

**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-7/2016-17

Dated Kohima, the 26<sup>th</sup> September, 2016.

Appellant : Shri. Narinder Kumar,  
SCO 147-148, Second Floor,  
Sector 9C,  
Madhay Marg, Chandigarh.

Respondent :1. The Transport Commissioner & FAA,  
Motor Vehicles Department,  
Office of the Transport Commissioner, Nagaland, Kohima.  
  
2. The District Transport Officer & PIO,  
Zunheboto, Nagaland.

Public Authority : Office of the State Transport Commissioner,  
Transport & Motor Vehicles Department,  
Nagaland, Kohima.

Date of Hearing : 20.09.2016 at 11:00 A.M  
Date of Decision : 26.09.2016.

Present:

1. Shri. Elias T. Lotha, Transport Commissioner & FAA, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima. Mobile No. 9436011036.
2. Shri. M. Longkumer, MVI & APIO, Office of the District Transport Officer, Zunheboto, Nagaland, Mobile No. 9615936020.

The applicant (now appellant) did not appear for the hearing.

**FACTS OF THE CASE.**

An applicant, Shri. Narinder Kumar, SCO 147-148, Second Floor, Sector 9C, Madhay Marg, Chandigarh had submitted an RTI application vide letter No. 215744/TPT Comm/Kohima/2915 dated 20.08.2015 alongwith an IPO 21F 450796 for Rs. 10/- (Rupees Ten only) by Speed Post bearing No. ARP466774568IN dated 08.09.2015 addressed to the PIO, Office of the State Transport Commissioner, Nagaland, Kohima seeking information pertaining to DL. No. 6075/NTVZ/2011 with the following details:-

- i. *Please provide copy of Form 4 of the Central Motor Vehicles Rules which was submitted for issuance of DL. No. 6075/NTVZ/2011 issued by Zunheboto Licensing Authority.*
- ii. *What was mode of payment for depositing necessary fees for issuance of DL. No. 6075/NTVZ/2011. Please provide copy of Fees Receipt issued by Zunheboto Licensing Authority.*
- iii. *Please provide copy of Driving License Register pertaining to DL. No. 6075/NTVZ/2011 issued by Zunheboto Licensing Authority.*
- iv. *Please provide copy of complete driving license register containing DL. No. 6075/NTVZ/2011 issued by Zunheboto Licensing Authority.*
- v. *Whether copy of State Register of Driving Licenses pertaining to DL. No. 6075/NTVZ/2011 was sent to Central Government in compliance of Section 26 of The Motor Vehicles Act, 1988 read with Rule 3 of Central Motor Vehicles Rule, 1989? If yes, please provide copy of such information containing DL. No. 6075/NTVZ/2011.*
- vi. *Whether compliance of Section 26 of The Motor Vehicles Act, 1988 and Rule 3 of Central Motor Vehicles Rules, 1989 is being done in Nagaland?*
- vii. *Is there any circular for destroying old records after 5 years, if yes, then please provide copy of circular.*
- viii. *What is process for destroying old documents?*
- ix. *Whether that procedure was followed to destroy records of DL. No. 6075/NTVZ/2011?*

- x. *Whether any permission for destroying documents related to DL. No. 6075/NTVZ/2011 was obtained from Competent Authority? If yes, then please provide copy of that permission.*

On receipt of the RTI application, the Deputy Transport Commissioner & PIO, Office of the Transport Commissioner, Nagaland, Kohima had, vide letter No. TC/ESTT-RTI/301/2015/(94)/1763-64 dated 29.09.2015 transferred the RTI application to the District Transport Officer & PIO, Zunheboto, Nagaland directing him to furnish the queries sought by the applicant.

On receipt of the RTI application transferred from the Office of the Transport Commissioner, Nagaland, Kohima, the District Transport Officer & PIO, Zunheboto, Nagaland had, vide letter No. DTO-Z/RTI Act-2005/2015-16/955 dated 30.10.2015 furnished the information to the applicant stating that since the driving licence No. 6075/NTVZ/2011 had not been converted to Smart Card (Sarathi Application) as per the notification order of the Transport Commissioner, the above DL shall be treated as cancelled and invalid. Copies of the Public Information vide No. TC No. 23/MV/2007(PT-I) dated 01.08.2014 and Office Memorandum vide No. TC No. 23/MV/2007(PT-I)/22-25 dated 12.01.2015 were enclosed.

