

**GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA**

UNSTARRED QUESTION NO:3890
ANSWERED ON:17.04.2002
REVIEW OF INDIAN TELEGRAPH ACT
VILAS BABURAO MUTTEMWAR

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether it is a fact that certain sections of the Indian Telegraph Act, 1885 and 1898 empowers the Government to intercept message and postal articles of any person;
- (b) if so, whether these provisions impinge upon the rights of the citizens guaranteed under the constitution;
- (c) whether the Government propose to review the Indian Telegraph Act so as to remove such of the provisions which impinge upon the citizen rights; and
- (d) if so, the details thereof?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI T/ SIKADAR)

- (a) Sir, Indian Telegraph Act, inter-alia, provides that on the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government may, if satisfied that it is necessary or expedient so to do in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of offence, etc. may direct interception of messages on Telecommunication Networks in the country. However, the provisions of Indian Telegraph Act are not applicable to interception of postal articles.
- (b) In order to protect the rights of an individual, the above mentioned provision is being exercised as per the guidelines laid under Rule 419 A, Indian Telegraph Rules, 1951 which has been formulated according to the directions of the Hon`ble Supreme Court of India.
- (c) & (d): Indian Telegraph Act is being reviewed in the new Communication Convergence Bill which has already been introduced in Lok Sabha during August, 2001. It also contains similar provision.