

CHAPTER-II THEMATIC REVIEW

Public Works and Irrigation and Public Health Departments

2.1 Schemes involving Land Acquisition

2.1.1 Introduction

To achieve the objective of the management and to provide intended service to the public, implementation of the policies and procedure devised by the Government should be ensured in time.

Forest Conservation Act prohibits use of forest land for non-forestry purposes without prior approval of the Government of India (GOI). The GOI had also clarified in March 1982 that diversion of forest land for non-forestry activities in anticipation of the approval was not permissible and that request for ex-post-facto approval would not be entertained. Further, Land Acquisition Act, 1894 as amended in 1984 also provided that if any land was needed for a public purpose, a preliminary notification under Section 4 and declaration under Section 6 should be made to that effect.

2.1.2 Scope of Audit and Audit Objective

In course of test-checks during compliance audit from May 2009 to February 2010 involving construction of works such as roads and bridge, a lift irrigation scheme, a water supply scheme and a sewerage scheme undertaken by 12 divisions¹ of Public Works and Irrigation and Public Health Departments of the Government of Himachal Pradesh, audit noticed that these works/schemes were held up and remained incomplete due to land acquisition issues resulting in idle investment/infructuous expenditure. A theme based review of these cases involving land acquisition has been attempted by Audit so as to highlight the failure of the departments/Government to address the issue so that the benefits of these works/schemes reach the intended beneficiaries.

2.1.3 Audit Methodology

Test-check of the records of two Departments of the State Government for the period 2009-10 for compliance audit was carried out and audit conclusions were drawn and incorporated in the Report. The audit findings were intimated to the Heads of the concerned Departments and their replies, wherever received, have been appropriately incorporated in the Report.

2.1.4 Audit Findings

Public Works Department

2.1.4.1 Idle investment on construction of bridge and road

In order to provide transport facility to three villages² of Lahaul and Spiti district the construction of a 110 metre span suspension bridge over river Chenab at Salpat was sanctioned in December 1999 and completed in October 2005 at a cost of ₹2.72 crore. To make use of the bridge administrative

¹ Baijnath, Bilaspur-I, Chamba, Chopal, Dharampur, Keylong, Kullu-I, Palampur, Rampur, Shillai, Udaipur and Una-II.

² Salpat I, II and Ratoli.

approvals and expenditure sanctions for the construction of two motorable link roads³ (total length 4.965 kms) to these villages were accorded between October 2004 and August 2005 for ₹29.64 lakh and ₹29.02 lakh respectively. The road works stipulated to be completed in two years and one year respectively, were taken up for execution in October 2004 without obtaining technical sanction.

Scrutiny of records (September 2009) of Udaipur division revealed that upto December 2008 the Department constructed roads in a length of 1.685 kms only after incurring an expenditure of ₹64.08 lakh. The remaining work could not be taken up due to involvement of forest/private land falling in the alignment of the roads and had been lying suspended as of March 2010. This shows that the Department failed to ensure encumbrance free land before taking up the road works for execution as per provisions of Forest Conservation Act, 1980 and Land Acquisition Act, 1894.

The Executive Engineer admitted (June 2010) the facts and stated that the case for obtaining sanction for use of forest land was still at the preliminary stage and in respect of private land, the land owners have agreed verbally to donate their land. However, no firm commitment in writing had been taken from the villagers. He further stated that the bridge and constructed road portion of the road were yet to be passed by the Road Fitness Committee (RFC) but the people of the area were using them. The reply is not acceptable as even after a period of more than five years of taking up the execution of road, the Department did not take effective steps to obtain sanction for use of forest land. Besides, use of bridge and road for plying of vehicles without clearance by RFC was fraught with the risk of mishaps.

Thus, failure of the Department to initiate timely action for acquisition of encumbrance free forest/private land and to synchronise construction of roads with the construction of bridge had resulted in idle investment of ₹3.36 crore as motorable road connectivity still remained to be provided to the inhabitants of these villages.

