



STUDY GUIDE

LOK SABHA

Whose Finger on the Delete Key: Online
Speech, Takedown Powers and the Limits of
Executive Discretion.

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LETTER FROM THE EXECUTIVE BOARD

Dear Members,

Welcome to the Lok Sabha at Sabarmati Model United Nations 2026.

This is the committee where you know the subject matter better than you think you do. Every member of this House has had a post removed, has watched an account disappear, or has read a news story that was available in the morning and unavailable by evening. You do not need a briefing to understand what is at stake. What you need is the vocabulary and the legal machinery to argue about it at the level the House actually operates on, and that is what this guide is for.

We want to flag one thing at the outset, because it shapes the whole debate. This is a rare issue on which almost every party has occupied both positions. Governments want takedown powers because they are responsible for public order and they are the ones who receive the intelligence briefing about a video circulating in a district where tension is already high. Oppositions fear takedown powers because they are the ones whose supporters' accounts go quiet. Those are not hypocritical positions. They are the honest consequences of sitting on different sides of the House, and any member who treats the other side as simply insincere is going to make a weaker speech than a member who understands why a reasonable person in that chair would hold that view.

A second flag, and this one is procedural. The core legal question in this agenda is currently before the Supreme Court. In July 2026 the Court stayed proceedings in the High Courts and took up transfer petitions filed by the Union. That triggers the sub judice convention in this House. It does not mean you cannot debate the policy; Parliament debates the policy underlying pending litigation constantly. It means you must debate the law and the policy rather than the merits of the pending case, and the Chair will hold you to it. We explain how to do that in Section 2, and members who master it will sound considerably more parliamentary than members who do not.

Come prepared with your party's actual position, including the parts of it that are inconvenient. The best debates in this House are the ones where a member concedes what their own side did in office and then explains why they would do it differently now. That is not weakness. That is the only thing that persuades anybody.

We are looking forward to your work.

The Executive Board

INTRODUCTION TO THE HOUSE

Where are you sitting, and what can you actually do? This House can do a great deal, and it can do very little of it in a single sitting. Knowing the difference is what separates a member who moves the debate from a member who gives a speech.

The Lok Sabha is the House of the People, the directly elected chamber of India's Parliament, constituted under article 81 of the Constitution. The Eighteenth Lok Sabha was constituted following the general election of 2024.

Composition and basic rules:

- **543 elected members**, with a constitutional maximum of 550. The Speaker presides and is elected by the House from among its members.
- **Quorum is one tenth of the total membership**, meaning 55 members, under article 100, clause 3. Below quorum the Chair adjourns or suspends the sitting.
- **Ordinary questions are decided by a majority of members present and voting**, under article 100, clause 1. The Speaker does not vote in the first instance but has a casting vote in the event of a tie.
- **A term of five years** from the date of its first sitting, unless dissolved earlier.

What this House produces: Legislation, in the form of Bills that must pass both Houses and receive presidential assent. Resolutions, which express the will of the House without legal force. Motions, including motions of no confidence, adjournment motions and calling attention motions. Financial control, through the demands for grants and the Finance Bill. And oversight, through Question Hour, the departmentally related standing committees, and the reports those committees produce.

The instrument that matters most for this agenda, and that most members overlook. The Information Technology Rules of 2021 are subordinate legislation, meaning they were made by the executive under a rule-making power that Parliament delegated. Section 87 of the Information Technology Act, 2000 confers that power, and it also requires every rule made under the Act to be laid before each House while it is in session for a total period of thirty days. Parliament may agree that the rule should be modified, or that it should not be made at all, and the rule then takes effect in modified form or ceases to have effect. This House has a Committee on Subordinate Legislation whose entire function is to scrutinize whether delegated power has been exercised within its limits.

Think about what that means for your debate. Every member who says the House cannot do anything about the IT Rules because they were made by a Ministry is wrong. The House delegated the power, the House receives the rules, and the House retains a statutory route to

modify or annul them. A statutory resolution to that effect is a real parliamentary instrument, and a member who moves one is doing something considerably more consequential than making a speech.

What This House Cannot Do:

- **It cannot decide the constitutionality of a law or a rule.** That is the function of the Supreme Court and the High Courts under articles 32 and 226. The House can repeal, amend or annul; it cannot declare.
- **It cannot comment on the merits of a matter pending before a court.** Rule 352 of the Rules of Procedure restricts members from referring to matters pending adjudication. With the Sahyog and Rule 3(1)(d) challenges now before the Supreme Court, this constraint is live.
- **It cannot legislate on the State List.** Public order and police are State subjects under the Seventh Schedule. Communications, telegraphs and posts are Union subjects. Much of the friction in this agenda comes from the fact that a state police officer is exercising a power derived from a Union statute.
- **It cannot make law by itself.** A Bill passed here must also pass the Rajya Sabha, unless it is a Money Bill under article 110, and must receive assent under article 111.
- **It cannot direct the executive to act.** A resolution expresses the House's opinion. Only a statute binds.

Pro Tip: Learn the sub judice manoeuvre, because it is the single most useful piece of parliamentary craft in this committee. You may not say the Karnataka High Court was wrong in the pending appeal. You may say that the statutory provision under which those orders were issued was never intended by this House to authorize them, that the House delegated a rule-making power on certain terms, and that if the law is unclear the remedy is for Parliament to clarify it rather than for the courts to divine it. That is not a workaround; it is the constitutionally correct position, and it makes you sound like someone who has read the Rules.

