

FOURTEENTH KERALA LEGISLATIVE ASSEMBLY

**COMMITTEE
ON
PUBLIC ACCOUNTS
(2019-2021)**

FIFTY SIXTH REPORT
(Presented on 4th July, 2019)



**SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM
2019**

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FIFTY SIXTH REPORT

On

**Action Taken by Government on the Recommendations
contained in the 42nd Report of the Committee on
Public Accounts (2006-2008)**

CONTENTS

	<i>Page</i>
Composition of the Committee ..	v
Introduction ..	vii
Report ..	1
Appendix I :	
Summary of main Conclusions/Recommendations ..	13

COMMITTEE ON PUBLIC ACCOUNTS

(2019-2021)

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INTRODUCTION

I, the Chairman, Committee on Public Accounts, having been authorised by the Committee to present this Report, on their behalf present the Fifty Sixth Report on Action Taken by Government on the Recommendations contained in the 42nd Report of the Committee on Public Accounts (2006-2008).

The Committee considered and finalised this Report at the meeting held on 1st July, 2019.

Thiruvananthapuram,
1st July, 2019.

V. D. SATHEESAN,
Chairman,
Committee on Public Accounts.

REPORT

This Report deals with the action taken by the Government on the recommendations contained in the 42nd Report of the Committee on Public Accounts (2006-2008).

The 42nd Report of the Committee on Public Accounts (2006-2008) was presented to the House on 17th September 2007 and it contains fifteen recommendations relating to Revenue Department. The Government was addressed to furnish the statement of action taken on the recommendations contained in the Report on 26-9-2007 and final replies were received on 21-8-2017.

The Committee examined the statements of Action taken at its meeting held on 15-5-2013, 23-7-2014, 26-11-2014, 18-2-2015, 17-6-2015, 3-1-2018 and 19-4-2018. The Committee was not satisfied with the Action Taken by Government on the recommendations in Sl. No. 2, 5, 7, 10, 11 and 14 and decided to pursue them further. Those recommendations, their replies and further recommendations are included in Chapter 1 of this Report.

The Committee decided not to pursue action on the remaining recommendations in the light of the replies furnished by the Government. Such recommendations/comments and their replies are incorporated in Chapter II of this Report.

CHAPTER I

RECOMMENDATIONS IN RESPECT OF WHICH ACTION TAKEN BY GOVERNMENT ARE NOT SATISFACTORY AND WHICH REQUIRE REITERATION

REVENUE DEPARTMENT

Recommendation

(Sl. No. 2, Para No. 8)

1.1 The Committee understands that if necessary proposals for supplementary demands for grants were moved by the District Collector in time, then the excess amount by way of interest to the tune of Rs. 16.13 lakh could have been saved. The Committee views this as a serious lapse on the part of the District

Collector who failed to take necessary steps for the prompt payment of the decretal amount. The Committee also notes that the District Collector did not forward the details required in the matter by the Finance department inspite of repeated reminders. Hence the Committee demands the department to intimate the action that has been taken against the officials responsible for the serious lapse and desires to know whether the excess amount has been recovered from the delinquent officials.

Action Taken

1.2 The Commissioner, Land Revenue reported that although Supplementary Demand was moved in time, the proposal was returned twice by the Finance Department stating technical reasons. The District Collector has reported that the Requisitioning Authority failed to provide sufficient fund under the disposal of the Land Acquisition Officer; which is mandatory on the part of the Requisitioning Authority. They also failed to keep constant watch over the progress of the Land Acquisition cases and failed to place sufficient fund as and when required by the LAO. The delay occurred was purely due to administrative reasons. There was no deliberate or wilful negligence on the part of the Officials and the delay was solely due to circumstantial reasons.

Additional Information Sought by the Committee

1.3 The Committee rejected the explanation furnished by the department and reiterated its earlier recommendation. The Committee also wanted to be informed of the details of disciplinary action taken in this case so far.

Action Taken by Government

1.4 It is submitted that in view of the recommendations of the Committee necessary directions has been given to District Collector, Ernakulam to trace out the employees who worked at land acquisition section of Ernakulam Collectorate during the period from 1987-1992. District Collector, Ernakulam as per DO letter No. E4/51934/13 dated 10-3-2017 has informed that even though, earnest efforts has been made by them to list out the employees who worked at land acquisition section of Ernakulam Collectrorate during the period from 1987-1992, the same cannot be traced, since Personal Registers, Incumbent Register and Attendance Register of the said period are missing. Further it has also been informed that it is

suspected that the old Registers would have been lost when the office was shifted in connection with the renovation and hence requests that further action in this regard may be dropped. In the light of the report of District Collector, Ernakulam, it is humbly submitted that further action on the recommendations contained in para 8 in the 42nd report of PAC (2006-2008) may kindly be dropped.

