

Reply of Sl No. 261

RTI Matter
By Speed Post

No. II.20034/35/2014-IS.II/M (Pt-II)
Government of India
Ministry of Home Affairs
(IS.I Division/IS.II Desk)

North Block, New Delhi,
Dated: 07 Feb, 2014

To

Shri Manish Manjul
11/14, 2nd Floor, Nehru Nagar,
New Delhi, Pin:110065

Sub: Application of Shri Manish Manjul seeking information under Right to Information Act, 2005.

Sir,

Please refer to your Online RTI application No MHOME/R/2013/62138 dated 31.12.2013 received in the office of undersigned on 13.01.2014.

2. Para wise reply of information requested by you is as under:
- I. It is informed that Union cabinet has approved a proposal to set up a Commission of Inquiry under Commission of Inquiry Act, 1952 to look into the incidents of physical/electronic surveillance in the States of Gujarat and Himachal Pradesh, and the National Capital Territory of Delhi, allegedly without authorization.
 - II. Keeping in view that the inquiry/investigation has not yet commenced and further that action on the cabinet decision is still in hand and matter is not over, the desired information is exempted from disclosure under Section 8 (1) (h), and 8 (1) (i) of the RTI Act, 2005.
 - III. Copy enclosed as Annex-I
 - IV. Copy enclosed as Annex-II
 - V. Complaints from individuals, organisations have been received from time and time and action is taken accordingly. Since such information, as sought, is not compiled in the division, same is regretted. However, in case information on specific case is desired, same will be considered as per rules.
 - VI. Details about the telephone complaints received are not compiled in the division, however, replies given to some Parliament questions in last 2 years related to interception complaints are enclosed as Annex-III.
 - VII. As per information available in the records held in IS-II desk, no Commission of Inquiry under Commission of Inquiry Act, 1952 has been constituted on issue of violation of Telegraph Act, however your application is being transferred to Shri

J.P Agarwal, JS and CPIO, Judicial, MHA for furnishing desired information, if available in their records.

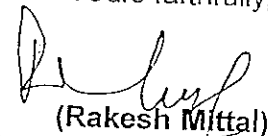
VIII. While vetting the draft Cabinet Note, Department of Legal Affairs, Ministry of Law and Justice inter-alia opined as under:

"In State of Karnataka Vs Union of India, AIR 1978 SC 68, the Supreme Court while explaining the intent of provisos (a) and (b) of Section 3(1) of the Commissions of Inquiry Act, 1952 held that if the objectives are different, the examination of common areas of fact and law for different purposes will still be permissible".

IX. No such notification has been issued till date.

3. It is informed that in case you are not satisfied with the reply, you can prefer an appeal within 30 days from the receipt of this communication to Shri Rakesh Singh, Joint Secretary (Internal Security-I), Room No 197-B, North Block, Ministry of Home Affairs, New Delhi, who is the Appellate Authority in this case.

Yours faithfully,



(Rakesh Mittal)
Director (Internal Security-I) & CPIO

Sl No. 261

ACTION HISTORY OF RTI REQUEST No.MH/HOME/RI/2013/02131

Applicant Name

Manish Manjul

Text of Application:

1. What is the basis on which Government of India has decided to constitute a Commission of Inquiry under the so-called Snoopgate, a case of alleged snooping at the instance of Gujarat government. 2. Please give us a copy of noting on the relevant file on the basis of which the decision was taken to constitute the said Commission of Inquiry. 3. Please give copies of correspondence sent by the Government of India to the Government of Gujarat regarding this issue. 4. Please give copies of the replies/ details given by the Government of Gujarat to the Government of India in this matter along with a copy of the notification issued by the Government of Gujarat setting up a Commission of Inquiry on this matter. If no such details were sought or received, this fact may be intimated to the applicant. 5. Please give copies of representations or complaints received by the Government of India regarding incidents of telephone interceptions of various individuals, organizations etc. in the last 20 years. 6. Please give copies of any report, tabulated figures available in collated form, any reply to Parliament Questions etc. which contain details of telephone tapping complaints. 7. Please give copies of notifications constituting Commissions of Inquiry on issues of violation of Telegraph Act by any individual organization or Government any where in the country in the last 20 years. 8. Kindly furnish copies of the legal opinion obtained by the Ministry of Home Affairs that whether a Commission of Inquiry could be constituted by the Central government when a State Government had already constituted a Commission of Inquiry on that matter. If no legal opinion was obtained, the same may be kindly stated to the applicant. 9. Kindly give a copy of the notification of the appointment of the Commission showing the Terms of Reference of inquiry.

Reply of Application

SN.	Action Taken	Date of Action	Action Taken By	Remarks
1	RTI REQUEST RECEIVED	31/12/2013	Nodal Officer	
2	REQUEST FORWARDED TO CPIO	09/01/2014	Nodal Officer	Forwarded To : RAKESH MITTAL, Dir (IS I)

Print

Il note & send to SAM (??)
PA noted
13/11

RTI - 261 / Dir (IS I) / 13/11/14