

What are emergency provisions under the Information Technology Rules, 2021

January 24, 2023

In news– Recently, the Ministry of Information and Broadcasting (MIB) directed YouTube and Twitter to take down links sharing the BBC documentary ‘India: The Modi Question.’ The order was passed under the emergency provisions of the Information Technology Rules, 2021(IT Rules, 2021).

The emergency provisions under (IT Rules, 2021)-

- Under the IT Rules 2021, MIB **has powers to issue content takedown notices to social media intermediaries** like YouTube, Twitter and Facebook **in emergency situations “for which no delay is acceptable”.**
- The Rules say that “In case of emergency nature, **the Secretary, Ministry of Information and Broadcasting** may, if he is satisfied that it is necessary or expedient and justifiable for blocking for public access of any information or part thereof through any computer resource and...as an interim measure issue such directions as he may consider necessary to such identified or identifiable persons, publishers or intermediary in control of such computer resource hosting such information or part thereof without giving him an opportunity of hearing.”
- **These emergency notices can be issued if the MIB believes that the content can impact the sovereignty, integrity, defence, or security of India,** friendly relations with foreign states or public order, or to prevent incitement to any cognisable offence.
- Since 2021, the MIB has used the emergency provisions at least seven times, most prominently for YouTube.

What can users whose content has been impacted do?

- While the IT Rules, 2021 **prescribe recourse options for users**, those are limited to actions taken by a social media company.
- For instance, if a platform has on its own taken down some content, the user can approach the grievance officer of the platform to raise a dispute, which they are to redress within 15 days.
- However, **if a platform has taken down content on the basis of the emergency provisions in the Rules, the legislation does not offer any direct recourse.**
- **The only option users have in this case is to approach courts.** However, even that is tricky.
- By their very nature, the blocking orders are confidential, which means that users do not know the provisions under which their content was flagged.
- Besides that, how the government decided that a particular piece of content should be taken down is not known to citizens.

Further

reading:

<https://journalsofindia.com/information-technology-rules-2021/>