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Amendments to IT Rules, 2021

Why in news?

The Union Government has recently amended the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 designating an official fact checker for fake news.

What are the IT Rules, 2021?

- The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, simply referred as IT Rules, were notified under the *Information Technology Act, 2000*.
- The IT Rules, 2021 replace the Information Technology (Intermediaries Guidelines) Rules, 2011.
- It enhances due diligence requirements and ensuring accountability of Social Media Intermediaries (SMIs).
- It aims to create an open, safe, trusted and accountable internet.

What are the provisions of the recent amendment?

- **Fake news about Government** - The rules made it mandatory for the intermediaries (SMIs) to not publish, share or host false or misleading information in respect of any business of the Central Government.
- This fake news will be identified and notified by the Fact Check Unit of the *Press Information Bureau (PIB)*.

The rules already mandate intermediaries to not host, share any information which is patently false and untrue or misleading in nature

- **Online games** - The amendment also made an obligation on online gaming intermediaries to not host, share any online game that can cause the user harm, or that has not been verified yet.
- **Games involving real money** - The amendment requires real money gaming services, where users deposit money in expectation of winnings, to get themselves certified as “*permissible*” by a Self-Regulatory Body (SRB).

What are the concerns of amendments?

- **Censorship** - The amendment would lead to censorship of posts on social media platforms that are critical of the government.
- **Legal Action** - If intermediaries failed to take action it will lose their safe harbour protection.

Safe harbour under Section 79 of the IT Act allows intermediaries to avoid liabilities for what third parties post on their websites

- **Misuse** - The power to declare any information as fake can be misused to prevent questioning or scrutiny by media organizations.
- **Freedom of press** - It affects the freedom of speech and expression on online platforms.

In India, freedom of the press is guaranteed through Article 19 of the Indian Constitution

- **Shreya Singhal Case** - They also run afoul of Shreya Singhal vs Union of India (2015), a verdict with clear guidelines for blocking content.

In its landmark judgment in Shreya Singhal case, the Supreme Court struck down Section 66A and upheld the constitutionality of Section 69A of the IT Act, 2000

Section 69A

It empowers the Government to restrict access to online content in the interest of

1. The sovereignty and integrity of the country,
2. The security of the state,
3. The friendly relations with foreign states or for public order.

References

1. [PIB | Amendments to the IT Rules, 2021](#)
2. [The Hindu | Draconial Rules](#)
3. [The Hindu | Will platform take down fake news](#)



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