

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-11/2017-18

Dated Kohima, the 21st September, 2017.

Appellant : Devinder Sharma,
AIII, Investigator & Loss Assessor,
Krishna Cottage, 27-D,
Dayal Bagh, Ambala Cantt – 133001,
Haryana,
Mobile No. 9876140198,
email: sharmadevinder1953@gmail.com,

Respondents : District Transport Officer & PIO,
Tuensang.

Public Authority : Office of the District Transport Officer,
Tuensang, Nagaland.

Date of hearing : 12.09.2017 at 12:30 PM.

Date of Decision : 21.09.2017.

Present:

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, Mobile No. 9436011036.
2. Shri. William Yanthan, LDA, Office of the Transport Commissioner, Transport & Motor Vehicles Department, Nagaland, Kohima, Mobile No. 9612316736.

The following did not appear for the hearing:-

1. The District Transport Officer & PIO, Motor Vehicles Department, Tuensang, Nagaland.
2. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com.

FACT OF THE CASE

An applicant, Shri. Devinder Sharma had submitted an RTI application dated **27.10.2016** addressed to the District Transport Officer & PIO, Tuensang along with application fee of Rs. 50/- paid through IPO bearing No. 80G 494076 seeking the following information:-

1. *Application of the applicant Mr. Balkar Singh s/o Sh. Man Singh applying to DTO, Tuensang (NL) for issue of duplicate driving license No. 28968/TSG/PROF/2010 dated 6.11.2010.*
2. *Copy of the Police report submitted by the applicant Mr. Balkar Singh s/o Sh. Man Singh for the loss of his original driving license No. 28968/TSG/PROF/2010 dated 6.11.2010.*
3. *Fee charged by the DTO, Tuensang (NL) for the issue of duplicate driving license No. 28968/TSG/PROF/2010 dated 6.11.2010 or a confirmation that issue of duplicate driving license was complementary.*

On receipt of the above RTI application, the DTO & PIO, Tuensang had, vide letter No. DTO-T/MV/21/08/3970 dated 21.11.2016 furnished the information to the applicant, however, on not being satisfied with the information so furnished to him the applicant had, vide letter No. **S & C: UIIC CRO:NET: KKR Br./2016/124** dated **18.01.2017** submitted a first appeal to the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima.

On receipt of the first appeal dated **18.01.2017**, the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima decided to hear the case and had, vide letter No. **TC/Estt/RTI/Appeal/302/2014(163)/747-49 dated 05.04.2017** issued Notice for Hearing fixed on **05.05.2017 at 12:00 Noon** in the Office of Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Solidary Park, New Secretariat Area, Kohima, Nagaland.

In response to the Notice for Hearing issued by the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima, the applicant (now appellant) had, vide letter No. **S & C: UIIC CRO:NET: KKR Br./2016/124** dated **18.04.2017** informed the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima that he may not be able to attend the appeal hearing fixed on **05.05.2017**. After hearing of the first appeal as scheduled, the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland had, vide No. **TC/ESTT-RTI/APPEAL/302/2014(163)/3076-79** dated **18.05.2017** passed an ex-parte decision closing the case since the Driving License holder i.e. Shri. Balkar Singh had personally appeared before the DTO, Tuensang for conversion of his Driving License to Sarathi although it was beyond the stipulated period.

On not being satisfied with the decision of the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland dated **18.05.2017**, the applicant (now appellant) had preferred a **Second Appeal** vide No. **S & C: UIIC CRO:NET: KKR Br./2016/124** dated **29.05.2017** to this Commission.

The Commission has decided to hear the appeal giving opportunity of being heard to all the parties on **12th September (Tuesday), 2017 at 12:30 P.M** in the **Hearing Room of the Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and directed the following parties are directed to appear before this Commission and **also to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

OBSERVATIONS AND FINDINGS:

The DTO & PIO, Tuensang did not appear for the hearing since he did not receive the notice for the hearing on time. The applicant (now appellant) also did not appear for the hearing and there was no information regarding his absence.

During the hearing, the FAA stated that as per the Public Notice dated 01.08.2009, all Driving Licence (DL) in booklet form are to be discontinued and converted into Sarathi/Smart Card by 30.10.2009 which was too short a period to complete the exercise. Another Notification dated 01.08.2014 was issued wherein all DLs are to be treated as invalid if not converted to Sarathi/Smart Card on or before 01.12.2014. Since then no Licensing Authority in the State had also issued DL in booklet form.

He stated that though the Public Notice was published in the media, the DL holders outside the State might not be aware of it. And due to the short window period of only about 4 (four) months for the conversion, most DL holders outside the State could not make or convert it.

On the enquiry of the Commission, the FAA stated that he could not remember whether the DL issued to the holder was in booklet form or Smart card. Further, he was not sure whether the licence re-issued to him was done in compliance to the Notification and had requested the Commission to allow him some more time for clarification.

DECISION:

On the above submission of the FAA, the Commission directed that the FAA shall submit the following information/documents to the applicant (now appellant), with a copy to the Commission **within three (3) weeks** from the date of receipt of this decision:-

1. Whether the DL of Shri. Balkar Singh which was issued after the Notification dated 01.08.2014 has been cancelled.

2. copies of the Notification dated 01.08.2009 and 01.08.2014.
3. copies of the information furnished by the DTO & PIO, Tuensang to the applicant (now appellant).

On receipt of the above, the Commission will hear the case again with the DTO & PIO, Tuensang in attendance in the next hearing which shall be notified later.

Decision heard with only the respondent on 12.09.2017 at 12:30 PM.

Copy be given to:-

1. The Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Solidary Park, New Secretariat Area, Kohima, Nagaland, Mobile No. 9436011036.
2. The District Transport Officer & PIO, Motor Vehicles Department, Tuensang, Nagaland.
3. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.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

Sd/-
KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary