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URGENT

Government of NCT of Delhi
Department of Information Technology
9th Floor, B-Wing, Delhi Secretariat, New Delhi

F.NO. A-12/46/2016-Admin.-Secy(IT)/ 4746-51

Dated: 26-8-16

To,

The Pr. Secretary/ Secretary/ HOD,

- (1) Department of Industries, 419, F.I.E. Udyog Sadan, Patparganj, Industrial Area, Delhi-110092.
- (2) Department of Tourism, 176-183, Old Secretariat, Delhi-110054.
- (3) Department of Registrar CO-Operative Societies, Old Courts Building, Parliament Street, New Delhi-110001
- (4) Weight & Measurement Department, ROOM NO. 117-118, 'C' Block, Vikas Bhawan, New Delhi- 110002.
- ✓ (5) Department of Food Supplies & Consumer Affairs (GENERAL BRANCH), 207, K-Block, Vikas Bhawan, I.P. Estate, New Delhi-110002.
- (6) Revenue Department, 5, Sham Nath Marg, Delhi- 54.

Sub: Forwarding of draft report of thematic IT audit which may be considered for inclusion in the Audit Report of the Comptroller & Auditor General of India for the year ended March 2016 in respect of GNCT of Delhi.

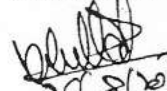
Sir,

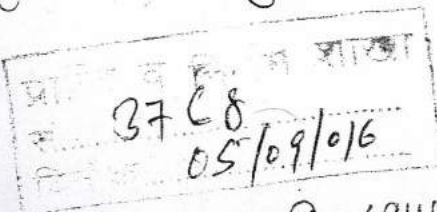
Please find enclosed herewith a copy thematic IT audit report which may be considered for inclusion in the Audit Report of the Comptroller & Auditor General of India for the year ended March 2016 in respect of GNCT of Delhi. It is therefore, request to send your comments on the points, related to your department, as per below table, to enable us to submit the reply of the said report to Principal Accountant General (Audit), Delhi, at the earliest.

Sl. No.	Name of Departments	Pertaining paragraph No.
1.	Department of Industries	1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 3.1, 3.2
2.	Department of Tourism	1.2, 1.3, 1.4, 1.5, 2.1, 2.3, 3.1, 3.2, 3.3.
3.	Department of Registrar CO-Operative Societies	1.2, 1.4, 1.5, 2.1, 2.3, 3.1, 3.3.
4.	Weight & Measurement Depart	1.2, 1.3, 1.4, 1.5, 2.1, 2.3, 3.1, 3.2, 3.3.
5.	Department of Food Supplies & Consumer Affairs	1.2, 1.3, 1.5, 2.1, 2.3, 3.1, 3.2.
6.	Revenue Department	1.2, 1.3, 1.4, 1.5, 2.1, 2.3, 3.1, 3.2, 3.3, 4.

Encl: as above.

Yours Sincerely


26/8/16
(Vivek Mittal)
Dy. Secretary



236945/e-office
6/9/16

Department of Information Technology

Draft Report of thematic Audit on

'Implementation of Right to Public Services Legislation'

Implementation of the Right to Public Services Legislation was tardy as all the notified services were not uploaded on the e-SLA portal and where uploaded, it was partial and incorrect. The Competent Officers were not vested with powers of DDO for making payment of cost or compensation to applicants for delayed delivery of service. Timelines were not fixed for each stage for time bound delivery of services. Though, services were delivered with delay, neither applicants were paid any compensatory costs nor were defaulting government servants penalized. No action was initiated either for identifying the erring official for fixing responsibility or to encourage the efficient employee by granting cash incentive.

The Government of National Capital Territory of Delhi notified (April 2011) 'The Delhi (Right of Citizen to Time Bound Delivery of Services) Act, 2011 (the Act)' for time bound delivery of services or payment of cost or compensation for delay in delivery of notified services to the citizens in the National Capital Territory of Delhi. The Act mandates every department of GNCTD to maintain status of all applications governing citizen related services online and entitles the citizens to obtain and monitor the status of their applications online. The GNCTD notified (September 2011) 'The Delhi (Right of Citizen to Time Bound Delivery of Services) Rules, 2011' and introduced a dedicated portal 'e-SLA (electronic-Service Level Agreement) monitoring system' for the purpose of checking, tracking and monitoring of the status of applications. As of July 2016, GNCTD had notified 361 services of various departments under the Act.

