

'Need to revisit Information Technology Act'

Our Bureau

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The Information Technology Act has to be revised to incorporate issues of social media and social media crime, says cyber law expert and Supreme Court advocate Mr Pavan Duggal.

“Technology outstrips the pace of law. The law is silent on social media crime, the obligations of publishers, what people should and should not be doing on social media. There is a need to revisit the IT Act which was amended in 2008 to incorporate these issues.”

The Government should also join hands with stakeholders to set up a dedicated cyber law university, said Mr Duggal, at a seminar on 'Social media networks: Opportunities and challenges'.

Referring to the recent incident involving three Karnataka ministers who allegedly watched porn during the State Assembly session, Mr Duggal said charges can be slapped against the Minister who had the clipping stored in his cell-phone, under Section 67 and 67 (A) of the IT Act.

On the recent Delhi High Court order to 22 social media sites to pull out inflammatory content, Mr Duggal said these Web sites were trying to get away by saying they were bound by US laws and were not amenable to Indian norms.

“These companies want to operate in India but do not want to comply with Indian laws. If your target is the Indian ecosystem, you then have to comply with the laws here and disable content from the Indian networks at least.”

This happened to Google in China. Yahoo! also faced a similar situation when it was asked by France to pull out links to Nazi sites and memorabilia, said Mr Duggal.

While there have been arguments that privacy and freedom of speech are being threatened, Facebook and Google have already removed “offensive” content from Indian domain sites.

The IT Rules 2011 mandates service providers to do “due-diligence” of content that which could be a threat to national security and integration. Any aggrieved party can lodge a complaint against content online. The Web sites are then required to pull out the content within 36 hours from the Indian network. Failing to do so invokes penalties, said Mr Duggal.

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