

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 1383
TO BE ANSWERED ON: 27.11.2019

MISUSE OF SOCIAL MEDIA

1383. SHRI S. JAGATHRAKSHAKAN:

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

- (a) whether the Government has taken any step or/and enacted any law to prevent all types of social media from publishing any kind of obscene pictures, photos and other pornographic literature and materials;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefor?

ANSWER

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

(a) to (c) : Social media sites, for the user generated contents, are intermediaries as defined in the Information Technology Act, 2000. The intermediaries have exemption from liability subject to certain conditions as specified in section 79 and the rules notified therein. They need to publish their terms and conditions and privacy policy which *inter alia*, should inform users not to publish any kind of obscene pictures, photos and other pornographic literature and materials. Further the intermediaries are also expected to remove any unlawful content relatable to Article 19(2) of the Constitution of India as and when brought to their knowledge either through a court order or through a notice by an appropriate government or its agency.

Government has taken several steps to curb online publishing of obscene pictures, photos and other pornographic literature and materials. These, *inter alia*, include :

- (i) Enactment of The Information Technology Act, 2000 which has provisions to deal with obscenity. Sections 66E, 67, and 67A of the Act provides for the punishment and fine for violation of privacy, publishing or transmitting of obscene material and publishing or transmitting of material containing sexually-explicit material respectively in electronic form. Section 67B of the Act specifically provides stringent punishment for publishing, browsing or transmitting child pornography in electronic form. Further, sections 354A and 354D of Indian Penal Code provide punishment for cyber bullying and cyber stalking.
- (ii) Section 79 of the Information Technology Act, 2000 provides for certain due diligence to be followed by Intermediaries failing which they would be liable. The Information Technology (Intermediaries Guidelines) Rules, 2011 notified under this section, *inter alia*, specifies that the intermediaries shall inform the users of their computer resource not to host, display, upload, modify, publish, transmit, update or share any information that is grossly harmful, defamatory, obscene, pornographic, paedophilic, harms minor in any way; violates any law for the time being in force; etc.
- (iii) Government periodically blocks the websites containing extreme child sexual abuse material (CSAM) based on INTERPOL's "worst of list" received through Central Bureau of Investigation (CBI), the national nodal agency for Interpol in India.
- (iv) Government has asked concerned Internet Service Providers (ISPs) to work out a suitable arrangement for receiving Internet Watch Foundation (IWF), UK list of CSAM websites/webpages on a dynamic basis and block access to child pornography webpages/websites.
- (v) Department of Telecom (DoT) has requested all Internet Service Providers (ISPs) to make suitable arrangement to spread awareness among their subscribers about the use of parental control filters in the end-user machines through messages of email, invoices, SMS, website, etc.

(vi) Ministry of Home Affairs (MHA) is implementing a comprehensive central sector scheme, namely “Centre for Cyber Crime Prevention against Women and Children (CCPWC)” to handle issues related to cyber-crime against women and children.
