

**NAGALAND INFORMATION COMMISSION**  
**Below Raj Bhavan, Officers' Hill Colony**  
**Post Box No. 148**

**Nagaland, Kohima-797001**

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No.NIC/Appeal-11/2016-17

Dated Kohima, the 20<sup>th</sup> February, 2018.

Appellant : Shri. Ashok Kumar Lalmunidevi Gupta,  
A-301, New Apoorva Apartment,  
Chankya Chowk, Virat Nagar,  
Virar (West),  
Maharashtra Pin: 401303,  
Mobile No. 9967958084, 07208516144,  
e-mail: [next2ask@gmail.com](mailto:next2ask@gmail.com).

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 : 27.10.2016 at 2:00 P.M  
Date of first Decision : 24.11.2016

Date of second hearing : 22.09.2017 at 1:30 P.M.  
Date of second Decision : 03.10.2017

Date of third hearing : 15.02.2018 at 1:00 P.M.  
Date of third decision : 20.02.2018.

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.

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; and
2. The applicant (now appellant), Shri. Ashok Kumar Lalmunidevi Gupta, A-301, New Apoorva Apartment, Chankya Chowk, Virat Nagar, Virar (West), Pin: 401303, Maharashtra, Mobile No. 9967958084, e-mail: [next2ask@gmail.com](mailto:next2ask@gmail.com).

**FACT OF THE CASE**

The Commission had, after hearing the appeal for the second time on 22.09.2017 at 1:30 P.M., passed its decision of even No. dated 03.10.2017.

And in compliance to **Point Nos. 1 and 2** of the decision of the Commission of even No. dated 03.10.2017, the Director & FAA had, vide letter No. GOUN/2-14/16/B/447 dated

10.10.2017 furnished the information to the applicant (now appellant) and also sought confirmation of satisfaction or non-satisfaction from the applicant (now appellant).

However, since the Commission had not received the compliance to **Point No. 3** of the decision of the Commission dated 03.10.2017, the Commission had, vide letter of even No. dated 11.12.2017 directed the PIO to comply to Point No. 3 within two(2) weeks from the date of receipt of the directive.

And in compliance to the above directive dated 11.12.2017, the PIO had, vide letter No. GOUN/2-14/16/B VOL I/575 dated 22.12.2017 informed that the reply to **Point No. 3** of the decision of the Commission of even No. dated 03.10.2017 was furnished earlier vide, letter No. GOUN/2-14/16/B VOL I/521 dated 23.11.2017.

Since there was delay in furnishing the information to the applicant (now appellant) and in order to ascertain the cause of delay, the Commission has decided to hear the appeal case again giving opportunity of being heard to all the parties on **15<sup>th</sup> February, 2018 (Thursday) at 1:00 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. Ashok Kumar Lalmunidevi Gupta 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 as per the last decision of the Commission dated 03.10.2017, The Global Open University Nagaland had on **10.10.2017** written to the applicant (now appellant) for confirmation of the information furnished to him, however, there was no response from the applicant till date. He further stated that on receipt of the RTI application dated 16.04.2016 on **26.04.2016**, he had submitted the information to the Director & FAA on **14.09.2016**. And on receipt of the information, the Director & FAA had furnished the information to the applicant (now appellant) on the same day i.e. **14.09.2016**.

The Commission observed that the information was furnished to the applicant(now appellant) only on **14.09.2016** by the FAA i.e. after **141 days** from the date of receipt of the RTI application dated 16.04.2016 on **26.04.2016 by the PIO**. And considering the **30 days** for the PIO to furnish the information, there was a delay of (141 – 30) days = **111 (one hundred and eleven) days** for which penalty was attracted. However, since Section 20(1) provides for imposing penalty for maximum of Rs. 25,000.00 i.e for 100 days of delay, the Commission had to impose penalty only for a maximum of 100 days.

Further, the Commission observed that by the virtue of furnishing of the information by the Director & FAA on 14.09.2016, under Section 5(5) of the RTI Act, 2005, the Director & FAA was deemed to be the PIO. However, since the Director & FAA had furnished the information to the applicant (now appellant) on the same day i.e. 14.09.2016, there was no delay contributed by him and that the onus for the entire delay lie on the PIO.

The Commission also viewed seriously the failure of the Director cum Registrar & First Appellate Authority for 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 appear before the Commission without any reason and prior intimation to the Commission for the hearing **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 total delay of one hundred (100) days, amounting to **Rs. 25,000/-** (Rupees twenty five thousand 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. Ashok Kumar Lalmunidevi Gupta, A-301, New Apoorva Apartment, Chankya Chowk, Virat Nagar, Virar (West), Pin: 401303, Maharashtra, Mobile No. 9967958084, e-mail: next2ask@gmail.com.
4. The Consultant (Account), Nagaland Information Commission for information.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-

**CHANBEMO LOTH**  
Chief Information Commissioner

Sd/-

**G. H. RAMLIA**  
State Information Commissioner

Sd/-

**KEVIZATUO MIACHIEO**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary