

Bill No. LXII of 2023

THE INFORMATION TECHNOLOGY (AMENDMENT) BILL,
2023

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BILL

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.

2. (1) In section 2 of the Information Technology Act, 2000 (hereinafter referred to as the principal Act),

Amendment of
section 2

(i) after clause (tb), the following clauses shall be inserted, namely:—

10 “(tc) "false information" includes information that is either verifiably false, defamatory or of such a nature as to not be verifiable;

(td) "family" includes any persons related by blood or marriage or adoption;”;

(ii) after clause (za), the following clause shall be inserted, namely:—

“(zaa) "physical violence" includes assault, simple hurt, grievous hurt, kidnapping, abduction, attempt to murder and murder;”;

(iii) after clause (zf), the following clause shall be inserted, namely:—

“(zfa) "sexual assault" means rape, molestation or any act which violates the bodily integrity of a woman;”;

(iv) after clause (zg), the following clause shall be inserted, namely:—

“(zga) "threat" means any expression through word, sound, gesture or any audio-visual communication whatsoever of an intention to cause harm, alarm, intimidation or harassment or for incitement of harm, alarm, intimidation or harassment by any person;”;

(v) after clause (zh), the following clause shall be inserted, namely:—

“(zi) "woman" means any female regardless of age.”.

Insertion of new section 66G.

3. After section 66F of the principal Act, the following new section shall be inserted, namely:—

Punishment for threatening a woman to express her opinion etc.

"66G. (1) The following acts shall be considered punishable offences, when committed against a woman, with the intention to intimidate or discredit her or force her to express a certain view, opinion or observation, or to force her to state any view, opinion or observation or to force her to refrain from expressing a certain view, opinion or observation:—

- (a) threat of physical violence against a woman, her family or her property;
- (b) threat of sexual assault;
- (c) threat to reveal personal information including, but not limited to, her location, place of work and any other relevant detail which may be used to harm her physically or mentally;
- (d) threat to spread false information about her;
- (e) threat to question a person's citizenship or imputation of disloyalty to India;
- (f) threat of false prosecution; and
- (g) abuse based on religion, caste or sexuality.

(2) The offences referred to in section 66G (1) shall be cognizable and non-bailable and shall be punishable in the following manner:

- (i) For the first offence, the person shall be punishable with a maximum punishment of three years or with a fine of upto fifty thousand rupees.
- (ii) For the second offence, the person shall be punishable with a maximum punishment of seven years and with a fine of upto four lakh rupees.
- (iii) For the third and subsequent offences, the person shall be punishable with a maximum punishment of ten years and with a fine of upto ten lakh rupees:

Provided that the offence under section 66G shall be compoundable at the discretion of the victim.

(3) If any threat punishable under section 66G is carried out by the person making such threat or any other person incited by such person, the punishment shall be ten years imprisonment and with a fine of upto ten lakh rupees.

5 (4) Any amount imposed as fine under this section shall be paid to the victim as compensation.”.

4. In the principal Act, after, section 67B, the following new section shall be inserted, namely:—

Insertion of new section 67BA.

10 “67BA. (1) Any person who is the victim of any offence under sections 66E, 66G, 67, 67A or 67B of this Act or a police officer investigating the same, shall have the right to approach the jurisdictional Magistrate for grant of an injunction against the accused, or any other person, company, organisation or entity for deletion of the offensive text, image, audio, video or other format and for prohibition from storing, retransmitting or repeating the offensive text, image, audio, video or other format, as the case may be.

Grant of injunctions under section 66E, 66G, 67, 67A and 67B.

15 (2) The Magistrate shall grant the injunction without notice to the accused if he is satisfied that *prima facie*, a case of an offence under sections 66E, 66G, 67, 67A and 67B of this Act exists.

20 (3) The order of the Magistrate under sub-section (2) shall also be served upon any person, company, organisation or entity in conformity with the provisions of this Act and the rules made thereunder for compliance.

(4) Any application under sub-section (1) shall be decided on the same day:

Provided that for reasons to be recorded, the Magistrate may dispose of the application within seven days.

25 (5) The injunction under sub-section (2) may be granted at the instance of the victim or of the investigating officer.

(6) Any order passed under this section shall be subject to revision in accordance with section 397 of the Code of Criminal Procedure, 1973.”

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to ensure the physical, social, religious, cultural, psychological and economic safety and well-being of women, particularly women who are targeted for reason of their religion, caste, economic status, social status or occupation. Women's autonomy of free speech and action is often curtailed by threats, abuse and actions designed to make women feel insecure and uncomfortable in the public sphere, particularly on the internet. Those who would seek to silence women in this manner use their purported anonymity to further their nefarious intentions. This is driven, at least in part, by a misapprehension that the law will not catch up with them.

2. This Bill, while being mindful of the fact that freedom of speech is a fundamental right, recognises that free speech amounting to abuse interferes with the fundamental right to freedom of speech for others. Persistent abuse and creation of insecurity leads to actionable wrongs not only against the individual but leads to deterioration of public order. The need is to ensure that attempts to silence women are adequately punished. Further, an effective and easy mechanism has to be available to women to ensure that offensive material is scrubbed quickly and effectively from the internet. Mere punishment of the offender does not protect the victim, who may be subject to distress due to the continued existence or transmission of abusive material against her. As such, the facility of obtaining an order of scrubbing such material from the internet is a very necessary one for women, who are so targeted on the internet, social media or other digital fora.

3. Hence, this Bill.

DEREK O' BRIEN

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further to amend amend the Information Technology Act, 2000.

(Shri Derek O' Brien, M.P.)