

# MANIPUR INFORMATION COMMISSION

ROOM NO.81, SECRETARIAT NORTH BLOCK  
GROUND FLOOR, MINISTERS BLOCK



Imphal, September 29<sup>th</sup>, 2015

**1. Appeal Case No: 11 of 2015**

Shri Rajiv Thokchom, Advocate

-VS-

SPIO/Home Department & another.

**2. Appeal Case No: 20 of 2015**

Moirangthem Neelam Devi

-VS-

Principal Secretary (Home) & another.

**3. Appeal Case No: 23 of 2015**

Shri Salam Dinesh

-VS-

SPIO/Home Department & another.

**4. Appeal Case No: 32 of 2015**

Md. Bharul Islam

-VS-

SPIO/Home Department & another.

**Decision (Common judgement)**

**29-9-2015**

All the parties are present. Shri E. Premchand, OSD/Legal (Home) represents the FAA. Shri S. Amirlal Sharma, SP/DGCR is also present as ASPIO/Manipur Police Department.

The 4 (four) Appeal cases mentioned above are all analogous and are of the same subject matter relating to the DPC for recruitment of ASI in Manipur Police Department (2010-2013) (results of which was declared in March, 2014) and as such all the 4 (four) cases are clubbed and heard together.

In all the above cases, the original RTI applications and/or the first appeals have been replied stating that the Govt. of Manipur has exempted the Manipur Police Department from the purview of the RTI Act, 2005 in exercise of power conferred to the State Government by Sub Section – (4) of the Section – 24 of the Act and as such information cannot be provided. Being aggrieved by the decisions of the SPIO/FAA, these appellants filed second appeal to this Commission with request to direct the respondents to furnish the information.

During previous hearings, the appellants submitted that even if Manipur Police Department is not covered by the RTI Act, the information sought relates to allegation of corruption and prayed for providing the information as per provisions of the Act. The Commission in its hearing dt.8-7-2015 and 13-7-15 made the following observations.

*In the circumstances, the Commission is of the view that there is a need to establish prima facie an allegation of corruption in the said recruitment process of ASI in Manipur Police Department so as to take a decision to direct disclosure or otherwise of the information held by an organization to which RTI Act does not apply. The Commission observes that in the context of Section – 24 of the RTI Act, the term “allegation” should mean charges of corruption, which on the basis of available evidence, tends towards presence of corrupt motive and action by the given Public Authority. When asked to the appellant whether he can provide any such verifiable evidence in support of the allegation of corruption, the appellant prayed for more time to provide such material documents/evidence in support of his arguments.*

In subsequent hearings of the 4 (four) appeal cases, both the appellants and respondents have produced apex court rulings/decisions, latest CIC’s rulings/decision, documents, newspapers cuttings etc. as claims and counter claims in support of their arguments. After a through marathon discussion and perusal of entire case records and documents, the Commission observes the following.

One of the objectives of the RTI Act is to bring greater transparency in functioning of the Public Authority and improvement in accountability and performance of the Government. The Act also guarantees to provide information as a matter of right to the citizen of the country. However, as the Manipur Police Department is an exempted organization, disclosure of information will lie in the merit of allegations of corruption produced by the appellants in the form of documents, notifications, newspaper reports, etc.



**Appellants Case: -**

Some of the verifiable evidence/proof produced by the appellants in support of practicing corruption in the recruitment process of Jamadars/ASI's in the Police Department are as follows:

- A. In the recruitment of the Jamadars by the same DPC as that of recruitment of ASI's, a candidate whose name is not in the list of candidates who passed the written test (as declared vide Notification dt.23-12-2011) got finally selected (as per lists of selected candidates issued vide Notification dt.6-8-2013). Being the same DPC in the Manipur Police Department, there is every doubt of corrupt practices in the recruitment of ASI's also.
- B. Another submission made by the appellants is that notification for declaring the list of selected candidates in the recruitment of ASI was issued on 3-3-2014 while the list of wait listed candidates is allegedly published on 21-2-2014. It means that list of wait listed candidates were published prior to announcement of list of selected candidates.
- C. Another allegation made by the appellants is that the list of candidates in the waiting list as displayed in the notice board was only 52 (fifty two) while the list of wait listed candidates is indicated as 55 (fifty five) in one of the documents issued by the Chairman of the Selection Committee for recruitment of ASI/Jamadars.
- D. The Appellants also submitted a written statement enclosing a copy of newspaper "Poknapham" dt.22-10-13 in which the former DGP, Manipur himself stated that the Manipur Police Department need to establish a Police Recruitment Board to have a more transparent and sincere delivery in the recruitments in the Department and further pressed that this implies that there were malpractices/wrong doing in the then recruitment process.

