

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

UNSTARRED QUESTION NO:1208
ANSWERED ON:02.08.2010
AMENDMENT OF INDIAN TELEGRAPH ACT
Jindal Shri Naveen

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

- (a) whether the Government has any proposal to amend the Indian Telegraph Act, 1885;
- (b) if so, the details thereof;
- (c) whether the Government proposes to legalise the phone tapping including of the mobile phones in the country; and
- (d) if so, the details thereof and the adequate safeguards proposed to uphold the right to privacy of the Citizens?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI SACHIN PILOT)

(a) to (d) There is a provision in the sub section 2 of Section 5 of Indian Telegraph Act, 1885 regarding interception of the messages/telephones including mobile phones which is reproduced below.

"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 authorized 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 an offence, for reasons to be recorded in writing, by order, direct that any message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by or transmitted or received by any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government making the order or an officer thereof mentioned in the order.

Provided that press messages intended to be published in India of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under this sub-section."

In case of any amendment in the Indian Telegraph Act, 1885, it will be introduced in the Parliament at appropriate time as per Parliamentary procedure.