

# FACEBOOK SAYS IT WILL COMPLY WITH NEW IT RULES

Relevant for: Science & Technology | Topic: IT, Internet and Communications

While the new stricter rules for social media intermediaries such as Facebook, WhatsApp, Google, Twitter and Telegram, come into effect on Wednesday, a majority of platforms are yet to fully comply with 'The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021'.

There is no clarity on the immediate consequences of non-compliance. However, experts say these companies could lose the 'safe harbour' protection that currently gives them protection against liability (civil as well as criminal) for content posted on their platform by third party users.

In reply to a query, social media giant Facebook on Tuesday said it "aims to comply" with the provisions of the revised IT Rules and continues to discuss a few of the issues which need more engagement with the government.

"Pursuant to the IT Rules, we are working to implement operational processes and improve efficiencies. Facebook remains committed to people's ability to freely and safely express themselves on our platform," a spokesperson said.

Meanwhile, in an emailed response, instant messaging firm Telegram said it has complied with "almost all the new IT laws" and has informed the concerned authorities regarding the compliance in writing. Indian microblogging platform Koo, has said that it has met the compliance requirements of the new rules.

Twitter and WhatsApp did not comment on the issue.

While Google did not specify whether it was in full compliance with the new rules, a company spokesperson said, "We respect India's legislative process and have a long history of responding to government requests to remove content where the content violates the local law or our product policies. We have consistently invested in significant product changes, resources, and personnel to ensure that we're combating illegal content in an effective and fair way, and in order to comply with local laws in the jurisdictions that we operate in."

Prasanth Sugathan, Legal Director at Software Freedom Law Centre, India explained that the new rules are a set of compliances which the intermediaries have to abide by in order to keep the safe harbour protection intact.

"The primary consequence of non-compliance...would be that significant social media intermediaries would end up losing the safe harbour protection granted to them under Section 79 of the IT Act. This could open up an entire plethora of unpleasant possibilities. It could leave Intermediaries open to incurring liability (civil as well as criminal) for the acts done by third party users," he said.

Mr. Sugathan added that the exact scope of criminal liability that these platforms would have to face, is something one will have to wait and see.

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