

NAGALAND INFORMATION COMMISSION

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No. NIC/Appeal-25/2017-18.

Dated Kohima, the 24th September, 2018.

Appellants : Shri. Sunil Mallan & Shri. Kamal Kant,
Booth No. 14-B, Sector 47-C,
Chandigarh-160047,
email-advsunilmallan@gmail.com,
Mobile No. 9814096353.

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 : 18.09.2018 at 12:00 P.M
Date of Decision : 24.09.2018.

Present:

1. Shri. Sushil Singh, Controller of Examination & FAA, The Global Open University Nagaland, Sodzulhou Village, P.O-ARTC, Dimapur-797115, Nagaland, Mobile No. 7005855875.
2. Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland, Sodzulhou Village, P.O-ARTC, Dimapur-797115, Nagaland, Mobile No. 7005650998.

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 applicants (now appellants), Shri. Sunil Mallan & Shri. Kamal Kant, Booth No. 14-B, Sector 47-C, Chandigarh-160047, email-advsunilmallan@gmail.com, Mobile No. 9814096353.

FACT OF THE CASE

Two applicants, Shri. Sunil Mallan & Shri. Kamal Kant, Booth No. 14-B, Sector 47-C, Chandigarh-160047, email-advsunilmallan@gmail.com, Mobile No. 9814096353 had jointly submitted an RTI application dated **04.05.2017** along with an application fee of Rs.10/- paid vide IPO bearing No. 36F 344892 dated 04.05.2017 addressed to the Deputy Commissioner, Dimapur and with a copy to the Deputy Registrar, PIO, The Global Open University Nagaland enclosing an IPO for Rs. 10/- vide IPO bearing No.36F 346026 dated 04.05.2017, seeking the following information:-

1. Name and attach all copies of approvals of The Global Open University Nagaland.
2. Present status of all the approvals of the University.
3. State the Name, Address, Contact, and Tenure of work of all the National/State/Regional Centers/Coordinators of the Global Open University throughout India since the inception of the University.

4. *Supply copy of Result Gazette Publication of all the course/streams announced semester/Annual wise (including Enrolment No, Roll No, Student Name, Father Name, Mother Name and respective Result) of all the students enrolled directly or through National/State/Regional Centers/Coordinators of the Global Open University since the inception.*
5. *Supply copy of all the Students who enrolled in the Global Open University directly or through National/State/Regional Centers/Coordinators but couldn't complete the course or discontinued the course or Failed since the inception of the University.*

The RTI application was sent to the Deputy Commissioner, Dimapur by speed post bearing No. A RP650708527IN dated 04.05.2017 and the copy of the above RTI application sent to the Deputy Registrar, The Global Open University Nagaland also by speed post bearing No. A RP650708513IN dated 04.05.2017.

On receipt of the RTI application dated 04.05.2017, the Extra Assistant Commissioner & APIO, O/o of the Deputy Commissioner, Dimapur, Nagaland had, vide letter No. RTI-5/2016-D/1907-09 dated 19.05.2017 transferred the RTI application to the Deputy Registrar-cum-PIO, The Global Open University Nagaland. However, on not getting any information, the applicants had, vide letter No. RTI/NAG/TGOU/0405-5206 dated **12.06.2017** preferred first appeal before the Appellate Authority, O/o the Deputy Commissioner, Dimapur, Nagaland with a copy to the Appellate Authority, The Global Open University Nagaland.

On receipt of another letter dated 03.07.2017 from the applicants, the Addl. Deputy Commissioner & PIO, O/o the Deputy Commissioner, Dimapur, Nagaland had issued a Notice vide No. RTI-5/2016-D/3507-09 dated 05.07.2017 (but signed on 04.07.2017) to the Deputy Registrar-cum-PIO, The Global Open University Nagaland to furnish the information sought by the applicant within 5 (five) days from the date of issue of the Notice, and with a copy to the applicants. On not getting any response from the Deputy Registrar-cum-PIO, The Global Open University Nagaland to the Notice dated 05.07.2017, the Addl. Deputy Commissioner & PIO, O/o the Deputy Commissioner, Dimapur, Nagaland had, vide letter No. RTI-5/2016-D/3849-51 dated 11.07.2017 requested the applicants (now appellants) to contact the concerned PIO directly for obtaining the information since the University had its own PIO.

In response to the RTI application dated 04.05.2017 received from the EAC and APIO, Dimapur, Nagaland, the PIO, The Global Open University Nagaland had, vide letter No. GOUN/2-14/16/B VOL-I/338 dated **27.06.2017** furnished the information to the applicants. However, on not being satisfied with the information and on not getting any response to the first appeal dated **12.06.2017**, the applicants had submitted the Second Appeal dated **27.09.2017** before the Commission.

On receipt of the second appeal dated 27.09.2017, since the first appeal was not heard, the Commission had, vide letter of even No. dated 20.11.2018 directed the Director/Registrar & FAA, The Global Open University Nagaland to take up the first appeal dated 12.06.2017 by hearing the parties i.e. the applicants (now appellants) and 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 this Commission. However, still, on not getting any response from the Director/Registrar & FAA, The Global Open University Nagaland, the Commission had, vide letter of even No. dated 23.02.2018 served show cause notice to the Director/Registrar & FAA, The Global Open University Nagaland for non-compliance to the directive of the Commission and for the failure to attend the meeting on 07.02.2018 at 11:30 A.M without any reasons or prior information to the Commission and undermining the Commission, within 2 weeks from the date of receipt of the notice.

