

CHAPTER IV : MINISTRY OF CULTURE

Archaeological Survey of India

4.1 Blocking of funds

Archaeological Survey of India (ASI) failed to construct the Institute of Archaeology on the land acquired by it in March 2000 despite two extensions by the Greater Noida Authority. This led to cancellation of allotment of the plot by the Authority in November 2012 and imposition of penalty. Lackadaisical approach of ASI also led to avoidable payment of ₹ 2.61 crore and blocking of funds of ₹ 3 crore besides non-achievement of project objectives.

Institute of Archaeology (Institute), located at Red Fort, Delhi was established in 1985, under the purview of Archaeological Survey of India (ASI) to provide training and research in the field of archaeology.

Since the space available to the Institute was not adequate to meet its requirements and the occupied buildings also required major repairs, the ASI proposed (March 1998) to acquire 25 acres of land from Greater Noida Authority (Authority) at a cost of ₹ 4.77 crore¹ in the Greater Noida institutional area for establishing a new Institute complex. The land for the purpose was allotted in March 2000 and the ASI executed the lease agreement for the plot in December 2004. In terms of the lease agreement, the construction of the proposed building was to be completed within two years from allotment.

Audit observed that till November 2005, the ASI attempted to construct only the boundary wall and grill fencing around the allotted land departmentally. In November 2005, the Authority served a notice on the ASI for not initiating the construction work. Subsequently, the ASI awarded (August 2006) the work of preparing a concept plan for the building to a firm². This was followed by allotment of work of construction of boundary wall to CPWD in July 2007. On the request of

¹ ₹ 3.74 crore towards basic cost plus 2.5 per cent per annum as lease for 11 years i.e. ₹ 1.03 crore. The payments were made in February 1999 (₹ 3 crore) and March 1999 (₹ 1.77 crore)

² M/s Educational Consultants of India Ltd.

the ASI, the Authority granted (September 2007) extension of time up to December 2008 for completing the construction. However, till October 2008, the ASI could only complete the boundary wall. The ASI again sought (November 2008) extension of time which was acceded to by the Authority in June 2009. As per the extended timeframe, construction was to be completed by December 2010.

The firm submitted the concept plan with a preliminary estimate of ₹ 109 crore for the project in May 2009, based on which the ASI invited (September 2009) Expression of Interest (EOI) for designing and preparation of detailed drawings for construction. The Evaluation Committee set up by the ASI for evaluation of EOI documents recommended (May 2010) that the project be assigned to the CPWD for execution. The project was accordingly transferred to the CPWD in June 2010. Thus, after a lapse of more than six years, the ASI could only manage to finalise the executing agency. As of March 2012, the CPWD had prepared the digital survey, site plan and conducted soil testing. The ASI had also incurred expenditure of ₹ 83 lakh on preparation of concept plan, drawings, boundary wall and watch & ward arrangements for the plot till March 2012.

Although the extension of time granted by the Authority was over by January 2011, it was only in June 2012, that the ASI applied for further extension of time to the Authority. The Authority agreed (August 2012) to extend the time up to December 2014, on payment of a late fee of ₹ 18.77 crore within 15 days. The ASI, however, failed to pay the late fee and eventually the Authority cancelled the allotment of land (November 2012). The Authority refunded a sum of ₹ 2.99 crore to the ASI through Demand Draft (DD) in December 2012 after making deductions of ₹ 1.78 crore on account of penalty but the latter did not deposit the same in the bank, thus allowing the DD to lapse resulting in blocking of funds. The interest impact on the Consolidated Fund of India on this account at an average GoI borrowing rate of 8 *per cent* amounted to ₹ 36 lakh.

The ASI stated (February 2014) that the matter was being pursued for reallocation of the land and it had requested the State Government to condone the delay and to accord extension of time.

Subsequent examination of the related documents disclosed that the request of the ASI had not been acceded to by the Authority and a proposal was under consideration (June 2014) in the ASI for acquiring an alternate plot of land from the Authority at an estimated cost of ₹ 19.96 crore. A Standing Finance Committee (SFC) proposal for this purpose had been mooted by the ASI in May 2014.

Thus, the lackadaisical approach of the ASI which resulted in non-completion of the project even after 12 years since the land was allotted led to cancellation of the allotment of the land. The consequent extra burden on the ASI based on the difference between per square meter rate of the original land and the one proposed to be acquired now is more than ten times³ over. Besides, the ASI also incurred avoidable payments aggregating ₹ 2.61 crore (₹ 1.78 crore towards penalty and ₹ 0.83 crore towards miscellaneous expenditure).

The inexplicable delay has already led to substantial time and cost overrun of the project while the objective of mitigating the space constraints of the Institute remains unfulfilled.

The matter was referred to the Ministry in February 2014; their reply was awaited (May 2014).

4.2 Irregular attachment of staff from autonomous bodies

The Ministry of Culture adopted an irregular practice of attaching staff from autonomous bodies under its administrative control. During the period October 2003 to February 2014, 22 autonomous bodies had incurred an expenditure of ₹ 3.66 crore on the pay and allowances of 85 employees/contractual staff attached with the Ministry.

The Ministry of Culture had a total sanctioned strength of 306 employees across all cadres against which 205 personnel were in position as on March 2013. Audit observed that the shortage of manpower was mainly adjusted by the Ministry by attaching

³ 1 acre equals 4046.86 sq m. Based on the payments of ₹ 4.77 crore made, the cost of original land comes to ₹ 471.47 per sq. m. while the alternate land now proposed to be acquired would cost ₹ 4905 per sq. m.

employees⁴ from the autonomous bodies (ABs) under its administrative control.

The Ministry had 35 ABs under its administrative control of which 85 employees were attached by the Ministry from 22 ABs as per the following details:

Region	Period	Total number of ABs from which personnel attached	Number of personnel attached	Pay and allowances borne by the AB concerned (₹ in lakh)
Delhi	June 2004 to February 2014	10	62	287.00
Outside Delhi	October 2003 to February 2014	12	23	79.32
Total				366.32

In five ABs (Delhi Public Library, Sangeet Natak Academy, Indira Gandhi National Centre for Arts, Centre for Cultural Resource and Training and Nehru Memorial Museum and Library) there were shortage of staff and contractual staff was engaged to carry out efficient functioning of the organisations even while the staff of these ABs were attached with the Ministry.

The staff so engaged was being utilized by the Ministry for carrying out routine work assigned to various sections of the Ministry and there was also no specific time frame for such engagement. The staff so attached included Statistical Officer/Assistant, Data Entry Operator, Upper Division Clerk, Attendants, etc. In some cases the contractual staff had been working for the past 10-11 years at the Ministry. In the absence of any laid down guidelines, the Ministry had been requesting such deployment from ABs and there were no centralized information available on such irregular deployments at the Ministry. The attachment of personnel had a financial impact of ₹ 3.66 crore. The details are given in **Annex I and II**.

The Ministry stated (November 2013) that there were a large number of vacancies in various cadres and the work load had increased

⁴ Both permanent and contractual

considerably without any addition to the staff strength. Therefore, to tide over the increased workload especially in respect of the ABs, the Ministry was constrained to attach staff from these organizations.

The reply is a poor rationalization of an incorrect practice. Attaching staff from the autonomous body cannot be considered as a valid and reasonable means to bridge the shortfall in the staff strength which should be rather filled up through appropriate procedures. Every autonomous organisation has its own budget and man-power provision to carry out its mandated functions. The current practice of attaching staff from the ABs may also have an adverse impact on efficient delivery of services by such AB. The Ministry may review the current arrangement in the light of the audit observations and take appropriate action in the matter.

Indira Gandhi National Centre for the Arts

4.3 Blocking of funds

The guest house of 'Indira Gandhi National Centre for the Arts' (IGNCA) though completed in 2001 was lying unused till March 2014, resulting in blocking of capital of ₹ 7.93 crore.

Indira Gandhi National Centre for the Arts (IGNCA) established in memory of Smt. Indira Gandhi, is an autonomous institution with Ministry of Culture for study and experience of all forms of art. It was allotted (August 1996) 24.706 acre of land in New Delhi for construction of its Institutional building. The IGNCA Building Complex was envisaged with eight integrated buildings to house the five divisions of IGNCA and a National Theatre Complex comprising of three auditoriums. Of the envisaged eight buildings, only one building namely 'Kalanidhi-Kalakosha-Shared Resources-A' could be taken up for execution. This building also included a guest house block with an area of 2370 sq. m. and was constructed at an estimated cost of ₹ 7.70 crore⁵. This block contained 24 rooms, kitchen, a conference room and other facilities.

The 'Kalanidhi' building including the guest house was inaugurated in November 2001. However, the guest house remained unutilised

⁵ Computed on the basis of rate of ₹ 32515.24 per sq. m. arrived at after dividing the total cost of the building by its total area.

reportedly due to lack of funds for furniture and kitchen equipment. In November 2006 Executive Committee of IGNCA decided to invite the bids to run the guest house and it engaged a firm⁶ in July 2010 for managing, running, operation and maintenance of the guest house. IGNCA also incurred an expenditure of ₹ 23 lakh for making the guest house ready for operation by the firm.

