भारत सरकार
खान मंत्रालय
शास्त्री भवन : नई दिल्ली

विषय: सूचना का अधिकार अधिनियम, 2005 के अंतर्गत प्राप्त आवेदन ।

जनजातीय कार्य मंत्रालय, नई दिल्ली के पत्र सं. 11030/4/2010-C&LM-II (Odisha) dt. 15.10.2013 के साथ संलग्न श्री. एस. कुंलराज कुल्लू, खुट्टानगौं, सुंदरगढ़ से प्राप्त आवेदन पत्र दिनांक 12.08.2013 को इस पत्र के साथ अचित कार्यवाह हेतु प्रस्तुत किया जा रहा है ।

2. आपसे अनुरोध है कि उक्त आवेदन को आई.डी.आई. ऑनलाइन पोर्टल में प्राप्ति के तीन दिनों में तुरंत प्रविष्ट करके आवेदक को पावती भेजें जाए एवं सूचना का अधिकार अधिनियम, 2005 के नियमों का पालन करते हुए उसपर निर्धारित समय में कार्यवाह की जाए ।

संलग्न: FTS No. 15684

(राजेश शाह/Rajesh Shah)
E.SI.P.I. आई.ओ./ACPIO

श्री. अभिनव चौबे, अनुभव सिंह, केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय
To,
Shri S. Kuntraj Kullu,  
Vill- Karkatta,  
PS- Bisra,  
PO-Khutgaon,  
District- Sundargarh (Odisha)

Shastri Bhawan, New Delhi-115  
Dated: 15th October, 2013

Subject: Furnishing of information under RTI Act, 2005

Sir,

Please refer to your application dated 12-8-2013 (received in this Division on 17-9-2013) on the subject cited above. It is to inform that the Indian Postal Order No 14 F 982771 for Rs 10/- attached with the application is in favour of the PIO, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi. This IPO is not acceptable under RTI Act, 2005. The fee under RTI Act, 2005 should be payable in favour of Pay & Accounts Officer, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi-110001, in the form of Indian Postal Order/ Demand Draft/ Banker's Cheque/ Cash in terms of Rupees 10/- (Rupees Ten only). The above Indian Postal Order in original is returned herewith.

The Ministry of Tribal Affairs is the nodal Ministry for overall policy planning and coordination of programmes of development for the Scheduled Tribes. Sectoral programmes and schemes of development of these communities, policy and planning, monitoring, evaluation etc. as also their coordination is the responsibility of the concerned central Ministries/Departments, State Government and UT Administrations. Each Central Ministry/Department is nodal Ministry or Department concerning its sector.

The Ministry of Tribal Affairs is also the nodal Ministry for notification of Scheduled Areas under Fifth Schedule to the Constitution of India in the States. Implementation of the provisions of the Fifth Schedule to the Constitution rests with the concerned State Governments. The work relating to mining is being dealt within the Ministry of Mines, New Delhi. Implementation of “Provisions of the Panchayats (Extension To The Scheduled Area) Act, 1996 (PESA)” is being dealt with by the Ministry of Panchayati Raj, New Delhi and the implementation of the provision of the Fifth Schedule to the Constitution in the State of Odisha is being dealt with by the Government of Odisha.

The information as sought in your application is as under:

Point No. 1-13: This relates with the Ministry of Mines, Ministry of Panchayati Raj and the Government of Odisha to whom your application is being transferred under Section 6 (3) of the RTI Act, 2005. It is requested that you may kindly approach the Ministry of Mines, Shastri Bhawan, New Delhi, Ministry of Panchayati Raj, Krishi Bhawan, New Delhi and the Chief Secretary, Government of Odisha, Bhubaneswar in the matter.
Point No. 14 & 15: Under Fifth Schedule to the Constitution, the Scheduled Areas has been notified in the States of Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan. The specification of Scheduled Areas in relation to a state is a notified order of the President, after consultation with the State Government concerned. The same applies in the case of any alteration, increase, decrease, incorporation of new areas, or rescinding any Orders relating to Scheduled Areas.

