

CHAPTER-II

This chapter contains findings of three performance audits on Management of Prisons, Preservation and Conservation of Monuments and Antiquities and Functioning of Food, Civil Supplies and Consumer Affairs Department.

PERFORMANCE AUDIT

HOME DEPARTMENT

2.1 Management of Prisons

Executive Summary

The prisons are meant to confine offenders and keep the prisoners in safe custody. The management of prisons is governed by the Prisons Act, 1894. The Home Department of Government of Gujarat is responsible for the management and administration of prisons and reformation of prisoners. The performance audit of Management of Prisons was conducted for the period 2008-13 during December 2012 to June 2013 and the following deficiencies were noticed-

The Gujarat State Police Housing Corporation Limited (GSPHCL) receives grants from the Home Department of the State for construction and repairs of prisons. The system for maintaining work records in Inspector General of Prison (IGP) office and GSPHCL was inadequate. GSPHCL truncated the scope of work of construction of yard walls of hardcore cells at Sabarmati Central Prison without consent of the Prison authorities. Lapses in security led to excavation of a tunnel at Sabarmati Central Prison. Due to deficient planning in construction of new prisons, some prisons were overcrowded while some other prisons were underutilised among the test-checked prisons. The occupancy percentage in Sabarmati Undertrial Prison was 253 and in Lajpore Central Prison it was only 52 against the available capacity as on March 2013. Delays were also observed in commencement of newly created Prisons.

Door Frame Metal Detectors, Close Circuit Television systems and mobile phone jammers installed at the test-checked prisons were found ineffective. There were no watch towers outside Sabarmati Central Prison and the elevation of watch towers at Palara Special Prison was reduced due to Air Defence protocols. In contravention of the Bombay Jail Manual, high-rise buildings were constructed within the prohibited distance of Navsari Sub Prison. Out of 1,540 prisoners who had escaped, 567 prisoners were yet to be traced (March 2013).

There was acute shortage of man power. Personnel of Gujarat Industrial Security Force was assigned security task. Medical facilities available in prisons were inadequate. State Advisory Board and Prisons Development Board as envisaged in Model Prison Manual, 2003 were not formed. Preparation of revised Gujarat Jail Manual initiated in 2004 remained incomplete (September 2013). There was no Internal Audit Manual codifying the procedures and scope of audit of prisons.

2.1.1 Introduction

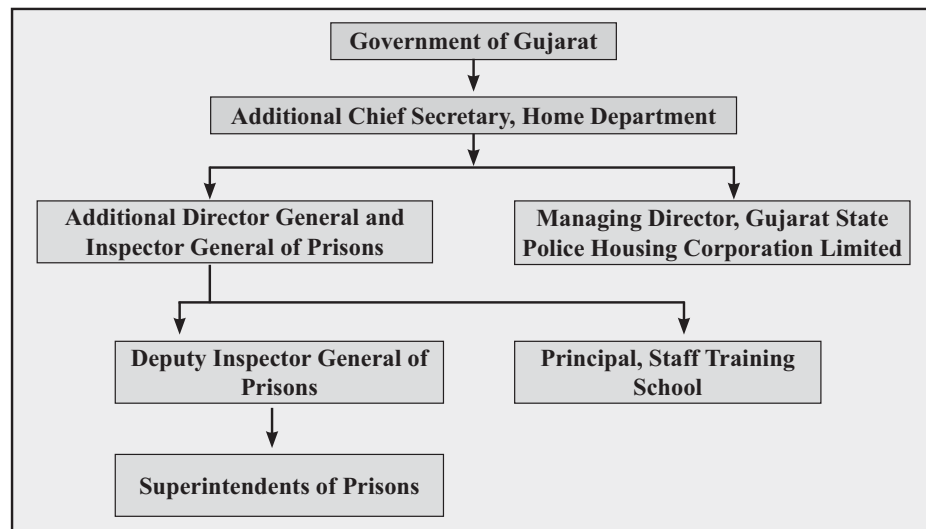
The prisons are meant to confine offenders and keep the prisoners in safe custody. Apart from providing custodial care to offenders and isolating them from the community at large, the Prison Department also undertakes programmes aimed at reforming and rehabilitation of prisoners as part of social reclamation.

Prisons are governed by the Prisons Act, 1894 and Prisons Manual (Bombay Jail Manual, 1955). Model Prison Manual, 2003 formulated by Government of India contain guidelines for streamlining prison administration and for bringing prison reforms. The Home Department of Government of Gujarat is responsible for the management and administration of prisons and reformation of prisoners.

2.1.2 Organisational set-up

The Additional Chief Secretary is in overall charge of the Home Department, Government of Gujarat. The “Additional Director General and Inspector General of Prisons” is responsible for overall control and superintendence of prisons, who is assisted by Deputy Inspector General of Prisons.

Organogram



There are 24 prisons in the State (**Appendix-IV**), each headed by a Superintendent of Prison and one Staff Training School at Ahmedabad (headed by a Principal

equivalent to the Superintendent of Prison). The Gujarat State Police Housing Corporation Limited¹ (GSPHCL), Gandhinagar, headed by Managing Director is responsible for the construction works of prisons.

2.1.3 Audit objectives

The performance audit was conducted to assess whether –

- financial resources were adequate and funds were utilised efficiently and effectively;
- security equipment were modernised and utilised efficiently to ensure safe custody and detention of the prisoners;
- proper planning was made for providing adequate accommodation and health cover to prisoners;
- manpower provided for custodial care was adequate and properly trained; and
- monitoring mechanism and internal control were adequate and effective.

2.1.4 Audit criteria

The performance of management of prisons was assessed with reference to –

- Gujarat Financial Rules, 1971 and Gujarat Treasury Rules, 2000;
- The Prisons Act, 1894 and the Prisoners Act, 1900;
- The Bombay Jail Manual, 1955 and the Model Prison Manual, 2003; and
- Government orders issued from time to time.

2.1.5 Audit coverage and methodology

The records at the Secretariat (Government of Gujarat), Additional Director General and Inspector General of Prisons (IGP), Gujarat State Police Housing Corporation Limited (GSPHCL), Staff Training School and eight² out of 24 prisons selected on the basis of Stratified Random Sampling Method were test checked (December 2012 to June 2013) covering the period 2008-13. An entry conference was held (28 March 2013) with the Additional Chief Secretary (ACS), Home Department for explaining the audit scope and objectives. After the conclusion of field audit, the draft audit findings were discussed (2 September 2013) with ACS, Home Department during exit conference.

¹ A State Public Sector Undertaking

² i) Lajpore Central Prison, ii) Sabarmati Central Prison, iii) Vadodara Central Prison, iv) Palara Special Prison, v) Junagadh District Prison, vi) Palanpur District Prison, vii) Godhara Sub Prison and viii) Navsari Sub Prison

Audit Findings

2.1.6 Financial Management

2.1.6.1 Flow of funds

The Home Department transfers funds to IGP office which in turn transfers the same to all prison offices and Staff Training School. GSPHCL receives funds directly from Home Department for construction of prison buildings/staff quarters.

2.1.6.2 Budget provision and expenditure

The details of budget provision and expenditure incurred during the period 2008-2013 are shown in **Table 1** below -

Table 1: Details of budget provision and expenditure

(₹ in crore)

Year	Budget Provision ³			Expenditure			Percentage of Utilisation	Non plan Excess (+) Saving(-)	Plan Excess (+) Saving(-)
	Non Plan	Plan	Total	Non Plan	Plan	Total			
2008-09	41.43	14.15	55.58	42.56	14.11	56.67	102	(+) 01.13	(-) 00.04
2009-10	42.37	44.85	87.22	44.11	41.17	85.28	98	(+) 01.74	(-) 03.68
2010-11	50.55	63.23	113.78	50.53	61.87	112.40	99	(-) 00.02	(-) 01.36
2011-12	60.78	82.17	142.95	60.38	79.07	139.45	98	(-) 00.40	(-) 03.10
2012-13	61.10	91.37	152.47	61.10	76.06	137.16	90	00.00	(-) 15.31
Total	256.23	295.77	552.00	258.68	272.28	530.96	96	(+) 02.45	(-) 23.49

(Source : Information furnished by Home Department, Government of Gujarat)

Audit observed that out of a total of ₹ 530.96 crore booked as expenditure (2008-13) in the Government accounts, ₹ 147.46 crore⁴ remained un-utilised (March 2013) with GSPHCL as discussed in the following paragraph.

2.1.6.3 Accumulation of funds with GSPHCL

Gujarat State Police Housing Corporation Limited (GSPHCL) receives grants for construction/repairs of prison buildings. Expenditure incurred by GSPHCL during 2008-13 was as shown in **Table 2** below –

Table 2: Grants received and expenditure incurred by GSPHCL

(₹ in crore)

Year	Opening Balance	Grants Re-ceived	Interest earned	Total	Expenditure incurred	Percent-age of utilisation	Closing Balance
2008-09	33.41	20.19	2.51	56.11	5.86	10	50.25
2009-10	50.25	40.54	2.44	93.23	17.25	19	75.98
2010-11	75.98	56.52	2.05	134.55	45.11	34	89.44
2011-12	89.44	76.45	2.17	168.06	44.96	27	123.10
2012-13	123.10	58.22	13.77	195.09	24.69	13	170.40
Total		251.92	22.94		137.87		

(Source : Information furnished by GSPHCL)

³ Major heads 2056 for Revenue Expenditure and 4216 for Capital Expenditure

⁴ ₹ 170.40 crore closing balance - ₹ 22.94 crore interest earned by GSPHCL = ₹ 147.46 crore

Out of ₹ 308.27 crore⁵ available with GSPHCL, only ₹ 137.87 crore (45 per cent) was spent by it during the period 2008-13 resulting in accumulation of ₹ 170.40 crore with it as on March 2013.

Audit observed that the system for maintaining work records⁶ in IGP office and GSPHCL was inadequate. On inquiry, an incomplete statement showing progress of works was provided by GSPHCL and hence, Audit could not verify the status of works assigned to it. GSPHCL also did not furnish monthly/yearly physical and financial progress reports to the IGP office. Thus, the IGP office was not aware of the progress of works under execution by GSPHCL.

Government stated (September 2013) that instructions have been issued to GSPHCL for completing pending works and savings of fund would be utilised for other new works.

2.1.6.4 Delay in submission of Detailed Countersigned Contingent Bills

Rule 211 of Gujarat Treasury Rules (GTR), 2000 provides that a Detailed Countersigned Contingent (DCC) Bill should be sent to the office of the Accountant General (A&E), Gujarat by Drawing and Disbursing Officer (DDO) within three months from the date of drawal of moneys on Abstract Contingent (AC) Bill.

During scrutiny of records of IGP office, it was observed that out of 1,887 AC Bills drawn during 2008-13, 184 DCC Bills amounting to ₹10.48 crore by various Superintendents of Prisons (SPs) and Principal, Staff Training School were submitted with delays which ranged up to 100 days (87 cases), 101 to 200 days (74 cases) and more than 200 days (23 cases).

Government attributed (September 2013) the delay in submission of DCC Bills to lack of Accounts Cadre personnel and stated that strict instructions have been issued (January 2013 and July 2013) to take due care for submitting DCC Bills as per provision of GTR.

Prison Management

2.1.7 Prison Safety

2.1.7.1 Ineffective Door Frame Metal Detectors

The IGP office procured 40 Door Frame Metal Detectors⁷ (DFMDs) at unit cost of ₹ 83,000 during June 2007 and 10 DFMDs at unit cost of ₹ 91,000 during

⁵ ₹ 33.41 crore opening balance on April 2008 + ₹ 251.92 crore provided by HD + ₹ 22.94 crore interest earned

⁶ Showing details of works sanctioned, funds provided for works, status of works, expenditure incurred and saving/excess

⁷ Five for Sabarmati CP, four for Vadodara CP, three each for Surat DP (Lajpore CP) and Rajkot CP, two each for Palara Special Prison, Porbandar Special Prison, Bhavnagar DP, Nadiad DP, Junagadh DP and Jamnagar DP, one each for IGP office and other 12 prisons

March 2012 for Lajpore Central Prison (CP) to check smuggling of any metal weapons or metal items inside prison premises. Audit observed that –

- Out of five DFMDs at old Sabarmati CP, three were installed (June 2007) and two were kept idle as they were in excess. These were later installed (June 2011) at the new undertrial prison. During joint visit⁸ (May 2013), one DFMD kept at entrance of Sabarmati CP was found non-functional.
- At Vadodara CP, four DFMDs installed (June 2007) were frequently not functioning since June 2010 and the agency responsible for maintenance and repairs during the warranty period failed to repair the same in spite of issuance of repeated reminders. During joint visit (January 2013), Audit observed that three DFMDs were not working and there were no trained security staff to operate the DFMDs.
- Surat District Prison (DP) was to be shifted to a new CP which was under construction at Lajpore. The DFMDs were provided to the DP at Surat keeping in view the future requirements on relocation. However, on commencement of the new CP, a fresh requirement was mooted and accepted which led to three DFMDs lying unutilised. Further, out of the new 10 DFMDs, (except three installed at the main gate, visitor's room and administrative building) seven were installed at library room, computer room, video conferencing room, hospital, female yard *etc.* which did not serve any purpose as no security guard was posted at these points for monitoring/checking of the DFMDs.
- As noticed (April 2013) from the records available at Junagadh DP, two DFMDs were not working since August 2012.

Thus, the purpose of installing DFMDs was not fully achieved.

The SP, Vadodara CP stated (March 2013) that after many reminders, an engineer of the agency visited (December 2012) but could not repair the DFMDs due to major defects. The SP Lajpore stated (April 2013) that after recruitment of staff and commencement of prison industries⁹, DFMDs would be used effectively to prevent prisoners from carrying metal items.

Government stated (September 2013) that Gujarat Info Petro Limited (GIPL) has been appointed as a technical consultant to take up annual maintenance.

• ***Annual Maintenance Contract of DFMDs***

IGP office had finalised the rate for Annual Maintenance Contract (AMC) for DFMDs at ₹ 12,500 *per* unit and issued (May 2011) instructions to all prisons for awarding AMC at their level. Among the test-checked prisons in audit, it was observed (February-May 2013) that except Vadodara CP (during November 2011 to October 2012) and Junagadh DP (during April 2011 to March 2012), no other prisons had entered into an AMC for maintenance of the DFMDs.

⁸ Audit team along with prison staff

⁹ Industries established within prison complex to provide work to the inmates of the prison

Government stated (September 2013) that GIPL has been engaged as consultant to find a suitable agency for entering into an AMC.

2.1.7.2 Ineffective Close Circuit Television System

The Model Prison Manual (MPM) provides installation of Close Circuit Television (CCTV) system to effectively monitor and maintain a close watch for any breach of security inside the prisons. The IGP office issued (March 2007) supply order to an agency¹⁰ for installation of 58 CCTV cameras¹¹ which carried three years' warranty and the agency was paid ₹ 81.81 lakh (September 2007). Audit scrutiny in test-checked prisons revealed that–

- Out of 26 cameras installed (September 2007) at Sabarmati CP, 22 cameras were not working since October 2010 and system of taking footage had not been developed (May 2013).
- Out of 19 cameras installed (August 2007) at Vadodara CP, five were not working (February 2013).

Though, warranty period had expired (August 2010), no AMC was awarded by both the CPs (except for March 2011 to February 2012 by SP, Sabarmati CP) till date (March 2013).

This indicated lack of effective monitoring mechanism as prescribed under the MPM.

- ***Installation of CCTV cameras at empty barracks***

GSPHCL installed (May 2011) 806 CCTV cameras (742 Fixed and 64 Pan Tilt and Zoom (PTZ)) at a cost of ₹ 4.85 crore¹² at Lajpore CP without obtaining approval of the IGP office.

Audit observed that out of 146 barracks in Lajpore CP, only 64 barracks were utilised and remaining 82 barracks were empty from April 2012 (commencement of prison) to September 2013. Thus, 328 cameras¹³ installed in these 82 empty barracks were not being utilised and the warranty period of three years' would expire¹⁴ in April 2015.

Government agreed that capacity of Lajpore CP had not been fully utilised and stated (September 2013) that decision of installation of 806 cameras was taken by GSPHCL in consultation with the IGP considering future requirement. Audit at the exit conference requested for the records showing approval of IGP for installation of 806 cameras but the same were not furnished.

¹⁰ Modern Communication and Broadcast System Private Limited, Gandhinagar

¹¹ 26 at Sabarmati CP, 19 at Vadodara CP and 13 at Rajkot CP

¹² Which included expenditure incurred on wire fencing on main wall due to combine tender (estimated cost of wire fencing was ₹ 40 lakh)

¹³ Four cameras were installed in each barrack (two inside barrack, one in open front area and one in wash area)

¹⁴ Three years warranty period started from commencement of prison i.e. April 2012

2.1.7.3 Ineffective watch towers

The MPM stipulates that watch towers, should be constructed both inside and outside the prison wherever necessary and searchlights and binoculars be provided to security staff posted on the watch towers. Audit observed that-

- There were no watch towers outside old Sabarmati CP and three watch towers constructed inside the prison were broken and abandoned (20 May 2013).
- No watch tower was constructed around the new Female Prison at Vadodara CP (27 February 2013) and at Palanpur DP (14 May 2013).
- As location of Palara Special Prison was on the approach path of Bhuj Air Force station, the elevation of the watch towers was reduced¹⁵, defeating the purpose for which these were constructed (30 May 2013).
- Binoculars and searchlights were not provided to staff on duty on the watch tower in test-checked prisons (February-May 2013).



Picture showing broken watch tower at Sabarmati CP (20 May 2013)



Picture of low level watch tower at Palara Special Prison (30 May 2013)

In reply, Sabarmati CP stated (June 2013) that watch towers constructed 24 years back were broken and hence, not utilised. This was clearly a breach of the provisions of MPM. The test-checked prisons also stated (February-May 2013) that requisition would be sent to IGP office for binoculars and searchlights.

Government stated (September 2013) that there were no watch towers at old Sabarmati CP since its existence and the height of watch towers had to be reduced at Palara Special Prison for air defence protocols.

2.1.7.4 High-rise buildings in the vicinity of prison

Rule 492(i) of Bombay Jail Manual provides that permission for construction of buildings within 220 yards¹⁶ of the main Jail wall should not be granted

¹⁵ Originally planned 33 feet but constructed 23 feet

¹⁶ One yard is equal to 0.914 meter

when the IGP office thinks it inadvisable. Such buildings could pose security threats making the prisons prone to attack from outside and facilitate easy communication between the prisoners and outsiders.



Photograph of police staff quarters constructed near to main wall of Navsari Sub prison (4 May 2013)

Audit observed (May 2013) that near Navsari Sub Prison, four storeyed buildings of Police staff quarters¹⁷ were constructed by the Police Department (2003) towards north side of the prison which was within a distance of 15 meters of the main wall and thus was in contravention of the Bombay Jail Manual.

The SP, Navsari Sub Prison stated (April 2013) that the buildings were constructed by Police Department without permission from the IGP office and the Collector had not taken any action though the matter was reported to him. Thus, the Prison authorities and the Collector failed to ensure safety of the prison as envisaged in the Bombay Jail Manual. Government stated (September 2013) that instructions have been issued to IGP office to develop a Green Belt for blocking the view between Jail wall and existing police staff quarters as a security measure.

2.1.8 Prisoners Security

2.1.8.1 Escape of prisoners

MPM provides for installation of CCTV, construction of watch towers, power fencing, adequate guards and security staff, *etc.* as measures for prevention of prisoners escaping from custody.

As per information furnished by IGP office, 677 prisoners had escaped (prior to January 2008) from custody and were yet not traced (January 2008). Further, 863 prisoners had escaped during January 2008 to March 2013. Year-wise details of prisoners who had escaped from prisons/parole/furlough/intermediate bail and Police escort are shown in **Appendix-V**. Out of total 1,540 prisoners who had escaped, only 973 prisoners¹⁸ were taken back into custody or had died (January 2008 to March 2013) and 567 prisoners were not yet traced (March 2013). This indicates that the security arrangements were inadequate. Disciplinary action was taken against prison staff in cases of escapes from prisons, however, the details of action taken against police personnel responsible for these lapses leading to the escape of the prisoners was not available with the prison authorities.

¹⁷ Not for Prison Staff

¹⁸ 947 prisoners captured and 26 prisoners died

Government stated (September 2013) that concerned authorities of the prisons are in constant touch with Additional Director General of Police (CID) Crime to trace such prisoners. However, the fact remained that 567 prisoners remained untraced till date (March 2013).

2.1.8.2 Recovery of mobile phones and other prohibited items

Bombay Jail Manual provides for surprise physical checking of every part of the prison and prisoners once in a week by the SP as well as by the Jailor. Further, IGP office issued (June 2010 and July 2011) instructions for strict physical checking of every prisoner/person at the time of entry/exit to prevent entry of prohibited items into the prison.

During scrutiny at test-checked prisons it was noticed that there were 551 cases (2008-13), where prisoners were found to be in possession of prohibited articles like mobile phones, cash, cigarettes, tobacco, etc. (**Appendix-VI**).

In reply, the prison authorities stated (February-May 2013) that strict physical checking of every person entering the prison was being carried out and equipment like Door Frame Metal Detectors, Scanning Machines, etc. were utilised. The reply was not acceptable as the possession of such prohibited articles by prisoners points to a weak security system.

2.1.9 Detention of Prisoners

2.1.9.1 Detention of undertrial prisoners beyond two years

The Constitution of India (Article 21) envisages right to speedy trial. The Chairperson of National Human Rights Commission (NHRC) informed (22 December 1999) the Chief Justice of all the High Courts about the decision of the Hon'ble Supreme Court to complete the trial of prisoners for offences punishable up to seven years within two years and for offences punishable beyond seven years within three years.

During analysis of data maintained by the IGP office, it was observed that out of 11,609 prisoners as on 31 December 2012 in the State of Gujarat, there were 6,618 undertrial prisoners (UTPs) (6,304 male and 314 female), and of them, 1,040 UTPs had been in custody for more than two years due to non-finalisation of cases.

A Core Committee¹⁹ has been constituted in every district to review the cases of undertrials in prisons for long periods and to take necessary action for speedy trials. The data of the test-checked prisons revealed that against 20 meetings that were prescribed for each core committee during the period of review (2008-13), the number of meetings of these committees ranged between one (Sabarmati CP) to 10 (Palanpur DP).

¹⁹ District Magistrate is chairman of core committee, respective Sessions Judge including Additional and Assistant Sessions Judge, District Superintendent of Police and Superintendent of Prison are members. The committee is required to hold one meeting in each calendar quarter

Government stated (September 2013) that all the District Collectors had been instructed (August 2013) to review such pending cases regularly.

The directions of the Hon'ble Supreme Court and the NHRC were defeated as the trials of prisoners were not completed in the prescribed time.

2.1.10 Unsuccessful Preventive Mechanism

2.1.10.1 Non-functional mobile phone jammers

To prevent contact through smuggled communication devices, mobile phone jammers were required to be installed in sensitive prisons, where high security prisoners were lodged.

In January 2007, five jammers were installed at Sabarmati CP. These were found to be inefficient as there were large areas in the prison from where mobile phones could be used. Hence, an order for five more jammers was placed (March 2007). Though these were received by Sabarmati CP in 2008, their installation could be done only in June 2010 due to delay in construction of towers by GSPHCL. Similarly, due to delay in construction of towers at Vadodara CP and Rajkot CP, five and three jammers respectively were not installed till October 2010 and May 2012 though these were procured in 2008.

Further, during audit scrutiny at Sabarmati CP and Vadodara CP, it was noticed that the supplier had not attended to defects in time and as a result, the jammers were not working properly. Moreover, the jammers were not capable to block 3G mobile waves. For upgrading jammer system, a meeting was held (April 2012) at IGP office.

Government agreed (September 2013) and stated that now GIPL has been appointed as a consultant to look into the matter and resolve the technical problems.

2.1.10.2 Telephone booth not made operational

Of the 551 prohibited articles seized during search in the selected prisons (**Appendix-VI**), 223 (41 *per cent*) were mobile phones. In order to facilitate the prisoner to communicate with their family when permitted to do so and in order to discourage unauthorised use of mobile phones in prisons, Government decided (December 2009) to start on an experimental basis, telephone booths in Sabarmati and Vadodara CPs. A telephone booth was set up at Sabarmati CP in November 2010. It was observed in Audit that instances of mobile phones seized from Sabarmati CP decreased subsequently. On the other hand no telephone booth was set up at Vadodara CP till September 2013.

Though more than two years have elapsed, no action was found to have been taken to provide this facility at other CPs.

Government stated (September 2013) that permission granted (April 2010) to Sabarmati CP was on an experimental basis and on the basis of input from IGP office, the same would be provided to other Central Prisons.

2.1.10.3 Incomplete execution of civil works

The Model Prison Manual (MPM) provides that the prisoners involved in terrorist and extremist activities are to be lodged under high security. Government accorded (September 2009) approval for construction of Hardcore Cells in Sabarmati CP with total intake capacity of 400 criminals.

As per the designed layout drawings, eight blocks (each consisting 50 cells) were to be constructed and each block was to be separated with 12 feet high internal wall (yard wall). GSPHCL awarded (June 2010) the work order for four blocks (Phase-I).

On a site visit (29 January 2011), the Executive Engineer in charge of the construction instructed the contractor to stop the work of yard wall between four blocks as the same was found unnecessary and IGP office was informed of the decision (February 2011). Though, IGP office requested (March 2011) GSPHCL to construct the yard wall as it was required from the security point of view, the request was not acceded to (April 2011) by GSPHCL. The construction of Cells without the yard wall was completed (December 2011) at a cost of ₹ 6.99 crore and *Taba Pavti*²⁰ was sent (February 2012) by GSPHCL to Sabarmati prison authorities for acceptance. The same was not accepted by Sabarmati CP till April 2013. However, on an incident (February 2013) of excavation of tunnel in Sabarmati CP, the prisoners were to be shifted to the hardcore cells and subsequently *Taba Pavti* was accepted (April 2013) so that same could be used.

The GSPHCL stated (June 2013) that the work of construction of yard wall was cancelled by informing IGP (February 2011 and April 2011) and possession of the blocks was not taken over by SP till April 2013. The reply was not acceptable as GSPHCL had to carry out work as per the requirements of prison authorities. The unilateral decision of GSPHCL was a breach of contract and hence a security threat to the prison authorities. Government stated (September 2013) that the work of construction of internal wall has now been taken up.

2.1.10.4 Security lapses leading to excavation of tunnel in prison

The guard on duty discovered (10 February 2013) a tunnel inside Chhota Chakkar yard in Sabarmati CP, allegedly excavated by 55 prisoners accused in cases of

²⁰ Document of handing over the possession

carrying out serial blasts. The tunnel which was 218 feet long, started from the open yard of Barrack Number 4 and ended about 30 feet outside the main wall of the prison. It was a few feet below the ground level²¹. An FIR was registered with Ranip Police Station on 11 February 2013 and thereafter, investigation was transferred to the Crime Branch. Government appointed (February 2013) a three member High Power Committee²² for probing the incident. The tunnel was closed (May 2013).

In this connection, Audit observed that -

- there were 26 CCTV cameras installed in Sabarmati CP, but majority of them were not functioning since October 2010 as discussed in paragraph 2.1.7.2;
- there were no watch towers surrounding the main wall of the old prison and the watch towers constructed inside were broken and abandoned as discussed in paragraph 2.1.7.3;
- though construction of 200 new cells for hardcore criminals and terrorists were completed by GSPHCL, prison authorities could not take over possession of the cells and prisoners accused in serious crimes were continued to be lodged in prison cells meant for ordinary prisoners; and
- though there was shortage of 50 *per cent* of security staff for a long time and permission was granted (January 2012) by the Government for recruitment of 672 Sepoys, the process for recruitment remained incomplete (September 2013) as discussed in paragraphs 2.1.15.1 and 2.1.15.3.

As mentioned in paragraph 2.1.10.3, after the above incident, Sabarmati prison authorities took over the new prison (hardcore cells) and all accused were shifted to hardcore cells. The new prison also had the facilities of CCTV cameras and watch towers.

In reply, Sabarmati prison authorities admitted (June 2013) that due to shortage of security staff, prisoners were not shifted to hardcore cells. It was also agreed that the watch towers were broken and that CCTV cameras were not functional and the agency had not responded to the request for AMC. Government stated (September 2013) that recruitment of Sepoys is under process and would be completed before December 2013.

²¹ Since the matter was under investigation, details like diameter and depth of tunnel, equipment/materials used by prisoners for digging and transporting soil, disposal of soil *etc.* were not made available to audit

²² Consisting of Joint Secretary, Narmada Department as Chairman, Additional Inspector General of Police, Law and Order and Director, Science Technology, as members

2.1.11 Prisoners' Amenities

2.1.11.1 Deficient planning to reduce overcrowding

As against the intake capacity of 5,489 prisoners (March 2003), there were 10,148 prisoners (185 per cent) in various prisons in the State as of March 2003. The State Government constructed new prisons/barracks to overcome the problem of overcrowding under "Prison Reforms" a Centrally Sponsored Scheme launched (2002-07) by GOI. The intake capacity of 5,489 prisoners (March 2003) was increased to 12,218 (March 2013) as shown in **Appendix-VII**. However, Audit observed in test-checked prisons that planning in enhancing the intake capacity of prisons was deficient as some prisons remained overcrowded while some were under-utilised as shown in **Table 3**. The details of inmates accommodated against the capacity during 2009-13 in the prisons of the State is shown in **Appendix-VIII**.

Table 3 : Details of authorised capacity and actual population in test-checked prisons as of March 2013

Name of Prison	Inmates Capacity			Inmates accommodated			Occupancy Percentage		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Lajpore CP	2,757	210	2,967	1,472	71	1,543	53	34	52
Sabarmati CP	2,051	65	2,116	1,488	91	1,579	73	140	75
Sabarmati Undertrial Prison	530	00	530	1,342	00	1,342	253	00	253
Vadodara CP for male	901	00	901	1,742	00	1,742	193	00	193
Vadodara Female Prison ²³	00	200	200	00	85	85	00	43	43
Palara Special Prison	490	40	530	386	21	407	79	53	77
Junagadh DP	250	15	265	423	15	438	169	100	165
Palanpur DP	260	08	268	294	14	308	113	175	115
Godhara Sub Prison (SP)	133	32	165	119	18	137	89	56	83
Navsari Sub Prison (SP)	220	10	230	295	27	322	134	270	140
Total	7,592	580	8,172	7,561	342	7,903	100	59	97

(Source : Information furnished by the IGP office and test checked prisons)

²³ Newly constructed

As seen from the above table, out of 7,903 prisoners accommodated in test-checked prisons, 6,291 (79.60 per cent) were accommodated in three CPs²⁴. Audit observed that -

- to reduce overcrowding at Surat DP, the IGP instructed (March 2005) GSPHCL to construct a high-tech Prison at Lajpore (in Surat District) with an intake capacity of 2,500 prisoners. GSPHCL in phased manner constructed (2006-13) the prison (at a cost of ₹ 63.05 crore²⁵) with an intake capacity of 2,967 as against the sanctioned capacity of 2,500 prisoners. However, the prison was under-utilised to the extent of 48 per cent²⁶;
- against the approval (2003-04) of a new undertrial prison with intake capacity of 1,000, the Sabarmati undertrial prison was completed with intake capacity of 530 only. This undertrial prison remained overcrowded as the occupancy percentage was 253; and
- at Vadodara CP, the occupancy percentage in newly constructed Female prison and Male prison were 43 and 193 respectively.

This shows deficient planning by the IGP office in ensuring optimum utilisation of the capacity of prisons.

Government stated (September 2013) that sanction has been accorded for construction of new prisons at five Districts and for upgradation of Taluka Sub Prisons to overcome the problem of overcrowding.

2.1.11.2 Delay in operationalisation of Prisons

To reduce overcrowding in prisons of the State as discussed in preceding paragraph (2.1.11.1), many works of new prisons/barracks were taken up. However, during the test-check by Audit, it was observed that the completed prisons/cells were not put to use in time due to lack of co-ordination between IGP/SPs and executing agencies (Roads and Buildings Department/GSPHCL) as discussed as follows -

²⁴ Lajpore, Sabarmati and Vadodara

²⁵ In addition, the work of 158 staff quarters with tender cost of ₹ 13.71 crore was under progress

²⁶ 1,543 prisoners were lodged (March 2013) against the capacity of 2,967 created

Sl. No.	Name of prison	Proposed capacity/ upgradation	Outcome	Departmental reply
1	Female prison at Vadodara CP	Separate prison at Vadodara CP with intake capacity of 200 prisoners (2002-03)	The work was completed (February 2007) by Roads and Buildings (R&B) Department at cost of ₹ 3.45 crore except water supply work due to dispute ²⁷ regarding source of water between SP and R&B Department. Subsequently, for completing the pending water supply and other works ²⁸ additional funds (₹ 86 lakh) were demanded (January 2009). The provision was made in the year 2010-11 for pending ancillary works and work was allotted to GSPHCL. On completion (June 2012) of these works, the utilisation of female prison started in November 2012. Thus, there was a delay of more than five years in its utilisation due to lack of co-ordination between SP and R&B Department.	The IGP attributed (June 2013) the delay to non-execution of water supply work by R&B Department. He also stated that functioning of the prison started in November 2012 after female security staff was provided. The reply was not acceptable as lack of co-ordination of prison authorities with executing agency resulted in non-execution of water supply work with original work which delayed commencement of use of the prison.
2	Palara Special Prison, Bhuj (Kachchh District)	Intake capacity of 530 prisoners (2003-04)	The work was completed in December 2006 by R&B Department. However, the possession was not taken by SP due to pending works of watch towers, drainage, ground levelling, internal roads <i>etc.</i> , for which R&B Department demanded additional funds of ₹ 57 lakh. On providing additional funds, the pending works were completed and prison started to function in April 2009. Thus, the use of prison was delayed by more than two years due to non-completion of ancillary works.	The IGP stated (June 2013) that initially some works were not completed by R&B Department, which delayed the use of the prison for two years. The non-provision of ancillary works in original work showed lack of co-ordination of prison authorities with executing agency.

2.1.11.3 Inadequate space and utilities

Rule 519 of Bombay Jail Manual (BJM), 1955 provides that minimum space of 40 square feet and air space of 560 cubic feet shall be made available to each prisoner. The MPM also provides that each sleeping barrack shall have one attached toilet for 10 prisoners. However, the space²⁹ and toilets available (March 2013) in the test-checked prisons were as shown in **Table 4** below –

Table 4 : Details of ground space, air space and toilets provided to prisoners

Name of Prisons	Number of prisoners lodged (March 2013)	Ground space (Square feet)		Air space (Cubic feet)		Number of toilets	
		As per norms	Actual	As per norms	Actual	As per norms	Actual
Sabarmati UTP (Male)	1,342	40	17	560	218	134	72
Sabarmati (Female)	91	40	35	560	471	09	08
Vadodara CP (Male)	1,742	40	20	560	327	174	130
Junagadh DP (Male and Female)	438	40	29	560	382	44	38
Palanpur DP (Male)	294	40	35	560	496	29	18
Navsari Sub Prison (Male and Female)	322	40	31	560	386	32	20

(Source : Information furnished by IGP and test-checked prisons)

²⁷ SP insisted for new water connection from Corporation while Executive Engineer, R&B insisted to provide water connection from existing water tank of old prison

²⁸ Underground drainage, coloring, gardening, compound wall *etc.*

²⁹ Square feet area and cubic feet area calculated on the base of information of length, width and height collected from test-checked prisons and divided by number of prisoners

Thus, overcrowding resulted in denial of minimum prescribed space and toilet facilities to the prisoners.

Government stated (September 2013) that as soon as the problem of overcrowding is solved, the prisoners of various prisons mentioned above would get space and facilities as per the provision.

2.1.12 Introduction of Modern Amenities

2.1.12.1 Delay in establishment of Video Conferencing System

On expiry of judicial remand, the undertrial prisoners (UTPs) in judicial custody are required to be produced before the Magistrate for granting extension of judicial custody. With a view to avoid cost of transportation of UTPs between prisons and the Hon'ble Courts, problems of non-availability of police escort for movement of UTPs, prevention of escape, etc., Government decided (November 2004) to introduce Video Conferencing System (VCS) in nine³⁰ prisons. Accordingly ₹ 1.00 crore was provided (November 2004) from State Contingency Fund with the condition that the funds should be utilised within two months. Of this amount, ₹ 36 lakh was provided to GSPHCL for construction of studio rooms and ₹ 64 lakh was provided to Science and Technology Department of the State Government for purchase and installation of requisite equipment. Further, Government also allotted ₹ 2.79 crore³¹ (March 2005 to August 2010) additionally for extending VCS to 12 prisons³² with respective Courts.

Audit observed that establishment of VCS³³ was delayed for three to eight years in four test-checked prisons for want of co-ordination between the various agencies (**Appendix-IX**). As per information furnished by Sabarmati CP, a total of 1,83,159 prisoners were physically produced before the various Courts at Ahmedabad against 10,465 prisoners produced through VCS (January 2008 to March 2013). Thus, intended objectives for introduction of VCS at Sabarmati CP were not fully achieved.

