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30/3/2010

**REPORT OF THE  
COMPTROLLER AND AUDITOR  
GENERAL OF INDIA**

**FOR THE YEAR ENDED 31 MARCH 2009**

**(CIVIL)**

**GOVERNMENT OF RAJASTHAN**



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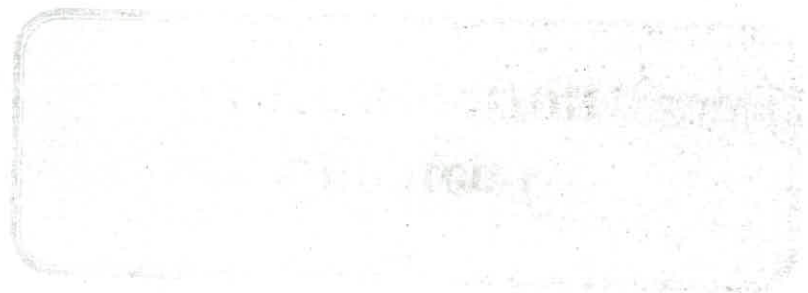


## Preface

This Report on the audit of expenditure incurred by the Government of Rajasthan has been prepared for submission to the Governor under Article 151 of the Constitution. The Report covers significant matters arising out of the compliance and performance audits of various departments including autonomous bodies. Audit observations on the Annual Accounts of the Government and departmentally run commercial undertakings would form part of a Report on State Finances, which is being presented separately.

The Report starts with an introductory chapter which provides auditee profile, comparative position of fiscal operations of the Government of Rajasthan, authority for audit, planning and extent of audit and follow-up on Audit Reports. Chapter 2 covers performance audits while Chapter 3 discusses material findings emerging from compliance audits. Chapter 4 includes a report on the assessment and evaluation of internal control in the Forest Department.

The cases mentioned in this Report are among those which came to notice in the course of test-audit of Accounts during the year 2008-09 as well as those which had come to notice in earlier years but could not be dealt with in previous Reports; matters relating to the period subsequent to 2008-09 have also been included wherever necessary.



**Chapter 1**  
**Introduction**

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# Chapter 1

## Introduction

### 1.1 About this Report

This Report of the Comptroller and Auditor General of India (C&AG) relates to matters arising from compliance audit of the transactions of the Civil and Works Departments of the Government of Rajasthan (GoR), audit of externally-aided projects, Centrally Sponsored and State plan schemes and audit of autonomous bodies of the State, including performance audit of selected schemes and departments.

The primary purpose of the Report is to bring to the notice of the State Legislature, important results of audit. Auditing standards require that the materiality level for reporting should be commensurate with the nature, volume and magnitude of transactions. The findings of audit are expected to enable the Executive to take corrective action as also to frame policies and directives that will lead to improved financial management of the organisations, thus contributing to better governance.

Compliance audit refers to examination of the transactions relating to expenditure, receipts, assets and liabilities of the audited entities to ascertain whether the provisions of the Constitution of India, applicable laws, rules, regulations and various orders and instructions issued by the competent authorities are being complied with.

Performance audit is an independent assessment or examination of the extent to which an organization, programme or scheme operates economically, efficiently and effectively.

This chapter provides the auditee profile, the planning and extent of audit and follow-up on audit reports. Chapter 2 of this Report deals with the findings of performance audit and Chapter 3 deals with compliance audit in the various departments and autonomous bodies. Chapter 4 contains observations on evaluation of internal controls in the Forest Department.

The cases mentioned in the Report are among those which came to notice in the course of test audit of accounts during the year 2008-09 as well as those which had come to light in earlier years but could not be dealt with in previous Reports. Matters relating to the period subsequent to 2008-09 have also been included wherever necessary.

### 1.2 Auditee profile

There are 88 departments in the State at the Secretariat level, headed by Chief Secretary/Principal Secretaries/Secretaries, who are assisted by Deputy Secretaries/Commissioner and subordinate officers under them and 107 autonomous bodies which are audited by the Principal Accountant General (Civil Audit).

The comparative position of expenditure incurred by the GoR during 2008-09, and in the preceding two years, is given below:

**Table 1.1 Comparative position of expenditure**

(Rupees in crore)

Particulars	2006-07			2007-08			2008-09		
	Plan	Non-Plan	Total	Plan	Non-Plan	Total	Plan	Non-Plan	Total
<b>Revenue expenditure</b>									
General services	81	10,268	10,349	143	10,779	10,922	110	12,840	12,950
Social services	1,601	7,333	8,934	1,919	8,281	10,200	2,677	11,376	14,053
Economic services	2,118	3,545	5,663	3,072	4,917	7,989	2,984	4,283	7,267
Grants-in-aid	-	8	8	-	17	17	-	26	26
<b>Total</b>	<b>3,800</b>	<b>21,154</b>	<b>24,954</b>	<b>5,134</b>	<b>23,994</b>	<b>29,128</b>	<b>5,771</b>	<b>28,525</b>	<b>34,296</b>
<b>Capital expenditure</b>									
Capital Outlay	4,667	142	4,809	5,611	944	6,555	6,096	(-) 196 <sup>1</sup>	5,900
Loans & Advances disbursed	298	15	313	199	89	288	324	16	340
Payment of Public Debt			1,780			1,846			2,433
Contingency Fund			-			-			165
Public Accounts disbursement			55,859			74,735			91,779
<b>Total</b>			<b>62,761</b>			<b>83,424</b>			<b>1,00,617</b>
<b>Grand Total</b>			<b>87,715</b>			<b>1,12,552</b>			<b>1,34,913</b>

### 1.3 Authority for Audit

The authority for audit by the C&AG is derived from Articles 149 and 151 of the Constitution of India and the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971. The Principal Accountant General (Civil Audit) conducted audit of expenditure of Civil and Works Departments, Autonomous Bodies of the GoR under Sections 13, 14, 15, 17, 19(2) and 20 of the C&AG's (DPC) Act<sup>2</sup>. The principles and methodology for compliance audit are prescribed in the manuals issued by the C&AG.

### 1.4 Organisational Structure of the Office of the Principal Accountant General (Civil Audit), Rajasthan

Under the directions of the C&AG, the Office of the Principal Accountant General (Civil Audit), Rajasthan, conducts audit of civil and works



departments and autonomous institutions through three groups for inspection of civil departments and one for works departments. During 2008-09, 48 audit parties (Civil: 31, Works: 17) conducted compliance audit of the selected units under various civil and works departments of the State Government, autonomous bodies, externally aided projects etc.

1. minus figure is due to transfer of Rs 212 crore from Rajasthan State Investment Fund.
2. see glossary at page 175.

## **1.5 Planning and conduct of audit**

Audit process starts with the assessment of risk exposure of various Government departments/organizations/autonomous bodies and schemes/projects, etc. based on expenditure, criticality/complexity of activities, level of delegated financial powers, assessment of overall internal controls and the concerns of stakeholders. Previous audit findings are also considered in this exercise.

After completion of audit of each unit, Inspection Reports, containing audit findings, are issued to the head of the unit. The units are requested to furnish replies to the audit findings within one month of receipt of the Inspection Report. Whenever replies are received, audit findings are either settled or further action for compliance is advised. The important audit observations arising out of these Inspection Reports are processed for inclusion in the audit reports.

During 2008-09, 13309 audit party days were used to carry out compliance audit of 1759 out of 12407 units in civil and works departments. The audit plan covered those units/entities, which were vulnerable to significant risk, as per the assessment.

## **1.6 Significant observations of performance audit**

Performance Audit is undertaken to ensure whether Government programmes have achieved the desired objectives at the minimum cost and given the intended benefits.

In the last few years, Audit has reported on several significant deficiencies in implementation of various programmes/activities through performance audits, as well as on the quality of internal controls in selected departments, which impact on the success of programmes and functioning of the departments.

This report contains performance audit of 'Preservation of Monuments and upkeep of Museums', 'Implementation of Juvenile Justice (Care and Protection of Children) Act' and 'Development of Sports and Physical Education in Rajasthan'. Besides, Internal Controls in the Forest Department were also reviewed. The focus has been on auditing the specific programmes/schemes and offering suitable recommendations, with the intention of providing an aid to the Executive in taking corrective action, and improving service delivery to the citizens. The salient features of the performance audits are discussed below:

### **1.6.1 Preservation of Monuments and upkeep of Museums**

A review of the performance of the Department of Archaeology and Museums during 2004-09 revealed that it had carried out commendable work, such as opening 700 feet long historical tunnel of Amber Mahal, Jaipur, restoration of 5,777 metre long city wall of Jodhpur and restoration and development works of the Albert Hall Museum, Jaipur. However, the Department does not have a long-term policy for planning and executing the preservation works.

Commercial activities were allowed in violation of rules, which resulted in modification of the original shape and structure of the protected monuments. The Chandrawati Art Gallery, Abu Road, constructed in March 2006 was not opened to visitors as of September 2009. At the Government Museum, Jodhpur 6,978 antiquities were lying in the store. Monitoring system for preservation and maintenance works of monuments and museums was absent.

### **1.6.2 Implementation of Juvenile Justice (Care and Protection of Children) Act**

The Department of Social Justice and Empowerment (Department), GoR is entrusted with the responsibility to provide protection and rehabilitation to neglected children and juveniles in conflict with law, and thereby help them to lead a meaningful life by evolving appropriate strategies and programmes for their reintegration into the mainstream. A review of the Department's performance revealed that juveniles in conflict with law were retained in observation homes for long periods delaying their post-discharge rehabilitation. Against 33 Child Welfare Committees (CWCs) only 16 were functioning in the State. Children, in need of care and protection, were exposed to juveniles in conflict with law as both categories were being housed in the same premises. In the absence of sufficient number of homes for children with special needs, the Home at Jaipur remained occupied beyond its capacity (up to 311 *per cent*). Only one Probation Officer was in position against 60 required in 12 select Homes, undermining the rehabilitation of juveniles. The safeguard of rights and privileges of the adopted children was not ensured as the guidelines of Central Adoption Resource Agency were not followed. Owing to non-establishment of After Care Organizations, children released from homes were deprived of facilities of vocational training, employment and services of peer counselors among others. Against the requirement of 198 inspections of test-checked Non-government Organisation homes, only three inspections were conducted.

### **1.6.3 Development of Sports and Physical Education in Rajasthan**

A review of development of sports and physical education in Rajasthan revealed that the State does not have a sports policy or any long-term plan for the development of sports. Bureaucrats have been administering the State Sports Council since January 2004. Minimal sports infrastructure like outdoor stadia, swimming pools and indoor stadia, crucial for sports development, was not available in many districts. Under-utilisation of government grants, delays in initiation and completion of the projects were some of the other deficiencies noticed. Scheme for development of playgrounds in villages was not implemented in 84 villages. Against the requirement of 200 coaches, there was a shortfall of 83. Coaches for particular sports were posted where no facilities of that sport were available. Also, more than one coach of same sport were posted at one coaching centre. Physical education in schools suffered due to shortage of physical education teachers, lack of sports infrastructure like playgrounds, lack of funds and inadequate supervision. The Talent Search Scheme was not properly implemented. Scheme for sports academies, sports hostels and sports schools did not provide for dietician and doctors. Women



Hockey Academy, Ajmer did not have its own building and grounds. Proper playgrounds were not available in Sports School, Kothyari (Sikar).

#### **1.6.4 Internal Control in Forest Department**

An evaluation of internal controls in the Forest Department in Rajasthan revealed certain weaknesses in budgetary, regulatory, administrative, and operational controls during 2004-09. The Forest Department has not evolved a State Forest Policy nor did it have an action plan to achieve targets as envisaged in the National Forest Policy. The Rajasthan Forest Manual and Departmental Accounts Procedure Code have not been updated from 1961 and 1978 respectively. Besides, deprivation of Centrally Sponsored Scheme funds due to non-utilisation of sanctioned grants, rush of expenditure during the last month of year, lack of physical verification of cash book balances were also noticed. The Department had not formulated any site-specific schemes that led to non-utilisation of Rs 421 crore under the Compensatory Afforestation Fund Management and Planning Authority. The Department did not take adequate measures to protect plants and ensure tree growth, which resulted in failure of plantations. Instances of encroachment on forest land have also increased.

#### **1.7 Significant audit observations during Compliance Audit**

Audit observed significant deficiencies in critical areas, which impact the effectiveness of the State Government. Some important findings of compliance audit (26 paragraphs) have also been reported. The major observations relate to:

- Non-compliance with rules and regulations.
- Audit against propriety and cases of expenditure without adequate justification.
- Persistent and pervasive irregularities.
- Failure of oversight/governance.

##### **1.7.1 Non-compliance with rules and regulations**

For sound financial administration and control, it is essential that expenditure conforms to financial rules, regulations and orders issued by the competent authority. This helps in maintaining financial discipline and prevents irregularities, misappropriation and frauds. This report contains instances of non-compliance with rules and regulations involving Rs 24.47 crore. Some important audit findings are as under:

- The Chief Minister's Secretariat directly hired private planes on five occasions, instead of sending requisition for State planes to the Civil Aviation Department, as required under 'The Use and Requisition of the Rajasthan Government Aircraft Rules, 1977'. Civil Aviation Department incurred an extra expenditure of Rs 32.03 lakh on payment of the bills.

**(Paragraph 3.1.1)**

- In contravention of the instructions issued by Disaster Management and Relief Department, the spinners and weavers were not paid cash relief by the Rajasthan Khadi and Village Industries Board. The relief funds of Rs 1.15 crore were lying with *Khadi Sansthan/Samitis* for more than five years, being used as their working capital.

**(Paragraph 3.1.4)**

- Non-observance of the Rule 378 of Public Works Financial and Accounts Rules by the Public Health Engineering Department and inclusion of price variation clause from the standard form of agreement which was not applicable to works executed under lump sum contract, led to inadmissible payment of price escalation charges of Rs 17.11 crore to the contractors.

**(Paragraph 3.1.7)**

- In contravention of Rule 351 of Public Works Financial and Accounts Rules, four road works were awarded by Public Works Department before acquisition of private land and without obtaining Government of India approval for execution of works on forest land. This rendered the expenditure of Rs 1.58 crore largely unfruitful on incomplete roads.

**(Paragraph 3.1.10)**

#### **1.7.2 Audit against propriety and cases of expenditure without adequate justification**

Authorization of expenditure from public funds has to be guided by the principles of propriety and efficiency of public expenditure. Authorities empowered to incur expenditure are expected to enforce the same vigilance as a person of ordinary prudence would exercise in respect of his own money. Audit scrutiny revealed instances of impropriety and extra expenditure involving Rs 21.88 crore. Some important audit findings are as under:

- Due to non-inclusion of any penal clause to safeguard Government interest, except for charging interest at commercial rates, loans and interest of Rs 1.94 crore were not recovered by the Co-operative Department from six co-operative institutions, even after a lapse of three to 14 years.

**(Paragraph 3.2.1)**

- Excess deposit of Rs 7.03 crore by Forest Department in Corpus Fund against the provisions of the Rajasthan Forestry and Bio-diversity Project resulted in avoidable extra liability of loans and interest thereon for the State Government.

**(Paragraph 3.2.2)**

- Equipment and furniture procured for starting science stream in government colleges remained idle due to delay in completion of buildings and for want of students. Total unfruitful expenditure incurred was Rs 5.37 crore.

**(Paragraph 3.2.3)**

- The action of the Water Resources Department to ignore the critical component of training, an integral component of procurement of expensive motorboats (cost Rs 2.44 crore), is indicative of lack of prudence.

**(Paragraph 3.2.7)**

### **1.7.3 Persistent and pervasive irregularities**

An irregularity is considered persistent if it occurs year after year. It is deemed pervasive when prevalent in the entire system. Recurrence of irregularities, despite being pointed out in earlier audits, is indicative of slackness on the part of the executive and lack of effective monitoring. This in turn encourages willful deviations from observance of rules/regulations and results in weakening of administrative structure. Audit observed instances of persistent and pervasive irregularities of Rs 12.74 crore. Some important audit findings are as under:

- Charging assistance for input subsidy in excess of Government of India norms to Calamity Relief Fund (CRF) by the Disaster Management and Relief Department resulted in inadmissible expenditure of Rs 8.78 crore.

**(Paragraph 3.3.1)**

- Public Health and Engineering Department procured pipes and started the work of reservoirs etc. for two water supply schemes before developing the source of water. Despite spending Rs 2.75 crore, the objective of providing safe drinking water to the tribal areas was not achieved.

**(Paragraph 3.3.3)**

### **1.7.4 Failure of oversight/governance**

Government has an obligation to improve the quality of life of the people in the area of health, education, development and upgradation of infrastructure, public services etc. Audit noticed instances where the funds released by the Government for creating public assets remained unutilized/blocked or proved unfruitful/unproductive due to indecisiveness, lack of administrative oversight and concerted action at various levels. Test-check cases of failure of oversight/governance noticed in audit involved Rs 12.08 crore. Some important audit findings are as under:

- Delay in issue of demand notices for recovery of net present value by the Forest Department from mine owners indicated weak administrative oversight. This resulted in unauthorized mining activity in forest land and loss of revenue of Rs 79.21 lakh.

**(Paragraph 3.4.1)**

- Lack of initiative by the Rajasthan Khadi and Village Industries Board under Industries Department in taking timely action to recover loans of Rs 1.03 crore under Consortium Bank Credit from the beneficiaries led to accumulation of dues of Rs 2.30 crore including interest of Rs 1.27 crore.

**(Paragraph 3.4.2)**

- Indecisiveness on the critical issue of teacher-student norm in the Secondary Education Department resulted in unproductive expenditure of Rs 7.26 crore on pay alone of 450 surplus teachers and deprived rural students of the benefit of quality education.

**(Paragraph 3.4.5)**

## **1.8 Response of the Departments to Reviews/Draft Audit Paragraphs**

The Finance Department had issued directions to all departments (August 1969) to send their response to the draft audit paragraphs, proposed for inclusion in the Report of the Comptroller and Auditor General of India, within three weeks.

Accordingly, draft paragraphs are forwarded to the Principal Secretaries/Secretaries of the departments concerned, drawing their attention to the audit findings and requesting them to send their response within three weeks. It is brought to their personal attention that in view of likely inclusion of such paragraphs in the Audit Reports of the Comptroller and Auditor General of India, which are placed before Rajasthan Legislature, it would be desirable to include their comments in the matter. They are also advised to have meetings with the Principal Accountant General to discuss the reviews/draft audit paragraphs, proposed for Audit Reports. Reviews/draft paragraphs proposed for inclusion in this report were forwarded to the Principal Secretaries/Secretaries concerned.

Two Departments did not furnish replies to draft paragraphs and draft performance reviews forwarded to the Principal Secretaries/Secretaries. The responses of the Departments, received in respect of 28 paragraphs/performance reviews, have been appropriately incorporated in the Report.

## **1.9 Follow-up on Audit Reports**

The Finance Department of the State Government decided (December 1996) that Action Taken Notes (ATNs) on all paragraphs/reviews that have appeared in Audit Reports be submitted to the Public Accounts Committee, duly vetted by Audit, within three months from the date of laying of the Reports in the State Legislature. A review of the outstanding ATNs on paragraphs/performance reviews included in the Reports of the Comptroller and Auditor General of India pertaining to various Departments as of October 2009 revealed that four ATNs<sup>3</sup> were pending from the concerned Departments, involving a delay of 10 months.

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3. Paras 2.5, 3.4, 4.2.1 and 4.4.4 of the Audit Report (Civil) 2007-08.

## Chapter 2 Performance Audit

This Chapter presents performance audit of the Preservation of Monuments and upkeep of Museums, Implementation of the Juvenile Justice (Care and Protection of Children) Act and Development of Sports and Physical Education in Rajasthan.

### Art, Literature, Culture and Archaeology Department

#### 2.1 Preservation of Monuments and upkeep of Museums

##### *Highlights*

*Rajasthan is replete with historical sites, some preserved, others languishing for want of a policy, resources and attention. A review of the performance of the Department of Archaeology and Museums (A&M) during 2004-09 revealed that it had carried out commendable work, such as opening of the 700 feet long historical tunnel of Amber Mahal, Jaipur, restoration of the 5777 meter long City Wall of Jodhpur and restoration and development works of the Albert Hall Museum, Jaipur. However, the review brought forth certain deficiencies:*

The Department does not have a long-term policy to guide the executives in planning and executing preservation works as envisaged in its objectives. Government has not constituted an Advisory Board for expert guidance on preservation and upkeep of historical monuments.

*(Paragraph 2.1.4)*

During 2004-09, under-utilisation of funds ranged between 10 per cent and 41 per cent. Large amount of Central grants remained unutilised. User charges were not levied for all the monuments, nor reviewed periodically.

*(Paragraphs 2.1.4.1, 2.1.4.2 and 2.1.4.6)*

Commercial activities were allowed in violation of rules, which resulted in modification of the original shape and structure of protected monuments. The Department was unable to check the defacement of the monuments.

*(Paragraphs 2.1.5.3 and 2.1.5.4)*

The Chandrawati Art Gallery, Abu Road, constructed in March 2006 was not opened to visitors as of September 2009. Lack of watch and ward resulted in defacement of Hawa Mahal.

*(Paragraphs 2.1.6.1 and 2.1.6.2)*

**At the Government Museum, Jodhpur, only 809 antiquities had been displayed without descriptive boards and 6,978 antiquities were lying in the store. Physical verification of artifacts at Ganga Government Museum, Bikaner and Sardar Government Museum, Jodhpur was perfunctory, while at Albert Hall, Jaipur, it was conducted partly.**

*(Paragraphs 2.1.6.3 and 2.1.6.4)*

**Monitoring system for preservation and maintenance of monuments and museums was non-existent. Preservation works of Gagron Fort, Hawa Mahal and Jantar Mantar remained incomplete, while the work of Town Hall Museum at Jaipur did not even start.**

*(Paragraphs 2.1.5.6, 2.1.5.7 and 2.1.7)*

### **2.1.1 Introduction**

The Archaeology and Museums (A&M) Department was formed by integrating the archaeological departments of the princely States in Rajasthan in 1950. Under the Rajasthan Monuments, Archaeological Sites and Antiquities Act (Act), 1961, the Government of Rajasthan (GoR) framed the Rajasthan Monuments, Archaeological Sites and Antiquities Rules, 1968 (State Rules, 1968). The main function of the Department is to declare such sites and monuments as 'protected'<sup>1</sup>, maintain<sup>2</sup> their original shape and structure, explore scattered antiquities, strengthening, development, preservation of museums and monuments, publication and communication through mass media of art and sculpture for the use of general public. The Ministry of Tourism and Culture, Government of India (GoI), under Centrally Sponsored Schemes<sup>3</sup> (CSS) and GoR allocate funds for this purpose. There are 18 Government museums, two art galleries, 293 protected monuments and 47 protected sites situated in 28 districts<sup>4</sup>.

### **2.1.2 Organisation**

The Principal Secretary, Art, Literature, Culture and Archaeology (A&C) Department is the administrative head under whose control the Director, Archaeology and Museum, looks after the protection of monuments and museums with the assistance of one Deputy Director. There are 14 Superintendents, one in each of the seven Circles (Ajmer, Bharatpur, Bikaner, Jaipur, Jodhpur, Kota and Udaipur) covering 28 districts of Rajasthan, four in the Directorate, Jaipur, one each in Government Central Museum (Albert Hall) Jaipur, Government Museum at Amber Mahal and *Jyotish Yantralaya* at

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1. see the glossary at page 175
  2. "maintain" includes the fencing, covering in, repairing, restoring and cleaning of an ancient or historical monument, an archaeological site or an antiquity or the doing of any act which may be necessary for the preservation, protection, upkeep or regulation of such monument, site or antiquity, or for securing convenient access thereto;
  3. Promotion and Strengthening of regional and local museums, Hadoti Region Tourist Circuit (HRTC) development scheme, Destination Development (DD) scheme and National Capital Region Tourist Circuit (NCRTC)
  4. In the remaining five districts (Sawaimadhopur, Jhunjhunu, Churu, Hanumangarh and Banswara), no monuments, museums, art galleries and protected sites were identified.

Jaipur. Apart from this, there are 14 curators of museums and seven custodians are responsible for maintenance, protection and renovation of five museums (including one proposed museum), one art-gallery and Amber Mahal. In the Directorate, there are one Executive Engineer and three Assistant Engineers for execution and technical supervision of works, which are carried out by contractors.

