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स्वास्थ्य अनुसंधान विभाग, स्वास्थ्य एवं परिवार  
कल्याण मंत्रालय, भारत सरकार

Indian Council of Medical Research  
Department of Health Research, Ministry of Health  
and Family Welfare, Government of India

No.16/12/2022-Admn.II

Dated:21/02/2022

To

**The Directors/Directors-in-Charge of  
Permanent Institutes/Centers of ICMR**

**Subject:-** Nomination of Nodal Officer for Handling Unlawful content/information/activities  
in Cyber Space as per the provisions of the IT Act, 2000-regarding.

Sir/Madam,

I am directed to refer a copy of OM No.P.16012/11/2018-TC dated 27.01.2022 received from Ministry of Health & Family Welfare (Tobacco Control Division) forwarded therewith a copy of OM issued by Ministry of Electronics & Information Technology (MeitY), Cyber-Laws Group, Electronics Niketan, New Delhi vide letter No.1(4)/2020-CLES dated 01.01. 2021 on the subject mentioned above for information and necessary action.

**Yours faithfully,**

**(Jagdish Rajesh)  
Assistant Director General (Admn)**

Encl: As above

**Copy to :-**

- (1) PS to DG/ Sr. DDG(A)/ Sr. FA
- (2) All Divisional Heads
- (3) DDG(A)
- (4) ADG(A)/ADG(F)
- (5) Dr. L.K.Sharma, Scientist "E" – soft copy of the same has been mailed at your email ID ([Sharma.lk@icmr.gov.in](mailto:Sharma.lk@icmr.gov.in)) for website upload.

SI No. 1

No. P.16012/11/2018-TC  
Government of India  
Ministry of Health & Family Welfare  
(Tobacco Control Division)

D.G. ICMR OFFICE

Diary No: 616/51

Date: 11/2/22

Nirman Bhawan, New Delhi-110108  
Dated, the 27<sup>th</sup> January, 2022

OFFICE MEMORANDUM

**Subject: - Nomination of Nodal Officer for Handling Unlawful content/ information/ activities in Cyber Space as per the provisions of the IT Rules, 2021- regarding.**

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The undersigned is directed to refer to OM No.1(4)/2020-CLES dated 1<sup>st</sup> January, 2021 (**copy of the OM alongwith annexures**) issued by Cyber-Laws Group, Ministry of Electronics and Information Technology on the above captioned subject and to say that Dr. Pulkesh Kumar, Deputy Secretary (Tobacco Control), MoHFW, vide S.O. 4729(E) dated 15<sup>th</sup> November, 2021 (**copy of the notification is enclosed**) has been designated as the Nodal Officer, authorized under the extant laws of "Information Technology (Intermediary guidelines and Digital Media Ethics Code) Rules, 2021" [IT Rules, 2021] to issue takedown notice to intermediaries for compliance of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019.

2. This issues with the approval of Competent Authority.

Encl: as above

JS (GN) / JS (AN)  
S.D.D.S. (4)

*[Signature]*

(Thangkhulun Haokip)  
Under Secretary to the Govt. of India  
Tel: 23063068

*[Signature]*

To,  
Dr. Pulkesh Kumar  
Deputy Secretary (Tobacco Control)  
Ministry of Health & Family Welfare  
Government of India  
Tel: 011-23062744  
Email: dr.pulkesh@gov.in

Adm. II  
K.S.  
11/2

D.No.53 Adm. II  
14/02/2022

Ms. Sanita

*[Signature]*  
11/2/22

S.No. 1996  
12-02-2022

Copy to:

Secretary (HFW)

Secretary, DHR & DG(ICMR)

DGHS, MoHFW.

JS(VC) /JS(LA) /JS(VJ) /JS(MKB) /JS(PAB) /JS(HS) /JS(VHZ) JS(GM) /JS(PS) /EA(NS)  
EA(IK) /JS(AN) /AS(AA) /AS(AS) /AS(MA) /AS(VS) /AS(RS)

**Copy for Information to;**

Secretary, Ministry of Information & Technology, Electronics Niketan, CGO Complex, New  
Delhi-110003

**OFFICE MEMORANDUM**

**Subject: Handling Unlawful content/ information/ activities in Cyber Space as per the provisions of the IT Act, 2000 - regarding.**

Prevalence of a large variety of online information and activities available on computer resource of intermediaries and other platforms, which are unlawful under the respective extant laws, have been frequently brought to the notice of the Ministry of Electronics and Information Technology ("MeitY") with a request for blocking/ removal/ take down of such content.

2. Section 79(3)(b) of the Information Technology Act, 2000 ("IT Act") and the Information Technology (Intermediaries Guidelines) Rules, 2011 read with "Shreya Singhal vs UoI" judgement of the Supreme Court delivered in March, 2015 empowers "Appropriate Government or its agency" to issue notice to an intermediary to disable access / takedown of any unlawful material residing in or connected to a computer resource, controlled by that intermediary. **If the intermediary fails to do so in an expeditious manner, it shall lose its exemptions from liability and the appropriate government or its agency may proceed with the penal provisions provided under their extant laws.** The "intermediary" has been defined under section 2(1) (w) of the IT Act and also includes social media platforms, websites, mobile apps, e-commerce websites, various online aggregators, Internet Service providers, webhosting platforms etc.
3. The content which is considered unlawful in the physical world is also unlawful in the online world. However, the way the Internet technologies work, disabling/ taking down of content can happen only either at country level/ global level and the content cannot be blocked/removed at regional level.
4. Based on the discussions held with key stakeholder ministries; the recommendations made therein and earlier views held by Hon'ble Supreme Court in some cases, MeitY has developed a framework, which can be used by the Appropriate Governments/ their Departments or their agencies, for the purpose of issuing takedown/ removal notices to the concerned intermediary platform, hosting or controlling the said unlawful information (brought to your knowledge either through grievances, complaints or suo-moto) (framework enclosed). The framework also includes sample templates for content removal requests and takedown. In order to effectively administer the takedown mechanism and the issuance of notices to intermediaries and other platforms on various topics, the following action may be taken:
  - i. Designate a Nodal Officer in your Ministry/ Department and/or designate an agency(s) and the officer(s) authorised under the extant laws to issue takedown notice to intermediaries.
  - ii. Coordinate with each State (if the subject matter is of the State Govt/ UT Administration) and designate such other official(s) empowered under the extant law to issue such takedown notice to intermediaries.
  - iii. Publicise the same (including their official email addresses) on your website and other public interface points.
  - iv. Confirm the same within 15 days to MeitY for overall co-ordination.

5. It is also suggested that the number of touch points may be kept as minimum as possible. This would ensure effective implementation, accountability & compliance monitoring. MeitY will share the list of nodal officers of major intermediary platforms to facilitate sending of such takedown notices. MeitY will also help in resolving any technological/ feasibility issue or any other technical support as may be required to identify the right intermediary.

6. It may be further clarified that prosecution of wrongdoers under extant law will necessarily continue in parallel by agencies so authorised under law. For instance, while a takedown process for an obscene content is being initiated under the provisions of the IT Act, 2000, prosecution may continue for the said offence under the IT Act/ Indian Penal Code, 1860.



**Rakesh Maheshwari**  
Group Coordinator, Cyber Law Group, MeitY  
e-mail: [gccyberlaw@meity.gov.in](mailto:gccyberlaw@meity.gov.in)

**Enclosed:** A framework containing the following documents:


1. Flowchart for regulation of online information/activity:**Annexure-1**
2. Formats for Initiation of Takedown:**Annexure-2, Annexure-3, Annexure-4**
3. Illustrative list of Online unlawful content/ information/ activity and the corresponding Appropriate Government or its Agency:**Annexure-5**

To,

- 1 Secretary, Ministry of Home Affairs
- 2 Secretary, Ministry of Women & Child Development
- 3 Secretary, Ministry of Consumer Affairs, Food and Public Distribution
- 4 Secretary, Ministry of Health & Family Welfare
- 5 Secretary, Ministry of Information & Broadcasting
- 6 Secretary, Ministry of Law & Justice, Department of Justice
- 7 Secretary, Department of Revenue, Ministry of Finance
- 8 Secretary, Department of Financial Services, Ministry of Finance
- 9 Secretary, Ministry of AYUSH
- 10 Secretary, Department of Animal Husbandry and Dairying, Ministry of Fisheries, Animal Husbandry & Dairying
- 11 Secretary, Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry
- 13 Deputy Election Commissioner, Election Commission of India
- 14 Commissioner of Police, Delhi Police

**Copy to:**

1. The Chief Secretary, All State Governments / UT Administrations:  
*With a request to kindly coordinate with the Central Ministries/ Departments and identify & notify designated Nodal Officer(s) in the States / UTs Administrations to issue the online unlawful content/ information takedown notice to the intermediary(s).*
2. Secretary, Department of Telecom, Ministry of Communications:  
*With a request that, in cases, where no Intermediary is known immediately or when the whole website is a rogue website, DoT may help reaching out the to ISPs licenced by DoT.*
3. OSD to the Secretary, MeitY
4. O/o. the Special Secretary & FA, MeitY
5. O/o. the Additional Secretary, MeitY



