

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

UNSTARRED QUESTION NO:344  
ANSWERED ON:25.02.2015  
CLOUD COMPUTING  
Girri Shri Maheish

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

- (a) whether Government is aware of legal challenges arising out of cloud computing;
- (b) if so, the details there of;
- (c) the details of laws governing cloud computing in India;
- (d) the risks associated with cloud computing;
- (e) the jurisdiction over data in cloud computing, since it is stored servers located in remote unknown places; and
- (f) whether the Government is working with other countries towards making cyberspace more transparent?

**Answer**

MINISTER FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)

(a) and (b): Government is aware of the legal challenges arising from cloud computing which broadly include issues relating to jurisdiction, data location & sovereignty, data security & privacy and contractual obligation of service providers.

(c): At present definitions of 'computer', 'communication device', 'computer network', 'computer resource', & 'computer system' in Information Technology Act 2000 (IT Act 2000) are applicable to various modes of cloud service delivery mechanisms (such as Infrastructure as a Service, Platform as a Service and Software as a Service). The Cloud Service Providers are covered as intermediaries in the IT Act 2000 and are liable under Section 43A & 79 and the associated Rules in the IT Act. IT Act has adequate provisions to address issues related to data protection, data preservation & retention and lawful access to data in the cloud.

(d): Cloud computing has raised various risks such as:

Taxation, trans-border data flow, data and log retention, audit trails, third party access to sensitive information, forensics, ownership of Intellectual Property, business continuity plan, disaster recovery, incident response, reliability and availability of services, infrastructure issues (in terms of land, power, human resources, connectivity & bandwidth) and protection of Critical Information Infrastructure.

(e): The concept of cloud computing works on the principle of utilizing multiple resources at multiple locations based on customer requirements and business demands. The cloud computing technology therefore raises jurisdiction issues relating to appropriate contractual agreements between the service provider and the customers, lawful access to data in the cloud by law enforcement agencies such as for investigation of crimes. Since the resources may be located in multiple jurisdictions / countries agreements such as Multi Lateral Access Treaty (MLAT) and bilateral agreements may need to be strengthened for addressing such issues.

(f): The need for transparency in cyberspace in view of emergence of new technologies and associated applications including cloud computing has become extremely crucial due to global digital integration, wide spread use of internet and convenience of online business transactions. The issue of transparency being faced by users in cyberspace needs to be tackled globally. India is in close touch at various levels internationally working for the development of norms of behavior, transparency and confidence-building measures to ensure global cooperation in the matter and following international practices, guidelines in the field.