On receipt of the information, the applicant had, vide letter No. NIL dated NIL submitted first appeal by Speed Post bearing No. A RP529894944IN dated 07.12.2015 addressed to the First Appellate Authority, Office of the Transport Commissioner, Nagaland, Kohima, stating that he was not satisfied by the reply of the DTO & PIO, Zunheboto since a public notification issued vide No.TC-23/MV/2007 (PT) was furnished to him instead of replying to his RTI application.

On receipt of the first appeal, the Transport Commissioner & FAA had, vide letter No.TC/ESTT-RTI/301/2015(94)/491-92 dated 19.02.2016 directed the DTO & PIO, Zunheboto, Nagaland to furnish the required information as per RTI application of the applicant.

In compliance to the direction of the Transport Commissioner & FAA, the DTO & PIO, Zunheboto had, vide letter No. DTO-Z/RTI Act-2005/2015-16/91 dated 26.04.2016 furnished the information to the applicant (now appellant). However, on not being satisfied with the information furnished to him, the applicant (now appellant) had, vide letter No.215744/Second Appeal/2016 dated 16.06.2016 submitted a second appeal to this Commission stating that the information furnished by the DTO & PIO, Zunheboto was not relevant to his RTI application and also that in response to his first appeal the same reply was received by him which was furnished to him earlier in response to his RTI application.

The Commission had decided to hear the appeal, giving opportunity to all the parties of being heard on **20<sup>th</sup> September, 2016** (Tuesday) at 11:00 A.M in the Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Nagaland, Kohima and had also directed all the concerned parties to bring the files and relevant documents in question for scrutiny, on the above date and time for hearing.

### **OBSERVATIONS AND FINDINGS**

The applicant (now appellant), Shri. Narinder Kumar, SCO 147-148, Second Floor, Sector 9C, Madhay Marg, Chandigarh **did not appear** for the hearing and there was no prior information to the Commission for his absence.

During the hearing, Shri. M. Longkumer, MVI & APIO, Office of the DTO, Zunheboto, Nagaland who represented the DTO & PIO, Zunheboto submitted that the Public Authority had furnished the Public Information dated 01.08.2014 and the Office Memorandum dated 12.01.2015 issued by the Transport Commissioner for converting driving license issued in booklet or any other manual format to Smart Cards under Sarathi giving a dateline of 01.12.2014 failing which the driving license shall be cancelled and invalid.

The Commission observed that if the said Driving Licence was issued and recorded in the Issue Register of the public authority, the information had to be furnished whatever available with the public authority even though the DL was not converted to Smart Cards under Sarathi Application.

The Transport Commissioner & FAA had also deposed the same as the MVI & APIO, Office of the DTO, Zunheboto that the reply was given on the status of the driving license bearing

No. 6075/NTVZ/2011 which automatically stands cancelled in accordance with the Public Information and Office Memorandum issued earlier.

The MVI & APIO, Office of the DTO, Zunheboto further submitted that since there was no record of issue of the said driving license No. 6075/NTVZ/2011 from the Office of the DTO, Zunheboto, the queries did not arise and hence, the driving license could be bogus/fake. The Transport Commissioner & FAA had also confirmed that the said DL was not issued by the office of the DTO & PIO, Zunheboto.

The Commission observed that the information on the DL could not be furnished since there was no record in the Office of the DTO, Zunheboto, however, the other queries which are general in nature and which do not pertain to the said DL can be furnished.

### **DECISION**

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

1. since there was no record of the issue of the said driving license DL. No. 6075/NTVZ/2011 from the Office of the DTO, Zunheboto, the query Nos. 1, 2, 3, 4, 5, 9 and 10 which pertain to the said driving license cannot be furnished, however, the Query **Nos. 6, 7 and 8** which are general in nature and which do not pertain to the said driving licence should be furnished to the applicant (now appellant) and with a copy to this Commission **within one (1) week** from the date of issue of this decision.
2. The DTO & PIO, Zunheboto shall also submit to the Commission **within one (1) week** from the date of issue of this decision, the date of receipt of the RTI application which was transferred by the PIO, Office of the Transport Commissioner, Nagaland, Kohima.

Decision pronounced in presence of all the parties present on 20.09.2016.

Copy to:

1. Shri. Elias T. Lotha, Transport Commissioner & FAA, Motor Vehicles Department, Office of the Transport Commissioner, Nagaland, Kohima. Mobile No. 9436011036.
2. The concerned PIO, Office of the District Transport Officer, Zunheboto, Nagaland.
3. The applicant (now appellant), Shri. Narinder Kumar, SCO 147-148, Second Floor, Sector 9C, Madhay Marg, Chandigarh.
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 LOTH**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary