

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 1528
TO BE ANSWERED ON 28.07.2021

ENFORCEMENT OF IT INTERMEDIARY GUIDELINES

**1528 SHRI RAJA AMARESHWARA NAIK: DR. SUKANTA MAJUMDAR:
SHRIMATI SANGEETA KUMARI SINGH DEO: SHRI VINOD KUMAR SONKAR:
SHRI RAJVEER SINGH (RAJU BHAIYA): SHRI BHOLA SINGH:
DR. JAYANTA KUMAR ROY:**

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

- (a) whether the Government has enforced the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 in the country if so, the details thereof;
- (b) whether the said new IT rules make digital companies more accountable for the online content posted on their platforms websites and protects users from abuse and if so, the details thereof;
- (c) whether these guidelines require digital companies including Twitter and WhatsApp to regulate content, appoint nodal officers for compliance and grievance redressal and adopt features such as traceability of messages and voluntary user verification if so, the details thereof; and
- (d) the other steps being taken by the Government in this regard

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAJEEV CHANDRASEKHAR)

(a) and (b): The Government has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 on 25th February, 2021 superseding the erstwhile Information Technology (Intermediaries Guidelines) Rules, 2011. The Rules prescribe the due diligence to be followed by the intermediaries as well as additional due diligence to be followed by the Significant Social Media Intermediaries (SSMI). The Rules requiring due diligence to be followed by all intermediaries have become effective with its notification and the additional due diligence to be followed by the significant social media intermediaries (SSMI) have become effective from 26th May, 2021. These Rules are available on the Ministry of Electronics & Information Technology (MeitY) website .

https://www.meity.gov.in/writereaddata/files/Intermediary_Guidelines_and_Digital_Media_Ethics_Code_Rules-2021.pdf

The rules aim to protect the rights of users and make the intermediaries more responsive and accountable. The intermediaries are required to publish privacy policy, rules and regulations and terms and conditions. Intermediaries are required to inform their users not to publish/share/host any unlawful content. The intermediaries are also expected to remove any unlawful content as and when brought to their knowledge either through a court order or through a notice by appropriate government or its authorized agency.

(c) and (d): The Rules require significant social media intermediaries like Twitter, WhatsApp etc. to appoint Chief Compliance Officer, Nodal Person of Contact and a Resident Grievance Officer and have physical contact address in India. They are also required to publish a monthly compliance report. SSMI providing

services primarily in the nature of messaging are required to enable the identification of the first originator of the information for the purposes of prevention, detection, investigation, prosecution or punishment of an offence related to the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, or public order, or of incitement to an offence relating to the above or in relation with rape, sexually explicit material or child sexual abuse material, punishable with imprisonment for a term of not less than five years. They are also required to enable users to voluntarily verify their accounts.
