

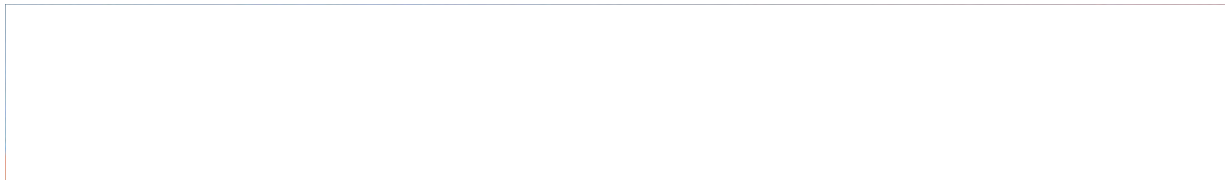
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News / Business / Safe harbour clause for platforms needs a revisit, says Vaishnaw

# Safe harbour clause for platforms needs a revisit, says Vaishnaw

Vaishnaw said globally, debates are intensifying over whether the safe harbour provisions are still appropriate, given their role in enabling the spread of misinformation, riots, and even acts of terrorism.

By: [ENS Economic Bureau](#)

New Delhi | Updated: November 17, 2024 00:16 IST



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Vaishnaw highlighted three other areas – fair compensation for content creators, algorithm bias of digital platforms, and impact of artificial intelligence (AI) on intellectual property – that are concerning and needs attention.

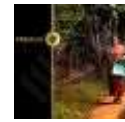
The government on Saturday reiterated its stance to revisit the safe harbour clause for social media intermediaries such as X, Telegram, Facebook, Instagram, etc, amid an increase in instances of misinformation and fake news over these platforms.

This assumes significance as currently under Section 79 of the Information Technology Act, 2000, the platforms have the immunity against legal prosecution for content posted by users. However, in case of removal of safe harbour clause or changes in its contours, such platforms will themselves become directly accountable for the user content and won't be able to enjoy legal immunity.

“Shouldn't platforms operating in a context as complex as India adopt a different set of responsibilities? These pressing questions underline the need for a new framework that ensures accountability and safeguards the social fabric of the nation,” Information and Broadcasting, Electronics and Information Technology Minister [Ashwini Vaishnaw](#) said in his address at a National Press Day event.

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Vaishnaw added that globally, debates are intensifying over whether the safe harbour provisions are still appropriate, given their role in enabling the spread of misinformation, riots, and even acts of terrorism.

The government talked about reconsidering the safe harbour clause last year during consultations on the Digital India Act, which once implemented will replace the decades old IT Act, 2000. However, the government is yet to issue a draft of the Digital India Bill for public consultation.

In his address, Vaishnaw highlighted three other areas — fair compensation for content creators, algorithm bias of digital platforms, and impact of artificial intelligence (AI) on intellectual property — that are concerning and needs attention.

“The efforts made by the conventional media in creating content needs to be fairly and suitably compensated,” Vaishnaw said, adding that the shift from traditional to digital media has financially impacted conventional media, which invests heavily in journalistic integrity and editorial processes.

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On algorithm bias, the minister said digital platforms are prioritising content that maximises engagement, incites strong reactions and thereby defines the revenue for the platform.

“These often amplify sensational or divisive narratives,” Vaishnaw said, adding that platforms need to come up with solutions that account for the impact that their systems have on the society. With regard to intellectual property violations by generative AI platforms, Vaishnaw said the same is affecting the creative world where their work is being used to train AI models without any compensation or acknowledgement.

“AI models today can generate creative content based on vast datasets they are trained on. But what happens to the rights and recognition of the original creators who contributed to that data? Are they being compensated or acknowledged for their work?” Vaishnaw said, adding that this is not just an economic issue, it is an ethical issue too.

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**TAGS:** Ashwini Vaishnaw

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