THIRTEENTH KERALA LEGISLATIVE ASSEMBLY

COMMITTEE ON PUBLIC ACCOUNTS (2011-2014)

FORTY EIGHTH REPORT

(Presented on 28th January, 2014)



SECRETARIAT OF THE KERALA LEGISLATURE THIRUVANANTHAPURAM 2014

THIRTEENTH KERALA LEGISLATIVE ASSEMBLY

COMMITTEE ON PUBLIC ACCOUNTS (2011-2014)

FORTY EIGHTH REPORT

On

Action Taken by Government on the Recommendations contained in the 26th Report of the Committee on Public Accounts (2006-2008)

366/2014.

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COMMITTEE ON PUBLIC ACCOUNTS (2011-2014)

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" K. Mohandas, Special Secretary

Smt. M. R. Maheswari, Deputy Secretary

Shri G. P. Unnikrishnan, Under Secretary.

INTRODUCTION

I, the Chairman, Committee on Public Accounts, having been authorised by the Committee to present this Report, on their behalf, present the Forty Eighth Report on Action Taken by Government on the Recommendations contained in the 26th Report of the Committee on Public Accounts (2006-2008).

The Report was considered and finalised by the Committee at the meeting held on 22nd January, 2014.

Thiruvananthapuram, 28th January, 2014.

Dr. T. M. Thomas Isaac,

Chairman,

Committee on Public Accounts.

REPORT

This Report deals with the Action Taken by Government on the recommendations contained in the 26th Report of the Committee on Public Accounts (2006-08).

The 26th Report of the Committee on Public Accounts (2006-08) was presented to the House on July 10, 2007. The Report contained 6 recommendations relating to Forest and Wildlife department. The Government were addressed to furnish the statement of Action Taken on the recommendations contained in the Report on 19th September, 2007 and the final replies were received on 9th May, 2013.

The Committee examined the statements of Action Taken at its meeting held on 17-6-2009, 1-8-2012 and 15-5-2013.

The Committee decided not to pursue further action on the recommendations in the light of the replies furnished by Government. But on recommendations Nos. 3, 4 and 5 (Para Nos. 8, 9 and 12) the Committee approved the statements of Action Taken with certain remarks. The recommendations, the replies furnished by Government and the remarks of the Committee are incorporated in this report.

FOREST AND WILDLIFE DEPARTMENT

Recommendation

(Sl. No. 1, Para No. 2)

The Committee is not satisfied with the explanation that error of judgement was the cause of the mistake in the preparation of estimate. Repeated error of judgement on the part of the officers pointed to negligence in preparing the estimate. The Committee observes that proper direction need be given to avoid the recurrence of such issues.

Action Taken

Instructions have already been issued to Principal Chief Conservator of Forests (Social Forestry) to avoid the recurrence of such issues.

Recommendation

(Sl. No. 2, Para No. 3)

The Committee desires to take action to recover the loss occurred from the delinquent officers.

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Action Taken

Government have finalized the disciplinary proceedings against Shri Rajasekharan, Range Officer, Shri Unnikrishnan, Range Officer and Shri P. Ramakrishnan Nair, Range Officer in connection with the irregularities in the planting works in submergible areas of Idukki Catchment Area under RLEGP 1988-89 by imposing a punishment of withholding of one increment without cumulative effect as per Government Order dated 25-9-2001.

Further details called for by the Committee

The Committee expressed dissatisfaction over the reply and opined that the action taken by the department was against the observation of the Committee and decided to take evidence from the Secretary, Forest and Wildlife Department on this subject.

Additional Details furnished by the Department

At the time of witness examination on 15-5-2013, the department had submitted that disciplinary action has been taken against the concerned officers by awarding punishment of withholding one increment without cumulative effect as per GO.(Rt.) No. 400/2001/F&WLD dated 25-9-2001 (copy enclosed as Appendix I). It is further submitted that it is not feasible to take any further action at the limit at this distance of time.

Recommendation

(Sl. No. 3, Para No. 8)

The Committee notes that the defective boat, purchased in 1982 for $\stackrel{?}{\stackrel{?}{$\sim}} 3.11$ lakh could fetch only $\stackrel{?}{\stackrel{?}{$\sim}} 3,600$ when auctioned in 2001. The department has failed to take timely action for the disposal of the boat in the year 1982 itself which lead to heavy loss in the transaction. The Committee desires to know the reason for the delay in taking necessary action.

