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Mobile phone tapping allegation disrupts Indian Parliament

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A session of India's Parliament was adjourned on Monday morning after the opposition protested against the government, citing a magazine report that the mobile phones of some of the country's top politicians were tapped by an Indian

security agency.

The Indian government has tapped the mobile telephones of leading Indian political leaders including federal minister Sharad Pawar and the chief minister of the state of Bihar, Nitish Kumar, according to a report in the issue of Outlook magazine dated May 3. The controversy highlights the need for the country to have legislation for the protection of individual privacy in the country's Information Technology (Amendment) Act 2008, said Pavan Duggal, a cyberlaw consultant and advocate in India's Supreme Court.

While earlier telephone tapping was covered under the Indian Telegraph Act, which has laid down specific procedures for the authorization of telephone tapping, the tapping of mobile phones is now likely to be covered under the IT Act. This gives the government far more comprehensive powers for the interception, monitoring and blocking of electronic communications, Duggal said.

Mobile phones have been specifically defined as communications devices under the amended IT Act, he added.

The government's National Technical Research Organisation (NTRO), an intelligence agency set up to cover all aspects of technical intelligence-gathering, was monitoring the mobile phone conversations, according to the Indian magazine report.

A senior intelligence official is quoted as telling Outlook that the agency does not need to show any authorization since it is not tapping a phone number at the telephone exchange but intercepting signals between the phone and the cell phone tower and recording them on a hard disk. If inconvenient questions are asked, the recording can be erased from the hard disk, he said, according to the report. However, the country's home minister, P Chidambaram, told Parliament on Monday that telephone tapping or eavesdropping on political leaders was not authorized by the government.

Nothing has been found in the records of the NTRO to substantiate the allegations made by the magazine, the minister added.

"Each case of monitoring of telephone or electronic communication has to be approved by the Union Home Secretary personally and is subject to review by an oversight commission chaired by the cabinet secretary," Chidambaram told Parliament.

The report by Outlook has brought into focus the need for the country to have in place a law that forbids invasion of an ordinary citizen's privacy, but at the same time recognizes the right of the state to use the latest IT devices of interception to deal only with crime, subversion and espionage, L.K. Advani (<http://blog.lkadvani.in/blog-in-english/is-the-emergency-back>), a key opposition leader, said in a post on his blog.

The law must provide statutory safeguards which make it impossible for Government to abuse its powers against political activists and journalists, Advani said.

There is a need to harmonize the Indian Telegraph Act and the IT Act, and to introduce new legislation to ensure that provisions in the IT Act, created to protect the security of the country, are not misused and abused, Duggal said.

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