

CHAPTER-III

COMPLIANCE AUDIT

This Chapter contains three thematic paragraphs on 'Functioning of Trauma Care Centres', 'Working of Anti Corruption Bureau' and 'Food Management in hostels for scheduled castes students'.

HEALTH AND FAMILY WELFARE DEPARTMENT

3.1 Functioning of Trauma Care Centres

3.1.1 Introduction

The Government of India (GOI), Ministry of Health and Family Welfare (MOH&FW) introduced (November 1999) a pilot project for developing a network of Trauma Care Centres (TCCs) to provide emergency treatment to accident victims. The project envisaged providing financial assistance for upgrading emergency services of selected Government hospitals. The project, however, had limited success on account of capacity constraints.

To overcome these constraints, GOI launched a Scheme (2007-08) to develop a network of TCCs all along the East-West and North-West corridors of Golden Quadrilateral of National Highways during 2007-12. The TCCs were to be developed in collaboration with the National Highways Authority of India (NHAI), Ministry of Road Transport and Highways (MORTH) and State Governments.

The Scheme envisaged construction of TCC buildings, development of manpower, purchase of equipments, establishment of life support ambulances and communication system at 12 hospitals identified by the MOH&FW. The hospitals designated by the State Government and approved by GOI (MOH&FW), were to be upgraded to Levels¹ I to III. The grants covered various components like civil works, equipment, manpower, communication systems, training, etc. depending on the level of up-gradation of the hospital.

The State Government executed (November 2007) a Memorandum of Understanding (MOU) with GOI for implementation of the Scheme. The scheme was implemented in Gujarat by the Commissioner of Health, Medical Services and Medical Education, Gandhinagar and the Deputy Director (Medical Services) was the Nodal Officer.

In Gujarat, MOH&FW selected (October 2007, August 2008) 12 hospitals (Level-II: seven, Level-III: five) for up-gradation as TCCs at a cost of ₹91.55 crore. As of November 2012, the GOI released ₹37.65 crore to these hospitals and an expenditure of ₹17.71 crore incurred.

¹ Based on the life-care facilities to be developed, TCCs were categorized Level-I (highest) to Level-III (lowest)

In order to ascertain the effectiveness of implementation of the Scheme, records of the Commissioner of Health, 12 Government Hospitals and Project Implementation Unit, Gandhinagar were test checked during April-October 2012.

3.1.2 Planning

In a meeting (September 2007) convened by MOH&FW, it was decided that State Governments would fix a time-frame for completion of design of buildings, agency for execution of work, requirement of equipments and its procurement agency. Audit scrutiny revealed that State Government had neither fixed any time frame for finalising the design of the building nor finalised any agency for execution of work, procurement of equipments or any plan for providing adequate manpower. As a result, none of the 12 hospitals could be made fully operational, the details of which are discussed in the succeeding paragraphs.

3.1.3 Execution of civil works

The Scheme envisaged renovation of existing hospitals buildings for TCCs. Civil works were to be carried out on certain TCCs with a view to upgrade them to the Level-II and Level-III hospitals so that TCCs could be made operational.

The civil work in respect of TCCs of Palanpur, Rajkot, Surat and Valsad were completed from funds released under a project started during the Ninth Five Year Plan while the work at TCC, Vadodara was completed out of State Government funds before commencement of the Scheme. Funds to the tune of ₹4.85 crore were released (January 2008, November 2008) to the remaining seven TCCs for civil works. The hospitals placed the funds (except Bharuch for which the work was entrusted to Gujarat Industrial Development Corporation (GIDC) in August 2009 and completed in December 2011) with the Project Implementing Unit (PIU). However, construction was delayed as shown in **Table-1** below –

Table-1: Details showing position of execution of work of Trauma Care Centres

(Rupees in crore)

Sl. No.	Name of TCC	Amount released to PIU/ GIDC	Period	Date of work order	Tendered Cost	Due date of completion	Actual date of completion	Period of delay	Date on which possession handed over	Expenditure incurred till March 2012
1	Bhachau	0.65	April 2009	29.5.2012	0.79	28.2.2013	Work not started	--	NA	0.00
2	Bharuch	0.65	January 2008	27.8.2009	2.70 ²	26.5.2010	26.12.2011	579 days	6.8.2012	1.31
3	Himatnagar	0.65	March 2009	9.12.2009	0.65	16.6.2011	2.3.2012	260 days	Not handed over	0.90
4	Jetpur	0.65	March 2009	19.11.2010	0.54	23.8.2011	20.9.2011	28 days	15.11.2011	0.50
5	Morbi	0.80	March 2009	19.11.2010	0.61	15.2.2012	15.2.2012	No delay	26.3.2012	0.64
6	Porbandar	0.80	March 2009	16.12.2010	0.80	22.12.2011	30.3.2012	99 days	31.5.2012	0.80
7	Radhanpur	0.65	April 2010	9.11.2011	0.72	9.7.2012	Work-in-progress	--	--	0.13
	Total	4.85			6.81					4.28

² The amount represent composite contract of TCC and Hospital; figures are not bifureated

Audit scrutiny revealed that –

- work at TCC, Bhachau had not yet started (January 2013);
- non-synchronisation of electrical work at TCC, Bharuch with civil works resulted in delay in handing over possession of the building;
- there was delay of about one year in obtaining Administrative Approval (AA) and Technical Sanction (TS) and 10 months in tender process, as a result of which construction of TCC, Himatnagar was delayed and possession has not been handed over;
- due to delay of about two years in obtaining AA and TS, the civil work of TCC, Jetpur was delayed;
- due to delay of eight months for obtaining AA and TS and over one year for tender process, commencement of work at TCC, Morbi was delayed;
- due to delay of two years in obtaining AA and TS, the work at TCC, Porbandar was delayed; and
- due to delay of 2½ years for obtaining AA and TS and one year for tender process, the construction work at TCC, Radhanpur has not yet been completed.

Thus, though the funds were provided well in advance by the GOI, commencement and completion of civil works of these seven TCCs were delayed.

The Chief Engineer, PIU attributed (March 2012) delays in completion of works to delay in crediting the funds in PIU account and non-fixation of any time schedule for completion of the work. The Superintending Engineer, GIDC also attributed (October 2012) delays to non fixation of time schedule for completion of work.