INTRODUCTION TO THE AGENDA

Why does this matter, and why now? Because the legal architecture governing online speech in India changed twice in the last twelve months, the central question about it is now before the Supreme Court, and Parliament, which delegated the power in the first place, has not revisited the statute since 2000.

Start with the shape of the problem. When a piece of content is removed from an Indian user's feed, there are several completely different legal routes by which that might have happened, and the difference between them is the entire debate.

- **A court order.** A civil or criminal court directs removal. This route has a judge, a hearing, reasons and an appeal.
- **A blocking direction under section 69A of the Information Technology Act, 2000.** The Central Government may direct blocking on specified grounds, following a procedure set out in rules made in 2009 that include a committee, an opportunity to be heard for the originator or intermediary where they can be identified, and confidentiality of the direction.
- **A takedown intimation under rule 3(1)(d) of the Information Technology Rules, 2021.** An intermediary must remove content on receiving actual knowledge through a court order or a notification by the appropriate Government.
- **Voluntary removal by the platform** under its own community standards, which is not a state action at all and which is, by volume, how the overwhelming majority of content is removed.

The controversy in front of you sits almost entirely in the third category. Section 69A has a defined procedure and a Supreme Court judgment upholding it. Rule 3(1)(d) is a due diligence obligation on intermediaries, and the question is whether it also amounts to a source of governmental power to order removal. If it does, then India has two blocking regimes: one with a statutory committee and safeguards, and one without. If it does not, then a large volume of removal notices issued by ministries, state departments and police officers have no legal basis.

Why now, specifically. Three developments make this a live legislative question rather than an academic one.

First, the Government amended the rule. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2025 were notified on 22 October 2025 and came into force on 15 November 2025. They substituted rule 3(1)(d) and added safeguards: only officers of or above the rank of Joint Secretary in a ministry, or of or above the rank of Deputy Inspector General in a police force, may issue a takedown intimation; the intimation must specify the legal basis, the statutory provision, the nature of the unlawful act and the specific

electronic location of the content; and a monthly review is conducted by an officer of at least Secretary rank. Read that list and notice what the Government is conceding: those safeguards exist because the previous position was that any officer could issue an order with no reasons.

Second, the Government extended the framework again. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026 were notified on 10 February 2026 and came into force on 20 February 2026, regulating synthetically generated information, meaning AI-generated and AI-modified content, with labelling and verification obligations aimed at deepfakes and election-related misinformation.

Third, the courts took the matter up. X Corp challenged the takedown mechanism and the Sahyog portal before the Karnataka High Court; a single judge dismissed the petition on 24 September 2025, holding that the portal is a facilitation mechanism and that binding blocking power continues to flow from section 69A. X Corp appealed in November 2025 and DigiPub News India Foundation filed its own appeal. In February 2026, separate petitions were filed in the Bombay High Court challenging the constitutional validity of the portal and of the 2025 amendment. On 22 July 2026 a Supreme Court bench headed by the Chief Justice stayed the High Court proceedings while it considered the Union's petitions to transfer all four matters to itself.

So the position today is this. The rules have been tightened but not by statute. The central legal question is pending. And Parliament, which wrote section 79 and section 69A in a statute enacted in 2000 and amended in 2008, has not returned to the question of what its own delegation authorizes.

HISTORICAL BACKGROUND

How did we get here? Through a statute drafted for electronic commerce, a rule-making power used far beyond what anyone anticipated, and a judgment that everyone cites and few read carefully.

The statute, 2000 to 2009. The Information Technology Act, 2000 was enacted primarily to give legal recognition to electronic records and digital signatures. Intermediary liability was a secondary concern. The 2008 amendment, passed after the Mumbai attacks, substantially expanded the state's powers. It inserted section 69A, which permits the Central Government to direct blocking of public access to information on grounds tracking article 19, clause 2 of the Constitution, meaning sovereignty and integrity of India, defense of India, security of the State, friendly relations with foreign States, public order, or preventing incitement to a cognizable offence relating to these. It also rewrote section 79 to create a conditional safe harbour: an intermediary is not liable for third-party content, provided it observes due diligence and provided that, under section 79, subsection 3, clause (b), it removes content on receiving actual knowledge. The 2009 Blocking Rules gave section 69A its procedure: a designated officer, a committee, notice to the originator or intermediary where identifiable, an opportunity to be heard, and a confidentiality provision in rule 16.

Shreya Singhal, 2015. This is the case every member will cite and the case most members misdescribe. The Supreme Court struck down section 66A, which had criminalized grossly offensive or menacing online messages, as unconstitutionally vague and overbroad. It upheld section 69A, expressly noting the procedural safeguards in the Blocking Rules. And it read down section 79, subsection 3, clause (b), holding that actual knowledge means knowledge received through a court order or through a notification by the appropriate Government that the content relates to the restricted categories in article 19, clause 2.

That third holding is the load-bearing one for your agenda, and it is genuinely contested. One reading is that the Court merely clarified when an intermediary loses safe harbour, meaning it protects platforms rather than empowering governments. The other reading, adopted by the Karnataka High Court in 2025, is that the reference to notification by the appropriate Government recognizes a route by which governments may notify unlawfulness. Members will assert one of these as obvious. Both are arguable, and a member who can state both readings accurately before choosing one is doing something the House rewards.

