



**INTERNET
FREEDOM
FOUNDATION**

PARLIAMENTARIANS' GUIDE TO **DIGITAL RIGHTS**

IN INDIA

LEGISLATIVE BRIEF - MONSOON SESSION 2023



Internet Freedom Foundation
I-1718, Third Floor, CR Park,
New Delhi - 110019, India

Recommended Citation: Tejasi Panjiar, and Krish Jaiswal, "Parliamentarians' Guide to Digital Rights in India: Legislative Brief - Monsoon Session 2023," *Internet Freedom Foundation*, last modified July 18, 2023, <https://internetfreedom.in/legislative-brief-monsoon-session-2023/>

Internet Freedom Foundation is a registered charitable trust on a mission to protect the digital rights of Indians. We work across a broad spectrum of issues, with expertise in free speech, electronic surveillance, data protection, net neutrality, and innovation; we champion privacy protections, digital security, and individual freedoms in the digital age.

This legislative brief has been created to complement IFF's sustained advocacy around issues of digital rights and assist Members of Parliament in deconstructing nuanced policy debates. The brief highlights some of the contemporary issues necessitating parliamentary intervention to safeguard Indian citizens' rights.

The views expressed herein are those of the author(s).

This work is licensed under the Creative Commons Attribution 4.0 International License.

Table of Contents

1. Key insights	1
1.1. Potential Issues to be taken up in the Monsoon Session	1
1.1.1. Proposed data privacy bill fails on key safeguards	1
1.1.2. Draft telecommunication law replicates the colonial Telegraph Act, 1885	1
1.1.3. Upcoming “Digital India Act”	2
1.1.4. Notified IT Rules Amendments, 2023	2
1.1.4.1. Fact Check Unit	2
1.1.4.2. Online Gaming	3
1.1.5. Aadhaar Authentication for Good Governance Amendment Rules, 2023	3
2. Key Statistics	4
2.1. Connectivity Numbers	4
2.2. Implementation of Schemes	5
2.2.1. Need for greater pace in BharatNet deployment	5
2.2.2. National Broadband Mission shows weakness	5
2.2.3. PMGDISHA yet to achieve its target	5
3. Key areas of Digital Governance	6
3.1. Public consultations	6
3.2. Privacy and Data Protection	7
3.2.1. Data breaches and cyber security concerns	7
3.2.2. Private entities and Aadhaar verification	7
3.3. Platform governance and censorship	8
3.3.1. Challenging the constitutional validity of the fact checking provision under IT Amendment Rules, 2023 in the Bombay High Court	8
3.3.2. Twitters’ challenge to the blocking orders issued by MeitY and the Karnataka HC decision	8
3.3.3. The executive empowered as the arbitrator of free speech through Grievance Appellate Committee(s)	9
3.3.4. Mobile apps banned without reasoned blocking orders	10
3.3.5. Ministry of Information and Broadcasting issues notices to publishers despite stay order	10
3.3.6. Amendments to Cigarettes and Other Tobacco Products Rules, 2004 notified	11
3.3.7. TRAI invites comments on enabling convergence in the carriage of broadcasting and telecommunication services	12
3.4. Denied rights due to Internet shutdowns	12
3.5. Surveillance	13
3.5.1. Use of facial recognition technology in Karnataka polling raises concerns of voter marginalisation	13
3.5.2. CCTV Policing: claims and concerns	14
3.5.3. DigiYatra’s claims on data privacy and convenience raises doubts	14
3.6. Digital Public Infrastructure	15
3.6.1. ‘Open Network for Digital Commerce’ is open for whom?	15
3.6.2. MHA proposes making Aadhaar mandatory for registration of birth and death	16
4. Report presented by the Parliamentary Standing Committee	17
4.1. The Standing Committee on IT’s report on ‘Suspension of telecom services/internet and its impact’	17
Abbreviations	19

1. Key insights

1.1. Potential Issues to be taken up in the Monsoon Session

1.1.1. Proposed data privacy bill fails on key safeguards

On November 18, 2022, the Ministry of Electronics and Information Technology (“MeitY”) released the draft Digital Personal Data Protection Bill, 2022 (“DPDPB, 2022”) for public consultation.¹ The DPDPB, 2022 has been considerably shrunk from previous drafts to achieve “simplicity in drafting”, is bereft of essential first principles. As stated in the notice accompanying the DPDPB, 2022, the submissions received by the Ministry on the draft Bill were not publicly disclosed, thus weakening public trust and confidence in the consultation process.

The DPDPB, 2022 also has several inherent issues including weak notice requirements, lack of independence of the Data Protection Board, and duties and penalties being imposed on data principals. Further, while concerns around the increasing surveillance in India grows, the DPDPB, 2022 not only fails to put in place any surveillance reform but, on the contrary, allows the Union Government to grant wide exemptions to government instrumentalities for law enforcement purposes. The bill has now been tentatively listed for passing in the forthcoming Monsoon Session.²

More recently, the alleged data breach of the CoWIN portal has raised serious concerns about data security and privacy.³ The incident serves as a stark reminder of the risks associated with the lack of a comprehensive and functional Data Protection regime in India.

1.1.2. Draft telecommunication law replicates the colonial Telegraph Act, 1885

The draft Indian Telecommunication Bill, 2022 (“Telecom Bill, 2022”) was released for public consultation by the Department of Telecommunications (“DoT”) on September 21, 2022.⁴ It consolidates the laws governing telecom services, telecom networks & telecom infrastructure and assignment of spectrum. In doing so, it repeals the Indian Telegraph Act, 1885, the Indian Wireless Telegraphy Act, 1933, & the Telegraph Wire (Unlawful Protection) Act, 1950, while amending certain provisions of the Telecom Regulatory Authority of India Act (“TRAI”), 1997. However, there are concerns that it replicates language and choices under the Telegraph Act,

¹“The Digital Personal Data Protection Bill, 2022,” Ministry of Electronics and Information Technology, https://www.meitv.gov.in/writereaddata/files/The%20Digital%20Personal%20Data%20Potection%20Bill%2C%202022_0.pdf.

²Joy Shemin, “Modi govt plans 21 new Bills during Parliament’s Monsoon Session”, Deccan Herald, July 13, <https://www.deccanherald.com/national/modi-govt-plans-21-new-bills-during-parliament-s-monsoon-session-1236702.html>

³Nidharshana Raju, “Major data breach: Info of Indians who took Covid vaccine made public on Telegram bot,” The News Minute (Bangalore), June 13, 2023, <https://www.thenewsminute.com/article/major-data-breach-info-indians-who-took-covid-vaccine-made-public-telegram-bot-178370>.

⁴“Draft Indian Telecommunication Bill, 2022,” Department of Telecommunications, <https://dot.gov.in/sites/default/files/Draft%20Indian%20Telecommunication%20Bill%2C%202022.pdf>.

1885. Further, fresh insertions increase government discretion that undermines both constitutional rights and innovation in the digital sector.

