

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:3173

ANSWERED ON:15.03.2011

RESTRICTION ON COMMUNICATION AND E-MAILS

Reddy Shri Komatireddy Raj Gopal;Shetkar Shri Suresh Kumar

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the Government has taken any steps to ensure unrestricted access to all terror communication and e-mails ;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefor?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI GURUDAS KAMAT)

(a) to (b): Yes Madam. The Government on a continuous basis takes such steps under the provisions of the following Acts/ Rules / Licensing conditions for lawful monitoring/ interception of all types of communications:

(i) Section 5(2) of Indian Telegraph Act 1885 empowers the Government to issue directions to stop/detain and intercept any message or class of messages brought for transmission by or transmitted or received by any telegraph, in the interests of the sovereignty and integrity of India, security of the State, friendly relation with foreign States, public order or for preventing incitement to the commission of an offence. Indian Telegraph (Amendment) Rules 2007 spells out the procedure to be followed while undertaking Lawful Interception in accordance with the provisions of Section 5(2) of Indian Telegraph Act 1885.

(ii) Section 69 of Information Technology (Amendment) Act, 2008 empowers the Government to issue directions to intercept or monitor or decrypt any information generated, transmitted, received or stored in any computer source in the interest of the sovereignty and integrity of India, security of the State, friendly relation with foreign States, public order/safety or for preventing incitement to the commission of any cognizable offence relating to above or for investigation of any offence.

(iii) Security conditions contained in licensing agreements of all the Telecom Services stipulate that the designated person of the Central/State Government as conveyed to the Licensor (Department of Telecommunications) from time to time in addition to the Licensor or its nominee, shall have the right to monitor the telecommunication traffic in every MSC/Exchange or any other technically feasible point in the network set up by the Licensee.

(c) In view of above, does not arise