

TELANGANA STATE INFORMATION COMMISSION

(Under Right to Information Act, 2005)

Samachara Hakku Bhavan, D.No.5-4-399, '4' Storied Commercial Complex,
Housing Board Building, Mojam Jahi Market, Hyderabad – 500 001.
Phone Nos: 040-24740638 (o); 040-24740592(Fax)

Appeal No. 1090/SIC-Dr.Mohd.Ameer/2018

Dated: 11-04-2022

Appellant : **Sri R.JANARDHAN, R/o Hyderabad District**

Respondents : **The Public Information Officer (U/RTI Act, 2005) /
O/o the Director of Agriculture Marketing,
H.No.3-6-184, 2nd Floor, Telangana State Housing Corporation Limited,
Urdu Hall Galli, Himayathnagar, Hyderabad-500029.**

**The Appellate Authority (U/RTI Act, 2005) /
Director of Agriculture Marketing,
O/o The Director of Agriculture Marketing,
H.No.3-6-184, 2nd Floor, Telangana State Housing Corporation Limited,
Urdu Hall Galli, Himayathnagar, Hyderabad-500029.**

ORDER

Sri R.JANARDHAN, R/o Hyderabad District filed 2nd appeal dated 15-01-2018 which was received by this Commission on 22-01-2018 for not getting the information sought by him from the PIO / Additional Personal Secretary, O/o The Honorable Minister for Marketing, BRKR Bhavan, 4th Floor, Tankbund Road, Hyderabad and 1st Appellate Authority / Private Secretary, O/o The Honorable Minister for Marketing, BRKR Bhavan, 4th Floor, Tankbund Road, Hyderabad.

The brief facts of the case as per the appeal and other records received along with it are that the appellant herein filed an application dated 28-10-2017 under Sec.6(1) of the RTI Act, 2005, before the PIO seeking the following information:

Sub: Petition under Section 6(1) of the Right to Information Act, 2005 for getting the certain information on certain issues from the office of the Minister for Marketing – Requested – Regarding.

Ref: Xeroxed of the endorsed of the Honorable Minister for Marketing Endt No. 691 M (IRRGN, MKTG & LA), dated: 17.03.2017 is herewith enclosed for your kind perusal and necessary action on the issue of licensed weigh men at Agricultural Market Committee, Hyderabad as now the weighments being done by hamalies only that is highly untenable and against the procedure.

I invite your kind attention to the subject and reference cited above, in view of the endorsement the Director of Agricultural Marketing (FAC) has to submit the enquire and take necessary and compliance report is must to the Honorable Minister for Marketing, to kindly provide the information to me whether the Director of Agril. Marketing (FAC) had submitted the compliance report or not as the licensed weigh men is compulsory and mandatory in the Agricultural Market Committee, Hyderabad since the preparation sale proceeds are depended upon the weigh men slip after the weighment.

The Public Information Officer has not furnished the sought information to the appellant.

Since the appellant did not receive the information from the Public Information Officer, he filed 1st appeal dated 11-12-2017 before the 1st Appellate Authority requesting him to furnish the information sought.

As per the records enclosed it is noticed that the 1st Appellate Authority had failed to hear the case and pass appropriate orders on the 1st appeal filed before him.

As the appellant did not get information from the Public Information Officer, he preferred this 2nd appeal before this Commission requesting to arrange to furnish the information sought by him.

The 2nd Appeal was taken on file and notices were issued to the parties concerned for hearing on 08-09-2021.

On 08-09-2021 the case is called. The Appellant is present. The PIO / Private Secretary to Hon'ble Minister for Agriculture, BRKR Bhavan, 4th Floor, Hyderabad is present. The First Appellate Authority / O/o. the Private Secretary to Hon'ble Minister for Agriculture, BRKR Bhavan, 4th Floor, Hyderabad is absent.

The PIO submitted that the present office of Minister for Marketing has taken over charge in February, 2019. All the (5) cases referred by the Commission relates to prior to February, 2019. Hence, there is no previous record available in peshi. She further submitted that representation / grievance received in the peshi are generally forwarded to the concerned Administration Department for taking further action.

The appellant also admitted that there is no information pending with the peshi of Minister. It is the responsibility of the Director of Agriculture to initiate action on the applications endorsed by the Minister and submit compliance to the Minister. The matter is pending with the Director of Agriculture.

Heard both the parties and perused the records.

The Commission is of the view that the same matter was heard earlier several times and latest on 04-07-2018 in Appeal No.18592 of 2017 and 21259/SIC-Dr.MA/2017 dated 14-06-2021 wherein the Commission ordered as under:

It is the case of the Appellant that the information furnished is incomplete. It is the bounden duty of the Assistant Controller to adhere to the provisions of the Agriculture Produce and Live Stock Markets Act, 1966 and the orders issued by the Government in G.O.Ms No. 278, dated 06-11-2004 while complying with the directions of the Commissioner. The Public Information Officer submitted that the market committee members and the traders together resolved on 12-06-2017 against the appointment of licensed weighman and the same was furnished to the Appellant.

After perusal of the records, the Commission ordered as under:

The G.O.Ms No. 278, dated 06-11-2004 requires every Agricultural Market Committee desiring to issue new licenses to weighman to send a requisition to the Assistant Director of Marketing. Section 49 of the Markets Act, 1966 mandates that no person shall operate weighment unless he is a licensee. In accordance with the above provisions of law and the Government orders, the Commission directs the Respondent to furnish to the Appellant in three weeks, the action taken in compliance of the instructions issued by the Commissioner in Memo. No. 1638, dated 16-08-2016.

In view of the above orders issued earlier in the same matter the Commission directs the PIO to furnish the factual status of information to the appellant with regard to action taken to implement the licensed weigh man system as per Government orders within (15) days and submit compliance to the Commission.

But, despite several orders of the Commission, there is no response from the PIOs concerned about action taken to implement the licensed weigh men system as per orders of the Government in G.O.Ms No. 278, dated 06-11-2004.

Finally, the appellant filed the present application before the Hon'ble Minister for Agriculture seeking action in the matter. The OSD submitted that the matter has to be answered by the Director of Agriculture who is Competent Authority.

In view of the above facts and circumstances, the Commission is of the view that the hearing of First Appellate Authority / Director of Agriculture has to be done to resolve the issue to a logical end for once for all and to prevent appellant filing umpteen applications on the same matter. The appellant also agreed for the same.

Therefore, the case was adjourned to **11-04-2022**.

On 11-04-2022 the case is called. The appellant is present. The Public Information Officer / Assistant Director, O/o the Director of Agriculture Marketing, Hyderabad is present. The 1st Appellate Authority is present.

The appellant submitted that he has addressed a letter to the Hon'ble Minister for Marketing regarding appointment of License Weighmen in AMC, Hyderabad and requested the DAM to provide action taken report on the endorsement of the Hon'ble Minister on my representation in the matter.

The 1st Appellate Authority submitted that the GOMs.No.278, dated 06-11-2004 has been subsequently superseded vide GOMs.No.18, dated 26-03-2020. Further it is submitted that Section 19 is not there under the Markets Act Memo No.1638, dated 16-08-2016 was not issued by the Commissioner & Director of Agriculture Marketing and as such it is humbly submitted that the compliance of the said Memo by the Respondents does not arise.

The 1st Appellate Authority further submitted that in AMC, Hyderabad the hamalis who are licensed under the Markets Act are employed as Weighmen since inception of Malakpet Market Yard i.e. the year 1981. The Weighments are being done by the licensed hamalis in the presence of the concerned farmers, using electronic weighing machines. The weighments in the case of Chillies etc. are integrated to e-nam portal through e-pos machines in the presence of the concerned farmers. Hence the chances of any manipulation are very negligible.

It is further submitted that if licensed weighmen are employed, then it would add to the burden of the farmers who have to incur the additional expenditure of Rs.3/- to Rs.5/- per bag, payable to the weighmen. It is submitted that keeping in view the interests of the farmers, the AMC, Hyderabad continuing with the existing procedure of engaging the hamalis for carrying out the weighments which would help in reducing the expenditure on the farmers and thereby improving the remunerative price for the farmers. Further it is submitted that the AMC, Hyderabad in its meeting held on 12-06-2017 has opined to continue weighments using the hamalis in the interests of the farmers in particular.

The 1st Appellate Authority further submitted that there is no public interest in his applications and he is wasting the valuable time of PIO and other staff of office. Whenever he is permitted to inspect the files his behavior is very rude and using unparliamentarily language. Thus he is harassing the staff and PIO. He is humiliating the officers of the Department in his RTI applications and other representations.

Further, it is informed that, in his RTI applications, he is asking not only the information, he is also directing / insisting departmental officers to take action on his applications / representations, which doesn't come under purview of RTI Act.

Heard both the parties and perused the records.

In view of the detailed narration of factual status of matter by the 1st Appellate Authority, the Commission is of the view that the enforcement of the instructions issued by the Government relating to appointment of Weighmen in AMC, Hyderabad is for the department as per their administrative convenience. The RTI has no role to direct the department to enforce the Government Order.

The Commission further observed that the same matter was earlier heard by the Commission several times and closed the same with a direction to the PIO to furnish factual information on the action taken for implementation of weighmen system in AMC, Hyderabad.

The Commission directs the 1st Appellate Authority to furnish factual status of matter as submitted to the Commission to the appellant **within (15) days** from the date of receipt of this order and report compliance to the Commission.

In view of the observations of the Central Information Commission, New Delhi in Appeal No.CIC/AD/A/2013/001326-SA filed by Mr.Ramesh Chand Jain Vs. Delhi Transport Corporation, the appellant is hereby admonished not to file such repeated applications on the same matter hereafter which would amount to misuse or abuse of RTI Act 2005 and the Commission will be constrained not to entertain such applications.

With the above observations and direction, **the Appeal is closed.**

Dr. Mohd. Ameer
State Information Commissioner

Authenticated by:

Assistant Registrar
Copy to: IT Section/SF