

State's/UT's utilize the allocated funds and meet residual gaps as per the RTE Act, 2009, standards.

**Guidelines for intercepting telephone conversations**

\*443.DR. T.N. SEEMA: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether there have been complaints that Government accesses telephone conversations of political leaders and corporates;

(b) if so, the details thereof for last three years and the current year;

(c) the guidelines for interception of telephonic conversation by Government agencies;

(d) the action taken by Government against unlawful phone tapping, and the details of cases registered during the last three years and in the current year;

(e) the measures taken by Government to prevent misuse of phone tapping during election period; and

(f) the measures taken by Government to protect the rights of privacy of individuals?

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL) : (a) to (c) Sir, accessing the telephone conversation of any entity or individual by the Government is done following a due process of law, which is in accordance with Section 5(2) of Indian Telegraph Act, 1885 read with Rule 419A of Indian Telegraph (Amendment), Rules 2007. No information has come to the notice that Government illegally accesses telephone conversations of political leaders and corporate. In this regard, it is also stated that this Ministry does not maintain a separate records of such complaints. However, as and when such a complaint is received, it is forwarded to Ministry of Home Affairs for appropriate action. The details of complaints by some political leaders of accessing their telephone conversation are as follows:

- (i) Dr. Ajay Kumar, Hon'ble MP, Lok Sabha, Jamshedpur, complained on 21.12.2011 stating that DGP, Jharkhand and SP (Senior) Jamshedpur are tapping his phones without obtaining permission from competent authority.

(ii) Shri Adhir Ranjan Chowdhury, Hon'ble MP, Lok Sabha, Baharampur, West Bengal complained on 25.01.2012 suspecting his phone being illegally tapped by Delhi telecom centre.

(iii) Beside above complaints, 5 individual complaints have been received suspecting that their phones were under illegal surveillance. These complaints have been forwarded to Ministry of Home Affairs for appropriate action.

(d) The unlawful interception is a punishable offence under section 25 and section 26 of Indian Telegraph Act 1885, with imprisonment for a term which may extend to three years, or with fine, or with both. No case of unlawful phone tapping has come to notice during the last three years and in the current year.

(e) There is no separate statutory provisions specific for legal interception during election period.

(f) Right to Privacy of the individual is protected in case of phone tapping by following the stringent guidelines as laid down in Indian Telegraph Act 1885, according to which phone tapping is permitted on the occurrence of any public emergency, or in the interest of public safety by the Government only under the following conditions:

- (i) it is necessary or expedient so to do in the interest of sovereignty and integrity of India,
- (ii) the security of the state,
- (iii) friendly relations with foreign states, or
- (iv) public order or for preventing incitement to the commission of an offence.

These powers are exercised by respective Central or State Government under the provisions of Rule 419A of Indian Telegraph (Amendment) Rules 2007.

It has been mandated in the license agreement that the licensee shall have the responsibility to ensure protection of privacy of communication and to ensure that unauthorized interception of message does not take place.