

*PRESENTED TO THE
ODISHA LEGISLATIVE ASSEMBLY
ON THE 3RD October, 2020*



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ODISHA LEGISLATIVE ASSEMBLY

PUBLIC ACCOUNTS COMMITTEE

2020-2021

SIXTEENTH ASSEMBLY



5TH REPORT

ON

C & A. G OF INDIA (GENERAL AND SOCIAL SECTOR)

FOR THE YEAR 2014-15

OF

HOME AND WOMEN & CHILD DEVELOPMENT DEPARTMENT

SECRETARIAT

OF

THE ODISHA LEGISLATIVE ASSEMBLY,

BHUBANESWAR-751001

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COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE, 2020-21

CHAIRMAN

Shri Pradipta Kumar Naik,
Leader of Opposition.

MEMBERS

Smt. Pramila Mallik,
Hon'ble Government Chief Whip.

Shri Mohan Charan Majhi,
Hon'ble Chief Whip, Bharatiya Janta Party

Shri Narasingha Mishra, M. L. A.

Shri Debiprasad Mishra, M. L. A.

Shri Jaya Narayan Mishra, M. L. A.

Shri Sarada Prasad Nayak, M. L. A.

Shri Pranab Prakash Das, M. L. A.

Shri Rajendra Dholakia, M. L. A.

Shri Braja Kishore Pradhan, M. L. A.

Shri Priti Ranjan Gharai, M. L. A.

Shri Ananta Narayan Jena, M. L. A.

SECRETARIAT

Shri Dasharathi Satapathy, I. A. S., Secretary.

Smt. Sushila Mallick, Deputy Secretary.

Smt. Baijayanti Pattanayak, Under Secretary.

Shri Partha Sarathi Das, Section Officer.

Shri Arun Kumar Swain. Assistant Section Officer.

COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE, 2019-20

CHAIRMAN

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Leader of Opposition.

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Hon'ble Government Chief Whip.

Shri Mohan Charan Majhi,
Hon'ble Chief Whip, Bharatiya Janta Party

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Smt. Sushila Mallick, Deputy Secretary.

Smt. Baijayanti Pattanayak, Under Secretary.

Shri Partha Sarathi Das, Section Officer.

Shri Arun Kumar Swain. Assistant Section Officer.

COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE, 2018-19

CHAIRMAN

Shri Narasingha Mishra
Leader of Opposition.

MEMBERS

Shri Debiprasad Mishra, M. L. A.

Smt. Pramila Mallik, M. L. A.

* Shri Dilip Kumar Ray, M. L. A.

Shri Pravata Kumar Tripathy, M. L. A.

Shri Pravat Ranjan Biswal, M. L. A.

Shri Mahesh Sahoo, M. L. A.

Shri Saroj Kumar Samal, M. L. A.

** Shri Naba Kishore Das, M. L. A.

Shri Samir Ranjan Dash, M. L. A.

Shri Chiranjib Biswal, M. L. A.

Shri Debasish Samantaray, M. L. A.

SECRETARIAT

Shri Amiya Kumar Sarangi, Secretary.

Shri S. K. Swain, Joint Secretary.

Shri M. Dungdung, Under Secretary.

Shri Prafulla Kumar Parida, Desk Officer.

Smt. Baijayanti Pattanayak, Desk Officer.

N. B.:-

* The Membership of Shri Dilip Kumar Ray, M. L. A. was ceased w.e.f. 30.11.2018 vide notification No. 10486/L. A., dated 5th December 2018.

** The Membership of Shri Naba Kishore Das, M. L. A. was ceased w.e.f. 28.01.2019 vide notification No. 742/L. A., dated 30th January 2019.

**COMPOSITION OF THE SUB-COMMITTEE-IV OF THE PUBLIC
ACCOUNTS COMMITTEE, 2018-19**

CHAIRMAN

Shri Debi Prasad Mishra, M. L. A.

MEMBERS

Shri Pravat Ranjan Biswal, M. L. A.

Shri Samir Ranjan Dash, M. L. A.

SECRETARIAT

Shri Amiya Kumar Sarangi, Secretary.

Shri Shishir Kanta Swain, Joint Secretary.

Shri M. Dumdung, Under Secretary.

Shri Prafulla Kumar Parida, Desk Officer.

Smt. Baijayanti Pattanayak, Desk Officer.

Shri Arun Kumar Swain, Assistant Section Officer.

(v)

INTRODUCTION

I, the Chairman of the Public Accounts Committee having been authorised by the Committee on their behalf present this 5th Report of the C & A. G of India (General & Social Sector) for the year 2014-15 relating to Home and Women & Child Development Department.

The Sub-Committee-IV of Public Accounts Committee had examined the above subject in its meeting held on 07.08.2018. The findings and conclusions based on the result of the examination of the Committee, are presented herewith.

The Public Accounts Committee, 2019-20, finalized the Report in their sitting held on 20.03.2020 and reapproved by the Public Accounts Committee 2020-2021 on 01.10.2020.

The Committee place on record their appreciation of the assistance rendered by the officers of the Departments of Home, Women & Child Development, Finance Department and the Office of the Accountant General (G & SSA), Odisha during the course of examination.

The Committee further express their thanks to the Officers and Staff of the Odisha Legislative Assembly Secretariat for their Secretarial assistance.

Sd/-

Bhubaneswar
Date: 01.10.2020

(PRADIPTA KUMAR NAIK)
CHAIRMAN
PUBLIC ACCOUNTS COMMITTEE

REPORT

1. Para-3.2 Working of Juvenile Homes in the State of the Report of the C & A. G of India (G & SSA) for the year 2014-15:-

Sub-Para-3.2.1 Introduction.

The Constitution of India imposes on the State a primary responsibility of ensuring that all the needs of children i.e. aged below 18 years; are met and their basic human rights are fully protected. Accordingly, Government of India (GoI) enacted Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act) with the objective of providing proper care, protection and treatment to the juveniles in conflict with law (JCL) and children in need of care and protection (CNCP). The JJ Act was amended in 2006, which, *inter alia*, provided for constitution of Child Protection Units at both State and District level for implementation of the Act for JCLs and CNCPs.

Section 4 (1) of the JJ Act, 2000 provides that one or more Juvenile Justice Boards (JJBs) for a district or a group of districts shall be constituted to adjudicate and dispose of cases of JCLs. Further, Sections 4, 8 and 9 of the Act envisaged establishment of Observation Homes (OH) for retention of JCLs during their adjudication and Special Homes (SH) for their reception and rehabilitation after they are confirmed to be in conflict with law.

In case of CNCP, the JJ Act provides for constitution of Child Welfare Committee (CWC) in each district or group of districts which are responsible for necessary care and protection, including immediate shelter by passing necessary directions to parents, guardians or fit persons/institutions.

In pursuance of this, the State Government framed the Juvenile Justice (Care and Protection of Children) Orissa Rules, 2002 which were amended in 2009. The Rules, *inter alia*, provided for establishment of SHs, OHs, Shelter homes and Child Care Institutions (CCIs) for accommodation of JCLs/CNCPs and to provide mandatory standards of care to juveniles. While, Shelter homes are to act as drop-in-centres for children in urgent support, CCIs are responsible for providing subsequent care, treatment, education, training, development and rehabilitation.

Audit observed that four OHs and four SHs were functioning in the State as on 31 March 2015, with total capacity of 290. However, at all four locations, OHs and SHs were functioning in same premises with the name 'OH/SH'. Further, there were six Government run and 86 NGO run CCIs in the State (March 2015). While one OH/SH at Angul was under administrative control of the Home Department, remaining OH/SHs and CCIs were functioning under the W & CD Department.

Departmental Representative apprised that in consonance with the provision contained under section 4(1) and 27 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 Juvenile Justice Board and Child Welfare Committee had been constituted in respect of each district respectively.

There were five observation Homes & Special Homes functioning in the State which were at Angul, Berhampur (one for Boys & one for Girls), Baripada and Rourkela. Proposals were made for three more OHs and SHs at Kalahandi, Boudh and Malkangiri.

The Committee opined that as per Law, the Department have to protect the basic human right by providing proper care and treatment to the children and the funds sanctioned for the purpose must be utilized judiciously, effectively and timely.

2. Para-3.2.2 Non segregation of JCLs

Section 8(4) of JJ (C&PC) 2000 Act, inter alia, required retaining JCLs in OHs according to their age giving due consideration to the offences committed.

During 2012-15, the admitted 2,655 juveniles comprised of 514 JCLs charged with theft, 337 with burglary, 147 with attempt to murder, 212 with murder, 381 with rape and 1,064 with other crimes.

Audit pointed out that :

- i. all four OHs and four SHs were functioning at four locations with common infrastructure and man-power. These homes were using the same dormitory for accommodation of under-trial JCLs and confirmed offenders. The JCLs were not segregated which was in violation of provisions of the JJ Act. As a result, all 2,655 juveniles admitted during the period 2012-15 were kept together without segregation at these four 'OHs/SHs'. As on 31st March 2015, 235 JCLs comprising of 216 under-trial JCLs and 19 confirmed offenders were accommodated together in these homes.

The Department assured that segregation of inmates would be ensured after completion of construction of new building at Berhampur and Rourkela.

- ii. Out of 120 juveniles accommodated in OH Rourkela, 57 Boys were involved in multiple offences and were admitted in same OH more than once. Number of JCLs committing multiple crimes in the State also increased from eight in 2010 to 73 in 2013. Thus, co-inhabitation of under-trials and confirmed offenders acted against the objective of bringing JCLs to the mainstream of the society.
- iii. Despite instructions of the W & CD Department during September 2013 segregation of JCLs who attained 18 years of age was not ensured as 11

JCLs over 18 years of age were retained in three OHs at Angul, Berhampur (Boys) and Rourkela (March 2015). The Department stated December 2015 that number of such JCLs above 18 years came down to three or four.

Departmental Representative apprised that, although there was one premise for both OH and SH, there were two separate dormitories, for which CICLs whose cases were under inquiry and CICLs who had been confirmed to be in conflict with law are housed separately. Due to shortage of infrastructure, age-wise segregation of CICLs of OH & SH as per norms, could not be followed in all OHs & SHs. The superintendents and DCPOs had been instructed for ensuring segregation of CICLs.

As mentioned in Section 49 (1) of JJ (C&PC) Act, 2015 mandates for setting up of at least one "Place of Safety" so as to place a person above the age of 18 years or CICLs, who is between the age of 16-18 years and is accused of or convicted for committing heinous offence, the Home Department has suggested Sub-jail, Athagarh as place of safety on physical verification by the Department.

The Juveniles of Observation Home are staying with the other Juveniles of Special Home. Due to non-availability of proper accommodation and other facilities juveniles of Observation Home could not be segregated from Special Home. Four dormitories along with attached latrines and bathrooms are available for accommodation of Juveniles. At present all the juvenile inmates are accommodated in three dormitories. The rest one dormitory is used for functioning of the office as no separate office building is available there. The total scheduled capacity of the Observation Home & Special Home, Angul is 40. The average juvenile inmates of the Home is around 50. Hence, it is not possible to segregate the J.C.L. under 18 years of age in view of the existing accommodation.

The Committee desired to know the present status of the new building of OHs & SHs at Raurkela and Angul since the construction work was likely to be completed shortly. The para was dropped.

3. Para-3.2.3 Delay in finalization of cases of Juveniles.

As per Rule 22 (3) of the JJ (C & PC) Orissa Rules, 2009, cases of JCLs are required to be finalized within a maximum period of six months.

Audit noticed that there were 76 juveniles in the OHs/SHs of the State as of March 2015, whose cases were pending for disposal for periods ranging from 6 to 24 months and above.

The Committee desired to know the status of the cases against 76 juveniles pending more than six months as of March 2015.

Departmental representative apprised that, regarding the cases pending more than six months there were three types of offences i.e. Petty, serious and heinous. So, wherever petty offences were there, the Department had taken-up a drive, so 750

odd cases had been identified. Out of which 518 have been terminated. Regarding the serious and heinous offences like rape, dacoit and other things. There was the Principal Magistrate of JJBs, were little reluctant to terminate because of the seriousness of the offences. So these cases were pursued to be disposed of early.

The District Magistrates/District Child Protection Officers had been requested for coordination with JJBs to facilitate expeditious disposal of cases of CICLs.

The Committee directed to furnish case wise position of the pending cases to be disposed off.

4. Para-3.2.4 Deficiencies in functioning of JJBs

i. Para-3.2.4.1 Non-termination of proceeding by JJBs in non-serious cases.

As per Rule 22 (3) of the JJ (C&PC) Orissa Amendment Rules, 2009, every enquiry should be completed within four months after the first summary enquiry and in exceptional cases, such period might be extended by two months. Delay beyond four to six months shall lead to termination of the proceeding of cases except where the nature of alleged offence is serious.

Test check of four DCPUs revealed by Audit that 1051 non-serious cases were pending for completion of inquiry beyond six months in four JJBs. Despite that, the proceedings were not terminated. As a result, JCLs were retained in OHs for longer periods denying them timely justice besides overcrowding in OHs.

Departmental representative stated that it was resolved in the meetings of the Juvenile Justice Committee of the Hon'ble High Court, Orissa, held on 30.09.2015 and 30.11.2015 for issue of instruction to the JJBs to strictly adhere to the mandatory provisions of Law. Principal Magistrates were not engaged exclusively for functioning of JJBs. Due to their workload they were not able to conduct hearing every day.

The Committee were of the view that JJBS should be strengthened to clear the back log and the Department must have to protect the rights of the juveniles at any cost. However the Committee settled the para with the instruction that the pending cases (257) be cleared within two months and compliance be reported to the Public Accounts Committee for appraisal.

ii. Para-3.2.4.2 Inadequate number of JJB sittings.

Rule 3(1) of the JJ (C&PC) Orissa 2002, *inter alia*, envisaged that JJB shall meet on all working days of a week, unless pendency of the case is less in a particular district. As per Rule 22 (3)(b) of JJ (C&PC) Orissa Rules, 2002 read with Section 14 of the Act, the JJB would complete every inquiry within a period of four months, which may be extended by two months, on recording of the reasons thereof by the Board.

Audit para revealed that JJB meetings were not conducted on every working day despite large pendency. JJB, Khurda held only 203 sittings against requirement of 720 sittings during 2012-2014. Similarly, JJBs in Ganjam and Sundargarh districts held only 274 and 109 sittings respectively against required 720 sittings. Though JJBs had to conduct the meetings in the premises of OHs, the same were not conducted in OHs at Berhampur (boys and girls).

The Departmental representative apprised that there was no separate Magistrates engaged for conducting JJBs meetings. So they were also engaged in the additional charges. In the State Level Seminar conducted by this Department on 29th to 30th April, 2017 in the Odisha Judicial Academy, the Hon'ble Judges of the Juvenile Justice Committee of the Hon'ble High Court, Odisha impressed upon the Principal Magistrates of the JJBs to hold adequate number of sittings so as to expedite disposal of cases.

The Committee opined that where large number of cases were pending for disposal the Department should have taken necessary steps to increase the dates of hearing for disposal of the cases at least from two to three days a week. However the para was dropped.

iii. Para-3.2.4.3 Delay in production of JCLs before JJB.

Audit noticed that 137 JCLs out of 216 in OHs as of March 2015 were produced before concerned JJBs after one and a half to 28 months from the date of their last production. Further, in two test checked JJBs (Khurda and Sundargarh), it was noticed that 135 out of 1208 JCLs were not produced before concerned JJBs since their first appearance before JJBs even after four months.

Superintendent of OH/SH (girls), Berhampur attributed the delay in production of JCLs before JJBs to non-arrival of police escort party. The Department stated that directions had already been issued to reduce the pendency by 31st December 2015.

The Departmental representative stated that children were produced easily before the JJBs through video conferencing through skype. Their statements were recorded and after obtaining their signature it was sent to the Magistrate through E-mail or through speed post.

The Committee settled the para with the observation that the W & CD Department should follow the modalities adopted by the Home Department in conducting video conferencing in various jails without delaying the process.

5. Para-3.2.5 Deficiencies in CWC sittings.

Section 29(1) of the JJ Act provided for constitution of Child Welfare Committee (CWC) in each district or group of districts for CNCP. As per Rule 27 (3) CWC must complete the inquiry within four months. Section 25 (1) provides that the Committee shall hold its sittings in the premises of the children's home and shall

meet on at least three days a week i.e. at least 156 sittings per year. Further, as per Section 18 (3) of JJ Act 2006, the State Government shall review the pendency of cases of the Committee at every six months and shall direct the Committee to increase the frequency of its sittings or may cause the constitution of additional Committee.

In five test checked open shelters, the period of stay in case of 70 out of 406 children (17 per cent) was more than four months as of March 2015. Test check of three DCPUs revealed that during 2012-15, the shortfall in sittings ranged from six to 156 in Ganjam and Sundargarh districts as against the required 156 sittings per year of CWCs. Thus, due to less number of sittings of CWC, cases were pending for disposal beyond the prescribed limit of four months. Moreover, test check of 11 CCIs in three sampled districts revealed that CWCs conducted their sittings only in the district headquarters in contravention to the above Rules.

The Departmental representative stated that as per new Act CWC sittings would be conducted more than 20 days in a month. In 2016-17, 6133 sittings and in 2017-18, almost all the sittings 100% sittings had been conducted. Now CWC had been constituted in 23 districts. In the year 2017-18, 15,600 cases had been disposed of and the Department had taken keen interest for disposal of more number of cases by conducting more number of CWC sittings.

The Committee observed that due to short fall of sittings cases were pending for years together and directed the Department to be more vigilant for disposal of the cases by conducting more number of CWC sittings. However the para was settled.

6. Para-3.2.6 Availability of required infrastructure facilities

Para-3.2.6.1 Availability of physical infrastructure in OH & SH and CCIs

Rules 8 and 9 of JJ (C&PC) Rules, 2002, *inter alia*, stipulate that each OH/SH/CCI shall have dormitory (40 sft. per juvenile), bathrooms (at least one bathroom for ten children and one latrine for seven children), fly-proof kitchen and sufficient playground according to the number of juveniles. Joint Physical Inspection (JPI) was conducted in all OHs/SHs by Superintendent and in 11 CCIs by staff of CCIs with concerned DCPUs in presence of Audit.

- One out of three dormitories at Angul was in dilapidated condition and water was leaking. Though ₹ 6 lakh was placed (2014-15) with the Executive Engineer (R & B) Division, Angul for repair of the existing building, the same could not be completed. The Superintendent stated (March 2015) that the Executive Engineer (R & B Division) expressed his inability to complete the renovation work due to insufficient funds. The Department stated (December

2015) that it had proposed for ₹ 56.27 lakh under ICPS in the Programme Implementation Plan of 2015-16 for improvement works of OH/SH, Angul.

- For renovation of existing structures available in the campus of Central home for Women, Berhampur and improving/converting the same to OH/SH for boys as well as girls, two estimates of ₹ 55.65 lakh and ₹ 50 lakh were approved by W & CD Department in July 2011 and December 2014 respectively. The entire amount was placed with the Executive Engineer, R & B Division, Ganjam for execution of the work. Though civil works were completed, those were not made functional due to non-completion of electrical works. W & CD Department stated (December 2015) that the work of OH/SH, Berhampur was nearing completion and inmates would be shifted to the new building soon.
- Similarly, to shift the OH/SH Rourkela functioning in special jail premises to another site, W & CD Department accorded (July 2011) administrative approval for ₹ 3.77 crore and released (October 2010) ₹ 59.73 lakh. The balance of ₹ 3.17 crore was released between December 2014 and February 2015. As of 30 September 2015, only ₹ 1.09 crore was utilised by the Executive Engineer and the work remained incomplete. W & CD Department stated December 2015 that the matter was being expedited.

Thus, the basic infrastructure required as per the guidelines of the Government and ICPS at OHs/SHs could not be ensured despite availability of adequate funds.

The Departmental representative stated that, there were 20 bathrooms available in OH and SH, Berhampur (Boys), 8 bathrooms in OH and SH, Berhampur (Girls) and 09 bathrooms in OH and SH, Rourkela. Treated Drinking Water facilities were also available in the OH and SH Rourkela. All the superintendents of the OHs and SHs had been directed to have fly-proof kitchens in the said institutions. Playgrounds were available in all the OHs and SHs with space for physical exercise of the CICLs.

For renovation of OH and SH, Angul, ₹ 56.25 Lakh was proposed under ICPS head 2015-16 ₹ 46.78 lakh had been sanctioned under ICPS. Construction work at OH and SH, Berhampur (Boys) had been completed and the OH and SH was functioning in the new building. ₹ 3.77 crore was released to OH and SH, Rourkela out of which an amount of ₹ 1.77 crore was utilized for the construction work/civil work till date and as the work was under process it was reported that the work would be completed before 31st Dec, 2017.

The Committee observed that the Department should ensure minimum 40 sq. ft. space to accommodate a juvenile. The Department should take expeditious steps to improve the infrastructure for accommodation of the juveniles as per guide line of the Act and submit the report to the Committee for consideration.

7. **Para-3.2.7 Non-transfer of OH and SH Angul to WCD Department**

Project Approval Board under ICPS directed (September 2011) the transfer of OH/SH, Angul from Home Department to W & CD Department. However, the same was not transferred as of December 2015.

Audit noticed that in respect of three OHs/SHs run under W & CD Department, maintenance charges were allowed at ₹ 750 per child per month up to September 2014 and ₹ 2,000 thereafter as per funds received under ICPS where as in respect of OH/SH at Angul, which is run by Home Department, the maintenance cost was ₹ 1,350 per child per month (₹ 45 per day) up to September 2013 and ₹ 1800 per child per month (₹ 60 per day) thereafter. Thus, there were differential maintenance charges for the inmates of OHs/SHs of the State.

W & CD Department stated (December 2015) that action for transfer of the OH/SH at Angul to W&CD Department and ensuring equal diet, bedding and clothing cost had been initiated.

The Departmental representative apprised that the Home Department vide Notification No. 23788 dated. 11.07.2016 had transferred Administrative control of OH and SH, Angul to Department of W & CD and MS. Home Department had been intimated that allotment had been placed under ICPS for maintenance of the CICLs as per ICPS norm so as to remove the anomaly.

Government of Odisha vide Home Department Notification No.35203 dt. 21.09.2013 declared the Probation Hostel and Special Home, Angul as Observation Home for the under-trial Juveniles within the Jurisdiction covering Ten Districts. Considering the proposal of the I.G. of Prisons, Home Department had prescribed new diet scale for the prisoners during the year 2006 and the said provision was extended to the inmates of Probation Hostel, Angul and others under the Prisons Organisation vide Home Department letter No.18243 dt. 7.4.2008. The diet scale fixed for the prisoner was the maximum amount that could be incurred as per prescribed norms. In view of the above, the inmates of the said institution were provided maintenance cost of diet at par with the prisoners confined in the different Jails of Odisha.

No funds received from the I.C.P.S. during the year 2013-14 and 2014-15 by the Superintendent of Probation Hostel-Cum-Observation Home and Special Home, Angul. Funds were met from Home Department Budget. Home Department had enhanced/revised the cost of diet from time to time basing on the consumer price index.

Therefore, maintenance cost of diet of inmates in respect of three Observation Home and Special Home under the W & CD Department differs from the

Observation Home and Special Home, Angul under the Administrative control of the Home Department.

Now the Observation Home and Special Home, Angul had been transferred to W & CD Department vide Home Department Notification No.23788 dt.11.07.2016.

The Committee recommended that the Department should submit the status report of the ongoing construction works clearly mentioning the time line to complete the project for consideration of the Committee.

8. Para-3.2.8 Human Resource.

i. Para-3.2.8.1 Non availability of adequate Man power.

Rule 48 (5) of JJ (C&PC) Rules, 2002 required deployment of 20 whole time and five part time staff for an institution with a capacity of 100 juveniles/children. Requirement as well as availability of manpower in the two test checked OH/SH {(Rourkela, Berhampur (boys))} as on March 2015 are indicated in Table below

Type of manpower	Norm (for 100 children)	Requirement as per norm	Posts sanctioned	Actual availability	Shortage against norm
Superintendent	1	2	2	2	0
Doctor	1(Part time)	2	2	2	0
Para medical staff	1	2	2	1	1
Probation Officer	3	6	0	0	6
Cook	2	4	2	2	2
House father/mother	4	8	0	0	8
Counsellor	2	4	0	0	4
Educator	2 (Part time)	4	2	2	2
Vocational Instructor	1	2	0	0	2
Store keeper cum accountant	1	2	2	2	0
Helper	2	4	2	2	2
Art & craft cum music teacher	1 (part time)	2	0	0	2
Gardener	1 (part time)	2	0	0	2
Peon/sweeper	2	4	3	3	1
Driver	1	2	0	0	2
Total	25	50	17	16	34

Only 17 posts (34 per cent) were sanctioned by Government and 16 posted against the required 50 as per norm. The shortage of critical staff such as Counsellor, Vocational trainer, Educator and Helper affected counselling service, vocational training and periodic health check-ups as discussed below:

- Absence of counselling facility: Counselling facility, though crucial for correcting JCLs, was not available in any of the OH/SH in the State. Out of 11 sampled CCIs, Counsellors were available only in four CCIs. No organisations or agencies were deployed in remaining CCIs for counselling the inmates in absence of Counsellors. W & CD Department assured in December 2015 that it would make provision for Counsellors in Programme Implementation Plan 2016-17 under ICPS.
- Vocational training: In six out of eleven test checked CCIs, vocational training was not conducted as the posts of vocational instructors were not filled up. W & CD Department assured in December 2015 that it would extend vocational training to CCIs.

Audit also noticed the following deficiencies in rendering health service to juveniles, though doctors and paramedical staff were available:

- Medical check-up at the time of admission: Rule 10(2) of JJ(C&PC) Rule, 2000 required examination of each JCL by the Medical Officer within 24 hours of admission to OH in normal cases and within 48 hours in special cases. JCLs transferred to SHs were also to be examined within such time. However, in none of the test checked homes, were the juveniles admitted and transferred to OH/SHs, were medically examined at the time of admission. W & CD Department assured that it would take appropriate action in the matter.
- Quarterly health check-up: The health of juveniles was not checked quarterly in any of the test checked OH/SHs. Similarly, in 11 test checked CCIs, though medical register was maintained, neither any monthly medical check-up nor any Health Card was maintained. W & CD Department assured that it would enquire into the matter and take appropriate action.
- Non-availability of specialised medical care: As per Section 48 (2) of JJ Act, 2000, juveniles suffering from sexual disease, tuberculosis, etc. shall have to be kept separately. On examination of records of OH/SHs, Audit noticed that two juveniles, though suffering from Abdomen Tuberculosis with HIV positive at Berhampur and at Rourkela, they were kept with other juveniles. In OH/SH Rourkela, no provision of bed was made for the HIV affected juvenile. Besides, 17 JCLs, affected with scabies, were kept along

with other juveniles in same room and special medical care was absent for them. W & CD Department assured to ensure availability of specialised medical care in such OHs & SHs.

Regarding the non-availability of manpower the departmental representative stated that staff such as Superintendent, Accountant, Clerk and Guard were deputed from Home Department for OHs and SHs. Director of Directorate of Health Services had been requested for providing counseling support to Children of Observation Homes, Special Homes, Child Care Institutions and SAA. The DCPOs concerned had been instructed to ensure counselling services through their Counselors for all inmates of OH & SH.

The Committee observed that counselling support to the children is very important and it must be done adhering to the norms specified for the purpose and the Department should form an expert group having proficiencies in monitoring the counseling activities who can visit different locations and upgrade the performance of the counselling.

Regarding Vocational training the Committee opined that the Department should take the advice of skilled development authorities of the State to identify the skills and models suitable for juveniles for imparting proper skill training.

The Departmental representatives stated that Superintendents and DCPOs of OH and SH had been instructed for ensuring medical check-up of all inmates at the time of admission. No regular Doctor or Pharmacist were available in the Observation Home for Medical Check-up of the juveniles. In emergency cases the concerned juveniles were sent to the District Head Quarters Hospital for check-up and treatment. The Doctor of Angul Jail visited the Juvenile Home at Angul as and when required. Regular health checkup of all the CICLs were being made by the local Doctors of the District Headquarters Hospitals.

The Committee dropped the para with the instruction that inmates suffering from cases like HIV positive, infection of Tuberculosis or any infectious diseases should be immediately shifted to local district headquarter hospitals.

9. Para-3.2.9 Safety & Security at OH &SH

As per Rule 17 (2) of State JJ Rules, 2002, in the event of escape of juvenile, the parents/guardians shall be informed immediately about such escape.

Audit revealed that :

- Escape of JCLs: As per the records produced and information furnished by the Superintendents, during 2010-15, 36 JCLs escaped from OH/SH, Berhampur (Boys) and Rourkela (Boys) out of which 24 JCLs were recaptured and remaining 12 JCLs were not recaptured (September 2015). Out of 27 JCLs of Berhampur, only 21 were recaptured. However, the parents of all these

escaped JCLs were not intimidated of the fact, as required. The Department stated that Superintendents of Police of both Berhampur and Rourkela were instructed to deploy six additional guards at each such OH/SH to ensure more security.

- Non-conducting regular checking of JCLs: Regular checking of JCLs to detect possession of any intoxicating/prohibited material was not conducted by either the Superintendents of the Police despite knowing the fact that four JCLs had brought intoxicating materials to OH Rourkela at the time of admission. W & CD Department assured that it would look into the matter.

The Departmental representative stated that, Superintendent and other Staff of the Observation Home and Special Home, Angul were residing in their residential quarters just by the side of the perimeter wall and they kept proper watch over the Home.

After thorough deliberation on the audit para it was recommended that every OHs and SHs should be put under CCTV surveillance for security and safety point of view. One Additional SP of each district should remain in-charge to watch the safety aspect and guard against lapses of security for these OHs and SHs. The Department should be more vigilant on supply of intoxicating material for the inmates in every OHs and SHs.

10. Para-3.2.10 Rehabilitation and Resettlement

i. Para-3.2.10.1 Absence of mechanism to track JCLs during Post release period

As per Rule 36 of JJ Rules, 2002, there shall be an aftercare organisation to organise programmes for the children after leaving SH/OH to integrate them with the mainstream of the society. During 2012-15, 82 confirmed juveniles in conflict with law were released from four SHs. However, information regarding JCLs corrected, rehabilitated and integrated with mainstream after their release was not available as there was no mechanism in Home/W & CD Departments to track their activities after release from SHs. In absence of any such tracking mechanism, the Government could not even confirm mainstreaming of Juveniles.

The Departmental representative stated that, District Magistrate-cum-Collectors and DCPOs had been instructed for ensuring Post Release follow up of CICLs released from OH and SH. Further the Department stated that CICLs released from OH and SH perceived to be CNCP were having linkages with CWC and other Departments for the purpose of rehabilitation. Skill Development Authority, Panchayati Raj Dept. and SDTE Dept. had been requested to provide Skill Development Training and Placement Linked Employability Training for their rehabilitation and reintegration. The Social Worker of the DCPU would prepare Post

release plan for due follow up action. The CICL placed in aftercare programme would be provided with financial assistance by the Department.

The Committee accepted the explanation and dropped the para.

ii. Para-3.2.10.2 Non establishment of aftercare organization

Rule 38 of Central Rules as well as Rule 36 of State Rules provides that the State Government shall set up an aftercare organisation for care of juveniles or children, after they leave special/children homes, to facilitate their transition from an institution-based life to mainstream society, for social re-integration.

Audit noticed that though 82 JCLs were released from four SHs and 414 children were released from 11 test checked CCIs during 2012-15, they were not provided aftercare due to absence of any such organisations. However, one CCI (Utkal Balashram, Berhampur), despite non-availability of aftercare organisation, arranged training for 14 children in painting in Government Industrial Training Institute, Berhampur out of which five children were placed after completion of training.

The Departmental representative stated that establishment of After-care organization was under process. Rule 25(7) of the Model Rules, 2016 provided for the After-care Programme. DCPOs had been instructed to take up appropriate follow up action in consultation with the DPM of Odisha Livelihood Mission, DDU-GKY in the DRDA of the concerned districts.

It was observed by the Committee that after care concept is most important to imparting education, vocational training and technical education to a child to become self-dependent and an asset to the society in future.

The committee settled the para with the recommendation that Department should provide required funds in consultation with Director, Technical Education to impart proper training so that they can be back to the main stream by earning their livelihood.

11. Para-3.2.11 Inspection and Monitoring

i. Para-3.2.11.1 Non-constitution of Management Committee

Rule 22 of the JJ (C&PC) Orissa Amendment Rules, 2009 provides that every institution shall have a Management Committee comprising of District Child Protection Officer as the Chairperson, Officer-in-Charge as Member-Secretary and six other members for management of the institution and monitoring the progress of every juvenile and child. The Committee was to meet every month to consider and review custodial care, individual problems of juveniles, vocational training and education, guidance and counselling, planning of post release rehabilitation programme, etc.

Audit revealed that no such Committee was constituted for effective functioning of the OH/SHs, Angul and Berhampur (boys and girls) while the same for Rourkela, though constituted and met only thrice. Due to non-constitution of the Committee and non-convening of meetings regularly, progress on care of juveniles could not be monitored. W & CD Department assured that it would issue suitable instructions for ensuring constitution of Management Committees and their regular meeting.

The Department stated that Superintendents of Observation Homes and Special Homes had been instructed for ensuring constitution of Management Committees and Children's Committees in the CCIs, hold its meeting regularly. As a result, the Management Committees and Children's Committees had been formed and functioning in all OHs & SHs.

ii. Para-3.2.11.2 Deficiency in inspection.

Rule 21 of the JJ (C&PC) Orissa Amendment Rules, 2009 provided that Government shall constitute State/District Inspection Committee which shall visit and oversee the conditions in the institutions and appropriateness of the processes for safety, wellbeing, permanence, etc. and review the standards of care and protection being followed by the institutions. The inspection shall be carried out once in every three months.

Audit revealed that the OH/SH at Angul, Berhampur (Girls) and Rourkela were never inspected by the State/District Committee during 2012-15. However, the OH/SH (Boys) Berhampur was inspected twice (October 2013 and September 2014) by the State Committee. The District Committee inspected the home on 27 May 2014, only after the escape of JCLs on 26 May 2014.

The Departmental representative stated that, OHs and SHs were regularly visited by the Hon'ble Judges of the High Court, District and Sessions Court, JJBs, CWCs and officers from districts as well as from the State Government.

The Committee recommended that the State inspection Committee should conduct random inspection and issue appropriate instruction for ensuring constitution of District Management Committees and their regular meeting for effective functioning of OHs and SHs in the State.

**MINUTES OF THE TENTH MEETING OF PUBLIC ACCOUNTS COMMITTEE, 2019-20
HELD AT 04:00 P. M. ON 20.03.2020 IN ROOM NO. 54 OF THE ODISHA LEGISLATIVE
ASSEMBLY BUILDINGS, BHUBANESWAR.**

P R E S E N T

Shri Pradipta Kumar Naik.

CHAIRMAN

Leader of Opposition.

Shri Mohan Charan Majhi,

Hon'ble Chief Whip, Bharatiya Janta Party

Shri Debiprasad Mishra, M. L. A.

Shri Jaya Narayan Mishra, M. L. A.

Shri Rajendra Dholakia, M. L. A.

Shri Ananta Narayan Jena, M. L. A.

MEMBERS

S E C R E T A R I A T

Shri Dasharathi Satapathy, I. A. S., Secretary.

Smt. Sushila Mallick, Deputy Secretary.

Smt. Baijayanti Pattanayak, Under Secretary.

Shri Partha Sarathi Das, Section Officer.

The Committee met as scheduled and approved the following Reports:-

1. 1st Report of PAC, 2019-20 on the Report of the C & A. G of India (Revenue Receipt) for the year 2007-08 relating to Finance Department.
2. 2nd Report of PAC, 2019-20 on the Report of the C & A. G of India (Revenue Receipt) for the year 2015-16 relating to Finance Department.
3. 3rd Report of PAC, 2019-20 on the Report of the C & A. G of India (G & SSA - Report No. 4 of the year 2016) relating to Electronics & Information Technology Department for the year, 2014-15.
4. 4th Report of PAC, 2019-20 on the Report of the C & A. G of India (G & SSA) for the year 2016-17 relating to Higher Education Department.
5. 5th Report of PAC, 2019-20 on the Report of the C & A. G of India (G & SSA) for the year 2014-15 relating to Home and Women & Child Development Department.
6. 6th Report of PAC, 2019-20 on the Report of the C & A. G of India (G & SSA) for the year 2013-14 relating to Rural Development Department.
7. 7th Report of PAC, 2019-20 on the Report of the C & A. G of India (G & SSA) for the year 2013-14 relating to Rural Development Department.
8. 8th Report of PAC, 2019-20 on the Report of the C & A. G of India (G & SSA) for the year 2014-15 relating to School & Mass Education Department.

The Committee also authorized the Chairman to present the same to the Assembly.

The meeting of the Committee adjourned *sine-die*.

Sd/-

PRADIPTA KUMAR NAIK

CHAIRMAN

PUBLIC ACCOUNTS COMMITTEE

**MINUTES OF THE TENTH MEETING OF PUBLIC ACCOUNTS COMMITTEE, 2020-21
HELD ON 01.10.2020 AT 03:00 P. M. IN ROOM NO. 54 OF THE ODISHA LEGISLATIVE
ASSEMBLY BUILDINGS, BHUBANESWAR.**

P R E S E N T

Shri Pradipta Kumar Naik.

CHAIRMAN

Leader of Opposition.

Shri Mohan Charan Majhi,

Hon'ble Chief Whip, Bharatiya Janta Party

Shri Debiprasad Mishra

MEMBERS

Shri Jaya Narayan Mishra, M. L. A.

Shri Pranab Prakash Das, M. L. A.

Shri Braja Kishore Pradhan, M. L. A.

S E C R E T A R I A T

Shri Dasharathi Satapathy, I. A. S., Secretary.

Smt. Sushila Mallick, Deputy Secretary.

Smt. Baijayanti Pattanayak, Under Secretary.

Shri Partha Sarathi Das, Section Officer.

The Committee met as scheduled and approved the following Reports finalized previously by the Public Accounts Committee, 2019-20 on 20.03.2020 for presentation in the House during the 4th Session of the 16th Assembly.

1. 1st Report of PAC, 2020-21 on the Report of the C & A. G of India (Revenue Receipt) for the year 2007-08 relating to Finance Department.
2. 2nd Report of PAC, 2020-21 on the Report of the C & A. G of India (Revenue Receipt) for the year 2015-16 relating to Finance Department.
3. 3rd Report of PAC, 2020-21 on the Report of the C & A. G of India (G & SSA - Report No. 4 of the year 2016) relating to Electronics & Information Technology Department for the year, 2014-15.
4. 4th Report of PAC, 2020-21 on the Report of the C & A. G of India (G & SSA) for the year 2016-17 relating to Higher Education Department.
5. 5th Report of PAC, 2020-21 on the Report of the C & A. G of India (G & SSA) for the year 2014-15 relating to Home and Women & Child Development Department.
6. 6th Report of PAC, 2020-21 on the Report of the C & A. G of India (G & SSA) for the year 2013-14 relating to Rural Development Department.
7. 7th Report of PAC, 2020-21 on the Report of the C & A. G of India (G & SSA) for the year 2013-14 relating to Rural Development Department.
8. 8th Report of PAC, 2020-21 on the Report of the C & A. G of India (G & SSA) for the year 2014-15 relating to School & Mass Education Department.

The Committee also authorized the Chairman to present the same to the Assembly.

The meeting of the Committee adjourned *sine-die*.

Sd/-

PRADIPTA KUMAR NAIK

CHAIRMAN

PUBLIC ACCOUNTS COMMITTEE