

INTERNET CONTROL AND THE RISE OF DISCRIMINATION IN INDIA

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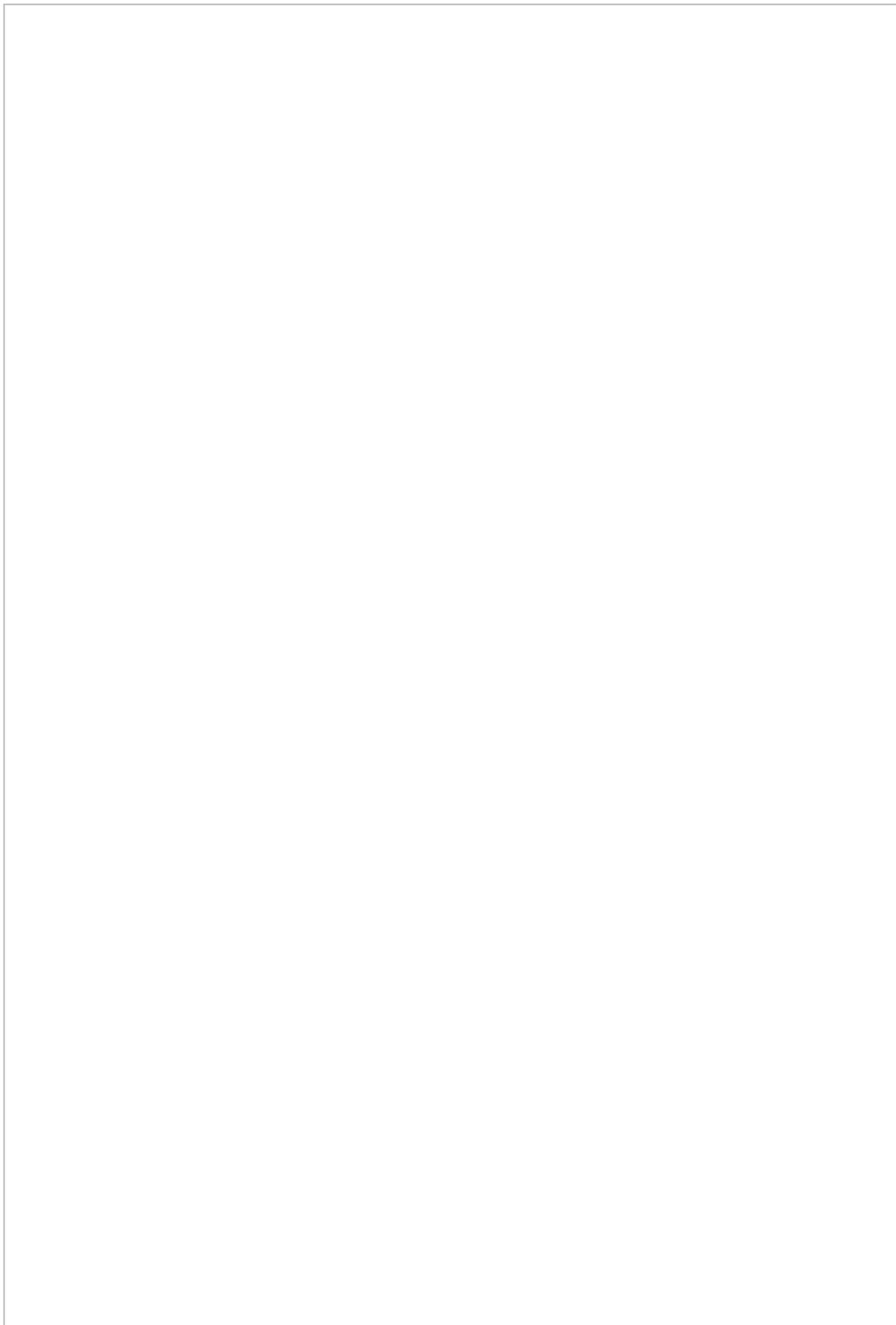


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INTERNET CONTROL AND THE RISE OF DISCRIMINATION IN INDIA

ABSTRACT

This paper aims to provide a comparative analysis of the policies drafted by the US, the EU, China, and India that would somehow regulate misinformation and mitigate the social impacts of the hyper-consumption of online information. The US, EU, and China are selected for the comparative analysis as they are considered the pioneers of data regulation and innovations in advanced digital technologies. In addition to the comparative analysis, this paper argues that in India, hate crimes when wedded to the uncontrolled spread of information across the internet require legislative, judicial, and educational interventions. This paper helps policymakers and academia find the best practices worldwide. Apart from identifying best practices, it also aids in formulating a tailored policy to control the misinformation in the internet channels of communication.

Key Words

Misinformation, Data regulation, Global policy, Digital technologies to 16.5% in the poorest parts of the work in sub-Saharan Africa. In the workforce, female participation in India is at 33%, well below the world

INTRODUCTION

The making of information and the spreading of it are both important pillars of society. Information in the post-industrial age has the same importance that was given earlier to the raw materials in the industrial age (Dutton, 2004). The post-industrial age now is anchored on the internet and other digital technologies. Information generation and spread are done through internet-connected devices. An internet-connected device will expand the neighbourhood of an individual beyond the political boundaries of a country. This expanded the scope of the spread of information unprecedentedly.

Today the intensity with which the information spreads is the same for the misinformation.¹ Anyone can inform the world about anything from whatever perspective. Misinformation is factually incorrect content whereas disinformation even though factually incorrect, it is content spread with malicious intent. A few types of misinformation and disinformation are fabricated content, manipulated content, misleading content, and propaganda. (*Using social media in Community-Based Protection*, 2021) Fake news is a term used to refer to both misinformation and disinformation.

The advancement of communication and digital technologies has taken the spread, speed, and volume to a whole new level. Although disinformation is not a new phenomenon, new components like filter bubbles, echo chambers, micro-targeted advertising, and algorithms have developed during the digital era. Another defining element of disinformation is the producer and spreader of information. Earlier, information was spread by the media, however, now anyone who has access to the internet can do it. (*Disinformation and Freedom of Expression*, 2021). The world is free to either accept or reject it. The

1. Technically, misinformation is a tag given to an information that is deemed to mislead the target audience. In this paper, information and misinformation have been differentiated. Specially, misinformation is considered as an information generated to mislead an individual or any group for political ends.

information flow is so unregulated that people sometimes consider opinions to be facts. Such opinions with a target to mislead the public are being widely circulated over social media.

A sarcastic term used by a YouTuber, Aakash Banerjee, for people who delve on WhatsApp for information is 'WhatsApp University.' People from 'WhatsApp University,' tend to believe unwarranted claims and propaganda information. This shows that the aspect of misinformation has been identified and is well known to the public. Yet, it has the power to manipulate public behaviour. Political parties use these channels with intentional misinformation to manipulate the vote bank. Religious extremist groups try to deepen the existing societal vagaries. Not just the mentioned two groups, but almost all the political activities are moving their work onto cyberspace. It might not be a stretch to say that whoever controls the global information flows will control global public behaviour.

When online information is causing a dramatic change in social relations, the fabric of society will be hinged on the responses of societal agencies (Civil societies, state, private companies, influencers) towards the new technology. Among many, governments are the major stakeholders in defining societal change. This aspect is not just within a country but is a worldwide phenomenon.

The spread of fake news is detrimental to society because it can deeply influence and deepen an individual's beliefs and values which can influence their behaviours like their voting preference, attitudes towards different religious groups etc. Terms like fake news, post-truth, and alternative truth became popular after the US presidential election in 2016. So, when Mark Zuckerberg admitted that 126 million Americans were shown political fake news and it was concluded by FBI and the congress that it was spread to influence the elections, the question raised was whether the election results were a result of being influenced by the fake news shown? (*The Danger of Fake News in the 2016*

Election, n.d.) Although there is no conclusive evidence that the spread of fake news impacted the US elections results, there are studies in general that show fake news influence voting behaviours.

Another example is the amount of misinformation spread during COVID-19. Restricted mobility during the pandemic meant a higher consumption of online information. During this time there was a surge in conspiracy theories, pseudoscience, and hoaxes that reduced the trust of people in public institutions. According to a report by Reporters without Borders, 74 per cent of internet users were concerned about fake news on social media. The abundance spread of unreliable information during vulnerable times can put lives at risk, as it can lead to people ignoring valid health advice. (Colomina et al., 2021)

Another dangerous effect is the spread of hate against another community online and offline which is turning into violence. Hate campaigns and misinformation consisting of derogatory language against Rohingya Muslims have been linked to the grave human rights violations committed in Myanmar, from 2012 to 2017. A report released by United Nations Human Rights Council in 2018 recorded all the hate spread by politicians, military, state officials, and religious leaders. (United Nations, n.d.)

India is no exception to the unfavourable consequences of unregulated information. We are frequently reading headlines of violence against religious minorities, politicians or leaders giving hate speeches. Antonio Guterres's, the United Nations Secretary-General in his speech at IIT Mumbai, praised India's history of non-violence but also reminded the urgency to "unequivocally condemn hate speech and the need protect and promote rights of all individuals, including members of the minority community". A report that has documented the news reports from September to November 2022 on hate speech, and other concerning issues plaguing Indian society is attached in the Appendix. Therefore, there is a growing need for regulatory measures in place to tackle and control misinformation and disinformation.

With this background, this article attempts to compare how the data legislation in the US, EU, China and India inherently tackle the problem of misinformation. Data legislations and other internet-related regulations will be analysed through the four levels of internet control (Diebert, 2015). All the four levels are attributed to state control of the internet.

The first level is a basic restriction of few websites using firewalls to protect a country's data against cyber-attacks. However, adopting measures like great firewall is not widespread and same worldwide. From the research conducted by Comparitech (2022), Asian countries have more internet restrictions than other countries. A few advanced countries have started making legislations that force the service providers to perform content filtration. This is second level of internet control. Level 3 is where the states actively conduct surveillance on public both in private and public spaces. However, not all countries have reached level 3. China, Egypt are some examples that come under level 3. The fourth level is where the states have capacity to influence global policies on the internet. To some extent the US and China are at this level, but not completely. The next sections are dedicated to the analysis of legislations that would restrict misinformation in the US, EU, China and India.

Levels of Internet Control (Diebert, 2015)

Level 1: Defensive measures like great Firewall

Level 2: Framing rules and regulations and forcing private companies to do information policing. They include asking companies to include backdoors to access communication data.

Level 3: These are offensive measures. Targeted surveillance and cyber espionage are examples of this level.

Level 4: Assertive authoritarianism at the international level. Influencing international bodies like ICANN, and UN to push forward certain cyber-surveillance structures.

APPROACH OF CHINA TO CONTROL THE INTERNET AND INFORMATION

China is well-known to have a good grip on the citizens and their activities. Chinese police use facial recognition and predictive algorithms to maintain law and order (Allen, 2019, p. 6). While it is reasonable to use AI in public places to maintain peace, it must not suppress freedom of expression. In China, with a clause, “protecting the national security,” police can apprehend any citizen with a digital proof of behaviour anomaly. To eastern corner of Mainland China, in Hong Kong, Police are seen to put up banners warning that they will arrest people if they show banners or shout slogans that intend succession. To the western corner of mainland China, the usage of surveillance technology is highest in the region of Xinjiang (Vatsala Mishra, 2021; Lai & Kellogg, 2022). Chinese state surveillance of the Xinjiang region includes collecting DNA, fingerprints, iris scans, and 3D images of the residents. All this data will be fed into the new Social Credit System (SCS). It also includes mapping the online behaviour of citizens. In an incident, officials also called for a shared atmosphere having a collective hatred against the enemies (Liebold, 2019). This is similar to what George Orwell described in his infamous dystopian novel 1984 as hate speech (Orwell, 1949). China’s AI surveillance usage and data legislations appear to make Orwell’s 1984 a reality.

Extreme Domestic Control

The domestic control using the internet surfaced when China built its great firewall (golden shield project) in 1998, blocking foreign content over the internet. Since that year, China has shown iterative developments in information filtering. However, it would be unfair to point fingers at China when it comes to internet surveillance. Almost every country has adopted internet surveillance that suits its political needs. Ronald Diebert, director of Citizen Lab, Munk School of International Affairs, asserts that internet surveillance is spread across

the world irrespective of whether states being democratic or authoritarian (Diebert, 2015). Among all the countries, China has the most sophisticated techniques of internet surveillance.

Without engaging in detailing the timeline for the iterative development of censorship regulations, this section directly analyses the recent developments. The analysis will address information control using advanced digital technologies in China.

Censoring internet content has been exacerbated after the 2005 anti-Japan protests in China (MacKinnon, 2009). Information control was achieved by filtering internet content using key words before Artificial Intelligence systems that are now used to automatically remove certain content (Crandall, et al., 2014).

Internet control went to such a stage that some scholars equated China to Foucault's panopticon state (Zhen, 2015). With the advent of advanced information and data technologies like AI, China's control over the internet has expanded. New Generation Artificial Intelligence Development Plan (NDP), released in 2017, explicitly encourages the usage of AI for surveillance. The document's language shows that such usage of AI is completely normal in China. The paragraph taken from a translated version of the NDP document shows that China is all set to have greater societal control.

“Research and develop a variety of detection sensor technologies, video image information analysis and identification technology, biometric identification technology, intelligent security and police products, around the comprehensive management of the community, criminal investigation, anti-terrorism and other urgent needs. Establish an intelligent monitoring platform. Strengthen the intelligence of security equipment in key public areas. Support the conditions of the community or the city based on AI to carry out public security regional demonstration. Strengthen the AI of food safety protection.” (State Council Document [2017] No. 35, 2017)

China, with its “Internet Plus” policy which it unveiled in 2015 (Xinhua, 2015), has shown the world that it is not separating AI and the internet. It advises incorporating IoT, and digitalisation of all the available socio-economic actions in the country, so that state can have an account of everything. Though the guidelines do not specifically use the word “all socio-economic actions,” its detailed explanation on agriculture, smart manufacturing, education, regional and local innovations, energy sector, banking and finance, public welfare, logistics, supply chain management, e-commerce, small and medium enterprises and businesses, transportation, sustainable development together make the overall socio-economic activities of the society (Creemers, 2015). From the NDP and ‘Internet Plus’ policy, it is clear that China wants to use AI and the Internet to gain strong domestic control of the country.

In 2018, an AI white paper was released by the China Academy of Information and Communication Technology (CACIT). It is a think tank managed by the Ministry of Industry and Information Technology. The following excerpt has been taken from a translated version of the white paper.

“Public opinion monitoring applications refer to the use of AI technology to strengthen national online public opinion monitoring capabilities, improve social governance capabilities, and ensure national security” (Elsa Kania, 2019)

This was among the few direct mentions of the usage of AI in direct control of narratives by the AI white paper. China also uses AI for thought management. CCP analysts argue that the state will use AI to have early warnings of social unrest by analysing digital behaviour and content (Thorne, 2020). Such red flags will be tackled by providing necessary content to the media outlets. Central Propaganda Department has issued a document titled *“Guiding Opinions on the Promotion of Deeper Integration of Culture and Technology.”* It explicitly advises government bodies to shape the narratives using AI (Thorne, 2020).

Social Credit System of China

AI is considered to be a strategic opportunity to master social governance (Huw Roberts, 2021, p. 65). China introduced Social Credit System in 2014 and put a deadline of 2020 for all citizens to enrol in the national database (Scott McGregor, 2021). This system tracks public behaviour and ranks them accordingly. Such ranks are used to punish or reward. It is similar to the sibil score or credit cards but the Chinese Social Credit score includes public traffic violations, behaviour in public places, and online behaviour. In China WeChat is the only application which is used for all the online communications and transactions. So, the public economic, business, political, and social behaviour is effectively traced down.

On the whole, the goal of China's AI systems appears to be (throne 2020)

1. To gather the pulse of the public using their digital footprint
2. To generate ideologically correct content.

Particularly for international audiences, AI would help China's journalists identify the keywords around a topic of concern so that they can use the correct terms when creating external-facing propaganda.

3. To have a targeted distribution of the content

These steps can be adopted even without AI. However, without AI. it will be difficult to capture all the digital footprint, analyse both the structured and un-structured data and then come up with the necessary content.

Data Privacy and National Security

A big debate across the world is regarding data privacy. China has effective data privacy regulations. Though they differ from GDPR, the country holds the privacy standards (GDPR has legally enforceable legislations) with enforceable systems (Huw Roberts, 2021, p. 70). However, as the judiciary is below the CCP, the party becomes the final

authority. In other words, the government if it necessitates, can get hold of the entire data produced by Chinese netizens and use it in its accordance. While the government does the latter, private companies are not allowed to do the same.

AIDP advocates using AI to conduct research on” large-scale genome recognition, proteomics, metabolomics ... to promote intelligent pharmaceutical regulation.” It also aims to ‘strengthen epidemic intelligence monitoring, prevention and control,’ and to ‘achieve breakthroughs in big data analysis, Internet of Things, and other key technologies’ to strengthen community intelligent health management. (Ministry of Science and Technology, 2017; Huw Roberts, 2021)

China uses anonymised health-related data of individuals and trains AI systems. Here, personal data is protected and also big data is used for national health security. Imagine the same being done in India, it would solve many healthcare problems. However, the ethical, legislative structure of India does not allow it. Ward directly argues on the latter point. Such strict and regulated data flow will ensure the validity of the information. This also reduces the misinformation regarding the public profiles.

Measures for the Administration of Internet Email Services (Ministry of Information Industry, 2006)

Under Article 3, no private organization shall look into the private email of the citizens under any circumstances. However, the state has all the rights and access to the look into the personal communication in case of criminal offense or national safety according to the provisions provided in the law.

Spread of Surveillance Tools

China is seen to export its surveillance technology while simultaneously taking a stand to ban lethal autonomous weapons (Allen, 2019, p. 7). Suppose China becomes the world superpower or dominates the belt

and road member countries in business collaborations. In that case, it is possible to export Chinese AI systems to these countries without rivalry from the US (Ward J. D., 2019, p. 238). According to Feldstein's AI Surveillance report, China occupies almost 42% of the global AI surveillance market (Feldstein, 2019). If China can export its misinformation control techniques along with the surveillance technology, probably the world would prioritise surveillance, mitigation of misinformation to the provision of free information flows and data privacy.

Economic Development

When China released its various AI guidelines (as discussed in this chapter), it essentially is making AI to be a national movement. When the state has the notion of 'wealthy nation and strong military,' the AI development by government and private players in China will be undistinguishable outside China. Any other international company will have to compete with PRC when competition arises with Chinese AI companies (Ward J. D., 2019, p. 139). When AI-based products like facial recognition or even proprietary data analysis algorithms, or even the 5G technology of Huawei are exported to other countries, there is a risk of letting the PRC snoop over the client country citizens' data.

The rise of China is seen with skeptic eyes. For example, British Petroleum estimated that the China's economy would slow down because of its increasing energy consumption by 2040 (Ward J. D., 2019, p. 190). These projections are most probably the straight-line mistakes as said by Hans Rosling (Hans Rosling, 2018, p. 75). There can be many variables that might assist China to overcome its dependency on fossil fuels. A general straight line statistical projection will not be sufficient to predict the geopolitics.

It is no wonder if China uses AI for the resource surveillance and fairly makes business in the constrain optimized conditions with other state. Here, the advantage is its relation and technological first-mover advantage.

In which category of the Internet Control does China Fall?

China uses AI surveillance in public places. It also tackles the online behaviour of the public to provide social credit score, which defines an individual's their societal status. Social Credit score includes public traffic violations, behaviour in public places, and online behaviour. Further it is observed that in China, private companies are not allowed to have a peak into personal communications and data portability is strictly restricted. These measures show that the state has strong domestic control and allows less space for the circulation of misinformation.

While having strong domestic control over the internet, China also uses internet to increase its economic growth. Its investments in making health repositories to develop AI based health systems is an example discussed in this paper.

These measures conclude that China is at the Level 3 of internet control. However, it appears that it is quickly moving to level 4. China is seen to export its internet control mechanisms and techniques. By exporting and also forcing its concept of internet sovereignty in the international forums, China is aiming to dominate the international organisations in developing internet operations and governance standards.

THE APPROACH OF THE UNITED STATES

At the time of conducting this research (December 2022), the latest development in the US is the release of blue print for AI bill of rights in October 2022 (The White House, 2022). Detailed discussion of the AI bill of rights becomes important as AI is the technology that controls the search engine results. These search engines are the ones that act as a bridge between the abundant information available in the global servers, and what an individual is seeking online. The AI is responsible for the individually tailored search results, be it Google search or Instagram feeds.

AI bill of rights provide a framework for drafting rules to regulate Artificial Intelligence in five aspects – AI systems’ adherence to domain-specific standards, protection against algorithmic discrimination, data privacy, notification of the use of automation and how it impacts users, and finally the provision of human alternatives over automated services. Importantly, the bill of rights mandates all internet firms to present the algorithmic functioning and its impact on an individual in ‘easy and simple terms’ to the end user. When the phrase ‘easy and simple terms’ is used, it is neither left undefined nor defined, rather the bill of rights asks to interpret it dynamically. This is something which is not found in any other internet or data control regulations among other countries that are compared in this paper.

Bill of rights advises conducting user experience research to determine what is ‘easy understanding’ for the general public. This is conducted in real-time, where one version of the AI application will be released to a closed group of people, with their permission, for a certain period. During this time, the application would gather data from the users regarding their experience in using the application and aims to understand if the application design provides enough information in a clear and crisp manner so that all the users understand it quickly. For example, the feedback helps the designers re-design the terms and conditions agreement if the users find the terms of data usage difficult to understand or fail to understand the company’s intention in the data usage. This is a practical way to operate data-related technologies with user consent. This aspect of the document proves that the US is not totally leaving the market open for exploitation. Perhaps, its free-market economy is being redefined.

This bill of rights provides a globally adaptable framework that can be used for drafting regulations. Since the US had no comprehensive law on data privacy or AI regulation, with this bill of rights, it becomes an equal match with the EU and China, which aim to control information freely flowing through the internet positively. The latest development

shows that the US wants to provide a free market access, yet secure the dignity of public in the digital world. Public are not taken for granted and the bill ensures that the society is not exploited. Apart from the AI bill of rights, there are other regulations and strategy papers that shows the approach of the US regarding the internet communication and data flows. The discussion on the latter is provided below categorically.

Retain Global Technological Supremacy

The US released strategy documents and guidelines on the usage of AI and the data. Most of the text within the government documents reveals that the US focuses on retaining its global technological supremacy. That means that the control of misinformation has not been given a full consideration. Focus is more on how to become the AI market leader.

Economic Growth

The US started to be vocal on AI policy after releasing “Preparing for the Future of Artificial Intelligence” in 2016 (National Science and Technology Council on Committee on Technology, 2016). This document emphasises the usage of AI in solving the existing societal and governance issues. The prime importance was given to the usage of AI in future economic activities. Framing necessary regulations and ensuring fair economic competition has been reiterated. Apart from that, it also encourages the government to use Lethal Autonomous weapons systems in the military. Following the report ‘Preparing for the Future of Artificial Intelligence 2016,’ the next report released was “Artificial Intelligence, Automation, and the Economy” on December 2016 (Executive office of President, 2016). This report emphasises on the inevitability of AI entering socio-economic activities.

Later after two years, in 2018, “The National Artificial Intelligence Research and Development Plan” has been launched (Networking and Information Technology Research and Development Subcommittee, 2018). It proposes seven strategies of investments related to internet and AI. They are:

- 1) Make long term investments in AI research
- 2) Develop effective methods for human-AI collaboration
- 3) Understand and address the ethical, legal, and societal implications of AI
- 4) Ensure the safety and security of AI systems
- 5) Develop shared public datasets and environments for AI training and testing
- 6) Measure and evaluate AI technologies through standards and benchmarks
- 7) Better understand the national AI R&D workforce needs

All the strategies promote the usage of AI in business innovations ensuring positive societal implications. Supporting the transportation sector, the Department of Transport issued two iterative sets of guidelines in 2016 and 2018 (Arbor, 2017; US Department of Transportation, 2018). These two documents promote the adoption of AI and encourage investments in this sector. The US asserts that the future of public commuting would be defined by autonomous vehicles, and the state should be ready by drafting necessary regulations and creating the required environment.

AI Strategy – Maintain Loose Regulations and Promote the Market Innovation

Following these papers, the US released its AI strategy 'AI for American people' which is in stark difference from India's 'AI for good.' This shows the nature of political thinking of the white house, and we can attribute it to the neo-realist bloc of today's international relations. Its official policy reports shows that there would not be a strong regulation on the development of AI but rather, there would be a push to reduce the barriers for R&D. All the state departments have been advised to put AI development and adaptation as a priority. When compared to EU, and China, the US maintains light posture towards regulatory AI policies (Walch, 2020).

United States is a well-known hub for cyber innovations. Its lassie-faire economy does not allow the state to have strict regulations on the internet. The US maintains a light posture even in AI regulation when compared to the EU (Walch, 2020). Its National AI document released during Trump's presidency, unlike China, does not appear to emphasise on domestic surveillance (Executive Office of the President, 2019). It again reiterates the country's economic model. Even after Joe Biden taking the reins of presidency, there is no significant shift in the internet, data or AI regulations or policies.

Improving Judiciary and Global Influence

Data Strategy for US Department of Justice espouses a quick yet structured strategy to convert the judicial information into publicly available datasets (Office of the Chief Information Officer, 2019). These datasets can be used to understand the role of various variables in enhancing the efficiency judicial working. A year later, the Department of Justice came up with AI strategy (Office of the Chief Information Officer, 2020). The goal, as espoused by this strategy document is to adopt the latest AI technology into the judiciary with all the safeguards in place. The two documents, one regarding the data and one regarding AI, compliment each other. The department of Justice accepts that bigdata will add value to the existing structures and AI will be the technology that uses that bigdata to provide new and innovative additions to the working of judiciary.

The US department of State came out with its own strategy to use data based analytics to assist diplomats (U.S Department of State, 2021). Each department released its data strategy to use big data analytics to its advantage.

In which category of Internet Control does the US Fall?

Unlike China, the US is more focused on how to provide AI technology to its public without infringing their privacy and without disturbing the existing societal fabric. This aspect of the US is clearly visible from its AI

bill of rights. Though it wants to protect individual privacy and agency in the cyber space, there are no strict regulations to control the misinformation. The other data and AI regulations analysed in the section show that the US focuses more on its global economic dominance, national security. Perhaps, the focus on improving the judicial functioning might improve the scope of judicial remedies when it comes to the cyber space. However, there is no direct correlation found as the data is not available as of now.

To the credit of the US policy makers, the US has identified Deep Fakes as a threat to national security. A report by Congressional Research Service recognises that with the increase in deep fakes, people would stop believing in the real content (Sayler & Harris, 2022). This report shows that the US congress is informed about the dangers of deep fakes and the need for regulation. Office of Science and Technology Policy (OSTP) has also called for information on the privacy-enhancing technologies which can be used to protect the privacy of the data generator (Science and Technology Policy Office, 2022).

When looked from the categorisation of Diebert (2015), the US falls into level 2 of internet regulation. Because, it recognises the importance of regulations and is dynamically advocating data and AI regulations. However, it does not have a strict surveillance setup using the internet communications.

THE APPROACH OF THE EUROPEAN UNION

In European Union, there is no specific law catering to the misinformation. However, there is a strong attempt being made to mitigate the misinformation. In 2017, the EU has set up a high-level expert group to tackle misinformation. It came out with a communication document on 12 March 2018 (European Commission, 2018). The document identifies that the intentional disinformation used to influence political decisions is one of the major threat to European society. The document espouses that it would help in developing further

regulations to scrutinise and make the rationale and method of target advertising public. Ensuring safeguards against disinformation by design and looking for ways to help journalists monetise their content are other interesting suggestions the communication provides. It also advises clearly labelling the paid content, which will be a good move from the perspective of end users. However, this document is criticised for not extending the scope to the political parties (Nenadić, 2019). This section provides the important facets identified from all the data and internet regulations released by the EU that would cater to the control of misinformation.

Transparency of online information

In 2022, the EU signatories released a code of practice, a development on the 2018 communique. The strengthened Code of Practice contains 44 commitments and 128 specific measures. Some of the interesting declarations are below.

1. Come up with monetization policies of Ad content, verification of content by media houses and ad agencies, and collaborative measures with fact checking organisations, media organisations.
2. Political ads will be clearly tagged and the content of those ads should be verified.
3. Users will be provided information about why a particular ad being shown to them.
4. A permanent Task-force will be assigned for the purpose of effective implementation and to make iterative changes to the existing code of practises. It is composed of representatives of signatories, the European Regulators' Group for Audiovisual Media Services, the European Digital Media Observatory and the European External Action Service, and is chaired by the Commission.

There are many declarations like the above-mentioned ones. Each signatory (private companies) will come-up with detailed plan of implementing them. As of June 2022, there are 34 signatories to this

code of practices (European Commission, 2022). The signatories include giant companies like Microsoft, Google, Meta, and Adobe. Apart from the code of practices, Europe has a robust data protection legislation that restricts the political exploitation of the internet users.

Data Privacy

General Data Protection Regulation (GDPR), is the privacy protection legislation enacted in 2016 (European Union, n.d.). The need for a new data privacy legislation arose in 2011 when a Google user sued Facebook on scanning her emails (European Union (b), n.d.).

GDPR ensures the privacy of Europeans. If a business interest clashes with individual privacy, then GDPR will not permit the business to go ahead. Because of the GDPR, in Europe the Data Subject (similar to data principal mentioned in Data Protection Bill of India) will have complete control over their personal data. Personal data has been broadly defined to include even political opinions and pseudonyms. There are no exceptions to data privacy here. Irrespective of where the company is located or data is processed, if the data is regarding the people of Europe, then the company should comply with the GDPR. GDPR forms the foundation for digital services in Europe.

Control of Misinformation

In addition to the above, digital service providers should comply with Digital Markets Act and Digital Services Act. These two bills were approved by the European parliament 25 March 2022 and 23 April 2022, respectively. Digital markets Act (DMA) ensures that the market is free for new entrants and avoids large companies taking the markets themselves (European Commission, 2022). Unlike DMA, DSA is related to the control of misinformation. The DSA will be directly applicable across the EU from 17 February 2024, fifteen months after entry into force. DSA adopts the following measures to tackle the misinformation (European Commission, 2022).

1. It mandates e-commerce platforms to conduct random back-tracing of sellers to check their authenticity. This will curb fake sellers and indirectly discourage ads promoting fake content.
2. Conduct annual risk assessments by all the big platform companies, called 'Gatekeepers' in the DSA and DMA. By conducting risk assessments, gatekeepers have to identify the content that can be a risk to societal stability and take measures to suppress such content.
3. DSA forces private companies to come up with dynamic measures to ensure transparency and authenticity of the content. In formulating the measures, government regulation is minimal, and its interference is capped to oversee the measures considered by the companies. This ensures that governments do not have an undue advantage and undertake propaganda.
4. Content flagging provision should be provided for the users. This allows users to notify the service provider of the misinformation.
5. There is an outright ban on target advertisements based on data that is related to specific personal information like gender, ethnicity, political inclinations and religious beliefs. Such ban puts a check on information propaganda of conservative political parties, and religious factions.
6. Users should be provided information about why ads are being shown, who paid for those ads, whether the content is sponsored or organic, and whether influencers promote the content. When all the above information is mentioned clearly, a user will have a choice whether to believe the content.
7. Large platforms (Gatekeepers) are obliged to provide ad data to researchers and civil society organisations to conduct a risk assessment and other social research.
8. A ban on using so-called 'dark patterns' on the interface of online platforms, referring to misleading tricks that manipulate users into choices they do not intend to make.

Europe considers state and private companies to be equal agencies in preparing the framework, ensuring the legitimacy of the information. Its GDPR is a public-oriented approach where the focus is on preserving the privacy of an individual. A clear stance on how the EU tackles the misinformation is yet to be known. However, the 2022 code of principles provides a broad idea to the public and a framework for companies to prepare a system that mitigates misinformation.

The signatories were given 6 months to implement the COP. However, a press release of European Commission says that there is a delay in the process.

In which category of Internet Control does the EU Fall?

Europe has the most robust systems (among the democracies) in place to control online misinformation but little on public surveillance. It definitely falls into the level 2 of internet restriction. The EU provides the Europeans power over the online information. Companies have to provide reasons of why a particular content is seen by the user and allow the users to tag the content if they deem it to be fake. GDPR puts privacy at the top priority to the business. This is a stark difference between the EU and India. The European parliament has also passed Digital Services Act in 2022, which directly addresses the misinformation problem. Such direct legislations have not been attempted by either the US or India. DSA mandates all the e-commerce platforms to conduct random back tracing of the sellers to verify their authenticity. In addition, it outrightly bans targeted marketing which is much necessary worldwide.

APPROACH OF INDIA

Data protection bill 2022 is not citizen centric. It mandates citizens (data principle as per the language of the bill) to provide accurate details. Though it provides data principles the right to withdraw their compliance, there is no provision to restrict their consent. Once, the

consent form is floated, a single consent is deemed to be applicable to whole set of business processes. It does not matter if the terms and conditions are written in numerous pages as long as it is in simple English. The bill governs personal data usage by the state, Indian companies and also foreign companies. Interestingly, central government can exempt some foreign companies as a gesture of friendly relations with foreign countries. This provision is beyond comprehension. It is unclear why the privacy of Indian citizens will be dropped to uphold the friendly relations with other countries. Why is there an objective differentiation between the state and nation? Though there are many voices raised, the government appears to pay no attention.

Privacy and Psychological wellbeing are not priority

The data protection bill of 2022 provides Indian citizens with the following rights (Ministry of Electronics and Information Technology, 2019, p. 10).

- i. Article 12 (1), right to confirm whether the data has been processed
- ii. Article 12 (2), right to ask for a summary of data that is being processed
- iii. Article 12 (3), provide a list of all data
- iv. Article 13 (1), right to correct and erase the data
- v. Article 13 (3), Restrict continuing disclosure of their personal data by a fiduciary, if it is no longer necessary or consent is withdrawn.
- vi. Article 14, right of grievance redressal

All the rights provided to the individual does not enforce their rights to data privacy. They provide right to put a correct information and right to be correctly exploited. Nowhere in the rights section or in the in the section titled 'obligations of data fiduciary' there is a mention of dynamically defining the 'clear and plain language' of the consent form. Such dynamic definitions can be seen in US bill of rights (The White

House, 2022). Further, data portability is an inherent feature of this bill. There are no restrictions of data portability, one of the major reasons that infringe privacy. An illustration provided after section 7 (5) in the bill clearly shows that the government has given its consent to port data freely from one company to another.

While defining the term ‘gain,’ the bill does not include political gains, coercive controls, or knowledge about others without monetary benefit. That means that if the personal data can be used for the latter mentioned advantages. Further, the term ‘harm’ does not include psychological harm. From the above definitions, it is clear that the bill is anchored to financial benefits of the companies and completely neglects the psychological and social wellbeing of public.

An important aspect of data processing is to know the probable impact of the data processing. Accordingly, in the 2019 bill, Article 27 says that the data fiduciary shall not use big data analysis for the new technologies without conducting the impact assessment test. Ironically, this provision has been removed from the updated bill.

Intermediary guidelines

On 25, February 2021, the Information and Broadcast Minister of India released the Intermediary Guidelines and Digital Media Ethics Code (Ministry of Information and Electronics Technology, 2021). These rules are effective immediately. Such immediate implementation is necessary because of the raging misinformation campaigns, and unregulated social media content. The grievance redressal mechanism provided by section 3 (2) is a welcome move. All the intermediaries shall provide the same grievance redressal officer on their platform. Any complaint shall be acknowledged within 24 hours and shall be solved within 15 working days. There is also an oversight grievance redressal system as provided by the rule (13) of the intermediary guidelines. Under this rule, an unanswered complaint or an unsatisfied answer would have a chance to appeal to the higher authorities. This appeal would be sent to Level II

of the self-regulating body to which the publisher is a member. Level II body is an inter-departmental committee. This committee is only an advisory committee and any action on the intermediary is a sole prerogative of the Ministry of Information Technology. Ironically, this procedure includes a long process with an unnecessary advisory committee. Further, India is a country where RTI filings are not properly addressed even though there is a proper redressal mechanism with an appellate authority. This grievance redressal mechanism might end up being functional only on paper. The government has provided 3 months to establish such a grievance redressal system on their platforms, and till now no intermediary has put up such a system.

Instead of blanketly asking the intermediaries to provide the information of the source, the government could have deliberated with the technical experts and arrange a software key to decode the encryption whenever the responsible authority asks for the data. In such a way, the privacy of the individual will also be protected and the platforms will comply with the regulations. Another irritating development is the mention of informing the users about the legal agreements and the data policy of the digital platform. This is no new approach. It is in practice for many years and most of the users will not read a line of the agreements. When online services become a necessity of life, it becomes the prerogative of the government to make sure that the public is well aware of all the regulations and guidelines.

Internet is Business friendly

In the data protection bill 2019, Article 22 proposes that the data fiduciaries should have a policy designed to ensure data protection by design. The design includes the organizational structure, data protection mechanisms adopted within the design of the product or the algorithm. However, such provision is removed from the updated bill. The new 2022 bill in its article 9(3), asks the companies to take 'appropriate technical and organizational measures to ensure effective adherence with the provisions of this Act.'

In the data protection bill 2019, Article 23 asks the data fiduciaries shall display their categorization of data as prescribed by the regulators, and Article 28 asks for annual auditing of personal data usage. These two provisions have been removed from the updated bill.

Power of Central government

All the private data fiduciaries are to obtain consent from the data principal to process any kind of data. However, the state can process the data without consent from the data principal. The reasons mentioned by the bill are i) for the benefit of the individual, ii) medical emergencies, and iii) legal proceedings. There is no mention of what is meant by the 'benefit of individual.' This alone will give a free hand for the government to use the data for any purposes.

Central government can exempt any of its agencies from the provisions of the bill (PRS Legislative). The reasons for the latter are national security, public order, sovereignty, integrity of India, friendly relations with other states. This bill confers power to the center and declares inherently that the state governments have no say in the data legislation or the data usage. Central government has a blanket power over the data processed and the data processor. This bill serves the state and companies and not in the interest of data privacy and the wellbeing of an individual.

In which category of Internet Control does India Fall?

India is also in the Level 2. However, India appears to focus more on taking advantage of internet for its economic growth. While the latter is a decent aim of the government, a complete neglect of the risks involved in neglecting privacy, psychological impacts, and sensitivity of personal data leads to comprehended impacts on the society. Unlike the US and EU, Indian regulations do not mention risk assessment. Even the intermediary guidelines rolled out in February 25, 2021 does not have any risk assessment report to back the regulations. It appears to be a copy and paste job without understanding the technology and its

impact on the diverse cultures in India. This shows the state's lack of understanding of the impacts of unrestricted internet communication.

Discussion

From the analysis, The US, EU and India fall in level 2, and China falls into level 4. However, both EU and the US have some facets of level 4 where they want to ensure their own prevalence in the international standard settings. Level 2 is essential to maintain democratic norms of the country. But, with the increase in the spread of misinformation and content that encourages hate crimes, there needs to be some innovative judicial, legislative, and educational interventions. When it especially comes to India, the situation of the spread of information and having no control is a matter of concern. Indian society, irrespective of the state, is still divided into primordial loyalties and caste-based hierarchies. The news events that are segregated in the appendix show how the existing societal divisions are reiterated with the uncontrolled spread of information across the internet.

Some of the speeches by news editors are completely based on the wrong understanding of Islam. Suresh Chavkhane, the editor of Sudarshan News, vehemently passes derogatory remarks and encourages hatred against Muslims. It is seen that he equates Muslims to terrorists, and yet, no substantial action is taken against him. There are numerous incidents of crimes against Dalits and hate speech against Muslims. Details regarding the incidents can be referred in the appendix. These speeches can easily get into social media and are circulated amidst various restrictions and notifications like “forwarded several times.” The important question now is that India, being at level 2, does it have effective institutional structures to control the spread of misinformation and disinformation that supports hate crime and violence against minorities?

From the comparison of internet regulations in the US, EU, China and India, it can be concluded that the EU and China have better internet

regulations that can restrict the misinformation. The US though have free internet communication, its provincial regulations restricts the unregulated exploitation of the internet and personal data. When it comes to the misinformation, the US recognises that with the increase in deep fakes, people would stop believing in the real content (Sayler & Harris, 2022). Office of Science and Technology Policy (OSTP) has also called for information on the privacy-enhancing technologies which can be used to protect the privacy of the data generator (Science and Technology Policy Office, 2022). India, on the other hand, has left the cyber space open for economic exploitation. There are no provisions to control the flow of misinformation. Moreover, the earlier data protection bill tabled in 2019 has been degraded by the new bill tabled in the parliament in 2022.

All the democratic countries restrict themselves to level 2, while authoritarian countries like China appears to go ahead till level 4. Even though the US and EU are not at the level 4, they have substantial influence at international organisations like ICANN.

Internet control level, country wise

Country	Level of Internet Control	Explanation
China	Level 3, moving to at Level 4	Assertive authoritarianism the international level. Influencing international bodies like ICANN, and UN to push forward certain cyber-surveillance structures

Country	Level of Internet Control	Explanation
United States	Level 4	Framing rules and regulations and forcing private companies to do information policing. They include asking companies to include backdoors to access communication data. No strict regulation on controlling misinformation.
European Union	Level 2	Strong regulations upholding individual privacy. All the internet companies are mandated to follow GDPR and consider that the individuals are not to be taken for granted. Some measures are - content tagging by the users, explaining why a particular content is shown to a user, random verification of e-commerce sellers, annual risk assessment, ban of targeted marketing.

Country	Level of Internet Control	Explanation
India	Level 2	Weak regulations among the four countries. The existing regulations and proposed data protection bill provides more power to the state and the businesses but not the citizen. Citizen's participation in the cyber space has been taken for granted.

Strictly speaking about the misinformation control, it can be concluded that China is successful in drafted relevant regulations. India also appears to retain more power with the government when it comes to the surveillance of internet communication. The US appears to be more liberal but an emphasis on judicial advancements might speed up the process of judicial interventions in the cyber space. The EU without using advanced surveillance has empowered its citizens to control the misinformation. In the comparison, India appears to be weak in controlling the misinformation. With data portability, targeted marketing, allowing consent forms to be lengthy, and restricting the rights of individuals to personal data retrieval and corrections makes no sense. Disturbingly, there is no mention of risk assessment to be carried out prior rolling out any internet-based services to the public. Irony is that even the government has not conducted an ex-ante risk assessment research on the impact of internet and society.

TRACKING DISCRIMINATION IN INDIA

This is a continuous exercise of tracking news on four areas which are human rights violation, freedom of speech, hate speech and comments, and elections in states and municipalities in India. This report is a compilation of news taken place from September 2022 to November 2022

Tracking news based on the four areas from September to October 2022 have highlighted some disturbing insights. In the past three months, 13 incidents of violence against Dalits in various forms in the states of Uttar Pradesh, Karnataka, Rajasthan, and Madhya Pradesh were reported. As per National Crime Records Bureau, registered cases against SCs have increased from 42,793 in 2018 to 50,921 in 2020. In 2021, 50,900 cases were registered. Crimes against STs increased by 6.4% from 2020 to 2021. Uttar Pradesh recorded the highest crimes against Dalits whereas Rajasthan and Madhya Pradesh registered the highest crime rates per 100,000 in 2021. In Madhya Pradesh it is 63.6 cases and in Rajasthan it is 61.6 cases per 100,000 population.

An article published by Article14 highlighted how the practice of Untouchability is still very prevalent in Madhya Pradesh. Munna Bansal, a 60-year-old Dalit man mentioned, “Whenever I sell my baskets, I put them on the ground from where they pick them up, then they pay for the basket from a distance without touching me”. He also added, “People in Sidhi will touch faeces, but they won't touch a Dalit”. Prakash Prajapati a 19-year-old poultry farmer said, “Whenever anyone from a lower caste comes to the homes of people from our caste, we give them empty gunny bags for sitting on the floor”. However, he added the younger generation and the more educated indulge lesser in these practices lesser. In November 2022, A 46-year-old man in Rajasthan was beaten up for merely drinking water from a tube well. Unfortunately, the man succumbed to his injuries.

This persistent violence against the Dalit community raises concern as to why these practices or incidents are still taking place. Sunil Ashtay, the president of Azam Samaj Party points out that “We have been raising these points continuously for a long time, but nobody is willing to look into the reasons why such incidents continue to occur. Attacks based on issues like someone sitting on a chair or assault of some girl student willing to sit in the front row show that there isn't enough sensitization, and neither is there any fear of law.”

Another point of concern is with how politicians or religious leaders with absolutely no accountability go out and make hate speeches and pass hate comments. In October, a BJP MP, Pravesh Verma in an event instigated the audience to completely boycott a particular community. The audience also cheered loudly in response to these comments indicating complete support of the statements made.

Although the MP did not take a particular community name, the event was held in response to a stabbing incident, where the accused were Muslims. In the past three months, no action was taken against any individual involved in passing hate comments. Suresh Chavhanke, editor in chief of Sudarshan News channel, has on multiple occasions spread hate speech but remains free and has not been held liable for any of the actions.

In October 2022, based on a petition filed by Mr. Shaheen Abdulla, the supreme court passed a judgement for the state government of Uttar Pradesh, Delhi, and Uttarakhand of taking Sou Mou action against people perpetrating such hatred. This judgement gives the state authorities and police to take action against any individual indulging spreading hate speech without waiting for a complaint to be filed. However, we will have to see how this is put into action.

SEPTEMBER 2022

POLITICS

Political Crisis Looming the State of Jharkhand

As on August 25th, as per the sources from Raj Bhavan, the Election Commission of India has recommended to the Governor, Ramesh Bais, that the CM Hemant Soren must be disqualified as an MLA. As The CM is accused of violating electoral norms by extending a mining lease to himself while being the chief minister and holding the mines portfolio.

BJP leader Raghubar Das shared with the media at Jharkhand BJP headquarters, "Hemant Soren has been holding the chair of CM for over two years and is functioning as a public servant. It is surprising that the same mines department, which the CM heads, issued a letter of interest (LOI) and then cleared the mining plan and an associate de parent also gave the nod over environmental impact assessment. This is a clear case of corruption."

A BJP petitioner filed a case under the Representation of People's Act, 1951, which deals with disqualification for government contracts. Section 9(A) states that's

"A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government."

As per Article 192 of the Constitution, matters regarding the disqualification of an MLA have to go through the governor, who will act based on the opinion of the election commission.

Amid this situation, on August 30th, 2022, the coalition government shifted their MLAs to Raipur to protect them from being poached. Supriyo Bhattacharya, JMM general secretary, told ET, "Attempts are being made to destabilize our government. So, the ruling alliance

decided to take the MLAs to Raipur. So, 39 MLAs have gone, and all will return in 2-3 days."

On September 5th, the Jharkhand assembly passed a confidence motion tabled by CM Hemanth Soren. 48 MLAs voted in favor of the confidence motion in an 81-member assembly. The motion was passed amidst a boycott played by the BJP, AJSU party and two independent candidates.

Governor Bais is still silent on Mr. Soren's disqualification as MLA.

Rajasthan Mayor dismissed over assault charges

On September 27th, BJP's Soumya Gujrar was dismissed as the Jaipur Greater Municipal Corporation Mayor and Councilor. After a judicial enquiry, the Mayor was guilty of assaulting former commissioner Yargra Mitra Singh Deo. As a result, she is also banned from re-election for six years. However, later, based on a stay order from the court, Soumya Gujrar was reinstated as Mayor.

Congress Collapses in Goa

On September 14th, eight members of the legislative assembly from the Indian National Congress (INC) joined Bhartiya Janta Party (BJP) 'unconditionally'. In the 40-member legislative assembly, 20 belonged to BJP and 11 to Congress. The shift has increased BJP's strength to 28. This shift means BJP has the support of 33 MLAs, including two from the Maharashtra Gomantak Party and three independent candidates.

The eight MLAs who joined BJP are Digambar Kamat, Michael Lobo, Delilah Lobo, Rajesh Phaldesai, Kedar Naik, Sankalp Amonkar, Aleixo Sequeira and Rudolf Fernandes. These are the same leaders who pledged loyalty to Congress if elected.

Maharashtra Panchayat Elections

On September 18th, elections in 581 Gram Panchayats across 16 districts were conducted. It was reported that there was 76% voter

turnout. Though the candidates do not belong to a particular party in these elections, the parties claim they owe allegiance to them.

As per the election results, 259 elected candidates are backed by BJP, and Eknath Shinde supports 40 others.

HATE SPEECH

Anti-Muslim remarks by Suresh Chavhanke

Suresh Chavhanke, the Editor in Chief of Sudarshan news, passed anti-Muslim comments in a rally held in Badarpur, Haryana. During the rally, he was heard telling the crowd that India needs to be made a Hindu Rashtra and passing various remarks like the following

"I'll tell you ten benefits today, keeping Hindus as a witness, keeping Bhagwan (God) as a witness on camera. In the video, I promise that if you get married to Hindu boys and become Hindu, then you won't have to face talaq. You won't have to become a baby-making factory, and you won't have to give birth to 40-40 children."

"The children you will give birth to, those children will stay as they are. There won't be any cuts (circumcision). The way Ishwar (God) has sent them, they will stay that way. This is also guaranteed. Those kids you will give birth to, they will be gentlemen, will talk about humanity, you won't have to raise them to believe anyone as kafir or enemy or become a terrorist."

Though he has a case filed against him for hate speech, he frequently makes the news for passing anti-Muslim and controversial comments on his TV show or other events.

Yati Narasinghanand spews hate comments

Yati Narasighanand, on September 18th, was in Aligarh attending a program of the Hindu Mahasabha. In a video, he is heard saying, "All the madrasas should be blown up with gunpowder, just like China does. All students of madrasas should be sent to camps so that the virus called

Quran should be removed from their brains". He added that, like the Madrasas, Aligarh Muslim University must be blown up, the students should be taken to detention centres, and their brains must be treated.

The comment is passed when the Uttar Pradesh government is surveying the Madrasas to identify their funding sources. Additionally, to understand the syllabus taught in these institutions intending to modernize and update the curriculum.

Violation of Human Rights

Tamil Nadu Activist Hit in an Alleged Hit and Run Case

Jaganathan, a Tamil Nadu environmental rights activist, in K.Paramathi village, in Karur district, was on his two-wheeler when a vehicle (Truck) rammed against him and fled. He had filed several complaints against a stone quarry operating without a license run by Selvakumar. Based on the multiple complaints, the quarry was shut.

It's alleged that the vehicle (Truck) that rammed against him belonged to Annai Stone Quarry, which he was trying to shut down for illegal operations. Also, the collision took place a day after the quarry was shut, based on the decision taken on August 15th.

In the NHRC Forum, it was communicated that "Mr. Jaganathan was targeted in the road accident because he was involved in a movement to get the stone quarry and successfully getting it sealed since August 15th. The quarry led to environmental degradation in Kuppam village of Bukalur taluk in Karur district."

Open Fire in Begusarai and Hajipur, Bihar

On September 13th, two men on their bikes open fired on NH-28 and NH-31 in Begusarai, Bihar. Eleven people were severely injured, and one was killed. A few days later, on September 19th, two unidentified men opened fire in a crowded market in Hajipur, Bihar. (Vaishali District). Fortunately, no casualties were recorded.

Several political leaders have commented on this situation:

Union minister and MP from Begusarai Giriraj Singh said there is no government in Bihar and no fear of law among criminals. "The criminals fearlessly fired at several people and travelled 30 km across four police station areas, but they weren't caught by police... The Chief Minister should release a statement on this incident."

Nikhil Anand, national general secretary of BJP's OBC Morcha, tweeted, "The incident of shooting 11 people by open firing in Begusarai is unfortunate. It seems there is no law and order in Bihar. The liquor mining mafia and criminal gangs have full freedom in the new government. The criminals are fearless, and the general public is fearful."

VIOLENCE AGAINST DALITS

Dalit boy was beaten to death in School

A 15-year-old Dalit boy, Nikhit Dohre, was beaten by a teacher in a school in Uttar Pradesh over not being able to spell correctly in an exam on September 7th. According to the boy's father, the teacher beat him with a stick and a rod and kicked him until he fell unconscious.

The teacher, Ashwini Singh, belonging to an upper caste community, initially paid a sum of Rs. 10,000 for the child's treatment and another Rs. 30,000. However, eventually, he stopped responding to calls and he abused with casteist slurs when the father confronted him.

Protests broke out after the boy died on September 26th. The protestors resorted to arson and stone pelting. At least two private vehicles and two police vehicles were set on fire during the overnight protest.

Two teenage sisters were raped and hanged in Uttar Pradesh

Two teenage sisters, aged 15 and 17, were raped, murdered, and hanged from a tree in Lakhimpur district, Uttar Pradesh. The girls belonged to the Dalit community. Postmortem reports confirmed that

the girls were raped after being dragged to the sugarcane field and strangled to death before hanging them. Six men, including their neighbor, were arrested for rape, murder and abetting to cover up the murder.

Dalit Girl Raped in Rajasthan School

According to the police, a 16-year-old Dalit girl was raped by a man in the bathroom of a school in Barmer district, Rajasthan. As per the victim's mother, who filed a complaint, the incident occurred on September 24th.

Women end life because of Dowry Harassment

On September 25th, a woman in New Delhi allegedly committed suicide by hanging herself because of dowry harassment. The woman recorded a video where she blamed her husband for taking the extreme step. In the video, she mentioned that her husband would beat her up for dowry.

On September 24th, the police received a call from the woman stating her husband had left home and blocked her number. She asked the constable to trace his number. When the husband was contacted, an officer mentioned he left the office willingly and did not wish to live with his wife. The woman's husband was arrested, and an investigation is going on.

Compensation for minor boy assaulted in a police station in Morigaon

A 13-year-old boy was beaten brutally in a police station in Morigaon district by a sub-inspector, Upen Bordoloi, on March 9th. The minor was reportedly caught by Upen Bordoloi stealing biscuits from a seized vehicle in the police station. The NHRC mentioned that the report submitted by the state police admitted to the incident, and the officer was guilty and stated, "this kind of human rights violation caused to a minor person by a police officer indicates the sorry state of affairs".

Because of this incident, NHRC asked the Assam Government to pay Rs. 25,000 as interim relief to the minor within four weeks.

OCTOBER 2022

POLITICS

Municipal Election in Vijayapura and Kollegal

Vijayapura a district in Karnataka held its first election after the city municipality was upgraded to a corporation. BJP won 17 out of 35 seats and became the single largest party, Congress won 10 seats, AIMIM won 2 seats, Janta Dal (Secular) won 1 seat, and independent candidates won 5 seats.

Kollegal a taluk in Chamarajanagar district of Karnataka held by elections for 7 wards as the elected members shifted from BSP to BJP. Out of 31 seats, BJP won 13, Congress won 11, BSP won 2, and independent candidates won 5 seats.

HATE SPEECH

Anti - Muslim hate speech by BJP and Hindutva Leaders

A public event, 'Virat Hindu Sabha' held on October 9th in Delhi, various BJP and Hindutva leaders passed hate comments. The event was held in light of a man, Manish being stabbed 27 times while returning back home. Six people (Sajid, Aalam, Bilal, Mohsin, Shakir, and Faizan) were arrested for the incident. The officers mentioned this unfortunate incident took place because of an old rivalry.

The politicians and leaders involved were:

a. **BJP MP Pravesh Sahib Singh Verma**

As a part of the speech, he said "*Jahan jahan yeh aaapko dikhaae de, main kehta hun, agar inka dimaagh thik karna hai... toh ek hi ilaaj hai, woh hai sampurna bahishkar... Aap isbaat se sehmat ho?*"

(If you want to set their minds right, if you want to cure them, there is only one solution – complete boycott.)

He even asked the audience if they agree with him, and they loudly cheered in response. Even though he did not specifically mention the Muslim community, he was speaking in context of the stabbing incident where the accused were Muslims.

b. Religious leader Mahant Nawal Kishore Das

The leader instigated violence through his speech by asking people to get guns and licenses. Even if they do not get a license they need not worry. He also said *“If we all come together, even the Delhi Police Commissioner will offer us tea and let us do what we want, he added in a brazen display of power and authority.”*

Indian Express contacted him regarding these comments he said “I did not ask people to pick up guns. I said everyone should come together to defend our nation against those who killed Manish. We have to take action against jihadis, and police can’t stop us”

c. BJP MLA Nand Kishore Gurjar

Gurjar was allegedly heard saying *“Sunder Nagri and Nand Nagri have become pig areas. The AAP government is bringing trains filled with Jihadis to Delhi to get their votes. 30 lakh jihadis have come from Bangladesh and Myanmar to this city”*

d. Jagat Guru Yogeshwar Acharya

He told *“Agar aise log humare mandiro... ko ungli dikhaye, unki ungli mat kaato, unka haath kaato. Agar zarurat pade, to unka gala bhi kaat do. Kya hoga? Ek ko phaansi hogi, do ko phaansi hogi...Hum sab bhi iska dhyan de... inko chun chun ke marne ka kaam karen”*

(If such people point a finger at our temples, don’t cut his finger, cut off his hand. If needed, slit his throat too. What will happen? One or two persons will be hanged... Let us all pay attention to this... pick and kill them).”

