

CHAPTER-IV AUDIT PARAGRAPHS - URBAN LOCAL BODIES

4.1 Revenue loss

4.1.1 *Non-collection of passenger tax*

Failure to abide by the provisions of the Act by the Collector and lack of sufficient follow-up by Directorate of Local Bodies and Municipal Board, Karauli in collection of passenger tax led to revenue loss of Rs 27.09 lakh.

Nagar Palika Karauli (Passenger Tax) bye-laws, 1984, authorises the Municipal Board (MB), Karauli to levy and collect passenger tax at Rupee 0.25 per trip from every person entering the municipal limits of Karauli by a motor vehicle, excluding certain categories of passengers such as inhabitants of municipal areas of Karauli, Government servants, etc.

Test-check of records of Municipal Board, Karauli for the period April 1999 to March 2004 revealed that passenger tax was collected by the Board itself upto 1991-92 and on contractual basis from 1992-93 to 2000-01. The Board decided (March 2001) to increase the rate of tax from Rupee 0.25 to Rupee 1.00 and to collect tax at the enhanced rate after obtaining approval of Government. Meanwhile, bids for collection of tax were invited for the year 2001-02. Since the maximum bid of Rs 3.01 lakh received was less than that obtained during 2000-01, the MB decided (April 2001) to collect the tax itself.

Meanwhile, the District Collector, Karauli, suspended (April 2001) the collection of passenger tax till further orders. However, the Local Self Government (LSG) Department set aside the orders of District Collector and directed (October 2001) the MB to send a proposal for amendments in the aforesaid bye-laws. The proposed amendments were approved (January 2002) by enhancing the rate of passenger tax to Rupee 1.00 per passenger per trip by the LSG Department. However, the District Collector deferred the collection of passenger tax at the revised rate till receipt of sanction of the government. Thus, no passenger tax was collected during April 2001 to March 2004.

On being pointed out, the MB stated (June 2004) that passenger tax could not be collected as per directions of the District Collector. The reply was not tenable as the LSG Department had already approved the revised rate and also amended the bye-laws. No other sanction was required to be issued by Government.

Thus, the unwarranted intervention by the District Collector in collection of passenger tax and also lack of sufficient follow-up by the Directorate of Local Bodies and MB, Karauli led to revenue loss of Rs 27.09 lakh to the MB.

The matter was referred to Government in February 2005; reply has not been received (March 2006).

4.2 Blocking of funds/unfruitful expenditure

4.2.1 Blocking of funds on construction of town hall

Due to short release of funds by the DRDA and lack of proper monitoring by the Directorate of Local Bodies, construction of town hall was lying incomplete and expenditure of Rs 62.44 lakh incurred remained blocked for more than four years.

In September 1998, Municipal Board (MB), Ratangarh (District Churu) decided to construct a town hall for cultural activities and meetings at a cost of Rs 81 lakh. The State Government accorded (January 1999) administrative sanction for Rs 81 lakh to be shared on a 50:50 basis by the State Government and the MB under Sahbhagi Nagar Vikas (SNV) Yojana through DRDA, Churu. The work was awarded to Rajasthan State Road Development and Construction Corporation (RSRDCC)¹ Limited in September 1998.

During test-check of the records of MB, Ratangarh it was observed that MB had provided (September 1998 - June 2000) its share of Rs 40.50 lakh to DRDA. The DRDA had also received (December 1998 and August 1999) Rs 25 lakh against state share and released only Rs 48.50 lakh² to RSRDCC. As of July 2000, RSRDCC had incurred Rs 62.44 lakh on construction of the town hall. DRDA did not release the remaining funds of Rs 32.50 lakh to RSRDCC with the result the work was left incomplete in July 2000. Meanwhile, the SNV Yojana was closed in October 2000 and out of its unutilised State share an amount of Rs 17 lakh was deposited back into government account (April 2005) on the advice of the Rural Development Department.

Thus, due to short release of funds by the DRDA and lack of proper monitoring by the Directorate of Local Bodies, construction of town hall was lying incomplete and expenditure of Rs 62.44 lakh incurred remained blocked for more than four years. Besides, the very purpose of construction of town hall was defeated.

On being pointed out, the MB Ratangarh stated (September 2004) that the fact regarding non-provision of funds by DRDA had been intimated to Directorate of Local Bodies. The contention of the DRDA (now Zila Parishad) that completion of the work would be possible on allotment of funds by the Government was not tenable as it had failed to release the sanctioned amount in time despite availability of funds. The possibility of receipt of funds now is also remote as the SNV Yojana has already been closed in October 2000.

¹ Formerly Rajasthan State Bridge and Construction Corporation (RSBCC) Limited, a Government undertaking.

² Excluding agency charges of Rs 7.29 lakh provided by MB.

The matter was referred to the Government in May 2005; reply has not been received (March 2006).

4.2.2 *Improper selection of site*

Improper selection of site for construction of houses for persons of EWS led to deprivation of housing at affordable cost to them, besides proving expenditure of Rs 18.04 lakh on construction of 95 houses unfruitful.

In January 1991, the Local Self Government Department accorded administrative and financial sanction of Rs 17.65 lakh for construction of 95 houses in Pratapgarh (District Chittorgarh) for persons belonging to Economically Weaker Sections (EWS) under the 20-Point Programme. The houses were to be constructed by Municipal Board (MB), Pratapgarh by obtaining loan from HUDCO³. The MB obtained a loan of Rs 9.88 lakh from HUDCO at seven *per cent* per annum interest. Each beneficiary had to pay Rs 20,000 in five instalments. Allottees who had made payment of second instalment (Rs 10,000) were eligible for taking possession of the houses.

Test-check of the records of MB, Pratapgarh for 1999-2003 revealed that:

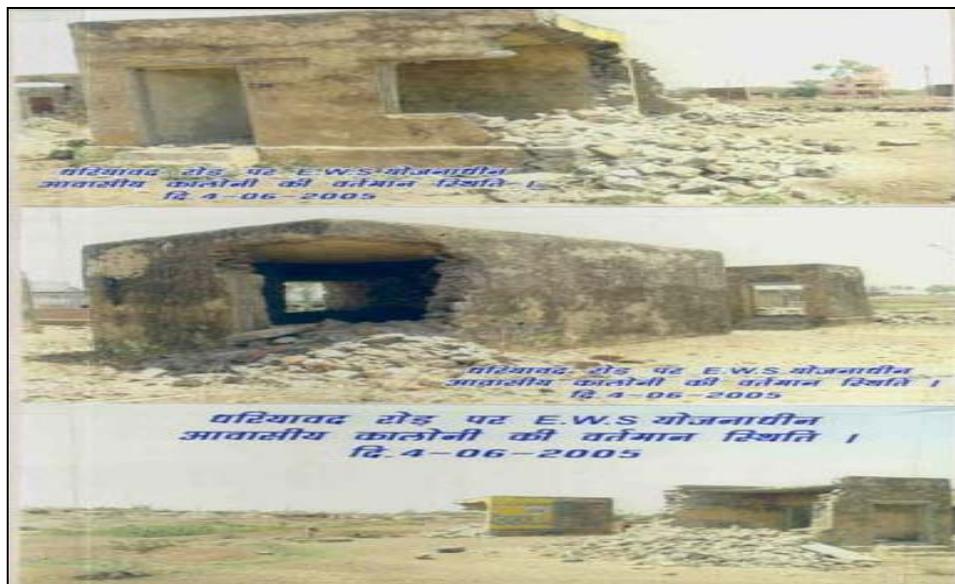
- The work of construction of 95 houses was completed at a cost of Rs 18.04 lakh by August 1995.
- As against 74 allottees⁴ who had deposited either full or eligible amount for taking possession, only 29 took possession of the houses.
- Although the remaining 20 allottees⁵ did not deposit their dues, no action to cancel their allotment and to make fresh allotment to other eligible persons was taken by the MB.
- Sixty six houses could not be handed over to the beneficiaries even after a lapse of nine years. The doors, windows, floor and plaster of these houses had been damaged and become unfit for dwelling.

