

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION No. 3455
TO BE ANSWERED ON 31.3.2023

LAWS TO CHECK HATE SPEECH AND FAKE VIEWS

3455. SHRI RAGHAV CHADHA:

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) the steps taken by Government to curb misleading news, messages, hateful material and advertisements being spread through fake accounts on social media since 2014;
- (b) whether the Government has set up or proposes to set up any system/make law for prosecuting criminal cases against the persons responsible for spreading hatred, committing frauds and spreading fake news through social media;
- (c) if so, the details thereof;
- (d) the steps taken by Government regarding objectionable content being spread on every small or big platform and social media; and
- (e) if not, the reasons therefor?

ANSWER

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

(a) to (e): To help achieve the aim of making Internet Open, Safe and Trusted and Accountable, the Central Government, in exercise of powers conferred by the Information Technology Act, 2000, 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, publish, transmit or share any information that is obscene, pornographic, paedophilic, invasive of another's privacy including bodily privacy, or is insulting or harassing on the basis of gender, or racially or ethnically objectionable, or promoting enmity between different groups on the grounds of religion or caste with the intent to incite violence, or which is knowingly and intentionally communicates any misinformation or information which is patently false and untrue or misleading in nature, or it violates any law for the time being in force.
- (ii) On a voluntary basis upon 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, not hosting, storing or publishing unlawful information prohibited under law for the time being in force.
- (iii) To have in place a grievance redressal machinery, and resolve complaints of violation of the rules within 72 hours of being reported.
- (iv) 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.

Further, a Fact Check Unit has been set up under Press Information Bureau under the Ministry of Information and Broadcasting in November, 2019 which takes cognizance of fake news relating to the Central Government both *suo moto* and by way of queries sent by citizens on its portal or through email and social media. The Unit responds to the relevant queries with correct and updated information.

In regards to prosecuting criminal cases against the persons responsible for spreading hatred, committing frauds and spreading fake news through social media, it is informed that 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 cybercrimes through the State police departments, which take preventive and penal action as per law.
