

MEITY issues advisory on hosting of mature content in India by intermediaries

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Spearheaded by the Information Technology Act, 2000, (IT Act) and the rules thereunder, the information technology regulatory framework in India has undergone significant evolution in the past few years owing to the burgeoning presence and influence of intermediaries and social media platforms in the country. Such intermediaries, notwithstanding the pivotal role played by them in enabling citizens in claiming their freedom of speech and expression, have become the center of much debate and regulatory scrutiny due to the increased proliferation of, among other things, obscene / vulgar / pornographic / indecent / sexually explicit content (collectively, Mature Content) in the country. Subsequently, the depiction of Mature Content and its dissemination by intermediaries has emerged as a common bone of contention among public discourses, Parliament discussions as well as court proceedings.

In October 2025, Ministry of Electronics and Information Technology (MEITY) issued a '*Standard Operating Procedure (SOP) to curb the dissemination of non-consensual intimate imagery content*' detailing the steps to be adopted by the victim (whose non-consensual nude, partially / fully / morphed, images are uploaded) as well as the intermediary on which such images are posted. The SOP, too, was issued with a view to ensure consistent and rigorous implementation of the due diligence requirements particularly those in relation to Mature Content.

In light of the above background and in a bid to inject consistency in the observance of due diligence requirements stipulated under the IT Act and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (Intermediary Guidelines), MEITY continues to caution and advise the intermediaries via its advisories and guidelines. Accordingly, in its latest advisory issued on 29 December 2025, MEITY has addressed the hosting of Mature Content by such intermediaries with a view to curtailing the circulation of Mature Content by the intermediaries. Through the advisory, MEITY has reiterated the prescribed obligations of intermediaries under the IT Act and the Intermediary Guidelines and has urged them to implement necessary measures needed for prevention of dissemination of such content.

Key constituents of the Advisory

- **Revisiting the prescribed obligations in relation to Mature Content:** Through the advisory, MEITY has re-emphasized on the mandatory requirement of intermediaries to comply with the due diligence requirements. This becomes relevant as it served as pre-requisite for availing exemption (also referred to safe harbor protection) from liability in regard to any third-party information published / shared on their respective platforms. As part of these due diligence requirements, intermediaries must, *inter alia*, undertake "*reasonable efforts*" to ensure that their respective users do not host / display / publish or transmit any information which is "obscene, pedophilic, harmful to child or otherwise unlawful". Further, upon receiving the actual knowledge of such content either through a court order or an intimation from the Government, the intermediary is required to remove it expeditiously and within the prescribed timelines. Failure to do so can deprive the intermediary of its safe harbor exemption as well as render it liable for any consequential action under the IT Act.
- **Reasonable efforts and operational measures:** As noted above, intermediaries are obligated to undertake 'reasonable efforts' to ensure prevention of hosting or publication of any Mature Content on their platforms. To this end, MEITY has asked all the intermediaries to mandatorily implement accessible

reporting mechanisms as well as grievance redressal systems (which currently includes displaying the contact details of the grievance officer and acknowledging complaints within the stipulated timelines). Further, significant social media intermediaries (i.e., social media intermediaries with fifty lakh registered users in India) have been categorically directed to deploy technology-based measures such as automated mechanisms for an effective and timely compliance of the IT Act and the Intermediary Guidelines.

- **Actionable steps for Intermediaries:** In addition to the above, MEITY has also urged the intermediaries to conduct a review of their internal policies and compliance frameworks to gauge their compliance posture and bridge gaps in their content moderation strategies and user enforcement mechanisms. It has reiterated the need for all platforms to ensure removal of any Mature Content within 24 hours of receipt of complaint from the affected individuals or anyone on their behalf. At the same time, MEITY has also encouraged intermediaries to continue to also comply with other relevant legislations (including the Bhartiya Nyaya Sanhita, 2023, the Indecent Representation of Women (Prohibition) Act, 1986, and the Protection of Children from Sexual Offences Act, 2012) which also recognize publication or hosting of any Mature Content as a punishable offence.

Conclusion

Such advisories serve as critical reminders for all intermediaries to make adequate investments in content moderation measures and automation tools, as deemed necessary. Given that MEITY continues to harp on the need for continued compliance with the laws, it is rather advisable for platforms and intermediaries to ensure that the content hosted by them squarely falls within the ambit of legal content such that they steer clear of any potential contravention including losing their safe harbor exemption.

- Harsh Walia (Partner); Shobhit Chandra (Counsel) and Akshita Singh (Associate)



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