

**CUTS' Memo to Chief Minister of Rajasthan**  
**on the occasion of Pre-Budget Consultation with NGOs**  
**on February 19, 2013**

## **Introduction**

First of all we welcome the pro-poor initiatives taken by the Rajasthan Government such as the scheme for 'making the medicines affordable' and proposing further free of cost medical tests for the people of Rajasthan. However, as you know, the successful implementation of such schemes requires effective monitoring. In addition, we congratulate you for your excellent efforts for good governance. Rajasthan Public Hearing Act 2012, to ensure that all complaints of the common man with regard to governance are addressed and disposed in a time-bound manner, is unique and first of its kind in India. No doubt that this Act would further strengthen the Rajasthan Guaranteed Delivery of Public Services Act, 2011. For improving the quality of public services, we would like draw your kind attention to few other critical issues, which can bring the positive changes in the life of poor and marginalised sections of the state.

### **1. Underutilization of plan funds**

The budget formulation process for the coming financial year of 2013-14 is already on but the total expenditure of the last financial year, 2012-2013 is only 40 % of the total planned budget for 8 months, up to end of November 2012 (*Source: 'Budget Samachar Jan-March, 2013' in Hindi published by the BARC, Rajasthan*). This low rate of utilization of funds against planned budget creates undue pressure of spending the public money in a hasty manner and results in to ineffective utilization affecting the quality of services and poor public financial management.

***Action Required: The monitoring mechanism for tracking the fund utilisation as well as monitoring implementation of the budget declarations has to be devised so that proper utilisation of plan fund can takeplace.***

### **2. Urban Governance needs urgent attention**

As you know, the 74th Constitution Amendment Act (1992) provides for a significant devolution of functions and powers to the local bodies through decentralization and people's participation in local self-governance. The main thrust of decentralization is to bring the governance nearer to people in order to enhance its quality. Civic engagement is one of the critical norms of good urban governance. The concept of ward committee as per 74<sup>th</sup> CAA is a novel addition in examples of people-centric governance. The ward committees create the platform for citizen's participation from below the municipal level, thus bringing the electorate closer to their representatives. However, despite the clarity and details that the 74<sup>th</sup> CAA provides about the constitution of the ward committees, the State has either did not constitute the ward committees, nor it is functional. In addition to having the important role in the planning and development of urban areas, the performance of many urban local bodies/municipalities in the discharge of their duties has continued to deteriorate over time. One typical example is Jaipur Municipal Corporation (JMC).

Since the Mayor is directly elected by the people as per the Rajasthan Municipalities Act, 2009, there is a need to set a Mayor-in-Council consisting of the Mayor, Deputy Mayor and

few councilors, to exercise the executive powers, for the smooth functioning of the Municipal Corporations/Municipalities in Rajasthan. Adequate financial resources should be transferred to these bodies and operational power also needs to be given to Municipal Corporations/Municipalities. The state government also should seriously consider the possibility of setting up Rajasthan Municipal Regulatory Commission (RMRC) to regulate all municipal corporations and councils in the state, with the aim to improve the quality of civic services by making civic bodies accountable to an independent commission.

*Action Required: To take necessary steps to ensure peoples participation in urban governance by making ward committees functional, establish Mayor-in-councils, provide adequate financial resources to Municipal Corporations/Municipalities and set up RMRC.*

### **3. Devolution of power to the Gram Panchayats**

The government of Rajasthan, on October 2, decided to transfer five of its departments — primary education, health, agriculture, social justice and empowerment and women and child development to Panchayati Raj Institutions. This decision has been implemented from April 01, 2011 in Rajasthan so all the subjects coming under these five departments are automatically come under the elected local government institutions with full administrative and financial control over the schemes run by these departments, and over the employees responsible for implementing them at the local level. Such decentralisation of functional and financial powers were expected to improve the transparency, accountability and delivery of the government's schemes tangibly but due to complicated decision making processes and challenges coming in the way of monitoring of implementation by the PRIs are making the devolution processes ineffective. Today majority of the *Sarpanchs* and *Gram Sachivs* are unable to handle all the five departmental programmes and schemes therefore the devolution of power is only in namesake at ground level (source: <http://www.rajpanchayat.gov.in/> )

*Action Required: Along with ensuring devolution of powers to PRIs with funds, functions and functionaries, there is a dire need to enhance the capacity of the existing PRI functionaries.*

### **4. Popularizing progressive laws and strengthening the RTI implementation process**

Right to Hearing Act 2012 is one of its kind law passed by the state in the country along with the and Guaranteed delivery of selected Public services but these acts are still not that much popular in the rural areas therefore people are not using the same. On the other hand the Right to Information (RTI), which opened up the entire governance process of the country to the common man, though implemented well but still it needs more actions to be taken by state Govt. to make it more effective. Though the State Information Commission was established in April 2006 with one State Information Commissioner, still it remains with one person. There is a need for appointing more commissioners at the state level and Public Information Officers at lowest levels in all the departments. The State Information Commission (SIC) and the Department of Administrative Reforms, which is the nodal department, face fund crunch.

*Action Required: Appointment of more Information Commissioners at SIC and PIOs at lowest levels of departments and allocating sufficient funds to SIC and state RTI nodal department.*

## **5. Alarming Status of Implementation of MG-NREGS in Rajasthan**

The NREGA launched by the UPA in 2006 to provide rural livelihoods is having an annual budget of more Rs 40,000 Crores. MGNREGS, which is the largest job guarantee scheme in the world, is having the potential of providing employment to masses in the locality itself.

Rajasthan was one of the best performing states and it was ranked high by MoR during 2007-08 and following year but today that rosy scenario has changed in to something discouraging and alarming one. In the current financial year till running month only 4.03 percent of total job seekers have been able to complete their 100 days of work and only 7.78 job seekers got 81 to 99 days of work. The wages paid for per person days was only 93 Rupees which much-much lower than the minimum wages of the state (Rs. 147/-) and NREGS wages (Rs. 133/-). State government has been able to utilize only 68.77 percent of the total budget for the scheme till date this year. Review of the data taken from the MGNREGS website of Rajasthan (<http://nrega.raj.nic.in/>) shows the declining trend for the last 4 years in terms of expenditure, number of families given work, number of days of work given, average wage rate etc.

The implementation process of the scheme is facing lots of problems since the act is not followed in letter and spirit, such as the lack of peoples participation in the planning process, service providers not providing the dated receipt for job demand using form No. 6 resulting in nobody receiving unemployment allowance in the state, wage payment not based on actual work done, in most of the cases, due to shortage of Junior Technical Assistants (JTAs) resulting in delay in measurement and un-realistic payments. In addition MGNREGS in Rajasthan need to focus more on enhancing the livelihood security of people in rural areas by creating durable assets and strengthen the livelihood resource base of the rural poor.

***Action Required: Proper implementation of MG-NREGS by popularizing the online demand of jobs through helplines and ensuring wage payments on time to overcome the downward trend in providing jobs to the masses and focus more on creation of durable livelihood assets.***

## **6. Education**

Implementation of the Right to Education (RTE) Act that promises to provide every child between 6 to 14 years' of age compulsory education is facing many hurdles. Several provisions of the Act are not implemented or are poorly managed nor there any proper mechanism to ensure the proper implementation. The government schools are marred by poor infrastructure and inadequate number of teachers. Private schools are also not enthusiastic about implementation of RTE in their schools. The Act clearly mentions providing 25 percent reservation to economically deprived students but this is yet to be put in practice by most of the private schools in the state. A latest survey has revealed that 2,910 children in Jaipur alone aged between 6 to 14 years are still out of schools (source: study by Pratham-Rajasthan <http://www.pratham.org/file/ASER-2012report.pdf>). The survey found that many children work in hazardous conditions in industries, like zari, leather, and gem-cutting in the city. In the rural areas where children are sharing the responsibility of working in farms, animal rearing and others.

***Action Required: Proper implementation of RTE Act, by ensuring required physical infrastructures in the primary schools in the state and to introduce strict civic monitoring of the schools and activating school management Committees.***

## **7. Consumer Education and Protection**

### **7.1 Need for separate Consumer Affairs Department/Directorate for better coordination**

The consumer affairs is part of Food & Civil Supplies Department in the state. There is separate department of Consumer Affairs at Central level as well as in some states, such as Kerala. Jammu & Kashmir have also taken initiatives for a separate department at state level. Moreover, there are various departments, agencies dealing with consumer issues which work in their own close sections without any coordination with other agencies. So there should be provision of a separate department of Consumer Affairs to coordinate the functioning of all agencies/department mandated to protect interests of consumers. Such a Directorate of Consumer Affairs was announced in Budget speech in Rajasthan, but till date it has not come out of force.

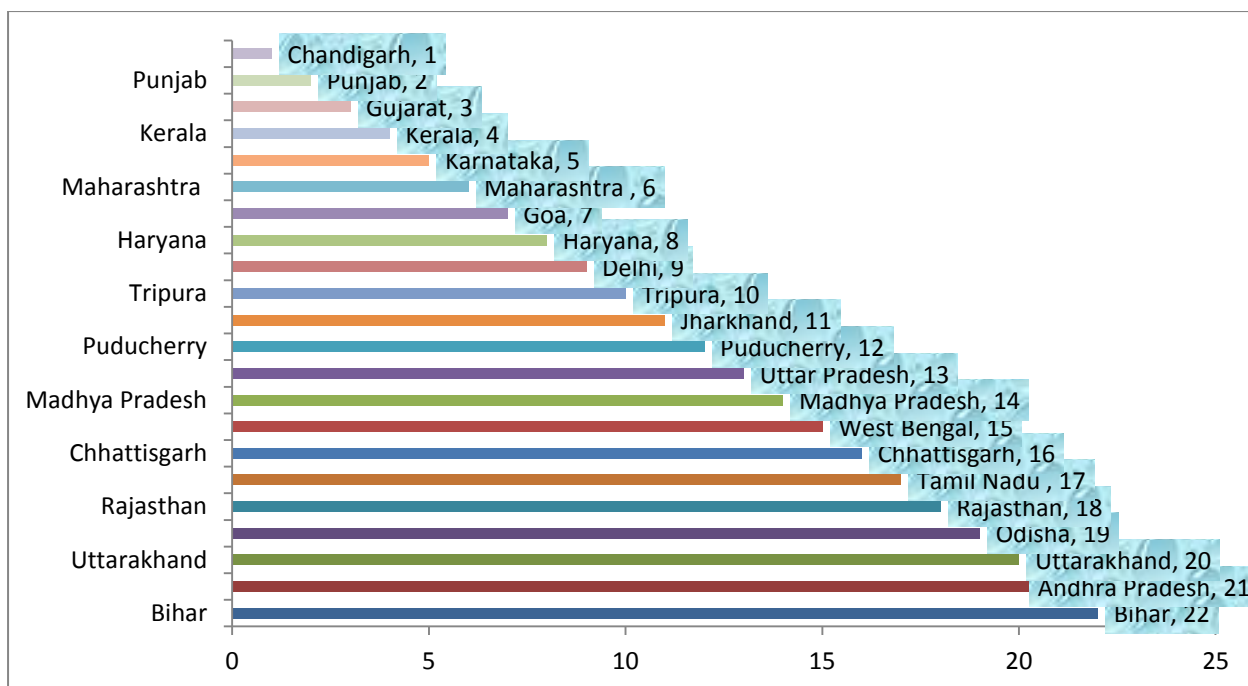
### **7.2 Establishment /activation of Consumer Protection Councils:**

***Consumer Protection Act, 1986 provides (Section 7) - The State Consumer Protection Councils*** (1) *The State Government shall, by notification, establish with effect from such date as it may specify in such notification, a Council to be known as the Consumer Protection Council.*

Govt. of Rajasthan has established such councils at district level. But at state level council do not exists and the district level councils are not fully functional to fulfil their objectives. So there is the need of hour to establish, activate and empower these councils in real terms to attain the objectives of the Act.

### **7.3 Need to revive state consumer welfare fund**

Rajasthan is one of the state where State Consumer Welfare Fund (CWF) was established to strengthen the schemes of consumer clubs, giving awards to consumer activists and financial assistance to consumer organisations way back in 2007 itself. But unfortunately the fund is exhausted and these important initiatives have been discontinued. There also need to computerization of consumer fora and to make their proceedings online for convenience of consumers and for better transparency of their working. In a recent national level study conducted by CUTS with support from Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Government of India, found that even after 25 years of the Consumer Protection Act, 1986, only 20 percent consumers know about the Consumer Protection Act (COPRA) . In the below given Consumer Awareness Index based on our study on the 'State of Indian Consumer 2012' State of Rajasthan has got 18<sup>th</sup> place out of total 22 states and union territories in term of consumer awareness. Hence, there is need to revive these to boost the consumer movement in the state.



Source: State of the Indian Consumer 2012

***Action Required: Need to take immediate steps for intensive consumer education as well as to strengthen the consumer protection and grievance redressal mechanism in the state.***