



Need for New IT Law

For Prelims: Information Technology Act,2000, Cybercrimes, Splinternet, Section 66A of the IT Act, Data Protection law

For Mains: Need for Review of Information Technology Act,2000, Cyber Security, IT & Computers, Government Policies & Interventions

Why in News?

Recently, the **Minister of State for Electronics and Information Technology (IT)** spoke on the need for legislative overhaul of the **22-year-old Information Technology Act,2000**.

- The government enacted the [original IT legislation in 2000](#).
- The **IT (Amendment) Act came into force in 2009** and was aimed at facilitating [e-governance](#), [preventing cybercrime](#) and [fostering security practices](#) within the country.
- Recently, the government has notified [Information Technology \(Intermediary Guidelines and Digital Media Ethics Code\) Rules 2021](#).

Why is there a need for New IT Law (External Issues)?

- **India Entering into Digital Age:** India is going to have a [trillion-dollar digital economy](#) in a few years, and a large number of businesses will be on the Indian Internet.
 - Therefore, an **open & secure Internet** becomes an important economic component of our country.
- **Rise of Splinternet:** The global internet as we know it is on the verge of **splintering into smaller bubbles of national networks** due to aggressive national policies, trade disputes, censorship, and dissatisfaction with **big tech companies**.
 - This will have far-reaching consequences that impact international unions, data enterprises and individual consumers alike.
 - Perhaps the most sophisticated instance of a splintered internet today would be **China's Great Firewall'**.
 - What are seen as essential services, like **Google Search and Maps, Western social media**, and so on - are **entirely banned and replaced by Chinese alternatives like Weibo** in the name of Cyber Sovereignty

Why is there a need for New IT Law (Internal Issues)?

- **Majority of Cybercrimes in India are Bailable Offense:** A historical mistake was made when the **IT (Amendment) Act, 2008**, made almost all cybercrimes, barring a couple, bailable offences.
 - The focus was more on enhancing the **quantum of civil liability** and reducing the quantum of punishment, which explains the reason why the number of cybercrime convictions in the country is in single digits.
- **Restricted Cyber Security Remedy:** IT Act is effective in metropolitan cities like Mumbai, Delhi,

Hyderabad, Bhopal, Bangalore, etc., but it is **feeble in tier-two level cities as awareness of the law** by enforcement agencies remains a big challenge.

- The IT Act **does not cover most crimes committed through mobiles**. This needs to be rectified.

What are Present Government Initiatives for Cyber Security?

- [Cyber Surakshit Bharat Initiative.](#)
- [Cyber Swachhta Kendra.](#)
- [Online cybercrime reporting portal.](#)
- [Indian Cyber Crime Coordination Centre \(I4C\).](#)
- [National Critical Information Infrastructure Protection Centre \(NCIIPC\).](#)
- [Information Technology Act, 2000.](#)

Way Forward

- The government is looking at a **new legislative framework** with the new rulemaking capabilities that deal with various issues related to digital space. This **should include**:
 - The majority of cybercrimes need to be made **non-bailable offences**.
 - A comprehensive **data protection regime** needs to be incorporated in the law to make it more effective.
 - **Cyber war** as an offence needs to be covered under the IT Act.
 - Parts of **Section 66A of the IT Act** are beyond the reasonable restrictions on freedom of speech and expression under the Constitution of India. These need to be removed to make the provisions legally sustainable.
- Increasingly **bilateral or multilateral arrangements between countries will have to evolve** in such a way that nothing can be done in isolation from other countries.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Q. In India, it is legally mandatory for which of the following to report on cyber security incidents? (2017)

1. Service providers
2. Data centres
3. Body corporate

Select the correct answer using the code given below:

- (a) 1 only
(b) 1 and 2 only
(c) 3 only
(d) 1, 2 and 3

Ans: (d)

Explanation:

- According to section 70B of the Information Technology Act, 2000 (IT Act), the Union Government by notification should appoint an agency named **Indian Computer Emergency Response Team (CERTIn)** to serve as the national agency for incident response.

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