

FIFTEENTH KERALA LEGISLATIVE ASSEMBLY

COMMITTEE

ON

PUBLIC UNDERTAKINGS (2023-2026)

THIRTY NINETH REPORT

(Presented on 11th February, 2025)

SECRETARIAT OF THE KERALA LEGISLATURE THIRUVANANTHAPURAM 2025

FIFTEENTH KERALA LEGISLATIVE ASSEMBLY

COMMITTEE

ON

PUBLIC UNDERTAKINGS (2023-2026)

THIRTY NINETH REPORT

On

Corporate Social Responsibility of Four PSUs

(Kerala State Financial Enterprises Limited, Kerala Transport Development Finance Corporation, Kerala State Electricity Board Limited and Kerala State Construction Corporation Limited)

(Based on the Report of the Comptroller and Auditor General of India for the year ended 31st March, 2016)

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COMMITTEE ON PUBLIC UNDERTAKINGS (2023-2026)

COMPOSITION

Chairperson:

Shri E. Chandrasekharan.

Members:

Shri A. P. Anil Kumar

Shri Anwar Sadath

Shri Ahammad Devarkovil

Shri T. V. Ibrahim

Shri P. Mammikutty

Shri K. P. Mohanan

Shri D. K. Murali

Shri P. Nandakumar

Shri Kadakampally Surendran

Shri P. Ubaidulla.

Legislature Secretariat:

DR. N. Krishna Kumar, Secretary

Shri Venugopal R., Joint Secretary

Shri Anil Kumar B., Deputy Secretary

Shri Mohanan O., Under Secretary.

INTRODUCTION

I, the Chairperson, Committee on Public Undertakings (2023-26) having been authorised by the Committee to present the Report on its behalf, present this 39th Report on Corporate Social Responsibility Of Four PSUs (Kerala State Financial Enterprises Limited, Kerala Transport Development Finance Corporation, Kerala State Electricity Board Limited and Kerala State Construction Corporation Limited) based on the report of the Comptroller and Auditor General of India for the year ended 31st March, 2016 relating to the Public Sector Undertakings of the State of Kerala.

The aforesaid Report of the Comptroller and Auditor General of India was laid on the Table of the House on 23-5-2017. The consideration of the audit paragraphs included in this report and examination of the departmental witness in connection thereto were made by the Committee on Public Undertakings (2021-2023) at its meetings held on 12-10-2022, 18-4-2023, 17-5-2022, 23-9-2021, 3-8-2022 and 4-4-2023.

This Report was considered and approved by the Committee (2023-26) at its meeting held on 29-1-2025.

The Committee place on record its appreciation for the assistance rendered to them by the Accountant General (Audit), Kerala in the examination of the Audit paragraphs included in this Report.

The Committee wishes to express thanks to the officials of the Taxes

Department, Transport Department, Power Department and Public Works

Department of the Secretariat and the Kerala State Financial Enterprises Limited,

Kerala Transport Development Finance Corporation, Kerala State Electricity Board

Limited and Kerala State Construction Corporation Limited for placing the

materials and information solicited in connection with the examination of the subject. The Committee also wishes to thank in particular the Secretaries to Government, Taxes Department, Transport Department, Power Department, Public Works Department and Finance Department and the officials of Kerala State Financial Enterprises Limited, Kerala Transport Development Finance Corporation, Kerala State Electricity Board Limited and Kerala State Construction Corporation Limited who appeared for evidence and assisted the Committee by placing their views before the Committee.

Thiruvananthapuram, 11th February, 2025.

E. CHANDRASEKHARAN,

Chairperson,

Committee on Public Undertakings.

REPORT NO. 2

ON

CORPORATE SOCIAL RESPONSIBILITY OF FOUR PSUS.

(Kerala State Financial Enterprises Limited, Kerala Transport Development Finance Corporation, Kerala State Electricity Board Limited and Kerala State Construction Corporation Limited)

Audit Paragraph 3.3(2015-16)

Corporate Social Responsibility of PSUs

Introduction

3.3.1 Corporate Social Responsibility (CSR) refers to operating business in a manner that accounts for the social and environmental impact created by the business. Through CSR, companies give something back to society. CSR means and includes projects or programmes on eradication of hunger, poverty and malnutrition, promoting gender equality, promoting education, empowerment of women, ensuring environmental sustainability, protection of national heritage, etc. CSR is governed by provisions of the Companies Act, 2013 (Act) and Companies (Corporate Social Responsibility Policy) Rules, 2014 (CSR Rules).

According to section 135 of the Act, companies with annual turnover of $\mathbb{Z}1,000$ crore or more or net worth of $\mathbb{Z}500$ crore or more or profit (before tax) of $\mathbb{Z}500$ crore or more in any of the three preceding financial years have to spend at least two *per cent* of average profit of such preceding financial years on CSR activities from 2014-15 onwards, giving preference to areas around their operation.

As of June 2016, 23 Public Sector Undertakings (PSUs) in Kerala came under the purview of CSR during 2014-15 to 2015-16. We assessed compliance of these PSUs with the provisions of the Act/ CSR Rules/ orders and notifications issued by Ministry of Corporate Affairs (MCA), Government of India (GoI), on CSR. Audit findings are discussed in the succeeding paragraphs.

Vide Circular No: 21/2014 dated 18/06/2014 of Ministry of Corporate Affairs, Government of India.

² Average of profit made by them during the three immediately preceding financial years.

Audit Findings

Formulation of CSR Policy and CSR Spending

Non-Constitution of CSR Committee and non-spending on CSR

3.3.2 As per Section 135(1) of the Act, each of the 23 PSUs was to constitute a CSR Committee consisting of three or more directors, out of which at least one director shall be an independent director. The CSR Committee was to formulate and recommend a CSR Policy and the amount of CSR expenditure to Board of Directors (BoD) and monitor the CSR Policy of the Company.

We noticed that out of the 23 PSUs, 13 PSUs (*Appendix 13*) did not constitute the CSR Committee or formulate the CSR Policy (as of June 2016). Among these 13 PSUs, three PSUs had negative average net profit during the three preceding financial years and hence, were not required to spend on CSR while balance 10 PSUs were required to spend on CSR.

Similarly, eight PSUs were required to spend at least ₹7.93 crore on CSR during 2014-15 and 2015-16 as detailed in *Appendix 14*. But, they did not spend any amount on CSR during the above period.

Non/incorrect reporting on CSR activities

3.3.3 According to Section 135(5) of the Act, in case of failure of a company to spend minimum 2 *per cent* of average profit on CSR, the BoD shall in its report³ include the reasons for non-spending.

Out of the ten PSUs which did not spend the required minimum amount on CSR, three PSUs⁴ did not report the reason for non-spending and three PSUs⁵ wrongly reported that CSR Rules were not applicable to them. The remaining four PSUs were yet to publish their Annual Report as of June 2016.

³ Report attached to the financial statements laid before a company in general meeting as per Section 134(O) (3) of the Act.

⁴ Kerala State Power and Infrastructure Finance Corporation Limited, Transformers and Electricals Kerala Limited and Oil Palm India Limited.

⁵ The State Farming Corporation of Kerala Limited, Kerala Forest Development Corporation Limited and Kerala Agro Machinery Corporation Limited.

Deficiencies in spending on CSR

3.3.4 Ten out of the 23 PSUs covered in audit had constituted CSR committee as well as formulated a CSR policy and spent ₹10.74 crore (*Appendix 15*) on CSR activities during 2014-15 and 2015-16. The following deficiencies were noticed in the CSR expenditure incurred by these 10 PSUs.

Non-spending on CSR

3.3.4.1 Two PSUs⁶ did not spend any amount on CSR during 2015-16 though they had to spend ₹0.67 crore as per the Act.

Non-display of CSR Policy in website

3.3.4.2 Section 135(4) (a) of the Act and Rule 9 of CSR Rules specify that the approved CSR Policy shall be displayed on the company's website. Four PSUs⁷ did not display the CSR Policy on their website.

At our instance, three PSUs⁶ agreed to display their CSR Policy on their websites.

Inclusion of activities in the CSR Policy undertaken in pursuance of normal course of business.

3.3.4.3 According to CSR Rules, a company shall undertake CSR activities as per its stated CSR Policy. Activities undertaken in pursuance of normal course of business of a company shall not be treated as part of CSR.

CSR spending on inadmissible activities

3.3.4.4 Ministry of Corporate Affairs (MCA), GoI stipulated⁹ that expenses incurred by companies for the fulfillment of any Act/Statute or Regulations would not count as CSR expenditure under the Act.

⁶ Rehabilitation Plantations Limited and Kerala Transport Development Finance Corporation Limited.

⁷ Kerala State Backward Classes Development Corporation Limited (KSBCDC), Kerala Transport Development Finance Corporation Limited (KTDFC), The Pharmaceutical Corporation (Indian Medicines), Kerala Limited (TPCKL) and Malabar Cements Limited (MCL).

⁸ Kerala State Backward Classes Development Corporation Limited (June 2016), Kerala Transport Development Financial Corporation Limited (May 2016) and The Pharmaceutical Corporation (Indian Medicines) Kerala Limited (July 2016).

⁹ Vide Circular No. 21/2014 dated 18/06/2014.

Contribution in kind for CSR activities

3.3.4.5 Section 135(5) of the Act specifies that the BoD of every company shall ensure that the company spends, in every financial year, the required amount in pursuance of its CSR Policy. MCA reiterated (January 2016) that contribution in kind cannot be monetised to be shown as CSR expenditure.

Contribution to State Government fund

3.3.4.6 According to Notification issued (27 February 2014) by MCA, contribution under CSR is permissible only to Prime Minister's National Relief fund or any other fund set up by Central Government. We, however, noticed that Kerala State Financial Enterprises Limited contributed (September 2015) an amount of ₹0.50 crore to Karunya Benevolent fund, a fund constituted by GoK.

GoK replied (December 2016) that the amount was contributed by the PSU on receiving letter from Administrator of Karunya Benevolent fund with specific reference to make contribution under CSR. The reply was not tenable as contribution to funds set up by the State Government was not permitted by MCA.

Absence of monitoring

3.3.4.7 Rule 5(2) specifies that CSR Committee shall institute a transparent monitoring mechanism for implementation of the CSR Projects or programmes or activities undertaken by the company. We noticed instances of absence of monitoring of CSR as shown in *Appendix 16*.

Conclusion

Adherence of companies to the provisions of CSR was not satisfactory as 13 out of 23 companies did not constitute CSR Committee/Policy. There were instances of non-spending and spending on inadmissible activities. GoK may, therefore, formulate appropriate monitoring mechanism for strict adherence to CSR laws.

[The Audit paragraph 3.3 contained in the report of the C &AG for the year ended 31 March 2016.]

The notes furnished by the Government on the audit paragraph are given in Appendix II

Discussion and findings of the Committee

- 1. Kerala State Financial Enterprises Ltd.
- 3.3.4. Deficiencies in spending on CSR

3.3.4.6 Contribution to State Government Fund

In response to the audit objection, the Secretary, Taxes Department informed that as promoting health care was included in activities under CSR, the Board of Directors of KSFE, after discussion, had made the contribution to Karunya Benevolent Fund, a State Government initiative providing medical aid to the poor. He added that the above activity falls under the purview of Schedule VII of Companies Act, 2013. He requested the Committee to drop the para considering the above facts. Then the Committee enquired whether at present such contributions was accounted under CSR activities. The witness informed that KSFE had done such a thing only once pertaining to the circumstances and now KSFE is strictly adhering to CSR provisions and utilizing the fund only for activities under CSR such as providing ambulance for hospitals, educational activities etc.

The Committee accepted the reply owing to the good faith that the fund had been utilised for health sector.

3.3.4.7. Absence of Monitoring

In the meeting held on 12-10-2022, the Committee pointed out that the idling of the medical equipment purchased with CSR funds for Attapadi Swami Vivekananda Hospital and Neendakara Taluk Hospital was due to the lack of monitoring. The Managing Director informed the Committee that the equipments purchased with CSR funds are now operational. He added that the audit team and officers are deputed now to conduct regular inspections in such places.

When the Managing Director could not give a clear reply on the current status of dialysis machine purchased for the Neendakara Taluk hospital, the Committee directed the Managing Director to furnish a detailed report.

The Committee directed the Company to ensure clear monitoring of the functioning of the equipments purchased with CSR funds.

In the meeting held on 18-4-2023, the Committee considered the same matter related to CSR and then the Committee sought clarification about the audit observation that CSR funded equipments were not seen in Swami Vivekananda Medical Mission Hospital, Attappadi and the dialysis units in Government Taluk Hospital Neendakara were not functioning due to want of sufficient technical staff. The Committee also enquired about the details regarding the mechanism adopted to monitor the functioning of these CSR funded equipments by the CSR Monitoring Committee.

The witness replied that as it was the initial period after implementation of CSR Scheme, delay occurred in the formulation of CSR Monitoring Committee. Now a transparent mechanism for implementing various CSR projects were laid down with adequate measures to ensure the complete utilisation of CSR funds. He added that the Monitoring Committee visit the beneficiary institutions and ensure that all activities as per the project were being completed. He informed the Committee that for these two cases a certificate had been received from the beneficiaries that the equipments were functioning properly. But the Committee noticed that these certificates were issued on the same day.

The Committee asked about the CSR amount and company's income for the year 2021-2022. The MD replied that due to covid conditions in 2020-2021 and 2021-2022 profit was less but now things are improving and CSR amount earmarked for 2021-2022 financial year was ₹2.6 crore and profit for the same year was ₹280 crore.

Conclusion/Recommendation

1. The Committee observes that the idling of the medical equipment purchased with CSR funds for Attapadi Swami Vivekananda Hospital and Neendakara Taluk Hospital was due to the lack of monitoring. Therefore the Committee directs the Company to ensure clear monitoring of the functioning of the equipments purchased with CSR funds.

2. Kerala Transport Development Finance Corporation

Audit Para 3.3.4.1 - Non- spending of CSR

The Committee asked the witness whether the construction of class room in Govt. L.P.S Vennala had been completed. The witness replied that the fund for the project had been disbursed to the school and the project seems to be completed and the Company had spent ₹35 lakh for the project. He added that a specific reply will be submitted after examining the matter in detail.

Audit Para 3.3.4.2 - Non- display of CSR policy in website

The witness informed that the Company had now displayed the approved CSR Policy in Company's website.

The Committee accepted the reply.

Audit Para 3.3.4.7- Absence of monitoring

The Committee expressed its dissatisfaction on spending CSR Fund for the development of water tourism project at Kodimatha and asked to explain the reason for selecting the project. The witness replied that as per the Circular of 2014, Ministry of Corporate Affairs did not provide any specific provision for spending the CSR Fund only for social justice. He added that though tourism was not included in the list, it might have been selected for the reason that it was related to renewable energy that had already been included in the list and added that a detailed reply will be furnished to the Committee after examining the matter.

The Committee directs that a detailed reply should be furnished on the current status of the project including the circumstances that led to divert CSR fund to the tourism project. The Committee also inquired about the current financial status of the Company. The witness informed that Government had changed the decision to wind-up the company and the proposal for revival was under consideration.

Conclusions/Recommendations

2. The Committee directs that a detailed report should be furnished on the present status of the project of constructing class room in Govt. LPS Vennala without delay.

- 3. The Committee expresses its dissatisfaction on spending CSR funds for tourism project and recommends to furnish a detailed reply about the current status of the project including the circumstances that led to divert CSR fund to the tourism project.
- 3. Kerala State Electricity Board Ltd.
- Para 3.3 Corporate Social Responsibility of PSUs

Para 3.3.2 - Non-Constitution of CSR Committee and non-spending on CSR

The Committee sought explanation about the said audit reference. The Committee also enquired whether K.S.E.B.L earmark funds for Corporate Social Responsibility (CSR) projects.

The witness informed that K.S.E.B Limited has been running at a loss. According to CSR Policy, Companies are expected to utilize 2 percent for CSR activities only if they make profit. He added that K.S.E.B Limited complied with all the legal requirements of the CSR Policy and CSR Committee. The 27th meeting of Board of Directors of K.S.E.B Limited approved the appointment of Independent Director and also reconstituted the CSR Committee by including Independent Directors. The first meeting of CSR Committee was held on 6-9-2016.

The Committee accepted the reply. Hence offer no remarks.

- 4. Kerala State Construction Corporation Limited
- 3.3.2. Non-Constitution of CSR Committee and non-spending on CSR
- 3.3.4. Deficiencies in spending on CSR

In the meeting held on 3-8-2022 to consider the issue of CSR, the Finance Manager informed the Committee that ₹99 lakh was spent on CSR activities during the period 2014 -15 to 2018-19 and the fund could not be utilised in subsequent years due to delay in getting project approval.

The Committee pointed out that the RMT furnished by the Government had stated that no amount had been spent on CSR activities. The Secretary informed that the amount had been spent on CSR activities such as setting up women friendly centres. Thereafter, a report regarding this was placed before the Committee.

Then the Senior Audit officer from AG's Office enquired whether the reasons stated in the RMT for not spending CSR Fund still exists. The witness informed that the amount due from 2014 to 2018 is being spent now. It was the decision of the Board to set aside the amount provisionally even if the case regarding Libya contract had not been settled. But quite different from this, it is said before the Committee that the amount could not be spent due to the delay in getting the project approved. The Committee opined that the Company should utilise the CSR amount when there is profit. Then the Committee doubted the relevance of furnishing such a reply. The Committee expressed its displeasure on the discrepancy between the RMT and the statements furnished during meeting.

The Committee was disgusted to note that the officials present before the Committee had not gone into the details of the matter in consideration and criticised the lethargic attitude on the part of witness to be present in the meeting without due preparation. The Committee asked the Secretary, Industries Department to examine the matter in detail and furnish the replies within a month.

Again on the meeting held on 4-4-2023, the Committee sought clarification regarding formulation of CSR Committee and the amount spent as CSR fund. The Managing Director replied that CSR Committee was constituted vide decision taken in the 187th meeting of Board of Directors held on 30-10-2017. He added that all CSR activities from 2014-15 have been reported and funds were utilised for the Projects of "Sthree Souhrida Vishrama Kendras".

The Committee understands that CSR policy was prepared by CSR Committee in the meeting held on 16-1-2020 and the same was approved by the Board of Directors vide Item No. 196/4/5/1 in the 196th Board meeting of 24-2-2020. According to the recommendation of the Board of Directors dated 16-1-2020, an amount of ₹28 lakh was sanctioned in connection with the utilisation of CSR funds for the year 2014-15, ₹33 lakh for the year 2015-16 and ₹ 38 lakh for the year 2016-17 and with that amount "Sthree Souhrida Visrama Kendras" were constructed at Ernakulam St. Theresa's College, Alappuzha SD College, Alappuzha St. Joseph's College, Alappuzha TDHSS, Haripad Government Girls High School, Mattannur Municipal Bus Stand and Varkala SN College.

The Committee inquired about the criteria for selection of organizations for spending CSR funds. The MD informed that the information regarding the selection of organisation is advertised on the website of KSCC and once the application is received, the officials visit the institution and make the selection after checking the eligibility. He further added that mainly these are for Government, Aided and Public Sector Institutions, so no specific criteria has been adopted.

To a query of the Committee regarding the allocation of CSR fund for the years 2017 to 2020, the Secretary, Public Works Department informed the Committee that the approval for the amount for CSR fund from 2017 to 2019 was given by the Managing Director in the last board meeting and it was approved on that day. The Managing Director, KSCC added that since the institution could not make a profit of ₹5 crore after 2018-19, it was not required to spend on CSR projects and currently a list of 10 schools has been selected to spend CSR funds.

The Committee observed that though the concerned officer explained about the utilisation of CSR funds for the years 2017-18 and 2018-19, details such as list of institutions and amount spent etc were not mentioned. Hence the Committee suggested that a detailed report should be given regarding the utilization of CSR funds for the years 2017-18 and 2018-19.

The Committee pointed out that in the Government reply it was stated that the statutory audit for the financial year 2019-20 of the Company had been completed; the provision for the year ₹29.62 lakh was booked for CSR activities and the audit report being forwarded to Accountant General for finalisation. The witness stated that amount could be spent only after finalisation of the audit report.

The Committee observed that there was a contradiction between the Government reply regarding the CSR fund booked for the year 2019-20 and the witness' reply. Hence the Committee suggested to give a detailed report regarding this.

Conclusions/Recommendations

4. The Committee recommends that a detailed report should be furnished regarding the utilisation of CSR funds for the years 2017-18 and 2018-19 along with the list of institutions and the amount spent, thereon.

5. The Committee observes that it is stated in the Government reply that for the financial year 2019-20 an amount of ₹29.62 lakh was booked for CSR activities and that the amount will be spent only after the finalisation of the audit report. But the witness informed the Committee that since the institution could not make a profit of ₹5 crore after 2018-19, no CSR spending is required as per the rule. So the Committee observes that there is a contradiction between the Government reply and reply of the witness before the Committee. Hence the Committee recommends to furnish a detailed reply regarding the profits made, if any, after 2018-19 and any amount had been set apart for CSR activities after the Company turned profit.

Thiruvananthapuram, 11th February, 2025.

E. CHANDRASEKHARAN,

Chairperson,

Committee on Public Undertakings.

	SUMI	MARY OF M	APPENDIX-I AIN CONCLUSIONS/RECOMMENDATIONS
Sl No.	Para No.	Department Concerned	Conclusions/Recommendations
(1)	(2)	(3)	(4)
1	1	Taxes Department	The Committee observes that the idling of the medical equipment purchased with CSR funds for Attapadi Swami Vivekananda Hospital and Neendakara Taluk Hospital was due to the lack of monitoring. Therefore the Committee directs the Company to ensure clear monitoring of the functioning of the equipments purchased with CSR funds.
2	2.	Transport Department	The Committee directs that a detailed report should be furnished on the present status of the project of constructing class room in Govt. LPS Vennala without delay.
3	3	Transport Department	The Committee expresses its dissatisfaction on spending CSR funds for tourism project and recommends to furnish a detailed reply about the current status of the project including the circumstances that led to divert CSR fund to the tourism project.
4	4	Public Works Department	The Committee recommends that a detailed report should be furnished regarding the utilisation of CSR funds for the years 2017-18 and 2018-19 along with the list of institutions and the amount spent, thereon.

5	5	Public	The Committee observes that it is stated in the
5	5	Public Works Department	Government reply that for the financial year 2019-20
			profits made, if any, after 2018-19 and any amount had
			been set apart for CSR activities after the Company
			turned profit.

APPENDIX- II

Notes furnished by Government on the Audit Paragraph

STATEMENT OF ACTION TAKEN FOR THE REPORT OF C & AG ON PUBLIC SECTOR UNDERTAKING FOR THE YEAR ENDED ON 31st MARCH 2016 (Audit paras 3.3.3.5.3.6)

ığ ŏ	Para No.	Report/ Conclusions	Action Taken
1.	3.3.4.6		According to Notification issued (27th February Karunya Benevolent Fund' is an initiative of Kerala
		2014) by MCA, contribution under CSR is	contribution under CSR is Government to provide financial assistance to the poor for
		permissible only to Prime Minister's National Relief	permissible only to Prime Minister's National Relief their treatment. Committee observed that the Karunya
		Fund or any other fund set up by Central	Fund or any other fund set up by Central Scheme of the Government plays a very significant role in
		Government. We, however, noticed that Kerala	Government. We, however, noticed that Kerala the welfare of rural people who are generally economically
		State Financial Enterprises Limited contributed	Financial Enterprises Limited contributed backward. The above activity falls under the purview of
		(September 2015) an amount of Rs. 0.50 crore to	(September 2015) an amount of Rs. 0.50 crore to Schedule VII of Companies Act 2013 and accordingly comes
		Karunya Benevolent fund, a fund constituted by	Karunya Benevolent fund, a fund constituted by under the purview of CSR. The Committee recommended
		Government of Kerala.	the said proposal to the Board and the Board in its 479th
			meeting held on 25.09.2015 ratified the same stating that
			the funds were utilized for treatment of poor people.
			There is no provision in Schedule VII which
			prohibits/restricts contribution made to any State owned
			fund. It is pertinent to note that Karunya Fund was created
			to help the economically backward people. Considering the
			fact that the amount given to Karunya Benevolent Fund, a
			State Government initiative for providing medical aid to the
			economically weaker section was well within the scope of
			activities specified under schedule VII of Companies Act
			2013, the explanation may be accepted and the audit para
			be dropped. The funds allotted were not utilised for any
			activity ultra vires to Schedule VII of Companies Act, 2013.

STATEMENT OF ACTION TAKEN FOR THE REPORT OF C & AG ON PUBLIC SECTOR UNDERTAKING FOR THE YEAR ENDED ON 31ST MARCH 2016 (Audit paras 3.3,4,7, 3,6,4, 3,6,5, 3,6,6) - ADDITIONAL INFORMATION .

SI. No.	Para No.	Report/ Conclusions	Action Taken
l.	3.3.4.7	Rule 5(2) specifies that CSR Committee shall institute a transparent monitoring mechanism for implementation of the CSR projects or programmes or activities undertaken by the company. We noticed instances of absence of monitoring of CSR as shown in Appendix 16. Conclusion Adherence of companies to the provisions of CSR was not satisfactory as 13 out of 23 companies did not constitute CSR Committee/ Policy. There were instances of non-spending and spending on inadmissible activities. Government of Kerala may, therefore, formulate appropriate monitoring mechanism for strict adherence to CSR laws.	With reference to above comment the Company submitted that the Audit observation pertains to the year 2016 and it was the initial period after implementation of CSR scheme in the Company. Company has been consistently following a transparent mechanism for implementing various projects under CSR. It may also be noted that before effecting final payment to the beneficiary, Company takes adequate measure to ensure that the project undertaken under CSR project for which funds have been earmarked is exclusively utilised for the said project only and the activity/project has been fully executed. For this, unit heads onearby branches to the location where CSR activity has been undertaken are directed to visit premises of beneficiary to ensure that all activities as pet the project report submitted by the beneficiary has been dul completed. Most of the instruments/equipment bough under the scheme is with minimum warranty of 3 years to ensure complete after sa service and to ensure project running smoothly without ar issues.

Noting the Audit observation positively, Company already instructed its regional heads fo visit various beneficiaries as per the CSR scheme under their region till date, in order to ensure smooth functioning of the various projects sanctioned by the Company. The same shall be reported in the ensuing CSR Committee meeting.

For the 2 cases reported by Audit under this para viz.Govt Taluk Office- Neendakara & Swami Vivekananda Medical Mission .-Attapady. the Company have obtained certificates from the respective beneficiaries (copies enclosed) regarding proper functioning of equipments supplied by the Company under its Scheme during 2015-16

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GOVT. TALUK HOSPITAL, NEENDAKARA

Phone:0476-2680227, Email:chcneendakara@gmail.com

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പ്രേഷിത

സൂപ്രങ്

സ്വികർത്താവ്

അസ്സിസ്റ് ജനറത് മാനേജർ

KSFE

വിഷയം :ഡയാലിസിസ് മെഷിന്റെ പ്രവർത്തന ക്ഷമത -റിപ്പോർട്ട്

നൽകുന്നത്

സർ,

ഗവ. താലൂക്ക് ആശുപത്രിനീണ്ടകരയിൽ KSFE CSR സ്കീം മുഖേന സമാപിച്ചിരിക്കുന്ന ട ഡയാലിസിസ് മെഷിനുകളും പ്രവർത്തന ക്ഷമമാണെന്ന് അറിയിച്ചു കൊള്ളുന്നു .

സൂപ്രണ്ട്

for signing Lobert

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NEW YORK



SWAMI VIVEKANANDA MEDICAL MISSION ATTAPPADY

Reg No.55/IV/2004

To,

05/11/2022

KSFE, Head Office, Chembukkavu, Thrissur.

Dear Sir.

Good Day

Swami Vivekananda Medical Mission (SVMM) Charitable Trust would like to thank you for the equipments supplied by KSFE to our hospital under CSR 2015-16 Scheme.

The equipments donated by you are namely 15KV Generator, ICU Equipments (Defibrillator, Multi Parameter Monitor, Infusion Pump, Syringe Pump, Cot etc)

We would like to inform you that all equipments are in good condition and we would appreciate more donations like this in future.

Thanking you,

With best regards,

Dr. Narayanan, V.

Chief Medical Officer & Trustee



ACTION TAKEN REPORT ON PARAS RELATED TO KIDFC/KSRTC CONTAINED IN THE REPORT OF THE COMPTROLLER AND AUDITOR GENERAL OF INDIA (COMMERCIAL) FOR THE YEAR ENDED 31st MARCH, 2016

27

Si. No.	Para No.	Remarks	Action Taken
· ·	3.3.4.1	Two PSUs (Rehabilitation Plantations Limited.) did not decided to spend an amount of Rs.35.50 lakh for the Transport Development Finance Corporation Limited.) did not decided to spend an amount of Rs.35.50 lakh for the spend any amount on CSR during 2015-16 though they had to construction of clastroom etc in Govt. L. P. School, Vennala out of the CSR funds of the Company based on the proposal and estimate submitted by Govt L. P. School, Vennala Further, KTDFC vide letter dated 29/06/2018 informed the District Collector, Ernakulam that Board of Directors of KTDFC has decided to spend an amount of Rs.35.50 lakh for the construction of classroom in Govt. L. P. School, Vennala as per the detailed estimate submitted by LSGD Executive Engineer, & Superintendent Engineer, (Municipal Corporation, Kochi) out of the CSR funds of the Financial Year 2015-16. Further it was requested to District Collector, Furnakulam as Chairman, with representation of Kochi Municipal Corporation, KTDFC & Govt L. P. School, Vennala. Further it was requested to District Collector to intimate the Bank Account details in order to transfer the above, wenning the Bank Account details in order to transfer the above, wenning the Bank Account details in order to transfer the above.	The 158 th Board meeting of KTDFC held on 15.05.2018. decided to spend an anount of Rs.35.50 lakh for the construction of clastroom etc in Govt. L P School, Vernala out of the CSR funds of the Company based on the proposal and estimate submitted by Govt. L P School, Vernala. Further, KTDFC vide letter dated 29/06/2018 informed the District Collector, Ernakulam that Board of Directors of KTDFC has decided to spend an amount of Rs.35.50 lakh for the construction of classroom in Govt. L P School, Vennala as per the detailed estimate and Govt. L P School, Vennala as per the detailed estimate submitted by LSGD Executive Engineer, & Superintendent Engineer, (Municipal Corporation, Kochi) out of the CSR funds of the Company for the Financial Year 2015-16. Further it was requested to the District Collector to constitute a Monitoring Committee consisting of District Collector, Ernakulam as Chairman, with representation of Kochi Municipal Corporation, KTDFC & Govt L P School, Vennala. Further it was requested to District Collector to intimate the Bank Account details in order to transfer the above mentioned CSR fund of Rs 35.50 lakh for the Financial Year 2015-16 of the Company.
2.	3.3.4.2	Section 135 (4) (a) of the Act and Rule 9 of CSR Rules specify Approved CSR policy is displayed on KTDFC website that the approved CSR Policy shall be displayed on the (www.ktdfc.com) from 25/05/2016. The matter was company's website. Four PSUs (Kerala State Backward Classes informed to the Principal Accountant General by KTDFC Development. Corporation Limited (KSBCDC), Kerala Limited (KTDFC), The Pharmaceutical Corporation (Indian Medicines) Kerala Limited (TPCKL) and Malabar Cemens Limited (MCL)) did not display the CSR Policy on their website.	Approved CSR policy is displayed on KTDFC websit (www.ktdfc.com) from 25/05/2016. The matter wainformed to the Principal Accountant General by KTDF vide letters dated 16/08/2016 and 21/11/2016.

rd Classes	ited (May fedicines)	their CSR s Limited	caeries or de as this t and Rule	
At our instance, three PSUs (Kerala State Backward Classes) Develonment Comoration Limited (June 2016). Kerala	Transport Development Finance Corporation Limited (May 2016) and The Pharmaceutical Corporation (Indian Medicines)	Kerala Limited (July 2016),) agreed to display their CSR policy on their websites, while Malabar Cements Limited	replied (August 2010) man mey had displayed me schours on assistance on their website. The reply is not tenable as this amounts to violation of Section 135 (4) (a) of the Act and Rule	
e, three PSUs (Ke	elopment Finance Pharmaceutical Co	d (July 2016), a ir websites, while	their website. The lation of Section 13	-
At our instance	Transport Dev 2016) and The	Kerala Limite	assistance on amounts to vio	9 of CSR Rules.
n, ancaste .		ė, – sauge	,,,,,	

Action Taken Report on Audit Report of C&AG for the year ended 31 st March 2016 (Public Sector Undertakings) - para 3.3.4.7 - Absence of monitoring.

		7
Para Number	L	Action Taken Report
3.3.4.7	Rule 5(2) specifies that CSR Committee shall institue a transparent monitoring mechanism for implementation of the CSR projects or programmes or activities undertaken by the company. We noticed instances of absence of moniotoring of CSR as shown in Appendix 16.	During the Financial Year 2014-15, KTDFC Ltd had spent Rs.1 crore (Rupees one crore only) under the CSR head for the development of Water Tourism Spot, a project under the Tourism Department of Government of Kerala at Kodimatha, Kottayam.
		On 18.07.2017, the Company conducted inspection on the progress of the work and reported as follows.

Si No.	Name Of work	Tendered value		Percentage Progress
1	Sewage Treatment Plant	Rs.76,81,622/-	Rs.49,54,468/-	64.5
2	Toilet Block	20,65,077/-	Rs.14,37,495/-	71%

In toilet, balance works are sanary fittings, fixing ventilators, electrical wiring, fittings and painting. In STP, all the civil works are completed. Two blowers, one AC filter, one sand filter, two feed pumps, two waste water pumps, two no sludge water pumps costing Rs.7.67 lakh are mobilised at site. They are to be erected.

Summing up, out of Rs.1 Crore, Rs 63.91 lakh have been spent for civil works, Rs.7.67 lakh for equipments, thus totalling Rs.71.58 lakh as expenditure done. The balance works are expected to be completed within 2-3 months time.

The Company is properly monitoring the progress of the work. In this circumstance the audit para may kindly be dropped.

J. C. Lally

Additional Secretary
Transport Department
Government Secretariat, Typm
Ph: 0471 2518284

STATEMENT OF ACTION TAKEN ON THE REPORT OF COMMITTEE ON PUBLIC SECTOR UNDERTAKINGS (2019-21) BASED ON THE REPORT OF COMPTROLLER AND AUDITOR GENERAL OF INDIA ON THE YEAR ENDING 2016 MARCH 31

Audit Para	Audit Finding	Action Taken
3.3	Non formulation of CSR Committee and non- formulation of CSR Policy	The 27th meeting of the Board of Directors of KSEBL held on 29.07.2016 approved the appointment of Independent Director and also re-constituted the Corporate Social Responsibility (CSR) Committee by including Independent Director. Then, the first meeting of CSR Committee was held on 06.09.2016, and drafted the CSR Policy of KSEBL. The Policy was approved by the Board of Directors in its 28th meeting on 29.06.2016.

PRECEDENCE PROPERTY OF THE PROPERTY NO. 10:01

Action Taken Report on the C& AG's report in Public Sector Undertaking's 2016 March 31st ended.

SI No		Recommendation Action Taken Report	
1	3.3.2	Non — The CSR Committee has Constitution of meeting held on 27.03.20 CSR Committee been convened on 14.06.2	been constituted in the 189 th Board 18. A meeting of the committee has 018.
	3.3.2	profit up to 2017-18, con 62 Crores. For Libya con project equipment corpora of India filed case against 17.25 Crore plus interest judgment is to come. Total comes around '70 Crore ascertained only after th revisions are pending in	ated losses. As a result of working at apany having an accumulated profit of tract, State Bank of India guaranteed tion, in this connection the State Bank company for realising an amount Of 17.25%. The case is pending and final I liability including interest @10% may. Actual amount of liability can be e final verdict. Moreover, two pay n KSCC for implementation. For amount 20 Crore is required. Due to
2	3.3.4.2		eld on 14.06.2018. CSR policy will be etings and if the governing board gives

GOVERNMENT OF KERALA

PUBLIC WORKS(B) DEPARTMENT

Reply to para 3.3 of Audit Report on (PSUs) for the year ended 3. March 2016, regarding "Formulation of CSR Policy and CSR spending".

