

**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : **KP(M) 225/2016**

Complainant/ appellant : **Sri Utpal Das**

Respondent : **Election Department**

Date of hearing : **06-9-2016**

Complaint/ Second appeal heard by : **Shri H. S. DAS, IAS(Retd)
State Chief Information Commissioner, Assam**

O R D E R

The petitioner Sri Utpal Das is present. The public authority is represented by :-
(1) Md. Abdus Salam, Under Secretary and SPIO of Election Department, Govt of Assam, accompanied by Sri Dip Jyoti Nath, Junior Assistant of the Department.

The second appeal petition dated 19-2-2015 with reference to the petitioner's RTI petition dated 9-5-2014 is taken up for hearing in presence of both the parties.

From perusal of the case records, it is seen that the petitioner filed an RTI petition dated 9-5-2014 seeking information about action taken against Commissioner of Guwahati Municipal Corporation for violation of model code of conduct , specific instances of which were mentioned in the RTI petition.

The Under Secretary of the Election Department present today produced a copy of letter No. ELE.51/2008/Pt-II/472 dated 18th April , 2014 from the Deputy Secretary of Election Department addressed to the Under Secretary to the Govt. of Assam , Urban Development Department forwarding the petitioner's complaint petition dated 14-4-2014 for necessary action in terms of Election Commission of India's direction. Copy of this letter was not given to the petitioner and it was addressed to the Urban Development Department, whereas the administrative department of GMC is Guwahati Development Department and the Cadre controlling department of Commissioner, GMC and IAS officers is the Personnel Department.

It , therefore, appears that the Election Department mis-handled the complaint petition.

The SPIO of Election Department has made a written statement dated 2nd September, 2016 , which is entered into the case records. It is stated in the written statement that on point No. 1 of the RTI petition the matter was referred to the Urban Development Department, which was later communicated to the petitioner. As against point No. 2 the matter was transferred to the Deputy Commissioner, Kamrup (Metro). The SPIO of the Election Department could not apprise this Commission about further action in the matter. The matter rested with writing letters to the Urban Development Department and Deputy Commissioner, Kamrup, (Metro) , as mentioned above.

For violation of model code of conduct is to be looked into by the Election Commission of India through the Chief Electoral Officer of the concerned State Govt.

This Commission , therefore, directs the Chief Electoral Officer, Assam to cause an inquiry into the instances of violation of model code of conduct, as alleged in the petitioner's RTI petition dated 9-5-2014, and inform the petitioner about action taken thereon, if any, on the latest status thereof, within 60 days from the date of receipt of this order.

With the above order the second appeal petition dated 19-2-2015 is disposed of.

**Sd/-
(H.S.Das)**

**Chief Information Commissioner, Assam
Panjabari, Guwahati**

**Authenticated true copy.
Sd/-
Registrar
Assam Information Commission**

Copy to:

1. Md. Abdus Salam, Under Secretary and SPIO of Election Department, Govt of Assam, for information and necessary action.
2. Sri Utpal Das. Forum of Conscious Citizen, Chatribari, Old Fire Brigade Lane No. (E-7) , Guwahati- 781 008 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

**Registrar
Assam Information Commission**