On receipt of the above show cause notice dated 23.02.2018, Dr. Imotemsu Ao, Director/Registrar & FAA, The Global Open University Nagaland had, vide letter No. GOUN/2-14/16/B VOL-1/47 dated 08.03.2018 stated that the first appeal appeared to have not been received by the University and had requested for extension of 1 (one) month's time to hear the first appeal. He further submitted that he was out of station for official duty and came to know about the meeting dated 07.02.2018 only in the evening of the 6th February, 2018 and hence could not attend the meeting.

The Commission had, vide letter of even No. dated 24.04.2018 accepted the above explanation to the show cause notice and further directed the Director & FAA to hear the first appeal and submit a copy of the FAA decision to the Commission. In compliance to the directive of the Commission,

the FAA had, vide letter No.GOUN/2-14/16A VOL-1/282 dated 05.07.2018 submitted his decision dated 21.05.2018 stating that the PIO had, vide letter No.GOUN/2-14/16B VOL-I/338 dated 27.06.2017 furnished the information to the applicants in response to their RTI application dated 04.05.2017. Also, the first appeal dated 12.06.2017 which was forwarded to the University by the ADC & PIO, O/o the Deputy Commissioner, Dimapur was received by the University on 05.07.2018. Further, a copy of the letter No.GOUN/2-14/16/B VOL-1/130 dated 23.04.2018 wherein the applicants (now appellants) were summoned for a hearing of the first appeal on 21.05.2018 at 12:00 Noon was found enclosed.

Shri. Keluozie Kesiezie, AAO & PIO, The Global Open University Nagaland had, vide letter No.GOUN/2-14/16A VOL-I/283 dated **06.07.2018** wrote to the applicants (now appellants) to submit their satisfaction or non-satisfaction in written on or before **06.07.2018**, failing which the information furnished would deem to be satisfied.

Since there was no response of the First Appellate Authority to their first appeal dated 12.06.2017 which was submitted against the non-satisfaction of the information furnished to their RTI application dated 04.05.2017 by the PIO, The Global Open University Nagaland, the Commission had decided to hear the appeal case giving the opportunity of being heard to both the parties on **18th September (Tuesday), 2018 at 12:00 Noon** and had also directed the parties **to bring the files and relevant documents** in question for scrutiny on the above date and time for the hearing.

1. Dr. Imotemsu Ao, Director/ Registrar & FAA, The Global Open University Nagaland.
2. Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland.
3. The applicants (now appellants) Shri. Sunil Mallan & Shri. Kamal Kant, Chandigarh.

OBSERVATIONS AND FINDINGS

The applicants (now appellants), Shri. Sunil Mallan & Shri. Kamal Kant and Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority did not appear for the hearing and there was no prior intimation to the Commission regarding their absence. The hearing was conducted in the presence of Shri. Sushil Singh, Controller of Examination and Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland.

The Commission had viewed seriously the absence of Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority in the hearing without any reason or prior intimation, even though notice for the hearing was served to him.

During the hearing, Shri. Keluozie Kesiezie, AAO & PIO, The Global Open University Nagaland submitted that on receipt of the RTI application dated 04.05.2017 on **19.05.2017** transferred by the Extra Assistant Commissioner & APIO, O/o of the Deputy Commissioner, Dimapur, Nagaland vide letter No. RTI-5/2016-D/1907-09 dated 19.05.2017 to The Global Open University Nagaland, he had furnished the information to the applicants (now appellants) vide letter No.GOUN/2-14/16B VOL-I/338 dated **27.06.2017**.

He had further, vide letter No.GOUN/2-14/16A VOL-I/283 dated 06.07.2018 wrote to the applicants (now appellants) to submit their satisfaction or non-satisfaction in written before 06.07.2018, failing which the information furnished would deem to be satisfied. However, he submitted that there was a mistake in the date which should have been **06.08.2018** and not 06.07.2018.

Shri. Keluozie Kesiezie, AAO & PIO, The Global Open University Nagaland had also stated that since there was no response from the applicants (now appellants), he had, vide letter No.GOUN/2-14/16B VOL-II/380 dated **04.09.2018** requested the Commission to treat the appeal case as resolved since it was presumed that the applicants were satisfied with the information furnished to them.

The Commission observed that from the date of receipt of the RTI application dated 04.05.2017 on **19.05.2017** to the date of reply to the applicants (now appellants) on **27.06.2017**, the number of days was 38 days. However, considering the 30 days for the PIO to reply, the number of days of delay becomes (38-30) days = **8 days** for which penalty was attracted.

DECISION

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

1. As pointed out by Shri. Keluozie Kesiezie, AAO & PIO, The Global Open University Nagaland, since there was a mistake in the date, he shall write again to the applicants (now appellants) and with a copy to the Commission confirming their satisfaction or non-satisfaction **within one (1) month**, failing which the information furnished would deem to be satisfied.
2. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for the delay of eight (8) days, amounting to **Rs. 2000/-** (Rupees two thousand only) is imposed on Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO for his failure to furnish the information to the applicants (appellants) within the prescribed period of 30 days without reasonable cause.

The above penalty amount shall be paid **within fifteen (15) days** 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 (in original) to this Commission:-

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

Decision pronounced in presence of only the respondents on 18.09.2018.

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. Sushil Singh, Controller of Examination & FAA, The Global Open University Nagaland, Sodzulhou Village, P.O-ARTC, Dimapur-797115, Nagaland, Mobile No. 7005855875.
3. Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland, Sodzulhou Village, P.O-ARTC, Dimapur-797115, Nagaland, Mobile No. 7005650998.
4. The applicants (now appellants) Shri. Sunil Mallan & Shri. Kamal Kant, Booth No. 14-B, Sector 47-C, Chandigarh-160047, email-advsunilmallan@gmail.com, Mobile No. 9814096353.
5. The Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima for information.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. 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