Yours faithfully,

(Purnima Tudu)
Under Secretary & CPIO
Ph: 23074408

[NB: In terms of Section 19(1) of the Right to Information Act, 2005, Shri Rajeev Prakash, Director in the Ministry of Tribal Affairs (Room No.736, "A" Wing' Shastri Bhawan, New Delhi-110001; Tele 23381692, Fax. No. 011-23073160 has been designated as Appellate Authority for the Ministry of Tribal Affairs for the purpose of the implementation of the Right to Information Act, 2005]

Copy for information and necessary action to:

(1) The Secretary, Ministry of Panchayati Raj, Krishi Bhawan, New Delhi -01. A copy of the application dated 12-8-2013 of Shri S. Kuntraj Kullu is enclosed. It is requested that the related information may kindly be provided to the applicant directly under intimation to this Ministry.

(2) The Secretary, Ministry of Mines, Shastri Bhawan, New Delhi. A copy of the application dated 12-8-2013 of Shri S. Kuntraj Kullu is enclosed. It is requested that the related information may kindly be provided to the applicant directly under intimation to this Ministry.

(3) The Chief Secretary, Government of Odisha, Bhubaneswar. A copy of the application dated 12-8-2013 of Shri S. Kuntraj Kullu is enclosed. It is requested that the related information may kindly be provided to the applicant directly under intimation to this Ministry.

(Purnima Tudu)
Under Secretary & CPIO
Ph: 23074408

Copy to: (1) Shri Jeevan Kumar, Under Secretary, Ministry of Tribal Affairs, August Kranti Bhawan, New Delhi-66 w.r.t. your O M No 14/3/2013-CP&R dated 12-9-2013

(2) Under Secretary PC&V Division, Ministry of Tribal Affairs, New Delhi w.r.t. PC&V's Dy No. 336/RTI/ MTA/PC&V dated 13-9-2013.
OFFICE MEMORANDUM

Subject: Application under Right to Information Act, 2005 from Shri S. Kuntraj Kullu, Sundargarh, Odisha.

The undersigned is directed to forward herewith a RTI Application (in original) of Shri S. Kuntraj Kullu, Village Karkatta, P.S. Bisra, Sundargarh, Odisha, on the subject mentioned above.

2. The information asked for by the applicant relates to C&LM Division. Hence, the application is being transferred under Section 6(3) of the RTI Act 2005 for further necessary action.

Encl. As above.

(Under Secretary & CPIO
C&LM Division,
Ministry of Tribal Affairs,
Shastri Bhawan, New Delhi)

Copy alongwith enclosures to US (PC&V) for information please.

(Jeewan Kumar)
Under Secretary

15684
21 OCT 2013
Dak Pratik
FORM - A
[See Rule - 4 (1)]

Application for Information under section 6 (1) of RTI Act, 2005

To
The Public Information Officer (PIO)

MINISTRY OF TRIBAL AFFAIRS
GOVT OF INDIA

1. Full name of the applicant: S. KUNTRAJ KULLU

2. Name of the Father / Husband: PIUS KULLU

3. Permanent address: VIA - KARRATTA, P.O. BISPRA, P.O. KHIUTGA, SUNDARGAH, ODISHA.

4. Particulars in respect of Identity of the applicant: VOTER IDENTITY CARD

5. Particulars of information solicited:
(a) Subject matter of Information: PM-KM-KM
(b) The period to which the information relates: N.A.
(c) Specific details of information required: Specific answers to the Question
(d) Whether information is to be sent by post or received in person: POST

(The actual postal charges shall be included in providing information)

(e) In case by post (ordinary, registered or speed): REGISTERED

6. Address to which information will be sent & in which form: D/48 KOELNAGAR, ROURKELA, SUNDARAGA, ODISHA.

7. Has the information been provided earlier?: YES

8. Is this information not made available by the Public authority?: YES

9. Do you agree to pay the required fee?: YES

10. Have you deposited application fee?: YES

(If yes, Please indicate details of such deposit): Indian Postal Order No 14F98

11. Whether belongs to BPL category, have you furnished the proof of the same?: N.A.

Place: Rourkela
Date: 12/08/2013

S. Kuntraj Kullu
Full Signature of the applicant
Address

Office of the Public Information Officer

Received the application from

Address

on seeking information.

Place: 28/08/2013

Full name of Public Information Officer
Designation & Seal

Date: 28/08/2013
Right to information Act:
Questions regarding provisions of article 244 (1):

(1) Who are the following are authorized to do mining activities in the fifth schedule areas? Ans to be given in yes or no
   a) Private companies
   b) public sector companies like sail etc
   c) state govt organization like Orissa mining corporation
   d) tribal cooperative societies fully consist of tribal’s only

(2) Who amongst them from above are to be given preference if there is any authorization?

