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FIFTEENTH KERALA LEGISLATIVE ASSEMBLY

**COMMITTEE
ON
PUBLIC ACCOUNTS
(2023-2026)**

SIXTY NINTH REPORT
(Presented on 8th October, 2024)



SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM

2024

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

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COMMITTEE ON PUBLIC ACCOUNTS

(2023-2026)

COMPOSITION

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Legislature Secretariat:

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Shri Selvarajan P. S., Joint Secretary

Shri Jomy K. Joseph, Deputy Secretary

Smt. Beena O. M., Under Secretary.

INTRODUCTION

I, the Chairperson, Committee on Public Accounts, having been authorised by the Committee to present this Report, on their behalf present the Sixty Ninth Report on Action Taken by Government on the Recommendations contained in the Seventy Sixth Report of the Committee on Public Accounts (2006-2008).

The Committee considered and finalised this Report at the meeting held on 4th September, 2024.

Thiruvananthapuram,
8th October, 2024.

SUNNY JOSEPH,
Chairperson,
Committee on Public Accounts.

REPORT

This Report deals with the action taken by the Government on the recommendations contained in the 76th Report of the Committee on Public Accounts(2006-2008)

The 76th Report of the Committee on Public Accounts (2006-2008) was presented in the House on 17th December, 2008. The Report contained forty seven recommendations relating to Water Resources, Finance, Cultural Affairs, Information and Public Relations and Sports & Youth Affairs Departments. The Report was forwarded to Government on 24-12-2008 to furnish the statements of Action Taken on the recommendations contained in the Report and the Final reply was received on 16-6-2023.

The Committee examined the Statements of Action Taken received from the Government at its meetings held on 6-1-2010, 8-9-2010, 11-11-2010, 25-1-2011, 10-4-2012, 1-8-2012, 6-12-2012, 7-12-2012, 15-5-2013, 17-10-2013, 30-4-2014, 29-10-2014, 26-11-2014, 30-11-2016, 13-12-2017, 15-12-2020, 22-4-2021, 2-11-2022, 19-4-2023 and 18-10-2023. The Committee was not satisfied with the action taken by the Department on the recommendations in paras 23, 24, 26, 27, 41, 52, 90, 111, 112, 143, 144 and 157 and decided to pursue them further. These recommendations, reply furnished there on and further recommendations of the Committee are included in Chapter I of this Report.

The Committee decided not to pursue further action on the remaining recommendations of the Committee and the Action Taken by Government are included in chapter II of this Report.

CHAPTER I

RECOMMENDATIONS IN RESPECT OF WHICH ACTION TAKEN BY THE GOVERNMENT ARE NOT SATISFACTORY AND WHICH REQUIRE REITERATION WATER RESOURCES DEPARTMENT

Recommendation

(Sl. No. 7, Para No. 23)

1.1 Idling of an investment up to ₹ 75.42 lakh owing to the failure on the part of the Superintending Engineer(SE), Minor Irrigation Circle, Ernakulam to synchronise the execution of various components of 'Kondozhinjal Malackal

Kottamuri Lift Irrigation Scheme' is yet another addition to the never-ending list of schemes infested by 'poor- execution bug' in the Department. Over and above this failure the SE had also failed to ensure the quality of materials used and allowed the use of pipes of inferior quality which did not conform to the specifications of Bureau of Indian Standards. It is disheartening to note that the Government all these years turned a Nelson's eye to the four officials who were identified as responsible for the uncertainty in completion of the work and resultant loss to Government.

Recommendation

(Sl. No. 8, Para No. 24)

1.2 The Committee urges the Department to take befitting action including recovery of money against the officials who exhibited such dereliction of duty. Action taken in this regard should be intimated to the Committee.

Action Taken on Para No. 23

1.3 Irrigation Department has initiated action for recovering loss sustained to Government. Government vide letter No.23893/M1.3/05/WRD dated 25-3-2010 have directed the Chief Engineer (I&A) to take action against the contractor including serving of notice for the recovery of loss in accordance with the conditions of agreement and other connected Rules and to take action against the retired officers responsible for the loss by filing civil suit invoking provision under Rule 116 part III KSRs.

Action Taken on Para No. 24

1.4 The Superintending Engineer, MI Circle, Ernakulam has informed that the liability of the contractor has been assessed as ₹13,39,875 and that of the erred officers as ₹62,68,060 (to be apportioned equally among 9 erred officers). Action is being taken by the Superintending Engineer, MI Circle, Ernakulam to file civil suit against the contractor and the erred officers to recover the liability amount. Accordingly, he has sent registered notices to the contractor and the officers to remit the liability amount. The contractor and one of the erred officers were expired. Hence action is being taken by the Superintending Engineer MI Circle, Ernakulam to trace out the legal heirs of the above two persons and to

recover the loss after obtaining sanction from Government. Action is being taken for according Government Sanction in the matter.

Further Recommendation related to para No. 23 & 24

1.5 The Committee recommends that action should be taken to realize the whole amount from the delinquent officials and disciplinary action should be initiated against the officer who deliberately delayed the recovery process, by invoking relevant rules under Part III KSR and/or provisions under the Kerala Public Accountants Act 1963.

Recommendation

(Sl.No.9, Para No. 26)

1.6 The reasons rendered to the Committee for the subsequent changes in design which resulted in the delay in execution and cost escalation of the work are not tenable as the eventualities encountered during the construction work of the Kanakkankadavu regulator-cum-bridge were not of any special nature but of easily foreseeable. Hence what else to say the least is the poor design prepared by the Department

Recommendation

(Sl. No. 10, Para No. 27)

1.7 The Committee urges the Department to ensure quality designing of the project taking into account all the geographical peculiarities of the construction site and not deviating from the original design and to schedule a time frame for the completion of the projects. The department should also ensure to make use of advanced technology and not to rely upon outdated technology on pity reasons that the contractor would likely to go in for arbitration. The Committee urges the Department to fix responsibility on the guilty for the avoidable expenditure incurred and inform the details of action initiated against them thereon.

Action Taken of paras 26 & 27

1.8 As per the Chief Engineer, IDRIB the design of Kanakkankadavu Irrigation Project was prepared and forwarded in 1971 and later modified during 1984. But the actual execution was carried out only during 1995.

1.9 In the original design, prepared in 1970s the general trend was to provide RR in cement mortar for most of the similar structures. So R.R. in CM 1:4 was provided for lock wall in original design. But at the time of execution, the trend was changed from R.R. to Cement concrete. Also, the Superintending Engineer, Irrigation Central circle, Thrissur had reported that if the lock wall was constructed with RR, the progress of work will be very slow and since the construction of lock wall has to be done after dewatering, it should be done within a short time. So, as requested by Superintending Engineer, ICC, the revised proposal of lock wall with cement concrete was approved without any delay. Thus, the long delay of almost 24 years from the original design and 11 years from the modified design to execute the project was the real reason behind the audit observations since design practices have changed from RR adopted in 70s and 80s to cement concrete for present day designs. Also, in the original design, the type design of deck slab of T-beam bridge was provided for the bridge. The Superintending Engineer, ICC, Thrissur had requested to forward the design details of deck, slab at the time of execution ie, in 1997. At this time, the above type of design was not available in the DRIQ Board of PWD and hence the T-beam bridge originally proposed was changed to concrete slab bridge and the design details of the same was forwarded in no time.

1.10 The design of irrigation structures in the IDRB is done based on the technology prevailing at that time taking into account hydraulic aspects and geographical aspects. Every effort is being made to incorporate advanced technology in the design practices.

1.11 Based on the report on Para 26 and 27 of the Chief Engineer (Irrigation & Administration) vide letter vig.2/106/2011. Dated 13-8-2012, necessary direction was issued to initiate disciplinary action for the irregularities against the officers involved in the construction work of the Kanakkankadavu regulator-cum-bridge

Further Recommendation related to Para No.s 26 & 27

1.12 On the deposition by the Additional Chief Secretary, Water Resources Department submitting that they had prepared a list of delinquents, but due to some errors which occurred in the prepared list,

a revised list was called for and that list included 77 persons, the Committee directs the department to submit a report of further action taken within two months.

Recommendation

(Sl. No. 15 Para No. 41)

1.13 The Committee is aware of the fact that the work of Accelerated Irrigation Benefit Programme introduced in the Kallada Irrigation Project could not be completed due to vigilance Enquiry. The Committee directs the Department to furnish the details of the present position of the Vigilance Enquiry and the work of the Accelerated Irrigation Benefit Programme in the Kallada Irrigation Project.

Action Taken

1.14 AIBP assistance has been stopped for Kallada Irrigation Project with effect from 1-4-2004. In various cases Vigilance enquires conducted by Vigilance and Anti-corruption Bureau and associated departmental action are in progress.

Further Recommendation

1.15 The Committee urges the department to furnish the details of various cases in which vigilance enquires are being conducted.

Recommendation

(Sl. No. 19, Para No. 52)

1.16 The Committee desires to be furnished with the data regarding the estimated cost, total expenditure, date of completion and total area under irrigation of both completed and ongoing irrigation projects. The Committee also notices that large amount is allocated every year in Budget for irrigation projects. The Committee feels that the Irrigation Department has not initiated any effective steps to develop innovative water management schemes to bring more area under cultivation. The Committee expresses its dissatisfaction over the implementation of Irrigation Projects in a conventional way rather than according to the change in time. The Committee urges the department to develop innovative water

management schemes to bring more areas under cultivation and recommends to develop potential management with micro level harvesting structures.

Action Taken

1.17 The details regarding completed and ongoing projects viz estimate amount, date of completion, area under Irrigation as available is appended as Annexure-I

Further Recommendation

1.18 The Committee decides to call for the following details in connection with the projects which were completed

- i) The total area proposed for cultivation**
- ii) Actual area under cultivation**
- iii) Total area under irrigation of both completed and ongoing irrigation projects.**

Recommendation

(Sl. No. 31, Para No. 90)

1.19 The Committee recommends to prepare Irrigation statistics for the effective collection of Irrigation cess. The Committee also suggests to appoint an expert team to review the existing status of the Statistics.

Action Taken

1.20 Irrigation Statistics is required for several purposes including collection of irrigation cess. It may be noted that total command area of projects and Ayacut serviced by major projects is verified jointly by officials from Irrigation, Agriculture and Revenue Departments. As of now Ayacut area details for the entire State have been submitted by Agriculture Department. Simultaneously joint verification has been initiated in several projects, for instance, Pampa Irrigation Project and an Action Plan is being prepared for expanding the same to other projects. As far as Irrigation Cess is concerned the same is being collected along with land tax for all projects commissioned after 1970. As a result Irrigation Cess

is being effectively collected as per the data related to the potential Ayacut area and is not dependent on Irrigation statistics.

1.21 It may be noted that shortage of staff at field level for conducting the joint verification of Ayacut area has hampered data collection related to cultivable command area under irrigation. However the data submitted by Agriculture Department is a fair reflection of the actual command area under irrigation. Moreover as stated since Irrigation Cess is being collected along with the land tax any short fall in the same is not anticipated.

1.22 Sincere efforts are being taken by the officials of the department for preparing the Irrigation Statistics.

Further Recommendation

1.23 The Committee recommends that the amount collected towards irrigation cess should be utilised only for the maintenance of Irrigation Projects.

Recommendation

(Sl. No. 35, Para No. 111)

1.24 The Committee understands that undue advantage of ₹ 26.17 lakh was paid to the contractor by way of accepting the work of construction of shoring to protect the sides of trenches excavated for apron concreting as an extra item even though the same was already included in the original contract. In the contract, it was shown that, the rates were inclusive of the charges of all incidental works including shoring. But the contractor demanded the work as an extra item and the Department, accepted his demand in a supplemental agreement. The Department asserted that if the shoring up was not done, loose sand and other debris would have fallen into the concrete laid for apron which in turn would reduce the strength of the apron. This is not acceptable to the Committee since the rates in the original estimate were inclusive of all incidental works including shoring. The witness expressed the view that the shoring mentioned in the estimate was regarding the dredging only up to 60 cm depth. Since all circumstances appears to confirm the fact that the contractor was unjustifiably paid ₹ 26.17 lakh, the Committee recommends for the detailed technical examination on the whole case.

Action Taken

1.25 According to the Chief Engineer Project I, Kozhikode, the revised estimate was sanctioned at his end after thorough scrutiny incorporating all the alterations and additional works done in the project. The note given under standard specification states that 'when an excavation is for the works like bridge foundation and separate arrangements and method of payment for pumping and shoring sides of excavation are to be made, they shall invariably be clearly defined'. The specification included in the contract only manual labour for excavation of earth in all classes of soil is provided and no separate item for shoring was provided in the original agreement schedule. So it is clear that item of shoring for such a deep structure of 2.50 and 2.65m cannot be considered as included in original agreement. This shoring had to be carried out as an extra item only for the proper excavation and completion of the apron concreting work in the site. The provision for shoring was given after detailed technical examination by the departmental officers then in charge of the work. The revised estimate of the work was approved by admitting the additional item of shoring by competent Technical Authority of the department.

Further Recommendation

1.26 The Committee observes that the department's failure to enforce the contract condition and the undue favour shown to the contractor have led to the unjustifiable escalation of the cost of work. Therefore the Committee recommends that specific action should be taken to realize the extra amount of ₹26.17 lakh paid to the contractor and action should be taken against the officers responsible for the above cost escalation and urges the department to take effective measures to avoid this kind of improper payment in future.

Recommendation

(Sl. No. 36, Para No. 112)

1.27 The Committee observes from the audit scrutiny that though the contractor had used sand from the river bed free of cost, the SE had unjustifiably allowed an undue gain of ₹ 14.30 lakh to the contractor towards the cost of the sand used, by stating that the contractor procured the sand from his own source.

This is untrue by the fact that the contractor had actually used the sand free of cost. The Committee expresses its deep displeasure on the fallacious stand point of the Department Officials in justifying the payment of the cost of sand unlawfully allowed to the contractor and recommends that the whole issue should be thoroughly investigated and stern disciplinary action should be taken against the erring officials and furnish details to the Committee.

Action Taken

1.28 Having considered the report on this para made available by the Chief Engineer (Irrigation & Administration) vide letter vig.7/70/2011 Dated 22-8-2012 along with incumbency details of officers involved in the irregularity, necessary direction was issued to initiate disciplinary action against the officers involved in allowing the contractor to use sand at the site free of cost.

Further Recommendation

1.29 The Committee expresses its strong displeasure over the irresponsible attitude of the department in realizing the amount unduly paid and points out the serious lapse in not taking disciplinary action against the delinquent. So, the Committee directs the department to inform the Committee of the actions taken in this regard within one month.

FINANCE DEPARTMENT

Recommendation

(Sl. No. 41, Para No. 143)

1.30 The Committee sees that though numerous cases of misappropriation/misutilisation of funds are unearthed in various departments, no effective measures of any kind has been taken to curb the corruption malice in Government Departments as a permanent solution. The passive reply of the Director of Treasuries that no departmental action could be taken against the corrupt officials since there was an order of Vigilance Department for not to conduct any departmental enquiry by simultaneous with police enquiry is not acceptable to the Committee. The Committee opines that the order of the Vigilance Department is unjustifiable as it does not contain any legal reason and is not

originated from any legal constraint. No law prevails in the State prohibiting the Government from taking departmental action against the culprit on the ground that Vigilance enquiry is on against them. The Committee expresses its discontention in the continuance of this conventional method. Reference of cases of misappropriation to Vigilance, where the unending process virtually becomes a safe haven to culprits. Hence this should be stopped forthwith. The Committee strongly recommends that whenever there is prima facie evidence of malpractice/corruption/misappropriation committed by department personnel, the department should initiate departmental enquiry and take appropriate action against the miscreants withstanding the fact that Vigilance enquiry has been initiated against them.

Action Taken

1.31 As per the prevailing orders in G.O.(P) No.65/92/Vig. Dated 12-5-1992 issued by the Vigilance Department when an investigation/ enquiry against a Government servant is pending in the Directorate of Vigilance investigation, the Head of Department/ Head of office concerned shall not initiate a parallel departmental enquiry on the same allegation but shall wait for the completion of the investigation/enquiry by the Director of Vigilance Investigation. In the light of these prevailing instructions, the recommendation of the PAC was taken up with the Vigilance Department.

1.32 The ACS (Home) after consultation with the Director, Vigilance and Anti Corruption Bureau, expressed the view that the full fact of misconduct/criminal misconduct against the suspect officer could come out only on completion of the Vigilance enquiry. However Vigilance Department had no objection to Departmental enquiry and disciplinary action being proceeded with if those were based on different facts and circumstances, but not on those dealt within Vigilance enquiries and Investigations. ACS (Home) has also expressed the view that if parallel enquiries are initiated, there is possibility of different decisions being taken on the same allegation and thereby giving the accused an added advantage of getting exonerated either through a court of law or by taking advantage of the favourable decisions. He has also observed that usually in departmental enquiries, the accused might get only a minor penalty though

it could have demanded a major penalty. It is further pointed out by the Vigilance Department that it would not be possible to punish an accused twice on same allegation in the above circumstances Vigilance Department has requested Finance Department to present before the Committee its inability to implement the recommendation of the PAC. The above position is submitted before the Committee for its kind consideration.

Further Recommendation

1.33 The Committee recommends the Vigilance Department to dispose of the cases of misappropriation/misutilisation of funds in a speedy manner and directs the Administrative Department concerned to take disciplinary action against the offenders. The Committee also suggests that the suspended officials should not be reinstated in service without the permission of the Vigilance Department and that in such cases, departmental action should be initiated along with recovery of loss sustained to Government.

Recommendation

(Sl. No. 42, Para No.144)

1.34 The Committee wants to know the present position of the amount to be recovered in the case of Varkala Government Guest House. The Committee also urges the Finance Department to furnish a detailed Report on the settlement of amount drawn by 40 DDOs as pointed out in audit.

Action Taken

1.35 On the basis of the recommendation, FIW conducted inspection in the Government Guest House, Varkala and offices of other DDOs for collecting the details of settlement on the objection raised by AG during the scrutiny of Cash Book and other related records during May 1997 to January 2000. Inspection Wing collected up-to-date details of settlement on the issues regarding the misappropriation of Government money shortage and irregular utilisation of Departmental receipts, among other things. The reason for retention of Cash/DD was also verified.

1.36 It is observed that there was no complete settlement regarding the misappropriation of cash in Taluk Office, Devikulam and Guest House, Varkala. Strict direction has been issued to the Department Heads for settling the amount at the earliest.

1.37 Regarding the shortage of cash, full settlement has been made in the Office of the Director of SC/ST and Taluk Office, Fort Kochi. Strict direction has been issued to clear the pending objection in Medical College, Thrissur, Taluk Office Ottappalam and Guest House, Thrissur. Direction has been issued to report the present position of pending objection.

1.38 Regarding irregular utilisation of Departmental receipts, the full settlement has been made in the case of Guest House, Ernakulam and Government Guest House, Thrissur.

1.39 During the course of inspection conducted at various offices where huge amounts were retained at the fag end of the respective financial year and DDs were retained for long periods, it was noted that they kept huge amount as cash/DD on the basis of various reasons like drawal of funds for certain continuing schemes, time delay in obtaining DD from Banks, keeping of money for election purpose, Tsunami fund, Housing Scheme and delay in getting allotment from HODs and even drawal of fund for preventing lapse of budgetary provisions etc.

1.40 However, strict directions have been issued to all the HODs for minimising cash retention at the end of financial year and unnecessary drawal of money for preventing lapse of Budgetary provisions etc. All the DDOs were warned against recurring of such events in future. Besides, FIW is conducting surprise cash verification every year during the 1st week of April so as to ascertain whether huge amount is drawn and kept in hand without valid reasons. On the basis of the findings strict disciplinary action has been recommended against the Drawing and Disbursing Officers. The findings of the FIW in respect of the 40 DDOs are detailed below.

I. Misappropriation of cash

1.41 In the Report of C&AG, it is reported that misappropriation/shortage of cash was noticed in the following 3 DDOS. Moreover, Cash Books were not maintained properly in these Offices. On the basis of the audit report, Finance

Inspection Wing verified the Cash Books and other records in the 3 offices and the observation is as follows:-

1. Taluk Office, Devikulam

1.42 In para 3-7-2(1) of C & AG Report, it is stated that a surprise inspection by the Finance Department revealed that an amount of ₹ 2.38 lakh was misappropriated.

1.43 On verification it was seen that the persons involved in the misappropriation of cash were suspended and later reinstated. An amount of ₹ 1,72,551 was recovered from Shri Balakrishnan Nair and remitted to the treasury. The case was handed over to Vigilance for enquiry. The vigilance enquiry has not been completed. The Report on inspection from FIW has been forwarded to Administrative Department and requested to report the recoupment of balance amount of ₹ 65,449 on completion of Vigilance Enquiry.

2. Government Guest House, Varkala :-

1.44 C & AG has reported that the Manager, Government Guest House, Varkala, while relieving of his duties on 9-10-1996 did not hand over the cash book with balance amount of ₹ 33,353/- to his successor, who opened new cash book from 10-10-1996 with "NIL" opening balance. The Manager remitted ₹ 26,670 into Treasury in February to March 1997 and ₹ 6,683 still remained unaccounted for.

1.45 Finance Inspection Wing conducted a detailed enquiry in this regard. The team verified cash book and relevant records and found that Sri. K. A. Palsi Halden, the Manager for the period from 1-3-1996 to 8-10-1996 has not remitted the balance amount of ₹ 6,683 in to the Treasury. The amount is still pending for remittance. Similar nature of irregularity was seen committed by 3 other former Managers of the Guest House while handing over the charges to the successors. The liability of all the 4 Managers were fixed and the Report on inspection forwarded to AD. Finance Department has recommended to recover the amount with 12% interest (ie, ₹ 28,712 + 12% interest) from the 4 former Managers and the compliance reported to the AG and FIW. Moreover, necessary directions has been issued to the Manager for the proper maintenance of Cash Book and other Records.

3. Government Guest House, Thrissur :

1.46 C & AG has reported that there was a shortage of ₹ 22,977 while handing over charge on 16-4-1998 by Deputy Director, Guest House, Thrissur. On verification, Finance Inspection Wing has found that the said amount was fixed as the liability of Shri Kurian Joseph, Former Joint Director, Guest House, Thrissur and ₹ 25,250 recovered from him.

II. Shortage of Cash

1.47 In the Report of C & AG, it is reported that an amount of ₹ 4.59 lakh was noticed as shortage of cash in the following 5 DDOs

1. Director of Scheduled Caste Development Department

1.48 C & AG has reported that an amount of ₹ 13,300 were unauthorisedly held as unadjusted vouchers in the office. On verification it is found that the said amount was paid excess to All India Tour Team on 6-1-2000 from the Cash drawn for the purpose of Temple Entry Proclamation. This amount was recouped on 20-1-2000 vide TR-5 receipt No.52 dt 17-1-2000. Report on Inspection forwarded to AD and recommended to take stringent action if any diversion has been found in future.

2. Medical College, Thrissur :

1.49 C & AG has reported that an amount of ₹ 2,096 was unauthorisedly held as unadjusted vouchers / advances to staff from the undisbursed cash. It is reported that the amount has been already adjusted.

3. Taluk Office, Ottappalam :

1.50 Shortage of cash to the tune of ₹ 4,23,676 was noticed by AG. Out of this, an amount of ₹ 3,23,570 were unauthorisedly held as unadjusted vouchers and ₹ 1,00,106 was shown as advances to staff from the undisbursed cash.

1.51 On verification it was noticed that an amount of ₹ 4,22,676 was recouped. Balance amount of ₹ 1,000 expended during 7-4-2000 (expended for Anakkara Accident) has not been recouped till date. Strict direction has been issued to recoup the amount within three months other wise the amount should be fixed as the liability of the DDO.

4. *Government Guest House, Thrissur*

1.52 It is reported that an amount of ₹ 7,314 were unauthorisedly held as unadjusted vouchers towards advance in the Office.

1.53 On verification it is noticed that the said amount has been fixed as the liability of former Deputy Director Shri Parameswarn Achary. The amount is still pending without effecting any recovery even after the lapse of 8 years. The Dy. Director reported that a case has been filed in the High court in this regard. No decision has been finalised so far.

5. *Taluk Office, Fort Kochi*

1.54 C & AG has reported that an amount of ₹ 12,334/- had been found short in the cash balance whereas unadjusted vouchers for the same amount has been unauthorisedly held in the Office.

1.55 During the course of enquiry, the Tahsildar pointed out that those payment had been made to the repairs of office jeep or other time bound payments. On such occasion, the vouchers from the parties on payments were kept and recouped on receipt of proper allotment. The amount paid on such vouchers had already been recouped and no vouchers of fund were existing.

III. Irregular Utilisation of Departmental Receipts

1.56 It is reported that in contravention to Rule 6(2) of the KTC, DDOs of Government Guest Houses at Ernakulam and Thrissur have utilised Departmental receipts of ₹ 0.73 lakh and ₹ 0.66 lakh respectively during 1993-99 towards routine expenses of the institutions.

1. *Government Guest House, Ernakulam*

1.57 C & AG has reported that the Manager had utilised Departmental Receipts of ₹ 72,827 during 1998-99 towards routine expenses of the institution.

1.58 On verification it was noticed that the objected amount of ₹ 72,827 seen deducted from the cash balance of the Cash book dated 1-9-1998 by Smt. Vijayakumari, former Manager has not been got reimbursed from the Directorate of Tourism. The amount has not been recovered from the erring Officer

though she retired from the service in 2005. Directions has been issued to recover the amount from Smt. Vijayakumari with 12% interest through revenue recovery proceedings.

2. *Government Guest House, Thrissur*

1.59 The Deputy Director, Government Guest House reported that the Departmental receipts of ₹ 0.66 lakh utilised for the period from 1993-2000 for routine expense has been recovered from the following officers :-

Name of Officer

1. Shri T. D. Sethumadhavan
2. Shri Kurian Joseph
3. Shri Aurangazeeb
4. Shri Parameswaran Achari

IV. Retention of Heavy Cash Balance

1.60 C & AG reported that 22 DDOs in 5 Departments held huge cash balance ranging from ₹ 0.50 lakh to ₹ 1.45 crore on 31st March 1997, 1998 and 1999. Total Cash Balance retained in these officers during these years were ₹ 1.59 crore, ₹ 2.89 crore and ₹ 1.91 crore respectively.

1.61 FIW conducted inspection in offices of all the 22 DDOs and verified the Cash Book and Subsidiary Registers. The tendency of huge cash retention is still continuing in almost all the above offices. The reason for retention of cash and the explanation of DDOs and the action recommended are detailed below.

1. *Medical College, Thiruvananthapuram*

1.62 The practice of irregular retention of huge cash balance is still continuing in the office even though repeated general instructions were issued from the government from time to time. FIW has recommended to take necessary steps to reduce the cash balance to minimum extend possible in future.

2. *DEO, Kattappana*

1.63 The tendency of retention of cash at the end of the financial year is still continuing. Direction was given to the DEO to strictly avoid this practice forthwith.

3. *Guest House, Malappuram*

1.64 The retention of cash at the end of financial year was the revenue collection received in the form of rent, luxury tax, etc. Since PA is very low, this amount was being retained to meet the routine expenditure instead of remitting the same to the treasury. Strict direction has been issued to cease this practice.

4. *Guest House, Kovalam*

1.65 Retention of huge cash balance is notice till 31-3-2007. The Manager has reported that after introducing Managerial Catering System on 21-3-2007 there was considerable decrease in retention of revenue collection.

5. *DEO, Aluva*

1.66 This practice is still continuing. Strict direction has been issued to avoid heavy retention of cash balance at the end of financial year and money should not be drawn from the treasury unless it is for immediate requirement.

6. *Taluk Office, Ottappalam*

1.67 The practice is still continuing. Strict direction has been issued to cease the practice forthwith.

7. *Government Engineering College, Kottayam*

1.68 Heavy retention of cash balance is continuing. This is due to the encashment of Contingent Bills for various purposes. The main reason of the heavy retention of cash balance is that the transaction as being done with the Sub Treasury, Pampady which is a non-Banking Treasury and the authorities constrained to withdraw money payable to various firms in cash instead of DDs. The Principal has been directed to forward proposal to shift the transactions from Sub Treasury, Pampady to a banking Treasury near the college.

8. *Engineering College, Kannur*

1.69 Huge amount of cash retention is still continuing. Strict direction has been issued to the Principal to minimise the retention of huge cash balance at the end of financial year.

9. Taluk Office, Kollam

1.70 FIW verified the cash balance as on 31st March of the subsequent years till 2009 and observed that there was no unnecessary retention of cash during this period. The bulk amount kept in the chest on 31-3-2004, 31-3-2006 and 31-3-2009 were meant for election fund. The retention of cash on 31-3-2005 was due to the keeping of Tsunami Emergency Relief Fund. However, the Tahsildar has been warned against unnecessary retention of Government money.

10. Maharaja Technical Institute, Thrissur

1.71 Huge retention of cash balance observed at the end of each financial year since 1997 irrespective of the objections pointed out by the AG during 1997-99. FIW has directed to take stringent action if the practice continues in future.

11. DMO, Kozhikode

1.72 FIW has verified the cash balance as on 31st March 2000 and subsequent years till 2009 and found that huge amount were drawn through contingent bills at the fag end of the financial year for the various purposes in that financial year. Necessary direction has been issued to minimise the cash balance in subsequent financial years.

12. DEO, Palakkad

1.73 On verification of cash book for the period from March 2000 to March 2009, it was noticed that the practice of huge retention of cash is still continuing. The DDOs were not seen taking any effective steps to regulate the huge retention at the fag end of the financial year. FIW directed the DDO to take strict action for reducing the huge cash balance especially in the IED and IT Education.

13. Taluk Office, Kochi

1.74 The practice of retaining huge amount of cash at the fag end of the financial year is still continuing. The Tahsildar reported that huge funds were needed and retained as cash on certain occasions viz. For the conduct of Election, distribution of natural calamity fund etc. However, necessary directions has been issued to avoid irregular practice of unnecessary drawal of fund especially at the fag end of the financial year and retention of heavy cash balance.

14. Government Ayurveda College, Thiruvananthapuram

1.75 The practice of retaining huge amount of cash at the fag end of the financial year is still continuing. The main reason pointed out by the Principal was that the transactions were made from non-banking treasury.

15. Guest House, Thrissur

1.76 Retention of cash at the end of financial year is still continuing. Necessary direction has been issued to cease the practice forthwith.

16. Taluk Office, Udumbanchola

1.77 Cash retention is still continuing. Tahsildar reported that they had taken stringent action to reduce the cash balance at the end of the financial year.

17. Government Engineering College, Thrissur

1.78 Huge cash retention is still continuing. Strict direction has been issued to minimise the retention of cash at the end of year, in future.

18. Taluk Office, Adoor

1.79 Retention of Cash is still continuing. Shortage of cash for an amount of ₹ 29,500 was detected by FIW as on 31-3-2008. Explanation called for from the Tahsildar. Direction has been issued to minimise the cash retention in future.

19. Taluk Office, Devikulam

1.80 The Practice of huge amount of cash retention at the end of the financial year is still continuing. Direction has been issued to minimise the cash retention.

20. Government Engineering College, Thiruvananthapuram

1.81 Retention of cash ranging from ₹ 96,924 to ₹ 1.3 crore in successive years from 1999 has been noticed. The authorities failed to furnish the reason for huge cash retention at the fag end of each financial year. Necessary direction has been issued to take corrective measures for reducing cash balance and for the proper maintenance of cash book.

21. DEO, Neyyattinkara

1.82 The practice of maintaining huge cash balance at the end of the financial year is still continuing and attempts were made by the DEO to minimise the cash balance. Strict direction has been issued for reducing the retention of cash and the proper maintenance of cash book and its subsidiary register.

22. DPI, Thiruvananthapuram

1.83 On verifying the break-up of cash balance for the period from 3/2000 to 3/2009, the datas substantiate the stand of PAC that huge amounts were drawn unnecessarily to prevent from lapsing. Direction has been issued to the DDO in reducing the retention of cash at the fag end of financial year and not to draw fund without immediate requirement.

V. Huge amount kept in the form of Bank Draft

1.84 C & AG has reported that in disregard of existing rules, huge amount ranging between ₹ 13.68 lakh and ₹ 11.85 crore were drawn from the Treasury by 7 DDOs and kept in the form of DD at the end of the financial year.

1.85 On the basis of the Report, FIW conducted inspection in the Office of the 7 DDOs and verified Cash Book. Treasury Bill Book Register of Valuables and other relevant records. The observations are as detailed below :

1. Directorate of Agriculture

1.86 AG has reported that 48 no. of DDs for an amount of ₹ 1185.35 lakh was retained on 31st March, 1999. On verification it is noticed that 32 DDs amounting to ₹ 3.71 crore was credited to T.P. A/c No. 1772, as there was no immediate expenditure. The remaining 16 DDs were disbursed to firms concerned within a period of one month. The amount credited to TP A/c was expended in succeeding years for various programmes. NO Prolonged retention DD was seen in succeeding years.

2. PAO, Kannur

1.87 AG has reported that as on 31st March, 1999 an amount of ₹ 17.14 lakh was retained in the office in the form of DD. On verification it was noticed that all

DDs drawn on 31st March 1999 were disbursed to the parties concerned within a period of 2 months. No prolonged retention of money in the form of DD was noticed in the succeeding years. However, direction has been issued to stop the practice of drawing and retaining Government money in the form of DD without having any immediate requirement.

3. PAO, Palakkad

1.88 There was prolonged retention of DD since 1999 onwards. Allotment was drawn from the treasury without immediate requirement. Substantial amount was credited into T.P. A/c and expended later. Some of the DDs are seen revalidated after the expiry and then disbursed to the party after a few months. The practice of retaining DD is still continuing. The PAO is strictly warned of against such incidents in future.

4. PDA, Nenmara

1.89 AG has reported that an amount of ₹ 13.68 lakh was retained in the form of DD on 31st March 1999. On verification it was noticed that during 1998-99 and 1999-2000, number of DDs were drawn and retained for along period, but no such irregular retention of DD noticed in the Office after that period. Moreover the objection was dropped by the AG.

5. PAO, Malappuram

1.90 Irregular retention of huge cash in the form of DD from 31-3-2009 onwards is still continuing but showing downward trend. Direction has been issued to stop this practice.

6. PAO, Pathanamthitta

1.91 Irregular retention of money by way of DD were noticed from 31st March 1999 onwards. Strict direction has been issued to stop the unnecessary retention of money in the form of DD

7. Medical College, Thrissur

1.92 The practice of retention of DD for a long period is still continuing. Necessary direction has been issued to stop this practice forthwith.

Further Recommendation

1.93 The Committee opines that non-remittance of cash to the Treasury and keeping the same in hand is a clear violation of Rule 91, 92 (b) and (c) of Kerala Treasury Code Part III. As per Article 9 of Kerala Financial Code Volume I, the Controlling Officer is liable to send report every month. So, the Committee recommends to strictly implement the provision in the Financial Code and to fix responsibility on the delinquent officers and considers the refund of short amount as a result of misappropriation and hence recommends to take disciplinary action as per the provisions in the Financial Code.

SPORTS & YOUTH AFFAIRS DEPARTMENT

Recommendation

(Sl. No. 45, Para No. 157)

1.94 The Committee condemns the irresponsible attitude of the officials in the Department of Sports and Youth Affairs by which an amount of ₹ 2.30 crore of Central assistance for the construction of Sports Hostel, International Stadium and Swimming Pool had been lost on account of non-submission of adequate proposals to the GoI and non-fulfilment of the condition in the proposals of GoI. This is a serious lapse on the part of the Department. It is also appalling to note that the Department had so far not conducted any enquiry on the lapse and hadn't fixed the responsibility in this regard. The Committee strongly recommends to conduct a detailed enquiry into the whole thing and that explanation should be sought from the person who had failed to submit the proposal to GoI in time and furnish a detailed report to the Committee.

Action Taken

1.95 Under the scheme of creation of Sports Infrastructure launched by Government of India, during the plan period 1994-1999 proposals were drawn for the construction of Sports Hostel and International Multipurpose Stadium and Swimming Pool at Manacaud. ₹ 2.30 crore had been released as states share to Kerala State Sports Council on the basis of condition that Central Assistance of

50% would be released on full utilisation of the State share. But the plan was not materialised for want of a proper plot for construction. Hence a new proposal for transplanting the scheme to Pirappancode had been submitted for Central Assistance. The Manikkal Panchayat has the history of producing a number of swimmers of international standards, NIS coaches and several swimmers that have represented India in international tournaments. Kerala State Sports Council as per letter No.KSSC/B3/1521/2000 dated 19-7-2000 had furnished a proposal seeking financial assistance under Government of India scheme for the construction of International Swimming Pool Complex at Pirappancode at an estimated project cost of Rs.3,97,16,840 and Government vide No.41974/SY2/2000/G.Edn letter dated 7-8-2000 had recommended and forwarded the proposal for sanctioning of financial assistance to Government of India.

1.96 While forwarding the proposal to Government of India in 2000, Kerala State Sports Council was in possession of 2 acres. 15.400 cents of land of these 1 acre of land was purchased by the Manikkal Panchayath and assigned in favour of Director, Sports and Youth Affairs and 1 acre 15.400 cents of land purchased by Kerala State Sports Council.

1.97 In the said circumstance there had been no willful delay or lapse from the part of the Department of Sports and Youth Affairs in realising the construction of a swimming pool at international standards in Manikkal Panchayat.

1.97 However Government of India had discontinued the scheme during 2005- 2006. The Government of India scheme was proposed to be implemented through Director of Sports and Youth Affairs. On discontinuance of the scheme, the Pirappancode aquatic complex was constructed by Kerala State Sports Council and the said complex is now one of the venues for the conduct of 35th National Games.

Further Recommendation

1.98 The Committee expresses its displeasure over the reply furnished by the department and directs the department to furnish the reasons for not taking action against the person responsible for non utilization of Central assistance.

CHAPTER-II**RECOMMENDATIONS WHICH THE COMMITTEE DOES NOT DESIRE TO PURSUE FURTHER IN THE LIGHT OF THE REPLY FURNISHED BY THE GOVERNMENT****WATER RESOURCES DEPARTMENT****Recommendation**

(Sl. No. 1, Para No. 7)

2.1 The Committee understands that this is yet another case of faulty planning and improper execution resulting in undue financial benefit to the contractor associated with the work. The Committee considers the statements put forth by the witness as baseless and contrary to the existing rules. The reason adduced by them for the change in the alignment of approach road was to avoid the acquisition of garden land at exorbitant cost is not acceptable to the Committee. Since the change itself has resulted in an additional expenditure of ₹ 41.86 lakh by way of allowing the contractor to take the excavated soil at free of cost and conveyed to the contractor's dumping yard at Government expenses whereas the existing rules mandate auctioning of the cut earth at the construction site. This itself defeated the purpose of variation from the original plan. The Committee urges the Department to fix responsibility on the individuals involved in allowing the contractor to take cut earth to his yard at Government expense and preparing the estimate of work and finalising the tender documents without considering the cost of excavation and transport of cut earth to the dumping yard and to furnish the details of the action taken against the persons responsible thereon. The Committee is of the opinion that the Department should take all steps to thwart the attempts of officials to deviate from original plan of projects and bypassing existing orders governing them. The Committee also desires that the existing circular instructions should be modified to include provision for fixing responsibility on those officers who violate the instruction in the circular. The Committee further urges the department to furnish the reason for the construction of a wide approach road at the Kozhikode side of the Regulator-cum-Bridge without obtaining permission from Government for the variation in plan.

Action Taken

2.2I The liability amount fixed by the PAC was ₹ 41,85,283 which included cost of cut earth - ₹ 14,30,741 and conveyance cost of cut earth to the contractor's dumping yard ₹ 27,54,542.

2.3 During inspection of the site it was observed that large quantity of cut earth had been removed from the site and conveyed to the contractor's dumping yard, which is about 2.4 km from the site. The cut earth mainly consisted of red earth which can be used for construction purpose.

