

REFERENCE  
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A. M. A. L. I. Y.

PUBLIC ACCOUNTS COMMITTEE

( 1991 - 1993 )



( SIXTY FIRST REPORT )

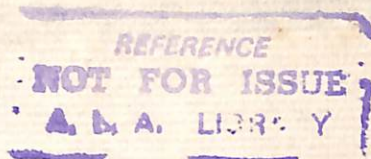
NINETH ASSEMBLY

**Report of the Public Accounts Committee on the  
action taken or proposed to be taken by the  
Government on the various recommendations/  
suggestions or remarks made by  
Public Accounts Committee in  
their Forty Seventh report  
pertaining to the Fis-  
hery Department  
Govt. of Assam.**

Presented to the House on.....

ASSAM LEGISLATIVE ASSEMBLY. DISPUR, GUWAHATI-6





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COMPOSITION OF THE COMMITTEE  
(1991-1993)

CHAIRMAN : 1. Shri Sasha Kamal Handique

MEMBERS :

2. Shri Upendra Nath Sanatan
3. Shri Rameswar Dhanowar
4. Shri Alauddin Sarkar
5. Shri Zoi Nath Sarma
6. Shri Nurjamal Sarkar
7. Shri Debendra Nath Baruah
8. Shri Lakshmi Prasad Borgohain
9. Shri Kosheswar Baruah
10. Shri Kali Ranjan Deb
11. Shri Derhagra Mochahary,

SECRETARIAT :

1. Shri S. N. Deka,  
Secretary
2. Shri D. Talukdar,  
Additional Secretary.
3. Shri A.R.Chetia,  
Under Secy,



(ii)

## PREFETORY REMARKS

1. I Shri Sasha Kamal Handique, Chairman of the Committee on Public Accounts having been authority to submit this Report of the Committee on their behalf do present this 61st Report of the Committee, on the action taken on proposed to be taken by the Government on the forty seven Report relating to Fishery Department.

2. The Written Memorandum on action taken or proposed to be taken by the Government on the Forty Seventh Report was considered by outgoing Committee (As in Annexure-1) of the 8th Assembly.

3. The Committee has considered the Draft Report in their sitting held on 5th March, 1992 and adopted of for presentation before the House.

4. The Committee placed on record their appreciations to the strenuous works done by out going Committee on Public Accounts, specially the then Chairman, Shri A. F. Golum Osmani for obtaining various records, information and clarification pertaining to the Report. The Committee also wished to express their thanks to the representatives of the Government in the Fishery Department for their kind co-operation in furnishing information and clarification to the Committee.

SASHA KAMAL HANDIQUE  
Chairman,  
Public Accounts Committee.

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## FISHERY DEPARTMENT

### ACTION TAKEN OR PROPOSED TO BE TAKEN BY GOVT. ON THE FORTY SEVENTH REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

#### CHAPTER—I

#### INTRODUCTORY

#### OBSERVATION/ RECOMMENDATIONS IN FORTY SEVENTH REPORT.

1.1.1. It would be seen that the provisions made in Fishery Rules as to the preservation of our fishery wealth and its growth perhaps operate more in breach than in observance, if data are collected as to the number of prosecutions made for the violations of the above Rules. The committee in this context request the Department to submit a report showing number of prosecution made and result obtained for violations of above Rules, with reference to the period under review i.e. 1981-82 to 1985-86.

1.1.2. It is evident that non-plan expenditure has also gone up by leaps and bounds. So far the plan expenditure is concerned no assessment is possible. But in the light of revenue return, the expenditure under this head deem to be negative. As an Economic Services Department, the question cost-benefit may however be examined. Presumably time has come to have an overall assessment of the Department in all aspects to counter the view that even if there is no Fishery Department there would be no substantial difference in the fishing pattern of the State, however cynical the view might be.

1.1.3. The Committee feels that it is high time to make a comprehensive study of the situation that has arisen due to the amendment made in 1976 empowering the Government to give direct settlement. No doubt, in the evolving pattern the State is losing substantial revenue, but whether the benefit meant for fishing communities at large is proportionate to the revenue loss



sustained and plan money spent need be examined. From many audit objections and enquiries made subsequent thereto, a great deal of clouds is cast over the nature and role of the so called Fishery Co-operatives as well as the nexus that exist between the leasing Authority and the Fishery Co-operatives involved.

1.1.4. The Committee would further like to have a report on evaluation of the Plan Schemes implemented by the Fishery Department with specific mention on target and achievement during the years from 1981-82 to 1985-86 from Planning and Development Department.

1.1.5. As regards statistical datas and basic information the Committee made some efforts to collect the same with a view to understand the nature of the role played in economic growth of the State by the Department. Not to speak of the availability of the datas and information on current situation, even an up to date version of the Fishery Rules are not found readily available.

1.1.6. The Committee, therefore, feels that there should be a thorough probe to locate the basic maladies overtaking our fisheries and pisciculture.

1.1.7. To assess the overall position in relation to the supply and demand for fish in the State there should be a survey to find out the per capita consumption of fish and the question of fish imported from outside as well as the quantum of domestic production. The survey report be made available to the Committee in due course.



## REPLY OF THE DEPARTMENT

1.2.1. As per reports received from Deputy Commissioners/Sub-Divisional Officers regarding restrictions provided under Rules 23, 24 and 25 of Fishery Settlement Rules that these rules are being properly followed. No complaint or breach of these rules has been received by the Deputy Commissioners/Sub-Divisional Officers. Hence no prosecution for breach of these rules has been launched.

1.2.2. Generally Fisheries are settled for a period of 3 years. Rule 50 of the Fishery Settlement Rules regulates the period of general lease of Fisheries. It appears from Rule 50 that the right of fishing in registered fisheries shall not ordinarily be less than 3 years. The Rule 50 does not limit the maximum period of the lease. Extension of leases are governed by Rule 8(b) (i) and (ii) of the Fishery Settlement Rules. Under the provision contained in Rule 8(b) (i) extensions of lease are given for a reasonable period where the term of leases are interfered with due to any natural cause or any unavoidable reasons beyond the control of the lessees. Under the provision of Rule 8 (b) (ii) the State Govt. may on recommendation of the Director of Fisheries extend the period if lease of a fishery with an intending pisciculturist who shall invariably be the sitting lessee and who agrees to accept such an extension at a revenue and for such additional terms and conditions as may be specified by the Govt. In the existing procedure long term settlements are given for certain fisheries with some additional conditions for making some developmental works in the concerned fisheries. For developmental works necessary plan schemes are prepared by the Director, Fisheries. The expenditure on developmental works are borne by the concerned lessees. Continuation of Fishery lease with the same lessee may be granted for various reasons, viz (i) if a fishery is settled under tender system the sitting lessee may get subsequent settlements by virtue of his bid. This may happen consecutively fisheries are settled Directly by the Govt. with Fishery Co-operative Societies of the neighbourhood areas. Subsequent settlement of these fisheries are generally made with the sitting lessee/ Societies with an increased rate of annual revenue



if the sitting lessee are found illigible for settlements. If a sitting lessee is found defaulter then further settlements are not made with these defaulter Fishery Co-op. Societies.

1.2.3. Regarding evolution this Planning and Development Department is being requested to submit the evolution report with regard to target and achievement during the 1981-82 to 1985-86.

1.2.4. The Director, Fisheries has been asked to prepare a detailed report on the matter. The preparation of such a report will take some considerable time. Necessary reports will be furnished on receipt of the same from the Director, Fisheries.

1.2.5. Regarding plan & non-plan expenditure it is Stated :

The Directorate is not a part of Revenue Department. The expenditures were made for economic development of the weaker section such as grants-in-aid, extention services, administration and development.

A statement showing the position of expenditure is given below :—

Year	EXPENDITURES (Rs. in lakhs).			
	Total	Grants-in-aid	Extension services Administration etc.	Development
(1)	(2)	(3)	(4)	(5)
1980-81	130.47	38.11	55.60	36.76
1981-82	160.48	49.97	66.42	44.09
1982-83	193.78	63.75	68.87	61.16
1983-84	268.64	85.50	83.21	99.93
1984-85	385.00	105.47	125.64	153.93
Total :	1,138.37	342.80	399.74	395.87



It indicates that a major expenditure was due to grants-in-aid and Extension services which had no return of revenue to Government. So, it is not correct to correlate the total expenditure with the earning of revenue. Due to arrears of pay etc. and increase in salaries (R.O.P. 1983) the expenditures went up since 1983-84, 1984-85. In spite of Assam Movement since 1979, and its effects on developmental works, the Department played a role in giving benefits to the weaker section through grants-in-aid. There was some increase in fish production in the state as evident from the following statistical data.

Year	Fish Production (in '000 tonnes)
1980-81	42.71
1981-82	44.31
1982-83	44.53
1983-84	47.12
1984-85	49.02

1.2.6 Regarding survey to find out per capita consumption etc., the Department stated that a scheme will be proposed for such survey in the next plan. At this stage the Department expressed that per capita consumption of fish could not be determined as the quantum of imported fish could not be surveyed.

### OBSERVATIONS/RECOMMENDATIONS

1.3.1. The Public Accounts Committee in its forty seventh-Report attempted to assess the present position of the Fishery Department in connection with the examination of audit paras involved in CAG Reports, 1981-82 to 1985-86. In course of the examination the Committee found the Department in utter semblance. From the point of view of the preservation and development of the fisheries nothing positive could be found. So far the collection of revenue is concerned, the record is also found dismal.

It is known to all that the restrictive provision as laid down in sec 155 and 156 of the Assam Land Revenue Regulations andn Sec 6 of the Indian Fisheries Act 1897 in respect of restriction about the type of nets, fishing during breeding session, size of the fish to be caught etc.



are not enforced. The Committee in its Report commented, "It would be seen that the provision made in the Fishery Rules as to the preservation of the fishery's wealth and its growth perhaps operate more in breach than in observance, if data are collected as to the number of prosecution made for the violation of the above rules". The Committee accordingly requested the Department to submit a Report showing the number of prosecution made and result obtained for violation of above rules. Department in its reply submitted, "No complaint or Commissioner/Sub-Divisional Officers. Hence no prosecution for breach of these rules has been launched."

1.3.2. It is astounding to note that there is no single case in the records of the Departments covering the whole State about the breach of the above preservative rules when nets like mosquito nets are being used in random in fishing. Whatever the Department may say in this respect, common experience of the public at large will laugh at this assertion.

1.3.3. In course of hearing on the action proposed to be taken in respect of forty seventh Report of P.A.C. in relation to topic under discussion. The Department's officials submitted that the breaches of the provisions laid down in Section 155 and 156 of Land Revenue Regulations and Section 6 of the Indian Fisheries Act. could not be enforced as the Department had no power to lodge prosecution. Presently it is the Revenue Department which has to launch these prosecutions. The Revenue Department has got multi-ferious activities and has no time to take-up such matters seriously.

1.3.4. According to present arrangement, the Revenue Department is the nodal authority to enforce fishery rules which forms the part of the Assam Land Revenue Regulations. Accordingly the settlement of the fisheries and related matters are dealt with by the Government in Revenue Department Fishery Department is entrusted mainly with the development of fisheries and related matters. Under the circumstances, there is no administrative projection for the fishery subject as a whole.



1.3.5. In the premises Committee is of opinion that Fishery Department be invested with the statutory power to launch prosecution for the breaches of fishery rules as in the case of Excise Department where excise officials are empowered to do so.

1.3.6. It is also recommended that for the smooth functioning and supervision of the subject matter concerning the Fisheries all matters pertaining to the fisheries whether lease or otherwise be entrusted to the Fishery Department separating it from the Revenue Department completely. For that matter, necessary changes in Legislation may be brought.

1.3.7. The Committee would further like to have the assesment Report in due course assessing the overall position in relation to the supply and demand for Fish in the state as well as the Report locating the basic malodies overtaking our Fisheries pisciculture.

#### REPLY OF THE DEPARTMENT

2.1. The Self-Sufficient Fishery in District Sub-Division was settled by the Government for a period of 3 (three) years from 1st April, 1977 to 31st March, 1980 at an annual revenue of Rs. 1,10,707.00. The fishery was settled at an annual revenue equal to the average of last 5 years annual revenues per Cabinet decision dated 28th March, 1976 taken on determining the annual revenue.



## CHAPTER—II LOSS DUE TO DIRECT SETTLEMENT

(Para 1.2.3., 1.3.2 & 1.3.3 of 47th Report of P.A.C, and Audit Para 5.5/CAG 81-82-R/R).

### RECOMMENDATION IN 47TH REPORT.

2.1.1. It is found during the hearing on 24th October, 1986 that the records relating to annual revenue collected for the Fishery in question for five years prior to the settlement for the period from 1st April, 1977 to 31st March, 1980 were not available. Though the Government called for the records from the S.D.O., Dhemaji but these were not furnished to the P.A.C. till the date of preparation of this Report. This piece of information is necessary to see whether the settlement of the Fishery in question at the reduced rate of Rs. 1,19,707.00 about which A.G. raised objections calculated at annual revenue equal to average of last 5 years revenues' was not at all sustainable on the basis of records pertaining to 1972 onwards to 1975, notwithstanding the fact whether the Government was justified in giving settlement of the type seen here.

2.1.2. The Committee recommends that the Government may make available to the Committee all the relevant records of the case under reference along with the papers relating to Cabinet Memorandum and the decision made by the Cabinet dated 23rd March, 1976 and the antecedental records relating to the fishery cooperative involved within 3 months of the presentation of the report to the House.

### REPLY OF THE DEPARTMENT

2.2.1. The Sela Sarikuria Fishery in Dhemaji Sub-Division was Settled by the Government for a period of 3 (three) years from 1st April, 1977 to 31st March, 1980 at an annual revenue of Rs. 1,19,707.00. The fishery was settled at an annual revenue equal to the average of last 5 year's annual revenue as per Cabinet decision dated 28th March 1976 taken on determining the annual revenue



for settlement of Fisheries with recognised Societies. Annual revenue of the said fishery for 5 years prior to 1st April, 1977 were as follows:

	Rs.
1.4.72-31.3.73	57,600.00
1.4.73-31.3.74	57,600.00
1.4.74-31.3.75	1,61,111.00
1.4.75-31.3.76	1,61,111.00
1.4.76-31.3.77	1,61,111.00

2.2.2. The said Fishery was again settled by the Govt. with the same society at an annual revenue of Rs. 1,38,000.00 for the period from 1st April 1980 to 31st March 1982 as there was no other applicant than the sitting lessee, on the ground that it is the most deserving society as per reports and that it is the reorganised society. It is to be stated that the cabinet decision was taken not on a particular fishery but for determining the annual revenue for settlement of fisheries with recognised Co-operative societies. Sela Sarikuria Fishery is not a Co-operative society. It is a reserved Fishery. It was settled with Bengenaati Min Silpa Sambha Samity which is comprising of 100% actual fisherman belonging to S/C people inhabited surrounding the said Fishery.

2.2.3. This particular case was not referred to the Cabinet. The settlement of Sela Sariguria Fishery for a period of 3 years with an annual revenue equal to the average of last five years annual revenue was made in accordance with the decision of the Cabinet regarding determination of the period of settlements and the annual revenue of a fishery to be settled directly by the Government with Registered Fishery Co-operative Societies. A copy of the Cabinet Memorandum alongwith the extract of the Cabinet decision is attached (Annexure - I).



## OBSERVATIONS/RECOMMENDATIONS

2.3.1. The Audit vide para 5.5/CAG-81-82 (R/R) had pointed out that the Sela Sarkuria Fishery which fetched annual revenue of Rs. 1,61,11/- under tender system obtained by Beganaati Min Silpa Samabai Samity for the period from 1st April, 1974 to 31st March, 1975 and later directly settled for subsequent two years at the same price with the same party was further settled to the same lessee at a reduced price of Rs. 1,19,707/ only for 3 years at a stretch instead of normal period of one year for the period from 1st April, 1977 to 31st March, 1980 sustaining a loss of Rs. 1,24,212/- only. Under the amended Rule 12 of the Rules for settlement of Fisheries, State Government may settle any registered fishery, otherwise than under tender system with a fishery co-operative society formed with 100% actual fisherman of fishing population in the neighbourhood of the fishery concerned and belonging to schedule caste of the State or Maimal community of Cachar District at a revenue calculated and for a period as decided by state Government from time to time.

2.3.2. The Department in their written memorandum as well as during oral deposition confirmed that the lessee is not a co-operative society.

2.3.3. According to the Rules for settlement of fisheries 1953 no fishery can be settled otherwise than sale by tender system. But by amendment of 1976 the State Government empowered the Fishery Department to settle Fisheries directly by doing away with tender system. In other words after 1976 or from 1976 onwards this type of direct settlement was done which was not done previously. In the instant case, the Sela Sarikuria Fishery in Dhemaji Subdivision was settled under direct settlement for a period from 1st April, 1975 to 31st March, 1977. Whether it was permissible at that time is a question to be decided. Prior to 1976 the Rules say that the fisheries should be settled by tender system, but by an amendment later on the ratio of settlement was fixed at 40: 60 per cent i.e. 40% by tender and 60% by direct settlement. Public Accounts Committee wonder



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 as to how the amendment made in 1976 can effect the settlement of 1975 in favour of Bengenati Min Silpa Samabai Samity which was also not a Co-operative Society.

2.3.4. The Departmental witness earlier categorically stated that the settlement was decided at the cabinet level. The proposal was approved subject to annual revenue being fixed on the basis of average of last 5 years revenue and this be converted for a period of three years. Accordingly the Committee earlier recommended to make available all the relevant Records of the case under reference along with the papers relating to Cabinet Memorandum. Now the Department have come up with a quite opposite version that this particular case was not referred to cabinet.

2.3.5. Under the circumstances the Public Accounts Committee re-iterate their earlier comments on the 47th Report viz. "When the malady is found to be common feature, the Committee cannot but enfer that the settlement of fisheries in our state is now-a-days done in such a 'fishy manner' that in face of any independent prove the records of necessity have to disappear to avoid unearthing of malafide transactions. The necessity of Public Accounts Committee prove into the expenditure of the state was introduced by our legislators in their wisdom to keep Legislative check over executive spending. The absence of relevant papers would naturally made any prove instructor: resulting in sheer waste of time and energy. It is already becoming evident that the Legislative supervision over the Executive expenditure through the Financial Committees of the Legislature are virtually whittled down due to multifarious reasons. To make the function of the Public Accounts Committee meaningful for the purpose for which it is constituted both the Executive and Legislative Committees are to function in harmonious co-operation. The Executive is required to see that its records of transaction are kept in a systematic manner so that this can be produced as and when found necessary, not by the Audit or Legislative Committees along but by any authorised body either Legislature or Executive, Judicial require to go through the



Governmental records. It is high time that the Government may issue strict instructions for keeping the relevant records which become the subject matter of the Accountant General, Audit on a special category and that these can be disposed of only by order passed at the highest level."

2.3.6. The Public Accounts Committee would like to know the action taken by Government in this regard within a period of three months and from the date of presentation of this Report to the House.



## CHAPTER - III

## NON-RECOVERY OF FISHERY DUES

)Para 2.3.5. & 2.3.6. of the 47th Report of P.A.C. and  
Audit Para 7 4/CAG-82-83 R/R)

## RECOMMENDATION IN FORTY-SEVENTH REPORT

3.1.1. Accordingly, it is recommended that with every reply submitted by the concerned Departments of the Government to the Public Accounts Committee must necessarily explain their respective position in relation to the outstanding audit objections concerning their departments and the reasons for their inability to respond to the audit paras incorporated in the C.A.G. Reports as per norms after presentation of the Report to the House.

3.1.2. In relation to the Audit para under scrutiny in this Chapter, the Committee recommends that to what extent the outstanding dues have been realised till date be intimated within three months from the date of presentation of this Report.

## REPLY OF THE DEPARTMENT.

3.2.1. It appears from the records that the Accountant General's Draft para and the C. & 'A.G.'s report on realisation of arrear revenue in respect of No. 46 Morakolong Fishery of erstwhile Morigaon Sub-Division were received in the Department on 11th October, 1983 and 5th December, 1984 respectively. The Accountant General's draft para was put up on 11th October, 1983 and the C. & A.G.'s report on 8th February, 1984. In both the case the matters were referred to the Sub-Divisional Officer (Civil), Morigaon for furnishing necessary report to the Government for replying draft para and the C. & A.G.S report. A reminder to Sub-Divisional Officer (Civil), Morigaon was also issued on 21st December 1984. But no further follow up action was taken in the department for obtaining report from Sub-Divisional Officer (Civil), Morigaon till 23rd May, 1987. The real fact about the pendency of the case cannot be ascertained now. It is gathered that during this period the dealing assistants of Fishery Department were frequently transferred after a short span of their posting. It may be assumed that due to frequent transfer of Assistants the matter was pending.



