Guiding principles for ‘post-publication redefinition mechanism’

**Principles**

- The redefinition mechanism shall be quick.
- The redressal mechanism shall be cheap.
- The redressal mechanism shall provide safeguards to prevent abuse of mechanism for suppressing legitimate expressions.
- The redressal mechanism shall conform to all norms of natural justice.
- The redressal mechanism shall conform to all principles of freedom of expression.
- The redressal mechanism shall not result in a chilling effect on freedom of expression.

**Current redressal mechanism**

- Person affected by online information (eg, informed person)
- Compliant with the notice by submitting a written undertaking
- Intermediary can be sued or liability is attracted from content
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- Definitive liability for claims arising from content
- NoNatural Justice
- No safeguards to prevent abuse
- No current mechanism involves complex and suppress legitimate expressions without any fear of incarceration.
- Uncertainties in content criteria
- No safeguards to prevent abuse
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- NoCurrent mechanism involves complex and suppress legitimate expressions without any fear of incarceration.

**Proposed redressal mechanism**

- Person affected by online information (eg, informed person)
- Compliant with the notice by submitting a written undertaking
- Intermediary can be sued or liability is attracted from content
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- Definitive liability for claims arising from content
- NoCurrent mechanism involves complex and suppress legitimate expressions without any fear of incarceration.

A critique of the Information Technology (Intermediaries Guidelines) Rules 2011 and a proposal for an alternate set of Rules. To provide guidelines for the post-publication redressal mechanism for removal of user-generated content that violates reasonable restrictions to the right to freedom of expression as envisioned in the Constitution of India.