

NAGALAND INFORMATION COMMISSION

Officers' Hill, below Raj Bhavan,

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No. NIC/Complaint-3/2016-17

Dated Kohima the, 23rd February, 2018.

Complainant : Shri. Vikheto Zhimomi,
RTI Activist,
P.R. Hill,
Kohima, Nagaland,
Mobile No. 9089896123.

Respondents :1. Dr. Viral Yore,
Additional Director & PIO,
Directorate of Veterinary & A.H,
Nagaland, Kohima.

2. Dr. Aomayang Walling,
Joint Director (Extension),
Directorate of Veterinary & A.H,
Nagaland, Kohima.

3. Dr. Nsanthung Ezung,
Principal,
Veterinary Field Assistant Training Institute,
Medziphema, Nagaland.

Public Authority : Directorate of Animal Husbandry & Veterinary Sciences
(formerly known as Directorate of Veterinary and Animal
Husbandry), Nagaland, Kohima.

Date of first hearing : 29.09.2016 at 11:00 AM.

Date of first decision : 14.10.2016.

Date of second hearing : 16.02.2018 at 2:00 PM

Date of second decision : 23.02.2018.

Present:

1. Dr. Viral Yore, Additional Director & PIO, Directorate of Animal Husbandry & Veterinary Sciences, Nagaland, Kohima, Mobile No. 9436604996.
2. Dr. Aomayang Walling, Joint Director (Extension), Directorate of Animal Husbandry & Veterinary Sciences, Nagaland, Kohima, Mobile No. 9436000649.
3. Shri. Azo Zao, Advocate, Kohima, Mobile No. 9436608738.
4. Shri. Nosazonu Puyo, Legal Assistant, Mobile No. 8794111231.
5. Ms. Wapanjenla Kichu, Advocate, Mobile No. 9615501289.
6. Shri. Taka Kichu, Advocate, Mobile No. 8794741517.
7. The applicant (now complainant), Shri. Vikheto Zhimomi, RTI Activist, P.R. Hill, Kohima, Nagaland, Mobile No. 9089896123.

FACTS OF THE CASE

The Commission had heard the Complaint dated 24.08.2016 on 29.09.2016 at 11:00 AM, and after the hearing, passed its decision of even No. dated 14.10.2016. And in compliance to the decision dated 14.10.2016, the PIO had vide letter No. VET/PIO-3/2016-17 dated 27.10.2016 furnished the information to the applicant (now complainant). On receipt of the information, the applicant (now complainant) had in his letter dated 25.11.2016 expressed satisfaction with the decision No. 1 relating to query No. 2 of his RTI application i.e. the result sheet of failed candidates. He further stated that as per the decision No. 2 of the Commission dated 14.10.2016, the public authority had allowed inspection of the answer sheets/scripts of VFA Exams, 2016 on 27.10.2016 in the Office of the Directorate of Veterinary and Animal Husbandry, Nagaland, Kohima, however, he was not satisfied since several discrepancies were detected during the inspection such as re-writings with different colors of ink and hand writing, over writing in mark allotment, invigilator signature not appended though signatures of the invigilator were found in the extra sheets provided to the candidates. He, therefore requested the Commission to direct the public authority to furnish him photocopies of the answer sheets so that he could take it as a proof to a higher court.

The Commission decided to hear the case again and had, vide notice of even No. dated 22.12.2016 notified for another hearing on **19.01.2017 at 12:00 PM**. however, Dr. Viral Yore, Additional Director & PIO, Directorate of Veterinary & A.H, Nagaland, Kohima, had, vide letter No. VET/PIO-6/2016-17/848 dated 18.01.2017 informed the Commission regarding his inability to attend the hearing due to some unavoidable matters. He further informed that the APIO, Dr. Nsanthung Ezung, Principal, Veterinary Field Assistant Training Institute, Medziphema, Nagaland would not be able to attend the hearing as he had some engagement with regard to land issue at Medziphema. The applicant (now complainant) appeared for the hearing, however, in the absence of the PIO and the APIO, the Commission could not hold the hearing.

Meanwhile, the Old Secretariat Complex wherein many offices and establishments including the Nagaland Information Commission were located was completely destroyed by fire on 02.02.2017 during the public unrest in connection with the issue of the ULB (Urban Local Bodies) elections, and no items and properties such as office files, case files, documents, records, IT equipments and office furniture etc. could be retrieved. And with no office building, as a stop-gap arrangement the Commission was functioning from the guard house of the official quarter of the State Information Commissioner at Agri Farm Colony for collection of documents and reconstruction of files. And on the request of the Commission, the public authority had submitted copies of all correspondences, documents and records relating to the case for reconstruction of the case file, and the process of which could be completed only after shifting of the office to a new location around the 1st week of August 2017.

With the completion of the reconstruction of the case file and shifting of the office into a new building, the Commission had again vide notice of even No. dated 10.10.2017 notified for another hearing on 09.11.2017 at 1:00 PM. The applicant (now complainant), Shri. Vikheto Zhimomi had vide letter dated NIL submitted that he would not be able to attend the hearing as he would be out of station for some urgent work and had requested the Commission for postponement of the hearing.

The Commission had, vide letter of even No. dated 03.11.2017 accepted the request of the applicant (now complainant) and rescheduled the hearing on **28.11.2017 at 1:00 P.M.**, however, the complaint could not be heard due to non-appearance of the respondents without any reason and prior information to the Commission. Therefore, the Commission had, vide directive of even No. dated 04.12.2017 directed the Additional Director & PIO, Directorate of

Animal Husbandry & Veterinary Services to submit an **explanation** for his failure to appear for the hearing on 28.11.2017 without any reason or prior information to the Commission within two (2) weeks from the date of receipt of the directive.

And in compliance to the above directive of the Commission dated 04.12.2017, Dr. Viral Yore, Additional Director & PIO, Directorate of Animal Husbandry & Veterinary Services, Nagaland, Kohima had, vide No. VET/PIO6/2016-17/950 dated 08.12.2017 submitted the explanation to the Commission. Further, the Commission had also vide letter dated 29.11.2017 received submission of the APIO, Dr. Nsanthung Ezung, Principal, Veterinary Field Assistant Training Institute, Medziphema, Nagaland regarding non-appearance in the hearing scheduled on 28.11.2017 at 1:00 P.M.

The Commission had accepted the explanations submitted by both the Additional Director & PIO, and the Principal & APIO, VFATI, Medziphema, Nagaland and decided to hear the complaint again giving opportunity of being heard to all parties on **16th February, 2018 (Friday) at 2:00 P.M** in the **Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima.**

OBSERVATIONS AND FINDINGS:

The Commission had received a letter dated 14.02.2018 from Dr. Nsanthung Ezung, Principal & APIO, Veterinary Field Assistant Training Institute, Medziphema, Nagaland stating his inability to attend the hearing on 16.02.2018 at 2:00 PM on medical ground and had enclosed a copy of Medical Certificate.

Referring to its last decision dated 14.10.2016, the Commission observed that since the PIO had allowed the applicant (now complainant) for the inspection of the answer sheets/scripts of both the passed and failed candidates but was not allowed to take photocopies or scanned copies of any of the answer sheets/scripts, the applicant(now complainant) had accordingly, inspected the answer sheets/scripts on **27.10.2016** in the Office of the Directorate of Veterinary and Animal Husbandry, Nagaland, Kohima. And after the inspection of the answer sheets/scripts, he had submitted inspection report dated **25.11.2016** to the Commission stating that he was satisfied with Query No. 2, however he was **not satisfied with query No. 3** since several discrepancies were detected during the inspection such as re-writings with different colors of ink and hand writing, over writing in mark allotment, invigilator signature not appended though signatures of the invigilator were found in the extra sheets provided to the candidates. He, therefore requested the Commission to direct the public authority to furnish him photocopies of the answer sheets so that he could take it as a proof to a higher court.

During the hearing, on being asked by the Commission to clarify the over-writings on some of the answer sheets/scripts, Dr. Viral Yore, Additional Director & PIO, Directorate of Animal Husbandry & Veterinary Services, Nagaland, Kohima submitted that the over-writings were committed by the examiners and that the Board members have no authority to change anything whatever put up by the examiners.

The Commission observed that as decided in the last hearing, the PIO had complied with its decision dated 14.10.2016 in allowing the applicant (now complainant) to inspect the answer scripts/sheets and the applicant (now complainant) had also expressed satisfaction with the compliance.

The Commission also observed that since there was no delay in replying to the applicant, penalty was not attracted.

DECISION

RTI is a powerful tool to access information from the public authorities and as long as furnishing of information is concerned, the PIO had furnished to the applicant(now complainant) whatever information available with the public authority and had even allowed inspection of the answer sheets/scripts of both the passed and failed candidates as decided in the last hearing on 29.09.2016. And since the applicant (now complainant) had also expressed satisfaction during the hearing and there was no delay in furnishing the information, no further action is required and the complaint case is **dispose of**.

Decision pronounced in the presence of both the parties on 16.02.2018 at 2:00 PM.

Copy be given to:-

1. Dr. Viral Yore, Additional Director & PIO, Directorate of Animal Husbandry & Veterinary Sciences, Nagaland, Kohima, Mobile No. 9436604996.
2. Dr. Aomayang Walling, Joint Director (Extension), Directorate of Animal Husbandry & Veterinary Sciences, Nagaland, Kohima, Mobile No. 9436000649.
3. Dr. Nsanthung Ezung, Principal & APIO, Veterinary Field Assistant Training Institute, Medziphema, Nagaland, Mobile No. 8118953008.
4. The applicant (now complainant), Shri. Vikheto Zhimomi, RTI Activist, P.R. Hill, Kohima, Nagaland, Mobile No. 9089896123.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-

CHANBEMO LOTHIA

Chief Information Commissioner

Sd/-

KEVIZATUO MIACHIEO

State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)

Secretary