



New IT Rules 2021

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Why in News

Recently, the government has notified **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021**.

- 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**.

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)

Key Points

- **Background:**

- **2018:**

- The **Supreme Court (SC)** had observed that the Government of India may **frame necessary guidelines** to eliminate child pornography, rape and gangrape imageries, videos and sites in content hosting platforms and other applications.

- **2020:**

- An Ad-hoc committee of the Rajya Sabha laid its report after studying **the alarming issue of pornography on social media** and its effect on children and society as a whole and recommended for enabling identification of the first originator of such contents.
 - The government brought **video streaming over-the-top (OTT) platforms** under the ambit of the Ministry of Information and Broadcasting.

- **New Guidelines for Social Media/Intermediaries:**
 - **Categories of Social Media Intermediaries:**

Based on the number of users, on the social media platform intermediaries have been divided in two groups:

 - **Social media intermediaries.**
 - **Significant social media intermediaries.**
 - **Due Diligence to be Followed by Intermediaries:**
 - In case, due diligence is not followed by the intermediary, **safe harbour provisions** will not apply to them.
 - The safe harbour provisions have been defined under **Section 79 of the IT Act**, and protect social media intermediaries by giving them immunity from legal prosecution for any content posted on their platforms.
 - **Grievance Redressal Mechanism is Mandatory:**
 - Intermediaries shall **appoint a Grievance Officer** to deal with complaints and share the name and contact details of such officers.
 - Grievance Officer shall acknowledge the complaint within **twenty four hours and resolve it within fifteen days from its receipt.**
 - **Ensuring Online Safety and Dignity of Users:**
 - Intermediaries shall **remove or disable access within 24 hours of receipt of complaints** of contents that exposes the private areas of individuals, show such individuals in full or partial nudity or in sexual act or is in the nature of impersonation including morphed images etc.
 - Such a complaint can be **filed** either **by the individual** or by **any other person on his/her behalf.**

o **Additional Due Diligence for the Significant Social Media**

Intermediaries:

- **Appointments:** Need to appoint **Chief Compliance Officer**, a **Nodal Contact Person** and a **Resident Grievance Officer**, all of whom should be **resident in India**.
- **Compliance Report:** Need to publish a **monthly compliance report mentioning the details of complaints received and action taken** on the complaints as well as details of contents removed proactively.
- **Enabling Identity of the Originator:**
 - Significant social media intermediaries providing services primarily in the nature of messaging shall **enable identification of the first originator of the information**.
 - Required only for the purposes of prevention, detection, investigation, prosecution or punishment of an offence related to **sovereignty and integrity of India, the security of the State, friendly relations with foreign States, or public order,**
Or of incitement to an offence relating to the above or in relation with rape, sexually explicit material or child sexual abuse material punishable with **imprisonment for a term of not less than five years**.

o **Removal of Unlawful Information:**

An intermediary upon receiving actual knowledge in the form of an **order by a court or being notified by the Appropriate Govt. or its agencies** through authorized officer **should not host or publish any information which is prohibited under any law** in relation to the interest of the sovereignty and integrity of India, public order, friendly relations with foreign countries etc.

- **Rules for News Publishers and OTT Platforms and Digital Media:**
 - **For OTT:**
 - **Self-Classification of Content:**

The OTT platforms, called as the publishers of online curated content in the rules, would self-classify the content into five age based **categories- U (Universal), U/A 7+, U/A 13+, U/A 16+, and A (Adult).**
 - **Parental Lock:**

Platforms would be required to implement parental locks for content classified as U/A 13+ or higher, and reliable age verification mechanisms for content classified as “A”.
 - **Display Rating:**

Shall prominently display the classification rating specific to each content or programme together with a content descriptor informing the user about the nature of the content, and advising on viewer description (if applicable) at the beginning of every programme enabling the user to make an informed decision, prior to watching the programme.
 - **For Publishers of News on Digital Media :**

They would be required to observe Norms of **Journalistic Conduct of the Press Council of India** and the Programme Code under the **Cable Television Networks Regulation Act 1995** thereby providing a level playing field between the offline (Print, TV) and digital media.
 - **Grievance Redressal Mechanism:**

A three-level grievance redressal mechanism has been established under the rules with different levels of self-regulation.

 - **Level-I:** Self-regulation by the publishers;
 - **Level-II:** Self-regulation by the self-regulating bodies of the publishers;
 - **Level-III:** Oversight mechanism.
 - **Self-regulation by the Publisher:**
 - Publisher shall appoint a Grievance Redressal Officer based in India who shall be responsible for the redressal of grievances received by it.
 - The officer shall take decision on every grievance received by **it within 15 days.**

- **Self-Regulatory Body:**
 - There may be one or more self-regulatory bodies of publishers.
 - Such a body shall be headed by a retired judge of the SC, a High Court or independent eminent person and have not more than six members.
 - Such a body will have to register with the Ministry of Information and Broadcasting.
 - This body will **oversee the adherence by the publisher to the Code of Ethics and address grievances** that have not been resolved by the publisher within 15 days.
- **Oversight Mechanism:**
 - **Ministry of Information and Broadcasting** shall formulate an oversight mechanism.
 - It shall publish a charter for self-regulating bodies, including Codes of Practices. It shall establish an Inter-Departmental Committee for hearing grievances.

Source: PIB