2.4 This work was taken up in 1994. Earlier the system of giving due credit to the cost of cut earth in the estimate itself was not prevalent. Now, the system is followed due to increased market price as well as demand of cut earth.

2.5 As a general rule, if sufficient space is not available at the site to dump the excavated soil, it shall be dumped at specified locations and disposed off later on by conducting public auction, for which the dumping place needs to be identified in the proposal itself. In such a case conveyance charge has to be given to the contractor up to the Department dumping yard.

2.6 It was reported that as the site was too narrow to dump the cut earth and the Department dumping yard was not available near the site the officers identified and fixed the contractor's own dumping yard as the dumping place giving minimum conveyance. During inspection it was observed that the site was too narrow and the Department dumping yard was not available near the site. It was also found that the contractor had actually dumped the cut earth at his own dumping yard which is about 2.4 km from the site.

2.7 If it was the Department dumping yard, minimum conveyance (Up to 5 km lorry lead) had to be given to the contractor. Hence, the minimum conveyance charge given may be accepted treating the contractor's dumping yard as the Department dumping yard.

2.8 While permitting to dump the excess cut earth at the contractor's dumping yard the officers failed to dispose the material by conducting public auction which is serious lapse on their part that resulted in huge loss to Government to the tune of

₹ 14,30,741 Therefore, only the cost of cut earth amounting to ₹ 14,30,741 may be considered for recovery from the officers involved in the work.

2.9(II) The Chief Engineer (I&A) has issued circular No.W6/31952/10/PAC dated 13/12/2011 which is as follows :-

2.10 "It has come to the notice of the undersigned that charges in alignment of approaches, canals, structures etc. may become inevitable during execution from what is proposed in the project report such changes sometimes may lead to additional cost. Hence utmost care and judgement on the part of the engineers are very essential to adhere to the proposed alignment. However considering the changes in land use, cost of land to be acquired, new construction techniques, traffic etc. changes in alignment may become inevitable during execution as at present the realization of a project may take many years. Considering the above facts changes in alignments of approaches, canals, structures etc. shall only be made with the concurrence of next higher authority sanctioning the work technically."

2.11 (III) The approach road at Kozhikode side having an average width of 12mt. was proposed with a view to get an alternative route from Malappuram to Kozhikode/ Kozhikode Medical College in addition to the existing route of Palakkad - Kozhikode Road. This road is also the shortcut route from Malappuram to Kozhikod Medical College.

2.12 The provision for providing 12m width for approach road at Kozhikode side was given on public interest. Due to the construction of the road the traffic congestion in the National Highway-249- Kozhikode - Palakkad is reduced to a high extent.

Further Recommendation

2.13 The Additional Chief Secretary, Water Resources Department requested that minimum Conveyance allowance for the transference of the cut earth may be granted to the contractors. He assured that liability would be fixed and an amount of ₹14,30,741 being the cost of cut earth, would be recovered from the delinquent officers. The Committee accepted the request of the department and urges the department to furnish a detailed report on the steps taken in this regard.

Action Taken

2.14 As recommended by the Committee, officers responsible for the irregularities in connection with the construction of Regulator-Cum-Bridge at Kavanakallu across Chaliyar river in Malappuram District were identified and responsibilities fixed. Subsequently, sanction was accorded for the recovery of liability in respect of the 4 retired officers by invoking ruling 6 under Rule 116 Part III KSR and that of one deceased officer, from the legal heirs vide G.O. (Rt.) No : 91/2019/WRD dated 13-2-2019. Action is underway to recover the liability. Hence the reply may be accepted and the recommendation may be dropped.

Action Taken reply vide Letter No. GW2/20/2017/WRD dated 17.10.2022

2.15 As recommended by the Committee sanction was accorded for the recovery of liability in respect of 4 retired Officers i.e, Jacob Antony, T. M. Rajan, K. Murugan Pillai and N. Viswanathan Achari by invoking ruling 6 under Rule 116 Part III Kerala Service Rules and that of one deceased officer i.e., Shri K. Sasidharan from the legal heirs by G.O. (Rt.).No. 91/19/WRD dated 13-2-2019. As per letter dated 26-7-2019 final Action Taken Report vetted by Audit has been forwarded to the Legislature Secretariat.

2.16 In the meanwhile Smt. S. Saraswathy wife of deceased K. Sasidharan Nair, Rtd. Chief Engineer filed OA 2123/2019. The Hon'ble Tribunal passed an interim order dated 28/10/2019 as follows:

2.17 "There will be a stay of all further proceedings pursuant to Annexure A4 for recovery of any amount from the applicant". A4 is the true copy of Notice of Demand dated 17-7-2019 issued by 3rd respondent i.e, the District Collector Thiruvananthapuram".

2.18 The Chief Engineer (I&A) as per letter dated 23-1-2021 informed that, in the PAC 76th Report Para-7, sanction was accorded for the recovery of liability as per G.O. (Rt.) No. 91/19/WRD dated 13-2-2019. One among the alleged officers, Shri Jacob Antony (S.E. Rtd.) has been expired, hence modified orders were issued as G.O. (Rt.) No.29/2022/WRD dated 15-1-2022 to recover the liability from the legal heirs of him by invoking ruling '6' under Rule 116 Part III Kerala Service Rules under Kerala Public Accountants Act, 1963.

2.19 Government re-examined the entire matter and found that the officials concerned in this case does not come under the definition of public accountant and hence it is untenable to invoke. Also ruling 6 under rule 116 KSR Part III does not contemplate holding legal heirs liable for the default on the part of the Government Servant.

2.20 In the above circumstance, Government issued G.O. (Rt.) No.841/2022/WRD dated 19/09/2022, writing off the liability amount of Rs.3,57,685 each from the legal heirs of Late Shri Sasidharan, Chief Engineer (Rtd.) and Late Shri Jacob Antony, Superintending Engineer (Rtd.)

Further Recommendation

2.21 Since the reply received from the Water Resources (GW) Department on the further recommendation by the Committee was not clear, the Committee decided to postpone its consideration for the time being.

Action Taken reply vide Letter No. GW2/20/2017/WRD dated 22-12-2022

2.22 As per G.O. (Rt.)No. 91/2019/WRD dated to inform the 13-2-2019 and G.O. (Rt.) No.29/2022/WRD dated 15-1-2022 orders were issued for implementing the recommendations made at Para 7 of the 76th Report (2006-2008) of PAC for the recovery of loss sustained to Government from delinquent officials in connection with irregularities noticed by the Committee in the Construction of Regulator -Cum -Bridge at Chaliyar River in Malappuram District.

2.23 As per Section 2(b) of the Kerala Public Accountants Act, 1963 Public accountant "means a person who, by reason of being employed in the service of the Government or of any other authority or institution notified by the Government in this behalf from time to time in the Gazette is entrusted with the receipt, custody, possession or control of any moneys or securities for money, documents, or other property belonging to the Government or to any such authority or institution notified as aforesaid, or who in his capacity as Government servant, or servant of any such authority or institution, is entrusted with the receipt, custody, possession or control of any moneys or securities for money, documents or other property belonging to any person or persons or to any institution for and on behalf of the Government or any such authority or institution, as the case may be and includes a

person who is, or has been, a Government Law Officer". It was held by the Honorable High Court in Paramu Pillai V. District Collector [1989(1) KLT 224] that the definition of the expression of Public Accounts in the Kerala Public Accountant Act, 1963 makes it clear that it is not every employee in the service of Government, who can be regarded as a public accountant and it is only an employee who is entrusted with the receipt, custody, possession or control of any moneys or securities for money, documents, or other property belonging to the Government or who, in his capacity as Government servant is entrusted with the receipt, custody, possession or control of any moneys or securities for money, document or other property belonging to any person or persons or to any institution for and on behalf of the Government. Sec. 3(1) can be invoked only as against public accountant and so the incumbent concerned should necessarily satisfy the definition of Public accountant in terms of Sec 2(b) of the said Act and that a Government servant can fulfill the definition of "public accountant " in terms of Sec.2(b) only when there is such entrustment. etc. and where there is no entrustment of moneys, securities for money, documents or other property to the Government servant concerned, then he/she will not fulfill the definition of " Public Accountant " in terms of Sec.2(b) and hence the provisions contained in the said Act including Sec.3 (1) cannot be pressed into service as against such a Government servant. Going by the said ruling it is seen that the delinquent employees involved in the case do not come under the purview of the Public Accountant as defined in Section 2(b) of the Act.

2.24 Regarding the maintainability of Civil Suit as provided under Ruling 6 of Rule 116 of Part III KSR against the legal heirs of the deceased delinquent employees for recovering the share of their Government loss, it is informed that a Civil Suit as provided under Ruling 6 of Rule 116 of Part III KSR, *inter alia* provides that if action under Rule 3 of Part III KSR is not possible due to the expiry of the time limit prescribed for such action or due to any other reason, the retired employee could be proceeded against a Civil Court for recovering the pecuniary loss caused to Government. As per Note 3 to Rule 3 of Part III KSR the liabilities of an employee should be qualified either before or after retirement and intimated to him before retirement if possible or after retirement within a period of three years becoming pensioner. The liabilities of Pensioner should be qualified

and intimated to him. It was held by the Honorable High Court in S.Ratheesh Nair Vs. State of Kerala & Ors,[2014 (2) KLT 858] that "The liabilities of the Pensioner should be qualified and intimated to him, this is the provision contained in note 3 to Rule 3 of Part III KSR. This means that once that time limit is over, Government will not have the authority to decide as an adjudicator as to what would be the liability of a particular Pensioner. The right of the Government would be as noted in the later part of the ruling 6 under Rule 116 of Part III KSR, one preserving to itself the right to sue the Pensioner in Civil Court. Going by the said ruling and the rule it can be seen that the right preserved in Government under Ruling 6 of Rule 116 KSR Part III is for getting the liabilities of such Pensioner quantified by adjudicating the, same through a Civil Court by following the provisions prescribed for the same in CPC. In such cases, the Pensioner is a necessary party to the dispute and in his absence, his liability could not be adjudicated by filing Civil Suit against the legal heirs of the deceased Pensioner. As such suits are not maintainable as per order 1 Rule 10 (2) of the CPC. Since necessary parties are parties whose presence is essential and in his absence no effective decree can at all be passed. [Kasthuri Vs. Iyyamparumal (2005) 6 SCC 733/AIR 2005 SC 2209]. Besides the general principles to be followed in fixing monetary liabilities so far as the Government Servants are concerned as prescribed under Article 303 B(iii) of the Kerala Financial Code Volume 1 provides that "In cases where it is not possible to recover the share so fixed from one or more individuals due to their death or for other reasons the question may be taken upon for obtaining sanction from the competent authorities for the loss to be written off. In view of the above Law Department informed that the direction contained in the G.O. (Rt.)No. 91/2019.WRD dated 13-2-2019 and G.O. (Rt.)No. 29/2022/WRD dated 15-1-2022 for proceeding respectively against the legal heirs of late Sasidharan and late Jacob Antony under Ruling 6 of Rule 116 of Part III KSR is highly irregular and hence legally not sustainable.

2.25 In the above circumstance, Government issued G.O. (Rt.) No.841/2022/WRD dated 19-9-2022, writing off the liability amount of Rs. 3,57,685 each from the legal heirs of Late Shri Sasidharan, Chief Engineer (Rtd.) and Late Shri Jacob Antony, Superintending Engineer (Rtd.).

Action Taken reply vide Letter No. GW2/20/2017/WRD dated 16.6.2023.

2.26 സർക്കാരിന്റെ 13-2-2019 തീയതിയിലെ G.O.(Rt)No.91/19/WRD പ്രകാരം ശ്രീ. കെ. ശശിധരൻ, ശ്രീ. എം. ജേക്കബ് ആന്റണി, ശ്രീ. ടി. എം. രാജൻ, ശ്രീ. കെ. മുരുകൻ പിള്ള, ശ്രീ. എൻ. വിശ്വനാഥൻ ആചാരി എന്നീ കുറ്റാരോപിതരായ ഉദ്യോഗസ്ഥരിൽ നിന്നും സർക്കാരിനുണ്ടായ നഷ്ടം ഈടാക്കുവാൻ ഉത്തരവായിരുന്നു. എന്നാൽ ശ്രീ. കെ. ശശിധരൻ, ശ്രീ. ജേക്കബ് ആന്റണി എന്നിവർ മരണപ്പെട്ടതിനാൽ സർക്കാരിന്റെ 19-9-2022 തീയതിയിലെ G.O. (Rt.) No. 841/2022/WRD പ്രകാരം ഇവരുടെ ബാധ്യത എഴുതിത്തള്ളുകയും മറ്റുള്ളവർക്കെതിരെ നടപടി തുടരുകയും ചെയ്തിരുന്നു.

ബാക്കിയുള്ള കുറ്റാരോപിതരിൽ

ശ്രീ. ടി. എം. രാജൻ - ലയബിലിറ്റി Rs. 2,38,487

ശ്രീ. കെ. മുരുകൻ പിള്ള - ലയബിലിറ്റി Rs. 2,38,487

ശ്രീ. എൻ. വിശ്വനാഥൻ ആചാരി- ലയബിലിറ്റി Rs. 2,38,487

എന്നിവർക്കെതിരെ R.R. ഓൺലൈൻ പോർട്ടൽ മുഖാന്തരം റിക്വിസിഷൻ സമർപ്പിച്ചിട്ടുണ്ടെന്ന് ചീഫ് എഞ്ചിനീയർ (I&A) റിപ്പോർട്ട് ചെയ്തു വിവരം സമിതിയുടെ ശ്രദ്ധയിൽപ്പെടുത്തുവാൻ അപേക്ഷിക്കുന്നു.

Recommendation

(SI No.2, Para No. 10)

2.27 Though appreciated in the action taken in this case, the Committee is of the opinion that the Department should conduct a review on the serviceability and necessity of the bore well *vis a vis* the actual requirement of the beneficiaries residing in the area where these bore wells are constructed. The Committee would like to know whether the work executed was ratified by Government on a later stage, Notwithstanding the action taken in the case, the Committee expresses its opinion that a general tendency prevails in Government Departments not to proceed departmentally against the delinquent officers even if there is *prima facie* evidence of malpractice and misappropriation, on the ground that vigilance enquiry has already been instituted against them. The Committee thinks that this practice is not entertainable and is against the interest of the State for the reason that, the prolongation in the process of vigilance probe is likely to result in allowing

the culprit to go scot-free. Therefore the Committee suggests that it is high time to initiate departmental action against the delinquent officers on the ground of *prima-facie* evidence of his guilt though he is facing vigilance enquiry.

Action Taken

2.28 All the bore wells were drilled, as per the requests made by Hon'ble Ministers, MLAs, Members of Local Self Government Institutions etc. and based on the investigation done by the District Officer. Also due to urgent nature, Technical Sanction was granted by the then Director, Ground Water Department without getting prior sanction from Government. A random check on the serviceability of the bore wells drilled during 1995-96, carried out by the District Officer, Malappuram revealed that 50% of the hand pumps are working and the remaining pumps need repair which was usually done, during the drought period, with the funds received from the District Collector. Government has not yet ratified the work. In connection with purchase of 350 Mark III type hand pumps, against the sanction of Government to purchase 100 Nos. of Mark II type hand pumps and as per the recommendation of Vigilance Tribunal, Government vide G.O. (Ms.) No.97/2000/Vig dated 1-11-2000 awarded following punishment to the delinquent officers, viz, S/Shri G. Devapalan Nair, former Director, Ground Water Department and Shri Subramaniyan, former Executive Engineer.

(iii) Permanent reduction of 20% of monthly pension from Shri G. Devapalan Nair, former Director, Ground Water Department

(iv) Permanent reduction of ₹ 300 from the monthly pension Shri Subramaniyan, former Executive Engineer.

2.29 A separate departmental action against the responsible officers in this case may tantamount to infringement on the principle of double jeopardy envisaged in Article 20 of Constitution of India.

Recommendation

(SI No.3, Para No. 12)

2.30 It is disturbing to note that the Department has failed to take any conclusive action against the persons who were responsible for bringing undue gains to M/s. Karuna Plantations Private Limited at Government expense.

The construction of check dam in a private estate benefited only the estate owners. It is the primary responsibility of the estate owner to provide water to the plantation and people of the estate and not of the Government Department. Apart from this, the general public was deprived of the benefits of such a scheme. Considering the quantum of money involved in the case, the Committee directs the Department to expedite the proceedings in the vigilance case in this respect and fix the financial responsibility on the persons involved so as to make good the loss suffered by the Government. The Committee urges the Department to furnish the details regarding the present status of the vigilance case and the follow up measures initiated, if any.

Action Taken

2.31 The case is still pending before the Enquiry Commission and Special Judge, Kozhikode on CC.No.44/04/SSK. The trial Court has not yet framed charges in the said case as informed by the Vigilance and Anti Corruption Bureau.

Recommendation

(SI No.4, Para No. 15)

2.32 The Committee finds that though tender notice was forwarded by the Chief Engineer with his recommendation to Government on 3rd June, 1997, the Government had approved the tender only on 7th July, 1997, after a delay of one month during which the monsoon had set in. This is a clear evidence of delay on the part of the Government in giving approval to the tender without giving importance to the urgency of the work to be undertaken for the smooth and proper conduct of Aranmula boat race. As the onset of monsoon was a known factor to the Department, the work of removal of sand dunes from Pampa river should have been scheduled sufficiently early during the pre-monsoon period. Because of the delay in getting the approval of the work, the Department adopted mechanical dredging instead of removing the soil manually resulting in extra expenditure of ₹ 22.17 lakh. Therefore, the Committee suggests that whenever any project involving the works of like nature is to be implemented the administrative departments should exert certain degree of foresight and act with a plan so that much amount of Government money could be saved.

Action Taken

2.33 Regarding this Para, the Chief Engineer (I&A) has given direction to the subordinate offices to follow the suggestion of the PAC by issuing a Circular (No.W3/R/31573/2010 dated 26-8-2011).

2.34 The Chief Engineer was also instructed that pre-monsoon works should be carried out in advance before the onset of monsoon and that papers of important nature should be brought to the personal attention of the officers concerned to avoid inordinate delay.

Further Recommendation

2.35 The Committee expressed its dissatisfaction over the statements of Action Taken received from the department and decided to take evidence from the Secretary, Water Resources Department.

Committee's decision on the evidence meeting of 29-10-2014

2.36 The Additional Chief Secretary, Water Resources Department informed the Committee that the referred case was occurred in 1997 and after a time lag of 18 years it is difficult to find out who were responsible for it. The Committee accepted the explanation and remarked that the department should take care not to repeat such incidents in future.

Recommendation

(SI No.5, Para No. 18)

2.37 The Committee sees that though the original work was involved for the formation of earthen bunds requiring 65,000 cubic meters of earth filling for an agreed contract amount of Rs. 43.87 lakh, it was subsequently changed to the proposal of requiring the earth filling of 1.10 lakh cubic meters which had resulted in 70% increase in the work and the contractor had demanded 50% enhancement in the rate. The SE had not accepted his demand and decided to close down his accounts, and the balance work was awarded to another contractor for an estimated contract value of ₹ 79.96 lakh. This explicitly shows lack of due foresight which the department normally requires to exercise in the preparation of the estimate of

the work which was based on a faulty survey work without ascertaining the prevailing site condition. The Committee notices that immediately after the awarding of the work, the SE on being aware of the change in the situation, had issued directions to EE to obtain a supplementary agreement for the excess quantity beyond the permissible 25% excess over the agreed quantity within a week from the contractor and if not, to go in for a fresh tender. But unfortunately, the latter did not act upon the direction of the former. The Committee thinks that had all measures been taken as per the directions of the Superintending Engineer, this excess expenditure could have been avoided. Therefore, the Committee recommends that the Department should fix liability for the loss sustained and punitive actions be taken against the Executive Engineer who had wilfully violated the Department's directions.

Action Taken

2.38 The work F.C. - construction of flood bank on the right bank and left bank of Killiyar between Killi bridge and Iranimuttom bridge was awarded to the Contractor Shri A. Ibrahimkutty @ 21.7% below estimate rate less cost of department materials and agreement executed on 31-1-1991.

2.39 As per the agreement the earthwork quantity was 65000 m³. While taking initial levels the quantity of earth filling required for was found to be 110504 m³. The quantity of earth which required for flood bank increased due to the severe erosion of both banks of the river during the heavy floods and also due to the unauthorized removal of earth from the land by the local inhabitants. Also excess quantity was needed to 6 increase the width of the bund sufficient to make it trafficable. The quantity of the earth to the extent of 5000 m³ was unauthorizedly removed by the public which happened during the period between planting the boundary stones and land acquisitions by the Revenue authorities. The unauthorized removal of earth by the local people occurred before getting the land in possession by Irrigation Department. Hence this Department was unable to initiate action against the encroachers.

2.40 The actual quantity as per the site condition ie, 110504 m³ was approved by the Superintending Engineer vide his letter No.D11-4878/79 dated 3-6-1991. As per the agreement conditions the successful tenders can carryout up

to 25% over and above of the estimated quantity. The Superintending Engineer directed the contractor to execute supplementary agreement for the excess quantities.

2.41 The Executive Engineer also directed the contractor to execute supplementary agreement for the excess quantity vide his letter No.AB2/405/58(A) dated 19-9-1991. But the contractor was reluctant to carryout the excess quantity over and above 25% of the agreed quantity and also requested for 50% price escalation. The Executive Engineer could not direct the contractor to act against the agreement conditions. Hence as recommended by the Executive Engineer, the Superintending Engineer has closed the agreement of the work vide closure agreement No.32/SE/ISC/94-95 dated 30-1-1995. In view of the facts noted above, objection may be dropped and the liability against the Executive Engineer may be waived.

Further Recommendation

2.42 The Committee decided to consider the above para in the presence of Principal Secretary, Water Resources Department

Committee's decision on the meeting of 17-10-2013

2.43 The witness, Executive Engineer, Irrigation Division, Thiruvananthapuram informed the Committee that while levelling left bank of Killiyar in between Killi bridge and Iranimuttom river, more quantity of earth required for filling the bank than anticipated due to the unauthorised removal of earth by local inhabitants. Since this process occurred in the meantime of execution of agreement and handing over of the site by the Revenue Department it could not be monitored properly. He added that since the work of left bank had been completed less than 21% of the estimated cost and no loss incurred to the exchequer. The Committee accepted the explanation.

Recommendation

(SI No.6, Para No. 20)

2.44 The committee views the case with due concern and recommends that the department should be more vigilant and that sufficient precautionary measures be adopted to avert such lapses in future. Every possible steps should be taken to

recover the excess amount paid to the employees and the Committee desires to be informed of the steps taken towards disciplinary action against the officer who made the excess payment as well as the measure for recovering the excess amount paid.

Action Taken

2.45 The Government decision to recover the excess pay and refix the pay could not be implemented due to court direction against reviewing and refixing the pay. Action was initiated to fix responsibility for enormous fixation of pay for making good the loss sustained to Government and disciplinary action initiated against 18 officers who were found responsible for the irregular payment. Memo of charges and Statement of Allegation and Show Cause Notices were issued.

2.46 Initially the disciplinary action initiated against 3 of them were finalized by Government by fixing liability. Considering the fact that the SLR/ CLR workers are the lowest paid group in Government service and the representation of several organizations. Government vide G.O. (Ms.) No.39/2008/WRD dated 19-8-2008 have waived the recovery arrears of pay and allowances and excess pay paid to CIR/ SIR workers.

2.47 In view of the above order. Government have dropped the disciplinary action initiated against 6 officers vide G.O. (Rt.) No 24/09/WRD dated 8-1-2009. In the light of the above two Government orders the disciplinary action initiated against the officers from this office has also dropped

2.48 The disciplinary action already finalized against 3 officers by fixing liability also dropped by Government as a special case in relaxation of Rules vide G.O. (Rt.) No 308/10/WRD dated 11-3-2010.

Recommendation

(SI No.11, Para No.37)

2.49 The Committee understands from the audit findings that the functions relating to the implementation of various irrigation projects by the Irrigation Department in the State are entangled with many administrative lapses/irregularities like under utilisation of Budget provision, deficient expenditure

control, inefficient estimation of funds, expenditure without budgetary provision, bypassing of action plan and Letter of Credit system, avoidable lapse of fund, non-clearance of outstanding balance in Miscellaneous Works Advances etc.

Action Taken

2.50 The findings of the Committee have been noted for future guidance. In general there is no considerable lapse of budget provision due to administration lapse in Irrigation Department. All efforts are taken to make full expenditure of budget provision. Estimates are being prepared with utmost care and caution.

Recommendation

(SI No.12, Para No.38)

2.51 Regarding the under utilisation of Budget provision the reason put forth by the Department for the increase in the Revenue expenditure and decrease in capital expenditure was the retention of the office even after the completion of the project. As the excess staff were not being re-deployed in time there was increase in recurring Revenue expenditure. However, during the last two or three years maximum number offices had been closed and they were re-deployed to Panchayaths. The Committee is acknowledged by the department that all the people attached to the non functioning division would be re-deployed forthwith. Therefore the Committee wants to know whether the actions relating to their re-deployment were completed and if so furnish the present position of the case.

Action Taken

2.52 Government have ordered to deploy a total number of 2185 staff (1470 Technical, 715 ministerial) from Water Resources Department to LSGD and number of posts to be deployed as per Government orders (P) No. 269/2003/LSGD. Dated 5-9-2003. A total number of 1109 technical posts were deployed to LSGD vide G.O. (P) LSGD No. 54/2008/WRD dated 28-11-2008 Government have issued the above order on the concept that the small Irrigation Projects will under the control of LSG Department. But later the existing Irrigation Act amended and the works below 15 Hectares only comes under the control of

LSG Department. Cauvery Circle, Kuttanad Development Circle, Inland Navigation Directorate are formed after the above G.O. issued. Hence 1109 technical staff are deployed to LSG Engineering Department instead of 1470.

2.53 On the same way 715 ministerial staff mentioned in the above G.O. will not be deployed to LSGD without affecting the normal functioning of the Irrigation Department 365 ministerial staff will be deployed to LSG Department. The procedures to call option of deployment are started. In this circumstances this para may be dropped.

Recommendation

(SI No. 13, Para No. 39)

2.54 On the functioning of the National Hydrology Project in the State the Committee is informed that the phase I of the project has been completed and in the phase II more wells would be drilled in different parts of the State. The Committee desires to know the present stage of the phase II of the project so far implemented and urges the Department to introduce an institutional mechanism for creating and promoting general awareness among the public about the importance and the necessity of rain water harvesting ground water re-charging and surface storage.

