



F.No.KF/Vig./2016

Dated: 7th February 2017

To

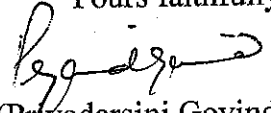
Ms. Shefali Shah, Joint Secretary,
Ministry of Culture,
334-C, Shastri Bhawan, New Delhi

Subject: Koothambalam reconstruction work – non-following procedures
in engagement of consultants and award of work to contractors
and suppliers – submission of Investigative Report

Sir,

I am to state that Investigative Report on the lapses in execution of Part-A of renovation of Bharata Kalakshetra Auditorium Project has since been submitted to JS (Akad), Ministry of Culture, vide Kalakshetra Foundation letter of even number dated 23.1.2017. Inadvertently, a copy of the same was not endorsed to Vigilance Division, which is now forwarded for further necessary action.

Yours faithfully,


(Priyadarsini Govind)
Director

Encl.: Report alongwith annexures (108 pages)

Investigative report on the lapses in execution of Part-A of Bharata Kalakshetra Auditorium

1. **Inception**

Bharata Kalakshetra Auditorium (hereafter referred to as BKA) was built by Smt. Rukmini Devi, the founder of Kalakshetra Foundation. It was a traditional Auditorium and a lasting contribution by the Founder. It was a unique structure built on the principles of Shilpasastra; with the design to be in close communion with nature and at the same time with modern lighting and acoustics. It was constructed with the help of Shri Appukuttan Nair, Chief Engineer of Kerala and was inaugurated in the year 1985 by the then Prime Minister of India. Since its inauguration, it staged various performances, both of the Kalakshetra Repertory, and renowned artistes from all over the world.

2. **Renovation of Auditorium**

Since the year 2005, a need was felt for renovation of BKA on account of—

- (i) significant wear and tear;
- (ii) outdated of sound and lighting systems;

The issue of renovation was discussed in several Finance Committee and Governing Board meetings since the year 2005 and budget allocations were made towards this, however, no major work was undertaken till the year 2009.

3. **Formation of a Civil Works Committee**

A Civil Works Advisory Committee (also called Works Committee) was formed in the 33rd GB meeting held 4.5.2009 as under:

- (i) Shri P.T. Krishnan, a senior Architect and Governing Board Member - Chairman of the Works Committee;
- (ii) Ms. Leela Samson, Director, KF;
- (iii) Ms. Madhavi Mudgal, GB Member.

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3.1. Responsibilities assigned to the Civil Works Committee

- (i) to facilitate phasing of funds, elicit expert opinion and also act as an advisory body during the course of execution of various civil works projects;
- (ii) to go into the details and submit to Finance Committee for approval;
- (iii) prepare estimates before calling tenders.

During discussions in the GB meeting, it was observed that the Committee could co-opt a person who was technically competent preferably any retired officer from CPWD.

Appointment of Consultants and award of work/ supply orders

4.1. Consultant Architect

- (i) Works Committee short-listed Architects who had a background in the use of traditional materials in design and who had an understanding of campus planning based on philosophies similar to that of Kalakshetra;
- (ii) Letters were sent to shortlisted Architects to express their interest;
- (iii) Only two expressed interest and were asked to make presentation
- (iv) On the basis of presentation, Works Committee selected M/s. Centre for Architectural Research & Design (M/s. CARD) as Consultant Architect under Council of Architecture norms.

4.2. Consultant for Sound Equipment

- (i) M/s. Sound Wizard was originally engaged by KF in the year 2005.
- (ii) They had given a report to Kalakshetra Foundation on sound requirements in September 2005 itself.
- (iii) In the FC meeting held on 3.2.2006, selection of M/s. Sound Wizard as consultant was apprised to the FC.
- (iv) After the Auditorium work gained momentum, they were again engaged by the Director for the sound consultancy work in continuation of earlier engagement.
- (v) The letter dated 17.2.2009 by the Director to the M/s. Sound Wizard indicated that three quotations were needed from the suppliers for awarding of the work.

4.3. Consultant for Stage Lighting:

- (i) Shri Gautam Bhattacharya of Delhi was identified as Consultant as he was a leading consultant in the field and was involved in major auditoria work in the country.
- (ii) He had undertaken a similar job in Music Academy and Raja Annamalai Mandram in Chennai.
- (iii) Works Committee approved his engagement as consultant for a fee of Rs.80,000 + travel expenses from Delhi to Chennai and per diem @ Rs.10000 per person.

4.4. Consultant for Sculpture:

- (i) Kalakshetra Foundation appointed Shri K.P. Umapathy Acharya, hereditary architect and sculptor as Consultant to make assessment and documentation of the existing statues.
- (ii) He was identified in view of his vast experience in this field.
- (iii) From his bio-data as available in the records it is seen that he was experienced and involved in prestigious projects.

5. Award of contract / supply orders

- (i) Contracts for civil, electrical, HVAC and slab-cooling works were awarded on the recommendations of Consultant Architect/ sub-consultants appointed by him;
- (ii) For sound, stage-lighting & mechanized curtain and sculpture works were awarded on the recommendations of the respective consultants.

5.1. Civil Work: Consultant sought quotations from three contractors identified by him. On the recommendations of the consultant, Works Committee approved award of work to M/s.Chennai Engineers. No open advertisement was given. GFR norms were not followed in award of work.

5.2. Anutone Board fixing work: It was a new requirement agreed on the advice of the Consultant. The procurement was made directly by KF through single tender on the approval of Works Committee. No open advertisement was given. GFR norms were not followed in award of work. Fixing of Anutone Board was given to the Civil Contractor as an additional work on the ground that it would not be feasible to find another

contractor due to coordination problems and given as an extension of already awarded work.

5.3. Non-tendered items: The Works Committee vide their note dated 17.9.2010 approved 12% of the civil works already awarded as an additional expenditure to meet non-tendered items on the advice of the Consultant architect.

5.4. Electrical Work: The Consultant M/s. CARD had engaged a sub-consultant M/s. Madras Electrical Consultants. Tenders were called only from shortlisted firms and no criteria or reasons were recorded for short-listing. No open advertisement was given. GFR norms were not followed in award of work.

5.5. HVAC Work: Six firms were identified by the sub-consultant M/s. Air Treatment Engineering Private Limited and bids were called. Revised bids were subsequently called only from three firms. Identification of firms for seeking quotations was without any basis on record. No open advertisement was given. GFR norms were not followed in award of work.

5.6. Slab Cooling Work: The sub-consultant for HVAC viz. Air Treatment Engineering Private Limited obtained quotations from two firms identified by him. The consultant M/s. CARD stated that large vendor base was not available for this work. While awarding this work also as in the case of other works, no open advertisement was given. GFR norms were not followed.

5.7. Sound System: Consultant for sound systems viz. M/s. Sound Wizard identified select vendors and after obtaining quotations from them recommended award of contract for supply of equipment and accordingly Kalakshetra placed orders to the said agencies. No open advertisement was given. GFR norms were not followed in award of work.

5.8. State-lighting: Consultant identified vendors and on the basis of quotations received procurement of light equipment was given to M/s. Modern Stage Services. No open advertisement was given. GFR norms were not followed in award of work.

5.9. Sculpture: Based on his recommendation, Shri Bhagaban Subudhi from Orissa was appointed by the Works Committee. His selection was on nomination basis.

Contracts were awarded / supply orders for equipment placed during the years 2009-10 and 2010-11.

Observation: Procedure as laid down in GFRs was not followed in i.e. open tendering was not resorted in award of work/ supply orders. Even if there were only limited sources for supply of sophisticated equipment for sound, stage-lighting, these were not justified in the file noting for resorting to limited tender. The entire process of calling for quotations was also left to the Consultants who resorted to limited quotations.

6. **C&AG Inspection Report for the year 2010-11**

The Inspection Report dated 5.8.2011 brought out some specific lapses and sought additional information. The Inspection Report was replied vide letter dated 19.4.2012. A brief of the points raised by CAG and reply furnished is as under:

<u>Points raised in CAG Inspection Report</u>	<u>Reply furnished</u>
<p>Upgradation of sound system – supply of EAW and Audix Products – 0.63 crore</p> <p>Without the approval of FC/GB, scope of supply specifications and supplier were changed. These changes were made without following proper procedure.</p> <p>Tender process as stipulated in codal provisions was not followed.</p> <p>Extra expenditure incurred Rs.1.29 Lakh to be recovered from the old supplier.</p>	<p>The initial order was placed with the approval of Works Committee and the change of vendor in one case was without exceeding the expenditure already approved by the Works Committee.</p> <p>The sound systems required were sophisticated and hence the only option available was limited source bidding from authorized suppliers in India. This was done in conformity with the rules laid down in the Manual of Procedure for procurement of goods;</p> <p>The supplier was changed as he failed to supply the equipment and it was as per the advice of the Consultant;</p> <p>Action had been initiated for recovery of excess expenditure.</p>
<p>Sound and light equipment procured for about Rs.99.50 Lakh was kept idle due to deficient planning in procurement procedure;</p>	<p>Various civil engineering and air conditioning issues, decisions relating to traditional vastu and shastric issues had resulted in delay in completion of work. However, the sound and light equipment were kept in technically appropriate environment.</p>
<p>Addl. Information sought by CAG</p>	
<p>Approval of GB and Ministry</p>	<p>The proposal and progress of the project was discussed in the various GB and FC meetings. Copy of relevant</p>

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	minutes
Total Estimate with component wise break up	Copy of estimates were furnished
Funding pattern	From the plan grant received from MoC
Details of expenditure incurred so far	Expenditure incurred upto 31.3.2012 furnished
Copy of regulations of Council of Architecture	Furnished
Copies of minutes of Works Committee, Finance Committee approving each component of work	Furnished
Reasons for incorporation of provision in the contract delegating the powers to the Architect for inviting, receiving, analyzing and advising KF in award of contracts.	On the basis of standard conditions of contract laid down by the Council of Architecture and as proposed by the Consultant
Total equipment supplied for sound system with cost of each etc.	Furnished
Tendering process as laid down in GFRs were not followed in procurement of sound, stage-lighting equipment;	As per extant provisions, limited source bidding and selective bidding was permissible in cases where the items to be procured were of very sophisticated and technical nature and open bid would not result in giving duly qualified and technically approved supplier. Sound and stage lighting equipment were sophisticated and limited bids were called by the Consultant duly appointed with the approval of the Works Committee.
There was poor estimation and planning as additional expenditure was incurred as non-tendered items at about 12%.	The project is renovation, remodelling of a traditional structure of architecture. It was not realistically possible to determine the exact quantities and items for such work. As the work proceeded on the basis of architectural and engineering situation on site, new items as well as operation of quantities above tendered quantities had to be resorted to.

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- 6.1. (i) The CAG report was seen by the then CAO, then DD and then Director on 10.8.2011;
- (ii) After receipt of Inspection Report, approval of Works Committee was obtained on 11.9.2011 for—
- excess operation of items to the tune of Rs.37.32 Lakhs;
 - under operation of items to the tune of Rs.27.06 Lakh;
 - non-operated items to the tune of Rs.46.91 Lakh; and
 - introduction of new items to the tune of Rs.62.25 Lakhs.
- (iii) Approval of Works Committee was also obtained for excess operation of items for a further amount of Rs.3.45 Lakh in the note dated 17.12.2011;
- (iv) In these two Works Committee approvals, Shri Karunaker K Menon, DD signed as member of the Works Committee.
- (v) Inspection Report was not placed before the 42nd meeting of Finance Committee held in Delhi on 23.1.2012, in which CAO was in attendance.
- (vi) It was not placed before the 37th meeting of the GB held on 24.1.2012, in which DD, CAO and AO were in attendance.

7. Chronological order of decisions / directions of Finance Committee/ Governing Board meetings following CAG report

7.1. 37th GB meeting held on 24.1.2012

- (i) The Consultant Architect gave a power-point presentation on BKA which was noted by the members.
- (ii) A statement of expenditure incurred towards renovation of BKA up to 31.12.2011 was circulated along with the minutes.
- (iii) The statement indicated that a total of Rs.7.54 crore was the awarded value of work and Rs.5.28 crore was the payment made up to 31.12.2011.

7.2. 38th GB meeting held on 10.4.2012: Kalakshetra Foundation was directed to prepare a detailed proposal covering the following details:

- (i) The background and necessity for the renovation
- (ii) Specific approvals obtained from the Governing Board and Finance Committee
- (iii) The stages of scrutiny undertaken

- (iv) The process adopted for selection of Architect/Consultant and Vendor
- (v) The procedures adopted to obtain offers, if any
- (vi) The reasons for deviation from prescribed procedures
- (vii) The justification for adopting the procedures not in consonance with GFRs
- (viii) The committees/sub-committees which have overseen the works, and their minute correspondences, noting etc.
- (ix) The total expenditure incurred till date, item/work wise
- (x) The details of approval given, including payments in the pipeline
- (xi) The estimated expenditure to be incurred to complete the project

7.3. The GB further directed that —

- (i) the detailed proposal as above be placed before the Works Committee for vetting from technical angle, then before the Finance Committee for approval;
- (ii) if necessary, independent assessment was to be made for the reasonableness of rates and the quantities involved;
- (iii) the proposal was finally to be placed for the consideration of the Board, with the comments of the Committees, if any;
- (iv) **till the matter was resolved, the Governing Board directed stoppage of further work of the Auditorium.**

8. **Resignation of then Director and WC members in April 2012**

- (i) Ms. Leela Samson, resigned as Director
- (ii) Shri P.T Krishnan and Smt. Madhavi Mudgal also resigned as Governing Board and Works Committee members

9. **Appointment of Director (i/c) and formation of new Works Committee**

- (i) Shri Karunaker Menon, then DD was appointed as Director (i/c) in August 2012.

10. **41st GB meeting held on 14.12.2012**

A new Works Committee as under was formed as under:

- Sh. Ravi Gundu Rao, an eminent architect and Governing Board member as

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Chairman, Works Committee

- Sh. Karunakar Menon, Director-incharge, KF
- Sh. T.M. Krishna, Governing Board Member
- Smt. Babeeta Narang, CAO

The Works Committee was required to prepare the 11 point detailed proposal to enable completion the project.

After the resignation of Ms. Leela Samson in April 2012, no action has been recorded by the Administration under the charge of then DD/Director (i/c) to prepare the detailed proposal as mandated by the GB in the 39th meeting held on 10.4.2012.

11. **41st GB meeting held on 23.8.2013 –**

Accorded approval to split the BKA renovation into two parts—

- (i) Part-A with respect to the work already undertaken and the expenditure already incurred;
- (ii) Part-B with respect to expenditure to be incurred to make BKA operational – drawings will be prepared; detailed estimates to be prepared;
- (iii) Estimates for Part-A and Part-B to be submitted to Works Committee then to Finance Committee and GB for approval.

12. **Termination of Contract with Consultant Architect – Sept. 2013**

- (i) the Architect Consultant was requested to prepare detailed estimates of the expenditure incurred under the BKA Project.
- (ii) Upon his failure to prepare the detailed estimates, the Governing Board in its 41st meeting accorded approval to terminate the contract with M/s. CARD.
- (iii) After obtaining legal advice, the agreement with M/s.CARD was terminated in September 2013.

13. **Assessment of status of work - joint inspection on 30.9.2013**

After termination of contract with Architect for non-cooperation, in order to assess the status of work already carried out under Part-A, a joint inspection was carried out on 30.9.2013.

- (i) The joint inspection was carried out by Consultant Architect, contractors and Officers of the Kalakshetra Foundation (CAO, AO and EO).
- (ii) Then DD was not present during the joint inspection.
- (iii) During the inspection measurement books were provided to Civil, Electrical and HVAC contractors for checking of the works executed and payments made.
- (iv) After verification, Electrical and HVAC contractors confirmed that the work done by them have been recorded in the measurement book.
- (v) During joint inspection, it was observed that the roofing work was not done properly leading to water leakage

The joint inspection remained inconclusive.

14. **47th Finance Committee meeting held on 22.9.2014**

- (i) Two reports as directed by 41st GB in its meeting held on 23.8.2013 were placed before FC—
 - detailed estimates in respect of Part-A prepared by CPWD; and,
 - rough-estimated cost in respect of Part-B prepared by Shri Benny Kuriakose, an eminent architect and disciple of Shri Appu Kuttan Nair, the original architect of this project on pro-bono basis.
- (ii) FC directed to submit a chronology of events; administrative decision/ actions taken; justification for the expenditure incurred; procedural deviations; whether the expenditure was necessary and fruitful under Part-A.

Deferred decision on Part-B of the Auditorium Project.

15. **Vacancy of Chairman**

After acceptance of resignation of Shri Gopal Krishna Gandhi as Chairman of the Foundation in 3rd June 2014, the position remained vacant till the present Chairman Shri N. Gopalaswami took charge w.e.f. 23.10.2014.

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16. 48th Finance Committee meeting held on 17.3.2015

- (i) Following were submitted to FC:
- chronology of events and the administrative decision/ action taken thereof
 - Justification report in respect of the expenditure incurred under Civil, HVAC and electrical works; and
 - detailed estimates in respect of Part-B of the Project – designs were prepared by Shri Benny Kuriakose, Architect on pro-bono basis and the estimates were prepared by CPWD for civil and electrical work.
- (ii) A serious note was taken on the administrative lapses and financial deviations from GFR norms in the works undertaken under BKA Project
- (iii) Directed to issue a strong note of displeasure to the earlier senior functionaries who had served during the relevant period.
- (iv) It also directed to seek their explanation why loss suffered by Kalakshetra Foundation should not be recovered from them. Their replies were to be considered by the competent authority to decide on recovery.
- (v) Recommended to appoint a project management consultant to oversee the project and act as coordinator between management and architect and CPWD in respect of Part-B of the Auditorium Project.

17. 45th GB meeting held on 17.3.2015

The GB noted—

- (i) the manner in which this work was done was ad-hoc, where established principles of financial prudence in inviting tenders for selection of consultants and finalizing of agencies was not followed.
- (ii) In civil work itself there appears to be a deviation in value of work of the order of Rs 0.50 crore.
- (iii) For technical works like HVAC and Sound huge expenditures were incurred and has not been put to any use till date.
- (iv) **It recommended to issue a strong note of displeasure to the earlier senior functionaries (Former Director, the two Administrative**

officers who had served during that period and who have now relinquished charge) for their administrative lapse.

- (v) They should be asked to explain why a financial recovery should not be made from them. This letter must be sent formally from Kalakshetra Foundation, duly ratified by the Governing Board, which must go on record.
- (vi) After obtaining their reply, the competent authority can decide whether the recovery should actually be made and the extent of recovery. Kalakshetra must also express and record gross unhappiness at the way the affairs of this institution were conducted.

18. 46th GB meeting held on 15.07.2015

In response to a letter dated 2.6.2015 by Chairman, Kalakshetra Foundation, Ms. Leela Samson furnished a long reply dated 1.7.2015, a brief of which is as under:

- (i) That the work relating to a heritage structure like Koothambalam by its very nature would invariably involve modifications as the work proceeded as it would not lend itself to a 'logical sequence of work' as in the case of any normal building work.
- (ii) That during her entire tenure there was no support to her on the administrative side.
- (iii) She as an artist was brought in for her expertise in dance and could not be expected to be an expert in administration and engineering works and for which there were to be others who unfortunately were either not there or did not know or do their job.

Her reply was noted by the GB.

19. 50th Finance Committee meeting held on 17.11.2015

It directed—

- that only the works which were absolutely essential be carried out;
- to submit a revised estimate for Part-B;
- directed that Part-A of the BKA Project needed to be closed first.

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20. **Draft Audit Para dated 27.10.2015**

CAG modified their Inspection Report into draft audit para titling it "unfruitful expenditure on renovation of Koothambalam" vide their communication dated 27.10.2015.

21. **Reply to the draft audit para – 21.12.2015**

To the draft audit para, a reply was furnished to CAG vide letter dated 21.12.2015 – **Annexure-I**

22. **Fact finding report**

- (i) On the directions of MoC, a fact finding report was furnished to the Ministry vide letter dated 11.1.2016 – **Annexure-II**.
- (ii) Along with the report all relevant papers inter-alia a chronology of events, officers who were in service in the Foundation during the execution of the project and the composition of Works Committee, Finance Committee and Governing Board were furnished.

23. **47th GB meeting held on 25.1.2016** (newly appointed GB members)

- (i) A serious note on the lapses occurred under Part-A of the Auditorium Project and proposed that an enquiry be carried out.
- (ii) At the same time, GB desired that the Auditorium should be completed at the earliest with utmost urgency.

24. **51st FC meeting held on 9.2.2016**

- (i) Ministry of Culture informed that it had taken up the matter with Central Vigilance Commission (CVC) for probe into the alleged lapses for Part-A; and,
- (ii) for execution of Part-B, Project Management Consultant (PMC) was not required as the work would be undertaken by CPWD.

25. **Inquiry by CVC – 11.4.2016 to 13.4.2016**

On a request made by Ministry of Culture, Central Vigilance Commission (CVC) carried out an intensive examination during 11.4.2016 to 13.4.2016.

CVC listed out the lapses and concluded that there appeared to be lack of technical expertise in the execution of the project and if work was awarded to any component Government Technical body like Public Works Organisations, for supervision of execution and inspection, then the Theatre would have been in better shape.

26. **Inquiry by team of officers of MoC - 30.06.2016 to 2.7.2016**

Following the report of the CVC, a team of officers deputed by CVO, Ministry of Culture carried out further investigation during 30.6.2016 to 2.7.2016.

27. **Identification of officers as prima facie responsible for lapses** Based on the findings contained in CVC's report and report submitted by the team of officers deputed by CVO of MoC, the Ministry identified the following five officials as suspects for various procedural lapses:

- (i) Ms. Leela Samson, then Director, KF
- (ii) Shri Karunaker K Menon, then Deputy Director, KF
- (iii) Shri T.S. Murthi, then CAO, KF
- (iv) Shri S. Ramachandran, AO, KF
- (v) Shri V. Srinivasan, EO, KF

MoC vide their letter dated 21.7.2016 directed KF, to seek explanation of all these officers and directed to submit a report.

28. **52nd FC meeting held on 29.7.2016**

- (i) Report of the CVC was discussed
- (ii) It recommended that loss under Part-A of the Auditorium project should be calculated based on the estimates prepared by CPWD for awarded and executed value of Civil, Electrical and HVAC works.

- (iii) A Similar exercise to be carried out for the awarded and executed value of work/ service under sound, stage lighting mechanized curtain system etc. under Part-A by availing services of IIT, Chennai.
- (iv) Recommended to seek approval of GB to resume work under Part-B as it was originally stopped by the GB on 10.4.2012.

29. **48th GB meeting held on 22.8.2016**

- (i) CVC report was discussed in the GB meeting
- (ii) GB approved re-start of Civil and Electrical works of the BKA project at an estimated cost of Rs.3.23 crores.
- (iii) At the same time, directed that action for the lapses in execution of Part-A of the project to be taken by 31.10.2016
- (iv) Laxity in complying with the deadline would have implications on permission granted for go-ahead with the project.

30. **Action taken on the directions of MoC**

- (i) In compliance with the directions of CVO of MoC and also as directed by the GB in its meeting held on 22.8.2016, a detailed memorandum dated 12.9.2016 was issued to five officers identified by CVO as prima facie responsible for the lapses committed in the execution of Part-A of the project. A copy of OM dated 12.9.2016 is attached as **Annexure-III**.
- (ii) The OM brought out lapses in execution of Part of BKA project.
- (iii) The officers concerned were asked to show cause why action should not be initiated against them for the lapses and why the loss incurred by the Foundation should not be recovered from them.

31. **Explanation received from Officers**

Three Officers viz. Smt. Leela Samson, then Director; Shri T.S. Murthi, then CAO and Shri S. Ramachandran, A.O. (i/c) have responded to the Memorandum and explained their position. Responses received from officers are enclosed (**Annexure-IV**)

31.1. Non-receipt of explanation from two officers

- (i) Shri **Karunaker K Menon**, then Deputy Director did not furnish reply to the Memorandum. The Memorandum was sent to him directly as well as through his office.
- (ii) Vigilance Division of Southern Railways vide their letter dated 6.10.2016, sought to know the authority under which the Memorandum was issued to Shri Menon; whether the approval of the competent authority was obtained and also to provide copy of documents on the basis of which the Memorandum was issued.
- (iii) Kalakshetra Foundation responded that the Memorandum was issued with a view to affording an opportunity to the officers concerned to explain their positions for the lapses noticed in execution of BKA project. Explanation submitted by the officers would be examined and decisions taken which might or might not result in initiation of disciplinary proceedings. Only after a decision was taken to initiate disciplinary proceedings for issue of charge sheet under the relevant service rules, approval of the competent disciplinary authority would be required. No approval of the disciplinary authority was required for seeking explanation which was only an administrative action that too for the lapses noticed during the officer's tenure in Kalakshetra Foundation on deputation.
- (iv) Southern Railways vide their letter dated 7.11.2016 raised further queries / clarifications. They informed that Shri Menon was a JS level officer and prior approval of General Manager was essential for seeking explanation from him. They wanted a detailed report on the lapses along with relied upon documents be sent to them to enable them to put up to the General Manager. They also desired copies of CVC report, MoC report, Governing Board resolution/ minutes etc. to process the issue further.
- (v) The records of the BKA Part-A are contained in more than 57 volumes and there was difficulty in providing copy of the entire papers to Southern Railways which are about 8000 papers.