**Rakesh Maheshwari**  
Group Coordinator,  
Cyber Law Group, MeitY

(Annexures to the MeitY OM No. 1(4)/2020-CLES dated ..... )

**:FRAMEWORK:**

**HANDLING UNLAWFUL CONTENT / INFORMATION / ACTIVITIES  
IN CYBER SPACE AS PER THE PROVISIONS OF THE IT ACT, 2000**

**I. FLOWCHART FOR REGULATION OF ONLINE INFORMATION/ACTIVITY: Annexure-1**

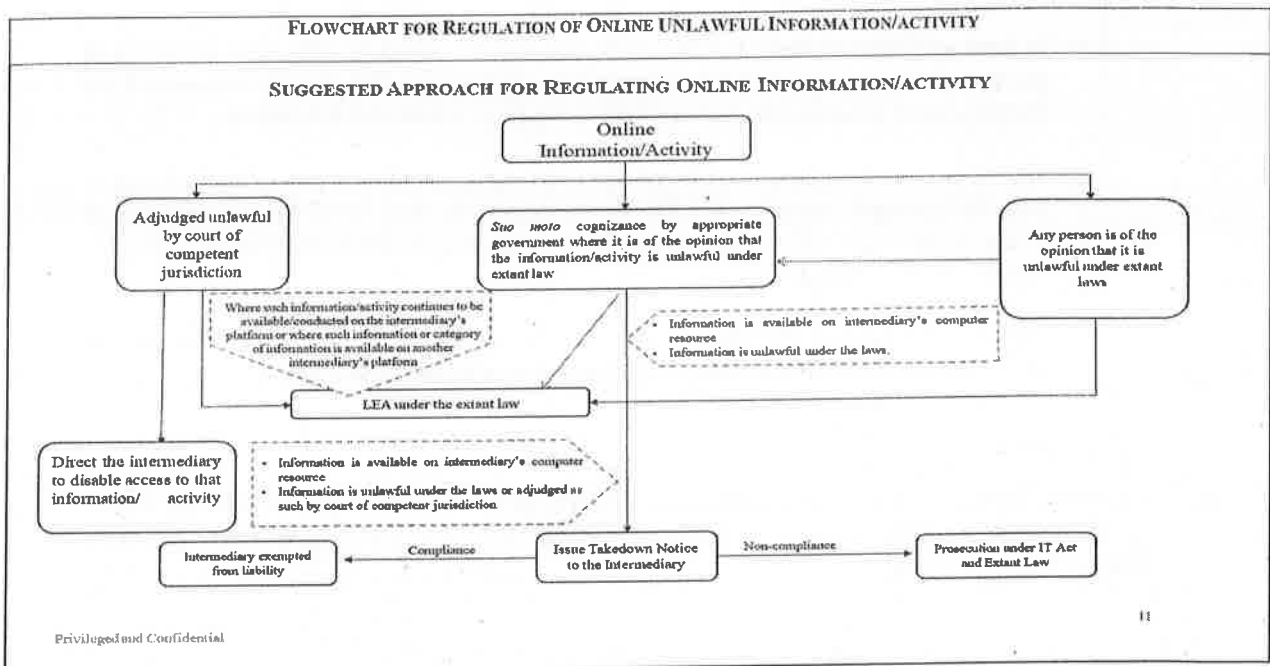
**II. FORMATS FOR INITIATION OF TAKEDOWN:**

The following templates are suggestive for purpose of disabling access to any identified unlawful information or activity:

1. A letter in the format prescribed in **Annexure-2** may be issued by whosoever aggrieved to the nodal officer designated by the “appropriate government” identified in **Annexure-5** for the purpose of informing them of any unlawful activity which is civil in nature.
2. A letter in the format prescribed in **Annexure-3** may be sent by any person to the Police or Law Enforcement Agencies (LEAs) at the central or state level for the purpose of informing such law enforcement agency of a **crime** being conducted through the computer resource of an intermediary.
3. Notice under Section 79(3)(b), IT Act, for the **takedown / removal** of any specific identified online unlawful content or information or activity. (**Annexure-4**)

**III. ILLUSTRATIVE LIST OF ONLINE UNLAWFUL CONTENT/ INFORMATION/  
ACTIVITY AND THE CORRESPONDING APPROPRIATE GOVERNMENT OR ITS  
AGENCY:(Annexure-5)**

*Please note that all terms and phrases used in this document shall have the same meaning as ascribed to them under the IT Act and rules thereunder.*



ANNEXURE-2

MODEL FORMAT FOR INTIMATING APPROPRIATE GOVERNMENT OF ONLINE UNLAWFUL  
INFORMATION  
(FOR CIVIL VIOLATIONS)

No:

Date: <Insert Date>

To,  
Nodal Officer,  
<insert name of appropriate government/its agency>  
<insert address of appropriate government/its agency>

**Subject: Online information/activity relating to <insert a brief description of information/activity considered unlawful> considered unlawful under <insert name of legislation>**

Dear Sir/Madam,

We have identified that information relating to <insert description of information/activity considered unlawful> is being hosted, displayed, published, transmitted, and shared on <insert name of the intermediary(s)>. [Please refer to the enclosed document for complete detail on the unlawful material as supporting evidence.]

