



Wikipedia Content Moderation

For Prelims: Wikipedia & Content Moderation, IT Act 2000, IT Rules 2021, Section 69A

For Mains: Regulation of Content on Internet, Power of Government to Regulate Online Content

Why in the News?

Recently, India summoned officials of Wikipedia, in response to a national cricketer's Wikipedia page being edited with misleading information.

- The Minister of State for Electronics and IT has expressed that no **intermediary operating in India can permit this type of misinformation**, as it violated the government's expectation of a safe and trusted internet.
- **Content Moderation** refers to the process of ensuring user-generated content upholds platform-specific guidelines and rules to establish the suitability of the content for publishing.

What is Wikipedia?

- **About:**
 - Wikipedia is a **free Internet-based encyclopedia**, started in 2001, that **operates under an open-source management style**.
 - It is overseen by the nonprofit "**Wikimedia Foundation**".
 - It is maintained by a **community of volunteers** through open collaboration and a wiki-based editing system.
 - **Anyone can contribute** to their pool of knowledge by making edits to existing pages for updating or correction and can even add new pages.
- **Structure of Wikipedia:**
 - The architecture of Wikipedia is that of an **intermediary** i.e., **it hosts content generated by its users**.
- **Responsibility for Content:**
 - Under the majority of laws regulating online content, **intermediaries are endowed with immunity** from the user generated content they host, provided they maintain **some due diligence over their platforms**.
 - **In previous challenges to the content on wikipedia**, it has been ruled that the **Wikimedia Foundation does not own the content**, and does not have the **legal responsibility for it**.
 - However, administrators or editors **have taken notice of the content concerns** arising out of the situation and have made suitable edits.
 - **Wikimedia** can also "contribute, monitor or delete content" for legal compliance.
 - Therefore, it is arguable that **since Wikimedia can exercise such power, it can be held responsible for illegal content being hosted on Wikipedia**.

What can the Government do regarding Online Content?

- **Section 69A of IT Act 2000:**
 - **Section 69 (A) of the Information Technology Act** confers on the **Central and State governments** the power to issue directions **“to intercept, monitor or decrypt any information generated, transmitted, received or stored in any computer resource”**.
 - **Section 69A** enables the Centre to ask any **agency** of the government, or any **intermediary**, to **block access** to the public of any information generated, transmitted, received or stored or hosted on any computer resource.
 - **The term ‘intermediaries’ includes** providers of telecom service, network service, Internet service and web hosting, besides search engines, online payment and auction sites, online marketplaces and cyber cafes.
 - Any such request for blocking access **must be based on reasons given in writing**
 - In 2020, the government had asked the **Wikimedia Foundation to remove a map** from one of its pages that incorrectly showed **Aksai Chin to be a part of China**.
 - In that instance, the government had proposed the use of section 69A, IT Act, 2000 for violating the territorial integrity of India.
- **Section 79 of IT Act 2000:**
 - Under **Section 79 of Information Technology Act 2000**, intermediaries can claim the **“safe harbour”** of not being responsible for the content they host, **considering they abide by due diligence requirements under the Act and its Rules**.
- **IT Rules 2021:**
 - As per the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**, there are certain categories of information that an intermediary **should not allow to be hosted or uploaded on its platform which includes:**
 - Information that is **“patently false and untrue, and is written or published in any form, with the intent to mislead or harass a person, entity or agency for financial gain or to cause any injury to any person”**.
 - **In the Context of Wikimedia Foundation:**
 - Although Wikimedia Foundation does not own the information hosted on Wikipedia, **once Wikimedia Foundation has “actual knowledge”** of such content being hosted on its platform, **it would be held responsible for the same according to Indian Law**.
 - **Actual Knowledge** means when an intermediary has been notified by either a court order or through an order of the appropriate agency demanding removal of the offending content.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Q. In India, it is legally mandatory for which of the following to report on cyber security incidents? (2017)

1. Service providers
2. Data centres
3. Body corporate

Select the correct answer using the code given below:

- (a) 1 only
- (b) 1 and 2 only
- (c) 3 only
- (d) 1, 2 and 3

Ans: (d)

Explanation:

- According to section 70B of the Information Technology Act, 2000 (IT Act), the Union Government by notification should appoint an agency named Indian Computer Emergency Response Team (CERT-In) to serve as the national agency for incident response.
- The Union Government under section 70B of the IT Act, 2000 established and notified rules of CERT-In in 2014. According to Rule 12(1)(a), it is mandatory for service providers, intermediaries, data centers and corporate bodies to report cyber security incidences to CERT-In within a reasonable time of occurrence of the incident. **Hence, 1, 2 and 3 are correct.**
- **Therefore, option (d) is the correct answer.**

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