



# New IT laws 2021



Intermediary Guidelines And Digital Media Ethics  
Code



- These new rules broadly deal with **social media** and **over-the-top (OTT) platforms**.
- These rules have been framed in exercise of powers under section 87 (2) of the **Information Technology (IT) Act, 2000** and in supersession of the earlier **Information Technology (Intermediary Guidelines) Rules 2011**.



**EXPLAINED**



# **New rules for social media OTT & digital media**

## **SOCIAL MEDIA**

- Identify 'first originator' of content that authorities consider anti-national
- Appoint grievance officer, resolve complaints in 15 days
- File monthly compliance report on complaints received, action taken

## **DIGITAL NEWS**

- Follow Press Council of India, Cable TV Networks (Regulation) Act norms.
- Self-regulatory bodies to oversee adherence to Code of Ethics
- I&B Ministry to form panel, oversight mechanism

## **OTT PLATFORMS**

- Self-classify content into five age-based categories: U (universal), U/A 7+ (years), U/A 13+, U/A 16+, and A.
- Parental locks for any content classified as U/A 13+ or above.
- Age verification mechanism for content classified as 'A' (adult)

- The intermediaries have to observe due diligence, such as prominently publishing on its website or application or both, the rules and regulations, privacy policy and user agreement for access or usage of its computer resource by any person.
- They have to inform the users about the prohibited content.
- Also, upon receiving actual knowledge in the form of an order by a court of competent jurisdiction or on being notified by the appropriate Government or its agency, the intermediary shall not host, store or publish any prohibited information. If any such information is hosted, stored or published, the intermediary shall remove or disable access to that information within thirty-six hours from being notified. Intermediary shall also preserve such information and associated records for one hundred and eighty days for investigation purposes, or for longer period as may be required by the court or by Government agencies.



- Intermediaries are also required to expeditiously furnish information concerning verification of identity, or prevention, detection, investigation, or prosecution, of offences under any law or for cyber security incidents within seventy two hours of the receipt of a lawful order.
- The intermediary shall also publish the name of the Grievance Officer and his/her contact details as well as mechanism for complaint. Grievance Officer shall acknowledge the complaint within twenty four hours and resolve it within 15 days from the date of its receipt.
- Intermediaries are also required to remove or disable access to any content which exposes the private area of any person, or shows full or partial nudity or sexual act or conduct including artificially morphed images within twenty four hours from the receipt of a complaint.

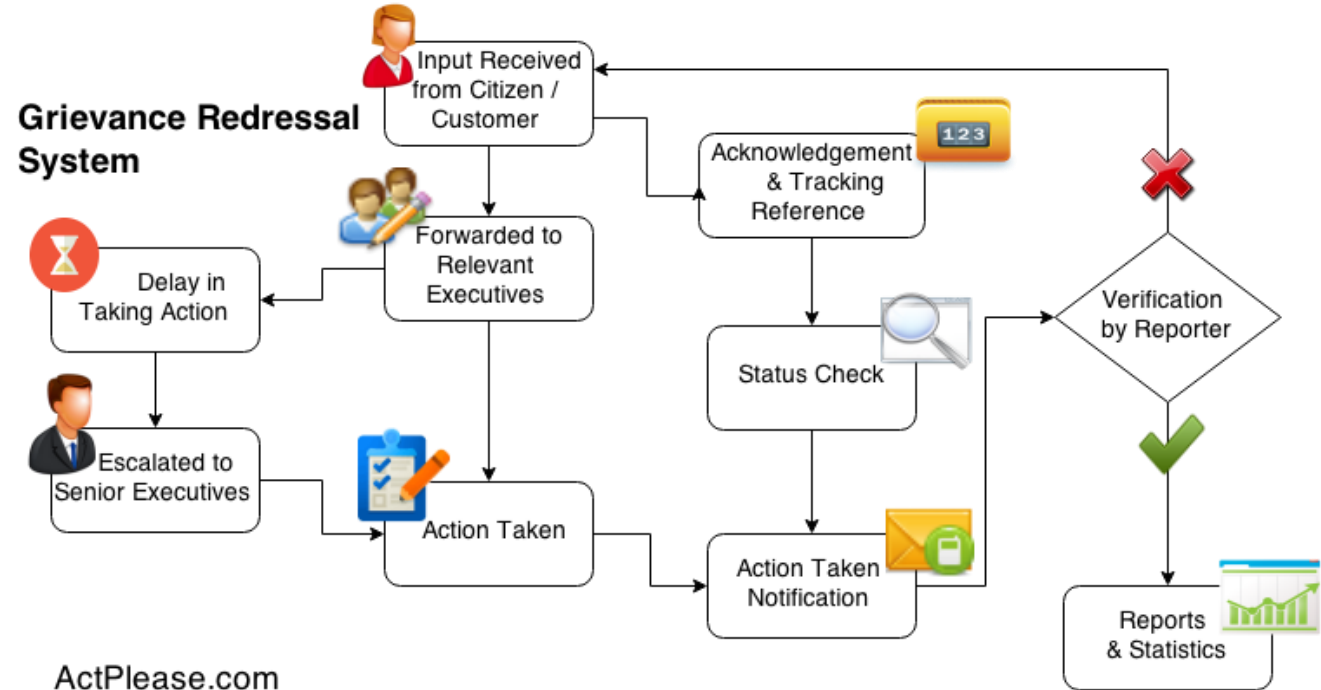
- Due diligence have to be observed by a significant social media intermediary such as appointing an Indian resident as Chief Compliance Officer, a nodal contact person for 24x7 coordination with law enforcement agencies and officers, and a Resident Grievance Officer; and publishing a monthly compliance report.

## GRIEVANCE OFFICERS OF LARGE INTERMEDIARIES IN INDIA

Social Media	Grievance Officer
Facebook	Spoorthi Priya
WhatsApp	Paresh B Lal
LinkedIn	Tanya Mampilly
Google	Joe Griar (US-based)
Twitter	Dharmendra Chatur (Interim)
Koo	Rahul Satyakam
Chingari	Deepak Salvi
ShareChat	Harleen Sethi



moneycontrol





- One of the most contentious Rules to be followed by a significant social media intermediary providing messaging services, is enabling the identification of the first originator of the information. If the first originator is located outside India, the first originator of that information within India shall be considered as the first originator of the information.



### NEW IT RULES COULD COMPROMISE END TO END ENCRYPTION IN INDIA

An illustration of an orange padlock with a blue eye-like shape in the center, set against a background of light blue horizontal bars and dots.

- 1** As per the new IT rules 2021, Messaging apps Like WhatsApp, Telegram needs to provide the originator of the content when asked by the government.
- 2** Now since messaging apps are end-to-end encrypted they can't find out the originator of the content. Unless they remove this process from their app.
- 3** To find the originator messaging apps could end encryption & once encryption is removed by the messaging apps its user messages and private data will no longer be secure.

A logo for "FIRST-LIGHT BULLETIN" featuring a yellow sun rising over a blue city skyline.

# What if social media companies don't comply with the IT Rules 2021?

➤ This is where the subsection 1 of the section 79 of the IT Rules 2021 comes into play. This has been clearly mentioned in the new IT Rules 2021.

“When an intermediary fails to observe these rules, the provisions of sub-section (1) of section 79 of the Act shall not be applicable for such intermediary and the intermediary shall be liable for punishment under any law for the time being in force including the provisions of the Act and the Indian Penal Code”.

# References

- ♦ [www.google.co.in](http://www.google.co.in)
- ♦ <http://blog.galalaw.com/post/102gwsu/due-diligence-to-be-observed-by-social-media-intermediaries-and-significant-socia>
- ♦ <https://www.news18.com/news/tech/it-rules-2021-explained-rules-facebook-twitter-koo-whatsapp-and-social-media-apps-must-follow-3777329.html>



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