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Government of India  
Ministry of Electronics and Information Technology (MeitY)  
Cyber-Laws & Data Governance (CL&DG) Group  
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**ADVISORY**

**Subject: Observance of due diligence by the Intermediaries under the Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.**

As reported in the news, multiple hoax bomb threats have been received by various airlines operating in India through various means including social media intermediaries during last few days. Airline travellers and security agencies are being affected due to such hoax bomb threats that disrupt the normal course of operations of the Airlines. The instances of malicious acts in the form of hoax bomb threats to such airlines lead to potential threat to the public order & security of the state. Such hoax bomb threats while affecting a large number of citizens also destabilises the economic security of the country. Further, the scale of spread of such hoax bomb threats has been observed to be dangerously unrestrained due to the availability of the option of “forwarding/re-sharing/ re-posting/ re-tweeting” on the social media platforms. Such hoax bomb threats are mostly misinformation that is massively disrupting the public order, operations of airlines and security of the airline travellers.

2. In this regard, it should be noted that intermediaries, including social media intermediaries have a due diligence obligation under the Information Technology Act, 2000 (“IT Act”) and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Rules, 2021”) to promptly remove such misinformation that affects public order and security of the state.

3. As part of such due diligence obligations, it is the responsibility of concerned intermediaries including social media intermediaries to promptly take necessary action under the IT Rules, 2021 by not allowing any user to host, display, upload, modify, publish, transmit, store, update or share any unlawful or false information. Further, the exemption from liability for any third party information, data, or communication link made available or hosted by social media intermediaries as provided under section 79 of the IT Act shall not apply if such intermediaries do not follow the due diligence obligations as prescribed under the IT Act read with IT Rules, 2021 or abetted or aided, in the commission of the unlawful act. In case of failure of the intermediaries to observe the due diligence obligations as provided in the IT Rules, 2021, the provision of section 79 of the IT Act shall not be applicable to such intermediary and they shall be liable for consequential action as provided under any law including the IT Act and the Bharatiya Nyaya Sanhita 2023 (“BNS”).

4. Considering the serious nature of the situation, the Ministry of Electronics and Information Technology reminds with emphasis that all the intermediaries including social

media intermediaries must make reasonable efforts to disallow such malicious acts including hoax bomb threats from being disseminated on their platforms. In this regard, the intermediaries including social media intermediaries must observe their due diligence obligations that include the prompt removal or disabling access to such unlawful information specified under the IT Rules, 2021, including hoax bomb threats, well within the strict timelines as prescribed under the IT Rules, 2021.

5. Furthermore, apart from removing or disabling access to such misinformation under the IT Rules, 2021 as part of the reasonable efforts to be undertaken, there is an additional liability on concerned intermediaries under the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") to mandatorily report certain offences perceived to be committed by any user of their platform that includes, among others, any act with the intent to threaten or likely to threaten the unity, integrity, sovereignty, security, or economic security of India.

6. In addition to the above, the IT Rules, 2021 obligates the intermediaries to provide information under its control or possession, or assistance to the Government agency which is lawfully authorised for investigative or protective or cyber security activities, for the purposes of verification of identity, or for the prevention, detection, investigation, or prosecution, of offences under any law for the time being in force, or for cyber security incidents, well within the stipulated timeframes (as soon as possible but not later than 72 hours).

Yours faithfully,



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