



From Social Media to OTT Platforms: Government Enforces Strict Accountability to Curb Obscenity, Misinformation and Cyber Offences Online

**Safe, Trusted and Accountable Internet, Especially for
Women and Children**

**IT Act, IT Rules 2021 and Bharatiya Nyaya Sanhita Empower
Authorities to Tackle Obscene, Harmful and Unlawful Online
Content**

**Major Social Media Platforms with over 50 Lakh Users
Required to Appoint Local Officers and Publish Compliance
Reports**

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The policies of the Government are aimed at ensuring an Open, Safe and Trusted and Accountable Internet for its users, including women and children.

The Government is committed to ensure that the Internet in India is free from any form of unlawful content or information, particularly vulgar and obscene content.

Legal frameworks to counter unlawful content on digital platforms

Information Technology (IT) Act, 2000

The IT Act and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules, 2021), together, have put in place a stringent framework to deal with unlawful and harmful content in the digital space.

It imposes clear obligations on intermediaries to ensure accountability.

The IT Act provides punishment for various cyber offences such as privacy violations (section 66E), publishing or transmitting obscene or sexually explicit content (sections 67, 67A, 67B).

It also empowers Police to investigate offences (section 78), enter public place and search and arrest suspected person (section 80).

IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

The IT Rules, 2021 cast due-diligence obligations on intermediaries, including social media intermediaries, and require them to implement these obligations effectively so as to prevent the hosting or transmission of unlawful content.

Key provisions under IT Rules, 2021:

Provision	Details
Restricted information under Rule 3(1)(b)	Restricts hosting, storing, transmitting, displaying or publishing information/content that, among other things, is: • obscene, pornographic, invasive of another's privacy, insulting or harassing on the basis of gender, racially or ethnically objectionable, or promoting hate or violence; • harmful to child; • deceives or misleads, including through deepfakes; • impersonates others, including via Artificial Intelligence; • threatens national security or public order; • violates any applicable law.
User Awareness Obligations	Intermediaries must clearly inform users through terms of service and user agreements about the consequences of sharing unlawful content, including content removal, account suspension, or termination.
Accountability in Content Removal	Intermediaries must act expeditiously to remove unlawful content upon court orders, reasoned intimation from Government, or user grievances, within prescribed timelines.
Grievance Redressal	• Intermediaries to appoint Grievance Officers • Mandates to resolve complaints through removal of unlawful content within 72 hours. • Content violating privacy, impersonating individuals, or showing nudity must be removed within 24 hours against any such complaint.
Grievance Appellate Committees (GACs) Mechanism	Users can appeal online at www.gac.gov.in if their complaints are not addressed by the intermediaries' Grievance Officers. GACs ensure accountability and transparency of content moderation decisions.
Assistance by Intermediaries to Government Agencies	Intermediaries must provide information under their control or assistance to authorised Government agencies for identity verification, or for the prevention, detection, investigation, or prosecution of offences, including cyber security incidents.

Additional Obligations of significant social media intermediaries (SSMIs) (i.e., social media intermediaries having 50 lakhs or above registered user base in India)	• SSMIs offering messaging services must help law enforcement trace originators of serious or sensitive content. • SSMIs to use automated tools to detect and limit spread of certain unlawful content. • SSMIs to publish compliance reports, appoint local officers, and share physical address based in India for compliances and law enforcement coordination. • SSMIs to offer voluntary user verification, internal appeals, and fair hearing before taking suo-moto action.
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In case of failure of the intermediaries to observe the legal obligations as provided in the IT Rules, 2021, they lose their exemption from third party information provided under section 79 of the IT Act.

They are liable for consequential action or prosecution as provided under any extant law.

Bharatiya Nyaya Sanhita (BNS), 2023

The BNS, 2023 strengthens the legal framework to address offences involving online harm, obscenity, misinformation and other cyber-enabled crimes, including those committed through social media platforms.

- Provides punishment for offences like obscene acts (Section 296), sale of obscene material including display of any such content in electronic form (Section 294)

Similarly, to address the negative effects of harmful content on OTT platforms, Government has notified the Information Technology (Intermediary Guidelines and Digital Media, Ethics Code) Rules, 2021 on 25.02.2021 under IT Act, 2000.

- Part-III of the rules provides for a Code of Ethics for digital news publishers and publishers of online curated content (OTT platforms).
- OTT platforms are under obligation not to transmit any content which is prohibited by law for the time being in force.
- The Government has so far disabled public access in India for 43 OTT platforms for displaying obscene content.

The Minister of State for Information and Broadcasting and Parliamentary Affairs, Dr. L. Murugan, provided this information in the Lok Sabha today in response to a question raised by Shri Nishikant Dubey.

Mahesh Kumar/ Vivek Vishwash

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