A Critical Account of the Digital India Initiative

Subhasree Chakravarty [1*]

[1] *Ashoka University*, INDIA

***Corresponding Author:** subhasree.chakravarty@ashoka.edu.in

ABSTRACT

In this article, I inquire how India's public policies like the Information and Technology Rules (IT Rules) have become a conduit to channelize a majoritarian agenda. I rhetorically analyse the IT Rules to demonstrate how it employs technology to create a rift between the people on the basis of their religious identities. In what follows, I will highlight that the current predicament of civil discourse in India is a result of religious extremism which is codified and formalized through the amendments to the IT Rules. To counter this waning of civil discourse, I propose rhetorical interventions through the mobilization of ample debates and conversations around public policies that can be harnessed to shatter the deliberative impasse gripping the country. As a response to that call, this article is forwarded as a rhetorical model of civil communication in practice weighing the conflicting values of security, rights, and privacy that are often in play in conversations about cyberspace and new technology. Additionally, by instituting rhetorics as a cornerstone of principled and effective civil discourse, I suggest that our efforts to resist communal polarization in India should also include developing heterogenous deliberative models that can accommodate India's diversity of religion, caste, language, and culture.

Keywords: public policy, rhetoric, belonging, IT Rules, India policymaking

INTRODUCTION: A PUBLIC TRUST BROKEN

Munawar Faruqui was jailed in India on 1 January, 2021, for a comment he never made. In a rather surreal and absurd story, this young Muslim stand-up comedian was arrested in the city of Indore, as he was preparing to perform a set in a café that evening. A group of Hindu nationalists walked up to his stage, referred to his Muslim identity and accused him of hurting Hindu sentiments. There was little information on where and when this "hurt" happened, yet Faruqui was taken away by the police for "intending" to offend Hindus – a crime granting up to four years in prison. After being denied bail repeatedly by the sessions and high courts of the state of Madhya Pradesh, Faruqui took his case to the Supreme Court of India. It took him more than a month and a strong intervention from the Supreme Court to finally be released on bail (Faleiro, 2021).

Like Faruqui, twenty-one years old Disha Ravi, a climate change activist and co-founder of the group Fridays for Future India, was arrested by Delhi Police in February 2021. The law enforcement officers travelled over two thousand kilometres outside their area of jurisdiction to arrest her, for sharing a *Twitter* message in support of the farmers' protest ongoing at that time around New Delhi. The *Twitter* message that landed Disha Ravi into trouble was also shared by the climate change campaigner Greta Thunberg for the same cause, earlier that month. Both Disha and Greta posted the same "toolkit" for their audience, explaining the background and suggesting ways to support the Farmers' movement. The social media toolkit contained instructions to organize campaigns for social justice in nonviolent ways (Gunia, 2021; Shekhar and Kumar, 2021).

A closer look at these events suggests a complicated reality. Apart from the fact that the justification for these arrests seems arbitrary to many – including the defendants – it also exposes blatant violations of constitutional rights by law enforcement agencies in India. The swift handling of Ravi's and Faruqui's arrests was made possible through a controversial and newly amended Information and Technology (IT) policy that, since its implementation, has allowed heightened scrutiny and vigilance by the Indian government to identify and criminalize digital users. Both Ravi and Faruqui had inadvertently treaded on that path, the former when she chose to support the farmer's movement, and the latter, by simply being a Muslim artist in a Hindu majoritarian state. While the police action against the two young professionals clearly points to an overreach in the interpretation of the law, unfortunately, they are by no means rarities in contemporary India. A spate of arrests, imprisonments, and incarcerations without incriminating evidence have led to speculations that the new IT policy has been more useful in silencing rather than encouraging speech. In the opinion of many civil society organisations, research groups, policy analysts, and legal activists, the impact of these rules is more harmful than beneficial, affecting users' rights, internet companies' administration, and even a fair and meaningful life on the Internet in India (Tripathi, 2022).

Grouped under the "Digital Media Guidelines and Policies" of the Ministry of Information and Broadcasting (MIB), the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, (hereafter referred to as IT Rules) are part of public policies published by the Government of India, as custodians of internet usage in the country. The recent amendments to the original IT Act of 2000 were necessary, the Ministry of Electronics and Information Technology (MEITy) explains, for an "Open, Safe & Trusted and Accountable Internet." These amendments are designed to provide a comprehensive framework that "deals with Fact checking related to online content pertaining to Government" (Press Information Bureau [PIB] Delhi, 2023). Principally, a fact checking unit established by the same government now has the authority to identify any news about the Central Government that it conceives as untrue or misleading in nature. Following the publication of these rules, the Editors Guild of India, the Association of Indian Magazines and the News Broadcasters and Digital Association, and stand-up comedian Kunal Kamra, filed petitions in the Bombay High Court challenging the rules. They claim that these rules are contrary to the principles of natural justice and will restrict freedom of speech and expression (Deshpande, 2023). The digital rights groups Internet Freedom Foundation (IFF) is also concerned about how these amendments will "cement the chilling effect on the fundamental right to speech and expression," particularly on news publishers, journalists, activists and others, which will "directly and negatively" also impact "the right to receive information" (Panjiar and Waghre, 2023).

In this article, I inquire how public policies like the IT Rules have become a conduit to channelize a majoritarian agenda. I rhetorically analyse the IT Rules to demonstrate how it employs technology to polarize the population on the basis of their religious identities. At stake in this narrative are the questions: Why should rhetoric be included in the analysis and discussion of public policies like the IT Rules? How can rhetoric arbitrate upon deliberative impasses created by public policies? Can rhetorical intervention stall the spread of communal polarization in India by instituting counter-narratives of 'belonging' and nationalism? In what follows, I will highlight that the current predicament of civil discourse in India is a result of religious extremism that is codified and formalized through the amendments to the IT Rules. Policies such as the IT Rules are designed to stoke polarization among citizens, building divisive social capital while leaving scarce room for opposition. The IT Rules have created an unprecedented political crisis where civic virtues – a shared set of behavioural norms and basic moral rules – are being nearly obliterated. Very few people in India will now agree that the country has progressed in the last decade to be more tolerant of differences of opinion; that the current political environment encourages freedom of speech; or that they feel united in creating a more just and democratic society. Rather, they will recognize that the country is increasingly defined by a culture of contempt in which people treat opposing viewpoints with suspicion and loathing. Lack of deliberations around public policies, such as the IT Rules, have created an impasse where any robust civil debate has become implausible. To counter this waning of civil discourse, I propose rhetorical interventions through the mobilization of more debates and conversations around the IT Rules that can be harnessed to shatter the deliberative impasse gripping the country. As a response to that call, this article is forwarded as a rhetorical model of civil communication in practice, weighing the conflicting values of security, rights, and privacy that are often in play in conversations about cyberspace and new technology. Additionally, by instituting rhetorics as a cornerstone of principled and effective civil discourse, I suggest that our efforts to resist communal polarization in India should also include developing heterogenous deliberative models that can accommodate India's diversity of religion, caste, language, and culture.

