



AMERICAN CHAMBER OF COMMERCE IN INDIA

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31st January 2019

Mr Ajay Prakash Sawhney

Secretary

Ministry of Electronics & Information Technology

Electronics Niketan,

CGO Complex,

New Delhi- 110 003

Subject: AMCHAM Submission on the Draft Amendment to the Intermediary Guidelines

Dear Mr Sawhney,

Greetings from the American Chamber of Commerce in India (AMCHAM), the apex chamber of U.S. companies in India. AMCHAM has 350 U.S. companies as members.

While welcoming the Draft Information Technology (Intermediaries Guidelines) Amendment Rules, 2018 ("Draft Amendment") under the Information Technology Act, 2000 issued by the Ministry of Electronics and Information Technology, we would like to submit the following for consideration.

- Impact of lawful speech and the operation of responsible hosting providers
- Conflict of law and technical infeasibility
- Lack of safe harbour and procedural requirements.
- Proactive and automated filtering of content
- Incorporation and presence
- Need for uniformity in law
- Enabling traceability of originators

A detailed submission is attached for your reference. We hope to engage constructively in this consultation to ensure these amendments to be effective in ease of doing business and innovation which continues to be hallmarks of a vibrant economy.

We would be happy to furnish any additional information/ clarification required by you, and seek a suitable appointment to call on you at your convenience.

With best regards,

A blue ink handwritten signature, appearing to read "Ranjana Khanna", is written over a blue curved line.

Ranjana Khanna

Director General CEO

American Chamber of Commerce in India

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