

No.A-43020 01 2014-RTI
Government of India Bharat Sarkar
Ministry of Home Affairs Grih Mantralaya

New Delhi, Dated the 5/3/2014.

OFFICE MEMORANDUM

Subject: Application of Shri/Smt/Kum. Ehtesham Autubuddin Siddiqui under the Right to Information Act, 2005.

The undersigned is directed to forward herewith an application dated 18.2.2014 under the RTI Act, 2005 of Shri/Smt Kum. Ehtesham Autubuddin Siddiqui (received in this Ministry on 24.2.2014 by transfer from IS-I 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. dated /2014 (copy enclosed) not paid the fee since he claims to belongs to the Below Poverty Line (BPL) Category.

Encl: As above.

RTI-304/Dir (IS-I)/14
7/3/14



(S. Samanta)

Under Secretary to the Govt. of India.

To

Director (IS-I)
M/o Home Affairs
North Block,
New Delhi

Copy for information to:

Shri/Smt/Ms. Ehtesham Autubuddin Siddiqui
U.T.-32, Andra cell,
Mumbai Central Prison,
Arthur Road, Mumbai - 400011 (M.S)

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

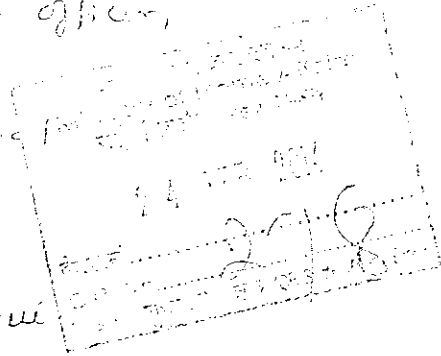
U transfer
to Dir (IS-I)
Ms 6(3)
Noted for
7/3

1222/RTI/2014
11/3/14

No. RTI-11/3/2014 Date: 18.02.2014

APPLICATION U/S 6(1) OF RIGHT TO INFORMATION ACT 2005

TO: The Central public information officer,
Ministry of Home Affairs
North Block, New Delhi - 110001



(1) FULL NAME OF THE APPLICANT:

Ehtesham Qutubuddin Siddiqui

(2) ADDRESS: UT-32, Anda Cell, Mumbai Central Prison
Arthur Road, Mumbai - 400011, M.S.

(3) PARTICULARS OF THE INFORMATION REQUIRED:

(i) Subject matter of the information:

Ban on SIM1

(ii) The period to which information relates:

2001

(iii) Description of the information Required:

- Kindly furnish the True copy (एक सच) of notification No. S.O. 961(E) & S.O. 960(E) dated 27-09-2001 issued to Ban on SIM1.
- Kindly furnish the Date & Time for dispatching the aforesaid the notification to department of publication for printing in official gazette.
- Kindly furnish the true copy of fax receipt by which the aforesaid notification sent to Maharashtra State on 27-09-2001 alongwith time of fax, which is by No. 3010501.

(iv) whether the information is required by post or in person:-

By speed or Registered post.

(4) WHETHER THE APPLICANT IS BELOW POVERTY LINE ?

Yes, proof is the order of the Registrar (finance & budget), High Court, Bombay, which declares the applicant under below poverty line category due to confinement in jail is annexed hereto marked as EXHIBIT-A (Page No. 2-4, read para 3 & 4). Hence no such fee shall be charged u/s 6(U), 7(1) & 7(5) of RTI Act 2005, and therefore all the information sought shall be provided in free of cost.

MUMBAI
18-02-2014

SIGNATURE OF THE APPLICANT

Before the Appellate Authority, Registrar (Finance & Budget),
High Court, Mumbai

R.TI. EA. NO. 180 OF 2011

R.I.A APPLICATION NO. 943 OF 2011

Under Section 19(1) Act, 2005

Ehtesham Qutubuddin Siddiqui ...Appellant

v/s.

Public Information Officer,
High Court, Bombay

...Respondent

Facts :

1. The Appellant claims to be an Under Trial Prisoner No.202 presently lodged in "Anda" cell, Central Prison, Arthur Road, Mumbai. He moved an application seeking information which can be reproduced as below :

a) Kindly furnish the True/certified copy of all documents related to Cri.Writ Petition No.1377/2008, alongwith Judicial enquiry report filed by Hon'ble Principal Judge, Mumbai.

b) Kindly furnish the copy of all Judgments of High Court Bombay delivered for the offence related to MCOCA 1999, of the period between 1999 to till date.

c) Kindly furnish the copy of all Judgments of High Court delivered regarding CDR(calls details record) of mobile phone.

2. The Public Information Officer by impugned communication dated 2nd December, 2011 rejected the application on the grounds that information sought for relates to Judicial functions and proceedings and therefore, exempted from disclosure under Rule 13(b) of Bombay High Court Right to Information(Revised) Rules, 2009, inter-alia, informed the Appellant that in view of voluminous record it would be practically difficult to supply the information as it would disproportionately divert the resources of public authority.

