

Internet saga and the Indian state

The growing tendency to imposing full/limited shutdowns and targeting identities for claiming citizen rights are two sides of the same coin — the Indian government's increasing distrust of its citizens

Anivar
Aravind

The last decade witnessed the growth of the Internet from communication technology to essential livelihood-enabling service, with deep integration on every aspect of life from welfare delivery to job generation. Despite technological growth and increase in internet penetration, the last decade also witnessed the Indian government's growing distrust of its citizens and the law enforcement agencies' interest to prevent 'communication rights' of 'fake news propagating' 'doubtful citizens'.

India's Internet growth is a constant theme in the last decade. Our country experienced significant year-on-year growth until last year. One such recent reports by Nielsen and Internet and Mobile Association of India (IAMAI) last year has noted that India had 451 million monthly active users as of March 31, 2019. We depend upon the Internet from banking to communication, basic necessity purchase to cloud services, important aspects of our economic, social, and cultural lives now depend upon the Internet. It transformed our lives and the way we access services & work. It opened up new sets of jobs from online media spaces to taxi aggregation to food delivery. Evolution of product and service startups and their growth in the Indian economy were largely due to open

The recent order restoring 'white-listed sites only' broadband and 2G postpaid Internet access in selective districts of Kashmir — after the SC verdict — needs to be considered as an evolution of India's own 'Great Firewall'. This 'white-listed sites only' access violates net neutrality and TRAI's

from differential pricing. This resulted in the growth of Indian Internet businesses aided by a low prices to access the Internet via mobiles. This access to communication tools also helped various players, including political parties to use fake news as a tool for opinion formation among target audiences. The Indian state also used fake news such as fabricated "Aadhaar savings" as a tool for building legitimacy for the delivery of welfare services using biometric authentication. It also tried to break encrypted communication on Internet platforms, first in the name of "lynchings" and then for "traceability".

Internet shutdowns and communication blockades evolved as a method to address law enforcement agencies' fear of chaos — first under Section 144 of the Code of Criminal Procedure (CrPC) and then under Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017. The NSO Pegasus scandal revealed that possible state actors deployed snooping technologies on mobile phones of activists, lawyers, and public intellectuals involved in the

Bhima Koregaon case. The Kashmir lockdown was a continuity of this state's fear and mistrust of its citizens. It is worth mentioning that the 2016 Nielson-IAMAI reports on India Internet 2019 ranked Jammu & Kashmir behind Delhi and Kerala with 49 per cent Internet penetration. The financial impact of 165+ days ongoing lockdown seems to be very high.

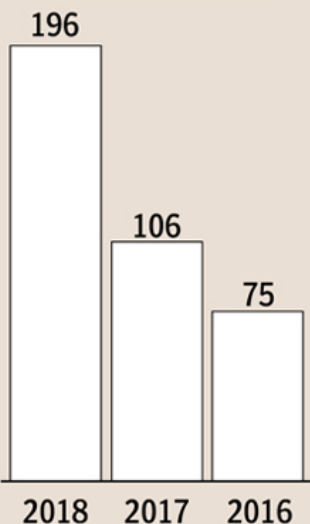
National Population Register (NPR) and National Register of Indian Citizens (NRIC) are the continuations of this effort of targeting

TRACKING PHENOMENON



An initiative called internetshutdowns.in tracks the number of internet shutdowns across the country. It is run by Software Freedom Law Centre, India.

STEADY RISE IN INTERNET SHUTDOWN CASES



According to SFLCI, there have been 236 preventive shutdowns i.e. restrictions imposed in anticipation of law and order situation, and 146 'reactive' shutdowns since January 2012.

DEFINING INTERNET SHUTDOWN



Internet shutdown is an intentional disruption of Internet-based communications, rendering them inaccessible or effectively unavailable, for a specific population, location, or mode of access, often to exert control over the flow of information.

— Access Now

LONGEST PERIOD WITHOUT INTERNET

160+ days
Kashmir Valley
(August 4, 2019)

145 days
Kargil (August 4 to December 27, 2019)

133 days
Kashmir Valley
(July to Nov. 2016)

100 days
Darjeeling (June to Sept. 2017)

28 COUNTRIES AFFECTED BY SHUTDOWNS

Between January and July 2019, Access Now reports that India had 80 instances of Internet shutdowns

The second highest number of Internet shutdowns have been recorded in Kazakhstan: Four

ASSAM

LOCALS DECRY INTERNET BAN

MANOJ ANAND

"I could not pay my EMI to the

KASHMIR

SC ORDER FAILS TO ENTHUSE

YUSUF JAMEEL

said he was never optimistic "as the

Internet & growth of connectivity and user base.

The government's attempts to address this

increasingly networked society started with identification efforts to target the last mile using connectivity. Aadhaar was its tool and welfare leakage was the rationale. The state introduced connectivity and biometric authentication against Aadhaar as intermediary technologies to control access to welfare. The whole narrative was to fix the leakage to "ghosts/fakes/duplicates".

