

**Bill No. LXXXIV of 2006**

**THE MOBILE CAMERA PHONE USERS (CODE OF CONDUCT)  
BILL, 2006**

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**BILL**

*to provide for a code of conduct for users of mobile camera phones at certain places including public places; to regulate their use by children; to assign responsibilities on the user to respect the privacy of others and matters connected therewith or incidental thereto.*

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

**1.** (1) This Act may be called the Mobile Camera Phone Users (Code of Conduct) Act, 2006.

Short title  
extent and  
commencement.

5 (2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) “camera phone” means and includes any mobile telephone capable of recording video as well as the still photographs;

10 (b) “child” means a person who has not completed eighteen years of age;

(c) “objectionable content” means taking photograph or video of unclothed body or part of body of a person with or without his knowledge;

(d) “prescribed” means prescribed by rules made under this Act;

(e) “public place” means any place being frequently visited by the public at large and includes government buildings, hospitals, banks, markets, restaurants, clubs, hotels, parks, monuments, libraries, museums and other like places but does not include private residence or gathering;

(f) “public transport” means taxis, buses, trams, rails, ships including other vessels of similar kind, aeroplanes run by government or private sector for the use of general public.

Restriction on use of camera phones in public and other places.

**3. (1)** No person shall use camera phone to take photograph or record video of any other person without his knowledge or consent in any public place or public transport.

(2) No person shall use camera phone,—

(i) where photography is specifically prohibited; and

(ii) while driving a motor vehicle.

Restrictions on use of camera phones in defence and other establishments. Prohibition of use of camera phone by children.

**4.** No person shall carry or use camera phone in high security defence establishments, and such other establishments as the Central Government may, by notification in the Official Gazette, declare in order to prevent sensitive information or topography being snapped or leaked.

**5. (1)** No child shall be allowed to possess or use a camera phone.

(2) If any child is caught with a camera phone, his parents or any person who, at that time, is the guardian of the child shall be prosecuted in accordance with the provisions of this Act.

Camera phones to flash light or emit sound while taking photo or recording video.

**6. (1)** On and from the appointed day, as the Central Government may appoint in this behalf, no person shall carry or use a camera phone, which does not flash a light or emit sound of a prescribed decibel on taking photograph/recording video.

(2) It shall be the responsibility of every phone company to manufacture only such camera phones which comply with the requirements of sub-section (1) and ensure that there is no provision to disable these features in camera phones.

Central Government to restrict use of camera phones.

**7.** The Central Government may, by notification in the Official Gazette, restrict the use of camera phones in such areas, as it may deem necessary in the public interest.

Camera phone user to respect the privacy of others.

**8.** It shall be the responsibility of the person using the camera phone to respect the privacy of other and no person shall use the camera phone for shooting and circulating objectionable content.

Manufacturing companies educate to retailers.

**9.** It shall be the responsibility of the company manufacturing the camera phones to educate the retailer to actively apprise the customers about the appropriate and ethical use of camera phone at the time of purchase.

Central Government to frame mobile camera phone policy.

**10.** The Central Government shall within six months of the commencement of this Act, shall frame a mobile camera phone policy.

Penalty.

**11.** Whoever contravenes the provisions of this Act and rules made thereunder shall be punishable with imprisonment which may extend to three years or with fine which may extend to twenty-five thousand rupees or with both:

Provided that if the contravention of the provisions of the Act, and the rules is done by a company, the fine may extend to twenty-five lakhs.

**12.** (1) Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the 5 contravention and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of 10 any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be 15 proceeded against and punished accordingly.

*Explanation.*— For the purpose of this section:—

(i) “company” means anybody corporate and include a firm or other association of individuals; and

(ii) “director”, in relation to a firm, means a partner in the firm.

2 of 1974. 20 **13.** Notwithstanding anything contained in the Code of Criminal Procedure 1973, the offence under this Act shall be cognizable. Offences to be cognizable.

**14.** All offences under this Act shall be tried summarily in the manner prescribed for summary trial under the Code of Criminal Procedure 1973. Summary trial.

**15.** If any difficulty arises in giving effect to the provisions of this Act, the Central 25 Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Power to remove difficulties.

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

30 **16.** The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to mobile camera phones. Overriding effect.

**17.** The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

There is a quantum jump in the number of mobile camera phone users in the world. The sale of camera phones has outnumbered the sale of stand-alone digital cameras. Our country is no exception to this boom in the users of camera phones. The number of mobile camera phone users is increasing at a tremendous speed along with its misuse. People are secretly taking photographs of women without their knowledge and consent. At times, intimate and private images of women are taken to harass or blackmail them, since photo snapped with these cameras can be transmitted instantly to other cell phones, to e-mail and even to web.

Digital shoplifting by these camera phones is another area of concern. In many places in the world, people are not buying books and magazines as they are snapping them free from the shops using camera phones. Many bookstores have banned the use of camera phone to shoot pages from periodicals instead of buying them as it has a devastating effect on their sales. The corporate espionage has become easy by camera phone as any disgruntled employee can snap and transmit photo of a product development/specifications of product or secret ingredients and destroy the business. Camera phones present a number of risks to intellectual property, trade secrets and other confidential business operations of companies. Customer information can be easily and surreptitiously caught on a camera phone and passed on to other interested parties. One camera phone manufacturing company, has itself banned the use of this phone in their semiconductor and research facilities to stave off industrial espionage.

Another area of concern is the use of camera phones in places where photography is prohibited. People smuggle in small camera phones and take the pictures of various artefacts in museums or in religious places. Use of camera phone can also cause trouble in defence establishments or high security establishments.

Further, camera phone in the hands of students can also be misused by them. There is no need for a child to have a camera phone. At the most, he can be given a cell phone.

The need of the hour is that the Government should come forth and frame a national camera phone policy. In Europe, some gyms and swimming pools have banned camera phone in changing room. In Japan, Singapore and China also a restriction has been imposed on use of camera phones in schools and Government buildings.

Therefore, there is an urgent need to have a legislation on the regulation of use of camera phones in the country.

Hence this Bill.

VIJAY J. DARDA

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause **17** of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

RAJYA SABHA

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*(Shri Vijay J. Darda, M.P.)*