

No. NIC/Appeal-34/2015-16

Dated Kohima, the 28th October, 2017.

Appellant : Shri. Alok,
S/o Shri. Mehar Singh,
H.No.1508, Urban Estate,
Jind-126102, Haryana,
Mobile No. 09996701508.

Respondent(s) : i. Dr. Imotemsu Ao, Director-cum-Registrar & FAA,
The Global Open University Nagaland,
Sodzulhou Village, P.O – ARTC, NH-39,
Dimapur, Nagaland – 797115.
ii. Shri. Keluozie Kesiezie, 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 : 27.10.2016 at 11:00 AM.
Date of Decision : 24.11.2016

Date of second hearing : 22.09.2017 at 11:00 AM.
Date of Decision : 28.09.2017

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.

Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland and the applicant (now appellant), Shri. Alok, S/o Shri. Mehar Singh, did not appear for the hearing.

FACTS OF THE CASE

The Commission had, on 27.10.2016 heard the appeal case in the presence of the Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority and Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland and passed the following decision:

1. Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland shall submit the date of the receipt of the RTI application dated **17.10.2015** within **one (1) month** from the date of issue of the decision.
2. Since the information had already been furnished to the applicant (now appellant), the PIO shall obtain from the applicant (now appellant) satisfaction or non-satisfaction of information furnished to him and submit a copy to this Commission.

On receipt of the Commission's decision, Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland had, vide letter No. GOUN/2-14/16/B/378 dated 30.11.2016 and No. GOUN/2-14/16/B/05 dated 14.01.2017 submitted compliance to this Commission.

However, since the Commission has not received any confirmation regarding the satisfaction or non-satisfaction of the information furnished to the applicant (now appellant) and in order to ascertain the delay in furnishing the information to the applicant (now appellant), the Commission had decided to hear the case again on 22nd September (Friday), 2017 at 11:00 A.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. Alok and Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority did not appear for the hearing, hence, 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 submitted that there was no response from the applicant (now appellant) inspite of the reminders issued to him vide letter No. GOUN/2-14/16/B/378 dated 30.11.2016 and No. GOUN/2-14/16/B/05 dated 14.01.2017 in compliance to the directives of the Commission.

Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO had, earlier vide letter No. GOUN/2-14/16/B/378 dated 30.11.2016 submitted to this Commission that the RTI application was received by the Public Authority on **14.01.2016**, however, on examining the Receipt Register brought by him during the hearing, it was observed that the Public Authority had actually received the RTI application on **02.11.2015**.

Further, Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO submitted that the RTI application was initially received by Shri. Mhonchumo on **02.11.2015** who later handed over the RTI application to Smti. Ruth, the then Assistant Administrative Officer & PIO of Dimapur Campus on **14.01.2016**. On receipt of the RTI application, Smti. Ruth, the then Assistant Administrative Officer & PIO of Dimapur Campus started processing the file during which the Kohima campus was shifted to Dimapur and as a result, Shri. Keluozie Kesiezie, the present Assistant Administrative Officer & PIO, who also got shifted to Dimapur from Kohima Campus received the file containing the RTI application on **01.03.2016** as evidenced on the file noting produced during the hearing. The file was then endorsed to the Controller of Examination, who furnished the information to the applicant (now appellant) vide letter No. TGOUN/EX/8-5/15 B/157 dated **06.04.2016**.

On being asked by the Commission as to why the information was furnished by the Controller of Examination and not by the PIO, Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO submitted that since the RTI application was regarding the issuance of Degree Certificate and as the Controller of Examination dealt with the issuance of the Degree Certificates, hence, the file containing the RTI application was endorsed to the Controller of Examination for issuance of the Degree Certificate to the applicant (now appellant). However, in this regard, the Commission observed that Assistant Administrative Officer & PIO had wrongly passed on the responsibility to the Controller of Examination for furnishing the information which did not confirm with section 7(1) of the RTI Act, 2005. **Further, the Assistant Administrative Officer & PIO could not furnish any proof on which date the file pertaining to the RTI application was endorsed to the Controller of Examination.**

The Commission had observed that the information was furnished only on **06.4.2016** i.e. after **156 days** from the date of receipt of the RTI application dated 17.10.2015 on **02.11.2015**. After scrutinizing and cross examining the various records produced during the hearing, the Commission had concluded that Shri. Mhonchumo, Smti. Ruth, the then Assistant Administrative Officer & PIO of Dimapur Campus and Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO had contributed to the delay in furnishing the information to the applicant (now appellant), as shown in the table below.

Name of Deemed PIO	Date of receipt of RTI application	Date of transfer/furnishing	No. of days taken
Shri. Mhonchumo	02.11.2015	14.01.2016	73 days
Smti. Ruth, AAO & PIO, Dimapur Campus.	14.01.2016	01.03.2016	47 days
Shri. Keluozie Kesiezie AAO & PIO.	01.03.2016	06.04.2016	36 days
Total number of days taken to furnish information			156 days

However, excluding the **30 days** for the PIO to furnish the information, there was a delay of **126 days**. Since section 20(1) provides for imposing penalty for maximum of 100 days of delay, the Commission had worked out the delay contributed by each of the three '**deemed PIOs**' for 100 days as shown below:

1. Shri. Mhonchumo contributed to the delay by **47 days**.
2. Smti. Ruth, AAO & PIO, Dimapur Campus contributed to the delay by **30 days**.
3. Shri. Keluozie Kesiezie AAO & PIO contributed to the delay by **24 days**.

DECISION

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

1. The PIO shall issue a last reminder to the applicant (now appellant), to submit confirmation of satisfaction or non-satisfaction of information furnished to him **on or before 31.10.2017** with a copy to this Commission. If the applicant (now appellant), does not respond to the reminder within the above stipulated time, the information furnished to him shall be considered as satisfied.
2. Under section 20(1) of the RTI Act, 2005, a penalty for the delay of 100 days @ ` 250.00 per day amounting to ` 25000.00/- (Rupees twenty five thousand only) is imposed on the three '**deemed PIOs**' for contributing to the delay in furnishing to information to the applicant (now appellant).

The details of the break-up is as follows: Shri. Mhonchumo contributing to the delay by **47 days** @ ` 250.00 amounting to **11750.00**, Smti. Ruth, AAO & PIO, Dimapur Campus contributing to the delay by **30 days** @ ` 250.00 amounting to **7500.00** and Shri. Keluozie Kesiezie AAO & PIO contributing to the delay by **24 days** ` 250.00 amounting to **6000.00**.

The penalty amount shall be paid within **One (1) month** from the date of receipt of this decision. The penalty amount shall be deposited in the Government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Kohima under the Head of Accounts 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 22.09.2017.

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.
2. 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.
3. Smti. Ruth, Assistant Administrative Officer & PIO, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115.
4. Shri. Mhonchumo, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115.
5. The applicant (now appellant), Shri. Alok, S/o Shri. Mehar Singh, H.No.1508, Urban Estate, Jind-126102, Haryana, Mobile No. 09996701508.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

TOSHI AIER, IAS (Retd)
Chief Information Commissioner

CHANBEMO LOTHIA
State Information Commissioner

KEVIZATUO MIACHIO
State Information Commissioner