As you are the identified appropriate government under section 79(3)(b), Information Technology Act, 2000 ("IT Act") for the purposes of enforcement of the <insert name of legislation> <insert sections of the legislation that are being violated>, you are hereby requested to issue a takedown notice under section 79(3)(b), IT Act to <insert name of the intermediary(s)> in this regard.

Please acknowledge the receipt of this request.

<Name>

<Designation>

<Name of Ministry/Government Department>

**Enclosed:**

1. Excel sheet with complete details of the website/location where the unlawful information/activity is hosted.
2. Supporting evidences (in pdf./jpg/jpeg format) and details of sections and law being violated.



ANNEXURE-3

**MODEL FORMAT FOR INTIMATING LAW ENFORCEMENT AGENCY OF ONLINE UNLAWFUL  
INFORMATION  
(FOR CRIMINAL ACTIONS)**

Date: <Insert Date>

To,  
<insert designation of the addressee (eg. Station House Officer)>  
<insert name of the law enforcement agency >  
<insert address of appropriate government/its agency>

**Subject: Online information/activity relating to <insert a brief description of information/activity  
considered unlawful> considered unlawful under <insert name of legislation>**

Dear Sir/Madam,

I/We have identified that information relating to <insert description and details of the crime being  
conducted online> is being hosted, displayed, published, transmitted, and shared on <insert name of  
the intermediary(s)>. [Please refer to the enclosed document for complete detail on the unlawful  
material as supporting evidence.]

As you are the agency in-charge of the maintain law and order, public order, and for the purposes of  
enforcement of the <insert name of legislation>, you are hereby requested to issue a takedown notice  
under section 79(3)(b), Information Technology Act, 2000 to <insert name of the intermediary(s)> in  
this regard.

Please acknowledge the receipt of this request.

<Name>

<Details of the Complainant>

**Enclosed:**

1. Excel sheet with complete details of the website/location where the unlawful information/activity is hosted.
2. Supporting evidences (in pdf./jpg/jpeg format).

[MODEL FORMAT FOR TAKEDOWN NOTICE TO INTERMEDIARIES]

[On the Letter Head of the Appropriate Government or its Agency]

No:

Date:<Insert Date>

NOTICE

**Subject:** Notice for takedown under section 79(3)(b), Information Technology Act, 2000 of <website/online information> relating to <insert brief details of the unlawful activity>which is unlawful under <insert name of legislation>.

Dear Sir/Ma'am,

Section 79(3)(b) of the Information Technology Act, 2000 ("IT Act") and the Information Technology (Intermediaries Guidelines) Rules, 2011 read with "Shreya Singhal vs UoI" judgement of the Supreme Court delivered in March, 2015 empowers "Appropriate Government or its agency" to issue notice to an intermediary to disable access / takedown of any unlawful material residing in or connected to a computer resource, controlled by that intermediary.

We have identified that information relating to <insert description of information/activity considered unlawful>which is unlawful under <insert the provision>, <insert name of legislation>is being hosted, displayed, published, transmitted, and shared on your platform. [Please refer to the enclosed document for complete details on the unlawful material as supporting evidence.]

In light of the above, and under section 79(3)(b) of the Information Technology Act, 2000 ("IT Act") and in pursuance of the Government Order vide No. <Order/ Notification Number> dated <dd-mm-yyyy>, the undersigned is hereby authorised to direct you to disable access, and or remove any information identified in the enclosed document without vitiating the evidence in any manner.

Please note that failing to do so may amount to aiding/abetting the transmission of such unlawful information or conduct of such unlawful activity, as the case may be, and you may be prosecuted for hosting such information, data, or communication links. Further, failure to take necessary action may attract penalties under the IT Act and/or the <insert name of legislation>.

Please respond to this notice within thirty-six (36) hours.

<Name>

<Designation>

<Name & Details of the Agency>

**To:**

1. <Insert Name of Grievance Officer>  
Grievance Officer  
<Insert Name of Intermediary>  
<Insert address>

**Enclosed:**

1. Excel sheet with complete details of the website/location where the unlawful information/activity is hosted.
2. Supporting evidences (in pdf./jpg/jpeg format).

