

**MEGHALAYA INFORMATION COMMISSION**

.....

**No. MIC./Complaint/63/2008/19**

1. Shri Lucas Khongjee of Nongbah-Mawshiut, Sohra Sub-Division  
2. Shri Numbar Mawpat of Nongbah-Mawshiut, Sohra Sub-Division
- } Complainants

- Vrs -

1. Shri C.Nongspung, Jt. Director, Supply, East Khasi Hills, Shillong-(PIO)  
2. Shri E.Kharmalki, (the then SDO(C), Sohra) now P.D., DRDA, Ri Bhoi  
3. Shri G.S. Nongkhlaw, (APIO and the then Inspector Supply, Sohra), now  
Suptd., of Supply, West Khasi Hills, Nongstoin.
- } Respondents

**30-10-2008;**

**ORDER**

The Commission received the Complaint from the Complainants on 10-9-2008 and taken on file as No. MIC/Complaint/63/2008. A brief history of the case is as follows:

The Complainants Shri L.Khongjee and Shri N.Mawpat of Nongbah-Mawshiut, Sohra Sub-Division filed an RTI application before the APIO, Supply Department, Govt. of Meghalaya, Sohra Civil Sub-Division, East Khasi Hills on 9-4-2008 requesting the following information on PDS for the Nongbah-Mawshiut circle of Khad-ar Shnong C.D. Block viz.,

- (i) The list and addresses of the APL, BPL, AAY and Annapurna beneficiaries under Nongbah Circle
- (ii) The list of items under PDS.
- (iii) Total quantity earmarked for the circle from January, 2007 to December, 2007 (Rice and Kerosene)
- (iv) The dates and months of issues of the PDS commodities.
- (v) Quantity issued under APL, BPL, AAY, Annapurna.
- (vi) Amount of Subsidy earmarked by the Govt. and paid to the Dealers.

The PIO-cum-Joint Director, Supply, East Khasi Hills, Shillong vide letter No.SH(S)1/10/2005/79 dated 7<sup>th</sup> May, 2008 furnished the following information to the Complainants.

- (i) The list of beneficiaries of BPL, AAY, and Annapurna.
- (ii) The essential commodities supplied through FPS under the PDS.
- (iii) The allotment of essential commodities to Nongbah circle (Rice & Kerosene).
- (iv) The dates and months of issue of commodities.
- (v) The scale of issue of commodities.
- (vi) Subsidy in respect of AAY rice actual distributed for the period of January, 2007 to March, 2007.

Having received the information, the Complainants found that the following information have not been furnished by the PIO viz.,

- (i) The list and addresses of the APL beneficiaries under Nongbah Circle.
- (ii) Full information of subsidy earmarked by the Govt. and paid to the Dealers in respect of AAY and Annapurna rice for the entire period.
- (iii) Dates and months of issue of essential commodities as per Permit Books.

During the previous hearing, the PIO contented that the above information are not available with the PIO and that the then APIO Shri G.S.Nongkhlaw, who was the Inspector, Supply, Sohra now working as Superintendent, Supply, West Khasi Hills, Nongstoin may be in a position to explain the incompleteness of information already supplied and furnished by him. The Complainants also alleged that the quantity of rice actually distributed through FPS is not the same as per the information furnished to them by the PIO as relevant from the report of enquiry by the then SDO(C) Sohra, Shri E.Kharmalki, MCS which they have received through separate RTI request. They contented that the then SDO(C) Sohra, now P.D., DRDA, Ri Bhoi District, Nongpoh may be made a co-respondent in this case.

The issues before the Commission are therefore as follows:

- (i) Whether there is a failure on the part of the PIO to furnish the list of APL beneficiaries under Nongbah circle?
- (ii) Whether incomplete information has been furnished on subsidy amounts?
- (iii) Whether wrong information has been issued on dates/months of issue of PDS?
- (iv) Whether the scales of issue of PDS commodities as furnished by the PIO are wrong/misleading.

**Issue No. (i)**

The PIO, Shri C.Nongspung and the then APIO, Shri G.S.Nongkhlaw stated that there is no APL beneficiaries in Nongbah circle. All families in the circle have been included under BPL, AAY, Annapurna and hence, the APL list does not exist. As a result no information could be furnished to the Complainants. According to the Respondents there are 119 families in the above circles which have been included in the above 3(three) schemes. The above contention has also been confirmed by the then SDO(C) Sohra, Shri E.Kharmalki, MCS who was in-charge of Food & Civil Supplies in the Sub-Division. However, according to Shri Kharmalki, his enquiry has recently revealed that the number of families approved by the Govt. under BPL, AAY and Annapurna fall short of the total number of families in existence under the Sohra Civil Sub-Division as a whole and the excess families which could not be included in the above projects have to be provided with essential commodities resulting in adjustment of the scale of issue at the local level. This has been included in his report submitted to the D.C. (Supply), Shillong as per the D.C.'s Order. It is therefore, clear that the issue does not arise as the information does not exist.

**Issue No. (ii)**

Regarding the information in respect of the amount of subsidy earmarked by the Govt. and the amounts paid to the Dealers in respect of AAY and Annapurna rice for the period. The PIO informed that the information on release and payment of subsidy on transport etc under AAY, Annapurna Scheme are not available with him. So he had to call for the information from the APIO, Supply, Sohra Sub-Division who could furnish only part of the information at that time as the Accountant dealing with the matter was absent from duty. He therefore, admitted that incomplete information has been furnished in respect of subsidy amounts. He however stated that full information has now been received from the Sub-Division and ready for delivery to the Complainants. The Commission cautioned the PIO against repetition of such delay even if it is only a part information and directed the PIO to send it to the Complainants latest by tomorrow the **31<sup>st</sup> October, 2008, free of cost.**

**Issue No. (iii)**

Regarding the months and dates of issues of the PDS commodities, the Respondents stated that the RTI application did not mention specifically that the dates as per FPS permit books are required. Hence whatever information available on records and registers maintained by the office have been furnished. On perusal of the original application for information dated 9-4-2008, it is clearly seen that item 4 of the application states “Dates and months of issue of PDS commodities for the respective months”. There is therefore, no mention in the application that the dates/months as entered in the FPS permit books are required by the Complainants. It is not therefore, open to the Complainants at this stage to raise an issue which is not supported by their application. Hence, the information as furnished by the PIO is valid information.

**Issue No. (iv)**

It was clarified by the then SDO(C) Sohra that the enquiry report submitted by him to the D.C.(Supply), East Khasi Hills, Shillong was based on a direction by the D.C., dated 25-6-2008 on the position of issue and distribution of the essential commodities in the whole Sub-Division including the above circle and was submitted by him to the D.C. on 3-7-2008. The findings have been indicated and the discrepancies between the scale of issue prescribed by the Govt. and the actual distribution are also explained in the report itself.

The information contained in the report dated 2-7-2008 submitted by the SDO(C) Sohra to the D.C., Shillong on the position of implementation of the PDS in Sub-Division, is information created after the date of the original application for information made by the Complainants before the APIO/PIO. Section 2(j) of the RTI Act clearly states that “the right to information means the right to information accessible under this Act which is held by or under the control of any Public Authority.....” The words **hold by** or **under the control of** signifies that the information should be already in existence on the date of the application. The information contained in the enquiry report by the SDO(C) Sohra Sub-Division did not exist on records on date of the original RTI application. Hence, the information thrown by its can not invalidate the information furnished under the original RTI application. The information contained in the latter report may serve to

highlight/clarify the discrepancies if any between the information supplied and the ground realities. Therefore the information furnished by the PIO on the scales of issues of PDS to the beneficiaries is a valid information.

The instant case has brought out to light the fact that the PIO, East Khasi Hills does not have custody of any information relating to implementation of the PDS in the Sub-Division. In fact, the APIO, viz., Shri G.S.Nongkhlaw, the then Inspector of Supply, i/c Sohra and the SDO(C) Sohra, in-charge Supply of the Sub-Division are holding all the information on supply matters in the Sub-Division. It is therefore, necessary to reexamine the need of appointing SDOs(Civil) (Supply) of each Sub-Division as PIOs with the D.C., in-charge of Supply as DAAs. Let the Supply Department, Govt. of Meghalaya examine the matter and take necessary action with intimation to the Commission.

Let a compliance report on the direction at Issue No. (ii) be furnished to the Commission within 7(seven) days time from the date of this Order.

Case disposed of as above.

**( G.P.Wahlang, )**  
**C.I.C.**

**Memo No.MIC/Complaint/63/2008/19-A**

**Dated Shillong, the 30<sup>th</sup> October, 2008**

Copy forwarded for information and necessary action to:-

1. The PIO viz., Shri C.Nongspung, Joint Director, Supply, East Khasi Hills District, Shillong.
2. The D.A.A., ADC., D.C..office East Khasi Hills, Shillong.
3. Shri E.Kharmalki the then SDO (Civil) Sub-Division Sohra, now Project Director, DRDA, Ri Bhoi District, Nongpoh.
4. Shri G.S.Nongkhlaw the then Inspector Supply, Sohra Civil Sub-Division, Sohra, now Superintendent, Supply, West Khasi Hills District, Nongstoin.
5. Shri Numbar Mawpat, Nongbah, Mawshiut, Khatarshnong, Sohra, (Mobile) 9436343061.
6. Shri Lucas Khongjee, Nongbah, Mawshiut, Khatarshnong, Sohra, (Mobile) 9436343061

**( P.T.Rani )**  
Under Secretary,  
State Information Commission,  
Meghalaya, Shillong.