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MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY

# IT Rules 2021: what India asks of platforms and intermediaries

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KEY FACTS

DATA PROTECTION

Digital Personal Data Protection Act, 2023

DATA RULES

Digital Personal Data Protection Rules, 2025

IT LAW

Information Technology Act, 2000

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## What are the IT Rules 2021, and who must follow them?

The IT Rules, 2021 are India's rules for online intermediaries and digital publishers, made under section 87 of the IT Act. Every intermediary must follow the due diligence in Part II, including social media, significant social media and online gaming intermediaries (rule 3(1)).

The rules were first published as G.S.R. 139(E) on February 25, 2021. Amendments followed on October 28, 2022, April 6, 2023, October 22, 2025 (G.S.R. 775(E)) and February 10, 2026 (G.S.R. 120(E), in force from February 20, 2026). MeitY's consolidated text, updated as on February 10, 2026, prints all four in place.

MeitY, the Ministry of Electronics and Information Technology, runs Part II, the intermediary rules. The Ministry of Information and Broadcasting runs Part III, for digital news and streaming publishers (rules 2(1)(l) and 8(1)). See MeitY: India's data, platform, cyber security and electronics rules.

## Is your service an intermediary under the IT Act?

Your service is an intermediary if, for another person, it receives, stores or transmits an electronic record, or provides any service for that record (IT Act, section 2(1)(w)). The Act names telecom, network and internet service providers, web hosts, search engines, online payment and auction sites, online marketplaces and cyber cafes.

A social media intermediary mainly or only lets users interact online and share information (IT Rules, rule 2(1)(w)). Whether an AI system qualifies, with section 79 protection, turns on the nature of the service, its functions and the applicable law, the government told the Lok Sabha on July 29, 2026 (Question No. 1647). See AI governance in India.

## When does a platform keep or lose its safe harbor?

Your platform keeps its section 79 safe harbor while it only carries or hosts others' content and observes due diligence. It loses it if it takes part in the unlawful act, or fails to act quickly on actual knowledge or a government notice. Failing the IT Rules costs it too (rule 7).

The safe harbor in short (IT Act, section 79; IT Rules, rule 7)

| What the platform does | Safe harbor | Where |
|---|---|---|
| Only gives access to a communication system carrying, or briefly storing or hosting, others' information | Holds, with due diligence | Section 79(2)(a) and (c) |
| Doesn't start the transmission, pick its receiver, or select or change the information in it | Holds, with due diligence | Section 79(2)(b) and (c) |
| Conspires in, abets, aids or induces the unlawful act | Lost | Section 79(3)(a) |
| Fails to remove the material quickly on actual knowledge or a government notice | Lost | Section 79(3)(b) |
| Fails to observe the IT Rules | Lost, and liable to punishment under any law, including the Bharatiya Nyaya Sanhita, 2023 | Rule 7 |

## What are the time limits since February 20, 2026?

Since February 20, 2026, a platform has three hours to remove unlawful content on a court order or an authorized intimation, and two hours to act on an intimate-image complaint. Most other listed removal requests take 36 hours; other complaints, seven days. G.S.R. 120(E) of February 10, 2026 cut all four.

IT Rules time limits since February 20, 2026 (consolidated rules)

| Duty | Limit now | Before | Rule |
|---|---|---|---|
| Remove unlawful information on a court order or an authorized officer's reasoned intimation | 3 hours from receipt | 36 hours | Rule 3(1)(d) |

| | | | |
|---|---|---|---|
| Acknowledge, then resolve, a user's complaint | 24 hours, then 7 days from receipt | 24 hours, then 15 days | Rule 3(2)(a)(i) |
| Resolve a request to remove content rule 3(1)(b) lists, except ownership, IP and general-law claims | 36 hours from the report | 72 hours | Rule 3(2)(a)(i), proviso |
| Take all reasonable and practicable steps to remove intimate images or impersonation, morphed images included, of the person concerned | 2 hours from the complaint | 24 hours | Rule 3(2)(b) |
| Give information or help to an authorized agency on a written order | As soon as possible, 72 hours at most | 72 hours | Rule 3(1)(j) |
| Preserve removed information and its records | 180 days, or longer if a court or authorized agency requires | 180 days | Rule 3(1)(g) |
| Keep a user's registration information after it's canceled or withdrawn | 180 days | 180 days | Rule 3(1)(h) |

MeitY's FAQ of October 2021 still gives the old limits (Q4(e)). Both it and the FAQ of February 10, 2026 say they aren't legal documents; the rules govern.

