

Title: Regarding Information Technology Bill, 1999.

MR. SPEAKER: Hon. Members, the Information Technology Bill, 1999 is listed in today's List of Business for consideration and passing. The Bill, after its introduction on the 16th December, 1999, was referred to the Standing Committee on Science and Technology on the 17th January, 2000. The Report of the Committee was laid on the Table of the House on the 12th May, 2000.

I have received notices of amendments to the Bill from some hon. Members today.

Hon. Members are entitled to give notices of amendments to a Bill any time after the introduction of the Bill. Rule 79, however, provides that notice of an amendment to a Bill has to be given not later than one day before the day on which the Bill is to be considered. As such, under normal circumstances, the notices of amendments to the Bill received on the day the Bill is listed for consideration are treated as time-barred.

However, it is a fact that hon. Members came to know only on the 13th May, 2000 that the Bill would be listed for consideration on the 15th May, 2000; and 13th and 14th May, 2000 being holidays, I feel that hon. Members have not got sufficient time to give notices of amendments.

I have, therefore, decided to allow hon. Members to give notices of amendments to the Bill till 1300 hours today. Notices received thereafter shall be treated as time-barred.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): It is a fact that it was discussed and decided in the Business Advisory Committee that if the Report of the Standing Committee came up by Friday, the Bill would be listed today.

This Bill, no doubt, shows the good intention of the Government, which we welcome. But the Bill has been circulated after being scrutinised by the Standing

Committee to hon. Members only on Friday evening or this morning. There are exhaustive clauses with legal implications pertaining to the Criminal Procedure Code, the Indian Penal Code and many other matters relating to criminal justice. It is the desire of most of the Members – including Members from the Ruling Party – that we should go into it in depth clause by clause and understand the objective. So, let us not be in a hurry to pass it. We can discuss it and bring it again in the Monsoon Session. But if you ask us to give amendments before one o'clock, without going into the clauses and their merits, it would be disastrous. I would appeal to the hon. Minister to consider these points though we welcome the good intentions of this Bill.

SHRI MADHAVRAO SCINDIA (GUNA): I would also like to join my colleague. Obviously, we support the intentions of this particular Bill but the Minister of Parliamentary Affairs or the Government should not make this a matter of prestige. ...*(Interruptions)*

MR. SPEAKER: We have already discussed this in the Business Advisory Committee.

SHRI MADHAVRAO SCINDIA : This Bill deals with the laws that would regulate the new era of information technology. This is not really information technology but this is the law. There are a lot of legal aspects. There are a lot of lacunae. These are pioneering areas. Even the legal community is still exploring what really the laws pertaining to the new technology in the world should be. Therefore, we have to go into the depth of it so that we do not make any mistake or leave any lacuna. So, I would request the hon. Minister and the Government to look into this in depth. Let us not rush through this. Otherwise, we may make errors, for which we would feel responsible later on.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I have given a notice in writing on this matter. I may be permitted to speak. ...*(Interruptions)*

MR. SPEAKER: The Government is going to clarify the position. Please understand.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Sir, at the outset, let me make it very clear that we are not standing on any prestige or ego on this Bill. This is not some kind of a political discussion. This is a Bill, which will usher the 21st century in this country. So, we do realise the importance of this Bill. ...*(Interruptions)*

MR. SPEAKER: Let the Minister complete.

SHRI PRAMOD MAHAJAN: The first thing is that the Government took almost one year to draft this Bill. This Bill was modified 150 times during the formulation stage of this Bill because we do understand the importance of this Bill.

This Bill was introduced in the Parliament, I think, on the 16th of December last year. So, it was available for the last five months, with the Members of Parliament to form their opinions about the Bill. This Bill was publicly made available, after its introduction, on the Internet to all the people concerned and the opinions, which my Ministry got, were given to the Standing Committee which scrutinised the Bill. Personally, I have written to one thousand people in this country, who matter in IT and related affairs and got their opinions. We communicated those opinions to the Standing Committee.

This was referred to the Standing Committee on Science and Technology. The Standing Committee on Science and Technology unanimously – I repeat, unanimously – recommended a few amendments.

