

CHAPTER-III PERFORMANCE REVIEWS

This Chapter presents three performance reviews, covering the Implementation of Acts and Rules for Consumer Protection, Performance Audit of Jail Department and review of *Aapni Yojna* and Churu Bissau Project covering the Integrated Water Supply, Sanitation and Health Education Programme.

FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT

3.1 Implementation of Acts and Rules for Consumer Protection

Highlights

The Consumer Protection Act, 1986 (CP Act) was enacted by the Parliament in 1986 to provide simple, speedy and inexpensive redressal to the consumers' grievances. Implementation of the Acts and Rules framed for the protection of the consumers' interest for the period 2000-05 revealed that while State Commission started functioning 17 months after enactment of the Act the District Forums became functional after a delay of upto 57 months after their formation. It was also noticed that only one Circuit Bench was set up against five that too with a delay of more than two years, adequate supporting infrastructure facilities were not available in District Forums. The consumers were ignorant about available legal remedies and expenditure on consumer awareness was negligible as compared to the expenditure on salary. The Acts and the Rules pertaining to consumer protection were not implemented effectively in the State.

Vacancies upto 32 months in the posts of Presidents/Members in State Commission/District Forums resulted in accumulation of 3,455 consumer cases.

(Paragraph 3.1.9)

Negligible expenditure was incurred on Consumer Awareness Programmes and funds provided for Consumer Courts for meeting normal expenditure was inadequate.

(Paragraphs 3.1.9 and 3.1.16)

Regular meetings of State Council and District Consumer Councils were not held. Shortfall in holding meetings ranged between 42 and 100 per cent. Objectives of Councils to promote and protect the rights of consumers not fulfilled.

(Paragraph 3.1.13)

Government of India assistance for Jagriti Shivir Yojana was not utilised in full. Opportunity of setting up of District Consumer Information Centres, with Government of India assistance was not availed.

(Paragraphs 3.1.14 and 3.1.15)

Enforcement Mechanism for implementation of Consumer Protection Act and other Acts was inadequate.

(Paragraphs 3.1.10 to 3.1.12)

3.1.1 Introduction

The Consumer Protection Act, 1986 (CP Act) was enacted by the Parliament in 1986 to provide simple, speedy and inexpensive redressal for the consumers' grievances. The provisions of this CP Act give the consumer an additional remedy besides those that may be available under other existing laws. The CP Act came into effect from 1987 after the Government of India (GOI) had framed the Consumer Protection Rules, 1987. The Consumer Protection Rules in the State of Rajasthan came into force on 23 July 1988. The CP Act, applicable to all goods and services, covers all sectors – whether private, public and cooperative provides for establishment of three-tier quasi-judicial consumer dispute redressal machinery at National, State and District levels called the Consumer Disputes Redressal Agencies (CDRAs). These agencies are empowered to give relief of specific nature and to award compensation to the consumers. They are commonly known as Consumer Courts and at the District level as District Forums. The CP Act was amended in 2002 to discourage adjournments, making provision for the senior most member to preside over the CDRAs in case of absence/vacancy of the President, empowering courts to punish those not obeying orders of the courts in order to facilitate quicker disposal of complaints.

The implementation of the Standards of Weights and Measures Act, 1976 (W&M Act) and the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, both of which were enacted in the interest of consumer protection, are monitored by the Controller, Legal Metrology, Department of Industries. The major tasks of the Department are annual verification and sampling of weights, measures, weighing and measuring instruments used in any transaction, industrial production or any other trade, periodical and surprise inspection of trade premises, standardisation of the weights, measures and measuring instruments in the State and detection of malpractices in trading institutions and taking appropriate legal/remedial action against the offenders.

Besides, these Acts and Rules, the Prevention of Food Adulteration Act, 1954 (PFA Act) which deals with prevention of adulteration of food stuff intended for human consumption during the stage of manufacture, storage and sale, is aimed at safeguarding the interest of the consumers.

3.1.2 Organisational set up

The Department of Food, Civil Supplies and Consumer Affairs headed by the Secretary is the nodal Department for implementation of the CP Act. At State level there is a State Consumer Protection Council under the Chairmanship of Minister of Food and Civil Supplies with the Secretary, Food as Member Secretary. At districts level, District Consumer Councils in all districts under the Chairmanship of respective Zonal Commissioners¹/Collectors with the District Supply Officers (DSOs) as Member Secretaries are functioning. For redressal of the consumer's disputes there is a State Commission at State level and District Forums in all districts. The Director (Public Health), Medical and Health Services (DMHS) working under the administrative control of the Principal Secretary, Medical and Health Department and assisted by one Additional Director (Rural Health) and 34 Chief Medical and Health Officers (CMHOs) is the regulatory authority of Prevention of Food Adulteration Act. The Controller, Legal Metrology (CLM) working under Principal Secretary, Industries Department and assisted by a Deputy Controller and 43 General Manager-cum-Assistant Controllers were responsible for implementation of the Weights and Measures Act.

3.1.3 Audit objectives

Main objectives of the review were to assess whether:

- the adjudication mechanism had been created as prescribed,
- documented policy for achieving the intended objectives and strengthening of infrastructure exist,
- rules governing issues of implementation of the CP Act had been formulated and notified particularly with respect to staffing, governance by State Commission and District Forums and setting out of uniform procedure,
- the infrastructure created for disposal of the complaints met the expectation of the consumers and fulfilled the purpose of the enactment of the CP Act,
- there was adequate mechanism for administering various Acts for the protection of the consumers,
- various steps and initiatives including schemes by GOI and State Government had succeeded in creating awareness amongst the populace, and
- adequate system of monitoring of the grievances made by the consumers had been created with a view to ensuring their timely disposal.

1. Zonal Commissioners were also appointed as Chairman of District Consumer Protection Councils in Rajasthan State.

3.1.4 Audit coverage

Implementation of the Acts and the Rules framed thereunder for the protection of the consumers for the period 2000-05 was reviewed in audit (March – June 2005) in the offices of Secretary, Food, Government of Rajasthan, State Commission, 12 (out of 32) District Consumer Councils² and 13 (out of 33) District Forums³, Director, Medical and Health Services (DMHS) and Controller, Legal Metrology, Department of Industries. ORG-MARG, an independent agency was also engaged for a nation wide survey and study on the subject to assess the level of awareness and impact of CP Act on consumers, manufacturers/service providers, Non-Governmental Organisations (NGOs) and appropriate laboratories. The engagement of ORG-MARG for survey was intimated to the State Government in June 2005. ORG-MARG conducted the survey among the consumers at large (2000 consumers), complainants (508) of eight districts (Nagaur, Pali, Hanumangarh, Jaipur, Jhunjhunu, Bharatpur, Banswara and Bundi), manufacturers/service providers (10), NGOs (2) and Laboratories (2) during July to August 2005. Their findings are incorporated in this review at appropriate places. Executive Summary of the findings is given as annexure to this review.

3.1.5 Audit Criteria and Methodology

Audit was conducted with reference to the records maintained for implementation of CP Act, 1986, Standards of Weights and Measures Act, 1976 and PFA Act, 1954. The compliance to the Consumer Protection Rules, 1987, Standards of Weights and Measures (Packaged Commodities) Rules, 1977 and other instructions, guidelines and orders issued by GOI and State Government was also checked during the review of these Acts relating to the protection of interest of consumers.

To understand the detailed organisational network and the related operations connected with the implementation of the Act and the relevant activities a meeting with State Officers at the level of Secretary, Food, Civil Supplies and Consumer Affairs Department was held on 26 April 2005. Various documents at the Government level as well as State Commission and its lower formations relating to the implementation of the CP Act and Rules were studied. Financial information and expenditure incurred was also examined. Physical targets and achievements of the State Council, State Commission, District Councils and 13 District Forums selected on random basis were also examined. Meetings with the prominent NGOs and the Chairman, State Commission were also organised. Besides, records relating to the implementation of PFA Act and Standards of Weights and Measures Act and Standards of Weights and Measures (Packaged Commodities) Rules in Medical and Health and Industries Departments respectively were also examined.

2. Ajmer, Alwar, Bharatpur, Bikaner, Bhilwara, Dholpur, Dungarpur, Jaipur, Jodhpur, Kota, Sawaimadhopur and Udaipur.

3. Ajmer, Alwar, Bharatpur, Bikaner, Bhilwara, Dholpur, Dungarpur, Jaipur-I and II, Jodhpur, Kota, Sawaimadhopur and Udaipur.

3.1.6 Inadequacies in creation of adjudication mechanism

State Commission started functioning 17 months after enactment of the Act and District Forums 57 months after their formation.

The State Commission was created by a notification (26 May 1988) and started functioning (14 December 1988) after a lapse of 17 months from the date of enactment of the CP Act. The State Government attributed the delay to managing space, staff and other infrastructure.

Creation of District Forums in 23 districts was notified (November 1990) with sitting District and Session Judge of the concerned District heading the forums. In remaining nine districts⁴, District Forums were set up during April 1991 to August 1997. Thus, District Forums were created with a delay upto 45 months from the date of the enactment of the CP Act. It was also observed that the District Forums started functioning on full time basis with a delay upto 57 months from the date of their creation due to delayed posting of Presidents in the respective District Forums. On being pointed out in audit, the State Government stated that with the creation of Districts Forums at Zone level the consumers of all districts were provided facility for institution of their complaints with effect from September 1988. The reply was not tenable because as per Section 9 (a) of the CP Act, District Forum in each district was to be established and there was no provision in the CP Act to restrict establishment of District Forums at Zonal levels only.

Against five only one Circuit Bench was set up with a delay of more than two years.

In order to cover the vast geographical territory and to reach out to the consumers, mechanism of Circuit Bench was introduced vide Section 17B of the CP Act with effect from 15 March 2003. Because of heavy pendency before the State Commission, the GOI had also proposed (May 2004) to set up five Circuit Benches in the State. Only one Circuit Bench was set up (June 2005) after lapse of more than two years instead of five proposed by the GOI. It was intimated (August 2005) by the State Government that constitution of Circuit Bench was not mandatory for the State Government and keeping in view of the expenditure to be incurred on Circuit Bench from State funds one Circuit Bench was set up. The Legislative intent of providing speedy redressal for consumers' grievances was not fulfilled, as Circuit Benches were not set up despite heavy pendencies.

How the consumers perceive Government's inaction to increase the capacity of the State Commission and the district forums to deal with more cases came out in the survey conducted by the ORG-MARG. They reported that 80 per cent of the consumers were keen to learn more about their rights. Seventy per cent responded either that the Government was not doing enough to safeguard the interest of the consumers' rights or they were not aware of such efforts made by the Government despite the fact that large number of the consumers felt that there exist a need for knowing their rights as consumers.

3.1.7 Policy formulation and Notification of Rules

The State Government had not framed any documented policy with which various consumer welfare objectives could be achieved.

4. Barmer, Baran, Dausa, Chittorgarh, Hanumangarh, Jaisalmer, Karauli, Nagaur and Rajsamand.

Sub-Section (2) of Section 30 empowers the State Government to make rules for carrying out the provisions of the Act. The Rajasthan Consumer Protection Rules, 1987 were formulated and notified (July 1988) after lapse of one year. The Act was amended in 2002, but the State Government had not initiated action for amending the Rules even after lapse of more than two years.

As per resolution adopted in the meeting convened (October 1999) by the President of the National Commission a uniform procedure for processing of complaints from the date of receipt till their final decision was to be drawn up by the State Commission. No such uniform procedure was found drawn. Test-check of the records of District Forums⁵ revealed that to watch the receipt and disposal of consumers' complaints one set of control register was being maintained by one District Forum (Dholpur) whereas in twelve District Forums two set of control registers (one for receipt and other for disposal of complaints) were being maintained. From the two sets of control registers it was not possible to obtain particulars of a consumer case. In absence of uniform procedure, divergent practices were followed in filing of complaints and their processing.

Consumers were ignorant about available legal remedies.

Results of survey disclosed that the Act provides for simple registration process where application can be filed on plain papers, but nearly 30 *per cent* of complainants used stamp paper to file the cases and in 54 *per cent* cases the lawyers/agents advised them to do so. Twenty nine *per cent* of the consumers surveyed reported that lawyers are required by both the parties, which was not necessary as per the provision of the Act. Further, around 33 *per cent* of complainants who registered their complaints prior to March 2003 have deposited court fee notwithstanding the fact that the court fee was introduced only in March 2003. Such lack of awareness can be attributed to the failure to prescribe and disseminate clear rules and guidelines to the public.

3.1.8 Adequacy of infrastructure

Non-completion of buildings resulted in blocking of funds of Rs 13.33 lakh and avoidable rental expenditure of Rs 10.06 lakh.

With the objective to strengthen the infrastructure of State Commission and 30 District Forums⁶, the GOI provided one time grant of Rs 350 lakh to the State Government during 1995-97 for construction of buildings (Rs 302.83 lakh) and purchase of furniture/equipment (Rs 47.17 lakh). Upto March 2005, expenditure of Rs 349.48 lakh was made on buildings (33 Nos.⁷) and furniture. As of July 2005 the buildings of three District Forums (Bikaner, Jhalawar and Rajsamand) were lying incomplete. The buildings for two District Forums (Dholpur and Sikar) were completed with a delay of six to 10 years. The reasons for late/non-completion of buildings were attributed to late allotment of land (Bikaner) and diversion of the GOI grant (Rs 17.50 lakh) for construction of those Forum's buildings (Hanumangarh and Jaipur-II) for which no grant was sanctioned by the GOI. Thus, Rs 13.33 lakh incurred on

5. Ajmer, Alwar, Bharatpur, Bikaner, Bhilwara, Dholpur, Dungarpur, Jaipur-I, Jaipur-II, Jodhpur, Kota, Sawaimadhopur, and Udaipur.

6. State Commission and all District Forums except Karauli, Hanumangarh and Jaipur-II.

7. State Commission and all District Forums except Karauli.

incomplete buildings (Jhalawar Rs 8 lakh-1999-2000, Rajsamand Rs 5.33 lakh 1998-2000) remained blocked upto five years. Besides, avoidable expenditure of Rs 10.06 lakh was also made (2000-05) on rent for three District Forums buildings (Bikaner, Dholpur and Sikar) which could have been avoided had these buildings been completed in time.

One time assistance to the State Government was considered by the GOI with the clear understanding that the State Government would ensure that pendency of cases in Consumer Courts would not increase in future. With the GOI assistance the infrastructure for State Commission and most of District Forums (buildings for State Commission and 29 District Forums and furniture for State Commission and 32 District Forums) were created but pendency of consumer cases was still existed (23,034 cases as of March 2005). Thus, infrastructure created for disposal of the complaints had not met the expectation of all complainants.

Adequate supporting infrastructure facilities were not available in District Forums.

Supporting infrastructure facilities such as Xerox (six districts⁸), Fax (six districts⁹) machines were either not made available to Forums or these were out of order due to their non-maintenance. Facilities of Record Room (10 districts¹⁰) and Library (10 districts¹¹) were not available in the Forums test-checked except in Bikaner. Computer hardware was not available in any District Forum. Inadequacy of these facilities affected the disposal of complaints of consumers. The rate of disposal ranged from 32 to 50 *per cent* of the complaints filed during the year in these test-checked District Forums.

3.1.9 Adequacy of staffing and funding

Posts of Presidents/ Members of State Commission / District Forums remained vacant upto 32 months.

As of March 2005, seven posts of Presidents in District Forums,¹² one post of member in State Commission (September 2004) and eight posts of members in District Forums¹³ were vacant for a period upto 24 months. Besides, 14 posts of Presidents in 14 Forums¹⁴, seven posts of Members in six Forums¹⁵ were

8. Bharatpur, Bhilwara, Dholpur, Dungarpur, Sawaimadhopur and Jaipur.
9. Alwar, Bharatpur, Bhilwara, Dholpur, Dungarpur and Sawaimadhopur.
10. Jaipur, Udaipur, Alwar, Bharatpur, Bhilwara, Dholpur, Dungarpur, Jodhpur, Kota and Sawaimadhopur.
11. Jaipur, Udaipur, Alwar, Bharatpur, Bhilwara, Dholpur, Dungarpur, Jodhpur, Kota and Sawaimadhopur.
12. Bharatpur: June 2004; Baran: July 2004; Jodhpur: October 2004; Pali: March 2004; Bhilwara: December 2004; Sirohi: December 2004 and Karauli: December 2004.
13. Rajsamand: March 2003; Udaipur: October 2003; Jaipur I: August 2004; Banswara: September 2004; Bundi: September 2004; Jalore: September 2004 and Karauli: September 2004.
14. Alwar: November 2004 to January 2005, Sawaimadhopur: December 2004 – January 2005, Ajmer: February 2003 – October 2003, Banswara: March 2001 – October 2003, Bundi: March 2002-November 2003, Churu: May 2001 – August 2001, Dholpur: April 2001 – August 2002, Dungarpur: May 2000 to September 2002, Sriganganagar: March 2001 – August 2002, Jaipur-I: July 2000 to November 2000, Jaipur-II: December 2002 to October 2003, Jhunjhunu: April 2003 to October 2003, Nagaur: March 2001 to October 2002 and Rajsamand: April 2003 to October 2003.
15. Alwar: April 2003 to October 2003, Bikaner: August 2002-October 2003, Dausa: January 2001-December 2001(F), and February 2002-March 2003 (M), Dungarpur: September 2001-December 2001, Jaisalmer: April 2003-October 2003 and Sikar: July 2003 – October 2003.

also remained vacant upto 32 months on various occasions during 2000-05. As per resolution adopted in the meeting convened by the National Commission on 17 August 2004, the process of selection of President/Member should have been started at least six months in advance when a vacancy was likely to occur. It was, however, observed that timely action to fill the vacancies of Presidents/Members was not taken. In most of cases (27 out of 37) the recruitment process was initiated after occurrence of vacancy and upto 17 months were taken to complete the process. This resulted in accumulation of 3,455 pending cases during above vacancy period.

As of March 2005, posts of one Office Superintendent (59 months), one Private Secretary (56 months), one Steno (56 months), one Office Assistant (52 months) and two UDCs (15 months) were vacant in State Commission. Similarly, in District Forums test-checked, nineteen posts (OA-7, UDC-3, LDC-4, Steno-1 and Peon-4) of the staff were vacant for eleven months to twelve years. The State Commission attributed (August 2005) the delay in filling up vacancies to non-existence of prescribed service rules for Ministerial staff in the Consumer Courts.

Savings ranging from Rs 19 lakh to Rs 79 lakh were noticed during 2000-01 to 2003-04¹⁶ due to non-filling of vacant posts. The amount of savings was surrendered each year.

Adequate funds for meeting normal expenditure was not made available to Consumer Courts.

Proposals were submitted each year during 2000-05 to Budget Finalisation Committee by the State Commission for requirement of funds under the head "Office expenses" but the State Government sanctioned during 2000-05 funds only 42 to 61 *per cent* of funds demanded, resultantly adequate funds for meeting normal expenditure heads such as Postage, Stationery, Fax and telephone charges, Courier fees were not made available to District Forums and the State Commission which caused inconvenience and delay in disposal of consumers complaints.

Enforcement Mechanism in Acts relating to consumers

3.1.10 Consumer Protection Act

Consumers were deprived of the benefit of decretal amount of Rs 1.02 crore.

Test-check of records made available by District Forums¹⁷ revealed that on non-getting the decretal amount from the party responsible the consumers lodged their applications again in the Consumer Courts under Section 25 (2003-05) and 27 (2000-05) of the Act. As of March 2005 applications under Section 25 (50 Nos.) and Section 27 (125 Nos.) having decretal amount Rs 17.20 lakh and Rs 61.88 lakh respectively were pending from one to five years in five Consumer Courts due to these being in hearing process, non-delivery of warrants/summons, stay granted by State Commission etc. It was also revealed that certificates for affecting the recoveries from the responsible parties were issued to Collectors, but these recoveries of Rs 23.32 lakh were pending for one to two years. Thus, consumers were deprived of the benefit of

16. 2000-01: Rs 78.58 lakh, 2001-02: Rs 75.45 lakh, 2002-03: Rs 71.45 lakh and 2003-04: Rs 19.25 lakh.

17. Ajmer, Bikaner, Dholpur, Dungarpur, Udaipur.

decretal amount (Rs 1.02 crore). Results of the survey also revealed that 21 respondents out of 222 stated that they have yet to receive compensation although the decrees have been passed in their favour. On an average, the compensation was due for approximately 17 months. The non-recovery of decretal amount reflected that the enforcement mechanism of Forum's order was not adequate.

3.1.11 Prevention of Food Adulteration Act

Section 10 (2) of the Act envisage that Food Inspector has to inspect all establishments licensed for manufacture, storage or sale of an article of food within the area assigned to him. In the State, Food Inspectors under Medical and Health Department were responsible for implementation of the Act. There were 34 sanctioned posts of full time Food Inspectors, which were vacant as of March 2005 against which 32 notified Health Inspectors were working to whom powers of taking samples from vendors were delegated.

During the year 2004 inspectors in three districts (Baran, Jhalawar and Karauli) were not posted and as such no samples of food stuff were drawn. Thus, due to non-availability of enforcement mechanism availability of unadulterated food and beverages to consumers (34.09 lakh) of these districts could not be ensured.

Shortfall in drawal of samples.

To implement the provision of PFA Act the target for inspection of vendors by inspectors were not fixed. However, targets of drawing 100 samples per inspector annually were fixed. Position of achievement of targets was as under:

Year	Samples to be drawn as per norms	Samples actually drawn and sent to laboratory	Shortfall (per cent)	Adulterated samples	
				Number	Percentage
2001	3,200	2,660	17	591	22
2002	3,200	2,923	9	698	24
2003	3,200	2,177	32	463	21
2004	3,200	1,825	43	408	22
2005 (June 2005)	1,600	1,024	36	138	13

The shortfall in drawal of samples ranged from nine *per cent* to 43 *per cent* (2001-05). Additional Director, Medical and Health Services attributed (July 2005) the non-fulfillment of targets by the Inspectors to their deployment in Pulse Polio Campaign, prevention of epidemics, water purification work, VIP visits, launching of prosecutions for adulterated samples, attending Courts etc. The reply shows inability of the Department to comply with the spirit of the Act and betrays lack of sensitivity to consumer's rights to get wholesome, unadulterated and infection-free foodstuff.

The adulteration in food and beverage ranged from 13 to 24 *per cent* (2001-05). Of 2,298 cases of adulteration detected, prosecutions for 357 cases were not launched in courts due to pending investigation as of August 2005 though cases had been detected two to 54 months earlier. The status of 1,941 cases for which prosecutions had been launched was also not available in DMHS.

It would thus be evident from the above facts that the enforcement mechanism for regulation of the PFA Act was not adequate.

3.1.12 Standards of Weights and Measures (Enforcement) Act, 1985 and related Rules

In the State, Department of Industries was responsible for implementation of the Act. Section 27 of this Act envisage that Inspector, Legal Metrology has to inspect and test all weights and measures, within the area assigned to him, which are being or are intended to be used in transactions and also to verify that they conform to the Standards established by law. In 27 District Industries Centres (DICs), 35 Inspectors were posted. Posts of Inspectors in seven centres¹⁸ were vacant and the charge of which was being held by Inspectors of other centres.

Weights and measures were not verified.

Rule 14(1) of Rajasthan Standards of Weights and Measures (Enforcement) Rules, 1997 provides that weights and measures should be verified/reverified at least once in a year. Test-check revealed that these were not verified each year in DICs¹⁹. The Department attributed the non-verification of weights and measures to shortage of manpower, non-cooperation of traders, excess work load on Inspectors etc. Unverified weights and measures can affect consumer's rights adversely.

It would thus be evident from the above facts that the enforcement mechanism for regulation of the Standards of Weights and Measures (Enforcement) Act was not adequate.

3.1.13 Functioning of Consumer Protection Councils

Guidelines for functioning of State and District Consumer Councils had not been prescribed.

As per Section 7 (4) and 8A (4) of the CP Act, procedure in regard to the transaction of its business by the State Council and District Consumer Councils was to be prescribed by the State Government. It was observed that no procedure with respect to transact business by State Councils and District Consumer Councils was prescribed by the State Government even after lapse of 17 years.

As per Rajasthan Gazette notifications (7 August 1987 and 25 August 2004) meetings of State Council (minimum two each year) and of District Consumer Councils (four meetings upto August 2004 and onwards two meetings each year) were to be held. It was observed that prescribed numbers of meetings of State Council and District Consumer Councils were not held. The shortfall (2000-05) in holding the meetings was between 42 and 100 *per cent* (State Council: 50 to 100 *per cent* and District Consumer Councils: 42 to 72 *per cent*). With a view to protect and promote the six rights of consumer (clause (a) to (f) of Section 6 of the CP Act) it was decided in the 13th meeting (March 2003) of State Council to set up three sub committees of the members of State Council which would submit their meaningful suggestions to State Council so that it could work more effectively. It was, however, observed that

18. Baran, Barmer, Dholpur, Dungarpur, Karauli, Rajsamand and Bhiwadi.
19. Bharatpur, Bikaner, Jaipur City and Kota.

though sub committees were constituted (July 2003) by the State Government yet the object of formation of sub committees and procedure to be followed for working of these committees were not prescribed. The sub committees had not met since their constitution.

Awareness and empowerment of consumer

3.1.14 Jagriti Shivar Yojana

The GOI assistance for Jagriti Shivar Yojana was not utilised in full.

With a view to generate awareness amongst consumers about the various programmes of the Government, including consumer rights the *Jagriti Shivar Yojana* was launched in 2001 by the GOI and 20 *per cent* districts of the State were to be covered in the scheme. Proposals of seven districts²⁰ were forwarded by the State Government to the GOI (June 2001). The GOI sanctioned (December 2001) one time grant of Rs 3.50 lakh for the above seven Districts at Rs 50,000 per District. It was observed that out of the GOI grant only Rs 2.57 lakh (73 *per cent*) was utilised and balance returned to the GOI (December 2004). GOI assistance was not utilised in full due to non-holding of public meeting (Dholpur), less publicity (Dholpur, Bhilwara and Churu), less attendance of participants in public meetings. The prescribed utilisation certificate was sent to the GOI after a delay of more than three years.

3.1.15 Setting up of District Consumer Information Centres (DCICs)

District Consumer Information Centres were not set up depriving consumers of this benefit.

The GOI circulated (2000-01) a scheme of financial assistance for setting up the District Consumer Information Centres (DCICs) on a continuous basis by *Zila Parishads* or Voluntary Consumer Organisations (VCOs) of repute. Assistance of Rs 5 lakh was to be given for each DCIC. Twenty *per cent* of districts were to be covered each year and by the end of March 2005 whole of the State was to be covered. The proposals of 16 districts were forwarded to the GOI between May 2001 and January 2004 enclosing the applications of only three *Zila Parishads* on the prescribed format, the other *Zila Parishads* were instructed to forward applications direct to the GOI which were not done. GOI sanctioned (2002-03) three DCICs and released the first instalment of Rs 2.50 lakh each to the three *Zila Parishads* (Chittorgarh, Dausa and Ajmer) that applied. Test-check revealed that these *Zila Parishads* had not set up the DCICs (March 2005) but had utilised Rs 1.33 lakh out of the Rs 7.50 lakh sanctioned to be utilised within a year and the balance was not refunded to GOI (August 2005). Thus, due to delay in forwarding the proposals and ineffective monitoring the State Government had not availed the opportunity of setting up the DCICs in the State. Consumers were, therefore, deprived of the benefit of the GOI scheme relating to consumer awareness.

3.1.16 Promotion of awareness

No media policy was formulated for dissemination of information pertaining to awareness.

The State Government had not formulated any media policy for dissemination of information pertaining to awareness about the Act, mechanism for filing of complaints and procedure of adjudication including location of District

20. Bikaner, Churu, Jalore, Dholpur, Karauli, Banswara and Dungarpur.

Forums, State Commission. A quarterly magazine "Upbhokta Mangal" was published at Government level. During 2000-01 to 2004-05, only four editions were published and circulated to officers of the State, District and Sub division level. Information disseminated through the magazines were out of reach of general consumers of urban as well as rural areas. Thus, dissemination of information pertaining to awareness about the Act was not adequate. It was observed in test-checked districts that during 2000-01 to 2004-05 average two programmes for consumer awareness such as observance of the World Consumers' Day and the National Consumers' Day were organised per year by the State Government in urban area only.

Low consumer protection awareness in rural, illiterate and poor consumers.

The Consumer Protection Councils were meant for promoting and protecting the rights of consumers by dissemination of information and through consumer education. Ineffective working of councils has direct linkage to lack of awareness with regard to consumer protection as also skewed profile of complainants with majority belonging to urban area and well earning groups. Results of the survey revealed that out of those aware about CP Act have come to know about the same from electronic media (83 *per cent*), Print media (57 *per cent*) and NGOs (0.5 *per cent*). The profile of the complainants who were surveyed revealed that 90 *per cent* resided in urban areas and 97 *per cent* were educated lot and earned average monthly household income of Rs 10,358. This implied that the facilities provided by redressal agencies were availed of mostly by the urban middle/upper middle strata of the community. Thus, the basic purpose of legislative enactment was not really addressed through the CP Act.

Involvement of NGOs in schemes formulated was negligible.

State Government had not formulated any scheme for furthering the objectives of the Act including generation of awareness which involved NGOs. The nominations of the NGOs as members in the State Council and District Consumer Councils were cancelled by the State Government (December 2003) as such the NGOs had not participated in the meetings of councils after December 2003. It would thus be evident that involvement of the NGOs was not adequate.

Results of the survey revealed that 58 *per cent* of the consumers were not aware of their rights as consumers and 71 *per cent* belonging to various categories were still unaware of the CP Act. The Act is envisaged to benefit all the consumers in urban and rural areas, but 24 *per cent* of the rural population had heard about it. The analysis further showed that the distribution of those aware of the Act were as follows:

- educated (43 *per cent*),
- self employed (53 *per cent*),
- employed with government (72 *per cent*),
- unemployed (37 *per cent*),
- students (72 *per cent*); and
- retired (31 *per cent*).

This was despite the fact that results of the survey revealed that 80 *per cent* of the consumers at large believed that it is important for every consumer to know about the CP Act. They opined that knowledge of consumer rights will help the consumers in getting good quality products/services (76 *per cent*) and consumer will not be cheated on price (78 *per cent*). The opinion is similar across urban and rural respondents.

No scheme was introduced for free legal aid to consumers.

The State Government had not introduced any scheme for free legal aid to consumers. They stated that the appointment of Advocate for pleading the consumer case was not necessary and consumer could himself plead his cases before the Consumer Court. As per survey results, about 82 *per cent* complainants hired Advocates and on an average the complainants had to spent Rs 2,014 to resolve the case of which a large portion (average amount of Rs 1,546) comprised Advocate's fee. Thirty eight *per cent* of complainants also perceived that cost incurred in the process was high or very high. This showed that consumers could not get inexpensive redressal.

Expenditure on consumer awareness was negligible as compared to salary expenditure.

During 2000-05, expenditure of Rs 20.05 crore was incurred against the budget provision of Rs 20.05 crore for activities of implementation of the CP Act. Of this, major expenditure (92 *per cent*) was on pay and allowances and only 0.65 *per cent* was the expenditure on publication and remaining (7.35 *per cent*) was on infrastructure, maintenance of vehicles and office expenses. Thus, negligible expenditure was incurred on consumer awareness.

3.1.17 Disposal of cases in State Commission and District Forums

At the end of March 2005 the disposal of 15,922 cases was pending in Consumer Courts.

In the State Commission and test-checked District Forums the disposal of 15,922 complaint cases was pending (March 2005) of which 587 cases were ten years old, 5,179 cases above five years, 5,595 cases above two years and 4,561 cases above six months. During audit it was observed that the delayed disposal and pendency of cases was mostly due to incomplete quorum, non-appointment of Presidents/Members, inadequate staffing, inadequate funding and inadequate supporting infrastructure, etc. in District Forums. The reasons for delay in disposal and pendency of cases in the State Commission was attributed to excess workload and also to non-setting up of requisite numbers of Circuit Benches.

Objective of speedy redressal of consumers' grievances was only partly achieved.

Prolonging of the cases works against the basic objectives of the Act and increase the cost of litigation, which also is against the basic tenet of the Act. An analysis of the time taken at various stages of the cases during the survey of ORG-MARG showed that on an average 2.4 days were spent for registering a case and 16.5 days were taken for serving the notice, the first hearing was held after 23 days. On an average six hearings were required to resolve the case. Around 27 *per cent* of cases were still unresolved even after 10 hearings. Further, analysis of the data reveals that to resolve a case on an average 9.2 months were spent. Unresolved cases were kept pending on an average 31 months. The objective of speedy redressal of consumer grievance was, thus, only partly achieved. To ensure speedy redressal, there exists a need to augment the adjudication mechanism by setting up of service specific redressal machinery and providing of additional infrastructure. Results of the survey further revealed that the majority of the complaints were against

services (70 per cent) such as Insurance (23 per cent), communication (19 per cent) and banking (17 per cent). This may imply that competition in the product market does take care of the consumer problems but in case of monopolistic situation the consumer has to approach consumer redressal agencies to seek relief against the Government owned service providers, agencies, public utility concerns, boards and organisations.

3.1.18 Conclusion

The legislative intent of Parliament to empower the consumer and to provide him quick redressal had only been partly achieved in the State. This was mainly due to administrative deficiencies. Inadequate functioning of consumer protection councils hampered the activities of empowerment and awareness generation among the consumers. Delay in filling up of vacancies of the Presidents and the Members in the State Commission/District Forums and non-providing adequate funds, staff and infrastructure facilities was noticed. Enforcement mechanism for implementation of PFA Act and Weights and Measures Act were found to be deficient.

The ORG-MARG survey result revealed that on the whole the stakeholders and complainants perceive the redressal as simple but not very speedy and economical.

3.1.19 Recommendations

- Consumer Councils should be made more effective through prescribing of procedure for transaction of their business and by nomination of NGOs also as members in the Councils.
- State Government should provide sufficient funds, staff and infrastructure to Consumer Courts for ensuring dispensing of speedier relief by them.
- Vacancies of Presidents and Members of Consumer Courts should be filled up immediately.
- To cope with the increasing consumer complaints in the State Commission, adequate number of Circuit Benches should be set up.
- Efforts towards generation of awareness and empowerment of consumers should also be focused on rural areas so that the consumers of all categories are aware about their rights.

The matter was referred to the Government in September 2005; reply had not been received (October 2005).

Annexure

Executive Summary of ORG-MARG findings

In order to gain an understanding of the functional status of the Consumer Protection Act, Consumers at large, Complainants, manufacturers/service providers, NGOs and appropriate laboratories were covered under the survey. In State of Rajasthan a total of 2000 consumers spread across urban and rural areas were contacted. Besides, 508 complainants, 10 manufacturers/service providers, two NGOs and two laboratories were interviewed. The survey was conducted during second week of July to end of August 2005.

Findings of the Survey

- Overall 80 *per cent* of the consumers at large gave importance to knowing the Consumer Protection Act (CP Act) but 57 *per cent* not aware of consumer rights and 71 *per cent* still unaware of CP Act.
- The act is envisaged to benefit all the consumers in urban and rural areas but only 24 *per cent* of the rural population has heard about it.
- In response to, whether the government is making any effort in safeguarding the consumer rights, only 30 *per cent* replied positively remaining either carrying negative or have no idea of the same.
- Formal source of awareness - electronic and print media stand at 83 and 57 *per cent* respectively and only 0.5 *per cent* learnt about CP Act from the NGOs.
- Nearly 47 *per cent* of the aware consumers at large have come to know about the Act only in the last four years whereas the Act has been in existence for past 19 years.
- Overall, only 28 *per cent* reported to be aware of the existence of any redressal agency. Awareness on this among those aware of rights and CP Act was higher.
- Around 10 *per cent* aware any redressal agency did not know the location of the District Forum in their respective districts.
- About 90 *per cent* of complainants resided in urban areas and 97 *per cent* were the educated lot and earned a monthly household income of Rs 10,358. This implied that facilities provided by redressal agencies were availed mostly by residents of urban areas and that too by the middle/upper middle strata of the community.
- Majority of the complaints were against services (70 *per cent*) such as insurance services (23 *per cent*), communication (19 *per cent*), banking services (17 *per cent*) and electricity (17 *per cent*). This may imply that competition in the product market take care of the consumer problems but

in case of monopolistic situation the consumer has to approach consumer redressal agencies.

- Majority of complainants came to know about the redressal agencies through press media (70 *per cent*) and others i.e., friends/relatives (8 *per cent*). NGOs not a popular source of awareness (less than one *per cent*).
- Nearly 30 *per cent* of the complainants used stamp paper to file the case and in majority of cases (54 *per cent*) the lawyers/agents advised them to do so.
- Around 33 *per cent* of complainants who registered their complaints prior to March 2003 reported to have deposited court fee notwithstanding the fact that the court fee was introduced only in March 2003.
- An analysis of time taken at various stages of the cases show that on an average 2.4 days were spent for registering a case and 16.5 days were taken for serving the notice, first hearing was held after 23 days.
- On an average six hearings were required to resolve the case. Around 27 *per cent* of cases were still unresolved even after 10 hearings and most of these cases were against consumer durables (17 *per cent*).
- To resolve a case on an average 9.2 months were spent. In case of unresolved cases the same were pending for past 31 average months.
- There were 21 cases where the decree was passed and compensation was yet to be received. On an average the compensation was due for 17 months. For those received compensation the same was received within an average period of 1.6 months.
- On an average the complainant had to spent Rs 2,014 to resolve the case of which a large proportion (average Rs 1,546) comprised Advocate's fee.
- The manufacturers and service providers were well aware of CP Act and only two of them had formal mechanism to deal with cases in Consumer Court on the contrary not many consumers at large were aware of Act or the redressal system.
- The NGOs are involved in spate of activities such as consumer education, advocacy, organising seminars/camps etc. They are also facilitating the consumers in filing cases and act as agents.
- Overall all the stakeholders and the complainants perceive the redressal as simple but not very speedy and economical.

Home (Jail) Department

3.2 Performance Audit of Jail Department

Highlights

The main functions of the Jail Department are admission and safe custody of prisoners; monitor their movement and release, besides taking action for reform and rehabilitation of inmates. The prisoners are to be reformed so that they can be mainstreamed as useful and good citizens. During review various defects and deficiencies in security in Jails, health and sanitation conditions, manpower and training requirements and operation of Jail industries were noticed. Some of the significant points noticed are as under:

Out of Rs 35.83 crore drawn and deposited by the Director General, Jails in the Personal Deposit account of Rajasthan State Road Development and Construction Corporation Limited for modernisation of Jail administration, only Rs 9.92 crore (28 per cent) were utilised.

(Paragraph 3.2.6)

Installed capacity for imparting training to 120 trainees per day was available in Jail Training Institute (JTI), Ajmer which remained under-utilised for 52 months during last five years with number of trainees ranging between one to 46 only.

(Paragraph 3.2.8)

Due to post of Instructor Grade II lying vacant since March 2000 in the JTI, Ajmer a Head Warder performed duties of imparting military training in squad drill, musketry and firing to Jail personnel of the rank of Warders to the level of Deputy Superintendent of Jail.

(Paragraph 3.2.8)

Twenty one door/hand metal detectors, 138 close circuit television cameras, two electric sirens and two power generators costing Rs 18.15 lakh were lying out of order for one to 15 years in 12 test-checked Jail units. Shortage of 80 arms was noticed in five Jail units as against requirement of 130 arms as per norms of the State Government.

(Paragraph 3.2.10)

There was increase from seven escaping from prison in the year 2000 to 26 in 2004 indicating an increasing trend of prison breaks in the State.

(Paragraph 3.2.11)

Thirty seven semi automatic handloom machines, *niwar* looms, etc. costing Rs 9.72 lakh lying in Jail industries could not be commissioned

due to technical defects, non-creation of posts of instructors, etc. Finished goods like furniture, coolers etc. worth Rs 73.84 lakh were lying unsold in four test-checked Central Jails.

