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Internet, Information & Empowerment

A profile of India's efforts in internet for empowerment

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Acknowledgment

The internet and other communication tools and technologies have created unprecedented opportunities to access and share information, opened up paths for pro-democracy groups, activists, journalists and individuals around the world to organize and make their government accountable and transparent.

Internet has emerged as the most empowering tool of the 21st century. However, the new technological tools can also be subject to discords and confrontations with the government of the day. There are already reports of governments aiming to curb internet freedom. Since 1995, governments around the world are making efforts to balance a need to deal with serious issues such as security, internet freedom, internet accessibility, but in repressive societies, these concerns often serve as convenient pretext to engage in censorship or surveillance of the internet that is stated to violate the rights and privacy of users and threatens the free flow of information and access to internet.

India is stated to have the third highest number of internet users in the world by crossing 100 million users (around 40 million users use the internet via mobile phones) in December 2011. However, considering India's population crossing 1 billion marks, this figure do not give a complacent picture of provisioning Internet in India as a basic utility service. Reports say, despite increasing affordability of PCs and internet penetration, the net penetration rate is low, which is less than 10 per cent compared to global standards. A 100 million internet users cannot be considered a critical landmark unless internet use in India enters a critical period of growth with universal access. Development deficits and divides cannot be bridged unless information access and services are denied. And access to Internet is the much required utility platform towards this.

Information accessibility is the first step of empowerment in a country like India, where 70% population lives in 638,365 villages, and most of them are located in the remotest regions of the country. Reportedly, rural and underdeveloped countries are not able to access information due to lack of basic information, infrastructure and means to access information.

The DEF-APC project, "Internet Rights" in 2011 came at the right time to advocate 'internet access for all' at the national level. As its first step of the project, DEF & APC jointly submitted their first UPR (Universal Periodic Review) in 2011 focusing on internet rights, internet rights and making internet as an effective tool to access right to information in India.

The project overall aims to address the specific areas of concern – right to information, internet & information access, internet governance, Internet regulation, content specifications, cyber law, and appropriate policy framework.

The National Consultation on 'Internet Rights, Accessibility, Regulation & Ethics' on May 3, 2012 in New Delhi is an essential corollary to this project.

The booklet brings out critical aspects of internet with related to human rights, right to information and how internet has been utilized by different sector of societies, marginal and underdeveloped communities to address their issues.

I must thank with all sincerity Association for Progressive Communications (APC) to partner with Digital Empowerment Foundation for this important project first time in India.

I thank National Internet Exchange of India (NIXI), Ministry of Communications & IT, Govt. of India for being part of this critical project through its support for the national consultation workshop, 'Internet Rights, Accessibility, Regulation & Ethics' without hesitation and that has turned out to be a great source of encouragement and positive environment.

I take this opportunity to thank my colleagues Ritu Srivastava and Syed S Kazi for undertaking this programme at this critical juncture.

This booklet has been made, designed and printed with much care and focus. However, renders may excuse and forgive any errors and mistakes that may have occurred unintentionally.

I wish you a thoughtful reading to all!

Warmest regards,

A handwritten signature in cursive script, reading "Osama Manzar". The signature is written in black ink and is positioned above a horizontal line.

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Contents

Introduction	6
Conceptualising Accountability and Recourse	8
The Internet and the Right to Information in India	15
Universal Periodic Review (UPR)	
First Submission to the Universal Periodic Review of India	20
Recommendation for the Second Universal Periodic Review of India	27
Case Studies	
Case Study 1	32
Rampant Corruption: The First Right to Information Campaign in India	
Case Study 2	33
Jankari: ICT based RTI Facilitation Centre in Bihar	
Case Study 3	34
Bhoomi: Making Transparent Land Record System	
Case Study 4	35
ICTs Help Battered Dowry Victims Rebuilt their Lives	
Case Study 5	36
Bell Bajao: An Online Campaign by Breakthrough Against Violence Against Women	37
Case Study 6	
The Pink Chaddi Campaign	
Case Study 7	38
Bhopal Net: Fight for the Human Rights	
Case Study 8	39
Citizen Journalism and Human Rights in North-East India Promoted by WACC	
Case Study 9	40
The Ujjas Innovation: Empowering Women through Community Radio	
Case Study 10	41
Economic Empowerment for Minority Muslims in India through ICT	
Case Study 11	42
Koshish: Empowering Homeless & Destitute People	
Case Study 12	43
Government Initiatives to Set up RTI Filing Centres at Post Offices	
Case Study 13	44
MyNeta.INFO: Keeping Eyes on Electoral Candidates	
Case Study 14	45
CGNet Swara: Audio-Based Voices of Voiceless People	
Case Study 15	46
Stop Honor Killings in India Blog	
Case Study 16	46
ZOLENGTHE.NET: The Internet Activism Against Human Right Violations in Manipur	

Introduction

Towards Internet as a Basic Right

Internet and the philosophical use of internet have never been into debates lately than ever before. It is clear that technology is advancing faster than anyone would have imagined a decade ago, while an argument could be made that the philosophies that brought the world this far are starting to revolutionise things around us. The question of whether or not internet access is a human right or simply a privilege, technology and philosophy collide dramatically.

The United Nations has declared internet access as a basic human right in a report, stating as, *“an indispensable tool for realizing a range of human rights, combating inequality, and accelerating development and human progress.”*

According to the Transparency International’s 2010 Index countries like Denmark, New Zealand and Singapore have granted their citizens the right to information. Finland is the first country in the world to declare internet access as a legal right to all citizens in 2010 and now the Netherlands has followed suit. However, information access is still a herculean task. Channels are limited as well as restricted.

Considering the fact that India is one of the world’s largest democracies, however, it is also one of the few countries where most of the information lies with governing bodies rather than being available publically.

India guarantees freedom of speech and expression in its constitution, but reserves the authority to impose reasonable restrictions in the interests of the sovereignty and integrity of India, state security, foreign relations, public order, decency, or morality; or in relation to contempt of court, defamation, or incitement to an offense.

Until the late 1990s, the Indian government had control over all aspects of the telecommunications sector – policy, regulation and operations. The new Internet Policy introduced in 1998 allowed private companies to apply for licenses to become, thereby ending the monopoly over domestic long distance networks. This did not lead to major transformation in access of internet resource and decentralization. Information empowerment is still a distant dream.

The IT Act 2000 provided legal framework to regulate internet use and commerce, in including digital signatures, security, and hacking. The Act criminalized the publishing of obscene information electronically, and grants police powers to search any premises without a warrant and arrest individuals in violation of the act¹. The Act, however, did not promote a wholesome environment of internet promotion, access with last mile empowerment.

The government has introduced the Right to Information Act in 2005 to ensure the right to privacy and freedom of speech and expression as fundamental rights and recognizes the use of ICT towards realizing the provisions of the Act.

“Every public authority should provide as much information to the public through various means of communications so that the public has minimum need to use the Act to obtain information. The internet being one of the most effective means of communications, the information may be posted on a website”, the Act states clearly.

The government has also included right to information in the National e-Governance Plan (NeGP), stating that *“all information covering non-strategic areas should be placed in the public domain”*.

Despite the above favorable steps, the larger policy and programme focus to facilitate an enabling and accessible information medium on the internet is missing. This calls for considering internet as a basic public utility service. Instead, there are reports of government attempts to put curbs on access to internet.

It is reported that in 2011, the government had issued new rules on “Intermediary Due Diligence” under section 79 of the Information Technology Act 2000. These rules relate to liability of internet intermediaries and will permit the government to control online content of websites and links to online businesses without disclosing this to the public. According to CIS (The Centre for Internet Society), the Department of Information Technology has already blocked 11 links. Moreover, the Section 69A of the IT gives the Central Government power to *“Direct any agency of the Government or intermediary to block for access by the public or cause to be blocked for access by the public any information generated, transmitted, received, stored or hosted in any computer resource.”*

On the one hand, the government is seen to make efforts towards ensuring transparency and accountability through policies such as the Right to Education, Right to Information and Access to e-Governance Services. Contrary, new regulatory proposals aim to limit freedom of expression and suppress the right to information.

According to critics, negative provisions clearly violate Constitutional guarantees of Citizens' Fundamental Right to Freedom of Speech and Expression because they are overly broad in their possible application. Existing international human rights obligations require limitations on freedom of expression to be very narrowly defined and to meet specific objectives. The breadth of these rules has been a surprise and caused deep concern for many in India. The laws and new rules are also contrary to India's obligations to take steps to secure internet access in order to uphold the right to information and freedom of expression.

The Silver lining is already there. Things take time and things are happening. India is a sub continent and any concrete step or measure related to Internet will take little time. There are too many internal dynamics to be considered at policy level and ground level before any formal approach is adopted and implemented. The private sector including the civil society is already making great moves to ensure equity in ICT access including Internet as well as using the same towards greater empowerment measures. Efforts are made to highlight issues, problems and challenges by using the wider Internet domain platform.

What we require in India is the great master stroke. It is this. The challenge is how to establish firmly the permanent thread of integrating Right to Information with the Right to Internet in the near future. For this stakeholders have to find common ground of consensus instead of dissent and oppositions. All we have to understand is Internet has come to us a great boon of technological innovation to serve the larger human causes.

¹The Information Technology Act, Article 67, 2000. Under the Act, anyone who publishes “any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt . . .” is subject to a fine and up to five years in prison. See [http://www.sarai.net/journal/pdf/133-135%20\(bill\).pdf](http://www.sarai.net/journal/pdf/133-135%20(bill).pdf).

Conceptualising Accountability and Recourse

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Introduction

The modern foundations of international human rights rest on the Universal Declaration of Human Rights (UDHR) and the Charter of the United Nations (UN).¹ The UDHR affirmed human rights are universal, inalienable and interconnected. The human rights framework recognises both the right of states to govern and the duty of states to respect, protect and promote human rights. The global transformation of human rights from moral or philosophical imperatives into a framework of rights that are legally recognised between nations continued into the 21st century, but this basic framework has been reaffirmed by UN member states and remains the foundation of human rights today.² The internet has been used to create new spaces in which human rights can be exercised and new spaces in which rights violations can take place. This report looks at human rights concepts, the internet and accountability mechanisms for internet-related human rights violations.³

The human rights framework

The UDHR is not legally binding but has a powerful moral force among UN member states. Binding standards have been developed, including the International Covenant on Civil and Political Rights (ICCPR)⁴ and the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁵ Together with the UDHR, these two standards have become known as the International Bill of Human Rights.⁶ Other international human rights standards followed, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁷

Accountability and remedies

When the UDHR was being negotiated, litigation was not seen as the appropriate way to seek remedies or accountability between nations (nor was there an international court system). New forums

¹The United Nations officially came into existence after ratification of the Charter on 24 October 1945.

²The 1993 Vienna World Conference on Human Rights reaffirmed that human rights are indivisible and interrelated and that no right is superior to another. UN General Assembly (1993) Vienna Declaration and Programme of Action, Article 5. [www.unhcr.ch/huridocda/huridoca.nsf/\(symbol\)/a.conf.157.23.en](http://www.unhcr.ch/huridocda/huridoca.nsf/(symbol)/a.conf.157.23.en)

³“Accountability mechanisms” range from international mechanisms, to litigation, to community action and lawful forms of protest.

⁴Human Rights Committee, General Comment 34, Freedoms of Opinion and Expression, (21 July 2011, CCPR/C/GC/34).

⁴The ICCPR includes rights related to the right to vote, freedom of expression, freedom of association, and the rights to a fair trial and due process.

⁵The ICESCR includes rights related to the right to health, the right to education, the right to an adequate standard of living, and the right to social security.

⁶Office of the High Commissioner for Human Rights (1996) FactSheet No. 2 (Rev. 1) The International Bill of Human Rights, United Nations, Geneva. www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf

⁷Others include the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (UNCROC), and the Convention on the Rights of Persons with Disabilities (CRPD).

were established, including the Security Council, the Human Rights Committee and, more recently, the Human Rights Council. Accountability to these forums was primarily by way of periodic reporting. Once a state had ratified a treaty (such as the ICCPR) it agreed to periodically report on implementation, but ratification was also permitted with reservations. Some treaties adopted complaint procedures for individual complaints (which are known as optional protocols), but states are not obliged to submit to these. Each treaty has different standards for accountability. For example, states are obliged to implement economic, cultural and social rights as resources allow, through a system known as “progressive realisation”. Civil and political rights, on the other hand, must be implemented immediately and some, such as freedom from torture, can never be suspended or limited, even in emergency situations.

The premise underlying these forms of accountability is that states, as equal members of the international community of nations, will subject their conduct to the scrutiny of other states. In doing so states also agree to abide by recommendations or take into account observations made about matters within their own borders. States therefore agree to be publicly accountable for their human rights performance. This was a major transformation in the international community of states.

In practice, the effectiveness of these accountability mechanisms varies widely. Some treaty body processes⁸ are seen as very ineffective: the reporting processes are cumbersome, lengthy and time consuming for states and civil society groups alike. Some states simply do not file their periodic reports. For these and other reasons the treaty body processes are currently being reviewed.⁹ Other mechanisms, such as the Universal Periodic Review, are seen as much more effective.

This variability has implications for civil society groups, which must strategise carefully about the use of different or multiple mechanisms depending on a number of factors, including the issue, and whether the context is national or local. Multiple mechanisms might be used at the same time, over time, or not at all, depending on the particular issues and context.

The human rights framework also has limitations. As a forum of governments the UN is necessarily infused with politics. Agreed human rights standards are, generally, the product of the best possible political consensus. The result is often a minimum standard: the lowest common denominator of agreement. The international human rights system is still evolving, with the UN’s mandate under constant scrutiny, and its utility questioned in the face of the modern horrors of human rights violations. In addition, the framework itself is not static. The UN system is evolving with new processes such as the Universal Periodic Review providing new opportunities for scrutiny and leadership. While changes may be positive, these take time to implement, requiring civil society organisations (CSOs) to develop or enhance capacity to engage and use them effectively while also trying to advance their issues and concerns.

Yet the UN – and the Human Rights Council in particular – remains the central global human rights forum. Opportunities for recourse against states, as ways to hold them accountable for human rights violations, must be considered taking into account both strengths and limitations of the international

⁸Treaty body processes refers to the various mechanisms for oversight of implementation of treaties; for example, the Committee for the Elimination of All Forms of Discrimination Against Women oversees the CEDAW convention and the Human Rights Committee oversees the ICCPR.

⁹www2.ohchr.org/english/bodies/HRTD/index.htm

human rights framework. And today there are more processes for state accountability for human rights violations than have ever existed. These include:

- Scrutiny by treaty bodies
- Complaints to UN bodies under optional protocols
- Engagement with special procedures of the UN (for example, the Special Rapporteurs on Freedom of Opinion and Expression, Freedom of Association and Human Rights Defenders)
- State peer review in the Universal Periodic Review process
- Formal complaints to regional mechanisms, for example, the European Court of Human Rights, the Inter-American Court of Human Rights or the African Court on Human and People's Rights
- Complaints to or investigations by ombudspersons or national human rights institutions
- Litigation (where national constitutions allow for this or where international standards have been incorporated into domestic law).

As human rights violations in relation to the internet increase,¹⁰ questions arise about accountability and remedies. The implications for internet-related human rights violations cannot be considered without first looking at the internet-related forums in the UN.

Human rights and the internet at the UN

Despite the centrality of human rights to the creation of the UN, the World Summit on the Information Society (WSIS),¹¹ the WSIS Geneva Declaration of Principles¹² and the Internet Governance Forum (IGF),¹³ discussions about accountability for human rights violations remain limited. Tensions have emerged given the openness of the internet, which has been both a factor in its success and a point of political contention in debates about internet governance.¹⁴ Early adopters of the internet and information and communications technologies (ICTs) reached for rights as a way to navigate these tensions by articulating their freedom to use and create online spaces, to assert their rights to communicate and share information, and to resist state or government interference with rights to privacy.¹⁵ The simple application of existing human rights standards was the starting point for civil society groups and, building on the work of the People's Communication Charter, the Association for Progressive Communications (APC) developed the first Internet Rights Charter in 2001-2002 (subsequently updated in 2006).¹⁶ In 2010, the Dynamic Coalition on Internet Rights and Principles released a Charter of Internet Rights and Principles and, in 2011, a more condensed set of ten principles.¹⁷

¹⁰La Rue, F. (2011) Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 26 April, A/HRC/17/27, p. 8-15.

¹¹World Summit on the Information Society, United Nations and International Telecommunication Union (2005) WSIS Outcome Documents. www.itu.int/wsis/documents/doc_multi.asp?lang=en&id=2316

¹²Article 19 of the UDHR is cited in paragraph 4 of the Geneva Declaration of Principles (2003).

¹³www.intgovforum.org

¹⁴Cavalli, O. (2010) Openness: Protecting Internet Freedoms, in Drake, W. J. (ed) *Internet Governance: Creating Opportunities for All*, United Nations, New York, p. 15.

¹⁵One of the more famous examples was John Perry Barlow's Declaration of the Independence of Cyberspace (February 1996). projects.eff.org/~barlow/Declaration-Final.html

¹⁶www.apc.org/en/node/5677

¹⁷www.internetrightsandprinciples.org

But further elaboration and clear explanation of how existing human rights standards apply seemed necessary. New charters and statements of principles have emerged in regional bodies (such as the Council of Europe) and nationally (for example, in Estonia and Finland).¹⁸ It is not yet clear if a new “Super Charter” will emerge or if a new model national law will be developed.

The internet-related aspects of freedom of expression and freedom of association have received some scrutiny in UN human rights mechanisms. The 2011 annual report of the Special Rapporteur on Freedom of Opinion and Expression¹⁹ was the first time the Human Rights Council had considered a report specifically focused on human rights and the internet. In 2010, the Human Rights Committee began a review of General Comment 34 (a key document which the Committee uses to interpret Article 19 of the ICCPR) and released its preliminary report in May 2011.²⁰ The new general comment includes specific reference to “electronic and internet-based modes of expression”.²¹ This will strengthen the mechanisms for recourse and reporting internet-related violations of freedom of expression under Article 19 by requiring states to include these in their reports. The final revised comment was released in June 2011 and should be available for use in periodic reporting and other accountability mechanisms by early 2012.

These various initiatives are welcome, but more work needs to be done to ensure the internet is a cross-cutting issue within all treaty bodies and human rights mechanisms. The topic of human rights, the internet and accountability mechanisms remains complex for a variety of reasons, including:

- The complexity of the internet ecosystem (for example, no single point of governance and network operation, diverse standard-setting systems, the role of internet intermediaries and platform providers, and so on) and the various connection points of that ecosystem with the human rights ecosystem (or lack of connection points).
- While there may be a single international human rights standard (for example, on freedom of expression) there is no single way and no single correct way to give effect to that standard.
- The diverse ways that human rights issues arise; for example, from privacy and surveillance, to the ICT production line (conflict minerals, the rights of workers), to content filtering, content blocking and harassment, arrest and detention of online human rights activists.
- Human rights violations may involve multiple and intersecting rights across different treaties and affect groups differently (such as women, sexual and gender minorities, people with disabilities, or racial and cultural minorities).
- The application of human rights standards to the fast-changing forms of connectivity (mobile is outpacing other forms of connectivity, for instance).²²

¹⁸In relation to Estonia, see Woodard, C. (2003) Estonia, where being wired is a human right, *Christian Science Monitor*, 1 July. In relation to Finland, see Ministry of Transport and Communications (2009) 732/2009, Decree of the Ministry of Transport and Communications on the minimum rate of a functional Internet access as a universal service. www.finlex.fi/en/laki/kaannokset/2009/en20090732

¹⁹La Rue (2011) op. cit.

²⁰Human Rights Committee (2011) Draft General Comment No. 34 (upon completion of the first reading by the Human Rights Council, 3 May, CCPR/C/GC/34/CRP.6.

²¹Ibid., para 11.

²²See, for example, Southwood, R. (2011) Policy and regulatory issues in the mobile internet, APC. www.apc.org/en/node/12433; Horner, L. (2011) A human rights approach to the mobile internet, APC. www.apc.org/en/node/12431; and Comminos, A. (2011) Twitter revolutions and cyber-crackdowns: User-generated content and social networking in the Arab Spring and beyond, APC. www.apc.org/en/node/12432

- The nebulous legal environments of many countries, including absence of the rule of law (or ineffective legal systems), lack of legislation and constitutional protections or, conversely, over-regulation and extensive direct or indirect censorship.²³
- The diverse human rights situations in diverse countries, especially within and between developed and developing countries.
- The actual and perceived limitations of human rights remedies where the state violates human rights or where non-state actors can act with impunity.
- The frequent need to obtain remedy or recourse quickly and the slow and cumbersome nature of most legal processes.
- The cost of litigation and the lack of access to this remedy for many individuals and groups.
- The geopolitics and how these play out in various forums.
- The multiple and sometimes conflicting mechanisms for remedy within countries (for example, in relation to content censorship, the intersections of defamation law, constitutional protections where these exist, and criminal or civil legislation for different types of material).

What future for accountability mechanisms?

Given these complexities it is perhaps no surprise that those discussing internet rights charters and principles have steered away from creating new accountability mechanisms – none appear to contain new complaints procedures. The question is, can the existing human rights framework provide adequate accountability mechanisms for internet-related human rights violations?

The answer is unclear. A mixed picture emerges from current practice. Some CSOs have been active in the Universal Periodic Review process.²⁴ Regional human rights mechanisms (such as the European Court of Human Rights) are receiving increasing numbers of complaints²⁵ together with strategic interventions in litigation by CSOs.²⁶ But no complaints have been received by the African Special Rapporteur on Freedom of Expression in relation to freedom of expression and the internet.²⁷ There have been few complaints to national human rights institutions, possibly because these have not yet adequately considered how to deal with internet-related complaints.²⁸ Civil litigation remains a primary way to gain recourse in many countries.²⁹

More research is needed to develop a better global picture of the use of these various mechanisms and monitor change. For example, some mechanisms may be best suited to certain types of complaints and offer different remedies. Capacity building also may be needed to support civil society advocacy and strengthen the mechanisms to ensure judicial and other officers adequately understand internet-related human rights issues.

²³For example, in relation to Turkey, see Johnson, G. (2011) *Censorship Threatens Turkey's Accession to EU*, unpublished research paper.

²⁴Universal Periodic Review (UPR), Thailand: Joint CSO Submission to the Office of the High Commissioner for Human Rights (March 2010), endorsed in whole or in part by 92 Thai organisations.

²⁵For a summary of recent European Court of Human Rights cases in relation to the internet and human rights see the European Court of Human Rights "New Technologies Fact Sheet" (May 2011).

²⁶For example, the Electronic Frontier Foundation and Privacy International.

²⁷Advocate Pansy Tsakula, personal communication to APC, 2011.

²⁸See, for example, New Zealand Human Rights Commission (2010) *Roundtable on Human Rights and the Internet*. www.hrc.co.nz

²⁹Kelly, S. and Cook, S. (eds) (2011) *Freedom on the Net 2011: A global assessment of the internet and digital media*, Freedom House, Washington.

New avenues for global recourse and accountability mechanisms are emerging. The Special Rapporteur on Freedom of Expression has emphasised the need for effective remedies, including rights of appeal.³⁰ In addition, he noted that the internet has created more avenues for use of traditional remedies including the right of reply, publishing corrections and issuing public apologies.³¹ In one defamation case, for example, the settlement agreement included the defendant apologising 100 times, every half hour over three days, to more than 4,200 followers of his Twitter account.³²

A rights-based approach to the internet and human rights

The rights-based approach, or human rights approach as it is also known, was developed as a practical way to implement human rights standards. The rights-based approach was first articulated in the UN in 2002, when the Office of the UN High Commissioner for Human Rights convened an ad hoc expert committee on biotechnology. The committee noted this was a new and emerging area of human rights, with no specific human rights standards. To overcome this difficulty the committee decided to rely on a “rights-based approach” for its task, indicating that such an approach should:³³

- Emphasise the participation of individuals in decision making
- Introduce accountability for actions and decisions, which can allow individuals to complain about decisions affecting them adversely
- Seek non-discrimination of all individuals through the equal application of rights and obligations to all individuals
- Empower individuals by allowing them to use rights as a leverage for action and legitimise their voice in decision making
- Link decision making at every level to the agreed human rights norms at the international level as set out in the various human rights covenants and treaties.

This approach has been extended into a wide range of areas, particularly those where no specific human rights standards seem to apply. The approach is increasingly being used to critique internet regulations on access to the internet, privacy, filtering³⁴ and the mobile internet.³⁵ The UN Special Representative on Business and Human Rights has also drawn on the rights-based approach to consider liability of transnational corporations for human rights violations. The resulting framework highlights the need for access to effective remedies, both judicial and non-judicial.³⁶

There is scope to use this approach in other areas, for example, with the mandates of various UN forums that focus on the internet. The recent appointment of a Special Rapporteur on Freedom of Association provides an opportunity to explore such an approach taking account of modern

³⁰La Rue (2011) op. cit., para 47.

³¹Ibid., para 27.

³²www.thejournal.ie/malaysian-man-apologises-via-100-tweets-indefamation-settlement-147842-Jun2011

³³High Commissioner for Human Rights (2002) Report of the High Commissioner's Expert Group on Human Rights and Biotechnology: Conclusions, OHCHR, Geneva, para 21.

³⁴Access (2011) To Regulate or Not to Regulate, Is That the Question? A Roadmap to Smart Regulation of the Internet, discussion paper released ahead of the OECD High-Level Meeting on the Internet Economy on 28-29 June 2011. www.accessnow.org/policy-activism/docs

³⁵See footnote 22.

³⁶Ruggie, J. (2011) Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, 21 March, A/HRC/17/31, para. 26-31.

human rights movements, the use of the internet and ICTs to mobilise, and the special situation of human rights defenders seeking to improve democratic participation. New forms of accountability may yet emerge, as well as new remedies that relate specifically to the internet.

Conclusion

There are more opportunities at global levels for recourse for human rights violations than ever before. Yet these appear largely underutilised in relation to the internet and human rights. Diverse and complex factors interact to create this situation and it is difficult for CSOs to develop effective strategies. At the same time, new human rights standards and mechanisms are emerging in relation to freedom of expression and freedom of association, creating new opportunities for recourse. Taking a rightsbased approach to the internet and human rights may provide a way to negotiate these complex issues, to build broad consensus on the application of human rights standards, and provide greater access to, and measurement of, accountability mechanisms.

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Introduction

The right to information is a basic human right for every citizen, and the internet is an effective medium to access information. The internet is considered one of the most democratic forums, where the expression of one's views knows few barriers and borders. But this does not mean that the freedom of speech and expression on the internet is absolute and unrestricted.

Transparency International's 2010 Index rates Denmark, New Zealand and Singapore the highest when it comes to granting their citizens the right to information.¹ Finland became the first country in the world to make access to the internet a legal right for all citizens in 2010,² and now the Netherlands has followed suit.³ Although it is one of the world's largest democracies, India is also one of the few countries where most state information lies with governing bodies rather than being available publicly.

In India, 70% of the population lives in 638,365 villages,⁴ represented by 245,525 panchayat offices, mostly located in the remotest regions of the country. However, rural India is not able to access information due to a lack of infrastructure and means to do so. At the same time, many do not know that they have a right to access information. According to the 2011 census, the literacy rate in India is just 64.32% – with illiteracy most prevalent in rural areas. This is the case even though the government introduced the Right to Education Act in 2004, which promised free elementary and basic education to all children. Yet 35% of the population is still illiterate, and only 15% of Indian students reach high school. Because of this it becomes more important to provide them a medium to access information in a way that they can understand.

Advocating the need for a citizen's basic right to demand information that affects their societal well-being and existence is a mandatory requirement of any democratic society. And it is a citizen's basic right in a democratic society to demand information which is held by governing bodies who are elected by the people to serve the people.

Because of this, movements like the National Campaign for People's Right to Information, Save the Right to Information and India Together have been advocating for the internet to be used to secure the right to information as a basic human right.

¹www.transparency.org/policy_research/surveys_indices/cpi/2010/results

²www.nytimes.com/2011/04/28/technology/28internet.html?_r=2&partner=rss&emc=rss

³www.rijksoverheid.nl/nieuws/2011/05/24/verhagen-gaattelecomwet-wijzigen-om-vrij-internet-te-garanderen.html

⁴censusindia.gov.in/Data_Products/Library/Post_Enumeration_link/No_of_Villages_link/no_villages.html

Birth of the “right to information” in India

It has been more than 60 years since India’s independence – but it is only since 1996 that the government’s stranglehold on freedom of information has been lessened. Prior to 1996, India was still burdened by the legacy of the Official Secrets Act 1923, put in place by the British government. This prohibited people from getting any information from government officials. The first step toward recognising the right to information as a basic human right came in 1996 through the establishment of the National Campaign for People’s Right to Information (NCPRI),⁵ but it took almost a decade to conceptualise the Right to Information (RTI) Act and to bring it into effect.

The “right to information” campaign started as the Mazdoor Kisan Shakti Sangathan (MKSS) movement in the early 1990s, which campaigned against rampant corruption in the system. It was pushing for transparency in the implementation of minimum wages in the remotest part of Rajasthan, one of the largest states in India. The spirit of this movement inspired the citizens and administration in the country. The advocacy work done by MKSS gave rise to the NCPRI, which set out to advocate for the right to information at the national level in 1996. Eventually, in 1999, then Union Minister for Urban Development Ram Jethmalani⁶ issued an administrative order that enabled citizens to inspect and receive photocopies of files from his ministry. Disappointingly, the cabinet secretary at the time did not approve this order, which led to the campaign gaining momentum. The first national Freedom of Information Bill (2000) was introduced in Parliament in 2002. After a long struggle by the MKSS and NCPRI campaigns, the Right to Information Act formally came into force on 12 October 2005.

Through this Act, the Constitution of India has provided both the right to privacy and freedom of speech and expression as fundamental rights, but one right cannot override the other.

Regarding the use of information and communications technologies (ICTs), the government states in the RTI Act:

- Every public authority should provide as much information to the public through various means of communications so that the public has minimum need to use the Act to obtain information. The internet being one of the most effective means of communications, the information may be posted on a website.

Since independence, the RTI Act is probably one of the most influential laws that has been passed making access to information a basic human right. This Act enables citizens to demand information not only from the government and public authorities, but also gives power to citizens to access information from anywhere in the world using the internet as a tool to access the information.

Despite the fact that the spirit of freedom of expression is strong in India, it is still slow in making government information readily available, and government decisions transparent. It is also not easy for citizens to access information due to a lack of infrastructure or technological tools.

⁵righttoinformation.info

⁶For more information on Ram Jethmalani see: en.wikipedia.org/wiki/Ram_Jethmalani

Because of this some have advocated for the internet to be used to ensure the right to information as a human right in India.

Using the internet to ensure the right to information in India

With more than 100 million internet users as of December 2010 (of whom 40 million use the internet via mobile phones), India boasts the third highest number of internet users in the world.⁷ The internet's presence is reaching into every aspect of people's lives in India: in education, learning, health and, in this case, in helping citizens exercise their right to information.

The internet revolution first made a substantial difference in the lives of citizens when peasants, farmers and landholders of Rajasthan raised their voices demanding the ability to access land records directly through the internet. They were campaigning against rampant corruption and the manipulation of records that goes unabated in rural areas marked by stark poverty and feudalism. In response, an initiative was launched by the Rajasthan state government aiming to bring more accountability and transparency into the system of land records. The initiative enabled farmers to access their land and revenue records online by selecting their tehsil⁸ name, account and serial numbers, and paying a fixed amount to the manager of the internet access point (such as a kiosk). Through this project, the state government helped 209 tehsils in the 32 districts of the state, and digitised the jamabandis (land records) of 37,980 villages – as many as 95,490 have been released. This initiative also released the revenue records of the period before April 1996, resulting in around 62,000 pending cases being settled.

The spirit of this movement inspired the Karnataka state government to launch a project called Bhoomi in mid-1999, which aimed to digitise land and revenue records. The Bhoomi project digitised 20 million rural land records of 6.7 million landowners through 177 government-owned and internet-enabled kiosks in the state. Now, farmers and landowners are able to receive their records by providing data such as ownership, tenancy, loans, nature of title, irrigation details, crops grown, etc. This small initiative helped farmers in many ways, from documenting crop loans and legal actions, to securing scholarships for school children.

This project impacted on the whole country, leading the central government to initiate a national-level Digitisation of Land Records project. The state governments involved include Madhya Pradesh, Andhra Pradesh, Gujarat and Maharashtra. Under this initiative, landowners are able to access digitised copies of records of rights, along with property boundaries.

This initiative formed the foundation of a nationwide project aimed at allowing citizens to access information. The Common Services Centres (CSC) programme was launched in 2006 with the goal of setting up 100,000 centres in rural areas across the country. The project enabled rural citizens to access real-time information as well as various e-government services.