(3) Sundargarh is a scheduled area, can this state of Orissa and can the legislative assembly of the state of Orissa form any laws for the fifth scheduled district of Sundargarh. If the legislative assembly of Orissa can make laws, then under what articles of the Indian constitution specify

(4) Does the chief minister of the state have any power regarding the administration of the scheduled areas?
   If yes then under which article of the Indian constitution.

(5) Orissa govt, especially the chief minister is signing MOU for setting up plants and mines in schedule areas is it legal or illegal? If legal under what article or laws.

(6) Orissa govt has constructed colonies for the non tribals and given them for 99 years lease to the non tribals and also issued them land pattas to them is it legal or illegal?

(7) Non tribals have grabbed govt lands and issuing land pattas to them for the permanent settling of the non tribals from the tahsildar office, is it legal and illegal?
(8) SAIL had acquired large lands of tribals and has given its surplus lands to companies and private trusts nationalized banks etc can it do so? Is it legal or illegal?

(9) If PESA is in force then land acquisition laws are repugnant true or false?

(10) Can the non tribals from outside district come to the scheduled areas and settle down permanently in this area and take permanent land pattas?

(11) The state of Orissa is auctioning the sands of river in the tune of 20 lakhs the sand is minor mineral can the sands be auctioned in the scheduled areas?

(12) Can a gram Sabha or tribal cooperative society take the sand Ghats for its own business without going through the process of auctioning?

(13) Which is legal forest rights committee (FRC) or van suraksha samiti (VSS) formed by Orissa Govt.

(14) Can a scheduled area become an independent state as per the fifth schedule part C 6 (2) (c).

(15) Can a scheduled area of Sundargarh be merged with any other state breaking up from its present state under the provisions of fifth schedule part C 6 (2)(c).
ELECTION COMMISSION OF INDIA

IDENTITY CARD

FMD3164910

Elector's Name: Kuntaj Kullu
Father's Name: Pius Kullu
Sex: Male
Age as on 01/01/2001: 28

Address:
Village: Koelnagar
P.O./Town: Block-D (Part)
P.S.: Sector-19
District: Sundargarh

This card can be used as an identity card
Under different government Programmes.

Sundargarh
28/02/2001

Facsimile Signature of
Electoral Registration Officer
For Rourkela A.C.

INFORMATION

The information contained in this identity card is accurate and correct.

YEARS

1998

10.00 Rs.

AT THE POST OFFICE AT

New Delhi

KUNTAJ KULLU

Dy/AG Koelnagar
Rourkela-19

Sundargarh Office

789014

POSTAGE STAMPS

POSTAGE STAMPS

POSTAGE STAMPS
Government of India
Ministry of Mines

No.9/2/2013-M.IV

To
Shri S. Kuntraj Kullu,
Vill- Karkata,
PS- Bisra,
PO- Khutgaon,
District- Sundargarh (Odisha).

Subject: - Information sought under RTI Act, 2005.

Sir,

I am directed to refer to your RTI application dated 12.8.2013 (received through Ministry of Tribal Affairs vide endorsement to their letter dated 15.10.2013).

So far as Mines-IV Section of the Ministry of Mines is concerned, it is stated that points No. 1-6, & 8 of the RTI application are essentially in the form of a statement, an interpretation, an observation, or a question relating to the provisions of the applicability of statutory rules, etc. Therefore, the information sought by you in these parts of the RTI application cannot be classified as information within the scope of provisions of the RTI Act, since under the provisions of RTI Act only ‘material’ in the form as held by the CPIO is to be provided. CPIO is not expected to be research on behalf of the citizen to deduce anything from the ‘material’ and then supply it to him. Hence, CPIO has no information to supply.

02. If you are not satisfied with reply / information, you may prefer an appeal to Shri C.K. Rawat, Deputy Secretary and Appellate Authority, Ministry of Mines, Room No. 312 ‘D’ Wing, Shastri Bhavan, New Delhi within 30 days of receipt of information.

Yours faithfully,

(Amit Choubey)
Section Officer and CPIO

Copy to:-