With a view to appraising the implementation of the 'Right to Public Services Legislation', Audit divided the notified services into two parts. Audit of Part A having a total of 208 services of 17 departments was conducted during the year 2015-16 and audit findings covering a sample selection of 25 services of nine departments were included at Para 3.6 in Audit Report No.2 of 2016 of C&AG relating to the Government of NCT of Delhi. This audit of Part B covers a total of 118 services of 14 departments and period from 01 April 2013 to 31 March 2016. Out of these, Audit selected a sample of 25 services of six

departments which were covered under five notifications issued between 14 September 2011 and 13 August 2014 (Annexure I). Main audit findings are discussed in the following paragraphs.

1. Non-implementation of provisions of the Act and Rules:

Section 6 of the Act envisages that the Government shall endeavor and encourage all the departments, local bodies and authorities to deliver citizens related services in a stipulated time period as part of e-governance. The Department of Information Technology (DIT) is responsible for overall coordination and monitoring the implementation of provisions of the Act.

1.1 Non-uploading of services on e-SLA portal

Out of 118 notified services of 14 departments, data of 65 services was not available on the e-SLA monitoring system. The failure of the departments to upload all the notified services deprived the citizens of online facilities for applying and receiving time bound delivery of services through the 'e-SLA monitoring and tracking system', as stipulated under the provisions of the Act.

1.2 Partial uploading of data on e-SLA portal

Rule 3 (2) and (3) of the Delhi (Right of Citizen to Time Bound Delivery of Services) Rules, 2011, stipulate that on receipt of the application complete in all respects, the official concerned of the department, shall immediately scrutinize the application and if found in order, shall upload the entire information of the application in the database and generate the computerized application ID and convey the same to the applicant for tracking the status of his application on "e-SLA monitoring and tracking system". Rule 3 (4) further stipulates that all such applications received by the department in the aforesaid manner and uploaded on the server of the department, shall be further uploaded on the 'e-SLA Monitoring and Tracking System' on the same day.

Audit observed that six selected departments received 359848 applications during 2013-16. Out of these, 326062 applications were uploaded on e-SLA

¹1. Industries, 2. Tourism, 3. Registrar (Cooperative Societies), 4. Weights & Measures, 5. Food Supplies & Consumer Affairs, and 6. Revenue

portal and 33,786 were not uploaded. Details are given in Table 1 below:

Table 1: Details of applications received and uploaded on e-SLA

Sl. No.	Department	No. of Services	Applications received	Application uploaded	Applications not uploaded
1	Industries	2	3056	147	2909
2	Tourism	4	526	466	60
3	Registrar (Cooperative Societies)	4	2711	1975	736
4	Weights & Measures	6	615	67	548
5	Food Supplies and Consumers Affairs (Rohini and Badli Circles)	3	17367	545	16822
6	Revenue* (3 Districts, 6 sub-divisions)	6	335573	322862	12711
		25	359848	326062	33786

*Data of Rohini Sub-division, North West District of Revenue Department are not available.

Further, Department of Food Supplies and Consumer Affairs implemented the National Food Security (NFS) Act, 2013 with effect from September 2013, but after November 2013, it did not upload any data/application relating to implementation of the Act on e-SLA. As per information available on NFSA portal, the Department of Food Supplies and Consumer Affairs received 24,67,508 applications till March 2016, which were not uploaded on e-SLA portal. Partial or non-uploading of data on e-SLA Monitoring and Tracking System was in violation of the Delhi (Right of Citizens to Time Bound Delivery of Services) Act.

1.3 Fixation of stage wise timelines for time bound delivery of services

As per Section 9 (1) of the Act, the competent officer, notified under the provisions of the Act, is empowered to impose cost on the government servant defaulting or delaying the delivery of services. Further, in terms of Rule 5, it shall be lawful for the Head of the Department to devise a work flow with timelines for the respective government servants at defined stages for the time bound delivery of services. Audit, however, observed that out of six selected departments, only two departments viz. Tourism, and Weights and Measures, have devised stage wise timelines for processing of applications. The Registrar (Cooperative Societies) did not devise any timelines to be achieved by respective government servants at each defined stage/stages, whereas three departments (Food Supplies and Consumer Affairs, Industries and Revenue) did not respond to audit query whether such timelines were prescribed for the time bound delivery of services. In the absence of any fixed timelines for government servants for defined stages of delivery of a

service, identifying the defaulting and delaying employee and recovery² of the compensatory cost was not possible.

Test check of records further revealed the following:

- **Weights and Measures Department:** Out of 49 applications, 43 were uploaded on e-SLA with delay ranging up to 33 days beyond the prescribed timeline of 10 days after approval of the Competent Authority.
- **Tourism Department:** In 72 out of 117 cases under two services², the department conducted inspection of premises with delay up to 79 days beyond prescribed timelines of 15 days and 60 days. Under the service of 'Approval of Restaurants', certificates were issued to 36 out of 74 applicants, with a delay up to 47 days beyond prescribed timeline of 4 days after approval of Competent Authority. For two services³ relating to Guest Houses, though only two applications were received (one under each service on 27 May 2015 and 22 June 2015), there was delay in inspection of premises of 354 days and 329 days, beyond the prescribed timeline of 15 days.
- **Registrar (Cooperative Societies):** In case of two applications for registration of new societies, the department initiated the process of registration 35 days and 95 days after the receipt of applications, though time allowed for registration in such cases was 90 days only. The delay in registration of societies was also highlighted at Para 3.1 of the Audit Report No. 2 of 2014 of the C&AG relating to the Government of NCT of Delhi. The delay in registration still persisted though in Action Taken Note, the department assured (July 2015) that efforts were being made for timely disposal of applications.

1.4 Non-conferring the powers of Drawing and Disbursing Officer (DDO) on Competent Officers

Section 9 (1) of the Act provides for appointment of Competent Officer and Section 9 (2) provides that the Government shall, for the purpose of payment of compensatory cost, confer on the Competent Officer the powers of DDO in accordance with the law. For this, Rule 4 (2) stipulates drawing a sum not exceeding Rs 20,000 by DDO.

²(i) Approval of Restaurants, and (ii) Registration of Bread & Breakfast Establishment

³(i) Approval of Guest House, and (ii) Grading of Guest Houses

The Department of Information Technology notified (between 14 September 2011 and 14 August 2014) the appointment of Competent Officers and Appellate Authorities for the services provided by six selected departments. Audit observed that, the powers of DDO for making payment of compensatory cost to the citizens were not conferred on them except by the Department of Food Supplies and Consumer Affairs, resulting in non-payment of compensatory cost to the aggrieved citizens and also non-recovery of the same from the defaulting government servants.

1.5 Non-execution of instructions issued by the IT Department

As per instructions issued by IT Department, GNCTD (May 2014), Head of Departments were required to issue internal orders regarding appointment and designation of Competent Officer, Appellate Authority and internal workflow mapping with timelines for time bound delivery of notified services. Internal orders were also to cover preparation of notice board for displaying information regarding services, along with name of competent officer, number of days for disposal as per e-SLA and setting up of Help Desk to guide citizens and making available imprest money with Competent Officer for payment to citizens as compensatory cost in case of default or delay in delivery of services. In this regard, Audit observed that

- **Help Desk:** No separate help desk to guide citizens was set up by any of the selected six departments.
- The Department of Tourism issued orders for appointment of the competent officer only in June 2016, after the point was raised by Audit.
- **Notice Board:** Only the Weights & Measures Department complied with the instructions for displaying notice board. Though the Departments of Revenue and Registrar (Cooperative Societies) prepared Notice Boards displaying information regarding services along with number of days required for issue of certificate. However, information like, name of Competent Officer/Appellate Authority, provision of payment of compensatory cost for delay in delivery of services were not displayed on notice boards.
- **Imprest money:** The information regarding making available the Imprest money was not provided by any of the selected departments.

2. Notification of services-

Under Section 3 of the Act, the Department of IT had been amending from time to time the schedule of services appended to the Act, for bringing various services under the purview of the Act. Audit observed the following:

2.1 Non-identification of new services for e-SLA

As per instructions of the Department of IT (July 2013), Government departments were to identify more citizen related services for bringing them under the ambit of e-SLA. Audit, however, observed that the selected departments did not identify any new service to be brought under the ambit of e-SLA since 14 August 2014, though they were providing several other services to citizens, which were not available on e-SLA portal.

2.2 Notification of service not under the control of a Department

The Department of IT notified (August 2014) two services⁴ for the Department of Industries under the Act. Audit, however, noticed that as per Notification of 26 March 2010, the work of registration of firms and societies was decentralized with effect from April 2010 to Sub-Divisional Magistrates (SDM, HQ) of respective revenue districts and they were designated as Registrar of Societies and Firms. Accordingly, all the records of the societies were transferred to the respective revenue districts in phases.

However, despite decentralization of registration of societies in 2010, the Department of Industries confirmed (May 2014) to Department of IT, notifying these two services under its name. The Department also appointed Competent Officer and Appellate Authority for these two services in August 2014. It did not take up the matter with the Department of IT for shifting these services to Revenue Department. As a result, e-SLA portal was still showing these two services under the Department of Industries.

2.3 Uploading and online processing of applications

Rule 3 (2) and (3) stipulates that on receipt of the application complete in all respects, the official concerned of the department shall immediately scrutinize the application and if found in order, shall upload the entire information of the

⁴ (i) Renewal of registration of Welfare/ Charitable Societies under Societies Registration Act, 1860 for the societies registered before year 2010, and (ii) Certified copy of the rules and regulations and governing body of the society

application in the database and generate the computerized application ID and convey the same to the applicant for tracking the status of his application. Rule 3 (4) further stipulates that all such applications received by the department in the aforesaid manner and uploaded on the server of the department, shall be further uploaded on 'e-SLA Monitoring and Tracking System' on the same day. Test check of records revealed the following:

- An analysis of e-SLA portal data revealed that status of 2624 applications out of 13,020 received by four departments⁵ for nine services during the period of audit, were shown as 'awaiting disposal' as of 18 April, 2016. Further scrutiny revealed that out of these 2624 applications, 2242 had actually been disposed of by the respective departments before March 2016, but their status was not updated on e-SLA portal.
- In Tourism Department, in 21 cases out of 82 where services had been delivered, there was delay of upto 235 days in uploading the status on e-SLA. In 48 cases, date of disposal on e-SLA was shown prior to actual date of delivery of service. Thus, there was lack of input control.
- As on 18 April 2016, the data on the e-SLA portal was not updated by five departments⁶ which was in violation of Rule 3(4). Non-updating of data indicated lack of monitoring by the concerned departments.
- Sub-division wise data in respect of 'Issue of Marriage Certificate' as available on e-SLA portal, did not match with the data available in sub-divisions of West District. It was observed that e-SLA portal showed data of one sub-division against the name of other sub-division. The difference was mainly due to the incorrect uploading of the data.

3. Delivery of notified services

Section 3 of the Act provides that every citizen shall have the right to obtain citizen related services in Delhi within the time as specified in the Act. Section 7 further stipulates that every government servant who fails to deliver the citizen related services within the stipulated time, shall pay to the citizen the cost at the rate of Rs. 10 per day for the period of delay subject to maximum of Rs. 200 per application.

⁵ Departments of Industries, Tourism, Registrar (Cooperative Societies), and Revenue.

⁶ Food Supplies and Consumer Affairs (after 12 November 2013), Industries- (after 19 December 2014, Registrar Cooperative Societies (after 04 June 2015), Revenue (after 28 January 2016), W & M (after 29 April 2015).

Further, as per Rule 4(1), the competent officer shall ensure to pay the compensatory cost calculated automatically through e-SLA system, to the citizen in case of delay in the delivery of service beyond prescribed time period.

3.1 Delay in delivery of services

Out of total 13,96,467 cases processed on e-SLA during period of audit, there was delay in delivery of services in 3,81,472 cases, with the maximum delay up to 799 days (as on 18 April 2016) in six selected departments⁷. In terms of the provisions of the Act, an amount of Rs. 3.79 crore should have been paid as compensatory cost to the citizens and the same recovered from the defaulting government employees, as worked out by Audit and shown in **Annexure II**. However, the concerned departments neither paid any amount as cost to the citizens nor recovered it from the defaulting employees responsible for the delay in delivery of services.

3.2 Inaction of departments to take prescribed steps to promote delivery of services within fixed time.

Section 12(3) of the Act provides to encourage and enhance the efficiency of government servants by recommending cash incentives under the section to a government servant against whom no default has been reported in one year.

It was noticed that the departments of Tourism, Weights & Measures, Revenue and Registrar (Cooperative societies) paid no incentive to any government servant as provided under the aforesaid provision of the Act. Thus, departments failed to take steps to encourage and enhance the efficiency of government servants. Department of Food Supplies and Consumer Affairs, and Department of Industries did not provide any information in this regard.

