

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 108**

TO BE ANSWERED ON THE 2ND FEBRUARY, 2021/ MAGHA 13, 1942 (SAKA)

UNAUTHORISED ELECTRONIC SURVEILLANCE

108. DR. T. SUMATHY (a) THAMIZHACHI THANGAPANDIAN:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of instances of unauthorized physical/electronic surveillance that have taken place in the country during the past five years;

(b) the details of victims or subjects of these unauthorized electronic surveillance along with their professions;

(c) the details of the districts where such acts of unauthorized physical/electronic surveillance were committed and the districts where the subjects or victims of unauthorized physical/electronic surveillance were located;

(d) the status of investigation in respect of all the instances of unauthorized physical/electronic surveillance; and

(e) the steps taken by the Government to curb the menace of such unauthorized electronic surveillance?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI G. KISHAN REDDY)

(a) to (e): Lawful interception and monitoring can be done by the Law Enforcement Agencies only after obtaining approval of the competent authority in the Central or State Governments as the case may be, under the provisions of section 5(2) of the Indian Telegraph Act, 1885 read with Rule

419A of Indian Telegraph (Amendment) Rules, 2014 and Section 69 of the Information Technology Act, 2000 read with the Information Technology (Procedure and Safeguards for interception, Monitoring and Decryption of Information) Rules, 2009.

Unlawful / unauthorized interception is a punishable offence under section 25 & 26 of the Indian Telegraph Act, 1885, with imprisonment for a term which may extend up to three years, or with fine, or with both. Police and public order are State subjects as per the Seventh Schedule of the Constitution and the States are responsible for prevention, detection and investigation of such crime through their law enforcement machinery.
