

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

UNSTARRED QUESTION NO:2688

ANSWERED ON:17.08.2011

PHONE TAPPING

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

- (a) whether the Government recommends for tapping of telephone conversations;
- (b) if so, the details thereof;
- (c) the policy of the Government in this regard;
- (d) whether some records of tapped phone calls have been leaked recently;
- (e) if so, the details thereof; and
- (f) the measures adopted by the Government to ensure the safe custody of recorded calls and the action taken against the persons found responsible for leakage of recorded taps?

**Answer**

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY ( SHRI MILIND DEORA)

Based on the information received from Ministry of Home Affairs, the reply is as follows:

- (a) to (c) Interception of telephone conversation is a permissible activity under Section 5(2) of the Indian Telegraph Act, 1885 wherein on the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorized in this behalf by the Central Government or a state Government after proper satisfaction issues authorization to the concerned notified agencies to intercept/tap telephones in the interest of sovereignty and integrity of India, the security of State, friendly relations with foreign states or public order or for preventing incitement to the commission of an offence duly recording the reasons thereof. The procedure of such authorization is well laid in Rule 419A of the Indian Telegraph Rules, 1951 as amended from time to time in 1999 and in 2007.
- (d) & (e) As an allegation of this effect is a matter of a Writ Petition with the Apex Court-the matter is thus sub-judice.
- (f) Rule 419A provides for a robust oversight mechanism.