

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No.NIC/Appeal-11/2016-17

Dated Kohima, the 3rd October, 2017.

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.

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

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.

FACT OF THE CASE

The Commission had, on 27.10.2016 at 2:00 P.M 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 its decision dated 24.11.2016 with the following directives:-

1. Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland shall furnish the information to the applicant (now appellant) on the remaining four queries of the RTI application dated 16.04.2016 within **30 (thirty) days** from the date of issue of this decision, with a copy to this Commission.

2. On receipt of the information by the applicant (now appellant), the PIO shall confirm satisfaction or non-satisfaction of the information furnished to the applicant (now appellant) and submit a copy to this Commission.
3. The PIO shall submit the date of the receipt of the RTI application dated 16.04.2016 within **30 (thirty) days** from the date of issue of this decision.

In compliance to the Decision of the Commission dated 24.11.2016, Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland had, vide letter No. GOUN/2-14/16/B/382 dated **30.11.2016** submitted to this Commission that the RTI application dated **16.04.2016** was received by the Public Authority on **26.04.2016** and the photocopies of the letter written to the applicant (now appellant) by Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland vide letter No. GOUN/2-14/16/B/352 dated **01.11.2016** and letter No. GOUN/2-14/16/B/372 dated **30.11.2016** to confirm satisfaction or non-satisfaction of the 'information' which was earlier furnished by the FAA, vide No. GOUN/2-14/16/B dated **14.09.2016**.

Meanwhile, the Old Secretariat Complex wherein many offices and establishments including the Nagaland Information Commission were located was completely destroyed by fire on 02.02.2017 during the public unrest in connection with the issue of the ULB (Urban Local Bodies) elections, and no items and properties such as office files, case files, documents, records, IT equipments and office furniture etc. could be retrieved. And with no office building, the Commission had to function from the guard house of the official quarter of the State Information Commissioner at Agri Farm Colony on a stop-gap arrangement basis till an alternative office accommodation was allotted.

On the request of the Commission, the public authority i.e. The Global Open University Nagaland had submitted copies of all correspondences, documents and records relating to the case for reconstruction of the case file, and the process of which could be completed only after shifting of the office to a new location around the 1st week of August 2017.

Sufficient time has lapsed 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 1:30 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 informed that in the early part of 2016, the office of The Global Open University Nagaland (TGOUN) of Kohima campus was fully shifted to Dimapur campus. Further, he stated that after the information was furnished by the FAA, vide No. GOUN/2-14/16/B dated **14.09.2016**, Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland had vide letter No. GOUN/2-14/16/B/352 dated **01.11.2016** and letter No. GOUN/2-14/16/B/372 dated **30.11.2016** wrote to the applicant (now appellant) to confirm satisfaction or non-satisfaction of the 'information'.

The Commission observed that Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland had, vide letter No. GOUN/2-14/16/B dated **14.09.2016** furnished only the **study materials** to the applicant (now appellant), however, the applicant (now appellant) had, vide letter dated **09.11.2016** wrote to the Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland stating that he was **strongly dissatisfied** with the reply dated 14.09.2016 as the reply did not contain any

information regarding his RTI queries. The applicant (now appellant) further stated that he had received the Study Materials lately in the month of April, 2016, but not the **Assignment Topics** and for which it was not possible for him to appear for the exams in June, 2016.

The Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland had, vide letter No. GOUN/2-14/16/A Vol I/427 dated **14.12.2016** clarified to the applicant (now appellant), stating that though the applicant (now appellant) had in his RTI application dated 16.04.2016 and first appeal dated 06.07.2016 mentioned that he had neither received the Study Materials nor the Assignment Topics, the applicant (now appellant) had in his letter dated 09.11.2016 stated that the Study Materials were received in the month of April, 2016. Further, due to the mis-communication and shortage of study materials at the TGOUN in Dimapur, the study materials were dispatched from the printing source in Delhi in the month of April. On receipt of the first appeal dated 06.07.2016, the study materials were again dispatched from the University Headquarters on 19.10.2016. Regarding the **Assignment Topics**, the FAA had further clarified that the students were expected to submit an assignment topic on any topic of their choice in their course of study as mentioned at **Rule No. 6** of the Rules and Regulations for Examination, which is provided to the students at the time of admission.

Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland had, vide letter No. GOUN/2-14/16/B/02 dated **14.01.2017** submitted to the Commission that in compliance to the directives of the Commission, reminders were issued to the applicant (now appellant) on 01.11.2016 and 30.11.2016, however, the applicant (now appellant) had, vide letter dated 09.11.2016 submitted non-satisfaction with the reply so furnished to him. Further, the Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland had, earlier vide letter No. GOUN/2-14/16/A Vol I/427 dated **14.12.2016** clarified that the dissatisfaction was due to the failure to comprehend the laid down rules regarding the assignment topics and submission thereof.

As pointed out by the applicant (now appellant), the Commission had also observed that the PIO had given the first reply dated 14.09.2016 which was only the **Study Materials** and not the replies to the RTI queries and which was only after he had filed the first appeal dated 06.07.2016 and second appeal dated 03.09.2016. Further, the Commission had observed that the PIO had not complied to the point No. 1 of the Commission's Decision dated 24.11.2016 till date, for which the Commission had viewed seriously in handling the RTI matter casually.

Hence, from the date of receipt of the RTI application dated 16.04.2016 on **26.04.2016** by the PIO to the date of the first reply by the FAA on **14.09.2016**, and considering the 30 days time for the PIO to furnish the information, the Commission observed that there was a delay of **111 days**, for which penalty was attracted. The Commission also observed that since the FAA had furnished the replied on 14.09.2016 and had even ascertained satisfaction or non-satisfaction of the information from the applicant on 01.11.2016 and reminder dated 30.11.2016, under Section 5(5) of the RTI Act, 2005, he had also become **deemed PIO**, and therefore had contributed to the delay in furnishing the information.

DECISION

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

1. Since replies to the queries sought in the RTI application dated 16.04.2016 had not been furnished and that the point No. 1 of the Commission's Decision dated 24.11.2016 had not been complied, the PIO shall furnish the replies to all the queries as per the RTI application dated 16.04.2016, **within one (1) month** from the date of receipt of this decision, with a copy to this Commission.
2. The PIO shall also confirm satisfaction or non-satisfaction of information furnished to the applicant (now appellant) **within one (1) month** from the date of receipt of this decision, with a copy to this Commission. If the applicant (now appellant) do not respond to the reminder within the above stipulated time, the information furnished to him shall be considered as satisfied.
3. Since the PIO had received the RTI application dated 16.04.2016 on **26.04.2016** and that the reply was given by the FAA on **14.09.2016**, the date on which the RTI application

was sent by the PIO to the FAA and the date of receipt of the RTI application by the FAA be submitted to the Commission **within one (1) month** from the date of receipt of this decision.

On receipt of the above compliances, the Commission shall hear the case again in the next hearing which shall be notified later.

Decision pronounced in the 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, 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 Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

(TOSHI AIER, IAS (Retd.))
Chief Information Commissioner

(CHANBEMO LOTH)
State Information Commissioner

(KEVIZATUO MIACHIEO)
State Information Commissioner