

**GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA**

UNSTARRED QUESTION NO:392

ANSWERED ON:23.02.2011

UNLAWFUL PHONE TAPPING

Adhalrao Patil Shri Shivaji;Yadav Shri Dharmendra

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether the present penalty of Rs. 500/- for unlawful phone tapping is not sufficient to restrict the unlawful phone tapping;
- (b) if so, the details thereof;
- (c) whether there is any proposal to hike the penalty to restrict the unlawful phone tapping;
- (d) if so, the details thereof; and
- (e) if not, the steps taken by the Central Government to curb the unlawful phone tapping?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI SACHIN PILOT)

(a) & (b) Provisions of penalty for unlawful tapping under various sections of the Indian Telegraph Act are as under :-

(i) For unlawful tapping, if any person establishes an unauthorized telegraph, then provisions of Section 20(1) are attracted. Under Section 20(1), one can be punished with imprisonment for a term which may extend to three years, or with fine, or with both if unauthorized telegraph is Wireless Telegraph.

And, in case of other Telegraph, a person can be punished with a fine which may extend to one thousand rupees.

(ii) For unlawful tapping, if any person enters a telegraph office un-authorisedly, then the provisions of Section 23 and 24 are attracted. Under Section 23, one can be punished with fine which may extend to five hundred rupees.

Under Section 24, one can be punished with imprisonment for a term which may extend to one year.

(iii) If the person doing unlawful tapping is a telegraph officer or is having official duty connected with a telegraph office, then the provisions of Section 26 are attracted.

Under Section 26, one can be punished with imprisonment for a term which may extend upto three years or with fine, or with both.

(iv) Further, if any licensee does unlawful tapping, a penalty which may extend upto Rs. 50 Crores can be imposed on licensee for violation of license conditions.

(c) Yes, Madam.

(d) There is a proposal to amend Indian Telegraph Act to increase financial penalty . However Amendment in Indian Telegraph Act will take time and no time limit can be fixed for the same as it has to be done as per prescribed Parliamentary procedure.

(e) Does not arise in view of (c) & (d) above.