

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

RAJYA SABHA
STARRED QUESTION NO. *41

TO BE ANSWERED ON THE 19th JULY, 2017 /ASHADHA 28, 1939 (SAKA)

LEGAL RIGHTS AND CONDITIONS FOR MONITORING AND INTERCEPTION
OPERATIONS

*41. SHRI RAJEEV CHANDRASEKHAR:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is aware that Internet is becoming the fastest growing source of terrorist propaganda and recruitment and as such there is an increasing need for intelligence and national security agencies to have legal powers and technology tools for monitoring and interception of such communications; and

(b) what legal rights and threshold conditions are being prescribed before agencies can conduct monitoring and interception operations given that there is a simultaneous need to ensure that such powers and tools are not misused against citizens?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)

(a) & (b): A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO THE RAJYA SABHA STARRED
QUESTION NO. *41 FOR 19.07.2017.

(a): Yes, Government is aware that Internet has become a source of terrorist propaganda and recruitment. The Security/Intelligence agencies regularly monitor the popular social media sites and websites and take necessary action in case of they find any classified material or provocative material or anti-national or terror related material hosted / circulated on such sites.

(b): Lawful monitoring and interception operations can be done only by the authorized designated Law Enforcement Agencies under the provisions of section 5(2) of the Indian Telegraph Act, 1885 read with Rule 419A of Indian Telegraph (Amendment) Rules. The Section 69 of the Information Technology Act, 2000 and the Rules framed thereunder provide for the powers to issue directions for interception or monitoring of any information generated through any computer resource. Further, the procedure and safeguards have been prescribed / notified vide the Information Technology (Procedure and Safeguards for interception, Monitoring and Decryption of Information) Rules, 2009.

The following steps have already been taken to check illegal interception:

(i): To take care of the privacy of citizens, lawful interception and monitoring is governed by the Section 5(2) of Indian Telegraph Act, 1885 read with Rule 419A of Indian Telegraph (Amendment) Rules, 2007 wherein oversight mechanism exists in form of review committee under chairmanship of the Cabinet Secretary at Central Government level and Chief Secretary of the State at the State Government level.

(ii): Unlawful phone tapping is a punishable Act under Section 25 and 26 of the Indian Telegraph Act. The punishment for unlawful interception is an imprisonment for a term, which may extend to 3 years or with fine or with both.
