



Public Accounts Committee  
(1988-91)

FORTYSEVENTH REPORT  
(EIGHTH ASSEMBLY)

REPORT OF THE  
COMMITTEE ON PUBLIC ACCOUNTS ON  
THE REPORTS OF THE COMPTROLLER  
AND AUDITOR GENERAL OF INDIA  
FOR THE YEARS 1981-82, 1982-83,  
1983-84, 1984-85 AND 1985-86  
(REVENUE RECEIPTS) ON  
FISHERY DEPARTMENT,  
GOVERNMENT OF  
ASSAM.



Presented to the House on 2nd June 1989

ASSAM LEGISLATIVE ASSEMBLY  
DISPUR, GUWAHATI-781006

(i)

REFERENCE  
NOT FOR ISSUE  
A. L. A. LIBRARY

Table of Contents

	Pages
1. Composition of the Committee.	(iii)
2. Prefatory Remarks.	(v)
3. Introductory.	1
4. Chapter (i) Loss due to Direct Settlement.	13
5. " (ii) Non-recovery of Fishery dues.	20
6. " (iii) Loss on Re-sale of Fishery.	24
7. " (iv) Loss in Settlement of Fishery.	44
8. " (v) Loss on direct Settlement.	50
9. " (vi) Action on Audit Report.	54
10. Summery of Recommendations & Observations.	56
11. Annexures.	63

COMPOSITION OF THE COMMITTEE  
(1988-91)

CHAIRMAN :

1. Shri A. F. Golam Osmani

MEMBERS :

2. Shri Kamala Kalita,
3. " Pradip Hazarika,
4. " Joy Prakash Tewari,
5. " Silvius Condpan,
6. " Sheikh Abdul Hamid,
7. " Ramendra De,
8. " Chandra Mohan Patowari,
9. " Abdul Rob Laskar,
10. " Ramendra Narayan Kalita,
11. " Abhijit Sarma,

SECRETARIAT :

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

PREFATORY REMARKS.

1. Shri A.F. Golam Osmani, Chairman of the Committee on Public Accounts, having been authorised to submit this Forty-Seventh Report of the Committee on Public Accounts on the audit paragraphs contained in the Report of the Comptroller & Auditor General of India (Revenue Receipts) for the years 1981-82, 1982-83, 1983-84, 1984-85 and 1985-86 pertaining to the Fishery Department of the Government of Assam.

2. The Report of the C.A.G. of India (Revenue Receipts) for the years 1981-1982, 1982-83, 1983-84, 1984-85 and 1985-86 were presented to the House on 12th March, 1984; 3rd September, 1984; 18th July, 1985; 10th December, 1986 and 16th March, 1988 respectively.

3. The Reports as mentioned above relating to Fishery Department were considered by the outgoing Committee of the Eighth Assembly (Annexure-I) headed by Shri A.M. Choudhury, M.L.A. in their sittings held on 24.10.86, 12.6.87, 9.3.88 and 28.7.88, including spot assessment through a study tour to Barpeta on 9.6.88. The outgoing Committee could not submit the Report to the House owing to expiry of their terms. The present Committee perused all the relevant records and prepared the Report covering 5 years from 1981-82 to 1985-86.

4. The Committee considered the draft Report and finalised the same in its sitting held on 19th May, 1989.

5. The Committee places on records their appreciation to the staineous work done by the outgoing Committee in obtaining various records, information, clarification etc. pertaining to the Chapters considered by them and for the valuable assistance rendered to the Committee by the Accountant General(Audit), Assam Shri S.K. Podder, I.A.& A.S. and his other officers & staff. The Committee also expresses their thanks to the Departments of Revenue and Fishery for their cooperation as well as to Finance Department for sending representatives to assist the Committee.

(A.F.Golam Osmani)

Chairman,

Public Accounts Committee,  
Assam Legislative Assembly.

Dated Dispur,  
the 19th May, 1989

## INTRODUCTORY

1. Fish is one of the staple foods of the people inhabiting in the Eastern part of India. From time immemorial countries living on fish took utmost care for the preservation and development of their fishery wealth. In a reverine State like Assam, where fish was once available in abundant quantity, there is an acute crisis of fish presently. Domestic production of fish has gone down necessitating importation of large quantities of fish from outside the State. In earlier days there was a deep seated social taboo not to catch fish in breeding season. Earliest of our Fishery Codes prohibited fishing in that period. Not only that, the size of the hole of the nets to be used in fishing as well as the size of the fish to be caught were also regulated to preserve Spawn/Fries/Fingerlings. At present, there is absolutely no check on 'Total Fishing' analogous to the notion of Total war. In this connection we would like to quote the relevent provisions from the Fishery Rules framed under Sections 155 & 156 of the Assam Land and Revenue Regulation, Sec. 6 of the Indian Fishery Act, 1897 (IV of 1897) :

Rule 23- Restrictions on the use of nets-

(1) The use of Berjal/Mahajal or Fasiyal or any type of net with meshes less than 7 c. m. bar/14 c. m. mesh is prohibited during breeding season beginning from the first day of the month of May and ending on the fifteenth day of the month of July, both days inclusive, in any proclaimed fishery:

Provided that this restriction may be relaxed by the State Government for Hilsa fishing only.

(2) The use of net with less than 1 c.m. bar/2 c.m. mesh (Mosarijal) in size is prohibited in any fishery throughout the year:

Provided that this restriction may be relaxed by the Deputy Commissioner/Subdivisional Officer for catching of smaller species like, Mowa, Puthi, Sella, Karati, etc., between the first day of the month of May and the fifteenth day of the month of July, both days inclusive.

23 A- Restriction on fishing during breeding season on catching and selling of under-sized fish.-

(1) Catching of brood fish (fish carrying eggs and sperrn) of the following species, namely:- Rahu, Catla(Bahu), Mrigal, Mali(Calbasu), Chital, Kharia, Pithia (Mahasol), Gharla and Kuri (Gonius) is prohibited during breeding season beginning from the first day of the month of May and ending on the fifteenth day of the month of July, both days inclusive, in any proclaimed fishery.

(2) Catching and killing by any method of fish for any purpose whatsoever including consumption and selling of under sized fish of the following species, namely:-Rahu, Catla, 'Bahu' Mrigal, Chital, Kharia, Pithia (Mahasul), Gharla below 23 C.M. in length and Mali (Calbasu), Gonius (Kurhi) Bhagan below 10 c.m. in length, is prohibited between the first day of August and thirty first day of October :

Provided that the above restrictions may be relaxed by the order of the Director of Fisheries in writing, for piscicultural purposes only.

(3) All under-sized fish specified in sub-rule (2) above caught in the nets shall either be let off into the fishery or supplied to the Fisheries Department by the lessee in live conditions at the rates to be fixed by Government from time to time.

Rule 24- No moveable Bana with gap less than 7 cm. sq. shall be used for fishing between the first day of the month of May and the fifteenth day of the month of July, both days inclusive, in any Rivers, Dobas or Beels or Fisheries.

Rule 25- Bana with less than 7 c.m. sq. gaps fixed at the mouth of beels or dobas or at the boundaries of River Fisheries by which water is drained out is permissible to be used only during fishing season excepting the period between the first day of the month of May and the fifteenth day of the month of July of the year, both days inclusive.

Rule 41- Penalties on breach of Rules.-

(1) Any person contravening any of the above provisions or who fishes, attempts to fish or abets fishing, contrary to the above provisions, shall be liable to a fine which may extend to Rupees five thousand but not less than Rupees one thousand and if the breach is a continuing one, to a further fine which may extend to Rupees one hundred for every day during which the offence is continued after the date of the first conviction.

(2) In addition to the penalty as provided above, the nets and all other fishing equipments used in the commission of the offence shall be liable to confiscation.

For a second offence the lease shall be liable to cancellation in addition to any other penalty such as forfeiture of security deposit and daily recurring fine as provided above if the offence be continued for some time.

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

2. Fishery Department is a Non-tax-revenue collecting Department. It is also an Economic Services rendering Department. This Department was originally a part of Revenue Department which was subsequently bifercated. The major function of the Department are:

- (i) Plan and Non-plan Schemes relating to fisheries.
- (ii) Fishery Loan.
- (iii) Settlement of Revenue Fisheries.
- (iv) Administration of the Assam Fishery Rules, 1953 (Provisions relating to Settlement of Revenue Fisheries).
- (v) Service mattés relating to the Director of Fisheries.

3. Assessment of the Fishery Department as a revenue earning Department.

Revenue realised during last five years ending 1984-85 and the expenditure incurred on this Department as appeared in the Finance Accounts in the years under reference are :

Year	(Rs. in lakhs)		
	Revenue earned	Expenditure incurred	Net result
1980-81	64.67	1,30.47	(-) 65.80
1981-82	68.23	1,60.48	(-) 92.25
1982-83	72.76	1,93.78	(-)121.02
1983-84	97.82	2,68.64	(-)170.82
1984-85	85.20	3,85.00	(-)299.80

From the above it is evident that the departmental expenditure has gone up by leaps and bounds whereas revenue earning is minimal.

4. The details of Receipts and Disbursement of the Department are:

A- Receipts:

1980-81	Licence fees, Fines etc.	11,44,869
	Sale of fish, fish seeds etc.	15,766
Other	Other receipts	53,07,916
	Deduct-Refunds	-1,241
Total		64,67,310
1981-82	Sale of fish, fish seeds, etc.	14,82,950
	Other receipts	53,71,037
	Deduct-Refunds	-30,954
	Total	68,23,033
1982-83	Sale of fish, fish seeds etc.	14,33,487
	Other receipts	58,46,122
	Deduct-Refunds	-4,043
	Total	72,75,566
1983-84	Sale of fish etc.	7,64,976
	Other receipts	1,03,05,454
	Deduct-Refunds	-12,88,671
	Total	97,82,359

1984-85	Sale of fish, fish seeds etc.	7,21,743
	Other receipts	78,56,413
	Deduct-Refunds	-57,623

---

Total	85,20,533
-------	-----------

## B- Disbursement:

<u>Year</u>	<u>Sub-Head</u>	<u>Non-Plan</u>	<u>Plan</u>	<u>Total</u>
1980-81	Direction and Administration	28,14,571	5,28,945	33,43,516
	Research	3,48,392	60,274	4,08,666
	Education and Training	3,88,093	2,25,333	6,13,426
	Inland Fisheries	16,65,076	23,64,746	40,29,822
	Processing, Preservation and Marketing	1,46,219	82,313	2,28,532
	Other Expenditure	-	44,23,243	44,23,243
	Total	53,62,351	76,84,854	1,30,47,205
1981-82	Direction and Administration	30,47,612	5,78,445	36,26,057
	Research	3,72,341	79,485	4,51,826
	Education and Training	4,40,567	9,64,832	14,05,399
	Inland Fisheries	18,69,165	25,74,479	44,43,644
	Processing, Preservation and Marketing	62,929	93,646	2,56,575
	Other Expenditure	-	58,64,418	58,64,418
	Total	58,92,614	101,55,305	160,47,919
1982-83	Direction and Administration	33,13,307	11,41,259	44,54,566
	Research	4,23,750	86,090	5,09,840
	Education and Training	5,67,568	7,33,950	13,01,518
	Inland Fisheries	17,94,831	36,89,500	54,84,331
	Processing, Preservation and Marketing	1,88,587	1,21,959	3,10,546

<u>Year</u>	<u>Sub-Head</u>	<u>Non-Plan</u>	<u>Plan</u>	<u>Total</u>
	Tribal Area . . . . .		16,91,632	16,91,632
	Sub-Plan			
	Other Expenditure ...		56,25,500	56,25,500
	<b>Total</b>	<b>62,88,043</b>	<b>130,89,890</b>	<b>193,77,933</b>
1983-84	Direction and Administration	43,67,165	21,19,567	64,86,732
	Research	5,63,934	89,156	6,53,090
	Education and Training	6,24,438	7,37,720	13,62,158
	Inland Fisheries	6,32,807	39,40,664	65,76,471
	Processing, Preservation and Marketing	2,26,428	1,20,120	3,46,548
	Tribal Area . . . . .		22,13,343	22,13,343
	Sub-Plan			
	Other Expenditure ...		92,25,524	92,25,524
	<b>Total</b>	<b>84,14,772</b>	<b>184,49,094</b>	<b>268,63,866</b>
1984-85	Direction and Administration	47,34,717	20,26,950	67,61,667
	Research	7,27,354	2,10,177	9,37,531
	Education and Training	8,88,602	15,63,499	24,52,101
	Inland Fisheries	28,89,795	135,90,206	164,80,001
	Processing, Preservation and Marketing	2,52,774	1,54,242	4,07,016
	Tribal Area . . . . .		109,06,634	109,06,634
	Sub-Plan			
	Other Expenditure...		5,55,000	5,55,000
	<b>Total</b>	<b>94,93,243</b>	<b>290,06,708</b>	<b>384,99,950</b>

## Abstract.

<u>Year</u>	<u>Non-Plan</u>	<u>Plan</u>	<u>Total</u>
1980-81	53,62,351	76,84,854	130,47,205
1981-82	58,92,614	101,55,305	160,47,919
1982-83	62,88,043	130,89,890	193,77,933
1983-84	84,14,772	184,49,094	268,63,866
1984-85	94,93,243	290,06,708	384,99,950
Total	354,51,023	783,85,851	11,38,36,873

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

5. The potentialities of receiving substantial amount of revenue from the Fisheries of the State have been impaired for non-adherence to the provisions made for settlement of the Fisheries. The Rules for the settlement of Fisheries framed under the Assam Land Revenue Regulation, 1886 and Indian Fisheries Act, 1897, provide that no Fishery shall be settled otherwise by sale by tender system. But by an amendment made in 1976 to these Rules, the Government empowered itself to settle any Fisheries otherwise by tender system portedly to confer benefit to the co-operatives constituted by fishermen. Taking advantage of this amendment the spirit and objects of the Regulation of 1897 have been substantially eroded away. The extent to which the mischief has been caused can be evident from the following fact:

(a) It is on recorded that in last five years Fisheries settled through regular tender and settled directly are 301 and 338 respectively, as on 1st April 1988. District/Sub-divisionwise break up is quoted :

<u>Name of District/Sub-Division</u>	<u>By tender</u>	<u>By direct</u>
1. North Lakhimpur	7	8
2. Dhemaji	5	14
3. Gossaigaon	3	23
4. Nagaon	38	23
5. Dibrugarh	11	16
6. Udalguri	1	-
7. Tezpur	1	7
8. Goalpara	13	32
9. Karimganj	29	7
10. Majuli	6	7
11. Jorhat	3	6
12. Mangaldoi	8	11
13. Biswanath Chariali	-	2
14. Silchar	76	74
15. Hailakandi	10	3
16. Abhayapuri	2	1
17. Barpeta	18	16
18. Guwahati	10	13
19. Sibsagar	5	9
20. Hamren	2	-
21. Nalbari	7	9
22. Morigaon	14	59
23. Jonai	-	2
24. Tinsukia	5	9

Total 301 Nos. 338 Nos.

(b) 57 numbers of fisheries have been given more than one extension in last five years.

(c) 87 numbers of fisheries have been found to be on continuous lease for more than 5 years as on 1st April 1988. District/Sub-Divisionwise break-up is as follow:

1. North Lakhimpur	3 nos.
2. Dhemaji	5 nos.
3. Nagaon	3 nos.
4. Tezpur	4 nos.
5. Majuli	1 no.
6. Jorhat	24 nos.
7. Mangaldoi	2 nos.
8. Hailakandi	3 nos.
9. Barpeta	5 nos.
10. Guwahati	1 no.
11. Sibsagar	14 nos.
12. Tinsukia	6 nos.
13. Marigaon	12 nos.
14. Jonai	1 no.

Total 87 nos.

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

<u>Name of Fisheries</u>	<u>Period lease</u>	<u>Stipulated Amount lease</u>
1. No. 28 Garanga, Garsang, Morigaon	For 20 (twenty) yrs. W.E.F. 1.4.80	Rs. 39,120/- (for 1980-81 to 1984-85) Rs. 46,944/- (for 1985-86 to 1989-90) Rs. 56,331/- (for 1990-91 to 1994-95) Rs. 67,600/- (for the year 1995-96 to 1999-2000)
2. No. 69 Rupahi,	For 9 years W.e.f. 28.4.88.	Rs. 15,430/- per annum
3. No. 74 Barpatali Bhatiakhil Nagaon.	For 8 years W.e.f. 1.4.88	Rs. 5,494/- per annum
4. No. 13 Nanoi Fishery, Nagaon	For 9 years W.e.f. 1.4.85	Rs. 29,194/- per annum
5. No. 93 Borghuli Min Mahal, Nagaon	For 9 years W.e.f. 1.4.85	Rs. 12,600/- (for 1.4.85 to 31.3.88) Rs. 15,000/- (for 1.4.88 to 31.3.91) Rs. 20,000/- (for 1.4.91 to 31.3.94)
6. No. 75/195 Khudi-mari beel Fishery, Dhubri.	For 10 years W.e.f. 1.4.89	Rs. 1,117/- per annum
7. Songkong Group Fishery Dhubri	For 10 years w.e.f. 1.4.82.	Rs. 39,050/- (For 1.4.82 to 31.3.87)
8. Dehing Pt. I Fishery, Dibrugarh.	6.6.79 to 30.6.82 1.8.82 to 31.3.90	Rs. 26,654/- Rs. 53,310/-
9. Dehing Pt. II Fishery, Dibrugarh	1.4.80 to 31.3.83 1.4.83 to 31.3.86 1.4.86 to 31.3.89.	Rs. 9,000/- Rs. 9,900/- Rs. 10,890/-

10. Dehing Pt. III Fishery, Dibrugarh	1.4.80 to 31.3.83 1.4.83 to 31.3.86 1.4.86 to 31.3.89	Rs.19,523/- Rs.21,476/- Rs.22,550/-
11. Sessa River, Dibrugarh	16.9.79 to 31.3.83 1.4.83 to 31.3.89	Rs.1,65,000/- Rs.1,68,300/-
12. Desanjan, Dibrugarh	1.4.80 to 31.3.83 1.4.83 to 31.3.86 1.4.86 to 31.3.89	Rs. 8,980/- Rs.9,431/- Rs.10,375/-
13. Garudharia Fishery Dibrugarh	1.4.83 to 31.3.86 1.4.86 to 31.3.89	Rs.17,904/- Rs.18,808/-
14. Brahmaputra Pt.III IV, V Fishery, Dibrugarh.	1.5.84 to 31.3.87 1.4.87 to 31.3.90	Rs.1,09,725/- Rs.1,20,698/-
15. Khowang Borbeel, Dibrugarh.	1.8.82 to 31.3.85 1.4.85 to 8.8.86 10.8.86 to 9.8.89	Rs.35,500/- Rs.39,050/- Rs.44,908/-
16. Bhakatdahikur Badulikur, Dibrugarh	1.8.82 to 31.3.87 1.4.87 to 18.5.90	Rs. 5,500/- Rs. 6,353/-
17. Dhalnadi Fishery Lakhimpur	1.4.82 to 31.3.85 1.4.85 to 31.3.88 1.4.88 to 31.3.90	Rs.64,505/- Rs.64,505/- Rs.67,730/-
18. Sumdiri Bhogmon- scla fishery Lakhimpur	1.4.79 to 31.3.82 1.4.82 to 31.3.85 1.4.85 to 15.2.86 1.4.86 to 31.3.89	Rs.18,901/- Rs.19,100/- Rs.17,629/- Rs.16,125/-
19. Ujan Luhit Kherkatia Suti, Lakhimpur	1.4.79 to 31.3.83 1.4.83 to 31.3.84 1.4.84 to 31.3.86 1.4.86 to 31.3.89	Rs.10,785.50 Rs.13,051/- Rs.13,704/- Rs.15,075/-
20. Dhuliduar Mahara Fishery, Lakhimpur	1.4.81 to 31.3.84 1.4.84 to 31.3.87 1.4.87 to 31.3.90	Rs.21,525/- Rs.23,678/- Rs. 24,862/-
21. Ghagor Fishery, Lakhimpur	1.4.83 to 31.3.86 1.4.86 to 31.3.90	Rs.60,627/- Rs.66,690/-
22. Bihmpara Fishery Lakhimpur	1.4.79 to 31.3.85 1.4.85 to 31.3.88 1.4.88 to 31.3.90	Rs.14,888/- Rs.38,330/- Rs.38,330/-

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

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

6. The Committee feels that it is high time to make a comprehensive study of the situation that has arisen due to the amendment made in 1976 empowering the Government to give direct settlement. No doubt, in the evolving pattern the State is losing substantial revenue, but whether the benefit meant for fishing communities at large is proportionate to the revenue loss sustained and plan money spent need be examined. From many audit objections and enquiries made subsequent thereto, a great deal of clouds is cast over the nature and role of the so-called Fishery Cooperatives as well as the nexus that exist between the leasing Authority and the Fishery Cooperatives involved.

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

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

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

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

---

## CHAPTER - I

## LOSS DUE TO DIRECT SETTLEMENT

(Audit Para 5.5. of the Report of the C.A.G(R/R) for 81-82.)

1.1.1. Under the provisions of the Rules for settlement of Fisheries, 1953, no fishery could be settled otherwise than sale by tender system. By the amendment of 1976 (Annexure - II) the State Government empowered itself to settle any registered fishery, otherwise than under tender system, with a Fishery Cooperative Society formed for the purpose 'with 100% actual fishermen of fishing population in the neighbourhood of the fishery concerned and belonging to Scheduled Caste' at a revenue calculated and for a period as may be decided by the State Government from time to time.

1.1.2. It has been pointed by the Accountant General Assam "It was seen in audit (November-December 1978) of the records of the Sub-Divisional Officer, Dhemaji that Sela Sarikaria Fishery was settled under tender system with the Bengenaati Min Silpa Samabai Samity for the period 1st April 1974 to 31st March 1975 at an annual revenue of Rs. 1,61,111. On expiry of the settlement period, the fishery was directly settled by the Government with the same lessee for another term of two years from 1st April 1975 to 31st March 1977 for the same amount of annual revenue by virtue of the powers referred to in the above paragraph. Thereafter, the fishery was again settled in May 1977 directly by Government with the same lessee for another term of three years from 1st April 1977 to 31st March 1980 at a reduced annual revenue of Rs.1,19,707. There was no record to show why the annual revenue calculated for these three years should be less than that for 1974-75, despite the increase of prices since then. There was also nothing on record to justify the grant of the lease for three years at a stretch instead of the normal period of one year. This action of the Government resulted in reduction of total revenue of Rs.1,24,212 in three years' term of settlement. The case was reported to Government in July 1979; their reply awaited till May, 83.

1.2.1. The departmental reply on this Para reads:

"The Sela Sarikaria Fishery in Dhemaji Sub-Division

was settled under Tender system for the period from 1st April 1974 to 31st March 1975. The Fishery was directly settled by the Government for a period of 2 (two) years from 1st April 1975 to 31st March 1977 at an annual revenue of Rs.1,61,111.00. The Fishery was also directly settled by the Government for a period of 3 (three) years from 1st April 1977 to 31st March 1980 at an annual revenue of Rs.1,19,707.00. For this period the Fishery was settled at annual revenue equal to average of last 5 year's revenue as per decision of the Government vide Cabinet decision dated 28th March 1976.

1.2.2. The records of annual revenue for the fishery for five years prior to settlement in 1st April 1977 to 31st March 1980 was not available in this office, Sub-Divisional Officer, Dhemaji has been requested to furnish the same meeting the audit objection and the same is yet to be received by Department and it will be submitted to the Comptroller and Auditor General of India in due course."

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

1.2.4. During the hearing, the Committee enquired as to whether the lease in question was with a cooperative society, the circumstances which necessitated the lease matter to go to the Cabinet. The Departmental witnesses could not substantiate their case with relevant records at the time of hearing. When they sought for time, the Committee allowed 3 weeks time but no reply was made available. It would be of some interest to quote the proceedings of the Public Accounts Committee Meeting of 24th October 1986

to understand the casual manner in which Government Departments put up appearance at the time of hearing and then committing themselves, to positions to which they are unable or unwilling to follow up, subsequently:

The proceedings of the Public Accounts Committee Meeting dated 24th October 1986:

Mr. Chairman: Under what circumstances the Government decided to settle the fisheries to the same party as pointed out by the A.G.?

Secretary, Fishery: It was decided at the Cabinet level. The proposal was approved subject to annual revenue being fixed on the basis of average of last 5 years' revenue and this be converted for a period of three years. This was the decision in the Cabinet

Mr. Chairman: Was there any Cabinet memorandum ?

Secretary, Fisheries : Yes.

Shri B.K. Basumatari: What is the present position? Has it been resorted to again and the same thing is repeated again ?

Secretary, Fisheries: It is generally settled for three years.

Shri B.K. Basumatari: This is pertaining to 1977-80 Government decision was for three years. Subsequently what happened ?

Secretary, Fishery: After the expiry of 1980 perhaps new rate was fixed.

Mr. Chairman: Whether a single fishery has been referred to Cabinet or whether Cabinet made a policy decision reg. fisheries ?

Secretary, Fisheries: This was for a single year for a single fishery.

Shri B.K. Basumatari: We are dealing with the year 1981-82. The Cabinet decision refers to period 1977-80. We want to know what happened between 1980-82 the period under question.

Secretary, Fisheries: It has been settled a new.

Mr. Chairman: Have you got a copy of the Cabinet decision here ?

Secretary, Fisheries: Yes (The Cabinet decision was shown to the Chairman for perusal). Generally fisheries which are settled at Dispur by the Government is for the Cooperatives not to others. Settlement with individuals are done at the D.C's level.

Mr. Chairman: You want to say that this Cabinet decision was made for a particular fishery and not a general decision?

Shri B.K.Basumatari: Was this fishery a cooperative fishery ?

Secretary, Fisheries: Records are not available here to show whether it was settled with a cooperative when it was settled with that party. That we will have to trace out. I can trace it out within a week.

Mr. Chairman: This was a policy decision not for a particular fishery. On the basis of this Settlement was given.

Shri B.K.Basumatari: Whether this fishery is a cooperative fishery we want to know.

Secretary, Fisheries: I think it is a cooperative fishery.

Mr. Chairman: Nothing should be said in assumption. Be sure about it whether this was a Cooperative fishery or not.

Shri Ganesh Kutum: You cannot furnish anything what happened to this fishery- after 1980 to whom it has been settled with and what procedure has been followed you have not been able to submit.

