

GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS

RAJYA SABHA  
UNSTARRED QUESTION NO. 2556.

TO BE ANSWERED ON THE 20<sup>th</sup> MARCH, 2013/PHALGUNA 29, 1934 (SAKA)

ILLEGAL PHONE TAPPING AND MONITORING OF PHONE CALLS

2556. SHRI SHADI LAL BATRA:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether Government is aware of the incidents of illegal phone tapping and monitoring of telephone calls;
- (b) if so, the details thereof and reaction of Government thereto; and
- (c) the action taken by Government to check illegal phone tapping?

ANSWER

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

(a)&(b): No such cases have been reported in recent past.

(c): Legal Interception is allowed in accordance with Section 5(2) of the Indian Telegraph Act, 1885 read with Rule 419A of Indian Telegraph (Amendment) Rules, 2007. The unlawful interception is a punishable offence under Section 26 of Indian Telegraph Act, 1885, with imprisonment for a term which may extend up to three years, or with fine, or with both.

Also, As per the provisions of USAL/Cellular services License Agreement under Indian Telegraph Act, 1885, "the Licensee shall be responsible for ensuring privacy of communication on its network and also to ensure that unauthorized interception of message does not take place".

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In order to have a check on off-the-air monitoring equipments, a press release was given by DoT on 31.12.2010 and a public notice was issued on 22.03.2011 as well as on 28.7.2012 that possession and use of such equipment is against the provision of Indian Wireless Telegraphy Act, 1933 & Indian Telegraph Act, 1885. As per the extant statutory provisions in Indian Telegraph Act, 1885 and Indian Wireless Telegraphy Act, 1933, the establishment, operation of equipment capable of interception requires a licence and unlicensed equipment and so also unauthorized interception by any mode/technology is a punishable criminal offence.

Also, Vide Department of Commerce Notification No. 5/3/2009-14 dated 15.7.2010, equipments which could be used to tap the communication off-the air have been moved to 'Restrictive List' from the 'Open General Licence' (OGL) list.

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