The government's Lok Sabha answer of July 29, 2026 says general grievances fell from 72 hours to 36. The rule gives general complaints seven days; 36 hours is for most listed removal requests.

The three-hour limit covers any unlawful information, not only AI content, but only on a court order or an authorized officer's reasoned intimation (rule 3(1)(d); 2026 FAQ, Q14).

## Who may send a takedown intimation?

Only an officer of Joint Secretary rank or above in the central or a state government may send one, or a Director where no Joint Secretary is appointed, authorized by order in writing. For the police, each authorized officer must be a Deputy Inspector General or above, specially authorized by the government (rule 3(1)(d)(ii)).

Each intimation must be reasoned and in writing, and state:

- Its legal basis and the statutory provision it invokes.
- The nature of the unlawful act.
- The exact URL or other location of the content to remove.

An officer of Secretary rank or above reviews them monthly for necessity, proportion and legality (second proviso). These safeguards came with G.S.R. 775(E) from November 15, 2025 (Lok Sabha answer of August 12, 2026). G.S.R. 120(E) added the written authorization, and more than one police officer, from February 20, 2026.

## How do grievances and appeals work?

Every intermediary must publish its Grievance Officer's name, contact details and complaint process. The officer must acknowledge your complaint within 24 hours and resolve it within seven days. If you disagree, or it isn't resolved in time, you can appeal online to a Grievance Appellate Committee within 30 days (rules 3(2)(a) and 3A(3)).

1. Complain to the Grievance Officer

The officer's details must be on the home page or home screen, or a page reached directly from it (rule 3(2)(a), Explanation).

2. Appeal online within 30 days

File within 30 days of the officer's communication (rule 3A(3)). The appeal runs online (rule 3A(6)), at gac.gov.in, the government told the Lok Sabha on July 29, 2026 (Question No. 1647).

3. The platform complies

It must follow the order and report that on its website (rule 3A(7)).

A committee is to try to resolve an appeal within 30 calendar days (rule 3A(4)), a target, not a promise. Three committees were set up on January 27, 2023 (S.O. 442(E)), and their members changed on February 6, 2026 (S.O. 614(E)).

## What extra duties does a significant social media intermediary have?

A significant social media intermediary is a social media intermediary with more than 50 lakh (5 million) registered users in India (rule 2(1)(v); S.O. 942(E)). It must also appoint three officers

resident in India, publish a monthly compliance report and meet the rest of rule 4.

Extra duties of a significant social media intermediary (IT Rules, rule 4)

| Duty | Rule |
|---|---|
| A Chief Compliance Officer: a key manager or other senior employee resident in India | Rule 4(1)(a) |
| A nodal contact person, resident in India, for law enforcement around the clock | Rule 4(1)(b) |
| A Resident Grievance Officer, an employee resident in India | Rule 4(1)(c) |
| A monthly compliance report: complaints, action taken, and content removed by proactive automated monitoring | Rule 4(1)(d) |
| User declarations, technical checks and labels for synthetic content | Rule 4(1A) |
| For messaging services, identifying a message's first originator on a qualifying order | Rule 4(2) |
| Technical measures, with human oversight, to find rape and child sexual abuse content, and exact copies of content removed under rule 3(1)(d) | Rule 4(4) |
| A physical contact address in India, and a ticket number for every complaint | Rules 4(5) and 4(6) |
| Voluntary account verification for users in India, and notice with reasons before removing content on its own | Rules 4(7) and 4(8) |

The Chief Compliance Officer is liable in proceedings about third-party content if the officer fails to make the platform observe due diligence (rule 4(1)(a)). Its proviso bars any liability under the Act or the rules on the platform without a hearing.

If such a platform mainly provides messaging, it must enable identification of a message's first originator when a court order or a section 69 order requires it (rule 4(2)). Orders cover only listed serious offenses punishable with five years or more in prison, and none issue where less intrusive means would work. The platform needn't disclose any message's contents.

## What must platforms tell users under the IT Rules?

Your platform must publish its rules, privacy policy and user agreement prominently, in English or any Eighth Schedule language the user chooses (rule 3(1)(a) and (b)). Since February 20, 2026, it must remind users at least every three months, not yearly, what breaking its terms or the law can bring (rule 3(1)(c)).

The reminder covers suspension or removal, penalties for unlawful content and, for offenses the law requires reported, a report to the authorities. Platforms that let users create synthetic content

must give further warnings (rule 3(1)(ca)). See AI-generated content rules in India.

## What did MeitY's April 2026 advisory ask of VPN providers?

MeitY's advisory of April 25, 2026 went to VPN providers and other intermediaries. Giving access to online betting and prediction market platforms, including those blocked under section 69A of the IT Act, may be a failure of due diligence, it said (para 3). Non-compliance may cost section 79 protection (para 7).

The advisory names Polymarket and asks for reasonable efforts not to host, store or permit access to such platforms (para 5). See Online Gaming Act 2025. MeitY's website says April 24; the handwritten date reads April 25.

## What would the April 2026 draft amendment change?

The draft Second Amendment Rules, 2026 would make following MeitY's written clarifications, advisories, orders, directions and guidelines part of the due diligence behind section 79 protection (proposed rule 3(4)). MeitY published it on March 30, 2026 and revised it on April 21. Comments were due by May 7, 2026; the start date is blank.

- **Advisories as due diligence:** each would have to be in writing, state its legal basis, scope and requirements, and fit the Act and the rules (proposed rule 3(4)).
- **Labels throughout:** a synthetic-content label would have to stay clearly visible for the whole of the content (rule 3(3)(a)(ii)), a change the April 21 revision added.
- **News posted by users:** Part III's rules 14 to 16 would cover news and current affairs content posted by users who aren't publishers (rule 8(1), proviso).

The draft is a proposal, not law. The revised draft leaves its start date blank (rule 1(2)), and no final rules were among the documents read to October 31, 2026. The comment date moved from April 14 to April 29 (notice of April 10), then May 7 (notice of April 21). See Draft IT Rules would make MeitY advisories part of due diligence.

## Does Part III apply to news and streaming services?

Yes, if it's a digital news publisher or a streaming service that operates in India or makes its content available there as a systematic business (rule 8(2)). The rules' terms: publishers of news and current affairs content, and of online curated content. They follow Part III's code of ethics, run by the Ministry of Information and Broadcasting.

Intermediaries come under Part III only for rules 15 and 16, on directions and emergency blocking (rule 8(1), proviso).

## How IndusDesk helps platforms with the IT Rules

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## Frequently asked questions

### Does a foreign platform need an officer living in India?

Every intermediary must publish its Grievance Officer's details, but the IT Rules ask for officers resident in India from significant social media intermediaries (rule 4(1)). MeitY may extend those duties to another intermediary whose service risks material harm to India's sovereignty and integrity, State security, foreign relations or public order (rule 6(1)). Under the Digital Personal Data Protection (DPDP) Act, a Significant Data Fiduciary's Data Protection Officer must be based in India (section 10(2)(a)(ii)), from about May 13, 2027 (eighteen months after the Gazette of November 13, 2025).

### Are WhatsApp group admins liable under the IT Rules?

MeitY's consolidated text of the IT Rules, updated as on February 10, 2026, doesn't mention group admins or give them any duty. Part II of the rules sets duties for intermediaries, the services that receive, store or transmit records for others (IT Act, section 2(1)(w)). Whether an admin answers for a member's post under another law is outside these rules.

### Does removing content with automated tools cost a platform its safe harbor?

No. Rule 2(1B), in force since February 20, 2026, says removing or disabling information in line with the rules, including with automated tools, doesn't breach the conditions in section 79(2)(a) or (b). AI-generated content rules in India covers the tools the rules require for synthetic content.

## Sources


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- MeitY, F. No. 2(5)/2025-CyberLaws: draft Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Second Amendment Rules, 2026, the revised draft placed for comment on April 21, 2026 (PDF, 143 KB)
- MeitY, notice of April 10, 2026: extension of time for comments on the draft amendments to the IT Rules, 2021
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- Act No. 22 of 2023: The Digital Personal Data Protection Act, 2023, section 10(2)(a)
- MeitY documents repository, the listing entry for the VPN advisory

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