Shri B.K.Basumatari: The second para says that 'Sela Sarikaria Fishery was settled under tender system with the Bengenaati Min Silpa Samabai Samity. So, Sela Sarikaria Fishery was not a cooperative

society fishery but it was given settlement with the Bengenaati Min Silpa Samabai Samity. It is not clear to me. I am afraid this is very much against the norms. This settlement was given in violation of the existing rules and regulations. It seems the cabinet took a decision but whether the Department objected to this kind of settlement ?

Mr. Chairman: You can give the details later on. By which date you can give it ? About what was the recommendation from the Secretary or the Department ? Whether the Department recommended or objected to it ?

Secretary, This I shall have to find out.

Fishery:

Mr. Chairman: Within 10 days or 15 days ?

Secretary, Within three weeks.

Fishery:

Observations and Recommendation.

1.3.1 It would be evident from the proceeding quoted above that in case of Para 5.5/CAG 1981-82(R.R.) that no record what-so-ever could be produced before the Committee as was the case with Para 5.4/C.A.G. 83-84(R/R). The earlier case referred to the Dhemaji administration and later to Barpeta but the manifestation or non-availability of relevant records is same with the both. Had these been isolated episodes, the issue of non-availability could be treated as exceptions. But when the malady is found to be common feature, the Committee cannot but infer that the settlement of fisheries in our State is now-a-days done in such a 'fishy manner' that in face of any independent probe the records of necessity have to disappear to avoid unearthing of malafide transactions. The necessity of Public Accounts Committee probe into the expenditure of the State was introduced by our legislators in their wisdom to keep legislative check over executive spending. The absence of relevant papers would naturally make any probe infructuous resulting in sheer waste of time and energy. It is already becoming evident that the legislative supervision over the executive expenditure through the

financial Committees of the legislature are virtually whittled down due to multifarious reasons. To make the function of the P.A.C. meaningful for the purpose for which it is constituted both the Executive and the Legislative Committees are to function in harmonious cooperation. The Executive is required to see that its records of transaction are kept in a systematic manner so that these can be produced as and when found necessary, not by the Audit or Legislative Committees alone but by any authorised body either Legislature or Executive, Judicial required to go through the Governmental records. It is high time that the Government may issue strict instructions for keeping the relevant records which become the subject matter of the A.G. Audit on a special category and that these can be disposed of only by orders passed at the highest level. The view of the Govt. and the action taken in this respect may be intimated to the Committee within 3 months of the presentation of this Report. Communing to another aspect of the topic under Scrutiny, one interesting point has cropped up. The Amendment of the Fishery Rules in 1976 was made to enable the Government to settle revenue fishery directly. The Amendment also provided for the machinery to be deployed in processing this type of lease. The relevant provision is :

"Not more than 60% of the Registered Fisheries are Settled directly with the Registered Fisheries Co-operative Societies Ltd. operating near the concerned Fishery. In such cases the decision about the Fishery Co-operative Societies with whom a Fishery is to be settled and also the annual revenue of that Fishery are determined at the level of Government. With the approval of Minister/Minister of State Fisheries. These decisions are communicated to the respective Deputy Commissioners/Sub-Divisional Officers for execution of the lease deed and realisation of revenue at their level."

(b) The remaining 40% of the Registered Fisheries [(not covered by (a) above)] are settled by the respective Deputy Commissioners/Sub-Divisional Officers by inviting tenders. In such case the State Government in Fisheries

Department do not come into the picture at all except when petitions are received from the lessees for extension of lease under certain circumstances or when the lessees pray for remission beyond the Financial power of Deputy Commissioners/Commissioner of Divisions.

1.3.2. In view of the above administrative arrangement what was the necessity to refer the matter to the State Cabinet for decision ? The State Cabinet is generally involved in the matters of policy decision. When the matter could be determined at the level of Government with the approval of Minister/Minister of State Fisheries 'it is but natural to seek some clarification on this point. It is evident from the records that only the case of Bengennati Min Silpa Samabaya Samity became the subject matter of the Cabinet discussion. The A.G. commented : "There was also nothing on record to justify the grant of lease for three years at a stretch instead of the normal period of one year." Whether this lease matter was sent to the Cabinet to confer legal sanction to a lease which involves extension beyond one year? In the instant case, the lessee was found to be given settlement from 1974 onwards, viz. from 1st April, 1974 to 31st April, 1975, settlement was by tender system; from 1st April, 1975 to 31st March, 1977 direct settlement for 2 years by the Government and from 1st April, 1977 to 31st March, 1980 direct settlement for 3 years by the Government at the Cabinet level. It is also interesting to note that this extension business cropped up just after the Amendment of 1976. This unusual interest in one fishery cooperative needs to be probed when the antecedents of this cooperative is also not clear on records.

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

Non-recovery of Fishery Dues  
(Audit Para 7.4 of the Report of C.A.G. (R/R) for 1982-83

2.1.1. According to the Rules for Settlement of Fisheries, 1953 and the terms of lease deed, a lessee, with whom the settlement of a fishery is made, shall pay the settled price in instalments within the prescribed dates. In case of default, the fishery shall be to re-sale under tender system at the risk of the original lessee and arrears shall be recovered as arrear of land revenue.

2.1.2. The Audit objection as incorporated in Para 7.4/C.A.G. 1982-83(R/R) reads:

"It was seen in the audit (September 1982) of records of the Sub-Divisional Officer(Civil), Morigaon that a fishery was settled on 16th June, 1979 with a successful tenderer at an annual price of Rs.31,879/- for the period 1st April, 1979 to 31st March, 1982. The lessee deposited Rs.16,188 and between June 1979 and May, 1980 (security: Rs.3,188 and Kist money: Rs.13,000/-) and thereafter defaulted in payment of remaining kists. The fishery was put to re-sale and was settled on 23rd June, 1980 with another tenderer at an annual price of Rs.29,500/- for the period from 23rd July, 1980 to 31st March, 1982 rejecting the highest tenderer who offered annual price of Rs.35,275/-. On an appeal from the highest tenderer, the Board of Revenue stayed (August 1980) the settlement. Meanwhile, the original lessee also filed (31st July, 1980) an appeal to the Board against the settlement of fishery on re-sale on the ground that the original settlement with him was not formally cancelled nor was he given a reasonable opportunity for clearing up arrears. The Board of Revenue allowed (July, 1980) the appellant(original lessee) fishing right until further orders on his depositing Rs.6,000/- (deposited on 4th August, 1980) In October 1980, the Board asked the settlement authority to proceed with settlement of fishery under regular process and accordingly the fishery was again settled (November 1980) with another tenderer (for Rs.3,010/-) for a short period from 8th October, 1980 to 12th November, 1980. Against this settlement also the original lessee appealed to the Gauhati High Court which directed (21st October, 1980) the settlement

authority to allow the appellant to continue fishing on usual terms and conditions. However, the lessee failed to pay the balance amount of Kists of Rs.73,449/- due upto 31st March, 1982, even though he continued fishing beyond the expiry date of the original settlement viz. 31st March, 1982.

The dues amounting to Rs. 73,449/- still remained to be recovered ( September, 1982).

The matter was reported to Government in July 1983; their reply is awaited ( December 1983).

2.2.1 The written reply on the audit Para submitted by the Department reads :

" This audit report relates to the Fisheries settled by the S.D.O. (C), Morigaon under tender system. In this connection A.D.C., Morigaon has furnished a report vide his letter NO.MRF(A)6/87/5, dated 6/6/1987 from which it appears that an amount of Rs. 73,448.55 still remains to be recovered, It has also been informed that necessary steps are being taken by the A.D.C., Morigaon for early realisation of the arrear dues from the defaulter.

A.D.C., Morigaon has also been telegraphically directed to take all necessary steps for realisation of the arrear dues expeditiously".

#### OBSERVATIONS AND RECOMMENDATIONS.

2.3.1 Para 7.4/C.A.G. Report 1982-83(R/R) is one more example of Governmental inaction to realise its dues. A sum of Rs. 73,449.00 found to be due on account of non-payment of Kist-money by the Audit by September, 1982 and referred the matter to Government by July, 1983, incorporating in the Inspection Report/Audit Report. Not to speak of any action taken in pursuance thereof, no 'first reply even was sent to A.G. till December, 1983 intimating whether any action was taken or being taken to meet the Audit Objection raised. Naturally, the subject matter under discussion became part of the C.A.G. Report for 1982-83 (R/R) and presented to the House on 3.9.84.

Even after the presentation of the Report the Government did not state its case to the Public Accounts Committee within the usually stipulated period of 3 months by which

the Departments are to send their replies in respect of audit objections raised in C.A.G's Report. This norms of sending replies to the Committee within 3 months from the date of presentation to the House is very rarely adhered to. The Committee is yet to find a single instance when the concerned Department did send the reply within the usual period of 3 months. The Departmental reply generally surfaces only when the date of hearing of the concerned audit Para is fixed by the Public Accounts Committee. In most cases, it is found that the Departments are making some efforts to meet the audit objections only after the receipt of the notices of P.A.C. for the hearing.

2.3.2. In the instant case the only record that the Department produced in support of their attempt to realise the dues is a letter of the A.D.C., Morigaon bearing No.MRF(A)6/87/5, dated 6.6.1987 which conveyed the dismal informa that the sum to be realised since 1982 is yet to be realised. It is of interest to note that the P.A.C. meeting fixed for hearing the subject matter was 12.6.1987. It can be inferred that the letter of the A.D.C. Morigaon referred to above is the direct reaction of the hearing date of the P.A.C.

2.3.3. The proceedings of the P.A.C. Meeting dated 12.6.1987 would show that the departmental position in the matter of realisation of the dues remained as it was in 1982. The relevant portion of the proceeding under reference is quoted :

Chairman : (Shri A.M. Choudhury) What is the latest position? Why no action has been taken? Everyone is unhappy over the matter. Letters have been written and the same have been filed. What are the steps on this Para for action taken? No reply was received and no action was taken, against the S.D.O., Morigaon. Now can the P.A.C. feel satisfied over the matter?

Secretary, Fishery : An amount of Rs.73,448/- still remained to be recovered on this Fishery. Report has also been received stating that the defaulter is brought to task in time. However, it is informed that necessary action is being taken against the defaulter (reading from file).

Chairman : Has the action been started ?

Secretary, Fishery : I have asked for the explanation.

Chairman : After all, no one has been entrusted to deal with the audit objections. When A.G. conducted audit ?

Secretary, Fishery : Audit has been done in 1983.

Chairman : Only letter to S.D.O. to reply on the matter took two years' time ?

Shri Basumatary : Sir, that is the responsibility of the person who is supposed to follow-up this matter. Why he has not followed ?

Secretary, Fishery : Sir, we will follow up the matter within one month we will let you know the follow-up action.

Chairman : Time is given with a view to find out. Let us know and that is all. Thank you.

2.3.4. The Committee cannot but feel unhappy looking at the dismal picture of the departmental inaction as emerged in connection with the scrutiny of this para also find that no reply as promised vide proceeding quoted above had been received by the Committee till the writing of the report. The Committee is of the opinion that some imperatives have to be applied to make the Government Departments to meet outstanding audit objections as found incorporated in the Inspection Reports of the A.G. and also sending their replies to the P.A.C. meeting the audit objections in the C.A.G. Report within 3 months of presentation to the House. In this connection the Circular of the Chief Secretary to the Government of Assam vide Annexure III may be referred to.

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

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

### CHAPTER-III

#### **LOSS ON RE-SALE OF FISHERIES.**

(Audit para 5.4 of the Report of the C.A.G. (Revenue Receipt) for 1983-84)

3.1.1. The provisions of the the rules for settlement of fisheries required that in the event of default in payment of the kist money or for violation of any of the conditions of the fishery lease by a lessee under the tender system, the fishery shall be put to re-sale at the risk and expense of the original lessee and the diference between the tendered amount and the amount realised at the subsequent sale, calculated on the basis of whole period of settlement, shall be realised from the defaulting lessee.

3.1.2. The audit has pointed-out that in Barpeta, four fisheries under the Sub-divisional Officer(Civil) were settled for a period of three years from 1979-80 to 1981-82 at an annual revenue of Rs.1,36,032. On default by the lessees in payment of Government dues, the fisheries were re-sold at their risk for the remaining period of settlement (1980-81 and 1981-82) at an annual revenue of Rs.65,124. But the differential value of the fisheries, amounting to Rs.2,77,848, calculated on the basis of whole period of settlement, had not been realised from the original lessees. On the omission being pointed out in audit(April 1982), the Deputy Commissioner, Barpeta stated (November 1983) that steps were being taken to realise the Government dues. Report on recovery is awaited (February 1985). The case was reported to Government in June 1983; their reply is awaited (February 1985).

3.1.3. The four fisheries involved in the foregoing para with their original bid value per annum and subsequent amount on risk-sole on default by the leasers are as under :-

<u>Name of the fisheries</u>	<u>Original bid value per annum</u>	<u>Amount fetched on Risk sole Per annum</u>
1. No.7-Bhelengi Fishery	Rs.19,591/-	Rs.4705/-
2. No.8-Nakhanda Fishery	Rs.16,101/-	Rs.7503/-
3. No.4-Parachuta Fishery	Rs.69,405/-	Rs.45,001/-
4. No.3-Pahumara Fishery	Rs.31,105/-	Rs.7,915/-

3.2.1. The details of the written memorandum submitted to the Committee by Fisheries Department as quoted below :-

(1) **No.4. Bhelengi Fishery (Barpeta)** - This Fishery was settled from 1st April 1979 to 28th February, 1982 at an annual revenue of Rs.19,591.00 with Sri Hema Kt. Das of village Era Bamundi, Barpeta. The settlement was made by the S.D.O. (Civil), Barpeta by tender system and the lessee deposited security money amounting to Rs.6,500.00 on 6th April, 1979. Then the sale was confirmed and lessee was given the right of fishing in the beel. The first kist was due on 15th December, 1979 and the second kist also due on 15th January, 1980. The lessee failed to pay both the kist money on scheduled dates. The fishery was put to resale on 26th February, 1980 at the risk of original lessee. The re-sale fetched revenue of Rs.4,705.00 per annum. The total amount realised after re-sale is Rs.9,410.00. The total differential amount to be realised from previous lessee, Sri Hema Kt. Das comes to Rs.49,153.00. The bakijai case was instituted on 18th October, 1984. The delay of instituting the bakijai case against defaulting lessee is being explained lateron. The security money has been forfeited to the State Exchequer.

(2) **No.8 Nakhanda Fishery** - This fishery was settled with Sri Bhotaram Das of village Patboushi for the period of 3 years commencing from 1st April, 1979 to 31st March, 1982 at an annual revenue of Rs.16,101.00 by the sub-Divisional Officer, Barpeta. The total

demand of Revenue of three years comes to Rs.48,303.00. The security money amounting to Rs.4,026.00 was deposited by the lessee on 4th February, 1979. When the lessee failed to pay the kist money the fishery was put to re-sale on 2nd April, 1979 at the risk of previous lessee. The re-sale fetched Rs.7,503.00. Thus the total amount of revenue collected in re-sale comes to Rs.15,006.00. The outstanding demand against the original lessee is Rs.33,297.00. The bakijai case was instituted for Rs.33,297.00 on 29th September, 1984. The Security money has been forfeited the State Exchequer.

(3) **No.3 Pahumara Fishery :** This fishery was settled with Shri Thaneswar Das of village Majkuchi of Barpeta district for the period of 3 years commencing from 1st of April, 1979 to 31st March, 1982 at an annual revenue of Rs.31,105.00. The total demand for the 3 years comes to Rs.93,315.00. The security money was deposited by the lessee on 26th February, 1980. The lessee failed to pay the kist money. Hence, the re-sale was made on 26th February, 1980 at an annual revenue of Rs.7,915.00. Thus the outstanding balance to be recovered from the previous lessee comes to Rs.77,484.25. The bakijai case was started against the original lessee on 29th September, 1984 for Rs.77,484.25.

(4) **No.4 Parachuta Fishery :** This fishery was settled with M/S Chinadi Fishery Co-operative Society of village Chinadi at an annual revenue of Rs.69,405.00 for the period of 3 years commencing from 1st April, 1979 to March 1982. The total demand for 3 years comes to Rs.2,07,915.00. After getting settlement the said Society deposited security money amounting to Rs.7001.00 on 5th April, 1979. The society failed to pay kist money and as such the fishery was re-sold on 30th September, 1980 at an annual revenue of Rs.45,001.00 with the Saruchenga Fishery Co-operative Society. Against the re-sale the original lessee filed appeal before the Assam Board of Revenue. M/S Saruchenga Fishery Co-operative Society was fishing for the period from 30th September, 1980 to 7th September, 1981 for a period of 11 months 8 days. For this period the revenue realised was Rs.42,250.94. During the pendency of revenue appeal one Co-operative Society namely Borvilla Khelua Fishery Co-operative Society was given fishing right till the disposal of revenue appeal at an revenue of Rs.376.00. After that

the Government settled this fishery with Sri Suresh Halda, Secretary of Kapahua Fishery Co-operative Society for 3 years commencing from 1981-82 to 1983-84 at an annual revenue of Rs.1,02,225.00, as the validity of first sale was till 31st March, 1982. The original lessee was given the benefit of 5 months' 23 days calculating from 8th September, 1981 to 31st February, 1982. The sale value for this period as per latest sale comes to Rs. 49,172.94. This benefit has been derived by the defaulting original lessee.

In this way the total differential amount realisable from the original lessee M/S Chinadi Co-operative Society is Rs. 1,16,115.12. One Sri Prabhat Ch. Das was the Secretary of Chinadi Co-operative Society during the period of settlement. The bakijai case was instituted against Sri Prabhat Ch. Das. But he took the plea that he had resigned from the secretaryship of Chinadi Co-operative Society. The said Co-operative society in their meeting held on 26th June, 1979 appointed one Sri Sarupal Das as Secretary. Now the bakijai case is started against Sri Sarupal Das.

In all these cases the security moneys realised at the time of settlement have been forfeited to the State. The bakijai case have been started late by the District Authority. As per the explanation given by the Addl. Deputy Commissioner, Barpeta that the institution of bakijai case was delayed due to Assam agitation leading to the officers to maintain Law and order duties in most of the time. As a result, the officer incharge of the Bakijai Branch found late.

3.2.2 The Committee took evidence of the Fishery Department on 9th March, 1988. The Secretary, Fishery Department apprised the Committee that necessary papers would be available with the Deputy Commissioner, Barpeta and hence a spot study tour was undertaken to Barpeta on 9th June, 1988. But the matter could not be pursued by the Committee on the spot for the inability of the D.C., Barpeta to produce relevant records though intimation given earlier. The D.C. was then asked to produce all relevant records at the time of next meeting of the Committee. The Committee feels that the extract of the proceedings of the hearing on 9th March, 9th June, and 2nd July, 1988 need to be quoted for proper appraisal of the issues involved in Para 5.4 of C.A.G's Report 1983-84 (R.R.).

(A) Proceedings of the meeting on 9th March, 1988.

Mr. Chairman- What is the present position of realisation of the dues ?

Secretary Fisheries:- In this para four fisheries are involved. They are No. 7 Bhelengi Fishery (Barpeta), No.8 Nakhanda Fishery, No.3 Pahumara Fishery and No.4 Parachuta Fishery. Lot of money is yet to be realised from all the fisheries.

Mr. Chairman :-

It has been observed from your reply with regard to No.7 Bhelengi Fishery that the fishery was sold in 1982 at an annual revenue of Rs.19,591.00. But on resale it fetched an amount of Rs.4,705/- per annum. What was the reason for fall in revenue ?

Secretary Fisheries :- I think that was the highest bid It may be that previous bid was too high.

Mr. Chairman :-

Same thing has happened to the second fishery i.e., No.8 Nakhanda Fishery. It was sold at Rs.16,101. But when the lessee failed to pay the kist money, you put it on resale and it fetched only Rs.7,503/- per annum. From Rs.16,000/- it came down to Rs.7,000/-.

Again in case of No. 3 Pahumara Fishery the revenue came down from Rs.31,105/- to Rs.7,915/- and in case of No.4 Parachuta Fishery it came down from Rs.69,405/- to Rs.45,001/-. I have not seen such type of things. We shall have to make an on the spot enquiry. The position is really deplorable. Have you examined what had actually happened at that time ?

Secretary Fisheries- The papers are available with the D.C. It will be difficult to get the papers from D.C. unless personally visited.

শ্রী দুর্গাদাস বড়ো :- চেটেলয়েন্ট কোনে দিয়ে ?

সচিব :- ডি চিয়ে দিয়ে ।

চেয়াবয়েন :- সেই সময়ত ডি চিয়ে ভা নাছিল নে ?

ইমান কামত চেটেলয়েন্ট দিলে আনতি আহিব পাৰে বুলি । এই ঘটনাটো কেবল বৰপেটাতেহে ঘটিছে । অন্য কোনো ঠাইত ঘটা নাই । সেই কাৰণে আমি তালৈ এই কথাটো চাবৰ কাৰণে যাব নাগিব ।

সচিব :- বৈচক বৰপেটা চাকুইট হাউচত কৰিলে ভাল হব । কাৰণ তাত কৰিলে কোনোবাই কিবা কাগজ এৰি আহিলেও তাৰ অভাৱত আধৰা হোৱাৰ সম্ভাৱনা নাই কাৰণ তেওঁক সেই কাগজ জানিবলৈ সময় দিব পৰা হব । নামনিৰ অসম আফুতেইও তাত উপস্থিত থকা ভাল হব ।

চেয়াবয়েন :- সচিবে কোৱা কথাখিনি ভাল হৈছে ।

সেইমতে কৰিলে আমি লাভৱান হব পাৰিম ।

বৰপেটা চাকুইট হাউচত বহিলেই আমি সকলো তথ্যপাতি পাম ।

Mr. Chairman :- We shall have to go to Barpeta and visit the fisheries and inspect the records we fix up a date for this visit.

## (B) Proceedings of the meeting of 9.6.88 at Barpeta:

D.C. :- First sale was in 1979-80 : প্রতিটো চেল

নটিচতে ১১৭৯-৮২ চালে চাৰিটা ক্ৰমাউন্ট  
কিলয়াৰ আছে ।

চেয়াৰমেন :- চাৰিটোনেই পাইছে নে ?

উপায়ুক্ত :- চাৰিটোনেই পাইছে । তাৰ ভিতৰত এটা  
সমস্যায় সন্নিবিষ্ট আছে । আপি জনাসতে  
এজন ক্ৰমপায়াৰ হৈছে আৰু এজন মানুহেই নাই ।

চেয়াৰমেন :- প্ৰথম বছৰটো নিশ্চয় পাইছে । পহিলা  
বছৰত কিষ্ট মানি চাৰিটোনে কিমান দিলে ?

D.C. :- Kist money was deposited.

শ্ৰী বিনায় খুংগুৰ বসুমতাৰী :- একে দিনাই নটিচ আৰু একে  
দিনাই চেনদাৰ লৈছে নেকি ?

When sale notice was issued?

D.C. :- Sale notice was issued before 31st March, 1979.

শ্ৰী বিনায় খুংগুৰ বসুমতাৰী :- তেনেকৈ কলে নহব ।  
হয় নে নহব ? ভালকৈ বুজাই দিয়ক । চে.  
নটিচৰ দ্বি প্ৰটিটিউৰ তাক মানি লৈছিল  
নে ?

উপায়ুক্ত :- বেকৰ্ডমতে দেখা যায় যে চেল নটিচৰ  
যি প্ৰটিটিউৰ তাৰ গোটেইখিনি কৰা হৈছে ।

বহিৰ্দল হক :- আপোনালোকে কম্পেৰেটিভ  
স্টেটমেন্ট নবনাই নেকি ?

উপায়ুক্ত :- বনোৱা হয় । তাৰ পৰা বেজিফটাৰত  
উঠোৱা হয় । সেই বেজিফটাৰখন মোৰ  
নগতে আছে । স্টেটমেন্ট হয়তো কৰবাত  
আছে ।

Shri B.K. Basumatary :- Who are the tenderers ?

Chairman :- It was opened on 30th March, whether it was settled on the same day.

D.C. :-  
 No. 7. Bhelengi Fishery - 6 tenderers.  
 No. 8. Nakhanda Fishery - 7 "  
 No. 3. Pahumara Fishery - 5 "  
 No. 4. Parachuta Fishery - 7 "

Chairman :- Whether the highest tenderer got the settlement ?

D.C. :- No. 7 Bhelengi Fishery was settled with Shri Hem Kanta Das who paid Rs.6,500/- as security money. The rest of the money was to be paid as Kist as per rules.

Chairman :- Who was the then S.D.O. ?

Shri B.K. Basumatary :- The provisions of the rules for settlement of fisheries required in that in the event of default in payment of the Kist money or for violation of any of the condition .....

Chairman :- We will now scrutinise who has got it and how he got it ? Whether there was any Appraisal Committee for settlement ?

D.C. :- We just formed a Committee.

Chairman :- Whether the Committee was there ?

D.C. :- Settlement Advisory Board was constituted.

Shri B.K. basumatary :- Highest bidder is alright. Our problem is whether this highest bidder was a defaulter or not ? Have you read Para 5.4 ?

Chairman :- Whether they have deposited any amount ? How many Kist money have deposited and definitely you have forfeited the security money ? Whether the procedure have been followed ? Whether he has deposited the first Kist money ? If so, what is the amount ?

Shri B.K. Basumatary :- What is the antecedents of this gentleman ? Was he a habitual defaulter ?

D.C. :- I have to check.

Chairman :- Why he was allowed to fishing for one year & which resulted huge loss to Government ?

D.C. :- He has not paid any Kist money.

Chairman :- Whether there is any provision that he should be allowed to fish without payment of Kist money ?

D.C. :- Normally he should not be allowed.

Chairman :- What about the security money ?

D.C. :- That have been forfeited.

Chairman :- He has been allowed to fishing for one year.

Director, Fisheries :- First Kist money was due on 15/12/1979. Second Kist money was due on 15/1/1980. Resale was made on 26/2/1980.

Chairman :- Whether any attempt was made to realise the first Kist ? Who reported the Government that he is a defaulter ? There was no attempt to realise the first Kist money. He was allowed to fishing for one year after payment of Rs. 6,500/-

উপায়ুক্ত : এই মানুহবিলাক বে-নাযী ।

কেইজনমানক ঘৰতে বিচাৰি পোৱা নাই ।

শ্ৰী বহিদ্দুল হক :- ফাইনেঞ্চিয়েল চাউণ্ডনেচ  
প্রমান পত্ৰ কোনে দিছিল ?