SI. No.	PARA Vo.	SUB PARA No	RECOMMENDATION OF THE COMMITTEE	ACTION TAKEN REPORT	
				FSR Committee was constituted and the constitute of Directors held on 30/10/2017 in 187/16. FSR policy were prepared by committee in the meeting dated band the same was approved by the Directors wide item. No. 196/4/196th Poard meeting held on 24/0 CSR provisions from the final 2014 15 is as shown below with the same and the same was approved by the 1974 AR. AMOUNT 2014 15 28 lakes 2015 16 33 lakles 2016 17 38 lakes.	g of Board iften No the CSR 6/01/2020 2 Board of 5/1 in the 7/2020, netal year be amount
	3.3.2	S.	pending	locations. Phese amounts were spethe following works recommended Committee in the meeting dated 10 and approved by the Board of Direction No. 196/4/5 in the 196th meeting 24-02-2020. Place of Work 1) St. Theresas College Linakutan (2) SD College, Alappuzha (3) St. Joseph college Alappuzha	**Sthree* ! various !! various !! by CSR! ! 01 2020 Clors vide !three held //ucomi !! lakh !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
	1			4) TDHSS Alappuzha	15 lakh

			/) SN College Varkala 15 takh
			the financial years 2017-18 and 2018-19 is proposed to be held during October 2022. The recommendation of the committee will be placed before the 2031d meeting of the Board of Directors proposed to be held lining. October/November 2022. The uncounts for the years are ₹44 laklis each. As for the financial year 2019-20, the statisticity audit of the company completed and the provision for the year ₹29 of laklis was brooked for CSR activities. The audit report is being forwarded to AG andit for limilization, the amount can be spent only after finalization of the audit report.
2 1.	3.3	Non/ Incorrect reporting on CSR activities.	Reports on CSR activities for 2014-15 onwards has been recorded properly on concerned Annual Reports
3. 3.3	.4	Deficiencies as spending on Cak.	
	3.3.4.	fiston spending on CSR	KSCC has spend in the year 2070 21 a cumulative amount of Rs. 99 lakhs towards CSR activities for the financial year 2014-15 o 2016-17.
	3.3.4.	Non-display of CSR policy in web-ite	Approved CSR policy of KSCC has been displayed on its official website.
	\$.3.4	the CSR policy the CSR policy 3 undertaken is pursuance of normal course of busisess	CSR activities of KSCC are passed on its CSR policy. No CSR activities are undertaken by KSCC as normal business
		inadminsible ctivities	FSCC is not undertaking any activities other than mentioned in the CSR policy
	3.3 4	Concibution in kind for	CSCC has never made any contribution in and for CSR activities.
	3.3.4	The state of the s	CSCC is using the CSR fund directly for its 'SR activities. No contribution is made to he State Government fund.
	3.3.4	./Abs/ nee of reonitoring	CSR Committee of KSCC is directly nonitoring the implementation of CSR projects.

Audit Report No.4 (PSUs) for the year ended 31 March 2016

Statement showing non-constitution of CSR Committee and non-formulation of CSR Policy (Referred to in Paragraph 3.3.2) e Epister

Emiliar teoration	rvation) CSR	16) the audir. The Company stated (Fehrary 2017) that he would be they could not constitute CSR Committee ment of CSR. They first the clarified that agends for constitution of CSR Committee would be placed in the most BoD meeting.		6) day they The Cempary stated (February 2017) that entroyed for the ISOD had approved (January 2017) (Cemplities (SR pulley	of Arathy y constrained, and CSR parky
Reply of company	The Company accepted the audit observation and constituted (August 2016) CSR committee and formulated CSR policy.	The Company accepted (June 2016) the audit observation and stated that stees would be taken to comply with the requirement of CSR under Section 135 of the Act.	The Company accepted flune 2016 this artin charvation.	The Company stated (July 2016) that they were list the process of taking approval for draft CSR policy from the USR Committee and further from BeD.	At the Instance of And (24/05/2016), the Company constitution (30.05/2016) CSR committee and CSR publicy
Type of non compliance	Non-constitution of CSR committee and non-formulation of CSR policy	Non-constitution of CSR committee and non-formulation of CSR pelicy	Nga-consitution of The Compa CSR committee and observation non-formulation of CSR policy	Non-formulation of CSR policy	Non-constitution of CSR committee and non-formulation of CSR rotter
Basis for applicability of CSR law.	Net profit	Net profit	Net picofit	Turrowar	Net profit
St. Name of Company	Kerala Feeds Limited	Kerala State Industrial Enterprises Limited	Rerain Urban and Rurai Davelopnovnt Finance Corporation Limited	Kerala State Civil Supplies Corporation Limited	Kurala State Power and Infrastructure Elsence Corporation Limited

Type of nan- compliance Reply of company - Parthecements	Non-formulation of The Company streed, (lime 2015) that since. The pupily is not unable since thus is, at the BoD declared not to spend in CSR violation of Section 135(2) of the Act is activities for the year 2014-15, the CSR the Company comes under the parties of policy of the Corporation was not managed. CSR Laws.	Non-conclusion of The Company stated May 2010 that profit the reply to not tensible as the profit CSR company of \$1.56 cross and therefore a walls not company of \$1.56 cross and therefore a wallst not company of \$1.56 cross and therefore a wallst not company of \$1.56 cross and therefore a wallst not company of \$1.55 cross and \$1.50 types the purview of Section 1.55 of the Art The Third to the purview of Section 1.55 of the Art The Third that is a flast one out of the purview of the purview of Section 1.55 of the Art Third that the purview of the purview of Section 1.55 of the Art Third that the section of the purview of Section 1.55 of the Art Third that the purview of the purview of Section 1.55 of the Art Third that the purview of the purview of Section 1.55 of the Art Third that the purview of Section 1.55 of the Art Third that the purview of Section 1.55 of the Art Third that the purview of Section 1.55 of the Art Third that the purview of the Company came under the purview of the Company came under the purview of the Company came under the purview of the Art Third that the Art Third that the Part Third that the Part Third that Third that the Part Third that Third that the Part Third that Third tha	Non-constitution of The Company replied (slity 2016) that they The Company replied Technical State and were not aware of the Circles that slite and company could not be an experience of 1806-2014 and bence was of two that any Company could not bring the and financial year prefix presents represent the results of provisions of the Art. They turner clarified that and is described to the characteristics of provisions of the Art. They turner clarified that and is described to the characteristics would be brought to be contacted to the characteristics.	Non-constitution of The Company accepted (sugar, 2017) the The Company stated (February 2017) that CSR committee and audit observation and righted that steps will this position remarked the tame as rapiled non-formulation of betaken to constitute CSR committee in August 2016.	Non-constitution of The Company accepted (August 2016) audit. The Company replied (E-thrusty 2017) CSR committee and observation and stated that action was being fine decision regarding emisliation of taken to from the CSR Committee from the Body was pending with GOK and Beave, CSR policy constitution of CSR constitution of CSR constitution of the constituted.
	4 1			Nou-constitution CSR committee non-formulation CSR policy	CSR committee non-formulation CSR policy
Ranis for applicability of USR law.	-	Oil palm India Limited Net profit	Forest. Net profit	State Net profit	Agro Net profit
Name of Company	State Farming Corporation of Revala Limited	Oil palm India L.	Kerala Development Corporation Limited	Kerala Su Construction Corporation Limited	Kerata Ago Machinery Corporation Limited
. S.	9		ω.	G.	10

