

Do you think that the IT rules 2021 goes against the landmark judgements upholding the key fundamental rights in the country? Examine.

The New ~~In~~ IT rules 2021 on Guidelines of intermediaries and digital media has been controversially seen as it violates the Fundamental Rights (Art 19 and Art 21) of Indian constitution. The New IT rules, 2021 are necessary in ensuring security, public order, against sexual offences but these strict rules have major setbacks.

Positives of New IT rules 2021.

- (1) Ensures transparency in compliance.
- (2) Protection against posting of intimate pictures and sexual offences.
- (3) Ensures national security.
- (4) Makes dispute resolutions easier.
- (5) Content labelling enables users about the limit extent of the content that can be shared.

Setbacks of New IT rules, 2021.

- (1) Against certain Judicial orders and Fundamental Rights.

Art 19 (c) → Right to freedom of speech and expression.

↳ The timelimit of <36 hrs set to remove a disappropriate content makes the intermediaries unable to take a fair decision after listening to the counterpart's

This restricts the freedom of speech and expression of an individual to express why he posted the content.

Thus it is against the Supreme court case of LIC v/s Manubhai Shah case (1992) which stated that decrease in freedom to express one's opinion would result in disruption of basic structure of democracy leading to autocracy.

Art 21 → Right to Privacy of an individual.

In the famous Putaswamy case (2017) has been contradicted with giving the originator of a content information to the govt would affect the individual's privacy.

WAY FORWARD:

(1) The personal data protection bill, 2019, has to be implemented to protect individual data.

(2) Deliberating with stakeholders in considering the setbacks.

(3) The ^{to}implementation of the rule has to be made through legislative means of the parliament instead of executive rule-making power under sec 69A of IT Act.

On considering the various drawbacks the new IT rule is necessary but ensuring the Fundamental rights of an individual is much more important to maintain the structure of democracy.