

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

UNSTARRED QUESTION NO:1443
ANSWERED ON:04.03.2015
INTERCEPTION OF TELEPHONE
Owaisi Shri Asaduddin

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

- (a) whether over 9000 phones are tapped every month in the country;
- (b) if so, the details thereof;
- (c) whether Indian Telegraph Rules 1951 allows lawful interception of phones under unavoidable circumstances;
- (d) if so, the details thereof and whether these unavoi- dable circumstances have not been defined so far; and
- (e) if so, the reasons therefor and the action taken by the Government in this regard?

Answer

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)

(a) & (b) Madam, on an average 5000 interception orders per month are issued by the Union Home Secretary on the requests supported by justified grounds/ reasons made by Law Enfor- cement Agencies.

(c) to (e) The interception of telephone conversation is done by Law Enforcement Agencies as per the provisions contained in the Section 5(2) of Indian Telegraph Act, 1885 read with of Indian Telegraph Rules, 1951 amended from time to time. The Rule 419A of Indian Telegraph Rules allows lawful interception of phones under unavoi- dable circumstances. In unavoidable circumstances, such order may be made by an officer, not below the rank of Joint Secretary to the Government of India, who has been duly authorized by the Union Home Secretary or the State Home Secretary, as the case may be:

PROVIDED that in emergent cases:

- (i) in remote areas, where obtaining of prior direction for interception of message or class of messages is not feasible; or
- (ii) for operational reasons, where obtaining of prior directions for interception of messages or class of message is not feasible;

The required interception of any message or class of messages shall be carried out with the prior approval of the head or second senior most officer of the autho- rized security i.e. Law Enforcement agency at the central level and the officers authorized in this behalf, not below the rank of Inspector General of Police, at the state level but the concerned competent authority shall be informed of such interceptions by the approving authority within three working days and that such interceptions shall be got confirmed by the concerned competent authority within a period of seven working days. If the confirmation from the competent authority is not received within the stipulated 7 days, such interception shall cease and the same message or the class of messages shall not be intercepted thereafter without the prior approval of Union Home Secretary or the State Home Secretary, as the case may be.