3.2.2. For realisation of outstanding arrear revenue amounting to Rs.73,448,55 from Secretary, Durimari Fishery Co-operative Society Ltd. a Bakijai case was initiated by the Sub-Divisional Officer (Civil), Marigaon in 1987. The Hon'ble Guwahati High Court has stayed the Bakijai proceedings vide Civil Rule No. 2215/88 issued on 12th December 1988 till finalisation of the remission petition submitted by the lessee. On receipt of the parawise report of the Sub-Divisional Officer (Civil), Marigaon on the points raised in the remission petition the prayer for remission has been rejected and communicated to the Deputy Commissioner, Marigaon.

### OBSERVATIONS / RECOMENDATIONS

3.3.1. As per Audit para 7.4/CAG-82-83 (R/R) a sum of Rs. 73,449/- only was found to be due on account of non-payment of kist money by a lessee and referred the matter to Government by July, 83. The Government could not adduce a satisfactory reply even on the day of hearing on the para on 12th June, 1987 by the Public Accounts Committee.

3.3.2. Now, on taking up consideration of action taken or proposed to be taken by Government on the 47th Report of Public Accounts Committee in which the Audit para was elaborately dealt with and observation/Recommendation formulated it appears that for realisation of the outstanding kist money due upto 31st March, 1982 a Bakijai case was instituted in 1987, proceedings of which was, however, stayed till finalization of the remission petition of the lessee by the Hon'ble High Court, Guwahati on 12th December, 1988. The remission petition has been rejected by Government and Communicated by a telegram dated 12th June, 1990. Further action for realisation of the outstanding amount is yet to be known by the Committee.

3.3.3. Under the circumstances, the Committee express their unnappiness over the inordinate delay in settling the matter and reiterates their earlier Observations/Recommendations made in 47th Report in respect of this matter under discussion.



## CHAPTER — IV

LOSS ON RE-SALE OF FISHERIES  
RECOMMENDATION/OBSERVATION IN 47TH  
REPORT

(PARA 3.3.6, 3.3.7, 3.3.8., & 3.3.9 OF OF 47TH REPORT  
OF PUBLIC ACCOUNTS COMMITTEE AND AUDIT  
PARA 5.4./CAG-83.84. R/R)

4.1.1. It needs to be examined whether administrative lapses were attempted to be covered-up on the pretext of situation created by the Assam Agitation on Foreign National issue or for that matter any type of agitation creating law & order situation is made an alibi. It need to be further probed what the D.C., Barpeta meant when he said that the papers might had been destroyed along with some other records during the period of Assam Agitation. What papers were supposed to be destroyed would be of some interest to know, if the statement is found worth-evaluating. If some papers of the District Administartion were in fact destroyed under orders, there must be a record to that effect. Now coming to the lease aspect it is seen that some defaulting parties are not traceable for realisation of dues. It would be of some interest if it is also seen that a Cooperative society with whom a Fishery was settled is not traceable notwithstanding the fact that it has a corporate personality. The Chinadi Fishery Co-operative Society with whom No.4 parachuta Fishery was settled has failed to pay the kist money. It is also not clear how far Govt. would realise the loss through Bakijai case in these cases when no paper exists and the defaulting parties are not traceable.

4.1.2. Since the amendment of 1976 (Vide Annexure) there are reasons to believe that a large unnumber of Fishery Co-operatives, have come into being ostensibly to take advantages of the benefit created by the amendment. In the Introductory Chapter of this Report instances of direct settlement to Fishery Co-operative Societies upto 20 years period are shown. In view of the present dismell position pertaining to the Fishery Department it would be prudent to examine as to what extent the amendment to Rule 12 of the Fishery Rules in 1976 has eroded the revenue base of the State. The object of 1976 amendment was to confer benefit to the people living on fishing through co-operatives formed by and from amongst them.



The co-operative movement being in a shambles how far the real object of the amendments as has been achieved remains to be seen. It has to be ascertained whether the amendment has given birth to the unhealthy practices of cornering leases by unscrupulous middlemen by forming questionable co-operatives to deprive the State from substantial revenue earning. It needs to be probed about the composition, character, financial & operational aspects and the extent to which the profit & loss is accounted for and benefits, if any reaped by the genuine fisherman through such co-operatives.

4.1.3. Turning to the administrative aspect, the Committee apprehend if the district authority function in the manner as it did in relation to this subject matter Vide para. 5.4. under discussion, no iota of effective administration at the district level will remain in near future if correctives are not applied immediately. The present administrative system of India introduced more than hundred fifty years ago withstood vicissitudes of time and successfully served as an instrument to realise the objectives as set forth by the rulers from time to time. The functioning of the District Administration seen now-a-days has to be analysed and assessed in the light of the objectives to be realised in the context of 5 years plans made for overall development of our country.

4.1.4. The Committee, therefore, recommends that there should be a high level administrative enquiry to find-out whether there was actually any order for destruction of office records at the office of the D.C., Barpeta in the relevant period and whether the procedure as to the destruction of office records was maintained and whether there was any basis for the D.C., Barpeta to surmise as to the actual State of affair and whether any enquiry either at the District or at Government level was ever instituted and action taken thereto when the fact of non-existence of the connected papers came to light. The Committee is of opinion that in the above high level enquiry the S.D.O. who ordered the original settlement and the S.D.O. who subsequently put the Fisheries on resale (risk sale), along with the D.C. who finally appeared before the Committee to be examined in detail to ascertain the actual position. The result of the administrative enquiry may be intimated to the Committee



within three months from the date of presentation of this Report before the House so that all the issues relating to and arising out of the Audit Para 5.4, C.A.G.-83-84(R/R) can be re-assessed finally.

#### REPLY OF THE DEPARTMENT

4.2.1. As recommended by the Public Accounts Committee a one-man commission of enquiry consisting with the Commissioner of Lower Assam Division was appointed for making a through enquiry into the matter enquiry Commission is enclosed (Annexure-III).

4.2.2. Regarding para 4.1.2. of this part, the Department stated that not more than 60% of fisheries in a Sub-Division available for settlement in a year are selected for settlement with Registered Fishery Co-operative Societies formed with 100% of actual fishermen in the neighbourhood of these selected fisheries and belonging to the Scheduled Caste of the State of Maimal community of Cachar District. After selection of these 60% category of fisheries the Fishery Co-operative societies of the respective areas apply to the Govt. for direct settlement. On receipt the applications from fishery co-operative societies the applications are forwarded to the respective Deputy Commissioner/Sub-Divisional Officers for their report on performance and functioning of the Fishery Co-operative Societies. In consultation with the local authorities of Co-operative Department Deputy Commissioner Sub-Divisional Officers furnish report to the Government on the performance of the Fishery Co-operative Societies. On the basis of the report of Deputy Commissioners/Sub-Divisional Officers the 60% category of fisheries are settled with the Fishery Co-operative Societies which are found illegible. In certain cases complaints are received against some Fishery Co-operative Societies, Such cases are referred to the concerned Deputy Commissioner/ Sub-Divisional Officers for furnishing their reports on the basis of the reports of Deputy Commissioners/Sub-Divisional Officers such cases are disposed of. While making direct settlement of Fisheries with Fishery Co-operative the annual revenue of a fishery are fixed at an increased rate over the annual revenue of the previous term. Thus the contention of loss of revenue supposed to be incurred



due to direct settlement does not arise. Under tender system the rate of annual revenue depends upon the bid of the tenderers. The highest bid may be higher or lower than the existing rate of annual revenue. Under the system of direct settlement although the rates of annual revenue are fixed by raising 50% to 15% of the existing revenue there is no scope of lowering the rate of annual revenue from the existing rate. The motto behind the direct settlement of fisheries with the Fishery Co-operative Societies is to save the poor fisherman from the competition of rich professional middleman and to provide facilities to the fishing population. There seems to be no scope for operation of middleman.

#### RECOMENDATIONS/OBSERVATIONS.

4.3.1. From the report of Shri R. K. Barua IAS, Commissioner of lower Assam Division, as cited above that no related records were available with the Barpeta office of Deputy Commissioner at the time of the enquiry. The Committee in its forty seven Report expressed its doubt as to the existence of the files which could incriminate the persons who were party to the series of fraud committed in the settlement of the 4 no. of fisheries under reference. When the Committee recommended for high level enquiry into this matter, it was expected that there would be some revelation as to the manner in which malafide transactions were done. Unfortunately, nothing has come out in this enquiry.

In the fag end of the report attempts were made to shift the responsibility for the missing files on the audit. It is said, "The Deputy Commissioner has been requested to cause thorough enquiry into the matter as to how the records were mis-placed after placing the same before the audit. There are no records available at present to show as to when the records were submitted to the audit party and on which date these files were returned to the Deputy Commissioner's office". It is inconceivable to imagine that the audit party, after audit did not return the files to the office concerned. Nowhere in the report we find that the custodian of the records in the District office like, Revenue Serestadary



dealing Clerks were examined. The Committee refrains from passing any comments on such a deplorable state of affairs. At the time of the hearing of the audit para 5.4 C.A.G. 1983-84, the then Deputy Commissioner admitted to explain away the non-availability of the files on the ground that those may have been destroyed at the time of the Assam Agitation. It appears that the administration in our State has come to such a pass that any plea could be taken up where plausible and not by common sense.

4.3.2. In course of examining various audit objections relating to fishery settlements, the Committee found in many cases that relevant records were not available. Admittedly when the audit was made by the staff of the A.G. these relevant papers were there. Observing the serious nature of the audit objections, interested parties took steps for the removal of the records obviously before the lessees and the officials were involved in this conspiracy to do away with the records. The Committee feels that if the organisational set-up is not geared-up with definite rules for preservation of records, this type of nefarious activities will continue. As a first step, a general order need to be issued to the effect that the papers relating to such matters which were audited which involved audit objection are to be kept in a special category preserving them till the matter is finally disposed of by Public Accounts Committee.

4.3.3. It has come to the notice of the Committee that the Revenue Department as it is, has totally failed to discharge its duties in respect of the settlement, management and superintendence of the fisheries. The Government should hand over all the matters relating to fishery to the department of fisheries.

4.3.4. In course of hearing of the audit objections relating to fishery matters, the Committee has seen that the most of the transactions relating to the settlement of the fisheries smacks of fraudulent devices. The greatest harm that was done to the orderly settlement on a periodic basis netting optimum revenue has been done away with by bringing an amendment in 1976 where



by 60% of the fisheries could be settled directly. The Land Revenue Regulation and Fishery Laws which were enacted a century ago made provision for settlement of a fishery for a period of 3 years for some case and reason and question of extension beyond 3 years was entertained very rarely. By the amendment of 1976, the power of the Government to give lease for unlimited period as well as repeated extension were created. There are cases where by fisheries has been leased out for a period of 20 years. The extent of mischief that has been done taking advantage of 1976 amendment has been cited in the forty six Report of the PAC. For purposes of record it is quoted below.