(Paragraph 3.2.12)

Fifty five valuable and important medical equipment like X-ray machines, cardiac monitors, semi auto analysers, ultra sound machines etc. costing Rs 23.97 lakh were lying unutilised since date of purchase for want of required staff, reagents, intensive care unit, pathology laboratory, etc.

(Paragraph 3.2.16)

Huge variations in rates of diet per prisoner per day provided in different Jails in the State led to excess expenditure of Rs 7.74 crore during 2000-05.

(Paragraph 3.2.17)

3.2.1 Introduction

Jail Department is functioning to keep the prisoners in safe custody, organise activities to improve and change their living style and habits so that they may come into the mainstream of society as useful and good citizens. The State Government framed the Rajasthan Prisons Rules in 1951, for implementing the provisions of the Central Prisons Act, 1894 (the Rules).

The overall administrative control of the Department rests with the Principal Secretary in the Home Department. The Director General (DG), Jails is head of the Department with Headquarters at Jaipur. The Department is divided in seven circles with eight Central Jails, three 'A' category and 22 'B' category District Jails and 59 Sub Jails, one Women Reformatory, one Juvenile Reformatory, 10 Open Camp Jails and one Jail Training Institute (JTI). The Central Jails are managed by the Superintendents while other Jails at the District and Sub Jail levels are managed by Deputy Superintendents, Jailors or Assistant Jailors.

3.2.2 Scope of Audit

Out of 106 Jail units functioning in Rajasthan, the records relating to the DG, Jails, four Central Jails²¹ and 16 other Jails and sub units²² were test-checked (February-June 2005) covering an expenditure of Rs 116.57 crore - 58 per cent of total expenditure of Rs 202.57 crore incurred during the period 2000-01 to 2004-05. The important points noticed by Audit are discussed in the succeeding paragraphs.

21. Central Jail, Ajmer, Jaipur, Jodhpur and Udaipur.

22. District Jail, Dausa, Jhalawar, Sirohi and Tonk, Sub Jail, Abu Road, Beawar, Behror, Kotputli, Malpura and Sambhar Lake, Jail Training Institute, Ajmer, Juvenile Reformatory, Ajmer, Women Reformatory, Jaipur, Open Camp Jail, Sanganer, Mandore and Udaipur.

3.2.3 Audit objectives

The broad audit objectives were to critically examine the overall Jail administration and functioning of correctional homes so as to assess whether:

- financial resources were adequate and human resource management including training to staff were effective,
- safe custody of prisoners, reformatory and rehabilitation support to convert prisoners as good and useful citizens of the society was ensured,
- there existed a proper system for transportation of prisoners, health cover, sanitation facilities and
- internal control system, inspections and monitoring was effective.

3.2.4 Audit Methodology and criteria

In order to know the detailed organisational set up and functioning of the Department, an entry conference was organised with the Principal Home Secretary (PHS), study of annual administrative reports, Central Prison Act, 1894 and various Rules framed thereunder by the State Government was done and meetings were also held with different high level officers in the Department, from time to time, during audit and exit conference was held to discuss the findings with the PHS.

3.2.5 Audit findings

Financial management

The funds are provided by the State Government to the DG, Jails for the Jail administration. The budget provisions and the expenditure incurred thereagainst during the years 2000-05 was as under:

(Rupees in crore)

Year	Budget provisions				Expenditure			
	Non-plan	Plan	Centrally sponsored scheme	Total	Non-plan	Plan	Centrally sponsored scheme	Total
2000-01	28.60	0.78	0.07	29.45	29.20	0.78	0.07	30.05
2001-02	31.46	1.81	0.92	34.19	31.69	1.82	0.92	34.43
2002-03	31.34	1.72	-	33.06	30.98	1.72	-	32.70
2003-04	33.21	3.95	9.77	46.93	32.74	3.95	9.77	46.46
2004-05	35.29	3.80	19.71	58.80	35.42	3.80	19.71	58.93
Total	159.90	12.06	30.47	202.43	160.03	12.07	30.47	202.57

3.2.6 Deficiencies

Out of Rs 35.83 crore meant for modernisation of Jail administration, only Rs 9.92 crore (28 per cent) were utilised.

- Government of India (GOI) sanctioned (November 2002) a non-plan scheme²³ of prison reform for implementation over a period of five years (2002-07) on cost sharing²⁴ basis with allocation of Rs 65.15 crore (GOI share: Rs 48.86 crore and State share: Rs 16.29 crore). Accordingly, the GOI released (March 2003 to September 2004) Rs 29.32 crore in three installments. The State Government sanctioned (February 2004 to November 2004) Rs 9.80 crore with the condition that the DG would withdraw Rs 6.51 crore only. Reasons for not releasing balance amount Rs 3.29 crore were still awaited from the State Government. The DG deposited (March 2004 to March 2005) Rs 35.83 crore including the GOI share (Rs 29.32 crore) in the Personal Deposit (PD) account of Rajasthan State Road Development and Construction Corporation Limited (RSRDCC) for implementation of the scheme, of which only Rs 9.92 crore (28 per cent) were utilised as of March 2005.
- Besides, the State Government took nine to 10 months in issuing sanctions for transfer of funds to the executing agency for modernisation of Jail administration.
- The electricity load sanctioned to the Central Jail, Jaipur is 100 KW. The consumption in the Jail was, however, more than the sanctioned load. Scrutiny of vouchers and registers revealed that Rs 6.83 lakh were paid (June 2000 to January 2005) to the Jaipur Vidyut Vitran Nigam Limited for consumption of electricity in excess of sanctioned load. The matter was not resolved as of March 2005.
- As per Notification issued (May 1998) by the Public Health Engineering Department (PHED) for the purpose of water charges, the Jails were categorised as domestic consumers. Scrutiny of bills and registers, however, revealed that Rs 16.88 lakh were paid (March 1999 to April 2005) irregularly to the PHED by the Central Jail, Jodhpur (Rs 12.63 lakh) and Udaipur (Rs 4.25 lakh) towards water supply charges at the rates applicable to non-domestic consumers. The interest of the Jail Department was thus, not taken care of.

3.2.7 Inadequacy of human resource management

The sanctioned strength vis-a-vis men-in-position in the Jail Department in the State as a whole and average prisoner's population during the period covered by audit was as under:

Year	Sanctioned strength	Men-in-position	Shortage	Average prisoners population
2000-01	2935	2226	709	11944
2001-02	2945	2226	719	12364
2002-03	2937	2121	816	12143
2003-04	2932	2064	868	12613
2004-05	2932	2272	660	13195

23. Modernisation of Jail Administration Scheme.

24. 75 per cent Government of India, 25 per cent Government of Rajasthan.

- The above data shows shortage of 660 to 868 men in position as against sanctioned strength of 2932 to 2945 during 2000-05 whereas prisoners population increased by 10 *per cent* from 11944 in 2000-01 to 13195 in 2004-05.
- It was observed in audit that one Deputy Superintendent and one Warder trained between April 2000 to June 2002 for Jail security were sent on deputation with effect from 31 May 2003 and 3 January 2004 to Transport and Social Welfare Department respectively in the same pay scale, despite the fact that posts of 10 Deputy Superintendents and 540 Warders were already lying vacant (as of 2003-04) in the Jail Department.
- For qualitative improvement of Jail administration, the National Human Rights Commission (NHRC), New Delhi, recommended (September 1996) to the State Government that selection of officers to head the Jail administration should be done carefully and posted for about three years, with a view to imparting continuity and dynamism and help in improving Jail administration in the State. Contrary to these recommendations, six officers of Indian Police Service cadre were posted as the DG, Jails of whom two officers headed the Department only for two to seven months till their transfer and four officers for 17 to 28 months till their retirement during the period from April 1999 to September 2005. None of the six officers could continue for three years. Thus, recommendations of the NHRC were not adhered to.
- As of 2004-05, there were 10 Open Camp Jails²⁵ in the State. No norms for deployment of security staff per Open Camp Jail were fixed. Scrutiny of information obtained from the DG revealed that while five posts²⁶ were sanctioned for Open Camp Jail, Jaitsar (Sriganganagar) having sanctioned capacity of 61 prisoners, no posts were regularly sanctioned for other nine Jails. Four security persons were provided for 119 to 138 prisoners during 2000-05 in Sanganer Open Camp Jail whereas two to three personnel were in position for security of 20 to 24 prisoners and two to seven prisoners in Mandore (Jodhpur) and Udaipur Open Camp Jail respectively. The deployment of security staff was, thus, irrational.
- During examination of complaints register in the DG office, it was observed that out of 611 complaints received during 2000-05 against the Government servants involved in allegations like bribery, corruption, helping prisoners to take inside restricted items like mobile phone, drugs, etc., 137 (22 *per cent*) were pending (4 March 2005) for period ranging from six months to five years though required to be disposed off within one month. No disciplinary action was initiated as per Rules against 19 Jail employees against whom complaints had been examined and found guilty during 2002-04. Though inquiries were initiated (2001-05) in respect of other 12 cases, reports were, however, not received (March 2005) from the Inquiry Officers. No serious follow up action to obtain these reports had been taken.

25. Sanganer, Durgapura, Mandore, Bharatpur, Alwar, Udaipur, Jaitsar, Beechwal, Hanumangarh and Kota.

26. One Deputy Jailor, one Head Warder and three Warders.

3.2.8 Under-utilisation of capacity of Training Institute and non-filling up of the post of trainer

The Jail Training Institute (JTI), Ajmer was established in 1976 to provide basic initial training, in-service induction training and refresher training to Jail staff. However, trainees ranging from one to 46 only were imparted training in 52 months during 2000-05 resulting in under-utilisation of the sanctioned capacity of 120 trainees per day. The Principal, JTI attributed (May 2005) the reason for non-participation to non-sparing of the officials despite nomination.

Due to post of Instructor Grade-II lying vacant since March 2000 in the JTI, a Head Warder performed duties of imparting military training in squad drill, musketry and firing.

- The duties of imparting military training in squad drill, musketry and firing was to be performed by the Instructor Grade-II. However, the sanctioned post of Instructor was lying vacant since March 2000 in the JTI. In his absence such training to Jail personnel of the rank of Warders to the level of Deputy Superintendents of Jail, was being imparted by the Head Warder during 2000-05. The Principal, JTI also pointed out (January 2005) to the DG that training being given by a Head Warder was against the prescribed norms. However, the post of Instructor Grade-II continued to remain vacant (May 2005).

3.2.9 Non-finalisation of Departmental enquiries

Out of 130 suspension cases (123 non-gazetted and seven gazetted officials) for reasons like trap cases, conceivment of female prisoners during imprisonment, taking alcohol on duty, provoking female prisoners, involvement in escaping, mis-behaviour with the seniors and prisoners, absence from training, etc. during the period 2000-05, the Departmental enquiries were pending in 35 cases (July 2005) despite lapse of period ranging between two and 20 months over and above the prescribed period of 25 months for finalisation of enquires.

In 16 cases, Departmental enquiries were finalised with delay ranging from three to 20 months over the prescribed period. The reason given (July 2005) by the DG that the work assigned to the Departmental officers was additional to their normal duties, was not tenable in view of period prescribed by the Government for completing the enquires.

Custody, reforms and rehabilitation of prisoners

3.2.10 Inadequate security system in Jails

Critical security equipment costing Rs 18.15 lakh were lying out of order for one to 15 years.

Examination of permanent stock registers and files in test-checked units revealed that 21 door/hand metal detectors, 138 close circuit television (CCTV) cameras, two electric sirens and two power generators costing Rs 18.15 lakh²⁷ supplied by the DG for Jail security were lying out of order in 12 units²⁸ for the period ranging from one to 15 years. These were neither

27. Hand metal detectors (Rs 0.14 lakh), CCTV cameras (Rs 17.92 lakh) and Electric Sirens (Rs 0.09 lakh).

28. Central Jail, Jaipur, Jodhpur, Ajmer and Udaipur, District Jail, Tonk, Jhalawar, Sirohi and Dausa, Juvenile Reformatory, Ajmer, Women Reformatory, Jaipur and Sub Jail, Abu Road and Kotputli.

repaired nor replaced (July 2005) with new equipment despite the fact of their malfunctioning had been brought to notice of the DG by the Superintendent, Central Jail, Ajmer, Udaipur and Jaipur.

Shortage of arms in five Jail units was 60 per cent.

- No security equipment was provided in three Sub-Jails²⁹ as of March 2005.
- Though the scale of arms to be provided for security personnel from the officer of or above the rank of Assistant Jailor and the Warder fixed (May 1952) by the Ministry of Home Affairs, GOI, was adopted (October 1988 and October 1997) by the State Government on a reduced scale yet shortage of 80 arms, such as muskets 0.410", out of a requirement of 130 arms was noticed in five Jail units³⁰. When pointed out in audit (March 2005) the DG, Jails while admitting the shortage, stated (June 2005) that indent has now been sent (June 2005) to police headquarter for supply of arms.
- While in Central Jail, Jaipur, Ajmer and Udaipur, firing training to 50 per cent of Warders and Head Warders required annually, was not imparted during the period under review, in Central Jail, Jodhpur the firing training was not arranged in 2000-01 and 2003-04 reportedly due to non-availability of firing range in Central Jail Campus, shortage of Warders and Head Warders and ban imposed (December 2004) by the DG, Jails for want of bullets. These deficiencies needed speedy remedial action.

3.2.11 Escape from Jails

Increasing trend of prison breaks.

