



PUBLIC ACCOUNTS COMMITTEE

(1988-90)

(EIGHTH ASSEMBLY)

FIFTY FOURTH REPORT

**Report of the Committee on Public Accounts on the Reports
of the Comptroller and Auditor General of India for the
years 1976-77 and 1977-78 (Civil) pertaining to the Depart-
ments of Transport, G. A. D., Food & Civil Supply,
Home, P.W.D., Soil Conservation and Education,
Government of Assam on "SESSION
OF A POLITICAL PARTY"**



Presented to the House on 9th April 1990

ASSAM LEGISLATIVE ASSEMBLY

DISPUR : GUWAHATI—781006

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COMPOSITION OF THE COMMITTEE
(1988-90)

CHAIRMAN :

1. Shri A. F. Golam Osmani.

MEMBERS :

2. Shri Pradip Hazarika.
3. Shri Joy Prakash Tewari.
4. Shri Silvius Condpan.
5. Shri Sheikh Abdul Hamid.
6. Shri Ramendra De.
7. Shri Chandra Mchan Patowary.
8. Shri Abdul Rob Laskar.
9. Shri Abhijit Sarma.
10. Shri Pabindra Deka.
- *11. Shri Kamala Kalita.

SECRETARIAT :

1. Shri S. N. Deka. Secretary
2. Shri S. K. Changmai, Liaison Officer.
3. Shri A. R. Chetia, Under Secretary.
4. Shri P. Deuri Bharali, Superintendent.

*Ceased to be a member with effect from 28th January, 1990 on his appointment as Minister of State in the Ministry.

PREFATORY REMARKS

I, Shri A. F. GOLAM OSMANI, Chairman of the Committee on Public Accounts having been authorised to submit the report on their behalf to present this Fifty Fourth Report of the Committee on Public Accounts on the audit paras contained in the Reports of the Comptroller and Auditor General of India (Civil) for the years, 1976-77 and 1977-78 pertaining to the Departments of Transport, General Administration Department, Food and Civil Supply, Home, P. W. D., Soil Conservation and Education, Government of Assam on a "Session of a Political party".

2. The Reports of Comptroller and Auditor General of India (Civil) for the years 1976-77 and 1977-78 were presented to the House on 21st February, 1979 and 19th March, 1981 respectively.

3. The Reports of the C. A. G. of India (Civil) for the years 1976-77 and 1977-78 containing the Audit Paras on "Session of Political Party" pertaining to the Departments of Government of Assam as mentioned above were considered by the present Committee in this meeting held on 16th February, 1989, 17th February, 1989, 15th March, 1989, 28th July, 1989, 9th August, 1989, 4th September, 1989, and 15th March, 1989. The Committee had also scrutinised parawise written memorandum of the Departments and took evidence of the departmental witness.

4. The Committee has considered the draft 54th Report and finalised the same in its sitting held on 21st March, 1990.

5. The Committee wishes to express their thanks to the Chief Secretary, Government of Assam, Commissioners and Secretaries of the concerned Departments and other officials including representatives of Finance for their full co-operation and valuable assistance. The Committee also appreciates the Accountant General, Assam, for his valuable assistance and guidance.

DISPUR

Dated the 21st March, 1990.

A. F. GOLAM OSMANI
Chairman,
Public Accounts Committee.

THE REPORT

1.1. The Comptroller and Auditor General of India, vide paras 3.17, 3.18 (b), 9 & 4.15 and 3.3 of their Reports for 76-77 and 77-78 respectively have pointed out involvement of the following Department in connection with the Session of a Political Party (A. I. G. C.) held during November 1976 at Jowharnagar Guwahati :—

Audit Para	Department
3.17.1/CAG 76-77 (Civil)	= Education =
-do-	
3.17.2-do-	Education =
3.17.3/CAG 76-77 (C)	General Administration Deptt.
3.17.4/CAG 76-77 (C)	General Administration Deptt.
3.17.5/CAG 76-77 (C)	Home (Publicity)
3.3½ CAG- 77-78 (C)	-do-
3.17.6/CAG 76-77 (C)	Revenue (P. W. D.)
3.17.7/CAG 76-77 (C)	Supply Deptt.
3.17.8/CAG 76-77 (C)	Transport
4.15/CAG 76-77 (C)	P. W. Deptt,

3.18/CAG 76-77 (C) Forest & Soil conservation Deptt.

The objections are dealt with department-wise in the subsequent Paras.

II-EDUCATION DEPARTMENT (GENERAL)

(Audit Para. 3 17.1/CAG-76-77 (Civil))

2.1.1 The Audit has pointed out that on 10th November 1976, Rs. 1.30 lakhs were sanctioned by the Government for holding Children's Rally, of which Rs. 0.50 lakh only were spent for the purpose and the balance Rs. 0.80 lakh were refunded into the treasury in May 1977. On 11th November 1976, Rs. 0.59 lakh were sanctioned by the Government for the same purpose, of which Rs. 0.54 lakh were spent by the Inspector of Schools (Kamrup), Gauhati for providing temporary facilities in different educational institutions for accommodating delegates attending the annual session of a political party in that month at Jawaharnagar. The balance Rs. 0.05 lakh were refunded into the treasury in March 1977. The Government decided in June 1977 that the amount be recovered from the party and accordingly a bill for Rs. 0.51 lakh (after deducting Rs. 0.03 lakh being sale proceeds of waste materials) was submitted to it in July 1977. The amount remained unrealised (December 1977).

2.2.1. The Department in their written memorandum are stated that the amount of Rs. 0.51 lakh has already been deposited vide treasury Challan No. 82 dated 30th March, 1978.

OBSERVATION

2.3.1. Going through the audit objection as well as the Department's replies furnished there to it is seen that Rs. 1.30 lakhs were sanctioned on 10th November, 1976 for holding Children's Rally. On 11th November 1976, another sum of Rs. 59 thousand were sanctioned for the same purpose. Of the Rs. 1.30 lakhs sanctioned, Rs. 50 thousand were shown to be spent making a refund of Rs. 80 thousand in May, 1977. Of Rs. 59 thousand drawn in November 11th, 1976, Rs. 54 thousand was spent for providing facilities to the delegates of AICC Session held at Jawaharnagar, Guwahati.

2.3.2. It is not understood, why two sums of Rs.1.30 lakhs and Rs.0.59 lakh were drawn by the Government, one on 10th November, 1976 and another on the next day i.e., 11th November, 1976. Strangely enough of Rs.1.30 lakhs, only Rs.50 thousand was spent and the balance refunded in May, 1977 of Rs. 0.59 lakh Rs. 54 thousand was spent and the balance refunded in March, 1977. Even when the balance of the first instalment amounting to Rs.80 thousand could not be spent, what was the reason for securing another sanction on the next day is not understood. It appears that without any projection, sanctions were secured at random.

2.3.3. It is also seen that money sanctioned for a specific purpose of holding Children's Rally is diverted to serve the purposes of a political party. This type of financial anarchy is only possible when the distinction between the Government and the Party is conveniently forgotten.

2.3.4. The Audit has also brought out that furniture, crockery, cutlery etc. for Rs. 0.71 lakh were purchased during Nov. 1976 by the Directorate of Technical Education for furnishing to the hostel of the Assam Engineering College where delegates of the party were accommodated. The College authority later submitted a bill for seat rent of Rs. 0.12 lakh to the Secretary, Education Department. From a separate communication from the Director of Technical Education, Assam, it transpired that the required material were furnished to Government, vide their letter No. TE (E) A-8/77/2225 dated 1st March 1979 and further action in the matter was awaited. The delegates were news paper reporters. From whom no seat rent was collected as there was no directives from Government, but the Principal submitted bill to Government, In this connection, though attempts were made to ascertain the views of Director of Technical Education no clarification was submitted to the Committee by the Department to explain the reason for which Government money was spent to facilitate the accommodation attending the A. I. C. C. Session.

2.3.5. It would be of interest to see, what the Jagjit Singh Commission of Enquiry, appointed for the purpose, observed in this type of diversion of state fund for political purposes, which unfortunately is not forthcoming.

GENERAL ADMINISTRATION DEPARTMENT

Audit para 3.17.3 & 3.17.4/ACG-76-77 (Civil)

3.1.1. The Audit has pointed out that blankets, linen crockery, carpets and furniture (costing Rs. 0.44 lakh) were purchased during November, 1976 by the Government without inviting tenders/ quotations for furnishing to the Stadium Guest House at Gauhati where delegates to the session of the party were accommodated. According to Government sanction (November 1976), these articles were eventually to be distributed to various circuit houses/dak bungalows. The articles were, however, lying at the Stadium Guest House (December 1977). There was nothing on record to show that any demand was placed by any circuit house/dak bungalow for these articles.

3.1.2. The Audit has further brought out that twenty unoccupied quarters of the Police Department at Kahilipara and certain other buildings (purchased from the Assam State Housing Board for Rs. 2191 lakhs on 13th November 1976) at HUDCO complex were utilised as temporary guest houses for State guests and others attending the above session. Cots, linen, etc., (cost : Rs. 1.46 lakh) were purchased (November 1976) by the Government without calling any tenders/quotations for furnishing those temporary guest houses. According to Government sanction (October 1976) these were to be issued to circuit houses/dak bungalows after use by the guests. No stock register was maintained for these articles. The Estate Officer reported (January 1977) to the Government in the Political Department (January 1977) articles worth Rs. 1,480. Articles for Rs. 1.10 lakhs only had been issued to 10 circuit houses and dak bungalows and the remaining articles (cost : Rs. 0.25 lakh) were reportedly lying in stock (September 1977). Nothing was on record to show that any demand was placed by any circuit house/dak bungalow for such articles.

3.2.1. The Department in their written memorandum submitted to the Public Accounts Committee has stated that the above two paras relate to purchase of stationeries/materials and buildings in connection with V. I. Ps/delegates of AICC Session at Jawaharnagar in 1976. The relevant files from which the sanction for the above purchase were

effected and sent to Enquiry Commission to set up by Government for enquiry into the alleged excesses made in the A. I. C. C. Session in 1976 and has not been received back. It is stated that every effort are being made to locate the file.

3. 3. 1. In course of oral evidence, the Commissioner, G. A. D., as witness, stated that relevant files are not available for which the Department is not in a position to apprise the Committee in detail. The witness stated: "The observations made in audit are-1) purchases have been made without calling for tenders, 2) stores were not properly kept and 3) these things which have been purchased ought to have been given to different Circuit Houses and Dak Bungalows. If I have to give a reply I have to find out the relevant records. But these are not available. Two files were sent to the Political Department in connection with the Enquiry which was set up immediately after the Janata Government came into power. It was a big enquiry in connection with which a number of files were called for including these two files".

3. 3. 2. In the subsequent meeting the witness deposed: "Last time we could not locate the files. We find that those

files were sent to political Department and the political Department had returned the file on 21st August 1989. But one file is still with the Political Department. It is yet to be returned by the Political Department. This is the position regarding the files. With regard to the specific point for the purchase of 'Blankets' etc., costing Rs. C. 44 lakh, we could not give the reply last time as the records were not available. So, we took time to collect the necessary information from the concerned Deputy Commissioners. Accordingly we took up the matter with the Deputy Commissioner to find out the position. We have since received replies from three Deputy Commissioners, Dhubri, Golaghat and Lakhipur. Their replies clearly give the position. We are yet to receive replies from other Deputy Commissioners.

3.3.3. The Committee observes that the whole point is that the Deptt. have violated the norms of sending these equipments. Now, it is a question of record and that is to be ascertained as to how much the Deptt. have received and how much they have disposed of. It is

also to be examined how the articles would be used by the district administration as they have got a different 'Head of Accounts'. The Committee wants to know at whose instance this was made. All these equipments were purchased for the purpose of a political conference and when the conference was over, these equipments were sent to the District Administration in violation of the prescribed norms which are highly irregular. What is most irregular is that the purchase was done without tender.

3.3.4. The Committee also enquired of the existing norms/rules etc. The proceeding is quoted below for proper appraisal :

CHAIRMAN : Let us ask You one question. Is there any rule anywhere or a norm in the functions of the Government to allow State property to be used for a purpose which Government has no connection ?

Whether Assam Government has got any such rule, say rule of courtesy.

COMMISSIONER : GAD—You are asking a general question.

CHAIRMAN : You are representing a very important department of the Government, Are you aware of any such rule by which you will allow use of Government materials ?

COMMISSIONER : GAD—There is the provision of State guest, for that such facilities are to be made available to them. We are to give them transport and other facilities.

A, G. : Before declaring a person State guest who is to bear the expenses ? Do you go to Finance for it ?

COMMISSIONER : GAD—There are certain categories of persons who may be declared State guest according to set procedure. There is no necessity of approaching Finance for this. When these norms or procedure do not cover certain categories of persons, we are to go to Finance for their concurrence.

CHAIRMAN : Would you be in a position to say the amount of expenditure and number of such State Guests ?

COMMISSIONER : GAC—From 1976, it will be difficult.

A. G.—Whether lending of furniture, balankets etc. was done after entering into an agreement ?

COMMISSIONER : GAD—I would say that the use of Government property was allowed and after that these were disposed of.

A. G.—You are giving Mr. X or organisation X these things. Whether there is an agreement for giving these or it was done entirely on goodwill ; I am talking Government property.

COMMISSIONER : GAD—It will depend on the executive order. In case of Government, no agreement will be necessary.

Shri RAMENDRA DE—If these were purchased as per requirement whether there was any instruction to purchase materials without observing the formalities of inviting quotations/tenders ? As per CAG Report Government did not observed any formalities .

COMMISSIONER : GAD—Certain purchases were made and sent to districts.

3.3.5. The P.A.C. observes that the matter was referred to Government by Audit during November 1977 and G.A. Department cannot give any account of the matter due to non-availability of relevant files.

3.3.6. In course of hearing some informations were supplied but that is also not complete. Going through the Departmental reply and proceedings of the hearing held on different dates and quoted here, the Committee though not supplied with necessary materials is of the view that expenditures made in connection with the transactions referred to in the relevant paras is not only irregular but malafide being not covered by norms of the financial rules. Only some flimsy justifications were made in the name of subsequent utilisation. The Committee feels that it would have been interesting if the observation of the Report of Jogit Sing Commission had been made available. Unfortunately, this is not forthcoming.

