

IT rules framed to regulate unlawful content, says govt.

‘Restrictions may be imposed for the interest of the public’

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The Union Ministry of Electronics and Information Technology on Friday told the Madras High Court that it had “lawfully” notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules of 2021 to regulate publishers of news and current affairs on digital media and publishers of online curated content on Over the Top (OTT) platforms from publishing “unlawful” content.

The submission was made in a counter affidavit before the first Division Bench of Chief Justice Sanjib Banerjee and Justice P.D. Audikesavalu, who were seized of two writ petitions filed by Carnatic vocalist T.M. Krishna, the Digital News Publishers Association, and former Editor of *The Hindu* Mukund Padmanabhan, challenging the constitutional validity of the statutory rules that were



notified on February 25.

The counter, served upon senior counsel P.S. Raman and advocate Suhrith Parthasarathy, representing the petitioners, said the right to freedom of speech and expression guaranteed under Article 19 of the Constitution was not absolute and that it was subject to limitations under Articles 19(2) and 19(6), which empower the State to make laws imposing reasonable restrictions on the exercise of the right.

“A common thread that runs across all reasonable restrictions is public interest

and it is beyond any pale of doubt that restrictions may be imposed on freedoms for the interest of the public at large. The Rules have been clearly enacted bona fide for the benefit of the public,” the counter affidavit read.

Claiming that the IT Rules, 2021, were framed after holding public consultations with the stakeholders, the Ministry said the significant expansion of the online intermediary ecosystem, growth of online social media platforms and their influencing capabilities were some of the reasons for framing the new rules.

The Ministry of Information and Broadcasting, too, filed a separate counter affidavit and claimed that the rules had been brought in to provide an institutional framework for digital media and OTT platforms. The judges decided to commence hearing arguments in the case from September 14.