The IGP office stated (July 2013) that due to delay in installation of equipment and providing Gujarat State Wide Area Network (GSWAN) connectivity by Science and Technology Department, commencement of VCS was delayed. The Government stated (September 2013) that consultant GIPL would look into the matter of establishment of VCS.

³⁰ i) Rajkot CP, ii) Sabarmati CP, iii) Surat (Lajpore) CP, iv) Vadodara CP, v) Palara Special Prison, vi) Bhavnagar DP, vii) Jamnagar DP, viii) Junagadh DP and ix) Nadiad DP

³¹ ₹ 1.56 crore to S&TD and ₹ 1.23 crore to GSPHCL

³² 1) Sabarmati CP (Ghee Kanta, Mirzapur and Old High Court), 2) Bhavnagar, 3) Jamnagar, 4) Junagadh, 5) Lajpore (Surat), 6) Mehsana, 7) Nadiad, 8) Palanpur, 9) Palara (Bhuj), 10) Porbandar, 11) Rajkot and 12) Vadodara

³³ Expenditure of ₹ 2.67 crore was incurred

2.1.13 Prisoners' Welfare

2.1.13.1 Lack of medical facilities

Para 7.2 of MPM, 2003 provides that hospital accommodation should be provided on the scale of five *per cent* of the daily average of the inmate population in all Central and District Prisons. Availability of medical facilities in the test-checked prisons were as shown in **Table 5** below –

Table 5 : Details of hospital facility and medical staff available in test-checked prisons

Name of Prison	Number of inmates lodged (March 2013)	Number of beds required	Actual beds available	Sanctioned medical staff ³⁴	Medical staff in position
Lajpore CP	1,543	77	10	10	5
Sabarmati CP	2,921	146	20	23	18
Vadodara CP	1,827	91	4	19	13
Palara Special Prison	407	20	0	8	3
Junagadh DP	438	22	0	2	1
Palanpur DP	308	15	0	1	1
Total	7,444	371	34	63	41

(Source : Information furnished by test-checked prisons)

Thus, as against requirement of 371 hospital beds in the test checked prisons, availability of beds was only 34 (nine *per cent*) and as against the requirement of 63 medical staff, availability was only 41 (65.08 *per cent*). Audit observed that due to shortage of beds, medical staff and equipment, prisoners were sent to civil hospital daily for treatment and there were 21 cases of escape of prisoners from hospital during transit (2008-13). Further, the following deficiencies were observed in health care facilities available in the test-checked prisons -

- Due to shortage of space and non-availability of technicians, Semi-Auto Analyzer (costing ₹ 0.93 lakh) and X-ray machine (costing ₹ 1.24 lakh) received (December 2005 and July 2007 respectively) were not installed at Lajpore CP (September 2013).
- Due to shortage of space, X-ray machine, Dental machinery, Ophthalmic instruments and Laboratory instruments/cupboard were kept in a single room at Vadodara CP.
- Due to non-availability of technicians, equipment³⁵ costing ₹ 16.55 lakh received (July 2011 to January 2012) were kept unutilised at Palara Special Prison till June 2013.

³⁴ Medical Officers, Pharmacists, Laboratory Technicians, Nurses etc.

³⁵ X-ray machine costing ₹ 11.85 lakh and ultrasonography (USG) machine costing ₹ 4.70 lakh

- Though, the posts of Surgeon were filled in Sabarmati CP and Vadodara CP in February 2010 and November 2010 respectively, operation theatre with equipment were not provided either at Sabarmati CP or at Vadodara CP (September 2013).

The prison authorities at Lajpore and Palara agreed (April 2013 and May 2013) that equipments were lying idle for want of technicians. Government stated (September 2013) that the Health and Family Welfare Department of the State Government has been requested to provide more medical officers/employees and para-medical staff on urgent basis.

2.1.14 Reformation and Rehabilitation of Prisoners

2.1.14.1 Working of prison industries

The Prison Department undertakes programmes aimed at reforming and rehabilitation of prisoners as part of social reclamation. As a part of reclamation measures, industries were established in Sabarmati and Vadodara prisons complex to provide work to the inmates of the prisons. The MPM provides that vocational training may be imparted and that prison industries should be operated on business-cum-commercial basis. The MPM also provides that yearly accounts of the production/work be prepared and got audited from the government auditors for each financial year.

Details of annual targets, production and sales of industries at Sabarmati and Vadodara CPs for the period 2008-13 were as shown in **Appendix-X**. Audit scrutiny revealed that -

- the posts of technical/supervisory staff remained vacant for long periods (January 1998 to December 2012) as shown in **Appendix-XI**;
- annual accounts of prison industries were not prepared since their establishment³⁶;
- test check of two months³⁷ records at Sabarmati CP revealed that four items prepared in prison industries valued ₹ 1.58 lakh and supplied to prison for internal use were not accounted for and their credit bills were also not provided to Accounts Branch;
- at Vadodara CP, it was observed during test check that one item valuing ₹ 6,000 sold on credit was not entered in the concerned Register; and
- in Bill Books, bill numbers were given manually instead of machine numbering.

The above instances highlighted the weak internal control mechanism and systemic failure in the prison industries.

³⁶ Date of establishment of prison industries at Sabarmati and Vadodara CPs were not made available to Audit

³⁷ September 2010 and December 2012

Government stated (September 2013) that permission to fill up the technical/supervisory staffs by outsourcing has been accorded (June 2013) and the post of the accounts cadre would be filled up to supervise accounts related works.

2.1.14.2 Prisoners' Welfare Fund

The Government notified (January 2002) the Gujarat Prisons (Prisoners Welfare Fund) Rules, 2002 with the objective to provide aid to the prisoners for cultural, recreational and vocational activities. Accordingly, IGP office issued (September 2003) order for creation of Prisoners' Welfare Fund (PWF) separately for all prisons from October 2003 and instructed for crediting the profit from prison canteen, agriculture and dairy activities to PWF.

Audit noticed that net income of ₹ 97 lakh (2008-13) from agriculture and dairy activities at Sabarmati CP and agriculture income of ₹ 28 lakh (2003-12) and ₹ 3 lakh (2008-13) at Vadodara CP and Junagadh DP respectively were not credited to PWF.

Government stated (September 2013) that instructions have been issued (August 2013) to all the Superintendents to deposit the respective amounts in the PWF.

2.1.15 Human Resource Management

2.1.15.1 Shortage of manpower

The men-in-position in the Prison Department of the State as a whole during the period covered under audit were as shown in **Table 6** below –

Table 6: Details of sanctioned and available manpower as at close of every financial year

Year	Sanctioned strength ³⁸	Men-in-position	Shortage	Percentage of shortage
2008-09	1,644	873	771	47
2009-10	2,051	863	1,188	58
2010-11	2,051	1,090	961	47
2011-12	2,049	1,143	906	44
2012-13	2,381	1,122	1,259	53

(Source : Information provided by IGP office)

As can be seen from the above table, there was shortage of manpower ranging from 44 per cent to 58 per cent during the period. The increase in sanctioned strength during 2009-10 and 2012-13 was due to opening of new prisons. Audit observed that IGP office had regularly sent proposals to the Government for recruitment of staff, but no action was taken for filling vacant posts except during 2010-11 and 2011-12. Thus, shortage of staff in prisons adversely affected the functioning of the prisons as mentioned in the preceding paragraphs.

³⁸ Class I to Class IV posts

Government stated (September 2013) that the matter is under active consideration of the General Administration Department and Finance Department.

2.1.15.2 Posting of Non-Official Personnel for Security Work

As per Para 5.02 of MPM, untrained personnel should not be posted inside the prison and prison premises for security duty. The Government approved (October 2008) posting of Gujarat Industrial Security Force (GISF) personnel (temporarily on fixed salary) against 498 vacant posts of Sepoys for a period of two years or till recruitment. Audit observed that GISF personnel were continued even after two years and Government granted (March 2012) *ex-post facto* sanction for extension of posting of GISF personnel up to December 2012. However, GISF personnel still continue on duty (July 2013). This was not only a breach of MPM but also enhanced the security threat.

Government stated (September 2013) that the posting of GISF personnel is a stop gap arrangement till recruitment of Sepoys and recruitment process of Sepoys would be completed by December 2013.

2.1.15.3 Delay in Recruitment of Sepoys

With a view to provide adequate security staff at the prisons, General Administrative Department granted permission (January 2012) for recruitment of 672 Sepoys by a Committee consisting of Deputy Inspector General of Prison (DIGP) as Chairman, SPs and officers of IGP office as Members. Though the recruitment process was required to be completed within one year, it was observed that the same was still in progress (September 2013). This adversely affected the security of prisons.

Government stated (September 2013) that the time limit has been extended till December 2013 and recruitment is under process.

2.1.15.4 Staff Training School

To provide training to the prisons staff, the Staff Training School, Ahmedabad was established in 1996 with a capacity of 60 trainees. Audit observed the following in connection with working of the Staff Training School (STS).

- Against the total sanctioned strength of 21 posts, nine posts, (including Principal) were vacant as on September 2013. These were found to have fallen vacant between January 1997 and January 2010;
- No training calendar was prepared by the STS during the review period;
- In the absence of its own firing range, the STS was compelled to utilise the Police Department's firing range; and
- STS utilised old Rifles from Sabarmati prison for the training as it had no weapons of its own and storage facility.

Government stated (September 2013) that six out of nine posts would be filled up soon and the IGP office situated in the Staff Training School would be shifted to new Jail Bhawan building on completion of construction work and thereafter the training school would function with full facilities and establishment. It was further stated that IGP has been instructed to formulate regular training syllabus.

2.1.16 Monitoring

2.1.16.1 Non-formation of State Advisory Board and Prisons Development Board

The MPM provides that there shall be a State Advisory Board³⁹ to advise the State Government and the prison administration on matters related to correctional work in prisons, rehabilitation of inmates and redressal of grievances of prisoners or of their relatives and a high powered Prisons Development Board⁴⁰ to improve and modernise the infrastructural facilities in prisons.

When inquired about formation of such Boards, the IGP office stated (January 2013) that no such Boards have been created by Government. It was agreed to send proposal to Government for formation of these Boards. Thus, no improvements in prison administration relating to correctional work, rehabilitation of inmates or redressal of grievances of prisoners were put in place.

Government stated (September 2013) that the IGP has been instructed to send a proposal as required and would be considered for formation of State Advisory and Prisons Development Boards.

2.1.16.2 Deficiency in holding meeting of Board of Visitors

The Bombay Jail Manual provides that there shall be a Board of Visitors for each prison under the Chairmanship of District Magistrate and comprising of officials and non-officials who shall be appointed by the State Government. The Chairman shall convene a quarterly meeting of the Board and shall arrange for a weekly visit to a prison by one of the Members to hear grievances of prisoners and also see whether the prisons are being run as per the Rules.

Audit observed that out of 160 quarterly meetings⁴¹ in test-checked prisons required to be held, only 42 such meetings were held (2008-13). These meetings mainly discussed routine matters like pending cases of UTPs, non-providing police escorts, etc. No arrangement was made by the Chairman for weekly visit

³⁹ Comprising ACS (HD) – as a Chairman, IGP as a Member Secretary, Judicial Secretary, Director General of Police, Director of Social Education, Director of Technical Education, Director of Health, Chief Engineer of PWD, Director Social Welfare as a members and non-official like three members of Legislative Assembly, two members of Parliament from the State, three members from social reform group etc.

⁴⁰ Chief Minister as Chairman, Minister of Prisons as Vice-Chairman, Registrar of High Court as Ex-officio, Principal Secretary of Home Department, Principle Secretary of Revenue Department, Principle Secretary of Law Department and Director General & Inspector General of Police as Ex-officio Director, Two Nominated members and IGP as Ex-officio Managing Director

⁴¹ Four in a year (x) five years (x) eight prisons = 160

of Members to a prison in any of the test-checked prisons. This defeated the purpose of establishment of Board of Visitors.

Government stated (September 2013) that appointment of Members of the Board of Visitors would be cleared soon and the Board would have full quorum to hold the meetings regularly.

2.1.16.3 Inspection of prisons

Bombay Jail Manual provides that the IGP shall inspect the yards, wards, barracks, cells and other enclosures in every Central Prison, District Prison and Special Prison at least once a year. However, the work of inspection of sub prisons was allotted to the Deputy IGP since 1987. In addition, inspection of District Prison was also delegated to Deputy IGP from May 2012 onwards.

Audit observed that only eight inspections were carried out by the IGP (2008-13) against 58 inspections required. The Deputy IGP carried out only 15 inspections (2008-13) against the requirement of 62 inspections. Thus, the inspection of the prisons was deficient.

Government stated (September 2013) that IGP and Deputy IGP have now been instructed to conduct regular inspection of prisons.

2.1.16.4 Non-formulation of Gujarat Jail Manual

The MPM provides for formulation of the State Prison Manual on the lines indicated in MPM to adequately cater to the indigenous conditions without diluting the concept of basic uniformity in law and procedure. Government constituted (September 2004) a committee for preparation of Gujarat Jail Manual. The Committee was instructed to prepare the draft Gujarat Jail Manual within three months and submit the same to the Government for approval. During scrutiny in audit it was observed that draft Manual was submitted to the Government in April 2010 after delay of more than five years. Further, the approval of the Government to the draft manual is still awaited (September 2013).

Government stated (September 2013) that the draft Manual is in the final stage and Deputy IGP has been entrusted to carry out certain revisions and on receipt of revised Manual, the same would be considered by the Government.

2.1.16.5 Internal Audit

The Internal Audit (IA) wing of the IGP office consisting of one Accounts Officer and five Auditors, was functioning under the control of IGP. The office did not have an Internal Audit Manual codifying the procedures and scope of audit for prisons.

Out of 24 prisons in the State, five to 24 prisons were audited by IA wing in each year during 2008-13 as shown in **Appendix-XII**. As of June 2013, 204 Internal Audit Reports with 2,386 paragraphs remained unsettled for periods ranging from one to 36 years due to non-receipt of compliance.

Government stated (September 2013) that IGP has been instructed to comply the pending audit paragraphs as early as possible.

2.1.17 Conclusion

A review of the Management of Prisons in the State of Gujarat brought out deficiencies in financial management and in providing basic infrastructure in the prisons. Equipment like Door Frame Metal Detectors, Close Circuit Television Cameras were found to be either absent or not working optimally. There were security lapses in terms of prisoners' escapes, entry of prohibited articles inside prison and even excavation of tunnel. Lack of planning was observed in optimal utilisation of the accommodation capacity in the prisons leading to overcrowding in some prisons and underutilisation in some other prisons. Utilisation of newly constructed prisons/hardcore cells was delayed due to lack of co-ordination with GSPHCL/R&B Department. Health care facilities provided in the prisons were inadequate. Acute shortage of security staff adversely affected security of prisons. No State Advisory Board or Prisons Development Board had been constituted in the State for better administration and modernisation of prisons. Internal control system was found weak in the prisons.

2.1.18 Recommendations

The Home Department should –

- ensure proper co-ordination with GSPHCL for utilisation of funds provided to the latter so that projects are completed in time and as per specifications laid down;
- modernise security equipment and ensure their effective functioning for safety and security of prisons;
- provide adequate medical facilities and space for the prisoners;
- provide sufficient security personnel and technical staff for effective management of prisons in the State; and
- improve monitoring and internal control systems in the prisons.

SPORTS, YOUTH AND CULTURAL ACTIVITIES DEPARTMENT

2.2 Preservation and Conservation of Monuments and Antiquities

Executive Summary

Gujarat has a vast cultural heritage and many historical monuments and antiquities. There are 361 State protected monuments and 18 museums in Gujarat. Department of Archaeology (DOA) is engaged in the archaeological survey, excavation, preservation and conservation of State protected monuments while the Department of Museums (DOM) is engaged in establishment and maintenance of the museums. The performance audit of Preservation and Conservation of Monuments and Antiquities was conducted for the period 2008-13 during December 2012 to June 2013 and the following deficiencies were noticed –

There were deficiencies found in the manner in which preservation of monuments was being carried out. Survey, excavation and research works was almost negligible. There was no long term plan for preservation and conservation of monuments. Projects taken up for conservation of monuments were not completed resulting in funds remaining unutilised. No monuments were identified for State protection (2008-13) and the last monument taken under protection was in June 2007. Periodical inspection for timely identification of damage, deterioration, encroachment, vandalism, etc. was not done. Two important monuments were found to be closed to public. Two monuments were found to have been encroached upon. Two groups of Buddhist caves had not been excavated despite these having been declared as protected monuments. The excavated sites were not being developed as centres of archaeological interest. Amenities such as drinking water, toilets, ramps for physically challenged persons, notice boards, etc. for the visitors visiting the monuments were not available.

The management of antiquities found during excavations was improper as some were found dumped in spaces available in offices. New museum building/Galleries had not been opened as the works were incomplete. The lighting arrangement at the Baroda Museum and Picture Gallery was not effective.

Key posts were found to be lying vacant in both, the DOA and DOM. The security of monuments and antiquities was not ensured as no watch and ward staff were posted.

2.2.1 Introduction

Archaeological Survey of India (ASI) working under Ministry of Culture, Government of India and Department of Archaeology, Government of Gujarat are two separate authorities which are authorised to declare monuments as ‘protected monuments’ in Gujarat. There are 361 monuments declared by the State Government as ‘protected’, under Gujarat Ancient Monuments and Archaeological Sites and Remains (GAMASR) Act⁴², 1965 upto June 2013. In Gujarat there are 202 monuments protected by ASI in addition to the State protected monuments. Department of Archaeology, Government of Gujarat is engaged in archaeological survey and excavation in the State, besides carrying out the work of preservation and conservation of State protected monuments. The Department of Museums, Government of Gujarat is engaged in establishment and maintenance of museums in Gujarat. There are 18 museums in Gujarat (June 2013).

2.2.2 Organisational set-up

Principal Secretary, Department of Sports, Youth and Cultural Activities (SYCA) is in charge of the preservation and conservation of protected monuments and antiquities.

Director of Archaeology (DOA), Gandhinagar is the Head of the Department of Archaeology. He is assisted by Superintending Archaeologist and Archaeological Engineer. In field formations, the Assistant Directors (ADs) at circle offices⁴³ are assisted by Superintending Archaeologist (SA), Technical Assistant (TA) and Conservation Assistant (CA).

Director of Museums (DOM), Vadodara is the Head of the Department of Museums. He is assisted by Conservation Chemist at Head Office and Curators at the museums.

2.2.3 Audit objectives

The objectives of the performance audit were to ascertain whether –

- the financial management is efficient and effective;
- adequate efforts are being made for identification, preservation, protection of the monuments and that there exists a system for management of excavation projects, sites and antiquities;
- there is a system to ensure effective and efficient functioning of the museums; and
- there is sufficiency of manpower and that enhancement of their skills through training is ensured.