Letters received from Southern Railways and replies given by Kalakshetra Foundation are enclosed (**Annexure-V**).

31.2. **Shri V. Srinivasan, Engineer Officer** -- instead of furnishing his explanation to the Memorandum dated 12.9.2016 sent eight letters in which he raised several queries, sought multitude of documents and implicated several others viz. Governing Board members and Finance Committee members. He is the only Technical Officer of the Foundation and he has been custodian of all the records relating to the project since its inception. His replies are at **Annexure VI**.

32. **Court cases challenging issue of Memorandum**

- (i) Shri V. Srinivasan, Engineer Officer of the Foundation has filed a Writ Petition No. 38115 of 2016 in which the HC, Chennai in their interim order directed to maintain status-quo; reply in the matter on behalf of KF has already been filed.
- (ii) Shri Karunaker K Menon, then DD of the Foundation has also filed a Writ Petition No. 43245 of 2016 in which the HC, Chennai in their interim order granted stay on the operation of the Memorandum.

33. **Status of officers vis-a-vis competent authority to take action**

The status of the five officers to whom the memorandum was issued are as under:

Name and status	Appointing authority
Ms. Leela Samson, is a private person and was appointed as Director of the Foundation on contract basis by Ministry of Culture. She was full time employee and was drawing pay and allowances from the Foundation. She resigned in June 2012. Her tenure in the Foundation was from 6.5.2005 to 30.4.2012.	Ministry of Culture
Shri Karunaker K Menon, Deputy Director is a Railway officer and was on deputation to the Foundation. His tenure in the Foundation was from 24.11.2010 to 4.11.2014. He was also Director (i/c) from 31.8.2012 to 4.8.2013.	Ministry of Railways
Shri T.S. Murthi, CAO was an officer of C&AG	Comptroller and

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department. He was on deputation to the Foundation from 17.11.2008 to 31.01.2012. He had since retired from service in April 2013.	Auditor General
Shri S. Ramachandran, Administrative Officer (i/c), Kalakshetra Foundation – still in service of the Foundation.	Governing Board
Shri V. Srinivasan, Engineer Officer, Kalakshetra Foundation – still in service of the Foundation.	Governing Board

34. **49th GB meeting held on 8.12.2016**

Minutes of the meeting relevant to the issue are at **Annexure-VII**.

- (i) The GB considered the responses received from Smt. Leela Samson, Shri T.S. Murthi and Shri S. Ramachandran to the Memorandum dated 12.09.2016 and noted that these responses were general and not specific to the lapses listed in the Memorandum.
- (ii) The GB had a long and detailed discussion on the issue. The discussions covered the entire gamut of renovation of Bharata Kalakshetra Auditorium) since it was conceived during the years 2005-2006; to stoppage of work in April 2012; and action taken thereon till date.
- (iii) As the work was stopped on the premise inter-alia that proper approvals were not obtained, the GB discussed the powers of various authorities viz. Director, Finance Committee, Governing Board in award and execution of work.

35. **Facts relevant to the issue**

- (i) It is observed from the old minutes of GB (17th meeting held on 1.9.2001 and 18th meeting held on 30.3.2002) **it was a practice in KF to get major civil works executed through CPWD;**

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- (ii) The GB in its 26th meeting held on 24.3.2006, formed a three-member expert advisory committee to advise Director in modification/ improvements to unique buildings such as Bharata Kalakshetra Auditorium. It was decided that all the works were executed on an open tender basis. A Tender Committee comprising of Chairman, Director and a member drawn from expert advisory committee was also formed to scrutinize and approve tenders in connection with the works. **In view of this mechanism the GB decided that CPWD need not be entrusted with the Auditorium work;**
- (iii) In the 29th GB meeting held on 24.9.2007, a five-member Tender and Administrative Sanctions Committee for approving projects above Rs.5 Lakhs was formed. **It was also decided that in order to ensure transparency all major item of expenditure should be processed through Tender Committee following proper procedure;**
- (iv) The tender committee did not function long. In the 33rd meeting of the GB held on 4.5.2009 a Civil Works Advisory Committee consisting of Shri P.T. Krishnan as Chairman; Ms. Leela Samson, Director and Ms. Madhvi Mudgal as members was formed. **The committee was required to look into the details and then submit to Finance Committee for approval before calling for tenders;**
- (v) As per agenda (item No.9) of 34th GB held on 19.11.2009, the procedure prescribed for the tender committee (*formed by GB on 24.3.2006 – (ii) above*) was proposed to be transferred to the new Civil Works committee. As a corollary to this, **it was proposed that Director be authorized to spend the amount intended for the plan scheme on the advice of the Civil Works Committee in supersession of the earlier resolution on the subject. The GB approved the proposal; Accordingly, the Director with the advice of the Works Committee was competent to incur any expenditure in implementation of plan schemes.**
- (vi) In the 36th GB meeting held on 14.2.2011, it was reiterated by KF that the work was done by M/s. CARD - the Consultant appointed by the Works Committee on the terms and conditions stipulated by Council of Architecture; with his approval and Works Committee specialized consultants were appointed. In the meeting, FA stated that it was important to ensure that proper checks and balances were maintained and extant rules followed while incurring expenditure under the project and contract clauses strictly implemented. Along with the minutes a statement indicating the

work awarded till 3.3.2011 totaling Rs.2.53 crore and actual expenditure incurred of Rs.2.19 was circulated.

- (vii) There are no Departmental instructions prescribing the competent authority for grant of administrative approval, financial approval and technical approval for undertaking a work i.e. whether they were with different authorities or only with one authority.
- (viii) There is no Works Manual prepared by the Kalakshetra Foundation.
- (ix) Kalakshetra Foundation was a private body prior to its takeover by the Government in 1993, and perhaps this might have contributed to the lack of institutional knowledge in the Foundation resulted in not following laid down GFR norms.
- (x) Working out of losses: It cannot be disputed that non following of procedure as laid down in GFRs in engaging consultants; award of work and placement of supply orders resulted in loss. Had open advertisement was resorted to instead of limited tendering / quotations in selection of firms for award of work / supply orders for equipment, it would have ensured proper competition and would have resulted in award of work/ supply orders at a reduced rate. By not resorting to open tendering, the competition was reduced and the financial interests of the Foundation was compromised. However, once the works were awarded and executed, there is no way of arriving at actual loss. The amount of loss could be worked out only on a notional basis. The difference in awarded/ executed value of work and the assessed rates by CPWD could be considered only as notional as it could not be presumed that works would have been awarded even by the CPWD at their assessed rate. However, while there may be difference of opinion on the 'correct' amount of 'excess' expenditure, the fact that not obtaining best competitive rates resulted in higher expenditure cannot be denied. As per the assessment made by CPWD, the works were awarded in Civil, Roof Insulation and HVAC at higher rates. The value of Electrical Work awarded was less than the CPWD assessed rates. Similarly, executed value of work till the work was stopped was also on the higher side than the CPWD estimate of executed work except in the case of Electrical Work.

- (xi) The estimated value of work as per the contract and as per the CPWD estimates are as under:

Work	Executed value of work as per contract	Estimated value of executed work as per CPWD assessment	% Variation
Civil	14377973/-	10596194/-	Plus 35.67%
Additional Civil Work	7760768/-	6952845/-	Plus 11.62%
Roof Insulation	3271750/-	2578180/-	Plus 29.22%
Electrical Installation	1878510/-	2050450/-	Minus 08.39%
Additional Electrical work	673177/-	552041/-	Plus 21.94%
HVAC	9373149/-	8385263/-	Plus 11.78%
Total	37335327/-	31114973/-	Plus 16.97%

Thus the rates at which contract was awarded / payment was made to contractors were higher than estimated rates given by CPWD.

- (xii) CVC in their report noted that there appeared to be lack of technical expertise in the execution of the project and so if work had been awarded to any competent Government Technical Body, like Public Works organization, for supervision of execution and inspection, then Koothambalam Auditorium would have been in a better shape today.
- (xiii) In the replies given to CAG audit paras, information regarding decisions of the past GB meetings particularly minutes of 34th meeting dated 19.11.2009 were not brought to notice.
- (xiv) It was observed by most members in the GB meeting held on 8.12.2016 that while there were lapses, there was nothing to show that there was any malafide or criminal intent. It was also observed that it would be highly unfair to put any blame on members of the Finance Committee and Governing Board for the procedural lapses. Ministry's representative who participated in the GB meeting, did not agree with the views of most of the GB members.
- (xv) Summing up the discussion in the 49th GB meeting held on 8.12.2016, the Chairman stated that the fact that due procedures were not followed cannot be gainsaid and it was the duty of the administration represented and led by the Director to follow the procedures as mentioned by the Finance

Committee and Governing Board. For the same reason, non-official members cannot be blamed as it was for the administration of the Foundation to apprise the non-official members of the procedural requirements. In so far as the then Deputy Director and other officials are concerned due notice has to be taken and will be of their role and responsibility in arriving at the extent of their culpability.

36. Conclusions

On the basis of available records, decision in the GB meeting held on 8.12.2016, it is concluded as follows.

- (i) It is an undeniable fact that transparent procedure as laid down in GFRs or the procedure as laid down in the Manual of Policies and Procedure of Employment of Consultants were not followed in selection of Consultants, in award of work orders or in placing supply orders for equipment.
- (ii) Provisions exist in the Manual for engagement of Consultants from a single source also, though it should be used only in exceptional cases, with full justifications and with the approval of head of department. Rule 176 of GFRs also provide that under some special circumstances, it may become necessary to select a particular consultant where adequate justification is available for such single-source selection in the context of the overall interest of the Ministry or Department. Full justification for single source selection should be recorded in the file. This was not followed with due diligence.
- (iii) If we consider these provisions, there were justifications in the appointment of Consultants for Sound, Stage-Lighting and Sculpture works from single source. Reasons are available on records as to why these Consultants were handpicked for the respective consultancy work.
- (iv) As regards the case of appointment of main Architect Consultant while short-listing five firms it was indicated in the note that short-listing was done on the basis of background in the use of traditional materials in design and who had an understanding of campus planning based on philosophies similar to that of Kalakshetra. The Works Committee in their wisdom considered these five shortlisted firms as having the requisite experience for

the work. However, the fact remains that the detailed procedure as laid down in Selection of Consultants as provided in the manual for engagement for consultants was not followed.

- (v) As brought out above, the GB in its 26th meeting held on 24.3.2006, formed a Tender Committee to scrutinize and approve tenders in connection with the works. In view of the mechanism of open tendering, the GB also decided that CPWD need not be entrusted with the Auditorium work.
- (vi) Competent Authority: The GB in its 34th meeting held on 19.11.2009, authorized Director to spend the amount intended for the plan scheme on the advice of the Civil Works Committee. Further, in the absence of Departmental instructions prescribing the competent authority for grant of administrative approval, financial approval and technical approval for undertaking a work and if a ceiling in expenditure powers was prescribed for an authority, it is normal to presume that the competent authority exercises powers in all three spheres. It, was, therefore, the Director on the advice of Works Committee who was competent to incur any expenditure in implementation of Plan Schemes. In view of this, incurring of awarding of work to various contractors was within the purview of powers of Director and not taking the approval of Finance Committee or Governing Board could not be faulted. However, at the same time, the Works Committee was required to follow open tendering procedure which it did not ensure and handed over the responsibility of selection of contractors to the Consultants who resorted to limited quotations in violation of laid down procedure in GFRs.
- (vii) As per the contract entered with the Consultant Architect, he was empowered to invite, receive and analyse tenders, advice Kalakshetra Foundation on appointment of contractors. This clause handed over the responsibility of the Administration to the Consultant which was not in the financial interests of the organization. The Consultant also did not follow open tendering in violation of GFR norms. Adequate care was not taken while signing the contract.
- (viii) On considering the material on record, the GB viewed that the lapses were procedural in not following open tendering in award of work. Criminal intent cannot be attributed to the procedural lapses. GB was also of the view

that it was for the Administration to have ensured procedural formalities and for this, FC/GB members cannot be held responsible.

(ix) In the absence of any Works Manual, procedure as laid down in GFRs should have been followed in engaging consultants/ award of work. In light of mandating of open tendering process by GB in the 26th meeting held on 24.3.2006, it was for the Kalakshetra Foundation administration to ensure that mandate being adhered to unflinching at all stages.

(xvi) In the 36th GB meeting held on 14.2.2011, FA had stated that it was important to ensure that proper checks and balances were maintained and extant rules followed while incurring expenditure under the project and contract clauses strictly implemented. Even after this observation, the Administration failed to review the already awarded works to prepare a comprehensive report for ex-post approval of FC/GB with full justification for award of work through limited tendering.

37. Fixing of Lapses in respect of individual officers

On the basis of discussions as above, the lapses of individual officers are summarized as under:

37.1. Ms. Leela Samson, Director: As Director she was the administrative head of the Foundation. The Foundation was represented and led by her.

- (i) She failed to ensure that transparent procedure as laid down in GFRs or in the Manual prescribed for Consultants in selection of Consultants and award of contracts and purchase orders.
- (ii) She failed to apprise the non-official members of the Works Committee about the GFR norms/Manual.
- (iii) She failed to apprise the Works Committee about the CAG Inspection Report which was received in August 2011.
- (iv) Instead, approval of Works Committee was obtained for two major expenditures in the month of September and December 2011.

- (v) She failed to place the CAG Inspection Report in the 42nd FC meeting held on 23.1.2012 and 37th GB meeting held on 24.1.2012 and kept these bodies under dark.
- (vi) She failed to show urgency in addressing the lapses pointed out and furnishing the information sought by CAG.
- (vii) Had open tendering was resorted to for award of work or for supply orders for equipment, it would have ensured proper competition and might have resulted in award of work/ supply orders at a reduced rate. Even if there were only limited sources for supply of sophisticated equipment for sound, stage-lighting, these were not justified in the file notings for resorting to limited tender and hence there was no justification in not resorting to open tendering. She was responsible for the losses incurred by the Foundation on account of not resorting to open tendering as also mandated by the GB.

37.2. **Shri Karunaker K Menon**: He is a senior Indian Railway Accounts Service Officer. Most of the contracts were awarded prior to his joining. After his joining, Slab Cooling Work (24.2.2011); supply order for Projector products to M/s. Tempest lighting Inc (9.3.2011); enhancement of contract amount to Sculptor (28.3.2011) were approved.

- (i) He failed to ensure that GFR norms were followed in award of works/ supply orders placed after his joining.
- (ii) After receipt of CAG report, approval of Works Committee was obtained on 17.9.2011 and 17.12.2011 for incurring huge expenditure in which he signed as Works Committee member. In these notings he failed to examine GFR provisions with regard to incurring of expenditure.
- (iii) He failed to bring the CAG report to the notice of the Works Committee
- (iv) He failed to ensure that CAG Inspection Report was placed before the Finance Committee Meeting held on 23.1.2012 nor in the GB Meeting held on 24.1.2012, for directions of these bodies.
- (v) As a senior officer with years of experience in handling accounts, he failed to take remedial action to sort out the lapses points out by the CAG.
- (vi) Since April 2012, as DD/Director (i/c) he failed to ensure that timely action was taken to prepare the detailed proposal as mandated by the GB for approval.

- (vii) He failed to take part in the joint inspection carried out on 30.09.2013 along with Consultant and Contractors and to sort out the various issues brought out in the joint inspection.

37.3. **Shri T.S. Murthi, CAO:** He was from the office of CAG. He was on deputation to the Foundation from 17.11.2008 to 31.1.2012. His tenure covered since start of the renovation. As he was from CAG with long years of experience in audit, it was expected of him that he was well aware of award of contracts/ purchase orders etc. He was in charge of the accounts of the Foundation and all the bills were routed through him for payment. He participated in opening of tenders and processed approval of Works Committee for award of work and placement of supply orders. All the papers related to award of work, payments were routed through him for approval. The CAG Inspection Report was received in August 2011 and he was relieved from KF in January 2012.

- (i) Being an experienced officer from CAG with years of audit experience he was expected to be well aware of procedure for award of work/ supply orders. However, he failed to bring on record non following open tendering procedure in engagement of Consultants and award of work and placement of supply orders for equipment;
- (ii) He failed to bring the CAG report before Works Committee, Finance Committee and Governing Board;
- (iii) By not bringing out non-following of procedures, he was responsible for the losses.

37.4. **Shri S. Ramachandran, Administrative Officer (i/c):** His regular appointment was Manager, Craft Education & Research Centre and his function as Administrative Officer was as an additional charge. The files relating to award of work were routed through him as there was no regular AO in place.

- (i) He failed to bring it on record non following of open tendering procedure in award of work/ supply orders.
- (ii) By not ensuring open tendering procedure, he was responsible for loss incurred by KF

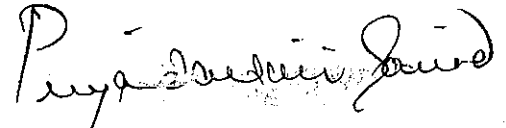
However, it is to be noted that he was handling Administration as an additional charge only and there were more experienced officers in Accounts and procedural matters viz. CAO and DD above him and a technical officer below him who had sufficient experience of handling civil works who had initiated file notings in connection with the project.

37.5. Shri V. Srinivasan, Engineer Officer - He is the only Engineer Officer of the Foundation. He had handled several civil work projects in the Foundation as an Engineer. He participated in tender opening relating to Auditorium project. He had initiated notes for processing the recommendations of the Works Committee for award of contracts/ supply orders.

- (i) As a technical officer and as an experienced officer who handled projects earlier failed to bring on record that open tendering procedure was not followed.
- (ii) He also failed to supervise the ongoing project to ensure that quality of the work was up to the mark.
- (iii) By not ensuring open tendering procedure, he was also responsible for the loss suffered by KF.

However, he was only the initiating functionary and the file was routed through AO (in-charge), CAO, DD and then to Director.

38. Investigative report as above is submitted to Ministry of Culture for their appropriate action and further directions.



(Priyadarsini Govind)

Director

23.1.2017



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Kalakshetra Foundation
Thiruvanniyur, Chennai 600 041, India

Annexure - I

F.No.KF/2015-16/Kootham/Audit DP correspondence

21st December 2015

To

Subhashini Srinivasan, IA&AS
Director General of Audit (Central),
"Lekha Pariksha Bhavan",
361, Anna salai,
Teynampet,
Chennai 600 018.

Sir,

Sub: Para wise reply to **Revised Draft Paragraph** on "Unfruitful expenditure on Renovation of Koothamabalam" - submission - reg.

Ref: D.O.No.DGA(C)/CAB/DP.CELL / 2015 - 16 / 24 dated 27 -10-2015, addressed to Secretary to Govt of India, MOC, Shastri Bhavan, New Delhi, copy to Director / KF.

With reference to the above, I am forwarding the remarks of KF with respect to Draft paragraph on unfruitful expenditure on renovation of Koothambalam for information and necessary action.

It is further stated that the Ministry directed that responsibility for the lapses occurred under phase I works be fixed. Copy of the minutes (enclosed).

Yours faithfully,

- Sd/-
Priyadarsini Govind
Director.

Encl: Parawise replies with enclosure pages 1- 69

Copy to: Shri.Narendra Kumar Sinha, IAS,
Secretary to Govt. of India,
Ministry of Culture
502- C wing, Shastri Bhawan,
New Delhi 110 001.

Yours faithfully,

Priyadarsini Govind

Priyadarsini Govind
Director

Phone: +91-(044)-24520836 X 4057 / 184
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e-mail: director@kalakshetra.in

Founder : Smt. Rukmini Devi
Chairman : Sri N. Gopalaswami
(Former Chief Election Commissioner of India)
Director : Smt. Priyadarsini Govind

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Revised Draft Paragraph proposed for inclusion in the Report of the Comptroller and Auditor General for the year ended 31st March 2015-Union Civil (Autonomous Bodies)

Unfruitful expenditure on renovation of Koothambalam

Poor and improper planning of renovation of Koothambalam by Kalakshetra Foundation resulting in unfruitful expenditure of Rs.7.02 crore

1.	<p>Kalakshetra Foundation (KF), an autonomous body, was declared as an Institution of national importance by an Act "Kalakshetra Foundation Act 1993" passed by the Parliament. Governing Board (GB) being the supreme authority of the Foundation is vested with general superintendence, direction and management of the affairs of the Foundation. According to Rule 3(1) (n) and Rule 3(2) of KF rules 1998, the GB shall have the power to construct, alter, extend, modify and maintain any building which may be necessary or convenient for the purposes of the Foundation with the concurrence of Finance Committee (FC). As per rule 5(a), the FC sanctions the requisite funds for provision in the budget for construction works.</p>	<p>The facts and figures are confirmed.</p>
2.	<p>Bharata Kalakshetra Auditorium called "Koothambalam" was constructed and inaugurated in the year 1985. As sound and light equipment in the auditorium were considered out-dated due to fast paced advances of technologies, KF decided (February 2006) to carry out up-gradation of sound and light equipments. Further GB approved (September 2006) carrying out of improvements to the auditorium as it lacked back stage facilities and technical sophistication. However FC deferred (June 2007) the up gradation. In the absence of a comprehensive proposal of various aspects on the renovation of Koothambalam. Hence it was decided to form a Civil Works Advisory Committee (CAC) to facilitate the phasing of funds, elicit expert opinion and to act as an advisory body during the course of execution of the work. All proposals of CAC were to be placed before FC for approval before calling for tenders. KF decided (July 2008) to carry out the renovation work by adopting General Financial Rules (GFR).</p>	<p>It is submitted that GB in Sept 2006 approved RE 2006-07 subject to the adherence to the recommendations of the Finance Committee held on 05th Sept 2006 wherein FC directed that a detailed estimates and project report be prepared for major works proposed in RE 2006-07.</p> <p>Further, as the management did not place the comprehensive report in the FC meeting held on June 2007, as a result of which the proposal was deferred by FC. Further, GB in Sept 2007 directed to constitute a committee and framed the guidelines. However the above directives could not be operationalised and this was apprised to GB in the meeting held on 7th April 2009 wherein GB decided to form Civil Works</p>

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		<p>Committee.</p> <p>The members of the committee comprised of Shri. P.T Krishnan, GB member, Ms Leela Samson, Director and Ms. Madhvi Mudgal, GB member were approved by GB in the meeting held on 4th May 2009. Further GB directed that committee would review and approve the schemes and send their recommendations to Finance Committee for approval and thereafter to the Governing Board.</p> <p>It was the FC in the meeting held on 17th July 2008 and not Kalakshetra Foundation as pointed out by audit, decided to upgrade the Koothambalam Project as per the provisions of GFR.</p>
3.	<p>KF engaged (September 2009) a consultant architect for carrying out the works. The consultant architect under clause 2.09 of the agreement was delegated with the powers to invite, receive and analyse tenders and advise KF on appointment of contractors. On recommendations of the consultant architect, KF awarded the work of addition, alteration and civil work and the site was taken over by the contractor on 1st July 2010. Consultants for Heating, Ventilating and Air Conditioning Work (HVAC) and electrical work were engaged by KF on the advice of the consultant architect and KF directly appointed three consultants. These five consultants in turn executed the work through various contractor/suppliers. The overall value of the work thus awarded was Rs.4.39 Crore (vide annexure).</p>	<p>The sub-consultants for HVAC and electrical works were engaged by M/s CARD and not by KF. KF did not make the payment to these sub-consultants.</p> <p>The overall total value of contract work covered was Rs. 7.63 crore (copy enclosed)</p> <p>However, the value of work executed till the closure of work was Rs.7.02 crore.</p> <p>The rest of the facts and figures mentioned in the para are confirmed.</p>
	<p>Audit scrutiny (January 2013) revealed that:</p>	
a.	<p>KF resorted to single-source selection for engaging the sound, light consultants without justification violating Rule 176 of GFR. No documentary evidence was available on record regarding the procedure adopted for engaging the consultants for HVAC and electrical work</p>	<p>As sound and lighting system were specialised nature of work, it was brought previously in the FC meeting held on Feb 2006 of selection of M/s Sound Wizard Auroville for Sound system and</p>

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	as recommended by the consultant architect	<p>Sh. Gautam Bhattacharya / Delhi, for stage lighting system. The FC was satisfied with the selection of the consultants and approved the proposals for sound and lighting facility at Koothambalam Project. (Copy of the minutes is enclosed). So for the appointment of consultants there was no violation of Rule 176 of GFR.</p> <p>As per the agreement with M/s.CARD, M/s CARD appointed the sub-consultants as per the requirements of the works. No payment was made by Kalakshetra Foundation to HVAC and electrical sub consultants</p>
b.	Estimates for the work were prepared by the respective consultants. However the basis of rates adopted by consultants for preparation of estimates was not available on record	The estimates were prepared by consultants for Civil & HVAC works by adopting the LMR basis and for the Sound and Stage lighting adopting the prevailing market rate analysis.
c.	Proceedings of CAC verifying/authorising the estimate prepared by the consultant was not available on record. Further the estimation was not submitted to FC by CAC for approval before calling for tenders.	The facts and figures are confirmed. The proceedings of CAC were based on the award of work to contractors/suppliers
d.	No administrative approval was obtained before award of work to the value of Rs.2.98 crore (out of work awarded for Rs.4.39 crore (Annexure), approval in RE 2006-07 was obtained for Rs.1.41 crore)	All the works under Koothambalam Project were carried out based on the approval obtained from Works committee. However, it is not clear the figures of Rs.2.98 crore as derived by audit. Further as already stated at Sl.No.3, the value of work contract awarded was Rs7.63 crore & not Rs. 4.39 crore as pointed out by audit.
e.	As per Rule 150 of GFR, invitation to tenders by advertisement should be made for procurement of goods of estimated value of Rs. 25 lakh and above. However, the appointed consultant followed the limited tender enquiry	All the up gradation works under Koothambalam project were undertaken, taking into consideration the aesthetic & traditional structure & the

