Content Moderation through Co-regulation

Why in news?

This article talks about good 'content moderation' practices, and talks specifically about how content can be moderated through Co-regulation.

How is the online ecosystem today?

- Until the government introduced the Information Technology (IT) Rules 2021, it was voluntary for platforms to establish a grievance redressal mechanism through their terms of service.
- But, the IT Rules 2021 mandate platforms to establish a grievance redressal mechanism to resolve user complaints within fixed timelines.
- Recently, the government amended the IT Rules 2021 and established Grievance Appellate Committees (GACs).
- Comprising government appointees, GACs will now sit in appeals over the platforms' grievance redressal decisions.
- This signifies the government's tightening control of online speech, much like Section 69A of the IT Act 2000.
- However, the existing government control on online speech is unsustainable.
- With increased stakes in free speech and with increasing online risks, a modern intermediary law must re-imagine the role of governments.

How should a modern intermediary law be?

- Under such a law, government orders to remove content
    1. Must be necessary and proportionate, and
    2. Must comply with due process.
- The European Union (EU) Digital Services Act (DSA) is a good reference point. It regulates intermediary liability in the EU.
    1. The DSA requires government take-down orders to be proportionate and reasoned.
    2. The DSA also gives intermediaries an opportunity to challenge the government's decision to block content.
- An intermediary law must devolve crucial social media **content moderation decisions at the platform level.**
- Platforms must have the responsibility to regulate content under broad government guidelines.
- Instituting such a co-regulatory framework will serve three functions.

What functions will the co-regulatory framework serve?

- Co-regulation will give the platforms the flexibility to define the evolving standards of

harmful content.
- With co-regulation, platforms will **retain reasonable autonomy** over their terms of service.
- Co-regulation will promote free speech online because government oversight incentivises platforms to engage in private censorship.
- **Co-regulation aligns government and platform interests.**
- Online platforms themselves seek to promote platform speech and security so that their users have a free and safe experience.
- Incentivising platforms to act as Good Samaritans will build healthy online environments.
- Instituting co-regulatory mechanisms **allows the state to outsource content regulation to platforms**, which are better equipped to tackle modern content moderation challenges.
- While maintaining platform autonomy, the co-regulation also makes platforms accountable for their content moderation decisions.
- Whenever platforms remove content, or redress user grievance, their decisions must follow due process and be proportionate.
- But, when the use tools for de-prioritisation of content to reduce the visibility of such content, mostly the users are unaware of it.
- So the users are unable to challenge such actions as they take place through platform algorithms that are often confidential.
- **Platform accountability can be increased through algorithmic transparency.**

What is next?

- An intermediary law should take the baton brought forward by the 2021 Rules.
- The GACs must be done away with because they concentrate censorship powers in the hands of government.
- A **Digital India Act** is expected to be the successor law to the IT Act.
- This is a perfect opportunity for the government to adopt a co-regulatory model of speech regulation of online speech.

Reference

1. The Hindu | Content moderation through co-regulation

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