

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO. 351

TO BE ANSWERED ON THE 19TH NOVEMBER, 2019/ KARTIKA 28, 1941 (SAKA)

WHATSAPP TAPPING

351. SHRI DAYANIDHI MARAN:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government does Tapping of WhatsApp calls and Messages in the country;
- (b) if so, the details thereof;
- (c) the protocol being followed in getting permissions before tapping WhatsApp calls and messages;
- (d) whether it is similar to that of mobile phones/telephones;
- (e) whether the Government uses Pegasus software of Israel for this purpose;
- (f) if so, the details thereof; and
- (g) whether the Government does tapping of calls and messages of other platforms like Facebook Messenger, Viber, Google and similar platforms and if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI G. KISHAN REDDY)

(a) to (g) : Section 69 of the Information Technology Act, 2000 empowers the Central Government or a State Government to intercept, monitor or decrypt or cause to be intercepted or monitored or decrypted, any information generated, transmitted, received or stored in any computer resource in the interest of the sovereignty or integrity of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above or for investigation of any offence.

Similarly, Section 5 of the Indian Telegraph Act, 1885 empowers lawful interception of messages on occurrence of public emergency or in the interest of public safety.

This power of interception is to be exercised as per provisions of law, rules and Standard Operating Procedure (SOP). Each such case is approved by the Union Home Secretary, in case of Central Government; and by Home Secretary of the State concerned, in case of a State Government. The competent authority in the Central Government has authorized following 10 agencies for this purpose:

- i) Intelligence Bureau;
- ii) Narcotics Control Bureau;
- iii) Enforcement Directorate;
- iv) Central Board of Direct Taxes;
- v) Directorate of Revenue Intelligence;
- vi) Central Bureau of Investigation;
- vii) National Investigation Agency;
- viii) Cabinet Secretariat (RAW);
- ix) Directorate of Signal Intelligence (For service areas of Jammu & Kashmir, North East and Assam only)

x) Commissioner of Police, Delhi

Any interception or monitoring or decryption of any information from any computer resource can be done only by these authorized agencies as per due process of law, and subject to safeguards as provided in the rules and SOP.

The safeguards and review mechanism have been prescribed in Rule 419A of the Indian Telegraph Rules and the Information Technology (Procedure and Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009 and Standard Operating Procedure issued for the purpose. There is no blanket permission to any agency for interception or monitoring or decryption and permission from competent authority is required, as per due process of law and rules, in each case. Each case is also reviewed by a Committee Chaired by the Cabinet Secretary in case of Central Government and Chief Secretary of the State concerned in case of a State Government.