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	for award of works to different contractors.	specialised equipments needed for the performance area.
f.	The consultant architect has to prepare report on structural stability at concept design stage as envisaged in para 2.02 of the agreement. However the structural stability test was carried out (September 2010) much after the commencement of civil works (July 2010) resulting in many deviations.	The structural stability test was carried out in October 2010. The deviations were actually caused due to site conditions and also not evaluating the quantities correctly / item of works by M/s.CARD, resulting in large scale of deviations. Due to lack of competency of M/s.CARD, his contract was finally terminated by KF on September 2013.
g.	Sound equipment costing Rs.1.46 crore procured (November 2009 to March 2011) much before the commencement of Civil work (July 2010) for which the warranty period had expired are only being partially utilized and the extent of its usage are not available on record. Accessories for up gradation of stage lighting and curtain system (Rs.0.70 crore), HVAC equipment (Rs.0.84 crore), electrical equipment (Rs.0.23 crore) procured	Accessories for up gradation of stage lighting and curtain system (Rs.0.70 crore), HVAC equipment (Rs.0.88 crore), electrical equipment (Rs.0.25 crore) procured. (enclosed) The intention was to procure the equipments parallelly in order to complete the project at the earliest.
h.	KF sought (April 2012) post facto approval from GB for the works on which an expenditure of Rs.7.02 crore had been incurred. However GB resolved that further work at Koothambalam be brought to a close as the proposal did not have sufficient information regarding necessity for renovation, specific approvals from Governing Board, process adopted for selection of Architect/Consultant, justification for not adopting the procedures in consonance with GFR etc	Facts and figures are confirmed.
	Ministry endorsed (February 2015) the reply of KF (March 2014) accepting the non-adherence of GFR norms and absence of clear idea at the inception about the works to be undertaken. It also accepted though the architect submitted the specification, working drawings and abstract estimates, the estimates did not contain the quantity derivation and rate analysis as per the CPWD format. However reply is silent about non-submission of work estimates by CAC to FC before calling for tenders.	The facts are confirmed. It is already submitted that the proceedings of CAC were based on the award of work to contractors/suppliers

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<p>The work is yet to be resumed as the matter placed before FC (September 2014 and again in March 2015) for obtaining post facto approval for Rs.7.02 crore and to accord approval for completing the balance work assessed at Rs.6.77 crore were deferred as the issues raised by GB are yet to be resolved.</p>	<p>Further, the detailed report on Phase II of the Koothambalam Project was placed in the FC held on 17th November 2015 wherein FC suggested that the works which were absolutely essential to make the Koothambalam operational be carried out and directed to submit the revised report. Further directed that the responsibility for the first phase of works be fixed.</p>
<p>Thus due to poor planning and violation of GFR in tender procedure the project conceived in 2006 has not yet been completed (October 2015) despite incurring an expenditure of Rs.7.02 crore. Besides likely deterioration in the partially completed project, an additional requirement of Rs.6.77 crore was assessed to complete the project.</p>	<p>The project was conceived in 2005 on piecemeal basis.</p> <p>To complete the project, detailed report for phase II works under Koothambalam project, was placed in the FC held on 17th November 2015 wherein FC suggested that the works which were absolutely essential to make the Koothambalam functional purpose.</p>

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Kalakshetra Foundation
Thiruvannamiyur, Chennai 600 041, India

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Annexure - II

D:\2015-2016\I.Facts finding Report.Koothambalam

January 11, 2016

Shri Sanjiv Mittal
Joint Secretary
Ministry of Culture
C- Wing, Shastri Bhavan,
New Delhi 110 001.

Respected Sir,

Sub: Facts finding report on Part – A of Koothambalam project - Reg.

In reference to the above subject, this office is enclosing the Facts finding Report and the chronological sequence of action taken on Part – A of Koothambalam project for your kind perusal and necessary action.

Regards,

Yours sincerely,

Priyadarsini Govind
(Priyadarsini Govind)
Director.

Encl: As above.

Founder : Smt. Rukmini Devi
Chairman : Sri N. Gopaldaswami
(Former Chief Election Commissioner of India)
Director : Smt. Priyadarsini Govind



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Facts finding Report on Part – A of Koothambalam and the chronological sequence of action taken on the Koothambalam Project

The Upgradation and renovation of Koothambalam theatre was initiated in 2005-06 on piece meal basis by the management. The project was initially restricted to upgradation of sound and lighting system and minor renovation of infrastructure. However a proposal in proper manner was never placed before the Finance Committee and the Governing Board. The project was appraised to Finance Committee and the Governing Board through projection of funds for Koothambalam Project in BE and RE. However the project was not implemented till May 2009, till the constitution of the Civil Works Committee.

The chronology order of action taken by the management in placing before the Finance Committee and the Governing Board is enclosed as **Annexure-I**

Formation of Works Committee

In order to assist the management in incurring expenditure of capital nature, the Governing Board in May 2009 constituted the works committee comprising of the following members:-

- Sh. PT Krishnan, an eminent architect and the Governing Board member as Chairman, Works Committee
- Ms. Leela Samson, Director, KF
- Ms. Madhvi Mudgal, Governing Board member

Scope of work of Works Committee

To review and recommend the capital schemes and proposals for placing before FC and GB for approval. The powers of works committee were recommendatory in nature.

Procedure followed by the management for the works undertaken under Koothambalam Project.

- **Appointment of Architect**

The Works committee decided to call limited expression of interest for appointment of Architect. Accordingly limited expression of interest were issued to five agencies in July 2009. Only two responded. M/s CARD was selected based on the power point presentation in August 2009. The Works Committee accorded approval to engage M/s CARD as architect as per the Council of Architecture norms, 1972.

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The management appointed M/s CARD as an architect based on the recommendations of Works committee . The appointment of architect and other consultants, the progress of the works under Koothambalam project was placed before the GB in Nov 2009, however the financial costs to Kalakshetra Foundation in this regard was not placed.

Award of works

As per the agreement between Kalakshetra Foundation and M/s CARD represented by Sri Ravi Niilakantan, the powers to receive, analyse and advise Kalakshetra on the appointment of contractors were delegated to M/s CARD.

M/s CARD, an architect, called limited quotations and recommended to award M/s Chennai Engineers for civil works for Rs.2.19 crore, M/s Kevin Electricals for Electrical works for Rs.49.08 lakh and M/s Unimech for HVAC works for Rs.. 1.18 crore.

The same was approved by the works committee.

The management appointed the contractors based on the recommendations of Works committee However the matter was placed before the FC and GB after appointment and award of works. Further the GFR norms for calling open tenders were not adhered to.

Execution stage

The note containing details of deviations as under that occurred after award of works were brought before the works committee. After the approval of the deviations by the works committee, the management allowed the deviations and made payment to contractors

- Supply and fixing of annutonne board amounting to Rs.55 lakh and slab cooling amounting to Rs.13 lakh were awarded on single quotation basis.
- More than 50% deviation amounting to Rs.159.50 lakh against the awarded value of Rs.219 lakh under civil work was carried out due to excess operation and non-operation of tendered items
- Extra items to the tune of Rs.77.60 lakh under civil head were undertaken .

The management issued award letters and made payments for deviations based on the approval of the works committee . The above matter was not placed before the FC and GB either for deviations or award of new works but the total expenditure incurred on the works undertaken was placed before the FC and GB in various meetings.

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Appointment of other consultants and award of works directly by KF

M/s Sound Wizard was selected on as consultant for sound work by the works committee. The works committee also accorded approval to procure the equipments from suppliers as recommended by the sound consultant

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Sri Gautam Bhattacharji was selected as the consultant for stage lighting by the works committee. The works committee also accorded approval to procure the equipments from M/s Modern Stage Services based on the recommendations of the consultant

For vastu and temple architecture, works committee selected Sri K. P. Umapathi Acharya, a hereditary temple architect and accorded approval to award the work to Sri Bhagaban Sububhi from Orisa to carry out the traditional temple architectural and other stone sculptural decorative work.

The management appointed the consultants and placed the order to various suppliers based on the approval of the works committee. However the matter was placed after the award and execution of work before the FC and GB. Further the GFR norms for appointment of consultants and award of works through calling open tenders were not adhered to.

The detailed report of procedure adopted by the management for each works undertaken under Koothambalam Project is enclosed as Annexure -II

Procedure followed in the Koothambalam Project

- The management did not submit the recommendations of the works committee in the forms of proposals to FC and GB in various meetings for approval before appointment and award.
- The FC was apprised of the progress of the works undertaken under the project in various meetings for requirement of funds under BE and RE. However this was not in the form of proper proposal. The FC directed the management in May 2010 to submit the requirements of funds for project through comprehensive proposal.
- The GB was also apprised of the progress of the project through BE and RE in various meetings till 2010. However a general proposal containing the need for renovation, the works undertaken, appointment of architect and consultants, award of works to contractors

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and suppliers and the estimated cost was placed in the meeting held in Feb 2011 wherein GB noted the same subject to the stipulation that proper checks and balances had been adhered by the management.

- The Chronology diary is enclosed as **Annexure-III**.

Audit Objections

The AG audit through Inspection Report for the year 2010-11 issued in August 2011 raised objections pertaining to following:-

- Lack of formal sanction of the Governing Board and the Finance Committee for the works undertaken under the project.
- The procedure for engagement of the Consulting Architect,
- The award of tenders by the Consulting Architect and the manner and placement of orders for audio and lighting works by the Foundation,
- Inclusion of items into the scope of work which were not originally in the tender.

Based on above report, the GB in April 2012 stopped the project and directed to submit the detailed report of expenditure incurred to the tune of Rs.7.02 Crores.

Subsequent submission of detailed report in September 2014 :

This office submitted the detailed report of expenditure incurred under Part-A of the Koothambalam to the tune of Rs.7.02 crore before FC in the meeting held in Sept 2014 wherein FC directed to submit the chronology diary of events and administrative decisions/action taken on the Koothambalam Project and the justification for procedural and financial deviations.

The clarifications and justification sought by the FC was submitted in March 2015 before the Finance Committee wherein the Financial Advisor and Chairman of Finance Committee took a serious note as there were procedural and financial deviations from GFR norms in the works undertaken under Koothambalam Project. The then management awarded the works to consultants and contractors based on the recommendations of the then works committee and an expenditure of Rs.7.02 Crores was incurred

FC directed that a letter be issued to the Former Director who was the administrative head during that period asking reasons for the lapses that had taken place and why the recovery could not be made from her.

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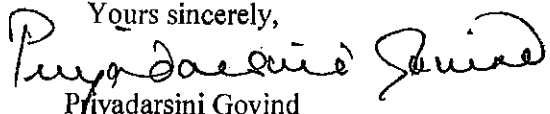
A letter had been written by the management to Former director seeking reasons and circumstances for the lapses. She submitted her reply in July 2015 wherein she alleged that she did not get support from the administrative and engineering side

It is submitted that during the said period the following officials under administration and Engineering side of the management of Kalakshetra Foundation were handling the project.

Sl. No.	Name of the person	Period of work	Scope of work
1.	Ms. Leela Samson, Director - Kalakshetra Foundation	w.e.f June 2005 - April 2012	Overall head
2.	Shri. Karunaker Menon, I.R.A.S. officer Joined Kalakshetra on deputation in as Dy. Director	w.e.f Nov 2010 - Nov. 2014	To assist Director in administration and accounts matters. Becomes Works Committee Member w.e.f.2011
3.	Sh. T.S Murthi, Sr. Audit Office Joined on deputation as CAO	w.e.f November 2008 - November 2012	To scrutinise accounts and to ensure Government norms be adhered.
4.	Sh. S. Ramachandran, Manager (CERC) - Hold the charge Administrative Officer(in-charge)	w.e.f June 2008 - September 2015	To Initialise the proposals as directed by senior officials
5.	Sh. Srinivasan, Engineer Officer	w.e.f August 1996	Technical officer and incharge to ensure that the capital and repair works on campus be carried out as per the Government norms.

The list of members of Works committee, Finance Committee and the Governing Board is enclosed as Annexure-IV

Submitted for perusal and necessary action

Yours sincerely,

Piyadarsini Govind
Director.

2014

proceedings of the Works Committee indicating a deliberation on an estimate are available on records.

Appointment of Consultant Architect

4. The Works Committee decided to call limited Expression of Interest (EOI) for appointment of a Consultant Architect to help in execution of the project. The Committee shortlisted the following architects:

- (i) Madras Design Works (Mr. N. Manikandan)
- (ii) Mr. Elias Koshi
- (iii) Mr. Durganand Balaswar
- (iv) M/s. Centre for Architectural Research and Design (Mr. Ravi Nilakandan)
- (v) Ms. Lekha Antony

5. GFR norms or the procedure laid down in the Manual of Policies and Procedure of Employment of Consultants was not adhered to while calling for EOI for engagement of the Architect. Two stage procedures in terms of Rules 168 to 175 of General Financial Rules, 2005 were not followed. As per the procedure, in the first stage, the likely sources should have been identified on the basis of formal or informal enquiries and by inviting Expression of Interest (EOI) through advertisement as per Rule 168 of GFRs. On the basis of responses received, consultants meeting the requirement should have been short listed for further consideration. In the second stage, the short-listed consultants would have been invited to submit (Request for Proposals or RFP) their Technical and Financial Proposals. The consultant should have been selected based on evaluation of their Technical and Financial bids. For all cases having financial implications of more than Rs. Ten lakh, a Consultancy Evaluation Committee (CEC) comprising of at least three members at appropriate level including Financial Adviser or his representative and also a representative of the user should have been constituted by the employer in order to carry out the consultant selection procedure. The CEC was to be responsible for all aspects and stages of the consultant selection i.e. issuance of EOI, evaluation of EOI, short-listing of consultants, deciding Terms of Reference, issuance of RFP, evaluation of technical and financial proposals, negotiations and final selection of the consultant. Even in case of selection of consultant by direct negotiations having financial implication of more than Rs. 10 lakh, the CEC was required to negotiate with the consultant on technical and financial aspects. For all consultancy contracts exceeding estimated cost of Rs. 50 lakh except in cases of nomination or where direct negotiation is carried out, an advertisement called "invitation for Expression of Interest" (EOI) shall have to be released in at least one National Newspaper and the Organisation's website for preparing the short list. The advertisement must include, among other things, the last date of submission of EOI, how to get copy of EOI document, contact information of the employer with name of contact person etc. **None of these requirements was adhered to which was the responsibility of the Administration to put into practice.**

6. In terms of GFRs, Kalakshetra Foundation should have prepared EOI document containing the following information:

- (i) Invitation to EOI: Copy of the advertisement whereby consultants were invited to submit their EOI.

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- (ii) Brief about objectives and scope of work: Brief description about objective of carrying out the assignment, broad scope of work and expected deliverables of the assignment and place of execution of the assignment.
- (iii) Instructions to the Consultants: nature of job; submission requirement; requirement of bid processing fees; if any; last date of submission; place of submission; and any related instruction;
- (iv) Pre-qualification Criteria for short listing the consultants.
- (v) Formats for submission of EoI.

7. After shortlisting of consultants, the following procedure should have been followed before engaging the Consultant:

- (a) preparation of Terms of Reference (TOR) for the Consultant;
- (b) preparation of cost estimate and the budget;
- (c) preparation and issuance of the Request for Proposals(RFP);
- (d) pre-bid meeting;
- (e) receipt of proposals;
- (f) evaluation of technical proposals: consideration of quality;
- (g) public opening of financial proposals;
- (h) evaluation of financial proposal;
- (i) selection of the winning proposal;
- (j) negotiations with the selected consultant, if required
- (k) award of the contract to the selected firm.

8. The TOR should have been prepared elaborately incorporating the following points:

- i) Purpose/ objective of the assignment;
- ii) Detailed scope of work;
- iii) Expected input of key professionals (number of experts, kind of expertise required);
- iv) Proposed schedule for completing the assignment;
- v) Reports/deliverables required from the consultant.
- vi) Background material, records of previous surveys etc, available and to be provided to the consultant
- vii) Facilities such as local conveyance, office space, secretarial assistance etc., which can be provided to the consultant
- viii) Procedure for review of the work of consultant after award of contract

9.1. Five firms were identified by the Works Committee for issuing limited EoI. No reasons were recorded on file as to why only these five firms were short listed and why open advertisement was not resorted to. No records indicating examination of procedure for engagement of consultant is available. Only the letters signed by the Director addressed to the above five firms seeking EoI are available in the files. The letter dated 2.7.2009 seeking EoI issued to the shortlisted five firms had provided only a general scope of work for all the civil works that may be undertaken by the Kalakshetra Foundation including future expansion, whereas, while issuing letter for EoI, the GFR norms or the

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procedure laid down in the Manual of Policies and Procedure of Employment of Consultants were not adhered to. Further, instead of calling for separate financial bid, the letter itself mentioned that the payment would be made as per the Council of Architectural norms. This left no scope for a reduced fee on a competitive basis.

9.2. Among the identified five firms, Ms. Lekha Antony did not respond. Mr. Elias Koshy and Mr. Durganand expressed their inability to participate. Based on the presentation before Works Committee on 04th August 2009 by the remaining two, M/s. CARD (Centre for Architectural Research & Design) represented by Shri Ravi Nilakantan was selected as Architect consultant. No bid was obtained from the two companies who participated in the presentation. Selection was made only on the basis of their presentation. The Works Committee which was only a recommendatory body accorded approval to engage M/s. CARD as architect consultant and payment of fee as per the Council of Architecture Norms, 1972. The Director failed to ensure that selection of the consultant was made with fair competition and thereby failed to safeguard the financial interests of the Foundation. Further, the recommendation for M/s. CARD appointment was not limited to Koothambalam but for all future expansion/renovation in the Kalakshetra campus which was against the interests of the Foundation to an open ended future expenditure placing M/s. CARD in a monopolistic position which would be totally against the financial interests of the Foundation. Further, the appointment of consultant was not done in a transparent manner through competitive bidding as required by Central Vigilance Commission's guidelines issued vide their letter No. OFF 1 CTE 1 dated 25 / 11 / 2002

9.3. The letter awarding the work to M/s. CARD as Architect for the project was issued by Director on 11.9.2009. From the available records, it is seen that the entire process of short listing and final selection of Architect was made by the Director in consultation/ approval of the Works Committee. However, Works Committee was only a recommendatory body and approval of award of work was not in its scope.

9.4. M/s. CARD vide their letter dated 11/12/2009 accepted the offer and furnished their terms and conditions. The terms and conditions proposed by the firm were accepted and signed by the Director on 21.1.2010 in consultation with Shri P.T. Krishnan, Member of the Works Committee and this became the agreement between the Foundation and the Consultant Architect. The contract was awarded without the approval of the competent authority.

9.5. The contract entered with M/s. CARD was a cost plus contract without giving any justification which is in violation of Rule 204 of GFRs. The contract entered with M/s. CARD was not in the standard format. Entering into such contract without legal vetting was again in contravention of provisions of GFRs.

9.6. Approval of Finance Committee and Governing Board was not obtained for engagement of M/s. CARD as consultant.

10. Total work of Koothambalam was divided in parts viz. (i) Civil Work; (ii) Electrical; (iii) Stage Lighting; (iv) Sound; (v) HVAC; (vi) Slab Cooling; (vii) Roof Work; and (viii) Sculpture.

11. The work was awarded to the contractors as under:

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Work	Contract Value (Rs.)	Additional Work awarded	Sub-Consultants	Contractor	Date of award/ Date of Agreement
Civil work	2,19,09,505/- (except item no. 71, 72 & 76 - i.e. septic tank, man holes etc)	77,60,767.84/-	-	M/s.Chennai Engineers	17/06/2010 09/07/2010
Electrical	49,08,773.27/-	6,73,177/-	M/s.Madras Electrical Consultant	M/s.Kevin Electricals Private Limited	28/09/2010 29/10/2010
Stage Lighting	66,52,244/-	1,95,426/-	M/s.Gautam Bhattacharya, Delhi	M/s.Modern Stage service, Delhi.	19/10/2010
Sound*	1,77,49,145/-	-	M/s.Sound Wizard	Supply work awarded to many contractors	November 2009 to March 2010 to 12 different agencies for supply of equipments
HVAC	1,18,00,000/-	-	M/s.Air Treatment Engineering private limited	M/s.Unimech System	08/10/2010 12/11/2010
Slab Cooling	12,97,449.40/-	-	M/s.Air Treatment Engineering private limited	M/s.Cauvery Agro Agencies	24/02/2011 -
Roof Work	32,71,750/-	-	-	M/s.Chennai Engineers	18/08/2010 -
Roof work (Supply)	26,69,293/-	-	-	M/s.Anutone	
Sculpture	6,95,000/-	4,10,000/-	StapathySri. K.P.Umapathy	M/s.BhagvanSudhi	

The additional works were awarded to civil and electrical contractors on the recommendations of M/s. CARD.

12. **Civil Work** The Consultant - M/s. CARD made an estimate of Rs.1,85,35,585/- for civil work. There was no basis for the estimates prepared by M/s. CARD. M/s. CARD without any justification for shortlisting contractors sought quotations from three contractors identified by him. **No open advertisement was given. GFR norms were ignored in seeking quotations.** On the recommendations of the consultant, M/s.Chennai Engineers was awarded the contract for civil work. M/s.Chennai Engineers initially quoted Rs. 2,34,55,540/- (except item no.72, 73 & 76). **As the firm did not quote for all the items, it was not a valid quotation.** M/s. CARD,

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however, obtained revised offers from all the three firms leaving out three items which were not quoted by M/s. Chennai Engineers. Hence, it seems that favour was shown to M/s. Chennai Engineers. The revised offer of M/s. Chennai Engineers was Rs.2,19,09,505 which was 18.20 % higher than the estimated rate. M/s. Chennai Engineers furnished EMD in the form of cheque which was dishonored by the bank. It was only after M/s.Chennai Engineers was declared as L-1, they submitted proper EMD. Thus, at the time of evaluation of bids, offer of M/s.Chennai Engineers was not valid as its EMD was not with Kalakshetra Foundation. Further, lot of cross-cutting / over writing is there on the revised bids submitted by M/s.Chennai Engineers and that too without accompanying proper signatures. It seems that the rates quoted by M/s. Chennai Engineers were tampered to facilitate it to be L-1.

12.1. For the work, M/s. CARD had given only the abstract cost of the estimate and not the detailed estimates and sub-data and rate analysis based on the PWD Schedule of Rates of the particular year during the preparation of the original estimates. The Administration failed to ensure that proper and detailed estimates were prepared by the consultant before calling for quotations. Administration despite the fact that it was having a regular Engineer Officer had also failed to ensure that the estimates prepared by the consultant was in line with the CPWD manuals so as to satisfy its appropriateness, suitability to the need of the organization and stability with reference to quality assurance, etc. **The entire process of awarding of contract to M/s. Chennai Engineers was flawed. The Administration of the Foundation failed to obtain approval of Finance Committee or Governing Board for award of contract.**

13. **Anutone Board fixing work** After awarding of civil work to M/s. Chennai Engineers a new requirement of Anutone smooth MB primer board was suggested by the consultant for sound for better quality of acoustic effect and resonance. The Works Committee decided to award this work also to M/s. Chennai Engineers as an additional work on the ground that it would not be feasible to find another contractor due to coordination problems and also decided that this should be treated as an extension of already awarded work. The Works Committee on 18.8.2010 recommended procurement of Anutone Board and installation at a cost of Rs.55.12 Lakhs. These recommendations of the Works Committee were not placed before the competent authority for approval. Based on the recommendations of the Works Committee alone, order was placed by the Director for supply of 3473 Anutone boards vide letter dated 18.8.2010 for a value of Rs. 22,39,947/-. The Director had also awarded the additional work of fixing the boards to the civil contractor M/s. Chennai Engineers for Rs. 32,71,750/-. **In awarding these works, no GFR norms were followed; no open tendering was called for supply and installation of anutone boards. The Administration of the Foundation also failed to bring these lapses on record.**

14. **Non-tendered items** The Works Committee vide their note dated 17.9.2010 approved 12% of the civil works already awarded as an additional expenditure to meet non-tendered items on the advice of the Consultant architect. This worked out to Rs.30,21,250/- i.e. 12% of civil work initially awarded plus installation of Anutone board. **The approval of Finance Committee or Governing Board was not obtained for incurring this additional expenditure over and above the already contracted value.**

15. Additional work awarded in civil work was to the tune of Rs.77,60,767.84/- which is approximately 33.33% of total awarded cost. Thus, favour was extended to M/s.Chennai Engineers by M/s. CARD, by awarding high value of additional work, without justifying the rate

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of these additional items by market rate analysis and just accepting the rate given by M/s. Chennai Engineers.

