

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 1551
TO BE ANSWERED ON 10.12.2021

COMPLAINTS ON PRIVACY VIOLATION

1551. SHRI NEERAJ DANGI:

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

- (a) the number of complaints received by Government on privacy violations during the last three years and the current year;
- (b) the details of action taken by Government in this regard, if any; and
- (c) the steps being taken by Government for ensuring privacy violations?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAJEEV CHANDRASEKHAR)

(a) and (b): As per the data maintained by National Crime Records Bureau (NCRB), Ministry of Home Affairs, a total of 389, 812 and 742 cases for violation of privacy under Section 66E of the Information Technology Act, 2000 were registered during the years 2018, 2019 and 2020 respectively. Latest data pertains to 2020. Section 66E of the Act provides for punishment for violation of privacy. These cases are dealt by law enforcement agencies of States.

(c): The Government is committed towards Open, Safe & Trusted and Accountable internet where intermediaries shall always respect the Constitutional rights of all Indian online specially Article 14, 19 and 21 of the Constitution of India. Government has taken several steps for digital safety of people that *inter alia*, include:

- (i) The Information Technology (IT) Act, 2000 has provisions to deal with prevalent cyber crimes including the ones related to women and children. Sections 66E of the Act provide for the punishment and fine for violation of bodily privacy.
- (ii) Also, section 72A of the IT Act provides for punishment for disclosure of information in breach of the lawful contract.
- (iii) Section 43A of the IT Act, 2000 provides for compensation to be paid to the victim in case of unauthorized access of information and leakage of sensitive personal information. Such complaints are dealt by Adjudicating Officer appointed in the States.
- (iv) The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 notified under the IT Act particularly deals with citizen safety especially for women and children. The Rules require that the intermediaries shall observe due diligence while discharging their duties and shall inform their users not to host, display, upload, modify, publish, transmit, update or share any information that is harmful, defamatory, obscene and invasive of another's privacy or otherwise unlawful in any manner whatsoever. The intermediary shall also adopt grievance redressal mechanism as prescribed in the Rules. Intermediaries are also expected to remove any information violative of any

law in India as and when brought to their knowledge either through a court order or through a notice by an appropriate government or its authorised agency.

- (v) Further, rule 3(2)(b) of these Rules provides that on a complaint by an individual intermediary shall, within 24 hours, remove any content which prima facie exposes the private area of such individual, shows such individual in full or partial nudity or shows or depicts such individual in any sexual act or conduct, or is in the nature of impersonation in an electronic form, including artificially morphed images of such individual.
- (vi) MeitY has introduced the Personal Data protection Bill, 2019 in parliament during the winter session of 2019. The Bill has been referred to a joint committee of the parliament.
