

AS INTRODUCED IN THE RAJYA SABHA
ON THE 4TH DECEMBER, 2015

Bill No. XXI of 2015

THE PROHIBITION OF USING TELECOMMUNICATION SYSTEM
FOR HOAX CALLS BILL, 2015

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BILL

to provide for prohibition of using telecommunication system for making hoax calls and short message service and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Prohibition of Using Telecommunication System for Hoax Calls Act, 2015.

Short title, and commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force at once.

Definitions.	<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) "prescribed" means prescribed by rules made under this Act;</p> <p>(b) "telecommunication system" means any mode of electronic telecommunication and includes any landline telephone, public telephone booth, mobile phone, satellite phone, internet phone or any other such means;</p> <p>(c) words and expressions used but not defined in this Act but defined in the Indian Penal Code 1860, the Indian Telegraphic Act, 1885 and the Information Technology Act, 2000 shall have the same meaning as is respectively assigned to them in those Acts.</p>	5 45 of 1860. 13 of 1885 21 of 2000
Prohibition of Misusing tele-communication system.	<p>3. (1) The use of any telecommunication system for hoax calls or hoax Short Message Service (SMS) or for any other similar purpose is hereby prohibited.</p> <p>(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.</p>	10
Penalty.	<p>4. Any person who is found guilty of making a hoax call or hoax SMS with an intention to spread fear or panic in public shall be punished with rigorous imprisonment for a minimum term of seven years which may extend upto ten years and a fine of ten lakh rupees.</p>	15
Offence to be cognizable.	<p>5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence punishable under this Act shall be cognizable and non-bailable.</p>	2 of 1974
Overriding effect of the Act.	<p>6. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.</p>	20
Power to make rules.	<p>7. The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p>	

STATEMENT OF OBJECTS AND REASONS

The menace of hoax calls or SMS made from local public telephone booths, Mobiles, internet phones etc. for spreading false information related to spreading fear, panic, and sexual harassment by using these devices has reached alarming levels. Every day the newspapers are filled with reports of misuse of the telecommunication system by anti-social elements for making false/hoax calls or SMS raising a serious security concern for our nation which adversely affects the functioning of police forces and disrupts public services at large.

The culprits of such nefarious acts are encouraged to continue their activities since the punishment for such terrible acts is very minimal. It is felt that if, harsh punishment is imposed on perpetrators of such heinous acts, they would discontinue their activities. Therefore, it is proposed to provide for harsher punishment for making hoax calls to curb this nuisance.

Hence this Bill.

MANSUKH L. MANDAVIYA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The delegation of legislative powers is of normal character, as the matters to be prescribed are of details only.

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(Shri Mansukh L. Mandaviya, , M.P.)