⁴² Monuments if they have been in existence for a period not less than 100 years and having unique cultural or historical importance are declared as protected under GAMASR Act, 1965

⁴³ Ahmedabad, Bhuj and Rajkot

2.2.4 Audit criteria

With a view to achieve the above audit objectives, the performance audit was carried out with reference to the following –

- Gujarat Ancient Monuments and Archaeological Sites and Remains (GAMASR) Act, 1965;
- John Marshall’s Conservation Manual; and
- Government Rules, Regulations and orders issued from time to time.

2.2.5 Audit coverage and methodology

This performance audit covers only State protected monuments, antiquities and museums in Gujarat. Audit conducted test-check (December 2012 to June 2013) of the records for the period April 2008 to March 2013 in the office of the Principal Secretary, Sports, Youth and Cultural Activities (SYCA) Department; Director of Archaeology (DOA) at Gandhinagar, three circle offices of DOA; Director of Museums (DOM) at Vadodara and 10 out of 18 museums selected (based on diversity of items and number of items kept in exhibition). Audit also conducted test-check of records and joint field visits⁴⁴ of 91 out of 361 State protected monuments selected (based on historical period, type and importance of monuments).

An Entry Conference was held (05 April 2013) with the Principal Secretary, SYCA and DOA for explaining the audit scope and objectives. After the conclusion of field audit, the draft audit findings were discussed (10 September 2013) with the Principal Secretary SYCA, DOA and DOM during an Exit Conference.

Audit conclusions were drawn on the basis of test check of records, analysis of data furnished, site visits and replies given by the State Government.

Audit findings

2.2.6 Financial Management

2.2.6.1 Budget estimates and expenditure

Grants were provided to DOA and DOM by the State Government under State Plan head⁴⁵ for execution of works for preservation and conservation of monuments besides development and maintenance of museums. Grants were also provided by Government of India (GOI) through State Government under 12th Finance Commission (TwFC) for heritage conservation. Year-wise allotment

⁴⁴ Audit team alongwith the staff of the Department concerned

⁴⁵ Major Head – 2205 Arts and Culture, 01-EDN-58 Archaeological development, 05-EDN-104 Grant under 12th FC, 01-UDP-42 GSDMA (State Government) Fund, 06-EDN-58 Establishment of Panchmahal circle and 01-EDN-58 International seminar on Buddhist Heritage of Gujarat

of grants and expenditure during 2008-13 is as shown in **Appendix-XIII**. Audit observed that -

- The persistent savings ranging from 21 to 55 *per cent* during 2008-13 (DOA) was mainly due to less expenditure incurred out of the grants received under the TwFC and the Gujarat State Disaster Management Authority (GSDMA) grant.

Government stated (September 2013) that the Department had made concerted efforts to utilise the grant but did not succeed as skilled workers and personnel required for preservation work could not be hired. This indicates lack of planning in utilisation of grants received under TwFC, which is discussed in detail in paragraph 2.2.8.2.

- The persistent savings ranging from 27 to 47 *per cent* during 2008-13 (DOM) was mainly due to less expenditure incurred from the grants received under TwFC.

Government attributed (September 2013) the savings to non-execution of development work and vacant posts of Curators (July 2013). The reply was not acceptable as budget proposals ought to have been prepared keeping these vacancies in view.

2.2.7 Identification of monuments and their documentation

2.2.7.1 Survey for monuments

For appropriate protection and conservation of monuments and sites, the first step is their identification. Under Section 20 of the GAMASR Act, 1965, State Government may, by issue of Gazette notification declare a monument or a site of historical, archaeological or artistic interest as 'protected monument/site' if it has been in existence for not less than 100 years.

Audit observed that no survey was carried out to identify new monuments since 2007-08. The DOA stated (June 2013) that earlier survey mechanism was in existence but due to vacancy in technical posts, survey for identifying new monuments had not been done.

2.2.7.2 Inadequate records management

For proper preservation and conservation of monuments, a system of recording and documentation of the monuments was essential. Audit observed that following important records were not maintained at the DOA or circle offices—

- Land records for monuments like land allotment order issued by the Revenue Department, letter for handing over/taking over the possession of land on which the monument exists, Village Form⁴⁶, Revenue Map

⁴⁶ Form No. 6 - Records of Right and Form No. 7/12 - showing transfer of land in the name of the party

showing position of monument for establishment of claim for ownership, *etc.* These were required for adequately safeguarding the monuments, avoiding/removing encroachment thereon and for carrying out preservation work in the monument without legal problems;

- Photograph of each monument at the time of issue of Gazette Notification for its protection and its updation each year. These were required in order to identify progressive damage/deterioration and undertaking restoration/repairs works in accordance with the original design;
- Monument files for recording events of a monument starting with gazette notification, chronological details of conservation works undertaken, for planning further works of rectification and renovation, in accordance with the works already done;
- Inventory of artefacts, sculptures (fixed and loose) kept at monument sites or sub circle office so that cases of theft, or loss of artefacts could be identified promptly and dealt with in time; and
- Records of complaint/suggestion, news clippings regarding monuments, court cases/notices for planning, watch and ward issues, court matters, *etc.*

Government stated (September 2013) that many of the monuments were taken over from the erstwhile princely States of pre-independence era and thus records were not available for those monuments. It was also stated that records were maintained for the monuments taken over after independence. However, the DOA acknowledged (June 2013) that no specific direction in this regard was given and the circle offices have now been asked to keep all the records.

2.2.8 Preservation and Conservation

Director of Archaeology being the custodian of State protected monuments was responsible for protection, preservation, conservation and development of monuments. Preservation of monuments was necessary to protect them against damage/deterioration and conservation was required for maintaining its original shape, design, *etc.* Development of monuments and its proper maintenance (including display of information, boards, approach road, adequate lighting, *etc.*) ensure appreciation of the heritage value of the monument. Every year an Annual Action Plan (known as conservation plan) for conservation of monuments was prepared by the circle offices and after approval thereof, budget proposals were submitted by the DOA to the State Government. The conservation works were required to be executed as per the approved Annual Action Plan and budget.

2.2.8.1 Non-preparation of long term action plan

Preservation, conservation and development of monuments are time consuming processes and thus a long term action plan spread will help in better utilisation of resources and achievement of strategic goals.

However, it was observed that no long term action plan was made for allocation of budget, fixing of priorities, maintenance, *etc.* Further, it was observed that the DOA had not fixed any targets for preservation, conservation and development activities.

DOA attributed (August 2013) non-preparation of plan and non-fixing of targets to vacancies in technical posts since last two decades.

2.2.8.2 Deficient planning

GOI sanctioned (October 2005) a project submitted by the State Government under TwFC for heritage conservation in Gujarat which included conservation of monuments, development of museums and upgradation of libraries. GOI released (2006-10) grants of ₹ 25.00 crore. The State Government placed ₹ 14.00 crore⁴⁷ with DOA for repairs/restoration/ development of 49 monuments, ₹ 5.00 crore with DOM for construction/repairs/renovation, *etc.* of three⁴⁸ museums and creation of new galleries and ₹ 6.00 crore with Department of Libraries for upgradation of libraries.

The DOA planned to complete the work of repairs/restoration/comprehensive development of all the 49 selected monuments by the end of 2009-10. The components under the grants included restoration of monuments, their safety/security, renovation/repairs, *etc.*

Audit observed that –

- Consultants for preparation of plans and designs for the works were appointed (February 2007) and a Committee for selection of contractors was formed (August 2007) with a delay of 16 months after the project was started (April 2006). Thus, there was no progress of work during 2006-08;
- while the project was in progress (November 2008), the DOA reported to the Government that due to vacancies (around 75 *per cent*) in technical posts, it was not possible to utilise the funds. It further stated that considering the progress of the works, only 50 *per cent* fund would be utilised. Despite this, no attempts to fill the technical posts had been made by the Government (September 2013);
- out of 49 works planned for repair/restoration/development of monuments under TwFC, only one work could be completed (May 2013) by the DOA;
- as against the budget provision of ₹ 14.00 crore during 2006-10 for the 49 monuments, expenditure of ₹ 4.94 crore (35 *per cent*) had been incurred and the remaining amount of ₹ 9.06 crore has been surrendered.

47 For conservation/restoration, compound wall/fencing, *etc.* (₹ 13.43 crore), documentation (₹ 0.33 crore), supervisory staff (₹ 0.14 crore) and consultancy charges (₹ 0.10 crore)

48 (1) Repairs and renovation of building of Baroda Museum and Picture Gallery, Vadodara (2) Development of new museum at Taj Manjil, Junagadh and (3) renovation/modification of the Alfred High School building at Bhuj and a connecting link between the school building and Kachehh Museum building

Similarly, as against ₹ 5.00 crore provided (2006-10) to the DOM for the development of museums, only ₹ 1.97 crore (39 per cent) had been spent and the remaining amount of ₹ 3.03 crore was found to have lapsed; and

- no planning was done to complete three museum projects by the DOM, which resulted in delayed execution and non-completion (September 2013) of works of all three museums as discussed in paragraph 2.2.11.1.

Government agreed (September 2013) that due to shortage of technical staff, delay in selection of consultant and preparation of estimates; the works had not been completed. Government further stated that the incomplete works have been taken up in phased manner under State budget.

2.2.8.3 Monuments not preserved

- ***Dilapidated Chhindiya Gate, Patan***

Patan, the capital of the State in the medieval period from 10th to 14th Century A.D. had six gates for entry into the city. Chhindiya Gate, one of the six gates was declared (October 1989) as State protected monument. The gate was made of big stones and was open for traffic. Audit observed (March 2013) that the gate was damaged, was in a dilapidated condition and was thus a safety hazard.

Government stated (September 2013) that the gate was inspected by DOA after audit and the work of preparation of estimates for its repair was in process.

- ***Encroached Vavs***

Vav is a step well, an underground water conservation structure. Two stepwells (i) Vori Vav, Kapadvanj, District Kheda and (ii) Vav at Kathwada, District Ahmedabad were State protected monuments. Audit observed that Vori Vav, Kapadvanj was found to be completely buried and residential buildings had been constructed around it. The Vav at Kathwada had been encroached upon by a private temple trust which had not only included the Vav in its premises but had also made alterations in the basic structure of the Vav by dismantling a wall and carrying out plastering of the entire compound.

The DOA stated (June 2013) that as the Kapadvanj Vav has been buried, therefore it is not being maintained.

In respect of Vav at Kathwada, the Government stated (September 2013) that due to non-availability of records, it was difficult to ascertain that there had been an encroachment. Thus, the Department has abrogated its responsibility of preserving these monuments altogether.

2.2.8.4 Monuments closed to public

The DOA was responsible for making arrangements for opening of State protected monuments to the public. During joint field visits to two important monuments, the monuments were found locked and closed to public, as shown in **Table 1** below –

Table 1: Monuments closed to public

Sr. No.	Monument	Description of the monument
1.	Mahobat Makabaro, Junagadh (Picture below)	A tomb of early Ruler of Junagadh constructed in a design synthesising Gothic, Islamic and Hindu architecture. Declared as protected monument in April 1950.
2.	Paintings on the walls of Office of the Deputy Collector, Anjar, Kachchh District	Having frescos in the Kamangar style. Declared as protected monument in January 1977.

(Source : Site visits by Audit with the Departmental officers on May 2013)



Mahobat Makabaro, Junagadh closed to public (Photo taken in May, 2013)

The DOA stated (June 2013) that due to shortage of watch and ward staff, the monuments were closed to public.

2.2.8.5 Monuments not excavated

Two groups of Buddhist caves *viz.* (i) Shail Buddhist Caves, Khambhalida, District Rajkot and (ii) Shail Caves, Siyot, District Kachchh were declared (July 1972) as protected monuments. In the joint field visit of the monuments, it was noticed that –

- In addition to the two caves at Khambhalida site, three more structures could be seen, which were covered with deposits and appeared as mounds. The steps leading downwards towards one of these structures gave the impression of existence of a cave. This was brought to the notice of the Department and the Department in its reply stated (September 2013) that this area shall be further explored after taking the necessary scientific clearances.
- The DOA publication on Siyot caves states that in the south-eastern direction to the monument, a mound shaped Buddhist Stupa can be seen which is surrounded by ruins. However, audit observed that the site has not been taken up for excavation and the Stupa is further getting damaged as revealed by the publication itself.

2.2.8.6 Conservation works left incomplete

A group of five temples⁴⁹, known as 'Polo' at village Vijaynagar (Sabarkantha District) was selected (October 2005) for carrying out comprehensive development works including landscaping, pathway construction, parking, creation of a sculpture garden, cafeteria, etc. under heritage conservation project under the TwFC. For preparing plans and estimates, a private consultant was appointed (February 2007). The estimates of ₹ 1.79 crore prepared by the consultant was approved by the Government (November 2008). However, before sanction by the Principal Secretary SYCA, the work was awarded (June 2008) by the DOA to a contractor at his tendered cost of ₹ 2.45 crore with the time limit of nine months (April 2009) for completion. The contractor executed the work to the tune of ₹ 2.14 crore.

As these monuments were situated adjacent to forest land, land of one hectare was required for construction of an approach road. Audit observed that DOA approached the Forest Department for obtaining permission to acquire the forest land (May 2009) after four and a half years since the commencement of the project in October 2005 and the permission was still awaited (June 2013). Meanwhile, the project period expired (March 2010) and the work was treated as completed without execution of works on forest land. Further, it was also observed (December 2012) that some of the works remained incomplete at all the five temple sites as shown in **Appendix-XIV**. Thus, despite incurring an expenditure of ₹ 2.14 crore, the monuments were not fully developed as planned/envisaged. Also, the works carried out partially such as clearing of the forest, landscaping and construction of borewell were susceptible to deterioration as they were incomplete.

Government agreed (September 2013) that the works proposed on forest land could not be completed as the Forest Department did not grant permission before the expiry of the project period. It was also stated that the incomplete works in

⁴⁹ (i) Jain Temple, Lakhena, (ii) Sarneshwer Temple, Abhapur, (iii) Shiv Panchayatan Temple, Aantarsuba (iv) Jain temple No. 1,2,3,4 Navdera and (v) Shiv Panchayatan No 2, Navdera

the precincts of monument which do not fall under forest have been taken up by the department and shall be completed with the department's budget.

2.2.8.7 Infrastructure for horticulture not developed

The work of landscaping to develop the gardens which surround a monument needs to be carried out in order to enhance the beauty of the monument. However, it was observed that no efforts are being made to conceptualise, plan and develop these features around the various monuments.

DOA stated (May 2013) that no horticulture branch existed in the Department.

2.2.8.8 Inspection of the monuments

Regular inspection of monuments was necessary for ascertaining their correct status and for assessing the degree of deterioration/damage/destruction/loss, *etc.* if any, over the period of time and for taking necessary corrective measures. Further, according to the Conservation Manual of John Marshall, regular and systematic inspections of monuments were to be carried out annually or even more frequently, wherever possible.

During the course of test-check in Audit, it was noticed (April 2013) that there was no prescribed system for carrying out inspections of the monuments and no periodicity was fixed for the same by the DOA. Casual visits were made by the Director, Superintending Archaeologist (SA), officers of circle offices and there was no system for issuance of inspection reports for the visits made.

Government accepted this (September 2013) and attributed it to the vacancies existing in the posts of the Archeologists.

2.2.9 Excavation

One of the main functions of DOA is to carry out survey, exploration and excavation of ancient sites. An archaeological excavation is a research aimed at the discovery of the objects of the archaeological character⁵⁰. Central Advisory Board of Archaeology (CABA), New Delhi working under Ministry of Culture, GOI receives proposals for excavation/exploration/scientific clearance from ASI, State Archaeology Departments, Universities, Institutes, *etc.* On getting approval from CABA, excavations are taken up. The site is scientifically excavated and structures, antiquities, artefacts, biological remains *etc.* that emerge on excavation or are recovered from the site are studied and tested in laboratories and analysed with a view to understand their significance. Excavation of archaeological remains has been one of the primary responsibilities of the DOA. The important sites are surveyed by DOA and chosen for archaeological excavation.

⁵⁰ As per Delhi Declaration of UNESCO in 1956

2.2.9.1 No long term plan and negligible excavation

As per State Government records, there were more than 550 Indus Valley sites⁵¹ (also known as Harappan sites) in Gujarat. Important prehistoric/Mesolithic/Harappan sites excavated (1962-2012) by the DOA or jointly with others⁵² are shown in **Table 2** below –

Table 2 : Important sites excavated in Gujarat

Name of the site excavated	Cultural assemblage	Period of excavation
Rojdi (Rajkot district)	Harappan	1962-63, 1982-83, 1983-84, 1984-85, 1985-86
Shikarpur (Kachchh district)	Harappan	1987-88, 1988-89, 1989-90
Kuntasi (Rajkot district)	Harappan	1987-88, 1988-89
Babarkot (Bhavanagar district)	Harappan	1990-91
Kanmer (Kachchh district)	Harappan	2005-06 and 2006-07
Vadnagar (Mehsana district)	Early Historical	2004-05, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12
Kotda Bhadli (Kachchh district)	Harappan	2010-11 and 2011-12

(Source : Indian Archaeology a Review, an annual publication of ASI)

However, it has been observed that -

- State Government had not prepared any long term strategic plan for survey, excavation, research and development of important sites though there were more than 550 Indus Valley sites;
- during more than a decade, DOA could undertake only one excavation project (2007-11) at Vadnagar and three joint venture excavation projects (Kanmer⁵³, Kotda Bhadli⁵⁴ and Kuntasi). These sites were lying unprotected/unexcavated and were in constant danger of permanent loss/destruction by natural forces/human activity over a period of time;
- all the above sites have not been notified as State protected monuments (September 2013);
- though the excavation at Kanmer and Kuntasi had been completed (1989 and 2007), the antiquities collected at Kanmer site by the venture organisation have not been taken over by DOA (September 2013); and
- as per the Indian Archaeology – a Review, important sites such as Prabhas Patan, Oria, Nageshwar, Desalpar, Nagwada and Juni Kuran were excavated by Deccan College of Post Graduate and Research (DCPGR), Pune, M. S. University, Vadodara and Archaeological Survey of India. However, these sites were not surveyed or taken under protection by DOA.

⁵¹ Indus Valley Civilisation was developed along the Indus river around 3500 BC and is one of the earliest civilisation. Mohenjo-daro and Harappan are the biggest sites excavated by Sir John Marshal during latter part of 19th century. The uniqueness of this civilisation is that it represents urban civilisation

⁵² Deccan College of Post Graduate and Research (DCPGR), Pune, Indus Project, Research Institute for Human and Nature (IPRIHN), Japan and Institute of Rajasthan Studies, Udaipur, etc.

⁵³ Jointly with IPRIHN, Japan and Institute of Rajasthan Studies, Udaipur

⁵⁴ Jointly with DCPGR, Pune

It was also observed that though archaeological excavation was a specialised and full time work (requiring a multi-disciplinary approach⁵⁵ and continuous efforts for a number of years), the DOA had no full-time technical staff. Excavation was carried out through regular staff or in joint venture with research institutes. Further, the services of Forensic Science Laboratory of the Home Department of the State renowned for its analytical/testing abilities was not utilised by the DOA for analysis of archaeological samples.

The DOA accepted (June 2013) that most of the technical posts were vacant and the work was carried out with the existing staff. Government stated (September 2013) that one independent large scale excavation project in a decade was a significant contribution.

2.2.9.2 Excavated Sites not developed

The excavated sites need to be developed as centres of archaeological interest so as to facilitate visits by students, scholars, historians and visitors. It is, thus, important to carry out essential work such as fencing, construction of sheds, developing signages, putting up display boards, *etc.*

Audit observed that there was no planning for carrying out these works at the excavated sites (except in case of Vadnagar). Important sites like Rojdi, Kuntasi, Shikarpur, Kanmer, Kotda-Bhadli, *etc.* were infact found to have been filled with earth post excavation.

Government stated (September 2013) that as all the sites under reference were yet not notified and hence the necessary works for protection were not being carried out. This, however, reflects that urgent necessary steps need to be taken by the State Government to ensure the safety of excavated monuments.

2.2.9.3 Important site of Modhera not excavated

In Mehsana District, there were three monuments in Modhera village. Out of these, the Sun Temple was protected monument of Archaeological Survey of India (ASI) and two monuments, viz. *Vav* and *Hawamahal* were the protected monuments of the State. As per a brochure published (February 1990) by the DOA, the remains traced under the Modhera village indicate that the village was a major port town in the early medieval period. However, it was observed (April 2013) in Audit that the DOA had only partly excavated the site and no action plan was prepared to undertake its further excavation and development.

Government stated (September 2013) that it had approached ASI for central protection of these two monuments namely Vav and Hawamahal as well but the request had not been accepted. It further stated that the scope for further excavation of the ancient site which is underlying the village is not much. However, the Government needs to establish this fact on the basis of a study.

⁵⁵ Involving Anthropology, History, Art, Ethnology, Geography, Geology, Linguistics, Semiology, *etc.*

2.2.10 Inadequate management of antiquities after excavation

From the important excavated sites⁵⁶, DOA had recovered thousands of antiquities like seals, terracotta toys, bead, utensils, ornaments, earthen potteries, *etc.* during 1962-2013. Audit observed that the DOA had not prescribed any standard procedure for maintenance of antiquities recovered from the excavation sites.

During joint field visit and scrutiny of records at test-checked circle offices, it was observed that -

- none of these antiquities and artefacts were found to have been accessioned and measured. These also did not carry any descriptions;
- no plan was made by the DOA to transfer the artefacts to museums;
- no maintenance of artefacts was undertaken; and
- the artefacts/antiquities were found dumped in the boxes/bags in the circle office at Rajkot and Bhuj besides headquarter office at Gandhinagar as shown in the **pictures** below–

	
<p>Rajdi potteries lying dumped in stores at circle office, Rajkot (May 2013)</p>	
	
<p style="text-align: center;">Artefacts recovered from Shikarpur lying in boxes dumped at Head Office at Gandhinagar (May 2013)</p>	<p style="text-align: center;">Circle Office, Bhuj (May 2013)</p>

⁵⁶ Pabu Math, Shikarpur, Kanmer and Kotda-Bhadli (Kachchh district), Rojdi and Kuntasi (Rajkot district), *etc.*

It was also observed that circle office, Bhuj was flooded with rain water (September 2011). Due to this, the artefacts/antiquities⁵⁷ recovered from Pabu-Math, Dholavira, Suvai, Meghpar, Shikarpur, Siyot and Lear sites were damaged, had deteriorated and/or had disintegrated.



Harappan objects lying disintegrated at circle office, Bhuj (May 2013)

Government stated (September 2013) that after restructuring of the Department and filling up of the technical posts, artefacts would be properly documented and stored. It was further stated that important antiquities have been transferred to the museums. The DOA subsequently stated (December 2013) that steps were being taken for proper display and storage of antiquities.

2.2.11 Management of Museums

2.2.11.1 Museums/Galleries not opened to public

- **Taj Manjil, Junagadh**

In Junagadh, DOM decided (2006) to develop a new museum at a building called Taj Manjil for display of the royal jewellery of the Nawab of Junagadh lying in the police custody at Treasury Office. After taking possession (June 2007) of the building, renovation and modification of the building was carried out (2008-09) at a cost of ₹ 2.34 crore⁵⁸ for making the building suitable for display.

Audit observed (April 2013) that though the Taj Manjil building was ready after incurring an expenditure of ₹ 2.34 crore, it was not opened (April 2013) to public due to non-completion of public amenities and non-finalisation of the agency for transportation of jewellery from the Treasury Office to Taj Manjil building. Thus, expenditure incurred remained unfruitful and the objective of display of the royal jewellery was not achieved.

⁵⁷ Consisting of beads, copper pieces, shell bangles, terracotta cakes, microliths, weights, earthen rings, etc.

⁵⁸ Bullet proof showcases for display of jewellery (₹ 0.87 crore), installation of CCTV security system and fire extinguishers (₹ 0.70 crore), construction of strong room for security of spare jewellery (₹ 0.63 crore) and minor civil works like collapsible doors, borewell, repairing of shutters, glass windows, etc. (₹ 0.14 crore)



Renovated building of Taj Manjil, Junagadh not opened to public (May 2013)

Government stated (September 2013) that arrangements for exhibition of the royal jewellery were under way.

- ***Kachchh Museum, Bhuj***

The State Government handed over (August 2007) the heritage building of Alfred High School, Bhuj to Kachchh Museum as both were situated in the same complex. The Government accorded (April 2008) administrative approval of ₹ 0.41 crore for renovation/modification of the school building, construction of three galleries⁵⁹ and the work of providing a connecting link between the school building and museum building.

Though the DOM had incurred an expenditure of ₹ 0.41 crore⁶⁰ (March 2010), the work of connecting link had not been completed (May 2013). As a result, the museum had not been opened even after a lapse of three years of the completion of the remaining works.

The Government stated (September 2013) that the work was in progress and the new Galleries would be opened shortly.

- ***Baroda Museum and Picture Gallery, Vadodara***

At Baroda Museum and Picture Gallery, space for display of miniature paintings was not available and therefore the DOM decided to establish a new Miniature Painting Gallery in the first floor of the administrative building. The allied civil works were carried out (2010-11) by Roads and Buildings Department of the State Government. Further, showcases and miniature paintings were also arranged by the DOM. However, Gallery had not been opened (June 2013) to

⁵⁹ Anthropology, Maritime Activities and Ayurvedic Herbarium

⁶⁰ For purchase of display exhibits, diorama and exhibition show cases, display panels, life size models, electrification, display materials, etc.

public as the paintings had not been labelled and arranged chronologically.

The Government stated (September 2013) that the work had now been completed and that the galleries would be opened soon.

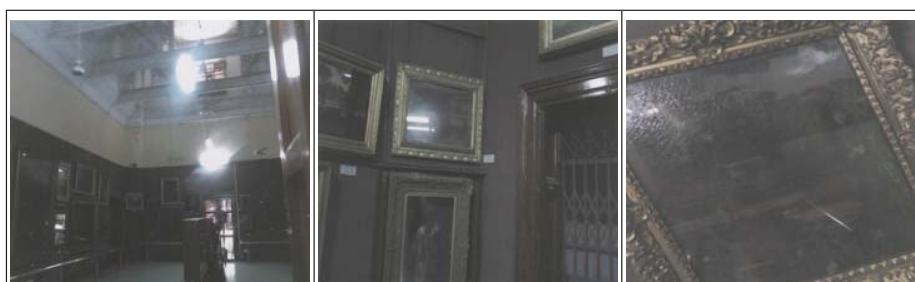
2.2.12 Display of antiquities in museums

2.2.12.1 Improper light arrangements

The European Picture Gallery at Baroda Museum and Picture Gallery, Vadodara has original paintings of renowned painters from Italy, Spain and Holland pertaining to the Renaissance period. These are the prime attractions of the museum.

During the joint field visit, the following was noticed (April 2013) –

- LED lights which generate lesser heat and do not harm the display were not installed. Further, the recommended illumination standards were also not being maintained;
- the background of the pictures was dark which prevented the necessary contrast from emerging and for a clear view of the artefacts; and
- small pictures had been placed above the larger ones.



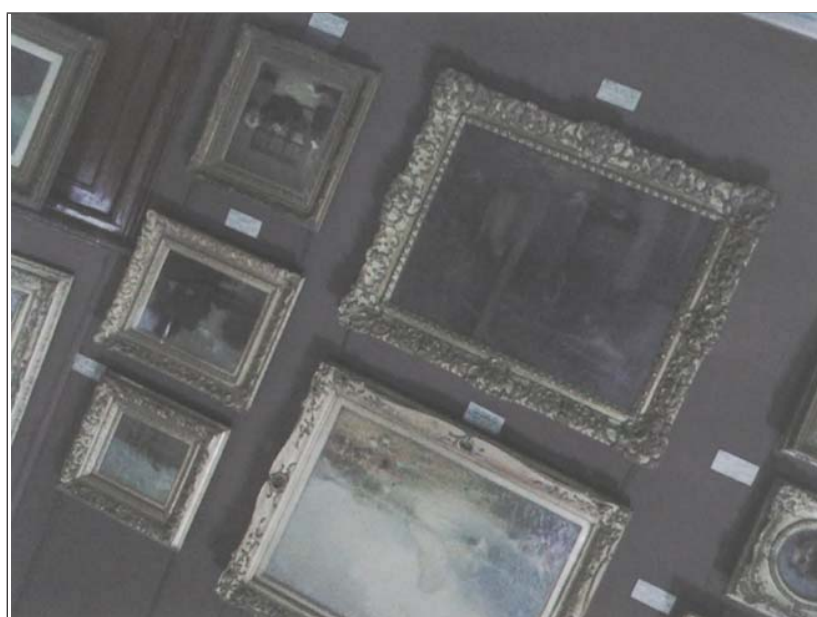
Inadequate lighting arrangements at the European Picture Gallery at Baroda Museum and Picture Gallery, Vadodara (May 2013)

Good practice



Light background colour used in various Galleries in the National Museum, New Delhi

(Source: Picture downloaded from website of National Museum, New Delhi in May 2013)



Dark colour tapestry used in background in European Picture Gallery at Baroda Museum and Picture Gallery, Vadodara (May 2013)

The Government accepted (September 2013) the observations and stated that the DOM has initiated the tender procedure to procure LED lights.

2.2.12.2 Shortage of space in museums

The DOM has not maintained a database for display, storage of exhibits and available area for each museum. Audit observed (May 2013) that a large number of antiquities were lying in the store or dumped at several places. The details of items in display and store, *etc.* at five test-checked museums was as shown in **Table 3** and **pictures** as follows –

Table 3 : Position of items in display and stores in five museums

Museums	Number of items in display	Number of items in Store
Baroda Museum and Picture Gallery, Vadodara	10,919	61,557
Darbar Hall, Junagadh	730	1,843
Watson, Rajkot	1,262	1,372
Sakkarbaug, Junagadh	605	1,637
Kachchh Museum, Bhuj	769	3,425

(Source : Information furnished by test checked museums and DOM)

It was noticed that the artefacts were displayed in close proximity or in horizontal rows one above the other at Baroda Museum and Picture Gallery, Vadodara and at Watson Museum, Rajkot. Also, artefacts were found lying on the staircases, open passages, parking areas or were found to have been stacked together.

	
<p align="center">Sculptures lying in stairs at Baroda Museum and Picture Gallery, Vadodara (May 2013)</p>	<p align="center">Sculptures lying in the parking area at Sakkarbaug Museum, Junagadh (May 2013)</p>

Government attributed (September 2013) the improper display of artefacts to lack of proper displaying space, duplication of exhibits and requirement of restoration and conservation of certain exhibits. It was also stated that all Curators in-charge have been instructed to keep as many exhibits on display as possible.

2.2.13 Human Resource Management

2.2.13.1 Shortage of Manpower in Department of Archaeology

It was observed that as against 112 sanctioned posts in the Department, there were 62 vacancies (55 per cent) as on 30 June 2013. It was seen that most of the posts were lying vacant for over ten years. No new recruitment was made during the last 20 years. The vacancies in key posts were as shown in **Table 4** below—

Table 4 : Key posts vacant in Department of Archaeology

Post	Number of posts sanctioned	Number of posts vacant	Since when vacant
Archaeological Engineer	2 (both in HO)	1	April 2008
Assistant Director	2 (at circle offices at Ahmedabad and Rajkot)	2	In Ahmedabad circle office : since July 2011 and In Rajkot circle office: since February 2012
Superintending Archaeologist	5 (one in HO, two in circle office Ahmedabad, one each at circle offices Rajkot and Bhuj)	4	In Ahmedabad circle office: one post each since August 2005 and September 2008, In Rajkot circle office: since September 2008 In Bhuj circle office: since June 2009
Technical Assistant	5 (one at HO, two at circle office Ahmedabad and one each at circle offices Rajkot and Bhuj)	5	In HO : since December 2003 In Ahmedabad circle office: both posts since May 2000, In Rajkot circle office: since July 2003, In Bhuj circle office: since May 1997
Chowkidar	42 (at monuments)	26	Since June 1996

(Source : Information provided by DOA)

Audit observed that existence of large scale vacancies adversely affected the protection, preservation, conservation and restoration of monuments as illustrated below –

- Survey, excavation and research works was almost negligible as discussed in paragraph 2.2.7.1 and 2.2.9.1;
- Projects taken up for conservation of monuments were not completed resulting in funds remaining unutilized as discussed in paragraph 2.2.8.6;
- No monuments were identified for State protection (2008-13), the last monument taken under protection was in June 2007 as discussed in paragraph 2.2.9.2;
- Periodical inspection for timely identification of damage, deterioration, encroachment, vandalism, *etc.* was not done as discussed in paragraph 2.2.8.8; and
- Security/safety of monuments were not ensured besides the monuments being kept closed for public as except 18 monuments, 343 monuments were without watch and ward staff.

The Government stated (September 2013) that the matter was reviewed at higher level and restructuring of both DOA and DOM with increase in technical staff was underway.

2.2.13.2 Shortage of manpower in Department of Museum

Audit observed that there was inadequate manpower in the Department and there were large number of vacancies in all cadres since a long period. As of June 2013, against 215 sanctioned posts, 105 posts were vacant.

• *Museum Curators*

Curator is a key technical post in a museum and has the overall responsibility for all technical and administrative matters like planning for display of artefacts, their storage, proper lighting arrangements, maintenance and conservation of exhibits, proper utilisation of grants *etc.*

Audit observed that against 11 posts of Curators sanctioned, only two Curators were posted and nine posts were lying vacant as of June 2013. Five important museums⁶¹ were functioning without any Curator.

Government stated (September 2013) that the process of recruiting Curators has been initiated.

⁶¹ Sakkarbaug Museum, Junagadh, Saputara Museum, Saputara, Kachchh Museum, Bhuj, Archaeological Museum, Jamnagar and Watson Museum, Rajkot

- **Picture Restorer**

Picture restoration is a specialised work requiring skill and training. During Audit, it was observed that the DOM had no Picture Restorer since June 2007.



Darkened picture in European Picture Gallery, Vadodara (June 2013)

The Baroda Museum and Picture Gallery, Vadodara is famous for European pictures and has a collection of over 150 pictures of the Renaissance period. During the joint field visit of the Baroda Museum and Picture Gallery, Vadodara, Audit observed that three pictures in European Picture Gallery had darkened and three pictures in Japanese Art Gallery had faded. Further,

Curator, Darbar Hall Museum, Junagadh reported (October 2008) to the DOM that six pictures in the museum were damaged/deteriorated/faded.

Government stated (September 2013) that the process for recruitment of a Picture Restorer had been initiated.

- **Gallery Attendants**

The Gallery Attendant was directly responsible for safeguarding the antiquities. There were 79 sanctioned posts of Gallery Attendants in the Department but only 49 posts had been filled up. Due to vacancies in posts, every Gallery Attendant was holding the charge of three to four Galleries. Audit observed (June 2013) that two important Galleries viz. Greeco-Roman Civilisation and European Civilisation Gallery at Baroda Museum and Picture Gallery were frequently closed in the absence of the Gallery Attendant.

Government stated (September 2013) that the process of recruitment had been initiated and a proposal to obtain permission for getting manpower through outsourcing was under consideration.

2.2.13.3 Training

Training for staff at regular intervals was vital for updation of knowledge/improvement of skills. Audit observed (July 2013) that none of the Curators in the Department were trained in display and storage techniques in the museums.

Government stated (September 2013) that the DOM had conducted a restoration workshop to train its existing staff. After fresh recruitment detailed training schedules would be formulated.

2.2.14 Security of the monuments and antiquities

The DOA was assigned the responsibility of ensuring security of the protected monuments from risks such as encroachment, unauthorised access, *etc.* Audit observed that no policy has been framed for ensuring the security of the monuments and antiquities. Due to vacancies in watch and ward staff, monuments were found to have been encroached upon, damaged, *etc.* as discussed in the paragraphs 2.2.8.3.

2.2.15 Non-translation of writings on exhibits

The translation of the manuscripts, stampage, *etc.* in Hindi, English and local language of the State is necessary so as to enable the visitors to appreciate and understand these better. However, during the joint field visit of Baroda Museum and Picture Gallery, Vadodara and Watson Museum, Rajkot it was observed that the writings of 18 manuscripts⁶² and four stampages had not been translated in Hindi, English or Gujarati.

2.2.16 Public amenities not provided

The DOA and DOM were required to ensure basic amenities viz. drinking water, toilets, ramps for physically challenged persons, notice boards, *etc.* at the monuments and museums. Further, Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 provided for the provision of ramps in public buildings and adaptation of toilets for wheel-chair users.

It was observed in Audit that Visitors Entry Register was not being maintained. Also, in the joint field visit (March to May 2013) of 91 monuments, it was noticed that amenities like drinking water, toilet, guide, sitting/parking arrangements, ramps/wheel-chairs had not been provided for and no planning for providing these amenities was found to be under consideration. Joint field visit of five museums⁶³ also revealed that basic amenities had neither been provided for and nor were being planned (**Appendix-XV**).

2.2.17 Conclusion

It was observed in Audit that there were persistent savings ranging from 21 to 55 *per cent* in the DOA and from 22 to 47 *per cent* in the DOM against the grants received by them for archaeology and museology activities from the State Government. No survey for identification of new monuments was carried out during 2008-13. The maintenance of records and documentation was inadequate. There was no long term action plan for preservation, conservation and development of archeological sites. Even the short-term plans were deficient as

⁶² Baroda Museum and Picture Gallery, Vadodara – 10 manuscripts written in old devenagiri script, three stampage written in Urdu and one stampage written in Marathi Language, Watson Museum, Rajkot – eight manuscripts written in Jain language.

⁶³ Kachchh Museum Bhuj, Darbar Hall Museum Junagadh, Sakkarbaugh Museum Junagadh, Watson Museum, Rajkot and Baroda Museum and Picture Gallery, Vadodara.

the works planned could not be completed. Due to shortage of human resources at various levels in the Department, the monuments were closed for public. Also due to scarcity of manpower, there were deficiencies in preservation, negligible excavation, conservation and inspection of monuments. Antiquities recovered during excavation were not properly preserved. Due to incomplete civil works, new museums/galleries had not been opened to public. Deficiencies in display of antiquities due to improper lighting, shortage of space, *etc.* were observed. Public amenities to make the monuments and museums visitor-friendly did not exist.

Since the goal of archaeology is to search for patterns in the evaluation of significant human activity and cultural events of the past through artefacts, architecture, *etc.* and as it provides a history and heritage of culture, it is imperative that this wealth is properly explored, excavated, catalogued, stored, restored, preserved, conserved and safely kept.

2.2.18 Recommendations

DOA should

- develop a sound system for assessment of budget requirements and ensure proper utilisation of the grants received;
- prepare a strategic action plan for survey and identification of new monuments besides preservation, conservation, development and showcasing of monuments;
- prepare a long term plan for excavation, research and development of sites of historical importance;
- devise a system for cataloguing, safe keeping and display of artefacts recovered from excavated sites;
- prescribe norms for inspection of monuments; and
- deploy qualified technical personnel for excavation and preservation work.

DOM should

- plan to create space for display and storage of all artefacts/paintings at each museum;
- prepare and catalogue, update all artefacts and paintings in each museum;
- adopt secure arrangements for preservation of artefacts and paintings; and
- adopt scientific arrangements for display of the artefacts and paintings.

FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT

2.3 Functioning of Food, Civil Supplies and Consumer Affairs Department

Executive Summary

The performance audit on the functioning of Food, Civil Supplies and Consumer Affairs Department for the period 2008-13 was conducted during January 2013 to July 2013 and the following deficiencies were noticed -

There were savings out of Budget provisions in capital head ranging from two to 76 per cent. Ration cards were found to have been issued to more number of families than those identified under Below Poverty Line (BPL) category by GOI. Issuance of Bar Coded Ration Cards was found to have been delayed. Food grains allotted by GOI were not fully lifted by the Department resulting in loss of GOI subsidy. Prescribed inspections of Fair Price Shops had not been carried out to rectify the deficiencies and irregularities at Fair Price Shops. Implementation of schemes namely “Annapurna Yojana” and “Annam Brahman Yojana” was deficient as the Department failed to identify maximum beneficiaries for extending benefits of the Yojana. The distribution of fortified wheat flour in place of wheat under “Antyodaya Anna Yojana” in Ahmedabad City was discontinued by State Government though the use of fortified wheat flour was cost effective and increased intake of micronutrients. Vehicles and equipment provided by GOI were not appropriately utilised. Office buildings constructed for Consumer Grievance Redressal Forum at Dang, Dahod, Porbandar and Narmada were not utilised. State Consumer Welfare fund remained unutilised and Consumer protection was deficient as large number of consumer cases was pending with the Commission and District Fora. Reconciliation of remittances was not done. There was acute shortage of staff. Internal audit was deficient and there was no proper monitoring mechanism.

2.3.1 Introduction

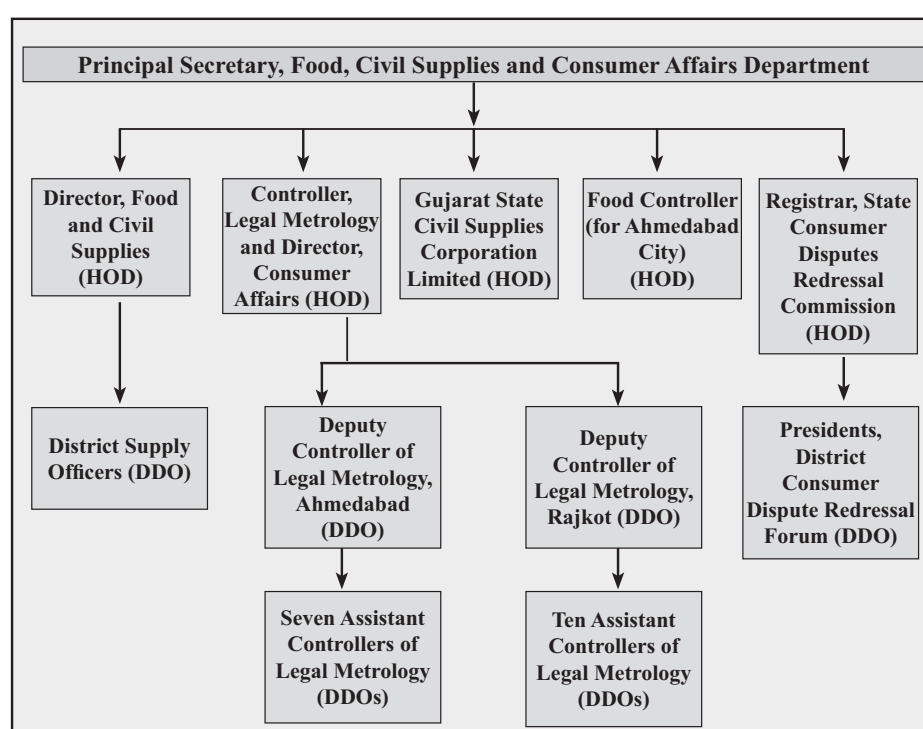
The Food, Civil Supplies and Consumer Affairs Department (the Department) is responsible for the procurement, monitoring and distribution of essential commodities. The key functions of the Department are implementation and monitoring of Public Distribution System (PDS), approval of Fair Price Shops (FPS), issue of Ration cards, monitoring and implementation of various laws related to Weight and Measures and Consumer Affairs, conducting programmes related to consumer awareness, issuing licenses to Petrol/Diesel pumps and gas

agencies, inspection of FPSs, dealers of petrol, diesel, solvent and gas, *etc.*, to hear and decide about various appeals of FPS and Petrol/Diesel Pumps, to regulate the price of essential commodities in open market and to watch the smooth supply of these essential commodities to public, to ensure food security in times of disaster, *etc.*

2.3.2 Organisational set-up

The Principal Secretary (PS) is the Chief Controlling Officer of the Department. The organogram of the Department is depicted below -

Organogram of Food, Civil Supplies and Consumer Affairs Department



- Director, Food and Civil Supplies (FCS) is responsible for assessing and submitting the requisition of food grains, sugar, kerosene, *etc.* to the GOI for the State, manage the PDS at subsidised rate for the targeted public and to review the prevailing market price of essential commodities;
- The Gujarat State Civil Supplies Corporation Limited (GSCSCL) is a wholly State owned company for providing logistic support like procurement, lifting, storage and distribution of food grains, coarse grains, edible oil, sugar, salt, *etc.* for implementation of PDS in the State. Food grains are being procured at District level by the District Supply Manager, GSCSCL from FCI on the basis of quantity allotted for the District by FCS;

- Controller Legal Metrology and Director Consumer Affairs (Controller) is responsible for implementation of consumer protection Acts and Rules, stamping of weight and measures, implementation of Standard Weight and Measures Act, administration of Consumer Affairs and Protection Agency of Gujarat, formation of consumer clubs and provide financial assistance to NGOs to organise seminars, jagruti shibirs, workshops, *etc.* for consumer awareness. These activities are implemented at the District level through Assistant Controllers of Legal Metrology under the Deputy Controllers of Legal Metrology, Ahmedabad and Rajkot;
- Registrar, State Consumer Disputes Redressal Commission (Commission) is responsible for the protection of the interest of the consumers, make them aware of their consumer rights and redress their grievances in a free, fair and independent way, control the functioning of District Consumer Disputes Redressal Forum (District Forum) and running the consumer courts at State level and District level, *etc.*; and
- Food Controller (FC) is responsible to issue licences for FPS, gas agency, kerosene shops, food items shops, *etc.*, inspection and monitoring of the essential commodities, prevention of black marketing, *etc.* within the Ahmedabad City. In other Districts, the District Supply Officers (DSOs) are responsible for these activities.

2.3.3 Scope and methodology of audit

Nine Districts⁶⁴ were selected out of 26 Districts in the State on the basis of Stratified Random Sampling Method. The records of office of the PS, all five HODs along with Drawing and Disbursing Officers (DDOs) of the Department and 56 FPSs out of 5,351 FPSs in the nine selected Districts for the period (2008-13) were test checked (January 2013 to July 2013). An entry conference was held on 24 June 2013 with the Deputy Secretary of the Department to explain the objectives of audit and its scope.

The audit methodology included scrutiny of records and of the office test checked, communication of the audit observations to the Department and obtaining their comments while finalising the audit report. The audit findings were also discussed with the Principal Secretary of the Department in the exit conference on 25 September 2013. The replies of the Department have been incorporated in the report at appropriate places.

2.3.4 Audit Objectives

The broad objective of the performance audit was to assess the performance of the Department on the following parameters –

- whether the budgetary and financial management was carried out adhering to the rules, procedures and principles of economy and efficiency;

⁶⁴ Anand, Dahod, Jamnagar, Kachchh, Mehsana, Narmada, Panchmahals, Surendranagar and Valsad

- whether the procurement and distribution arrangements were effective and the extent of benefit reached the intended beneficiaries;
- whether implementation of schemes was effective;
- whether the Controller Legal Metrology and Director Consumer Affairs ensured creation of adequate infrastructure;
- whether consumer protection was ensured by the Department;
- whether human resources were adequate and used effectively; and
- whether internal control including monitoring mechanism was adequate and effective in achieving the objectives of the Department.

2.3.5 Audit Criteria

Audit criteria adopted for the evaluation of performance of the Department were –

- Provisions of the Budget Manual;
- Rules framed and orders issued by the Department and instructions of the Government issued from time to time;
- Guidelines of the Schemes implemented by the Department;
- Essential Commodity Act, 1955;
- Public Distribution System (Control) Order, 2001, as amended from time to time; and
- Orders/instructions of GOI/Food Corporation of India (FCI) regarding procurement, storage and allocation of food grains.

Audit Findings

2.3.6 Financial Management

2.3.6.1 Poor Budget Management

The GOI releases funds to the Finance Department of the State and the Finance Department in turn releases the funds alongwith State funds to the Department based on the budget allocation. The Department releases the funds to the HODs who in turn releases to the DDOs of the Department (**Appendix-XVI**).

The budget provisions, expenditure and savings/excess under Revenue and Capital heads during 2008-13 are as shown in the **Table 1** below –

Table 1: Details of budget provisions and actual expenditure

(₹ in crore)

Year	Budget Provision ⁶⁵		Final Budget Allocation		Actual Expenditure		Excess (+)/Saving (-) (percentage)	
	Revenue	Capital	Revenue	Capital	Revenue	Capital	Revenue	Capital
2008-09	204.90	1.36	212.02	1.39	212.90	0.34	(+)0.88 (0.42)	(-) 1.05 (76)
2009-10	285.86	0.32	334.85	0.33	288.76	0.17	(-) 46.09 (14)	(-) 0.16 (48)
2010-11	327.22	7.33	346.68	7.33	305.00	7.15	(-) 41.68 (12)	(-) 0.18 (2)
2011-12	387.32	10.37	387.32	10.37	307.88	4.07	(-) 79.44 (21)	(-) 6.30 (61)
2012-13	421.46	11.51	426.17	11.51	312.91	11.13	(-) 113.26 (27)	(-) 0.38 (3)

(Source : Appropriation accounts for the years 2008-13)

Saving under Revenue head ranged between 12 *per cent* and 27 *per cent* and saving under Capital head ranged between two *per cent* and 76 *per cent*. The details of budget, expenditure and savings/excess in respect of five HODs are shown in **Appendix-XVII**. Audit observed that the budgets were prepared without obtaining the estimates from field offices and without considering the status of implementation of various schemes of the Department.

The Department admitted (September 2013) the facts and stated that the savings was due to discontinuation of some schemes, vacancies in various posts, less payment to outsourced agencies as the target for issue of bar coded ration cards *etc.* had not been met.

2.3.7 Public Distribution System

The Public Distribution System (PDS) involves procurement, storage and distribution of commodities⁶⁶ to ration card holders through Fair Price Shops (FPS) under the Public Distribution System (Control) Order, 2001. The main objective of PDS is to ensure regular supply of essential commodities at reasonable prices, particularly to the weaker section of the society for enhancing food security. PDS, till 1992, was a general entitlement scheme for all consumers without any specific target. GOI strengthened PDS by introducing (June 1997) the Targeted Public Distribution System (TPDS), under which 35 kilograms (kg.) of food grains *per month* were to be issued at subsidised rates to families living Below Poverty Line (BPL) and 10 to 15 kg. of food grains to Above Poverty Line (APL) families. GOI launched (December 2000) the Antyodaya Anna Yojana (AAY) with a view to making TPDS more focused and targeted towards poorest of the poor. The scheme envisaged distribution of 35 kg. of food grains *per month* at highly subsidised rates of ₹ two *per kg.* of wheat and ₹ three *per kg.* of rice. GOI launched (April 2000) the Annapurna Yojana for distribution of 10 kg. of food grains *per month* free of cost to those poor senior

⁶⁵ Grant Numbers 21, 22, 23 and 24 under major Heads 3451, 3475, 3456, 2408, 7610, *etc*

⁶⁶ Rice, wheat, sugar, kerosene oil *etc.*, as notified by GOI

citizens who were though eligible but remained uncovered under the National Old Age Pension scheme or the State Pension scheme.

2.3.7.1 Excess identification of BPL families

The PDS (Control) Order, 2001 provides that the State Government shall formulate guidelines for the purpose of identification of BPL families including AAY families as per the estimates adopted by the GOI. The GOI had prescribed a method of identifying BPL beneficiaries in a scale of zero to 16 points. It was observed in audit that State Government had identified BPL families in a scale of zero to 20 point in deviation from the above norms. As against 21.20 lakh⁶⁷ BPL families including AAY families estimated by the GOI (February 2001 and May 2005), State Government had identified 32.05 lakh⁶⁸ families (2001). This resulted in excess issue of ration cards to 11.53 lakh⁶⁹ BPL families and short issue of ration cards to 0.68 lakh⁷⁰ AAY families against the estimates of GOI.

The lists of BPL and AAY families were to be reviewed every year for the purpose of deletion of ineligible families and inclusion of eligible families. However, the Department had not conducted any survey for identifying number of AAY families for issue of ration cards.

Government stated (September 2013) that it had approached the GOI for allotment of food grains for additional identified BPL families, but the same was denied by the GOI. The reply was not acceptable as the norms fixed by GOI were ignored for the identification of beneficiaries.

2.3.7.2 Non-lifting of food grains from FCI

With a view to enable the State Government to plan timely lifting of the allotted quantities of food grains and to make distribution cost effective, monthly allocation of rice and wheat were made by GOI to the States. Under the revised procedure, the State Government is allowed a validity period of 50 days to arrange for lifting the allotted food grains. Director, FCS sends their monthly details of requirement of food grains to the GOI. Accordingly, GOI releases food grains to the GSCSCL through FCI and GSCSCL distributes it in turn to the Districts as per their requirement. The category-wise details of allocation, lifting, distribution and stock of wheat and rice are shown in **Appendix-XVIII**.

Audit observed that overall shortfall in offtake (2008-13) of wheat and rice by State Government was 33 *per cent* and seven *per cent* respectively as against the allotment made by the GOI (**Appendix-XVIII**). The shortfall in wheat offtake in APL category, BPL category and AAY category was 56 *per cent*, three *per cent* and two *per cent* respectively and shortfall in rice offtake was 77 *per cent*, six *per cent* and three *per cent* respectively. This resulted in beneficiaries being

⁶⁷ BPL cards – 13.07 lakh + AAY cards – 8.13 lakh

⁶⁸ BPL cards – 24.60 lakh + AAY cards – 7.45 lakh

⁶⁹ 24.60 lakh – 13.07 lakh = 11.53 lakh BPL Cards

⁷⁰ 8.13 lakh – 7.45 lakh = 0.68 lakh AAY Cards

deprived of subsidised food grains and loss of subsidy to the tune of ₹ 2,651.79 crore⁷¹ (2008-13) to the State Government due to non-lifting of subsidised food grains allotted by GOI.

Government stated (September 2013) that low off take of wheat by the APL beneficiaries resulted in short lifting of wheat under APL category. The Government further stated that utmost attention had been given to lift full quota but sometimes due to non-availability of stock at FCI depots during the downloading of rakes, the same was short lifted.

2.3.7.3 Diversion of APL food grains for BPL

State Government had issued 24.60 lakh ration cards for BPL families and 7.45 lakh ration cards for AAY families against 21.20 lakh (13.07 lakh BPL families and 8.13 lakh AAY families) as estimated by GOI (February 2001 and May 2005). As against the requirement of food grains for 24.60 lakh BPL families as estimated by the State Government, the GOI allotted (35 kg. food grains *per family per month*) for the 13.07 lakh BPL families as per their estimates. As no allocation was made by GOI for remaining 11.53 lakh BPL families under BPL quota, State Government diverted APL food grains to BPL for distributing 35 kg. food grains to cover all the 24.60 lakh BPL card holders as shown in **Table 2** below –

Table 2 : Details of food grain diverted from APL to BPL category

(Quantity in MT)

Year	Opening Balance of wheat for APL	Lifting during the year (APL)	Total stock of wheat available during the year (APL)	Quantity of wheat diverted from APL to BPL during the year	Per cent diversion from APL to BPL
2010-11	(-) 55,226	6,18,181	5,62,955	3,13,110	55.62
2011-12	(-) 61,163	4,16,083	3,54,920	1,26,263	35.58
2012-13	(-) 99,891	4,79,066	3,79,175	1,57,580	41.56

(Source : Data provided by GSCSCL)

The Government stated (September 2013) that it had made proposal to GOI for allotment of food grains according to the number of BPL families identified by the State Government, however, GOI had not accepted the proposal. The reply was not acceptable as once the allocations of food grains to the State Government was issued by the GOI based on the applicable norms, it was the responsibility of the State Government to ensure their proper distribution to the eligible BPL and APL families in the State under TPDS and AAY.

