

To  
The Vigilance Commission  
Kohima, Nagaland.

Sub: FIR against the Excise department, Nagaland on pilferage of 2054 cases of IMFL/beer as detected by ACAUT Nagaland on 26/5/14

Sir,

As per the figures laid out by the Commissioner of Excise, **85,065 bottles/Cans** or a total of **4448** cases of **IMFL/beer** were supposed to be destroyed by the Excise Office on **26<sup>th</sup> May, 2014** (Table: Nagaland Post, dated 27<sup>th</sup> May). The ACAUT Nagaland team visited the destruction site, as per the order of the Commissioner, Excise, inviting NGOs to witness the destruction (**order enclosed dated 22<sup>nd</sup> May 2014**) and on counting the number of IMFL/Beer that was unloaded from 4 vehicles in 7 trips from the Excise Malkhana to the Commissioner office found out that only **2394** cases or **53.82%** were destroyed. In other words **2054** cases of IMFL/beer or **46.18%** were missing. This counting was done in the presence of Independent observers, such as the media. The Superintendent of Excise, KY Sangtam while not refuting the claim of the ACAUT released a media statement that **3480 cases** of IMFL were destroyed which means **968** cases are still missing. In the same press release, the Commissioner claimed that the destruction was carried out as per the Court's order (**copy of newspaper clipping dated 27<sup>th</sup> May enclosed**).

While the ACAUT totally rejects the statement of the Superintendent of Excise as incorrect, the moot point is, the department in clarifying that **3480** cases were destroyed is also tacitly agreeing with the ACAUT observation that huge quantity of IMFL/Beer was diverted to the black market as according to the Superintendent's given figure, **980** cases of IMFL/beer were missing, thereby vindicating the stand of ACAUT. The Vice-President of DUCCCF (Dimapur Urban Colony Council Chairmen Federation) sensing that the number of cases brought for destruction being suspiciously lower than the actual number slated for destruction, he had asked the department officials to stay the destruction. But the Excise officials chose to go ahead with it. Thereafter, the Commissioner of Excise Maongwati Aier's gave a statement that "*ACAUT Nagaland members did not seek permission from the Excise department for counting the IMFL bottles*" whereas none was necessary since NGOs were invited too as per his statement in the media (**newspaper clipping 3/6/2014 attached**). The NGOs present to witness the counting process by ACAUT members were a) DUCCCF b) Dimapur Naga Students' Union (DNSU) c) Youth Association of Nagaland (YAN) d) Business Association of Nagas (BAN) e) Dimapur Chamber of Commerce & Industries (DCCI) f) East Dimapur Business Association (EDBA) and g) NPMHR.

According to **Nagaland Liquor Total Prohibition Act, 1989**, the Commissioner is supposed to take action under Clauses 35, 36, 37, Chapter-4 where the department is EMPOWERED to ENTER, SEARCH, make SEIZURE and ARREST, but the department has miserably failed to take action and therefore, it is an open admission before that selling/serving of IMFL/beer in a prohibited state is possible simply because the department at the highest level has some sort of comfortable understanding with mafia elements dealing in IMFL/beer. Therefore, there is clear abdication of responsibility on the part of the Commissioner. The Commissioner of Excise issuing show cause notice to a subordinate officer per the suspension

Commissioner of Excise issuing show-cause notice to a subordinate officer nor the suspension and transfer of a few officers cannot end this matter since the ACAUT is raising the issue of 2054 missing cases running into tens of lakhs which a few mid-level officers cannot manipulate unless with the express understanding of their top officials. *The Show-Cause notice issued by the Commissioner upon a subordinate officer on 3/6/14 is itself an admission that the department has erred despite the Commissioner previously declaring in media reply to the ACAUT that the department has done no wrong;*

