

## Chapter – IV

### Performance audit on Management of Jails in Delhi



*Central Jail No.1, Tihar*

### Highlights

The Tihar Jail complex is one of the largest prison complexes in Asia and houses, together with the Rohini district jail, 13,090 prisoners including 10,482 undertrials and 373 foreign nationals as of 31 March 2005. The jails are administered under the provisions of the Delhi Prisons Act 2000 which provides for the detention of prisoners committed to prison custody and for their reformation and rehabilitation with a view to ensuring their safe detention and minimum standards of treatment consistent with the principles of dignity of the individual.

*(Paragraph 4.1)*

**A performance audit of the management of jails in Delhi for the period 2000-2005 revealed gross overcrowding of the jails. There were 13,090 prisoners as against the jail capacity of 5,648 inmates. Overcrowding created problems of cleanliness and hygiene which were not in consonance with the objectives of the Prisons Act of ensuring standards consistent with maintenance of individual dignity. The wards, bathing spaces and sleeping berths were inadequate. The toilets were poorly maintained and the air in the wards was stale. The facilities were not improved though funds were not a constraint as the department had savings ranging up to 30 per cent in a year.**

*(Paragraph 4.9.1)*

**Despite the acute overcrowding, there were delays in finalizing proposals for construction of new jails by the department and in actual construction of new blocks by the PWD accentuated by further delay on the part of the department in taking over the new blocks after their construction. A new jail at Mandoli was yet to be established though the land had been acquired for the purpose in 1981 and despite expenditure of Rs.1.51 crore on earth filling and consultancy fees having been incurred.**

*(Paragraph 4.9.2)*

**Despite huge expenditure on security, control over entry of prohibited items seemed to be inadequate with 363 incidents of discovery of prohibited items every year. The weapons in the armoury of the jail were obsolete and the security staff posted at the gate were not equipped with any instrument to detect explosives.**

*(Paragraphs 4.7.3 and 4.7.5)*

**Lapses in internal control were noticed. There was no account of materials worth Rs.36.60 lakh supplied by the PWD. No review was undertaken of increasing expenditure on water and electricity with a view to effecting economies.**

*(Paragraph 4.10.1)*

**Despite existence of a fairly well equipped hospital within the jail premises, 884 prisoners were referred to outside hospitals even for common ailments entailing avoidable costs as well as risks.**

*(Paragraphs 4.11.2)*

**The department failed to prescribe the tasks that constituted hard labour as required under the rules. Consequently, it could not be established whether all the convicts who had been sentenced to rigorous imprisonment by the courts were actually made to undergo the sentence.**

*(Paragraphs 4.7.1)*

**The factory records were not maintained properly and the actual sales figures recorded at the factory did not tally with the receipts deposited into the government account.**

*(Paragraph 4.12.1)*

**Expenditure of Rs.1.53 crore was incurred on engagement of NGOs for reformation and rehabilitative activities without first determining any norms or criteria for their selection or assessment of their performance.**

*(Paragraph 4.12.3)*

#### ***Summary of main recommendations***

- *Efforts should be made to engage convicts in PWD works relating to jails. This would not only keep them gainfully occupied but also equip them with skills and experience which may come in handy in civil life when they are released.*
- *A mechanism should be set up for the regular review of cases of under-trial prisoners as envisaged in the Prisons Act.*
- *Government should ensure that labour to which a convict may be put is properly classified and the description of works fixed in respect of each class of labour as stipulated in the Rules.*
- *In order to create more prison space, an inter-departmental mechanism should be established along with the PWD and the DDA for expeditious processing of pending proposals for construction of new prisons as well as for monitoring the progress of work in those under construction. Pending creation of additional space, the department needs to take immediate steps to bring about improvements in the living conditions of the jail inmates.*
- *The practice of referring jail inmates to outside hospitals for common ailments needs to be stopped as adequate medical infrastructure exists in the jail hospital.*

- *The maintenance of records and accounts of factory sales and deposits into government account need to be strengthened so as to prevent malpractices and leakages.*
- *The department should explore the possibility of crediting the interest earned on the Prisoner Property accounts to the credit of individual prisoners.*
- *The activities of the NGOs should be closely monitored and an impact assessment undertaken to adjudge their continued usefulness.*

#### **4.1 Introduction**

There are two jails in Delhi, the Tihar jail complex and the district jail at Rohini. The Central Jail Delhi at Tihar consists of eight jails with a total capacity of 4,598 prisoners and is one of the largest prison complexes in Asia. The district jail at Rohini has a capacity of 1,050 inmates. There were 13,090 prisoners including 10,482 undertrials and 373 foreign nationals lodged in the jails as on 31 March 2005. The undertrials constituted 80 per cent of the total prison population.

The jails are administered under the provisions of the Delhi Prisons Act 2000 which came into effect from 25 October 2004 superceding the Prisons Act 1894. The Delhi Jail Manual prescribes the manner and the detailed procedures for custody of prisoners and prison administration.

#### **4.2 Organizational structure**

The Director General of Prisons, Delhi is the Head of the Prison department and is assisted by an Additional Inspector General and a Deputy Inspector General. A Jail Superintendent heads each of the jails and he is assisted by Deputy Superintendents, Assistant Superintendents, Head Warders and Warders. The Prison department functions under the overall administrative control of the Home department of the Government of Delhi.

Construction of new prisons is undertaken by the Public Works department (PWD) through its Civil Division Nos. 11 and 28 and Electrical Division No.8 which function under the Chief Engineer (Zone III).

#### **4.3 Audit objectives**

The broad objective of the performance audit was to assess the manner in which and the extent to which the intent outlined in the Delhi Prisons Act of safe detention of prisoners ensuring minimum standards of treatment and their reformation and rehabilitation was being achieved. The specific audit objectives were to ascertain:

- whether custody and detention of the prisoners was being done in a safe and secure manner;
- whether the facilities and privileges of the prisoners as envisaged in the rules were being provided and were being managed in an economical and efficient manner ; and
- whether reformative and rehabilitative activities were undertaken consistent with the objectives of the Act and the rules and the impact of such activities.

#### **4.4 Scope and methodology of audit**

The performance audit, conducted during March-June 2005, covered the period 2000-2005. Four out of eight jails in the Tihar jail complex viz. jail numbers 1, 2, 3 and 6 which contained the main store, factory units, central jail hospital and female prisoners respectively were selected for detailed scrutiny in audit. In addition, the connected records of the Prison department and of the three PWD divisions who were entrusted with the work of construction and maintenance of the jails were also scrutinized during the course of the performance audit. The methodology adopted was:

- formulation and finalization of the audit objectives and criteria after discussions with the administrative authorities including the Prison department;
- examination of the primary and secondary records maintained in the jails, jail hospitals and dispensaries;
- scrutiny of PWD divisional records; and
- joint physical inspection of works as well as facilities in the jails along with officers of the jails and PWD.

The draft performance audit report was referred to the Government in August 2005 and discussed at a meeting held in October 2005 with Principal Secretary (Home) along with representatives of the Prison department and the PWD. The views expressed at the meeting and comments subsequently received from the Government in the November 2005 have been incorporated in the report.

## 4.5 Budget formulation and management of funds

### 4.5.1 Poor budgeting and non-utilisation of funds

Funds for the administration of jails are provided by the Home department of the Government of Delhi. The budget allocation and expenditure of the Prison department for the period from 2000-2005 were as follows:

**Table 4.1: Details of budget allocation and expenditure (Revenue)**

(Rs. in lakh)

	Plan			Non Plan		
	Allocation	Expenditure	Saving(-) Excess(+)	Allocation	Expenditure	Saving(-) Excess(+)
2000-01	550.00	423.53	(-)126.47	3487.40	3439.77	(-)47.63
2001-02	700.00	496.17	(-)203.83	2595.50	2395.41	(-)200.09
2002-03	1000.00	699.29	(-)300.71	4579.50	4521.71	(-)57.79
2003-04	625.00	569.20	(-)55.80	4149.30	4089.41	(-)59.89
2004-05	1250.00	1099.89	(-)150.11	4398.00	4063.52	(-)334.48
<b>Total</b>	<b>4125.00</b>	<b>3288.08</b>	<b>(-)836.92</b>	<b>19209.70</b>	<b>18509.82</b>	<b>(-)699.88</b>

Poor utilisation of funds with savings ranging up to 30 per cent in a year.

There were savings in each of the five years covered in the performance audit ranging up to 30 per cent in a year. A detailed analysis of the expenditure revealed that there were savings ranging from 11 to 100 per cent under individual heads of expenditure like salaries and wages where it should have been possible to arrive at a definitive assessment (Annexures - I and II). Such savings reflected poor budgeting practices. Evidently, the mid-term review of progress of expenditure which is normally done at the time of framing of the Revised Estimates was not seriously carried out as funds which would remain unutilized could have been assessed even at that stage and surrendered for better utilization for other purposes.

Government stated in November 2005 that though the budgetary proposals were made with utmost care, savings occurred due to reasons beyond their control.

Rs.4.40 crore Plan funds diverted to non plan expenditure.

### 4.5.2 Diversion of Plan funds

Scrutiny of expenditure control registers for the period from 2000-01 to 2004-2005 revealed that Rs.4.40 crore was spent on water charges, electricity charges, telephone bills, repair of vehicles, POL<sup>1</sup> etc. during 2002-03 to 2004-

<sup>1</sup> Petrol, Oil and Lubricants

05 from plan funds though this expenditure pertained to non-plan. Such diversion of funds was unauthorized and undermined the basic principles of budget control.

Government stated in November 2005 that committed expenditure was made from Plan heads as the Finance department was quite strict in granting additional funds under non-Plan. However, the diversion from plan to non-plan funds was subsequently approved by the Finance department for the year 2004-05. The reply highlights the basic weakness of the system where the action of the department in violation of Government instructions is subsequently condoned by the Finance Department and no administrative action is taken against the officials responsible for such violation.

#### **4.6 Internal Audit**

The Directorate of Internal Audit under the Finance department which is entrusted with the internal audit of all the departments of the Government of Delhi had not conducted any internal audit of the Jail Department during the period from April 2000 to March 2005. Many of the deficiencies in the maintenance of records and accounts could have been brought to light for remedial action if these had been subjected to internal audit.

#### **4.7 Custody and detention of prisoners**

Section 55 of the Prisons Act provides that it is the responsibility of the Jail Superintendent to undertake effective measures to ensure the safe custody and security of the prisoners. Section 24 stipulates that whenever a prisoner is admitted in the prison, he shall be searched and all weapons and prohibited articles confiscated from him. The conditions for detention of the prisoners and the procedures to be followed in this regard are to be in accordance with the orders of the court and the provisions of the jail manual.

The custodial duties of the prisoners are performed by the jail staff while perimeter and external security are taken care of by the Tamil Nadu Special Police (TSP) and the Central Reserve Police Force (CRPF). A Battalion of the Delhi Armed Police (DAP) is entrusted with the task of escorting prisoners to and from courts and hospitals when necessary.

##### **4.7.1 Rules relating to imposition of rigorous imprisonment not followed**

**Imposition of hard labour on 11 to 32 per cent of convicts sentenced to RI not established.**

Rule 52 of the Delhi Prison Rules 1988 stipulates that every convict sentenced to undergo rigorous imprisonment (RI) shall ordinarily be employed on hard labour of such kind as is most suitable and for which he is fit. Rule 44 envisages that the prison authorities should, with the sanction of the

government, prescribe the description of work to be carried out and the labour tasks to be fixed in respect of the three classes of labour viz. hard, medium and light labour.

Test check of prisoners sentenced to rigorous imprisonment housed in Jail No.2 revealed that 11 to 32 per cent of convicts were not made to undergo the sentence of rigorous imprisonment as below:

**Table 4.2: Details of convicts sentenced to R.I. in Jail No.2**

Year	No. of convicts sentenced to RI	No. of convicts assigned RI	No. of convicts on which RI not imposed	Percentage of convicts not assigned RI
2001	908	720	188	21
2002	950	649	301	32
2003	1119	996	123	11
2004	1084	764	320	30

The jail authorities intimated in April 2005 that the convicts who had not been made to undergo rigorous imprisonment were sick and old. However, they could not furnish any supporting details. Failure of the jail authorities to ensure that the sentences imposed by the courts were carried would undermine the judicial orders and the intent of the criminal sentence imposed by the courts.

Government stated in November 2005 that all convicts sentenced to rigorous imprisonment were being made to undergo hard labour in terms of the rules cited above. It added that convicts sentenced to rigorous imprisonment were employed either in the factory or outside it in such activities as production of aggarbattis, bindis/cosmetics, pickles, paintings and carpentry, embroidery, tailoring, cooking, hair-cutting, etc.

The reply was not convincing as the department had not defined or classified the activities or work which constituted hard labour as required under Rule 44. Hence, whether the activities the convicts sentenced to RI were made to carry out constituted hard labour could not be conclusively established.

#### **4.7.2 Detention of under-trials for prolonged periods**

Section 60 of the Prisons Act provides that government shall cause to be reviewed the cases of under-trials detained in prison for more than one year or when the detention is more than half of the maximum punishment for the offence provided under the law.

A total of 1,212 under trial prisoners were languishing in jails as of December 2004 for periods ranging from two to five years. No review of the cases had been undertaken as envisaged in the Prisons Act. An analysis of the number of



under-trials in Jail Nos. 1, 3 and 6 revealed that 46 out of 4,615 undertrial prisoners as of 31 March 2005 had been detained for periods exceeding half of the maximum punishment prescribed under the law for the offence for which they had been charged. The detention of under-trials for such prolonged periods without review was not consistent with the provisions of the Act.

Government stated in November 2005 that a list of under trials who have stayed for more than one year in the Jail was sent to Court by the jail authorities. Audit scrutiny revealed that the list of such under trials was sent to government only once in July 2002 and to the High Court in May 2004 without any follow up. The system of periodic review as envisaged in the Prisons Act, was evidently not in place.

#### 4.7.3 *Inadequate control over entry of prohibited items*

Test check of the search and seizure registers maintained in six out of the eight jails revealed that incidents of entry of prohibited items like currency, gold ornaments, tobacco, drugs, blades, razors, steel wires, sport shoes, ropes, screw drivers, etc. were a regular feature during the five years period covered in audit as tabulated below:

**Table 4.3: Incidents of discovery of prohibited articles during searches**

Sl. No.	Jail Number	Number of incidents of discovery of prohibited articles during searches
1.	1	161
2.	2	274
3.	3	157
4.	4	557
5	5	623
6	7	43
<b>Total</b>		<b>1815</b>

The average number of incidents worked out to 363 incidents per year. The seized items included cash as well as three mobile phones in Jail Nos.1, 2 and 7. The seizures indicated that these prohibited items had reached the prisoners despite prescribed security procedures. The number of incidents of seizure pointed to the need for review and strengthening of the ingress and egress procedures for prisoners and their proper search each time they enter after having left the jail premises for court appearances, medical treatment, etc. The procedure in respect of visitors also needed review.