The names of 22 Fisheries and period of lease given for more than 5 years are shown :

Name of Fisheries	Period lease	Stipulated Amount lease.
(1)	(2)	(3)
1. No 28 Garnga, Garsag, Morigaon	For 20 years W.E.F. 1.4.80	Rs. 39,120. (for 1980-81 to 1984-85 Rs. 46,944 (For 1985-86 to 1989-90) Rs. 56,331 (for 1990-91 to 1994-95). Rs. 67,600 (for the year 1995-96 to 1999-2000).
2. No. 69 Rupahi,	For 9 years w.e.f. 28.4.88	Rs. 15,430 per annum
3. No. 74 Barpatali Bhatiakhali Nagdön.	For 8 years w.e.f. 1.4.88	Rs. 5,494-per Annum
4. No. 13 Nanoi Fishery, Nagaon	For 9 years w.e.f. 1.4.85	Rs. 29,194-per Annum
5. No. 93 Borghuli Min Mahal, Nagaon	For 9 years w.e.f. 1.4.85	Rs. 12,600 (for 1.4.85 to 31.3.88). Rs. 15,000 (for 1.4.88 to 31.3.91) Rs. 20,000 (for 1.4.91 to 31.3.94)



(1)	(2)	(3)
6. No. 75/195 Khudimari beel Fishery Dhubri.	For 10 years w.e.f. 1.4.89	Rs. 1,117-per annum
7. Songkong Group Fishery Dhubri	For 10 years w.e.f. 1.4.82	Rs. 39,050 (for 1.4.82 to 31.3.87)
8. Dehing Pt. I Fishery, Dibrugarh	6.6.79 to 30.6.82 1.8.82 to 31.3.90	Rs. 26,654 Rs. 53,310
9. Dehing Pt. II Fishery, Dibrugarh	1.4.80 to 1.4.83 1.4.83 to 1.4.86 1.4.86 to 31.3.89	Rs. 9,000 Rs. 9,900 Rs. 10,890
10. Dehing Pt. III Fishery, Dibrugarh	1.4.80 to 1.4.83 1.4.83 to 1.4.86 1.4.86 to 31.3.89	Rs. 19,523 Rs. 21,476 Rs. 22,550
11. Sessa River, Dibrugarh,	16.9.79 to 1.4.83 1.4.83 to 31.3.89	Rs. 1,65,000 Rs. 1,68,300
12. Desanjan, Dibrugarh,	1.4.80 to 1.4.83 1.4.83 to 1.4.86 1.4.86 to 31.3.89	Rs. 8,980 Rs. 9,431 Rs. 10,375
13. Garudharia Fishery, Dibrugarh,	1.4.83 to 1.4.86 1.4.86 to 31.3.89	Rs. 17,904 Rs. 18,808
14. Brahmaputra Pt. III IV, V Fishery, Dibrugarh.	1.5.84 to 1.4.87 1.4.87 to 31.3.90	Rs. 1,09,725 Rs. 1,20,698
15. Khowang Borbeel, Dibrugarh.	1.8.82 to 1.4.85 1.4.85 to 10.8.86 10.8.86 to 9.8.89	Rs. 35,500 Rs. 39,050 Rs. 44,908
16. Bhakatdahikur Badulikur, Dibrugarh,	1.8.82 to 1.4.87 1.4.87 to 18.5.90	Rs. 5,500 Rs. 6,353
17. Dhalnadi Fishery, Lakhimpur.	1.4.82 to 1.4.85 1.4.85 to 1.4.88 1.4.88 to 31.3.90	Rs. 64,505 Rs. 64,505 Rs. 67,730



18. Sumdiri Bhogmons	1.4.79 to 31.3.82 Rs.	18,901
cla, Fishery	1.4.82 to 31.3.85 Rs.	19,100
Lakhimpur	1.4.85 to 15.2.86 Rs.	17,629
	1.4.86 to 31.3.89 Rs.	16,125
19. Ujan Luhit Kher-	1.4.79 to 31.3.83 Rs.	10,785.50
katia Suiti,	1.4.83 to 31.3.84 Rs.	13,051
Lakhimpur,	1.4.84 to 31.3.86 Rs.	13,704
	1.4.86 to 31.3.89 Rs.	15,075
20. Dhuliduar Mahara	1.4.81 to 31.3.84 Rs.	21,525
Fishery, Lakhim-	1.4.84 to 31-3.87 Rs.	23,678
pur.	1.4.87 to 31.3.90 Rs.	24,862
21. Ghagor Fishery,	1.4.83 to 31.3.86 Rs.	60,627
Lakhimpur,	1.4.86 to 31.3.90 Rs.	66,690
22. Bihmpara Fishery,	1.4.79 to 31.3.85 Rs.	14,888
Lakhimpur.	1.4.85 to 31.3.88 Rs.	38,330
	1.4.88 to 31.3.90 Rs.	38,330

(d) It is further on record that there are 12nos. of fisheries whose lease fun for more than 10 years of them some are given to individuals apart from the cooperatives. The description of the lessess of these 12 cases are :

1. Shri Ram Pad Das (Jonai)
2. Shri K. K. Baishya (Morigaon)
3. Shri Moulasir Ali Laskar (Silchar)
4. M/S, Banganaati Min Samabai Samity,
5. M/S. Mahabhairab Bharali Min Somabari Samity.
6. M/S, Chariduar Brahmaputra Fishery Coopera-  
tive Society.
7. Borsala Min Samabai Samity.
8. Panichakua Min Samabai Samity.
9. Dilkus Fishery Cooperative Society.
10. Hitkarl Pally Mangal Fishery Cooperative  
Society
11. Hatihar Fishery Cooperative Society.
12. Erakacgaripara Gaon Min Samabai Samity.



Though the amendment enjoins the settlement of fishery directly only to the fishery co-operatives, there are many instances of giving direct settlement to individuals as quoted above.

1.3.5. Committee is of the view that time has come to strike down the amendment of 1976 to do away with the pernicious practice of giving settlement for an indefinite period. The Committee also feels that there should be no provision for extension of a lease on the plea of inability of the lessee to fish due to natural calamity etc. In case of a genuine loss, the parties can be given relief in the matters of the payment of kist money as a remission. In this respect, cardinal policy should be this: the time is the Sole criteria of the lease periodicity and the lease is to be maintained at all costs in between 1 lease and another there should be a gap of at least 2 years so that recouperation of the exhausted fisheries could be possible. The Committee recommends the Government if it is really serious to preserve the fisheries of the State, should come forward with necessary legislation in the light of the suggestion made above.

5.1.2. After expiry of the term of the lease settled for 3 years on 30th June, 1982, the Adviser to the Government granted extension for 3 months on the plea that regular settlement would be made by the popular Government which was expected to come within 3 months. As this did not happen he again gave extension for 12 months at the lease rate of Rs. 11,864.00. The D.C. North Lakshadweep however put up the bid for sale on the expiry of the 1st extension. The bid was Rs. 64,288.00 for the first year by the same lessee. After the settlement at the above rate, the lessee went to High Court and got the settlement of the fishery at the rate envisaged in the Adviser's 2nd extension.

5.1.3. The A.G. naturally objected to the settlement of the fishery at Rs. 11,864.00 in the face of Rs. 64,288.00 fetched through tender. On this point we cannot but hold that the Adviser to the Government was responsible for the



## CHAPTER - V

## LOSS IN SETTLEMENT OF FISHERY

(Para 4.3.1. to 4.3.5. of the 47th Report and Audit para 7.6/CAG-84-85-R/R)

## OBSERVATION/RECOMMENDATIONS IN 47TH REPORT.

5.1.1. The chequered history of No. 5 Uzan Lohit Kherkatia Fishery can be stated thus:

A. Tender Settlement for 3 years	from 1st April, 1979 to 31st March, 1982	Rs. 10,785.50
B.1 Extension 3 months by Adviser	from 1st April, 1982 to 30th June, 1982	as before
11 Extension-12 months by Adviser	from last July, 1982 to 30th June 1982	Rs. 10,785.50 + 10% —Rs. 11,864.00
111 Extension-12 months by the Minister	from 1st June, 1983 to 30th June 1984	Rs. 11,864.00 + 10% —Rs. 13,051.00

5.1.2. After expiry of the term of the lease settled for 3 years on 30th June, 1982, the Adviser to the Governor granted extension for 3 months on the plea that regular settlement would be made by the popular Government, which was expected to come within 3 months. As this did not happen he again gave extension for 12 months at the lease rate of 1979-82 i.e., Rs. 10,785.50 + 10% = Rs. 11,864.00. The D.C. North Lakshimpur however put up the fishery to sale on the expiry of the 1st extension. The bid was Rs. 64,288.00 for first year by the same lessee. After the settlement at the above rate, the lessee went to High Court and got the settlement of the fishery at the rate envisaged in the Adviser's 2nd extension.

5.1.3. The A.G. naturally objected to the settlement of the fishery at 11,864.00 in the face of Rs. 64,288.00 fetched through tender. On this count we cannot but hold that the Adviser to the Governor was responsible for the



revenue loss sustained by the State. His 1st extension for 3 months could have been over looked but there was no justification what-so-ever for giving 2nd extension for 12 months without going for tender process. The Adviser were appointed to help the Governor to run the administration of the State. The presidential proclamation no-where stated that they were to be guided on an adhoc basis in due discharge of their duties, that their actions were to be formulated on the consideration that a popular Government would be coming soon. In the instant case, the Settlement of fishery was to be made, with a view to adding revenue to the State coffer. We are unable to understand why the so-called 'policy decision' debarred the Adviser from acting as per rules in force. This type of superficial attitude from a very senior and veteran civil servant was not expected. If the non-feasant act of the Adviser is taken in view of the fact that he being a complete stranger to the Assam Administration and as such did not want to act, what about the Secretary attached with the Fishery Department of Assam Government? He could have given the right direction to the Adviser under the circumstances of the case.

5.1.4. The Committee under the circumstances of the case deem it necessary to examine all the relevant records and antecedant facts to see that the Adviser and the Secretary attached to the Department acted in this case which caused huge loss to the Government exchequer. The Adviser acted as he did in the plea that the settlement matter being a matter of policy decisions better he left with the coming political Government whatever might be the rationable of such plea. But what about the 3rd extension given under the orders of the then Minister of Fisheries with effect from 1st July, 1983 to 30th June, 1984? It is understandable. The 2nd settlement made by the Adviser in the face of the settlement made by the D.C. at higher amount had to be enforced in view of the High Court decision. But there was no such compulsion in the case of 3rd extension by which the fishery was settled at Rs. 13051/- The attention of the Minister could have drawn to the fact that the fishery in question fetched Rs. 64,288/- in open sale



by tender, Nevertheless the Minister was obliged to give another extension causing substantial loss of Revenue. The circumstances under which the 3rd extension entailing loss needs to be examined thoroughly.

