

NAGALAND INFORMATION COMMISSION
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Nagaland, Kohima - 797001.
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No. NIC/Appeal-6/2014-15

Dated Kohima, the 4th August, 2014.

Appellant: Shri. Rajesh Kumar,
F/name – Ram Bahal,
Vill. Sidhouna,
P.O: Kumarganj,
Dist: Faizabad, Pin – 224229
Ph. No. 09793500389

Respondents: 1. Shri. H. Achumi,
Transport Commissioner & FAA,
Transport & Motor Vehicle Department,
Nagaland, Kohima.

2. Shri. Lanuakum Ao,
Regional Transport Officer & PIO,
Transport & Motor Vehicle Department,
Mokokchung, Nagaland.

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

Date & time of hearing: 31.07.2014 (Thursday) at 11:00 AM.

Date of Decision : 04.08.2014.

Present:

1. Shri. H. Achumi, Transport Commissioner & FAA, Transport & Motor Vehicle Department, Nagaland, Kohima.
2. Shri. Lanuakum Ao, Regional Transport Officer & PIO, Transport & Motor Vehicle Department, Mokokchung, Nagaland.
3. Shri. Tamsukaba, LDA, Office of the Regional Transport Officer, Transport & Motor Vehicle Department, Mokokchung, Nagaland.
4. The applicant(now the appellant), Shri. Rajesh Kumar, F/name – Ram Bahal, Vill. Sidhouna, P.O: Kumarganj, Dist: Faizabad, Pin – 224229 Ph. No. 09793500389 **did not appear** for the hearing.

FACTS OF THE CASE

An applicant, Shri. Rajesh Kumar, F/name – Ram Bahal, Vill. Sidhouna, P.O: Kumarganj, Dist: Faizabad, Pin – 224229 Ph. No. 09793500389 had submitted a RTI application dated 27.03.2012 alongwith prescribed fee of Rs. 10/- paid vide IPO No. 98 E 373610 addressed to the Jan Suchna Adhikari / RTI Officer, District Transport Office,

Mokokchung, Nagaland, requesting for information in respect of vehicle No. NL-02-D-8711 on the following queries:

- i. Is vehicle No. NL-02-D-8711 registered in your office? If yes, please give to me about vehicle registration date, owner's name with full address, fitness, tax with amount, insurance, vehicle model, chassis No., engine No. and quality of wheeler six or ten and body open or tanker with particular in brief. Please send available all photo copies proof.
- ii. If No Objection Certificate (NOC) is issued by your office please give issue of date and serial number with photo state copies proof.
- iii. In case above said vehicle is already registered before in other place (Transport office) then give Ex-Registration No. of vehicle and date and other particulars. Send with photo copy and other proof.

In response to the RTI application dated 27.03.2012, the Regional Transport Officer, Mokokchung, Nagaland had, vide letter No. RTO-MKG/RTI/G-30/08/4146 dated 23.04.2012 furnished the information to the applicant. However, on being not satisfied with the information so received as it was **incomplete** since he had received reply to only one(1) query out of the three (3) queries, the applicant had filed a First Appeal dated 18.02.2013, addressed to the Appellate Adhikari/RTO, Regional Transport Office, Mokokchung, Nagaland.

On receipt of the First Appeal dated 18.02.2013, the Regional Transport Officer, Mokokchung, Nagaland had, vide letter No. RTO-03/MV/MKG/09/4392 dated 06.03.2013 furnished the information to the applicant(now appellent).

Again on 30.09.2013, the applicant had submitted a **Reminder** in respect of his First Appeal dated 18.02.2013 addressed to the Appellate Adhikari/Regional Transport Officer, Regional Transport Office, Mokokchung, Nagaland, against the letter No. RTO-MKG/RTI/G-30/08/4146 dated 23.04.2012 and letter No. RTO-03/MV/MKG/09/4392 dated 06.03.2013.

And since there was no response from the FAA or PIO to his Reminder letter dated 30.09.2013, the applicant (now appellent) had preferred Second Appeal (in Hindi) dated 27.11.2013 before the Central Information Commission, New Delhi. However, since the subject of appeal falls under the jurisdiction of the Nagaland Information Commission, the Central Information Commission, New Delhi had, vide Diary No (s) - 189205 dated 21.01.2014 forwarded the Second Appeal dated 27.11.2013 alongwith the enclosures to this Commission.

And on receipt of the redirected Second Appeal dated 27.11.2013 (in Hindi) from the Central Information Commission, New Delhi on 24.02.2014, this Commission had translated it into English and the translated Second Appeal was received by this Commission on **15.05.2014**.

OBSERVATIONS & FINDINGS:

The applicant(now the appellent) did not appear before the Commission during the hearing held on 31.07.2014 and without any intimation to the Commission.

During the hearing, Shri. Lanuakum Ao, Regional Transport Officer & PIO, Transport & Motor Vehicle Department, Mokokchung, Nagaland submitted that he had replied to all the three (3) letters received from the applicant (now appellants) namely,

- (i) the RTI application dated 27.03.2012 vide his letter No. RTO-MKG/RTI/G-30/08/4146 dated 23.04.2012;
- (ii) the First Appeal dated 18.02.2013 vide his letter No. RTO-03/MV/MKG/09/4392 dated 06.03.2013; and
- (iii) the Reminder letter dated 30.09.2013 in respect of his First Appeal dated 18.02.2013 vide his letter No. RTO-03/MV/MKG/RTI/09/4729 dated 15.11.2013.

Shri. Lanuakum Ao, Regional Transport Officer & PIO, Transport & Motor Vehicle Department, Mokokchung also submitted that in his reply to the RTI application, he had enclosed an extract copy of **the Certificate of Registration for NL-02/ D8711** which contains all the details of the vehicle.

Further, during the hearing, the PIO also submitted that due to two days of incessant rain on 21st and 22nd June, 2010, the store room of his office was completely flooded and destroyed all the stored files of Vehicles Registered and Driving Licences issued from his office. And in this regard, an FIR was also filed before the Police Station, Mokokchung, Nagaland vide letter dated RTO-03/MKG/MV/2009 dated 24.06.2009. A copy of the FIR was also produced before the Commission. Hence, some of the data which were available in the software could not be provided since the software had become defunct due to the flood, and that the data available in the software on the computer can only be viewed but not printed. However, the PIO suggested that a screenshot can be printed out.

Shri. H. Achumi, Transport Commissioner & FAA, Transport & Motor Vehicle Department, Nagaland, Kohima also submitted that data are maintained in three forms viz. (i) Digital records on computer, (ii) Combined Register and (iii) files containing the application forms, proof of identity and address of the owner, insurance, tax payment etc. submitted by applicants or owners at the time of registration. However, **insurance** and **fitness** are returned to the owner after the registration. And due to the flood, the files (maintained in hard copy) were all destroyed.

DECISION/ ORDER

On the above observations and findings, the Commission decides that Shri. Lanuakum Ao, Regional Transport Officer & PIO, Transport & Motor Vehicle Department, Mokokchung, Nagaland shall submit the following **within one (1) month** from the date of receipt of this Commission's decision:-

1. the information alongwith enclosures arranged in proper order and furnish it to the applicant and with a copy to this Commission;
2. submit a copy of sworn statement on **affidavit** stating the reasons for the loss of records from his office as expressed during the hearing; and
3. regarding the data available in the software on the computer, the Commission took note of the suggestion of the PIO, and hence directs that **screenshots** be printed out and furnish it to the applicant and with a copy to this Commission.

This appeal case shall be declared closed only compliance to the above decisions of the Commission is received.

Copy be given to:-

1. Shri. H. Achumi, Transport Commissioner & FAA, Transport & Motor Vehicle Department, Nagaland, Kohima.
2. Shri. Lanuakum Ao, Regional Transport Officer & PIO, Transport & Motor Vehicle Department, Mokokchung, Nagaland.
3. The applicant(now the appellant), Shri. Rajesh Kumar, F/name – Ram Bahal, Vill. Sidhouna, P.O: Kumarganj, Dist: Faizabad, Pin – 224229 Ph. No. 09793500389.
4. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website.
5. Office Copy.

Sd/-

BUKCHEM PHOM

State Information Commissioner,
Nagaland

Authenticated by:-

(SOYIMNA AIER KOZA)

Secretary

Nagaland Information Commission