⁷www.traa.gov.in/WriteReadData/traa/upload/PressReleases/823/Press_Release_Mar-11.pdf

⁸A tehsil consists of a city or town that serves as its headquarters, possibly additional towns, and a number of villages. As an entity of local government, it exercises certain fiscal and administrative power over the villages and municipalities within its jurisdiction. It is the ultimate executive agency for land records and related administrative matters. en.wikipedia.org/wiki/Tehsil

The right to information is included in the National e-Governance Plan (NeGP), which calls for the internet to be used so that “all information covering non-strategic areas [is placed] in the public domain to enable citizens to challenge the data and engage directly in governance reform.” The Plan also strengthens the right to information by providing for disclosure by governments in all non-strategic areas. All information should be digitally available as it is not possible to fulfil this requirement through traditional paper-based processes.

Another good example aimed at building transparency between government and citizens is the NREGA (Mahatma Gandhi National Rural Employment Guarantee Act) programme in the state of Andhra Pradesh. This enables hundreds of labourers to receive real-time information, including transactional information such as work done, wages paid, and assets acquired. All this information is publicly shared through the programme’s website. They are able to receive this information through the internet or with the help of community-based organisations that provide the information over telephones.

There is now widespread awareness that accessing information is a basic human right and that the internet can help in securing this right. Many activists have taken the cause to the next level and use the power of social networking websites like Face book and Twitter to spread awareness about the right to information.

One example was highlighted recently when veteran social activist Anna Hazare began a hunger strike, demanding the enactment of the Jan Lokpal Bill⁹ that gives wider powers to the Ombudsman to keep corruption in check. The protest began on 5 April 2011. For four days Hazare’s fight against corruption spread like wildfire across the internet and he became the most “searched” person on the Google India page. This was largely because of social media websites like Facebook, Twitter and YouTube that played an important part in stitching a nation of concerned citizens together. The 72-yearold activist became a worldwide celebrity on Twitter with tweets that were pouring in every minute and with more than 70,000 “likes” on Facebook. Thousands of youth joined the campaign and supported it in a non-violent way on Facebook and Twitter. Facebook pages such as “Mahatma Gandhi 2.0” and “India Against Corruption” reached over 145,000 “likes” within a day. Within four days, Hazare’s nonviolent social movement impacted on the central government, which accepted all the demands of the movement.

Another example is the CIC Online project, a key initiative of the Central Information Commission (CIC) and National Informatics Centre (NIC), under the aegis of the NeGP. Now we are also able to file complaints online,¹⁰ and check the status of appeals when the right to information is denied. Effectively, CIC Online has institutionalised the convergence of ICTs with the Right to Information Act 2005.

Although these particular examples have shown the impact of the internet in realising the right to information as a basic human right in India, India has also failed in many ways due to a lack of infrastructure, or when citizens have been unable to utilise or access CSCs. The right to information could be successfully implemented if it could be directly correlated with a level of commitment

⁹www.indiaagainstcorruption.org

¹⁰rti.india.gov.in/index.php

within the state and central governments of both the political and administrative bureaucrats. It is essential that immediate and wide-scale dissemination of the content of the RTI Act as well as assistance in implementing the Act is provided to all concerned. The Act has also set down obligations on the state and central governments for its implementation and for setting up monitoring mechanisms.

There is a requirement to implement the Act uniformly across the country. No doubt, uniform implementation of the Act will bring transparency to governing bodies and authorities, which will be vital for the functioning of a vibrant democracy. It will create an environment of minimal corruption where governments are accountable to the people. This can be possible only when governing bodies and authorities allow citizens to access their information from anywhere and anytime. Because of this, it becomes necessary to make internet access a basic human right.

Action steps

In developing societies like India, ICTs play an important role in bringing disparate activist groups together. Some of the actions that could be taken include:

- In order to remove the constraints on accessing information, it is important to push for universal access to ICT infrastructure and the availability of information on the internet.
- In an era of Web 2.0, it is important to have free and open models of knowledge creation that ensure protection against undue commercial influence over the free flow of information and knowledge.
- Panchayat Offices can be used as RTI filing centres or can be internet-enabled and converted to Public Citizen Offices (PCOs) where citizens can file RTI applications. The RTI fee could either be based on the rate of a call or decided by a PCO officer.
- In a country where the literacy rate is just 64%, and most are not able to use the internet, there should also be a way to utilise the power of mobile technology for the filing of RTI applications (for instance, using SMS).
- There is a need to properly catalogue, index, and digitise government policies, applications, schemes, papers, announcements, etc. so that these records can be easily accessed.
- Given globalisation, there is a trend towards developing worldwide restrictive intellectual property laws and practices and the coercive implementation of laws, often through technical restrictions. These need to be opposed.
- Civil society needs to identify political contours in the struggle for rights, democracy, equity and social justice, and in a way that enables them to campaign effectively for people's rights.

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First Submission to the Universal Periodic Review of India

Executive Summary

1. This submission is by the Digital Empowerment Foundation (DEF) and the Association for Progressive Communication. DEF is majorly concerned with the human rights, internet rights and making the internet an effective tool to access right to information in India. DEF believes that the internet plays a major role in accessing information and thus a tool for social and economic development. This submission outlines India's progress and specific areas of concern: information technology (IT) law and policies, the right to information and internet access and internet governance. Four recommendations are made for follow-up and implementation in the UPR cycle.

The Internet & Human Rights

2. Internet related human rights issues (including internet access for the right to information) were not included in the first UPR of India. Human rights and the internet are referred to in the founding documents on the United Nations World Summit of the Information Society,³ the Geneva Declaration of Principles⁴ and the Internet Governance Forum.⁵ But only during 2011 did it become clear that the UPR must include the promotion and protection of human rights and fundamental freedoms on the internet, particularly freedom of expression and freedom of association.⁶ In 2011 the Human Rights Committee noted that freedom of expression (including the right to information and access to information) includes internet based expression.⁷ Member States existing human rights obligations⁸ therefore extend to taking steps to ensure access to the internet and that limitations or restrictions on freedom of expression comply with agreed international standards, including women's human rights.⁹

Follow-up with the first UPR

3. India did not include any reference to the internet in the initial UPR review. However, it described the rights to equality and to speech and expression as major pillars of human rights and mentioned the right to information as an effective tool to bring accountability, transparency, and openness in the governmental process. The right to information was also highlighted:¹⁰ Under the Protection of Human Rights Act 1993, a powerful and independent National Human Rights Com-

³World Summit on the Information Society, United Nations, and International Telecommunication Union "WSIS Outcome Documents" (December 2005).

⁴Article 19 of the UDHR is cited in paragraph 4 of the Geneva Declaration of Principles (2003).

⁵<http://www.intgovforum.org>

⁶Human Rights Committee, General Comment 34, Freedoms of Opinion and Expression, (21 July 2011, CCPR/C/GC/34).

⁷Ibid, para 12.

⁸The UPR monitors existing human rights obligations: Human Rights Council, Institution-building of the United Nations Human Rights Council (18 July 2007, A/HRC/RES/5/1, affirmed in Resolution A/HRC/RES/16/21).

⁹Frank La Rue "Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression" (26 April 2011, A/HRC/17/27).

¹⁰Universal Periodic Review Report of the Working Group on the Universal Periodic Review India, para 9 at page 4

mission has been working with an exemplary record for over a decade. Another revolutionary change has been the enactment of the Right to Information Act. This enabled citizens to seek and demand the right to information about the governmental officials and decision making which has led to transparency, accountability and openness in the governmental process.

4. This submission addresses the right to information in the context of the internet.

The Right to Information and the Internet: India's Progress

5. India has more than 100 million internet users, with around 40 million accessing the internet via mobile phones.¹¹ Thus India boasts the third highest number of internet users in the world. Since independence, internet penetration in India is less than 10 percent below than the global standards and crossed 100 million mobile subscribers in April 2006. In India, the internet has marked its presence in every aspect of people's lives, including education, health, e-governance services, and policing. Specific areas of progress include:¹²

- a) Recognizing that provision of world-class telecommunications infrastructure and information is the key to rapid growth and social development in the country, the first National Telecom Policy introduced in 1994, providing basic services as well as value added services like cellular mobile services, radio paging, VSAT services.¹³
- b) Taking into account the increasing convergence between telecommunication and IT, a Communication Bill was drafted by the Government of India, followed by the Information Technology with the ambitious goal of establishing at least 100 million internet connections by setting up IT kiosks covering all of India.¹⁴
- c) India became one of 135 countries to make education as a basic human right and introduced the Right to Education Act in 2004, providing for elementary and basic education free to all children.¹⁵
- d) In 2004 the government introduced .IN Policy, by which the government opened the .IN domain name to public.
- e) The Right to Information (RTI) Act in October 2005 which, together with the Constitution of India, affords Indian citizens both the right to privacy and freedom of speech and expression as fundamental rights (while providing that one right cannot override the other).¹⁶

6. The RTI Act was the culmination of the right to information campaign, which started as the Mazdoor Kisan Shakti Sangathan (MKSS) movement in the early 1990s that campaigned against rampant corruption. MKSS pushed for transparency in the implementation of minimum wages in the remotest part of Rajasthan, one of the largest states in India. The spirit of this movement inspired the

¹¹www.trai.gov.in/WriteReadData/trai/upload/PressReleases/823/Press_Release_Mar-11.pdf

¹²See further: Ritu Sivastava and Osama Manzar "The role of the internet in the right to information in India" Global Information Society Watch (APC and Hivos, 2011).

¹³<http://siteresources.worldbank.org/INTRANETTRADE/Resources/Singh.pdf>

¹⁴<http://www.mit.gov.in/content/notification-it-act-2000>

¹⁵http://www.ncpcr.gov.in/Acts/Fundamental_Right_to_Education_Dr_Niranjan_Aradhya_ArunaKashyap.pdf

¹⁶<http://right2info.org/constitutional-protections-of-the-right-to>

citizens and administration in other regions of the country and became the rationale for the Right to Information Act.

7. Regarding the use of information and communications technologies (ICTs), the RTI Act provides:

Every public authority should provide as much information to the public through various means of communications so that the public has minimum need to use the Act to obtain information. The internet being one of the most effective means of communications, the information may be posted on a website.

8. Keeping the essence of the spirit which led to the RTI Act, the state government of Karnataka launched Bhoomi project that aimed to digitise land revenue records and digitised 20 million rural land records of 6.7 million landowners through 177 government-owned and internet-enabled kiosks in the state. This small initiative formed the foundation of nationwide project, Common Services Centres (CSCs) allowing citizens to access information.

9. Thus the right to information became a prominent pillar of National e-Governance Plan (NeGP) that calls for the internet to be used so that “all information covering non-strategic areas [is placed] in the public domain to enable citizens to challenge the data and engage directly in governance reform.”¹⁷

10. Since independence, the RTI Act is probably one of the most influential laws making access to information a basic human right. This Act enables citizens to demand information not only from the government and public authorities, but also gives power to citizens to access information from anywhere in the world using the internet as a tool to access the information.

11. For these initiatives and areas of progress, the government of India is to be commended.

Areas of Concern

Access to the internet

12. Despite the evidence of progress and the impact of the internet in realising the right to information as a basic human right, areas of concern remain including a lack of infrastructure and inaccessibility of CSCs to ordinary citizens. In India 70% of the population lives in 638,365 villages, represented by 245,525 panchayat offices, mostly located in the remotest regions of the country.¹⁸

13. However, rural India is not able to access information due to a lack of infrastructure and means to do so. At the same time, many of them do not know that they have right to access information. Thus, it becomes more important to remove the constraints on accessing information, and push for universal access to ICT infrastructure and the availability of information on the internet.

¹⁷http://www.nisg.org/knowledgecenter_docs/A01000001.pdf

¹⁸censusindia.gov.in/Data_Products/Library/Post_Enumeration_link/No_of_Villages_link/no_villages.html

14. While freedom of speech and expression are widely available in India, it remains one of the few countries where most of the state and government information lies with governing bodies rather than being available publicly. India is far behind in bringing transparency and accountability in governance services, according to Transparency International's 2010 Index.¹⁹ It is therefore difficult for citizens to access information due to a lack of infrastructure or technological tools.

15. The right to information could be successfully implemented if it could be directly correlated with a level of commitment within the state and central governments of both the political and administrative bureaucrats.

16. In 2011, the Special Rapporteur on Freedom of Expression said:²⁰

Given that the Internet has become an indispensable tool to realize a range of human rights, combat inequality, and accelerate development and human progress, ensuring universal access to the Internet should be a priority for all States. Each State should thus develop a concrete and effective policy, in consultation with individuals from all sections of society, including the private sector and relevant Government ministries, to make the Internet widely available, accessible and affordable to all segments of population.

17. Even though, the Right to Education Act introduced in 2004, the literacy rate in India is just 64.32% – with illiteracy most prevalent in rural areas, according to the 2011 census. Moreover, 35% of the population is still illiterate and only 15% of Indian students reach high school²¹. The internet could be a medium to access information in a way that they can understand at low cost, particularly in a Web2.0 era.

18. We recommend the Government adopt free and open models of knowledge creation that ensure protection against undue commercial influence over the free flow of information and knowledge.

Right to information and the internet

19. By January 2011 over 87,000 Common Service Centres (public “e-Kiosks”) have been established in collaboration with the private sector as part of the National E-Governance Plan 2006²² that comprises of 27 Mission Mode Project (MMPs).²³ Under its MMPs, the Government is also providing connectivity facilities to all 236,000 panchayats in the country across 31 states and Union Territories. However, the Special Rapporteur notes that the majority of the country’s population still remains without internet access.

¹⁹http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results

²⁰Frank La Rue “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression” (26 April 2011, A/HRC/17/27) at page 21.

²¹<http://news.bbc.co.uk/2/hi/business/7267315.stm>

²²“ICT Ministers meet tomorrow for Speeding-up Delivery of e-Services,” Press Information Bureau, Government of India, 26 October 2009; and “E-Governance Initiatives- Changing Lives for the better,” Press Information Bureau, Government of India, 24 January 2011, <http://pib.nic.in/newsite/erelease.aspx?relid=69324>.

²³<http://www.mit.gov.in/content/mission-mode-projects>

20. In order to promote the right to information and access to the internet we **recommend** that CSCs be used as RTI filing centres, are internet enabled and converted to Public Citizen Offices (PCOs) where citizens can easily file RTI requests and check their RTI applications.

21. Uniform implementation of the RTI Act will bring transparency to governing bodies and authorities, which is vital for the functioning of a vibrant democracy, creating an environment of minimal corruption where governments are accountable to the people. This can be possible only when governing bodies and authorities allow citizens to access their information from anywhere and anytime. We **recommend** implementing the RTI Act uniformly across the country.

Content blocking

22. On the one hand the government is making efforts towards ensuring transparency and accountability through policies such as the Right to Education, Right to Information and Access to e-Governance Services. On the other hand, new regulatory proposals aim to limit freedom of expression and suppress the right to information.

23. For example, the government has recently issued new rules on “Intermediary Due Diligence” under section 79 of the Information Technology Act 2000. These rules relate to liability of internet intermediaries²⁴ and will permit the government to control online content of websites and links to online businesses without disclosing this to the public. According to CIS India, the Department of Information Technology has already blocked 11 links. Moreover, the Section 69A of the IT gives the Central Government power to *“Direct any agency of the Government or intermediary to block for access by the public or cause to be blocked for access by the public any information generated, transmitted, received, stored or hosted in any computer resource.”*²⁵

24. These provisions clearly violate Constitutional guarantees of Citizens’ Fundamental Right to Freedom of Speech and Expression because they are overly broad in their possible application. Existing international human rights obligations require limitations on freedom of expression to be very narrowly defined and to meet specific objectives. The breadth of these rules has been a surprise and caused deep concern for many in India. The laws and new rules are also contrary to India’s obligations to take steps to secure internet access in order to uphold the right to information and freedom of expression.²⁶

25. We recommend the Government review these laws, in consultation with civil society and multi-stakeholder groups, and take steps to ensure limitations on freedom of expression comply with the recommendations of the 2011 annual report of the Special Rapporteur on Freedom of Expression.

²⁴Internet intermediaries include internet service providers and online platform providers (such as Facebook and YouTube).

²⁵<http://www.cis-india.org/internet-governance/blog/rti-response-dit-blocking>

²⁶Frank La Rue “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression” (26 April 2011, A/HRC/17/27).

Women's human rights

26. Women's use of the internet shows that internet content is regulated by four factors: access and infrastructure, law and policy, markets and economic forces and culture and social norms.²⁷ Research on female use of the internet in India reveals that these four factors also affect women's access to and use of the internet and that the internet has significant implications for women's communication rights and sexuality rights in India.²⁸ Restrictions on access to the internet in public places, including cyber cafés, have particularly negative impacts on diverse groups of women.²⁹ The researchers concluded that "a rights based approach is absent from the current IT Act, as are the voices of users."³⁰ We **recommend** the government adopts a rights based approach to a review of the Information Technology Act.

Internet Governance

27. India has been an active participant in multi-lateral, bi-lateral and multi-stakeholder internet governance processes, including the Internet Governance Forum. When participating in these processes, and the Internet Governance Forum, India's obligations to promote and protect human rights remain.

28. Some civil society groups were therefore very concerned when the government of India joined with the governments of Brazil and South Africa in 2011 to issue a joint statement on proposals for internet governance when that statement included no reference to human rights.³¹ Leaving aside those particular proposals, the absence of explicit connection between internet governance and the obligations of India to promote and protect human rights remains a concern.

29. We therefore **recommend** that India affirm its commitment to promoting and protecting human rights and multi-stakeholder processes in relation to all internet related policy and regulatory activities as well as internet governance matters.

Recommendations

We **recommend** that the Government of India:

30. Remove the constraints on accessing information, and push for universal access to ICT infrastructure and the availability of information on the internet.

²⁷JacsmKee "Emerging threads and common gaps: A synthesis" in EROTICS: Sex , Rights and the Internet (Association for Progressive Communications 2010) at page 15

²⁸ManhimaBhattacharjya and Maya Indira Ganesh "Negotiating intimacy and harm: Female internet users in India" in EROTICS: Sex , Rights and the Internet (Association for Progressive Communications 2010) <http://www.apc.org/en/system/files/EROTICS.pdf>, at page 107.

²⁹ManhimaBhattacharjya and Maya Indira Ganesh "Negotiating intimacy and harm: Female internet users in India" in EROTICS: Sex , Rights and the Internet (Association for Progressive Communications 2010) <http://www.apc.org/en/system/files/EROTICS.pdf>.

³⁰Ibid, at page 107

³¹"IBSA Multi-Stakeholder Meeting on Internet Governance – Recommendations" (Sept 1-2 2011, Rio de Janeiro, Brazil).

31. Adopt free and open models of knowledge creation that ensure protection against undue commercial influence over the free flow of information and knowledge.
32. Take steps to ensure that Common Services Centres can be used as RTI filing centres, are internet enabled and converted to Public Citizen Offices where citizens can easily file and check their RTI applications.
33. Implement the RTI Act uniformly across the country.
34. Review the “Intermediary Due Diligence” rules and the Information Technology Act, in consultation with civil society and multi-stakeholder groups, and take steps to ensure limitations on freedom of expression comply with the recommendations of the 2011 annual report of the Special Rapporteur on Freedom of Expression.
35. Adopt a rights based approach to a review of the Information Technology Act.
36. Affirm its commitment to promoting and protecting human rights and multi-stakeholder processes in relation to all internet related policy and regulatory activities as well as internet governance matters.

The first India submission to universal periodic reminder to the HRC by Digital Empowerment Foundation (DEF) and Association for Progressive Communication (APC) in November 2011.

Recommendation for the Second Universal Periodic Review of India

Digital Empowerment Foundation (DEF) and the Association for Progressive Communication have jointly submitted their submission for the Universal Periodic Review (UPR) India Human Rights Council. DEF is majorly concerned with the human rights, internet rights and making the internet an effective tool to access right to information in India. DEF believes that the internet plays a major role in accessing information and thus a tool for social and economic development. This submission outlines India's progress and specific areas of concern: information technology (IT) law and policies, the right to information and internet access and internet governance. Four recommendations are made for follow-up and implementation in the UPR cycle.

With a reference to our jointly submission of UPR review, and aligning with the points of government's second Universal Periodic Review, we (DEF & APC) note that the draft Government of India report has serious and significant gaps in relation internet related human rights issues. The absence of any mention of the internet in relation to the right to information weakens the Government's report. We strongly recommend the report address internet related human rights issues as follow up in this second UPR cycle and that the following points to be included under:

Transparency in Governance Right to Information

The RTI Act is probably one of the most influential laws making access to information a basic human right. This Act enables citizens to demand information not only from the government and public authorities, but also gives power to citizens to access information from anywhere in the world using the internet as a tool to access the information. And internet plays an important role in bringing in transparency and accountability in services. However, regarding the use of information and communications technologies (ICTs), the RTI Act provides:

Every public authority should provide as much information to the public through various means of communications so that the public has minimum need to use the Act to obtain information. The internet being one of the most effective means of communications, the information may be posted on a website.

1. By January 2011 over 87,000 Common Service Centres (public "e-Kiosks") have been established in collaboration with the private sector as part of the National E-Governance Plan 2006¹ that comprises of 27 Mission Mode Project (MMPs).² Under its MMPs, the Government is also providing connectivity facilities to all 236,000 panchayats in the country across 31 states and Union Territories. However, the Special Rapporteur notes that the majority of the country's population still remains without internet access. Thus, we **recommend** these CSCs and panchayat offices to be used RTI application centres.

¹"ICT Ministers meet tomorrow for Speeding-up Delivery of e-Services," Press Information Bureau, Government of India, 26 October 2009; and "E-Governance Initiatives- Changing Lives for the better," Press Information Bureau, Government of India, 24 January 2011, <http://pib.nic.in/newsite/erelease.aspx?relid=69324>.

² <http://www.mit.gov.in/content/mission-mode-projects>

2. In order to promote the right to information and access to the internet we **recommend** that CSCs be used as RTI filing centres, are internet enabled and converted to Public Citizen Offices (PCOs) where citizens can easily file RTI requests and check their RTI applications.

3. Uniform implementation of the RTI Act will bring transparency to governing bodies and authorities, which is vital for the functioning of a vibrant democracy, creating an environment of minimal corruption where governments are accountable to the people. This can be possible only when governing bodies and authorities allow citizens to access their information from anywhere and anytime. We **recommend** implementing the RTI Act uniformly across the country.

Citizen Charter

4. Transparency, accountability and responsiveness of the administration are three major pillars of any good government. The basic objective of citizen charter is to empower the citizen in relation to public service delivery. According to the information available at goicharters.nic.in, an official citizen charter website of the government of India, at least 729 Citizen's Charters had been formulated by 24 states and Union Territories by January this year. The maximum of these were in Gujarat (293), followed by Haryana (89), Delhi (75), Goa and Rajasthan (63) each, Tamil Nadu (57), and Uttar Pradesh (41). Besides, 131 Citizen's Charters existed in various union ministries, public sector banks, boards, institutes and hospitals.³ However, the charters have been formulated but they are not uniform and usually include details of the functioning of the issuing department or organisation, the names, addresses, salary of officers and responsibilities assigned to them; the time duration allocated for response on various applications, charges for various procedures. Despite bringing organisational information, setting up uniform standards of services, providing open and full information engaging citizens are also important to make citizen charter thriving. This could only be possible by bringing citizen charter on the web and use internet as a basic information accessing tool.

5. In India 70% of the population lives in 638,365 villages, represented by 245,525 panchayat offices, mostly located in the remotest regions of the country.⁴ However, rural India is not able to access information due to a lack of infrastructure and means to do so. At the same time, many of them do not know that they have right to access information. These panchayat offices are primary gateway for bringing transparency at the ground level. Thus, it becomes more important to remove the constraints on accessing information, and push for universal access to ICT infrastructure and the availability of information on the internet. Aligning with the objective of Citizen Charter's, thus, we strongly **recommend** these Panchayat Offices to be used as Citizen Charter centres to receive information about their government officials and government departments.

³<http://goicharters.nic.in/chartermain.htm>

⁴censusindia.gov.in/Data_Products/Library/Post_Enumeration_link/No_of_Villages_link/no_villages.html

E-Governance

6. Thus the right to information became a prominent pillar of National e-Governance Plan (NeGP) that calls for the internet to be used so that *“all information covering non-strategic areas [is placed] in the public domain to enable citizens to challenge the data and engage directly in governance reform.”*⁵ As internet is a prominent tool to bring Governance services at the doorstep of citizens. Thus, we **recommend** that internet to be used as medium of providing governance services by each and every government departments and agencies.

Civil & Political Rights

The government is making efforts towards ensuring transparency and accountability through policies such as the Right to Education, Right to Information and Access to e-Governance Services. On the other hand, new regulatory proposals aim to limit freedom of expression and suppress the right to information. We recommend the following points:

7. The Government to review these laws, in consultation with civil society and multi-stakeholder groups, and take steps to ensure limitations on freedom of expression comply with the recommendations of the 2011 annual report of the Special Rapporteur on Freedom of Expression.
8. Remove the constraints on accessing information and to push for universal access to ICT infrastructure and the availability of information on the internet.
9. Review the “Intermediary Due Diligence” rules and the Information Technology Act, in consultation with civil society and multi-stakeholder groups, and take steps to ensure limitations on freedom of expression comply with the recommendations of the 2011 annual report of the Special Rapporteur on Freedom of Expression.
10. Right to internet as a medium for freedom of expression and speech and affirm its commitment to promoting and protecting human rights and multi-stakeholder processes in relation to all internet related policy and regulatory activities as well as internet governance matters.
11. Adopt a rights based approach to a review of the Information Technology Act.

Women

12. Women’s use of the internet shows that internet content is regulated by four factors: access and infrastructure, law and policy, markets and economic forces and culture and social norms.⁶ Research on female use of the internet in India reveals that these four factors also affect women’s access to

⁵http://www.nisg.org/knowledgecenter_docs/A01000001.pdf

⁶JacsmKee “Emerging threads and common gaps: A synthesis” in EROTICS: Sex , Rights and the Internet (Association for Progressive Communications 2010) at page 15

and use of the internet and that the internet has significant implications for women's communication rights and sexuality rights in India.⁷ Restrictions on access to the internet in public places, including cyber cafés, have particularly negative impacts on diverse groups of women.⁸ There are examples in India that internet has given power to raise their voices and make them self-sustainable. For example, Vimochana, Bangalore based women forum, is fighting against domestic violence and raising its voices using internet as a medium.⁹ On other hand, Self-Employed Women's Association (SEWA), Gujarat based organisation has done extensive work to assist women in the informal sector and has established an ICT programme aiming to increase efficiency of rural micro enterprise activities and making them self-sustainable.¹⁰ Thus, we **recommend** that the government should adopt a rights based approach to a review of the Information Technology Act.

Economic, Social and Cultural Right

13. The government is making efforts towards ensuring transparency and accountability through policies such as the Right to Education, Right to Information and Access to e-Governance Services. Thus, right to access internet is one of the socio-economic rights in digital inclusion time of India. As it is not medium to access information, but also a medium to provide information in an ease way.

The second India specific UPR Human Rights Council submission was made by Digital Empowerment Foundation (DEF) and Association for Progressive Communication (APC) in www.apc.org

⁷ManhimaBhattacharjya and Maya Indira Ganesh "Negotiating intimacy and harm: Female internet users in India" in EROTICS: Sex, Rights and the Internet (Association for Progressive Communications 2010) <http://www.apc.org/en/system/files/EROTICS.pdf>, at page 107.

⁸ManhimaBhattacharjya and Maya Indira Ganesh "Negotiating intimacy and harm: Female internet users in India" in EROTICS: Sex, Rights and the Internet (Association for Progressive Communications 2010) <http://www.apc.org/en/system/files/EROTICS.pdf>.

⁹<http://www.vimochana.in/>

¹⁰<http://www.sewa.org/>

Human Rights, Information, Internet, ICTs & Empowerment:

Learning from Key Practices

The first “right to information” movement started in India as a social resistance movement in order to bring transparency in village accounts for minimum wages in rural India. Mazdoor Kisan Shakti Sangathan (MKSS) in rural villages of Rajasthan in the early 1990s started as a campaign against Rampant Corruption in the system. Rampant corruption in the system of wage accounts for the farmers of Rajasthan was exposed through the demand of information.

The spirit of the movement inspired the citizens and administration in the country and gave a birth of National Campaign for People’s Right to Information (NCPRI) in 1996 to advocate for people’s right to information at the national level. Eventually, in the same time in 1999, then Union Minister for Urban Development Ram Jethmalani issued an administrative order that enabled citizens to inspect and receive photocopies of files from his ministry. However, the struggle of the movement was not over and disappointingly, the Cabinet Secretary, then, did not approve this order, which led to the campaign. A thrust of national campaign on right to information gained momentum. This laid the foundation of the first national Freedom of Information Bill (2000) which was introduced in Parliament in 2002.

After a long struggle by the MKSS and NCPRI’s campaigns, the Right to Information Act formally came into force on 12 October 2005. Through this Act, the Constitution of India has provided both the right to privacy and freedom of speech and expression as fundamental rights, but one right cannot be exercised to violate the override the other.

<http://www.mkssindia.org/>

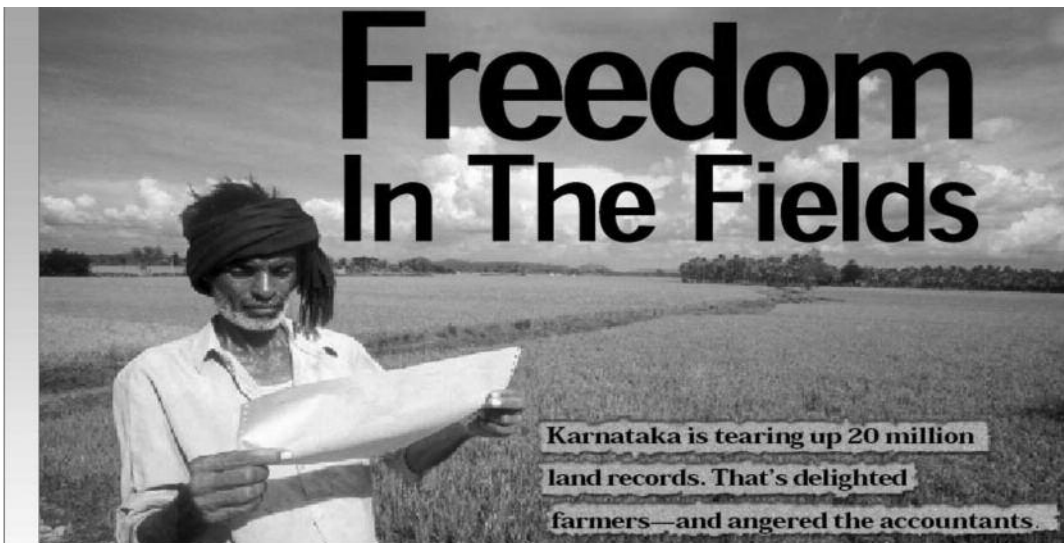


JAANKARI is a unique initiative by the Government of Bihar to expand the base of right to information (RTI) access by citizens. The centre has been innovatively and effectively employed in making RTI Act ore broad based and accessible to the common man by bridging the literacy and digital divide.

Established in 2007, JAANKARI Facilitation centre is the first kind of its centres that is equipped with over 15 sets of computers, operators, necessary software for application, telecom interface and voice recording hardware and software. The RTI application with the concerned state government department works on premium rate services of Bharat Sanchar Nigam Limited (BSNL). The system has been designed in such a way that enables citizens to file an application under the RTI Act without any hassles of physical movement for purchasing postal order. To make the centre easily accessible for citizens, Bihar State Electronics Development Corporation (BELTRON) provided RPI E-Lines of BSNL at the facilitation centre. Moreover, the Department of Communication, Govt. of India has allotted specific 6 digit code of level (Dial 155310 & 155311) to make the RTI Facilitation Centre accessible to every citizens of Bihar from all telephones.

Thus, now all the relevant information is a phone call away, enabling the citizens to access information under the control of public authorizes. With the launch of this centre, the state government is fulfilling the objective of promoting transparency and accountability in the working of every public authority. The RTI facilitation centre is available in both Hindi and English language.

