

## Rule 3: Direction for interception or monitoring or decryption of any information

No person shall carry out the interception or monitoring or decryption of any information generated, transmitted, received or stored in any computer resource under sub-section (2) of section 69 of the Act, except by an order issued by the competent authority;

Provided that in an unavoidable circumstances, such order may be issued by an officer, not below the rank of Joint Secretary of the Government of India, who has been duly authorised by the competent authority;

Provided further that in a case of emergency--

(i) in remote areas, where obtaining of prior directions for interception or monitoring or decryption of information is not feasible; or

(ii) for operational reasons, where obtaining of prior directions for interception or monitoring or decryption of any information generation, transmitted, received or stored in any computer resource is not feasible,

the interception or monitoring or decryption of any information generated, transmitted, received or stored in any computer resource may be carried out with the prior approval of the Head or the second senior most officer of the security and law enforcement agency (hereinafter referred to as the said security agency) at the Central level and the officer authorised in this behalf, not below the rank of the inspector General of Police or an officer of equivalent rank, at the State or Union territory level;

Provided also that the officer, who approved such interception or monitoring or decryption of information in case of emergency, shall inform in writing to the competent authority about the emergency and of such interception or monitoring or decryption within three working days and obtain the approval of the competent authority thereon within a period of seven working days and if the approval of competent authority is not obtained within the said period of seven working days, such interception or monitoring or decryption shall cease and the information shall not be intercepted or monitored or decrypted thereafter without the prior approval of the competent authority.