Dissatisfied with the said communication, Appellant has preferred the instant appeal.

3. Undoubtedly, Appellant is an under trial prisoner. He has a right to seek information under the Right to information Act. The Right to Information Act is silent on the point as to whether a convict or an under trial prisoner can be considered to be a person below poverty line; Nevertheless, it can definitely be construed that a convict or an under trial prisoner is a person who is below poverty line by resorting to clause(g) of Section 12 of the Legal Service Authorities Act, 1987 which provides for a "legal service to a person who is in custody.....".

4. The proviso to Rule 5 of Section 7 of the Right to Information Act, 2005 also postulates and I quote " provided that fees under Section 6(1) and Section 7(1) &(5) shall be reasonable and no such fee shall be charged on the person who are below poverty line".

Rule (19) of the Bombay High Court Right to Information(Revised)Rules, 2009 provides "An applicant living below the poverty line shall, on production of a copy of the certificate issued by the Competent Authority alongwith the application, be provided the desired information and copies free of cost under these Rules.

5. Turning back to the information sought for at item No.3(iii)(a), the Appellant is entitled to seek certified copy of all the documents related to Criminal Writ Petition No.1377/08. The Public Information is directed to supply the information to the Appellant within 15 working days from the date of receipt of this order.

6. As regards Item No.(b)and(c), the Appellant has sought copies of all Judgments of High Court for the offence related to MCOCA for the period between 1999 till date and copies of all Judgments of High Court delivered regarding the call details record of Mobile Phone. The Appellant is not entitled to seek these informations for the reasons enumerated by Public Information Officer in Para 2 of the impugned communication. The Public Information Officer has rightly informed the Appellant that the aforesaid information can be had by taking search

(4)

and inspection of relevant record as per the procedure prescribed in the Bombay High Court, Original as well as Appellate Side Rules.

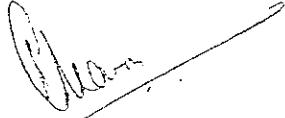
7. In view of the foregoing discussion the appeal is partly allowed to the extent as above.

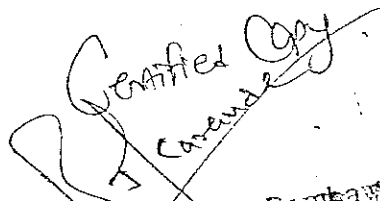
8. The Public Information Officer is directed to supply the information sought for by the Appellant at Para 3(iii) (a) within a period mentioned hereinabove.

9. The Appeal stands disposed of in terms of above.

The Appellant be informed accordingly.

Dated : 31st January, 2012


Registrar (Finance & Budget)
First Appellate Authority


for. P.I.O. High Court, Bombay

Reply of Sl No. 304

RTI MATTER
By Speed Post

No. II/20034/20/2013-(IS-II)(Pt.)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
(IS-I DIVISION)

North Block, New Delhi.
Dated 07 March 2014

To

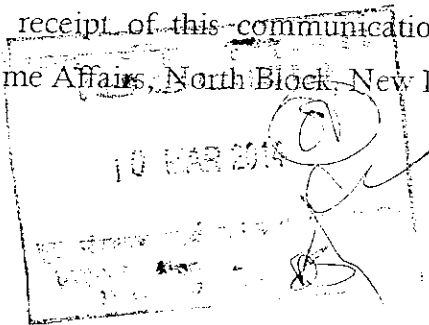
Shri Ehtesham Qutubuddin Siddiqui
UT-32, Anda Cell
Mumbai Central Prison.
Arther Road
Mumbai - 400 011
Maharashtra

Subject: Information sought under Right to Information Act, 2005 - reg.

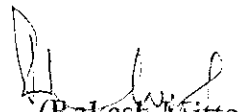
Sir.

With reference to your RTI application dated 18.2.2014, received in the office of undersigned on 07.03.2014, it is informed that the information sought by you vide your RTI application is not available in the records of IS-II Desk, for which I am the CPIO. However, the application is being transferred to Director (IS-II), MHA under Section 6 (3) of the RTI Act 2005, to provide information to the applicant directly

2. In case you are not satisfied with the reply, you may prefer an appeal within 30 days from the receipt of this communication to Shri Rakesh Singh, Joint Secretary (IS-I), Ministry of Home Affairs, North Block, New Delhi who is the appellate authority in this case.



a/c


(Rakesh Mittal)
Director (IS-I) & CPIO
Tel.23092132

Copy to

1. Shri R.K. Suman, Director (IS-II) & CPIO, Ministry of Home Affairs, North Block, New Delhi alongwith a copy of RTI application

2. Shri S. Samanta, US (RTI) vide your OM No.A-43020/1/2014-RTI dated 5.3.2014.

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