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NEW IT RULES, 2021- THEIR IMPACT ON SOCIAL MEDIA PLATFORM

Our social media platforms like WhatsApp, Signal and other informing applications, OTT stages like Netflix and Amazon Prime and Digital news may go through huge and extreme changes in light of the fact that the public authority has passed new IT rules that have been exceptionally questionable.

What are these IT leads precisely? What's more, what will it mean for you? Furthermore, why has it been dependent upon such contention?

On 25 February, 2021 the public authority or the government has told Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021¹. Essentially, it centers on intermediaries. What are intermediaries?

Assume there is a cookies producing organization that conveys its item to a native store and when you need to purchase the cookies, you go to the native store. The native shop or the retailer has neither made the cookies and nor are they utilizing it. They are simply taking the cookies from the organization and offering it to you. In such cases, that store is a mediator. An outsider that empowers the execution of the arrangement between two parties. It is a direct result of them that there is an arrangement between the two parties.

¹ *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, 6 chapters*, <https://mib.gov.in>, (kumar d. r., 2021)

Who are other intermediaries?

Facebook: through which you can converse with your companions. Facebook is an intermediary here. Legitimately talking, the intermediaries have a few insusceptibilities. In 2008, there was an extremely renowned case- *Avnish Bajaj v. State*² in which an understudy of IIT had put an indecent MMS marked down on baze.com. From an external perspective, it wasn't obvious that it was an MMS video. Until you click on it. At the point when somebody called attention to it, baazi.com eliminated it from their site. Be that as it may, the wrongdoing part of the Delhi police took discernment of this matter and documented a charge sheet against the IIT student who recorded the video on the site. Moreover, another charge sheet was recorded and the proprietor of the baze.com site was blamed. For this situation it was wrong to charge the site proprietor since he didn't realize that it was a frightful substance and when they discovered, they eliminated it. Notwithstanding, the site is as yet thought to be denounced. Likewise, if your nearby retailer sells cookies that have some harmful chemicals or supplements yet the shopkeeper have no clue that the cookies have any inadequacies or those harmful chemical compounds are in the item.

Should the police capture the nearby retailer? Or then again should the fault be exclusively on the cookies fabricating organization?

Legitimately, the appropriate response is very self-evident. The courts settled on this also. Also, on account of baze.com, the court said that the proprietor of the site can't be accused. What's more, it was out of line to arrest or blame the proprietor. What's more, consequently, the intermediaries have a few insusceptibilities. That it isn't the issue of the platform if a user puts some offensive substance on it. It is the sole obligation of the user.

If we have a look on the new rules that government has passed recently, the insusceptibilities that these intermediaries had has been taken out to a serious degree.

What are these rules precisely?

We should see their main provisions.

The public authority has given these guidelines by publishing them in the official gazette. It is separated into three parts. **Part 1** has the definitions and terms of the intermediaries. **Part 2**

² Avnish bajaj v. State, (Muralidhar, 2008)

spotlights via online media stages like WhatsApp, Facebook, Telegram, Twitter, and so on and **Part 3** is centered around OTT stages and computerized news³. Beginning with the online media stages, the government has given three months to choose **a Chief Compliance Officer, a Nodal Contact Person, and a Resident Grievance Officer**. The Chief Compliance Officer will fundamentally guarantee that these new IT rules are trailed by these online media stages. The Nodal Contact individual will be 24*7 in a joint effort with the law authorization organizations. The Resident Grievance Officer will be liable for taking the users' grumblings concerning these rules. The duty of the complaint official will be to recognize grumblings inside 24 hours and resolve them within a course of events of 15 days. A few specialists accept that as a result of these prerequisites the assessment responsibility of these online media stages will increment. Also, numerous little creative platforms will be debilitated to proceed in India. As indicated by these new principles, consistently these intermediaries should send suggestions to the users basically once, that on the off chance that they do anything unlawful, their account will be deleted. Furthermore, these intermediaries should have to publish a monthly compliance report enumerating the complaints received and those on which action was taken and also the content of the complaint on which action was taken. The information maintenance period has been multiplied to a half year for "**investigative purposes**". This imply that on the off chance that you make an account via web-based media stages and therefore, delete them, and still, at the end of the day the social media stages will save your information for the following a half year on the grounds that the government is allowing them to do as such. Indeed, the government is ordered them to do as such. Remember that in our country there is no Data Protection law.

Which information do web-based media stages take? Which would they store for a half year? We will have no clue.

However, the most frightening thing in these standards is that these intermediaries will have to enable tracing of the originator of data on their platform whenever needed by the court of competent jurisdiction or competent authority. It implies that when the public authority needs, these stages should give the data of the principal originator.

Does end-to-end encryption get eliminated from Whatsapp?

³ *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, 6 chapters, mib.govt.in, <https://mib.gov.in>* (kumar, 2021)

Assume in case there is a broadly spread WhatsApp forward, who composed the WhatsApp forward and where it started from, this data should be given by the social media stages to the public authority, on the off chance that they request it. Same with Facebook posts or Twitter accounts. In fact, it is preposterous to expect to do this in WhatsApp and Signal, on the grounds that WhatsApp and Signal have end-to-end encryption. They, themselves, don't have the foggiest idea about the substance and beginning of the messages. So if the new standards must be assembled with, applications like WhatsApp and Signal, they are advised to penetrate their end-to-end encryption. Furthermore, this is a danger to your security in light of the end-to-end encryption; outsiders can't peruse your messages. On the off chance that the end-to-end encryption is eliminated, it becomes feasible for any outsider to peruse your messages without any problem. The WhatsApp discussion that we discussed before, that WhatsApp was bringing its new protection strategy⁴, this, IT rules, will be 10X riskier for your security than that. As I would like to think, applications like Signal and Telegram will deny adhering to these rules and the public authority may for all time prohibit or ban them from working in India.

