

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 1794
TO BE ANSWERED ON: 27.07.2016

CYBER STALKING

**1794 SHRI JANARDAN MISHRA:
 SHRI BAHADUR SINGH KOLI:
 SHRI SHIVKUMAR UDASI:**

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

- (a) whether the number of cases for obscene publication and transmission has risen and the Government has failed in getting the requisite cyber crime convictions;
- (b) if so, the details thereof along with the cases reported during the last three years and the current year;
- (c) whether cyber stalking and online harassment of women and children have not been given the kind of priority it requires and if so, the reasons therefor and the details of cases of cyber stalking/ harassment reported during the last three years and the current year;
- (d) whether the Government has set up any committee/mechanism to provide legal help and to check such crimes; and
- (e) if so, the details thereof and the action taken to sensitize students and others against cyber stalking/harassment?

ANSWER

MINISTER OF STATE FOR MINISTRY OF ELECTRONICS AND
INFORMATION TECHNOLOGY (SHRI P.P. CHAUDHARY)

(a) and (b): Police and Public Order are State subjects under the Constitution and as such the State Governments and Union Territory Administrations are primarily responsible for prevention, detection, registration and investigation of crimes including Cyber Crime and for prosecuting the criminals through Law Enforcement machinery within their jurisdictions. National Crime Record Bureau (NCRB) collects and maintains statistical data of police recorded cognizable crimes from 35 States /Union Territories. As per the data maintained by NCRB, A total of 589 cases, 1,203 cases & 758 cases were registered under publication/ transmission of obscene/ sexual explicit act, etc. in electronic form [section 67 of Information Technology (IT) Act, 2000] during 2012, 2013 & 2014 respectively, showing a mixed trend. A total of 5 persons have been convicted under section 67 during 2014. Similar data for the year 2015 is under compilation.

(c) to (e): Union Government attaches highest importance to the matter of prevention and control of crime against women and children. Ministry of Home Affairs has issued an Advisory on Preventing & combating Cyber Crime against Women and Children dated 4th January, 2012, wherein it was advised to States / Union Territories to specifically combat the crimes in forms of cyber stalking, cyber bullying, child pornography and exposure to sexually explicit material etc. No separate data is maintained related to cases of cyber stalking/harassment by NCRB.

Mechanism exists to check such crime in form of following:

- i. The IT Act, 2000 together with the Indian Penal Code (IPC) and Protection of Children from Sexual Offences Act (POCSO) provides legal framework for dealing with online obscene material including child sexual abuse. Sections 67, 67A and 67B of the Information Technology Act provide stringent punishment and fine for publishing or transmission of obscene material in electronic form.
- ii. Further, Under sub-Section (2) of Section 79 of Information Technology Act 2000, the intermediaries including Internet Service Providers (ISPs) have a statutory obligation to observe due diligence and guidelines prescribed by the Government. The details of the due diligence to be observed by the intermediaries have been prescribed under the Information Technology (Intermediary Guidelines) Rules, 2011 enacted under Section 79 and notified on 13.04.2011. As per sub-Rule 3 (2) of the Rules as above, the intermediaries are required to take necessary action to inform the users not to host, display, upload, modify, publish, transmit, update or share any information which is objectionable in any way (including sexually explicit material).
- iii. As per the ministry of home affairs advisory, states have setup cyber crime cells to investigate cyber crimes and initiated action to strengthen the investigation resources in cyber crime cells.
- iv. Department of Electronics and Information Technology (DeitY), in response to Ministry of Women & Child Development (MWCD) and in consultation with MWCD, Ministry of Home Affairs (MHA), National Commission for Women (NCW), Matrimonial Website service providers as well as industry associations, has developed **a specific Advisory under Information Technology Act, 2000 for Online Matrimonial Websites service providers** for the benefit of registered users who are either creating the profile or whose profile is being uploaded for matrimonial alliance on these sites. The copy of the advisory issued on 6th June 2016 is available on DeitY website at <http://deity.gov.in> and MWCD website at <http://wcd.nic.in>

To enable responsible user behaviour and to promote cyber security and safety awareness, the Government has been implementing a programme on Information Security Education and Awareness (ISEA). One of the objective of the Project is to spread awareness on Information Security amongst various user groups including schools children. Under ISEA Project Phase I (2005-2014), approx. 596 workshops have been conducted which covered around 60000 school

children / college students. During these workshops, approx. 50000 awareness kits containing awareness material/hand books were distributed. 50 posters on various topics related to information security awareness were designed and around 2 lakh posters were posted at different user locations including Schools. Under ISEA Project Phase II also, Mass Awareness is being targeted towards different user groups including School children. More than 200 workshops have been conducted across the country covering 6057 students including school children.