5.1.5. The Committee therefore recommends that all the relevant records from the District to the secretariat level including the records of the High Court case be made available to the Committee within 3 months of the presentation of the Report.

#### REPLY OF THE DEPARTMENT.

5.2.1. During the third extension the matter was brought to the notice of the Minister, Fisheries who extended the settlement by another one year with 10% increase over the previous term's annual revenue in the light of the order of Hon'ble High Court who intervened the matter of Settlement.

5.2.2. Copies of the Government order during 1st and 2nd extension, copy of the High Court order and the report of the Deputy Commissioner, North Lakhimpur for third extension are enclosed herewith (Annexure - IV).

#### OBSERVATIONS/RECOMMENDATIONS

5.3.1. It would be seen that the Government vide their decision Communicated to all D.C.'S and S.D.O'S on 25th March, 1982 extended terms of the existing lessees from 1st April, 1982 to 30th June, 1982 on conditions inter alia that the sitting lessee must pay Government revenue in advance — — — on the basis of expectancy of catches. Here it may be pointed that under rule 23-A of the Fishery Rules the period from 1st day of May to 15 day of July each year is earmarked as breeding season and barred for catching of brood fish. The committee could not understand why fisherman are allowed to catch fishes during the restricted period.

5.3.2. The Hon'ble High Court, Guwahati by the Judgement dated 9th December, 1982 granted Liberty



to Government to till application for modification, alteration or rescission of their order. Not to speak of attempting to get a modification the Government granted further extension upto 30th June, 1984.

5.3.3. The Public Accounts Committee, therefore, observe that the extension granted to the lessee for the II & III terms for 12 months each by the Adviser to the Governor and the Minister, Fishery respectively in definite violation of the financial rules in force were defrimental to the interest of the State exchequer. At this stage the Public Accounts Committee would be happy if the Department stop these types of irregular extension in future with a view to protect the interest of the State exchequer.



## CHAPTER - VI

## LOSS IN DIRECT SETTLEMENT OF FISHERY.

(Para 6.3.1. & 6.3.2. of 47th Report and Audit para 7.5/CAG.85.86.R/R)

## RECOMMENDATION IN 47TH REPORT

6.3.1. Going through the reply the Committee finds that the actual area of Biswanath Brahmaputra and Bhagmara Brahmaputra fishery became subject-matter of dispute between Fishery and Forest Department during the lease period from 1st April, 1982 to 31st March, 1983 settled at an annual Revenue of Rs. 88,500.00 only. It is also found in the reply that a considerable portion of the Fishery was brought under declared Reserved Forest as the 4th addition to the Kaziranga National Park. On the request from deputy Commissioner, Darrang the Forest Department allowed the then lessee to operate in the entire Mahal till expiry of lease on 31st March, 1983. The Fishery was subsequently on physical verification of the area. Some anomalies was found in the light of which the Deputy Commissioner, Darrang made the settlement at Rs. 22,125.00 only being the one-fourth of Rs. 88,500.00 only, the sum at which the previous settlement was made. In view of the fact that part of the Fishery was ceded to the Kaziranga National Park, the settlement authority decided to reduce the lease value by three-fourth. On the face of it the Committee does not find any prima facie lacuna in this adjustment. Accordingly the cause shown for the reduction of lease money is acceptable provided the reduction by three-fourth is found justified in relation to the area lost to the Forest Department from the total area of the Fishery. The reduction was made by the Deputy Commissioner, Darrang pending final demarcation.

6.3.2. The Committee would, therefore, like to know about the demarcation and the area adjusted from the Fishery which be made available to the Committee within 3 months from the date of presentation of this Report before the House.



## REPLY OF THE DEPARTMENT

6.3.1. A copy of the report of the Deputy Commissioner, Sonitpur on the basis of which the settlement was made is enclosed (Annexure-V) for consideration of the Public Accounts Committee. Deputy Commissioner, Sonitpur and Sub-Divisional Officer (Civil), Biswanath Chariali has been asked to furnish report on the present position of the Fishery. No report has yet been received. This will be furnished as soon as it is received.

## RECOMMENDATIONS/OBSERVATIONS

6.3.1. The Public Accounts Committee regrets to note that the Department could not even made available the entire records as called for without which the Committee find it difficult to formulate their recommendation. The Committee urges upon the Department to furnish all the records as called for earlier.



## ANNEXURE — 1

**CHAIRMAN**

(1) SHRI A. F. GOLAM OSMANI

**MEMBERS**

(2) SHRI PRADIP HAZARIKA

(3) SHRI JOY PRAKASH TEWARI

(4) SHRI SILVIOUS CONDPAN

(5) SHRI SHEIKH ABDUL HAMID

(6) SHRI RAMENDRA DE

(7) SHRI CHANDRA MOHAN PATOWARY

(8) SHRI ABDUL ROB LASKAR

(9) SHRI ABHIJIT SARMA

(10) SHRI PABINDRA DEKA

(11) SHRI KAMAKHYA CHARAN CHOUDHURY.



## ANNEXURE—II-A

## CABINET MEMORANDUM

(CIRCULATED UNDER RULE 17 OF THE ASSAM  
RULES OF EXECUTIVE BUSINESS)

Sub. : Reorganisation of Fishery Co-operative Societies.

The Cabinet in its meeting held on 9.4.76 decided that (i) Fishery Co-operative Societies should be reorganised as proposed by Department, (ii) Fishery settlement rules should be amended to provide for direct settlement of fisheries with the reorganised fishery Co-operative societies for a period not exceeding one year at a time with societies formed with 100% actual fishermen belonging to the scheduled caste and/ or Maimal Communities of Cachar District. (iii) Average revenue of the previous 5 years should be worked out for determining the annual revenue for settlement of fisheries with the reorganised co-operative societies, A copy of the Cabinet Memo. is enclosed at Annexure—I

The State Fisheries Advisory Board in its meeting held on 19/4/76. recommended as follows :—

1. Average of last 10 year's revenue should be fixed as the annual revenue because the revenue for the last five years is disproportionately high.

2. The term of settlement of fisheries with the reorganised societies should be 10 years. (The Cabinet decision is that it should be for one year).

3. Reorganisation of the Fishery Co-operative Societies for 127 fisheries in the State taken up by the MLA teams should be done on the same lines as for the 43 fisheries. Government should see that necessary financial assistance is made available to the reorganised fishery Co-operative Societies.

4. Some Fishery Co-operative Societies have defaulted payment during the existing term of settlement and their leases have been cancelled. Societies are to be reorganised for these fisheries also.



5. While reorganising the Fishery Co-operative Societies, the Sub-Divisional Scheduled Caste Development Councils should be consulted. The Societies which are already reorganised and registered are to be examined by the above councils and give their opinion and suggestion for consideration of the authority reorganising the fishery Co-operative societies.

6. The Departmental fisheries which were settled by the Directorate of Fisheries on tender system are to be settled with reorganised fishery co-operative societies. The reorganisation is to be done by the Co-operative Department in consultation with the Scheduled Caste Development Council/ Scheduled Caste Development Board,

So far as the annual revenue for the fisheries is concerned this Deptt. had earlier proposed fixing the annual revenue at the average of revenue of the last 10 year. But the Finance Deptt, did not agree to the proposal and reduced it to 5 years average. This Department had to agree to 5 year's average has proposed by Finance as the term of the lesases of the fisheries was going to expire and because there was not enough time for further discussions. It is, observed that the tenders for fisheries had gone up steeply since 1971-72 in comparison with the previous years. If five year's average is fixed as the annual value of a fishery it will be almost the same value as during the last settlement. Five years average therefore, will not bring any relief to the actual fishermen with whom the fisheries are being settled.

Finance Department was requested for their views. Their observation is reproduced below.—

"Finance have nothing further to add beyond what they have stated earlier."

Their earlier views were as follows ;—

"1. In resptct of the fisheries in general i.e. the fisheries not being affected by silting etc, if the annual revenue is fixed after taking into account the average



revenue for the last 10 years it will reduce the Govt. revenue considerably as in the recent years the cost price of fisheries have gone up appreciably. We therefore, feel that this ten years average be reduced to five years average.

For the fisheries which have been affected due to natural cause like silting and obstruction of flow of water by irrigations bunds and thereby they have become less productive we agree to take the average of revenue of last three years on production of a certificate from the Executive Engineer, Irrigation/Flood Control to the effect that there has been siltation/ water flow obstruction, during the last three years."

Decision of the Cabinet is requested on (1) whether in view of the circumstances explained in this memorandum the average of the ten years revenue should be fixed as annual revenue instead of the average of five years revenue. (2) Whether the initial proposal of this Department that leases may be granted upto a period of ten years should be approved in the place of the present decision of the Cabinet that the term of lease should be one year.

Sd/

Secretary to the Govt. of Assam,  
Fisheries Department.



## ANNEXURE-II-B

## CABINET MEMORANDUM

Sub:— Re—organisation of Fishery Co-operative Societies and amendment of Fishery Settlement Rules.

There are about four hundred revenue fisheries of various sizes in Assam. There are also about the same number of Fishermen Co-operative Societies. The Fishery Settlement Rules provide for reservation of upto 60% of fisheries for settlement with Co-operative Societies of actual fisherman. These Co-operative Societies are also entitled to preferential treatment in the settlement of the remaining fisheries. As a result, about 80% of the revenue fisheries in Assam have been settled with Co-operatives of actual fishermen. In practice, however, the benefits are not available to the fishermen members because of mismanagement and domination of Societies by individuals or groups. It is therefore necessary to re-organise the Fishery Co-operatives.

The problem of re-organising the Fishery co-operative societies was discussed in a meeting presided over by the chief Minister and attended by the Minister, Cooperation and the Minister, Fisheries. After reviewing the working of the existing system it was decided that the societies should be re-organised immediately. There should be one Co-operative societies for each viable fishery or a group of small fisheries which would be viable together. The society should be given a long term lease so that the fishery becomes an assured means of livelihood for the actual fishermen members of the society. The management of the Societies should be under the direct supervision of officials of the Co-operative Department and officials of the Fisheries Department. It was decided by the Ministers that 30 to 40 fisheries should be brought under the re-organised pattern of management in the settlement year commencing 1st April 1976. Minutes of the meeting are at annexure 'A'.