Government stated in November 2005 that despite persistent efforts, incidents of seizure of prohibited items did occur. To curb this menace, action to have dog squad and X-ray baggage inspection system was being taken up.

#### **4.7.4 Quick Reaction Team**

A Quick Reaction Team (QRT) was formed during 2002 consisting of one Sub Inspector, two Hawaldars, three Naiks and 16 other ranks. The team functioned under the direct control of the Government through the Commandant of the TSP battalion. The duties of the QRT was to react to any armed attack on a jail from outside as well as deal with situations of riots, jail breaks, etc.

A perusal of the records relating to the QRT revealed that the team was not adequately equipped with night vision equipment, bomb suits and hand held deep metal detectors which could hamper its operations in emergency situations. Further, the QRT did not cover Rohini jail which also had a capacity of 1,050 inmates including high security prisoners. There was a need to expeditiously strengthen the QRT to reduce its response time, strengthen its operational capabilities as well as ensure coverage of Rohini jail.

Government stated in November 2005 that there were mobile QRTs of TSP which were divided into two units and a static QRT of CRPF and that arrangement for procurement and supply of items as suggested by audit were being made.

#### **4.7.5 Inadequate security measures and arrangements**

**Inadequate system for checking of explosives at main gate of jails.**

An appraisal of the security procedures indicated that many of the procedures and practices being followed were out of date and not commensurate with the needs of security and vigilance in today's environment as detailed below:

- The security staff posted at the gate to check vehicles entering the prison complex carrying jail supplies were not equipped with any instrument to detect explosives. This was being done only through visual checking.
- The central armoury consisted almost entirely of antiquated .303 rifles and .410 rifle muskets and their ammunition. There was no armourer posted in the jail and the weapons and ammunition were not periodically tested to confirm their usability. Thus, the utility as well as usability of the weapons/ammunition were questionable. No review had been undertaken as to the necessity of an armoury of such outdated weapons since security was provided by the TSP, Delhi Armed Police and the CRPF who had their own weapons.

**Obsolete  
armoury  
which was  
never  
reviewed.**

- There was no communication system by way of intercoms or telephone lines from ward to ward, ward to deodi (main entrance to jail) and ward to chakkar (control room) which could seriously hamper communication in case of any emergency situation requiring swift response.
- Despite the discovery of three mobile phones (July 2002, December 2004 and January 2005) in the possession of prisoners in Jail Nos. 1, 2 and 7 during searches, there was no system in place to either detect or jam cell phones.
- Names and details of visitors are entered manually in registers at the main gate of the jail complex. This does not enable quick generation of a full picture of those who have entered the jail premises and have yet to leave at any point of time. Such a report would have to be manually compiled which was time consuming.
- The model Prison Manual prepared by the Union Ministry of Home Affairs states that the ideal ratio between guarding staff i.e. warders and prisoners should be 1:6. However, the ratio as per the sanctioned strength was 1:15 to 1:19 while the ratio as per actual men in position was 1:19 to 1:26.

Government stated in November 2005 that a dog squad was being set up to detect explosives and baggage scanners were being installed. Further, Delhi Police had been requested to inspect the armoury and suggest fresh purchases. The proposals for ward to ward and ward to chakkar/Deodi connectivity and for installation of jammers were being examined. A computerized visitor's management system had been commissioned and a proposal for creation of additional posts as per the prescribed ratio was being processed.

### ***Recommendations***

- *A mechanism should be set up for the periodic review of cases of under-trial prisoners.*
- *The prison authorities must ensure that hard labour is properly defined as per the Rules and convicts sentenced to rigorous imprisonment undergo such punishment in order not to undermine the judicial orders.*
- *The procedures for search and admission of prisoners, visitors and vehicles into the prison complex need to be reviewed and strengthened.*
- *The capabilities and coverage of the QRT should be strengthened to deal with any emergency at both the Tihar as well as Rohini jail complexes.*

- *There should be better intra-jail communication systems which could immediately alert the jail authorities of any untoward occurrence in any part of the jail complex.*
- *The need for maintenance of the armoury should be reviewed. If its continuance is deemed to be necessary, it should be properly and realistically equipped so as to be able to serve the intended purpose.*

#### **4.8 Delay in processing proposals aimed at improving prison management**

Scrutiny of the records of the Prison department revealed delays in processing and finalization of proposals which would have significantly improved prison management and control as detailed below.

##### **4.8.1 Delay in installation of biometric finger identification system**

**Undue delay in installation of biometric finger identification system.**

The Indian Institute of Public Administration conducted a study in March 2003 for an improved Prison Management and Administration System which suggested inter alia a unified prisoners record management system based on biometric finger identification. A committee headed by the Director General Home Guards and Civil Defence set up to suggest measures to strengthen the security system in prisons also recommended a similar system. A biometric device was installed as an experimental measure in Jail No.7 from June 2003 to August 2003 which was reported to have functioned satisfactorily. Subsequently, National Informatics Center (NIC) was requested to look into the technical aspects of the system for implementation in Tihar jail. In September 2004, NIC informed the Prison authorities about the empanelment of a vendor for the system. An expenditure sanction of Rs.15.20 lakh was issued in November 2004 for purchase of 20 biometrics security systems for 10 jails including the Rohini district jail through the NIC. NIC requested for 100 per cent advance payment to enable them to place the order with the vendors. In December 2004, the prison authorities informed NIC of their inability of making advance payment and suggested delivery of 50 per cent of the equipment in the first instance where after they would release 50 per cent of the sanctioned amount to be followed thereafter by the full order. The issue, however, remained unresolved as of July 2005.

The department stated in April 2005 that full payment was not released as they wanted to check the results of the device before releasing final payment. The reply is not tenable as the system had already been tested with satisfactory results during June to August 2003 and expenditure sanction had been issued only after that. The issue of advance payment should have been suitably sorted out between the Prison department and the NIC who were both government entities.

Government stated in November 2005 that two units of the system had been installed in each of the nine jails and work relating to biometric finger identification had been completed in Jail Nos. 1, 4 and 7. Verification in audit revealed that work relating to finger prints of jail and DAP staff was still pending as of October 2005 in Jail Nos.1 and 4.

#### **4.8.2 Delay in installation of video conference links with Courts**

**Delay in establishing video conference linkage of criminal courts with Tihar jail.**

In January 2001, the Union Ministry of Home Affairs forwarded a proposal to the Government of Delhi for providing video conference linkage of criminal courts in Delhi with Tihar jail for the purpose of extension of remand under section 167(2) of the Criminal Procedure Code 1973. The system involved providing a video linkage between the concerned court and the prison by installation of monitors and digital cameras at both ends with connectivity through International/Inter-state Standardized Digital Network (ISDN) lines. The government noted that the system would result in obviating the need for a large number of DAP personnel who had to be engaged daily for escorting on an average 350 prisoners to and from the courts and savings of Rs.4.50 crore per year. The system would also enhance the safety and security of the prisoners .

The Delhi High Court while concurring with the proposal in February 2002 suggested five pairs of such studios covering one court at Karkardooma, one at Patiala House and three courts at Tis Hazari. The Union Ministry of Home Affairs conveyed its approval to the proposal in April 2003 while the Delhi Government approved the proposal in September 2003. Rooms in the different courts were identified and necessary amendments to the Criminal Procedure Code were effected vide gazette notification in August 2004. Administrative approval for Rs.40 lakh was issued by the Prison department in November 2004. However, it was only in August 2005 that the department released Rs.54.34 lakh to NIC for installation of 14 video conferencing systems. The video conference linkage with the courts was established only in December 2005 after four years since the initial mooted of the proposal and nearly two years since its approval by the Government of Delhi.