The next wave was targeting 'black money'. The narrative for demonetisation and enabling cashless economy was combined with an amendment to the Prevention of Money Laundering Act, making Aadhaar-Bank account linkage mandatory. People queued up, changed notes, provided Aadhaar details to make black money targeting easier. They queued up similarly for mobile-Aadhaar linkage for helping the state target 'terrorists'. Many more targeting followed from birth registration to income tax filing — all to prevent ghosts and fakes from looting the Indian state.

We have seen citizen movements for net neutrality and saving the Internet

differential pricing rules.

of "ghosts/fakes/duplicates" to 'black money holders' to selective religious identities, 'doubtful citizens' and 'migrants'. The Anti-CAA-NRIC-NPR protests are a form of dissent by rights-aware citizens to re-engineering and re-classification of citizenship based on religious identifiers. When targeting efforts were met with unexpected protests, the mistrust of the 'database state' on citizens ended up with its default failure response: Digital India not found. December 2019 and January 2020 witnessed Internet shutdowns in 10+ states. We have seen communication shutdowns growing granularly in specific areas in Delhi and Hyderabad, and throttling Internet speeds.

The recent order restoring 'white-listed sites only' broadband and 2G postpaid Internet access in selective districts of Kashmir — after the Supreme Court verdict — needs to be considered as an evolution of India's own 'Great Firewall'. This 'white-listed sites only' access violates net neutrality and TRAI's differential pricing rules that were set in 2016. The gov-

population using connectivity and identifiers. The change of narrative has gradually evolved from fear

From students to professionals, few lives were left unscathed by the nine-day-long Internet ban in Assam, which was imposed after the anti-Citizenship Amendment Act movement took a violent turn in December.

While the authorities have been maintaining that the move was carried out to check the spread of rumours and maintain law and order, citizens said lack of Internet access took a harrowing toll on their personal and professional lives.

Kabindra Kakoty, a Gauhati University graduate, had tried to apply for a competitive examination but he missed the deadline because of the shutdown. "We, the students, suffered so much during the ban," he rued.

Bhaben Kalita, an Uber driver, said he was still traumatised as his livelihood had taken a severe blow.

ernment's 'Great Firewall' limiting citizen access to its own "free-basics" is an emerging threat to Internet freedom in India. The tendency of imposing full /limited shutdowns and targeting identities for claiming citizen rights are two sides of the same coin

bank, which started threatening to take action."

Mr Kalita added that he was desperate to be party to the PILs filed in the Gauhati high court that challenged the Internet suspension, but financial constraints ruled out his involvement. "I wanted a direction from the court disallowing the imposition of such bans in the future," he said.

Many people faced difficulties in transferring money electronically. One college student said that his parents had sent him money before the ban was imposed but many of his friends were not as fortunate.

"My friends had to leave Guwahati as they almost ran out of cash and ATMs were also running dry," he said. People also had to shell out more for auto-rickshaws in the absence of cab services and many had to face challenges in submitting their reply to I-T and Goods and Services Tax-related queries.

— the Indian government's increasing distrust of its citizens.

Web inventor Tim Berners-Lee in November 2019 launched a "Contract for the Web", promising to take concrete steps to make the web a force for good. He appealed to governments to

The Supreme Court's recent verdict that the access to the Internet is a fundamental right under Article 19 of the Constitution brought smiles on the faces of subscribers in Jammu and Kashmir, where the facility has been suspended for a record 24 weeks now.

But as the authorities chose to play for time the hope generated by the top court's seeking a review of the restrictive orders imposed ahead of the Centre's stripping the erstwhile state of its special status and splitting it up into two Union Territories on August 5 last year was soon belied.

The ruling termed the indefinite suspension of Internet services as "impermissible" and said that restrictions can "be temporary only". However, it fell short by not issuing an order for immediate restoration of Internet services.

Prof. Sheikh Showkat Hussain

promise to "ensure everyone can connect to the Internet," to "keep all the internet available all the time," and to "respect and protect people's fundamental online privacy and data rights." Indians badly need this commitment from the government.

court directions are seldom respected by the authorities in J&K". Attorney and human rights activist Pervez Imroz endorsed him but added that the SC had only asked the government to review its decision and by saying that "it put the ball back in its court and gave it red herring to deny the facility to people".

Meanwhile, the Internet shutdown in the Union Territory has caused economic distress. Also adversely affected are the media and medical fraternities, students, travel organizations, trade startups, entrepreneurs, online services and others, evoking severe criticism at home and abroad.

According to Sheikh Ashique, president Kashmir Chamber of Commerce and Industry, the Valley's economy suffered a loss of about ₹18,000 crore in first four months of the post-August 5 restrictions and communication blockade.

(Aravind is a Bangalore-based Independent researcher looking at the intersection of technology, politics and digital rights. He tweets @anivar.)