

RTI-316(212-1287)/14
26/3/14

Sl. No. 'S6

File No. 18-4/2013/S-II
Government of India
Ministry of Communications & I.T.
Department of Telecommunications
Room No. 805, Sanchar Bhawan, 20 - Ashoka Road, New Delhi.

21 March 2014

To
Shri Jeevan Chandra,
Advocate,
2, August Kranti Marg,
Opp-Sri Fort Auditorium,
Hauz Khas, New Delhi-110016

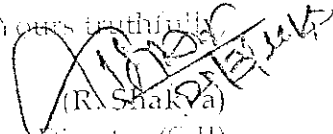
Subject: Seeking Information under RTI Act, 2005.

Reference is invited to your RTI Application No. 'NII' dated 05.02.2014 seeking information under RTI Act, 2005 which has been received in this office on 18.03.2014.

With regard to information about interception, it is to state that the interception of communication messages is governed by the provisions of Section 5(2) of Indian Telegraph Act, 1885 read with Rule 419 (A) of Indian Telegraph (Amendment) Rules, 2007. The afore-mentioned Act and Rules are available in the public domain at DoT website i.e., www.dot.gov.in. However, a copy of relevant pages of these legal provisions is enclosed herewith.

With regard to your request to provide the copy of revised guidelines for interception/tapping of telephones recently published by MHA, your application is hereby transferred to Shri Rakesh Mittal, Director (IS-I) & CPIO, MHA under section 6(3) of RTI Act, 2005.

The appeal, if any, against the information furnished herein may be preferred before Shri Ram Narain, DDG (Security) & Appellate Authority, Department of Telecom, Sanchar Bhawan, 20-Ashoka Road, New Delhi, within the 30 days of issue of letter.

Yours faithfully,

(R. Shakti)
Director (S-II)
Tel No. 23372630

Copy to: Shri Rakesh Mittal, Director (IS-I) & CPIO, North Block, MHA, New Delhi with a request to provide the information directly to the applicant. The requisite fee under RTI Act has been deposited by the applicant.

Handwritten notes: "I have not seen to SCM (S)", "26/3", "PA", "oted"

JEEWAN CHANDRA
Advocate
Delhi High Court

Office:- 2, August Kranti Marg,
Opp- Siri Fort Auditorium
Hauz Khas, New Delhi-110016
(M) 9717110848

Dated: 25.03.2014

To,
The Secretary
Department of Telecommunication,
Govt. of India,
R. No. 907, Sanchar Bhavan,
20, Ashoka Road, New Delhi-01.

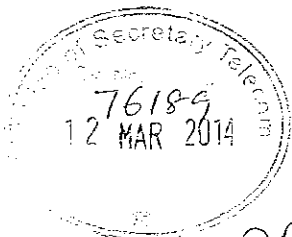
Subject:- Regarding information sought under the Right To Information Act.

Sir,
Kindly let me have the following information under the RTI:

Recently a news has published in the leading news papers relating to the revise guidelines for interception / tapping of telephones. I shall be grateful if the copy of the guidelines recently published by the Home Ministry be supplied to the undersigned. Also kindly let me know whether the investigating agencies, who have been authorized to sought the permission for telephone tapping, can tape/intercept the telephones on their own and in their office. Whether this work can not be carried out by the service provider or these investigating agencies are only authorized for making permission for interception through service provider since there is no provision for interception / tapping by the Investigating Agencies in the Indian Telegraph Act, 1885 duly amended from time to time.

I am enclosing a postal order of Rs.10/- as fee prescribed under the RTI Act.

Please supply the particulars of the Appellate Authority in this regard.



Forwarded for n.s.

P.P.S. to Secretary (T)

M (T)

DDA (Secy) 14/3

Jeewan Chandra
Advocate

18/03/2014

Dr. (S.11)

Reply of S11 - 316

RTI Matter
By Speed Post

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

North Block, New Delhi,
Dated: 27 April, 2014

To

Shri Jeewan Chandra
Advocate,
2, August Kranti Marg
Opp-Siri Fort Auditorium
Hauz Khas, New Delhi-110016.

Sub: Application of Shri Jeewan Chandra seeking information under Right to Information Act, 2005.

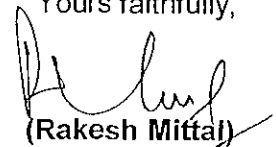
Sir,

Please refer to your RTI application dated 05.03.2014 forwarded by DoT vide OM No 18-4/2013/S-II dated 21.03.2014 and received in the office of undersigned on 26.03.2014 and appeal dated 30.03.2014 to Shri Ram Narain, DDG (Security), DoT dated 30.03.2014 on the above subject.

2 On the information sought regarding copy of revised guidelines for interception/tapping of telephones recently published by MHA, it is intimated that guidelines for interception are contained in statutory provision under Section 5(2) of Indian Telegraph Act 1885 read with Rule 419-A of Indian Telegraph (Amendment) Rules 2007. These fall in the domain of Department of Telecom, on which CPIO Department of Telecom has already replied.

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

PA to DIR (IS-I)

Cc: Shri R. Shakya, Director (S-II) & CPIO, Department of Telecommunications,
Sanchar Bhavan, 20 Ashoka Road, New Delhi with respect to OM No 18-4/2013/S-II
dated 21.03.2014