

Chapter 4

Conclusion and Recommendations

4.1. Conclusion

With the objective of introducing uniform procedures and processes in relation to land management in major ports, guidelines were issued in 1995 by the Ministry, which were revised subsequently in 2004, 2010 and 2014. A performance audit conducted to examine the clarity in the policy guidelines and their uniform application across the ports revealed successive policies issued were not comprehensive and failed to cover certain issues which were dealt in earlier policies giving scope for improvement and rationalization besides strengthening monitoring mechanism at all levels up to the Ministry.

Audit observed that there were instances of ambiguity in policy guidelines and specific terms and phrases relating to land management needed to be more clearly defined so as to provide effective guidance and direction to the ports and also ensure that these were implemented uniformly by the ports. Consequently, ports treated similar issues differently. Instances of lack of clarity were noticed in the policy guidelines (1995, 2004 and 2010) in matters relating to construction of permanent structures inside custom bond area, defining ‘end use of land’, extension of lease period beyond 30 years, etc. The methodology advocated in 2014 policy for dealing with the existing cases of permanent structures inside custom bond area might not be easy for implementation and it may lead to disputes and litigations. Similarly, instances were noticed where ports had deviated from policy guidelines in relation to issue of license. Though policy guidelines were revised from time to time including the policy guidelines of 2014, it was not specifically mentioned in the latest set that these had superseded the earlier ones, which allowed the ports to apply provisions from multiple guidelines at their discretion, which was not a good practice.

There were instances of non-adherence by ports in major areas of land management. The land use plan was not updated or revised and landholdings were not reconciled with relevant records like title deeds and other documents of state revenue authorities. Ports did not take timely and effective steps to curb encroachment and allotment of lands were not made in accordance with land policy guidelines. Ports did not adhere strictly to the guidelines relating to revision of tariff at specified intervals. The policy guidelines issued in 2010 proposed computerization of land management process as one of the administrative reform measures, but the ports were lagging behind in achieving the objective of implementing digitization of land management process.

4.2. Recommendations

Audit suggests the following recommendations for consideration and implementation by the Ministry and ports for improving the performance and rectifying the deficiencies highlighted in this report.

1. The Ministry should review the existing guidelines and policies to formulate a comprehensive policy to deal with all issues relating to land management to avoid multiplicity of guidelines/policies and ambiguity in the extant guidelines/policies, taking into account the provisions of MPT Act, 1963.
2. Guideline issued in 2014 policy to deal with constructed permanent structures inside custom bond area in relation to allotments made in previous periods may be revisited so that inherent constraints in the proposed mechanism are removed.
3. All critical terms and phrases in relation to land allotment and allied activities may be clearly defined to avoid inconsistent treatment by individual ports.
4. An arrangement may be evolved for minimizing the time required to resolve issues where Ministry's approval was required by delegating certain powers to the ports.
5. A review mechanism may be put in place in the Ministry stipulating at least half yearly review of land management decisions and activities of individual ports, which would help ensure compliance with the policies in vogue.
6. Similarly, a structured quarterly review may be introduced in the ports in order to report status of land management process and procedures to the respective Board vis-à-vis compliance of land policy guidelines.

The Ministry welcomed the recommendations of Audit and agreed to implement the same except recommendation no. 2 where Ministry opined that specific guidelines were not required as permanent structures inside custom bond area have been dealt with in accordance with land policy guidelines 2014. However, Audit is of the view that the mechanism proposed has inherent limitation and might lead to litigation and associated difficulties.

New Delhi

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