

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 2800**  
TO BE ANSWERED ON 24.3.2023

**REGULATION OF UNFILTERED CONTENT THROUGH  
SOCIAL MEDIA NETWORKS**

**2800. SMT. SANGEETA YADAV:**

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

(a) whether the Ministry is aware of the uncensored adult content being spread through social media websites/applications such as facebook/instagram/sharechat, etc. through their reels and short videos, violating the guidelines;

(b) whether any study has been done about impact of such unfiltered content on the society in general and youth in particular, in turn leading to increase in crimes against women/girls;

(c) if so, action taken/ being taken thereon; and

(d) if not, whether the Ministry intends to take action on such violations of the guidelines in future?

**ANSWER**

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

(a) to (d): The policies of the Government are aimed at ensuring an Open, Safe and Trusted and Accountable Internet for its users. With the expansion of the Internet and more and more Indians coming online, the number of Indians exposed to content on the Internet has also grown. The many challenges in securing cyberspace also flow from its vastness and borderless nature.

The Information Technology Act, 2000 (“IT Act”) has stringent penalties for publishing or transmission of material containing sexually explicit act in electronic form (section 67A and 67B) and publishing or transmitting of obscene material in electronic form (section 67),

which are punishable with imprisonment for a period that may extend to three and five years respectively and which, as per section 77B, are cognizable offences. As per the provisions of the Code of Criminal Procedure, 1973, prevention and investigation of cognizable offences is to be done by the police, and as per the Seventh Schedule to the Constitution, ‘Police’ is a State subject. As such, States are primarily responsible for the prevention, investigation etc. of such offences through State police departments, which take preventive and penal action as per law, including in respect of the said offences.

To help achieve the aim of making Internet Open, Safe and Trusted and Accountable and to strengthen the mechanism to deal with such cybercrimes in a coordinated manner, the Central Government, in exercise of powers conferred by the IT Act, has made the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These

rules cast specific obligation on intermediaries, including social media intermediaries, to observe due diligence and provide that if they fail to observe such due diligence, they shall no longer be exempt from their liability under law for third-party information or data or communication link hosted by them. Such due diligence includes the following:

- (i) An intermediary shall make reasonable efforts to cause its user not to host, display, upload, publish, transmit, store or share, information which is obscene or pornographic or paedophilic, or invasive of another's bodily privacy, or harmful to child, or which violates any law.
- (ii) The intermediary shall not host, store or publish unlawful information prohibited under law for the time being in force, on a voluntary basis on violation of the above, and on actual knowledge upon receipt of a grievance or court order or notice from the appropriate government or its agency.
- (iii) The intermediary shall provide, upon receipt of an order from a lawfully authorised government agency, information or assistance for prevention, detection, investigation or prosecution under law.
- (iv) To have in place a grievance redressal machinery, and resolve complaints of violation of the rules within 72 hours of being reported, and in case of a complaint by an individual or her/his authorised representative, remove within 24 hours any content which *prima facie* exposes the private area of such individual, shows such individual in full or partial nudity or shows or depicts such individual in any sexual act or conduct;
- (v) In case an intermediary is a significant social media intermediary (*i.e.*, a social media intermediary having more than 50 lakh registered users in India), to additionally observe due diligence in terms of appointing a Chief Compliance Officer, a nodal contact person for 24x7 coordination with law enforcement agencies and a Resident Grievance Officer, and to endeavour to deploy technology-based measures, including automated tools or other mechanisms, to proactively identify information that depicts any act or simulation in any form depicting child sexual abuse or conduct.

With regard to the impact of unfiltered adult content on society in general and youth in particular, it is informed that the Government is cognizant of issues in the cyberspace, including those affecting the youth. No proposal for any study in this regard is under consideration of the Ministry of Electronics and Information Technology.

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