

No. 2-1/2024-ISBN
Government of India
Ministry of Education
Department of Higher Education
Book Promotion Division

Shastri Bhawan, New Delhi – 110001

Dated: 18.04.2024

OFFICE MEMORANDUM

Subject: Publishing of map of India in conformity with maps provided by Survey of India -reg .

The undersigned is directed to refer the sub section (2) of **Criminal Law Amendment (Amending) Act, 1990**.

"Whosoever publishes a map of India, which is not in conformity with the maps of India as published by Survey of India, shall be punishable with imprisonment which may extend to six months, or with fine, or with both."

2. In view of the above, all the Bureau Heads of DoHE are requested to issue necessary instruction to their Institutes to ensure compliance with the aforementioned law.

Encl- (i) Copy of Criminal Law Amendment (Amending) Act, 1990 - Annexure 'A'
(ii) Copy of letter from Min. of Electronics & Information Technology - Annexure 'B'
(iii) Copy of MHA letter dated 14/21.02.2020 - Annexure 'C'

(M.M Singh)
Director (T)
Tel: 011-23070660

To,

1. All the Bureau Heads of DoHE



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY
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PART II—Section 1
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PUBLISHED BY AUTHORITY

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No. 18।

नई दिल्ली, बुधवार, अप्रैल 18, 1990 / चैत्र 28, 1912
NEW DELHI, WEDNESDAY, APRIL 18, 1990 / CHAITRA 28, 1912

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 18th April, 1990 / Chaitra 28, 1912 (Saka)

The following Act of Parliament received the assent of the President on the 17th April, 1990 and is hereby published for general information :-

THE CRIMINAL LAW AMENDMENT (AMENDING) ACT, 1990

No. 9 of 1990

[17th April, 1990.]

An Act to amend the Criminal Law Amendment Act, 1961.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Criminal Law Amendment (Amending) Act, 1990.

Amend-
ment of
section 2.

2. In the Criminal Law Amendment Act, 1961, section 2 shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

“(2) Whoever publishes a map of India, which is not in conformity with the maps of India as published by the Survey of India, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(3) No court shall take cognizance of an offence punishable under sub-section (2), except on a complaint made by the Government.”

K. L. MOHANPURIA
Additional Secretary to the Govt. of India.

No. 13(2)2020-CLES
Government of India
Ministry of Electronics and Information Technology
E-Security and Cyber Law Group

To

Sh. Vivek Malik
Colonel Director and Nodal Officer of the Surveyor General of India
International Boundary Directorate
Room No. 37-B, L-II Block, Brassey
Avenue Church Road, New Delhi- 110001

Subj: Complaints regarding wrong depiction of Indian Map

With reference to Complaints regarding wrong depiction of Indian Map, SOI had meeting with Group Coordinator, Sh. Rakesh Maheshwari, where he highlighted that MeitY receives some complaints directly from users complaining about wrong depiction of Indian Map. Further, most of the complaints are forwarded by Survey of India to MeitY. He highlighted that Survey of India (SOI) has Criminal Law (Amendment) Act, 1990 specifically considers incorrect depiction of the international boundaries as a penal offence and provides for an imprisonment term of upto six months or with fine or with both. MeitY is of the view that such complaints requires following:

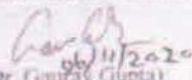
- Identification of incorrect depiction of external boundaries and initiation of appropriate action under the law, and
- Notifying disablement of the incorrect content

Since, Survey of India already has the Criminal Law (Amendment) Act, 1990 specifically considers incorrect depiction of the international boundaries as a penal offence and provides for an imprisonment term of upto six months or with fine or with both, it would be legally prudent for SOI to initiate action under the said Amendment Act.

However, when it comes to disablement of the incorrect content, SOI may opt for either the said provision of the Criminal (Amendment) Act or initiate action under section 79(3)(b) of the IT Act, which legally binds the intermediary [websites, Youtube, etc.] to expeditiously remove or disable access to such information, data or communication link residing at their end as and when notified by the appropriate Government or its agency. I am of the view that SOI being the appropriate Government or its agency is being empowered to initiate such actions against the intermediaries. Section 79(3)(b) of the IT Act is being reproduced - upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource, controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

In this context, it is obligatory to note that in *Shreya Singhal v Union of India* [Writ Petition (Cri.) 167 of 2012; 2015(5) SCC 1] the Hon'ble Supreme Court in its judgment placed onus on the intermediaries to expeditiously remove or disable access to any information, data or communication link residing in or connected to a computer resource, controlled by the intermediary is being used to commit the unlawful act under section 79(3)(b) of the IT Act. However, the onus is on the intermediaries to remove or disable any such material under the Court order and/or the notification by the appropriate Government or its agency must strictly conform to the subject matters laid down in Article 19(2) of the Constitution of India [paras 117 & 119(c) of *Shreya Singhal v Union of India & Ors.*]. The subject matter under Article 19(2) includes, the sovereignty and integrity of India, the security of the State or incitement to an offence.

In the above light, MeitY is of the view that under the applicable laws, SOI being the appropriate Government (or its agency) for not only identifying, but also notifying disablement of the incorrect depictions of external boundaries, SOI may initiate all such legal steps accordingly.


(Dr. Gaurav Gupta)
Scientist 'E'

BC-16-MEP-17

Annexure - C

No. V-18011/01/2020-IS-II
Government of India
Ministry of Home Affairs
(IS Division)

North Block, New Delhi.
Dated : 14.02.2020

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To,
The Director & Nodal Officer,
(Lt. Col. Vivek Malik),
O/o the Surveyor General of India,
International Boundary Directorate,
Church Road, New Delhi - 110001.

Subject: Wrong depiction of Indian map - regarding .

Sir,

The undersigned is directed to refer to various communications (as per list enclosed) received from Survey of India regarding Wrong depiction of Indian map.

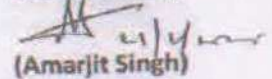
2. It is conveyed that the Survey of India is the custodian of Indian map. Punishment for wrong depiction of the Indian map is prescribed in the Criminal Law Amendment Act, 1961, only provides about punishment. However, Law and Order is a state subject as per the Schedule VII of the constitution. As such, the above mentioned communications are forwarded with the suggestion that the Survey of India may take up this matter with appropriate authorities in the concerned State Governments/UTs administration. Further, with regard to wrong depiction of map in cyber space, it is advised to take matter with Ministry of Electronics and Information Technology (MeitY) for necessary action under Section 69A of the IT Act, 2000. All future cases of wrongful depiction of maps may also be dealt accordingly by the Survey of India.

3. Survey of India may also consider generating awareness about correct usage of the Indian maps to avoid/reduce wrongful depiction of the Indian map by various individuals/entities.

4. This issues with the approval of Home Secretary.

Encl.: As above.

Yours faithfully,


(Amarjit Singh)

Under Secretary to the Govt. of India

Te. No. 011-23093700

Email: singh.amarjit@nic.in

अन्तरराष्ट्रीय सीमा निर्देशालय (म.स.का.),
International Bdy. Dir (IBD)
बायरी नं/Dy. No. 227
फाइल नं/File No. B.C-16-MR(C)
दिनांक/Date 26-2-20