

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO.1149
TO BE ANSWERED ON: 28.11.2019

COMPLAINTS AGAINST ONLINE STREAMING PLATFORMS

1149. SHRI D. KUPENDRA REDDY:

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

- (a) whether complaints have been filed against online streaming platforms for obscene content and on insulting religious sentiments;
- (b) if so, the details thereof;
- (c) whether Government plans to introduce censorship on the contents of such online streaming platforms; and
- (d) if so, the details thereof and if not, the reasons therefor?

ANSWER

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

(a) and (b): There are several petitions/ Public Interest Litigations (PILs) filed against online streaming platforms in Hon'ble Supreme Court and High courts of India on regulation of video-on-demand contents. These *inter-alia* include :

- (i) Civil Misc PIL Writ Petition No.5196 of 2018 Sudesh Kumar Singh Vs Union of India through Ministry of Information and Broadcasting and Others, in the Hon'ble High Court of Allahabad,
- (ii) PIL 127/2018 DivyaGontia Vs Union of India in the High Court of Bombay (Nagpur Bench),
- (iii) WP 18801 Maatra Foundation Vs Union of India in the Madhya Pradesh High Court (Jabalpur Bench) ,
- (iv) SLP 10927 /2019 Justice for Rights Foundation Vs Union of India in the Hon'ble Supreme Court of India.

(c) and (d): Government is committed to freedom of speech and expression and privacy of its citizens as enshrined in the constitution of India. Ministry of Electronics and Information Technology has no plans to introduce censorship on the content appearing on online streaming platforms.

The Information Technology (IT) Act, 2000 has provisions for removal of objectionable online content. Section 69A of the Act 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 (Intermediaries Guidelines) Rules, 2011 notified under this section require that the intermediaries 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 blasphemous, obscene, pornographic, paedophilic, invasive of another's privacy, hateful, racially or ethnically objectionable, and unlawful in any way.