HOME (PUBLICITY) DEPARTMENT

Information and Public Relation
 Audit para 3.175/CAG-76-77 &
 Audit para 3.3/CAG-77-78.

4.1.1. The Audit has pointed out that in a meeting of Secretaries to the Government held on 14th August 1976 it was decided that all Government departments should release advertisements in the souvenir of the party to be released during its annual session. The rates of advertisement were as under :

	(in rupees)
Full page (one colour)	5,000
Full page (two colours)	7,000
Full page (three colours)	9,000

A test-check by Audit of 18 department/offices of the Government indicated that Rs. 0.94 lakh were spent on advertisement in the souvenir. It was not clear whether the Government had ascertained the mode or extent of circulation this souvenir to judge if the amounts spent on advertisements were commensurate with the publicity expected to be achieved.

4.1.2. The Audit has further pointed out that in connection with the A.I.C.C. Session during November, 1976 the D.I.P.R. Assam brought out five priced publications with the approval of the Government. Twenty six thousand copies of these publications were got printed at a cost of Rs. 2.73 lakhs. The total value of these publications at the sale price fixed for them was, however, Rs. 1.58 lakhs only. 3,127 copies could be sold for Rs. 0.15 lakh in November 1976 and 8,430 copies (sale price : Rs. 0.69 lakh) were distributed free of cost without the approval of the Government. The remaining 14,443 copies (sale price : Rs. 0.74 lakh) were lying unsold till August 1978.

4.2.1. The Department in their written replies has stated on para 4.1.1. of this Chapter that due attention was paid to the circulation of the Souvenir to ensure maximum publicity of the advertisement issued by the different Government issued by the different Government Departments and Government under-takings. The rates charged were found

to be reasonable considering the cost of printing, of attractiveness and reference value of the Souvenir.

4.2.2. The Written Memorandum on the audit objection vide para 4.1.2. of this Chapter submitted by the Department reads: "Directorate brought out five publications with the approval of the Government and accordingly 26,000 copies of these publications were brought out at a cost of 2.70 lakhs, out of which 3123 copies were sold for Rs. 14,817.50 only and the remaining copies of these publications were distributed free of cost with the approval of Government vide their No. HM/PB-8/75/362 dated 9th May 1980".

4.5.2. From the Government letter No. HM/PR/8/75/352 dated 9th May 1980 it is seen that Government accorded ex-pose fact approval for the free distribution of the following publications which were given to the press representative foreign delegates and V.I.P.s who visited Assam in connection with A.I.C.C. Session, 1976 and that 1,686 copies of each of the publication were treated as given free.

1. Hand book on Assam	Rs. 10 × 1686	Rs. 16,860.00
2. Land of Seven Sisters	Rs. 20 × 1686	Rs. 33,720.00
3. Common guest	Rs. 6 × 1686	Rs. 10,116.00
4. Clouds are not the sky	Rs. 1½ × 1686	Rs. 2,529.00
5. Raijor Batori	Rs. 3 × 1686	Rs. 5,058.00
		Rs. 68,283.00

The Governor of Assam had also accorded approval of the free distribution of following publications to the Libraries of Higher Secondaries Schools, Colleges, Universities and Public Libraries keeping 1000 copies of the following publications in the stock of Directorate, Home Department for presentation to V.I.P.s/State Guests.

1. Hand Book of Assam.
2. The Common Guest—
3. Land of seven Sisters.
4. Resurgent Assam.

4.3.1. During oral deposition the Special Commissioner and Special Secretary to the Government of Assam, Home Political etc. Department has stated before the Committee that the primary purpose was to project Assam and the North East and for that the Directorate of Publicity was meant for. There was very large mass gathering from all over India, infact from all over the world. We wanted to take advantage of this situation. All along this region used to be considered alienated, neglected. The feeling was that Assam was not projected properly. These books we can say, with a lot of pride, they are well made up books with excellent contents. Even if we are to give some basic information on Assam we refer to these books particularly the Hand book on Assam. Normally, of course, publication books are all free. As Director mentioned, a conscious decision was taken that whenever we give something free, particularly books, these are taken as publicity literature, so we wanted to alleviate these books from that standard to a little higher standard of literature and in that context this valuation was not given as a loss to the Government.

4.3.2. The Committee observes that the ex-post-facts sanction was given for free distribution of these publications by the Government dated 9th May, 80 i. e., approximately often 3½ years. Now the points requiring clarification are: (a) why this ex-post-facts-sanction was made, (b) whether Government made any desesion earlier for free distribution; (c) whether there was any plan & programme about these publications at-all, and the projections made; (d) the expenditure in which the publications sought be made out and what were the avenue for deriving income together with the extent of complimentary distribution.

4.3.3. The replies adduced to clarify the points by the departmental witnesses were not coherent. For proper appraisal, the proceeding is quoted :

DIPR : On the first day of the conference itself we distributed about 1000 copies. With plastic covers these were bound and were distributed. Then there was pressmen coming from different parts of the country and they were also given.

Mr. CHAIRMAN : Whether you decided from the very beginning that these will be complimentary copies and not priced publication. We want to know because we are concerned with the financial aspect of the matter. Whether your directorate made an earlier decision that it would be a free distribution-complimentary copies because though you have distributed the books freely you have quoted a price on the book.

DIPR : We thought that after the book got circulated during the session which continued for three days there would be demand for the book but actually there was not much demand. Then which ever party came, visitors, Research Scholars—we gave them and latter on we thought that we should get approval of the Government. We moved the Government for approval and we got it.

Mr. CHAIRMAN : We consider that Government department follow certain financial rules and norms. A. G. is concerned with the fact why did you put Price 10/- ? why did you put a price tag but certain V. I. ps had to be given free and for those we had asked for ex-post facto sanction, but the A. G. observes here, "All copies distributed free should be properly composed with marking like 'with compliments from the Director of Information and Public Relations, copy not for sale' "then sanction is issued as per Finance Department concurrence vide U/O No. FEC (II)117/80 dated 7th February 1989 (later corrected as 7th February 1979). Then there was another ex post facto sanction and it relates to 9th May, 1980. We are unable to understand the nature of this order. There must be some mistake.

COMMISSIONER, HOME : Two points are correctly raised—one is about whether we have made any projection of the requirement of the number of books and how the pricing was done. This matter as you say is going to be examined again in a Sub Committee but today without the records I cannot say. I will try to produce the records which is very difficult to get but I can only say that this decisions were taken at the Directorate level. When the pricing was done, it appears, no commercial calculation was made that it will cover the cost of publication. An ad-hoc price was fixed on the basis that the price should be such that a person can purchase, a price which would not be too prohibitive

and our objective of publicity would be fulfilled that was the idea. The answer to the other question is that there was no copy made with marking like complimentary copies ; etc. and that is why at a subsequent date, ex post facto approval had to be given because without that all these things would remain infructuous expenditure as well as losses to Government and we had to give the Director authority that was given and the matter had to be regularised by a formal Government order.

Mr. CHAIRMAN : We felt that there are no departmental rules or norms for publication of such type of things because, had there been some norms the Directorate would have observed it. Do you mean to say that these things depend on the sweet will of the Directorate to bring out a souvenir as they like ? If a decision is taken at the Directorate level, the Government has to be involved because it is your money.

The next point is, whether the Home Department had allowed this project initially ? Is there no norms set for the DIPR in the matter of publication of souvenirs. I would like to know what norms are generally followed by the DIPR in publication matters ?

COMMISSIONER, HOME : So far as the first point is concerned, the approval of Government for publication, advertisement and also bringing out publication was obtained.

So far the books were concerned. I would like to request the Director to elaborate the position.

Sometimes, through discussion and because of urgent nature of works the DIPR was allowed to go ahead and this is one of those cases.

DIRECTOR : These are not within the financial power of the DIPR. So, there was a Government sanction for each item of expenditure.

CHAIRMAN : So, another point has come that it was sanctioned by the Government *i. e.* the Home Department.

Director : Yes Sir.

ACCOUNTANT GENERAL : What is the balance number of books ? Can you give the correct figure ?

DIRECTOR : The correct figure cannot be given. Since because of floods having \times affected the storage of books we have not been able to maintain the correct figure. At Zoo road where we keep our books is a flood prone area and in every rainy season there accumulate water.

ACCOUNTANT GENERAL : What is the extent of damage ?

DIRECTOR : Most of the books were disposed of.

CHAIRMAN : Mr. Bezbarua, Government must have a definite policy. That when a conference of a Political Party is held Government should modify certain rules to suit its needs. But it should be done in a proper, systematic and legal manner. So, this para will go with other para of 1976-77. More or less it is analogous, Mr. Bezbarua, you please submit the necessary things we call for and find out the copy of the discussion which took at the higher level.

DIRECTOR : No minutes will be available.

Shri P. C. SARMA, SECRETARY : Sir, I am sorry to say that the relevant records are not readily available. So far I am given to understand that the rates that were given for advertisement appear to be reasonable. The number of copies circulated as souvenir was substantive.

Shri PRADIP HAZARIKA : How many copies were circulated ?

Shri P. C. SARMA : We circulated 5000 copies.

Shri PRADIP HAZARIKA : What was the Cost of printing and how the rates were fixed ?

Shri G. P. DAS : DIRECTOR, PUBLICITY:—Actually printing expenses are met from the amount received from advertisement. Here the printing cost is very nominal. The rates are different from half page to full pages and from publications to publications because the rates are determined by the publisher organisation.

Shri R. DE:—What are the principles of fixing rates ?

Shri G. P. DAS, DIRECTOR:—The organisation from a Committee and that committee fixes the advertisement rates. Government fixes only the rates for the approved news papers. In printing this souvenir an amount of Rs.94,000 was spent but it does not involve Government money because the money was collected from advertisement. Practically Government spend nothing in this publication of souvenir.

CHAIRMAN:—Let us know the exact position as to how the advertisements were issued for souvenir. Who fixed the rates and at what level those were agreed to ?

SECRETARY, POLITICAL:—The rates are fixed by organisers and the Secretaries' Committee accepted them. So far as souvenir is concerned, as yet we do not have a clear policy. Various organisations approach the Government asking for issuing of advertisements etc.

CHAIRMAN:—In the last discussion we had asked the Department to submit a copy of laid down norms at which the advertisements were issued. If you are not aware of it, please get a copy of it from our office.

SECRETARY, POLITICAL:—So far the Souvenir is concerned we have got no definite policy about the rates to be accepted so far the classified advertisements are concerned whether an advertisement or a display. In this particular case all the Secretaries sat together to take a decision.

CHAIRMAN:—So far your Department is concerned when any other department issues an advertisement for a Souvenir, the bill ultimately is to be passed by you approve it? and whether such advertisements are given with your prior permission. How do you.

4.3.5. Going through the audit objections, departmental replies and revelations made in course of deposition before the Committee, one fact has come out that the whole machinery of Directorate of Information and Public Relation were turned into the public relation wing of the AICC Session. At some level decisions were made to make some publications and to that and machinery of the Directorate were devoted without observing any norms and that too was possible because the department had no definite rules or guidelines in respect of publications. The Committee would like to point out that it is not sufficient that publications were of general public importance, but the question of making expenditure from the State Exchequer is very much there.

4.3.6. The P.A.C. feel that the observation of Jagjit Singh Commission would have been helpful in this respect which unfortunately is not forthcoming.

REVENUE DEPARTMENT

Audit Para 3.17.6/CAG. 76/77(Givil)

5.1.1. The Audit has printed-out that Government land at Jowahar-Nagar developed by the Public Works Department during November 1976 at a cost of Rs. 0.35 lakh was allowed to be used by the party free of charge for holding an exhibition. A test check in audit of 15 departments/offices indicated that they had paid Rs. 0.65 lakh to the party as ground rent for putting-up their stalls at the exhibition @ Rs.5 only per 100 sq. ft. per day.

5.2.1. The Revenue Department have furnished no written memorandum. What the Department contended in their letter RSS. 754/85/5, dated 3rd August 1989, is that the para is more relevant to P. W. D. who raised the ground.

5.2.2. The Committee could not understand why Revenue Department would not be the nodal Department in respect of the proprietorial right of the land which was developed by another Department and let-out by a political party for profit. Now the Committee would like to know-who and on what condition the land was allotted to the political party and what stood in the way of direct allotment to the Departments which participated in the year, so that the Government could earn the income instead of allowing the organiser of the session to reap the benefit out of Government property.

SUPPLY DEPARTMENT

Audit Para 3.17.7/CAG 76-77

6.1.1. The Audit has pointed out that in November 1976, 0.15 lakh galvanised corrugated iron sheets (Value Rs. 10 lakhs) were purchased by the Director of Supply while there was a stock of 0.55 lakh sheets in the godowns. The newly purchased sheets together with 0.29 lakh sheets brought from other Sub-Divisional Officers (Supply) were issued (November 1976) on loan to the party free of charge for its annual session at Jawaharnagar. After the session was over, 2,153 sheets (cost : Rs. 1.10 lakhs) were found damaged (not returned to the department) for which Rs. 0.08 lakh were recovered from the party. Information about realisation of the balance Rs. 0.52 lakh is awaited (March 1970). Out of the stock of 0.44 lakhs sheets issued to the party, 0.36 lakh sheets (about 456 tonnes) were taken over by the Public Works Building Division, Gauhati in March 1977. Of them, 0.21 lakh sheets (about 268 tonnes) remained unutilised (December 1977). The Division also spent Rs. 0.07 lakh for transportation of sheets from Jawaharaagar to its godown.

6.2.1. The Department in their written replies have stated that they had stock of 53,270 pieces of G. C. I. sheets in different godowns and not 0.55 lakh as pointed out by Audit. At a cost of Rs. 10 lakhs Department purchased 15073 pieces, With 8,634 pieces brought from subdivision and 15078 newly purchased pieces 43,707 sheets were loaned to AICC Session. 42,330 pieces of equivalent running length were received back in good conditioned. For the damaged 1369 pieces the value of which was calculated as Rs.88,469 45 were realised from the AICC-456.25 MT by weight or 35,545 pieces were sold to P. W. D. @ Rs. 4911.75 per MT-and the Department realised Rs. 22,40,995.76 P. whether P. W. D. utilised all there is not known to Supply Department. As the sale was effected on "As is where is" basis, the P. W. D. naturally paid Rs. 7,000 for transportation which is not concerned with supply department. The remaining 6,897 pieces equivalent to running length of 6794 pieces were sold to public including STATFEA Rs. 553,89 per bundle. Each bundle is equivalent to 70-72 running feet. The total number 43707 pieces 1369 pieces were sold. For 1369 pieces the value is realised as above.

