

Amendments to the IT Rules 2021

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Why in News?

- Recently, the Ministry of Electronics and Information Technology (MeitY) notified amendments to the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**.
- The amendment empowers the Union Government to **designate an official fact checker for misinformation and 'fake news'**, and to regulate the online real money gaming industry.

What is the Background in which these Amendments Released?

- Social media companies have **traditionally** enjoyed legal immunity (“safe harbour”) for content posted by users, as **the IT Act 2000 treats them as intermediaries**.
- According to the **IT Rules 2021**, they lose this status if they don’t have a grievance officer for India or don’t promptly respond to customer complaints.

Image Caption: IT Rules 2021

What does the New Amendment say on Fake News?

- **The fact check unit of the Press Information Bureau (PIB)** will be notified as the official fact checker for the Union Government.
 - PIB has been ‘debunking’ WhatsApp forwards and news articles on Central Government schemes and departments for years.
- Now, the fact check unit **could effectively issue a takedown order** to social media platforms and even other intermediaries across the internet stack, for potentially bypassing the **Section 69A of the IT Act, 2000**.
 - **Section 69** allows the government to issue **content-blocking orders** to online intermediaries such as Internet Service Providers (ISPs), search engines, etc.
- If the PIB notifies any news as fake, social media companies **will lose their “safe harbour” for such content**, opening them up to lawsuits or other legal action.

Why has the Amendment Caused Concern and the Govt’s Response?

According to organisations like the Editors Guild of India,

- They were either **not consulted or that their views were not taken into account**.
- **The amendment is akin to censorship:** Will have a chilling effect on the **fundamental right to speech and expression**, particularly on news publishers, journalists, activists, etc.
- **It is legally contentious.** There is also a concern around the **government changing course on different provisions** in the same law.
- **Lack of recourse:** There needs to be a forum which can offer an additional avenue of recourse to users (before courts).
- The overarching question is **‘if the government should be the judge, jury and executioner’**.
- According to the govt.,

- This amendment did not constitute censorship, and **would only remove social media firms' immunity** if they decide to continue publishing 'fake news' that has been identified as such.
 - This means, the platforms are free to keep content even after it is flagged as 'fake news'.
- The fact-checking setup will be **credible, independent, and possess the necessary capacity** (technical, journalistic, etc.) to verify information.

What does the Amendment say on Real Money Online Games?

- The real money gaming services, **where users deposit money in expectation of winnings**, to be certified as "**permissible**" by a **Self-Regulatory Body** (SRB) consisting of experts and industry members.
- The "permissible" real money games would **likely be those where the outcome doesn't depend purely on chance**.
- The games that are **not declared "permissible"** would fall under the "**betting and gambling**" category, opening them up to restrictions from States where such activities are prohibited.

Q1) What is the IT Act 2000?

It is the primary law in India for matters related to cybercrime and e-commerce. The act was enacted to give legal sanction to electronic commerce and electronic transactions, to enable e-governance, and also to prevent cybercrime.

Q2) How are online intermediaries in India defined?

Presently the definition of an 'intermediary' has been broadened (by the IT Amendment Act 2008) to include "any person, who on behalf of another person, receives, stores or transmits any particular electronic record or provides any service with respect to that record."

Source: [Will platforms have to take down 'fake news'? | IE](#)

Source: <https://vajiramandravi.com/current-affairs/amendments-to-the-it-rules-2021-will-platforms-have-to-take-down-fake-news/>

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