The Rules, 2021 to 2023. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 replaced the 2011 guidelines and substantially expanded obligations: a grievance officer with defined response timelines, additional obligations for significant social media intermediaries including a chief compliance officer and a resident grievance officer, a traceability requirement for the first originator of a message on messaging

services, and a three-tier regulatory structure for digital news publishers and streaming services under Part III. Amendments in 2022 created Grievance Appellate Committees, executive bodies to hear appeals against platform content decisions. An amendment in 2023 established a Fact Check Unit empowered to identify false information about government business; that provision was struck down by the Bombay High Court in 2024 following a split verdict resolved by a third judge.

Anuradha Bhasin, 2020. The Court held that orders restricting communications must be published so they can be challenged, and applied a proportionality standard, meaning that a restriction must pursue a legitimate aim, be suitable and necessary, and be the least restrictive alternative available. The proportionality test, developed further in the privacy judgment in Puttaswamy in 2017, is now the standard framework in Indian constitutional law for evaluating restrictions on rights. Members drafting safeguards should build them around proportionality, because it is the language the courts already use.

Sahyog and the litigation, 2024 to 2026. A portal was established to route takedown communications from authorized government agencies to intermediaries. X Corp challenged it. The Karnataka High Court dismissed the challenge in a lengthy judgment in September 2025, characterizing the portal as a facilitation tool. Appeals followed, further petitions were filed in Bombay in February 2026, and in July 2026 the Supreme Court stayed the High Court proceedings pending its decision on transfer.

That is the arc. A statute written for one purpose, a rule-making power exercised expansively, a judgment that resolved less than everyone assumed, and a legislature that has not returned to the question.

THE CURRENT SITUATION

What is actually true today? Six things, and members should be able to state each of them accurately.

One. There are two operative routes to a government-directed takedown, and they carry different safeguards. A direction under section 69A follows the 2009 Blocking Rules, which involve a designated officer, a committee, an opportunity to be heard where the originator can be identified, and confidentiality. An intimation under rule 3(1)(d), as substituted in 2025, requires seniority of the issuing officer, a statement of the legal basis and the specific content location, and a monthly review. Neither requires a hearing for the individual user before removal. Neither requires publication of the order.

Two. The 2025 amendment narrowed who may issue a takedown intimation. Since 15 November 2025, an intimation must come from an officer of Joint Secretary rank or above in a ministry, or Deputy Inspector General rank or above in a police force, with reasons and a specific electronic location, subject to monthly review at Secretary level. Members supporting the Government will present this as demonstrating responsiveness and self-correction. Members opposing will present it as an admission that the earlier practice lacked any of these safeguards. Both characterizations are accurate, which is why this amendment is the most useful single fact in the debate.

Three. The synthetic media framework is now in force. The 2026 Amendment Rules, effective 20 February 2026, regulate synthetically generated information, requiring labelling and verification measures. This creates a second front. A rule requiring disclosure of AI generation is a transparency measure; a rule requiring platforms to detect and act on synthetic content is a removal obligation with automated enforcement. Members should be clear about which they are supporting.

Four. The central legal question is unresolved and is now before the Supreme Court. Whether section 79, subsection 3, clause (b) can serve as a source of takedown power independent of section 69A is the question. The Karnataka High Court answered it one way in September 2025. That judgment is under appeal, further challenges were filed in Bombay in February 2026, and in July 2026 the Supreme Court stayed the High Court proceedings while considering transfer. Members must debate the statutory policy, not the merits of the pending case.

Five. Transparency is the weakest link, and this is the point on which the Government's own position is hardest to defend. Rule 16 of the 2009 Blocking Rules provides for

confidentiality of blocking directions. The practical result is that a user whose content is removed frequently does not learn which authority ordered it, on what ground, or under which provision. Anuradha Bhasin held that orders restricting communication must be published to be challengeable. Reconciling rule 16 with that holding is the single most productive line of argument available in this House, and it is available to members on both sides, because publication of orders is compatible with the Government retaining the power.

Six. Volume is unmeasured, which is itself a finding. There is no comprehensive published figure for the number of takedown intimations issued under rule 3(1)(d) across all ministries, state departments and police forces. Platform transparency reports capture requests received by individual companies on their own definitions, and government responses in Parliament have covered particular provisions and periods. Any member who stands up with a single confident number for total takedowns in India should expect to be asked for the source, and members should be careful not to become that person. The absence of an official aggregate figure is a stronger argument for a reporting requirement than any contested number would be.

Three structural features to name in debate.

- **Delegation without return.** Parliament wrote the enabling provision in 2000, amended it in 2008, and has not revisited it. Everything since has been executive rule-making under a power the House granted and has not reviewed.
- **The intermediary as enforcer.** The state does not remove the content. It requires a company to remove it, on pain of losing safe harbour. The company, facing liability for non-compliance and none for over-compliance, has a structural incentive to remove more than the law requires.
- **The absent party.** The user whose speech is removed is not a party to any of this. She has no notice, no hearing and often no knowledge of who acted. Every proposal in this House should be tested against whether it changes that.

Think of safe harbour as an insurance policy rather than a shield. The platform is not protected because the content is lawful; it is protected because it followed a procedure. Change the procedure and you change the platform's incentive without ever ruling on whether a single post was lawful. That is why intermediary liability rules are such an effective instrument of speech regulation, and it is also why they are so difficult to challenge: nobody's speech was ever formally prohibited.

LEGAL AND CONSTITUTIONAL FRAMEWORK

What rules bind this House? A constitutional text with an exhaustive list of permissible restrictions, a statute with two distinct powers, rules made under it, and a line of judgments that is more demanding than either side usually admits.

The Constitution.

- **Article 19, clause 1, sub-clause (a)** guarantees freedom of speech and expression to citizens.
- **Article 19, clause 2** permits reasonable restrictions, by law, on eight specified grounds: sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency or morality, contempt of court, defamation, and incitement to an offence. This list is exhaustive. A restriction that does not fall within one of these grounds is unconstitutional however desirable it may be, a point the Supreme Court reaffirmed in *Kaushal Kishor* in 2023.
- **Article 21** guarantees life and personal liberty, from which the Court has derived both privacy and procedural fairness.
- **Article 14** guarantees equality before the law and is the source of the requirement that state action not be arbitrary.

The statute.

- **Section 69A of the IT Act, 2000** empowers the Central Government to direct blocking on article 19, clause 2 grounds, for reasons to be recorded in writing, subject to procedure prescribed by rules.
- **Section 79** provides conditional exemption from liability for intermediaries. Subsection 3, clause (b) removes that exemption where the intermediary fails to expeditiously remove content upon receiving actual knowledge.
- **Section 87** confers the rule-making power and, in subsection 3, requires rules to be laid before each House for thirty days, with Parliament empowered to modify or annul them.
- **Section 66A**, which criminalized certain online messages, was struck down in 2015 and no longer exists.

The rules.

- **The Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009**, which prescribe the section 69A procedure, including the designated officer, the committee, the hearing where the originator is identifiable, and rule 16 on confidentiality.
- **The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**, including rule 3(1)(d) on removal upon actual knowledge, rule 3(2)

on grievance handling timelines, rule 4 on additional obligations of significant social media intermediaries, and Part III on digital media publishers.

- **The 2022 amendment** creating Grievance Appellate Committees, the **2025 Amendment Rules** substituting rule 3(1)(d) with effect from 15 November 2025, and the **2026 Amendment Rules** on synthetically generated information with effect from 20 February 2026.

The judgments.

- **Shreya Singhal v. Union of India (2015)**, which struck down section 66A, upheld section 69A, and read down section 79, subsection 3, clause (b) to require a court order or a government notification.
- **K.S. Puttaswamy v. Union of India (2017)**, which recognized privacy as a fundamental right and set out the proportionality standard: legality, legitimate aim, suitability, necessity, and balancing.
- **Anuradha Bhasin v. Union of India (2020)**, which required publication of orders restricting communication and applied proportionality to internet restrictions.
- **Kaushal Kishor v. State of Uttar Pradesh (2023)**, which held that the grounds in article 19, clause 2 are exhaustive and no additional restriction may be imposed.

Distinguish three things, carefully. What the statute authorizes, what the rules require, and what the executive actually does. Section 69A authorizes blocking with a procedure. Rule 3(1)(d) imposes a due diligence obligation on intermediaries. Whether the practice of ministries and police forces issuing intimations under rule 3(1)(d) is authorized by the statute is precisely the question the Supreme Court has taken up. A member who asserts the answer as settled will be corrected. A member who explains that the statute is ambiguous, that the courts are divided, and that the appropriate constitutional remedy for statutory ambiguity is legislation by this House, has made an argument that is both accurate and, conveniently, an argument for the House doing something.

KEY STAKEHOLDERS AND PARTY POSITIONS

Who wants what, and who is your ally? Positions in this House are shaped less by ideology than by whether a party currently holds executive power somewhere, which is why the alliances in this debate scramble in ways they do not on other subjects. Each position below is stated in its own logic, as its holders would state it.

The Treasury Benches

Core position: The state has a constitutional duty to maintain public order and protect national security, and content that incites violence or spreads engineered falsehood must be capable of being removed quickly. The 2025 amendment demonstrates the framework is being refined responsibly.

Stated justification: Article 19, clause 2 expressly contemplates restriction on grounds of public order and security of the State. Platforms are foreign-owned commercial entities with no democratic accountability in India, and the alternative to state regulation is not freedom but unaccountable corporate moderation.

Actual interest: Operational capability. A government that must wait for a court order before acting on a video circulating during communal tension will be held responsible for the consequences of the delay.

Fracture line: The seniority and reasons requirements introduced in 2025 concede that the earlier position was thin. Members on this side should be ready to explain why safeguards adequate in 2026 were unnecessary in 2021.

The Principal Opposition

Core position: Removal of speech by executive fiat, without notice to the citizen and without publication of the order, is incompatible with article 19 and with the proportionality standard the Supreme Court has laid down. If the power is necessary, it must be exercised under section 69A with its safeguards, or under a fresh statute enacted by Parliament.

Stated justification: The exhaustive character of article 19, clause 2, the requirement in Anuradha Bhasin that orders be published so they can be challenged, and the constitutional principle that delegated power cannot exceed its parent statute.

Actual interest: Protection of political communication, campaign material and supporter networks from removal, and the reasonable expectation of being in opposition again in some states while in government in others.

Fracture line: Several parties on this side have exercised comparable powers in states they govern, and the framework was substantially built by the amendments of 2008. Expect this to

be raised, and prepare an answer that distinguishes the power from its exercise rather than denying the record.

Regional Parties Governing States

Core position: The Union should not be able to route takedown power through officers of state police forces without the state government's involvement, and public order is a State subject.

Stated justification: The federal division in the Seventh Schedule, and the principle that a Union rule should not conscript state machinery into a Union enforcement scheme.

Actual interest: These parties are simultaneously users of takedown power in their own states and objectors to its use against them by the Union. That is not inconsistency; it is the ordinary condition of a party that governs one level and opposes another.

