

**MINISTRY OF COMMUNICATIONS AND
INFORMATION TECHNOLOGY**

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 1st March, 2007

G.S.R. 193(E).—In exercise of the powers conferred by Section 7 of the Indian Telegraph Act, 1885 (13 of 1885), 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 (Amendment) Rules, 2007.
- (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 substituted, 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 unavoidable circumstances, 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 authorized by the Union Home Secretary or the State Home Secretary, as the case may be :

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 required interception of any message or class of messages shall be carried out with the prior approval of the Head or the second senior most officer of the authorized security i.e. Law Enforcement Agency at the Central Level and the officers authorized in this behalf, not below the rank of Inspector General of Police, at the state level but the concerned competent authority shall be informed of such interceptions by the approving authority within three working days and that such interceptions shall be got confirmed by the concerned competent authority within a period of seven working days. If the confirmation from the competent authority is not received within the stipulated seven days, such interception shall cease and the same message or class of messages shall not be intercepted thereafter without the prior approval of the Union Home Secretary or the State Home Secretary, as the case may be.

- (2) Any order issued by the competent authority under sub-rule (1) shall contain reasons for such direction and a copy of such order shall be forwarded to the concerned Review Committee within a period of seven working days.
- (3) 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.
- (4) 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 receive 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.
- (5) 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.
- (6) The directions for interception shall remain in force, unless revoked earlier, for a period not exceeding sixty days from the date of issue and may be renewed but the same shall not remain in force beyond a total period of one hundred and eighty days.
- (7) The directions for interception issued under sub-rule (1) shall be conveyed to the designated officers of the licensee(s) who have been granted licences under Section 4 of the said Act, in writing by an officer not below the rank of Superintendent of Police or Additional Superintendent of Police or the officer of the equivalent rank.
- (8) The officer authorized to intercept any message or class of message 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.

- (9) All the requisitioning security agencies shall designate one or more nodal officers not below the rank of Superintendent of Police or Additional Superintendent of Police or the officer of the equivalent rank to authenticate and send the requisitions for interception to the designated officers of the concerned service providers to be delivered by an officer not below the rank of Sub-Inspector of Police.
- (10) The service providers shall designate two senior executives of the company in every licensed service area/State/Union Territory as the nodal officers to receive and handle such requisitions for interception.
- (11) The designated nodal officers of the service providers shall issue acknowledgment letters to the concerned security and Law Enforcement Agency within two hours on receipt of intimations for interception.
- (12) The system of designated nodal officers for communicating and receiving the requisitions for interceptions shall also be followed in emergent cases/unavoidable cases where prior approval of the competent authority has not been obtained.
- (13) The designated nodal officers of the service providers shall forward every fifteen days a list of interception authorizations received by them during the preceding fortnight to the nodal officers of the security and Law Enforcement Agencies for confirmation of the authenticity of such authorizations. The list should include details such as the reference and date of orders of the Union Home Secretary or State Home Secretary, date and time of receipt of such orders and the date and time of implementation of such orders.
- (14) The service providers shall put in place adequate and effective internal checks to ensure that unauthorized interception of messages does not take place and extreme secrecy is maintained and utmost care and precaution is taken in the matter of interception of messages as it affects privacy of citizens and also that this matter is handled only by the designated nodal officers of the company.
- (15) The service providers are responsible for actions of their employees also. In case of established violation of licence conditions pertaining to maintenance of secrecy and confidentiality of information and unauthorized interception of communication, action shall be taken against the service providers as per Sections 20, 20A, 23 and 24 of the said Act, and this shall include not only fine but also suspension or revocation of their licenses.
- (16) 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, Department 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 Incharge, Legal Affairs —Member
(c) Secretary to the State Government (other than the Home Secretary) —Member

- (17) The Review Committee shall meet at least once in two month 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 said 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 orders for destruction of the copies of the intercepted message or class of messages.
- (18) Records pertaining to such directions for interception and of intercepted messages shall be destroyed by the relevant competent authority and the authorized security and Law Enforcement Agencies every six months unless these are, or likely to be, required for functional requirements.
- (19) The service providers shall destroy records pertaining to directions for interception of message within two months of discontinuance of the interception of such messages and in doing so they shall maintain extreme secrecy.