Audit scrutiny of files relating to escaping revealed that there were 35 cases involving escaping of 89 inmates in the State during 2000-05 out of which 29 inmates could not be traced and re-captured as of March 2005. The year-wise data of escaping showed increasing trend from seven in 2000 to 26 in 2004 due to inadequate security arrangements and negligence on the part of the Jail security personnel. In test-checked units 14 cases involving escaping of 28 inmates was noticed. Some of the shortcomings noticed in test-checked units were as under:

- In District Jail, Sirohi, five prisoners escaped on 4 July 2004 (two) and 3 October 2004 (three) by crossing over 24 feet high Jail circumvallation wall having live electric wire. Scrutiny of files revealed that:
- There were inadequate security arrangements because of shortage of staff (seven Warders in position against 13 sanctioned posts) and also there was negligence of concerned staff for which disciplinary action was completed in December 2004 in respect of one Warder and in respect of remaining five security personnel the same was in process.
- The Department was aware (November 2004) that there was wide gap in live wiring at the circumvallation wall.

29. Sambhar Lake, Malpura and Behror.

30. Central Jail, Ajmer (30), Sriganganagar (35), District Jail, Karauli (5), Rajsamand (5) and Chittorgarh (5).

- There was single phase electric current in live wires. The DG instructed (November 2003) to convert the same into three phase. But action was initiated only in August 2004 after first occasion of escaping occurred in July 2004. Though three phase connection was arranged in October 2004, the work of reducing gap in live wiring was still in progress (June 2005).
- In Sub Jail, Behror, eight prisoners escaped (August 2003) because of location of Jail kitchen in between two entry doors which was unsafe, non-providing of siren, double lock system and live electric wire system, low height of Jail circumvallation wall (eight feet only), vacant post of Assistant Jailor. These deficiencies had not been removed as of June 2005.
- Non-availability of power generator set to maintain uninterrupted power supply in the event of load shedding in Sub Jail, Kotputli led to escaping of three prisoners on 7 January 2003.
- Two Departmental enquiries of 2001, three of 2002, five of 2003 and seven of 2004 were pending (July 2005) for one to four years in 15 Jail units³¹.

3.2.12 Inefficient working of Jail industries

Jail industries were functioning in eight Central Jails³² and one District Jail, Alwar in the State, of which the records of four Jails industries (Jaipur, Ajmer, Jodhpur and Udaipur) was test-checked. During scrutiny of various material registers and information obtained from Jail units following deficiencies were observed:

Looms costing Rs 9.72 lakh were lying idle in Jail industries due to technical defects/non-commissioning of machines, etc.

- Thirty seven semi automatic handloom machines, *Niwar* looms/warping machines, Bobbin machines, etc. costing Rs 9.72 lakh purchased during 2002-03 by the DG, Jails were lying idle reportedly for want of commissioning by the firms, because of technical defects in machines from the date of installation and non-creation of post of Instructors, etc.
- Work in lieu of rigorous imprisonment to inmates equal to 22,82,234 mandays (72 per cent) against 31,86,400 mandays required to be given during period under review in compliance of courts decisions was not assigned in four test-checked units³³ for want of supply of raw material from the DG office, because of scarcity of space and non-sanctioning of posts of technical instructors, etc.
- Every prisoner sentenced with rigorous imprisonment is categorised in the Jail as skilled and unskilled worker, to whom payment of remuneration at the rate of Rs 11 and Rs 9 per day respectively is made. Out of this remuneration, 75 per cent amount is payable to the prisoner and 25 per cent to the grieved family. Scrutiny of the records revealed that against overall

31. Central Jail, Bharatpur (1), Udaipur (1), Sriganganagar (1), District Jail, Dholpur (2), Nagaur (1), Alwar(1), Sirohi (2), Barmer (1), Banswara (1), Sub Jail, Sangod (1), Behror (1), Deeg (1), Nimbahera (1), Open Camp Jail, Jaitsar (1) and Sanganer (1).

32. Jaipur, Jodhpur, Ajmer, Udaipur, Kota, Bharatpur, Sriganganagar and Bikaner.

33. Central Jail, Jaipur (8,35,973), Udaipur (4,36,894), Ajmer (4,38,342) and Jodhpur (5,71,025).

amount of Rs 86.19 lakh due for payment to skilled and unskilled prisoners during 2000-05 in Central Jail, Jaipur, Ajmer, Jodhpur and Udaipur, remuneration of Rs 80.01 lakh could be paid (March 2005) to the prisoners and the balance amount of Rs 6.18 lakh was not paid for paucity of funds.

- In the absence of details, payment of Rs 20 lakh representing 25 *per cent* of remuneration payable to the grieved families could not be verified in audit. This limited the scope of audit. Reasons for not maintenance of details were not intimated (September 2005).

Finished goods like furniture, coolers etc. worth Rs 73.84 lakh were lying unsold in four test-checked Central Jails.

- Huge quantity of finished goods like wooden furniture, niwar, coolers, etc. costing Rs 73.84 lakh was lying unsold in Jail industries of four test-checked units³⁴ reportedly for want of proper advertisement and awareness to general masses and an inadequate sale counter in the district. Higher selling price of Jail products because of levying of Rajasthan Sales Tax alongwith surcharge on value of finished goods was also the main reason as attributed (May 2005) by the DG, Jails.

- Five posts of Instructors out of sanctioned strength of 26 posts in the State were lying vacant for period ranging between 14 and 44 months. The vacancies resulted in deterioration in quality of finished goods and training to prisoners as accepted (May 2005) by the DG, Jails.

- *Pro forma* accounts of Jail industry are required to be prepared and submitted by the Superintendents of Central Jails to the Accountant General (Commercial and Receipt Audit) within six months of the closure of financial year. While *pro forma* accounts for the years 2000-04 were submitted late by period ranging from two to 16 months by four units,³⁵ Central Jail, Bikaner had not prepared accounts for the year 2003-04. Reasons for delay in submission of *pro forma* accounts were not intimated to audit (September 2005).

- Seven Jail units were incurring losses continuously for more than five years. The accumulated losses of these units were Rs 4.44 crore, as per their latest accounts finalised, against the total investment of Rs 5.82 crore (*Appendix-XIX*) by the State Government.

- Fixed Assets registers were not maintained in District Jail, Alwar and not maintained properly in Central Jail, Kota, Bikaner, Jodhpur and Udaipur.

3.2.13 Partial utilisation of Prisoners Welfare Fund

Rajasthan Prisoners Welfare Fund Rules, 1964 provide for utilising the amount accumulated in the Fund towards scholarship, examination fee, books, stationery to the children of the prisoners, and entertainment of prisoners. During examination of cash book, PD account and vouchers Audit noted that

34. Central Jail, Jaipur (Rs 26.93 lakh), Jodhpur (Rs 15.06 lakh), Ajmer (Rs 10.75 lakh) and Udaipur (Rs 21.10 lakh).

35. Central Jail, Ajmer (2000-04), Jaipur (2002-04), Jodhpur (2000-04) and Udaipur (2001-04).

in eight units³⁶ out of total receipts of Rs 20.41 lakh, Rs 5.13 lakh (25 per cent) only (one per cent in District Jail, Jhalawar and 18 per cent in Juvenile Reformatory, Ajmer) were utilised for the purpose during five years.

3.2.14 Rajasthan Jail Personnel Welfare Fund

Scrutiny of ledgers of the Rajasthan Jail Personnel Welfare Fund created in the Office of the DG, Jails in 1995 revealed that as against total receipts of Rs 40.10 lakh³⁷ the expenditure worked out to Rs 107.04 lakh³⁸ leading to difference of Rs 66.94 lakh due to incomplete postings under various receipt heads in the ledger. It was further noticed in audit from cash books that Rs 30 lakh and Rs 22.12 lakh sanctioned in March 1998 and March 2000 by the State Government under Modernisation of Jails and Tenth Finance Commission respectively were deposited in the welfare fund though the amounts were not related to welfare activities for Jail personnel. Annual accounts of the fund for the years 1995-96 to 2003-04 were not prepared as of July 2005.

System of sanitation, health, diet, transportation, infrastructure and housing in prisons

3.2.15 Inadequate sanitation facilities

- There was an overall shortage of 367 latrine seats (50 per cent) in 12 Jail units³⁹ out of 19 test-checked units against requirement of 734 seats as per norms of one latrine seat per five prisoners, the percentage shortfall ranged between 79 in District Jail, Jhalawar and 30 in Sub Jail, Malpura.
- Toilet facilities were not available at all for Jail staff in District Jail, Tonk and Central Jail, Ajmer while the conveniences provided in Sub Jail, Behror and Central Jail, Jodhpur and Udaipur were unhygienic.
- Expenditure of Rs 28.96 lakh including subsidy of Rs 13.80 lakh from the GOI incurred on installation of three night soil biogas plants (NBPs) (one in Central Jail, Udaipur and two in Jaipur) between September 1999 and October 2001 with the objective to create alternative sources of energy and cooking gas for Jail kitchens, proved unfruitful, as the plant at Udaipur became non-functional after two to three days of its installation while both the plants at Jaipur were lying unutilised for no connectivity of NBPs with the toilets/sewerage line (April 2005).

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36. Central Jail, Jodhpur, Jaipur, Udaipur, Ajmer, District Jail, Tonk, Jhalawar, Sirohi and Juvenile Reformatory, Ajmer.
37. August 1995 to 8 February 2005 (Subscription from members – Rs 38.88 lakh and Interest –Rs 1.22 lakh).
38. Miscellaneous expenditure: Rs 72.78 lakh, Financial assistance: Rs 0.11 lakh and Bank and Cash Balances: Rs 34.15 lakh.
39. Central Jail, Jodhpur (41 per cent), Udaipur (40), District Jail, Dausa (33), Jhalawar (79), Sirohi (37), Tonk (65), Sub Jail, Abu Road (50), Beawar (70), Behror (40), Malpura (30), Sambhar Lake (62) and Women Reformatory, Jaipur (67).

3.2.16 Inadequacy of health cover to prisoners

The health cover available for prisoners in 19 test-checked units was highly inadequate. Scrutiny of permanent stock registers, medicine stock registers, prescription slips revealed that:

- One post of Lab Technician for Central Jail, Jodhpur and two posts each of Junior Specialists (Radio diagnosis) and Assistant Radiographers sanctioned (July 2001) by the State Government for operating X-ray machine, Ultrasound, Cardiac Monitor, ECG machine etc. for Central Jail, Jaipur and Jodhpur were lying vacant (March 2005). Health cover to prisoners in four District Jails, six Sub Jails and one Juvenile Reformatory was being managed with the help of part time Medical Officer who paid only one to four visits a month due to low level of honorarium of Rs 100 per month fixed in seventies. No steps were taken to increase the honorarium (September 2005).

Important medical equipment costing Rs 23.97 lakh were lying unutilised since their procurement.

- Fifty five valuable medical equipment (**Appendix-XX**) costing Rs 23.97 lakh purchased for five test-checked units⁴⁰ out of Xth Finance Commission funds in March 2000, were lying unutilised since date of their purchases for want of required staff, reagents, intensive care unit and pathology laboratory despite repeated requests by officers in charge of concerned Jail units to the DG for providing these facilities. Pathological laboratory alongwith cooling system constructed at a cost of Rs 9.05 lakh in November 2002 in Central Jail, Jaipur out of XIth Finance Commission funds was lying unutilised (March 2005) for want of a Pathologist.

- While 17 seriously ill prisoners referred to Jawahar Lal Nehru Hospital, Ajmer by the Senior Medical Officer of Central Jail, Ajmer in February 2005 for specialist consultation were taken to the hospital with delay of four to 22 days and six such other prisoners could not, however, be taken to the hospital for want of police guard due to lack of proper coordination between Jail and Police Departments.

- In two test-checked Jail units⁴¹, medicines prescribed by the specialists were provided with delay of five to 28 days to 19 seriously ill prisoners during August 2003 to July 2004 for want of sufficient funds.

- Despite the recommendations of the NHRC (11 February 1999) to the State Government for medical examination of prison inmates at the time of their admission to Jails and to afford immediate and effective treatment in cases of detection of Tuberculosis (TB), no such medical examination was carried out in any of the 19 test-checked units while 55 prisoners (21 *per cent*) died of TB out of 257 deaths in Jails during 2000-05. Heavy load of work with the Medical Officer, being on part time basis at a nominal payment of Rs 100 per month and non-availability of adequate medical equipment like X-ray and ECG machines, were cited as the main reason.

40. Central Jail, Jaipur (Rs 13.64 lakh), Jodhpur (Rs 8.65 lakh), Ajmer (Rs 0.22 lakh), Udaipur (Rs 0.84 lakh) and Juvenile Reformatory, Ajmer (Rs 0.62 lakh).

41. Central Jail, Ajmer (6) and Jodhpur (13).

- No practice was followed in any of the 19 test-checked units to take weightment of the prison inmates fortnightly as per Rules to ensure maintenance of their good health and to record the same in their history sheet. The Superintendent, Central Jail, Ajmer attributed scarcity of medical staff as main reason for this lapse.

- While communicating to the State Government the results of its study in some Jails, the NHRC recommended (February 1999) that overcrowding in Jails should be avoided as it was an aggravating factor in the spread of contagious diseases. Examination of statistical data and average prisoners population as per monthly progress reports (MPRs) of the Jail units revealed excess average population of 1222 prisoners as against sanctioned average population of 4822 prisoners during 2000-05 in 30 out of 104 Jails which required shifting to 57 Jails having less average population of 3843 prisoners against sanctioned average population of 10295 (March 2005). The DG while accepting the facts stated (May 2005) that additional barracks were under construction.

This showed inadequacy of health cover to the prisoners in Jails.

3.2.17 Procurement of Ration for prisoners

During examination of Jail unit-wise rate finalisation files and registers following deficiencies were noticed:

There was excess expenditure of Rs 7.74 crore during 2000-05 due to variations in adopting different diet rates.

- Analysis of diet expenditure statements for the years 2000-05 revealed huge variations in rates of diet per prisoner per day led to expenditure of Rs 33.67 crore against requirement of Rs 25.93 crore taking into account inmates lodged in these Jails. This resulted into excess avoidable expenditure of Rs 7.74 crore. The DG accepted the facts and stated (July 2005) that tenders for supply of ration had been floated for all Jail units at head quarters level from 2004-05 with a view to remove variation in rates of diet and raw material at unit level.

- In Central Jail, Jaipur groundnut oil of rate contracted firm 'A' was found adulterated (11 October 2001), resultantly ban was imposed (2 January 2002) by the DG on purchase of edible oil from this firm. Still not only 4365 kilogram of oil worth Rs 1.88 lakh was purchased (25 October 2001 to March 2002) but rate contract for supply of food material for subsequent three years was awarded to firm 'B' with the same address and telephone number as of firm 'A' and food material costing Rs 1.23 crore was purchased from firm 'B' without evolving any system for periodical sample testing of food material. Similarly, in Central Jail, Ajmer 15990 kilogram of edible oil costing Rs 7.78 lakh was purchased (January 2001 to 2004-05) from firm 'A' whose edible oil sample was found adulterated (18 January 2001) which changed its name as firm 'B'.

3.2.18 Inadequacy of transportation system

Examination of information obtained from the DG Jails, permanent stock registers, log books, statements of sanctioned manpower, driving licenses revealed the following shortcomings:

- Against availability of 68 vehicles in the Jail Department, the number of vehicles remaining out of order alongwith its periodicity and the number of vehicles lying idle for want of drivers was not known to the DG, which indicated lack of proper monitoring of available transport infrastructure with them. As of March 2005, 19 drivers were in position against sanctioned post of 23 drivers.
- It was seen in audit that out of 21 vehicles available, in six out of 21 test-checked units, six vehicles were lying out of order in four Jail units⁴² for one to five years for paucity of funds for their repair as stated by the Superintendents, Central Jail, Ajmer and the District Jail, Tonk.
- Six vehicles costing Rs 15.84 lakh including five ambulances costing Rs 11.50 lakh were lying unutilised in five Jail units⁴³ supplied by the DG, Jails during the years 2000-04 for want of sanctioned post of drivers.
- This was indicative of mismanagement on the part of Jail administration, as due to non-utilisation of the vehicle, the transportation of Jail officials including sick prisoners and material would have been adversely affected.

3.2.19 Utilisation of housing facilities

Scrutiny of quarter's allotment registers, files and pay posting registers revealed as under:

- Out of 318 staff quarters available in 18 units, 58 quarters in 13 units⁴⁴ were lying vacant for one to 14 years for want of funds for their repairs and maintenance as stated by officers in charge of the Jails.
- While recovery of penal rent worth Rs 6.64 lakh from 33 employees of five Jail units⁴⁵ on account of their overstay in the Government quarters after having been transferred to other units was pending as on June 2005, Rs 3.59 lakh were recoverable from 29 employees in four units⁴⁶ towards

42. Central Jail, Ajmer (1), Jaipur (3), Jodhpur (1), and District Jail, Tonk (1).

43. District Jail, Bhilwara (2), Chittorgarh (1), Nagaur (1), Pratapgarh (1) and Rajsamand (1).

44. Central Jail, Ajmer (6), Jaipur (1), Jodhpur (3), Udaipur (5), and District Jail, Jhalawar (3), Sirohi (1), Tonk (5), Sub Jail, Beawar (2), Behror (2), Kotputli (1), Sambhar Lake (1), Juvenile Reformatory, Ajmer (23) and JTI, Ajmer (5).

45. DG, Jails, Jaipur (Rs 1.86 lakh), Central Jail, Ajmer (Rs 0.17 lakh), Jaipur (Rs 4.31 lakh), Jodhpur (Rs 0.27 lakh) and JTI, Ajmer (Rs 0.03 lakh).

46. Central Jail, Jaipur (Rs 0.85 lakh), Sub Jail, Beawar (Rs 0.48 lakh), Kotputli (Rs 0.43 lakh) and Juvenile Reformatory, Ajmer (Rs 0.05 lakh).

electricity charges (Rs 1.81 lakh) and from 111 employees in four Jail units⁴⁷ towards water charges (Rs 1.78 lakh) for the period under review.

- As per Rules, one Deputy Superintendent, five Medical Officers, five Jailors/Assistant Jailors and two nursing staff were required to reside in staff quarters in Jail premises. Audit noticed that they did not reside as such in Jail campus of Central Jail, Jaipur and Udaipur during 2000-05.

3.2.20 Civil works pertaining to Jail and other buildings

- Out of the funds meant for 'Modernisation of Jail Administration', Rs 9.21 crore sanctioned for 82 works and allotted during 2003-05 to Public Works Department for execution of these works, Rs 2.01 crore were utilised and 18 works were completed and handed over as of March 2005; 25 works though completed (March 2005) were not handed over (June 2005), 31 works were in progress and eight works were not yet started (work-wise detail not made available). Out of Rs 29.61 crore sanctioned to RSRDCC for nine works only Rs 7.91 crore were utilised (March 2005) and only five works were in progress and four works (estimated cost : Rs 3.60 crore) were not yet started. No utilisation was done by the Ground Water Department and the PHED out of sanctioned amount of Rs 0.30 crore for 12 works relating to water supply and sanitation.

- While circumvallation walls round Sub Jail, Abu Road and Behror were only 10 feet and eight feet high against the norm of minimum height of 15 feet, there was no circumvallation wall round Sub Jail, Sambhar Lake.

- Borstal school building including barracks, industry sheds, dispensary blocks, etc. constructed (December 1990) at Ajmer (cost: Rs 63.13 lakh) out of Central assistance under Eighth Finance Commission to accommodate 301 young offenders was reported by the State Government (37th Action Taken Report of Public Accounts Committee - 12th Vidhan Sabha) to be in utilisation of JTI (December 1990 to July 1996) and Juvenile Reformatory since 29 November 1997. Analysis of data⁴⁸ revealed that due to average prisoners population between 28 and 44 only during November 1997 to 2004-05, the Borstal school building remained underutilised as confirmed (May 2005) by the Assistant Jailor, Juvenile Reformatory, Ajmer because building for the Reformatory was constructed (March 1983) at a cost of Rs 17.15 lakh by the State Government in the same campus.

System of Internal control, monitoring and inspection

3.2.21 Non-compliance of the directions of Human Rights Commissions

Scrutiny of Reports relating to inspections done by the NHRC and the State Human Rights Commission (SHRC) revealed that:

47. Central Jail, Jaipur (Rs 1.49 lakh), Jodhpur (Rs 0.12 lakh), Sub Jail, Beawar (Rs 0.09 lakh) and Kotputli (Rs 0.08 lakh).

48. 33 in 1997-98, 30 in 1998-99, 28 in 1999-2000, 30 in 2000-01, 31 in 2001-02, 34 in 2002-03, 44 in 2003-04 and 38 in 2004-05.

- Seventy one visits were undertaken by the NHRC and the SHRC during 2000-05. Compliance to their 57 reports (80 *per cent*) was made by the units with delay ranging between two and 30 months against prescribed period of six weeks for sending final reply to the Commissions. However, compliance reports had not been sent to the Commissions in respect of remaining 14 visits even after lapse of period ranging from five months to three years as of March 2005.
- Serious observations regarding non-utilisation of four watch towers constructed during 2001, non-repair of sewerage system, non-utilisation of valuable medical equipment, inadequacy of staff, etc. made (February 2004) by the NHRC in Central Jail, Jaipur had not been remedied (June 2005).
- The recommendation made (April 2003) by the SHRC for ensuring uninterrupted electric supply to Sub Jail, Beawar from urban grid in place of power supply for six to eight hours a day from rural grid to avoid any possible incidence of escaping was not complied with (May 2005) for want of sanction of funds from the DG. Lack of proper action on the recommendations of the NHRC and the SHRC on the part of the Jail administration renders their visits meaningless.
- No vehicle was available in eight⁴⁹ out of 21 test-checked units for transportation of prisoners from Jail to courts and hospitals despite having been pointed out by the SHRC during its visit to the Sub Jail, Malpura as this Jail was situated at a distance of about two to six kms from the court/hospital.

3.2.22 Delay in trial of prisoners and non-establishment of Video conferencing system for remand prisoners

Right to speedy trial is a facet of fair procedure guaranteed in Article 21 of the Constitution of India. Analysis of statistical data maintained by the DG, Jails revealed that there were 7609 prisoners (7360 male and 249 female) under trial in the State as on 30 June 2004 out of which 378 cases⁵⁰ were pending for period ranging between two and more than five years.

- Video conferencing system intended for remand prisoners between Central Jail and District Courts of Jaipur and Jodhpur had not been established (April-May 2005) due to non-installation of equipment at Central Jail, Jodhpur and Jaipur despite sanction of funds of Rs 28 lakh in November 2004 and supply of required equipment by National Informatics Centre, New Delhi.

3.2.23 Deficiency in holding meetings of District Parole Committees

Out of 80 quarterly meetings required to be held as per the Government orders, only 56 such meetings (70 *per cent*) were held by the four District

49. District Jail, Sirohi and Sub Jail, Abu Road, Behror, Beawar, Kotputli, Malpura, Sambhar Lake and Juvenile Reformatory, Ajmer.

50. 277 for two to three years, 82 for three to five years and 19 for more than five years.

Parole Committees⁵¹ during 2000-05 despite reiteration (31 October 2002) by the State Government to hold the meetings regularly.

3.2.24 Ineffective Internal Audit System

Internal audit system in Jail Department was not strong and effective. Well-planned strategy to ensure periodical audit coverage of each unit on annual, biennial or triennial basis was not adopted. Only two internal audit parties each comprising one Assistant Accounts Officer and one Junior Accountant were sanctioned to cover 95 Jail units (10 Open Camp Jails which are audited alongwith attached Central Jails and the DG Jails which is audited by the Director, Inspection, Rajasthan). Internal audit of 30 units was pending for five to 24 years. While 8306 audit objections in 750 inspection reports were outstanding as on March 2005, first compliance reports were yet to be received in respect of 115 inspection reports. There was no system of imparting training to staff deployed in internal audit parties, while standard of manpower per party were also not fixed at any level. The DG accepted (March 2005) the facts and stated that audit programming was chalked out depending upon availability of staff, which had to attend other assignments too, like departmental enquiries, election duties etc. Audit observed that internal audit should be conducted in time and invariably of all the units.

3.2.25 Inspections

Scrutiny of files relating to inspections conducted by the departmental officers revealed that only 27 inspections (36 *per cent*) were undertaken during five years by the Inspector General (IG) against 74 required to be done six monthly in respect of eight Central Jails. Similarly against norms of one inspection of each District Jail per year, the IG conducted only 61 inspections (48 *per cent*) against 127 required to be undertaken during five years in respect of 25 District Jails. The Superintendents (Circle Officers) of four Central Jails⁵² carried out 168 inspections (57 *per cent*) only in respect of subordinate district and sub jails against requirement of 295 as per prescribed norms of annual inspection.

3.2.26 Nomination of Non-Government visitors for Jails

Scrutiny of nomination sanctions and visitors books in the Jail units revealed that although 86 Non-Government visitors were nominated by the State Government for 14 test-checked units⁵³ to visit the Jails and to hear the complaints of the prisoners and to guide the Jail administration by recording his comments in the visitor books. Yet except two visits to District Jail, Sirohi by one visitor on 1st and 27th August 2000, no visits were made to any of the remaining 13 Jail units during the period under review. This not only limited the scope of ventilating their grievances by the prisoners to Non-Government visitors but also rendered the rule of nominating these visitors redundant.

51. Jaipur (18), Ajmer (14), Udaipur (15) and Jodhpur (9).

52. Jaipur, Jodhpur, Ajmer and Udaipur.

53. Central Jail, Ajmer, Jaipur, Jodhpur, Udaipur, District Jail, Dausa, Jhalawar, Sirohi, Tonk, Sub Jail, Abu Road, Beawer, Behror, Kotputli, Malpura and Sambhar Lake.

3.2.27 *Monitoring and evaluation*

In order to ensure effective functioning of Jail administration, no State Level Monitoring Committee or Board was constituted. This was also admitted (July 2005) by the DG, Jails. The stipulated 240 Monthly Progress Reports were not submitted by four Jail units⁵⁴ pertaining to the period 2000-05. Similarly, 11 out of 50 half yearly returns were also not submitted by these Jail units, six such returns were submitted with delay ranging between 10 and 123 days by these units. Additionally, 28 annual returns (37 per cent) out of 75 were not submitted to the Headquarters by five Jail units⁵⁵ while 20 returns (27 per cent) were dispatched to the Headquarters with delay of six to 101 days.

3.2.28 *Conclusion*

Only Rs 9.92 crore (28 per cent) out of Rs 35.83 crore transferred by the State Government for modernisation of Jail administration were utilised. There was shortage of 660 to 868 personnel during 2000-05. While capacity of imparting training to 120 Jail personnel per day in JTI, Ajmer remained under-utilised, Head Warden was imparting training in squad drill, musketry and firing as the post of Instructor was lying vacant. Security equipment costing Rs 18.15 lakh were lying out of order in 12 units. Shortage of 80 arms against requirement of 130 in five Jails was also noticed. Thirty seven machines costing Rs 9.72 lakh supplied in four Jail industries were lying idle for technical defects and non-creation of posts of Instructors. Borstal school building (cost: Rs 63.13 lakh) constructed at Ajmer to accommodate 301 young offenders was lying unutilised since August 1996. Thus, Jail administration in Rajasthan, even though an important limb of the criminal justice system was not functioning to the expectations and requirement.