Fracture line: The federalism argument cuts both ways, and a state government that wants Union power restrained also wants its own police to retain the ability to act on a viral video during a local crisis.

Left Parties

Core position: The framework should be replaced with one in which no removal of speech occurs without judicial authorization, and the safe harbour regime should not be used to convert private companies into censors.

Stated justification: Civil liberties as a first-order constitutional commitment, and the historical record of speech restrictions being applied disproportionately to dissent and to journalists.

Actual interest: Protection of protest mobilization, trade union communication and critical journalism.

Fracture line: A pure judicial authorization requirement faces a serious capacity objection, since courts cannot process urgent removal requests at the volume and speed the executive says is required. Members holding this position need an answer on urgency.

Parties Focused on Community Safety and Dignity

Core position: The harms of unmoderated content fall unevenly, and communities subject to targeted abuse, coordinated harassment and synthetic sexual imagery need effective and fast removal, not slower procedures.

Stated justification: Article 21 and article 14 as sources of a state duty to protect, and the recognition that the person whose dignity is destroyed by a deepfake also has constitutional rights.

Actual interest: Faster, more reliable removal in cases of impersonation, non-consensual imagery and targeted abuse, with less concern for the procedural interests of the person posting.

Fracture line: This position sits uneasily with the same members' concern about the misuse of takedown power against their own communities' political speech. Both concerns are genuine and they pull in opposite directions.

Actors Outside the House Who Shape the Outcome

- **Intermediaries and platforms.** Their interest is predictability and a defensible legal basis for compliance, because ambiguous obligations expose them to liability whichever choice they make. Note that platforms are not free speech advocates; they are risk managers, and they over-remove when the risk is asymmetric.
- **Digital rights organizations and press bodies.** They supply the documentation of individual cases and the legal analysis that both sides cite. DigiPub News India Foundation is a party in the pending litigation.
- **State police forces and central agencies.** They are the actual issuers of most intimations and the source of the operational case for speed.
- **The Departmentally Related Standing Committee on Communications and Information Technology.** The House's own scrutiny mechanism, and the most realistic vehicle for a member who wants a genuine inquiry rather than a symbolic vote.

If your party is not covered above, find six things before you write. First, does your party hold executive power in any state, and has that government used takedown powers? Second, what did your party say when the 2021 Rules were notified and when the 2025 amendment was made? Third, does your party have members who have had content or accounts removed, and did the party raise it in the House? Fourth, what is your party's position on the Fact Check Unit litigation and on the 2026 synthetic media rules? Fifth, does your party have a constituency particularly exposed either to online harassment or to speech restriction? Sixth, how did your party vote on the 2008 amendments, if it was in the House then. Those six answers will give you a defensible position on every clause.

CASE STUDIES

What has been tried, and what happened? Four episodes, each illustrating a different failure mode of the current design.

Section 66A, struck down and still used. The Supreme Court struck down section 66A in 2015 as unconstitutionally vague. Years later, researchers and litigants documented cases continuing to be registered under the deleted provision, prompting further directions from the Court and communications from the Union to states. The lesson for this House is not that police forces are lawless. It is that a legal change communicated only through a judgment does not reach the police station. Any reform this House designs needs a transmission mechanism, meaning training, standing instructions and a compliance audit, or it will exist only on paper.

The Fact Check Unit. The 2023 amendment empowered a government-notified unit to identify false or misleading information about the business of the Central Government, with intermediaries expected to act on its findings. The Bombay High Court struck the provision down in 2024 after a split verdict was resolved by a third judge. The instructive point is the structural objection rather than the outcome: the provision made the Government the arbiter of the truth of statements about itself. Members designing any misinformation mechanism should be able to answer who decides, and whether that decider has an interest in the answer.

X Corp and the Sahyog portal. The platform argued that routing removal notices through a portal under section 79, subsection 3, clause (b) created a parallel blocking regime without the safeguards Parliament attached to section 69A. The Karnataka High Court disagreed in September 2025, characterizing the portal as a facilitation mechanism and locating binding power in section 69A. Appeals followed and the matter is now before the Supreme Court. Note the shape of the argument carefully, because it is available to members regardless of their view of the platform: the objection is not that removal is never justified, but that a power carrying safeguards should not be substitutable by a power carrying fewer.

The synthetic media rules of 2026. The framework notified in February 2026 requires labelling and verification of synthetically generated information. It is the clearest case in this agenda of a rule that most members support in principle and that raises the same structural questions in practice: who determines that content is synthetic, what happens when the determination is wrong, and does the user have any route to contest it. A member who supports the substance and still asks those three questions is doing legislative scrutiny correctly.

POSSIBLE APPROACHES

What could this House actually do? Five named approaches. Each is a real position, and each has a cost.