2.1.4.2 Idle investment on incomplete road works under PMGSY

As per the *Pradhan Mantri Gram Sadak Yojna* (PMGSY) guidelines, it is the responsibility of the State Government/District *Panchayat* to ensure that land is available for taking up the proposed road works. A certificate that land is available must accompany the proposal for each road and the details of land should be reflected in the local land records to avoid disputes.

Scrutiny of records (May 2009-February 2010) of nine divisions⁴ revealed that 13 road works⁵ taken up under PMGSY for construction between October 2004 and August 2008 were subsequently held up between March 2005 and March 2009 after incurring an expenditure of ₹9.45 crore. The construction in case of nine road works was held up due to dispute with the land owners and in four cases due to involvement of forest land falling in the alignment of the proposed roads. It was also noticed that the Executive Engineers (EEs) at the time of sending proposal had furnished the certificates of availability of land without actually ensuring the availability of land free from all encumbrances and entries in the local land records.

³ 1st Road: From kms 48/170 of Tandi Thirotda Udaipur Killar road to Salpat I and II villages, length 2.665 kms (Starting point taken as km 0/0) and bridge at km 0/343.

2nd Road: From kms 1/075 of 1st road and upto Ratoli village, length 2.300 kms (Starting point taken as km 0/0).

⁴ Baijnath, Bilaspur-I, Chamba, Chopal, Dharampur, Kullu-I, Palampur, Rampur and Shillai.

⁵ (i) Sansai-Chobin road (ii) Piplughat to Sariun Khas road (iii) Jhajjakothe to Matiund road (iv) Antrawali to Paban road (v) Sarkoli to Kiari road (vi) Dhabas to Baghar road (vii) Neoty to Lakhwati road (viii) Manjholi to Chanjah road (ix) Sanaur to Fihar road (x) Link road to village Bhallan-II (xi) Chharambhu to Chowki road (xii) Nogli Power House to Devtan Kalan Tanseri Khakhrola Batuna road and (xiii) Kando to Chittli road.

The EEs concerned confirmed the facts (May 2009-February 2010).

Thus, the Department did not comply with the pre-requisite formalities before taking up the execution of works which resulted in idle investment of ₹9.45 crore, besides depriving the public of the intended road connectivity.

Irrigation and Public Health Department

2.1.4.3 Infructuous expenditure on Lift Irrigation Scheme

To provide irrigation facility to a cultivable command area (CCA) of 22 hectares in Koharchhan and Basantpura villages (Una district), a Lift Irrigation Scheme was administratively approved (September 2005) for ₹35.28 lakh. The scheme stipulated to be completed in four years was taken up for execution in December 2005 without obtaining technical sanction.

Scrutiny of records (February 2010) of, Una division No.II revealed that the work could not be completed due to objection from a land owner on construction of rising main and sump well on his land. Meanwhile ₹59.20 lakh was spent upto March 2007 and since then the work has been suspended due to filing of a suit (December 2005) by the land owner. The case was still to be decided by the Court (May 2010).

The Executive Engineer confirmed (February 2010) the facts and stated that the work was started after ensuring encumbrance free land but later on some local disputes had arisen forcing the Department to abandon the work. The reply is not acceptable in view of the fact that acquisition of land for public purpose was not ensured as per provisions of the Land Acquisition Act, 1894 and the land owner had filed the suit before the commencement of the scheme. As a result, the expenditure of ₹59.20 lakh has proved infructuous. Besides, people of the area were deprived of the facility of irrigation.

2.1.4.4 Unfruitful expenditure on revival of Water Supply Scheme

During 2004-05 the discharge at water source (Tubewell) of the existing Water Supply Scheme (WSS) to Amb town (Una district) decreased to three litres per second (LPS) against the requirement of 22.03 LPS resulting in inadequate supply of drinking water to the people of the town. To mitigate this problem, ₹30 lakh was allocated (February 2005) out of Calamity Relief Fund for revival of the scheme.

