

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 2010
TO BE ANSWERED ON 23.12.2022

OBJECTIVE OF AMENDMENT IN INFORMATION TECHNOLOGY RULES

2010. SHRI ELAMARAM KAREEM:

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

- (a) the main objective of the recently notified Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2022;
- (b) the manner in which this rule would protect the interests of digital media users;
- (c) whether Government is aware about the criticisms against this rule that it is intended to control the free speech and expressions on the social media platforms; and
- (d) the manner in which Government would ensure that the free speech of people is protected?

ANSWER

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

(a) and (b): The Government's objective is to ensure an Open, Safe, Trusted and Accountable Internet for Digital Nagrik or citizens.

With the expansion of the Internet and more and more Indians coming online, the possibility that Digital Nagrik or citizens being exposed to user harms, disinformation and criminality has also increased. As the digital eco-system and connected Internet users in India expand, so do the challenges and problems faced by them, as well as some of the infirmities and gaps that exist in the previous rule vis-a-vis Big Tech platform, the Central Government, in exercise of powers conferred by the Information Technology Act, 2000, has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2022. These rules cast specific obligation on intermediaries vis-à-vis what kind of information is to be hosted, displayed, uploaded, published, transmitted, stored or shared. Intermediaries are also required to remove any content violative of any law for the time being in force as and when brought to their knowledge either through a court order or through a notice by appropriate government or its authorised agency. Further, the amended rules also provide for the establishment of Grievance Appellate Committee(s) to allow users to appeal against the inaction of or decisions taken by Grievance Officers of intermediaries on user complaints. In case of failure to follow diligence as provided in the said rules, by intermediaries, they shall lose their exemption from liability under section 79 of the IT Act and shall be liable for consequential action as provided in such law.

(c): The criticisms of this nature, if any, are unfounded and incorrect as the Supreme Court of India, itself, observed that fundamental rights are not absolute rights and they are subject to reasonable restrictions.

(d): Government's rule making policy aims at ensuring the constitutionally guaranteed right accorded to our citizen. Following that objective, the amended rules also have made it explicit for the intermediary, including social media intermediaries, to respect the rights accorded to the citizens of India under the Constitution.
