

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 1192**  
TO BE ANSWERED ON 29.07.2021

**REMOVAL OF SAFE HARBOUR IMMUNITY TO TWITTER**

**1192 SMT. PHULO DEVI NETAM:**  
**SHRI RAJMANI PATEL:**

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

- (a) whether the Ministry undertook the decision of the removal of safe harbour immunity for Twitter according to a defined criteria under the safe harbour rules;
- (b) if so, the details of the criteria and the evaluation that was undertaken for the decision to rescind safe harbour immunity for Twitter;
- (c) if not, reasons therefor;
- (d) whether the Ministry has defined a procedure or mechanism through which it will determine how Twitter and its users are liable for legal action;
- (e) if so, the details thereof; and
- (f) whether the Ministry has identified other social media sites as possibly compromising safe harbour rules according to criteria?

**ANSWER**

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

(a) to (c): Twitter is a Significant Social Media Intermediary (SSMI) as per the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 notified on 25<sup>th</sup> February 2021. The additional due diligence mandated for SSIMs have also become effective from 26<sup>th</sup> May, 2021.

On 26<sup>th</sup> May 2021, Twitter was non-compliant as it failed to appoint Chief Compliance Officer, Nodal Contact Person and a Resident Grievance Office as mandated in the Rules.

(d) and (e): All intermediaries including SSIMs are required to comply with these Rules. In case of non-compliance, rule 7 of the above said Rules becomes applicable and the intermediary shall lose exemption from liability under section 79 of IT Act.

(f): Major Significant Social Media Intermediaries including Facebook, Google (Youtube), Twitter, LinkedIn, WhatsApp, Sharechat, Telegram, Koo, MyGov etc., have informed this Ministry about their commitment to comply and/or compliance with the above said Rules. MeitY does not keep a register of intermediaries including social media platforms as the same

is not mandated in the IT Act or the Rules therein. MeitY will become aware of any non-compliance as and when it is reported by a user.

\*\*\*\*\*