6.3:1 The reply adduced by the Department with reference to the Audit Para was not found categorically, and hence the Public Accounts Committee expressed concern about the genuineness of the deal. For proper appraisal, the proceeding is quoted below:—

Shri S. CONDPAN :—Mr. Chairman, when there was a stock of 53,278 pieces of G. C. I. sheets in different godowns of the Government, then why Department purchased 15073 piecer of G. C. I. sheets at a cost of Rs. 10 lakhs ? What was the necessity ?

SECRETARY, SUPPLY :—Actually, Sir, in the record it was not available at that time. Moreover the purchase is a continuous process and in every year the Department is to follow this procedure.

Shri S. CONDPAN :—When there is a stocks and when there is no requirement, then why the Department purchased 0.15 lakh G. C. I. Sheets at a cost of Rs. 10 lakhs ? You are telling that the purchase is a continuous process and, therefore, the Department is to follow the procedure. I do not agree with you. When there is a stock available and when there is no requirement, the department should not have gone for the purchase of 0.15 lakh G. C. I sheets at a cost of Rs. 10 lakhs ?

SECRETARY, SUPPLY :—Sir, Government cannot wait for the disposal of the entire stock. When 100% stocks will be exhausted, then it will be difficult for the department to meet the requirement immediately. Therefore, as a continuous process, it is required to be procured for future requirement every year. On this basis, the department purchased the same for meeting the requirement in future.

Shri S. CONDPAN :—What about the realisation of the balance sheets, cost of which comes to Rs. 0.52 lakhs ?

SECRETARY, SUPPLY DEPTT. :—That has been realised, Sir.

Sr. D. A. G. :—Mr. Chairman, in this connection I would like to point out that the department had refuted our figures of damaged sheets much later than we sought

clarification from them. We gave sufficient time to clarify the position in time. But the Department did not give the information. But when our report was finalised, then the Department came forward saying that our figures were not correct. At this stage it would be difficult to reconcile. The department should have come in time to reconcile the position.

SECRETARY, SUPPLY DEPTT.:—Sir, I agree with the Sr. D.A.G. This should have done long back.

Shri ABDUL ROB LASKAR:—It appears that the figures given by the A.G. do not tally with figures of the department Accountant General says 2,153 sheets were found damaged but the department replied that 1369 pieces were damaged. What is your opinion about this ?

SECRETARY, SUPPLY DEPTT.:—Actually, Sir, if we take the figures of P.W.D., STATED and others as shown here, then we find that it comes to that figure. So, the C.I. sheet piece is a very small denomination as it comes into bundle. Each bundle is equivalent to 70-72.

Shri ABDUL ROB LASKAR:—Mr. Chairman, one more information is required about the realisation of the balance amount of Rs. 0.52 lakhs. Whether the amount has been realised? When and from whom realised?

SECRETARY, SUPPLY:—I have already replied that it has been realised by the department.

Shri ABDUL ROB LASKAR:—In the Comptroller and Auditor General of India's Report, it is said information about the realisation of the balance amount of 0.52 lakhs is awaited in March, 1978. The date of realisation is not with you but from whom it was realised ?

SECRETARY, FOOD & CIVIL SUPPLIES:—This has gone down because the quantity damaged has gone down. So the total amount from AICC has gone down.

Mr. CHAIRMAN:—Will you be in a position to submit a full report? You acquired a stock of 0.55 lakh sheets. Nonetheless you purchased another 0.15 lakh sheets. Total

0.60 lakh sheets. You gave a political party on loan 0.15 lakh sheets from your purchase as well as from your originally acquired 0.29 lakh sheets. The loss was 2153 sheets. Cost was 1.40 lakhs. You realised Rs. 88,000./- Balance remained Rs. 52,000./- Now you are to show the account how it was realised, when it was realised, from whom it was realised and also how you have disposed of the total 0.60 lakhs sheets and at what stages. What was the motivation in acquiring this 0.15 lakh sheets when you had a stock of 0.55 lakh sheets? Is it because there was a conference?

SECRETARY, FOOD & CIVIL SUPPLIES :—I cannot say any Parhaps it may not be that. Government makes purchases every year.

Mr. CHAIRMAN :—You had a stock of 55,000 sheets in hand and it appears you could very well give them that quantity for the conference from your stock. Nonetheless you made additional purchase.

SECRETARY, FOOD & CIVIL SUPPLIES :—Actually our stocks are not placed at one place. I cannot say the reasons now. Perhaps the stocks were lying every where and it was not the total stock.

Mr. CHAIRMAN :—I say we have a feeling that the newly purchased sheets together with 29,000 sheets brought from other sub-divisional officers were issued on loan to the party. Were you given a requisition of the total number of GI sheets needed so that you had to purchase another 15,000 sheets?

SECRETARY, FOOD & CIVIL SUPPLIES :—At this stage it is very difficult to say.

6.3.2. The department witness, in the subsequent meeting has furnished the figures of G. C. I. sheets which were disposed off, and the amount realised from A. I. C. C. The figures are as under :—

(A) Figures of disposal :

(i) Sold to P. W. D.	4562.52 bundles
(ii) Sold to STATFED	150.00
(iii) Sold to E. S. Is	8.00
(iv) Sold to public	684.10
(v) Value (quantity) of damaged G.C.I. sheets at AICC.	166.95
	Total 5571.57

(B) Amount realised from A. I. C. C. with deposit Challan No. and date.

(i) Rs.	61,611.92	Cha. No. 1 of 13-12-76
(ii) Rs.	2,458.27	Cha. No. 4 of 29-12-76
(iii) Rs.	3,960.32	Cha. No. 1 of 28-1-77
(iv) Rs.	20,132.40	Cha. No. 1 of 18-3-77
(v) Rs.	256.54	Cha. No. 1 of 4-1-77
Total	88,169.45	

The witness has further clarified —

“The Department Supplied C. I. sheets to A. I. C. C. session held in the Jaharnagar in the month of November, 1976 totalling to 43707 pcs (Equivalent 5571.56 bdl). But after the session is over it was found that 6422 Pcs of C. I. sheets got damaged. The A. I. C. C. paid Rs. 88,469.45 being the cost of 1369 Pcs by depositing the amount into Treasury the balance of 5053 Pcs. were replaced by A. I. C. C. by fresh purchase. After that the department disposed the entire stock”.

OBSERVATIONS

6.3.3. Going through the audit observation as well as departmental written replied, it is found that when Government had a stock of 55,000 No. of C.I. Sheets, they purchased another 15,000 No. of C.I. Sheets in November 1976 totalling 70,000 Sheets. 29,000 Sheets were loaned out for the purposes of Jawaharnagar A.I.C.C. Session along with 15,000 Sheets freshly purchased totalling 44,000 Sheets. After the Session was over 42,338 pices were received back and 1,369 was found damaged. So it appers even according to the figure shown by the department, there is a shortfall of 293 Sheets not accounted for. On the other hand, Audit at the time of test check found that 2,153 Sheets were found damaged and not returned to the department for which Rs.88,000/- were recovered from the party, Public Accounts Committee in course of hearing pointed out to the department about this anomaly and sought for a clarification. In the supplimentary reply department stated that total quantity found damaged is 6,422 pieces of which compensation for 1,369 were made in payments of Rs.88,469.45/- and 5,053 sheets were replaced by the party. The Committee is at a loss to understand about the discrepancies discussed above and have reasons to believe that some sort of actions were attempted to be made after the test audit check and that too could not explain the discrepancies cited above.

6.3.4. It is seen from relevant portion from Audit Paras of Comptroller and Auditor General of India Report of 1976-77 (Civil) that test check by the Audit was made in the first half of 1977 and Audit objections was referred to the Government in June 1977 to which no reply was given till March 1978. It can be safely presumed that department prepared its case long after the cases were presented to the House and additional facts were collected subsequent to the audit to justify their case. It is obvious that at the time of test check many relevent papers and facts were not available to the Audit.

6.3.5. The Committee would like to point out that department as per procedure laid down can meet audit objections at the first instance when the inspection reports are prepared and made available to the department. If the department does not come forward to clarify the position in relation to the Audit objections raised, the draft Audit paras are made available and forwarded to the Government. At this stage, another opportunity is made available to the Government to meet the Audit Objections. If the Government fails to avail of this opportunity it will find place in the Report of the CAG which is presented to the House under Article 151 of the Constitution of India. In the instant case, audit objections were intimated to Government in June 1977 and awaited for replies till March 1978 and thereafter objections as a part of the Comptroller and Auditor General of India's Report is laid before the House on 21st February, 1979.

6.6.6. In the instant case, department has come up with a version in their replies submitted to the Public Accounts Committee which contradicts the findings of audit. Had the Government made available all relevant cases at the time of the test check then the nature of the audit objections might have been different.

6.6.7. The Committee rather feels that concerned Department should take particular care to meet the audit objection at the first available opportunity rather than coming up with version subsequently which could have satisfy the Audit at the first instance. The Public Accounts Committee taken a dim view on this type of departmental efforts to meet an objection. All concerned Departments having similar audit objection may not this observation.

6.6.8. The Committee could have based their observations and recommendations more objectively if the Report of the Jawaharnagar Enquiry Commission headed by Justice Jogjit Singh had been made available as sought for.

TRANSPORT DEPARTMENT

Audit Para 3. 17.8 CAG. 76-77.

7.1. The Audit has pointed out 2 cases of irregularity of Transport Department which reads :

“(a) In November 1976, 208 vehicles were brought from different Government departments for use by persons visiting Jawaharnagar in connection with the annual session of the party. In addition, 20 new cars (cost: Rs. 5.72 lakhs) were purchased in November 1976 for augmenting the existing fleet of 51 pool cars (40 in running condition, 4 awaiting major repairs and 7 declared condemned). As no provision was made in the budget for purchase of these cars, the Government took an advance of Rs. 6.09 lakhs from the Contingency Fund in September 1976 for this purpose, which was recouped (March 1977) by taking supplementary grant. Out of 60 pool cars (in running condition), the number of cars actually used per day between January 1977 and June 1977 varied from 5 to 24. For running the pool cars, 25 additional drivers were appointed from the middle of November 1976 and their services were terminated from 31st March 1977. Rupees 0.33 lakh were spent on the pay and allowances of these drivers. Petrol, oil and lubricants for Rs. 0.84 lakh were purchased from the Assam oil Company on credit between November and December 1976. The bills had not been paid (September 1977). According to the department, records for utilisation of petrol oil and lubricants for Rs. 0.16 lakh were wanting (December 1977).

(b) Rupees 0.05 lakh were paid to the Assam State Transport Corporation as hire charges of buses for performing VIP duty during the session. Details of duties performed were not on record”.

7.2. The Department in their Written Memorandum stated as :

(a) During the year 1976 there were only 51 Cars with the Pool officer. Out of these 4 were booked for major repairs, 7 were condemned, 6 were placed for the condemnation board and 10 were placed at the disposal of Minister/officers for manning day to day work. Thus in effect there were only 24 vehicles in running conditions with the Pool officer with 29 drivers.

It had been estimated by the Government that the requirement of vehicles to be placed at the disposal of V. I. Ps during the annual session would be 150 approximately. Taking the vehicles and requisitioned 100 vehicles with staff from various departments, but ultimately instead of 30 vehicles, 20 were sanctioned along with 15 drivers till the end of the financial year.

It is a fact that the use of Pool Cars between January, 1977 to June, 1977 was only from 5 to 24. Because this depended on the requirements of official and other departments. Others vehicles were kept in the yard. Towards payment of POI expenses General Administration Department has only paid Rs.47,555.42 out of 0.84 lakhs till date. For the balance as there is no tour sheet. Correspondence with the lending departments have been taken up.

(b) It is a fact that Rs.5 thousand was paid to A. S.R.T. Corporation vide draft No.TT/AA/651373 dated 31-3-77 for use of cars bearing No.ASX,2633.ASZ 2634, ASX 2627, ASX 2614. It is reported by ASRTC that records showing duties performed are not available :

7.3.1. During oral deposition, the Committee enquired if any amount was realised from the allottees for use of the Cars, if any hire charges were borne by Government, who paid for P.O.L, and whether all the V.I. Ps were from a particular Political Party. The witness, deposed that the Government had to pay the charges and the question of realisation of charges does not arise as the allottees were declared as State Guest. The witness, however could not clarify whether the V.I.Ps belonged to a particular political Party, and stated that such information would be available in General Administration Department. The Committee, further enquired of the reasons for purchasing such huge number of Cars all on a sudden, the level at which the estimate was made and the basis on which it was estimated that so many V.I.Ps would be coming and how these things were initiated. The witness stated.

"So much details are not available. The State Guests will have to be provided with Cars for the same purpose it was necessary to ask for 30 new vehicles and that another 100 vehicles were requisitioned and placed at the disposal of the visiting V.I.Ps Records are maintained by General Administration Department.

7.3.2. The Departmental witness has furnished the departmental Affidavit submitted to the enquiry Commission which is shown at Annexure-I.

OBSERVATION

7.3.3. Of all the Departments that have appeared before the Committee, the Transport and Public Works Department were in a position to submit the copy of the affidavit placed before the Jawaharnagar Enquiry Commission as quoted at Annexure. The Departmental cases cited in the affidavit embraces many more points over and above points raised in the Audit para. It appears that, the Transport Department was involved with their machinery to facilitate the transport aspect of AICC Session. All available resources of Department were pulled together to meet the exigency with consequent expenditure involved. How far such involvement with the activities of the political party in power can be justified, is to be assessed and that would have been possible and more objective had the Report of the Jogjit Singh Commission was made available before the Committee.

