

**NAGALAND INFORMATION COMMISSION  
 OLD SECRETARIAT COMPLEX  
 POST BOX NO.148  
 NAGALAND: KOHIMA -797001**

No.NIC/Appeal-52/2010

Dated Kohima, the 30<sup>th</sup> Jan. 2012.

Appellant : Smti. Zavekholu Epao  
 Resident of Kenuozou  
 Hill Colony, Kohima

Respondent : Nagaland Public Service  
 Public Authority Commission, Kohima

Date of Hearing : 24.01.2012

Date of Decision : 30.01.2012

Present :

1. Km. Asangla Imti, Under Secretary & former PIO, NPSC;
2. Shri. N. Mozhui, learned counsel for NPSC;
3. The appellants - Smti. Zavekholu Epao and Smti. Phuholi Sumi.
4. Shri. Limawabang, learned counsel for the appellants.

**FACTS OF  
 THE CASE  
 IN BRIEF**

The Nagaland Information Commission in case No.NIC/Appeal-52/2010 dated 16.12.2010 had decided as follows:-

- (1) The copy of the letter written to the Post Master, Kohima with names of examiners may not be furnished as disclosure of names of examiners will undermine the confidentiality of the examination system and process.
- (2) The extract of the Revenue Register containing the Roll Nos. and names of the candidates for the NCS, NPS and Allied Services Examination 2008 should be furnished by the PIO, NPSC, duly authenticated/attested, to the appellant within 10 (ten)

days from the date of pronouncement of this decision, under intimation to the Commission.

On an appeal being filed by the petitioners before the Kohima Bench of the Hon'ble High Court of Guwahati vide W.P(C) No. 54 (K)/2011, the Hon'ble High Court passed orders on 22.11.2011 as under:-

- i. The impugned order dated 16.12.2010 passed by the Commission except the order in so far it relates to the directions to the PIO to disclose the information against query No. (h) is **SET ASIDE.**
- ii. The matter is remitted to the Commission for deciding the appeal afresh keeping in view the information sought by the petitioner No. 1 and also the provision of Section 8 and Section 10 of the Act.
- iii. The appeal preferred by the petitioners shall be decided by the Commission by 30<sup>th</sup> January, 2012 upon hearing all the parties concerned.

Pursuant to the orders of the Hon'ble High Court passed on 22.11.2011, the Nagaland Information Commission accordingly, fixed hearing of the matter on 24<sup>th</sup> January, 2012 at 1:00 PM in which the following were present:-

1. Smt. Sarah R. Ritse, NCS, Secretary & First Appellate Authority, NPSC;
2. Shri. Kelhouseto Nakhro, Deputy Secretary & PIO, NPSC;
3. Km. Asangla Imti, Under Secretary & former PIO, NPSC;
4. Shri. N. Mozhui, learned counsel for NPSC;
5. The appellants - Smti. Zavekholu Epao and Smti. Phuholi Sumi.
6. Shri. Limawabang, learned counsel for the appellants.

Upon hearing the petitioners and respondents and the counsels representing them, the Commission hereby gives its **considered decision on each of the following items of information sought** by the petitioners, in view of the Hon'ble High Court's Order to decide the appeal **AFRESH** keeping in view the provision of Section 8 and Section 10 of the Act.

**Information sought:**

- (a) Copy of the letter written to the Post Master, Kohima for dispatch of answer scripts to the Examiner for NCS, NPC & Allied Services Examination 2008 and Lecturers Examination 2008.

**Decision:** The respondents have categorically stated that no letter was written by the NPSC to the Post Master, Kohima for dispatch of answer scripts to the Examiners for NCS, NPS and Allied Services Examination

2008 and Lecturers Examination 2008. They have however stated that when any sensitive materials are to be dispatched, the Commission writes to the Director, Postal Services, Nagaland and **never** to the Post Master, Kohima. There is, therefore, no question of a non-existent document being asked for by the petitioners or being produced by the PIO of the NPSC. In the light of this, neither Section 10 of the RTI with regard to severability nor Section 8 with regard to exemption of disclosure of information is attracted.

However, on the respondent stating that they have written a letter to the Director, Postal Services, Kohima on the matter, the Commission ruled that the petitioners are free to apply for the said document by filing a separate RTI application.

In light of this position, the Commission's decision is that the request of the petitioners for a copy of letter written by the NPSC to the **Post Master, Kohima** as spelt out in their application is not valid or sustained.

**Information sought:**

- (b) Copy of the appointment order of Invigilators in respect of Room No.4 and 9 for NCS, NPS & Allied Services Examination 2008, and for all the rooms in respect of Lecturers Examination 2008.

**Decision:** The respondents had deposed that apart from the appointment order issued by the office to act as Centre Supervisor and Invigilators, separate office order assigning invigilators to respective examination rooms is not issued. According to them, the **discretion** to allocate examination rooms to invigilators lies with the Centre Supervisor who is over all in-charge of conducting examination in his/her respective examination centre. Hence, beyond the information already made available, no other record is maintained by the Commission.

The petitioners had submitted that the information submitted to them in respect of query No. (b), (the case in point) is either wrong or incomplete.

The Commission is of the view that the petitioners have not been able to produce any tangible evidence that the information and explanation submitted by the respondents is either wrong or incomplete.

The practice of allotment of rooms to the invigilators only at the last moment is a sound **precautionary** measure adopted by the

respondents to maintain confidentiality that is so crucial in conducting competitive examinations.

The Commission is of the view that the complaint of the petitioners that the information furnished in respect of query No. (b) being wrong or incomplete is not sustained nor proved. However, on the direction of the Commission, copy of relevant Notification No.NPSC/EXAM-7/06 dated 26.4.2008 appointing the Center Supervisor/invigilators was furnished by the respondents to the petitioners as requested by them and receipt duly acknowledged (**Annexure-I**).

**Information sought:**

(c) Record of distribution and receipt of answer scripts of NCS, NPS & Allied Services Examination 2008 and Lecturers Examination 2008 from the Invigilators/Supervisors.

**Decision:** The respondents stated that the Commission did not maintain such records of distribution and receipts of answer scripts of NCS, NPS and Allied Services Examination 2008 and Lecturers Examination 2008. Therefore, the question of furnishing of such records in question which the respondents have categorically stated **were not maintained** does not arise. Hence, under the circumstances the request of the petitioners cannot be satisfied by the respondents. The petitioners alleged that the information furnished by the respondents and stated before the Commission was wrong or incomplete. The petitioners were however unable to produce any documents or evidence to substantiate their allegations.

The Commission under the authority vested in it under Section 25 (5) strongly recommends that the NPSC which is also a Public Authority may introduce maintenance of such records of vital and sensitive nature as regards to distribution and receipts of answer scripts of all examinations it conducts.

The Commission's decision is that the petitioners request for records which the respondents have **categorically stated are not maintained**, cannot be sustained or upheld.

**Information sought:**

(d) Order of duties details for code numbering of answer scripts in respect of NCS, NPS & Allied Services Examination 2008 and Lecturers Examination 2008. How many days and how many

hours it took for codification? And under whose supervision codification was done?

**Decision:** The respondents have stated that for maintaining confidentiality formal office order is not issued. Office Assistants are handpicked and Codification is done under the Supervision of COE, NPSC. Coding of NCS 2008 (Mains) took 4 (four) days and Lecturers exam 2008 took 1 (one) day.”

Since the respondents have admitted that no such “orders of duties details” for code numbering of answer scripts are issued, and the petitioners were unable to produce any evidence to prove otherwise, and reply to the other segments of the information sought regarding (d) have been furnished, the Commission is convinced that the reply furnished by the respondents is satisfactory and no further order need be passed.

However, the Commission under Section 25 (5) of the RTI Act 2005 would like to recommend that the NPSC introduces full proof measures while conducting the exercise of code numbering of answer scripts as this is a potentially vulnerable area for manipulation by unscrupulous elements.

**Information sought:**

(e) Furnish detail information regarding the size of the office room of Controller of Examination, NPSC, and the numbers of chair, table and almirah in it? What are the other facilities provided by the Commission in this room?

**Decision:** The respondents have stated that details in respect of the size of the room, numbers of chairs, table and almirah available in the room have already been furnished to the applicants by the PIO. The petitioners had stated that “facilities” included CCTV which has been installed and hence the respondents had failed to furnish this information.

The respondents replied that since the availability of CCTV in the chamber of Controller of Examinations was not asked directly by the applicants, the PIO as well as the FAA inadvertently failed to mention it at the time of furnishing the information in the first instant while replying to the RTI application.

The respondents stated that a CCTV was installed in the room of the Controller of Examinations. However, the control panel as well as the monitoring screen were installed in the room of the Hon’ble Chairman, NPSC. Therefore, no person except the Hon’ble Chairman had access to

the control panel. They further stated that the CCTV was installed only to monitor the activities live and there is no recording facilities attached to it.

