

Amended Information Technology (IT) Rules

written by iasexam.com | 23/03/2024



Context

The Supreme Court has recently stayed the operation of the **amended Information Technology (IT) Rules**, that empowered the government to identify fake news through a **Fact Check Unit (FCU)**.

About

- The modification to the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021** notified in 2023 did two matters:
 - they introduced in a legal framework for the online gaming eco-system
 - and brought a legal mechanism for the government to fact-check online content material referring to “government business”.
- The Rules made it obligatory on intermediaries like social media platforms “to not to publish, share or host fake, false or misleading information in respect of any business of the Central Government”.
- The changes raised concern that the FCU will make the government the “sole arbiter of reality” in favor of any business related to itself.
- Subsequently, the regulations have been challenged before the Bombay High Court.

Concerns Raised Due to Amended Rules

- IT Rules 2021 as being violative of Article 14, Article 19(1)(a) and (g), and Article 21 of

the Constitution, and Section 79 and the **Information Technology Act, 2000 (IT Act)**.

- The amendment essentially multiplied the general term “fake news” to encompass fake information involving government businesses.
- The petitioners argued before the court that this would have a “chilling effect” upon the freedom of speech and expression.
 - Section 69 of the IT Act empowers the government to issue directions to block public access to any information through any computer resource. The Rules were framed essentially in exercise of this power. The Bombay High Court tested if those Rules had been violative of unfettered speech, and were arbitrary in nature.
- The SC stayed the amended Rules until the Bombay High Court reaches a final conclusion.
 - The stay will remain in place till the Bombay High Court eventually makes a decision on the constitution validity of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2023.

What is the Fact Check Unit?

- It was established under the **Press Information Bureau (PIB)** and began its operations in 2019.
- It was constituted to flag “fake, fake or deceptive on-line content material related to the government.
- The FCU would flag off the fake, fake, and misleading records approximately the businesses of the government to social media intermediaries.
- Once such a post is flagged off, the intermediary has the option of both taking down the post or putting a disclaimer on the same.
- In taking the second one option, the middleman loses its secure harbour/immunity and stands liable for legal action.
- Recently, The government notified the Fact Check Unit under Information Technology Rules, 2021.

Source: [The Indian Express](#)

UPSC Prelims Practice Question

Q. In India, it is legally mandatory for which of the following to report on cyber security incidents? (2017)

1. Service providers
2. Data centres
3. Body corporate

Select the correct answer using the code given below:

- | | |
|-----------|-----------------|
| a. 1 only | b. 1 and 2 only |
| c. 3 only | d. 1, 2 and 3 |

Ans - "d"