

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/Complaint-6/2013-14

Dated Kohima, the 16th December, 2013.

Complainant: Krishna Kumar Rai,
45/20, Street No. 01,
Chhatrapati Nagar, Maitri Kunj (West),
Risali, Bhilai, District – Durg,
State – Chhattisgarh, 490006,
Mobile No. 09407902318

Respondent: (i) Shri. F. P. Solo,
Commissioner & Secretary & First Appellate Authority,
Department of Higher Education,
Nagaland, Kohima.

(ii) Shri. A. Wopen Lotha,
Additional Secretary,
Department of Higher Education,
Nagaland, Kohima.

(iii) Smti. Imtinenla,
Under Secretary & PIO,
Department of Higher Education,
Nagaland, Kohima.

Public Authority: Department of Higher Education, Nagaland, Kohima.

Date of Hearing: 28.11.2013 at 3:00 PM.

Date of Decision: 16.12.2013.

Present:

- i. Shri. F. P. Solo, Commissioner & Secretary & First Appellate Authority, Department of Higher Education, Nagaland, Kohima.
- ii. Shri. A. Wopen Lotha, Additional Secretary, Department of Higher Education, Nagaland, Kohima.
- iii. Smti. Imtinenla, Under Secretary & PIO, Department of Higher Education, Nagaland, Kohima.

The applicant (now the complainant), Krishna Kumar Rai, 45/20, Street No. 01, Chhatrapati Nagar, Maitri Kunj (West), Risali, Bhilai, District – Durg, State – Chhattisgarh, 490006, Mobile No. 09407902318 **did not appear.**

FACTS OF THE CASE

Krishna Kumar Rai, the applicant had submitted a RTI application dated 20.10.2011 alongwith the prescribed fee of Rs. 10/- paid vide IPO No. 99E 505550 dated 09.09.2011,

addressed to the Joint Secretary & PIO, Department of Higher Education, Government of Nagaland, Civil Secretariat, Nagaland, Kohima, Tel. No. 0370-2270031 (O) and which was sent through post vide Postal Receipt No. 1424 dated 21.10.2011, seeking information on the following:-

- i. Is 'The Global Open University Nagaland' established by the Nagaland Government, an Act of the State Legislation, 'The Global Open University (Nagaland)' Act, 2006 (Act No. 3 of 2006 dated 30.08.2006) under Notification No. LAW/ACT-10/2006 dated 18.09.2006 or otherwise? If yes, the copy of the said Notification may please be provided.
- ii. Is 'The Global Open University Nagaland' declared 'State Open University of Nagaland' by the Nagaland State Government, an Act of new legislation, (Act 6 of 2011 dated 29.06.2011) titled, 'The Global Open University Nagaland (Amendment) Act 2011' The Global Open University Nagaland If yes, the copy of the said Act 6 of 2011 Notification may please be provided.
- iii. Is the degree of 'The Global Open University Nagaland' valid for higher education and Government employment and is the same recognised and accepted by the Nagaland State Government or otherwise?
- iv. Is 'The Global Open University Nagaland' now 'State Open University of Nagaland' recognised by the Regulatory body i.e Government of Nagaland State (Higher Education Department), Government of India, Ministry of HRD, UGC, DEC, IGNOU and other BCI/ AICTE, AIU, NAAC etc or otherwise?

On not getting any response from the Joint Secretary & PIO, Department of Higher Education, Government of Nagaland, Civil Secretariat, Nagaland, Kohima, the applicant, on 06.12.2011 wrote to the Central Information Commission, New Delhi, stating that no information was received from the PIO with regards to his RTI application dated 20.10.2011.

The Central Information Commission, New Delhi, had, vide letter No. CIC/RM/C/2013/000177, CIC/DS/C/2011/002835 dated 25.09.2013, transferred the Complaint which was **in Hindi** to the Nagaland Information Commission, as the subject of complaint comes under the jurisdiction of the State Information Commission.

On receipt of the redirected complaint (in Hindi) from the Central Information Commission, New Delhi on 05.10.2013, this Commission had translated it into English and the translated complaint was received by this Commission only on 06.11.2013.

OBSERVATIONS AND FINDINGS

During the hearing on 28.11.2013, the Commissioner & Secretary & First Appellate Authority, Department of Higher Education, Government of Nagaland, Civil Secretariat, Nagaland, Kohima submitted that the RTI application dated 20.10.2011 was actually received on 08.11.2011 by post, and on the same day it was processed. Since the nature of information sought by the applicant were all relating to The Global Open University Nagaland, the RTI application dated 20.10.2011 was transferred to The Global Open University Nagaland on 11.11.2011 to furnish the information.

The Global Open University Nagaland had, on 16.11.2011 furnished the information to the Department of Higher Education, which was received by the PIO of the Department of Higher Education. And on receipt of the information from The Global Open University Nagaland, the PIO of the Department of Higher Education had endorsed it to the APIO & JSO (Junior Section Officer).

In the meantime, the JSO & APIO was transferred out from the Department of Higher Education and it is not known whether the information was provided or sent to the applicant. However, on perusal of the file, it was learnt that the information which was received from The Global Open University Nagaland and which was supposed to be provided or sent to the applicant was not found in the file.

It was observed that the applicant had, instead of submitting appeal to the Commissioner & Secretary & First Appellate Authority, Department of Higher Education, submitted complaint directly to the Central Information Commission, New Delhi.

The Commissioner & Secretary & First Appellate Authority, Department of Higher Education, submitted that since the information forwarded by The Global Open University Nagaland for onward furnishing to the applicant was not traceable or found in the file, the same information shall be obtained again from The Global Open University Nagaland and shall be sent to the applicant (now complainant) by Speed Post the next day i.e. 29.11.2013.

DECISION

On the above observations and findings, since after obtaining the information from The Global Open University Nagaland, the information shall be sent to the applicant (now complainant) by Speed Post the next day i.e. 29.11.2013, the Commission decided that a copy of the information so provided to the applicant (now complainant) be also forwarded to the Commission for its records and future exigency.

On receipt of the compliance report of the PIO of the Department of Higher Education, the Case shall be declared closed.

Decision pronounced in the presence of all parties concerned.

Copies be given to the parties:-

- i. Shri. F. P. Solo, Commissioner & Secretary & First Appellate Authority, Department of Higher Education, Government of Nagaland, Nagaland, Kohima.
- ii. Smti. Imtinenla, Under Secretary & PIO, Department of Higher Education, Government of Nagaland, Nagaland, Kohima.
- iii. The applicant (now the complainant), Krishna Kumar Rai, 45/20, Street No. 01, Chhatrapati Nagar, Maitri Kunj (West), Risali, Bhilai, District – Durg, State – Chhattisgarh, 490006, Mobile No. 09407902318.

Sd/-
KEVININO P. MERU
State Information Commissioner,
Nagaland, Kohima.

Sd/-
BUKCHEM PHOM
State Information Commissioner,
Nagaland, Kohima

Authenticated by:-

(SOYIMNA AIER KOZA)
Secretary