

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 1222
TO BE ANSWERED ON 16.12.2022

REGULATION OF DIGITAL MEDIA

1222. SHRI KARTIKEYA SHARMA:

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

- (a) the details of steps taken by Government to regulate digital media;
- (b) whether there is any proposal to enact a law to regulate the digital media;
- (c) if so, the details thereof; and
- (d) the details of steps taken to check the use of social media against national interests?

ANSWER

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

(a) to (d): To help achieve the aim of making Internet Open, Safe and Trusted and Accountable and to regulate the intermediaries, including social media intermediaries, and in exercise of powers conferred by the Information Technology Act, 2000 the Central Government has made the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These rules cast specific obligation on intermediaries to observe diligence and provide that if they fail to observe such diligence, they shall no longer be exempt from their liability under law for third-party information or data or communication link hosted by them. Such diligence includes the following:

- (i) To inform the said rules to their users to make reasonable efforts to cause the users not to host, display, upload, modify, publish, transmit, store, update or share, among others, information, including information published by digital media on the intermediary platform or such information shared on it by other users, which threatens the unity, integrity, defence, security or sovereignty of India or public order, or prevents investigation, or violates any law;
- (ii) To not host, store or publish any information, including information published by digital media on the intermediary platform or such information shared on it by other users, which is unlawful, prohibited by law in relation to India's sovereignty and integrity, security of the State, public order, contempt of court etc., upon receiving actual knowledge in the form of an order by a court or being notified by the government under the provisions of the IT Act;
- (iii) Upon receipt of an order from a lawfully authorised government agency, to provide information or assistance for prevention, detection, investigation or prosecution under law, or for cyber security incidents;
- (iv) To have in place a grievance redressal machinery, and resolve complaints of violation of the rules within 72 hours of being reported;
- (v) In case an intermediary is a significant social media intermediary (*i.e.*, an intermediary having more than 50 lakh registered users in India), to additionally observe diligence in terms of appointing a Chief Compliance Officer, a nodal contact person for 24x7 coordination with law enforcement agencies and a Resident Grievance Officer, publishing monthly compliance reports, etc.

No proposal to enact a separate law to regulate the digital media is currently under consideration of the Government.
