

Meta CSAM breach triggers calls for digital safety rules overhaul



Synopsis

The notice to Meta has put the spotlight on India's intermediary liability framework, triggering the question whether it is equipped to deal with paid advertisements that platforms actively review, target and monetise, unlike user-generated content they merely host.

The Centre's recent notice to **Meta** over Instagram advertisements promoting **child sexual abuse material (CSAM)** has triggered a wider rethink of **platform accountability** and the scope of the existing legal provisions.

The notice has put the spotlight on India's intermediary liability framework, triggering the question whether it is equipped to deal with paid advertisements that platforms actively review, target and monetise, unlike user-generated content they merely host.

"India's intermediary liability framework was originally conceived around user-generated content, where the intermediary's role was expected to be largely passive," said Nikhil Narendran, partner at law firm Trilegal. "That assumption sits uneasily with the modern advertising ecosystem."

New Delhi is now examining the applicability of safe harbour protections in such cases, bringing into focus whether platforms should face a higher standard of

accountability for paid advertisements than for content posted by users.

The issue has also opened a broader policy debate on whether India's digital regulations should evolve beyond content takedowns to greater scrutiny of the systems platforms use to review, approve and distribute advertisements.

Unlike user-generated posts, advertisements undergo algorithmic review before publication, are targeted to specific audiences and are monetised by the platform, Narendran said.

'Ambiguity'

"Read together with the heightened obligations that Indian law imposes in relation to child sexual abuse material, the standard of due diligence expected from platforms is significantly higher. However, the position on platform liability for paid advertisements is not entirely clear as of now," he said.

Some of the advertisements remained online even after they were specifically reported, people said.

"A failure to act expeditiously after receiving notice of CSAM may result in the loss of safe harbour for that content," Narendran said.

Responding to ET's queries, Meta reiterated its earlier position and said it has a "zero tolerance policy for soliciting or sharing CSAM, including in ads." The company said it uses "advanced AI technology to proactively detect violating content and individuals," and is in a constant battle with criminals who hide among its 3.5 billion users and try to evade our detection, the company added.

Policy experts said the episode highlights a broader challenge for digital regulation. While India's intermediary framework imposes due diligence obligations and requires platforms to act against illegal content, it has largely evolved around content moderation rather than the systems that determine how content and advertisements are reviewed, amplified and distributed.

"The existing framework does not fully address how underlying systems may shape the visibility and circulation of harmful content," said Kazim Rizvi, founding director of policy think tank The Dialogue. He said regulators globally are increasingly focusing on transparency, risk assessment and systems accountability alongside content moderation, adding that India's framework is still evolving in addressing these broader dimensions.

Rizvi said paid advertisements call for closer scrutiny because platforms actively review, approve, and distribute them. In cases involving children's safety, platforms should be expected to demonstrate safeguards such as proactive risk assessments, human review alongside automated detection, advertiser verification, evidence preservation and clear escalation mechanisms.

The distinction between paid advertisements and user-generated content could also become central to the debate over platform liability.

“Advertising is an affirmative commercial act. The platform reviews, ranks, targets, distributes, and earns from it,” said Mishi Choudhary, founder of Software Freedom Law Center.

Choudhary said platforms should maintain auditable advertising libraries, disclose ad review standards, preserve advertiser identity records, and subject high-risk advertisements to human review. Any regulatory response should focus on strengthening platform accountability and commercial responsibility without expanding censorship powers over lawful speech, she added.