

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 1567
TO BE ANSWERED ON 28.07.2021

IT INTERMEDIARY RULES

1567 SHRI FEROZE VARUN GANDHI:

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

- (a) whether the Government proposes to review the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rule, 2021 to align it with judicial precedents and global practices and if so, the details thereof;
- (b) whether intermediaries are shielded from any liability for the content uploaded on their platform by third party;
- (c) if so, the details thereof; and
- (d) whether the Government is planning to address the issues related to safe harbor protection to intermediaries and the right to free speech of users and if so, the details thereof?

ANSWER

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

(a): The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 notified on 25th February 2021, have been formulated to ensure accountability to users and their safety. The Rules also prescribe the additional due diligence to be followed by significant social media intermediaries. These Rules are as a result of public consultation, comments and suggestions received during stakeholders' meetings and supercede the erstwhile Information Technology (Intermediaries Guidelines) Rules, 2011. There is no proposal with Ministry to review the Rules.

(b) and (c): Section 79(1) of the Information Technology (IT) Act, 2000 grants intermediaries exemption from liability with regard to any third party content uploaded on their platforms. This exemption is subject to the provisions of sections 79(2) and 79(3) of the Act and compliance with the Rules.

(d): Section 79 of the IT Act already provides safe harbor protection to intermediaries. Freedom of speech and expression is a constitutionally guaranteed right to citizens under Article 19(1) with restraints as stated in Article 19(2). These fundamental rights cannot be infringed by anybody.
