Draft IT Amendment Rules, 2018

Why in news?

The Electronics and IT Ministry has recently released draft Information Technology Amendment Rules, 2018 focussing on social media platforms.

What is the background?

- The draft rules have been prepared to replace the IT rules notified in 2011.

- Internet intermediary refers to a company that facilitates the use of the Internet.
- Such companies include internet service providers (ISPs), search engines and social media platforms.

What does it contain?

- **Incorporation** – All platforms with more than five million users will be required to have a registered entity in India under the Companies Act.
- It should also have a permanent registered office in India.
- They would have to appoint a nodal person of contact and alternate senior designated functionary in India.
- These functionaries would provide for 24X7 coordination with law enforcement agencies and officers to ensure compliance to their orders or requisitions made in accordance with provisions of law or rules.
- The platforms also required to share cyber security incidents related information with the Indian Computer Emergency Response Team (CERT).
- **Restrictions** - A user cannot host, display, upload, modify, publish, transmit, update or share information, which is pornographic, paedophilic, racially or ethnically objectionable, invasive of another's privacy, harms minors in anyway, etc.
- Social media platforms have to publish rules and a privacy policy in this regard.
- These platforms should also keep a record of "unlawful activity" for a period of 180 days.

- **Reporting** - The intermediaries need to trace and report the origin of messages within 72 hours of receiving a complaint from law enforcement agencies.
- They should also disable access within 24 hours to content deemed defamatory or against national security and other clauses under Article 19 (2) of the Constitution.
- Also, any information which threatens critical information infrastructure should also be advised against by the social media platform.
- **Compliance** - A communication must be sent to users once a month about their privacy policies.
- In case of non-compliance with rules and regulations, user agreement and privacy policy, the intermediary has the right to immediately terminate the usage rights of the users.
- **Tracing** – The intermediary should enable tracing out the originator of information on its platform as may be required by government agencies who are legally authorised.
- This information would help in preventing offences which may include mob violence, lynching, online sexual abuse, etc. and in registering an FIR.
- **Grievance redressal** – The intermediary should publish the name of the Grievance Officer and his/her contact details on its website.
- It should also lay down a mechanism by which it redresses the concerns of users who suffer as a result of access or usage of computer resource by any person in violation of rule.
- **Usage of technology** - Technology based automated tools or appropriate mechanisms shall be deployed for proactively identifying and removing or disabling public access to unlawful information.
- **Implementation** – Once an intermediary receives information in the form of a court order or is notified by a government agency under the IT Act, it should remove or disable access to unlawful acts.

Source: The Hindu, Business Standard

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