



# PRESS CLUB OF INDIA

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Ref No.....  
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Date: April 10, 2026

**Subject: Comments and suggestions by the Press Club of India on the amendments proposed by the Ministry of Electronics and Information Technology to the Draft Of Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Second Amendment Rules, 2026**

1. The Press Club of India (PCI), incorporated in 1958, as a not-for-profit company, is the largest collective of journalists in India, and perhaps, in the world. The institutional mandate is advocacy and expansion of Press Freedom, which is derived from Freedom of Expression that is guaranteed under Article 19 (1)(a) of the Constitution. The Press Club of India collaborates with a wide section of stakeholders who are engaged in the act and profession of journalism across all types of platforms (print, radio, television, and digital/online format) for advancing the rights of the Free Press, which is one of the foundational pillars for democracy. PCI has a long and illustrious history of engaging with the Government of India for advocating the rights of Free Press.

On March 30, 2026, the Ministry of Electronics and Information Technology (MeitY) published the draft amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Rules, 2021”), inviting public comments and feedback by April 14, 2026.<sup>1</sup> At the outset, PCI suggests **complete withdrawal** of the Draft Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Second Amendment Rules, 2026 (IT Rules, 2026) because they are against the letter and spirit of Article 19(1)(a) of the Constitution.

**The maze of laws and rules that are salami slicing Press Freedom**

1. Section 87 of the Information Technology Act, 2000 (IT Act, 2000) grants the power to the Government of India to make rules for the implementation of the Act. The IT Rules 2021,

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<sup>1</sup> Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Second Amendment Rules, 2026. <https://drive.google.com/file/d/1KvB6cebIjp74g1WpJ3tyy0djwkUVgcZF/view?usp=sharing>



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which are intended to be replaced by IT Rules 2026, have been framed under the said powers of Section 87 of the IT Act, 2000. The IT Rules, 2021, when read in conjunction with Section 79 of the IT Act, 2000, provides safe haven/harbour to intermediaries for distribution of content produced by **down the order parties** subjected to the conditions laid out under sub-sections 79 (3) (a) and 79 (3) (b).

2. The IT Rules, 2021 and Draft IT Rules, 2026, comprise three parts:

**Part I:** Provides definitions.

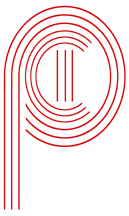
**Part II:** Defines conditions and obligations of digital intermediaries (social media platforms, streaming platforms, messaging platforms and other digital platforms that facilitate transmission of information/content in digital form) and is governed and monitored by MeitY.

**Part III:** Lays out the norms/regulations for publishers of journalistic content (news and opinions) on digital platforms, which is governed and monitored by the Ministry of Information and Broadcasting (MIB).

3. Legacy/traditional media platforms like Print and Television, who also reproduce physical content in digital format, are subjected to additional legislations like the Press and Registration of Periodicals Act, 2023, and Cable Television Networks (Regulations) Act, 1995, which are administered by MIB.
4. Over the past 5-6 years, various press bodies have drawn the attention of the government to the multiplicity of laws, and at times, overlapping laws containing open-ended provisions have been used to censor the news media, especially those operating purely in the digital domain. A few examples should suffice to illustrate the arbitrary use of content takedown powers vested in the Executive under Section 69A of IT Act, 2000:
  - a.) In February 2024, MeitY invoked Section 69A, ordering *The Caravan* to take down an article titled “Screams from the Army Post”. The takedown order is under legal challenge.<sup>2</sup>
  - b.) In February 2021, Digipub News India Foundation had submitted to the government the

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<sup>2</sup> [Screams from the Army Post](#). Accessed on April 7, 2026.



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restrictive provisions of the IT Rules 2021.<sup>3</sup>

c.) On March 22, 2021, the apex body for editors, the Editors Guild of India, had written to Prime Minister Narendra Modi, flagging the inherently restrictive nature of the IT Rules 2021, which give the Executive enormous discretionary powers to censor news content without sufficient checks and balances.<sup>4</sup>

d.) In March 2021, *The Quint* had filed a petition in the Delhi High Court challenging the IT Rules, 2021.<sup>5</sup>

e.) On March 10, 2021, the Kerala High Court had restrained the Central Government from taking any coercive action against legal news media portal *LiveLaw* for non-compliance with order issued under IT Rules, 2021.<sup>6</sup>

This list of examples is just illustrative in nature and not a comprehensive record of all the legal challenges to the IT Rules, 2021 that are pending in various courts and are in different stages of adjudication.

