

Case No.	KP(M).368/2018
Complainant/ Appellant	Sri Nitumani Choudhury
Respondent	SPIO of the Office of Suptdt. of Police, Mangaldoi
Date of Hearing	19.06.2018
Complaint/ Second appeal heard by	Shri H. S. Das, IAS (Retd) State Chief Information Commissioner, Assam

O R D E R
19.06.2018

1. The petitioner Sri Nitumani Choudhury is present. The public authority to be represented by the SPIO of the office of Superintendent of Police, Mangaldoi is absent without any information.

2. From perusal of the case records it is seen that the petitioner filed an RTI petition dated 22-12-2017 before the Superintendent of Police, Mangaldoi seeking several informations with reference to General Diary entry No. 923 dated 29-8-2016 of Sipajhar police station. The sought for informations/ documents are :-

- (i) Extract copy of General Diary Entry of Sipajhar P/S and enquiry report in connection with the said case No.
- (ii) Injury / Death person list.
- (iii) MVI report
- (iv) Seizure list
- (v) Inquiry report.
- (vi) P.M report if any
- (vii) Sketch map
- (viii) Photocopy of vehicular documents.

3. Not getting any information even after filing of first appeal petition dated 5-12-2018 the petitioner has now come up before this Commission with his second appeal petition dated 21-3-2018.

4. From perusal of the case records it appears that the sought for informations are required in connection with a motor vehicle accident case. The petitioner submitted that he works as an Investigator for an Insurance Co. He further submitted that he approached the concerned police station for the sought for documents which are required for settling a motor vehicle accident insurance claim, but he was not given those documents. As a result the Insurance Company has not been able to settle the motor vehicle claim made by the claimant for nearly two years.

5. In the absence of the SPIO of the office of Superintendent of Police, Mangaldoi he could not be heard.

6. This Commission is of the view that, prima facie, the documents sought for by the petitioner are admissible under the RTI Act, 2005. In the absence of any representative from the office of Superintendent of Police, Mangaldoi, District- Darrang, it could not be ascertained whether the sought for documents are also covered under the Assam Right to Public Service Delivery Act, 2012 requiring payment of certain prescribed fees to obtain them, or whether the concerned police officials not providing those documents on the ground of exemption provided under Section 8(1) of the RTI Act, 2005.

7. The SPIO of the office of Superintendent of Police, Sipajhar is, therefore, directed to submit a written statement within 20 days from the date of receipt of this order clarifying the reasons/grounds for which the sought for informations have not been provided to the petitioner so far.

8. The SPIO of the office of Director General of Police, Assam is also directed, in exercise of powers under Section 19(8) of the RTI Act, 2005 to submit a separate written statement within 20 days from the date of receipt of this order whether the State Police Headquarters has issued any instructions and or guidelines to the SPs of different districts and to the O.Cs of Police Stations under them in the matter of furnishing copies of documents required for settlement of Motor Vehicle accident claims.

9. *Issue notices to the SPIOs of (i) Director General of Police, Assam, (ii) SPIO of Sipajhar P.S, Assam and (iii) the petitioner for their presence on the next date of hearing.*

10. Fix 31-7-2018 at 12.30 P.M for review of action taken.

(H. S. Das)
State Chief Information Commissioner,
Assam

Authenticated true copy

Registrar I/c
Assam Information Commission

Copy to:-

- 1) SPIO of the office of Director General of Police, Assam, for information and necessary action as ordered above.
- 2) Superintendent of Police, Sipajhar, District- Darrang for information and necessary action as ordered above.
- 3) Sri Nitumani Choudhury, C/O.M/S Photostat, G.K. Complex, R.G. Baruah Road, Near City Bus Stoppage, Ganeshguri, Guwahati-781006 for information and necessary action as ordered above.
- 4) Computer Section for uploading in the Website
- 4) Office file.
- 5) Order Book.**

**Registrar I/c
Assam Information Commission.**