

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

STARRED QUESTION NO:277

ANSWERED ON:15.03.2011

NORMS ON PHONE TAPPING

Bhadana Shri Avtar Singh;Singh Alias Pappu Singh Shri Uday

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Supreme Court has issued any directive to the Government for framing guidelines on phone tapping;
- (b) if so, the details thereof alongwith the new norms approved by the Government in this regard;
- (c) whether the Union Government has ordered a probe into the cases of alleged phone tapping and leaking of their transcripts to the media; and
- (d) if so, the details thereof and the progress made thereon?

Answer

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

(a) to (d): A statement is laid on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) TO (d) OF LOK SABHA STARRED QUESTION NO. 277 FOR 15.3.2011

(a): Yes, Madam. The Hon'ble Supreme Court in Writ Petition No. 256 of 1991 in the matter of PUCL Vs UOI vide its judgment dated 18.12.1996 while upholding the constitutional validity of Section 5(2) of the Indian Telegraph Act, 1885, (which allows lawful interception of telephones), had also provided a framework/guidelines for the proper exercise of this power.

(b): Following the said judgement, Government of India notified Rule 419-A of Indian Telegraph Rules, 1951 by way of amendment on 16.02.1999. This was further amended in 2007 to incorporate the Information Technology Act, 2000 and amendments therein. These amendments effectively converted the Supreme Court's directions into statutory rules.

(c) & (d): In a recent/pending matter of W.P. No. 398/2010, Ratan N. Tata Vs UOI, the Government of India, in its counter affidavit, has informed the Hon'ble Court that it has set up a two-member committee to enquire into the alleged leakage of tapes/transcripts. The findings of the committee will be conveyed to the Apex Court and acted upon by the Government.