



## Mains Marathon

**Day 41:** The importance of social media has increased to the point that it has almost displaced all other online information sources. What are the characteristics of "The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021" and what problems do they address in this context? (250 Words)

20 Aug 2022 | GS Paper 2 | Polity & Governance

### Approach / Explanation / Answer

- Briefly introduce social media and the types of social media.
- Discuss the features, importance and challenges of 'The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021.
- Conclude your answer by giving a way forward.

### Answer:

Once social media was considered as one of the subsets of the internet but now social has made it possible to access various products and services which were earlier available only through the internet and it has emerged as the internet itself due to the diverse services and products provided through it.

The Union government notified the 'The Information Technology the rules came in after a huge demand by people with regard to the harassment and other unlawful activities that take place on the social media platforms.

The aim of the rules is substantially empowering the ordinary users of digital platforms Intermediaries and Digital Media Ethics.

### Features of 'The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules:

- **Appointment of Officers:**
  - The Significant Social Media Intermediaries (SSMIs) are required to appoint the following officers, all of whom shall be residents of India:
    - Chief Compliance Officer
    - A Nodal Contact Officer who should be available 24\*7
    - A Resident Grievance Officer.
- **Grievance Redressal Mechanism:**
  - The guidelines ask the social media platforms to have a grievance redressal mechanism so that any content shared violates the public order or is not regulatory, a complaint

regarding the same can be lodged to the Grievance Redressal Officer.

- **Monthly Reports:**
  - The SSMLs are also required to publish a monthly report mentioning the number of complaints received and the actions taken in response.
- **Verification:**
  - Social media platforms are also required to have a voluntary verification mechanism like Twitter offers a blue-tick mechanism for verified users.
- **Identifying Originators of Messages:**
  - The new rules make it mandatory for platforms such as WhatsApp, Signal and Telegram to aid in identifying “originators” of “unlawful” messages, while also requiring social media networks to take down such messages within a specific time frame.
  - **Non-compliance of these laws** can result in the SSMLs losing the ‘safe harbour’ protection offered under Section 79 of the IT Act.

## Issues Associated

- **Violation of Fundamental Rights:**
  - Traceability of content originator and content infringes upon the users’ fundamental Rights to privacy.
- **Rules Introduced Without Proper Legislation:**
  - There has been criticism about bringing in a plethora of new rules that ought to be normally triggered only via legislative action.
  - These new rules are not based on any parliamentary approval and have been “arbitrarily made” using Section 79 of the IT Act.
- **Concerns for the Intermediaries:**
  - These rules lead to an erosion of the ‘safe harbour’ protection given to intermediaries under Section 79 of the IT Act.
  - Moreover, the rules at all levels require more expenses and labour on the part of the platforms.
- **Deprivation of Fair Recourse:**
  - An intermediary is now supposed to take down content within 36 hours upon receiving orders from the Government.
  - This deprives the intermediary of fair recourse in the event that it disagrees with the Government’s order due to a strict timeline.
- **Absence of Data Protection Law:** In a country where the citizens still do not have a Data Protection Law to guard themselves against excesses committed by any party, such rules can do more harm than good.

## Way Forward

- **Data Protection Law:** In order to secure the right of privacy of the citizens and for making the IT rules serve their ultimate purpose, there is a need to expedite the passing of the Personal Data Protection Bill, 2019.

**Deliberating with Stakeholders:** There are indeed many problems with the new rules, but the major issue was that these were introduced without much public consultation. The solution to ongoing criticism about these rules is to start afresh with the publication of a white paper.

PDF Reference URL: <https://www.drishtiias.com/mains-marathon-daily-answer-writing-practice/papers/2022/importance-social-media-increased-point-almost-displaced-other-online-information-sources-what-characteristics-the-information-technology-rules-2021-problems-address-context-gs-2-polity-and-governance/print>