

CHAPTER VII : MINISTRY OF HOME AFFAIRS

Loknayak Jayaprakash Narayan National Institute of Criminology and Forensic Science, New Delhi

7.1 Non utilisation of funds and non achievement of intended objectives

LNJP NICFS could not fill the seat of Chair Professor for more than eleven years defeating the purpose for which the post was created, which was to give insight into contemporary problems affecting large sections of society and offer solutions for crime reduction and expedite delivery of justice. Funds provided as corpus for establishing the Chair along with interest, totalling ₹ 4.28 crore had remained blocked due to non utilisation.

Loknayak Jayaprakash Narayan National Institute of Criminology and Forensic Science (LNJP NICFS) was set up under the Ministry of Home Affairs (MHA) by the Government of India in 1972, for promotion of Criminology and Forensic Science.

A seat of Chair Professor in the name of 'Loknayak Jayaprakash Narayan' was established in 2003 in LNJP NICFS under an endowment received from the Ministry of Culture¹ (MoC) to conduct research on 'Peaceful and Humane ways of Solving Crimes' and to contribute to the academic activities of the Institute. The candidate for Chair Professor was expected to hold a Master's degree with at least 14 years' experience in teaching, research, criminal justice administration or related fields. The research to be undertaken was expected to be on contemporary problems affecting large sections of society, and was aimed at crime reduction and expediting justice delivery.

MoC released (March 2003) a grant of ₹ 2.00 crore to the LNJP NICFS, with the condition that the grant shall be utilised for the purpose for which it has been sanctioned, and on provision of a utilisation certificate to the effect that the grant has been utilised for the purpose for which it has been sanctioned. Out of the grant, ₹ 1.50 crore was meant for creation of a corpus for establishing the Chair and ₹ 0.50 crore for construction of an additional floor on the existing building of LNJP NICFS for accommodating an auditorium, seminar rooms and meeting rooms. The remuneration² for the Chair Professor and his office

¹ Erstwhile Department of Culture under the Ministry of Tourism & Culture.

² In the form of scholarship/stipend.

expenses³ were to be paid out of the interest income accruing from the corpus fund.

Subsequently, the construction of the additional floor was executed by NICFS itself and the sum of ₹ 0.50 crore received from MoC, was refunded (April 2009) along with interest of ₹ 10.75 lakh.

Audit observed that the first appointment to the seat of Chair Professor was made in January 2005, for a period from 06 January 2005 to 05 April 2007. The same candidate was again selected in June 2007, for a second term from 15 June 2007 to 14 June 2009. Since then, the position has been lying vacant.

Thus, the seat of Chair Professor remained functional for only four years during the total period of 17 years since its establishment in 2003. The Chair is still vacant (October 2020). This defeated the purpose of its creation which was to give insight into contemporary problems affecting large sections of society and offer solutions for crime reduction and for expediting justice delivery. The prolonged vacancy in the position and non utilisation of funds discloses inadequate financial and administrative oversight by both the Ministry of Home Affairs and Ministry of Culture.

The matter was reported to the Ministry in May 2018. LNJP NICFS stated (April 2019 and August 2020) that they had approached (February/May 2019) MHA for modification of eligibility criteria and that the seat can be filled only after circulating the vacancy with the revised eligibility criteria. The reply does not address the issue either of non utilisation of funds or of the purpose of the establishing the Chair not being met.

Thus, due to inability of the Institute to fill the seat of Chair Professor for a prolonged period and inadequate oversight by the concerned Ministries, the intended purposes of establishing the seat could not be achieved and funds aggregating ₹ 4.28 crore⁴ remained blocked. MHA may take expeditious action to either fill the vacancy or refund the corpus fund along with interest to MoC.

³ Expenses pertaining to Chair Team, telephone expenses etc.

⁴ ₹ 1.50 crore corpus fund and ₹ 2.78 crore accumulated interest on the corpus fund (July 2020)

Central Reserve Police Force, Bilaspur

7.2 Avoidable wasteful expenditure on electricity of ₹ 1.10 crore

Unrealistic assessment of contract demand for power supply by concerned authorities for Group Centre of CRPF at Bilaspur and belated action for reducing the contract demand resulted in avoidable expenditure on electricity totalling ₹ 1.10 crore.

As per Rule 21 of General Financial Rules, 2005 and 2017, every officer incurring or authorising expenditure from public moneys should be guided by high standards of financial propriety, and *inter alia*, enforce financial order and strict economy and ensure that expenditure should not be *prima facie*, more than what the occasion demands.

Ministry of Home Affairs (Ministry) accorded sanction of ₹ 28.21 crore for development works and bulk services (Civil/Electrical) at Group Centre, Central Reserve Police Force (CRPF), Bilaspur, to be executed by the CPWD. For power supply, an agreement was signed (December 2012) between CRPF authorities at Bilaspur and Chhattisgarh State Power Distribution Company Ltd. (CSPDCL) for supplying 1005 KVA power based on the estimates provided by CPWD. As per the agreement, demand charges were to be levied on actual maximum demand recorded in a month or 75 per cent of the contract demand, whichever was higher.

Records relating to the above-mentioned development works and provision of bulk services for Group Centre, CRPF, Bilaspur were examined (September 2018). Observations based on the audit examination are given in the following paragraphs:

a) CPWD calculated/estimated the power requirement/demand (July 2009) at 1005 KVA 33 KV HT line for the complete Group Centre project, even though construction of buildings under the project was to be executed in different years over a period from 2010 to 2019. As power load was calculated to cater for both old and new buildings being constructed in phases, the electricity consumption should have been assessed at the initial stage and increases in demand factored in the agreement with CSPDCL in a phased manner as and when new structures were constructed and put to use. As this was not done, excess payments on account of additional unused contracted demand amounting to ₹ 1.10 crore, had to be made.

b) CPWD estimated contract demand for power based on a survey done in July 2009 but agreement for supply of electricity with CSPDCL was signed three and half years later in December 2012. No review was done afresh by CRPF and CPWD of the power requirement based on completion of new structures and the estimate of July 2009 was retained while signing agreement with CSPDCL.

c) The actual consumption of electricity was “nil” during the period November 2013-February 2014, and it ranged between eight and 38 *per cent* of contracted demand during the period from March 2014 to March 2019. CRPF, Bilaspur, however, had to pay demand charges based on demand of 754 KVA (75 *per cent* of 1005 KVA) to CSPDCL, which was well beyond the actual consumption.

d) Electricity bills give details of consumption of electricity as also the minimum demand charges. Thus, CRPF authorities should have taken note of the significant difference between actual consumption and contract demand, and accordingly, taken timely action to reduce the contract demand. This was done only when the difference was pointed out during audit.

CRPF, Bilaspur accepted the audit observation and replied (October 2019) that it had reduced the demand of electricity charges from 1005 KVA to 700 KVA after the audit objection, and that it had reduced this even further to 450 KVA in July 2020. Ministry’s reply is awaited (December 2020).

Thus, failure of the Office of the DIGP, GC, CRPF, Bilaspur to review the contract demand for power in time resulted in avoidable expenditure on electricity from November 2013 to March 2019 totalling ₹ 1.10 crore (**Annexe-7.1**). CRPF’s action, *albeit* belated, to reduce demand would also lead to savings in perpetuity achieved at the instance of audit.

Border Security Force

7.3 Over payment of ₹ 0.69 crore towards compensation for housing to PBORs

Non adherence to the provision of 7th CPC, after abolition of ‘rent free accommodation’ resulted in overpayment, amounting to ₹ 0.69 crore, towards compensation for housing.

Prior to the implementation of the recommendations of the Seventh Central Pay Commission (‘7th CPC’), eligible Personnel Below Officer Rank (PBORs), of the Central Armed Police Forces (CAPFs), Assam Rifles & NSG, were allowed

to draw Compensation *in lieu* of Quarters (CILQ). CILQ included the following components:

- (i) The lowest amount of licence fee for the entitled type of accommodation, as fixed by the Ministry of Urban Development (Directorate of Estates), Government of India
- (ii) House Rent Allowance (HRA), admissible to corresponding employees in that city

Subsequent to Government's acceptance of the recommendations of the 7th CPC, the Ministry of Home Affairs (MHA) conveyed (31.07.2017) sanction for a revised compensation for housing⁵ for PBORs of the CAPFs, who had not been provided with rent free accommodation. It further clarified (29.05.2018) that, since the Government had accepted the recommendation of the 7th CPC for abolition of CILQ and the eligible employees were now to be governed by the modified provision of compensation for housing (in the form of revised HRA rates) conveyed on 31.07.2017, the component of Licence Fee was no longer admissible as part of this revised compensation.

Scrutiny of records of 129 Battalion, BSF, however, showed that the Battalion was making payment of the Licence Fee component, along with HRA, to PBORs, in contravention of the Ministry's order and clarification.

Non adherence of the newly introduced provision under 7th CPC, after abolition of 'rent free accommodation' w.e.f. 1st July 2017, resulted in overpayment, amounting to ₹ 0.69 crore, for the period from July 2017 to March 2019, towards compensation for housing.

The Battalion replied that it had not received the above mentioned clarification from MHA, GOI, in time. It added that while, in terms of the 7th CPC recommendations, CILQ had been abolished and compensation for housing had been introduced, rent free accommodation was still in existence, as was applicable in the BSF earlier and accordingly, no licence fee was being recovered from the PBORs.

The explanation of the Battalion is not tenable as the clarification of MHA, which is applicable to all the CAPFs, specifically states that 'no licence fee is admissible along with HRA, as compensation for housing to PBORs'.

Ministry's reply was awaited as of December 2020.

⁵ MHA OM No. II-2712/35/CF-33966486/2017-PF dated 31.07.2017. The OM provided for differential rates of HRA applicable to PBORs, depending upon: (i) whether they had any dependents or otherwise (ii) whether they were on a field posting or a non field posting and (iii) whether or not they were staying in barracks.