The replies are not acceptable as they were required to ascertain from appropriate authorities the time frame for completion of work.

3.1.4 Procurement of equipment

Procurement of equipments remained incomplete

The Scheme envisaged procurement of high end equipments for providing immediate treatment like first aid, change of fluids, etc. to accident victims. With a view to speed up the purchase procedure, MOH&FW finalised (January 2009) the rate contracts in respect of eight equipments with Hindustan Latex Limited (HLL) for centralised procurement and the remaining equipments were to be procured locally. Funds to the tune of ₹19.06 crore were released to five TCCs for procurement of equipments. Details of equipments procured and available are given in **Table-2** as follows –

Table-2 showing details of equipments procured

Name of equipment	Position of availability of equipment at TCC: Yes/No				
	Palanpur	Rajkot	Surat	Vadodara	Valsad
(1)	(2)	(3)	(4)	(5)	(6)
Equipments procured through Hindustan Latex Limited					
Image Intensifier (C-Arm)-1 No	No	Yes	Yes*	Yes	Yes
3D Ultrasonography-1 No	Yes*	Yes	No	Yes	Yes*
Ventilator (High End ICU) with 6 channels-20 Nos	No	Yes	Yes	Yes (10 Nos)	Yes
Anesthesia Machine with Monitor 6-8 channel -2 Nos	Yes*	Yes	Yes	Yes (1 No)	Yes
Defibrillator 1 No	Yes*	Yes	Yes	Yes	Yes
100mA portable X-Ray machine 1 No.	Yes*	No	No	No	Yes
Multi parameter Monitor with complete monitoring system 1 No.	Yes*	Yes	No	Yes	Yes
Equipments procured locally					
50mA X-Ray Machine 1 No.	No	Yes	No	No	No
OT Table-4segments translucent top with orthopaedics attachments-1 No.	No	Yes	Yes	No	Yes
CTG scan multi slice -1 No.	No	No	Yes	No	No
Cautery Machine-Mono and ; Bio Polar-2 Nos.	Yes	Yes	No	No	Yes
OT Ceiling lightig shadowless-2 Nos.	Yes	Yes	Yes	No	Yes
High Vacuum suction Machine-2 Nos.	Yes	Yes	Yes	No	No
Standard Ventilator-2 Nos.	No	No	No	No	No
Pneumatic tourniquet-2 Nos.	No	Yes	Yes	No	No
Thoractomy instruments-1 set	No	Yes	No	No	No
Spinal surgery insgtruments-1 set	No	Yes	No	No	No
Power drill and power sq-1 No.	Yes	Yes	No	No	No
Craniotomy instrument-2 sets	No	No	No	No	No
Splints and traction-2 sets	No	No	No	No	No
Lab Automatic Blood Gas Analyzer-1 No.	No	No	Yes	No	No
Automatic Bio Analyser-1 No.	No	No	Yes	No	No
Patient warning system-1 No.	No	No	No	No	No
Operating Microscope-1 No	Yes	Yes	No	No	No
Operating jead;ogjts-2 Nos.	No	No		No	No
Flower's Bed-20 Nos	No	No	No	No	No
10 bedded step down/recovery units with 5 monitors (4 channels)	No	No	No	No	No
Rehabilitation-SW Diathermy, IFT machine, Cervical and Lumbar Traction and Physiotherapy	No	No	No	No	No
Fully functional Blood Bank and Microbiology facility	Yes	Yes	No	No	No
Laminar Air Flow	No	No	No	No	No
Electricity back up with eight hours	No	No	No	Yes≠	No

(*Procured through CMSO, Gandhinagar; with GOI funds)

Audit scrutiny revealed that –

- The Government of India released ₹19.06 crore³, against which only equipments worth ₹9.98 crore⁴ were procured by these TCCs;
- No action was taken on the indents forwarded (June 2008 to December 2011) by the TCCs to the Central Medical Stores Organisation (CMSO) and Deputy Director;
- TCCs Porbandar, Radhanpur, Vadodara and Valsad procured 35 ventilators (March 2009 to March 2010) from HLL at an aggregate cost of ₹3.97 crore without compressors. TCCs Vadodara and Valsad procured compressor in February 2012 (with delay of 31 months) and April 2012 (with delay of 28 months) respectively. The ventilators at Porbandar and Radhanpur are still lying idle (October 2012);



Equipments procured (December 2009), the parcel of which still remained unopened (January 2013) at TCC, Porbandar

- The TCC, Porbandar already had one C-Arm Image Intensifier; despite this the TCC took delivery of five C-Arm Image Intensifiers from HLL at a cost of ₹25.21 lakh without requirement;
- The equipments procured (March, August 2009) were installed (April, May and August 2010) with delays ranging from eight to 13 months;
- The eight equipments (₹42.35 crore) to be procured from HLL were not received; and
- Though the civil works of five TCCs were completed (2011-12) and funds were available, the required quantities of high end equipments were not procured by these TCCs;
- Further, it was observed that TCC, Radhanpur received equipments from HLL, but were lying idle as the civil work was not completed.

³ ₹4.34 crore each to TCCs Palanpur, Rajkot, Surat, Valsad and ₹1.70 crore for Vadodara

⁴ Palanpur (₹0.01 crore), Rajkot (₹2.96 crore), Surat (₹4.05 crore) and Valsad (₹2.96 crore)

The Government stated (November 2012) that CMSO issued Acceptance of Tender (March 2009) for purchase of some of the equipments. It was also stated that since HLL had not supplied all the 11 equipments, procedure for purchase of remaining equipments through CMSO was under process. It was stated that equipments received at TCC, Porbandar and Radhanpur were being transferred to needy hospitals for better utilisation.

The reply of the Government is not acceptable as concerted efforts were not made to synchronise procurement of the equipments along with construction of TCCs since the launch of the Scheme in 2007-08.

3.1.5 Non establishment of communication linkage

The MOU signed between the GOI and the State Government provides that Ministry of Road Transport and Highways (MORTH) will provide one ambulance to each TCC. The implementation strategy of MOH&FW included establishing communication linkage with mobile units, highway locations and the designated trauma centres. Audit scrutiny revealed that except Palanpur, MORTH provided ambulances to all the TCCs. However, barring Porbandar, Surat and Valsad, no other TCC established communication linkage with ambulances, highway locations and TCCs.