Action Taken

2.55 National Hydrology Project is a World Bank Assisted Project. The II phase of HP began in April, 2006. Government of India's Water Policy emphasized the need for an integrated approach to the water Resources Development in the country because of:

1. The growing population and consequent need to increase the agricultural production.
2. Rapid urbanization
3. Industrialization

2.56 The country needs to bring the maximum quantity of its available water resources to utilizable category. The water policy recognized that a comprehensive

database on the water resources of the country is a pre-requisite for effective and integrated planning and development of the water resources in the country. During the HP phase I a comprehensive data base - Hydrological Information System - covering quality and quantity variables of surface water, Ground Water and meteorology has been established. The data base provides clean validated data. II phase of HP will help the State to move towards integrated water resources planning and management with the help of modern tools such as Hydrological design aids, decision support system etc. It will also support the state in taking up purpose driven studies in water sector. The project period is 2006-2012. It has two components viz., Ground water and Surface water implemented by Ground Water Department and Irrigation Department respectively. Under decision Support System, Bharatapuzha River Basin has been selected and we have sought the DSS to provide answers on:

1. Surface Water Management
2. Optimization of Reservoir operation
3. Conjunctive use of surface water and ground water
4. Drought management and sand mining etc.

2.57 It is expected that when the DSS is developed for the basin as a case study, it will provide key outputs for informed decision making in all the above aspects. Another important activity under the HP II is purpose driven studies. In this component the states are supported to take up water related problems for study and arrive at solution. We have taken up the study of the water quality of Kerala along with NIH hard rock center, Belgaum. The total outlay of HP II is ₹ 13.62 crore for Ground Water component. The Ground Water Department has carried out awareness campaign on the need for ground water conservation and recharge and on the ground water legislation in 2008-2009. In the campaign the following activities were carried out.

1. A documentary on ground water conservation and recharge resources was made and telecast through Doordarshan and Victor Channel of Education Department.

2. Ten/Twenty seconds visuals and audios were aired through AIR and Doordarshan.

3. A campaign targeting the High School students of the State was done, for which a booklet was prepared and 150,000 such booklet were distributed in High Schools. The students prepared and submitted proposals for ground water conservation. A total of 69 proposals were received and the best three from among them were selected and prizes were given by the Ground Water Authority as a token of appreciation of the students involvement in Ground Water Conservation activities.

Recommendation

(SI No.14, Para No.40)

2.58 The Committee observes that though Water Resources Revamping and Consolidation Programme was introduced for stabilization of canals, in almost all canals there were seepage of water due to the absence of timely repair works. The Department attributed the reason for this to paucity of funds. This is not acceptable to the Committee and it appears ridiculous by the reason that there was a lapse in spending 40% of the funds allotted for the purpose. The Government submits that the reason for the lapse of funds was due to the delay in getting the approval of the action plan by the Planning Board and subsequent Government sanctions. The sanctions are normally obtained only at the fag end of every financial year. On the other hand the department has only a minimum time at disposal to arrange the work. Hence fund cannot be fully utilised resulting in savings. The Committee remarks that the main reason for the lapse of fund is the administrative failure on the part of the Department. The Committee opines that had the action plan been prepared sufficiently early and submitted to the Planning Board for its approval, lapse of funds could have been avoided. Therefore the Committee demands the Department to take necessary steps for preparing the action plan sufficiently early so that lapse of funds can be avoided in future.

Action Taken

2.59 Necessary steps for preparing the action plan sufficiently early will be taken in order to avoid lapse of funds in future.

Recommendation

(SI No.16, Para No.42)

2.60 The Committee expresses its dissatisfaction on the unfair practice followed in the Department that though the Department obtained funds through Supplementary Demands for Grants, the amount so obtained had remained unutilised for three consecutive years. This shows the callous attitude and failure on the part of the Department officials in assessing the cost factor of the Projects to be implemented in particular and maintaining the financial propriety of the State in general. The Committee also expresses its displeasure over the manner in which the Finance Department had dealt with the unrealistic request of the administrative department for Supplementary Demands for Grants without due care and diligence. Hence the Committee recommends the Department to fix the responsibility for the incorrect estimation of the work and to take necessary steps to curb such lapses in future.

Action Taken

2.61 Delay occurred in timely execution of Project due to several problems most of which beyond our control viz natural, labour problems, shortage of construction materials, site condition etc. and hence department cannot be solely held responsible for this. Supplementary Demands for grants was proposed anticipating timely execution of Projects, but funds through SDGs in many cases are received only towards the fag end of the year and hence the slow pace of execution and utilisation of funds. The recommendations of the Committee have been noted for future guidance and now correct estimation of works are made and SDGs is only moved for actual amount required.

Recommendation

(SI No. 7, Para No. 43)

2.62 The Committee comes to know that 161 works under the Pazhassi Irrigation Project costing ₹ 4.47 crore were carried out by Executive Engineers without adequate Budget Provision and Action Plan. The actions of EEs in flouting all statutory procedures and regulations are of serious nature which come under

'ultravires' and hence to be dealt with stringently. The Committee recommends the Department to fix responsibility for the work carried out without the Budgetary provision and action plan and furnish the details of action taken in this regard to the Committee without delay.

Action Taken

2.63 The works arranged in the Pazhassi Irrigation Project Division, Kannur without including in the Action Plan and budget provision were examined in details by the Chief Technical Examiner and Chief Engineers Committee. They opined sanction should be obtained from the competent authority to arrange these works. Accordingly disciplinary action was taken against the delinquent officers by the Government.

2.64 As per the detailed enquiry, following officers were suspended from service.

1. Sri A. R. Balam, Executive Engineer
2. Shri A. J. John, Assistant Executive Engineer
3. Shri M. T. Varghese, Assistant Executive Engineer
4. Shri K. T. Hareendran, Assistant Executive Engineer
5. Shri P. Gopinathan, Assistant Executive Engineer

The disciplinary action against the officers is finalised as follows:

1. Shri A. J. John is warned vide G.O. (Rt.) No.1480/03/WRD dated 4-12-2002
2. Shri M. T. Varghese is censured vide G.O. (Rt.) No.310/05/WRD dated 16-3-2005
3. Shri P. Gopinathan Censured
4. Shri A. R. Balam, Government ordered 50% cut in his pension vide G.O(Rt) No.151/07/WRD dated 3-2-2007
5. Shri K. T. Hareendran, Government ordered 50% cut in his pension vide G.O. (Rt.) No.151/07/WRD dated 3-2-2007

Recommendation

(SI No.18, Para No.44)

2.65 The Committee also sees that there is prolonged non-clearance of outstanding balance maintained in the suspense head of account under the Miscellaneous Works Advances in the Department. The Committee therefore urges the Department to furnish the details of the total amount outstanding as on date and the period from which the arrears had been pending in Miscellaneous Works Advances to the Committee.

Action Taken**Chief Engineer, IDR B**

2.66 An amount of ₹ 11,584 (Rupees Eleven Thousand Five Hundred and Eighty Four only) relating to the wages and SLS of the staff of the office of the Joint Director, CM&FE, KERI (Construction Material and Foundation Engineering, Kerala Engineering Research Institute) carried to their office by Smt.V.N.Karthiayani, Peon to whom the cheque was entrusted for encashment was reported as lost enroute to the office on 22-12-2007. The lost amount was kept under MPWA (Miscellaneous Public Works Advances) and another claim preferred disbursed to the incumbents. The lost amount has already been recovered from the salary of Smt. V.N. Karthiayani, Peon from 02/09 except ₹ 334. Smt. V. N. Karthiayani expired on 20-5-2010. Her pensionary claims have not been cleared and hence this amount could not be recovered. This balance amount of ₹ 334 is outstanding in this office.

Chief Engineer, Project-I

2.67 Regarding Pazhassi Project Division, Kannur, the Executive Engineer reports an amount of ₹ 152477 under MPWA (Annexure-II)

2.68 The Siruvani Project Circle, Superintending Engineer reported that ₹ 23,508 may be allotted to the Executive Engineer, Irrigation Division, Chittur for clearing the outstanding balance and in the case of Kanhirapuzha Project Division, Kanhirapuzha action is being initiated to write off the outstanding balance of ₹ 1,648.

Chief Engineer, Irrigation & Administration

2.69 An amount of ₹ 33,25,68,991 is outstanding under MPWA. The various items pending clearance relates to the period from 1952 onwards. As the original records are not traceable in most cases the amount remained unsettled. Directions has been given to all Divisional Officers to take urgent action to clear the pending amount under MPWA.

Chief Engineer, Project II

2.70 The details of amounts outstanding under the suspense head “Miscellaneous Public Works Advances” is on Annexure-III.

The Accounts of the defunct

2.71 MVIP Division No. I. Thodupuzha is now maintained by Executive Engineer, MVIP Division No. III. (Muvattupuzha Valley Irrigation Project) Muvattupuzha. The proceedings for the recovery (relating to PVIP Division No. I, Perumbavoor) of the amount from the contractor is pending due to case O.S. No. 62/92.

Recommendation

(SI. No. 20, Para No.53)

2.72 The Committee demands the Government to furnish the district wise details of total cultivable land, area of land already irrigated and the area proposed to be irrigated in the state etc.

Action Taken

2.73 The District wise details of total cultivable land, area of land already irrigated and the area proposed to be irrigated in the State etc. are appended (Annexure- IV).

Recommendation

(Sl. No. 21, Para No. 62)

2.74 The Committee understands from the audit paragraph that the expenditure on maintenance of five completed Irrigation Projects in Palakkad district was higher than the rate fixed by the Government. The Committee wants to know whether any proposal had been put forth by the Department to avail

the benefits of Employment Guarantee Programme in the maintenance of Irrigation Projects. The Committee recommends to draw up a proposal to do the maintenance work under participatory irrigation and to present it to the Block/Grama Panchayat.

Action Taken

2.75 During the last two years the routine canal maintenance such as removal of silt, clearing grass etc., to be done prior to the commencement of water distribution, are carried out through Employment Guarantee Programme (NREGS) with coordination of LSGD. The department is also permitting the beneficiaries to provide the tractor crossing across the canal with their cost without affecting the hydraulic particulars, for transporting manure, crossing the tractor across the canal to enter in the field etc. The participatory Irrigation Management was implemented in one of the branches of Malampuzha Project, as a pilot project. Since the canal could not be fully repaired or maintained in a perfect manner due to insufficient fund, this canal could not be handed over to the Water Users Association.

Recommendation

(Sl. No. 22, Para No. 63)

2.76 The Committee notes that if the beneficiary farmers are incorporated in the revamping and consolidation of irrigation projects through Employment Guarantee Programme, the expenditure incurred on the part of the Department could be restricted to the cost of materials, enabling the department to undertake more projects. The Committee points out that Government would have to meet the labour cost in the implementation of such a programme.

Action Taken

2.77 Participation of beneficiary farmers in the revamping and consolidation of Irrigation projects through the NREGS, the expenditure incurred on the part of the Department could be restricted to a considerable low level. But at the same time, the Department cannot satisfy the complete interest of beneficiaries in each and every part ie. a particular area with its limited capability in water distribution as the canal passes through so many agricultural field and panchayat itself. However the participatory system has now been existing under certain projects. The annual maintenance of the canal such as removal of slit, clearing grass etc.

which is to be carried out, prior to the commencement of water distribution, is now being carried out through National Rural Employment Generation Scheme with the co-ordination of Local Self Government Department. The major difficulty arising in this arrangement is the shortage of labour, since the same worker is to be engaged for canal maintenance as well as to the agricultural field. Hence the water distribution through the canal is delayed in certain places which may lead to crop loss.

Recommendation

(Sl. No. 23, Para No. 64)

2.78 Regarding the non realisation of service charge rendered on account of the maintenance of the barrage and controlling release of water under the Pamba Irrigation Project at Maniyar, it was informed that the KSEB has been requested to make necessary change in the agreement with the Firm. The Committee wants to know whether the proposed change in the agreement has been executed and if so furnish the details.

Action Taken

2.79 Government had requested KSEB to take necessary steps to reimburse the amount incurred by the Irrigation Department for the maintenance of Maniyar Barrage on account of the services rendered by the Irrigation Department in respect of the Maniyar Barrage. But KSEB has reported that the company generating power from the water of Maniyar Barrage (M/s. Carborandum Universal Ltd.) has filed an O.P. in the Hon'ble High Court of Kerala, and the Court stayed the collection of royalty [WP(c) No. 6880/2003]. The case is still pending in the High Court.

Committee's decision on the meeting of PAC on 29-10-2014

2.80 The witness, Additional Chief Secretary, Water Resources Department informed the Committee that his department had requested KSEB to reimburse the amount incurred by the Irrigation department for the maintenance of Maniyar Barrage. But KSEB took steps to collect it from the power generating company M/s. Carborandum Universal Ltd. and the company refused to pay the additional amount and filed on O.P. in the High Court and obtained a stay order.

2.81 The Secretary, Power department submitted that the department has decided to approach the Supreme Court against the High Court verdict. He added that this issue could be resolved through the High Power Committee for settlement of inter departmental issues. In the light of the explanations given by head of department, the Committee decided not to pursue the matter and recommended to dispose the case through the high power committee.

Recommendation

(Sl. No. 24, Para No. 76)

2.82 The Committee notices that in most of the Projects, establishment expenditure constituted 41 to 94% of work expenditure as against 15% fixed by the Government of India. Hence, the Committee desires to be furnished with a note detailing the percentage of establishment expenditure over total expenditure over a period of ten years of the Irrigation Projects in the State.

Action Taken

2.83 Attached separately (Annexure -V)

Recommendation

(Sl. No. 25, Para No. 77)

2.84 The Committee also expresses its displeasure on the retention of staff of the Kuttanad Water Balance Study Project for 10 years even after the abandonment of the project which resulted in an infructuous expenditure of ₹84.90 lakh, and urges the Department to take necessary steps to avoid such lapses in future.