1. As per the Excise Commissioner apology letter dated 12<sup>th</sup> June 2014, published in all the local dailies, it stated that he had “*Personally enquired and verified from the personnel of the Dimapur District Excise office on 27/5/14 and it was found that the Superintendent of Excise, Dimapur did not bring the entire consignment as per the claim of ACAUT for which the Show Cause notice was issued (to the Supdt of Excise)*”- **enclosed copy of media statement**. This statement is in contradiction to his earlier statement of 3<sup>rd</sup> June, 2014, where he defended his position and insisted that ACAUT was in the wrong. He claimed in the media that “*they (ACAUT) have counted on their own which does not tally with official report of the Destruction Committee...the Destruction Certificate was signed by all the Destruction Committee members (enclosed media statement).*” He also stated that “*On the strength of the Destruction Committee the destruction was done on 26/5/14... (enclosed copy of media statement, Morung Express).*”
2. To recap, in his apology letter, the Commissioner admitted to finding lapses on 27<sup>th</sup> May itself, whereas, till the 3<sup>rd</sup> of June he was defending his position and his department in the local papers and on 12<sup>th</sup> June, his apology was published in all the local dailies. Therefore, it's a clearly established fact that the Commissioner of Excise attempted to cover up the facts of the issue by misleading the government and the general public. Also, the Commissioner in his apology letter used the term “*For the misdeeds of the departmental officers (enclosed copy of the apology letter).*”

The Parliamentary Secretary, Housing & Excise, Shri. Torechu in his letter dated 10<sup>th</sup> June, 2014 demanded that disciplinary action be taken against erring officials (**copy enclosed**). Therefore, that all the guilty personnel should be brought to book irrespective of rankings and political clout.

In his order dated 18<sup>th</sup> June and 24<sup>th</sup> June, 2014, the Commissioner and Secretary, Excise, Shri. Ramongo Lotha ordered the suspension of Shri. KY Sangtam, Superintendent of Excise, Dimapur and Shri. Limawati, Inspector, Excise, Dimapur, respectively. It has also come to the knowledge of the ACAUT that 2 (two) more personnel have been transferred out of Dimapur under the same case. **However, copies of the suspension/transfer have not been enclosed since the department has refused to hand over the copies to ACAUT under flimsy pretext.** *These suspensions/transfers are an admission that the department has erred and therefore, the Vigilance Commission is requested to look into the issue and act accordingly,* such as:

1. The missing cases of 2054 IMFL/beer worth several lakhs of rupees- street value upward of Rs. 20-30 lakhs should be realized from the department and deposited in cash to the Government treasury by the Excise department.
2. The role of the Commissioner of Excise and the Excise department for the missing IMFL/beer should be investigated and appropriate action taken.
3. Prohibition in Nagaland is not at all implemented by the concerned department (**photographic evidence enclosed**). There is a clear pattern of understanding between the department and the liquor mafia in the state. This responsibility has to be fixed as per the law of the land.

(Joel Nillo Kath)  
Awomi)  
Co-Chairperson  
Secretary  
ACAUT Nagaland  
Nagaland

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ACAUT

Enclosed:

1. Copy of destruction order dated 22<sup>nd</sup> May, 2014, issued by the Commissioner, Excise.
2. Report on destruction, ref. no. EX/DMR/JUD-08/99-2000 issued by KY Sangtam, Superintendent, Excise, Dimapur.
3. ACAUT internal copy citing details of nos. of vehicles hired by the Excise department to ferry IMFL/beer from malkhana to destruction site, including their regd. Nos.
4. Show Cause Notice, dated 3<sup>rd</sup> June, 2014, issued by Commissioner, Excise addressed to the ACAUT
5. Meeting Circular issued by Asst. Commissioner, Excise dated 7<sup>th</sup> June calling for meeting between Excise department led by Parliamentary Secretary, Shri. Torechu and ACAUT
6. Letter of PS, Shri. Torechu dated 10<sup>th</sup> June, 2014 to the ACAUT
7. Apology Letter of Maong Aier, Commissioner, Excise, dated 12<sup>th</sup> June, 2014 to the ACAUT
8. Letter of Asst. Commissioner, Excise, dated 12<sup>th</sup> June, 2014 to the ACAUT
9. Copies of the media statements issued by the Commissioner/Excise and ACAUT.
10. Photographs attached.