MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)
NOTIFICATION
New Delhi, the 16th February, 1999

G.S.R. 123(E).—In exercise of the powers conferred by
section 7 of the Indian Telegraph Act, 1885 (13 of 1885) and
in supersession of notification of Government of India,
Ministry of Communications, number GSR 260 (E) dated the
28th January, 1999, the Central Government hereby makes the
following rules further to amend the Indian Telegraph Rules,
1951, namely:—

1. (1) These rules may be called the Indian Telegraph

(2) They shall come into force on the date of their
publication in the Official Gazette.

2. In the Indian Telegraph Rules, 1951, after rule 419, the
following rule shall be inserted, namely:—

"419A (1) Directions for interception of any message or class
of messages under sub-section (2) of section 5 of the Indian
Telegraph Act, 1885 (hereinafter referred to as the said Act)
shall not be issued except by an order made by the Secretary
to the Government of India in the Ministry of Home Affairs in
the case of Government of India and by the Secretary to the
State Government in charge of the Home Department in the case of
a State Government. In emergent cases such order may be made by
an officer, not below the rank of a Joint Secretary to the Gover-
nment of India, who has been duly authorised by the Union Home
Secretary or the State Home Secretary, as the case may be. Such or shall contain reasons for such direction. A copy of such order shall be forwarded to the concerned Review Committee within a period of seven days:

Provided that in emergent cases, -

(i) in remote areas, where obtaining of prior directions for interception of messages or class of messages is not feasible; or

(ii) for operational reasons, where obtaining of prior directions for interception of messages or class of messages is not feasible

the officer concerned may carry out the required interception of messages or class of messages subject to its confirmation from the concerned competent officer within a period of fifteen days.

(2) While issuing directions under sub-rule (1) the officer shall consider possibility of acquiring the necessary information by other means and the directions under sub-rule (1) shall be issued only when it is not possible to acquire the information by any other reasonable means.

(3) The interception directed shall be the interception of any message or class of messages as are sent to or from any person or class of persons or relating to any particular subject whether such messages or class of messages are received with one or more addresses, specified in the order, being an address or addresses likely to be used for the transmission of communications from or to one particular person specified or described in the order or one particular set of premises specified or described in the order.

(4) The directions shall specify the name and designation of the officer or the authority to whom the intercepted message or
class of messages is to be disclosed and also specify that the use
of intercepted message or class of messages shall be subject to
the provisions of sub-section (2) of section 5 of the said Act and
the copies of the intercepted message or class of messages shall
be destroyed when no longer required.

(5) The directions for interception shall remain in force,
unless revoked earlier, for a period not exceeding ninety days
from the date of issue and may be renewed but same shall not remain
in force beyond a total period of one hundred and eighty days.

(6) The officer issuing the directions for interception shall
also make a request in writing to the Telegraph Authority who shall
extend the facilities and cooperation for interception mentioned
in the directions.

(7) The officer authorised to intercept any message or class
of messages shall maintain proper records mentioning therein, the
intercepted message or class of messages, the particulars of per-
sonts whose message has been intercepted, the name and other parti-
culars of the officer or the authority to whom the intercepted
message or class of messages has been disclosed, the number of
copies of the intercepted message or class of messages made and
the mode or the method by which such copies are made, the date of
destruction of the copies and the duration within which the
directions remain in force.

(8) The Central Government and the State Government, as the
case may be, shall constitute a Review Committee. The Review
Committee to be constituted by the Central Government shall consist
of the following, namely:

(a) Cabinet Secretary

Chairman
(b) Secretary to the Government of India
Incharge, Legal Affairs
Member

(c) Secretary to the Government of India
Ministry of Telecommunications
Member

The Review Committee to be constituted by a State Government shall consist of the following, namely:

(a) Chief Secretary
Chairman

(b) Secretary Law/Legal Remembrancer
Member

(c) Secretary to the State Government
(Other than the Home Secretary)
Member

(2) The Review Committee within a period of sixty days from the issue of the directions shall make necessary enquiries and investigations and record its findings whether the directions issued under sub-rule (1) are in accordance with the provisions of sub-section (2) of section 5 of the Act. When the Review Committee is of the opinion that the directions are not in accordance with the provisions referred to above, it may set aside the directions and order for destruction of the copies of the intercepted message or class of messages.

[File No. 9-70/66-P.H.A]
N. R. MOKHARIWALE, Sr. Dy. Director General (CS)
and Ex-Officio Addl. Secy.

Part Note — The principal rules, as amended up to 01-09-1994 have been published in P&T Manual Vol.I, legislative enactments, Part II, Sixth edition and these have been subsequently amended as under:

2. G.S.R. 729 dated 03-08-1985
4. G.S.R. 553(E) dated 27-03-1986
5. G.S.R. 314 dated 26-04-1986
6. G.S.R. 953(E) dated 22-07-1986
7. G.S.R. 556 dated 26-07-1986
8. G.S.R. 1121(E) dated 28-11-1986
10. G.S.R. 1237(E) dated 28-11-1986