The condition of some of the houses constructed under the programme have been documented in the photograph below:

³ Housing and Urban Development Corporation Limited, New Delhi.

⁴ Rs 20,000: 52; Rs 15,000: 3; Rs 13,000: 4 and Rs 10,000: 15.

⁵ Out of the 95 houses only 94 were actually allotted.



On being pointed out, the MB accepted the facts and stated (May 2005) that since the site selected for construction of houses was far from the main habitation/municipal area, the poor beneficiaries did not take possession even after depositing their full share/eligible amount to take possession. Even those who had taken possession were not residing in these houses due to lack of basic amenities like roads and drinking water.

The Government stated (December 2005) that notices had been issued to the defaulting allottees for depositing their due share, failing which houses would be auctioned by cancelling their allotments.

However, the fact remains that improper selection of site for construction of houses and non-provision of basic civic amenities at the site led to deprivation of benefits of affordable housing to the persons of EWS. Thus, expenditure of Rs 18.04 lakh on construction of the houses also remained unfruitful.

4.3 Irregular expenditure/excess payments

4.3.1 Sanctioning of inadmissible increments led to excess payment of pay and allowances

Sanctioning of inadmissible increments to employees led to excess payment of pay and allowances amounting to Rs 11.99 lakh.

According to instructions issued (July 1982) by the Local Self Government Department, non-technical subordinate municipal employees for whom diplomas are not an essential qualification for the post they hold, would be allowed to draw two extra increments on obtaining any of the diplomas viz. Local Government Service Course (LGSC), Local Self Government (LSG) Diploma and Sanitary Inspector Courses. Subsequently, the department

extended (March 1990) this benefit to the municipal ministerial service employees also.

During audit of Municipal Corporation, Kota for the period 2003-04, it was observed that the corporation had erroneously granted two extra increments to 20 employees⁶ from the date of passing (October 1980-January 2000) of Sanitary Inspector Course/Assessor's Diploma (a short term course) even though they had already been paid two extra increments for passing LSG Diploma/ Sanitary Inspector Course. This was despite government orders of July 1982 and clarification issued by the Directorate of Local Bodies (August 2001) that the benefit of two extra increments was admissible only once on obtaining either of the diplomas and not every time for each diploma obtained. This resulted in excess payment of pay and allowances amounting to Rs 11.99 lakh to 20 employees for the period from October 1980 to April 2005. The corporation did not stop further payment of inadmissible increments despite issuance of the clarification in this regard by DLB in August 2001. The omission was pointed out to the corporation by audit in May 2005; no reply had been furnished to Audit.

The matter was referred to Government in June 2005; reply has not been received (March 2006).

4.3.2 Irregular allotment of works

Works costing Rs 1.20 crore were allotted to ineligible contractors and unauthorised persons.

Public Works Financial and Accounts Rules (PWF&ARs) envisage that tender documents should be issued to the contractors having valid registration/enlistment on the date of issue of tender documents. The rules further require that tender documents must be signed separately by each partner of the firm or by a person holding a 'Power of attorney' and after acceptance of the tender, the contractor or all the partners of the firm would append their photographs and sign on the agreement to be executed with the department⁷.

During test-check of records of Jaipur Municipal Corporation (JMC) for 2003-04, it was observed that in disregard of the above provisions, JMC had irregularly awarded execution of 15 works costing Rs 1.20 crore as under:

⁶ 7 Upper Division Clerks, 4 Lower Division Clerks, 1 Accountant, 1 Sanitary Inspector, 3 Revenue Inspectors, 1 Assistant Revenue Inspector, 2 Operators and 1 Moharrir.

⁷ Paragraphs 2 and 25 of Appendix XI of PWF&ARs also applicable in municipalities as per Rule 17 (2) of Rajasthan Municipalities (Purchase of Materials and Contracts) Rules, 1974.

Particulars	Number of contractors	Number of works	Period of awarding the works	Cost of works (Rupees in lakh)
Awarding work to unregistered/unlisted contractors	5	9	March 2003-February 2004	56.78
Signing of tender and contract documents by persons other than proprietors/authorised persons of the firm without production of Power of Attorney/affixing their photographs.	4	6	May 2001-February 2004	62.76
Total	9	15		119.54

Thus, allotment of works by JMC to ineligible contractors/unauthorised persons was in contravention of the Public Works Financial and Accounts Rules and was fraught with the risks of execution of works without reasonable standards and specifications.

The irregularity was pointed out to Chief Executive Officer of JMC in June-July 2005, no reply had been received.

The matter was referred to Government in September 2005; reply has not been received (March 2006).

4.3.3 Irregular expenditure on execution of developmental works in non-regularised kutchi basties and kutchi basties settled on forest land

Development works of Rs 46.15 lakh were executed irregularly in non-regularised kutchi basties and kutchi basties settled on forest land.

As per instructions (March 2002) of the Local Self Government Department, development⁸ works under the National Slum Development Programme (NSDP) were to be executed only in those *kutchi basties*, which had been settled up to 15 August 1998 and had either been regularised or were eligible for regularisation in accordance with procedure prescribed by the State Government. No development works were to be carried out in *kutchi basties* settled on forest land, unless they were regularised by obtaining de-reservation approval of the Government of India.

Test-check of the records of Jaipur Municipal Corporation (JMC) revealed that during 2003-04 an expenditure of Rs 46.15 lakh was incurred on 13 development works executed in *kutchi basties* which were either not regularised or were settled on forest land.

⁸ Construction of road, drainage system and repairs of roads etc.

On being pointed out, JMC stated (July 2005) that had the works in these densely populated *kutchi basties* not been executed, there was every possibility of an outbreak of epidemic. It was also stated that action to get de-reservation from GOI for the regularisation of *kutchi basties* settled on forest land was under consideration. The reply was not tenable as development works were not to be executed in non-regularised *kutchi basties* and action for regularisation of *kutchi basties* settled on forest land should have been taken well before taking up of the development works.

Thus, the fact remains that development works of Rs 46.15 lakh were got executed irregularly either in non-regularised *kutchi basties* or those settled on forest land.

The matter was referred to Government in September 2005; reply has not been received (March 2006).

4.4 Non-eviction of unauthorised possessions

4.4.1 Non-eviction of unauthorised possessions and irregular regularisation of possessions in kutchi basties

The Urban Development Department of the State Government issued guidelines (May 1999, October 1999 and December 2000) for regularisation of unauthorised constructions that existed before 15 August 1998 on Government/Municipal land up to 200 sq. yards in *kutchi basties* by recovering regularisation charges at prescribed rates.

A test-check of the records of Jaipur Municipal Corporation and four Municipal Boards⁹ revealed the following:

(i) Non-recovery of cost of land and non-eviction of unauthorised possessions of government land exceeding 300 sq. yards

Municipal Board, Suratgarh failed to recover regularisation fee of Rs 7.68 lakh and to evict unauthorised possessions on land worth Rs 42.38 lakh in *kutchi basties*.

The State Government revised (February 2002) ceiling for regularisation of land upto 300 sq. yards for which residential reserve price was to be charged where possession exceeded 200 sq. yards. However, disposal of unauthorised possession of land exceeding 300 sq. yards in each case was to be made in accordance with the provisions of Rajasthan Municipalities (Disposal of Urban Land) Rules, 1974, Rajasthan Public Premises (Eviction of Unauthorised Occupants) Act, 1964 and under Section 203 of the Rajasthan Municipalities Act, 1959.

⁹ Municipal Boards, Anoopgarh, Raisinghnagar, Suratgarh (Sriganganagar district) and Kishangarh (Ajmer district).

