



OFFICE OF THE

ASSAM STATE INFORMATION COMMISSION

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Case No. : KP(M)417/2016
Complainant/ Appellant : Sri Dilip Kr. Mahajan
Respondent : District Election Officer, Kamrup (Metro)
Date of Hearing : 19-12-2016
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R

The petitioner Sri Dilip Kr. Mahajan is present. The public authority is represented by :- (1) Sri Abdus Salam, Under Secretary and SPIO of the Election Department , Govt. of Assam, and (2) Sri Rahul Ch. Das, Election Officer, , Kamrup (Metro) District on behalf of the Deputy Commissioner, Kamrup. Sri Dipjyoti Nath, Junior Administrative Assistant of the Election Department was also present to assist the Under Secretary of the Department.

The second appeal petition dated 13-5-2014 is taken up for further hearing in pursuance of this Commission's earlier order dated 21-11-2016.

The Election Officer and PIO of the District Election Office, Kamrup (Metro) Election District, Guwahati has submitted a written statement dated 16-12-2016 which is entered into the case records.

In the written statement the SPIO has stated that even after repeated search, the relevant records could not be traced out. The SPIO did not say categorically that the letters mentioned in this Commission's earlier order dated 21-11-2016 , were not received in the office of the Deputy Commissioner/ DEO/ R.O, Kamrup (Metro) District. The SPIO stated that:- "Therefore it is not known whether the above mentioned letters were received by this office or not, also no such related papers / records found in regard to Returning Officer, 51 Jalukbari LAC."

From the above statement of the SPIO it cannot be definitively inferred that the Deputy Commissioner's office did not receive the 3 communications mentioned in this Commission's order dated 21-11-2016. Nor could it be ascertained whether any inquiry was instituted by D.C/ DEO/ RO, Kamrup (Metro) District as was required by the Election Commission of India through the CEO, Assam and whether any report was submitted to the higher authorities. All that can be inferred from the written statement of the SPIO dated 16-12-2016 is that the relevant records, including the inquiry report, if any, could not be traced out even after thorough search.

The Under Secretary of Election Department deposed and confirmed that the letter dated 5-5-2011 from the Election Commission of India was sent to the Deputy Commissioner and District Election Officer, Kamrup (Metro) vide Memo No. ELE.179/2011/MCC/28 dated 6th May, 2011, followed by reminders dated 21-5-2011 and 28-2-2014. The Under Secretary also admitted that the matter has not been followed up after 28-2-2014 and that they are yet to receive any report from the Deputy Commissioner as sought for,.

It can, therefore be concluded that the Deputy Commissioner/ Returning Officer or DEO, Kamrup (Metro) is yet to submit the inquiry report to the CEO/ Election Department, Assam for onward submission to the Election Commission of India (ECI) as was sought for by ECI vide letter dated 5-5-2011, although it could not be ascertained whether any inquiry was instituted at all.

To sum up, it can be inferred that in the office records of the Deputy Commissioner/ DRO/R.O, 51- Jalukbari LAC, there is no inquiry report, copy of which can be furnished to the petitioner in response to his RTI petition dated 26-11-2013. It is now for the CEO, Assam/ Election Department, Govt. of Assam and/ or the Election Commission of India to decide whether they would like to pursue the matter or drop it.

With the above observation, the hearing of the second appeal petition dated 13-5-2014 is closed and the same is disposed of.

Sd/-

(H. S. Das)

**State Chief Information Commissioner,
Assam**

Authenticated true copy

Sd/-

Registrar

Assam Information Commission

Memo No SIC/ KP(M)417/2016/30-A

Dated 19-12-2016

Copy to:

- 1) Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi – 110 001 for information.
- 2) Deputy Commissioner/DEO/RO, Kamrup (Metro) District, Panbazar, Guwahati-1 for information.
- 3) Sri Rahul Ch. Das, Election Officer, , Kamrup (Metro) District , Guwahati-1 for information
- 4) SPIO of Election Department, Govt. of Assam, Dispur, Guwahati-6 for information.
- 5) Sri Abdus Salam, Under Secretary and SPIO of the Election Department , Govt. of Assam, Dispur, Guwahati-6 for information.
- 6) Sri Dilip Kr. Mahajan, Dihing Satra, North Guwahati, Guwahati-20 for information
- 7) Computer Section for uploading in the Website.
- 8) Office file.
- 5) Order Book.

Registrar

Assam Information Commission.