

Chapter II – Performance Audits

Women and Child Development Department

2.1 Implementation of Acts and Schemes for welfare and protection of girl child

The Constitution of India through the Fundamental Rights and Directive Principles protects the rights of children and guides the State for ensuring that the children are protected from abuse and are provided early childhood care and education. The State is responsible for ensuring that childhood is protected from exploitation and moral and material abandonment.

A performance audit on the implementation of Acts and Schemes for welfare and protection of girl child in the State of Maharashtra for the period 2009-14 revealed absence of annual State and district child protection plans. While the child sex ratio in the State showed a declining trend in 2011 over 2001, the important legislative intervention to help preventing the decline in child sex ratio was weak due to shortfalls in conducting inspections of diagnostic/imaging centres, genetic laboratories etc. Inadequacies were noticed in the implementation of various Acts for protection and welfare of girl child. The coverage of adolescent girls for providing supplementary nutrition through anganwadi centres and administration of iron and folic acid supplementation was poor. There was significant number of out-of-school girls in the age group of 11 to 14 years in the State which showed that the rights of the girl child to free and compulsory education was not protected. The implementation of the Scheme for rehabilitation of victims of rape, sexual attack and acid attack suffered as financial assistance to significant number of victims could not be disbursed due to paucity of funds. Some of the key findings are highlighted below:

Highlights

The child sex ratio in the State declined from 913 as per census 2001 to 894 in 2011 with Beed district being the lowest at 807. The number of moderately/severely underweight girls was high at 34 per cent during 2010-14 in the tribal district of Nandurbar while the percentage of deaths of malnourished girls during the same period in Nandurbar was 79 per cent.

(Paragraphs 2.1.8 and 2.1.10.1)

The child marriage cases in the State were being under-reported by the Government. There were delays in nominating Child Marriage Prohibition Officers in rural areas while no officers were nominated in the urban areas. Though The Protection of Children from Sexual Offences Act, 2012 came into force from June 2012, the Government was yet to frame the guidelines to assist the girl child during pre-trial and trial stage.

(Paragraphs 2.1.9.1 and 2.1.9.2)

The right of girl child to education was not protected as there were 2.30 lakh out-of- school girls in the age group of 11 to 14 years in the State as on March 2014 who were being provided supplementary nutrition through anganwadi centres. Of the 97,155 anganwadi centres in the State, 53 per cent did not have toilet facilities while 84 per cent had no electricity supply.

(Paragraph 2.1.10.1 and 2.1.10.5)

The coverage of adolescent girls for providing supplementary nutrition through anganwadi centres and administration of iron and folic acid supplementation was poor. The schemes for self-defence training for girls and incentive to girls for completing secondary education were also not implemented in all the 35 districts thus, depriving a large number of prospective beneficiaries of the benefits of the schemes.

(Paragraphs 2.1.10.2, 2.1.10.3, 2.1.10.7 and 2.1.10.9)

The implementation of the Scheme for rehabilitation of victims of rape, sexual attack and acid attack suffered as financial assistance to significant number of victims could not be disbursed due to paucity of funds. The biometric attendance system could not be installed in 969 children homes in the State despite an investment of ₹ 1.97 crore. As a result, there remained a risk of bogus reporting of children by the children homes and consequent leakage of Government funds.

(Paragraphs 2.1.10.10 and 2.1.10.12)

2.1.1 Introduction

The Constitution of India through the Fundamental Rights and Directive Principles protects the rights of children and guides the State for ensuring that the children are protected from abuse and are provided early childhood care and education. The State is responsible for ensuring that childhood is protected from exploitation and moral and material abandonment. In recognition of the fact that 41 per cent of India's population is below 18 years, a National Plan for Children (NPFC), 2005 was prepared by Government of India (GoI) for implementation throughout the country through national measures and State Plans of Action for children. The NPFC, 2005 was divided into four sections (i) Child Survival (ii) Child Development (iii) Child Protection (iv) Child Participation. The NPFC identified 12 key areas to achieve the necessary targets and ensure the rights and entitlements of children at each stage of childhood. The key areas *inter alia* included reducing infant mortality rate, abolition of female foeticide, infanticide, child marriage, abolition of child labour, quality education for all children. The National Policy for Children, 2013 reiterated the commitments to the rights based approach for children.

As per census of 2011, there were 4.05 crore children in Maharashtra in the age group of 0-19 years of which, 1.91 crore were girl child (47 per cent). Maharashtra is one of the States where the child sex ratio has declined as per Census 2011. Considering the vulnerability of the girl child due to gender bias in the society in general and sharp decline¹ in child sex ratio in the State, a performance audit was conducted to review the implementation of various

¹ From 913 girls per 1000 boys in 2001 to 894 girls per 1000 boys in 2011

Acts and schemes being implemented by Government of Maharashtra (GoM) for welfare and protection of girl child.

2.1.2 Organizational set up

The organisational set-up of the units selected in audit and which are involved in the welfare and protection of girl child along with their broad objectives are shown in **Appendix 2.1.1**.

2.1.3 Audit objectives

The audit objectives were to assess whether:

- the girl child's right to birth was secured through statutory and welfare measures;
- the girl child had access to adequate healthcare, nutrition, education and vocational training;
- the schemes implemented for the welfare and protection of girl child were implemented economically, efficiently and effectively; and
- adequate planning, controls and monitoring was in place for effective implementation of schemes.

2.1.4 Audit criteria

The audit criteria for performance audit have been derived from the following documents:

- The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;
- The Prohibition of Child Marriage Act, 2006;
- The Protection of Children from Sexual Offences Act, 2012;
- The Commissions for Protection of Child Rights Act, 2005;
- The Immoral Traffic (Prevention) Act, 1956;
- The Child Labour (Prohibition and Regulation) Act, 1986; and
- Guidelines of GoI and GoM and Government Resolutions on various schemes for girls.

2.1.5 Audit scope and methodology

The performance audit was conducted during April 2014 to August 2014 and records for the period 2009-2014 were test checked. For this purpose, eight districts² were selected on the basis of risk assessment ensuring selection of at least one district from each of the six regions³ in the State, in order to assess the status of implementation of 10 major schemes/ programmes and compliance to seven Acts concerning welfare and protection of girl child.

Records in the offices of the Principal Secretary, Women and Child Development (W&CD) and Commissioner, W&CD; Maharashtra State Child Protection Society (MSCPS); Maharashtra State Commission for Protection of

² Beed, Buldhana, Gadchiroli, Mumbai (suburban), Nanded, Nandurbar, Solapur and Thane

³ Amravati, Aurangabad, Mumbai, Nashik, Nagpur and Pune

Child Rights (MSCPCR); Additional Director, Public Health Department; Director of Education (Primary) and Director of Education (Secondary and Higher Secondary); Maharashtra Prathamik Shikshan Parishad; Commissioner of Labour and their field units in the selected districts were examined. In addition, joint physical inspection of anganwadi centres and children/observation homes were also conducted along with the representatives of the related departments.

The audit objectives, audit criteria and scope of audit were discussed with the Principal Secretary, W&CD in an entry conference held in May 2014. An exit conference was held in November 2014 with the Principal Secretary, W&CD; Chairman, MSCPCR and Secretary, School Education and Sports Department to discuss the audit findings and recommendations.

Audit findings

2.1.6 Institutional weaknesses and absence of child protection plans

An adequate institutional mechanism is vital for timely and effective implementation of Acts and schemes. The weaknesses noticed in the institutional arrangements are discussed below:

2.1.6.1 Maharashtra State Commission for Protection of Child Rights

The MSCPCR was established in July 2007 with a mandate to examine and review the safeguards provided by or under any law for the protection of child rights and recommend measures for their effective implementation, inquire into violation of child rights and recommend initiation of proceedings.

Audit observed that the Chairperson and six members were nominated by GoM only in December 2008 and January 2009 respectively for a period of three years. At the end of the term of three years, while Principal Secretary, W&CD was given the additional charge of Chairperson of the Commission in December 2011, no new members were nominated (November 2014). The action to appoint the Principal Secretary (W&CD) as the Chairperson of MSCPCR was not in order because (i) the Chairperson of MSCPCR was to be appointed by a three member selection committee to be constituted by the State Government, which has not been followed in this case, and (ii) the Principal Secretary (W&CD) who is responsible for implementation of various schemes for children, may not justify his role as a monitor of Acts for protecting the rights of the children, pass orders or make recommendations under the Acts.

Further, MSCPCR was not provided with the services of Legal Advisor since the inception of the Commission till November 2014 while the Member Secretary to the Commission was appointed on regular basis only in March 2011. The MSCPCR stated (December 2014) that the matter regarding vacant post of Legal Advisor is being pursued with the Law Department of GoM.

2.1.6.2 Maharashtra State Child Protection Society

The Ministry of Women and Child Development, GoI proposed in 2009 to combine its existing child protection schemes under one Centrally Sponsored Scheme titled 'Integrated Child Protection Scheme (ICPS)' to reach out to all children, in particular those in difficult circumstances. As per the

Memorandum of Understanding (MoU) signed (August 2010) with GoI, GoM was to form a State Child Protection Society, State Adoption Resource Agency (SARA) and Special Juvenile Police Units (SJPU) at the districts, within three months of signing of MoU (November 2010) while the District Child Protection Unit (DCPU) and Specialized Adoption Agency (SAA) in all the districts were to be formed within six months *i.e.* by February 2011. The formation of these agencies, their broad objectives and audit findings are given in **Table 2.1.1:**

Table: 2.1.1: Broad functions of various agencies, their formation and audit findings

Name of the agency	Stipulated date of formation	Actual date of formation	Main objectives	Audit findings
1.	2.	3.	4.	5.
Maharashtra State Child Protection Society (MSCPS)	November 2010	April 2012	<ul style="list-style-type: none"> ▪ Preparation of State child protection plan. ▪ Implementation, supervision and monitoring of ICPS and all other child protection schemes/programmes at State level. ▪ Maintain State level database on children in institutional care and family-based non-institutional care. 	<p>MSCPS was established after delay of 17 months. After its formation in April 2012, MSCPS did not prepare the State child protection plans for the year 2012-13 and 2013-14. The MSCPS could not implement, supervise and monitor the ICPS and other child protection schemes effectively due to serious manpower constraints at the district level. In eight selected districts, against 14⁴ sanctioned posts for each District Child Protection Unit (DCPU), only one to seven posts were filled up. This affected not only the implementation of the schemes at district level but also restricted feedback/flow of information from the district level to the State level (Society) thus, hampering planning and decision making.</p> <p>The State level database of children in institutional care and family-based non-institutional care was also not prepared by the Society.</p>
District Child Protection Unit (DCPU)	February 2011	Between February and May 2013	<ul style="list-style-type: none"> ▪ Coordinate and supervise implementation of ICPS and all other child protection activities, monitoring and supervision of children homes/ adoption agencies, prepare annual district child protection plans, prepare resource directory of child-related services at district level. ▪ Set up district, block and village child protection committees to monitor the implementation of ICPS at these levels. 	<p>DCPUs were formed in all districts between February and May 2013. However, district, block and village child protection committees were not established. The DCPUs prepared only annual action plans consisting of programmes to be implemented in the districts. However, annual district child protection plans indicating the physical and financial targets, manpower requirements and financial resources were not prepared by DCPUs.</p> <p>The Programme Manager, MSCPS accepted (December 2014) that due to number of vacant posts at the district level, district child protection plans could not be prepared by the DCPUs.</p>

⁴ District Child Protection Officer, Protection officer, Legal-cum-Probation Officer, Counsellor, Accountant, Data Analyst, Assistant Data Analyst, Social Workers (2), Outreach Workers (2) and Community Volunteers (3)

1.	2.	3.	4.	5.
Special Juvenile Police Unit (SJPU)	November 2010	June 2012	<ul style="list-style-type: none"> Children in conflict with law are to be placed under the charge of SJPU who will produce them before the Juvenile Justice Board for further action 	There were delays in formation of SJPUs in the districts.
State Adoption Resource Agency (SARA)	November 2010	July 2012	<ul style="list-style-type: none"> Coordinate, monitor and develop the adoption programme, maintain a centralized database of adoptable children and prospective adoptive parents. 	SARA was established after 20 months and centralized database was not being maintained.
Specialised Adoption Agency (SAA)	February 2011	--	<ul style="list-style-type: none"> Facilitate placement of the child either in adoption or in pre-adoption foster care. Report to SARA on rehabilitation plan for each child admitted in SAA. 	Adoption agencies already existed in 27 districts prior to February 2011, which were recognised as SAAs under MSCPS. In the remaining eight ⁵ districts, SAAs were not formed even as of November 2014 due to shortage of trained manpower, infrastructure <i>etc.</i> Of the 2,705 children available with adoption agencies in the State during 2012-14 (Male: 1,232 and Female: 1,473), 1,673 children (62 <i>per cent</i>) were adopted (Male: 744 and Female: 929). Had a centralized database of adoptable children been maintained, the rate of adoption could have increased through inter-district coordination.

Source: ICPS guidelines, scrutiny of records and information furnished by MSCPS and DCPUs

The MSCPS (December 2014) stated that the district and State child protection plans for the year 2012-13 and 2013-14 could not be prepared due to many vacant posts at the State as well as district level. The MSCPS added that it was in the process of filling up the vacant posts as well as strengthen the capacity of DCPUs through training which will help in preparing the district and State child protection plans for the year 2014-15. During exit conference, the Principal Secretary, W&CD stated (November 2014) that an Officer on Special Duty has been appointed and a special drive instituted for filling up the vacant posts at the earliest.

2.1.7 Budgeting

Gender based budgeting is one of the tools that can be used to promote women's equality and empowerment. Gender budgeting is however, not being done in Maharashtra. In the absence of gender based budgeting, audit was not in a position to assess the financial resources exclusively allocated to the girl child from the total budgetary allocations, keeping in view the number of girl child requiring care and protection.

During the exit conference, the Principal Secretary, W&CD stated that in the proposed Women's Policy, a committee on women and child of the Legislative Assembly would be empowered to call for reports from departments regarding gender based budgeting.

Implementation of Acts and Schemes

The general bias towards girl child in the Society manifest in the form of female foeticide, child marriage, neglect of girl child thereby leading to decline in child sex ratio, poor enrolment of girl child in the school, poor

⁵ Gadchiroli, Nandurbar, Sindhudurg, Yavatmal, Gondia, Hingoli, Osmanabad and Washim

nutrition status *etc.* Audit findings on implementation of various Acts/ Schemes relating to survival, protection and development of girl child are given below:

2.1.8 Survival of girl child

The right to life or survival is an inalienable right of every child. Audit observed a decline in the Child Sex Ratio (CSR)⁶ in Maharashtra as per census of 2011 compared to the census of 2001. The possibility of decline in CSR due to female infanticide and deliberate neglect of girl child's health, nutrition and safety cannot be ruled out. **Table 2.1.2** shows the comparative position of Sex Ratio (SR) and CSR in India and Maharashtra as per the Census of 1991, 2001 and 2011.

Table 2.1.2: Comparison of sex and child sex ratios in Maharashtra and India

Particulars	Overall Sex Ratio (Females per thousand males)			Child Sex Ratio (Females per thousand males in the age group zero to six years)		
	1991	2001	2011	1991	2001	2011
India	927	933	940	946	927	914
Maharashtra	934	922	929	946	913	894
Districts*	791-1205	774-1135	838-1123	924-980	839-966	801-956

Source: Report of Director of Health Services, Mumbai for the year 2013
*The figures show the range in worst and best performing districts in Maharashtra

Table 2.1.2 shows that the overall CSR of the State had declined from 913 in 2001 to 894 in 2011. As per census 2011, the CSR in urban regions in India stood at 902 against 919 in rural areas. Whereas in Maharashtra, the CSR in urban regions stood at 899 against 890 in rural areas. Further, district-wise analysis of CSR revealed the following:

- In four districts (Chandrapur, Kolhapur, Sangli and Satara), there was an increase in CSR during 2011 over 2001 while the remaining 31 districts registered a decline in CSR during the same period.
- The CSR was the lowest in Beed district at 807 during 2011 over 2001.

Best practice

The School Education and Sports Department, GoM has successfully launched (2012-13) an innovative programme called *Meena Raju Manch* for gender sensitisation in 24,775 upper primary schools. The programme involves forming a group of 20 children (10 girls and 10 boys) drawn from class five to eight in each school who spearhead various gender sensitisation activities through medium of discussions, competitions, plays *etc.* by engaging children, teachers and the community. The programme is conducted once a week for 70 minutes in each school for which, special funds of ₹ 1,000 per year is allocated to each upper primary school. A review of the programme by the department in 12 districts revealed that the programme was successful in increasing the awareness about the children's right, gender equality and issues like child marriage and brought about a change in habits related to nutrition, health, hygiene and sanitation. The review also revealed non-functioning of the programme in 17 *per cent* schools, non-maintenance of proper records, poor monitoring at school level *etc* which needs to be addressed to promote the

⁶ Females per 1,000 males in the age group of 0-6 years

cause of removing the gender bias towards girl child in the society.

