

AS INTRODUCED IN THE RAJYA SABHA
ON THE 5TH DECEMBER, 2025

Bill No. XVI of 2025

THE INFORMATION TECHNOLOGY (AMENDMENT)
BILL, 2025

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further to amend the Information Technology Act, 2000.

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

1. (1) This Act may be called the Information Technology (Amendment) Act, 2025.

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. In the Information Technology Act, 2000, after section 66A, the following new section shall be inserted, namely: —

“66AA. (1) Any person who —

(a) sends, publishes, or transmits any electronic communication which —

(i) is deliberately and objectively intended to incite violence, communal disharmony, or public disorder, with a direct and imminent threat to public safety; or

(ii) contains specific and credible threats of harm, sexual violence, or criminal intimidation; or

(iii) is knowingly and demonstrably false and is intended solely to cause public alarm or panic; or

(iv) disseminates obscene or defamatory material with clear and demonstrable intent to harm the dignity of an individual or a group, provided such material does not fall within the ambit of fair criticism or satire; or

(b) uses electronic communication to persistently stalk, harass, or intimidate any person in a manner that causes severe harm to their privacy, dignity, or mental well-being; or

(c) engages in the creation or distribution of deepfake media, impersonation, or any other digital forgery intended explicitly to defame, deceive, or cause measurable harm,

shall be punished with imprisonment for a term which may extend to one year or with fine, which may extend to rupees one lakh, or with both.

(2) No action shall be taken under this section except upon a complaint made by the aggrieved person, their legal guardian, or a competent authority designated by the appropriate Government, in such form and manner, as may be prescribed.

(3) The offence under this section shall be non-cognizable and bailable, unless the violation involves threats to life, bodily harm, or national security, in which case it shall be cognizable and non-bailable.

(4) No complaint under this section shall be registered unless approved by an officer not below the rank of a Deputy Superintendent of Police after determining a *prima facie* case.

(5) Any arrest under this section shall require prior approval from a Magistrate of the First Class, except in cases involving credible threats to life or national security.

(6) The Central Government shall constitute a Review Committee consisting of a Chairperson and such number of members having special knowledge of the subject matter, as it may deem fit, to assess complaints and prevent frivolous misuse of this provision while ensuring protection of free speech, dissent, satire, fair criticism, and journalistic freedom.

(7) The manner of appointment, salary and allowances and other terms and conditions of the Chairperson and members of the Review Committee shall be such as may be prescribed.

(8) Social media platforms and intermediaries shall be required to implement grievance redressal mechanisms, in such manner as may be prescribed, to allow users to report violations of this section before resorting to any legal action.

5 (9) Any person found misusing the provisions of this section to file frivolous or malicious complaints shall be liable to a penalty, including a fine up to rupees fifty thousand or community service as determined by the adjudicating officer, appointed under sub-section (1) of section 46.

10 (10) A mechanism shall be developed by the appropriate Government based on the recommendations of the Review Committee, to ensure that individuals posting content in good faith, including opinions, satire, or journalistic investigations, are not wrongfully targeted under this provision.

(11) Law enforcement officials found misusing the provisions of this section to curb free expression shall be subject to disciplinary action; and

15 (12) All legal actions under this section shall be reviewed by a Digital Rights Ombudsman, to be appointed in such manner as the Central Government may by rules prescribe, to ensure compliance with constitutional safeguards.

Explanation.— For the purposes of this section,—

20 (a) “electronic communication” means an e-mail or message or information created or transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, image, audio, video and any other electronic record, which may be transmitted with the message;

25 (b) “deepfake” means digitally manipulated or fabricated digital content, including but not limited to images, videos or audio recordings, created through the use of advanced digital technologies such as artificial intelligence, machine learning, or other advanced technologies, with the intent to convincingly and deceptively depict subjects or issues or represent individuals engaging in actions, making statements, or being in circumstances that did not occur or exist in reality; and

30 (c) “digital forgery means the act of utilization of technologies, such as artificial intelligence and machine learning methodologies, to create or alter audio, visual, or textual content with the purpose of deceiving.”

STATEMENT OF OBJECTS AND REASONS

The Supreme Court of India, in *Shreya Singhal v. Union of India* (2015), struck down Section 66A of the Information Technology Act, 2000, citing concerns of vagueness and overreach, which led to arbitrary restrictions on free speech. However, with the proliferation of online harassment, cyber threats, misinformation, and digital forgeries, there is a compelling need to frame new provisions, which shall be a refined and constitutionally sound version of Section 66A and intended to prevent such cases.

This Bill ensures that only narrowly defined categories of harmful speech — such as incitement to violence, criminal intimidation, targeted harassment, and deepfake-related offences — are penalized while safeguarding fundamental rights. Additional procedural safeguards, such as prior approvals, intermediary grievance mechanisms, and review committee, ensure that misuse by law enforcement officials is prevented. The amended provisions also explicitly protect fair criticism, satire, dissent, and journalistic freedoms to uphold democratic values. This amendment balances national security, public order, and individual rights in the digital age.

This Bill seeks to achieve the above objectives.

SASMIT PATRA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of a Review Committee consisting of a Chairperson and such number of members as the Central Government may deem fit and for the manner of their appointment, salary and allowances payable to them and other terms and conditions of service, as may be prescribed by rules. It also provides for the appointment of a Digital Rights Ombudsman in such manner as the Central Government may by rules prescribe. The salary, allowances and other monetary benefits payable to the Chairperson and members of the Review Committee and the Digital Rights Ombudsman as and when appointed shall be met from the annual Budget estimates of the Ministry.

The Bill, therefore, if enacted, may involve additional expenditure, both of recurring and non-recurring nature, from the Consolidated Fund of India. However, at this juncture, it is difficult to estimate the actual expenditure likely to be involved.

RAJYA SABHA

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further to amend the Information Technology Act, 2000.

(Dr. Sasmit Patra, M.P.)