

By Speed Post.

No. 4-2 (7)/12-DD.I
Government of India
Ministry of Social Justice & Empowerment
Department of Empowerment of Persons with Disabilities

Paryavaran Bhawan, CGO Complex, New Delhi-110 003

Dated the, 27th April, 2016

ORDER

**Subject: Dr. Zakir Hussain Memorial Trust, 264/3, Gulmohar Avenue(Basement),
Jamia Nagar, New Delhi-110 025—Blacklisting of the organization-regarding.**

Whereas, the organization named Dr. Zakir Hussain Memorial Trust, 264/3, Gulmohar Avenue(Basement), Jamia Nagar, New Delhi-110 025, vide sanction order of even number dated 30.03.2011 was sanctioned grants- in- aid of Rs. 68.25 lakh by this Ministry under the Central Sector Scheme of Assistance to Disabled Persons for Purchase/Fitting of Aids/Appliances (ADIP) during the Financial Year 2010-11 for distribution of aids and appliances in 16 allocated Districts viz. Etah, Aligarh, Kanshiramnagar, Mainpuri, Allahabad, Etawah, Farukhabad, Kannauj, Rampur, Meerut, Bulandshahar, Gautam Budh Nagar, Bareilly, Shahjahanpur, Siddarthnagar and Moradabad of Uttar Pradesh.

2. Whereas, District-wise Test Check Report of 5 to 10 % of the beneficiaries (10% if the beneficiaries assisted are up to 500 and 5% if the beneficiaries assisted are more than 500) assisted from the grants-in-aid received under the ADIP Scheme is essentially required to be submitted by the implementing agencies along with Utilization Certificate, list of beneficiaries in prescribed proforma, bills and vouchers of the full amount of grants-in-aid received and other documents for proofs regarding the camps conducted irrespective of the fact whether the organization applies for further grants-in-aid under the Scheme or not.

3. Whereas, as per the provisions contained in the ADIP Scheme and sanction order it is also mandatory that the amount of the grants-in-aid released under the scheme should be utilized by the end of the relevant financial year or latest by the end of the first quarter of the next financial year and the final accounts for a financial year will be rendered through utilization certificate and audited accounts signed by chartered accountant within six months of the close of the financial year. As such all the Implementing Agencies receiving grants-in-aid under the scheme are required to submit the audited Utilization Certificate and supporting documents relating to utilization of GIA viz., list of beneficiaries assisted, test check report of the beneficiaries assisted, audited accounts, bills/vouchers in proof of purchase and distribution of aids/appliances within the stipulated time period as mentioned above.

4. Whereas, as per the terms and conditions governing release of grants-in-aid under ADIP Scheme, Sanction Order and the Bond signed by the organization which inter-alia stipulate that "The grantee shall not divert the grant and entrust execution of the scheme or work concerned to another institution or organization and shall abide by the terms and conditions of the grant. If the grantee fails to utilize the grant for the purpose for which the same has been sanctioned, the grantee will be required to refund the entire amount with interest thereon @ 10% per annum. Further, when the Government of India has reasons to believe that the sanction is not

-)and

being utilized for the approved purpose the amount would be recovered from the implementing agency with interest and no further assistance would be given to the agency.”

5. Whereas, a letter was sent to the Trust to expedite furnishing Utilization Certificate for the GIA released for the year 2010-11 vide letter dated 17.09.13 and D.O. letter dated 13.10.2013. In response to that the Trust vide letter dated 20.12.2013 furnished audited Utilization Certificate for grants-in-aid of Rs.68.25 lakh released during 2010-11 along with summary of payments made, district-wise expenditure incurred for distribution of aids and appliances. The Trust also stated that additional detailed chart of aid and appliances supplied plus details of other expenditure and list of beneficiaries will be supplied shortly. Therefore, the Trust was again requested vide Ministry's letter dated 07.03.2014 to furnish the remaining documents viz., list of assisted beneficiaries, test check report, bills/vouchers as proof of purchase and distribution of aids/appliances of ISI standard, photographs of camps etc.