Various reasons were given in the new Rules which the government may also use to implement movement from those social media systems. Some reasons are very obvious, like sexual content material being published or toddler abuse is being published. But few reasons as such that if a few content material is in opposition to “**public order**”. It is this type of vast time period that if the government proclaims that displaying farmers protest can be in opposition to public order or criticizing the government is likewise in opposition to public order. Using vast phrases is probably misused very without difficulty by the authorities.

Twitter Vs. Indian Government.

You may remember, a few months ago, government have requested Twitter to prohibit a few Twitter accounts in India⁵. Twitter banned a number of them however refused to prohibit the others due to the fact there wasn't an official purpose in the back of banning them. Those had been the accounts that had been beginning to criticize the government and assisting the farmers' protest. The government desired to prohibit the one's account due to those reasons only. Twitter refused to do this. Some specialists additionally consider that the new rules introduced through

⁴ WhatsApp's new privacy policy, indianexpress.com, (May 11, 2021 4:13:21 pm), <https://indianexpress.com>

⁵ (Akhilesh Sharma, 2021)

the government are to pressure agencies like Twitter into taking movement. If now Twitter refuses to ban the accounts, the government can bring legal effects in opposition to Twitter.

On the opposite hand, concerning the virtual information and OTT systems, the devastating effect they can result in on the democracy of our country and our freedom. These new rules are looking to do precisely that. They are looking to adjust them. There are a few suitable matters approximately those new rules inclusive of the OTT systems were instructed to self-classify their content material into **five age categories** that are, U,7+, 13+, 16+, A⁶ in which U stands for Universal in which online curated content material is appropriate for all elderly groups, 7+ is for the ones people that are of 7 years and above, 13+ is for the age institution of 13 and above, sixteen+ is for the age institution of sixteen and above and A stands for Adult. Which, I consider, is a great thing. When you move to look at any content material on Netflix or Amazon Prime, you must know how age-appropriate it is. Parental locks were introduced. The Age verification mechanism has additionally been introduced. But the intricate element is that those OTT systems and virtual information are being instructed that they've to observe the Code of Ethics. As consistent with which they can't placed up any content material that's in opposition to the sovereignty and integrity of the country, endangers the safety of the states; that's a chance to protection of the country, unfavorable to India's friendly relations with foreign countries or this type of content material which incites violence. There isn't any hassle with those. It is justified that no content material must be made that is going in opposition to the country or incites violence.

However, in the end, they brought any other phrase **“or any content material which disturbs public order”**.

What is that this public order?

It's decided through the authorities. Whatever the authorities think is justified can be labeled as content material disturbing public order. This, again, is a totally vast time period inserted in the Rules that have a sizable risk of being misused. Additionally, in the Code of Ethics, it's also written that they ought to think about India's multi-racial and multi-spiritual context and workout due warning and reticence whilst offering activities, practices, views, or ideals of any racial or

⁶ Drishti ias, <https://www.drishtiiias.com> ,(July 19, 2021)

spiritual groups. We all recognize how angry humans were at approximately every little thing. Whatever the content material is, a few institutions or the opposite is angry through it. Lastly, any other risk factor in the new rules is the emergency blocking of power to the Ministry of Information and Broadcasting. In the one's instances in which **“no delay is appropriate.”**⁷ Which are the instances in which no delay is appropriate? It isn't always defined. It's as much as them to label the instances in which no delay might be acceptable. And the content material can be blocked right away on Twitter, Facebook, and Whatsapp. It's their decision.

Many specialists have talked about that those new guidelines will damage the foundation of democracy in our country. Just imagine, to block the accounts and to determine which content material is inaccurate and what's right, which is going in opposition to any spiritual or incites violence, **whose responsibility is it?**

It's our Judiciary responsibility. It is the responsibility of our third pillar not of the executive. Today, if anyone has trouble with those matters, they consider that any content material surely incites violence; they are able to without difficulty complain about it in the courts. There are existing rules for it.

What new troubles did the authorities see that they needed to intrude and label themselves because the competent authority to determine which content material is appropriate and which isn't? What's the usage of the courts in those instances then? Why are there four pillars of democracy then?

Remove them. Let there be simplest one pillar once they need to manipulate the media themselves, forget about the judiciary and determine the entirety themselves then what's the want for this democratic structure? The factor right here is that governments are made of political events and political events are continually biased. They do now no longer permit the rules to be carried out fairly. In several states, the criminal cases on goons of the ruling party are brushed off right away. There also are instances in which the Chief Minister of the ruling party is brushing off the instances in opposition to them. The application of rules is one of a kind for the ruling party and the other people. No, matter how violent they are, the same rules will by no means

⁷ *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, 6 chapters*, <https://mib.gov.in>, (kumar d. r., 2021)

practice against them. This is the purpose for the existence of the third pillar: the judiciary, whose responsibility is to preserve the opposite pillars in check. So that the System of Checks and Balances is maintained.

CONCLUSION

Now, right here if we communicate approximately the solution, the precise solution might be that the courts claim those new guidelines null and void due to the fact it's miles in opposition to democracy and in opposition to our constitution. But if this doesn't happen, then this is not to be referred to as the system of democracy.



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