

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2022

UNION OF INDIA

India

The Information Technology Act, 2000

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2022

Rule G-S-R-794-E- of 2022

- Published in Gazette of India on 28 October 2022
- Commenced on 28 October 2022
- [This is the version of this document from 28 October 2022.]
- [Note: The original publication document is not available and this content could not be verified.]

MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY NOTIFICATION New Delhi, the 28th October, 2022 G.S.R. 794(E).—In exercise of the powers conferred by sub-section (1) and clauses (z) and (zg) of sub-section (2) of section 87 of the Information Technology Act, 2000 (21 of 2000), the Central Government hereby makes the following rules to amend the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, namely:—

1. Short title and commencement.—

(1) These rules may be called the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2022. (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

(hereafter referred to as the said rules), in rule 2, in sub-rule (1), after clause (k), the following clause shall be inserted, namely:—“(ka) „Grievance Appellate Committee means a grievance appellate committee constituted under rule 3A;”.

3. In rule 3 of the said rules,—

(a) in sub-rule (1),—(i) for clauses (a) and (b), the following clauses shall be substituted, namely:—“(a) the intermediary shall prominently publish on its website, mobile based application or both, as the case may be, the rules and regulations, privacy policy and user agreement in English

or any language specified in the Eighth Schedule to the Constitution for access or usage of its computer resource by any person in the language of his choice and ensure compliance of the same;(b)the intermediary shall inform its rules and regulations, privacy policy and user agreement to the user in English or any language specified in the Eighth Schedule to the Constitution in the language of his choice and shall make reasonable efforts to cause the user of its computer resource not to host, display, upload, modify, publish, transmit, store, update or share any information that,—(i)belongs to another person and to which the user does not have any right;(ii)is obscene, pornographic, paedophilic, invasive of another's privacy including bodily privacy, insulting or harassing on the basis of gender, racially or ethnically objectionable, relating or encouraging money laundering or gambling, or promoting enmity between different groups on the grounds of religion or caste with the intent to incite violence;(iii)is harmful to child;(iv)infringes any patent, trademark, copyright or other proprietary rights;(v)deceives or misleads the addressee about the origin of the message or knowingly and intentionally communicates any misinformation or information which is patently false and untrue or misleading in nature;(vi)impersonates another person;(vii)threatens the unity, integrity, defence, security or sovereignty of India, friendly relations with foreign States, or public order, or causes incitement to the commission of any cognisable offence, or prevents investigation of any offence, or is insulting other nation;(viii)contains software virus or any other computer code, file or program designed to interrupt, destroy or limit the functionality of any computer resource;(ix)violates any law for the time being in force;”(ii)for clause (f), the following clause shall be substituted, namely:—“(f) the intermediary shall periodically, and at least once in a year, inform its users in English or any language specified in the Eighth Schedule to the Constitution in the language of his choice of its rules and regulations, privacy policy or user agreement or any change in the rules and regulations, privacy policy or user agreement, as the case may be;”(iii)after clause (l), the following clauses shall be inserted, namely,—“(m) the intermediary shall take all reasonable measures to ensure accessibility of its services to users along with reasonable expectation of due diligence, privacy and transparency;(n)the intermediary shall respect all the rights accorded to the citizens under the Constitution, including in the articles 14, 19 and 21.”;(b)in sub-rule (2), in clause (a), for sub-clause (i), the following sub-clause shall be substituted, namely:—“(i) acknowledge the complaint within twenty-four hours and resolve such complaint within a period of fifteen days from the date of its receipt:Provided that the complaint in the nature of request for removal of information or communication link relating to clause (b) of sub-rule (1) of rule 3, except sub-clauses (i), (iv) and (ix), shall be acted upon as expeditiously as possible and shall be resolved within seventy-two hours of such reporting;Provided further that appropriate safeguards may be developed by the intermediary to avoid any misuse by users;”.

4. After rule 3 of the said rules, the following rule shall be inserted, namely:—

“3A. Appeal to Grievance Appellate Committee(s).—(1) The Central Government shall, by notification, establish one or more Grievance Appellate Committees within three months from the date of commencement of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2022.(2)Each Grievance Appellate Committee shall consist of a chairperson and two whole time members appointed by the Central Government, of which one shall be a member ex-officio and two shall be independent members.(3)Any person aggrieved by a decision of the Grievance Officer may prefer an appeal to the Grievance Appellate Committee within

a period of thirty days from the date of receipt of communication from the Grievance Officer.(4)The Grievance Appellate Committee shall deal with such appeal expeditiously and shall make an endeavour to resolve the appeal finally within thirty calendar days from the date of receipt of the appeal.(5)While dealing with the appeal if the Grievance Appellate Committee feels necessary, it may seek assistance from any person having requisite qualification, experience and expertise in the subject matter.(6)The Grievance Appellate Committee shall adopt an online dispute resolution mechanism wherein the entire appeal process, from filing of appeal to the decision thereof, shall be conducted through digital mode.(7)Every order passed by the Grievance Appellate Committee shall be complied with by the intermediary concerned and a report to that effect shall be uploaded on its website.”.