PUBLIC WORKS DEPARTMENT
RAISING OF LOW SITE BY EARTH FILLING AND
IMPROVEMENT OF SITE FOR CONSTRUCTION ON
PANDAL FOR A. I. C. C SESSION OF JAWAHARNAGAR
(AUDIT PARA 4.15 COMPTROLLER AND AUDITOR
GENERAL OF INDIA 1976-77)

8.1 The objections raised by Audit on the above subject of works expenditure of Public Works Department in connection with the Session of A. I. C. C are :

(A) Raising of low site by earth filling at Jawaharnagar On 10th September 1976, the Government accorded administrative approval for Rs. 5.17 lakhs for the work "raising low site at Jawaharnagar by earth filling." The area of the site was 69,900 square metres which was stated to be Government land. According to the detailed estimates for Rs. 4.26 lakhs sanctioned in March 1977, the work consisted of earthfilling (29.183 cubic metres) and rolling of such filling by power roller. As provision of funds for the above work had not been made in the budget, the State Government took an advance of Rs. 5.17 lakhs from the contingency Fund in September 1976 for this work, which was recouped in March May 1977 by taking a supplementary grant of an equal amount under the head '284—Urban Development Town and Country Planning'.

The Express Highway Division, Public Works (Roads and Buildings) Department, Gauhati was asked to execute the work and the Executive Engineer of this division was declared as the Drawing and Disbursing Officer in respect of this work.

Sealed tenders had already been invited on 4th September 1976 in 4 groups for earthfilling by sending the notice inviting tenders (N. I. T.) to 18 registered contractors and also putting it up in different Public Works Department offices in Gauhati. Four days including one extension for two days were allowed for submission of tenders. The terms of the N. I. T. were as follows:—

- (i) Soil of approved quality having maximum dry density of 103 pounds per cubic foot giving a four days soaked C. B. R. value of not less than 7 per cent should be applied for filling.

- (ii) Soil should be imported from the 9th mile of the Gauhati Shillong road or the 1st or the 5th mile of the National Highway Bypass road, and
- (iii) The work should be completed within 7 days from the date of issue of the work order.

The number of tenders received for each group, the estimated quantity of work in each group and the lowest and the highest rates quoted are indicated below :—

Group	Estimated quantity (cubic metres)	Number of tenders received.	Lowest rate quoted (per cubic metre)	Highest rate quoted.
I	8,479	8	11.95	17.00
II	8,479	9	11.95	17.00
III	8,479	16	11.95	19.25
IV	8,479	8	11.95	17.00

The lowest rate of Rs. 11.95 per cubic metre for all the 4 groups (15 per cent above the National Highway schedule of rates) was accepted by a Committee consisting of the Chief Engineer, the Additional Chief Engineer, North West Zone and the Additional Chief Engineer, South West Zone on 9th September 1976. On 10th September 1976, the division issued work orders to 8 contractors (two in each group) in equal proportion at the accepted rate. Ten days time was allowed to each contractor for completing the work. One Contractor of Group IV declined to do the work at the accepted rate and the work allotted to him remained unexecuted.

In addition to earthfilling, the following works, which were not covered by the estimates, were executed :—

Work	Expenditure (in rupees)
(i) Construction of temporary shed	3,039
(ii) Two hume pipe culverts for giving approaches to the filled up area	4,283
(iii) Brick posts.	1,250

The following points were noticed during audit (August 1977) :—

- (i) According to the rules, an advance from the Contingency Fund should be taken to meet unforeseen expenditure which cannot be postponed and for which provision had not been made in the Budget. The work "raising low site at Jawaharnagar by earthfilling", for which administrative approval for Rs. 5.17 lakhs was accorded by the Government as stated to be for preparation of a site for construction of a housing colony in future. The records of the Town Country Planning Department indicated that not only was there no budget provision for this work in its current budget, there was no scheme or plan for any housing colony at Jawaharnagar in the near future

It was also observed that after the completion of the earthfilling, the site at Jawaharnagar was utilised for holding the annual session of a political party in November 1976. Thereafter the site was lying unutilised (February 1978).

(B) Improvement of site for construction of a pandal at Jawaharnagar :—(a) According to the reported orders of the Additional Chief Engineer, South West Zone, to facilitate construction of a pandal by political party for its annual session by improving the site at Jawaharnagar, the express Highway Division issued a work order on 6th November, 1976 for supply of approved soil at February 1977 for supply of 976.50 cubic metres of earth. Another sum of Rs. 1,479 was paid in March 1977 for supply and laying of river sand to the approach of the pandal in October 1976. The Mechanical Division (Roads and Buildings) engaged 3 bulldozers for levelling certain areas of the pandal and claimed (July 1977 Rs. 0.54 lakh being the difference between the hire charge (Rs. 0.54 lakh) and the deposit (Rs. 0.20 lakh) already made by the party. The amount had not been paid by the party (March 1978).

(b) An exhibition was sponsored (from 17th November 1976 to 5th December 1976) by the political party near the value of its annual session. An area in the western corner of the exhibition ground measuring 5,560 square

metres was low lying marshy land. On 12th November 1976, the Express Highway Division without inviting any tender, issued work order to a contractor to raise the low lying area by bringing selected soil at Rs. 11.95 per cubic metre (rate obtained for another similar work in the vicinity). The work was completed on 16th November 1976 at a cost of Rs. 0.35 lakh. Neither administrative approval nor technical sanction had been accorded for this work (October 1977). Under an order of the Additional Chief Engineer, South West Zone; conveyed in February 1977, the expenditure of Rs. 0.35 lakh was classified in the accounts under '537—Capital Outlay on Roads and Bridges'.

The expenditure incurred for (a) and (b) above was only for improving the site of the session of the political party and amounted to financial aid to it.

8.2. The written Memorandum of the Department on the objections raised by Audit reads :—

(A) RAISING OF LOW SITE BY EARTH FILLING AT JAWAHARNAGAR.

Administrative Approval to the work was accorded by Town and Country Planning Department in September, 1976 for an amount of Rs. 5,16,800/- only. The Executive Engineer, P. W. D., T. C. C. Division, Guwahati was also declared D. D. O. in respect of this work by the said Department. The advance from C. F. was not taken by this Department. Hence no comment. The quality of soil as specified in the item is not only used in making good road embankment but also can be used with advantage in filling an area which is going to be a site for building (as well as connected roads) construction. The work was therefore of necessity, decided to be executed with the specified soil. Fortunately the borrowed areas as specified were the nearest available one from the work site and consisted of the specified soil. Hence specified materials could be used in filling without incurring any extra cost. The question of doing the work with ordinary soil with less cost therefore does not arise.

(B) IMPROVEMENT OF SITE FOR CONSTRUCTION OF A PANDEL AT JAWAHARNAGAR.

(a) After completion of earth work by contractors under the work Raising of low site by earth filling at Jawaharnagar some depressions were observed during subsequent rain. These were filled up by earth of the same approved quality at the same rate, slushy approach to the said site was made possible for departmental officers and their vehicles by spreading sand. The vast site, after earth work, has to be graded properly for drainage of water for which machinery like bulldozers etc. were engaged by the Gauhati Mechanical Division raising debit of the cost of their operation against T. C. C. Division. It will therefore be seen that the expenditures on additional earthwork, spreading of sand, and use of machinery as noted above were rightly charged to the work "Raising of low site by earth filling at Jawaharnagar" as these items related to this work. Question of recovery of this expenditure from the Political Organisation does not therefore arise.

(b) When the work "Raising of low site by earth filling at Jawaharnagar" was nearing completion, the Government felt the urgent necessity of raising an additional area nearby. This additional volume of work was taken up and done as per the same item and at the same competitive rate already accepted by the Chief Engineer for the above named work. Pending receipt of Administrative Approval for this additional volume of work its expenditure was booked as a stop gap arrangement under "537-Capital outlay etc."

The property on which improvement of land was carried out belongs to Government. The political party temporarily used the land for its session only. Hence it is not considered to be an aid to any Political Party.

OBSERVATIONS/RECOMMENDATIONS

8.3.1. The Public Accounts Committee observes that the area of 69,9000 Sq. Mtr. stated to be a site for housing colony in future was raised by earth filling of 29,183 cubic metre @ 11.95 per cubic meter by taking an advance of Rs. 5.17 lakhs from the Contingency Fund of the State against the detailed estimate of Rs. 4.26 lakhs and the work was completed just before the AICC Session which facilitated use

by the organiser. The Audit has rightly raised objection that the Department (T & C P) has deviated from the financial rules of taking advance from the Contingency Fund as the nature of the works was not so urgent which cannot be postponed. In fact, as reported in audit the site was lying unutilised till February, 1978. In the premises, the Committee is of the view that this project was hastily taken up and concluded so that it can be utilised for the purpose of Jawahar-nagar Session of A.I.C.C:

8.3.2. It appears that both the Public Works Department and Town and Country Planning Department were subjected to an enquiry by the Commission of enquiry consisting of a single member namely Shri Jogjit Sing, retired Judge of the Delhi High Court. The Affidavit (Annexure II) submitted by the Public Works Department to the Commission shows that an another amount from the budget of the Department apart from what was raised by advance from Contingency Fund was incurred. It would be helpful to the Public Accounts Committee for formulating its observations more objectively, if the Report of the Commission of Inquiry is made available.

SOIL CONSERVATION DEPARTMENT
AUDIT PARA 3.18(B)CAG. 1976-77 (CIVIL)

9.1. The Audit has brought out that for construction of a plywood facade and pavilion at Jawaharnagar by November, 1976 tenders were invited by the Director of Soil Conservation in October, 1976. Two offers were received. The lower offer of Rs. 0.46 lakh was not accepted. Reasons for non-acceptance of the lower offer were not on record. Non-acceptance of the lower offer involved an extra expenditure of Rs. 0.26 lakh. According to agreement, any extra work required to be done by the Contractor was to be paid for at the prevailing public work department schedule of rates. Rs. 0.35 lakh was paid on lumpsum basis to the contractor for extra work done. No measurement for extra work was recorded in the measurement book before making payment.

9.2. The departmental reply on this para is wanting. Since the Soil Conservation Department was also subjected to the Commission of Inquiry constituted to enquire into the involvement of money and machineries of the Government into the A.I.C.C. Session during 1976, the para is tagged together here as relevant. Now the Committee would like to have a copy of the Affidavit of the Department with the Report of the Inquiry Commission for proper assessment of the matter.

NON-AVAILABILITY OF REPORT OF THE COMMISSION OF THE INQUIRY.

10.1. It appears that the Government constituted a Commission of Inquiry Consisting of a single member, namely Shri Jagjit Sing, retired Judge of the Delhi High Court under sec. 3 of the Commission of Inquiry Act, 1952 for making inquiry into the definite matters of public importance, that is diversion of Government funds as well as funds of the Government corporations and companies for expenditure in connection with the Jawaharnagar Session of the A. I. C. C. sponsored by the then ruling party and mobilising the entire official machinery for the success of the Session vide No.PAL 202/78/58 dated 29th December 1978 copy of which is enclosed as Annexure--III herewith. The terms of reference to the commission in respect of the Department involved in this Report, in short, are :

A. P. W. D. & T. C. P. :

- (a) Construction of the A.I.C.C. and the Yuva Mala completed including drawing of necessary blueprint for pandel, exhibition figround, cultural pandal and levelling of grounds.
- (b) Insection of advertisement in the souvenirs and payment of exhorbitant rent for stalls etc.
- (c) Circumstances under which Guest House No. 1. & No. II. were constructed on war footing and dominant motive behind it.
- (d) Cost incurred in constructing the Guest Houses furnishing etc.

B. Director of Supply :

- (a) For purchasing C.I. Sheets and for arranging supply of various articles of food, obtaining additional allotment of petrol, H.S.O. cooking gas etc.
- (b) Insertion of advertisement and payment of exhorbitant rent for stalls etc.

C. Information & Public Relation Department. :

- (a) Publicity in connection with the Session and printing and publishing various booklets for distributions amongst the V.I.P.s delegates and visitors.
- (b) the two processions for welcoming the president (2 Nos.) from Borjhar to Jawharnagar via Guwahati etc.

D. G.A.D.

- (a) purchase of furniture, carpets, screens, utensils, building materials for use of V.I.P.s delegates etc.
- (b) Insertion of advertisement and payment of rent at higher rate for stalls etc.

E. Forest and Soil Conservation Department :

- (a) Road construction, field development, beautifying site and supply of forest produce for the purpose of construction. etc.
- (b) Insertion of advertisement in the souvenir and payment of high rate of rent for stalls etc.

F. D. I.P. & D.T.E.

- (a) Requisitioning various Educational institutions and hostels for the purpose of accomodating delegates, visitors etc. including supervisor of capms.
- (b) Insertion of adverttisement in the souvenir and payment of exhorbitant rent for stall etc.

G. Transport Department & District Admn. & A.S.R.T Corporation :

- (a) requisitioning public & private vehicles for use of members of the Reception Committee, delegates, visitors and use of Government pool Cars for the same purposes.

(b) For purchasing new vehicles (for A.S.R.T.C.)

gates, visitors and use of Government pool Cars for the same purposes.

(c) For purchasing new vehicles (for A.S.R.T.C.)

(c) insertion of advertisement in the souvenir and payment of exhorbitant rent for stalls & pavilion.

(d) Purchase of new aras for the poll Transport section etc.

10.2 During all the days of oral evidence, the Committee wanted to have copies of the Affidavits and a copy of the Report of the Inquiry Commission from all the Department involb. Only two Deptts viz, Transport and P.O.D. furnished their Affidavits submitted to the Commission, other Department have expressed their inability due to non-availability and un-traceability of their files and connected records. At last the P.A.C. asked to evidence of all the concerned Commissioners & Secretaries including the Chief Secretary of the Government on 15th November, 1989. For proper appraisal, the proceeding is quoted below :

Chairman: The most important question is that all the relevant departments of the State Government who were required to submit their memorandum in relation to Jagjit Sing Enquiry Commission, were sasked to submit to the P.A.C. their copies of memorandum to the Commission of Enquiry. Some departments have submitted the copies to us, but some departments have not yet supplied their copies of memorandum. It is a very old matter, a matter of nearly 18/19 years old. The public Accounts Committee wanted to have the findings of the Commission. But the report is yet to be made available. Some departments are of the opinion that they have not yet been in a position to find out the copies of their memorandum and they are still searching for the same. In this connection the Chief Secretary to the Government of Assam, has been, requested to attend the meeting today. Now we can just place the matter befor the Chief Secretary. There are audit objections to the spending of Govt. money in connection with the conference of plolitical party. These mainly come out in two audit reports of 1976-77 and 1977-78 involving various departments. Now the depart-

ments have given replies also. In Course of examination we found there was also a judicial enquiry under the Commission of Inquiry Act, and departments submitted some memoranda. The Transport Department was kind enough to give us a copy of the memorandum. Now whatever comment we make since that report is not before us there might be some deficiency, anachoronism or contradiction. Now the position that State Government has taken is that there was an enquiry, there was a report but the report is not presently available. Are we to understand that even if the matter was referred to the Government of India no copy it any level is available with the State Government.