- **Judicial-Authorization-First.** Require prior judicial authorization for any government-directed removal, with a narrow emergency exception subject to post facto judicial confirmation within a fixed period. *Strength:* it supplies a neutral decision-maker and an evidentiary record, which is what the current framework most conspicuously lacks. *Weakness:* judicial capacity. Courts already carry enormous pendency, and a mechanism that cannot deliver within hours will either be bypassed or will fail in genuine emergencies.
- **Transparency-First.** Leave the powers intact and attack the secrecy: publication of takedown orders in redacted form, notice to the affected user, mandatory reporting to Parliament of aggregate numbers by ministry and ground, and periodic review. *Strength:* it is the most achievable reform in this House, it is compatible with the Government retaining its power, and it directly answers the Anuradha Bhasin point. *Weakness:* it changes what we know rather than what happens, and there will be genuine cases where publication defeats the purpose of the order.
- **Statutory-Consolidation.** Repeal the reliance on section 79, subsection 3, clause (b) as a takedown route and channel all government-directed removal through a single statutory power with a single set of safeguards, enacted by Parliament rather than made by rules. *Strength:* it resolves the ambiguity the courts are currently being asked to resolve, and it restores the question to the institution that should answer it. *Weakness:* it requires a full legislative process through both Houses, and consolidating powers can as easily broaden them as narrow them, depending on who drafts.
- **Appellate-Remedy-First.** Build the remedy rather than the restriction: a statutory right to notice, a right to written reasons, a time-bound appeal to a body with genuine independence rather than an executive-appointed committee, and a right to restoration where the order is set aside. *Strength:* it centers the citizen, who is currently absent from the entire process, and it is measurable. *Weakness:* it requires new institutional machinery and funding, and an appeal that takes months does not help content whose relevance lasted three days.
- **Federal-Rebalancing.** Address the exercise of Union-derived power by state officers: require state government concurrence for intimations issued by state police, or a state-level nodal authority with its own reporting. *Strength:* it responds to a genuine constitutional untidiness and can build cross-party coalitions among parties governing states. *Weakness:* it multiplies the number of authorities rather than reducing them, and it does nothing for the citizen if both levels of government agree.

BUILDING EFFECTIVE ARGUMENTS

How do you actually speak in this House? You build a chain in which each link earns the next, and you finish on something that could be moved as an amendment.

Consider this chain of reasoning:

1. Parliament created a blocking power in section 69A and attached procedural safeguards to it
2. Those safeguards were the reason the Supreme Court upheld the provision in 2015
3. A separate route to removal has developed under a due diligence rule made by the executive
4. That route carries fewer safeguards than the one Parliament designed
5. So the practical effect is that the executive can choose the power with fewer constraints
6. Therefore the question before this House is not whether the state may order removal, which Parliament has already answered, but whether an executive rule may substitute for the procedure Parliament enacted

That argument ends in a clause somebody has to vote on. Saying that free speech is a fundamental right ends in agreement and nothing else, because every member of this House already agrees with it.

Here is a second chain, for members arguing from the Government side:

1. Content capable of causing imminent violence can circulate to millions within an hour
2. Judicial process, even expedited, operates in days
3. A safeguard that cannot function within the relevant time window is not a safeguard; it is a prohibition on acting
4. Article 19, clause 2 expressly contemplates restriction in the interest of public order
5. So the constitutional question is not whether the executive may ever act without prior judicial authorization, but what accountability attaches after it does
6. Therefore the productive reform is post facto review, publication and parliamentary reporting, rather than prior authorization

Both chains end somewhere useful. Notice also that they converge: both point toward review, reasons and reporting. That convergence is where a cross-party amendment gets written.

Three habits that make a speech land in this House.

- **Cite the provision, not the vibe.** Not “the government takes down content arbitrarily” but “an intimation under rule 3(1)(d) requires no notice to the user and no publication of

the order.” A member who names the rule sounds like a legislator. A member who describes a feeling sounds like a press release.

- **Concede your own side’s record.** Every party in this House has either created, expanded or used these powers. A member who says so before an opponent does it for them controls the exchange. A member who denies it hands over the entire second half of the debate.
- **Separate the power from the procedure.** The strongest arguments in this agenda do not ask whether the state should be able to remove content. They ask which power, under which safeguards, reviewable by whom. That framing lets you attack the current arrangement without adopting a position no governing party could hold.

Seed these terms and use them precisely: safe harbour, actual knowledge, delegated legislation, proportionality, chilling effect, over-compliance, and reading down, which is what a court does when it narrows a provision’s meaning to save its constitutionality rather than striking it out.

ADDRESSING COUNTER-ARGUMENTS

What happens when someone attacks your position? Five objections you will actually face in this House. Each is stronger than it sounds.

Counter: “A video inciting violence in a district under curfew cannot wait for a judge. Are you asking the Government to watch and do nothing?”

The urgency argument, and it is the strongest thing the Government side has. You might respond by proposing:

- Accepting an emergency power with a short duration and automatic lapse unless confirmed by a designated authority within a fixed period
- Distinguishing between emergency removal and routine removal, and pointing out that the vast majority of intimations do not involve imminent violence
- Requiring that emergency orders be reported and published after the emergency passes, which costs the Government nothing operationally

Counter: “These platforms are foreign corporations that remove far more content under their own policies than any government orders. Why is the Indian state the only actor you want to constrain?”

Empirically accurate and rhetorically effective. You might respond by proposing:

- Distinguishing state action, which engages article 19 and is subject to constitutional limits, from private contractual moderation, which does not
- Accepting the point and extending your text to platform transparency obligations as well, which converts an attack into a broader coalition
- Noting that a platform’s over-removal is frequently a response to the legal risk the state’s own framework creates, so the two problems are connected rather than alternative

Counter: “Every party in this House has used these powers. This is opportunism, not principle.”

Almost always true, and it is used against every side in turn. You might respond by proposing:

- Conceding it directly and arguing that this is precisely why the safeguard should be statutory rather than dependent on the good faith of whoever holds office
- Framing your proposal as one that would bind your own party in government, which is the only credible answer to a charge of opportunism
- Pointing out that a rule which every party fears in opposition and wants in government is exactly the kind of rule a legislature exists to settle

Counter: “This matter is before the Supreme Court. The House should await the judgment rather than legislate on a live question.”

