

**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/Appeal-27/2015-16

Dated Kohima, the 30<sup>th</sup> January, 2016.

Appellant: Mr. Devinder Sharma,  
A.I.I.I, Investigator & Loss Assessor,  
General Insurance Claims,  
Krishna Cottage,  
27-D, Dayal Bagh,  
Ambala Cantt, Haryana – 133001

Respondent(s) : 1) The Transport Commissioner & First Appellate Authority,  
Transport & Motor Vehicles Department,  
Nagaland, Kohima – 797001.  
  
2) The District Transport Officer & PIO,  
Office of the District Transport Officer,  
Tuensang, Nagaland.

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

Date of hearing : 20.01.2016 at 2:00 PM.

Date of Decision : 30.01.2016.

Present:

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima – 797001;
2. Shri. Bendang Longchar, MVI & APIO, Office of the District Transport Officer, Tuensang, Nagaland, Mobile No. 9615136026, representing Shri. Tsuknungmeren, District Transport Officer & PIO, Office of the District Transport Officer, Tuensang, Nagaland, who was on leave.

The applicant(now appellant), Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001 **did not appear** for the hearing.

**FACT OF THE CASE.**

An applicant, Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001 had submitted an RTI application vide No. S&A:MACT:UIC/CRO/RTI/2015 dated 06.09.2015 addressed to the PIO, District Transport Officer, District – Tuensang, Nagaland alongwith an IPO No. 88G 073874 for Rs. 50/- (Rupees fifty only) towards the prescribed application fee and cost of information seeking the following information:-

- i. *Date of deposit of driving licence No. 42351/TV/T/2010 fee with DTO, District Tuensang, Nagaland and certified copy of its Receipt No. with amount.*
- ii. *Certified copy of driving test report of applicant, Mr. Manpreet Singh, S/O Sh. Ram Singh, Village – Kairo-Nangal, H. No. 40, District – Amritsar, Punjab required before issue of DL (Professional) No. 42351/TV/T/2010 as per MV Act, 1988.*
- iii. *Certified copy of the applicant, Mr. Manpreet Singh, S/O Sh. Ram Singh for issue of DL No. 42351/TV/T/2010.*
- iv. *Complete driving licence verification report.*

The above RTI application was sent by Speed Post bearing No. EH656425815IN dated 10.09.2015.

On receipt of the above RTI application, the DTO & PIO, Tuensang, Nagaland had, vide letter No. DTO-T/MV/21/08/1446 dated **28.09.2015** furnished the replies to the applicant stating that there was no record available for Sl. No. 1 to 3, whereas regarding Sl. No. 4, a photocopy of the information sought was enclosed.

Again, the DTO & PIO, Tuensang, Nagaland had, vide letter No. DTO-T/MV/21/08/1446 dated **28.10.2015** furnished the replies to the applicant stating that for Sl. No. 1, since the *DL No. 42351/TV/T/2010 in the name of Mr. Manpreet Singh was issued during the use of old software prior to 'Sarathi', records of the receipts could not be produced as the software has become obsolete* and for Sl. No. 2 & 3, there were no record available, while for Sl. No. 4, some information was given.

On being not satisfied with the information so furnished by the DTO & PIO, Tuensang, Nagaland vide letter No. DTO-T/MV/21/08/1446 dated **28.10.2015**, the applicant had sent by Speed Post bearing No. EH684047743IN dated 18.09.2015 a first appeal vide No. S&A:MACT:UIC/CRO/RTI/2015 dated **16.10.2015** addressed to the First Appellate Authority & Transport Commissioner, Transport & Motor Vehicles Department, Nagaland, Kohima – 797001.

Again, on receipt of the reply vide letter No. DTO-T/MV/21/08/1446 dated **28.09.2015** by the DTO & PIO, Tuensang, Nagaland, the applicant had sent by Speed Post bearing No. EH672515015IN dated 28.10.2015 another first appeal vide No. S&A:MACT:UIC/CRO/RTI/2015 dated **26.10.2015** addressed to the First Appellate Authority & Transport Commissioner, Transport & Motor Vehicles Department, Nagaland, Kohima – 797001 with a request to verify the genuineness of the above mentioned DL and to confirm deposit of the DL fees into the Nagaland State Exchequer.

On not getting any response to his first appeals vide No. S&A:MACT:UIC/CRO/RTI/2015 dated **16.10.2015** and **26.10.2015**, the applicant had preferred a second appeal vide No. S&A:UIC/Appeal/RTI/2015 dated 29.11.2015 before this Commission. Further, the applicant (now appellant) had also enclosed a copy of the letter No. RTO-K/RTI/14/15/497 dated **28.08.2015** issued by the Regional Transport Office & PIO, Kohima, Nagaland verifying that the DL No. 42351/TV/T/2010 in the name of Mr. Manpreet Singh was issued at DTO, Tuensang and the converted new Smart Card Sarathi DL now bears No. NL-0120100039807. However, the test report could not be provided as the office of the RTO, Kohima did not issue it.

The Commission had decided to hear the appeal, giving opportunity to all the parties on **20<sup>th</sup> January, 2016 (Wednesday) at 2:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

#### **OBSERVATIONS AND FINDINGS:**

Shri. Tsuknungmeren, District Transport Officer & PIO, Office of the District Transport Officer, Tuensang, Nagaland did not appear for the hearing and there was no prior intimation to the Commission regarding his absence.

Shri. Bendang Longchar, MVI & APIO, Office of the District Transport Officer, Tuensang, Nagaland, had submitted that he had represented his DTO & PIO since the PIO went to Delhi for medical treatment.

The Commission had, on **02.01.2016** received a letter No. S&A:UIC/Appeal/RTI/2015 dated 29.12.2015 from the applicant(now appellant) stating his inability to attend the hearing on 20.01.2016 at 2:00 PM and his submission on the following for kind consideration before taking the final decision:-

1. that Mr. Manpreet Singh, holder of DL No. 42351/TV/T/2010 issued at DTO, Tuensang and which was later converted to new Smart Card Sarathi DL bearing No. NL-0120100039807 and issued by RTO, Kohima on 09.07.2015 (the Date of **deposit**) has been booked by the police for causing an accident resulting in a death of a lady on 21.06.2015. How can the DL be issued on 09.07.2015 after the accident on 21.06.2015? Hence, the DL cannot be accepted by the Insurer for granting relief to the offended driver unless and until the DL is properly verified.
2. DTO & PIO, Tuensang had furnished a photocopy of the Register wherein the DL was issued to Manpreet Singh. However, in the absence of complete driving or verification report, the DL is suspected to be fake.
3. Also, whether the fee for issue of DL has been deposited into the Government's account?

Shri. Bendang Longchar, MVI & APIO, Office of the District Transport Officer, Tuensang, Nagaland, had submitted that the RTI application dated 06.09.2015 was received on **24.09.2015**. And on receipt of the above RTI application, the reply was given on 28.09.2015. However, the reply was given for **Sl. No. 4** only since the other points i.e Sl. No. 1, 2 and 3 were not available.

Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima also submitted that before Sarathi, the public authority was casual in records management, and moreover since the district offices were run on rented houses there was also the problem of storage for which records could not be maintained properly. However, with the migration to Vahan and Sarathi in 2010, in which records are now maintained only on the computer, records management has improved.

Regarding the deposit of fees collected for the issue of DL into the Government's account, the FAA submitted that in the old system/software, Challan was first generated and the fees deposited on the next working day. However, in the present and new system, transactions are done online unlike in the previous system/software. Further, the FAA also informed that the Department had entered an MOU with the banks where the banks collect the money from the Department on a daily basis, making it faster and more transparent.

The Commission observed that on receipt of the RTI application dated 06.09.2015 on 24.09.2015, the DTO & PIO, Tuensang had promptly responded to the applicant on 28.09.2015 and further followed by another reply on 28.10.2015 giving the reasons. However, there were no action or response to the first appeals vide No. S&A:MACT:UIC/CRO/RTI/2015 dated 16.10.2015 and 26.10.2015 submitted by the applicant (now appellant) against the two replies of the DTO & PIO, Tuensang dated 28.09.2015 and 28.10.2015.

**DECISION:**

On the above observations and findings, since there was no response to the first appeals vide No. S&A:MACT:UIC/CRO/RTI/2015 dated 16.10.2015 and 26.10.2015 submitted by the applicant (now appellant), the Commission directs the Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima to take up the case by hearing the parties i.e. the applicant and the PIO concerned within the month of **February, 2016**. And after the hearing of the first appeals, a copy of the decision on the first appeal be submitted to this Commission.

Decision pronounced exparte with only the respondents in attendance on 20.01.2016.

Copy be given to:-

1. Shri. Elias T. Lotha, Transport Commissioner & First Appellate Authority, Transport & Motor Vehicles Department, Nagaland, Kohima, Mobile No. 9436011036.
2. Shri. Tsuknungmeren, District Transport Officer & PIO, Office of the District Transport Officer, Tuensang, Nagaland, Mobile No. 9436002514.
3. The applicant(now appellant), Mr. Devinder Sharma, A.I.I.I, Investigator & Loss Assessor, General Insurance Claims, Krishna Cottage, 27-D, Dayal Bagh, Ambala Cantt, Haryana – 133001.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-

**BUKCHEM PHOM**

Chief Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**

Secretary