

No.11011/65/2012-NE-V
Government of India
Ministry of Home Affairs

Dated the 8th May, 2014

Subject: Information under RTI Act, 2005—Disturbed Area Under AFSPA

With reference to above mentioned RTI application, part-wise replies are as under:-

1. As per Section 3 of the Arms Forces (Special Powers) Act, 1958 - if, in relation to any State or Union territory to which this Act extends, the Governor of that State or the Administrator of that Union territory or the Central Government in either case, is of the opinion that the whole or any part of such State or Union territory, as the case may be, is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, the Governor of that State or the Administrator of that Union territory or the Central Government, as the case may be, may, by notification in the Official Gazette, declare the whole or such part of such state or Union territory to be a disturbed area.

2. Violence became the order of the day in the North-East and many insurgent groups with secessionist constitution started operating using violent means to achieve their objective. They threw a challenge to the sovereignty and integrity of the Nation with cross-border support. Hence, maintenance of peace and public order became beyond the capacity of the State Govts. Hence, in order to aid the civil power, deployment of armed forces became necessary. Hence, Arms Forces (Special Powers) was enacted.

The violence level on the ground is periodically reviewed and only where called for, declaration of disturbed area is issued. As regards applicability of the Act in Kashmir, the information may be obtained from CPIO, Kashmir Division of MHA. And as regards non-applicability of Arms Forces (Special Powers) in Naxal affected areas, CPIO, Naxal Management (NM) Division of MHA may be approached for information.

3. As stated against point 2 above, violence level in the North East is periodically reviewed and only where called for, declaration of disturbed area is issued and only in those areas, provision of Arms Forces (Special Posers) will be applicable.

Appeal lies with sh. Shambhu Singh, JS(NE), MHA.



(G. Sridharan)

Deputy Secretary to the Government of India

To,

Shri Mohan Ch. Saikia,
Bhamkukuma Chowa Goan,
P.O. Kakojan, District Jorhat,
Assam

Copy with a copy of RTI application also to:

- 8.5.14
S. (Colm 4)
8/5
1. Smt. Sulekha, Deputy Secretary (Kashmir), MHA, N.D. ^{for} Necessary action on para 2 above.
 2. Mr. K. S. Kumar Kusala, Deputy Secretary (Naxal Management) MHA, N.D. ^{for} Necessary action on para 2 above.
 3. Shri S. Sanabta, Under Secretary, RTI, MHA w.r. to O.M. No. A3020/01/2014-RTI, dated 15.04.2014 of RTI Section, MHA.

61/DS(N.E.I)/14

2/5/14

128

RTI MATTER/TIME BOUND

No.A-43020/01/2014-RTI
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, Dated the 15/4/2014.

OFFICE MEMORANDUM

Subject: Application of Shri/Smt/Kum. Mohan Ch. Saikia...
..... under the Right to
Information Act, 2005.

This Ministry has received an application dated 25/10/2013 under the RTI Act, 2005 from Shri/Smt/Kum. Mohan Ch. Saikia... (received on 27/04/2014) by way of transfer from M/o Defence. As the requested information pertains to/is more closely related to the functions of N.M. Division, the application is being forwarded to that Division for providing information. It is requested that if the subject matter pertains to any other CPIO/Public Authority, the application may be further transferred to that Authority directly, under intimation to the applicant.

3. The applicant has paid the requisite fee of Rs.10/- (vide Receipt No. ^{See M/o Defence}..... dated/...../2014 (copy enclosed) / not paid the fee since he claims to/belongs to the Below Poverty Line (BPL) Category.

Encl: As above.


(S. Samanta)

Under Secretary to the Govt. of India.

To

SO(N.E-V)

① Director (N.M.)
Ministry of Home Affairs,
North Block
New Delhi. (P-1)

② DS(N.E) (P-2, 3, 4)
MHA
North Block

2/5

Copy for information to:

Shri/Smt/Ms. Mohan Ch. Saikia
Bhamkukung Chowg. Gaan,
P.O. Kakojan, Distl - Jorhat
Assam.

(He/She is requested to contact the above-mentioned CPIO/Public Authority for further information in the matter).

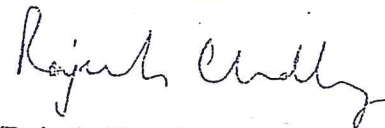
RTI/NMMA/2014

11/4/14,

RTI MATTER
IMMEDIATEDy. No. 496 /2014/ D(RTI)
Government of India
Ministry of DefenceSena Bhavan, New Delhi
Dated 1st April, 2014OFFICE MEMORANDUM

Sub: Transfer of RTI application -reg.

RTI application dated 25.10.2013 (Dyarized on 31.3.2014) of Shri Mohan Ch Saikia is transferred to the Ministry of Home Affairs under Section 6 (3) of RTI Act, 2005 for necessary action as the information sought by the applicant seems to be more closely related with them.



(Rajesh Choudhary)

Under Secretary to the Govt. of India

To

The CPIO,
RTI Cell,
Ministry of Home Affairs,
North Block, N.D

Copy to: AO (Cash), MoD with IPO No. 16 F 552260 for Rs. 10/- for necessary action.

Copy also to:

Shri Mohan Ch Saikia,
Bamkukuna Chowra Goan
P.O. Kakojan
Dist-Jorhat,
Assam

Your RTI application has been transferred to the aforesaid Public Authority for necessary action. Further correspondence in this regard may please be made with them.

NMMA
NE

RTI Application

To,

Date: 25.10.13

The Public Information Officer

Ministry of Home Affairs, New Delhi

SUB: Application under Right to Information Act, 2005

Subject Matter:

Sir/Madam,

Information description:

1. What is the criteria for declaring area as "Disturbance" in India?
2. Why is AFSPA applicable only in the North East India
3. Why J&K are not in different left extremism hit area of the country?
4. Why the AFSPA has not been repealed in the North East India?

The time period to which information relates:

Form of Information requested: Certified Photocopies/ samples/ inspection

Information required by Post/ in-person

Whether BPL: No/ Yes (If yes, attach the valid photocopy of the BPL certificate)

The application fee of Rs 10 is enclosed herewith(IPO / Demand draft/ Bankers cheque)

From, Mohan Ch. Saikra
 Bamukura Chowra Goan
 P.O: Kakejan Dist - Sarhat (Assam)
 Ph - 9613926624

MHA

रक्षा मंत्रालय (सचिव)
 Ministry of Defence (Secy.)
 रक्षा (सूचना का अधिकार) अनुभाग
 Defence (Right to Information) Section
 L.R. 6

North Block,
New Delhi -110001
Dated 12th May, 2014


To
Shri Mohan Ch. Saikia,
Bamkukuma Chowra Gaon,
Post Office: Kakojan,
District: Jorhat,
Assam,

**Subject: - Information sought under Right to Information Act, 2005-
regarding Disturbed Area under AFSPA.**

Please refer to your RTI application dated 25.10.2013 for providing information to you on the said application under Right to Information Act, 2005 which was forwarded to the undersigned vide the Ministry of Home Affairs letter No.110011/65/2012-NE-V dated 08.05.2014 for action on para 2 thereof.

2. There is no information in the custody of the undersigned on the points as mentioned by you. Hence the information in respect of the undersigned CPIO may please be treated as 'Nil'. However your application is being transferred to other CPIOs in this Division for providing information as may be available in their custody.
3. Appeal u/s 19 (i) with reference to this reply lies with Shri M. A. Ganapathy, Joint Secretary (NM), MHA, Room No. 193, A/I, North Block, New Delhi-1.

Yours faithfully,

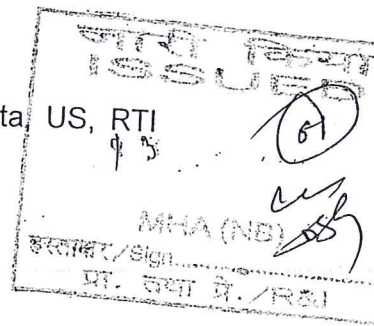

(K. S. Kusala Kumar)
CPIO & Director to the Govt. of India
Tele: 2309 2506

O/C

Copy to:-

1. Shri Daljit Singh Choudhary, Director (ANO) & CPIO, North Block, New Delhi along with a copy of the aforesaid letter dated 08.05.2014 and its enclosures for providing the available information directly to the applicant.
2. Shri Rambir Singh, Director (NM) & CPIO, North Block, New Delhi along with a copy of the aforesaid letter dated 08.05.2014 and its enclosure for providing the available information directly to the applicant.

Sh.
Copy also to: G Sridharan, Dy. Secy.(NE) & CPIO/ Shri S. Samanta
North Block, New Delhi-for information.



Please issue RAI

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