

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
STARRED QUESTION NO.*41
TO BE ANSWERED ON: 04.02.2022

COMPLIANCE WITH IT RULES 2021

***41. SHRI BINOY VISWAM:**

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

- (a) the total number of intermediaries and/or publishers currently under the ambit of the IT Rules 2021;
- (b) the total number of intermediaries and/or publishers that have not yet complied with the requirements under the IT Rules 2021, the details of non-compliance and action taken thereof;
- (c) whether Ministry is tracking the number of complaints received and action taken by intermediaries and/or publishers, if so, the details thereof; and
- (d) the current composition of the Inter-departmental committee established under Rule 14 of the Act, details of the number of meetings conducted by the committee and complaints examined by it?

ANSWER

MINISTER FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRIASHWINI VAISHNAW)

- (a) to (d): A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO RAJYA SABHASTARRED QUESTION
NO. *41 FOR 04-02-2022REGARDING COMPLIANCE WITH IT RULES 2021**

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(a): All online intermediaries, rendering services in India come under the purview of Information Technology (IT) Act, 2000 and the Rules notified thereunder including the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules 2021). Ministry of Electronics and information Technology (MeitY) is not mandated to maintain list of intermediaries.

The IT Rules, 2021 also provide for a Code of Ethics to be followed by all publishers of news & current affairs on digital media. The Rules require digital publishers to furnish certain information to the Government. Over 2100 digital publishers have furnished the requisite information so far.

(b): The Cyber Space is virtual and borderless where any intermediary can operate from anywhere in the world. There are several hundreds of thousands of intermediaries on internet. MeitY, *suo moto*, does not track compliance by intermediaries, but relies on the reporting by the users of non-compliance if any.

In case of non-compliance by intermediaries, rule 7 of these Rules becomes applicable and they are liable to lose their exemption from liability under section 79 of the IT Act, 2000. In addition, a publisher who contravenes any law for the time in force, shall be liable for consequential action as provided in such law which has so been contravened.

Further, 'Police' and 'Public Order' are State subjects as per the Seventh Schedule of the Constitution of India. The Law Enforcement Agencies at Centre and States, as appropriate, take legal action as per provisions of law against the violation of the Act.

(c): As per the IT Rules, 2021, the intermediaries and/or publishers are required to provide robust grievance redressal mechanism. The significant social media intermediary and/or any publisher also need to publish monthly compliance reports on their platforms mentioning the details of complaints received and action taken thereon.

(d): The composition of the Inter-Departmental Committee, as mandated by rule 14 of the IT Rules, is as under:

- i. Authorized Officer appointed under the Rules - Chairperson
- ii. Representative of Ministry of External Affairs-Member
- iii. Representative of Ministry of Women and Child Development-Member
- iv. Representative of Ministry of Home Affairs-Member
- v. Representative of Ministry of Defence-Member
- vi. Representative of Ministry of Electronics & Information Technology- Member

- vii. Representative of Department of Legal Affairs-Member
- viii. Domain Experts from Bar Council of India, Press Council of India, Federation of Indian Chambers of Commerce & Industry and Confederation of Indian Industry - Member

So far, two meetings of the Inter-Departmental Committee have been held for blocking for public access of news websites and social media accounts of digital news publishers.
