

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
STARRED QUESTION NO.*40
TO BE ANSWERED ON: 04.02.2022

SAFE HARBOUR PROTECTION PRINCIPLE

***40. SMT. PRIYANKA CHATURVEDI:**

Will the Minister of Electronics & Information Technology be pleased to state:-

- (a) whether Government is aware of the rising cases of commodification and harassment of women on social media platforms;
- (b) whether Government is aware that the social media platforms enjoy blanket exemption under safe harbour protection which often obstructs the course of investigation in aforementioned cases;
- (c) whether Government plans to revise the blanket exemption enjoyed by social media platforms under safe harbour principle; and
- (d) if so, the details thereof?

ANSWER

MINISTER FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRIASHWINI VAISHNAW)

- (a) to (d): A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO RAJYA SABHA STARRED QUESTION
NO. *40 FOR 04-02-2022 REGARDING SAFE HARBOUR PROTECTION PRINCIPLE**

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(a): The Government is committed to ensure that the Internet in India is Open, Safe & Trusted and Accountable for all users. As the internet expands and delivers many benefits for citizens, the Government is also aware of growing user harms caused by misuse of some social media platforms/intermediaries by some users which also includes crimes against women and children caused as a consequence.

(b) to (d): The Intermediaries including the social media intermediaries have obligations to follow due diligence as prescribed in Information Technology Act, 2000 and the Rules thereunder. They enjoy exemption from liability only if they follow the due diligence.

Government has recently published, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 under the IT Act, 2000 that serves to increase accountability of the online intermediaries to the users. These Rules have appropriate provisions to deal with unlawful content appearing on Intermediary platform. As per the said Rules, the intermediaries are required to inform their users not to host, display, upload, modify, publish, transmit, update or share any information that is, *inter alia*, harmful, objectionable, and unlawful in any way. The Intermediaries are mandated to provide registration information and other details available with them within a stipulated time to the law Enforcement Agencies.

Intermediaries are also required to remove any unlawful content relatable to Article 19(2) of the Constitution of India or violative of any law for the time being in force as and when brought to their knowledge either through a court order or through a notice by appropriate government or its agency.

In case of non-compliance, rule 7 of these Rules becomes applicable and the intermediaries are liable to lose their exemption from liability under section 79 of the IT Act, 2000.
