

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 2637
TO BE ANSWERED ON 11.08.2023

ADVERSE EFFECTS OF SOCIAL MEDIA ON CHILDREN

2637. SHRI MITHLESH KUMAR:

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

- (a) whether Government has received any complaints/representations regarding adverse effects of social media on children, adolescents and students;
- (b) the measures taken by Government to prevent children and students from accessing objectionable material like obscene literature, child abuse, human trafficking and drug addiction;
- (c) if so, the details thereof;
- (d) whether Government proposes to enforce censorship norms for such objectionable content by bringing a law on multiple social media; and
- (e) if so, the details thereof?

ANSWER

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

(a): The Government's objectives are to ensure an open, safe and trusted and accountable internet for citizens, including children, adolescents and students. The Government is cognizant about the adverse effects of social media on children.

(b) and (c): With the expansion of the Internet and more and more Indians coming online, the instances of children, being exposed to information not meant for them, have grown. Government is cognizant of the same and the need to have in place appropriate methods to protect and limit involvement of minors.

The policies of the Government are aimed at ensuring a safe, trusted and accountable internet for all its users. Publication or transmission of obscene material in electronic form, is cybercrime. The Information Technology Act, 2000 ("IT Act") and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules, 2021"), provides for penalty and punishment for such act and also casts obligations on the intermediaries, including social media intermediaries, to observe due diligence as per rule 3(1)(b). In case of failure to follow diligence as provided in the IT Rules, 2021, by intermediaries, they shall lose their safe harbour protection under section 79 of the IT Act and shall be liable for consequential action as provided in such law. Such due diligence also include that the intermediaries are required to make reasonable efforts by itself to cause the users not to host, display, upload, modify, publish, transmit, store, update or share, among others, information which is obscene, or paedophilic, or pornographic, or is invasive of another's bodily privacy, or is harmful to child, or impersonates another person, or violates any law. Intermediaries are also required to remove any information 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, in case an intermediary is a significant social media intermediary (an intermediary having more than 50 lakh registered users in India), to additionally observe due diligence in terms of appointing, in India, a Grievance Officer, a Chief Compliance Officer and a nodal contact person for 24x7 coordination with law enforcement agencies. As per the IT Rules, 2021, the Chief

Compliance Officer is responsible for ensuring compliance with the IT Act and the rules made thereunder.

Keeping in view complaints regarding action or inaction, on the part of the social media intermediaries and other intermediaries on user grievances regarding objectionable content or suspension of their accounts, the Central Government has also established three Grievance Appellate Committees (GACs), as provided for in the said IT Rules, 2021 to enable users to appeal against the decisions taken by Grievance Officer of intermediaries on user complaints.

The IT Act, also, penalises 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), and makes them punishable with imprisonment for a period that may extend to three and five years respectively, and as per section 77B such cybercrimes 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 cybercrimes through the State police departments, which take preventive and penal action as per law, including in respect of the said cybercrimes pertaining to publishing or transmitting of material containing sexually explicit act or obscene material in electronic form.

(d) and (e): The Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, together, has put a stringent framework to deal with any menace in the digital space, including availability of objectionable contents, on social media platforms.
