

**GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA**

UNSTARRED QUESTION NO:6573

ANSWERED ON:16.05.2012

MONITORING OF WEBSITES

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

- (a) whether the Government has no check on the contents of websites which have their servers installed in other countries, if so, the details thereof;
- (b) whether the Government of India has requested the United States of America (USA) and some other countries to regulate/monitor those social networking websites whose servers are installed there;
- (c) if so, the details thereof and the reaction of the concerned countries thereto;
- (d) Whether the Government also proposes to ask the Social Networking Websites to base their servers in the country so that the contents of the websites are monitored and regulated;
- (e) if so, the details thereof and the reaction of these websites thereto;
- (f) Whether the cyber laws and laws related to individual privacy in the country are not stringent enough as compared to developed nations; and
- (g) if so, the details thereof and the action taken by the Government to strengthen the relevant laws to prevent cyber crimes and protect individual privacy?

Answer

MINISTER OF STATE FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI SACHIN PILOT)

(a) Government do not regulate the contents of website. However, Government, on 11.4.2011, has notified Information Technology (Intermediaries guidelines) Rules, 2011 under Section 79 of the Information Technology Act, 2000. The Rules provide for the intermediaries, which includes social networking websites, to observe due diligence and guidelines. The rules mandate that the intermediary shall publish the rules and regulations, privacy policy and user agreement for access or usage of the intermediary's computer resource by any person. Such rules and regulations, terms and conditions or user agreement shall inform the users of computer resource not to host, display, upload, modify, publish, transmit, update or share any information that is grossly harmful, harassing, blasphemous, defamatory, obscene, pornographic, paedophilic, libellous, invasive of another's privacy, hateful, or racially, ethnically objectionable, disparaging, relating or encouraging money laundering or gambling, or otherwise unlawful in any manner whatever; etc.

The rules also provide that intermediary upon obtaining knowledge by itself or been brought to actual knowledge by an affected person about such content shall act and wherever applicable, work with the user or owner of information to disable such information. The rules also requires the intermediaries to nominate a grievance officer to address the complaints/requests about such content.

Further section 69A of the Information Technology Act, 2000 empowers Government to issue directions for blocking for public access of any information through any computer resource in the interest of sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign States, public order or for preventing incitement to the commission of any cognizable offence relating to these. Under this section, the detailed rules namely Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 have been notified on 27.10.2009.

- (b): No, Sir.
- (c): Does not arise.
- (d): Government does not monitor or regulate content of websites.
- (e): Does not arise.
- (f): Section 43 A and section 72A of the Information Technology Act, 2000 provides a legal framework for privacy and security of data

in digital form. These sections provide for compensation to the affected person and imprisonment upto 3 years for disclosure of information in breach of lawful contract respectively. Further section 72 provides imprisonment upto 2 years and fine for breach of confidentiality and privacy.

The Information Technology (Reasonable security practices and procedures and sensitive personal data or information) rules, 2011 notified on 11.4.2011 under section 43A of the Act mandates that body corporates, who collect personal data or information, must provide a privacy policy for handling of or dealing in personal information including sensitive personal, data or information on their websites. They are also required to implement reasonable security practices and procedures to protect the information.

(g): The Information Technology Act, 2000 has been amended by the Information Technology (Amendment) Act, 2008 w.e.f. 27.10.2009. The Act has provisions for dealing with prevalent cyber crimes by way of punishments in the form of imprisonment ranging from 3 years to life-imprisonment and fine. The Act also provides for penalty and compensation to the affected victims for damage to computer, computer system, failure to protect data etc.