

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No.NIC/Appeal-4/2017-18

Dated Kohima, the 22nd November, 2018.

Appellant : Shri. Murari Lal Gupta,
S/o Shri. Kishan Tola,
H. No. 2214, Sector-13,
HUDA,
Bhiwani, Haryana.
Mobile No. 9355744006.

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 first Hearing : 04.07.2018 at 12:00 P.M

Date of first Decision : 12.07.2018.

Date of second Hearing : 20.11.2018 at 12:00 P.M

Date of second Decision : 22.11.2018.

Present:

Shri. Sushil Singh, Controller of Examination & First Appellate Authority, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 7005855875.

The following did not appear for the hearing:-

1. 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/ 7005650998.
2. Dr. Imotemsu Ao, Director-cum-Registrar, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9436070457.
3. The applicant (now appellant), Shri. Murari Lal Gupta, S/o Shri. Kishan Tola, H.No. 2214, Sector-13, HUDA, Bhiwani, Haryana, Mobile No. 9355744006.

FACT OF THE CASE

The Commission had, on 04.07.2018 at 12:00 Noon heard the second appeal dated 31.01.2017 submitted by Shri. Murari Lal Gupta, S/o Shri. Kishan Tola, H.No.2214, Sector-13, HUDA, Bhiwani, Haryana, Mobile No. 9355744006 against the non-satisfaction of the information furnished by the Director/Registrar & FAA, The Global Open University Nagaland, Dimapur to his first appeal dated 28.11.2016 which was submitted against the non-response of the Assistant Administrative Officer & PIO, The Global Open University Nagaland, Dimapur in response to his RTI application dated 06.10.2016.

And after the hearing on 04.07.2018 at 12:00 Noon, the Commission had passed decision of even No. dated 12.07.2018.

In compliance to the **Point No.1** of the decision of the Commission dated 12.07.2018, Shri. Sushil Singh, Controller of Examination & FAA, The Global Open University Nagaland, Dimapur had, vide letter No.GOUN/2-14/16/A VOL-II/339 dated 08.08.2018 while furnishing the complete information again to the applicant (now appellant) for query Nos. (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) (l) and (m), also wrote to the applicant (now appellant) to acknowledge and confirm his satisfaction or non-satisfaction of the information within 30 days from the date of receipt of the letter.

Regarding **Point No.2** of the decision of the Commission dated 12.07.2018, there was no response from the applicant (now appellant) till date.

Since the Commission had observed that the information furnished to the applicant (now appellant) were vague and not specific, the Commission had decided to hear the appeal case giving opportunity of being heard to all the parties on **20th November, 2018 (Tuesday) at 1:00 P.M** in the **Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and had also directed the following parties **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing:-

1. Shri. Sushil Singh, Controller & FAA, The Global Open University Nagaland, Dimapur, Nagaland.
2. Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland, Dimapur, Nagaland.
3. The applicant (now appellant) Shri. Murari Lal Gupta, Bhiwani, Haryana.

OBSERVATIONS AND FINDINGS

The applicant (now appellant) Shri. Murari Lal Gupta, Bhiwani, Haryana did not appear for the hearing and there was no prior intimation to the Commission. The Commission had, vide letter No. GOUN/2-14/16/B VOL I/462 dated 17.11.2018 received from Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland, Dimapur, Nagaland stating his inability to attend the hearing on 20.11.2018 as he would be out of station till 30.11.2018. The hearing was conducted only in the presence of Shri. Sushil Singh, Controller of Examination & FAA, The Global Open University Nagaland.

During the hearing, the new First Appellate Authority (FAA), Shri. Sushil Singh, Controller, The Global Open University Nagaland, Dimapur stated that as directed in the last hearing, while furnishing the complete information to the applicant (now appellant), the applicant (now appellant) was requested to confirm his satisfaction or non-satisfaction of the information within 30 days from the date of receipt of the letter, however there was no response from him till date.

The Commission also observed that though the complete information were re-furnished in compliance to its decision dated 12.07.2018, there was no response from the applicant (now appellant) till the date of this second hearing, suggesting that he was satisfied with the information so furnished to him and have no interest to pursue his appeal further.

As observed in the first hearing, on receipt of the RTI application dated 06.10.2016 on **25.10.2016**, since the reply was given on **12.12.2016** i.e. after 48 days, considering the 30 days time limit for the PIO to furnish the information, there was a delay of (48-30 days =) **18 days** in furnishing the information for which penalty was attracted.

DECISION

Under Section 20 (1) of the RTI Act 2005, the Commission decided to impose penalty on Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland, Dimapur, Nagaland at the rate of Rs. 250/- per day of delay for eighteen (18) days, amounting to **Rs. 4500/-** (Rupees four thousand and five hundred only) for his failure to furnish the information to the applicant (appellant) within the prescribed period of 30 days without reasonable cause.

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.

The above shall be complied **within thirty (30) days** from the date of receipt of this decision.

On receipt of the above compliance, the Commission shall declare this appeal as closed.

Decision pronounced in presence of only the respondent on 20.11.2018 at 1:00 PM.

Copy be given to:-

1. Dr. Imotemsu Ao, Director-cum-Registrar& former FAA, 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& new FAA, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 7005855875.
3. 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/ 7005650998.
4. The applicant (now appellant), Shri. Murari Lal Gupta, S/o Shri. Kishan Tola, H.No. 2214, Sector-13, HUDA, Bhiwani, Haryana, Mobile No. 9355744006.
5. The Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima.
6. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's 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