

CHAPTER-V

HOME DEPARTMENT

5. Internal Control System in Jail Administration and Reforms Department

Internal Control is an integral component of an organization's management process which is established in order to provide reasonable assurance that the operations are carried out effectively and efficiently, financial reports and operational data are reliable and the applicable laws and regulations are complied with so as to achieve organizational objectives. A review of internal control on selected areas of the Jail Administration and Reforms Department showed that the controls in the department were not effective.

Highlights

Inflated budget estimates, belated surrender of surplus funds and creation of liabilities revealed slackness of budgetary controls.

(Paragraph 5.5)

Model Prison Manual has not yet been adopted by the State. Surveillance of prisoners inside the prisons was not effective due to non-functional CCTVs. Delay in establishing video conference links with courts led to escape of 210 prisoners from the police custody during escort of prisoners to the courts.

(Paragraphs 5.6.1 & 5.6.2)

Inspections/ searches carried out by jail authorities were not effective as during joint inspections carried out by District Administration, prohibited items such as mobiles, gutka, transistor, etc. were recovered from the prisoners.

(Paragraph 5.6.3)

Due to non- completion of seven new Jails and additional barracks under Jail Modernisation Scheme (2002-07), the problem of overcrowding to the extent of 56 to 100 *per cent* during 2004-07 in Jails remained unresolved.

(Paragraph 5.6.4)

Annual administrative reports of Jails required to be prepared by the Senior Superintendent/ Superintendent of Jails and the Director General were not prepared during 2004-07. Inspection of jail by DG was inadequate.

(Paragraph 5.8.1)

Quarterly meeting of Jail Security Review Board under the chairmanship of the Chief Secretary for reviewing Jail functioning was not held after July 2004. No vigilance arrangement was setup in the Department. Also

no time limit was fixed for enquiry and disposal of complaints against the staff.

(Paragraph 5.8.1)

5.1 Introduction

The Jail Administration is one of the important and integral parts of the Criminal Justice System. The Jail Administration and Reforms Department (Department) on separation (August 1999) from Home Department functioned independently upto May 2007. It was merged again with Home Department in June 2007. The main objective of the Department is to ensure safe custody of prisoners, their reform and rehabilitation.

5.2 Organisational set-up

At Government level, the Principal Secretary, Home and Jails looks after the activities of the Department while at departmental level, Director General (DG), Jail Administration and Reform Services is the head who is assisted by the Additional DG (Administration) and the Finance Controller (FC). The FC is responsible for financial management including control over grant/appropriation and is also the chief internal auditor of the Department. At the field level, the DG is assisted by the Additional DG (Training) who heads the Sampoorananand Jail Training Institute, Lucknow and six Zonal¹ Deputy Inspectors General (DIG), Jails under whose administrative control there are five Central Jails (CJ), 51 District Jails (DJ), three Special Jails, three Sub Jails managed by Senior Superintendents (SS)/Superintendents.

5.3 Audit objectives

The objectives of Audit were to assess whether:

- the financial management and budgetary control were effective and efficient to ensure financial discipline;
- the operational controls were effective and efficient to achieve the overall objectives of the Department;
- the manpower controls were effective and efficient to ensure proper human resource management; and
- the monitoring, internal audit and vigilance arrangements were effective in ensuring smooth functioning of the Department.

5.4 Scope of audit and methodology

Records relating to the period 2004-07 in the Secretariat, Directorate and in offices of Zonal DIG, Jails, Bareilly, Lucknow and 16 jails² selected by

¹ Agra, Allahabad, Bareilly, Gorakhpur, Lucknow and Meerut

² CJs (Naini in Allahabad district, Bareilly and Varanasi), DJs (Bareilly, Faizabad, Ferozabad, Jaunpur, Lucknow, Mau, Moradabad, Rampur and Sultanpur), Adarsh Karagaar, Lucknow, Nari Bandi Niketan, Lucknow, Kishore Sadan, Bareilly and Sub Jail, Gyanpur.

Probability Proportional to Size Without Replacement System of random sampling based on population of prisoners, were examined during March to July 2007.

In the entry conference held (April 2007) with the Principal Secretary, Jail Administration and Reforms, the audit objectives were discussed and agreed upon. An exit conference was also held (October 2007) wherein the Government confirmed the facts and figures and agreed to the recommendations of audit.

Audit Findings

5.5 Financial management and budgetary control

The position of budget allotment and expenditure during 2004-2007 was as under:

(Rs. in crore)

Year	Budget allotment	Expenditure	Surrender			
			Salary	Works	Others	Total
2004-05	187.95	163.03	0.03	24.88	0.01	24.92
2005-06	210.58	181.69	8.70	20.14	0.05	28.89
2006-07	215.83	205.83	0.61	9.32	0.06	10.00
Total	614.36	550.55	9.34	54.34	0.12	63.81

A review of compliance with financial rules and instructions of the Budget Manual of the Department showed:

5.5.1 Inflated budget estimates for salaries

Salary estimates were inflated leading to savings

Paragraph 32 of the Budget Manual stipulates that the budget estimates on account of salary of the staff should be prepared on the basis of men-in-position rather than on the sanctioned strength. The Finance Department also reiterated (September 2004) adherence to these provisions. Records relating to test checked Jails showed that estimates of salaries prepared during 2004-07 were based on the sanctioned strength which included vacant posts. These inflated estimates were submitted to the DG who forwarded these to the Finance Department which also did not curtail the demand for the vacant posts. This resulted in savings and surrender of Rs. 9.34 crore (6 per cent) on this account during 2004-07. Approval of inflated estimates of salary year after year indicated lack of control and scrutiny over the budget preparation exercise in the Department.

5.5.2 Late surrender of surplus funds

Surrender of Rs 63.81 crore at the close (31 March) of financial year

Paragraph 140 of the Budget Manual stipulates that all savings anticipated during the year should be reported by Drawing and Disbursing Officers (DDOs) to the Controlling Officer (CO) and by the CO to the Finance Department not later than 25 January every year. However, the SSS/ Supdts of the CJs/DJs¹, Special Jails², Sub Jail, Gyanpur and DG did not observe the

¹ CJs, Bareilly, Naini, and Varanasi and DJs, Moradabad, Rampur, Faizabad, Sultanpur, Jaunpur, Mau, Firozabad and Lucknow.

² Adarsh Karagar/Nari Bandi Niketan, Lucknow, Kishore Sadan, Bareilly and Sub Jail, Gyanpur.

prescribed time schedule for submission of savings anticipated to the Finance Department and surrendered Rs. 63.81 crore (10 *per cent*) at the closing (31 March) of the respective financial years (2004-07). Out of Rs. 63.81 crore, Rs. 9.34 crore was surrendered owing to over estimation of Salaries in the budget and Rs. 54.34 crore surrendered due to failure in obtaining the required financial sanction of Government of India for construction of new jails and additional barracks etc. under Jail Modernisation Scheme. This indicated that anticipated savings were not monitored and the prescribed time schedule for surrenders was not adhered to by the DDOs/CO.

5.5.3 Diversion of funds

Paragraph 107 & 108 of Budget Manual provide that CO/ DDOs should ensure that funds placed at their disposal are expended only on the objects for which it has been provided, keeping in view the standards of financial propriety.

Records of the CJs (Bareilly and Varanasi), DJs (Sultanpur, Rampur, Jaunpur, Firozabad, Bareilly) and Adarsh Karagar, Lucknow revealed that expenditure of Rs. 30.63 lakh was incurred on food, medicines, etc. by diverting the funds meant for wages and salary during the period 2004-07 in contravention of the above rules. Similarly, in Sub-Jail, Gyanpur the Jailor unauthorizedly spent (March 2007) Rs. 0.75 lakh for his own medical treatment from the amounts drawn for diet (Rs.0.50 lakh), wages (Rs.0.10 lakh), other expenses (Rs.0.15 lakh) and the Supdt. DJ, Faizabad incurred Rs. 4.31 lakh during 2004-07 on Petrol, Oil and Lubricants (POL) for escort vehicles of Minister for Jail by diversion of funds meant for 'other expenses' in violation of financial rules. Further, Rs. 3.82 lakh and Rs. 2 lakh were incurred on POL of escort vehicles for Minister for Jail during 2005-06 and 2006-07 respectively by Adarsh Karagar, Lucknow by diversion of funds meant for POL of jail vehicles.

In reply, the DG stated (July 2007) that due to insufficient budget provision for DG's office under maintenance and fuel expenses, funds meant for vehicles of the Jails were diverted for POL expenses of the escort vehicles of the Minister for Jail. The reply of the DG reflects non-adherence to the financial rules.

5.5.4 Creation of liabilities

Paragraph 105 of Budget Manual provides that head of department will be responsible for controlling expenditure from the grant or appropriation placed at his disposal by keeping it within the sanctioned grant or appropriation. The head of the department being CO, should also keep a clear record of all commitments made and liabilities incurred including those of the previous years and should take action in time for obtaining additional funds, where necessary.

Records of DG and the test checked Jails revealed that a liability of Rs.40.58¹ crore was outstanding as of March 2007. Of this, Rs.20.69 crore pertained to wages, electricity charges, diet and other material supplies etc.

¹ Upto 2003-04:Rs. 28.94 crore; 2004-05:Rs. 3.33 crore; 2005-06:Rs.1.42 crore and 2006-07: Rs. 6.89 crore.

(Appendix-5.1). The remaining (Rs.19.89 crore) related to goods manufactured in the Jails (CJ-Naini, Varanasi, Agra, Bareilly, Fatehgarh, DJ-Gonda, Sitapur, Unnao and Adarsh Karagar, Lucknow) and supplied to other Jails and was pending adjustment for want of budget allotment.

The liabilities on account of material supplies, diet, medicine, wages, electricity charges, etc. were not intimated to the Directorate in the prescribed *pro forma* (BM-7) in contravention to the provision of Budget Manual.

In reply, DG stated (July 2007) that due to insufficient budget provision, liabilities were created for which demands were submitted (May 2007) to Government and a circular issued (May 2007) to all SSs/ Supdts, Jails for submission of monthly statement of liabilities in BM-7 with details of circumstances under which liability was created and the name of officer who had created liability. The fact remained that compliance to the provisions of BM relating to the creation and disclosure of the liabilities was not ensured in the Department.

5.5.5 Payment of compensation to victims

Non-payment of compensation to victims

Based on the directives (September 1998) of the Supreme Court of India, Government revised (April 2000) daily wages rates¹ payable to prisoners and framed (June 2005) Payment of Compensation to Victims (PCV) Rules, 2005, which stipulated maintenance of a common fund in each prison by deduction of 15 *per cent* of the wages earned by the convicted prisoners for payment to the needy victims of the offence committed by the prisoners.

Record of the test checked Jails revealed that though common fund of Rs. 7.90 lakh was maintained in only 3 Jails², no payment of compensation was made to the victims. The SS, CJ, Bareilly unauthorisedly utilised Rs. 97 thousand out of common fund for 'other expenses'.

DG issued (July 2007) instructions to all the SSs/Supdt, Jails for strict compliance of the Rule and submission of quarterly statement of payment to victims.

5.5.6 Disposal of un-serviceable store

Un-serviceable kitchen utensils valued at Rs. 34.75 lakh not disposed of

According to Paragraphs 259 and 260A of Financial Hand Book Vol V, un-serviceable stores should be identified every year during physical verification and disposed of through auction as early as possible. Further, DG issued (April 2005) instructions to all Zonal DIGs for collection and disposal of un-serviceable brass utensils lying in stock by May 2005.

However, 215.39 quintal brass utensils valued at Rs. 34.75³ lakh collected by Zonal DIGs from the Jails under their control were lying undisposed of as of October 2007.

¹ Skilled: Rs. 18 per day, Semi-skilled: Rs. 13 per day and Unskilled: Rs. 10 per day

² Adarsh Karagaar, Lucknow(Rs. 2.79 lakh), Central Jails, Naini Allahabad (Rs. 4.13 lakh) and Bareilly (Rs. 0.98 lakh)

³ Agra zone: 45.13 quintal valued at Rs. 6.41 lakh; Bareilly zone: 74.10 quintal valued at Rs.12.60 lakh and Lucknow zone: 96.16. quintal valued at Rs.15.74 lakh

In reply, DG stated (October 2007) that the committee for disposal of unserviceable stores as required under Government instruction (June 1996) was not formed.