Two societies were set up for conservation and preservation works: (i) Amber Development and Management Authority (ADMA) Society for Amber Mahal Complex<sup>5</sup>, headed by the Chief Secretary, GoR, and (ii) Rajasthan State Museum and Monument Management and Development Society (RSMMDMS) for other monuments and museums in the State, headed by the Principal Secretary, A&C Department, GoR. The details are in *Appendix 2.1*.

### 2.1.3 Aim and scope of audit

The review was undertaken to assess whether the Department executed the works of preservation, protection, upkeep, maintenance of monuments and museums within the policy framework and good financial management, and in tune with its objectives. The review has discussed:

- the existing policy framework for preservation of monuments and museums and the Department's functioning with respect to maintenance and preservation of monuments, museums and antiquities.
- the Department's financial administration with regard to release and utilization of budget allocations for earmarked preservation works, levy and periodic review of user charges and adherence to financial rules.
- creation of a security mechanism and monitoring system.

Audit conclusions were drawn after test-check of records, analysis of the available data, response to questionnaires, and joint physical verification of monuments/sites. Category-wise names of test-checked monuments and museums are given in *Appendix 2.2* Audit also scrutinized the records, available in the Directorate, in respect of seven CSS-funded monuments<sup>6</sup>.

The audit findings were shared with the Principal Secretary, A&C Department, Rajasthan.

## Audit findings

### 2.1.4 Planning and Funding

A long-term policy and an integrated approach are vital for preservation of the monuments and maintenance of the museums as well as for efficient utilization of funds. According to the information furnished by the Department

5. Amber Mahal, Hathi Stand, Kesar Kyari, Maota, Pariyon ka Bagh, Jaleb Chowk, Fort wall and properties of Amber Mahal etc.
6. **Jhalawar:** Gagrion Fort; **Dholpur:** Shergarh Fort, Bari Fort, Muchkund and Talabshahi Mahal; **Bharatpur:** Kaama Mahal and **Baran:** Kakoni Temple.

(May 2009) the preservation work was being undertaken on priority in view of dilapidated condition of structures, local demand and the assessed need, and available budget for the proposals given by the Circle Offices. Audit observed that in the absence of a laid down policy framework, the approach to prioritization and execution of preservation and restoration works had been *ad hoc*. Government stated (September 2009) that as a part of long-term policy the proposals for Twelfth and Thirteenth Finance Commission were prepared for execution of works. The fact remains that the Department does not have a declared long-term preservation policy (September 2009).

Further, under Section 30 of the Act, for the purpose of advising the State Government in the matter of the preservation, maintenance, upkeep, protection, acquisition, regulation and control of ancient or historical monuments, archaeological sites and antiquities, the State Government may constitute an Advisory Board<sup>7</sup>. Government, however, has not constituted an Advisory Board as of September 2009. Government stated (September 2009) that formation of Advisory Board was not mandatory as per the Act. By not constituting the Advisory Board, the Department was deprived of expert guidance.

#### 2.1.4.1 Financial Management

Funds were allocated under CSS, State Plan, Eleventh Finance Commission (EFC) and Twelfth Finance Commission (TFC) for preservation, renovation and maintenance of monuments and museums in the State. Year-wise position of allocation of funds and expenditure incurred against under the State Plan, CSS<sup>8</sup> and grants received under EFC and TFC during 2004-09 is as under:

**Table 1: Allocation of funds and expenditure**

(Rupees in crore)

Year	State Plan		CSS		EFC/TFC		Total		
	Allo- cation	Expen- diture	Allo- cation	Expen- diture	Allo- cation	Expen- diture	Allo- cation	Expen- diture	Excess(+) Saving(-)
2004-05	3.66	3.08	-	-	7.98 (EFC)	7.43	11.64	10.51	(-) 1.13 (10%)
2005-06	3.83	2.33	0.19	0.03	-	-	4.02	2.36	(-) 1.66 (41%)
2006-07	6.02	4.65	-	-	3.50 (TFC)	1.49	9.52	6.14	(-) 3.38 (35%)
2007-08	5.85	5.82	-	-	25.50(TFC)	16.77	31.35	22.59	(-) 8.76 (28%)
2008-09	3.75	3.75	-	0.02	13.64(TFC)	14.36	17.39	18.13	(+) 0.74 (4%)
<b>Total</b>	<b>23.11</b>	<b>19.63</b>	<b>0.19</b>	<b>0.05</b>	<b>50.62</b>	<b>40.05</b>	<b>73.92</b>	<b>59.73</b>	<b>(-) 14.19 (19%)</b>

(Source: A&M Department)

7. see the glossary at page 175.

8. "Promotion and Strengthening of regional and local museums" under which funds are released to the A&M department through the budget. The funds were to be shared on 80:20 basis between Centre and State Government.



It would be seen that underutilization of funds ranged from 10 per cent to 41 per cent. Out of Rs 25.50 crore allocated (2007-08) under TFC Rs 8.73 crore could not be utilised. Government stated (September 2009) that works of Rs 5 crore of Town Hall, Jaipur could not be taken up and saving of Rs 3.73 crore was related to ongoing works of other museums, monuments, libraries and heritage zones.

Out of Rs 13.64 crore allotted under TFC (2008-09), Rs 26 lakh for the projects of preservation of monuments and excavation work were not utilised (March 2009). The Department stated that excavation work could not be carried out as the post of Excavation Officer was lying vacant since July 2006.

The funds were also released by GoI under three other schemes during 2004-09, not routed through the State budget. These schemes were: Hadoti Region Tourist Circuit Development Scheme (HRTC)<sup>9</sup>, Destination Development Scheme (DD)<sup>10</sup> and National Capital Region Tourist Circuit Scheme (NCRTC)<sup>11</sup>.

#### 2.1.4.2 CSS grant for promotion and strengthening of museums

CSS grant of  
Rs 14.40 lakh  
remained  
unutilised

The Ministry of Culture, GoI, sanctioned (January 2005) non-recurring grant of Rs 20 lakh for Government Museum, Mount Abu and released the first installment of Rs 15 lakh (75 per cent) for renovation/repair and modernisation of galleries, publication, conservation of laboratory, purchase of equipment, documentation and museum library, for utilisation by December 2006. The Department utilised Rs 2.03 lakh during 2005-06, leaving an unutilised balance of Rs 12.97 lakh as on March 2009. The Principal Secretary, GoR, stated (September 2009) that expenditure in the Mount Abu Museum could not be made due to the ban on construction activities. GoI did not revalidate the grant.

Similarly, Rs 3.75 lakh was released out of Rs 5 lakh sanctioned (January 2005) for Government Museum, Pali. Of this, Rs 2.32 lakh was utilized leaving an unutilized balance of Rs 1.43 lakh.

Thus, the Department could utilize only Rs 4.35 lakh within the stipulated period, out of sanctioned amount of Rs 25 lakh.

#### 2.1.4.3 Digitization of ancient manuscripts

Release of  
excess funds  
of Rs 2.74  
crore for  
digitization

The Department sanctioned (December 2007) TFC grant of Rs 68 lakh to the Director, Oriental Research Centre (ORC), Jodhpur for digitization of ancient records of historical importance. The ORC, Jodhpur, further transferred Rs 68 lakh (January-March 2008) to RajComp (a State agency in the field of Information Technology) on the basis of its proforma invoice of Rs 5 per page for digitization of 13.60 lakh pages of manuscripts. RajComp floated a tender and work order was issued (May 2008) to M/s Nine Stars Information Technology Ltd., New Delhi, at the rate of Re. 0.55 per page for digitization

9. Allocation: Rs 0.95 crore, expenditure: Rs 0.46 crore.

10. Allocation: Rs 17.35 crore, expenditure Rs 7.34 crore.

11. Allocation: Rs 1.14 crore, expenditure: Rs 1.20 crore.

and Re. 0.15 per page for e-cataloging work of 13.60 lakh pages, amounting to Rs 9.52 lakh. Audit observed that there was a huge difference between the rates offered by RajComp, in its proforma invoice, and the rates of work order issued by them. The ORC, Jodhpur did not assure the reasonableness of rates before transferring the amount to RajComp, resulting in excess release of Rs 58.48 lakh to RajComp.

Similarly, the Department sanctioned TFC grant of Rs 2.34 crore during 2007-09 to the Archives Department, Bikaner. The Archives Department, Bikaner, transferred the amount to RajComp in December 2007 (Rs 1.11 crore) and November 2008 (Rs 1.23 crore) on the basis of the proforma invoice of Rs 5 per page for digitization of 25 lakh pages of ancient records. RajComp, in the same manner as above, allotted the work of 26.35 lakh pages (May 2008) to the same firm at Re. 0.70 per page, amounting to Rs 18.45 lakh. It was observed that even after the issue of the work order of Rs 18.45 lakh for total work in May 2008 by RajComp, the Archives Department further transferred an amount of Rs 1.23 crore (November 2008), without taking note of excess release of Rs 0.93 crore made earlier.

#### **2.1.4.4 Amber Mahal Development Fund**

The Constitution of ADMA provides that Amber Mahal Development Fund would be created by ADMA for protection, upkeep, maintenance and development activities of Amber Mahal. The Fund was to be created from financial aid and income received from various sources. But no such Fund was created. Government stated (September 2009) that the fund was not created as development and preservation work was carried out by finances provided by GoR and GoI. The reply was not acceptable because the funds were provided by GoR and GoI only for specific projects/works, whereas the Amber Mahal Development Fund was to be created for general maintenance, protection and upkeep of the monuments.

#### **Irregularities in the award of contract**

Further, before 2008-09, Nagar Nigam, Jaipur undertook the cleaning of Amber Mahal. However, tenders for comprehensive cleaning of the entire Amber Palace area were floated in February 2008. Two firms submitted bids for 2008-09. One did not furnish relevant documents and its tender was not considered fit. The single tender (M/s IL&FS Property Management), quoted at Rs.19,40,136 per month, was opened. On negotiation (29 March 2008), the amount was reduced and approved for Rs 10 lakh per month plus service tax, and work order was issued in April 2008. ADMA made a payment of Rs 1.46 crore to the firm for the period April 2008 to April 2009 and the period of contract was extended up to May 2009.

On inviting the tenders for 2009-10, the financial bid of six out of seven participating firms were opened, including the firm approved for 2008-09 (M/s IL&FS Property Management, New Delhi) which now entered the fray with a bid of Rs 7,40,000 per month. The tender was approved (June 2009) by ADMA at Rs 4,69,500 (including service tax) per month for 2009-10. Thus, without enquiring about the market rates and reasonableness of proposed rates, higher rates had been approved in 2008-09, resulting in an avoidable loss of Rs 0.85 crore. ADMA stated that revised tenders were not floated as the

Tender Committee and the Chief Executive Officer had approved the rate, after negotiating with the bidder.

#### 2.1.4.5 Museum and Monument Fund

The constitution of RSMMDMS also provides that Museum and Monument Fund would be created for raising financial assistance from various sources for safety, conservation, upkeep and related research-oriented activities. However, no Fund was created (September 2009). Government replied (September 2009) that the Fund would be created as per the mandate of the society in the future.

#### 2.1.4.6 User charges

As per Section 20A of the Act, 1961, the State Government may, by notification in the official gazette, levy entrance fee in respect of such monuments and at such rates not exceeding Rs 2500 per head. Out of a total 293 monuments, user charges were fixed only for 11 monuments in June 2004. Further, user charges for only eight monuments have been fixed since July 2009. The position with respect to old and new rates of user charges is given in *Appendix 2.3*.

It was observed that an amount of Rs 36.36 crore from seven<sup>12</sup> monuments, out of 11, was received as income from user charges during 2004-2009. The reasons for not levying user charges in remaining monuments were not intimated. Had the user charges been levied for the remaining 285 monuments, the Government could have earned revenue, which could have been utilised for maintenance.

#### 2.1.4.7 Collection and deposit of revenue in society accounts

Revenue of  
Rs 1.80 crore  
not deposited  
in  
Government  
account

According to Rules 5 and 6 of General Financial and Accounts Rules (GF&ARs), all the revenue earned from Government property should be deposited into Government Account.

RSMMDMS, Jaipur, signed eight Memorandum of Understandings (MoUs) (between March 2008 and January 2009) for commercial activities in Jantar Mantar, Hawa Mahal and Albert Hall Campus, and earned Rs 8.74 lakh (*Appendix 2.4*) during 2007-09 from five firms. The amount was deposited in the account of the Society instead of in the Government account. Similarly, ADMA signed MoUs with 20 firms (2006-09) for commercial activities in Amber Mahal and Jantar Mantar and earned Rs 1.71 crore (*Appendix 2.4*) for the period 2007-09 from six out of 20 firms and other sources. Instead of depositing the revenue into Government account, the amount was irregularly deposited in the account of ADMA during 2007-09. ADMA stated that in compliance of the decision of the State Government (April 2009), revenue received was being deposited in the Government account since April 2009.

12. Amber Mahal (Rs 22.98 crore), Albert Hall (Rs 1.25 crore), Hawa Mahal (Rs 1.75 crore), Nahargarh Fort (Rs 0.97 crore), Jantar-Mantar (Rs 9.25 crore), Isarlat of Jaipur (Rs 0.03 crore) and Patwa Haveli, Jaisalmer (Rs 0.13 crore).

**2.1.5 Preservation works of monuments and museums**

**Irregular expenditure on ASI protected monuments**

Section 2 of the Act stipulates that if Archaeological Survey of India (ASI) has declared an ancient or historical monument protected it cannot be declared so by the State Government. Audit observed that the ASI had declared some monuments as protected and the State Government again declared them so, and incurred expenditure of Rs 66.36 lakh during 2004-09 for their upkeep and preservation as shown below:

Name of monument	ASI protected list serial number	A&M protected serial number	Expenditure (Rupees in lakh)
Devyani Kund Sambher Jaipur (excavated site Sambher)	113	60	41.67
Shergarh Fort Dholpur	87	230	24.69
<b>Total</b>			<b>66.36</b>

Government stated (September 2009) that these monuments would be declared unprotected, in coordination with ASI.

**Expenditure on unprotected monuments**

Further, preservation works valued Rs 3.83 crore were carried out on 21 unprotected (*Appendix 2.5*) monuments during 2004-09. This included TFC funds of Rs 1.14 crore, meant for other specific monuments. The Department stated (July 2009) that works on some unprotected monuments were carried out due to their importance and dilapidated condition. The Department needs to take coordinated steps for identification and declaration of monuments as protected rather than incurring ad hoc expenditure on maintenance.

**2.1.5.1 'Adopt a Monument' scheme**

**Rs 1.80 crore released for 'Adopt a Monument Scheme' remained unutilised**

Realising the potential and value of legacy, the GoR started an 'Adopt a Monument' (AAM) scheme (September 2005) to solicit public-private participation for preservation of the State's rich heritage through preservation, conservation, restoration and management of architectural structures, forts, palaces, buildings, havelis, other monuments, heritage properties and landscapes of great archaeological, cultural or artistic value. The scheme supports commercially viable, revenue sharing options, whereby all investments by the 'adoptee' are recovered and profits/ savings shared with the Government on an agreed pattern. Audit observed that GoR transferred Rs 1.80 crore (October-November 2006) for creation of a revolving fund, into the PD account of the Rajasthan State Museum and Monument Management and Development Society (RSMMDMS). The Department, after almost 19 months of transfer of funds, invited Expression of Interest (July 2008) for 14 monuments under the AAM scheme and received (August and September 2008) two tender bids for Weir Fort, Bharatpur and Kishore Sagar, Jag Mandir, Kota. However, as the technical bids were lacking on several counts, they were rejected by RSMMDMS (October 2008). The RSMMDMS neither utilized Rs 1.80 crore nor remitted the amount in Government account (September 2009). The Department stated that no proposals were pending under the scheme as of July 2009. This shows that while the funds were made available, no concrete action plan was drawn up for their utilization. However, the Department informed (October 2009) that the scheme was cancelled.

### 2.1.5.2 Delay in execution of works

Preservation  
works of  
Amber Mahal  
Complex

A Project Report on various preservation works of Amber Mahal<sup>13</sup> was prepared in March 2005 according to which works valued Rs 48.34 crore were to be carried out in three phases to be completed by March 2006, March 2007 and March 2008. Scrutiny revealed that Rs 4.54 crore was released against Rs 16.25 crore required for the works to be executed in phase I. Utilisation of the funds was delayed due to late constitution of ADMA (November 2005) and late deployment of technical staff (November 2006). In November 2007, the sanction of phase I was raised to Rs 18.50 crore against which an expenditure of Rs 21.80 crore was incurred as of September 2009. Government stated (September 2009) that the value of works executed by ADMA was in excess of the amount released to ADMA, so progress was not slow. As per the schedule the preservation works of all the three phases should have been completed by March 2008. Sanction for works related to Phases II and III was issued in November 2007, but these works were yet to be taken up.

- The function of ADMA, as per its Constitution, was the upkeep and maintenance of antiquity of Amber and execution of preservation work of Amber Complex. Records showed that ADMA received Rs 15.98 crore from JDA, Tourism Department, Forest and A&C Department for preservation works related to other projects and executed (2006-09) works of Rs 9.98 crore. On the one hand, it was not covered under the objectives of ADMA, and on the other, by taking up works related to other projects, it did not focus on the execution of the Amber Project.

- Audit observed that the Executive Committee (EC) of the ADMA was required to meet thrice a year to prepare plans to achieve its prime objectives. Only five meetings of EC against 12 required were conducted during 2005-09.

- A work order for Rs 26.04 lakh was issued (December 2007) to a firm for the preservation work at Choor Singh Ki Haveli, Amber. The work was to be completed by June 2008. It was observed that after incurring an expenditure of Rs 3.59 lakh (February 2009), the work was abandoned (May 2008), because the priest living in the Haveli prevented its execution and filed a civil suit (2006). The action of ADMA to start the work without getting the *Haveli* vacated, not only resulted in infructuous expenditure of Rs 3.59 lakh, but has undermined preservation work.

Ad hoc  
functioning of  
ADMA

- For the development of tourist facilities at Hathi stand (Amber), work of *Chattaries* of Hathi stand at a cost of Rs 10.51 lakh was allotted (April 2007) to a firm. During inspection (February 2008) of the work, cracks in the roof were noticed. ADMA decided to dismantle the *Chattaries*. Audit observed that the work was left incomplete (March 2009), and the Department had not imposed penalty for the defective work. In another instance, a work order for Rs 0.98 lakh was issued (May 2007) for making a ticket window at Amber. After completion of 60 per cent of work, it was stopped on the ground

13. Amber Mahal, Fort wall and temples in premises.

of unsuitable location, and this site was allotted for commercial activity to M/s HPCL (Coca Cola).

### 2.1.5.3 Destruction of ancient tank at Kesar Kyari, Amber

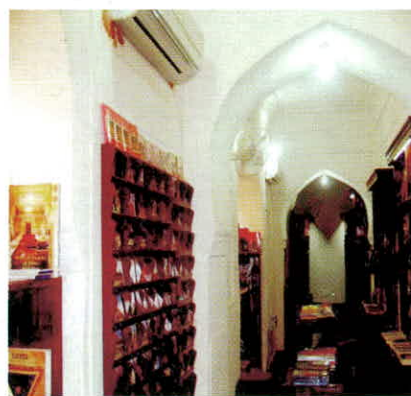
Audit observed that an 18<sup>th</sup> century water tank of historical value existed near Maota, supplying water to the fountains of Kesar Kyari in the Amber Mahal Complex. ADMA dismantled the ancient tank for the construction of a viewers' gallery for the light and sound show. ADMA informed (June 2009) that the use of this tank was not possible as water was not available in the Maota water reservoir, and it was, therefore, decided to develop the dilapidated/decayed tank for the visitors' gallery. The action of ADMA was not in consonance with Para 25 of Part I of Conservation Manual of Archaeological Survey of India, which states, "when the authenticity of a monument is destroyed, our first duty is not to renew them but preserve them" and also, "broken or half decayed original work is of infinitely more value than the smartest and most perfect new work".

Commercial activities carried out within monuments

Rule 8(a) of State Rules, 1968 prohibits any person within the protected monument area to do any act, which causes damage to any part of the monument. Audit noticed that ADMA allotted (July 2007 to January 2009) 11 shops inside the Amber Palace after signing MoU, which was in violation of the spirit of State Rules 1968. Many shopkeepers installed air conditioners and applied lamination on walls and floors of the fort. One of the shops was used for kitchen and restaurant. The original look of the palace was modified, undermining historical value. In an earlier case (Para 3.2.11, Audit Report (Civil) for year ended 31 March 1990), the Department had taken 27 years to remove the shopkeepers. However, shops were continued to be allotted inside the Mahal premises.



Café Coffee Shop of Amber Palace



Book Shop of Amber Palace

### 2.1.5.4 Commercial activities damaged Amber Mahal

- An agreement was entered into (December 2007) by Rajasthan Tourism Development Corporation (RTDC) with M/s Mount Shivalik Industries Ltd. for a restaurant on second and third floor at Jaleb Chowk, Amber. Audit observed that for construction of an elevator to service the restaurant, walls of Amber Mahal were damaged. New mirror work was carried out on the walls and the roof. Besides, installation of AC, ducting and

tiling for the kitchen destroyed the historical value of Amber and violated the spirit of Rule 8(a) of State Rules, 1968. ADMA replied (September 2009) that the walls were not dismantled and it was proposed that the elevator would be constructed in an open space. The fact remains that the works carried out were not in conformity with the Rule 8(a).

#### 2.1.5.5 Construction of VIP lounge

It was observed that by changing the historic shape of old verandahs, the construction of VIP lounge at Jaleb Chowk, Amber, was proposed and nine work orders for Rs 51.40 lakh were issued (April 2008 to February 2009) for various works i.e. tower AC, interior work, wooden beam, wooden doors and furniture, stone/marble flooring, lime plaster with marble chips, stone *jaali*, etc. An expenditure of Rs 12.03 lakh was incurred up to February 2009. ADMA stated (June 2009) that these works were executed under the supervision of Chief Executive Officer, who is equivalent to Principal Secretary, so it was deemed to be with the approval of the Government. The fact remains that the historic look, value and original structure of Amber Mahal was being modified by these works in violation of spirit of Rule 8(a).

#### 2.1.5.6 Delay in completion of preservation work

Incomplete preservation work due to delayed and partial release of funds

- For the preservation, restoration and maintenance work of Gagron Fort in Jhalawar District, funds were sanctioned under two Central schemes by the Ministry of Tourism, GoI.

Under Hadoti Region Tourist Circuit (HRTC) Development Scheme Rs. 0.92 crore was sanctioned and Rs. 0.73 crore (80 *per cent*) were released in February 2005 by the Ministry to RTDC, for completion of the works by February 2007. Similarly, Rs 4.27 crore were sanctioned (January 2006) under Destination Development (DD) Scheme for the work to be completed by January 2009. Out of the Central share of Rs 2.82 crore, the Ministry released (January 2006) Rs 2.25 crore, the balance was to be released in the form of reimbursement on receipt of the utilization certificates of total amount sanctioned.

It was observed that RTDC released Rs 0.23 crore in May 2007 and Rs 0.50 crore in March 2009 under HRTC scheme and the State share of Rs 0.98 crore under DD scheme was not released (July 2009). As a result, the preservation works of Gagron Fort remained incomplete as of September 2009.

- Under DD Scheme, Ministry of Tourism, GoI sanctioned (November 2005) Rs 6.60 crore (State share 30 *per cent*) for the preservation work of Hawa Mahal (34 works) and Jantar Mantar (39 works) (Phase I) and released Rs 3.71 crore to be used by November 2008. The balance GoI share was to be released in the form of reimbursement, on receipt of utilization certificate for the total amount sanctioned for the project.

The Department could carry out works valued Rs 3.71 crore (Rs 2.65 crore on 28 works of Hawa Mahal and Rs 1.06 crore on 22 works of Jantar Mantar) till March 2009. As against the State share of Rs 1.96 crore, Rs 0.80 crore was released by State Government up to July 2009 and the remaining Rs 1.16 crore

was not released (September 2009). Owing to slow utilisation of funds, the remaining Central share could not be claimed by the State Government. It was also seen that the A&M Department had written to GoR (October 2006, June and July 2008) but the funds were not received. Thus, six works of Hawa Mahal and 17 works of Jantar Mantar could not be completed.

