

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 supercession of notification of Government of India, Ministry of Communications, number GSR 260 (E) dated the 28th January, 1998, 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 (First Amendment) Rules, 1999.

(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 Government of India, who has been duly authorised by the Union Home

Secretary or the State Home Secretary, as the case may be. Such order 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, -

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

(11) 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 message 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 attend the facilities and cooperation for interception mentioned in the directions.

(7) The officer authorized to intercept any message or class of messages shall maintain proper records mentioning therein, the intercepted message or class of messages, the particulars of persons whose message has been intercepted, the name and other particulars 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

(9) The Review Committee within a period of sixty days from the issue of the directions shall suo moto 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. 9-70/96-P. H. A.]

N. R. MOKHARIWALE, Sr. Dy. Director General (CS)
and Ex-Officio Addl. Secy.

Foot Note :- The principal rules, as amended upto 01-09-1984 have been published in P&T Manual Vol.I, legislative enactments, Part II, Sixth edition and these have been subsequently amended as under:

1. G.S.R. 428 dated 27-04-1985
2. G.S.R. 729 dated 03-08-1985
3. G.S.R. 982 dated 19-10-1985
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
9. G.S.R. 167(E) dated 28-11-1986
10. G.S.R. 1237(E) dated 28-11-1986