

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 555**  
TO BE ANSWERED ON 17.09.2020

**LAWS REGULATING SHARING OF MESSAGES OVER WHATSAPP**

**555 SHRI NARAIN DASS GUPTA:**

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

- (a) whether the Ministry is aware that WhatsApp has upwards of 400 million users in India by its own admission;
- (b) whether there are laws regulating sharing/leaking of private messages/photographs/screenshots shared over WhatsApp;
- (c) if so, the details thereof; and
- (d) if not, the reasons therefor?

**ANSWER**

MINISTER OF STATES FOR ELECTRONICS AND INFORMATION  
TECHNOLOGY (SHRI SANJAY DHOTRE)

- (a): There are media reports that WhatsApp has more than 400 million users in India by its own admission.
- (b) and (c): WhatsApp is an intermediary in the context of the Information Technology (IT) Act, 2000. They are expected to follow the due diligence as specified in the Information Technology (Intermediaries Guidelines) Rules, 2011 notified under section 79 of the IT Act. The said Rules *inter alia*, specify that the intermediaries shall inform the users of their computer resource not to host, display, upload, modify, publish, transmit, update or share any information that is grossly harmful, defamatory, obscene, pornographic, paedophilic, harms minor in any way; violates any law for the time being in force; etc. Intermediaries are also required to publish their terms and conditions of usage of their platform and privacy policy.
- (d): Does not arise.

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