[F. No. 13-1/2006-BS.II]

N. PARMESWARAN, Dy. Director General (AS)
& ex. officio Jt. Secy.

Foot Note : The principal rules have been published in the Post & Telegraph Manual Volume I, Legislative Enactments, Part II, Edition. These have subsequently been amended as under :

1. G.S.R. 190 dt. 18-2-1984
2. G.S.R. 386(E) dt. 22-5-1984
3. G.S.R. 387(E) dt. 22-5-1984
4. G.S.R. 679 dt. 30-6-1984

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| 5. G.S.R. 428 dt. 27-4-1985 | 30. G.S.R. 888 (E) dt. 1-9-1988 |
| 6. G.S.R. 729 dt. 3-8-1985 | 31. G.S.R. 907(E) dt. 7-9-1988 |
| 7. G.S.R. 982 dt. 19-10-1986 | 32. G.S.R. 916(E) dt. 9-9-1988 |
| 8. G.S.R. 553 (E) dt. 27-3-1986 | 33. G.S.R. 1054(E) dt. 2-11-1988 |
| 9. G.S.R. 314 dt. 26-4-1986 | 34. G.S.R. 179 dt. 18-3-1989 |
| 10. G.S.R. 566 dt. 26-7-1986 | 35. G.S.R. 358 (E) dt. 15-3-1989 |
| 11. G.S.R. 953 (E) dt. 23-7-1986 | 36. G.S.R. 622(E) dt. 15-6-1989 |
| 12. G.S.R. 1121 (E) dt. 1-10-1986 | 37. G.S.R. 865 (E) dt. 29-9-1889 |
| 13. G.S.R. 1167 (E) dt. 28-10-1986 | 38. G.S.R. 413 (E) dt. 29-3-1989 |
| 14. G.S.R. 1237 (E) dt. 28-11-1986 | 39. G.S.R. 574 (E) dt. 15-6-1990 |
| 15. G.S.R. 49 dt. 17-1-1987 | 40. G.S.R. 933 (E) dt. 3-12-1990 |
| 16. G.S.R. 112(E) dt. 25-2-1987 | 41. G.S.R. 985 (E) dt. 20-12-1990 |
| 17. G.S.R. 377 (E) dt. 9-4-1987 | 42. G.S.R. 74 (E) dt. 18-1-1991 |
| 18. G.S.R. 674 (E) dt. 27-7-1987 | 43. G.S.R. 237 (E) dt. 25-4-1991 |
| 19. G.S.R. 719 (E) dt. 18-8-1987 | 44. G.S.R. 251 (E) dt. 2-5-1991 |
| 20. G.S.R. 837 (E) dt. 5-10-1987 | 45. G.S.R. 543 (E) dt. 21-5-1992 |
| 21. G.S.R. 989 (E) dt. 17-12-1987 | 46. G.S.R. 560 (E) dt. 26-5-1992 |
| 22. G.S.R. 337 (E) dt. 11-3-1988 | 47. G.S.R. 587 (E) dt. 10-6-1992 |
| 23. G.S.R. 361(E) dt. 21-3-1988 | 48. G.S.R. 730 (E) dt. 19-8-1992 |
| 24. G.S.R. 626 (E) dt. 17-5-1988 | 49. G.S.R. 830 (E) dt. 28-10-1992 |
| 25. G.S.R. 660 (E) dt. 31-5-1988 | 50. G.S.R. 62 (E) dt. 11-2-1993 |
| 26. G.S.R. 693 (E) dt. 10-6-1988 | 51. G.S.R. 80 (E) dt. 6-2-1993 |
| 27. G.S.R. 734 (E) dt. 24-6-1988 | 52. G.S.R. 384 (E) dt. 27-4-1993 |
| 28. G.S.R. 606 dt. 14-7-1988 | 53. G.S.R. 387 (E) dt. 28-4-1993 |
| 29. G.S.R. 812 (E) dt. 26-7-1988 | 54. G.S.R. 220 (E) dt. 26-3-2004 |