16. **Electrical Work:** The Consultant M/s. CARD had engaged a sub-consultant M/s. Madras Electrical Consultants. Four tenders were received for electrical work out of which only three were valid. The consultant had technical and commercial negotiation with the three firms who had submitted valid offers. The lowest quotation was submitted by M/s. Kevin Electricals Pvt. Ltd who had quoted Rs.49,08,773/-. The main consultant recommended awarding the work to M/s. Kevin Electricals Pvt. Ltd. which was processed on file for acceptance by the Works Committee. The Works Committee accorded approval on 28.9.2010 and the work was awarded on the same date. A formal agreement was entered with the contractor on 29.10.2010. EMD for Electrical Work was kept to be 1% of Quoted Value. Thus during the opening of bids and their Technical Evaluation itself, it was known that who would be L-1. For Electrical work, EMD submitted by L-1 M/s. Kevin Electricals Private Limited was less than 1% of their quoted rate. Even then its offer was considered valid and it was finally awarded the work.

GFR norms have not been followed in inviting tenders for electrical works. No open advertisement was issued. Tenders were called only from shortlisted firms and no criteria or reasons were recorded for short-listing. Everything was left to the main consultant and the sub-consultant engaged for electrical work and their recommendations were accepted by the Works Committee without any examination. Further, the contract work was awarded without the approval of the competent authority. The Administration failed to bring these lapses in the process of awarding the work to the notice of the competent authority.

17. **Stage Lighting** The Works Committee had selected Shri Gautam Bhattacharji as the consultant for stage lighting. He was handpicked by the Works Committee, perhaps on the basis of the Committee members' knowledge about his credentials as he stated to have been involved in state lighting of several major auditoria in the country. However, in selection of this consultant also as in the case of others, procedure as laid down in GFRs and manual for engagement of consultants was not followed. He was appointed as Consultant vide award letter dated 29.9.2010 by the Kalakshetra Foundation. The terms proposed by the consultant including the fee of Rs.80,000/- and per-diem of Rs.10000/- per site visit per-person, air-fare, hotel accommodation and local hospitality were accepted by the Works Committee without any negotiations to safeguard the financial interests of the Foundation. **On his recommendation, orders were placed for procurement of light equipment from M/s. Modern Stage Services for Rs.66,52,244/- without a transparent process considering the high value of equipment ordered.**

17.1. Items supplied by M/s. Modern Stage Services are not of make mentioned in Procurement Order. Only the cover of them was of that make. Further, there was no embossing of power rating in wattage was available over these equipments. **Thus adequate care was not taken while accepting delivery of articles.**

18. **HVAC Work** For HVAC Work, six firms were identified by the sub-consultant M/s. Air Treatment Engineering Private Limited. Bids were received from these six bidders (i) M/s.ETA; (ii) M/s. Blue Star; (iii) M/s. VK HVAC; (iv) M/s. Chill Tech; (v) M/s. Unimech systems; and, (vi) M/s. Laxmi Aircon. M/s. ETA was L-1 as per original offer. However,

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revised bids were called for this work, by M/s.CARD without assigning any reason. These revised bids were called only from three firms, leaving out Blue Star, VK HVAC and Laxmi Aircon on the ground that they didn't quote for all items. (M/s.VK HVAC & M/s. Blue Star didn't quote for HVLS Fan and M/s. Laxmi Aircon did not quote for those items which were "0" in SOR). Thus, without giving any further opportunity, the competition and the possibility of competitive rates was reduced. In the revised offer, the lowest quotation was from Chill Tech Engineers for Rs.1.16 crores (L-1). The L-2 was M/s. Unimech System who quoted Rs.1.18 crores. The main consultant M/s. Card recommended award of the contract to M/s. Unimech System on the ground that L-1 demanded advance without bank guarantee, without providing supporting document for such a demand by Chill Tech. Works Committee approved award of work to M/s. Unimech System on 7/10/2010 and the work was awarded on 8/10/2010. **Identification of six firms for seeking quotations was without any basis on record. GFR norms to ensure transparency and competition were not followed for award of contract. Negotiations were made with the bidders which were in violation of CVC guidelines. The work was awarded without the approval of Finance Committee and Governing Board. Administration failed to bring these procedural lapses on record while seeking approval for award of work.**

18.1. Slab Cooling Work which should have been part of HVAC work was not envisaged by M/s. CARD at the time of tendering and award of work for HVAC. It was decided by the Works Committee on the advice of M/s. CARD to go for Slab Cooling Work. The sub-consultant for HVAC viz. Air Treatment Engineering Private Limited obtained quotations from two firms identified by him. The consultant M/s. CARD stated that large vendor base was not available for this work. For the Slab Cooling work, as per comparative statement, two offers were received from identified firms - one from M/s. Cauvery Agro Agencies and another from M/s. Vibrant. The quotation which is claimed to have been submitted by M/s.Vibrant doesn't have any name or signature of any representative of M/s.Vibrant. Thus, it seems to be forged. The Works Committee accorded approval on 9.2.2011 to M/s. Cauvery Agro Agencies Pvt. Limited for Rs.12,97,449/-. The letter awarding the work was issued on 01.3.2011. However, some of the items were supplied on 24.2.2011 i.e. even before placing the order. As per the contract for Slab Cooling, the work was to have been completed by 20.3.2011. However, the work could not be completed by the stipulated date. **While awarding this work also as in the case of other works, no GFR norms were followed. The work was handled in a perfunctory manner without caring for the finances of the Foundation and giving the norms a go by.**

19. **Sound System** Director, KF had also the engaged the services of an audio consultant - M/s. Sound Wizard for a fee of Rs.1,26,000/-. From the records it is seen that the firm was originally engaged in the year 2005 and after start of reconstruction work it was again engaged in July 2009 by the Director. No award letter and formal agreement is available in the file. Only email communication is available. **While engaging the firm in the year 2009, no GFR norms were followed. It seems that the terms and conditions including the fee proposed by the firm vide their e-mail communication dated 9.7.2009 were accepted in toto. Thus financial interest of the Foundation was not well secured.**

19.1 Consultant for sound systems viz. M/s. Sound Wizard identified select vendors and after obtaining quotations from them advised and recommended the award of contract to the following suppliers and accordingly Kalakshetra placed orders to the said agencies as under:

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<u>Sl.No.</u>	<u>Firms/ items</u>	<u>Product details</u>	<u>Date of award</u>	<u>Awarded value</u>
1.	M/s. Aditya Infotech	EAW & Audit products	9/11/2009	61,86,336.00
2.	M/s. E&E	Speaker and stand products	24/03/2010	13,80,112.00
3.	M/s. Senheiser/Telerad	MIC and stand products	24/03/2010	6,73,047.00
4.	M/s MRH	QSC products	17/11/2009	8,44,771.50
5.	M/s. Ansata	Desi design products	9/11/2009	33,53,951.25
6.	M/s. Rivera	Denon& Pioneer Products	28/01/2010	1,89,187.50
7.	M/s. Pro musicals	Samson & Alesis Products	25/11/2009	2,26,885.00
8.	M/s. Sun media	Cable products	19/01/2010	7,62,651.00
9.	M/s. Sasi Enterprises	Tele products	9/11/2009	2,93,370.00
10.	M/s. Office 2000	Draper products	16/11/2009	4,63,550.00
11.	M/s. Reynolds	Accessories products	3/2/2010	6,38,213.00
12.	M/s. Projection design & DEC	Projection design products	24/11/2009	9,63,000.00
13.	Miscellaneous expenditure	Packing materials		5,000.00
	Total			1,59,80,075.00

19.2. Sound system equipments were procured but there was no provision in the contract for installing the equipment. The procedure followed in placing supply order was not transparent as required under GFRs as no open tendering was followed. Moreover, only supply part was kept in the scope of vendor and commissioning was not part of it in spite of the fact that supplier may be best familiar with their product and they would be the best for commissioning of their products. No approval of Finance Committee and Governing Board was obtained before placing supply orders for sound equipment of high value worth Rs.1.60 crores.

20. Sculpture For vastu and temple architecture, Kalakshetra had appointed Shri. K. P. Umapathi Acharya, a hereditary temple architect and sculptor by the Foundation on a honorarium of Rs.20,000/- plus travel cost in view of his vast experience in this field. Based on his recommendation, Shri Bhagaban Subudhi from Orissa was appointed by the Works Committee on 18.10.2010 to carry out the traditional temple architectural and other stone sculptural decorative work. He was initially engaged for Rs.7.60 Lakh which was later enhanced to Rs.11.05 Lakh in September 2010 by the Works Committee as the scope of work increased i.e. more intricate work was required to be done than originally stated. Approval of Works Committee is not available on record for awarding the work to Shri Subudhi. If the work was awarded on a single nomination basis, then reasons for such engagement should have been recorded which was not done. Further, approval of Finance Committee and Governing Board was not obtained for award of this work.

P. Jayaramani Sundar
12/09/16.

21. **General** The main consultant M/s. CARD identified three potential bidders on their own accord and obtained quotations for civil, HVAC and electrical works. On the basis of quotations received, M/s CARD recommended the L-1 contractor for award of work. While calling for tenders, no GFR norms were followed viz. advertisement, ToR, scope of work, time lines for execution of work, qualification of bidders etc. The Works Committee accepted the recommendations of the consultant without proper examination and accorded approval/award of works which was beyond its scope. The Works Committee did not coopt a technical person from CPWD as was directed by the GB, therefore, it did not have the competence in deciding the technical matters. The Administration also failed to ensure that due procedure was followed for transparency and competitiveness in award of work, thus failing to protect the financial interests of the Foundation. The process of tenders and quotations should have been scrutinized properly by putting up notes on file seeking recommendations of the technical personnel either within the Deptt. or the Engineer from outside. This was not done and Kalakshetra Foundation remained silent on this.
22. None of the works was awarded through open tenders. No press publicity was given for these works. Modus operandi of the Architect Consultant was that he invited quotations from contractors identified by him for civil, electrical, HVAC and slab cooling works. On the basis of rates quoted by the contractors, M/s. CARD recommended L-1 contractor. It was in total violation of transparency which is essential to be maintained as per clause 14 of Constitution. The Works Committee simply gave its approval on the recommendation of M/s. CARD regarding appointment of contractors for various works, without ensuring whether necessary guidelines as provided in the General Financial Rules and in the CVC's guidelines were being followed or not. The recommendations of the Architect Consultant for appointment of contractors were placed in the works committee and on the approval of the works committee, the works were awarded to various contractors by the Director. The Administration failed to obtain approval of Finance Committee and Governing Board before awarding contracts on the advice of consultant.
23. Performance Bank Guarantee was not obtained in any of the works awarded under the Koothambalam project. Thus, it was in violation to laid down procedure, keeping the interest of Government Exchequer aside.
24. For electrical work, bank guarantee for mobilization advance was valid up to 17.02.2011 and its renewal was done on 03.03.2011. Thus, a period of 14 days was left uncovered without any B.G. for Mobilization Advance. Thus it was a mistake on part of KF that the already submitted B.G. was not forfeited in case renewed B.G. was not received by them. Later on also, renewed B.G. was submitted after the expiry of validity period.
25. No estimates were prepared and furnished by the M/s. CARD for Electrical, Sound, Lighting, slab cooling and Sculpture. The justification of rates was vested with M/s. CARD as per contract clause. Due to this, justification for the rates on which these works have been awarded is questionable.
26. Despite spending about Rs.7 crores in the construction of the Auditorium, the quality of executed work seemed not up to the mark. Roof is leaking heavily in spite of huge expenses on roof work alone to the tune of approx. Rs.59.40 lacs.

P. Jayaraman
12/09/16

27. Interest free Advances were paid to various firms as under in violation of CVC's guidelines issued vide O.M. No.4CC-1-CTE-2 dated 10.04.2007. An amount of Rs.18,05,810/- is still to be recovered from various firms.

28. Payments were released to consultants and contractors without examining whether all requirements as per GFR and CVC's circular were followed in awarding the work or not. Proposals for the works were not placed in a proper manner by the management for scrutiny of the Finance Committee and then to the Governing Board for approval. On being asked in the meetings, the management assured that the norms of GFR were being adhered to.

29. The CPWD, Chennai estimated the value of work awarded on the basis of rates prevailing during the relevant period of award of work. As per their report, the work was awarded at a higher rate as under:

Work	Awarded Value by KF	Value estimated by CPWD of the work awarded	% Variation
Civil	21909505/-	17506135/-	Plus 25.15%
Roof Insulation	3271750/-	2578180/-	Plus 26.90%
Electrical Installation	4908773/-	5976901/-	Minus 17.87%
HVAC	11800000/-	10492252/-	Plus 12.67%
Total	41890028/-	36553468/-	Plus 14.60%

30. CPWD had also estimated the value of work already executed. The estimated value of work as per the contract and as per the CPWD estimates are as under:

Work	Executed work as per contract	Estimated value of executed work as per CPWD	% Variation
Civil	14377973/-	10596194/-	Plus 35.67%
Additional Civil Work	7760768/-	6952845/-	Plus 11.62%
Roof Insulation	3271750/-	2578180/-	Plus 29.22%
Electrical Installation	1878510/-	2050450/-	Minus 08.39%
Additional Electrical work	673177/-	552041/-	Plus 21.94%
HVAC	9373149/-	8385263/-	Plus 11.78%
Total	37335327/-	31114973/-	Plus 16.97%

31. Thus the rates at which contract was awarded / payment was made to contractors were higher than estimated rates given by CPWD. Further, the contractors executed only those parts of work which were financially suiting them and rest they disowned and did not execute. Finally it resulted in non-operational condition of Koothambalam theatre.

32. Entries in the measurement books which are prime documents for the works, were made by the clerks of works engaged by M/s. CARD even without mentioning any date of measurement in many books. In some of the measurement books, irregular entries of the

Prasad
12/09/16

dates were seen. The works were not check measured by the Departmental Engineer. Thus, without the check-measurements by the Departmental Engineer, payments were released. Hence the bills were processed and passed without following due procedure as laid down in the CPWD manual.

33. For item no. 104 unit rate was Rs.3700 per cubic meter. Thickness of floor screeding was 75 mm as per drawing. However, payments were made for thickness of 80 mm and undue advantages was given to M/s. Chennai Engineers. Therefore, due diligence was not exercised while processing and passing bills.

34. In Civil work, SOR item No.131 & 132 (i.e. "Providing & Fixing Mangalore "tiles and "Fixing Mangalore tiles" respectively) were in quantity 200 sqm and 2500 sqm respectively. Item 131 was to be executed with new tiles and item 132 was to be executed with old removed tiles. There was no record kept for old removed tiles. Finally quantity executed actually is 1016.93 and 995.32 sqm from item 131 & 132 respectively. The rate of item 131 was Rs.910 per unit and rate of item 132 was Rs.350 per unit. Thus it seems as if quantity which supposed to be executed in item 132 was actually shown to be executed in item 131, with using old tiles. Hence it was an undue financial favour to civil contractor M/s. Chennai Engineers. Therefore, there was lack of monitoring of the work done and lack of due diligence in processing and passing bills.

35. In the 36th GB meeting held on 14.2.2011 itself, Smt. Dipali Khanna, GB Member stated that it was important to ensure that proper checks and balances were maintained and extant rules were followed while incurring expenditure under the Koothambalam project where numerous contracts were underway. She further stated that all the contract clauses especially pertaining to advances, performance, penalty and liquidated damages were strictly adhered to. However, Administration of the Foundation failed to bring to the notice of the Governing Board that extant rules were not followed in awarding of contracts which could have enabled corrective measures.

36. The following officers were in position in Kalakshetra Foundation who were responsible for ensuring proper procedure was followed in awarding contracts and engaging consultants:

	<u>Name</u>	<u>Designation</u>	<u>Period of tenure</u>	<u>Scope of work</u>
i)	Ms. Leela Samson	Director	June 2005 to April 2012	Overall head of the organization
ii)	Karunakar Menon	Deputy Director	Nov 2010 to 30.8.2012; and, 5.8.2013 to Nov 2014	To assist Director in all her responsibilities
		Director (i/c)	31.8.2012 to 4.8.2013	Overall head of the organisation
iii)	T.S. Murthi	Chief Accounts Officer	November 2008 to November 2012	To look after the accounts of the organization inter-alia to ensure proper norms are followed in procedures and release of payments

Priyadarshini Souda 12
14/09/16

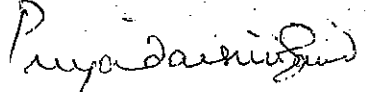
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iv)	S. Ramachandran	Manager (CERC) additional charge as A.O.	June 2008 to Sept., 2015	In charge of Administration Section. Files were routed through him.
v)	Srinivasan	Engineer Officer	August 1996 till date	Technical officer of the organization to monitor the capital and repair works and ensure proper entries in the measurement books after due verification.

37. The above officers failed to follow procedure as laid down in GFRs and other relevant instructions issued by Ministry of Finance and CVC in selection of consultants/ award of work to contractors. Moreover, they failed to bring on record the lapses relating to non adherence to laid down procedure or lack of approval of the competent authority viz. Finance Committee and Governing Board for engagement of consultants, award of work to contractors and placement of supply orders to vendors for corrective action by the competent authority. By their inaction they failed to perform the duties expected of them which resulted in serious audit objections leading to stoppage of work which in turn caused huge financial loss to the Foundation's exchequer.

38. The above officers are, therefore, directed to submit their explanation for their omission and commission for the lapses as detailed above within a period of 15 days' of receipt of this Memorandum. They are also directed to explain why the loss incurred by the Foundation on account of excess amount paid vis-à-vis the work executed as estimated by the CPWD and additional expenditure now being incurred by the Foundation in completing the project should not be recovered from them. If no reply is received within the stipulated period from any of the officers, it would be presumed that he or she has nothing to say in the matter and further action as deemed fit will be initiated.

39. The documents on the basis of which the above memorandum has been prepared are available in the records of the Foundation. If it is felt necessary by any of the officers, copy of the same will be made available on a written request. However, this should not be a ground for delay in furnishing of their explanation.


(Priyadarsini Govind)
Director

17/01/16

1. Ms. Leela Samson,
formerly Director, Kalakshetra Foundation
No.6, Srinidhi Apartments,
Beach Road, Kalakshetra Colony,
Besant Nagar, Chennai-600090
2. Shri Karunaker K Menon, FA&CAO (Construction-I),
Southern Railway,
Egmore, Poonamalle High Road,
Opp. Daily Thanthi Office, Chennai-600008

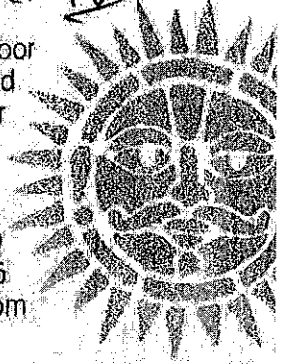
3. Shri T.S. Murthi, Senior Audit Officer (Retd.)
1C/F2, Rukmini Street,
West Mambalam, Chennai-33
4. Shri S. Ramachandran, Manager, CERC,
Kalakshetra Foundation
5. Shri V. Srinivasan, Engineer Officer,
Kalakshetra Foundation

P. Srinivasan
12/09/16.

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Annexure - IV

Ground Floor
Srinidhi Apartments, 6 Beach Road
Kalakshetra Colony, Besant Nagar
Chennai 600090



Smt. Priyadarshini Govind,
Director,
Kalakshetra Foundation,
Chennai

॥ ज्योतिष्याः नयन् ॥

Phone:
(044) 24462642 (res)
Mobile: +91-11-98407-62646
E-mail: leelasamson@gmail.com

leela samson

29nd September 2016

Sub: Kootambalam reconstruction work – non-following of procedure in engagement of consultants and award of work to contractors and suppliers – calling for explanation from officers concerned regarding.

Dear Priyadarshini,

Regarding the above Memorandum No.KF/Vig./2016, may I assume that my reply to Chairman, Kalakshetra Foundation, dated 1st July 2015 on the very same matter brought up in CAG's Audit para, the Finance Committee meeting agenda item and the Governing Board meeting agenda item of the same mentioned period has not been circulated to members of the Board of Kalakshetra and to you?

In that reply of seven pages I had detailed the problems we faced with the Kootambalam project and my submissions in that regard. If you do not have a copy of it, I will be happy to send you one. This Memorandum a year and three months later, asking for yet another explanation amounts to harassment. I would like to state that I was not incompetent, nor dishonest, nor unaware of my duties and responsibilities as Director, Kalakshetra.

The problem I faced is the same then, as it is now. I was appointed Director, Kalakshetra for what merit I may have as an artist - in the same spirit as my predecessors – Sri Rajaram and my guru, Smt Rukmini Devi - also a dancer, and founder of Kalakshetra, whose

29/09/16

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land this was and who built the Kootambalam, were Directors. I am not an officer of the Government. I never was. I am not trained in administration, economics, law, preservation and conservation, architecture or engineering – things that your letter refers to. I would have to be trained in all these to reply to your exhaustive Memorandum. The Board and the Ministry may carefully peruse the criteria for appointment of Director, Kalakshetra or for that matter, any other cultural institution in our country. Unless the criteria for appointment changes the Ministry will continue to appoint incompetent persons like myself as Director, expect them to carry out all the tasks mentioned above and take the flak for trying their best to cope with the demands of the job. We are at best, cultural ambassadors misunderstood to be administrators.

If the Director is to remain an artist, as stipulated, who will keep the artistic spirit of the institute alive, something that an IAS officer will be at pains to do, then this institution requires no less than five Deputy Directors – one each for finance, law, education, archival work and engineering. The last, according to all construction and maintenance guidelines of the Government of India should be an Engineer of the CPWD. All construction works irrespective of the sensitivity of their nature, like the Kootambalam must be entrusted to their care.

May I say how ironic it is that you, a dancer has to sign this long Memorandum on engineering and construction details to me? If the Board and the Ministry were keen to improve on my record in these departments they would surely have appointed a competent IAS/IRS or Engineering applicant to the post. They did not do so, even when the opportunity presented itself. It would seem that they took pain to appoint a similarly handicapped, artistically - inclined Director. With such heavy administrative requirements, like

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repair and maintenance of the Kootambalam, is it not time to change the appointment criteria for the Director's post of this esteemed institution and simply build it up into yet another Government institute with ugly blocks of buildings that have no sensitivity to an environment for the arts?

Alternatively, the Government and their representative - the FA could have laid down a simple stipulation that CPWD and no other body can carry out any repairs, renovations, construction and maintenance in the institute. This was not so in my time. When the Kootambalam project was discussed in the Finance Committee meetings, the then FA, took time to understand the complexity of the work involved and acknowledged the sensitivity of the project and its varied parameters - quasi architectural, but substantially handcrafted.

Given the complex nature of the job, there was limited interest shown by architects, contractors and suppliers across the spectrum. This is because it is such an out of the ordinary job, especially when Government procedure is not an incentive, but a disincentive to them.

Is it assumed that a dancer, which I am extremely proud to be, has the training of an Engineer, or an IAS officer who knows complex engineering and administrative rules? Is it not incumbent on the duly appointed Deputy Director and Engineer, Architect and Contractor to see to this? And has over-spending not been the bane of a million projects in this country when headed by such trained officers?

The Kootambalam renovation was done in absolute good faith by me, every proposal honestly perused and legitimately approved by

duly appointed bodies made up of competent persons. Due procedure was followed in engagement of consultants and award of work. Am I to understand that the Board members of the Kalakshetra Foundation at that time, including me are being viewed as less honest than the present Board and you? I believe we were, each of us, law-abiding citizens handpicked by the Government then, in the same way that you and your illustrious Board have been chosen, after us. If I may say so, the knowledge and commitment that the present Board has, is not especially different to the knowledge and commitment to an ideal that the previous Board had.

Building in Smt. Rukmini Devi's time, or in our time, or in your time, is the same. It more often than not, exceeds the budget planned and allocated. This is not something new. Construction costs escalate, as time is of the essence. Researching and finding the right product for an auditorium like the Kootambalam, getting several quotations for the same items and getting approval for it can take over six months to a year. By this time escalation of price has taken place. It would be of public interest to know how much over the budget thousands of public projects have cost, when the most competent minds have handled these. We all know that as regular citizens we spend far less on an air ticket than anyone in Government because of the conditions, permissions, stipulations, considerations, immediacy and other considerations of official bookings. Does this make the IAS officer, who is flying at four times the amount an honest citizen and all of us, dishonest ones?

If you believe that CPWD is the best that this country can do for a one of a kind auditorium such as the Kootambalam or any other structure in Kalakshetra – inherited by the Government free of cost, then I have nothing to say. Perhaps the laying of an

octagonal double-tile roof, creating sculptures in and around the Kootambalam according to traditional rules of iconography and vaastu, modern cutting-edge technology in sound and light for such a construction, understanding the dressing and make-up requirements of artists from a large Kathakali group to a solo dancer or musician's ensemble, cooling the auditorium without air-conditioning and other conventional methods – all these are what CPWD does best.

I am not ashamed to say that I have no engineering or administrative skill to answer your letter. I was and will remain an honest citizen of my country, who worked in Kalakshetra to bring to it the glory of Smt. Rukmini Devi's sacrifice and because of my absolute commitment to her ideals and dreams for the institute. Such a letter as yours requires to be placed before the Engineer, Kalakshetra duly appointed by Mr. Ramani, Secretary, Kalakshetra before I joined the institute and to the Deputy Director duly appointed by the Ministry precisely for the job of handling these things for which I was not competent.

Yours sincerely,



Leela Samson

29.09.2016.

Retrieved on

26/9/16

21.09.2016

From,
T.S.Murthi

To,
Director,
Kalakshetra Foundation,
Chennai.
Madam,

Sub: Reply to memorandum dated 12.09.2016

I understand that a memorandum was sent to my residence at Chennai. I am currently staying with my daughter in United States of America and will be returning back to India on the 10th Jan 2017.

