

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4230

ANSWERED ON:20.12.2011

PHONE TAPPING

Bhujbal Shri Sameer ;Nahata Smt. P. Jaya Prada;Shekhar Shri Neeraj;Singh Shri Yashvir

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the number of telephones tapped by Government agencies since January, 2011 month-wise and agency-wise;
- (b) the reasons for tapping of telephone;
- (c) the observation/directions of Supreme Court with regard to phone tapping;
- (d) whether instances of illegal tapping and flouting of Supreme Court orders/ observations have been reported; and
- (e) if so, the details thereof including the corrective action taken in the matter?

Answer

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

(a)to(e): A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) TO (e) OF LOK SABHA UNSTARRED QUESTION NO. 4230 FOR 20-12-2011

(a) & (b): Section 5 of the Indian Telegraph Act & Rule 419-A made thereunder empowers the Competent authority at each State level, independent of the Competent authority at the Union level. 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. Accordingly, interceptions authorized to each agency is kept to those which are absolutely necessary, consistent with agency's mandate and the entire process being highly sensitive is classified 'Top Secret'

(c): 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 procedure to be followed during the interception of the 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.

(d) to (e): Under Rule 419-A, a Review Committee mechanism exists at the Central and State levels which assesses the authorization given by the Competent Authority. It is empowered to disagree with the assessment of the Competent Authority. In addition to this Review Committee process, the Central Government keeps updating the internal Standard Operating Procedures(SOPs) / instructions for processing, executing and conducting oversight of such interceptions to deal both with changing technology and ensuring a strict compliance of Rule 419-A.