

220

भारत सरकार
 GOVERNMENT OF INDIA
 संचार और सूचना प्रौद्योगिकी मंत्रालय
 MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
 इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी विभाग
 DEPARTMENT OF ELECTRONICS AND INFORMATION TECHNOLOGY
 Website: www.deity.gov.in

संख्या
 No. 5(6)/2015-ESD

दिनांक
 Date 6th June, 2016

Subject: Advisory on functioning of Matrimonial Websites in accordance with The Information Technology Act, 2000 and Rules made thereunder.

To
 All Matrimonial Websites/ Matrimonial Mobile Applications, etc.

Dear Sir / Madam,

Marriage is one of the most important socio-cultural institution. Traditionally Indian families have sought help from relatives, marriage brokers and later through newspapers advertisements to marry their sons and daughters. This match making process has been evolving over a period of time. With the introduction of online matrimonial websites/ portals, a whole new world of possibilities has opened up. Today the Indian matrimonial websites have emerged as a new and popular medium for seeking marriage partners. However, there have been complaints of frauds, misuse of information uploaded on the matrimonial websites. There have been instances where users of matrimonial websites falsify about their marital status, age, height, personality, health, social and economic status. In most of the cases victims are women who fall prey to these fraudsters after getting introduced through fake profiles on matrimonial portal. Thus there is a need for strengthening protective measures for all users of such websites.

2. Matrimonial Websites / portals as Intermediary: These matrimonial websites/portals function as intermediaries as defined under sub-clause (w) of Section 2 of the Information Technology Act, 2000 (IT Act). As per section 2 (1) (w) of Information Technology Act, 2000, an "intermediary" with respect to any particular electronic records, means any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record. Accordingly, the matrimonial websites/portals are mandated to adhere to the provisions of the Information Technology Act, 2000 and the Rules made thereunder including The Information Technology (Intermediaries Guidelines) Rules, 2011, as notified by the Government on April 11, 2011 vide G.S.R. 314(E).

संख्या: 5(6)/2015-ESD
 दिनांक: 06/06/2016
 4797

- 219
3. Department of Electronics and Information Technology (DeitY), in response to Ministry of Women & Child Development (MWCD) and in consultation with MWCD, Ministry of Home Affairs (MHA), National Commission for Women (NCW), Matrimonial Website service providers as well as industry associations, has developed this Online Matrimonial Websites / Matrimonial Mobile Applications, (hereinafter Matrimonial Websites) etc. specific Advisory for the benefit of registered users who are either creating the profile or whose profile is being uploaded for matrimonial alliance (hereinafter users).
4. Matrimonial Websites are advised to adopt the following framework, which may include:
- a. A user agreement (Terms and Conditions) accepted by each user at the time of registration. The terms and conditions (T&C) and any other policy(ies)/ document(s) of these matrimonial websites shall be in line with The Information Technology (Intermediaries Guidelines) Rules, 2011, as notified on April 11, 2011 vide G.S.R. 314(E). In addition, T&C may also include statements like:
 - i. Confirmation of user's intent to enter into a matrimonial alliance and further
 - ii. Confirmation that the user information provided is correct to the best of his/her knowledge.
 - b. A privacy policy, which shall provide for clear statements of its privacy practices and policies, including internal controls to safeguard personal information of the users.
 - c. Matrimonial website shall strive to provide for user verification by registering his/her mobile number as a due diligence measure.
 - d. **Submission of Identity documents:** The users may be strongly advised to submit / upload true copies of supporting documents such as proof of identity and address for the purpose of user authentication. It is advisable that the Matrimonial websites should provide a list of such legally verifiable documents which can serve the purpose of proof of identity and address.
 - e. Service providers of the matrimonial websites should make declaration that the website is strictly for matrimonial purpose only and not a dating website and should not be used for posting any obscene material. The same should atleast be highlighted prominently on the website homepage.
 - f. Matrimonial websites should work towards achieving the National / International Standard(s) such as IS/ISO/IEC 27001 standards for data protection.

Handwritten signature

15

- g. The matrimonial websites should prominently display and also send regular communication to its users including but not limited to the following:
 - i. Terms and conditions as agreed by user.
 - ii. The statement that Matrimonial websites do not authenticate any information of any profile unless specifically stated and hence users need to verify the credentials and information provided by other users.
 - iii. Cautioning users against possible fraudsters who ask for favours, money etc. and other possible misuses as known to or reported to the matrimonial websites.
 - iv. Encouraging registered users to report any fraudulent activity to matrimonial website as well as to law enforcement agencies.
 - v. Safety tips as appropriate.
- h. Matrimonial websites, being intermediaries, shall publish on its website the name of the Grievance Officer and his contact details along with complaint redressal mechanism as provided under Rule 3(11) of The Information Technology (Intermediaries Guidelines) Rules, 2011.
- i. Matrimonial website service providers should develop a Frequently Ask Questions (FAQ) as a user friendly measure.
- j. Matrimonial Website should store the IP address of profile creation and access logs (date and time stamping) for a period of one year from the date of account deactivation.

(R.K. Sudhanshu)
Group Coordinator (Cyber Laws and E-Security)

CC:

1. Secretary, Ministry of Women and Child Development
2. Chief Secretaries of all states and Union Territories
3. Industry Associations (NASSCOM, CII, ASSOCHAM, FICCI, IMAI)
4. Webmaster, DeitY
