

WRITTEN ANSWERS TO STARRED QUESTIONS**Uploading and sharing of objectionable videos**

*136. SHRI RAJ BABBAR: Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether Government is aware that objectionable videos are being uploaded through mobile phones and shared through WhatsApp, if so, the details thereof;

(b) whether Government has any plan to stop sharing of objectionable videos through mobiles and WhatsApp; and

(c) if so, the details thereof and the action taken or being taken to stop such objectionable content?

THE MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): (a) Instances of objectionable videos being uploaded through mobile phones and shared through Whats App have been noticed. According to WhatsApp, the messages are end- to-end encrypted and they and any third party can not read them. In other words, the messages are only seen by the sender and the receiver.

WhatsApp provides a feature to report any objectionable content. However, they also admit that since they do not have the contents of the messages available with them, it limits their ability to take action. A user can take screenshot of the content and share it with appropriate law enforcement authorities.

(b) and (c) The Information Technology (IT) Act, 2000 as amended in 2008, provides for punishment for publishing or transmitting objectionable contents. The Act provides for punishment through following provisions:

- **Section 66E:** Punishment for violation of privacy.
- **Section 67:** Punishment for publishing or transmitting obscene material in electronic form.
- **Section 67A:** Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form.
- **Section 67B:** Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc. in electronic form.

In addition, several domain related Acts have provision which restrict/prohibit publication of objectionable contents in electronic form. These, *inter alia*, include:

- Indian Penal Code 1860.
- The Protection of Children from Sexual Offences Act, 2012.

- The Indecent Representation of Women (Prohibition) Act, 1986.

Concerned law enforcement agencies take necessary action for violation noticed or reported as per the law.

Vacancies of Judges

*137. SHRI RAM KUMAR KASHYAP: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the total number of posts of Judges of High Courts which are lying vacant in the country, the details thereof along with the steps taken to fill up the same;

(b) the process of appointing Judges of High Courts;

(c) whether the reservation policy is applicable in the appointment of Judges of High Courts and if not, the reasons therefor; and

(d) whether there is any proposal to reserve 33 per cent posts of Judges of High Courts and the Supreme Court for SC, ST and OBC, if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):

(a) to (d) The details of the Approved strength, Working Strength and Vacancies of Judges in various High Courts as on 24 July, 2017 are given in the Statement (*See below*). As on 24.7.2017, there are 406 posts of High Court Judges lying vacant.

As per the existing Memorandum of Procedure (MoP) for appointment and transfer of Chief Justices and Judges of High Courts, the proposal for initiation of filling up of vacancies in the High Courts vests with the Chief Justice of concerned High Court. However, if the Chief Minister desires to recommend the name of any person, he should forward the same to the Chief Justice of the High Court for his consideration. The Governor as advised by the Chief Minister forwards his recommendation along with the entire set of papers to the Union Minister for Law and Justice. The Union Minister of Law and Justice considers the recommendations in the light of such other reports as may be available to the Government in respect of the names under consideration. The complete material is then forwarded to the Chief Justice of India for his advice, who forms his opinion in consultation with the two Senior most Judges of the Supreme Court along with the views of Consultee Judges. The Supreme Court Collegium sends its recommendations to the Union Minister of Law and Justice who then seeks the approval of the Constitutional Authorities at the Centre.

Filling up of vacancies in the High Courts is a continuous and collaborative process, between the Judiciary and Executive. It requires consultation and approval