3.3 Review of prescribed period for delivery of services

Audit observed that only two departments viz. Food Supplies and Consumer Affairs and Industries reviewed the number of days required for rendering the notified services in December 2014 and February 2015 respectively. The Revenue Department, with the implementation of e-District programme since June 2015, reduced the number of prescribed days for five services to 14 days (from 21 to 60

⁷ Department of Industries, Tourism, Registrar (Cooperative Societies), Weights & Measures, Revenue and Food Supplies & Consumer Affairs.

days as detailed in Annexure I), and increased the prescribed time for 'Issue of Marriage Certificate' from 7 to 21 days. However, the notification for these amendments with regard to implementation on e-SLA was yet to be issued as of July 2016. The departments of Tourism, and Weight and Measurement did not review the number of days required for delivery of services, while the Registrar (Cooperative Societies) did not furnish any information in this regard.

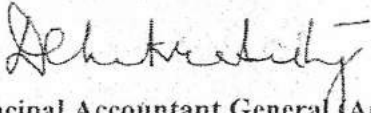
4. Other observations

A comparison of e-SLA data with the departmental data of the Revenue Department, revealed the following:

- There was difference in dates of issue/disposal of applications.
- There were cases where date of application was not available in the departmental data.
- There were cases where data of applications were available on e-SLA portal, but the same were not available in the data provided by the New Delhi and West districts.

5. Conclusion

Implementation of the Right to Public Services Legislation was tardy as all the notified services were not uploaded on the e-SLA portal and where uploaded, uploading of applications on e-SLA Monitoring and Tracking System was either partial or incorrect. The Competent Officers were not vested with powers of DDO for making payment of cost or compensation to applicants for delayed delivery of service. There were no timelines fixed for each stage for time bound delivery of services. Though, services were delivered with delay, neither applicants were paid any compensatory costs nor were defaulting government servants penalized. No action was initiated either for identifying the erring officials for fixing responsibility or to encourage the efficient employee by granting cash incentive.


Principal Accountant General (Audit), Delhi

Annexure II
(Referred to in paragraph 3.1)

Delay in delivery of services and compensatory cost not paid and recovered

Sl. No.	Department	Name of Service	Time allowed for delivery (in days)	Cases processed on e-SLA	Delayed cases	Max. delay in days	Compensatory cost (in Rs.)
1	Registrar Cooperative Societies	Appointment of Auditor for audit due in the current year	15	1887	864	686	97630
		Appointment of Returning Officer	20	3	2	517	400
		Society registration for Thrift and Credit society	45	83	71	799	13700
		Approval of Proposal for Registration of a new Cooperative societies	90	2	2	412	400
		Sub Total		1975	939		112130
2	Weight & Measures Department	Grant of License as Dealer	45	16	3	12	210
		Grant of License as Manufacturer	45	4	1	13	130
		Grant of License as Repairer	45	4	0	0	0
		Renewal of License as Dealer	45	15	6	9	230
		Renewal of License as Manufacturer	45	13	10	9	370
		Renewal of License as Repairer	45	15	4	5	110
		Sub Total		67	24		1050
3	Industry	Issuance of entrepreneurs memorandum (part-I)	60	14	10	459	2000
		Issuance of entrepreneurs memorandum (part-II)	60	133	106	473	21200
		Sub Total		147	116		23200
4	Tourism	Approval of Restaurants	21	294	291	533	56150
		Registration of Bread and breakfast	21	170	33	318	4070
		Approval of Guest House	21	1	1	307	200
		Grading of Guest House	90	1	1	281	200
		Sub Total		466	326		60620
5	Food and Supplies and Consumer Affairs	Addition of members in the ration card	12	26277	3348	129	186250
		Issuance of duplicate ration card	12	2449	308	113	18830
		Transfer of ration card within Delhi	12	3914	354	114	45750
		Sub Total		32640	4010		250830

37930/21-5 Administration

Order						
Revenue	Issuance of Domicile Certificate	21	98,434	36,471	694	3668780
	Issuance of Income Certificate	21	4,06,263	131,189	580	11389,310
	Issuance of Caste (OBC) Certificate	60	3,58,166	76,916	600	8072250
	Issuance of Caste (SC/ST) Certificate	60	3,48,881	92,204	620	9778990
	Registration of Marriage	7	10,432	3151	797	586180
	Sub-total		13,61,172	3,76,057		3,74,31,980
	Grand Total		13,96,467	3,81,472		3,78,79,810