5.6 Operational controls

The Jails are administered under the provision of the Uttar Pradesh Jail Manual incorporating mainly the provisions of Prisoners Act, 1894 and Prisoners Act, 1900. The Jail Manual framed in 1927 for administration and management of Jails was last revised in 1941. Model Prison Manual approved (December 2003) by the Government of India (GOI) for adoption by all States on priority basis was not adopted by the Department as of October 2007. A review of compliance with provisions of departmental manual revealed the following:

5.6.1 Security measures and arrangements

Records of the test checked Jails and the Directorate showed the following:

Security measures were inadequate due to non-functional mobile Jammer and CCTV

- To prevent prisoners from maintaining outside contacts, to curb their criminal activities and strengthen prison security, Mobile Jammers costing Rs. 40.23 lakh were installed at CJs (Agra, Bareilly, Varanasi and Naini) and DJs (Lucknow, Kanpur and Ghaziabad) during December 2000 to July 2001. These were however, non-functional from April 2001 due to defects and their inability in jamming high frequency mobile phones. No priority was accorded for their repair and replacement. This resulted in unauthorized use of mobile phones by prisoners in Jails as was evident from seizures by the district administration during inspection (2004-07) of the Jails as detailed in paragraph 5.6.3.
- To watch the activities of the prisoners inside the Jail premises and strengthen security of the Jail, Close Circuit Televisions (CCTVs) were installed in CJs, Bareilly (10 cameras) in October 1993 and Varanasi (10 cameras) in August 1993. These were non-functional since December 2004 (Bareilly) and April 1997 (Varanasi) due to unserviceable cameras. Further, CCTVs installed in DJs, Lucknow and Bareilly were partially functional as only two to three cameras were in working condition. No action was taken for replacement of unserviceable cameras to improve surveillance of the prisoners as of October 2007.
- Paragraphs 1267 & 1268 of the Manual stipulate that the Superintendent of Jail should ensure firing practices, once in a month by warders and annually by jail officers. The armoury of test checked Jails consisted of antiquated .410 muskat rifles and outdated .303 rifles and their ammunition, which were occasionally inspected by the armourer of the police department. During 2004-06, the operational staff of CJ, Naini conducted the firing practice twice at Police Training Institute, Chunar. The firing practice by the staff of other test-checked Jails was not carried out during 2004-07. This indicated non-observance of the provision of the Manual.

Operational staff did not undergo firing practice as prescribed

Prescribed number of rifles not kept to ward of jail break

- Paragraph 1257 of the Manual stipulates that for defence against the surprise attack on Jails, six rifles are to be kept in office of SS, CJs and four rifles in office of the Supdts, DJ. Records of test checked CJs/DJs, however, revealed that except for two rifles each in CJ, Bareilly and DJ, Rampur, not a single rifle was kept in any other test checked CJs/DJs. Non-compliance facilitated Jail break in Sub Jail, Gyanpur where three armed persons entered the Jail during the night (April 2007) by threatening the warder guard and gate keeper without any resistance from Jail staff. However, the intruders were arrested by the police the next morning.

In reply, SSs/ Supdts of Jails stated (March-June 2007) that due to security reasons, rifles were not kept in SS/ Supdts's offices. The Government stated (October 2007) that due to paucity of rifles these were not kept. However, order was issued for obtaining 250 rifles from the police department. Government's reply was not tenable as rifles were available in Jails as was evident from the replies of SSs/ Supdts.

5.6.2 Delay in video conference links with courts

Non-installation of video conferencing system facilitated escape of prisoners

For elimination of risk of escape of prisoners escorted by the police from the Jails to the courts, the Ministry of Home Affairs, GOI forwarded (August 2001) a proposal to DG for providing video conference linkage to criminal courts with Jails for the purpose of extension of remands under Section 167(2) of the Criminal Procedure Code (Cr PC) 1973 as introduced by the Government of Andhra Pradesh in October 2000. The provision of Cr PC was also required to be amended by the Government.

Records of DG revealed (July 2007) that after studying (November 2005) the functioning of the Video Conferencing System (VCS) in Andhra Pradesh, a proposal of Rs. 9.97 lakh for VCS in CJ, Naini and DJ, Lucknow was submitted to the Government in February 2006, sanction to which was awaited (October 2007). Further, necessary amendment in Section 167(2) of Cr PC 1973 was also not effected by the Government as of October 2007. During the period 2004-07, 210 prisoners escaped from police custody during escorts to the courts. With the installation of the VCS, the incidents of escape of prisoners during transit could have been averted.

5.6.3 Control over entry of prohibited items

Inspections/ Searches were not effective to prevent entry of prohibited items in jails

According to Paragraphs 1117 and 1216(3) of the Manual, prisoners at the time of admission and on every subsequent occasion of entry/exit are to physically checked by the Jail staff to prevent entry of prohibited items into prison. Besides, any person passing through the prison gate and suspected of bringing any prohibited article in or out of prison shall be searched by the gatekeeper.

Paragraph 1013 of the Manual further provides at least one surprise inspection in a month by the SS/Supdt of Jails. The SSs/Supdts carried out 353 inspections against 576 due in 16 test checked Jails during 2004-07, but no prohibited items were detected. However, in DJ, Faizabad a surprise check carried out by Jail staff during the same period, three mobiles were detected during 2004-05 (one mobile) and 2005-06 (two mobiles).

Joint inspection by District Magistrate and Superintendent of Police, however, detected prohibited items in test checked jails as under:

Year	No. of Jails	No. of inspections	Mobile Phones	Other items
2004-05	03	05	---	--
2005-06	07	14	07	Heater, stove, Gutka, Tobacco, Transistor etc.
2006-07	07	15	09	01(cash)
2007-08 (Up to May2007)	04	10	01	01(country made pistol)

This indicated that the existing controls of physical checking of prisoners were not effectively followed leading to entry of prohibited articles into Jails.

5.6.4 Overcrowding in Jails

The Jails in the State were overcrowded to the extent of 56 to 100 *per cent* of their capacity during 2004-07 as under:-

Year	Capacity	Convicts	Under trials	Total Prisoners	Excess (<i>per cent</i>)
2004	33538	9624	42833	52457	18919 (56)
2005	34446	10985	43708	54693	20247 (59)
2006	36046	15026	48417	63443	27397 (76)
2007 (As on 31.07.207)	37589	19669	55644	75313	37724(100)

The overcrowding affected the management of prisoners, viz., lodging of convicts and undertrials in the same barrack against the provision of the Manual as noticed in the test checked Jails. This resulted in 69 incidents of clashes amongst the prisoners and jail riots, etc. during 2004-07.

Overcrowding in jails to the extent of 56 to 100 *per cent* remained unresolved due to slow progress of Jail Modernisation Scheme

The GOI sanctioned (November 2002) Rs. 231.25 crore for construction of new Jails, additional barracks, renovation and repair of the existing Jail barracks under the Centrally sponsored Jail Modernization Scheme (2002-07) for solving the problem of overcrowding. The State Government without inviting open tenders and entering into agreement or Memorandum Of Understanding nominated (March 2003) UP Rajkiya Nirman Nigam for construction of nine new jails (Sidharthnagar, Kanpur Dehat, Sonbhadra, Kushambi, Baghpat, Kannauj, Mahrajganj, Balrampur and Lucknow) and other Government agencies for construction of 116 additional jail barracks etc. as executing agencies. Rupees 222.44 crore was allocated to these executing agencies which included 12.5 *per cent* (Rs. 27.80 crore) centage charge as of March 2007. These executing agencies completed (March 2007) only two new jails (Siddharthnagar and Kanpur Dehat) and 77 barracks increasing the capacity of jails by 3620 prisoners against the target of 11,660 prisoners. The progress of construction of the remaining seven new jails ranged between 44 and 85 *per cent* and from 40 to 80 *per cent* in respect of 39 additional barracks. Non-completion of construction works indicated inadequate control and monitoring of construction works at DG's and Government level for solving the problem of overcrowding in jails. In reply, the Government stated (October 2007) that as the executing agencies were Government construction agencies, tendering process and imposition of penalty for slow progress was

not resorted to. The reply is not tenable as the governmental agencies also fall within ambit of financial rules for economic and efficient utilisation of funds.

5.6.5 Non-functional Juvenile Jail

Paragraphs 326 and 332 of the Manual provides that juvenile convicts under 19 years of age and whose period of sentence was not less than one year shall be eligible for transfer to juvenile Jail of the State Kishore Sadan, Bareilly. Further, it was provided that juvenile convicts shall at all times be kept in their separate enclosures and shall not at any time be brought into association with adult convicts.