A government's inability or unwillingness to accept criticism can pose a problem in maintaining democracy within the country. When citizens are fearful of the consequences of expressing opposing viewpoints and feel that dissenting opinions will not be heard, or worse, forcefully silenced, they lose interest in participating in democratic practices. Something like this seems to be happening in India. Over the last few years, it has become more and more difficult to speak out against unfavourable policies that proliferate an atmosphere of distrust, condemnation, and castigation among the public. Increasingly, public policies have become a central issue causing rifts between

citizens, making them feel unsafe to express their views openly. On one hand, there are those who support the agenda of leading the country to a majoritarian advantage at the cost of minority rights. Then there are others who oppose such manipulations and uphold the secular principles supported by the Indian constitution. Adding to the already chaotic environment of involuntary silencing, scepticism, and incarceration, public discourse has been pushed beyond casual disagreements towards intense cultish altercations.

Generally, public policies are planned and implemented for the benefit of the masses, and public interests are safeguarded as long as the policy remains active. Yet, many Indian citizens are currently enmeshed in disputes and litigations over the misappropriation of IT Rules. Few can deny that there has been a breakdown of communication between the public, governmental agencies and the judiciary over this policy. In the absence of other deliberative methods, most people carry their disagreements to courts where backlogs mount and resources are stretched thin. With long-drawn-out intervals between court hearings and delayed judgements, the protestors are often redirected to protracted political confrontations like street demonstrations, public meetings and selective media representations. In the midst of such a state of affairs, not only freedom of speech is threatened, the entire practice of democracy is put at risk.

POLICY AND PERSUASION

Any analytical discussion of a policy as complex as the IT Rules requires a multipronged methodological approach. My primary interest here is to realize the full scope of the impact of the policy by revealing the citizens' response and protests against its implementation. While the feedback available on government websites and the number of public interest litigations are a good measure of the people's reaction to the policy, I also examine the general atmosphere of fear and distrust that this policy has created. This is what, I argue, leads to the deterioration of civil discourse and the absence of deliberative instances. In addition to that, I explore the various kinds of rhetorical interventions that have been made to counter the situation, ranging from requests for more transparency through debates and discussions to unveiling alternative narratives of secular nationalism. The methodological framework of this article is structured to stake claims on rhetoric's continued influence in public policy analysis. To accomplish this, it reviews the history of scholarly debates on the subject and highlights how the fundamental concerns of rhetorical critics discussing public policies have evolved over the years. It also addresses how a rhetorical reading of the IT Rules might offer a new perspective, forcing us to rethink critical paradigms on policy analysis.

Rhetoric's association with public policy emerges from the latter's instrumentality in all forms of democratic politics. As a feature of politics in action, public policies are deeply rooted in rhetoric and power. Some of the earliest scholarship inviting a rhetorical intervention in public policy analysis centres around Frank Fischer and John Forester's seminal work, *The Argumentative Turn in Policy Analysis and Planning*. Published in 1993, it shifted the archetypes of policy analysis from a dominant empirical analytical approach ensnared in problem solving, to the study of language and argumentation as essential dimensions of theory and analysis in policy planning and making. The inevitability of public consultations in designing fair and just public policies, although apparent to critics of rhetoric, has not had the attention of hard social scientists who saw policy analysis to be a "value-free, technical project" (Fischer and Gottweis, 2007: 2). Fischer and Forester were the pioneers in foregrounding a humanistic approach to a deeply deliberative process that is otherwise engulfed by formulaic technocratic, and analytical systems.

Following them, Frank. M. Stark in his *Communicative Interaction, Power, and the State* (1996) revived the thesis that a rhetorical perspective can be an invaluable resource for assessing public policy arguments. It also shifted attention from what governments *say* to what they *do*, translating all policies into a form of state action. A decade and a half later, in a special issue of *Rhetoric and Public Affairs* published in 2010, Robert Assen reopened the case of why and how scholars of rhetoric must read public policy documents. In his "Introduction" to the issue, Assen addresses two aspects of the relationship between rhetoric and public policy: "the place of rhetoric in the policy realm and rhetorical approaches to studying policy" (2010: 4). Assen is not interested only in case studies of policies, but also in the "meta" questions of "place" and "approaches" (2010: 3-4). Pointing out a lack of scholarship on the theory of concepts and critical methodology in the area, he recommended newer visions in interconnecting practice, theory, and criticism in the study of rhetoric and public policy.

Later, scholars like Fischer and Gottweis revisit Fischer and Forester's earlier work arguing that keeping in mind the risks, uncertainties, and complexities of contemporary politics, the ambiguity and messiness of contemporary policy challenges can potentially generate more conflict than they can resolve. Specifically, in a disorderly political scenario, "research methods that assume a stable reality" can run into multiple blunders and inaccuracies (Fischer and Gottweis, 2007: 3). Instead, Gottweis (2007) suggests that a number of so far neglected rhetorical phenomena like "trust, credibility, virtues, emotions, feelings and passions" that play a crucial role in policy writing, must be included in policy analysis too (237). Writing in the same year, Michel van Eeten (2007)

too, in his description of narrative policy analysis sees public policies as more than ordinances from a passive speaker to a hapless audience. It is important to persistently underscore the merits of policy analysis structured on communicative practices, since many social scientists continue to reject or reduce the scope of argumentation and deliberation in social and political explanations. It has become increasingly clear that ideas, discourse, and argumentation matter in both policymaking and its analysis.

Most governments, democratic or not, show an avariciousness to retain political power. This intoxication with power play limits their comprehension of the value and ambit of free and open discussion of public policies. They rarely display democratic principles, preparing and executing "public policies within a broader discourse of full disclosure, public consultation, and a consensus-based management" (Scollon, 2008: vii). Opening a public consultation on public policy ensures a constant exposure and participation in the development of the policy. For the government to remain democratic, public consultations must be practiced in all policy decisions.

When public opinion in public policies is rendered ineffectual, it foretells the demise of political spaces associated with democratic deliberation, challenging our understanding of how rhetoric functions within contemporary society. Subsequently, even if decisions are made democratically, the institutional arrangements may or may not be democratic. This reduces policymaking to a conscious political process where social change for better public life cannot be taken for granted. Rhetorical interventions seek to dispel "politically debilitating binaries" while upholding "virtue" as an essential "dimension of rhetorical action" (Schneider, 2014: 168). In societies moving through political turmoil as in India, where the anxieties and grievances of majority elites are stoked to prevent them from empathizing with minority concerns, virtue-based articulations of rhetorical action can acquire great significance. Efforts to rehabilitate the role of public in public policies as a "deliberative body capable of political action" can be successful when rhetorically empowered publics can be convened around a cause. Rhetorical action is then transformed into a method to detect shared problems, steer inquiries, and shape responses (Schneider, 2014: 169).

Sharon Crowley's hypothesis on how rhetoric can be a possible antidote for deliberative impasses that lock public discourse into "repetition and vituperation" (2006: 3), is relevant to this discussion. Crowley makes a persuasive case for rhetorical intervention by pointing out that the tactics typically used in liberal arguments, essentially empirical based reason and factual evidence, may not always be effective in situations where faith based reasoning or religious interpretations of texts are used to ground claims (2006: 4). Drawing evidence from American social life, she determines that discussions of civic issues repeatedly face impediments in the US because they take place "in a discursive climate dominated by two powerful discourses: liberalism and Christian fundamentalism" where each presents very different pictures of the country and of its citizens' responsibilities (2006: 2). While liberalism takes scant notice of beliefs or practices that reside outside of the public sphere, fundamentalist Christians prefer to "restore" biblical values to the center of American life and politics (2006: 3). The central point of contention between these two differing groups rests on whether religious and moral values can find a spot for themselves in civic affairs or should such sentiments be set aside when state policies are discussed (2006: 4).

The making of the IT Rules without adequate public deliberation; the implementation of the IT Rules and its impact on dissent, both point towards a betrayal of India's democratic values. It is as if a section of Indian society – mostly those belonging to privileged upper and middle classes – decided to redefine democracy as an unquestioning support to a Hindu majoritarian ideology, disseminated through the leaders of the ruling party. Therefore, they look away in indifference as some of the fundamental rights of minorities and other disempowered groups are blatantly violated. Not just the IT Rules, but a whole panoply of laws – around sedition, preventive detention, stopping protests from taking place, allowing police to easily arrest protestors, supporting anti-conversion, and regulating NGOs – were introduced in the last few years, decimating, in a sweeping gesture, the civic and democratic values painstakingly inculcated since the country's independence in 1947. Clear lines of contention have now been drawn between a large section of urban, educated, upper-caste Hindu folks with access to socioeconomic privilege and multiple resources, and the Dalit, poor, non-Hindu masses, who continue to strive to get their voices heard at the risk of being harassed, jailed, or worse (Kumbhar, 2024).

I share Crowley's faith in developing a holistic argumentative approach if we hope to engage in civil discussions over public policies in a society as polarized as contemporary India. Besides appeals to reason and evidence for persuasive efficacy, rhetorical argumentation's adaptability to emotions, beliefs, desires and values sets it apart as an unique deliberative model, that may successfully intervene in disagreements that seem unresolvable. Perhaps then, we can find a way out of the current ideological impasse in Indian political discourse by foregrounding virtues that identify congruities across differences. This ensures that the relationship between rhetoric and public policy is not determined only by its technical accuracies, but also by considering other social factors that influence the people's reception of the policy.

Like Crowley, Hogan and Rood also view the impasse over gun violence in America as rooted in something more than just a lack of civility. They argue that the problems are deliberative in nature, the most glaring of which

is a failure of rhetorical leadership on the part of the elected leaders who have trapped the citizens into a deadly cycle of gun violence, deliberative dysfunction, and political inaction (2015: 360). Calling for a rhetorical intervention, they invite deliberation by attending to the long rhetorical history and genealogy of the debate, and by identifying key players, important policy texts, and transformative moments. In the eyes of ordinary citizens, public policy deliberations can quickly escalate to the realm of political babble, losing whatever momentum they could have otherwise gathered towards amicable resolution. Following Hogan and Rood's methodology of collective, evolutionary and dialectical approach warrants that participants of policy debates make meaning collectively as they engage with one another, adjusting and recasting their positions and the positions of their opponents, and propelling the debate in new directions. Frank Fischer (2004) and Albert W. Dzur (2008) also advocate for the presence of experts who can become facilitators of civic debates as they continue to impart technical information. One of the tasks of the experts is to assist the public in comprehending the complex political language of policies. In unmasking, decoding, interpreting, and elucidating evidence on the public's behalf, the critic can play the role of a rhetorician by counterpoising larger themes of disagreements with multiple delicate and nuanced factors affecting contestations.

Policy texts can function in atypical ways and their thematic plurality is constructed from the dynamic positioning of participants in policy debates. Under such shifting conditions, the rhetorician-critic is faced with two choices:

(1) to either be a theorist and use their disciplinary expertise to analyse the objectives of public policies and predict their sustainability or

(2) be a facilitator of unlikely coalitions among citizens and find ways of initiating, moderating and deliberating on controversial policy debates to make a difference in their outcomes.

Comparably, it is possible to make a difference in the stalemate around the IT Rules if more professionals join the debate, arguing not only for reforms in legal and institutional structures, but inviting the opposition to engage in deliberations through multiple small scale modules in local, public, and popular forums. Instead of keeping their knowledge and proficiency exclusive, experts can help citizens make sense of complex issues by deploying their expertise beyond scholarly arenas, guiding themselves and the opposition through a process of introspection and reflection on the impact of the policy in their everyday lives. My interest in collating and close-reading the events surrounding the IT Rules is an effort to create a foundation for a critical dialogue that follows Hogan and Rood's recommendation to move beyond "the rhetoric of special interest" (2015: 368) and make meaning collaboratively. When it comes to mitigating some of the severely harmful impacts of a public policy it is crucial to not be mere partisans of one ideology or another, but to build workable consensus among many, to assist others to become intelligent consumers of public discourse, so that more participants eventually speak up for themselves.

This methodology and line of inquiry can be advanced while analysing the IT Rules, to observe if rhetoric can exert any exceptional influence countering hopeless impasses, since it is able to address ideological and emotional claims as well as rational ones. Moreover, as case studies are evaluated, the rhetorician can look at opportunities for deliberation and reconciliation in situations where disagreements are rampant. Chances are, this dual undertaking of being a critic as well as rhetor seeking revisionary openings can bolster the confidence of all stakeholders, to imagine themselves and their relation to political dissent not through anger and silence but in other revolutionary ways.

In the next few sections, I go on to discuss:

(a) how the IT Rules came to impose - through secrecy and silencing - major structural changes in constitutional rights and laws;

(b) once formalized, how these changes stoked feelings of majoritarian kinship and belonging by creating echo chambers;

(c) if rhetorical interventions can disband the deliberative impasse created by a polarized state by invoking newer spaces for deliberation and

(d) can heterodoxy account for a more inclusive future for India?

SECRECY AND SILENCING IN THE NEW IT REGIME

Can technology ensure equitable access to information and prevent minority rights from being eroded? I initiated my discussion in this essay with the stories of Disha Ravi's and Munawar Faruqui's arrests because such detentions have become glaring examples of the declining nature of the privacy and security of users of digital platforms in India. To understand the full extent of this decay and examine the overreach of India's digitalization policies, it is necessary to look at the different versions of the IT Rules notified by the government of India between 2018-2023. The Information and Technology Act (IT Act) was first published in 2000 as a mechanism to moderate responsible usage of digital media. Although people's use of digital platforms witnessed a notable rise in numbers in the last couple of decades, prompting a revision of the original law, some of the most drastic amendments took

place particularly in the last six years. A close reading of these amendments will demonstrate how the language of the policy has been modified in each draft for a particular rhetorical outcome. An analysis of the ideas, discourse and argumentation within the policy reveals that it may not be designed to fully act in public interest. The rhetorical outcomes of public policies are determined by their tangible effects, the exigencies they create which drive civic engagement and bring social change. Wrongful implementation of necessary policies can be as dangerous for public interests as is the lack of a policy. Although the fundamental purpose of the IT Rules was to enable an enhanced digital experience, it resulted in denying citizens' accessibility to rights, along with unequal treatment of citizens based on their political ideology, religion or caste. To assume that all public policies can be found to be "democracy in action" can be misleading, since policymaking is a type of "institutional arrangement for arriving at political decisions" (Tutchings, 1979: 4). In this approach, even when decisions might seem to be made democratically, the institutional arrangements may or may not be democratic. This reduces policymaking to a questionable political process where social change for better public life cannot be taken for granted.

