

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

UNSTARRED QUESTION NO:2410

ANSWERED ON:09.08.2010

AMENDMENT IN IT ACT

Mahato Shri Narahari; Roy Shri Nripendra Nath; Singh Shri Dushyant

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

- (a) whether the Government has inserted Section 66A in the Information Technology (IT) Act, 2000 to check the Spam, Junk mail and other such information sent through computer resource or a communication device;
- (b) if so, the details thereof;
- (c) the number of complaints of violation of said section have been received by the Government so far;
- (d) the action taken/being taken by the Government in this regard;
- (e) whether the Government proposes to bring a suitable amendment in the legislation prescribing stringent punishment for the culprits;
- (f) if so, the details thereof; and
- (g) the extent to which such activities has been likely to be checked after enforcement of such legislation?

Answer

MINISTER OF STATE FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI SACHIN PILOT)

(a) and (b): The Government has inserted Section 66A in the Information Technology Act, 2000 to check the spam, junk mail and other such information sent through computer resource or a communication device. The extract of Section 66A is reproduced below:

`Any person who sends, by means of a computer resource or a communication device:-

- (i) any information that is grossly offensive or has menacing character; or
- (ii) 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, persistently by making use of such computer resource or a communication device; or
- (iii) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages,

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

Explanation - For the purposes of this section, terms `electronic mail` and `electronic mail message` means a 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`.

(c) and (d): National Crime Records Bureau (NCRB) maintains the national crime data. As per NCRB communication the specific information is not maintained by them.

(e),(f) and (g): The Government has amended the Information Technology Act, 2000 to strengthen the legal frame work. The IT (Amendment) Act, 2008 which came into force from 29-10-2009 has special provisions for addressing spam, junk mail and other such information sent through computer resource or a communication device. Newly introduced Section 66A prescribes for stringent punishment of imprisonment for a term which may extend to three years and with fine for the culprits involved in such activities.

The stringent punishment prescribed for the crime acts as a deterrent for the crime.