However, records of Kishore Sadan, Bareilly revealed (May 2007) that the juvenile convicts were shifted and lodged in CJ, Bareilly though the number of convicts in Kishore Sadan was far less than its capacity as detailed below:-

Year	Capacity	Average no. of convicts	Period of lodging in Kishore Sadan	Period of lodging in Central Jail
2004	188	23	09 months 15 days	02 months 15 days.
2005	188	28	12 months	-
2006	188	19	08 months 23 days	03 months 17 days.
2007 (Upto May 2007)	188	19	-	05 months

Further, Leather Industry in the Juvenile Jail, Bareilly was shifted to CJ, Agra. Sewing Centre, Junior High School and Musical Band for training and education of juvenile convicts were non-functional during 2004-07 as training instructors, teachers and bandmaster were transferred to CJ, Bareilly. Eighteen warder guards of the Kishore Sadan were also transferred to CJ, Bareilly to augment the security of CJ.

In reply, the DG stated (July 2007) that due to security reasons and shortages of staff, juvenile convicts were lodged in CJ, Bareilly and had now been shifted back to *Kishore Sadan*. The fact remained that juvenile convicts were kept in association with adult convicts in violation of the provisions of the Manual defeating the very objective of the Kishore Sadan.

5.6.6 No award of remission to convicts

Paragraph 184(2) of the Manual stipulates that a special remission in sentences of convicted prisoners who had special proficiency in learning to read and write or passing an examination with credit would be given. The DG had also issued (December 2004) instructions for grant of remission of 15 days for convicts who were successful in literacy/education.

Records in the Directorate and in the test checked Jails revealed that 5,306 convicts were educated during 2004-07 in Jails. However, no remission was awarded to convicts by the DG except to three convicts of DJ, Sitapur in October 2006 on the recommendation of the Supdt. concerned. In reply, the DG stated (July 2007) that no recommendations were received from SSs/Supdts., Jails. The reply was not tenable as the objective of the Department apart from safe custody of prisoners was their reform. As such, for attracting the convicts to education and literacy, adequate monitoring at

Directorate level for obtaining necessary recommendations from Jails should have been ensured. After being pointed out in audit, the Government issued (October 2007) instructions to develop a system of education remission for prisoners.

5.7 Manpower controls

A review of human resource management of the department revealed:

5.7.1 Shortage of Jail Officers

The men-in-position against the sanctioned strength in the Department during 2004-07 was as detailed in *Appendix 5.2*.

Records relating to men-in-position showed that under Group 'B', against the 50 sanctioned posts of Jails Supdts., 25 posts (50 *per cent*) and 18 posts (23 *per cent*) of Jailors against 77 sanctioned posts remained vacant as of July 2007 following stay of the High Court Allahabad (October 2002) for promotion to the posts of Jailor and Superintendent. No effort for vacation of court stay order pending for the last five years, was made. The DG and the Government stated (October 2007) that necessary action for filing SLP in Supreme Court against the stay order was under process.

5.7.2 Partial implementation of transfer policy

The Government issued annual transfer policy for the year 2004-05, 2005-06 and 2006-07 in the month of May of the respective years. The transfer policy envisaged transfer of staff who had completed six years in one district to another district and those who had completed ten years in one division to another division. However, out of 1947 operational staff (Jailors, Dy. Jailors, warders) in the test checked CJs/DJs, 416 and 205 remained posted in the same Jail for more than six and 10 years respectively (*Appendix 5.3*).

Further, 133 of operational staff (Jailors, Dy. Jailors, warders) after transfer were attached to the same jail from where they were transferred and 154 members were attached to other jails where they were not transferred during 2004-07. Failure of the Department to implement the transfer policy attracted court/complaint cases (five). The High Court of Allahabad on the petition of a Deputy Jailor directed (May 2007) the Department to strictly implement the transfer policy.

The Government stated (October 2007) that attachment of staff was cancelled and the transfer policy was fully implemented in the current year.

5.7.3 Working of fake warders in Jails

Paragraphs 979 and 980 of the Manual provide general control by DG in transfers and postings of warders in Jails. The DG transferred the warders from one zone to another zone on the recommendations of the Superintendent of Jails and the date of joining of warders was intimated to DG office through letter/radiogram.

Joining reports of warders were not monitored to prevent fake warders' working in jails

Records of DG revealed (June 2007) that three warders who had joined (May 2007) in DJ, Gorakhpur on transfer from CJ, Bareilly were found fake on verification of their service records. Consequently, DG issued (June 2007) instruction to all SS/ Supdts of Jails to verify the service records of the warders. On verification of their certificates, appointment letters and transfer orders, 100 warders were reported as fake by SS/Supdt of Jails¹.