## ANNEXURE-5

## ILLUSTRATIVE LIST OF ONLINE UNLAWFUL CONTENT/ INFORMATION/ ACTIVITY AND THE CORRESPONDING APPROPRIATE GOVERNMENT OR ITS AGENCY

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
1	• MHA	Child Sexual Abuse				
		Child Pornography and Child Sexual Abuse Material (CSAM)	Decency, morality, defamation, incitement to an offence	(1) Indian Penal Code, 1860 (IPC): (S. 292, 293)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be. / NCRB	For any Cyber Crime incident particularly that of relating to Women/Child or obscenity including rape, child sexual abuse, revenge pornography, Indecent Representation of Women, cyber stalking/ bullying and such other similar crimes, the complainant may report to Police or report on <a href="http://www.cybercrime.gov.in">www.cybercrime.gov.in</a>
				(2) Protection of Children from Sexual Offences Act, 2012 (POCSO) (S. 13)	Special Juvenile Police Unit; or the local police.	
				(3) Information Technology Act, 2000 (IT Act) (S. 67B)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
2	• MHA	Pornography, obscenity, sexually explicit material				
		Pornography, obscenity, sexually explicit material	Decency, morality, defamation, incitement to an offence	(1) IPC (S. 292, 293, 354C)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be. / NCRB	For any Cyber Crime incident particularly that of relating to Women/Child or obscenity including

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
						rape, child sexual abuse, revenge pornography, Indecent Representation of Women, cyber stalking/ bullying and such other similar crimes, the complainant may report to Police or report on <a href="http://www.cybercrime.gov.in">www.cybercrime.gov.in</a>
				(2) Information Technology Act, 2000 (S. 66E, 67, 67A)		
				(3) Cable Television Networks Rules, 1994 (R. 6, 7)		
3	MHA	Indecent Representation of Women in Advertisements, circulation of books, pamphlets				
		Indecent Representation of Women in Advertisements, circulation of books, pamphlets	Decency, morality, defamation, incitement to an offence	(1) IPC (S. 509)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	For any Cyber Crime incident particularly that of relating to Women/Child or obscenity including rape, child sexual abuse, revenge pornography, Indecent Representation of Women, cyber stalking/ bullying and such other similar crimes, the complainant may report to Police or report on <a href="http://www.cybercrime.gov.in">www.cybercrime.gov.in</a>
				(2) Indecent Representation of Women	State Law Enforcement Agency	

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
				Act, 1986 (S. 3, 4)		
				(3) Cable Television Networks Rules, 1994 (R. 6, 7)		
4	• MHA	Terrorist Activity or glorifying terrorism or sale of illegal arms				
		Terrorist activity	interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, incitement to an offence	The Unlawful Activities (Prevention) Act, 1967 (UAPA) (S. 13, 16-22)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
				IT Act (S. 66F)		
		Sale of illegal arms	interests of the sovereignty and integrity of India, the security of the State, public order, incitement to an offence.	Indian Arms Act, 1959 (S.7)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
		Waging war or preparatory act of waging war	interests of the sovereignty and integrity of India, the security of the State, public order, incitement to an offence.	IPC (S.121, 121A, 122)	Central or State law enforcement agency, as the case may be.	
5	• MHA	Hate crimes/ incitement to Violence				

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
		Hate crimes	Integrity of India, Defamation, Incitement to an offence	IPC (S. 124A, 153A, 153B, 295A, 298, 504, 505)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
		Incitement of violence	interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order	IPC (S. 505)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
		Offences of atrocities against Schedule Caste and Schedule Tribes and untouchability	Incitement to an offence	The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (S. 3) : The Protection of Civil Rights Act, 1955 (S. 7(1)(c))	State law enforcement agency.	
6	* MHA	Cyber Harassment, including Cyber Stalking and Cyber Bullying, Encouraging or assisting suicide				
		Cyber Harassment, including Cyber Stalking and Cyber Bullying	Defamation, Incitement to an offence	(1) IPC (S. 354D, 354C, 507)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be. / NCRB	
				(2) Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013 (s. 3)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be. / NCRB	

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
				(3) POCSO (S. 11)	Special Juvenile Police Unit; or the local police.	
				(4) IT Act (S.66E, 67, 67A)		
		Encouraging or assisting suicide	Public order, incitement to an offence	IPC (S. 306, 309)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
7	• MHA	Unlawful Disclosure of identity of persons who are victims or accused				
		Unlawful Disclosure of identity of persons who are victims or accused		(1) IPC (S. 228A)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be. / NCRB	
				(2) Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013 (S. 16)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be. / NCRB	
				(3) Juvenile Justice (Care and Protection) Act, 2015 [JJ Act] (S. 74)	Child Welfare Police Officer under the JJ Act.	
8	• MHA	Fake news/ false documents				

