

RTI MATTER

No. 13026/20/2012-K.III
Government of India
Ministry of Home Affairs
Kashmir Division

Sl No. 162

North Block, New Delhi.
Dated: 03-07-2013.

Subject:- Application of Shri Deepak Sharma, under the Right to Information Act, 2005 – transfer thereof.

The undersigned is directed to enclose herewith an application dated 10-06-2013 received from Shri Deepak Sharma for providing information under RTI Act, 2005.

2. It is requested that necessary action may be taken on the aforesaid application under RTI Act, 2005. However, in case it does not fall under your jurisdiction it may please be further transferred to the COIA/Public Authority to which the subject matter is more closely connected, under intimation to the applicant.

3. The prescribed application fee of Rs. 10/- has already been received vide receipt no. 24938 dated 14-06-2013.

Yours faithfully,

Encl: As above

Under Control of
Dir (IS-III)

(Mrs. Sulekha)
Deputy Secretary
Tele fax: 2309 2696

To

Shri Rakesh Mittal,
Director (IS-I),
MHA, ~~NDCC-II~~,
~~Jai Singh Road~~,
New Delhi - 1

RTI- 162/Dir (IS-I)/13
4/7/13

Copy for information to:-

- Shri Deepak Sharma, R/o. Mandlik Bhawan, 412-C, Jeevan Nagar, Jammu – 180 010.
- RTI Section. – w. r. t. their O. M. No. A-43020/01/2013-RTI, dated 18-06-2013.

No.A-43020/01/2013-RTI
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, Dated the 18/6/2013.

OFFICE MEMORANDUM

Subject: Application of Shri/Smt/Kum...Deepak.....Sharma.....
..... under the Right to
Information Act, 2005.

The undersigned is directed to forward herewith an application dated
.....16/6/2013 under the RTI Act, 2005 of
Shri/Smt/Kum...Deepak.....Sharma.....
(received in this Ministry on 13/6/2013 by transfer from
.....) to
.....Kashmir.....Division for providing information, as the requested information
pertains to/more closely related to the functions of the said Division. 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.
.....24938..... dated 14/6/2013 (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
✓ Deputy Secretary (K-II)
Min. Home Affairs
North Block, New Delhi

Copy for information to:

Shri/Smt/Ms. Deepak.....Sharma.....
R/o. Mandlik Bhawan.....412-C.....
Teerth Nagar.....Jammu.....180010
J&K.....

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

S.O. (C-11)
18/6/2013
24/6
450/2013-K-11
24/6

रसीद / RECEIPT

24938

दिनांक
Dated 14-6-2013

सं. /No.

श्री/श्रीमती/सुश्री

Received From Shri/Smt./Km.

DEEPAK SHARMA

के पत्र संख्या/संदर्भ संख्या के साथ

with Letter No./Reference No.

के दिनांक 20

Dated 20

बैंकर्स चेक/ड्राफ्ट/भारतीय पोस्टल आर्डर संख्या

Banker's Cheque/Draft/Indian Postal Order No. 08F 872154

के रूप में रुपये की नकद धनराशि

the sum of Rupees by Cash

सूचना के अधिकार अधिनियम, 2005 के शुल्क हेतु प्राप्त की।

on account of fee under Right to Information Act 2005.

आद्यक्षर /Initials

पदनाम / Designation

रुपये / Rs. 10/-

by the

applicant

the Secretary,

had submitted a petition/request on 15 April 2013 to the Secretary, Ministry of Home Affairs, to revoke the SMS ban on prepaid mobile services in the state of Jammu & Kashmir.

Kindly provide the following sought information in this regard.

Information Sought:

- 1) Kindly provide the details of the day to day action taken by the concerned officials of the MHA on the said petition to revoke SMS ban in J&K.

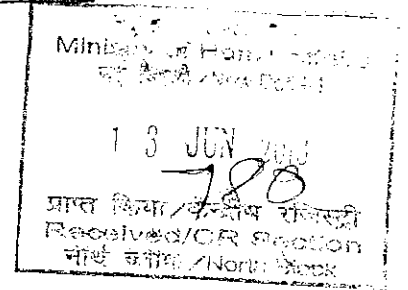
(Kindly provide the details with respect to name and designation of the official, number of days the said petition remained at his/her disposal and action taken on the petition by the official)

- 2) Kindly provide the clear and-certified copies of all the communications (letters/e-mails/fax etc) made by the concerned officials of the MHA to other ministries/departments etc. in reference/regard to the said petition to revoke SMS ban in J&K.

- 3) Kindly mention on what date the ban on SMS services in J&K would be revoked.

D S (K-11)

APPLICATION UNDER RTI ACT



To

The Central Public Information Officer (RTI),
Ministry of Home Affairs, Government of India
North Block, New Delhi - 110001

Subject: Request for Information regarding status of petition filed by the
applicant to revoke SMS ban in the state of J&K.

Esteemed Sir,

This is to put in your kind attention that the undersigned applicant
had submitted a petition/request on 15th/April/2013 addressed to Home Secretary,
Ministry of Home Affairs, to revoke the SMS ban on prepaid mobile services in
the state of Jammu & Kashmir.

Kindly provide the following sought information in this regard.

Information Sought:

- D S (K-14)
- 1) Kindly provide the details of the day to day action taken by the
concerned officials of the MHA on the said petition to revoke SMS ban
in J&K.
(Kindly provide the details with respect to name and designation of the
official, number of days the said petition remained at his/her disposal and
action taken on the petition by the official)
 - 2) Kindly provide the clear and-certified copies of all the communications
(letters/e-mails/fax etc) made by the concerned officials of the MHA to
other ministries/departments etc. in reference/regard to the said
petition to revoke SMS ban in J&K.
 - 3) Kindly mention on what date the ban on SMS services in J&K would
be revoked.

That an application fee of Rs. 10/- is paid in the form of IPO bearing no. 08F 872154
That I am a Citizen of India.

3977/RT2/2013
17/6/13

Thank You.

Sincerely Yours
Deepak Sharma
R/o Mandlik Bhawan, 412-C,
Jeevan Nagar, Jammu-180010.
J&K, India.
Moble: 9419110579
E-mail: rtiactjk@gmail.com

Enclo:

- 1) Copy of the petition submitted to revoke SMS ban

To

The Home Secretary ,
Ministry of Home Affairs, North Block
Central Secretariat
New Delhi - 110 001

Subject: To lift the ban on SMS services of prepaid mobile subscribers in J&K State with immediate effects and in the failure of which the petitioner would ask for the Hon'ble court's intervention while filing Public Interest Litigation (PIL) in this regard.

Esteemed Sir,

The petitioner with humble request would like to put in your kind attention that there is a complete ban on Short Message Service (SMS) services of prepaid mobile subscribers in the J&K State by the orders of the Government.

That in the year 2010 the Government ordered for a ban on SMS services of the subscribers of all the telecom companies operating in the state of J&K. But after a considerable period the State Government lifted the ban on SMS services of post paid subscribers but unfortunately the Ban on prepaid subscribers remained enforce till date even after a lapse of considerable period of around 3 years.

That the SMS services were banned by the State Government on the grounds that it was being used to spread rumors and to incite violence and hence posing a problem for law and order related issues.

That as per the Government with the aid of SMS the anti social and anti national elements spread rumors and other false news/information of atrocities by police , Paramilitary and other security agencies and this led to violence and protest including stone pelting by the people who get provoked by the false propaganda against state through SMS.

That the petitioner understands appreciates and respects the decision of the State Government in safeguarding the security interest of the state and its citizens but putting a ban on the pre paid subscribers only and that too for a long period of almost 3 years is illogical and need to be reviewed and quashed by the concerned competent authorities.

That the ban on SMS services of Prepaid mobile subscribers of the state is unconstitutional, non democratic, useless and illogical and has become totally irrelevant especially in present times with the advancement and wide use of technologies like Whatsapp, social networking sites like face book, orkut and twitter etc.