As per the MoU, the firm was to make payment of user charges of ₹ 30.33 lakh on quarterly basis to IGNCA for usage of the guest house. The firm furnished (August 2011) the guest house and obtained fire safety certificate for operating the same. However, the guest house could not be operationalised due to delay in obtaining clearances from the New Delhi Municipal Council (NDMC). NDMC⁷ directed (February 2012) IGNCA to maintain the status quo of the premises and not to use it as guest House or hotel as the lease deed did not permit the use of the premises for any mixed use/commercial activity. The matter of operation of the guest house by the firm was presently under arbitration following the breach of MoU by the agency which led to the decision of maintaining status quo by NDMC.

Thus, continuous delays and imprudent decision to run guest house by third party on commercial basis, led to the guest house block created at a cost of ₹ 7.93 crore remaining unutilised for the last 13 years.

On being pointed out (January 2014), IGNCA stated (March 2014) that the guest house remained incomplete due to non completion of provisions of electrical load and other finishing job. IGNCA further added that the delay in operation was basically due to the gross violation of MoU by the firm which led to the controversy and NDMC took the premises under the purview of the monitoring committee.

The reply of the Ministry to the audit observation was, however, awaited (May 2014).

⁶ M/s Aresko Estate Pvt. Ltd.

⁷ As per directions of the Monitoring Committee constituted by Supreme Court to oversee the sealing drive in Delhi.

National School of Drama

4.4 Irregular extension of service beyond mandatory superannuation age

National School of Drama granted extension of service beyond mandatory superannuation age to six of its employees, in contravention to orders of Department of Personnel & Training and its service bye-laws, and paid emoluments aggregating to ₹ 1.20 crore to them.

Department of Personnel & Training (DoPT) while issuing (May 1998) instructions enhancing age of retirement of employees of Autonomous Bodies from 58 years to 60 years stated that there shall be complete ban on extension in service beyond the age of superannuation⁸. The condition of maximum age of retirement of 60 and of complete ban on extension of service beyond superannuation was also applicable for autonomous bodies where their rules and regulations differed from those of the Central Government. In such cases the administrative ministry was required to approach DoPT, regarding any extension of age of superannuation on case to case basis.

As per FR 209 (6) (iv) (a) all grantee institutions which receive more than 50 *per cent* of recurring expenditure in form of grant in aid, should ordinarily formulate terms and conditions of service of their employees, which are by and large, not higher than those applicable to similar categories of employees in Central Government. In exceptional cases relaxation may be made in consultation with Ministry of Finance. The National School of Drama (NSD) is entirely funded by Gol.

The Service Bye-Laws⁹ of the NSD governing the age of retirement of its employees provided that all teaching staff members shall retire/superannuate on attaining age of 60 years. However, in exceptional cases, any member of the teaching staff may be re-employed in service on a yearly extension basis till he has attained the age of 62 years. Similarly, in the case of non-teaching staff, the age of

⁸ Except in case of medical and scientific specialists, who can be granted extension on case to case basis, upto age of 62 years.

⁹ Approved by Ministry of Culture in June 1993.

superannuation was 58 years¹⁰. Further, in exceptional circumstances, the employee could be re-employed for a further period of two years.

Audit noted that during 2000-2012, NSD extended services of all five employees retiring during this period in teaching category beyond superannuation. Also one employee in non-teaching category was retained beyond superannuation. NSD did not seek approval of its administrative Ministry i.e. the Ministry of Culture for granting extension to its teaching category employees. For non teaching category, although the case was approved by Ministry of Culture, but DoPT's approval was not on record. As the cases were of extension and not of re-employment, provisions of bye-laws of the NSD were also breached. Thus, the action of NSD to grant extension in service beyond the age of superannuation to its employees and consequent payment of emoluments to six employees amounting to ₹ 1.20 crore (**details are in Annex-III**) were irregular.

NSD stated (April 2013) that in all cases of extension starting from year 2000, the NSD Society had exercised its discretion in retaining teachers in exceptional cases only. In case of the non-teaching staff, the clarification from the Ministry would be sought. It further added that since these employees had already retired, NSD would not be able to make recoveries from them.

The Ministry accepted (November 2013) the audit observation and stated that the extension granted to the staff was a *fait accompli* and nothing could be done at this stage. It further stated that it would be ensured that no such extension was granted by the NSD Society to its staff members in future. Although both NSD and the Ministry accepted audit observation and treated the issue *fait accompli*, service bye-laws giving discretionary powers to NSD still remain. In the Report of CAG for Autonomous Bodies (paragraph 3.1, Report No. 23 of 2013) similar case of routine extension of service to all retiring employees by Asiatic Society, Kolkata was reported. The Ministry of Culture may consider

¹⁰ Employees who were in service on or before 26 August 1988 retire at the age of 60 years and those who joined after 26 August 1988 may retire at the age of 58 years.

reviewing all discretionary powers of autonomous bodies under its administrative control, regarding service conditions of their employees which are contrary to Government of India rules, and advise necessary corrections in their bye-laws.