

Sl No. 247

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 12th December, 2013.


OFFICE MEMORANDUM

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

This Ministry has received an OM No. 24(37)/2013-IC dated 06/11/2013 from the Ministry of Law and Justice vide which they have transferred application of Shri Arun Kumar Gupt along with a copy of CIC's order No. CIC/SS/A/2013/002569 dated 29.10.2013 (received in this Ministry on 25.11.2013).

2. This Ministry has already transferred the same vide OM of even number dated 09th December, 2013. The papers are again forwarded for necessary action.

Encl as above


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

Handwritten notes:
K note &
send to
DCM(D) for To
ack

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

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

Handwritten notes:
RTI - 247/Dir (25-2)/13
19/11/13

Handwritten notes:
PA
Noted

Copy for information to :

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

CR-2007457 (SVC 624) /13

25/11/13

7171/RTI/2013
2/11/13

Most Immediate
CIC Compliance

F. No.24 (37)/2013-IC
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 (5) 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 (5) 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:

2nd part
of CIC
document
available

[Signature]
6/11/13

(K.Ginkhan Thang)
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, 2nd 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.

25/11/13

65 (RTI)

50 (RTI)

25/11

[Handwritten signature]

21 (641) / 2012-2

सेवा में,

जन सूचना आयोग,
विधि मंत्रालय,
भारत सरकार,
नई दिल्ली.

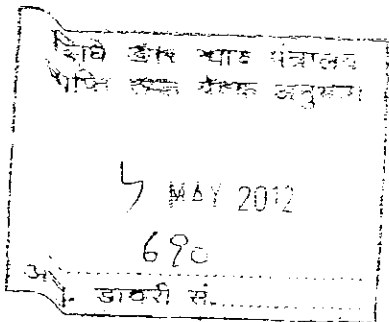
महोदय,

सूचना का अधिकार, अधिनियम-2005 के अर्धीन आवेदन-पत्र

आवेदक : अरुण कुमार गुप्त

पता : केन्द्रीय कारागार, नैनी, इलाहाबाद - 211008

अपेक्षित सूचना : -



“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 अभिप्रेत भी निर्दिष्ट 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

‘57C 812677’ तथा ‘57C 812678’ प्रत्येक मूल्य रु 5=00 (कुल मूल्य रु 10=00) संलग्न है।

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

आवेदक
अरुण कुमार गुप्त

(अरुण कुमार गुप्त)

संलग्नक : भारतीय पोस्टल ऑर्डर-2



Central Information Commission
Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,
Shikaji 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

The appellant is being heard via video conference from Naini Jail. The respondent is being represented by K. Ginkanthang (CPIO) and Asha Sita (APIO).

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.



SECRET

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 03rd 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-JC dated 05/1/2013 vide which they have forwarded the copy of CIC's order No. CIC/SS/A/2013/002589 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

o/c

(V.K. Rajan)

Dy. Secretary (E) & CPIO

To

(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.

NV 10/11/13

COPIES ISSUED
03 DEC 2013
SECRETARY (E) & CPIO
MINISTRY OF HOME AFFAIRS
NEW DELHI

Copy for information to :

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

Most Immediate
CIC Compliance

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

Shyami Bhawan, New Delhi
Dated: 6.11.2013.

OFFICE MEMORANDUM

Transfer of an application of Shri Arun Kumar Gupta, s/o G (B) 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 10.10.2013 (copy enclosed), the undersigned is to transfer herewith, s/o G (B) of the RTI Act, 2005, an application dated 23.8.2013 of Shri Arun Kumar Gupta, for appropriate action, as the subject matter of the application pertains to Ministry of Home Affairs.

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

As above

(H. Ginkhan Thang)

Central Public Information Officer
Tel. No. 23384706

mt. 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-201003.

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

ED-05775635 IN/01/11/13



Central Information Commission
Room No. 30
2nd Floor, 'B' Wing, August Kranti Bhavan,
Bh... Cama Place, New Delhi-110066
Web: www.cic.gov.in Tel No: 26197931

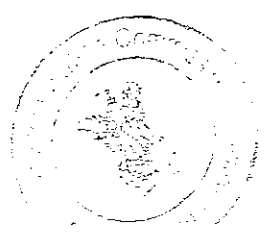
Case No. CIC/SS/A/2012/002569
Dated: 23.10.2013

Name of the Appellant: A.K Gupta
Name of the Public Authority: Department of Legal Affairs
Date of Hearing: 25.10.2013

ORDER

Appellant is being heard via video conference from Naini Jail. The respondent is being represented by K. Ginkanthang (CPIO) and Asha Sita (IO).

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 held by the first appellate authority.



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 5 (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:


(DC Singh)
Deputy Registrar



Name & Address of Parties:

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

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

RTI/CA
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

21 (611) / 2012-2

सेवा में,

जन सूचना आयोग,
निति मंत्रालय,
भारत सरकार,
नई दिल्ली

सहयोग,

सूचना का अधिकार, अधिनियम-2005 के अंतर्गत आयोग-03

आवेदक : अरुण कुमार गुप्ता

पता : केन्द्रीय कारागार, नैनी, उदुपट्टा-211003

अपेक्षित सूचना : -

विधि एवं आचरण मंत्रालय
आयि संख्या सं/सं/अनु/सं/सं
5 MAY 2012
690
अनु. कार्यवाही सं.

“कुछ मुकदमों में मोबाइल फोन डिटेल्स का उपयोग सक्षम 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?”

21/5/12
एन.ए.ए.

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

एन।/ए।

आवेदन - शुल्क के रूप में भारतीय पोस्टल आर्डर संख्या '57C 812677' तथा '57C 812678' प्रत्येक मूल्य रु 5=00 (कुल मूल्य रु 10=00) संलग्न है।

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

आवेदक
अरुण कुमार गुप्ता
(अरुण कुमार गुप्ता)

संलग्नक : भारतीय पोस्टल आर्डर-2

Reply of S. No. 241

Reply of S. 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: 20 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.