

Lecture- 22



Amendments to Information Technology Act, 2000

With the advancement of time and technology, it was necessary to bring some changes to the Act to meet the needs of society, and so it was amended.

Amendment of 2008

The amendment in 2008 brought changes to Section 66A of the Act. This was the most controversial section as it provided the punishment for sending any offensive messages through electronic mode. Any message or information that created hatred or hampered the integrity and security of the country was prohibited. However, it had not defined the word 'offensive' and what constitutes such messages, because of which many people were arrested on this ground. This section was further struck down by the Supreme Court in the case of *Shreya Singhal v. Union of India* (2015).

Another amendment was made in Section 69A of the Act, which empowered the government to block internet sites for national security and integrity. The authorities or intermediaries could monitor or decrypt the personal information stored with them.

The 2015 Amendment Bill

The bill was initiated to make amendments to the Act for the protection of fundamental rights guaranteed by the Constitution of the country to its citizens. The bill made an attempt to make changes to Section 66A, which provides the punishment for sending offensive messages through electronic means. The section did not define what amounts to offensive messages and what acts would constitute the offence. It was further struck down by the Supreme Court in the case of *Shreya Singhal* declaring it as violative of Article 19.

Information Technology Intermediaries Guidelines (Amendment) Rules, 2018

The government in 2018 issued some guidelines for the intermediaries in order to make them accountable and regulate their activities. Some of these are:

- The intermediaries were required to publish and amend their privacy policies so that citizens could be protected from unethical activities like pornography, objectionable messages and images, messages spreading hatred, etc.
- They must provide the information to the government as and when it is sought within 72 hours for national security.
- It is mandatory for every intermediary to appoint a 'nodal person of contact' for 24×7 service.
- They must have technologies that could help in reducing unlawful activities done online.
- The rules also break end-to-end encryption if needed to determine the origin of harmful messages.
- Information Technology (Intermediaries Guidelines and Digital Media Ethics Code) Rules 2021

The government of India in 2021 drafted certain rules to be followed by the intermediaries. The rules made it mandatory for intermediaries to work with due diligence and appoint a grievance officer. They were also required to form a Grievance Appellate Tribunal. All complaints from users must be acknowledged within 24 hours and resolved within 15 days. It also provides a "Code of Ethics" for the people publishing news and current affairs, which makes it controversial. Many believe that the rules curtail freedom of speech and expression and freedom of the press.

The intermediaries were also required to share the information and details of a suspicious user with the government if there was any threat to the security and integrity of the country. As a result of this, writ petitions were filed in various high courts against the rules. Recently, the Bombay High Court stayed in the case of Agij Promotion of Nineteenonea Media Pvt. Ltd. vs.

Union of India (2021) and Nikhil Mangesg Wagle vs. Union of India (2021) the two provisions of the rules related to the Code of Ethics for digital media and publishers.