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## Mains Practice Questions

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**Q.** While there are positive aspects about the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021, there are, equally, glaring ambiguities and susceptibilities. Discuss.

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### **Approach**

- Start the answer by briefly mentioning about the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021.
- Discuss the major reasons for pendency of cases and steps to rectify them.
- Conclude Suitably.

### **Introduction**

The Government of India had framed the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021, in February this year. These rules envisaged to regulate the social media intermediaries/ platforms.

These rules can be welcomed as it is the first step towards regulating the highly unregulated social media platforms. However, these rules have also caused apprehensions amongst civil society regarding curbing dissent and establishing surveillance state.

### **Body**

#### **Positives of The Rules:**

The Rules must be credited for they mandate duties such as:

- Removal of non-consensual intimate pictures within 24 hours,
- Publication of compliance reports to increase transparency,
- Setting up a dispute resolution mechanism for content removal,
- Adding a label to information for users to know whether content is advertised, owned, sponsored or exclusively controlled.

#### **Associated Issues With the Rules**

- **Rules Ultra-vires to the IT Act:** It is of significant concern that the purview of the IT Act, 2000, has been expanded to bring digital news media under its regulatory ambit without legislative action.
- **Undermining Free Speech:** The rules place fetters upon free speech by fixing the Government as the ultimate adjudicator of objectionable speech online.
- **Traceability Issue:** Imposing the mandatory requirement of traceability will compromise the end-to-end encryption, thereby weakening the security of the privacy of these conversations.
- **Counterproductive in Absence of Data Privacy Law:** It could prove counterproductive in a country where the citizens still do not have a data privacy law to guard themselves against excesses committed by any party.

- **Compliance Burden:** The Rules create futile additional operational costs for intermediaries by requiring them to have Indian resident nodal officers, compliance officers and grievance officers.

This may not be in favour of many small digital entities and may open the floodgates for all kinds of interventions.

## **Conclusion**

While there are positive aspects about the said guidelines, there are some challenges that appear to be in conflict with the basic tenets of democracy and constitutional values. Thus, the Government should engage all the stakeholders involved.