditure of ₹ 4.07 crore for more than five years.

3.9.4.2 Non-utilisation of building

It was also pointed out that Borstal school building was constructed (December 1990) at Ajmer (cost ₹ 0.63 crore) to accommodate 301 young offenders. It was underutilised because another building had been earlier constructed (March 1983) by the State Government for Juvenile Reformatory (₹ 0.17 crore) in the same campus.

Audit observed that Juvenile Reformatory Ajmer was shifted (August 2012) to Jaitaran (District Pali). This resulted in non-utilisation of the Borstal school as well as Juvenile Reformatory building (August 2012) constructed at a cost of ₹ 0.80 crore.

State Government stated (November 2016) that the Juvenile Reformatory had been declared (January 2015) as High Security Jail. Thus the building was utilised. The reply was not correct. Non utilisation of both Borstal school and Juvenile Reformatory building was confirmed during joint physical verification during April 2016. This indicates that the Department was not even aware of the status of its infrastructure.

3.9.4.3 Delay in construction of Jail buildings

Scrutiny of records of DG Jails, Jaipur revealed that construction of 1,536 civil structures viz buildings, toilets, bathrooms, barracks etc., were sanctioned at an approved cost of ₹ 175.87 crore during 2012-16. These works were to be carried out by Public Works Department. As per the progress reports 430 structures had been handed over to Jail Department, 443 completed yet not handed over, 652 works were in progress and 11 works were yet to be commenced (March 2016).

It was observed that construction of Jail building, Dausa was sanctioned (₹ 31.12 crore) during January 2012. Executive Engineer (EE), PWD, Division

Dausa issued (June 2014) work order only after lapse of 30 months. Though the stipulated date for completion of work was October 2015, the work was not yet completed (July 2016).

State Government accepted the facts and stated (November 2016) that the work of Jail building has been completed. Administrative and Financial sanction for construction of residential quarters and other additional works⁴⁹ has been issued (July 2016) for ₹ 9.35 crore.

The fact remains that the Department did not obtain a comprehensive sanction for the necessary infrastructure. The sanction for residential buildings and additional works was issued four years after the sanction of Jail building. Thus, the Jail building will remain unutilised till the infrastructure is ready.



Incomplete Jail building, Dausa.

3.9.5 Inadequate transportation system for carrying prisoners

Paragraph 3.2.18 pointed out that six vehicles were lying out of order in four Jails and five ambulances were lying unutilised for want of drivers. Therefore, transportation of prisoners to courts/hospitals and transportation of Jail officials including sick prisoners had been adversely affected.

PAC recommended that sufficient arrangement of vehicles with proper security be made in Jails for carrying convicts from Jail to courts and sick prisoners to hospitals. PAC further recommended that action be taken to repair vehicles.

Audit noticed (May 2016) that against availability of 73 vehicles⁵⁰ in the Jail Department, 17 vehicles were out of order. Further, no vehicle was available in nine⁵¹ of the 16 test checked units for transportation of prisoners from Jail to courts and hospitals. Five vehicles⁵² out of 21 available in seven test

49 Residential quarters for security personnel, roads, barracks and electrical work.

50 Car, Jeep, Bus, Mini bus, Truck, Motorcycle, Van etc.

51 DJs: Sirohi and Dausa; Sub-Jail: Abu Road, Behrore, Beawar, Kotputali, Malpura and Sambhar Lake; and Juvenile Reformatory, Jaitaran.

52 CJ: Ajmer (2015): 1, Jodhpur (2013): 2, Udaipur (2012): 1; and DJ: Jhalawar (2008): 1.

checked Jails were lying out of order⁵³. Further, against the requirement of nine buses and 18 minibuses in 16 test checked Jails as per norms, only two buses⁵⁴ and four minibuses⁵⁵ were available.

State Government stated (November 2016) that proposals for procuring vehicles would be placed in Budget Formulation Committee 2017-18.

Thus, the recommendation of PAC for making sufficient arrangement of vehicles for carrying convicts was not followed by the Department.

3.9.6 Inadequate Health facilities for prisoners

Paragraph 3.2.16 commented that health facilities available for prisoners were highly inadequate. 55 valuable medical equipment were lying unutilised since their purchase (2000-2004). Medical examination of prison inmates at the time of admission in Jails was also not carried out.

PAC directed to intimate efforts made for repairing the medical equipment and to fix responsibility on the defaulting officers for not carrying out medical examination of prisoners at the time of their admission in the Jails.

The Department did not provide the status of utilisation of afore mentioned 55 valuable medical /health equipments to Audit. Scrutiny revealed that 37 valuable medical equipment⁵⁶ worth ₹ 0.16 crore were lying unutilised in seven test checked units⁵⁷ from period ranging between seven months to 16 years (average period- nine years) as of March 2016. The reasons for non-utilisation of equipment were attributed to vacancy of medical staff. It was, further noticed that ultrasound machine purchased (July 2000) for CJ, Jodhpur was not put to use even after 16 years as it was not registered under the Pre-conception and Pre-Natal Diagnostic Techniques Act, 1994.

Test check of selected units for 2012-16, also revealed that:

- In seven Jail units⁵⁸ medical examination required to be conducted at the time of admission in the Jails was not carried out.
- In eight Jails⁵⁹, 129 inmates⁶⁰ died during 2012-16. Out of these, 49 inmates⁶¹ were infected during their term of imprisonment.

53 Four vehicles for three to nine years and one vehicle for nine months.

54 CJs: Jaipur and Jodhpur.

55 CJs: Jaipur (2 numbers), Ajmer (1 number) and Udaipur (1 number).

56 Semi Auto Analyzers, Ultra sound system, Cardiac monitor meter, DC shock meter, Digital electro gram etc.

57 CJs: Ajmer, Jodhpur, Udaipur and Jaipur; DJ: Tonk; Sub-Jail: Beawar and Women Reformatory, Jaipur.

58 DJ: Tonk; Sub Jails: Malpura, Beawar, Behrore, Sambhar Lake and Kotputali; and Juvenile Reformatory, Jaitaran.

59 CJs: Ajmer (19), Jaipur (55), Jodhpur (23) and Udaipur (24); DJs: Dausa (three), Jhalawar (three), Sirohi (one) and Women Reformatory, Jaipur (one).

60 Tuberculosis (16), AIDS (seven), Cardio (20), Cancer (seven), Miscellaneous (44) and reasons not given (35).

61 Tuberculosis (nine), AIDS (four), Cardio (14), Cancer (one), Miscellaneous (14) and reasons not given (seven).

- In seven Jails⁶², 132 inmates were infected by tuberculosis out of which 97 inmates were infected during their term of imprisonment.

State Government stated (November 2016) that the medical examination of prisoners and identification of infected prisoners was done at the time of their admission. The reply was not correct as the records furnished to Audit clearly brought out the fact that these 146 (49+97) prisoners were not infected when they entered the Jail. This indicates improper management of medical facilities as well as health care of the prisoners.

Thus, despite recommendation of PAC, the health facilities available to the prisoners continued to be inadequate.

3.9.7 Inefficient working of Jail Industries

It was pointed out that seven Jail industries were regularly incurring losses for more than five years and accumulated losses were ₹ 4.44 crore, against the total investment of ₹ 5.82 crore, as per their last accounts.

PAC recommended that the matter of continuous losses and treating indirect expenditure as the cost should be examined with the Department of Finance and action be taken accordingly.

PAC also recommended that effective action be taken to bring rates of finished goods manufactured in Jail Industries at par with market rates.

Scrutiny revealed that the total loss increased to ₹ 11.23 crore against the total investment of ₹ 11.35 crore (2014-15)⁶³. The Department stated (June 2016) that a proposal for registering 'Rajasthan Jail Industry Operation and Improvement Committee, Jaipur' under the Societies Act was under consideration of the State Government since November 2009. A meeting was again held (May 2016) with the Department of Finance on the issue. The State Government stated (November 2016) that overhead charges on Jail industry products had been reduced from 20 per cent to seven per cent and VAT was also exempted (March 2016) by the Finance Department, GoR. This was done to bring the pricing at par with the market rates.

Further, huge quantity of finished goods like wooden furniture, *niwar*, *dari*, cloth, garments, coolers etc., costing ₹ 0.71 crore were lying unsold in four test checked units⁶⁴ as on 31 March 2016. This included stores of ₹ 0.97 lakh lying since 2004-05 at Central Jail, Udaipur. No efforts were made by the units concerned to sell out the finished goods.

State Government stated (November 2016) that for selling finished goods the sites for outlets outside of Jails were being identified. A list of the goods was being sent to all Department heads due to which the finished goods would possibly be sold out soon.

62 CJs: Ajmer, Jaipur, Jodhpur and Udaipur; DJs: Dausa and Sirohi; Sub-Jail: Abu Road.

63 Figures of CJ Ajmer are up to 2013-14 and CJ Kota up to 2012-13 due to non submission of proforma account for subsequent period.

64 CJ, Ajmer, Jaipur, Jodhpur and Udaipur.

3.9.8 Delay in trial of prisoners and non-utilisation of Video Conferencing System

Paragraph 3.2.22 of the Audit Report highlighted that Video Conferencing (VC) System intended for speedy trial of remand prisoners was not established at CJ, Jaipur and Jodhpur.

During oral examination, DG assured that VC was operational at both the Jails. PAC accepted the assurance.

Analysis of the data maintained by the DG, Jail revealed that there were 15,811 prisoners under trial in the State as on 30 June 2016. Out of these, 2,645 cases⁶⁵ were pending for periods ranging from two to more than ten years.

Scrutiny revealed that while the two VC systems were installed and functional during 2012-16. The Department proposed to install VCs in another 16 places⁶⁶ (11 Jails and five judicial courts). Sanction of ₹ 8.71 crore was issued for construction of VC rooms and procurement and installation of machinery and equipments. The works were completed (March 2016) at 14 places (except Jail and judicial court at Pratapgarh) at the cost of ₹ 6.47 crore. VC systems, however, were not made operational at any of the 14 places due to non-connectivity. Thus, the expenditure incurred on VC systems remained unutilised.

State Government stated (November 2016) that a provision of ₹ 1.70 crore has been made under budget 2016-17 for providing connectivity to VC systems.

The fact, however, remained that the purpose of installation of VC system for ensuring speedy trial of remand prisoners was not achieved so far.

3.9.9 Other deficiencies

Audit findings on the follow up action on the recommendation of the PAC to other deficiencies are discussed in the *Appendix 3.4*.

3.9.10 Conclusion

Follow-up Audit on recommendations of PAC revealed that there was inadequate security system in Jails and cases of escaping of inmates were increasing. Health facilities to prisoners continued to be inadequate. Further, Department has not made adequate efforts to revamp Jail industries and ensure sale of Jail products at competitive prices. Sanctioned works were not completed in time and the completed building were also not utilised.

Thus, the recommendations of the PAC and the assurances given by the Department were not adequately complied with.

⁶⁵ 1,331 cases for two to three years, 1,054 cases for three to five years, 257 cases for five to 10 years and three cases for more than 10 years.

