

## Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021: Changing Dynamics, Changing Digital Rules

### Introduction

Just like how old and weak assets need to be revisited and [discarded](#) if they hold back growth, analogously, old rules and legislations need to be re-evaluated and reworked upon, as times change. This is what put into motion the development of a new set of rules after the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) “SPDI” Rules 2011 were found to not be keeping up with the pace of new technology and parallelly, increase in cyber crimes in a more advanced or organized manner.

### New Requirements, New Rules

On 24th December 2018 Ministry of Electronics & IT brought [a proposal](#) for an amendment to the rules under Section 79 of the Information Technology (IT) Act, 2000, giving the people access to the draft in order to obtain public comment. What subsequently developed were [The Information Technology \(Intermediary Guidelines and Digital Media Ethics Code\) Rules, 2021](#).

The Supreme Court in the year 2018 urged the Central Government to frame important [guidelines](#) and policies to reduce child pornography, rape, and gang rape incidents by eliminating content from the digital platforms related to or giving rise to these incidents. This was iterated in the case of [Prajwala v. Union of India & Others Non-Governmental Organization](#). Issues like transparency and accountability were also looked into through these Rules.

[Facebook](#), [Whatsapp Messenger](#), [Instagram](#), [Twitter](#), and [Youtube](#), etc. have gained [extreme importance and are considered as forums where people even earn their bread and butter](#). People have effectively used these social media sites to spread awareness about a plethora of things, organized campaigns for upliftment of people and speak against the wrong, inter alia.



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But there is no absence of miscreants in the digital space that many others try to keep positive, welcoming, developmental and informative. The anonymity offered by such digital platforms allow certain negative elements of the society to spread misinformation, hatred against any religion or community, and create chaos in the minds of people of all age brackets.

The new rules thus place a huge focus on the concept of “**Significant Social Media Intermediaries**” (SSMIs).

**Some of the salient features of the IT Rules 2021 are -**

- SSMIs are required to observe certain [additional due diligence](#) such as appointing certain personnel for compliance, enabling identification of the first originator of the information on its platform under certain conditions, and deploying technology-based measures on a best-effort basis to identify certain types of content.
- All intermediaries are required to provide a [grievance redressal mechanism](#) for resolving complaints from users or victims. A three-tier grievance redressal mechanism with varying levels of self-regulation has been prescribed for publishers.
  - Level-I: Self-regulation by the publishers;
  - Level-II: Self-regulation by the self-regulating bodies of the publishers;
  - Level-III: Oversight mechanism
- Any content that exposes the private areas of individuals, show an individual half or partially nude or engaging in a sexual act, or includes morphed pictures, the [social intermediaries](#) are under obligation to remove or disable the content within twenty-four of receipt of the complaint.
- The Over-The-Top Media (OTT) platforms are known as publishers of online curated content, so they are under an obligation to classify the content into the five categories U (Universal), U/A 7+, U/A 13+, U/A 16+, and A (Adult).

OTT and other digital platforms also play a part if they are not careful about complying with the [framework of laws](#) in the country, and on their end, do not take responsibility and accountability for what is published on their forums.

## **Conclusion**

When publishers offline can be held responsible for their actions that are in contravention to public morality, ethics, national security or any law of the country, then shouldn't the same fundamentals apply to online intermediaries and digit platforms? And to simplify when a platform becomes 'significant' enough to come under the ambit of these rules, our next

publication shall focus on one of the above-mentioned concepts of “Significant Social Media Intermediaries” (SSMIs). Keep yourself updated, and keep yourself safe!

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