Further meetings were held by the Minister, Fisheries with Officials of the Fisheries and cooperative Department to implement the decision taken in the meeting held by the Chief Minister. From the fisheries falling due for



settlement on 1st April 1976 all over the State, a number of viable fisheries have been selected for reorganised management. A list of such fisheries is at annexure 'b'. The Registrar of Cooperatives will form the Managing Committee of the Society. The Managing Committee will have the Superintendent of Fisheries as Chairman and an officer of the Coop. Deptt. as Secretary-cum-Executive Officer. The Local Fishery officer will be a member of the Committee. Four actual fisherman members of the society would also be the members of the managing Committee. In the Re-organised Society each family of actual fishermen will be permitted to hold one share only. Additional fishermen members of the same family can be nominal members. In some areas there are more than one Societies. The membership of the re-organised Society will be open to those actual fishermen members of the other societies who may wish to join. The intention is to cover all the actual fishing population in the neighbourhood of the fishery.

In the past and so far although fishery Cooperatives were given preferential treatment for settlement, nevertheless, the system was of competitive bidding between the Societies. As the Societies had come to be dominated by the individuals and mahajans, the bidding reached unhealthy proportions. As a result, there was considerable encroachment into the share of the Fishermen's income and revenue also fell into arrears. It is clear that if the programme of re-organising the fisheries management with a view to provide gainful living for the actual fishermen is to succeed the revenue for the fisheries cannot be at the same level to which it has been inflated by various vested interests. It is therefore, necessary to devise a formula under which the revenue is fixed at a reasonable level which does not cause any undue loss to Government and at the same time does not result in a heavy burden on the fishermen. The revenue of fisheries in the last ten years was studied and it was found that in general the average of revenue over the last ten years provides a satisfactory figure, at which fisheries can be settled with re-organised societies. The finance Department who were consulted have advised that average of five years revenue may be taken. This Deptt. have decided to accept this advice. There are some fisheries where due to natural caused like silting and in some cases due to obstruction



of flow of water by irrigation bunds and gates the fisheries have become less productive. This has been reflected by a decline in the annual revenue inspite of the system of competitive bidding in such cases namely: were contrary to the general trend, revenue in the fisheries has delined in recent years, it was proposed to fix the annual revenue for the re-organised fishery at the average of last three years. Finance Deptt, have suggested that average of last three years revenue may be taken after obtaining certificates from Flood Control and Irrigation Deptt. this is not a practical proposition and it is proposed to follow the five year average principle in these cases also. Thus, there will be a unifrom principle for fixation of Revenue.

Copy of Finance Departments advice is at Annexure 'c'

After re-organisation, these Societies cannot obviously be subjected to a system of competitive tenders. It is necessary to devise a means of coupling the fishery with the re-organised Societies. After careful consideration it has been observed that this can only be ensured by providing for direct settlement of the fishery with the particular re-organised Society. It is necessary to remove the spectre of uncertainty from the minds of the actual fishermen for this purpose it will be necessary to settle the fishery with the re-organised Society for a comparatively longer period of five years. At present the settlement normally for a period of three years. This also requires a change in the present rule.

The proposed re-organisation of societies has been evolved inclose consultation with the Co-operation Deptt. by whom, in fact, it will be implemented. The constitution of Managing Committese on the lines proposed by the Cooperation Deptt. will ensure better flow of credit from the Banks as well as from the N.C.D.C, which have suitable schemes for assisting properly managed co-operatives of actual fishermen. The re-organisation is, therefore, also necessary from the development aspect.



Approval of the Cabinet is requested for the following:—

(1) The proposal to re-organise co-operatives fishery wise with managing Committees comprising of Cooperation and fishery officials and actual fishermen.

(2) To amend Fisheries Settlement Rules to provide for direct settlement of fisheries with the re-organised Co-operatives only. It may be clarified that these benefits shall not be available for those cooperative societies which are not re-organised on the lines described above.

(3) For determining annual revenue for settlement of the fisheries with the re-organised Cooperative Societies at the average of revenue of the last five years.

(4) To provide four direct settlement for a period not exceeding ten years, of fisheries with the re-organised Societies only.

S/d—

Secretary to the Govt. of Assam,  
Fisheries Department.



## ANNEXURE-II-C

## MINUTES OF THE MEETING TO DISCUSS RE-ORGANISATION OF FISHERIES CO-OPERATIVES HELD IN THE OFFICE OF THE CHIEF MINISTER ON 17-12-75.

- Present.—
- (1) Chief Minister
  - (2) Minister, Co-operation.
  - (3) Minister, Fisheries.
  - (4) Secretary, Fisheries.
  - (5) Secretary, Co-operation.
  - (6) Registrar, Co-operatives.
  - (7) Director, Fisheries.
  - (8) Deputy Director, Fisheries.

The Chief Minister was apprised of the action taken to re-constitute the management of the Dhirbeel Fishery in accordance with the decision arrived at in the meeting of 7.12.75. The instructions issued by the Register of Co-operatives which are based on the decision of the meeting of 7th December were generally approved.

The problem of re-organising the Fisheries Cooperatives in the State, was discussed. It was felt that fishing involves group activity and considerable amount of joint preparation. Fishing operations were substantially different from those economic activities undertaken under the auspices of the Gaon Panchyat level Cooperative societies. It was decided that separate cooperative societies should be set up for Fisheries. There should be one Cooperative society for each viable fishery or for a group of small fisheries which would be viable together. The society should be given a long term lease. Existing cooperative societies were not functioning satisfactorily. These should







## ANNEXURE—III

Report of one man Commission of Inquiry Constituted with Shri R.K. Baruah, IAS, Commissioner of Lower Assam Division vide Government Notification No. VFF.156/89/1, dated 4th September, 1989.

In pursuance of Government Order No. VFF.156/89/1, dated 4th Sept. 1989 from Secretary to the Government of Assam, Fisheries Department I enquired into the allegations of administrative and financial irregularities committed in the office of the Deputy Commissioner, Barpeta in settlement of registered Fisheries as indicated in the 47th Report of the Public Accounts Committee at para 3.3. to 3.3.9.

(1) As regards the allegation of missing of records of the settlement in respect of the concerned fisheries it is found that no records are available in the office of the Deputy Commissioner, Barpeta. I contacted the concerned Sub-Divisional Officers and Deputy Commissioners as shown below, but no body could throw any light as to where the records were kept or how the relevant records got missed from office. The present Deputy Commissioner Shri S.Sabhlok, IAS reported that the relevant files could not be traced out even after a thorough search of all the records available in the office including his Confidential Branch. All the fisheries mentioned in the 47th Report of the Public Accounts Committee were settled in the year 1979 and again resettled between 1980-83. The Sub-divisional officers and the Deputy Commissioners posted at Barpeta in the relevant periods are shown below.—

Sub-divisional officer, Barpeta From		To
(1)	(2)	(3)
(1) P. C. Sarma, IAS, SDO.	21.7.77	21.5.79
(2) „H. B. Biswakarma	21.5.79	4.6.79
(3) „ Nilimay Choudhury	4.6.79	31.8.79
(4) „ H. B. Biswakarma	31.8.79	5.4.80
(5) „ A. C. Baruah	5.4.80	14.5.80
(6) „ S.N. Barthakur	15.5.80	13.8.80
(7) „ H. M. Cairae,	14.8.80	31.8.81
(8) „ V. S. Oberoi	1.9.81	30.6.83



Deputy Commissioner, Barpeta	From	To
(1) Shri V. S. Oberoi IAS.	1.7.83	23.1.85
(2) ,, R. C. Chatterjee, IAS	23.1.85	10.1.86
(3) ,, B. Moshahari, IAS	10.1.86	31.7.86
(4) ,, B. K. Bordoloi IAS.	1.8.86	14.12.88
(5) ,, S. Sabhlook IAS	14.12.88	Continuing

The Deputy Commissioner, Barpeta could not furnish the names of the Assistants who were dealing with these matters at relevant period. Most of them are reported to

In the absence of the relevant files the Deputy Commissioners concerned could not furnish any particulars about the manner of settlement of the said fisheries. When examined, all of them were blank and could not furnish any materials from their memory.

The missing files could not be traced in the files of the Deputy Commissioners concerned could not furnish any particulars about the manner of settlement of the said fisheries. When examined, all of them were blank and could not furnish any materials from their memory.

(2) As regards order for destruction of office records in the office of the Deputy Commissioner, Barpeta alleged to have been passed during the time of Shri S. K. Agnihotri, IAS, the then Deputy Commissioner of undivided Kamrup, I could not find any order to that effect. Shri B. K. Bordoloi erstwhile Deputy Commissioner, Barpeta stated that he was reported by the office that some records were destroyed during the time of Shri S. Agnihotri, Deputy Commissioner, Kamrup. But it could not be ascertained as to what records were destroyed and how. Therefore, in the absence of any conclusive proof it is difficult to uphold the statement of then Deputy



Commissioner, Barpeta that the relevant records were destroyed as per verbal orders of the then Deputy Commissioner, Shri S. Agnihotri.

The present Deputy Commissioner, Barpeta suggested that there was the possibility of loss of records as there was transfer of Assistants from Barpeta to other places during the agitation period.

After consultation of the available Fishery Registers it was found that there was no record except of the parties to whom these fisheries were resettled. The bid-book was also not found as to how the resettlement was made. The record available in respect of these fisheries are showed below. —

Name of Fisheries	Date of resale	Re-sale value	re-
			Rs.
1. No. 7 Bhellengi River Fishery	26.2.80		
	-do-	4,705.00	
2. No.8/40 Nakhanda River Fishery.	-do-	7,503.00	
3. No.13/14/37 Pahumara River, Fishery.	-do-	7,915.00	
4 No.22/32 Kharsutha Fishery.	30.9.80	45,001.00	

it could not also be ascertained as to what number of lessees participated in the resale of the fisheries. Furthermore, there is no record available to show that the fact of the nonexistence of the connected papers was ever enquired into either at the district or State levels.

I have examined the concerned S,D,O. Shri H.B Biswakarma and the erstwhile Deputy Commissioners Shri P.C. Sarma and Shri S. Sabhlok, present Deputy Commissioner, in the absence of relevant files they could not throw the light on the matter. Their contention was that in the absence of relevant records to refresh their



memory it is impossible to recall as to how the fisheries were resold. From records it is seen that Bakijai Proceedings were started as late as 1985-86 and a statement showing the present position is detailed below:—

### BAKIJAI CASE

1. Name of Fishery : 8/40 Nakhundu River Fishery  
Bakijai Case No : 3/85 (Min)  
Arrear revenue for the : Rs. 33,297.00  
year 1979-80 to 1981-82 Report was called for from  
Present position the S.D.C. Barpeta for legal  
heire.  
Name of the Fishery : Shri Bhatho Ram Das  
holder (Already expired, S/O L.  
Bolen Das, of Village Pata-  
bouti under P.S. Barpeta.  
Date of institution of : 14.10.84  
Case.
  2. Name of the Fishery : No.7 Bhelengi River Fishery  
Bakijai Case No. : 1/84.-85 (Min)  
Arrear revenue for the : 49,153.00  
year 1979-80 to 1981-82 Warrent of arrest U/S 29 was  
Present possion issued to Hem Kanta Das, but  
not executed.  
Date of institution of Case : 19.10.84.  
Name of the Fishery holder : Shri Hem Kanta Das, S/O  
Hari Ram Das, of Putbouri  
Mouza Barpeta.
  3. Name of the Fishery : No13/14/37 Pahunuru  
Fishery.  
Bakijai Case No. : 2/84-85  
Arrear revenue for the : Rs. 77,484.25  
year 1979-80 to 1981-82  
Present position. : Notice was served to Karua  
Das, S/O Thaneswar Das.  
Name of the Fishery holder : Thaneswar Das, S/O L. Gabar  
dhar Das of Vill. Majkuchi  
Mouza- Barpeta.
- Dated of institution of case : 19.10.84.



4. Name of Fishery 22/32 Kharsuthu Beel Fishery  
 Bakijai Case No. 4/85-86 (Min)  
 Arrear revenue for year 1979-80 to 1981-82 Rs.1,16,115.12  
 Present position Report was called for from A.D.C., Barpeta.  
 Name of the Fishery Prabhat Ch. Das, Secy. Chinudi Co-op. Society Ltd.  
 Date of institution of Case 19.10.84.

The Deputy Commissioner and Bakijai Officer have also been instructed to take necessary follow-up action regarding realisation of arrear amounts so far as these fisheries are concerned. The particulars of the lessees are also to be checked properly regarding their present addresses and other particulars if any. The Deputy Commissioner and the Bakijai Officer have assured to take necessary actions in this matter at the earliest.

As regards missing of the records, without which it is impossible to conduct a thorough enquiry into the matter, it is presumed that these records were definitely available at the time of audit by the Accountant General in the year 1983-84. The Deputy Commissioner, Barpeta has been requested to cause thorough enquiry in to the matter as to how the records were misplaced after placing the same before the audit. There are no records available at present to show as to when the records were submitted to the audit party and on which date these files were returned to the Deputy Commissioner's office. Further information if any shall be furnished and when received.



## ANNEXURE—IV—A

(COPY)

W.T. MESSAGE

CRASH

29-6-82

FROM FISHASSAM

TO ALL DEPCOMS/SUB-DIVISIONAL (EXCEPT HILLS)

NO. VFF. 29281117 (.) CONTINUATION OF THIS DEPARTMENTS W.T. MESSAGES NO, VFF, 2928112 DTD. 25.3.82/NO. VFF.2928177 DTD. 16/6/82/NO, VFF.29-28189 DTD. 17.6.82 AND NO, VFF, 2928193 DTD. 21,6.82 REGARDING SETTLEMENT OF FISHERIES THIS YEAR (.) GOVT. HAVE REVIEWED THE EARLIER DECISION AND ARE PLEASED TO PASS ORDERS AS FOLLOWS FOR IMMEDIATE ACTION AT YOUR END (.) PARA LESSEES IRRESPECTIVE OF WHETHER A FISHERY COOPERATIVE SOCIETY OR AN INDIVIDUAL WHO OBTAINED INTERIM SETTLEMENT OF FISHERIES OR THE PERIOD FROM FIRST APRIL 1982 TO THIRTIETH JUNE 1982 ARE HEREBY GIVEN EXTENSION FOR TWELVE MONTHS FROM FIRST JULY 1982 TO 13TH JUNE 1983 (.) PARA (.) THE ANNUAL REVENUE OF THE CONCERNED FISHERY IS TO BE FIXED RAISING THE SAME BY TEN PERCENT OF THE ANNUAL REVENUE OF THE YEAR ENDING THIRTYFIRST MARCH 1982 (.) PARA (.) IN THOSE CASES WHERE YOU HAVE ALREADY ACCEPTED TENDERS BUT THE FORMALITIES OF MAKING FRESH AGREEMENTS AND GIVING DELIVERY OF POSITION WITH TO THE BIDDERS WHOSE TENDERS HAVE BEEN ACCEPTED ARE YET TO BE COMPLETED IT IS AT YOUR DISCRETION AND WITH OUT PREJUDICE TO LEGAL POSITION TO EXTEND THE LEASES OF SUCH FISHERIES FOR TWELVE MONTHS AS AFORESAID (.) PARA (.) INSTRUCTIONS ISSUED VIDE W.T. MESSAGE NO. VFF.2928112, DTD. 25/3/82 REGARDING



NON SETTLEMENT OF FISHRIES WITH LESSEES FOUND TO BE DEFAULTERS ON 1/4/82 STAND (.) PARA (.) THE ABOVE GENERAL EXTENTION EXCLUDES THOSE FISHRIES WHOSE LEASES HAVE BEEN EXTENDED SPECIALLY BY GOVT. EARLIER FOR DEVELOPMENT PURPOSE ETC. (.)

Memo No. VFF.292/81/177—A, Dated: Dispur, the 26th June/1982. Copy to All Deputy Commissioners/Su-divisional Officers.

(2) The Officer-in-Charge, Assam Police Radio Organisation, Dispur for transmission of the above message immtdiatly.

By order etc,

Sd/—

Deputy Secretary to the Govt. of Assam,  
Fisheries Deptt.



## ANNEXURE—IV—B

(COPY)

W. T. MESSAGE

25/3/82.

FROM FISHASSAM

TO ALL DEPCOMS (EXCEPT HILLS DIST.)  
 ALL SUBDIVISIONALS (EXCEPT HILLS  
 SUBDIVISIONALS)

NO.VFF,292/81/12(.) REGARDING SETTLEMENT  
 OF FISHERIES DUE FOR SETTLEMENT WITH  
 EFFECT FROM FIRST APRIL NEXT GOVERNMENT  
 IS PLEASED TO EXTEND LEASE OF EACH FISHERY  
 IN FAVOUR OF EACH OF THE SITTING LESSEES  
 FOR THREE MONTH FROM FIRST APRIL 1982 TO  
 30TH JUNE 1982 ON FOLLOWING CONDITIONS (.)  
 ONE (.) THE SITTING LESSEE MUST NOT BE A DEF-  
 AULTER IN RESPECT OF THE FISHERY (.) TWO (.)  
 THE SITTING LESSEE MUST PAY GOVERNMENT  
 REVENUE IN ADVANCE FOR THE ABOVE PERIOD  
 TO BE ASSESSED BY YOU FOR ABOVE THREE  
 MONTHS ON THE BASIS OF EXPECTANCY OF CAT-  
 CHES(.) PARA (.) IN CASE OF FISHERY WHOSE  
 LEASE CANNOT BE EXTENDED DUE TO NONFUL-  
 FILLMENT OF ANY OF THE CONDITIONS OR DUE TO  
 UNWILLINGNESS ON THE PART OF THE LESSEE TO  
 ACCEPT THE ABOVE EXTENSION INTERIM ARR-  
 ANGEEMENT WITH ANY WILLING AND ELLIGIBLE  
 PARTY MAY BE MADE FOR THE SAME PERIOD BY  
 YOU AT REVENUE AS INDICATED ABOVE (.)  
 IF SUCH INTERIM ARRANGEMENT ALSO IS NOT  
 POSSIBLE YOU MAY PUT THE FISHERY ON SALE  
 BY TENDER AS PER CATEGORISATION UNDER THE  
 RULES (.) PARA (.) ON EXPIRY OF TERM OF THOSE  
 FISHERIES WHOSE LEASES ARE EXTENDED TILL



30—6—82 ALL SUCH FISHERIES WHICH WERE THUS AVAILABLE FOR SETTLEMENT WITH EFFECT FROM FIRST APRIL 1982 SHOULD BE SETTLED BY TENDER WITH EFFECT FROM FIRST JULY 1982 AS PER FISHERY SETTLEMENT RULES AND AS PER CATEGORISATION TO BE MADE BY YOU STRICTLY IN ACCORDANCE WITH RULE 13 (a) (b) OF THE FISHERY SETTLEMENT RULES AS AMENDED (.) STAY ORDERS COMMUNICATED IN TELEGRAM NO, VFF, 248/79/26, DT 27/2/82/ IS HEREBY VACATED (.) SPECIFIC STAY ORDERS COMMUNICATED BY GOVT INRESPECT OF ANY OF THE FISHERY DUE FOR SETTLEMENT FROM FIRST APRIL, 1982 ARE ALSO HEREBY VACATED(.) PLEASE TAKE IMMEDIATE ACTION ON THE ABOVE(.)

Memo No, VFF. 292/81/12-A, Dated, the 25th March 1982  
Copy to:—(1) The Deputy CommihSIONER, ———

(2) The Sub-Divisional Officer, — — —

(3) The Officer-in-charge, Assam Police Radio Organisation, Dispur for favour of transmitting the message immediately,

By order etc,  
s/d—

Deputy Secretary to the Govt. of Assam,  
Fisheries Department.



## ANNEXURE—IV-C

(COPY)

IN THE GUWAHATI HIGH COURT  
(HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,  
MANIPUR AND TRIPURA) CIVIL SPECIAL JURIS-  
DICTION.

MISC. CASE NO. 267 OF 1982  
IN C. R. 1287/82.

Ujan Lohit Kherkatia Nagar Gaon  
Min. Samabai Samity — Petitioner.

VS

State of Assam and others — Respondents.

Present:—

The Hon'ble Mr. Justice Lahiri  
The Hon'ble Mr. Justice Hansaria.

For the petitioner:—Mr. G. K. Talukdar,  
Mr. N. C. Phukan,  
Mr. D. Malakar. Advocate.

9/12/82.

ORDER

Register this as a Misc. Case.

Heard the learned counsel for the petitioner and also  
learned Sr. Govt. Advocate, Assam Mr. D.N, Choudhury.

