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# Why govt shouldn't lay entire blame on messaging platforms



WhatsApp, Reuters

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The tussle between the government and messaging app WhatsApp over the issue of fake news and trace the origin of messages has divided the experts.

Experts say though there is a need to have a collaborative effort between all stakeholders, the government has gone overboard in this issue.

"All stakeholders need to work together. Suggesting that a single stakeholder is responsible for the problem is not just inaccurate, but also unhelpful. Shooting the messenger won't solve the problem," says Mahesh Uppal, director, ComFirst, a consultancy firm.

The issue has a precedent as well. Many years back, the government had asked Research In Motion's BlackBerry to give an encryption key for its messenger services for security reasons. BlackBerry had fallen in line, though

partially.

Pavan Duggal, a cyber law expert, says, "Whether you are in India or not, the moment your services are available on computer systems or networks physically located in India, you are bound by IT Act 2000." The government is being lenient with WhatsApp, he said.

Few experts believe that social media platforms cannot be solely responsible for such incidents. Nikhil Pahwa, founder of MediaNama.com and a digital rights activist, says messaging platforms have no control over the messages that users are sending it, and thus cannot be held liable for these messages.

Prasanth Sugathan, legal director, Software Freedom Law Centre, says the content take-down process in India is regulated by the provisions of the Information Technology Act, 2000 and the Intermediaries Guidelines Rules, 2011. As per the judgment of the Supreme Court in the Shreya Singhal case, the intermediaries need to take down content only on receiving a court order or a direction from a government agency. The intermediaries have to thus comply with the law in India as interpreted by the apex court.

To curb the fake news menace, the government has been asking WhatsApp to trace the origin of the message, which the company has refused citing the encryption and privacy of users.

However, the company, in a statement on Wednesday, said it has started a radio campaign to create awareness about misinformation circulated on the platform. Through this radio campaign, WhatsApp has been urging users to be cognizant of the messages they receive and be mindful before forwarding. "WhatsApp stands committed in its efforts to address these issues jointly with civil society, stakeholders and the government," the company said.

It has also tied-up with Digital Empowerment Foundation (DEF) to create awareness among its users about the need to verify information. "Our goal is to help keep people safe by creating greater awareness about fake news and empowering users to help limit its spread," Ben Supple, Public Policy Manager at WhatsApp, said in a statement.

As part of the new partnership with WhatsApp, DEF will conduct 40 training sessions for community leaders in 10 states across the country where there have been cases of violence and where there will be state polls before the end of the year.

DEF said it would help educate government officials, administration representatives, civil society organisations and students to spread the word about this challenge. The training is expected to enable WhatsApp users to differentiate between opinions and facts and inculcate a habit of verifying information through simple checks before forwarding it to their friends and family. This new training will also be incorporated in DEF as part of their network of over 30,000 grassroots community members in seven states.

WhatsApp has already said the company has a local entity in India -- WhatsApp Application Services Private Ltd – and has a user base of over 200 million.

#### **STAYING ALERT**

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