So, there can be one legitimate grievance that the Members are not able to form their opinions about the amendments given by the Standing Committee. But as far as the whole Bill is concerned, it was available for five months with the Members to formulate their views on whether a particular clause is right or wrong. ...*(Interruptions)*

SHRI SOMNATH CHATTERJEE (BOLPUR): So, in future, all the Bills will be circulated two months before and thus, there would be no discussion in the House. Is that the basis? I do not expect such an observation from the hon. Minister. ...(*Interruptions*)

SHRI PRAMOD MAHAJAN: Sir, this is unfair to me. He is not even allowing me to complete. ...(*Interruptions*)

SHRI SOMNATH CHATTERJEE : They cannot ask us to give amendments within one hour. He wants to say that the Bill has been introduced or in circulation for two or three months and so, there can be no discussion on the floor of the House. ...(*Interruptions*) Very patiently I am hearing you. ...(*Interruptions*)

SHRI PRAMOD MAHAJAN: I do not think so.

As far as the amendments are concerned, barring one amendment, the Government has accepted all the unanimous amendments suggested by the Standing Committee.

I am not going into the technicalities. We discussed this in the meeting of the BAC. At that time, I have not hidden from the Members that the Report of the Committee is going to come on the 12th. Everybody in the BAC knew this fact that the Report was going to come on the 12th and the Bill was going to come before this House on the 15th. The intention was made very clear on the 10th, when the BAC met, that the Report is likely to come on the 12th and that if the Report comes on the 12th, only then it will come before the House on the 15th.

After the Report had come on the 12th, the Government had a Cabinet meeting, where we discussed the amendments and where they have been approved. Necessary permission from the hon. President was taken; and at the first opportunity, the amendments were also circulated to the Members. If you see the time that the Members are entitled for, to give their amendments – even if it is to be discussed tomorrow – it is up to 3.15 p.m. today. That is the normal procedure. If the hon. Members think that 1 o'clock is too short a time to give their amendments, then they can take two more hours.

We are having discussion even at an informal level from 11 o'clock when we came to know that hon. Members of Congress Party want a discussion on this Bill. Whoever had objections about this Bill are having discussions with the officers concerned. So, what I am saying is that, let us start the discussion and during the discussion if we find that some more improvement is needed, then we can decide it. But please do not postpone it. It is because postponing by three months, in IT language, is postponing by a year. It is a much awaited Bill. We can start the discussion and during the discussion if we come to a conclusion that there are some lacunae, then we can correct it or amend it.

SHRI MADHAVRAO SCINDIA : Sir, the 'I Love You' virus that was introduced from South-East Asia has killed many computers and created problems all over the world. Do you understand the complexities of this issue? That is what I am asking. It is because I do not think that this Bill is going to take adequate safeguards towards these issues. Even the legal community is not yet certain what exactly the ground is. What we are saying is that let us discuss this Bill in a detailed manner. Maybe even a Select Committee can go into it.

SHRI SOMNATH CHATTERJEE : I am very sorry that the Bill of this nature should raise a controversy like this. It is because, generally the objective of this Bill is good. Though we have reservations over certain clauses, we are supporting this Bill. This is not a matter of Party politics. I do not know why that impression should be created. Since it is such an important sector of life and economy, we want as fool-proof a Bill as possible.

A model law was prepared in 1997 by the United Nations. It was circulated to all the countries of the world. Every country is trying to pass legislation and adjust itself to its own requirements and new situations. We are very keen that we should pass a law as perfect as possible. While going through the Bill, hardly one understands what is it all about unless he gets expert advice. Of course, expert opinion must have been made available to the Standing Committee. I am happy that the Government has taken note of the recommendations of the Standing Committee as far as this Bill is concerned. Generally, we do not find that attitude. The hon. Prime Minister is present here. Certain clauses have raised controversies. Everyday, newspapers are writing about the police powers, theft, entering a cyber café etc. I find in the newspapers that there is a controversy even regarding 'hacking'. Are these matters which you can go on finalising as you go on discussing the Bill? It is not our fault. It has come just on the eve of closure of this Session.

I am sorry that I interrupted the Minister. I interrupted because an impression was created that since this Bill has already been in circulation for five months what is more to be discussed and that the Members should have been ready. This is not the approach we expect from the Government at least, as long as Shri Atal Bihari Vajpayee is sitting there. Let us not adopt an attitude of confrontation. I would appeal to the hon. Prime Minister that let us pass a law as perfect as possible. All these difficulties may be avoided in future. We want a first class law because India has got the biggest potential in this sector. Let our young boys and girls who have shown tremendous potential in this sector, not face any problem because we are passing a law in hurry. This is my submission.

अध्यक्ष महोदय : मुलायम सिंह जी, आपका इसी के बारे में है या अलग से है ?