The petitioners have claimed that the information to query No.(e) furnished by the NPSC is wrong or incomplete. The Commission is of the view that this allegation of the information relating to query (e) being wrong or incomplete is not substantiated. Hence the Commission accepts the information furnished by the respondent as satisfactory in the present instant.

Notwithstanding this decision, the Commission, under the provisions of Section 25 (5) of the RTI Act 2005, strongly recommends that the CCTV installed be made **operational with recording facilities** and utilized while examinations are being conducted and especially when the **CODIFICATION OF ANSWER SCRIPTS** are in process.

**Information sought:**

- (f) Furnish copy of the file noting leading to the dismissal of Smti. Phuholi Sumi, UDA and Smti. Zavekholu Epao, Asst. Superintendent.

**Decision:** The respondents claimed that the information sought has been furnished to the petitioners. However, the petitioners denied having received the same.

The Commission decided that since such file notings do not come under the exempted category, the same shall be made available by the respondents within 10 days of the pronouncement of the decision with a photocopy of the document in question duly acknowledged by the petitioners being forwarded to the Commission.

**Information sought:**

- (g) Copy of attendance sheets of 10 (Ten) candidates for NCS, NPS & Allied Service Examination 2008 namely:-

<b><u>Name</u></b>	<b><u>Roll No.</u></b>
1. N. Hito Yepthomi	160
2. Allen Wobemo Jami	161
3. Kipito Swu	162
4. Nusa Thisa	163
5. V. Kaliho Sema	165
6. N. Tokato Yepthomi	166
7. Arayi Sumi	279
8. Kivitovi V. Yepthomi	314

9. H. Hinatoli Assumi	316
10. Ayeto Swu	676

And 1 (One) candidate for Lecturers Examination 2008,  
namely:-

<u>Name</u>	<u>Roll No.</u>
1. Daham Jurry	209

**Decision:** The respondents had submitted that the documents are not immediately traceable and may have been misplaced during the shifting to the new office.

The Commission directs that the PIO, NPSC and the FAA, NPSC make all out efforts to locate these documents/information sought by the petitioners and furnish the same to the petitioners with a copy to the Commission within 30 (thirty) days of the issue of this order.

**Information sought:**

- (h) Extract of the revenue register relating to NSC, NPS & Allied Services Examination 2008 showing total number of candidates and Lecturers Examination 2008 showing total numbers of candidates.

**Decision:** The respondents stated that as directed by the Nagaland Information Commission vide its decision dated 16/12/2010, that the documents in question have already been furnished to the applicants/petitioners. The applicants/petitioners have acknowledged receipt of the said documents. Hence the Commission finds no grounds for passing any other orders on the matter and declares the matter closed.

**Information sought:**

- (i) Copy of the order relating to allocation/re-allocation of works amongst the NPSC staff prior to 06.02.09.

**Decision:** According to the respondents, the order relating to allocation/re-allocation of works prior to 06.02.09 have already furnished by the PIO to the applicants/petitioners which the applicants/petitioners have acknowledged receipt. However, the petitioners have stated that the information furnished by the respondent is wrong or incomplete. The Commission, however, did not find the allegation of the petitioners tenable as no documents or evidence should be produced to substantiate their allegations. The petitioners were however, given a copy of the Order NPSC letter No. NIL dated 3/4/2007 which the respondents claim is the

only order issued and still in application and which explanation the petitioners have accepted (**Annexure-II**).

The decisions of the Commission on all 9 ((nine) items of the information sought by the petitioners were pronounced in open proceedings today, the 30.01.2012.

Copy be sent to:

1. The Registrar, Kohima Bench of Gauhati High Court, Kohima.
2. The Secretary and FAA, Nagaland Public Service Commission, Kohima.
3. The Deputy Secretary and PIO, NPSC, Kohima.
4. The Learned Counsel for the respondents.
5. The Appellants.
6. The Learned Counsel for the petitioners.

**Sd/-**  
**(Lalhuma) IAS (Rtd)**  
Chief Information Commissioner,  
Nagaland, Kohima

**Sd/-**  
**Kevinino P. Meru**  
State Information Commissioner,  
Nagaland

**Sd/-**  
**Bukchem Phom**  
State Information Commissioner,  
Nagaland.

Authenticated by

Secretary  
Nagaland Information Commission