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
		Circulation of rumours or misinformation and disinformation (together "fake news")	interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency, morality, in relation to contempt of court, defamation, incitement to an offence.	IPC (S. 505)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
		Circulation of false documents	interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency, morality, in relation to contempt of court, defamation, incitement to an offence.	IPC (S. 463, 464, 469)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	



S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
		Wrong depiction of maps of India	interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States,	Criminal Law Amendment Act, 1961 (S. 2)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
		Circulation of unlawful documents affecting public health, and safety due to disobedience to orders	Public order, incitement to an offence	IPC (S. 268, 269, 270, 271)	Central or State law enforcement agency, as the case may be.	
		Content or activity related to issues concerning Citizenship	Incitement to an offence	The Citizenship Act, 1955 (S.17)	Central or State law enforcement agency, as the case may be.	The law penalises false representations pertaining to citizenship under the Citizenship Act.
9	MHA	Illegal Online Gaming/ Betting/ Gambling/ Lottery activities				
		Illegal Online Gaming	Incitement to an offence	No Central legislation	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
		Online betting and gambling	incitement to an offence.	Public Gambling Act 1867 and state legislations	State law enforcement agency.	Gambling generally prohibited by different state legislations across states. Andhra and Telanagana not allowing any online gaming/ Gambling.
		Illegal Online Lottery	incitement to an offence.	State Legislations	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
10	• MHA	Sharing of Secret information relating to Govt over Public Internet				
		Sharing secret (as electronic records) information related to government's place, documents, photographs, sketches, maps, plans, models, official codes or passwords	interests of the sovereignty and integrity of India, the security of the State, public order, incitement to an offence.	The Official Secrets Act, 1923 (S. 3, 5)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
11	• MHA	Human trafficking including trafficking of children				
		Human trafficking	Incitement to an offence	(1) IPC (S. 370)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
				(2) The Immoral Traffic (Prevention) Act, 1956 (S. 5)	Trafficking Police Officers appointed by the Central Government or the Special Police Officer appointed by the State Government under the Act.	
				(3) State legislations	State law enforcement agency.	
		Trafficking of children	Incitement to an offence	(1) IPC (S. 370)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
				(2) Juvenile Justice (Care and Protection) Act, 2015 (S. 81)	Child Welfare Police Officer under the JJ Act.	
				(3) The Immoral Traffic (Prevention) Act, 1956 (S. 5)	Trafficking Police Officers appointed by the Central Government or the Special Police Officer appointed by the State Government under the Act.	
				(4) State legislations- Goa Children's Act, 2003 (S.7.8)	State law enforcement agency	
12	MHA	Fake and fraudulent website/ phishing emails/ websites etc. with intent to cause damage or injury or any financial loss.				

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
		Phishing Emails / websites	Incitement to an offence	IPC (S. 463, 420)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
				Information Technology Act, 2000 (S. 43)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
		Financial frauds	Incitement to an offence	IPC (S.403, 405, 415, 420, 463, 489)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
				Information Technology Act, 2000 ( S. 43)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
13	MHA	insults to Indian National Flag and Constitution of India				
		Insults to Indian National Flag and Constitution of India	Interests of the sovereignty and integrity of India, Incitement to an offence, defamation	Prevention of Insults to National Honour Act, 1971 (S. 2)	Central Law Enforcement Agencies, or State Law Enforcement Agencies as the case may be.	
14	MoWCD	Unlawful content or activity related to domestic violence including dowry, child marriage, cruelty to child (other than sexual abuse), illegal adoption of children, harmful or misleading publication targeted at young persons				

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
		Dowry related	Incitement to an offence	Dowry Prohibition Act, 1961 (S. 3,4,5)	State Dowry Prohibition Officer appointed under the Act or the State law enforcement agency.	
		Cruelty to Child	Incitement to an offence	Juvenile Justice (Care and Protection) Act, 2015 (S. 75 – 79, 81,83, 84. 87)	Child Welfare Police Officer under the JJ Act.	
		Child Marriage	Incitement to an offence	Prohibition of Child Marriage Act, 2006 (S. 9-11)	State law enforcement agency or the Child Marriage Prohibition Officers appointed under the Act.	
		Domestic Violence	Incitement to an offence	The Protection of Women from Domestic Violence Act, 2005 (S. 3)	State law enforcement agency.	
		Adoption of Children	Incitement to an offence	Juvenile Justice (Care and Protection) Act, 2015 (S. 80)	Child Welfare Police Officer under the JJ Act.	
		Harmful publication targeted at young persons	Decency, morality, incitement to an offence	The Young Persons (Harmful Publications) Act, 1956 (S. 3)	State law enforcement agency.	
15	*MIB	Unlawful activities/ contents published in the form of Films and Audio visual programmes, News and current affairs on any online platform				

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
		Unlawful activities/ contents published in the form of Films and Audio visual programmes, News and current affairs on any online platform	interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency, morality, in relation to contempt of court, defamation, incitement to an offence.	According to the new AoBR items as per the latest Gazette Notification dt. 09-Nov-2020		Being worked out by MIB following allocation of new AoBR for MIB
16	• Election Commission of India (ECI)	Unlawful Election-related or Political communication during election				
		Unlawful Election-related or Political communication during election	interests of the sovereignty and integrity of India, the security of the State, public order, defamation, incitement to an offence.	IPC (S. 171C, 171D, 171G)	Central or State law enforcement agency, as the case may be.	
				Representation of Peoples Act, 1951 (S. 125, 126A, 131, 132) and notifications thereunder.	ECI through Central or State law enforcement agency, as the case may be.	
17	• MoHFW	Advertisement related to Child sex determination in the internet				

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction w/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
		Advertisement related to Child sex determination	in relation to contempt of court, incitement to an offence.	The Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 (S. 22)	Central or State Appropriate Authority, as the case may be, appointed under section 17 the PCPNDT Act.	Supreme Court Order in PC&PNDT case
18	MoHFW	Promotion, advertisement & sale of illegal products or acts in the internet affecting the health including illegal drugs cosmetics, magic remedies, Cigarettes or E-Cigarettes or dealing with Human Organs				
		Online Advertisement & Sale of illegal drugs/ cosmetics	incitement to an offence.	The Drugs and Cosmetic Act, 1940 and rules thereunder.	Central or State Drug Inspectors appointed under the Act.	
		Online Objectionable Advertisements relating to drugs and magic remedies	incitement to an offence.	The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954. (S. 3-5)	Gazetted Officer authorised by the State Government under the Act.	
		Online Advertisement & Sale of Cigarettes	incitement to an offence.	Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (S. 5,6)	State law enforcement agency or Officer of the State Food or Drug Administration	

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
		Online advertisement & Sale of illegal E-Cigarettes	incitement to an offence.	The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019 (S. 4)	Authorised Officer under the Act. This includes-- any police officer not below the rank of sub-inspector; or any other officer notified as such by the Central Government or the State Government	
		Online sale or dealing with Human Organs	incitement to an offence.	Transplantation of Human Organs and Tissues Act, 1994 (S. 19)	Appropriate Authority appointed under the Act.	
19	Ministry of Consumer Affairs, Food and Public Distribution	False or misleading advertisement (unfair or unlawful trade practices over the internet)				
		False or misleading advertisement over the internet	incitement to an offence.	The Consumer Protection Act, 2019 (S. 89)	Central Consumer Protection Authority or the State Consumer Protection Authority appointed under the Act	The draft Central Consumer Protection Authority (Prevention of Misleading Advertisements and Necessary Due Diligence for Endorsement of Advertisements) Guidelines, 2020 have been issued for public consultation.
				Food Safety & Standards Act, 2006 (S. 24)	The District Designated Officer appointed under the	



S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
					Act	
				Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (S.3-10)		
20	• Ministry of Consumer Affairs, Food and Public Distribution	Improper use of name and emblems				
		Improper use of name and emblems	interests of the sovereignty and integrity of India, incitement to an offence.	Emblems and Names (Prevention of Improper Use) Act, 1950 (S. 3)	Emblems and Names Division of the Central and State Departments of Consumer Affairs.	
21	• Ministry of Finance, Department of Revenue	Online sale of narcotics, drugs and other psychotropic substances				
		Online sale of narcotics, drugs and other psychotropic substances	incitement to an offence.	Narcotic Drugs and Psychotropic Substances Act, 1985 (S. 8)	Narcotics Control Bureau and State Law Enforcement Agencies.	
22	• Ministry of Finance (Department of Financial Services)	Any prohibited transactions including Online Prize chits and Money Circulation				
		Online Prize chits and Money Circulation	incitement to an offence.	The Prize Competitions Act, 1955 (S. 4)	State law enforcement agency.	

