Regulation of Social Media – Karnataka High Court on Sahyog Portal

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Regulation of Social Media Latest News

- The Karnataka High Court **rejected social media platform X's plea against** the Central Government's **Sahyog Portal** – a digital mechanism to issue content takedown notices.
- The Court upheld the **State's right to regulate social media**, calling Sahyog an "**instrument of public good**" and a "**beacon of cooperation**" between citizens, state, and platforms.
- The Court stressed that social media platforms cannot operate in a state of "**anarchic freedom**."

Sahyog Portal – A Public Good

- **Launched**: October **2024** by the **Union Home Ministry**, and maintained by the Indian Cyber Crime Coordination Centre (**I4C**).
- **Purpose**: A centralised channel (which connects central agencies, state police, and online intermediaries to combat cybercrime) for issuing takedown notices to intermediaries.

- **Legal basis:** Section 79(3)(b), **IT Act, 2000** – intermediaries lose “safe harbour protection” if they fail to act upon government notices of unlawful content.
- **Operational data:**
    - 65 intermediaries and nodal officers onboarded by April 2025.
    - 130 takedown notices issued (Oct 2024 – Apr 2025) to platforms including Google, YouTube, Amazon, Microsoft.

X Corporation’s Challenge

- **Claim**: Sahyog is a “**censorship portal**” creating a parallel, extra-legal content blocking regime.
- **Arguments:**
    - Section 79(3)(b) notices **bypass** stricter procedural **safeguards** under **Section 69A** IT Act. Unlike Section 69A, notices under Section 79(3)(b) lack transparency, hearing, and written reasoning.
    - **Violates Shreya Singhal (2015)** judgment, in which the apex court had specified that a takedown order under Section 79(3)(b) –
        - Could only be issued pursuant to a court order or a government notification and
        - Must relate to grounds similar to those in Section 69A.
    - **State governments and police** issuing notices via Sahyog **expands censorship** arbitrarily.
- **Support**: Supporting X’s challenge, Digipub (collective of 92 digital publishers) argued that blocking orders through Sahyog threatens media freedom.

Government’s Defence

- **Necessity**: Social media requires stricter regulation due to **algorithmic amplification and rapid spread of harmful content.**
- **‘Safe harbour’ is not absolute**: It is a statutory privilege conditional upon due diligence.
- **Separation of powers**: Section 79(3)(b) and Section 69A operate independently.
    - **Section 79(3)(b):** Failure to comply results in loss of safe harbour.
    - **Section 69A**: Blocking power on grounds of sovereignty, security, public order.
- **Efficiency**: Sahyog is an efficient, transparent mechanism to expedite unlawful content removal.
- **X Corp – a foreign entity**: Hence, it cannot invoke **Article 19** rights (available only to Indian citizens).

High Court’s Ruling

- The judgment outlined **three red lines** for social media companies –
    - Social media cannot remain unregulated.
    - Companies must comply with the laws of the land.
    - Past precedents like Shreya Singhal (2015) cannot be used to interpret new regulatory frameworks under IT Rules 2021.

Key Legal Issues Touched upon by the HC

- **Need for regulation:**

    - The spread of information has always been **regulated across civilizations**.
    - Social media as a "modern amphitheater of ideas" **cannot exist in anarchic freedom**.
    - Regulation is essential, especially for **offences against women** to safeguard the constitutional right to dignity.
    - **Regulation of social media is not unique to India**, it is a global practice.
- **Law of the Land – India is not a playground:**
    - Platforms cannot operate in India while ignoring its statutory framework.
    - **Liberty is tied to responsibility and accountability.**
    - X complies with the **Take It Down Act in the US** but refuses to follow similar takedown orders in India.
    - American legal principles cannot be transplanted into the Indian constitutional framework.
- **Shreya Singhal not applicable – New law, new interpretation:**
    - X argued that the 2015 Shreya Singhal judgment allowed censorship only via courts or under Section 69A, IT Act.
    - Court held –
        - **Shreya Singhal judgment applied to the 2011 IT Rules** (now obsolete).
        - The 2021 IT Rules are distinct, requiring a new interpretative lens.
- **Precedents cannot bind evolving regulatory regimes.**
- **Extent of Article 19 of the Indian Constitution**: It applies only to Indian citizens; X, as a foreign corporation, cannot claim these protections.

Implications of the HC Ruling

- **For intermediaries:** Non-compliance with Sahyog notices may result in the loss of safe harbour protection – establishing **legal liability**.
- **Digital governance**: Shows India's move towards **platform accountability.**
- **Cybersecurity**: Strengthens mechanisms against cybercrime, misinformation, and online harms.
- **Law and constitution:** Reasserts sovereign right to regulate speech, **balancing Article 19(1)(a)** – freedom of Speech with reasonable restrictions.
- **Policy relevance**: Demonstrates how courts interpret technological evolution in line with national context.

Conclusion

The ruling **reaffirms India's sovereign regulatory authority** over digital platforms, emphasizes the balance between free speech and accountability, and calls for **continuous legal adaptation** in line with technological advancements.

Source: IE | IE
