

AN INEVITABLE SHOWDOWN: THE HINDU EDITORIAL ON GOVERNMENT'S NOTICE TO TWITTER

Relevant for: Developmental Issues | Topic: Important Aspects of Governance, Transparency & Accountability including Right to Information and Citizen Charter

The [government's notice to Twitter](#) after it [reinstated several handles](#) that mentioned a controversial hashtag, which the former wanted blocked, marks a critical point in an already uneasy relationship between a powerful government and an influential technology platform. A showdown seems inevitable now, what with the government threatening Twitter with penal action for not complying with its orders. The issue pertains to tweets put out by some handles on the ongoing farmer protests as also a hashtag that suggested that a farmer genocide was being planned. The Ministry of Electronics and IT ordered these handles (257 URLs and one hashtag) to be blocked on the grounds that they were spreading dangerous misinformation about the protests. Twitter initially complied with the order but then restored these tweets and handles, which included those of media houses. The Government's initial order was issued under Section 69A of the Information Technology Act, 2000, under which it can direct an intermediary to block any information for public access "in the interest of sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above..." This is the same Section under which hundreds of Chinese apps have been banned in recent months.

The world over, technology platforms have enough safeguards to act as intermediaries without being liable for the content that is published. But Twitter's act of defying the orders as per the law means it is on slippery territory. Though the use of Section 69A has been often criticised for the secrecy surrounding the process, it [was upheld by the Supreme Court](#) in the landmark [Shreya Singhal vs Union of India \(2015\)](#). The Court then was satisfied with the safeguards available. The technology platform's stance may perhaps even lead to a legal challenge to the provisions of the Section. On the other hand, while there are many grounds on which this Government's handling of the farm protests can be criticised, including its hyper-sensitivity to any criticism, reflected in the FIRs filed against many journalists, it has to be unequivocally said that the hashtag that it wanted blocked was not merely distasteful but seriously problematic, and indefensible on the grounds of freedom of speech. In a very sensitive setting, one that at least at one point was simmering with the potential for large-scale violence, provocation of any kind is unacceptable. What further happens in this face-off will be of interest not just for the two parties but for the governments of the world as well as the platforms of the world.

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