

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 1944**  
TO BE ANSWERED ON: 05.12.2019

**AMENDMENTS TO THE INTERMEDIARIES GUIDELINES RULES**

**1944. SHRI AHMED PATEL:**

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

- (a) whether Government believes that if intermediaries, as proposed in the amendments to the Intermediaries Guidelines Rules, proactively monitor content, there will be mass-scale private surveillance;
- (b) if so, the details thereof;
- (c) whether Government agrees that this would be in violation of the Puttaswamy Judgement of the Supreme Court;
- (d) the details thereof;
- (e) whether Government agrees that there are more effective ways to tackle hate speech and misinformation; and
- (f) the details thereof?

**ANSWER**

MINISTER FOR ELECTRONICS AND INFORMATION TECHNOLOGY  
(SHRI RAVI SHANKAR PRASAD)

(a) and (b): Government is fully committed to the privacy of its citizen while they use various intermediary services. Government had invited public comments on its draft of amendments to the Intermediary rules 2011 and has received public inputs on the same. The amendments inter alia proposes that intermediaries should proactively identify and remove child sexual abuse material, rape/gang-rape imagery and contents promoting terrorism without compromising accuracy or privacy using technology based tools and mechanism. The rules are presently being finalised.

(c): No, Sir.

(d): Does not arise.

(e) and (f): The Information Technology (IT) Act, 2000 has adequate provisions for removal of objectionable online content. Social media platforms are intermediaries as defined in the Act. Section 69A of the IT Act, 2000 empowers Government to block any information generated, transmitted, received, stored or hosted in any Computer Resource in the interest of Sovereignty and Integrity of India, Defence of India, Security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above.

Further, section 79 of the Act provides that intermediaries are required to disable/remove unlawful content on being notified by appropriate government or its agency. The Information Technology (Intermediary Guidelines) Rules 2011 notified under this section require that the intermediaries, which includes social media platforms, shall observe due diligence while discharging their duties and shall inform the users of computer resources not to host, display, upload, modify, publish, transmit, update or share any information that is harmful, objectionable, and unlawful in any way.

Government is committed to tackle hate speech and misinformation and is open to any new constructive idea in this regard. The proposed amendment to Intermediaries Guidelines Rules is a step in this direction.

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