Chief Secretary : Yes. It is fact that there is nothing on record to show that even the report was referred to the Government of India. It was quite possible that the then Chief Minister who appeared before the Shah Commission may have some knowledge about it. We do not have an authenticated copy of the report nor do we have anything on record that the report was ever sent to the Government of India. So in the advance of record we do not venture to make any statement relating to the internal affaire of the Government.

Mr. Chairman : Any Hon,ble member want to make any enquiry.

Chief Secretary : I will make a general remark if you permit me Sir,. This is a post mortem. Now you know Kumbha Mela, it is a religious affairs of a particular community, but the amount of administrative activities involved is tremendous. I was not there at that time but an event of this magnitude whether on account of a political party, community or section, it does through up an administrative inbvolvement. In these days for congress session even townships were created like Gandhinagar. But at the same time in the absence of the authenticated report of the official enquiry or the position taken by the Government on the report we are not in a position to clarify the position and we have tried our level best to get the record.

Mr. Chairman : Chief Secretary would also appreciate the position of the PAC,. It has got an ojective having relation to audit report, though I understand there are reasons for this type of spending when the Prime Minister comes rules of the Blue Book are to be implemented ; Ministers

also come, so many people come; but audit has raised objection that there were no sanctions in some cases things were done in such emergent manner that there were scope for inflated spending. Had there been a Commission report we could have said that the commission has said such aid and such thing. Suppose from executive point of view we understand your proposition but can we uphold it? These are very serious questions because party government would come and go. Mr. Sarwan We feel, there is rule of law. Nobody can be forced to do or act anything beyond the rule. If the circumstances were such that these activities were to be carried out, these should be done by observing certain rules and regulations. Otherwise, officers involved to do these jobs would certainly be in a position to be victimised.

A. G.: I think, such expenditure should be to a certain extent necessary just like law and order etc. It is necessary to spend the amount for construction of roads, buildings for the development purposes. Even on emergency Government may engage the officers to do certain immediate nature of work. In that case Officers should be more careful while spending the money. He should see that the money is properly utilised for the purpose for which it was ear-marked. He should also maintain proper record of the expenditure.

Chairman : I feel, we have got the views of the Chief Secretary. It happened about 18 or 19 years ago. The P.A.C. wants to know whether any report was published in this connection. Let us find any such report available with Government. If the report is there where it is traceable or not. After publication of the P.A.C.'s report there will be further discussion on the action taken by the Departments and we shall see that whether the Departments have submitted their justified reasons properly or not. We are not bound by the judicial report.

Chief Secretary : This is a very significant report, Sir, This decision is totally wound up. So, we are not in a position now to supply any paper or report as was done at that time. I think, sir, the then Chief Secretary was fully aware of this.

Chairman : Officers are very often advised to do certain types of job which are not within the permissible rule but it is the Officers to see that whether the rules are strictly observed or not. If this is the precedent then any Chief minister or other Ministers may have a question in mind when Chief Minister or other Ministers were previously going to do this as it was done before and why not it is done now? Generally people thinks like this Mr. Kondpan, what is your opinion? I should like to know if any other members of the P.A.C. have got to say anything more?

Shri S. CONDPAN : We Subscribe to the Chairman's view. Hon.'ble Chief Secretary may take some time and submit his views to the PAC. so that PAC. may consider the Chief Secretary's viws and form its conclusion.

Mr. Chairman : Our strategy is that we will go by the C.A.G.'s report. Even without any P.A.C.'s report, that may be the subject matter of the Assembly; what follow up action has been taken by the Government? At that time also what we would want is that there should be some clear cut instructions from the Government on the basis of the C.A.G. Report to regulate the things on any such further occasion. Give sufficient power to the competents officers but there should be some set of rules in the event of much operations. Now the Chief Secretary is requested to give some observations in this regard.

Chief Secretary : There has been discussion in the matter at higher level. Atleast we have to find out why they have not given any reply. The officers have been given time but we could not understand why they fail to give any reply. If there is any difficulty to do so, they should inform their difficulties. If the Departments find it difficult to give complete reply, they should reply partly and take time. Any way, the matters would be discussed in a meeting and P.A.C. would be informed.

Chai man : They should be given 4 weeks time. I think P.A.C. wond be informed about the outcome after Chief Secretary's meeting with all the relevent Departments.

Shri Condpan : Then we are geeting report.

Chairman : When Chief Secretary has assured us we can expect it.

OBSERVATIONS

10.3.1. The Public Accounts Committee in course of hearing on C.A.G. Reports (civil) of 1976-77, and 1977-78 came across some audit Paras pointing out large scale unauthorised and irregular expenditure made in connection with Jawahar-Nagar Conference of All India Congress party held on November, 1976 involving Departments of P.W.D., Town & Country Planning, Supply, Information and Public Relation, G.A.D Forest and Soil Conservation, Education and Transport. In course of hearing it also came to the notice of the Committee that a commission of Enquiry was constituted under Commission of Enquiry Act, for making enquiries in respect of diversion of funds as well as funds of the Government Corporations and Companies for expenditure in connection with the above Session. It is also transpired that Commission of Enquiry headed by Justice Jagit Sing submitted his report after considering the Memoranda submitted by various Departments and other agencies involved in the Enquiry.

10.3.2. The PAC for obvious reason wanted to get hold a copy of the Report of the Enquiry Commission. Concerned departments individually, barring two could not supply their Memorandum submitted respectively to the Commission, not to speak of the Report containing the findings of the Commission.

10.3.3. In view of the seriousness of the matter, a conference was convened by PAC. involving all the Departments requiring the presence of Chief Secretary to the Government of Assam to enable the Committee to come to a conclusion about the where abouts of the Report of the Enquiry Commission. In the Conference held on 15th November, 1989 nothing substantial came out, Chief Secretary was given 4 weeks time to submit a [report pertaining to the latest position in consultation with the involved Departments and with the Report of the Enquiry Commission. Till the writing of this Report nothing is heard from the Chief Secretary of the Government of Assam.

10.3.4. Through the Concerned Audit Paras were scattered in the two CAG Reports., the PAC brought them together so that a total picture about the involvement of the Government Departments and money in connection with the political conference can be assessed in totality except one Audit Para which has already discussed in the 40th Report of the PAC.

10.3.5. PAC would like to observe that ours is a country run on the basis of a Constitution which is based on Parliamentary form of Government having multi-party system. For time being, a party may come to power and may be entrusted to run the administration of the country but the distinction between a party and the Government is always there. It is very 'easy and tempting for a party in power to take advantage of the administrative machinery with which they are entrusted on a mandate to utilise for purely party ends.

10.3.6. The financial aspect of the Government is regulated by a comprehensive Finance laws Rules, Bye-Laws and Norms and the Comptroller and Auditor General of India is entrusted to see that these are not violated. On the other side, to keep democratic spirit of the Constitution unhampere customs, conventions and norms are supposed to be observed by the political functionaries of the Government in discharge of their official responsibilities and in that premises, they are required to take care that the distinction between the functions of a Political Party and the functions of the Government are kept separate.

10.3.7. Though we have adopted a parliamentary form of Government based on democratic principles, this being of recent phenomenon as a socio-political institution in our country, nobody expected that our Government institution will function as par with those of western countries where a strict distinction is maintained between a party and the Government. In these countries it is not by law but by convention the party Government refrain from using Government machinery for party purposes. Unfortunately, in our country, the culture has developed otherwise day by day. We have reasons to believe that the distinction between a party in power and the Government is becoming thinner and the machinery of the Government without hesitation is used for political purposes. The Chief Secretary, Mr. A.P. Sarwan, in course of his deposition wanted to apprise the Committee about the nature of these type of Government spending in connection with a conference of the party in power. It would be of some interest to quote, "Now you know Kumbha Mela. It is a religious affair of a particular community but the amount of administrative activities involved is tremendous. An event of this magnitude, whether on account of a political party, community or section, it does throw up an administrative involvement. In those days for Congress Session even townships are

created as Gandhi Nagar" but at the sametime in the absence of authenticated Report of the Enquiry, PAC is not in a position to clarify the position and we have tried our level best to get our records.

10.3.8. Public Accounts Committee is very much reluctant to compare the Session of a political party with the Kumbha Mela or an emergency. In exceptional circumstances, Government has to spend money waving rules, in many cases ex-facto approval is given but the main question here is should a political party utilise the machinery and the resourses of a Government to meet purely party programmes taking advantage of the fact that they are in power.

10.3.9. We are sure that an AICC Session are a regular feature running over a century and most of the Sessions were held when the Congress Party was not in power. This type of unauthorised spending will eat into the vary roots of democratic functioning of the State. The Comptroller and Auditor General of India will not accept as an explanation citing the example of the Kumbha Mela or an emergency.

10.3.10. In course of evidence, the Public Accounts Committee has ovserved that in the manner in which the Government money was spent there was not only non-feasance but mis-feasance, there are not only malafide acts but some acts may be illegal. Had the Report of the Jagjit Singh Enquiry Commission made available to the Public Accounts Committee, the Committee could have assesed their views with the conclusions arrived at by the Commission.

10.3.11. To hold political conferences of the parties in power on a grandurse scale utilising government recourses and machaniries have become a past-independence feature.

10.3.12. The Committee takes serious note of the fact that the report of the Commission of Enquiry is not traceable and as such an inference may be made that the report because of its adverse nature was suppressed at the instance of some interested quarter.

10.3.13. The Committee recommends that the Report of the Jagjit Singh Enquiry be made abvailable within 3 months of the presentation of this Report. Alternately, the whole epishode may need be enquired into by a Judicial Enquiry.

SUMMARY OF RECOMMENDATION/OBSERVATIONS

Sl. No.	Reference to Para No.	Recommendation
1	2	3
1	2.3.2.	<p>It is not understood, why two sums of Rs. 1.30 lakhs and Rs. 0.59 lakhs were procured by the Government, 1st one on 10-11-76 and another on the next day i.e., 11-11-76. Strangely enough, of Rs. 1.30 lakhs, only Rs. 50 thousand was spent and the balance refunded in May, 1977, of Rs. 0.59 lakhs Rs. 54 thousand was spent and the balance refunded in March, 1977. Even when the balance of the first instalment amounting to Rs. 80 thousand could not be spent, what was the reason for securing another sanction the next day is not understood. It appears that without any projection, sanctions were secured at random.</p>
2.	2.3.3.	<p>It is also seen that money sanctioned for a specific purpose of holding Children's Rally is diverted to serve the purpose of a political party. This type of financial anarchy is only possible when the distinction between the Government and the party is conveniently forgotten.</p>
3.	2.3.5.	<p>It would be of interest to see, what the Jagjit Singh Commission of Enquiry appointed for the purpose, observed in this type of diversion of State Fund for political purposes, which unfortunately is not forth-coming.</p>
4.	3.3.3.	<p>The Committee observes that the whole point is that the Department have violated the norms of sending these equipments. Now, it is a question of record and that is to be ascertained as to how much the department have received and how much they have disposed of. It is also to be examined how the articles</p>

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would be used by the district administration as they have got a different 'Head of Accounts'. The Committee wants to know at whose instance this was made. All these equipments were purchased for the purpose of a political conference and when the conference was over, these equipments were sent to the District Administration in violation of the prescribed norms which are highly irregular. What is most irregular is that the Purchase was done without inviting tender.

5. 3.3.5. The Public Accounts Committee observes that the matter was referred to Government by Audit during November 1977 and General Administration Department now cannot give any account of the matter due to non-availability of relevant files.

6. 3.3.6. In course of hearing some informations were supplied but that is also not complete. Going through the Departmental reply and proceedings of the hearing held on different dates the Committee though not supplied with necessary materials is of the view that expenditures made in connection with the transactions referred to in the relevant paras is not only irregular but malafide being not covered by norms of the financial rules. Only some flimsy justifications were made in the name of subsequent utilisation. The Committee feels that it would have been interesting if the observation of the Report of Jogjit Singh Commission had been made available. Unfortunately, this is not forth-coming.

7. 4.3.5. Going through the audit objections, departmental replies and revelations made in course of deposition before the Committee, one fact has come out that the whole machinery of Information and Public Relation Department were turned into the public relation wing of the

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AICC Session. At some level decisions were made to make some publications and to that the machinery of the Directorate were devoted without observing any norms and that too was possible because the department had no definite rules or guidelines in respect of publications. The Committee would like to point out that it is not sufficient that publication were of general public importance, but the question of making expenditure from the State Exchequer is very much there.

8. 4.3.6.

The Public Accounts Committee feels that the observation of Jogjit Singh Commission would have been helpful in this respect which unfortunately is not forth-coming.

9. 5.2.2.

The Committee could not understand why Revenue Department would not be the nodal Department in respect of the proprietary right of the land which was developed by another Department and let out by a political party for profit. Now the Committee would like to know who and on what condition the land was allotted to the political party and what stood in the way of direct allotment to the Departments which participated in the event, so that the Government could have earned the income instead of allowing the organiser if the Session to reap the benefit out of Government property.

10. 6.3.3.

Going through the audit observation as well as departmental written replies, it is found that when Government had a stock of 55,000 No. of C.I. Sheets, they purchased 70,000 Sheets. 29,000 Sheets were loaned out for the purposes of Jawaharnagar A.I.C.C. Session along with 15,000 Sheets freshly purchased totalling 44,000 Sheets. After the Session was over 42,338 pieces were received back and 1,369 was found damaged. So it appears even according to the figure shown by the department, there is a shortfall of 293 Sheets not accounted for. On the

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other hand, Audit at the time of test check found that 2,153 Sheets were found damaged and not returned to the department for which Rs. 88,000 - were recovered from the party, Public Accounts Committee in course of hearing pointed out to the department about this anomaly and sought for a clarification. In the supplementary reply department stated that total quantity found damaged is 6,422 pieces of which compensation for 1,369 were made in payments of Rs. 88,469,45/- and 5,053 Sheets were replaced by the party. The Committee is at a loss to understand about the discrepancies discussed above and have reasons to believe that some sort of actions were attempted to be made after the test audit check and that too could not explain the discrepancies cited above.

