

## **CHAPTER - II**

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## **CHAPTER II**

### **PERFORMANCE AUDITS**

#### **Minorities Development Department**

##### **2.1 Functioning of Minorities Development Department**

###### **Executive Summary**

The Minorities Development Department (MDD) formed in February 2008 did not have district/regional offices and therefore Schemes were implemented through various implementing agencies. The present organisational structure was therefore not an efficient and effective structure for implementation of Schemes.

MDD did not prepare any long term strategic plan to ensure integrated development of minorities in the State. They had also not conducted baseline survey for identifying the infrastructural gaps in minority concentrated area to ensure planned development of the area.

MDD did not spend entire budgetary grants due to non-receipt of timely proposals from the implementing agencies. Utilisation certificates for ₹ 70.12 crore were pending from the grantee institutions over a period of more than 10 years.

The Schemes implemented catered largely to the needs of Muslim community which was a predominant minority community in the State. The overall performance of implementation of Education-cum Development Schemes lacked post assistance inspection/monitoring and there were deficiencies in selection of candidates and institutions. MDD did not also obtain adequate and reliable data on employment generated through Schemes.

The implementation of Infrastructure Schemes revealed poor utilisation of girls' hostels, poor progress in completion of works, lack of data on the status of works being implemented by implementing agencies. There were delays in approving loan applications and post-disbursement inspection of loans was absent. The monitoring of the Schemes was weak as neither did implementing agencies submit periodical progress reports nor did MDD pursue the matter with them for these reports.

Thus, though MDD was providing funds for implementation of various Schemes the control of MDD in assessing the performance of the Schemes, obtaining adequate/reliable data and periodical progress reports was not adequate. MDD had also not undertaken any evaluation studies to ascertain the impact of its Schemes.

### **2.1.1 Introduction**

The Minorities Development Department (MDD), Government of Maharashtra (GoM) was formed as a separate Department in February 2008<sup>1</sup> in pursuance to the recommendations of the Sachar Committee appointed by Government of India (GoI) to study the social, educational and financial backwardness of the minority communities. MDD was established to implement and monitor schemes for overall development of minorities including co-ordination and review of Prime Minister's 15 point programme<sup>2</sup> implemented by various Departments for the welfare of minorities.

The General Administration Department, GoM in exercise of powers conferred under Section 2 of Maharashtra State Minorities Commission Act, 2004 declared (October 2006) Muslims, Christians, Sikhs, Buddhist, Zoroastrians (Parsis), Jain, Jews<sup>3</sup> and other communities as minority communities. As per 2011 census, the minorities in the State comprised 19.92 per cent of the total population (Muslims: 11.54 per cent; Buddhists: 5.81 per cent; Jain: 1.25 per cent; Christian: 0.96 per cent; Sikh: 0.20 per cent; other religion: 0.16 per cent). Mumbai Suburban and Thane districts in the State has the highest Muslim population.

### **2.1.2 Organisational Set up**

The Principal Secretary, MDD is the Head of the Department and is responsible for the effective implementation and monitoring of various ongoing schemes for the minority communities.

- There were no district/regional offices under the MDD and therefore the schemes were executed in the State through the District Collectors, Zilla Parishads, Municipal Corporations and Municipal Councils, Director of Vocational Education and Training, Mumbai, Director, Minority and Adult Education, Pune and Director of Technical Education, Mumbai. The MDD had a sanctioned strength of 50 posts of which 44 were filled as of January 2018.
- Besides, Maharashtra State Minorities Commission<sup>4</sup>, Mumbai, Maulana Azad Alpsankhyak Arthik Vikas Mahamandal<sup>5</sup> (MAAAVM) and Maharashtra State Haj Committee functioning under the control of MDD, implement the schemes of MDD.

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<sup>1</sup> Prior to the formation of the Department all the issues related to the Minorities were looked after by General Administration Department, Revenue and Forests Department and Tourism and Cultural Affairs Department

<sup>2</sup> The objectives of the new (October 2009) Prime Minister's 15 point programme for welfare of minorities were (a) enhancing opportunities for education (b) ensuring an equitable share for minorities in economic activities and employment, through existing and new schemes, enhanced credit support for self-employment and recruitment to State and Central Government jobs (c) improving the conditions of living of minorities by ensuring an appropriate share for them in infrastructure development schemes (d) prevention and control of communal disharmony and violence

<sup>3</sup> Notified in July 2016

<sup>4</sup> The function of the Commission is to examine and monitor the working of various safeguards provided in the Constitution of India and in the laws passed by the State Legislature for protection of minorities, to make factual assessment of the representation of minorities in the Government services, to consider grievances of the minorities *etc.*

<sup>5</sup> A Government company established under Companies Act, 1956

### 2.1.3 Audit Objectives

The audit objectives were to assess whether:

- MDD prepared a strategic plan to realise its objectives and appropriately formulated the schemes;
- The schemes for the minorities were implemented economically, efficiently and effectively, principles of sound public sector financial management were followed; and
- Effective monitoring and evaluation of the impact of the schemes was carried out by MDD.

### 2.1.4 Audit Criteria

The audit criteria were adopted from the following:

- Rules, Notifications, Scheme Guidelines, Government Resolutions and instructions issued by GoI and GoM from time to time;
- Fund Release Orders of GoI & GoM;
- Maharashtra Treasury Rules, 1968 and Bombay Financial Rules, 1959;
- Minutes of meetings of the Empowered Committee of Multi-Sectoral Development Programme and minutes of the State Level Committee headed by Chief Secretary for the Prime Minister's 15 Point Programme relevant for minorities' development.

### 2.1.5 Audit Scope and Methodology

The Performance Audit of MDD was conducted during March 2018 to June 2018, for the period 2013-2018 through test-check of records in MDD at Mantralaya, Mumbai and the following offices:

- Maharashtra State Minorities Commission, Mumbai, Maulana Azad Alpsankhyak Arthik Vikas Mahamandal, Mumbai, Maharashtra State Haj Committee, Mumbai and Office of the Director, Minority and Adult Education, Pune.
- Nine (Aurangabad, Ahmednagar, Buldhana, Hingoli, Jalna, Mumbai (City and Suburban), Satara, Ratnagiri and Thane) out of 36 districts in the State were selected on the basis of probability proportion to size without replacement method with size measure as total expenditure. These nine districts had minority population of 1.01 crore (45 per cent) out of total 2.24 crore minority population in the State. Records in the office of District Collector, Zilla Parishad and Municipal Corporations/Municipal Councils in these selected districts were also test-checked. Out of 25 schemes, 17 schemes constituting 98 per cent of the expenditure were selected for test check on the basis of high value expenditure. Details are shown in **Appendix 2.1.1**.

An entry conference was held on 23 May 2018 with Principal Secretary, MDD wherein the audit objectives, criteria, scope and audit methodology were discussed. The audit findings were discussed with Principal Secretary, MDD in an Exit conference held on 16 November 2018 and the responses of the department have been taken into consideration while drafting the Report.

## **Acknowledgement**

Audit is thankful for the co-operation extended by Minorities Development Department and other offices in providing records, information and clarification from time to time for smooth conduct of Audit in timely manner.

## **Audit Findings**

### **2.1.6 Planning**

The Sachar Committee constituted (2005) by Government of India to prepare a report on the social, economic and educational status of the Muslim community in India *inter alia* observed that the literacy rate among Muslims was below the national average, the percentage of population who were graduates or held diplomas was low, lower presence of Muslims in both public, private sectors and Central Government departments, low average salary, inadequate and low access of Muslims to bank credit, villages with high concentration of Muslims not having educational institutions and medical facilities. The Sachar Committee *inter alia* recommended establishment of exclusive schools for girls, expansion of scope of Industrial Training Institute (ITI) courses to focus on emerging market needs and providing hostel facilities at reasonable costs.

Audit observed the following:

- Though MDD was formed in February 2008, it did not prepare a strategic long term plan encompassing needs/gaps analysis, integrated programmes/schemes to be implemented for the development of minorities in the State based on the social, educational and economic status of minority communities, the current and the anticipated indicators and outcomes, the programmes/schemes to be implemented, the source of obtaining data, time-frame for conducting review and evaluation of the schemes. Thus, in the absence of strategic plan, MDD was implementing the programmes/schemes included in the annual budget without there being any mechanism in the form of strategic plan to assess the progress achieved in the development of minorities in the State. The schemes, nonetheless, did cater to some of the needs/gaps. However, a strategic plan could have helped to understand the extent of problem and provided a focused direction to the efforts of MDD.

During the Exit conference, Principal Secretary stated (November 2018) that a long term plan would be prepared in future.

- As per the 2011 census, there were 66 tehsils in the State which had minority population of 25 *per cent* or more. Baseline surveys for identifying the infrastructural gaps in these areas were not conducted to ensure that the works are taken up in a planned manner.

### 2.1.7 Fund Management

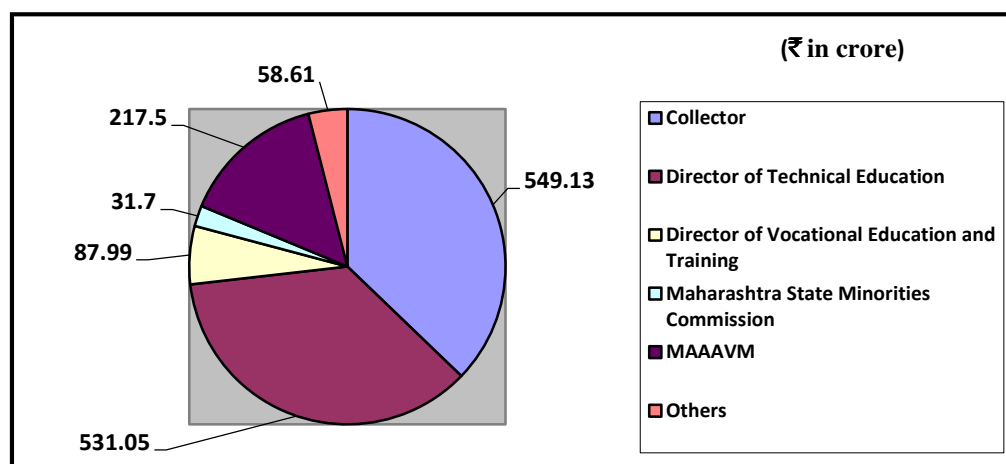
Funds amounting to ₹1,936.60 crore were provided (under Major Head 2235-Social Security & Welfare, 102 Child Welfare: ₹1,697.70 crore and 4235-Share capital contribution to MAAAVM/NMDFC<sup>6</sup>: ₹ 238.90 crore) by MDD during 2013-18 for the implementation of various schemes in the initial budgets. The funds are released by MDD to various implementing agencies viz., Zilla Parishads, Block Development Officers, Public Works Department *etc.*, for implementation of various schemes through District Collectors. Total expenditure incurred during 2013-18 was ₹ 1,475.98 crore including an expenditure of ₹ 42.06 crore incurred on administrative expenses as shown in Table 2.1.1 and Chart 2.1.1.

Table 2.1.1: Budget estimates and expenditure during 2013-18  
(₹ in crore)

Year	Budget estimate	Revised budget	Expenditure incurred	Savings with respect to budget estimates	Percentage of saving to budget estimates
2013-14	364.59	324.27	277.17	87.42	24
2014-15	346.74	307.01	250.65	96.09	28
2015-16	411.70	477.58	350.16	61.54	15
2016-17	406.76	349.02	311.50	95.26	23
2017-18	406.82	380.30	286.50	120.32	30
<b>Total</b>	<b>1936.60</b>	<b>1838.18</b>	<b>1475.98</b>	<b>460.63</b>	<b>24</b>

Source: Civil Budget Estimates, supplementary statement of expenditure and information furnished by the MDD

Chart 2.1.1: Funds released to implementing agencies (₹ 1,475.98 crore)



Scrutiny in audit revealed the following:

- There was a saving of ₹ 460.63 crore during 2013-18, which was mainly due to receipt of incomplete proposals in schemes like construction of girls hostels, infrastructure development of madrasas and minority schools, free coaching *etc.*

The Principal Secretary, MDD while admitting the facts in exit conference stated (November 2018) that the savings were mainly due to closure of many madrasas which had taken financial assistance in earlier years, not applying later.

<sup>6</sup> National Minorities Development and Finance Corporation

- As per the Bombay Financial Rules, 1959, utilisation certificates (UCs) should be obtained by the Department from the grantee institutions within 12 months from the date of sanction of grants. Audit noticed that UCs for ₹ 70.12 crore released by MDD to implementing agencies<sup>7</sup> during 2008-17 were pending as of September 2018. Huge savings indicate that MDD needs to plan better by identifying the needs/gaps and executing the works/schemes.

During the exit conference the Principal Secretary, MDD stated (November 2018) that meetings are being held for pending UCs and the position has improved.

**2.1.8 Implementation of Governments direction for bringing the youth belonging to minority communities to the mainstream of society**

In order to bring the youth of minority communities to the mainstream of the society, to bring economic, social and educational progress and to create a trustworthy and cordial environment among the minority communities, the Chief Minister conducted a meeting based on which directions were issued (July 2016) by MDD to various departments<sup>8</sup> on the action to be taken. All the departments were directed to ensure that the benefit of the schemes being implemented by each department catered to the minority communities for which plans were to be prepared and at least one project implemented each year. Further, to the extent possible out of the sanctioned fund of the departments, 15 *per cent* was to be reserved for the schemes for the minorities. For effective implementation of the directions given, the Government also constituted (October 2016) State Level Committee headed by the Chief Minister, Divisional Level Committee headed by the Divisional Commissioner and District Level Committee headed by the District Collector. MDD was required to review the quarterly progress reports received from the Divisional Level Committees/Departments and submit the same to the State Level Committee.

Audit observed the following:

- The six Divisional Commissioners did not submit quarterly progress reports to MDD except one report each submitted by Divisional Commissioner, Nashik and Divisional Commissioner, Konkan in the month of May 2018 and July 2018 respectively.
- Only two meetings of the departments were held in December 2016 and November 2017. However, no reports were submitted to the State Level Committee by MDD.
- Though, the State Level Committee was constituted in October 2016, only one meeting of the Committee was held in October 2018.

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<sup>7</sup> District Collectors (₹ 70.02 crore); Director of Vocational Education & Training (₹ 0.10 crore)

<sup>8</sup> School Education and Sports Department, Higher and Technical Education Department, Urban Development Department, Skill Development Department, Women and Child Development Department, Public Health Department, Social Justice and Special Assistance Department and MDD



- The status of number of directions given to the eight departments by MDD and action taken till September 2018 is given in **Table 2.1.2**.

**Table 2.1.2: Status of number of directions issued**

Name of the Department	Total Number of directions given	No. of directions on which action not completed
School Education and Sports Department	16	12
Higher and Technical Education Department	7	3
Urban Development Department	3	1
Skill Development Department	4	Nil
Women and Child Development Department	4	1
Public Health Department	4	Information not available
Social Justice and Special Assistance Department	1	Nil
MDD	13	5
<b>Total</b>	<b>52</b>	<b>22</b>

*Source: Information furnished by MDD*

As seen from **Table 2.1.2**, the Departments have taken action on majority of the directions issued. Directions on which action have been taken by the Departments *inter alia* (i) Higher and Technical Education Department: commencement of 2<sup>nd</sup> shift for minorities in Government ITIs (ii) School Education and Sports Department: holding of seminars for minority girls and their parents for increasing the representation of minority girls in sports and games (iii) Skill Development Department: construction of ITIs exclusively for minorities (iv) Women and Child Development Department: educate Muslim women on various Government Schemes (v) MDD: scheme for giving free coaching to increase representation of minorities in Government services.

Some of the directions on which action was pending in other departments were as follows: (i) School Education and Sports Department: Considering the high drop-out rate of minority students studying in standard V to VII, a pilot project was to be taken up in the minority dominated areas in four districts to reduce the dropout rate to zero in five years, starting night schools in minority concentrated areas, reserving 20 *per cent* of the fund received by District Sports Officer from District Planning Development Committee for minority schools (ii) Women and Child Development Department: construction of maximum *anganwadis* and increasing the percentage of *anganwadi* workers in *anganwadis* (iii) Higher and Technical Education Department: implement schemes which would facilitate exchange of views between minority and non-minority students.

Audit observed that MDD had not complied with five directions *viz.*, (i) Scholarship for students studying in standard VI to X (ii) commence a scheme on scholarship to encourage minority students who have secured first three positions at a State level sports competition by obtaining their information from the Sports Department (iii) provide funds for conducting training in self-defence, sports and games in the minority schools (iv) furnish list of eligible minority community institutions who are eligible for grants under the gymnasium and playground development scheme implemented by Sports Department (v) commence scheme for providing grant in aid to minority schools for creating sports facilities and sports equipment.

Thus, the monitoring of the implementation of the directions by different departments was weak in view of non-submission of progress reports by Divisional Commissioners/Departments and a lack of effective follow-up by MDD.

### **2.1.9 Implementation of Schemes**

Among the schemes implemented by MDD for creation of infrastructure in area concentrated by minority communities and for improvement of education facilities are schemes for commencement of additional shifts in Industrial Training Institutes (ITIs), modernisation of Madrasas, Pre-police recruitment training, free coaching for various competitive exams, construction of ITIs and girls hostels *etc.* Loans for business and educational purpose to the minority communities were also disbursed by the MAAAVM.

The Ministry of Minority Affairs, GoI is implementing 18 Central schemes for educational and economic empowerment of minority communities, for infrastructure development works in minority dominated area *etc.*, which are implemented in the State through various departments of GoM such as Higher and Technical Education Department, School Education and Sports Department, *etc.* Of the various central schemes, Multi-Sector Development Programme was the only central scheme which was implemented by MDD and was covered in audit.

The break-up of Educational-cum-Development schemes and Infrastructure schemes and the expenditure incurred during 2013-18 is given in **Table 2.1.3**. In view of predominant Muslim population in the State (58 *per cent* of the total minority population), the schemes implemented catered largely to the needs of Muslim community. The schemes implemented accounted for 83.85 *per cent* of total expenditure incurred by the Department during 2013-18.

**Table 2.1.3: Break-up of Schemes *vis-à-vis* expenditure**

(₹ in crore)

<b>Educational-cum-Development Schemes</b>	<b>Expenditure during 2013-18</b>	<b>Infrastructure Schemes</b>	<b>Expenditure during 2013-18</b>
1. Scholarship to Minorities students pursuing Higher Education	469.88	1. Area Development of Minority concentrated areas (Rural)	155.62
2. Functioning of 2 <sup>nd</sup> /3 <sup>rd</sup> shift in ITIs	81.99	2. Infrastructure development of Minority schools	121.22
3. Commencement of second shift in existing Government polytechnics for minority students	47.97	3. Area Development of Minority concentrated areas (Urban)	94.90
4. Modernisation of Madrasas	36.42	4. Multi-Sector Development Programme (Central/State Share) (including Cyber Gram Yojana)	80.87
5. Pre-police training and Marathi Bhasha Foundation	21.88	5. Construction of hostels for girls from the Minority communities in cities	60.11
6. Short Term Trade	7.82	6. Assistance to Haj Committee	14.49
7. Free coaching and allied scheme	7.19	7. New Polytechnic	13.20
8. Research, Training and Publicity of schemes	6.15	8. Urdu Ghar	11.84
		9. Construction of ITIs in Minority Concentrated Areas	6.00
<b>Total</b>	<b>679.30</b>	<b>Total</b>	<b>558.25</b>

*Source: Civil Budget Estimates, supplementary statement of expenditure and information furnished by the MDD*

Major audit findings on the implementation of test-checked schemes are discussed in the succeeding paragraphs.

### 2.1.9.1 Education-cum-Development Schemes

#### i) Introduction of 2<sup>nd</sup> and 3<sup>rd</sup> shifts for minority students in ITIs

The Higher and Technical Education Department, GoM approved (August 2009) opening of 248 additional shifts (Second shift: 237; Third shift:11) for various trades in 42 ITIs in the areas concentrated by minorities with a view to increase the employment and self-employment opportunities for the minorities in the State. Teaching and non-teaching staff for running these shifts was also approved (August 2009) by Higher and Technical Education Department. A minimum of 70 *per cent* seats were required to be reserved<sup>9</sup> for the minority students in these shifts. During 2013-18, an expenditure of ₹ 81.99 crore was incurred on salaries, machinery and equipment *etc.*, in operating these shifts. The status of the number of shifts/trades sanctioned, actual shifts/trades operated during 2015-18 is given in **Table 2.1.4**.

**Table 2.1.4: Status of number of shift/trade sanctioned *vis-à-vis* operated**

Region	No. of ITIs	Total shifts/trades sanctioned	Total shifts/trades operated during		
			2015-16	2016-17	2017-18
Mumbai	3	24	6	10	9
Pune	3	25	18	20	17
Nashik	7	34	17	22	17
Amravati	13	69	41	46	48
Aurangabad	12	70	36	53	39
Nagpur	4	26	10	17	10
<b>Total</b>	<b>42</b>	<b>248</b>	<b>128</b>	<b>168</b>	<b>140</b>
<i>Percentage</i>			<b>52</b>	<b>68</b>	<b>56</b>

*Source: Data compiled from information for three years furnished by Director of Vocational Education and Training, Mumbai.*

Audit observed the following:

- During 2015-16, 2016-17 and 2017-18, only 52 *per cent*, 68 *per cent* and 56 *per cent* shifts/trades respectively were operated *vis-à-vis* the sanctioned shifts/trades. Scrutiny of records revealed that no evaluation of reasons for below target performance of the Scheme had been done. The scrutiny did not also indicate whether review was conducted to ensure that appropriate trades with opportunities for employment and self-employment are taken up.
- Scrutiny in test-checked districts revealed that 33 additional shifts/trades were operated in 12 ITIs in eight<sup>10</sup> districts during 2017-18. Out of these 33 shifts/trades operated, in 11 shifts/trades the minority students were less than 20 *per cent*, in 20 shifts/trades the minority students were between 20 to 50 *per cent* while in remaining two shifts/trades the minority students were between 50 to 70 *per cent*. MDD has not evaluated the reasons for the below target performance of the Scheme for suitable remedial measures.

<sup>9</sup> If sufficient minority students are not available, the seats can be filled with general category candidates

<sup>10</sup> In Mumbai (City and Suburban) district additional shifts/trades were not operated

- The MDD did not obtain details of the minority students who were admitted in various trades during 2013-18 to assess the performance of the scheme so that suitable remedial action could be taken, if required. It was only in March 2018 that the MDD directed the Director of Vocational Education and Training to furnish data about the students admitted in 2<sup>nd</sup> and 3<sup>rd</sup> shifts in various ITIs, indicating lack of monitoring of the scheme by MDD.
- The objective of the Scheme was to increase the employment and self-employment opportunities. Therefore, MDD is expected to monitor whether the efforts have culminated in providing jobs/self-employment to those who attended the training. However, there was no mechanism in MDD to assess whether such students were gainfully employed. As a result, it is not possible to ascertain the impact of the Scheme.

The Principal Secretary, MDD in the exit conference accepted the fact and stated (November 2018) that the issues pointed out by audit would be looked into.

#### **ii) Modernisation of Madrasas**

In order to bring the students studying in Madrasas to the mainstream of the society and to improve the quality of education thereby enhancing the employment and financial status of minorities, MDD introduced 'Dr. Zakir Hussain Madrasas Modernisation Scheme' in October 2013. Under the Scheme, education in Science, Mathematics, Sociology, Hindi, Marathi, English and Urdu subjects was to be imparted along with the religious studies undertaken in Madrasas. The Scheme envisaged financial assistance<sup>11</sup> for providing facilities such as toilets, furniture, computers, establishing a library and payment of honorarium to teachers *etc.*, in the Madrasas. In each district, a Committee was to be formed under the chairmanship of District Collector to scrutinise the applications received from Madrasas for financial assistance who would recommend the proposals for approval to MDD. As per the Scheme the application for financial assistance *inter alia* was to be supported by the registration certificate of the Madrasas with the Charity Commissioner/Wakf Board, Trust deed, audited annual accounts for last three years, statement showing the number of students in the Madrasas in the age group of six to 18 years duly certified by the Block Education Officer. The funds under the Scheme were disbursed through cheques by District Collectors to the Madrasas.

An expenditure of ₹ 36.42 crore was incurred under the Scheme during 2014-18. The year-wise expenditure in the State is shown in **Table 2.1.5**.

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<sup>11</sup> For infrastructure works ₹ two lakh, ₹ 50,000 for establishing library, ₹ 5,000 annually for purchase of books, maximum honorarium of ₹ 8,000 per month per teacher subject to a maximum of three teachers

Table 2.1.5: Year-wise expenditure in the State

Year	No. of Madrasas for which disbursement was done	Amount disbursed (₹ in crore)
2014-15	536	17.39
2015-16	188	6.91
2016-17	197	6.92
2017-18	144	5.20
<b>Total</b>	<b>1065</b>	<b>36.42</b>
<i>Source: Information furnished by MDD and Appropriation Accounts of Government of Maharashtra</i>		

Audit observed the following:

- Though, the basic objective of the Scheme was to bring students studying in Madrasas into the mainstream of the society, MDD did not have any data of the total Madrasas in the State and the number of students studying in such Madrasas. In the absence of such vital data MDD could not plan and monitor the progress in the coverage of Madrasas in the State so that the objective of the Scheme is achieved.
- As seen from **Table 2.1.5**, the number of Madrasas to which funds were disbursed reduced from 536 in 2014-15 to 144 in 2017-18 indicating that *73 per cent* of Madrasas had not applied for annual grant disbursed under the Scheme for purchase of books and honorarium to teachers. The major decline was in Amravati Aurangabad, Beed and Jalna districts which accounted for *89 per cent* reduction in number of madrasas during 2014-18. MDD had, however, not conducted any study to evaluate the reasons for such large number of Madrasas not availing the benefits under the Scheme.
- The Scheme did not stipulate post assistance monitoring by conducting periodical inspections/survey of the Madrasas. MDD based on a complaint of mis-utilisation of grants disbursed to Madrasas during 2014-16, directed (October 2016) all District Collectors to conduct a survey and submit a detailed report within one month. However, only two districts *viz.*, Aurangabad and Nagpur submitted reports to MDD. Based on the survey report (December 2016) of Aurangabad and Nagpur districts, MDD again directed (May 2017) all District Collectors to conduct survey. Despite the instructions, audit noticed that none of the District Collectors had submitted any such survey reports to MDD nor was the matter followed-up by MDD.
- As per the Scheme, quarterly evaluation of the students was to be done by Education Officer of Zilla Parishad through written and oral test and the report submitted to MDD in May of each year. Audit observed that though quarterly evaluation was not done in any of the districts, MDD did not pursue the matter with District Collectors.

### iii) Pre-Police recruitment training

Considering the low percentage of minorities in the Government services, MDD approved (July 2009) a scheme for Pre-Police recruitment training (for two months) for students from minority community so that such candidates get equal opportunities in competitive examinations.

The Scheme envisaged formation of District Level Selection Committee (DLSC) headed by District Collector who would select institute in the district for imparting training, selection of candidates to be imparted training *etc.* Funds under the Scheme were provided for giving stipend to the selected candidates, honorarium to the instructors and purchase of uniform for the selected candidates. The funds under the Scheme provided by MDD to Maharashtra State Minorities Commission (MSMC) were paid to the District Collectors for further disbursement to the selected institutes for conducting the training. The Institutes were selected by the DLSC by inviting tenders based on the eligibility conditions<sup>12</sup> prescribed in the Scheme. During 2013-18, a total of 114 institutes were selected in the State and 10,935 candidates were trained. An amount of ₹ 5.84 crore was paid to the institutes under the scheme during 2013-18.

Scrutiny of records in the offices of District Collectors in the selected districts and MSMC revealed the following:

- As per the eligibility criteria prescribed in the Scheme, the candidates should have passed XII standard and the family income should be below ₹ 2.5 lakh<sup>13</sup> per year. Audit, however, noticed that the responsibility for verification of these two eligibility criteria was entrusted to the selected institutes and therefore, the DLSC did not verify these two conditions. In the absence of any monitoring by Government and leaving the responsibility of selecting the candidates totally with the private institutes was fraught with the risk of selection of ineligible candidates and/or fraud.
- The institutes were required to submit UCs to District Collectors for submission to the MSMC. Audit observed that the offices of District Collectors did not insist on submission of UCs, copy of attendance sheet of the candidates before disbursement of balance 50 *per cent* of the funds after completion of the training. UCs were not received by MSMC for ₹ 4.92 crore out of an expenditure of ₹ 5.84 crore incurred during 2013-17, as of March 2018.
- In test-checked districts of Hingoli and Jalna, audit noticed that one institute each selected for imparting training during 2015-16 did not have required facilities such as classrooms, library, reading room, toilets *etc.*, as per their report submitted to District Collector. Thus, the selection of institutes for imparting the training was deficient.
- The MSMC received data from 12 out of 36 districts during 2013-17 and noticed that 319 candidates (eight *per cent*) out of 3,754 trained candidates were selected in the Police force (including CRPF, SRPF, CISF, RPF and Home Guard). Data from the remaining districts was yet to be received by MSMC. MSMC did not obtain data regarding number of students who applied for recruitment but not qualified. Further, no system existed with MSMC to obtain the details of students admitted and trained in the institutes to link the same with the

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<sup>12</sup> The institute should be Government recognised, having five year experience and having facilities such as classrooms, library, reading room, toilets, playground *etc.*

<sup>13</sup> The annual family income was revised to ₹ six lakh from 2016-17 onwards

candidates selected by obtaining the information from the Police Department.

- Information on number of police constable (PC) belonging to minority communities recruited in the State obtained by Audit from Director General of Police, Maharashtra State, Mumbai revealed that men-in-possession of PC belonging to minority communities as on March 2013 was 3,230. During 2013-18, 796 PC were recruited. Considering the average service period of 32 years the average recruitment of PC prior to 2013-14 notionally works out to 101 PCs per year. As against which the average recruitment of PC during 2013-18 works out to 159 PC per year ( $796 \div 5$ ) indicating improvement in recruitment of minority communities in Police Department.

Though, the objective of the scheme was to increase the percentage of minorities in the Government services, MDD did not have comparative data on the percentage of minorities in Government services to ascertain whether there has been any increase in the percentage of minorities in Government services. The State Level Committee (State Minorities Welfare Committee) constituted for co-ordination and monitoring of Prime Minister's 15 Point Programme in its meeting held in May 2017 had directed General Administration Department (GAD) to compile the figures of employees belonging to minority communities in the State. However, the information was not furnished by GAD till date (May 2018).

During the exit conference the Principal Secretary, MDD stated (November 2018) that the Department is dependent on the District Collectors and added that the issues pointed out by Audit would be looked into for suitable action.

#### iv) **Marathi Bhasha Foundation**

The State Government launched a Scheme (September 2006) under which minority students (VIII to X standard) studying in non-Marathi schools were trained in Marathi language, in order to give sufficient opportunity to the minority students in clearing various competitive examination conducted in Marathi language. MDD revised the Scheme guidelines in April 2015. As per the Scheme, teachers were to be appointed in these schools for providing training from 01 July to 31 March of each year for which teachers were to be paid an honorarium<sup>14</sup>. During the period 2013-18, an expenditure of ₹ 16.04 crore was incurred under the Scheme in the State.

Audit observed the following:

- As per the Scheme, for 180-200 students studying in standard VIII to X, one teacher was to be appointed on honorarium basis, two teachers were to be appointed for 300 students and thereafter one teacher for every additional 150 students. The status of number of teachers

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<sup>14</sup> Honorarium to be paid to the teacher was ₹ 3,000 per month during 2013-15 which was increased to ₹ 5,000 per month from 2015-16 onwards

appointed *vis-à-vis* the students in the test-checked districts<sup>15</sup> is given in **Table 2.1.6**.

**Table 2.1.6: Status of number of teachers appointed *vis-à-vis* students**

District	Year	Total schools covered	No. of schools with an adverse student-teacher ratio	Percentage of schools having an adverse student-teacher ratio
Ahmednagar	2013-17	56	22	39
Aurangabad	2013-16	169	57	34
Buldhana	2014-16	72	27	38
Hingoli	2013-18	40	11	28
Jalna	2016-17	17	4	24
Ratnagiri	2015-18	69	14	20
Thane	2013-16	75	36	48
<b>Total</b>		<b>498</b>	<b>171</b>	<b>34</b>

Source: Information obtained from MSMC

As seen from **Table 2.1.6**, 34 per cent of the schools did not have the required student-teacher ratio and 57 schools in Aurangabad district had an adverse student-teacher ratio.

Further, details of adverse student-teacher ratio in 171 schools are shown in **Table 2.1.7**.

**Table 2.1.7: Details of adverse student-teacher ratio**

(in numbers)

Sl. No.	Students strength	Teachers strength as per Scheme	No. of Schools having adverse student-teacher ratio	Average student strength in respect of Schools at column 4	Average number of teachers actually deployed	Average shortfall in deployment of teachers (3-6)
1	2	3	4	5	6	7
1.	201-300	2	75	239	1	1
2.	301-450	3	43	369	1.3	1.7
3.	451-600	4	27	521	1.6	2.4
4.	601-750	5	09	641	2.6	2.4
5.	751-900	6	04	835	3.5	2.5
6.	901-1050	7	02	1020	4.5	2.5
7.	1051-1200	8	01	1057	2	6
8.	1201-1350	9	06	1279	5.2	3.8
9.	1351-1500	10	01	1399	5	5
10.	1501-1650	11	02	1634	5	6
11.	1651-1800	12	01	1692	6	6
<b>Total</b>			<b>171</b>			

Source: Information obtained from MSMC

As seen from **Table 2.1.7** the average shortfall in deployment of teachers ranged from one to six. Thus, the impact of adverse student-teacher ratio on the quality of teaching could not be ruled out.

- As per the Scheme, the Education Officer of each district was to prepare level gauging test for the Marathi language through Maharashtra State Council for Educational and Training. Accordingly, level gauging test should be conducted every quarter and reported to the

<sup>15</sup> Information was not furnished by Mumbai and Satara district while other districts (except Hingoli) did not furnish information for all the years



District Collector. Scrutiny in the nine test-checked districts revealed that such level gauging test was not conducted during 2013-18.

- The Education officer of the ZP was to conduct surprise visit of each school covered under the Scheme every two months and check the attendance of teachers/students and submit a report to District Collector and MDD. Audit noticed that no such surprise visit of schools was conducted for the period 2013-16.

During the exit conference the Principal Secretary, MDD stated (November 2018) that the field offices had informed that level gauging test and surprise visit was conducted. However, documents in respect of such test and visits conducted called for were not furnished to audit.

- MSMC was to obtain progress report of the Scheme from District Collectors and submit Annual Report to the MDD. Audit noticed that Annual reports on the progress of the Scheme was neither submitted by MSMC to MDD nor was the matter followed up by MDD with MSMC.

**v) Maulana Azad free coaching and allied Scheme**

MDD introduced (June 2013) a Scheme named 'Maulana Azad free coaching and allied schemes', in order to increase the representation of minorities in Government, Semi-Government and Public Sector services. Under the Scheme, candidates preparing for competitive examinations like UPSC, MPSC (Gazetted, Non-Gazetted), Banking Services, Common Entrance Test (CET) for admission to various vocational courses and failed students of standard X and XII were to be provided free coaching in selected training centres in seven districts *i.e.*, Amravati, Aurangabad, Mumbai, Nagpur, Nashik, Pune and Thane covering students of entire State. The number of candidates to be trained each year was fixed by MDD at 4,000<sup>16</sup>. The Institutes were to be selected by MDD based on the eligibility conditions<sup>17</sup> prescribed in the Scheme. The Institutes providing training were to be paid a fixed amount per candidate or the fee levied by the institute whichever was less. Under the scheme an expenditure of ₹ 7.19 crore was incurred on coaching of 11,825 candidate during 2014-18.

Audit observed the following:

- As against the target of 4,000 candidates to be trained annually the number of candidates trained ranged between 1,370 (2014-15) and 4,000 (2017-18) during 2013-18.
- The Scheme was to be implemented through field offices of the Government or a nodal agency for selection of candidates for free coaching, submission of monthly and quarterly attendance reports of the candidates to the Government and ensuring display of names of the candidates in the website of selected institutes. Audit observed that these works were neither done through field offices of the Government nor was any nodal agency appointed. Instead in March 2015, the entire

<sup>16</sup> UPSC: 250; MPSC:750; Banking: 400; CET: 600; standard X<sup>th</sup> and XII<sup>th</sup> failed:2,000

<sup>17</sup> The institute should be Government recognised, having five year experience, experienced full/part time teachers, classrooms, library and other facilities

responsibility for implementation was given to the selected Institutes by MDD. In the absence of any monitoring mechanism by Government and entrusting the responsibility of selecting the candidates totally with the private institutes, audit could not determine whether the candidates selected and trained fulfilled the eligibility criteria.

The Principal Secretary, MDD while admitting the facts stated (November 2018) that during the current year, applications of students received by the Institutes were approved by the District Collector and biometric system for attendance of the students has also been introduced.

- The Scheme neither prescribed any surprise verification of the attendance of the students attending the coaching institutes nor was any periodic inspection done to ensure that no ghost candidates were included by the institutes. As per the Scheme, the payment to the Institute had to be done considering 85 *per cent* attendance of the candidate and the actual number of candidates appearing for the exam. However, records produced did not contain the attendance sheets obtained from the institutions and number of candidates appeared for the examination. Therefore, audit could not ascertain the correctness of payment made by MDD.

During the exit conference the Principal Secretary, MDD stated (November 2018) that all the Institutes have been inspected during last six to eight months. However, no records have been produced in support of this fact.

- The Institutes in which none of the candidates had passed during the last three years were not to be selected thereafter. However, MDD did not have data regarding the number of candidates who have cleared the exams for proper selection of institutes. Further, in the absence of such data it was not possible to evaluate the performance of the Institutes imparting training and the success of the Scheme as a whole.

#### **vi) Cyber Gram under MSDP**

The Multi-Sectoral Development Programme (MSDP) is a Centrally Sponsored Scheme which has a component called Cyber Gram initiative, under which students of minority community of Standard VI to X were to be provided hands-on training in computers to enable them to acquire basic Information and Communication Technology (ICT) skills to become digitally literate and to actively participate in knowledge-based activities, access financial, social and government services and to use internet for communications. MSDP was to be implemented in 14 blocks/towns in the nine minority concentrated districts<sup>18</sup> of Maharashtra identified by GoI.

The Cyber Gram initiative was being implemented through Common Service Centre (CSC) e-Governance Service India Ltd. - a company under the

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<sup>18</sup> 1. Buldhana district: Chikhli, Khamgaon, Buldhana, Shegaon blocks; 2. Washim district: Mangrulpir and Karanja blocks; 3. Yavatmal district: Ner block; 4. Hingoli district: Hingoli block; 5. Jalgaon district: Chopda town; 6. Prabhani district: Parbhani town; 7. Jalna district: Jalna town; 8. Beed district: Parli town and 9. Latur district: Latur and Udgir towns

Department of Electronics and Information Technology, GoI with the support of States/Union Territories. An amount of ₹ 1,555 per student was sanctioned under Cyber Gram initiative shared by GoI and GoM in the ratio of 60:40 to cover 2,000 students in each of the 14 blocks/towns in the State at a cost of ₹ 4.35 crore. The CSC had to impart Basic Computer Course (BCC) of 39 hours to each student and after the completion of training, the students were to appear for the BCC certification examination conducted by National Institute of Electronics and Information Technology or National Institute of Open Schooling or Indira Gandhi National Open University or Other National Certification Agency. The Director, Minority and Adult Education, Pune under School Education and Sports Department was the nodal agency for the Cyber Gram initiative in Maharashtra. The expenditure incurred on the Scheme was ₹ 2.18 crore during 2017-18. However, the utilisation certificates for ₹ 2.18 crore was not submitted for release of second instalment.

Audit observed the following:

- Under the Scheme 15,791 candidates out of 26,860 candidates registered were trained during December 2017 to February 2018. However, the BCC certification examination was not conducted by CSC e-Governance Service India Ltd.
- Though, the District Level Committee headed by the District Collector was to monitor the Scheme, audit observed that during the training period inspection of schools were not carried out by the District authorities to ensure that the training was conducted as per the Scheme guidelines.
- Based on the review meeting, (February 2018) with CSC, MDD directed (April 2018) all District Collectors to inspect schools where the Scheme was being implemented to assess and to report on whether training was conducted in schools, training was provided in schools during school hours and whether training was without computers *etc.* However, reports submitted by District Collectors, if any, were not furnished to audit. In the meanwhile, due to the upcoming exam of 10 class, the CSC, was directed in February 2018 to stop the implementation of Scheme which has not commenced again since the end of the examinations (August 2018). Therefore, 11,069 (26,860 – 15,791) registered candidates did not receive training under the scheme.

In the exit conference the Principal Secretary, MDD stated (November 2018) that the Department is following up with District Collectors for submission of reports.

### **2.1.9.2 Infrastructural Schemes**

#### **i) Multi-sectoral Development Programme–Infrastructure works**

Empowered Committee under MSDP, Ministry of Minority Affairs, GoI accorded (December 2015) sanction for execution of 649 infrastructural works at a cost of ₹ 121.44 crore in 14 blocks/towns in the nine minority concentrated districts of Maharashtra. The infrastructural works *inter alia* involved the construction of additional classrooms, toilets in schools, computer labs, *anganwadi*, hostel buildings, and public health centres *etc.* The

funding pattern<sup>19</sup> under the Scheme was 60:40 by GoI and GoM respectively. Cost escalation, if any, had to be borne by the State Government. Funds were released by District Collectors and disbursed to the implementing agencies viz., Public Works Department and ZP.

GoM accorded Administrative Approval (AA) to 644 works valued at ₹ 92.95 crore. AA to five works amounting to ₹ 28.50 crore was not granted due to non-availability of land. The year-wise position of 644 works for which AA was granted, works completed *etc.*, is given in **Table 2.1.8**.

**Table 2.1.8: Year-wise position of works for which Administrative Approval accorded**

(₹ in crore)

Sl. No.	Particulars of work	2014-15	2015-16	2016-17	2017-18	Grand total works
1.	Total works sanctioned (₹ in crore)	9 (22.23)	5 (15.50)	629 (53.15)	1 (2.07)	644 (92.95)
2.	Works completed					
	No. of works (sanctioned cost ₹ in crore)	1(0.26)	3 (9.30)	1 (0.05)	0 (0.00)	5 (9.61)
	No. of works (actual expenditure on completed work)	1(0.36)	3(12.73)	1(0.05)	0 (0.00)	5 (13.86)
3.	Works in progress					
	No. of works (sanctioned cost ₹ in crore)	4 (12.40)	2(6.20)	319(22.09)	0 (0.00)	325 (40.69)
	No. of works (actual expenditure on work in progress)	4 (12.46)	2(6.20)	319(9.62)	0 (0.00)	325 (27.80)
4.	Works not commenced (sanctioned cost ₹ in crore)	4(9.56)	0 (0.00)	309(31.02)	1 (2.07)	314 (42.65)

*Source: Information compiled from Administrative Approvals issued by MDD and monthly progress reports submitted by districts to MDD*

Audit observed the following:

- The proposals for the works are received from Zilla Parishads/Blocks which are forwarded by District Collector to MDD, which in turn, forwarded the same to GoI for approval. Out of 649 works of nine districts sanctioned by GoI, 627 works (97 per cent) amounting to ₹ 66.31 crore were in three districts (Buldhana: 339; Washim: 107; Hingoli: 181). In the remaining six districts 22 proposals<sup>20</sup> were received. MDD has not analysed as to why the works were not proposed from other districts.
- Only five works out of 644 works approved were completed while 325 works were in progress and 314 works had not commenced as of June 2018. The major reasons for non-commencement of works were non-availability of land (38 works), lack of response to tenders (135 works) *etc.* Audit observed that while submitting the proposals to GoI under the Scheme, Collector/Principal Secretary of MDD had declared that land for the proposed works was available. However, the fact that 38 works had not commenced due to non-availability of land indicated that the declaration furnished was incorrect. The delay in completion

<sup>19</sup> Fund for construction of girls' hostel, polytechnic and ITI was provided 100 per cent by GoI, whereas in case of construction of boys hostel it was 50:50 share by GoI and GoM

<sup>20</sup> 1. Beed: two works- ₹ 6.20 crore; 2. Jalgaon: one work- ₹ five crore; 3. Jalna: four works- ₹ 6.73 crore; 4. Latur: four works- ₹ 13.27 crore; 5. Parbhani: four works- ₹ 21.60 crore; and 6. Yavatmal: seven works- ₹ 2.33 crore

of works undermines the purpose of providing tangible benefits by bridging the infrastructural gap in the minority concentrated blocks/towns.

During the exit conference the Principal Secretary, MDD stated (November 2018) that the position of work in progress and works not commenced has improved.

**ii) Construction of ITIs in Areas concentrated by Minority Community**

Higher and Technical Education Department (H&TED) sanctioned (August 2009) opening of new ITIs at Mandvi and Kurla in Mumbai for minority students who are economically weak and not in a position to take up higher education. In order to increase the employment and self-employment opportunities for the minorities in the State, minimum of 70 per cent of seats in these newly constructed ITIs were required to be reserved for the minority students. AA was granted (August 2010) by H&TED for construction of ITI at Mandvi (six trades) at a cost of ₹ 8.14 crore while AA was not granted for ITI at Kurla (10 trades) due to non-availability of land. MDD released ₹ six crore during 2013-18 for construction of two ITIs.

Scrutiny in audit revealed the following:

- The construction work of ITI, Kurla was not started. However, admission of new students for ITI, Kurla was taken up (August 2011) and classes held at ITI, Mulund on a temporary basis. Out of 10 trades, two trades viz., 'Motor Mechanic' and 'Refrigeration & Air Condition' did not get affiliation from Director, General Employment & Training (DGET), New Delhi due to insufficient space as per norms to start the trade. Thus, prospective students were deprived of the benefits of these two trades.

The Principal Secretary, MDD in exit conference stated (November 2018) that the process of acquiring land at Kurla was underway and in respect of trades not getting affiliation, the matter would be looked into.

- The ITI at Mandvi was under construction and an expenditure of ₹ 3.86 crore was incurred till February 2018. In the meanwhile, the Director, Vocational Education and Training, Mumbai started the admission of students from the year 2011-12 in Elphinstone Technical High School & Junior College, Dhobi Talao, Mumbai on a temporary basis in second shift since the ITI, Mandvi was under construction. However, two trades (Fitter and Welder) out of six trades operated were functioning in the garage.
- The MDD did not create any mechanism to obtain details of students who were gainfully employed nor created a database of the students from ITIs/Director of Vocational Education and Training for follow up with the students.

iii) **Area Development Programme of minority concentrated areas (Urban and Rural)**

A. **Area Development Programme of minority concentrated-areas (Rural)**

A Scheme named “Area Development Programme” was launched (May 2013) by MDD from the year 2013-14 in order to improve the quality of life of the minority community living in the Gram Panchayat (GP) area. The Scheme envisaged providing basic infrastructure facilities such as construction of roads, drinking water facility, construction of drainage, pavement, public toilets, Anganwadi, Balwadis, construction of meeting hall, installation of solar light *etc.*, in the minority concentrated areas with a minimum minority population of 100. In the State there were 440 GPs<sup>21</sup> (as per census of 2001) having minimum minority population of 100 to which a maximum grant of ₹ 10 lakh per GP per year could be provided. The proposals for the works received from GPs were to be examined by the Chief Executive Officer, ZP and thereafter finalised by the selection committee headed by the District Collector before forwarding to MDD for approval and disbursement of funds. The funds received by District Collector from MDD were disbursed to the GPs through the ZPs. During the period 2013-18, the expenditure incurred under the Scheme in the State was ₹ 155.62 crore.

Audit observed the following:

- MDD did not have data of works for which AA was granted by ZPs, works commenced, works in progress and works completed under the Scheme in the State. The physical progress of work in the test-checked districts<sup>22</sup> during 2013-18 is given in **Table 2.1.9**.

**Table 2.1.9: Status of physical progress of works**

Name of district	No. of works sanctioned	No. of works for which AA granted	No. of works not commenced	No. of works in progress	No. of works completed (percentage)
Ahmednagar	127	109	25	12	72 (57%)
Buldhana	70	70	7	7	56 (80%)
Hingoli	26	23	11	0	12 (46%)
Ratnagiri	84	84	21	0	63 (75%)
Satara	88	88	14	6	68 (77%)
<b>Total</b>	<b>395</b>	<b>374</b>	<b>78</b>	<b>25</b>	<b>271 (69%)</b>

*Source: Information furnished by District Collectories*

- As seen from **Table 2.1.9**, out of 395 works sanctioned in five test-checked districts, AA for 18 works in Ahmednagar was not granted while three works in Hingoli district had to be cancelled since the Collectorate Hingoli failed to draw ₹ 30 lakh released for three works through Budget Distribution System. Further, out of 78 works which had not commenced, 40 works were pending since 2013-17. Two works in Satara for which ₹ 20 lakh was disbursed was not taken up due to non-availability of land while for three works no proposals were received from GPs. The delay in completion of work undermines

<sup>21</sup> From 2015-16, 250 GPs in the State were eligible for coverage under the scheme as per census of 2011

<sup>22</sup> Information was not furnished by Thane, Jalna and Aurangabad districts

the purpose of providing tangible benefits by bridging the infrastructural gap in the minority concentrated areas.

- As per the Scheme, the Collector should visit ongoing and completed works to monitor the progress and quality of work done and submit a report to MDD. Audit noticed that such reports were neither furnished to MDD nor did MDD take any action to obtain the reports for effective monitoring.

The Principal Secretary, MDD in exit conference agreed to follow up the matter with District Collectors.

#### **B. Area Development Programme of minority concentrated areas (Urban)**

A Scheme named “Area Development Programme” was launched (February 2009) by MDD from the year 2008-09 in order to improve the quality of life of the minority community living in the Municipal Corporation/Municipal Council area. The Scheme envisaged providing basic infrastructure facilities such as repair of graveyard and funeral space, drinking water facility, electricity supply, sewage treatment, street and streetlight, public toilet, anganwadi and balwadi centre, in those Municipal Corporation/Municipal Council areas where the minority population is more than 10 *per cent* of the total population of the Municipal Corporation/Municipal Council area. The maximum fund to be provided was fixed by MDD depending on the Class<sup>23</sup> of Municipal Corporation/Municipal Councils. Proposals for the works received from Municipal Corporations/Municipal Councils were to be examined by District Collector and forwarded to MDD for approval and disbursement of funds. The funds received by District Collector from MDD were disbursed to the Municipal Corporations/Municipal Councils.

During the period 2013-18, the expenditure incurred under the Scheme in the State was ₹ 94.90 crore. Scrutiny in audit revealed the following:

- MDD did not have any data relating to works for which AA was granted by District Collectors/ZPs, works commenced, works in progress and works completed under the Scheme in the State. The physical progress of works in the test-checked districts<sup>24</sup> during 2013-18 is given in the **Table 2.1.10**.

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<sup>23</sup> ₹ 20 lakh for Class “A”, ₹ 15 lakh for Class “B” and ₹ 10 lakh for Class “C” Municipal Corporation/Municipal Councils revised to ₹ 40 lakh per work for Municipal Corporation and ₹ 30 lakh per work for Class “A” Municipal Council and ₹ 20 lakh per work for class “B” and “C” Municipal Council

<sup>24</sup> Information was not furnished by Thane and Jalna districts

Table 2.1.10: Physical progress of works in test-checked districts

Name of the district	Total no. of works sanctioned	Total no. of works for which AA granted	No. of works not commenced	No. of works in progress	No. of works completed
Ahmednagar	52	52	4	10	38
Aurangabad	26	17	3	2	12
Buldhana	81	48	0	3	45
Mumbai	149	81	79	0	2
Ratnagiri	45	42	0	11	31
Satara	13	12	0	0	12
Hingoli	15	7	0	0	7
<b>Total</b>	<b>381</b>	<b>259</b>	<b>86</b>	<b>26</b>	<b>147</b>

*Source: Information compiled from Government Resolutions issued by MDD and information furnished by offices of District Collectors*

As seen from **Table 2.1.10**, out of 381 works sanctioned, AA was not granted for 122 works. Audit observed that out of these 122 works, 68 works pertained to Mumbai district. Of these 68, AAs was not granted to 31 works amounting to ₹ 3.67 crore due to non-submission of proposals by the Municipal Corporation, while 37 works amounting to ₹ 3.84 crore were cancelled since funds were not provided through Budget Distribution System due to technical difficulties in the system.

- In the seven<sup>25</sup> test-checked districts, the expenditure incurred till March 2018 was ₹ 12.15 crore against ₹ 28.75 crore released during 2013-18. Out of the unspent balance of ₹ 16.59 crore<sup>26</sup>, ₹ 4.21 crore remained undischarged with District Collectors due to change of work and non-submission of proposals by the Municipal Corporations while ₹ 12.08 crore was lying with the Municipal Corporations.
- Out of 86 works which had not commenced (53 works were pending since 2013-17) three works in Aurangabad for which ₹ 1.20 crore was disbursed were not taken up due to non-availability of land while for 31 works in Mumbai, no proposals were received from Municipal Corporation. The delay in completion of work undermines the objective of providing tangible benefits by bridging the infrastructural gap in the Municipal Corporation and Municipal Council areas.
- The Municipal Corporations/Municipal Councils neither submitted progress reports to District Collector/MDD nor was any action taken by MDD to obtain the reports for effective monitoring.

#### iv) Construction of hostels for girl students

MDD decided (March 2010) to construct hostels for minority girl students pursuing higher education in all districts of Maharashtra to bring them in the mainstream. However, priority was to be given to 25 minority concentrated districts declared by GoI. Funds for the construction of hostels were to be disbursed to Public Works Department through District Collector. The hostels were to be operated by nominating a non-governmental organisation selected by MDD and 70 seats out of 100 seats were to be reserved for minority girls.

<sup>25</sup> Information was not furnished by Thane and Jalna districts

<sup>26</sup> Excluding ₹ 30.36 lakh surrendered by two districts



In case of insufficient minority students, the seats could be allotted to general category students.

An expenditure of ₹ 60.11 crore was incurred during 2013-18 under the Scheme in the State. The status of girls hostels for which AA was granted by MDD, works completed *etc.*, as on March 2018 is given in **Table 2.1.11**.

**Table 2.1.11: Status of girls hostels for which AA granted**

Year of AA	No. of hostels for which AA granted	No. of hostels completed	No. of hostels in progress	No. of hostels in which work not started
Prior to 2013-14	14	9	4	1
2013-14	2	0	2	0
2014-15	2	0	2	0
2015-16	4	0	3	1
2016-17	0	0	0	0
2017-18	0	0	0	0
<b>Total</b>	<b>22</b>	<b>9</b>	<b>11</b>	<b>2</b>

*Source: Information furnished by MDD*

Audit scrutiny revealed the following:

- Out of eight hostels approved during 2013-16, works in seven hostels were in progress while work had not started in case of one hostel at Nagpur<sup>27</sup> even after a lapse of two years due to change in plans to construct hostel having capacity for 200 students instead of 100 students. One hostel at Nandurbar<sup>28</sup> approved prior to 2013-14 had also not commenced due to non-availability of land.
- The percentage of minority students admitted during 2017-18 in the nine girls hostels constructed till date under the Scheme is given in **Table 2.1.12**.

**Table 2.1.12: The percentage of minority students admitted in girls hostels**

Sl. No.	Name of girls' hostel	Admission capacity	Total admission	No. of minority students (percentage)
1.	Government Industrial Training Institute, Chandrapur	30	30	3 (10)
2.	Rajaram College, Kolhapur	100	98	21 (21)
3.	Government Teacher's College, Panvel	100	98	18 (18)
4.	Ghansavangi, Jalna	100	30	9 (09)
5.	Government Science Institute, Aurangabad	100	94	9 (09)
6.	Dr. Babasaheb, Ambedkar Marathwada Vidyapeeth, Aurangabad	100	100	70 (70)
7.	North Maharashtra Vidyapeeth, Jalgaon	100	74	24 (24)
8.	Swami Ramanand Tirth Vidyapeeth, Nanded	100	100	18 (18)
9.	Government Vidarbha Dnyan-Vidnyan Institute, Amravati	100	71	50 (50)
	<b>Total</b>	<b>830</b>	<b>695</b>	<b>222 (27)</b>

*Source: Information furnished by MDD*

As seen from **Table 2.1.12**, none of the eight hostels constructed under the Scheme had 70 per cent minority students except for Dr. Babasaheb Ambedkar Marathwada Vidyapeeth, Aurangabad. The

<sup>27</sup> AA granted in March 2016 for ₹ 4.78 crore

<sup>28</sup> AA granted in March 2010 for ₹ 4.73 crore

low percentage of students from minority communities utilising the hostels which were created basically to cater to the needs of such students pointed out to lack of proper survey before taking up the construction of hostels thereby the assets constructed did not serve the intended objective to a large extent.

The Principal Secretary, MDD in exit conference stated (November 2018) that no provision was made for providing meals/ diet to the students, a Cabinet note has been submitted for providing meals to the students and the situation of low percentage of students from minority communities would improve once the proposal is approved. However, no reply for delay in construction of hostels was furnished.

Audit noticed that the hostel in Jalna district was constructed (January 2014) in Ghansawangi taluka though the area was not having more than 25 *per cent* of minority community population. District Collector Jalna accepted the low utilisation of hostels at Ghansawangi, Jalna to the lesser population of minority which indicated lack of demand assessment before construction. District Collector, Aurangabad attributed the low utilisation of hostel at Government Science Institute, Aurangabad to lack of awareness among public.

<b>2.1.10 Disbursement of educational and business loan to minority communities by Maulana Azad Alpsankhyak Arthik Vikas Mahamandal</b>
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The Maulana Azad Alpsankhyak Arthik Vikas Mahamandal (MAAAVM) was established with the main objective of economic upliftment of the economically backward section of the minority community. The MAAAVM is a State Channelising Agency for various programmes of National Minorities Development and Finance Corporation (NMDFC) in the state.

The Management of the MAAAVM is vested with the Board of Directors headed by the Chairman. The Managing Director looks after the day-to-day operations of the MAAAVM and is assisted by Joint Managing Director and District Managers in the 34 district offices of the MAAAVM.

The MAAAVM implements two GoM loan schemes (i) Maulana Azad Direct Loan scheme and (ii) Maulana Azad Education Loan scheme. Under the Maulana Azad Direct Loan scheme, loan is disbursed at a nominal interest rate of six *per cent* for setting up a new business. Under the Maulana Azad Education Loan scheme, loan is disbursed to students<sup>29</sup> for pursuing professional and technical courses at a nominal interest rate of three *per cent*. The MAAAVM received ₹ 217.50 crore from MDD in the form of equity and ₹ 20 crore loan from NMDFC during 2013-18. The loans are disbursed at nominal rate of interest to the beneficiaries. The details of loans disbursed by the MAAAVM during 2013-18 are given in **Table 2.1.13**.

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<sup>29</sup> Students having family income less than ₹ 2.5 lakh per year is eligible for disbursement of loan under the scheme and the maximum loan amount is ₹ 2.5 lakh

**Table 2.1.13: Details of loans disbursed during 2013-18**

(₹ in crore)

Particulars	Name of scheme	Amount disbursed
State Scheme	Maulana Azad Direct Loan Scheme	55.80
State Scheme	Maulana Azad Education Loan Scheme	92.13
National Minorities Development and Finance Corporation (NMDFC)	Rajiv Gandhi Education Loan Scheme	
	Term Loan Scheme for Business	3.83
	Micro Finance Scheme	8.01
<b>Total</b>		<b>159.77</b>

During the period 2013-18, MAAAVM disbursed loans of ₹ 159.77 crore covering 27,473 beneficiaries.

Scrutiny in audit revealed the following:

- The MAAAVM did not prepare annual action plan during 2013-18 for prioritising and coverage of beneficiaries in a phased manner. The MAAAVM also did not carry out any survey of the number of prospective and eligible beneficiaries in the districts. In the absence of data, the MAAAVM did not have any mechanism to assess the progress achieved in the economic upliftment of the economically backward section of the minority communities.
- Test-check of 533 disbursement cases sanctioned by the MAAAVM during 2013-18 in the nine test-checked districts<sup>30</sup> revealed various deficiencies in the loan disbursement process and documentation as summarised in **Table 2.1.14**.

**Table 2.1.14: Details of discrepancies noticed in test-checked districts**

Sl. No.	Nature of deficiencies	No. of disbursement cases
1.	Records indicating verification of site/premises before disbursement of loans were not available	358
2.	Disbursement of loans without obtaining income certificate/self- declaration of income	11
3.	Agreement executed with beneficiaries before sanction of loans by MAAAVM	240
4.	Actual amount of loan disbursed was not correctly mentioned in the agreement. There was difference in the loan amount shown in Agreement and actual loan disbursed	45
5.	Date of agreement not mentioned in the Agreement	73
6.	Agreements not notarised	107
7.	Non-availability of Agreement on record	4
<i>Source: Information provided by the MAAAVM</i>		

Deficiencies noticed in the test-checked cases as summarised in **Table 2.1.14** indicated the weakness in the system of loan disbursement and documentation followed by the MAAAVM.

- Disbursement of loans without longer time lag is of vital importance so as to enable the beneficiaries to commence the activities for which loan is applied for. Audit observed that the MAAAVM had not prescribed any timeline for processing of loan applications received. Scrutiny of

<sup>30</sup> Aurangabad, Dhule, Jalgaon, Latur, Mumbai, Nagpur, Nashik, Pune and Ratnagiri

disbursement cases revealed that the time taken<sup>31</sup> in finalising the loan application was more than three months in 287<sup>32</sup> cases (three to six months: 227 cases; six to 12 months: 51 cases; more than 12 months: nine cases) out of 533 cases test-checked in audit.

- The MAAAVM obtains post-dated cheques as security. Test-check of 533 loan cases revealed that the security cheques deposited in the bank on default by the beneficiaries bounced in 304 cases while in 90 cases the cheques were not deposited in banks. No legal notices were issued to the beneficiaries.
- The MAAAVM did not have a system of carrying out post-disbursement inspection to ascertain whether the loans were utilised for the intended purpose.
- The Annual Accounts of the MAAAVM was prepared only upto the year 2012-13. As at the end of March 2018, the total loan outstanding with the MAAAVM was ₹ 341.77 crore. The MAAAVM did not have details of loan installment due and recovered during the year and therefore the MAAAVM was not able to monitor timely recovery of outstanding loans. The MAAAVM was not having details of parties to whom payments have been made or parties from whom payments have been received, which are therefore debited/credited in suspense account. Thus, the internal control system in MAAAVM was weak.
- The MAAAVM had not carried out any evaluation of the schemes to assess the success or the problems in the scheme for suitable remedial action.

During the exit conference the Principal Secretary agreed that the internal controls needs to be strengthened and the Department would monitor the working of the MAAAVM.

#### **2.1.11 Issues in planning and implementation of schemes**

- The inherent objective of schemes is to provide intervention to address specific gaps/needs. Towards this end, baseline surveys are required to identify these gaps/needs so that comprehensive schemes can be formulated with measurable targets and timelines to address them. No such analysis was done by MDD. Thus, there was no scientific assessment of the extent of problem and the response required. The schemes were undertaken on a standalone basis rather than having an integrated approach.
- In the absence of district/regional offices under MDD, the schemes are being executed by MDD through various implementing agencies such as District Collectors, Zilla Parishads and Municipal Corporations *etc.* The implementation of schemes of MDD by these implementing agencies who are implementing various schemes of Government only adds to their workload thereby impacting effective implementation of the schemes of MDD. Acknowledging this fact, the Vision 2030

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<sup>31</sup> Time from date of receipt of application to date of sanction of loan

<sup>32</sup> Time taken in 118 disbursement cases test-checked in audit in Ratnagiri, Dhule and Jalgaon district could not be worked out in the absence of sanction letter in the loan file

document approved (April 2017) by GoM envisages constitution of regional field offices of MDD for effective implementation of various schemes. Thus, the lacunae in the present organisation set-up which is not conducive for effective implementation of the schemes of MDD needs to be addressed by the Government.

### 2.1.12 Grievance redressed

The functions of Maharashtra State Minorities Commission (MSMC) *inter alia* was to consider the grievances of the minorities and to suggest appropriate solution from time to time and to look into specific complaints regarding deprivation of rights and safeguards of minorities and take up such matters with the appropriate authorities.

The status of complaints received by MSMC, complaints disposed of during 2013-18 is given in **Table 2.1.15**.

**Table 2.1.15: Status of complaints received *vis-à-vis* disposed**

Year	No. of complaints received	No. of complaints disposed of	No. of complaints pending <i>vis-à-vis</i> complaints received (percentage)
2013	2119	1397	722 (34)
2014	1993	1257	736 (37)
2015	1049	879	170 (16)
2016	1249	1183	66 (05)
2017	722	552	170 (24)
<b>Total</b>	<b>7132</b>	<b>5268</b>	<b>1864 (26)</b>

*Source: Information furnished by MSMC*

As seen from **Table 2.1.15**, 1,864 complaints (26 *per cent*) were pending during 2013-17. Audit observed that the complaints received by the Commission and forwarded to the appropriate authorities were treated as disposed of. There was no mechanism in the Commission to follow-up the cases forwarded to various authorities to ensure that action has been taken on the forwarded cases. Thus, the system of redressing the complaints received was deficient.

During the exit conference the Principal Secretary, MDD stated (November 2018) that the post of Chairman/Vice-chairman was vacant for long period which has now been filled due to which the situation is bound to improve.

### 2.1.13 Monitoring and Evaluation

Monitoring of the schemes and the monitoring of units functioning under the administrative control by MDD was weak due to the following reasons:

- Since various schemes for minority communities are being implemented by agencies which are not under the administrative control of MDD, a robust system to monitor the implementation of the schemes and the functioning of the various units under its administrative control is of vital importance. As discussed in the preceding paragraphs in many of the schemes submission of timely progress reports, utilisation certificates, survey reports, visit reports were lacking due to which effective monitoring for taking timely action was not possible. Despite non-receipt of periodical reports follow-up action was poor in MDD indicating weak internal control.

MDD did not also conduct any evaluation study to assess the impact of the schemes on the minorities in the State.

- The functioning of MSMC under the administrative control of the MDD was inadequate due to poor disposal of complaints and deficiency in the system of redressing the complaints, failure to assess the representation of minorities in Government/Government undertakings though the same was one of the functions of MSMC. The function of MSMC also comprised of conducting studies, research and analysis on the questions of avoidance of discriminations against minorities. Audit observed that MSMC did not conduct any survey after 2012. The functioning of MSMC was, however, not monitored by MDD.

During the exit conference the Principal Secretary, MDD stated (November 2018) that the Department has approached the Government for having District offices which would help in improving the monitoring of the schemes.

#### **2.1.14 Conclusion**

The Minorities Development Department formed in February 2008 did not have any district/regional offices of its own and therefore the schemes were implemented through various implementing agencies such as the Collectors, Zilla Parishads, Municipal Corporations and Municipal Councils *etc.* The present organisational structure of MDD was not an effective and efficient structure for effective implementation of schemes of MDD.

MDD did not prepare long term strategic plan to ensure integrated development of minorities in the State based on gaps/needs analysis. Baseline surveys which were vital for identifying the infrastructural gaps in the areas concentrated minority communities were not conducted to ensure planned development of the area.

Though, there was no integrated approach, the schemes undertaken did attempt to address the issues raised in Sachar Committee Report. The schemes must have benefited at least a section of minorities. However, due to ineffective implementation, weak monitoring and lack of evaluation of studies, it was not possible to ascertain the extent of benefits received by the minority communities.

The implementation of the education-cum-development schemes revealed poor performance of the schemes, lack of post assistance inspection/monitoring, deficiency in the selection of candidates and institutions for training. MDD also did not obtain adequate and reliable data on employment generated through schemes. The implementation of infrastructure schemes revealed poor utilisation of girls' hostels, poor progress in completion of work, lack of data on the status of works being executed by the implementing agencies and lack of monitoring of ongoing and completed works. There were delays in approving loan applications and absence of post-disbursement inspection of loans. Thus, though MDD was providing funds for implementation of various schemes the control of MDD in assessing the performance of the schemes, obtaining adequate/reliable data and periodical progress reports was not adequate.

The monitoring of the schemes was weak as progress reports, utilisation certificates, survey reports, visit reports by the implementing agencies were not being submitted. MDD also did not pursue the matter regularly to obtain these reports/information. When the Government spends money on the schemes, it is imperative that the spending is monitored for its effectiveness; the results are compared with the objectives set and evaluation studies carried out to know the impact. Such an approach was lacking on the part of the MDD.

#### **2.1.15 Recommendations**

The Government may:

- Consider setting up of regional field offices under MDD as envisaged in the Vision 2030 document and initiate the process of preparing an integrated long term strategic plan and ensure that the baseline surveys are conducted before undertaking any infrastructural works.
- Take steps to maximise the utilisation of budgetary grants and vigorously follow up with the grantee institutions to submit the utilisation certificates.
- Review the schemes being implemented to identify and remedy the deficiencies hindering the effective and efficient implementation of the schemes.
- Direct the Maulana Azad Alpsankhyak Arthik Vikas Mahamandal to ensure that loan applications are disposed of in a time-bound manner and post disbursement of inspection of loans are conducted and take measures to strengthen internal audit.
- Explore the possibility of using Information Technology to obtain the required information from various implementing agencies on real time basis and conduct evaluation studies to assess the impact of the schemes.

Home Department

2.2 Administration of Prison and Correctional Centers in Maharashtra

Executive Summary

Prisons and Correctional Centers (P&CC) in Maharashtra are established under the Prison Act, 1894. The administration of the P&CC in the State is governed by the Maharashtra Prison Manual, 1979. The objective of establishment of P&CC was to segregate the offenders who endanger public safety from the mainstream by way of imprisonment, reformation and rehabilitation of offenders.

The audit on administration of P&CCs was done covering a period 2013-18. Audit emphasized on planning and fund management, safe and secure custody and detention of prisoners, facilities and privileges provided to prisoners as per rules and other activities such as employment, reformation and rehabilitation of prisoners. Audit revealed that though the data on incidence of crimes, conviction rates and inmate population was readily available, the department could have drawn up a long-term perspective plan and annual plans for expanding the prison network, augmenting inmate capacity within existing prisons and modernising and strengthening the infrastructure and facilities. However, no such comprehensive exercise was undertaken by the department. The funds provided for creation and upgradation of infrastructure were not utilised optimally. The decision to construct a District prison at Gadchiroli without taking into account security considerations resulted in injudicious expenditure of ₹ 14.95 crore. Audit observed that in the 54 prisons, as against the overall authorised capacity of 23,942 inmates, 32,810 were housed in prisons as of March 2018, i.e., 37 per cent more than the authorised capacity of the prisons. The prisoners were deprived of adequate space for sleeping as was prescribed in the norms. The entry of prohibited items into prisons was possible due to lack of proper security equipment to prevent the entry of prohibited articles in the prison premises. Audit found that during the period 2013-18, out of the average convicts of 8,300 per year eligible for employment, the prisons were employing only 6,600 prisoners and the remaining 1,700 prisoners remained unemployed. The Advisory Board constituted under the Code of the Criminal Procedure, 1973 was to review sentences awarded to prisoners undergoing sentences of more than five years and to recommend premature release. However, in the absence of comprehensive review of sentences of all the eligible prisoners by Advisory Board, premature release of prisoners by commuting their sentences on the basis of their reformation could not be undertaken. Audit observed that the Department did not have a comprehensive rehabilitation policy for the convict prisoners after their release.



### **2.2.1 Introduction**

Prisons and Correctional Centers (P&CC) in Maharashtra are established under the Prison Act, 1894. The administration of the P&CC in the State is governed by the Maharashtra Prison Manual, 1979. The objective of establishment of P&CC was to segregate the offenders who endanger public safety from the mainstream by way of imprisonment, reformation and rehabilitation of offenders. The P&CC administration was responsible for the safe and secure custody of prisoners to ensure that the assured privileges and facilities are being provided to prisoners and to undertake the reforms and rehabilitation process.

### **2.2.2 Organisational set-up**

The Additional Chief Secretary (Appeals and Security), Home Department (Department) Government of Maharashtra (GoM) was responsible for the overall administration of the Prisons in Maharashtra. Functionally, the Inspector General of Prison (IGP) heads the Prison department and Correctional Services assisted by one Special Inspector General (Headquarter), four Deputy Inspector General of Prison (DIG) and Correctional Service at regional level, one Deputy Superintendent of Police, Vigilance Wing and Principal Jail Officers Training College. At prison level, Superintendent was responsible for overall administration who was assisted by the Deputy Superintendents and Jailors.

### **2.2.3 Audit objectives**

The Audit objectives were to assess whether:

- Planning and Fund Management in respect of prisons were adequate and proper;
- Custody and detention of prisoners were safe and secure;
- Facilities and privileges as envisaged in the rules were being provided to the prisoners;
- Activities, employment, reformation and rehabilitation were consistent with the Government Policies and the desired objectives were achieved; and
- Monitoring mechanism including internal audit was effective.

### **2.2.4 Audit Criteria**

The Audit criteria were derived from:

- Prisons Act, 1894 and Rules, Borstal School Act, 1929 and Rules made there under;
- Maharashtra Prison Manual, 1979 and Amendments thereof; and
- Government orders, Citizen Charter and Circulars issued from time to time.

## 2.2.5 Audit Scope and Methodology

The Performance Audit covered test check of records of Additional Chief Secretary (Appeals & Security), Home Department, Mumbai, Inspector General of Prisons and Correctional Services, Pune, Special Inspector General of Prison (HQ), Pune, four Regional Deputy Inspector General of Prison, and sampled offices of Superintendent of Prisons and Correctional Centres, Principal, Jail Officers Training School, Principal Borstal School and Sub-Jails<sup>33</sup> for the period 2013-18. An entry conference with the Inspector General of Prisons and Correctional Services was held (16 March 2018) wherein the audit objectives, scope and methodology, criteria to be adopted by audit was explained. The audit evidence were also collected through photographs taken during joint visit to the P&CCs and other selected units. Exit conference was held on 5 December 2018 and the responses of the department have been taken into consideration while drafting the report.

### Sampling

The prisons in Maharashtra were classified based on their authorised capacity to house prisoners as detailed in **Table 2.2.1**.

**Table 2.2.1: Authorised capacity & number of prisons**

Authorised capacity	Classification	No. of prisons
<b>800 and above</b>	Central Prison and Correctional Centres (CP&CC)	09
<b>300 to 799</b>	District Prison and Correctional Centres Class-I (DP&CC-I)	19
<b>151 to 299</b>	District Prison and Correctional Centres Class-II (DP&CC-II)	23
<b>51 to 150</b>	District Prison and Correctional Centres Class-III (DP&CC-III)	03
<b>Total</b>		<b>54</b>

*Source: Information furnished by the department*

The District Prisons shown in **Table 2.2.1** also included 13<sup>34</sup> Open Prisons<sup>35</sup> and Correctional Centres (OP&CC) including two female OP&CC, Borstal school at Nasik, Female Prison at Byculla, Mumbai, Special prison<sup>36</sup> at Ratnagiri, Open colony at Atpadi and Prison hospital at JJ Hospital, Mumbai.

Four CP&CC, four DP&CC Class-I and Class-II, one DP&CC Class-III and four OP&CC were selected by using Stratified Random Sampling method. In addition to above two Special categories of prison viz., Female Prison and Correctional Centre, Special Prison and Correctional Centre, Open Colony

<sup>33</sup> The sub-jails are located in the Taluka places are entirely under the management of the Revenue Authorities and monitored by the Prison Department. In the sub-jail, criminal prisoners under the substantive term of imprisonment not exceeding a fortnight or such smaller term only are kept and prisoner undergoing the imprisonment more than 14 days are transferred to either to District or Central prison

<sup>34</sup> Open Prison:-Gadchiroli, Yerwada, Paithan, Aurangabad, Morshi, Nagpur, Amravati, Akola female, Yerwada female, Kolhapur, Thane, Nasik Road and Visapur

<sup>35</sup> Open prison means any place so used permanently under any order of the State Government for the detention of prisoners under clause (1) of section 3 of the Prison Act, 1984

<sup>36</sup> Special prison means Ratnagiri District Class-I prison, where habitual criminals who had shown signs of deep involvement in criminal activity and who had become hardened and persistent offenders are kept

allowing prisoners to reside with their family, Borstal School for juvenile offenders and Jail Officer Training College (JOTC) were also selected due to their uniqueness.

There were 102 Sub-Jails, out of which 54 sub-jails were in operation. As per the information collected, only 25 sub-jails had occupancy of the prisoners. Nine out of 25 sub-jails were selected by using random sampling method.

### Acknowledgement

Audit is thankful for the cooperation extended by the Department in providing information, records, and clarifications from time to time and for arranging discussions with the officers of the Department, which facilitated the conduct of the Audit within the time frame.

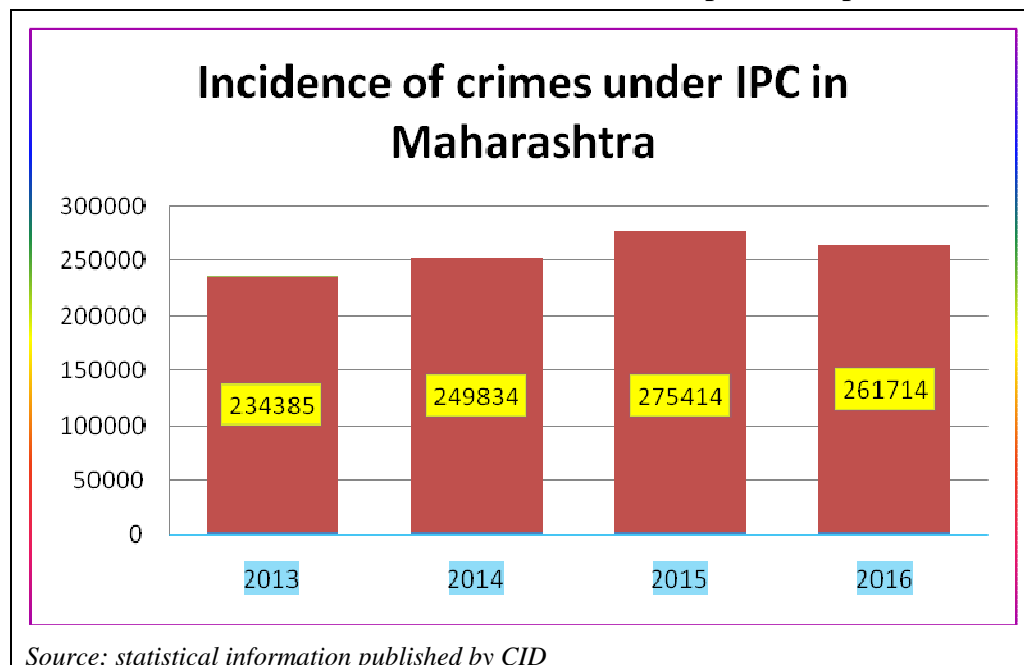
### Audit Findings

#### 2.2.6 Planning

##### 2.2.6.1 Planning at State level

The incidence of crimes and conviction rates in the State have a direct correlation with the number of inmates in prisons. The Criminal Investigation Department (CID), Government of Maharashtra (GoM) publishes yearly statistics of incidence of cognizable crimes committed under Indian Penal Code (IPC) in Maharashtra. The yearly incidence of crimes and conviction rate published by CID during the year 2013 to 2016 showed an increasing trend as depicted in the **Chart 2.2.1**.

**Chart 2.2.1: Incidence of crimes under IPC as per CID report**



The conviction rate of the crimes in Maharashtra also increased from 13.31 per cent in 2013 to 35.98 per cent in 2016 as detailed in **Table 2.2.2**.

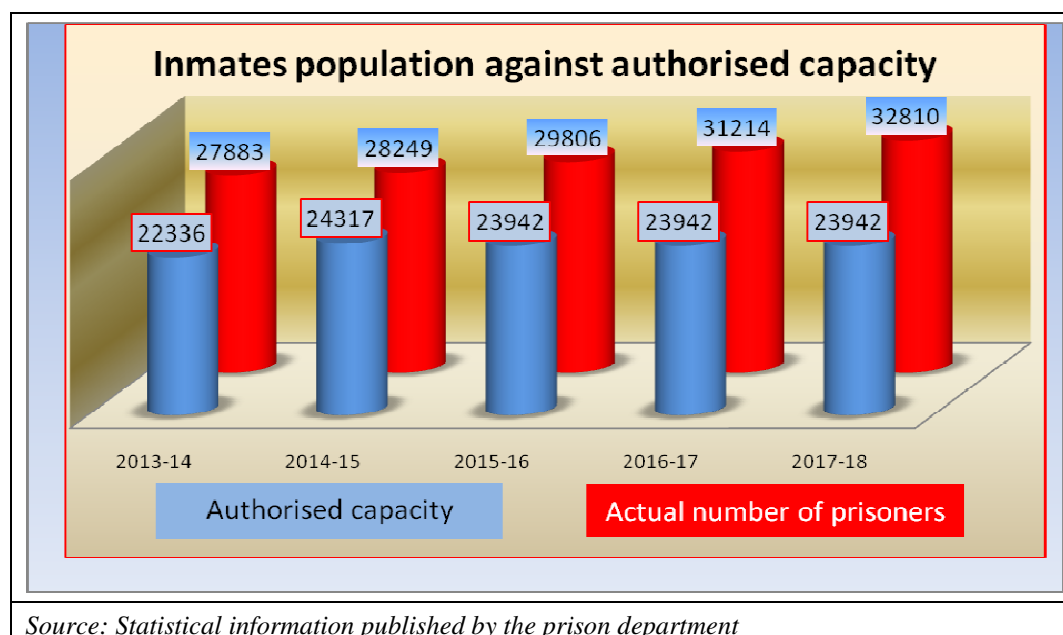
**Table 2.2.2: Conviction Rate in Maharashtra**

Year	Conviction Rate (Percentage)
2013	13.31
2014	19.32
2015	32.99
2016	35.98

Source: statistical information published by CID

Consequently, number of prisoners grew steadily during 2013-18 as shown in the **Chart 2.2.2**.

**Chart 2.2.2: The increase in number of inmates as against the authorised capacity in the prison**



It was observed that, whereas the inmate population registered an 18 per cent growth from 27,883 in 2013-14 to 32,810 in 2017-18, the authorised capacity of prisons remained almost stagnant during this period. The inmate population as of March 2018 was 37 per cent more than the authorised capacity of the prisons. Audit observations are discussed in **paragraph 2.2.8.2**.

Audit is of the opinion that since data on incidence of crimes, conviction rates and inmate population were readily available, the department could have drawn up a long-term perspective plan and annual plans for expanding the prison network, augmenting inmate capacity within existing prisons and modernising and strengthening the infrastructure and facilities. However, no such comprehensive exercise was undertaken by the Department.

The Department stated (May 2018) that the GoM appointed (June 2017) a Committee under the Chairmanship of retired High Court Judge with Deputy Secretary of Home Department as Member Secretary and IGP, Retired DIG and an official from Tata Institute of Social Science as members for suggesting measures to deal with the problem of overcrowding of prisons, construction of new prisons and increasing the capacity of the existing prisons considering the future requirement of 25-30 years. The Committee was to furnish the report by December 2017. The GoM had extended the time frame for submission of report by the committee to June 2018. It was observed that

the said report had not been submitted by the Committee as of December 2018.

In the absence of long term perspective plan and annual plans, the Department could not plan and utilise the funds optimally for enhancing the prison infrastructure, both quantitatively and qualitatively as is brought out in succeeding paragraphs.

IGP, Pune stated (May 2018) that a long term plan for modernisation of prison and the security of the prison will be formulated for this purpose and an agency<sup>37</sup> was appointed (August 2016) as consultant for this purpose.

ACS (Appeals & Security), Home Department in the exit conference (December 2018) admitted that no additional authorised capacities were created in the prisons from 2014-15 onwards. It was further clarified that as more than 50 per cent occupancy of prisons was by the under-trials and unless amendment to the present provisions of criminal jurisprudence in respect of under-trials is done, any amount of space created in the prisons would not be enough. The ACS also admitted that due to overburdening of the prisons with under-trials, the prisons were not serving the purpose as correctional centres for the convicts.

The fact remains that during the period 2013-18, as against the 1,49,962 prisoners, 1,07,678 (72 per cent) were under-trials, 41,902 (28 per cent) were convicted prisoners and the balance 382 prisoners were transferred from other prisons. In the absence of any long term plan, the Department is ill prepared to meet the challenges posed by over-crowding of prisons, deficiency in the facilities, shortage of staff and arms, reforms and rehabilitation of the prisoners as discussed in the succeeding paragraphs.

## 2.2.7 Financial Management

### 2.2.7.1 Budgets allocation and expenditure

The budget allocation and expenditure of the Department for the period from 2013-18 is as detailed in **Table 2.2.3**.

**Table 2.2.3: Allocation and Expenditure incurred by Prison and Correctional Services Department**

(₹ in crore)

Year	Plan			
	Budget Allocation	Funds released	Expenditure	Excess (+)/ saving (-)
2013-14	22.21	4.87	4.67	-0.20
2014-15	30.80	30.80	13.27	-17.54
2015-16	8.98	6.39	3.45	-2.94
2016-17	2.97	2.38	2.26	-0.12
2017-18	17.00	13.60	11.80	-1.8
<b>Total</b>	<b>81.96</b>	<b>58.04</b>	<b>35.45</b>	<b>-22.60</b>

*Source: Information furnished by the Department*

Analysis of the above table revealed that under plan allocation, during the period 2013-18, as against the budget allocation of ₹ 81.96 crore, funds released was ₹ 58.04 crore (71 per cent) out of which expenditure incurred

<sup>37</sup> The GoM appointed KPMG as consultant for development of PRIMIS Software, CCTV implementation, Crime and Criminal Tracking Network System and e-courts

was ₹ 35.45 crore (61 per cent) of the released amount. The unspent funds were surrendered in the respective years.

In the reply IGP stated (October 2018) that in 2013-14, GoI had not provided the grants of ₹ 17.33 crore to GoM due under Thirteenth Finance Commission grants. As a result, the expenditure could not be incurred. GoM had provided only 75 per cent of the budget grants between 2014-15 and 2017-18, hence there was savings in the respective years.

The fact remains that adequate funds were not provided by the GoM to the Prison Department resulting in adverse impact on the creation of infrastructure of the prisons.

The ACS (Appeals & Security), Home Department in the exit conference (December 2018) directed the prison officials to re-examine the figures and submit a revised reply to Audit.

However, it was seen that the revised figures furnished by the Department in December 2018 were the same as the earlier figures.

### **2.2.7.2 Allocation of funds for up-gradation of facilities in prisons to Public Works Department**

In addition to the regular grants, funds for up-gradation of facilities in prisons were placed directly with the Public Works Department (PWD) by GoM under Major Head 4059 Public Works. The details of funds released by Finance Department of GoM to PWD during the period 2013-18 are as detailed in **Table 2.2.4**.

**Table 2.2.4: Allocation and Expenditure incurred by Public Works Department**

(₹ in crore)

Year	Budgeted	Released	Expenditure	Percentage of expenditure over release	Excess/Savings
2013-14	6.09	5.29	4.74	84	(-) 0.55
2014-15	3.49	0	0	00	00
2015-16	18.84	16.68	8.25	49	(-)8.43
2016-17	12.43	12.61	9.59	76	(-)3.02
2017-18	19.87	10.83	10.02	92	(-)0.81
<b>Total</b>	<b>60.72</b>	<b>45.41</b>	<b>32.60</b>	<b>--</b>	

Source: information furnished by IGP

Audit observed that of the money released in the years 2013-14 to 2017-18, approximately 30 per cent remained unutilised.

In reply the IGP stated (October 2018) that due to delay in finalisation of tenders for the works and release of funds in March for the year 2016-17, the funds could not be utilised resulting in its surrender in the respective years. The reply is not tenable as the tender process should have been initiated before the release of the funds to ensure optimum utilisation of the funds.

ACS (Appeals & Security), Home Department stated (December 2018) during exit conference that a proposal for execution of prison related works to be got executed by the Police Housing Corporation was under consideration.

### 2.2.7.3 Lapse of grants of ₹ 29.63 crore under Thirteenth Finance Commission

The Ministry of Home Affairs, Government of India (GoI) had provided funds under Thirteenth Finance Commission (TFC) for the year 2010-15 to State Governments under the scheme of Up-gradation of Prisons. GoI allocated (December 2009), ₹ 60 crore for up-gradation of prison facilities and improvement in prison security for GoM to be utilised during the period 2011-15. According to the guidelines of the scheme, grants were to be released in four equal instalments proposed by the State Government and on the recommendation of the High Level Monitoring Committee<sup>38</sup> (HLMC) of the Department. The condition governing the release of grant included submission of an action plan for up-gradation of facilities in prisons and improvement in prison security. The second instalment would be released on utilisation of two-third of the amount released in first instalment. The third instalment would be released on full utilisation of first instalment and at least two-third of the second instalment. The fourth instalment would be released in two tranches. The first tranche would be released when 90 per cent of the grant amount released was certified to have been utilised and second tranche comprising of remaining 10 per cent amount would be released when completion certificate was provided by State. The utilisation certificate was required to be submitted to GoI for ensuring release of instalments.

Audit observed that the Department submitted (October 2010) to GoI, an action plan for up-gradation of facilities in 11 prisons consisting of 33 works (₹ 7.64 crore) and improvement of prison security (₹ 7.58 crore) costing ₹ 15.22 crore for the year 2011-12 and action plan for ₹ 44.79 crore for the year 2013-15. The HLMC accorded sanction to the action plan in October 2010. The GoI released (December 2011) the first instalment of ₹ 15.22 crore to GoM which in turn released (February 2012) to the IGP for the works to be under taken during 2011-12. The utilisation certificate (UC) for ₹ 15.22 crore was given by GoM only in March 2014. Consequently, the GoM could not get the second instalment (released only in September 2014) of ₹ 15.15 crore for the works<sup>39</sup> to be under taken during the year 2012-13 timely. The tenure of the TFC came to an end in March 2015. The UCs for only ₹ 10.95 crore against the second instalment of ₹ 15.15 crore was submitted (July 2015) by GoM after the completion of TFC tenure. The instalments for the works to be undertaken during the year 2013-15 were not released by GoI as the tenure of TFC expired and the GoM delayed the submission of UCs and action plan for the year 2013-15. Against the sanction of ₹ 7.64 crore for upgradation of prisons during the year 2012-13, works costing ₹ 1.79 crore were under progress (February 2019).

Thus, as against the approved amount of ₹ 60 crore, only ₹ 30.37 crore was released by GoI and the GoM submitted (July 2015) UCs for only ₹ 26.17 crore to GoI. Failure of the Department to submit the UCs in time in respect of funds released by GoI deprived them of the benefit of utilising the TFC grants amounting to ₹ 29.63 crore for up-gradation of prisons. This also

<sup>38</sup> High Level Monitoring Committee under the chairmanship of Chief Secretary, GoM

<sup>39</sup> upgradation works in 28 jails (61 works) costing ₹ 7.64 crore and improvement in prison security ₹ 7.51 crore

delayed the works of up-gradation of facilities and improvement in prison security enlisted in third and fourth year in the action plan.

The IGP Pune stated (May 2018) that the delay in submission of phased action plans were due to increase or decrease in detailed estimates, working out the revised estimates and delay in getting administrative approval from GoM.

The reply is not acceptable as the action plan for ₹ 44.79 crore for the year 2013-14 and 2014-15 had already been submitted (8 August 2014) to GoI after approval of HLMC. Therefore, the Department already had the list of works to be undertaken during the period 2013-15 for which action could have been initiated for revision of estimate and obtaining the administrative approval from Home Department in time.

The ACS (Appeals & Security), Home Department in the exit conference accepted the facts.

#### **2.2.7.4 Injudicious Expenditure of ₹ 14.95 crore on construction of District Prison at Gadchiroli**

In order to facilitate the prisoners of Gadchiroli District to meet their relatives and attend the Gadchiroli Courts, Home Department accorded (July 2003) administrative approval of ₹ 13.47 crore for construction of District Prison at Gadchiroli with a capacity of 500 inmates under a Centrally Sponsored Scheme of Modernisation of Prisons. The work was started (May 2005) by PWD and completed (December 2011) at a cost of ₹ 14.95 crore. The PWD asked the department to take possession of the buildings. However, the Prison Authorities did not take possession as all the works<sup>40</sup> envisaged were not completed by the PWD. In the meantime, a PIL was filed in 2013 for operation of the prison. Consequently, the Prison Authorities took possession of the prison buildings in the year 2014. At the time of taking possession, the construction of additional watch tower and staff quarters *etc.*, were not completed by PWD. Further during the intervening period (2011-2014) the electrical fittings were stolen from the premises. Thus, the prison could not be made operational.

In an affidavit (December 2015) filed in the court in response to the PIL, the GoM stated that for making the prison operational, a committee under the chairman of the Collector, Gadchiroli was constituted. Further, inputs were obtained from Superintendent of Police (SP), Gadchiroli and the District and Sessions Judge, Gadchiroli. The SP Gadchiroli in the report stated that in the absence of adequate security and area being very sensitive, housing the Naxalites in the prison would be dangerous. The District and Sessions Judge stated that due to facilities of video conferencing, the production of prisoners kept in any prison for the hearings could be facilitated. In consideration of these inputs and certain confidential information available, a meeting was held (December 2015) by the Additional Chief Secretary (Home) and a decision was taken to start an 'open prison' with a capacity of 75 inmates instead of closed prison with authorised capacity of 500 inmates. Accordingly, a notification (December 2015) was issued for starting an open prison with a

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<sup>40</sup> Waiting room, Armour and Guard room, Central Watch Tower, Security Wall of the premises and staff quarters Security Wall



capacity of 75 prisoners and the open prison is in operation in the same premises.

Thus, the decision to construct a District prison without taking into account security considerations resulted in injudicious expenditure of ₹ 14.95 crore and non-utilisation of the facilities created for the intended purpose.

The ACS (Appeals & Security), Home Department in the exit conference accepted the facts.

#### **2.2.7.5 Blocking of funds of ₹ five crore for more than ten years**

GoM accorded (2005-06) approval for construction of new district prison with a capacity of 200 inmates at Palghar and released ₹ five crore under Centrally Sponsored Prison Reforms Scheme (2002-07). The Revenue Department allotted (October 2006) a land admeasuring 20 hectares at Mouza Morekurangoan, Palghar to the Department for the construction of new District Prison. However, it was observed that the land belonged to Forest Department and had already been declared as reserve forest under the provisions of Forest Conservation Act 1980. Thus, no construction activity could be carried out on the allotted land without the approval of Ministry of Environment, Forests and Climate Change, GoI. Audit observed that, ₹ five crore was irregularly drawn by IGP and transferred to the Personal Ledger Account (PLA) meant for canteen activities of Thane CP&CC. The Department did not identify any alternate land for construction of prison. In the meantime, the Home Department requested (August 2013) GoI for re-appropriation of the amount of ₹ five crore for construction of State level Prison Staff Training College (PSTC) at Yerwada, Pune. Accordingly, the GoI accorded (October 2013) in-principle approval for re-appropriation of ₹ five crore for construction of PSTC on condition to submit a detailed proposal. Though, in-principle approval was accorded by GoI, the administrative approval for PSTC was accorded by GoM (March 2017) after a lapse of nearly three and half years for ₹ 5.43 crore. However, the amount of ₹ five crore irregularly drawn and kept in PLA could not be spent even after lapse of more than 10 years awaiting final approval of the GoI. This resulted in blocking of the funds.

Despite availability of funds, GoM did not make any effort to identify alternate land for construction of prison even after a lapse of 13 years. Even the detailed proposal for construction of PSTC is yet to be submitted to GoI. The delay in construction also attributed to the fact that the inmates to be housed in Palghar prison are now being housed in the neighbouring Thane and Navi Mumbai Central Prison thereby overcrowding these prisons.

ACS (Appeals & Security), Home Department stated during the exit conference that a proposal for utilising the amount lying in PLA was sent (May 2017) to GoI for final approval. Further, it was stated that revised administrative approval would be granted for construction of PSTC and work would be completed.

### **2.2.7.6 Delay in completion of work of additional building at Central Prison, Mumbai**

In order to increase the capacity of the Central Prison & Correctional Center, Mumbai, the Home Department accorded (July 2007) administrative approval of ₹ 2.63 crore under the scheme of Modernisation of prison for construction of an additional building (at Yard 1) consisting of ground plus first floor. The technical sanction for ₹ 2.67 crore was accorded to the work by PWD. The Home Department released (July 2007 and February 2009) funds of ₹ 2.56 crore which was transferred to the PWD<sup>41</sup> between August 2007 and March 2009. The work was awarded by PWD to M/s Ajit construction for ₹ 2.66 crore, which included electrical work also and the work order was issued (April 2010) with stipulated period of completion of one year. As of 5 December 2018 an amount of ₹ 1.78 crore was spent on the work. The balance amount of ₹ 0.78 crore was diverted and utilised by the PWD for construction of separate barrack for high profile prisoners at Yard 12 till November 2013. No separate funds were provided for the construction of barrack for high profile prisoners at Yard 12. Thus, the work of construction and electrification of the building at Yard 1 remained incomplete due to diversion of funds. The PWD placed (November 2013) an additional demand for ₹ 0.85 crore for completing the work of building at yard 1. The Home Department released through Budget Distribution System an amount of ₹ 0.44 crore on 31 March 2017 to PWD. However, PWD did not draw the funds as it was released at end of the financial year and the entire amount therefore got lapsed.

Thus, failure of the Department to provide funds on time resulted in non-completion of the additional building at yard 1 even after lapse of seven years. This also defeated the objective of creation of additional capacity for the prisoners in the already overcrowded prison.

ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that revised administrative approval would be granted and work would be got completed.

### **2.2.7.7 Excess charges paid to Maharashtra State Road Transport against warrants issued by Prison authorities for transportation of prisoners and prison officials**

The Home Department introduced (September 1979) a scheme of lump sum payment to the Maharashtra State Road Transport Corporation (MSRTC) from 1978-79 for a period of three years towards the cost of travels undertaken by the police, the prison personnel on duty and the prisoners. Subsequently, Home department decided (April 1987) to share the expenses between the Police and Prison Department in the ratio of 90:10 for 1981-82 to 1982-83 and thereafter in the ratio of 91.5:8.5 from 1983-84 onwards. The sharing ratio was not revised since 1983-84 and the Prison Department was making payment of 8.5 *per cent* to MSRTC of the total expenditure charged to the Home Department by the MSRTC. Audit observed that as per the travel warrants issued by the Prison Department during the period 2013-18, the actual expenditure incurred on the travel cost undertaken by the prison officials and

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<sup>41</sup> Executive Engineer (EE), PWD Central Mumbai, Worli, Mumbai.

the prisoners was very less as compared to the amount paid as share (8.5 per cent) of the overall expenditure paid to MSRTC. As per the calculation done by Audit, the difference in actual expenditure and the share paid towards cost of travel during the period 2013-17 worked out to ₹ 2.12 crore as detailed in **Appendix 2.2.1**.

ACS (Appeals & Security), Home Department stated during the exit conference that necessary action would be taken to recover the excess amount.

### **2.2.7.8 Irregular utilisation from prisoners' cash deposit and non-recoupment thereof**

As per Rule 7(ii) of the Maharashtra Prisons (Prisoners Property and Document) Rules, 1964, the cash found with the prisoners at the time of admission is deposited in the account of Drawing and Disbursing Officer (DDO) of the prison and a separate cash book is maintained for the same. Further, the wages paid to the prisoners on account of work done during their stay in prison is also deposited in the account of DDO and recorded in the cash book. At the time of release of the prisoner, the cash so deposited at the time of admission and the wages due to him is to be paid back to the prisoner after deducting the expenditure incurred by the prisoners during his stay at prison.

Audit observed in CP&CC, Mumbai, that Superintendent had drawn an amount of ₹ 12.03 lakh between April 2017 and January 2018 from the DDO account for making payment of computer expenses, office expenses, diet charges and other expenses *etc.*, Thus, an amount of ₹ 12.03 lakh was irregularly drawn from DDO account and the same was not recouped.

ACS (Appeals & Security), Home Department stated during the exit conference that an amount of ₹ 8.33 lakh was recouped and remaining amount would also be recouped.

### **2.2.7.9 Huge balances in Personal Ledger Accounts**

The amount required for procurement of raw materials is released by Home Department and is credited in a Personal Ledger Account (PLA) for prison industry. The IGP directed (March 2014) all the Superintendent of CP&CCs to credit the entire amount in excess of ₹ 25 lakh deposited in the PLA for prison industry<sup>42</sup> into the Government account. However, it was noticed that four<sup>43</sup> CP&CCs had kept balances in the PLA in excess of ₹ 25 lakh in their PLAs. The total amount of excess retention by the four CP&CCs as of March 2018 worked out to ₹ 7.44 crore.

ACS (Appeals & Security), Home Department accepted the facts during the exit conference.

### **2.2.7.10 Pending recoveries from other departments towards supplies made by prisons**

The products manufactured by the prisons were utilised for prison consumption, for supply to Government Departments and marginal portion for

<sup>42</sup> Prison industry included handloom, power loom, tailoring, carpentry, black smith, leather works, paper works, bakery, chemical laundry and motor servicing

<sup>43</sup> Kolhapur (₹ 0.06 crore), Nasik (₹ 1.98 crore), Aurangabad (₹ 5.40 crore) and Nagpur (₹ 20,000)

outside sale. Audit noticed that retail outlets are available at the CP&CCs for sale of prison products.

Audit observed that an amount of ₹ 17.24 crore was pending for recovery for the supplies made to other departments during the period between 1987 and 2018.

ACS (Appeals & Security), Home Department assured during the exit conference that the outstanding recovery from within the Department would be made good within two years and that for recovery from other departments, necessary action would be taken.

## **2.2.8 Safe and secure custody of prisoners**

### **2.2.8.1 Structural audit of prison buildings**

According to the provisions of Maharashtra Municipal Corporations and Municipal Councils (Fifth Amendment) Act, 2008, every owner or occupier of a building in respect of which a period of thirty years had lapsed, shall cause such building to be examined by a Structural Engineer registered with the Corporation for the purpose of certifying that the building is fit for human habitation and submit the certificate issued by Structural Engineer to the Commissioner. The Structural Stability Certificate was to be submitted within one year from the expiry of a period of thirty years and every ten years thereafter or such earlier period as the Commissioner may determine.

As per data available with the Department, out of 54 prisons and a Jail Officers Training College (JOTC), 32 prison buildings as detailed in **Appendix 2.2.2** and the JOTC building were more than 30 years old and were due for structural audit. However, structural audit in respect of only three<sup>44</sup> prison buildings were conducted.

In the test checked 21 prisons and JOTC, audit observed that the structural audit was carried out in one CP&CC, Mumbai (December 2017) and one DP&CC, Kalyan (December 2017) out of the 15 prisons and JOTC which were due. The structural audit in these two prisons were conducted, after a delay of nearly eight years from the date of publication (January 2009) of the Maharashtra Municipal Corporations and Municipal Councils (Fifth Amendment) Act, 2008. No structural audits were conducted in remaining 13 prisons and JOTC.

In the structural audit reports of CP&CC Mumbai and DP&CC Kalyan, extensive repairs were recommended (December 2017) and it was suggested to carry out all repairs at the earliest, as most of the barracks were in dilapidated condition due to seepages from ceiling and walls and cracks in walls of the barracks. The recommendations were not addressed on priority and no action was taken (July 2018). The above facts were confirmed by audit during the Joint Inspection (February 2018) of DP&CC Kalyan as shown in the photographs below. It was also observed that one major incident occurred in October 2017 wherein a major portion of the ceiling of circle number four barrack number one caved-in when the inmates were watching TV. However, no casualty was reported.

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<sup>44</sup> CP&CC, Mumbai, DP&CC-I Kalyan, DP&CC-II, Ahmednagar



**Kalyan District Prison taken on 20 February 2018**

In the absence of timely action on the reports of structural audits and non-taking up of structural audits in 27 prisons and JOTC, the safe custody of the prisoners and the safety of the prison staff were compromised.

ACS (Appeals & Security), Home Department stated during the exit conference that the requirement of structural audit would be examined as the prisons were being maintained by the Public Works Department at present.

### **2.2.8.2 Overcrowding of prisons**

The Scientific Classification of Prisoners (Non Statutory Rules), 1965 stipulated that the prisoners were required to be classified as Class-I, Class-II, Civil Prisoners and Under-trial separately. An amendment to these rules was issued in December 2015. Accordingly, the classification of under trial prisoners was to be done in three categories.

- Category-I - Prisoners involved in terrorist and extremist activities;
- Category-II - dangerous prisoners involved in organised murders, dacoity, robbery, rape cases, habitual offenders, previous escapees and drug peddlers; and
- Category-III - all other under-trial prisoners.

As regards the convicts, it was stipulated that wherever possible, convicts sentenced to simple imprisonment shall be separated from those sentenced to rigorous or life imprisonment. Further, the prisoners convicted of rape or unnatural offences such as kidnapping, prostitution or for an offence under the Prevention of Immoral Trafficking Act (PITA) wherever possible are housed separately at night. The prisoners were required to be quarantined for a period of ten days at the time of admission for their orientation of the prison Rules and Discipline.

Audit observed that in the 54 prisons, as against the overall authorised capacity of 23,942 inmates, 32,810 were housed in prisons as of March 2018, *i.e.*, 37 per cent more than the authorised capacity of the prisons.

The prison inmates' population in the 54 prisons as against their sanctioned capacity is shown in the **Table 2.2.5**.

**Table 2.2.5: Overcrowding of prisons**

Category of prison	No. of Prison	Capacity to hold prisoners	Actual no. of Prisoners as on 31 March				
			2013-14	2014-15	2015-16	2016-17	2017-18
Central Prison	09	14841	18577 (125%)	19388	20623	22046	23023 (155%)
District Prison Class-I	09	3386	4097	3800 (112%)	4200	4137	4381 (129%)
District Prison Class-II	16	3347	3338 (100%)	3433	3449	3406	3804 (113%)
District Prison Class-III	02	185	219 (118%)	138 (75%)	146	156	218
Open Prison	13	1522	1011	897	815	838	943
Female Prison	01	262	340	260	281	357	309
Borstal School	01	105	27	14	20	14	07
Special Prison	01	246	97	135	113	121	117
Open Colony	01	28	21	6	11	05	03
Hospital Prison	01	20	04	12	01	02	05

Analysis of table revealed that:

- a) In nine CP&CCs, the overcrowding of prisoners had been persistently increasing from 125 *per cent* in 2013-14 to 155 *per cent* of capacity in 2017-18.

In DP&CC Class-I, the inmates population ranged between 112 *per cent* and 129 *per cent* of capacity during the period 2013-18.

Similarly, in case of DP&CC Class-II, no new prisons were constructed nor any efforts were made by the Department to accommodate the excess inmates which ranged between 100 to 113 *per cent* of capacity.

The female prison had also shown an increasing trend of 18 *per cent* in 2017-18. In case of DP&CC Class-III the occupancy ranged between 75 and 118 *per cent* of capacity between 2013-14 and 2017-18.

- b) Test check of selected Prison and Correctional Centers as depicted in **Appendix 2.2.3** revealed that:

In four CP&CC, the inmates housed ranged between 124 *per cent* and 278 *per cent* (2017-18) over the authorised capacity. However, there was no capacity addition to accommodate the excess prisoners. Audit observed that there was abnormal delay of over seven years in completion of construction of two barracks in CP&CC Mumbai and the barracks were incomplete as of March 2018. Further, CP&CC, Mumbai had shown abnormal increase (2,687 inmates) of more than 200 *per cent* in inmate's population as against the capacity of 804 resulting in overcrowding. The photographs (taken on 10 May 2018) depicted below give a glimpse of the problem of overcrowding in CP&CC Mumbai.



Glimpses of overcrowding in Central Prison, Mumbai taken on 10 May 2018

Further, a barrack in CP&CC, Nasik with capacity of 30 female inmates was completed in 2016, could not be made operational due to non-construction of a separation wall between Male barrack and female barrack.

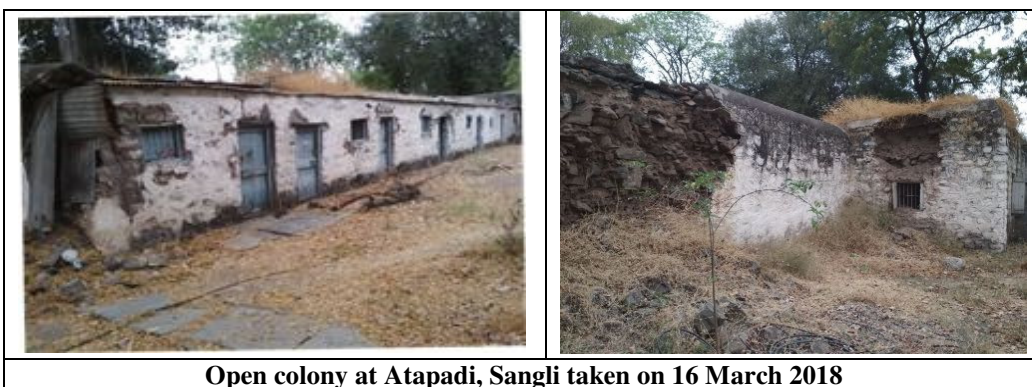
In DP&CC Class-I the inmates' population ranged from 124 *per cent* and 138 *per cent* of capacity. Though, a new prison at Gadchiroli with a capacity of 500 inmates was constructed, the same could not be made operational due to security reasons as discussed in **paragraph 2.2.7.4**.

In DP&CC Class-II, the number of inmates ranged from 115 *per cent* to 143 *per cent* of capacity between 2013-14 and 2017-18. Three prisons had shown occupancy ranging from 94 *per cent* to 296 *per cent* of their authorised capacity, whereas Washim prison, which had been made operational from 2014-15, the occupancy was within its authorised capacity. In DP&CC-III the occupancy ranged between five *per cent* and 60 *per cent* during the period 2013-18.

The Mumbai Female prison had also shown an occupancy ranging between 101 *per cent* and 129 *per cent* of capacity during the period 2013-18.

Contrary to the above, the open prison, open colony, Borstal school, Special prison and hospital prison had shown under occupancy during the period covered by audit.

In open colony at Atpadi, Sangli, audit observed that the inmates were allowed to reside with their family and had to earn their living. However, the number of inmates in the open colony had shown a declining trend due to inhabitable conditions from 21 (2013-14) to three in 2017-18, against the authorised capacity of 28 inmates. It was further observed that administrative approval was accorded (September 2014) for ₹ 49.57 lakh for construction of 28 rooms in the open colony and the work was started only in January 2018. Thus, the facilities to house the inmates and their family were in pathetic condition as was evident from the photographs below.



Open colony at Atapadi, Sangli taken on 16 March 2018

- c) As per the Maharashtra Open Prison Rules, 1971, open prison means any place so used permanently under any order of the State Government for the detention of prisoners under clause (1) of section 3 of the Prison Act, 1984. Accordingly, the GoM by order declared 13 open prisons with authorised capacity of 1,522. The inmates of open prison were selected by a selection committee<sup>45</sup>. Audit also observed that out of 13 open prisons, only five<sup>46</sup> open prisons have separate staff to administer and run the prison (establishment). In the remaining eight<sup>47</sup> prisons wherein 375 inmates were housed were released in open for working in the fields in the day time and then kept in the barracks of the closed prison in night. Thus, the actual authorised capacity of open prisons was overstated by 375 inmates, as these inmates were part of the closed prisons where they were housed and included in their authorised inmate capacity. Further, due to absence of separate establishment in these eight open prisons, the risk of adverse impact on the administration of the prisons could not be ruled out.

**d) Inefficiency of Sub Jails**

As per Sub-Jail Manual, 1954, the sub-jail located in the Taluka places was entirely under the management of the Revenue Authorities and monitored by the Prison Department. The fund for running the sub-jails are provided by IGP, Pune. Prisoners who commit crimes with the substantive term of imprisonment not exceeding a fortnight or such smaller term only are kept in the sub jails and prisoner undergoing the imprisonment more than 14 days are transferred to either District or Central prison.

Audit observed that, out of 102 Sub-Jails (as of April 2018) in the State with a capacity to accommodate 1,670 prisoners, only 54 sub-jails (53 per cent) were functioning, of which 25 sub-jails having the capacity of 516 had shown occupancy of 659 during the period covered by audit. The observations of audit in the nine selected sub-jails are as detailed below:

<sup>45</sup> Consisted of the IGP, Regional DIG, and Superintendent of the prison from where the prisoners were to be selected and the Superintendent of the open prison

<sup>46</sup> Paithan, Visapur, Yerwada Open, Gadchiroli and Morshi

<sup>47</sup> Aurangabad (50), Nagpur (50), Amravati (50), Akola female (50), Kolhapur (50), Nasik Road (50), Yerwada female (50), Thane (25)= Total 375



- Funds were not regularly provided by the IGP to the Revenue Department for running the sub-jails. In two<sup>48</sup> sub-jails, no funds were provided from 2014-15 to 2017-18. Since the funds were irregularly provided the payment of the contractor, who supplied food to the prisoners were in arrears. As a result, the quality and quantity of the food supplied by the contractors to the sub-jails were also not ensured by the Tahsildar and monitored by the IGP, Pune.
- Out of nine sub-jails, the building of seven sub-jails was more than 50 years old. However, no structural audit was conducted to assess the structural stability. In the absence of structural audit, compromise with the safe custody of the prisoners could not be ruled out.
- Test check of 200 cases (50 cases in each sub jail) in four<sup>49</sup> sub-jails revealed that in 51 cases, the prisoners were kept in excess of 14 days ranging from six months to 53 months.
- No prison officials were found appointed in the selected sub-jails, the management of the sub-jails was being handled by inexperienced staff of the Revenue Department, who are not trained in prison administration and correctional services. Further, no inspection was conducted by the Prison Department in the selected sub-jails during the period 2013-18.

Thus, it was evident that the Department was not utilising the capacity of the sub-jails as a tool to restrict the prisoners in the talukas instead of transferring them to the CP&CC and DP&CC which compounded to the problems of overcrowding. The overcrowding in prisons also could not enforce quarantine of the prisoners at the time of their admission as envisaged in the rules.

IGP, Pune in reply stated (May 2018) that land was acquired for construction of new prison in Mumbai and land acquisition process is initiated in Hingoli, Alibag, Nanded, Sangli and Satara and proposals for construction of new barracks are sent to the Government for overcoming the problems of overcrowding of prisons. Further, it was stated that the GoM had appointed (June 2017) a committee for suggesting the measures to deal with the problem of overcrowding in prisons, construction of new prisons and increasing the capacity of the existing prison considering the requirement of next 25-30 years.

ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that overcrowding of prison was mainly due to large number of under-trial prisoners. The fact remained that non production of prisoners before courts on due date as discussed in **paragraph 2.2.9.6** resulted in overcrowding of prisons.

### **2.2.8.3 Unnatural deaths in prison**

Rule 37 of Maharashtra Prisons (Discipline) Rules, 1963 stipulated that a prisoner with apparently suicidal tendencies shall be carefully watched and not

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<sup>48</sup> Tasgaon and Wada

<sup>49</sup> Kopargaon, Madha, Pandharpur and Sangamner

left alone in a cell. During the period 2013-18, there were 45 unnatural deaths, which comprises of 40 suicides and five homicides inside the prisons. In CP&CC Mumbai, Nagpur, Nasik and Pune there was three, two, seven and 10 unnatural deaths cases respectively. Similarly, in Kalyan and Solapur DP&CC, there were three and one suicide cases respectively. In Mumbai Female Prison, one case of female homicide occurred during 2016-17 in the prison premises. Audit noted that the National Human Rights Commission in respect of one case of Mumbai and Kalyan prison observed (November 2017 and May 2017) that adequate efforts were not made by the prison officials for counselling at their level to remove the prisoner from his distress and directed to pay compensation to the next of the kin of the deceased.

The Department introduced (September 2017) a campaign to identify the cases of suicide prone prisoners for removing their distress by counselling. However, audit observed that out of selected 21 prisons, two posts each of Psychologist and one post of Psychiatrist in Yerwada and Nagpur CP&CC and one post of Psychologist and Psychiatrist in Borstal School only were sanctioned. Against this sanctioned posts only in CP&CC Yerwada, one post of Psychologist and Psychiatrist was filled. Thus, in the absence of trained staff, the desired objectives of the campaign could not be achieved.

ACS (Appeals & Security), Home Department stated during the exit conference that locally available medical facilities are also being utilised to overcome the problem of shortage of medical staff.

#### **2.2.8.4 Recovery of prohibited articles**

Rule 17 of Maharashtra Prisons (Discipline) Rules, 1963 stipulated the list of prohibited articles in prisons. In order to detect entry of prohibited articles in the prison premises, modern equipment like baggage scanner, deep metal detector, metal door detector and mobile detectors *etc.*, were required to be installed in the prisons. Moreover, the Vigilance wing of IGP has to conduct surprise search and seizure to detect entry of prohibited articles in the prison premises. Audit observed that the Vigilance wing and the Prison staff had conducted 142 surprise searches in the prison premises between 2013 and 2017 and recovered the prohibited articles as shown in the **Table 2.2.6**.

**Table 2.2.6: List of prohibited articles recovered from Prisons**

<b>Name of the prison</b>	<b>Prohibited articles recovered</b>
CP&CC Mumbai	five mobiles, two sim cards and ₹ 21,000
CP&CC Nagpur	171 mobiles, 33 sim cards, 235 mobile battery, two pen drive, 47 mobile chargers, 47 packets of narcotic substance ( <i>Ganja</i> ) packets and 40 other prohibited articles and four mobiles, six mobile chargers, four mobile batteries from Government press premises located inside the prison.
CP&CC Nasik	100 mobiles, 66 sim cards, 132 mobile batteries, 45 chargers, five earphone, 22 watches, two steel rod, two weapons prepared from steel plate, two knives and two chopper.
DP&CC I Kalyan	two mobile phones along with several sim cards.

Audit observed in the test checked prisons at the time of admission of the prisoner, physical search of prisoners by frisking or stripping of the clothes was undertaken to detect any prohibited items hidden in the body parts. Subsequently, every time, whenever the prisoners were sent for court

attendance, on his return, physical search was being carried out to detect hidden prohibited items.

Audit observed that in four<sup>50</sup> selected CP&CC, the baggage scanner were not functioning due to non-replacement of spares and non-execution of annual maintenance contracts. Further, the District Prisons did not have any baggage scanner and there was a shortage of the following security equipment in the 21 selected prisons as shown in the **Table 2.2.7**.

**Table 2.2.7: Shortage of security equipment**

Name of equipment	Demand	Available in Prisons	Available but not working	Additional Demand made
CCTV	947	812	96	Nil
Walky Talky	261	251	31	30
Mobile Jammer	175	167	15	10

The Superintendent CP&CC Mumbai and Nasik had forwarded a proposal to IGP Pune for the procurement of body scanner machine in April 2016 and November 2017 respectively. However, IGP, Pune, has not forwarded any proposal to the Home Department for procurement of body scanner. The IGP confirmed (May 2018) that no such proposal was sent to the Government.

IGP Pune also confirmed (May 2018) that there are no standard set of security equipment prescribed for prisons. The equipment was purchased on the basis of the demand raised by the prisons.

Though prohibited items were being seized by the prison authorities, the fact remains that the entry of prohibited items in the prisons was possible due to lack of proper security equipment to prevent the entry of prohibited articles in the prison premises. Further, in the absence of standard set of equipment for the prisons, the risks of entry of prohibited items in the prisons would persist.

ACS (Appeals & Security), Home Department stated during the exit conference that baggage scanners which are not working would be repaired and put to use. As regards body scanner, it was stated that the procurement of body scanner for scanning would be examined from the perspective of privacy rights issues.

#### **2.2.8.5 Absconding prisoners**

IGP Pune issued (June 2013) instructions that the height of main boundary wall of the prisons should be at least 21 feet and should be strong and constructed in reinforced concrete cement. Further, in cases where the height of the main boundary wall was found to be less than 21 feet, then action may be taken to increase the height of the wall. Audit observed that out of 21 selected prisons, the height of the main boundary wall in 11 prisons was less than 21 feet. However, no action was taken by the concerned prisons to increase the height of the wall. It was observed that there were two incidents of absconding of prisoners after scaling the height of the main boundary wall of the prison reported from CP&CC, Nagpur and DP&CC, Kalyan prison during the period 2013-18.

<sup>50</sup> Mumbai (from March 2017), Nagpur (from April 2017), Nasik (from October 2015) and Yerwada (from August 2017)

As a progressive measure of correctional services, the convict prisoners were granted parole and furlough<sup>51</sup> to visit their family. Audit observed from the records of IGP Pune that out of the prisoners who were granted parole or furlough, 236 prisoners on parole and 380 prisoners on furlough were absconding between 2013 and 2017. Thus, 616 prisoners jumped their parole or furlough.

The IGP stated as of May 2018, as against the total prisoners on furlough or parole against whom criminal cases were registered, 254 prisoners returned to the prisons on their own, 245 prisoners were captured by the police. The reply from IGP is silent about the remaining 117 prisoners, who were absconding.

ACS (Appeals & Security), Home Department stated during the exit conference that the figures of 616 absconding prisoners are cumulative figures from 1973. However, the facts would be verified again and a revised reply would be furnished.

#### **2.2.8.6 Safety of prisoners compromised due to high rise building/mobile towers in the vicinity of the prison**

As per the Maharashtra Prisons (Prison Buildings and Sanitary Arrangements) (Amendment) Rules 2015, no buildings, except those of the prison itself, shall be constructed within 150 metres of the perimeter wall of a Central Prison, within 100 metres of a District Prison and within 50 metres of a Sub-Jail.

Audit observed that:

- Though CP&CC, Mumbai was declared as high security prison due to housing of high profile prisoners, terrorists, gang war groups and under trials under Narcotic Drugs and Psychotropic Substances (NDPS) *etc.*, as per the map obtained from the Department, there were 11 high rise or multi-storied buildings located within 150 meters of the prison and had direct view of the prison building. As a result, the prisoners and staff are exposed to the potential security risk. However, no action was taken to assess and mitigate the risk perception. Further, it was observed that the inside view of the Central prison was available on Google earth application.
- In CP&CC, Yerwada, security threats was posed by one high rise building, five mobile towers constructed in the vicinity of the prison and encroachment of 0.33 hectares of prison land.
- In CP&CC, Nagpur, for Nagpur Metro Rail Project, land within 150 metres of the perimeter wall of a Central Prison admeasuring 5,280.82 Square meters (sqm) for running and parking section of Metro Rail and 456.86 sqm for entry and exit was acquired. The GoM as a special case waived the aforesaid condition in public interest and it was noticed that running and parking section of metro rail was within 50 meters of the main security wall of the prison. Besides this, the agricultural land of the prison was divided into two halves due to running and parking section and also a development plan road was to be constructed through the prison land. The Superintendent, CP&CC,

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<sup>51</sup> Furlough means period of leave, where the prisoners is allowed to leave prison and then return in accordance with the rules for the time being in force

Nagpur had recorded (November 2016) that considering the threat perception due to vicinity of the metro rail, the height of the security wall was to be increased and view cutter was required to be installed to obstruct the view of the prison. A compound wall of 10 meters height should be constructed with fencing around the agricultural land which was divided into two halves. It was also mentioned that a via-duct should be constructed beneath the development plan road. However, it was observed that the approval of the Advisory Committee was not on record and the security measures required to be taken at the time of construction of metro rail were also not implemented.

- Audit also observed that a Government printing press was being run in the premises of CP&CC, Nagpur since 1962. The press was printing forms and certificates for Government offices of Vidharbha and Marathwada and was also undertaking emergency printing works for Lok Sabha, Vidhan Sabha, local-bodies elections *etc.* Earlier 70 to 100 prisoners were employed in the press thereafter five prisoners were absconded (March 2015) after scaling the height of boundary wall of Government press side. The Prison Department discontinued (May 2015) the employment of prisoners in the press. As the press was located inside the prison premises, IGP Pune (May 2015 and June 2015) intimated the security concerns to the Principal Secretary (Appeals and Security) and requested for shifting the press to other place outside the prison premises. Accordingly, the Principal Secretary (Appeals and Security) directed (June 2015) to shift the press out of Central Prison premises to some other place in phases before March 2016. However, the printing press was not shifted out of the prison premises (March 2018) and as a result security concerns still remained.

Thus, failure of the Department to adhere to the norms exposed the prisons to the potential risks of security. Further, not taking any action for shifting the press from the prison premises also indicates the laxity on the part of Prison officials and the monitoring of the IGP.

ACS (Appeals & Security), Home Department stated during the exit conference that a committee of high level officers examines every case of approval given to high rise buildings.

#### **2.2.8.7 Shortage of security staff**

Section 22A of the Maharashtra Prisons (Staff Functions) Amendment Rules, 2015, stipulates that for every six prisoners there shall be one security guard. Audit observed that the total sanctioned post of security guards in the 54 prisons was 4,194, of which only 3,859 security guards were in position. Thus, there was a shortage of 335 posts of security guards as of March 2018. Audit observed that the requirement of security guards was sanctioned on the basis of authorised capacity of the prison and not on the basis of average number of prisoners housed. In the test checked prisons, audit observed that the shortfall of guards as against the norms in the four CP&CCs ranged between 143 and 335. The shortfall in number of guards were observed in the DP&CC (class I) at Kalyan (143 guards) and Yavatmal (19 guards) and at Mumbai Female District Prison (37 guards). The number of guards were found

in surplus in the remaining fourteen DP&CCs as against the norms prescribed as detailed in **Appendix 2.2.4**.

Further, out of four selected CP&CCs, CP&CC, Yerwada was managed by the Superintendent, whereas in three CP&CC the post of Superintendent was vacant and administration was being managed by Deputy Superintendent. Similarly, in District prison only three prisons out of 21 are administered by the Superintendent, whereas the remaining prisons were managed by Jailor (Group I).

ACS (Appeals & Security), Home Department stated during the exit conference that the figures of sanctioned strength and men-in-position would be re-checked and a revised reply would be furnished. The Department had furnished an overall vacancy of 335 posts as of October 2018.

#### **2.2.8.8 Shortage of arms**

As per Rule 31 of Chapter XVII of Maharashtra Prison Manual, 1979, there shall be one pistol or a revolver (of 0.455 or 0.38 calibre) per officer of and above the rank of Jailor and one rifle per jail guard.

Audit observed that as of March 2018, there were 496 officers and 3,697 guarding staff functioning in Prison Department. The Department has provided only 192 weapons to officers and 2,148 weapons were provided to guarding staff. Thus, there was an overall shortage of 1,853 weapons (304 in officers and 1,549 in guarding staff respectively). Further, it was observed that out of 2,148 rifles, 1,078 were of 0.410 musket rifles, 415 of 303 rifles and 655 Self Loading Rifles (SLR). The arms and ammunition committee had decided (May 2017) that in future no ammunition for 0.410 Musket Rifles and 303 Rifles shall be purchased since production of 0.410 Musket Rifles and 303 Rifles was discontinued and there spare parts were also not available. Thus, the Musket Rifles and the 303 Rifles would be phased out and only SLR would be utilised for the security of the prisons. As against the requirement of 3,697, only 618 SLR are presently available (Out of 655, 37 SLR will be utilised for training purpose). Thus, there was shortage of arms of 304 pistols and 3,079 SLRs.

Due to shortage of arms for officers and security guards as against the requirement of arms as per norms, the prison security staffs was inadequately prepared to meet the security challenges in the event of any untoward incident and adverse impact on the security of the prison could not be ruled out.

ACS (Appeals & Security), Home Department stated during the exit conference that advance payment was made (August-November 2018) to the Ordinance Factory for supply of SLRs. As on the date of exit conference the delivery of 995 SLRs was awaited.

#### **2.2.8.9 Risk of quelling disturbances in prisons due to non-provision of Staff quarters to prison staff**

As per Prison Discipline Rules, 1963, in every prison a particular place shall be appointed where the guard will assemble for the purpose of quelling any disturbance which may occur. On receipt of news of a serious outbreak or disturbance amongst the prisoner, the senior most Jail Officer present shall cause the bell at the main gate to be violently rung, and it shall then be the

duty of every officer of the prison who is outside the prison to proceed at once to the appointed place. Audit observed that, in 14 selected prisons as against the sanctioned posts of 2,140, 1,205 quarters were available; there was shortage of 935 quarters which implies that for 43 *per cent* of the staff no residential facility was provided. Further, as the prison staff was not provided with staff quarters, the availability of prison staff in emergent situations as per the norms also could not be ensured.