2.1.8.1 Implementation of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994

The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PCPNDT) is an important legislative intervention which if implemented effectively could help in preventing the decline in CSR. The PCPNDT provide for the prohibition of sex selection, before or after conception, regulation of pre-natal diagnostic techniques for the prevention of their misuse for sex determination leading to female foeticide. The PCPNDT required registration of genetic counselling centres, genetic laboratories and genetic clinics, prohibition on sale of ultrasound machines to persons, laboratories not registered under the Act.

The PCPNDT provides a robust mechanism for monitoring the implementation of the Act at the State level (through a Supervisory Board and an Advisory Committee) and at the district level (through Advisory Committees⁷ and Appropriate Authorities⁸ (AAs)).

As per PCPNDT, each genetic clinic, genetic laboratory, genetic counselling centre, ultrasound centre and imaging centre was required to maintain a record of pregnant women, on whom ultrasonography is conducted, in Form 'F' and feed the data in the online system for monitoring by the Additional Director, State Family Welfare Bureau, Pune. Audit scrutiny revealed the following:

- As on July 2013, of the 6,012 active⁹ sonography centres in the State, 2,420 centres (40 per cent) were not filling Form 'F' online while in the eight selected districts, 912 out of 1,988 sonography centres (46 per cent) were not filling Form 'F' online.
- The AAs in the districts were to inspect each active and inactive sonography centre four times a year. The status of number of inspections conducted by AAs during 2011-14 is given in **Table 2.1.3**.

Table 2.1.3 : Shortfall in inspections of active and inactive sonography centres in the State

Year	No. of sonography centres	No. of inspections to be done	No. of inspections done	Shortfall	Shortfall percentage
2011-12	8161	32644	18725	13919	43
2012-13	8579	34316	24496	9820	29
2013-14	9015	36060	16273	19787	55

Source: Information furnished by Additional Director, State Family Welfare Bureau, Pune; Data for the year 2009-11 was not furnished to audit

⁷ Consist of three medical experts from amongst gynaecologists, obstetricians, paediatricians and medical geneticists, one legal expert, one officer of information and publicity and three eminent social workers of whom not less than one shall be amongst representatives of women's organisations

⁸ (i) Appropriate Authority at State level comprise of an officer of or above the rank of the Joint Director of Health and Family Welfare as Chairperson (ii) an eminent woman representing women's organization (iii) an officer of Law Department of the State. The Chief Medical Officers or the Civil Surgeon is designated as the Appropriate Authority at the district level

⁹ Active sonography centres are those which are operational on the date of inspection

The shortfall in inspections was highest in Amravati district at 54 per cent. In the eight selected districts, the shortfall was highest in Solapur at 47 per cent during the year 2011-14. Audit further observed that in Solapur district, of the total 288 registered sonography centres during 2012-14, inspection was conducted in only 192 active sonography centres.

- The crash inspection of sonography centres is done by the Public Health Department, GoM in all the districts, in addition to regular inspections. The crash inspection team consisted of Police, Revenue and Health officials. The shortfall in crash inspections of sonography centres during 2011-14 is given in **Table 2.1.4**.

Table 2.1.4 : Shortfall in crash inspections of sonography centres

Actual date of inspection	Number of sonography centres	Inspected	Not inspected	Shortfall percentage
15 June - 30 September 2011	8161	7841	320	4
04 June - 30 June 2012	8579	6843	1736	20
01 June - 30 June 2013	9015	7013	2002	22

Source: Information furnished by Additional Director, State Family Welfare Bureau, Pune

In the eight selected districts, crash inspection was not done in Nandurbar district during 2011-14.

Inspections done by AAs and crash inspections revealed sex determination of foetus by 36 centres, advertisement of facilities for pre-conception and pre-natal sex selection by nine centres and non-maintenance of records by 378 centres since inception of PCPNDT Act. Registration of 457 defaulting centres was also cancelled by these inspecting authorities. The Additional Director, State Family Welfare Bureau, Pune stated (December 2014) that instructions have been issued to all AAs to conduct regular inspections.

- Surprise inspection of 327 sonography centres done by the State vigilance squad, established in March 2012, and three regional vigilance squads at Aurangabad, Nagpur and Nasik during 2013-14 revealed that sonography registers were not maintained, Form 'F' were incomplete as vital information like addresses of pregnant women and their contact numbers, addresses of referring doctors, results of sonography conducted, date of conducting Medical Termination of Pregnancy (MTP), experience certificates of doctors, purpose of conducting sonography *etc.* were either not found recorded or the information was incomplete.

2.1.9 Protection of girl child

A safe, secure and protective environment is a precondition for realisation of all other rights of children. A synopsis of incidence of crimes reported against girl child in the State during 2010 to 2013¹⁰ is shown in **Table 2.1.5**.

¹⁰ Crime data are published on calendar year basis. Crime data for 2014 have not been published.

Table 2.1.5 : Crimes reported against girl child in the State during 2010 to 2013

Sr. No.	Name of Act	Number of incidence registered during the year			
		2010	2011	2012	2013
1.	The Protection of Children from Sexual Offences Act, 2012 (Rape cases)	747	818	917	1546
2.	The Immoral Traffic (Prevention) Act, 1956	54	42	57	56
3.	The Prohibition of Child Marriage Act, 2006	4	19	6	16
4.	The Child Labour (Prohibition and Regulation) Act, 1986	2	2	4	6

Source : Crime in Maharashtra-2010-2013 (prepared by Criminal Investigation Department of GoM) and information furnished by Commissioner of Labour, GoM

Audit scrutiny of the implementation of various Acts in the State revealed the following:

2.1.9.1 Implementation of The Protection of Children from Sexual Offences Act, 2012

The GoI promulgated (June 2012) The Protection of Children from Sexual Offences Act, 2012 (POCSO) to protect children below the age of 18 years from offences of sexual assault, sexual harassment and pornography and provide for establishment for Special Courts for trial of such offences and for matters connected therewith. As per the provisions of the Act, the State Government was required to designate Special Courts in each district and also appoint Special Public Prosecutors. The Act further provided that if a Court of Session is notified as a children's court under the Commissions for Protection of Child Rights Act, 2005 or a Special Court designated for similar purposes under any other law, then such court shall be deemed to be a Special Court under POCSO.

The age-wise break-up of rape victims in the State registered during 2010-13 is shown in **Table 2.1.6**.

Table 2.1.6 : Statistics of rape victims in Maharashtra during 2010-13

Year	Total number of rape victims				
	Age below 10 years	Age 10 to 18 years	Girl victims up to 18 years	Total victims (all ages)	Percentage of girl victims up to 18 years out of total victims
2010	108	649	757	1610	47
2011	136	709	845	1745	48
2012	127	797	924	1845	50
2013	242	1322	1546	3063	50

Source : Crime in Maharashtra-2012 (prepared by Criminal Investigation Department of GoM) and Crime in India 2013 (prepared by National Crime Records Bureau, Ministry of Home Affairs, GoI)

While the incidences of rapes have registered an increase from 1,610 in 2010 to 3,063 in 2013, the conviction rate during this period ranged between 13.9 and 20.3 per cent. In four¹¹ out of eight selected districts, the incidences of rapes showed a rising trend from 53 in 2010 to 128 in 2013.

Audit observed that the State Government designated (October 2008) the children's court formed under the Commissions for Protection of Child Rights Act, 2005 for conducting cases under POCSO. Further, while the POCSO

¹¹ Beed, Buldhana, Gadchiroli and Nanded

came into force from June 2012, an order specifying all Public Prosecutors/ Additional Public Prosecutors as Special Public Prosecutors, for conducting cases in Special Courts, was issued by GoM only in March 2013. Similarly, GoM issued orders for appointment of all the Session Judges, Additional Session Judges and Ad-hoc Additional Session Judges to preside over the Special Courts only in August 2014. Thus, there were significant delays in appointment of Judges and Special Public Prosecutors under the Act.

The MSCPCR under the Act was to monitor the implementation of the provisions of POCSO (Section 44). The GoM was also required to prepare guidelines for use of Non-Governmental Organisations (NGO), professionals and experts or persons having knowledge of psychology, social work, physical and mental health and child development, to be associated with the pre-trial and trial stage to assist the child (Section 39). Audit observed that MSCPCR requested the Director General of Police (DGP), Maharashtra to furnish district-wise details of the cases registered under POCSO only in November 2013 and the consolidated information had not been furnished by the Police as of November 2014. Similarly, GoM could not finalise the guidelines to assist the child during pre-trial and trial stage as of November 2014.

The Principal Secretary, W&CD stated during exit conference that preparation of guidelines was almost finalised and would be issued shortly.

The inadequacies pointed out above clearly indicated that the implementation of the provisions of POCSO in the State was far from satisfactory.

2.1.9.2 Implementation of The Prohibition of Child Marriage Act, 2006

The GoI promulgated (January 2007) The Prohibition of Child Marriage Act, 2006 for the prohibition of solemnisation of child marriages and for matters connected therewith or incidental thereto. As per Section 16 of the Act, GoM was to appoint one or more Child Marriage Prohibition Officers (CMPOs) for a defined territory who were to prevent child marriages, create awareness, counsel, advise, sensitise the people, help in prosecution and furnish such periodical returns and statistics as the State Government may direct. Implementation of the Act in the State revealed the following:

- Though the Act came into force from January 2007, GoM notified the Rules under the Act only in September 2008.
- The GoM issued notification for appointment of CMPOs for the rural areas, after delay of more than six years (June 2013). However, no CMPOs were appointed as of November 2014 in urban areas which constituted 45.20 *per cent* of the total population of the State.
- As per Section 16 of the Act, GoM was required to issue a notification to vest the CMPOs with such powers of police officers as may be specified in the notification. However, no such notification has been issued by GoM as of September 2014.
- The W&CD does not have any mechanism to watch compliance to the provisions of the Act because it has not prescribed any periodical reports and returns for the CMPOs.

Information provided by Additional Director, State Family Welfare Bureau, Pune revealed that during 2012-13 and 2013-14, 378 and 627 girls in the age group of 10 to 14 years registered under 'Adolescent Reproductive and Sexual Health (ARSH)' Programme of GoI were married. Similarly, 11,389 and 11,839 girls in the age group of 15 to 19 years registered under this GoI programme were married. On the other hand, GoM reported only 45 cases of child marriages between 2010 and 2013, as indicated in **Table 2.1.5** above. This gives a clear impression that the child marriage cases in the State were being under-reported by the Government.

2.1.9.3 Implementation of The Immoral Traffic (Prevention) Act, 1956

The Immoral Traffic (Prevention) Act, 1956 (ITPA) deals with one of most heinous crimes against women including girls which violate the life, liberty and human dignity of women. Maharashtra witnesses inter-district, inter-State and cross-border trafficking of women and girl child in the age group of 13 to 18 years for sexual exploitation for commercial purpose. The incidence of crimes registered under the Act and the conviction rate during 2009-13 is shown in **Table 2.1.7**.

Table 2.1.7 : Status of cases registered and conviction rate during 2009-13

Year	Incidence of crimes registered under ITPA	Percentage of crimes registered under ITPA in the State <i>vis-à-vis</i> National figures	Conviction rate in per cent (National Average)
2009	271	11.00	31.00 (55.40)
2010	306	12.20	41.10 (55.00)
2011	390	16.00	46.60 (46.00)
2012	366	14.28	36.40 (41.10)
2013	289	11.21	28.00 (41.20)

Source : National Crime Records Bureau Reports (2009 to 2013)

As can be seen from **Table 2.1.7** above, the conviction rate, except for the year 2011, was substantially below the national average.

The Home Department of GoM established in March 2008 an Anti-Human Trafficking Cell (AHTC) under Criminal Investigation Department at Pune with 12 units in various cities. The status of number of raids conducted, women/ girls rescued, arrests made and brothels closed during the year 2010-13 is given in **Table 2.1.8**.

Table 2.1.8: Status showing performance of Anti-Human Trafficking Cell during the year 2010-13

Year	Raids	Total victims rescued		Traffickers arrested	Brothels closed
		Women	Girls		
2010	302	702	122	754	42
2011	407	1525	119	1139	36
2012	377	1822	137	1398	31
2013	447	1658	221	1251	28
Total	1533	5707	599	4542	137

Source: Information furnished by Special Inspector General of Police and Nodal Officer, Anti-Human Trafficking, CID, Pune

Table 2.1.8 reveals that the Anti-Human Trafficking Cell of GoM had conducted 1,533 raids during 2010-13 and rescued 5,707 women and 599 girls.

Audit observed that of the 599 girls rescued by AHTC during 2010-13, 537 girls were admitted to various children homes under W&CD. However, the Deputy Commissioner, W&CD, Pune stated (December 2014) that the Department does not have any details of further resettlement of these girls or whether these girls were reunited with their families. This clearly indicated that the monitoring and follow up mechanism with regard to resettlement of rescued girls was deficient.

Scrutiny of the minutes of the meeting of the Task Force¹² held in November 2013 revealed that W&CD had been facing various problems in repatriating the rescued girls, especially those from Bangladesh, on account of non-receipt of No Objection Certificate from the Government, Foreigners Registration Office clearances, travelling arrangements *etc.* The W&CD stated (December 2014) that a MoU has been signed (May 2014) with the peer departments in West Bengal for cooperation on rescue, rehabilitation, safe return and reintegration of victims of trafficking. The Special Inspector General of Police and Nodal Officer, Anti-Human Trafficking, CID, Pune stated (December 2014) that lack of funds for raids and rescue operations, transportation and training of staff were the major constraints in the implementation of the Act.

2.1.9.4 Implementation of The Child Labour (Prohibition and Regulation) Act, 1986

The Child Labour (Prohibition and Regulation) Act, 1986 prohibits the engagement of children below the age of 14 years in hazardous occupations and seeks to regulate the conditions of work of children in certain other occupations.

In Maharashtra, children below the age of 14 years, working in identified hazardous occupations, were to be rescued by the Labour Department and rehabilitated through National Child Labour Project (NCLP)¹³ in the 16 districts and through Labour Department in the remaining 19 districts. The child labourers are trained in NCLP for enrolment in the mainstream schools. The child labourer rescued by the Labour Department in coordination with the police is taken to Child Welfare Committee (CWC) in the district. The CWC thereafter, hands over the child to W&CD for further handing over to the guardian or to children home.

No action taken by Labour Department on study/survey reports

At the behest of the Labour Department, GoM, Yashwantrao Chavan Academy of Development Administration (YASHADA), Pune conducted a survey of child labourers in the 19 non-NCLP districts of the State and submitted a study report in March 2012. As per the study report, there were 33,645 child labourers in the non-NCLP districts of which, 8,780 (26 per cent)

¹² Constituted by W&CD in May 2013 for repatriation of inter-State and inter-Country victims

¹³ NCLP was implemented (1988) by the Ministry of Labour and Employment, GoI through the project societies at the district level under the Chairmanship of District Collectors

were girls working mainly in brick kilns, hotels, selling products, engaged in sugarcane cutting etc. Of the 8,780 girl child labourers, 1,638 girls (19 per cent) were in the age group of five to eight years while there were 2,231 boys (nine per cent) in the same age group. However, action taken to rescue and rehabilitate these child labourers, identified by YASHADA, could not be explained by the Labour Department (December 2014).

The Labour Commissioner, GoM conducted raids throughout the State during 2009-14 and rescued 1,450 child labourers including 34 girls. Whereas, as per the survey report (February 2014) of a NGO¹⁴, there were 1,408 child labourers including 533 out-of-school children in Mumbai Suburban area alone. Against 1,408 child labourers identified by the NGO, the Labour Department rescued only 137 children.

Audit further observed that there was no coordination between the Labour Department and the School Education and Sports Department, as a result, the Education Department was not aware (November 2014) of the number of children rescued, who could have been brought into the mainstream of education.

Arrears in recovery of compensation from offending employers of Child Labour

As per the directives (December 1996) of the Supreme Court, GoM was required to establish a welfare fund by penalising the offending employers at ₹ 20,000 per child. Audit observed that at the end of March 2014, GoM had a closing balance of ₹ 40.55 lakh. However, at the end of November 2014, there were huge arrears of ₹ 74.46 lakh pertaining to the period 2009-14 which the Labour Department failed to recover from offending employers.