উপায়ুক্ত :- কোনে দিয়ে নাজানো ।

Shri B.K. Basumatary :- You are incharge of the District. You are not only to look after the law and order problem but also you are to look after the exchequer of the State. How can a responsible D.C. or S.D.O. allowed this sort of things? We are now to find out the real culprit.

- Chairman :- Even in your administration you find that many bakijai cases are pending.
- D.C. :- 25% of one year's revenue on or before 15th December, 50% of one year's revenue on or before 15th January and 25% of one year's revenue on or before 15th February.
- Shri B.K. Basumatary :- Was any notice issued by the D.C. ?
- D.C. :- Original file must have gone to the record room or otherwise must have been destroyed. During the agitation some other people were incharge and they were transferred to other places. We may try to find it out.
- Chairman :- Who was the S.D.O. at the time of settlement and at the time of resale ?
- D.C. :- On the date of settlement Shri P.C. Sarma was S.D.O. and at the time of resale Shri Biswakarma was the S.D.O.
- Chairman :- You could not realise anything from the four defaulting parties. What attempt has been made from your end ?
- D.C. :- On 19.10.84 bakijai cases were instituted.
- Shri B.K. Basumatary :- What is the position ?
- D.C. :- He was not there on the spot according to report.

শ্রী বিনয় হা :- ফাইনেচিয়েল ডাটিকমেন্ট  
S.D.C., S.D.O ই দিব নাহে ।

কোনে দিছিল ?

উদ্যুক্ত :- বাবী ডাই কেচব নটিচ দি ফা হৈছে ।  
দিন্ত সেধা যায় দুই -একনব মাটি-বাৰী  
সকলটি বিমান আছে সেইখিনি নথেষ্ট  
নহয় ।

Chairman :- What is the position of the four bakijai cases ?

D.C. :- No. 7 Bhelengi fishery: the person appears to be absconding. No. 3 Pahumara fishery- he is also absconding. As per the report he has left for North Lakhimpur. No. 8 Nakhanda fishery- settlement holder has expired.

Shri B.K. Basumatary :- The procedure of tender is wrong.

শ্রী বহিদুল হক :- চার্টিকিৰেট দিয়া মানুহজনৰ  
নাগতহে বাৰবেণ্টে দিব লাগে ।

শ্রী আব্দুল হোচেইন জব্বাৰ :- ফাইনেলটিমেল  
চার্টিকিৰেট লোৱা কিবা প্ৰক্ৰিয়া  
আপোনালোকৰ আছে নে ?

উপাধক্ষক :- এই এইটো চাব লাগিব । কোনদৰে  
খোৱাৰ বিলাক জানিব দিছো ।  
দিব লাগে বুলি কৈ শেষে বুলত আছে ।

Director, Fisheries :- Clause 14 of the Sale Notice Rule.....

Chairman :- The Chairman read out Clause 14 of the Sale Notice Rule regarding financial soundness). Give us the comparative statement in the matter of resale. (The Chairman asked the D.C. to give a photo copy of the Sale Notice Rule). What about the comparative statement of the second sale ?

D.C. :- The papers are old. I tried to locate the papers. I should be allowed some time.

Chairman :- The revenue came down. We want to know about the second sale. Who were the

tenderers? We are more interested in resale.

Shri B.K. Basumatary :- If the record regarding resale is not available then the D.C. will have to make a statement that records regarding resale is not available.

Chairman :- On the commission being pointed out in audit (April, 1982) the D.C., Barpeta stated (November, 1983) that steps were being taken to realise the Government dues. Report on recovery is awaited (February, 1983).

The case was reported to Government in June, 1983; their reply is awaited (February, 1985).

So, We are also in the spot. We are not getting the relevant papers. You cannot also say that the highest bidder got the chance. Atleast some record should be there.

Shri B.K. Basumatary :- Why the paper is not ready? For this either you are to take action against your staff or we have to make comments against D.C. On 27th May, 1988. Public Accounts Committee visit was informed to D.C. So, now you have to take action against your staff.

Chairman :- Even settlement paper is not there, resale paper is not there.

D.C. :- I submit that some time will be necessary to trace out the paper.

Chairman :- After early lunch we will leave for Kachugaon.

D.C. :- Subdivisional Planning and Council meeting will be held today. Therefore, it is not possible.

Chairman :- Then you have to come to Dispur with relevant papers.

D.C. :- 10 days will be required to send the papers, So, the Committee could not proceed with the discussion. D.C. assured the Committee that he will personally supervise tracing out the papers and for this the Committee allowed 10 days time to D.C.

The Committee asked the D.C. to come to Dispur on 2nd July, 1983 to submit the following records :-

1. Photostat copies of Sale Notice Rules (three copies).
2. Photostat copy of Sale Notice(28.2.79).
3. Entire papers including comparative statement of resale and tender papers of both sale and resale.
4. Tender papers.
5. Agreement.

The Chairman then gave vote of thanks to D.C. and other officials of Fisheries Department for participating in the discussion.

(C) Proceedings of meeting of P.A.C. held on 2nd July, 1988.

Mr. Chairman :- During our discussion at Barpeta it was decided that the papers on resale of fisheries etc. which were not available then, D.C. Barpeta will make them available to the Committee today at Dispur so that the Committee could discuss the issue and proceed further in the matter.

Dy. Commissioner, :- I made a through search in the Barpeta office but could not trace out the tender, agreement and other connected papers on resale.

Mr. Chairman :- The main objection raised in the Audit Report is about the resale of the fishery where the Government incurred a huge loss. Now you have searched it out and no paper regarding resale is available. Can you say the reason for not finding out these papers in office?

D.C., Barpeta:- I cannot comment on this. Reasons are my surmise only. There may be two reasons. One may be that these papers might not have existed at all.

Mr. Chairman:- Do you mean to say that the S.D.O. given the order for resale arbitrarily?

D.C., Barpeta:- I found there was an entry in the Register. But whether the formalities for resale had been observed or not or how the S.D.O came to the decision, those records were not available in record. So it is very difficult on my part to comment on this.

Shri B.K. Basumatari : Can our learned Dy. Commissioner, Barpeta inform this Committee whether this sort of disappearance of Government papers from the file is the normal feature in his office?

Chairman :- As per Deputy Commissioner there may not be any disappearance. Fact is that there was no formality observed. Suo moto the then S.D.O. ordered for resale.

D.C., Barpeta :- I cannot comment on this. Point is that either the paper did not exist at all or these might had been destroyed along with some other records during the period of Assam agitation when the then D.C. was ordered to destroy some orders. That is also my surmise.

Mr. Chairman :- All the papers with regard to the first sale is there in the file. But resale notice and other paper relating to it is not there.

D.C., Barpeta :- We have not found these papers in the same file.

Shri B.K. Basumatary : I would like to draw the attention of the Committee to statement made by the Office Asstt. who was then dealing with this file. In regard to

5 (a) of the Standard notice the Asstt. said that a Kabuliati was executed in respect of the sale. If that be the case, where then goes the Kabuliati?

D.C. Barpeta :- I engaged the said Assistant also just to find out the papers. He also could not locate them.

Shri B.K. Basumatary : Will the D.C. amend his statement to the effect that it is not that the paper did not exist at all but it was a fact that these papers were subsequently removed because a person who was dealing with the file, he categorically stated that all the papers were in order.

D.C., Barpeta :- The Assistant to be in the safe side might have told this. But it is not a fact. In regard to a sale, execution of a Kabuliati is mandatory. So, he must have told that this mandatory provision was adhered to just to show that everything was in order then.

Mr. Chairman :- All the papers regarding first sale and resale should be in one file. Paper for first sale is there in the file but not the resale paper. You cannot also say that the paper relating to resale was destroyed nor you can say the then S.D.O. observed the required formalities.

Secretary, Fisheries :- All the papers in a file are page-marked. If any paper is removed from the file it can be detected.

Mr. Chairman :- Nobody pointed out to you that any paper is missing from the file?

D.C. Barpeta :- No, nobody.

Mr. Chairman :- So, it is better to close here. Thank you all; you may go now.

-----

OBSERVATIONS & RECOMMENDATIONS  
Para 5.4 C.A.G. of 1983-84 (R/R)

3.3.1. This case is one more example of the manner in which Government Departments treat the audit objection raised in course of test check of their accounts. In the instant case, the matter was examined by the Audit and objections raised were pointed-out in April, 1982 to which the Deputy Commissioner, Barpeta replied in November, 1983 that steps were being taken to realise the Government dues. The report on the extent of recovery was not furnished by the District authority till February, 1985. The case was reported to the Government in June, 1983 and no reply was given till February, 1985. Naturally, the case was made a part of the C.A.G.'s Report (R/R) for 1983-84 which was presented to the House on 18.7.1985.

3.3.2. The hearing relating to Para 5-4/C.A.G, 83-84 (R/R) came up for consideration on 9.3.1988. At this stage for the first time the question of non-availability of records came-up. Strangely enough, the Deputy Commissioner, Barpeta when asked to explain the reasons for non-availability of relevant records, stated that 'point is that either the paper did not exist at all or these might had been destroyed along with some other records during the period of Assam Agitation when the then D.C. ordered to destroy some papers. That is also is my surmise'.

3.3.3. The Committee is naturally at a loss to understand as to how and on the basis of what paper the audit could conduct the scrutiny of the accounts and based their objections relating to these losses. No doubt, some papers were in existence over which audit examination took place and objection formulated. Secondly, how Bakijai cases relating to the defaulting losses were instituted unless there were some records. The Committee cannot but hold that in between the audit of accounts and time of hearing, the relevant records were either lost or removed.

3.3.4. In course of hearing, the P.A.C. on all the three occasions took up the matter, first on 9th March, 1988, secondly during the spot study tour to Barpeta on 9th June, 1988 and finally on 2nd July 1988. All the attempts to find-out relevant records

relating to the issue found to be abortive. At the time of spot visit on 9th June, 1988 and hearing on 2nd July, 1988 many questions cropped-up relating to the manner in which the original settlement were made and in subsequent re-sale (risk-sale) involving these 4 fisheries. It is apprehended by some quarters that the P.A.C. probe might not remain confined to audit objections raised in respect of non-recovery of loss on resale of the fisheries from the defaulting lessees. Questions relating to the number of tenders. Rates quoted, antecedents of the tenderers, comparative evaluation made could become also the subject of probe. Naturally, some people might have thought it convenient to do away with the relevant papers. The same may be the fact in case re sale

3.3.5. The Audit was naturally concerned with the non-realization of loss on resale from the defaulting parties. In course of the hearing, questions cropped-up in relation to other substantial aspects. Firstly, when an attempt was made to find out the manner in which these four fisheries were settled. It was found that no paper was available with the District Authority except the Notice Inviting Tender (N.I.T.). The tender papers submitted by the parties, comparative statement made thereon, deed of agreements, (Kabuliat) financial soundness certificates etc., could not be produced, in respect of original sale and subsequent re-sale. During the spot study (on 9th June, 1988) the Deputy Commissioner, Barpeta Shri G. Bordolai, I.A.S was giving an impression to the Committee that he would be able to trace out the required records and accordingly sought for ten days time. But in the hearing on 2nd July, 1988 at Dispur he came forward with the submission that either the paper did not exist at all or these might have been destroyed during the period of Assam Agitation. The Committee is astonishing to note that some people think that if a somewhat plausible reply is furnished, the matter can be staged-managed as the P.A.C. may not have time to go deeper into it. In the instant case, an officer manned to run District Administration has acted casually in a matter relating to irregularities/illegality committed in respect of Government money. Even upto the date of appearing before the P.A.C. as to the existence of the related

papers he was not sure of his position. Not only that there was also a veiled attempt to conceal the irregularities by the District Administration. The Office Assistant dealing with the subject, at one stage stated that all the papers were in order when the question cropped-up in relation to execution of the 'Kabuliat'.

To show how Mr. Bordolai wanted to get-over the facts that transpired from the Assistant concerned, the Committee is constrained to quote once more the relevant portion of the discussion that took place between Hon'ble Member Shri Binai Khongur Basumatary and Deputy Commissioner Shri Bordoloi :

Shri Basumatary : I would like to draw the attention of the Committee to a statement made by the Office Assistant who has been dealing with this file. In regard to Para 5(a) of the Standard Notice the Assistant said that a Kabuliat was executed in respect of the sale. If that be the case, where then goes the Kabuliat ?

D. C., Barpeta : I engaged the said Assistant also just to find-out the papers. He also could not locate them.

Shri Basumatary : Will the D.C. amend his statement to the effect that it was not that the paper did not exist at all but it was a fact these papers were subsequently removed because a person who was dealing with the file, he categorically stated that all papers were in order.

D.C. Barpeta : The Assistant to be in safe side might have told this. But it is not a fact. In regard to a sale, execution of a Kabuliat is mandatory. So he might have told that the mandatory provision was adhered to just to show that everything was in order.

