

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:311
ANSWERED ON:02.08.2011
CASES OF PHONE TAPPING
Singh Shri Yashvir

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the details of the norms and procedure for phone tapping of individuals;
- (b) whether phone tapping in individual capacity is permissible under law;
- (c) if so, the details thereof and if not, the details of penalties/punishment imposed in such cases;
- (d) the details of phone tapping machines being installed and used for tapping of individual telephones in private capacity, State-wise;
- (e) whether the Government is aware that some individuals in private capacity have installed phone tapping machines to tap phones of individuals in Delhi, particularly near Mandi House;
- (f) if so, the details thereof and the action taken against those who are illegally tapping the phones;
- (g) whether the Government has conducted any inquiry into the matter and taken stern measures against the guilty for violating the fundamental rights; and
- (h) if so, the details thereof and if not, the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH)

(a): Section 5(2) of the Indian Telegraph Act, 1885 lays down the conditions under which the power to intercept message/conversation can be exercised. The Indian Telegraph (Amendment) Rules 2007 enumerates procedure and oversight mechanism to implement the provisions of Section 5(2) of the Indian Telegraph Act 1885.

(b): No Madam

(c): The Indian Wireless Act 1933 and Indian Telegraph Act 1885 prescribe penalties for unauthorised phone tapping/interception or possession of equipment thereof

(d) to (h): No complaint/case under the Telegraph Act has been registered alleging phone tapping by private individuals. However, Central Intelligence Agencies had brought out the fact that the equipment used for off-the-air GSM monitoring was a dual use item which is also needed/used in usual telecom operations by Telecom Service Providers and others. To ensure proper verification such equipment has been removed from the OGL list vide Deptt of Commerce notification No. 53/2009-14 dated 15th July 2010. Further, Deptt of Telecommunication vide Press Release dated 31-12-2010 has directed the persons and companies who have/had imported, procured or possess the equipments/sub systems capable of monitoring/intercepting and surveillance of communications to provide the details of such equipment in the prescribed proforma to the respective Telecom Enforcement, Resource and Monitoring (TERM) Cells of Deptt of Telecommunications.