3.1.6 Non development of Trauma Information system

The strategy of MOHFW includes development and maintenance of State Wide National Trauma Information Management System (Trauma Registry) and the State Government shall ensure that all data related to injury surveillance was computerised and made available to GOI. Audit scrutiny revealed that except Valsad, none of the TCCs developed Trauma Registry and generated Injury Surveillance Data.

3.1.7 Manpower

TCCs guidelines provide that GOI would meet the expenditure on manpower necessary during the project period (2007-12). Guidelines also provide that Level-II TCCs should engage 17 Medical and 82 Paramedical staff and Level-III TCCs should engage 13 Medical and 62 Paramedical staff. The liability of the staff recruited on contractual basis was to be taken over by the State Government after financial year 2011-12. Funds to the tune of ₹3.80 crore were released to Palanpur, Rajkot, Surat, Vadodara and Valsad TCCs.

Audit scrutiny revealed that required medical and paramedical staffs were not deployed in the five TCCs though they are already operational as detailed in **Table-3** as follows –

Table-3 : showing details of deployment of medical and para medical staff in TCCs

Name of the post	As prescribed by GOI	Sanctioned by GOG	Deployment in Trauma Care Centres				
			Palanpur	Rajkot	Surat	Vadodara	Valsad
General Surgeon	3	2	0	0	0	0	0
Orthopaedic Surgeon	3	3	0	0	0	0	0
Anaesthetist	3	2	0	0	0	0	0
Casualty Medical officer	8	3	0	0	2	0	0
Staff Nurse	40	15	8	20	12	40	0
Nursing Attendants	16	5	8	16	2	0	0
OT Technician	5	2	0	5	0	5	0
Lab Technician	2	1	0	2	1	2	0
Radiographer	4	1	0	4	1	4	0
Class IV	15	15	9	15	6	15	2
Total	99	49	25	62	24	66	2

Against the GOI prescribed strength of 99, GOG sanctioned 49 posts and men-in-position ranged from two to 66

Thus, as against the strength of 99 prescribed by GOI, State Government sanctioned 49 posts, of which vacancies filled up ranged from two (two *per cent*-Valsad) to 66 (66 *per cent*-Vadodara). Barring two Casualty MOs posted in TCC, Surat, not a single medical officer was recruited in other four TCCs. Valsad had only two Class IV staff.

The Government decided (April 2007) to recruit the manpower for all TCCs centrally but after a lapse of three years, decided (February 2010) to allow Chief District Medical Officers to make recruitment locally.

Audit scrutiny revealed that –

- Medical officers and staff at TCCs constructed could not be recruited due to the remuneration offered. Further, lump-sum remuneration of ₹50,000 fixed (May 2011) to doctors was reduced to ₹35,000 (June 2011);
- Recruitment process for TCCs of Bharuch, Himatnagar, Jetpur, Morbi and Porbandar has not yet been commenced.

The Government stated (November 2012) that despite their efforts, due to shortage of qualified doctors across the State, the posts in TCCs could not be filled. The reply is not acceptable as the lump sum remuneration was low.

3.1.8 Training

As per the MOU, State Government would sponsor at least three nurses per identified institution for undergoing the one year programme for trauma care and on successful completion of such training, deploy these nurses only at the identified institutions. MOH&FW decided (September 2008) to provide the said training at Bhilai, Kolkata, Vellore and Malabar.

Audit scrutiny revealed that no staff nurse was nominated by the Government for the said training from TCCs of Palanpur, Rajkot and Surat where the staff were recruited. Thus, the Government failed to follow the conditions of MOU which resulted in lack of trained staff nurses for trauma care.

The Government stated (November 2012) that staff nurses working in TCCs are well trained and experienced for any emergency. The reply of Government is contrary to fact that nurses recruited for the TCCs of Palanpur, Rajkot and Surat, were not imparted one-year intensive training as envisaged.

3.1.9 Monitoring and evaluation

The MOU provides that a Monitoring Committee under the Chairmanship of Health Secretary shall review implementation of Action Plan at State-level after every two months during the first year and quarterly thereafter. However, compliance to the above instructions was not shown during scrutiny of records of Commissioner Health.

3.1.10 Conclusion

Despite availability of funds, the completion of civil works at seven TCCs was delayed mainly due to delay in obtaining administrative approvals and technical sanctions and non fixation of time schedule for completion of work. Though funds were released for procurement of equipments, the process was not completed. There were delays in installation of equipments procured. The required medical and paramedical staff was also not deployed in these TCCs.

HOME DEPARTMENT

3.2 Working of Anti Corruption Bureau

3.2.1 Introduction

With a view to strengthening anti-corruption organisation and their activities for better and effective handling of anti-corruption work, the State Government (Home Department) separated anti-corruption functions from Police administration and established (September 1963) Anti Corruption Bureau (ACB). The mandate of ACB includes investigation of bribery and corruption, embezzlement of Government money and other malpractices by making enquiries into complaints made by members of the public and Government. The ACB derives power from the Prevention of Corruption Act, 1988⁵ (Union Act). The ACB is working directly under the control of the State Government (Home Department).

The ACB was headed by Inspector General of Police (Director), who is assisted by an Additional Director, one Special Director and one Joint Director at State level. There were six regional offices (Ahmedabad, Junagadh, Mehsana, Rajkot, Surat and Vadodara) headed by Assistant Directors and 29 Police Stations, each headed by Police Inspectors (PIs). The jurisdiction of ACB extends to State and Central Government Departments, Boards/Corporations, Panchayati Raj Institutions, etc., but action on All India Service Officers can be initiated only with the approval of Government.

Test check of records of the Director, five Regional Offices (Ahmedabad, Junagadh, Rajkot, Surat and Vadodara) and nine Police Stations (Ahmedabad City, Ahmedabad Rural, Junagadh, Rajkot City, Rajkot Rural, Surat City, Surat Rural, Vadodara City and Vadodara Rural) were conducted between January 2012 and May 2012.

Audit findings

3.2.2 Budget Provisions and Expenditure

Budget provisions and expenditure of ACB for the period 2008-12 is as shown in **Table 1** below –

Table-1: Details showing Budget Provision, Expenditure and Excess/Savings during 2008-12

(Rupees in crore)

Year	Budget Provision		Expenditure		Excess (+); Savings (-)	
	Plan	Non Plan	Plan	Non Plan	Plan	Non Plan
2008-09	0.75	6.62	0.63	6.64	(-) 0.12	(+) 0.02
2009-10	1.60	8.80	1.76	9.08	(+) 0.16	(+) 0.28
2010-11	4.19	10.87	4.15	10.81	(-) 0.04	(-) 0.06
2011-12	3.90	11.86	3.62	11.84	(-)0.28	(-) 0.02
Total	10.44	38.15	10.16	38.37	(-)0.28	(+) 0.22

(Source: Information furnished by Director, Anti Corruption Bureau)

⁵ This law was enacted by repealing the Prevention of Corruption Act, 1947 and the Criminal Law Amendment Act, 1952

The Director attributed (November 2012) excess expenditure of ₹22 lakh (Non-Plan) during 2009-10 on pay and allowances (payment of arrears on the recommendations of 6th Pay Commission).

Operations

The objectives of ACB are achieved by laying traps, decoys⁶ and enquiring on the cases of disproportionate assets (DA).

3.2.3 Shortfall in achievements

There was short fall ranging from 32 per cent to 58 per cent in trap cases.

The Government (Home Department) directed (October 2003) that ACB should increase the cases of trap/decoy/DA cases by 20 per cent every calendar year. Scrutiny of records revealed shortfall in achieving targets ranging between 32 per cent and 58 per cent during the calendar years 2007 to 2011 as shown in Table 2 below –

Table2: Details showing targets, achievements and shortfall of operational activities

(Cases in number)

Year	Target	Achievements	Shortfall	Percentage
2007	244	165	79	32
2008	292	186	106	36
2009	350	182	168	48
2010	420	220	200	48
2011	504	210	294	58

The Director stated (April 2012) that one reason for the non achievement of target was frequent diversion of staff for Police *bandobast*⁷. It was also stated that shortage of manpower was taken up (January 2012, February 2012 and twice in March 2012) with the Government. The Director further stated (September 2012) that though each PI was given a 'smart goal' of executing four trap/decoy and one DA case, 15 PIs (out of men-in-position of 55 and 37 vacancies) posted in ACB headquarters had no such targets.

The reply of the Director is not acceptable as –

- (i) As 15 PIs (27 per cent) out of 55 were posted in ACB headquarters, a large section of police force remained unavailable for operational functions;
- (ii) Deployment of personnel in headquarters for non-operational functions was required to be considered taking into account the overall scenario of total output from operational work, which was in fact considerably less than targeted, resulting in reduction of headquarters work;
- (iii) Though jurisdiction of ACB was separated from Police Administration, the latter continued to exercise control over former by drafting their PIs for policing, which adversely affected the achievements of the former; and

6 On getting input of any particular person being habitually corrupt, fictitious persons are deployed with offer of bribe with intention to trap him

7 2303 mandays for PIs and 2150 mandays for Constables during 2009 to 2011

- (iv) The matter of shortage of operational personnel was not pursued with the Government early and was done only during the last quarter of 2011-12.

The Director also stated (May 2012) that a report in regard to the efforts made by the ACB on Government instructions (October 2003) was being submitted to Home Department every month and no fresh instructions were received regarding targets. The contention of the Director was not correct, as the organisation is expected to carry out their functions according to the instructions issued by the Government and not to wait for further orders on the basis of their progress report.

The Government stated (July 2012) that the ACB was instructed to review the deployment of personnel in headquarters in connection with departmental inquiry, prosecution and administrative work.

3.2.4 Traps and decoy operations

The ACB resorts to trap (on receipt of complaint) and decoy (on receipt of complaint or information) operations. These operations against the delinquent officers/staff are carried out by the ACB on a pre-determined date, at a pre-determined place and at a pre-determined time in the presence of *panch*-witnesses specially drawn for the purpose.

Only 73 per cent traps laid by ACB succeeded

During the years 2007 to 2011, ACB registered 1,236 complaints of trap and 171 complaints of decoy. Against this, 906 cases (73 per cent) of trap and 36 cases (21 per cent) of decoy were carried out successfully.

The ACB attributed (April 2012) failure of trap cases to –

- Accused persons identifying the ACB officers/staff and *panch*-witnesses; and
- Accused persons refused to accept the bribe money due to doubt on the *panch*-witness, who remains present with the complainant.

As for decoy operations, ACB attributed failure to –

- Accused persons being habitual takers of bribe, collect money through agents and the agents unwilling to be a decoy; and
- When unfamiliar persons are sent as decoys, the delinquent Government servant hesitates to entertain them.

The Government stated (July 2012) that main reasons for failure of trap/decoy were (i) complainant becomes disinterested, if his work gets done, (ii) the public servants became more aware, suspicious and careful, (iii) public-servant-witnesses disclose the *modus-operandi* of the ACB to other public servants, (iv) complainant is a dis-interested party in decoy cases and (v) public servant may not accept money from complainant and only deal through touts.

The reply of the Government is not justified as no solution could be found out despite clear knowledge of the reasons of the failure, which resulted in failed efforts.

3.2.5 Delays in process of prosecution

3.2.5.1 Delay in completion of enquiry

There was delay in completion of inquiry in 129 out of 299 cases

The ACB directed (January 1968) that investigation of the cases should be completed within 45 days of trap/decoy. Scrutiny of records of the selected nine Police Stations revealed that in 129 cases out of 299 cases, (43 *per cent*) there were delays ranging from 20 days to 990 days beyond the prescribed period of 45 days for completion of the investigation. The concerned PIs attributed reasons for delay to late receipt of required information from the controlling officers/competent authority.

The Director, ACB (July 2012) and the Government (July 2012) stated that delays were caused due to (i) delay in receipt of report from the Forensic Science Laboratory, (ii) delay in receipt of CD from the cellular operators regarding the telephonic conversation, (iii) corrective action proposed by the Director with regard to the lapses in investigation, (iv) transfer of incumbent investigating officers, which resulted in re-examination of the case papers by the new officer, (v) delay in recording statement of the complainant when he is stationed outside, (vi) delay in translation of papers in respect of Central Government employees and (vii) delay in collection of records.

The reply of the Director/Government is not justifiable, as these factors were necessarily to be taken care of and investigation/filing of charge sheet completed in the time frame fixed.

3.2.5.2 Delay in sanction for prosecution

The Government (Home Department) issued instructions (May 1998) that the concerned administrative departments should accord sanction for prosecution of the delinquents within a period of three months from the date of receipt of reference from ACB and where opinion of Advocate General is to be sought for, the time limit shall be four months.

Scrutiny of records revealed that as of the end of March 2012, sanction for prosecution was awaited in 30 cases, of which nine cases (involving Class-I and above officers, four; Class-II officers, five; and Class-III officials, two) were pending over four months, including one case which was pending since four years. In another case, ACB sought sanction for prosecution after five years. In test-checked Police Stations, delays ranging seven days to 190 days were observed (20 cases) for sanction of prosecution by the administrative departments.

Scrutiny of records further revealed that in all cases, the appropriate authorities were reminded one to three times of the matter. However, no record was produced to show that the matter was ever taken up at higher level for speedy disposal of proposals for prosecution. Delay in sanction for prosecution has the cascading effect of delayed filing of charge sheet in the Court and delay in bringing the delinquents to justice.

The ACB stated (July 2012) that delay in according sanction for prosecution was the subject matter of the concerned administrative departments.

Government stated (July 2012) that major factor for delay was related to clearance through Vigilance Commission for Class-I and Class-II rank officers. The concerned Heads of Departments also asked for more specific details about certain cases. The reply of the Government is not acceptable as the reasons are controllable.

3.2.5.3 Delay in filing charge sheets

Delays ranging from five days to 428 days noticed in filing charge sheet

Instructions of ACB (October 1975) stipulate that the charge-sheet be filed within one month from the date of receipt of sanction for prosecution from the departmental authorities. Scrutiny of records of selected Police Stations revealed that in 30 cases, there were delays ranging five days to 428 days in filing charge-sheet in the Court.

The Government stated (July 2012) that delays were mainly due to (i) non receipt of permission in respect of all the accused for prosecution, (ii) receipt of technically faulty permission, which were required to be returned to the department for compliance and (iii) time consumed for making copies of the case papers, where number of accused persons are more. However, Government did not specify any action proposed to overcome the delay and ensure speedy filing of charge sheet.

3.2.6 Dismal results of prosecution

3.2.6.1 Delays in trial

There were 1258 pending ACB cases, the oldest were the two cases registered in 1981

Section 3 of the Prevention of Corruption Act, 1988 provides that the appropriate Government may, by notification in the official Gazette appoint as many Special Judges as may be necessary for such area or areas or for such cases or group of cases as the case may be, specified in the notification to try the offences punishable under the Act.

As of December 2011, there were 1,258 cases pending trial with the Special Judges, the oldest amongst them pertaining to two cases registered in 1981.

Out of 13 Special Courts sanctioned for trying accused in corruption cases, only three were established

Scrutiny of records revealed that Government sanctioned (October 1996 to June 2010) setting up 13 Courts of the Special Judges. However, only three courts (Junagadh, Palanpur and Surat) were established (March 2012). In other places, Sessions Judges/Additional Sessions Judges/Assistant Sessions Judges, as the case may be, were discharging the duties of the Special Judges in addition to their regular duties resulting in delays in disposal of cases under the Act. ACB made a reference in the matter in November 2011 only. Thus, failure to operationalise the Special Courts resulted in delay in delivery of justice.

The Government stated (July 2012) that action was pending with Legal Department and meetings were held in November 2011 and July 2012.

3.2.6.2 High rate of acquittal

Prosecution could secure conviction only in 284 out of 867 cases (33 per cent) during 2007-11

Scrutiny of records revealed that Special Courts disposed of 867 cases during 2007-11, of which mere 284 cases (33 per cent) resulted in conviction. ACB attributed (January 2012) high rate of acquittal to –

- Delay in trial and passage of time resulted in contradictions in the deposition of the witnesses therefore, accused persons get benefit of doubt;

- Complainants/*Panch*-witnesses turn hostile; and
- While Public Prosecutors (PPs) did not argue efficiently in many cases, the advocates engaged by accused took advantage of loopholes in law and confuse the witnesses during cross-examination with advantage to the accused.

The Government stated (July 2012) that (i) matter regarding achieving higher conviction rate was reiterated during crime conferences, (ii) meetings were held with Public Prosecutors of various districts, (iii) legal experts were sanctioned region-wise for further strengthening prosecution.

3.2.7 Incomplete departmental proceedings

The Government (General Administration Department) directed (February 2011) quick and timely disposal of the departmental proceedings and also prescribed time frame for each stage. Accordingly, the maximum time limit admissible was 52 days (minor penalty) and 7½ months (major penalty).

Audit scrutiny revealed that of the 81 cases referred to the administrative departments for initiating disciplinary action, proceedings were finalised in 17 cases (21 *per cent*) only, which resulted into imposition of major penalty (two cases), minor penalty (three cases) and discharge (12 cases; 71 *per cent*). Further, there were 87 cases which were more than one year old pending with the departments (February 2011); of which 19 cases were over five years old and two cases over 10 years old.

The Government stated (July 2012) that the matter was being followed up with the concerned administrative departments to which the accused Government servants belong. The Government also stated that five and 10 year old cases were taken up as targeted cases for discussions during Secretary level meetings with the Chief Secretary so as to ensure early disposal of the cases.

3.2.8 Non-availability of adequate/latest equipments

In order to have effective operational preparedness, each ACB Police Station is required to have spy camera, voice recorder and other logistical instruments.

Scrutiny of records revealed that there were only two spy cameras and five voice recorders with ACB at the Directorate-level, which were old and of obsolete model. Also, there was only one operator for these equipments. The Director submitted proposals (November 2011) to Government for providing latest equipments to the headquarters and operational officers, which included lap-top, button (spy) camera with memory card and voice recorder, entry level server, etc., which was pending (March 2012). Thus, ACB was not equipped with latest instruments for efficient operation. The Director admitted (January 2012) that quality of their work suffered due to non-availability of instruments and manpower.

As against the equipments worth ₹38.61 lakh proposed, purchases to the extent of ₹60,000 only was made

The Director stated (November 2012) that a proposal for purchase of equipments worth ₹38.61 lakh was sent (2011-12) to the Government. However, the Government directed (April 2012) the ACB to make fresh proposal in the ensuing year. Meanwhile, one set of equipment costing just ₹60 thousand was purchased (January 2012) by re-appropriation from other heads.

3.2.9 Shortage of manpower

As against 340 functional posts, men-in-position was 235 (69 per cent), leaving a shortage of 105 personnel (31 per cent) as of December 2011 as shown in Table-3 below –

Table-3: Details showing sanctioned strength, men-in-position and vacancies

Sl. No.	Category	Sanctioned Strength	Men-in-position	Vacancies
1	Deputy Director	1	0	1
2	Assistant Director	10	8	2
3	Police Inspector	92	55	37
4	Head Constable	145	119	26
5	Police Constable	92	53	39
	Total	340	235	105

The Government stated (July 2012) that staff position had since been augmented from 55 PIs to 58 PIs, from 119 Head Constables to 121 Head Constables and from 53 Constables to 61 Constables. The Government also stated that fresh sanction has been given for recruitment. The fact remained that there was no significant improvement of the staff position.

3.2.10 Shortfall in inspection

Inspection of ACB Police Stations by Assistant Directors ranged from 38 per cent to 100 per cent

The Director instructed (November 2000) that each Assistant Director should inspect Police Stations in his jurisdiction every month, which was modified (May 2009) to once in every quarter.

Scrutiny of records of the Regional Offices revealed that there were shortfalls of inspection ranging from 38 per cent to 100 per cent.

The Government stated (July 2012) that Director, ACB and senior officers had been asked to be meticulous in completion of inspections at given intervals.

3.2.11 Ineffective Monitoring Committee

In order to co-ordinate the activities of ACB, Vigilance Commission, Intelligence Bureau, Central Bureau of Investigation and Continuous Vigilance Cell, Government (Home Department) constituted (August 2000) a three member High Level Monitoring Committee (HLMC) under the Direct Supervision of the Chief Minister. Composition of HLMC consisted of Additional Chief Secretary (ACS), Home Department, ACS, General Administration Department and Principal Secretary (Expenditure), Finance Department. The HLMC was to meet once in three month and submit report to the Chief Minister.

The HLMC was expected to see that the concerned departments themselves make inquiries on the corruption cases and if required, HLMC could also enquire about it. Broadly, tenders, contracts, appointments, purchases, etc. were to be test checked at random.

Scrutiny of records revealed that ACB was not aware of constitution of any such Committee nor had they received any inputs from HLMC.

While replying (July 2012), Government referred to details of formation of the Committee but did not give any details of the activities carried out. Thus, the very purpose of the constitution of such a High Level Committee was defeated.

3.2.12 Conclusion

The working of the ACB was sub-optimal as there was shortfall in achievement of targets and traps and decoy operations had limited success. There were delays in completion of the investigation, sanction for prosecution and filing charge-sheets in the Court. Adequate and latest equipments were not available and there was also heavy shortage of staff which affected the working of the organisation.

SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT

3.3 Food management in hostels for scheduled castes students

3.3.1 Introduction

The State has a Constitutional responsibility of promoting the education and economic interest of the weaker sections of society and in particular of the Scheduled Castes (SC), Scheduled Tribes (ST) and Developing Castes (Other Backward Classes). In pursuance of this Constitutional obligation, various educational schemes were being implemented by Central and State Governments for the benefit of SC/ST/OBC students. One of the schemes was opening/running of hostels for students of these communities. Students pursuing higher education were eligible to stay in the hostels free of cost till completion of their courses; the period of which ranged from three years to five years.

The Principal Secretary (PS), Social Justice and Empowerment Department was responsible for the implementation of the programme for Backward Class Hostels. The PS was assisted by the Director of Scheduled Caste Welfare (Director) at the State level and by the District Backward Class Welfare Officer (DBCWO) at the district level. House Master/Warden/Lady Superintendent of the boys/girls hostels were in charge of the hostels and reported to the DBCWO. There were 64 SC hostels in the State having intake capacity of 4,923 students, against which 4,044 students were on roll (31 March 2012). During 2009-12 an expenditure of ₹8.53 crore was incurred for providing food in the Hostels.

The mess arrangements in 39 hostels meant for Scheduled Castes students spread over 16 districts in the State were test checked during January 2012 to April 2012.

3.3.2 Irregular continuance of purchase contract

The Director delegated (June 2006) the powers for fixing annual messing contracts and rate contracts for procurement of provisions to District Level Purchase Committees (DLPC) by inviting open tenders.

The State Government instructed (September 1997) that procurement of items valuing more than ₹2.00 lakh could be made by inviting open tenders. Audit scrutiny, however, revealed that in nine hostels⁸ out of the 39 hostels test checked, the District Level Purchase Committees (DLPC) entered into rate contract during 2007-08 with a Gandhinagar-based supplier for supply of provisions. Instead of inviting tenders for the year 2008-09 and onwards, the DLPC renewed the rate contract year after year (March 2012) at the same rates and incurred expenditure of ₹40.76 lakh (2009-10), ₹34.06 lakh (2010-11) and ₹20.02 lakh (2011-12). The reason given for not inviting tenders was that wasteful expenditure on advertisement charges for invitation of tenders was avoided. However, avoiding advertisement charges cannot be taken as a reason for deviating from the established procedure.

⁸ Government Boys' Hostel, Adipur, Narsinh Bhagat Boys' Hostel, Ahmedabad, Government Boys' Hostel, Dholka, Government Girls' Hostel, Gandhinagar, Government Boys' Hostel, Gandhinagar, Government Boys' Hostel, Junagadh, Government Boys' Hostel, Keshod, Mahatma Gandhi Boys' Hostel, Rajkot and Government Boys' Hostel, Vadodara

3.3.3 Issue of ration without relating to consumption

The Mahatma Gandhi Boys' Hostel, Rajkot incurred an expenditure of ₹1.72 crore for procurement of various items made through annual Rate Contracts (RC) during 2009-12. The RC conditions provide that the supplies should be accompanied by delivery challan. However, no delivery challan in respect of the supplies, based on which they were accounted for in the stock register, was produced to audit.

The hostel with an intake capacity of 410 students had an average of 360 students availing the mess facility. However, rations were issued to kitchen based on the intake capacity of 410 students, that too without assessing requirements as per norms⁹. When the same was pointed out in audit, consumption of some of the items was reduced¹⁰ drastically during 2011-12 in comparison with 2009-11.

