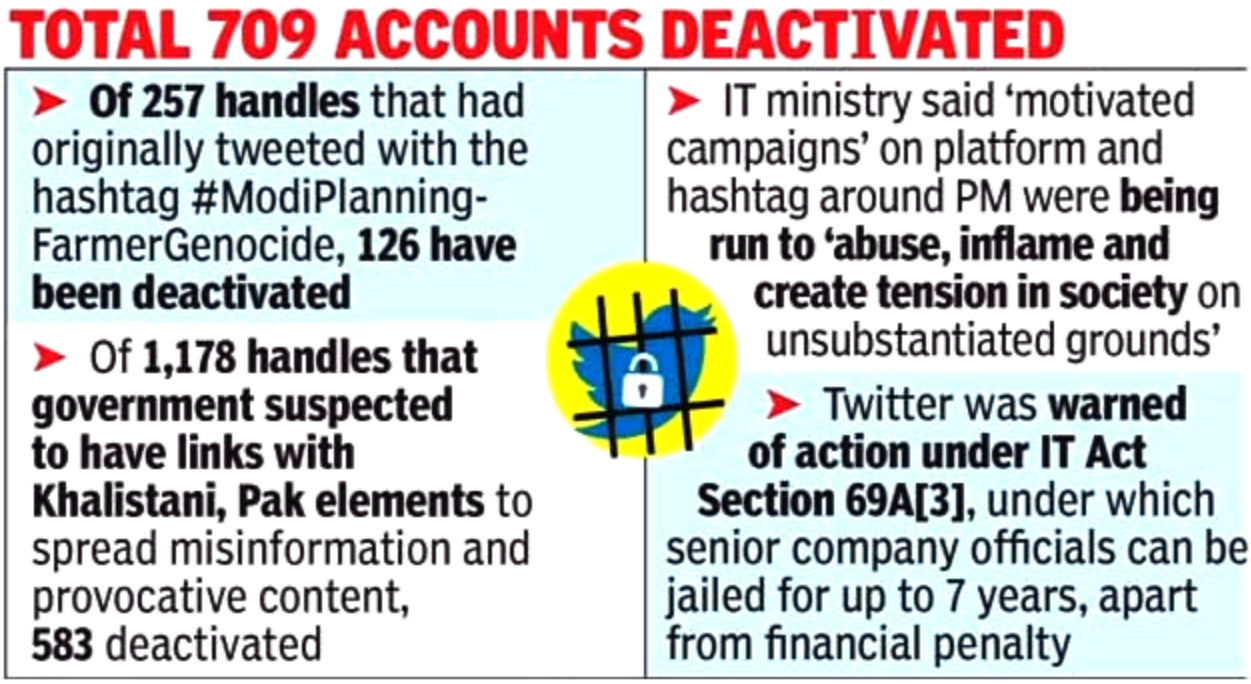
# Indian Laws and Blocking of Internet Content: Centre vs Twitter



## Why in News

Recently, the **government of India reprimanded Twitter (micro-blogging website) for not complying with its order to block more than a thousand accounts** for alleged spread of provocative content and misinformation on the **farmers' protest.**




## Key Points

- **Current Issue:**
  - The **Centre has issued notice to the micro-blogging site after it restored more than 250 accounts** that had been suspended earlier on the government's 'legal demand'.
  - The government wants the platform (Twitter) to comply with its earlier order of **31st January, 2021** by which it was **asked to block accounts** and a controversial hashtag that spoke of an impending 'genocide' of farmers for allegedly promoting misinformation about the protests, adversely affecting public order.
  - The **micro-blogging site** reinstated the accounts and tweets on its own and later **refused to go back on the decision, contending that it found no violation of its policy.**
- **Law Related to Blocking of Internet Services/Content:**
  - **Information Technology Act, 2000:**
    - In India, the **Information Technology (IT) Act, 2000**, as amended from time to time, governs all activities related to the use of computer resources.
    - It covers all **'intermediaries'** who play a role in the use of computer resources and electronic records.
    - The **role of the intermediaries** has been spelt out in separate rules framed for the purpose in 2011- **The Information Technology (Intermediaries Guidelines) Rules, 2011.**
  - **Section 69 of the IT Act:**
    - It confers on the Central and State governments the **power to issue directions "to intercept, monitor or decrypt any information** generated, transmitted, received or stored in any computer resource".
    - The **grounds on which these powers may be exercised** are:
      - In the interest of the sovereignty or integrity of India, defence of India, the security of the state.
      - Friendly relations with foreign states.
      - Public order, or for preventing incitement to the commission of any cognizable offence relating to these.
      - For investigating any offence.
  - **Process of Blocking Internet Websites:**
    - **Section 69A,** for similar reasons and grounds (as stated above), **enables the Centre to ask any agency of the government, or any intermediary, to block access to the public of any information generated,** transmitted, received or stored or hosted **on any computer resource.**
    - Any such request for blocking access **must be based on reasons given in writing.**

- **Intermediaries as per the IT Act 2000:**
  - Intermediary is defined in **Section 2(1) (w)** of the IT Act 2000.
  - The term 'intermediaries' includes **providers of telecom service, network service, Internet service and web hosting,** besides **search engines, online payment and auction sites, online marketplaces and cyber cafes.**
  - It includes any person who, on behalf of another, **"receives, stores or transmits" any electronic record. Social media platforms** would fall under this definition.
- **Obligations of Intermediaries under the Law:**
  - Intermediaries are **required to preserve and retain specified information in a manner and format prescribed by the Centre** for a specified duration.
    Contravention of this provision **may attract a prison term that may go up to three years,** besides a fine.
  - **When a direction is given for monitoring,** the intermediary and any person in charge of a computer resource should extend technical assistance in the form of giving access or securing access to the resource involved.
    - Failure to extend such assistance may entail a **prison term of up to seven years, besides a fine.**
    - **Failure to comply with a direction to block access** to the public on a government's written request also **attracts a prison term of up to seven years, besides a fine.**
- **Liability of Intermediaries:**
  - **Section 79** of the IT Act 2000 makes it clear that "an **intermediary shall not be liable for any third-party information,** data, or communication link made available or hosted by him".
    **Third party information** means any information dealt with by a network service provider in his capacity as an intermediary.
  - This **protects intermediaries** such as Internet and data service providers and those hosting websites **from being made liable** for content that users may post or generate.
  - **Sections 79** also introduced the concept of **"notice and take down"** provision.
    It provides that an **intermediary would lose its immunity** if upon receiving actual knowledge or on being notified that any information, data or communication link residing in or connected to a computer resource controlled by it is being used to **commit an unlawful act** and it fails to expeditiously remove or disable access to that material.
- **Supreme Court's Stand Related to Intermediaries in IT Act 2000:**
  In ***Shreya Singhal vs Union of India (2015),*** the **Supreme Court** read down the provision to mean that the **intermediaries ought to act only upon receiving actual knowledge that a court order has been passed,** asking [them] to expeditiously remove or disable access to certain material.

- **Reason for Intermediaries to Show Compliance to IT Act:**
  - **International Requirement:**

    **Most nations have framed laws** mandating cooperation by Internet service providers or web hosting service providers and other intermediaries **to cooperate with law and order authorities in certain circumstances.**
  - **To Fight Cybercrime:**
    - Cooperation between technology services companies and law enforcement agencies is now deemed a **vital part of fighting cybercrime** and various other crimes that are committed using computer resources.
    - These cover **hacking, digital impersonation and theft of data.**
  - **To Prevent Misuse of Internet:**

    The potential of the misuse has led to law enforcement officials constantly seeking to curb the ill-effects of using the medium.

**Source:TH**