

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION No. 3440
TO BE ANSWERED ON 31.3.2023

REGULATION OF DARKNET

3440. DR. PRASHANTA NANDA:

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

- (a) Whether Government is aware of the projected data breaches for Indian citizens on the darknet;
- (b) the steps taken to improve the mechanism as the present legislative framework does not effectively provide for methods to restrict the darknet; and
- (c) whether Government plans to introduce a policy measure for the same?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAJEEV CHANDRASEKHAR)

(a): The policies of the Government are aimed at ensuring an Open, Safe, Trusted and Accountable Internet for its users. With the expansion of the Internet, more and more Indians coming online and increase in the volume of data generated, stored and processed, instances of data breaches have also grown. Government is cognizant of the same and has taken a number of measures to help protect personal data of users.

(b): To protect personal data of users, the Central Government, in exercise of its powers under the Information Technology Act, 2000, has prescribed reasonable security practices and procedures and sensitive personal data or information through the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011.

These include the requirement that any person collecting, receiving, possessing, storing, dealing or handling information provided should publish on its website a policy for privacy and disclosure of personal information, that such person use the information collected for the purpose for which it was collected and keep it secure, that disclosure of sensitive personal data be done with prior permission of the information provider, that sensitive personal data or information not be published, and that a third party receiving sensitive personal data or information shall not disclose it further.

Section 72A of the Act provides for punishment for disclosure of information in breach of the lawful contract. It provides that any person including an intermediary who, while providing services under the terms of lawful contract, has secured access to any material containing personal information about another person, with the intent to cause or knowing that he is likely to cause wrongful loss or wrongful gain discloses, without the consent of the person concerned, or in breach of a lawful contract, such material to any other person, shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.

(c): Keeping in view the need to strengthen the law on protection of personal data, the Ministry of Electronics and Information Technology has prepared a draft Bill, titled 'The Digital Personal Data Protection Bill, 2022'. Extensive consultation on the draft Bill has been undertaken to generate necessary feed back to formulate the provisions of the related legislative proposal.
