



Supreme Court stays HC proceedings in IT Rule cases

For Prelims: over-the-top (OTT) platforms, social media intermediaries.

For Mains: Information Technology Rules 2021, Cable Television Networks (Amendment) Rules 2021.

Why in News?

- The Supreme Court (SC) has stayed proceedings in various High Courts on petitions challenging the efficacy of the regulatory frameworks for social media and Over-The-Top (OTT) platforms.
- These regulatory frameworks are established by the [Information Technology Rules 2021](#) and the [Cable Television Networks \(Amendment\) Rules 2021](#).
- This comes after the central government requested the SC **to transfer cases challenging the IT Rules from various High Courts** to the SC for an authoritative ruling.
- The petitions before the various HCs claimed that the rules “curtail and restrict” the freedom of press in India.

What are the Cable Television Networks (Amendment) Rules, 2021?

- **About:**
 - These were notified by the Ministry of I&B, in accordance with the **provisions of the Cable Television Network Act, 1995**.
 - The Cable Television Network Act, 1995 aimed at **regulating content and operation of cable networks**. This Act regulates the ‘haphazard mushrooming of cable television networks’.
- **Provisions:**
 - It provides for a **three-level grievance redressal mechanism** — self-regulation by broadcasters, self-regulation by the self-regulating bodies of the broadcasters, and oversight by an Inter-Departmental Committee at the level of the Union government.
- **Significance:**
 - The amended rules will pave the way for a strong institutional system for redressing grievances.
 - It will place accountability and responsibility on the broadcasters and their self-regulating bodies.
 - This will bring the television’s self-regulatory mechanism at par with that being set-up for OTT players and digital news publishers, as envisaged in the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

What are the Information Technology Rules 2021?

- **About:**
 - They broadly deal with [social media](#) and [Over-The-Top \(OTT\) platforms](#).
 - These rules have been framed in exercise of powers under section 87 (2) of the [Information Technology \(IT\) Act, 2000](#) and in supersession of the earlier Information Technology (Intermediary Guidelines) Rules 2011.

▪ **Provisions:**

- **Significant Social Media Intermediaries (SSMIs):**
 - Social media intermediaries, with registered users in India above a notified threshold, have been classified as SSMIs.
 - SSMIs **are required to observe certain additional due diligence such as appointing certain personnel for compliance**, enabling identification of the first originator of the information on its platform under certain conditions and deploying technology-based measures to identify certain types of content.
- **Regulating online publishers:**
 - The Rules prescribe **a framework for the regulation of content by online publishers of news** and current affairs content, and curated audio-visual content.
- **Setting accountability of large social-media companies:**
 - Large social-media companies **will lose legal protection for the user content posted on their platforms** and make them answerable to Indian civil and criminal laws.
- **Grievance redressal mechanism:**
 - All intermediaries are required to provide a grievance redressal mechanism for resolving complaints from users or victims.
 - A three-tier grievance redressal mechanism with varying levels of self-regulation has been prescribed for publishers.
- **Significance:**
 - The IT Rules 2021 aim to empower ordinary users of social media platforms and OTT platforms with a mechanism for redressal and timely resolution of their grievance with the help of a Grievance Redressal Officer (GRO) who should be a resident in India.
 - Special emphasis has been given on the protection of women and children from sexual offences, fake news and other misuse of the social media.

▪ **Key Issues:**

- The Rules may be going beyond the powers delegated under the Act in certain cases, such as where they provide for the regulation of significant social media intermediaries and online publishers, and require certain intermediaries to identify the first originator of the information.
- Grounds for restricting online content are overbroad and may affect freedom of speech.
- There are no procedural safeguards for requests by law enforcement agencies for information under the possession of intermediaries.
- Requiring messaging services to enable the identification of the first originator of information on its platform may adversely affect the privacy of individuals.

[Source: HT](#)

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