

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 2638
TO BE ANSWERED ON 18.03.2021

REGULATION OF DIGITAL PLATFORMS

2638. MD. NADIMUL HAQUE:

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

- (a) whether Government has considered regulating the digital platforms specially tech giants like Facebook, Twitter, etc.
- (b) if so, the details thereof;
- (c) whether Government has taken cognizance of the widening debate around the relationship of the tech platforms with the news publishers, i.e publisher vs platform, as Facebook banned news publishers in Australia whereas France's competition regulator ruled that Google must pay for reusing their content;
- (d) if so, the details of the policy change suggested, if any; and
- (e) whether Indian Copyright Act has provisions governing the newly evolving relationship, if so, the details thereof?

ANSWER

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

(a) to (d): The digital platforms like Facebook, Twitter 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 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.

The Rules further require that publishers of news and current affairs shall observe the Code of Ethics which includes adherence to :

- (i) Norms of Journalistic Conduct of the Press Council of India under the Press Council Act, 1978;
- (ii) Programme Code under section 5 of the Cable Television Networks Regulation Act, 1995;
- (iii) Content which is prohibited under any law for the time being in force shall not be published or transmitted.

(e): Section 65A(1) and 65B of Indian Copyright Act, 1957 have specific provisions of protection of technological measures and protection of rights management information.
