

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 4729
TO BE ANSWERED ON: 24.03.2021

OBSCENE AND MISLEADING ADVERTISEMENTS

4729. SHRIMATI KIRRON KHER:

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether the companies are disseminating obscene, misleading and undesired advertisements through e-mail, WhatsApp messenger, Facebook, etc. for their financial benefit;
- (b) if so, the details of the complaints received and the steps taken by the Government in this regard;
- (c) whether the said disseminated messages are against the traditions of Indian culture and society which are adversely affecting the young generations and if so, the details thereof and the reaction of the Government thereto; and
- (d) the effective steps proposed to be taken by the Government to check the dissemination of the said messages?

ANSWER

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

(a) to (d): There have been media reports about appearance of obscene, misleading and undesired advertisements on various social media platforms. Further, Ministry of Electronics and Information Technology has also received several grievances in this regard.

The Department of Consumer Affairs has launched an online portal called GAMA (Government Against Misleading Advertisements) where consumers can lodge complaints relating to misleading advertisements. Upto 18.03.2021, 17923 complaints against misleading advertisements have been received on the GAMA portal. Out of these, 11988 complaints have been resolved, and remaining complaints are either rejected or pending with Regulators or other Ministries/ Departments.

Further, under the provisions of Consumer Protection Act, 2019, a Central Consumer Protection Authority (CCPA) has been established w.e.f. 24.07.2020 which, inter-alia looks into the complaints of misleading advertisements. The Act also provides that where, after preliminary inquiry, the Central Authority is of the opinion that the matter is to be dealt with a Regulator established under any other law for the time being in force, it may refer such matter to the concerned Regulator along with its report.

The platforms like Facebook, WhatsApp messenger etc., for third party content hosted on their platforms are intermediaries as defined in the Information Technology (IT) Act, 2000. In order to provide enhanced user safety as also accountability of digital media platforms, Government has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 under the Act. These Rules require that the intermediaries follow certain due diligence as prescribed. The intermediaries are required to publish privacy policy, Rules and regulations and terms and conditions. They are also required to inform their users not to host, display, upload,

modify, publish, transmit, update or share any information that is, *inter alia*, harmful, harassing, defamatory, libelous, invasive of another's privacy, hateful, racially or ethnically objectionable, disparaging, or otherwise unlawful in any manner. They are also expected to remove any unlawful content as and when brought to their knowledge either through a court order or through a notice by appropriate government or its agency.