6. Whereas, the Ministry reminded the Trust vide letter dated 21.04.2014 to submit all the requisite documents by 30.04.2014. The Trust vide letter dated 28.4.2014 citing reasons for re-verification of the documents at the District level and the General Elections at that time, sought extension of time till the end of May, 2014. After examining the matter, the Trust was given a last opportunity vide Ministry's letter dated 15.05.2014 to submit all the required documents by 31.05.2014, failing which necessary action against the Trust will be initiated by the Ministry for recovery of the grants-in-aid released to the Trust during 2010-11 as per provisions contained in ADIP Scheme as well as terms and conditions stipulated in the sanction order of even number dated 30.03.2011.

7. Whereas, the Trust had sought further clarifications from the Ministry regarding requirement for submission of Test Check Reports relating to grants-in-Aid for the year 2010-11 stating that they have no intention to seek further grants-in-aid under ADIP Scheme. As it is mandatory on the part of the Trust to submit the Test Check Reports of the beneficiaries of all the 16 districts with regard to release of grants-in-aid of Rs.68.25 Lakh during 2010-11 along with all other documents, the requisite clarification was furnished to the Trust vide as per Ministry's letter dated 15.05.2014.

8. Whereas, despite repeated requests, the Trust failed to submit the remaining relevant documents viz. list of beneficiaries, bills/vouchers, Test check reports relating to utilization of the grants-in-aid released during 2010-11. Therefore, a Show Cause Notice was issued to the Trust vide letter dated 27.06.2014 followed by a clarification letter dated 23.07.2014 asking them to furnish the explanation by 31.07.2014. It was also mentioned in the letter that necessary action would be initiated against the Trust for recovery of entire amount of grants-in-aid along with penal interest as well as blacklisting the Trust if the explanation is not furnished by 31.07.2014.

9. Whereas, vide letter dated 31st July, 2014, the Trust had submitted the following documents:

- (i) Copies of bills for aids & appliances ordered and supplied and copies of transportation charges.

→ JAD

- (ii) List of beneficiaries of 10 Districts at Moradabad City, Mainpuri, Kanshi Ram Nagar, Gautam Budh Nagar, Farrukhabad, Etawah, Etah, Bareilly, Allahabad, and Aligarh.
- (iii) Copies of photographs of the camps.
- (iv) Copies of Press cuttings regarding holding of camps.
- (v) A copy of blank form of Dr. Zakir Hussain Memorial Trust that has to be filled by each beneficiary.
- (vi) A copy of the list of documents which is required by the Trust from each beneficiary.

10. Whereas, the Trust vide letter dated 14.08.2014 also forwarded list of beneficiaries of remaining 6 Districts viz. Bulandshahar, Kannauj, Meerut, Rampur, Shahjahanpur and Siddarth Nagar and some photographs of camps.

11. Whereas, on detailed scrutiny of the documents submitted by the Trust in the Ministry, certain discrepancies were found in the list of beneficiaries. Therefore, a detailed letter was sent to the organization on 10.02.2015 pointing out the discrepancies for reconciliation by 28.02.2015. To this, the Trust vide letter dated 26.02.2015 responded with the following:

- (i) Clarified the position regarding discrepancies in the list of beneficiaries of Mainpuri District and Kanshi Ram Nagar Districts.
- (ii) Stated that the process of seeking clarification/procurement of duplicate bill from vendors has been initiated and it would be forwarded as soon as it is received from the vendors.
- (iii) Bills and Vouchers pertaining to Shahjanpur District would be submitted shortly.
- (iv) With regard to Test Check Reports, arrangements have been made by the Trust to send the list of beneficiaries to District Handicapped Welfare Office through Volunteers of the Trust, who arranged the camps, to coordinate so as to conduct Test Check as per prescribed norms and furnish the Test Check Report in the prescribed format.
- (v) Clarification furnished regarding exact number of beneficiaries covered by them in Mainpuri, Kanshi Ram Nagar, Bulandshahar and Farrukhabad Districts.
- (vi) Furnished list of beneficiaries of all the 16 Districts of UP for which GIA was released during 2010-11 in the prescribed proforma.
- (vii) Furnished List of 86 beneficiaries of Kanshiram Nagar District after rectifying the discrepancies pointed out by the Ministry.

12. Whereas, in order to reconcile the bills and vouchers so as to tally with the records of the Ministry, the Trust had also requested for (a) furnishing copy of their Utilization Certificate dated 21.10.2013 with attached documents, if any and (b) copies of list of beneficiaries in respect of Mainpuri and Kanshi Ram Nagar Districts. On consideration of the request of the organization by the Ministry, the requisite documents were forwarded to the Trust vide Ministry's letter dated 01.05.2015.



