

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION No. 5313
TO BE ANSWERED ON 5.4.2023

CALL ON SOCIAL MEDIA TAKEDOWNS

5313. SHRI PRATAPRAO JADHAV:
SHRI SUDHEER GUPTA:
SHRI SHRIRANG APPA BARNE:
SHRI SANJAY SADASHIVRAOMANDLIK:
SHRI BIDYUT BARAN MAHATO:
SHRI DHAIRYASHEEL SAMBHAJIRAOMANE:

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

- (a) whether the Government has amended/ proposes to amend the information and technology rules and notified three grievance appellate panels/ committees to take the final call on social media takedowns;
- (b) if so, the details thereof along with the aims and objectives thereto;
- (c) the reaction of the members of civil society and social media industry in this regard;
- (d) the details of the composition of the three panels/committees formed by the Government;
- (e) whether the Government has made any provisions for members of civil society and social media industry who are dissatisfied by the action taken against content or accounts before the panels and if so, the details thereof; and
- (f) the time by which the said panels/committees are likely to submit their report to the Government?

ANSWER

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

(a): The policies of the Government are aimed at ensuring an Open, Safe and Trusted and Accountable Internet for its users. To help achieve this aim, the Central Government, in exercise of powers conferred by the Information Technology Act, 2000, has made the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules, 2021"). Further, provision for the Grievance Appellate Committees was made through amendments notified to the IT Rules, 2021 on 28.10.2022.

(b): With the expansion of the Internet and more and more Indians coming online, the possibility that Digital Nagrik or citizens being exposed to user harms, disinformation and criminality has also increased. As the digital eco-system and connected Internet users in India expand, so do the challenges and problems faced by them, as well as some of the infirmities and gaps that exist in the previous rule vis-a-vis Big Tech platform, the Central Government, in exercise of powers conferred by the Information Technology Act, 2000, has notified the amendment to the IT Rules, 2021. These rules cast specific obligation on intermediaries, including social media intermediaries, to observe due diligence and provide 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. Further, the amended rules also provide for the establishment of Grievance Appellate Committee(s) to allow users to appeal against the decisions taken by Grievance Officers of intermediaries on user complaints.

(c): The amendment to the IT Rules, 2021 was notified after inviting feedback/comments from the public and consultation with stakeholders, including members of civil society and social media industry, and duly considering the same.

(d): The Central Government has established three Grievance Appellate Committees and appointed members thereto, *vide* Ministry of Electronics and Information Technology's notification S.O. 442(E), dated 27.1.2023, which includes the details of their composition. A copy of the same is available on link <https://egazette.nic.in/WriteReadData/2023/243258.pdf>.

(e): There is no such provision prescribed in the IT Rules, 2021.

(f): The IT Rules, 2021 do not provide for appeal against or revision of orders passed by the Grievance Appellate Committee. However, article 32 of the Constitution guarantees citizens the right to move the Supreme Court by appropriate proceedings for enforcement of fundamental rights and article 226 empowers High Courts to issue writs for enforcement of fundamental rights.
