

**GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS**

**LOK SABHA
UNSTARRED QUESTION NO. 1225
TO BE ANSWERED ON 14TH DECEMBER, 2022**

DRAFT TELECOMMUNICATIONS BILL

**1225. SHRI BALUBHAU ALIAS SURESH NARAYAN DHANORKAR:
SHRI VINCENT H. PALA:
DR. A. CHELLAKUMAR:**

Will the Minister of COMMUNICATIONS be pleased to state:

- (a) whether the Government is aware that the draft Telecommunications Bill, 2022 contains provisions for Central and State Governments surveillance which are contrary to Supreme Court judgments and advance rulings in surveillance regulations;
- (b) if so, whether the Government intends to amend these provisions before introducing the Bill and if not, the reasons therefor;
- (c) whether the Bill has any provisions on procedural safeguards against internet shutdowns;
- (d) if so, the details thereof and if not, the reasons therefor;
- (e) whether the Government is aware that in the Telecom Bill, 2022, the preamble fails to include proper constitutional references such as the link between telecommunications and the right to freedom of speech and expression; and
- (f) if so, whether the Government is keen to take up this concern before introducing the bill?

**ANSWER
MINISTER OF STATE FOR COMMUNICATIONS
(SHRI DEVUSINH CHAUHAN)**

(a) to (f) Section 5 of the Indian Telegraph Act, 1885 provides for Government to intercept messages or not to transmit messages on the occurrence of any public emergency, or in the interest of the public safety. The principles of lawfully intercepting messages were set up by Hon'ble Supreme Court in People's Union of Civil Liberties (PUCL) Vs Union of India & others. These principles were incorporated in Indian Telegraph Rules 419A.

The thrust of the preamble of the Draft Indian Telecommunication Bill, 2022 is on the fact that telecommunication is a key driver of socio-economic development and spectrum is a valuable and inexhaustible natural resource, which has an element of public good.

Further, the draft Indian Telecommunication Bill, 2022 has been uploaded for consultation.
