

Bill No. 49 of 2023

THE INFORMATION TECHNOLOGY (AMENDMENT)
BILL, 2023

By

ADV. DEAN KURIAKOSE, M.P.

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further to amend the Information Technology Act, 2000.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Information Technology (Amendment) Act, 2023.

Short title
and
commencement.

5 (2) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

Amendment of section 2. **2.** In section 2 of the Information Technology Act, 2000 (hereinafter referred to as the principal Act), in sub-section (I),— 21 of 2000

(a) after clause (I), the following clause shall be inserted, namely:—

“(Ia) “content” refers to the words, video, audio or any means of communication created by the users of a social media;”;

(b) existing clause (za) shall be renumbered as clause (zb) and before the clause (zb) so as renumbered, the following clause shall be inserted, namely:—

(za) “online account” refers to the space allotted to a website user where the content generated by them are displayed and database stored by the intermediary; and

(c) existing clauses (zg) and (zh) shall be renumbered as (zh) and (zi) and before the clause (zh) so renumbered, the following clause shall be inserted, namely:—

“(zg) “social media” means any website that is publicly accessible with or without creating an online account on it and the content generated by the user is displayed publicly on this website including webpages where users can interact with each other in any manner.”.

Insertion of new section 66G. **3.** After Section 66F of the principal Act, following section shall be inserted, namely:— 20

Punishment for spreading hateful communal propaganda undermining the fraternity of India through social media, etc. “66G. Any person who creates content on any social media site in the nature of,—

(a) any information that is grossly offensive or has menacing character; or

(b) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, known to cause communal distrust and even violence, persistently by making use of such computer resource or a communication device;

(c) any social media content for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages; and

(d) any social media content for the purpose of spreading hateful content that create resentment against any particular group of people based on caste, religion, sex, place of birth,

shall be punishable with imprisonment for a term which may extend to three years and with fine.”.

STATEMENT OF OBJECTS AND REASONS

Social Media has grown to be a dominant actor in the social and political lives of our people in the last decade. From just a pastime of sorts, social media have grown to capture the imagination of the people. Today, it acts as the primary means of socialisation, communication and interaction with the larger society. However, unregulated behaviour in the social media is shown to have large scale impact in the way people perceive and interact with the world. If the online behaviour is not regulated in such a manner to uphold the decency, morality and other values as enshrined in the constitution, it can easily endanger the hard earned liberty in the society. We have seen examples in this decade itself, when social media was used to fan communal passion. This has led to real life violence and even loss of life. The cases of lynching and many instances of communal violence that our nation saw in the last decade could be attributed to hateful propaganda being spread through social media platforms. Moreover, organised entities could be seen to spread stereotypes, creating rift between communities and foment internecine feud between the people of India. To curb all those activities, those who spread the poison of communal hatred through social media should be punished appropriately. Also, the Information Technology Act of our nation curiously doesn't include the definition of "Social Media" or new age technologies that constitute social media. This bill makes an humble attempt to define these entities and also nudge the Government to amend the bill in such a manner that all the challenges of our times are addressed through a revised Information Technology Bill that is in tune with the spirit of our times.

Hence this Bill.

NEW DELHI;
January 16, 2023.

DEAN KURIAKOSE

ANNEXURE

EXTRACT FROM THE INFORMATION TECHNOLOGY ACT, 2000

(ACT No. 21 OF 2000)

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Definitions.

2. (I) In this Act, unless the context otherwise requires,—

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(l) “computer system” means a device or collection of devices, including input and output support devices and excluding calculators which are not programmable and capable of being used in conjunction with external files, which contain computer programmes, electronic instructions, input data and output data, that performs logic, arithmetic, data storage and retrieval, communication control and other functions;

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(za) “originator” means a person who sends, generates, stores or transmits any electronic message or causes any electronic message to be sent, generated, stored or transmitted to any other person but does not include an intermediary;

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(zg) “subscriber” means a person in whose name the Digital Signature Certificate is issued;

(zh) “verify” in relation to a digital signature, electronic record or public key, with its grammatical variations and cognate expressions means to determine whether—

(a) the initial electronic record was affixed with the digital signature by the use of private key corresponding to the public key of the subscriber;

(b) the initial electronic record is retained intact or has been altered since such electronic record was so affixed with the digital signature.

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further to amend the Information Technology Act, 2000.

(Adv. Dean Kuriakose, M.P.)