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EDITORIAL ANALYSIS

IT Rules Have Made the Internet Less Free — Digital Censorship and the Sahyog Portal

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CURATED & WRITTEN BY

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CONTEXT

The Indian Express editorial critiques the **expanding digital censorship** under India's **IT Rules 2021** and subsequent amendments, which have reduced content takedown timelines to **3 hours** and expanded state surveillance via the **Sahyog Portal**. The editorial argues these executive-driven measures disproportionately curtail freedom of speech (Article 19(1)(a)) without adequate parliamentary oversight or judicial safeguards.

THE EDITORIAL ARGUMENT

- 1 **Executive overreach** — the IT Rules are framed under Section 87 of the IT Act, 2000 as delegated legislation; they effectively regulate fundamental rights without a full parliamentary debate
- 2 **3-hour takedown** — platforms must remove content flagged by the government within 3 hours; this leaves no time for platforms to assess legality, leading to over-compliance and censorship by default
- 3 **Sahyog Portal** — a centralised government portal for tracking and flagging content across platforms; the editorial argues this creates a surveillance architecture incompatible with privacy rights (Puttaswamy judgment, 2017)
- 4 **Lack of judicial oversight** — content removal is executive-ordered; there is no requirement for a court order before takedown, unlike in countries with stronger speech protections
- 5 **Chilling effect** — the combination of fast takedowns, surveillance, and platform liability creates a chilling effect on legitimate speech, journalism, and dissent



IT RULES EVOLUTION

YEAR	KEY CHANGE
2011	IT (Intermediary Guidelines) Rules — safe harbour for platforms
2021	IT Rules 2021 — due diligence, 36-hour takedown, grievance officers
2023	Amendment — fact-check unit (FCU) can flag “fake” content about government
2024	Amendment — Sahyog Portal for centralised content tracking
2026	Amendment — takedown reduced to 3 hours; expanded platform liability

Key Provisions Critiqued

PROVISION	EDITORIAL'S CONCERN
3-hour takedown	No time for platforms to assess legality; censorship by default
Sahyog Portal	Centralised surveillance; privacy concerns
Grievance Appellate Committee (GAC)	Government-appointed body reviewing government takedowns — conflict of interest
Traceability of first originator	Undermines end-to-end encryption on WhatsApp/Signal

CONSTITUTIONAL FRAMEWORK

RIGHT	ARTICLE	RELEVANCE
Freedom of speech and expression	19(1)(a)	Core right being curtailed
Reasonable restrictions	19(2)	Sovereignty, public order, decency, defamation, etc.
Right to privacy	21 (Puttaswamy, 2017)	Sahyog Portal and surveillance
Procedure established by law	21	Executive action vs judicial process



Key Judgments

- **Shreya Singhal v. Union of India (2015)** — struck down Section 66A of IT Act; established that speech restrictions must be narrowly defined and judicially reviewable
- **K.S. Puttaswamy v. Union of India (2017)** — right to privacy is a fundamental right under Article 21; any surveillance must meet tests of legality, necessity, and proportionality
- **Anuradha Bhasin v. Union of India (2020)** — internet access is a fundamental right under Article 19; restrictions must be proportionate and subject to periodic review

UPSC RELEVANCE

GS Paper 2 — Governance, Transparency, Accountability

- IT Rules and delegated legislation
- Digital censorship and Article 19(1)(a)
- Sahyog Portal: surveillance vs security
- Shreya Singhal, Puttaswamy, Anuradha Bhasin judgments

Mains Probable Questions:

- “Examine the tension between digital content regulation under IT Rules 2021 and the fundamental right to free speech. Are executive-driven takedowns constitutionally valid?” (250 words)

FACTS CORNER

- **Section 66A** of the IT Act (criminalising “offensive” online messages) was **struck down** by the Supreme Court in **Shreya Singhal (2015)** — yet studies show police continue to file cases under the deleted section
- India’s **IT Act, 2000** was one of the world’s earliest cyber laws — but it was designed for e-commerce transactions, not social media regulation; the IT Rules have expanded its scope far beyond original intent
- The **Grievance Appellate Committee (GAC)** — established under 2023 IT Rules amendments — reviews platform decisions on content removal; critics argue it should be an independent judicial body, not a government-appointed committee
- **India issued the highest number of content removal orders** to social media platforms globally in 2024-25 — more than any other democracy



- The **Digital Personal Data Protection Act, 2023** governs data privacy separately from IT Rules — but the editorial argues these frameworks are not harmonised, creating overlapping and sometimes contradictory obligations for platforms

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