The first set of IT amendments that were introduced in 2018 proposed changes to a subsection of the original law. Section 79 of the IT Act, 2000 affords a "safe harbour" to social media intermediaries who host user generated content, exempting them from liability for the actions of users on their platform, if they adhere to guidelines prescribed by the government. Notwithstanding this assurance, a "confidential" meeting was held between government representatives and selected intermediaries on December 24, 2018, in which a set of amendments to the rules under Section 79 were discussed (IFF, 2021). The proposed rules levied new responsibilities that required "significant social media intermediaries" or SSMIs like Facebook or YouTube to qualify for legal immunity from Indian law in return for the fulfilment of certain duties and responsibilities. Some of these duties included creating a functional grievance redressal mechanism; the appointment of certain officers and contact persons in India offices; publishing Periodic Compliance Reports; identifying the first originator of information; active monitoring; voluntary verification and removal of information or disabling access to information. If for any reason an internet intermediary could not abide by these additional responsibilities, they would have to forfeit the immunities granted under Section 79 making them legally liable for the acts of third parties on their platform (Bajaj, 2021).

According to the Internet Freedom Foundation (IFF), one of the foremost advocacy groups on digital rights and liberties in India, there are serious concerns about the process by which these meetings were held and the way the public were kept out of it. The IFF notifies its audience about the far-reaching consequences of the newly amended policies for everyday users of the Internet, that are bound to impact their right to privacy and freedom of speech and expression. Raising concerns about the cleverly disguised language of the policy, the IFF asserts that there are more productive ways to regulate misinformation and other malpractices over the Internet, mostly through a guided constitutional path. The current strategy of arriving at policy decisions through a secretive process, written in equivocal language, and undermining fundamental rights is a harmful approach for all its citizens (Gupta, 2018).

It must be clarified here that this is not a debate on whether some aspects of social media are indeed flawed and impairing for its users. Without doubt, large platforms owe their users rights and accountability. Law practitioners like Prashant Reddy argue that for far too long the law allowed "internet intermediaries to enjoy unprecedented and wide-ranging immunity from legal liability, at little to no cost" (2021). In his view, no other intermediaries could enjoy such immunities from legal claims of defamation. For this particular oversight in the law, unlike newspapers and broadcasters who have always operated under the threat of legal liability for "defamation and other speech related offences" intermediaries have managed to escape liability despite behaving as publishers. There are definite financial benefits for the intermediaries to read the law in its earlier version as it reduces their operating costs considerably (Reddy, 2021). Still, others would contend that the current amendment has actually worsened the situation instead of improving it, by increasing censorship and reducing user privacy.

It is not that in the earlier versions of the IT Act, there were no initiatives to safeguard data privacy or that it lacked benchmarks for ethical practices on the Internet. However, with the newer amendments (in 2018, 2021, 2022, 2023) a lot of the decision-making is left to the government's discretion in determining which platforms, companies or individuals need to comply with what regulations. It also generated a climate of assumed threats and constant vigilance, giving authorities ample leeway to micromanage all responses in all social media platforms. It created new categories of social media intermediaries with different obligations, treatments and arbitration strategies. The newer, stringent rules accorded very little time for the grievance redressal mechanism to work fairly, mounting pressure and responsibilities on the grievance officers to respond within a narrow window of time. The hasty timeline made little change to ensure comprehensive investigation of cases or ethical adjudication. Moreover, at the time of the last amendment in 2023, India did not have a data protection law in place. Without the legal coverage of such a law, the data retention period by intermediaries was doubled in the IT Rules 2023, due to which they could now essentially preserve information for 6 months without any accountability, possibly even after a user has deleted their accounts. A voluntary verification process was also introduced by which intermediaries were required to allow their users to voluntarily verify their accounts, through an active Indian mobile number or

government approved identification. This information, stored by the intermediaries and accessible by the government at their will, could potentially be breached without consequences. Similarly, by tweaking some of the earlier agreements, social media intermediaries were now required to enable tracing of the originator of information on their platform if required by a court of competent jurisdiction or a competent authority. This basically entails that with the help of the IT Decryption Rules, the government could break encrypted messages and reveal the identity of the person and get to know the content of messages. As the IFF highlights the impact of this clause, it also rues that this specific requirement will "break existing protocols for the deployment of end-to-end encryption that has been built through rigorous cybersecurity testing over the years" (Bapat et al., 2021).

One of the most significant and lasting amendments to the IT Rules was steered through the regulation of Digital News Media (DNM) and Over The Top (OTT) media service platforms. Exhibiting an excessive delegation of power, this regulation establishes a non-judicial adjudicatory process by creating an "oversight committee", to resolve grievances regarding content published by DNM and OTTs. It is important to note that the original IT Act does not empower the government to approve this regulation without the consent of the parliament. However, instead of taking recourse to the rightful passage of a Bill in the parliament, this policy was adopted by expanding the ambit of the original IT Act, to include digital news media and OTT platforms. This approximates to a Constitutional violation, since no legislation can be amended through an executive order without the parliament deliberating on the issue. In one broad sweep, the law that was meant to protect and ensure freedom of the press, was manipulated to have a chilling effect not only on the free speech of publishers but also the right to access information for consumers of content.

It is not lost upon the citizens of India that the new IT Rules are being implemented even though they have not been discussed in the parliament. Its provisions have been invoked multiple times, the most recent being the blocking of video links of a BBC documentary that criticizes Prime Minister Narendra Modi. In response to a Right to Information query by transparency activist Venkatesh Nayak, Lok Sabha Secretariat responded that "its bulletin does not have any mention of the rules being tabled in the House" until August 2023 (The Wire Staff, 2023). Nayak finds the "reluctance of the union government to be more transparent about its actions" suspicious and wonders about the government's intentions as it continues to block content on social and digital media platforms in the name of social media reform. To deny showing the same accountability and transparency that the government expects all internet users to display, he adds, is not only hypocritical but also an "abuse of administrative discretion" (Joy, 2023). Venkatesh Nayak's apprehensions about the lack of parliamentary debates and unsatisfactory integration of public comments in the making of the IT Rules, 2023 are not unfounded. Widespread criticisms continue to unfurl, pouring in from various stakeholders, reiterating the lack of constitutionality in the structures of the policy, an inadequate representation of voices other than the government's, and a disregard for the fundamental rights to freedom of speech, expression, and privacy.