Firstly, I wish to state that I deny any wrong doings on my part for any of the allegations pertaining to me as listed in the memorandum. I did my work with utmost sincerity, honesty and without expecting any personal benefits. The contractor's payments were as per the contractual obligation issued to the contractor in writing by Kalakshetra Foundation. The related bills were paid after it were checked by the concerned officials and after proper approval obtained in writing.

Secondly, I wish to state that I was with Kalakshetra foundation up to January, 2012 though I was given relieving order by my parent office early in November, 2011. It was wrongly written in the para 36 of the memorandum that I was with Kalakshetra Foundation up to November, 2012. Kindly correct this date in your records as it was wrongly mentioned there.

Lastly, I also wish to state that I had retired from service on 30.04.2013 after attaining superannuation from my parent office, i.e. Comptroller and Auditor General of India. It was more than four and half year since I left Kalakshetra Foundation and there after my retirement from service in April, 2013, I am away from the mainstream and I do not have access to any of the papers, I could reply as above only.

If you need any further reply I will be able to give them once I come back to Chennai.

Thanks much

Yours

T.S.Murthi

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26/09/16

Sh. Shiva - pl. place in the folder

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14.10.2016

From,
T.S. Murthi,
Senior Audit Officer (Retired)

To,
Deputy Director,
Kalakshetra Foundation,
Chennai.

Sir,

Sub: Pointwise reply to the memorandum
Ref: (i) Memorandum dated 12.09.2016
(ii) Your Note dated 11.10.2016

With reference to the note dated 11.10.2016, I am sending herewith my point wise reply to the memorandum first cited. As I am out of INDIA at present as stated earlier, I am sending this reply by email in view of the urgency of the matter. I am also sending hard copy of my signed letter by FEDEX.

Paragraph Numbers	Reply
1	No remarks
2.1	I am neither a member of the works committee nor attended any of its meetings
2.2	As above in reply to Para no 2.1
2.3	As above in reply to Para no 2.1
3	As above in reply to Para no 2.1
3.1	As above in reply to Para no 2.1
4	As above in reply to Para no 2.1
5	I was not a party to the deliberations and was aware of the contract only after it was awarded. I was also not a signatory of the contract as it did not involve me. I was also not present when it was finalized/signed.
6	As above in reply to Para no 5
7	As above in reply to Para no 5
8	As above in reply to Para no 5
9.1	As above in reply to Para no 5
9.2	As above in reply to Para no 5
9.3	As above in reply to Para no 5

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11/10/16

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14/10/2016
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9.4	As above in reply to Para no 5
9.5	As above in reply to Para no 5
9.6	As above in reply to Para no 5
10	As above in reply to Para no 5
11	As above in reply to Para no 5
12	As above in reply to Para no 5
12.1	Selection of M/S Chennai engineers were done by the consultant
13	As above in reply to Para no 5
14	As above in reply to Para no 5
15	As above in reply to Para no 5
16	As above in reply to Para no 5
17	As above in reply to Para no 5
17.1	Taking delivery of articles doesn't fall under my responsibility
18	As above in reply to Para no 5
18.1	As above in reply to Para no 5
19	As stated in the memo, I don't have anything to do with this.
19.1	As stated in the memo, I don't have anything to do with this.
19.2	As stated in the memo, I don't have anything to do with this.
20	As above in reply to Para no 5
21	As stated in the memo, I don't have anything to do with this.
22	As above in reply to Para no 5
23	I was not involved in the process & also was not in custody of bank documents.
24	As above in reply to Para no 23
25	As above in reply to Para no 5
26	As stated in the memo, I don't have anything to do with this.
27	Payments were made according to the written contract
28	Payments were made according to the written contract
29	I was not a party in deciding the award of the contract. I was neither present in the deliberations nor signed the contract.
30	As above reply to para 29
31	As above reply to para 29
32	The M-books were scrutinized by the concerned staff and documented. Proper department approvals were obtained/ accounted, before the bills were paid.
33	As above reply to para 32
34	Payment released based on Verification and documentation of the facts by the concerned staff
35	I personally instructed the contractor and the consultant (The Engineer officer was also present at that meeting) that various governmental regulations had to be followed strictly. The minutes for these are available in the contract file. I often insisted the officials/staff (those who were not aware of governmental rules) to strictly adhere to governmental rules.
36	My date of service with Kalakshetra ended in January 2012. I served to the best of my honesty & belief.
37	I served kalakshetra with honesty, integrity and understanding my responsibilities. I don't have any doubts on the way I carried on with my responsibility. Please also refer to reply given to para 38 in (e),(f) and (g)

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14/10/2012

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I wish to state that:

- a. I was deputed to look after the accounts and also to pay with the approval of the management. Once a written order was issued by the management there is a financial obligation to pay. That is what I precisely did with the checking done by the concerned staff and with the approval of the Management after following due procedure
- b. I was not a member of the works committee and had not attended the committee meetings in any capacity. I had no role to play in the matters decided by the committee, in whatever manner as I was never a part of the committee
- c. As per the memorandum, the works committee decided to award the consultant. Further as stated in (b) above, I was not involved in the decision making/approval/signing of the contract
- d. I was aware of the appointment of consultant only "After" the written and signed contract was issued to him
- e. The topic of the renovation of Koothambalam was brought to the notice of the Governing Board and Finance committee in each of their meetings by the way of Agenda items. This was deliberated/ minutes made. Objection to this issue was not raised at that time.
- f. After the meeting was over, members used to visit Koothambalam and personally were appraised about the development. No concerns were raised at that time.
- g. Also the consultant had given a power- point presentation to the then Governing Board members sometime in January before the end of my service with kalakshetra. Governing board members were aware of what was happening at that time.
- h. I was also making sure on letting the management, consultant & the contractor know to follow the rules adherently
- i. To the best of my knowledge, I did my duty responsibly with due care and diligence and with utmost sincerity. I had absolutely no personal interest with neither the consultant nor the contractor/suppliers

In view of the stated position above, I deny any wrong doing on my part, if any, indicated in the memorandum dated 21.09.2016


(T.S.MURTHI)

28.09.2016

From
S.Ramachandran,
Manager, CERC,
Kalakshetra Foundation,
Thiruvanmiyur,
Chennai 600041.

To

The Director,
Kalakshetra Foundation,
Thiruvanmiyur,
Chennai 600041.

Madam,

Sub: Koothambalam Reconstuction work Reg.

Ref: KF/Vig/2016 dated 12th Sepetember,2016

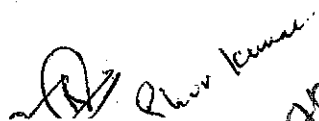
With reference to the memo cited I am submitting my explanation as follows:

My regular appointment is Manager, Craft Education Research Centre and I was recruited for that only. I was given additional charge as AO in addition to my regular work as Manager, CERC. As an additional charge, I have been looking after day to day activities of the Central office. My entire working day is normally spent in CERC and as and when I find time, I come to the Central Office to sign the files as a routine.

2. Regarding Koothambalam project work, I was not involved in the project since inception. I was told that the Works Committee was the authorised body and the files related to award of work to consultants and contractors were done by the works committee. Works committee consisted of then Director, two GB Members and later it also included then DD. These officers are very seniors to me and there was no reason for me to have doubted that they would have violated the laid down norms. Further, as stated above, the duties of AO was assigned to me as an additional work and it is not my regular work. I was also not given any training in purchase procedures or award of contract etc. It would be unfair to ask me to explain for violation of procedures committed by the then competent authority while awarding the work.

3. The files relating to Administration used to be routed through me as there was no regular AO in place. As Administration is not my actual assignment, the files were routinely passed on to my seniors viz. CAO/DD/Director.



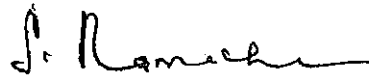


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4. As per the recommendations given by the works committee the files were routed through me and I am not the sanctioning or competent authority for the Koothambalam project work. My next superior was CAO and he was from the office of C&AG. Needless to say that by virtue of his field of work he was experienced enough in the matters relating to award of work and was in a better position to have pointed out proper procedures to DD/Director. The DD who joined towards end of the year 2010 was a senior officer from the Railways Accounts Service. If there was any violation of procedure or lack of approval of competent authority, they may be in a better position to clarify. When two of my seniors who were in a better position by virtue of their experience/ level in the organisation to ensure proper checks, asking me to explain for the charge of AO that I held only as an additional responsibility without any added remuneration for that may be unfair.

5. Further I wish to submit that I have been working sincerely for the Kalakshetra Foundation and it is like home to me. Even doubting my integrity saddens me to the core and this memo has affected me terribly. So I request you to kindly accept my explanation stated above and drop my name from the above memorandum.

Yours faithfully,



(S. Ramachandran)

Dated: 28.9.2016



सो वे सः

Annexure - V

Priyadarsini Govind
Director
Tele.: 24523815

Kalakshetra Foundation
Thiruvanniyur, Chennai 600 041, India

No. KF/Vig./2016

Dated: 15.9.2016

Madam,

I am to say that Shri Karunaker K Menon, IRAS was on deputation to Kalakshetra Foundation, an autonomous body under Ministry of Culture as Deputy Director w.e.f. November 2010 to November 2014. During his tenure, he also functioned as Director (i/c) from August, 2012 to August, 2013.

2. A memorandum dated 12.9.2016 has been issued to five officers including Shri Menon for lapses noticed in execution of Bharata Kalakshetra Auditorium known as Koothambalam for which they are prima facie responsible.

3. I am forwarding herewith a copy of the memorandum to you being the controlling officer of Shri Menon. I shall be grateful, if the memorandum is served on the officer and the acknowledgment obtained may be forwarded to this office for our records. The memorandum has also been sent to him by post to his official address.

Yours sincerely,

Priyadarsini Govind
(Priyadarsini Govind)

Encl.: As above

Smt. Manjula Rangarajan
Financial Advisor & Chief Accounts Officer
Southern Railway
GM's Building, Parktown, Chennai-33.
Chennai

Sent by Speed Post
on 15/09/2016

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रसो वै सः

Priyadarsini Govind
Director
Tele.: 24523815

Kalakshetra Foundation
Thiruvanmiyur, Chennai 600 041, India

No. KF/Vig./2016

Dated: 4.10.2016

Madam,

I am refer to my d.o. letter of even number dated 15.9.2016, forwarding therewith a copy of Memorandum inter-alia addressed to Shri Karunaker K Menon, IRAS who was on deputation to this Foundation as Deputy Director/Director (i/c) w.e.f. November 2010 to November 2014.

2. I shall be grateful, if the acknowledgement obtained from the officer for receipt of the memorandum is forwarded to this Office for our records. I would also like to request that the officer may be advised to submit his explanation without any further delay.

Yours sincerely,

Priyadarsini Govind
(Priyadarsini Govind)

Smt. Manjula Rangarajan
Financial Advisor & Chief Accounts Officer
Southern Railway
GM's Building
Chennai

2167

आर. मुकुन्दन

वरिष्ठ उप महाप्रबंधक एवं
मुख्य सतर्क अधिकारी

R. MUKUNDAN

Senior Deputy General Manager &
Chief Vigilance Officer



सत्यमेव जयते

दक्षिण रेलवे/Southern Railway
प्रधान कार्यालय/Headquarters Office,
सतर्कता शाखा/Vigilance Branch,
चेन्नै/Chennai-600 003.

बी एस एन एल / BSNL : 044-2535 3389
फैक्स / Fax : 044-2535 2326

दिनांक/Date

No. VO/A/kalakshetra

Dated : 6-10-2016

✓ The Director,
Kalakshetra Foundation,
Thiruvanmiyur,
Chennai- 600041.

Sub: Koothambalam reconstruction work – Calling for explanation from officer concerned regarding.


Ref: (1) Your letter No. KF/Vig./2016 dated 15.09.2016.
(2) FA & CAO/Southern Railway D.O. letter No. FA&CAO/Confdl/
DAR/KKM/2016 dated 16.09.2016.

Vide reference (2) above, this office is in receipt of the memorandum dated 12-09-2016 from Kalakshetra Foundation. This memo seeks to take clarification from Sri. Karunaker Menon, FA&CAO/CN/I. In order to process further the following details are required.

Sri. Karunaker Menon is a Joint Secretary rank Railway officer under administrative control of Railway Ministry. The relevant Government of India rules under which the Memo has been forwarded may be clearly indicated along with the approval of the competent authority as per those rules. A copy of approval of the competent Authority may be provided. The documents based on which the Memo has been issued may also be provided.


(R. MUKUNDAN)
SDGM & CVO

C/- Sri Pranav Khullar, Joint Secretary, Ministry of Culture : for kind information


18/10/16

2/66

KALAKSHETRA FOUNDATION
An autonomous organization under
Ministry of Culture
Government of India

Thiruvannmiyur
Chennai-600041

No. KF/Vig./2016

Dated: 13th October 2016

To

Shri R. Mukundan, Senior Deputy General Manager,
Chief Vigilance Officer,
Southern Railway, Headquarters office,
Vigilance Branch, Chennai-600003.

Subject: Koothambalam reconstruction work – Non following of procedure in engagement of consultants and award of work to contractors and suppliers – calling for explanation from officers concerned regarding.

Sir,

I am directed to refer to Southern Railway (Vigilance Branch) letter No. VO/A/Kalakshetra dated 6th October 2016 on the subject mentioned above and to say as under.

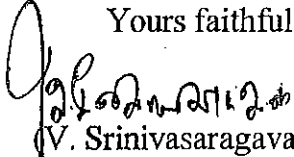
2. As Railways are aware, the Memorandum dated 12.9.2016 has been issued only to afford an opportunity to the officers concerned to explain their positions for the lapses noticed in execution of the Koothambalam project for which they are considered prima facie responsible. Explanation submitted by the officers will be examined and decisions will be taken which may or may not result in initiation of disciplinary proceedings. Only after a decision is taken to initiate disciplinary proceedings for issue of charge sheet under the relevant service rules, approval of the competent disciplinary authority will be required. No approval of the disciplinary authority is required for seeking explanation which is only an administrative action that too for the lapses noticed during the officer's tenure in this organization on deputation. Kalakshetra Foundation is not aware of any rules which prescribe that approval of Disciplinary Authority would be required even to call for explanation which at this stage cannot be construed as disciplinary proceedings.

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3. Notwithstanding the above, it is informed that subsequent to a report furnished by the Central Vigilance Commission, Ministry of Culture which is the administrative Ministry concerned for the Kalakshetra Foundation had identified the Officers as prima facie responsible for the lapses and directed this Foundation to initiate further action in the matter to fix responsibility. Hence the Memorandum was issued to the five identified officers. Prior to issue of the Memorandum, the CVC report was placed before the Governing Board which is the supreme authority of the Foundation which had approved the proposed action as directed by the Ministry. Hope this explains the position.

4. The documents connected with the Koothambalam project are contained in about fifty volumes which in total runs into few thousand pages. You may appreciate the difficulty in providing copy of the entire files at this stage. The Memorandum may, therefore, be served on the officer if not already served and he may be asked to submit his explanation without any further delay. You may also appreciate that it is already a month since the Memorandum was issued whereas the explanation was required to be submitted within 15 days of receipt of the Memorandum. You are also informed that the Memorandum had also been sent to the Office address of the Officer which was received on 14.9.2016. As a report in the matter is required to be submitted to Ministry of Culture, you are requested to kindly expedite the matter.

Yours faithfully,


(V. Srinivasaragavan)
Deputy Director
Tele.: 044-43016548

Copy alongwith copy of letter received from Southern Railway submitted to:

1. Shri Pranav Khullar, Joint Secretary,
Ministry of Culture,
334A, C-Wing, Shastri Bhawan,
New Delhi.
2. Shri M. L. Srivastava, Joint Secretary & CVO,
Ministry of Culture,
2nd Floor, Puratatva Bhavan, New Delhi

*Letter sent by
Special Post on
14/10/2016
Date*

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KALAKSHETRA FOUNDATION
An autonomous organization under
Ministry of Culture
Government of India

Thiruvanmiyur
Chennai-600041

No.KF/Vig./2016

Dated: 4th November 2016

To

Shri R. Mukundan, Senior Deputy General Manager,
Chief Vigilance Officer,
Southern Railway, Headquarters office,
Vigilance Branch, Chennai-600003

O/K

Subject: Koothambalam reconstruction work-Non following of procedure in engagement of consultants and award of work to contractors and suppliers - calling for explanation from officers concerned regarding.

Sir,

I am directed to refer to Southern Railway (Vigilance Branch) letter No. VO/A/Kalakshetra dated 6th October 2016 and Kalakshetra Foundation's response thereto vide letter of even number dated 13.10.2016 on the subject mentioned above and to say as under.

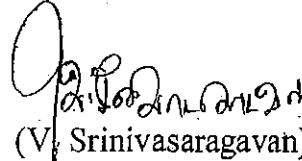
2. Southern Railways have not yet informed whether the Memorandum dated 12.9.2016 had been served on Shri Karunaker Menon, FA & CAO seeking his explanation for the alleged lapses inter-alia on the part of the Officer in executing Phase-I of Koothambalam project. Though the Memorandum was directly sent to the Office address of the Officer (received on 14.9.2016), a copy of which was also forwarded to Southern Railways so that it could be served on the Officer through his employer. It is fifty days since issue of the said Memorandum, however, Southern Railways have not even informed whether the Memorandum had been served on the officer or not.

3. Considering the urgency involved, you are once again requested to inform whether the Memorandum was served on the officer by Southern Railways. Further, it is also noted that though the Memorandum was received

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in the Office of Shri Karunaker Menon on 14.9.2016 itself, and despite having sufficient time to furnish his explanation, the Officer failed to respond till date.

Yours faithfully,


(V. Srinivasaragavan)
Deputy Director
Tele.: 044-43016548

Copy to:

1. Shri Pranav Khullar, Joint Secretary,
Ministry of Culture,
334A, C-Wing, Shastri Bhawan,
New Delhi.
2. Shri M. L. Srivastava, Joint Secretary & CVO,
Ministry of Culture,
2nd Floor, Puratatva Bhavan, New Delhi

O/c

*Sent by Special Post
on 15 Nov 2016*

[Handwritten signature]



GOVERNMENT OF INDIA
Ministry of Railways
Southern Railway

S. Salim Javed
Deputy Chief Vigilance Officer (Accounts)

Vigilance Branch,
7th Floor, CAO/CN/MS Complex,
Chennai - 600 008.

No. VO/A/Kalakshetra

07-11
Dated : ~~20~~ 10-2016

The Director,
Kalakshetra Foundation,
Thiruvanniyur,
Chennai- 600041.

Sub: Koothambalam reconstruction work – Calling for explanation from officer concerned regarding.


Ref: Your letter No. KF/Vig./2016 dated 13.10.2016.

SD/CAO
h
07/10/16
Shri. Karunakara Menon, IRAS is a Group A officer in Senior Administrative Grade working under the Administrative control of Ministry of Railways, Southern Railway and he is governed by Rules and Regulations of Ministry of Railways. As per Railway Rules, prior approval of General Manager of Railway is essential for obtaining clarifications from officers of Senior Administrative Grade and above, (copy enclosed). Any clarification signifies registering of a prima facie case against the Officer and it comes under control and monitoring of CVC. As per manual, the questionnaire should be specific to lapses committed by the officer.

The perusal of the Memorandum sent vide Kalakshetra indicate that most of the contracts were awarded before the officer joined Kalakshetra and specific lapses on the part of officer are also not brought out. A detailed report with lapses notices noticed on the part of the officer along with Relied Upon Documents / Rules/ Instructions may be sent in a Questionnaire form with aspects on which the clarification is to be sought from the Officer to enable this office to put up the report to the General Manager.

Along with the above, the copies of CVC report, Ministry of Culture report, a copy of General Body Resolution/ Minutes as mentioned in your letter and any other document which specifically holds the Officer responsible may also be provided for further process.

This issues with the approval of SDGM&CVO


(S. Salim Javed)
Dy. CVO/Accts.
for SDGM & CVO

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to be taken whether to let them continue the investigations or to take them over. In the latter case, all records etc. will handed over by the Railway to the Board's Inspectors.

412.2. Board's Inspectors are authorised to seize records, collect complete factual information and also take clarifications from such officials as may be considered necessary. No separate written authority is required for this. As regards recording statements of Officers by Inspectors, this should be restricted, as far as possible, up to the level of Senior Scale Officers. For officers of higher grades, it is desirable that they are examined by the concerned DDV/JDV/DV/EDV, depending on the circumstances of the case and the seniority of the officer concerned. The investigations will be conducted and report prepared as laid down in Para 411 and 415.

413. Registration of a case against Railway Officials:

A vigilance case may be registered against an official when the approval of the SDGM/CVO/GM has been taken for seeking clarifications from the accused officials after investigations have established that a prima facie case exists against the concerned official for irregularities committed by him. In this context, the following guidelines may be observed for seeking clarifications from officials while carrying out investigation of complaints or conducting preventive checks:-

- (i) for complaints or preventive checks involving officials up to the level of Selection Grade, the SDGM of a Zonal Railway and the Chief Vigilance Officer of a Production unit are empowered to give prior approval for seeking clarifications.
- (ii) for complaints/checks involving officials in Senior Administrative Grade or higher, prior approval of the General Manager may be obtained for seeking clarifications.
- (iii) in case of a difference of opinion between SDGM/CVO and the General Manager, the case may be referred to the Chief Vigilance Officer of the Ministry of Railways, i.e. Additional Member Vigilance for taking a final view.
- (iv) for complaints forwarded by the Central Vigilance Commission or the Prime Minister's Office and in respect of ca-iii references, seeking prior approval may be dispensed with and clarifications may be obtained straight away in order to expedite investigations and the consequent disposal of the complaint received. {Board's letter No.2003/V-I/Comp/1/5 dated 24-12-03 and 2005/V-I/VP/1/6 dated 25-5-2005}.

414. Preparation and submission of the investigation report:

414.1 After the investigations are completed, a self contained report should be prepared in the following format:-

(1)

Amesure - VI (1/4)

From
V. Srinivasan
Engineer Officer
Kalakshetra Foundation
Chennai 600041

Date 26.09.2016

Confidential

To
The Director
Kalakshetra Foundation
Chennai 600041

Through - Deputy Director / Chief Accounts Officer / Admin. Officer

Sir / Madam,

Sub: KALAKSHETRA FOUNDATION - Memorandum dated 12th Sep. 2016 issued by the Director - Calling for explanation from the undersigned - Pertaining to Koothambalam reconstruction work - Non-following of procedures in engagement of consultants etc.,

This has reference to your office memorandum cited supra. In this regard, I had received with thanks copies of key documents as stipulated in the said OM.

Having perused the documents, I request further clarification / information and copies of documents on the following, to enable me to proceed further in the matter.

1. Under what Rules of CVC and CCS, the said Office Memorandum, dated 12/9/2016 was issued to me? Please provide copies of the same.
2. Who is the competent authority to issue such Office Memorandum? The details may please be provided. Whether the said Office Memorandum, dated 12/9/2016 before issued to me, was placed before the Governing Board for their perusal and approval? If so, please provide copies of the same.
 - a. According to Section 14 of the Kalakshetra Foundation Act, 1993, the Governing Board shall be the supreme authority of the Foundation and the general superintendence, direction and management of the affairs of the Foundation shall vest in the Governing Board.
 - b. While this is a position, whether Director, KF, has obtained prior approval of the GB before issue of this OM?
 - c. Whether delegation of power to issue such a OM was vested to the Director by the GB or any other Competent authority? If so, please provide a copy of the same.
3. While issuing this OM to me, Mr. Srinivasa Raghavan Sir, Deputy Director, apprised me, that he was giving this OM with heavy heart as directed by the Ministry of Culture. Please provide a copy of the direction issued by the MoC to issue such OM to me.
4. First and foremost, before issuing this OM by the Director, whether proper enquiry was conducted as per CCS rules subjecting all the officials prima facie involved in this Koothambalam issue including erstwhile Works Committee Members, GB Members, FC Members, erstwhile Chairman (Justice Thiru S.Mohan), Member Secretary, Former Director Ms. Leela Samson etc.,2

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2/4

Without undertaking this exercise, how OM can be issued selectively to me? What is the reason for that? Kindly give explanation please.

5 According to the findings of Central Vigilance Commission enquiry during examination of records at Kalakshetra Foundation, the Works Committee, the Governing Board and Finance Committee were prime facie found to be guilty of Financial irregularity in the said Koothambalam case. The exact words were "Works Committee, GB & FC" had just like that passed payments without application of mind.

6. While facts are thus, why the focus is shifted to Engineer Officer who had done his duty to process the bill for payment (who is not the competent authority for approval of payments) that too after approval of Works Committee members for the kind perusal and approval of AO, CAO, Deputy Director and Director. Please give reasons for this.

7. From the perusal of key documents, it is clearly evident that right from GB held on 4/5/2009 (formation of Civil Works Committee), all agreements, selection of Architect, office notes etc., were fully executed by the Works Committee members namely M/s. P.T. Krishnan, Madavi Mudgal & Leela Samson. In the said OM issued to me, it has been stated that the Works Committee was only an advisory body and honorary.

8. The above statement is not only contrary to truth but also misleading and not sustainable in law. Upon perusal of the key documents issued to me, it is very clear that the Works Committee members apart from their advisory boundaries had actively approved the selection, payments and further direction. In so many key documents, Sri P.T. Krishnan had remarked in his own hand writing about the payments, selection and approval of action.

Therefore, it proves beyond doubt, reiterating the statement of CVC, that the Works committee, FC and GB had passed payments just like that without application of mind.

Therefore, please clarify on the above that why enquiry as per rules should first cover up WORKS COMMITTEE MEMBERS, GB MEMBERS, FC MEMBERS ETC.,? The same works committee members who have been told in the OM as recommendatory, they are also GB Members supreme authority of administration of the foundation.

i) Please provide details of approval and cheque payments (Copies of cheques signed by the authorities for payment) made by Ms. Babeeta Narang, the present incumbent CAO pertaining to payments made to M/s. CARD, COW, other consultants, civil work, electrical work, HVAC work and other contractors right from her appointment as CAO (2012) at Kalakshetra till 2014

ii) While the present incumbent CAO Ms. Babeeta Narang has also signed the cheques and passed payments with respect to Koothambalam issue, then why she has not been implicated in the said OM and give me reasons for the same

9. In the issue of additional cost made to Koothambalam with respect to Burma teak wood for the roof, why the former Deputy Director Sri Karunaker Menon was sidelined and Mr. N. Murali, GB Member was suddenly inducted in to the picture, who had approved the office note for the modification of wood specification in original scope of work and additional cost for Rs. 12.00 lakh appx. Who authorized this and why the FC and GB kept silent on this issue? Why Mr. N. Murali was not implicated in this OM? Please give reasons with documentary proof.

10. In the said OM issued to me, it has been mentioned that the Administration has failed to apprise GB regarding the alleged financial irregularity. As an Engineer Officer, I have no role in GB and FC. Not even I participated in the Works Committee meetings "in Attendance". The officers above my level namely, AO, CAO & Deputy Director had participated in Attendance in the Works Committee, GB and FC and they should have apprised to the GB and FC. ...3

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13/4

Then, who is "Administration" mentioned in the OM? According to Section 19 of the KF Act, 1993, Director is the principal executive officer (Chief of the Administration) responsible for the proper administration of the affairs of the Foundation and its day-to-day management as per the directions issued by the GB then and there.

While the facts are thus, in the said OM issued to me, there is an attempt to separate the Director from Administration disowning her responsibility and fixing responsibility on the innocent people.

11. Kindly give reasons for this.

Right from 2009 to 2012, the former Chairman Justice Thiru S. Mohan had written complaint letters about the Financial irregularity especially in koothambalam to the former Secretary, MoC, Shri Abhijit Sen Gupta, who was the ex-officio member of GB, KF and also to the former Minister Ms. Ambika Soni to take action against the former Director Ms. Leela Samson. In spite of specific complaints not less than by the Chairman, Governing Board himself, no action was taken by the erstwhile GB and FC. Why?

12. In the said OM, dated 12/9/2016, it has been mentioned that the administration has failed to apprise the GB and FC. As per the above, when the Chairman himself has made a complaint and there was no action, then how you expect lower rank people to apprise GB and FC regarding wrongful office notes, Payments etc., in Koothambalam?

After retirement of Mr. Abhijit Sen Gupta, he was appointed as GB Member subsequently in the Board who is fully aware of the alleged financial irregularities in the koothambalam. As a responsible GB Member and erstwhile Secretary, MoC, why he has not sounded alert?

Why the OM dated 12/9/2016 is silent about this? Why enquiry was not extended to Mr. Abhijit Sen Gupta and Justice Thiru S. Mohan for more clarity in the matter, instead of implicating innocent subordinates like me?

Pl clarify on the above.

13. In the koothambalam work, one Mr. Kishore kumar, appointed by the former Director Ms. Leelasamson as estate manager (the appointment is questionably illegal and there is no post in RR / KF and the appointment is under challenge before MoC) was assigned and done some quantum of works since inception of renovation work i-e: Removal of debris/rubbish from site by mechanical transport to outside the kalakshetra and disposal of dismantled steel rod and sections from the koothambalam site and other assigned works.

a) Like this, Mr. S. Jayachandran (former Asst. Prof. Theory) was also assigned for appointment of stone sculpture, vastu consultant Sri. K. P. Umopathy acharya and certified the payment, also identified and recommended the person and received the offer from the stone sculpture Sri. Bhagaban subudhi for rs. 6.95 lakh and additional cost justification document for 4.10 lakh prepared for approval and paid accordingly to him.

b) And also Mr. Lokesh Raj, tutor (bharta natyam) was assigned to take care of existing cane chairs, old stage lighting and theatre properties before undertaking renovation work in the koothambalam.

c) One Mr. Deepu nair Former sound engineer was assigned for sound system work and Mr. Murugan stage ...4

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lighting contractor from M/s.sruti musicals was assigned for stage lighting work details and certification.

d) Other consultants from outside was assigned for green room details and done and paid to them

Like this unauthorized assignment works had been roped into koothambalam work by the former Director and payment made by AO & CAO without any authenticity and therefore, the enquiry should also be extended to such persons involved in the Koothambalam work and the matter should be recorded on file

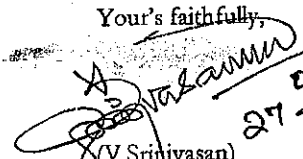
Even the GB, FC and works committee proceeding and developments were not informed to me and there was total lack of transparency in the entire work of koothambalam and this should be recorded in the enquiry.

14.From the above, it is clear that the OM dated 12/9/2016 issue to me is allegedly biased and after thought exercise without any authority shifting the focus and fixing responsibility only on the subordinates like me instead of issuing the said OM to the "Works Committee, GB, FC, Former Chairman"etc., for enquiry and explanation.

15. Pl clarify on the above and give written reply along with copies of documents as requested and in the mean time, the said OM may please be deferred and set aside.

Thanking you,

Your's faithfully,


(V.Srinivasan)
27 09
2016
Engineer Officer,
Kalakshetra Foundation.

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From
V. Srinivasan
Engineer Officer
Kalakshetra Foundation
Chennai 600041

September 29, 2016

To

The Director
Kalakshetra Foundation
Chennai 600041

THROUGH - DEPUTY DIRECTOR / CHIEF ACCOUNTS OFFICER / ADMINISTRATIVE OFFICER

1. Office Memorandum dated 12/9/2016 on the Koothambalam issue – calling for Reply – regarding
2. My earlier letter dated 26/9/2016 calling for replies / copies of documentary proof etc.,

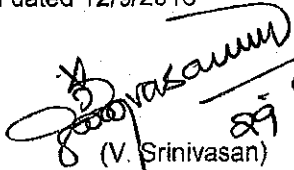
Further to my earlier letter dated 26th Sep. 2016 on the subject mentioned supra (which was duly acknowledged by you), it is submitted the Director may kindly give replies and clarifications on the following points also.

1. It is seen from the OM dated 12/9/2016 against my name Srinivasan, the job responsibilities and short description of duties. Kindly furnish documentary proof of the job responsibilities assigned to me by the competent authorities of Works Committee / Governing Board / or any other body with respect to koothambalam work. In the absence of any such documentary proof, mentioning of my job responsibilities in the said OM dated 12/9/2016 is only farce and concocted to purposely implicate me in this case which is not sustainable in law.
2. It is seen from the said OM dated 12/9/2016 that the former Deputy Director and Director i/c Shri Karunaker K. Menon was implicated in this issue for his period of deputation up to 2014 at Kalakshetra Foundation. It is a well known fact that koothambalam work was stopped by the decision of the Governing Board during the period 2012-2013. By virtue of the same methodology, it is my reasonable apprehension and humble submission that Ms.Priyadarsini Govind was also appointed as Director, from August, 2013 onwards to till date and the developments of Koothambalam project are in the best knowledge of Ms.Priyadarsini Govind.
3. If the criteria for inclusion of that said period mentioned above has been taken as pendency of contracts, then the three year periods from 2013 to 2016, when Ms.Priyadarsini Govind has been appointed as full time Director should also be taken into consideration and the same memo should be also be served upon Ms.Priyadarsini Govind by the competent authorities for a fair and unbiased enquiry in the matter.

If my apprehension is right, then why Ms.Priyadarsini Govind was not implicated in this case and please give your reply for the same.

As I had already informed you earlier, it is my considered opinion that the said OM dated 12/9/2016 issued to me is biased & discriminatory and the same is liable to be set aside.

Thanking you,


(V. Srinivasan)
29/09/2016

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1/2

From

October 1, 2016

V. Srinivasan
Engineer Officer
Kalakshetra Foundation
Chennai 600041

To

The Director
Kalakshetra Foundation
Chennai 600041

Through – Deputy Director / Chief Accounts Officer / Admin. Officer

Sir / Madam,

Sub: KALAKSHETRA FOUNDATION - Memorandum dated 12th Sep. 2016 issued by the Director– Calling for explanation from the undersigned - Pertaining to Koothambalam reconstruction work - Non-following of procedures in engagement of consultants etc.,

Ref: 1) My Clarificatory and asking for details / documents vide my earlier letter dated 26/9/2017 & 29/9/2017

Further to my above clarificatory and asking for details / documents vide my earlier letters cited in the reference above, I request you to kindly furnish copies of documents as listed below:

1. Government of India Rules and specific provision therein under which the memo has been forwarded ?
2. Kalakshetra ACT, Kalakshetra Foundation Rules listing powers of Governing Board and Finance Committee & Works Committee, Recruitment Rules
3. Copies of the Contract's entered with reference to Koothambalam, internal notings before issue of contracts mentioned and any MoU entered on Civil engineering works with outside body/Agency/persons by Director/Kalakshetra Foundation.
4. Duty list of the Dy. Director issued prior to November 2010.
5. Any other document listing out duties of the Deputy Director made out as part of a statute or Government notification (eligibility criteria will not qualify as duty list)
6. Copies of all G.B., F.C, works Committee meeting minutes from 2006 to date.
7. Initial resolution on the Governing Board alongwith the date for the first time creation of Works Committee.
8. Month-wise expenditure incurred on the Koothambalam project till date.
9. Copy of nomination of Mr.Menon to works Committee by GB alongwith date.

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10. Statutory & Internal Audit Report on the Annual Accounts for the period 2010-11, 2011-12, 2012-13, 2013-14, 2014-15.

11. Copy of any other C.A.G. Report received during the period.

12. List of contracts entered into prior to the Koothambalam project by Smt. Leela Samson since her assumption of charge & the GFR provision under which they were given.

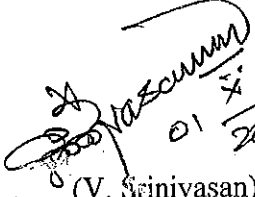
13. Status of the contracts of the koothambalam. If contracts have been abandoned/discontinued or stopped, the status of action taken by the Kalakshetra Foundation on these contracts.


14. Specified delegation of powers given by the G.B. to the Director / Dy. Director & copies of such a resolution.

15. Tenure of CAOs who have worked during the Koothambalam contract & payments made under each of them.

16. Details of Cheque No. & amounts made on the Koothambalam contract with name of recipient.

17. Internal notings given for the award of each contract and each payment in the Koothambalam project.


01/10/2016
(V. Srinivasan)
Engineer Officer


01/10/2016

4

1/2

From
V. Srinivasan
Engineer Officer
Kalakshetra Foundation
Chennai 600041

October 4, 2016

To
The Director
Kalakshetra Foundation
Chennai 600041

Through – Deputy Director / Chief Accounts Officer / Admin. Officer

Sir / Madam,

Sub: KALAKSHETRA FOUNDATION - Memorandum dated 12th Sep. 2016 issued by the Director– Calling for explanation from the undersigned - Pertaining to Koothambalam Reconstruction work - Non-following of procedures in engagement of consultants etc.,

Ref: 1) My Clarificatory and asking for details / documents vide my earlier letter dated 26/9/2016, 29/9/2016 & 1/10/2016

Further to my above clarificatory and asking for details / documents vide my earlier letters cited in the reference above, I request you to kindly furnish details and copies of documents as listed below:

1. Copy of the DIR (Detailed Inspection Report) submitted by the Chief Vigilance Officer, Ministry of Culture, New Delhi, on the above subject.
2. Copies of all correspondences forwarded by the Director, Kalakshetra Foundation, to the Chief Vigilance Officer, MoC, pertaining to the above subject subsequent to the Central Vigilance Commission submission of report to MoC.
3. Copies of all correspondences forwarded by the Chief Vigilance Officer, MoC, to the Director, Kalakshetra Foundation, pertaining to the above subject subsequent to their examination of records.
4. The reason why Xerox copy of the OM dated 12/9/2016 is issued to me? Is there any cause of action for not providing the original signature affixed by the Director in the said OM, dated 12/9/2016? Whether the Xerox copy of the said OM has legs to stand before the court of law?

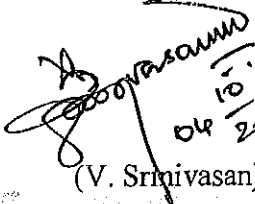
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2/1/16

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5. What is the scope and applicability of power vested to the newly constituted WORKS COMMITTEE (Recently published in the web site of Kalakshetra) consisting of Director, Deputy Director, CAO etc., As stated in the OM, dated 12/9/2016, whether the newly constituted Works Committee is also honorary and recommendatory? If so, please give reasons and also if not, please give reasons for the same.
6. What is the scope and applicability of power vested to the newly constituted CIVIL MONITORING COMMITTEE? As stated in the OM, dated 12/9/2016, whether the newly constituted CIVIL MONITORING COMMITTEE is also honorary and recommendatory? If so, please give reasons and also If not, please give reasons for the same.
7. Please give details of scope of work and involvement of Mrs. Saraswathi, designated Administrative Officer (erstwhile) in the above Koothambalam project.


04/10/2016
(V. Srinivasan)
Engineer Officer

251

October 7, 2016

1/2

From
V. Srinivasan
Engineer Officer
Kalakshetra Foundation
Chennai 600041

To
The Director
Kalakshetra Foundation
Chennai 600041

Through – Deputy Director / Chief Accounts Officer / Admin. Officer

Sir / Madam,

Sub: KALAKSHETRA FOUNDATION - Memorandum dated 12th Sep. 2016 issued by the Director– Calling for explanation from the undersigned - Pertaining to Koothambalam reconstruction work - Non-following of procedures in engagement of consultants etc.,

Ref: 1) My Clarificatory and asking for details / documents vide my earlier letter dated 26/9/2016, 29/9/2016, 1/10/2016 & 4/10/2016

This has reference to my clarificatory letters cited in the above reference. In this regard, I request you to kindly expedite your reply and send copies of documents as requested.

Amongst other details of clarifications and copies of documents, the answer and specific documents to my specific clarification as to why the following officials have not been implicated in this case may please be provided.

- 1) Mr.P.T. Krishnan, Works Committee Member & GB Member
- 1) Ms.Madhavi Mudgal, Works Committee Member & GB Member
- 2) Sri N. Murali, GB Member (who had approved payments)
- 3) Sri Abhijit Sen Gupta, GB Member (Former Secretary, MoC)
- 4) Ms.Priyadarsini Govind, Director
- 5) Ms.Babeeta Narang, Chief Accounts Officer
- 6) Ms.G. Saraswathy, Administrative Officer
- 7) Mr.G. Kishore Kumar, Estate Manager (whose appointment itself is questionable), Mr.Lokesh Raj, Tutor (dance), Mr.Jayachandran, former Asst.Professor (Theory)
- 8) The enquiry should be extended to Former Chairman, Justice S. Mohan, (Retd.) as Key Witness and approver in the said case of Koothambalam who had complained to the MoC for vigilance commission enquiry based on which the CVC enquiry was conducted.

I also request you to kindly provide me copy of the ENQUIRY REPORT as per CCS rules implicating me in this case.

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10/10/16

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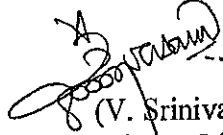
12/2

I request you to kindly expedite your replies and arrange to supply copies of documents as above, to enable me to take further action in the matter to render justice with the office of Hon'ble Prime Minister of India, Hon'ble Minister of Culture, Respected Secretary, MoC, the Central Vigilance Commission, the Chief Vigilance Officer, MoC and all the Governing Board Members.

In the light of observations and findings made by the Central Vigilance Commission in the above matter, following are the key points to be taken into consideration:

- 1) The Works committee has approved the payment and appointment of Architect
- 2) The GB and FC have passed payments without any basis
- 3) The role of in-house Engineer has been completely ignored

In view of the above observations made by the CVC, I would also like to reiterate as stated in my above earlier letters, that the said OM dated 12/9/2016 issued to me is biased, discriminatory, illegal and unconstitutional without any authenticity and the same is liable to be set aside as not maintainable in law.


(V. Srinivasan)
Engineer Officer
10/07/2016

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KALAKSHETRA FOUNDATION

F.No.KF/Vig./2016

Dated: 11th October 2016

Subject: Koothambalam reconstruction work – Non following of procedure in engagement of consultants and award of work to contractors and suppliers – calling for explanation from officers concerned regarding.

The undersigned is directed to refer to the following communications on the subject mentioned above:

- (i) Memorandum of even number dated 12th September, 2016 addressed to five officers inter-alia including Shri V. Srinivasan, Engineer Officer of Kalakshetra Foundation;
- (ii) Letters received from Shri V. Srinivasan dated 26.9.2016, 29.9.2016, 1.10.2016, 4.10.2016 and 7.10.2016.

2. The Memorandum dated 12.9.2016 provided the details of the lapses and the officers concerned including Shri V. Srinivasan were asked to submit their explanation within a period of 15 days of receipt of the Memorandum. The Memorandum was received by Shri Srinivasan on 14.9.2016 and the fifteen days period was over on 28.9.2016. However, instead of furnishing his explanation to the allegations as detailed in the Memorandum for which he has been considered one of those responsible, the officer has sent five letters and sought copies of several documents. Though the officer is the custodian of all the files pertaining to Koothambalam project, copy of 154 pages of documents considered relevant to the Memorandum was provided to him on 23.9.2016 which was taken out from the files held by the Officer in his custody.

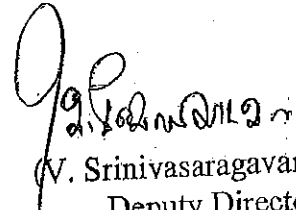
3. The Officer is the Engineer Officer of the Foundation and he is the custodian of all papers relating to the Koothambalam project since he joined the organization. All the files pertaining to the project has been in his custody and in view of this, there was no reason for him to seek copy of papers/ documents connected with the project.

4. He is therefore, advised to furnish his explanation without any further delay and in any case not later than 20.10.2016. If no explanation to the memorandum dated 12.9.2016 is received by that date, it would be presumed that he has nothing to state in the matter and further action would be initiated.

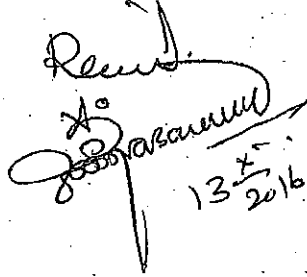
5. It is also added that in terms of decision of Governing Board in its meeting held on 5.8.1996 Director of the Foundation had been declared as the 'Disciplinary Authority' for the employees of the Foundation.

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6. This issues with the approval of Director.


(V. Srinivasaragavan)
Deputy Director

Shri V. Srinivasan
Engineer Officer
Kalakshetra Foundation


13th / 2016

October 17, 2016

From
V. Srinivasan
Engineer Officer
Kalakshetra Foundation
Chennai 600041

6

1/5

To
The Director
Kalakshetra Foundation
Chennai 600041

Through – Deputy Director / Chief Accounts Officer / Admin. Officer

Sir / Madam,

Sub: KALAKSHETRA FOUNDATION - Memorandum dated 12th Sep. 2016 issued by the Director– Calling for explanation from the undersigned - Pertaining to Koothambalam reconstruction work - Non-following of procedures in engagement of consultants etc.,

Ref: 1) My Clarificatory and asking for details / documents vide my earlier letter dated 26/9/2016, 29/9/2016, 1/10/2016 & 4/10/2016

2) Your letter ref. F.No.KF/Vig./2016, dated 11th October, 2016

It is submitted that further to my clarifications letters cited in ref. 1) above, I am in receipt of your letter cited in ref.2 above. In this regard, I would like to submit my parawise reply with respect to your recent letter cited in ref.2 above.

Para 2.. “The Memorandum dated 12/9/2016 was received by me and as stipulated in the said Memo, I requested for certain copies of documents, clarifications, etc., vide my letters cited in ref. 1) above, to enable me to submit my reply”.

Reply: 1) Whereas, I have received only part of the documents asked for on 23/9/2016, while all other important documents, clarifications sought by me vide my letters cited in ref. 1) above have not yet been provided nor clarifications sorted out in writing by you till date. Please expedite your reply without any further delay.

2) As stipulated in OM dated 12/9/2016, a duty is cast upon the Director, so called, the Disciplinary authority, to provide all details and copies of all relevant documents requested by the officer concerned allegedly implicated in this case. It is also a law of natural justice, that unless the so called disciplinary authority clarifies on record, on the important issues requested vide letters cited in ref. 1) above and provide copies of documents in support of her Memo, the officer concerned allegedly implicated in this case is practically handicapped in providing any explanation in the matter. Please expedite compliance.

3) First and foremost, the Director, the Disciplinary authority, has not answered my question that under what rules she has issued the said Office Memorandum dated 12/9/2016 and why she has not affixed her original signature in the OM dated 12/9/2016 issued to me and has given only the Xerox copy. Whether this is admissible in law. Please clarify this without fail.

By the letter cited in ref.2) above, it is inferred, that the so called Disciplinary authority, has no answer to my important clarifications asked and she does not have any copies of documents to substantiate her stand, as sought by me vide my letters cited in ref. 1) above.

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It has been mentioned in the said letter cited in ref.2 above

Para 2 "...However, instead of furnishing his explanation to the allegations as detailed in the Memo for which he has been considered one of those responsible, the officer has sent five letters and sought copies of several documents."

Reply : 4) On what grounds, the so called Disciplinary authority have come to a conclusion that my name has been considered one of those responsible for the allegations detailed in the Memo? What are all the material factors on which she has relied upon? When the main report of the CVC has come to a conclusion that the " WORKS COMMITTEE, FC AND GB HAVE WENT ON PASSING PAYMENTS " and the Internal Engineer officer role has been ignored in the Project, then on what basis and on what documentary evidence, the so called Disciplinary Authority is implicating me in this regard under what rules? Please clarify this point with documentary proof.

Para 2 " ... Though, the officer is the custodian of all the files pertaining to Koothambalam project, copy of 154 pages of documents considered relevant was provided to him.....

It is the figment of imagination by using the word that the Officer is the custodian of all the files pertaining to Koothambalam.

Either in the job profile or in the service conditions, or during the project of Koothambalam, no where, it has been given in writing by the management that Engineer is the custodian of all the files pertaining to Koothambalam.

The fact of the matter is that only certain papers and certain files marked to Engineer Officer for his further processing to his higher officials namely, AO, CAO, DD, Director and Chairman, They are kept in common custody at Central Office for access for which every body is responsible including AO, CAO, DD and Director. From these files only, the details pertaining to the present OM dated 12/9/2016 was taken by the Deputy Director

The proceedings of Works Committee, GB, FC, Appointments of Architect, Confidential correspondences, the recent report of the Chief Vigilance officer, MoC, the report and findings of CVC, correspondences in this regard etc., are not in the custody of Engineer Officer.

5) Therefore, copies of documents asked by me vide my letters cited in ref.1) above are pertaining to the files mentioned supra for which the so called Disciplinary authority is duty bound to provide to proceed further in the matter. But, she has failed to provide copies and diverting the issue to expedite my explanation. Without the vital information and copies of vital documents asked by me vide my letters cited in ref.1) above, which are persistently suppressed and denied by the Director, the so called Disciplinary authority, I am not in a position to proceed further in the matter.

The Director, so called the Disciplinary authority, should address each and every line of my queries raised in my letters cited in ref.1) above. Either she may agree or deny OR she may furnish positive or negative replies OR she may turn down my requests line by line for each query on what grounds they are turned down and for what reasons they are irrelevant if any justifying her denial.

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But to my dismay, so far, up till date, this is not happening which gives the impression that the Director, so called Disciplinary authority, has no answer to my queries and she does not have any documentary proof to the vital information asked by me vide my letters cited in ref.1) above, and she is very much interested in getting my explanation which would be perfunctory, if provided, in the absence of vital information and documents asked for vide my letters cited in ref.1) above, so that, she wants to conclude the matter in a hasty manner and to let off the truth from the eye of law.

Para 3 ... Engineer Officer is the custodian of all papers relating to Koothambalam And there was no reason for him to seek copy of papers / documents. "

Reply : 6) My reply as above in the foregoing paragraphs may be taken for this also. Further, any copies of documents asked for should be certified by the competent authority for authenticity before any court of law. Therefore, you cannot say, ""since papers are with me, there is no reason to seek copy connected with the project" .

More or less, important documents like POWERS OF WORKS COMMITTEE, APPROVALS, ORIGINAL MINUTES OF THE GB / FC MEETINGS / DECISIONS OVERRULED BY WORKS COMMITTEE / GB / FC and connected papers / correspondences with CVC, CVO, MoC / REPORTS SUBMITTED BY THE CHIEF VIGILANCE OFFICER, MOC, consequent to examination of records by CVC / APPROVAL OF COMPETENT AUTHORITY IN FIXING RESPONSIBILITY AND THE NAMES OFFICERS etc., are with the Director only. Please provide certified copies of documents asked by me vide my letters cited in ref.1) above.

