

Q) Do you think that Information Technology rules 2021 goes against the landmark judgements upholding the key fundamental rights in the country? Examine.

Ans :- In the digital era, the public at large depends on social media for news, entertainment, etc.

Considering the fact that people's dependence on social media is dangerous due to its high risk of being abused.

A need was felt for stringent rules for any form of communication of information via intermediaries.

India is a big market for these significant social media intermediaries and remains to be ~~seen~~ how the entities will proceed, with WhatsApp against the Govt. of India.

Information Technology (Intermediary guidelines and digital Media Ethics Code) Rules, 2021.

1) The rules broadly deal with social media and over the OTT platform which has been framed in exercise of powers under section 87(2) of Information Technology (IT) ACT, 2008, in superseding the earlier Intermediary Guidelines Rules 2011.

2) The Government envisages controlling hate speech which gets proliferated through these platforms and threatens national security.

3) However, critics pointing that the question of stricter regulation of digital media will lead to restriction of free speech and undermining of democracy.

Govt models in other countries including Singapore, Australia, EU & UK has gathered that most of them either have an institutional mechanism to regulate digital content.

Ambiguities in the given rules:

- 1) The Rules which threaten to deprive social media platforms of their ~~safe~~ safe harbour immunity in the event of non compliance with said rules have some positive aspects which are equally giving ambiguity to shifting susceptibilities that should render these contrary to past Supreme Court of India precedents such as *Tukta K. S. Puttaswamy*.
- 2) The Rules must be credited for their mandate duties such as removal of non consensual intimate pictures within 24 hours, publication of compliance reports to increase transparency & setting up a dispute mechanism for content removal.

The new IT rules which claim to be a piece of subordinate legislation of the IT Act, travel beyond the rule making power conferred upon them by the IT Act.

The problem here is to treat & eliminate fake news rather than defining its ambit.

The rules proceed to take down whatever an arbitrary, ill-decided, biased authority may deem as fake news.

Also, the Rules create futile additional operational cost for intermediaries by requiring them to have Indian resident nodal officers compliance officers.

Conclusion: Regulation has an important place in ~~liberal democracy~~ ^{liberal democracy}

The rules are a step toward in the digital arena to protect ~~the~~ rights of the public at a large and ensuring justice to all.

The new rules aim to establish a self-regulating framework for online intermediaries, social media sites, digital media firms.