PAC - 96

COMMITTEE ON PUBLIC ACCOUNTS

(2003-2005)

NINETY-SIXTH REPORT
(ELEVENTH ASSEMBLY)

सत्यमेव जयते

Report of the Committee on Public Accounts on the Reports of the Comptroller and Auditor General of India for the years1987-88, 1988-89,1989-90, 1990-91, 1991-92, 1992-93, 1993-94, 1994-95, 1995-96, 1996-97, 1997-98, 2000-2001 and 2001-2002 (Revenue Receipts) relating to the Revenue and Power (Electricity) Departments, Government of Assam.

Presented to the House on 3 MAR 2004

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT
DISPUR, GUWAHATI-6.

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COMPOSITION OF THE COMMITTEE
(2003-2005)

CHAIRPERSON :

1. Smti. Pramila Rani Brahma

MEMBERS :

2. Shri Gautam Bora
3. Shri Ajit Singh
4. Shri Bidya Singh Engleng
5. Shri Dilder Rezza
6. Shri Gopi Nath Das
7. Shri Dharamsing Teron
8. Shri Dilip Kumar Saikia
9. Dr. Zoii Nath Sarma
10. Shri Biswajit Daimary
11. Shri Bimolangshu Roy
12. Shri Chandan Sarkar
13. Shri Sarat Saikia

SECRETARIAT :

1. Shri B.C. Das, Secretary.
2. Shri P. D. Bharali, Additional Secretary.
3. Shri Subimal Kumar Das, Under Secretary.
4. Shri B. Basumatary, Under Secretary.
5. Shri Khalilur Rahman, Committee Officer.

INTRODUCTION

I, Smti. Pramila Rani Brahma, Chairperson, Committee on Public Accounts having been authorised to submit the Report on their behalf, present this Ninety-Sixth Report of the Committee on Public Accounts on the Audit paragraphs contained in the Reports of the Comptroller and Auditor General of India (Revenue Receipts) for the years 1987-88, 1988-89, 1989-90, 1990-91, 1991-92, 1992-93, 1993-94, 1994-95, 1995-96, 1996-97, 1997-98, 2000-2001 and 2001-2002 pertaining to the Revenue and Power (Electricity) Departments, Government of Assam.

2. The Reports of the Comptroller and Auditor General of India (R/R) for the years 1987-88, 1988-89, 1989-90, 1990-91, 1991-92, 1992-93, 1993-94, 1994-95, 1995-96, 1996-97, 1997-98, 2000-2001 and 2001-2002 were presented to the House on 8th October, 1990, 30th July, 1991, 21st December, 1992, 11th October 1993, 14th October, 1993, 14th September 1994, 18th September, 1995, 18th March, 1996, 7th March 1997, 16th March, 1998, 22nd March, 1999, 1st March, 2002 and 27th March, 2003, respectively.

3. The Reports as mentioned above relating to Revenue and Power (Electricity) Departments were considered by the foregoing Committee as in Annexure-I in their sittings held on 31.12.2002, 20.2.2003, 12.3.2003 and 25.6.2003 and considered this Draft Reports on 18th November, 2003 but could not be presented the same before the House owing to expiry of its term.

4. The 96th Report of the Committee on Public Accounts as finalised and approved by the outgoing Committee, the Present Committee has approved the same in its meeting held on 22-01-2004 for presentation before the House.

5. The Committee wishes thanks to the out-going Committee for their strenuous works. The Committee has also appreciated the valuable assistance rendered by the Principal Accountant General (Audit), Assam and his Junior Officers and Staff during the examination of the Departments.

6. The Committee thanks to the Departmental witnesses as well as Finance Department for their kind co-operation and offers appreciation to the officers and Staff dealing with the Committee on Public Accounts, Assam Legislative Assembly Secretariat for their strenuous and sincers service rendered to the Committee.

7. The Committee earnestly hopes that Government would promptly implement the recommendations made in this report.

SMTI. PRAMILA RANI BRAHMA
Chairperson,
Committee on Public Accounts.

Dispur :
The 22nd January, 2004

THE REPORT

CHAPTER - I

Revenue (L.R.) Department
Non-imposition of Penalty
[Audit Para 4.2/CAG 1987-88 (R/R)]

1.1 The Audit has pointed out that according to the rules framed under the Assam Land and Revenue Regulation, 1886, land revenue not paid upto 15th March of the revenue year, shall be deemed to be arrear revenue and every person liable to pay shall be deemed to be a defaulter. Under the rules, when an arrear has accrued, an additional charge by way of penalty, in the form of Court fee stamp of one rupee on processes served on defaulters, shall be levied. In 97,401 cases of eight mouzas under Golaghat, Jorhat and Nagaon districts, land revenue was not paid on due dates. The mouzadars collected the arrears of land revenue without realising the penalty at the prescribed rate from the defaulters. This resulted in loss of revenue of Rs. 97,401 during the period from 1979-80 to 1986-87.

1.2 The Department by written reply has submitted the latest position of collection of land revenue as follows :-

Jorhat District :

Deputy Commissioner, Jorhat has issued instruction to all mouzadars of the District to collect "Miran (late fine)" against collection of arrear land revenue from each pattadar. The Revenue Circle Officers have also been instructed to take action as above in their respective jurisdiction. The mouzadars of following mouzas have collected the miran which was not realised from the pattadars.

1. Thengal Mouza - Rs. 2637.00 (two thousand six hundred thirty seven) only.
2. Sarusarai Mouza - Rs. 2490.00 (two thousand four hundred ninety) only
3. Saraibahi Mouza - Rs. 4500.00 (four thousand five hundred) only.
4. Amguri Kharikatia Mouza - Rs.1500.00 (one thousand five hundred) only.

The Mouzadars who have not yet realized miran have been instructed to realize the same within 31.01.2003.

Golaghat District :

The Deputy Commissioner, Golaghat has intimated that steps have already been taken for imposition of penalty upon the defaulters at the time of paying land revenue.

Nagaon District :

Deputy Commissioner, Nagaon has issued instruction to all mouzadars in the District to impose penalty from all defaulters of land revenue. An amount of Rs. 3423.00 (Three thousand four hundred twenty three) only has already been realized as penalty and deposited in the Treasury.

OBSERVATIONS/RECOMMENDATIONS

1.3 Measures taken by the Government in respect of collection of arrear revenue have impressed the Committee. At the same time, the part of Divisional Commissioners regarding timely collection of land revenue appears to the Committee indispensable. So, the Divisional Commissioners are urged upon by the Committee to exert their duties and responsibilities in respect of collection of land revenue well in time including arrear thereof, if any.

While the judgement of the High Court modified regulation to deposit the collected revenue deducting the Commission of the mouzadars at the source brought to the notice of the Committee specifically "till they receive any instruction from the Court they (Mouzadars) will keep the money in their hands" had appeared to the Committee irregular. Therefore the Committee directs the Government to appeal against the said verdict of the Court with a view to evolve out a sound revenue collection and deposit policy once for all. The out come thereof should be intimated to the Committee accordingly.

It has also brought to the sharp notice of the Committee that there are lapses on the part of revenue administration inclusive of mouza inspection well in time (within the financial year) and action deems fit to be taken on the spot thereof. The Committee therefore holds that there should be regular mouza inspection by the officers of the competent authority and action as deem fit and proper be taken on the spot with a view to update the revenue collection and deposit them to the Treasury as per rules prescribed therefor.

During course of deliberation of the Committee non-completion of land survey to quite a large areas of Tribal localities and Char areas of Assam has also been taken place although it appears to be a continuous process. In the interest of preparing a fool proof record of land holders, the Committee feels that the Deputy Commissioner of all districts should take advice well in time from the concerned Divisional Commissioners

which increases the incentive of the land holders for paying land revenue in time as well as enhance the state exchequer. Thereupon the Committee holds that the land survey of the excluded areas of Assam should immediately (within 31st December 2003) be completed and necessary records therefor be prepared and intimated the action taken thereof to the Committee accordingly.

Retention of heavy cash balance in hand

[Audit para 4.3/CAG 1987-88 (R/R)]

2.1 The Audit has pointed out that according to the Assam Land and Revenue Regulation, 1886, no mouzadar shall retain cash in hand exceeding Rs. 5,000 (Rs. 2,000 prior to May 1982) and subject to this limit, the mouzadar should remit into treasury at least once in a month, the land revenue, local rates and other revenues collected by him. The mouzadars are also required to submit a weekly return of collections to the Deputy Commissioner or to the Sub-divisional Officer concerned. Sub-DeputyCollectors are required to conduct periodical inspections of the accounts of the mouzadars and to report the cash in hand with the mouzadars on the date of inspections. The Deputy Commssioner and Sub-divisional Officers send quarterly reports to the Commissioner of the Divisions, indicating inter-alia the arrears in collections and cash in hand with the mouzaders on the date of inspections. In 34 Mouzas in 7 (seven) Districts (Barpeta, Darrang, Dibrugarh, Golaghat, Nagoan, Lakhimpur and Jorhat) revenue collections in excess of the prescribed limits were unauthorisedly retained by the mouzaders, for two to seven years, during 1979-80 to 1986-87. The amounts retained by the mouzaders during the aforesaid period (1979-80 to 1986-87) ranged between Rs. 25,533 and Rs. 3,09,327 and aggregated to Rs. 26,55 lakhs as at the end of March 1987. The irregularity regarding retention of heavy cash balance by the mouzaders has been persisting despite repeated comments in successive Audit Reports from 1974-75 onwards. The Government's unconcern to possible misappropriation and defalcation of Government money is surprising.

2.2 The Department by written reply has submitted the latest position as follows :-

Darrang District :

Pub-Dalgaon Mouza : An amount of Rs. 30,873.18 was found in excess with the mouzader at the time of audit. The mouzader who was suspended for keeping excess cash in hand, expired and steps taken for realization of the amount after adjusting Rs.20,615.00 being commission bill due to the mouzader. Chapai Mouza ; The excess amount of Rs. 52,587.00 as reported had been realized from the mouzader. At present there is no excess cash in hand with the mouzader. Pachim Dalgaon Mouza : Entire amount of Rs. 33,272.00 found excess with the mouzader had been realized. Pub-Sialmari Mouza : Entire amount of Rs. 54,251.00 found excess with the mouzader at that time had been realized in full.

Lakhimpur District :

The Deputy Commissioner, Lakhimpur has intimated that the mouzaders have been instructed not to retain excess cash in hand beyond permissible limit.

Jorhat District :

Borhola Mouza : The mouzadar was suspended for keeping excess cash in hand of Rs. 1,85,211.28 and his mother, Smti. Bogibala Barua, who was appointed mouzadar in his place deposited the entire amount.

Saraibahi Mouza : The mouzadar has already deposited the entire excess cash in hand as found during that period.

Amguri Mouza : Deposited the excess cash in hand.

Jorhat Town No. 1 Mouza : The Mouzadar has already diposited the excess cash in hand.

Jorhat Town No. 2 Mouza : The mouzadar has already deposited the excess amount in question.

Jorhat Town No. 3 Mouza : The mouzadar has deposited the excess amount found at that time.

Hollongpar Mouza : The concerned mouzadar has been suspended for keeping excess cash in hand and Departmental Proceeding initiated for recovery of the amount. Notice issued to the mouzadar to deposit the excess cash in hand immediately.

Parbatia Mouza : The mouzadar has been suspended and steps taken for recovery of the amount in question.

Dibrugarh District :

As per audit report there were 7 cases of excess retention of cash in hand in Dibrugarh district. Action taken by the Deputy Commissioner are as follows :

Jaipur Mouza : The concerned mouzadar has deposited Rs. 15000.00 vide Treasury Challan No. 1436 and 1438 dated 16.9.87 and vide Treasury Challan No. 1864 dated 11.11.87 retaining the balance amount within permissible limit.

Tingkhong Mouza : Entire cash in hand amounting to Rs. 1,39,541.44 inclusive of the audited amount of Rs. 1,07,807.18 was realized from the mouzadar adjusting his commission bill of Rs. 59,773.00 and the balance amount of Rs. 79,768.44 realized through Bakijai Proceeding No. 6/LR/94-95.

Tipling Mouza : The mouzadar expired on 10,06.2000 and his wife deposited the excess amount of cash in hand retained by her deceased husband amounting to Rs. 58,450.00 on 21,07.2000 vide treasury challan no. 1398, 1391, 1389 and 1392.

Bakial Mouza : Excess cash in hand amounting to Rs. 10,814.84 has been deposited by the mouzadar and mouza demand has been satisfied upto 1989-90.

Khowang Mouza : A Bakijai proceeding being No. 11/LR/87-88 instituted for recovery of excess cash retained by the mouzadar amounting to Rs. 52,413.03 (Rs. 17,742.03 as per audit para) upto 1987-88. The mouzadar was placed under suspension on 14-08-92 for misappropriation of collected land revenue to the tune of Rs. 1,00, 051.91. The Departmental proceeding is in its final stage and Bakijai Officer has been directed to realize the amount.

Lengeri Mouza : The mouzadar who has expired on 10.01.98. had retained cash in hand amounting to Rs. 26,179.88 till his death. His dues towards commission amounting to Rs. 29,396.00 has been adjusted against the cash in hand and present cash in hand is NIL.

Sepon Mouza : The cash in hand retained by the mouzadar as per audit was Rs.11,808.83 till 02-05-87. The mouzadar expired on 09-05-87 and on that cash in hand found to be Rs. 9153.72. The mouzadar had earned commission of Rs. 6415.35 which has been adjusted against his cash in hand leaving a balance amount of Rs. 2738.00 to recover. Steps taken for realization of the amount from his legal heirs.

Golaghat District :

The Deputy Commissioner, Golaghat has intimated that the entire collected amount for the audited period in question has been deposited by the mouzadars.

Barpeta District :

Excess cash in hand in Barpeta Sub-division was Rs.1,62,161.00 during the period of 1987-88 in 17 mouzas. Deducting the permissible limit of cash in hand with the mouzadars, that in Rs.85000.00 (17X5000) and also commission due to the mouzadars amounting to Rs.2,63,513.00, there is no cash in hand with the mouzadars. Regarding Bajali Sub-division, the mouzadars had retained an amount of Rs.98,271.00 in 7 mouzas. Here too after deducting the permissible limit of Rs.35000.00 to 7 mouzas, actual cash in hand with them is Rs.63,271.00 Mouzadars have been directed to deposit the excess cash in hand beyond permissible limit by the Deputy Commissioner.

OBSERVATIONS/RECOMMENDATIONS

2.3 The Committee feels that a detailed report on the matter be submitted to the Committtee for clarification of the points. However, hearing the submission of the official representative, the Committee has been pleased to drop this audit para as raised by the CAG of India.

Loss of revenue due to non-realisation [Audit para 4.4/CAG 1988-89 (R/R)]

3.1 Audit has pointed out that under section 5 (2) of the Bengal Public Demands Recovery Act, 1913 read with Section 3 (3) of the Assam Recovery of Loans Act, 1976, the Financial institution (including bank) preferring Bakijai cases are required to affix court fee stamps for recovery of outstanding dues as arrears of land revenue. In the Office of the Deputy Commissioner, Sibsagar it was noticed in audit (June 1986) that in 16 Bakijai cases preferred (between November 1982 and April 1986) by the Board of Trustees of State Bank of India and United Bank of India for realisation of outstanding dues amounting to Rs. 55,44,729 requisite Court fee stamps were not affixed. The failure of the Bakijai Officer to ensure that the requisite court fee stamps were affixed on the bakijai cases preferred resulted in non-realisation of revenue amounting to Rs. 66,659.

3.2. The Department by their written replies has stated that as per report submitted by the Deputy Commissioner, Sibsagar vide No.SBBK 6/84-85/90, Dated 09.09.1993. There were 37 Bakijai cases involved in the audit para. All these cases were registered under BPDR Act, 1913 and Ad-veloroum court fees was realized in respect of cases indicated at serial 10 to 37 which related to Bank and other institutions. Cases appearing from serial No. 1 to 9 were registered for realization of Provident Fund dues from individual Tea-estates. While sending such proposal for realization of arrear dues it was requested by the Provident Fund Authority to register the cases under the provisions of Assam Land Revenue Regulation along with copies of High Court order and views of Judicial Department in support of the claim in each case. But the concerned Bakijai officer at the time of registaring the cases recorded in his proceedings that cases were taken up under BPDR Act, 1913 mistakenly for which audit para evolved. Hence, it is requested that audit para above may be dropped as cases had to be initiated under the provisions of ALRR, 1886 by Spirit and for which adveloroum fee were not affixed.

OBSERVATIONS / RECOMMENDATIONS

3.3. The Committee has considered the submission of the official representative and dropped this audit objection as raised in the report of the CAG of India.

Misappropriation of revenue collection
[Audit para 4.4/CAG 1989-90 (R/R)]

4.1. The Audit has pointed out that counterfoil receipt book (Form No. 59) is the primary record through which all Government revenues are collected by different revenue collecting authorities. Collections are, thereafter, entered in the cash book quoting reference to the relevant number (book number and page number) of the receipt granted to the payer. These being important records are required to be kept in the safe custody of the head of office or other responsible official authorised in this regard. The receipt and issue of receipt Books are generally watched through a stock register of receipt books maintained by each revenue collecting office. The peon or any other official authorised to realise money on process or at office shall be given a receipt book bearing distinguishing number and containing 100 receipt forms in each book and counterfoils serially numbered, the total number of forms contained in each book being certified on the cover by the custodian. Besides, under executive instructions contained in Part VIII of the Assam Land Revenue Manual, Vol. I, revenue collections made by the Tehsils are also, along with other records, required to be inspected by the Deputy Commissioner or the Sub-divisional Officer, as the case may be, one in every six months. It was noticed in audit (May 1989) that a bakijai assistant of the Hailakandi Tehsil who was entrusted with the duty of realising land revenue, local rates, surcharge etc. Surreptitiously obtained a receipt book bearing No. 2078 from the safe custody of the Tehsil head clerk (without getting it formally endorsed in his favour) and utilised the book for collection of Government revenues on different occasions. The same assistant was also found to have collected revenues by using the unutilised forms (from serial No. 3 onwards) of another receipt book No. 4104 which was returned (10th March 1983) to him by a process serving peon. The amount collected under these two receipt books was neither entered in the Tehsil cash book nor remitted into the treasury and the entire collection was thus kept out of Government account. As per information available on the basis of original copies of receipts produced (upto April 1988), as a proof of payments by certain revenue payers on demand by the Sub-Deputy Collector, Land revenue and surcharge amounting to Rs.1.27 lakhs against 24 receipts (of different serial numbers of both the receipt books) were found to have been collected by him during the period from 21st June 1983 to 25th June 1987, which was alleged to have been misappropriated by him. The amount collected by him through the remaining 174 receipts could not be ascertained as the counterfoils of both the receipts books were not treaceable. As such the extent of actual misappropriation could not be quantified. The Tehsil records did not indicate that the matter was either

reported to the Police or investigated by a higher officer and responsibility thereof fixed. The facts of the case also evidenced that the theft of receipt book (which remained undetected. Over a period of 4 years) and misappropriation of Government money by the assistant was facilitated due to negligence of the custodian of the receipt book and lack of proper supervision of the affairs of the Tehsil by the Sub-Deputy Collector.