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6.3.4.

It is seen from relevant portion from Audit paras of Comptroller and Auditor General of India's Report of 1976-77 (Civil) that test check by the Audit was made in the first half of 1977 and Audit objections was referred to the Government in June 1977 to which no reply was given till March 1978. It can be safely presumed that department prepared its case long after the cases were presented to the House and additional facts were collected subsequent to the audit to justify their case. It is obvious that at the time of test check many relevant papers and facts were not available to the Audit.

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6.3.5.

The Committee would like to point out that department as per procedure laid down can meet audit objections at the first instance when the draft audit paras are prepared and made available to the Department. If the Department does not come forward to clarify the position in relation to the Audit objections raised the draft Audit Paras are made available and forwarded to the Government. At this stage, another opportunity is made available to the Government to meet the Audit objections.

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If the Government fails to avail of this opportunity it will find place in the Report of the Comptroller and Auditor General of India which is presented to the House under Article 151 of the Constitution of India. In the instant case, audit objections were intimated to Government in June, 1977 and awaited for replies till March, 1978 and thereafter objections as a Part of the Comptroller and Auditor General of India's Report is laid before the House on 21st February, 1979.

13. 6.6.6.

In the instant case, department has come up with a version in their replies submitted to the Public Accounts Committee which contradicts the findings of audit. Had the Government made available all relevant cases at the time of the test check then the nature of the audit objections might have been different.

14. 6.6.7.

The Committee rather feels that concerned Department should take particular care to meet the audit objection at the first available opportunity rather than coming up with version subsequently which could have satisfy the Audit at the first instance. The Public Accounts Committee taken a dim view on this type of departmental efforts to meet an objection. All concerned Departments having similar audit objection may note this observation.

15. 6.6.8.

The Committee could have based their observations and recommendations more objectively if the Report of the Jawaharnagar Enquiry Commission headed by Justice Jogjit Singh had been made available as sought for.

16. 7.3.3.

Of all the Departments that have appeared before the Committee, the Transport and Public Works Department were in a position to submit the copy of the Affidavit placed before the Jawaharnagar Enquiry Commission as quoted

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at Annexure I & H. Departmental cases cited in the affidavit embraces many more points over and above points raised in the Audit Para. It appears that, the Transport Department was involved with their machinery to facilitate the transport aspect of the AICC Session. All available resources of the Department were pulled together to meet the exigency with consequent expenditure involved. How too such involvement with the activities of the political party in power can be justified, is to be assessed and that have been possible and more objective had the Report of the Jogjit Singh Commission was made available before the Committee.

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8.3.1.

The Public Accounts Committee observes that the area of 69,900 Sq. Mtr. stated to be a site for housing colony in future was raised by earth filling of 29,183 cubic metre & 11.95 per cubic meter by taking on advance of 5.17 lakhs from the Contingency Fund of the State against the detailed estimates of Rs. 4.26 lakhs and the work was completed just before the AICC Session which facilitated use by the organiser. The Audit has rightly raised objection that the Department (T & CP) has deviated from the financial rules of taking advance from the Contingency Fund as the nature of the works was not so urgent which cannot be postponed. In fact, as reported in audit the site was lying unutilised till February, 1978. In the premises, the Committee is of the view that this project was hastily taken up and concluded so that it can be utilised for the purpose of Jawaharnagar Session of A.I.C.C.

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8.3.2.

It appears that both the Public Works Department and Town and Country Planning Department were subjected to an enquiry by the Commission of enquiry consisting of a single member namely Shri Jogjit Singh, retired Judge of the Delhi High Court. The Affidavit

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(Annexure II) submitted by the Public Works Department to the Commission shows that another amount from the budget of the Department, apart from what was raised by advance from contingency Fund was incurred. It would be helpful to the Public Accounts Committee for formulating its observations more objectively, if the Report of the Commission of Inquiry is made available.

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9.2.

Since the Soil Conservation Department was also subjected to the Commission of Inquiry constituted to enquire into the involvement of money and machineries of the Government into the A.J.C.C. Session during 1976, the para is tagged together here as relevant. Now the Committee would like to have a copy of the Affidavit of the Department with the Report of the Inquiry Commission for proper assessment of the matter.

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10.3.1.

The Public Accounts Committee in course of hearing on Comptroller and Auditor General of India's Reports (Civil) of 1976-77 and 1977-78 came across some Audit Paras pointing out large scale unauthorised and irregular expenditure made in connection with Jawaharnagar Conference of All India Congress Party held on November, 1976 involving Departments of Public Works Town & Country Planning, Supply, Information and Public Relation, General Administration, Forest and Soil Conservation, Education and Transport. In course of hearing it also came to the notice of the Committee that a Commission of Enquiry was constituted under the Commission of Enquiry Act for making enquiries in respect of diversion of funds as well as funds of the Government Corporations and Companies for expenditure in connection with the above Session. It is also transpired that Commission of Enquiry headed by Justice Jogjit Singh submitted his Report after considering the Memorandums submitted by various Departments and other agencies involved in the Enquiry.

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21. 10.3.2.

Public Accounts Committee for obvious reasons wanted to get hold of a copy of the Report of the Enquiry Commission. Concerned departments individually, barring two, could not supply their Memorandums submitted to the Commission not to speak of the Report containing the findings of the Commission.

22. 10.3.3.

In view of the seriousness of the matter, a conference was convened by Public Accounts Committee involving all the Departments and requiring the presence of Chief Secretary to the Government of Assam to enable the Committee to come to a conclusion about the where-about of the Reports of the Enquiry Commission. In the Conference held on 15th November, 1989 nothing substantial came out. Chief Secretary was given 4 weeks time to submit a report pertaining to the latest position in consultation with the involved departments and with the Report of the Enquiry Commission. Till the writing of this Report nothing is heard from the Chief Secretary of the Government of Assam.

23. 10.3.4.

Though the Concerned Audit Paras were scattered in the two Comptroller and Auditor General of India's Reports, the Public Accounts Committee brought them together so that a total picture about the involvement of the Government Departments and money in connection with the political conference can be assessed in totality except one Audit Para which has already been discussed in the 40th Report of the Public Accounts Committee.

24. 10.3.5.

PAC would like to observe that ours is a country run on the basis of a Constitution which is based on Parliamentary form of Government having multi-party system. For time being, a party may come to power and may be entrusted to run the administration of the country but the distinction between a party and the Government

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is always there. It is very easy and tempting for a party in power to take advantage of the administrative machinery with which they are entrusted on a mandate to utilise for purely party ends.

25. 10.3.6.

The financial aspect of the Government is regulated by a comprehensive rule and norms and the comptroller and Auditor General of India is entrusted to see that these are not violated. On the other side, to keep democratic spirit of the Constitution unhampered customs, conventions and norms are supposed to be observed by the political functionaries of the Government in discharge of their official responsibilities and in that premises, they are required to take care that the disinction between the functions of a political party and the functions of the Government are kept seperate.

25. 10.3.7.

Though we have adopted a Parliamentary form of Government based on democratic principles, this being of recent phenomenon as a socio political institution in our country, nobody expected that our Government institution will function at per with those of western countries where a strict distinction is maintained between a party and the Government. In these countries it is not by law but by convention the party Government refrain from using Government machinery for party purposes. Unfortunately, in our country, the culture has developed otherwise day by day. We have reasons to believe that the distinction between a party in power and the machinery of the Government without hesitation is used for political purposes. The Chief Secretary, Mr. A. P. Sarwan, in course of his deposition wanted to apprise the Committee about the nature of these type of Government spending in connection with a conference of the party in power. It would be of some interest to quote, "Now you know Kumbha Mela. It is a religious

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affair of a particular community but the amount of administrative activities involved is tremendous. An event of this magnitude, whether on account of a political party, community or section, it does throw up an administrative involvement. In those days for Congress Session even townships are created as Gandhi Nagar" In the absence of authenticated Report of the Enquiry; Public Accounts Committee is not in a position to clarify the position and tried our level best to get our records.

27. 10.3.8. Public Accounts Committee is very much reluctant to compare the Session of a political party with the Kumbha Mela or an emergency. In exceptional circumstances, Government has to spend money waving rules, in many cases exacto approval is given but the main question here is should a political party utilise the machinery and the resources of a Government to meet purely party programme taking advantage of the fact that they are in power.
28. 10,3.10, In course of evidence, the Public Accounts Committee has observed that in the manner in which the Government money was spent there was not only non feasance but mis-feasance, there are not only malafide acts but some act may be illegal. Had the Report of the Jagjit Singh Enquiry Commission made available to the Public Accounts Committee, the Committee could have assessed their views with the conclusions arrived by the Commission.
29. 10,3.11, To hold political conferences of the parties in power on a grandurse scale utilising government resourses and machinaries have become a past independence feature.
30. 10.3.12. The Committee takes serious note of the fact that the report of the Commission of Enquiry is not traceable and as such an inference may be

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made that the report because of its adverse nature was suppressed at the instance of some interested quarter.

31. 10.3.13. The Committee recommends that the Report of the Jogjit Singh Enquiry be made available within 3 months of the presentation of this Public Accounts Committee Report. Alternately, the whole episode may need to be enquired into by a Judicial Enquiry.

ANNEXURE—I

DISTRICT KAMRUP

Before Hon'ble Shri Jagjit Singl, Retired Judge, Jawaharnagar Commission of Inquiry, Dispur, Guwahati-781006.

IN THE MATTER OF :

Statement by the Secretary to the Government of Assam, Transport And Tourism Department in response to Government Notification No. PLA.202/78/54, dated 29th December 1978 and published in the Assam Gezettee Extraordinary on 30th December 1978 embodying the terms of reference of the Commission.

I, Shri Arif Ali son of Late Nazar Ali aged 51 years, by caste Muslim resident of Gauhati do hereby solemnly affirm and state as follows :

1. That I am the Secretary to the Government of Assam, Transport and Tourism Department and as such I am competent to swear affidavit behalf of the Department I have perused the terms of reference refer to above and the charge sheet dated 28th June 1977 on the basis of which the said terms of reference was formulated by the Hon'ble Commission. I have also perused the relevant documents and examined the records of the department.

2. That the deponent begs to state that the Assam State Transport Corporation provided ten buses for the A.I.C.C, on a request on behalf of A.I.C.C. for the period from 17th November 1976 to 24th November 1976 but no expenditure was incurred for P.O.L. for providing transport facilities to the A.I.C. The Corporation submitted bill at the usual rate of Rs.625/- per bus per day for 10 (ten) buses and thus the charge/rate comes to Rs.50,000/- but only Rs.30,500/- was received from the reception Committees of the said A.I.C.C. Session. For the balance of Rs.19,500/- the Assam State Transport Corporation is pursuing the matter with the Congress Committee but uptil now the outstanding bill has not been cleared up by the said Congress Committee. Copy of bill submitted by the Corporation is annexed herewith as annexure.

3. That the Corporation did not withdraw Buses causing inconvenience to the passengers. In order to cope with the rush of passengers from different parts of the State, Special services were provided on payment No Corporation Vehicles were requisitioned for carrying Police Personnel or other Government functionaries. The Corporation did not purchase any Bus for the Congress Session.

4. That the Assam State Transport Corporation did not purchase any car for the A.I.C.C. Session. In early part of 1976, orders were place for purchase of 9 cars for the officers of the Corporation as most of the cars fell in the share of Meghalaya after bifurcation of assess an liabilities of the then Road. Transport Corporation between the State of Meghalaya and Assam. The Assam State Transport Corporation got 6 cars in two instalments i.e. 3 in August and 3 in November, 1976. The 6 new cars were placed at the disposal of General Administration Department at their request in connection with the visit of the V. I. P. during the period of A. I. C. C. Session. General Administration Department however gave Assam State Transport Corporation. The Assam State Transport Corporation did not provide any bus on loan to the A. I. C. C. Reception Committee with exception of the position as stated above.

5. That the Assam State Transport Corporation provided City Bus Services during the Congress Session between Dispur and Khanapara thereby earning an additional amount of Rs. 1.72 lakhs during the period from 10th November, 1976 to 30th November, 1976.

6. That the deponent begs to state that the Inland Water Transport Directorate incurred the following expenditure for the purpose noted against each :—

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|---------------|---|
| 1. Rs. 5,000 | For insertion and releasing Advertisement in the Souvenir published by the Reception Committee, A. I. C. C. |
| 2. Rs. 40,247 | The Director Inland Water Transport was entrusted with construction of 2 Nos of temporary Bus stand at Jawaharnagar and an amount of Rs. 40,247 was spent for this purpose. |

7. That the deponent begs to state that, the Director of Inland Water Transport vide his letter No. DWT (T) 12/76/45 dated 30th July 1976 submitted a proposal to the Secretary to the Government of Assam, Transport Deptt. for furnishing one of the passenger vessels for hiring out for tourist traffic at the time of the Congress Session held at Gauhati in November 1976 at a cost of Rs. 49,000. This proposal was approved by the then Chief Secretary of Assam. The proposal was endorsed to the then Commissioner of Plains Division for favour of arranging the sanction from the Finance Department. The proposal was later recast and the Finance Deptt. agreed to an expenditure of Rs. 17,000 only for furnishing one of the passenger vessels.

8. That the deponent States that in pursuance of a decision of the Government as communicated by the Joint Director of Information and Public Relations vide his letter No. LL.3/76/1 dated 20th August 1986, the Tourism Department incurred the following expenditure :—

1. Rs. 5,000 For insertion of and releasing advertisement in Souvenir published by the North Eastern Session of the A.I.C.C.
2. Rs. 3,420 Being the rent @ Rs. 5 per hundred sq. ft. day for the period from 17th November 1976 to 5th December 1976 for the Exhibition stall at Jawaharnagar.
3. In addition another amount of Rs, 1,88,000 was sanctioned for printing and publishing publicity materials, participation in the Exhibition and for guides and opening of Reception-cum-Information Counter for Tourism,

9. That the Road Transport Department did not requisition any private or public vehicle for use in the A, I C. C. Session at Jawaharnagar. About 300 buses were brought to Gauhati from the Districts of Kamrup, Goalpara, Darrang, Lakhimpur, Sibsegar and Nowgong for use as City Buses during the A. I. C. C. Session. But those buses were not requisitioned by Government. The owners 'Association of those buses agreed, in an informal meeting with the then Minister, Transport, to ply thier buses as city buses in Greater Gauhati during A. I. C. C. Session without

any payment from Government and earnings out of such services were to be their own personal income. The Government did not receive any complaint to the effect that the public had to suffer due to withdraw of busses from other roads of the aforesaid Districts.