Audit Report No.4 (PSUs) for the year ended 31 March 2016

No.	Name of Company	applicability of CSR law.	Type of non compliance	Reply of company	Further remarks
11	Kerala State Electricity Board Limited	Turnover	Non-formulation of CSR policy	Non-formulation of The Company formulated (September 2016) CSR policy	Transport to the second
2	Kerala State Beverages Turnover/Net (M&M.) Corporation profit Limited	Turnover/Net profit	Non-formulation of CSR policy.	Non-formulation of The Company replied (May 2016) that all the reply is not reaching as CSR taws CSR policy. utilised after obtaining Government sanction approved by the Bolb in July 2016 after being pointed and by Audit.	The reply is not tending as CSR Laws require the Company to formulate CSR policy. CSR policy was, however, approved by the BoD in July 2016 after being gournel out by Audu.
0	13 Transformers and Electricals Kerala Limited	and Net profit	Non-constitution of GSR committee and non-formulation of GSR policy	Non-constitution of The Company accepted (July 2015) the audit CSR continuities and observation and stated that the Both decinitation of the constitute CSR committee and formulate CSR policy.	The Company further replied (February 2017) that CSR committee was constituted (July 2016) Draft CSR policy was approved (Details 2016) by CSR Committee and was personal, adoption to CSR.

Appendix 15

Statement showing amount spent for CSR activities during 2014-15 and $2015\mbox{-}36$

(Referred to in paragraph 3.2.4)

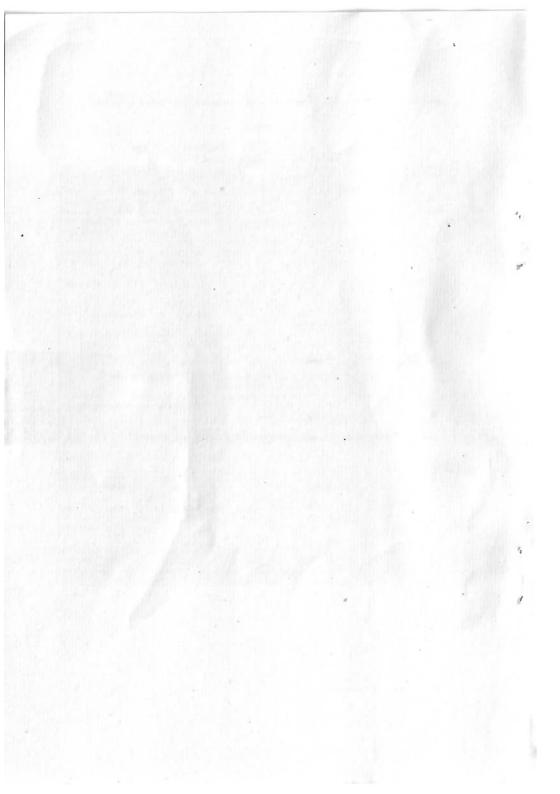
SL No.	Name of company	Amount spent during, 2014-15 and 2015-15 (₹ in core)
1	Kerala State Electronics Development Corporation Limited	0.11
2	Kerala Transport Development Finance Corporation Limited	1.00
3	The Kerala Minerals and Metals Limited	1.09
4	The Kerala State F nancial Enterprises Limited	3,50
5	Kerala State Backward Classes Development Corporation	1,90
6	The Pharmaceutical Corporation (IM) Kerala Limited	0.38
7	Malabar Cements Limited	1.3
8	The Plantation Corporation of Kerala Limited	0.2
9	The Kerala State Inclustrial Development Corporation Limited	0.8
10	Rehabilitation Plantations Limited	0.3
193	Total	10.7

Appendix 16

Statement showing absence of monitoring of CSR activities (Referred to in paragraph 3.3.4.7)

***	AND DESCRIPTION OF THE PARTY OF	(Referred to in paragraph 3.3.4.7)
SI. No.	Name of PSU	Audit Finding
	Kerala State Financial Enterprises Limited	a) An amount of ₹0.09 crore was given (November 2015) to Swamî Vivekananda. Medical Mission Hosoital, Autapady for purchase of equipment for Intensive Care Unit which were lying idle since November 2015. GoK replied (December 2016) that at the instance of Audit, the Company was continuously following up the matter with the kospital and now the Intensive Care Unit was fully functional. b) An amount of ₹0.28 crore was speni (February 2016) for purchase of five dialysis machines at Talijk Hospital, Neendalatar. The machines had
		been kept alle so far (June 2016). Gok replied (December has miss had been kept alle so far (June 2016). Gok replied (December 2016) that the Company was taking up the matter with the Taluk Hospital authorities and panchayath to ensure effective working of the centre. The reply is not tenable as adding of campinent in the both the cases were due to the absence of staff for running the equipment and absence of monitoring.
1	Malabar Cements Limited	Tri-scooter was granted (January 2016) to a person without considering the fact of his being paralysed and betinden for last 23 years. Another person to whom a tri-scooter was granted was an possession of two tri-scooters at present. Both cases were indicative of the fact that the persons who availed the scooters were not eligible beneficiaries. The Company replied (August 2016) that the scheme was implemented after various rounds of checking and action was being taken to rectaly the mistake.
3	Kerala State Backward Classes Development Corporation Limited	Physical verification revealed that 60 per cent of beneficiaries to whom Tri-scoolers were given (June 2015) did not have licence for riding in scooler. GoK replied (January 2017) that the issues mised would be used for future guidance.
4	Kerala Transport Development Finance Corporation Limited	The Company provided (December 2014) ₹1 crore to Forest Industries (Travancore) Limited® towards development of Kodimatha water four say spot at Kodimatha water four say made without estation more and four spot around from the date of transfer of amount. The Company replied (November 2015) that it spent ₹1 crore under the CSR head for the development of Water Tourism Spot, a project index the Tourism Department of Government of Kerala. The fact ternatos that there was absence of month sing.

A State Public Sector Undertaking.



(C)

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