The DG as the Controlling Officer of the Department did not monitor the joining reports of warders and evaluate the monthly men-in-position statement of warder cadre submitted by all SS/Supdt of Jails in the *pro forma* prescribed by the Directorate which facilitated working of fake warders in Jails. On the recommendation of DG, Government ordered (July 2007) police investigation by CB, CID.

5.8 Monitoring, Internal Audit and Vigilance Arrangements

5.8.1 Monitoring Controls

Non-submission of Annual Administrative Report

Paragraph 1018 of the Manual provides that an Annual Administrative Report (AAR) in the *pro forma* prescribed by DG should be prepared by the respective SSs/ Supdts. of Jails for submission to DG by 10 January each year. Similarly, DG should submit to Government annually not later than 1 March a detailed report on the jail administration for the previous calendar year. Records of DG and the test checked Jails revealed that neither any *pro forma* for AAR was prescribed by DG nor any report was prepared and submitted by SSs/ Supdts. of Jails to DG. The DG had also not submitted any report on the jail administration in 2004, 2005 and 2006 to the Government.

The Government issued (August 2007) necessary instructions to DG for submission of AAR of the previous years.

This indicated inadequate monitoring of the jails on the part of DG as well as the Government.

Inadequate inspections

As per Paragraph 938 of the Manual, DG was required to inspect every CJ, Special Jail, and DJ with more than 500 prisoners once a year and all other DJs once every two years and submit a statement of inspections made by him to the Government by 31 March each year.

As against 49 jails due for inspections each year in 2004, 2005 and 2006, DG inspected 15 Jails, 38 Jails and 47 Jails in respective years. The DG did not submit annual statement of inspections to the Government in any year. In reply, DG stated (July 2007) that despite heavy work load, he carried out inspections of adequate number of jails and compliance of inspections were also followed. The reply was not tenable as all the jails due for inspection were not inspected every year and annual statement of inspections was not submitted to the Government.

Annual Administrative Reports were not submitted to the Government

There was shortfall in inspection of jails

¹ CJ, Agra, Bareilly, Fatehgarh, Naini (Allahabad), DJ, Jhansi, Meerut, Moradabad.

Review of Jail functioning by the Government

No review of jail functioning by the Government

The Government had constituted (November 1999) a high level Jail Security Review Board under the chairmanship of Chief Secretary with the Principal Secretaries, Jails, Home, Finance, Law, Medical and Health, DG, Police and DG, Jails as members for review of Jail security, overcrowding, parole jumping etc. The meeting of the review board was to be held once in three months. However, no meeting of Review Board was held after July 2004.

In reply, the Government stated (August 2007) that due to non-submission of required information by the DG, meetings could not be held. This indicated apathetic attitude towards review of jail functioning.

Parole Jumping

Out of the 338 prisoners released on parole, 26 prisoners who jumped the parole were not re-arrested

Records in the Secretariat revealed (August 2007) that during 2004-07, 338 prisoners were released on parole sanctioned by the Government. Further, 26 prisoners who jumped the parole had not been re-arrested as of August 2007.

In reply, the Government stated (October 2007) that instruction for re-arrest of the parole jumpers was being issued to the DG Police. This showed the inadequate monitoring of the cases of parole jumpers as neither the meeting with the DG Police nor Jail Security Review Board were held after June 2002 and July 2004 respectively.

Disposal of complaints

Vigilance mechanism not established in the Department

The Government had issued (May 2001) directives for establishment of vigilance arrangements in all the departments of the State with the Head of the Department (HOD) as ex-officio Chief Vigilance Officer (CVO). The HOD was required to nominate a senior officer as ex-officio Vigilance Officer (VO) of the Department for enquiry and disposal of complaints against the staff involved in allegations like corruption, bribery etc. However, neither VO was nominated nor any vigilance mechanism was established in the Jail Department as of July 2007.

Records in Directorate further revealed (July 2007) that a complaint section functioned for monitoring complaints received against the staff involved in allegations like bribery, corruption and helping prisoners to carry the restricted items like mobile phone, drugs etc., inside the jails. Out of 831 complaints received, 47 complaints were pending for six months, 82 cases for one year, 36 cases for two years and 30 cases for three years as of July 2007. The Department did not fix any time limit for enquiry and disposal of complaints.

The Government instructed (October 2007) the DG to establish vigilance mechanism and nominate a Vigilance Officer.