3.2.29 *Recommendations*

- Generators should be provided to all Jail units to maintain uninterrupted power supply for ensuring security.
- Rate of payment of Rs 100 per month to the Medical Officers engaged in Jail on part time basis is nominal and requires to be reviewed.
- Rule 3(a) of part 23 relating to nominating Non-Government visitors for Jails needs revision.
- Photo identity cards should be issued to each prisoner.

During discussion in Exit Conference (7 October 2005), the Principal Home Secretary accepted the last three recommendations for early implementation.

These points were referred to the Government in August 2005; reply had not been received (September 2005).

54 Central Jail, Ajmer, Jaipur, Jodhpur and Sub Jail, Beawar.

55 Central Jail, Ajmer, Jaipur, Jodhpur, JTI, Ajmer and Sub Jail, Beawar.

Public Health Engineering Department

3.3 Integrated Water Supply, Sanitation and Health Education Programme - Aapni Yojna and Churu Bissau Project

Highlights

Aapni Yojna and Churu Bissau Project were sanctioned in June 1994 and May 1998 in three districts of Rajasthan for a total cost of Rs 542.64 crore, to cater to drinking water, sanitation and health needs of the people. Against an implementation schedule of 1995-99 for Aapni Yojna and 1998-2001 for Churu Bissau Project (CBP), both the projects were delayed and were yet to be completed. After incurring an expenditure of Rs 501.32 crore while 327 villages and one town was covered against target of 376 villages and two towns under Aapni Yojna, the coverage under CBP was only 10 villages against a proposed coverage of 168 villages and three towns. Various deficiencies in community participation, sanitation and health education were also noticed.

Significant points noticed during review are as under:

The projects of Aapni Yojna and Churu Bissau to be completed by 1999 and 2001 respectively were still incomplete (March 2005) with a cost overrun of Rs 146.22 crore in Aapni Yojna.

(Paragraph 3.3.11)

Only 327 villages and one town against a target of 376 villages and two towns under Aapni Yojna and only 10 villages against 168 villages and three towns under Churu Bissau Project were covered as of March 2005.

(Paragraph 3.3.11)

Delayed implementation of technical activities resulted in increased outgo of Rs 21 crore towards remuneration to the consultant.

(Paragraph 3.3.11)

Lack of coordination between Departmental and Community Participation authorities led to reluctance and bycotting of project by several villages which ultimately resulted in unfruitful expenditure of Rs 4.75 crore.

(Paragraph 3.3.14)

Occurring of abnormal bursts and leakages in Asbestos Cement pipes laid in rising main of cluster 33A indicated execution of sub-standard work.

(Paragraph 3.3.16)

Irregular payment of Rs 38.75 lakh was made to contractors on account of operation and maintenance charges during defect liability period.

(Paragraph 3.3.12)

Untreated water was supplied to clusters of Dhannasar during the year 2004-05.

(Paragraph 3.3.15)

3.3.1 Introduction

To solve the problem of drinking water, sanitation and improvement of health status of habitants, a Global project covering 956 villages and 11 towns of Hanumangarh, Churu and Jhunjhunu districts was covered on the basis of feasibility study conducted by M/s IK Consortium (Indo-German Consultants) between June 1991 and January 1993. Initially Global Project was to be implemented in Phase-I (covering 727 villages and six towns) and Phase-II (remaining areas). The Phase-I was further bifurcated in two batches (A and B). The Phase-I A has renamed as *Aapni Yojna*.

Aapni Yojna

To cover 325 villages and two towns (revised to 376 villages due to inclusion of new revenue villages and two towns) Phase-IA named as *Aapni Yojna* sanctioned (June 1994) for Rs 253.02 crore was subsequently revised (January 2005) to Rs 423.60 crore by Government of Rajasthan (GOR) to be completed by 1999 (extended upto December 2005) with the assistance of Kreditanstalt Für Weideraufbau (KfW⁵⁶).

The activities relating to community participation (CP), sanitation and health education were implemented through a consortium of five Non-Government Organisations (NGOs) called Community Participation Unit (CPU) for which 100 per cent funding (in the form of grant) KfW grant was agreed (August 1994).

M/s IK Consortium was appointed (June 1994) as consultants (with cent per cent KfW grant) for Project Management Cell (PMC) and CPU.

Churu Bissau Project

Without completing the Phase-IA- another project named as Churu Bissau Project (CBP) covering 168 villages and three towns (Churu, Ratan Nagar and Bissau) was sanctioned (May 1998) for Rs 119.04 crore with the financial assistance of Government of India (GOI) for completion by May 2001 (extended upto March 2005).

The CP activities (excluding sanitation) were sanctioned (July 2004) by GOR from state fund during the year 2004-05 through an NGO.⁵⁷

56. A Government of Germany funding agency.

57. Nav Yuvak Mandal Sansthan, Churu.

Both the projects were implemented through the Secretary, Public Health Engineering Department (PHED) and Chief Engineer (CE), PMC, Churu, assisted by the three Superintending Engineers (SE), nine Executive Engineers (EE) and consortium of five NGOs under the charge of Programme Director (PD), CPU, Churu.

3.3.2 Objectives of the Project

The main objectives of the project were to:

- provide drinking water in deficient areas and to reduce water wastages.
- create awareness of the Programme among the beneficiaries regarding their rights and duties for drinking water supply system and to make the community liable to pay contribution towards recovery of Operation and Maintenance (O&M) charges.

3.3.3 Scope of Audit

Records of all the nine divisions,⁵⁸ CE, PMC, Churu and PD, CPU, Churu for the period 2000-01 to 2004-05 were test-checked during February 2005 to May 2005.

3.3.4 Audit Objectives

The main objectives of the review were to:

- assess whether the objectives of the programme to supply safe drinking water with community participation were achieved.
- ascertain whether the scheme framed for solving the problem of water scarcity had been carried out economically and efficiently.

3.3.5 Audit Methodology

The records such as feasibility reports, detailed engineering reports, financial agreements of funding agency, tender documents, expenditure statements, vouchers, technical measures and conclusion of annual meetings held by the Head of Department with the Secretary to Government and funding agency (KfW) were examined and evidences were collected from these documents. Moreover, inspection notes after joint visits (Audit team and representative of entity viz. Assistant Engineers (AENs) PMC, Division I and VII and PD, CPU) of sites were prepared and kept as evidences for verification of supply position of water in the villages and towns. Entry and Exit conferences were also held with various project authorities including Secretary, PHED, Government of Rajasthan.

58. PMC, Division-I, Churu, PMC, Division-II, Churu (defunct), PMC Division-III, Taranagar, PMC Division-IV, Dhannasar, PMC Division-V, Nohar, PMC Division-VI, Churu, PMC Division-VII, Sardarshahar, PMC Division-VIII, Nohar and CBP Division, Churu.

Audit findings**3.3.6 Source of funding**

The project of *Aapni Yojna* was sanctioned (June 1994) for Rs 253.02 crore equivalent to 140.6 Million Deutche Mark⁵⁹ (DM). Of which, 25.45 per cent share (Rs 64.40 crore) was to be contributed by GOR and remaining 74.55 per cent share (Rs 188.62 crore⁶⁰) by KfW. The approved cost of the project was subsequently revised (January 2005) to Rs 423.60 crore with pattern of funding as previously agreed. The Churu Bissau Project was sanctioned (May 1998) for Rs 119.04 crore under Centrally sponsored scheme (CSS) with GOI and GOR shares in the ratio of 75:25 and an Additional Central Assistance (ACA) of Rs 20 crore for development of Urban infrastructure.

3.3.7 Financial outlay and expenditure***Aapni Yojna***

The grant and loan from KfW was routed through GOI in the form of allotment which was released to the State Government through budget Head '8235-General and Other Reserve Funds'. The State further made the provision from the Reserve Fund to the regular budget Head '4215 - Capital Outlay on Water Supply and Sanitation'. The expenditure was to be incurred through the agency of Project Management Cell (PMC) and Community Participation Unit (CPU). Year-wise details of grant/loan sanctioned and expenditure incurred in respect of PMC and CPU upto March 2005 had been given in *Appendix-XXI* and in brief in the table below.

Churu Bissau Project

The details of amount received for rural water supply component under CSS and State Plan through the Capital Head '4215 - Capital outlay for CBP' and expenditure incurred thereagainst (upto March 2005) had been given in *Appendix-XXII* and in brief in the table below:

Year	<i>Aapni Yojna</i> (PMC and CPU)		(Rupees in crore) CBP	
	Budget allotted	Expenditure incurred	Budget allotted	Expenditure incurred
Upto 1999-2000	241.81 5.08	188.92 4.60	2.77	2.44
2000-01	5.99 2.00	53.08 2.32	1.32	1.32
2001-02	30.70 2.24	28.29 2.25	5.05	2.01
2002-03	34.45 2.39	36.49 2.13	41.76	41.76
2003-04	32.61 2.89	23.25 3.07	30.80	30.83

59. Prevalent exchange rate Rs 18 per DM as of 17 June 1994.

60. Technical measures (70 per cent) : Rs 150.26 crore, Non-technical measures (100 per cent) : Rs 19.05 crore, Consultancy : Rs 13.52 crore (PMC), Rs 5.79 crore (CPU).

(Rupees in crore)

Year	Aapni Yojna (PMC and CPU)		CBP	
	Budget allotted	Expenditure incurred	Budget allotted	Expenditure incurred
2004-05	6.82 <i>2.92</i>	11.84 <i>2.69</i>	7.12	7.12
Total	352.38 <i>17.52</i>	341.87 <i>17.06</i>	88.82	85.48 -
Consultancy charges	-	40.31*	-	-
Grand Total	369.90	399.24	88.82	85.48

Figures in italics bold pertains to CPU.

* Paid directly to consultant by KfW.

Note: Further in CBP Rs 20 crore was released as ACA in 1999-2000 against which aggregate expenditure of Rs 16.60 crore had been incurred upto March 2005 and balance amount of Rs 3.40 crore was lying in '8443 - Civil Deposits'.

State share of Rs 7.09 crore was not released during 1997-2005.

As per funding pattern of CBP, funds were to be released in the ratio of 75:25 by the GOI and GOR. Scrutiny revealed (*Appendix-XXII*) that GOI released Rs 72.60 crore during 1997-2005 as Central share against which State had released for allotment Rs 71.71 crore and kept balance of Rs 89 lakh in the Reserve Fund. Against the budget allotment of Rs 71.71 crore of Central share, Rs 68.29 crore was spent. Thus, Central share of Rs 4.31 crore remained unutilised as of March 2005. Rupees 17.11 crore was released against required State share of Rs 24.20 crore resulting in short release of State share by Rs 7.09 crore as of March 2005.

3.3.8 Non-regularisation of payment as per agreement

An agreement was entered with consortium of five NGOs in August 1994 towards works to be rendered by them for community participation activities. Article 5.2 of agreement stipulated that the payment to the staff of NGOs would be regulated on the basis of rates as prescribed in the annexure to the agreement. While Rs 7.68 crore was shown to be disbursed during August 1994 to March 2005 towards pay and allowances to staff of NGOs, records pertaining to regularisation of payment as per annexure were not available with the CPU. In absence of which the payment had not been properly regulated as per terms of agreement and the same remained unverified in audit. The PD, CPU in his reply stated (June 2005) that presently CPU was keeping record of remuneration paid to consortium members. CPU would request member NGOs for providing acknowledgement of payments made in future to individual staff. The fact remains that proper regularisation of terms of agreement was not ensured although the agreement was in operation for the last 11 years.

Implementation of the Project

3.3.9 Shortage of manpower for execution

Project activities were adversely affected due to non-filling of posts of AENs during 1997-2005.

To implement the project of *Aapni Yojna*, 245 posts in various cadres were sanctioned, of which 76 to 117 (31 to 48 per cent) posts (including 12 to 44

posts of engineering staff) remained vacant between 1997-98 and 2003-04, inspite of repeated request of various authorities to fill up the vacant posts. Non-filling of two to 16 posts of AENs during the period 1997-2005 adversely affected the activities like preparation of detailed engineering reports, approval of drawing and designs and supervision in execution of technical measures which ultimately hampered the progress of works at the initial stage.

3.3.10 Divisions with insufficient work load

Continuation of five divisions without sufficient work load during the years 2003-05 led to unnecessary financial burden of Rs 1.52 crore.

As per State Finance Department order dated 23 July 1985 annual work load of Rs 2 crore per annum per division was required for continuation of a division. It was observed in audit that in disregard to the above stipulation five divisions of *Aapni Yojna* remained in existence involving an establishment expenditure of Rs 1.52 crore⁶¹ although these divisions did not execute minimum work as had been mentioned in the Government order. In July 2005, the Government decided to continue only three⁶² out of seven divisions.

3.3.11 Time overrun and cost overrun

The projects of *Aapni Yojna* and Churu Bissau were still incomplete with the cost overrun of Rs 146.22 crore in *Aapni Yojna*.

Project activities of Phase-IA (*Aapni Yojna*) initially scheduled to be completed by 1999 covering 325 villages and two towns at a cost of Rs 253.02⁶³ crore was subsequently revised (November 1998, June 1999 and January 2005) to Rs 423.60 crore with coverage of 376 villages and two towns. After incurring an expenditure of Rs 399.24 crore (March 2005) 327 villages and one town were actually covered against reported 339 villages and one town as 12 villages were disconnected (December 2004) due to non-paying of water charges. Thus, the project was delayed by more than five years with cost overrun of Rs 146.22 crore and the project was still incomplete. The scrutiny revealed that most of the works were delayed at initial stage of project (*Appendix-XXIII*) mainly due to belated action for acquisition of land, approval of drawings and designs, providing layout. Audit scrutiny revealed that execution of various packages of works was also delayed due to delay in procurement of material (*Appendix-XXIV*).

Delayed implementation of technical activities also resulted in increased outgo towards remuneration to the consultant (Rs 21.01 crore).

Similarly, CBP was to be completed by 2001 covering 168 villages and three towns at an estimated cost of Rs 119.04 crore against which an expenditure of Rs 102.08 crore was incurred upto March 2005. Villages covered as of March

61 Division-II, Churu (2003-04 : Work load Rs 17.84 lakh, Expenditure Rs 12.96 lakh, 2004-05 : Work load Rs 3.36 lakh, Expenditure Rs 7.71 lakh); Division-IV, Dhannasar (2004-05 : Work load Rs 118.93 lakh, Expenditure Rs 13.99 lakh); Division-V, Nohar (2003-04 : Work load Rs 133.99 lakh, Expenditure Rs 15.58 lakh, 2004-05 : Work load Rs 158.19 lakh, Expenditure Rs 16.95 lakh); Division-VI, Churu (2003-04 : Work load Rs 49.61 lakh, Expenditure Rs 34.18 lakh, 2004-05 : Work load Rs 73.11 lakh, Expenditure Rs 29.87 lakh) and Division-VIII, Nohar (2004-05 : Work load Rs 102.54 lakh, Expenditure Rs 20.55 lakh).

62 PMC Division-III, Taranagar, PMC Division-VI, Churu and PMC Division-VII, Sardarshahar

63. Technical measures : Rs 214.66 crore + CPU : Rs 19.06 crore + Consultancy : Rs 19.30 crore = Rs 253.02 crore

2005 were only 10 against the reported 25 as water supply system of 15 villages was not handed over to Water Health Committee (WHC) of respective villages. Major works of Pumping Stations (PSs) and cluster distribution system were still lying incomplete and the project was delayed by four years mainly due to :

Project delayed due to defective NIT.

Notice Inviting Tender (NIT) issued (July 2000) for supplying, laying, jointing and commissioning of Pre-Stressed Cement Concrete (PSCC) pipelines (trunk main) from PS Sahwa to PS Bhaleri (CBPL-1) and PS Bhaleri to PS Churu (CBPL-2) was not finalised as provision for deposition of earnest money in the NIT was not according to the tender documents. On retendering (August 2001) the works of CBPL-1 and CBPL-2 allotted (January 2002) to contractor 'A' and 'B' for Rs 26.13 crore and Rs 18.40 crore were completed in November 2003 and August 2003 at a cost of Rs 25.36 crore and Rs 18.45 crore respectively.

Scrutiny revealed that due to floating of the defective NIT both the works were delayed by one year and led to increase in the cost (Rs 4.12 crore)⁶⁴ due to increase in wholesale price indices for material and labour.

3.3.12 Payment on account of operation and maintenance during defect liability period

As per contract for construction of PSs at various places, the conditions for making the contractors responsible for operation, maintenance and repair during defect liability period were inserted in the tender documents which became a part of the agreement. In disregard to this it was observed in audit that a separate provision for Operation and Maintenance (O&M) for a minimum period of 12 months was also made in Schedule 'G'/Bill of Quantity. Accordingly, separate payment of Rs 38.75 lakh (**Appendix-XXV**) made for O&M was irregular and avoidable since the contractors were liable for operation, maintenance and repairs as per condition laid down in the tender documents. The Government accepted (August 2005) the facts and assured to take necessary remedial action in future contracts.

3.3.13 Avoidable payment of electricity charges

Continuance of new and old power connection led to avoidable payment of Rs 18.93 lakh towards minimum/contract charges.

The electric connection at office of the EE, PMC, Sardarshahar was upgraded to 63 KVA capacity in February 2003 for use of office building and to operate temporarily the cluster pumps and PS located at Sardarshahar. It was noticed that another connection of 1500 KVA from Grid Sub Station of Sardarshahar was obtained in April 2003 for power supply to three PSs of Palloo, Sadasar and Sardarshahar and for office building at Sardarshahar. Despite obtaining the new connection, the old connection was continued till August 2004 and an amount of Rs 18.93 lakh paid to Jodhpur Vidyut Vitran Nigam Limited for the

64.	Total value of work done and payment made till date	: Rs 43.81 crore
	Minus : Value of work if the works had been allotted on the basis of price indices of 2000	<u>Rs 39.69 crore</u>
		<u>Rs 4.12 crore</u>

period⁶⁵ April 2003 to August 2004 towards minimum/contract charges. This could have been avoided had EE, PMC, Sardarshahar taken corrective action in April 2003 for disconnection of the old connection.

Project performance

3.3.14 Unfruitful expenditure due to unwillingness of villagers to obtain water from Aapni Yojna

Non-coordination between PMC and CPU resulted in unfruitful expenditure of Rs 4.75 crore and reluctance of the villagers to be associated with the scheme.

As per feasibility report (January 1993) all the existing individual water supply schemes were to be replaced and merged in integrated scheme *Aapni Yojna*. Besides providing safe drinking water, involvement of villagers in Rural Water Distribution Management and their awareness towards the value of safe drinking water was essential. The beneficiaries were required to pay for the cost of water consumed by them. Scrutiny revealed that beneficiaries of 12 commissioned villages covered under *Aapni Yojna* project had not been paying the water charges since September 2004 as they were getting water free of cost from the existing schemes. Resultantly, these villages were disconnected by the Department (December 2004). This resulted in wasteful expenditure of Rs 94.96 lakh incurred on construction of distribution lines, Public Stand Posts (PSPs)⁶⁶ and Cattle Water Troughs (CWTs)⁶⁷ in those villages.

Of the 32 uncommissioned villages, 10 (Cluster 4, 4A and 4F) villages were reluctant to be associated with the project, accordingly distributary pipe line and PSPs/CWTs were not laid/constructed due to these villages. It was, however, observed in audit that the construction work of ESR, installation of pumps and motors, rising main etc. was carried out after computing the supply required for these 10 villages also. As such, the infrastructure was far in excess of the requirement and keeping in view that supply is not to be made to these 10 villages, the expenditure on these infrastructure works, which could have been avoided was Rs 3.80 crore.

The CE, PMC stated (August 2005) that unwilling villagers would be motivated or responsibility to maintain the Traditional Source Schemes (TSS) be transferred to them. The reply was not acceptable as efforts to obtain willingness of these villagers should have been made before commencement of the construction work.

3.3.15 Supply of untreated water

As per norms prescribed by World Health Organisation/GOI, to make the water potable, allum mixing, chlorination in raw water in required quantity was necessary to avoid water borne diseases but scrutiny of test reports and stock registers of chemical mixing unit of treatment plant revealed that allum (111 days) and chlorine (18 days) were not mixed during April 2004 to March

65. Expenditure from April 2003 to June 2003 not intimated by EE, PMC, Division-IV, Dhannasar.

66. The common water tap through which the villagers get water.

67. It is an open water tank to provide water to animals.

2005 which clearly indicated that untreated water was supplied to clusters of Dhannasar area and intermediate Pumping Stations of Palloo, Sadasar and Sardarshahar. During site inspection (6 May 2005) by joint team (Auditors, PMC and CPU authorities) villagers of Sajansar (cluster no. 4) Tehsil Sardarshahar stated that the water supplied to them was untreated. Department admitted (August 2005) that non-chlorinated water was supplied for few days and stated that no report about spreading of water borne diseases was noticed in the benefitted villages. The reply was not tenable as Department failed to fulfill the commitment of providing safe drinking water.

3.3.16 Frequent pipe bursting and leakages in a section

Frequent pipe bursts and leakages (94 occasions) interrupted water supply.

Rising main of 12.700 km long 200 mm AC pressure pipe of class-15 from PS Bhaleri was laid in December 2003 at a cost of Rs 36.12 lakh. As the Department did not have its own quality control set up, the pipes were procured on the basis of third party inspection and accepted during sectional testing. These pipes could not sustain the required pressure and on 94 occasions pipe leakages and bursts took place since the commissioning (October 2004) of the pipeline uptill January 2005. Rupees 1.02 lakh was also incurred on repairs and restoration of pipe lines. As a result of these sub-standard pipes the very purpose of regular supply of water to 12 villages in cluster 33-A under CBP at required pressure and quantity was not fulfilled.

Department while admitting the facts stated (August 2005) that the matter was under technical examination.

3.3.17 Loss due to excessive water losses in transmission

There was excessive water losses against permissible limits in three divisions under Aapni Yojna.

During scrutiny of records of three divisions⁶⁸ under *Aapni Yojna* it was noticed that actual loss in water transmission from cluster pumps to PSP against permissible losses (15 per cent), ranged between 28.83 to 47.65 per cent which worked out to excess annual water loss of 4,59,696 Kilo Litres (KL) worth Rs 18.39 lakh (at the rate of Rs 4 per KL) during the period March 2003 to March 2005.

The Department while accepting the facts stated (August 2005) that this was due to shortage of staff and further the reply stated that tenders for operation and maintenance had now been floated.

3.3.18 Loss of revenue due to non-revision of water tariff

One of the main objectives of CP activities was to collect the cost of water from water users. The tariff was to be revised within five years as per recommendations (June 2000) of KfW Review Mission to recover full O&M cost. Further, Review Mission in March 2003 strongly recommended to

68. 1. PMC, Division-VIII, Nohar - March 2003 to March 2005 – 185, 114 KL : Rs 7.40 lakh (average).
2. PMC, Division-IV, Dhannasar – April 2004 to March 2005 – 2,55,307.78 KL : Rs 10.21 lakh.
3. PMC, Division-III, Taranagar – February 2004 to February 2005 : 19,275 KL : Rs 0.77 lakh (average).

increase urgently the water tariff by 25 *per cent* keeping in view the severe and long lasting drought in Rajasthan.

Scrutiny revealed that water charges recovered from the beneficiaries (of 339 villages commissioned so far) during the year 2004 worked out to Rs 1.89 crore at water tariff of May 1998. Whereas cost of O&M during the year 2004 and 2005 was estimated to Rs 17.81 crore and Rs 19.37 crore respectively as assessed by the consultant appointed by the Department. The percentage of water charges of the project area (for 370 villages) to O&M cost was 11.60 *per cent*⁶⁹ against the original projection of 30 *per cent*. Department stated (August 2005) that matter regarding revision of tariff was pending with the Government.

3.3.19 Inadequate operation and maintenance of project

Scrutiny of the records of CE, PMC, Churu, revealed that no effective measures were taken for O&M for sustaining the project as no permanent set up for O&M was evolved. Rising main had bursted and air valve chamber was damaged (December 2004) due to operation of the pumping house at Lalaniya by untrained PHED staff. Water billing was being made on average consumption basis due to non-repairing of bulk water meters, due to improper sectional and final pressure testing of pipes, leakages had occurred in AC pipe lines. No systematic handover process/ procedure was adopted to transfer the assets to regular PHED divisions. Patrolling of pipelines was irregular or neglected and leakages in cluster distribution system, air valve chambers and pipes were not attended and repaired properly. Illegal water supply was being made by Water Health Committees (WHCs) to hotels and penalties levied by WHCs were not deposited to PMC. Cost of water sold to hotels and *dhabas* was recovered unsystematically by WHCs besides allowing unauthorised water connections from PSPs to villagers. Thus, it would be seen that effective measures were not taken for effective O&M for sustaining the project. The scrutiny of the records of the CE, PMC revealed that the project activities were being monitored at implementation stage only. The O&M of completed portion of project was not properly monitored and no system was evolved to assess the water losses.

3.3.20 Conclusion

The *Aapni Yojna* launched (1995) to solve the drinking water supply problem of three districts was delayed by five years with cost overrun of Rs 146.22 crore. Forty three villages alongwith one town were not benefitted upto March 2005. Delay in technical activities such as construction of pumping stations, over head tanks, laying and jointing of pipelines, etc. adversely affected the project completion and community participation. Cases of leakages, interruption in supply, improper water treatment, improper operation and maintenance measures were noticed. The revision of water tariff as well as effective system of O&M was not in operation so the sustainability of project remains a matter of concern. Of the 168 villages and three towns only 10

69. O&M cost assessed was Rs 17.81 crore, Water charges for 370 villages :
Rs 2.07 crore - $2.07/17.81 \times 100 = 11.60$ *per cent*.

villages could be benefited by CBP sanctioned (May 1998) with central assistance due to improper planning.

3.3.21 Recommendations

In view of the above conclusions based on the audit findings, the following recommendations are made:

- A permanent set up should be created so as to ensure effective operation and maintenance.
- Efforts should be made to minimise the cost of O&M which should be met by timely revision of water tariff.
- Water losses should be minimised with the active participation of the beneficiaries.
- A proper supervision system should be developed to ensure effective control on working of WHCs.
- Regular testing/sampling of water at various pumping stations as well as cluster pumps should be done so as to ensure the supply of safe drinking water.
- A proper monitoring set up should be evolved to safeguard the running and maintenance of pumping stations, trunk mains as well as cluster pumps.

The matter was reported to the Government in September 2005; reply has not been received.