

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY  
**LOK SABHA**  
**UNSTARRED QUESTION NO. 2288**  
TO BE ANSWERED ON 02.08.2023

**MISLEADING ADVERTISEMENT THROUGH SOCIAL MEDIA**

**2288. SHRI UDAY PRATAP SINGH:**

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

- (a) whether the Government has got any study conducted of the ill effects of objectionable photo/ video/reels and misleading advertisement shown continuously through social media apps like Facebook, YouTube etc. on internet and if so, the details thereof;
- (b) whether any concrete measures have been undertaken/are being taken to put a check on these crimes continuously appearing in the public space across social bandwidth and if so, the details thereof;
- (c) whether complaints have been received from the users with respect to objectionable live streaming of Adult Videos in the watch section of Facebook; and
- (d) if so, the details of the complaints and resolution mechanism in place thereto?

**ANSWER**

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

(a) and (b): The policies of the Government are aimed at ensuring an Open, Safe & Trusted and Accountable Internet for all Digital Nagriks. The Government is aware of increasing instances of objectionable, patently false, illegal and misleading content being made available on various social media intermediaries including Facebook, You Tube etc. The Central Government is taking all steps to prevent user harm related to the publication or transmission of obscene material in electronic form.

The Information Technology Act, 2000 ("IT Act") penalises publishing or transmission of material containing sexually explicit act in electronic form (section 67A and 67B) and publishing or transmitting of obscene material in electronic form (section 67), and makes them punishable with imprisonment for a period that may extend to three and five years respectively, and as per section 77B such cybercrimes are cognizable offences. As per the provisions of the Code of Criminal Procedure, 1973, prevention and investigation of cognizable offences is to be done by the police, and as per the Seventh Schedule to the Constitution, 'Police' is a State subject. As such, States are primarily responsible for the prevention, investigation etc. of such cybercrimes through the State police departments, which take preventive and penal action as per law, including in respect of the said cybercrimes pertaining to publishing or transmitting of material containing sexually explicit act or obscene material in electronic form.

The Information Technology Act, 2000 ("IT Act") and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, together, has made a framework which put obligations on the intermediaries, including social media intermediaries, to observe due diligence and provide under Section 79 of IT Act that if they fail to observe such due diligence, they shall no longer be exempt from their liability under law for third-party information or data or communication link hosted by them. Such due diligence includes the following:

- (i) To make reasonable efforts to cause the users not to host, display, upload, modify, publish, transmit, store, update or share, among others, information which is obscene,

or paedophilic, or pornographic, or is invasive of another's bodily privacy, or is harmful to child, or impersonates another person, or violates any law;

- (ii) To provide, upon receipt of an order from a lawfully authorised government agency, information or assistance for prevention, detection, investigation or prosecution under law;

(c) and (d): As per the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, intermediary, including social media intermediary, shall have in place a grievance redressal mechanism, and resolve complaints of violation of the rules within 72 hours of being reported and, in case of a complaint by an individual or her/his authorised representative, remove within 24 hours any content which *prima facie* exposes the private area of such individual, shows such individual in full or partial nudity or shows or depicts such individual in any sexual act or conduct, or is in the nature of impersonation in an electronic form, including artificially morphed images of such individual;

Further, in case an intermediary is a significant social media intermediary (i.e., an intermediary having more than 50 lakh registered users in India), it shall additionally observe due diligence in terms of appointing a Chief Compliance Officer, a nodal contact person for 24x7 coordination with law enforcement agencies and a Resident Grievance Officer.

Keeping in view complaints regarding action or inaction, on the part of the social media intermediaries and other intermediaries on user grievances regarding objectionable content or suspension of their accounts, the Central Government has also established three Grievance Appellate Committees (GACs), as provided for in the said IT Rules, 2021 to enable users to appeal against the decisions taken by Grievance Officer of intermediaries on user complaints.

\*\*\*\*\*