

(2) राज्य स्तर पर समीक्षा समिति में निम्नलिखित सदस्य शामिल होंगे::

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| (क) राज्य के मुख्य सचिव- | अध्यक्ष; |
| (ख) सचिव विधि अथवा प्रभारी लीगल रेमेंबरेंस, विधिक कार्य - | सदस्य; तथा |
| (ग) गृह सचिव के अलावा राज्य सरकार के सचिव - | सदस्य। |

(3) उप-नियम (1) और उप-नियम (2) के तहत गठित समीक्षा समिति प्रत्येक दो (2) माह में बैठक करेगी और इस संबंध में अपने निष्कर्ष दर्ज करेगी कि क्या नियम 3 के तहत अवरोध आदेश अधिनियम की धारा 20 की उप-धारा (4) के साथ पठित धारा 20 की उप-धारा (2) के प्रावधानों के अनुसार हैं। जहां समीक्षा समिति की राय होगी कि अवरोध आदेश अधिनियम की धारा 20 की उप-धारा (4) के साथ पठित धारा 20 की उप-धारा (2) के अनुसार नहीं है, वह ऐसे आदेश को रद्द कर सकती है और अवरोध किये गए संदेश या संदेशों के वर्ग की प्रतियों को नष्ट करने का आदेश दे सकती है।

[फा. सं 24-05/2024-यूबीबी]

देवेन्द्र कुमार राय, संयुक्त सचिव

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 28th August, 2024

G.S.R. 522(E).—The following draft rules, which the Central Government proposes to make in exercise of the powers conferred under clause (a) of sub-section (2) and sub-section (4) of section 20 read with clauses (t) and (u) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), are hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of a period of thirty days from the date on which copies of this notification as published in the Official Gazette, are made available to the public;

Objections or suggestions, if any, may be addressed to the Joint Secretary (Telecom), Department of Telecommunications, Ministry of Communications, Government of India, Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110001;

The objections or suggestions which may be received from any person with respect to the said draft rules before the expiry of the aforesaid period shall be taken into consideration by the Central Government.

1. Short title, commencement and savings

- (1) These rules may be called the Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) These rules shall be in supersession of rule 419 and 419A of The Indian Telegraph Rules, 1951 under the Indian Telegraph Act, 1885 (13 of 1885), but shall not override the terms and conditions of existing orders relating to interception of messages under those rules, which shall continue to apply till the date of expiry of the time period for interception as specified in such order.

2. Definitions

- (1) In these rules, unless the context otherwise requires:
 - (a) “**Act**” means The Telecommunications Act, 2023 (44 of 2023);
 - (b) “**authorised agency**” means the law enforcement or security agency authorised by the Central Government for the purposes of these rules;

- (c) “**competent authority**” means the Union Home Secretary in the Ministry of Home Affairs in the case of the Central Government, or the Secretary to the State Government in-charge of the Home Department in the case of a State Government;
 - (d) “**interception order**” means an order for interception of a message or class of messages pursuant to sub-section (2) of section 20 of the Act, issued under rule 3 of these rules;
 - (e) “**review committee**” means the committee constituted under rule 5 of these rules;
 - (f) “**rules**” means the Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024;
 - (g) “**telecommunication entity**” means any person providing telecommunication services, or establishing, operating, maintaining, or expanding telecommunication network, including an authorised entity holding an authorisation under sub-section (1) of section 3 of the Act, or a person exempted from the requirement of authorisation under sub-section (3) of section 3 of the Act.
- (2) The words and expressions used in these rules and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

3. Interception of message or class of messages by authorised agencies

- (1) The Central Government may, by an order, specify one or more authorised agencies to intercept or receive any message or class of messages pursuant to an interception order, for the reasons specified under sub-section (2) of section 20 of the Act.
- (2) The competent authority may, through an interception order, direct interception of any message or class of messages:
Provided that, in unavoidable circumstances, such order may be made by an officer, not below the rank of a Joint Secretary to the Central Government, who has been duly authorised for this purpose by the competent authority.
- (3) Notwithstanding anything stated in sub-rule (2), in emergent cases in remote areas, or for operational reasons, where it is not feasible for the competent authority or such other officer specified under the proviso to sub-rule (2), to issue an interception order, such order may be issued by the Head or the second senior most officer not below the rank of Inspector General of Police of an authorised agency, and the following provisions shall apply:
 - (a) a copy of such interception order shall be submitted within three (3) working days of the date of its issuance to the competent authority, and the competent authority shall, if it considers appropriate, confirm such order within a period of seven (7) working days from the date of issue;
 - (b) if the competent authority does not confirm such interception order within seven (7) working days from the date of issue:
 - (i) such interception shall forthwith cease;
 - (ii) any messages intercepted shall not be used for any purpose, including as evidence in a court of law; and
 - (iii) copies of messages intercepted pursuant to such order shall be destroyed within two (2) working days, and confirmation of the same shall be submitted in writing to the competent authority.
- (4) In case of non-confirmation of interception orders by the competent authority under sub-rule (3), the same message or class of messages shall not be intercepted by the authorised agency, without an interception order by the competent authority.
- (5) Any interception order issued under sub-rule (2), or confirmed by the competent authority under sub-rule (3), shall be submitted to the relevant review committee at the Central or State level within a period of seven (7) working days from the date of issuance or confirmation, as the case may be.
- (6) No interception order under sub-rule (2) and (3) shall be made, unless the authority issuing such order has considered and determined that it would not be possible to acquire the necessary information by any other reasonable means.

- (7) The interception pursuant to an interception order, shall be related to 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 at one or more addresses as may be specified in the order, or which are likely to be used for the transmission of message or class of messages from or to one particular person specified in the order, or any set of premises or telecommunication equipment specified in the order.
- (8) An interception order shall:
 - (a) specify the authorised agency that will undertake the interception;
 - (b) specify the reasons for such interception pursuant to sub-section (2) of section 20 of the Act, and limit the use of any intercepted message to the provisions of sub-section (2) of section 20; and
 - (c) remain in force, unless revoked earlier, for a period not exceeding sixty (60) calendar days from the date of issuance of such order, and may be renewed for further period, provided that no such order shall remain in force beyond the duration of one hundred and eighty (180) calendar days.
- (9) The authorised agency undertaking the interception as specified under sub-clause (a) of sub-rule (8), shall maintain secure records, including but not limited to:
 - (a) the intercepted message or class of messages;
 - (b) the particulars of persons whose message or class of messages has been intercepted;
 - (c) the name and particulars of the officer or the authorised agency to whom the intercepted message or class of messages has been disclosed;
 - (d) the number of physical or digital copies of the intercepted message or class of messages made;
 - (e) the mode or the method by which such copies are made;
 - (f) the date of destruction of the copies; and
 - (g) the duration for which the directions of interception in an interception order are to remain in force.
- (10) Records pertaining to an interception order and of intercepted messages shall be destroyed by the competent authority and the authorised agency, every six months unless these are, or likely to be, required for functional requirements.
- (11) Records pertaining to an interception order shall be destroyed by the Department of Telecommunications and the telecommunication entity within two months of discontinuance of interception pursuant to such interception order.
- (12) Nothing in these rules shall apply to the demonstration and testing of lawful interception systems and monitoring facilities that the Central Government may require telecommunication entities to put in place.

4. Procedure for implementing an Interception Order

- (1) Each authorised agency shall authorise two nodal officers, not below the rank of Superintendent of Police or equivalent rank, to communicate an interception order issued under sub-rule (2) and sub-rule (3) of rule (3) to the nodal officer of the Department of Telecommunications or nodal officer of the telecommunication entity, as the case may be.
- (2) The Department of Telecommunications shall authorise two nodal officers in every service area to receive and act upon the interception orders.
- (3) Each telecommunication entity shall notify to the Central Government in the form specified for this purpose, two senior employees in every service area of its operation, as nodal officers authorised to implement the interception orders.
- (4) The authorised agency, the Department of Telecommunications, and telecommunication entity shall ensure that:
 - (a) any matter relating to an interception order is handled only by nodal officers authorised for this purpose;
 - (b) adequate and effective internal safeguards are implemented to prevent any unauthorised interception of messages; and

- (c) confidentiality and secrecy is maintained in the matter of interception of messages.
- (5) The nodal officer of the authorised agency specified in the interception order shall convey the interception order to the nodal officer of the Department of Telecommunication or to the nodal officer of the relevant telecommunication entity, as the case may be, in writing or using any other mode of communication as specified by the Central Government for this purpose.
- (6) The nodal officer of the Department of Telecommunications or the telecommunication entity, as the case may be, shall:
 - (a) within two hours of receiving the communication under sub-rule (6), acknowledge receiving such communication; and
 - (b) submit fortnightly reports to the authorised agency from which it received such communication, comprising of the list of interception orders received during the preceding fortnight in the format as may be specified by the Central Government for this purpose.
- (7) The telecommunication entity shall be responsible for any action of its employees, including its vendors, that results in any unauthorised interception, or any violation of these rules.

5. Constitution and working of the review committee

- (1) The review committee at the Centre shall consist of the following members:
 - (a) Cabinet Secretary- Chairman;
 - (b) Secretary to the Central Government In-charge, Legal Affairs- Member; and
 - (c) Secretary to the Central Government, Department of Telecommunications- Member.
- (2) The review committee at the State shall consist of the following members:
 - (a) Chief Secretary of the State- Chairman;
 - (b) Secretary Law or Legal Remembrancer In-charge, Legal Affairs- Member; and
 - (c) Secretary to the State Government, other than the Home Secretary- Member.
- (3) The review committee constituted under sub-rule (1) and sub-rule (2) shall meet every two (2) months and record its findings as regards whether the interception orders under rule 3 are in accordance with the provisions of sub-section (2) of section 20 read with sub-section (4) of section 20 of the Act. Where the review committee is of the opinion that the interception order is not in accordance with sub-section (2) of section 20 read with sub-section (4) of section 20 of the Act, it may set aside such order and order for destruction of the copies of the intercepted message or class of messages.

[F.No.24-05/2024-UBB]

DEVENDRA KUMAR RAI, Jt. Secy.

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 12th September, 2025

G.S.R. 625(E).—Whereas a draft of the Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Amendment Rules, 2025, which the Central Government proposes to make in exercise of the powers conferred by clause (a) of sub-section (2) and sub-section (4) of section 20 read with clauses (t) and (u) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), was published as required by sub-section (1) of section 56 of the said Act *vide* notification of the Government of India in the Ministry of Communications, Department of Telecommunications number G.S.R. 425(E), dated the 27th June, 2025, in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), dated the 27th June, 2025 inviting objections and suggestions from the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas copies of the said Official Gazette were made available to the public on the 28th June, 2025;

And whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (2) and sub-section (4) of section 20 read with clauses (t) and (u) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), the Central Government hereby makes the following rules, to amend the Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024, namely:-

1. (1) These rules may be called the Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Amendment Rules, 2025.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024, -
 - (a) in rule 2, in sub-rule (1), for clause (c), the following clause shall be substituted, namely:-

‘(c) “competent authority” means —

 - (i) the Union Home Secretary in the Ministry of Home Affairs, in the case of the Central Government; or
 - (ii) the Secretary to the State Government in charge of the Home Department, in the case of a State Government; or
 - (iii) the Union Home Secretary in the Ministry of Home Affairs of the Central Government, in the case of a request from the Secretary in-charge of the Home Department of the State Government to the Central Government for interception by that State Government beyond its territorial jurisdiction’;
 - (b) in rule 4, in sub-rule (1), for the words “two nodal officers”, the words “one or more nodal officers” shall be substituted.

[F. No. 24-06/2024-UBB]

DEVENDRA KUMAR RAI, Jt. Secy.

Note: The Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024 were published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) *vide* notification number G.S.R. 754(E), dated the 6th December, 2024.