

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 39 OF 2006

AMAR SINGH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for intervention and directions and office report )

Date: 27/02/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Mr. Mukul Rohtagi, Sr.Adv.

Mr. P.H. Parekh, Adv.

Mr. Pradeep Rai, Adv.

for M/S P.H. Parekh & Co.,Adv.

For Respondent(s) Mr. G.E. Vahanvati, S.G.

Nos.1-2:

Mr. Devadatt Kamat, Adv.

Mr. R.M. Sharma, Adv.

Mr. V.K. Verma, Adv.

Ms. Sushma Suri, Adv.

Nos.3-6:

Mr. Gopal Subramaniam, A.S.G.

Ms. Mukta Gupta, Adv.

Mr. Nikhil Nayyar ,Adv

Mr. Ankit Singhal, Adv.

For Intervenor:

Mr. S. Balakrishnan, Sr.Adv.

Mr. Ghan Shyam Vasisht, Adv.

Mr. Om Prakash Mishra, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard learned counsel for the parties for considerable time and have

also perused the letter dated 21st October, 2005 sent by the Government of National

Capital Territory of Delhi to eight service providers seeking information about

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interception of telephone calls at the request of police outside the order of the Designated

Authority for which subsequent orders of the said authority have not been taken. Our

attention has also been drawn to a Committee constituted by Delhi Government under

order dated 6th February, 2006 comprising of the Chief Secretary and Secretary, Law

and Justice. The terms of reference of the Inquiry Committee include calling for

information from M/s. Reliance Infocom to ascertain the particulars of interception

being done without orders of the designated competent authority i.e. Principal Secretary,

Home, Government of N.C.T., Delhi. The learned Additional Solicitor General for want

of record was unable to answer many of the queries sought for by this Court relevant to the aspect of interception/tapping of the telephones. Learned counsel has sought one week's time to file a detailed affidavit.

Similarly, we have asked certain questions from learned Solicitor General regarding the tapping of telephones under the authority of the Central Government for which too time is sought to file further affidavits. He has handed over a copy of fresh instructions dated 7th February, 2006 issued for ensuring privacy of communication. Let the further affidavits be filed within two weeks and the matter posted for 20th March, 2006.

Earlier, this Court had not issued notice to respondent Nos.7-12. Insofar as respondent No.7 is concerned, we are of the view that it has been unimplemented. Respondents 8-12 are, however, authorized service providers. We issue notice to them returnable on 20th March, 2006. Dasti service, in addition, is permitted.

On application of learned counsel for the petitioner, M/s. Bharat Sanchar Nigam Limited, M/s. Mahanagar Telephone Nigam Ltd. and Videsh Sanchar Nigam Ltd. are implemented as party respondents. Amended cause title shall be filed within one day.

Notice be issued to these newly added parties as well, returnable on 20th March, 2006. Dasti service, in addition, is permitted.

Mr. Mukul Rohtagi, learned senior counsel, on behalf of the petitioner submits that till this Court decides the guidelines in respect of tapping of telephones, a general order of restraint may be made restraining publication by either electroni

c or print

media of unauthorized tape record versions. We have asked the view points and

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assistance of Mr. Goolam E. Vahanvati, learned Solicitor General and Mr. Gopal

Subramaniam, learned Additional Solicitor General. Both learned counsel submit that

they see no prejudice for the order of restraint as sought for by Mr. Rohtagi being made.

Having regard to the facts and circumstances, we direct that electronic and

print media would not publish/display the unauthorizedly and illegally recorded

telephone tapped versions of any person till the matter is further heard and guidelines

issued by this Court.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master

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