BREAKING THE SHACKLES WITH BLOCK CHAIN

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EXECUTIVE SUMMARY

India lacks both a clear Policy and Legislation to counter the surveillance business model of the tech giants. This has resulted in massive amounts of data collection about individuals which in turn help the tech giants to take advantage of the behavioral patterns of the individual and monetize the same. Recently, in the year 2019, India witnessed the scenario where one political party weaponized the algorithms that collect data for the tech giants. It managed to create a political communication which was unchecked and continuous that ultimately leads it power in the country. This might seem wrong to some but it was in no way illegal or against public policy as it was within the confines of the policy framework. The present paper discusses the various policy alternatives available to counter this problem. Amongst, the choices the use of blockchain technology for data collection seems to be the most transparent form of data collection.

It is evident that data collection is not going to stop therefore making the process transparent and attaching accountability to the data collector in case of abuse seems to be the most viable solution. There is a challenge when it comes to development of infrastructure or implementation of the same but it is necessary to do so. The paper further suggests a comprehensive implementation plans and lays down a blueprint to tackle limiting factors.

OVERVIEW

The objective of the present paper is to identify the policy intervention(s) to reconcile surveillance business model with multiple rights of various political parties and the citizens of India. The problem of manipulation of big data is much graver in India because of the absence of any legislation or policy governing data protection. The data of the citizens in not only being abused by the tech giants like Google and Facebook, various political parties are also abusing the platforms and services offered by such organizations to enslave the minds of the citizens for political mileage.

a. *To whom is this problem important and why?*

In the year 2019, Amnesty International published a report in which it highlighted that how the business model of Facebook and Google is threatening human rights.[i] When one reads the report together with the work of Shoshana Zuboff[ii] it becomes imperative that there is an immediate need to tackle this situation because the surveillance model has not only posed a threat to privacy of an individual but is also affecting institutions such as banks, start-ups and State as whole by undermining the democratic setup.

b. *What is the current status of the problem and why is it important now?*

The process of selective targeting through algorithms developed by the tech giants was exploited to the fullest one political party in the 2019 general elections that took place in India. The use of social media to bypass traditional media such as television and news-papers thereby ignoring the criticisms one might have to pose, this one political party managed to develop a political communication which was both interactive and continuous. The algorithms were designed to as to personalize the advertisements which would be presented to the individual using the platform and keep the individual engaged on the platform for as long as possible but the same was studied utilized by the Bhartiya Janata Party to put forth its agendas, it so easy for them as there was no criticism for this form of dialogue.

c. *What is the history of the problem, how did we get to where we are now?*

In the year 2009, it was for the first time the public learnt that google maintains the search history of the users. It was the "Arab Spring" where the world witnessed what a platform like Facebook could do.[iii] At that point it was taken in a positive connotation because the oppressed were getting a platform to voice their opinions and mobilize others against the oppression.

However, the positivity didn't last long! In a span of a decade we are witnessing how surveilling an individual can give huge economics benefits as well as political power. The biggest challenge comes when the use these platforms to voice the opinions, spread dis/information and political campaigns gets attached to constitutional and statutory rights. We have witnessed what the actions and omissions of the tech giants could do in electoral process in the year 2019 where one party silently weaponized the platform.

d. *What are some of the past attempts to deal with the problem?*

It is not that countries have tried to control the influence of Facebook for either meddling with the elections or they were apprehensive about the same. In the past the following countries have put a ban on Facebook (temporary or permanent):

1. Philippines
2. China
3. Iran
4. Syria
5. North Korea

However, if we look at these countries on a "democratic index" they would stack at the tail end of the index. So, the ban cannot be considered as successful in any sense of the imagination. This poses another problem that banning platforms like Facebook will inevitably restrict the people's freedom of speech and expression due to the levels of penetration it has managed to achieve. Therefore, concluding that any country has managed to control the influence these tech giants while balancing the rights of the individuals would be incorrect.

In the year 2019, an organization named Internet and Mobile Association of India[iv] came up with a voluntary code of ethics in order to check the abuse of social media platforms during elections that were to be held in India. The code relied heavily on reporting by the "Participants". However, there was no clarity on whom and what constitute "Participants" and who all to report to. Therefore, it was not of any help.

ANALYSIS OF OPTIONS

e. What are the goals of this policy?

Keeping in mind the influence the tech giants have and the rights which is an individual and a political party has it is of utmost importance to have policy framework which holds the various stakeholders to account for their actions/inactions. Currently, there is no clear policy governing the activity of the tech giants, political parties and the individuals when comes to privacy breaches of the citizens, violations of the ethics of electoral process as well law. Individuals and corporations are able to remain faceless and carry out their ulterior motives.

f. The possible policy alternatives for meeting the goals

Reconciling so many things and creating a check and balance mechanism is a mammoth task! Even the most developed economies are facing similar challenges. At the moment everyone around the world seems to know the problem but no one knows the solution.

g. Below are some of the policy alternatives available to India;

1.) Impose bans of various platforms as when the elections arrive and vacate the ban once the voting has taken place. This option seems to be a simple one as it requires very less resources and the ban can be imposed on grounds that the elections won't remain "*free and fair*" if the tech giants are allowed "*free flow*". However, this act will clearly come in conflict with the individual's right to voice her/his opinion and legal means of political campaign of a political party. Campaign is amongst the fundamental requisite for any political party to survive.

This option despite being feasible will set a bad precedent around the world as the act will pose questions on State capacity, will be considered as act of oppression not only at national but at international level and will have to face a barrage of legal challenges.

2.) Using blockchain to improve data management in the public sector and making it a requirement for the tech giants to shift to the technology at least in India.

There are a number of blockchain technologies and tools that the Govt. may implement in order to protect critical data and improve management of records. This intervention would require huge investments both terms of capital and human resource. This would require highly skilled and trained professionals as the infrastructure needs to be built from the scratch. However, this will ensure privacy and would be convenient in the long run as large sets of data would be maintained at the fraction of the cost. This would also require a paradigm shift in the mindset of the stakeholders who are using the web currently. Further, the implementation of the same would not be easy either, as it needs to be balanced with the State's capacity to develop and manage the infrastructure. However, if the same is selected it will integrate with "Digital India" initiative of the Indian Govt. As example, the State of Estonia as a nation has taken steps towards this path and has started developing technologies such as Keyless Signature Infrastructure (KSI) to manage public sector data.

POLICY RECOMMENDATIONS

It is recommended that India must adopt the use of blockchain technology as matter of policy, because it is not very sensible to expect the tech giants to change their methods of data collection so as to minimize the abuse, also putting blanket bans can never be a solution as the technological advancement and presence of deep net will anyway allow the public use the platforms. Also if a ban imposed there is a threat that the Govt. agency might go into denial regarding the influence these tech giants have on public behavior.

h. *Strategy for implementation of course of action*

The infrastructure for the use of blockchain technology can be developed in a phase wise manner whereby, the Govt. can choose one State and one platform for making the shift. It can then keep adding the various platforms and States as time progresses. This can be done over a period of 3-5 years given the diversity present in India both in terms of population and culture. The Govt. can appoint a dedicated team of 10-15 members who can work alongside the bureaucratic setup already present in a chosen state.

i. *Strategy for managing foreseen problems and consequences*

In order to tackle the problems of technical expertise and lack of expert professionals the Govt. can collaborate with professionals around whereby these professional can come and train the personnel of India till they are able to continue on their own. The problem of funding for development of infrastructure can be addressed in two ways:

a.) Approach World Bank for loans or

b.) Request the citizens of India to donate to start with then look for other alternatives.

CONCLUSION

We have found that the existing surveillance business model is being abused not only by the tech giants but also the political parties. The problem cannot be solved at the process level, it needs to be addressed at the institutional level. The process of surveillance by design is too developed to make changes to it now. Particularly, in India, there is both a policy gap and legislative gap to tackle the surveillance model. This is an unprecedented problem which the Country is facing and it should be addressed immediately because it has now started to undermine the democracy as whole. If remained unaddressed this problem will defeat the ideals of the Constitution itself.

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