1.5 The Committee at its meeting held on 3-1-2018 expressed its dissatisfaction on the above reply and decided to take evidence from Secretary, Revenue Department. The Committee took evidence from Revenue Secretary and Department officials on 19-4-2018 and strongly criticized the lethargic attitude of the Department in not furnishing the reply in time and such lapse on the part of the department paved the way for the corrupted officers to escape from law.

Further Recommendation

1.6 The Committee recommends that strict instruction should be given to the officials for the safe custody and maintenance of Files/Registers and also recommends to take stringent action against the officials responsible for the missing of Files/Registers.

Recommendation

(Sl. No. 5, Para No. 19)

1.7 The Committee was informed that the construction of the dam could not be proceeded with, due to stiff resistance from the local people. Even though a series of meetings to settle the issue were held, none proved to be fruitful. The Committee was also informed that the project itself is in a stage of abandonment. The Committee notes with grave concern that the Irrigation and Revenue Departments had failed miserably in conducting proper investigation, resulting in the abandonment of the project midway and causing lapse of public money. Such irresponsible attitude of the Government Departments in arranging proposals without sufficient investigation cannot be permitted. The Committee desires to know whether the Department had taken any action for the productive utilization of the land acquired so far. The Committee would also like to be informed of the present position of the remaining 9 land acquisition cases pending settlement.

Action Taken

1.8 The District Collector, Thiruvananthapuram as per the requisition furnished by the Irrigation Department initiated acquisition of an extent of 10.5910 hectares of land comprised in Vithura Village in Nedumangad Taluk for the construction of a saddle dam for the Vamanapuram Irrigation Project. Accordingly, notifications were issued and land was proposed to be acquired in 26 LA cases. Out of this, the District Collector could acquire only 5.9565 hectares of land involved in 17 LA cases. This land has been taken over and handed over to the Irrigation Department.

1.9 The remaining land (4.6345 Ha) contained in 9 LA cases were not taken over due to the stiff resistance from the land owners. Although actions have been taken under section 47 of LA Act for the forceful eviction of the claimants, the effort was not fruitful due to the vehement protest of the claimants as well as that of the local people. The matter has become a public issue and created Law & Order problem in the area. The Chief Engineer, Vamanapuram Irrigation Project has intimated the Revenue Authorities that the project has not been sanctioned till date. It is the duty of the Requisitioning Authority to conduct investigations before initiating land acquisition. The amount deposited by the requisitioning authority is kept in the Revenue Deposit account.

Further Recommendation

1.10 The Committee noticed that the Revenue Deposit account has not been settled till date. The Committee directs the department to take necessary action and also to take decision on utilization of the acquired land.

Recommendation

(Sl. No. 7, Para No. 41)

1.11 The Committee notes with serious concern that huge amounts running to crores of rupees is pending collection from various departments/bodies towards the deposits made in the court for effecting decretal payments. The Committee underline the necessity of taking prompt action by the Revenue Department in the collection of arrears due from various departments. The committee urges the department to furnish the details regarding the present position of the collection of arrears from various departments amounting to Rs. 17.63 crore at the earliest.

Action Taken

1.12 The amount due from various departments is only Rs. 4,83,64,533 and an amount of Rs.32,01,605 has since been collected. Action is in progress to collect the balance amount of Rs. 4,51,62,928.

Further Recommendation

1.13 Out of an amount of Rs. 4,83,64,533 due from various departments towards decretal payments in the court, only an amount of Rs. 32,01,605 had been collected. Since the balance amount of Rs. 4,51,62,928 is still remaining unrecovered the Committee sought the details of the action taken in this regard.

Recommendation

(Sl. No. 10, Para No. 44)

1.14 The Committee observes that the reply of the department that the delay in referring the dispute regarding land acquisition to court is purely administrative in nature is evasive and not acceptable. The Committee wish to point out that heavy loss occurred due to the lapses by the land acquisition officers. Hence the Committee demands the department to seek explanations from the concerned land acquisition officers for the lapse and responsibility be fixed against them. The Committee urges that a circular be issued to all concerned stating that any lapse in referring land acquisition disputes to courts within the stipulated time would be viewed seriously and would be liable to get punishment if delay occurs for the same.

Action Taken

1.15 The Asst. Commissioner (SC) has been authorised to take action against the officials responsible for the heavy loss occurred to Government. Circular has also been issued to all District Collectors and Land Acquisition Officers directing that any lapse in referring land acquisition disputes to courts within the prescribed time limit would be viewed seriously and also liable for punishment if any delay occurs.

Further Recommendation

1.16 The Committee was not satisfied with the reply furnished by Government and again demanded a detailed report regarding the action taken against the officials responsible.

Recommendation

(Sl. No. 11, Para No. 45)

1.17 The Committee understands that the department had not taken any effective action to ensure success while conducting land acquisition cases. The Committee suggests that there should be some mechanism for the evaluation of each case so that remedial measures needed, if any, could be taken in time so as to avoid any lapse/omission. The Government should also enquire into the success record of the Government Pleaders who handle land acquisition cases. The Committee demands a detailed report regarding the action taken by the department to ensure success in the ensuing cases.

Action Taken

1.18 Strict directions has been given to all District Collectors and Land Acquisition Officers to handle the LA cases with great care and to make use of the Law Officers service in the District Collectorates for proper conduct of LA cases.

Further Recommendation

1.19 The Committee reiterate its recommendation that a detailed report regarding the action taken by the department to ensure success in ensuing LA cases should be submitted before it.

Recommendation

(Sl. No.14, Para no.50)

1.20 The Committee feels that this is a classical example of launching schemes without a proper vision. The scheme of issuing Revenue Cards has been introduced in the State without a proper feasibility study and investigation and its implementation resulted in a wasteful expenditure of Rs.74.95 lakh to the Public Exchequer. The Committee sees that no effective action has been taken to implement the scheme effectively. Due to lack of proper study the scheme has been dropped in the midway resulting in a huge loss to Public Exchequer. The Committee notes that if the scheme of issue of revenue cards were implemented as per the schedule, the amount spent for the purpose would not have gone waste. The Committee agrees with the audit observation that all the effort and money spent on the scheme had become wasteful. The Committee hope that Government would take a realistic attitude in future while planning implementation of such schemes.

Action Taken

1.21 As the purposes of the Revenue Card System could be achieved through full fledged computerization of Land Records in Revenue and Registration Department, Government have decided not to proceed with the scheme and hence, the implementation of the scheme was kept in abeyance.

Further Recommendation

1.22 The Committee directs that the Revenue Department should complete the digitization of Land Records in a time bound manner.

CHAPTER II

Recommendations which the Committee does not desire to pursue in the light of the replies furnished by Government.

REVENUE DEPARTMENT

Recommendation

(Sl. No.1, Para No.4)

2.1 Even though the Committee agree with the contention of the Department, that mobility was essential for carrying out relief operations, the Committee views seriously the irregularity of utilising the fund for construction of vehicle sheds, guard rooms, office buildings, etc. The Committee finds that there is a clear diversion of funds and wishes to cite this as a clear example of mismanagement and subversion of specific guidelines by Government officers. The Committee, notes with utter dismay that no action was taken against the delinquent officers even after a period of more than 12 years. The Committee does not desire to recommend for disciplinary actions against the officers who had diverted the funds wilfully since the matter has lost its importance after a lapse of such a long time. But at the same time it is of the opinion that the Government should take effective steps to avoid such diversion of funds in future.

Action Taken

2.2 Government have taken effective steps to curb the diversion of funds from State Disaster Response Fund (formerly Calamity Relief Fund). The District Collectors are time and again reminded about strict adherence of the norms while utilising funds from State Disaster Response Fund. Moreover action has been

initiated to develop a software for the devolution of funds from State Disaster Response Fund and streamlining the utilisation of funds. Diversion of funds has not been reported from District Collectors during recent period.

Recommendation

(Sl. No. 3, Para no.12)

2.3 From the evidence tendered before the Committee, it is seen that the purchase of vehicles, spare parts and repair charges by the District Collector, Palakkad using the interest on the deposit meant for establishment charges of Land Acquisition is highly irregular. The Committee understands that the ratification of the above action by the Board of Revenue is not sufficient and hence recommends that necessary steps be taken to get the action ratified by the Government without any further delay.

Action Taken

2.4 As per Letter No.FB(A)10-11932/09 dated 1-4-2009, Land Revenue Commissioner had forwarded a proposal for the ratification of the action of District Collector, Palakkad in this regard to Government. Since the proposal got misplaced and could not be located as requested by Government, Land Revenue Commissioner as per Letter No.FB(A)10-14869/11 dated 12-8-2011 has forwarded a copy of the earlier proposal and has requested Government to ratify the above said action of District Collector, Palakkad.

