

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No. NIC/Appeal-21/2016-17

Dated Kohima, the 30th April, 2018.

Appellant : Shri. Prem Singh,
S/o Shri. Hoshiyar Singh,
Hadaula Village,
Police Station and district Jind
Haryana,
Mobile No. 9466766126.

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

(ii) The Regional Transport Officer & PIO,
Mokokchung,
Nagaland.

Public Authority : Office of the Regional Transport Officer,
Mokokchung, Nagaland.

Date of first hearing : 18.01.2017 at 1:00 PM.
Date of first Decision : No decision due to burning down of the office building.

Date of second hearing : 24.04.2018 at 12:00 PM.
Date of second Decision : 30.04.2018.

Present:

1. Shri. Y. Yansaromo Jami, District Transport Officer (E), representing Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima, Mobile No. 7085324295.
2. Shri. Ihetto Achumi, Regional Transport Officer & PIO, Motor Vehicles Department, Mokokchung, Nagaland, Mobile No. 8837077041.

The applicant (now appellant), Shri. Prem Singh, **did not** appear for the hearing.

FACT OF THE CASE

An applicant, Shri. Prem Singh had submitted an RTI application dated **11.05.2016** addressed to the Regional Transport Officer, Mokokchung, Nagaland alongwith application fee and postage charge of Rs. 50/- paid through Indian Postal Order seeking the following information:

RTA Jind had sent a letter vide No. 29H Sl. No. 2911 dated 17.04.2016 for confirmation of the license bearing No. 93243/MKG/Prf. belonging to Naresh S/o Balbir, Dahaula Village and second letter vide No. 4468 was sent on 30.05.2016, whether you have received those letters or not, please give information. In case if the letters are received and replied with information kindly send me the Reference No. of the letters along with dispatch date.

On receipt of the above RTI application, the Regional Transport Officer, Mokokchung, Nagaland had sent the confirmation of license No. 93243 to the applicant instead of furnishing the information sought by the applicant.

On not being satisfied with the information furnished to him by the Regional Transport Officer, Mokokchung, Nagaland, the applicant had submitted a first appeal dated **06.07.2016** to the Transport Commissioner & First Appellate Authority, Nagaland, Kohima.

On not getting any response from the Transport Commissioner & First Appellate Authority, Nagaland to his first appeal, the applicant (now appellant) had, preferred a second appeal (in Hindi) dated 22.08.2016 before this Commission which was transferred to this Commission from the Office of the Chief Secretary vide letter No. CSO/RTI/91/2016/10 dated 14.09.2016.

Since the Transport Commissioner & First Appellate Authority, Nagaland, Kohima did not respond to his first appeal dated 06.07.2016 which was submitted against the non-satisfaction of the information furnished to him by the RTO, Mokokchung, Nagaland in response to his RTI application dated 11.05.2016, the Commission has decided to hear the appeal, giving opportunity to all the parties on **18th January, 2017 (Wednesday) at 1:00 P.M.** in the Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima, and had directed the following concerned 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.

1. The Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima.
2. The Regional Transport Officer & PIO, Mokokchung, Nagaland.
3. The applicant (now appellant), Shri. Prem Singh, S/o Shri. Hoshiyar Singh, Hadaula Village, Police Station and district Jind (Haryana), Mobile No. 9466766126.

As scheduled, the hearing was conducted on 18.01.2017 at 1:00 PM. however, before the written decision of the Commission could be issued, the office building including all office records, files, furniture, equipment, were completely destroyed in the fire on 02.02.2017 during the public unrest in connection with the ULB (Urban Local Bodies) election. With no office building, the Commission had to function from the out-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 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.

Meanwhile, in compliance to the oral decision passed by the Commission during the hearing on 20.01.2017 at 1:00 P.M, the Regional Transport Officer & PIO, Mokokchung had, vide letter No. RTO-MKG/RTI/G-30/08/6840-43 dated **25.01.2017** furnished the information to the applicant (now appellant).

The Commission had, vide letter of even No. dated 23.05.2017 directed the Regional Transport Officer & PIO, Mokokchung to confirm satisfaction from the applicant (now appellant) regarding the information so furnished to him within 30 (thirty) days from the date of receipt of the directive. However, on not receiving any compliance from the Regional Transport Officer & PIO, Mokokchung to its directive of even No. dated 23.05.2017, the Commission had again vide letter of even No. dated 24.08.2017 directed the Regional Transport Officer & PIO, Mokokchung to submit the above confirmation to the Commission within 1 (one) month from the date of receipt of the directive.

And in response to the directive of the Commission of even No. dated 24.08.2017, the Regional Transport Officer & PIO, Mokokchung had, vide letter No. RTO-MKG/RTI/G-30/08/7268-69 dated 06.09.2017 submitted that he had, earlier vide letter No. RTO-MKG/RTI/G-30/08/6840-43 dated 25.01.2017 furnished the information to the applicant (now appellant), however, there was no response from the applicant (now appellant) regarding the satisfaction or non-satisfaction of information furnished to him.

The Commission observed that instead of complying to the directions of the Commission dated 23.05.2017 and 24.08.2017 by writing again to the applicant (now appellant) to confirm satisfaction or non-satisfaction of the information furnished to him, the RTO & PIO,

Mokokchung had, referring to his earlier letter No. RTO-MKG/RTI/G-30/08/6840-43 dated 25.01.2017 submitted that he had already complied to the above directive of the Commission.

The Commission had, for the **third time** vide letter of even No. dated 12.10.2017 directed the Regional Transport Officer & PIO, Mokokchung that besides the previous letter No. RTO-MKG/RTI/G-30/08/6840-43 dated 25.01.2017, another letter be written again to the applicant (now appellant) to confirm satisfaction or non-satisfaction of the information furnished to him and thereafter submit the confirmation to the Commission within 1 (One) month.

However, since there was no compliance from the Regional Transport Officer & PIO, Mokokchung to the above directives and to ascertain the cause of delay in furnishing the information to the applicant (now appellant), the Commission has decided to hear the appeal again on **24th April, 2018 (Tuesday) at 12:00 P.M** in the **Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima**, and also directed **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

1. Shri. Elias T. Lotha, Transport Commissioner & FAA, Motor Vehicles Department, Nagaland.
2. The Regional Transport Officer & PIO, Motor Vehicles Department, Mokokchung, Nagaland.
3. The applicant (now appellant), Shri. Prem Singh, Haryana.

OBSERVATIONS AND FINDINGS:

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

Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima had, vide letter No. TC/ESTT-RTI/NOTICE-NIC/306/2014/954-55 dated 16.04.2018 informed the Commission his inability to attend the hearing due to some unavoidable pre-fixed family programme on 24.04.2018 the day of hearing. He further, informed that Shri. Y. Yansaromo Jami, District Transport Officer (E) would be representing the First Appellate Authority during the hearing.

The Commission observed that the RTO & PIO, Mokokchung had not understood the Commission's directives since inspite of the **three directives** issued to the RTO & PIO, Mokokchung to confirm satisfaction or non-satisfaction with the information given to the applicant (now appellant) on 25.01.2017, the PIO had instead, referring to his earlier letter No. RTO-MKG/RTI/G-30/08/6840-43 dated 25.01.2017 every time submitted that he had already complied to the above directives of the Commission.

During the hearing, Shri. Iheto Achumi, RTO & PIO, Mokokchung submitted that on receipt of the RTI application dated 11.05.2016 on **13.06.2016**, he had furnished the information to the applicant (now appellant) on **21.06.2016**, however he had not written to the applicant for the confirmation of his satisfaction or non-satisfaction with the information.

The Commission further observed that the RTI application dated 11.05.2016 was received on 13.06.2016, and since the reply was given on 21.06.2016 i.e. within the 30 days time limit for the PIO to furnish information, there was no delay and hence did not attract any penalty.

DECISION:

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

1. the RTO & PIO, Mokokchung shall, **within 15 days** from the date of issue of this Decision, write to the applicant (now appellant) to confirm within a time limit of one (1) month, indicating that in case of non-response even after the expiry of the time limit, it shall be considered as satisfied.

2. On receipt of the satisfaction or non-satisfaction from the applicant (now appellant) or on the expiry of the above time limit of one (1) month, whichever is earlier, the RTO & PIO, Mokokchung shall inform to the Commission.

Decision pronounced in the presence of only the respondents on 24.04.2018.

Copy be given to:-

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima.
2. Shri. Iheto Achumi, Regional Transport Officer & PIO, Motor Vehicles Department, Mokokchung, Nagaland, Mobile No. 8837077041.
3. The applicant (now appellant), Shri. Prem Singh, S/o Shri. Hoshiyar Singh, Hadaula Village, Police Station and district Jind (Haryana), Mobile No. 9466766126.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-
CHANBEMO LOTHIA
Chief Information Commissioner

Sd/-
G. H. RAMLIA
State Information Commissioner

Sd/-
KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONHUNG EZUNG)
Secretary