Government Appellate Panels for Social Media

What is the issue?

The Government's plan to set up a panel that can overturn content moderation decisions made by social media platforms is problematic.

What are government appellate panels?

- The idea to constitute appellate committees has been proposed as an amendment to the controversial IT Rules, 2021.
- The Central Government shall constitute one or more Grievance Appellate Committees, which shall consist of a Chairperson and other members.
- These committees will have the final word on any content moderation issue facing a social media platform when appealed by a social media user aggrieved by an order of the platform's grievance officer.
- However, the user has the right to seek judicial remedy at any time.

What is the process to be followed in case of grievances?

- **IT rules**- Under the IT Rules, social media companies are mandated to appoint India-based resident grievance officers as 'intermediaries' who enjoy legal immunity from third-party content on their platform.
- These officers are responsible for overseeing the grievance redressal mechanism of complaints from the people who use their services.
- The company's grievance officer will have to act and dispose of that complaint within 15 days.
- Currently, the only remedial measure a user has if they feel a content decision by a company is unfair is to approach the courts.
- **Draft Amendment**- In case a user is not satisfied with the content moderation decision taken by a company's grievance officer, they can appeal that decision before the government appellate committee.
- The committee will have 30 days to act on a user's appeal.

What are the criticisms against this move?

- **Direct scrutiny of government**- The proposal seeks to subject content on social media to the direct scrutiny of the Government by permitting users to appeal decisions of social media platforms to a Committee constituted by MeitY.
- **Curbs dissent**- This mechanism will help to tighten the Government's grip on messaging on social media intermediaries thus serving as a tool to curb the dissent.
- **Additional responsibilities on grievance officers-** It suggests that if a user complains about content which is patently false, infringes copyright, threatens the integrity of India, etc., a grievance officer will have to expeditiously address it within 72 hours.
- **Privacy issues**- Last year, WhatsApp filed a lawsuit against the rules which requires encrypted messaging platforms to trace the identity of the originator of a message as it poses

privacy-risk to users.

References

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