Action Taken

2.85 The Kuttanadu Water Balance Study project was an independent body which was organized by the Financial assistance of Dutch Government. The employees were appointed on deputation basis from various departments. After the abandonment of project, they were reverted to their respective parent departments. This para may be dropped.

Recommendation

(Sl. No. 26, Para No. 78)

2.86 The Committee observes that even though the investigation division of twelve major irrigation projects at Kannur remained idle, a considerable amount was spent of staff as salary. The Committee recommends to redeploy the staff, who were remaining idle.

Action Taken

2.87 All investigation Divisions except one sub division of the Irrigation projects at Kannur have already been abolished and staff have been deployed.

Recommendation

(Sl. No. 27, Para No. 79)

2.88 The Committee wants to know the circumstances under which idle wages was paid to the staff of Periyar Valley Irrigation Project, Aluva Division for 5 years. The Committee urges the Department that the cases relating to PVIP should be entrusted to a particular officer so that the services of staff who were remaining idle could be redeployed.

Action Taken

2.89 The Project was declared as completed during 1992-93. Certain canals such as Vadasseri Minor Distributory, Arian Padam, Kasimanapady field channel, tail end of Paneli Branch Canal, both of Thonnalloor Minor distributory and Kalamboor minor distributory were to be completed. The Staff of PVIP Division No. II, Aluva during the period 1996-2002 were not idle. The following works had been arranged at Circle level, during the period 1996-2002 for PVIP Division No. II, Aluva.

1. Improvements to main canal construction Inchacandom M.D., including CD works from Ch. 5/200.

2. Perumani M.D. From Ch. 2360 m to 2950 m including CD works.

3. PVIP constructing Thiruvankulam M.D. from Ch. 6595 to 7670m including CD works.

4. Metalling and providing chipping carpet of the petrol Road to the Aluva Branch canal from Ch. 7435 to 10550 m including formation and widening. Besides these circle works the Divisions had executed 3 works during 1995-96, one work during 1997-98, five works during 1998-99, two works during 2000-2001 and four works during 2002-2003. Works were arranged in Sub Divisions also.

2.90 Besides the execution of these original works there were considerable number of cases in connection with the execution of PVIP pending before various courts including 413 nos. of LAR.

2.91 As per Order No. WP2-2233/08/D4 dated 4-4-2009 of the Chief Engineer, Project-II, Thiruvananthapuram, the canal system under PVIP Sub Division No. I, Bhoothathankettu and No. II Perumbavoor were redistributed among Sub Division No. 6, Perumbavoor and No. 7 Kolencherry and rectification and annual maintenance work amounting to ₹ 276.54 lakh were allotted to PVIP Division No. II, Aluva as per the approved action plan for the year 2009-2010. The execution of the aforesaid works is in full swing.

2.92 The Chief Engineer (I&A) has submitted to Government a draft proposal for reorganization/ restructuring of the entire Irrigation Department. The proposal, which includes the reorganization of staff pattern in PVIP also, is being examined by Government.

Further Recommendation

2.93 Expressing its dissatisfaction on the reply furnished by the Department the Committee directed the Department to furnish a detailed reply regarding the matter. The Committee also made a suggestion that the Government may give necessary orders for the redeployment of staff working under PVIP project who were remaining idle as the project was completed during 1992-1993.

Action Taken

2.94 All excess posts in Irrigation Department including PVIP Projects were abolished as per G.O.(Ms.) No. 06/2017/WRD dated 28-1-2017.

Hence at present there are no idle staff.

Further Recommendation

2.95 The Committee directed to obtain the details of redeployment of excess staff identified in Water Resources Department and to report whether the excess staff were continuing in the same place or not and whether any Supernumerary posts were created to accommodate them.

Action Taken

2.96 The surplus employees in the Irrigation Department were redeployed to the Local Self Government Department. No supernumerary posts have been created in Local Self Government Department for redeployment. The statement regarding the deployment of surplus employees in the Irrigation Department is attached. (Annexure-VI)

Recommendation

(Sl. No. 28, Para No. 82)

2.97 The Committee demands the department to furnish the details regarding the total number of vigilance case pending in the Irrigation Department under each project, the number of cases settled and the age-wise details of the cases pending etc., without delay.

Action Taken

Project	Total number of Vigilance case pending under each project	Year from which the case is pending	No. of cases finalized
1	2	3	4
Chimony dam project	1. VC. 11/97/TSR	1997	-
	2. VC. 1/2005/SCT	2005	-
	3. VC. 3/2005/KKD	2005	-
	4. VC. 6/2003/EKM	2003	-

Karapuzha River Project	1. VC. 5/2000/WND	2000	-
	2. VC. 1/2001/WND	2001	-
Pazhassy Irrigation Project	1. VC. 5/2000/KNR	2000	-
Palakappandy Irrigation Project	1. VC. 10/2007/PKD	2007	-
Kuriyarkutty Karappara Irrigation Project	1. VC. 8/2009/PKD	2009	-
	2. VC. 3/2010/PKD	2010	-
	3. VC. 4/2010/PKD	2010	-
Muvattupuzha Valley Irrigation Project	1. VC. 6/2008/ERM	2008	-
	2. VC. 14/1998/ERM	1998	-
	3. VC. 9/1998/ERM	1998	-
	4. VC. 4/1998/EKM	1998	-
	5. VC. 18/1998/EKM	1998	-
Pamba Irrigation Project	1. VC. 01/2008/PTA	2008	-
KIP (Kallada Irrigation Project)	1. VC. 23/98/KLM	1998	Finalized
	2. KIP (CC 38/99)		”
	3. KIP (Case against Shri K.K. Philip, SE)		”
	4. KIP (Case against Sri. K.A. Ayyappan Achari, SE)		”
	5. KIP Shri R.S. Chandran etc.		”
	6. KIP CC. 23/2000		”
	7. KIP VC. 9/96/KLM		”

Recommendation

(Sl. No. 29, Para No. 86)

2.98 The Committee criticises the lack of professionalism on the part of the officers and staff of the Kerala Engineering Research Institute (KERI) and recommends to develop the Institute into an autonomous research institute by tapping the services of professional researchers and technical experts. The Committee also recommends that the institute should undertake research programme inland water management, dam safety etc.

Recommendation

(Sl. No. 30, Para No. 87)

2.99 The Committee suggests that an expert study is needed for converting the institute into a national level Consultancy -cum- Research Institute.

Action Taken of Paras 86, 87

2.100 As per G.O. (Rt.) No. 908/10/Water Resources Department, dated, 30-7-2010 an Expert Committee was constituted for furnishing recommendations on the conversion of KERI into an autonomous institution. The Committee will submit its recommendations to the Government shortly. After becoming an autonomous body, the institution will be able to undertake various research programmes. The Committee will also seek the help of professional management experts in the process of conversion.

Recommendation

(Sl. No. 32, Para No. 93)

2.101 The Committee understands from the audit observation that in the work of erection of shutter for the Bridge-cum-regulator of Kanakkankadavu in Ernakulam district, the ring bund erected to carry civil works couldnot be utilised for mechanical works which resulted in wasteful expenditure of ₹ 35.15 lakh for the formation of a new bund. The Committee finds that this was due to lack of co-ordination between Civil and Mechanical Wings of the Water Resources Department.

Recommendation

(Sl. No. 33, Para No. 94)

2.102 Had a proper co-ordination been maintained between the Civil and Mechanical wing of the Department, the delay which had led to the situation of the breach of old ring bund by monsoon flood and consequent formation of a new ring bund for the completion of mechanical work could have been avoided. The Committee demands the Department to furnish a detailed reply in this regard.

Action Taken of Paras 93 & 94

2.103 The Civil work of the Construction of bridge-cum-regulator at Kanakkan Kadavu was started on 1-6-1994 and completed on 31-3-1999. The ring bund for the civil work was required for carrying out the construction works below water level ie; foundation, apron and allied structures. On completion of the works normally the ring bunds would have to be removed to facilitate easy flow of water through the river. The mechanical works such as fixing of embedded parts, erection of gates, hoist mechanism etc. come as the last phase of the work which were usually carried out on completion of all civil works. The fixing of embedded parts is possible only after raising the piers to the full height or to minimum height of 5 metres. This is required to carry out the work to exact lines and levels and to keep the embedded parts vertically. High accuracy is required in erecting the embedded parts for the smooth movement of the shutters and to maintain leak proof.

2.104 In most cases, practically it is not possible to wake use of the ring bund constructed for the foundation of civil works for the erection of shutters and allied works, owing to the monsoon seasons in between the foundation works of civil structures and erection of shutters. In the present work, the mechanical works commenced during the month of May 1998 and the department was able to utilize the ring bund constructed for the civil work to erect secondary embedded parts for four bays. During the month of June the monsoon started and river became flooded, which warranted removal of the ring bund to avoid flooding and submergence of the upstream reaches of the river. Hence it may be seen that no lapse occurred from the part of civil and mechanical wing in synchronizing the

civil and mechanical works. Erection of embedded parts was possible only if the adjacent piers are raised to a minimum height of 5 metres. The mechanical wing has erected the embedded parts of four bays fully by 18-6-1998. By this time the intensity of the flood water increased and upstream region started submerging. This warranted removal of the ring on 23-6-1998. The mechanical wing acted effectively and they could be able to erect the embedded parts in four bays utilizing the bund constructed for civil work. Hence no loss has been sustained to Government on this account.

Recommendation

(Sl. No. 34, Para No. 100)

2.105 The Committee express as dissatisfaction over the lack of co-ordination between Public Works Department and Water Resources Department and lack of foresight in the excavation work of Canoli canal, which resulted in a loss of crores of rupees. The Committee opines that since, as per agreement, the excavated earth was to be sold to contractors, there was no justification in including charges in the estimate for removing the earth excavated from the excavation site on head load. The Committee requires the Department to furnish a copy of the estimate of the work.

Action Taken

2.106 A copy of estimate of the work is enclosed. (Annexure-VII)

Recommendation

(Sl. No. 37, Para No. 115)

2.107 The Committee expresses its anguish and great concern over the attitude of the authorities in rehabilitating the Adivasi families evicted from the Karapuzha Irrigation Project site in 1976. Though the Government officials appears to be pre-occupied with technicalities such as identification of beneficiaries, listing of the families, preparation of estimate etc., the plight of the Adivasi families remained unchanged and hence the Committee in strong terms recommends that the rehabilitation process should be completed immediately. The Committee also takes note of the fact that its recommendation for immediate time

bound action for rehabilitation of Adivasis in December 2000 remained unconsidered. It is saddening to note that many families running into their newer generations were deprived of a dwelling place and other basic amenities. Hence the Committee recommends for their immediate rehabilitation and the action taken thereon be furnished to it without delay.

Action Taken

2.108 The Revenue Department confirmed that 161 Adivasi families had been evicted during the first phase from the project area. Sanction had been accorded in G. O. (Rt.) No. 7/95/IRD, dated 31-1-1995 for rehabilitating the above families and the District Collector, Wayanad was authorised to implement the rehabilitation 37.174 hectares of land was handed over to the Revenue Department and that Department was also entrusted with the construction of houses. An amount of ₹ 76.30 lakhs was also handed over to Revenue Department for the purpose.

2.109 The Revenue Department constructed 168 houses. But on inspection by the TRDM (Tribal Resettlement Development Mission), they suggested that the houses constructed were so small and hence decided to distribute the 168 houses to 84 families. On 10-1-2004 the said houses were distributed to 84 families. Each family was also provided with 75 cents of land at Koyilerikunnu and Pulpadikkunnu. It was also decided to construct houses for the remaining 77 families with modification suggested by TRDM.

2.110 In the meeting convened on 26-2-2009, it was decided to allot 75 cents land each of the remaining 77 families and rehabilitate them. Land had been identified in block No. 16 of Muttill South Village, Wayanad District and Pattayam was given to 68 of the above 77 families on 18-12-2009. 9 of them were removed from the list and not rehabilitated because of duplications and whose whereabouts are not known. Therefore possession certificate was given only for 68 persons. It was also decided to distribute balance land equally to 199 families, the settlers, who have been living in the project area and also decided to give away ₹ 3,000/- for each as interim relief for putting up temporary sheds. Government sanctioned the above amount as per G.O. (Rt.) No. 1373/2009/WRD, dated 18-2-2009. Out of 276 families (199+77) only 227 families accepted the amount. The balance amount

of ₹ 1,47,000 (of 49 families) was re-deposited in Kalpetta treasury vide Challan No. 119 dated 27-5-2010.

2.111 The Committee decided to visit Wayanad district on for an on the spot evaluation of the rehabilitation process. The Committee took evidence from the officials of Water Resources Department, Revenue Department, ST Development Departments and also from the tribal people evicted from the project site on 6th December 2012 and visited Karappuzha Dam site on 7th December 2012.

FINANCE DEPARTMENT

Recommendation

(Sl. No. 38, Para No. 140)

2.112 On enquiring on the current position regarding the settlement of pending Abstract Contingent bills, the Committee is informed that a circular has been issued to Administrative Departments to settle all the pending bills. The Committee wants to know the present position of the pending bills since the issuance of the circular. Regarding the enforcement of submission of the detailed bill pertaining to monthly claim to the Accountant General not later than 20th of the succeeding month, the Department assured that a circular would be issued. The Committee urges the department to furnish a detailed statement regarding the date wise settlement of each item out of the 747 unsettled item of Abstract Contingent bill of ₹ 59 crore for the period from 1989-90 to 1999-2000.

Action Taken

2.113 Regarding the settlement of the pending advances of ₹59 crore for the period from 1989-90 to 1999-2000, reported by Public Accounts Committee, two Interim Replies of Action Taken were already submitted vide Government letters of even no. Dated 7-12-2009 & 12-7-2010.

2.114 Government issued Circular No. 8/2010/Fin. Dated 19-1-2010 directing all the DDOs to ensure timely submission of Detailed Contingent Bills in respect of advances drawn by way of Advance Contingent Bills to Accountant General, Kerala for settlement of the advances drawn. As per G.O. (P) No. 419/11/Fin. Dated 4-10-2011. Penalty for non settlement of advances within the

prescribed time period has been enhanced to 18% per annum to avoid chances of misutilization/non utilization of advances drawn. Principal Secretary (Fin.) reviewed the pendency position and issued Circular No. 43/12/Fin. dated 24-7-2012 directing the DDOs that if the advances not settled within the prescribed time limit, the amount of advance along with the penalty at prescribed rate shall be recovered from the concerned officers through deduction from salaries or by initiating revenue recovery proceedings.

2.115 As per the Report of the Comptroller and Auditor General of India for the year ended 31st March 2011, the pendency has come down to ₹ 1.81 crore and ₹ 0.83 crore for the year 2009-10 and 2010-11 respectively. This position reveals that all the pending Advance Contingent bill up to 2008-2009 were cleared including 747 unsettled item of AC bills of ₹ 59 crore for the period from 1989-90 to 1999-2000. The latest position of outstanding Abstract Contingent bills reported by Accountant General (A&E) shows that only 2 bills relating to 2009-10 and 7 bills pertaining to 2010-11 are pending for adjustment. Hence considerable progress in the settlement of advances could be achieved consequent on the strict directions issued by Government.

Recommendation

(Sl. No. 39, Para No. 141)

2.116 Regarding the non settlement of bills in Agriculture Department, the Department asserted that the amount was drawn for the construction work which is a continuing programme and hence the final adjustment of the bill could be done only after the completion of work. The Committee opines that this is not the proper way of drawing public money which is against the stipulation that the 2nd instalment advance could be drawn only after the settlement of the 1st instalment. To this the witness putforth that the Rule could not be adhered to in the case since the whole work was entrusted to beneficiary Committee and there was no other way to mobilise resource and hence the advances were granted. The Committee opines that this is an unfair and unhealthy practice to follow especially for ensuring strict compliance of financial discipline in the Department.

Action Taken

2.117 Objection/Remarks noted for future guidance. Circular No. Audit V (1) 42294/09 dated 17-9-2009 has been issued to Principal Agricultural Officers for strict compliance of the recommendation of the Public Accounts Committee.

Recommendation

(Sl. No. 40, Para No. 142)

2.118 The Committee learns that out of the 98 AC bills amounting to ₹ 12,40,65,799, ₹ 9,67,45,562 still remain to be settled. It is appalling to note that the amount has not been settled even after 8 years since the programme ended in 1998. The Committee demands the Director of Agriculture to furnish all the details regarding the 98 AC bill pending with the Agriculture Department.

Action Taken

2.119 The implementation of schemes in the department is a three tier system. Principal Agricultural Officer draws the advances and disburse to Block level Assistant Directors and they in turn disburse the amount to the beneficiaries through Panchayat level Agricultural Officers. For adjustment of advance, list of beneficiaries, payees receipts Utilization Certificate etc. are to be obtained back to Principal Agriculture Officers from the Krishi Bhavans through the concerned Assistant Directors of Agriculture. Moreover, a number of works implemented under PM's Programme for Paddy Development Scheme and CCDP scheme through convenors from beneficiaries, are not completed and not valued till date. R.R. had been initiated in certain cases in PMSP Scheme against convenors. So the bill can be adjusted only after the legal procedures are over. However out of 98 AC bills amounting to ₹ 9,67,45,562, as on 6/2012 only ₹ 20,79,349 is pending to be settled. All efforts are being made to settle the remaining pending cases expeditiously.

INFORMATION AND PUBLIC RELATIONS DEPARTMENT

Recommendation

(Sl. No. 43, Para No. 150)

2.120 The Committee learns that the two schemes for implementation by C-DIT viz; Centre for Technology Adaptation and Absorption Scheme (C-TAAS)

and Centre for Imaging Technology Application Research (C-ITAR) could not be completed and they were later abandoned as the scientists and technologists who had been appointed on contract had left C-DIT enmasse on the expiry of their contract. This resulted in an infructuous expenditure of ₹ 2.30 crore. It was noted that the Department had neither taken any steps to renew their contract nor get back the technical data/document collected from those scientists. To this the Department submitted that the contract of the scientists and technologists could not be renewed due to changes at the top level management personnel of the institute. This stresses the necessity of scientific autonomy be conferred to the institute to have an effective involvement in the decision making process. Though the C-DIT is a multi disciplinary institute for conducting research and training in the electronic media, it does not have any advisory body like Technical Advisory Council for taking decision on scientific and research matters. So it should have a separate body for taking decision on research matters. Therefore the Committee recommends that the C-DIT should have to maintain a separate mechanism like a sub committee of governing body or a Research Advisory Council constituted by the institute itself for taking decisions.

Action taken Vide Letter No. 3329/F1/09/I&PRD dt. 28-3-2010

2.121 The recommendation of the Committee to maintain a separate mechanism like a sub committee of the governing body or a Research Advisory Council by the institute itself for taking decisions has been implemented by the constitution of the R&D Advisory Committee to co-ordinate and evaluate the Research and development activities of C-DIT. Copy of the decision of the 53rd Executive Committee Meeting of C-DIT held on 1-3-2008 by the Research Advising Council/Committee was constituted is also enclosed herewith.

Action taken Vide Letter No. 1755/E1/2015/I&PR, dt. 11-3-2016

2.122 The Executive Committee of C-DIT, in the 53rd meeting held on 1-3-2008, approved the proposal to constitute Research Advisory Committee.

2.123 Accordingly, a Research Advisory Committee, to co-ordinate and evaluate the research and development activities of C-DIT, has been constituted

vide Proceedings No. 191/A1/Admn/2015/C-DIT dated 15-5-2015 with the following members:

1. Shri R.V.G. Menon, Senior Scientist, Chairman
2. Dr. V. Sreekumar Chatopadhyay, Scientist, Emeritus CESS Trivandrum – Member.
3. Dr. Achuth Sankar S. Nair, Director, Centre for Bio Informatics, University of Kerala – Member
4. Dr. P. Mahadevan Pillai, Head, Department of Opto Electronics, University of Kerala – Member
5. Mr. Koruthu P. Varghese, Head Department of Clinical Engineering, Sree Chithra Institute for Medical Science & Technology – Member

2.124 There is no record available regarding any sitting held by the Committee and as such there is no recommendation made by the said Committee.

2.125 However, as a delay of more than 7 years was observed in constituting the Committee, C-DIT has been reprimanded for their tax attitude in implementing the recommendation of the Public Accounts Committee.

CULTURAL AFFAIRS DEPARTMENT

Recommendation

(Sl. No. 44, Para No. 155)

2.126 The Committee feels that had the Institute observed a time bound action plan in the publication of the book, escalation in printing cost of the book could have been avoided. The Committee recommends that the encyclopaedia should be distributed among schools at a subsidized rate at the earliest. The Committee is of opinion that expert opinion should have been sought before publishing such authentic work so as to avoid such an array of mistakes in the book.

Action Taken

2.127 At present the encyclopaedia 'Loka Rastrangal' is being sold mainly in schools at subsidized rate of ₹ 400 even though the price of the book is fixed at ₹ 800 based on the recommendation of the Committee. Besides, a

supplementary book of 52 pages is being given along with the encyclopaedia, free of cost. Kerala State Institute of Children's Literature have already sold 4721 copies of the book and only 254 copies of the book are left.

2.128 The recommendation of the Committee that expert opinion should be sought before publishing such authentic works is being taken seriously for future guidance.

SPORTS AND YOUTH AFFAIRS DEPARTMENT

Recommendation

(Sl. No. 46, Para No. 160)

2.129 The Committee strongly feels that the proposed sports complex did not materialise solely due to the lack of enthusiasm in the two Departments involved in the project thus depriving the sports persons and sports-lovers of the State as a whole and capital city in particular of the benefits of a modern sports facility. Further, the Committee views with concern, the manner in which the Director of Sports and Youth Affairs Department made the advance payment for the project without having a contractual agreement entered into between the two Departments. It was stated that, the amount advanced to KWA has not been repaid so far. Thus the money earmarked for the sports complex remained idle. The Committee suggests to settle the matter without further delay.

Recommendation

(Sl. No. 47, Para No. 161)

2.130 The Committee demands that the two Departments should show greater maturity in future while dealing with such projects aimed at larger public interest and forgo narrow departmental interests. The Committee recommends speedy agreement between the two Departments on the issue and commencement of the construction work of the sports complex at the earliest.

Action Taken of paras 160, 161

2.131 Government accorded administrative sanction for the construction of a sports complex viz., Rajiv Gandhi Kayika Sadanam at an estimated cost of ₹ 81.62 lakh. As the site for the proposed building belonged to Kerala Water Authority,

the work was entrusted to them. An amount of ₹ 35 lakh was paid to Kerala Water Authority in advance by the Director of Sports and Youth Affairs Thiruvananthapuram. However, the construction of the complex came to a stand still as the Kerala Water Authority refused to undertake the work. As per the decision taken in the Meeting convened by the Hon'ble Minister for sports on 3-11-2006 Administrative Sanction was accorded as per G. O. (Rt.) No. 760/07/G.Edn. dated 20-2-2007 for the renovation of Jimmy George Indoor Stadium at an estimated cost of ₹ 80,15,908- adjusting the amount of ₹ 35 lakh deposited with Kerala Water Authority for the construction of Rajiv Gandhi Kayika Sadanam. The balance amount required for the renovation of work over and above ₹ 50 lakh had already been given to the Kerala Water Authority.

The renovation of Jimmy George Indoor Stadium was done by Kerala Water Authority utilising the fund of ₹ 35 lakh which was deposited earlier by the Director of Sports and Youth Affairs to Kerala Water Authority for the construction of Rajiv Gandhi Kayika Sadanam. As part of the forth coming 35th National Games the same site is being developed as a venue which included facilities for Gymnasium Hall, Sport Medicine Centre and other multi-sports facilities which could also be used after the National Games are over.

Thiruvananthapuram
8th October, 2024.

SUNNY JOSEPH,
Chairperson,
Committee on Public Accounts.

APPENDICES

Summary of Main Conclusion/Recommendation

Sl No.	Para No.	Department concerned	Conclusion / Recommendation
1	1.5	Water Resources	The Committee recommends that action should be taken to realize the whole amount from the delinquent officials and disciplinary action should be initiated against the officer who deliberately delayed the recovery process, by invoking relevant rules under Part III KSR and / or provisions under the Kerala Public Accountants Act 1963.
2	1.12	”	On the deposition by the Additional Chief Secretary, Water Resources Department submitting that they had prepared a list of delinquents, but due to some errors which occurred in the prepared list, a revised list was called for and that list included 77 persons, the Committee directs the department to submit a report of further action taken within two months.
3	1.15	”	The Committee urges the department to furnish the details of various cases in which vigilance enquiries are being conducted.
4	1.18	”	The Committee decides to call for the following details in connection with the projects which were completed i) The total area proposed for cultivation ii) Actual area under cultivation iii) Total area under irrigation of both completed and ongoing irrigation projects.

5	1.23	Water Resources	The Committee recommends that the amount collected towards irrigation cess should be utilised only for the maintenance of Irrigation Projects.
6	1.26	”	The Committee observes that the department's failure to enforce the contract condition and the undue favour shown to the contractor have led to the unjustifiable escalation of the cost of work. Therefore the Committee recommends that specific action should be taken to realize the extra amount of ₹26.17 lakh paid to the contractor and action should be taken against the officers responsible for the above cost escalation and urges the department to take effective measures to avoid this kind of improper payment in future.
7	1.29	”	The Committee expresses its strong displeasure over the irresponsible attitude of the department in realizing the amount unduly paid and points out the serious lapse in not taking disciplinary action against the delinquent. So, the Committee directs the department to inform the Committee of the actions taken in this regard within one month.
8	1.33	Finance	The Committee recommends the Vigilance Department to dispose of the cases of misappropriation/misutilisation of funds in a speedy manner and directs the Administrative Department concerned to take disciplinary action against the offenders. The Committee also suggests that the suspended officials should not be reinstated in service without the permission of the Vigilance Department and that in such

9	1.93	Finance	<p>cases, departmental action should be initiated along with recovery of loss sustained to Government.</p> <p>The Committee opines that non-remittance of cash to the Treasury and keeping the same in hand is a clear violation of Rule 91, 92 (b) and (c) of Kerala Treasury Code Part III. As per Article 9 of Kerala Financial Code Volume I, the Controlling Officer is liable to send report every month. So, the Committee recommends to strictly implement the provision in the Financial Code and to fix responsibility on the delinquent officers and considers the refund of short amount as a result of misappropriation and hence recommends to take disciplinary action as per the provisions in the Financial Code.</p>
10	1.98	Sports and Youth Affairs	<p>The Committee expresses its displeasure over the reply furnished by the department and directs the department to furnish the reasons for not taking action against the person responsible for non utilization of Central assistance.</p>