

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

UNSTARRED QUESTION NO:661

ANSWERED ON:27.02.2013

ILLEGAL MOBILE SOFTWARE

Bapurao Shri Khatgaonkar Patil Bhaskarrao;Bhoi Shri Sanjay;Gaikwad Shri Eknath Mahadeo;Paranjpe Shri Anand Prakash

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

- (a) whether Chinese software namely, Spiderman and Chinaking are freely available in the country which can change or duplicate the International Mobile Equipment Identity (IMEI);
- (b) if so, the details thereof;
- (c) whether the free availability of such software and duplication of IMEI lead to a serious security concern;
- (d) if so, the details thereof; and
- (e) the steps the Government proposes to take in the matter for making stringent rules and regulations to meet the security concerns from Chinese and other imported software and mobile?

Answer

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

(a) & (b) Madam, an incidence has been reported by Madhya Pradesh Government stating that Madhya Pradesh Police has caught three persons who were found changing International Mobile Equipment Identity (IMEI) of China make mobile phones with the help of software named Spiderman and Chinaking and registered a criminal case against them.

(c) & (d) IMEI is supposed to be a unique number assigned to a mobile handset that can help to trace a mobile user. Mobile handsets with duplicate/non-genuine IMEI number may create hindrance in tracing the actual user of the mobile phone when required by Security/Law Enforcement Agencies.

(e) To address the issue steps taken by the Government are as follows:

(i) The Ministry of Commerce and Industry has issued a notification No14/2009-2014 dated 14th Oct' 2009 that import of 'Mobile Handsets' classified under ITC (HS) code '8517' without International Mobile Equipment Identity (IMEI) Number or with all zeroes IMEI is prohibited with immediate effect. In the same notification, import of CDMA mobile phones (classified under ITC(HS) '8517' without Electronic Serial Number (ESN) / Mobile Equipment Identifier (MEID) or with all zeroes as ESN /MEID is prohibited with immediate effect.

(ii) The instructions have been issued by DoT vide letter dated 27.11.2009 directing all the telecom service providers that calls from mobile handsets with any IMEI number which is not available in the latest updated IMEI database of GSMA or without IMEI or all 'Zero' as IMEI should not be processed and must be rejected with effect from 30.11.2009.

(iii) Anybody indulged in this illegal activity can be dealt under Section 25 of Indian Telegraph Act' 1885 which deals with intentionally damaging or tempering with telegraphs and mobile handset is a part of telegraph. Further, the change of IMEI number of a mobile phone is a kind of unauthorized software modification, thus tantamount to tampering of computer source code which is a punishable offence under section 65 of Information Technology Act, 2000.