

File No. 18-4/2013/S-II
Government of India
Ministry of Communication & IT
Department of Telecommunications
(Security Wing)
905, Sanchar Bhawan, New Delhi - 1

4th September, 2013

To

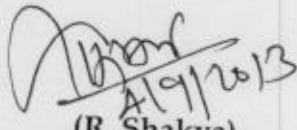
Ms. Talish Ray,
Software Freedom Law Centre,
K-9, IInd Floor, Birbal Road,
Jangpura Extension, New Delhi-14.

Madam,

Reference is invited to Appellate Order letter No. 18-4/2013/S-II (RTI-Appeal) dated 03.09.2013 in respect of your RTI application reference letter No. CTAG/RTI/15/2/2013 dated 15.05.2013.

As directed by the Appellate Authority, kindly find enclosed herewith a copy of reply to Rajya Sabha Unstarred Question No. 1598 answered on 23.08.2013 and Lok Sabha Unstarred Question No. 3207 answered on 12.12.2012.

Encl: As above.


(R. Shakya)
Director (S-II)
Tel No. 23372630

Copy to :

Shri Ram Narain, DDG (Security) & Appellate Authority, DoT, Sanchar Bhawan, ND.

**GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
DEPARTMENT OF TELECOMMUNICATIONS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 1598
TO BE ANSWERED ON 23RD AUGUST, 2013**

CENTRAL MONITORING SYSTEM PROJECT

1598. SHRI RAJEEV CHANDRASEKHAR:

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) the statutes, Government Orders and Notifications which deal with the establishment and maintenance of the Central Monitoring System (CMS) project;
- (b) whether CMS is in contravention to the guidelines for privacy laid down by the Hon'ble Supreme Court;
- (c) if so, the reasons for establishment of the CMS;
- (d) whether the data gathered through the new CMS is retained;
- (e) if so, the period for which such data is retained and whether this data can be shared with third parties; and
- (f) the recourse/legal protection available to Indian citizens against whom there is unwarranted surveillance or misuse/ abuse of power?

ANSWER

**THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND
INFORMATION TECHNOLOGY (SHRI MILIND DEORA)**

(a) Sir, Central Monitoring System (CMS) project has been approved by the Cabinet Committee on Security (CCS) in its meeting held on 16.06.2011.

(b) & (c) The interception and monitoring of any target under CMS can be done only after following the due process of law as stipulated in the Section 5(2) of Indian Telegraph Act, 1885 read with Rule 419A of Indian Telegraph (Amendment) Rules, 2007, which were issued in compliance to the Hon'ble Supreme Court guidelines.

CMS has been planned to automate the process of interception and monitoring for quick provisioning, maintaining better secrecy of targets and enhanced data analytical capabilities. Further, CMS has an inbuilt mechanism of check and balance, wherein the Law Enforcement Agencies (LEAs) are not able to provision the target themselves and the provisioning authority is not able to see the content of the intercepted communication. Additionally, there is a provision of auto generation of audit trail of command logs related to interception and monitoring, which works as a deterrent to any unauthorized provisioning.

Cond....2/-

(d) & (e) The data gathered through CMS has to be handled by the concerned law Enforcement Agencies as per the provisions of Sub-Rule 18 of Rule 419 A of Indian Telegraph (Amendment) Rules, 2007 wherein it is stated that records pertaining to directions for interception and of intercepted messages shall be destroyed by the relevant competent authority and the authorized security and Law Enforcement Agencies every six months unless these are, or likely to be, required for functional requirement. The sharing of the data is regulated by the sub-rule 8 of Rule 419A of Indian Telegraph (Amendment) Rules, 2007.

(f) An illegal/unauthorized interception and monitoring of any communication is a punishable act under section 25 & 26 of Indian Telegraph Act, 1885 wherein one can be punished with imprisonment which may extend upto three years or with fine or with both.

No. 7-27(23)/2012/S-II
Government of India
Ministry of Communications & Information Technology
Department of Telecommunications
(Security wing)

LOK SABHA
UNSTARRED QUESTION 3207
QUESTION WILL BE PUT DOWN FOR 12th Dec' 2012

Central Monitoring System

3207: Dr. Nilesh N. Rane

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether the Government proposes to set up Centralised Monitoring System for telephone and internet services;
- (b) if so, the salient features thereof;
- (c) the funds allocated and spent thereon so far; and
- (d) the present status of the scheme, State-wise?

Answer

The Minister of State in the Ministry of Communications & Information Technology (Shri Milind Deora)

(a): & (b): Yes Sir, Government has decided to set up the Centralized Monitoring System (CMS) for Lawful Interception & Monitoring of telephone and Internet services. The envisaged salient features of CMS are as follows:

- (i) Direct Electronic Provisioning of target number by a Government agency without any manual intervention from Telecom Service Providers (TSPs) on a secured network, thus enhancing the secrecy level and quick provisioning of target.
- (ii) Central and regional database which will help Central and State level Law Enforcement Agencies in Interception and Monitoring.
- (iii) Analysis of Call Data Records (CDR) to help in establishing linkage between anti-social/anti-national elements.
- (iv) Research and Development (R&D) in related fields for continuous up gradation of the CMS.

(c): The total fund allocation is Rs. 400.00 Crores. So far, the expenditure incurred on R&D is Rs. 76.86 Crores and on roll out of project is Rs. 4.25 Crores.

(d): The development work of the system is largely completed. Pilot project has been completed by 30.09.2011 at Delhi under which C-DOT has installed two ISF servers one each for Mahanagar Telephone Nigam (MTNL) & Tata Communications Limited (TCL) and the interception services have been integrated and tested successfully for these two Telecom Service Providers. Further, the System has been installed and integrated in Delhi License Service Area connecting six Telecom Service Providers and one Telecom Service Provider in Haryana License Service Area. The CMS has also been integrated with mobile number portability operators for Pan-India. Equipment has been ordered for installation of system in six more licensed service areas.