**Respondent's Contentions: -**

The ASPIO/Manipur Police Department made the following clarifications: -

1. The wait listed candidates dt.21-2-2014 is an internal correspondence between the Chairman of the Recruitment Board and his superior authorities before the actual list of the selected candidates and wait listed candidates were finally published on





3-3-2014. It does in no way indicate that wait listed candidates were finalized before the list of provisionally selected candidates were published.

2. The names of the wait listed candidates were never released on 21-2-2014 and there were no anomalies in the preparation/publication of the selected and wait listed candidates and appellants had only misrepresented the facts.
3. As regard to the Poknapham daily report dt.22-10-13 it was clarified that the former DGP, Manipur, while interacting with the State Journalists, was merely stating the various problems and hardship being faced by the Manipur Police Department. The former DGP was merely giving a passing reference to the establishment of a separate Police Recruitment Board so that the present heavy and onerous burden of the Manipur Police like tackling of law and order problems, VIP Security etc. is not saddled further.
4. On the allegation that a candidate whose was not successful in the written test and not appeared in the viva voce got finally selected in the recruitment of Jamadars by the same DPC as that of recruitment of ASI, the ASPIO submitted that he has no comment to offer.

On inquiry by the Commission whether records have been verified to accept or deny the allegation at serial No: 4 above, he submitted verbally that probably the allegation is correct. When asked whether he has any more point to be put forward, the representative of the FAA submitted that comments of the FAA will be solely based on the written submissions made by ASPIO/Manipur Police Department, which he has already put forward before the Commission, as such he has nothing more to add to deny or counter the allegations made by the appellants.

**Decision: -**

From the foregoing paras and further perusal of records, the Commission is of the view that there is a prima facie case of lack of transparency and accountability in the recruitment of ASI/Jamadars in the Police Department in 2010-2013. The benefit of doubt of the alleged corruption in the recruitment process of ASI/Jamadars needs to be given to the appellants.

Even though, the Manipur Police Department is an organization exempted from the purview of the RTI Act, 2005, in the light of the above allegation of corruption charges in the recruitment process, the Commission feels that, in the true spirit of the RTI Act to provide maximum disclosure and also to ensure transparency in the minds the citizens at large and appellants in particular, the information sought by the appellants ought to be disclosed.





This Commission directs the SPIO/Manipur Police Department to disclose the information sought by the 4 (four) appellants in the above referred appeal cases within 30 days from the date of the receipt of this order on payment of additional fees by the appellants. The disclosure of information shall be in strict accordance with the provisions of the RTI Act, 2005, and only the certified copy/Xerox copies of answer sheets of the appellants may be disclosed along with marks obtained by other/all the candidates both in written test and viva voce including that of OBC candidates/Sports Quota candidates. The Commission also feels that as the information sought by the appellants are being disclosed, there is no need to allow inspection of all the official files/records relating to the DPC and the same will amount to intrusion into third party and personal information.

With the above directions and observations, all the 4 (four) appeal cases are disposed of.

Inform the parties.

Sd/-

(Th. Ibobi Singh)

State Chief Information Commissioner, Manipur.

Authenticated by

*an 29/9/2015*

(Lisham Premananda Singh)

Deputy Registrar Judicial -II

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Copy to: -

- 8/10/15*
1. FAA/Principal Secretary (Home), Govt. of Manipur.
  2. SPIO/Spl. Secretary (Home), Govt. of Manipur.
  3. ASPIO/S. Amirlal Sharma, SP/DGCR, Manipur Police Department.
  4. Moirangthem Neelam Devi. # 8014513364.
  5. Shri Salam Dinesh. # 9856602660
  6. Shri Rajiv Thockhom. # 7308923490
  7. Md. Bharul Islam. # 9856685858
  8. Copy related to file Nos:

*8-10-15*  
*Bikant Singh*

- A. A/20(P)/SCIC - 2015
- B. A/23(P)/SCIC - 2015
- C. A/11(P)/SCIC - 2015
- D. A/32(P)/SCIC - 2015

*4 Henry Singh, Hr. 01-10-2015*  
*Salam Dinesh 14/10/15*  
*Signature 01-10-15*  
*Md. Bharul Islam*