2.5 In the above circumstances as recommended by ^Lland Revenue Commissioner, as per G.O.(Rt) No.5625/2011/RD dated 29-11-2011 Government have ratified the action of the District Collector, Palakkad in having utilised the amount of Rs.13,45,710 (Rupees thirteen lakh forty five thousand seven hundred and ten only) (being the interest on fund deposited by Indian Telephone Industries, Palakkad, a Government of India Undertaking, during March 1987) for the purchase of vehicles, spare parts, repair charges, etc. as a special case.

2.6 As per letter No.59613/GI/10/RD dated 30-11-2011 Government have also directed the Land Revenue Commissioner not to repeat such instances in future and in such cases prior sanction to be obtained from Government. Land Revenue Commissioner was also directed to give direction to all District Collectors in this regard.

Recommendation

(Sl. No. 4, Para no. 15)

2.7 The Committee finds that the reluctance on the part of the Revenue Department in following the revised procedure laid down by Public Works Department in Government Order dated 27-7-1982 had led to accumulation of arrears of electricity charges from 1985 onward and resulted in an avoidable payment of interest of Rs.22.20 lakh. The Committee notes with strong dissatisfaction the fact that the dispute between two departments had led to delayed remittance of electricity charges and expresses utter disappointment on the inaction shown by the Government in resolving the dispute. Hence the Committee opines that whenever a dispute arises between two or more departments, the Government should show a more constructive role on its part to play and actively interfere in the dispute to resolve the crisis and find an amicable solution. In this regard, the Committee would like to know whether a formal amendment has been made to the Kerala Financial Code in the light of the Government Order dated 27-7-1982.

Action Taken

2.8 Final amendment has already been made in the Kerala Financial Code Volume I Article 119.1 (a) to this effect.

Recommendation

(Sl. No. 6, Para no. 24)

2.9 The Committee is convinced that the funds earmarked for housing the flood affected victims were fully utilised for the purpose through the Maithri Housing Scheme. But the Committee finds that remittance of Rs.92.25 lakh from Calamity Relief Fund to KSHB by the Tahsildar, Udumbanchola was an unauthorised action and hence be ratified. The Committee recommends that urgent action be taken by the Government to ratify the action of the Tahsildar without any further delay.

Action Taken

2.10 In order to reconstruct the completely demolished houses during calamities, in 1997 Government directed all the District Collectors to allot ₹11,600 and a loan of ₹28,000 from KSHB's Mythiri Housing Scheme for each house from the Calamity Relief Fund. However this Scheme was not extended beyond 1997-1998. Without knowing this, Tahsildar, Udumbanchola transferred ₹92.25 lakh in this Scheme during 1998-2000.

2.11 Government considered the above recommendation in detail. However, the files and other records in connection were not traceable either in Secretariat or in Collectorate, a decision on the recommendation could not be taken till date. It is found that the records in Secretariat and Collectorate have been destroyed.

The subject matter of the recommendation is relatively old which belongs to the year 1998-2000 and the Government have not incurred any loss to the exchequer due to the action of the Tahsildar, Udumbanchola, the Committee may kindly permit Revenue Department to stop pursuing further action on this recommendation.

Recommendation

(Sl. No. 8, Para no. 42)

2.12 The Committee detest the actions of the Special Tahsildar who had incorrectly reckoned the date of notification while acquiring land resulting in excess expenditure of Rs.10.09 crore. The Committee opines that even though it is not recommending for fixing responsibility in the matter, the department should strictly adhere to the relevant rules and take appropriate action to see that such instances are not repeated in future.

Action Taken

2.13 Directions given to all District Collectors to strictly adhere to the rules regarding land acquisition and thereby avoiding inordinate delay.

Recommendation

(Sl. No. 9, Para no. 43)

2.14 The Committee, from the audit observation understands that due to administrative delays and deficiencies, Rs.1.23 crore sanctioned in March 1997 remained blocked in deposit accounts resulting in inordinate delay in setting up of Industrial area in kozhikode. The Committee would like to know whether the department had taken any action to acquire the necessary land as per the government direction in April 2001. The Committee would also like to be apprised of the present position of the amount locked up in the T.P Account.

Action Taken

2.15 The land has been fully acquired and the balance amount in the T.P account has been refunded to the Head of Account 2075-00-011-99N.

Recommendation

(Sl. No. 12, Para no. 46)

2.16 The department could not provide a satisfactory reply to the Committee's query as to the reasons for the continuance of the land acquisition unit of the Speical Tahsildar (NH) Tirur, beyond the permissible period. Hence the Committee urges the department to furnish the reply including the details of the officers responsible for the payment of Rs.17.56 lakh due to the unnecessary retention of staff beyond the permissible period and action taken in this regard to the Committee urgently.

Action Taken

2.17 With respect to the report from the District Collector, Malappuram it is known that continuance sanction has been obtained from the Government from time to time in order to complete the residual LA works. Moreover, the land acquisition process is completed only with the post-award action i.e., with the preparation and approval of LACM. Also 38 post-award cases and a lot of residual works were pending beyond the permissible completion period of LA unit. In addition, a large number of court cases were pending for disposal at various courts including the Hon'ble High Court of Kerala. Therefore, Government has directed to continue the unit as per G.O. (Rt.) No.9544/98/PWD dated 13-10-1998 for the period from 1-3-1998 to 28-2-99 and again as per G.O.(Rt) No.533/02/RD dated 28-2-2002 for the period up to 2002. Therefore the purpose of continuance sanction by the Government is based solely on public interest and for safeguarding and prevention of Government money leakage from Government exchequer.

Recommendation

(Sl. No. 13, Para no. 47)

2.18 The Committee understands that there has been inordinate delay in collecting dues amounting to Rs.10.01 crore towards the cost of establishment charges incurred on LA units from various local bodies, quasi governmental institutions, boards etc. for the period 1988-2002. Hence the Committee recommends that speedy measures be taken to recover the amount from them and furnish the details to the Committee.

Action Taken

2.19 An amount of Rs.5,46,80,741 as establishment charge has been collected from various departments. Direction has been given to the District Collectors to realize the balance amount from the respective departments.

Recommendation

(Sl. No. 15, Para no. 51)

2.20 The Committee learns that all the villages in the State are going to be facilitated with the Revenue Kiosk System, so that the people can easily get the certificate they require from the villages without delay. The Committee wants to know the present stage of the scheme and recommends to implement the scheme urgently in all villages in the State.

Action Taken

2.21 As part of making the village offices SMART (Speedy Modern Assured Responsible and Transparent) the department of Revenue has already made the Certificate services of the department fully online as part of the e-district programme funded by Government of India through the agencies like I.T. Cell, Revenue, Kerala State IT Mission, N.I.C. and Akshaya. As part of the programme as on **24-7-2013 (02.31 P.M)**, **35,83,414 online applications** have been processed and **30,93,473 number of digitally signed online** certificates have been issued by the Village Officers of the state. The project is running successfully on all the 1634 villages in the State. As part of this project, all the Village Offices have been inter-connected through KSWAN and BSNL connectivity; besides providing more than **1200 laptops** to the Village Officers to make the certificate services in the Department of Revenue in the 'Anytime anywhere' mode.

Since, the revenue Kiosk System is irrelevant at the current stage of IT development, Department of Revenue is currently pursuing vertical enhancement of the online certificate issuing system under the SMART revenue office project.

Thiruvananthapuram,
1st July, 2019.

V. D. SATHEESAN,
chairman,
committee on public accounts.

APPENDIX- I

SUMMARY OF MAIN CONCLUSIONS /RECOMMENDATIONS

Sl. No.	Para No.	Department Concerned	Conclusions/Recommendations
1	1.6	Revenue Department	The Committee recommends that strict instruction should be given to the officials for the safe custody and maintenance of Files/Registers and also recommends to take stringent action against the officials responsible for the missing of Files/Registers.
2	1.10	Revenue Department	The Committee noticed that the Revenue Deposit account has not been settled till date. The Committee directs the department to take necessary action and also to take decision on utilisation of the acquired land.
3	1.13	Revenue Department	Out of an amount of Rs. 4,83,64,533 due from various departments towards decretal payments in the court, only an amount of Rs. 32,01,605 had been collected. Since the balance amount of Rs. 4,51,62,928 is still remaining unrecovered the Committee sought the details of the action taken in this regard.
4	1.16	Revenue Department	The Committee was not satisfied with the reply furnished by Government and again demanded a detailed report regarding the action taken against the officials responsible.
5	1.19	Revenue Department	The Committee reiterate its recommendation that a detailed report regarding the action taken by the department to ensure success in ensuing LA cases should be submitted before it.
6	1.22	Revenue Department	The Committee directs that the Revenue Department should complete the digitization of Land Records in a time bound manner.

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