

Date: 29.12.2025

ADVISORY

To,

All Intermediaries, including Social Media Intermediaries

Subject: Observance of statutory due diligence obligations by the Intermediaries under the Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, for preventing hosting, publication, transmission, sharing, or uploading of vulgar, indecent, obscene, pornographic and other unlawful content on their platforms.


It has been reported and represented from time to time, including through public discourse, representations from various stakeholders and judicial observations, that certain categories of content circulating on social media and other intermediary platforms may not be in compliance with applicable laws relating to decency and obscenity. Such instances have given rise to concerns among different sections of society regarding the responsible use of digital platforms and the need for continued adherence to the constitutional framework governing freedom of speech and expression, which is subject to reasonable restrictions under law. These concerns have also been reflected in discussions in Parliament and proceedings before courts. In respect of certain specific instances brought to notice, the matter has also been referred to the appropriate law enforcement authorities for action in accordance with law.

2. In this context, and without prejudice to action taken or being taken by authorised agencies under applicable laws, it has come to the notice of the Ministry of Electronics and Information Technology ("Ministry"/ "MeitY") that there is a need for greater consistency and rigour in the observance of due diligence obligations by intermediaries, particularly in relation to the identification, reporting and expeditious removal of content that is obscene, indecent, vulgar, pornographic, paedophilic, harmful to child or otherwise unlawful, as prescribed under the Information Technology Act, 2000 ("IT Act") and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules, 2021"), and the Ministry continues to take appropriate measures within its statutory mandate to address such concerns in accordance with law.

3. In this regard, intermediaries, including social media intermediaries, are reminded that they are statutorily obligated under section 79 of the IT Act, read with Rules 3 and 4 of the IT Rules, 2021, to observe due diligence as a condition for availing exemption from liability in respect of third-party information uploaded, published, hosted, shared or transmitted on or through their platforms. In particular, Rule 3(1)(b) of the IT Rules, 2021 requires intermediaries to make reasonable efforts to ensure that users of their computer resources do not host, display, upload, modify, publish, transmit, store, update or share any information that is obscene, pornographic, paedophilic, harmful to child, or otherwise unlawful.

4. Intermediaries are further required, under Rule 3(1)(d) of the IT Rules, 2021, to act expeditiously to remove or disable access to unlawful content upon receipt of actual knowledge, through court orders or reasoned intimation from the Appropriate Government or its authorised agency, and to do so strictly within the timelines prescribed under the said Rules.
5. Accordingly, the intermediaries shall not permit the hosting, displaying, uploading, publication, transmission, storage, sharing of any content that is obscene, pornographic, vulgar, indecent, sexually explicit, paedophilic, or otherwise prohibited under any law for the time being in force in any manner whatsoever. Failure to observe such due diligence obligations shall result in the loss of the exemption from liability under section 79 of the IT Act, and such intermediaries shall also be liable for consequential action as provided under any law including the IT Act and the Bharatiya Nyaya Sanhita, 2023 ("BNS").
6. As part of their reasonable efforts, all intermediaries are obligated to deploy accessible reporting and grievance redressal systems, while significant social media intermediaries are additionally required to deploy technology-based measures, including automated tools or other mechanisms, to proactively prevent the dissemination of such unlawful content and ensure timely compliance with removal requirements.
7. Further attention is also drawn to Rule 3(2)(b) of the IT Rules, 2021, which mandates that intermediaries shall remove or disable access to any content which is *prima facie* in the nature of material depicting an individual in any sexual act or conduct, or any impersonation thereof, within twenty-four hours of receipt of a complaint from the affected individual or any person on such individual's behalf.
8. Intermediaries are further advised to note the penal provisions under various statutes, including sections 67, 67A and 67B of the IT Act; relevant provisions of the BNS; the Indecent Representation of Women (Prohibition) Act, 1986; the Protection of Children from Sexual Offences Act, 2012; the Young Persons (Harmful Publications) Act, 1956; and other applicable laws, under which the hosting, displaying, uploading, publication, transmission, sharing of obscene, pornographic, paedophilic, indecent, vulgar, or sexually explicit content constitutes a punishable offence.
9. Intermediaries are therefore advised to undertake an immediate review of their internal compliance frameworks, content moderation practices and user enforcement mechanisms, and to ensure strict and continuous adherence to the provisions of the IT Act and the IT Rules, 2021.
10. It is reiterated that non-compliance with the provisions of the IT Act and/or the IT Rules, 2021 may result in consequences, including prosecution under the IT Act, BNS, and other applicable criminal laws, against the intermediaries, platforms and their users.
11. This advisory is issued with the approval of the Competent Authority in the MeitY.

Yours faithfully,


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