

## Section 67A: Punishment for publishing or transmitting of material containing sexually explicit act, etc. in electronic form

Whoever publishes or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees.

Exception: This section and section 67 does not extend to any book, pamphlet, paper, writing, drawing, painting, representation or figure in electronic form-

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art, or learning or other objects of general concern; or

(ii) which is kept or used bona fide for religious purposes.

### More Information on Section 67A of Information Technology Act, 2000

**News #1:** [Man booked under IT Act for 'defaming' CM Devendra Fadnavis in tweet](#)

The Oshiwara police on Wednesday registered an FIR against one Ajay Hatewar for tweeting defamatory statements against chief minister Devendra Fadnavis and posting a picture of the CM enjoying a vacation with his family in 2011-2012.

He has been booked for defamation and also under Section 67 (A) of the IT Act.

**News #2:** [A Gross Misuse of the IT Act by Mumbai Police: TheWire.in](#)

The dust has barely settled on the controversies over the misuse of [Section 66A of the Information Technology Act](#) that it seems the police have found ingenious ways to misuse the law's other provisions. The threshold level for registering cases especially under the IT Act, appears to be extremely low for the Indian police.

The latest in this list of abuses is the registration of a case by the Oshiwara Police in Mumbai against one Ajay Hatewar for offences of defamation and under [Section 67A of IT Act](#) for allegedly defaming Maharashtra Chief Minister Devendra Fadnavis. The news reports indicate that the 'dastardly' act appears to be the posting of an old picture of the CM and his family enjoying their vacation on a yacht, with intent to defame him by claiming that the picture was taken during the CM's recent visit to USA.