Poor monitoring

As per Government Resolution of December 2011, the Labour Commissioner was responsible for tracking of child labourers till their enrolment in the mainstream schools. For this purpose, monthly reports of the rescued children enrolled in schools and special training centres were to be furnished by the District Labour Officers for consolidation in Labour Commissioner's office. The consolidated report was to be further transmitted to the Principal Secretary, Labour Department. Audit scrutiny revealed that the District Labour Officers were not rendering any reports to the Labour Commissioner's office. Audit also observed that the Assistant Commissioner of Labour was not monitoring the 16 NCLP districts stating that such responsibility lies with the concerned District Collectors.

2.1.9.5 Reporting by MSCPCR

As per Section 23 of the Commissions for Protection of Child Rights Act, 2005, the State Commission was required to submit an annual report to the State Government and may at any time submit special report on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report. The State Government was to cause all the reports to be laid before the legislature along with a memorandum explaining the action taken or proposed to be taken on the

¹⁴ PRATHAM, Mumbai

recommendations relating to the State and the reasons for non-acceptance, if any, of any such recommendations.

Scrutiny of records revealed that the annual reports prepared by MSCPCR for the year 2007-08 to 2011-12 were not placed before the State Legislature till November 2014 as these reports were not prepared separately in Marathi and English versions and therefore, returned by GoM. The English version of the annual report for 2012-13 was under printing while the Marathi version was under translation as of September 2014. The annual report for 2013-14 was under preparation. Thus, an important provision of the Act regarding placement of annual reports before the State Legislature was not fulfilled.

Further, at the end of October 2014, 580 cases were pending with MSCPCR on non-implementation of laws providing for protection and development of children and violation of rights to free and compulsory education, as indicated in **Table 2.1.9**.

Table 2.1.9 : Details of cases pending with MSCPCR at the end of October 2014

Year	No. of pending cases (opening balance)	New cases	Total	Cases disposed of	Pending cases (closing balance)
2008-09	0	9	9	5	4
2009-10	4	35	39	10	29
2010-11	29	63	92	7	85
2011-12	85	498	583	8	575
2012-13	575	394	969	524	445
2013-14	445	130	575	73	502
2014-15 (up to October 2014)	502	101	603	23	580

Source: Information provided by MSCPCR

The MSCPCR took *suo moto* cognizance of 86 cases of violation of child rights between 2008-09 and 2013-14 against which, 10 orders were issued by it. In 33 out of 86 cases, reports have been called for from the concerned officials, agencies and other departments like police stations, hospitals, education department *etc.*

2.1.10 Development of girl child

Every girl child has a right to health, nutrition and education. For this purpose, GoI and GoM have been implementing various schemes for the girl child. Audit findings on implementation of major schemes are discussed below:

Health and nutrition

2.1.10.1 Implementation of Integrated Child Development Services Scheme

The Integrated Child Development Services (ICDS) Scheme is one of the flagship schemes being implemented by W&CD to improve the nutritional and health status of children in the age-group of 0-6 years, to reduce mortality, morbidity, malnutrition and school dropout. The objectives of ICDS were to be achieved by providing supplementary nutrition, immunization, health check-up *etc.* During 2009-14, ₹ 4,730.57 crore was provided for implementation of ICDS in the State of which, ₹ 4,236.31 crore was spent. As

on March 2014, there were 97,155 Anganwadi Centres¹⁵ (AWCs) in the State covering 82.01 lakh children including 39.10 lakh girls in the age group up to six years through 553 projects.

Malnutrition

As per revised norms of World Health Organisation (2010-11), underweight children are indicated in two grades *viz.*, moderately underweight and severely underweight. The status of underweight girl child in the State during the year 2010-14 is detailed in **Table 2.1.10**.

Table 2.1.10 : Status of underweight girl child in the State during 2010-14

Year	Average No. of girls weighed per month (in lakh)	Average No. of girls moderately underweight (in lakh)	Average No. of girls severely underweight (in lakh)	Percentage of girls moderately underweight <i>vis-à-vis</i> total girls weighed	Percentage of girls severely underweight <i>vis-a-vis</i> total girls weighed
2010-11	29.65	5.96	1.13	20.10	3.81
2011-12	29.85	4.33	0.58	14.51	1.94
2012-13	29.76	3.43	0.49	11.53	1.65
2013-14	28.69	2.80	0.45	9.76	1.60
Average during 2010-14	29.49	4.13	0.67	14.01	2.26

Source: Data compiled from online monthly progress reports of ICDS

As can be seen from **Table 2.1.10**, the number of moderately underweight and severely underweight girls had reduced during the period 2010-14.

The status of moderately/severely underweight girls and number of malnourished girls who died in eight selected districts during 2010-14 is given in **Table 2.1.11**.

Table 2.1.11 : Status of moderately/severely underweight girls and deceased girls in selected districts during 2010-14

District	Percentage of girls moderately underweight <i>vis-a-vis</i> total girls weighed	Percentage of girls severely underweight <i>vis-a-vis</i> total girls weighed	Total number of deceased girls (0-6 years)	Number of malnourished girls who died (percentage)
Thane	17.07	2.50	2015	1291 (64)
Nandurbar	27.19	6.79	2281	1793 (79)
Mumbai	21.66	2.87	355	139 (39)
Buldhana	14.62	2.53	1412	956 (68)
Gadchiroli	21.87	5.15	1641	1175 (72)
Beed	13.74	1.74	1043	530 (51)
Nanded	11.65	1.79	1385	887 (64)
Solapur	11.24	1.56	1965	1240 (63)
Total			12097	8011(66)

Source: Data compiled from online monthly progress reports of ICDS

Table 2.1.11 indicates that during 2010-14, against the State average of 16.27 *per cent*, the percentage of moderately/severely underweight girls in the tribal districts of Nandurbar and Gadchiroli was 33.98 *per cent* and 27.02 *per cent* respectively. Further, of the total number of deceased girls (42,647) in the State, 63 *per cent* of the deceased girls (26,869) were malnourished while in

¹⁵ AWC is the place where nutrition is provided to children in the age group of 0-6 years and to adolescent girls in the age group of 11-18 years

the selected districts, 66 per cent of the deceased girls were malnourished. With regard to significant number of moderately/severely underweight girls and also highest deaths of girls in Nandurbar district, the Commissioner, ICDS stated in the exit conference that special drive has been made to address the problem of malnutrition and death of malnourished children.

Supplementary Nutrition Programme

All the families in the community, irrespective of their financial status, are surveyed by AWC to identify children below the age of six years and pregnant and nursing mothers to provide supplementary feeding support for 300 days in a year (25 days in a month). Take Home Ration (THR) is provided to children in the age group of six months to three years and for children in the age group of three years to six years, hot cooked food or THR is provided. Besides, severely malnourished children are given special supplementary feeding and referred for medical services.

Analysis of data of number of girl child (six months to six years) enrolled in AWCs and provided supplementary nutrition during 2009-14 is shown in **Table 2.1.12**.

Table 2.1.12 : Status of supplementary nutrition supplied to girls enrolled in AWCs during 2009-14

Year	Average number of girls (in lakh)			Percentage of girls provided supplementary nutrition less than 25 days
	Surveyed	Enrolled in AWCs	Provided supplementary nutrition for less than 25 days	
2009-10 (From June)	36.46	26.02	12.90	49.59
2010-11	36.35	34.55	14.76	42.73
2011-12	35.83	34.73	8.56	24.66
2012-13	35.25	33.71	2.72	8.08
2013-14	35.59	33.83	4.88	14.43
Average during 2009-14	35.90	32.57	8.77	26.92

Source : Data compiled from online monthly progress reports of ICDS

Table 2.1.12 above shows an improvement in supply of supplementary nutrition to girls in the age group of six months to six years in 2013-14 over 2009-10.

Deficient infrastructure in anganwadi centres

Mention was made in paragraph 4.1 of the Report of the Comptroller and Auditor General of India on General and Social Sector for the year ended March 2012 (No. 3 of 2013) regarding deficient infrastructure in AWCs. A comparative status of functional AWCs as on March 2012 and March 2014 is given in **Table 2.1.13**.

Table 2.1.13: Comparative status of functional AWCs during March 2012 and March 2014

Position as on	Total AWCs functioning	Status of AWCs functioning from				AWCs functioning from premises other than owned buildings (percentage)
		Own premises	Rented premises	Donated premises	Open spaces	
March 2012	95335	43501	21786	22390	7658	51834 (54)
March 2014	97155	51830	21571	19187	4567	45325 (47)

Source : Data compiled from online monthly progress reports of ICDS

As can be seen from **Table 2.1.13**, the number of AWCs has increased and the number of AWCs functioning from own premises has also shown an increase

during March 2014 over March 2012. However, 51,897 AWCs out of 97,155 AWCs (53 *per cent*) did not have toilet facilities while 82,055 AWCs (84 *per cent*) had no electricity supply, as of March 2014. Besides, vacancies in the posts of Child Development Project Officers and Supervisors at the end of March 2014 were to the extent of 45 *per cent* and 13 *per cent* respectively as compared to 19 *per cent* and 16 *per cent* at the end of March 2012.

During the exit conference, the Principal Secretary stated that initially there was no funding from GoI and funds were given by Zilla Parishads. The Principal Secretary added that there were two posts of anganwadi workers and anganwadi helpers in AWCs while in mini AWCs¹⁶ there was only one post of anganwadi workers. As the work at the mini AWCs was more, one additional post of anganwadi helper at mini AWCs would be created. The Principal Secretary further added that there was no provision in ICDS for purchase of land and old rented buildings had no toilets but assured that all the problems highlighted by audit would be taken care of while constructing new AWCs.

2.1.10.2 Implementation of Rajiv Gandhi Scheme for Empowerment of Adolescent Girls

The Ministry of Women and Child Development, GoI launched a Centrally Sponsored Scheme in September 2010 called Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (SABLA). SABLA aimed at empowering the adolescent girls of 11 to 18 years by improving their nutritional and health status, upgradation of home skills and vocational skills.

The Scheme was to be implemented using the platform of ICDS Scheme. The AWCs were to be the focal point for the delivery of the services. The Scheme has two components *viz.*, Nutrition and Non-nutrition. The GoI was to extend 100 *per cent* financial assistance to the States for all inputs, except nutrition component. For nutrition component, the expenditure was to be shared on 50:50 basis by the Centre and State Government. The Scheme was implemented in the State by W&CD from June 2011 in 11¹⁷ districts.

Nutrition component

Under the Nutrition component, each adolescent girl was to be provided supplementary nutrition containing 600 calories and 18-20 grams of protein and micronutrients per day for 300 days in a year in the form of ready-mix THR. As per baseline survey conducted by W&CD in December 2010 through anganwadi workers, there were 9.50 lakh¹⁸ adolescent girls in the 11 districts. However, it was observed from the annual statements of expenditure for the year 2011-14 submitted by the Commissioner, W&CD, Pune to GoI that benefit under the Scheme was extended to only 7.93 lakh beneficiaries up to March 2012, 7.53 lakh beneficiaries up to March 2013 and 7.71 lakh beneficiaries up to March 2014. Thus, on an average, only 7.72 lakh

¹⁶ Mini AWC is established to cater to population between 150 to 300 in tribal, hilly areas, *etc.* and between 150-400 in other areas

¹⁷ Mumbai Suburban, Nanded, Beed, Buldhana, Gadchiroli, Kolhapur, Satara, Nashik, Amravati, Nagpur and Gondia

¹⁸ Out-of-school girls 11 to 14 years: 0.58 lakh; girls in the age group of 14-18 years: 8.92 lakh

beneficiaries were covered under the Scheme during 2011-14, as against 9.50 lakh girls to be covered.

Audit also observed discrepancies in the number of AWCs where this Scheme was being implemented by W&CD. As per the quarterly statement of expenditure (December 2013) submitted by the Joint Commissioner, W&CD, Pune to GOI, the Scheme was being implemented in 39,279 AWCs out of 44,881 AWCs in 11 districts. However, the quarterly report for the month of March 2014 showed the Scheme being implemented in 40,783 AWCs out of 41,143 AWCs. Thus, while 5,602 AWCs remained uncovered by the Scheme (as per quarterly statement of December 2013), the reduction in number of AWCs from 44,881 in December 2013 to 41,143 in March 2014 was inexplicable, considering the fact that the Joint Commissioner, W&CD had been reporting the existence of 44,881 AWCs to GoI since January 2012 up to December 2013, through the quarterly statements of expenditure.

The Commissioner, W&CD, Pune directed (December 2012) 11 districts to discontinue purchase of THR from the existing suppliers and obtain THR or hot cooked food supplied by Mahila Mandals / Mahila Bachat Gats. Audit observed that in eight¹⁹ out of 11 districts, THR or hot cooked food could not be supplied either by the contractors or by the Mahila Mandals / Mahila Bachat Gats till January 2014 thus, depriving 5.72 lakh adolescent girls of the benefits of the Scheme.

As per SABLA guidelines issued (December 2010) by GoI, the AWCs were required to maintain Kishori Card (health card) of each adolescent girl to mark important milestones in her life (height, weight, immunisation details, iron and folic acid supplementation *etc.*). Visit by audit in 18 AWCs in five selected districts²⁰ revealed that none of the AWCs had maintained the health cards of adolescent girls.

Non-nutritional components

The GoI released ₹ 17.49 crore during 2011-14 for the non-nutritional components under the Scheme of which, W&CD incurred an expenditure of ₹ 14.70 crore on purchase of SABLA kits²¹ and conducting of training of adolescent girls. Of the total saving of ₹ 2.79 crore, the major saving was in the year 2012-13 (₹ 2.63 crore) due to non-conducting of trainings of adolescent girls.

The Deputy Commissioner, W&CD, Pune stated (September 2014) that the budget provision intended for Child Development Project Officers (CDPOs) (rural) was erroneously placed under the budget head of CDPOs (urban) and *vice versa*, which led to non-disbursement of the funds to the districts and subsequent surrender of funds.

One of the constituents of the non-nutritional component was life skills education and accessing public services, which was intended for development of self awareness and self-esteem, confidence-building, decision-making

¹⁹ Amravati, Beed, Buldhana, Gadchiroli, Kolhapur, Nagpur, Nanded, and Nashik

²⁰ Buldhana (four), Gadchiroli (one), Mumbai Suburban (eight), Nanded (one) and Solapur (four)

²¹ Training kit contains flash card with pictures and stories, quiz/activity games, adolescent activity card and laminated activity charts

ability, capacity for critical thinking, training of life skills *etc.* among the adolescent girls. Audit scrutiny revealed that though the SABLA Scheme commenced from June 2011 in 11 districts, training for life skills education accessing public services was conducted only in two²² out of 11 districts till March 2012. Subsequently, only two trainings were conducted during 2012-14 targeting 47,460 adolescent girls of which, only 22,263 adolescent girls (47 *per cent*) were trained.

As per SABLA guidelines issued (December 2010) by GoI, adolescent girls above 16 years of age were to be provided vocational training in at least one trade related skill so that they can get self/wage employment or establish micro-enterprise with other partners. Audit observed that since the inception of SABLA Scheme in the State (June 2011), no vocational training was imparted to any adolescent girl above 16 years of age till November 2014.

In the exit conference, the Principal Secretary stated that due to lack of infrastructure facilities, vocational training could not be imparted to adolescent girls under SABLA Scheme.

2.1.10.3 Implementation of weekly iron and folic acid supplementation programme

Weekly Iron and Folic Acid Supplementation programme (WIFS) for school going adolescent girls and boys and for out-of-school adolescent girls was introduced (2012-13) by GoI as a component of National Rural Health Mission to reduce anaemia in adolescent boys and girls. WIFS in Maharashtra is being implemented by Public Health Department (PHD). The WIFS envisages administration of weekly iron and folic acid supplementation (IFA) to rural and urban adolescents through the platform of Government, Government aided, Municipal schools and AWCs. During 2012-13, total 89.82²³ lakh adolescent children were identified in the State under WIFS. Scrutiny of records of the Additional Director, State Family Welfare Bureau, Pune revealed the following:

- Due to delay in finalisation of tenders by the PHD for procurement of IFA, the Scheme commenced in the State only from January 2013. As a result, none of the 89.82 lakh beneficiaries could be administered IFA up to December 2012.
- During 2013-14, against the target of 37.95 lakh adolescent girls, only 15 to 81 *per cent* of the adolescent girls were administered IFA between June 2013 and March 2014. In four²⁴ of the five selected districts, IFA was administered to only 4.66 to 87.53 *per cent* adolescent girls during the same period.

