

Officers issuing content notice to be made more 'accountable'

Notices under Rule 3(1)(d) must clarify that the nature of the communication is a warning that safe harbour does not apply to the content being flagged; orders will be passed at Joint Secretary level

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"The accountability of the government increases with this change," IT Minister Ashwini Vaishnaw said on October 22, 2025. File | Photo Credit: The Hindu

The Union Ministry of Electronics and Information Technology (MeitY) will amend social media takedown rules to make officers sending notices to social media companies over content on their platforms more "accountable", officials said on Wednesday. The new safeguards will be introduced by way of an amendment to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 within this week itself, senior officials briefing the press said.

“The accountability of the government increases with this change,” IT Minister Ashwini Vaishnaw told presspersons.

As a part of these new rules, the government “will be giving a reasoned intimation whenever any such order is passed, and orders will be passed at a fairly senior level, Joint Secretary and above for the Central government, and Deputy Inspector-General at the State level”, the Minister said.

The safeguards specifically pertain to Rule 3(1)(d) of the IT Rules, under which government officials are empowered to flag content in such a way that social media firms would not be able to claim “safe harbour” from legal liability for content users post. Such notices will force social media firms to defend content as though they were publishers, and not just an intermediary for such content. The amendment has not yet been notified in the Gazette, but officials said it would be done within the week, and would go into effect on November 15.

The social media platform X had challenged the use of Rule 3(1)(d) as an unconstitutional and arbitrary way for police officers to issue “censorship” orders from around the country. A single judge Bench of the Karnataka High Court upheld the government’s right to empower officials to issue such notices. Officials briefing the media denied there was any connection between this court case and these safeguards.

Officials will now have to make notices under Rule 3(1)(d) more clear, a senior official said.

These notices must clarify that the nature of the communication is a warning that safe harbour does not apply to the content being flagged, and is not an immediately enforceable takedown order *per se*.

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