5. The Digital Personal Data Protection Act, 2023 (DPDP Act, 2023) and its subordinate regulation, Digital Personal Data Protection Rules, 2025 (DPDP Rules, 2025)—yet another piece of legislation enacted by MeitY—not only put onerous restrictions on the functioning of digital media platforms by putting disproportionate compliance burden on them, the open-ended definitions and provisions of the Act and the Rules vesting the Executive with enormous discretionary powers can be potentially misused for inducing a chilling effect on Freedom of Expression and Press Freedom. In June 2025, PCI submitted a detailed Joint Memorandum to MeitY that was endorsed by 22 press bodies, representing thousands of journalists across India, flagging the problematic provisions in the said Act and Draft Rules.<sup>7</sup> Subsequently, on August 22, 2025, PCI had submitted a detailed FAQs of 35 points to the

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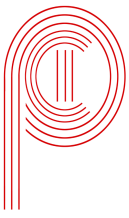
<sup>3</sup> [‘New IT Rules Against Fundamental Principle of News’: Digipub Writes to Prakash Javadekar](#) and [Digipub post on X.com](#). Accessed on April 7, 2026.

<sup>4</sup> [Editors Guild says new IT Rules 2021 undermine press freedom](#). Accessed on April 7, 2026.

<sup>5</sup> [Delhi HC notice to MEITY, I&B ministry on The Quint’s plea against new IT rules](#). Accessed on April 7, 2026.

<sup>6</sup> [Kerala HC protects Live Law from coercive action by Central Govt for non-compliance of new digital media rules; asks I&B ministry and MEITY to file replies to petition challenging rules](#). Accessed on April 7, 2026.

<sup>7</sup> [Joint Memorandum By 22 Press Bodies and 1000+ journalists](#). Accessed on April 7, 2026.



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Ministry, further elaborating the serious problems that the Act and Rules pose to Press Freedom.<sup>8</sup> However, MeitY did not respond to the questions raised by PCI in the Joint Memorandum and FAQs.

6. Against this backdrop, the PCI is placing on record its specific comments and suggestions on the Draft Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Second Amendment Rules, 2026.

## Comments and Suggestions

### 1. Violation of Pre-Legislative Consultation Policy (PLCP)

The Draft Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Second Amendment Rules, 2026 was released on March 30, 2026, and stakeholders have been directed to submit their comments/suggestions by April 14, 2026.

*a.)* The 15-day period for public consultation is in violation of Point No. 2 of the Pre-Legislative Consultation Policy (PCLP) released on January 10, 2014, at the meeting of the Committee of Secretaries under the Chairmanship of the Cabinet Secretary. Point No. 2 clearly states that drafts of proposed legislations should be placed in the public domain and “may be kept in the public domain for a minimum period of **thirty days** for being proactively shared with the public in such a manner as may be specified by the Department/Ministry concerned”<sup>9</sup> (*emphasis supplied*)

*b.)* Point 6 states that “the summary of feedback/comments received from the public/other stakeholders should be placed on the website of the Department/Ministry concerned.”<sup>10</sup>

### Suggestions

*i.)* Extend the time period for inviting comments and suggestions to at least April 30, 2026 in line with the time stipulated in the PLCP.

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<sup>8</sup> [List of Questions For Clarification from MeitY On The Digital Personal Data Protection Act, 2023](#). Accessed on April 7, 2026.

<sup>9</sup> [Decisions taken in the meeting of the Committee of Secretaries \(CoS\) held on 10th January, 2014 under the Chairmanship of Cabinet Secretary on the Pre-legislative Consultation Policy \(PLCP\) \(including principal and subordinate legislation\)](#).

Accessed on April 7, 2026.

<sup>10</sup> Ibid.



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*ii.)* Comments and suggestions received on the Draft IT Rules, 2026 should be put in the public domain as per Point No. 6 of the PLCP, though past experience shows that the Central Government/Ministry pulls down the veil of confidentiality for not releasing summary for comments and suggestions to the public.

## **2. Extraordinary expansion of discretionary Executive (MeitY in this case) powers to censor content under Rule 3(4) of the Draft IT Rules, 2026**

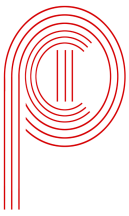
The proposed insertion of Rule 3(4) (a) and Rule 3(4)(c), which requires intermediaries to “*comply with and give effect to any clarification, advisory, order, direction, standard operating procedure, code of practice or guideline issued by the Ministry, by order in writing, in relation to the implementation, interpretation or operationalisation of the requirements prescribed under*” Part II of IT Rules, 2021 grants MeitY extraordinarily wide powers to take down/block any content which it might deem fit. This effectively renders safe harbour for intermediaries under Section 79 of the IT Act, 2000, null and void.

