

### Rise in Interception of telephones and e-mails

2402. SHRI S.S. AHLUWALIA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government has been seized of the news report, appeared in the Indian Express, New Delhi, dated 19 September, 2011, informing about the exponential rise in interception (tapping) of telephones and electronic-mails by agencies during the recent past;

(b) the State-wise detailed response of Government thereto indicating month-wise details of number of orders issued permitting the agencies to tap telephones/mails during the last ten months;

(c) the details of services provided by MTNL/BSNL and private operators respectively in tapping of phones; and

(d) the agency-wise requests for grant of tapping permissions remained pending as on 1st November, 2011 indicating reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) The number of Lawful Interceptions (LI) sought by and authorised to the Central Agencies has been no exponential rise in the recent past.

(b) Section 5 of the Indian Telegraph Act and Rule 419-A made thereunder empower the Competent authority at each State level, independent of the Competent authority at the Union level. As such, month-wise/State-wise statistics is not maintained Centrally.

(c) All Telecom Service Providers (TSPs) have to provide facilities for Lawful interception as per the extant statutes.

(d) Requests for permission are disposed promptly (*i.e.* either permitted or denied) to meet functional requirement of Law Enforcement Agencies. Thereafter, all authorizations given are subject to a mandatory review/confirmation by the Review Committee constituted under Rule 419A.

### Proposal to amend Article 72

†2403. SHRI PARSHOTTAM KHODABHAI RUPALA:

SHRI BHARATSINH PRABHATSINH PARMAR:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that there is not time limit fixed to consider the application to condone the criminals given with capital punishment under Article 72 of Constitution of India due to which many criminals sentenced for capital punishment could not be hanged;

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†Original notice of the question was received in Hindi.

- (b) the details of reasons due to which this article has not been amended so far;
- (c) whether your ministry is reconsidering upon this subject; and
- (d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (d) The power under Article 72 of the Constitution does not contain any limitation of time in which the power shall be exercised. Suggestions have been received for amending the Article 72 of the Constitution of India to fix a time limit for consideration of mercy petitions of convict facing capital punishment. However, at present, this is no proposal to amend Article 72 of the Constitution of India. It is felt that for proper administration of justice in a proper and humane manner the power of President to pardon, should be continued.

#### **Unregistered foreign NGOs in the country**

2404. SHRIMATI SMRITI ZUBIN IRANI: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) how many foreign Non-Governmental Organisations (NGOs) are registered to work in India;
- (b) whether instances of unregistered foreign NGOs have been found in any State in the country; and
- (c) whether any complaints/FIR have been registered in the country against foreign NGOs for malpractice?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) Foreign Non-Profit Organizations (NPOs) and Non-Government Organizations (NGOs) desirous of establishing place of business in India are required to obtain prior permission from the Reserve Bank of India (RBI) for setting up Liaison Office (LO)/Branch Office (BO) in India. As reported by RBI, there are 67 Liaison Offices of foreign NPOs/NGOs in the country.

- (b) The Reserve Bank of India has reported that it has no such information.
- (c) No instance of complaint against any foreign NPOs/NGOs has been brought to the notice of RBI.

#### **Traffickers using Delhi as a centre**

2405. SHRI BAISHNAB PARIDA:  
SHRI SANJAY RAUT:

Will the Minister of HOME AFFAIRS be pleased to state: