

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

Post Box No. 148

Nagaland, Kohima-797001

Tel: 0370-2242366, Fax: 0370-2242368

Email: cic.nagaland@gmail.com, Website: www.nlsic.nagaland.gov.in



No.NIC/Appeal-17/2017-18

Dated Kohima, the 19th February, 2018.

- Appellant : Shri. R. Venkataraman,
No. 13 Pillaiyar Koil Street,
"Gayathri Flats", Krishna Nagar Pammal,
Chennai-600075.
- Respondent(s) : (i) Director-cum-Registrar & First Appellate Authority,
The Global Open University Nagaland,
Sodzulhou Village, P.O – ARTC, NH-39,
Dimapur, Nagaland – 797115.

(ii) The AAO & PIO,
The Global Open University Nagaland,
Sodzulhou Village, P.O – ARTC, NH-39,
Dimapur, Nagaland – 797115.
- Public Authority : The Global Open University Nagaland,
Sodzulhou Village, P.O – ARTC, NH-39,
Dimapur, Nagaland – 797115.
- Date of Hearing : 15.02.2018 at 12:00 P.M
Date of Decision : 19.02.2018.

Present:

Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9774418461.

The following did not appear for the hearing:-

1. Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9436070457.
2. The applicant (now appellant), Shri. R. Venkataraman, No.13 Pillaiyar Koil Street, "Gayathri Flats", Krishna Nagar Pammal, Chennai-600075.

FACT OF THE CASE

An applicant, Shri. R. Venkataraman had submitted an RTI application dated **10.11.2014** addressed to the Assistant Administrative Officer & PIO, The Global Open University Nagaland, Kohima Campus along with the prescribed application fee of ` 10/- paid through IPO bearing No. 25F 604168 seeking the following information regarding the exam routine for LLM first and second year published by The Global Open University Nagaland:

- i. Dates on which the candidates have to appear for the above said six papers. (viz Constitutional Law, Law Relating to Arbitration & Conciliation, International Commercial Arbitration, Alternative Dispute Resolution, Case studies in Arbitration/Mediation).*
- ii. Reason(s) for not indicating he specific dates in the Examination Schedule (Time Table) for writing the above said Six papers.*
- iii. Action taken by the Global Open University, Nagaland to specifically indicate the dates in the Examination Schedule (Time Table) in future for the above said Six papers.*

The above RTI application was sent by Speed Post on **10.11.2014** bearing No. **ET153229226IN** and was received by the Public Authority in Kohima on **13.11.2014** as evidenced in the Detailed Track Events enclosed in his second appeal to the Commission. However, on not getting any response to his RTI application dated **10.11.2014**, the applicant had submitted a first appeal dated **16.12.2014** addressed to the Director cum Registrar & First Appellate Authority, The Global Open University Nagaland, Kohima by speed post on **16.12.2014** bearing No. **ET056352710IN** and which was received by the Public Authority in Kohima on **24.12.2014** as evidenced in the Detailed Track Events enclosed in his second appeal to the Commission.

On not getting any response from the Director cum Registrar & First Appellate Authority to his first appeal dated **16.12.2014**, the applicant (now appellant) had preferred a second appeal dated **27.01.2015** before the Central Information Commission, New Delhi. However, the Central Information Commission, New Delhi had, vide No. CIC-CC-A-2015-000131-MP dated **31.05.2017** transferred the above appeal to this Commission since it came under the jurisdiction of this State Information Commission.

On receipt of the second appeal dated **27.01.2015** on **31.07.2017**, since the first appeal dated **16.12.2014** was not heard, the Commission had, vide letter of even No. dated 07.09.2017 directed the First Appellate Authority to take up the first appeal by hearing the parties i.e, the applicant and the PIO concerned and pass decision within 1 (one) month from the date of receipt of the directive and submit a copy of the decision to the Commission.

And in response to the Commission's directive of even No. dated 07.09.2017, the Director cum Registrar & First Appellate Authority, The Global Open University Nagaland had, vide No. GOUN/2-14/16/A VOL I/356 dated **18.10.2017** submitted to the Commission that the University had received the RTI application dated 10.11.2014 and the subsequent first appeal dated 16.12.2014, and that reply was furnished to the applicant vide letter No. GOUN/ADMN/1-4/06/VOL IX/06 dated **28.01.2015**. Further, since there was no dissatisfaction with the reply from the applicant (now appellant), the Director cum Registrar & First Appellate Authority had requested the Commission for closure of the appeal case.

However, the Commission observed that since the Director cum Registrar & First Appellate Authority had not heard the first appeal as directed and there was delay in furnishing the information to the applicant (now appellant), the Commission had decided to hear the appeal giving opportunity of being heard to all the parties on **15th February, 2018 (Thursday) at 12:00 P.M** in the **Hearing Room of Nagaland information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima.**

OBSERVATIONS AND FINDINGS

The applicant (now appellant), Shri. R. Venkataraman and Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority did not appear for the hearing and there was no intimation to the Commission regarding their absence. The hearing was conducted only in the presence of Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland.

During the hearing, Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO stated that the RTI application dated **10.11.2014** was received on **18.11.2014** while the first appeal dated **16.12.2014** was received on **24.12.2014**. And in view of the Christmas and New year holidays from 23rd December, 2014 to 1st January, 2015, the information could be furnished to the applicant (now appellant) only on **28.01.2015**. Further, there was neither satisfaction nor dissatisfaction of the information from the applicant (now appellant) till date.

The Commission observed that from the date of receipt of the RTI application dated **10.11.2014** on **18.11.2014** to the date of furnishing of the information on **28.01.2015**, there was a delay of seventy (70) days. And considering the **30 days** prescribed for the PIO to furnish the information, the number of days of delay becomes (70 – 30) days = **40 days**. However, the Commission took a lenient view and condoned the period of ten (10) days from 23rd December, 2014 to 1st January, 2015 in view of the Winter holidays i.e. Christmas and New year holidays. Hence, the number of days of delay becomes (40 – 10) days = **30 days** for which penalty was attracted.

The Commission also viewed seriously the failure of the Director cum Registrar & First Appellate Authority in not complying with the directive of the Commission dated 07.09.2017 and also his absence in the hearing without any prior intimation to the Commission.

DECISION

On the above observations and findings, the Commission decided that:-

1. Since the information had already been furnished to the applicant (now appellant), the PIO shall confirm satisfaction or non-satisfaction of the information from the applicant (now appellant) **within one (1) month** from the date of receipt of this Decision. In case, no confirmation is received from the applicant (now appellant) within the time frame given by the Commission, the case shall be presumed as satisfied and no further request to re-open the case shall be entertained.
2. The Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland, Dimapur shall submit **an explanation** to the Commission for his failure to comply with the directive of the Commission in not hearing the first appeal as directed and also his failure to appear before the Commission for the hearing without any any reason and prior intimation, **within one (1) month** from the date of receipt of this Decision.
3. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for the delay of thirty (30) days, amounting to **Rs. 7500/-** (Rupees seven thousand and five hundred only) is imposed on Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO for his failure to furnish the information to the applicant (appellant) within the prescribed period of 30 days without reasonable cause.

The above penalty amount shall be paid within **one (1) month** from the date of receipt of this decision. The penalty amount shall be deposited into the Government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Kohima under the Head of Account given below, with a copy to this Commission:-

0070 - Other Administrative Services
60 - Other Services
118 – Receipts under RTI Act, 2005

Decision pronounced in presence of only the respondent on 15.02.2018.

Copy be given to:-

1. Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9436070457.
2. Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO -I, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9774418461.
3. The applicant (now appellant), Shri. R. Venkataraman, No. 13 Pillaiyar Koil Street, “Gayathri Flats”, Krishna Nagar Pammal, Chennai-600075.
4. The Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima for information.
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/-

G. H. RAMLIA
State Information Commissioner

Sd/-

KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary