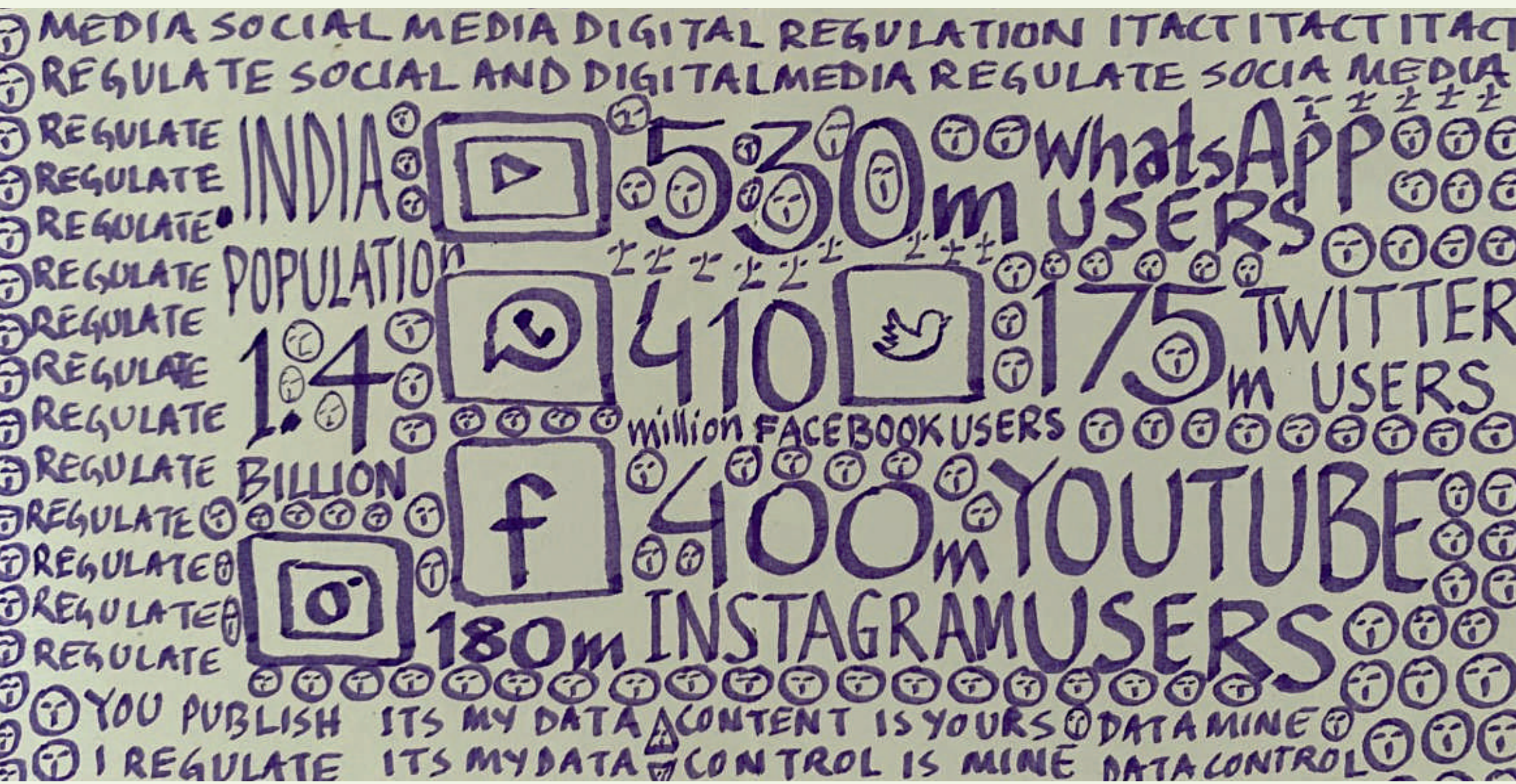# Accumulation Of Power and Counter Power Around Internet Regulation

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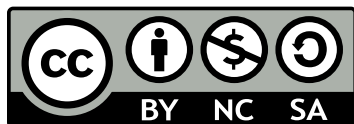# ACCUMULATION OF POWER AND COUNTER POWER AROUND INTERNET REGULATION

The entrenchment of the Internet and social media has been revolutionary in terms of creation and dissemination of content. It has not only given rise to hundreds and thousands of content creators, expressing their views on virtual platforms but has also exposed a new deep fault line within the democratic process in terms of speech regulation, monitoring online activities, influencing behaviour and manipulation of mind. This led to calls for effective regulation around social media platforms. India has enacted the new rules -- Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 [IT Rules, 2021] under the Ministry of Electronics and Information Technology [MEITY] and the Ministry of Information and Broadcasting [MIB] (Government of India, 2021) -- which would regulate user generated content to protect from social harms -- politics, economy and lives (Government of India, 2021). These new rules that regulate digital news publications, online streaming platforms, social media platforms were met with a storm of dissent from advocates of free speech and rights, on the grounds of curtailing free speech which is enshrined in the Indian Constitution under Article 19 (Bhattacharya, 2021).

The regulations are an attempt of accumulation of power by the state through: enabling traceability of the content creator; and unchecked power of the government agencies. IT Rules, 2021, empower the government to take down digital content arbitrarily and allow the traceability of the conversation on end-to-end encrypted platforms too, effectively violating the privacy and rights of free speech of millions of users (Bhattacharya, 2021). The fear of violating the rights of privacy amplified because of these new regulations, especially in the view of rapidly shrinking democratic spaces (Freedom House, 2021), that the government would use these mechanisms to restrict free flow of information. New regulatory frameworks can have consequences

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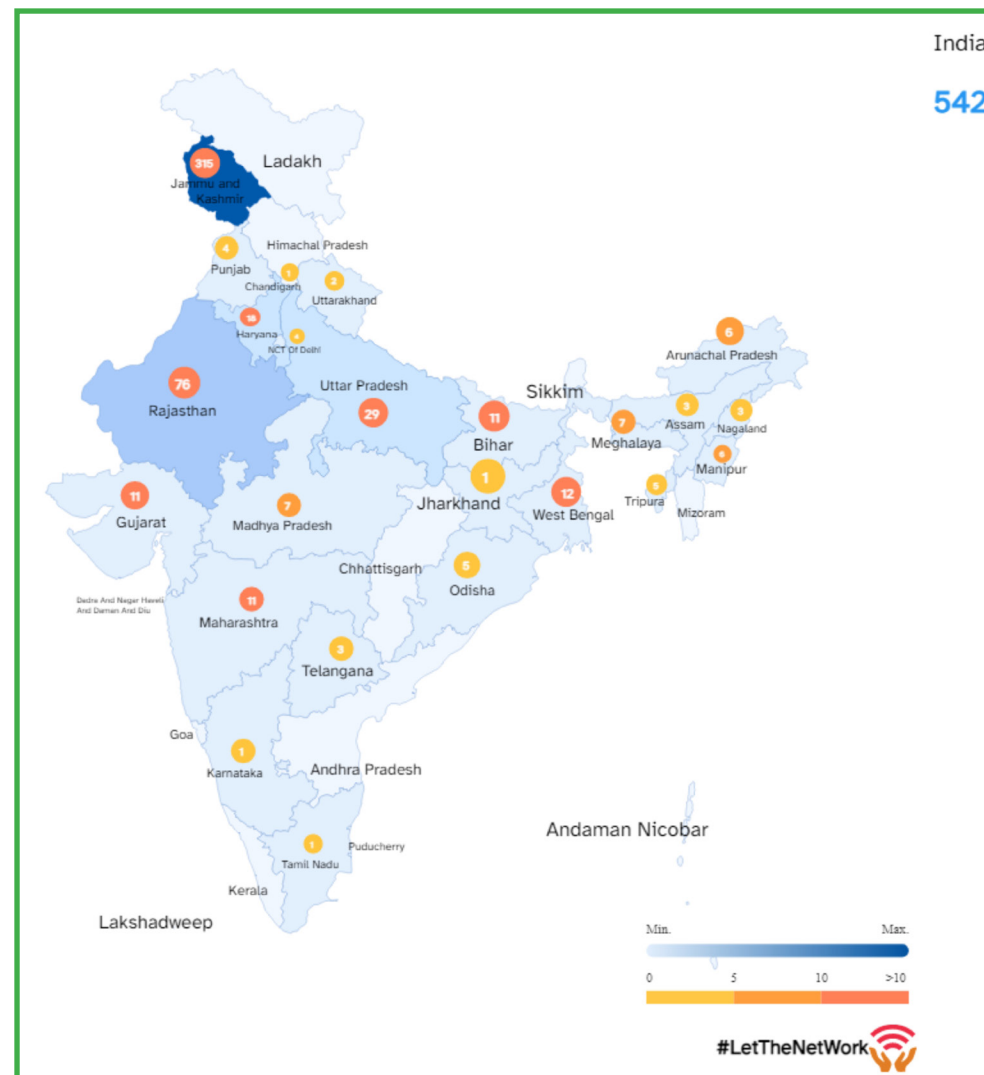
on the free expressions, speech, and assembly; they can increase the scope of surveillance and potentially imbalance the power relation between stakeholders such as citizens, government and tech firms, by structurally exploiting biases of the system. This paper focuses on anxiety of controlling information flow, accumulation of power through regulations by the state, and emerging counter power.

In India, which has a population of nearly 1.4 billion, there are at least 530 million WhatsApp users, 410 million Facebook users, 175 million Twitter users and more than 400 million YouTube users (Chakarvarty, 2021). Unlike the traditional media landscape, it has become increasingly difficult to regulate or monitor speakers on virtual platforms due to the abundance of content (Ninan, 2019). In recent times, Indian traditional media (print and electronics) have been largely either compliant or instrumental in propagating popular narrative, legitimising the ideology of the ruling establishment and often equating it with nationalism (Vijayan, 2018). The networked architectures of digital media have rearranged the control over information order and production, 'draw(ing) power back into the public sphere' (Froomkin, 2003). This was evident during farmers' agitation when mainstream media tried to delegitimise the protest or their concerns by labelling them anti-social elements, protestors countered this narrative by instrumentalising social media.

The Temptation of Controlling Information Order

Social media platforms have become an integral part of democratic life in terms of participation in civic and political discourse. Networked architecture enabled by the Internet, invites mass participation in the democratic processes by (a) eliminating the cost of production of the content and (b) providing a networked architecture that has democratised political communication and decentralised the cultural production (Benkler, 2006). The temptation of controlling information order by the state through policy mechanisms -- voluntary and private enforcement -- comes from the fear of networking power in an information society. The distributive nature of social media is increasingly shaping the social realities by allowing anyone to produce and disseminate information, which Pool (1983) described as the decentralisation of communication networks, a key force in 'fostering' of freedom. Despite all the shortcomings -- amplification of hate, misinformation, fake news, and polarisation of society --

social media platforms have become central to the institution of public sphere where public participation in art, culture and politics is being facilitated, conversation is being organised, and opinion is being curated (Balkin, 2004).

Free speech and unstrained access to information serves the values to democratic society, as it enables democratic participation and shapes public opinion. Before social media platforms, largely, mainstream media was shaping public discourse. Mass media based public sphere is riddled with issues such as ownership patterns and alliances -- official or otherwise -- with the establishment allowing the state to exert disproportionate influence over the editorial decision making, subsequently shaping or manipulating the social reality (Herman &

Chomsky, 1998). New technologies have changed this social condition of speech by empowering individuals to participate in the production of information and meaning-making discourse that includes non-political expressions and popular culture. Communication technologies are critical for the free flow of ideas, discourse and social movements in contemporary society.

During the MeToo movement, women took to social media platforms to speak against injustice (Johari, 2019) and a simple Facebook post against lynching in 2017 sparked a nationwide protest -- Not in My Name (Wu, 2017). These protests, coming together against the culture of fear and human indignity, reflect the power of network making by instrumentalising Information and Communication Technology [ICT]. In a networked society, different social actors who feel excluded and face injustice, social or institutional, might come together through communication enabled by the Internet that Castells (2009) described as 'networking power'. The government has not been comfortable with the changing social condition of speech, where any individual can produce and disseminate information. Any image, piece of information can trigger the people to form networks spontaneously which can shake the political and social landscape of the country (Castells, 2009).

The Arab Spring directly reflected the importance of social media where demonstrators used different platforms such as Facebook and Twitter to communicate, engage and disseminate information against the ruling establishments. Central Asian countries such as Tunisia and Egypt responded by blocking access to social media and shutting down Internet access but were largely unable to diffuse the people's narrative (Hempel, 2016). In India, the two recent largest people's mobilisations against the government in 2019 and 2020 -- Citizenship Amendment Act [CAA] and Farmers' agitation respectively -- have witnessed multiple Internet shutdowns including for the first time in India's national capital, New Delhi, ultimately leading blocking of access to social media and information but even this restrain was not able to contain the protests (SFLC.in).

Production and dissemination of information is difficult to control due the absence of routine suspects – activists and political parties – in movement against human indignity and social injustice, as people take the centre stage. Movements in networked society have been largely leaderless, hence usual government strategies of direct threat and intimidation are unlikely to work. In these protests, largely common citizens form networks by disseminating information and calling to unite those who are facing structural injustice, which ultimately translates into occupying the physical public spaces. Multiple sub-networks formed through religious gathering, civil society organisations, and by distributing pamphlets and ICT allows them to reconnect and reconfigure their strategies in real time. Occupation of public spaces facilitate debate, deliberate and connect society at large. One must not forget that when any narrative or ideas start to resonate among people, it is difficult to curb by controlling information flow and blocking access to it (Castells, 2009). The reason being the ideas and narrative function in the minds of people and not on technological platforms.

Countering Accumulation of Power

IT Rules, 2021 an attempt to accumulate power by the state through controlling the discourse is unlikely to succeed. This is because there will be counter power, and alternate ways to disseminate ideas, for they are difficult, if not impossible, to control through regulation. Civil society organisations, people, academia, journalists, and rights based organisations have started to form a coalition to counter these accumulation of power at different levels across the globe. Access Now, an organisation that works with technologists, academia, and civil society organisations to advocate digital rights globally, emerged during the 2009 Iranian elections when millions came together both in person and online to organise and protest against the election fraud. In the moment of despair, despite the government blocking internet access, censoring content, and undermining its opponents' online security, it started an emergency response team of technologists working to help people get back online and ensure their safe communications (Access Now, n.d). Similarly, another multi stakeholder -- Civil society, tech companies, and academia -- platform Global Network Initiative [GNI] was started in 2008 that advocates in support of freedom of expression and privacy rights globally (GNI, n.d).

In India as well, multiple organisations such as Software Freedom Law Centre [SFLC], Internet Freedom Foundation [IFF], Medianama started to counter the government's narrative around Internet mediated architecture. SFLC tracks Internet shutdown, which has been increasingly used to curb the access across the country. Along with this, it works on many critical issues such as access, net neutrality, and privacy, and has been advocating for free speech in the face of content policy mandates. Internet Freedom Foundation, an organisation that was born out from the 'Save the Internet' campaign, has been at the forefront in refuting the government's claim around Internet regulations and free speech (SFLC, n.d). The Save the Internet campaign was started in 2015 when Airtel decided to charge extra for Voice Over IP (VoIP) services like Skype due to the lack of policy around net neutrality in India. Over 1 million Indian citizens have participated at one point or another in the campaign -- Save the Internet -- across India in May 2015 which resulted in a ban on different pricing in India. IFF, currently, 'spur grassroots membership through public campaigns and take them towards institutional engagement with regulators, legislative bodies and courts' (IFF, n.d). While organisations like Medianama report on government regulations with a different perspective (Medianama, n.d), and organisations such as Alt News and BoomLive work on countering misinformation and fake news (Alt News, n.d).

Digital Empowerment Foundation [DEF], a not-for-profit organisation works on literacy, governance and rights, and has been working on information literacy in order to counter misinformation, and fake news. It has been working on the ground with communities and local administration and law enforcement around the country by conducting workshops on misinformation and disinformation in partnership with WhatsApp. Pre and post assessment of the workshops revealed that the percentage of respondents who hardly verified their WhatsApp forwards fell sharply by 10.4% and the percentage of respondents who are most likely to verify their information increased by 20.9% (Digital Empowerment Foundation, n.d). Even in order to counter mainstream media channels, multiple alternate platforms such as Newslaundry,

Article14, Scroll, The Wire have emerged who have been holding the government to account. All these initiatives might not reflect now in masses and/or in public discourse at large, but ultimately, it will trickle down and result in challenging the government's accumulation of power.

REFERENCE:

Access Now (n.d): https://www.accessnow.org/about-us/

Balkin, Jack, M (2004): "Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society," 79 N.Y.U. L. REV., viewed on 01 May 2021, https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1239&context=fss_papers.

Benkler, Yochai (2006): "The Wealth of Networks," Yale University Press, viewed on 08 June 2021.

Bhattacharya, Ananya (28 May 2021): "Modi government's new IT rules raise the question: Is India becoming China?," Scroll.in, viewed on 12 May 2021, https://scroll.in/article/995919/modi-governments-it-rules-raise-the-question-is-india-becoming-china.

Castells, Manuel (2009): "Communication Power," Oxford University Press, viewed on 6 July 2021.

Chakarvarty, Ankita, (25 February 2021): "Government reveals stats on social media users, WhatsApp leads while YouTube beats Facebook, Instagram," India Today, viewed on 03 June 2021, https://www.indiatoday.in/technology/news/story/government-reveals-stats-on-social-media-users-whatsapp-leads-while-youtube-beats-facebook-instagram-1773021-2021-02-25.

Digital Empowerment Foundation (n.d): https://www.defindia.org/wp-content/uploads/2019/04/2.-MEITYs-IT-rules.pdf.

Freedom House (2021): Viewed on 11 June 2021, https://freedomhouse.org/countries/freedom-net/scores.

Froomkin, A, Michael (2003): "Habermas@Discourse.Net: Toward a Critical Theory of Cyberspace," University of Miami - School of Law, viewed on 22 June, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=363840.

Global Network Initiative (n.d): https://globalnetworkinitiative.org/about-gni/

Government of India (2021): "Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules," viewed on 15 August 2021, https://www.meity.gov.in/writereaddata/files/Intermediary_Guidelines_and_Digital_Media_Ethics_Code_Rules-2021.pdf.

Herman, Edward,. & Chomsky, Noam (1998): "A Propaganda Model; Excerpted from Manufacturing Consent," Chomsky.info, viewed on 14 June 2021, https://chomsky.info/consent01/.

I. de Sola Pool (1983): Technologies of Freedom Cambridge, Mass.: Belknap Press, viewed on 11 June 2021.

Internet Freedom Foundation (n.d): https://internetfreedom.in/about/

Johari, Aarefa (2019): "India's #MeToo anniversary: A year after the movement began, have workspaces really changed?," Scroll.in, viewed on 03 July 2021, https://scroll.in/article/938966/indias-metoo-anniversary-a-year-after-the-movement-began-have-workspaces-really-changed.

Ninan, Sevanti (2019): "How India's Media Landscape Changed Over Five Years," The India Forum, viewed on 08 June 2021, https://www.theindiaforum.in/article/how-indias-media-landscape-changed-over-five-years.

SFLC.in, https://internetshutdowns.in.

Software Freedom Law Network (n.d): https://sflc.in/

Vijayan, Suchitra (15 July 2018): "Journalism as Genocide," The Police Project, viewed on 16 May 2021, https://thepolisproject.com/journalism-as-genocide/#.YNCEJDYzaCR.

Wu, Huizhong (2017): "#NotInMyName: Indians protest against rise in mob violence," CNN, viewed on 31 July 2021, https://edition.cnn.com/2017/06/29/asia/protests-mob-violence-india/index.html.

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defindia.org