

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 1341
TO BE ANSWERED ON 02.08.2024

AMENDMENT IN IT ACT TO REGULATE AI

1341. SMT. MAHUA MAJI:

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

- (a) whether Government has set up a timeline to amend the Information Technology (IT) Rules of 2021 to add new rules to regulate Artificial Intelligence (AI);
- (b) if so, the details thereof, if not, the reasons therefor;
- (c) whether Government plans to have a specific provision to safeguard user data and ensure transparency in data handling by AI systems under the new rules; and
- (d) if so, the details thereof, if not, the reasons therefor?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI JITIN PRASADA)

(a) to (d): To protect personal data of users, the Central Government, under the Information Technology Act, 2000 (“IT Act”), has prescribed reasonable security practices and procedures for sensitive personal data or information through the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 (“SPDI Rules”).

Further, to protect users in India from harms and to ensure adequate accountability by the intermediaries, MeitY in exercise of the powers given under the IT Act and after extensive public consultations with relevant stakeholders, has notified the IT Rules, 2021 on 25.02.2021 which were subsequently amended on 28.10.2022 and 6.4.2023. Rule 3(1)(b) of the IT Rules, 2021 prohibits eleven types of content on the Indian Internet available on the intermediary platform and also requires that their terms of use expressly restrict use of such content under the law.

Therefore, where any information falls within the categories prohibited under Rule 3(1)(b), any user may make a request to the Grievance Officer of the concerned intermediary on whose platform such unlawful information is made available to the public.

Upon receipt of such request, the intermediary is required to act expeditiously and in any case within the timelines prescribed under Rule 3(2) of the IT Rules, 2021.

Under Rule 3A of the IT Rules, the Government has also established Grievance Appellate Committees under the IT Rules, 2021 to allow users and victims to appeal online on www.gac.gov.in against decisions taken by the Grievance Officers of intermediaries in case they are dissatisfied with the decision of the Grievance Officer.

Rule 3(1)(i) of the IT Rules, 2021 mandates the intermediaries to take all reasonable measures to secure its computer resource and information contained therein following the reasonable security practices and procedures as prescribed in the SPDI Rules.