⁶⁶ CJs: Ajmer, Bharatpur, Bikaner, Kota, Udaipur and Sriganganagar; DJs: Alwar, Dholpur, Jhalawar, Pratapgarh, Tonk and Courts: Bharatpur, Bikaner, Kota, Pratapgarh and Sriganganagar.

Medical Education Department

3.10 Arogya Online in Sawai Man Singh Hospital, Jaipur

3.10.1 Introduction

Hospital Management Information System (HMIS) known as ‘Arogya Online’ was an initiative of Government of Rajasthan to deliver better quality of healthcare to citizens of the State through automation. The Arogya Online of Sawai Man Singh Hospital, (SMS) Jaipur was envisaged to manage critical health related data of Hospital operations including vital patient’s records and providing solution to support the Hospital administration. The system was designed to streamline workflow operations by optimisation of tasks to be performed and enable transition to a paperless clinic. The system also sought to facilitate better sharing of information in the Hospital.

The project was entrusted to RajCOMP Info Services Limited (RISL) on 24 March 2007. As per scope of work and budget received, RISL was assigned formulation of work plan, procurement of hardware, third party software and networking. The Application Software and Facility Management System was outsourced to Centre for Development of Advanced Computing (C-DAC), Noida at a cost of ₹ 5.06 crore. It was scheduled to be completed in three phases by September 2009 as per Service Level Agreement (SLA) between RISL, SMS Hospital and C-DAC. The timeline of the implementation of the project was, however, revised to March 2011.

Audit examined (April-May 2016) related records of SMS Hospital, Jaipur covering the period 2011-16 with the objectives of assessing the effectiveness of the project in developing and integration of various modules as per phase wise plan, streamlining workflow, adequacy of security and controls, disaster recovery and business continuity plan and management of matching hardware. For analysing the security and adequacy of various controls, data for the month of May 2016 as stored and available on the system, was also examined. The operation of HMIS was also test checked in 12 wards⁶⁷ of the Hospital.

3.10.2 Audit Findings

3.10.2.1 Project Implementation

Arogya Online project was to be implemented in three phases and a total of 28 modules were required to be developed. In order to computerise patient care

⁶⁷ (i) 1C (ii) Special MICU (iii) 3DE (*Medicine*) (iv) Nephrology ward (*Nephrology*) (v) Cardiology ward (vi) CICU (*Cardiology*) (vii) CT ward (viii) CS COMP BMRC (*CT Surgery*) (ix) SW II (x) 2DE (xi) 3AB (xii) 3G (*Surgical*).

delivery system, initially 13 core clinical modules⁶⁸ were scheduled to be completed in Phase-I by 9th September 2008 which was revised to 31st August 2009. All Core Modules have been operationalised by October 2011 though certain important features in seven modules were not being utilised. In Phase-II eleven back office modules⁶⁹ and four miscellaneous modules⁷⁰ in Phase-III were required to be developed by 9th March 2009 and 9th September 2009 respectively. The timelines were subsequently revised to 30th March 2011. Audit found that six⁷¹ out of eleven modules of Phase-II were not developed/operationalised and none of the modules except library module under Phase-III was developed/operationalised.

Deficiencies noticed by Audit in achieving objectives of automation of hospital activities are detailed below:

(i) Modules were not developed as per Software Requirement Specification

Review of developed software with Software Requirement Specification (SRS) revealed that the following modules were not developed, as detailed in **Table 3.12**.

Table 3.12

Phases	Name of Module	Purpose	Time Limit of Installation
Phase-II	Appointment and Roster Management	Fixation of Patient appointment and schedules of each Department activities	30/03/2011
Phase-II	Biomedical Engineering Department (BMED)	To provide technical expertise and management support to Hospital administration, engineering department and medical staff	30/03/2011
Phase-III	Health Portal	Portal should have all information specific to SMS Hospital i.e. availability of doctor, patient care charges, contact details, departmental activities etc., on portal.	30/03/2011

The Department, while accepting the facts, stated (July 2016) that these modules will be developed/operationalised within three months. The reasons for delay were not intimated.

(ii) Non-operationalisation of Modules

Review of computerisation of the SMS Hospital revealed that out of total 28 modules required to be operationalised as per SRS, six modules under phase II

68 (i) Emergency Registration (ii) Out Patient (OPD) Registration (iii) In patient (IPD) Management (iv) Outpatient (OPD) Management (v) Enquiry (vi) User Management (vii) Investigation (viii) Billing (ix) Blood Bank (x) Patient Medical Record (xi) Operation Theater (xii) Diet Kitchen and (xiii) Pharmacy Store.

69 (i) Store Management System (ii) Procurement/ Purchase (iii) Central Sterile Services (iv) Personnel Information System (v) Finance Management System (vi) Bio Medical Waste (vii) Transport (viii) Linen/ Laundry (ix) Bio Medical Engineering Department (x) Administrative Module and (xi) Appointment and Roster Management.

70 (i) Right to Information Module (ii) Health Portal (iii) File Tracking System (FTS) and (iv) Library.

71 (i) PIS Module (ii) CSSD (iii) Bio Medical Waste (iv) Linen and Laundry (v) Appointment and Roster Management and (vi) Bio Medical Engineering Department.

and phase III were not operationalised as of July 2016, as detailed in **Table 3.13**.

Table 3.13

S. No	Name of Modules	Purpose	Implication
1	Personnel Information System (PIS) Module (Phase-II)	Information on human resources activities.	Management of personal details of employees was not automated.
2	Central Sterile Services (CSSD) Module (Phase-II)	Online information of sterilisation of equipment, instruments and materials.	No hardware was installed in CSSD. Details of equipment, instruments and materials sterilised, shift wise are being maintained manually in CSSD.
3	Bio Medical Waste (BMW) Module (Phase-II)	Monitoring category wise waste into colour coded plastic bags, storage, transportation, collection and final disposal.	Module is not in operation. All records are being maintained manually. Final disposal/disinfection/treatment of harmful biomedical waste could not be monitored online.
4	Linen & Laundry Module (Phase-II)	Management of clean linen to patients in Hospital.	Washing requirement from various departments could not be made online. Records in laundry section are being maintained manually. Interface with other modules are also disabled.
5	Right to Information (RTI) Module (Phase-III)	Managing RTI process.	This deprived access to online information.
6	File Tracking System (FTS) Module (Phase-III)	Management of movement of files, letters and other documents.	Movement and location of the files not traceable online. Records are being maintained manually.

Due to non-operationalisation of these modules, Hospital operations scheduled for computerisation in respect of these modules were done manually. Department, while accepting the facts, stated (May 2016) that these modules would be operationalised shortly.

Recommendation:

- The Hospital should operationalise/develop all the modules in order to bring complete automation in entire Hospital operations, so that advantages of a fully automated IT system could be harnessed.*

(iii) Non-utilisation of available features

Review of computerisation of SMS Hospital, Jaipur revealed that though the following modules were developed by the C-DAC, Noida and the modules were operationalised, all the features of these modules were not utilised. This affected the automation process as detailed in **Table 3.14**.

Table 3.14

Category of Phase	Name of Module and date of operationalisation	Purpose	Details of features not utilised
Phase-I	OPD Module 02.04.2009	Providing diagnosis details, patient history, physical examination details, vital from clinical observation file and treatment file.	Patients visit stamping, name of disease for which patients seeking treatment, examination and diagnosis done, treatment provided, instructions given to patients, clinical observations on patient vital parameter, online ordering of investigation, medication, consultation, cross consultation and history of patients.
Phase-I	IPD Module Nursing Desk 02.04.2009	Complete treatment administered during the period of patient's stay in SMS Hospital which included	Investigation, packing list, medical equipment, Blood Bank, Doctor Visit, Blood requirement status, Bed management.
	IPD Module Doctor Desk 02.04.2009	Electronic Orders Processing, Clinical Notes, Clinical Observation, Drug Administration, Discharge Summary etc.	Admitted patient history, raising investigations online, packing list, in-Hospital management, discharge preparations, OT advice and stock position on line.
Phase-I	Billing 07.08.2009	Billing of Registration, Admission and Investigation.	Four out of six billing counters in Dhanwantri OPD were not integrated with bar code printer.
	Blood Bank Module 04.05.2010	Providing upto date information about blood/component stock, total daily blood requisitions and information regarding blood/components, cross matching and infection tests of donors.	Alert in advance of the expiry date of blood/blood components.
	Operation Theatre 08.08.2009	Online information about scheduling of operations, Pre Anaesthesia Clearance (PAC), Dossiers.	Online status of patients, history, PAC and operation details, type of Anaesthesia and Online data generation.
Phase II	Store Management System 27.04.2013	To ascertain needs of all the stores of each department and to provide stores to each department as and when needed.	Consumables and non-consumable items/equipment & tools were not displayed online.
	Procurement and Purchase 03.07.2012	Procurement and management of stock of various consumables and non consumables.	Except medicines and drugs, other consumables and non consumables were not procured/purchased online.

Non-utilisation of features of core clinical modules affected automation of the important hospital activities like operations, online discharge, bed management under IPD management etc. The Department while accepting the facts of non utilisation of the features of the modules stated (May 2016) that diagnosis will be entered by all the Departments shortly in OPD modules. IPD management through Nursing staff will be started after imparting training to them and online discharge will be started soon in five Departments (Medicine, Dermatology, Ophthalmology, Endocrinology and plastic surgery). Further Bar Code will be made available on all counters of Billing and features pointed out by Audit in Blood Bank Module and Operation Theatre Module will be utilised.

(iv) User Acceptance Test not done

User Acceptance Test (UAT) is executed in the final stage of software development cycle by client. It confirms that the system meets the requirement of the specification. It was noticed that UAT was not conducted in nine modules⁷² out of 25 modules developed/operationalised by C-DAC. Reasons for non-conduct of UAT were not intimated by the Department.

(v) HMIS operating without security certificate

It was seen that Arogya Online was operating without testing of application by the Government approved agency. This was desirable for an e-Governance programme developed by Government agency before making the application operational. This also fulfills the requirement of Third Party Certification for the product in line with National and International Standards.

The Department stated (July 2016) that the matter for obtaining security certificate would be pursued with Standardisation, Testing and Quality Certification (STQC).

(vi) All hardware not covered under Annual Maintenance Contract

It was decided (January 2011) that RISL would finalise tender for Annual Maintenance Contract (AMC) of all hardware including batteries and networking equipment of Arogya Online Project on behalf of SMS Hospital.

Audit, however, noticed that RISL awarded (February 2012) a Comprehensive Annual Maintenance Contract (CAMC) to a firm for a period of one year at the cost of ₹ 6.62 lakh which included only networking equipment leaving all other hardware including batteries uncovered in the CAMC.

It is worth mentioning that 561 hardware equipment worth ₹ 69.43 lakh became condemnable/unusable due to non-maintenance.

(vii) Hardware lying idle in the store

Audit observed that 94 computers and related hardware costing ₹ 20.69 lakh supplied (during August 2008 to October 2013) by RISL, were not installed as of May 2016. They were lying idle in the store despite lapse of more than three years of their procurement. Keeping a large number of hardware for long periods without use led to obsolescence due to change of technology. Delay ranging between 6 months to 90 months was also noticed in issue of hardware (706 items) by the store of Data Centre to various units of Hospital.

The Department stated (October 2016) that the configuration of thin clients had become outdated and these equipment along with their connectable devices were now not usable.

72 (i) Out patient management (ii) Enquiry (iii) User management (iv) Operation theater (v) Procurement/ purchases (vi) Central Sterile Services Department (CSSD) (vii) Administrative Module (viii) RTI and (ix) Library Management System.



Unused Computer Hardware lying idle in Store.

Further, against a provision⁷³ of physical verification of all stores at least once in a year, physical verification of stores related to Arogya Online project was not conducted after August 2010.

Department, while accepting the facts, stated (July 2016) that the detailed reply would be submitted shortly.

Recommendation:

2. *Hardware equipment should be procured according to the requirement in the project and optimum utilisation of equipment should be ensured. AMC of hardware equipment on regular intervals should also be ensured.*

(viii) Inadequate Training on Arogya Online Project

As per Para 2.21 of Schedule II of Service Level Agreement (SLA), a user level training was to be given to the concerned person at various modules of Arogya Online along with comprehensive one time on-site training on System Administration. Operational level of Application Software training and training on Network Administration was also required to be given for a period of five days each. These training programmes were required to be arranged by the Hospital.

It was observed that only 54 nursing staff and 26 outsourced computer operators were trained during 2008-2009 for Registration module. Other Training programmes were not arranged by the Hospital. Audit observed that none of the nursing staff/doctors of test checked wards⁷⁴ were trained for the project.

Due to lack of adequate training, nursing staff were maintaining in-patient's registers⁷⁵ manually. Further, activities like raising investigations, prescribing medicines, noting operation details, discharge preparations etc., were also being done by the Doctors manually instead of generating them online.

⁷³ Rule 12 (1) of General Financial and Accounts Rules, Part II.

⁷⁴ (i) 1C (ii) Special MICU (iii) 3DE (*Medicine*) (iv) Nephrology ward (*Nephrology*) (v) Cardiology ward (vi) CICU (*Cardiology*) (vii) CT ward (viii) CS COMP BMRC (*CT Surgery*) (ix) SW II (x) 2DE (xi) 3AB (xii) 3G (*Surgical*).

⁷⁵ Patient admission register, Diet kitchen register, Linen & Laundry register, Bio-medical waste register and medicine register.

Consequently the objective of transition to a paperless clinic was defeated. Apart from this online functioning of core modules like IPD module, Blood Bank module and Operation Theatre module was also affected due to non-availability of trained clinical staff.

Department of Information Technology & Communication stated (September 2016) that the gains of classroom type of training were limited as the Hospital staff could not be spared during shifts. SMS Hospital shall be advised to ensure that training is made compulsory for the relevant staff before implementation of a module in the Ward/Department.

Recommendation:

3. All the users and existing manpower of the Hospital should be provided training in order to use the automated systems effectively and reap all its benefits.

3.10.2.2 Security and adequacy of controls

(i) Application Control

The data of patients was required to be secured through password policy and firewall created on the server. Deficiencies noticed by Audit are elaborated in succeeding paragraphs:

a) Input Control

Input controls are application controls which seek to minimize the risk of incorrect data entry by making validation checks, duplicate checks and other related controls. Though the data of patients was secured through password policy and firewall created on the server but in following instances application deficiencies were noticed in test check months⁷⁶ which could compromise the data integrity of HMIS (Arogya Online):

- Auto insertion of date and time was not programmed in the system. Analysis of data of test checked months revealed that in 36 cases of discharge from Orthopaedic Department, the system captured incorrect dates e.g. date of admission of patients was exhibited 30th September 2015 and date of discharge was shown 8th October 2016 in the report generated on 18th May 2016.
- Age of patients was wrongly entered in 102 cases in OPD Registration, which was in the range of 117 years and 820 years and age of 61 patients was entered as zero. 39 OPD patients of age below 20 years were entered in pensioner category.

⁷⁶ September 2013, September 2014 and September 2015.

- More than one Central Registration (CR) numbers were allotted to the same patient in the OPD registration on different occasions on the same day.
- A report was generated by Audit on 10th May 2016 wherein the number of patients in the test checked wards exceeded (ranged between 265 *per cent* and 768 *per cent*) the number of beds available in the ward (*Appendix 3.5*).
- It was also noticed that 28 patients were discharged from Day Care BCC ward while only 24 patients (old patients: 4 and new patients: 20) were admitted in the ward on the day.

b) Output Control

Output controls are the processing controls that ensure that the output is complete, accurate and timely. Instances given below indicated processing of incorrect data:

- Patient Statistics Report generated for 2015-16 contained repetition of data in the five categories⁷⁷ of patients which resulted in fictitious increase of 16.84 lakh patients in the report.
- Blood Bank module generates various reports such as Daily Blood Stock Book, Balance Sheet of Blood Bank, Blood Donor Register Report, Registered Donor Blood Group wise report and registered donors type wise reports. Audit noticed discrepancies in data of the number of Donors generated during March 2016 from three different reports as given in **Table 3.15**.

Table 3.15

Donors	As per Blood Donor Register report	Registered Donor Type wise	Registered Donor Blood Group wise
Without Biometric	4254	3097	4862
With Biometric	634	639	

Source: Reports generated during March 2016.

It is seen from the table that the data of the number of donors during March 2016 did not match in Blood Donor Register Report, Registered Donor Type wise reports and Registered Donor Blood Group wise reports.

