

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

RAJYA SABHA
UNSTARRED QUESTION NO.†2593

TO BE ANSWERED ON THE 12TH AUGUST, 2015/SRAVANA 21, 1937 (SAKA)

POLICY REGARDING PHONE TAPPING

†2593. SHRI NARESH AGRAWAL:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the policy with regard to phone tapping;
- (b) whether it is a fact that there have been complaints against various Government agencies involved in phone tapping of various people illegally;
- (c) if so, the action taken by Government thereon; and
- (d) whether Government would assure that nobody's phone calls will be tapped without permission?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a): Lawful interception of telephonic communication is governed by the provisions of Section 5(2) of the Indian Telegraph Act, 1885, which empowers the Central and State Governments to carry out interception of communication messages under the stipulated conditions. The detailed procedure for handling the lawful interception cases is provided in Rule 419A of Indian Telegraph (Amendment) Rules, 2007.

(b) & (c): Recently, a few cases have been registered in different Police Stations in Andhra Pradesh relating to allegations of illegal phone tapping. All these cases are under investigation at present.

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(d): Unlawful interception is a punishable offence under section 25 & 26 of the Indian Telegraph Act 1885, with imprisonment for a term which may extend up to three years, or with fine, or with both. The steps taken by the Government to prevent illegal interception of telephone calls are as under:-

- Rule 419A of Indian Telegraph (Amendment) Rules, 2007 provides for the detailed procedure and precautions for handling the lawful interception cases in order to ensure that unauthorised interception of messages does not take place.
- The Ministry of Home Affairs has issued Standard Operating Procedures (SOPs) for Lawful Interception, Handling, Use, Sharing, Copying, Storage and Destruction of records to the Central Law Enforcement Agencies. The Department of Telecom has issued Standard Operating Procedures (SOPs) for Lawful Interception to the Telecom Service Providers (TSPs).
- The orders of the competent authority authorising Lawful Interception are reviewed by a Review Committees constituted by the Central Government and the State Government, as the case may be, under Rule 419 A of Indian Telegraph (Amendment) Rule, 2007.
