

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
Post Box No. 148
Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Appeal-40/2015-16

Dated Kohima, the 24th November, 2016.

Appellant : Shri. Paul Sharma,
Advocate,
809/2A, Prem Nagar,
Bindraban Road,
Civil Lines,
Ludhiana – 141001,
Mobile No. 09803701127, email: rtiludhiana@yahoo.com

Respondent : (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 : 26.04.2016 at 12:30 PM.

Date of first Decision : 09.05.2016.

Date of second hearing : 27.10.2016 at 12:30 PM.

Date of second Decision : 24.11.2016

Present:

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, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9774418461.

The applicant (now appellant), Shri. Paul Sharma, Advocate, 809/2A, Prem Nagar, Bindraban Road, Civil Lines, Ludhiana – 141001, Mobile No. 09803701127, email: rtiludhiana@yahoo.com did not appear.

FACT OF THE CASE

The Commission had, on 26.04.2016 at 12:30 PM heard the second appeal dated 01.02.2016 submitted by Shri. Paul Sharma, Advocate, 809/2A, Prem Nagar, Bindraban Road, Civil Lines,

Ludhiana-141001, Mobile No. 09803701127, email:rtiludhiana@yahoo.com against the non-response of the Director-cum-Registrar & First Appellate Authority, The Global Open University to the first appeal dated 15.12.2015, which was submitted against the non-response of the PIO, The Global Open University, Nagaland to his RTI application dated 01.11.2015.

The Commission had, after hearing the appeal on 26.04.2016 at 12:30 P.M passed decision of even No. dated 09.05.2016, wherein the Director-cum-Registrar & First Appellate Authority, The Global Open University was directed to hear the case **within one (1) month** and thereafter submit a copy of the decision on the first appeal to the Commission.

In compliance to the decision of the Commission, the Director-cum-Registrar & First Appellate Authority, The Global Open University, Nagaland had, vide letter No. GOUK/ADMN/1-4/06/VOL-XIIB/193 dated 19.05.2016 issued summon for hearing on 03.06.2016 at 12:00 PM. However, on not receiving any copy of the decision passed by the Director-cum-Registrar & First Appellate Authority, the Commission had vide letter of even No. dated 02.09.2016 issued a directive to submit a copy of the decision **within two (2) weeks** from the date of receipt of the directive.

On not getting any response from the Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland, the Commission had, vide notice of even No. dated 07.10.2016 notified to hear the case again on **27th October, 2016 (Thursday) at 12:30 P.M.** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Nagaland, Kohima** and also notified the parties **to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

OBSERVATIONS AND FINDINGS:

The applicant (now appellant), Shri. Paul Sharma, did not appear for the hearing and there was no information to the Commission regarding his absence.

The appeal was heard 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.

During the hearing, Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, submitted that in compliance to the Commission's decision of even No. dated 09.05.2016, the first appeal was heard on 03.06.2016 at 12:00 P.M and decision passed vide No. GOUN/2-14/16/B/342 dated 19.10.2016, wherein it was decided that in the interest of all concerned, the information be furnished to the applicant (now appellant). As decided, the First Appellate Authority had, vide letter No. GOUN/2-14/16/8/340 dated 19.10.2016 furnished the information to the applicant (now appellant). Copies of the decision passed by the First Appellate Authority dated 19.10.2016 and the information furnished to the applicant (now appellant) dated 19.10.2016 were produced during the hearing by Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland.

On scrutiny of the information provided to the applicant (now appellant) copy of which was produced during the hearing, the Commission had observed that only partial information was furnished which may not satisfy the applicant (now appellant). The Commission also observed that though the information was furnished to the applicant (now appellant) in compliance to the decision of the First Appellate Authority, it appeared that the First Appellate Authority had very lately passed its decision on 19.10.2016 which was only after the Commission had, on 07.10.2016 issued Notice for hearing to be held on 27.10.2016.

The Commission also viewed seriously the callousness of both the First Appellate Authority and the PIO in not taking the above RTI matter seriously resulting in huge delays, thus attracting maximum penalty.

DECISION

On the above observations and findings the Commission decided the following:

1. Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland shall obtain from the applicant (now appellant) satisfaction or non-satisfaction of information furnished to him and submit a copy to this Commission.
2. The PIO shall submit the date of the receipt of the RTI application dated 01.11.2015 within **1 (one) month** from the date of issue of the decision.

On receipt of the above compliance, the case will be heard again in the next hearing which shall be notified later.

Decision pronounced in the presence of only the respondents on 27.10.2016.

Copy to:-

1. Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland, Sodzihou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9436070457.
2. Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland, Sodzihou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9774418461.
3. The applicant (now appellant), Shri. Paul Sharma, Advocate, 809/2A, Prem Nagar, Bindraban Road, Civil Lines, Ludhiana – 141001, Mobile No. 09803701127, email: rtiludhiana@yahoo.com.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-
TOSHI AIER, IAS (Retd.)
Chief Information Commissioner

Sd/-
CHANBEMO LOTHIA
State Information Commissioner

Authenticated true copy:

(WORHONTHUNG EZUNG)
Secretary