⁷¹ In APL category: ₹ 2,429.15 crore, in BPL category: ₹ 151.20 crore and in AAY category: ₹ 71.44 crore. Subsidy is based on Economic Cost – Central Issue Price. Economic cost is arrived by addition of Minimum Support price + Procurement incidentals + Distribution costs of the food grains.

2.3.7.4 Delay in issuing Bar Coded Ration Card

The State Government had launched (April 2010) a project for issue of Bar Coded Ration Card to AAY, BPL and APL families. The main objective of adoption of biometric bar coded ration cards was to ensure that there is no duplication of data relating to individuals and families, the beneficiaries are genuine and duplicate/bogus and forged cards are forfeited. For this purpose, information in the prescribed proforma was to be submitted to the FPS by the beneficiaries. The project of bar coded ration card was to be implemented by the Director (FCS). The Director issued (October 2010) guidelines for implementation of the project and the work was to be completed by March 2011. Funds to the tune of ₹ 16.20 crore (2010-11 to 2012-13) were allotted for the work. It was, however, noticed that –

- as against 1.29 crore old existing ration card holders, only 1.05 crore duly filled in forms had been received and only 87.69 lakh (83.51 *per cent*) Bar Coded Ration Cards had been generated;
- biometrics of only 57.70 lakh cards (54.95 *per cent*) had been captured; and
- out of 17,233 FPS in the State, the work of capturing more than 80 *per cent* biometrics had been completed only in 10,670 FPS (June 2013).

Thus, the main objective of the project for issue of Bar Coded Ration Cards had not been fully achieved.

Government attributed (September 2013) the delay to urban card holders not turning up for giving their biometrics, problems of connectivity, operational difficulties, *etc.* The fact remained that the project has been delayed considerably resulting in non-achievement of project objectives. Active steps need to be taken for its implementation.

- ***Non-commencement of issue of ration coupons***

The Government started (2011-12) bio-metric based food coupon system in one pilot FPS (Phase-I) of each Taluka/Zone. The coupons provide complete information about the entitled quantity and price of subsidised commodities to the card holders and also help in minimising diversion and leakages of subsidised commodities from the FPS. Further, the Government issued (September 2012) instructions to all Collectors and DSOs that distribution of food grains on the basis of food coupons generated by using bio-metrics captured was to be started from October 2012 in FPSs where more than 80 *per cent* bar coded ration cards were issued.

Audit observed in nine test checked DSOs that distribution of food grains on the basis of food coupons was started only in 393 FPSs out of 2,904 FPSs,

where more than 80 per cent cards were issued, the details of which are given in **Table 3** below –

Table 3 : Details of distribution of food grains on the basis of food coupons

Name of District	Total FPS	Number of FPS were more than 80 per cent bio-metric ration cards issued	Number of FPS where the work of Food Coupons started
Anand	713	417	17
Dahod	632	516	69
Jamnagar	653	171	10
Mehsana	703	436	74
Narmada	220	161	135
Panchmahals	719	476	06
Kachchh	651	320	11
Surendranagar	622	237	67
Valsad	438	170	04
Total	5,351	2,904	393
Total for the State	17,219	8,870	1,579

(Source : Data provided by Director, Food and Civil Supplies, Gandhinagar and nine DSO offices)

As food coupons are to be generated on the basis of biometrics of the card holders, absence of coupon system may lead to sale of food grains to ineligible card holders by FPS owners.

2.3.7.5 Violation of contract conditions

The standardised contract conditions of GSCSCL with the labour contractors for packing the food grain bags provide that each bag should contain the same quantity, bags should be machine stitched with yellow thread and stamped with details like name of the godown, date, year, etc. This was intended to prevent leakage of food grains through unauthorised channels during transit and to prevent malpractices, if any.

However, during joint⁷² field visit of 18 godowns of GSCSCL, it was noticed that in 11⁷³ godowns the bags were not machine stitched with yellow thread and stamping was not being done. At Mandvi godown, the stamps were small in size and illegible. These violations may lead to diversion/misappropriation of food grains during transit from godowns to FPSs.

Government stated (September 2013) that penalty has been recovered (March 2013 to May 2013) at few godowns for the above irregularities. The fact remained that the provisions of the contract were not strictly imposed at all godowns for violations by the labour contractor. Strict compliance by the contractors must be ensured to prevent any leakage of the food grains.

⁷² Audit team with departmental staff jointly

⁷³ Borsad and Petlad of Anand District, Dahod and Jhalod of Dahod District, Mundra and Mandvi of Kachchh District, Sagbara and Tilakwada of Narmada District, Patadi and Limbdi of Surendranagar District and Sanjan of Valsad District

2.3.7.6 Functioning of Fair Price Shops

The success of the PDS depends considerably on the efficient functioning of the FPSs. The PDS (Control) Order, 2001 stipulated that the FPS owners should display details such as the stock position along with prevalent issue prices, number of beneficiaries, scale of ration admissible to different categories of consumers and sample of food grains, timings of opening and closing of the shop, *etc.*

• Deficiencies in functioning of Fair Price Shops

Audit test checked 56 FPSs and found various deficiencies and irregularities. In seven FPSs notice board was not found, in 17 FPSs stock of all the PDS commodities was not displayed and in 19 FPSs samples of food grains for sale were not displayed.

In the 56 test checked FPSs, joint⁷⁴ physical verification of the stock revealed differences⁷⁵ with those recorded in the Stock Register (**Appendix-XIX**).

Further, in 13 FPSs, audit observed that items of PDS were not sold to AAY/BPL/APL category as per quota prescribed and in six FPSs original cash memos (customer's copy) along with the carbon copy (shop's copy) were found for the PDS items shown to be already sold in the Register.

Government stated (September 2013) that concerned District Collectors and Food Controller, Ahmedabad have been informed to take necessary action and furnish the action taken report.

• Non-inspection of Fair Price Shops

The PDS (Control) Order, 2001 envisages inspection of FPS once in six months by DSO and other officers to ensure their smooth and efficient functioning. Accordingly, the Department fixed the monthly targets for DSOs and other officers for inspection of FPSs to rectify deficiencies in the functioning of FPSs. During scrutiny of records (2010-13), it was observed that the prescribed number of inspections of FPSs were not being carried out by the DSOs. The overall shortfall in inspection of FPSs in the State ranged between 31 *per cent* (2010-11) and 46 *per cent* (2012-13) as shown in **Appendix-XX**. It was also noticed that the shortfall was more than 80 *per cent* in Navsari District (2012-13).

Government attributed (September 2013) the shortfall in inspection to inadequate staff, election duties of the staff, work pertaining to New Bar Coded Ration Cards, *etc.* The fact remained that the prescribed number of inspections of FPSs were not being carried out by the DSOs.

⁷⁴ Audit team with departmental staff jointly

⁷⁵ In 26 FPSs excess stock were found (Sugar 82.650 kgs., Kerosene 229 litres, Salt 892 kgs., Wheat 61.50 kgs. and Rice 61.50 kgs.). In 16 FPSs less stock were found (Sugar 16.350 kgs., Edible Oil 10 litres, Wheat 1781.8 kgs. and Rice 333.40 Kgs.)

2.3.8 Implementation of schemes

2.3.8.1 Improper implementation of Annam Brahman Yojana

As per orders of Supreme Court⁷⁶ (October 2002), States/UTs were responsible to prevent deaths due to starvation or malnutrition. In pursuance to the said order, State Government launched (January 2009) ‘Annam Brahman Yojana’ for providing 10 kg. to 15 kg. food grains free of cost to the persons who had no ration card and belonged to the targetted category⁷⁷. Mamlatdars/DSOs were to identify the beneficiaries carefully and issue cards for six months, which could be renewed for another six months.

Audit observed that as against the target of 2,250 quintals⁷⁸ per annum of food grains, only 241.80 quintals (11 per cent), 487.20 quintals (22 per cent) and 480 quintals (21 per cent) were distributed during 2009-10, 2010-11 and 2011-12 respectively. The food grains under the scheme were not distributed in 19 Districts⁷⁹, 13 Districts⁸⁰, 18 Districts⁸¹ and five Districts⁸² in 2009-10, 2010-11, 2011-12 and 2012-13 respectively. This indicated that the Mamlatdars/DSOs failed to identify maximum beneficiaries under the scheme defeating the very purpose of the scheme.

Government in its reply stated (September 2013) that instructions have been issued to all DSOs to identify the beneficiaries and issue the cards to extend the benefits of the Yojana.

2.3.8.2 Improper implementation of Annapurna Yojana

During Budget speech (1999-2000), the Union Finance Minister announced ‘Annapurna Yojana’ under which 10 kg. of food grains per month was to be distributed free of cost to all poor⁸³ above 65 years of age who were though eligible but remained uncovered under National Old Age Pension scheme or the State Pension scheme. GOI had fixed the quantity of 1,000 MT per annum for the States and accordingly released 83.33 MT of wheat every month to the State Government under the scheme. The State Government was to allocate the wheat to all DSOs and the latter in turn were to allocate the same to the Mamlatdars as per their requirements.

Audit could not ascertain the number of beneficiaries identified and allocation of wheat under the scheme for the period 2008-09 to 2010-11 as the consolidated

⁷⁶ Writ Petition No. 196/2001 dated 29 October 2002 – People’s Union for Civil Liberties Vs. Union of India and others

⁷⁷ Very poor/handicapped/orphaned/bed ridden at hospitals/ orphaned children/ street children, etc.

⁷⁸ Under this scheme, Government provides 10 quintal of food grains to each Mamlatdar for distribution. There are 225 Mamlatdars in the State.

⁷⁹ Ahmedabad city, Ahmedabad, Anand, Amreli, Bhavnagar, Dahod, Dang, Gandhinagar, Jamnagar, Junagadh, Mehsana, Narmada, Navsari, Panchmahals, Patan, Sabarkantha, Surat, Surendranagar and Valsad

⁸⁰ Ahmedabad, Dahod, Dang, Gandhinagar, Jamnagar, Kachchh, Mehsana, Panchmahals, Patan, Porbandar, Sabarkantha, Surendranagar and Valsad

⁸¹ Ahmedabad, Amreli, Banaskantha, Bharuch, Bhavnagar, Dang, Gandhinagar, Jamnagar, Junagadh, Kachchh, Mehsana, Narmada, Navsari, Panchmahals, Porbandar, Sabarkantha, Surendranagar and Valsad

⁸² Anand, Bhavnagar, Dang, Kachchh and Sabarkantha

⁸³ Having little or no regular means of subsistence for his/her own source of income or through financial support from family members or other sources

information was not available with the Department. The Department had identified 11,966 and 13,356 beneficiaries during 2011-12 and 2012-13 respectively. The details of allocation and distribution of wheat during 2011-12 and 2012-13 are shown in the **Table 4** below –

Table 4 : Details of wheat allocated for Annapurna Yojana

Period	Requirement of wheat as per norms (MT)	Opening Stock of wheat (MT)	Allocation of wheat by GOI (MT)	Total Stock (MT)	Wheat allotted to Districts (MT)	Closing Stock of wheat (MT)	Percentage	
							Allocation against requirement (Col. 5 and 3)	Distribution against available stock (Col. 7 and 6)
1	3	4	5	6	7	8	9	10
2011-12	1,435.92	384.98	575.96	960.94	634.00	326.94	40.11	65.97
2012-13	1,602.72	326.94	999.96	1,326.90	561.48	765.42	62.39	42.32

(Source : Data provided by Director, Food and Civil Supplies, Gandhinagar)

The above table shows that only 65.97 per cent and 42.32 per cent of available stock of wheat were distributed among the Districts during 2011-12 and 2012-13 respectively, resulting in 765.42 MT of wheat lying undistributed in the godowns at the end of March 2013.

Further, audit observed that no beneficiaries were identified under the scheme in three Districts⁸⁴ during 2012-13. Though four beneficiaries were identified in Bhavnagar District, no food grains were allocated to the District (2012-13). Thus, the programme introduced for the destitute was not implemented properly.

The Director (FCS) stated (June 2013) that all Collectors and DSOs had been directed to ensure proper implementation of the scheme.

2.3.8.3 Non-creation of Village Grain Banks

The Village Grain Bank (VGB) scheme was introduced (November 2006) to provide safeguard against starvation during the period of natural calamity or during lean agriculture season. The scheme envisages setting up of VGBs with 40 families by inclusion of all willing BPL/AAY families of the villages identified by the State Government as food deficit areas like the draught-prone areas, the hot and cold desert areas, tribal areas and inaccessible hilly areas. Village Panchayat/Gram Sabha, Self Help Group or NGOs, etc. identified by the State Government were eligible to run the VGBs. The GOI provided onetime cash component of ₹ 12,200 for administrative expenses⁸⁵ and four MT⁸⁶ food grains for lending to the families of each VGB. The quantity lent was required to be returned by the families within one year. GOI sanctioned (2006-07 and 2007-08) 354 VGBs⁸⁷ and released onetime cash component of ₹ 43.19 lakh and 1,416 MT food grains.

⁸⁴ Anand, Dang and Mehsana

⁸⁵ Storage/Weights and Scale - ₹ 6,000, Training - ₹ 1,400, Monitoring and administrative expenses - ₹ 3,000, 50 per cent of the Transportation cost at the rate of ₹ 90 per quintal - ₹ 1,800

⁸⁶ One quintal per member of VGB

⁸⁷ 226 VGBs – 2006-07 and 128 VGBs – 2007-08

However, out of 61 VGBs sanctioned (2006-07) for Porbandar and Banaskantha District, 24 VGBs⁸⁸ only were in existence as at the end of March 2013. Thus, 37 VGBs ceased to exist and no action was initiated by the State Government to revive the VGBs. Hence the objective of setting up of these VGBs was defeated. Further, it was observed that 12 VGBs sanctioned (2007-08) for Dahod and Panchmahals Districts (six in each District) were not formed. However, the Department had submitted full utilisation certificate to the GOI in respect of assistance and allocated food grains to these VGBs.

2.3.8.4 Discontinuation of distribution of fortified wheat flour

The State Government introduced (April 2006) distribution of fortified wheat flour in place of wheat under Antyodaya Anna Yojana in Ahmedabad City on experimental basis to overcome micronutrient deficiencies, which was expanded to the whole State in April 2010.

The GOI sanctioned (March 2010) Additional Central Assistance (ACA) of ₹ 27 crore for the programme. However, State Government did not utilise the ACA fully and refunded ₹ 5.04 crore (December 2012). Though the use of fortified wheat flour was cost effective and increased intake of micronutrients, the State Government discontinued (May 2012) the project after incurring total expenditure of ₹ 210.64 crore⁸⁹.

Government attributed (September 2013) the reasons of non-availability of flour mills, milling capacity, testing facility to ensure the actual mixed quantity of soya, iron, folic and other micro-nutrients, complaints from people regarding insects in fortified flour, *etc.* The reply was not acceptable as instead of making efforts to overcome the hindrances on implementation of scheme, Government opted to close the scheme. Further, as per a case study⁹⁰, substitution of fortified wheat flour had increased the intake of micronutrients, reduced 94 per cent of inadequate iron intake among PDS beneficiaries and according to WHO criterion, this programme was highly cost effective.

2.3.9 Decentralised Procurement

To provide Minimum Support Price (MSP) to farmers and to ensure economy in transportation expenses, the Decentralised Procurement (DCP)⁹¹ system was introduced (2009-10) in the State for procurement and maintenance of stock of wheat at State level. Memorandum of Understanding (MOU) executed (September 2009) between GOI and State Government regulates the procurements and claims for distribution of procured quantity under PDS.

⁸⁸ five in Porbandar District and 19 in Banaskantha District

⁸⁹ 2009-10 (GOG- ₹ 51.85 crore, GOI- ₹ 21.96 crore), 2010-11 (GOG- ₹ 100.84 crore), 2011-12 (₹ 35.99 crore)

⁹⁰ Indian Social Safety Net Programs as platforms for introducing wheat flour fortification : A case study of Gujarat State by John Fiedler and Keith Lividini affiliated with HarvestPlus, International Food Policy Research Institute, Washington DC(March 2012).

⁹¹ Under DCP, procurement was done at State level and kept with for distribution under PDS against the allotment by GOI.

GSCSCL was appointed as nodal agency for the procurement of wheat under DCP Scheme. Procurement under DCP was 2.66 lakh MT (2009-13), which was 6.05 per cent of offtake (43.96 lakh MT) from FCI. Audit observed that –

- GOI reimbursed the expenditure incurred by the State Government on the procurement operations on provisional basis, however, final claims of ₹ 10.92 crore⁹² pertaining to the period 2009-12 were still pending with GOI;
- shortages in the stock of wheat (2,624.29 MT), rice (1,674.68 MT) and fortified wheatflour (53.17 MT) valuing ₹ 1.23 crore, ₹ 0.69 crore and ₹ 0.02 crore respectively during 2008-13 were detected by GSCSCL. However, information regarding recovery/write-off was not made available to audit;
- GOI fixed (October 2003) norms relating to gain in weight of wheat due to absorption of moisture after storage in open/covered space, which were adopted by the FCI also. However, GSCSCL had not fixed any norms for storage gain;
- an amount of ₹ 2.76 crore⁹³ was pending for realisation from FCI towards Road Freight Transport claims towards extra cost on transportation of food grains from non-designated depots pertaining to the period up to 2012-13; and
- claim of ₹ 46.38 lakh for damaged supply (March 2012 and December 2012) of 265 gunny bales (1,32,500 gunny bags) supplied by Director General of Supplies and Disposal, Kolkata was preferred belatedly by GSCSCL in June 2013 and the settlement of claim was still pending (December 2013).

2.3.10 Legal Metrology and Consumer Affairs

2.3.10.1 Delay in construction of Laboratories

The GOI decided (May 2009) to extend financial assistance for construction of Working Standard Laboratory (WSL)/Secondary Standard Laboratory (SSL) at a cost of ₹ 25 lakh each under XIth Plan Central Scheme “Strengthening Weight and Measurement Infrastructure of States/UTs” to be utilised during 2009-12. The GOI released ₹ 2.25 crore (November 2009) for construction of seven WSL⁹⁴ and two SSL⁹⁵ laboratories in the State. The amount was deposited (March 2010) in the PLA of Controller, Legal Metrology and later on placed at the disposal of Road and Building Department.

⁹² ₹ 4.30 crore (2009-10) + ₹ 0.04 crore (2010-11) + ₹ 6.58 crore (2011-12)

⁹³ ₹ 0.27 crore (prior to 2007-08) + ₹ 0.84 crore (2007-08) + ₹ 0.86 crore (2008-09) + ₹ 0.56 crore (2009-10) + ₹ 0.21 crore (2010-11) - ₹ 0.07 crore (2011-12) + ₹ 0.09 crore (2012-13)

⁹⁴ Amreli, Jamnagar, Narmada, Navsari, Rajkot, Tapi and Vadodara

⁹⁵ Rajkot and Vadodara

Audit observed that no expenditure was incurred from this grant till 2010-11, but subsequently an amount of ₹ 1.63 crore⁹⁶ (June 2013) was utilised for construction and an amount of ₹ 0.62 crore remained unutilised. The construction work of WSL at Vadodara was incomplete while the works of SSL at Vadodara and WSL at Amreli had not started (September 2013). This has resulted in non-utilisation of Central assistance and affected the testing of working standards and secondary standards weights and measures equipment in the State.

The Government stated (September 2013) that Assistant Controller of Legal Metrology has been instructed to complete the construction work of laboratories.

2.3.10.2 Non-utilisation of vehicles and equipment

The GOI allotted two mobile weigh bridge testing kit vehicles (April 2010) and one small size mobile kit fitted on vehicle (February 2011) for testing of weigh bridges, stamping and smooth functioning of the work related to legal metrology costing ₹ 1.24 crore and ₹ 65.68 lakh respectively and four⁹⁷ mass flow prover systems (January 2012) for verification of Compressed Natural Gas (CNG)/LPG dispenser costing ₹ 25.00 lakh to the Controller of Legal Metrology. Audit observed that -

- the two mobile weigh bridge testing kit vehicles allotted to the Assistant Controllers of Legal Metrology, Mehsana (March 2011) and Surat (October 2011) for their use in nearby Districts, were never utilised and remained idle since allotment as no drivers had been appointed;
- the small size mobile kit fitted on vehicle allotted (April 2012) to Assistant Controller of Legal Metrology, Vadodara was also never utilised and remained idle since its allotment due to non-appointment of cleaner and driver; and
- the LPG mass flow prover systems were allotted (August 2012) to Assistant Controllers of Legal Metrology, Bharuch and Surat. Though the verification of 10 LPG pumps/stations was completed in the Districts, the kits were not transferred to other District offices for their utilisation and the same were lying idle thereafter. Out of two CNG mass flow prover systems, one was retained by the Controller for checking and stamping of CNG stations of Gujarat State Petroleum Corporation⁹⁸ (GSPC) and the other was allotted to Deputy Controller of Legal Metrology, Ahmedabad Region for checking of all non-GSPC CNG stations. The stamping of only 13 stations (9.50 per cent) out of 137 CNG stations run by GSPC was done (September 2013). The Controller had no information about the number of non-GSPC stations in the State and the utilisation of system by Deputy Controller of Legal Metrology, Ahmedabad.

⁹⁶ 2011-12 - ₹ 78.61 lakh and remaining ₹ 84.39 lakh during 2012-13 and upto June 2013

⁹⁷ Two LPG and Two CNG Systems

⁹⁸ A wholly State Owned Company

Thus, the above vehicles and systems allotted by the GOI were not utilised/ properly utilised defeating the very purpose for which they were intended.

2.3.10.3 Consumer Welfare Funds

• Unutilised State Consumer Welfare Fund

The GOI issued orders (February 2004) for creation of State Consumer Welfare Fund (SCWF) in each State to strengthen consumer movement at grassroot level. The State Government created (December 2005) SCWF with a corpus of ₹ 47.50 lakh (GOI share ₹ 22.50 lakh and State share ₹ 25.00 lakh), out of which ₹ 7.74 lakh was spent (August 2006) for the publication of booklets on food fortification. Audit observed that the remaining amount (₹ 39.76 lakh) was kept in the PLA of the Controller and remained unutilised (September 2013). As a result, the very purpose of creating fund for strengthening consumer movement was defeated.

• Delay in establishing State Corpus Fund

In order to strengthen the consumer movement in the country with the active involvement of State/Union Territories (UTs), GOI issued (February 2010) instructions to create a State Corpus Fund of ₹ 10 crore to be shared in the ratio of 75:25 between GOI and respective States/UTs. This fund was to be kept in separate account and interest earned was to be utilised for financing State/ local level activities relating to welfare and protection of consumers. GOI share (₹ 7.50 crore) was to be released after the State share (₹ 2.50 crore) was deposited in a separate, non-lapsable and interest bearing account. The State Government was required to notify its guidelines on the lines of Central Consumer Welfare Fund (CCWF) guidelines and upload on State website.

The State Government released (March 2010) its share of ₹ 2.50 crore which was kept (March 2010) in PLA by the Controller contrary to GOI instructions of depositing the amount in non-lapsable interest bearing account. Subsequently, the State share was deposited (December 2012) in Fixed Deposit with Gujarat State Financial Services Limited. Thus, the fund was deposited in separate interest bearing deposit after 33 months which resulted in late release (May 2013) of GOI share of ₹ 7.50 crore and cumulative loss of interest of approximately ₹ 69.32 lakh⁹⁹, which could have been utilised for strengthening the consumer movement. Further, the State Government had not notified its guidelines till October 2012 and had not released (June 2013) the GOI share to the Department.

The Government stated (September 2013) that the process of administrative approval for obtaining income tax exemption certificate consumed more time and thereby the funds were deposited in interest bearing account belatedly. The reply was not acceptable as depositing of State share in separate account and Income Tax exemption are not directly related as income tax exemption

⁹⁹ As per compound interest formula - $A = P(1+r/100)^n$ { $P=25000000$, $r=0.0225$ (9 per cent compounded quarterly (at the rate at which the fund was actually deposited) and $n=11$ quarter (33months/3 =11 quarter)}.

was required for availing exemption from TDS on the interest earned on such deposits.

2.3.11 Consumer protection

2.3.11.1 Non-establishment of Consumer Protection Councils

As per Sections 7 and 8A of the Consumer Protection Act, 1986, the State Government was required to establish State and District level Consumer Protection Councils (CPC) to promote and protect the rights of the consumers. However, State CPC was established in June 2004 after a delay of 18 years after the Act came into force. The State CPC was reorganised (February 2009) but no meetings were held. Further, in eight¹⁰⁰ out of 26 Districts, the District CPCs were not established (September 2013). Hence, the legislation for protection of consumers' right was not ensured.

The Government stated (September 2013) that due to State Legislative Assembly election in 2012, the appointment of non-government members was not done, hence, State CPC and some CPCs had not been established. The reply was not acceptable as the appointments had not been made even though more than one year has elapsed after the Assembly election.

2.3.11.2 Delay in disposal of consumer cases

Protection of Consumers' interest is the main function of the State Consumer Disputes Redressal Commission (Commission). Section 13(3A) of Consumer Protection Act, 1986 and Rule 5(9) of the Gujarat Consumer Protection Rules, 1988 provides that every complaint shall be heard as expeditiously as possible and endeavor shall be made to decide the complaint within a period of three months from the date of receipt of notice by opposite party where the complaint does not require analysis or testing of commodities and within five months if it requires analysis or testing of commodities.

Audit observed that large number of cases was pending with the Commission and District Fora, though the time limit for disposal of these cases had expired, as detailed in **Table 5** below –

Table 5 : Number of pending consumer cases

Total Complaint cases pending (June 2013)		Duration of pendency of cases							
		More than 2 years		Between 1 year to 2 years		Six months to 1 year		Below six months	
		Number of cases	Per-cent-age	Number of cases	Per-cent-age	Num-ber of cases	Per-cent-age	Number of cases	Per-cent-age
Commission	7,777	794	10.21	980	12.60	883	11.35	5,120	65.84
District Fora	11,273	2,331	20.68	1,764	15.65	1,981	17.57	5,197	46.10
Total	19,050	3,125	16.40	2,744	14.40	2,864	15.03	10,317	54.16

(Source : Data provided by State Consumer Disputes Redressal Commission, Gandhinagar)

¹⁰⁰ Ahmedabad, Dang, Jamnagar, Kheda, Navsari, Panchmahals, Tapi and Valsad

Non-disposal of cases within reasonable time had deprived the consumers of their rights to get timely justice.

The Government stated (September 2013) that during last three years the disposal of cases have increased and the State Commission as well as District Fora are trying to speed up the disposal of cases.

2.3.11.3 Non-utilisation of Forum buildings

As per Consumer Protection Act, 1986, at least one District Forum is required to be established in each District and GOI provides onetime Central assistance to State Government for this purpose. Audit observed (May 2013) that the District Forum buildings constructed at four test checked Districts were not utilised due to non-appointment of judges and required staff as shown in **Table 6** below –

Table 6 : Non-utilisation of Forum buildings

(₹ in crore)

Sr. No.	Name of the District	Cost of construction	Date of completion
1	Dahod	1.00	20-09-2012
2	Dang	0.79	29-11-2011
3	Narmada	0.70	21-06-2012
4	Porbandar	0.60	05-08-2011

The Government stated (September 2013) that judges and required staff were not appointed in these Fora, as there were very few complaint cases and the cases of these Fora are being handled by nearby District forum. Government further, stated that judges and required staff would be appointed on increase in number of complaint cases in these Districts. This indicated that the buildings were constructed out of GOI grant without assessing the need for the same.

2.3.11.4 Purchase from GRIMCO without inviting open tenders

The State Government prescribed (September 1997) the purchase policy to be observed by all Departments. Subject to certain financial limits, purchase can be made without inviting tenders from specified category of Government Industries and Government approved institutions. However, annual purchase above ₹ 2 lakh is required to be made by inviting tenders through advertisement in leading newspapers.

Audit observed that the Commission had awarded (March 2013) the work of supply of furniture and equipment for Commission Office, Ahmedabad and for all District Forum offices of ₹ 1.08 crore to Gujarat Rural Industries Marketing Corporation Limited (GRIMCO) without inviting tenders. Thus, the department flouted the Government instructions.

Government stated (September 2013) that as GRIMCO is a State Government Undertaking Company, tenders were not invited. The reply was not acceptable as no such exemptions were laid down in the purchase policy issued by the State Government.

2.3.12 Human Resource Management

2.3.12.1 Shortage of manpower

To carry out various functions of the Department, it was essential that vacant posts of different categories be filled up immediately. Shortage of staff especially for long periods eventually affects the performance of the Department. As of June 2013, overall shortage of manpower ranged between 26 *per cent* and 38 *per cent* (**Appendix-XXI**). The important work of inspection of various weights and measures are carried out by the inspectors of Controller of Legal Metrology. Against sanctioned strength of 18 Senior Inspectors and 150 Junior Inspectors, only 17 Senior Inspectors and 92 Junior Inspectors were in position (June 2013). Shortage of manpower has thus adversely affected the performance of the Department in carrying out various activities as commented in the foregoing paragraphs.

The Government stated (September 2013) that the process of filling up vacant posts was under progress.

2.3.13 Internal Control Mechanism

2.3.13.1 Irregularities in maintenance of Cash Book

In contravention to Rule 28 of the Gujarat Treasury Rules (GTR), 2000, Audit observed following deficiencies in maintenance of cash book (2008-13) at test checked offices –

- In six test checked offices¹⁰¹, no monetary transaction had been attested by the Drawing and Disbursing Officers (DDOs);
- In 25 test checked offices¹⁰², DDOs had not certified cash balances at the end of the month and no periodical surprise checks had been conducted by competent authority during 2008-13;
- In 17 test checked offices¹⁰³, overwriting and corrections remained un-attested;
- In four test checked offices¹⁰⁴, full details such as from whom amounts were received/paid and nature of transaction were not recorded;
- In Cash Book of the President, Consumer Disputes Redressal Forum, Valsad, transactions had not been entered in the Cash Book on day to day basis; and

¹⁰¹ (1) PS (2) Commission (3) Food Controller (4) DSO, Anand (5) DSO, Surendranagar and (6) DSO, Valsad

¹⁰² (1) PS (2) Commission (3) Food Controller (4) Director, FCS (5) Controller (6) Eight DSOs -Anand, Dahod, Jamnagar, Kachchh, Narmada, Panchmahals, Surendranagar and Valsad (7) Six Assistant Controllers – Jamnagar, Kachchh, Mehsana, Panchmahals, Surendranagar and Valsad and (8) Six District Fora - Anand, Jamnagar, Mehsana, Panchmahals, Surendranagar and Valsad

¹⁰³ (1) Commission (2) Controller, (3) Five DSOs - Anand, Dahod, Kachchh, Narmada and Valsad, (4) Five Assistant Controllers - Jamnagar, Kachchh, Panchmahals, Surendranagar and Valsad and (5) Five District Fora - Jamnagar, Kachchh, Mehsana, Panchmahals and Surendranagar

¹⁰⁴ DSOs – Jamnagar, Kachchh and Surendranagar and Assistant Controller of Legal Metrology, Panchmahals

- Cash books were not being maintained at the office of the President, Consumer Disputes Redressal Forum, Anand for the period 1 October 2008 to 3 May 2010 and from 20 January 2012 till date of audit (May 2013).

Non-observance of the provisions of the GTR Rules in respect of maintenance of the Cash Book was fraught with the risk of mistakes remaining undetected leading to possible misappropriation of funds.

The Government stated (September 2013) that necessary instructions would be issued and audit instructions are being followed from September 2013.

2.3.13.2 Non-maintenance of Dead stock registers

Rule 95 of the Bombay Contingent Expenditure Rules, 1959 provides that a register in Form-8 should be maintained for recording purchase of furniture, fixture and other dead stock articles and as per Rule 98 the Head of Office would be responsible for verification of dead stock articles annually with reference to the register and would record a certificate to that effect. Audit observed in test checked offices that dead stock registers were not maintained properly and in some cases, items/articles received were not recorded in the dead stock registers. Further, annual physical verification of dead stock articles was not carried out. Improper maintenance of dead stock registers and failure to conduct annual physical verification of dead stock articles was fraught with the risk of theft and loss of Government assets remaining un-noticed.

2.3.13.3 Non-reconciliation of remittances

GTR 2000 provides that when Government money is paid into treasury or the bank, the head of office, should compare the Treasury Officer's or bank's receipt on the challan or his pass book with the entry in the cash book before attesting it and satisfy himself that the amounts have been actually credited into treasury or the bank. If any discrepancy is noticed, it should be reconciled. However, the remittances were not reconciled at five District Forum offices¹⁰⁵ out of seven District Fora test checked. There was misappropriation¹⁰⁶ of ₹ 61.65 lakh at District Forum Office, Valsad during November 2006 to October 2011 due to non-reconciliation of remittances.

The Government stated (September 2013) that necessary instructions have been issued to all to reconcile remittances with Treasury records.

2.3.13.4 Internal Audit

General Administration Department directed (August 1987) that all the Departments shall carry out Internal Audit (IA) to assess the work done, the schemes and programmes carried out, the implementation of rules and

¹⁰⁵ Anand and Panchmahals (2008-13), Mehsana and Valsad (since beginning) and Surendranagar (2012-13)

¹⁰⁶ First Information Report (FIR) was registered on 11 January 2012 and the charged official has since expired. Action to write off the loss is pending

regulations, hearing and redressal of complaints of public/Government servants and maintenance of office records.

Audit observed that the Internal Audit system was not in place in the Department except in the office of the Controller Legal Metrology and Director of Consumer Affairs. In the absence of IA, compliance with the rules and procedures by various officials/offices could not be ensured.

2.3.14 Monitoring

2.3.14.1 Non-formation of vigilance committees

GOI instructed (August 2001 and May 2006) all States to form Vigilance Committees¹⁰⁷ at Village (VVC), City (CVC), Taluka (TVC), District (DVC) and State level. These committees were to keep watch on the activities of FPSs, report irregularities noticed to the DSOs for taking appropriate action and were to be reconstituted every two years. There were 12,473 VVCs, 4,226 CVCs, 304 TVCs and 26 DVCs in the State (March 2013).

Audit observed that there was no information available with the Department about reconstitution of these committees. Thus, the committees were functioning in violation of the guidelines. Further, the committees were to convene meetings by 15 to 20 of every month. However, it was noticed that there was shortfall in the meetings during the period 2008-13. The overall shortfall¹⁰⁸ in meetings ranged between 24 per cent and 100 per cent. Shortfall¹⁰⁹ ranged between 0.88 per cent and 100 per cent in test checked Districts. Thus, there was no effective monitoring by the committees of the activities of the FPSs.

The Government stated (September 2013) that necessary instructions have been issued (June 2013) to all Collectors and DSOs to organise meetings of CVCs, TVCs and DVCs and send information of meetings organised on regular basis.

2.3.15 Conclusion

The performance audit on the functioning of Food, Civil Supplies and Consumer Affairs Department brought out instances of loss of subsidy from GOI due to non-lifting of food grains, issue of BPL ration cards in excess of the norms prescribed by GOI and delay in issue of Bar Coded Ration Cards. Prescribed inspections of Fair Price Shops had not been carried out to rectify the deficiencies and irregularities at Fair Price Shops. Implementation of schemes namely “Annapurna Yojana” and “Annam Brahman Yojana” was deficient as the Department failed to identify maximum beneficiaries for extending benefits of the Yojana. Vehicles and equipment provided by GOI were not appropriately

¹⁰⁷ Chairman - Sarpanch at village level, Mamlatdar at Taluka level, Commissioner of Municipal Corporation/Corporator of Nagar Panchayat at City level and Collector at District level

¹⁰⁸ 24 per cent - VVC in May 2011 and 100 per cent - DVC in November 2010 and January 2013

¹⁰⁹ 0.88 per cent - VVCs of Dahod District and 100 per cent - TVCs of Anand and DVCs of Anand, Kachchh, Surendranagar and Valsad Districts

utilised. State Consumer Welfare fund remained unutilised and there was delay in disposal of consumer cases at State as well as District level. Office buildings constructed for Consumer Grievance Redressal Forum at Dang, Dahod, Porbandar and Narmada were not utilised. Internal audit was deficient. There was acute shortage of staff and the monitoring mechanism was ineffective.

2.3.16 Recommendations

- Proper implementation of the schemes may be ensured by proper identification of beneficiaries;
- Food grains allotted by GOI may be lifted fully so that benefits to the needy are ensured;
- Prescribed inspections should be carried out to rectify the deficiencies and irregularities of Fair Price Shops;
- Office buildings constructed and vehicles procured may be utilised;
- State Consumer Welfare fund should be optimally utilised for strengthening the consumer movement;
- Timely disposal of consumer cases should be ensured for protection of consumers' interest; and
- Internal control and monitoring mechanism should be strengthened to ensure better delivery of benefits of the schemes to the intended beneficiaries and allow for proper functioning of the Department.