It appears from Annexur-C that the petitioner's lease  
of the fishery was directed to be extended for one year.  
However, the annual revenue of the fishery in question  
was directed to be fixed raising the same by 10% of the  
annual revenue ending 31st of March, 1982. Admittedly  
the annual revenue of the fishery for the period ending



31st March 1982 was Rs. 10,785.50 and by raising it 10% it comes to Rs. 11,864.05 (i.e. 10,785.50 + 1,078.55), However, Respondent No. 2 has demanded Rs.64,000/-and odd because the petitioner-Cooperative Society had offered Rs.64,288.00 for one year, but the tender has established a prima facie case that he is entitled to renewal on payment of extension money to the tune of Rs. 11,864.05 for the extended period of one year. However, we feel that in the instant case the petitioner should furnish security of Rs.32,000/- to the satisfaction of the learned Deputy Commissioner, Lakhimpur, Respondent No.2. We wish to make it clear that the petitioner shall be entitled to extension on deposit of Rs.11,864.05 and on furnishing security referred to above, In the result the prayer is allowed and the case is disposed of. However, liberty is granted to the respondents to file any application for modification, alteration or rescission of this order.

Sd- K. LAHIRI.

Judge.

D. L. HANSARIA.

Judge.



## ANNEXURE-IV-D

## COPY

Parawise report in respect of the petition dated 1 April 1983 from Shri Bhurain Das, Secretary Ujan Lohit Kherkatia Meen Somabari Samittee Ltd. received with Government letter No. VFF.151/81/35 dated 5th April 1983 for settlement of No. 5 Ujan Lohit Kherkatia Suti Fishery in Lakhimpur District.

1. Yes,
2. Yes, Bhimpara Fishery for the period from 1982-83 to 1984-85.
3. Yes,
4. Yes. (i) Nagar gaon (ii) Balgaon and (iii) Tamular Ghuli which includes the Ujan Lohit Kherkatia Suti Fishery also.
5. The society is the sitting lessee of Bhimpara fishery besides the sitting lessee of Ujan Lohit Kherkatia suti fishery. The last kist of fishery revenue of Bhimpara Fishery was due on 15th February 1983 but the Society paid the same on 24th May 1983.

The last term of the Ujan Lohit Kherkatia Suti Fishery settled with this Society expired on 31st March 1982. But the Government extended the term till 30th June 1982 at the same value of the last term and directed the Deputy Commissioner, Lakhimpur North Lakhimour to put the fishery to sale under tender system with effect from 1st July, 1982. Accordingly, the tenders were invited for the purpose. This Co-operative Society offered Rs. 64,288.00 per annum besides 2 other Co-operative Society submitted tenders for settlement of the fishery on 23th June, 1982. But, the tenders would not fulfil the term of the tenders the settlement advisory Committee declined to settle the Fishery and advised to put the fishery to resale. But, the Govt. vide their Message No. 29281117 dtd. 29th June, 1982 directed to extend the term of the



term of the Fisheries with the sitting lessee. As this Society offered Rs. 64,288.00 per annum for the Fishery in their tender dated 25th June, 1982 as mentioned above, the then Deputy Commissioner, Lakhimpur settled the fishery with this society for a period for one year we, from 1st July 1982 as per Government order. The lessee deposited the security money as required under the rules but filed appeal before the Hon'ble High Court for enhancement of the amount of revenue from Rs. 64,288/- from the original value of Rs. 10,786.48 with 10% increase thereof. The Hon'ble High Court ordered to settle the fishery at original amount of Rs. 10,786.48 with increase of 10% of the same and to furnish a security of an amount of Rs. 32,000.00. But the Society did not deposit the security in spite of Hon'ble High Court order uptill now. The total Revenue for the year from 1st July 1983 to 30th June 1983 comes to Rs. 11,846.05 out of which, the lessee deposited Rs. 2500/- only on 6th May 1983 with a prayer to adjust the security money Rs. 6429.00 against the revenue due from his for the period from 1st July 1983 to 30th June 1983. The balance amount has not yet been deposited by the lessee. The Revenue for the Bhimpura Fishery has been deposited by the lessee on 24th May 1983 which was due on 16th February 1983. As such the lessee is not regular in payment of fishery revenue.

6. Yes

7. Rs. 980.00 from 1st August 1978 to 31st March 1979 Rs. 817.25 April 1979 Rs. 10,785.50 from 1st April 1979 to 31st March 1982 Rs. 2696.62 from 1st April 1982 to 30th June 1982 Rs. 11,864.05 from 1st July 1982 to 30th June 1983.

8. The Society sustained a loss of Rs. 354.42 as reported by the A.R.C.S. North Lakhimpur.

9. The Society has disobeyed a High Court order. I am not inclined to recommend the case.

10. Yes, all the members of the society are Fishermen by caste and profession and also only livelihood it fishing as reported by the A.R.C.S. North Lakhimpur.



11. The Society now under management of adhoc body since 24th January, 1985 as reported by the A.R.C.S. North Lakhimpur.
12. The A.R.C.S. North Lakhimpur reported that the fishermen by caste and profession of the neighbouring areas of the society are fully benefited for which an adhoc body has been formed to managed to function. The Society properly with the former secretary as the secretary of the Society.
13. No detailed report is submitted against the item No. 5 above
14. Rs: 70,000/- per annum.
15. It is reported by the A.R.C.S. North Lakhimpur, that the Society has managed the fishery as 60% and 40% of the total Cost as per sub-Rules of the Society.
16. The Society incurred an amount of Rs. 4,000/- as expenditure for management of establishment of the Society as reported by the A.R.C.S. North Lakhimpur.

To be

Certified by the True copy

Sd/—

Addl. Deputy Commissioner  
Lakhimpur, North Lakhimpur:

Sd— A Perty, 4th June, 1982  
Deputy Commissioner,  
Lakhimpur, North Lakhimpur,



## ANNEXURE-IV-E

As per your order at 24th June 1983 at page 2 Note Sheet in File No. FH. 7/83, I Visited the Biswanath Bhamaputra and Baghmara Brahmaputra Fishery area for an on the spot examination of the Fishery and the Forest Department, area as arranged on 15th July 1983 and submit the following position.

All though the Divisional Forest Officer, Eastern Assam wild Life Division, Bokakhat was required to be present on that day for the purpose and intimated by the Addl. Deputy Commissioner, Darrang neither the Divisional Forest Officer nor the representative was found present. On the previous occassion also Divisional Forest Officer did not respond even after due intimation by the Addl. Deputy Commissioner, Darrang.

On the date fixed on 15th July 1983. I visited the alongwith the reoresentatives of the Fishery Lessee Biswanath Kumalia Min Samabai Samitte and the river Police personales and on way we took two Home Guard personales of Forest Department from Bhowni Chapori Camp of Forest Department authority to act as guide.

The areas with the existing chapories were-verified from the very old grazires of Chaparies. It has been found that the area comprising the numbers of chaperies as included in the Forest Department Notification does not tally on the ground. As for instance, Koloni, Bisbali and Hatibali chapories falling to the east of Murkhowa Chapori is the western most chapori included in the notification. Notified area of the Forest Department including Koloni, Bisbali, Hatibali, etc. Chaparies falls to the east and upstream of point 'B' at west of Murkhowa chapari vide Government Notification No. FRS. 75/73/18, dated 2nd July 1975 published in the Assam Gazatted 19th November 1975. The Existing Hatibali and Laharani chapories fall to the West of Kurkhowa chopari and fall outside the Notifid area of the Forest Department But the Forest Department has established camps in these chapories also. As a result the Forest Department with an



amount of excess imposed restriction in fishing in almost the entire South portion of the Fisheries. The major discrepancy with regard to the particulars shown in the map and Notification of Forest Department will be evident from the sketch map comprising the entire Length of the Fishery from East to the West of the Southern bank area done after spot verification. The existing areas and position of the Chapories are such that clear redemarcation is difficult. Because, the Bhowni Chapori and Murkhowa chapori have got continuity with the Kazironga proper although separated by a narrow stream of the Brahmaputra river as shown in the sketch map. But the Lumbali chapori and Piaji chapori (not mentioned in the Notification) are located well within the main bed of the Brahmaputra river. Janeki and Nesta Chapori falls to the East and outside the boundary of the Fishery.

Sequal to the Government Notification in the Forest Department, the local Forest authority imposed restriction on fishing in entire southern side of the Fishery including the Channels of the Brahmaputra in between the chapories which are the only productivesources of the Fishery. That was the Lessee has been deprived if fishing in the almost entire southern portion of the Fishery.

Morover, the Bishwanath Brahmaputra and Baghmara Brahmaputra Fishery consisted of many as 20 (twenty) beels falling within the Fishery. At Present, there are only nine beels in existence in the Northern side of the Fishery. Two beels in existance fall within Murkhowa chapori. Dafalakhanda Beel is said be the Dafula beel signifying the Western portion of the narrow Brahmaputra stream as shown in the sketch. Rest eight beels are not in existence.

Following the total No. of beels in the lessee of the Fishery.

1. Auguri,
2. Gereki or Tehelia.
3. Bholakhata.
4. Gahanga,
5. Borkola,
6. Kadamani or Bhehari,
7. Barbeel,
8. Khalihamari,
9. Dighali (North Bank),



The two above beels artmin existence at present without dispute.

Following are the beels in existence

1. Dighali, (South Bank)
2. Jawani
3. Gohali Bhang,
4. Baralimara (N. Bank)
5. Palakata,
6. Chulimeli.
7. Borghuli.
8. Suhia.

Bahumari and Baralimara beels fall within Murkhowa Chapori which is within Notified area. Defalakhanda is said to be the Difalu river signifying the portion of the narrow Brahmaputra stream.

In the sketch map, Gatanga village falls outside the Kaziranga sanctuary. Hatibali and Lahari chapories are in existence on the ground and full to be west of point 'B' and out side Notified area. But Forest Department has prohibited fishing by the Lessee there also.

In view of the above, the map produced by the Forest Department appears to have got little relation to the position of the Southern portion of the Fishery. Hence this perhaps casts for examination and modification keeping in view the ground position as well as the interest of the revenue of the Fishery.

Since the implemtntation of the Government Scheme in the Forest Department as stated in the preceding paras, the lessee Samittee could not Fish in the Southern portion of the Brahmaputra river with channels in between chars which are the only producing places of the main Fishery right from the month of November/1981 there by the lessee is supposed to have sustained a total loss. As for the 20 Beels, the lessee could effectively fish only in nine Beels eight not in existence and in three they could not Fish because of restriction by Forest Department.

Considering all aspects of the matter in issue the Lessee Samittee is expected to have undergone loss to the extent of appdoximately 3/4 of the total annually revenue. If the area with the productivity of the main Fishery taken away by the Forest Department is taken in to account, the present value of the Fishtry should reasonably be ar'ound 1/4 of the existing revenue.

Submitted for favour of necessary action.

Sd/—

PRINCIPAL REVENUE ASSISTANT  
Tezpur.