The Government stated (December 2012) that bills were being received along with supplies and therefore, delivery challans were not being obtained. Since (i) supply of items without delivery challans was against the RC conditions and (ii) bills were received only against payments, the contention of Government is not acceptable.

3.3.4 Excess loss in cleaning and grinding of food grains

The Director fixed (June 1990) 10 per cent loss on cleaning of food grains, one per cent was for pulse and 2.5 per cent was on grinding of food grain. Subsequent to this, Director instructed (July 2007) that hostels should use fortified flour instead of purchasing and grinding grain.

Scrutiny of records of Mahatma Gandhi Boys' Hostel, Rajkot revealed that though the RC-holder supplied machine cleaned grains, the hostel accounted for loss of 11,945 kg wheat (2009-11) valued at ₹1.90 lakh, for which no reasons were assigned. Further, the hostel also incurred an expenditure of ₹1.05 lakh on grinding charges¹¹.

The Government stated (December 2012) that upon consumption of fortified flour, there were informal complaints of students regarding stomach disorder and therefore, wheat was purchased and processed. It was also stated that as per Director's order (June 1990) loss of 12.5 per cent was permitted on cleaning and grinding loss. The average loss during 2007-10 was only 0.10 per cent excess of permitted. The reply of the Government was not justified as (i) the food-material was not sent for examination and no action was taken against the supplier and (ii) the RC holder supplied machine cleaned grains.

3.3.5 Variation in expenditure on food and beverages

Audit scrutiny revealed that Shri Narsinh Bhagat Boys' Hostel, Ahmedabad (intake capacity 250 students) incurred monthly expenditure per-head of ₹843

9 Wheat flour-265 gm, rice-75 gm, rice for hotchpotch-80 gm, pulses-50-60 gm, oil-80 gm, butter oil-30 gm, vegetable-125 gm, spices for 100 people-1.800 kg

10 Average consumption of green chilly from 20-24 kg/day to 3 kg/day; garlic from 2.5-3 kg/day to 0.6 kg/day, onion 12-30 kg/day to 5.5 kg/day

11 Apart from this, grinding loss of 500 kg wheat (valuing ₹8,000) was also accounted

and ₹982 on food and beverages during 2009-10 and 2010-11 respectively. As against this, Mahatma Gandhi Boys' Hostel, Rajkot incurred monthly expenditure per-head of ₹1,825 (212 per cent) and ₹1,724 (179 per cent) during the same period. Moreover, the per-head expenditure of another hostel (Government Boys' Hostel, Rajkot) located at the same premises at Rajkot during 2009-10 was ₹1,180 against ₹1,825 spent by the Mahatma Gandhi Boys' Hostel. The major items on which rate difference was observed were as given in **Table-1** below –

Table-1: Statement showing differences in rates noticed in respect of major items

Sl. No.	Item	Rate in rupees per kilogram	
		Narsinh Bhagat Chatralaya, Ahmedabad	MG Hostel, Rajkot
1.	Groundnut oil (15 ltr pack)	1117.00	1149.00
2.	Green <i>vatana</i>	36.72	39.55
3.	<i>Chana Dal</i>	35.89	38.04
4.	Local <i>chana</i>	32.83	34.85
5.	Vegetable ghee (15 kg pack)	931.00	971.00
6.	Chilli powder	109.00	155.00
7.	Turmeric	108.00	130.00
8.	<i>Dhana Jiru</i>	107.00	130.00

The Government stated (December 2012) that combined advertisements were being invited at district level, but quotations with different rates were received in each city. It was also stated that eating habits differed from place to place and therefore there was no uniformity in the commodities purchased. Therefore no comparison of rates was being made with other centres. The reply of the Government cannot be accepted as the variation between Hostels in Rajkot and Ahmedabad was about 180 per cent. Moreover, the rate of Mahatma Gandhi Hostel is 55 per cent in excess of another hostel functioning in the same premises.

3.3.6 Variations in tendered rates for hostels at same location

Out of the 39 hostels test-checked, 30 hostels entered into contract for providing cooked food for the students. There was more than one hostel in big cities like Ahmedabad, Bhavnagar, etc. Though DLPC, being the centralised agency in each district was empowered to finalise the contract of mess and supply of provisions, the possibility of a composite tender for all the hostels in a particular city was not explored; instead, separate tenders were floated for each hostel in the same city.

Scrutiny of records of 12 boys' and six girls' hostels (1015 boys and 413 girls) in five districts revealed variations in mess charges from ₹124 to ₹397 per head per month in the contracts awarded. Compared to the rates of the lowest contractor, award of multiple contracts resulted in excess expenditure of ₹33.54 lakh.

The DBCWOs of Anand and Vadodara attributed (January 2012) variation in rates to lower intake of food by girls. The contention of DBCWOs was not

tenable as (i) Government/Director had not fixed lesser intake norm for girls and (ii) the tender floated specified uniform supply of food both for boys and girls. Other DBCWOs did not offer any reason for the variation in rates.

The Government stated (December 2012) that though combined press advertisements were issued, suppliers submitted separate quotations. It was also stated that since intake of food by boys was higher than that of the girls, quotations with less rates were received in respect of Girls' Hostels. The justification for large scale variation in messing charges was not supported by any study or standard fixed by the Government.

3.3.7 Excess payments to contractor

Terms and conditions of the contract for cooked food provide that where students did not avail food in the hostel continuously for three days or more, proportionate charges shall be deducted from the payment to the contractor. However, no mechanism was evolved to check continuous absence of any student for three or more days and payments¹² were made on the basis of the number of students on roll.

Further, in respect of the hostels at Ahmedabad each student was issued monthly food passes and students were required to authenticate on each occasion in the pass about the food taken by them. However, hostels continued to make payment without scrutinising the monthly passes.

Audit scrutiny of food-passes with attendance register and mess bills of four hostels¹³ revealed that, payment towards mess contracts were made for (i) periods when the hostels were closed on account of vacation, (ii) the period during which students were absent for three days or more or even for entire month and (iii) duplication of the name of same student in the same bill. This resulted in overpayment of ₹0.29 lakh during 2009-12 in respect of 92 cases.

The Government stated (December 2012) that action was being taken to recover the amount.