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

3.3.7. Since the amendment of 1976 (Vide Annexure) there are reasons to believe that a large number of Fishery Cooperatives have come into being ostensibly to take advantages of the benefit created by the amendment. In the Introductory Chapter of this Report instances of direct settlement to Fishery Cooperative Societies upto 20 years period are shown. In view of the present dismal position pertaining to the Fishery Department it would be prudent to examine as to what extent the amendment to Rule 12 of the Fishery Rules in 1976 has eroded the revenue base of the State. The object of 1976 amendment was to confer benefit to the people living on fishing through cooperatives formed by and from amongst them. The cooperative movement being in a shambles how far the real object of the amendments as has been achieve demaines to be seen. It has to be ascertained whether the amendment has given birth to the unhealthy practices of cornering leases by unscrupulous middlemen by

forming questionable cooperatives to deprive the State from substantial revenue earning. It needs to be probed about the composition, character, financial & operational aspects and the extend to which the profit & loss is accounted for and benefits, if any, reaped by the genuine fishermen through such cooperatives.

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

3.3.9. The Committee, therefore, recommends that there should be a high level administrative enquiry to find-out whether there was actually any order for destruction of office records at the office of the D.C., Barpeta in the relevant period and whether the procedure as to the destruction of office records was maintained and whether there was any basis for the D.C., Barpeta to surmise as to the actual State of affair and whether any enquiry either at the District or at Government level was ever instituted and action taken thereto when the fact of non-existence of the connected papers came to light. The Committee is of opinion that in the above high level enquiry the S.D.O. who ordered the original settlement and the S.D.O. who subsequently put the Fisheries on re-sale (risk sale) along with the D.C. who finally appeared before the Committee to be examined in detail to ascertain the actual position. The result of the administrative enquiry may be intimated to the Committee within three months from the date of presentation of this Report before the House so that all the issues relating to and arising out of the Audit Para 5.4/C.A.G-83-84(R/R) can be re-assessed finally.

## CHAPTER -IV

## Loss in Settlement of Fishery

[Audit Para 7.6 of the Report of the C.A.G.(R/R)  
for 1984-85]

4.1.1. The Audit has pointed out :

Tenders for lease of the fishery No. 5 for a period of one year from 1st July 1982 were invited on 26th May 1982 and the highest offer received was for Rs. 64,288/- . The previous lessee of this fishery (for the period from 1st April 1981 to 30th June 1982), who had also responded to the notice inviting tenders, gave his offer for Rs. 64,288/-. However, in June 1982, Government advised the Deputy Commissioner (competent authority to settle the fishery) to settle it with the previous lessee at Rs. 11,864/- only (at which it was settled with him for the previous term from 1st April 1981 to 31st March 1982). The Deputy Commissioner, however, settled the fishery with the previous lessee at Rs. 64,288/- instead of at Rs. 11,864/-. The lessee after paying a security deposit of Rs. 6,429/-, filed an appeal with the High Court against the orders of the Deputy Commissioner. The High Court set aside the settlement of the fishery at Rs. 64,288/- and eventually it was settled with the previous lessee at Rs. 11,864/- (i.e. the amount fixed by Government in June 1982). Government granted extension in the period of operation of the fishery up to 31st March 1984 on payment of lease money amounting to Rs. 13,051/-, despite the Deputy Commissioner's recommendation for putting the fishery to open sale in view of higher potential revenue yield therefrom.

Settlement of the fishery at Rs. 11,864/- instead of at the higher offer of Rs. 64,288/- and subsequent extension of the lease upto March, 1984 lacked justification and resulted in loss of Govt. revenue amounting to Rs. 87,586/- (with reference to the offer of Rs. 64,288/-) to Government.

4.2.1. The Department vide their written replies to the Committee apprised the circumstances under which the fishery had to be settled at a loss of revenue amounting to Rs. 87,586.00 . The relevant portion of the memorandum reads :

" When the Fisheries became due for settlement on 1-4-1982 there was no representative Government and the State of Assam was under President's Rule. Normally at the time of settlement Government is supposed to earmark 60% of the Fisheries to be settled during the year for settlement with Fishery Cooperative Societies and the balance of 40% of the Fisheries are left to be settled by D.C.'s and S.D.O's on tender system. Out of these 60% reserved fisheries as mentioned above, Government is further supposed to take a decision first as to whether the 60% reserved fisheries are to be settled by the Government directly under Rule 12 of the fishery settlement rules or some of them are to be left for settlement by Deputy Commissioners and Sub-Divisional Officers under tender system.

The then Adviser to the Governor of Assam perhaps thought that such policy decision are better left to the elected Government and so he passed an order extending the lease of all the fisheries due for fresh settlement, by a period of 3 months with effect from 1-4-1982 to 30-6-1982.

Meanwhile most of the lessees, prayed to Govt. for further extension of their leases stating that the period of extension for 3 months granted earlier was not a fishing season as fishing is prohibited during those months by law as the period is breeding period. While passing the earlier extension order the then Adviser was under the impression that the President's Rule would perhaps be revoked within this 3 months or so and representative Government would be sworn in again. However President's Rule in Assam continued beyond that period and so another general extension order was called for. Accordingly the then Adviser took a decision for extending the term of those Fisheries by another 12 months with effect from 1-7-1982 to 30-6-1983 at an enhanced rate of 10% increase of the existing annual revenue in respect of those fisheries whose lease were extended earlier for 3 months.

For this particular fishery known as No.5 Uzaan Lohit Kherkatia Fishery in North Lakhimpur District, the Deputy Commissioner, North Lakhimpur already invited tenders before the receipt of the subsequent orders of

extension from Government. Three tenders were received by the Deputy Commissioner including one from the sitting lessee at an offer of Rs. 64,288. However the Advisory Board declined to settle the Fishery with any of the tender for non-submission of Bakijai clearance certificate as required under the term of the tender. After receipt of the extension order from the Government, the Deputy Commissioner extended the lease of the said fishery with the sitting lessee for a period of 12 months at the rate of Rs. 64,288/- which was offered by the lessee himself at the time of submission of his tenders. Accordingly the sitting lessee deposited the security money of Rs.6,429/- on 11th August, 1982 i.e. 10% of the amount of settlement. After that the lessee came to know about the Government order increasing of the revenue by 10% only for the extended period of 12 months and accordingly he approached the Hon'ble Guwahati High Court and the Hon'ble High Court was pleased to uphold the claims of the petitioner. Hence the Government was left with no alternative but to fix the revenue at Rs. 11,864/- which is 10% above the previous rate on annual revenue of Rs. 10,785.50 for the period from 1st April, 1979 to 31st March, 1982.

After this extension period expired on 30th June, 1983 the said fishery became due for fresh settlement on 1st July, 1983. In the meantime a popular Government has been sworn in after revocation of President's Rule. The sitting lessee again prayed for extension of the lease due to loss suffered by him. The then Minister, Fisheries was pleased enough to extend the lease by another year at an enhanced rate of 10% increase of the existing annual revenue of the previous term. Thus the annual revenue of the said Fishery was fixed at Rs.13,051/- for one year with effect from 1st July, 1983 to 30th June, 1984.

It is clear from the above that the fixation of the revenue at lower rate than the rate proposed by the Deputy Commissioner took place at the instance of the Hon'ble High Court. It is hoped that this will satisfy the Public Accounts Committee regarding objection raised in Para 7.6 of the report of the C & A.G. of India for the year 1984-85 (Revenue Receipt).

N.B. :- 7-6 as referred above, has not mentioned the name of the Fishery and also the District to which it relates. However from the Office record and going through the other relevant factors such as amount involved per year and High Court case number the above reply prepared.

## OBSERVATIONS &amp; RECOMMENDATIONS.

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

A. Tender Settlement - from 1st April, 1979 to  
for 3 years 31st March, 1982  
Rs.10,785.50

B.I Extension - 3 - from 1st April, 1982 to 30th June,  
months by Adviser 1982 - as before

II Extension-12 from 1st July, 1982 to 30th June, 1983  
months by Adviser Rs 10,785.50+10%  
=Rs.11,864.00

III Extension-12 from 1st June, 1983 to 30th June, 1984  
months by the Rs. 11,864.00+10%  
Minister. =Rs. 13,051.00

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

4.3.3. The A.G. naturally objected to the settlement of the fishery at 11,864.00 in the face of 64,288.00 fetched through tender. On this count we cannot but hold that the Adviser to the Governor was responsible for the revenue loss sustained by the State. His 1st extension for 3 months could have been overlooked but there was no justification what-so-ever for giving 2nd extension for 12 months without going for tender process. The Adviser were appointed to help the Governor to run the administration of the State. The presidential Proclamation no-where stated that they were to be guided on an adhoc basis in due discharge of their duties, that their actions were to be formulated on the consideration that a popular Government would be coming soon. In the instant case, the settlement of fishery was to be made, with a view to adding revenue to the State coffer.

We are unable to understand why the so-called 'policy decision' debarred the Adviser from acting, as per rules in force. This type of superficial attitude from a very senior and veteran civil servant was not expected. If the non-feasant act of the Adviser is taken in view of the fact that he being a complete stranger to the Assam Administration and as such did not want to act, what about the Secretary attached with the Fishery Department of Assam Government? He could have given the right direction to the Adviser under the circumstances of the case. The Committee in its hearing dated 28.7.88 wanted to eluciate some information in this respect. The relevant portion of the proceedings is quoted :

**Chairman :** Whether this has been pointed out to the Adviser that it will be a huge loss to the State to settle it at a reduced rate ?

**Commissioner & Secretary :** From the records nothing is found in this direction. Probably it has not been pointed out to the Adviser.

**Chairman :** Who was the Secretary at that time ?

**Commissioner & Secretary :** Probably Mr. Sammadar was the then Secretary.

**Shri B.K. Basumatary :** Can you tell me whether the D.C.'s tender was proceeded by the blanket order ?

**Commissioner & Secretary :** Sir, D.C. invited the tender before the submission of the extension petition.

**Shri B.K. Basumatary :** That means D.C. called the tender prior to blanket order. Is not it ?

**Commissioner & Secretary :** Yes, Sir.

4.3.4. The Committee under the circumstances of the case deem it necessary to examine all the relevant records and attendant facts to see how the Adviser and the Secretary attached to the Department acted in this case which caused huge loss to the Govt. exchequer.

The Advicer acted [as he did] on the plea that the settlement matter, being a matter of policy decision better he left to the coming political Government whatever might be the rational of such plea. But what about the 3rd extension given under the orders of the then Minister, Fisheries with effect from 1st July, 1983 to 30th June, 1984. It is understandable? The 2nd settlement

made by the Adviser in the face of the settlement made by the D.C. at higher amount had to be enforced in view of the High Court decision. But there was no such compulsion in the case of 3rd extension by which the fishery was settled at Rs.13,051.00. The attention of the Minister could have been drawn to the fact that the fishery question fetched Rs.64,288.00 in open sale by tender. Nevertheless, the Minister was obliged to give another extension causing substantial loss of Revenue. The circumstances under which the 3rd extension entailing loss needs to be examined thoroughly.

4.3.5. All the relevant records from the District to the Secretariat level including the records of the High Court case be made available to the Committee within 3 months of the presentation of the Report.

\*\*\*\*\*

## CHAPTER V

## Loss in direct settlement of Fishery

[Audit Para 7.5 of the Report of the C.A.G. (R/R)  
for 1985-86]

The Audit has pointed out :

5.1.1. In Sonitpur, the terms of Biswanath Brahmaputra and Baghmara Brahmaputra Fishery settled directly by Government at an annual revenue of Rs. 88,500.00 expired on 31st March, 1983. The Fishery was again settled directly by Government without inviting tenders for another term of 3 years from 1st April, 1983, with Biswanath Kumalia Min Samity at the annual revenue of Rs. 22,125.00 which was less by Rs. 66,375.00 than the previous settlement. There was nothing on record to show why the fishery was settled for the second term at a lower annual revenue when 4 other Fishery Mahals in the same district had been settled directly by Government with Cooperative Societies during this period at annual revenues which were higher by 5 to 10 per cent than their previous settlements. Thus, settlement of the fishery at a reduced annual revenue without recording the reasons therefor, resulted in loss of revenue amounting to Rs. 1,99,125 (calculated at the settled value of the fishery for the earlier term).

The case was reported to the department and Government in August, 1985; their replies are awaited (March, 1987).

5.2.1. The Department in their written replies stated

The then original Fishery Mahal (River) namely Biswanath Brahmaputra and Baghmara Brahmaputra in the District of Sonitpur was directly settled by the Government with M/S Biswanath Kumalia Fishery Cooperative Society for a period of 3 years with effect from 1.4.1980 to 31.3.1983 at an annual revenue of Rs.88,500.00. As per existing procedure the settlement was given by obtaining necessary report from the Deputy Commissioner, Darrang (old). The Deputy Commissioner, Darrang executed the deed of lease and handed over the possession of the Mahal indicating the jurisdiction of the Mahal. The lessee was accordingly operating in the entire area of the Mahal as per deed of lease.

But after one and a half years of fishing by the lessee without any disturbance, the Forest officials of Kaziranga National Park imposed restriction on fishing in the entire southern part of the Mahal including several channels of the Brahmaputra in between the Chapories which was the vital Fish producing part of the Mahal resulting financial loss of the lessee.

It could also be learnt from the Deputy Commissioner, Darrang that a big chunk of land covered by some Chars namely Kurkhowa, Koloni, Bisbali, Hatibali, Lumsali, Janeki and Naste Chapari on the southern portion of the Brahmaputra river had been brought under and declared reserved forest as the 4th addition to the Kaziranga National Park on the strength of which the local Forest officials were preventing the lessee from fishing in the entire southern portion of the Fishery without demarcating the boundaries.