1.1.3. Upcoming “Digital India Act”

As part of the government’s ‘comprehensive legal framework’, MeitY has proposed the Digital India Act (“DIA”) - which seeks to overhaul the two-decade-old Information Technology (“IT”) Act, 2000. News reports have revealed that the legislation will “govern the digital space on key issues such as online harm, de-platforming, doxxing, and social media algorithms”, in addition to a prospective list of the types of content that may be regulated⁵ The Ministry has held two meetings in the months of March and May on the upcoming DIA. Among the more contentious aspects raised was the potential removal of the ‘safe harbour’ clause for intermediaries. Experts have raised concerns regarding its effects on online free speech and innovation.⁶ The consultation process has also been criticised for lacking coherence in its vision.⁷

To ensure that any draft DIA is reflective of the recent developments in the digital ecosystem, the existing lacunae and inadequacies in the IT Act, 2000 must be subject to significant scrutiny from diverse perspectives. Further, the new digital legal framework must be based on constitutional principles, enshrining constitutionally guaranteed fundamental rights.

1.1.4. Notified IT Rules Amendments, 2023

On April 06, 2023, the Union Government notified amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Amendment Rules, 2023”). The IT Amendment Rules, 2023 primarily introduce amendments in relation to online gaming as well as fact checking of information related to the Union Government. It is worth noting that these amendments, with its wide ranging implications, were notified despite the IT Rules, 2021 not being tabled in the Lok Sabha. This is deeply concerning as the government, as per parliamentary procedure, is required to table the Rules in the Parliament within 15 sitting days of its notification.⁸ Since the IT Amendment Rules, 2023 were notified on the last day of the previous session, the Ministry must table the amended rules within 15 days of the date of commencement of the upcoming session.

1.1.4.1. Fact Check Unit

The amendments allow for a notified fact check unit, (created solely on the discretion of the Union Government), that will be empowered to identify “fake”, “false” or “misleading” online

⁵Mishra Himanshu, “Digital India Bill To Ban 11 Types Of Content: Rajeev Chandrasekhar”, June 9 2023, NDTV, https://www.ndtv.com/india-news/rajeev-chandrasekhar-digital-india-bill-to-ban-11-types-of-content-4107917#ndtv_related.

⁶ Ganesan Aarathi “Can Taking Away Safe Harbour Fix Free Speech Issues In An Internet Dominated By A Few Tech Cos?” Medianama, May 23, 2023 <https://www.medianama.com/2023/05/223-safe-harbour-free-speech-internet-competition-nama>.

⁷Gupta, Apar “Current Digital India Act consultations lack coherence”, MarketsNama 2023, Internet Freedom Foundation, 19 May 2023.

⁸ “Manual of Parliamentary Procedures in the Government of India”, Ministry of Parliamentary Affairs, May 2018, https://www.mpa.gov.in/sites/default/files/Manual2018_0_0.pdf.

content related to the government. This would make the Union Government the effective arbitrator of 'free speech' with regards to its own affairs, thus bypassing the principles of natural justice.⁹ Further, the inclusion of this provision under Rule 3(1)(b)(v) makes taking action against content identified by such a fact check unit a due diligence requirement for intermediaries. In the event they fail to do so, they risk losing their 'safe harbour' status. The constitutionality of this provision is currently under challenge in the Bombay High Court. As per the latest update, the Union Government provided an undertaking to the Court that it will not notify this fact check unit until July 28, 2023 (see 3.3.1 for more details).¹⁰

1.1.4.2. Online Gaming

The amendments introduced a new classification of intermediaries, i.e., 'online gaming intermediaries'. However, the logical reasoning and justification behind introducing yet another category of intermediaries has not been shared by the Ministry. Some of the identified concerns are definitional vagueness and ambiguity, lack of clear legislative basis with respect to the scope of the IT Act, 2000, increased governmental interference, a flawed model of self-regulation, and overall contentious legality of the IT Rules, 2021.¹¹

1.1.5. Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Amendment Rules, 2023

On April 20, 2023, the draft amendments to the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020 ("Aadhaar Amendment Rules, 2023") were released for public consultation. The amendments proposed changes to Rule 3, which relates to 'Purposes for Aadhaar authentication', to include "promoting ease of living of residents and enabling better access to services for them" as a prescribed purpose.

The Rules also propose amendments to Rule 4 to allow any non-government entity, that seeks to be able to perform Aadhaar authentication, to submit a proposal to the "concerned government Ministry or Department" justifying that their intended purpose falls under Rule 3 of the Aadhaar Amendment Rules, 2023.

Some of the identified concerns include: an 'indirect attempt' at bypassing prohibitions on rule making as per the Supreme Court's Aadhaar Judgement, defining purposes of 'Aadhaar' which exceeds the scope of the parent legislation, and failing the 'proportionality test'.¹²

⁹ Panjiar Tejasi, Waghre Prateek, "IT Amendment Rules, 2023 are a nightmare, dressed like a fact checking daydream", Internet Freedom Foundation, April 21 2023, <https://internetfreedom.in/public-brief-it-amendment-rules-2023>.

¹⁰ "Fact-checking unit unlikely to be notified until July 28 2023", The Economic Times, July 16 2023 <https://economictimes.indiatimes.com/tech/technology/fact-checking-unit-unlikely-to-be-notified-until-july-28/articleshow/101788354.cms>

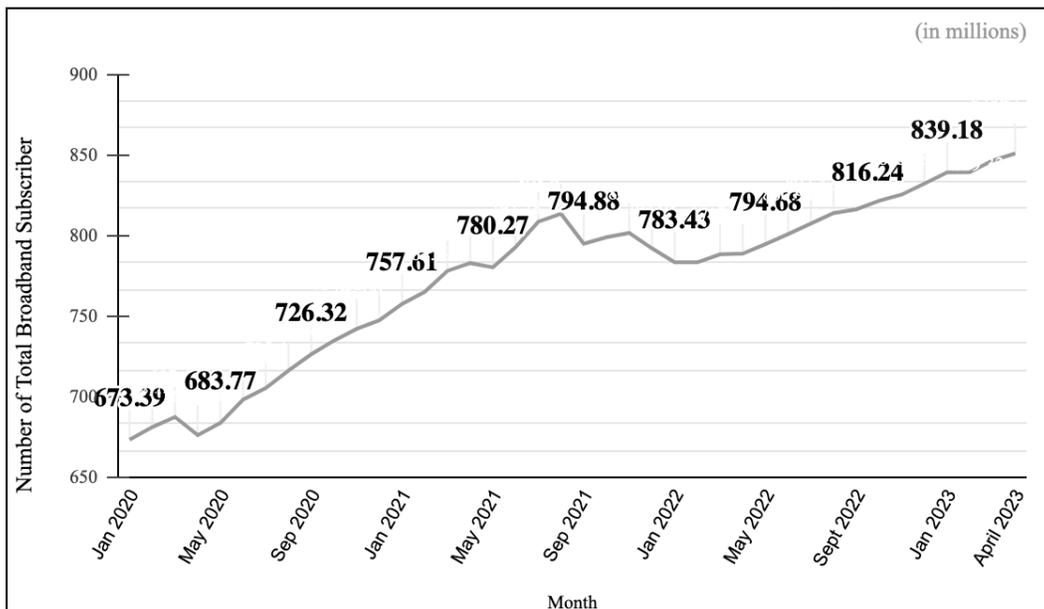
¹¹ Panjiar Tejasi, Waghre Prateek, "Gamers, have you been Pwned? We send our comments on the proposed amendments to the IT rules, 2021 in relation to Online gaming", Internet Freedom Foundation, April 26 2023 <https://internetfreedom.in/comments-on-the-online-gaming-proposed-amendments>.

