

Government of India
Ministry of Communications and Information Technology
Department of Electronics & Information Technology

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Clarification on The Information Technology (Intermediary Guidelines) Rules, 2011 under section 79 of the Information Technology Act, 2000

The Department of Electronics and Information Technology had notified Information Technology (Intermediary Guidelines) Rules, 2011 under section 79 of the Information Technology Act, 2000 on 11.4.2011 vide notification no. G.S.R. 314(E).

These Rules provide a due diligence framework to be observed by intermediary while discharging his duties. Sub-rule (4) of Rule 3 provides that the intermediary upon obtaining knowledge by itself or been brought to actual knowledge by an affected person in writing or through email signed with electronic signature about any such information as mentioned in sub-rule (2), shall act within thirty six hours and where applicable, work with user or owner of such information to disable such information that is in contravention of sub-rule (2).

The Indian intermediaries have implemented these Rules. However some Industry Associations have requested for a clarification on the words “.....*shall act within thirty-six hours...*” as mentioned in sub-rule (4) of Rule 3. It is clarified that the intended meaning of the said words is that the intermediary shall respond or acknowledge to the complainant within thirty six hours of receiving the complaint/grievances about any such information as mentioned in sub-rule (2) of Rule 3 and initiate appropriate action as per law. Further, the Grievance Officer of the intermediary shall redress such complaints promptly but in any case within one month from the date of receipt of complaint in accordance with sub-rule (11) of Rule 3. The intermediary should have a publicly accessible and published grievance redressal process by which complaints can be lodged.
