

**GOVERNMENT OF INDIA  
COMMUNICATIONS AND INFORMATION TECHNOLOGY  
LOK SABHA**

STARRED QUESTION NO:159  
ANSWERED ON:08.03.2010  
CHECK ON OBSCENE WEBSITES  
Jagannath Dr. M.;Reddy Shri Mekapati Rajamohan

**Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:**

- (a) the extant regulatory mechanism to check the obscene matters available on websites in the country;
- (b) whether the Government has any proposal to ban such websites circulating obscene materials and offensive messages in the country through Internet;
- (c) if so, the details thereof and if not, the reasons therefore; and
- (d) the steps taken/being taken by the Government in this regard ?

**Answer**

MINISTER FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY(ANDIMUTHU RAJA)

(a) to (d) : A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 159 FOR 8.3.2010 REGARDING CHECK ON OBSCENE WEBSITES

(a): To check the obscene matters available on websites in the country, a legal framework has been put in place through enactment of the Information Technology (IT) Act, 2000. The Act has further been amended and the Information Technology (Amendment) Act, 2008 provides for punishment for publishing pornographic and child pornographic content. The amendments have come into force with effect from 27.10.2009.

Section 67 of the Act provides for punishment for Publishing or transmitting obscene material in electronic form. The offenders may be punished with imprisonment up to three years and with fine up to five lakh rupees on first conviction and imprisonment up to five years and with fine up to ten lakh rupees for second and subsequent convictions.

Section 67A of the Act provides for punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form.

Further, Section 67B specifically deals with child pornography and provides for punishment for publishing or transmitting of material depicting children in sexually explicit act, etc. in electronic form.

The offenders under Sections 67A and 67B may be punished with imprisonment up to five years and with fine up to ten lakh rupees for the first time and imprisonment up to seven years and with fine up to ten lakh rupees for second and subsequent conviction.

(b), (c) and (d): Publishing or transmitting of obscene material and offensive messages in the country through internet is punishable under the IT Act, 2000 and the IT (Amendment) Act, 2008.

Sending offensive messages through communication services etc is punishable under Section 66A of the Information Technology (Amendment) Act 2008. The offender may be punished with imprisonment up to three years and with fine.

Further, under the licence agreement entered between the Internet Service Providers (ISPs) and the Department of Telecommunication (DOT), the licensee should ensure that objectionable, obscene, unauthorised or any other content, messages or communications infringing copyright, Intellectual property right and International & domestic cyber laws, in any form or inconsistent with the laws of India are not carried in his network.

In view of these existing legal provisions to check websites circulating obscene material and offensive messages in the country through internet, the Government has no new proposal in this regard.