¹² Jain, Anushka "Read our joint submission on the draft Aadhaar Amendment Rules, 2023 with Article 21, Rethink Aadhaar, and Access Now", Internet Freedom Foundation, May 17 2023 <https://internetfreedom.in/read-our-joint-submission-on-the-draft-aadhaar-amendment-rules-2023>.

2. Key Statistics

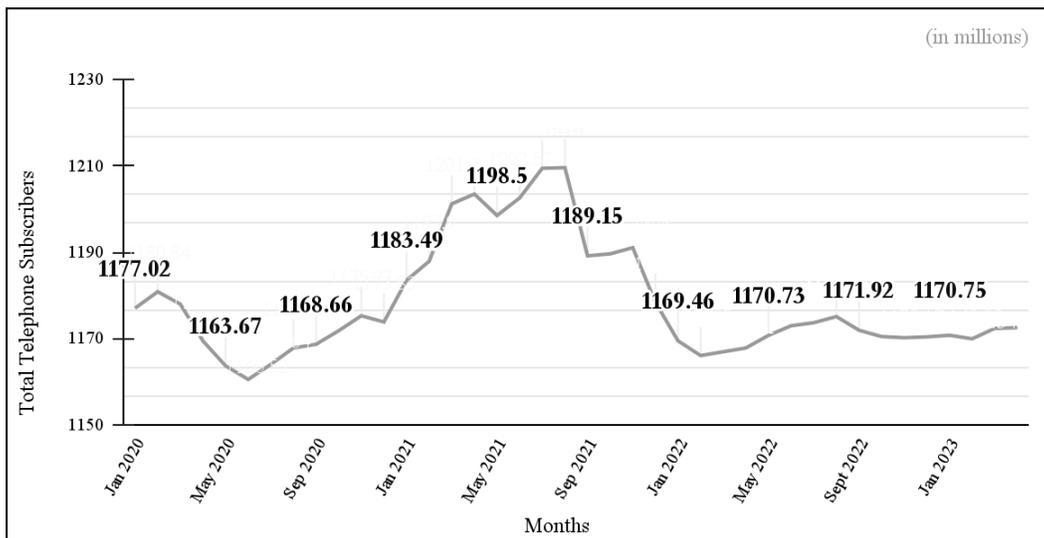
2.1. Connectivity Numbers

Figure 1: Total broadband subscribers witnessed a steady growth till Nov 2021, after which they declined till February 2022 and since then, have risen marginally each month



Source: TRAI's Broadband Subscription Reports

Figure 2: Total telecom subscribers witnessed an inconsistent rise from June 2020 till August 2021, after which they declined till February 2022. While it saw a gradual, consistent rise till August 2022, it registered a dip till November 2022 and stagnated thereafter.



Source: TRAI's Telecom Subscription Reports

2.2. Implementation of Schemes

2.2.1. Need for greater pace in BharatNet deployment

The BharatNet project is being implemented in a phased manner to provide broadband last-mile connectivity to all the Gram Panchayats (“GPs”) across the country. However, the pace at which the project is being deployed is concerning. As on June 12, 2023, a total of 1,93,422 GPs have been made service ready under the project.¹³ The government had spent only ₹3,000 crore in the last financial year against the budgeted expenditure of 9,000cr.¹⁴ This marks the sixth consecutive year that funding for USOF has slowed down, even as over ₹64,000 cr lay in balance and several parts of India remain under-served and disconnected.¹⁵ The government further plans to inject ₹36,931 crore under the BharatNet project.¹⁶

2.2.2. National Broadband Mission shows weakness

The key deliverable of the National Broadband Mission (“NBM”), which is an extension of the Bharatnet project, is to expand the digital communications infrastructure and provide affordable and universal access to broadband for all by 2022. Under the NBM, 7.60 Lakh towers have been installed up to May 31, 2023 vis-a-vis a planned target of 10 lakh towers.¹⁷ The Ministry of Communications (MoC) has attributed the slow progress of PM-WANI and NBM to the “*non-availability of suitable places, transportation difficulties and various procedural formalities from local administration/ agencies in getting permission for installations of Towers*”.¹⁸

2.2.3. PMGDISHA yet to achieve its target

This scheme was launched in February 2017 to develop skills and create skilled talent, with a focus on the marginalised sections of society. It aimed to make 6 crore people digitally literate by March 31, 2019. However, as of June 28, 2023, only 4.49 crore candidates have been certified.¹⁹ Interestingly, no budget was allocated towards PMGDISHA by MeitY in the Budget for 2023-2024, marking the first time since 2017 that no funds have been allotted towards the rural digital literacy scheme.

¹³ “Bharat Net Status As on 12.06.23”, Bharat Broadband Network Limited, 12 June 2023, <https://www.bbnl.nic.in/BharatNet.pdf>.

¹⁴ Grover Jatin, “Slow govt spending to hit connectivity in rural areas”, Indian Express, February 5, 2023 <https://indianexpress.com/article/business/economy/slow-govt-spending-to-hit-connectivity-in-rural-areas-8424431>.

¹⁵ Grover Jatin, “Govt’s USOF spends to remain below budget estimates for the sixth straight year in FY23”, <https://www.financialexpress.com/economy/govts-usof-spends-to-remain-below-budget-estimates-for-sixth-straight-year-in-fy23/2926042>.

¹⁶ “Government to invest \$13 billion more in BharatNet: Ashwini Vaishnaw”, Economic Times, July 15 2023 <https://economictimes.indiatimes.com/tech/technology/government-to-invest-13-billion-more-in-bharatnet-ashwini-vaishnaw/articleshow/101766552.cms>

¹⁷ Kumar Neeraj, “1st Annual Conference of ISPs - National Broadband Mission”, Department of Telecommunications, 12 June 2023 <https://dot.gov.in/sites/default/files/2%20-%20Presentation%20Neeraj%20Kumar%20DDG%20NBM%20DoT%20HQ.pdf?download=1>.

¹⁸ “Lok Sabha Unstarred Question No. 4592 to Be Answered on 30th March, 2022,” Lok Sabha Questions, <http://164.100.24.220/loksabhaquestions/annex/178/AU4592.pdf>.

¹⁹ Live statistics as displayed on the PMGDISHA website as on 28 June, 2023, <https://www.pmgdisha.in>.

3. Key areas of Digital Governance

3.1. Public consultations

<p>1. Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Amendment Rules, 2023</p> <p>The consultation paper was published by MeitY on April 20, 2023.²⁰ Comments were invited till May 5, 2023.²¹</p>	
Concerns	Recommendations
<ul style="list-style-type: none"> • Expansion of governments’ rule-making power despite the Supreme Court’s prohibition. • Goes beyond the scope of the parent act. • Failure to meet the proportionality test. • Raises fears of commercial exploitation of personal data. • Contains vague terms such as “in the interest of the State” which haven’t been defined in the draft rules or the parent legislation. 	<ul style="list-style-type: none"> • The Amendment Rules, 2023 are unconstitutional and hence, should not be adopted.
<p>2. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021</p> <p>The consultation paper was published by MeitY on January 17 2023.²² Comments were invited till February 20, 2023.²³</p>	
Concerns	Recommendations
<ul style="list-style-type: none"> • Proposes action against content labelled “fake”, “false”, and “misleading”, without adequately defining those terms. • Creates the risk of intermediaries losing their “safe harbour” protections if they fail to act on content flagged by the fact check unit. • Renders the Union Government the final arbiter of free speech on the internet. 	<ul style="list-style-type: none"> • The IT Rules, 2021 are unconstitutional, illegal, and undemocratic and hence should be recalled.

²⁰“Draft amendments to the Aadhaar Authentication for Good Governance Rules, 2020” , MeitY, April 20 2023, <https://www.meity.gov.in/writereaddata/files/Draft%20notification%20for%20amendment%20to%20Aadhaar%20Authentication%20for%20Good%20Governance%20Rules%202020%20%28Public%20Consulation%29.pdf>.

²¹“MeitY proposes rules to enable Aadhaar authentication by entities other than Government Ministries and Departments” , Press Information Bureau, April 20 2023, <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1918183>

²²Draft Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 <https://www.meity.gov.in/writereaddata/files/Revised-IT-Rules-2021-proposed-amended.pdf>.

²³ Notice for extension of time-proposed amendment rule 3(1)(b)(v) IT Rules, 2021 <https://www.meity.gov.in/writereaddata/files/NOTICE%20for%20extension%20of%20time-proposed%20amendment%20rule%203%281%29%28b%29%28v%29%20IT%20Rules%2C%202021-25012023.pdf>.

3.2. Privacy and Data Protection

3.2.1. Data breaches and cyber security concerns

Due to the increased digitisation of valuable personal data, data breaches and cyber attack incidents have become increasingly common. More recently, leaks in the servers of Zivame, Rentomojo, and Co-WIN, have put into question the governance mechanisms that exist in the event of such breaches.²⁴

Concerns:

- Since the data protection bill listed for the upcoming Monsoon Session is not yet available, analysis of the last publicly available iteration, i.e. the DPDPB, 2022, reveals that the latter may potentially exempt the government from liability in certain instances.
- Furthermore, the draft National Data Governance Framework Policy seeks to make anonymised personal data public. Neither of these governance frameworks have been placed in the public domain in its finalised version before being notified by the Ministry.
- Additionally, an updated version of the National Cybersecurity Policy, 2013, has been delayed indefinitely.

Recommendations:

- Consequently, there needs to be a parliamentary review of both the status of these proposals and their shortcomings in dealing with such cyber security vulnerabilities and breaches.

3.2.2. Private entities and Aadhaar verification

In contravention to the judgement in Justice *K.S. Puttaswamy (Retd.) vs Union Of India, 2018*, it was reported that Google Pay and LinkedIn have initiated the process of verification via Aadhaar.²⁵

Concerns:

²⁴Gupta Aarushi and Nair Aman, "CoWIN Data Leak Is a Sign India Needs to Rethink its Digital Public Infrastructure Strategy", The Wire, June 25 2023, <https://thewire.in/tech/cowin-data-leak-is-a-sign-india-needs-to-rethink-its-digital-public-infrastructure-strategy>.

See also : Pandey Devvrat, Sharma Aakash "Zivame data breach: Personal info of 1.5 million users on sale for \$500", Business Today, May 23 2023,

<https://www.businesstoday.in/latest/corporate/story/zivame-data-breach-personal-info-of-1-5-million-users-on-sale-for-usd-500-382411-2023-05-23>

²⁵Chatterjee Aneeka, "GPay introduces UPI verification through Aadhaar", The Hindu Business Line, June 8 2023,

<https://www.thehindubusinessline.com/money-and-banking/gpay-introduces-upi-verification-through-aadhaar/article66942158.ece>.

- This feeds into concerns on whether other services/platforms will follow the cue and mandate Aadhaar verification for their usage. The Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Amendment Rules, 2023 under Rule 4, allow any non-government entity to be able to perform Aadhaar authentication as long as their submitted proposal meets a justified purpose under Rule 3 of the same rules.
- This also needs to be seen in the context of the existing unaddressed vulnerabilities in the Aadhaar database and its corresponding implications for data protection.²⁶

3.3. Platform governance and censorship

3.3.1. Challenging the constitutional validity of the fact checking provision under IT Amendment Rules, 2023 in the Bombay High Court

On April 6, 2023, MeitY released the IT Amendment Rules, 2023, which included a provision allowing a "fact check unit" to deem any online content, related to any business of the Union Government, as false, fake, or misleading. The intermediaries would then be required to take action against such flagged content or risk losing safe harbour.

Three petitioners, namely Association of Indian Magazines, Mr. Kunal Kamra, and the Editor's Guild of India, filed a writ petition in the Bombay High Court challenging the constitutionality of this provision, arguing that it violates the IT Act, 2000, and infringes on the rights to freedom of speech and expression and the right to practise one's trade and profession.²⁷ In response, on April 27, 2023, the Union Government provided an undertaking that it will not notify this fact check unit until July 5, 2023.²⁸ The hearings are currently ongoing.

3.3.2. Twitters' challenge to the blocking orders issued by MeitY and the decision of the Karnataka High Court

In 2022, Twitter filed a petition challenging the validity of content-takedown and account-blocking orders issued by MeitY, which were largely involved in the dissemination of information about the government's performance during COVID-19 and the farmers' protest.²⁹ It submitted that the Orders were incompatible with the Supreme Court's judgement in *Shreya Singhal v. Union of India (2015)*, on the ground that notice is required to be issued to both the intermediary as well as the originator whose content is to be taken down. It was

²⁶ Kodali Srinivas, "UIDAI's Defensive Stance on Aadhaar Security Breaches Isn't Helping Anybody but the Government", The Wire, Jan 5 2018, <https://thewire.in/politics/uidai-aadhaar-security-breach>.