3.3.8 Excessive purchase of fuel

Abnormally excess purchase of LPG was noticed in MG Boys' Hostel, Rajkot

In order to prepare food articles, Mahatma Gandhi Boys' Hostel at Rajkot had obtained LPG connection and incurred an expenditure of ₹19.69 lakh (2009-11) on account of consumption of 19,417 kg (2009-10) and 21,585 kg (2010-11). Intake of LPG during the test-checked two months (November-December 2010) was 4,139 kg consisting of 168 commercial bottles (19 kg) and 66 domestic bottles (14.2 kg), which was equal to the average eight LPG bottles daily for a hostel having average attendance of 360 students.

¹² Test check of records of Government Boys' Hostel, Amreli in respect of November 2011 revealed that there was an excess payment of ₹8,783 due to non-restriction of payment in respect of students, who remained absent for three days or more.

¹³ Government Boys' Hostel, Rakhiyal (Ahmedabad), Government Boys' Hostel, Ghatlodiya (Ahmedabad), PG Centre, Ghatlodiya (Ahmedabad), Government Girl's Hostel, Ashram Road, (Ahmedabad)

After it was pointed out in audit (May 2012), the Hostel obtained piped natural gas (PNG) connection (August 2011) and PNG consumption during August-September was 1,929 kg costing ₹0.57 lakh, which was equal to a daily average of two domestic bottles of 14.2 kg each. At this rate, average consumption of fuel would have been 865 kg per month and the excess procurement of LPG worked out to 19,772 kg costing ₹11.24 lakh at the prevailing rates.

The Government stated (December 2012) that considering the excessive consumption of LPG, PNG connection had since been obtained resulting in reduction of consumption of cooking gas. However, the Government had not taken any action on the excess consumption and the loss to Government on this account.

3.3.9 Irregular payment on AMC of RO plants

To provide safe drinking water to the students of the hostels, Director placed (February 2008) orders for procurement of 42 Reverse Osmosis (RO) Plants for 39 hostels at a cost of ₹16.13 lakh. The cost included ₹9,000 per RO Plant for annual maintenance contract (AMC) for two years.

The RO plants carried a warranty of the manufacturer for one year. Despite this, the Director awarded AMC with effect from the date of installation. This resulted in irregular payment of ₹1.89 lakh towards AMC for the period covered by warranty.

The Government stated (December 2012) that a Bank Guarantee of ₹1.21 lakh was taken from the supplier and that the same would be released only after receipt of certification of proper installation of the RO plants. The reply did not cover award of AMC during warranty period.

3.3.10 Inoperative RO plants

Audit scrutiny of records of 12 hostels revealed that in three¹⁴ hostels RO plants remained inoperative from the date of installation due to insufficient supply of water. Further, as per specification of RO Plant, it could purify water having TDS upto 2,200 ppm. Audit scrutiny revealed that in seven hostels of Banaskantha, Kachchh, Mehsana and Sabarkantha districts, as inlet water had TDS of 2,750 ppm, the RO Plants failed to operate successfully.

Thus, installation of RO Plants without ensuring availability and required specification of water resulted in unfruitful expenditure of ₹4.61 lakh on their purchase. Besides, the students were deprived of potable water.

The Government stated (December 2012) that due to non-availability of sufficient water and non-availability of proper place for installation at the rented premises at Patan, RO plants were not installed. The reply further

¹⁴ Government Boys' Hostel, Bhuj and Patan and Government Girls' Hostel Patan

stated that it was the first ever attempt to supply pure water to the students by installation of RO plants with the same capacity at each centre. The reply of the Government was not acceptable as RO plants in three hostels had not been installed and the plants installed at seven hostels did not have the capacity to purify the water.

3.3.11 Excessive procurement of water at excessive rates

The campus of Mahatma Gandhi Hostel, Rajkot had 510 students. The hostel had 2" dia water connection from Rajkot Municipal Corporation (RMC) which supplied 5,000 litre of water daily. Since this supply was inadequate, the shortage was met by purchase of water through tanker from RMC and private suppliers. The hostel spent ₹79 lakh on purchase of tanker water during 2002-11.

As against the norm of 150 lpcd water, water at the rate of 323 lpcd was purchased in MG Boys' Hostel, Rajkot

Scrutiny of records revealed that the average attendance of the hostel was 465 for whom daily requirement of water worked out to 70,000 litre at the rate of 150 lpcd, as applicable to metros. The hostel had purchased 1.50 lakh litres (2009-11) water daily, leading to average consumption of 323 lpcd, which was 215 *per cent* of the norms. It was also seen that the campus remained closed for 15 days twice in a year due to summer and winter vacations, but water supply through tankers continued, for which no reasons were found on record.

Further, rate charged by RMC for 10,000 litre was ₹300. As against this DLPC entered into RC with a private supplier for supply of water at ₹465/10,000 litre, which resulted in avoidable expenditure of ₹10.84 lakh as compared to the rate of RMC.

A register was maintained in the hostel to record daily receipt of water; but the delivery challans in support of the actual arrival of the tankers were not produced to audit for verification. After the matter was pointed out in audit, the hostel discontinued (2011-12) purchase of water from the private party and was managing with 60,000 litre water received from RMC. Thus, the purchase of water from the private supplier and its utilisation were not free from doubt.

The Government stated (December 2012) that water was being procured for multifarious activities such as utilisation by the inmates, cleaning of the premises, gardening, etc. However, there was excessive usage/ wastage of water by the students due to keeping the tap open. It was stated that keeping a watch on students of such a big institution was not possible.

The reply of the Government was not acceptable as the *per capita* consumption prescribed was inclusive of all purposes. The Hostel purchased water during vacation periods and had entered into RC at a higher rate. Further, purchases were not properly accounted for.

3.3.12 Conclusion

The management of food in hostels for scheduled castes students was not up to the mark as provisions were procured without inviting tenders, delivery challans of supplies were not available and rations were issued to kitchen based on the intake capacity instead of on the basis of actual number of students taking food. Wide variation in mess charges paid to contractors was noticed. Supply of safe drinking water to students was not ensured.



(CHANDRA MAULI SINGH)

**Rajkot Accountant General (General and Social Sector Audit) Gujarat
The**

Countersigned



(VINOD RAI)

**New Delhi
The**

Comptroller and Auditor General of India