

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 1189
TO BE ANSWERED ON 11-02-2021

INFRINGEMENT OF INDIAN LAWS BY SOCIAL MEDIA PLATFORMS

1189 RAJEEV CHANDRASEKHAR:

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

- (a) whether Government is aware of the recent controversies about alleged bias and therefore infringement of Article 19 by certain Social Media (SM) and Digital Media platforms; and
- (b) the steps Government is taking to ensure that the SM platforms abide by Indian laws, their algorithms and community guidelines are consistent with Indian laws and these are equitably applied to all Indian citizens as guaranteed by Article 14 of the Constitution?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI SANJAY DHOTRE)

(a) and (b): Yes, Sir. There have been media reports, grievances received in Ministry and some court cases on the alleged bias of social and digital media platforms. With the proliferation of Internet as well as social and digital media, the ability of anyone being able to post any material resulting in huge data being made available on digital media, there is always a possibility that some of such material posted may be attracting conditions as laid down in Article 19(2) of the Constitution.

Government has taken steps to safeguard Indian citizens and also to ensure that social media platforms abide by Indian laws. Social media and digital media platforms, for the third party information hosted on their computer resource, are intermediaries in the context of the Information Technology (IT) Act, 2000. They are required to follow certain due diligence as specified in the Information Technology (Intermediaries Guidelines) Rules, 2011 notified under section 79 of the IT Act. This includes publishing of terms and conditions of their platform and privacy policy. They are also expected to inform the users not to host, display, upload, modify, publish, transmit, update or share any information that is harmful, objectionable, and unlawful in any way. Also, section 79 of the Act provides that intermediaries are required to disable/remove unlawful content relatable to Article 19(2) of the Constitution, on being notified either through a court order or by appropriate government or its agency.

These Rules are being amended to make social media platforms more responsive and accountable to Indian laws. These Rules will also make digital media platforms to adhere to Code of Ethics.