Non- Functional Board of Visitors

As per Paragraph 669 of the Manual and Government Order (January 2003), a Board of Visitors (BOV) was to be constituted and Non- Official Visitors

(NOV) nominated for each jail. They were required to visit the jail to hear the complaints of prisoners and record their comments in visitors' book for redressal of grievances of the prisoners by jail administration. The Government did not constitute BOV in any jail. It however, nominated (November 2006) NOV in 31 jails only as of July 2007. The NOV had not visited any jail as of July 2007. These nominations were subsequently cancelled (September 2007) by the Government. This deprived prisoners of an opportunity to lodge their grievances to non-official persons/body for redressal.

Poor response to external Audit

The position of settlement of audit paragraphs in Inspection Reports issued by Principal Accountant General (Civil Audit), UP Allahabad during 2004-07 was as under:

Year	Opening balance	Addition during the year	Paras settled	Paras outstanding
2004-05	784	98	06	876
2005-06	876	75	12	939
2006-07	939	54	23	970

Nine hundred seventy audit paragraphs with a money value of Rs.421.96 crore were outstanding as of October 2007.

Further, out of 76 Inspection Reports (IRs) issued during 2004-07, first reply was not received in 51 IRs involving 159 audit paragraphs as of October 2007. This showed inadequate monitoring and poor response to Audit.

5.8.2 Internal Audit

**No departmental
internal audit
manual was framed**

Internal Audit Unit (IAU) with sanctioned posts of two senior auditors and two posts of auditors functioned under the supervision of FC who is responsible for audit of offices of Zonal DIGs and jails. The IAU functioned under the administrative control of DG.

FC was required to frame departmental internal audit manual containing guidelines for audit, an annual calendar of inspections of Jails and other offices. However, no departmental audit manual was framed. Annual calendar framed for audit was not adhered to as indicated in the table below:

Year	Total no. of units to be audited	No. of units audited	No. of unaudited units	Percentage of shortfall
2004-05	36	24	12	33
2005-06	43	19	24	56
2006-07	40	24	16	40

The DG attributed (August 2007) shortfall to the shortage of staff. Further, internal audit objectives were confined to compliance of Financial Rules as was evident from the Internal Audit Inspection Reports. The scope was not extended to the administration, management and performance of the Jails. The efficacy of the internal audit was also not adequate in view of the non-compliances of the Financial Rules, Budget Manual provisions etc. by the DDOs as pointed out in the preceeding paragraphs.

Non-settlement of internal audit paragraphs

The position of settlement of internal audit paras during the review period 2004-07 was as under:

Year	Opening Balance	Additions during the year	Paras settled	Paras Outstanding
2004-05	4843	821	725	4939
2005-06	4939	605	1023	4521
2006-07	4521	1033	297	5257

For speedy settlement of outstanding paras, Government had issued (June 2004) instructions for formation of a Departmental Internal Sub-Account Committee (DISAC) under the chairmanship of DG and holding of its meeting once in a month. However, only three meetings in 2004-05 and two meetings each in 2005-06 and 2006-07 were held which resulted in settlement of only 964 paragraphs (target: 1373) pertaining to the period 1970 to 1990 within three months and 409 paras remained unsettled as of July 2007.

5.9 Conclusion

Internal controls of the Department were beset with the weaknesses and shortcomings. Financial management and budgetary controls were inadequate. Model Prison Manual was not adopted. Delay in installation of video conferencing system facilitated escape of prisoners. Inspections/searches were not effective to prevent entry of prohibited items in jails. Overcrowding of jails remained unresolved due to slow progress of Jail Modernisation Scheme. Inadequate human resource management facilitated working of fake warders in jails. Apathetic attitude towards review of jail functioning and non-establishment of vigilance mechanism in the Department was also noticed.

5.10 Recommendations

- The Government should strengthen the budget making process to avoid inflated provisions and surrenders of funds at close of the year.
- The Government should ensure early adoption of Model Prison Manual.
- Video Conferencing linkage with Courts and amendment to Section 167(2) of Cr. P.C. 1973 should be expedited on priority.

- Inspections/searches should be made effective to prevent unauthorised entry of prohibited items in jails.
- Quarterly meeting of Jail Security Review Board should be resumed to review Jail functioning.
- Vigilance mechanism should be established in the Department.

The above points were reported (September 2007) to Government and the reply received (October 2007) was incorporated at appropriate places in the review.

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