During test-check of the records of Municipal Board (MB), Suratgarh (District Sriganaganagar) it was observed that 64 occupants¹⁰ were unauthorisedly possessing government land exceeding 300 sq. yards. The MB regularised (February 2000 to August 2003) the unauthorised possessions upto 200 sq. yards¹¹ by obtaining regularisation charges at prescribed rates, but did not recover regularisation charges of Rs 7.68 lakh for 5967 sq. yards¹² land (comprising over and above 200 sq.yards and upto 300 sq. yards) at the residential reserve price. The MB also did not initiate action for eviction of unauthorised possessions of 9246.68 sq. yards land (possession exceeding 300 sq. yards) worth Rs 42.38 lakh as of June 2005, which could not have been regularised as per aforesaid guidelines/instructions.

On being pointed out the MB, Suratgarh stated (June 2004 and June 2005) that amounts on account of regularisation were recovered from unauthorised occupants having possessions up to 200 sq. yards, and notices for recovery of regularisation charges from occupants holding possession from 201 to 300 sq. yards had now been issued and that there were no instructions for regularisation of possessions exceeding 300 sq. yards. The reply was not tenable as the ceiling for regularisation of possessions upto 300 sq. yards had been raised in February 2002, while action for eviction of unauthorised possessions exceeding 300 sq. yards in each case should have been taken by the MB under the aforesaid statutory provisions as no relief was available in respect of such cases under the government instructions. Failure to take appropriate action by the MB resulted in continuance of unauthorised possessions on the Government/Municipal land.

The matter was referred to Government in October 2004; reply has not been received (March 2006).

(ii) Unauthorised regularisation/non-eviction of unauthorised possessions made by employees

Unauthorised possession by seven employees on land worth Rs 6.48 lakh was regularized contrary to government orders. No action was taken by four municipalities for eviction of 216 employees from unauthorised possession of land worth Rs 3.01 crore in *kutchi basties*.

The State Government, in partial modification of guidelines, instructed (October 1999) that unauthorised possessions by employees of State/Central Governments, Boards, Corporations and Autonomous Bodies in *kutchi basties* will not be regularised. Subsequently, the Government ordered (January 2002) regularisation of unauthorised possessions in respect of employees holding the post of class IV or equivalent by charging double the amount of rates prescribed for the regularisation.

¹⁰ 51 occupants having unauthorised possession exceeding 300 sq. yards to 500 sq. yards, 12 occupants between 501 to 1000 sq. yards and one occupant exceeding 1000 sq. yards.

¹¹ 200 sq. yards: 57 cases; 209 sq. yards: 1 case; 296 sq. yards: 1 case; 128 sq. yards: 1 case and 300 sq. yards: 4 cases.

¹² 57 cases: 100 sq. yards in each case, in three cases: 172 sq. yards, 91 sq. yards and 4 sq. yards.

During test-check of the records of Jaipur Municipal Corporation (JMC) for 2003-04 and three MBs (Anoopgarh, Raisinghnagar and Suratgarh) for 1999-2004 it was observed that 216 employees not holding the post of class IV or equivalent had unauthorised possession of 34, 535.93 sq. yards¹³ of Government/Municipal land worth Rs 3.01 crore

Further, unauthorised possessions by seven employees on 310.20 sq. yards of land worth Rs 6.48 lakh had been regularised by the JMC during 2003-04 in violation of government orders despite their holding posts higher than class IV.

On being pointed out, while no reply was furnished by JMC, MBs, Raisinghnagar and Suratgarh, the MB, Anoopgarh stated (July 2004) that action against the holders of unauthorised possessions could not be taken for want of clear instructions from the Government. The reply was not tenable as the State Government had issued clear instructions (January 2002) for the regularisation of unauthorised possession by specific categories of employees. In all other cases, action for eviction under existing provisions should have been resorted to.

The Government stated (November 2005) that notices for eviction had been issued to the employees having unauthorised possession of the land and that concerned departments had also been asked to take action against these employees.

The matter in respect of Jaipur Municipal Corporation was referred to the Government in August 2005; reply has not been received (March 2006).

(iii) Unauthorised regularisation of commercial possessions/constructions

Contrary to Government's instructions, commercial constructions on land worth Rs 72.70 lakh in *kutchi basties* were irregularly regularised by charging regularisation fee of Rs 0.62 lakh only.

According to the guidelines/instructions, commercial construction made, if any, with residential construction in the same regularisable area in *kutchi basties* could also be regularised by charging appropriate fees prescribed for commercial purposes. However, unauthorised possessions/ constructions in *kutchi basties* solely made for commercial purposes were not to be regularised.

Test-check of the records of MB, Kishangarh (District Ajmer) for April 1999 to March 2004 revealed that 1015.23 sq. yards of government land worth Rs 72.70 lakh occupied unauthorisedly in *kutchi basties* and solely used for commercial purposes by the occupants (13 persons) had been regularised (February 2000 to May 2002) by the MB by charging regularisation fee of Rs 0.62 lakh in violation of the government instructions.

¹³ JMC: by 87 employees on 7960.21 sq. yards worth Rs 1.24 crore; MB, Anoopgarh: by 35 employees on 6948.09 sq. yards worth Rs 48.54 lakh; Raisinghnagar: by 37 employees on 6649.42 sq. yards worth Rs 66.78 lakh and Suratgarh: by 57 employees on 12978.21 sq. yards worth Rs 61.74 lakh.

On being pointed out, the MB stated (May 2004) that unauthorised possessions/constructions solely made for commercial purposes were regularised at the instance of a decision taken by its Regularisation Committee. The reply was not tenable because according to the rules unauthorised possessions/ constructions in *kutchi basties* solely made for commercial purposes were not to be regularised.

The Government admitted (July 2005) the facts and stated that action for the cancellation of lease deeds issued in such cases was being contemplated at departmental level.

4.4.2 Unauthorised operation of Petrol Pumps

Municipal Corporation failed in evicting road side encroachments on 2576 square feet land which may cause nuisance and danger to public life and property including exposure to fire hazard.

Land lying within 100 feet on both sides from the centre line of any National Highway falling within the Municipal Boards (Boards) shall be reserved in public interest and not be sold, leased or otherwise transferred nor let out to any person by the Board. Further, encroachment in any land or space of the Board and carrying out certain trades which may involve risk of fire and cause nuisance to the neighbourhood or danger to life, health or property shall be punishable under the Rajasthan Municipalities Act, 1959.

During test-check (December 2004–March 2005) of the records of Municipal Corporation¹⁴, Jodhpur following cases of unauthorised operation of petrol pumps by encroaching public roads, falling on National Highway were noticed:

(i) In January 1982 MC, Jodhpur issued notices to an allottee for removal of unauthorised construction and stopping operation of petrol pump on 2320 square feet land let out to him on rent in February 1940 by the Public Works Department of erstwhile Jodhpur State. Based on an assurance (January 1982) given by the allottee that a petrol pump would not be operated on the allotted land and on the recommendations (March 1983) of the Senior Town Planner, the MC renewed lease to the allottee for 2022 sq. ft. of land for 99 years. The lease deed among others included a condition that without the written consent of the municipality, the lessee would not carry out any trade or business on the leased land, which may cause nuisance, annoyance or disturbance to the municipality or neighbour. On site inspection in October 2002, the authorities of Municipal Corporation noticed that the allottee had not only continued operation of the petrol pump but had also got underground petrol tanks constructed on 649.24 square feet land by encroaching the road. No effective action either for eviction of encroached land or for stopping of operation of the petrol pump was taken by Municipal Corporation as of March 2005.

¹⁴ Since 1992, previously Municipal Council (MC).

(ii) Similarly, MC, Jodhpur allotted (September 1957) 1920 square feet land to Bharat Petroleum Corporation Limited¹⁵ for construction/operation of petrol pump. Corporation in August 2001 sought permission for remodelling of the petrol pump. On site inspection, 3846.75 sq. ft. of land was found occupied by the Corporation against 1920 sq. ft. allotted. Though the Municipal Corporation decided (December 2002) to evict the road side encroachment of 1926.75 sq. ft. land, eviction had not been effected as of March 2005.

The Municipal Corporation had thus failed in evicting the road side encroachment of 2576 sq. ft. land, which could cause nuisance and danger to public life and property.

The matter was referred to the Government in May 2005; reply has not been received (March 2006).

4.5 Non/short realisation of revenue

4.5.1 Non/short realisation of conversion charge and urban assessment

Application of inappropriate reserve price for the determination of conversion charges of two plots resulted in short realisation of conversion charges of Rs 8.65 lakh and non/short recovery of urban assessment of Rs 8.53 lakh.

Municipal Boards are empowered to permit the use of any land situated in their municipal area, for a purpose other than that for which such land was originally allotted. The use of a residential land for commercial purpose could be permitted by recovering conversion charges at 40 *per cent* of its residential reserve price¹⁶. In addition, Urban Assessment of land for its use for residential and commercial or other purposes was also recoverable at 2.5 and 5 *per cent* per annum respectively of their reserve price.

Test-check (January-June 2005) of the records of Municipal Corporations, Jaipur and Jodhpur for 2003-04 revealed that:

- In Jaipur Municipal Corporation, a builder 'A' who had purchased (May 2003) a residential (corner) plot measuring 1233.53 square metre and an individual 'B' in Municipal Corporation, Jodhpur who was allotted (March 2000) a residential (corner) plot measuring 5360 square feet by a cooperative society in Jodhpur had applied (May 2003 and October 2003 respectively) for granting permission for the use of plots for commercial purposes, which was granted in May 2003 and October 2004 respectively. Both the corporations while recovering conversion charges had inappropriately applied the reserve

¹⁵ Earlier, Burmah Shell Oil Storage and Distributing Company Limited, New Delhi.

¹⁶ Reserve Price or the fixed price of the land is the minimum premium fixed by Nazul Committee taking importance of sites e.g. business centres, commercial complexes etc. into account.

prices of Rs 2550 per square metre and Rs 350 per square feet¹⁷ respectively instead of Rs 3000 per square metre¹⁸ and Rs 600 per square feet¹⁸ respectively. This resulted in short realisation of conversion charges of Rs 8.65 lakh¹⁹.

- It was also observed that against the urban assessment of Rs 7.40 lakh²⁰ for the period from May 2003 to April 2005 worked out on the basis of commercial reserve price, Jaipur Municipal Corporation recovered only Rs 0.79 lakh from the builder 'A' for the period from May 2003 to October 2003 by applying 'residential reserve price' instead of 'commercial reserve price' which resulted in short recovery of Rs 6.62 lakh. Municipal Corporation Jodhpur had also not recovered urban assessment of Rs 1.91 lakh (Rs 0.88 lakh and Rs 1.03 lakh based on residential and commercial reserve prices for the period from October 2003 to September 2004 and October 2004 to March 2005 respectively) from the allottee. Thus, urban assessment of Rs 8.53 lakh was short recovered from the above allottees.

Application of inappropriate reserve price for the determination of conversion charges resulted in short realisation of Rs 8.65 lakh and non/short recovery of urban assessment of Rs 8.53 lakh, with overall amount recoverable Rs 17.18 lakh (*Appendix-V*).

On being pointed out, the Commissioner (Planning Cell), Jaipur Municipal Corporation contended (June 2005) that the reserve price was to be fixed for the scheme and not for any road and urban assessment even for commercial purpose was to be determined with reference to the residential reserve price instead of commercial reserve price. The contention was not tenable as the residential plot in question was situated on main Tonk Road and for which reserve price of Rs 3000 per square metre was distinctly fixed by the Jaipur Development Authority. Further, urban assessment of 'commercial plot' was to be determined at 5 *per cent* of the 'commercial reserve price' instead of 'residential reserve price'. No reply was furnished by the Municipal Corporation, Jodhpur.

The matter was referred to Government in August 2005; reply has not been received (March 2006).

4.5.2 Short realisation of lease money

Recovery of lease money at one *per cent* of 'regularisation fees' instead of 'reserve price' of the land resulted in short realisation of lease money of Rs 18.02 lakh by Jaipur Municipal Corporation.

Urban Development Department of the State Government issued (May, October 1999 and December 2000) guidelines for regularisation of

¹⁷ Adding 20 *per cent* for corner plots on 60 feet wide road.

¹⁸ As fixed by Jaipur Development Authority in June 2001 and by Municipal Corporation, Jodhpur in March 2003.

¹⁹ Jaipur Municipal Corporation: Rs 2.22 lakh and Municipal Corporation, Jodhpur: Rs 6.43 lakh.

²⁰ Calculated on the basis of commercial reserve price of Rs 6000 per square metre.

unauthorised construction made upto 15 August 1998 in *kutchi basties* settled on Government/Municipal land by recovering prescribed regularisation fees²¹ from the occupants. While regularising unauthorised constructions, Municipalities were required to issue lease deeds to the occupants by recovering one *per cent* lease rent²² (urban assessment) of reserve price of the land in lump sum in addition to prescribed regularisation fees.

Test-check of the records of Jaipur Municipal Corporation for the year 2003-04 revealed that in 846 cases of unauthorised constructions made in *kutchi basties* which were regularised during 2000-04, lease rent at one *per cent* was incorrectly realised on regularisation fees instead of on reserve price of the land. This resulted in short realisation of lease money of Rs 18.02 lakh (*Appendix-VI*).

On being pointed out (April-July 2005), no reply was furnished by the Jaipur Municipal Corporation.

The matter was referred to the Government in August 2005; reply has not been received (March 2006).

4.5.3 *Non-recovery of conversion charges for change in land use*

Municipal Council had failed to recover conversion charges of Rs 2.13 crore from 76 persons using 64,294 square yards of residential land for commercial purpose.

Rajasthan Municipalities Act, 1959 imposes restriction on change in usage of land of municipal areas for a purpose other than that for which it was originally allotted or sold. In public interest, Municipal Boards may allow change in use of land from residential to commercial or any other purpose, on payment of conversion charges at 40 *per cent*²³ of residential reserve price of the area concerned. In the absence of residential reserve rate, 20 *per cent* of residential market rate as fixed by the Sub-Registrar/District Collector was to be recovered.

Test-check (December 2004) of records of Municipal Council, Pali for the years 2002-04, revealed that 76 owners/holders of 64,294 square yards of residential land had been using it for commercial and other purposes without getting the land use changed. Though the Municipal Council had issued (June

²¹ For residential constructions measuring up to 50 square yards: in the area of Municipal Corporation/ Municipal Council at Rs 10 per square yard and in Municipal Board at Rs 5 per square yard; from 51 to 110 square yards: in the area of Municipal Corporation/ Municipal Council at Rs 20 per square yard and in Municipal Board at Rs 10 per square yard and from 111 to 200 square yards: at Rs 50 per square yard. Rates for the regularization of construction made for commercial and other purposes were double the rates of construction for residential purpose.

²² As per Rule 7 of Municipalities (Disposal of Urban Land) Rules, 1974 annual urban assessment is fixed on the basis of the reserve price at two and half *per cent* in case of residential plots and five *per cent* in case of land used for commercial and other purposes.

²³ As prescribed in Rule 12 of Rajasthan Municipalities (Change in land use) Rules, 2000.

2002-September 2003) notices, it had not taken (December 2004) any further action against the owners/holders of land. This resulted in non-recovery of conversion charges of Rs 2.13 crore.

On being pointed out (March 2005), the Government stated (August 2005) that these cases had been forwarded to the District Collector, Pali in July 2005 for effecting recovery. No further intimation has been received for recovery as of February 2006.

4.5.4 Non-recovery of urban assessment from a private institution

Issuance of lease deed to a private institution before recovery of urban assessment of Rs 78.94 lakh.
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Rajasthan Municipalities (Disposal of Urban Land) Rules, 1974 provide sale of lease hold rights of lands for a period of 99 years only on payment of premium with further liability to pay annual urban assessment. Land for schools and other public and charitable institution may be allotted on payment of 50 per cent of the reserve price²⁴ and State Government has power to relax the provisions in exceptional cases. The rate of urban assessment for lands allotted for residential and commercial/ other purposes shall be 2½ and 5 per cent respectively of reserve price.

During scrutiny of records of Municipal Council (MC), Ajmer for the year 2003-04, it was observed that a private institution had unauthorisedly occupied 7785 square yards of municipal land adjacent to its school building since 1942. In response to a notice served (July 1994) by the MC for the eviction of unauthorised possession, the Institution requested (August 1994) for its regularisation at concessional rate for the future development and play ground of the school. On the recommendation (October 1995) of the MC, Department of Local Self Government allotted (February 1999) 7785 square yards of land to the Institution for girls school building on 99 years lease at the prevailing reserve price and urban assessment. The department, however, reduced its premium to 50 per cent of the reserve price and further to a token money of Rupee one only by giving relaxation under the Rules in May 1999 and March 2002 respectively. Further scrutiny revealed that though the Municipal Council, Ajmer had executed the lease deed in favour of the Institution in July 2002, the urban assessment of Rs 78.94 lakh²⁵ for 2 years (July 2002-July 2004) was not recovered from the Institution.

Thus, the Institution which was an unauthorised occupant of the municipal land was unduly favoured by the Department and MC by reducing the premium of the land to a token amount of Rupee one only and executing a lease deed without recovering urban assessment respectively.

²⁴ Reserve or the minimum premium shall be the reserve price to be worked out after adding (i) cost of undeveloped land, (ii) cost of development plus 20 per cent thereof to cover administrative and establishment charges.

²⁵ Rs 39.47 lakh per year, at 5 per cent of reserve price of Rs 10,140 per sq.yard for 7785 sq.yards.

On this being pointed out, the MC while accepting the facts stated (September 2004) that on receipt of clarification (November 2002) from Directorate of Local Bodies, the Institution had been asked (January and July 2003) to deposit urban assessment. However, the facts remain that MC was required to recover the urban assessment before execution of the lease deed. Failure to do so resulted in non-recovery of urban assessment of Rs 78.94 lakh from the institution as of October 2005.

The matter was referred to the Government in January 2005; reply has not been received (March 2006).

4.5.5 *Non/short realisation of licence and slaughtering fee*

Laxity on the part of Jaipur Municipal Corporation and incorrect application of rate by Municipal Corporation, Jodhpur resulted in non/short realisation of licence and slaughtering fees of Rs 50.61 lakh.

(a) *Non-recovery of differential and outstanding amount of license fee from hotels*

The bye-laws framed (1946) by the Jaipur City Municipal Council²⁶ (JMC) under the City of Jaipur Municipal Act, 1943 for regulating, licensing and inspecting the conduct of certain places including hotels, restaurants, boarding and lodging houses etc., authorise JMC to charge fee at rates ranging between Rs 24 and Rs 120 per annum for granting license for any of the above purposes. In December 1996, an amendment to the bye-laws revising the above rates between Rs 500 and Rs 25000 per annum was proposed by the Government. The Hotel Association of Jaipur filed a writ petition (No. 660/2002) in the High Court against the proposed hike. The High Court while granting stay on the proposed amendment directed (January 2002) the JMC to charge license fee at Rs 250 per annum till a final verdict is given. In the final verdict (May 2004), the Court allowed charging of amended license fee with effect from 30 April 2002, while it was to be recovered at the rate of Rs 250 per annum for the period December 1996 to 29 April 2002.

Test-check of the records of JMC for 2003-04 revealed that the licence fee charged during May 2002 to October 2003 at Rs 250 per hotel per annum in respect of 110 hotels²⁷ for the period upto 2011-12²⁸ was not revised in compliance with the Court's final verdict (May 2004). This resulted in non-recovery of differential amount of licence fee of Rs 36.43 lakh²⁶ for the period from 30 April 2002 to March 2012²⁹. Besides, licence fee of Rs 1.39 lakh for the period 2001-04 was also not recovered from 12 hotels³⁰.

²⁶ Now Jaipur Municipal Corporation (JMC) since 1992.

²⁷ Civil Lines Zone 72 hotels: Rs 24.49 lakh and Vidhyadhar Nagar Zone 38 hotels: Rs 11.94 lakh.

²⁸ For 3 hotels 1988-89 to 2006-07 and for 107 hotels 1996-97 to 2011-12.

²⁹ Initially the licence is issued for 10 years.

³⁰ Civil Lines Zone 4 hotels: Rs 0.51 lakh and Vidhyadhar Nagar Zone 8 hotels: Rs 0.88 lakh.

While accepting the facts, the Commissioners, Civil Lines and Vidyadhar Nagar Zones of JMC stated (June-July 2005) that notices were being issued for recovery of the differential and outstanding amount of license fee.

As of February 2006, no effective action, except issuance of notices was initiated by JMC for recovery of outstanding licence fee amounting to Rs 37.82 lakh.

(b) Short realisation of slaughter house fee

The Municipal Council, Jodhpur³¹ bye-laws, 1991 provide that the Municipal Council will charge slaughtering charges at Rs four per animal (male goat/sheep) brought in the slaughter house owned by MC, Jodhpur.

Test-check of records of Municipal Corporation Jodhpur for 2003-04, revealed that during January 1999 to December 2004, in two slaughter houses at Siwanchi Gate and Medatiya, slaughtering fee was recovered at Rupee one per animal as against Rupees four. This had resulted in short realisation of slaughtering fee of Rs 12.79 lakh for slaughtering 426307 animals during January 1999-December 2004.

On being pointed out (January 2005), no reply was furnished by Municipal Corporation, Jodhpur.

These points were referred to Government in August 2005; reply has not been received (March 2006).

4.5.6 Non-recovery of outstanding rent

Failure of the Municipal Board, Mount Abu for effecting recovery of outstanding rent and non-eviction of premises from defaulters resulted in accumulation of rent of Rs 51.40 lakh.

Rajasthan Municipalities Act, 1959 (Act) provides that when any amount is due to the Municipal Board on account of rent in respect of any building or land, the Board shall with least practicable delay cause to be presented to the persons liable for the payment thereof, a bill for the sum claimed as due. If bill is not paid, further procedure for its recovery i.e. issue of demand notice, warrant for distress and sale of property or filing civil suit in the court, is to be adopted. Further, the premises unauthorisedly occupied by any person are to be got vacated by the Estate Officer under Rajasthan Public Premises (Eviction of Unauthorised Occupants) Act, 1964.

Test-check of the records of Municipal Board, Mount Abu revealed that as of August 2005, rent of Rs 51.40 lakh was lying unrecovered in respect of 149 shops/cabins/buildings/stalls for the period August 1990 to March 2005. Action taken by the MB for effecting recovery of outstanding rent or for eviction of the premises was not on record.

³¹ Now Municipal Corporation, Jodhpur.

On being pointed out, Commissioner, Municipal Board, Mount Abu stated (April 2005 and September 2005) that non-posting of Revenue Officer/Assessor by the State Government had resulted in accumulation of arrears and that notices are being issued to the occupants from time to time and guidance sought from the Department of Local Bodies in this regard is yet to be received.

However, the fact remains that Municipal Board failed to act timely for effecting recovery of outstanding rent and non-eviction of premises from the defaulters resulting in accumulation of outstanding rent of Rs 51.40 lakh.

The matter was referred to the Government in February 2005; reply has not been received (March 2006).

4.6 Non-crediting/non-depositing of amounts in concerned account/fund

4.6.1 Non-crediting of urban assessment in Government account

Urban assessment amounting to Rs 6.04* crore were unauthorisedly retained/utilised by municipalities.

Rajasthan Municipalities (Disposal of Urban Land) Rules, 1974 provide that urban assessment collected by the Municipalities³² in the case of land given on lease shall be credited to the Consolidated Fund of the State Government after retaining 10 per cent of the collected amount as service charges provided the recovery constitutes at least 50 per cent of total amount due in a year.

During test-check of the records of 11* Municipalities for April 1999 to March 2004, it was observed that against targeted/due amount of Rs 11.44* crore, urban assessment amounting to Rs 6.48* crore (**Appendix-VII**) was collected during 1990-2004*. After allowing service charges of Rs 0.44* crore, urban assessment of Rs 6.04* crore was required to be credited to the Consolidated Fund of the State Government. However, the dues were not credited even after lapse of one to 14* years of its collection.

On this being pointed out, Executive Officers (EOs) of six*³³ Municipalities stated (May-October 2004) that the urban assessment recovered had been utilised for making payment of pay and allowances of employees and on development works as financial position of the Municipalities was weak. Replies of the Municipalities were not tenable as this was in violation of the provisions the above Rules. EO, Municipal Board, Suratgarh stated (June 2004) that amount due would be credited to the Fund soon. Remaining four Municipalities did not furnish any reply.

³² Including Municipal Boards, Councils and Corporations.

³³ Dungarpur*, Fatehnagar, Padampur*, Raisinghnagar, Rajsamand and Srikaranpur.

* Refer to Statement of updated figures/details at page-98

On the matter being referred in respect of four* Municipalities (October 2004), the State Government while accepting the facts stated (July 2005) that all the Municipalities have been instructed for crediting the amount of urban assessment due to the Consolidated Fund of the State Government. Reply in respect of seven* Municipalities for which matter was referred to the Government in June and August 2005 had not been received (March 2006).

4.6.2 Non-depositing of statutory recoveries/contributions to concerned account/fund

Statutory recoveries on account of General Provident Fund/Contributory Provident Fund made from salaries of employees and Pension / Gratuity contributions aggregating Rs 14.78* crore had not been deposited by 39* ULBs in the concerned accounts/funds for the last 1 to 30 years.

Amount of statutory deductions made from the salary of employees on account of subscription to General Provident Fund/Contributory Provident Fund (GPF/CPF) and amounts of gratuity and pension contribution payable by the municipalities were required to be deposited into the concerned heads of account/funds every month³⁴ In case of default in depositing the monthly contribution, DLB could recover the due amount from grant-in-aid payable to the municipality.

Statutory recoveries of GPF/CPF amounting to Rs 1.34 crore made from the salaries of employees and Gratuity contribution of Rs 0.22 crore and Pension contribution of Rs 1.37 crore payable by three MBs (Bundi, Kesrisinghpur and Keshoraipatan) during 1987-2004 were not deposited into the concerned head of account/fund for one to 17 years as required. Similarly, two Municipal Councils and 34* MBs did not deposit the statutory recoveries/contributions aggregating Rs 11.85* crore during 1974-2004 (GPF/CPF: Rs 7.34 crore, Pension contribution: Rs 3.01* crore, Gratuity contribution: Rs 0.78 crore and Rs 0.72 crore for which break-up was not available) into the concerned heads of account/ funds for one to 30 years.

This had not only resulted in violation of rules, but also loss of interest to the concerned head of account/fund. Besides, it also led to delay in final payments at the time of retirement/death of municipal employees as was noticed in MB, Bundi where (i) recoveries of GPF made from the salary of employees were not deposited timely in respective fund and resultantly final payment of GPF amounting to Rs 1.05 lakh was not made to employees on retirement due to which an additional amount of Rs 0.48 lakh *inter-alia* including interest at 12 *per cent* per annum had to be paid (March 2004) by the MB on the orders of the court and (ii) only part payment of GPF could be made (March 2004) to six employees out of 38 employees retired during the period April 1998 to June 2003 due to non/short depositing of their GPF subscription into this fund.

³⁴ Rules 6, 10 and 11 of the Rajasthan Municipalities (Contributory Provident Fund and Gratuity) Rules, 1969; DLB's instructions issued in September 2002 and Rule 8 of Rajasthan Municipal Services (Pension) Rules, 1989.

* Refer to Statement of updated figures/details at page-98

In response (November 2004), while accepting facts in respect of three MBs (Bundi, Kesrisinghpur and Keshoraipatan) Government stated (February 2005) that MBs were being instructed to credit such amount of recoveries into the concerned heads of account regularly failing which requisite amount would be recovered from the general purpose grant by its short release in future. No reply was given by seven MCs*/MBs.

The matter in respect of other ULBs was referred to Government in July and September 2005; reply has not been received (March 2006).

4.7 Other points

4.7.1 Implementation of Integrated Low Cost Sanitation and Scavengers Rehabilitation Scheme

Slackness of municipalities led to loss of Rs 74.78 lakh to them due to non-recovery of loan/contribution from beneficiaries and non-refund of unutilised subsidy of Rs 1.81 crore to Central/State Governments even after lapse of more than seven years.

With a view to improving sanitation and liberating scavengers from the inhuman occupation of manually removing night soil and filth, the Local Self Government Department, under Integrated Low Cost Sanitation and Scavengers Rehabilitation Scheme, launched in 1965, decided (January 1993) to continue providing subsidy and loan³⁵ to persons from economically weaker sections (EWS) and low income group (LIG) residing in municipal area, for construction of new flush latrines or converting dry latrines into flush latrines. Central subsidy was to be routed through Housing and Urban Development Corporation (HUDCO) and recovery of loan was to be made in instalments with interest at 6¼ per cent per annum upto June 1994 and at 10½ per cent per annum thereafter. The work was to be got executed through Sulabh International, Rajasthan Branch, Jaipur.

Test-check (June-July 2004 and December 2004-July 2005) of records of Jaipur Municipal Corporation (JMC), Municipal Council (MC) Udaipur and Municipal Board (MB), Fatehpur (District Sikar) for 2003-04 revealed the following:

(i) Non-refund of unutilised subsidy

Out of Central/State subsidy amounting to Rs 3.69 crore received (January 1993- March 1998) 20,033³⁶ flush latrines could have been constructed/converted. As against this, the municipalities

³⁵ Economically Weaker Section (EWS) (GOI subsidy: 45 per cent, State subsidy: 25 per cent, Loan from Municipality: 25 per cent and Beneficiary contribution: 5 per cent); Low Income Group (GOI subsidy: 25 per cent, State subsidy: 25 per cent, Loan from Municipality: 35 per cent and Beneficiary contribution: 15 per cent) and High/Medium Income Group (Loan from Municipality: 75 per cent and Beneficiary contribution: 25 per cent).

³⁶ Taking central and state subsidy of Rs 1842 (70 per cent) in unit cost of Rs 2631.

* Refer to Statement of updated figures/details at page-98

constructed/converted only 10166 latrines and Rs 1.81 crore was lying unutilised with them as under:

(Rupees in lakh)

Name of municipality	Subsidy received from			Number of latrines constructed /converted	Total expenditure on construction /conversion	Share of subsidy in expenditure			Unutilised balance of subsidy
	GOI	State Govt.	Total			GOI	State Govt.	Total	
Jaipur	135.00	60.00	195.00	4360	114.71	51.62	28.68	80.30	114.70
Udaipur	80.46	62.50	142.96	4855	128.63	57.89	32.16	90.05	52.91
Fatehpur	21.37	9.93	31.30	951	25.02	11.26	6.26	17.52	13.78
Total	236.83	132.43	369.26	10166	268.36	120.77	67.10	187.87	181.39

Inspite of reminders (September-December 2003) from Directorate of Local Bodies, no action was taken by the municipalities for refund of the unutilized amount as of July 2005.

(ii) Non-recovery of loan and beneficiary contribution

Loan of Rs 67.10 lakh³⁷ provided by the municipalities for construction/conversion of 10166³⁸ latrines and beneficiary contribution of Rs 7.68 lakh³⁹ was not recovered from the beneficiaries as of January 2005. This resulted in loss of Rs 74.78 lakh⁴⁰ to the municipalities besides undue financial aid to the beneficiaries.

(iii) Misreporting of expenditure in utilisation certificate

Out of Rs 1.35 crore received from GOI as central subsidy, JMC had utilised only Rs 51.62 lakh on construction/conversion of 4360 latrines, whereas utilisation certificate of Rs 1.35 crore was sent (March 2001) to HUDCO and Directorate of Local Bodies. This resulted in misreporting of expenditure of Rs 83.38 lakh to Government.

On this being pointed out, while JMC and MB Fatehpur accepted (July 2004 and July 2005) the facts, no reply was furnished by MC, Udaipur.

The matter was referred to Government in June and October 2005; reply has not been received (March 2006).

4.8 Review on Implementation of Municipal Solid Waste, Bio-medical Waste Management and Handling and Prevention of Cruelty to Animals Rules

Section 98 of the Rajasthan Municipalities Act, 1959 confers the duty on every Municipal body to make reasonable provision *inter alia* for

³⁷ Fatehpur: Rs 6.26 lakh, Jaipur: Rs 28.68 lakh and Udaipur: Rs 32.16 lakh.

³⁸ Fatehpur: 951, Jaipur: 4360 and Udaipur: 4855.

³⁹ Fatehpur: Rs 1.25 lakh and Udaipur: Rs 6.43 lakh.

⁴⁰ Fatehpur: Rs 7.51 lakh, Jaipur: Rs 28.68 lakh and Udaipur: Rs 38.59 lakh.

constructing, maintaining and cleaning public streets, sewers, drains, drainage works, slaughter houses, etc. including all places not being private property and for removing filth, rubbish, night-soil or any other noxious or offensive material. Further, Government of India (GOI) had also notified the Municipal Solid Wastes (Management and Handling) Rules, 2000, the Bio-Medical Waste (Management and Handling) Rules, 1998 and Prevention of Cruelty to Animals (Slaughter House) Rules, 2001 to achieve the above objects.

A review to ensure the implementation of the Act and the extent to which the Rules are being complied with was conducted during August 2004-February 2005 in four Municipal Councils (MCs) Ajmer, Alwar, Bhilwara and Udaipur and the period covered was from their promulgation to February 2005. Significant points noticed are mentioned in the succeeding paragraphs.

I. Implementation of Municipal Solid Wastes (Management and Handling) Rules, 2000

GOI, Ministry of Environment and Forests issued (October 2000) Municipal Solid Wastes (Management and Handling) Rules, 2000 to regulate collection, segregation, storage, transportation, processing and disposal of Municipal Solid Wastes (MSW). In May 2001, the Rules were circulated by State Government to Municipalities for implementation. Municipalities were made responsible for implementing the rules and for development of infrastructure required for collection, storage, segregation, transportation, processing and disposal of MSW within their jurisdiction and for monitoring of implementation of the Rules⁴¹, State Pollution Control Board was *inter alia* responsible for issuing requisite authorisation to MCs for setting up and operating waste processing and waste disposal facilities.

Following shortcomings were noticed in the implementation:

(a) Non-segregation and improper collection/storage of MSW

In the absence of category-wise bins and storage facilities, municipal solid waste was being littered on roads, streets and open places.

The rules envisaged category-wise segregation of MSW and its house-to-house collection for proper treatment of each category and further enjoined upon the MCs to provide adequate number of category wise easy-to-operate bins and storage facilities at the places accessible to users⁴².

The quantity of municipal solid waste generated daily in Ajmer, Alwar, Bhilwara and Udaipur was 150 Metric Ton (MT), 136 MT, 170 MT and 150 MT respectively. It was observed that:

(i) In Ajmer, segregation of MSW into the groups of organic, inorganic, recyclables and hazardous wastes was not done. There was no record to show that Municipal authorities had taken steps to encourage the citizens for segregation of MSW to promote recycling or re-use of segregated material.

⁴¹ Rules 4 and 6 of the Municipal Solid Wastes (Management and Handling) Rules, 2000.

⁴² Schedule II of the Municipal Solid Wastes (Management and Handling) Rules, 2000.

While accepting facts, MC stated (September 2004) that action for collection of MSW in segregated manner was under consideration.



A view of waste littered on road side and being scattered by rag pickers in front of fruit shops near Madar Gate in Ajmer

(ii) In Alwar, MC had not taken any action for the collection of MSW from house-to-house, with a view to prohibiting littering of MSW on roads, streets and open spaces in the city. For the collection of MSW from house-to-house, MC as late as in January 2005 had invited tenders from voluntary organisations, with no response. As such, the scheme could not take off in the city.

- Daily collection of MSW, sweeping of streets twice a week and cleaning of drains once a week was not ensured by the MC as *beat*⁴³ wise analysis was not done and the primary and secondary collection centres were not identified.
- The MC did not make available category-wise MSW collection containers/bins of prescribed design in the *mohallas*/groups of habitations. In compliance to High Court's directions (October 2004), public awareness programme was also not organised as of January 2005.

⁴³ A Ward is divided into smaller areas called '*beats*' for the purpose of sweeping/cleaning of the streets, drains etc.



A view of municipal solid waste/bio-medical waste littered on open space being scattered by rag picker/ pigs in Alwar

- Out of 539 sanctioned posts of sweepers, only 276 (51 *per cent*) were in position and six of them were deployed on works other than sweeping.

(iii) In Udaipur, MSW was being littered on roads, streets and open spaces as no arrangement for its house-to-house collection was made. Bye-laws proposing action against the persons littering garbage in places other than the prescribed collection points (August 2002) of MC had not been approved by the State Government as of January 2005.

- Regular sweeping of streets and drains was not ensured due to shortage of sanitation staff particularly in 749 out of 1824 *beats* in *kutchi basties* and newly developed colonies transferred (January 2004) by Urban Improvement Trust (UIT) to the MC. Due to short release of grant of Rs 7 crore by the Government during 2001-04, the MC could also not fill up (January 2005) 524 posts of sweepers although sanctioned by the Government in the budget for 2003-04.

(b) *Improper transportation of MSW*

The rules envisaged that solid wastes should be transported through specially designed covered vehicles so that the waste is not exposed to open environment and is also prevented from scattering. It was observed that:

- (i) In Alwar, transportation of municipal waste from primary collection centres to dumping ground was being carried out in uncovered vehicles.



Municipal waste being transported in uncovered vehicle in Alwar

(ii) Similarly in Bhilwara, uncovered vehicles were deployed for transportation of the MSW.

(c) *Landfill sites not developed*

To prevent contamination of ground water and ambient air quality, waste disposal facilities including sanitary landfill sites conforming to the prescribed standards were to be identified and made ready for operation/future use⁴⁴ by December 2002. It was observed that:

Landfill sites were not identified and made ready for dumping of waste. Waste processing units were also not set up in any of the four cities.

(i) In Ajmer, land allotted (December 1997) by the District Collector, Ajmer for trenching and dumping waste at Makhupura was not developed and the works taken up by Rajasthan Urban Infrastructure Development Project on another land allotted (March 2002) at Sedariya village to make it ready for use were lying incomplete (October 2005), due to which the MSW was being dumped outside the land earmarked as landfill site.

⁴⁴ Rule 4 read with Schedule I and Schedule II of the Municipal Solid Wastes (Management and Handling) Rules, 2000.



A view of waste dumped on open space instead of earmarked dumping ground near Makhupura in Ajmer

(ii) In Alwar, land measuring 20 *bigha* and 11 *biswa* was allotted (August 1989) by Urban Improvement Trust, Alwar at Budh Vihar Yojana for disposal of waste. However, no preliminary developmental works like trenches, boundary wall, internal/main roads, weigh bridge, plantation etc. had been done as of January 2005. Plan for development of fifty *bigha* land reserved (October 2004) by the District Collector, Alwar at Matasya Industrial Area for future use, had not been prepared (January 2005).

(iii) The works taken up for the development of land allotted (September 1989) near Sanganer village in Bhilwara by the District Collector, Bhilwara for use as trenching ground were lying incomplete after incurring expenditure of Rs 61.29 lakh. The site, therefore, could not be used for dumping of MSW.

(iv) In Udaipur, since January 1968 waste was being dumped near Titardi village. In June 2003, on 54.85 hectare land allotted by the District Collector, Udaipur at Saveenkhedra for which 'No Objection Certificate' was also issued by RSPCB in January 2004, the developmental works to make it ready for operation had not been completed as of January 2005.

(d) Waste processing facilities not set up

To make use of wastes and to minimise burden on landfill sites, waste processing units were required to be established up to 31 December 2003. However, such processing units had not been set up in any of the four cities⁴⁵ due to non-finalisation of tenders by the Directorate of Local Bodies.

II. Implementation of Bio-Medical Waste (Management and Handling) Rules, 1998

GOI, Ministry of Environment and Forests issued 'Bio-Medical Waste (Management and Handling) Rules, 1998' on 20 July 1998. The rules were applicable to all persons and occupiers of institutions like hospitals, nursing

⁴⁵ Ajmer, Alwar, Bhilwara and Udaipur.

homes, clinics, dispensaries, veterinary hospitals, slaughter houses, pathological laboratories, blood banks etc. who generate, collect/receive, store, transport, treat, dispose or handle Bio-Medical Waste (BMW) in any form.

Every occupier of an institution generating BMW is required to ensure that (i) such waste is handled without any adverse effect to human health and the environment, (ii) BMW is treated and disposed of in accordance with procedure prescribed for each category of the waste and (iii) waste treatment facilities are set up within the prescribed time schedule. Mixing of BMW with MSW was not to be allowed.

The following shortcomings were noticed:

No system for the disposal and treatment of Bio-medical waste was established.

(a) No system for disposal of bio-medical waste

(i) In MC Ajmer, 19 hospitals, nine Government dispensaries, four nursing homes and 20 private clinics were functioning but none had adopted any measures for treatment/disposal of bio-medical waste. They had also not obtained the requisite authorisation from RSPCB and maintained any record of BMW.

(ii) Survey of hospitals and other medical institutions like private clinics, pathological labs, veterinary hospitals etc. generating BMW conducted by MC, Bhilwara, revealed that none had installed any system for treatment/disposal of BMW, as required under the rules.

(iii) In Alwar, there was no proper collection, treatment and disposal of bio-medical wastes generated during slaughtering of animals. In addition, the meat sellers were throwing such wastes on the road.

(b) Non-establishment of BMW treatment plant

In compliance to the directions (January and June 2003) of DLB, the orders for the setting-up of BMW treatment plants in Ajmer and Bhilwara were issued by the MCs concerned in November and July 2003 respectively to a firm of Mumbai, but the plants had not been set-up in these cities as of October 2004. On being pointed out, the MCs stated (September and October 2004) that the plants could not be set up as the firm was reluctant in doing the work. Consequently, security deposits of the firm had been forfeited and action for re-tendering was being taken by DLB (March 2006). Thus, these MCs failed to prevent mixing of BMW with MSW.

(c) Authorisation from Rajasthan State Pollution Control Board not obtained

The prescribed authorisation for the installation of waste processing and disposal facilities as required under the Rules, was not obtained from RSPCB, by the MCs Alwar and Udaipur particularly for running of slaughter houses and disposal of bio-medical waste generated by slaughter houses.

III. Implementation of Prevention of Cruelty to Animals (Slaughter House) Rules, 2001

Slaughter houses having required /prescribed facilities were not established and thus sale of uncertified meat continued.

With a view to controlling unauthorized slaughtering of animals and to regulate establishment of licensed slaughter houses with requisite facilities and their proper management, the GOI, Ministry of Social Justice and Empowerment had issued 'Prevention of Cruelty to Animals (Slaughter House) Rules, 2001'. The rules effective from 26 March 2001, *inter alia* provided that slaughtering of animals would not be done anywhere except in a recognised/licensed slaughter house and before slaughtering obtaining of fitness certificate of animals from veterinary doctor would be necessary. Following shortcomings were noticed:

(i) In Alwar, land measuring 947.33 square yards with three rooms at Chameli Bagh, had been identified by the MC for slaughtering, but slaughtering was not being done there for want of requisite facilities viz. lack of a reception area of adequate size, resting ground for animals, slaughter house building and space for vehicles etc. The requisite facilities could not be provided by the MC although financial assistance under Centrally sponsored scheme 'Assistance to States for Establishing Slaughter House/Carcass By-products Utilisation Centre and Hide Flaying Units' was available. Resultantly, unauthorised slaughtering of animals continued at 16 shops of meat sellers in Malagate market and other parts of the city.

(ii) Since no slaughter house was established by MC in Bhilwara, meat sellers were slaughtering the animals at their own houses and/or shops.

(iii) In Udaipur, scrutiny of two slaughter houses being managed at Surajpole and Hathipole by the MC revealed the following:

- Neither the facilities required under the Rules were made available in these slaughter houses nor their shifting from densely populated area to outside of the city was planned.
- Fitness of the animals was not being examined before slaughter as the post of veterinary doctor was lying vacant.
- As against expenditure of Rs 6.38 lakh incurred during 1999-2004 on salaries of employees engaged on slaughter houses at Surajpole and Hathipole, Rs 0.72 lakh only were realised from slaughtering fee. Action to revise the existing slaughtering fee of Re 0.50 per animal was not initiated by the MC.

Thus, these three MCs (Alwar, Bhilwara and Udaipur) failed to provide facilities as required under the Rules, due to which slaughtering of animals was being done unauthorisedly by the meat sellers at their own premises situated in densely populated area creating severe health hazard.

Conclusion

Though Municipal Solid Wastes (Management and Handling) Rules were circulated to the MCs in May 2001, provisions thereof had not been implemented fully by any of the four MCs test-checked. Arrangements were

not made for house-to-house collection and category-wise segregation of waste. Adequate storage facilities were not provided, uncovered waste was being transported and sanitary landfill sites as well as processing units had not been established. The MCs did not ensure setting-up of individual/common treatment facilities for BMW which was being mixed with MSW. Further, slaughter houses were not established with required facilities in Alwar and Bhilwara and fitness of animals brought for slaughtering was not ensured in Udaipur.

Thus, these MCs failed to prevent littering of waste on roads and inhabited areas, leading to environmental pollution, unhygienic and unaesthetic conditions in the cities besides health-hazards.

Recommendations

- Management, handling and transportation of MSW need to be improved by providing adequate number of category-wise storage bins/containers and covered vehicles. Bye-laws should be framed for taking action against persons who litter road and public places.
- To maintain quality of ambient air and ground water, establishment of sanitary landfill sites and processing units should be expedited for proper and scientific disposal and treatment of the waste.
- MCs should establish common treatment facilities for BMW to reduce environmental pollution and health hazards.
- Slaughter houses having requisite facilities be established and a system of certifying the fitness of animals for slaughter should be developed and vigorously monitored by the MCs.
- A collaborative and interactive arrangement should be made between the MCs and RSPCB to get expert opinion for the management, processing

and disposal of Municipal Solid/Bio-Medical wastes and establishment of slaughter houses.

The matter was referred to the Government in June 2005; reply has not been received (March 2006).

JAIPUR
The

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Countersigned

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