

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 1528
TO BE ANSWERED ON: 15.12.2023

**STEPS TO STOP THE PREVALENCE OF FILTHY, OBSCENITY
AND VULGARITY ON SOCIAL MEDIA**

1528. DR. KANIMOZHI NVN SOMU:

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

- (a) whether Government has taken any steps to stop the prevalence of filthy, obscenity and vulgarity on social media networks and punish the perpetrators;
- (b) if so, the details thereof and if not, the reasons therefor;
- (c) the stringent steps taken by Government to curb and stop the prevalence of obscenity and vulgarity in the name of web series on social media networks; and
- (d) whether Government has any plans to bring amendments to the original IT Act and if so, the details thereof?

ANSWER

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

(a) to (d): Government of India has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules, 2021") on 25.02.2021 which was subsequently amended on 28.10.2022 and 6.4.2023. If any intermediary violates the IT Rules, 2021, they shall lose their safe harbour protection under section 79 of the IT Act and shall be liable for consequential action or prosecution as provided under any law for the time being in force including the IT Act and the Indian Penal Code. The IT Rules, 2021 cast the following legal obligations, among others:

- (i) Rule 3(1)(b) of the IT Rules, 2021 prohibits eleven types of content on the Indian Internet available on the intermediary platform including social media platforms.
- (ii) Platforms are required to ensure that their users do not use their platforms for sharing or transmitting content that violates Rule 3(1)(b) and other laws and that their terms of use expressly restrict use of eleven types of content under the law.
- (iii) Rule 3(1)(b)(ii) of the IT Rules 2021 prohibits any information that is obscene, pornographic, paedophilic, invasive of another's privacy including bodily privacy, etc.
- (iv) Rule 3(1)(b)(v) and (vi) of the IT Rules 2021 prohibits misinformation and patently false information on the Indian Internet or that impersonates another person. Deepfakes are another form of misinformation powered by AI.
- (v) Rule 3(1)(d) of the IT Rules 2021 mandates the platforms to ensure expeditious action, well within the timeframes stipulated under the IT Rules, 2021, to remove or

disable access to information/content that violates the aforesaid provisions of the IT Rules, 2021, upon receipt of court orders or notification from the Appropriate Government or its authorised agency or on complaint made by any user or victim including the impersonated individual or person authorised by him in this behalf.

- (vi) Rule 4(2) of the IT Rules 2021 prescribes that the significant social media intermediaries shall cooperate with Law Enforcement Agencies (LEA) for prevention, detection, investigation, prosecution or punishment by enabling identification of the first originator of information related to the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, or public order, or of incitement to an offence relating to the above or in relation with rape, sexually explicit material or child sexual abuse material (CSAM).
