

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 257
TO BE ANSWERED ON 21.07.2023

PROTECTION AGAINST DIGITAL CRIMES

257. SHRI BRIJLAL:

Will the Minister of Electronics and Information Technology be pleased to state:

- (a) whether Government is considering to bring the Digital India Bill to protect people from digital crimes and if so, the details thereof;
- (b) whether Government has held any interaction with the stakeholders concerned in this regard and if so, their response thereto; and
- (c) the other steps taken/proposed to be taken by Government to make tech companies accountable?

ANSWER

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

(a) and (b): The policies of the Government are aimed at ensuring an Open, Safe and Trusted and Accountable Internet for its users, keeping in view emerging challenges of digital crimes. The Information Technology Act, 2000 ("IT Act") and rules made thereunder contain several provisions for safeguarding Digital Nagriks from digital crimes. The IT Act penalises various offences relating to computer resources, including tampering with computer source documents (section 65), dishonestly or fraudulently damaging computer system (section 66), identity theft (section 66C), cheating by impersonation (section 66D), etc.

In addition to such general provisions regarding cyber offences, it also provides for various offences that serve to secure the digital space for women, e.g., violation of bodily privacy (section 66E), transmitting of obscene material (section 67), and publishing or transmission of material containing sexually explicit act in electronic form (section 67A and 67B). These offences are in addition to various penal provisions under the Indian Penal Code, such as the offence of stalking using electronic communication (section 354D).

The Ministry of Electronics and Information Technology engages with all other Ministries/ Departments on matters related to digital safety of digital nagriks on an ongoing basis and receives inputs from the public and stakeholders, including in respect of changes required to existing legislation and the need to introduce fresh legislation. Such engagement includes all aspects of law. Once the legislative proposal is formulated, in accordance with the Government's policy on pre-legislative consultation, proposed legislation is published in the public domain and feedback/comments invited from the public before given to the Secretariat of relevant House of Parliament.

The said procedure for introduction of a Bill in Parliament and pre-legislative consultation policy for public feedback/comments is observed in respect of all legislative proposals of the Government. No draft on the Digital India Bill has been published for public feedback/comments.

(c): The Government's objective is to ensure an Open, Safe, Trusted and Accountable Internet for Digital Nagrik.

To ensure that, 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. Intermediaries are also required to remove any content violative of any law for the time being in force as and when brought to their knowledge either through a court order or through a notice by appropriate government or its authorised agency. In case of failure to follow diligence as provided in the IT Rules, 2021, by intermediaries, they shall lose their exemption from liability under section 79 of the IT Act and shall be liable for consequential action as provided in such law. Further, in case an intermediary is a significant social media intermediary (an intermediary having more than 50 lakh registered users in India), to additionally observe due diligence in terms of appointing, in India, a Grievance Officer, a Chief Compliance Officer and a nodal contact person for 24x7 coordination with law enforcement agencies. As per the IT Rules, 2021, the Chief Compliance Officer is responsible for ensuring compliance with the IT Act and the rules made thereunder.

Keeping in view complaints regarding action or inaction, on the part of the social media intermediaries and other intermediaries on user grievances regarding objectionable content or suspension of their accounts, the Central Government has also established three GACs (Grievance Appellate Committees), as provided for in the said IT Rules, 2021 to enable users to appeal against the decisions taken by Grievance Officer of intermediaries on user complaints.
