

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4673

ANSWERED ON:12.08.2014

OFF AIR INTERCEPTION EQUIPMENT

Patil Shri Bheemrao Baswanthrao;Shrirang Shri Chandu Barne

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Union Government has banned the use of off-air interception equipment;
- (b) if so, the details thereof and the circumstances under which the off-air interception equipments are allowed;
- (c) whether the Government has been conducting nation-wide audit in the background of allegations that such equipment may have been misused by some Government agencies;
- (d) if so, the details thereof; and
- (e) the measures taken by the Government to check the unauthorised use of off-air interception equipments?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJJU)

(a) & (b) The use of Off-the-air interception equipment is legally not permissible under the extant provisions of the Indian Telegraph Act, 1885. As such, a public notice was issued on 22.3.2011 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.

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

(c) & (d): No. Madam. In response to the public notices issued as mentioned in para (a) & (b) above, no private person/s or companies have reported such equipment.

(e): Reference is made to reply to point (a) & (b) above. In addition, Union Home Secretary had a meeting with all Chief Secretaries and DGPs on 31.05.2011 in order to sensitize the State Governments and other Law Enforcement Agencies (LEAs).