

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO.801
TO BE ANSWERED ON: 07.02.2024

ACCOUNTABILITY OF SOCIAL MEDIA

801. SHRI BHOLANATH (B.P. SAROJ):

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

- (a) whether the Government proposes to appoint a regulator to make social media accountable;
- (b) if so, the details thereof; and
- (c) the action taken by the Government against social media companies till date and the number of people whose social media accounts have been suspended during the last three years?

ANSWER

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

(a) to (c): The policies of the Government are aimed at ensuring that the Internet in India is Open, Safe & Trusted and Accountable to all our Digital Nagriks.

The Internet technology and Internet used to be seen as force for good, but in recent years, technology is also exploited for causing user harms and criminality. The number of Internet users in India are expected to increase from 85 crores today to 120 crore users by 2026 making India the largest connected democracy on the global Internet. The Government is fully committed to exploit the good of the technologies but is cognizant of the harms, risks and the growing rate of criminalities. The Government intends to ensure the Internet in general and information on it is safe & trusted and takes suitable steps on an ongoing basis to tackle the bad actors.

Government's policy towards all Internet platforms and intermediaries including social media intermediaries is that they are accountable under law for the safety and trust of all Digital Nagriks and for the content that is made accessible by the Digital Nagriks of the country. The accountability of these platforms is through enforcement of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules, 2021") and clearly laying out the unlawful content that is prohibited under Rule 3(1)(b) and other Rules, The consequences of having any unlawful content on the platform will cause losing 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 ("IPC").

The IT Rules, 2021 notified on 25.02.2021 and subsequently amended 28.10.2022 and 6.4.2023 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.
- (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 notice from the Appropriate Government or its authorised agency or upon receipt of complaint made by 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).

Government has also established Grievance Appellate Committees under the IT Rules, 2021 to allow users and victims to appeal online on www.gac.gov.in against decisions taken by the Grievance Officers of intermediaries in case they are dissatisfied with the decision of the Grievance Officer in case of legal violations including deepfakes or fails to redress the grievances from users or victims or an individual or any person on his behalf within the timelines prescribed under the IT Rules, 2021.

MeitY conducted multiple Digital India Dialogues (“DID”) with leading social media platforms to caution them about their legal obligations and consequences of prosecution under relevant law if any of the prohibited contents is found on their platform. Also, they have been reminded about their obligations of expeditious action under the IT Rules, 2021, to remove or disable access to information/content that violates the aforesaid provisions of the IT Rules, 2021.

While MeitY has been issuing time-to-time advisories to the intermediaries, which include social media intermediaries, through its latest such an advisory dated 26th December 2023, MeitY has directed intermediaries for ensuring compliances with the prescribed due diligence and Grievance Reporting Mechanism under the IT Rules, 2021, the failure to observance of which on the part of intermediaries will amount to non-compliance with the IT Rules, 2021 and result in the concerned intermediary automatically losing exemption from liability under section 79 of the IT Act. This advisory includes *inter-alia* the following directions that—

- i. Ensure that users on social media platforms do not violate prohibited content in Rule 3(1)(b) of IT Rules 2021.
- ii. Prohibited content to be expressly informed to the user at the time of first-registration and also as regular reminders, in particular, at every instance of login.
- iii. Users to be made aware of penal provisions under IPC, IT Act and other laws that may be attracted in case of violation of Rule 3(1)(b).
- iv. Terms of service and user agreements must clearly highlight obligation of intermediaries to report legal violations to the law enforcement agencies under the applicable laws;
- v. Intermediaries should identify and remove misinformation or information that impersonates another person.
- vi. Intermediaries must enable users, victims or any person on their behalf, to also report violations relating to Rule 3(1)(b) or Rule 3(2)(b) in a simple and easily accessible manner, including through in-app user reporting.
- vii. Intermediaries must comply with the orders of the Grievance Appellate Committee within the timeline mentioned in the order and publish a report.
- viii. Intermediaries should take additional measures to not permit any advertisements of illegal loan and betting apps.

- ix. Intermediaries have been warned that non-compliance will lead to losing exemption from liability provided under section 79(1) of IT Act.

The Government issues lawful directions for blocking for access of information by public under Section 69A of the IT Act which provides power to government to issue such directions if it is necessary or expedient to do so in the interest of sovereignty and integrity, defence of India, security of the State, friendly relations with foreign States or public order or for inciting cognizable offence relating to above. MeitY follows due process as envisaged in the Information Technology (Procedure and Safeguards for Blocking for Access of Information for Public) Rules, 2009. Such directions are issued for blocking a total of [6096](#), [6775](#), [12483](#) URLs during the years 2021, 2022 and 2023 respectively.

In addition, the Ministry of Home Affairs operates a National Cyber Crime Reporting Portal (www.cybercrime.gov.in) to enable citizens to report complaints pertaining to all types of cybercrimes, and also operates a toll-free helpline (1930).