Government stated in November 2005 that video conferencing between Jail Nos. 1, 3,4,5,6 and the Tihar Court complex had been started with effect from January 2005 and it will start shortly for Jail Nos.8 and 9. Further, ISDN lines had been laid in all courts and video conferencing had been done between the courts and Tihar. However no reason was furnished for the delay in establishing the linkage. Verification in audit revealed that video conferencing in only Jail Nos. 3 and 4 was started with effect from January 2005 while it was started with effect from October 2005 in Jail Nos. 1, 5 and 6. It was still pending in Jail Nos. 8 and 9.

Delay in establishing video conferencing systems not only resulted in denying the benefits of the facility to both the inmates in terms of timely remand proceedings as well as to the prison administration in terms of savings in both costs and manpower.

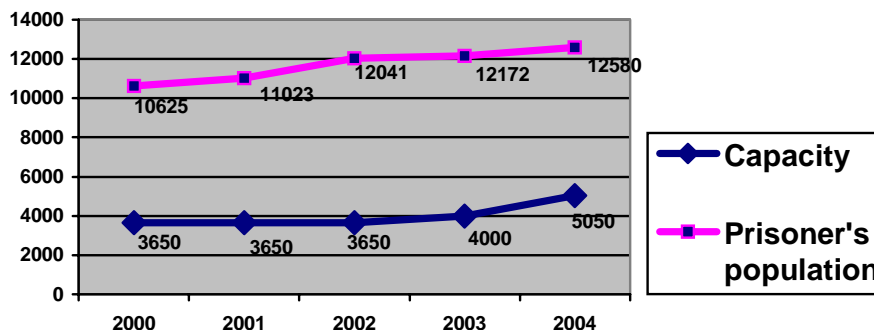
#### 4.9 Space and accommodation for prisoners

The Model Prison Manual circulated by the Union Ministry of Home Affairs stipulates that all accommodation provided for the use of prisoners particularly for sleeping will meet the basic requirements of healthy living taking into account climatic conditions, cubic contents of air, minimum floor space, lighting and ventilation with one toilet unit and bathing space for every 10 prisoners. The Delhi Jail Manual states that the capacity of the wards, cells and other compartments intended for prisoners shall be regulated by scales of cubical space and lateral ventilation prescribed for each prisoner. Every ward or compartment intended for the accommodation of prisoners by night shall have masonry sleeping berths equal to the capacity of the ward.

##### 4.9.1 Grossly over-crowded jails

Over-crowding in jails ranged from 149 to 230 per cent.

A comparison of the actual prison population in the Tihar complex and the Rohini jail with the capacity of the jails based on the norms as on 31 December of each year indicated gross over-crowding ranging from 149 per cent to 230 per cent as depicted below:



The capacity of the jails increased to 5,648 in January 2005 with the commissioning of Jail No.8 in the Tihar complex. However, there was no easing of the over-crowding as the prison population also increased to 13,090 as of March 2005.

A joint inspection conducted in June 2005 along with the jail authorities in Jail Nos. 1, 2, 3, and 6 revealed the following:

- Due to over population of inmates, the stipulations of cubic contents of air and conditions for healthy living were not being fulfilled. Cells and wards had stale air causing suffocating conditions with no exhaust fans being provided.
- Due to lack of adequate space, inmates were overflowing into the verandahs in the cell blocks where there were no fans or any other facility to ameliorate the harsh climatic conditions;
- All the prisoners were not provided with sleeping berths as envisaged in the manual;
- The bathing space was inadequate. In Jail Nos. 1 and 3 test checked in audit, 53 and 16 prisoners (on an average) respectively were using one bathing space as against the norm of one bathing space for every 10 prisoners; and
- Many of the toilet blocks were overflowing due to choked sewer lines rendering them completely unusable and resulting in long queues in front of the usable ones as well as unhygienic conditions.

It was evident that the prisoners were not being afforded the basic facilities contemplated under the provisions of the Jail Manual and adequate attention has not been given to this aspect though funds were not a constraint as the department had savings ranging up to 30 per cent in a year. The overcrowding was creating problems of cleanliness and hygiene.

The department informed in May 2005 that new jails had been proposed for construction and certain steps were being taken to reduce overcrowding like relaxing surety conditions in some categories of under-trial cases, release of seriously ill prisoners on interim bail and seeking approval of the Sentence Revisory Committee for premature release of some life convicts.

Government stated in November 2005 that the problem of lights, fans and ventilators highlighted by audit will be improved within six months and the choking of sewers was being attended to by the PWD. It was added that with the commissioning of new jails, overflowing of inmates into verandahs and shortage of bathing space had been eliminated. Further, the aspect of sleeping berths was being examined.

#### **4.9.2      *Creation of additional jail space***

As admitted by the Prison authorities themselves, the only way of substantially tackling the acute problem of over-crowding was by expeditiously creating and taking over new jail space. The funds allocated for such capital expenditure during the five years covered in the audit exercise showed consistent savings as under:

**Table 4.4: Details of budget allocation and expenditure (Capital)**

(Rs. in lakh)			
Year	Budget Allocation	Expenditure	Saving(-) Excess (+)
2001-01	1500.00	1379.08	(-)120.92
2001-02	1100.00	1097.04	(-)2.96
2002-03	1900.00	1687.56	(-)212.44
2003-04	945.00	892.18	(-)52.82
2004-05	1425.00	1028.89	(-)396.11
<b>Total</b>	<b>6870.00</b>	<b>6084.75</b>	<b>(-)785.25</b>

There was undue delay in both taking over constructed space as well as creating additional space and consequently the problem of over crowding continued unabated.

**4.9.2.1 Delay in completion of jails due to non-adherence to codal provisions**

Test check of records in respect of works relating to Jail Nos. 6-B, 6-C, 6D and Rohini jail disclosed that the works were delayed by four to 19 months as tabulated below:

**Table 4.5 Details of delay and Cost of escalation paid in construction of jails.**

Sl. No.	Name of work	Stipulated date of start	Stipulated date of completion	Date of actual completion	Delay in Months	Cost of escalation (Rs. in lakh)
1.	Construction of Jail No.6-B	3.06.99	2.06.00	31.01.02	19	2.07
2.	Construction of Jail No 6-C (Phase-I)	9.08.99	18.11.00	28.12.01	13	16.98
3.	Construction of Rohini Jail Package-I	22.11.99	21.02.01	30.06.01	4	3.64
4.	Construction of Rohini Jail Package -II	22.11.99	28.01.01	31.08.01	7	6.74
5.	Construction of Rohini Jail Package -III	14.05.00	13.05.01	01.01.02	7	12.13
6.	Construction of Jail No.6D	15.02.00	14.05.01	26.04.02	11	6.23
<b>Total</b>						<b>47.79</b>

The delays were on account of non-availability of drawings, non-availability of clear site etc. which were all attributable to the PWD. The delay also resulted in cost escalation of Rs.47.79 lakh paid to the contractors.

The above delays were further accentuated by the following:



- Lack of sense of urgency in construction of jails.**
- Even after completion of construction of Jail 6-B in January 2002 after delay of 19 months, the jail was actually taken over by the Prison department in June 2003 after a lapse of another 17 months. PWD had requested the jail authorities in August 2002 to take over the completed jail but there was no response till June 2003.
  - Though completed in January 2002 at a cost of Rs.10.73 crore, the Rohini jail could not be brought into operation till October 2004. The delay was due to lack of co-ordination and planning in construction of sewer line and connected sump well and in construction of staff quarters. The sewer line was constructed in July 2003 and the sump well was completed by the Delhi Development Authority (DDA) only by January 2004. Further, the work of construction of staff quarters and barracks was awarded in February 2003 for completion by June 2004 but were actually completed in January 2005 at a cost of Rs.3.79 crore.

Government stated in November 2005 that efforts would be made to ensure availability of all drawings etc. before call of tenders. Regarding delay in taking over of Rohini jail, it stated that it was attributable to the need to ensure requisite security staff and housing facilities for the jail staff.

#### **4.9.2.2 Delay in processing proposals for new jails**

New jails were proposed for construction at Mandoli, Narela, Baprola and Ghitorni. However, none of them could be constructed as of November 2005 due to frequent changes in concepts, designs and projected requirements despite long periods from two years to 25 years having passed from the initial proposal.

**Frequent change in projected requirements and delays in decision-making resulted in non-construction of jail despite acquisition of land in 1981 and expenditure of Rs.1.51 crore.**

(a) **Mandoli Jail:** Land measuring 78.62 acres was purchased in January 1981 at a cost of Rs.0.49 crore of which 10 acres was subsequently transferred to Delhi Police in May 2001. After 17 years, in December 1998, an estimate of Rs.48.72 crore was proposed which was revised to Rs.100.85 crore in February 2002. A modified estimate was framed and approved by the Expenditure Finance Committee in October 2002 with a stipulation that the work should be outsourced. Administrative approval and expenditure sanction was issued in March 2004. The sanctioned capacity of the jail was 3,586 prisoners. Subsequently, the Prison department decided to entrust the work to the PWD and revised the estimate to Rs.126.98 crore in August 2004. Thereafter, it was decided to include a staff housing complex and the estimate was again revised in December 2004 to Rs.168.51 crore. Administrative approval and expenditure sanction was issued for this revised estimate in February 2005. In the meantime, PWD had incurred an expenditure of Rs.1.51 crore on earth filling (Rs.75.71 lakh between March 1998 to March 2000) and

consultancy for drawings and designs (Rs.75.59 lakh) during 2000-01 to 2004-05. Thus, construction of a jail which could have accommodated 3,586 prisoners was yet to be completed though land for the purpose had been acquired in 1981 and expenditure of Rs.1.51 crore had been incurred.

Government stated in November 2005 that approval of the building plans were being pursued with the Municipal Corporation.

(b) **Narela:** The department paid Rs.7.79 crore to DDA in March 2003 for 40 acres of land for construction of a jail complex at Narela. However, land was yet to be handed over (August 2005) to the department by DDA. In June 2004, DDA suggested a reduction in the area of the plot as well as exchange for an alternate site in view of the subsequent development of the Narela sub-city project. This was not agreed to by the Government of Delhi in October 2004 who reiterated their request for allotment of the land. The matter remained unresolved as of November 2005.

(c) **Baprola:** In 1997, DDA was approached for allotment of 312.5 acres (125 hectares) of land at Baprola for construction of an open jail. DDA has not yet allotted the land (October 2005) and the matter is under correspondence between the prison department and the DDA.

(d) **Ghitorni:** In 2000, the department proposed to construct a jail on 175 acres of land at Ghitorni which was revised to 40 acres in July 2002. While land for the purpose was identified, the process of acquisition could not be carried through as it fell within the ridge area where there were restrictions on construction as a result of cases filed before the Delhi High Court and the Supreme Court. Presently, the matter of purchase of land is still under process of DDA despite lapse of five years since the initiation of the proposal.

Government informed in November 2005 that DDA had been approached for allotment of alternative land as no suitable site was available in District South.

The shortage of space as of March 2005 is of 7,442 prisoners. Had these proposals fructified, additional space for about 9,800 prisoners would have been created thus eliminating the shortage of space and ensuring appropriate living conditions as envisaged in the Prisons Act and the Jail Manual.

#### 4.9.2.3 Delay due to incorrect preparation of expenditure sanction

The department accorded administrative approval and expenditure sanction for Rs.2.29 crore in July 2002 for construction of staff quarters in Tihar jail complex.

**Table 4.6: Details of call of tenders**

(Rupees in lakh)					
Call	Preliminary estimate/expenditure sanction	Date of opening	Contractor	Rate offered	Remarks
1 <sup>st</sup>	229.53	September 2002	M/s OP Khanna and Sons	217.61	Contractor withdrew offer due to shifting of stone crushers as per Supreme Court orders and 50 per cent of EMD money forfeited
2 <sup>nd</sup>	229.53	January 2003	Pt.Munshi Ram Associates (P) Ltd.	227.94	Contractor withdrew offer due to increase in cost of raw material and 50 per cent of EMD forfeited.
3 <sup>rd</sup>	229.53	May 2003	M/s Harcharan Das Gupta	269.86	Tender rejected as rate was more than that of the expenditure sanction.
4 <sup>th</sup>	399.39	November 2004	M/s Unity Builders	309.06	EMD forfeited due to delay in deposit of performance guarantee.

Audit observed that the preliminary estimate for Rs.2.29 crore was prepared in July 2001 taking into account the cost index of August 2000. Based on this preliminary estimate, expenditure sanction was accorded in July 2002. In the meantime, the cost index was revised in June 2001 and April 2002. Without taking cognizance of these changes, tenders were called in August 2002 (1<sup>st</sup> call), December 2002 (2<sup>nd</sup> call) and March 2003 (3<sup>rd</sup> call). The tender of Rs.2.69 crore received at the 3<sup>rd</sup> call was rejected on the ground that it exceeded the expenditure sanction. The work was ultimately awarded at the 5<sup>th</sup> call for Rs.3.08 crore. Had the preliminary estimates been revised taking into account the cost index prevailing at the time of the 3<sup>rd</sup> call of tenders, the preliminary estimate/expenditure sanction would have been Rs.2.49 crore and the offer of Rs.2.69 crore received at the 3<sup>rd</sup> call would have been acceptable being 10 per cent in excess of the administrative approval in terms of the CPWD manual<sup>2</sup>. The failure to revise the preliminary estimates/expenditure sanction in accordance with the applicable cost index resulted in a cost escalation of Rs.37.77 lakh besides delay of three years in the award of the work.

Government stated in November 2005 that the lowest rates received in the 3<sup>rd</sup> call were more than 10 per cent of the sanctioned amount and the Home department on being approached for assurance of funds asked for revised preliminary estimates. Hence, the tender could not be accepted.

<sup>2</sup> Rules 2.23.1 and 2.23.2

The reply is not tenable as it does not address the issue as to why the preliminary estimates/expenditure sanction could not be revised timely to take into account the cost index applicable at the time of call of the tenders.

#### **4.9.3 Detention of under-trials due to their inability to furnish surety bond**

**There were under trial prisoners who could not be released due to non-furnishing of surety bond.**

The problem of overcrowding of jails was accentuated by continued detention of undertrial prisoners who had been granted release subject to furnishing of surety bonds but who are not in a position to furnish such bonds and hence have to continue in detention. There were 158 such prisoners as on 31 December 2004. Of these, nine prisoners were continuing in the jail for periods ranging from three to five years while nine were for more than two years.

Government stated in November 2005 that the department sends a list of such under trial prisoners who were not in a position to furnish their surety bonds every month to the District and Sessions Judge and Registrar Delhi High Court and it is for the courts to consider relaxing the surety conditions. It was added that in case of prisoners who had failed to deposit/give sureties of meagre amount, it was being proposed that the government should meet the expenditure on the merits of each case.

#### **Recommendations**

- *An inter-departmental mechanism should be established along with the PWD and DDA for expeditious processing of pending proposals for construction of new prisons as well as for monitoring the progress of work in those under construction. Procedures for taking over and bringing into operation of constructed prisons should be streamlined so as to obviate any delay.*
- *To expedite the process of approvals for construction of prisons and obviate the need for frequent changes in design and drawings, the department could consider developing a standard model for prisons based on the precepts stated in the Model Prison Manual which could be replicated quickly once land acquisition was completed.*

#### **4.10 Day to day administration**

An appraisal of the day to day administration of the Prison department revealed weaknesses in internal control.

#### **4.10.1 Non-accountal of material received from the PWD**

The jail authorities obtained materials from the PWD for carrying out minor repairs and maintenance of the jail premises themselves. Test check of the records pertaining to supply of material to jails by PW Division No.11 revealed that various materials like cement, bricks, sand, synthetic enamel paint, etc. valued at Rs.36.60 lakh was supplied to the jails during the five years covered in the audit exercise. However, no records of either receipt or consumption of the material was maintained rendering their end use unverifiable.

Government stated in November 2005 that instructions had been issued to all jails to keep proper records of receipt and utilization of material received from PWD.

#### **4.10.2 Poor utilization of convict labour for jail works**

In accordance with the stipulations in the Delhi Jail Manual, convicts were to be employed both within and without the jail premises on public works carried out under the supervision and control of the PWD. However, other than a very limited number engaged in routine works, no efforts were made by the jail authorities to employ any of the 2,593 convicts in construction works relating to jails undertaken by PWD.

Government stated (November 2005) that convict labour will be utilised on increased scale provided PWD required use of unskilled labour.

#### **4.10.3 Expenditure on electricity and water**

(i) There was a 29 per cent increase in average consumption of electricity during the five years from 2000-01 to 2004-05. The total expenditure on supply of electricity during this period was Rs.19.13 crore. While the increase in consumption could be partly attributable to improvements in lighting, additional equipment and security requirements, no steps were taken by the department to effect economy through installation of solar systems or low power consumption lighting systems.

(ii) Electricity was supplied to the Tihar jail complex through five connections which were billed on non domestic tariff. North Delhi Power Limited (NDPL) which was the power distribution company concerned allows domestic rates for government hospitals. However, since there was no separate meter for the hospital in Tihar jail, its power consumption was also being charged at non-domestic rates. The expenditure on power consumption could be significantly reduced by pursuing the matter with the power distribution company.

(iii) The Tihar jail authorities incurred an expenditure of Rs.3.31 crore on supply of water from the Delhi Jal Board (DJB) during 2000-05. The department incurred an additional expenditure of Rs.41.76 lakh on supply of water through private water tankers during the same period. There was a need to enhance the supply of water to the jail complex but no efforts were made to alleviate the apparent water shortage as well as reduce the expenditure on private water tankers.

Government stated in November 2005 that instructions had been issued for conservation of power to the extent possible. It added that an energy audit would be taken up as suggested by audit. Regarding water supply, the Government stated that it was now proposed to sink a tube well with a reverse osmosis system to enhance the water supply.

#### ***4.10.4 Petrol, Oil and lubricants***

An amount of Rs.63.95 lakh was incurred on POL of vehicles during the period covered in audit. However, there was no system to verify and tally the petrol actually purchased by the drivers with the bills submitted by the firms. The vehicle log books did not depict each journey performed but only a single journey from morning till night nor was there any verification of the log book by senior officers.

Government stated in November 2005 that the procedure was being streamlined and records would be kept properly as prescribed in the Staff Car Rules.

#### ***4.10.5 Lack of proper records of items entering jail store***

The Jail Manual provides that proper records should be maintained by the gatekeeper of all items passing in and out of the jail store with sufficient description of every article. During the period from 2000-01 to 2004-05, dietary and non-dietary items valued at Rs.34.88 crore were purchased and sent to the main store of Jail No.1. No records of this were maintained by the gatekeeper nor any physical inspection of the store conducted during the period covered in audit. The stock registers were not properly maintained. Test check of stock register No.42 for non-consumable items like cooking utensils etc. revealed that when such items were issued, the closing balances of these articles were depicted as Nil instead of recording their movement and re-taking them back on stock on their return to the store. There was no regular check of the stores as contemplated in the Jail Manual.

Government stated in November 2005 that necessary instructions had since been issued for proper maintenance of records by the gate keepers as well as in the store and physical verification of stores held.

### **Recommendations**

- *The department need consider undertaking an energy audit so that heavy electricity consumption could be minimized. The department should take up with NDPL the matter of charging of domestic tariff for the jail hospital.*
- *Efforts should be made to engage convicts in PWD works relating to jails. This would not only keep them gainfully occupied but also equip them with skills and experience which may come in handy in civil life when they are released.*
- *Records of store items received should invariably be recorded both at the gate as well as in the store registers which could serve as a double check while also addressing the security concerns regarding items entering the jail premises.*

#### **4.11 Provision of medical facilities to inmates**

The medical needs of the inmates of Tihar jail are met through a 150 bedded hospital within the jail premises which provides round the clock medical and health care services with 85 doctors and 125 para medical staff. The hospital has investigative facilities like X-ray, ECG, pathology and bio-chemistry as well as facilities for psychiatry, physio-therapy and treatment of tuberculosis. In addition, there are dispensaries in each jail.

##### **4.11.1 Lack of follow up of pilferage of medicines**

Consequent upon a case of pilferage of medicines by a pharmacist reported by the Delhi Police in April 2001, the prison authorities instituted an inquiry to look into inter alia the stock balances and directed in May 2001 that the balances from 2000-01 to 2001-02 be carried forward on the basis of actual ground balances. The inquiry report was never finalized. Test check of 78 out of the total 457 medicines that were in stock during this period revealed a difference of Rs.66.09 lakh in the balances of medicines as of 15 May 2001 as compared to the closing balance of 31 March 2001 though no issues had been recorded in the stock registers during this period. No exercise had been carried out by the department to ascertain the actual loss suffered or to strengthen procedures so as to obviate the possibility of its recurrence.

Government stated in November 2005 that a fresh inquiry had been instituted which is expected to be completed within one month. Further, systems of physical verification and procurement procedures had been strengthened and steps taken to prevent recurrence of pilferage of medicines.

**Prisoners referred to outside hospitals for common ailments despite the existence of adequate facilities in jail hospital.**

#### **4.11.2 Inmates referred to outside hospitals even for common ailments**

Despite the existence of the hospital with its fairly extensive facilities, 884 prisoner patients were referred to outside hospitals during the period under audit for treatment of even common ailments such as fever, loose motions, joint pain, vomiting, cough, headache, abdomen pain, back-pain, body ache, injuries from assault, respiratory tract infection, urinary tract infection, sleeplessness, etc. Such cases constituted over 26 per cent of the total number of patients referred to outside hospitals during this period. Such reference was often made by the jail dispensaries themselves without consultation with the prison hospital and involved ambulances as well as armed escorts entailing both additional cost as well as security risks.

Government stated in November 2005 that from now on all dispensaries will refer the patients to Central Jail Hospital for further referral where required.

#### **4.11.3 Construction of new medical ward**

The Prison department sanctioned (February 2003) the construction of a new 120 bed medical ward to cater to the needs of the inmates on the ground that the number of inmates had increased and there was a need to increase the bed capacity of medical facilities in the jail premises. The total cost of the ward was Rs.1.76 crore of which Rs.41.25 lakh had been spent as of March 2005.

Scrutiny of the occupancy records of the existing ward during the period 2000-01 to 2004-2005 revealed that the average occupancy rate was only 61 per cent. Hence, the need for an additional 120 beds did not appear to be all that justified.