Supreme Court Orders Sou Moto Action on Hate Speeches

Shaheen Abdulla filed a petition against no action being taken against hate speeches. This took in light of the recent event at Virat Hindu Sabha where politicians and religious leaders passed various hate comments against the Muslim community. The supreme court ordered the governments and the police forces of Uttar Pradesh, Uttarakhand, and Delhi to take sou moto action against hate speeches. So, state authorities can take action against someone who passes hate comments without having to wait for a complaint to be filed. If the authorities or police force fail to do this, it will be considered as contempt of court. The bench was headed by KM Joseph and Hrishikesh Roy.

HUMAN RIGHTS VIOLATION

VIOLENCE AGAINST DALITS

Dalit girl set on fire for resisting rape

A 13-year-old girl was burnt for resisting rape. The incident occurred on 19th September at the accused house in Mustafa Nagar, Telangana where the girl worked as domestic help. The accused tried to hide this incident by threatening the girl's family as both belonged to the same caste community. Unfortunately, the girl succumbed to the burns on 16th October 2022.

Dalit woman gang raped by priest and associates

A 25-year-old Dalit woman in Ajmer district, Rajasthan accused a priest and a few associates of gang raping her. The accused, Sanjay Sharma is their family priest. As per the complaint, the priest first raped her when she was alone at home and shot objectionable videos. Later, he blackmailed her for money and raped her again with a few others.

Dalit workers assaulted and locked for many days in Karnataka

Jagadeesh Gowda locked up 16 Dalit workers for days in his Chickmangalur coffee plantation farm. The accused tortured them. One

(Arpita) of them reported that "I was kept under house arrest for one day. I was beaten up and verbally abused. He had confiscated my phone". Her mother mentioned that Jagadeesh Gowda beat Arpita and her husband and which is why she lost her husband.

As per the investigation, Jagadeesh Gowda locked them up because they had borrowed some money and failed to repay it back. However, according to one of the victims, those who had borrowed had left the farm and the rest were locked up.

Dalit man thrashed and head shaved in Uttar Pradesh

Kumar, a Dalit man in UP accused of stealing a toilet seat was tied to a pole, thrashed, and his face blackened and head shaved. He was assaulted by BJP Leader Radhyeshyam Mishra and two of his aides, Renu Vajpai and Rakesh Tiwari. In a video that went viral, the crowd was heard cheering as he was thrashed and his face blackened.

Dalit woman house set on fire

A Dalit woman's house in village Devra in Madhya Pradesh was set on fire on the eve of Diwali because of a financial argument. The woman had lent Rs.10,000 to the accused men and the three had a fight regarding the issue. The woman had filed a complaint and the police had taken action against them. The two accused, out of revenge set the house on fire which burnt Rs.50,000 in cash and grains kept inside. The actual loss was yet to be ascertained.

Three members of a Dalit family shot dead in Madhya Pradesh

Three members of a Dalit family, an elderly couple and their son were shot dead. The accused belong to a dominant Patel family in the community. The incident took place over an allegation of sexual harassment, which the family denied.

FREEDOM OF PRESS

Police raid at Wire's Editors homes

Wire had earlier posted a story of how BJP's IT Cell Head, Amit Malviya had special connections with Meta. Hence, was able to take down any post. However, it was later was found to be false and the reporter had fabricated evidence for the story. Amit Malviya filed a complaint against Wire on account of defamation. Reacting to the complaint, the police raided the Wire's founding editor's house Siddharth Varadarajan, M.K. Venu, Sidharth Bhatia and a few others.

Suhasini Haidar, a journalist, described the raid as “thinly veiled intimidation”. A spokesperson for the opposition Congress party tweeted: “Modi govt's move on every free media voice: stifle, suppress, subjugate, strangle ... nation has turned into a police state.”

Press Club of India released a statement where a part of it stated “While the media has the responsibility to report and has the to be responsible in reporting at all times, the manner in which the Delhi police has acted on the complaint of a BJP spokesperson smacks of sheer vendetta. Such actions have a chilling effect on the rest of media and impact the freedom of speech as well”.

NOVEMBER 2022

POLITICS

By-Elections in 6 states for 7 seats

By – Elections were held in Andheri East seat in Maharashtra, Munugode in Telangana, Gopalganj and Mokama in Bihar, Adampur in Haryana, Gola Gokarannath in Uttar Pradesh and Dhamnagar in Odisha.

Results -

1. Andheri East seat in Maharashtra - Rutuja Latke candidate of Shiv Sena won. Earlier the seat was occupied by her deceased husband. The second-highest votes went to the NOTA category.
2. Munugode in Telangana – Telangana Rashtra Samiti (TRS) candidate Kusukuntla Prabhakar Reddy won with a majority of 10,000 votes.
3. Gopalganj in Bihar – Kusum Devi - Bhartiya Janata Party (BJP) candidate won elections with a margin of 1794 votes.
4. Mokama in Bihar – Neelam Devi - Rashtriya Janata Dal (RJD) candidate retained the seat.
5. Adampur in Haryana - Bhavya Bhisnoi, BJP candidate won by a margin of 16,000 votes.
6. Gola Gokarannath in Uttar Pradesh – Aman Giri, BJP candidate, won the election.
7. Dhamnagar in Odisha - Suryabanshi Suraj, BJP Candidate, won the election.

Himachal Pradesh Assembly Elections

Himachal Pradesh has an electorate of 55 Lakh. For the elections, 412 candidates contested 68 constituencies. The voter turnout was recorded as 74%. Solan district recorded the highest voting percentage of 76.8%. The results will be declared on December 8th, 2022.

HUMAN RIGHTS VIOLATION

Indian woman murdered in the name of honor killing

Aayushi Chaudhary, 21 years old was murdered by her parents. She had an argument with her parents on 17th November as she had married without telling them to Chatrapal Gujrar, who belonged to another caste. Her parents shot her twice and hid her body in their house for a day. The next day they dropped the body at the Yamuna

expressway in the neighboring state of Uttar Pradesh. Her father confessed to the murder and said that it was to protect the family's pride.

Man chopped live-in partner into pieces

Delhi police arrested Aftab Poonawala for allegedly killing his live in partner Shraddha Walker of three years. Poonawala allegedly cut her body into pieces and stored them in the fridge for around 3 weeks. He later disposed the pieces in different parts of the city.

VIOLENCE AGAINST DALITS

Dalit man beaten in Rajasthan

A 46-year-old Dalit man was beaten for drawing water from a tube well in Jodhpur. The man succumbed to his injuries.

Madhya Pradesh the state with the highest caste crime rate

As per National Crime Records Bureau, registered cases against SCs have increased from 42,793 in 2018 to 50,921 in 2020. In 2021, 50,900 cases were registered. Crimes against STs increased by 6.4% from 2020 to 2021.

Uttar Pradesh recorded the highest crimes against Dalits whereas Rajasthan and Madhya Pradesh registered the highest crime rates per 100,000 in 2021. In Madhya Pradesh it is 63.6 cases and in Rajasthan it is 61.6 cases per 100,000 population.

Upper caste locals clean water tank after Dalit Woman drinks from it

A Dalit woman drank water from a community water tank in Heggotara Village in Karnataka. It was reported that a man who saw this, gathered people around and criticized her. After she left, the village members apparently emptied the tank and cleaned it with cow urine. Although it was confirmed that the locals did clean the tank, whether they used cow urine or not is not sure.

Dalit deaf woman gang-raped in Barmer

A Dalit woman who is deaf and mute was allegedly gang raped in Barmer district, Rajasthan. According to the police, the woman had taken the cattle for grazing where 2 to 4 men raped her. They left after they spotted some villagers. The incident details are not clear yet as the woman cannot speak.

FREEDOM OF PRESS

Kerala v/s Freedom of Press

The law department of Kerala has prepared a bill to change some provisions of the Indian Penal Code which are likely to give the State more control over the media outlets. The new provision makes it punishable to create and publish content through any means with the intention to threaten, insult or defame someone.

CPI ministers K Rajan, J Chinchurani, P Prasad, and V Thilothaman objected strongly to the move, saying there would be a high possibility of it being misused to target journalists with dissenting opinions and viewpoints.

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