The Transport Department however had to engage nine trucks at a cost of Rs. 900/- for arranging transport service as a large number of people turned up on 20th November 1976 at Jawaharnagar and they had to be diverted to another bus stand nearby to prevent any untoward incident. These transports were provided free to the people for going to the other Bus Stand.

10. That the deponent begs to state that the Transport Department proposed to purchase 30 new Ambassador Cars for the Transport Pool to meet the demand for large number of State Guests visiting Assam during the A. I. C. C. Session.

Effective strength of the Pool Cars were 25 Nos Ambassador Cars conditions of which were not very satisfactory with the exception of 10 which were in good condition. The year of purchase of those 35 vehicles as on August, 1976 were as under :—

1.	1964	1 No.
2.	1967	2 Nos.
3.	1969	2 Nos.
4.	1970	7 Nos.
5.	1971	12 Nos.
6.	1972	2 Nos.
7.	1973	8 Nos.
8.	1974	1 Nos.
Total:—		35 Nos (Vehicles).

Government decided to purchase 20 new Ambassador Cars for the Pool Transport, under Government of Assam and necessary sanction therefore was issued on 21st September 1976 with the concurrence of Finance Department for and amount of Rs. 5,49,657.00.

11. That during the A. I. C. C. Session, a special Cell was created and placed incharge of one Officer for allotment of Vehicles. The 55 Pool Cars of the Transport Department were also placed in the Cell for allotment of V. I. Ps.

The vehicles of that fleet were allotted by the Officer-in-charge of that fleet as per requisition received from General Administration Department of the Government of Assam after debitting the expenditure on P. O. L. to Pool Transport and necessary bill for the purpose were to be paid by the Government in General Administration Department.

12. That the deponent begs to state that an expenditure of Rs. 77,403.61 only was also incurred by Commissioner of Transport during the period of A. I. C. C. Session for the purpose as per details below :—

Amount involved	Purpose
1. Rs. 5,415.00	Manufacturing and erection of City Bus stoppage signboards utility of which continues till this day and will be utilised in future also.
2. Rs. 11,004.00	Construction of Bus stand at Janata Bhawan field. This was demolished after the session was over.
3. Rs. 1,036.65	Construction of Transport Sub-Control Room at Jawaharnagar.
4. Rs. 1,480.00	Barricading at Main City Bus Stoppage.
5. Rs. 1,662.00	Purchase of 4 Nos. tarpolins used as roofing material for the sub-control

room. Tarpolins are in stock for use in future.

6. Rs. 7,000.00 Construction of temporary City Bus stand at Jawaharnagar.
 7. Rs. 11,908.00 Printing of City Bus tickets numbering 19,90,900 for City Bus Owners. An Amount of Rs. 2626.05 was realised from Bus Owners and deposited in Treasury.
 8. Rs. 21,650.00 Cost of P. O. L. etc. for office of the Commissioner of Transport.
 9. Rs. 2,375.00 Hire charge of microphones used for announcing instructions to the city buses and travelling public at crowded bus stoppage.
 10. Rs. 5,334.00 Construction of kitchen, bath rooms etc at New Field for use of the staff of the buses coming from out stations
 11. Rs. 3,280.00 Printing of Transport Guide a hand Book.
 12. Rs. 5,250.00 Miscellaneous expenditure.
- Total—Rs 77,394.65

13. That a list of files which are submitted alongwith this affidavit is annexed herewith as annexure II to this affidavit. The files may kind be kept in safe custody of the Hon'ble Commission.

14. That the deponent begs to cite the following officials as witnesses to appear and give evidence on behalf of this Department.

1. Shri M. C. Narasimhan, I. A. S.,
The Secretary Transport and Tourism.
2. Shri K. C. Mazumdar, I. A. S.,
Then Commissioner, Transport.
3. Shri K. K. Gogoi, Director,
Inland Water Transport.
4. Shri M. Islam, I. F. S.,
Then Director of Tourism.
5. Shri P. C. Deka,
Deputy General Manager, A. S. T. C.
6. Shri A. Borgchain,
The then Controller of Pool Transport.
7. Shri B. K. Pandit, A. C. S.,
Deputy Secretary, Transport and Tourism
Department.

15. That the statements made in this affidavit are true to my information derived from record available in this Department.

Sd/—

DEPONENT.

Solemnly affirmed, stated and signed before me by the deponent who is identified by me personally advocate on this the 28th day of March, 1979.

Sd/—

MAGISTRATE 1ST CLASS (J)

ANNEXURE

OFFICE OF THE DIVISIONAL SUPERINTENDENT ASSAM STATE
TRANSPORT CORPORATION (L. A. D.) GUWAHATI

Bill No. I AICC

Dated Gauhati the 16th Nov./1976.

BILL FOR HIRING OF A. S. T. C. VEHICLES AT THE
DISPOSAL OF THE SECRETARY RECEPTION
COMMITTEE. AICC SESSION AT
JAWAHARNAGAR, GUWAHATI.

The

Secretary,
All India Congress Committee Session,
Procession Committee, Guwahati.....

Dr.

The

General Manager,
Assam State Transport Corporation
Guwahati

Date of	Particulars	Rate	Amount	
16th November, 76.	To Charge for hiring of A. S. T. C. Vehicles numbering 10(ten) with effect from 17th November, 76 to 24th November, 76 in connection with the A. I. C. C. Session at Jawahanagar, Guwahati.	Rs. 625/-per day per Bus 10 Buses daily 8 days.	50,000/-	This bill is subject to modification.

Total : Rs. 50,000/-

(Rupees Fifty Thousands) only.

Rate of Bill @ Rs. 625/-per day per bus upto 240 K. M. and @
Rs. 2 30 paise per bus per K. M. for additional performance.

E. & O. E.
Sd./-

Divisional Superintendent
Assam State Transport Corporation,
L. A. Division, Guwahati.
Camp: Jarata Vhawan, Guwahati-6.

ANNEXURE

Sl. No.	No. of Files.	No. of Note sheets	No. of Correspondence sheets.
1	TWT/55/76	From 1/n to 5/n	From 2(a)/c to 7/c
2	TWT/72/76	From 1/n to 14/n	From 1/c to 13/c
3	TMV309/2/Pt-I	From 1/n to 29/n	From 1/c to 32/c
4	TMV. 139/77	From 1/n to 3/n	From 1/c to 14/c
5	TWT/70/76	From 1/n to 7/n	From 1/c to 8/c
6	TWT. 452/76	From 1/n to 5/n	From 1/c to 12/c
7	TWT/71/76	From 1/n to 5/n	From 1/c to 16/c
8	TMV. 389/76/Pt I	From 1/n to 5/n	From 1/c to 10/c
9	TMV/490/76	From 1/n to 18/n	From 1/c to 25/c

ANNEXURE—II

BEFORE SHRI JAGJIT SINGH, RETIRED JUDGE,
COMMISSION OF ENQUIRY, DISPUR,
GUWAHATI-6

IN THE MATTER OF:—

Statement by the State Government Public Works Department relating to matters referred to in the terms of reference of the Commission.

Filed by:—
Sd/. Hiranmoy Barua,
Secretary, P. W. D.

I, Shri Hiranmoy Barua, aged fifty five years, Secretary to the Government of Assam, Public Works Department solemnly affirm and state as follows:—

1. That matter regarding improvement of roads in and around Guwahati was discussed in the Senior Administrative Co-ordination Committee in its 4th meeting held on 28th June 1976. This matter was discussed and deliberated in subsequent meetings of Senior Administrative Co-ordination Committee. In pursuance of discussion held on the afternoon on the 12th June 1976 with the Chief Secretary the estimates for eight road schemes detailed below amounting to Rs. 1,20,7.54 lakhs was submitted for arranging Administrative Approval.

	Rs.
1. Improvement of Gauhati Shillong Road.	200.00 lakhs (4 lane).
2. Improvement of Basistha Road	...112.57 lakhs (4 lane).
3. Beltola Khanapara Road 26.02 iakhs (2 lane).
4. Improvement of Zoo Road	... 28.70 lakhs (2 lane).
5. Lokapriya Bordoloi G. B. Hospital road-Ulubari Police Point and Guwahati Garbhanga Road.	.. 13.55 lakhs (2 lane).
6. Gauhati Garbhanga Road (Lokra Road).	... 64.62 lakhs (2 lane).
7. National Highway bye-pass	.. 570.51 lakhs (6 lane).
8. Express Highway connecting N.H. Bye-pass and Barjhar Airport.	...191.57 lakhs (2 lane).
Total:—	1207.54 lakhs.

While submitting the above proposal, various works were phased out for smooth management and certain pre-requisite which were essential for this Department to take up the work during rainy season were also indicated (Notes in file CRD. 85/76 at pages 1 to 6/N). While the above proposals had the approval in principle both by Chief Secretary and Chief Minister on 13th June 1976 the matter had to wait for discussions at New Delhi by the Financial Commissioner, Chief Secretary and Secretary, P. W. D. till 18th June 1976 (Notes at pages 7 to 13/n of the above file). In the meantime orders were received from Chief Minister on 18th June 1976 to take up the works of following Roads and Building Project pending formal sanctions (Pages 14/N).

1. Improvement of (a) G. S. Road, particularly from Ulubari Police Point to Khanapara.

(b) Basistha Road.

(c) Beltola Khanapara Road.

(d) Zoo Road.

(e) Guwahati Garbhanga Road.

(f) Link Road upto Ulubari Police Point.

(g) N. H. Bye-pass.

2. Construction of Express Highway connecting Khanapara with Airport.

3. Construction of State Guest House at Khanapara.

As regards sanctions to the Projects the matter was discussed with Chief Minister, Chief Secretary on 26th June, 1976 and 27th June, 1976 and it was decided that the works which could be completed within 31st October, 1976 should be taken up by PWD and finally the works were concerned by the P & D Department for sanction and accordingly sanctions were issued to these works as indicated below:-

Name of works.	Amount Sanctioned.	Date of Sanction.
1. Improvement of G.S. Road from Ulubari Police Point to Khanapara.	Rs. 44,61,000	16th July, 1976
2. Widening and improving Guwahati Bye-pass and to cater 6 lane traffic (1st Phase).	Rs. 26,48,500	15th July, 1976
3. Widening and improving Guwahati Bye-pass and to cater 6 lane traffic (from Khanapara to Basistha Junction, Part-II).	Rs. 13,98,000	10th August, 1976
4. Improvement and widening of Beltola Khanapara Road.	Rs. 21,68,200	16th July, 1976
5. Widening and improving Basistha Road.	Rs. 27,44,600	16th July, 1976

Similarly a small stretch of road (Express Highway) of length 0.6 k. m. was taken up with the concurrence of P & D Department at a cost of Rs. 6.28 lakhs.

Subsequent to above sanction, the State Chief Engineer was directed on 19/76 to take up the work on certain link roads and the details of road are as follows : (see at Sl. 6 of link file and notes and orders at page 1/N to 7/N of file No.CRD.116/46).

Name of Project :	Amount sanctioned.	Date of Sanction.
1. Constn. of 1st link road connecting N.H. Bypass. Blola Khanapara Road and G.S. Road and Car Parking at Jawaharnagar.	Rs. 82,00 /-	4.9.76
2. Constn. of 2nd link road connecting N.H. Bypass, Beltola-Khanapara and G.S. Road at Khanapara.	Rs. 3,89, 00/-	27.6.76
3. Constn. of 3rd link road connecting N.H. Bypass Beltola -Khanapara Road and G S. Road at Jawaharnagar, Khanapara (Pt. I).	Rs. 2,89,800/-	4.9.76
4. Constn. of 3rd link road connectin N.H. Bypass and Beltela-Khanapara etc. (Pt. II).	Rs. 2, 0,800/-	4.9.76

In addition to the above works following works on Road were also sanctioned with the concurrence of P&D Department/Finance Department.

Name of Project	Amount Sanctioned:	Date of Sanction
1. Metalling and black-topping Maligaon Baragao n Chakardoi Road up to N.H. Bypass (1st an 2nd Km.-2 Kms), (F. No.CRD. 142/76).	Rs. 8,95,000/-	10.9.76
2. Constn. of traffic-Rotary at Ganeshguri Chari Ali and Khanapara.	Rs. 2,71,300/-	19.10.76
3. Raising low site at Jawaharnagar.	Rs. 45,000/-	

The work at Sl. 3 above was taken up and the latest decision as communicated by G.A. Department in this respect dated 2nd March 1979 can be seen at P.13/N of the File No. CRD.204/76).

Four other works as indicated below were taken up by this Department the cost of which has been charged to the amount of AICC Reception Committee as detailed below :

Name of Project :	Actual expenditure plus 15% supervising charge.
1. Constn. of approach road to Cultural Ground and history of Congress Pavillion from Manipur Sikim Road including its improvement at Jawahar-nagar.	Rs. 29,636/-
2. Constn. of temporary foot-path and approaches around AICC pandal at Jawaharnagar.	Rs. 49,132/-
3. Constn. of temporary foot-path at Jawaharnar (within Exhibition ground).	Rs. 1,20,877/-
4. Improvement of cultural ground at Jawaharnagar.	Rs. 3,580/-

The roof trusses belonging to PWD were loaned to AICC for making their pandal.

The following Building projects were constructed by PWD in the relevant time which appeared in the charged papers. The position regarding these are as indicated below :-

In response to the orders by the Chief Minister mentioned earlier regarding construction of State Guest No. 1 an estimate amounting to Rs. 29.41 lakhs was prepared by this Department which was subsequently modified as per desire of Financial Commissioner and sanction to the modified estimate was issued by G. A. Department for an amount of Rs. 22,14,700/- on 8th July 1976. The work was awarded to AGCC with approval of Finance Deptt.

Another estimate amounting to Rs. 6,08,000/- was sanctioned by the G. A. Department for construction of 2nd Guest House. The cost of 2nd Guest House was however met from Non-Plan Funds.

The expenditure incurred in respect of Guest House No. 1 and Guest House No. 2 are as following :-

1. On Constn. of Guest House No. 1 :—
Booked Expenditure Rs. 22,11,604-00 with an unpaid liabilities yet to be cleared by up Rs. 6,09,595-17.

