

India considers censoring the internet

NEW DELHI

A China-style crackdown would require companies to block an array of content

BY VINDU GOEL

India's government has proposed giving itself vast new powers to suppress internet content, igniting a heated battle with global technology giants and prompting comparisons with censorship in China.

Under the proposed rules, Indian officials could demand that Facebook, Google, Twitter, TikTok and others remove posts or videos that the officials deem libelous, invasive of privacy, hateful or deceptive. Internet companies would also have to build automated screening tools to block Indians from seeing "unlawful information or content." Another provision would weaken the privacy protections of messaging services like WhatsApp, so that the authorities could trace messages back to their original senders.

The new rules could be imposed by Prime Minister Narendra Modi's government at any time, now that the public comment period has ended. The administration has been eager to put them into effect before the date is set for this spring's national elections, which will prompt special pre-election rules limiting new policies.

Civil liberties groups and other critics said the changes would violate constitutional protections for free speech and privacy and put India in the same league as autocratic countries like China and Russia. Some of them suggested that the Modi administration was rushing to adopt the regulations so it could more easily put pressure on the tech platforms to remove social media posts by political opponents in the coming election.

"The proposed changes have an authoritarian bent," said Apar Gupta, executive director of the Internet Freedom Foundation, a digital rights group, which plans to challenge the rules in court if they are enacted. "This is very similar to what China does to its citizens, where it polices their every move and tracks their every post on social media."

India's proposals add to the growing resistance worldwide against internet behemoths like Google and Facebook, which once flourished largely unimpeded. In Europe, officials enacted tough new rules last year to protect people's online data, forcing the companies to change some practices. China has long used a system of internet filters, known as the Great Firewall, to block content and shut out global tech companies. And in a 2017 review, The New York Times tallied more than 50 countries that had passed laws in recent years to gain greater control over how their people use the web.

The result may be a splintering inter-



Browsing the web in Taradand, India. Under proposed rules, tech companies could be required to remove posts that officials deem libelous, invasive, hateful or deceptive.

net, where a onetime unified information superhighway has become increasingly restricted in certain areas. In India, the government has used laws to nudge people away from the American tech giants and toward local competitors, such as ShareChat, a social net-

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work that operates only in Indian languages, and Reliance Jio, a cellphone giant bankrolled by India's richest man.

Mishi Choudhary, founder of SFLC.in, a legal advocacy group in New Delhi, said Indian governments had tried for nearly a decade to exercise more control over internet content but had been restrained by the courts. Now the government is trying again, she said.

"Ministers have said these companies will have to comply with Indian rules, and Indian rules are pretty regressive," said Ms. Choudhary, whose group filed comments opposing the new rules. "We

have Indian morality. We have to keep law and order. And we cannot hurt religious sentiments."

India's Ministry of Electronics and Information Technology, which proposed the online content changes, has said the new rules simply build on existing laws and are necessary to combat false and illegal information on social media. The regulations also seek to hold foreign tech companies — including Chinese app makers that have little presence in India now — more accountable. Companies with more than five million Indian users would be required to set up local subsidiaries and appoint leaders based in the country.

Ajay Sawhney, the information technology secretary, did not respond to requests for an interview. Officials have privately suggested that they will consider the public responses to their draft rules and make adjustments before issuing a final version.

Working independently, as well as through trade groups, Microsoft, Facebook and dozens of other tech companies are fighting back against the pro-

posals. They criticized the rules as technically impractical and said they were a sharp departure from the way the rest of the world regulates "data intermediaries," a term for companies that host data provided by their customers and users.

In most countries, including India under its existing laws, such intermediaries are given a "safe harbor." That means they are exempted from responsibility for illegal or inappropriate content posted on their services, as long as they remove it after being notified by a court or another designated authority.

In a filing with the ministry a week ago, Microsoft said that complying with India's new standards would be "impossible from the process, legal and technology point of view."

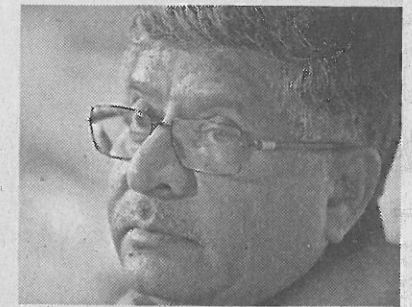
The company — whose Hyderabad-born chief executive, Satya Nadella, is a business icon in India — said the proposal lumped together all intermediaries, as varied as social networks and Wi-Fi hot spots, even though each has a different level of control over content that flows through it.

Trade groups representing the largest tech companies have made similar arguments in their filings.

WhatsApp, which is owned by Facebook and has some 250 million active users in India, said it could not meet the proposed requirement that it trace viral messages to their origin without destroying the privacy protections that are core to the service.

"WhatsApp cares deeply about creating a space for private conversations online," Carl Woog, a company spokesman, said at a news conference in New Delhi. He said the proposed rules "would require us to re-architect WhatsApp, leading to a different product, one that would not be fundamentally private."

Google and Facebook declined to comment beyond filings made by the industry groups to which they belong. Twitter, which is jousting with India's Parliament over claims that it suppresses right-wing content, said in a statement that it hoped that any changes to the rules would "strike a careful balance that protects important values such as freedom of expression."



ANINDITO MUKHERJEE/REUTERS
Ravi Shankar Prasad, the electronics and information technology minister. The ministry said the new rules are necessary.

India began signaling last year that it planned to impose tough rules on the tech industry, ending the free rein that American tech giants have long enjoyed in this country of 1.3 billion people, which has been the world's fastest-growing market for new internet users. Among other things, officials discussed European-style limits on what big internet companies can do with users' personal data.

The newest proposals on internet content were introduced at a private meeting with tech companies in December. They were on track for quick passage until the details leaked to The Indian Express, a local newspaper, which prompted the government to invite broader feedback.

Officials have offered little public explanation for the proposals, beyond a desire to curb the kind of false rumors about child kidnappers that spread on WhatsApp a year ago and that incited angry mobs to kill two dozen innocent people. That wave of violence has since subsided.

The coming national election has added urgency to the proposals. India's Election Commission, which administers national and state elections, is considering a ban on all social media content and ads aimed at influencing voters for the 48 hours before voting begins, according to an internal report obtained by the news media.

To buttress its legal authority to order such a ban, the commission wrote to the I.T. ministry asking it to amend the new rules to specifically prohibit online content that violates election laws or commission orders.

One of the biggest cheerleaders for the new rules was Reliance Jio, a fast-growing mobile phone company controlled by Mukesh Ambani, India's richest industrialist. Mr. Ambani, an ally of Mr. Modi, has made no secret of his plans to turn Reliance Jio into an all-purpose information service.

In a filing a week ago, Reliance Jio said the new rules were necessary to combat "miscreants" and urged the government to ignore free-speech protests. The company also said that encrypted messaging services like WhatsApp, "although perceivably beneficial to users, are detrimental to national interest and hence should not be allowed."