There is very little to show by way of evidence that the makers of the public policy had sincerely considered comments, feedback, and public opinion on the IT Rules prior to the policy's implementation. Following the recommendations of the Organization for Economic Cooperation and Development (OECD), the Indian Ministry of Law and Justice issued a policy on Pre-Legislative Consultation in 2014, bringing to the forefront of the Indian policy landscape a much needed but seldom visible feature of public consultation. The new policy required the Central government to supplement each draft of the policy proposal with a note justifying its necessity, its broad financial implications, and an assessment of its impact on the environment, as also on the fundamental rights and the lives and livelihoods of the people it would affect. Later, comments received from the public had to be summarized and placed on the website of the department or ministry concerned which were to be included in a note to the Cabinet along with the draft proposal (Matthan, 2022). Unfortunately, the advancements in public deliberation that could have been achieved with the Pre-Legislative Consultation Policy (PLCP) in February 2014 were stalled by the change of government in the parliamentary elections that same year. The non-obligatory nature of the PLCP 2014 allowed the new government to bypass its recommendations without justification. The Union Minister of Law and Justice stated in the Parliament that paragraph 11 of the PLCP gives sufficient leeway for any Ministry/Department to eschew it on the grounds that it is not feasible or desirable to do so (PIB Delhi, 2022). At a time when increased participation of citizen stakeholders in policy-making and other legislative processes is encouraged by democratic governments worldwide, the non-mandatory nature of the PLCP in India stands out as an anomaly. As we see in the various amendments to the IT Rules, the public consultation program was never optimally utilized to arrive at a fair and impartial decision on the policy.

Of the five amendments to the IT rules executed since the PLCP was established, only one – the IT Rules 2018 – shows extensive compilation of public comments on MEITy's website. A document, addressing the public's concern and some counter comments, is also published on the same website. However, this is the only time in the history and chronology of the various amendments to the IT Rules that we see any display of public consultation and negotiation by the Ministry over the features of the policy. In the subsequent iterations of the policy, even

when invitations to public opinions are duly posted on MEITy's website, no additional information on the place, nature or discussions of public responses are available.

This does not mean that the public were equally disinterested in sharing their opinions and suggestions with the government. The Public Comments on Draft Intermediary Guidelines Rules, 2018 (hereafter referred to as Comments on Draft IT Rules, 2018) is a document that runs over 600 pages with about 130 entries on suggestions/comments on the proposed policy. From individual citizens to large corporations, non-governmental organizations, academics, civil society groups, and media houses, this list of questions, concerns, and feedback on the Draft IT Rules, 2018's proposed amendments are notable for such an outpouring of public participation on an important policy decision. A substantial part of the feedback and concerns centred around

(a) vague language leading to indiscriminate criminalization,
(b) lack of judicial approval for clauses that curb or limit fundamental rights,
(c) the unconstitutionality of certain provisions made in the rules,
(d) encroachment upon the right to privacy and the constitutional right to freedom of speech and expression,
(e) too broad and generic definitions of terms like "national security", "fake news", "anti-national elements", "intent to spread disharmony" and "violence",
(f) over-regulation of intermediaries and excessive delegation of responsibilities upon them, and
(g) not following the best practices and measures by other countries who have successfully implemented safe internet practices (Ministry of Electronics and Information Technology [MEITy], n.d.).

None of these issues were ever addressed by the Ministry or any measures taken to assuage the concerns of the people. On the contrary as the scope of the IT Rules broadened, with each subsequent amendments rendering more and more discretionary powering in the hands the government, there was a corresponding decline in paying attention to the citizens' feedback on the policy.

The IT Rules were primarily designed to grant authority to a fact checking unit to identify internet content concerning "any business of the Central Government" as "fake, false or misleading" and mandate its removal from the Internet (PIB Delhi, 2024). What they have ended up being is a censorship mechanism that has helped a majoritarian nationalist ideology to create echo chambers for its own political benefits. It can now allow itself to disseminate its own manufactured news and extremist publicity materials with minimal accountability, creating a social capital based on rogue ideologies, and becoming an exclusive breeding ground for hate speeches and communal polarisation. Inspired by this, majority of political discourses now revolve around civilizational narratives on who belongs to India, a quest for the original and true patriot of the soil, while outsiders are randomly identified and attacked. Each year since 2018 has seen manifold increase in hate speeches and other violent acts that promote enmity between groups on the basis of religion and caste. While some of these have been registered by the police, many more escape any legal action and a negligible few are convicted. According to a recent report, as the country advances towards its general elections in 2024, anti-Muslim hate speeches have increased by "62% in the second half of 2023 compared to the first six months of the year" (Singh, 2024).The IT Rules have made themselves available to political manipulation by granting the government immunity from prosecution on one hand, and prompting it to be the arbitrator of all opinions expressed about itself in digital spaces. By avoiding any public consultation in introducing this public policy that is fundamentally a set of regulations on free speech, the state has ensured that it can be used capriciously to silence all opposing voices. In felling all dissent surrounding this specific policy, the rhetorical functions of subsequent comparable policies and liberal political discourse at large were also extinguished.

BELONGING IN A DIGITAL NATION

"Belonging" stands out as one of the most piercing questions that continue to vex the people of India. It lies at the heart of all community formations – real and imagined — whether they are decreed by birth, religion, caste, class, or of choice. Everyone shares a need to "belong," and a sense of belonging is indispensable to a person's well-being. At the same time, citizens disagree on degrees of belonging. Such disputes can be fiercely competitive, in the sense of believing that one's own community is better than others, or claiming to belong more than others which can occur when different ideas of belonging intersect and overlap, with each idea of belonging competing for primacy (Joshi, 2015). According to Joshi, "belonging" can simultaneously operate on two disparate interests. In the first one, a person belongs to, as in identifies with, a place, a people, or an institution. In the second sense, a person who "belongs" is deemed to be the possession of a place, a people, or institutions, under a possessive authority that "demands that one comply with the rules and hierarchies of the community" (Joshi, 2015). For a country as unusually heterogeneous as India, this question is not a new one. It definitely posed a dilemma for the framers of the Indian constitution as they sought to build a secular liberal democracy out of the country's complex history and diversity. The architects of the post-independent nation conceptualized India as a mosaic, not a

monolith—a polity composed of diverse linguistic, ethnic, religious, and regional identities. Today, while the outward framework of Indian democracy remains in place, its content, some argue, may have shifted.

In the eyes of its many critics, the government of India has built a thriving community on an alternative social capital of anger and hate through its management and control of digital media. For the last few years, civil society organisations have been claiming that groups of young people are being radicalised by political parties to build communal insecurities and hatred (Jain, 2023). Although religious radicalisation is not the only form in which this anger manifests itself, it is quite evident that the secularist ideals that steered the nation in the first few decades after independence, is now finding itself being replaced by "an indigenous (Hindu) concept of majoritarian nationalism". A major part of this indoctrination is enforced through a crackdown on dissent, interference into the private lives of citizens, curbing fundamental rights of minorities and extensive surveillance systems. Such manipulation of content, tone, and intent of online interactions has undoubtedly become a grave concern, says The Pew Research Center (Smith et al., 2019), possibly threatening the future of internet usage in India. Notions of belonging are warped into a narrative that is manipulated to generate polarization, and create supremacist social formations, that deeply damage the country's existing social and political fabric, at a steep cost to its fabled diversity.

The discourse of belonging, as framed by the Hindu majoritarian nationalist groups in India, is far removed from what Robert Putnam had in mind when he defended social capital as "connections among individuals" that create "social networks and the norms of reciprocity and trustworthiness that arise from them" (2000: 16). Embodied in organizations like churches, bowling leagues, reading groups, or even in less-structured conversations, such as dinner with friends or exchanges around the office coffee machine, they are called "capital," because they have value, particularly in improving the productivity of individuals and groups. Social capital, for Putnam, comes in two forms: bonding and bridging. Bonding creates a solidarity and trust between people who find similarities based on a shared identity (the in-group), but not with those who do not share this identity (the out-group). While bonding social capital can create a strong sense of belonging, it can run the risk of creating binaristic tendencies that foster an "us-versus-them" mentality. By contrast, bridging social capital brings differing groups together and sustains their attachment to each other by dismantling barriers and fostering trust between people who are not alike. Putnam argues that an abundance of social ties makes it easier for someone to find a job, resist illness, cope with stress, leading to a more satisfying life. Eventually, Putnam fosters the theory that communities and regions which are "rich in social capital, suffer less crime, educate their children better, and have more smoothly functioning economies" (Kiechel, 2000). As a shared set of behavioural norms and basic moral rules that make the functioning of a civil or political order possible, social capital stands out as a civic virtue, that which promotes an internal trust within a society, building expectations that one's "outward honesty and civility will be reciprocated by others" (Brooks, 2024: 25).

It is not that Putnam was unaware of the limits of social capital or how it can distort a benign interpretation of belonging. In politics as in religion, he observes that civic energy and resources can easily migrate into the hands of passionate extremists. It is also possible for certain public policies to impinge on social capital formation, destroying highly effective existing social networks and norms. Putnam comments that "deep-seated technological trends are radically 'privatizing' or 'individualizing' our use of leisure time" which might disrupt many opportunities for positive social-capital formation. Indiscriminate use of the Internet has exponentially grown in the past couple of decades to become the most obvious and probably the most powerful instrument of this revolution (Putnam, 1995: 75).

About two decades after Putnam's hypothesis, Jeremy Heimans and Henry Timms in their book *New Power* (2018), show the efficacy of the Internet in mobilizing new structures of power. In this innovative work, they specifically emphasize how the ability to build community or to build movements can now reside in everybody's hands. Advocating a paradigm shift in wresting authority from older, more conservative and exclusive power systems, Heimans and Timms explain that along with technology, human behaviour and expectations are also changing. It only takes one to figure out how to channel this energy and appetite in new and impactful ways. Although the interest in organizing collaborative communities is not new, "there has always been a dialectic between bottom-up and top-down, between hierarchies and networks" (Heimans and Timms, 2018). It is only recently that people can come together and organize themselves, owing to constant and ubiquitous connectivity, in ways that are "geographically boundless and highly distributed and with unprecedented velocity and reach" (2018). New models and newer methods of consolidation and communication emerge from this hyper-connectedness in the name of a new power. Yet, they might very well be transformed into rebels rallying for militant causes, with the intent and means to spread misinformation or propagate violence. Even at the height of their optimism, neither Putnam nor Heimans and Timms can hide the possibilities of abuse and wrecking of their entire project at the slightest hint of misappropriation of power. The tools that brought people closer together can also drive them further apart (2018).

When it was first launched, digitalization in India too promised many empowerments, including a dynamic digital ecosystem premised upon technology, knowledge, and culture, to integrate digital literacy with already

available resources. India's political foray into digitalization officially began when the government announced a new initiative called Digital India. To many, it was the rightful first step towards a more democratic society and a robust knowledge economy, particularly for a postcolonial nation such as India. Soon after, the foundation for a digital economy was laid with the launch of the Digital India campaign in 2015, which included infrastructure, empowerment, and governance as its main initiatives (Digital India, n.d.). Most citizens were persuaded to think that digitalization is emancipatory and empowering. When the government made internet access central to a massive emerging digital ecosystem, more and more citizens were not only encouraged but also given numerous reasons to go online. As a result, there has been an enormous growth in internet users in India in the last few years with a corresponding rise in users of social media and other digital platforms who produce extensive personal data that has now come to be accessible by the government.

A fierce critic of digital data accumulation, Shoshanna Zuboff refers to it as the rise of instrumentarian power, and compels us to see the profoundly antidemocratic vision of society and social relations that current trends of "ubiquitous computing" produce, revealing why such an undertaking is unimaginable outside the digital milieu and the logic of surveillance capitalism (2019). Surveillance capitalism rose to dominance in the US and spread to Europe and other regions of the world from the last decade of the previous century. To comprehend the magnitude of surveillance capitalism, she draws attention to a process called division of learning where people, processes, and things are reinvented as information. On the strength of its unprecedented concentrations of knowledge and power, surveillance capitalism claims human experience as raw material, free for the taking, and translates it into behavioural data while ignoring considerations of individuals' rights, interests and awareness. Ironically, the power of surveillance capitalism does not originate in the state, and its effects cannot be reduced to or explained simply by technology or ill intentions of corrupt people. Instead, they are the compatible and predictable consequences of an "internally consistent" and "successful logic of accumulation" (2019). Surveillance capitalist firms dominate the accumulation and processing of information, especially information about human behaviour. Quite similar to what Heimans and Timms classify as participation farming wherein digital platforms fence in and harvest for their own gain the daily activities of millions or billions of participants, surveillance capitalism too knows a great deal about its unsuspecting participants, but does not grant them equal access to their own data, which is available only to the machines and those who control them.

As India's digital revolution progressed, the results were quite contrary to what was initially anticipated. Just as Zuboff, Heimans and Timms warn us, it quickly degenerated into a treacherous tightrope walk between democratic governance on one hand, and the practice of dissent on the other. Since then, the limitations of this project have been identified and resisted. It is now amply clear that in implementing policies of digitalization in India, multiple citizens' rights were eliminated. Deep control and regulation of all digital platforms allowed unwonted governmental interference, most notable in curbing all forms of dissent and debate. In the end, digitalization made excessive governance not only possible but entirely unrestricted.

While the MEITy continues to assert many irrefutable reasons behind its choice of legislations and regulatory provisions surrounding the IT Rules, a growing number of scholars have voiced concerns over the impact of the Rules. Sangeeta Mahapatra (2021) warns of India's gradual transformation into a surveillance democracy under the garb of becoming a digital democracy. Cautioning that trading privacy for better governance or convenience has consequences, Mahapatra recommends counter-regulatory measures that can prevent big-data misappropriation through governance-based surveillance. She calls upon the European Union (EU) to direct states like India to adopt a more moderate privacy law that does not give wide exemptions to the government; one which may broaden the "definition of unfair trade practices to include harmful types of data surveillance" and "discourage practices like centralised databases" that integrate public and private information of the citizens. For Indian journalists too, the rules define fake news in a way that makes it easier for the government to use them in a manner that justifies curbing press freedom. In an online space already inundated with vigilante publics, Indian journalists have increasingly become apprehensive about the rules that make it easier for such groups to harass and silence the press (Abhishek, 2022).

CONCLUSION: A SPACE FOR DELIBERATION

There are currently numerous petitions challenging the amendments to the IT Rules in Indian courts awaiting final decisions. Looking beyond these legal measures, it becomes imperative to find other spaces safe enough to deliberate upon the issues raised by this crisis. Rhetorical interventions based on dialogue based approaches might accomplish that desired result. Tracing the deliberative models proposed by rhetorical critics like Crowley, Hogan and Rood, two forms of rhetorical interventions can be put forward. First, that which reinforces counter-narratives of pluralism against a divisive majoritarian nationalism, and second by fostering interfaith and intercultural dialogues that addresses questions on nationhood and belonging.

Religion and politics are so pivotal to Indian social and cultural life that every competing viewpoint on the subject not only evokes heated debates, but also subtly raises awareness about tolerance and pluralism. If it isn't for this dual effect of argumentation and deliberation, India's diversity would have splintered the subcontinent into numerous parts by now. This could be a reason why its long heterogenous argumentative traditions are particularly suited for its unique multireligious needs. In his book *The Argumentative Indian* (2005), Amartya Sen describes the history of public argumentation in India and emphasizes the practice of what he calls "heterodoxy and dialogue," popular since the Vedic times (2005: ix). Sen asserts that a review of the practice of heterodoxy illustrates a remarkable trajectory speaking of the survival of public reasoning through the nation's tumultuous political and religious histories. The reach and range of this heterodoxy cannot be overstated, Sen argues, and by no account should be seen as irrelevant, particularly now more than ever. Instead, it would be productive to unequivocally reiterate the reception of heterodoxy in the country's classical past and intellectual traditions, mostly to counter the disproportionate attention given by reactionary political parties to build social capital based on an uninterrupted religious tradition (Sen, 2005). A rhetorical intervention based on the principles of heterodoxy is primarily an attempt to revitalize this neglected robust tradition of dissent.

A national ethos of heterodoxy was built piecemeal, from one deliberation to another, through the consolidated efforts of many visionaries across different historical periods. It is not that there were no ruptures in these traditions, or that there were no oppositions. This is far from upholding an incontrovertible description of deliberative performances. But what is significantly influential and dynamic is to agree to invoke a set of culturally-salient virtues, that can become a formidable force against the sectarianism of Hindutva politics. The reliance on heterodoxy can be seen as a first step in the right direction. One cannot deny that there are already too many hierarchies that plague Indian society. Hence, the evocation of a heterodoxical ethos can be an all-rounder ally to also fight against those discriminatory practices. To reform these prejudices, the people must remain committed to pluralism as the more ethical way to nurture a sense of belonging.

If the state enforces its power through public policies that work against public interests, then the revival of community based deliberative practices can become a pivotal space to articulate opinions, without the fear of persecution. Laws against free speech and coercion can be advantageous to a totalitarian regime for a short period, but in the long run they make the order's functioning impossible. While there is hardly a one size fits all solution to the problem of communal polarization, this article attempts to reinstate civil dialogue among the contending groups by arguing for a rhetorical intervention that restores faith in civic virtues. This, I believe, will imbue refreshing deliberative possibilities into spaces that precariously straddle both secular policy debates and religious politics.

REFERENCES

Abhishek, A. (2022). The state deputizing citizens to discipline digital news media: The case of the IT rules 2021 in India. *Digital Journalism*, 11(10), 1769–1787. https://doi.org/10.1080/21670811.2022.2134163

Assen, R. (2010). Introduction: Rhetoric and public policy. *Rhetoric and Public Affairs*, 13(1), 1–5. https://doi.org/10.1353/rap.0.0128

Bajaj, N. (2021). Regulating Digital Intermediaries: IT Act and the New Intermediary Guidelines, *iPleaders*. Available at: https://blog.ipleaders.in/regulating-digital-intermediaries-it-act-and-the-new-intermediary-guidelines/. (Accessed 1 August 2023).

Bapat, K., Jain, A., Gupta, A. and Singh, T. (2021). Deep dive : How the intermediaries rules are anti-democratic and unconstitutional, *Internet Freedom Foundation*. Available at https://internetfreedom.in/intermediaries-rules-2021/. (Accessed 14 April 2024).

Brooks, A. C. (2024). America's crisis of civic virtue. *Journal of Democracy*, 35(2), 23–39. https://doi.org/10.1353/jod.2024.a922831

Crowley, S. (2006). *Toward a Civil Discourse: Rhetoric and Fundamentalism*. Pittsburgh (PA): University of Pittsburgh Press. https://doi.org/10.2307/j.ctt5hjng7

Deshpande, S. (2023). Govt's Fact Check Plan: Bombay HC Says if It's Against Constitution, It Must Go, *The Times of India*. Available at: https://timesofindia.indiatimes.com/city/mumbai/govts-fact-check-plan-hc-says-if-its-against-constitution-it-must-go/articleshow/101557054.cms. (Accessed 1 August 2023).

Digital India. (n.d.). Vision & Vision Areas, *Digital India*. Available at: https://digitalindia.gov.in/vision-vision-areas/. (Accessed 1 August 2023).

Dzur, A. W. (2008). *Democratic Professionalism: Citizen Participation and the Reconstruction of Professional Ethics, Identity, and Practice*. University Park (PA): The Pennsylvania State University Press.

Faleiro, S. (2021). How an Indian Stand up Comic Found Himself Arrested for a Joke He Didn't Tell, *Time*. Available at: https://time.com/5938047/munawar-iqbal-faruqui-comedian-india/. (Accessed 6 August 2023).

Fischer, F. (2004). Professional expertise in a deliberative democracy. *The Good Society*, 13(1), 21–27. https://doi.org/10.1353/gso.2004.0027

Fischer, F. and Forester, J. (eds). (1993). *The Argumentative Turn in Policy Analysis and Planning*. London (UK): UCL Press. https://doi.org/10.1215/9780822381815

Fischer, F. and Gottweis, H. (eds). (2007). *The Argumentative Turn Revisited: Public Policy as Communicative Practice*. Durham and London (UK): Duke University Press.

Gottweis, H. (2007). Rhetoric in policy making: Between logos, ethos, and pathos, in F. Fischer and G. J. Miller (eds), *Handbook of Public Policy Analysis: Theory, Politics, and Methods* (pp. 237–250). Boca Raton (FL): CRC Press. https://doi.org/10.1201/9781420017007.ch17

Gunia, A. (2021). What the Arrest of Disha Ravi, a Climate Activist Linked to Greta Thunberg, Says About India's Crackdown on Dissent, *Time*. Available at: https://time.com/5939627/disha-ravi-india-toolkit-arrest/. (Accessed 6 August 2023).

Gupta, A. (2018). India Must Resist the Lure of the Chinese Model of Online Surveillance and Censorship #IntermediaryRules #RightToMeme #SaveOurPrivacy, *Internet Freedom Foundation*. Available at: https://internetfreedom.in/india-must-resist-the-lure-of-the-chinese-model-of-surveillance-and-censorship-intermediaryrules-righttomeme-saveourprivacy/. (Accessed 1 August 2023).