4.2 The Department by their written reply has submitted that the Deputy Commissioner, Hailakandi has intimated that for alleged misappropriation of Rs.1,26,741.00 (one lakh twenty-six thousand seven hundred forty one) only by Sri S.K. Das (Since expired), a Departmental Proceeding was started against Sri Das and also GR case No.214/90 registered for recovery of the amount. But before disposal of the Departmental Proceeding and GR case Sushanta Kumar Das expired on 10.02.99. As such GR case instituted against the sole accused got abated. The Deputy Commissioner, Hailakandi in order to facilitate family pension to the surviving heirs dropped the Departmental Proceeding vide his order dated 20.02.99. As the amount of alleged misappropriation held under Audit objection and incorporated in draft para 4.4 in CAG's report for the year 1989-90. Government in the Revenue Department directed the Deputy Commissioner, Hailakandi for recovery of the amount. The Deputy Commissioner passed order for recovery of the amount from the arrear family pension, unutilized leave salary and DCRG payable to the family of the deceased Government Servant on 09-01-2001. Smti. Arati Das, W/O late S.K. Das submitted petition in the nature of an appeal which was sent to the Commissioner of Hills & Barak Valley Division by the Deputy Commissioner on 26.06.2001. The Commissioner of Division after examining the matter has referred it to the Legal Remembrancer. Assam, who opined that no disciplinary authority has power to reopen proceeding which has already been dropped. Morever, no authority has any power to reopen a proceeding which was dropped for the death of the delinquent before conclusion of the proceeding. Therefore, Commissioner of Division, Assam has set aside the order of the Deputy Commissioner. The Deputy Commissioner, Hailakandi is asked to submit proposal for waiving the amount in view of above.

OBSERVATIONS/RECOMMENDATIONS

4.3 The audit objection as raised in this para by the CAG, India has been dropped by the Committee after considering the submission tendered by the official witnesses.

Retention of heavy revenue collection in hand
[Audit para 4.5/CAG 1989-90 (R/R)]

5.1 The Audit has pointed out that according to the Assam Land and Revenue Regulation, 1986, no mauzadar shall retain cash in hand exceeding Rs. 5000 (Rs. 2000 prior to May 1982) and subject to this limit, the mouzadar should remit into treasury at least once in a month, the land revenue, local rates and other revenues collected by him. The mouzadar are also required to submit a weekly return of the collections to the Deputy Commissioner or to the sub-divisional officer concerned. These Officers are required to conduct periodical inspection of the accounts of the mauzas and to report the cash in hand with the mouzadars on the date of inspection. The Deputy Commissioner and sub-divisional Officer also send quarterly reports to the Commissioner of the Division, indicating inter-alia the arrears in collections and cash in hand with the mouzadars on the date of inspection., in its recommendation on the reports of the Comptroller and Auditor General of India (Revenue Receipts) for the year 1986-88 (para 4.16 and 4.17) Government of Assam, the Public Accounts Committee had recommended that the Government should issue strict instructions to the Deputy Commissioners and Sub-divisional Officers to carry out regular monthly inspection of Mouza accounts of the State, so that no mouzadar could retain cash in hand beyond permissible limit of Rs. 2000 (as it stood prior to May 1982), as envisaged in the provision of the Assam Land Revenue Regulation, failing which the responsibility for laxity should be fixed on the Sub-deputy Collectors. In twenty five mouza in 4 districts (Nalbari, Nagaon, Sonitpur and Tezpur), revenue collections in excees of the prescribed limits were unauthorisedly written by the mouzadars, for two to twenty four years, during 1967-68 to 1989-90. The amount retained by the mouzadars ranged between Rs. 12,178 and Rs. 12,178 and Rs. 3.31 lakhs and in all, aggregated to Rs. 10.60 lakhs as at the end of March 1990.

5.2. The Department by their written reply has submitted upto date position as follows :

Nalbari District : The Deputy Commissioner, Nalbari has intimated that an amount of Rs. 26,32,000.00 are lying as cash in hand with mouzadars of 24 mouzas. The mouzadars were asked to deposit the excess cash in hand by issuing notices and holding meeting on 3rd August, 2002. But the mouzadars are yet to get due commission on revenue collection amounting to Rs. 23,33,202.00 (Rupees twenty three lakhs thirty three thousand two hundred two) only. There is a High Court order in Civil Rule No. 2424 of 1996 dated 12.2.01 by which the Mouzadars were allowed to adjust cash in hand with their due commission in eligible cases. Government in the Revenue Department is

considering filing a Review petition against the above stated order in the Hon'ble High Court. The matter is taken up with the Finance Department.

Sonitpur District : The Deputy Commissioner, Sonitpur has stated that mouzadars who had excess cash in hand during the period of 1967-68 to 1989-90 have since deposited their excess amount by adjustment of Commission bills and through treasury challans.

Nagaon District : Report received from the Deputy Commissioner, Nagaon stated that following mouzadars have satisfied mouza demand and has no excess cash in hand relating to the period of 1967-68 to 1989-90. These are :- (1) Nij-sahar Mouza (2) Town Mouza (3) Kachamari Mouza (4) Kandari Mouza (5) Singiapotoni Mouza (6) Kampur Mouza (7) Hatichung Mouza (8) Kathiatoli Mouza (9) Garubat (10) Juria Mouza (11) Saidaria Mouza (12) Barpuzia Mouza (13) Jarabari Mouza (14) Raha Mouza (15) Sahari mouza (16) Khatowal mouza (17) Bhelooguri mouza (18) Calchali Mouza (19) Botodroba Mouza (20) Dhing Mouza (21) Jagial Mouza. There is no cash in hand with mouzadars relating to the period of report at present.

OBSERVATIONS/RECOMMENDATIONS

5.3 During the course of deliberation, the Committee has noticed the defective procedure of collection of land revenue through which some mouzadars took advantage of mal practice where to rectification appears to be inevitable for the fool-proof of collection of land revenue from the pattadars. Similarly, in the absence of specific budget provision in the rules for payment of Commission to the mouzadars, the Committee has observed that there should be formulated necessary rules including holding frequent meeting with mouzadars to serve legally the interest of all concerns implementing to which all sections of the society be strictly adhered to. Action taken by the Government on the line as observed already be intimated to the Committee forthwith.

Misappropriation of revenue collection

[Audit para 5.8/CAG 1990-91 (R/R)]

6.1 The Audit has pointed out that according to the provisions of Assam Land and Revenue Regulation, 1886, no mouzadar shall retain cash in hand exceeding Rs. 5,000 and subject to this limit, the mouzadar should remit into the treasury, at least once in a month, the land revenue, local rates and other revenue collected by him. The mouzadars are also required to submit a weekly return of collections to the Deputy Commissioner or to the Sub-Devisional officer concerned. These officers are required to conduct periodical inspections of the accounts of the mouzas and to report the cash in hand with the mouzadars on the date of the inspection. The Deputy Commissioner and the Sub-Divisional Officers are required to send quarterly reports to the Commissioners of the divisions, indicating inter-alia, the arrears in collections and cash in hand with the mouzadars on the date of inspection. Non-remittance of such collections into Government treasury in time is fraught with the risk of embezzlement of the Government money. In Sonitpur district, the mouzadar of Bahbari mouza retained revenue collections far in excess of the prescribed limit and misappropriated collections amounting to Rs. 87,105 during the period from 1984-85 to 1988-89. The mouzadar was temporarily placed under suspension on 27th December 1989. The Department stated (November 1991) that the defalcated amount works out to Rs. 84,016.25 after adjustment of commission due to the mouzadar, and that notice was served (August 1990) asking him to deposite the amount into the Treasury, simultaneously instituting a departmental proceeding against him under Assam Service (Discipline and Appeal) Rules, 1964. The mouzadar admitted the charge and apologised for the offence, praying for allowing him to deposit the amount in instalments. The department acceded to it on philanthropic ground. The department, however, did not indicate the progress made in the recovery of the amount November 1991).

6.2 The Department by their written reply has stated that the Deputy Commissioner, Sonitpur has intimated that out of Rs.87,105.00 (Eighty seven thousand one hundred five & paise nil) only misappropriated by the Mouzadar of Bahbari mouza sum of Rs.55,366.00+Rs.6037.00=Rs.61,403.00 (Sixty one thousand four hundred three & paise nil) only have been realized from the Mouzadar and the balance amount of Rs.25,702.00 (Twenty five thousand seven hundred two) only have been adjusted against commission bill due to the Mouzadar concerned.

OBSERVATIONS/RECOMMENDATIONS

6.3 Hering the submission of deposition of the official witness, the Committee has been pleased to drop this audit objection as raised by the CAG, India.

Misappropriation of Government money
[Audit para 5.9/CAG 1990-91 (R/R)]

7.1 The Audit has pointed out that under the provisions of the General Financial Rules, 1983, all moneys received by or on behalf of Government either as dues or for deposit, remittance or otherwise shall be brought into Government account without delay. It was seen in audit (October 1990) from the accounts of the District Registrar, Mangaldoi, that a total amount of Rs. 22.604 being the registration fees, application fees etc., was collected in between April 1987 and December 1989. The amount was shown in the payment side of the cash book as remitted to the treasury. But a cross verification of the treasury receipt schedules for the above mentioned periods revealed that the treasury challans, which were produced to audit as a token of deposit of the aforesaid amount into Government account, were fake. The Treasury Officer, Mangaldoi also certified (October, 1990) that the said amount had not been credited to Government account. Thus, non-remittance of various fees into the treasury amounted to misappropriation of Government money which resulted in a loss of Rs.22,604 No. follow up action was taken by the depertment, as required under the provisions of Rules 103 and 466 of the Assam Financial Rules to report the loss of Government money to Audit nor was any action taken to investigate into the matter. The entire amount of fees remained unrealised till August, 1991.

7.2 The Department by their written reply has stated that the misappropriated amount of Rs.22,604.00 detected on the basis of documents in the accounts of the District Registrar, Mongaldoi in the year 1987-89 was only realised and deposited in the Government exchequer in two instalments on 30.06.1993 Rs. 12,516.00) vide Treasury Challan No. 4 and on 08.10.1996 (Rs.10,088.00) vide Treasury Challan No. 32 pssed by the Treasury Officer, Darrang, Mangaldoi respectively. The matter was duly intimated to the A.G. Assam by the Inspector General of Registration, Assam vide letter No. IGR./AT/89/3175, dated 26.02.1997. Out of the misappropriated amount, an amount of Rs.14,609.19 only was misappropriated during the incumbency of Shri Basanta Kumar Sarma, the then Sub-Registrar, Mongaldoi (now retired) during the period from 27.02.88 to 10.04.89 and another amount of Rs.7,944.65 only during the incumbency of Shri Jatindra Nath Chintey respectively, Departmental proceedings were initiated against both the officers. However, it was established from the confession of Shri Prafulla Kumar Khakhlary, the then dealing assistant (Now retired) of Mangaldoi Sub-Registry office that he was the main person responsible for the said misappropriated amount. He was placed under suspension and the misappropriated amount recovered from him as stated above.

