

P.A.C-75.

# PUBLIC ACCOUNTS COMMITTEE

(1996-98)

## SEVENTY-FIFTH REPORT (TENTH ASSEMBLY)



REFERENCE  
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REPORT OF THE PUBLIC ACCOUNTS COMMITTEE  
PARTAINING TO PAYMENT OF COMPENSATION  
IN THE KARIMGANJ DISTRICT UNDER  
ASSAM STATE ACQUISITION OF  
ZAMINDARIES ACT, 1951.

Presented before the house on.....

30 NOV 1998

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT  
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**COMPOSITION OF THE COMMITTEE**

(1996-98)

**Chairman :**

1. Shri Holiram Terang.

**Members :**

2. Shri Abdul Muqtadir Choudhury.
3. Shri Gautam Roy.
4. Shri Kali Ranjan Deb.
5. Shri Bhupen Chandra Roy.
6. Shri Mohan Das.
7. Shri Derhagra Mochahary.
8. Shri Mustafa Shahidul Islam.
- \* 9. Shri Binod Gowala.
- \* 10. Shri Hitendra Nath Goswami.
11. Smti. Renupoma Rajkhowa.
12. Shri Dilip Kumar Saikia.
13. Shri Bhrigu Kumar Phukan.

**Secretariat.**

- |                         |                      |
|-------------------------|----------------------|
| 1. Shri D. Talukdar     | : Secretary          |
| 2. Shri A. R. Chetia    | : Dy. Secretary      |
| 3. Shri Subimal Kr. Das | : Under Secretary    |
| 4. Shri B. Basumatary   | : Committee Officer. |

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\*Sarbasree Binod Gowala and Shri Hitendra Nath Goswami have ceased to be the Members of the Committee on their appointment as Minister.

## Prefatory Remarks

I, Shri Holiram Terang, Chairman of the Committee on Public Accounts having been authorised to submit the Report on their behalf, present this Seventy-fifth Report of the Committee on payment of compensation to ex-proprietors in the Karimganj District under Assam State Acquisition of Zamindaries Act, 1951.

2. The matter of irregular payment/irregularities in sanction of payment etc. with regard to the payment of compensation to the ex-proprietors under the Assam State Acquisition of Zamindaries Act, 1951 raised in the House during the year, 1997 and thereafter was taken-up by Sub-Committee 'A' of Public Accounts Committee. The Committee examined the Superintendent of Police of CM's Vigilance Cell and the Commissioner and Spl. Secretary to the Government of Assam in the Revenue Department on 13-11-97 and 18-6-98 respectively.

3. The Committee has considered the Draft Report and finalised the same in its sitting held on 8th October, 1998.

4. The Committee offers thanks to the Convenor and the Members of Sub-Committee 'A' of Public Accounts Committee for their sincere and strainous work on the matter. The Committee also places on records their appreciation to Shri N. I. Hussain, Superintendent of Police, CM's Vigilance Cell, the Commissioner and Spl. Secretary to the Government of Assam in the Revenue Department and the Secretary and other Officers of Assam Legislative Assembly Secretariat attached to Public Accounts Committee for their full Co-operation and unstinted assistance.

Dated Dispur, the 8th October, 1998.

HOLIRAM TERANG,  
Chairman,  
Public Accounts Committee.

## THE REPORT

1. With the enactment of the Assam State Acquisition of Zamindaries Act, 1951, the permanently settled estates of Karimganj were abolished and the right of the proprietors were acquired by the State Government of Assam under the provisions of the aforesaid Act. All the estates and tenures of erstwhile Karimganj Sub-Division become vested on the Government of Assam. Thereafter under provisions of Assam State Acquisition of Zamindaries Act, 1951, the Ex-proprietors or tenure-holders became entitled to compensations and the amount of such compensations were raised to Rs. 12,70,76,430/- which was paid to Ex-proprietors/tenure holders for the period from 1960 to 1996.

2. On receipt of several complaints that an unscrupulous group of persons in collaboration with a few employees of compensation office, Karimganj have been drawing crores of rupees as compensation money against acquired properties by means of forged documents and false personification. A special Vigilance Cell enquiry was registered on 13.10.94 on the orders of the Government of Assam. The enquiry as it is revealed to the Committee does not appear to have been concluded. Complaints were also received by Public Accounts Committee, Assam Legislative Assembly which had been admitted for examination, investigation and report.

3. The Committee called for the following points from the Commissioner & Spl. Secretary, Revenue Department :-

- (a) Name and number of Taluks which are pending before the Government for sanction of compensation money to the Ex-proprietors under Assam State Acquisition of Zamindaries Act.
- (b) Name and address of the original Ex-proprietor as per original Khatian and name and address of the person who claimed compensation against each Taluks and the relationship with the original Ex-proprietor.
- (c) Amount of compensation paid against each Taluks to the Ex-proprietor under Assam State Acquisition of Zamindaries Act during the past years. Name of the Taluks, name and address of the Ex-proprietor as per original Khatian against each Taluk.
- (d) Relationship with the original Khatian holders and the persons claimed and received compensations as heir during the past years against each Taluks. Name and address of each persons who received compensations as heir of the original Khatian holders

against each Taluks. How many Taluks have been examined by the Vigilance Cell and how many remained pending for investigation by the Vigilance Cell ?

4. The Committee examined the Revenue Department jointly with Special Vigilance Cell for proper appraisal. Relevant portion of the proceedings are quoted below to make the scrutiny more exhaustive.

**S.P., Chief Minister's Special Vigilance Cell :** We have only 31 test cases. There are more cases.

**CONVENOR :** CM's Special Vigilance Cell should proceed with these cases. You take up few more cases involving the staff, because you will not find that man who have actually made false documents in order to remain out of picture in same way or the other.

**S.P. CM's Special Vigilance Cell :** Out of the 31 test Cases already it is found that four compensation officers involved. The officers were 1. Shri K. N. Modak, ACS, 2. Shri K. Dutta Choudhury, ACS, 3. Shri G. K. Sinha, ACS, 4. Shri A. Deb Laskar, ACS.

**CONVENOR :** Have you inquired about these Officers ? Actually the officers are to depend upon the Dealing Assistants to scrutinise the documents. So staff are also responsible.

**Commissioner & Special Secretary, Revenu :** They will also be accused in all the four cases.

**CONVENOR :** You proceed with this. If you find any difficulty, you tell us. We will see and discuss it. Actually thing is that they should understand that things should not go like this.

**SP. CM's Special Vigilance Cell :** Sir, my organisation is a very small organisation with limited staff. We have to look after all the cases with these staff. That is why we were able to test only 31 cases, but not more than that.

**CONVENOR :** You proceed with the 31 cases.

**Commissioner & Spl. Secretary Revenue :** May I get a copy of the Vigilance Report, so that I can endorse it to the Minister in file ?

**CONVENOR :** Yes, Yes.

I have gone through the Report on Compensation case of Karimganj district submitted by the S.P., Special Vigilance Cell. The back ground of the case is that :

"SVC Inquiry No. 19/94 was registered on 13.10.94 on the orders of the then Chief Minister, Assam following receipt of complaints that a group of persons in collaboration with few employees of Compensation Office, Karimganj have been drawing crores of Rupees as compensation against the acquired properties by means of forged documents and false personification.

It may be recalled that during the period from 1960 to 1966 Government of Assam under the provision of Assam State Acquisition of Zemindaries Act, 1951 and by issue of Gazette Notification took over all the estates and tenures of ex-proprietors and Zamindaries of earstwhile Karimganj Sub-Division which became vested on the Governor of Assam. Following are the salient features of acquisition of Zamindaries in pursuance of the provisions of the said Act in respect of Karimganj district :-

1. Total No. of Estate acquired	... .. 3610
2. Total No. of Tenure acquired	... .. 563
3. Area of land involved in Estates under acquisition.	2,17,074,14 acres.
4. Total area of land involved in tenures under acquisition.	62,687,97 acres.

Under provisions of Assam State Acquisition of Zamindaries Act, 1951, the proprietor of tenure-holder whose estate or tenure were vested in the State are entitled to retain possession of his home-steads and limited area of land which was in this possession on the date of vesting the estates and tenures. He is also entitled to compensation, if his interest in land, forests, fisheries, 'hat' Bazar, etc. is affected on account of vesting the properties as aforesaid. In accordance to this provision, a large number of ex-proprietors and ex-tenures raised claim for compensation for the last 2/3 decades, the particulars of which, at a glance are as follows :

1. Total Nos. of compensation cases submitted to the Government.	3704
2. Total Nos. of paid-up compensation cases.	3328

- |  |                    |
|--|--------------------|
| 3. Total Nos. of compensation cases pending for sanction.  | 376                |
| 4. Total Nos. of compensation cases pending for re-submission.   | 469                |
| 5. Total amount of final and interium compensation paid to Ex-proprietors upto July, 1996 since inception i.e. 1960. | Rs. 12,70,76,430/- |

After detailed deliberations, it appears that the 31 cases which were taken by the special Vigilance Cell for investigation as test case which were found forged, fabricated and non-genuine. Out of these above mentioned cases not a single case, even found genuine as felt by the Committee.

#### OBSERVATIONS/RECOMMENDATIONS

1. The Committee expresses its concern and anguish over the mishandling of such cases of payments of compensation money on acquisition of properties of Ex-proprietors and tenants involving several crores of Public money. The Committee has also expressed its dissatisfaction over non-institution of enquiry in such irregularities on receipt of complaint by the Government despite of the irregularities of impersonation of heirs of Ex-proprietors/tenants were focused in the media and the public representatives.
2. Although the matters were enquired into and investigated by the Special Vigilance Cell of the Chief Minister, Assam after receipt of information in the month of October, 1994, the tangible result does not appear to have been achieved. During the course of examination of the department involving responsibilities it has also been learnt that the investigation of the irregular deals of awarding compensation money to Ex-proprietors/tenure holders have not yet been completed by the Special Vigilance Cell. The Committee therefore apprehends that the enquiry and investigation of the whole matter might jeopardise the matter further.

The Committee therefore recommends :-

3. (i) Regarding the 31 test cases which were found to be forged/impersonification cases, the Chief Minister's Vigilance Cell should proceed as per law.



(ii) Regarding the remaining cases including the cases pending before the Government for sanctioning and other cases for re-submission the cases where the amount including the interest involving more than Rs.20,000/- an inquiry shall be conducted by the Revenue Department to the Government of Assam not below the rank of Joint Secretary.

(iii) No compensation shall be paid henceforth without production of Succession Certificate where the Ex-proprietor is not alive to justify the genuineness of the heir who claims compensation.

(iv) The compensation Office of Karimganj District may be amalgamated with the Deputy Commissioner's Office, Karimganj as was done in case of Dhubri compensation office long back and since the remaining pending cases are very few.

(v) The U.D.As/L.D.As working in the compensation Office of Karimganj should be sent back to their original office (parent Deptt.) as they have been serving there for more than 20 years in the same office on since inception and a skeliton staff may be retained.

(vi) Till all the inquiries are completed, no further compensation should be paid for the remaining cases untill the Department is satisfied with the genuineness of the claims and verify the original khatian and Succession Certificate, if any.

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