²⁷ Shrivastava Amisha, Das Awstika "How Is News Any Less Fake Or Misleading In Print?" Bombay High Court Expresses Concerns About IT Rules Singling Out Digital Content", LiveLaw, July 13 2023, <https://www.livelaw.in/high-court/bombay-high-court/bombay-high-court-fake-news-it-rules-free-speech-singling-out-digital-news-print-media-kunal-kamra-article-19-232671>

²⁸ Malhotra Gayatri, Singh Tanmay "In Kunal Kamra's Petition in the Bombay High Court, the Government undertakes not to constitute its Fact Check Unit", Internet Freedom Foundation, April 27 2023 <https://internetfreedom.in/in-kunal-kamras-petition-in-the-bombay-high-court-the-government-undertakes-not-to-notify-its-fact-check-unit>.

²⁹ Roy Radhika, "Karnataka High Court Finds MeitY's Blocking Orders Compatible with IT Act, Exemplary Costs for Non-Compliance Imposed on Twitter", Internet Freedom Foundation, July 1 2023, <https://internetfreedom.in/karnataka-high-court-finds-meitys-blocking-orders-compatible-with-it-act-exemplary-costs-for-non-compliance-imposed-on-twitter/>

further contended that the impugned Blocking Orders did not contain reasons recorded in writing and were not communicated to the affected entities, thus preventing them from effectively challenging the order. Additionally, Twitter claimed that MeitY's direction for suspension of entire accounts were disproportionate and excessive, and ran contrary to the language of Section 69A of the IT Act which only empowers blocking of specific tweets.

On June 30, 2023, the Karnataka High Court, while dismissing Twitters' challenge, found MeitY's orders to be compliant with directions in *Shreya Singhal v. Union of India*.³⁰ The High Court also interpreted Section 69A to include the power of blocking an entire account, as opposed to specific tweets. Further, it imposed a cost of Rs. 50 lakhs on Twitter Inc. for being wilfully non-compliant with MeitY's orders.

3.3.3. The executive empowered as the arbitrator of free speech through Grievance Appellate Committee(s)

MeitY published a notification establishing three Grievance Appellate Committee(s) ("GAC") on January 27, 2023 under Rule 3A of the notified Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2022 ("IT Amendment Rules, 2022").

Concerns:

- With the purported goal of expanding grievance redressal options for users outside of the judiciary, these committees will be responsible for deciding on user appeals regarding content moderation decisions made by intermediaries. As a result, individuals appointed by the executive branch will assume the role of determining what speech is permissible on the internet.
- This could potentially create an environment where intermediaries, including social media platforms, are encouraged to restrict any speech that may not align with the preferences of the government, public officials, or those capable of exerting political influence.
- Other concerns include: the lack of a legislative basis (as it has neither been constituted by the legislature nor has the parliament permitted a subordinate legislation), lack of transparency around the appointment criteria of its members, a general definitional ambiguity as observed in undefined terms such as 'misinformation', and a lack of operational capacity to handle complaints.
- Evidently, a Right to Information (RTI) response revealed that, as of 20 April 2023, 25 out of 32 disposed appeals were passed without speaking orders from the GAC, contravening principles of natural justice.³¹

³⁰X Corp (Twitter) v. UOI (Karnataka HC) 20.06.2023, <https://drive.google.com/file/d/1zbwX3vtNDYdBp6vx9SifUHgtUUGILXEg/view>.

³¹Panjiar Tejasi, Waghre Prateek, "MeitY's response to our RTI requests on GAC: delayed, denied, deficient", Internet Freedom Foundation, May 19 2023, <https://internetfreedom.in/gac-rti-response>.

3.3.4. Mobile apps banned without reasoned blocking orders

On May 1, 2023, it was reported that 14 mobile applications (apps) that provided end-to-end encrypted (E2EE) messaging services, enabled peer-to-peer (P2P) messaging, etc., were banned purportedly on the basis that they were being used by terrorists in Jammu & Kashmir (J&K).³²

Concerns:

- Reasoned blocking orders and a pre-decisional hearing were not provided to these apps. This raises substantial concerns, as it undermines the fairness of the process and denies individuals their right to challenge the exercise of power under Section 69A of the IT Act, 2000.
- The constitutional validity of Section 69A and the Blocking Rules, 2009 was upheld in the *Shreya Singhal v. Union of India* case, with the requirement of a reasoned order and adherence to procedural safeguards, including a hearing.
- Notably, Section 69A is not designed to block entire smartphone applications, as its jurisdiction is limited to individual pieces of information and content.

Recommendations:

- The banning of these apps, several of which provided essential services, such as encrypted or P2P platforms for messaging, sets a very worrying precedent. It not only affects the day-to-day tasks and livelihood of users, but also restricts access to such services for users who rely on them for secure communication. These users may include journalists, activists, whistleblowers.
- Restrictions on freedom of speech and expression must be meticulously tailored and justified based on the enumerated grounds in Article 19(2) of the Constitution. Any restrictions imposed under Article 19(2) must be reasonable and proportionate.³³

3.3.5. Ministry of Information and Broadcasting issues notices to publishers despite stay order

The Ministry of Information and Broadcasting (“MIB”) sent notices to news publishers under Rule 18 of the IT Rules of 2021, despite the suspension of relevant provisions by the Bombay and Madras High Courts. The information was disclosed in response to an RTI request filed on January 14, 2022.³⁴

³²“Centre bans 14 apps in J&K citing use by terror organisations”, The Hindu, May 1 2023, <https://www.thehindu.com/news/national/centre-blocks-14-mobile-messenger-apps-being-used-by-terrorist-groups/article66799154.ece>

³³“Mayday Alert: 14 mobile apps banned, no blocking order released. #WhatTheBlock”, Internet Freedom Foundation, 10 May 2023, <https://internetfreedom.in/14-mobile-apps-banned>.

³⁴Malhotra Gayatri, “TOP SECRET: MIB furnishes list of digital news media publishers and OTT platforms that submitted their details under IT Rules, 2021”, Internet Freedom Foundation, May 17 2023, <https://internetfreedom.in/mib-cic-order-itrules-2021>.

The courts halted the enforcement of those provisions due to concerns about the potential threat to press independence posed by the IT Rules. A second appeal made to the CIC revealed that 3101 publishers and 57 OTT platforms had provided information to the MIB, and the CIC directed the MIB to furnish a list of these entities.³⁵

Concerns:

- While Rule 18, which allows the MIB to request information, remains in effect, the rules governing the 3-tier regulatory mechanism and the Code of Ethics have been suspended. By examining Part III of the IT Rules of 2021 as a whole, it becomes clear that the purpose of gathering information under Rule 18 was to enable the MIB to identify and regulate news publishers according to the IT Rules.

3.3.6. Amendments to Cigarettes and Other Tobacco Products Rules, 2004 notified

The Union Health Ministry notified the “Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Rules” on May 30, 2023, amending the rules under the Cigarettes and Other Tobacco Products Act, 2004. The rules mandate that over-the-top (OTT) streaming platforms must display anti-tobacco warnings as seen in movies screened in theatres and TV.³⁶

Concerns:

- The rules can potentially have a chilling effect on the critical depiction of societal issues, leading to a decline in the nuanced portrayal of health concerns.³⁷

Recommendations:

- It is imperative that any framework governing OTT platforms should be minimal, should satisfy thresholds of necessity, and should respect the rights of platforms so as to encourage their growth and to protect their cultural and economic significance amongst the citizens of India.

³⁵Anushka Jain v. MIB-CIC response list of news publishers, https://drive.google.com/file/d/1_RvZQyinLgWGC8X9xuidjHm2K8Wugj_a/view?ref=static.internetfreedom.in

³⁶“Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Rules, 2023”. [http://ntcp.mohfw.gov.in/assets/document/Cigarettes%20and%20other%20Tobacco%20Products%20\(Prohibition%20of%20Advertisement%20and%20Regulation%20of%20Trade%20and%20Commerce.%20Production.%20Supply%20and%20Distribution\)%20Amendment%20Rules.%202023.pdf](http://ntcp.mohfw.gov.in/assets/document/Cigarettes%20and%20other%20Tobacco%20Products%20(Prohibition%20of%20Advertisement%20and%20Regulation%20of%20Trade%20and%20Commerce.%20Production.%20Supply%20and%20Distribution)%20Amendment%20Rules.%202023.pdf)

³⁷Waghre Prateek, “Tobacco rules for OTT counterproductive, infringes freedom of speech, says IFF”, The Hindu, June 12 2023 <https://www.thehindu.com/news/national/tobacco-rules-for-ott-counterproductive-infringes-freedom-of-speech-says-iff/article66959670.ece>.

3.3.7. TRAI invites comments on enabling convergence in the carriage of broadcasting and telecommunication services

The TRAI released a consultation paper on enabling convergence in the carriage of broadcasting and telecommunication services on January 30, 2023. The report holds relevance as it discusses the adjustments that need to be made to the legal, administrative, and licensing frameworks to address the problems caused by convergent technologies.

However, observers have pointed out certain fallacies with the proposal including (but not limited to): an overbearing regulatory framework potentially affecting innovation, expanding the definition of Telecommunications (while disregarding the nuances distinguishing 'online communication services' from telecommunication services), and a misconstrued understanding of the impact of 5G.³⁸ Its conception resonates with the long standing demands made by telecom lobbyists.³⁹

3.4. Denied rights due to Internet shutdowns

In *Anuradha Bhasin v. Union of India*, the Supreme Court held that internet suspensions are a 'drastic measure' which should only be exercised in 'necessary' and 'unavoidable circumstances', after evaluating the availability of less disruptive alternatives.⁴⁰ The Supreme Court also held that the orders suspending internet services must be published.

Concerns:

- Uptil now this year, internet services were suspended at least 44 times in India.⁴¹ Out of which internet services were suspended in Manipur at least 14 times.
- Between January 2020 - December 2022, local authorities in India shut down the internet 127 times, out of which a worrying 42.5 % of the times were either to prevent protests or in response to them.⁴²
- Reports suggest that Jammu and Kashmir witnessed the highest number of internet suspensions in the world.⁴³
- In 2023, India lost \$255.2 million because of shutdowns.⁴⁴ India had 2,353 hours of shutdown affecting "43.2 million users in India."⁴⁵

³⁸Pahwa Nikhil, "10 issues raised by TRAI in its convergence consultation & what's wrong with them", MediaNama, February 15 2023, <https://www.medianama.com/2023/02/223-10-issues-trai-convergence-consultation-whats-wrong>.

³⁹Nikhil, "10 issues raised by TRAI in its convergence consultation".

⁴⁰(2020) 3 SCC 637.

⁴¹"Internet Shutdowns Tracker," Software Freedom Law Centre <https://internetshutdowns.in>.

⁴²"No Internet Means No Work, No Pay, No Food", Human Rights Watch & Internet Freedom Foundation, June 2023, <https://internetfreedom.in/our-report-with-hrw-on-internet-shutdowns-demonstrates-a-disproportionate-impact-on-communities-dependent-on-welfare>.

⁴³Scroll Staff, "Jammu and Kashmir recorded highest internet shutdowns in the world last year, says study", Scroll.in, January 19, 2023 <https://scroll.in/latest/1042148/jammu-and-kashmir-recorded-highest-internet-disruptions-in-the-world-last-year-says-research>.

⁴⁴"Among Worst Offenders Globally, Internet Shutdowns Have Cost India \$ 255.2 Million This Year", The Wire, June 19 2023 <https://thewire.in/tech/internet-shutdown-india-loss-financial>.

⁴⁵Sawhney Anoushka, " Cost of India's internet shutdowns in 2023 already exceeds 2022 levels", Business Standard, June 18 2023,

- On December 01, 2021, the Standing Committee on Information Technology in its 26th report stated that the Union Government did not collect empirical data to show that the suspension of internet services improved law and order situations.⁴⁶
- Along with impairing the right to freedom of speech and expression and the right to information, such internet suspensions hamper access to livelihood, education, and health.
- June 22, 2023 marked 50 days of Manipur's ongoing state-wide internet shutdown. The state-wide internet shutdown has been in place since May 3, 2023. Since the second day of the shutdown, all internet services have been suspended through templated orders issued every five days⁴⁷.
- A First Information Report (FIR) has also been registered for the offence of sedition against a Manipur politician under Section 124-A of the Indian Penal Code, 1860 despite the Supreme Court's interim order dated May 11, 2022, in *S.G. Vombathkere v. Union of India*, which put the operation of S.124-A in abeyance.⁴⁸
- News reports also suggest that Twitter accounts are being censored and withheld in India, 'under a legal demand'.⁴⁹ This has been executed in a manner such that there exists no public knowledge of the suspension and consequently no means to appeal against it.

3.5. Surveillance

3.5.1. Use of facial recognition technology in Karnataka polling raises concerns of voter marginalisation

On May 08, 2023, it was reported that the Election Commission of India ("ECI") was planning to pilot the introduction of facial recognition technology ("FRT") in the polling process by using it in one polling booth in the recent Karnataka state assembly election.⁵⁰ However, as per a RTI response, the ECI eventually did not use it.⁵¹

Concerns:

https://www.business-standard.com/industry/news/cost-of-internet-shutdowns-in-india-in-2023-so-far-exceeds-2022-levels-123061800429_1.html.

⁴⁶"Standing Committee on Communications and Information Technology (2021-22) Suspension of Telecom Services/Internet and Its Impact Twenty-Sixth Report," Department of Telecommunications, http://164.100.47.193/lsscommittee/Communications%20and%20Information%20Technology/17_Communications_and_Information_Technology_26.pdf.

⁴⁷"50 Days of Internet Shutdown: Internet Freedom Foundation's statement on the ongoing digital rights violations amidst Manipur's indefinite internet shutdown", Internet Freedom Foundation, June 22 2023, <https://internetfreedom.in/manipur-50-days-internet-shutdown>.

