

Accessing data from foreign countries bypassing MLAT regime

3093. SHRI TIRUCHI SIVA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government plans to take steps towards signing agreements with other countries that would allow the law enforcement agencies to request data directly from the foreign companies, bypassing the present Mutual Legal Assistance Treaty (MLAT) regime;

(b) how do the law enforcement agencies presently access data from countries that India has not signed MLAT with; and

(c) considering that MLAT only applies in criminal cases, how Government procures electronically stored information from foreign companies when such information is required for civil suits?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI HANSRAJ GANGARAM AHIR): (a) No, Sir.

(b) Ministry of Home Affairs is the designated Central Authority for seeking legal assistance from foreign countries in criminal matters. Legal Assistance from countries, with which India has not signed an MLAT, is sought on the basis of an Assurance of Reciprocity and on the basis of International Convention(s) which has been signed and ratified by India and the requested country.

(c) Ministry of Law and Justice, the designated Central Authority for seeking legal assistance from abroad in Civil and Commercial Matters, has informed that MLAT in Civil and Commercial Matters provides juridical and judicial cooperation in civil and commercial matters for the service of summons, judicial documents, commission, execution of judgements and arbitral awards only. Ministry of Law and Justice has informed that at present there is no proposal to sign agreements with other countries to procure electronically stored information in civil and commercial matters.

Security of Mumbai coastline

3094. SHRIMATI RENUKA CHOWDHURY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is aware that day-to-day patrolling off Mumbai coast is not being carried out by the concerned marine police and customs preventive wing;

(b) if so, the reasons for preventing surveillance boats from berthing and going out to sea for night patrol; and