

List of Pending Para
ENVIRONMENT & FOREST DEPARTMENT

| Year | | Pending Para as per PAC |
|-------------------------|-------------|-------------------------------|
| 1999-00 | (Civil) | 3.11 |
| 2001-02 | (Civil) | 7.2 |
| 2002-03 | (Civil) | 4.1.1 |
| 1996-97 | (Rev Recei) | 9.6, 9.7 |
| 2003-04 | (Rev Recei) | 6.6, 6.7, 6.8 |
| 2004-05 | (Rev Recei) | 6.2, 6.3, 6.4 |
| 2008-09 | (Rev Recei) | 2.1.4 |

ENVIRONMENT & FOREST DEPARTMENT

वर्ष-११-०० (सिविल)

3.11 कर्मियों की अनधिकृत तैनाती

सरकार की स्वीकृति के बिना कोई/अस्थायी पद का सृजन नहीं किया जा सकता था तथा स्वीकृत बल से अधिक कर्मियों को वेतन एवं भत्ते का भुगतान अनुज्ञेय नहीं था। 16 वन प्रमंडलों के अभिलेखों की संवीक्षा (मई 1999 से मार्च 2000 के बीच) से प्रकटित हुआ कि मार्च 1994 और मार्च 1999 के बीच सरकार/विभाग द्वारा इन प्रमण्डलों में 116 कर्मियों (19 पदाधिकारियों सहित) की पदस्थापना की गई थी, जबकि विभिन्न अवधियों के लिए पदों की स्वीकृति नहीं थी तथा उनके वेतन एवं भत्ते पर 1.30 करोड़ रुपये खर्च किए गये थे, जैसा कि निचे विवर्णित है:

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| क्र० सं० | प्रमण्डल | पदनाम | स्वीकृत पद की सं० | पदस्थापित | आधिक्य | राशि (लाख रुपये में) |
|----------|--|---|-------------------|-----------|--------|----------------------|
| 1 | रौंची पश्चिमी वन प्रमण्डल, लोहरदग्गा | सहायक वन संरक्षक वन क्षेत्र पदाधिकारी | 2 | 3 | 1 | 0.90 |
| 2 | बाल्मिकी बाघ परियोजना प्रमंडल सं-1, बेतिया | व.क्षे.पदा. वनपाल | 2 | 3 | 1 | 3.19 |
| 3 | सारंडा वन प्रमण्डल, चाईबासा | स.वन.संरक्षक | 2 | 3 | 1 | 1.22 |
| 4 | उत्तरी वन प्रमण्डल, चाईबासा | स.वन.संरक्षक | 1 | 3 | 2 | 2.39 |
| 5 | दक्षिणी वन प्रमण्डल, चाईबासा | स.वन.संरक्षक कूप पर्यवेक्षक | .. | 2 | 2 | 4.56 |
| 6 | कोल्हान वन प्रमंडल, चाईबासा | स.वन संरक्षक | 1 | 3 | 2 | 3.22 |
| 7 | विस्तार वन प्रमंडल, कटिहार | प्रहरी/कामगार माली रूटिन क्लर्क | 10 | 17 | 7 | 10.41 |
| 8 | विस्तार वन प्रमण्डल, पूर्णिया | स.वन संरक्षक पर्यवेक्षक कामगार | 1 | 2 | 1 | 2.77 |
| 9 | विस्तार वन प्रमंडल, बेगूसराय | स.वन संरक्षक कार्यालय सहायक रेंज क्लर्क | .. | 2 | 2 | 4.58 |
| | | | 2 | 4 | 2 | 3.59 |
| | | | .. | 1 | 1 | |

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|----|-------------------------------|--|---------------------------------|------------------------------|-----------------------------|---|
| | | वन प्रहरी | .. | 15 | 15 | 13.87 |
| 10 | विस्तार वन प्रमंडल, सहरसा | सहायक रुटिन क्लर्क माली वन प्रहरी/ कामगार --वही--(1998-99) | 2 16 .. | 3 1 5 3 21 21 | 1 1 5 3 5 21 | 0.96 0.89 4.38 2.84 2.33 11.90 |
| 11 | पूर्वी वन प्रमंडल, हजारीबाग | स.वन संरक्षक | 1 | 2 | 1 | 2.24 |
| 12 | उत्तरी वन प्रमंडल, डाल्टेनगंज | वन क्षेत्र पदाधिकारी वनपाल | 6 21 | 7 27 | 1 6 | 1.62 7.78 |
| 13 | दुमका वन प्रमंडल | स.वन संरक्षक वनपाल | 1 21 | 2 23 | 1 2 | 2.36 0.50 |
| 14 | गया वन प्रमंडल | पर्यवेक्षक कामगार माली | | 3 2 1 | 3 2 1 | 8.02 |
| 15 | वन रोपण प्रमंडल, गया | स.वन संरक्षक वन प्रहरी | 1 60 | 2 62 | 1 2 | 2.28 2.64 |
| 16 | पश्चिमी वन प्रमंडल, हजारीबाग | स.वन संरक्षक | 1 | 3 | 2 | 3.77 |
| | योग | | 163 | 279 | 116 | 129.83 या 1.30 करोड़ रुपये |

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बारह वन प्रमंडल पाधिकारियों (लोहरदग्गा, बेतिया, चाईबासा दक्षिणी, चाईबासा उत्तरी, सारण्डा, पूर्णिया, बेगूसराय, सहरसा, डाल्टेनगंज उत्तरी, दुमका गया वनरोपण तथा हजारीबाग पूर्वी) ने बताया कि मामले उच्चाधिकारियों को प्रतिवेदित थी जबकि वन प्रमंडल पदाधिकारी, कोल्हान वन प्रमंडल, चाईबासा ने कहा कि सहायक वन संरक्षक का स्वीकृत बल राज्य स्तर पर अधिक नहीं था। उत्तर स्वीकार्य नहीं था, क्योंकि राँची पश्चिमी प्रमंडल, सारण्डा वन प्रमंडल, चाईबासा उत्तरी प्रमंडल, चाईबासा दक्षिणी प्रमंडल, कोल्हान वन प्रमंडल, हजारीबाग पूर्वी प्रमंडल इत्यादि में विभिन्न वर्गों के कर्मियों की कमी थी हलाँकि प्रमंडलों के स्वीकृत बल के अनुसार ही पदस्थापना करनी थी तथा अस्वीकृत पदों के विरुद्ध किसी व्यक्ति को भुगतान नहीं किया जाना था। विभाग द्वारा नियमों की अवहेलना में स्वीकृत बल से अधिक कर्मियों की तैनाती के कारण प्रमंडलों में 116 अधिक पदों के संचालन में सुगमता हुई, परिणामतः वर्ष 1994 से 1999 के दौरान 1.30 करोड़ रुपये के वेतन एवं भत्तों का अनधिकृत भुगतान हुआ।

मामले सरकार को संदर्भित किए गए (जुलाई 2000); उनके उत्तर अप्राप्त थे (जनवरी 2001)

2002-03

ENVIRONMENT AND FOREST DEPARTMENT

4.1.1 Doubtful expenditure

Expenditure of Rs 1.33 crore against advance payment in Valmiki State Trading Division, Betia was doubtful.

On the request of the Conservator of Forest, Valmiki Tiger Project, Betia, the Chief Conservator of Forest-cum-Chief Conservator of Wild Life, Bihar provided additional funds of Rs 1.33 crore to the Divisional Forest Officer (DFO), Valmiki State Trading Division (VSTD), Betia on 28 March 2001 without any requisition for such funds from the division to meet expenditure during 2000-01 on repair and maintenance of road, bridge and buildings and other contingent charges (telephone and electricity charges, liveries, other office expenses) pertaining to two other divisions (Valmiki Tiger Project division I and II) which had no sanction of Government for extension of their life till 31 March 2001 as the extension for operation of the divisions was accorded by Government on the last day (31 March 2001) of the year. Further, there was no sanction of Government for such expenditure of the two divisions (Valmiki Tiger Project I and II), nor was there any authorisation of the Accountant General for operation of Letter of Credit for transacting activities of these two divisions during 2000-01.

Scrutiny of records of the DFO, VSTD, Betia revealed that DFO released the entire amount of Rs 1.33 crore to two Range Officers from 28 March 2001 to 30 March 2001. These Range Officers further advanced the amount to foresters on 31 March 2001 and the entire amount of Rs 1.33 crore was exhibited in the division's accounts as spent. Of this, expenditure of Rs 82.88 lakh was shown by DFO as incurred on unsanctioned construction and repair works by splitting the expenditure in small sums of Rs 5000 each to avoid sanction of competent authority. The balance amount of Rs 50 lakh was spent on contingent charges and office expenses. No vouchers for expenditure of Rs 1.33 crore were available in the division.

Thus, the entire expenditure of Rs 1.33 crore depicted as booked in the divisional accounts in March 2001 was prima facie doubtful. The DFO, VSTD, Betia stated (May 2003) that the matter was under investigation at the level of Principal Chief Conservator of Forests and the result would be communicated to audit in due course.

The matter was referred to Government (August 2003). The Deputy Secretary to Government, Environment and Forest Department stated (December 2003) that all the 60 officials involved had been placed under suspension and departmental proceeding against them had been initiated. Reference had been made to Government of India for action against the then Principal Chief Conservator of Forests who had retired and action had been initiated against two other officers of Indian Forest Service. He also stated that Conservator of Forests, Betia had been directed to lodge FIR with the Police against all of them.

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2003-04

6.6 Violation of Forest Conservation Act, 1980

Forest Conservation Act, 1980 and amendments made thereunder stipulate that no forest land may be diverted for any non-forest purposes without the prior approval of the Central Government. Violation in this regard by any person/Government Department is liable to be proceeded against and it is mandatory for the State Government to report each case of violation to the Central Government with complete details. Besides, diversion of forest land for non-forest purposes is also subject to realisation of Net Present Value (NPV) of forest land proposed to be diverted at rates prescribed by the Government in 1991 and 1998 alongwith cost of standing trees and cost of compensatory afforestation on equivalent non-forest land made available by the user agency.

Test check of records of Afforestation Division, Gaya revealed in December 2003 that 146.09 hectares of Government forest land was unauthorisedly utilised by the Army Service Corps

(ASC) Centre, Gaya for enlargement of existing cantonment by constructing a golf course, roads, buildings etc. as noticed by the department in 1998-1999. Proposal for diversion of said forest land submitted (August 1998) by ASC to the Department was returned (January 2001) to ASC for submission of revised proposal encompassing the essential details like provision of non-forest land for transfer to the Department, scheme and cost of compensatory afforestation, NPV, enumeration of standing trees etc. Though revised proposal was not submitted till September 2004, neither legal action was taken by the Department for eviction nor the matter was reported to the Central Government.

Thus, non-adherence to the provisions of Forest Conservation Act resulted in loss in the shape of depletion of forest affecting environmental stability and ecological balance besides non-realisation of NPV of Rs 6.65 crore and cost of compensatory afforestation of Rs 32.45 lakh. Loss of revenue in shape of royalty of standing trees was unascertainable for want of its enumeration.

After this was pointed out in December 2003 and September 2004, the Divisional Forest Officer (DFO) stated in September 2004 that revised proposal was awaited.

The matter was reported to the Government in March 2004; their reply has not been received (September.2004).

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6.7 Non eviction of encroached forest land

Under the provisions of Indian Forest Act, 1927, as amended from time to time, the encroachment of forest land shall be a cognizable and non-bailable offence. Any forest officer not below the rank of DFO, if he has reasons to believe that encroachment of Government forest land has been done, may evict the encroachment and may use all the powers conferred on a Magistrate under the Bihar Public Land Encroachment Act, 1956. The Act further provides for realisation of royalty and compensation for the damages of forest produce and forest land from the encroachers. Hon'ble Supreme Court had also ordered for eviction from all encroachments of forest land latest by September 2002.

In light of the orders of the Hon'ble Supreme Court, the department issued instructions on 01 October 2002 for compliance within seven days and initiate recovery proceedings against the defaulting officials. Subsequently, Principal Chief Conservator of Forest, Bihar observed in June 2003 that there was lack of initiative on the part of the DFOs and directed for accelerated action for eviction and initiate proceedings in case of any dereliction.

In Valmikinagar Tiger Project Division No. II, Valmikinagar, Bettiah, it was however, noticed in January 2004 that in 10 cases, 55.43 hectares of forest land valued at Rs 2.52 crore encroached during the period 1992-2002 was not evicted till the date of audit (January 2004) in spite of mandatory requirements under the Indian Forest Act and specific instructions of the Department. However, no departmental proceeding was initiated for the failure in effecting eviction of encroachments.

After this was pointed out in January 2004, the DFO stated in January and September 2004 that the encroachments were being evicted. Reply of the DFO was not tenable as no eviction had been effected as of September 2004

The matter was reported to the Government in May 2004; their reply has not been received (September 2004).

6.8 Non-realisation of revenue due to non-disposal of collected/unclaimed timber

Bihar Forest Produce (Regulation of Trade) Act, 1984 provides that all forest produce collected or to be collected from the forests of the State shall be disposed off by public auction every year preferably before the end of April.

In two Forest Divisions¹ it was noticed between December 2003 and March 2004 that 1,571.49 cu. m. of firewood of various species and 4,722 fencing posts valued at Rupees one crore collected during 1999-2003 remained un-disposed till the date of audit. No action was taken for timely disposal of the same by the respective D.F.O, which resulted in non-realisation of revenue of Rupees one crore. Besides, timbers were deteriorating due to prolonged storage in open sky.

After this was pointed in audit between December 2003 and March 2004, the concerned DFOs stated that action for auction was being taken. However, absence of effective action for disposal of timbers was evident from the fact that out of above balances only 353.309 Cu.m (out of 818 Cu.m) could be disposed off at Rs 17.73 lakh. Position remained unchanged till September 2004 in Bhabua division.

The cases were reported to the Government between March and May 2004; their reply has not been received (September 2004).

2004-05

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6.2 Violation of Forest (Conservation) Act

Forest (Conservation) Act, 1980 (Forest Act) read with Indian Forest Act, 1927 stipulate that no State Government shall make any order, by notification through official Gazette, for dereservation of any part of forest land for non forest purpose without prior approval of the Government of India (GOI). The Forest Act further provides for prosecution in cases of violation of the provisions of the Act and it is mandatory for the State Government to report each case of violation to GOI with complete details.

GOI also issued instructions in 1986 and 2001 prohibiting submission of proposal seeking ex post facto approval for a project taken up without prior approval under the Forest Act and directed that projects in which specific orders for dereservation of forest land were not issued prior to 1980 also required approval under the Forest Act.

In case of forest land notified as wild life sanctuary under the Wild Life (Protection) Act, 1972 (WLP Act) any alteration of its boundaries required prior approval of the State Legislature. Further, proposals involving diversion of forest land in sanctuary area also required approval of Hon'ble Supreme Court and Indian Board of Wild Life² (IBWL).

In Rohtas forest division, Sasaram it was noticed in March 2005 that Forest Department agreed to transfer 64.75 hectares of reserved forest land in Kaimur and Rohtas districts to Water Resources Department (WRD) in 1975 for construction of dam and spill way (part of Durgawati Reservoir Project requiring over 2,000 hectares of forest land in all its segments including main and distributory canals and submergence area). WRD, however, started dam construction in 1978-1979 on the said forest land though notification for its dereservation was not issued by the State Government. Subsequently 5.44 acres of the said forest land also became part of Kaimur wild life sanctuary established in 1978 and was notified as such in 1979.

¹ *Bhabua and Katihar (now Purnea) Divisions.*

² *Hon'ble Supreme Court order dated 13 November 2000 in I.A. No. 2 in WP No. 337/1995 and order dated 09 May 2002 in I.A. No. 18 in WP No. 337/1995*

Forest Department noticed in May 2001 that work was being done beyond area agreed for transfer to WRD. Repeated objections including filing of offence case with Chief Judicial Magistrate, Sasaram in April 2003, however, failed to stop the work. The Department took 31 months to report violation of provisions of the Forest Act and WLP Act to the State Government. It was in January 2004 that the Department reported the case of encroachment of 13.80 hectares of forest land in dam work and 3.75 acres of sanctuary area in spill way construction as found after physical verification of site of work in December 2003. The encroachment in sanctuary area was due to shifting of spillway from its original site.

State Government, however, instead of reporting the violation to GOI, forwarded a proposal for diversion of 2,030 hectares of forest land including 600.72 hectares of sanctuary area to GOI in September 2004 for prior approval under the Act. Compensation for use of forest land for non forest purpose was assessed at

Rs 184.62 crore³ recoverable from WRD along with equivalent non forest land for regeneration of the lost forest. The WRD had paid Rs 59 lakh as cost of forest produce prior to enactment of the Forest Act.

The proposal seeking prior approval under the Forest Act was forwarded when the project was already complete to the extent of 92 *per cent* (dam) and 64 *per cent* (canals) as of March 2004. The proposal was also incomplete for want of approval of Hon'ble Supreme Court and IBWL and certain other information called for by GOI in November 2004. Instead of submitting the clarifications, State Government denotified 64.75 hectares of forest land including 5.44 acres of sanctuary area in November 2004 thereby regularising the encroachments reported by the Department.

Thus, failure on the part of the Department as well as the State Government not only resulted in violation of the Forest Act and WLP Act but also in depletion of forest cover and disruption to natural habitat of wild animals. Regularisation of encroachment was also in violation of the orders of the Hon'ble Supreme Court.

After this was pointed out in March 2005, Regional Chief Conservator of Forest, Patna (RCCF) while accepting the case of violation, stated in May 2005 that notification issued in November 2004 by the State Government for dereservation of forest land used in construction work by WRD also included sanctuary area.

The case was reported to the Government in April 2005; reply has not been received (September 2005).

6.3 Non realisation of cost of forest property illegally extracted from encroached forest land

The Indian Forest Act, read with Forest Act, prohibits clearing or breaking up of any forest land for any purpose other than reforestation. Encroachment of forest land is a cognizable and non bailable offence. Bihar Forest Rules provide for protection of forest land through prescribed inspection of its boundaries by forest officials duly monitored by the DFO. Besides, cost of forest property removed from Government forest land together with compensation for damages to the forest is recoverable through certificate cases as arrears of land revenue.

In Rohtas forest division, Sasaram, it was noticed in March 2005 that during inspection, DFO detected in August 2004 that in five cases, mining leaseholders illegally extracted 20 lakh cft stone materials from the reserved forest land beyond the leased area. The value of extracted material based on the size of quarry together with compensation as worked out by the Department was Rs. 2.29 crore.

Test check revealed that instead of initiating certificate cases for recovery of Government revenue, DFO requested the District Magistrate, Rohtas in August 2004 for filing money suit against the lease holders and for taking legal action including cancellation of mining leases.

³ *Net present value: Rs 150.76 crore, cost of compensatory afforestation: Rs 3.07 crore and cost of forest produce :Rs 30.79 crore.*

The cases were, however, not pursued as of March 2005 for realisation of Government revenue. Thus, non observance of codal provisions for protection of forest resulted in extensive damage to the forest land together with loss of forest property valued at Rs 2.29 crore.

After this was pointed out in March 2005, the Department, while accepting the matter for initiation of certificate cases, stated in June 2005 that mining leases have since been cancelled by the Collector, Rohtas and stock of 1.19 lakh cft. of stone materials have been seized. Further reply has not been received (September 2005).

The matter was reported to Government in April 2005; reply has not been received (September 2005).

6.4 Delay in realisation of revenue due to non disposal of timber

Bihar Forest Produce (Regulation of Trade) Act, 1984 provides that all forest produce collected or to be collected from the forests of the State shall be disposed by public auction every year preferably before the end of April.

In Nawada forest division, it was noticed in August 2004 that 71 cum of timber valued at Rs. 9.92 lakh collected during the year 1999-2004 remained undisposed till the date of audit. No action was taken for timely disposal to save it from deterioration due to prolonged storage by the concerned DFO. This resulted in delay in realisation of revenue of Rs 9.92 lakh.

After this was pointed out in August 2004, RCCF, Patna stated in June 2005 that all the timber would be sold by the end of current year. Further reply has not been received (September 2005).

The case was reported to Government in January 2005; reply has not been received (September 2005).

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2008-09