A serious procedural objection and one the Chair will take seriously. You might respond by proposing:

- Distinguishing the pending case, which concerns the interpretation of existing provisions, from the legislative question of what the provisions should say
- Noting that if the statute is ambiguous enough to require a Constitution Bench, the ambiguity is itself a legislative failure this House can fix
- Confining your motion to transparency, reporting and review, which do not trespass on the questions before the Court

Counter: “Publication of orders will alert bad actors and defeat the purpose. Confidentiality exists for a reason.”

Genuine, and rule 16 of the 2009 Blocking Rules reflects it. You might respond by proposing:

- Delayed publication, meaning the order becomes public after a defined period or once the operational reason lapses
- Redacted publication of the ground, the issuing authority and the number of items, without operational detail
- Notice to the affected user even where the order is not published generally, since the user already knows their content was removed and telling them why alerts nobody

QUESTIONS YOUR MOTION OR BILL MUST ANSWER

What has to be in the document? Whether you are moving a statutory resolution on the Rules, a Private Member's Bill, or a substantive motion, these questions have to be answered or the House will take you apart in the discussion.

- **Which instrument are you using?** A Bill amending the IT Act, a statutory resolution under section 87 to modify or annul rules, a resolution expressing the sense of the House, or a reference to a standing or select committee. Each has different requirements and different odds.
- **Which power are you regulating?** Section 69A, rule 3(1)(d), both, or a new consolidated power. Vagueness here is fatal, because the two regimes have different safeguards and different constitutional histories.
- **Who authorizes a removal, and at what rank or level?** Judicial officer, tribunal, designated committee, or executive officer of specified seniority, and does an emergency route exist.
- **What does the citizen get?** Notice before or after, written reasons, a right to be heard, a right to appeal, a time limit for disposal, and a right to restoration if the order is set aside. Name each one you are including, and be honest about the ones you are not.
- **What is published, and when?** The order, the ground, the issuing authority, an aggregate count, or nothing. Immediate or delayed. This is the clause that will be negotiated hardest.
- **What is reported to Parliament?** Annual or half-yearly, disaggregated by ministry, by ground, by state, and laid before both Houses. A reporting clause is the most durable thing a legislature can insert, because it generates the evidence for the next round of reform.
- **What happens to the intermediary?** Does compliance still determine safe harbour, and does an intermediary that challenges an order retain protection while the challenge is pending. If it does not, the right to challenge is theoretical.
- **How does this reach the police station?** Standing instructions, training, and an audit mechanism. The section 66A experience is the reason this question belongs on the list.

Modelling a Clause

A statutory resolution, in the form the House uses:

"That this House recommends to the Central Government that the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, laid on the Table of the House under section 87 of the Information Technology Act, 2000, be modified so as to require that every intimation issued under rule 3(1)(d) be communicated in writing to the user whose information is the subject of the intimation, together with the ground and the statutory provision relied upon, and that an aggregate statement of all such intimations, disaggregated by issuing authority and ground, be laid before both Houses of Parliament every six months."

Look at what each element is doing. Naming the Rules with their full title and the section under which they were laid establishes that the House is exercising a power it actually possesses, which pre-empts a point of order. “Be modified” rather than “be annulled” is a deliberate choice: annulment is a blunt instrument that removes protections along with the objectionable provision, and it attracts opposition from members who support the framework’s substance. The two operative requirements, notice to the user and periodic reporting, are the two least resistible reforms available, because neither removes any power from the Government. And the reporting requirement is the one that matters most in the long run, because it creates a document that the next Parliament can act on.

Now the weak version: “That this House expresses concern at the misuse of takedown powers and urges the Government to protect freedom of expression.” No power is exercised, no rule is modified, no document is produced, and the debate recurs next session in exactly the form it took this session. A motion that could be passed without anyone reading it is not doing any work.

RESEARCH AND PREPARATION GUIDELINES

Where do you look? Almost everything you need is a primary document, freely available, and short enough to read in a sitting. That is unusual, and members who exploit it will be visibly better prepared than members who rely on commentary.

Read the provisions themselves. Section 69A and section 79 of the IT Act are each under a page. Rule 3(1)(d) as substituted in 2025 is a few lines. The 2009 Blocking Rules run to about a dozen rules, of which rules 8, 9 and 16 do the work. Reading these four texts puts you ahead of most of the House, because most of the House will be arguing from summaries.

Read the gazette notifications. The 2025 Amendment Rules, notified on 22 October 2025 and effective 15 November 2025, and the 2026 Amendment Rules, notified on 10 February 2026 and effective 20 February 2026, are published by the Ministry of Electronics and Information Technology. Ministry press releases are also available through the Press Information Bureau and state the Government's own account of why each change was made, which is exactly what you need if you are defending the Government and exactly what you need to answer if you are not.

Read the judgments, or at least the operative paragraphs. Shreya Singhal is long, and the paragraphs on section 79 are the ones that matter for you. Anuradha Bhasin's directions on publication and proportionality are short and quotable in paraphrase.

Use the House's own record. Lok Sabha questions and answers on takedowns, blocking and intermediary compliance are searchable and give you the Government's own figures on its own terms, with dates. Standing committee reports on the subject are the most detailed public scrutiny that exists. Quoting a Government answer given in this House is the single most effective move available to an opposition member, and quoting a standing committee recommendation is the most effective move available to a Government member arguing for refinement.

