No. 3-2/2010-S-I/Vol (IV)
Government of India
Ministry of Communications
Department of Telecommunications
DGT HQ.

Sanchar Bhavan,20, Ashoka Road
New Delhi, Dated: .09.2019

OFFICE MEMORANDUM

Subject: Violation of Indian Telegraph Act, 1885 by Licensee Company.

The DoT Licensing Unit, CS Wing, vide their letter no: 10-12/2012-CS-III, Dated 13.04.2017 has communicated that DoT field units have found cases of violation where some companies have operated/ provided telegraph services without having required license/ registration and in some cases the erring company has license/ registration, however, the services that they were providing required different license, thus lead to violation of Indian Telegraph Act, 1885. The same was again discussed in a meeting chaired by Member (T) on 16.05.2019 and following has been decided vide No. 846-174/2018-CS-I dated 26.07.2019.

2. In such cases, it is noted that the violation by a Licensee company may be in three different ways:

(i) There are violations of any conditions of license agreement which does not constitute any violation of Indian Telegraph Act, 1885 in any manner whatsoever.

(ii) Any activity or provisioning of any service is being done for which a different license/ registration/ authorization/ NOC is required or which is illegal or violation of Indian Telegraph Act, 1885.

(iii) Any combination of the above two cases.

3. The decision of the Member(T) is hereby conveyed that: -

(1) In case where any observation is found by LSA field unit falling under categories as at 2(ii) or 2(iii) above, action should be initiated by LSA field units, against the erring company for violation of Indian Telegraph Act, 1885.

(2) In case of observation as in Para 2(i) above, a draft show cause notice may be prepared by the concerned LSA. The draft show cause shall bring out the clause-wise violations by the Licensee and evidences through which these are proposed to be established. It is to be ensured while preparing the show cause notice that evidences sustaining and establishing the violations including documentary proofs are presented in detail so as to

have a legally tenable/ sustainable case before the action is proposed against the licensee so that Department shall be able to withstand the judicial scrutiny that may take subsequently in future.

(3) The Licensing Wing thereafter may examine and serve the show-cause notice to the concerned licensee as per license terms and conditions after due approval and subsequent departmental process.

9.9.19

(Khusboo Sharma)
ADG (Security & East)
Tel. No. 011-23036219

To

Advisors/ Sr. DDG, LSA Field Units, DoT

Cc:
M(T)/M(S)/DGT
DDG(AS)/DDG(CS)/DDG(DS)