Further, in CP&CC, Mumbai it was observed that there were 58 staff quarters for the officials in the vicinity of the Prison. Out of 58 staff quarters, 45 quarters of 173 square feet were allotted to the guards who were eligible for the quarters having carpet area of 221-320 square feet. The remaining 13 quarters allotted to the officer cadre of Jailor Grade-II; out of these eight quarters had carpet area of 360 square feet and four has the carpet area of 173 square feet and one has the carpet area of 160 square feet as against eligibility of 421-550 square feet. Thus, proper living space was not provided to the officials as per the norms prescribed by the Government, sub-standard living condition may not ensure the desired efficiency from the officials. The staff quarters were also found in poor condition as depicted in the photographs taken on 22 February 2018 and 09 May 2018.



ACS (Appeals & Security), Home Department stated during the exit conference that there was a general tendency amongst staff to stay outside the prison premises for getting the benefit of higher house rent allowance. The ACS further stated that the Department itself had, therefore, fixed the ratio of 60:40 between the staff residing within the premises and outside prison premises. Further, to quell the disturbances in prison the help of local police was always available.

#### 2.2.8.10 Absence of Disaster Management Plan

Section 14 of National Disaster Management Act, 2005 mandates each State to establish State Disaster Management Authority (SDMA). At the State Level, the SDMA lays down policies and plans for disaster management. It is also responsible to co-ordinate the implementation of the State Plan, recommend provision of funds for mitigation and preparedness measures and review the developmental plans of the different departments of the State to ensure integration of prevention, preparedness and mitigation measures.

Audit observed that no disaster management Plan has been framed by the Prison Department. In test checked prisons, no prison specific Disaster Management Plan existed. Further, except for CP&CC, Yerwada, none of the

prisons test-checked had conducted fire audit. Thus, the prisons were deficient in the preparation to meet the challenges posed by any disaster.

ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that instructions would be issued to the prison officials for conducting the fire audit. Further, it was stated that the prisons were always on the ground floor with only walls and cubicles. As such the risk from fire was low.

## **2.2.9 Facilities and privileges of prisoners**

### **2.2.9.1 Non availability of space for prisoners**

As per the provisions contained in the Maharashtra Prisons (Prisons Buildings and Sanitary Arrangements) Rules, 1964, the minimum ground space of 3.71 sqm was required to be provided to the prisoners for sleeping in the barracks. However, as pointed out in **paragraph 2.2.8.2**, the prisons were overcrowded. In the test checked four CP&CCs, audit observed that the minimum ground space available to the prisoner ranged between 0.71 sq. mt. and 3.35 sq. mt. as shown in the **Table 2.2.8**.

**Table 2.2.8: Barrack-wise prisoner's occupancy**

<b>Name of the prison</b>	<b>Authorised capacity of barrack (Nos.)</b>	<b>Sleeping area of barracks (square meter)</b>	<b>Actual occupants of the barracks (Nos.)</b>	<b>Excess occupants (Nos.)</b>	<b>Area available per prisoner (in square meter)</b>
<b>CP&amp;CC Mumbai</b>	196	724.24	839	643	0.86
	196	724.24	874	678	0.83
	112	417.56	365	253	1.14
	94	345.44	297	203	1.16
<b>CP&amp;CC Nagpur</b>	555	2765.29	1126	571	2.46
	431	1672	681	250	2.46
<b>CP&amp;CC Nasik</b>	320	1500	511	191	2.94
	322	1500	448	126	3.35
<b>CP&amp;CC Yerwada</b>	60	226	190	130	1.19
	60	226	193	133	1.17
<b>DP&amp;CC Kalyan</b>	90	486	202	112	2.41
	90	486	270	180	1.80
	180	972	450	270	2.16
<b>DP&amp;CC Solapur</b>	20	69.7	69	49	1.01
	21	74.34	92	71	0.81
	54	111.52	156	102	0.71
	142	429.83	452	310	0.95
<b>DP&amp;CC Alibag</b>	37	139	94	57	1.48

*Source: Information obtained from Prisons*

Thus, in all the 18 barracks, the prisoners were deprived of the space for sleeping as per the norms.

Further, in the six monthly examination of prisoners report (July 2017 - December 2017) to be furnished by the prisons to IGP Pune, it had been reported that 2,193 prisoners<sup>52</sup> were suffering from skin diseases. Though no

<sup>52</sup> CP&CC Nagpur (940 cases), Yerwada (576 cases), Nasik (512 cases), Mumbai (145 cases) and DP&CC Solapur (20 cases)



specific reasons were given by the prison authorities, the lack of space would have attributed to the increase in the skin infections amongst prisoners.

The Supreme Court had taken *suo-motto* (writ petition no.406/2013) cognizance regarding inhuman conditions in 1,382 prisons of all States and Union territories. During the course of hearing the Supreme Court directed (2 May 2016) the States and Union Territories to improve the inhuman conditions in the prisons. Accordingly, the Prison Department of Maharashtra had submitted (5 August 2017) the compliance to the directions of the Court. However, the Supreme Court (March 2018) critically viewed the issue of over-occupancy and also observed that prisoners cannot be kept like animals and directed the State Governments to submit plan of action to deal with the issue of overcrowding. Though, the Department was aware of the issue, no effective action in this regard was taken.

ACS (Appeals & Security), Home Department stated during the exit conference that the space constraint was again attributed to number of under-trials kept in the prisons.

### **2.2.9.2 Deficient diet to female prisoners**

The Maharashtra Prisons (Prisoners Diet) (Second Amendment) Rules, 2005 was notified (May 2005) by the Home Department. According to the amendment the diet scale were prescribed for different<sup>53</sup> category of prisoners. As per the revised diet scale, the prisoners in open prison were eligible for 550 grams of wheat flour or 950 grams of pav. Audit observed that female open prisons at Yerwada and Akola (with authorised capacity of 50 inmates) were made operational from 2010 and 2015 respectively. Test check of Yerwada female open prison revealed that, the Superintendent of prison had enquired (September 2010) with the IGP office regarding fixing the diet norms for female open prison. The IGP, Pune had issued (November 2010) a separate circular fixing the diet norms for the Yerwada female prison. Accordingly, the female inmates of Yerwada prison were provided with 400 grams of wheat flour as against the norms of 550 grams of wheat flour. Consequently, the female prison at Akola also followed the circular issued by IGP, Pune.

A diet committee comprising of Superintendents of various prisons was constituted (July 2015) to study and revise the norms of diet. The committee recommended (September 2015) that the prisoners in open prisons are engaged in hard labour and as such the diet scale prescribed in amendment of 2005 without any distinction of diet scale prescribed for male and female inmates of open prison to be adopted. No action was taken on the Committee's recommendations. Thus, the circular issued by IGP, Pune was contrary to the norms and deprived the female inmates of the permitted diet as per norms.

ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that the revised orders would be issued.

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<sup>53</sup> Prisoners in open prison, under trial, convict prisoners, Brostel lads, pregnant women prisoners, patients *etc.*

### **2.2.9.3 Lack of standard operating procedure for procurement, receipt of provisions and testing of food**

The procurement of food provisions for the prisons was delegated to the regional level. At the regional level, the requirement of the food provisions and vegetables were assessed from all the prisons under their jurisdiction and are categorised in lots by clubbing the items. The procurements were made by calling tenders or adopting the e-Tendering procedure. The food items were categorised in 14 lots and the tenders for food items were floated and finalised every year with effective period from April to March. A Committee<sup>54</sup> was constituted at regional level for evaluation of the tenders. The lowest tender for each lot were selected for supply of food items to the prisons.

Audit observed that:

- The High Court of Mumbai in response to PILs directed (March 2017) to constitute a Committee of Social workers and Dieticians for inspection of food and hygiene facilities in the prisons of Maharashtra. Accordingly, a Committee of Social Workers and Dieticians were constituted in Central prisons and District prisons. The Committee had recommended registration with Food Safety and Standards Authority, purchase of lactometer to check the specific gravity of milk and appointment of food inspectors *etc.*, for improvement of quality of food and hygiene. However, no compliance was made by the Prison Department (June 2018).
- There were no laid down procedures for testing of all the items supplied by the suppliers before being utilised for consumption. In a random testing done by the Superintendent of CP&CC, Mumbai, the samples of soya bean cooking oil supplied (December 2017) failed (January 2018) the test of quality for human consumption as per the report of Public Health Laboratory, Konkan Bhavan, Navi Mumbai and the balance quantity of 360 kilograms was returned (February 2018) by the prison. Similarly, samples of soya bean oil in CP&CC, Nagpur (January 2015) and Milk sample in CP&CC, Nashik (May 2017) also failed the test of quality for human consumption.
- At the prison level, there was no quantity and quality assurance mechanism in place to ensure that items of food and milk of the requisite quantity and quality were received; no food inspectors were appointed at prison level to check the quality of cooked food, no quality assurance frame work like periodical testing of material was in place.

Thus, there was no Standard Operating Procedure (SOP) for procurement, receipt of provisions, cooking and testing of food.

ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that SOP for procurement, receipt of provisions, cooking and testing of food would be put in place.

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<sup>54</sup> DIG as president and District food supply officer, Chief Accounts and Finance Officer of Zilla Parishad, Chief Executive Officer, Agriculture Produce Marketing Committee, and concerned Prison Official as members

#### 2.2.9.4 Sanitary Arrangement

Rule 25(ii) of the Maharashtra Prisons (Buildings and Sanitary Arrangement) Rules, 1964, stipulated that there shall be provided in a prison, toilet accommodation of one seat for every six prisoners and one bathroom (for females) or bathing platform for every 10 prisoners. The shortfall in toilets, bathrooms and bathing platforms in the CP&CCs and DP&CCs as worked out the IGP, Pune is detailed in the **Table 2.2.9**.

**Table 2.2.9: Sanitary arrangement at Prisons**

Category of Prison	Central Prison			District Prison		
	Required as per norms	Existing	Deficiency	Required as per norms	Existing	Deficiency
No. of Toilet	2400	1966	434	945	681	264
No. of Bathroom	93	48	46	63	88	00
No. of bathing platform	311	264	47	293	272	21

*Source: Information furnished by IGP, Pune*

- As per the Maharashtra Prison (Building and Sanitary Arrangement Amendment) Rules, 2016, the daily requirement of water of an individual is about 135 litres. In District Prison, Kalyan as against the daily requirement of water of 1,95,750 litres for average number of prisoners of 1,450 only 93,300 litres<sup>55</sup> (per prisoner 64 litres per day) was available. Thus, there was deficiency of water to the tune of 1,02,450 litres daily.
- No procedure was prescribed for disposal of bio-medical waste generated in the hospitals of the prison.

ACS (Appeals & Security), Home Department accepted the facts during the exit conference.

#### 2.2.9.5 Health facilities

Maharashtra Prison (Prison Hospital) (Amendment) Rules, 2015 has stipulated the norms for medical and other staff<sup>56</sup> to be posted at Prison Hospitals. Audit observed that:

- In the 54 prisons, as against the total sanctioned strength of 175 health personnel, 103 were recruited and there was a shortfall of 72 posts. In the 20 selected prisons, the sanctioned strength of medical staff was 84 against which only 51 medical staff was engaged for providing medical facilities to the prisoners.
- No medical specialists were recruited in any of the test checked prisons. Further, it was observed that in six<sup>57</sup> prisons there was no sanctioned post of Medical Officer.

<sup>55</sup> Total capacity of water available 28,00,000 litres/month; availability of water per day (28,00,000/30)= 93,300 litres; availability of water per prisoner per day (93,300/1,450)= 64 litres

<sup>56</sup> Shall consist Chief Medical Officer (for central prisons), Medical officer, Staff Nurse (male or female), Pharmacists (compounders), Assistants, Laboratory Technicians, Psychiatric Counsellor (Psychologists), M.D. General Medicine, M.D. Dermatology, M.D. Psychiatry (mental and de-addiction case), M.D.S. Dentistry and M.D. Gynaecology

<sup>57</sup> Yavatmal, Parbhani, Atpadi open colony, Solapur, Alibag, and Yerwada female

- It was also noticed that X-ray machines costing ₹ 8.26 lakh supplied in two (Mumbai and Yerwada) Central prisons could not be put to use due to non-recruitment of the X-ray technician.

Thus, the hospitals in all the prisons were grossly under-staffed.

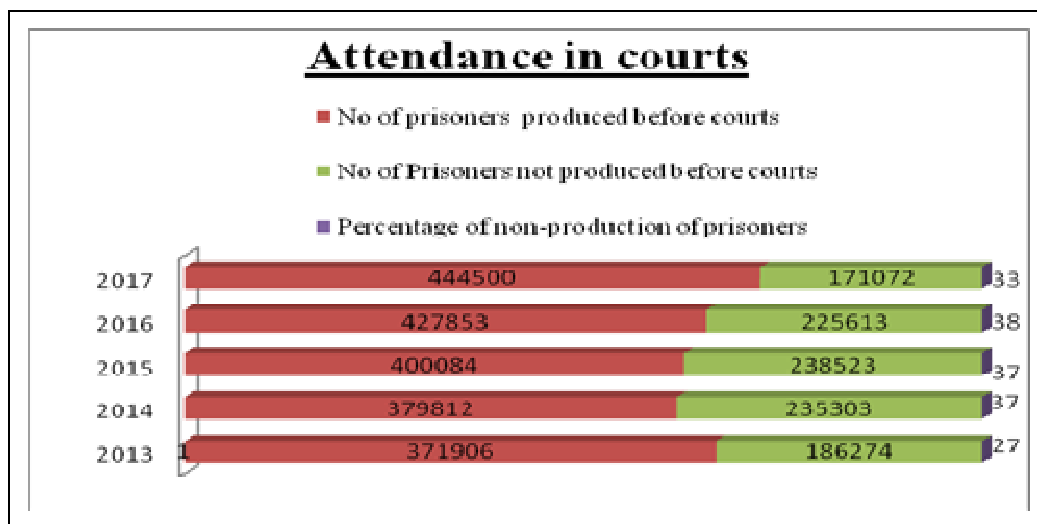
ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that revised order / amendment would be issued.

### **2.2.9.6 Attendance of prisoners in court**

Section 3 of the Prisoners (Attendance in Courts) Act, 1955 provides that if any Civil or Criminal Court thinks that the evidence of any person confined in any Prison is material in any matter pending before it, makes an order in the form set forth in the First Schedule, direct the officer-in-charge of the prison to produce the prisoners before the Courts. Further, Section 5 stipulates that upon delivery of any order made under Section 3 to the officer in-charge of the prison in which the person named there in confined, that officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in the Court at the time in such order mentioned, and shall cause him to be detained in custody in or near the Court until he has been examined or until the Judge or Presidency Officer of the Court authorises him to be taken back to the prison in which he was confined.

Audit observed from the data made available by IGP, Pune that the percentage of non-production of prisoners in the Courts in spite of warrant for production was issued by Court during the period 2013-17 ranged between *27 per cent* and *38 per cent* as shown in the **Chart 2.2.3**.

**Chart 2.2.3: Attendance in Court**



In the selected 21 prisons, the percentage of prisoners not produced physically and through video conferencing ranged between *27 per cent* and *38 per cent* during the period 2013-18. Thus, non-production of prisoners before the Courts on due dates resulted in deferment of the hearing consequently denial of rights of attendance before the courts and overcrowding of prisons.

The Superintendent of the concerned CP&CCs and DP&CCs stated (April & May 2018) that prisoners were not produced in the courts due to non-availability of police escorts.

ACS (Appeals & Security), Home Department assured to furnish a revised reply during the exit conference after re-verifying the figures. The Department had confirmed (December 2018) the figures reported by audit.

#### **2.2.9.7 Board of visitors**

As per Rule 3 of the Maharashtra (Visitors to Prison) Rules 1962, there shall be a Board of Visitors (BoV) for each prison in the State consisting of ex-officio visitors<sup>58</sup> and non-official members. The task of BoV was to monitor the correctional<sup>59</sup> work, suggesting measures to improve the correctional work and to attend to the individual and collective grievances and to redress the grievances in consultation with the prison authorities. Further, according to Rule 5(i), there shall ordinarily be 11 non-official visitors for the Prisons in Greater Mumbai, nine for each of the CP&CCs; six for each of the DP&CCs and four for each of the remaining prisons. As per Rule 11(i), the BoV shall meet quarterly in the month of January, April, July and October every year to carry out the duties specified in the Rules.

Audit observed that:

- Out of 54 prisons, non-official member were appointed (November 2017) only in 14 prisons.
- As against the prescribed non-official members of 11 for Greater Mumbai, only five members were appointed. In four CP&CCs, as against nine members only three members were appointed in three CP&CCs and in CP&CC, Nagpur only one member was appointed. In the remaining 17 DP&CCs, non-official members were selected only in Akola and Ratnagiri.
- The required number of meetings of BoV were not held. In four CP&CC, as against 80 meetings required to be conducted during the period 2013-18, only 17 meetings were held. In DP&CC Class-I, only 25 meeting were held as against the norms of 80 meetings. Similarly, in respect of four selected Class-II prisons and Special prison, Ratnagiri, 15 meetings and five meetings respectively were held. No meeting was held in four selected open prisons, DP&CCs at Alibaug and Washim, Female prison at Mumbai, Borstal school and open colony at Atapadi during the period 2013-18.

In the absence of the requisite non-official members in the BoV and shortfall in the meetings of the BoVs, the intended purpose of monitoring the correctional work, suggesting measures to improve the correctional work and to attend to the individual and collective grievance and to redress the grievances in consultation with the prison authorities could not be achieved.

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<sup>58</sup> Sheriff of Bombay, Presidency Magistrates, Sessions Judges, District Magistrates, Commissioners *etc.*

<sup>59</sup> Correctional work includes inspection of barracks, ascertain health, cleanliness and security, ensure that proper management and discipline are maintained, to examine registers of convicted and under-trial prisoners, hear and attend to all representations and petitions including appeal and mercy petitions withheld by the Superintendent under rules in force be forwarded to the State Government *etc.*

ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that they would ensure that the meetings of Board of visitors are conducted regularly.

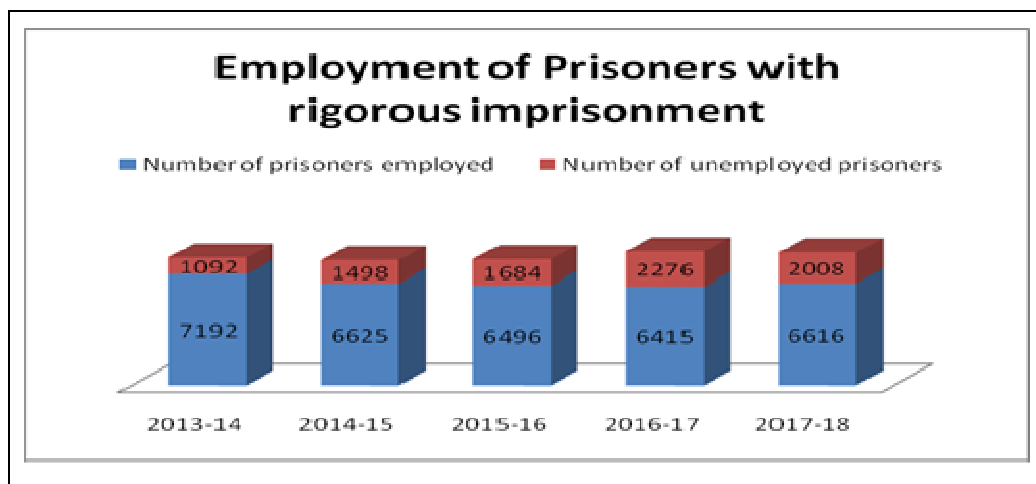
## 2.2.10 Reforms and Rehabilitation

### 2.2.10.1 Employment of Prisoners

The employment of the prisoners is an important step towards the reformation and rehabilitation of the prisoners. The prisoners awarded sentence with rigorous imprisonment by the courts was compulsorily required to be assigned the work in the prisons. The Works Assignment Committee constituted in this behalf assigns and employs the prisoners in industry, agriculture, security and others works in the prison.

The data relating to convicts employed during the period 2013-18 is shown in the **Chart 2.2.4**.

**Chart 2.2.4: Employment of Prisoners with rigorous imprisonment.**



Audit observed that during the period 2013-18, out of the average convicts of 8,300 per year eligible for employment, the prisons were employing only 6,600 prisoners and the remaining 1,700 prisoners remained unemployed. Thus, nearly 20 per cent of the prisoners remained unemployed resulting in an adverse impact on the reformation of the prisoners

ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that other avenues to provide more employment of prisoners would be examined.

### 2.2.10.2 Remission-Review of sentences

According to Rule 3 of the Maharashtra Prisons (Review of Sentences) Rules, 1972, an Advisory Board<sup>60</sup> was to be constituted for reviewing from time to time and assessing how far a sentence to a prisoner had salutary and reformatory influence with reference to the record of the prisoners. Further as per Rule 4 of Maharashtra Prisons (Review of Sentences) (Amendment) Rules, 2015, envisaged that the Advisory Board to review sentences awarded

<sup>60</sup> Regional DIG (chairman) and members of the board would include any Judicial Magistrate nominated by District Session Judge, District Superintendent of Police, concerned Superintendent of prison, and three non-official members

to prisoners and to recommend premature release constituted under the Code of the Criminal Procedure 1973. Rule 6 stipulated that the Advisory Board shall meet every six months to review the sentences of non-habitual offenders sentenced to terms of imprisonment of three years or more. The cases of such prisoners sentenced to terms of imprisonment shall be submitted to the Advisory Board on completion of the period of imprisonment as indicated in column 3 of the **Table 2.2.10**.

**Table 2.2.10: Category of Prisoners and terms of imprisonment**

Category of prisoner	Terms of imprisonment	Completion of period of imprisonment
Female Prisoners	More than 3 years	On undergoing half of substantive sentence or at least three years whichever period is more including set off period but excluding remission
Old and infirm Prisoner	More than 3 years	On undergoing half of substantive sentence or at least three years whichever period is more including set off period but excluding remission
Prisoners other than those mentioned in entry (ii) above	5 years or more	On undergoing two- thirds of substantive sentence including set off period but excluding remission.
Prisoners sentenced to life imprisonment	Imprisonment for life	More than fourteen years of imprisonment, life imprisonment, imprisonment for a term exceeding fourteen years in the aggregate

Audit observed that only cases of prisoners who were infirm<sup>61</sup> and old-who has completed 65 years of age and prisoners undergoing life imprisonment after completion of 14 years of imprisonment were being reviewed by the Advisory Board. During the period 2014-18, 1,177 such cases of life imprisonment and infirm prisoners were reviewed by the Advisory Board of which in 518 proposals the sentences were fixed, 38 prisoners were released, six prisoners died prior to review of premature release of order, one proposal was rejected and remaining 614 proposals were pending at Government level as of March 2018.

In the test checked three CP&CC, there were 1,604 males and 31 female convicts undergoing sentences for more than five years. However, none of these cases were taken up for review by the Advisory Board though norms specify for review of these cases.

Thus, in the absence of comprehensive review of sentences of all the eligible prisoners, premature release of prisoners by commuting their sentences on the basis of their reformation could not be undertaken.

ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that they would sensitise the committee concerned for undertaking review of sentences of more than three years.

### **2.2.10.3 Selection of prisoners for open prison**

The inmates of open prison were selected by a selection committee consisting of the IGP, Regional DIG, Superintendent of the prison from where the prisoners were to be selected and the Superintendent of the open prison. The inmates serving the sentences were eligible for following remission of the sentences as detailed in the **Table: 2.2.11**.

<sup>61</sup> Not physically or mentally strong especially through age or illness

**Table: 2.2.11: Category of prisoners and scale of remission**

Category of Prisoners	Scale of Remission
Prisoners sentenced to life imprisonment and prisoners sentenced to more than 14 years in aggregate	30 days for a calendar month
Prisoners sentenced to more than 5 years and upto 14 years	20 days for a calendar month
Other prisoners	15 days for a calendar month

*Source: Information furnished by the department*

Scrutiny of records revealed that the selection committee in December 2013 selected 1,727 prisoners out of the list of 4,084 prisoners eligible for selection to open prison. Accordingly, a list of 1,727 based on their seniority was prepared and as and when vacancy arose in the open prison, the prisoners were transferred to the open prisons. Audit observed that, no new list was prepared during the period 2013-18 as the transfer of prisoners in the existing list to open prison was not completed. The process of selection of prisoners for open prison was again initiated from February 2018. The non-preparation of list during the period 2013-18 had an adverse effect on the prisoners' reformative process. The IGP had also observed (April 2014) that a running list of prisoners to be transferred to open prison should be prepared, however no action in this regard was taken.

ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that running list for 2018 was prepared.

#### **2.2.10.4 Non-consideration of female prisoners for open colony**

There was only one open colony<sup>62</sup> at Atpadi, Sangli with a capacity of 28 prisoners and only male prisoners alongwith their family were eligible for transfer to open colony. Audit observed that the women prisoners were not eligible for transfer to open colony. Earlier the women prisoners were also not eligible for transfer to open prisons, however, an amendment was made in the rules in 2010 allowing transfer to female open prison. No such amendment was made in respect of transfer of female prisoners to open colony. Further, the prisoners were entitled to remission of sentence equal to the period spent in the open colony and in addition, they were entitled to the remission admissible to inmates of open prisons as detailed in **paragraph 2.2.10.2**. Thus, the female prisoners were deprived of additional remission and reformative process of open colony.

ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that necessary amendment would be made.

#### **2.2.10.5 Rehabilitation of prisoners post release from prison**

The process of after-care and rehabilitation of offenders is an integral part of institutional care and treatment. After care and follow-up service is not required by each and every inmate leaving the prison. But majority of the inmates require programme which help them settle in the society after their release and get themselves rehabilitated beyond the possibility of reverting to crime.

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<sup>62</sup> An open colony means any place where selected prisoners may reside with family and be gainfully employed after suspension of execution of their sentences under section 401 of Criminal Procedure Code



Audit observed that the Department did not have a comprehensive rehabilitation policy for the convict prisoners after their release. The only scheme implemented by Social Welfare Department (since February 2002) provided financial assistance of ₹ 5,000 per prisoner towards their rehabilitation after release from Prison. This scheme covered a maximum of 40 prisoners per year. The financial assistance was enhanced (October 2016) to ₹ 25,000 per prisoner with maximum of 50 prisoners per year. The scheme information was communicated to all the prisoners by IGP, Pune in November 2016. Apart from this scheme, there was no other comprehensive rehabilitation policy proposed and introduced by the Department during the period 2013-16.