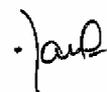
13. Whereas, even after forwarding the documents by the Ministry to the Trust vide letter dated 01.05.2015, compliance action on the following points are pending with the Organization:

- I. The Organization furnished bill for an amount of Rs.60,44,695.00 only towards procurement of aids and assistive devices during 2010-11 even though grants-in-aid released was to the tune of Rs.68.25 lakh. As on date, Bill for the remaining amount of Rs.7,80,305.00 has not been furnished. The break-up of items for which clarification/bills and vouchers have not been furnished is as under:
 - i. Rs.2,40,000/- paid as salary to staff is not admissible under ADIP Scheme.
 - ii. Bill vouchers for the expenditure incurred for publicity amounting to Rs.1,76,590/-
 - iii. Bill vouchers for Rs.1,16,220/- for purchase of aids and appliances for Shajahanpur camp.
 - iv. Bill vouchers for Rs.1,33,700/- for purchase hearing aids for all 16 Districts.
 - v. Details of travelling, boarding and lodging expenses for Rs.3,58,691/-
- II. Furnishing Test Check Reports in the prescribed format for the year 2010-11 for all the 16 Districts.

14. Whereas, a Final Show Cause Notice issued on 04.12.2015 by the Ministry to the Trust giving a final opportunity to explain by 20.12.2015 as to why action against them may not be initiated as per rules, recovery of balance amount of Rs.7,80,305.00 along with penal interest for non-furnishing the Bill for the remaining amount including lodging FIR against the Trust for recovery of the said amount and also blacklisting the organization for the purpose of further grants-in-aid under ADIP Scheme. To this, the Trust vide their letter dated 29.12.2015, had requested for extension of time till January 15, 2016 to supply relevant information asked for.

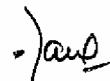
15. Whereas, a letter dated 15.01.2016 was received from the Trust. Regarding Test check reports for 2010-11, it was stated in that letter that the Ministry may take up the matter with State Government to conduct the Test Check. Also revealed that in response to Ministry's letter dated 10.02.2015, the Trust had already written to Zilla Viklang Kalyan Adhikari of respective districts for conducting the Test Check Reports vide their letter dated 20.02.2015. Regarding their writing to Zilla Viklang Kalyan Adhikari to respective districts for conducting the Test Check Reports, the Ministry is being informed after a period of one year.

16. Now, keeping in view of all the above mentioned facts, especially with regard to non-submission of bills/vouchers for the full sanctioned amount of grants-in-aid of Rs.68.25 lakh and non-submission of Test Check Reports on time in respect of grants-in-aid released during 2010-11 under ADIP Scheme, it has been decided by the Competent Authority in public interest, to blacklist the organization namely, Dr. Zakir Hussain Memorial Trust, 264/3, Gulmohar Avenue



(Basement), Jamia Nagar, New Delhi-110 025 for further financial assistance under various Schemes of this Ministry. It is ordered accordingly.

17. This Order is issued without prejudice to any other action that may be initiated against Dr. Zakir Hussain Memorial Trust for their acts of omission and commission, without any further reference in the matter.



(S.K. Mahto)

Under Secretary to the Government of India

☎011-24369027

To

**The Project Director
Dr. Zakir Hussain Memorial Trust,
264/3, Gulmohar Avenue(Basement),
Jamia Nagar, New Delhi-110 025.**

Copy to:

1. All Bureau Heads/Directors/DS in the Department of Empowerment of Persons with Disabilities, Paryavaran Bhawan, New Delhi.
2. All Bureau Heads/Directors/DS in the Department of Social Justice & Empowerment Shastri Bhawan, New Delhi.
3. The Special Secretary, Department of Welfare of Disabled, Govt. of Uttar Pradesh, Lucknow.
4. US (Estt.), Department of Empowerment of Persons with Disabilities, with the request that a copy of the order be put on the website of the Department.
5. The Director General of Audit, O/o the Director General of Audit(Central Expenditure), Indraprastha Estate, New Delhi-110 002.

Copy also to:

Sr. PPS to Secretary (DEPwD)/Sr. PPS to Secretary (DSJ&E), Shastri Bhawan, New Delhi.