2.1.10.4 Implementation of adolescent reproductive and sexual health programme

The Adolescent Reproductive and Sexual Health programme (ARSH) was introduced by GoI in April 2006 as a component of NRHM. The programme commenced in Maharashtra from 2006-07 to sensitize the adolescent married

²² Mumbai and Nashik

²³ 74,61,694 (adolescent school students) and 15,20,421 (out-of-school adolescent girls)

²⁴ Beed, Buldhana, Gadchiroli and Nanded

and unmarried boys and girls (10-19 years) about reproductive sexual health, promotion of menstrual hygiene, providing sanitary napkins to adolescent girls in rural area *etc.* During 2009-14, against the total release of ₹ 8.48 crore made by GoI, an expenditure of ₹ 5.14 crore was incurred by GoM.

Distribution of sanitary napkins to adolescent girls

Adolescent girls in the age group of 10 to 19 years residing in rural areas are provided sanitary napkins by GoI free of cost under the ‘Promotion of Menstrual Hygiene Scheme’. The programme is being implemented in eight²⁵ districts of Maharashtra by PHD since 2012-13. The napkins are distributed to the girls through Accredited Social Health Activists (ASHA). The ASHA workers sell napkins to the girls at a cost of ₹ six per pack consisting of six napkins of which, ₹ five is remitted to the concerned Taluka Health Officer/ Medical Officer for further remittance to the account of District Health Family Welfare Societies, after adjusting expenditure on account of storage, rent, transportation *etc.*

The number of napkin packs received from GoI during 2012-14 and sold up to February 2014 is given in **Table 2.1.14**.

Table 2.1.14: Sale detail of sanitary napkins during 2012-14

Targeted adolescent girls in eight districts (in lakh)	Number of napkin packs received (in lakh)	Number of napkin packs sold (in lakh)	Sale amount (₹ in lakh)	Amount to be deposited after adjusting miscellaneous expenses (₹ in lakh)	Actual amount deposited in District Health Family Welfare Societies (₹ in lakh)	Difference (₹ in lakh)
9.99	41.87	27.31	163.88	123.34	48.05	75.29

Source : Information furnished by Additional Director, State Family Welfare Bureau, Pune

As may be seen from **Table 2.1.14**, only 27.31 lakh out of 41.87 lakh napkin packs (65.22 *per cent*) could be sold in eight districts. In three selected districts (Beed, Buldhana and Nandurbar), the sale of napkins was only 51.02 *per cent* of the total napkins received. Audit observed that Taluka Health Officer, Buldhana (district Buldhana) and Taluka Health Officer, Georai (district Beed) intimated (September 2012 and April 2014) to their respective District Health Officers about the poor quality of napkins, which was one of the reasons for poor sale in the districts. Further, the State Level Steering Committee under the Chairmanship of Principal Secretary, PHD, set up in September 2010 for monitoring and implementation of the Scheme, neither discussed the quality issue in its meetings nor did it flag the issue to GoI.

An amount of ₹ 75.29 lakh though collected by sale of sanitary napkins was not deposited into the respective District Health Family Welfare Societies. The Assistant Director, ARSH stated in April 2014 that the matter is being reviewed.

An independent assessment of the Scheme for Promotion of Menstrual Hygiene done by Ministry of Health and Family Welfare, GoI in October 2013 revealed that the efforts made by the State Government on demand generation were weak resulting in low awareness about the importance of menstrual

²⁵ Akola, Amravati, Latur, Buldhana, Dhule, Beed, Nandurbar and Satara

hygiene. Further, ASHAs were not visiting schools and AWCs to pro-actively encourage the sale of sanitary napkins.

Education

2.1.10.5 Right to Education

As per Section 3 of Right to Education Act, 2009 (RTE), every child in the age group of 6 to 14 years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education. Further, as per Section 4 of the RTE, a child above six years of age who has not been admitted to any school or though admitted, could not complete his or her elementary education, he or she shall be admitted in a class appropriate to his or her age. Scrutiny of online ICDS data maintained by the Commissioner, W&CD, Pune revealed that there were 2.30 lakh out-of-school girls in the age group of 11 to 14 years in the State as of March 2014, who were being provided supplementary nutrition. On the other hand, the School Education and Sports Department identified only 19,713 out-of-school girls of the same age group as of March 2014 for the purpose of the training under Sarva Shiksha Abhiyan (SSA).

During exit conference, the Principal Secretary, W&CD stated that both the figures of out-of-school children (ICDS and SSA) would be checked and help of UNICEF and other NGOs would be taken to conduct surveys in few districts to verify the figures.

Wide variation in the number of out-of-school girls (11-14 years) determined by the two departments indicated grave inadequacies in the method of identification of such girls. It was also a pointer to the fact that the rights of significant number of girls to free and compulsory education under RTE was not protected.

2.1.10.6 Implementation of Sukanya Scheme

The Working Group on Development of Children for the XI five year plan (2007-12) had proposed the need for providing financial incentives to poverty ridden people to consciously retain their daughters, through an insurance-based conditional cash transfer scheme. The W&CD however, introduced the Scheme ('Sukanya') belatedly in January 2014. As per Scheme guidelines, every girl child born on or after 01 January 2014 to a below poverty line (BPL) family with maximum two children, was eligible to receive ₹ one lakh after attaining the age of 18 years, provided the girl child had passed class 10 and was unmarried.

The Commissioner, W&CD signed a MoU (May 2014) with Life Insurance Corporation of India (LIC) and deposited a lump sum amount of ₹ 4.50 crore with LIC. Audit observed that W&CD identified 3,091 beneficiary girls as of July 2014 and forwarded the list to LIC. However, LIC requested W&CD to furnish the details of the identified girls in a prescribed format to facilitate issue of individual certificates in the name of beneficiaries. The individual certificate was an acknowledgement from LIC for the money deposited in the name of girl child. Audit observed that W&CD did not furnish the details of the beneficiary girls in the prescribed format to LIC as of November 2014. As

a result, individual certificates have not been issued by LIC thus, delaying the registration of the beneficiaries with LIC.

Further, while many States²⁶ have introduced this Scheme under different names during the XI five year plan period, the Scheme was introduced in the State only in January 2014.

2.1.10.7 Self defence training for girls

The Rashtriya Madhyamik Shiksha Abhiyan (RMSA) was launched in March 2009 by GoI in the backdrop of the Constitutional mandate to universalise elementary education and the success of SSA. The Scheme is being implemented in partnership with State Governments. One of the interventions envisaged under RMSA is self defence training for students especially girls.

The Maharashtra Prathamik Shikshan Parishad (MPSP) submitted a proposal to GoI for imparting self defence training to 99,036 girls of class 9 and 10 of Government and Local Bodies schools during 2012-13 at a total cost of ₹ 4.95 crore. The GoI granted a revalidated sanction to the proposal in July 2013 and approved ₹ 3.71 crore, being 75 per cent of its share. The MPSP released (November 2013) ₹ 4.32 crore (including GoI share) for implementation of this programme in 34 out of 35 districts for training of 96,081 girls during 2013-14. The balance ₹ 0.63 crore was earmarked for programme evaluation.

Audit scrutiny revealed that of the 96,081 girls to be trained during 2013-14, only 44,397 girls were trained (46 per cent) up to March 2014 in 24 districts while no training was conducted in the remaining 10 districts thus, depriving 35,268 girls of the benefits of the programme. In two of the eight selected districts (Nandurbar and Thane), training was provided to only 6,211 girls (67 per cent) against 9,327 girls identified. In the remaining six selected districts, no training was provided to 25,518 girls. As of November 2014, MPSP had an unspent balance of ₹ 2.29 crore, in addition to ₹ 0.63 crore on programme evaluation, which was also not utilised.

The Deputy Director, MPSP stated (September 2014) that the programme could not be implemented in 10 districts as the code of conduct for general elections was imposed from March 2014. The reply is not acceptable as the schedule of the training was effective from December 2013 to January 2014.

2.1.10.8 Implementation of PACE-IIT Scheme for girls

The GoM received (July 2011) a *suo moto* proposal received from 'IITians PACE', a private coaching institute imparting training to IIT aspirants, for providing training to class 10 passed meritorious girls having annual family income of less than ₹ one lakh. As per the proposal, GoM was to pay ₹ 7,500 per girl per month for two years for 50 girls in the State. The institute was to provide free of cost higher secondary education to the girls for two years and simultaneously impart training for IIT entrance examination. Accordingly, W&CD made a budget proposal of ₹ one crore in July 2011 and submitted it to the Planning and the Finance Departments of GoM. However, approvals

²⁶ Madhya Pradesh: Ladli Lakshmi Scheme (April 2007); Delhi: Ladli Scheme (January 2008); Himachal Pradesh: Indira Gandhi Balika Suraksha Yojna (2007) and Beti Hai Anmol Scheme (July 2010) etc.

from these departments were received only after two year in July 2013 and resultantly; W&CD could introduce the Scheme only from July 2013.

Scrutiny of records revealed that the Commissioner, WCD, Pune released an advertisement in August 2013 for conducting an entrance test in September 2013 for selection of class 10 passed girls in the institute. However, the Scheme did not receive any response as the academic year 2013-14 (June 2013 to May 2014) had already commenced. The first batch could start only from the academic year 2014-15 for which 49 girls were selected who joined the institute. Thus, due to initial delay of two years (2012-13 and 2013-14) in granting approval to the Scheme, 100 meritorious girls from poor families could not reap any benefits from the Scheme.

In the exit conference, the Principal Secretary, W&CD admitted the facts.

2.1.10.9 Delay in implementation of the Scheme of incentive to girls for secondary education

The GoI approved (July 2008) the Centrally Sponsored Scheme called 'Incentive to Girls for Secondary Education'. As per Scheme guidelines, a sum of ₹ 3,000 is to be deposited in the name of each eligible girl which can be withdrawn by her on reaching 18 years of age. The girl child should be unmarried and below 16 years of age (as of 31 March of each year) on joining class 9 to be eligible for the benefit under the Scheme. The Scheme covers all SC/ST girls who pass class 8 and enroll in class 9 in State Government, Government-aided or Local Body schools in the academic year 2008-09 onwards. The State was to send the consolidated proposal under the Scheme to GoI within three months of the commencement of the academic year.

Scrutiny of records of Directorate of Education (Secondary and Higher Secondary), Pune revealed that the Scheme could not be implemented in the State during the first three years (2008-09, 2009-10 and 2010-11) due to delay in receipt of information from the districts for submission to GoI. As a result, 1.58 lakh girl beneficiaries' remained deprived of the benefits under the Scheme during 2008-11. Grants for 2011-12 (₹ 16.71 crore) and 2012-13 (₹ 15.28 crore) released by GoI for 55,704 and 50,935 girl beneficiaries' could also not be deposited (October 2014) in the beneficiaries' accounts due to difficulties in opening of bank accounts.

Further, of the total 35 districts in the State, GoM furnished information to GoI only in respect of 25 districts during 2011-12, 28 districts during 2012-13 and 24 districts during 2013-14. Thus, prospective beneficiaries from the remaining 28 districts during 2011-14 were excluded from the Scheme. The proposal submitted by GoM for academic year 2013-14 was not sanctioned by GoI as of October 2014.

2.1.10.10 Non-payment of maintenance grant to children homes at enhanced rate due to non-implementation of biometric attendance system

The Social Justice and Special Assistance Department (SJSA), GoM placed (April 2011) an order on M/s Ace Brain Systems (supplier), Pune for supply of

969²⁷ biometric attendance system (BMAS) in 969 children homes being run by NGOs and W&CD at a cost of ₹ 2.59 crore. The BMAS was expected to register actual attendance of children and eliminate bogus reporting of children and thus, ensure genuine demand for grants (for food and clothing) by the children homes. The scope of work included finger printing of all the staff/children by the supplier for storing the data in the Subscriber Identity Module (SIM) card. The data in the SIM card was then required to be uploaded on the central server.

Audit observed that the order placed by SJSA on the supplier did not include the provision for supply of SIM cards for making the BMAS operational. Till August 2014, only 816 out of 969 BMAS were supplied, as against the stipulated date of July 2011. However, due to non-availability of SIM cards, none of the 816 BMAS could be made functional. Further, as per agreement, the supplier was eligible for 90 *per cent* payment only after loading the data on the central server and its satisfactory working for 24 days. Audit observed that though data was not uploaded in the central server, 90 *per cent* payment amounting to ₹ 1.97 crore in respect of 816 BAMS was released to the supplier by SJSA between November 2011 and June 2013.

The W&CD provides a maintenance grant of ₹ 635 per month per child to all the children homes being run by the NGOs and W&CD to cover the food and clothing expenses of the children. A Secretary level committee constituted in May 2010, to review the amount of maintenance grant, recommended an increase in the maintenance grant from ₹ 635 to ₹ 900 per child. However, W&CD issued a Government Resolution (GR) to this effect only in September 2013 stipulating a condition that only those children homes were eligible for maintenance grant at the enhanced rate where BMAS was functional and child data uploaded on the TrackCHILD website²⁸. However, due to non-implementation of BMAS, all the 969 children homes with 83,671 inmates (including 22,645 girl child) remained deprived of the enhanced maintenance grant.

Thus, a key technical system which could have ensured elimination of ghost children and thus, plugged leakage of Government funds disbursed to the children homes on the basis of enrolment, remained unimplemented for past three years. As a result, the children homes also remained deprived of the maintenance grant at an enhanced rate.

During the exit conference, the Principal Secretary, W&CD stated that the matter would be taken up with the SJSA.

²⁷ Aided children homes (873), Government children homes (33), aided observation homes (48), Government observation homes (12), aided maintenance houses (2) and a Government maintenance house

²⁸ TrackCHILD is a nationwide website developed by the Ministry of Women and Child Development, GoI for maintaining the database of all the children in institutional and non-institutional care at the district level for tracking missing children and their ultimate repatriation and rehabilitation

2.1.10.11 Joint physical inspection of children/observation homes

Joint physical inspection of 14 children/observation homes in the eight selected districts with the representatives of W&CD revealed lack of basic facilities as indicated in **Table 2.1.15**.

Table 2.1.15 : Results of joint physical verification of children/observation homes

Sr. No.	Name of District	Name of children/observation home (date of physical inspection by audit)	Audit observations
1.	Nandurbar	Indira Mahila Seva Society Girl Child Home (09 May 2014)	The children home did not have compound wall. The toilets and bathrooms were in an unhygienic and dilapidated condition with broken doors. Periodical medical check-ups were not conducted for the inmates. The District Women and Child Development Officer (DWCD), Nandurbar accepted (June 2014) the observations and stated that the deficiencies will be rectified at the earliest.
2.	Thane	District Probation and After Care Association, Thane Observation home, children home for boys and girls, Bhiwandi, Thane (17 June 2014)	There were only two caretakers against six sanctioned posts. Vocational training though required to be imparted was not given as there was no instructor. Toilets and bathrooms were found without doors and there was no watchman. Further, children in need of care and protection and the children in conflict with law were staying together without any arrangement for keeping them separate. The Superintendent, Children Home, Bhiwandi accepted (July 2014) the observations.
3.	Thane	Government Girls Observation Home/Special Home, Ulhasnagar, Thane (18 June 2014)	The observation home has been lying vacant since April 2003. There was no compound wall, no electricity connection, no windows and grills and there were numerous cracks in walls. The Public Works Department (PWD) was granted ₹ 61.58 lakh for repairs up to 2009. Thereafter, PWD did not give any revised estimate despite several reminders from DWCD, Thane.
4.	Nanded	Suman Balgrih for Girls, Nanded, (19 May 2014)	The intake capacity of the children home was 50 and 31 girls were in the home on the day of visit. It was observed that the girls in conflict with law were also residing in the same children home as there was no separate observation home for girls in the district. Though one girl child was missing since 01 May 2014, only a police complaint was lodged without filing a First Information Report. This showed that security of girl child was not being taken seriously.

2.1.10.12 Implementation of Manodhairya Scheme

The GoM launched (October 2013) the Manodhairya Scheme for rehabilitation of victims of rape, sexual attack and acid attack on or after 02 October 2013. The Scheme was to be implemented by W&CD. Under the Scheme, each victim of rape or sexual assault was to be paid ₹ two lakh (₹ three lakh in special case) while the victim of acid attack was to be paid ₹ 50,000. A five member district level Committee comprising the Collector (Chairperson), DWCD (Member Secretary), Superintendent of Police, Civil Surgeon and District Government Pleader was to approve the financial assistance to be granted to the victims. The Committee was to hold its meetings within seven days of lodging of First Information Report (FIR) by

the victim, for approval of cases and financial assistance to the victims was to be paid by W&CD within 15 days of approval.

