

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

STARRED QUESTION NO:277

ANSWERED ON:12.12.2012

INTERCEPTION OF TELE-CONVERSATION

Joshi Shri Mahesh;Singh Shri Brij Bhushan Sharan

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

- (a) whether the licence for installation of system for interception of telephonic conversations under the Indian Telegraph Act, 1885 is mandatory;
- (b) if so, the details thereof including the conditions and requirements to get the licence for the purpose;
- (c) whether the Central Bureau of Investigation got the licence under Section 4 of the Indian Telegraph Act and is authorised to intercept the telephonic conversations by itself or through service providers and if so, the details thereof;
- (d) whether the records of telephonic conversations intercepted are maintained by service providers and the investigating agencies; and
- (e) if so, the steps taken by the Government to prevent misuse of the intercepted conversation along with the time frame fixed for destroying these records?

**Answer**

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

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

STATEMENT TO BE LAID ON THE TABLE OF THE LOK SABHA IN RESPECT OF PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO. 277 FOR 12TH DECEMBER, 2012 REGARDING "INTERCEPTION OF TELE-CONVERSATION"

(a) & (b) : As per licensing terms & conditions, every service provider is required to make provisions of equipment at their end for lawful interception & monitoring. Whereas the Lawful interception & monitoring of the communications is governed by the provisions of section 5(2) of the Indian Telegraph Act, 1885 and guided by Rule 419A of Indian Telegraph (Amendment) Rule, 2007.

(c) : Central Bureau of Investigation is one of the authorized Law Enforcement Agencies to intercept the telephonic conversations and it can intercept the telephonic conversations as per provisions of Section 5(2) of Indian Telegraph Act, 1885 and Rule 419A of Indian Telegraph (Amendment) Rule, 2007.

(d) & (e) : The records related to telephonic conversation and its content are required to be maintained as per sub-rule 8 of Rule 419A of Indian Telegraph (Amendment) Rule, 2007 and destroyed as per provisions of sub-rule 18 of Rule 419A by the Law Enforcement Agency.

The Telecom Service Providers are not supposed to keep the records of the conversation content as it is directly transferred to respective Law Enforcement Agency through its Lawful Interception System. The records pertaining to directions for interception of message are only known to Telecom Service Providers which shall be destroyed as per sub-rule 19 of Rule 419A of Indian Telegraph (Amendment) Rule, 2007 by the Telecom Service Provider.

The unlawful interception is a punishable offence under section 26 of Indian Telegraph Act 1885, with imprisonment for a term which may extend to three years, or with fine, or with both.

The Government has decided to implement the Centralized Monitoring System project under Department of Telecommunications which facilitates the direct electronic provisioning of target number by Government agencies on secured links without any manual intervention from Telecom Service Providers (TSPs).

To further tighten the process of lawful interception, a revised Standard Operating Procedure (SOP) on Telephone Interceptions, as an elaboration of the provisions of Section 5(2) and Rule 419A has been issued to Central Security and Law Enforcement Agencies by Ministry of Home Affairs. A copy of this revised Standard Operating Procedure (SOP) has been shared with the States during the meeting taken by Union Home Secretary with all Chief Secretaries and Directors General of Police on 31.05.2011 and they were encouraged to consider similar SOP with suitable modifications for the States.