

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 386
TO BE ANSWERED ON 22.07.2021

GUIDELINE FOR SOCIAL MEDIA INTERMEDIARIES

386. SHRI M.V. SHREYAMS KUMAR:

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

- (a) the details of the new guidelines prescribed by Government for social media intermediaries to make it mandatory for platforms such as WhatsApp, Twitter and Facebook;
- (b) the response of Government to the criticism that the new guidelines for social media will undermine the principles of open and accessible internet and violate the right to privacy and free speech enshrined in the constitution; and
- (c) whether Government would reconsider the guidelines that suggest indirectly the breaking of end to end encryption of messages?

ANSWER

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

(a): 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 and the same has come into effect w.e.f 26th May, 2021.. The guidelines define the due diligence to be followed by the intermediaries. The Rules also prescribe additional due diligence to be followed by Significant Social Media Intermediaries (SSMI). These Rules are available on Ministry of Electronics & Information Technology (MeitY) website https://www.meity.gov.in/writereaddata/files/Intermediary_Guidelines_and_Digital_Media_Ethics_Code_Rules-2021.pdf

(b): Freedom of speech and expression is the constitutionally guaranteed Fundamental Right under Article 19(1). Right to privacy is also the Fundamental Right under Article 21. Neither the IT Act nor the above said Rules contravene any of these Fundamental Rights.

(c): The Information Technology (Intermediary Guidelines and Digital Media Ethics Code Rules), 2021 do not seek breaking the end-to-end encryption.