During 2013-14, W&CD made a provision of ₹ 5.10 crore for the Scheme. Between October 2013 and March 2014, 876 FIRs were lodged. The Committee approved 410 cases (including 260 cases of minor girls) of which, payment of ₹ 5.04 crore was made in 296 cases and in remaining 114 cases, payment could not be made due to paucity of funds.

In the selected districts, of the 185 approved cases (including 64 cases of minor girls), financial assistance of ₹ 1.81 crore was granted to 100 victims. The remaining 85 cases though approved by the committee were pending for payment (October 2014) for a period ranging from one to 257 days, due to paucity of funds (44 cases), non-availability of medical reports (six cases), cases under re-scrutiny (three cases) and non-opening of bank accounts (32 cases). In 146 of the 185 approved cases, the committee failed to hold the meetings within seven days of filing of FIRs and the delays ranged between one and 132 days. There was a delay of one to 201 days in all the 100 cases where financial assistance was disbursed by W&CD. Despite the fact that acid attacks on women/girl child are heinous in nature, audit observed that such cases were not separately categorised and indicated in ‘Crime in Maharashtra’, an Annual Report prepared by the Criminal Investigation Department of GoM, for the years 2010 to 2013.

In the exit conference, the Principal Secretary, W&CD accepted that there were delays in disbursement of financial assistance to the victims under the Scheme, due to paucity of funds.

2.1.11 Monitoring and inspection

Non-submission of quarterly returns on inspection of children homes

The W&CD instructed (April 2011) that the Commissioner, W&CD, the Assistant Commissioners and the Deputy Commissioners should conduct inspections of 12, 24 and 48 children homes respectively in a year, in addition to four surprise inspections per month to be conducted by the DWCDs. The CWCs were to conduct inspections of all the children homes once in three months to review the condition of children and submit quarterly reports to State Advisory Board. A consolidated report of all inspections conducted at the Commissioner level and at the district level was to be submitted by Commissioner to the State Government every quarter, including the status of inspections done by CWCs. Scrutiny of records revealed that quarterly reports were not submitted by the Commissioner, W&CD to the State Government during 2009-14.

Shortfalls in holding meetings

Under PCPDNT, the State Supervisory Board (SSB) was to hold three meetings per year while the State Advisory Committee (SAC) was to hold six meetings per year. However, the SSB held only four meetings during 2012-14 as against six meetings to be held. The SAC held only nine meetings during 2009-14 as against 30 meetings to be held. Further, the shortfalls in holding

meetings by the District Advisory Committees in six²⁹ selected districts ranged between 13 *per cent* (Gadchiroli) and 90 *per cent* (Nandurbar) during 2009-12.

2.1.12 Conclusion and recommendations

The performance audit of 'Implementation of Acts and Schemes for welfare and protection of girl child' for the period 2009-14 revealed that the Maharashtra State Child Protection Society (MSCPS) did not formulate the State child protection plans for the year 2012-13 and 2013-14.

The Government may issue instructions to MSCPS for formulation of the State child protection plan for the year 2014-15 by setting clear goals and targets and by articulating the responsibility and accountability of all the concerned Departments engaged in welfare and protection of children.

Though the State witnessed a decline in the child sex ratio in 31 out of 35 districts over a period of 10 years (2001-2011), the implementation of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PCPNDT Act) suffered from shortfalls in conducting inspections of diagnostic/imaging centres, genetic laboratories *etc.*

Stronger implementation of PCPNDT Act is needed by strengthening the inspection mechanism for better detection of cases and to serve as deterrence against sex selective abortions.

The number of moderately/severely underweight girls in the State reduced during 2010-14, though it was significantly high in the tribal district of Nandurbar. The district also witnessed highest number of deaths of malnourished girls during the same period.

The coverage of adolescent girls for providing supplementary nutrition through anganwadi centres and administration of iron and folic acid supplementation was poor. The schemes for self defence training for girls and incentive to girls for completing secondary education were also not implemented in all the districts thus, depriving a large number of prospective beneficiaries of the benefits of the schemes. Despite an investment of ₹ 1.97 crore, the biometric attendance system could not be installed in 969 children homes in the State, due to non-availability of SIM cards.

The Government may give special attention to Nandurbar district to address the problem of malnourishment in girls. Biometric attendance system may be made operational in the children homes so as to eliminate bogus reporting of children and prevent leakage of Government funds.

The implementation of The Prohibition of Child Marriage Act, 2006 suffered due to delay in nominating Child Marriage Prohibition Officers in rural areas and failure to nominate Prohibition Officers for implementation of the Act in urban areas.

Though GoI promulgated The Protection of Children from Sexual Offences Act, 2012 (POCSO) in June 2012, the guidelines for assisting the child victims during pre-trial and trial stage under the Act were not finalised by the State Government till November 2014.

²⁹ Nandurbar, Nanded, Buldhana, Solapur, Beed and Gadchiroli

The GoM may prepare POCSO guidelines expeditiously for use of NGOs, professionals and experts or persons having knowledge of psychology, social work, physical and mental health and child development, in order to assist the child victims during pre-trial and trial stage.

The implementation of Manodhairya Scheme for rehabilitation of victims of rape, sexual attack and acid attack suffered as financial assistance to significant number of victims could not be disbursed due to paucity of funds.

The Women and Child Development Department needs to make adequate budgetary provisions under the Scheme in order to ensure that cases approved by the District Level Committees for granting financial assistance to the victims of rape, sexual attack and acid attack are not held up for want of funds.

The number of child labourers rescued by the Labour Department under The Child Labour (Prohibition and Regulation) Act, 1986 was significantly less than that reported by the Government/NGOs in the State. Even the Education Department was not aware of the number of children rescued by the Labour Department who could have been brought into the mainstream of education.

The Government may institute a robust mechanism to track, rescue and rehabilitate child labourers by ensuring effective coordination between various Departments.

The matter was referred to the Government in September 2014 and was discussed in exit conference held in November 2014 with the Principal Secretary, W&CD; Chairman, MSCPCR and Secretary, School Education and Sports Department. However, a formal written reply from the Government has not been received (December 2014).

School Education and Sports Department

2.2 Implementation of Sarva Shiksha Abhiyan

Sarva Shiksha Abhiyan (SSA), was launched in 2000-01, with the primary objective of universalisation of elementary education for all children in the age group of 6 to 14 years by 2010. The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) came into effect from 01 April 2010 under which every child of the age of 6 to 14 years has a right to free and compulsory education in a neighbourhood school till completion of elementary education.

Performance audit of implementation of SSA in the State of Maharashtra for the period 2010-14 revealed delay in notifying rules under the RTE Act and consequent delay in approval of upgradation of large number of Government schools in the State. The Chairperson and members of the Maharashtra State Commission for Protection of Child Rights were not re-appointed after December 2011. There were deficiencies in preparation of annual work plan and budgets and school development plans were not prepared by many schools. There were delays and short-release of funds by the State Government and significant unspent balances at the end of each year. There was delay in reservation of seats for children belonging to weaker sections and disadvantaged groups in private unaided schools and the pupil-teacher ratio was adverse in many schools. There was no child tracking system to monitor the children who were not attending schools or have dropped out. Infrastructural facilities in significant number of schools were inadequate. Monitoring of SSA-RTE Act suffered due to shortfall in meetings of School Management Committees and shortfall in inspections by officials at various levels. Some of the key findings are highlighted below.

Highlights

Though the RTE Act came into force with effect from April 2010, the RTE Rules and the Rules stipulating the manner of reservation of seats for the children belonging to weaker sections and disadvantaged groups in aided and unaided schools were notified by the State Government only in October 2011 and May 2012 respectively. The Chairperson and other members of Maharashtra State Commission for Protection of Child Rights were not re-appointed after December 2011.

(Paragraph 2.2.6)

Budgeting for SSA was deficient as the school development plans were not prepared by 10,158 (12 per cent) and 12,970 (15 per cent) schools in the State during 2012-13 and 2013-14 respectively. The State Government did not release its proportionate share of ₹ 139.53 crore during 2010-14 and there were significant unspent balances at the end of each year.

(Paragraphs 2.2.7.1 and 2.2.8)

Of the 66,444 Government schools in the State as on September 2013, 36,794 schools (up to class IV) and 5,621 schools (up to class VII) did not have neighborhood schools for class V and VIII, even within six km. Free transportation facilities were also not provided to 24.87 lakh children studying in these 42,415 schools.

(Paragraph 2.2.9.1)

There was delay in reservation of seats to children belonging to weaker sections and disadvantaged groups in private unaided schools due to delay in notification of RTE Rules while admissions against reserved seats were poor. There was also diversion of reserved seats to children belonging to general category in violation of RTE Rules. There was no child tracking system in the State to monitor the children who were not attending schools or have dropped out.

(Paragraphs 2.2.9.3 and 2.2.10.2)

Infrastructure facilities in the schools were inadequate. Of the 66,444 Government schools, 756 schools did not have separate toilets for girls, 51,375 schools did not have functional toilets, water was not available in 41,291 boys and girls toilets, drinking water facilities were not available in 686 schools and there was no electricity supply in 12,183 schools though 1,809 schools were having computers.

(Paragraph 2.2.9.5)

2.2.1 Introduction

Sarva Shiksha Abhiyan (SSA), a flagship programme of the Government of India (GoI), was launched in 2000-01 with the primary objective of Universalisation of Elementary Education (UEE) for all children in the age group of 6 to 14 years by 2010. Three important aspects of UEE are access, enrolment and retention of all children in 6 to 14 years of age. This goal of UEE was further facilitated by the Constitutional (86th Amendment) Act, 2002 making free and compulsory elementary education a Fundamental Right, for all children in the age group of 6 to 14 years. The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) came into effect from 01 April 2010 under which every child in the age group of 6 to 14 years has a right to free and compulsory education in a neighbourhood school till completion of elementary education³⁰.

The Government of Maharashtra (GoM) notified in October 2011 the Maharashtra Right of Children to Free and Compulsory Education Rules, 2011 (RTE Rules). GoI also notified the Commissions for Protection of Child Rights Act, 2005 to monitor the children's rights to education in the State.

2.2.2 Organisational set-up

In Maharashtra, SSA was launched in January 2002 and is being implemented and monitored by Maharashtra Prathamik Shikshan Parishad (MPSP), Mumbai under the administrative control of the School Education and Sports Department. The Governing Body (GB) and Executive Committee (EC) of

³⁰ Education from class I to class VIII (Primary school – class I to V and Upper Primary school – class VI to VIII)

MPSP are headed by the Chief Minister and the Chief Secretary respectively. The State Project Director (SPD) is the Member Secretary of MPSP. At District level, the District Project Office headed by the Chief Executive Officer of Zilla Parishad (ZP) implements the programme through District Education Officer (DEO) in the districts, Block Education Officers (BEO) in the blocks supported by Block Resource Centres and Cluster Resource Centres at the block/village level. In the Municipal Corporation area, SSA is implemented by the Education Officers of the Municipal Corporations. The RTE Act envisaged setting up of State Advisory Council (SAC) to advise on the implementation of the Act. The SAC was to co-exist with the GB and EC structure of SSA, till SAC takes over the full advisory role by the end of the 11th five year plan *i.e.* 2011. Under the provisions of the Commissions for Protection of Child Rights Act, 2005, the Maharashtra State Commission for Protection of Child Rights (MSCPCR) was constituted in July 2007.

2.2.3 Audit objectives

The audit objectives were to assess whether:

- planning for SSA was effective and funds were used economically, efficiently and effectively;
- Government had created an enabling environment for effective implementation of SSA-RTE Act;
- Government had effectively extended the benefits envisaged under SSA to the girls, weaker sections and other disadvantaged groups of society;
- Government had fulfilled the norms of infrastructure and other quality parameters as envisaged in SSA; and
- the system of monitoring was adequate for effective implementation of SSA-RTE Act.

2.2.4 Audit criteria

Audit criteria used to assess the performance of SSA were:

- The Right of Children to Free and Compulsory Education Act, 2009;
- The Maharashtra Right of Children to Free and Compulsory Education Rules, 2011;
- The SSA framework of April 2010;
- Memorandum of Association and Rules of MPSP (March 1994);
- Annual Work Plan and Budget documents and minutes of Project Approval Board, GoI; and
- GoI/GoM orders issued from time to time.

2.2.5 Audit scope and methodology

A performance audit covering the period 2010-11 to 2013-14 was conducted between April and July 2014. Records of the Principal Secretary, School Education and Sports Department (Department); MPSP; Director of Education (Primary), Pune; MSCPCR, Mumbai; Maharashtra State Council for Educational Research and Training (MSCERT), Pune and State Bureau of

Textbook Production and Curriculum Research (Balbharti), Pune were test-checked.

There are eight³¹ Educational Divisions in the State. Nine³² out of 35 districts were selected on the basis of ‘Probability Proportional to Size without Replacement’ sampling method, ensuring selection of one district from each Educational Division. In each selected district, records of the DEO at Zilla Parishad level and Education Officer (EO) at Municipal Corporation level were scrutinised. Further, 29 out of 103 blocks in eight sampled districts³³ were also selected for scrutiny considering the amount of grant released and educational backwardness of the blocks. In addition, scrutiny of records and joint physical verification of 143 schools (including five Kasturba Gandhi Balika Vidyalayas in Thane and Parbhani districts) from the selected blocks were also done with departmental officials.

An entry conference was held on 06 June 2014 with the Secretary, School Education and Sports Department, wherein the audit objectives and criteria were discussed. Exit conference was held on 11 November 2014 with the Secretary, School Education and Sports Department.

Reply received (November 2014) from the Joint Director (Finance and Accounts), MPSP and the recommendations of the State Public Accounts Committee (8th report of April 2012) on Performance audit of Sarva Shiksha Abhiyan included in paragraph 3.1 of the Report of the Comptroller and Auditor General of India for the year 2005-06 have been also incorporated at appropriate places in the report.

Audit findings

2.2.6 Institutional set up

Section 34 of the RTE Act envisaged setting up of State Advisory Council (SAC) by notification, to advise the State Government on implementation of the RTE Act in an effective manner. The RTE Act, further provided that the State Government may appoint members to the SAC from amongst eminent persons having knowledge and practical experience in the field of elementary education and child development. Section 38 of the RTE Act also stipulated that the State Government by notification shall make rules for carrying out the provisions of the Act. Under Section 31 of the RTE Act, the MSCPCR was responsible for examining and reviewing the safeguards of rights provided under RTE Act and recommend measures for their effective implementation. Audit scrutiny revealed the following:

- Apart from issuing a Government Resolution (GR) in March 2013 for constitution of SAC by nominating 16 members, the GoM did not constitute any SAC in the State as of November 2014. In the absence of SAC, the GB and EC of MPSP continued to implement the SSA in the State. Further, the GB headed by the Chief Minister, which was to

³¹ Amravati, Aurangabad, Kolhapur, Latur, Mumbai, Nagpur, Nashik and Pune

³² Amravati Division: Yavatmal; Aurangabad Division: Parbhani; Kolhapur Division: Sangli; Latur Division: Latur; Mumbai Division: Mumbai and Thane; Nagpur Division: Nagpur; Nashik Division: Jalgaon; and Pune Division : Ahmednagar

³³ Excluding Mumbai

review the implementation of SSA and give overall policy guidance and direction, did not hold any meetings during 2010-14, as against eight meetings stipulated in the MPSP Rules of March 1994. The Joint Director, MPSP stated that a proposal for nomination of members to SAC as per GR of March 2013 has been submitted to GoM.

- Though the RTE Act came into force with effect from April 2010, the RTE Rules and the Rules stipulating the manner of reservation of seats for the children belonging to weaker sections and disadvantaged groups in aided³⁴ and unaided schools were notified by GoM only in October 2011 and May 2012 respectively. Delays in notification of Rules resulted in non-approval of budget by GoI for establishment of neighbourhood schools and distribution of school uniforms, non-reservation of seats in private schools under RTE Act, as discussed in succeeding paragraphs.
- The MSCPCR was set up in the State in July 2007 for monitoring the rights of children to education. It was also responsible for examining and reviewing the safeguards of rights provided under RTE Act. The Chairperson and six members to the Commission were appointed in December 2008 for a period of three years. However, after expiry of the term of the Commission in December 2011, the GoM did not re-appoint the Chairperson and other members as of November 2014. The Joint Director, MPSP stated that after expiry of the term of Chairperson and the members, the charge of Chairperson was given to the Principal Secretary, Women and Child Development Department (W&CD). The action to appoint the Principal Secretary (W&CD) as the Chairperson of MSCPCR was not in order as already pointed out in **paragraph 2.1.6.1** of this report.

2.2.7 Planning

The SSA framework envisages a bottom-up approach to planning. Each school is required to prepare a School Development Plan (SDP) and furnish information in Data Capturing Format which is consolidated at Block Resource Centre. The consolidated data is then forwarded to the district for preparation of district Annual Work Plan and Budget (AWP&B). Based on AWP&Bs of the districts, the AWP&B of the State is compiled by MPSP and forwarded to the GoI for approval and release of funds.

2.2.7.1 Non-preparation of School Development Plans

As per Section 21 and 22 of the RTE Act, each Government and aided schools were required to constitute School Management Committee³⁵ (SMC). The SMC was responsible for preparation of SDP³⁶ which was to form the basis for the release of grants. The SDP is a comprehensive micro-planning exercise encompassing all the requirements *viz.*, infrastructure, books, uniforms,

³⁴ Aided schools are substantially financed by the State Government in the form of salary grant

³⁵ School Management Committee consists of teachers, elected representatives of the local authority and parents or guardians. SMCs are empowered to monitor school functioning and utilisation of grants

³⁶ SMC of aided schools were exempt by GoI from preparation of School Development Plans by an amendment to RTE Act in June 2012

transportation, funds, *etc.* The exercise also involves conducting of household surveys for identification of out-of-school children, their participation/non-participation in school, proposal for improved education facilities. As per Rule 14 of the RTE Rules, the SDPs were to be a three year plan comprising three annual sub-plans showing the estimates of class-wise enrolment for each year, financial requirement for additional teachers, infrastructure and equipment, special training to out-of-school children, educational rehabilitation of children with disabilities *etc.*

Audit scrutiny revealed that SDPs were not prepared by 10,158 out of 88,294 Government and aided schools (11.50 *per cent*) during 2012-13. In 2013-14, 12,970 out of 88,584 Government and aided schools (14.64 *per cent*) did not prepare SDPs. In the nine selected districts, 3,194 out of 27,436 schools during 2012-13 and 4,686 out of 27,731 schools during 2013-14 did not prepare the SDPs. This indicated that SDPs of 11.50 *per cent* schools in 2012-13 and 14.64 *per cent* in 2013-14 were not included in the AWP&Bs of those years and thus, the budgeting for SSA was deficient to that extent specifically in respect of out-of-school children including children with special needs.

The Joint Director, MPSP stated (November 2014) that preparation of SDP is mandatory for all Government and Local Body schools and as per amendment to RTE Act, 2012, there is no compulsion for aided schools to prepare the SDPs.

The reply is not acceptable because the State Project Director, MPSP had already issued instructions in November 2014 to all the Municipal Commissioners and Chief Executive Officers of ZPs to collect data/information from all the aided schools falling under their jurisdiction for preparation of AWP&B for the year 2015-16. This clearly indicated that MPSP was conscious of the implications of non-preparation of SDPs by the aided schools.

2.2.7.2 Deficiencies in Annual Work Plan and Budget

The AWP&B is a comprehensive exercise not restricted to SSA provisioning alone as, it also factors in investments from other relevant Central schemes such as, Total Sanitation Campaign, Drinking Water Mission, Mid-day meal *etc.* for UEE in accordance with the RTE Act. The AWP&B comprises various activities relating to access, equity, retention and quality which are expected to be taken up during the ensuing year and the finances required to achieve the budgeted targets. Scrutiny of AWP&Bs for the years 2010-14 revealed the following deficiencies:

- The AWP&Bs did not provide for school uniforms to all the children in Government schools. The same catered only to the requirements of all the girls and the boys belonging to Scheduled Caste (SC), Scheduled Tribe (ST) and Below Poverty Line category. Similarly, no provisions were made in the AWP&Bs for writing materials in all the Government schools.
- Planning for establishment of new schools require preparation of distance matrices and needs to factor in the trend of enrolment, population of the area and existing nearby schools, *etc.* However, AWP&B for the year 2012-13 submitted by MPSP for establishment of

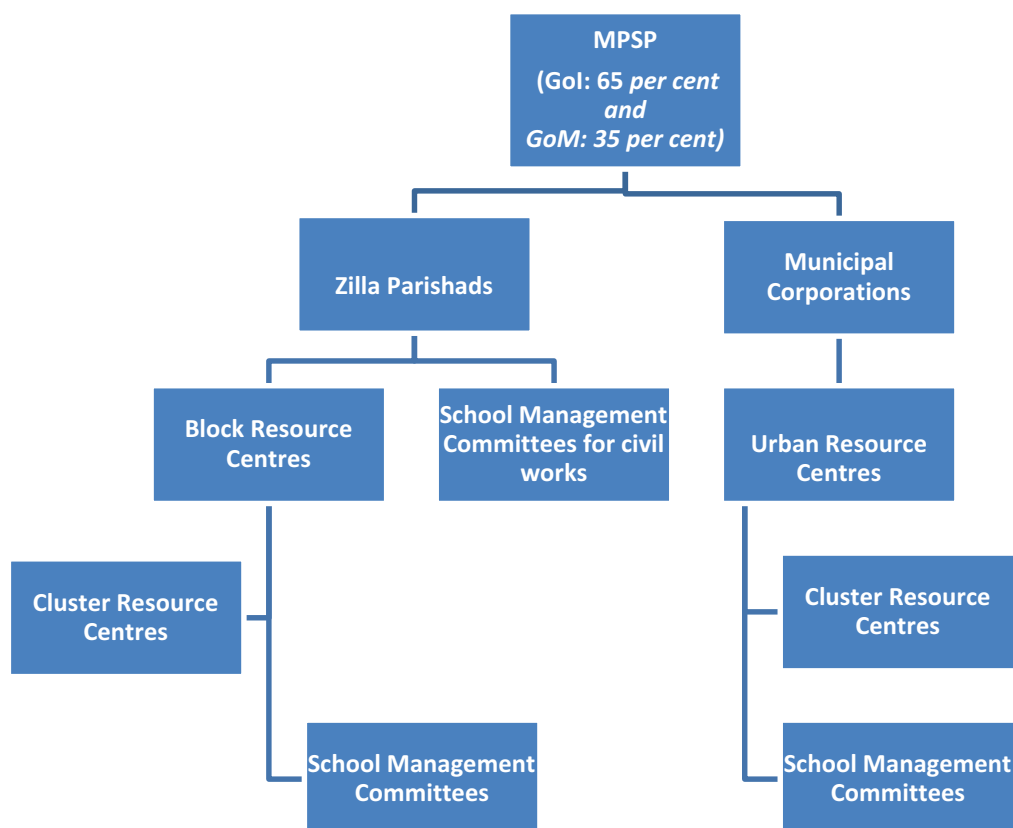
490 new primary schools in 28 districts was rejected by GoI as information regarding enrolment capacity in schools run by Social Welfare Department, availability of private aided/unaided schools were not factored in while planning for establishment of these schools.

- While preparing the AWP&Bs for the State during 2010-14, the MPSP considered funding only from SSA and did not factor in other Central schemes such as, Total Sanitation Campaign, Drinking Water Mission, Mid-day meal *etc.* which had already been providing basic facilities in the schools (toilets, drinking water, kitchen sheds, *etc.*). As a result, the AWP&Bs of the State was not rationalised to that extent.

2.2.8 Financial management

The Project Approval Board under the Chairmanship of the Secretary, Department of School Education and Literacy, GoI approves the AWP&B submitted by MPSP. On approval, the funds are released directly to MPSP in two installments in April and September. As per the funding arrangements, the share of GoI and GoM is in the ratio of 65:35. The grants-in-aid awarded by the XIII Finance Commission to the State for elementary education is reduced by GoI from the total outlay approved under AWP&B. The funds available at the beginning of the year and other receipts are also reduced in ratio of 65:35 from the approved outlay before release of funds by GoI/GoM. The flow of funds is depicted in **Chart 1**.

Chart 1: Flow of funds under SSA



Unspent balances

The year-wise details of total funds available with MPSP, expenditure incurred and unspent balances at the end of each year are shown in **Table 2.2.1**.

Table 2.2.1: Funds available, expenditure incurred and unspent balances
(₹ in crore)

Year	Total funds available	Expenditure incurred	Unspent balance (percentage)
2010-11	1561.32	1348.90	212.42(14)
2011-12	2090.62	1731.30	359.32(17)
2012-13	2025.66	1488.82	536.84(26)
2013-14	1210.41	1038.00	172.41 (14)

Source: Information furnished by MPSP

As may be seen from the **Table 2.2.1**, there were significant unspent balances at the end of each year. The shortfall in expenditure was mainly due to non-completion of school infrastructure works, shortfall in training to out-of-school children and members of SMCs/ Panchayati Raj Institutions, less expenditure on lodging and boarding of resident children in seasonal hostels, non-appointment of teachers, etc.

Short-release of funds by GoM

During 2010-14, the GoI released ₹ 4,567.79 crore to MPSP, being its share of 65 per cent. The GoM was to release ₹ 2459.57 crore, being its share of 35 per cent. However, GoM released only ₹ 2,320.04 crore, resulting in short-release of State share by ₹ 139.53 crore. The Joint Director, MPSP stated (November 2014) that ₹ 139.53 crore would be released by GoM during 2014-15.

Late release of funds by GoM

The GoM was to release its share within 30 days of receipt of funds from GoI. During 2010-14, there was delay ranging between one and five months in release of funds by GoM amounting to ₹ 1,615.90 crore. The delay resulted in non-utilisation of funds during 2010-14 and led to corresponding reduction in release of funds by GoI to the extent of unutilised funds available with MPSP in succeeding years. The late release of funds by GoM was also contrary to the recommendations of the State Public Accounts Committee (Eight report of April 2012) to adopt the procedure of release of State share in advance. The Joint Director, MPSP attributed (November 2014) the delay in release of funds to procedural delays.

Diversion of funds

In the 55th Executive Committee meeting held in October 2012, MPSP decided to send a proposal to GoI for surrender of financial allocation of ₹ 54.92 crore for 1,816 civil works (sanctioned upto 2010-11) which did not commence. Accordingly, MPSP directed (November 2013) 28 districts to surrender the funds where these civil works were to be commenced.

During discussion held in November 2013, the GoI advised MPSP that the works related to construction of new primary schools, Block Resource Centres (BRC), Urban Resource Centres (URC) and Cluster Resource Centres (CRC) could only be surrendered. Accordingly, the MPSP reassessed the number of

works to be surrendered at 474 valuing ₹ 31.94 crore. Audit however, observed that MPSP submitted (November 2013) a proposal to GoI for surrender of only 257 civil works valuing ₹ 17.18 crore, as funds in respect of the remaining 217 works valuing ₹ 14.76 crore were not available with 21 districts, indicating that the funds were diverted. The Joint Director, MPSP did not furnish any specific reply.

2.2.9 Access

Access to school is an essential component of UEE. Access comprises children's participation in learning by addressing social, economic and linguistic barriers in addition to barriers arising out of physical distance, topography, infrastructure, etc. Access component of SSA includes establishment of neighbourhood schools, training for out-of-school children for age appropriate admission, transportation facilities, etc.

2.2.9.1 Non-establishment of neighbourhood schools

As per Rule 4 of the RTE Rules, a primary school shall be established as far as possible within a distance of one km of the neighbourhood (three km for upper primary school) and shall have a minimum of 20 children in the age group of 6 to 11 years available and willing for enrolment in that school. The SSA framework also provides for mapping of neighbourhoods or habitations for establishment of neighbourhood schools. Audit observed the following:

- Due to delay in notification of RTE Rules by GoM specifying the area or limits for establishing neighbourhood schools, the proposal for establishment of 904 primary schools and upgradation of 1,152 primary schools to upper primary schools submitted by GoM during 2011-12 was not approved by the Project Approval Board of GoI.
- The GoM prepared a master plan in June 2012 by identifying the requirement of 651 primary and 1,579 upper primary schools through satellite mapping done by Maharashtra Remote Sensing Application Centre. Of the 651 primary and 1,579 upper primary schools to be established, only 282 primary and 274 upper primary schools were established as of March 2014. In the nine selected districts, of the 191 primary and 555 upper primary schools to be established, only 48 primary and 72 upper primary schools were established. The Joint Director, MPSP stated that the remaining schools were not established as they did not fulfil the norm of minimum number of 20 children per school. The reply indicates that the master plan was prepared without considering all the norms stipulated in the RTE Rules.
- As per RTE roadmap indicated in the SSA framework, the State Government was required to establish neighbourhood schools within a period of three years *i.e.* 31 March 2013. However, GoM approved upgradation of 27,616 Government schools³⁷ (20,657 primary and 6,959 upper primary) from classes IV to V and from VII to VIII only in May 2014. Besides, analysis of Unified District Information System for

³⁷ Zilla Parishads and Municipal Corporation schools

Education (U-DISE)³⁸ for the year 2013-14 by audit revealed that of the 66,444 Government schools in the State as on September 2013, 36,794 schools (up to class IV) and 5,621 schools (up to class VII) did not have neighborhood schools for class V and VIII even within six km. Further, free transportation facilities were also not provided to 24.87 lakh children studying in these 42,415 schools in contravention of RTE Rules. In the nine selected districts, free transportation facilities were not provided to 7.82 lakh children studying in 12,052 schools.

2.2.9.2 Decreasing trend of enrolment in Government schools

Analysis of enrolment data from U-DISE revealed that enrolment in Government and aided schools has declined by 7.6 per cent and three per cent respectively during 2013-14 as compared to 2011-12 while it increased in private unaided schools by 22 per cent over the same period, as indicated in Table 2.2.2.

Table 2.2.2: Decrease in enrolment

Category of schools	Enrolment		Decrease(-)/ Increase(+)	Percentage increase/decrease
	2011-12	2013-14		
Government and Local Bodies schools	6860760	6334730	(-)526030	(-)7.67
Government aided schools	6496035	6300520	(-)195515	(-)3.00
Private unaided schools	2829096	3445815	(+)616719	(+)21.80

Source : U-DISE for the year 2011-12 and 2013-14. Data for 2010-11 was not available

It was noticed in audit that private schools used books in addition to the prescribed syllabus and books used in Government schools. The Government needs to analyse the reasons for decrease in enrolment in Government schools and take remedial action.

2.2.9.3 Inadequacies in reservation of seats in unaided schools

As per Section 12 of the RTE Act, an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or local authority shall admit in Class I or pre-school as the case may be, to the extent of at least 25 per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion. Further, the State Government shall reimburse expenditure incurred by the unaided schools on providing free and compulsory elementary education to children to the extent of per-child-expenditure incurred by the State Government or the actual amount charged from the child, whichever is less. Audit scrutiny revealed the following:

- Though the RTE Act came into force from April 2010, GoM notified the Rules prescribing the manner/ procedure to be followed by the unaided schools for reservation of seats only in May 2012, which was further revised in March 2013. Consequently, reservation of seats for children belonging to weaker section and disadvantaged group, as stipulated in the RTE Act, could not be implemented in the State during 2010-11 and 2011-12. During 2012-13 and 2013-14, of the total seats

³⁸ Created by National University of Educational Planning and Administration, New Delhi; information of key variables over a period of time at school, cluster, block, district, State and National levels are captured in U-DISE

available for reservation in the unaided schools, only 32 *per cent*³⁹ and 44 *per cent*⁴⁰ seats were filled up. In the nine selected districts, the percentage of reservation achieved was even lower during 2012-14 (25 *per cent* and 37 *per cent*). The Joint Director, MPSP stated (November 2014) that for more transparency, an online system has been implemented for admission against reserved seats on pilot basis in Mumbai, Pune, Pimpri-Chinchwad Municipal Corporation and Haveli and Panvel Talukas.

- The GoM notified the rates for reimbursement of expenditure only in July 2014 and thus, delaying reimbursement to 8,487 unaided schools in 2012-13 and 9,505 unaided schools in 2013-14, in respect of 1.26 lakh students who were granted admission in these schools against 25 *per cent* reservation.
- As per Maharashtra Right of Children to Free and Compulsory Education (Manner of admission of Minimum 25 *per cent* children in Class I or Pre-school at the entry level for the children belonging to disadvantaged group and weaker section) Rules 2013, seats in unaided schools meant for the children from disadvantaged group and weaker section are not to be diverted to children belonging to general category. Test check of records relating to reservation of seats in 30 unaided schools in Thane, Mumbai, Nagpur, Yavatmal and Latur districts revealed that 192 seats⁴¹ in 14 schools were diverted to children belonging to general category during the academic year 2013-14 in violation of the Rules. The diversion of reserved seats also indicated lack of monitoring by the DEO in ensuring compliance to the Rules. The Joint Director, MPSP stated (November 2014) that instructions have been issued to not allow admission of general category children against 25 *per cent* reserved seats in unaided schools.
- As per Section 12C(b) of the National Commission for Minority Educational Institutions Act, 2004, the minority status granted to an educational institution can be cancelled if, on verification of the records, during the inspection or investigation, it is found that the Minority Educational Institution has failed to admit students belonging to the minority community (linguistic/religious) as per Rules prescribing the percentage governing admissions during any academic year.

