

CENTRAL INFORMATION COMMISSION
D- Wing, 2nd Floor,
August Kranti Bhavan, Bhikaji Cama Place,
New Delhi – 110066

Appeal No.CIC/SS/A/2011/000379

PARTIES TO THE CASE:

Complainant : Shri Ashok Kumar Choudhary (present in person)

Respondents : Agriculture Scientists Recruitment Board, Krishi
Anusandhan Bhawan-I, Pusa, New Delhi
(Represented by Shri N.S. Randhawa,
Secretary ASRB & Shri Vinod Kumar, CPIO)

Date of Hearing : 22/06/2011

BACKGROUND OF THE CASE:

1. The Appellant through an RTI Application dated 27/10/2010 had sought the following information:

““1. Copy of question booklet of ICR NET 2010 Main Stream Agricultural Science (Krishi Nigam Samhu) – group crop protection

2. OMR Answer sheet - ICR NET 2010 Main Stream Agricultural Science (Krishi Nigam Samhu) – group crop protection.

3. Model Answer Sheet - ICR NET 2010 Main Stream Agricultural Science (Krishi Nigam Samhu) – group crop protection.”
2. The CPIO vide letter dated 24/11/2010 denied the information sought under Section 8 (1) (j) of the RTI Act. Aggrieved by the CPIO’s Order, the Appellant preferred first appeal before the FAA of the Respondent. The FAA vide its Order dated 05/01/2011 upheld the reply of the CPIO. The Appellant, aggrieved with the reply of the FAA, has preferred second appeal under the RTI Act before this Commission.
3. The Appellant had submitted during the hearing that the information sought by him was wrongfully denied to him by the CPIO and the FAA of the Respondent. The Respondent however submitted that they are a professional body whose function is only to conduct examination. They conduct examination on a very large scale and more than 30 thousand aspiring candidates appear every year for the examination.

DECISION NOTICE:

4. The Commission has carefully perused through the written submissions placed before us by both the parties and have duly considered the arguments advanced by the Respondent during the course of hearing.

5. The Commission is reminded of its Full Bench decision in ‘**Shri Rakesh Kumar Singh and Ors vs. Shri Harish Chander, Assistant Director and Ors**’ dated 23/04/2007 where it was held as follows:

“38. There are various types of examinations conducted by public authorities which could be either public or limited examinations. Examinations are conducted for various purposes viz. (i) for admission to educational institutions, (ii) for selection and appointment to a public office, (iii) for promotion to higher classes in educational institutions or in employment etc. There are institutions like UPSC, Staff Selection Commission, CBSE etc, the main function of which is only to conduct examinations. Many public authorities, as those in the present appeals like Jal Board, Railways, Lok Saba Secretariat, DDA, whose main function is not of conducting examinations, do so either to recruit fresh candidates for jobs or for promotion of existing staff. Thus these public authorities conduct both public as well as departmental examinations.

39. In regard to public examinations conducted by institutions established by the Constitution like UPSC or institutions established by any enactment by the Parliament or Rules made thereunder like CBSE, Staff Selection Commission, Universities., etc, the function of which is mainly to conduct examinations and which have an established system as fool-proof as that can be, and which, by their own rules or regulations prohibit disclosure of evaluated answer sheets or where the disclosure of evaluated answer

sheets would result in rendering the system unworkable in practice and on the basis of the rationale followed by the Supreme Court in the above two cases, we would like to put at rest the matter of disclosure of answer sheets. We therefore decide that in such cases, a citizen cannot seek disclosure of the evaluated answer sheets under the RTI Act, 2005.

40. Insofar as examinations conducted by other public authorities, the main function of which is not of conducting examinations, but only for filling up of posts either by promotion or by recruitment, be it limited or public, the rationale of the judgments of the Supreme Court may not be applicable in their totality, as in arriving at their conclusions, the above judgments took into consideration various facts like the large number of candidates, the method and criteria of selection of examiners, existence of a fool-proof system with proper checks and balances etc. Therefore, in respect of these examinations, the disclosure of the answer sheets shall be the general rule but each case may have to be examined individually to see as to whether disclosure of evaluated answer sheets would render the system unworkable in practice. If that be so, the disclosure of the evaluated answer sheets could be denied but not otherwise. However, while doing so the concerned authority should ensure that the name and identity of the examiner, supervisor or any other person associated with the process of examination is in no way disclosed so as to endanger the life or physical safety of such person. If it is not possible to do so in such

cases, the authority concerned may decline the disclosure of the evaluated answer sheets Under Section 8 (1) (g).”

6. The Commission is of the view that the present appeal before us squarely attracts the ratio of the above cited Full Bench decision (supra). Thus, so far as Point Nos.2 and 3 of the RTI Application are concerned, the Order of the CPIO of the Respondent is upheld. However, the Commission is of the view that the information on Point No.1 of the RTI Application is not exempted under the RTI Act.
7. The Commission therefore directs the CPIO of the Respondent to furnish the complete information on Point No.1 of the RTI Application to the Appellant within 10 days of receiving this Order. The Appeal is accordingly disposed of.

Sushma Singh
Information Commissioner
15.07.2011

Authenticated True Copies

K.K. Sharma
OSD & Deputy Registrar

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