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
				Prize chits and Money Circulation Schemes (Banning) Act, 1978 (S. 3.5)		
		Prohibited transactions		Schedule I of the Foreign Exchange Management (Current Account Transactions) Rules, 2000 (amended time-to-time)		
23	• Ministry of Fisheries, Animal Husbandry & Dairying through Department of Animal Husbandry and Dairying	Cruelty to animals				
		Cruelty to animals	incitement to an offence.	The Prevention of Cruelty to Animals Act, 1960 (S. 11-13)	State law enforcement agency	
24	• M/o AYUSH	Misleading advertisement of AYUSH health products/drugs or sale thereof				
		Misleading advertisement of AYUSH health products/drugs or sale thereof	Incitement to an offence	The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954. (S. 3)	Gazetted Officer authorised by the State Government under the Act.	The Drugs and Magic Remedies (Objectionable Advertisements) Amendment Bill, 2020 includes within its ambit advertisement on the internet.

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
				The Drugs and Cosmetic Act, 1940 and rules thereunder. (S. 33EEC)	Inspectors appointed under the Act.	
25	• Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry	Intellectual Property rights of the government				
		Intellectual Property rights of the government	Incitement to an offence	<ul style="list-style-type: none"> <li>• Copyright Act, 1957</li> <li>• Patents Act, 1970</li> <li>• Trade Mark Act, 1999</li> <li>• The Designs Act, 2000</li> </ul>		
26	• MeitY (CERT-In)	Content/ activities impacting Cyber Security				
		Content/ activities impacting Cyber Security	interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency, morality, in relation to contempt of court, defamation, incitement to an offence.	Information Technology Act, 2000 (S. 70B)	Indian Computer Emergency Response Team (CERT-In)	Emergency measures for handling cyber security incidents

S. No	Nodal Ministry	Online Unlawful Content/ Information/ Activity	Reasonable Restriction u/ Article 19(2) of Constitution	Illustrative Acts/ Law	Suggested Appropriate Government / Agency (s)	Remarks (if any)
27	• Relevant Ministry administering the legislation making content unlawful	Others				
		Advertisements containing unlawful content as per the subject matter of corresponding nodal Ministry	Incitement to an offence	Respective legislations depending on content of the advertisements	Relevant Department administering the legislation making content unlawful	
		Online sale of crackers	in relation to contempt of court, incitement to an offence.	NA	State law enforcement agency.	In October 2018, the Supreme court had ordered a ban on the sale of firecrackers online and non-compliance with this order would amount to contempt of court. Thereafter, in October 2019, the Madras High Court issued a court order to MeitY to block a list of websites facilitating the online sale of crackers on grounds of the same amounting to disturbance of public order.

रजिस्ट्री नं. डी.एन.- 33004/99

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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

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स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

अधिसूचना

नई दिल्ली, 15 नवम्बर, 2021

का.आ.4729(अ).—सूचना प्रौद्योगिकी (मध्यवर्ती दिशानिर्देश और डिजिटल मीडिया आचार संहिता) नियम, 2021 के नियम 3 के उप- नियम (1) के खंड (घ) के साथ पठित सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 के 21) की धारा 79 की उप- धारा (3) के खंड (ख) के अनुसरण में, केंद्र सरकार एतद्वारा स्वास्थ्य और परिवार कल्याण विभाग, स्वास्थ्य और परिवार कल्याण मंत्रालय में एक अधिकारी (तंबाकू नियंत्रण) (कम से कम उप- सचिव रैंक के केंद्र सरकार के अधिकारी) को सिगरेट और अन्य तंबाकू उत्पाद (विज्ञापन का प्रतिषेध तथा व्यापार तथा वाणिज्य, उत्पादन, आपूर्ति और वितरण का विनियमन) अधिनियम, 2003 (2003 का 34) तथा इलेक्ट्रॉनिक सिगरेट का निषेध (उत्पादन, विनिर्माण, आयात, निर्यात, परिवहन, बिक्री, वितरण, भंडारण तथा विज्ञापन) अधिनियम, 2019 (2019 का 42) के संबंध में उक्त नियमों के उद्देश्य से नोडल अधिकारी के रूप में मनोनीत करती है।

[फा. सं. पी.16012/11/2018-टीसी]

विकास शील, अवर सचिव

## MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

## NOTIFICATION

New Delhi, the 15th November, 2021

S.O. 4729(E).—In pursuance of clause (b) of sub-section (3) of section 79 of the Information Technology Act, 2000 (21 of 2000) read with clause (d) of sub-rule (1) of rule 3 of the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021, the Central Government hereby designates an Officer (Tobacco Control) (being an officer of the Central Government not below the rank of Deputy Secretary), in the Department of Health and Family Welfare, Ministry of Health and Family Welfare, as the nodal officer for the purposes of the said rules in respect to the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003) and the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019 (42 of 2019).

[F. No. P. 16012/11/2018-TC]

VIKAS SHEEL, Addl. Secy.