Recommendation

(Sl. No. 4, Para No. 9)

The Committee is dissatisfied about the failure to furnish the report regarding the issue, that the boat had caught up fire within guarantee period or not, which the witness had assured to submit to the Committee. The Committee views this lapse seriously. The Committee recommends that action be taken against the officers responsible for the loss and steps be taken to realize the loss from the supplier firm. The Committee desires to call the officers of the department to collect more information regarding the issue.

Action Taken

(Para No. 8 & 9)

The boat intended for use in Thekkady Wildlife Division was acquired in August 1982. One high special jet boat supplied by M/s. Karnataka Boat, Bangalore was taken charge by Assistant Field Director, at Boat Launching Centre, Thekkady on 18-8-1982. On 20-8-1982 this boat was taken for trial run. After completing 4th run on 23-8-1982, the engine got fire and the boat was garaged for undertaking repair. This was informed to the suppliers of the boat and the defect got rectified by them on 16-10-1982 by spending ₹ 1,288.80. This boat was used up to 11-12-1982 and then tagged at jetty for major repair. Though the fact was informed to the company, they did not turn up for carrying out repairs to the garaged boat on the plea that, they require advance payment of the balance amount due to them. Owing to the fact that the boat being new and could be damaged further if it was kept idle a private firm was approached during 1987 to get it repaired to make that boat, use worthy. The firm inspected the boat and submitted an estimate for ₹ 7220.34 which was forwarded to Chief Inspector of Boat (CIB) for scrutiny. But they did not approve the works and estimate on the plea that the engine would not suit to the body of the boat, which was the reason for recurrence of the problem. But they did not give these remarks in writing. On 26-4-1988 CIB inspected the boat in detail, but this time also they did not give anything writing but, they assured to sent a report at the earliest. On constant contact, on 9-11-1990 CIB had informed that it would not be economical to repair the engine and jet. As the boat was kept idle for so many years, he opined that it would be better to condemn the Vessel.

As a final opinion on this was to be received from Assistant Executive Engineer, Mechanical Subdivision, Alappuzha, this was taken up with that office on 16-9-1991, despite reminders and personal contact, the Assistant Executive Engineer inspected the boat on 17-9-1992 and suggested that the vessel can be used after fixing a 15 HP Yamaha Outboard Engine for which an amount of ₹ 50,000 would be required. Therefore a Safety Certificate for modifications as suggested was requested from the Assistant Executive Engineer. Though the Assistant Executive Engineer agreed to give such certificate, he did not give it though he was contacted at several time. Without such a certificate from the appropriate authority, the modification suggested could not be done and as such the vessel could not be made use worthy.

Thus, it can be seen that the department had taken all possible steps to get the vessel repaired but could not be fruitful. This was not due to the laxity of the officers of the department. The delay in getting technical advice from the appropriate forum was also attributed to keep the vessel idle. However, this fibreglass boat (without engine) was allotted to Kerala Forest Development Corporation for being used for ferry service in order to carryout the works in Pachakkanam area of Kerala Forest Development Corporation. Finally the engine was auctioned on 15-11-2001 for ₹ 3,600 on the basis of Government direction to dispose of the boat engine.

As such it is submitted that no wilful delay is seen occurred in the matter but for the reason as explained above. The issue in question occurred during 1982 and it is to be seen there was no willful delay on the part of departmental officers for taking timely action for the disposal of the boat. It is practically difficult to take action to realize the loss from the supplier firm as well as officers concerned at this distant date.

It is also submitted that no old records are forthcoming to ascertain the warranty details. The boat was supplied on 18-8-1982. It was taken on trial run on 20-8-1982. The engine caught fire on 23-8-1982. As the suppliers rectified the defect on 16-10-1982, it is presumed that the repairs were got done during the guarantee period. However, the boat was used only until 11-12-1982. Afterwards, the company did not turn up for repairing the boat. Hence it cannot be conclusively stated whether the boat was caught up fire within the guarantee period due to lack of old records. However, the fibreglass boat (without engine) was allotted to M/s. KFDC Ltd.

Additional details furnished by the department

The boat intended for use in Periyar Sanctuary was acquired in August 1982 at a cost of \mathfrak{T} 3.11 lakhs, and could fetch only \mathfrak{T} 3,600 (Three thousand six hundred only) when auctioned in 2001.

The following officers were in charge of the forest range office (AWLPO, Thekkady), Thekkady in-charge of the boat who apparently did not take action to repair/condemn the boat.

		Retired on
1.	George Varghese: 1-6-1981 to 10-12-1982	29-2-2007
2.	M. S. Rajan: 11-12-1982 to 20-5-1884	30-11-2007
3.	T. U. Uthup: 21-5-1984 to 15-9-1984	31-5-2007
4	V. Prasannan: 16-9-1984 to 20-5-1986	31-5-2007
5.	P. H. Muhammed Salim: 21-5-1986 to 28-9-1986	30-9-1994
6.	P. Gopinath: 29-9-1986 to 31-12-1987	31-3-2006

Since all the officers retired from service, it is submitted that at this distant date, it is not feasible to recover the loss amount from them.

Remarks of the Committee

The Committee expressed its dissatisfaction over the lackadaisical attitude of the Department towards the recommendation of the Committee. The Committee opined that the Department should have taken suo-moto action so as to fix the responsibility and loss be recovered from the delinquent officers. The Committee also criticised the department's attitude in preserving the file relating to such serious matters and decided not to proceed further on the audit paras.

Recommendation

(Sl. No. 5, Para No. 12)

The Committee notices that the work for constructing the Tourist Hall at Thekkady, which commenced in 1979, could not be completed even in 1994. The Committee understands that an enquiry could not be conducted to find out the cause for the delay as the related file was missing. This is not acceptable to the Committee. The Committee directs Forest and Wildlife Department to locate the file without any delay and to seek explanation from the officer responsible for the delay in locating it. The Committee urges the department to conduct an enquiry into the reasons for the delay in completing the building to fix responsibility for the lapse and to furnish a report in this regard. The Committee also requires to be furnished with the details of the total money spent for the construction.

Action Taken

It is admitted that, the work of tourist hall at Thekkady was originally intended for providing accommodation to tourists who visit Thekkady. It was proposed to undertake this work for ₹ 47,500 by the Wildlife Preservation Officer, Thekkady during 1975. Though this work was tendered twice, there were no tenderers. Subsequently, the design of the building was changed and the estimate was revised for ₹ 2.90 lakh. Then the work was tendered thrice in 1977, but there were also no tenderers. Again some more changes were made in the design due to exigencies and the estimate amount for the work was modified to ₹ 3.10 lakh. The work was tendered thrice during 1978. In the third tender during 6/1978 one Shri A. C. Thomas came forward for execution of the work quoting 35% above estimate rate. The site was handed over to the contractor on 1-11-1978 to complete the work by 30-10-1979, but he started work only during 04/1979. In the course of work, roofing of the building being constructed was changed to RCC against R.C. roof, presumably due to avoid recurrence maintenance of roof. Accordingly the estimate was revised to ₹ 5.88 lakhs and sanction obtained for it on 22-11-1982.

Hence, the period of completion of work was extended up to 4/1983. This building has two spacious halls with attached bathroom and lavatory. Kitchen and dining Hall facilities were also included in it. As the contractor had not completed the work, the work was re-tendered at the risk and loss of the contractor. Shri P. V. Philip had taken the balance work on retender. Though the work was awarded to him, he had stopped the work unfinished during 1986. The entire works till then was arranged and supervised by the Forest Engineering Wing of Public Works Department which was abolished subsequently. By the time an amount ₹ 86,38,371 had been incurred for the building. Due to the above reasons, inhospitable climatic conditions, non-availability of labourer and due to rearrangement of work, it took 6 years to put up the building at the above stage. Therefore these works were brought under the control of Public Works Departments, Building Division, Idukki directly. An estimate for the balance works to be carried out had been received from Public Works Department on 29-1-1998. However, since then no works were carried out by the PWD.