श्री मुलायम सिंह यादव (सम्मल) : अलग से है, आपने अनुमति दी थी।...(*व्यवधान*)

अध्यक्ष महोदय : पहले यह पूरा हो जाने दें, बाद में बोलिएगा।

SHRI SHIVRAJ V. PATIL (LATUR): Sir, this law is intended to facilitate electronic governance, electronic commerce and trade. I think we should have a law of this nature.

There is no divided opinion on this point. You have heard the hon. Member saying that we would like to have this

kind of a provision on the statute book but it should be done in a manner which is free from any defect. This is not a law of an ordinary nature. It deals with a number of other legislations like the Indian Penal Code, the Evidence Act, the Criminal Procedure Code, the Civil Procedure Code, the Banking Regulations Act and so on. All these laws are proposed to be amended if we pass this law. So, it is a very complicated law. Moreover, it is provided in the Bill itself that after this Bill is passed, a number of rules and regulations will have to be made, presented to the House and then Members will be allowed to examine them for 30 days. The Government can enforce this law only after the Members have examined these rules and regulations and have approved them also. Simply, by passing this law the Government will not be able to take any action. They shall have to come before the House with the rules and regulations which will be approved by the Members and then only these can be implemented.

There are some objectionable things in this law. I am not going to deal with all the objections. I would like to bring to the notice of the House only one point.

MR. SPEAKER: Shri Patil, not at this stage.

SHRI SHIVRAJ V. PATIL : This is a very important issue and that is why I would like to bring this to the notice of the hon. Minister as also the Prime Minister. We are not just objecting it. We will not object it unless there is something glaring which shall have to be taken cognizance of. We are objecting to it because we are trying to pass this law without giving sufficient time to the Members to express their views. We are only asking for some more time to express our views. The most important point that I wanted to bring to the notice of the House is:

"No penalty imposed or confiscation made under this Act shall prevent imposition of any other punishment in which the person affected thereby is liable under any other law for the time being enforced."

Shri Somnath Chatterjee is sitting here. This is affecting the principle of double jeopardy. For the same act, you can punish a person under two laws. This is against the principle of double jeopardy. We shall have to see whether this principle of double jeopardy will apply to this or not. We are, therefore, requesting the hon. Chair and the Government that this is a very important legislation. Let it not be passed in a hurry. Let us not put ourselves in difficulty. Even if the Government is able to pass it in this Session, it will not be able to enforce it because a number of rules and regulations will have to be made. There is not just one rule or regulation but there is a list of rules and regulations which shall have to be made. So, it is necessary, let it be discussed on the floor of the House. In the process of discussion we can find out the areas where it is objectionable. Let it be examined by the experts very carefully. Let us pass it in the next examination after careful examination and enacted also. We are not objecting to the intention or the law but we are objecting to other provisions which can create complications for the Government as also for the country.

SHRI SHARAD PAWAR (BARAMATI): I totally support what hon. Shivraj Patil has said. In principle, we are not opposed to this. This type of a legislation is very much required for a country like India. The only question is, we are not experts on this subject, and certain serious issues have been raised on this by a number of experts. For instance, in the today's newspaper there is a statement by the Chairman NASSCOM, Shri Debang Mehta. He has said that in these four areas there are serious problems. They are the known experts in this particular area. We would like to discuss it with some of the organisations and give our views. Our earnest request is, not to hurry it. We are totally for it but we are not in a mood to support it in a hurry.

MR. SPEAKER: Shri Pandiyan, this is not a debate. I have heard the views of the Members.

SHRI P.H. PANDIYAN (TIRUNELVELI): Sir, I want to raise a legal point.

MR. SPEAKER: At this stage, you can raise a procedural point and not the legal point. You can raise legal points at the time of discussion. Now, you can talk only about the procedure.

SHRI P.H. PANDIYAN : Sir, a Bill can be introduced only constitutionally. It is the invasion of fundamental right and right to privacy. There is a provision here which says that if a person is found meddling with computer network, he shall be liable for three years imprisonment. I would say that if a software engineer assists us, only then we can debate on this Bill...*(Interruptions)*

SHRI VARKALA RADHAKRISHNAN : Sir, I am on a matter of procedure. I gave you a notice on this. Sir, I may be permitted to speak about the procedure. It is my right.

Sir, our Rules of Procedure do not permit a matter to be circulated on Sunday. It was circulated on Sunday and the amendments of the Government were printed on Sunday. Were the Government sleeping? They could have

circulated the amendments even on Saturday or on Friday. They did not do that. It is against the procedure.

Secondly, a motion was also circulated on Sunday under Rule 388 for suspension of Rule 80 of Rules of Procedure. You have asked to suspend a rule which is available here. The motion was moved on Sunday. What prompted them to suspend Rule 80? I strongly oppose it. The hon. Speaker should not be a party to such irregularity procedure.

SHRI K. YERRANNAIDU (SRIKAKULAM): Mr. Speaker, Sir, information technology is the need of the hour and it has been recognised by the Union Government as well as the State Governments.

Sir, this Bill was introduced in the month of December and it was referred to the Standing Committee. The Committee has taken five months and elaborate discussions took place. As this Bill is being introduced with some fresh amendments, all the Opposition Parties are requesting for more time.

SHRI MADHAVRAO SCINDIA (GUNA): The Committee took one week only.

SHRI K. YERRANNAIDU (SRIKAKULAM): Sir, my request is that the Information Technology Bill should be passed as early as possible. If there is a need, we could extend the sitting of the House for three-four days. We have no problem. We could also pass this Bill in a special Session. If it is postponed till September, it will take more time. Sir, even without the Information Technology Bill, the information industry is working. That is why, I am requesting the hon. Prime Minister to pass this Bill in a special Session.

श्री चन्द्रशेखर (बलिया, उ.प्र.) : अध्यक्ष महोदय, मैं इस विधेयक के बारे में कुछ भी नहीं जानता हूँ, इसलिए मैं अपनी कमजोरी को स्वीकार करता हूँ। मेरा यह कहना है कि 21वीं सदी में जाने के लिए इस विधेयक को आज ही पास करना क्यों जरूरी है?...**(व्यवधान)** महोदय, अभी जो कुछ बातें कही गई हैं कि बिना वारंट के किसी को गिरफ्तार किया जा सकता है, किसी भी घर में जाया जा सकता है, किसी के कंप्यूटर की जांच की जा सकती है, ये हमारी मान्यताओं के विपरीत बातें हैं।

इस पर जब तक विचार न हो तब तक इसे रहने दें। प्रधान मंत्री जी, आप कभी-कभी तो निर्देश अपने मित्रों को दिया करें। आज ऐसा मौका है जिसमें आप कहें कि यह बिल अगले अधिवेशन में लाने की कृपा करें।

प्रधान मंत्री (श्री अटल बिहारी वाजपेयी) : अध्यक्ष जी, चन्द्रशेखर जी ने विधेयक के बारे में जो कुछ कहा है और कुछ सीमा तक अपना ज्ञान भी प्रकट किया है, मैं भी उसमें भागीदार हूँ। मगर यह विधेयक महत्वपूर्ण और जटिल है और इसकी एक-एक धारा को बारीकी से देखकर स्वीकृत करने की आवश्यकता है। इस पर चर्चा आरम्भ कर दें और जितना समय इस पर लेना चाहें ले सकते हैं।

MR. SPEAKER: Let us start the discussion. Let us see later on.

12.26 hrs.

PAPERS LAID ON THE TABLE

श्रम मंत्री (डॉ. सत्यनारायण जटिया) : अध्यक्ष जी, मैं अक्टूबर, 1996 में अंतर्राष्ट्रीय श्रम सम्मेलन के 84वें (सामुद्रिक) सत्र में अंगीकृत कन्वेंशन, न्याय और सिफारिशों पर की गई कार्यवाही अथवा की जाने वाली कार्यवाही के बारे में विवरण की एक प्रति (हिंदी तथा अंग्रेजी संस्करण) स्था पटल पर रखता हूँ।

(Placed in Library, See No. LT 1933/2000)

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI SANTOSH KUMAR GANGWAR): Sir, on behalf of Shri Ram Jethmalani, I beg to lay on the Table—

(Placed in Library, See No. LT 1934/2000)

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI V. DHANANJAYA KUMAR): I beg to pay on the Table—

(Placed in Library. See No. LT 1935-1940/2000)

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRIMATI JAYAWANTI MEHTA): I beg to lay on the Table—

(Placed in Library. See No. LT 1941-1943/2000)

THE MINISTER OF STATE IN THE MINISTRY OF SURFACE TRANSPORT (DR. DEBENDRA PRADHAN): I beg to lay on the Table—

(Placed in Library. See No. LT 1944-1946/2000)

पर्यावरण और वन मंत्रालय में राज्य मंत्री (श्री बाबू लाल मरांडी) : अध्यक्ष जी, मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ-

(Placed in Library. See No. LT 1947-1948/2000)

12.27 hrs.