

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

UNSTARRED QUESTION NO:3612  
ANSWERED ON:18.03.2015  
VIOLATION OF INDIVIDUAL PRIVACY  
Hari Shri G.;Senguttuvan Shri Balasubramaniam

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

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- (a) whether there are reports including one of Software Freedom Law Centre for violation of individual privacy of individual through internet monitoring system;
- (b) if so, the details thereof;
- (c) whether the Government has issued an advisory to the States that the provisions of section 66-A of Information Technology Act should not be invoked and arrest under that provision shall not be made without the explicit permission from competent authority;
- (d) if so, the details thereof;
- (e) whether the Government proposes to repeal or amend of the provisions of section 66A of Information Technology Act; and
- (f) if so, the details thereof;

**Answer**

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

(a) and (b): There has been press coverage quoting a report launched by Software Freedom Law Centre (SFLC) regarding a generic apprehension among internet users on violation of privacy of citizens. The actions of the Government with regard to any information through any computer resource follow only when it is necessary or expedient to do in the interest of the sovereignty or integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above or for investigation of any offence. These actions are taken in accordance with the legal provisions as contained in the Information Technology Act 2000.

(c) and (d): An advisory was issued on 9th January, 2013 to the Chief Secretaries & Director General of Police of all States and Union Territories advising the State Governments that as regard to arrest of any person in compliant registered under Section 66A of the Information Technology Act 2000, the concerned police officer of a police station under the State's jurisdiction may not arrest any person until he/ she has obtained prior approval of such arrest, from an officer, not below the rank of Inspector General of Police in the metropolitan cities or an officer not below the rank of Deputy Commissioner of Police or Superintendent of Police at the district level, as the case may be.

(e) and (f): Hon'ble Supreme Court is presently having judicial review of Section 66A of the Information Technology Act 2000 in writ petition challenging the provision. The judgement is awaited. The directions given by Hon'ble Supreme Court will be implemented by the Government.