After approval of tender work order was not issued

- Tenders for two works i.e. the conservation work of Government Museum, Ajmer (Rs 50 lakh), and fixing railing around Chaman Bagichi at Government Museum, Bharatpur (Rs 15 lakh) were opened (9 February 2009) and approved. The work orders to be issued within 70 days of opening of the tender, that is, by 19 April 2009, had not been issued as of September 2009.

The Department attributed (June 2009) it to the delay in official process. Thus, due to slackness of the Department, the works of the museums had not even started despite availability of funds.

#### 2.1.5.7 Non- execution of work at Town Hall Museum, Jaipur

For setting up an art museum of international standards at the Sawai Man Singh Town Hall at Jaipur, GoR made a provision of Rs.16.44 crore<sup>14</sup>. An MoU for planning, design, execution and consultancy services was signed (January 2008) between ADMA and a firm<sup>15</sup>. It was decided to pay consultancy fee of Rs 1.73 crore at 9.65 per cent of the estimated cost of the project (Rs 18 crore). The schedule of payment of fee is given in Appendix 2.6.

However, even after incurring an expenditure of Rs.1.12 crore, work orders for execution were not issued (June 2009), whereas as per MoU, works worth Rs 13.50 crore should have been completed by June 2009. The Department stated that ADMA was the executing agency for the work. The reply was untenable. The Department cannot shy away from its overall responsibility and should monitor progress.

#### 2.1.6 Maintenance and Security of Monuments & Museums

##### 2.1.6.1 Chandrawati Art Gallery, Abu Road

Chandrawati Art Gallery, Abu Road, is one of the two declared art galleries for display of excavated antiquities.

Expenditure of Rs 0.36 crore on art gallery remained unfruitful



Chandrawati Art Gallery, Abu Road

14. 2007-08: Rs 5 crore; 2008-09: Rs.4.85 crore and 2009-10:Rs.6.59 crore.

15. M/s Lord Cultural Resources Planning and Management Inc., Toronto.



The building for the art gallery was constructed in two phases (first Phase in 1998-99 and Second Phase in March 2006), at a cost of Rs 35.94 lakh. The gallery had, however, not been thrown open to visitors as of September 2009. It was observed in joint physical verification that the art gallery had 58 idols on pedestal and 232 idols were scattered in a hall. Toilets were constructed without ensuring availability of water. Electric motor had not been attached with the bore-well for lifting water because there was no electricity connection. The Superintendent, Archaeology and Museum, Jodhpur had informed the Director, A&M, Jaipur (June 2006) that the gallery was not electrified. Scrutiny of records revealed that five ancient idols were stolen on 5 March 2006, which were not recovered as of April 2009. Further, out of sanctioned posts of two monument attendants, only one attendant was deputed at Chandrawati.

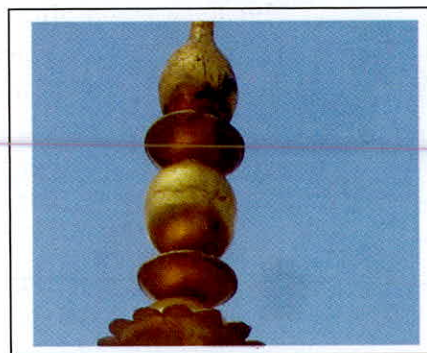
The Department stated (May 2009) that electricity connection would be taken after provision of sufficient budget, and gallery thrown open on completion of development. The reply indicated the Department's indifferent attitude.

### 2.1.6.2 *Hawa Mahal*

Hawa Mahal, built in 1799 by Sawai Pratap Singh, is situated in the heart of Jaipur city. An expenditure of Rs 3.79 crore was incurred on preservation and renovation of the monument during 2004-09 under DD Scheme (CSS), EFC and State Plan<sup>16</sup>.



*Portion of Hawa Mahal*



*Dome of Hawa Mahal*

A joint physical verification of Hawa Mahal, Jaipur, revealed defacement of the monument. Audit observed that due to lack of proper watch and ward, visitors' writings and paintings on the wall, destroying the beauty of the historical monument. The golden polish on the *Kalash* of domes of Hawa Mahal had been scratched and tarnished. Out of 10 attendants/security men sanctioned, only six were posted for Hawa Mahal. Four attendants of Hawa Mahal were posted (April 2008) temporarily at Albert Hall (Jaipur) on the instructions of the Director, A&M. The Department stated (July 2009) that four attendants, posted at Albert Hall, had been posted back (June 2009) to

16. CSS (2006-09): Rs 321.63 lakh; EFC (2004-05): Rs 39.55 lakh; State Plan (2008-09): Rs 18.30 lakh.

Hawa Mahal. Further, as reported by Superintendent, Hawa Mahal, 17 persons are required to keep a watch. The Department needs to take concerted action towards security.

Excess allotment of funds

Under the State plan, an administrative and financial sanction of Rs 3.32 crore for the development and strengthening of government museums was issued by GoR (December 2004). It was seen that savings of Rs 1.84 crore out of this amount were transferred to the PD account of RSMMMDS (March 2005).

Further, Rs 70 lakh was allotted for documentation of artifacts of museums. However, RSMMMDS completed the documentation of 77,823 artifacts by utilizing Rs 49.22 lakh. Further, a sum of Rs. 12 lakh was allotted for digital ticket machine, water cooler, vacuum cleaner etc. for five monuments and seven museums. However, RSMMMDS could utilize only Rs 7.28 lakh (September 2009) on purchase of 12 digital ticket machines, four water coolers and four water purifiers.

Rs 133.79 lakh allotted for works of museums were diverted to office expenditure

As per administrative and financial sanction of GoR, Rs 91 lakh were allotted for various works of museums (installation of security systems, cameras, electrification work etc.) but RSMMMDS had not carried out any of these works. Instead, it diverted and irregularly incurred an expenditure of Rs 133.79 lakh during 2005-09 on computer operator, office expenses, hospitality, telephone, TA, furniture and fixtures, FAX machines, printer, meetings etc. RSMMMDS stated (July 2009) that the Chairman was empowered to incur expenditure, and approvals for the above were taken in society meetings. The reply was not acceptable as the funds were released for development and strengthening of museums only.

#### ***2.1.6.3 Non-display of antiquity and descriptive board in Government Museum, Jodhpur***

Scrutiny of records of Government Museum, Jodhpur, revealed that only 809 antiquities out of 7,787 had been displayed. The remaining 6978 antiquities were lying in the store of the Museum. Descriptive boards for 809 displayed antiquities had not been fixed. It was the duty of curator to display descriptive boards on antiquities. Decipherment and cataloging of 1,11,703 ancient coins were not done. As a consequence, visitors were deprived of adequate information and knowledge of antiquities.

#### ***2.1.6.4 Physical verification of artifacts, antiquities***

As per Rules 12 to 15 of GF & ARs, physical verification of articles was to be done according to weight, measures, size, make and value and a certificate in this respect attached by the authority. Review of records showed that in the Ganga Government Museum, Bikaner, the physical verification of 25,931 to 25,965 objects was done in two to four days during 2004-05 to 2008-09. Similarly, in Sardar Government Museum, Jodhpur, physical verification of 7,787 artifacts and 1,11,703 coins was done in two days during 2008-09. In Albert Hall, Jaipur, physical verification of 2,839 displayed artifacts and 20800 stored articles were done, partly, during 2004-07 and 2008-09, in three to ten days. Physical verification was not conducted during 2007-08. The

Curator, Government Museum, Bikaner, accepted (May 2009) that physical verification according to weight, measure, size etc was not possible in such a short period. However, there was no reply from the Department (October 2009).

#### 2.1.6.5 Security arrangement

The onus of security of protected monuments is on the Department. The Monitoring and Evaluation Report of the Statistical Organisation of State Government recommended (March 2006) that the post of security guards/monuments attendants should be increased. Audit observed that there were no security persons engaged in 227 out of 293 monuments.

After the Ghiya smuggling of artifacts case<sup>17</sup>, the Department submitted a proposal (2003-04) for 1,177 security men for protection of 223 (existing at that time) monuments, situated in 25 districts. Audit observed that the Department did not take any action on the suggestion of the Finance Department that alternative arrangements be made through local bodies, public assistance and *Panchayati Raj*.

Scrutiny of the records of Government Museums, Jodhpur and Bikaner, revealed that though Curators of both the museums requested the Director, A&M Department, Jaipur, in December 2005 and September 2007 respectively, for making security apparatus available, no action was taken by the Department as of September 2009.

Owing to shortage of monument attendants/security persons and non-availability of latest technical assistance, the Department was unable to prevent prohibitory activities like construction without proper authorization and defacement as discussed in Para 2.1.5.4.

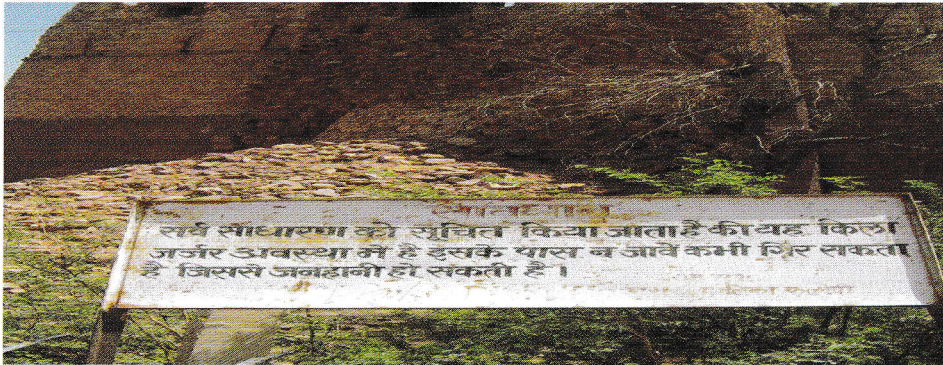
#### 2.1.6.6 Joint physical verification

During joint physical verification of 29 monuments, two archaeological sites, two art galleries and two museums, the following discrepancies and irregularities were noticed:

- In 23 monuments, two art galleries and one site, no records regarding taking over of possession by the Department were available. In 16 monuments, one art gallery and two archaeology sites, the total constructed area was not found in the record of the Department.
- In nine monuments and two archaeology sites, there was no boundary wall or fencing, which were essential to maintain the monument as per section 13(1) of the Act, 1961.
- Descriptive boards were not found in 22 monuments, an art gallery and an archaeology site.

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17. Vaman Ghiya (an international smuggler) scandal regarding stolen antiquities was opened by Superintendent of Police, Jaipur in May-June 2003.



Fortwall of Phalodi Fort, Jodhpur

- Encroachment was noticed in 10 monuments and one archaeology site.
- Approach road to five monuments and two archaeology sites had not been built.
- Penal provisions for prohibitory activities regarding defacement of protected monuments under Section 17 of Act, 1961 were not exhibited on 13 monuments and one archaeological site.
- Electricity connection was not available in 20 monuments, one art gallery and two archeological sites.
- Free access was found in 18 monuments and two archeological sites in the absence of security arrangement.

### 2.1.7 Monitoring

The Department did not adopt a proper monitoring system for the execution of preservation, maintenance works and security of monuments. There are seven Circle offices in Rajasthan but except Jodhpur Circle, no technical staff was posted for execution and monitoring of the works.

The Department stated (June 2009) that a permanent Technical Advisory Committee was formed in June 2008, headed by a retired Secretary of Public Works Department, and consisting of eight members, and one member Secretary, who inspected and supervised the works of major projects of Hawa Mahal, Jantar Mantar, Gagron Fort and Bharatpur museum from time to time. Services of an architect were hired. The Department also stated (June 2009) that no targets were fixed for supervision by technical staff. The works were supervised, as and when required. In view of the deficiencies pointed out in earlier paragraphs, the Department should put in place an effective monitoring mechanism.

### 2.1.8 Internal oversight

The Department did not lay down a yearly target for internal audit and did not have any manual for the purpose. It also did not have regular parties for internal audit. The Department stated that separate posts were not sanctioned for internal audit. The accounts personnel posted in the Department are

assigned audit functions of subordinate offices, besides their normal assigned duties, from time to time, by making a schedule on the basis of priority. It was observed that internal audit of five Circle Superintendent offices and 17 Government museums were not conducted from one to 16 years.

### **2.1.9 Conclusion**

The Department has notable achievements to its credit in the critical area of restoration. The 700 feet long tunnel at Amber Mahal was restored and opened to visitors. The restoration of the 15<sup>th</sup> century City Wall of Jodhpur would prevent encroachment. Albert Hall Central Museum, Jaipur too was restored. Even so, it was observed that the Department could not fulfill its objective of maintaining the original shape and structure of monuments and their antiquities. The Department has not evolved a long-term preservation policy. Commercial activities were allowed in violation of rules, which resulted in defacement of protected monuments. Maintenance and upkeep of the museums languished in spite of availability of funds. Security arrangements in most of the monuments and museums were inadequate. The approach to financial management was lackadaisical. User charges were not levied in most of the monuments, resulting in loss of revenue. Funds remained unutilized. An effective monitoring system was not put in place.

### **2.1.10 Recommendation**

- The Department should frame a long-term policy to ensure identification, proper and timely preservation and maintenance of protected monuments. This would help the staff in executing its functions in a focussed and effective manner, as per a specific and clearly laid-down plan of action.
- The Department may constitute an Advisory Board including prominent citizens and experts in the field so that proper advice may be sought in the matters of preservation, protection, upkeep etc. of monuments and museums. Departmental efforts towards preservation and maintenance should be guided by expert advice.
- The Department should strictly follow the Rajasthan Monument, Archaeological Sites and Antiquity Rules 1968 based on the 1961 Act to save monuments from degradation and avoid commercial activities in the campus of monuments and museums.
- Depending upon the tourist traffic to the sites, user charges as provided in Section 20A of the Act, 1961, can be levied on all monuments and reviewed periodically to support revenues.
- The Department must gear up its security network and tap external sources as advised by the Finance Department of the State Government.
- Oversight cannot be neglected. The Department should evolve a continuous monitoring mechanism to enable it to achieve its objectives of preservation and maintenance of protected monuments.

## Social Justice and Empowerment Department

### 2.2 Implementation of Juvenile Justice (Care and Protection of Children) Act

#### Highlights

*The Department of Social Justice and Empowerment (Department), Government of Rajasthan (GoR) is entrusted with the responsibility to provide protection and rehabilitation to neglected children and juveniles in conflict with law and, thereby help them to lead a meaningful life by evolving appropriate strategies, programmes and instructions for their reintegration into the mainstream society. The Department has taken several welfare measures towards this goal. Homes for children and Juvenile Justice Boards have been set up in every district, except the newly created district of Pratapgarh. Special Juvenile Police Units have also been established in all police districts. GoR revised the norms of diet scale for inmates to Rs 850 per inmate per month from Rs 500 prescribed by the Government of India (GoI). A review of the Department's performance has, however, revealed areas where there is need for improvement.*

The key Audit observations are:

Juveniles in conflict with law were retained in observation homes for long periods delaying their post discharge rehabilitation due to delay in disposition of their cases.

(Paragraph 2.2.6.2)

The amended Juvenile Justice Act, 2006 requires that Child Welfare Committees (CWCs) be formed in each district. Against 33 CWCs required, only 16 CWCs were functioning in the State.

(Paragraph 2.2.6.3)

Children, in need of care and protection, were exposed to juveniles in conflict with law as both categories were being housed in the same premises.

(Paragraph 2.2.7.1)

In absence of sufficient number of homes for children with special needs, the Home at Jaipur remained occupied beyond its capacity (up to 311 per cent).

(Paragraph 2.2.7.2)

**Only one Probation Officer was in position against the 60 required in 12 test-checked Homes and counselling services in the Homes were being given the go by thus, undermining the rehabilitation of juveniles.**

*(Paragraphs 2.2.7.9 and 2.2.8.1)*

**The safeguard of rights and privileges of adopted children was not ensured in several cases, as the guidelines of Central Adoption Resource Agency were not followed.**

*(Paragraph 2.2.8.2)*

**Owing to non-establishment of After Care organizations children, released from homes, were deprived of facilities of vocational training, employment and services of peer counselors among others.**

*(Paragraph 2.2.8.3)*

**Inspection teams of experts to oversee the functioning of the Homes were not constituted. Against the requirement of 198 inspections of test-checked NGO Homes, only three inspections were conducted.**

*(Paragraph 2.2.9.1)*

### **2.2.1 Statutory obligations**

Children<sup>18</sup> are a national human resource and their healthy mental and physical development is the best way to ensure progressive socio-economic growth. As they are vulnerable to exploitation and abuse, their protection is of paramount importance. Several enactments have been made to ensure protection (*Appendix 2.7*).

Government of India (GoI) adopted a national policy (August 1974), which lays down that the State must provide adequate services for children, and enacted the Juvenile Justice Act in 1986. On 30 December 2000, GoI followed it up with the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act) for providing care and rehabilitation to neglected children and children in conflict with law. Accordingly, the Government of Rajasthan (GoR) framed the Juvenile Justice (Care and Protection of Children) Rules 2002. GoI amended the Juvenile Justice (Care and Protection of Children) Act in 2006 to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, which came into force on 23 August 2006. GoI notified Juvenile Justice (Care and Protection of Children) Rules, 2007 (Model Rules). As per Rule 96, the Model Rules were applicable to the State until GoR framed their own rules in conformity with to the Model Rules.

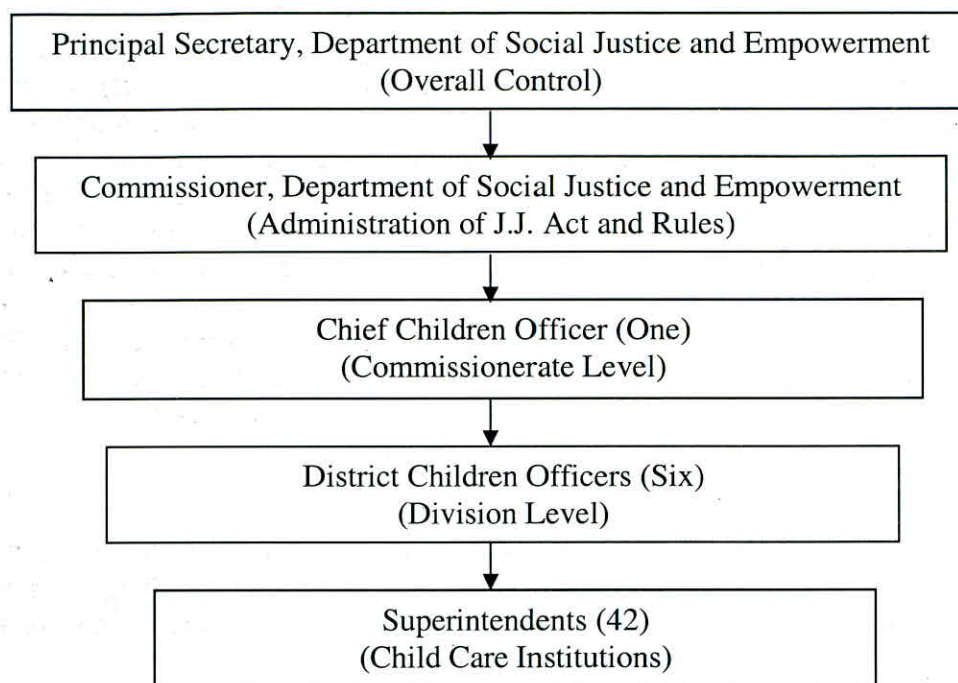
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18. below 18 years of age

### 2.2.2 Organisation

The Principal Secretary of the Department exercises overall control, and the Commissioner is responsible for the administration of the JJ Act and rules, and assisted by the Chief Children Officer (CCO) in the Commissionerate, and six District Children Officers (DCO), at the Division level. Child-care institutions are managed by superintendents (42).

The chart below details the structure:



The Department has the following residential care institutions (March 2009):

- Seven Observation Homes;
- Two Special Homes;
- Six Children Homes;
- 26 Observation Homes-cum-Children Homes; and
- Government Mentally Retarded Women and Children Rehabilitation Home, Jaipur.

In addition, there are Non-government Organisations (NGOs) for running Children Homes assisted by grants from State Government.

### 2.2.3 Aim and scope of audit

The audit objective was to examine and assess the efficiency in the Department's performance in relation to:

- the provision of care, protection and rehabilitation of children in conflict with law and neglected children, thereby, saving them from maltreatment, abuse and exploitation and enable them to lead a



meaningful life by evolving appropriate strategies, programmes and instructions for reintegration into the national mainstream.

- the utilization of available funds for protection, welfare and rehabilitation of neglected children and children in conflict with law.
- the work to be undertaken to improve the well being of neglected children and children in conflict with law.

The review was conducted (between February and May 2009) by a sample check of records and on-the-spot observation and assessment covering a period 2004-09. The study covered planning, funding, execution and monitoring of implementation of the Juvenile Justice Act (JJ Act) by the Department, Director, State Crime Records Bureau, Jaipur, and Additional Director General of Police (Crimes) Rajasthan (Jaipur). Eight districts<sup>19</sup> were selected on simple random sampling basis for the test check. Audit teams visited 12<sup>20</sup> out of 42 Government institutions and eight<sup>21</sup> out of 37 institutions run by NGOs which were given grants by the Department. As such, the instances of deficiencies noticed in audit are only illustrative and not exhaustive. Information was also obtained through a questionnaire. Audit findings were discussed at an exit conference with the Principal Secretary of the Department. Replies of the Department have been incorporated.

#### 2.2.4 Juvenile delinquency in the State

Section 10 of the JJ Act provides that as soon as a juvenile in conflict with law is apprehended by the police, he/she shall be placed under the charge of the Special Juvenile Police Unit or the designated police officer, who shall produce the juvenile before the Board, without any loss of time but within 24 hours of apprehension, excluding the time necessary for journey. Information collected (January 2009) from Additional Director General of Police (Crime) Rajasthan, Jaipur showed that Special Juvenile Police Units were established in all the police districts of the State and a Juvenile Welfare Officer had been designated at Police Station level.

During 2004-08, 9552 juveniles<sup>22</sup> were apprehended for various offences under the Indian Penal Code (IPC), of which 7108 cases<sup>23</sup>, after examination, were reported for disposition to the Board<sup>24</sup>, which constituted less than one-and-a-half *per cent* of the total crimes reported in the State, as per the data

19. Ajmer, Alwar, Bhilwara, Jaipur, Jalore, Jodhpur, Nagaur and Sirohi.

20. Observation and Special Home (Boys), Ajmer; Observation Home (Girls), Ajmer; Observation and Children Home, Alwar; Children Home (Boys) Jaipur; Children Home (Girls) Jaipur; Children Home (0 to 5) Jaipur; Observation and Children Home, Nagaur; Observation and Children Home, Bhilwara; Observation and Children Home, Jalore; Observation and Children Home, Sirohi; Children Home (Boys), Jodhpur; Observation Home (Girls), Jodhpur

21. Balika Sadan, Jaipur; Anand Bal Grah Society, Jaipur; Dayanand Bal Sadan, Ajmer; Chokho Ghar, Nagaur; Luv-Kush Bal Vikas Kendra, Jodhpur; Gayatri Balika Grah, Jodhpur, Bal Sobha Grah, Jodhpur and Matri-Chhav Shishu Grah, Jalore.

22. 2004:1728; 2005:1733; 2006: 1908, 2007:1969 and 2008:2214.

23. 2004:1319, 2005:1319, 2006:1472, 2007: 1456 and 2008:1542.

24. see the glossary at page 175.

of the State Crime Records Bureau. Table-2 below gives age-wise details of cases apprehended and reported to the Board, under some major crime heads.

**Table 2: Cases apprehended *vis-à-vis* reported**

Major Crime Heads	Age group of juveniles apprehended (yrs)				Number of cases reported
	7-12	12-16	16-18	Total	
Theft	83	1015	1080	2178	1594
Hurt	26	471	781	1278	947
Burglary	81	708	575	1364	946
Attempt to murder	7	130	250	387	319
Murder	3	93	169	265	223
Rape	3	81	118	202	184
Others <sup>25</sup>	73	1318	2487	3878	2895
<b>Total</b>	<b>276</b>	<b>3816</b>	<b>5460</b>	<b>9552</b>	<b>7108</b>

Source: Information collected from the State Crime Records Bureau

**Substantial increase in major crime heads in the age group 12-16 and 16-18 years**

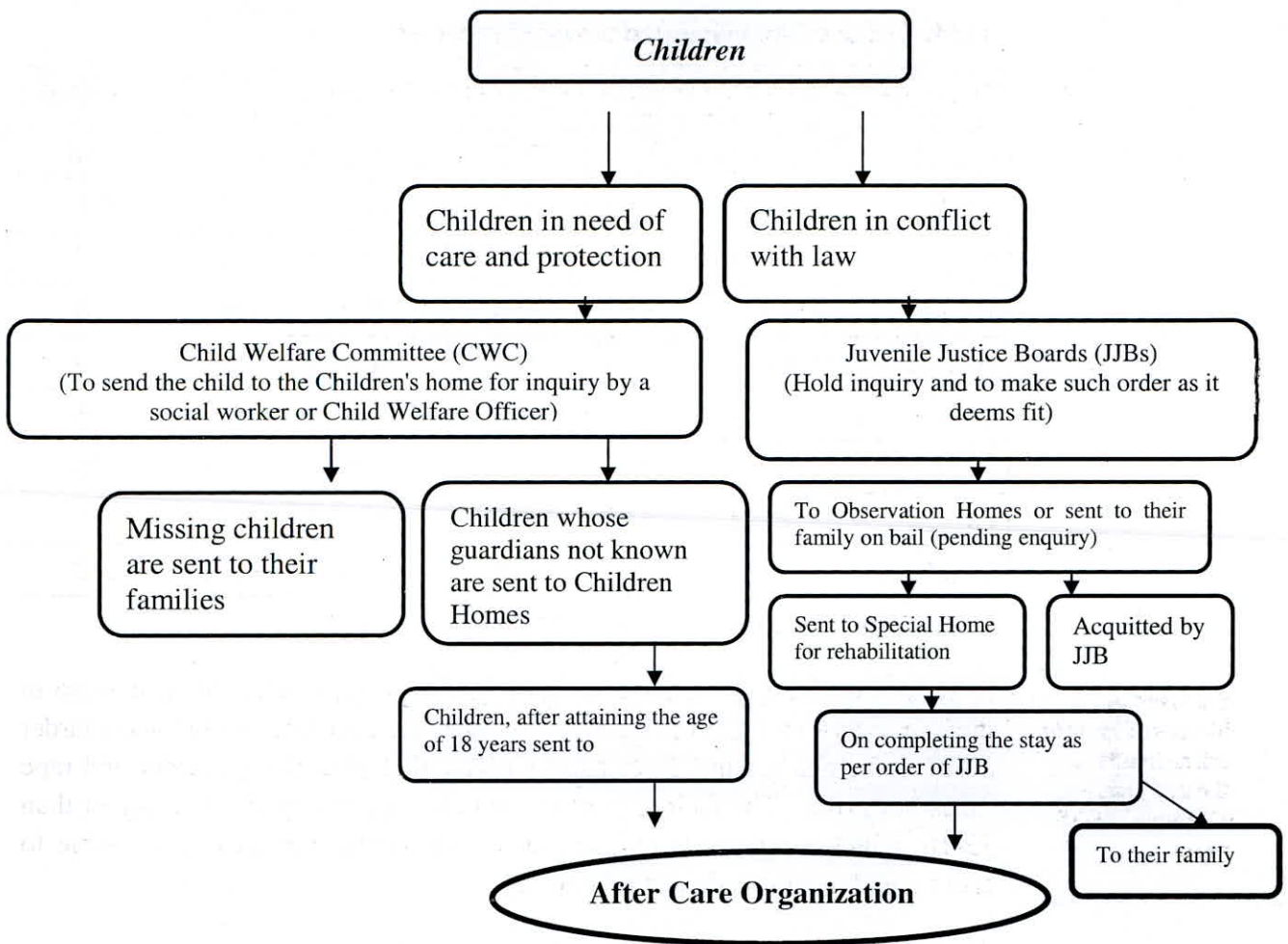
A perusal of the Table-2 reveals that there has been a substantial increase in theft, burglary and attempt to murder cases and decrease in hurt and murder cases in the age group 12-16, and in 16-18, theft, burglary, murder and rape cases have risen. The incidence of crime in the age group 16-18 is higher than 12-16, which indicates that juveniles in the former are most susceptible to crimes, and need specific rehabilitation.

### 2.2.5 System of providing services

The JJ Act deals with two categories of children, viz., the children in need of care and protection and the children in conflict with law. The Police produce the children in conflict with law before the Juvenile Justice Boards (JJBs). While an enquiry is pending, the juveniles in conflict with law are received in Observation Homes, and are sent to Special Homes, if JJB so orders. Children in need of care and protection are produced before the Child Welfare Committee (CWC), which orders for their placement in Children Homes. As per the provision of Rule 26 of State rules, children in need of care and protection can be presented before the CWC by a police officer, a public servant, Child-line, Social worker, a public-spirited citizen and the child himself. Children, discharged from Children Homes/Special Homes, are to be sent to 'After Care Organizations', under State Rule 36, with the objective that they adapt to society. The system is shown in the chart below:

25. riots, dowry deaths, sexual harassment, robbery, etc.

Chart 1



The deficiencies noticed in implementation of the Act are as follows:

### 2.2.6 Administration of JJ Act

The preamble to Model Rules, 2001 and 2007 envisaged better treatment of children and development needs by adoption of a child friendly approach in adjudication and disposition of cases, and rehabilitation through various institutions, established under the enactment.

Audit noticed that GoR had neither circulated the Model Rules, 2007, notified by GoI, nor framed/modified existing State Rules to conform to the amended JJ Act, 2006. The reply of the Government (October 2009) that Rajasthan Juvenile Justice Rules, 2002 are already in existence in the State, as such GoI Model Rules, 2007 are not applicable, is not in keeping with the provisions of the Model Rule 96, which stipulates that the model rules were applicable in the State till the GoR frames new rules conforming to the Model Rules, 2007.

### 2.2.6.1 Child Protection Unit

According to Section 24 of the JJ Amendment Act, 2006, the State Government was to constitute a Child Protection Unit for the State, and for every district, to take up matters relating to children in need of care and protection and juveniles in conflict with law to ensure implementation of the Act, including the establishment and maintenance of homes, notification of competent authorities in relation to these children and their rehabilitation and co-ordination with the concerned official and non-official agencies.

No Child Protection Unit was formed either at State or District level. The Government stated (October 2009) that constitution of State/ District Child Protection Units was under process.

### 2.2.6.2 Functioning of Juvenile Justice Board (JJB)

Section 4 of amended JJ Act, prescribes that one or more JJB be established in 'each' district. A bench, comprising a First Class Judicial Magistrate and two social workers, has been constituted in each district of the State.

Section 14 of the JJ Act, prescribes that the Board shall complete the inquiry within the stipulated period of four months from the date of its commencement, unless the period is extended by the Board having regard to the circumstances of the case and, in special cases, after recording reasons in writing for the extension.

- **Pending cases in JJBs**

Data of eight JJBs of test-checked districts revealed that 2,825 (84 per cent) cases out of 3381 were pending disposal for more than one year against the stipulated period of four months (Table 3).

2,825 cases were pending for more than one year in JJBs against the stipulated four months for disposal

**Table 3: Number of cases disposed of by JJBs**

JJB at	OB	2004		2005		2006		2007		2008		Closing balance as on 31.12.2008	Number of cases pending for more than a year	Percentage of pending cases for more than one year
		Add	Dis-posal	Add	Dis-posal	Add	Dis-posal	Add	Dis-posal	Add	Dis-posal			
Ajmer	405	155	25	208	182	218	132	177	444	121	101	400	380	95
Alwar	190	117	44	59	66	125	125	94	58	87	25	354	292	82
Bhilwara*								202	15	73	57	203	187	92
Jaipur	510	417	256	437	242	553	288	463	135	343	52	1750	1459	83
Jalore *	47									29	24	52	34	65
Jodhpur	486	245	198	241	203	340	199	195	475	155	166	421	319	76
Nagaur*	95							14	-	48	17	140	109	78
Sirohi*	52									10	01	61	45	74
<b>Total</b>												<b>3381</b>	<b>2825</b>	

Source: Information collected from unit offices

\* Established in 2007.

Only year-wise data of pending cases was provided to Audit by the JJBs. The number of cases pending for more than four months was not shown. Details of pending cases of juveniles with case number and date, requested from the

Registrar Rajasthan High Court, Jodhpur was also not provided. Audit could not ascertain the number of cases disposed within the stipulated period of four months. In reply to audit query, the CCO intimated that data of pending cases for the entire State was not available with the Commissionerate.

It was observed that sittings of JJBs, in six out of eight test-checked districts, with a heavy load of pending cases, were held only for one to three days a week. Government stated (October 2009) that the Principal Magistrate of the JJBs remained busy, and the High Court had fixed the sittings from one to three days a week, depending on the backlog of cases. Model Rule 9(3) specifies that the Board shall meet on all working days of the week, unless the pending cases are less, in a particular district, and concerned authority issues an order to this effect.

JJB, Nagaur was constituted (February 2007) with one Principal Magistrate and two social workers (members). It was reported (May 2008) by the Principal Magistrate that one member had not attended the meetings of the Board, since the first meeting held in October 2007, and other member had resigned in September 2008. Audit observed that out of 165 cases pending as of March 2009, only 17 cases of juveniles were disposed off between October 2007 and September 2008, thereafter no case was decided for want of quorum (March 2009). The Superintendent of the Home repeatedly requested the Commissioner for necessary action in the matter but no action was taken as of March 2009. As such, the Board was not fully functional since October 2007, and justice was delayed. The Government informed (October 2009) that notification for nomination of social workers for the vacant posts had been issued (July 2009) and disposition of cases had started.

The delays resulted in retention of children in Observation Homes for more than the prescribed period and deprived them of post-discharge rehabilitation benefits.

### 2.2.6.3 Inadequacy of Child Welfare Committees (CWCs)

Children in need of care and protection are produced before CWC. The CWC, after an enquiry, makes an order to reintegrate the child with the family or to send him/her to the Children Home for rehabilitation.

Section 29 of the Amended JJ Act requires that a CWC, comprising of one chairperson and four members, be formed in each district within one year of the amendment, that is, 23 August 2007, with a term of three years. However, only 16 CWCs were functioning (October 2009) against the required 33. Eight CWCs<sup>26</sup> had jurisdiction of two to five districts. Government stated (October 2009) that formation of CWCs in other districts was in process.

Section 33 of the JJ Act prescribes that the State Government review the status of pending cases at every six-month interval and direct the CWC to increase

**Only 16 CWCs were functioning against 33 CWCs (one in each district), violating the provisions of the JJ Act**

26. Jaipur (Jaipur, Jhunjhunu, Sikar); Jodhpur (Jodhpur, Jaisalmer, Pali, Sirohi, Jalore); Bikaner (Bikaner, Churu, Ganganagar); Udaipur (Udaipur, Chittorgarh, Rajsamand); Bharatpur (Bharatpur, Sawaimadhopur); Kota (Kota, Baran, Jhalawar); Ajmer (Ajmer, Bhilwara, Nagaur); Banswara (Banswara, Dungarpur).

the frequency of its sittings or cause the constitution of additional committees. However, the Department intimated that it had not received any case for review from the CWC, thereby ignoring its *suo moto* obligation.

#### **2.2.6.4 Shelter Homes not set up**

Rule 31 of State Rules, 2002 specifies that for children in urgent need of care and protection such as destitute, street and runaway children, the State Government shall support creation of requisite number of Shelter Homes or drop-in-centers through voluntary organizations. No Shelter Homes or drop-in-centers were created. The Government replied (October 2009) that the work of Shelter Homes was being carried out in the Children Homes. However, no institution was certified as Shelter Home in the State.

#### **2.2.7 Running of Child Care Institutions**

##### **2.2.7.1 Exposure of neglected children with juvenile delinquents**

Model Rule 40 specifies that Homes for juveniles in conflict with law and children in need of care and protection shall function from separate premises. However, it was observed that the Homes for both categories were functioning from the same premises. It may be noted that in violation of the Rule, out of 42 Government Homes, 36 were certified both as Observation Homes (for children in conflict with law) and Children Homes (for children in need of care and protection), thereby exposing innocent children in need of care and protection to juveniles in conflict with law. The Government stated (October 2009) that due to limited resources, the children of both the categories were kept in the single premises.

**In violation of Model Rule 40, children of both categories were being housed in the same premises**

- Audit observed that during 2004-09, 124 neglected children in need of care and protection had been housed with the children in conflict with law in the Observation and Special Home (Boys), Ajmer, in violation of the Act. The home at Ajmer had not even been certified as Children Home under Section 34 (2) & (3) of the JJ Act. The Superintendent of the Home informed that the proposal for the construction of an additional building had been sent to the Chief Children Officer (November 2006) but funds had not been provided as of October 2009.

- Further, as per Rule 40 *ibid*, each home should establish and maintain exclusive living premises for housing children of different age groups. Audit noticed that children of all age groups, from five to 18 years, were put together in eight<sup>27</sup> out of 11 test-checked institutions. While the Superintendent, Government Children Home (Girls), Jaipur stated that the children would be housed according to their age group, after getting the building vacated from Government Girls Hostel, the Superintendent, Children Home (Boys), Jodhpur intimated that it would have to await the completion of the new building. The Superintendents of remaining six homes have not intimated to Audit the proposed action for compliance with the said rule (October 2009).

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27. Ajmer, Alwar, Bhilwara, Jaipur (Boys), Jaipur (Girls), Jalore, Jodhpur (Boys) and Nagaur.

- Model Rule 40(3) prescribes the norms for building/accommodation<sup>28</sup> for an institution with 50 juveniles or children. Scrutiny of records revealed that the Home at Ajmer had been certified as Observation Home and Special Home, under Section 8 and 9 of the JJ Act, respectively. For a sanctioned capacity of 75 in the Home, there were only four rooms. One room was being used as office and another reserved for the Board. The remaining two rooms were being utilized as Observation Home (for juveniles under enquiry) and Special Home (where a juvenile is sent after the Board has passed an order that the juvenile has committed an offence). Government stated (October 2009) that proposals for extension in the building are being submitted.
- GoR provided the administrative and financial sanction of Rs 32.88 lakh (October 2005) for construction of additional accommodation in Government Children Home, Jodhpur to provide separate premises for children in conflict with law and rooms for the Board. The Executive Engineer, Public Works Department (PWD) City Division, Jodhpur intimated that the work of construction had been completed (July 2006) at a cost of Rs 23.49 lakh. The building constructed was not put to use as various items of work were stated to be incomplete (October 2009). The Superintendent of the Home had repeatedly requested (December 2006 to September 2008) the Executive Engineer for completion of remaining items<sup>29</sup> of work but necessary action by the executing agency was awaited (October 2009). Expenditure incurred on the construction of building remained unfruitful and separate accommodation to children in conflict with law could not be provided. Government stated (October 2009) that the factual report is being obtained from Superintendent of the Home and the Chief Engineer, PWD, Jaipur.

### 2.2.7.2 Home for children with special needs

**In absence of sufficient number of homes for children with special needs, the Home at Jaipur remained occupied beyond its capacity (up to 311 per cent).**

Section 48(1) of JJ Act specifies that "when a juvenile or a child, who has been brought before a competent authority, is found to be suffering from a disease, requiring prolonged medical treatment or physical or mental complaint the competent authority may send the juvenile or the child to any place recognized to be an approved place in accordance with the rules made under this Act for such period as it may think necessary for the required treatment".

Established in 1983, the Government Mentally Retarded Women and Children Rehabilitation Home, Jaipur, is the only Home certified by the State Government under Sections 34(2)&(3) and 48(1) of the JJ Act, for rehabilitation of mentally retarded children with a sanctioned capacity of 75 (25 boys and 50 women). Against this, the number of inmates increased from 222 (296 per cent) in 2004-05 to 233 (311 per cent) in 2008-09<sup>30</sup> (109 male and 124 female). The capacity of the Home has not been increased/supplemented.

To attend to the 233 inmates there were one doctor (233:1), seven clinical psychologists (33:1), seven psychiatric social workers (33:1) and 16 staff

28. see the glossary at page 175.

29. Small gate in main gate, fencing wire on a wall and water and electricity connections.

30. 2004-05: 222; 2005-06: 214; 2006-07: 213; 2007-08: 236; 2008-09: 233.

nurses (15:1) as of October 2009. The manpower requirement, worked out by the National Human Rights Commission and accepted by the High Court was not compiled with (**Appendix 2.8**).

The High Court had (writ petition No. 3672/2003) directed (August 2003) the Department to increase the availability of resources, that is, residential accommodation and manpower according to the number of inmates, and to separate inmates on the basis of mental disorder and make the dietary budget more realistic. The Superintendent of the Home sent proposals for additional accommodation to the Commissionerate (September 2006 and September 2007). No action to increase the infrastructure was taken by GoR (March 2009). Government stated (October 2009) that efforts were on to establish such Homes at Division level.

### **2.2.7.3 Housing of children away from place of residence**

Model Rule 15(7) states, "in the event of placement of a juvenile in conflict with law in care of a fit institution or special home, the Board shall keep in mind that the fit institution or special home is located nearest to the place of residence of the juvenile's parents or guardian".

Government Observation and Children Homes Jalore and Sirohi were established (April 2007) and started functioning from May 2007 and January 2008 respectively. Since then, no child delinquent or neglected, was admitted in the Home at Sirohi and only ten neglected children were placed at Jalore during 2008-09. However, during January 2008 to February 2009, 33 delinquent children of Jalore and Sirohi districts were housed at Children Home (Boys), Jodhpur. The Superintendents of Sirohi and Jalore intimated that accommodation in Sirohi was not suitable, and was incomplete at Jalore. Government replied (October 2009) that due to insufficient accommodation in Home at Sirohi and repair works in Home at Jalore, children could not be admitted. Efforts for suitable rented building for Home at Sirohi were being made. Even so, an expenditure of Rs 10.19 lakh (office and contractual expenses) had been incurred at Sirohi during 2007-09.

### **2.2.7.4 Recreation facilities**

Rule 28(4)(h) of the State Rules, 2002 provides that in the Children Home recreation facilities must include indoor and outdoor games, music, television, picnics and outings, cultural programmes etc. In the test-checked districts, in nine homes<sup>31</sup> out of 11 Government-run homes, and in four NGO run-homes<sup>32</sup> out of six, playgrounds were not available. Government stated (October 2009) that due to non-availability of land in most of the Homes, outdoor games facility had not been provided.

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31. Ajmer (Girls), Alwar, Bhilwara, Jaipur (Boys), Jalore, Jodhpur (Boys), Jodhpur (Girls), Nagaur and Sirohi.

32. Dayanand Bal Sadan, Ajmer, Balika Sadan Jaipur, Anand Bal Society, Jaipur and Chokho Ghar Nagaur.



### 2.2.7.5 *Monthly medical check-up of the children*

According to Rule 45 (Model Rules), every institution was to maintain medical record of each child, based on monthly check-ups, and provide medical facility. Audit observed that neither monthly medical check-up was done nor medical record maintained for 1109 children, in five<sup>33</sup> out of 12 Government run Homes, and for 255 children, in three<sup>34</sup> out of eight NGO run homes, which were test checked.

The Superintendents of Homes at Alwar and Bhilwara intimated that medical check-up was not conducted monthly due to non-posting of doctor and nurse. The superintendents, Jaipur (Boys) and Jodhpur (Girls) Government Homes, and in-charge of three NGO-run Homes intimated that children were treated, whenever ill. Superintendent, Jalore Home, did not intimate any reason for non-compliance of the Rules. Government stated (October 2009) that superintendents of all Homes were being instructed to take action.

### 2.2.7.6 *Non-constitution of Monitoring and Evaluation Committee*

No Monitoring and Evaluation Committee was constituted in any of the Observation/Special Home in the eight test checked districts

Rule 11 of State Rules, 2002 provides that juveniles should be grouped on the basis of age, physical and mental health, length of the stay, degree of delinquency and character. For this purpose a Monitoring and Evaluation Committee<sup>35</sup> was to be constituted in each institution. The Committee was to meet periodically to consider and review custodial care, individual problems of juveniles, vocational training and education, guidance and counselling, planning of post release rehabilitation programme et cetera. No committee was constituted in any of the test-checked Government observation/special homes. The Government stated (October 2009) that Superintendents of all the Homes were being instructed to take action.

### 2.2.7.7 *Lack of round-the-clock supervision*

Model Rule 40(4) states that the Superintendent "shall stay within the institution and be provided with quarters, and in case he/she is not able to stay in the home for legitimate reasons any other senior staff member of the institution shall stay in the institution and be in a position to supervise the overall care of the children or juveniles and take decision in case of any crisis and emergency".

Audit observed that in Government Observation Homes and Children Homes, neither Superintendent nor any senior staff member was residing within the institution. The superintendents of Bhilwara and Ajmer (Girls) Homes stated that they were not residing in the Home as they held additional charge. In the

33. Alwar, Bhilwara, Jaipur (Boys), Jalore and Jodhpur (Girls).

34. Anand Bal Society, Jaipur, Balika Sadan Jaipur and Chokho Ghar Nagaur.

35. Consisting the officer incharge as Chairperson, Child Welfare Officer (CWO)/ Psychologist as Member Secretary and Medical Officer, Workshop Supervisor and teachers as members.

remaining test-checked Homes<sup>36</sup>, it was intimated that residential facility was not available, which confirmed the Department's indifference to the need for overall care and emergency. Government stated (October 2009) that residential facilities for the superintendents would be made available in the Homes.

#### 2.2.7.8 *Escape of children*

- Scrutiny in test-checked districts revealed that out of 95 (69 delinquent and 26 neglected) children who escaped from nine childcare institutions run by the Government during 2004-09, 37 children (20 delinquent and 17 neglected) were untraceable (October 2009).

- It was seen that from Children Home, Jaipur, 49 children escaped out of a total of 95 children. Of these 49 children, 24 were untraceable (October 2009) and such escapes occurred continuously. The DCO, Jaipur attributed escape to carelessness of staff and improper counseling services.

- As per the enquiry reports from Government Observation and Children Homes at Alwar and Bhilwara, 11 and four juveniles, respectively ran away due to inadequate security arrangements and carelessness of security staff. The records show that action could not be taken against the security agencies because there was no penal clause in the contract with the agency.

- NGO Pratham Rajasthan rescued 18 child workers (August 2007) from Jodhpur Railway Station, who were rehabilitated in homes of three voluntary organizations<sup>37</sup> and Balika Grah, Jaipur, under the orders of CWC, Jodhpur. Of these, nine children ran away from NGO run homes, after two days of rehabilitation. As per the progress report of Pratham Rajasthan, these children were again spotted working at the Railway Station, Jodhpur. No action to bring these children back to the respective homes was taken (October 2009).

As per the information provided by the Commissionerate, the Bal Ashram Bachpan Bachao Andolan, Jaipur and Jankala Sahitya Manch, Jaipur were not included in the list of those registered by the Department, under the provisions of the JJ Act. The order of CWC, Jodhpur placing the children with unregistered voluntary organizations was irregular.

Government stated (October 2009) that proper counseling/ interview to assess the mentality of the children could not be conducted for want of required personnel.

#### 2.2.7.9 *Shortage of manpower in child care institutions*

Under the Prevention and Control of Juvenile Social Maladjustment (PCJSM) scheme, GoI prescribed the staffing pattern of Observation Homes and

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36. Observation & Special Home (Boys), Ajmer, Observation & Children Homes at Alwar, Jalore, Nagaur and Sirohi, Children Home (Boys), Jaipur and Jodhpur, Children Home (Girls), Jaipur, Children Home (upto 5), Jaipur, and Observation Home (Girls), Jodhpur.

37. Bal Ashram, Bachpan Bachao Andolan, Virat Nagar, Jaipur, Jan Kala Sahitya Manch, Jaipur and I-India, Jaipur.

77 posts were lying vacant against 233 sanctioned in 12 institutions