

**NAGALAND INFORMATION COMMISSION**  
**Below Raj Bhavan, Officers' Hill Colony**  
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**Nagaland, Kohima-797001**  
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No. NIC/Appeal-18/2017-18

Dated Kohima, the 15<sup>th</sup> May, 2018.

**Appellant** : Shri. Devinder Sharma,  
Krishna Cottage,  
27-D, Dayal Bagh,  
Ambala Cantt.  
Haryana – 133001.  
Mobile No. 9876140198,  
email: sharmadevinder1953@gmail.com.

**Respondents** : (i) The Transport Commissioner & First Appellate Authority, Motor  
Vehicles Department,  
Office of the Transport Commissioner,  
Nagaland, Kohima.

(ii) The District Transport Officer & PIO,  
Zunheboto, Nagaland.

(iii) The District Transport Officer & PIO,  
Wokha, Nagaland.

**Public Authority** : i) Office of the District Transport Officer, Zunheboto, Nagaland.  
: ii) Office of the District Transport Officer, Wokha, Nagaland.

**Date of hearing** : 08.05.2018 at 1:00 PM.  
**Date of Decision** : 15.05.2018.

**Present:**

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima, Mobile No. 9436011036.
2. Shri. Myamo Jami, District Transport Office & PIO, Motor Vehicles Department, Wokha, Nagaland, Mobile No. 9436010231.
3. Shri. Bendang Longkumer, District Transport Officer & PIO, Motor Vehicles Department, Zunheboto, Nagaland, Mobile No. 9436009334.

The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com, **did not** appear for the hearing.

**FACT OF THE CASE**

An applicant, Shri. Devinder Sharma had submitted an RTI application vide letter No.S&A:UIC CRO:NET:2016/085 dated 28.06.2016 addressed to the **District Transport Officer & PIO, Zunheboto** along with an application fee of Rs. 50/- paid through IPO bearing No. 92G 199063 seeking the following information regarding Driving License No. 75143/NW/Prof/10 dated 11.1.2010 A/c Mr. Ashok s/o Shri. Pratap Singh:

1. *Date of deposit of D.L. No. 75143/NW/Prof/10 dated 11.1.2010 A/c Mr. Ashok s/o Shri. Pratap Singh fee with DTO, Zunheboto (NL) and certified copy of its receipt.*
2. *Certified Copy of driving test report of the applicant Mr. Ashok s/o Shri. Pratap Singh required before issue of DL as per Motor Vehicle Act-1988 in Professional Category.*
3. *Certified Copy of the application of Mr. Ashok s/o Shri. Pratap Singh for issue of Driving License in Professional Category.*
4. *Complete D.L. No. 75143/NW/Prof/10 dated 11.1.2010 A/c Mr. Ashok s/o Shri. Pratap Singh verification report as per your records/Register.*

The District Transport Officer & PIO, Motor Vehicles Department, Wokha had, vide No. **DTO/W/MV-10-11/2005/341** dated **05.08.2016** furnished the information to the applicant in response to his RTI application dated **28.06.2016** which was submitted by the applicant to the District Transport Officer & PIO, Zunheboto. However, on receipt of the information, the applicant had, vide letter No. **S&A:UIC CRO:NET:2016/085** dated **23.08.2016** wrote to the District Transport Officer & PIO, Motor Vehicles Department, Wokha with a copy to the District Transport Officer & PIO, Zunheboto and the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, requesting to clarify as to how the reply to his RTI application dated **28.06.2016** which was addressed to the District Transport Officer & PIO, Zunheboto was given by the District Transport Officer & PIO, Wokha.

On not getting any response from the District Transport Officer & PIO, Wokha, the applicant had submitted a first appeal to the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland. Further, since there was no response to his first appeal from the First Appellate Authority, the applicant (now appellant) had preferred a second appeal vide letter No. **S&A:UIC CRO:NET:2016/085** dated **21.07.2017** before this Commission. However, since the first appeal was not heard by the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, the Commission had, vide letter of even No. dated 27.09.2017 directed the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland to take up the first appeal by hearing the parties i.e. the applicant and the PIO concerned and pass decision within 1 (one) month from the date of receipt of the directive and submit a copy of the decision to this Commission.

On not receiving any compliance from the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland to its directive of even No. dated 27.09.2017, the Commission had once again vide letter of even No. dated 14.12.2017 directed the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland to comply with its directive on or before 20.01.2018.

In compliance to the directives of the Commission of even No. dated 27.09.2017 and 14.12.2017, the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, Kohima had, vide letter No. TC/Estt-RTI/Appeal/302/DivenderSharma/2017(171)/5854-57 dated 04.12.2017 but signed on 07.12.2017 issued Notice for Hearing on 13.12.2017 at 11:00 A.M in the office of the Transport Commissioner & FAA, Motor Vehicles Department, Solidarity Park, New Secretariat Area, Kohima, Nagaland.

The Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, Kohima had, during the hearing of the First Appeal on 13.12.2017 at 11:00 A.M observed that the District Transport Officer & PIO, Zunheboto had transferred the RTI application dated 28.06.2016 to the District Transport Officer & PIO, Wokha since the information sought i.e. regarding Driving License No. 75143/NW/Prof/10 pertained to the District Transport Officer, Wokha. On receipt of the above RTI application dated 28.06.2016 on 04.08.2016 transferred from the District Transport Officer & PIO, Zunheboto, the District Transport Officer & PIO, Wokha had, vide letter No. DTO/W/MV-10-11/2005/341 dated 05.08.2016 promptly responded to the applicant stating that the Driving License No. 75143/NW/Prof/10 was issued by the District Transport Officer, Wokha to Birender Shah as per office records and not to Ashok as sought by the applicant (now appellant), and hence responded, '**No such record available. False**'.

On the above observations and findings during the hearing, the Transport Commissioner & FAA, Motor Vehicles Department, Nagaland, Kohima had, vide No. TC/Estt-RTI/Appeal/302/DivenderSharma/2017(171)/6004-07 dated **19.12.2017** passed decision declaring the appeal case as closed.

Since there was delay in furnishing the information to the applicant (now appellant) and in order to ascertain the cause of delay, the Commission has decided to hear appeal on **8<sup>th</sup> May, 2018 (Tuesday) at 1:00 P.M** in the **Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and had also directed the following parties **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

1. The Transport Commissioner & FAA, Motor Vehicles Department, Nagaland.
2. The District Transport Officer & PIO, Zunheboto, Nagaland.
3. The District Transport Officer & PIO, Wokha, Nagaland.
4. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, Haryana.

### **OBSERVATIONS AND FINDINGS:**

The applicant (now appellant), Shri. Devinder Sharma did not appear for the hearing and there was no reason or prior intimation to the Commission regarding his absence in the hearing.

During the hearing, the DTO & PIO, Zunheboto stated that the RTI application dated 28.06.2016 was received on 13.07.2016, and on receipt of the RTI application, he had transferred to the DTO & PIO, Wokha on 26.07.2016. The DTO & PIO, Wokha also stated that he had received the RTI application on 04.08.2016 which was transferred from the DTO & PIO, Zunheboto, and on receipt of the RTI application, he had furnished the reply on 05.08.2016, however the reply could be sent by post only on 10.08.2016.

The Commission observed that the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima had in his decision dated 19.12.2017 closed the appeal case since the DTO & PIO, Zunheboto admitted that the said Driving License No. 75143/NW/Prof/10 was false and fake with forged signature as there was no such records available relating to the DL which was in the possession of the applicant(now appellant), and that the DTO & PIO, Wokha had also declared the said DL as 'False' as the DL was issued to Birender Shah and not to Ashok as per office records.

The Commission pointed out that on receipt of the RTI application dated 28.06.2016 on 13.07.2016, the DTO & PIO, Zunheboto had transferred to the DTO & PIO, Wokha only on 26.07.2016, which was after 13 days. The Commission, therefore advised that under Section 6(3) of the RTI Act, 2005, the RTI application should have been transferred to another public authority within 5 days of receipt. The Commission also observed that there was no delay in furnishing the information to the applicant (now appellant), hence penalty was not attracted.

Further, since a large number of appeals and complaints cases lies with the Commission, the public authority is advised to sensitise all its PIOs and APIOs on RTI matters.

### **DECISION:**

The Commission agreed with the decision dated 19.12.2017 passed by the Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Nagaland, Kohima and decided to declare the case as **closed**.

Decision pronounced in the presence of only the respondents on 08.05.2018 at 1:00 PM.  
Copy be given to:-

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima, Mobile No. 9436011036.
2. Shri. Myamo Jami, District Transport Office & PIO, Motor Vehicles Department, Wokha, Nagaland, Mobile No. 9436010231.
3. Shri. Bendang Longkumer, District Transport Officer & PIO, Motor Vehicles Department, Zunheboto, Nagaland, Mobile No. 9436009334.
4. The applicant (now appellant), Shri. Devinder Sharma, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt. 133001 (HR), Mobile No. 9876140198, email: sharmadevinder1953@gmail.com.
5. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
6. Office Copy.

Sd/-

**CHANBEMO LOTHIA**  
**Chief Information Commissioner**

Sd/-

**G. H. RAMLIA**  
**State Information Commissioner**

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary