

Sl. No. 241

RTI MATTER/TIME BOUND

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

New Delhi. Dated the 05<sup>th</sup> December, 2013.

OFFICE MEMORANDUM

Subject: Transferring of application of Shri Arun Kumar Gupt under the Right to Information Act, 2005.

Please refer to Ministry of Law & Justice OM No. 24(37)/2013-IC dated 06/1/2013 vide which they have forwarded the copy of CIC's order No. CIC/SS/A/2013/002569 dated 29.10.2013 and application of Shri Arun Kumar Gupt to this Ministry.

2. Since the subject matter of the application pertains to Department of Telecommunication and IS- Division of this Ministry, CIC's Order alongwith the RTI application is being transferred to them for taking necessary action.

Encl as above

(V.K. Rajan)  
Dy. Secretary (E) & CPIO

(i) Central Public Information Officer,  
Department of Telecommunication,  
Sanchar Bhawan, Ashoka Road,  
New Delhi.

(ii) Director (IS-I)  
Ministry of Home Affairs,  
North Block,  
New Delhi.

Copy for information to :

Shri Arun Kumar Gupt,  
Central Jail, Naini,  
Allahabad- 211008.

Pl note &  
send to DGM (V)  
To  
10/12

PA  
Noted

RTI-241/Dir(25-25)/13  
11/12/13

D-057755635 IN/01/11/13



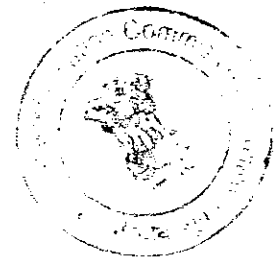
Central Information Commission  
Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,  
Bhikaji Cama Place, New Delhi-110066  
Web: www.cic.gov.in Tel No: 26167931

Case No. CIC/SS/A/2012/002569  
Dated: 29.10.2013

Name of the Appellant: A.K Gupta  
Name of the Public Authority: Department of Legal Affairs  
Date of Hearing: 28.10.2013

ORDER

1. The appellant is being heard via video conference from Naini Jail. The respondent is being represented by K. Ginkaanthang (CPIO) and Asha Sita (APIO).
2. The appellant filed an RTI application dated 21.4.2012 seeking information with regard to cases where mobile call records are utilized. The appellant sought to know whether the appellant can also obtain mobile call details to defend his case. The CPIO vide reply dated 7.5.2012 held that the RTI Act extends only to seeking information as defined in section 2 (f) and also that information sought by the appellant was in nature of queries amounting to seeking legal advice. Not satisfied with the reply the appellant filed first appeal dated 15.5.2012 which was disposed of vide order dated 25.5.2012 wherein the reply of the CPIO was upheld by the first appellate authority.



Most Immediate  
CIC Compliance

F. No.24 (37)2013-JC  
Government of India  
Ministry of Law & Justice  
Department of Legal Affairs  
IMPLEMENTATION CELL

Shastri Bhawan, New Delhi  
Dated: 6.11.2013.

OFFICE MEMORANDUM

Subject: Transfer of an application of Shri Arun Kumar Gupt. u/s 6 (3) of the RTI Act, 2005 under RTI Act, 2005

In compliance to the Hon'ble CIC's Order No. CIC/SS/A/2012/002569 dated 29.10.2013 (copy enclosed), the undersigned is to transfer herewith, u/s 6 (3) of the RTI Act, 2005, an application dated 23.8.2013 of Shri Arun Kumar Gupt, for appropriate action, as the subject matter of the application pertains to Ministry of Home Affairs.

2. The fee for seeking information has not been received in this Department.

Encl: As above:

(K.Ginkhan Thang) 6/11/13

Central Public Information Officer  
Tel. No. 23384706

✓  
Smt. Shyamala Mohan  
Director (A&V)  
MHA,  
North Block,  
New Delhi-110001.

Copy to: (1) Shri Arun Kumar Gupta, (Through Sr. Superintendent Jail, Central Jail), Naini, Allahabad-211008.

(2) Shri D.C.Singh, Deputy Registrar, Central Information Commission, Room No. 305, 2<sup>nd</sup> Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 w.r.t. their Order No. CIC/SS/A/2012/002569 dated 29.10.2013,.

5/13  
(RTI)  
Sd/(RTI)  
12/11

3. During the hearing the respondent clarified that the laws/rules/procedure regarding obtaining call records from the concerned authority is not under their domain.

4. In view of the above, the respondent is directed to transfer the said RTI application to the Ministry of Home Affairs under section 6 (3) of the RTI Act for furnishing a proper reply to the application within five days from the receipt of the order.

The appeal is disposed off accordingly.

*Sushma Singh*  
Sushma Singh,

Information Commissioner

Authenticated True Copy:

*(Signature)*

(DC Singh)

Deputy Registrar



Name & Address of Parties:

1. Appellant:  
Arun Kumar Gupta  
Through Sr. Superintendent Jail,  
Central Jail,  
Naini, Allahabad - 211008

R&I/Dy. No. 2086  
Dated. 6-11-13

2. Public Information Officer &  
Under Secretary (IC),  
Department of Legal Affairs,  
Shastri Bhawan, New Delhi

3. First Appellate Authority &  
Jt. Secretary IC/ Legal Adviser  
Room No. 406-B,  
"A" Wing, Shastri Bhawan,  
New Delhi - 110001

RTI/CA

21 (641) / 2012-2

सूचना

जन सूचना अधिकारी,  
विधि मंत्रालय,  
भारत सरकार,  
नई दिल्ली

शिक्षण

सूचना का विवरण, अधिनियम-2005 के अर्जी नं. 3(3)(b)-1987

आवेदक : अरुण कुमार गुप्ता

पता : केन्द्रीय कारागार, नैनी, इलाहाबाद - 211007

अपेक्षित सूचना : -

विधि मंत्रालय  
आदि 1000 केन्द्रों पर  
4 MAY 2012  
690  
अनु. डाकरी सं.

कुछ मुकदमों में मोबाइल फोन डिटेल्स का उपयोग साक्ष्य के रूप में अभियोजन द्वारा किया जाता है। इस संबंध में कृपया यह सूचित करने की कृपा करें कि क्या अभियुक्त भी निर्दोषिता साबित करने के लिये 'मोबाइल फोन डिटेल्स' प्राप्त कर सकता है?"

कृपया अपेक्षित सूचना पंजीकृत डाक अथवा स्पीड पोस्ट के माध्यम से उपलब्ध करवाने की कृपा करें।

आवेदन - शुल्क के रूप में भारतीय पोस्टल ऑर्डर संख्या '570 812677' तथा '570 812678' प्रत्येक मूल्य ₹ 5.00 (कुल मूल्य ₹ 10.00) संलग्न है।

स्थान : केन्द्रीय कारागार, नैनी  
दिनांक : 21/4/2012

आवेदक  
अरुण कुमार गुप्ता  
(अरुण कुमार गुप्ता)

संलग्नक : भारतीय पोस्टल ऑर्डर - 2

Reply of Sl No. 241  
Reply of Sl no. 247 RTI Matter  
By Speed Post

No. II.20034/35/2013-IS.II/M  
Government of India  
Ministry of Home Affairs  
(IS.I Division/IS.II Desk)

North Block, New Delhi,  
Dated: 24 Dec, 2013

To

Shri Arun Kumar Gupt  
Central Jail, Naini,  
Allahabd-211008.

Sub: Application of Shri Arun Kumar Gupt seeking information under Right to Information Act, 2005.

Sir,

Please refer to CIC decision No CIC/SS/A/2012/002569 dated 29.10.2013, received in the office of undersigned on 11.12.2013 vide MHA OM No A-43020/01/2013-RTI dated 03.12.2013 and Ministry of Law and Justice OM No 24 (37)/2013-IC dated 6.11.2013.

2. Reply of information sought is as under:

Call data records (CDRs) can be sought by investigation agencies in accordance with the Code of Criminal Procedure, 1973 or by the authorised law enforcement agencies under authorisation from the Competent Authority under Section 5(2) of Indian Telegraph Act, 1885 read with Rule 419 A of Indian Telegraph (Amendment) Rules, 2007. These Acts are already available in public domain. In addition, in case there is any such statutory provision in any other law, the same can be complied by the concerned authority.

3. The issue whether the subscriber can obtain his/her own mobile call date records falls in the preview of Department of Telecom. To that extent, the RTI applicant is transferred to DoT u/s 6 (3) of RTI Act, 2005 to provide desired information to the applicant.

4. 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.

5. Hindi version will follow.

Yours faithfully,



(Rakesh Mittal)

Director (Internal Security-I) & CPIO.

Copy to:

1. Ms Sushma Singh, Information Commissioner, Central Information Commission, R.No.305, B-Wing, II Floor, August Kranti Bhavan, Bhikaji Cama Place New Delhi - 110 066 with reference to CIC decision No CIC/SS/A/2012/002569 dated 29.10.2013.
2. Shri R. Shakya, Director (S.II) & CPIO, Department of Telecommunications, Sanchar Bhavan, 20 Ashoka Road, New Delhi for providing information as per para 3, Copy of CIC order along with RTI application is enclosed.