

**THE INFORMATION TECHNOLOGY (INTERMEDIARY GUIDELINES AND DIGITAL  
MEDIA ETHICS CODE) RULES, 2021**  
(AVAILABLE [HERE](#))

**FAQS**

● **WHAT IS RULE 18?**

Rule 18 stipulates that publishers of news and current affairs content furnish two types of information to the Ministry of Information and Broadcasting:

*(i) information of the details of its entity to enable communication and coordination (within 30 days of the publisher coming into existence)*

- The Ministry provided the format for information by Public Notice dated [26 May, 2021](#)
- By communication dated [10 June, 2021](#) the time for furnishing such information was extended by 15 days
- By communication dated [9 September 2021](#) the [Authorised Officer](#) published a reminder for furnishing such information
- **It is suggested that members who have not yet furnished the information do so in Annexure-I or Annexure-II (as applicable) immediately**

*(ii) a periodic compliance report every month mentioning the details of grievances received and action taken thereon*

- Rule 19 stipulates that publishers (and self-regulating bodies) display such information publicly and updated monthly
- The Ministry provided the format for information by Public Notice dated [9 September, 2021](#)
- Publishers/self-regulatory bodies are required to upload such information on their websites by the 10<sup>th</sup> of each month
- Additionally, rule 5 stipulates that publisher of news or current affairs content are required to furnish the details of their accounts on “intermediaries” (e.g. Youtube, Facebook, etc.) to the Ministry of Information and Broadcasting, Government of India along with the other information provided by publishers under rule 18.

● **CURRENT STATUS OF THE RULES**

S.No.	COURT	STATUS
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1.	Supreme Court of India	Various petitions, and transfer petitions were clubbed together for hearing, however no substantial order passed Next date of hearing: 6 weeks after 02.09.2021 (Supreme Court website reflects computer generated date of 23.11.20201)
2.	Madras High Court	Action taken by the Authorities in terms of rule 3 read with rule 7 will be subject to further orders of the Court. Next date of hearing: 25.01.2022 awaiting the result of the Transfer Petitions pending before the Supreme Court.
3.	Bombay High Court	The operation of sub-rules (1) and (3) of Rule 9 of the IT Rules of 2021 have been stayed.
4.	High Court of Kerala at Ernakulam	The Court directed that no coercive steps be taken against LiveLaw and the other petitioners for non-compliance of provisions in Part III of the IT Rules of 2021
5.	High Court of Delhi	The Court has issued notice of the challenges to the IT Rules of 2021 to the Union of India. No stay has been granted on the operation of any part of the said Rules. Next date of hearing: 09.02.2022

## ● WHO DO THE RULES APPLY TO?

- News Aggregator [**rule 2(o)**]
- Publishers of:
  - (i) news and current affairs content [**rule 2(t)**]. This includes “**individuals**” who transmit content in the course of systematic business, professional or commercial activity
  - (ii) online curated content [**rule 2(u)**]
- [Significant] / Social media intermediaries [**rules 2(v) and 2(w)**] [**Note:** By Notification dated [25 February, 2021](#) the threshold for social media intermediaries to be considered “significant” was specified as **fifty lakh registered users in India**]

## ● WHAT IS THE CURRENT STATUS OF DIGIPUB?

By communication dated [10 September, 2021](#) it was intimated that the Ministry has registered three self-regulatory bodies (2 for News publishers and [1 for OTT Platforms](#)):

- **News Broadcasters Federation-Professional News Broadcasting Standards Authority** (NBF-PNBSA) by communication dated [18 August, 2021](#)

- *Web Journalists Standards Authority* (WJSA) by communication dated [3 September, 2021](#) ([List](#) of News Portals/Digital Platforms associated with WJSA)
- *Indian Digital Publishers Content Grievance Council* (IDOCGC) by communication dated [7 October, 2021](#) ([List](#) of News Portals/Digital Platforms associated with IDOCGC)

## ● WHAT RULES SHOULD DIGIPUB MEMBERS ABIDE BY?

- In light of the stay on rule 9(1) granted by the Bombay High Court, publishers are not currently required to adhere to the Code of Ethics laid down in the *Appendix* to the rules
- As held by the Bombay High Court, “*the Norms of Journalistic Conduct* (available [here](#)) are the guidelines framed by the PCI laying down the standards of conduct which each journalist/editor/publisher ought to strive to maintain in the discharge of his/her duties as a member of the Press”

Advisory: The validity of various provisions of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 are under challenge in various High Courts across the country and are subject to court orders. However, Digipub advises all members to register themselves and comply with rule 18.

In case of any grievances requiring redressal, Digipub members can still avail of Digipub’s internal grievance redressal mechanism. We advise members to mention on their respective websites that grievances can be raised by sending an email to [selfregulatorybody@digipubindia.in](mailto:selfregulatorybody@digipubindia.in)