Test check of records of three unaided educational institutions⁴² granted minority status between March 2010 and April 2013 revealed that the students belonging to the minority community admitted in these institutions during 2009-12 ranged between 2.55 and 26 *per cent*. The grant of minority status to institutions without notifying the Rules prescribing the percentage governing admissions in the minority schools appeared to be irregular. More so, as these minority institutions fall outside the ambit of the RTE Act and therefore, have no obligations to

³⁹ Total seats available for reservation in 2012-13: 2,09,919; total seats filled up: 67,306

⁴⁰ Total seats available for reservation in 2013-14: 1,34,508; total seats filled up: 58,833

⁴¹ Nagpur: 13 seats; Thane: 64 seats; Latur: 25 seats and Mumbai: 90 seats

⁴² Seth Rustomji Jamshetji Jijibhoy Gujrati School, Mumbai; Hiranandani Foundation Trust, Mumbai; Jamnaben Hirachand Ambani Foundation, Mumbai

admit children belonging to disadvantaged groups and weaker sections. Considering the fact that there are 3,937 minority schools in the State as of September 2013, substantive section of children belonging to disadvantaged group and weaker section may have been deprived of the benefits of the RTE Act.

2.2.9.4 Non-identification of out-of-school children

Under Section 4 of the RTE Act, 2009, where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age. Further, where a child is directly admitted in a class appropriate to his or her age then, he or she shall, in order to be at par with others, have a right to receive special training.

Audit observed that none of the selected districts (except Nagpur) had identified vagrant and neglected children for mapping with the schools. The Project Approval Board of GoI during appraisal of AWP&B of the State observed in March 2011 that the State was not making enough efforts to identify out-of-school children especially in urban areas and was also not focusing on the inbound migration from other States. Incidentally, Tata Institute of Social Sciences conducted a survey (November 2012 to February 2013) in 24 wards of Mumbai along with other Non-Governmental Organisations and found 37,059 children to be living on footpaths/ railway platforms.

Further, 2.53 lakh out-of-school children (61.55 *per cent*) were not provided special training though planned during 2010-14 while 1.13 lakh children (50.87 *per cent*) from migratory families were not provided seasonal hostel facilities during 2010-14. In six out of nine selected districts⁴³, only 51.82 *per cent* of the identified out-of-school children were provided special training by spending ₹ 5.57 crore out of ₹ 22.55 crore budgeted for during 2010-14. Incidentally, data collated by audit from the Data Capturing Formats of four selected districts⁴⁴ revealed 8,024 children who were not admitted to age-appropriate classes during 2013-14 after providing special training.

Audit scrutiny also revealed that there were 2.30 lakh out-of-school girls in the age group of 11 to 14 years in the State who were being provided Supplementary Nutrition under Integrated Child Development Service Scheme implemented by W&CD as on March 2014. Whereas, the School Education and Sports Department identified only 19,713 out-of-school girls of the same age group for the purpose of training under SSA in the AWP&B of 2014-15. The wide variation in the out-of-school girls identified by the two Departments (W&CD and SEDS) needs reconciliation and proper identification to ensure that the right of child to free and compulsory education under RTE Act is protected.

⁴³ Latur, Ahmednagar, Nagpur, Sangli, Thane and Mumbai; complete information was not available in the Monthly Progress Reports in respect of Yavatmal, Parbhani, Jalgaon and Thane (ZP schools) districts

⁴⁴ Parbhani, Latur, Nagpur and Yavatmal

2.2.9.5 School infrastructure development

Infrastructure development under SSA involves construction of new school buildings, additional classes, toilets, boundary walls, electrification, construction of BRCs, CRCs, etc. The funds for civil works are released by ZPs and Municipal Corporations to SMCs directly.

The status of civil works sanctioned as per the AWP&B, works completed, works in progress and works not commenced in the State during 2010-11 to 2012-13 is shown in **Table 2.2.3**.

Table 2.2.3: Status of civil works sanctioned, works completed, works in progress and works not commenced during 2010-13

Period	Works sanctioned		Works completed		Works in progress		Works not commenced	
	Physical (in no.)	Financial (₹ in crore)	Physical (in no.)	Financial (₹ in crore)	Physical (in no.)	Financial (₹ in crore)	Physical (in no.)	Financial (₹ in crore)
2010-11	22719	549.84	20753	495.47	869	29.26	1097	25.11
2011-12	20496	749.89	17515	631.95	2302	93.64	679	24.30
2012-13	43656	595.41	28249	404.00	7747	118.97	7660	72.44
Total	86871	1895.14	66517	1531.42	10918	241.87	9436	121.85

Source: Information furnished by MPSP
 Note: No works were sanctioned during 2013-14

Table 2.2.3 revealed that of the total 86,871 works sanctioned by GoI during 2010-13, only 66,517 works were completed (76 per cent), 10,918 works were under progress (13 per cent) and 9,436 works had not commenced (11 per cent).

The Joint Director, MPSP stated that of the total 86,871 works sanctioned, 71,890 works (83 per cent) have been completed as of September 2014 and efforts are being made to complete the remaining works (which are in progress and those which did not commence) before March 2015.

Execution of works in violation of SSA norms

The SSA framework provides that contractors should not be engaged for construction works unless the works require special design and technical skills. The works are to be executed by the community through the SMCs. Further, in order to assure quality of civil works, an independent assessment of the technical quality of civil works through third party evaluation (TPE) at different stages⁴⁵ was mandatory. Audit observed that the SSA norms were violated as indicated below.

In seven out of 138 schools test-checked, contractors were employed for construction of 29 additional classrooms and 16 toilets valuing ₹ 1.39 crore in two⁴⁶ districts.

Of the 16,252 civil works allotted for TPE in the State during 2010-11, TPE was conducted in respect of 10,219 works (63 per cent) only after their completion. Further, TPE of 50,265 works was awarded (September 2013) to Government Polytechnic and Government Engineering Colleges by MPSP after these works were completed (2011-13).

Shortfall in creation of infrastructure

Audit analysis of data of 66,444 Government and local authority schools

⁴⁵ Plinth, lintel, roof and at finishing level

⁴⁶ Ahmednagar and Thane

compiled in U-DISE as on September 2013 for the year 2013-14 revealed the following :

- In 84 schools, toilets were not available for boys/girls/teachers. In four out of 138 test-checked schools, toilets were not available.
- In 756 schools, separate toilets were not available for girls. In the test-checked schools separate toilets were not available for girls in eight schools.
- Of the 3,62,601 toilets in 66,444 schools, 81,397 toilets (22 per cent) in 51,375 schools were not functional.
- Water was not available in 20,878 boys toilets (17,973 schools) and 20,413 girls toilets (17,655 schools).
- There was no provision for drinking water in 686 schools. In the test-checked schools, provision for drinking water was not available in four schools.
- There were no boundary walls in 18,218 schools. In the test-checked schools, boundary wall was not constructed in 48 schools.
- There was no playground in 14,624 schools. In the test-checked schools, playgrounds were not available in 19 schools.
- There was no electricity supply in 12,183 schools, though 1,809 of 12,183 schools were having computers. In the test-checked schools, there was no electricity supply in 14 schools of which, four schools were having computers. As a result, computer related training was hampered.
- There was no library in 2,529 schools. Joint physical verification of 138 schools conducted by audit with departmental officials revealed that though books were available in these schools but separate library rooms were not available.

The Joint Director, MPSP stated that a separate GR has been issued in June 2013 specifying norms for various infrastructure to be created in Government and aided schools.

2.2.10 Retention

Children dropout from schools due to economic, academic or social reasons. Some of the interventions to improve the retention rate include provision of school uniforms, transportation, textbooks, Teaching-Learning Equipment (TLE) etc. The GoI approved an outlay of ₹ 1,618.15 crore during 2010-14 under this component of which, an expenditure of ₹ 1,369.18 crore was incurred.

2.2.10.1 Distribution of free textbooks and uniforms

Rule 5 of the RTE Rules stipulated supply of free textbooks, writing material, and uniforms to children attending Government, aided and unaided schools (only for reserved seats) in order to remove the financial barriers to school access so as to retain them in schools. Further, explanation under Rule 5 stipulated that the responsibility of providing free entitlements to children admitted in aided and unaided schools would be that of the schools. As per

SSA framework, two sets of school uniforms for all girls, boys belonging to SC, ST or BPL families in Government schools are also to be provided. Audit scrutiny revealed the following:

- In four selected districts⁴⁷, all the 26 test-checked unaided schools did not provide free textbooks and uniforms to 486 children admitted under 25 per cent reserved quota during academic year 2013-14.
- MPSP places orders on Maharashtra State Bureau of Textbook and Curriculum Research (MSBTB&CR), Pune for printing of textbooks and workbooks for free distribution to children enrolled in Government and aided schools up to class VIII. During 2010-14, 17.09 crore of 57.81 crore books (29.56 per cent) were supplied by MSBTB&CR after the commencement of academic session⁴⁸. The delays ranged between one and six months. Consequently, the books could not be distributed to the children on time. The Joint Director, MPSP stated that penalty was recovered from MSBTB&CR.
- MPSP, subsequent to enactment of RTE Act from April 2010, submitted a supplementary AWP&B for the year 2010-11. The AWP&B *inter alia* contained procurement of school uniforms for 46.51 lakh children⁴⁹ at a cost of ₹ 186.05 crore. While approving (October 2010) the supplementary AWP&B, GoI directed GoM to make provision for uniforms in the State RTE Rules. The GoM however, framed the State RTE Rules only in October 2011. As a result, the requirement of uniforms for 57.26 lakh children at a cost of ₹ 204.58 crore projected by GoM in the AWP&B for the year 2011-12 was not approved (March 2011) by GoI. The Joint Director, MPSP stated that no eligible children were deprived of school uniforms during 2011-12 as provisions made by the GoI in the supplementary AWP&B of 2010-11 (received in March 2011) was used for supplying uniforms to the eligible children. The reply clearly indicates that 10.75 lakh children (57.26 lakh - 46.51 lakh) who were to be provided uniforms during 2011-12 remained deprived of school uniforms.
- The GoM did not make provisions for writing material in the AWP&Bs for the years 2012-13 and 2013-14. Consequently, 66.04 lakh and 63.34 lakh children enrolled in Government schools during 2012-13 and 2013-14 respectively were deprived of the writing material. The Joint Director, MPSP stated that no budget is provided for writing material under SSA. The reply is not acceptable as the SSA framework for implementation (paragraph 2.6.1) clearly states that all entitlements as notified in the State RTE Rules should be provided for, in order to remove the financial barriers to school access.

2.2.10.2 Absence of child tracking system

The RTE Act stipulates that it would be the obligation of the appropriate Government to ensure and monitor admission, attendance and completion of

⁴⁷ Thane, Mumbai, Nagpur and Latur

⁴⁸ Academic session commences on 14/15 June every year in the State except in Vidarbha region where it commences on 26 June of each year

⁴⁹ All girls and boys belonging to SC, ST and BPL category upto Class VIII

elementary education by every child. Further, Rule 6 (5) (a) of RTE Rules states that an appropriate child tracking system shall be developed as a tool to track the children dropping out of or absenting for more than one month. Audit observed that GoM did not have a child tracking system to monitor the children who were not attending schools or have dropped out. The GoM issued a GR only in March 2013 instructing the Director of Education (Primary), Pune to track all the out-of-school children and the drop outs by developing a computer software programme. The Joint Director, MPSP stated that an online child tracking system is being developed by ‘Maha-online’ and monitored by Director of Education (Primary), Pune.

2.2.10.3 Dropout rate

The annual average dropout rate in the State during 2011-12 and 2013-14 is shown in **Table 2.2.4**.

Table 2.2.4 : Annual average dropout rate during 2011-12 and 2013-14
(Dropout rate in percentage)

Type of school			2011-12	2013-14
Primary school		Boys	2.2	0.96
		Girls	2.2	1.10
	State Average		2.2	1.03
Upper Primary school		Boys	2.3	1.43
		Girls	2.9	2.29
	State Average		2.6	1.83
Primary school	SC	Boys	2.7	1.41
		Girls	2.6	1.39
	ST	Boys	4.9	4.07
		Girls	5.2	4.47
	Muslim community	Boys	-0.1	2.20
		Girls	-1.3	1.61
Upper Primary school	SC	Boys	2.4	2.08
		Girls	3.0	2.78
	ST	Boys	4.7	4.53
		Girls	5.7	5.98
	Muslim community	Boys	1.5	3.82
		Girls	2.6	5.68

Source : U-DISE for the year 2011-12 and 2013-14

As can be seen from **Table 2.2.4**, the dropout rate of children in the State in respect of primary schools has improved from 2.2 per cent in 2011-12 to 1.03 per cent in 2013-14. Whereas, in respect of upper primary schools, the dropout rate has improved from 2.6 per cent in 2011-12 to 1.83 per cent in 2013-14. However, the dropout rate among the Muslim community in primary and upper primary schools increased during 2013-14 as compared to 2011-12. The average dropout rate in primary schools in six selected districts⁵⁰ was more than the State average during 2013-14. In upper primary schools, the average dropout rate in three selected districts⁵¹ was more than the State average during 2013-14.

2.2.11 Equity

The equity component under SSA envisages bridging the gender and social

⁵⁰ Ahmednagar: 1.62 per cent; Jalgaon: 2.97 per cent; Latur: 1.33 per cent; Nagpur: 2.80 per cent; Parbhani: 1.28 per cent; Yavatmal: 2.34 per cent

⁵¹ Jalgaon: 2.84 per cent; Latur: 2.55 per cent and Yavatmal: 3.64 per cent

gaps in elementary education by addressing exclusion of girls and children belonging to weaker section and disadvantaged group, children with special needs (CWSN) etc. For this purpose, SSA supports various interventions like training, awareness and other innovative activities for gender and social inclusion, funding for establishment of dedicated residential upper primary schools for girls belonging predominantly to the SC, ST, Other Backward Class and minority community. The GoI approved an outlay of ₹ 635.47 crore under this component during the period 2010-14 of which, an expenditure of ₹ 441.55 crore was incurred. The *Meena Raju Manch* a best practice on gender sensitisation being followed in the State has been mentioned in this report at **paragraph 2.1.8**.

2.2.11.1 Interventions for children with special needs

The major thrust of SSA is on inclusion or mainstreaming CWSN into the fabric of formal elementary schooling. The SSA envisages inclusion of CWSN through physical access, social access and quality of access.

The GoM has provided inclusive education to all the identified CWSN during 2010-14 either through enrolment in general schools or through home-based education, as shown in **Table 2.2.5**.

Table 2.2.5 : Coverage of CWSN in the State (6 to 18 years)

Year	Total CWSN identified	CWSN enrolled in schools	CWSN provided home based education	Total coverage of CWSN (percentage)
2010-11	410377	118870	291507	410377 (100)
2011-12	386019	187124	198895	386019 (100)
2012-13	325783	240023	85760	325783 (100)
2013-14	342098	308034	34064	342098 (100)

Source: Data furnished by MPSP

However, there were shortfalls in providing barrier-free access (ramps) and toilet facilities to CWSN in 4,669 and 15,947 schools out of total 66,444 schools in the State as of September 2013. Further, joint physical verification of 138 schools by audit with departmental officials revealed non-availability of accessible toilets in 57 schools and ramps in five schools. The Joint Director, MPSP stated that construction of remaining CWSN toilets and ramps would be proposed in the AWP&B of 2015-16.

2.2.11.2 Construction of residential upper primary schools for girls

The special Scheme of Kasturba Gandhi Balika Vidyalaya (KGBV), a residential upper primary school for girls belonging predominantly to the SC, ST, Other Backward Class and minorities, was launched by the GoI in August 2004. The funding for the Scheme is done through SSA. Of the 43 KGBVs in the State as of May 2014, construction of 28 KGBVs had already been completed, while construction of eight KGBVs was in progress and construction of seven KGBVs was yet to commence. All the 15 KGBVs (construction of which were either in progress or not commenced) were functioning⁵² from other Government buildings or rented premises.

