

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

STARRED QUESTION NO:217
ANSWERED ON:16.08.2011
PHONE TAPPING
Singh Alias Pappu Singh Shri Uday

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government has constituted an inter-ministerial group in the recent past to develop strict Standard Operating Procedures (SOPs) to regulate phone-tapping by the Government agencies;
- (b) if so, the details and the guidelines formulated/notified on telephone interception;
- (c) whether it is ensured that the private telephone conversations fall under the purview of the right to privacy; and
- (d) if so, the reaction of the Government thereto and the other steps taken by the Government in this regard?

Answer

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

(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. 217 FOR 16.08.2011

(a)& (b): The procedure to be followed for lawful interception of telephones permissible under Section 5(2) of the Indian Telegraph Act 1885 is governed by Rule 419-A of the Indian Telegraph (Amendment) Rules, 2007. The Central Government with regard to Central Intelligence and Security Agencies keeps updating the internal SOPs/instructions for processing, executing and conducting oversight of such interceptions. Recently, on 19th May 2011, based on the views of an Inter-Ministerial Group, these SOPs have been revised/updated to deal both with changing technology and ensuring a strict compliance of Rule 419-A.

(c) to (d): Under Section 5(2) of the Indian Telegraph Act, telephonic conversations can be intercepted/ monitored inter-alia on grounds of sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of an offence. The Supreme Court in its judgement dated 18.12.1996 had accepted the powers of the Government to order interception of telephones under section 5(2) of the Indian Telegraph Act, 1885 and prescribed certain procedures to be followed during interception of telephones. Rule 419-A of the Indian Telegraph Rules adopts the said directions of the Supreme Court in the PUCL case, so as to balance the requirement of privacy of citizens with national security considerations. Lawful interception is thus undertaken only for grounds stipulated in Section 5(2) of the Indian Telegraph Act, 1885 and after due approval of the competent authority. Rule 419-A, also provides a detailed oversight mechanism at the Union and at the State level.