GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 4431
TO BE ANSWERED ON 30.03.2022

OFFENSIVE POSTS ONLINE

4431. SHRI MAHESH SAHOO:

Will the Minister of Electronics and Information Technology be pleased to state:

(a) whether the Government is aware of the fact that people have been booked for posting offensive posts online under the repealed section 66A of Information Technology(IT) Act 2000;

(b) if so, the details of the persons that have been booked and convicted so far after repeal of section 66A of IT Act, State-wise;

(c) the details of the persons that have been booked and convicted under aforesaid law in the State of Odisha; and

(d) whether the Government provides compensation to aforesaid persons for using repealed law against them for their so-called offensive post online and if so, the details thereof?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAJEEV CHANDRASEKHAR)

(a) to (d): The Hon'ble Supreme Court through its order dated 24th March, 2015 has struck down section 66A of the Information Technology (IT) Act, 2000 making it null and void. This Ministry has approached the Chief Secretaries/ Administrators and Director General of Police of all States/UTs to ensure awareness of the said court judgment. Ministry of Home Affairs has also separately approached them on the same lines.

'Police' and 'Public Order' are State subjects as per the Seventh Schedule of the Constitution of India. States/UTs are primarily responsible for the prevention, detection, investigation and prosecution of crimes through their Law Enforcement Agencies (LEAs). It is expected that the LEAs withdraw any case filed under this section and not book any fresh case after the above stated Supreme Court order.

This Ministry does not deal with booking/conviction of cyber crimes or compensation for the same and has no specific details of the persons who have been booked and convicted so far after repeal of section 66A of IT Act, 2000.

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