Audit analysis of these 15 KGBVs revealed the following:

⁵² Six from 2005-06; five from 2008-09; four from 2010-11

- Construction of eight KGBVs sanctioned between 2006-07 and 2011-12 at a cost of ₹ 3.75 crore remained incomplete as of May 2014 due to delay in possession of land. Due to cost escalation, additional funds of ₹ 3.26 crore was projected for completion of these eight KGBVs.
- Construction of seven KGBVs sanctioned between 2006-07 and 2011-12 at a cost of ₹ 4.34 crore could not be commenced as of May 2014 due to non-availability of land/delay in possession of land. Due to cost escalation, additional funds of ₹ 3.32 crore was projected for completion of these seven KGBVs.
- Of the total additional fund requirement of ₹ 6.58 crore (₹ 3.26 crore + ₹ 3.32 crore), ₹ 1.42 crore was received subsequently from the XIII Finance Commission and other sources (MP local area development fund), leaving a balance of ₹ 5.15 crore, which was not provisioned by GoM (May 2014).

The Joint Director MPSP stated that a proposal for additional fund requirement of ₹ 5.15 crore has been submitted to GoM.

Joint physical verification of KGBVs in two blocks⁵³ of Thane district revealed the following:

- In Dahanu block, the KGBV run by an NGO was functioning from an unplastered rented building from June 2013 while in Vikramgad block, KGBV was functioning in Government Rural Hospital building since May 2010. The Joint Director, MPSP stated that plaster work of KGBV Dahanu is being completed.



KGBV, Dahanu running from rented building

- Against the norm of 60 sqft per child (for hostels with 100 children) the actual area available to 146 girls residing in KGBV Dahanu was only 2,740 sqft against the requirement 8,760 sqft. Similarly, in KGBV, Vikramgad, against the requirement of 9,360 sqft for 156 girls, the area available was only 1,520 sqft. The Joint Director, MPSP stated that both the KGBVs are running in tribal area where it is difficult to get rented building as per the prescribed norms. Efforts are being made to acquire the land for construction of KGBVs.
- KGBV, Dahanu had only four toilets and two bathrooms for 146 girls

⁵³ Dahanu and Vikramgad

and there was no boundary wall. Two additional bathrooms were temporarily constructed in open space with tin barricade. In the absence of any computer room, five computers were kept in the veranda. The Joint Director MPSP stated that the NGO has agreed to construct two additional toilets and the computers have been shifted to an available room.

- Five solar water heating systems valuing ₹ 13.23 lakh were received (March 2012) in five⁵⁴ KGBVs of Thane district. Physical verification at Dahanu and Vikramgad KGBVs revealed that the solar water heating systems were not installed by the supplier as of January 2014. However, full payment of ₹ 5.28 lakh was made to the supplier despite the contract condition stipulating payment of 90 *per cent* after supply, installation and commissioning of the system and balance 10 *per cent* after submission of performance report by KGBVs. The Joint Director, MPSP stated that solar water heating systems would be immediately installed and an enquiry would be conducted for delay in installation.



Solar water heater system lying uninstalled in KGBV, Dahanu

2.2.12 Equitable quality

The SSA framework emphasises the need for equitable quality in elementary education and advocates a system that promotes equitable quality especially among the children from disadvantaged backgrounds who need greater attention and the best academic support. The GoI approved an outlay of ₹ 2,784.30 crore under this component during 2010-14 of which, an expenditure of ₹ 1,225.36 crore was incurred. The major reason for shortfall in expenditure (₹ 1,558.94 crore) was non-appointment of teachers (₹ 973.22 crore).

2.2.12.1 Shortage of teachers

The status of sanctioned posts of teachers, posts filled up and vacancies at the end of March 2014 is shown in **Table 2.2.6**.

⁵⁴ Dahanu, Talasari, Jawhar, Mokhada and Vikramgad

Table 2.2.6: Posts of teachers sanctioned, filled up and vacancies as on March 2014

Type of school	No. of posts sanctioned by GoM			Posts filled up			Vacancies		
	Other than SSA	Under SSA	Total	Other than SSA	Under SSA	Total	Other than SSA	Under SSA	Total
Primary	191115	39418	230533	188198	14940	203138	2917	24478	27395
Upper primary	75328	2643	77971	74313	447	74760	1015	2196	3211
Total	266443	42061	308504	262511	15387	277898	3932	26674	30606

Source: AWP&B for the year 2014-15

As may be seen from **Table 2.2.6**, the overall shortfall of teachers at the end of March 2014 was 30,606 (9.91 per cent) while shortfall under SSA was 26,674 (63.42 per cent).

2.2.12.2 Pupil Teacher Ratio in each school

The RTE Act stipulates that within six months from the date of commencement of the Act, the appropriate Government and local authority shall ensure that the Pupil Teacher Ratio (PTR) is maintained in each school. The RTE Act stipulated the norm of PTR of at least one teacher to 30 children in primary schools and one teacher to 35 children in upper primary schools. The overall PTR⁵⁵ in the State during 2011-12, 2012-13 and 2013-14 was 1:30, 1:32 and 1:31 respectively which was well within the norm set out in the RTE Act. However, the PTR was adverse in a number of primary and upper primary schools during 2011-14, as shown in **Table 2.2.7**.

Table 2.2.7: Adverse PTR in primary and upper primary schools during 2011-14

Year	Type of school	Total no. of Government schools	No. of Govt schools having adverse PTR (per cent to total)	Total no. of aided schools	No. of aided schools having adverse PTR (per cent to total)	Total no. of unaided schools	No. of unaided schools having adverse PTR (per cent to total)
2011-12	Primary	66597	8302 (12.46)	6652	2305 (34.65)	7702	1761 (22.86)
	Upper primary	24015	5491 (22.86)	14307	7348 (51.35)	5777	2866 (49.61)
2012-13	Primary	66612	6632 (9.95)	6900	2000 (28.98)	8606	1717 (19.95)
	Upper primary	24787	1484 (5.98)	17679	4512 (25.52)	9265	1166 (12.58)
2013-14	Primary	66501	6114 (9.19)	7069	2033 (28.75)	9132	1687 (18.47)
	Upper primary	22439	1556 (6.93)	14374	4838 (33.65)	6214	1242 (19.98)

Source: U-DISE for the year 2011-12, 2012-13 and 2013-14. Data for 2010-11 was not available

As can be seen from **Table 2.2.7**, the number of Government, aided and unaided primary schools having adverse PTR during 2011-14 ranged between 9.19 per cent and 12.46 per cent; 28.75 per cent and 34.65 per cent and 18.47 per cent and 22.86 per cent respectively. Similarly, the number of Government, aided and unaided upper primary schools having adverse PTR during the same period ranged between 5.98 per cent and 22.86 per cent; 25.52 per cent and 51.35 per cent and 12.58 per cent and 49.61 per cent respectively.

⁵⁵ Total No. of children enrolled in schools ÷ Total No. of teachers in schools

The Joint Director, MPSP stated that the State has started a drive of school-wise rationalisation of teachers and the actual requirement of teachers would be worked out on the basis of rationalisation exercise and the norms prescribed in the RTE Act. The Joint Director added that the State has worked out the need for part time instructors in Government upper primary schools having enrolment more than 100 and a GR to this effect has been issued in August 2014.

As per Rule 15 of the RTE Rules, the academic authority notified by GoI shall prescribe the minimum qualification for a person to be eligible for appointment as a teacher in an elementary school. GoI notified (March 2010) National Council for Teachers Education (NCTE) as the academic authority which prescribed minimum qualification for the teachers.

The minimum qualification prescribed by NCTE for primary school teacher was senior secondary and two years diploma in elementary education and passing of Teachers Eligibility Test (TET). Audit observed that 5,070 Para Teachers⁵⁶ who acquired two years diploma in elementary education were absorbed by the Department though they did not pass TET.

2.2.13 Monitoring and grievance redressal

Under the SSA framework, monitoring is envisaged at the school level (by SMCs), at the block level (by BRCs/URCs), at the district level (by EO) and at the State level (by MPSP and MSCPCR). The RTE Act mandates the local authorities to be the grievance redressal agencies and the State Commission for Protection of Child Rights to be the appellate authority.

2.2.13.1 Monitoring at school level

As per Rule 13 (10) of RTE Rules, the SMC was to meet at least once a month and the minutes of the decisions taken in the meetings were to be recorded and made available to the public. The status of meetings conducted by SMCs in the State and nine selected districts during 2011-12 and 2012-13 is given in **Table 2.2.8**.

Table 2.2.8: Status of meetings conducted by SMCs during 2011-13

Particulars	Year	Total No. of Government and local authority schools	No. of schools in which SMCs constituted	No. of SMCs which did not hold requisite no. of 10 meetings in a year (percentage)	No. of SMCs which did not hold any meetings (percentage)
Whole State	2011-12	66803	66575	39732 (60)	12928 (19)
	2012-13	66444	66346	40800 (62)	4185 (6)
Nine selected districts	2011-12	19431	19338	12396 (64)	3576 (18)
	2012-13	19211	19183	12211 (64)	1038 (5)

Source: Compiled from U-DISE for the year 2012-13 and 2013-14. Data for 2010-11 was not available while data for 2013-14 (U-DISE 2014-15) was under preparation by the Department

It may be seen from **Table 2.2.8** that during 2011-12 and 2012-13, requisite number of 10 meetings was not held by the SMCs in around 60 and 64 per cent schools in the State and nine selected districts. Further, no meetings were held by the SMCs in six to 19 per cent and five to 18 per cent schools in the State and nine selected districts during the same period.

⁵⁶ The volunteers running Education Guarantee Scheme (EGS) centres were appointed as Para Teachers on contract basis by the State Government

As per SSA framework the SMCs had to monitor teachers' attendance and punctuality, children's enrolment and attendance, mental and physical harassment of children *etc.* Scrutiny of 305 minutes of SMC meetings in 36 schools of four⁵⁷ out of nine selected districts revealed that issues relating to teachers' attendance and regularity were not discussed in any of the meetings of SMCs except in one meeting of SMC in Parbhani district. Further, the issues of teachers' engagement in private tuitions and mental and physical harassment of children have not been discussed in any of the 305 meetings. Children's enrolment and attendance was discussed in only 66 out of 305 meetings.

2.2.13.2 Monitoring at block level

The SSA framework provides for at least two visits to every school by the EO or any other designated officer at the block level to ensure that the provisions of the RTE Act were being adhered to. The BRC staff, in addition to providing academic support to teachers, was to consult with the SMCs, community members and local authorities in formulating SDPs. The CRC staff were to make regular visits to schools (once in every two months) and hold meetings with members of the SMCs and other local bodies for school improvement, assist in preparation of SDPs and ensure that the special training programmes were adequately designed and implemented for out-of-school children so that they could be admitted to age appropriate classes. The status of visits made by Block Education Officers/BRC and CRC staff in the State during 2011-12 and 2012-13 is given in **Table 2.2.9**.

Table 2.2.9: Shortfall in inspection of schools by BEOs/BRC and CRC staff during 2011-13

Particulars	Number of Government and local authority schools	
	2011-12	2012-13
Total number of Government and local authority schools	66803	66,444
No visits by Block Education Officers and officials from BRCs and CRCs	1688	1149
No visits by Block Education Officers	4820	3070
Less than five visits by officials from BRCs and CRCs	8841	9998
<i>Source : Compiled from U-DISE for the year 2012-13 and 2013-14. Data for 2010-11 was not available while data for 2013-14 (U-DISE 2014-15) was under preparation by the Department</i>		

2.2.13.3 Monitoring at State level

The Governing Body (GB) of MPSP is responsible for reviewing the implementation of SSA and give overall policy guidance and directions while the Executive Committee (EC) exercises financial and administrative powers for furtherance of the objectives of the programme. As per Rule 15 of Memorandum of Association and Rules of MPSP, the meetings of the GB presided by Chief Minister shall be held at least twice a year while as per Rule 34, the EC under the chairmanship of the Chief Secretary shall meet at least once in each quarter of the year. The MSCPCR, being the appellate authority, was responsible for reviewing the safeguards for the rights provided under the RTE Act and recommend measures for their effective implementations. Further, all appeals preferred to MSCPCR regarding violation of rights of the children under the Act are to be decided by the Commission.

⁵⁷ Latur, Nagpur, Parbhani and Yavatmal

Audit observed that against eight meetings required to be held by GB during 2010-14, no meetings were conducted. Further, EC held only seven meetings against 16 meetings to be held during the same period.

The Joint Director, MPSP stated that due to busy schedule of the Chief Minister, the required number of meetings could not be held. Though there were shortfalls in meeting to be held by EC, the Additional Chief Secretary and the Vice Chairman of the EC conducted number of review meetings as well as video conferencing on almost all Fridays with the Chief Executive Officers and Education Officers of ZPs to review and monitor the programme.

The reply is not acceptable because by not holding regular meetings, approvals to AWP&Bs of the State for 2010-11 and 2011-12 estimated at ₹ 1,693.98 crore and ₹ 3,521.27 crore respectively had to be granted by the EC *post facto* (after these were dispatched to GoI). This also indicated that key management decisions were taken without due deliberations and scrutiny at the apex levels.

Audit further observed that a GR stipulating the mechanism for grievance redressal, manner of disposal of complaints, nomination of various members at the block, district and State level *etc.* was issued by GoM only in April 2014. As a result, 58 complaints were made directly to MSCPCR during 2011-14. Of the 58 complaints received, only 27 were disposed of and the remaining 31 were pending as of November 2014.

2.2.14 Conclusion and recommendations

The performance audit of 'Implementation of Sarva Shiksha Abhiyaan' for the period 2010-14 revealed inadequate institutional arrangements in the State for effective implementation of SSA-RTE Act. Though the RTE Act came into force with effect from April 2010, the RTE Rules and the Rules stipulating the manner of reservation of seats for the children belonging to weaker sections and disadvantaged groups in aided and unaided schools were notified by the State Government only in October 2011 and May 2012 respectively. The Chairperson and the members of the Maharashtra State Commission for Protection of Child Rights (MSCPCR) were not re-appointed by the State Government after expiry of their term in December 2011.

Since MSCPCR was responsible for examining and reviewing the safeguards of rights provided under the RTE Act and recommend measures for its effective implementation in the State, the Government should take necessary measures to make the functioning of the Commission effective.

There were deficiencies in preparation of annual work plan and budgets and school development plans were not prepared by significant number of schools during 2012-13 and 2013-14. As per RTE Act, though neighbourhood schools were to be established by March 2013, the State Government approved upgradation of 27,616 Government schools only in May 2014. Further, free transportation to children not having access to neighbourhood schools was also not provided.

The Government may establish neighbourhood schools in a time bound manner and consider providing free transportation to children till neighbourhood schools are established.

While infrastructural facilities were deficient in many schools, there were significant unspent balances at the end of each year. There were also delays in distribution/non-distribution of free textbooks and school uniforms to children attending Government, aided and unaided schools during 2010-14.

Since school uniforms, textbooks and adequate infrastructural facilities are important interventions to improve the retention rate of children, the Government may ensure that these norms of interventions are applied diligently.

There was delay in reservation of seats to children belonging to weaker sections and disadvantaged groups in private unaided schools under the RTE Act and admissions against reserved seats were also poor.

The Government may closely monitor the implementation of reservation of seats for children belonging to weaker sections and disadvantaged groups in private unaided schools, in order to ensure that provisions of the Act are followed scrupulously.

There was wide variation in the number of out-of-school children identified by Women and Child Development Department (2.30 lakh) and that identified by the School Education and Sports Department (0.20 lakh). The State Government did not have a child tracking system to monitor the children who were not attending schools or have dropped out.

The overall shortfall of teachers *vis-a-vis* sanctioned posts under SSA at the end of March 2014 was 63 *per cent*. The pupil teacher ratio was adverse in a number of primary and upper primary schools during 2011-14.

The Government may identify out-of-school children through surveys and coordination with other departments/agencies and institute a child tracking system to monitor the children who were not attending schools or have dropped out.

Audit noticed that the State Government has provided inclusive education to all the identified children with special needs (CWSN) during 2010-14 either through enrolment in general schools or through home-based education. But, there were shortfalls in providing barrier-free access and toilet facilities to CWSN in 4,669 and 15,947 schools respectively out of 66,444 schools in the State.

The Government may ensure adequate resource support to CWSN to further strengthen inclusive practices and make the environment for CWSN more conducive for receiving quality education in general schools.

Monitoring of SSA-RTE Act suffered from shortfall in holding meetings by School Management Committees at the school level, shortfall in inspections of schools by Block Education Officers at the block level and shortfall in holding meetings by the Governing Body (GC) and the Executive Committee (EC) of Maharashtra Prathamik Shikshan Parishad at the State level.

The monitoring mechanism may be improved through regular meetings at the school level, more field visits by the district officers-in-charge and holding of GC and EC meetings in order to give overall policy directions and guidance.

The matter was referred to the Government in August 2014 and was discussed in exit conference held in November 2014 with the Secretary, School Education and Sports Department. However, a formal written reply from the Government has not been received (December 2014).