During 5/90 Executive Engineer, Building Division, Idukki was asked to handover the building to the Forest Department for executing the balance works to the building by the Department, to make it use worthy. In the meantime Government of India (as per letter F4-19/86 FRY (PT) Vol. XIII dated 7-9-1991) has directed that tourist facilities are to be restricted outside protected areas only. The condition of the building already constructed gone bad by this time and after protracted correspondence, the Public Works Department was ready to handover the building on 21-10-1991. As such the building taken over by the Forest Department after drawing up a joint Mahazer. Expert opinion on the spot assessment and rectification works were requested for with the LBS, Centre for Science and Technology, Thiruvananthapuram. Based on the advice given by them a fresh estimate for ₹ 4.80 lakhs was prepared for balance work and for rectification works which was sanctioned on 28-1-1992. This work was tendered on 7-10-1992 and Shri T. T. Thomas was the lowest tenderer @ 93% above Probable Amount of Contract (PAC). He had further reduced the rate to 91% above PAC on Negotiation and Government had accepted this tender at reduced rate of 91% above PAC on 27-7-1994. During the course of construction, some more additional quantities of work such as length of drains, covering slab, protective hard rails over the retaining wall around, additional concreting provided over the roof slab to keep proper slope etc., were required as per actual and revised estimate for ₹ 8.75 lakhs (against ₹ 4.80 lakhs) sanctioned by the Government on 4-7-1996. However these works were completed in all respects by July 1995 and the building was put to use.

It is a fact that, though the works for the construction of building was started during 1975, the same came into existence only during 1994-95. In the course of time, number of tourists were increased alarmingly and for management of tourism facilities such as interpretation centre, Environment study centre etc., have become important in protected areas. Since 1978, a number of innovative ideas and strategies was coming as per the Management Plan of PTR is concerned. Since 1991 research has become a very prominent activity in the PTR. Tourists, students, research students etc., are the visitors in these area for study and research purposes.

A research officer is available at Thekkady and many data collectors working on different aspects of Wildlife activities in PTR. One Assistant Forest Veterinary Officer was also joined in PTR, to strengthen the veterinary programme inside and in the buffer areas of the sanctuary. Increase in foot and mouth disease in animals were also on in areas, emphasizing the need of veterinary officer in the sanctuary area and the proposed livestock improvement programme in settlements in and around the PTR as a part of Eco-development. Moreover from 1975, nature study camps were also on the increase and every year about 30-40 nature camps were to be conducted in the Sanctuary benefiting approx, 900-1000 participants for various target groups including schools as a part of nature education programme. Therefore, this building thus constructed were proposed to be utilized to house (1) Interpretation centre (2) Research Centre (3) Nature Education Centre and (4) Seminar Hall due to new dimensions of Wildlife Management in PAs. Further, it was intended to utilize the space available in the building to accommodate Museum, Herbarium, Housing of Research and Veterinary Offices and Library etc. Therefore, this building was beneficial for the proper management activities and it was absolutely necessary. Various extra items of work were undertaken in the building to meet the requirement of all the above activities. In this connection, it is submitted that the delay as explained above might have resulted into frequent changes in the expected utilization pattern of the proposed building. No space in this building is left unutilized.

In the light of the above facts, it can be seen that the type of design had been changed to accommodate the new demands in view of the new strategies in management of PA areas and due to the delay in execution of the work in time to a certain extent. All the works are seen carried out in good faith and in the best interest of the Government. The building is now completely utilized for various Government activities. There was no willful delay on the part of the departmental officers for taking timely action to complete the building as the entire works till 1986 was arranged and supervised by Forest Engineering Wing of PWD. Hence, it is not practical to fix responsibility against PWD officers for the lapses made by

them at this distant date. The details of total money spent for the construction will be furnished after collecting the details from Chief Conservator of Forests (Wildlife).

ADDITIONAL DETAILS FURNISHED BY THE DEPARTMENT

It is reported that the work had commenced and completed in three stages.

Amount disbursed to the three contractors are detailed below:

1.	Amount	paid to	the 1st	contractor-Shri	A. C.	Thomas	₹ 4,54,006
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- 2. Amount paid to the 2nd contractor—Shri P. V. Philip ₹ 3,56,833
- 3. Amount paid as electrification charges ₹ 52,998
 - (A) Sub Total ₹ 8,63,837*

(Rupees Eight Lakh Sixty Three Thousand Eight Hundred and Thirty Seven only)

- 4. Amount paid to the 3rd contractor—Shri T. T. Thomas ₹ 13,12,301
- Purchase of cement departmentally from local market and supplied to contractor ₹ 40,243
- 6. Amount paid to Secretary, Kerala ConstructionWorkers Welfare Fund ₹ 2,994
 - (B) Sub Total ₹ 13,55,538

(Rupees Thirteen Lakhs Fifty Five Thousand Five Hundred and Thirty Eight only)

(Rupees Twenty Two Lakhs Nineteen Thousand Three Hundred and Seventy Five only)

N.B.:—Earlier the above figure was mistakenly reported as ₹ 86,38,371 (Rupees Eighty Six Lakhs, Thirty Eight Thousand, Three Hundred and Seventy One only)

It is also submitted that in the Action Taken Report on para 12 the revised estimate for the balance works to be carried out had been received from PWD on 29-1-1998. This is a clerical mistake. The date on which revised estimate submitted by PWD was on 29-1-1988.

Remarks of the Committee

The Committee observes that while constructing the building the department failed to anticipate the total development of that region, and decision was taken according to their own will without any foresight and objectives. The Committee decided to accept the action taken statement for the time being with the strict instruction that the department should be more vigilant against such lapses and unlawful activities in future.

Recommendation

(Sl. No. 6, Para No. 14)

The Committee understands that a cent per cent Centrally Sponsored Scheme 'Project Elephant Scheme' aimed at facilitating free movement of elephants in the habitats lying within the Nilgiri Biosphere Reserve and the Western Ghats and to reduce elephant-human conflict and potential loss of human lives and crops could not be materialized because of the stoppage of Central fund in the midway. Of the total 408 hectares of land required for the project, 86.9 hectares could only be procured and handed over to the Forest Department at a cost of ₹ 1.08 crore. The rest could not be acquired because the Central Government had stopped their funding. The Committee likes to note that no effort on the part of the State Government had been made for the provision of funds in the State Budget for the continuation of the Project in the State. Unless the State Government take any initiative to continue the project, the amount of ₹ 1.08 crore already spent for the 366/2014.

project would remain unfruitful. Hence the Committee recommends that the State Government should take urgent steps to revive the scheme and complete "The Project Elephant Scheme" in the State.

Action Taken

In order to facilitate the free movement of wild elephants and to review the project of acquiring private land of elephant corridors, a project proposal has been submitted before the Ministry of Environment and Forests through the Hon'ble Minister for Forest of Kerala State during 12/07. The project proposal for acquiring 131.5 Ha. in Kottiyoor, Periya in Kannur and Wayanad Districts for Elephant corridor submitted to Government of India has been approved in principle and financial assistance was sought for from the Joint Advisor, Planning Commission. The Planning Commission as per their office memorandum dated 2-2-2009 agreed in principle to the release of an additional amount of ₹ 7.89 crores subject to the following conditions:

- 1. The period of acquisition of 5 years indicated is too long. The Ministry of Environment and Forests/State Government may take steps to acquire the areas of 36.5 Ha. in Kottiyoor Village and 95 Ha. in Periya Village in 2 years (2009-2010—2010-2011).
- 2. Ministry of Environment and Forests may provide the required outlay for 2009-2010 for the said acquisition from the outlay of ₹ 21.50 crores is already approved for Project Elephant.
- 3. In so far as requirement for 2010-2011 is concerned, this would be considered during Annual Plan (2010-2011) discussion.

Dr. T. M. Thomas Isaac,

Chairman,

Committee on Public Accounts.

Thiruvananthapuram, 28th January, 2014.

APPENDIX I

GOVERNMENT OF KERALA

Abstract

Forest and Wildlife Department Irregularities in the planting works in submergible areas of Idukki catchment area under RLEGP 1988-89—
Disciplinary action against Shri C. Rajasekharan, S. Unnikrishnan and P. Ramakrishnan Nair, formerly Range Officers—
Finalised—Orders issued

FOREST AND WILDLIFE (A) DEPARTMENT

G.O. (Rt.) No. 400/01/F&WLD. Dated, Thiruvananthapuram, 25th September, 2001.

- Read:—1. G.O. (Rt.) No. 534/90/F&WLD dated 2-12-1990.
 - 2. Memo of Charges No. 26641/F1/90/F&WLD dated, 15-4-1991 issued to Shri C. Rajasekharan, Range Officer, S. Unnikrishnan, Range Officer and P. Ramakrishnan, Range Officer.
 - Written Statement of Defence submitted by Shri C. Rajasekharan, Range Officer, S. Unnikrishnan, Range Officer and Shri P. Ramakrishnan, Range Officer.
 - 4. G.O(Rt.) No. 66/95/F&WLD dated 21-2-1995.
 - 5. G.O(Rt.) No. 349/99/F&WLD dated 31-8-1999.
 - 6. G.O(Rt.) No. 507/99/F&WLD dated 16-12-1999.
 - 7. Letter No. A. 3046/97 dated 6-2-1999 from the Conservator of Forests (I&E), Kozhikode with the enquiry report.
 - 8. Show Cause Notice No. 20205/A1/95/F&WLD dated 3-2-2000 issued to Shri G. Rajasekharan, S. Unnikrishnan and P. Ramakrishnan.
 - 9. Explanation to the Show Cause Notice submitted by Shri P. Rajasekharan and S. Unnikrishnan.
 - 10. Letter No. B7—26390/99 dated 25-1-2001 of the Chief Conservator of Forests (Administration).

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ORDER

Based on the detection of certain irregularities in the planting works in the Submergible areas of ldukki catchment area under RLEGP 1988 and 1989, Government have suspended the following officers as per G.O. read as first paper above:

- 1. Shri Pothen I. Jacob, Assistant Conservator of Forests
- 2. Shri R. Rajendran, Wildlife Warden
- 3. Shri G. R. Mohandas, Range Officer
- 4. Shri C. Rajesekharan, Range Officer
- 5. Shri S. Unnikrishnan, Range Officer
- 6. Shri G. Appukuttan Pillai, Range Officer
- 7. Shri P. Ramakrishnan Nair, Range Officer.

Charge Memos were issued to the above Officers except Shri Appukuttan Pillai, since he retired from service.

Since the Written Statement of Defence submitted by the above officers were found not satisfactory, Government ordered a formal enquiry as per the G.O. read as fourth paper above.

Shri Appukuttan Pillai was exonerated of the charges framed against him, as it was found that he took charge of the area after all the planting works were over and he had only supervised to already committed works.

Based on the judgement dated 2-12-1998 in the OP No. 23855/98 filed by Shri R. Rajendran, the disciplinary action initiated against him was dropped as per the G. O. read as fifth paper above.

In the Enquiry Report, the enquiry officer found that the charges levelled against Shri Pothen I. Jacob, Assistant Conservator of Forests and G. R. Mohandas, Range Officer are not proved. Hence Government have ordered to drop further action against them as per the G. O. read as sixth paper above.

The Enquiry Officer had also found that the charges levelled against Shri C. Rajasekharan, Range Officer who was holding charge of Eco-restoration Project, Upputhara range of I & II of Idukki, P. Unnikrishnan, Range Officer who was holding charge of Eco-restoration Project, Ayyappan Kovil Range I & IV, Kalaavu and P. Ramakrishnan Nair, Range Officer are partially proved. Accordingly Show Cause Notice were issued to the above officers by provisionally deciding to inflict punishment of withholding of one increment without cumulative effect.

Shri P. Rajasekharan and Unnikrishnan submitted their explanation to the Show Cause Notice whereas Shri P. Ramakrishnan Nair has not furnished any reply to the Show Cause Notice. Shri S. Unnikrishnan, Range Officer and C. Rajasekharan, Range Officer were heard by the Additional Secretary, Forest and Wildlife Department as requested by them. They have not raised any new points to substantiate their contentions raised by them in the Written Statement of Defences.

Government have examined the matter in detail and decided to confirm the provisional decision of awarding punishment.

In the above circumstances, Government Order to finalise the disciplinary action against Shri C. Rajasekharan Nair, Range Officer by imposing a punishment of withholding of one increment without cumulative effect.

By order of the Governor, K. K. Remani, Additional Secretary.

To

The Chief Conservator of Forests (Protection / Administration), Thiruvananthapuram.

Shri C. Rajasekharan, Range Officer
Shri S. Unnikrishnan, Range Officer
Shri P. Ramakrishnan Nair, Range Officer

Through Chief Conservator of Forests (Administration)

The Accountant General (Audit/A&E), Kerala, Thiruvananthapuram.

Stock File.