

# The New IT Rules 2021

-By Siddharth Pardeshi

The Ministry of Electronics and Information Technology on 25<sup>th</sup> of May, 2021 had asked all the social media companies to comply with the new Information Technology Intermediary (Guidelines and Digital Ethics Code) Rules, 2021

The new IT Rules was notified by government on 25<sup>th</sup> of February, 2021, in which the social media companies were need to comply with the new rules within 3 months from the date of notification

The new Rule are stemmed from section 87 of Information Technology Act and are a combination of draft Intermediaries Rules 2018, and the OTT Regulations and Code of Ethics for Digital Media

The new IT Rules 2021, for social media companies include the requirement to appoint the resident grievance officer who should be based out of India as part of a larger grievance redressal mechanism, active monitoring of content on the platform, responsiveness to grievances, expedited processes to take down certain content including revenge porn, monthly compliance reports for Indian users, self-regulation mechanisms and also an oversight mechanism created by the Ministry of Electronics and Information Technology.

The social media companies who are having more than 50 lakhs registered users in India will fall under the scope of new IT Rules and will termed as Significant Social Media Intermediary (SSMI), which includes social media companies like WhatsApp, Facebook, Instagram, Koo, etc

As per the new rules, SSMI's are required to have a larger redressal grievance platform which include Chief Compliance Officer, a Nodal Contact Person and a Resident Grievance Officer. All the social media platforms are required to publish these details on their website as well as on their app and to explain to their users in the manner in which a complaint can be filed against any content on social media platform.

SSMI's are required to take necessary action within 24 hours of receipt of complaint against any content on social media platform.

Non-Compliance with the Rules will result in social media companies losing their intermediary status that provides them exceptions and certain immunity from liabilities for any third-party information and data hosted by them. The company shall also be liable under IT Act as well as Indian Penal code

The compliance of new rule shall not result in disruption of normal activities carried out by their users, both existing as well as prospective. The proposed rule shall only be detrimental to the Social media companies in case it tantamount to breaking nations rules as well as the community guidelines.

The only change will be the new redressal platform and quicker response to the complaints of the users.