A Memorandum of Understanding (MoU) was executed (March 2016) between the Principal Secretary (Appeal & Security), Home Department, and the Trustees of Sir Dorabji Tata Trust to collaborate with the Prison Department to implement 'Welfare and Rehabilitation of Prisoners'. Accordingly, a pilot demonstration was launched (February 2017) in five<sup>63</sup> Central Prisons and Borstal School, Nasik and identified 1,297 cases. As per the MoU both the parties would mutually work in the implementation of the demonstration. The demonstration included provision of in-prison welfare/ rehabilitation of prisoners, provision of legal aid, organisation of health and hygiene awareness camps, promoting social contact of the prisoners with their family and rehabilitation of prisoners after their release. The trust had made appointment of two male and female social workers in the selected Central Prisons and Borstal School.

The Trust also organised the following activities during the period 2017-18.

- 49 medical camps organised for the benefit of 7,707 inmates, similarly, 31 medical awareness programmes were also organised.
- 23 legal camps were organised for benefit of 1,690 inmates, legal assistance was provided to 1,031 inmates.
- Immediate assistance was provided to 43 members of the family of prisoners and 26 prisoners were rehabilitated.
- 209 convict prisoners were provided with industrial training.
- 90 prisoners were provided with the benefits of Government Schemes.
- Meeting with the family members in the prison premises (*Galabhet*) were organised in respect of 285 prisoners. Phone contacts of the prisoners with their family members were facilitated in respect of 5,238 prisoners. Home visits were made in respect of 307 prisoners and 92 group activities and personal counselling of 407 was also organised.

Audit observed that the demonstration was in experimental stage and the GoM was facilitating the Trust in the implementation of the demonstration without any financial involvement. As per the information furnished by the Directorate of Women and Child Welfare Department, Pune financial assistance were provided to only 128 prisoners between 2013-14 and 2017-18. No

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<sup>63</sup> Nagpur, Talaja, Yerwada, Nasik, Aurangabad

convergence of the Government social welfare schemes were adopted to rehabilitate the prisoners. The Trust was able to provide benefit to only 90 prisoners of the Government Schemes.

ACS (Appeals & Security), Home Department accepted the facts during the exit conference.

#### **2.2.11 Best Practices adopted by the Prison Department**

The Prison Department has adopted the following novel reformatory practices with the objective to bring to fore the hidden talent of the prisoners and to assimilate them into the mainstream of the society.

##### ***Bandi-Rajani***

A dance and drama programme was organised every year, in which, the inmates drawn from different prisons participated and special remission was granted for their participation.

##### ***Gala-bhet***

Under this initiative the family members of the convict prisoners were allowed to meet their family member and have lunch together inside the prison premises.

#### **2.2.12 Internal Control and Monitoring**

##### **2.2.12.1 Shortfall of inspection of Prison**

As per Rule 9(i) of the Maharashtra Prisons (Staff Functions) Rules, 1965, the IGP shall inspect every Central Prison, Special Prisons and every District Prison (Class-I) at least once in three years. In addition, the IGP may also inspect any prison if he considers that there is any special reason for doing so. He may also visit any prison without notice for inspection. Audit observed that the IGP had inspected nine central prisons once in every three year. In the 19 Class-I and special prisons no inspection were carried out between 2012 and 2016. The IGP has carried out only six inspections in 2017-18. Thus, there was shortfall in inspection of prisons by the IGP. The lack of inspections by IGP adversely affected the timely action on the major issues of overcrowding, poor infrastructure, improvement in the facilities as discussed in **paragraph 2.2.8 and 2.2.9.**

ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that the inspections of prisons would be increased to meet the targets.

##### **2.2.12.2 Arrears in Internal Audit**

The internal audit wing of the IGP comprises of one Accounts officer, one Assistant Accounts Officer and one Sr. Auditor. The Internal Audit wing did not have any Internal Audit Manual codifying the procedures and scope of the audit of the prisons.

As per the information furnished to audit, the internal audit wing was to conduct internal audit of 54 prisons and the office of the IG, Regional DIGs and Principal DaulatRao Jadhav Prison Training College every year. It was observed that no internal audit was conducted during the period 2013-16 in the

54 prisons (cumulative total of 356 units). The internal audit of only 101 units was completed in 2017-18 and remaining 255 units were in arrears.

ACS (Appeals & Security), Home Department accepted the facts during the exit conference and stated that the internal audit would be undertaken.

### **2.2.13 Conclusion**

The inmate population of prisons registered 18 *per cent* growth from 27,883 in 2013-14 to 32,810 in 2017-18. However, the authorised capacity of prisons remained almost stagnant during this period. The inmate population as of March 2018 was 37 *per cent* more than the authorised capacity of the prisons. The Department could have drawn up a long-term perspective plan and annual plans for expanding the prison network, augmenting inmate capacity within existing prisons and modernising and strengthening the infrastructure and facilities. However, no such comprehensive exercise was undertaken by the Department. Although ₹ 60 crore was allocated under Thirteenth Finance Commissions, the Department could not ensure timely submission of Utilisation Certificates to avail the full benefit of the scheme resulting in lapse of ₹ 29.63 crore. The decision to construct a District Prison at Gadchiroli without taking into account security considerations resulted in injudicious expenditure of ₹ 14.95 crore.

The safe custody of the prisoners were not ensured in the absence of structural audit, overcrowding, entry of prohibited articles, presence of high rise buildings in the vicinity of the prisons, insufficient height of the prison main boundary wall and shortage of security staff and arms.

The facilities provided to prisoners were deficient due to inadequate sleeping space, deficient diet to female inmates of open prison, absence of standard operating procedure for receipt of provisions and testing, shortage of sanitary arrangements, shortage of medical staff and specialists *etc.*

Failure to provide employment to all the prisoners undergoing rigorous imprisonment, failure to review sentences in respect of female and male prisoners undergoing sentences, absence of running list of eligible prisoners for open prison, non-consideration of female prisoners for transfer to open colony and absence of comprehensive rehabilitation policy for prisoners after their release and convergence of various social welfare schemes adversely impacted the reformatory and rehabilitation process.

Regular inspections of District prison class-I were not undertaken. The internal audit wing was not functional between 2013-14 and 2016-17.

### **2.2.14 Recommendations**

- The Department may prepare a long term perspective plan and annual plan for effective management of prisons and optimum utilisation of funds.
- The Department may ensure safety of prisoners by undertaking structural audit of the prison buildings as per norms, take adequate measures to mitigate the security threat emanating from high rise structures in the vicinity of the prison.

- The Department may take effective steps to reduce the overcrowding of prisons, improve the sanitary arrangements and healthcare delivery system.
- The Department may formulate annual audit plans and regularly conduct internal audit of prisons as planned.

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**Medical Education and Drugs Department**
**2.3 Implementation of Healthcare and Academics Management Information System**
**Executive Summary**

The vision of providing health information infrastructure which would support daily operations of the hospitals and also facilitate decision making to bring fundamental changes in healthcare and academic management in medical colleges and hospitals in the State was largely under achieved due to ineffective implementation of the Healthcare and Academics Management Information System (HMIS). Of the 16 modules, one module was fully implemented, 10 modules were partly implemented and five modules were not implemented in all 16 hospitals out of 19 hospitals.

The HMIS is largely under-used and manual system was continued in all the 16 hospitals. Non-availability of complete healthcare data centrally has been a hindrance for disease surveillance in the State and may have restricted the State's intervention to reduce the disease burden.

The implementation of HMIS was not adequately monitored which resulted in the vision of healthcare management through HMIS remaining unfulfilled.

**2.3.1 Introduction**

Medical Education and Drugs Department (MEDD), Government of Maharashtra (GoM) decided (May 2003) to computerise operations of government medical colleges and hospitals. The aim was to capture into the system all the data right from admission of a patient to his discharge, codify diseases and build a comprehensive database of healthcare to aid in the decision making/interventions. The system was also envisaged to cater to ancillary activities like procurement of medicine, diet *etc.* The objectives of the project are detailed below:

- To provide health information infrastructure, which would help in daily operations, clinical practice and ensuring quality of service to be provided to the needy, in the most cost effective way.
- To improve utilisation of available resources and sharing common patient information by making use of information technology and by adhering to standards.
- Healthcare Management Information System for patient registration, patient admission, clinical care system, financial administration and stores management and to provide information to facilitate decision making.

Towards this initiative, M/s Larsen & Toubro Infotech Limited was appointed (August 2003) as a Technology Consultant, for providing consulting services for identification, selection and supervision of implementation of the Information Technology (IT) solution.

GoM undertook selection of a suitable Service Provider, adopting an open tender route, through competitive bidding for outsourcing of IT services by issuing a Request for Proposal (RFP) in August 2004. In December 2006, the contract was awarded to the Service Provider, Hewlett- Packard Enterprise India Private Limited (from March 2017 known as EIT Services India Private Limited) for implementation of Healthcare and Academics Management Information System (HMIS) software owned by Amrita Enterprises Private Limited, Kochi (Amrita) under the Build-Own-Operate-Refresh (B-O-O-R) outsourcing model for IT enabled services in 14 medical colleges and 19 hospitals attached thereto. The HMIS system was implemented in 16 locations<sup>64</sup> out of 19 locations planned for implementation (as of October 2018). It was not implemented at three locations<sup>65</sup> as GoM had not given order for implementation in these locations. The IT infrastructure used for the HMIS Project, shall be owned, operated and maintained by the Service Provider. GoM shall only draw services as an output of the IT infrastructure deployed by Service Provider and own all the data recorded in the HMIS system. Payment for services rendered by the Service Provider shall be based on Annual Contract Value for a location, which comprises Fixed Charge for the location, charges for additional nodes and Transaction Charges for the location. The estimated cost of the project for 19 locations for seven years period from October 2008 was ₹ 264.67 crore [Fixed charges: ₹ 141.67 crore, Additional charges: ₹ 93 crore and Transaction charges: ₹ 30 crore (approx.)]. The expenditure incurred (excluding transaction charges) on the HMIS project for 16 locations for the year 2008-09 to July 2018 was ₹ 180.79 crore.

Hardware at 16 locations comprised of servers, desktops (317 nos.), thin clients (2,836 nos.), dot matrix printers (1,261 nos.), laser printers (234 nos.) etc. HMIS software which is made up of 16 core modules supports range of healthcare and academic functions was provided by Amrita and was to be customised, tested, implemented and deployed in accordance with the functionality requirement of GoM thereby obviating the need for maintaining manual records. Amrita granted to GoM non-transferable, perpetual licence to install and use the object code version of HMIS software. HMIS system was installed on the local server at 16 locations which are accessed by the end users. The data from each location was to be replicated periodically on central server at Centralised Services Repository Centre (CSRC) at Mumbai. As per the RFP, the IT solutions were to be based on open source technology

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<sup>64</sup> (i) Grant Medical College & Sir J. J. Hospital, Mumbai; (ii) B.J. Medical College & Sasoon Hospital, Pune; (iii) Government Medical College & Hospital, Nagpur; (iv) Government Medical College & Hospital, Aurangabad; (v) Cama & Albless Hospital, Mumbai (vi) G. T. Hospital, Mumbai; (vii) St. George Hospital, Mumbai (viii) Shri Vasantnao Naik Government Medical College & Hospital, Yavatmal; (ix) Government Medical College, Akola (x) Government Medical College & Hospital, Latur; (xi) Dr. Vaishampayam Memorial Medical College & Chatrapati Shivaji Maharaj General Hospital, Solapur (xii) Dr. Shankarrao Chavan Government Medical College & Hospital, Nanded (xiii) Government Medical College & Hospital, Miraj (xiv) Padmabhushan Vasantdada Patil Government Hospital, Sangli; (xv) Swami Ramanand Teerth Rural Government Medical College & Hospital, Ambajogai and (xvi) Indira Gandhi Government Medical College & Hospital, Nagpur

<sup>65</sup> (i) Shri Bhausaheb Hire Government Medical College & Hospital, Dhule; (ii) Super Specialty Hospital, Nagpur and (iii) R.C.S.M Government Medical College & Chatrapati Pramilaraje Hospital, Kolhapur

platform *i.e.*, the database for the system is MySQL, operating system is Red Hat Enterprise Linux and browser as Mozilla Firefox.

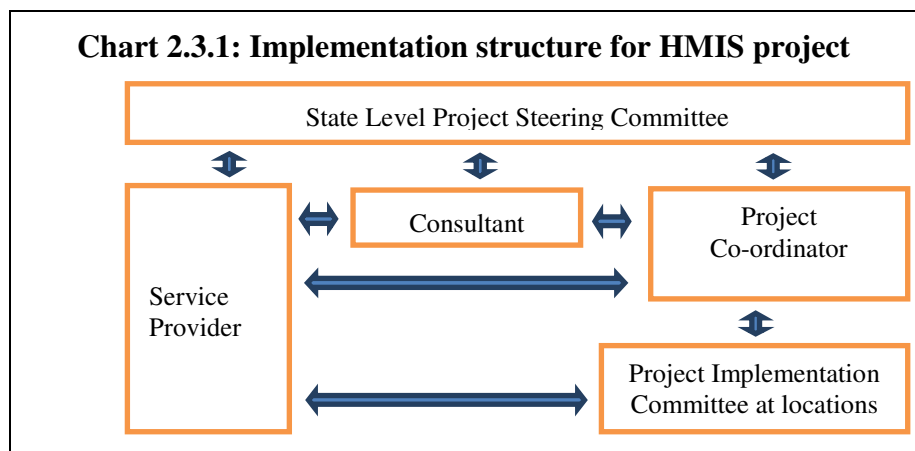
### 2.3.2 Organisational set up

#### (i) Department set up

MEDD headed by Secretary, administers and regulates the medical and research activities of the State. The Director, Directorate of Medical Education and Research (DMER) under the control of MEDD supervises the working of medical and dental colleges, teaching hospitals and health units under its jurisdiction in order to achieve optimum academic standards.

#### (ii) Implementation set up is depicted in **Chart 2.3.1**.

**Chart 2.3.1: Implementation structure for HMIS project**



Government constituted (July 2006) a State level Project Steering Committee<sup>66</sup> (PSC) for monitoring and implementation of the HMIS project. Project Co-ordinator (PC), appointed (July 2006) by GoM, is responsible for governance of implementation of the HMIS project on behalf of the State. Project Implementation Committee (PIC) was formed at each location to regulate the services of Service Provider and monitor the implementation of the HMIS project.

### 2.3.3 Audit objectives

The audit objectives were to assess whether:

- The HMIS system was designed and created to cater to the functional requirements of medical colleges and hospitals;
- The input, processing and output controls were in place to ensure integrity of the system;
- Appropriate data protection and disaster management and recovery procedures were established and functioned as intended; and
- The system functioned as intended and realised its objectives.

<sup>66</sup> Project Steering Committee consists of Additional Chief Secretary, Finance Department; Principal Secretaries/Secretaries of MEDD, Planning, IT Department; Director, DMER; Director, Health Services; Representative of IT consultant M/s. L&T Infotech Pvt. Ltd., Special Work Officer, MEDD and a member from Indian Institute of Technology, Mumbai

#### **2.3.4 Audit criteria**

The HMIS system was examined with reference to the provisions contained in the following documents:

- Request for Proposal and Master Services Agreement (MSA) and addendum to MSA;
- Maharashtra State e-Governance Policy, 2011;
- Government Resolutions; and
- Circulars issued by MEDD and DMER.

#### **2.3.5 Audit Scope and Methodology**

Audit test checked the records between February 2018 and August 2018 covering the period since inception to March 2018 in the offices of Secretary, MEDD, Director, DMER and 16 hospitals along with 12 government medical colleges attached to these hospitals where HMIS project was implemented. The data was analysed with the help of Computer Aided Audit Techniques. Data relating to 16 project implementation locations was made available to audit in text files excluding names of the patients and clinical data. The Entry Conference was held with the Secretary, MEDD in May 2018 wherein the audit objectives and criteria were discussed. The audit findings and recommendations were discussed in the exit conference held on 27 December 2018. Reply received (March 2019) from Government is suitably incorporated in the report.

#### **Audit Findings**

#### **2.3.6 System Design**

##### **2.3.6.1 Inadequate system design procedure**

The HMIS software provided by Amrita has its own built-in work-flows and processes developed based on its expertise in the areas of healthcare and university management. HMIS software is made up of 16 core modules that supports range of healthcare and academic functions as detailed in **Table 2.3.1**.

**Table 2.3.1: Core modules of HMIS application**

<b>Sl. No.</b>	<b>Modules</b>	<b>Functions</b>
1.	Outpatient Department	Patient registration, doctor consultation, issue prescriptions to pharmacy for drugs or advice for test.
2.	Inpatient Department	Admit patients to the hospital and assign wards.
3.	Managing Nursing Activities	Order services such as drugs and laboratory tests for the patients, track material consumption, transfer and discharge of patients.
4.	Scheduling Surgeries	Select the department, date of surgery, OT sequence or book the table and assign a surgeon.
5.	Managing Stores Inventory	Receive goods once the ordered items are delivered and transfer pharmacy and material items on indent



6.	Purchasing Drugs and Materials	Creates Purchase Order and notifies vendors of the hospital's material and pharmacy requirements.
7.	Laboratory Services	Process service orders, generate IDs for samples and automate generation of reports of lab results.
8.	Radiology Services and Picture Archiving Communication System	To process radiology orders and results and enable the doctors to view the images.
9.	Blood Bank Services	Registration of blood donors, entry of blood sample components, process blood requests, identify and record beneficiaries
10.	Diet Management	To order diets for patients and generate dietary summaries
11.	Billing	To process the charges incurred by a patient for inpatient, outpatient and generate bills.
12.	Human Resource Management	To register employees and manage their pay, work shifts, leave of absence and transfers.
13.	Finance	To manage hospital expenses and balance the accounts.
14.	Linen Management	To manage the process of ordering linen and requesting washing.
15.	Student Management	To manage both students and faculty function regarding courses, time tables, notes student attendance and marks.
16.	Library Management	To manage all the books in the library.

As per Clause 3.10 of the MSA, HMIS software was required to be customised according to process such as Detailed System Study (DSS), Business Process Definition (BPD), Application led Business Process Re-engineering (ABPR) and HMIS functionality requirement acceptance report.

The documents relating to DSS, BPD and ABPR were prepared by the Service Provider in December 2007. ABPR includes the process recommended for re-engineering such as out-patient registration process, in-patient processes, prescription issue at out-patient pharmacy, asset tracking and management, stock tracking and management, lab investigation, radiology orders, operation theatre scheduling, diet ordering and management, linen management, statistical reporting, student information and updates, clinical case note management and library management.

Audit observed that BPD document contained the work-flows of various modules of Amrita HMIS software and the ABPR contained process re-engineering recommendations based on the software. There were no documents available to show whether all the recommendations of the Service Provider in the BPD and ABPR were approved for implementation.

However, from the operation of the HMIS, Audit observed that except for five modules as enumerated in the **paragraph 2.3.6.2**, the other modules were customised to cater to the users' requirements. The details of customisation are narrated below and in the **Appendix 2.3.1**.

The State Government stated (March 2019) that ABPR document for the Department will be prepared.

### **2.3.6.2 Customisation of software**

As per the RFP and MSA, the customisation methodology shall be taken up in stages (i) The first stage shall cover the supply, customisation and implementation of all the modules/components of the proposed solution at the Pilot site at Grant Medical College & Sir JJ Hospital, Mumbai and (ii) The second stage shall cover the supply and implementation at all other locations only after the successful implementation and acceptance of the proposed solution at the pilot site.

The pilot project was undertaken at the designated site between 3 January 2007 and 17 October 2008.

Scrutiny of data for the period of pilot phase revealed that customisation of HMIS software at pilot project site was incomplete as given below:

- Out of 16 modules, no data was captured in five modules namely (i) purchasing drugs and materials, (ii) blood bank services, (iii) human resource management, (iv) finance and (v) library management. This indicated that these modules were not implemented in pilot project site.
- The IT Consultant M/s Larson & Toubro Infotech intimated (May 2008) Project Steering Committee that the HMIS usage in wards was very low primarily due to slow pace of data entry. However, the Project Steering Committee accepted the pilot phase of customisation and implementation of the proposed solution and declared (October 2008) the pilot project implemented successfully based on the opinion of the consultant, M/s Larsen & Toubro Infotech Limited and representatives of GoM.

The above details indicated that the customisation as well as implementation of HMIS software at pilot project site was incomplete. Further, issues relating to data entry were not resolved before rolling out the system to other locations. As a result, out of the 16 core modules in the HMIS only Out-patient Department (OPD) module was implemented in all the 16 hospitals. Whereas, five modules viz., (i) Purchase Drugs and Materials, (ii) Human Resources Management, (iii) Finance, (iv) Linen Management, (v) Library Management were not implemented and the remaining 10 modules were partially used in all 16 locations. Thus, the system was not completely implemented.

The State Government stated (March 2019) that all the 16 modules would be made operational.

### **IT Controls**

Information Technology controls are used to mitigate the risks associated with application systems and the IT environment and are broadly classified into two categories *i.e.*, General controls and Application controls. These controls are part of the overall internal control process within any auditee organisation.

### **2.3.7 General Controls**

General controls include controls over data centre operations, system software acquisition and maintenance, access security and application system development and maintenance.

The required IT infrastructure such as Local Area Network (LAN), Servers, workstations including desktop and thin clients and storage and backup

infrastructure for servers was provided and maintained by the Service Provider at all the 16 locations. The quality of services was monitored and a monthly report on achievement of service level at each location was submitted by the Service provider. Weaknesses in the general controls noticed in the audit are discussed below:

### 2.3.7.1 Cost of services more than the rate prescribed in the agreement

As per the addendum to MSA, the cost of services per month prescribed for additional nodes such as desktop and laser printer was ₹ 2,299 per desktop per month and ₹ 813 per laser printer per month respectively. It was however, noticed from the work orders issued to the Service Provider for additional nodes that the cost of services was more than the rate prescribed in the agreement as shown in the **Table 2.3.2**.

**Table 2.3.2: Variation in rate fixed in addendum to MSA vis-à-vis work orders issued.**

Sl. No.	Name of services	Rate per month as per addendum to MSA (₹)	Rate per month as per work orders issued (₹)	Quantity (in numbers)
1.	Desktop	2299	between 3072 and 96558	859
2.	Laser printer	813	between 962 and 34146	143

*Source: MSA and work orders issued by MEDD*

The enhanced rates were fixed based on the month of supply till the end of the contract period (seven years) instead of fixed rate as prescribed in the contract for additional nodes. As a result, MEDD, GoM had made excess payment of ₹ 10.47 crore to Service Provider for providing services of 859 desktops and 143 laser printers at 14 locations in respect of four work orders issued between March 2013 and March 2016.

The State Government stated (March 2019) that the rate charged by the Service Provider were on the residual months remaining in the contract period of 84 months which was approved by steering committee.

The reply of the Government is not acceptable since the rate per month per additional node were fixed in the Contract; hence the enhancement in rates was in violation of contract condition.

### 2.3.7.2 Inadequate documentation

Clause 5.4 of the MSA provided that the design and structure of the complete database including database tables and their relationships created to record such data should be made available to GoM in a documented form. Further, Schedule VIII of the MSA provided that user manuals were to be provided at each location.

Audit observed that the technical documentation on the design and structure of the complete database including database tables and their relationship were not made available to GoM. Further, user manual did not contain details such as modules and sub-modules, details of data to be captured under each module and reports that could be generated under each module of the HMIS application.

Lack of technical documentation on design and structure of complete database pose a major risk for future maintenance of the system and its up-gradation.

Inadequate information in manuals means the users may not get required understanding of the system they are to use.

The Director, DMER stated (December 2018) that no review was conducted by the Department regarding functioning of the HMIS application and the Service Provider would be directed to provide the required documentation.

#### **2.3.7.3 Service Level Agreement not followed for service of e-mail system**

Clause 3.7.1 of the Schedule VIII of the MSA stipulated designing, deploying, using and maintaining of e-mail solution by the Service Provider to enable the user to send and receive e-mail under the HMIS project. Further, as per the Service Level Agreement (SLA), a monthly report on achievement of service level including service on availability of e-mail system was required to be furnished by the Service Provider. Also, any outage exceeding two *per cent* during the month attracted penalty.

Audit observed that the Service Provider had not submitted the report on availability of the e-mail system. Further, the column provided in the invoices for 'Percentage Met' and 'SLA achieved' were not filled in and shown as 'N/A'.

This indicated that the Service Provider had not followed the terms and conditions of the SLA in implementing the e-mail system in all the locations and MEDD has also not monitored the implementation.

The State Government stated (March 2019) that project implementation committee in all the locations would be instructed to implement the e-mail system.

#### **2.3.7.4 Delay in implementation**

Addendum to the MSA provided time-frame for implementation of HMIS in all the 19 locations.

Audit noticed that in 16 locations where HMIS implemented, there was a delay ranging from five months to six years in implementation of HMIS.

The State Government stated (March 2019) that the non-implementation in three locations was due to shifting of hospitals premises and the delay was due to technical reasons.

#### **2.3.7.5 Non-establishment of Centralised Services Repository Centre**

As per clause 3 of the MSA, the HMIS data from each location should be replicated periodically on the IT infrastructure used at the Centralised Services Repository Centre (CSRC) location for building a centralised repository for making available patient data at any point of time during the HMIS contract period for education, statistical analysis and research purpose. Further, Schedule VIII of the MSA provided that the leased lines for Wide Area Network (WAN) connectivity for CSRC and all roll-out locations were to be provided by GoM.

Audit observed that data from all the locations was not integrated at the centralised data repository by the Service Provider during the contract period.

Hence, no State level data was available. Also, the leased lines for WAN connectivity were not provided by GoM.