That there is a wide spread use of some messaging services like Whatsapp these days as apart from sending messages it also sends videos, audios, files etc in an amazingly fast speed that too free of cost.

That these services can be activated and enjoyed by the prepaid mobile subscribers also who could manage to get mobile sets of particular technological requirements which costs a minimum of Rs. 5,000/- or even less.

That many fortunate prepaid subscribers who could afford mobile phones of technological advancements are enjoying the messaging services through Whatsapp but the unfortunate and poor one are deprived of these facilities in the presence of Ban on SMS services in the state.

That it is very irrelevant and absurd that on one side the Government is allowing the use of messaging services like whatsapp and others which apart from sending messages can also send videos, images and audio files that too free of cost and even the prepaid subscribers can enjoy the services but on the other side the government keeps banning the SMS services of prepaid mobile subscribers on the pretext that SMS service could be misused by the anti socials and anti nationals.

That the Government fails to understand that if the ban is to counter the cases of spreading rumors and misinformation, than the pictures and videos messages send from applications like whatsapp poses more potential threat in that regard.

That instead of cracking a whip on the anti social and anti national elements and strengthening their own mechanism of monitoring the activities of the suspicious persons who were/are instrumental in spreading the rumors which poses a threat to the law and order situation in the state, the State Government has banned the SMS services of all the prepaid subscribers of the state and thus made the common man a sufferer and deprived them of their rights.

That the decision of the Govt. to ban SMS services of the prepaid mobile subscribers of the state is arbitrary, biased and irrational and thus need to be reviewed and quashed to protect the rights of the innocent prepaid mobile subscribers of the state.

That the petitioner therefore prays for the restoration of the SMS services of the prepaid mobile subscribers of the state on following grounds:

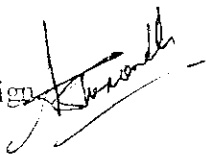
- 1) That the State Government justifies ban on the SMS services of prepaid mobile subscribers of the state on the grounds that through SMS rumors and false information spreads and which in turn incites violence and hence poses a threat to the law and order in the state. This justification of the Government on ban puts a grave question mark on the integrity, loyalty and patriotism of all the prepaid mobile subscribers of the state of Jammu

Sign. 

and Kashmir and thus projects the subscribers of prepaid mobile in a very poor light and with suspicions in public life and thus the ban on SMS is a clear violation of the right of the prepaid mobile subscribers to live a dignified life.

- 2) That because of the ban on SMS services the unfortunate prepaid mobile subscribers of the state are violated of their fundamental right of expression.
- 3) That when in the other states people are enjoying the SMS services on their prepaid mobile, it must not be banned for J&K. Government has no right to discriminate on the basis of region. The prepaid mobile subscribers of the state has the right to protect from discrimination.
- 4) That the ban on SMS services of the prepaid mobile subscribers of the state is a very serious violation of fundamental right of especially those unfortunate persons who can not speak but can hear and see. Ban on SMS take away all their right of sharing their feelings and expressions.
- 5) That the constitutional right of the right to information of the prepaid mobile subscribers of the state of Jammu & Kashmir is being violated as they are denied of this constitutional right by the order of the State Government by Banning the SMS service of prepaid mobile subscribers of the state.
- 6) That the constitutional guarantee of equality is being flouted with impunity in the state as both the prepaid and post paid subscribers are being treated unequal by the order of the Govt. to ban SMS services of prepaid mobile subscribers of the state.
- 7) That SMS communication is less harmful than phone calls and in absence of SMS facility, people are using more phone calls and this will affect their health. So ban on SMS may lead to bad health of the innocent citizens of the state.
- 8) That the ban on SMS services of prepaid mobile subscribers in the state has deprived the prepaid mobile subscribers of many services available on the internet which requires the subscriber to register their mobile no. to receive verification code or other codes etc sent by the service provider through SMS for the successful registration of the concerned services.
- 9) That the prepaid mobile subscribers of the state are deprived of their right to book online tickets from service providers like Indian railways etc. as the said service providers require a mobile no. to be registered to receive SMS. As in case of internet reservation of tickets on the portal of Indian Railways i.e [www. Irctc.co.in](http://www.irctc.co.in) , the person has to create an account to generate a username and password for the booking of tickets. The person has to mention/provide his/her mobile no. during the sign up process to

Sign



receive a mobile verification code. A mobile verification code is sent by the Indian Railways to the registered mobile no. of the person and the person is required to submit that mobile verification code to complete the sign up process. But unfortunately in the absence of SMS services of the prepaid mobile subscribers of the state, the prepaid subscribers do not receive any mobile verification code from the Indian railways and hence do not able to book online tickets from the portal.

10) That as per the Govt. norms the SMS sent by the Indian Railways about booking details is a valid proof for traveling and this also saves unnecessary taking of printout of tickets on papers and thus saves the environment as well. But unfortunately again the prepaid mobile subscribers of the state are deprived of these facilities because of the ban on SMS services.

11) That almost all airline companies sends SMS to the passengers about their flight and booking details and the SMS received is a valid proof to get Boarding pass of the respective airlines and apart from easing the travel of the passenger it also saves the environment. But unfortunately again the prepaid mobile subscribers of the state are deprived of these facilities because of the ban on SMS services.

12) That to create account in many e-mail service provider portals, registration of the mobile no. is must to receive the verification code through SMS sent by the e-mail service provider companies. But again in the absence of SMS services in the state, the pre paid mobile subscribers do not receive any SMS and ultimately suffers in the process of creating an account for availing and enjoying the e-mail services.

13) That mobile banking has become a very powerful tool these days as it saves time and resources to get the updates of account and transactions. Unfortunately the prepaid mobile subscribers of the state are deprived of availing and enjoying the mobile banking facility provided by many banks because of the ban on SMS service facilities of the prepaid mobile subscribers of the state.

14) That there is a large Scale unemployment in the state of Jammu and Kashmir and many unemployed youths register themselves on various job portals which send them SMS alerts about various Job openings. Unfortunately because of the Ban on SMS services of prepaid mobile subscribers these unemployed youths are deprived of availing the information on various job openings.

15) That registration of the mobile no. to send details of booking of gas cylinder through SMS is required by many gas cylinder service providing companies. Again in the absence of SMS service facility the prepaid mobile subscriber is made to face hardships in this regard also.

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16) That there are many informative messages which are sent through SMS by companies and organizations to promote their products and services. The SMS alert sent by the CBI department, vigilance organizations, pulse polio immunization and other election related SMS are being sent by these respective departments/organizations/agencies etc from time to time to inform and educate the citizens about their rights and complaint process. But again because of the biased approach of the Govt. towards the prepaid mobile subscribers of the state they are denied of this right to be informed and educated.

That there are many other important services and facilities which require the registration of the mobile no. to receive SMS alerts and in the wake of SMS ban the unfortunate prepaid mobile subscribers of the state are deprived of all these facilities.

That keeping in your kind consideration all the above mentioned facts and submissions made, you are therefore requested to kindly lift the ban on SMS services of prepaid mobile subscribers of the J&K state at the earliest as the ban is unconstitutional, non democratic, useless, illogical and irrelevant.

That your action can bring a wave of happiness among people in J&K and their faith upon transparent, humane and fair system of governance will become strong and they would be able to exercise their rights properly.

That the petitioner would also like to put in your kind notice that in the event of failure to lift ban on the SMS services in the state of Jammu and Kashmir, the petitioner would resort to ask for the intervention of the Hon'ble court while filing a Public Interest Litigation (PIL) in this regard.

You are also requested to intimate the petitioner about the steps taken and development made in this regard.

Thanking You.

Sincerely Yours
Deepak Sharma

(Petitioner)

R/o Mandlik Bhawan,
412-C, Jeevan Nagar,
Jammu-180010, J&K.

India.

Mob.: +919419110579

E-mail : rtiactjk@gmail.com

Dated:

Sign.