

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 5590
TO BE ANSWERED ON 06.04.2022

MISLEADING E-MAILS

5590. SHRIMATI KESHARI DEVI PATEL:

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

- (a) whether the Government has taken steps taken to check misleading e-mails/messages advertisements sent through various media and investigate into such matters alongwith the details thereof;
- (b) the action taken to check e-mails/messages being sent these days regarding lottery of crores of rupees;
- (c) whether the Government proposes to further stringent the IT rules in order to restrict these misleading e-mails/messages and if so, the details thereof; and
- (d) whether any mechanism has been developed to trace the institutions sending these misleading e-mails/ messages and if so, the details thereof?

ANSWER

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

(a) and (b): Government is committed to have an Open, Safe & Trusted and Accountable internet for the citizens of India. Under the provisions of Consumer Protection Act, 2019, a Central Consumer Protection Authority (CCPA) has been established in 2020 to regulate matters, *inter alia*, relating to false or misleading advertisements through various medium including digital platforms, which are prejudicial to the interests of public and consumers as a class. The CCPA can issue directions to the concerned trader or manufacturer or endorser or advertiser or publisher, as the case may be, to discontinue such advertisement or to modify the same. The Consumer Protection Act, 2019 also provides for imposition of penalty by the CCPA on a manufacturer or endorser or publisher and imprisonment and penalty by a competent court on any manufacturer or service provider, who is found responsible for a false or misleading advertisement. CCPA also issues Safety Notices to alert and make consumers cautious.

Further, Department of Consumer Affairs runs an online portal namely “Grievances Against Misleading Advertisements” (gama.gov.in), where consumers can lodge complaints relating to misleading advertisements on any media including the digital platforms.

(c) and (d): All online intermediaries (including email service providers), rendering services in India have to abide by the provisions of the Information Technology (IT) Act, 2000 and Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Rules 2021”). As per these Rules, email service providers being intermediaries, are required to publish privacy policy and terms of use of their platform. They are required to inform their users not to host, display, upload, modify, publish, transmit, update or share any information that is harmful, objectionable, and unlawful in any way. They are also required to remove any unlawful content related to Article 19(2) of the Constitution of India or violative of any law, as and when brought to their knowledge either through a court order or through an order passed under section 69 of the IT Act .

In addition, the above said IT Rules mandates that a Significant Social Media Intermediary (SSMI) primarily providing messaging service are required to identify the first originator of the information for the purposes of prevention, detection, investigation, prosecution or punishment of an offence 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, punishable with imprisonment for a term of not less than 5 years, on lawful notices from authorised agencies or on the orders of the court.

Further, 'Police' and 'Public Order' are State subjects as per the Seventh Schedule of the Constitution of India. States/UTs are primarily responsible for the prevention, detection, investigation and prosecution of crimes through their Law Enforcement Agencies (LEAs). The Law Enforcement Agencies (LEAs) at Centre and States take appropriate legal action as per provisions of law and when appropriate.
