



## Information Technology Amendment Rules, 2023

**For Prelims:** [Information Technology Amendment Rules, 2023](#), [Information Technology Act, 2000](#), [Shreya Singhal vs Union of India \(2015\)](#), [Supreme Court](#).

**For Mains:** [Information Technology Amendment Rules](#), 2023 and Related Concerns.

### Why in News?

Recently, the Bombay High Court has said the [IT \(Intermediary Guidelines and Digital Media Ethics Code\) Amendment Rules, 2023](#) does not seem to offer protection to fair criticism of the government through parody or satire.

- The IT Rules derives the authority from the [Information Technology Act, 2000](#), which gives legal recognition to electronic commerce in India.

### What are Information Technology Amendment Rules, 2023?

- **Obligatory for Intermediaries:**
  - No platform can allow **harmful unapproved online games** and their advertisements.
  - They should not share false information about the Indian government, **as confirmed by a fact-checking unit**.
    - An online intermediary - including social media platforms like Facebook, YouTube and Twitter and internet service providers like Airtel, Jio and Vodafone Idea - should make "reasonable efforts" to not host content related to the Central Government that is "identified as fake or misleading" by a "fact check unit" that may be notified by the IT Ministry.
- **Self-Regulatory Bodies:**
  - Platforms providing online gaming will have to register with a Self-Regulatory Body (SRB) that will determine whether or not **the game is "permissible."**
  - The platform should ensure **that online games do not involve any gambling or betting elements**. They should also comply with legal requirements, standards, and safety precautions such as parental controls.
- **Losing Safe Harbour:**
  - If any piece of information is marked as fake by the upcoming fact check unit, intermediaries will be required to take it down, failing which they would risk losing their safe harbour, which protects them from litigation against third-party content.
    - Social media sites will have to take down such posts, and internet service providers will have to block URLs of such content.

### What are the Key IT Rules, 2021?

- **Mandates social media to Exercise Greater Diligence:**
  - Broadly, the IT Rules (2021) mandate social media platforms to **exercise greater diligence with respect to the content on their platforms**.

- **Ensuring Online Safety and Dignity of Users:**
  - Intermediaries **shall remove or disable access within 24 hours** of receipt of complaints of contents that exposes the private areas of individuals, show such individuals in full or partial nudity or in sexual act or is in the nature of impersonation including morphed images etc.
- **Educating Users about the Privacy Policies:**
  - The **privacy policies of the social media platforms must ensure** that users are educated about not circulating copyrighted material and anything that can be construed as defamatory, racially or ethnically objectionable, paedophilic, threatening the unity, integrity, defence, security or sovereignty of India or friendly relations with foreign states, or violative of any contemporary law.

## What are the Concerns?

- **No Clear Definition:**
  - The amendment fails to define **fake news** and allows the government's fact-check unit to declare the veracity of any news "in respect of any business" that involves the state.
  - The use of undefined words, especially the phrase "any business", gives the government unchecked power to decide what people can see, hear, and read on the internet.
- **No clarity for Fake News:**
  - The IT Rules, 2023 don't **specify what qualifies as false or misleading information** or the qualifications and procedures for the fact-check unit.
  - This has raised concerns about the government's arbitrary power to determine what qualifies as fake news, as the rules do not provide a clear definition of the term.
- **Removable of Information:**
  - Intermediaries will remove information deemed false by the Fact Check Unit, leaving **only the state to determine what is true.**
  - The new regulation gives the government the power to decide what information is bogus and exercise censorship by compelling intermediaries to take down posts deemed fake or false.
- **Violates the Supreme Court's Judgment:**
  - [Shreya Singhal vs Union of India \(2015\)](#), [Supreme Court](#) held that a law that limits speech can neither be vague nor over-broad.

## Way Forward

- To combat misinformation and fake news, the government and intermediaries can use technology solutions like algorithms and fact-checking websites.
- Intermediaries can also implement self-regulatory measures such as monitoring content and working with fact-checking websites.
- Additionally, raising public awareness about the dangers of censorship and promoting free speech can be achieved through social media campaigns, workshops, and discussions in public forums.

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