



सत्यमेव जयते

*Extra*

**न्यायालय मुख्य आयुक्त विकलांगजन**  
**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES**  
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities  
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment  
भारत सरकार / Government of India

Case No.: 2318/1141/2014

Dated 10.07.2017

**In the matter of:**

Shri Sannyas Kumar Behera,  
State Coordinator (Administration), R 3029-  
Odisha Dised People's Network,  
At-Rajkumar Bustee, Satyanagar,  
P.O. – Saheed Nagar, Bhubaneswar,  
District - Khurda – 751007, Odisha

... Complainant

*Versus*

Department of School Education & Literacy,  
Through: Secretary  
Ministry of Human Resource Development, R 3023  
Shastri Bhawan, Dr. Rajendra Prasad Road,  
New Delhi – 110001

... Respondent No. 1

School and Mass Education,  
Through: The Commissioner cum Secretary,  
Government of Odisha, R 3024  
Odisha Madhyamik Shiksha Mission,  
N-1/9, Nayapalli, P.O. – Sainik School,  
Bhubaneshwar - 751005

... Respondent No.2

**Dates of hearing: 19.07.2016 and 27.04.2017**

**Present:**

**19.07.2016:**

1. Shri Harber Singh, Advocate for respondent No.1.
2. None appeared for respondent No.2.
3. None appeared for complainant.

**27.04.2017:**

1. Shri B.K. Pandey, Advocate, ACGE for respondent No.1
2. None appeared for respondent No.2.
3. None appeared for complainant.

**ORDER**

The above named complainant, filed a complaint vide email dated 02.07.2014 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and

Full Participation) Act, 1995, hereinafter referred to as the 'Act', for making a special CAG Audit of the voluntary organisations including Welfare Centre for the Disabled, Jaleswar Block, District-Balasore, Odisha (the correct name of the organisation is 'Welfare Society for Disabled') due to alleged misappropriation of government funds sanctioned under IEDSS to the organizations.

2. The complainant submitted that the organisation, Welfare Society for the Disabled misappropriated Government funds sanctioned under IEDSS Scheme. Not a single trained resource teacher was appointed to teach the disabled students. Not a single resource room was established in the area for demonstration of educational activities to the disabled children. The educational careers were spoiled on account of misappropriation of government fund sanctioned by the Department of School Education and Literacy, Ministry of Human Resource Development, Government of India. The IEDSS scheme runs unmonitored in the entire state of Odisha. He requested for a CAG Audit on the grants sanctioned in favour of all the 50 voluntary organizations including the grants sanctioned in favour of Welfare Society for the Disabled to protect the academic career of many innocent disabled students of Odisha.

3. Under Section 59 of the Act, this Court, vide letter dated 25.02.2015, took up the matter with the respondent No.1 to look into the matter and send their views.

4. Respondent No.1, vide letter dated 10.04.2015, forwarded the matter to respondent No.2 for examining the matter and submit comments along with status report to this Court immediately under intimation to the respondent No.1.

5. When no reply was received from the respondent No.2 despite request of respondent No.1 as well as this Court's letter dated 16.10.2015 followed by reminder dated 05.02.2016, a personal hearing was scheduled on 19.07.2016.

6. During the hearing, none appeared on behalf of the complainant and respondent No.2. The Counsel appearing on behalf of the respondent No.1 sought one month's time to produce the relevant documents before this Court as the report from the respondent No.2 was awaited. Therefore, this Court directed this Office to conduct monitoring of the Welfare Society for the Disabled at Jaleswar Block area in Balasore District, Odisha and submit the report.

7. This Office, vide letter dated 21.11.2016, requested the respondents to submit the following information/documents with regard to conduct the monitoring of the Welfare Society for the Disabled at Jaleswar Block area in Balasore District:

(I) Details of the grant released to the State of Odisha under IEDSS during the last three financial years by the Ministry of Human Resource Department, along with the names of the organisations/institutions who have taken the grant.

(II) Provide the criteria followed by the Ministry of Human Resource Development/Government of Odisha to check the proper utilisation of funds.

(III) Provide the Auditors' Report in case of any Internal Audit/Statutory Audit was conducted in the aforementioned scheme in the Odisha for the last three financial years.

8. The respondent No.1 vide letter dated 22.12.2016 submitted the point-wise information as under:-

(I) The Annual Work Plan & Budget submitted by the concerned States/UTs under the Centrally Sponsored Scheme of Rashtriya Madhyamik Shiksha Abhiyan (RMSA) which includes IEDSS also as a component, are considered/examined by the Project Approval Board (PAB) under the Chairmanship of Secretary (SE&L) in the presence of State/UT Government authorities. On the basis of outlays approved by PAB, Government of India (GoI) share is released under the guidelines of the Scheme subject to furnishing of requisite financial documents.

Under RMSA, till the year 2013-14 this Ministry was releasing the GoI share directly to State Implementing Societies (SIS). Since 2014-15, as per the instructions of the Department of Expenditure, Ministry of Finance, GoI share is being released to State Expenditure Department instead of SIS. The State Government further releases funds to concerned SIS along with the State share.

Accordingly, the AWP&B submitted by the State Govt. of Odisha for the year 2013-14 was also considered by the PAB, who observed that earlier the IEDSS Scheme was being run by NGOs only in Odisha and most of the proposals received from the State NGO driven. The State Govt. was advised to assume the role of the implementing agency and while forwarding the proposals of NGOs, the State Govt. should examine them thoroughly. Accordingly, State Govt. had presented this year a combined

AWP&B 2013-14 for the State and NGOs for the consideration of PAB. However, the intervention proposed by the State namely “**Orientation of Principals, Educational administrators, parents/guardians etc. (NGO)**” was not approved by PAB for the year 2013-14. On the basis of outlay approved by PAB, the GoI share was released directly to SIS. Since 2014-15, the GoI share is being released to State Expenditure Department instead of SIS. The State Government further releases funds to concerned SIS along with the State share.

Moreover, Para-9 of the guidelines of IEDSS Scheme stipulates that the Scheme will be implemented by the Education Department of the State Govts./UT Administrations directly. The States/UTs may involve NGOs having experience in the field of education of the disabled in the implementation of the Scheme. Accordingly, the details of the grant released to the State of Odisha under IEDSS during the last three financial years by the Ministry of Human Resource Development is given below:-

- A total sum of Rs.1,48, 30,200/- was released as 1<sup>st</sup> Installment of recurring grant during 2013-14 under IEDSS to State Govt. of Odisha.
- Since the State Govt. had not drawn the said amount during the year 2013-14, it was re-validated on 19.11.2014.
- During 2015-16, a total amount of Rs.103.79 Lakh was released under IEDSS recurring head to State Govt. of Odisha.
- During 2016-17, no amount has been released so far under IEDSS component to Odisha State, due to the following reasons:-
  - (i) The Utilization Certificate (UC) provided by the State shows that it has not released its mandatory share during 2015-16 against the central recurring releases.
  - (ii) Huge unspent balance of Rs.106.61 Lakh under recurring head is lying with the State.
  - (iii) Under Non-recurring component of IEDSS, no expenditure has been reflected in the UC provided by the State.
  - (iv) PAB has not approved any outlay for Non-recurring head for the year 2016-17.

- (II) As per para 10 of the detailed guidelines of the IEDSS Scheme, "The State Government will oversee the utilization of money and collect the quantitative data, and prepare state specific report and forward it to the MHRD monitoring unit".

Utilisation Certificate physical progress reports, Audit Reports, quarterly/half-yearly and annual progress reports submitted by the State Government to MHRD indicate the utilization of funds.

- (III) 2013-14: As funds of Rs.1,48,30,200/- were released on 30.01.2014 under IEDSS for the year 2013-14 and on the request of State Govt., the released amount was revalidated on 19.11.2014. Therefore, State Govt. did not send any Audit Report of IEDSS for the year 2013-14 and the funds released during 2013-14 were revalidated for use during 2014-15.

2014-15: Accounts were audited for the year 2014-15.

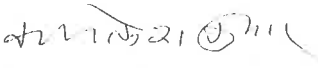
2015-16: Audited Accounts for the year 2015-16 was still awaited from Government of Odisha.

9. Respondent No.2 vide letter dated 03.01.2017 submitted their reply and intimated that Dr. Priti Pratibha Bhol, OES (SB-I)(Sr.), Joint Director, Regional Directorate of Education, Bhubaneswar was entrusted to inquire into the allegations of the complainant. The Inquiry Officer, after conducting the inquiry suggested as follows:-

- a. Since it is not possible to ascertain the amount of misappropriation within a short span of time, a detail Audit is highly required.
- b. After 2012 the society has become paralysed and no IEDSS programme is being carried out. It may be renewed after a detail audit.
- c. The records reveal that the Society is genuine and the Grants-in-Aid were sanctioned. But whether the money was actually utilised for the purpose for which it was sanctioned needs a detail Audit.

The respondent also suggested for detailed audit required to be done in order to establish the allegations alleged by the complainant to ascertain the actual amount of misappropriation of Government funds sanctioned under IEDSS and State Government have no objection if CAG audit is done in order to establish the allegations.

10. Upon considering the replies received from the respondents, the case was scheduled for hearing on 27.04.2017.
11. During the hearing on 27.04.2017, none appeared again on behalf of complainant and the respondent No.2. The representative appearing on behalf of respondent No.1 relied upon the reply already submitted by the respondent No.1.
12. In the light of the allegations labeled by the complainant and the replies submitted by the respondents, a detailed audit is required to be done. The respondent No.2 is directed to conduct a CAG audit with regard to the funds released by the respondent No.1 to the State Government of Odisha under IEDSS for the financial year 2013-14, 2014-15 and 2015-16 and its utilisation under the Scheme, within ninety days from the date of receipt of this order and submit the audit report to the Monitoring Unit of respondent No.1 for effecting appropriate action on the report in case of any eventuality of discrepancy/irregularity reflected. A copy of this order be also endorsed to the State Commissioner for Persons with Disabilities, Government of Odisha for follow up in getting the audit done within the stipulated time. A copy each of the audit report be also provided to the complainant and to the State Commissioner, Government of Odisha for taking appropriate action at their end in case of any discrepancy/irregularity found in utilisation of the fund.
13. The case is accordingly disposed off.

  
(Dr. Kamlesh Kumar Pandey)  
Chief Commissioner  
for Persons with Disabilities