

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3304

ANSWERED ON:30.11.2010

TAPPING OF PHONES

Bajirao Shri Patil Padamsinha ;Naik Dr. Sanjeev Ganesh;Patil Shri Sanjay Dina

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government has received any complaints against illegal phone tapping of politicians and other individuals;
- (b) if so, the total number of such complaints received during each of the last three years and the current year, State-wise; and
- (c) the action taken by the Government against the persons involved in such phone tapping and to stop such cases in future?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN)

(a) & (b): Complaints/allegations of unauthorized or irregular phone interceptions are largely brought forward as 'defence' taken by various accused during their trials, especially when prosecution relies upon such interception as evidence against the accused. The Government or the State Government as the case may be accordingly defends/explains such matter in the courts of competent jurisdiction. Sometimes such individuals in parallel or in addition also move complaints/petitions through the public grievance redressal mechanism which exists at various levels. Apart from the above, Government is also aware of various media reports alleging illegal phone tapping of politicians.

(c): The interception of telephones is a permissible activity under Section 5(2) of the Indian Telegraph Act. So as to ensure that the power to intercept is utilized in a strict legal manner, an institutional mechanism exists at the Centre and at the State level, to both, authorize the interception and, to conduct an oversight of the power so exercised. Thus the Union Home Secretary in the Government of India and the State Home Secretary at the State level only can allow interception of messages in the interest of public safety or sovereignty and integrity of India, security of the States, Public order or for preventing incitement to commission of an offence. These decisions are further subject to review by an oversight committee headed by the Cabinet Secretary for the Union of India. Thus, such monitoring as may be necessary to fight crime, for national security, or for counter-terrorism efforts is subject to multiple checks and oversight.