



Big Tech Firms Regulation

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This article is based on “**Should governments regulate online platforms?**” which was published in The Hindu on 26/02/2021. It talks about the recent trend of regulating Big tech firms like Facebook and Google.

Recently, Australia has launched the new **News Media and Digital Platforms Mandatory Bargaining Code**. The code intends to force Big tech firms like Facebook and Google to pay local media outlets and publishers to link their content in news feeds or search results.

The Australian law is being seen as the first move in the coming battle by countries to regulate tech giants and take back some of the control they have on global communications.

Similarly, the Indian government also announced a sweeping array of rules reining-in social media. Specifically, social media platforms are required to become “more responsible and more accountable” for the content they carry.

However, regulating these platforms has its own issues like effect on free speech, hindering their role as an enabler and being the voice of the voiceless, etc.

Need to Regulate Online Content

- **Monopolizing Internet:** Today, the Big Tech firms are leveraging their capital base and thereby engaging in **predatory pricing**, and driving out competitors. They are erecting entry barriers by refusing to interconnect and interoperate with competing firms.
 - They control audience data, which is the primary factor of how the Internet works.
- **Surveillance Capitalism:** The Big Tech firms are amassing data on the citizens and using this information for their commercial interest by targeted advertisements.
 - The proposed Australian code would require Facebook and Google to open up their algorithmic module, and their datasets that underpin the advertising market, to regulatory scrutiny.

- **Controlling Moral Panic:** Big Tech platforms are being used for spreading disinformation and promoting menaces like political polarisation, **hate speech**, **misogynistic abuse**, terrorist propaganda — all the stuff that gives rise to moral panic.

Due to this, the government’s intervention rests on the presumption that it is never in the commercial interest of Big Tech to remove offensive speech as this content goes viral more readily, bringing in more eyeballs, more data and more advertising revenue.

- **Ensuring Public Interest:** Further, States are the guardians of the public interest. In democratic societies, governments are elected to represent the will of the people.

So if there is a hard choice to be made about curtailing speech or permitting it, it seems only natural to turn to the public guardian.

Issues Involved in Regulation of Online Content

- **Role of Enabler:** Big Tech firms send tremendous value to small publishers or self-financed entrepreneurs.
- **Compelled Speech-Not Free Speech:** In an effort, controlling these platforms, the international human rights standards for freedom of expression and opinion is sometimes compromised.
 - According to recent guidelines for social media platform in India, if any post threatens “the unity, integrity, defense, security or sovereignty of India, friendly relations with foreign states, or public order, or causes incitement to the commission of any cognizable offense or prevents investigation of any offense or is insulting any foreign States” can be put down.
 - However, such terms are broad and it may give rise to the Government interfering with the fundamental rights of freedom of speech and expression.
- **Voice of Voiceless:** It’s important to point out that it’s only because of social media the issues like **#BlackLivesMatter**, **#LivingWhileBlack**, and **#MeToo** entered into public discourse.

Thus, regulating Big Tech may suppress the voice of the vulnerable sections of society.
- **Self-Regulation:** Big Tech proponents contend that the companies are getting smarter about the risks of allowing offensive content on their systems and will inevitably find it in their self-interest to pre-emptively remove such content.

Way Forward

- **Prioritizing Personal Data Regulation:** At a point in time where **data is the new gold standard**, the regulation of how tech companies use consumers’ personal data to establish dominance should be a significant preliminary focus point.

- **Ensuring Right to Privacy:** Governments worldwide have introduced stringent laws to ensure users' right to privacy by requiring tech companies to adhere to certain basic and essential data security and privacy measures.

In this context, the dedicated data protection law (the **Personal Data Protection (PDP) Bill**) must be expedited.

- **Monetizing Information:** Big Tech companies must negotiate a fair payment with all the stakeholders for using their content in Facebook's newsfeed and Google's Search.

Conclusion

Today, the world has now entered in the new era of global diplomacy. It isn't just countries competing with other states; there are gigantic tech companies that have geopolitical implications. Thus, there is a need to recognize the new dynamic of bargaining power between State and Big Tech firms.

Drishti Mains Question

In the present digital geopolitical scenario, there is a need to recognize the new dynamic of bargaining power between State and Big Tech firms. Discuss.



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This editorial is based on “**Judicial blow: On Nepal Supreme Court reinstating Parliament**” published in The Hindu on February 26th, 2020. Now watch this on our Youtube channel.
