

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
STARRED QUESTION NO.*105
TO BE ANSWERED ON: 09.02.2022

IT RULES, 2021

***105. MS. DIYA KUMARI:**

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

- (a) the details of the aims and objectives of the new Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021;
- (b) whether the identification of first originator impacts freedom of speech and if so, the details of the safeguards employed to counter the same; and
- (c) whether the Information Technology Rules, 2021 has increased accountability of digital media platforms and if so, the details thereof?

ANSWER

MINISTER FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI ASHWINI VAISHNAW)

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

**STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED
QUESTION NO. *105 FOR 09-02-2022 REGARDING IT RULES 2021**

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(a): Government's Digital India program, Technology and Internet have delivered benefits to many crores of Indian citizens. As the internet expands and delivers many benefits for citizens, the Government is also aware of growing user harms, criminality and cyber threat caused by misuse of some social media platforms/ intermediaries by some users.

The Government is committed to ensure that the Internet in India is Safe & Trusted for all users online. In order to ensure this and to ensure that Internet is always open and Intermediaries always accountable to their users, Ministry of Electronics and Information Technology (MeitY) has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules, 2021") on 25th February, 2021.

These Rules prescribe the due diligence to be followed by all intermediaries as well as the additional due diligence to be followed by significant social media intermediaries. The Rules also prescribe guidelines to be followed by publishers of news & current affairs and online curated content providers.

(b): Freedom of speech and expression is the constitutionally guaranteed right under Article 19(1). Neither the Information Technology (IT) Act nor the above said Rules contravene any of these rights. Rule 4(2) of these Rules, dealing with identification of the first originator of messages has been defined with adequate safeguards and within the above constitutional rights including Article 19 and 21.

(c): All online intermediaries and publishers, rendering services in India have to abide by the provisions of the IT Act, 2000 and the Rules notified thereunder including the IT Rules 2021. The key features of the IT Rules, 2021 are as follows:

- (i) Digital media platforms, including intermediaries and publishers, are required to provide a robust grievance redressal mechanism.
- (ii) As per provisions of rule 3(2)(b) of these Rules, the intermediary shall remove any such objectionable content against women within twenty-four hours from the receipt of complaint made by the individual impacted person or any person on his behalf.
- (iii) 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 authorised agency.
- (iv) The significant social media intermediaries shall follow additional due diligence as defined in rule 4 of the said Rules.
- (v) All publishers are required to follow Code of Ethics as prescribed in the Rules.

- (vi) The significant social media intermediary as well as publishers need to publish monthly compliance reports on their platforms mentioning the details of complaints received and action taken thereon.
- (vii) In case of non-compliance by intermediaries, rule 7 of these Rules becomes applicable and they are liable to lose their exemption from liability under section 79 of the IT Act, 2000. A publisher who contravenes any law for the time in force, shall be liable for consequential action as provided in such law.
