

India's Evolving Intermediary Framework: Proposed Second Amendment to the IT Rules

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On 30 March 2026, the Ministry of Electronics and Information Technology (MeitY) released a draft amendment (Draft Amendment) to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules), initiating a public consultation process that is open until 16 April 2026. The proposal seeks stakeholder comments on a targeted modification to the intermediary due diligence framework under the Information Technology Act, 2000 (IT Act), particularly in relation to the legal status and operational effect of government-issued directions, advisories, and implementation guidance.

The proposed amendment signals a potentially significant shift in the regulatory approach to platform governance in India.

Key Recommended Amendments

1. The Draft Amendment proposes that intermediaries be required to comply with clarifications, advisories, orders, directions, standard operating procedures, and guidelines issued by MeitY in relation to the implementation of the IT Rules, with such instruments forming part of the statutory due diligence framework of the intermediaries. It further provides that these directions must be issued in writing, specify their legal basis and scope, and remain consistent with the IT Act.
2. The Draft Amendment further proposes to extend the scope of Rules 15 and 16 of the IT Rules to intermediaries and users in respect of news and current affairs content hosted, displayed, uploaded, modified, published, transmitted, stored, updated, or shared on the computer resources of intermediaries by users who are not publishers.

As a result, the procedure for issuance of directions under Rule 15, including directions to delete, modify, or block content, would now apply not only to publishers but also to intermediaries and aforementioned users. Further, the emergency blocking powers under Rule 16, which permit interim blocking of content without prior hearing in cases requiring immediate action, are proposed to be made applicable to intermediaries and users hosting or sharing such content.

Consequently, intermediaries and users may be subject to directions issued by the Ministry of Information and Broadcasting, including in emergency situations, in relation to user-generated news and current affairs content available on intermediary platforms.

Comments

While the Draft Amendment remains at the consultative stage, and its final contours may evolve in response to industry feedback, the consultation period represents a critical policy window during which digital platforms, technology companies, and industry associations have an opportunity to shape the design of the compliance framework before it crystallises into binding regulation.

From a regulatory strategy perspective, the consultation reflects a clear shift towards continuous supervision rather than periodic regulation. Digital platforms have historically operated in an ecosystem where compliance was defined by statutory rules. The proposed amendment would allow compliance to evolve / strengthen through directions, operational guidance, etc. issued in response to real-time risks such

as fraud campaigns, deepfake incidents, and so on. Hence, the consultation should be understood as an indicator of the government's longer-term direction towards more agile, directive-based supervision of digital intermediaries.

Another important look out will be the interplay of compliance with directions, orders, etc. issued by MeitY and the safe harbour provision under the IT Act. The regulatory intent appears to be to strengthen enforcement. If these become a part of due diligence, then failure to comply with directions, orders, etc. can potentially weaken safe harbour protection. It will have to be seen how the Draft Amendment is ultimately implemented post stakeholder consultation.

- *Harsh Walia (Partner) and Vanshika Lal (Associate)*



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