Scrutiny of the records (February 2010) of Una division No.II revealed that drilling and development of a new Tubewell was completed in December 2006 at a cost of ₹11.01 lakh. To connect the newly constructed water source, with the existing supply line, an estimate for construction of 880 metre long rising main, procurement and erection of pumping machinery at a cost of ₹17.53 lakh was technically sanctioned (December 2006) by the Superintending Engineer, Una with the condition that the EE will ensure availability of legal hindrance free land before taking up the work. Scrutiny further revealed that the work of laying of rising main entrusted (February 2007) to a contractor could not be completed by him within the stipulated period of three months due to dispute over involvement of private land falling in the initial stretch of 331 metre. The contractor, however, executed the work of rising main in remaining portion of 549 metre in February 2007 and since then the work has been suspended. Meanwhile, an expenditure of ₹19.38 lakh was incurred on partial construction of rising main, procurement of pumping machinery and arranging the power supply.

The failure of the EE to ensure dispute free land and to initiate land acquisition procedure in time was the main cause of delay. He initiated land acquisition process only in 2008-09, despite the fact that the technically sanctioned estimate included a condition for ensuring legal hindrance free land before taking up the work. As a result, an expenditure of ₹30.39 lakh incurred on the scheme proved infructuous as the dispute remained to be resolved as of May 2010. Besides, the people of the area continued to face the scarcity of potable water.

The Executive Engineer while admitting the facts stated (May 2010) that all out efforts made to resolve the dispute could not succeed and now the case for acquisition of private land has been sent to the Government. The reply is not acceptable as availability of hindrance free land should have been ensured by him before taking up the work.

2.1.4.5 Idle investment on incomplete sewerage scheme

In order to provide sanitation facility to Keylong town (Lahaul and Spiti district), the construction of sewerage scheme was administratively approved (August 2003) for ₹2.95 crore and technically sanctioned (July 2004) for ₹3.04 crore. The scheme stipulated to be completed in five years was taken up for execution in October 2003.

Scrutiny of records (August 2009) of Keylong division and further information collected (May 2010-July 2010) revealed that the work could not be completed due to objection from land owners over laying of pipe line over their land. ₹1.51 crore was spent upto July 2009 and the work is lying in a suspended state since November 2008. Records also revealed that in the sanctioned estimate provision of ₹6.50 lakh existed for the acquisition of private land to facilitate the completion of scheme. The Department did not resolve this issue expeditiously and acquisition of private land remained to be done as of July 2010.

It was also noticed that the Himachal Pradesh State Pollution Control Board while issuing (April 2005) No Objection Certificate for the construction of scheme had directed the Department to design sewage treatment plant (STP) in place of septic tanks/soak pits in view of large volume of sewage. The Department, however, took the decision to construct the Sewage Treatment Plant only in November 2008 which also delayed the execution of the scheme.

The Executive Engineer confirmed (August 2009) the facts and stated (May 2010) that the case for acquisition of land submitted to the Land Acquisition Officer, Keylong was received back with some observations. The fact remains that the Department failed to acquire private land for timely completion of the scheme and responsibility for delay in acquisition of land and finalisation of design of STP lay with the EE and SE respectively.

Thus, failure of the Department to acquire land coupled with delay in finalisation of design of sewage treatment plant resulted in idle investment of ₹1.51 crore on incomplete scheme, besides, depriving the public of intended sanitation facility.

The audit findings were referred to the Government in April-June 2010. Reply had not been received (September 2010).

2.1.5 Recommendation

Non-implementation of the provisions of the Forest Conservation and Land Acquisition Acts is a recurring problem in the state. The State Government should frame specific policy in this regard by adequately compensating the land owners to provide intended benefits to the public in time and the defaulters in this regard should be made accountable.