

No country for free speech

Sukumar Muralidharan | Updated on March 22, 2021



The new IT rules 2021 put a question mark on the freedom of the digital media

- * The government set up a panel to inquire into the reasons for India's declining press freedom rank
- * On February 25, the government announced a set of rules for internet-based information transactions
- * The new rules introduce a standard of external control over digital media that is unique
- * Jurisprudence on free speech in India is riddled with conflicting precedents

Eager for global endorsements, the Indian government is resentful of negative publicity. The country's rise in the World Bank's Ease of Doing Business Index is strutted as evidence of progress. But plummeting rankings in the Press Freedom Index compiled by the Paris-based collective, Reporters Without Borders, are dismissed as a mischievous and unwarranted intervention.

For all its public hauteur, the government without great publicity, set up a panel to inquire into the reasons for India's declining press freedom rank. The "Index Monitoring Cell" only came to public knowledge when one of its members, the journalist P Sainath, **went public with his dissent over its draft report**. Rather than consider underlying realities in India, Sainath wrote, the body seemed obsessed with cosmetics, with gaming the rankings system to secure a better standing.

On February 25, the **Union government announced a new set of rules** for internet-based information transactions, including social media, over-the-top (OTT) services, and digital news media. Due diligence obligations are enjoined on social media firms, which would no longer be allowed the luxury of evading liability for material they host. Likewise, responsibilities akin to film certification would have to be borne by the OTT services. The first stage of the process would be internal, but subject to ultimate oversight by an external agency.

For digital news media, the new rules specify a three-tier regulatory process. Public grievances would be handled internally by the news portal and then, if necessary, scaled up to an external "self-regulating mechanism" created by a collective of such platforms. Ultimate power to determine when the code of ethics appended to the rules is transgressed would vest with a governmental committee headed by an official of the rank of joint secretary.

The new rules introduce a standard of external control over digital media that is unique. Neither print nor broadcast media is subject to external policing in remotely similar degree.

Another of the long-standing demands of the enforcement agencies has been incorporated into the new rules, in requiring messaging platforms to reveal the identity of the "originator" of any information deemed unlawful or harmful to public interest. There are caveats attached which protect the privacy of every message other than the one seen as offensive. But just over three years since the Supreme Court held privacy to be a fundamental right, legitimate anxiety has been expressed over the range of possible violations.

Further questions have been raised over the implementation. Would the new IT rules enable any manner of check on extreme speech when it can be turned to political advantage by the authorities?

On February 14, Disha Ravi, a young climate activist from Bengaluru, was arrested on charges of conspiring with entities abroad to subvert lawful governance in India. Prior to India's Republic Day, she had tweeted a message of support to farmers protesting new laws that fundamentally alter patterns of trade in agricultural produce. Alongside the tweet, she had attached a 'toolkit', which, in the contemporary jargon of social activists, refers to nothing more sinister than a set of instructions for worldwide supporters of the farmers' cause. Joining her in expressions of support were associates in the global youth campaign for climate justice, **including the Swedish schoolgirl Greta Thunberg.**

The discovery of these tweets led to what could only be described as extreme farce, as spasms of outrage rocked social media over the supposed intent to attack Indian interests. As the outrage was processed through feral TV news channels, it was amplified into a deafening cacophony where reason and logic were buried, creating the ideal public mood for Ravi's arrest.

It was a brief triumph for the Delhi Police, but illustrated how a public mood of surpassing irrationality could be created by leveraging the advantages of coordinated action through social media, strategically utilising interfaces with TV and news websites to maximise impact. Another drama played out concurrently, though without reaching any manner of closure. On February 15, *News Laundry*, an irreverent but always innovative website of media commentary, **ran a story on a "hate factory"** that BJP functionary Kapil Mishra was running through the strategic use of digital media.

Mishra gained national notoriety for his provocative speeches in February last year, which were alleged by many to have been one of the triggers for three days of rioting in Delhi that claimed 53 lives. A petition in the Delhi High Court seeking his prosecution for incitement to violence still remains undecided.

The *News Laundry* operation involved two reporters signing up for a ‘Hindu ecosystem team’, following a call for volunteers issued by Mishra through Twitter. From vantage points inside the said ecosystem, the two reporters witnessed how a network of some 20,000 people works to manufacture “...trends across social media platforms (and) to whip up communal hatred and bigotry, and, of course, support for Hindutva”.

Within hours, as the story made its way to multiple destinations and viewers over social media, an opposite sentiment of solidarity with Mishra began trending on Twitter, summed up in the hashtag #StandWithKapilMishra. It was a very vivid demonstration of the strategies of influence that the ruling party’s affiliated propaganda machinery has made its unique skill.

Jurisprudence on free speech in India is **riddled with conflicting precedents**. The bare language of the law and the various codes of ethics professedly in place, allows for expedient and selective interpretation. In this context, to have a government of surpassing propaganda skills assuming intrusive powers over content regulation cannot be a great portent for freedom of speech.



Sukumar Muralidharan - BUSINESSLINE

Follow us on **Telegram**, **Facebook**, **Twitter**, **Instagram**, **YouTube** and **Linkedin**. You can also download our **Android App** or **IOS App**.

Published on March 19, 2021

social issue

politics



COMMENTS

Previous Story

Can you hear the salamander?

Next Story

Calling sex 'sex'