**Syllabus subtopic:** Government Policies and Interventions for Development in various sectors and Issues arising out of their Design and Implementation.

**Prelims and Mains focus:** about the new rules and their implications; the debate between security and right to privacy

**Context:** Later this month, the government will submit to the Supreme Court, The Information Technology Intermediaries Guidelines (Amendment) Rules, 2018, the new set of rules on regulation of social media.

**Background**

- The issue of messaging apps being required to break end-to-end encryption has been a sticky point between governments and messaging apps like Facebook-owned WhatsApp, especially after revelations last year on the use of spy software being used by governments to break into phones and conduct surveillance into private conversations of activists, journalists and lawyers, including in India.

- On November 21 last year, Minister of State for Electronics and Information Technology, in a written reply to a question in Rajya Sabha, confirmed that the Centre was going ahead with new amended rules for social media companies which will have to follow certain due diligence as laid out in the Information Technology (Intermediary Guidelines) Rules, 2011 under Section 79 of the Information Technology Act.

**About the new rules**

- There could be **two levels of online intermediaries** defined in the new set of rules, each with different regulations, for **social and non-social media**.

- Non-social media may have relatively lighter regulations given that there could be mandatory local legal incorporation for large social media intermediaries. Non-social media intermediaries will still have to appoint a local office for grievance redressal.

- Suggested changes currently need production of a court order before a
What could be the implications?

- The new rules will push for "traceability" of content which in effect means breaking end-to-end encryption, even of messaging intermediaries.
- This will make it difficult for large social media intermediaries, mostly international business conglomerates, to give in without a battle.
- The guidelines, which are not being discussed or debated publicly with only a few in the government privy to the details, are meant to control online content deemed “unlawful”. But these will raise fundamental questions on both freedom of speech and privacy of ordinary users.

Conclusion

The need to conduct surveillance for reasons of security versus the right to privacy of citizens and users has been a heated debate, and remains unresolved — the government appears to be pushing for more and intermediaries are insisting on greater transparency in the rules-framing process.

Note: To read about the ‘encryption debate in India’ in detail, click on the click given below.

https://carnegieendowment.org/2019/05/30/encryption-debate-in-india-pub-79213