For the litigation, use the court record and the reporting that tracks it. The Karnataka High Court judgment of September 2025 and the pleadings in the appeals are reported by legal news services. Remember the sub judice constraint applies to your speech in the House even where the material is public.

What to avoid.

- **Single aggregate takedown numbers with no source.** There is no official comprehensive figure. If you cite one, you must say who compiled it and what it counts.
- **Descriptions of Shreya Singhal that stop at section 66A.** The holding that matters for this agenda is the one on section 79, and members who do not know it will be caught.
- **Treating platform transparency reports as measuring government action.** They measure requests received by one company under that company's definitions and reporting periods.

Pro Tip: Prepare one provision you can quote accurately in paraphrase, one date, and one Government answer given in this House. Those three items, deployed at the right moment, will do more for you than twenty minutes of general argument.

POSITION PAPER FRAMEWORK

Paragraph one, your party's position and its record. State where your party stands on executive takedown power and say plainly what it has done when in office, at the Union or in a state. A paper that pretends the record does not exist is a paper that will be dismantled in the first hour of debate. A paper that acknowledges it and explains the distinction the party draws is a paper the Chair will remember.

Paragraph two, your legal reading. Which provision you consider the lawful source of takedown power, how you read the holding in *Shreya Singhal* on section 79, and what you think the constitutional test is. Be specific about whether you accept that some executive removal without prior judicial authorization is constitutionally permissible, because every subsequent position you take follows from that answer.

Paragraph three, what you propose. Two or three measures, each identified by instrument: a Bill, a statutory resolution, a committee reference, or an amendment. Not “greater accountability” but “notice in writing to the affected user within twenty four hours, stating the ground and the provision relied upon.”

Close with a line on where you would support a cross-party amendment. In this House the motions that pass are the ones drafted between benches, and members who signal that early get into the drafting.

SIMULATION SCENARIOS

What might get thrown at you mid-session?

- **A removal during a live incident.** Content relating to an ongoing law and order situation is removed, and within hours it becomes clear that some of the removed material was ordinary news reporting of the same incident. Members will have to decide whether their proposed safeguard would have distinguished the two, and most first drafts will not.
- **The Supreme Court acts.** The Court issues an order on the transfer petitions, or lists the matter, or makes an observation during hearing. The sub judice constraint tightens immediately, and members who built their entire position on commenting about the case will be left without a speech. Members who built their position on the statute will be unaffected.
- **A number is tabled.** The Government provides, in answer to a question, an aggregate figure for intimations issued under rule 3(1)(d) since November 2025. Whatever the number is, both sides will claim it. Be ready to say what the figure would need to be disaggregated by before it tells anyone anything.
- **A synthetic media incident.** A convincing fabricated video of a public figure circulates during a state election. The pressure will be entirely toward faster removal with fewer checks, and members who have argued for procedural safeguards will be asked directly whether they would have applied them here. Have an answer that does not sound like indifference to the harm.

BIBLIOGRAPHY AND FURTHER READING

What should you cite? These sources will survive scrutiny from the Chair.

Constitutional and statutory:

- Constitution of India, articles 14, 19(1)(a), 19(2) and 21
- Information Technology Act, 2000, sections 69A, 79 and 87
- Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009, particularly rules 8, 9 and 16
- Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021
- Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2025, notified 22 October 2025, effective 15 November 2025
- Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, notified 10 February 2026, effective 20 February 2026

Judgments:

- Shreya Singhal v. Union of India (2015) 5 SCC 1
- K.S. Puttaswamy v. Union of India (2017) 10 SCC 1
- Anuradha Bhasin v. Union of India (2020) 3 SCC 637
- Kaushal Kishor v. State of Uttar Pradesh (2023)
- X Corp v. Union of India, Karnataka High Court, judgment of 24 September 2025, and the appeals arising from it

Parliamentary material:

- Rules of Procedure and Conduct of Business in Lok Sabha, particularly the provisions on resolutions, motions and the sub judice restriction
- Reports of the Departmentally Related Standing Committee on Communications and Information Technology
- Reports of the Committee on Subordinate Legislation
- Lok Sabha questions and answers on blocking, takedowns and intermediary compliance

Analysis and documentation:

- Ministry of Electronics and Information Technology notifications and Press Information Bureau releases on each amendment
- Reporting and case tracking by Indian legal news services on the Sahyog and rule 3(1)(d) litigation
- Publications of Indian digital rights organizations and press bodies, including submissions made during the consultation on the 2025 and 2026 amendments

FINAL NOTE FOR MEMBERS

Two habits will distinguish a strong member in this House.

The first is arguing about procedure rather than about principle. Everyone in this House believes in free expression and everyone in this House believes the state must be able to prevent violence. Speeches about either belief change no votes, because no vote is in dispute. What is genuinely in dispute is narrow and technical: which officer, under which provision, with what notice, subject to what review, published when, reported to whom. The member who argues at that level will find that the member opposite can actually engage, and engagement is how amendments get made.

The second is honesty about your own party's record. This is the rare agenda where every side has held both positions, and where the record is easily checked by anyone with a phone. A member who says openly that their party built part of this framework, or used it, and then explains what they would now do differently and why, is far harder to attack than a member who claims a purity that will not survive the first intervention. The House respects candor more than it respects consistency, partly because it sees so little of either.

Come prepared to draft something, not just to say something. That is the whole job.

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