2. On Guest House No. 2-Rs. 9,36,190,04 and in development of the area for construction of Guest House No. 1 Rs. 4.03 lakhs was spent which is inclusive in total figure of Rs. 22,11,604,00 for construction of Guest House No. 1.

As regards question of funding of works taken up during the period in question, the estimated value of works as sanctioned was Rs. 1,72,03,043/- To meet the expenses on these work initially a supplementary Demand amounting to Rs. 1,42,62,042/- was taken with the approval of P&D Department and concurrence of Finance as the budget provision was inadequate.

The reasons shown while moving the Supplementary Demand was as follows :—

‘Construction/Improvement of road in and around Gauhati to meet the growing traffic intensity. The existing provision is not sufficient to accommodate the additional requirement. Hence the Supplementary Demand.

Again at a later stage P&D and Finance Department were requested on 21.10.76 for concurring drawal of additional amount from Contingency Fund which was sanctioned by P&D Department on 25.10.76 for an amount of Rs. 84,83,500/-. This amount was however, finally modified to Rs. 57,83,948/- out of which the component for the works taken in and around Guwahati is Rs. 41,13,948/- requiring completion before A. I. C. C. Session (Ref. File No. BT. 50/77).

The total expenditure incurred against the different works in and around Guwahati under road sector during 1976-77 has been detailed in Annexure 'A'.

That all the statement made in pages above are all true to my information derived from the records mentioned herein.

Identified by :

Hiranmoy Barua
Signature of Deponent :
1st Class Magistrate :

ANNEXURE

STATEMENT SHOWING THE SCHEME WISE UP TO DATE EXPENDITURE OF WORKS TAKEN IN AND AROUND GAUHATI DURING 1976-77.

Sl. No.	Name of the scheme	Amount sanctioned	Deptt.'s File No.	Date of sanction	Expenditure incurred up to 31-3-77.
(1)	(2)	(3)	(4)	(5)	(6)
Under 537 Capital Outlay Roads & Bridges.					
1	Improvement of G. S. Road from Ulubari police point to Khanapara (1st Phase)	Rs. 44,61,000	CRD.107/76	16-7-76	Rs. 59,78,914
2	Widening and improving Gauhati Bypass and to cater 6 lane traffic (1st Phase)	Rs. 26,48,500	CRD.108/76	15-7-76	} Rs. 42,71,953
3	Widening and improving Gauhati by pass to cater 6 lane traffic (from Khanapara to Basistha junction, Pt. II).	Rs. 13,98,000	do	10-8-76	
4	Improvement and widening of Beltola Khanapara Road.	Rs. 21,68,300	CRD.110/76	16-7-76	Rs. 12,06,399
5	Widening and improving Basistha Road,	Rs. 27,44,600	CRD.109/76	do	Rs. 22,26,286

(1)	(2)	(3)	(4)	(5)	(6)
6	Construction of 1st link road connecting N. H. Bye pass Beltola Khanapara Road and G. S. Road and Car Parking at Jawaharnagar.	Rs. 82,000	CRD.116/76	4-9-76	Rs. 83,540
7	Construction of 2nd link road connecting N. H. Bye pass Beltola Khanapara and G. S. Road at Khanapara.	Rs. 3,98,500	do	do	Rs. 3,66,790
8	Construction of 3rd link road connection N. H. Bye pass Beltola Khanapara Road and G. S. Road at Khanapara (Pt. I).	Rs. 2,89,800	do	do	Rs. 7,04,013
9.	3rd link road connecting N. H. Bye pass Beltola Khanapara and G. S. Road at Jawaharnagar, Khanapara (Pt. II).	Rs. 2,90,800	do	do	Rs. 4,05,550
10	Metalling and blacktopping Maligaon Boragaon Chakardoi Road upto N. H. Bye pass (1st and 2nd K. M. 2 Kms.).	Rs. 8,95,000	CRD.142/76	10-9-76	Rs. 7,39,731
11	Construction of traffic Rotary at Ganes-hguri Chariali and Khanapara.	Rs. 2,71,500	CRD.128/76	19-10-76	Rs. 2,88,022
12	Raising low site at Jawaharnagar.	Rs. 45,900	CRD.204/76	..	Rs. 37,630

(1)	(2)	(3)	(4)	(5)	(6)
13	Construction of Express Highway connecting N. H. Bye pass and Borjhar Airport (carrying out survey works).	Rs. 1,37,000	CRD.111/76	27-7-76	Rs. 68,509
14	Construction of Express Highway portion from Borjhar Airport to 13th Mile on N. H. 37 (1st Phase).	Rs. 6,28,000	do	16-7-76	Rs. 8,40,445
15	Construction of an approach road to Narangi Rly. Station and a Parking yard.	Rs. 29,000	CRD.156/76	19-10-76	Rs. 22,891
16	Improvement of G. S. Road from State Transport Station at Paltan Bazar to Ulubari Police Point.	Rs. 20,00,000	DA5R.93/74/4	16-1-75	Rs. 6,27,621
					Total—Rs. 1,78,68,294
Under 484—Capital Outlay					
17	Construction of Guest House No. 1 at Khanapara.	Rs. 22,14,700	GAG.127/76	8-7-76	Rs. 22,11,604
			Unpaid liabilities yet to be cleared up.		Rs. 6,09,598.17
18	Construction of Guets House No. 2 at Khanapara.	Rs. 6,08,000	GAD.210/76/8	9-8-76	Rs. 9,35,190.01
					Total—Rs.37,57,392.21
					—6,09,598.17
					Rs. 31,47,794.04

Annexure-III

GOVERNMENT OF ASSAM
POLITICAL (A) DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

No. PLA. 202/78/58,

Dated Dispur, the 29th Dec., 1978

WHEREAS it has been made to appear that for the purpose of the Jawaharnagar Session of the All India Congress Committee held at Gauhati in November 1976, the entire machinery of the State Government of Assam was utilised for the purpose of the said session and huge advances were drawn from the Contingency Fund and the plan budget for utilising the same for the purposes of the said Session.

AND WHEREAS there is wide spread demand from different sections of public for inquiry into the several aspects of the allegations about the use of Government machinery and diversion of public funds as well as the funds of Government Corporations and Companies for the political purpose of the then ruling party, namely, making the Jawaharnagar Session of the All India Congress Committee a spectacular success.

AND WHEREAS the Governor of Assam is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making inquiry into a definite matter of public importance, that is, diversion of Government funds as well as funds of Government Corporations and Companies for expenditure in connection with the Jawaharnagar Session of the All India Congress Committee sponsored by the then ruling party as well as mobilising the entire official machinery for the success of the said Jawaharnagar Session of the A. I. C. C.

Now, therefore, in exercise of the powers conferred by Section 3 of the Commissions of Inquiry Act, 1952 (Act 60 of 1952)

the Governor of Assam hereby appoints a Commission of Inquiry consisting of a single member, namely Shri Jagjit Singh, retired Judge of the Delhi High Court.

1. The terms of reference of the Commission shall be as follows :—

(a) To inquire generally into the matters specified in the document dated the 28th June, 1977, termed as "Charge Sheet" against the outgoing Assam Ministry which was submitted to the Prime Minister of India by twenty Janata Legislators of the dissolved Assam Legislative Assembly and which had related to the use of the Government machinery and diversion of Government funds as well as fund of the Government Companies and Corporations with special reference to use of resources, funds and personnel of :—

(i) The Public Works Department of the Government of Assam both in its Civil and Mechanical Sections and the N. E. C. division and the Town and Country Planning Department for the purpose of construction of the A.I.C.C. and the Yuva Mela complex including drawing of necessary blue-prints for the A.I.C.C. pandal, Exhibition Ground, Cultural pandal and the Yuva Mela and levelling of the grounds ;

(ii) The Directorate of Supply for purchasing C. I. Sheets for the A.I.C.C. Session and for arranging supplies of various articles of food such as rice, pulses, atta, flour, mustard oil, vanaspati etc. and for obtaining additional allotment from the Government of India for Petrol, H. S. D. superior kerosine oil, and for obtaining extra cylinders of cooking gas etc :

(iii) The Directorate of Agriculture (Marketing) in organising a Special Vegetable Marketing Scheme for additional supply of vegetable and fruits for the A. I. C. C. Session at Jawaharnagar :

(iv) The Public Health Engineering Department and for setting up a complete water supply system from the river Brahmaputra to the site of the A. I. C. C. Session at Jawaharnagar and for installing overhead tanks at various points in the A. I. C. C. and Yuva Nagar complex ;

(v) The Directorate of Agriculture for raising of a demonstration plot of paddy in the Exhibition Area within the A. I. C. C. Complex ;

(vi) The Veterinary and Animal Husbandery Department for collecting goats, poultry, eggs, milk, butter etc. for consumption for the V. I. Ps., delegates and visitors to the A. I. C. C. Session and for supplying vehicles of that Department for works relating to the A. I. C. C. ;

(vii) The Irrigation and Flood Control Department for supplying bulldozers, tractors and other heavy vehicular equipments, tools and machinery for levelling of grounds used for the A. I. C. C. and the Yuva Mela complex and for executing respectively the Water Supply Scheme at Yuva Nagar near Basistha and the Water Supply Scheme at the River Research Complex used during the Session for delegates of the International Youth Convention ;

(viii) The Information and Public Relation Department for publicity in connection with the A. I. C. C. Session, Yuva Mela, Mahila Sanmilon and for printing and publishing various book-lets for distribution among the V. I. Ps., delegates and visitor attending the said Session ;

(ix) The Directorate of Cultural Affairs for designing and constructing the stage and the camps constructed for the purpose of the Cultural Show and for conducting the Cultural Shows held in connection with the A. I. C. C. Session.

(x) The Police Department for purchasing tents, tarpaulines, etc. for use in connection with the A. I. C. C. and the Youth Congress Sessions and for providing personnel of the Assam Police Battalions for undertaking various construction worker in connection with Cultural Show and the Yuva Mela including construction of "bushons" for the accomodation of Seবাদ, Volunteers and delegates and visitors to the Youth congress ;

(xi) The General Administration Department of the Civil Secretariat for purchase of furniture, carpets, screens, utensils, building materials etc. for use in the P.V. I. S. and in the Delegates Camps as well as in the Assembly Members' Hostel ;

(xii) The Forest and Soil Conservation Department for works like road construction, field development and for beautifying the site as well as the connecting road system by planting trees, flowers such as over-grown betel nut and coconuts trees in and around the A. I. C. C. and Yuva Mela Complex, planting flowers tube and supplying flowers etc. and also for supplying various forest produce for the purpose of construction ;

(xiii) The Directorate of Public Instruction including the Directorate of Technical Education for requisitioning various educational institutions in and around Gauhati and the hostels attached thereto for the purpose of accommodating delegates, visitors, Sevalad Volunteers, Mahila Sevikas, Home Guards, Police Personnel etc. and for supervising the camps set up therein.

(xiv) The Health and Family Planning Department for setting up a hospital in the A. I. C. C. campus as well as for arranging constant attendance of Doctors, Pharmacists and other medical staff in the camps set up for the V. I. Ps., delegates and visitors ;

(xv) The District Administration and the Transport Department for requisitioning public and private vehicles for use of the members of the Reception Committee of the A. I. C. C. and the all India Youth Congress and delegates and visitors and also the Government Pool Car Section of the Transport Department for the same purpose ;

(xvi) The Assam State Electricity Board for setting up various electrical installations in connection with the said Session and for providing lighting and illumination throughout the A. I. C. C. and the Yuva Mela Complex ;

(xviii) The various Departments and Directorates of the Government and Government Corporations and Companies for raising funds for the Reception Committee to the A. I. C. C. through insertion of advertisement in the Souveinior published by the Reception Committee and payment of allegedly exorbitant ground rent for land used by them for stalls and pavilions.

(b) To inquire in to the specific instances of incurring expenditure from the contingency fund for the purposes of the A. I. C. C. Session during the months of October and

November, 1976 under different heads ; and of getting the advances sanctioned by way of Supplementary Budget by misleading statements regarding the purpose of the expenditures incurred ;

(c) To inquire into specific instances of expenditure incurred from the plan Budget in connection with the A.I.C.C. session during the months of October and November, 1976 ;

(d) To inquire into the circumstances under which the Guest House No. 1 and 2 were constructed near about Jawaharnagar Khanapara area allegedly on war-footing and the dominant motive which motivated the said instructions.

(e) To inquire into the costs incurred constructing the two Guest House and furnishing the same.

(f) To inquire into any irregularity, impropriety or contravention of rules regarding conduct of Government business including violation of financial rules and fix responsibility ;

(g) To inquire into specific allegations regarding deployment of administrative and police officers for non-governmental duties in connection with the A.I.C.C. and Youth Congress Sessions ;

(h) To inquire into specific allegations regarding purchase of new cars for the State Pool Car Section of the Transport Department and the use of State Pool Cars for the purposes of the A.I.C.C. and also for use of the visiting V.I. Ps.

(i) To inquire into specific allegations regarding using of the Department of Transport, Cultural Affairs and Education in connection with the two processions for ascertaining the than Congress President Sri Dev Kant Borooah and the Youth Congress Leader Shri Sanjay Gandhi from Borjhar to Jawaharnagar via Gauhati.

(j) To inquire such other matters which in the opinion of the Commission. have any relevance to the aforesaid allegations or matters connected and incidental there to and to recommend measures which may be adopted for preventing the recurrence of such abuse of authority and mis-use of power for the political purpose of the ruling party.

2. The Head Quarter of the Commission shall be at Gauhati.

3. The Commission may make interim reports to the Government of Assam on the conclusion of inquiry into any particular allegations or series of allegations and will be expected to complete its inquiry and submit its final report to the Government of Assam on or before 31st March 1979.

4. The Government of Assam is of opinion that having regard to the nature of inquiry to be made and other circumstances of the case, all provisions of sub-section (2) sub-section (3) sub-section (4) and sub-section (5) of section of the Commissions of Inquiry Act, 1952 Act, 60 of 1952) shall be made applicable to the said Commission and the Government of Assam hereby directs under sub-section (1) of the said section 5 that all the provisions aforesaid shall apply to the said Commission.

By order and in the name of the
Governor of Assam.

Chief Secy., to the Govt. of Assam,