

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 258
TO BE ANSWERED ON: 27.11.2024

GRIEVANCE REDRESSAL MECHANISM FOR CYBER FRAUD

†258. **SMT. ROOPKUMARI CHOUDHARY:**

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

- (a) the initiatives taken by the Government to prevent fraud involving fake reviews, misleading advertisements and fake products on online platforms; and
- (b) whether the grievance redressal mechanism is addressing all grievances related to cyber fraud and online fraud?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI JITIN PRASADA)

(a) and (b): The policies of Government of India are aimed at ensuring an open, safe, trusted and accountable internet for users in the country. The key initiatives taken by Government of India to prevent fraud involving fake news, misleading advertisements and fake products on online platforms are as under:

1. Ministry of Electronics and Information Technology (“MeitY”) in exercise of powers conferred by the Information Technology Act, 2000 (“IT Act”), has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Rules, 2021”). IT Rules, 2021 cast specific due diligence obligations on intermediaries with respect to the information that is not to be hosted, displayed, uploaded, published, transmitted, stored or shared on the platforms. Intermediaries are required not to host, store or publish any information violative of any law for the time being in force. In case of failure to observe due diligence as provided in the IT Rules, 2021, intermediaries lose the exemption from liability for any third-party information, data or communication link, under section 79 of the IT Act.
2. Central Consumer Protection Authority (“CCPA”), established under the Consumer Protection Act, 2019 (“CPA”), has issued a comprehensive advisory dated 6th March, 2024 in response to instances of advertisements promoting illegal activities. The advisory, in accordance with the CPA emphasizes the prohibition of advertising, promotion, and endorsement of unlawful activities prohibited under various laws.
3. The Ministry of Information and Broadcasting (“MIB”) has also issued an advisory dated 21st March, 2024 to media including social media platforms, to refrain from publishing, broadcasting advertisements of online betting platforms and/or any such product/service depicting these platforms in a surrogate manner. The online advertisement intermediaries have also been advised not to target such advertisements towards the Indian audience.
4. The grievance redressal mechanism to address the grievances related to cyber fraud and online fraud is as follows:
 - a) IT Rules, 2021 require the appointment of a Grievance Officer by intermediaries to resolve the complaint. Such Officer is required to provide time-bound redressal of the grievances of the victim / complainant against the violation of these rules. In case the victim / complainant is aggrieved by the decision of an intermediary’s Grievance Officer or does not receive timely redressal, she may prefer an appeal to the Grievance Appellate Committee within thirty days of the receipt of communication from the Grievance Officer.

- b) Department of Consumer Affairs, administering the Consumer Protection Act, 2019 (“CPA”) provides redressal of grievances of consumers through three-tier quasi-judicial forums from district to state to national level. The CPA also provides for simple and speedy redressal of consumer disputes including those related with unfair trade practices. The Consumer Commissions at District / State / National level are empowered to give relief of a specific nature and award, wherever appropriate, and compensation to consumers.
- c) Department of Consumer Affairs has notified the Consumer Protection (e-commerce) Rules, 2020 under the provisions of the CPA to safeguard consumers from unfair trade practices in e-commerce. These rules, inter-alia, outline the responsibilities of e-commerce entities and specify the liabilities of market-place and inventory e-commerce entities, including provisions for customer grievance redressal.
- d) The Central Consumer Protection Authority (“CCPA”) has also issued “Guidelines for Prevention and Regulation of DARK Patterns, 2023” on 30th November, 2023 for prevention and regulation of dark patterns listing thirteen specified dark patterns identified in e-Commerce sector.
- e) Ministry of Home Affairs (“MHA”) has established the Indian Cyber Crime Coordination Centre (“I4C”) to provide a framework and eco-system for Law Enforcement Agencies (“LEAs”) to deal with cyber-crimes in a comprehensive and coordinated manner. MHA has also launched the National Cyber Crime Reporting Portal (<https://cybercrime.gov.in>) to enable the public to report all types of cyber-crimes. Cyber-crime incidents reported on this portal are routed to the respective State/UT law enforcement agency for further handling as per the provisions of law.
