

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 1048**  
TO BE ANSWERED ON: 28.07.2023

**REVIVAL OF NATIONAL ENCRYPTION POLICY**

**1048. SHRI SNIRANJAN REDDY:**

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

- (a) the details of the number of data breaches since 2015, due to lack of a proper data encryption framework;
- (b) whether government plans to revive the National Encryption Policy, especially to set different levels of encryption for different types of data;
- (c) if so, by when;
- (d) the steps taken to balance traceability (first originator) and end-to-end encryption in prevailing today's digital environment;
- (e) the steps taken to address the challenges posed by the proliferation of domestic and foreign online communication services that use encryption; and
- (f) whether government plans to bring a law on encryption?

**ANSWER**

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

(a): The Government is committed to ensure that the Internet in India is Open, Safe & Trusted and Accountable for all users. Data breach incidents are caused by various factors, including insufficient data encryption, exploitation of vulnerable services, misconfigurations, compromised credentials, malware infections and third-party breaches.

The Government has designated Indian Computer Emergency Response Team (CERT-In) as the national agency for responding to cyber security incidents.

As per the information reported to and tracked by CERT-In, data breach incidents from 2015 to 2023 (upto June) are 0, 0, 2, 5, 11, 36, 39, 51 and 49 respectively.

(b) and (c): There is no such proposal under consideration of the Ministry of Electronics and Information Technology.

(d) and (e): To ensure Government's objective of Open, Safe, Trusted and Accountable Internet for Digital Nagrik, the Central Government, in exercise of powers conferred by the Information Technology Act, 2000 ("IT Act"), has notified the new Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules, 2021").

These new rules cast specific obligation on intermediaries vis-à-vis what kind of information is to be hosted, displayed, uploaded, published, transmitted, stored or shared.

Under the said rules, Significant messaging intermediaries shall enable identification of the first originator of the information, when that is required only for the purposes of prevention, detection, investigation, prosecution or punishment of an offence related to sovereignty and integrity of India, the security of the State, friendly relations with foreign States, or public order or of incitement to an offence relating to the above or in relation with rape, sexually explicit material or child sexual abuse material punishable with imprisonment for a term of not less than five years.

Intermediary shall not be required to disclose the contents of any message or any other information of the first originator, hence no breach of encryption is required under the IT rules.

(f): No Sir.

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