

31/5/21

GS III # SET

Do you think that the Information technology rules 2021 goes against the landmark judgement upholding the key fundamental rights in the country. Exam.

Government of India under IT act 2008, notified Information technology (Intermediary guidelines & digital media ethics code) rules 2021, which mainly applicable to digital news, social media platforms.

Some of the provision of the rules are argued against FR. which upheld in no of judg.

1] Social media intermediaries providing services provide messages shall enable identification of first originator of content

However the messaging platform which have end-to-end encryption argue it requires surveillance of every message which affects Right to privacy as a Fundamental Right upheld in K.S. Puttaswamy case 2019, it will result in enter into user's private digital space



2] Social media platform need to remove the objectionable content within 24 hours of government order.

Since the term objectionable content is vague it will result in encroachment of Right to freedom of speech & expression under Article 19, upheld in various SC judgments.

However Fundamental rights are not absolute, they have reasonable bound on Sovereignty, integrity, public order etc. Even the IT rules 2021, are on backdrop of SC judgment 2018, require govt to frame guidelines to eliminate child pornography, rape etc, in social media & Ad-hoc committee of Rajasabha.

Government also argued that it is best resort to control fake news, mob lynching which affecting law & order even govt vaccination programme.

Thus new IT rules doesn't violate constitutional principles & F.R and they are necessary in context of National Interest.