Heimans, J. and Timms, H. (2018). *New Power: How Power Works in Our Hyperconnected World—and How to Make it Work for You*. New York City (NY): Doubleday.

Hogan, M. and Rood, C. (2015). Rhetorical studies and the gun control debate: A public policy perspective. *Rhetoric and Public Affairs*, 18(2), 359–371. https://doi.org/10.14321/rhetpublaffa.18.2.0359

IFF. (2021). Explainer: How the New IT Rules Take Away Our Digital Rights, *The Wire*. Available at: https://thewire.in/tech/explainer-how-the-new-it-rules-take-away-our-digital-rights. (Accessed 1 August 2023).

Jain, N. (2023). 'Unemployed Youth is Being Radicalised', *The Citizen*. Available at: https://www.thecitizen.in/india/unemployed-youth-is-being-radicalised-898221. (Accessed 15 April 2024).

Joshi, S. (2015). What Does It Mean to Belong?, *The Hindu*. Available at: https://www.thehindu.com/opinion/lead/what-does-it-mean-to-belong/article7291978.ece. (Accessed 15 April 2024).

Joy, S. (2023). IT Act Not Tabled in Lok Sabha Even After Multiple Invocations, *Deccan Herald*. Available at: https://www.deccanherald.com/india/it-act-not-tabled-in-lok-sabha-even-after-multiple-invocations-1183864.html. (Accessed 1 August 2023).

Kiechel, W. (2000). The New New Capital Thing, *Harvard Business Review*. Available at: https://hbr.org/2000/07/the-new-new-capital-thing. (Accessed 15 April 2024).

Kumbhar, K. (2024). How Some of India's Most Active Citizens Became Quiet, Docile Subjects, *The Wire*. Available at: https://thewire.in/government/before-2014-no-one-feared-being-arrested-for-critical-posts-on-even-the-pm-what-changed. (Accessed 25 April 2024).

Mahapatra, S. (2021). Digital Surveillance and the Threat to Civil Liberties in India, *German Institute for Global and Area Studies*. Available at: https://www.giga-hamburg.de/en/publications/giga-focus/digital-surveillance-and-the-threat-to-civil-liberties-in-india. (Accessed 1 August 2023).

Matthan, R. (2022). Let's Redesign the Process of Pre-Legislative Consultation, *Mint*. Available at: https://www.livemint.com/opinion/columns/lets-redesign-the-process-of-pre-legislative-consultation-11654621720329.html. (Accessed 1 August 2023).

MEITy. (n.d.). Public Comments on Draft Intermediary Guidelines Rules, 2018, *Ministry of Electronics and Information Technology*. Available at: https://www.meity.gov.in/content/counter-comments-invited-comments-received-publicstakeholders-draft-%E2%80%9C-information-technology. (Accessed 1 August 2023).

Panjiar, T. and Waghre, P. (2023b). Statement on the Notification of the IT Amendment Rules, 2023, *Internet Freedom Foundation*. Available at: https://internetfreedom.in/statement-on-the-notification-of-the-it-amendment-rules-2023/. (Accessed 1 August 2023).

PIB Delhi. (2022). Adherence to PLCP, *Press Information Bureau*. Available at: https://pib.gov.in/PressReleasePage.aspx?PRID=1797203. (Accessed 1 August 2023).

PIB Delhi. (2023). Government Notifies Amendments…, *Press Information Bureau*. Available at: https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1914358. (Accessed 19 August 2023).

PIB Delhi. (2024). MeitY Notifies PIB Fact Check Unit as Fact Checker of Central Government, *Press Information Bureau*. Available at: https://pib.gov.in/PressReleasePage.aspx?PRID=2015786. (Accessed 15 April 2024).

Putnam, R. D. (1995). Bowling alone: America's declining social capital. *Journal of Democracy*, 6(1), 65–78. https://doi.org/10.1353/jod.1995.0002

Putnam, R. D. (2000). *Bowling Alone: The Collapse and Revival of American Community*. New York City (NY): Simon & Schuster. https://doi.org/10.1145/358916.361990

Reddy, P. (2021). New IT Rules: The Great Stretching of 'Due Diligence' Requirements Under Section 79, *The Wire*. Available at: https://thewire.in/tech/new-it-rules-the-great-stretching-of-due-diligence-requirements-under-section-79. (Accessed 1 August 2023).

Schneider, S. (2014). A crisis of public rhetoric? *JAC*, 34(1/2), 165–172.

Scollon, R. (2008). *Analyzing Public Discourse: Discourse Analysis in the Making of Public Policy*. Oxon (UK): Routledge.

Sen, A. (2005). *The Argumentative Indian: Writings on Indian History, Culture and Identity*. New York City (NY): Farrar, Straus and Giroux.

Shekhar, R. and Kumar, S. (2021). Delhi Cops Pick up 22-Year-Old Disha Ravi From Bengaluru for Sedition in Greta Toolkit Case, *The Times of India*. Available at: https://timesofindia.indiatimes.com/india/delhi-cops-pick-up-22-year-old-girl-from-bengaluru-for-sedition-in-greta-toolkit-case/articleshow/80915712.cms. (Accessed 6 August 2023).

Singh, K. (2024). Anti-Muslim Hate Speech Soars in India, Research Group Says, *Reuters*. Available at: https://www.reuters.com/world/india/anti-muslim-hate-speech-soars-india-research-group-says-2024-02-26/. (Accessed: 15 April 2024).

Smith, A., Silver, L., Johnson, C. and Jiang, J. (2019). Publics in Emerging Economies Worry Social Media Sow Division, Even as They Offer New Chances for Political Engagement, *Pew Research Center*. Available at: https://www.pewresearch.org/internet/2019/05/13/publics-in-emerging-economies-worry-social-media-sow-division-even-as-they-offer-new-chances-for-political-engagement/. (Accessed 1 August 2023).

Stark, F. M. (1996). *Communicative Interaction, Power, and the State: A Method*. Toronto (Canada): University of Toronto Press. https://doi.org/10.3138/9781487573911

The Wire Staff. (2023). New IT Rules Used but Not Considered by Committees of Subordinate Legislation of LS, RS, *The Wire*. Available at: https://thewire.in/government/new-rules-under-it-act-used-several-times-but-not-yet-tabled-in-lok-sabha. (Accessed 1 August 2023).

Tripathi, G. (2022). IFF's Statement on the Notified IT Rules Amendment, 2022, *Internet Freedom Foundation*. Available at: https://internetfreedom.in/iff-statement-on-the-notified-it-rules-amendment-2022/. (Accessed 1 August 2023).

Tutchings, T. R. (1979). *Rhetoric and Reality: Presidential Commissions and the Making of Public Policy*. Boulder (CO): Westview Press.

van Eeten, M. J. G. (2007). Narrative policy analysis, in F. Fischer and G. J. Miller (eds), *Handbook of Public Policy Analysis: Theory, Politics, and Methods* (pp. 251–269). Boca Raton (FL): CRC Press. https://doi.org/10.1201/9781420017007.ch18

Zuboff, S. (2019). *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*. New York City (NY): Public Affairs.