

India's New Social Media Guidelines

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Summary

The Indian government's latest social media guidelines place big platforms like Twitter and Meta at the whim of bureaucratic oversight.

Last week, the Indian government released [new social media guidelines](#) under its information technology (IT) rules for major platforms like Twitter and Meta. The [new rules](#) include the establishment of a three-person Grievance Appellate Committees (GACs) that have the power to oversee and veto content moderation decisions made by these platforms. The panel, created by the Indian Ministry of Electronics and Information Technology (MEITY), will have the final word on social media content. Why has New Delhi instituted these new rules? And what are the implications?

These changes were first introduced earlier this year and were met with robust resistance from social media companies. These platforms regarded new guidelines as constricting their operations and also in violation of Indian constitutional rights, particularly freedom of expression. The pushback was fierce. The last year, more broadly, has seen the Narendra Modi government at loggerheads with these social media platforms over content moderation and takedown matters. The Indian government's IT rules, which came into effect last year, mandated social media platforms to identify the source of a post when required by local authorities, otherwise known as traceability. Also, the government ordered Twitter, Facebook, and YouTube to remove content, given threats to national security and sovereignty. In July 2022, [Twitter filed a lawsuit](#) against the Indian government, alleging abuse after being asked to arbitrarily remove tweets without sufficient cause. Tensions simmered as platforms, notably Twitter, resisted New Delhi's repeated content takedown requests. Disagreements over regulations, especially the ostensible lack of commitment to address disinformation and hate speech on their platforms, have compelled the Indian government to tighten oversight over social media platforms.

These new rules apply to social media platforms like Twitter and Meta, e-commerce sites like Amazon, search engines like Google, dating applications like Bumble and web hosting and cloud services like GoDaddy and Amazon Web Services. Under these latest guidelines, all such platforms and intermediaries operating in India will be required to acknowledge and address user complaints quickly, [including a 72-hour deadline](#) imposed on information takedown requests. The key change is establishing appellate panels that have the power to address and resolve user grievances with social media platforms for hosting 'objectionable' content.

These three-member committee will have the power to deem the validity and finality of user content. The government's reasoning appears to be that the platforms are not intent

on removing harmful content and are dithering when it comes to redressal. In other words, despite multiple injunctions and requests to take control of their platforms, major social media companies appear unable and, perhaps, unwilling for the task. New Delhi claims that these new rules are not intended against any one platform but to act to protect online safety and security as threats proliferate. Most major social media platforms still have safe harbour or are free prosecution relating to content on their platforms, but the Indian government has made it clear that this protection is not sacrosanct. Platforms, as a result, can lose this safe harbour status should they not comply with the IT rules. Social media platforms now bear the burden of ensuring that their spaces are free of content that peddles misinformation and other forms of hate speech. The GACs exist to defend consumers and users who are dissatisfied with the redressal process mechanisms of intermediaries.

That said, there is no doubt these GACs will have immense clout over content moderation and takedown. These committees will be the first recourse for knowledgeable and resource-filled users that have qualms with platforms over content moderation and takedown. So, if a user's post or comment is removed by a platform, he/she will have the power to appeal that decision to that platform's grievance offer and only after exhausting that process can he/she approach the GACs for redress.

Broadly, bureaucrats could possibly become the final adjudicators of online speech. It is not clear how the process around grievance appeals will run or the methods or guidelines through which these committees will operate and make decisions.

There is not enough clarity about how the GACs will function. Moreover, there is no assurance that these committees will operate free of government interference or influence. Questions also exist around whether these committees can withstand or deal with the onslaught of appeals that fall under their purview; moreover, these committees will also have to address a dizzying array of challenges vis-à-vis online content from subjects that are in the news which ostensibly cause harm to groups to other matters that have a long history. Ultimately, it is not clear how these government committees can address problems that social media platforms themselves are unable to address.

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