Para 4 .. "" He is therefore, advised to furnish his explanation without not later than 20/10. If no explanation to the memo it would be presumed that he has nothing to state Further action would be initiated""

Reply - 7) As explained by me in the foregoing paragraphs, I need vital information / copies of documents as requested by me vide my letters cited in ref.1) above, to proceed further in the matter. In the wake of non-disclosure of vital information / documents connected to this case by the Director, so called Disciplinary authority, any explanation or proceeding further in the matter would be highly prejudicial and perfunctory.

Without giving vital information / documents, further action as contemplated by the Director, so called Disciplinary authority, in the matter, is not only prejudicial but also against the CCS rules and the same would be bereft of merit and would cause great injustice.

Unless Mrs. Babeeta Narang, Chief Accounts Officer, is implicated in this case, the entire process is vitiated and I will be unable to give any further explanation in the matter and I cannot proceed further in this issue.

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Para 5 ... Director is the Disciplinary Authority for the employees of the Foundation AS PER THE GB MEETING HELD ON 5/8/1996.

Reply: 8) While the present Director is the Disciplinary Authority as per the said GB meeting, then why the present Disciplinary Authority is silent and not providing any information / documents to my vital queries raised in my letters cited in ref.1) above?

9) Why the present Disciplinary Authority has not taken any suo moto action for the past 3 years about serious lapses in Koothambalam, Recruitments etc., and wait for the CVC to step into the matter?

As per the said GB Meeting, previous Director Ms. Leela Samson, was also the Disciplinary Authority, who is now been accused and implicated in this Koothambalam case as No.1 for the serious lapses and allegations. Therefore, the present Director and Disciplinary Authority has served the said OM dated 12/9/2016 to the above No.1 accused who was the previous Disciplinary Authority. If there was really any administrative failure, then why the previous disciplinary authority being the administrative head suo moto taken any action for the lapses if any. Why this point has not been highlighted by the present Disciplinary authority in her Memo dated 12/9/2016?

10) By the same criteria, the present Director and Disciplinary Authority was appointed from August 2013 onwards to till date and the developments of Koothambalam project are in the best knowledge of the present Director. In my letters cited in ref.1) above, I have clearly asked the question that why the present Director and Disciplinary authority has not been implicated in this case by the same criteria of inclusion of the periods mentioned in the OM dated 12/9/2016.

11) Under the powers vested with the present Director, being the Principal Chief Executive Officer of the Foundation under Sec.19 of the KF ACT, 1993, the so called Disciplinary authority should have alerted MoC through the Vigilance Officer, Mrs. Babeeta Narang, periodically, for the past 3 years, through the Vigilance Report about koothambalam issue, questionable recruitments made in 2010 etc., Why suo moto action has not been taken for the past 3 years?

12) The Director, being the so called Disciplinary authority, why in her wisdom not implicated Mrs. Babeeta Narang in the Koothambalam issue so far?

13) The Director, being the so called Disciplinary authority, why in her wisdom not implicated WORKS COMMITTEE MEMBERS, GB MEMBERS AND FC MEMBERS INCLUDING MR.N. MURALI who had active role in the Koothambalam issue so far, AS PRIMA FACIE THERE IS EVIDENCE AND CASE AGAINST THEM

14) The Director, being the so called Disciplinary authority, in her wisdom HAS MENTIONED IN THE OM DATED 12/9/2016 THAT THE WORKS COMMITTEE IS ONLY RECOMMENDATORY. Where is the document for this? Then why the Disciplinary authority has not questioned the action of GB Members and FC members involved in this issue?

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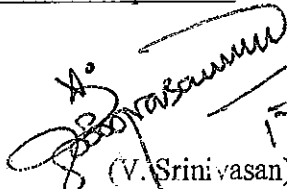
15) Why the action of the Disciplinary authority is SELECTIVE in implicating 5 persons? Where is the approval and recommendation for this?

Therefore, in the light of above, it is my submission that unless and until my queries are answered and copies of documents are provided as requested by me vide my letter cited in ref. above, your OM dated 12/9/2016 is perfunctory, invidious, biased and discriminatory as you have no material evidence to implicate me in this case.

As pointed out earlier, it is also my submission that:

- 1) The enquiry should be extended to Former Chairman, Justice S. Mohan, (Retd.) as Key Witness and approver in the said case of Koothambalam who had complained to the MoC for vigilance commission enquiry based on which the CVC enquiry was conducted.

I also request you to kindly provide me copy of the ENQUIRY REPORT as per CCS rules implicating me in this case.


(V. Srinivasan)
Engineer Officer
17/10/2016

COPY RESPECTFULLY SUBMITTED TO:

1. Dr. Mahesh Sharma, Hon'ble Minister of Culture, Room No.501 "C" Wing, Shastri Bhawan, New Delhi 110 001
2. Shri Narendra Kumar Sinha, IAS, Secretary, Ministry of Culture, R.No.502-C, Shastri Bhawan, Dr. Rajindra Prasad Road, New Delhi 110 001.
3. Sri Kumar Sanjay Krishna, I.A.S., Additional Secretary & Financial Advisor, Ministry of Culture, Room No. "C" Wing, Shastri Bhawan, New Delhi 110001
4. Shri Pranav Khullar, I.A.S., Joint Secretary, Ministry of Culture, "C" Wing, Shastri Bhawan, New Delhi 110001
5. Ms. Sahmina Banerjee, Deputy Secretary, Ministry of Culture, "C" Wing, Shastri Bhawan, New Delhi 110001
6. The Chief Vigilance Commissioner, Central Vigilance Commission, Satarkata Bhawan, A Block, GPO Complex, INA, New Delhi 110 023.
7. The Chief Vigilance Officer, Ministry of Culture, "C" Wing, Shastri Bhawan, New Delhi 110001

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(7)

From

Dt.19.10.2016.

V.Srinivasan,
Engineering Officer,
Kalakshetra Foundation,
Chennai 600 041.

To

Shri Narendra Kumar Sinha, IAS.,
The Secretary,
Ministry of Culture,
New Delhi.

Respected Sir

Sub: Issue of memorandum with regard to Koothambalam Project.

- Ref: 1. Memorandum dt.12.09.2016
2. My Confidential letter dated 26.09.2016 to The Director,
Kalakshetra Foundation, Chennai.
3. My letter dated 29.09.2016 to The Director, Kalakshetra Foundation, Chennai.
4. My letter dated 01.10.2016 to The Director, Kalakshetra Foundation, Chennai.
5. My letter dated 04.10.2016 to The Director, Kalakshetra Foundation, Chennai.
6. My letter dated 07.10.2016 to The Director, Kalakshetra Foundation, Chennai.
7. My letter dated 17.10.2016 to The Director, Kalakshetra Foundation, Chennai.
8. My Confidential letter dated 29.09.2016 to Shri Pranav Khullar, ,
The Joint Secretary, Ministry of Culture, New Delhi.
9. Kalakshetra Foundation, Chennai letter dated 11.10.2016 signed by the
Deputy Director.

-oOo-

As you may be aware, Director, Kalakshetra Foundation Smt.Priyadarshini Govind has issued me a photocopy of the memorandum dated 12.09.2016 referred to (1) above for alleged lapses on my part in the execution of the Koothambalam project at the Foundation. In pursuance of explicit instruction in para 39 of the said memorandum, I had inter-alia asked for documents, information and clarifications vide my letters to the Director (2) to (7) above pertaining to the issues mentioned in the memorandum. These clarifications include but are not limited to

- a) The authority, rule of Government of India and provision thereof on the basis of which a said memorandum was issued
- b) The procedure followed in the issue of memorandum.

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- c) The mysterious exclusion of the Works Committee, Governing Board, Smt.Priyadarshini Govind, Director and Smt.Babita Narang among others from the list of officials who were issued the memorandum.

I had also pointed out the bias, discrimination and malicious nature of the memorandum, the total lack of adherence to established procedure for issue of such a memorandum and the incompetence of Mrs.Govind to issue a memorandum in my letter dated 29.09.2016 to The Joint Secretary, Ministry of Culture, Shri Pranav Khullar referred to 8 above.

Kalakshetra Foundation has not replied to the issues raised in my letters or provided me the full set of documents as asked for my letters referred (2) to (7) above though Smt.Priyadarshini Govind vide para 39 of the said memorandum has specifically instructed recipients of the memorandum to ask for documents in writing and had undertaken to provide them to the recipients of the memorandum. They have only provided me few of the documents asked in letters (2) and (3) referred above and documents asked for letters (4) to (7) referred above have not been given though they are extremely pertinent to the issue. The other clarifications raised by me in my letters (2) to (7) referred to above have not been replied to at all.

Further, in a communication dated 11.10.2016 referred (9) above, the Deputy Director has stated that since I am the custodian of all the files, there is no need to provide me any copies. This is neither true nor factually correct as all the documents asked for me were not in my official custody and this callous reply is contradicting para 39 of the memorandum issued by the Director herself. He has also not replied to any of the issues including competence of the Director to issue the memorandum, in his reply.

I had been subject to great mental torture, official harassment and discrimination in the work place since the issue of memorandum because I had asked for records and information pertain to my fight for justice.

The following facts about the memorandum are brought to your notice once again:

- i) The rules and provisions under which the memorandum has been issued has not been mentioned anywhere in the correspondence. Hence, the authority of the memorandum as per extant Government of India rules remains unestablished.
- ii) In as much as the memorandum has been issued jointly to Shri Karunaker K.Menon, IRAS, now working as a Financial Advisor in the Ministry of Railways and holding the rank of the Joint Secretary, the level and competence of the officer issuing the memorandum is also to be stated failing which the same would be null and void.

- iii) The Director, Kalakshetra Foundation has issued a memorandum to the previous incumbent of the same very post she holds which clearly again indicates her incompetence to issue the memorandum and the procedural infirmity and legitimacy of the Memorandum.
- iv) The nature of the memorandum is not clear. Whether the memorandum sets out to preliminarily investigate the issue or charge the officials is unclear. In a present status it is a compilation of allegations against which the officials have been asked to give defence. From this it is clear that the charges have already been prefixed as there seems to be not even a taken effort to carry out an enquiry as per established norms.

The authority as per the Government of India rules to issue such a memo where the professional capacity, competence, reputation and professional integrity of the officials listed in the memorandum has been gravely injured, has not been brought out either.

Further, there are explicit and undeniable evidence of calculated bias and discrimination in the issue of memorandum for the reasons stated below:

- a) The complete exclusion of Works Committee members Shri P.T.Krishnan, Smt.Madhavi Mudgal and other GB members who had in some officials capacity or in the capacity of Board members having dealt with closely and an influential manner in the Koothambalam project from the list of recipients of the memorandum.

In my letter referred above, I have already brought out with documentary reference as to how they have been primarily responsible along with the then Director Smt.Leela Samson in the issuance of the contracts in the Koothambalam project.

- b) The total suppression of the CVC report which indicts and asserts the involvement of the above committee members and Director in the Koothambalam project.
- c) The correspondences from Justice Mohan, Chariman of the Governing Board, Kalakshetra Foundation, Chennai during the execution of the project alleging grave financial irregularities by Smt.Leela Samson to the Ministry has been suppressed.
- d) The mysterious exclusion of Smt.Babeeta Narang, the current CAO of the Kalakshetra Foundation who had also processed and passed payments and was /is the officer responsible for financial scrutiny and internal check in the Koothambalam project.

Similarly, Shri S.Jayachandran, Assistant Professor and Shri Kishore Kumar, Estate Manager and Shri Lokesh Raj, Lecturer who were involved in their official capacity in some of the financial decisions have also been excluded.

- e) The unexplained and shocking exclusion of Smt.Priyadarshini Govind herself from the list of recipients of the memorandum.

It may be seen that Shri Karunaker K.Menon has been issued with the memorandum also for the period when he was Director in charge from 2012 to 2013. However, in this period there was no physical or financial activity in the Koothambalam project and the work on the project had ceased. In August, 2013 Smt.Priyadarshini Govind assumed charge as Director and has been the Director for the past 4 years and continues to hold office till date. If the inclusion of the period of Shri Karunaker K.Menon as Director in charge for one year after the cessation of construction work in the Koothambalam project is justified, then by the same logic, Smt.Priyadarshini Govind must also be held responsible for the Koothambalam project as full time Director for four years especially since

- i) All the contracts with the vendor / contractors in the project have yet to be terminated and no action to secure the right of the Foundation has been carried out even after four years.
- ii) The non-completion of arbitration proceedings with the consultant architect despite the consultant architect requesting for arbitration in the month of October, 2015. The amended provision of the arbitration act makes it mandatory to complete the same within a year after appointment of arbitrator. So far the Director has not made any efforts to complete the arbitration proceedings and ensure legitimate recovery from the consultant architect.

From the above facts brought out, it may be seen that the memorandum issued is an exercise in unparalleled bias, discrimination and arbitrariness and motivated by the intention to implicate some set of officials and shield and "cover up" the involvement of some other influential persons who were involved in the project. **It may also be seen that the basic tenants of natural justice have been violated as Smt.Priyadarshini Govind herself should have been the recipient of the memorandum for the reasons brought in para (d) above.**

In the spirit of the principle of natural justice "*Nemo Debet Esse Judex in propria causa*", no man shall be judge in his own cause and that the deciding authority must be impartial and without bias.

On the basis of the submission made above where a prima facie ground and proof of personal bias has been clearly proved, it is clear that all the principles of natural justice have been grossly violated in the issuance of the memorandum.

The memorandum also sets out to decimate my fundamental rights to equality as enshrined in the constitution because the same is an exercise in bias and arbitrariness.

Procedurally the memorandum is infirm and is to be treated as null and void as no established procedure for investigation or fact finding as per extant Government of India rules have been followed in this case.

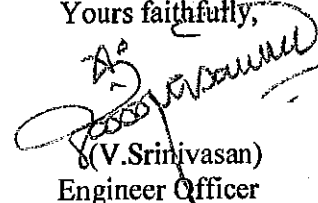
In view all the above, it is requested that the Ministry may exercising the powers vide 27 (1) of Kalakshetra Act, quash the referred memorandum and treat it as null and void and initiate proceedings for a fair unbiased and impartial enquiry. In view of the clear proof of bias which have brought out above, such an enquiry should not involve officials from the Kalakshetra Foundation.

In as much as, the procedural legitimacy or authority for issuance of the memorandum has not been established so far by the Director and no conclusive explanation to refute the grounds of bias brought out above has been made by her or by the Deputy Director and the complete set of documents asked for has not yet been made available to me, I express my inability to furnish a reply to the referred memorandum.

I request once again that you may kindly intervene and render justice to me and ensure the due process is carried out and procedure as per Government of India rules are followed and fair impartial transparent and unbiased enquiry is carried out.

Thanking you,

Yours faithfully,


(V. Srinivasan)
Engineer Officer

- Copy to: 1. Shri Pranav Khullar, Joint Secretary, Ministry of Culture, New Delhi.
2. Shri M.L.Srivastava, CVO, Ministry of Culture, New Delhi.
3. All Government Board Members, Kalakshetra Foundation, Chennai.
4. Ms.Bandana Banerjee, Deputy Secretary, Ministry of Culture, New Delhi.
5. Additional PS to Hon'ble Minister of Culture, for kind information of the Minister.

✓ Smt.Priyadarsini Govind
Director
Kalakshetra Foundation
Thiruvannamipur

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Registered No.
28/10/16

From

October 28, 2016

V. Srinivasan
Engineer Officer
Kalakshetra Foundation
Chennai 600041

To
The Director
Kalakshetra Foundation
Chennai 600041

Through – Deputy Director / Chief Accounts Officer / Admin. Officer

Sir / Madam,

Sub: KALAKSHETRA FOUNDATION - Memorandum dated 12th Sep. 2016 issued by the Director- Calling for explanation from the undersigned - Pertaining to Koothambalam reconstruction work - Non-following of procedures in Engagement of consultants etc.,

Ref: 1) My Clarificatory and asking for details / documents vide my earlier letter Dated 26/9/2016, 29/9/2016, 1/10/2016, 4/10/2016, 7/10/2016 & 17/10/2016

In the Memorandum dated 12/9/2016, I have been impleaded and allegedly accused as the 5th Respondent in the part A koothambalam work.

2. In this regard, I raised vital points and sought copies of documents through various of my letters which are to be answered and provided by the Management and the matter is still pending with the management. I also raised the actual list of persons including the present CAO to be impleaded in this case.

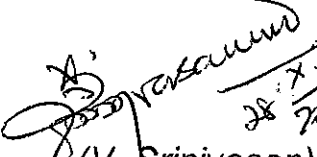
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3. While the matter is thus pending, a doubt has been cast, whether it is appropriate on the part of the management to involve me in part B of the Koothambalam project as all the vital issues transpired in Part A of Koothambalam project may be relevant in Part B also as they shall have consequential effect to cause prejudice in the matter.

4. In this regard, it may please be noted that Shri S. Ramachandran, Administrative Officer, has been completely excluded in Part B Koothambalam project. This is probably in lien of his involvement in Part A Koothambalam project and he has been accused as No.4 in the Memo dated 12/9/2016.

5. Like the same way, it has the bearing in my case also, to be clarified by the management on record, so that, should there be any contingency in future for a vigilance commission enquiry etc., this clarification of the management would greatly help us to set the records straight.


(V. Srinivasan)
Engineer Officer
28/7/2016

This has already been approved by the Finance Committee in its meeting held on 17.11.2016. Governing Board has also accorded approval.

ITEM NO.11:

49th G.B./Item No.11 (49.11)

To seek approval to take action under CFR 254 i.e. to operate additional posts in the lower grade whenever it is not possible to fill up the higher posts for administrative reasons to ensure availability of faculty and to avoid lapsing of posts

This was considered by the Finance Committee in its meeting held on 17.11.2016 which directed to send a proposal to the Ministry for their consideration. Kalakshetra Foundation has already sent a proposal to the Ministry which has been noted by the Governing Board.

ITEM NO.12:

49th G.B./Item No.13 (49.12)

To submit for information about the engagement of IIT, Chennai for preparing the detailed report for Stage Lighting and Sound System for Koothambalam Project.

Noted by the Governing Board

ITEM NO.13:

49th G.B./Item No.10 (49.13)

To consider formation of a Committee to suggest amendment to RRs for the various posts of Kalakshetra Foundation

This item was not taken up for discussion as RRs for five posts have been submitted to the GB as an additional agenda item under Item No.15

ITEM NO.14:

49th G.B./Item No.10 (49.14)

To consider the replies received in response to Memorandum dated 12.9.2016; finalise the investigative report on the lapses in execution of Part-A of Bharata Kalakshetra Auditorium (BKA) also known as Koothambalam (hereafter referred to as BKA); and to decide on further course of action

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1. At the outset it was mentioned that the Governing Board in its 48th meeting held on 22.8.2016, directed Kalakshetra Foundation to initiate action to fix responsibility for the lapses in execution of Part-A of renovation of Bharata Kalakshetra Auditorium (Koothambalam). In compliance with the directions, Kalakshetra Foundation had issued a detailed memorandum dated 12.09.2016 to five Officers who have been identified as prima facie responsible for the lapses viz. Smt. Leela Samson, then Director; Shri Karunaker Menon, then Deputy Director; Shri T.S. Murthi, then Chief Administrative Officer; Shri S. Ramachandran, Administrative Officer.; and Shri V. Srinivasan, Engineer Officer.

2. Before taking up the issue for further discussion, it was mentioned that one of the officers to whom the memorandum was issued viz. Shri V. Srinivasan, E.O. has filed a Writ Petition in the High Court of Madras seeking to quash the aforesaid Memorandum. An interim order has been passed by the High Court to maintain status-quo till further orders. Accordingly, it was made clear that any discussion and decision in the GB meeting would be exclusive of his case.

3. Thereafter, the authorities competent to initiate action against Officers concerned was mentioned as under:

- (i) Smt. Leela Samson is a non-Government person and was appointed as Director of the Foundation on contract basis by Ministry of Culture and as such in her case only the Ministry of Culture is competent to take any action;
- (ii) Shri Karunaker K Menon, Deputy Director (also Director in charge for about a year) is a Railway officer and was on deputation to the Foundation and in his case the appointing authority and disciplinary authority is Indian Railways. Any proposal for action against him has to be forwarded to Indian Railways for their appropriate action.
- (iii) Shri T.S. Murthi, Chief ^{Accounts} Administrative Officer was an officer of C&AG department. He was on deputation to the Foundation from 17.11.2008 to 31.01.2012. He had since retired from service in April 2013. In his case the appropriate disciplinary authority is C&AG and any proposal for action against him has to be forwarded to C&AG for appropriate action.
- (iv) Shri S. Ramachandran, Administrative Officer (i/c), Kalakshetra Foundation - still in service of the Foundation - In his case, Director of Kalakshetra Foundation is the Disciplinary Authority.

However, for imposition of any major penalty approval of the Governing Board would be required.

4. Accordingly, out of above four officers, only one officer is in the exclusive disciplinary jurisdiction of Kalakshetra Foundation and in respect of others, if the GB decides any action that can only be referred to the competent authority along with relevant papers for their further action.
5. The responses received from Smt. Leela Samson, Shri T.S. Murthi and Shri S. Ramachandran to the Memorandum dated 12.09.2016 were discussed. The GB noted that these responses were general and not specific to the lapses listed in the Memorandum. The GB also noted that Shri Karunaker K Menon did not furnish his reply though the Memorandum was sent to his employer i.e. Southern Railways for serving on him formally and in addition a copy of it was also sent to him directly. The GB also noted that Railways sought specific lapses attributable to the officer and copy of all documents relied thereon to take approval of their General Manager before seeking the explanation of the officer.
6. On a clarification raised by a member how Officers were identified as responsible for lapses, Director briefly explained the sequence of events starting from receipt of Inspection Report from CAG to the development of draft para. On the directions of the Ministry, a fact finding report was furnished in which the names of officers who worked in the Kalakshetra Foundation during the relevant period of time; in addition, the composition of Works Committee, Finance Committee and Governing Board were given. On examination of the fact finding report, the Ministry referred the matter to Central Vigilance Commission, thereafter, Chief Vigilance Officer of the Ministry conducted an investigation and conclusion of this, they identified these five officers.
7. The GB had a long and detailed discussion on the issue. The discussions covered the entire gamut of renovation of Bharata Kalakshetra Auditorium (Koothambalam) since it was conceived during 2005-2006; to stoppage of work in April 2012; and action taken thereon till date.
8. As the work was stopped on the premise inter-alia that proper approvals were not obtained, the GB in its current meeting discussed the powers of various authorities viz. Director, FC, GB in award and execution of work. The authorities of the Foundation and their powers are defined only in two

documents viz. Kalakshetra Foundation Act, 1993 and Kalakshetra Foundation Rules, 1998.

8.1. As per the Kalakshetra Foundation Act, 1993, GB is the supreme authority of the Foundation and the general superintendence, direction and management of the affairs of the Foundation shall vest in the Governing Board. Director is the principal executive officer of the Foundation who shall be responsible for proper administration of the affairs and its day to day management and shall exercise such other powers and perform such other duties as may be assigned by the GB.

8.2. Powers and functions of the Governing Board and Finance Committee have further been elaborated in the Kalakshetra Foundation Rules, 1998. As per Rule 3.1. of the Kalakshetra Foundation Rules, 1998, the GB inter-alia have the following functions and powers:

- (a) To constitute committees as the GB may consider necessary for discharging more effectively the functions of the Foundation;
- (n) To construct, alter, extend, modify and maintain any building which may be necessary for convenient for the purposes of the Foundation;
- (s) To sanction any expenditure or authorize entering into a contract involving expenditure not inconsistent with the conditions of grant from the funds of the Foundation in the performance of its functions (The powers at (n) and (s) should be exercised with the concurrence of Finance Committee)

8.3. In terms of Rule 5 of the aforesaid Rules, the Finance Committee inter-alia has the following functions:

- (a) consider construction works of the foundation and sanction the requisite funds for provision in the budget;
- (b) scrutinize new proposals / projects or purchase of equipment required by the foundation and make their recommendations to the GB;
- (f) to consider and make recommendations to the GB on proposals for new expenditure on account of major works or purchases which shall be referred to the Finance Committee for opinion before they are considered by the Governing Board;

- (h) to give advice and make recommendations to the GB on any other financial questions affecting the affairs of the foundation.

Committees in the nomenclature of Works Committee/ Expert Advisory Committee/ Civil Works Advisory Committee/ Tender Committee are not provided in the Act nor in the rules. Kalakshetra Rules, however, provide that GB can constitute such committees considered necessary for discharging more effectively the functions of the Foundation.

