

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO.886**  
TO BE ANSWERED ON: 09.02.2024

**COMPLIANCE OF LATEST ADVISORY BY INTERMEDIARIES**

**886. MS. DOLA SEN:**

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

- (a) whether Government has formulated any plan of action to monitor whether all Intermediaries are abiding by its latest advisory regarding IT Rule 3(1)(b);
- (b) if so, the details thereof, if not, reasons therefor;
- (c) whether Government has indicated for all the intermediaries to notify users about prohibited content at all stages including login, sharing, uploading, etc.; and
- (d) if so, the details thereof, if not, reasons therefor?

**ANSWER**

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

(a) to (b): Yes, Sir. The policies of the Government are aimed at ensuring that the Internet in India is Open, Safe & Trusted and Accountable to all our Digital Nagriks. To help achieve this aim multiple industry stakeholder consultations through the Digital India Dialogues (“DID”) are conducted, particularly on the emerging issues of misinformation including deepfakes which are nothing but misinformation powered by AI.

The Ministry of Electronics and Information Technology (“MeitY”) as part of its zero tolerance policy towards unlawful content including misinformation / AI powered misinformation i.e deepfakes and to enforce for 100% compliance of the same has issued an advisory for all intermediaries on 26.12.2023 directing them that the terms of use should be completely aligned to Rule 3(1)(b) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Rules, 2021”). This advisory includes *inter-alia* the following directions that—

- i. Ensure that users on social media platforms do not violate prohibited content in Rule 3(1)(b) of IT Rules 2021.
- ii. Prohibited content to be clearly communicated to the user at the time of first-registration and also as regular reminders, in particular, at every instance of login.
- iii. Users to be made aware of penal provisions under IPC, IT Act and other laws that may be attracted in case of violation of Rule 3(1)(b).
- iv. Terms of service and user agreements must clearly highlight obligation of intermediaries to report legal violations to the law enforcement agencies under the applicable laws;
- v. Intermediaries should identify and remove misinformation or information that impersonates another person, including those created using deepfakes.
- vi. Intermediaries must enable users, victims or any person on their behalf, to also report violations relating to Rule 3(1)(b) or Rule 3(2)(b) in a simple and easily accessible manner, including through in-app user reporting.

- vii. Intermediaries must comply with the orders of the Grievance Appellate Committee within the timeline mentioned in the order and publish a report.
- viii. Intermediaries should take additional measures to not permit any advertisements of illegal loan and betting apps.
- ix. Intermediaries have been warned that non-compliance will lead to losing exemption from liability provided under section 79(1) of IT Act.

MeitY is regularly monitoring the compliances of the intermediaries with the IT Rules, 2021 and the direction given in the advisory dated 26.12.2023.

(c) to (d): Yes Sir. MeitY has directed intermediary platforms through its latest advisory dated 26.12.2023 that their users should be clearly communicated in clear and precise language including through its terms of service and user agreements about not permitted list of contents under Rule 3(1)(b) of the IT Rules, 2021. It is also advised that the same must be expressly informed to the users at the time of first-registration and also as regular reminders, in particular, at every instance of login and while uploading/sharing information onto the platform. Intermediaries were directed to ensure compliance to the various mandates of this advisory.

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