OBSERVATIONS/RECOMMENDATIONS

7.3 Having heard the submission of the official witness, the Committee has considered the action taken by the Government and decided to drop this objection as raised by the CAG of India.

Irregular examption from payment of stamp duty and registration fee
[Audit para 5.6/CAG 1991-92 (R/R)]

8.1 The audit has pointed out that the Registered Co-operative Societies are allowed exemption from payment of stamp duty and registration fee under the Assam Co-operative Societies Act, 1949, in respect of various documents, subject to the condition that the documents are registered by or on behalf of the registered societies and that these relate to the business of the societies. In Guwahati, with a view to securing loan amounting to Rs.3.20 lakhs for construction of dwelling houses for the members of a co-operative society, four mortgage deeds were executed (November, 1989) and February 1990) by the said society in favour of the Assam State Co-operative Housing Finance Society. As the loan thus secured was not to be utilised in the business of the Co-operative society (executant), the deeds did not qualify for exemption from stamp duty and registration fee. The deeds were, however, registered without levying stamp duty and registration fee. Stamp duty and registration fee not levied amounted to Rs.20,253.00.

8.2 The Department in their written reply have stated that in the report of the C & A.G.'s report of para 5.6 neither the name of the loanee nor the numbers of the mortgage deeds have been mentioned. However, on examining the documents registered in the Senior Sub-Registry office Guwahati during 1989-90 on the basis of amount mentioned in the report it has been ascertained that 4 (four) numbers of mortgage deeds securing Housing loan from the Assam State Co-operative Housing Society by the members of the Radhanjali Housing Co-operative Society Limited were registered. Requisits stamp duty and Registration fees were duly realized in respect of these mortgage deeds. Therefore, question of loss of revenue in this regard does not arise. However, in connection with the aforesaid four mortgage deeds, four numbers of deeds Assignment being No. 4862 dated 23,11,89 No.4803, dated 23.11.89, No.4864 dtd. 23.11.89 and No.891 dtd. 24.02.90 were executed by Secretry, Radhanjali Housing Co-operative Society Ltd. in favour of the Assam State Co-operative Housing Finance Society Ltd. As the documents were executed by the Secretary of a registered Co-operative society in favour of another registered co-operative society, therefore the exemption in respect of deed of assignment were allowed as per Govt. letter No. FST.4/79/16. dt. 9.4.81 and Govt. Notification No. REGN. 37/82/Pt.1/70 dt. 4.2.92.

OBSERVATIONS/RECOMMENDATIONS

8.3 The Committee is very much constrained to note the irregularity as reported by the CAG India. But on hearing the submission of the official witness, the Committee is of the view that the authority of the Government becomes very much careful so that such instant does not recur. Whatsoever, the Committee has decided to drop this objection as raised by the CAG, India.

Non-levy of surcharge on tea land
[Audit para 4.2/CAG/1993-94 (R/R)]

9.1 The Audit has pointed out that in acordance with the provisions of the Assam Land Revenue Re-assessment (Amendment) Act, 1990, the revenue on tea lands in Assam has been enhanced five times the existing rates of revenue of other rates existing, as the case may be with effect from 1st April 1990. On appeals made by the owners of tea gardens, the Guwahati High Court passed (October, 1992) an interim order directing that the tea gardens shall pay 25 per cent of the land revenue in addition to the land revenue payable by them at the existing rates and the Government instructed (July 1993) all Deputy Commissioners to implement the High Court Order immediately. In Golaghat District, the total area of tea lands under 78 Tea Gardens is 2,10,043 bighas and the existing rate of land revenue is Rs. 2 per bigha. These holdings being under special cultivation of tea and purposes ancillary thereto and also in excess of 50 bighas, are subject to levy of surcharge at 30 per cent of the land revenue effective from 1st October, 1972. Mention was made in paragraph 3.2.6 of the Report of the Comptroller and Auditor General of India on Revenue Receipts for the year 1979-80 Government of Assam bout non-levy of surcharge on tea lands in Golaghat District for the period from October, 1972 to September, 1979. During the discussion (January-February, 1984) of the para by the Public Accounts Committee, the Department in their oral evidence stated that the surcharge in question was abolished in March, 1976 with retrospective effect. They, however, stated in their letter dated 4th March 1985, that an amount of Rs.27.38 lakhs against a demand raised for of Rs.51.26 lakhs was collected from 4 districts, but did not specify the period to which these collections related. The Public Accounts Committee recommended in their 35th Report (presented to the Legislature in December, 1986) that the question of levying surcharge at reasonable rate of percentage of land revenue on tea lands should be examined and report submitted to the Committee within three months. However, this was not done, as noted by the Committee in their 44th Action Taken Report (presented to the Legislature in November, 1988). It was, however, seen in audit (July, 1993) that these lands were neither assessed for levy of surcharge at 30 per cent for the subsequent period from October, 1979 nor for levy of additional revenue at 25 per cent effective from 1st April, 1990 till date (June, 1993). This has resulted in non-realiseation of land revenue amounting to Rs.22.00 lakhs being the mount of surcharge (Rs.18.59 lakhs) and the additional revenue (Rs.3.41 lakhs). On this being pointed out in audit (October, 1993) the department stated (June, 1994) that the surcharge (30 per cent) could not be levied due to non-receipt of Government decision sought for (October, 1979) on appeals received against assessment of the surcharge and the additional revenue (25 per cent) has since been assessed (April, 1990) and the arrears were being realised from October, 1993.

9.2 The Department by their written reply as well as oral deposition has stated that the Deputy Commissioner, Golaghat has intimated that 30 per cent charcharge on tea land had been assessed in regard to all tea gardens on Golaghat district as arrear with effect from 1972 upto 1997-98 during the year 1999 as per Government instruction communicated vide No. RLR.55/98/14, dated 9.4.99. Accordingly an amount of Rs. 18,71,475.00 has been assessed for tea gardens of Golaghat (Sadar) Sub-Division and out of the asses amount stated above, an amount of Rs. 13,29,828.00 has so far been realized from 34 tea gardens till date. Steps being taken for realisation of the remaining amount (Rs.5.41,647.00) from the defaulting 10 tea gardens. Additional land revenue of 25 per cent have also been realized from these tea gardens for the period from 1.4.90 to 30.6.98 as per Government instruction issued vide RSS.351/90/339, dated 27.10.99 and Hon'ble High Court order dated 27.10.92 in CR No.1618 of 1991. Similarly, an amount of Rs. 9,29,717.00 towards 30% surcharge and Rs.3,03,002.00 towards 25% Additional land revenue had been realized for the period from 1.4.90 to 30.6.98 from 11 tea gardens in respect of Bokakhat (civil) Sub-Division of Golaghat District. Again, an mount of Rs. 87,869.00 as 30% surcharge and Rs.66,821.00 as 25% Additional land revenue for the above mentioned period had been realized from 5 tea gardens falling under Dhansiri (civil) Sub-Division of Golaghat district) presently surcharge of 30% of land revenue has been realize from these tea gardens as regular demand in the district from the year 1999.

OBSERVATIONS/RECOMMENDATIONS

9.3 On perusal to the departmental submission, the Committee is convinced that factual reports from the concerned collectors have to be procured. However, the Committee holds that the Government in the Revenue Department should vigorously pursue the matter for immediate collection of the arrear land revenue from the land holder/pattadars without any further delay and the up-to-date position thereof should immediately be intimated to the Committee accordingly.

Non-accountant of Revenue collection

[Audit para 4.3/CAG 1993-94 (R/R)]

10.1 The Audit has pointed out that in all districts except Barak Valley area, the mouzadars collect land revenue, local rates etc. on commission basis. The Assam Land and Revenue Manual provide that all collections on account of land revenue and local rate should be entered daily in the Dainik Amdani Register maintained by the mouzadar. The daily total of the Dinik Amdani Register is thereafter, taken into the cash book required to be maintained by him in order to ensure deposit of these amounts into the treasury. The Sub-Deputy Collectors are required to check. Test check of the accounts of the mouzadar, Khumtai Mouza under Golaghat District revealed (October 1993) that the collections made against 415 receipts during the period from August 1987 to March 1993 amounting to Rs.56,236 were neither accounted for in the Dainik Amdani Register nor in the cash book and consequently not deposited into the Treasury.

10.2 The Department by their written reply has stated that the Deputy Commissioner, Golaghat has submitted that the Mouzadar of Khumtai mouza has already deposited the entire amount of Rs. 56,236.00 only collected against 415 receipt during the period from August, 1987 to March, 1993, into the Golaghat Treasury under the head of account 0029 LR after observing all formalities by making entry into the Dainik Amdani Register and reflecting in the cash book soon after checking by the Audit party. Government has instructed all the Deputy Commissioner to ensure regular entry of all daily receipts in the Amdani Register.

OBSERVATIONS/RECOMMENDATIONS

10.3 The Committee has noticed that the inspecting officers of the district concerned have not discussed in a regular interval to equip the mouzadars with all the procedural devices as deem fit resulting thereby to irregular deposit of the collected land revenue besides accumulation of arrear of them years together. Thereupon the Committee urges upon the Government to make arrangement for holding monthly regular meeting with the mouzadars by the revenue officers of the district so that there would neither be arrear of land revenue nor collected land revenue remained undeposited byond the prescribed period therefor.