*i.)* This has a grave bearing on anyone who is carrying out journalistic activity, because the intermediary can be forced to pull down news articles, analysis, commentary, and opinion, etc, through ex parte executive orders. This is like preventing newspaper vendors from distributing newspapers or shutting off satellite transponders to prevent the broadcast of journalistic content. Prima facie, Rule 3(4)(a) and Rule 3(4)(c) are *ultra vires* in the Constitutional scheme of Article 19(1)(a).

*ii.)* Rule 3(4)(c), making compliance with orders issued under Rule 3(4)(a) a “part of due diligence obligations” of intermediaries for retaining safe harbour under Section 79 of the IT Act, 2000, will induce a permanent “chilling effect” against online distribution of any journalistic content, which might be deemed offensive/unsuitable/undesirable by any member of the Executive. In effect, this is the very definition of backdoor censorship.

*iii.)* Further, Rule 3(4) reintroduces instruments of Executive discretions, which were read down by the Supreme Court in the landmark *Shreya Singhal v. Union of India* in relation to Section 79(3)(b) of the IT Act, 2000.

*iv)* The increased cadence of takedown orders issued to intermediaries in the past few



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months with respect to journalistic content through confidential Executive orders that are directly issued to intermediaries without informing journalistic content creators along with compressed compliance timelines of 2-3 hours has already shrunk Press Freedom.<sup>11</sup> Many such orders are under legal challenge in courts across the country. On April 6, 2026, the Delhi High Court ordered “immediate restoration” of the X (formerly Twitter) handles which go by the identifier of ‘Dr. Nimo Yadav’ and ‘Nehr Who,’<sup>12</sup> pending the decision of the Review Committee. In the context of the above points, the proposed introduction of Rule 3(4) is akin to taking a sledgehammer to swat a fly. It creates deep suspicion about the real motive of the Executive, which is to introduce censorship through the back door.

### 3. Overreach of power to frame rules beyond the remit of parent statute

- i.)* The Supreme Court has held that subordinate legislations cannot be expanded beyond the perimeters of the parent statute, as ruled in *Indian Express Newspapers vs Union of India*.<sup>13</sup> The proposed Rule 3(4) clearly extends beyond the boundaries of Section 79(2) of the IT Act, 2000 by creating extra-judicial Executive tools such as ‘clarifications, advisories, directions, and standard operating procedures,’ to take down any journalistic content that might be deemed offensive/objectionable/undesirable to or by any member of the Executive.
- ii.)* Rule 3(4) envisages removal/blocking of content first by Executive action, even before establishing that the doctrine ‘reasonable restrictions’ with respect to Article 19(2) of the Constitution has been breached. Further, before any Section 79 safe harbour obligations kick in, it has to be established that a piece of content, including journalistic content, is illegal, which can only be done by the courts. The Executive cannot don the role of a judge. In the case of removing/blocking journalistic content, the threshold of illegality needs to be even higher.
- iii.)* In *Kunal Kamra v Union of India*, the Bombay High Court in its tiebreaker judgment clearly stated that the Executive action to set up a Fact Checking Unit by way of amending

<sup>11</sup> [Takedown orders surge on Meta amid crackdown on posts mocking Modi](#). Accessed on April 7, 2026.

<sup>12</sup> [Delhi High Court Orders Restoration of Blocked X Accounts 'Dr Nimo Yadav' and 'Nehr Who'](#). Accessed on April 7, 2026.

<sup>13</sup> [Indian Express Newspapers v. Union of India \(1984\)](#). Accessed on April 7, 2026.



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IT Rules, 2021, amended in 2023, could not be found in the provisions of the parent law.<sup>14</sup> Not only did the court say that the power to frame such legislations lies with the legislature (Parliament), the Executive action also failed to meet the conditions of Section 87(3) of the IT Act, 2000, which grants the government the power to frame subordinate legislations for the implementation of the law.

## Suggestion

*i.)* The proposed amendment for the introduction of Rule 3(4) must be withdrawn.

### 4. Extension of MIB's blocking powers to users posting journalistic content

*i.)* The amended insertion of new conditions in proviso of Rule 8(1), which have been proposed to be applicable to Rules 14,15, and 16 in Part III of the IT Rules, 2021, preventing users from sharing journalistic content solely based on Executive discretion and whims, are draconian in nature. The proposed proviso reads:

*“news and current affairs content hosted, displayed, uploaded, modified, published, transmitted, stored, updated or shared on the computer resources of the intermediaries by users who are not publishers”* (emphasis supplied). This proviso should be called what it is: **CENSORSHIP.**

*ii.)* If social media is considered the new town square of the information technology age, then this proviso is akin to preventing people from discussing the day's news in the town squares and *chai* shops in the analogous world of newspapers. The proposed amended proviso of Rule 8(1) serves as a **cleaver for mutilating the heart, soul, and the body of Article 19(1)(a) of the Constitution.**

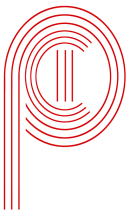
*iii.)* Keeping the Sword of Damocles hanging in perpetuity over the necks of the users of journalistic content is a direct violation of Press Freedom in the most grotesque manner.

