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भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

संख्या/ No. 17/8/Service/2009/RU-III  
To

दिनांक/ Date: 15.01.2010

Shri M. Narayanan,  
Manager, Indian Rare Earths Ltd.  
35A Hazra Road,  
Kolkata-700029

Sub: **Appeal application alleging failure by CPIO, NCST in giving reply and refusal of Money Order sent as fee under Right to Information Act, 2005.**

Sir,

I am to refer to your appeal application dated 10/12/2009 on the subject cited above and to inform you as given below:

- (i) The application dated 21/08/2009 under Right to Information Act, 2005 mentioned in your appeal application is not traceable in this Commission. Every application under Right to Information Act, 2005 received alongwith cash/ Demand draft/ IPO of an amount towards the application fee is entered in a register kept for the purpose in R&I Unit of the Commission. As per record no application under Right to Information Act, 2005 addressed to the CPIO of National Commission for Scheduled Tribes by you appear to have been received in this Commission and, therefore, there is no failure on the part of the CPIO of National Commission for Scheduled Tribes in furnishing the information. However, your two applications under Right to Information Act, 2005 addressed to the CPIO and the Appellate Authority respectively of Ministry of Tribal Affairs were received in this Commission from Ministry of Tribal Affairs vide their letters dated 10/06/2009 and 29/06/2009 respectively and the available information regarding action taken status on your representations was furnished to you by CPIO, National Commission for Scheduled Tribes vide his letter dated 08/07/2009. A copy of the letter dated 08/07/2009 is enclosed for your information. Thereafter, no appeal w.r.t. letter dated 08/07/2009 has been received from you.
- (ii) As Money Order or any fee towards an application under Right to Information Act, 2005 is not received by the CPIO of NCST, there is no question of refusal to receive the money order by CPIO. Moreover, the prescribed mode of application fee to be sent alongwith application form or any other fee under the RTI Act is either cash deposit with the DDO of National Commission for Scheduled Tribes or in the form of demand draft/ banker Cheque or Indian Postal Order payable at New Delhi to the Pay & Accounts Officer, National Commission for Scheduled Tribes, Ministry of Tribal Affairs.

2. Notwithstanding above, you are advised to send the copies of your application/ representations alongwith enclosures, if any, referred to in your appeal application dated 10/12/2009 for taking further necessary action in your complaint file and to inform you of the progress of the case, for which necessary instructions have been given to the concerned Officer/ CPIO.

122  
5-11/2010

(Aditya Mishra)  
Joint Secretary and  
Appellate Authority

Copy for file No. M-03/Atomic Energy-03/Service/06/RU-III for taking urgent necessary action as mentioned above.

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SM-63 (I)

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**BY**  
**SPEED POST**

भारत सरकार  
राष्ट्रीय अनुसूचित जनजाति आयोग  
GOVERNMENT OF INDIA  
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संख्या/ No. **17/8/Service/2009/RU-III**

दिनांक/ Date: **08.07.2009**

To

Shri M. Narayanan,  
Manager Indian Rare Earths Ltd.  
35A Hazra Road,  
Kolkata-700029

**Sub: Your representation under RTI Act for furnishing information on NCST's File No. M-03/Atomic Energy-03/Service/06/RU-III**

Sir,

I am to refer to letter No. 11030/3/09-C&LM.I dated 10/6/2009 and 29/6/2009 forwarding copies of your application under Right to Information Act, 2005 Act, 2005 and to furnish information w.r.t. National Commission for Scheduled Tribes as given below:

- (i) The National Commission for Scheduled Tribes setup under Article 338A of the Constitution is vested with the duties, *inter-alia*, to investigate/ inquire into the complaints relating to violation of safeguards/ rights of Scheduled Tribes. The Commission proceeds further in recommending measures only if the inquiry reveals that there is a violation or discrimination. In such situations, the relief has to be given by the authorities concerned and not by the Commission. However, the NCST has no power to issue orders to any authority or issue stay on the operation of any order/ process being undertaken by any authority.
- (ii) The contention of your applications that the NCST did not take any action on your complaint is not correct because the Commission has taken action on your representation as well as re-joinders (received on the basis of reply of the Deptt. sent to you by the Commission). The reply of department concerned revealed that there were no merits in the complaint submitted by you since no harassment in any way was done with you and you were not convinced with the replies given to you by various authorities. In this context you may refer to letters No. M-03/Atomic Energy-03/Service/06/RU-III dated 04/12/2006, 09/02/2007 and 17/03/2008 sent to you by the Commission.

2. Shri Aditya Mishra, Joint Secretary is the Appellate Authority of National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi. His contact number is 011-24603669.

जारी कर  
ISSUED  
3894  
10/7/09

of

Yours faithfully,

(B.C. Durga)  
Director and

Public Information Officer