

## CHAPTER 8 : Other Non -Tax Receipts

### 8.01 Results of Audit

Test check of the records of the following receipts conducted in audit during the year 2001-02, revealed losses/non-recovery of revenue etc. amounting to Rs. 147.69 crore in 73 cases, which broadly fall into the following categories:

Sl. No.	Category	No. of cases	(Rupees in crore)
			Amount
<b>A.</b>	<b>FOREST RECEIPTS</b>		
1.	Loss of revenue due to departmental lapses	34	5.68
2.	Less raising of demand	6	2.14
3.	Other cases	27	128.96
<b>Total</b>		<b>67</b>	<b>136.78</b>
<b>B.</b>	<b>WATER RATES</b>		
1.	Loss of revenue due to non-achievement of target	2	0.03
2.	Other cases	4	10.88
<b>Total</b>		<b>6</b>	<b>10.91</b>
<b>Grand Total</b>		<b>73</b>	<b>147.69</b>

During the year 2001-02, the concerned departments accepted loss of revenue of Rs.9.10 crore involved in 24 cases of which 1 case involving Rs.0.02 crore has been pointed out in audit during 2001-02 and rest in earlier years.

A few illustrative cases involving revenue effect of Rs. 110.98 crore are given in the following paragraphs: -

### A: FOREST RECEIPTS

### 8.02 Non-eviction of encroached forest land

(A) The Bihar Forest (Amended) Act, 1990 provides that encroachment of forest land shall be cognizable and non-bailable offence. If any forest officer, not below the rank of the Divisional Forest Officer (DFO), has reasons to believe that encroachment of forest land has been done, he may evict the encroachers and may use all the power conferred on a Magistrate under the Bihar Public Land Encroachment Act, 1956 (BPLE). The Indian Forest Act, 1927 provides realisation of royalty and compensation for the damages to forest produce and forest land from the encroachers.

(i) During the course of audit (between August and December 2001), it was noticed that in 6 divisions<sup>1</sup> 8414.91 hectares of forest land were

<sup>1</sup> 1. Forest Divisions, Chatra (N), 2. Koderma, 3.Kolhan, Chaibasa 4. Hazaribagh (E), 5.Daltonganj (N) and 6. Project Tiger Division, Daltonganj.

encroached upon between 1993-94 and 2000-01. The concerned DFOs had sent the cases to the courts instead of utilizing the power conferred upon them under the provisions of the Act *ibid*. This resulted in blockage of revenue to extent of Rs 72.28 crore and forest land remaining encroached.

(ii) In the office of DFO, Porahat Forest Division, Chaibasa it was noticed (September 2001) that 178.35 acres of forest land was encroached upon by 54 persons between 1995-96 and 2000-01, and offence cases were reported to Divisional Officers by the Range Officer, Songra and Kandrugutu but no action was taken to evict the encroachers and to realise royalty and compensation for damages to the extent of Rs.5.90 crore.

On this being pointed out (September 2001), the DFO stated (September 2001) that the matter would be examined. Further reply has not been received (January 2004).

The case was reported to the Government (May 2002); their reply has not been received (January 2004).

**(B) Loss of Forest revenue**

Under the provisions of the Forest (Conservation) Act, 1980, the state government or any other authority cannot divert any forest land for non-forest purpose without the prior approval of Government of India. In case the forest land is diverted for non-forest purpose, net present value of land and cost of afforestation is to be realised from the user agency.

In the course of audit of Hazaribagh (East) Forest Division, Hazaribagh it was seen (December 2001) that as per joint survey conducted by Forest department and Central Coalfields Ltd. during the year 2000-01, 700.96 hectares of forest land was illegally utilised by the Central Coalfields Ltd. No action was taken to regularise the use of the land with the approval of Government of India. Beside, cost of compensatory afforestation to the tune of Rs.1.47 crore, net present value of Rs.26.36 crore of land were not realised from the user agency.

On this being pointed out (December 2001 and November 2002), the DFO stated that proposal has been called for. Further reply has not been received (January 2004).

The matter was reported to the Government (April 2002); their reply has not been received (January 2004).

**B : WATER RATES**

**8.03 Non-recovery of water rates for un-authorized use/supply of water**

Under the Bengal Irrigation Act, 1876 read with the Bihar Irrigation Act, 1997 (Act II of 1998), the Canal Officer (Executive Engineer) may supply water for

purposes other than those of irrigation on payment of water rates as prescribed by the Government from time to time.

In the office of the Executive Engineer, Waterways Division, Ranchi it was noticed (January 2002) that 3 institutions<sup>2</sup> were using water from Getalsud Dam for non-agricultural purposes since September 1970 without payment of water rates and without execution of any agreement stipulating terms and conditions for the purpose. The amount of water rate recoverable at the prescribed rate for 66950 million gallons of water used by above institutions during the period September 1970 to March 2001 resulted in non-realisation of water rates amounting to Rs.4.97 crore calculated for the period from 1996-97 to 2000-01. No action was taken by the department for recovery of dues as arrears of land revenue.

On this being pointed out (January 2002), it was stated by the Executive Engineer that officers of the department were informed of the un-authorised use of water. The reply indicated inaction of the department since payment of water rates has been pending for a long period (since September 1970).

The case was reported to the Government (June 2002); their reply has not been received (January 2004).

**Ranchi  
The**

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**New Delhi  
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**( Vijayendra N. Kaul )  
Comptroller and Auditor General of India**

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<sup>2</sup> (1) B.I. T. Mesra, Ranchi (2) Vikash Vidyalaya, Ranchi (3) R.K. Budhia, Ranchi.