

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:780

ANSWERED ON:14.08.2012

OFF AIR INTERCEPTION

Gowda Shri D.B. Chandre;Jeyadural Shri S. R.;Muttamwar Shri Vilas Baburao

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether there are reports of use of off-air interceptors by Central/State departments and private companies;
- (b) if so, the details thereof;
- (c) whether the Government has issued guidelines to surrender the said equipment;
- (d) if so, the details thereof and the status of implementation of the said guidelines thereon;
- (e) the details of agencies authorised to tap phones using the said equipment in the country; and
- (f) the steps taken by the Government to check unauthorised] use of such equipment?

Answer

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

(a) and (b): In 2010, 'Outlook' magazine published allegation about phone tapping. Union Home Minister in his statement in the Lok Sabha on 26th April,2010 had inter alia informed the Hon'ble House that " I wish to state categorically that no telephone tapping or eavesdropping on political leaders was authorised by the previous UPA Government. Nor has the present UPA Government authorised any such activity."

(c) & (d): A press release was given by DoT on 31.12.2010 and a public notice was issued on 22nd March, 2011 as well as on 28.7.2012 that possession and use of such equipment is against the provisions of Indian Wireless Telegraphy Act, 1933 & Indian Telegraph Act, 1885 and is liable to be punished with imprisonment for the term which may extend up to three years or with fine, or with both.

It was also directed in the public notice that the person/s and companies who have/had imported, procured or possess the equipment capable of monitoring/intercepting and surveillance of communications to provide the details of such equipment in the prescribed format to respective Telecom Enforcement, Resources and Monitoring (TERM) Cells of Department of Telecommunications.

Also, vide Department of Commerce notification No. 5/3/2009-14 dated 15.7.2010, equipment's which could be used to tap the communication off-the air have been moved to 'Restrictive List' from the 'Open General Licence' (OGL) list.

In order to sensitize the State Governments and other LEAs, Union Home Secretary had a meeting with all Chief Secretaries and DsGP on 31.05.2011.

(e): Legal Interception is allowed in accordance with Section 5(2) of the Indian Telegraph Act, 1885 read with Rule 419A of Indian Telegraph (Amendment) Rules, 2007.

(f): Reference is made to the reply to point (c) & (d) above. In addition, under extant statutory provisions in Indian Telegraph Act, 1885 and Indian Wireless Telegraphy Act, 1933, the establishment, operation of equipment capable of interception requires a licence and unlicensed equipment and so also unauthorised interception by any mode/ technology is a punishable criminal offence.