

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

UNSTARRED QUESTION NO:363

ANSWERED ON:14.03.2012

INTERCEPTION SOLUTIONS BY NETWORKING SERVICE PROVIDERS

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

- (a) whether the Government has directed all the communications and networking service providers including BlackBerry Messenger (BBM), Nokia, Pushmail, Skype, Yahoo, Gmail and others to provide interception solutions to tap these services;
- (b) if so, the details thereof and the reaction of these service providers;
- (c) whether Research in Motion (RIM) has provided the Government with an interception solution to tap its BBM service; (d if so, the details thereof;
- (e) the action taken/proposed to be taken by the Government against those service providers who failed to provide the interception solution to Government of India; and
- (f) the steps taken/legal framework formulated by the Government/successive governments to protect the people against unlawful tapping of their electronic communications and to ensure individual privacy?

**Answer**

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

(a) to (e) Madam, Government has mandated all the Telecom Service Providers and the Internet Service Providers to provide the Lawful Interception and Monitoring facilities to the security agencies for all the services including Blackberry Messenger (BBM), Nokia, Pushmail, Skype, Yahoo, Gmail etc as a part of their license agreement. As such Security agencies are able to intercept the services including Blackberry Messenger (BBM), Nokia, Pushmail, Skype, Yahoo, Gmail etc through the lawful interception facilities provided by the Telecom Service Providers. However, Security Agencies have intimated that they are not able to decrypt some encrypted intercepted communication to readable format. The Telecom Service Providers have stated that they have provided the requisite interception facilities to Security Agencies. With regard to decrypting the intercepted communication, it is stated that Telecom Service Providers are mere carriers, who are not supposed to know the content of the intercepted messages and may not be able to decrypt the content.

World over several services providers are providing services like Blackberry Messenger, Nokia Pushmail, Skype, Yahoo, Gmail & other services across the globe for sharing audio, video, image, email, data and accessing other web services anytime and anywhere by everyone in the world in a secure manner. The security of these services is achieved through encryption technology. These services are mostly availed by the citizens across world through Internet either in their individual capacity or as part of commercial activities. There are multifarious aspects involved in dealing with the issues related to such communication services such as technical, international relationship, legal and regulatory policy, commercial and security requirements etc.

A technical committee established by the Government analysed all the above issues in order to work out an appropriate solution to the problem which balances the requirements of Security Agencies with the secured communication needs of trade, commerce and industry. The complexities involved in the issue resulted in the committee being unable to come out with unanimous conclusive recommendations. The report of the committee and the comments of some the members on the Report were referred to a high level panel of experts who have since submitted their final recommendations on a focused and practical approach to the entire issue. However, the Government regularly interacts with all stakeholders to resolve the issues arising from time to time.

(f) The Lawful interception & monitoring of the communications is governed by the provision of section 5(2) of the Indian Telegraph Act, 1885 and Rule 419A of Indian Telegraph (Amendment) Rule, 2007. The unlawful interception is a punishable offence under section 26 of Indian Telegraph Act 1885 where one shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.