9. The GB has also observed the following:

- (i) The GB in its 17th meeting held on 1.9.2001 authorized minor works upto Rs.2 Lakhs to be undertaken departmentally and major works to be given to CPWD; This limit for works to be carried out departmentally was raised to Rs.5 Lakh by the GB in its 18th meeting held on 30.3.2002;
- (ii) Subsequently, the GB in its 26th meeting held on 24.3.2006, formed a three-member expert advisory committee to advise Director in modification/ improvements to unique buildings such as Bharata Kalakshetra Auditorium and that all the works were executed on an open tender basis. A Tender Committee comprising of Chairman, Director and a member drawn from expert advisory committee was also formed to scrutinize and approve tenders in connection with the works. In view of this mechanism it was decided that CPWD need not be entrusted with this work;
- (iii) The tender committee did not function long. On 4th May 2009, the GB in its 33rd meeting formed a Civil Works Advisory Committee consisting of Shri P.T. Krishnan, Ms. Leela Samson, Director and Ms. Madhvi Mudgal. The committee was required to look into the details and then submit to Finance Committee for approval before calling for tenders;
- (iv) As per agenda (Item No.9) of 34th GB held on 19.11.2009, the procedure prescribed for the tender committee (*formed by GB on 24.3.2006 - (ii) above*) was transferred to the new Civil Works committee. As a corollary to this, it was proposed that Director be authorized to spend the amount intended for the plan scheme on the advice of the Civil Works Committee in supersession of the earlier resolution on the subject. The GB approved the agenda item;
- (v) The FC in its 42nd meeting held on 10.4.2012, delegated Director with powers for approval of works less than Rs.10 Lakh; Works

Committee was delegated powers for approval of works between Rs.10 lakhs and one crore; approval of FC and GB was required for works more than one crore. The minutes were noted by the GB in its meeting held on 10.4.2012.

9.1. The following have also been observed from a perusal of the relevant records:

- (i) Detailed project report was not prepared and as such total estimation in the form of a preliminary or detailed estimate was not submitted as a whole to the Finance Committee and the Governing Board;
- (ii) In the absence of in-house expertise in the highly specialized renovation work, the Works Committee selected an Architect Consultant in August 2009 by shortlisting firms having experience in use of traditional materials;
- (iii) As per the contract entered with the Consultant Architect, he was empowered to invite, receive and analyse tenders, advice Kalakshetra Foundation on appointment of contractors;
- (iv) The Consultant Architect on his own shortlisted firms and called for quotations and recommended contractors for award of work for Civil, Electrical, HVAC and Slab Cooling works. GFR norms viz. open tendering were not followed by the Consultant nor they were ensured by the Kalakshetra Foundation. On his recommendations works were awarded by Director, Kalakshetra Foundation with the approval of Works Committee.
- (v) Kalakshetra Foundation on the recommendations of Works Committee appointed consultants for Sound, stage lighting on single nomination basis. On their recommendations supply orders were placed for sound and stage lighting equipment on the basis of quotations received by the Consultant.
- (vi) GFR norms were not followed in selection of consultants nor in award of works/ supply orders.

10. During discussion, it was mentioned by some of the GB members especially Shri T.K. Ramachandran that there was no clarity as to who was the competent authority for grant of administrative approval, financial approval and technical approval for undertaking a work i.e. whether they were with different authorities or only with one authority. If a ceiling in expenditure powers was prescribed for an authority whether it encompasses administrative,

financial and technical sanction powers etc. In the absence of clarity, it is normal to presume that the competent authority exercises powers in all three spheres.

11. In answer, it was pointed out that it was the decision of the GB on 24.3.2006 (26th GB meeting) in not entrusting the work to CPWD, but the GB made it clear that open tendering procedure was required to be followed. The powers of Tender Committee to scrutinize and approve tenders were subsequently transferred to the Civil Works Committee by the GB in its meeting held on 19.11.2009 (34th GB meeting). That GB authorized Director to spend the amount intended for the Plan schemes on the advice of the Civil Works Committee. It was, therefore, the Director on the advice of Works Committee who was competent to incur any expenditure in implementation of Plan Schemes.

12. Members also wanted to know how the losses in execution of the project were arrived at. It was informed that the losses can be worked out only on a notional basis i.e. difference between executed value of work as per the contract and the justified cost as assessed by CPWD. GB was informed that as per the assessment made by CPWD, works were awarded to Civil, Roof Insulation and HVAC Works at higher rates. The value of Electrical Work awarded was less than the CPWD assessed rates. Similarly, executed value of work till the work was stopped was also on the higher side than the CPWD estimate of executed work except in the case of Electrical Work. The difference between the executed value of work as per the contract and the CPWD estimated of value of executed work is about 55.90 Lakh. GB members felt that the difference could be considered only as notional as it could not be presumed that on these rates works would have been awarded even by the CPWD. It was pointed that while there may be difference of opinion on the 'correct' amount of 'excess' expenditure, the fact that not obtaining best competitive rates resulted in higher expenditure cannot be denied.

13. An opinion was expressed by some members that KF was a private body prior to its takeover by the Government in 1993 and perhaps this might have contributed to the lack of institutional knowledge in the Foundation resulted in not following laid down GFR norms. There is no Works Manual prepared by the KF. If such a manual was in place, perhaps it would have helped officers concerned to observe procedure laid down therein. As against this, it was pointed out that the Finance Committee had clearly directed that GFR norms should be followed in engaging technical assistance. In light of the mandating

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of open tendering process by GB, it was for the Kalakshetra Foundation administration to ensure that mandate being adhered to unfailing at all stages.

14. Members attention was drawn to the remarks in the CVC's report that there appeared to be lack of technical expertise in the execution of the project and so if work had been awarded to any competent Government Technical Body, like Public Works organization, for supervision of execution and inspection, then Koothambalam Theatre would have been in a better shape today.

15. The GB members also observed that in the replies given to CAG audit paras, complete information regarding decisions of the past GB meetings particularly minutes of 34th meeting dated 19.11.2009 were not brought to notice and perhaps it was because the officers who drafted the responses were not aware of the earlier decisions.

16. It was observed by Shri T.K. Ramachandran, Principal Secretary to Government of Tamil Nadu (Tourism and Culture) that it seemed that while there were lapses, there was nothing to show that there was any malafide or criminal intent. He pointed out the then Deputy Director was not in the organization when the tenders were awarded. He further observed that it would be highly unfair to put any blame on members of the Finance Committee and Governing Board for the procedural lapses. His observations were strongly supported by other members especially by Shri N. Vijay Siva; Smt. Urmila Sathyanarayanan; Smt. S. Soumya and Shri Gangai Amaren.

17. Smt. Bandana Banerjee, Deputy Secretary, MoC stated that the CAG audit report on the lapses in execution of the project has not been dropped and in fact it has been included in their report submitted to the Parliament and MoC is answerable to Public Accounts Committee of Parliament. She also observed that Kalakshetra Foundation is receiving grants from MoC and it was bound to follow GFR norms in execution of the projects and not following the norms cannot be justified. She also did not agree that the lapses were only procedural.

18. Summing up the discussion, the Chairman observed that the fact that due procedures were not followed cannot be gainsaid and it was the duty of the administration represented and led by the Director to follow the procedures as mentioned by the Finance Committee and Governing Board. For the same reason, non-official members cannot be blamed as it was for the administration of the Foundation to apprise the non-official members of the procedural requirements. In so far as the then Deputy Director and other officials are

concerned due notice has to be taken and will be of their role and responsibility in arriving at the extent of their culpability.

19. The GB members strongly felt that the work should be restarted without any further delay and each passing day the structure is deteriorating further. As already about Rs.7 crores have been spent on the project and it should be made operational at the earliest and keeping the structure in this state is not in the best interest of the Foundation. It was also felt that delay in re-starting the renovation is doing more harm to the structure as it is open to elements. Chairman stated that in the light of recommendations of the Finance Committee in its meeting held on 17.11.2016 the work could be restarted only after the Ministry of Culture gives approval after considering the investigative report to be furnished by the Kalakshetra Foundation after this GB meeting.

20.1 It was mentioned that a number of anonymous and pseudonymous petitions are received with the intention to stop the Auditorium project. One such letter was addressed to CPWD inter-alia referring to land disputes relating to the site on which the auditorium is constructed. It was clarified that the land has been in continuous possession of the Kalakshetra Foundation for the past more than sixty years. A case filed before HC, Madras in the year 2007 (WP No. 36982 of 2007) claiming ownership to the site was also dismissed on 20.7.2012 and as on date no court case is pending relating to the site. This letter to CPWD was obviously with a view to create doubts in the mind of CPWD and it was only scare mongering.

20.2 After receipt of the aforesaid letter, CPWD sought clarifications on the issues raised in the letter. When these issues were discussed in the Works Committee meeting the CPWD desired that they may be indemnified from any future legal complications if they undertook the project. The GB noted the CPWD's request and directed that the issue may be referred to MoC for their guidance.

ITEM NO. 15:

49th G.B/ITEM NO.15 (49.15)

Any other item: To seek approval for amendment to Recruitment Rules for the posts of:

- (i) Chief Accounts Officer;**
- (ii) Administrative Officer;**
- (iii) Registrar, RDCFA;**
- (iv) Manager, BASS; and**

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By speed post -

Date: 18/4/2017

From

V. Srinivasan
Engineer Officer,
Kalakshetra Foundation
Tiruvanmiyur,
Chennai 600041

Registered with

D. 26/4/17

To

Smt. Priyadarsini Govind
Director
Kalakshetra Foundation
Thiruvanmiyur
Chennai 600 041

Esteemed Madam,

KALAKSHETRA FOUNDATION – Reply submitted in response to the allegations made by Ms. Leela Samson, former Director, in her letter dated 1/7/2015 appeared in the web site of PGuru

It is respectfully submitted that I have an opportunity to peruse the news items published in the web site of PGuru.com pertaining to the latest affairs of the Foundation including the Koothambalam issue.

In this regard, I have perused the letter written by the Chairman, Kalakshetra Foundation, dated 2/6/2015, which was personally handed over to the former Director and Disciplinary Authority of Kalakshetra Foundation, Ms. Leela Samson, consequent to the FC and GB meetings held in Kalakshetra Foundation, regarding the alleged financial irregularities in Koothambalam issue.

In response to the above, I have also gone through the reply letter dated 01/07/2015 furnished by Ms. Leela Samson with a request to apprise the same to the GB Members. In the said letter of Ms. Leela Samson, my name V. Srinivasan, Engineer Officer, has been frequently used by her and I have been portrayed in a bad light as though I had failed in my duties and

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The calendar seems unclear. It also seems to be open for the person. DD/CA PT J. Srin

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27/04/17

Ms.Leela Samson has given herself a self certification that she was clean, innocent & helpless. She had also quoted herself that as an Artist she cannot be expected to be knowledgeable in Accounts and Administration and that was not why she was appointed to the post. I am sure all of you would be more than aware that her statement is contrary to Section 19 of the KF Act, 1993, which stipulates that the Director shall be the Chief Executive Officer of the Foundation and responsible for its proper administration. The post itself is for a chief administrative officer of the Foundation. Therefore, the assertion of Ms.Leela Samson that she was not brought into Kalakshetra for Administration itself proves that by her own admission that she was not fit for the post.

In the same letter, she had also blamed Justice Thiru S. Mohan, former Chairman & erstwhile GB Member and Shri R.V. Ramani, former Member Secretary, the previous officers in administration and accounts and according to her, they had failed in their duties for the present position of Koothambalam. She distanced herself from the entire mess of Koothambalam and cried foul that there was no cooperation.

Having perused the same, a duty is cast upon me to unearth the truth in the matter with appropriate evidences and proof of documents.

BRIEF HISTORY OF THE CASE & GENESIS OF FINANCIAL IMPROPRIETY

Ever since, Ms.Leela Samson, came into power as Director, there were frequent instances of financial impropriety and administrative mismanagement. Without obtaining the approval of FC and GB, unilateral contracts were entered for Crores of Rupees. For example - Documentation of dance dramas with M/s.Madhu Ambat productions etc., The General Financial Rules (GFR) clearly stipulates that projects like documentation involving huge amount of one crore and above should be dealt with calling for EXPRESSION OF INTEREST and such sensitive projects should have the prior approval of FC and GB as stipulated in the KF Act and Rules.

The above acts of administrative mismanagement committed by Ms.Leela Samson irked the former Chairman Justice Thiru S. Mohan and he immediately enquired the matter with Ms.Leela Samson. Since, no convincing reply was obtained, he wrote a strong complaint letter dated 02/6/2008 to Shri Abhijit Sengupta, I.A.S., former Secretary, MoC, and Ex-officio member in the GB, with all documentary proof to take appropriate disciplinary action against Ms.Leela Samson.

The former Secretary, MoC as well as top officials of former MoC were silent on the written complaint made by the Chairman. Funds were freely flowing from MoC and Ms.Leela Samson was conferred with unfettered rights to misuse the public money with the support of GB, FC and MoC, without any hindrance.

To meet the ends of justice, untired of the inaction by MoC, Justice Mr.S. Mohan wrote a D.O. letter dated 13/08/2008 to Ms.Ambika Soni, former Minister of Culture, enclosing his previous above letter addressed to the Secretary, MoC, to intervene into the matter and initiate proper enquiry in the matter and do the needful. Justice S. Mohan was steadfast to enquire into the entire financial impropriety committed by Ms.Leela Samson and expected MoC to order for "Operation clean up" so that public tax payers money is not wasted and further financial irregularity, if any, by Ms.Leela Samson, would be curtailed.

But, unfortunately, the MoC did not take cognizance of the complaint and did not initiate any action against Ms.Leela Samson. Further, in the subsequent Governing Board meetings, the well wishers and supporters of Ms.Leela Samson who are also members in the Works Committee had approved the unilateral contracts in spite of various violations and the complaints made by Chairman were ignored.

Therefore, this is the basis of all evils, for all financial irregularities and administrative mismanagement that took place in Kalakshetra from 2005 onwards and to the present status of Koothambalam.

The Koothambalam matter is not a stand alone case-in all her administrative actions Leela Samson had scant regard for the GFR of the govt of India. In fact she would repeatedly mention scornfully that Kalakshetra and her administration were not bound by extant rules of the Govt of India.

If appropriate action should have been taken in 2008 itself – If the authorities like MoC, GB and FC had taken cognizance of the complaint made by former Chairman and initiated appropriate action at that period itself, against the former Director and Disciplinary authority Ms.Leela Samson, to-day Koothambalam should have been in a living and alive entity. It would not have lost its glory, the statue of Smt.Rukmini Devi would not have been removed from its original place, the founding pillars would not have been demolished, the cultural heritage of representing Hindu Gods

would not have been removed from its original places. The Bharata Kalakshetra as its officially named Kookthambalam would have been free of all financial irregularities, fully operational to the benefits of Artistes and general Public.

According to our Constitutional provisions, even an ordinary citizen of India makes any complaint, the authorities are duty bound to look into the matter to render justice. But, in the case of Kalakshetra, a man not less than a former Judge of the Supreme Court of India and that too the Chairman of Kalakshetra had distinctly made two complaints about the corruption of Ms.Leela Samson to the top authorities. He requested only for a fair and just enquiry in the matter to alert the MoC, GB and FC. But, what is the use? The former chairman was treated badly in the GB meetings, mocked by MoC, insulted by Ms.Leela Samson.

The shocking irony is Shri.Abhijith Sen Gupta later on retirement arrived on the governing Board as a nominated member. He, who was the Secretary in the Ministry of Culture, supposedly fully conversant with rules, prima facie informed by the chairman about irregularities committed by the Director, never once bothers to check whether rules were followed in the award of contract worth crores?? If this not a matter of greatest official misconduct, then what else is??

WHY BLAME INNOCENT TAIL END OFFICERS?

When the main fault lies with the authorities, why is now a malicious design unleashed by Ms.Leela Samson and her current friends in the administration of kalakshetra to blame the innocent tail end officers including me for not cooperating with her. The contracts were wholly and completely issued by her with the active involvement of the works Committee members PT Krishnan, Madhavi Mudgal etc. They were involved in each and every step of the now infamous Koothambalam contracts. This includes two stages..

1. Issue of an Omnibus all covering umbrella contract to the Consulting architect Ravi Neelakantan
2. Further Civil engineering, electrical, Air conditioning and other miscellaneous contracts on his exclusive advice.

The Ministry officials and the GB members may kindly verify

- i) IS there even a single noting from any one in the kalakshetra administration recommending such a process which violated the GFR?
- ii) IS there any record of her having consulted anyone in the administration asking for the correct procedure to be shown to her before she single handedly with the two GB members arrogantly executed those contracts?
- iii) Did she ever consult the FA&CAO of the Ministry at any point of time asking for the correct Financial procedure?
- iv) Would your learned selves not agree that any man or woman of common prudence would ask for rightful official guidance if they were ignorant of any matter or were not aware of the rules to be followed?
- v) Did Leela Samson ever do anything like that?
- vi) The factual position is –not just me but no one in the administration of Kalakshetra at that time were ever consulted or informed about the manner and procedure followed in the award of contracts.

All of you will be aware that these decisions were taken by the Director along with the GB members who are the final authority as per the Kalakshetra Foundation rules to sanction such contracts.

Theirs was not an advisory or non official recommendation (contrary to what the current Chairman and Director have labored hard to portray) In fact, those GB members and the Director were in-effect the part and authorised final sanctioning authorities themselves! When such a decision is taken by the apex authorities in the hierarchy, kindly let me know can the officers who worked in subordinate positions and had nothing to do with the decisions be held responsible?

Even more laughable is her attempt to embroil former Deputy Director Shri Menon. He was no where in the organization itself when the contracts were awarded and joined the organization much after the koothambalam was completely demolished in the interiors and substantially demolished in the exteriors and crores incurred on the contract as per recommendation of the Consulting architect Ravi Neelakantan and duly sanctioned by Leela Samson PTKrishnan and Madhavi Mudgal.

Mysteriously, people who actively associated in the Koothmbalam with Leela Samson like Shri Jayachandran, Shri Deepu Nair, etc., are no where mentioned in the letter of hers!!

May be, equally mysterious is people Like Shri Jayachandran or Smt Babita Narang who had also their own roles to play in the incurrence of expenditure on the koothambalam were not gifted with a memo by the current Director Smt.Priyadarshini Govind! That privilege was restricted to only four of us!!

May I request all of you to kindly ascertain from our current Director what action has she taken in the last four years to make any kind of punitive recoveries from Ravi Neelakantan or the contractors? Would she tell us why the arbitration proceedings have conveniently been grounded by both parties one of which is her good self? May she tell all concerned what legal action has she taken for the termination of the contracts with the contractors so far? the answer to all these will expose the real layers of complicity.

On the one hand, you say, Governing Board is the supreme authority of the Foundation and on the other hand you say that the GB and FC members are non-official members and not to be blamed for any financial impropriety. In the same breathe, it is also said that it is the duty of the Administration led by the Director to apprise the correctness of procedures to the non official members. Whereas the Director in turn says that as an Artiste, she is not prudent in administration and accounts.!!IS THIS all not quite a charade?

During the year 2011, Shri K. Karunaker Menon joined Kalakshetra as Deputy Director on deputation basis. After the former Director S. Rajaram demitting the office, there was no proper admin. Guidance to administer the affairs of Kalakshetra in spite of the appointment of Ms.Leela Samson. When Mr.Menon came into the organisation, the derailment of admin. Systems and procedures were attempted to be set right and back to track but unfortunately, he was tied hand and foot and he was treated with disrespect by Ms.Leela Samson . On many occasions, he was insulted before the GB and FC Members by Ms.Leela Samson as he was strictly following the procedures. Though from the IRAS cadre and in a very high rank , he still tolerated all the disrespect shown to him as he was steadfast in his functioning to safeguard the glory of the institution and he had respect for the memory of our founder.

In my memory, I can quote one incident. Mr.Menon was the Works committee member for a very very short while. There was a proposal to deviate the decision of the GB and works committee in the matter of re-roofing of Kootambalam. Since, Mr.Menon adhered procedures, he was not called for the meeting and sent out on inspection of some cultural institution under the grants scheme by Leela Samson and Mr.N. Murali, GB Member was roped into that very meeting though he had no authority officially to be present, and they jointly approved the proposal worth Lakhs of rupees . The papers are there in the Central office for perusal.

V. Srinivasan, Engineer officer, qualification

Ms.Leela Samson, in the said letter criticized that I am being the Engineer Officer and not holding the B.E. Degree qualification and that too she came to know this only at the fag end of her service. This is ample testimony to show how Ms.Leela Samson is ignorant in administration and not fit for the post.

According to Kalakshetra Foundation Recruitment Regulations, 2005, (Approved by the Parliament), the post of Engineer Officer, is elaborately described with all eligible qualifications, age, experience, etc., in page no.42. This can be viewed in Kalakshetra web site, under the heading Rules.

The qualifications prescribed in the RR is either B.E. Degree holder OR Diploma in Civil engineering / Diploma in electrical engineers with 7 years experience. I am being the Diploma Holder in Civil engineering with more than 10 years experience in civil field, applied for the post in 1996, and I was called for the interview and I was selected by the competent SELECTION COMMITTEE constituted for the purpose. The PROCEEDINGS of the Selection Committee can be viewed from the Central office records. I was selected for the said post and was appointed as ENGINEER OFFICER with effect from 09/08/1996 AND IS WORKING IN KALAKSHETRA IN THE SAME DESIGNATION FOR THE PAST 20 YEARS WITH UNBLEMISHED RECORDS AND STAGNATED IN THE SAME DESIGNATION FOR 20 YEARS WITHOUT SCOPE OF ANY PROMOTION OR ELEVATION SO FAR.

The above facts can be perused from my SERVICE BOOK available in the Central Office. Therefore, Ms.Leela Samson, should have thought twice before writing about me and my qualification in the said letter. This shows, how administratively ignorant but mischevious she is and obviously after

- Once Ms. Leela Samson, in the name of repairs and renovation, started on her own demolition and reconstruction of Koothambalam, shifting of statues of Hindu gods, Smt. Rukmini Devi etc., the opposite parties who were silent till such time, took photos of demolition and construction from the satellite picture and produced them before the Madras High Court. When the case was pending, the court permitted only repair and renovation work. Since the court order was violated, Ms. Leela Samson was charged with CONTEMPT OF COURT by the Madras High Court.
- The above development was not known to the GB, FC and MoC. In order to escape from this impasse, Ms. Leela Samson tendered unconditional apology before the Madras High Court and the case was concluded with the following remarks:

"In view of the unconditional apology extended by Ms. Leela Samson and taking note of the fact that Kalakshetra being the institute of national importance, the contempt petition need not be proceeded with" –
MADRAS HIGH COURT

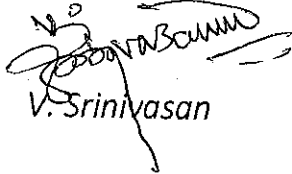
After knowing the above fact, the former Chairman Mr. Gopalkrishna Gandhi expressed his anguish in the GB meeting held in 2012. This is yet another administrative mismanagement as quoted in the GB meeting minutes itself. These could be perused by the current GB Members and Ministry officials.

In view of all this and more, I am at a loss to understand how only Leela Samson's views and her letter were presented to the Board by the present Director whereas my views—the one Leela Samson has coolly blamed or factual position or remarks were never called or placed before the board.

The Chairman—as per the submission of Leela Samson—goes across to the house of Leela Samson and gives her the letter asking for explanation for which she profusely thanks him in her reply! We all would truly appreciate the Chairman for such an unusual gesture of politeness to the chief priestess of this financial irregularity!! But may be the Director Smt. Priyadarshini Govind could tell all of you and the undersigned why a similar gesture was not shown when Shri Menon was issued the memo. It was learnt from admin staff at the central office that she and the deputy director had attempted to get it issued to him through his official superior in the railways as one

would do in a charge sheet!!!!This is when the officer is a Joint Secretary Rank officer of The Government of India, in another Ministry!!. Is not it surprising that our Chairman who is himself an ex Civil servant never guided our artistic Director on such basic principles of official protocol and right behavior? Do we gift officers who worked in our organization for four years, whose services have been repeatedly appreciated on record by the former chairman of the foundation with such unprecedented blatant humiliation? Do the GB MEMBERS AND MINISTRY OFFICIALS stand quiet and look the other way when the director gets away with this?

Therefore, in view of the above, I thought it appropriate, to apprise the true position to all concerned and *I request the authorities to take cognizance of the facts mentioned above and take appropriate action and render justice. The same may kindly be placed and discussed in the future Governing Board Meetings too.*


V. Srinivasan

F.NO.13011-9/2016-Vig.
Government of India
Ministry of Culture

Shastri Bhavan, New Delhi
Dated, the 20th February, 2017

OFFICE MEMORANDUM

Subject: Koothambalam Project of Kalakshetra Foundation, Chennai - regarding

The undersigned is directed to refer to Kalashetra Foundation letter No.KF/Vig./2016 dated 23.1.2017 whreby the Investigation Report on the lapses in execution of Part-A of renovation of Bharata Kalakshetra Auditorium Project was furnished to JS (Akademies) and copy was forwarded to JS&CVO of this Ministry.

2. Akademi Sectar is, therefore, requested to furnish their comments on the report to Vigilance Section so that a proposal for seeking the advice of CVC could be processed.

This issues with the approval of JS&CVO.

Manoj Dehury
(Manoj Dehury)
Under Secretary to the Govt. of India

To

The Joint Secretary(Akad.)
Ministry of Culture
(Kind Attn: Shri Kanwarjeet Singh, Under Secretary)

Copy to: The Director, Kalakshetra Foundation, A-1, Uttasrvedi, No.7, Second Seaward Road, Valmiki Nagar, Thiruvanmiyur, Chennai - 41 with the request to furnish the bio-data of alleged olfficials and the specific recommendation of the Disciplinary Authority as requested this Ministry's letter of even number dated 4.11.2016 (copy enclosed)..