<http://www.biharonline.gov.in/>



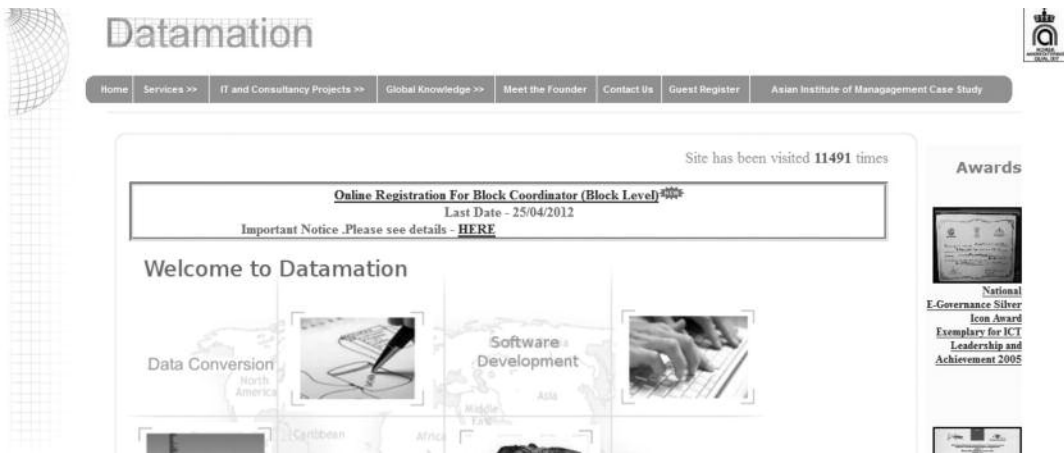
Mazdoor Kisan Shakti Sangathan (MKSS) movement in rural villages of Rajasthan inspired the Karnataka State Government to launch a project called Bhoomi in mid-1999, which aimed to digitise land and revenue records. The Department of Revenue in Karnataka State has digitized 20 million rural land records of 6.7 million landowners through 177 government-owned and internet-enabled kiosks in the state. Through this project, farmers and landowners are able to receive their records by providing data such as ownership, tenancy, loans, nature of title, irrigation details, crops grown, etc. This small initiative helped farmers in many ways, from documenting crop loans and legal actions, to securing scholarships for school children.

Previously, farmers had to seek out the Village Accountant to get a copy of Record of Rights, Tenancy and Crops (RTC), a document needed for many tasks such as such as obtaining bank loans. There were delays and harassment. Bribes had to be paid. Today, for a fee of INR 15, a printed copy of the RTC can be obtained online at computerised land record kiosks (Bhoomi centers) in 177 taluk offices. This system works with the software called “BHOOMI” designed fully in-house by National Informatics Center, Bangalore.

This project impacted on the whole country, leading the central government to initiate a national-level Digitisation of Land Records project. The state governments involved include Madhya Pradesh, Andhra Pradesh, Gujarat and Maharashtra. Under this initiative, landowners are able to access digitised copies of records of rights, along with property boundaries.

www.bhoomi.karnataka.gov.in/

Case Study 4 ICTs Help Battered Dowry Victims Rebuilt their Lives



Nari Raksha Samiti (NRS), an Indian social welfare organization devoted to improving the lives of poor and destitute women. Founded 50 years ago, the organization specifically helps women who have been victims of dowry and end up losing even shelter of themselves.

Knowing the fact that large number of young dowry victims suffers because of illiteracy, lack of awareness of their rights, as well as repressive social customs, NRS established a small education centre that educates victims on their rights. Moreover, the organization has been actively working towards developing the strategy to empower the victims on their rights and give them platform to raise their voices.

The organization focuses on promoting the safety and security of women, family welfare, employment, health and professional on-job training. Apart from providing computer-based education programmes, NRS also holds job-oriented courses such as tailoring, cooking, food preservation, interior decoration, etc. These training programmes have enhanced skills of victims and now women are able to approach the job market with great confidence and gain employment.

Presently, NRS has trained 250 young women, 60 of them are dowry victims. NRS has also established an online complaint system for solving dowry and family dispute issues. Women can confidentially lodge complaints through the system and receive assistance from NRS and police and government authorities. Through these system women have been able to raise their voice with their family. NRS has been successful in training more than four hundred dowry victims and poor women in the community.

<http://www.datamationindia.com>



Bell Bajao is an online campaign programme initiated by Breakthrough, a non-profit organization, in August 2008 that urges local residents to take a stand against physical violence. Breakthrough is an India and U.S.-based international human rights organization that mainstreams discussions about violence against women and girls, and its relationship to HIV/AIDS, by harnessing the power of pop culture, media and community mobilization to inspire people.

The Bell Bajao is a domestic violence awareness campaign that targets boys and men and calls on them to intervene, if they witness domestic violence. The campaign takes simple intervention – ‘ringing the door bell when they witnesses domestic violence taking place’. The campaign integrates cultural and media strategy to address the issue physical violence at the mainstream conversation.

Bell Bajao uses range of media tools such as television, online campaigning, educational materials, video vans to mobilize grass roots community mobilization component that emphasizes on the right to negotiate for safer sex, the right to residence, the protection of women against domestic violence, etc. Presently, over 75,000 rights advocates have been trained to become agents of change. Thus, 49 percent increase in the number of people aware of the Protection of Women from Domestic Violence Act in India, and a 15 percent increase in access to services for survivors.

<http://www.bellbajao.org/>

Case Study 6 **The Pink Chaddi Campaign**



The Pink Chaddi (or Pink Underwear Campaign) is the first kind of online nonviolent protest movement that started through social networking campaigning in 2009. The movement launched in India in response to notable incidences of violent conservative and right-wing activism against perceived violations of Indian culture, when a group of women were attacked in a pub in Mangalore.

To protest against this attack, Bangalore-based Alternative Law Forum (ALF) has launched a satirical campaign to support India's "Pubgoing Loose and Forward Women". A group of young women formed the Consortium of pub-going, loose and forward women. The group uses both traditional and online tactics to voice their discontent.

Firstly, the group created a Facebook group and within a week, the group had grown to over 40,000 members. The group and the fan page for the campaign provided a forum for active discussion and debate about the issues involved. The campaign has been thoroughly dissected and analysed, celebrated and reviled, criticized and praised all over cyberspace. Group members also invited all members to take part offline by sending pink underwear to other members in order to protest against violations. In order to maintain the privacy of group members, the blog owners removed all offensive photos. At last count, there are nearly 59,000 supporters - men and women - on just the campaign's Facebook group.

Facebook was not the only medium used, though cyber-activism made it easier to bring people with one voice together in one place.



Bhopal Net is action group that fights for the victims of the Bhopal Gas accident. The group uses internet as a medium to fight for the human rights of victims who have been affected in the Bhopal gas tragedy, which was considered one of the world's worst industrial catastrophes.

Following the disaster, the Government of India passed the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985. The Act gave power to the Central Government to represent all claimants in appropriate forums, appoint a Welfare Commissioner and other staff and to discharge duties connected with hearing of the claims and distribution of compensation. Under this Act, in 1985, the Government formulated a scheme known as the Bhopal Gas Leak Disaster Scheme, for the registration, processing, and determination of compensation to each claim and appeals arising from thereon.

Since the tragedy, the victims have waged an "unrequited struggle for justice, but they have been ill-served by the Indian government, which failed to pursue the victims' case aggressively in the Indian courts, opting instead to go easy on Union Carbide and maintain a favorable investment climate". Union Carbide settled out of court for \$470 million, thus avoiding any damaging legal precedent or liability.

In return, India's Supreme Court ordered the dismissal of all civil and criminal charges against Carbide and its officers, and gave them immunity from future prosecution. The Supreme Court felt that in this case, the victims needed immediate relief, not further legal delay.

In order to raise the issues of victims, Bhopal net action group uses documenting of their own actions and the actions taken by other groups online such as the children of Bhopal protest in front of the Prime Minister's office. The campaign aims to keep the injustice with respect to Bhopal gas victims alive and create awareness on the conditions of the families still suffering without ever receiving proper compensation.

<http://news.bhopal.net/>



The World Association for Christian Communication (WACC), an international organization that promotes communication as a basic human right, essential to people's dignity and community. WACC works with all those denied the right to communicate because of status, identity, or gender. It advocates full access to information and communication, and promotes open and diverse media. WACC strengthens networks of communicators to advance peace, understanding and justice.

Knowing the essence of citizen journalism in India, WACC used internet as a medium to spread awareness programmes in north east India. The organization also used local newspapers in Manipur to spread awareness on human rights. Manipur newspapers have used their websites and created groups to harness the potential of the internet to further their cause.

Websites such as Manipuronline.com, E-Pao.net ('pao' stands for mail in Manipuri), Kanglaonline.com and TheSangaiExpress.com started to post material provided by citizens on a range of issues, including insurgency and counter-insurgency in the state as well as protest against the Armed Forces Special Power Act. Through online reporting and networking, local human rights workers were able to link up with similar groups in other parts of India to raise awareness about the law and to organize protests. These local newspaper have timely published the protest from Manipuri poet, Irom Sharmila Chanu, who demanded the repeal of the law. Irom Sharmila's efforts have been closely reported and commented upon by citizens in blogs and on the different Manipur-based websites listed above. Another website closely tracking the campaign is ManipurFreedom.org, which includes links to several blogs, background papers on the law, reports by various agencies, and a newsletter.

<http://manipurfreedom.org/>



The National Foundation of India, a non-profit foundation in India initially offered the village women from the Western state of Gujarat's underdeveloped region called Kutch to bring out their own newsletter called Ujjas (which means the 'LIGHT') with the help of Kutch Mahila Vikas Sangathan (KMVS), a district level NGO. The newsletter was very successful amongst the women to help fight social exploitation as well as issues such as dowry, female infanticide, drunkenness amongst the men folk, enabled them to trade and do business amongst themselves as well as share knowledge amongst them.

The success of Ujjas inspired others and later on the Ministry of Rural Development supported to make a 105-episode community radio programme also called the UJJAS that is broadcast by the All India Radio Bhuj station. Radio Ujjas is a successful community radio initiative that works to sensitize the people of Kutch on local issues, particularly on matters related to women.

Started by KMVS in 1999, Radio Ujjas arose out of the need to overcome the barrier that illiteracy poses to people's access to information. Combined with the fact that approximately 90 per cent of households in Kutch own a radio set, KMVS's idea of using the medium of radio for development holds immense potential.

Radio Ujjas works at the grassroots to identify concerns specific to the people of Kutch, and involves the community members extensively in mobilizing resources and in programme production. The programme themes are very diverse and include education, handi-crafts, fishing, panchayat, girls' rights, environment, natural resource management and such like.

The impact of Ujjas in one of the remotest corners of India is a testimony to the fundamental belief that the innovative use of communication technologies can be a powerful tool in the hands of the poor, particularly women and the children.

<http://www.kmvs.in/>

Case Study 10 Economic Empowerment for Minority Muslims in India through ICT



The project is undertaken by Datamation Foundation with support from United Nations Educational, Scientific and Cultural Organization (UNESCO). In March 2003, Community Multimedia Centre (CMC) was established in Babul-uloom-Madarasa which is located in Seelampur- Zaffrabad in the outskirts of North-East Delhi. Muslim community forms the majority of the population in this economically backward region and the monthly income of a family averages INR 4000-5000 per month. Women are the most disadvantaged segment with higher dropouts from the schools, purdah system and early marriage still being followed in this community.