*iv.)* Sharing journalistic content on social media by users is no different from 'circulation' of newspapers. In this respect, from the early days of India's independence, as in *Romesh Thappar v State of Madras*,<sup>15</sup> courts have held that the Executive cannot prevent the

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<sup>14</sup> [Kunal Kamra vs Union of India](#). Para 45, P84. Accessed on April 7, 2026.

<sup>15</sup> [Romesh Thappar v State of Madras \(1950\)](#).



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circulation of a publication no matter how unpalatable journalistic content might be as long as it remains within the four corners of 'reasonable restrictions' of Article 19(2).

v.) The amended proviso of Rule 8(1) intends to bring both intermediaries and users of journalistic content under the jurisdiction of the Inter-Departmental Committee (IDC) as opposed to only intermediaries in the original proviso. Bringing users of journalistic content under IDC creates an atmosphere of 'permanent deterrence' from consuming and propagating news, views, commentary, and opinion, etc. This runs contrary to the Right To Information Act, 2005, which has codified the people's right to know as a fundamental right, which, in turn, is derived from Freedom of Expression under Article 19(1) of the Constitution.

## **Suggestion**

Withdraw the amended proviso of Rule 8(1).

### **5. IDC appropriating the power of censorship instead of being just a redressal body**

i.) The amended Rule 14(2) grants the IDC extraordinary powers of censorship, transforming an internal oversight mechanism for redressal of grievances of the public into an extra-constitutional authority for executing Executive diktats.

ii.) The amended Rule 14(2)(a) and (b) states that the IDC will arbitrate in matters arising from "violations of the Code of Ethics by publishers in respect of the decisions taken at Level 1 or II, including the cases where no such decision is taken within the time specified in the grievance redressal mechanism" or "referred to it by the Ministry" (MIB in this case). The proposed amendment, besides sanctioning Executive overreach in the most dubious manner, is already under legal challenge in the Delhi High Court, arising from the Bombay High Court's stay on Rules 9(1) and 9(3) of the IT Rules, 2021 which require compliance with Code of Ethics and the grievance redressal mechanism.<sup>16</sup>

iii.) In September 2021, in *T.M Krishna v Union of India*, the Madras High Court not only reaffirmed the Bombay High Court's order for pan-India application, it went on to state that

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<sup>16</sup> [Agij Promotion of Nineteenonea Media Pvt. Ltd. & Ors. \(Writ Petition \(L.\) No.14172 of 2021\).](#)



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“an oversight mechanism to control the media by the government may rob the media of its independence and the fourth pillar, so to say, of democracy may not at all be there.”<sup>17</sup>

iv.) Therefore, when the entire scheme of things starting with Rules 9(1) and 9(3) of the IT Rules, 2021, leading to the proposed amendment under Rule 14 (2)(a) and (b), has been held legally suspect by two Constitutional courts and is under challenge in another Constitutional court, it smacks of desperation to silence the Press by way of censorship dressed as benign regulation. It further shows the utter disregard of the Executive for the rule of law as interpreted by the Constitutional courts of the country.

v.) The proposed insertion in Rule 14(2)(b) granting powers to the MID to refer matters to the IDC further expands the dragnet of censorship.

## Suggestion

Withdraw the proposed amendment to Rule 14(a) and (b).

Finally, the Press Club of India would urge that while framing legislations, the Government should remain within the narrow confines of ‘reasonable restrictions’ as defined under Article 19(2) without infringing upon Press Freedom as derived from Article 19(1)(a) of the Constitution. The yardstick for measuring ‘reasonable restrictions’ has been well-settled by various Constitutional courts over the past seven decades when it was first laid down by Justice Vivian Bose of the erstwhile Nagpur High Court in *Bhagwati Charan Shukla v Provincial Government* (1946):

“...the effect of the words must be judged from the standards of reasonable, strong-minded, firm and courageous men, and not those of weak and vacillating minds, nor of those who scent danger in every hostile point of view... It is the standard of an ordinary, reasonable man, or as they say in English law, ‘the man on the top of a Clapham omnibus’.”<sup>18</sup>

Thank you for giving us the opportunity to make this submission.

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<sup>17</sup> *T.M. Krishna v Union of India*.

<sup>18</sup> [Farooq Ahmad v State of Himachal Pradesh](#). Para 17.