Government stated in November 2005 that it had been decided to keep de-addiction cases in a separate ward/hospital and 300 drug addicts admitted in Tihar jail complex were being shifted to the new medical ward. Since the new ward had been justified on the ground of increase in the prisoners' population and not for drug addict cases, the decision to shift the drug addicts would appear to be an effort to justify the creation of the additional hospital beds.

#### **Recommendations**

- *The system and procedure for procurement and issue of medicines needs to be strengthened to ensure that no pilferage takes place.*
- *The practice of referring jail inmates to outside hospitals for common ailments needs to be controlled as adequate medical infrastructure existed in the jail hospital.*



## 4.12 Reformation and rehabilitation of inmates

One of the primary objectives of the Prisons Act is the reformation and rehabilitation of prisoners so as to make them contributing members of civil society by the time they complete their sentences and leave the jails. Towards this end, the department operates various factory units within the jail premises where the inmates are taught various skills with which they could earn their livelihood on release from jail. Various non-governmental organizations (NGOs) are also associated in running different programs aimed at either equipping the inmates with income generating skills or improving their behavioral characteristics and attitudes.

### 4.12.1 Administration of the factories

An appraisal of the functioning of the factories revealed the following:

- The factories sold items valued at Rs.9.38 crore during the period of five years covered in audit. However, there was no system of reconciliation of the sales figures as maintained by the factories and the amounts actually deposited into government account. Audit scrutiny revealed differences as shown under:

**Table 4.7: Amount of sales and deposits in factory**

(Rs. in lakh)			
Sl. No.	Year	Amount of sales as per factory records	Amount deposited into Government account
1	2000-01	129.27	78.27
2	2001-02	213.42	105.33
3	2002-03	294.21	207.37
4	2003-04	139.65	226.37
5	2004-05	161.31	178.97
	<b>Total</b>	<b>937.86</b>	<b>796.31</b>

No reason was forthcoming as to how the amount deposited during 2003-04 and 2004-05 could exceed the actual sales recorded in the factory records. Such casual maintenance of basic records exposed the department to the risk of misappropriation and leakages.

- Stock registers of cash memo books, bill books and gate passes were not maintained. Gate passes issued in 2000-01 and 2001-02 were left blank which could be misused unless cancelled. There was no physical verification of raw material or of finished products. Bill books were not machine numbered. Three bill books were simultaneously used during 2000-01 and 2001-02 and hence their misuse could not be ruled out. The department stated in June 2005 that sales receipts were directly sent to DDO and they had no professional accountant. The

reply was not acceptable as it is the primary responsibility of the departmental authorities to properly record and account for all government receipts.

**Factory accounts not properly maintained.**

- The Jail manual stipulates that all accounts relating to jail manufacturing should be kept by a responsible official under the supervision of the Factory Manager/Deputy Superintendent. However, neither were the accounts (Receipt and Payment Account, Income and Expenditure Accounts and Balance Sheet) maintained nor were there any proforma accounts indicating opening balance, purchase of raw material, sales and closing balance prepared. The department in June 2005 cited lack of staff for their failure to maintain the accounts.

Government stated in November 2005 that the factory in-charge had been directed to reconcile the figures of sales made during the period with the cashier and furnish the details of discrepancies noticed. It added that department was also taking steps to streamline the system of sales, physical verification of stock and maintenance of bin cards while separate registers would be maintained for items produced in the different units of the jail factory.

#### **4.12.2 Prisoners' Welfare Fund and Prisoners' Property Account**

The Delhi Prisons (Prisoners' Welfare Fund, Appeals, Petitions, Interview and Communication) Rules 1988 provides for the establishment of a Prisoners' Welfare Fund (PWF) for each jail. The objective of the fund is to give:

- (i) aid to prisoners for pursuing collective educational, vocational and recreational activities in the jail during their period of imprisonment;
- (ii) aid to deserving prisoners in the shape of grants; and
- (iii) aid to individual prisoners for trade or clothing at the time of release.

The funds are raised mainly from voluntary contributions from prisoners and donations from the public or any other source approved by the Administrator. The fund is administered by an Executive Committee of seven members including two convicts with the Jail Superintendent as Chairman. The accounts of the funds are to be audited every year by the Directorate of Audit in the Finance department of the Government of Delhi.

In addition to the Prisoners' Welfare Fund, the Jail Superintendents maintain a Prisoners Property Account (PPA) which consists of essentially the earnings of the prisoners from wages from jail work and monies received by them from

their relatives or other visitors for items which the prisoners may purchase from the jail canteens.

The balance outstanding in the PWF and PPA in three jails is as below:

**Table 4.8: Details of PWF/PPA account**

**(Rupees in lakh)**

Sl. No.	Jail No.	Financial Year	Balance in Cash in Saving Bank Account		Balance in FDRs		Total	
			PWF	PPA	PWF	PPA	PWF	PPA
1	1	2003-04	3.42	5.60	27.00	2.00	30.42	7.60
2	6	2003-04	4.56	Not Available	Not Available	Not Available	4.56	Not Available
3	3	2004-05	4.02	1.94	10.93	6.22	14.95	8.16

It could be seen from the above table that complete details of the balances under PWF and PPA were not available with the Jail No. 6. It was also observed in audit that internal audit of the PWF was not being regularly conducted by the Directorate of Internal Audit as envisaged under the rules. Internal audit up to 2000-01 had been done in respect of PWF of Jail Nos. 1 and 3 while PWF of Jail No.6 had never been audited in the period under review.

Further, the PPA accounts are kept as a consolidated account in either savings accounts or in fixed deposits. However, the interest earned on these amounts is not credited to the accounts of the individual prisoners but retained in the consolidated PPA account. The individual prisoners are thus deprived of the benefit of the interest on savings built up from their own earnings which does not appear to be correct.

Government stated in November 2005 that there was no provision for payment of interest on PPA deposits but the interest so earned was spent on welfare activities of prisoners.

#### **4.12.3 Payment to NGOs**

The Prison department engaged various individuals as well as NGOs for reformation and rehabilitation activities of prisoners. The activities or services included character building, counseling, AIDS awareness, yoga and meditation, imparting of vocational skills and spiritual education and support. About 500 passes including vehicle passes are issued to various NGOs every year. Most of the NGOs offered their services voluntarily and free of cost and they were not entitled to any payment. However, a total payment of Rs.1.53 crore was made to various NGOs in the shape of conveyance charges during

the period from 1997-98 to 2003-04 for providing various services and charged to different sub-heads of accounts such as 2210 Non plan, Jail manufacturing, professional special services, 2056 other charges. The above amounts were sanctioned in exercise of the financial powers delegated to the Government under the Delhi Prisons (Power and Duties of Inspector General) Orders 1988 whereunder the Inspector General is empowered to entertain or sanction the entertainment of temporary establishment.

Audit appraisal of the procedures followed in engaging of the NGOs and monitoring of their activities revealed that no criteria had been evolved for identification and selection of NGOs nor had their terms of engagement or areas of activity been determined. Individuals/NGOs were allowed to render voluntary services simply on the basis of their profile and experience. No assessment had been carried out as to the impact of their activities or the benefits which were expected to accrue. Moreover, incurring of expenditure in respect of conveyance charges to individuals/NGOs was not covered under the rules cited by the department. Payments were also made to individuals who were not affiliated to any NGO.

The department informed in May 2005 that in pursuance of the audit observations, orders had since been issued in March 2005 prescribing certain norms for monitoring of NGOs and identification of their areas of activity and the services of 28 NGOs whose performance had been found to be unsatisfactory had been terminated. A provision was also being made for quarterly performance reports on the activities of the NGOs with effect from March 2005.

Government stated in November 2005 that scales for payment of conveyance charges had long been prescribed and revised with effect from April 1999. Further, the Cabinet had accorded ex-post facto sanction for the payment of Rs.1.53 crore to the NGOs. The reply is not tenable as the scales for conveyance charges referred to by the government pertained only to NGO medical and para-medical personnel while the list of NGOs sanctioned conveyance allowance included non-medical NGO personnel also.

### ***Recommendations***

- *The procedures for maintenance of records and accounts of factory sales need to be strengthened. There must be regular reconciliation between the sale records of the factory and the receipts deposited into government account so as obviate the possibility of malpractices and leakages.*
- *The department should explore the possibility of crediting the interest earned on the amounts in the Prisoner Property accounts to the credit of the individual prisoners.*

- *The activities of NGOs should be closely monitored and an impact assessment undertaken to adjudge their continued usefulness.*

**Annexure – I**  
**(Referred to in Paragraph 4.5.1)**  
**(a) Details of non-plan subhead wise budget allocation and expenditure incurred**

(Rs. in Thousand)

Year Head	2000-01				2001-02				2002-03			
	Budget Allocation	Expenditure incurred	Saving(-) Excess(+)	percentage of saving	Budget Allocation	Expenditure incurred	Saving(-) Excess(+)	percentage of saving	Budget Allocation	Expenditure incurred	Saving(-) Excess(+)	percentage of saving
2056 (NP) Salary	55500	52367	(-)3133	5.64	60000	53226	(-)6774	11.29	54500	51998	(-)2502	4.60
wages	4000	3999	(-) 1	-	5000	5093	(+) 93	--	5000	4831	(-)169	3.38
OTA	300	131	(-)169	56.33	200	182	(-)18	--	200	125	(-)75	37.50
TE	350	273	(-)77	22	400	286	(-)114	28.5	400	386	(-)14	--
OE	45000	44995	(-)05	-	50000	44628	(-)5372	10.74	47500	46967	(-)533	--
PSS	690	689	(-)01	-	700	488	(-)212	30.29	569	561	(-)8	--
Publication	150	138	(-)12	8	150	98	(-)52	34.67	200	170	(-)30	15
Motor & Vehicle	500	457	(-)43	8.6	600	576	(-)24	--	600	589	(-)11	--
Material & Supply	64000	63998	(-)02	--	70000	68382	(-)1618	2.31	67500	67326	(-)174	--
OC (voted)	134000	133981	(-)19	--	120000	11702	(-)298	--	223100	222882	(-)218	--
OC (charged)	200	--	(-)200	100	450	348	(-)102	22.66	400	100	(-)300	75
Secret Secured fund	150	150	--	--	150	150	(-)--	--	150	150	--	--
POL	1400	1288	(-)112	8	1500	1276	(-)224	14.93	1200	1169	(-)31	--
Reward	300	287	(-)13	--	400	350	(-)50	12.50	400	306	(-)94	23.5
Clothing & tentage	200	193	(-)07	--	400	191	(-)209	52.25	431	431	--	--
Foreign travel	--	--	--	--	--	--	--	--	200	--	(-)200	--
Jail manufacturing	13000	12914	(-)86	--	27600	22670	(-)4930	17.86	27600	27255	(-)345	36.25
2210 Hospital	29000	28117	(-)883	3.04	30000	28895	(-)105	--	28000	26985	(-)1015	100
<b>Total</b>	<b>348740</b>	<b>343977</b>	<b>(-)4763</b>	<b>--</b>	<b>259550</b>	<b>239541</b>	<b>(-)20009</b>		<b>457950</b>	<b>452171</b>	<b>5779</b>	

Year Head	2003-04				2004-05			
	Budget Allocation	Expenditure incurred	Saving(-) Excess(+)	percentage of saving	Budget Allocation	Expenditure incurred	Saving(-) Excess(+)	percentage of saving
2056 (NP) Salary	68500	68222	(-)278	--	75000	74839	(-)161	--
wages	4170	4031	(-)139	--	5000	4254	(-)746	14.92
OTA	200	192	(-)8	--	200	157	(-)43	21.50
TE	400	295	(-)105	24	400	190	(-)210	51
OE	42500	39357	(-)3143	7.4	40000	38610	(-)1390	3.47
PSS	1280	1186	(-)94	--	900	462	(-)438	48.67
Publication	190	188	(-)2	--	250	149	(-)101	40.40
Motor & Vehicle	600	504	(-)96	16	1200	821	(-)379	31.58
Material & Supply	67500	67366	(-)134	--	70000	68949	(-)1051	--
OC (voted)	176300	175246	(-)1054	--	180040	163918	(-)16122	8.95
OC (charged)	590	379	(-)211	35.76	510	502	(-)8	--
Secret Secured fund	150	150	--	--	150	150	--	--
POL	1500	1401	(-)99	--	1450	1261	(-)189	13.03
Reward	350	322	(-)28	--	350	120	(-)230	65.71
Clothing & tentage	300	252	(-)48	16	300	--	(-)300	100
Foreign travel	--	--	--	--	50	46	(-)4	--
Jail manufacturing	20000	19480	(-)520	--	29000	17297	(-)11703	40.36
2210 Hospital	30400	30370	(-)30	--	35000	34627	(-)373	--
<b>Total</b>	<b>414930</b>	<b>408941</b>	<b>(-)5989</b>	<b>--</b>	<b>439800</b>	<b>406352</b>	<b>(-)33448</b>	<b>--</b>

**Annexure - II**  
**(Referred to in Paragraph 4.5.1)**  
**(b) Details of Plan subhead wise budget allocation and expenditure incurred**

(Rs. in thousand)

Year	2000-01				2001-02				2002-03			
	Budget Allocation	Expenditure incurred	Saving	percentage of saving	Budget Allocation	Expenditure incurred	Saving	percentage of saving	Budget Allocation	Expenditure incurred	Saving	percentage of saving
2056 (NP) Salary	22000	18049	3951	17.96	25000	21364	3636	14.54	35000	27750	7250	20.71
TE	--	--	--	--	--	--	--	--	1000	6	994	99.40
OE	8000	328	7672	95.90	15000	1514	13486	89.90	25000	17859	7141	28.56
Motor & Vehicle	--	--	--	--	--	--	--	--	2500	52	2448	97.82
Material & Supply	--	--	--	--	--	--	--	--	1500	--	1500	100
OC	--	--	--	--	--	--	--	--	--	--	--	--
2210 Hospital	25000	23976	1024	--	30000	26739	3261	10.87	35000	24262	10738	30.68
<b>Total</b>	<b>55000</b>	<b>42353</b>	<b>12647</b>	<b>--</b>	<b>70000</b>	<b>49617</b>	<b>20383</b>	<b>--</b>	<b>100000</b>	<b>69929</b>	<b>30071</b>	<b>--</b>

(Rs. in thousand)

Year	2003-04				2004-05			
	Budget Allocation	Expenditure incurred	Saving	percentage of saving	Budget Allocation	Expenditure incurred	Saving	percentage of saving
2056 (NP) Salary	22000	21175	825	3.75	37500	35899	1601	--
TE	500	50	450	90	500	248	282	56.04
OE	15000	14905	95	--	27500	2532	2468	8.97
Moto & Vehicle	25000	1280	1220	48.8	15000	6759	8241	54.94
Material & Supply	--	--	--	--	14500	12784	1716	11.83
OC	--	--	--	--	--	--	--	--
2210 Hospital	22500	19510	2990	13.29	30000	29267	733	--
<b>Total</b>	<b>62500</b>	<b>56920</b>	<b>5580</b>	<b>----</b>	<b>125000</b>	<b>109989</b>	<b>15011</b>	<b>--</b>