However, as per suggestion of the Deputy Commissioner, Darrang the Forest Department was requested vide our letter dated 10.9.1982 to allow the lessee to operate in the entire Mahal till expiry of the term of lease on 31.3.1983 pending actual, demarcation of the boundaries. On expiry of the term of lease on 31.3.1983 the sitting lessee society applied for settlement of the said mahal as usual. Deputy Commissioner, Darrang was asked to verify the notified area of Forest Department and to furnish report to the Government on probable revenue of the remaining area of the Mahal. Accordingly the Deputy Commissioner had made arrangement for making joint survey along with the competent Forest officials. But on due date the Forest officials did not turn up in the field. The officials of the Deputy Commissioner's establishment with the help of a Forest guard verified the area of operation and found some anomalies in the position of the areas shown in the Notification and the map of Forest Department.

In view of anomalies of notified areas and pending actual demarcation the Deputy Commissioner (old) suggested that as the lessee could not operate in a major and vital portion of the old Mahal due to restrictions imposed by Forest officials and the lessee sustained considerable loss therefor, the probable value of the reduced Mahal would be reasonably one-fourth of the

previous annual revenue of Rs.88,500.00.

Accordingly pending final demarcation, the reduced Mahal was directly settled with M/S Biswanathh Kumolia Fishery Cooperative Society (who was the sitting lessee and also within the area of operation of the fishery and who sustained a considerable loss for no fault of their own for a period of 3 years with effect from 1.4.1983 to 31.3.1986 at an annual revenue of Rs.22,125.00 which is one-fourth of previous terms annual revenue of Rs.88,500.00.

It is hoped that the above explanation will satisfy the Hon'ble Members of the A.P.C. regarding objection raised in Para 7.5 of the report of C & A.G. of India for the year 1985-86 (Revenue Receipts).

\*\*\*

## Observation and Recommendation

5.3.1. Going through the reply the Committee finds that the actual area of Biswanath Brahmaputra and Bhagmara Brahmaputra fishery became subject-matter of dispute between Fishery and Forest Department during the lease period from 1.4.1982 to 31.3.1983 settled at an annual Revenue of Rs.88,500.00 only. It is also found in the reply that a considerable portion of the Fishery was brought under and declared as Reserved Forest as the 4th addition to the Kaziranga National Park. On the request from Deputy Commissioner, Darrang the Forest Department allowed the then lessee to operate in the entire Mahal till expiry of lease on 31.3.1983. The Fishery was subsequently on physical verification of the area. Some anomalies was found in the light of which the Deputy Commissioner, Darrang made the settlement at Rs.22,125.00 only being the one-fourth of Rs.88,500.00 only, the sum at which the previous settlement was made. In view of the fact that part of the Fishery was ceded to the Kaziranga National Park, the settlement authority decided to reduce the lease value by three-fourth. On the face of it the Committee does not find any prima-facie lacuna in this adjustment. Accordingly the cause shown for the reduction of lease money is acceptable provided the reduction by three-fourth is found justified in relation to the area lost to the Forest Department from the total area of the Fishery. The reduction was made by the Deputy Commissioner, Darrang pending final demarcation.

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

\*\*\*

## CHAPTER - IV

## ACTION ON AUDIT OBJECTIONS

6.1. It is seen that the Fishery Department did not take timely action to meet audit objection. The position is :

1. 81-82(R/R) Para 5.5. The case was reported to Government in July, 1979 their replies is awaited (May,1983).
2. 82-83(R/R) Para 7.4. The matter was reported to Government in July,1983 their replies are awaited (December, 1983).
3. 83-84(R/R) Para 5.4. The case was reported to Government in June,1983 and their reply is awaited (February,1985)
4. 84-85(R/R) Para 7.6. The case was reported to the Department and Government in November, 1984, their replies are awaited (February, 1986)
5. 85-86(R/R) Para 7.5. The case was reported to the Department and Government in August,1985, their replies are awaited (March, 1987)

6.2. The effect of this type of laches led the A.G. to comment on many occasions that 'lack of prompt action by the different Departments in settling the audit objections would lead to loss of revenue to the Government due to recovery not being possible at a later stage'. In this connection the circular issued by the Chief Secretary to the Government of Assam is reiterated vide Annexure-III.

6.3. Here the committee, once again , impress upon the Departments that they should take particular care in meeting the audit objections at the first available opportunity as a time bound programme by fixing specific responsibility upon the concerned officers. The follow up action taken in pursuance of above observation may be communicated to the committee within three months of its presentation.

## SUMMARY OF RECOMMENDATIONS AND OBSERVATIONS

Sl. No. Reference  
to Para No.

- 1 1.3.3. The Committee Recommends that the Government may make available to the Committee all the relevant records of the case under reference along with the papers relating to Cabinet Memorandum and the decision made by the Cabinet dated 23rd March, 1976 and the antedental records relating to the Fishery Cooperative involved within 3 months of the presentation of this report to the house.
2. 2.3.4. The Committee cannot but feels unhappy looking at the dismal picture of the Departmental inavtion as emerged in connection with the scrutiny of this para also find that no reply as promised vide proceeding quoted above had been received by the Committee till the writing of the report. The Committee is of the opinion that some imperatives have to be applied to make the Government Departments to meet outstanding audit objections as found incorporated in the Inspection Reports of the A.G. and also sending their replies to the P.A.C. meeting the audit objections in the C.A.G. Report within 3 months of presentation to the House. In this connection the Circular of the Chief Secretary to the Government of Assam vide Annexure-III may be referred to.
3. 2.3.5. Accordingly, it is recommended that with every reply submitted by the concerned Departments of the Government to the P.A.C. must necessarily explain their respective

position in relation to the outstanding Audit objections concerning their Departments and the reasons for their inability to respond to the Audit paras incorporated in the C.A.G. Reports as per norms after presentation of this report to the house.

4. 2.3.6. In relation to the Audit para under scrutiny in this Chapter, the Committee recommends that to what extent the outstanding dues have been realised till date be intimated within three months from the date of presentation of this report.
5. 3.3.6. It needs to be examined whether administrative lapses were attempted to be covered up on the pretext of situation created by the Assam Agitation on Foreign National issue or for that matter any type of agitation creating law & order situation is made an alibi. It need to be further probed what the D.C., Barpeta meant when he said that the papers might had been destroyed along with some other records during the period of Assam Agitation. What papers were supposed to be destroyed would be of some interest to know, if the statement is found worth-evaluating. If some papers of the District Administration were in fact destroyed under orders, there must be a record to that effect. Now coming to the Lease aspect it is seen that some defaulting parties are not tracesble for realisation of dues. It would be of some interest if it is also seen that a Co-operative Society with whom a Fishery was settled is not traceable not-with-standing the fact that it has a Corporate personality. The Chinadi Fishery Cooperative Society

with whom No.4 Parachuta Fishery was settled had failed to pay the kist money. It is also not clear how far Government would realise the loss through Bakijai case in these cases when no paper exists and the defaulting parties not traceable.

6. 3.3.7.

Since the Ammendment of 1976 (Vide Annexure-II) there are reasons to believe that a large number of Fishery Cooperatives have come into being ostensibly to take advantages of the benefit created by the amend-ment. In the Introductory Chapter of this Report, instances of direct settlement to Fishery Cooperative Societies upto 20 years period are shown. In view of the present dismel position pertaining to the Fishery Department it would be prudent to examine as to what extent the amend-ment to Rule 12 of the Fishery Rules in 1976 has eroded the revenue base of the State. The object of 1976 Amendment was to confer bene-fit to the people living on fishing through Cooperatives formed by and from amongst them. The Cooperative movement being in a shambles how far the real object of the Amend-ments as has been achieve demains to be seen. It has to be ascertained whether the amendment has given birth to the unhealthy practices of cornering lesses by unscrpolous middlemen by forming questionable cooperatives to deprive the State from substancial revenue earning. It needs to be probed about the composition, character, financial & operational aspects and the extend to which the profit and loss is accounted for and benefits, if any, reaped by the genuine fishermen through such Cooperatives.

7. 3.3.8.

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

8. 3.3.9.

The Committee, therefore, recommends that there should be a high level Administrative enquiry to find-out whether there was actually any order for destruction of Office records at the Office of the D.C., Barpeta in the relevant period and whether the procedure as to the destruction of office records was maintained and whether there was any basis for the D.C., Barpeta to surmise as to the actual state of affair and whether any enquiry either at the District or at Government level was ever instituted and action taken thereon when the fact of non-existence of the connected papers came to light. The Committee is of opinion that in the above High Level Enquiry the S.D.O. who ordered the Original Settlement and the S.D.O. who subsequently put

the Fisheries on re-sale (Risk Sale) along with the D.C. who finally appeared before the Committee to be examined in detail to ascertain the actual position. The result of the Administrative Enquiry may be intimated to the Committee within three months from the date of presentation of this Report before the House so that all the issues relating to and arising out of the Audit Para 5.4/CAG-1983-84(R/R) can be re-assessed finally.

9. 4.3.4.

The Committee under the circumstances of the case deem it necessary to examine all the relevant records and attendant facts to see that the Adviser and the Secretary attached to the Department acted in this case which caused huge loss to the Govt. exchequer.

The Adviser acted as he did in the plea that the settlement matter being a matter of policy decisions better he left with the coming political Government whatever might be the rationale of such plea. But what about the 3rd extension given under the orders of the then Minister of Fisheries with effect from 1.7.83 to 30.6.84. It is understandable? The 2nd settlement made by the Adviser in the face of the settlement made by the D.C. at higher amount had to be enforced in view of the High Court decision. But there was no such compulsion in the case of 3rd extension by which the fishery was settled at Rs.13,051/-. The attention of the Minister could have drawn to the fact that the fishery question fetched Rs.64,288/- in open sale by tender. Nevertheless the Minister was obliged to give another extension causing

substantial loss of Revenue. The circumstances under which the 3rd extension entailing loss needs to be examined thoroughly.

10. 4.3.5. The Committee therefore recommends that all the relevant records from the District to the Secretariat level including the records of the High Court case be made available to the Committee within 3 months of the presentation of the Report.
11. 5.3.1. Going through the reply, the Committee finds that the actual area of Biswanath, Brahmaputra and Baghmara Brahmaputra Fishery became subject-matter of dispute between Fishery and Forest Department during the lesse period from 1.4.82 to 31.3.83 settled at an annual Revenue of Rs.88,500/- only. It is also found in the reply that a considerable portion of the Fishery was brought under and declared as reserved Forest as the 4th addition to the Kaziranga National Park. On the request from Deputy Commissioner, Darrang the Forest Department allowed the then lessee to operate in the entire Mahal till expiry of lease on 31.3.83. The Fishery was subsequently on physical varification of the area. Some anomalies was found in the light of which the Deputy Commissioner, Darrang made the settlement at rs.22,125/- only being the one fourth of Rs.88,500/- only, the sum at which the previous settlement was made. In view of the fact that part of the Fishery was ceded to the Kaziranga National Park, the settlement authority decided to reduce the lease value by three fourth. On the face of it the

Committee does not find any prima facie lacuna in this adjustment. Accordingly the cause shown for the reduction of lease money is acceptable provided the reduction by three fourth is found justified in relation to the area lost to the Forest Department from the total area of the Fishery. The reduction was made by the Deputy Commissioner, Darrang pending final demarcation.

12.

5.3.2.

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

\*\*\*

## ANNEXURE-I

COMPOSITION OF THE COMMITTEE  
(1986-88)

CHAIRMAN: Shri Abdul Muqtadir Choudhury.

- Members :
1. Shri Joy Prakash Tewari.
  2. Shri Sirajul Haque Choudhury.
  3. Shri Amrit Lal Basumatary.
  4. Shri Rashidul Haque.
  5. Shri Binai Khungur Basumatari.
  6. Shri Durga Das Boro.
  7. Shri Gunin Hazarika.
  8. Shri Ganesh Kutum.
  9. Shri Padma Nath Koiri.
  10. Shri Abul Hussain Sarkar.

\*\*\*\*\*

## ANNEXURE-II

Government of Assam  
Veterinary Department : Fishery Branch

Notification

No.VFF.10/76/Pt./11-A/12, Dated 5th June,1976

In exercise of the powers conferred by sections 155 and 156 of the Assam Land and Revenue Regulations, 1886 and by Section 6 of the Indian Fisheries Act,1897 (IV of 1897). The Governor of Assam is pleased to make after previous publications the following further amendments to the Rules for settlement of fisheries published under Notification No.RF.23/45/284, dated 15th April, 1953 as amended.

## AMENDMENT

The following sub-rule shall be incorporated under Rule 8(c) as II.

11. The State Government may at any time after constitution of the Assam Fisheries Development Corporation by a Notification in the Official Gazette, Vest management of any registered fishery with the Assam Fisheries Development Corporation as considered necessary for the purpose of its development and management. On publication of such Notification the Deputy Commissioner, the Sub-Divisional Officers and the Director of Fisheries, Assam, as the case may be shall handover such fisheries to the Corporation.

Add. the following provision below Rules 12:

Provided that the State Government may settle any registered fishery, otherwise than under tender system, with a fishery co-operative Society formed with 100 percent actual fishermen of fishing population in the neighbourhood of the fishery concerned and belonging to the Scheduled Caste of the State and of Maimal Community of the Cachar District at a revenue calculated and for a period as decided by the State Government from time to time.

Sd/-

Secretary to the Govt.  
of Assam,  
Fisheries Department.

## Annexure - III

Office of the Chief Secretary ,  
Government of Assam.

No.CS(SDP).1/8892;

Dated the 11th August, 1988.

To

Special Secretaries/Secretaries of all Departments.

Subjeqr : ASSEMBLY COMMITTEES.

Sir,

I am directed to say that in the inaugural meeting of 4(four) Assembly Committees on 11th August 1988, it was repeatedly mentioned that many Government departments do not take timely steps to furnish the materials required by the Assembly Committees and to give action reports on the reports/recommendations of these committees.

2. These Committees play a very vital role in our system of democrecy. Hence, it is essential that all departments ensure that prompt action is taken by them in all matters relating to these Committees. The following points may please be particularly noted in this context :-

- (i) Prompt replies to A.G. a at earlier stage e.g. inspection notes, audit objections, draft paras and report of the CAG; help in many matters being settled even before they are taken up by the Committees and thereby saving much time and effort. It is not necessary to wait for summonses of these Committees before taking action on the reports of the CAG.
- (ii) Furnishing information, materials, etc. as required by the Committees timely and making full advance preparations for giving evidence before the Committees, by the Secretaries.
- (iii) Timely appearance by Secretaries to give evidence before the Committees, whenever required.

(iv) Timely intimation to the Committees about action/decisions taken/proposed on the reports/recommendations of the Committees.

3. You are requested to personally review the position urgently and thereafter periodically from these angles.

4. The Finance Department may please take urgent necessary action for bringing up to date the submission of accounts maintained by the Treasuries and the concerned Divisions of the Forest Department and P.W.D.

Yours faithfully,

(S. D. Phene)  
Chief Secretary to the Govt.  
of Assam, Dispur.

Copy to :- The Secretary, Assam Lagislative Assembly,  
Dispur.

\*\*\*\*

## ANNEXURE- VI

## EXTRACT FROM THE FISHERY RULES

Rule 8 (a) Settling authority- The Deputy Commissioners or the Additional Deputy Commissioners in case of Sadar Subdivisions and the Subdivisional Officers in case of other Subdivisions shall be the authority for settlement of all registered fisheries under tender system of sale in their respective jurisdictions.

(b) Extension of the the term of lease-

(i) Where the period of lease of registered fisheries being ordinarily not less than three years is interfered with, due to any natural cause or for any unavoidable reasons beyond the control of the lessees, Government may extend the period of such lease supported by official reports as to the nature of cause in exceptionally special cases for a reasonable period so as to enable such lessess to make good the loss.

(ii) The State Government may also, on the recommendation of the Director of Fisheries, extend the period of lease of a fishery with an intending pisciculturist who should invariably be the sitting lessee and who agrees to accept such an extension at a revenue and for such other additional terms and conditions as may be specified by Government:

Provided that one of the conditions of extension of lease against pisicultural plan shall invariably be the implementation of approved Scheme or Schemes of Development and improvement of such a fishery at the lessee's own cost within a target period to be fixed by Government.

The orders of extension of lease on the aforesaid grounds passed by the State Government shall be final and no appeal shall lie against such orders of extension.

(c) (i) Development of Fisheries and their consequential settlement. The State Government on expiry of the term of settlement, may at any time, by a notification in the official Gazette, stop any fishery

from further settlement under tender system and vest management of such a fishery with the Director of Fisheries for development. On publication of such notification, the Deputy Commissioner or Subdivisional Officer, as the case may be, shall handover the fishery to the Director of Fisheries/:

Provided that the Director of Fisheries may call for tenders consistent with the relevant provisions of these Rules for settlement of such a fishery and submit the same with his views thereon within in fifteen days of the date of opening the tenders to Government for approval. The decision of the State Government in this behalf shall be final :

Provided further that such settlement shall not interfere or conflict with the work of development of such a fishery and that the provisions of Rule 50 of the Fishery Rules will not apply in case of such settlement.

8 (c) (ii) The State Government may at any time after Constitution of the Assam Fisheries Development Corporation by a notification in the official Gazette vest management any registered fishery with the Assam Fisheries Development Co-operation as considered necessary for the purpose of its Development and management. On publication of such notification Deputy Commissioner, the Sub-Divisional Officers and the Director of Fisheries, Assam as the case may be shall handover such fisheries to the Corporation.

Rule 12.- Except those referred to in Sub-rule No. 8(b) above, all registered fisheries shall be settled under tender system of sale in place of sale by auction :

Provided that the State Government may settle any registered fishery, otherwise than under tender system, with a fishery Co-operative Society formed with 100 per cent actual fishermen of the fishing population in the neighbourhood of the fishery concerned and belonging to the Scheduled Caste of the State or Maimal Community of the Cachar District at a revenue calculated and for a period as decided by the State Government from time to time.

Rule 13.(a)- With the prior approval of the State Government not more than 60 per cent of Fisheries in a Sub-division available for settlement in a year shall be selected for sale under tender system only with the Co-operative Fishery Societies formed with 100 per cent share-holders from members of the Scheduled Caste of the State and or Maimal Community of the District of Cachar and registered under the Assam Co-operative Societies Act, 1949. Settlement of all such fisheries tenders of which have been accepted under Rule 5 shall be with the highest tenderer.

(b) The remaining fisheries in the Subdivision available in that year under tender system of sale, shall remain open for settlement to all communities including Co-operative Societies as referred to in sub-rule (a) above.

(c) A Co-operative Fishery Society formed by members of the Scheduled Castes/Maimal Community/Scheduled Tribes/Other Backward Classes and registered under the Assam Co-operative Societies Act, 1949, shall be given option to accept settlement of fisheries of the category as mentioned in sub-rule (b) above at the highest tender, provided that their tender is within  $7\frac{1}{2}$  per cent of the highest tender.

(d) When the tenders for fisheries falling within the category referred to in sub-rule (b) above are below  $7\frac{1}{2}$  per cent of the highest tender (i) Co-operative Societies as stated in sub-rule (c) above (ii) Individual members of the Scheduled Castes and Maimal Community, (iii) Individual members of the Scheduled Tribes and other Backward Classes who may offer tenders not less than 60 per cent of the highest tender may given option to accept settlement of the fisheries at the highest tender, in order of preference stated above subject to suitability of the tenderers.

(e) When a fishery referred to in sub-rule (b) above fetching a tender not exceeding Rs.50,000 per annum is settled with any individual, member from Scheduled Castes/Scheduled Tribes/Maimal Community or other Backward Classes, the tenderer shall get a rebate of  $7\frac{1}{2}$  per cent as concession. But when a fishery fetching a tender not, exceeding Rs. 1 lakh (Rupees one lakh) per annum is settled with any

Fishery Co-operative Society formed by members from communities as stated above, the tenderer Society shall get a rebate of 10 (ten) per cent as concession:

Provided that 10 per cent rebate as aforesaid shall not be available to fishery Co-operative Societies formed with 100 percent share-holders from the Scheduled Castes of the State and Maimal Community of the District of Cachar if they accept settlement of fisheries as stated in sub-rule (a) above :

Provided further that such rebate shall not be admissible in case any individual or Fishery Co-operative Society of any protected community offers the highest tender.

(f) Any tenderer claiming the concession provided in this Rule shall indicate the same in his tender.

Rule 46- Fisheries shall be settled to the best advantage and subject to this condition, the agency of the middleman as lessee shall be done away with as far as possible.

(a) A Co-operative Fishery Society formed by the Scheduled Castes/Maimal Community of Cachar/Scheduled Tribes/Other Backward Classes and registered under the Assam Co-operative Societies Act, 1946 shall be given option to accept settlement of Fisheries at the highest tender out of not less than 40 per cent quota, provided that the tender of such a Co-operative Society is within  $7\frac{1}{2}$  per cent of the highest tender.

(b) When the tenders of such Co-operative Societies are below  $7\frac{1}{2}$  per cent of the highest tender-

- (i) Co-operative Societies as stated above,
- (ii) individual members of the Scheduled Castes and Maimal Community of the district of Cachar,
- (iii) individual members of the Scheduled Tribes and other Backward Classes who may submit tenders at not less than 60 per cent of the highest tender may be given option to accept settlement of fisheries out of the quota as stated in sub-rule(a) above, at the highest tender in order of preference stated above subject to the suitability of the tenderer.

- (c) When a fishery of the category as referred to in sub-rule (a) above fetching a tender not exceeding Rs.50,000 (Rupees fifty thousand) per annum is settled with any individual member from Scheduled Castes/Scheduled Tribes/Maimal Community of the District of Cachar or other Backward Classes, the tenderer shall get a rebate of  $7\frac{1}{2}$  per cent as concession. But when such a fishery the tender for which does not exceed rupees one lakh per annum is settled with a Fishery Co-operative Society, formed by members of the aforesaid communities, the tenderer society shall be entitled to a rebate of 10 per cent as concession;

Provided that 10 per cent rebate as aforesaid shall not, in any case, be extended to Fishery Co-operative Society formed with 100 per cent shareholders from community as stated in proviso to sub-rule 13 (e), if they accept settlement of fisheries out of the quota not more than 60 per cent of fisheries reserved for them;

Provided further that in no case the highest individual tenderer or tenderer Society from any protected community shall be entitled to any rebate as provided above.

- (d) Any tenderer who may claim the concession as provided in this Rule shall indicate the same in his tender.

Rule 23- Restrictions on the use of nets -

- (1) The use of Berjal/Mahajal or Fasijal or any type of net with meshes less than 7 c.m. bar/14 .c.m. mesh is prohibited during breeding season beginning from the first day of the month of May and ending of the fifteenth day of the month of July, both days inclusive, in any proclaimed fishery :

Provided that this restriction may be relaxed by the State Government for Hilsa fishing only.

- (2) The use of net with less than 1 c.m. bar/2 c.m. mesh (Mosarijal) in size is prohibited in any fishery throughout the year :

Provided that this restriction may be relaxed by the Deputy Commissioner/Sub-divisional Officer for catching of smaller

species like, Mowa, Puthi, Sella, Karati, etc. between the first day of the month of May and the fifteenth day of the month of July, both days inclusive.

23 A- Restriction on fishing during breeding season on catching and selling of under-sized fish.-

(1) Catching of brood fish (fish carrying eggs and sperrn) of the following species, namely : Rahu, Catta (Bahu), Mrigal, Mali (Calbasu), Chital, Kharia, Pithia (Mahasol), Gharria and Kuri (Gonius) is prohibited during breeding season beginning from the first day of the month of May and ending on the fifteenth day of the month of July, both days inclusive, in any proclaimed fishery.

2. Catching and killing by any method, of fish for any purpose whatsoever including consumption and selling of under-sized fish of the following species, namely:- Rahu, Catta, 'Bahu' Mrigal, Chital, Kharia, Pithia (Mahasol), Gharria below 23 c.m. in length and Mali (Calbasu), Gonius (Kurhi), Bhagan below 10 c.m. in length, is prohibited between the first day of August and thirty first day of October :

Provided that the above restrictions may be relaxed by the order of the Director of Fisheries in writing, for piscicultural purposes only.

3. All under-sized fish specified in sub-rule (2) above caught in the nets shall either be let off into the fishery or supplied to the Fisheries Department by the lessee in live conditions at the rates to be fixed by Government from time to time.

Rule 24- No moveable Bana with gap less than 7 cm. sq. shall be used for fishing between the first day of the month of May and the fifteenth day of the month of July, both days inclusive, in any Rivers, Dobas or Beels or Fisheries.

Rule 25- Bana with less than 7 c.m. sq. gaps fixed at the mouth of beels or dobas or at the boundaries of River Fisheries by which water is drained out is permissible to be used only during fishing season excepting the period between the first day of the month of May and the fifteenth day of the month of July of the year, both days inclusive.

Rule 41- Penalties on breach of Rules:-

(1) Any person contravening any of the above

provisions or who fishes, attempts to fish or abets fishing, contrary to the above provisions, shall be liable to a fine which may extend to Rupees five thousand but not less than Rupees one thousand and if the breach is a continuing one, to a further fine which may extend to Rupees one hundred for every day during which the offence is continued after the date of the first conviction.

(2) In addition to the penalty as provided above, the nets and all other fishing equipments used in the commission of the offence shall be liable to confiscation.

For a second offence the lease shall be liable to cancellation in addition to any other penalty such as forfeiture of security deposit and daily recurring fine as provided above if the offence be continue for some time.

26. Subject to the above rules and with the previous sanction of the State Government, the Deputy Commissioner, may prescribe the mesh of fishing nets, the fixed engines or other contrivances which can be used and the manner in which the fishing operations shall be carried on and may lay down any other conditions which may be considered necessary from time to time. Such conditions shall be specified in the sale notice and shall be proclaimed before the sale begins.

27. Any Magistrate, any police officer or any person specially empowered by the State Government under Section 7(1) of the Indian Fishery Act, 1897, to arrest any person committing any offence punishable under the aforesaid rules, may seize and remove any net or fixed engine which is used in his presence for fishing in the Government fisheries in contravention of these rules. Any person, other than a Magistrate or an officer in charge of a police station who under the authority of this rule seizes or removes any net or fixed engine, shall forthwith report the fact to the nearest Magistrate or to the Officer in charge of the nearest police station and shall make over to the said Magistrate or officer any net or fixed engine which he has seized and removed.

28. The Magistrate may order the forfeiture of any net or fixed engine proved to have been used for fishing in the Government fisheries in contravention of these rules.