

# SUPREME COURT OF INDIA

Amar Singh

Vs.

Union of India (Uoi)

(Y.K.Sabharwal, C.K. Thakker and R Raveendran JJ.)

27.02.2006

## ORDER

1. 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 interception of telephone calls at the request of police (SIC) 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 term of reference of the Inquiry Committee including 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.

2. 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.

3. 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 unnecessarily impleaded. Respondent 8-12 are, however, authorized service providers. We issue notice to them returnable on 20th March, 2006. Dasti service, in addition, is permitted.

4. 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 impleaded 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.

5. 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 passed restraining publication by either electronic or print media of unauthorized tape record versions. We have asked the view points and 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.

6. 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.