

OVERVIEW

Performance audit of Implementation of Acts and Rules relating to Consumer Protection in Delhi

The Consumer Protection Act 1986 (Act) was enacted w.e.f. 1 July 1987 to protect the interests of consumers and provide a system of speedy and inexpensive redressal of consumer grievances. In addition to the Act, consumer protection is also ensured through the Prevention of Food Adulteration Act 1954 and the Standards of Weights and Measures (Enforcement) Act 1985. In Delhi, the Act and rules relating to consumer protection are administered by the Department of Food, Civil Supplies and Consumer Affairs through the Delhi State Commission and nine district forums.

Performance audit of the implementation of the Consumer Protection Act 1986 in the NCT of Delhi revealed delays ranging from over one year to nearly 12 years in actual creation of the State Commission and the district forums from the day on which the Act came into force thereby denying the consumers of the means to redress their grievances during this prolonged period. No real initiative had been taken by the Government to improve consumer awareness and empowerment. A survey of general consumers revealed that 76 per cent of those surveyed were not aware of their rights while an overwhelming 83 per cent were unaware of even the Consumer Protection Act itself.

The State Consumer Protection Council was not re-constituted after September 2002 while the District Consumer Protection Councils were yet to be constituted ab initio by the department. Grants were given to NGOs/VCOs in an ad hoc manner which served no purpose. A survey commissioned by audit revealed that barely 2.9 per cent of those surveyed reported to have gained any knowledge about the Act from the NGOs.

The department did not evolve any mechanism to monitor the implementation of the Act. There were delays ranging from one month to more than six months in issue of notices/admission of appeals while delays in final disposal of cases ranged from six months to above five years.

In the Directorate of Prevention of Food Adulteration, provisions relating to licensing of food establishments under the Delhi PFA Rules had not yet been brought into force. During 2002-05, there was a shortfall of 71 per cent in

lifting of samples for testing with only 6,601 samples being lifted against the over-all target of 22,620 samples.

In the Department of Weights and Measures, no norms or targets were fixed for verification/re-verification of weights and measures. The number of inspections sharply declined from 68,906 in 2000-01 to 13,751 in 2004-05.

Performance audit of Strengthening and Augmentation of Infrastructure Facilities in Assembly Constituencies in Delhi

The Government of NCT of Delhi introduced a scheme for the “Strengthening and Augmentation of Infrastructure Facilities in Assembly Constituencies” in September 1994 on the pattern of the Member of Parliament Local Area Development Scheme (MPLADS). The nodal department concerned for the administration of the scheme was the Urban Development department while the primary implementing agencies were the Municipal Corporation of Delhi and the New Delhi Municipal Council. An audit appraisal of the scheme had earlier appeared in the Report of the Comptroller & Auditor General of India for the year ended March 1998. Based on the audit findings, the Public Accounts Committee (PAC) of the Delhi Legislative Assembly had made several recommendations to improve the implementation and efficacy of the scheme.

A performance audit of the scheme revealed several continuing lacunae and failure of the department to consider and implement the recommendations of the PAC made in 2001. The utilisation of funds allocated to MCD ranged between 27 to 62 per cent and the allocations made were not linked to actual utilization. The nodal department released Rs. 176.67 crore to implementing agencies without ascertaining the nature of works or obtaining the estimates during 2000-2005 while Rs. 1.57 crore were released in contravention of the mandatory conditions of the scheme.

There was no planning or prioritization of works which were taken up solely on the basis of proposals received from time to time from MLAs and executed in an entirely ad hoc manner without reference to funds available or independently assessed local needs. There were delays ranging from one month to two years in award of 1,555 works. Moreover, 433 works valued at Rs.10.65 crore were not processed for award to contractors during 2003-05 while 538 works remained incomplete despite expenditure of Rs.14.20 crore. Even penalty of Rs.1.39 crore due from the contractors for failure to complete the works in time was not enforced. While the scheme envisaged asset creation, 67 to 82 per cent of the works were primarily in the nature of repair and maintenance. Implementing agencies executed 60 works valued at Rs. 1.63 crore in 11 assembly constituencies for inadmissible purposes. A

total of 113 works valued at Rs. 2.05 crore had deteriorated for want of maintenance. A joint inspection revealed unfruitful expenditure of Rs. 74.27 lakh on works not handed over to the intended beneficiaries.

Performance audit of the Directorate of Indian Systems of Medicine and Homoeopathy

The Directorate of Indian Systems of Medicine and Homoeopathy is entrusted with implementation of the various programmes and policies of the Government of NCT of Delhi relating to Indian systems of medicine and homoeopathy. A performance audit of the functioning of the Directorate during 2000-05 revealed under-utilisation of available resources and shortfall in setting up of homoeopathic, ayurvedic and unani dispensaries and health facilities. Only 18 ayurvedic, nine unani and 31 homoeopathic dispensaries could be set up as of March 2005 against a target of 135 ayurvedic, 45 unani and 90 homoeopathic dispensaries during the Ninth Plan and the first three years of the Tenth Plan. The Directorate could utilize only Rs.19 lakh from out of the Rs.2.67 crore received from Government of India for implementation of six centrally sponsored plan schemes during 2000-01 to 2004-05 while a drug testing laboratory was not set up for over three years despite availability of funds.

There were shortage of qualified medical personnel under various categories in the dispensaries ranging between 12 and 49. All the 21 ayurvedic and nine unani dispensaries were without pharmacists. The shortage of personnel and facilities was one of the factors contributing to the low average bed occupancy in the three hospitals which ranged from 23 to 52 per cent. The facilities created in the three medical colleges and hospitals was deficient.

The functioning of the Delhi Bharatiya Chikitsa Parishad set up to prevent and deter practice by unqualified or unregistered practitioners was grossly inadequate. No action was taken in 170 out of 359 complaints received by the Parishad more than two years ago. Raids contemplated in 72 cases were not conducted even after lapse of about one year.

The Drugs Control Cell of the directorate carried out inspection of only two units as against the stipulated 918 inspections and did not draw any sample of ayurvedic and unani drugs during the period 2000-05 to check their conformity with the prescribed quality standards.

Medicines were purchased by the directorate and the A&U Tibbia College at higher rates on grounds of quality incurring an extra expenditure of Rs.24 lakh without following the procedure prescribed in the tender documents to ensure the quality of the medicines.

Performance audit on Management of Jails in Delhi

Performance audit of the management of jails in Delhi during the period from 2000 to 2005 revealed gross over crowding in the jails that created problems of cleanliness and hygiene which were not in consonance with the objectives of the Prisons Act of ensuring standards consistent with maintenance of individual dignity. The wards, bathing spaces and sleeping berths were inadequate, the toilets were poorly maintained and the air in the wards was stale. The facilities were not improved though funds were not a constraint as the department had savings ranging up to 30 per cent in a year.

Despite the acute overcrowding, there were delays in construction of new blocks accentuated by further delay in taking over the blocks after their construction. Delays were due to frequent changes in concepts, designs and projected requirements. A new jail at Mandoli was yet to be established though the land had been acquired for the purpose in 1981 and expenditure of Rs.1.51 crore on earth filling and consultancy fees had been incurred.

Despite huge expenditure on security, the control over entry of prohibited items would seem to be inadequate with an average of 363 incidents of discovery of prohibited items every year. The weapons in the armory of the jail were obsolete and the security staff posted at the gate were not equipped with any instrument to detect explosives.

Despite existence of a fairly well equipped hospital within the jail premises, 884 prisoners were referred to outside hospitals even for common ailments entailing avoidable costs. There were deficiencies in maintenance of factory records and the figures of actual sales recorded at the factories did not tally with the receipts deposited into government account.

The department did not classify what constituted hard labour as required under the rules. As a result, whether all the convicts sentenced to rigorous imprisonment by the courts were actually made to undergo such sentence was not verifiable.

Expenditure of Rs.1.53 crore was incurred on engagement of NGOs for reformation and rehabilitation activities without first determining any norms or criteria for their selection or any assessment of their performance.

Performance audit on Food Security, Subsidy and Management of Foodgrains

A critical component of the government's food management strategy is the implementation of the Public Distribution System (PDS) aimed at ensuring

availability of food grains at affordable prices and food security for the poor. The Department of Food Supplies and Consumer Affairs (DFS&CA), Government of NCT of Delhi, is the nodal department entrusted with the efficient management of the public distribution system in the National Capital Territory and implementation of the Delhi Specified Articles (Regulation of Distribution) Order 1981 and the Public Distribution System (Control) Order 2001. A performance audit of the implementation of the PDS in the NCT of Delhi revealed that the department could identify only 56,249 beneficiaries against the target of 1,56,800 beneficiary families under the Antodaya Anna Yojana (AAY) meant for providing food security to the poorest of the poor. Thus, over one lakh AAY families were deprived of the benefits of the scheme. Similarly, the department could identify only 142 beneficiaries under Annapurna Scheme meant for indigent senior citizens against the target of 8,040. Funds available for the scheme remained unutilized.

The implementation of the scheme was grossly deficient in respect of over 53 per cent of beneficiaries surveyed. Over 22.80 per cent of selected beneficiaries were not in the mentioned addresses though rations were being lifted against their names. A further 26.78 per cent reported issue of food grains by Fair Price Shop (FPS) owners on rates higher than that stipulated, poor quality of food grains issued, non-adherence to prescribed timings and irregular supply.

There were shortfalls ranging from over 69 per cent to over 99 per cent in lifting of food grains against projected requirements under Above Poverty Line (APL) scheme which was indicative of projections not being based on empirical data of number of actual beneficiaries. This resulted in unutilised allocation which could have been diverted to other needy states. There were also shortfalls in lifting under Below Poverty Line (BPL) scheme as the department was slow in taking steps to publicise the scheme and ensure that the benefits reached the intended beneficiaries.

There was delay ranging up to six months in issue of ration cards as against the one month stipulated in the PDS Control Order.

Plan funds of Rs.1.26 crore provided for computerisation were irregularly diverted to meet non-plan contingent expenditure.

Surprise inspections required to be conducted under the various licensing control orders at various levels were not conducted. Only 96 inspections were carried out against 3,060 prescribed inspections in the selected circles during 2000-2005. Consequently, effective control and oversight of the working of PDS outlets was lacking.