⁴⁸"Sedition Case Against Manipur Politician Who Blamed Violence on Assam Rifles", The Wire, June 17 2023, <https://thewire.in/law/sedition-case-against-manipur-politician-who-blamed-assam-rifles>.

⁴⁹Roy Snehashish, "To stifle marginalised voices: Amid violence in Manipur, Twitter handle of major tribal leaders' forum blocked", Hindustan Times, June 18 2023, <https://www.hindustantimes.com/india-news/itlf-twitter-block-manipur-violence-tribal-group-101687055287117.html>.

⁵⁰"We wrote to the Election Commissioner of India on the use of Facial Recognition Technology for voter verification in Karnataka", Internet Freedom Foundation, May 13 2023, <https://internetfreedom.in/we-wrote-to-the-election-commissioner-of-india-on-the-use-of-facial-recognition-technology-for-voter-verification>.

⁵¹"RTI response to application to the ECI, with reference no. 23412" https://drive.google.com/file/d/1sVUOTfMjWNo2hIW6J6m_cvitFbz_c_0i/view?usp=drive_link.

- India is currently witnessing a rapid proliferation in the use of FRT. In the electoral process, however, the incorporation of FRT is especially concerning, since the unchecked collection of voter data can be used to influence voter behaviour undemocratically.
- FRT also suffers from low accuracy rates and biases across its landscape, opening up possibilities of large-scale disenfranchisement and marginalisation if incorporated permanently in polling processes.
- The fundamental right to vote - and the right to free and fair elections - is thus endangered by such a pilot, and the project itself needs to be addressed.

3.5.2. CCTV Policing: claims and concerns

CCTV camera installations have been on the rise, with the supposed aim of preventing and reducing both crime and more minor offences, like traffic violations. Experts have repeatedly stated that CCTV cameras do not lead to an increase in security.⁵²

Concerns:

- CCTVs do potentially provide an avenue for the introduction of FRTs as an additional tool to monitor crime. This only multiplies the risk of false charges due to the inaccuracies inherent in these cameras and FRT.
- These cameras have also begun to be installed by governments in contexts other than safety, with some states using these cameras as an active surveillance network.

Common Cause, an advocacy group, along with Lokniti, Centre for the Study Developing Societies, and Lal Family Foundation, released the 2023 Status of Policing in India Report (“2023 Report”), which surveys public opinions on digital surveillance in India. The Report highlights the important impact CCTV surveillance has on the socio-political landscape of the country, with religious minorities and lower income groups being over-policed as a result of biased surveillance.⁵³ It also discusses the use of CCTV surveillance and FRT to suppress dissent. Expert opinion on the submission of retrieved CCTV footage as evidence has stated that such surveillance can be misused for political purposes.

3.5.3. DigiYatra’s claims on data privacy and convenience raises doubts

With an aim to make air travel paperless and hassle-free, the DigiYatra Scheme (“Scheme”) was launched by the Ministry of Civil Aviation on June 8, 2017 by the then Minister of State for Civil Aviation, Shri Jayant Sinha. The scheme was put into operation in 3 Airports (namely New Delhi, Bengaluru, and Varanasi) in December 2022 and another 4 airports (namely,

⁵²Ratcliffe Jerry H. and Rosenthal Jessica M., “Video Surveillance of Public Places, 2nd Edition”, Problem-Oriented Guides for Police Response Guide Series No. 4, Center for Problem-Oriented Policing at Arizona State University, June 2021 https://popcenter.asu.edu/sites/default/files/video_surveillance_of_public_places_2d_ed.9.1.22.pdf.

⁵³“The status of CCTV policing in India: 2023”, Internet Freedom Foundation, <https://internetfreedom.in/the-status-of-cctv-policing-in-india-2023>.

Vijayawada, Kolkata, Hyderabad, and Pune) in April 2023. The scheme uses facial recognition to authenticate the identities of passengers. The number of users to have availed this facility according to the latest press release is 1.7 million.⁵⁴

Concerns:

- Although the Policy states that airports using the DigiYatra Biometric Boarding System (BBS) will adhere to data protection laws and principles, the absence of a functional data protection regime raises serious doubts about this claim.
- Alarmingly, there are broad and ambiguous exceptions for sharing passenger data with government agencies, which contradict the principles of lawful processing, purpose limitation, data minimisation, accuracy, and storage limitation, among others.
- Furthermore, the policy fails to meet the requirements of necessity and proportionality in justifiably restricting the privacy of its users.⁵⁵
- Finally, it is debatable whether the scheme will truly bring about an era of "easy boarding" considering the known inaccuracies of facial recognition technology, particularly when it comes to people of colour (including Indians) and women.⁵⁶

3.6. Digital Public Infrastructure

3.6.1. 'Open Network for Digital Commerce' is open for whom?

The 'Open Network for Digital Commerce' (ONDC), is a Government of India (GoI) backed technology infrastructure. It is a network-centric model, wherein buyers and sellers can transact irrespective of the platforms/applications they use as long as "platforms/applications are connected to this open network". Some of its stated objectives include: ending monopolies of legacy e-commerce platforms, digitisation of the value chain, increasing access for sellers, especially MSME's .

Concerns:

- However, concerns arising from its status 'as a publicly backed entity' which include (but are not limited to): Private ownership structure of ONDC due to which it falls outside of the ambit of the RTI Act 2005, its undefined and blurred legal relationship with Government of India, etc.⁵⁷ These have worrying implications for any legal/public

⁵⁴"Digi Yatra app user base crosses the one million mark", Press Information Bureau, June 22 2023, <https://pib.gov.in/PressReleasePage.aspx?PRID=1934489>.

⁵⁵Jain Anushka, "Part 1: The dangers of DigiYatra & facial recognition enabled paperless air travel #SaveOurPrivacy", Internet Freedom Foundation, January 18 2022, <https://internetfreedom.in/dangers-of-digiyaatra>.

⁵⁶Snow Jacob, "Amazon's Face Recognition Falsely Matched 28 Members of Congress With Mugshots", ACLU of Northern California, July 26 2018, <https://www.aclu.org/news/privacy-technology/amazons-face-recognition-falsely-matched-28?ref=static.internetfreedom.in>
See also : <http://gendershades.org/overview.html>.

⁵⁷Panjjar Tejasi, Waghre Prateek", "Open Network for Digital Commerce (ONDC): An Explainer", Internet Freedom Foundation, March 10 2023, <https://internetfreedom.in/ondc-an-explainer>.

oversight that could be instituted over its governance/operations/grievance redressal mechanisms.

- Other significant concerns include: Inadequate safeguards for personal data, contestable mechanisms for assigning 'liability and responsibility', and fears of predominant e-commerce players reproducing their domination within ONDC.

3.6.2. MHA proposes making Aadhaar mandatory for registration of birth and death

Aadhaar, a mandatory, biometric identification system, utilises a centralised repository to maintain digital identities and their corresponding authentication records, which are accessible not only to the government but also to private companies.⁵⁸

Worryingly, the proposed amendments to the Registration of Births and Deaths Act, 1969, mandate the use of Aadhaar to register new births and deaths occurring in a family.⁵⁹ It also proposes the use of this database, with the approval of the Union Government, for updating other government databases, such as the National Population Register, to Electoral registers, and the databases of ration card, passport, driving licence, and Aadhaar.⁶⁰

Concerns:

- Due to its centralised nature and shared identifier, Aadhaar has the potential to facilitate mass surveillance, breach data silos and facilitate 360 profiling of individuals. The new amendments have raised concerns that an individual may be surveilled in every aspect of their life, from birth to death.
- Technical flaws further compound the issue, as the Aadhaar database has been plagued by significant data breaches.
- The cross-linking of these databases, in the absence of a surveillance reform and a data protection law mandating purpose limitation, raises severe concerns.
- Originally introduced as a voluntary identification system, Aadhaar has now become virtually indispensable in all aspects of life and business. This raises questions about the true existence of "consent" regarding its usage.

See also: Bordoloi Pritam, "ONDC has a Data Problem", Analytics India Magazine, June 8, 2023, <https://analyticsindiamag.com/ondc-has-a-data-problem/>.

⁵⁸Roy Suhita, "India Stack: Can 'Digital India' be exported?", The Economic Times, June 3 2022 <https://economictimes.indiatimes.com/small-biz/security-tech/technology/india-stack-can-digital-india-be-exported/articleshow/91976066.cms>.

⁵⁹ "Proposed Amendments to the Registration of Births and Deaths Act, 1969 – https://www.mha.gov.in/sites/default/files/RBDCComments_27102021.pdf

⁶⁰ Kodali Srinivas "Proposed Amendments to the Registration of Births and Deaths Act Are Crafty and Underhanded", The Wire, July 17 2023, <https://thewire.in/tech/registration-of-births-deaths-aadhaar-voter-id>

4. Report presented by the Parliamentary Standing Committee

4.1. The Standing Committee on Communication and Information Technology's report on 'Suspension of telecom services/internet and its impact'

A Parliamentary Standing Committee ("Committee"), chaired by Shri Prataprao Jadhav, presented its report on February 9, 2023 on the action taken by the government on the observations/ recommendations of the Committee contained in their twenty-sixth report.⁶¹

The current rules governing suspension of telecom services/internet shutdowns are based on the Indian Telegraph Act, 1885 and the government has notified Temporary Suspension of Telecom Services Rules, 2017 under it. The rules allow the government to suspend telecom services in a region for up to 15 days if there is a public emergency or public safety issue, but do not define these terms or specify who can order a shutdown.

Observations :

- The Committee noted that some of its recommendations have been accepted by the Union Government, while others have been ignored or received interim replies. The Committee reiterated its suggestions to improve the rules and procedures for internet shutdowns and ensure transparency and accountability.
- The report raises important points regarding the government's absence of a centralised database that records all internet shutdown orders in the country. It argues that such a database would serve to verify the compliance of these orders with the law and the Supreme Court's mandate.
- It expresses reservations about the composition of the review committees responsible for assessing suspension orders. It highlights the exclusion of non-official members, such as retired judges, civil society representatives, and other stakeholders, from these committees, which are currently composed solely of government officials. To rectify this, the report urges the government to expand the composition of the review committees and ensure their regular functioning.
- It questions the government's lack of initiative in conducting studies to evaluate the impact of internet shutdowns on the economy and their effectiveness in addressing public emergencies and ensuring public safety. It contends that there is a dearth of empirical evidence demonstrating the efficacy of internet shutdowns in curbing instances of lawlessness and civil unrest.

⁶¹"Standing Committee On Communications And Information Technology (2021-22) :Suspension Of Telecom Services/Internet And Its Impact Twenty- Sixth Report" , Seventeenth Lok Sabha, Dec 1, 2021, [https://eparlib.nic.in/bitstream/123456789/820699/1/17 Communications and Information Technology 26.pdf](https://eparlib.nic.in/bitstream/123456789/820699/1/17%20Communications%20and%20Information%20Technology%2026.pdf).

- It emphasises the significant inconvenience experienced by countless individuals due to these shutdowns. To address these concerns, the report recommends that the government commission a comprehensive study to meticulously examine these aspects.
- Finally, it suggests updating the regulations to adapt to evolving technology and minimise disruptions to the public . It also proposes issuing a uniform set of standard operating procedures (SOPs) and guidelines for states and union territories to follow when implementing an internet shutdown.⁶²

⁶²“Standing Committee On Communications And Information Technology (2022-23) : Action Taken By The Government On The Observations/Recommendations Of The Committee Contained In Their Twenty-Sixth Report (Seventeenth Lok Sabha) On ‘suspension Of Telecom Services/Internet And Its Impact”, 17th Lok Sabha, February 9 2023
https://loksabhadocs.nic.in/lssccommittee/Communications%20and%20Information%20Technology/17_Communications_and_Information_Technology_37.pdf.

Abbreviations

- **Telecom Bill, 2022** - Draft Indian Telecommunication Bill, 2022
- **DoT** - Department of Telecommunications
- **TRAI** - Telecom Regulatory Authority of India
- **DPDPB, 2022** - Digital Personal Data Protection Bill, 2022
- **GAC** - Grievance Appellate Committee
- **GoI** - Government of India
- **DIA** - Digital India Act
- **IT** - Information Technology
- **IT Rules, 2021** - The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021
- **IT Amendment Rules, 2022** - Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2022
- **MeitY** - Ministry of Electronics and Information Technology
- **Aadhaar Amendment Rules, 2023** - Draft Amendments to the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020
- **GP** - Gram Panchayat
- **NBM** - National Broadband Mission
- **MoC** - Ministry of Communications
- **ONDC** - Open Network for Digital Commerce
- **PM-WANI** - Prime Minister Wi-Fi Access Network Interface
- **PMGDISHA** - Pradhan Mantri Gramin Digital Saksharta Abhiyan
- **GAC** - Grievance Appellate Committee
- **RTI** - Right to Information
- **E2EE** - End-to-End Encrypted
- **P2P** - Peer-to-Peer
- **J&K** - Jammu & Kashmir
- **MIB** - Ministry of Information and Broadcasting
- **OTT** - Over-The-Top
- **FIR** - First Information Report
- **ECI** - Election Commission of India
- **FRT** - Facial Recognition Technology
- **SOP** - Standard Operating Procedure



Internet Freedom Foundation
I-1718, Third Floor, Chittaranjan Park,
New Delhi 110019

Internet Freedom Foundation is a registered charitable trust that advocates for the digital rights of Indians. Our mission is to ensure the growth of digitisation with democratic rights guaranteed under the Constitution of India.

This brief is a result of the combined efforts of Policy Director Prateek Waghre, Associate Policy Counsel Tejasi Panjiar, Policy Intern Krish Jaiswal and Digital Literacy Intern, Shyla Robinson.

Write to us at policy@internetfreedom.in.