Loss of revenue due to under statement of value of properties in the instrument of transfer. [Audit para 4.4/CAG 1993-94 (R/R)]

11.1 The Audit has pointed out that under the Indian stamp Act 1899. as adopted by the Government of Assam and amendments made thereto from time to time, the consideration amount and all other facts and circumstances affecting the rate at which the instrument of transfer of property has to be stamped shall be fully and truly set forth in the instrument itself. The Act further provides that if the registering authority has reason to believe that the valuation has been under-stated, he may either refer the case to the Collector for adjudication or initiate case for prosecution. In the District Registrar's Office, Karimganj, a deed was executed on 17 December, 1990 in respect of a tea estate by showing the value of property at Rs. 2.50 lakhs (Rs. 1 lakh being the value of 6655 bighas of land and plantation standing thereon and Rs. 1.50 lakhs being the value of land and structures erected) and was charged to stamp duty and registration fee accordingly. But, in the same revenue village and mouza, in a land acquisition case, the Deputy Commissioner, Karimganj fixed (August 1988) the value of land acquired at Rs. 1,740 per bigha for paying compensation to the villagers. Thus, even at this rate, the value of 6655 bighas of land (excluding plantation and buildings) works out to Rs. 115.80 lakhs. Therefore, the total value of the property for executing the deed should have been atleast Rs. 117.80 lakhs as against Rs. 2.50 lakhs as shown in the sale deed. Although the sale value of the property was grossly understated, the case was not referred to the collector for adjudication. The under-valuation of the property has resulted in a lower realisation of revenue amounting to Rs. 21.29 lakhs. on this being pointed out (February 1993) in audit, the District Registrar, Karimganj stated (22nd November 1993) that there was no legal obligation or duty on the part of the registering authority to make an enquiry regarding the market value of the property. The contention of the registering authority is not tenable as it is duty in terms of the Act to satisfy himself that the valuation has been fully and truely set forth in the instrument. To ensure this the Act provides for cases of under-valuation to be referred to the collector for adjudication or initiation of prosecution. In view of the very large difference in the value in the same revenue village and mouza, the registering authority should have either refused the registration in terms of the explanation given below Section 27 of the India Stamp Act (Act II of 1899), as adopted by the Government of Assam, in case of document sought to be registered suspecting under-valuation with a view to cheat the Government of the legitimate duty or should have referred the matter to the collector for Arbitration or initiation of a case for prosecution.

11.2 In addition to their written reply official witnesses have deposed that the Deputy Commissioner cum District Registrar,

Karimganj has intimated that one Additional Deputy Commissioner, who looks after Registration works in the district has been entrusted for an enquiry in to the matter. But as all officers in the district are engaged in the election duty relating to conduct of ensuing bye election of Ratabari LAC, the District Registrar has requested for two months time for furnishing report on the matter. In view of this position, the Hon'ble Committee on Public Accounts is requested to allow this Department further time to settle the issue.

OBSERVATIONS / RECOMMENDATIONS

11.3 Since the official witness has intimated the Committee that the matter became subjudiced, the Committee refrains from pursuance to the case for the time being.

Retention of heavy cash balance in hand
[Audit para 5.3/CAG 1994-95 (R/R)]

12.1 The Audit has pointed out that according to the Assam Land and Revenue Regulation, 1886 and Government notification of May 1982, no mouzadar shall retain cash in hand exceeding Rs. 5000 and subject to this limit, the mouzadar should remit in treasury atleast once in a month the land revenue, local rates and other revenue collected by him. Mention was made in paragraph 4.5 of Report of the Comptroller and Auditor General of India on Revenue Receipts for the year 1989-90 of the Government of Assam about retention of heavy cash balance beyond the permissible limit. During the course of audit (1994-95), it was noticed that in 24 mouzas in 5 districts (Sibsagar, Jorhat, Nagaon, Sonitpur and Nalbari), revenue collections in excess of the prescribed limits were unauthorisedly retained by the mouzadars for periods ranging from two to nine years, during 1985-86 to 1993-94. The amounts retained by the mouzadars ranged between Rs. 8,996.56 to Rs. 1.87 lakhs and in all aggregated to Rs. 14.26 lakhs as at the end of March 1994.

12.2 The Department by written repaly has submitted the latest position on the matter as follows :-

1. Sibsagar District :- The Deputy Commissioner, Sibsagar has intimated that prior to 2001, Mouzadars kept collected land revenue as cash in hand which were not deposited inspite of DC's order in this regard and therefore, action was taken against the defaulting mouzadars. Accordingly, the mouzadar of Konwarpur mouza was put behind the bar for two months and still under suspension due to misappopriation of Government revenue Result specific criminal action against defaulting mouzadars. Actual deposit of cash in hand is awaited.

2. Jorhat District :- The amount retained by the Mouzadars during the period of 1985-86 to 1993-94 have completely been realized and deposited into the treasury except the amount retained by the Mouzadar of parbatia mouza and Holleswar mouza, who were placed under suspension during 1995. Departmental proceeding have been instituted to ralize the amount from them. Mouzadar of parbatia mouza has deposited Rs. 42,000.00 out of the total amount of cash in hand of Rs. 1,11,000.00 and given undertaking that the balance amount will be paid at the earliest.

3. Ngaon District :- All 23 mouzadars except one have satisfied demand upto 1997-98. Bakijai cases have been instituted against the defaulting mouzadar.

4. Sonitpur District :- The Deputy Commissioner, sonitpur has intimated that mouzadar of Missamari mouza has satisfied demand for the relevant period and that of Mahabhairab mouza has only Rs. 6506.00 as cash in hand till date after adjusting commission due to him.

5. Nalbari District :- The Deputy Commissioner, Nalbari has intimated that the amount retained by the Mouzadars during the period 1985-86 as reflected in the audit report has already been deposited by the mouzadars into the proper head of account.

OBSERVATIONS/RECOMMENDATIONS

12.3 While pursued the issue of collection of land revenue and deposit the collected revenue into the Treasury, the Commissioner and Secretary to the Government of Assam in the Revenue Department has inter alia submitted to the Committee that the Gaon Buras are also taking part in collecting land revenue who have been paying monthly @ Rs. 600.00 P.M. and @ 100.00 P.M. as salary and medical allowances, respectively.

The Committee happens to be happy hearing submission of the official witnesses with regard to issuing necessary circulars containing to collect land revenue specially reassessing the unassessed tea-garden land and land of the Railway, to issue pattas to the land holders of the urban areas. During the course of obtaining clarifications from the official representatives, the Committee has been intimated that land disputes are being settled in 146 circles of the state of Assam.

Thereupon the Committee urges the Government to hold atleast one Lok (Revenue) Adalat every year for benefit of people of each of 146 circles of Assam.

Loss of revenue due to non-completion of resettlement operation

[Audit para 5.2.6.1/CAG 1995-96 (R/R)]

13.1 The Audit has pointed out that under section 21 of the Assam land Revenue Re-assessment Act, 1936, land revenue may be re-assessed before the expiry of lease, if it appears to the Deputy Commissioner that (a) agricultural land has been converted into a residential site or vice versa or (b) a residentail site has been converted into trade site or vice versa. The Guwahati town area under the old Municipality covered an area of 1369.66 hectares of land. The re-settlement operation of the area was completed in March 1987. The present Guwahati Municipal Corporation covers a further area of 15435.83 hectares (hereinafter called the extended area). The re-settlement of the extended area was done in 1964 for a period of 30 years and the land revenue was assessed at the rate applicable to village land with effect from 1 April 1964, which yielded Rs. 1.01 lakhs annually. Since both the areas were equally developed and there was no difference so far as the pattern of land use was concerned, the government, by a notification (6 July 1988), brought the extended areas under re-settlement opertion with effect from 1September 1988. The operation was to be completed within 1991. But the same has not yet (November 1995) been completed, nor has the land revenue been re-assessed. As a result, there has been a recurring loss of revenue to the extend of Rs. 93.89 lakhs per annum in respect of 7370.10* hectares of settled land out of the extended area at the now rates as estimated in the forecast report prepared (December 1987) by the Government for the said re-settlement operation. In the forecast report, the settled area (7370.10 hectares) was divided into ten classes attracting the new rates of revenue ranging from Rs. 1.90 to Rs. 115.80 per acte, aggregating Rs. 94.90 lakhs per annum. There has thus been a revenue loss of Rs. 6.18 crores during the period from September 1988 to March 1995 due to the failure of the Department to levy land revenue at enhanced rates, inspite of the issue of gazette notification, on the expended portion of the Guwahati Municipal Corporation.

13.2 The Department by their written reply has stated that it is a fact that Re-settlement operation of extended Guwahati Municipality which was started in the year 1988 is still bo be completed. The operation area covers 74 villages under Beltola (part) Jalukbari (part) and Ulubari (part) Mouza, out of these survey has been completed for all villages and Record attestation in respect of 57 villages too have been completed. The Rate Report for re-assessment of land revenue has been furnished and processed in the Revenue Department for approval of the Cabinet, Government in the Revenue Department, has taken steps for completion of the operation as soon as formalities required in this regard is completed.

OBSERVATIONS/RECOMMENDATIONS

13.3 Having heard the submission of the official witnesses, the committee has decided to drop this objection as raised in the para of the CAG, India.

Delay in settlement operation

[Audit para 5.2, 6.2/CAG 1995-96 (R/R)]

14.1 The Audit has pointed out that the Assam Land Holding Act, was enacted to bring about uniform pattern of land revenue administration in the areas formerly known as permanently settled areas** of erstwhile Goalpara*** District and Karimganj sub-division (now district, of erstwhile Cachar District. The Department has not prepared any time bound programme for completion of the settlement operation. Mention was made vide in paragraph 4.2.3. of the Report of the Comptroller and Auditor General of India on Revenue Receipt for the year 1985-86, Government of Assam regarding loss of revenue of Rs.97.11 lakhs for the period from February 1975 to March 1986 due to delay in implementation of the provision of the above Act in Goalpara District. It was noticed during the course of the review that although all the four districts formed out of the erstwhile Goalpara District were brought under the settlement operation under the above Act in 1979, the actual settlement work was started after 3 to 4 years in Dhubri and Kokrajhar Districts and as late as October 1988 in Bongaigaon and Goalpara Districts. The work has not yet (December, 1995) been completed and the land revenue is being realised at the old rates resulting in an annual loss of revenue of Rs.8.74 lakhs being the difference between estimated annual revenue (as per forecast report) for erstwhile Goalpara district and the annual revenue being realised at the existing rates. Thus due to delay in commencement of the settlement operation and non-completion of the same till date (december, 1995), the Government sustained a further loss of revenue of Rs.78.66 lakhs from 1986-87 to 1994-95. Lack of any initiative on the part of the Department/Government to prepare any time bound programme for completion of settlement operation had an adverse effect on the financial position of the State.

14.2 The Department in their written reply have state that re-settlement operation of the erstwhile permanently settled areas of Erstwhile Goalpara, which is now divided into Goalpara, Bongaigaon, Kokrajhar and Dhubri district could not be completed due to verious factors like flood, engagement of officers/staff in miscellaneous works in election, census etc. Late reports in respect of all these districts have now been received and steps taken for placing the same for approval of the cabinet.

OBSERVATIONS/RECOMMENDATIONS

14.3 Having heard the submission of the departmental representative, the Committee has decided to drop this objection on the para as raised in the report of the CAG. India.

Short levy of Stamp Duty
[Audit para 5.2/CAG 1997-98 (R/R)]

15.1 The Audit has pointed out that the test check of records (February, 1998) in Nalbari Sub-Registry office disclosed that stamp duty to the extent of Rs.6.92 lakh in 170 cases was levied short during 1994 to 1997 as per details given below :

Year	Value of property considered	No. of cases considered	Stamp duty chargeable	Stamp duty charged	Short levied
1994	14,03,900	16	1,10,701	61,360	49,341
1995	61,92,600	97	6,62,032	2,46,730	4,15,302
1996	37,29,360	43	3,11,764	1,28,866	1,82,898
1997	11,20,000	14	82,800	38,200	44,600
Total	1,24,45,860	170	11,67,297	4,75,156	6,92,141

15.2 The Department by their written reply has stated that in para 5.2 of 1997-98, no specific Deed Numbers and dates pertaining in the years mentioned have been mentioned in the report to facilitate action from this end. As huge numbers of deeds/documents are registered in the office of the Sub-Registrar in a year, it is not possible to verify cases and take action on the matter without specific Deed Numbers and dates.

OBSERVATIONS/RECOMMENDATIONS

15.3 The Committee has considered the submission made by departmental representatives and accepted the contentions. Accordingly, this objection of the CAG, India has been dropped.

Non-levy of surcharge

[Audit para 5.3/CAG 1997-98 (R/R)]

16.1 The Audit has pointed out that the test check (January-March, 1998) of records in Tinsukia Sub-Registry office revealed that a surcharge of Rs.10 per thousand was not levied on property valued at Rs.398.42 lakh & registered during 1994, 1995 and 1996. This resulted in loss of revenue of Rs. 3.98 lakh. On this being pointed out in audit (June, 1998), the department stated (July, 1998) that Senior Sub-Registrar, Tinsukia was being instructed to follow the existing rule relating to the collection of such charges.

16.2 The Department by their written reply has stated that as per report received from the District Registrar, Tinsukia, additional Stamp duty (surcharge) at the rate of 1% that is, Rs.10.00 per thousand has been levied in respect of all deeds of transfer of immovable properties within the Tinsukia Municipality area/Makum Town Committee area/Doomdooma Town Committee area, under Tinsukia Sub-Registry office as required under the provision with effect from 1984 and being realised till date.

OBSERVATIONS/RECOMMENDATIONS

The Committee has considered the official submission of the Government and decided to drop this objection as raised in the para of the CAG, India.

Short levy due to under valuation of property

[Audit para 5.4/CAG 1997-98 (R/R)]

17.1 The Audit has pointed out that the test check of records (January-May 1998) in four registering offices (Nagaon, Silchar, Jorhat and Golaghat) disclosed that the value of property shown in the Agreement Deeds executed on non judicial stamp was much higher than that of the value finally setforth in the registered sale deeds. This resulted in short realisation of stamp duty and registration fees amounting to Rs.1.13 lakh (stamp duty : Rs.0.69 lakh, registration fees : Rs. 0.44 lakh). On this being pointed out (June, 1998) in audit, the department stated (July, 1998) that in absence of proper legislation and fixation of valuation of properties by the Government, the Registering Officers of the State are not in a position to check under valuation in registering transfer deeds.

17.2 The Department by their written reply has stated that it is a fact that sometimes sale deeds are prepared and presented by the seller for registration showing lower value of the property than the value of the properties set forth in the "Deed of Agreement" registered earlier relating to final sale deed. Such kind of concealment of valuation of properties to evade Government revenue by the registrant public are difficult to check unless reference of earlier Deed of Agreement are quoted in the final Sale Deeds. Regarding fixation of zonal market value of land, Revenue (Registration) Department has already issued two circulars directing all Deputy Commissioners and Sub-Divisional Officers of Civil Sub-divisions to fix reasonable value of land in urban areas. Accordingly 10 district/Sub-Divisions have sumbitted report/proposal for fixing zonal market value which are under consideration, Zonal value of land in respect of Guwahati, Nogaon and Bokakhat has already been fixed by the concerned Deputy Commissioner. The other DC/SDOs, who have not yet submitted report/proposal are reminded for immediate action. Here it may be stated that for alleged registration of undervalued sale deeds. The then Sr. Sub-Registrar of Tinsukia and the Sub-Registrar of Mangaldoi was placed under suspension during the year 1998 and 2000. The Department is closely monitoring the works of the Sub-Registry officers all over the State to check such irregularities.

OBSERVATIONS/RECOMMENDATIONS

17.3 The Committee has satisfied with the official submission and dropped the objection as raised in this para of the CAG, India.

Retention of cash in hand by mouzadars

[Audit para 6.6/CAG 1997-98 (R/R)]

18.1 The Audit has pointed out that as per executive instructions issued under the Assam Land and Revenue Regulation 1996, no muzader is to retain cash in hand beyond rupees ten thousand after March, 1996. Subject to limit, the mouzadar is required to remit into treasury at least once month the land revenue, local rates and other Government revenue, collected by him. The Sub-Divisional Collectors, S.D.O's and Deputy Commissioners are required to inspect periodically the accounts of the mouzas and report to the Commissioner of Divisions about the cash in hand with the mouzadars on the date of inspection. The Deputy Commissioners send quarterly reports to the Commissioner of the Division, indicating the arrears in collection and cash in hand with the mauzadars on the date of inspection. During the course of audit, it was noticed (October to December, 1997) that in sixteen mouzas revenue collections beyond the permisible limit were unauthorisedly retained by the mouzadars for 3 to 20 years during the period from 1977-78 to 1996-97. The amounts retained by the mouzadars ranged between Rs. 0.32 lakh and Rs. 2.05 lakh and in all aggregated to Rs. 11.23 lakh at the end of the year 1996-97 as tabulated below :-

(Rupees in lakh)

Sl. No.	Nme of the Mouzas	Collection as on 30.6.97	Deposit as on 30.6.97	Cash in hand as on 30.6.97	Period of retention
1.	Dhekiajuli	9.09	8.24	0.85	1991-92 to 1996-97
2.	Sipajhar	6.52	6.05	0.47	1977-78 to 1996-97
3.	Amguri	2.57	2.25	0.32	1994-95 to 1996-97
4.	Simalguri	1.49	0.70	0.79	1994-95 to 1996-97
5.	Jarabari	0.50	0.12	0.38	1994-95 to 1996-97
6.	Uttarkhola	2.42	2.00	0.42	1991-92 to 1996-97
7.	Nakachari	1.10	0.75	0.35	1988-89 to 1996-97
8.	Luki	2.25	1.81	0.44	1991-92 to 1995-96
9.	Gakhirkhowa	1.12	0.44	0.68	1994-95 to 1996-97
10	Lahing	0.99	0.55	0.44	1994-95 to 1996-97
11.	Lakrai	2.55	2.12	0.43	1984-85 to 1996-97
12.	Hindughopa	1.15	0.78	0.37	1989-90 to 1996-97
13.	Missamari	1.81	1.39	0.42	1994-95 to 1996-97
14.	Chahari	1.66	0.27	1.39	1992-93 to 1996-97
15.	Laharighat	2.48	1.05	1.43	1992-93 to 1996-97
16.	Mahabhairab	19.43	17.38	2.05	1990-91 to 1996-97
	Total	57.13	45.90	11.23	

The above position indicates lack of control of the Department over the mouzadars, resulting in blockade of substantial amount of land revenue in their hands. The Deputy Commissioner/Sub-Divisional Officers failed to undertake inspection and ensure corrective steps in respect of the mouza accounts. It also amounted to violation of the recommendation made in the 46th Report of the PAC (May 1989) wherein it was stated that no mouza should be allowed to retain collected revenue in hand beyond the permissible limits. The Committee and further recommended that responsibilities should be fixed on the officers who were entrusted with the inspection of mouza accounts.

18.2 The Department by their written reply has submitted latest position as follows :

Sonitpur District :-

1. Missamari Mouza :- Demand of the mouza for the relevant period under reference has been satisfied by the mouzadar and there is no excess cash in hand with him after adjustment of the commission to the mouzadar.

2. Mahabhairab Mouza :- Demand of the mouza for the relevant period under reference has been satisfied by the mouzadar and there is no excess cash in hand with him after adjustment of due commission to the mouzadar.

3. Dhekiajuli Mouza :- Cash in hand retained by the Mouzadar of Dhekiajuli mouza has since been realised and there is no cash in hand retained by the mouzadar beyond permissible limit.

Darrang District :

1. Sipajhar Mouza :- Rs. 0.47 lakh found as cash in hand with the mouzadar during the period of inspection has since been realized and deposited into the treasury under relevant head of account.

2. Lakrai Mouza :- Rs. 0.43 lakh found as cash in hand with the mouzadar during the period of inspection has since been realized and deposited into the treasury under relevant head of account.

3. Hindughopa Mouza :- Rs. 0.37 lakh found as cash in hand with the mouzadar during the period of inspection has since been realized and deposited into the treasury under relevant head of account.

Jorhat District :

1. Simaluguri Mouza :- Entire amount found as cash in hand with the mouzadar during the period of inspection has since been realized and deposited into the treasury under relevant head of account Demand for these years have been satisfied.

2. Nakachari Mouza :- Rs. 35,015.00 found as cash in hand with the mouzadar during the period of inspection has since been realized and

deposited into the treasury under relevant head of account.

3. Lahing Mouza :- Rs. 44,000.00 found as cash in hand with the mouzadar during the period of inspection has since been realized and deposited into the treasury under relevant head of account.

4. Gakhirkhowa Mouza :- Rs. 68,000.00 found as cash in hand with the mouzadar during the period of inspection has since been realized and deposited into the treasury under relevant head of account Demand for those years have been satisfied by the mouzadar.

5. Amguri Kharikatia Mouza :- Has already deposited entire cash in hand retained by him as observed in audit para.

Morigaon District :

1. Uttarkhola Mouza :- Rs. 42,000.00 found as cash in hand with the mouzadar during the period of inspection has since been realized and deposited into the treasury under relevant head of account Demand for those years have been satisfied by the mouzadar.

2. Laharighat Mouza :- Rs. 1,43,000.00 found as cash in hand with the mouzadar during the period of inspection has since been relized and deposited into the treasury under relevant head of account Demand for those years have been satisfied by the mouzadar.

Kamrup District :

1. Luki Mouza :- Excess cash in hand found with the Mouzadar of Luki mouza has since been realized.

Nagaon District :

1. Chahari Mouza :- Deputy Commissioner, Nagaon has intimated that cash in hand with the mouzadar has been realized and mouzadar has satisfied demand for the concerned period.

2. Jarabari Mouza : The excess cash in hand with the mouzadar has been realized and demand for the period has been satisfied.

OBSERVATIONS/RECOMMENDATIONS

18.3 Having considered the reply submitted by the official witness, the Committee urges upon the Government to strictly pursue including inspection to the actual deposit regularly the land revenue collected by 339 mouzadars of the State of Assam to the treasury. The Committee also holds that due monitoring of the works of the mouzadars in respect of collection of land revenue and deposit them well in time as prescribed by law to the treasury largely depend on the interest of District Collectors or the Circle Officers who should be made responsible, if there be default of revenue collection by the mouzadar/Tahsildar of the State.

Non realisation of Government revenue towards acquistion of land

[Audit para 4.5/CAG 2000-2001 (R/R)]

19.1 The Audit has pointed out that according to para 185 of Assam Land Acquisition Manual, whenever land is acquired for Municipality, other local authorities, etc. acquisition proceedings shall not be commenced until the amount of the estimate inclusive of capitalized value of Government revenue and the cost of establishment and contingent charges have been paid into the treasury. Test check of the records of the Deputy Commissioner, Kamrup disclosed (January 2001) that the acquisition proceeding of land measuring over 59 bighas required by the Guwahati Municipal Corporation (GMC). Guwahati for construction of bus stand at Adabari was taken over from the land owner and handed over to the GMC in December 1986. However, establishment and contingency charges of Rs. 11.02 lakhs though payable into the Government account were neither paid nor recovered. This resulted in non-realisation of Rs.11,02 lakh (January 2001).

19.2. The Department by their written reply has stated that an area measuring 59 bigha 2 katha 2 lessas at Garhpandu-Kumarpara village under Jalukbari mouza was requisitioned at the request of Guwahati Municipal Corporation for construction of Adabari Bus stand. The requistioned land was handed over to the GMC on 10-12-1986. The Land so requisitioned could not be acquistioned till date for non-payment of land compensation by the Guwahati Municipal Corporation. The Deputy Commissioner, Kamrup vide his letter No. LA.3/86/155,dated 15-1-95 had submitted land acquisition estimate for Rs. 1,20,95,798.00 to the GMC for placement of fund but till date no response could be evoked from the GMC. In this connection, Deputy Commissioner's letters to the Commissioner, GMC vide No. L.A.3/86/2457-58, dated 15-10-98(2) L.A.3/86/732/1473, dated 13-12-2001 and Revenue Deptt's letter in the GMC.Guwahati vide (1) RL. A. 2.37/90/108, dated 25-11-98, (2) RLA. 2.37/90/109, dated 10-2-99 and (3) RL.A.2.37/90/123, dated 3-10-2002 may kindly be referred. The Revenue Department and the Collector & Deputy Commissioner, Kamrup has requested the GMC repeatedly for deposition of the required amount for acquisition of the land in question so as to settle the matter at an early date.

OBSERVATIONS/RECOMMENDATIONS

19.3 Having heard the submission of the official representatives, the Committee urges upon the Government to make payment at the earliest opportunity the value of the land to the pattadars whose land had been requisitioned at the request of the Guwahati Municipal Corporation.

Retention of cash in land by Mouzadars
[Audit para 4.9/CAG 2001-2002 (R/R)]

20.1. The Audit has pointed out that as per executive instructions issued under Notification dated 29 March 1996 no Mouzadar is allowed to retain cash in hand beyond Rs.10,000/- (Rupees ten thousand). Subject to this limit the Mouzadars are required to remit in to Treasury, the land revenue and local rates and other Government revenue collected by them. The Public Accounts Committee also recommended (in the 46th Report) that no mouza should be allowed to retain collected revenue beyond the permissible limit. The Committee further recommended that responsibility should be fixed on officers who are entrusted with the inspection of Mouza accounts to avoid irregular rentention of cash in hand by the Mouzadars. Text check of records of 98 Mouzas for the period from 1996-97 to 2000-2001 revealed that the Mouzadars retained an amount of Rs.86.09 lakh as cash in hand as on 31st March 2001 in excess of the allowable limit as detailed below :

Sl. No.	Name of the Districts	No. of Mouzas	Total collection as on 31 March 2001 (Rupees in lakh)	Total Deposit as on 31 March 2001 (Rupees in lakh)	Cash in hand with Mouzadars in excess of Rs.10,000/- as on 31 March 2001 (Rupees in Lakh)
1.	Barpeta	13	115.37	101.19	12.88
2.	Morigaon	16	101.28	73.56	26.12
3.	Nagaon	23	98.32	68.91	27.11
4.	Jorhat	17	112.33	100.82	9.81
5.	Dibrugarh	13	76.01	68.49	6.22
6.	Sonitpur	13	13.61	9.94	2.37
7.	Golaghat	3	14.99	13.11	1.58
	Total	98	531.91	436.02	86.09

The above position indicated lack of control of the department over the Mouzadars resulting in blockade of a substantial amount of land revenue which tantamounted to temporary misappropriation of Government revenue. The Deputy Commissoners/Sub-Divisional Officers and Circle Officers (DC's/SDO's/CO's) also failed to undertake the required inspection and corrective measures in respect of the Mouza accounts. It was also violative of the recommendation made in the 46th Report of the PAC (May 1989). On this being pointed out the department stated (July 2002) that the DC's/SDO's/CO's were instructed to take effective step for collection and remittances of revenue. However, deposit of the amount to the treasury is waited (December, 2002).

20.2 The department by their written reply has stated that Government in the Revenue Department has issued several instructions to the Deputy Commissioners on the basis of discussions held with the Hon'ble Chairman, Public Accounts Committee for taking strict measures for realization of excess cash in hand found to be retained by the Mouzadars beyond permissible limit.Accordingly, all Deputy Commissioners have taken effective steps for realization of excess cash in hand from the defaulting mouzadars by holding meetings with them and respective Revenue Circle Officers were instructed for regular inspection of mouza accounts for detection of such irregularities. Many Deputy Commissioners have taken steps for realization of such excess cash in hand with mouzadars by initiating Bakijai cases and other disciplinary actions. Report submitted so far by respective Deputy Commissioners in respect of para 4.9 of CAG India report, 2001-2002 are as follows :-

Nogaon :-Deputy Commissioner, Nogaon has stated that out of Rs.27.11 lakhs found retained by mouzadars as excesss cash in hand have been realized and as on date the cash in hand with the mouzadars is found to be Rs.10,21,936.00 (Ten lakhs twenty-one thousand nine hundred thirty-six) only. The Deputy Commissioner, Nogaon has also stated in his report that the cash in hand would come down to Rs.7,91,936.00 (Seven lakhs ninety-one thousand nine hundred thirty-six) only if Commission bills due to mouzadars are adjusted as per order of the Hon'ble Gauhati High Court passed on 12-2-2001 in W.P.(C) No.2424/96.

Jorhat :-Deputy Commissioner, Jorhat submitting report has informed that an amount of Rs.6,99,970.00 (Six lakhs ninety-nine thousand ninehundred seventy) only has been realised and deposited in treasuries through challans against outstanding cash in hand of Rs.9.81 lakhs. The Deputy Commissioner has also issued instruction to all mouzadars of the district to deposit the excess cash in hand beyond permissible limit within 30-6-2003.

Golaghat :-Deputy Commissioner, Golaghat has intimed that the amount reported as found excess cash in hand with the mouzadars has been realized and deposited in the treasury.

Barpeta :- Deputy Commissioner, Barpeta submitting report on the para has stated that cash in hand stated to be retained by mouzadars till 31st March, 2001 is inclusive of cash in hand of Rs. 5, 41,764.00 (Five lakhs forty-one thousand seven hundred sixty-four) only for the year 1999-2000. The Deputy Commissioner, Barpeta has also stated that after deduction of the Commission to the mouzadars, actual cash in hand with mouzadars would be Rs.6,97,477.00 (Six lakhs ninety-seven thousand four hundred seventy-seven) only, For realization of which Deputy Commissioner has issued show-cause notice to the defaulting

mouzadars. The mouzadars have requested the Deputy Commissioner to adjust the amount of cash in hand with the Commission bill amount due to them as per High Court order dated 12-2-2001 in W.P.(C) No.2424/96. The Revenue Department is examining the order of the High Court as per provisions of existing Laws/Rules and opinion of Judicial Department is awaited.

