

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 1667
TO BE ANSWERED ON 21.09.2020

**REVIEW OF INTERMEDIARY GUIDELINES OF
INFORMATION TECHNOLOGY**

1667. SHRI FEROZE VARUN GANDHI:

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

- (a) whether the Government is planning to review the intermediary guidelines of Information Technology (IT) to align with judicial precedents and global practices and if so, the details thereof;
- (b) whether intermediaries are shielded from the liability for third party content uploaded on their platform and if so, the details thereof; and
- (c) whether the Government is planning to address issues related to safe harbor protection to intermediaries and right to free speech of users and if so, the details thereof?

ANSWER

MINISTER OF STATES FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI SANJAY DHOTRE)

(a): Ministry of Electronics and Information Technology is in the process of amending the Information Technology (Intermediaries Guidelines) Rules, 2011 to make the intermediaries more responsive and accountable. The rules are presently being finalized.

(b): Section 79(1) of the Information Technology (IT) Act, 2000 grants intermediaries a conditional immunity with regard to any third party content uploaded on their platforms. This immunity is subject to provisions of section 79(2) and 79(3) of the Act.

(c): Section 79 of the IT Act already provides safe harbor protection to intermediaries subject to their following due diligence as prescribed in Information Technology (Intermediary Guidelines) Rules 2011 notified under this section. Government respects right of freedom of speech and expression as enshrined in the constitution of India. The intermediaries are expected to disable any unlawful content relatable to Article 19(2) of the Constitution of India as and when brought to their knowledge either through a court order or through a notice by appropriate government or its agency.
