THE UPHILL BATTLE FOR INDIA'S DIGITAL RIGHTS

Relevant for: Developmental Issues | Topic: Important Aspects of Governance, Transparency & Accountability including Right to Information and Citizen Charter

People use mobile phones after restoration of 4G mobile internet in Srinagar, Saturday, 06 February 2021. The 4G internet ban lifted in Jammu and Kashmir after 550 days, the internet service was suspended in Kashmir on 05 August 2019. | Photo Credit: NISSAR AHMAD / The Hindu

It was in 2015 that the Supreme Court of India struck down Section 66A of the Information Technology Act, terming it 'unconstitutional'. Section 66A, through its vague language, was a handy weapon that allowed people to clamp down on any online statement that could be considered "offensive". Even now, five years after being scrapped by the highest court in the land, the Section is being used to book and arrest people.

On January 15 this year, the Delhi-headquartered Internet Freedom Foundation and CivicDataLab launched the Zombie Tracker, an online page monitoring cases filed using the 'dead' Section 66A. So far, they have collected data from 11 states in the country.

A 2020 report by the Internet Freedom Foundation traced its journey from 2008 to 2020, discovering that the Section is being used against — surprise, surprise — political dissidents. Some people have languished in custody for as long as six months before being given bail, and "the battle against the 66A Zombies," as the IFF puts it, continues to this day.

Who are the people fighting these battles for us? Who spends their days poring over civil rights legalese and digital data, to make sure that our rights in the virtual world are kept safe? Like Internet Freedom Foundation's founder Apar Gupta, digital rights organisations around the country are being spearheaded by like-minded people from various backgrounds including Engineering, Law, Management and International Relations. They have banded together out of a sense of obligation and curiosity, often leaving prolific careers to work in donor-funded organisations.

As Amber Sinha, executive director of CIS-India, Bengaluru, (Centre for Internet and Society - India) puts it, "We try to study how our interests, which earlier existed in an analog world, are changing and reorienting themselves with our digital interactions. The impact that they [these interactions] have on our digital rights; what we need to do to preserve and enhance them… this is one clear focus of our research."

'Digital rights' is a broad term: it can imply the right to privacy and data protection; it can be related to trolling, online threats and hate speech; it can address broader issues of equitable Internet access regardless of economic backgrounds and disabilities.

For instance, one of CIS-India's earliest areas of focus was on the right to knowledge of people with print impairment. It later expanded this to look into how many people are unable to use technology and the Internet because of mental, visual and other impairments. According to Sinha, in 2013, CIS' "advocacy and research contributed towards India becoming the first nation to adopt the Marrakesh Treaty, which grants major copyright exceptions for the print disabled". Till date, 65 countries have ratified the treaty, which enables international access and production of special books for the blind and the visually impaired. It was also in 2013 that the Indian Government approved a National Policy on Universal Electronic Accessibility, for equal access to electronics and information and communication technologies (ICTs).

Sinha also adds that in 2009, CIS-India was the first organisation to call Section 66A 'unconstitutional'. In 2012, it played a part in the Justice AP Shah Committee, which wrote a report on the state of privacy law in India, and made recommendations for privacy guidelines in legislation and policy. CIS' research on privacy was noted with appreciation in the Puttaswamy and Aadhaar judgments of the Supreme Court in 2017-2018, and its research was also cited by the Srikrishna Commitee on data protection in 2018.

The Bengaluru-based Aapti Institute, founded by former management consultant Sarayu Natarajan, who has a PhD in Political Science from King's College, London. Her alma maters also include Columbia University and National Law School of India University (NLSIU), Bengaluru. Co-founder Astha Kapoor has experience with the Planning Commission. The institute recently released a report on the gaps in online access to municipal services. Delhi-based Internet Democracy Project looks into developing a feminist approach.

Pranesh Prakash, former (and co-founding) member of CIS-India, recalls how it was created with initial funding from "the billionaire Anurag Dikshit. He got together with Lawrence Liang, who is currently a professor of Law at Ambedkar University in Delhi."

On the other hand, Internet Freedom Foundation was born out of the Save The Internet campaign, a volunteer-led initiative that not only fought for net neutrality, but also simplified the complicated issue to make sure ordinary citizens understand how their lives were being directly affected.

Today, IFF not only works in advocacy and research, but also provides pro-bono legal aid to Indians fighting for their digital rights in court.

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