

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

UNSTARRED QUESTION NO:1386
ANSWERED ON:14.08.2013
DEROGATORY REMARKS ON SOCIAL NETWORK SITES
Owaisi Shri Asaduddin

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

- (a) whether the Union Government has issued advisory to State Governments not to arrest any person for posting alleged derogatory remarks on social network sites without permission of senior Police Officer;
- (b) if so, the details thereof;
- (c) whether all the States are complying with these advisories;
- (d) if so, the details thereof and if not, the reasons therefore;
- (e) whether the Supreme Court has also asked the States to implement the advisory issued by the Union Government under the IT Act, 2009; and
- (f) if so, the steps taken/being taken by the Union Government in this regard?

Answer

MINISTER OF STATE FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA)

(a) and (b): Government on 9.1.2013 issued an Advisory to State Governments for proper implementation of Section 66A of the Information Technology Act 2000. The Advisory-states that as regard to arrest of any person in complaint registered under Section 66A of the Information Technology Act 2000, the concerned police officer of a police station under the State's jurisdiction may not arrest any person until he / she has obtained prior approval of such arrest, from an officer, not below the rank of the Inspector General of Police in the Metropolitan cities or of an officer not below the rank of Deputy Commissioner of Police or Superintendent of Police at the district level, as the case may be. Copy of the Advisory is enclosed in Annexure.

(c) and (d): State Governments have informed that steps have been initiated to comply with the Advisory in line with the direction of the Hon'ble Supreme Court.

(e) and (f): In a writ petition No. 167 of 2012, the Hon'ble Supreme Court in its order dated 16.5.2013 has directed all the States / Union Territories to ensure compliance to the Advisory before effecting arrest under Section 66A of IT Act 2000. Hon'ble Supreme Court also directed that a copy of the Order be sent to Chief Secretaries of all the States / Union Territories. Accordingly, the copy of the Hon'ble Supreme Court Order and Advisory have been sent to the Chief Secretaries of all the States / Union Territories on 10.6.2013.