

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

STARRED QUESTION NO:294
ANSWERED ON:11.02.2014
PHONE TAPPING
Raghavan Shri M. K.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether there are reports of illegal telephone tapping and collection of call details both by the Government and private agencies;
- (b) if so, the details thereof and the action taken in this matter by the Government;
- (c) whether there are any guidelines/legal provisions under which telephonic conversations can be intercepted and call details collected by various agencies;
- (d) if so, the details thereof indicating the names of the agencies authorised in this regard;and
- (e) the details of the steps taken/being taken by the Government to prevent the misuse of powers for intercepting conversations, safeguarding the audio recording/transcripts of such intercepted conversations and preventing leakage of the same?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI R.P.N SINGH)

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

STATEMENT IN REPLY TO PARTS (a) to (e) OF THE LOK SABHA STARRED QUESTION NO.294 FOR 11TH FEBEUYARY,2014.

(a) & (b) Incidents of physical/electronic surveillance in the States of Gujarat and Himachal Pradesh, and the National Capital Territory of Delhi, allegedly without authorization have been reported. Union Cabinet has approved a proposal to set up a Commission of Inquiry under Commission of Inquiry Act, 1952 to look into these incidents.

(c)&(d) Interception of communication by authorized Law Enforcement Agencies (LEAs) is carried out in accordance with Section 5(2) of the Indian Telegraph Act, 1885 read with Rule 419A of Indian Telegraph (Amendment) Rules, 2007. Following is the list of authorised Law Enforcement Agencies for Lawful Interception:

Central Agencies

- (i) Intelligence Bureau,
- (ii) Narcotics Control Bureau,
- (iii) Directorate of Enforcement,
- (iv) Central Board of Direct Taxes,
- (v) Directorate of Revenue Intelligence,
- (vi) Central Bureau of Investigation,
- (vii) National Investigation Agency,
- (viii) Research & Analysis Wing (R&AW),
- (ix) Directorate of Signal Intelligence, Ministry of Defence- for Jammu & Kashmir, North East & Assam Service Areas only.

State Agencies

Director General of Police, of concerned state/Commissioner of Police, Delhi for Delhi Metro City Service Area only.

Call data records (CDRs) can be sought by following the statutory provisions contained in Section 92 of the Code of Criminal Procedure, 1973 or Section 5(2) of the Indian Telegraph Act, 1885 read with Rule 419 A of Indian Telegraph (Amendment) Rules,

2007.

(e) Standard Operating Procedures for Interception, Handling, Use, Sharing, Copying, Storage and Destruction of records have been issued by the Ministry of Home Affairs to the Central Law Enforcement Agencies. The Department of Telecom has issued Standard Operating Procedures for Lawful Interception to the Telecom service providers.

The orders of the competent authority authorising Lawful Interception are reviewed by a Review Committees constituted under Rule 419 A of the Indian Telegraph (Amendment) Rule, 2007.