Department of Information Technology & Communication stated (September 2016) that the SMS Hospital shall be advised to ensure that the observations of Audit are incorporated to make the system more robust.

⁷⁷ Below Poverty Line, Handicapped, Pensioners, Senior Citizens and Paid (Auto Finance Scheme)

(ii) Validation Controls

Validation controls ensure completeness and authenticity of data captured. Instances given below indicate lack of data validation.

- As per medical standards given in Drugs and Cosmetics Rules 1945, persons in the age group of 18 to 60 years could only donate blood. Analysis of data of selected months revealed that in three cases the age of donors was below five years and in 11 cases it ranged between 61 years to 459 years. It is evident that no controls existed to map age.
- Senior Citizens OPD patients (age 60 years and above) were required to be categorized in exempt category whereas, 36,095 Senior Citizens were categorized in 'Paid Auto Finance Scheme (AFS)'. Thus, registration charges of ₹ 1.80 lakh at the rate of ₹ 5 each were wrongly recovered from these patients inspite of being exempted.
- 'Male child' and 'Female child' were categorised wrongly under the category of 'Senior Citizens', 'Pensioners', 'Widow', 'Journalist' and 'Prisoner' in patient statistics report generated (Registration of Patients) for the period April 2015 to March 2016.

The Department, while accepting the facts, stated (July 2016) that the validation controls mentioned by Audit have been incorporated. Detailed reply will be submitted shortly.

(iii) Discrepancies between report generated on the system and records maintained manually

The data of in-patients in the 12 selected wards was extracted in the report generated on the system on 31st March 2016. It showed 353 patients whereas the records maintained manually in the wards showed 628 patients. Thus, there was discrepancy in the number of in-patients exhibited by the system and the records maintained manually. The details are given in **Appendix 3.6**.

Reply of the Department is awaited (December 2016).

Recommendation:

4. Adequate application controls and validation controls should be exercised to minimise the errors in the critical health related data.

3.10.2.3 Ineffective Business Continuity and Disaster Recovery Plan

Effective Business Continuity and Disaster Recovery Plan are important to ensure that the organisation does not lose the capability to process, retrieve and protect information maintained in the event of an interruption or disaster

leading to temporary or permanent loss of computer facilities. It was observed that the Business Continuity and Disaster Recovery Plan were not framed in SMS Hospital and the documented backup policy had not been put in place. The Department, while accepting the facts, stated (May 2016) that Disaster Management Plan will be developed shortly in Trauma Centre/Dhanwantri OPD block of the Hospital and equipment required for the Disaster Recovery Management would be procured after approval of the executive committee.

Recommendations:

5. Department should formulate a Business Continuity and Disaster Recovery Plan and ensure its strict compliance so that it can smoothly resume its operations in the event of any interruptions.

3.10.3 Conclusion

Arogya Online project has benefitted both out patients and in-patients due to automation of some of the critical hospital activities, however, non-operationalisation/delayed development of certain modules for operation theatre, bio-medical waste, linen & laundry, sterilisation of equipment etc., has resulted in not harnessing most of the advantages of a fully automated IT system. Manual preparation of the reports and patients' register by the hospital staff defeated the objective of transition to a paperless system.

In absence of proper planning for procurement of hardware and non execution of AMC, large number of hardware equipment became condemnable and were lying idle. Comprehensive and time bound training for acquaintance with HMIS applications was not imparted to all the users. Lack of adequate application controls and validation controls resulted in feeding of wrong patient data into the system which compromised the reliability of database. Moreover, Disaster Recovery and Business Continuity Plan were not formulated to meet the threat to the information.

Higher Education Department

3.11 Non-recovery of sports infrastructure fee and penalty

Sports Infrastructure fee and penalty was not recovered from affiliated colleges due to non-compliance of instructions of BoM and non-maintenance of proper/effective records.

The Board of Management (BoM), University of Kota (University) resolved (May 2005) to increase the Sports Infrastructure (SI) fee from ₹ 50 to ₹ 100 per regular student from session 2005-06. Out of this, ₹ 50 was to be kept by the College and remaining ₹ 50 would be sent to the University for the

development of sports infrastructure facilities. BoM further resolved (May 2014) to take SI fee along with the examination fee from the affiliated colleges for current session. The affiliated colleges were required to deposit the fee for previous sessions to the University within one month. A minimum penalty of ₹ 5,000 was imposable on the defaulting colleges.

Test check (March-April 2015) of records of the University and information collected (October 2015) revealed that from the academic sessions 2005-06 to 2010-11, the University had not maintained the complete details such as list of affiliated colleges which have defaulted in depositing SI fee, total number of students, SI fee due for the academic session, fee recovered/outstanding etc. In absence of these, recoverable amount for the academic sessions 2005-06 to 2010-11, from the affiliated colleges could not be ascertained in Audit.

As per information made available by the University for the academic sessions 2011-12 to 2013-14, the position of outstanding fee and penalty from the affiliated colleges is as shown in **Table 3.16**.

Table 3.16

S. No.	Session	No. of total colleges	No. of colleges who did not deposit SI Fee	No. of students	Outstanding amount of SI fee not deposited by colleges (in ₹)	Penalty @ rate of ₹5,000 per college (per year)
1	2011-12	169	125	55,965	27,98,250	6,25,000
2	2012-13	170	66	33,780	16,89,000	3,30,000
3	2013-14	176	104	30,228	15,11,400	5,20,000
	Total				59,98,650	14,75,000

The above table shows that affiliated colleges did not comply with the instructions of BoM, resulting in accumulation of recoverable SI fee of ₹ 0.60 crore and penalty of ₹ 0.15 crore for academic sessions 2011-12 to 2013-14.

State Government accepted the facts and stated (August and September 2016) that ₹ 0.58 crore has been recovered against the outstanding amount of ₹ 0.75 crore, and efforts are being made for recovery of remaining amount.

Thus due to non-maintenance of proper records to watch recovery of SI fee and non-compliance of instructions of BoM, SI fee and penalty amounting to ₹ 0.17 crore is still to be recovered from affiliated colleges. Further, the outstanding fee for the sessions from 2005-06 to 2010-11 needs to be ascertained and recovered by the University.

Tribal Area Development Department

3.12 Non-construction of *Janjati Bhawans*

Failure to get suitable land for construction for *Janjati Bhawans* at Dungarpur, Jaipur and Udaipur Districts and slow pace of work at Banswara, Pratapgarh and Sirohi Districts, resulted in depriving the tribal people of intended benefits.

Tribal Area Development Department (TAD), Government of Rajasthan issued (March 2012) Administrative and Financial sanction of ₹ 18 crore for construction of six *Janjati Bhawans*,⁷⁸ in order to conserve the social activities and cultural heritage of tribal families, organise various trainings/seminars/proficiency trainings and provide affordable residential facilities to tribal people and public representatives. TAD appointed (April 2013) Public Works Department (PWD) as the executing agency and the Ministry of Tribal Affairs (MTA) GoI, released ₹ 13.50 crore⁷⁹ to the State Government for this purpose. Out of ₹ 13.50 crore received from GoI, ₹ 9 crore⁸⁰ was transferred to Personal Deposit (PD) accounts of Project Officers (POs)/Deputy Project Officers (DPOs)/Chief Executive Officers (CEOs) concerned during February and September 2013. Commissioner, TAD issued (April 2013) instructions to all PO/DPO/CEOs concerned to get in touch with respective District Collectors for initiating the process of allotment of land under intimation to commissionerate office.

Test check of records (December 2014 and January 2015) of CEO, Zila Parishad, Jaipur and further information collected (December 2015) from Commissioner, TAD Udaipur, revealed that barring Banswara and Pratapgarh, where the construction work was in progress, construction of *Janjati Bhawans* in Dungarpur, Jaipur, Sirohi (Abu Road) and Udaipur was not started due to non-availability of land. Consequently, the funds allotted to Dungarpur (₹ one crore), Jaipur (₹ two crore) and Udaipur (₹ two crore) were transferred (January 2015 and December 2015) to PO, TAD, Banswara and Pratapgarh for utilization in their *Janjati Bhawans*. It was further observed that as of June 2016, even after incurring an expenditure of ₹ 4.13 crore in Banswara District and ₹ 1.00 crore in Pratapgarh District, not a single *Janjati Bhawan* was completed.

State Government, while accepting the facts, furnished (June 2016) the position of utilisation of funds and status of the work of construction of *Janjati Bhawans* as given in **Table 3.17**.

78 Banswara; Dungarpur; Jaipur; Pratapgarh; Sirohi (Abu Road) and Udaipur.

79 ₹ 4.50 crore: 2012-13 (December 2012) and ₹ 9 crore: 2013-14 (₹ 4.50 crore each in June 2013 & September 2013).

80 Jaipur: ₹ 2 crore; Banswara: ₹ 2 crore; Dungarpur: ₹ one crore; Abu Road: ₹ one crore; Pratapgarh: ₹ one crore and Udaipur: ₹ 2 crore.

Table 3.17

(₹ in crore)

Name of the District	Funds allotted	Expenditure incurred	Status of work	Reason for delay in completion
Banswara	4.50	4.13	Work in progress and under completion.	Work started late due to imposition of code of conduct during elections of Parliament, State Assembly, and Panchayati Raj.
Pratapgarh	3.50	1.00	Work in progress and work likely to be completed by February 2017.	Delay in allotment of land.
Sirohi (Abu Road)	1.00	Nil	Sanction for construction issued in March 2016 and tendering is under process	Change in the site as earlier allotted site was found unsuitable.
Total	9.00	5.13		

The position conveyed by the State Government shows that in three Districts, against the total available funds ₹ 9 crore, an expenditure of ₹ 5.13 crore (57 per cent) only was incurred even after a lapse of more than two years. The work in other three Districts was withdrawn due to non-availability of land

Thus, failure of the Department to get suitable land for construction of *Janjati Bhawans* at Dungarpur, Jaipur and Udaipur Districts, and slow pace of work at Banswara, Pratapgarh and Sirohi Districts, resulted in non utilisation of ₹ 3.87 crore of central funds and non-completion of *Janjati Bhawans* despite incurring expenditure of ₹ 5.13 crore (June 2016), depriving the beneficiaries of the intended benefits.

Medical Education Department

3.13 Non-utilisation of drugs

Failure of Department to ensure utilisation/transfer of drugs within the expiry period resulted in time barring of drugs and loss of ₹ 5.46 crore to the exchequer.

Rule 64 (iii) of General Financial & Accounts Rules (Part II) provides that 'Stores should not be purchased in advance of actual requirements, if such purchase is likely to prove unprofitable to Government'.

Rajasthan Medical Service Corporation Limited (RMSCL), a Public Undertaking of the Government of Rajasthan, acts as nodal agency for procurement of drugs, medicines, surgical equipment and sutures to various Government Institutions/Healthcare Institutes in the State. The drugs,

medicines, surgical equipment and sutures are procured, based on the need and consumption pattern of the items by the medical institutions.

Scrutiny of records (March-April 2015) of receipt and distribution of drugs in Central Store of Superintendent, Maharana Bhupal Government Hospital (MB Hospital), Udaipur revealed that the Hospital received medicines under *Mukhya Mantri Nishulk Dava Yojana* (MNDY) from RMSCL without proper assessment of annual requirement during the period 2011-12 to 2015-16. This resulted in non-utilisation of medicines worth ₹ 5.03 crore⁸¹ within the expiry period and thus rendered them time-barred.

Medical Officer In-charge (Store), MB Hospital, Udaipur stated (May 2016 and July 2016) that MNDY was launched on 2 October 2011 and at that time, accurate assessment of requirement of drugs was difficult and the drugs were supplied to the Hospital without any demand. However, efforts were made to transfer the medicine received in excess quantity to other districts but in all districts, medicines were available in sufficient quantity.

Further, similar cases of expiry of drugs of ₹ 0.43 crore were also observed in four⁸² attached Hospitals of Medical Colleges.

State Government stated (May 2016) that medicines expired due to excess quantity as per estimated demand in initial years of the scheme, availability of substitute medicines, banning of some medicines by Central Government and procurement of additional medicines for seasonal diseases as per anticipation. It was also stated that amount of expired medicines declined during the year 2012-13 and 2013-14, which shows successful implementation.

Reply is not acceptable as the medicines were supplied without any demand. Drugs amounting to ₹ 3.87 crore and ₹ 0.34 crore also expired during the year 2014-15 and 2015-16 respectively even after three to four years of launching of the scheme and the amount involved in medicines banned by Central Government was very meagre. The RMSCL also confirmed the facts that medicines were supplied to medical institutions without obtaining their indents and some of the medicines were supplied in excess quantity against the demand. This indicates ineffective inventory management of medicines in the Department which needs to be continuously monitored.

Thus, failure of the Department to ensure utilisation/transfer of drugs within the expiry period resulted in time barring of drugs and loss of ₹ 5.46 crore to the exchequer.

81 2011-12: ₹ 0.49 crore; 2012-13: ₹ 0.31 crore; 2013-14: ₹ 0.02 crore; 2014-15: ₹ 3.87 crore; and 2015-16: ₹ 0.34 crore.

82 SMS Hospital, Jaipur (₹ 16.06 lakh), JLN Hospital, Ajmer (₹ 1.71 lakh), MBS Hospital, Kota (₹ 14.35 lakh), and Jhalawar Medical College & Hospital, Jhalawar (₹ 10.77 lakh).

Public Health Engineering Department

3.14 Undue benefits to contractors

Extending undue financial benefits of ₹ 2.97 crore to the contractors by deletion of defect liability clause in the contract agreements.

Additional Chief Engineer (ACE), Region-Jaipur, Superintending Engineer (SE), District Circle-Jaipur and Executive Engineer (EE), District Rural Division-I Jaipur, Public Health Engineering Department (PHED), issued (during 2011-14) notice inviting tenders (NITs) for Rate Contracts (RCs) for works of providing, laying and jointing of pipelines, raw water harvesting and construction and commissioning of 125 mm tube wells with single phase power connection.

Condition No. 8.1 of Instruction to Tenderers (ITT), issued along with NITs stipulated that '*at any time prior to the deadline for submission of tenders, the Department may, for any reason, whether at its own initiative, or in response to a clarification requested by a prospective tenderer, amend the tender documents*'. This implied that no amendment in tender conditions was allowed once the deadline for submission of tenders had expired.

As per Special Condition No. 14.1 of NITs, 90 *per cent* payment shall be made after successful completion, commissioning and testing of the system. Further, 10 *per cent* payment other than Security Deposit (SD) shall be withheld by the Department against defect liability. Defect liability period for these works ranged between one and five years.

Test-check (November 2015) of the records of EE, PHED, District Rural Division-I Jaipur, revealed that RCs were approved (July 2012 to November 2013) by the authorities concerned (ACE/SE/EE). Of the 17 works allotted against these RCs, in 10 works only ₹ 0.66 crore was recovered from the running bills of the contractors on account of defect liability, while in seven works no recovery was made. Meanwhile, EE proposed deletion of relevant clause (special condition No. 14.1) of tenders for recovery of defect liability and got the same approved (September to November 2013) by ACE. On this basis, EE refunded ₹ 0.41 crore (of ₹ 0.66 crore recovered from ten contractors) and stopped recovery of defect liability of ₹ 2.56 crore from contractors in remaining cases. The position of recovery/refund of defect liability in 17 works is given in **Appendix 3.7**.

No change in tender conditions was permissible after finalisation of tendering process or allotment of work and therefore ACE was not authorised to delete clause of recovery of defect liability at a later stage. This not only resulted in

non-recovery/failure to withhold ₹ 2.97 crore, but also in extending undue financial benefits to contractors. In absence of defect liability clause, the possibility of the Department bearing extra expenditure during defect liability period cannot be ruled out.

EE, PHED, District Rural Division-I, Jaipur stated (November 2015) that the relevant records would be reviewed and recovery, if necessary, would be adjusted from future payments to the contractors or from their deposits with the Division Office. The reply was not convincing as deletion of the relevant clause was contrary to the conditions laid down in the 'Instruction to Tenderers' and pointed to undue benefit to the contractors.

The matter was referred to State Government in April 2016; reply is awaited (December 2016).

JAIPUR,
The 02 March 2017


(R. G. VISWANATHAN)
Principal Accountant General
(General and Social Sector Audit), Rajasthan

Countersigned

NEW DELHI,
The 06 March 2017


(SHASHI KANT SHARMA)
Comptroller and Auditor General of India