Datamation Foundation collaborated with the Madarasa to set up this centre and the basic amenities were provided by the Madarasa while the machines and software(s) were funded by Datamation Foundation. The initiative provides the youth especially girls with basic computer education in order to create employment options through the use of ICT. The centre doesn't have any restriction for admission and is open for all caste, religion and sex. The nominal fee for admission in the centre is charged at INR 100 a month and different classes are conducted for girls and boys.

'Economic Empowerment for Minority Muslims in India through ICT' is a unique initiative where a NGO and Madarasa have collaborated irrespective of the difference in religion. The ICT deployment in this community has been able to empower the young Muslim women by bringing them to the mainstream of today's modern workforce in the male dominated society.

<http://www.datamationindia.com>

Case Study 11 Koshish: Empowering Homeless & Destitute People



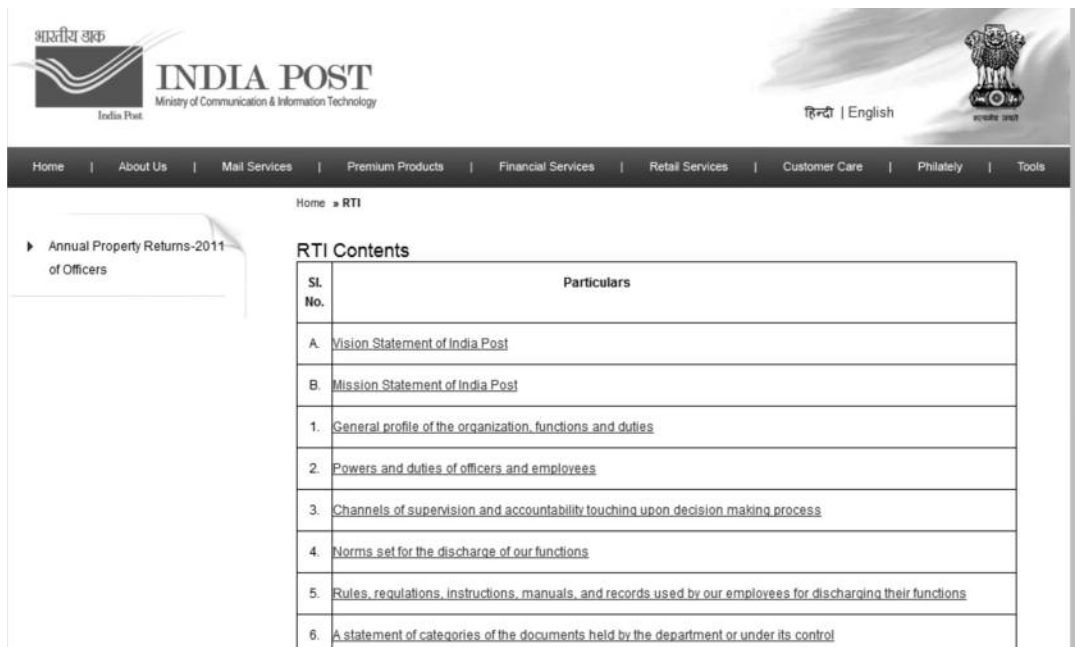
TISS (Tata Institute of Social Sciences) initiated the project 'KOSHISH' to reach out to homeless and destitute children in Mumbai, India to provide social inclusion through ICT. Koshish identifies the government departments like Police, Department of Law and Judiciary, etc., responsible for rehabilitation of these underprivileged community to prevent their criminalisation.

The project assists the victims of BPBA, 1959 (Bombay Prevention of Begging Act), which treats beggary and homelessness as criminal offence to re-integrate into regular society. It is done by understanding their socio-economic, cultural and psychological structure of the destitute community. Empowerment of the target minorities was done by issuing birth certificates, toilet pass, ration cards and health facilities were provided through networking with G.T Hospital, St. George Hospital, Cama Hospital and J.J. Hospital.

The project addresses to the need of the poor and homeless children by providing employment opportunities, bringing them into the mainstream of the society and ensuring entitlements. In order to avoid beggary and unlawful activities, various daily skill based trainings were provided such as tailoring, electrical and wiring, jewelry making, candle making, etc. Regular sessions on personality development, confidence building and leadership skills were conducted for their social inclusion. The project implements ICT tools in creating awareness and building linkage between the destitute and social mainstream.

<http://www.indiapost.gov.in>

Case Study 12 Government Initiatives to Set up RTI Filing Centres at Post Offices



Indian citizens living in abroad have been facing the issue of fee payment of filing RTI application from quite a long-time. In 2008, RTI activist and ex-serviceman Commodore Lokesh Batra initiated a campaign to streamline the RTI fee payment process.

Looking at the issue, the Postal Department of India has launched an internet-based RTI solution specifically for Indians living in abroad for submission of their RTI applications. For this service, the Reserve Bank of India has given its nod to the department. The department uses its user-friendly e-commerce portal that has its own payment gateway to file the applicant form.

The applicant needs to login to the website and go to RTI counter to the portal to file the RTI application. For the first time applicant, registration is mandatory. After filing up the RTI application, and uploading of passport copy is mandatory, and then applicant would be directed for payment of RTI fees through electronic postal order.

These postal orders would be generated in a special order, so that they could be easily captured as per application form. It would then be assigned to the public information officer (PIO) of the department chosen by the applicant.

<http://www.indiapost.gov.in>

Case Study 13

MyNeta.INFO: Keeping Eyes on Electoral Candidates

ADR
ASSOCIATION FOR DEMOCRATIC REFORMS

No Office in this land is more important than

myneta.info
National Election Watch

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Helpline & SMS

Get information on your Candidate /MLA/MP through:

- SMS
- Toll-free helpline number

MyNeta.info is an initiative of the Association for Democratic Reforms (ADR), a non-profit organization that aims to disclose the criminal, financial and education background of the candidates contesting elections. Along with ADR, the National Election Watch has continuously conducted a survey and conducted Election Watches for the 2004 and 2009 Lok Sabha Elections, Rajya Sabha Elections and almost all State Assembly Elections post 2003 in the country.

Under the Election Watch of Parliament and State Assembly elections, ADR discloses the criminal, financial and educational background of candidates who are contesting the elections with the objective of providing basic information on the background of candidates to the voters. Along with this disclosure, ADR also analyzes the election expenditure declared by the candidates. The Election Watch helps citizens to select their candidates before voting.

Besides keeping an eye on electoral candidates, ADR also analyzes political parties function as they play major role between people and their representatives, and thus, in their structure and working, they must adhere to democratic norms and transparency. ADR has been making several efforts to bring greater transparency and accountability in the functioning of political parties. ADR conducts multiple projects aimed at increasing transparency and accountability in the political and electoral system of the country.

<http://www.adrindia.org>

Case Study 14 **CGNet Swara: Audio-Based Voices of Voiceless People**



CGNet Swara About | News & Events | Impact | Recognition
CGNet Swara is a platform to discuss issues related to Central Gondwana region in India. To record a message, call us on +91-80-4113 7280.

About CGNet Swara

CGNet Swara is a voice-based portal, freely accessible via mobile phone, that allows anyone to report and listen to stories of local interest. Reported stories are moderated by journalists and become available for playback online as well as over the phone (+91 8041137280).

Contents

- Overview



CGNetSwara is a new concept of journalism through which citizen journalists can call a phone number to record their news and listeners can call in to hear news recorded by citizens around them. CGNetSwara is an audio-based citizen journalism service in rural regions of Chhattisgarh.

This mobile-based citizen journalism started after realizing that 80 million members of India's tribal communities lack access to any mainstream media outlets. This results serious barriers to their socio-economic development as their grievances about government neglect and economic exploitation remain unvoiced.

In order to address these issues, CGNet Swara: a voice portal that enables ordinary citizens to report and discuss issues of local interest was launched. The CGNet Swara was launched as a part of the Knight International Journalism Fellowships, a program of the International Center for Journalists.

Citizen journalist can simply press 1 to record their news and also record some audio onto the system. While listeners can call the same number, press 2, and hear the last three items that the moderators have selected to be published on to the service.

CGNet uses simple technology like Google SMS channel to send out an SMS after a news report is published. The SMS includes the number recipients can call to hear the report. Selected stories are sent out to the CGNet mailing list, an open mailing list made up of citizen journalists, activists, expatriates, mainstream journalists, and others that are interested in Chhattisgarh.

Swara has trained local people as moderators and how to record news on their cellphones and report it to the system.

<http://cgnetswara.org>

Case Study 15 Stop Honor Killings in India Blog



Honour killing: Girl's family sets her boyfriend on fire

LOGIN
Login or create

HELP USE
Donal

Please donat
us continue c

LANGUAGES
العربية
English

'Honour' killing: Woman murdered by in-laws

The 'Stop Honor Killings in India' blog is the International Campaign Against Honour Killing, a project started by Diana Nammi Director and Founder of London-based charity IKWRO that provides support and protection to women faced with 'with honour'-based violence and forced marriage.

The blog shares views and opinions against the honor killings in India sanctioned by the Khap Panchayats. The blog protest against

the practice which not clearly presents a case of extreme violation of basic human rights of the couple affected but is also condemnable in the light of India's constitution. Khap panchayats pronounce death penalties for the youths who dare to enter in a relationship outside their caste/creed/religious and economic circle. The blog also points out that no law in the Indian democracy has been enacted against the regional caste Panchayats who pass such 'judgments' which represents a stark human right violation.

<http://www.stophonourkillings.com/>

Case Study 16 ZOLENGTHE.NET: The Internet Activism Against Human Right Violations in Manipur

ZOLENGTHE.NET, an online activism website, was created in 2007 by Pu. T. Zamlunmang Zou in order to support online activism against human right violations in Manipur. Therefore, the website publishes the report on the Status of Human Rights in Manipur submitted to the office of the High Commissioner for Human Rights and which highlights key features of the unacceptable human rights situation prevailing in the Frontier State of Manipur in the so-called North-Eastern region of India. The idea to create ZOLENGTHE.NET started sometime in 2005 with several personal blogs on the situation in Manipur under the name Zolengthe and regular news updates were posted online to protest against human right violations on a regular basis.



It provides vital supplemental information in the examination of India's human rights situation during the second cycle of the Universal Periodic Review conducted by the UN Human Rights Council.

<http://zolengthe.net/>

‘Internet Right is a Human Right’



Internet Rights, Accessibility, Affordability = Digital Equity

Access to Internet: Right to Information

- Internet access is access to an essential public utility service
- Access to Internet is access to information and empowerment
- Developing accessible Internet environment infrastructure is creation of public / community assets
- Appropriate content & services plan with accessibility and affordability determine translation of Right to Internet into actual outcome framework

Internet Right as Human Right: Need for a Holistic Framework towards Universal Access in India

- Internet right as human right & guidelines and regulatory frameworks
- People’s choice to Internet and information versus Regulatory necessity
- Online freedom of expression, assembly and association and national stability and security
- Internet access & ethics in user community
- Governance of the Internet & Public Interest and safety



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