Thus, one of the objective of the project to have a centralised services repository for making available patients data to the Government for disease surveillance and decision making at any point of time during the HMIS contract period was not achieved even after 10 years of implementation of the project.

The State Government stated (March 2019) that in co-ordination with the other departments WAN connectivity would be provided.

#### **2.3.7.6 Inadequate training**

As per the clause 3.9.1 of schedule VIII of the MSA, training of users on HMIS application usage and the change management involved shall be the responsibility of the Service provider. The Service Provider shall create the training facility at each location and maintained for the entire project contract period.

Scrutiny of records relating to training provided for users at 16 implemented units revealed following inadequacies:

- No documents were available in respect of the number of person to be trained.
- The numbers of users trained in modules such as bills, diet, academic management and linen were as low as 107, 82, 71 and two respectively during the project period.
- Training was not provided for users in components such as e-mail and digital library.
- No training was conducted on Information Security Awareness.

This indicated that the Service Provider did not take required initiative to ensure that sufficient number of personnel was trained in all the modules so that all the components of the system are used optimally.

The State Government stated (March 2019) that the gap in the training conducted would be verified and accordingly required user would be trained.

### **2.3.8 Application Controls**

Application controls consist of input, output and processing controls and helps to ensure business rule mapping, proper authorisation, completeness, accuracy and validation of transactions.

#### **Input controls**

Input controls ensure that the data entered is complete and accurate. The accuracy of data entered in a system could be controlled by imposing computerised validity checks. Audit observed that validation checks were in place in the system for registration of patients through generation of identification number for patients, input controls were also in place to ensure proper selection of clinical and laboratory services, medicines *etc.* However, instances of weaknesses in the input controls noticed in audit are discussed below:

### 2.3.8.1 Improper master data collection strategy and discrepancies in master file created by Service Provider

As per clause 3.1.7.3 of the MSA, a master data collection strategy was required to be prepared by the Service Provider for collection of master data relating to the HMIS. GoM prescribes charges, time to time, for various services provided by hospitals such as pathology, radiology and operative procedures to be charged by hospitals. Scrutiny of the database in 16 hospitals revealed following:

- The Service Provider obtained charges for services from each location and prepared master data instead of uniform master data for all the locations. It was noticed from the data available in the system that the rates were different for similar services provided by the hospitals. An illustrative list of different rates charged for similar services noticed in four hospitals of Mumbai and the rates in the Government Resolution dated 20 November, 2017 is shown in **Table 2.3.3**.

**Table 2.3.3: Different rates charged for similar services**

(in ₹)

Sl. No.	Services	Rate prescribed by Government	Sir J J Hospital	Cama & Albless Hospital	St. George Hospital	G T Hospital
1.	CSF Protein	100	40	30	100	30
2.	CSF Sugar	100	40	30	100	30
3.	Ferritin	250	250	250	50	50
4.	Prolactin	150	40	150	150	50
5.	Serum Ketones	50	50	150	50	40
6.	Right Hemicolectomy	600	2200	600	600	1100
7.	USG Scortum	120	250	120	120	110
8.	Total Bilirubin	60	40	40	40	60
9.	Stone Analysis	80	40	80	30	30
10.	Cystolothotomy	1100	1100	110	330	220
11.	Thyroxine Binding Globulin	400	40	400	400	50
12.	Troponin I	150	150	150	200	200

In the absence of uniform master data for all the locations, the tariff rates varied from location to location.

Different codes were also allotted for similar services and, thus, the master data was not uniformly coded across the hospitals. For example, the code number for X - Ray Knee – Lateral was 1363 and 10035 for Grant Medical College & Sir J J Hospital, Mumbai and Government Medical College, Akola respectively.

The lack of uniformity indicated that the procedure of master data collection strategy and creation/updating of master data by the Service Provider was not proper. GoM guidelines were also not properly followed and the hospitals and patients were exposed to under/over billing for services. Besides, the objective of having a centralised services repository of data was also not possible due to lack of uniformity in the master data.

The State Government stated (March 2019) that the master data in all the locations would be verified and rectified and would also ensure a uniform master data for services across locations.

#### **2.3.8.2 Inadequate validation check for age**

A healthcare system should ensure that all the necessary data is captured correctly with required validations for being a reliable and responsive system.

Audit observed that necessary validation checks were not present in the system relating to capturing of age and date of birth of the patient. Analysis of data relating to patients registered in the system revealed that in 1,739 cases the age of patients was shown as more than 100 years, of which the age of patients was shown as more than 500 years in 269 cases.

This indicated that the application permitted entry of erroneous data in the system leading to passing on wrong information to the electronic medical record.

The State Government stated (March 2019) that necessary validation check would be incorporated in the system.

#### **2.3.8.3 Unique Identification number**

The e-Governance policy of the Maharashtra State stipulates use of Unique Identification number (UID) *i.e.*, Aadhaar number for e-Governance projects to facilitate the delivery of services to the right beneficiary.

Audit observed that the HMIS did not have the separate column/field to capture Aadhaar number relating to patients. Instances were noticed that the Aadhaar number was captured in the remark column. Aadhaar number would have served as the unique health identifier for identification of patients across the locations and other systems.

The State Government stated (March 2019) that the application has been designed based on the initial requirement given to the Service Provider initially and there have been multiple meetings done with UID authority for implementing the Aadhaar verification module into the system. Due to the security implications posed by UID authority, the implementation of this feature was stalled.

#### **2.3.8.4 International Classification of Diseases**

International Statistical Classification of Diseases (ICD), a medical classification listed by World Health Organisation (WHO) is the foundation for the identification of health trends and statistics globally and the international standard for reporting diseases and health conditions. ICD defines the universe of diseases and other related health conditions, listed in a comprehensive, hierarchical fashion that allows for easy storage, retrieval and analysis of health information for evidence-based decision-making and data comparisons in the same location across different time periods.

As per MSA, ICD-10 coding is identified as standard for classification of diseases and HMIS has the provision to record details of classification of diseases. Analysis of data relating to 16 hospitals for 2017-18 revealed that as against 8,48,671 in-patients registered, classification of diseases as per ICD coding was done in respect of 49,544 in-patients (5.84 *per cent*) only.

Thus, the diseases of the majority of patients admitted remained unclassified and the required information relating to discharge summary was also not

captured in the system. Thus, the objective of the project of creating health information for evidence-based decision-making was not achieved.

The State Government stated (March 2019) that the project implementation committee in all the locations would be instructed to prepare a improvement plan and implement the same to improve the usages of ICD classification of diseases for OPD and IPD patients.

#### **2.3.8.5 Discharge summary of patients**

After a patient is admitted to the hospital, the necessary clinical and laboratory services are ordered and when the treatment is complete, discharge summary report is prepared. HMIS has the provision to record discharge summary.

Data analysis for 2017-18 revealed that in 16 locations as against 8,55,022 discharged patients, the discharge summary captured in HMIS was only for 1,70,477 (19.94 *per cent*).

Further, data analysis for the period upto March 2018 of 16 locations/hospitals revealed that as on March 2017, 5,049, beds were shown as occupied by the same patient as they were not discharged in the system timely. It was further noticed that temporary beds were created in various wards of the hospitals since no beds were vacant at the time of admission of patient due to non-capturing of data relating to discharge of patients in the system.

This indicated that the required information relating to discharge summary was not captured in the system and IT system was side-stepped and manual system continued. Thus, the objective of the knowledge management of the project was not achieved.

#### **2.3.8.6 Surgery data**

Application Operation Theatre (OT) scheduling facility in the HMIS intends to optimise the process of scheduling and coordinating surgeries. With the application, the activities such as identification of the patient, selection of the department, date of surgery, OT sequences or book the OT could be performed.

Scrutiny of data for the calendar year 2017 relating to 16 hospitals revealed that in respect of 11 hospitals the data captured in HMIS was below 50 *per cent*. In four hospitals it ranged from 50 to 69 *per cent* and in one hospital it was 100 *per cent*. It was also noticed that test-checked hospitals were maintaining the data manually. Thus, there was duplication of work and the purpose of maintaining the data in electronic form was defeated.

This indicated that the required data relating to surgery was not captured in the system and manuals records continued to be maintained in wards for scheduling of surgeries.

#### **2.3.8.7 Diet management**

Diet management service facility in the HMIS had facility to order diets for patients by the nursing staff and generate dietary summaries by the diet wing.

Scrutiny of data relating to 16 hospitals for 2017-18 revealed that in respect of 12 hospitals the data captured in the system was below 50 *per cent*. In four



hospitals it ranged from 50 to 69 *per cent*. It was noticed that these hospitals were maintaining the data manually.

This indicated that the required information relating to diet was not captured in the system and manual records continued to be maintained in wards.

The State Government stated (March 2019) that the project implementation committee in all the locations would be instructed to prepare an improvement plan and implement the same to improve the capturing of data in the HMIS.

#### **2.3.8.8 Blood bank**

Blood bank in hospitals is responsible for storing blood as well as collecting blood from the donor, testing blood and matching the donor to the right beneficiary. HMIS blood bank module provides for registration of blood donors, details of blood sample, blood requests, identification of matching donors, ordering of blood and generating blood inventory reports.

Scrutiny of data for the calendar year 2017 relating to 16 hospitals revealed that the data was not captured in respect of blood donors in 10 hospitals<sup>67</sup> and patients who required blood were not registered through system in any of the 16 hospitals.

The State Government stated (March 2019) that the necessary modification would be incorporated in the blood bank module and same would be implemented to the fullest.

#### **2.3.8.9 Radiology services and picture archiving communication system**

The radiology services module helps to process radiology orders and results. Scrutiny of data for the calendar year 2017 relating to 16 hospitals revealed that the data captured in respect of all the three services of X-ray, CT scan and MRI was less than 50 *per cent* in three hospitals<sup>68</sup> and in case of sonography service it was nil except for one hospital (Indira Gandhi Government Medical College and Hospital, Nagpur).

The above paragraphs indicate that the GoM and Service Provider have not taken necessary steps to capture the complete and correct data into the system. It could be due to pressure of time on doctors and nurses who were required to make the data entry into the system. The Department needs to find a solution to this issue.

The State Government stated (March 2019) that the project implementation committee in all the locations would be instructed to prepare an improvement plan to transfer all the images on the HMIS application.

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<sup>67</sup> (1) Grant Medical College and Sir J J Hospitals, Mumbai, (2) B J Medical College and Sasoon Hospital, Pune, (3) Government Medical College and Hospital, Nagpur, (4) Government Medical College and Hospital, Aurangabad, (5) Cama and Albless Hospital, Mumbai, (6) St. George Hospital, Mumbai, (7) Shri Vasantnaik Government Medical College and Hospital, Yavatmal, (8) Government Medical College, Akola, (9) Government Medical College and Hospital, Latur and (10) Padmabhusan Vasantdata Patil Government Hospital, Sangli

<sup>68</sup> (i) Government Medical College and Hospital, Aurangabad, (ii) Cama & Albless Hospital, Mumbai and (iii) G.T. Hospital, Mumbai

### Processing controls

Processing control measures in the system must ensure protection of data integrity, validity and reliability to guard against processing errors throughout the transaction processing cycle. The business process relating to patient management and material management were mapped in the HMIS.

The inadequacies in incorporation of business rules and deficiencies noticed in audit on processing control measures in the system are discussed below:

#### 2.3.8.10 Drugs issued to patients more than prescription

On the basis of prescription issued by doctors, pharmacist issued medicines to OPD patients on production of the same at counter. The drugs and quantity so issued should match the drugs and quantity prescribed by doctors.

Scrutiny of data for 2017-18 revealed that medicines were issued to OPD patients more than the quantity prescribed by doctors in 3,14,081 cases out of 81,37,767 for 14 locations. Some of the instances are illustrated in Table 2.3.4.

Table 2.3.4: Medicines issued to patients more than prescribed by doctors.

Sl. No.	Institution	Issue Date	Description	Prescribed Quantity	Issued Quantity
1.	Grant Medical College & Sir J J Hospital, Mumbai	23-05-2017	Metformine 500mg Tab	180	9202
		15-06-2017	Metformine 500mg Tab	60	7632
		22-05-2017	Glibenclamide 5mg Tab	30	6787
2.	B. J Medical College & Sasoons Hospital, Pune	16-06-2017	Carbanazepine Controlled Release	60	6000
		19-05-2017	Calcium Lactate 300mg Tab	90	2090
		05-01-2018	Phenobarbitone 30mg Tab	90	1820
3.	Government Medical College & Hospital, Hanuman Nagar, Nagpur	04-09-2017	Phenobarbitone 30mg Tab	60	120
		05-05-2017	Phenobarbitone 30mg Tab	60	120
		13-12-2017	Phenobarbitone 30mg Tab	60	120
4.	Government Medical College & Hospital, Aurangabad	27-01-2018	Atorvastatin 20mg Tab	30	1515
		24-04-2017	Calcium Lactate + Vit.D 500mg tab	20	1020
		10-04-2017	Ranitidine 150 mg Tab	30	663
5.	Cama & Albless Hospital, Mumbai	27-12-2017	B complex (Therapeutic use)	14	200
		3-08-2017	Paracetamol 500mg Tab	1.75	101
		11-04-2017	Metronidazole 200mg tab	42	84
6.	G T Hospital, Mumbai	18-08-2017	Tab Calcium Carbonate(1000 mg pcal)	30	1530
		27-03-2018	Tab Calcium Carbonate(1000 mg pcal)	30	1530
		1-03-2018	Tab Atorvastatin 10mg	30	1530
7.	St. George Hospital, Mumbai	4-12-2017	Calcium (Elemental) 400mg + D3 Tab	60	3060
		20-12-2017	Diclofenac sodium 50mg Tab	30	1400
		20-01-2018	Amino Acid & vitamin Capsule	30	730
8.	Shri Vasanttrao Naik Government Medical College & Hospital, Yavatmal	13-02-2018	Isosorbide dinitrate 10mg tab	45	1045
		15-03-2018	B complex (Therapeutic use)	30	100
		26-03-2018	Diclofenac sodium 50mg Tab	14	69
9.	Government Medical College & Hospital, Latur	31-07-2017	Metronidazole 200mg tab	9	909
		01-01-2018	Metronidazole 200 mg Tablet	9	900
		01-01-2018	Metronidazole 200 mg Tablet	9	900

Sl. No.	Institution	Issue Date	Description	Prescribed Quantity	Issued Quantity
10.	Dr. Vaishampayam Memorial Medical College & Chatrapati Shivaji Maharaj General Hospital, Solapur	31-08-2017	Atorvastatin 10mg Tab	14	3014
		08-11-2017	Amlodipine 5 mg Tab	15	1415
		11-08-2017	Ferrous Fumarate + Vitamin B12 and Folic Acid	28	628
11.	Dr. Shankarrao Chavan Government Medical College & Hospital, Nanded	02-05-2017	Ranitidine 150 mg Tab	6	600
		26-04-2017	Ranitidine 150 mg Tab	6	600
		06-11-2017	Metronidazole 200 mg Tablet	9	188
12.	Government Medical College & Hospital, Miraj	09-12-2017	B complex (Therapeutic use)	30	3060
		08-05-2017	B complex (Therapeutic use)	60	3060
		31-07-2017	B complex (Therapeutic use)	60	3060
13.	Padmabhushan Vasantada Patil Government Hospital, Sangli	27-10-2017	Ferrous Fumarate+Folic Acid	60	3060
		13-04-2017	Ferrous Fumarate+Folic Acid	60	3015
		14-10-2017	Ranitidine 150 mg Tab	30	3010
14.	Indira Gandhi Government Medical College & Hospital, Nagpur	21-08-2017	Diclofenac sodium 50mg Tab	10	610
		16-03-2018	Metformine 500mg Tab	14	280
		01-02-2018	Metformine 500mg Tab	14	280

It is clear from **Table 2.3.4** that the application software permitted entry of issue of medicines more than the quantity prescribed by doctor. Necessary processing controls should be developed in the HMIS to prevent irregular issue of medicines by the pharmacist.

The State Government stated (March 2019) that generally all the drugs are prescribed for maximum seven days in the HMIS system. However, majority of patients coming from rural areas suffering from chronic disease, though prescribed drugs for fixed period was required to consume drugs on lifelong basis. It was further stated that the matter would be verified and also project implementation committee in all the locations would be instructed to inform the clinicians to prescribe the required medicine to the patients.

### Output controls

Output controls ensure that system output is complete, accurate and correctly distributed. Various output reports were available in the HMIS. The deficiencies noticed in audit on output control measures in the system are discussed below:

#### 2.3.8.11 Large difference in bills generated in the HMIS and receipts

The HMIS billing facility helps to process the charges incurred on a patient for in-patient, out-patient and casualty services. OPD patients are not admitted to the hospitals, and they pay in advance for the services provided to them at the time of the visit. IPD patients are charged at different times, when specific services are rendered and when they are discharged from the hospitals. Bills are generated in the system for the services rendered to patients. In-patient billing ensures timely billing and collection from in-patients.

Audit noticed that there was a huge difference in the amount shown as receipt from the patients as per the cash statement of OPD and IPD receipts prepared manually and that of bills generated through system as shown in **Table 2.3.5**. It was further noticed that bills were shown at discounted value in the HMIS.

Further, the reports available in the system were not utilised for monitoring bills generated in the system, discount provided to the patients and receipts of the hospital.

**Table 2.3.5: Difference in bills generated in the system and amount collected for the period 2017-18**

(₹ in lakh)

No of Hospitals (1)	As per manual cash statement OPD and IPD Receipts (2)	HMIS			Difference of Manual Receipt and HMIS Data (6) (2-5)
		Bill Amount Total (3)	Discount Amount (4)	Bill Payable (5) (3-4)	
16	3555.75	8208.43	1135.53	7071.91	-3516.16

The reason for difference in bills generated in the system and amount collected may be due to delay in capturing the date of discharge of patient in the system as mentioned in **paragraph 2.3.8.5**.

The State Government stated (March 2019) that the project implementation committee in all the locations and Service Provider would be instructed to work out an improvement plan to reduce the gap to the minimum.

### **2.3.8.12 Management Information System**

The HMIS system was expected to provide various Management Information System (MIS) reports to serve as a tool for eliciting crucial information for decision making and monitoring.

Audit observed that though MIS reports facility is available in the system some of the reports for stores management such as (i) showing drugs and other items in stock in main store for any period (ii) listing of issue of drugs and other items relating to any period (iii) ward-wise issue of drugs and other items for any period *etc.*, were not available. In absence of these MIS reports, effective functioning of management of inventory in HMIS system could not be ensured.

The State Government stated (March 2019) that Government would work with the Service Provider to design the required reports in the system.

## **2.3.9 Data Protection and Disaster Management**

### **2.3.9.1 Absence of Information Technology Security Policy**

An effective IT security policy is important for protection of the information assets created and maintained by IT and IT enabled activities. Clause 3.11.11.1(e) of Schedule VIII of MSA provided that security policy for the HMIS should be created and implemented by the Service Provider. It was observed that no such IT security policy was formulated and implemented for HMIS system.

The State Government stated (March 2019) that the Service Provider would be instructed to submit the relevant document on IT Security Policy.

### **2.3.9.2 Non-conducting of security audit**

As per clause 3.11.11.4(b) of the Schedule VIII of the MSA, the Service Provider should arrange to conduct Information Security Management System Audit of the HMIS system, every six months post implementation by the

Service Provider. It was observed that the security audit of HMIS system was not conducted.

The State Government stated (March 2019) that the security audit could not be completed due to some technicalities faced in the extension of contract of the IT consultant and would be done shortly.

### **2.3.9.3 Inadequate logical access controls**

In the computerised system, access to data is required to be restricted to authorised individual user only. It was, however, noticed that the logical access controls available in HMIS system were inadequate due to following reasons:

- Passwords were not changed after its creation.
- User IDs are created for generic users such as ‘test’, ‘HP\_Admin3’ and ‘Mr. Hp\_Registration’ and transactions entered relating to transfer of drugs from stores, due to which the name of the official actually using the system was not known.

The logical access control was weak in the system and the Service Provider has not sensitised the information security risk to the users of the system.

The State Government stated (March 2019) that the Service Provider would be instructed to comply with the terms of creation of User IDs and project implementation committee in all the locations would be instructed to educate the user group to secure their passwords in the right way.

### **2.3.9.4 Inadequate audit trail**

Audit trail captures the flow of transactions in a system in order to track the history of transactions, system failures, erroneous transactions, changes/modifications in data *etc.* All actions related to addition and modification of electronic health data are required to be recorded with date, time, record identification and user identification. Whenever any electronic health information is created, modified, deleted an indication of actions must be recorded.

Scrutiny of database revealed the following:

- Audit trail of modification/changes in the patients’ master data was not recorded in the audit trail table.
- Instances of gap/deletion of records in the patient master were noticed. Instances noticed in Grant Medical College and Sir J J Hospitals, Mumbai, B J Medical College and Sasoon Hospital, Pune, and Government Medical College and Hospital, Nagpur are 229, 436 and 256 respectively.
- On change in tariff rates, the old rates were not available.

The State Government stated (March 2019) that a robust audit trail would be incorporated in the system.

### **2.3.9.5 Business continuity and disaster recovery**

An organisation should have a business continuity plan and disaster recovery plan with associated controls to ensure that the organisation can accomplish its

mission and not lose the capability to process, retrieve and protect information maintained in case of eventualities due to interruption or disaster leading to temporary or permanent loss of computer facilities and data.

As per clause 3.11.11.1(e) of the Schedule VIII of the MSA, the Service Provider should create business continuity plan based on input from risk assessment and mitigation. Further, as per clause 8.1 *ibid*, all HMIS and Picture Archiving Communication System (PACS) data, from all locations was required to be backed up at the Centralised Service Repository Centre (CSRC) location. GoM felt the need of a disaster recovery setup for the entire HMIS and PACS data at CSRC location. The Service Provider was required to study the business requirement and design solution for data replication and disaster recovery and submit proposal for the design solution including the costs involved to the HMIS Project Coordinator.

Audit observed that though the HMIS was a critical system and used throughout the State, business continuity and disaster recovery plan was not documented. Back up of HMIS and PACS data was taken on backup tape installed in the server at each location. Only HMIS database from all the locations was backed up daily at the CSRC, Mumbai. All the tapes remained in the tape drive of the server itself and copy of the backup was not separately stored at remote location for safety of data.

The State Government stated (March 2019) that the Service Provider has submitted a business continuity plan with the disaster recovery design along with its costing. It was further stated that the Department would work with the other internal departments to get the formal approval of disaster recovery plan for the project. Also, verify the backed up policy adopted by the Service Provider and if they find any gap, work with the project implementation committee and the Service Provider to have a strong backup policy for all locations.

### **2.3.10 Governance**

#### **2.3.10.1 Monitoring by Project Steering Committee**

As mentioned in **paragraph 2.3.2**, a State level PSC was appointed for monitoring and implementation of the HMIS project. For this purpose periodical meetings were required to be conducted for consideration of periodical performance reports and issues escalated in accordance with the escalation procedure as set out in Schedule IV-Governance Schedule of MSA. A separate cell was to be created by DMER to maintain the records and accounts of the HMIS project.

Audit noticed that PSC held only five meetings between November 2008 and January 2018. There was nothing on record to indicate that the performance reports on implementation of all the modules of the HMIS system as envisaged were assessed and monitored. The significant shortfall in holding meetings resulted in poor monitoring by PSC to assess performance of the HMIS. The periodical performance reports were not available/provided to audit. No independent cell was created by DMER to maintain the accounts of the HMIS project. Audit also did not get records of the HMIS project at DMER but in bits provided by Service Provider on the direction of DMER.

The State Government stated (March 2019) that the Steering Committee and the Co-ordinator of the HMIS project were directed to assess and review the performance of all the modules of HMIS project periodically. It was further stated that the proper mechanism would be designed and implemented for the maintaining the records and accounts relating to the HMIS.

#### **2.3.10.2 Poor monitoring by Project Implementation Committee**

Project Implementation Committee (PIC) at each location was to regulate the services of Service Provider and monitor the implementation of the HMIS project. The Project Manager was to provide periodic electronic status reports to the PIC at all roll out locations.

Audit observed that monthly performance report submitted by Service Provider to PIC did not cover the status of all the modules/components of HMIS but contained parameters of only Outside Patients Department and In Patients Department. Also, Service Provider had not submitted report on the critical issues cropped up in implementation of project to PIC.

This indicated that the Service Provider had not taken required initiative to implement all the modules at all locations as envisaged in MSA. Also, PIC did not ensure the implementation of all the modules at all locations. This showed the poor monitoring at PIC level.

The State Government stated (March 2019) that the MEDD would work with the project implementation committee in all the locations to improve the monitoring of HMIS implementation.

#### **2.3.11 Conclusion**

The HMIS system envisaged to provide health information infrastructure, which would help in daily operations of the hospital and to facilitate decision making and thus to bring fundamental changes in healthcare and academic management in medical colleges and hospitals in the State. The vision remained largely under achieved due to ineffective implementation of the HMIS system.

Out of the 16 core modules in the HMIS, mainly Outpatient Department (OPD) module is implemented in all the 16 hospitals. Whereas, five modules viz., (i) Purchasing Drugs and Materials (ii) Human Resource Management (iii) Finance (iv) Linen Management (v) Library Management were not implemented and the remaining 10 modules were partially used in all 16 locations.

The system remained largely under used and manual system was continued even after 10 years in all the 16 locations where it was implemented. Further, non-availability of complete digital healthcare data centrally has been a major hindrance for disease surveillance in the state and may have restricted the state's intervention to reduce the disease burden.

### **2.3.12 Recommendations**

The Government may consider to:

- Implement all modules in the system and streamline the data capturing process to ensure that outcomes envisaged while sanctioning the project are achieved.
- Maintain the integrated data base of all the locations at Centralised Services Repository Center to make available the data to the Government for disease surveillance and decision making.
- Ensure that all business rules are adequately mapped in the system and necessary validation checks may be incorporated in the system.
- Formulate and implement business continuity and recovery plan for safety and security of data.
- Generate all the bills through the systems and reconcile the bills generated in the system and cash receipts to safeguard financial interest of the Government.