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Government Notice to Meta Over Child-Safety Ads on Instagram

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CURATED & WRITTEN BY

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Government Notice to Meta Over Child-Safety Ads on Instagram

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WHY IN NEWS

In early July 2026, the Ministry of Electronics and Information Technology (MeitY) issued a notice to Meta, giving it seven days to disable Instagram advertisements promoting child sexual abuse material (CSAM) and to explain its ad-approval and moderation systems, following a BBC investigation.

WHAT HAPPENED

The **Ministry of Electronics and Information Technology (MeitY)** served a notice on **Meta** (the parent company of Instagram, Facebook and WhatsApp) directing it to immediately **disable advertisements and content on Instagram that promote child sexual abuse material (CSAM)**. Meta was asked to explain, **within seven days**, its advertisement-approval process, its detection and content-moderation mechanisms, and the preventive steps it takes.

The action followed a **BBC investigation** (published around July 3, 2026) which found that Instagram was serving **paid advertisements promoting CSAM**. A BBC test account was reportedly served around **30 such advertisements**, many carrying links to sale channels on the messaging platform **Telegram**, and the platform's recommendation algorithm was found to be amplifying such content, despite Meta's own advertising policies prohibiting such material.

In its response, Meta cited a **zero-tolerance policy** and **artificial-intelligence-based proactive detection**, and said that on being alerted it disabled the offending advertisements, suspended the violating accounts, and blocked the associated URLs.

THE LEGAL FRAMEWORK

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The action rests on the **Information Technology Act, 2000** and the **IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**.

PROVISION	WHAT IT DOES
Section 79, IT Act	Grants intermediaries a conditional “safe harbour”: exemption from liability for third-party content, provided they observe due diligence and act as neutral facilitators.
Section 67B, IT Act	Penalises publishing or transmitting material depicting children in sexually explicit acts.
IT Rules, 2021	Impose due-diligence duties; a 2026 amendment requires intermediaries to remove CSAM within 24 hours of a complaint or court order and to deploy proactive technology to prevent re-uploads.
POCSO Act, 2012	The Protection of Children from Sexual Offences Act; the substantive (https://ujivari.com/vocab/substantive/) criminal law protecting children, with which the IT framework intersects.

Safe Harbour and Its Limits

Section 79 is the heart of the matter. It shields platforms from liability for content posted by users, but this protection is **conditional**, not absolute. It is lost if an intermediary fails to observe due diligence, fails to remove unlawful content on actual knowledge or a government or court order, or itself conspires in the unlawful act. A key debate, sharpened by cases such as *X Corp v. Union of India (2025)* before the Karnataka High Court, is whether safe harbour has become a shield behind which platforms avoid accountability, and whether the framework should shift from passive immunity to active responsibility.

ANALYSIS AND WAY FORWARD

The episode captures the central tension of platform regulation: balancing **free expression and innovation** against **user safety and child protection**. When a paid, algorithmically amplified advertisement, not merely a stray user post, promotes CSAM, the platform’s own systems are implicated, weakening any claim to neutral-intermediary status.

The way forward involves several strands. First, **stronger proactive obligations**: mandatory, auditable CSAM-detection tools such as hash-matching, with independent verification rather than self-certification. Second, **advertisement-level accountability**, since ad approval is an active editorial act by the platform. Third, **calibrated** (<https://ujivari.com/vocab/calibrated/>) **safe-harbour reform** that preserves immunity for genuine third-party speech but withdraws it where platforms profit from or amplify unlawful content. Finally,

inter-agency coordination between MeitY, the National Commission for Protection of Child Rights, and law-enforcement, alongside international cooperation, since sale channels often sit on cross-border platforms like Telegram.

UPSC RELEVANCE

GS Paper 2: Government policies and interventions; regulation of Big Tech; issues relating to children; statutory (<https://ujivari.com/vocab/statutory/>) and regulatory bodies; role of the state in protecting vulnerable sections.

GS Paper 3: Role of media and social networking sites in internal security challenges; cyber security; basics of cyber-world and its regulation.

Prelims Pointers:

- Section 79, IT Act 2000, provides conditional safe harbour to intermediaries.
- IT (Intermediary Guidelines and Digital Media Ethics Code) Rules were notified in 2021.
- Section 67B penalises child sexual abuse material online; POCSO Act was enacted in 2012.
- MeitY is the nodal ministry for intermediary regulation.

Mains Question: “The conditional ‘safe harbour’ granted to online intermediaries is increasingly inadequate for an age of algorithmic amplification.” Critically examine in the context of child safety and platform accountability in India. (15 marks, 250 words)

FACTS CORNER

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MeitY action: notice to Meta to disable Instagram CSAM advertisements and explain its ad-approval and moderation processes within seven days.

Trigger: a BBC investigation found Instagram serving around 30 paid CSAM advertisements, with links to Telegram sale channels.

CSAM: Child Sexual Abuse Material.

Section 79, IT Act 2000: conditional safe harbour, exemption from liability for third-party content, lost on failure of due diligence.

Section 67B, IT Act: penalises online child sexual abuse material.

POCSO Act, 2012: Protection of Children from Sexual Offences Act, the core child-protection criminal law.

IT Rules 2021: a 2026 amendment mandates removal of CSAM within 24 hours of a complaint or order.

Sources: *PIB* (<https://www.pib.gov.in/>), *MeitY* (<https://www.meity.gov.in/>), *BBC* (<https://www.bbc.com/>)

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