

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 1192
TO BE ANSWERED ON 29.07.2021

REMOVAL OF SAFE HARBOUR IMMUNITY TO TWITTER

1192 SMT. PHULO DEVI NETAM:
SHRI RAJMANI PATEL:

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

- (a) whether the Ministry undertook the decision of the removal of safe harbour immunity for Twitter according to a defined criteria under the safe harbour rules;
- (b) if so, the details of the criteria and the evaluation that was undertaken for the decision to rescind safe harbour immunity for Twitter;
- (c) if not, reasons therefor;
- (d) whether the Ministry has defined a procedure or mechanism through which it will determine how Twitter and its users are liable for legal action;
- (e) if so, the details thereof; and
- (f) whether the Ministry has identified other social media sites as possibly compromising safe harbour rules according to criteria?

ANSWER

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

(a) to (c): Twitter is a Significant Social Media Intermediary (SSMI) as per the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 notified on 25th February 2021. The additional due diligence mandated for SSIMs have also become effective from 26th May, 2021.

On 26th May 2021, Twitter was non-compliant as it failed to appoint Chief Compliance Officer, Nodal Contact Person and a Resident Grievance Office as mandated in the Rules.

(d) and (e): All intermediaries including SSIMs are required to comply with these Rules. In case of non-compliance, rule 7 of the above said Rules becomes applicable and the intermediary shall lose exemption from liability under section 79 of IT Act.

(f): Major Significant Social Media Intermediaries including Facebook, Google (Youtube), Twitter, LinkedIn, WhatsApp, Sharechat, Telegram, Koo, MyGov etc., have informed this Ministry about their commitment to comply and/or compliance with the above said Rules. MeitY does not keep a register of intermediaries including social media platforms as the same

is not mandated in the IT Act or the Rules therein. MeitY will become aware of any non-compliance as and when it is reported by a user.