OBSERVATIONS/RECOMMENDATIONS

20.3 By oral deposition on 26 March 2003 the official representatives have submitted to the Committee that irregularities in depositting the collected amounts of land revenue by the mouzadars have been decreasing although not fully liquidated even after vigorous persuative actions initiated by the Government. The Government representatives have submitted also to the Committee that the High Court order made on 12-2-2001 modifying the Notification issued dated 29-3-96 had caused inconvenience to the collectors. By the above order of the High Court the mouzadars shall be entitled to deduct their admissible commission to which they are entitled after collection at the source and thereafter shall be entitled to deposit the balance amount into the treasury as required within time as allowed by the rules with a statement showing the deduction on the amount collected by the mouzadars alone. It is stated to be irregular/temporary misappropriation too.

The Committee has keenly observed that the Government should appeal to vacate the High Court verdict for the greater interest of state exchequer which has not yet been done. Hence the Committee holds that urgent steps in this respect should be taken by the Government.

On perusal to the circular issued on 20-1-2003 to the respective DC/mouzadars by the Government, the Committee urges upon the Government in the Revenue Department to direct the mouzadars to deposit instantenously the collected amount of land revenue to the treasury barring the purview of the High Court failing to which coercive action as per laws against the defaulting mouzadars should accordingly be taken by the authority. Action taken thereon by the Government be submitted to the Committee immediately but not later than 30 days of this report presented to the House.

The Committee recommends also that the accounts for collection/deposit of the land revenue be completed every year as soon as the annual financil year is closed inspecting them on the spot by the competent officer (s) of the Revenue Department with a report thereon to the Government be submitted accordingly.

As disclosed to the Committee by the official witness the Committee has been pleased to notice the augmentation of land revenue

from @Rs.1.00 to Rs.5.00 per bigha annually thereby, the annual collection of land revenue of Assam is being reported to increase up to Rs.45 crores on the basis of present collection figure depending on provision of the classification of land so envisaged.

The Committee is therefore satisfied to note that actions are being taken by the Government to issue periodic pattas replacing the existing Touzi/Hire.

CHAPTER - II

Power (Electricity duty) Department under assessment of electricity duty [Audit para 5.2/CAG 1992-93 (R/R)]

1.1 The audit has pointed out the following two cases that (a) A scrutiny of assessment records of Barpeta Sales Tax Unit Office, revealed (July 1992) that out of 502.15 lakh units of energy supplied, 275.01 lakh units of energy were supplied for industrial production and 227.14 lakh units of energy to other consumers by the State Electricity Board during the period from 1st October 1986 to 30th September 1991. The assesses submitted the returns for those periods showing the duty payable at the rates of 1 paise, $1^1/_2$ paise and 3 paise for energy consumed for industrial production. As per amended provision of the Act, the rates of 1 paise, $1^1/_2$ paise 3 paise were allowable rebates applicable to the energy consumed for industrial production from the normal rate of 5 paise. The mistake in the application of the revised rates of duty resulted in under assessment of electricity duty amounting to Rs.2.13 lakhs. On this being pointed out (July, 1992) in audit, the assessing officer stated (August 1992) that the assessment for those periods would be revised and the progress of realisation of duty would be intimated to audit in due course. Further report in the matter has not been received (January, 1994). (b) In another case, two assesses (one each of Dhubri and Kokrajhar Districts) did not submit the monthly returns for the electricity supplied by them during the period from 1st October 1987 to 31st March, 1990. The assessing officer completed the assessments (December, 1989, January, 1990 and June, 1990) on best judegement basis and levied duty of Rs.8.34 lakhs by estimating the electricity supplied as 174.66 lakh units. However, both the assesses submitted the returns on 21st February, 1990, 1st January, 1991 and 2nd March, 1991 disclosing 215.35 lakh units of electricity supplied. Thus, 40.69 lakhs units of energy were not assessed resulting in short realisation of duty of Rs.2.23 lakhs. Further under the provision of the Assam Electricity Duty Rules, 1964, the assesses are required to pay the duty within 15 days of the close of the month to which the duty pertains. In this case, both the assessees did not pay the duty on due dates. As there are no provisions in the Act for levy of interest on delayed payment of duty, the assessing officer did not levy any interest Mis-use of proceeds of duty by not depositing the same within the prescribed dates, by the ssesses cannot be ruled out in future also. Government may consider making a provision for levy of interest on delayed payment of duty in the Acts or Rules.

1.2 The department by their written reply has stated the following:3(three) Unit Offices viz., Superintendent of Taxes, Barpeta Unit, Superintendent of Taxes, Dhubri Unit and Superintendent of Taxes, Kokrajhar Unit are involved in this para.

(a) The Executive Engineer, Barpeta Electrical Division, Assam State Electricity Board, Barpeta. The re-assessments were completed for the assessments period from 31-03-1987 to 30-09-91 under the Assam Electricity Duty Act, 1964 in the light of audit objection.

(b) The Executive Engineer, Dhubri, Electrical Division, Assam State Electricity Board Gauripur and the Executive Engineer, Electrical Division, Assam State Electricity Board, Kokrajhar. The re-assessments were completed for period ending 31-03-89, 30-09-88, 31-03-90 in respect of the Executive Engineer, Kokrajhar Electrical Division, Assam State Electricity Board and for P.E. 31.03-88 and 30-09-89 and the Executive Engineer, Dhubri Electrical Division, Assam State Electricity Board, Gauripur in the light of audit objection raising demand of Rs. 5,08,780.30 paise and Rs. 2,48,124.28 paise, respectively for the above 2 (two) assesses. All the above 3 (three) assessees did not pay the demand duty due to their acute financial hardships considering the present financial condition of the Assam State Electricity Board, the Government has decided that Electricity Duty realised by Assam State Electricity Board in a financial year will have to be deposited into Government account initially and all the Electricity Duty deposited as such during the relevant financial year under the Assam Electricity Duty Act, 1964 will be paid back to the Assam State Electricity Board as grant-in-aid for the same year and all arrears due from the Assam State Electricity Board as on 01-04-99 is eligible for grant in aid in the above manner. The Board expressed their in ability to pay the amount in cash and suggested that the amount given by the Government to the Board as grant-in-aid against arrear Electricity Duty and this may be directly adjustd by the Commissioner of Taxes against the same dues by book transfer under "0043-Taxes and Duties on Electricity". Accordingly Government sanctioned Rs. 10.00 crore (Rupees ten crores) each during financial year 1999-2000, 2000-2001 and 2002-2003 as grant-in-aid to the Assam State Electricity Board for payment of the outstanding electricity Duty collected by them from their consumers under the Assam Electricity.

Duty Act, 1964 but not deposited into Government account and the said amounts were deposited by transfer into the Head of Account "0043-Taxes and Duties on Electricity" by the Commissioner of Taxes, Assam on the basis of the sanction of the above amounts. In this way, the arrears of Electricity Duty payable by the Assam State Electricity Board are being adjusted from such amounts.

OBSERVATIONS / RECOMMENDATIONS

1.3 Having heard the submission of the official representatives, the Committee has observed that there were lapse in administration from top to bottom. Unless the administration becomes stricts in all concerns, the Committee is of the view that there will be no proper control of

misuse-theft of electricity in urban as well as in the rural areas of Assam. The officers in-charge of the Division and Sub-division of the power Supply should be made responsible for loss of electricity and also to book the loss thereof.

Thereupon the Committee recommends to the electricity authority to stop the misuse and exercise the control by constituting Committees headed by the DC/SDC incorporating the MLAs therin of the areas concerned as well as taking coercive/punitive action through police authority with a view to avoid the loss into the electricity accounts of the authority.

Under assessment of electricity duty
[Audit para 4.6/CAG 1996-97 (R/R)]

2.1 The audit has pointed out that a scrutiny of assessment records of Barpeta Road Sales Tax Unit Office, revealed (January, 1997 that an assessee did not submit the monthly return for the electricity supplied by him during the period 1 October 1993 to 30 September, 1995. The assessing officer, completed the assessments (June, 1996) to the best of his judgement on the basis of Report of Inspector of Taxes (June, 1996) by levying electricity duty at the rate of 1 paise instead of 2 paise per unit for supply of 146.30 lakh unit of energy in excess of 40.000 units. As per amended provision of the Act, the rates of 1 paise, $1\frac{1}{2}$ paise, 3 paise were allowable rebates, applicable to the energy consumed for industrial production, from the normal rate of 5 paise. The mistake in the application of the rate of electricity duty resulted in under-assessment of electricity duty amounting to Rs. 1.46 lakh.

2.2 The Department by their written reply has stated that the para actually relates to the Superintendent of Taxes, Bongaigaon the assessments were revised in the basis of the audit objection and demand notices were issued to the Executive Engineer, Electrical Division, Assam State Electricity Board, Bongaigaon. As regards, the realisation of arrear demand duty from the Executive Engineer, Bongaigaon Electrical Division, Assam State Electricity Board, Bongaigaon, the arrears are being adjusted in the manner as stated in the above para 5.2 of C.A.G. 1992-93.

OBSERVATIONS/RECOMMENDATIONS

2.3 The official witnesses have deposed before the Committee that calculation are being made to get them together. They also submitted to the Committee that the accounts in this score would be made ready in no time.

Considering the submission of the departmental witness the Committee holds that after careful calculation, a clear picture should be reproduced before the Committee immediately but not later than 30 days of this report presented to the House.

ANNEXURE - I

COMPOSITION OF THE OUT GOING COMMITTEE (2001-2003)

CHAIRMAN :

1.Shri Premodhar Bora

MEMBERS :

2. Shri Mission Ranjan Das
3. Shri Dilip Kumar Saikia
4. Shri Biswajit Daimary
5. Shri Ajit Singh
6. Smti. Pramila Rani Brahma
7. Shri Dilder Rezza
8. Shri Gopinath Das
9. Shri Bidyasing Engleng
10. Dr. Haren Das
11. Shri Gautam Bora
12. Shri Pani Ram Rabha
13. Shri Hitendra Nath Goswami.