

RTI MATTER
MOST IMMEDIATE

No.11012/165/2011-NE.IV
Government of India
Ministry of Home Affairs

New Delhi, Dated 7th August, 2013

To,

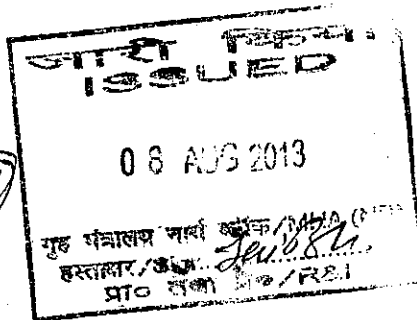
Shri Mohen Chowhai,
Village- Bonseng,
P.O. Balipathar, Dhansaripar,
Bokajan, Assam.

Sub: Information under RTI Act, 2005.

Sir,

Please refer to your application dated 26.6.2013 received in NE Division, Ministry of Home Affairs on 02.08.2013 seeking information under RTI Act, 2005.

2. The information sought by you is not available with North-East Division of this Ministry.
3. An extract of the Sixth Schedule to the Constitution of India as amended from time to time is attached for kind information.
4. Information sought by you at Sl. No. 1-16 pertain to State Government of Assam. You are advised to submit a fresh application to Commissioner & Secretary, Hill Area Department, Government of Assam, Guwahati seeking the desired information.
5. An appeal if any, in the matter lies within a month to Shri Shambhu Singh Joint Secretary, Room No. 109-C, North Block, New Delhi - 110001.



Yours faithfully,

(Ajay Kanoujia)
Deputy Secretary & CPIO
Tel-fax: 2309 3586

Copy for information to:

Shri S. Samanta,
Under Secretary (RTI, Section)
North Block, MHA,
New Delhi

Sent

THE SCHEDULED AND TRIBAL AREAS

Administration of Scheduled Areas and Tribal Areas.—(1) The provisions of the Sixth Schedule shall apply to the administration and control of the Scheduled

242

The Constitution of India

[Article 244

Areas and Scheduled Tribes in any State ¹[***] other than ²[the States of Assam ³[⁴[Meghalaya, Tripura and Mizoram]]].

(2) The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in ⁵[the State of Assam, ³[⁶[Meghalaya, Tripura and Mizoram]]].

⁷[244A. Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefor.—

(1) Notwithstanding anything in this Constitution, Parliament may, by law, form within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in ⁸[Part I] of the table appended to paragraph 20 of the Sixth Schedule and create therefor—

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or

(b) a Council of Ministers,

or both with such constitution, powers and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) may, in particular,—

(a) specify the matters enumerated in the State List or the Concurrent List with respect to which the Legislature of the autonomous State shall have power to make laws for the whole or any part thereof, whether to the exclusion of the Legislature of the State of Assam or otherwise;

(b) define the matters with respect to which the executive power of the autonomous State shall extend;

(c) provide that any tax levied by the State of Assam shall be assigned to the autonomous State in so far as the proceeds thereof are attributable to the autonomous State;

(d) provide that any reference to a State in any article of this Constitution shall be construed as including a reference to the autonomous State; and

(e) make such supplemental, incidental and consequential provisions as may be deemed necessary.

(3) An amendment of any such law as aforesaid in so far as such amendment relates to any of the matters specified in sub-clause (a) or sub-clause (b) of clause (2) shall have no effect unless the amendment is passed in each House of Parliament by not less than two-thirds of the members present and voting.

1. The words and letters "specified in Part A or Part B of the First Schedule" omitted by the Constitution (Seventh Amendment) Act, 1956, sec. 29 and Sch. (w.e.f. 1-11-1956).
2. The words "the States of Assam and Meghalaya" subs. by the North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71(c)(i), for the words "the State of Assam" (w.e.f. 21-1-1972).
3. The words ", Meghalaya and Tripura" subs. by the Constitution (Forty-ninth Amendment) Act, 1984, sec. 2, for the words "and Meghalaya" (w.e.f. 1-4-1985).
4. The words "Meghalaya, Tripura and Mizoram" subs. by the State of Mizoram Act, 1986 (34 of 1986), sec. 39(d)(i), for the words "Meghalaya and Tripura" (w.e.f. 20-2-1987).
5. The words "the States of Assam and Meghalaya and the Union Territory of Mizoram" subs. by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71(c)(ii), for the words "the State of Assam" (w.e.f. 21-1-1972).
6. The words "Meghalaya, Tripura and Mizoram" subs. by the State of Mizoram Act, 1986 (34 of 1986), sec. 39(d)(ii), for the words "Meghalaya and Tripura and the Union Territory of Mizoram" (w.e.f. 20-2-1987).
7. Ins. by the Constitution (Twenty-second Amendment) Act, 1969, sec. 2 (w.e.f. 25-9-1969).
8. Subs. by the North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71(d), for "Part A" (w.e.f. 21-1-1972).

[Article 245

The Constitution of India

243

(4) Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.]



RTI Matter
By fax / By hand

No. 9/7/2013-NE-II
Government of India / भारत सरकार
Ministry of Home Affairs / गृह मंत्रालय
NE Division / पूर्वोत्तर प्रभाग

North Block, New Delhi – 110001
नॉर्थ ब्लॉक, नई दिल्ली – 110001
Dated 31.07.2013


Office Memorandum

Sub: Application of Shri/Smt/Kum. Mohem Chowhai, under RTI Act, 2005-reg.

*A.
Not
attached*

Forwarding herewith an application (u/s 6(3) (ii) of the RTI Act, 2005) dated 26.06.2013 under the RTI Act, 2005 of **Shri/Smt/Kum. Mohem Chowhai** (received in this Section on 30.07.2013 by transfer from RTI Section, MHA) to NE-IV Section for making available information, as the requested information pertains to/more closely related to the functions handled by the Section.

Encl. as above


(J.P.N. Singh)
Director (NE) & CPIO
Telefax: 23092485

✓ To,
Sh. Ajay Kanoujia,
DS (NE-I)
Ministry of Home Affairs

Copy to:-

- 1. Shri/Smt/Kum. Mohem Chowhai, Village-Baiseng, P.O Balipathar, Via- Dhansaripari, Bokajan, Assam
- 2. RTI Cell, MHA, New Delhi

NE-II

Pl. provide attachment

*Amreture is enclosed pl.
The same was left out
inadvertently.*

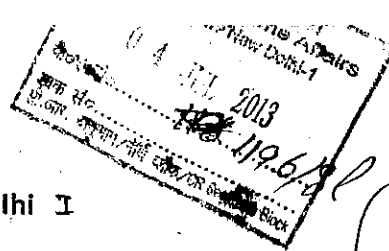
~~DS(NE-I)~~
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SO NE-II
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The Secretary,
Union Home Ministry
Govt of India, New Delhi



26/11/12

468/RTI/2013
02/11/13

Sub: Information under RTI act.

Hon'ble Sir,

Kindly furnish the following information for my perusal and necessary action.

1. Whether the Karbi Anglong Autonomous District Council Created under the Article 244(2) of the constitution of India in the Sixth scheduled Area is meant for the tribal People only?
2. Whether a non- Tribal people can be nominated as the Vice- Chairman of the Autonomous Council body? If so under what causes paragraph and sub- paragraph of Article 244(2) of the Constitution of India and rules of the Autonomous District council?
3. The types of legal advice made by the Advocate General of Assam in this regard?
4. Whether the nomination of Sri Mahesh Chauhan as Vice Chairman, one adivasi, one Nepali, one Bihari as member of the Karbi Anglong Autonomous Council Body by the Hon'ble Governor of Assam is legal, constitutional, democratic and justified as per the Article 244(2) of the Constitution of India?
5. Furnish copy of the Executive Committee KAAC body decision on the matter of nomination of non- Tribal members in the Karbi Anglong Autonomous body?
6. Furnish a copy of the letter forwarding the names of MAC for nomination?
7. Reasons of deprivation of nominated members of MAC to the unrepresented tribes of the Districts to ensure representation?
8. Whether the Hon'ble Governor of Assam, Who is the custodian of the Constitution of India can act in an ultra virus ways and this regard the paragraph of Article 244(2) of the Constitution of India?

RTI

NE
Govt of
Assam

9. Why the political interest of the Rengma Naga, Kuki, Garo, Khasi- Jaintias Man(Tai- Speaking) are not protected in the Sixth Scheduled areas?
10. Who will ensure the empowerment of the Rengma Nagas, Kuki, Garo, Khasi- Jaintias and Man (Tai- Speaking) Tribes? Who is the authority in this regard?
11. Whether the Hon'ble Union Home Minister, Tribal Affairs Governor of Assam or Hills Areas Department will take the lead to nominate the unrepresented Tribal members cited above and create the tribe wise Autonomous Regional and Village Council?
12. Reasons of deprivations of the tribe wise Autonomous Regional and Village Council in the Karbi Anglong District till today?
13. Steps taken to Panchayat Raj institution in the Karbi Anglong District?
14. Give reasons of the opposition of the Karbi Anglong Autonomous Council and N.C. Hills to the-implementation of the Panchayat Raj institution in the Sixth Scheduled areas?
15. Is it Constitutional legal and justified on the part of the Karbi Anglong Autonomous Council body?
16. Can the Karbi Anglong Autonomous District body created under the Article 244(2) of the Constitution of India opposed the Democratic decentralization powers process creation of Autonomous Regional Council and Village Council in the multi Tribes, multi Cultures and multi lingual areas of Karbi Anglong District initiated and proposed by Hon'ble Union Ministers, of Tribal Affairs Govt. Of India, New Delhi to ensure Gram Swaraj?

Enclosed
1 P^o Rs 10/-


Yours faithfully,
Moken Chandra
Barseg
PO Balpara, Va. Dhemasipi
Bokaya