

Digital Rights and ISP Accountability in India: An Analysis of Policies and Practices

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Executive Summary

This report presents a comprehensive evaluation of India's four largest Internet Service Providers (ISPs)—Reliance Jio, Bharti Airtel, Vodafone-Idea (Vi), and BSNL—examining their commitment to digital rights and transparency. These providers collectively serve 98% of India's internet subscribers, with Jio and Airtel commanding a dominant market share of 80.87%. The assessment comes at a critical juncture in India's digital landscape, marked by a 279.34% increase in internet subscribers from 2014 to 2024, alongside issues such as proliferation of internet shutdowns.

Adapting the Ranking Digital Rights' (RDR) 2022 methodology framework for its 2022 Telco Giants Scorecard¹, our analysis reveals significant disparities in governance structures and commitment to digital rights across these providers. Bharti Airtel emerges as the leader in governance framework implementation, maintaining dedicated human rights policies and board-level oversight. In contrast, Vi and Jio demonstrate mixed results with limited explicit human rights commitments, while BSNL exhibits the weakest governance structure with minimal human rights considerations. Notably, all ISPs lack comprehensive human rights impact assessments for their advertising and algorithmic systems.

The evaluation of freedom of expression commitments reveals systematic inadequacies across all providers. Terms and conditions are frequently fragmented and difficult to access, while providers maintain broad discretionary powers for account suspension or termination without clear appeal processes. There is limited transparency regarding content moderation practices and government takedown requests, coupled with insufficient disclosure about algorithmic decision-making systems that affect user experiences.

Privacy practices among these ISPs show minimal evolution since previous assessments, with persistent concerns about policy accessibility and comprehension. The investigation reveals limited transparency regarding algorithmic processing of personal data, widespread sharing of user data with third parties and government agencies, and inadequate user control over

¹ Ranking Digital Rights. (n.d.). *2022 RDR Telco Giants Scorecard*. Ranking Digital Rights. Retrieved October 1, 2024, from <https://rankingdigitalrights.org/tgs22>

personal information. None of the evaluated ISPs maintain clear data breach notification policies, raising significant concerns about user data protection.

The concentrated market power of Jio and Airtel, combined with weak digital rights commitments across the sector, raises substantial concerns about the state of user privacy and freedom of expression in India's digital landscape. The lack of transparency in website blocking and censorship, inconsistent implementation of blocking orders, limited accountability in handling government requests, insufficient protection of user rights, and inadequate grievance redressal mechanisms emerge as critical areas requiring immediate attention.

As India continues its rapid digital transformation, our findings underscore the urgent need for both regulatory intervention and voluntary industry reforms. The development of standardised transparency reporting, strengthened user rights protections, and robust accountability mechanisms will be crucial in ensuring that India's digital growth aligns with fundamental rights and democratic values.

Introduction

In recent years, India has witnessed a surge in internet uptake. Since 2014, India's internet subscriber base increased by 279.34%, from 251.59 million as of 31st March 2014² to 954.40 million as on 31st March 2024³, primarily driven by a sharp drop in the cost of data⁴, and the widespread availability of low-cost smartphones. The Ministry of Communications reports that the total number of internet subscribers in India increased from 251.59 million in 2014 to 954.40 million as of March 2024.⁵ This increase is also reflected in rural India, the Telecom

² Telecom Regulatory Authority of India. (2014). *Annual Report 2013-14*.

<https://traai.gov.in/sites/default/files/TRAI-Annual-Report-%28English%29%3D01042015.pdf>

³ Press Bureau of India (2024). *Universal connectivity and Digital India initiatives reaching to all areas, including tier-2/3 cities and villages*.

<https://pib.gov.in/PressReleasePage.aspx?PRID=2040566>

⁴ Id.

⁵ Id. From an average of Rs. 269 per GB in 2014 to Rs. 9.18 per GB as on 31st March 2024.

<https://pib.gov.in/PressReleasePage.aspx?PRID=2040566>

Regulatory Authority of India (TRAI) reporting that the number of rural internet subscribers has increased from 12.41 per 100 population in 2015⁶ to 43.06 per 100 population in 2024⁷.

At the same time, India faces global scrutiny for having the highest number of internet shutdowns in the world with an estimated 805 internet shutdowns as of February 2024,⁸ surpassing countries facing severe conflict such as Myanmar and Ukraine.⁹ While the official grounds for these shutdowns include public order and security, they have frequently been invoked for reasons that cannot be justified on these grounds, such as attempting to curb cheating in exams^{10,11} or routine administrative procedures. These arbitrary actions raise significant concerns regarding constitutional rights and the inappropriate use of legislative and bureaucratic power. This is further complicated by the Indian legal regime which mandates website blocking and censorship in an opaque manner. Section 69A of the Information Technology Act, 2000 empowers the government to block access to specific content on a broad set of grounds (and the orders are shared under strict confidentiality with ISPs), followed by court orders being the second most common grounds for blocking. These blocking orders are executed by ISPs. It has been observed over time that the techniques used vary across ISPs, which results in inconsistent website blocklists and vastly different experiences of website censorship across users.¹² The Indian internet landscape is characterised by a complex interplay of factors, including attempting to balance digital rights with national security concerns.

⁶ Telecom Regulatory Authority of India. (2014). *Annual Report 2014-15*.

https://www.trai.gov.in/sites/default/files/TRAI_Annual_Report_English_16052016.pdf

⁷ Telecom Regulatory Authority of India. (2024). *Information Note to the Press*.

https://traigov.in/sites/default/files/PR_No.20of2024.pdf

⁸ Basuroy, T. (2024, February 26). *India: Number of internet shutdowns by state 2024*. Statista.

<https://www.statista.com/statistics/1096512/india-number-of-internet-shutdowns-by-state/>

⁹ Id.

¹⁰ Times of India. (2024). *Jharkhand Suspends mobile internet to check malpractice during exam: All you need to know*.

<https://timesofindia.indiatimes.com/india/jharkhand-suspends-mobile-internet-to-check-malpractice-during-exam-all-you-need-to-know/articleshow/113539597.cms>

¹¹ NDTV. (2024). *Temporary Internet Shutdown In Assam Tomorrow To Stop Cheating In Recruitment Exam*.

<https://www.ndtv.com/india-news/temporary-internet-shutdown-in-assam-tomorrow-to-stop-cheating-in-recruitment-exam-6566135>

¹² Singh, K. Grover, G. Bansal V. (2020, May) *How India Censors the Web*. The Centre for Internet and Society. <https://cis-india.org/internet-governance/how-india-censors-the-web-websci>

These factors underscore the need for a comprehensive evaluation of ISPs' role between the state and consumers, with the power to control access to the internet by prioritising government directives and internal policies over user rights; their role as significant data fiduciaries; and the concentrated market power of a few ISPs (for instance, just 2 private ISPs, Reliance Jio Infocomm and Bharti Airtel, constitute over 80% of the market)¹³. Digital rights enable individuals to access information freely, express themselves without fear of censorship, and control their personal data while using the internet. In this report, we evaluate the 4 largest Indian ISPs that constitute 98% of market share, whether these companies uphold digital rights principles in their operations, and their overall commitment to fostering a free, inclusive and secure internet in India.

This report adopts the methodology developed by Ranking Digital Rights (RDR) to evaluate ISPs on their official commitments to privacy, freedom of expression and information. RDR also examined Airtel and Vodafone Group's global policies in 2022, amongst 10 other global telecommunications companies. Currently, 95% of the Indian internet-provider landscape is dominated by three privately-owned ISPs, reflecting the trend of consolidation observed in India's telecommunications sector over the past decade. State-owned Bharat Sanchar Nigam Limited (BSNL) ranks fourth, but trails far behind with only a 2.89% market share.¹⁴ Our analysis focuses on the four largest ISPs within this ecosystem, namely Bharti Airtel (Airtel), Reliance Jio Infocomm (Jio), Vodafone-Idea (Vi), and Bharat Sanchar Nigam Limited (BSNL).

Reliance Jio Infocomm ("Jio") has a subscriber base of 481.01 million internet subscribers and a market share of 50.40%, making it the largest telecommunications operator in India. Bharti Airtel ("Airtel") holds 30.47% of market share with 290.83 million subscribers, followed by Vodafone India ("Vi") with 137.36 million subscribers and 14.39% market share. Bharat Sanchar Nigam Limited ("BSNL") constitutes 2.89% of the market, with 27.57 million subscribers. BSNL is the only wholly state-owned ISP in this list.¹⁵

¹³ Telecom Regulatory Authority of India. (2024) . *The Indian Yearly Performance Indicators 2023-24*. https://www.trai.gov.in/sites/default/files/Report_14082024.pdf

¹⁴ Ministry of Communications. (2024, August 2). *Universal connectivity and Digital India initiatives reaching to all areas, including tier-2/3 cities and villages*. Press Information Bureau. <https://pib.gov.in/PressReleasePage.aspx?PRID=2040566>

¹⁵ Telecom Regulatory Authority of India. (2024) . *The Indian Telecom Services Performance Indicators January–March, 2024*. https://www.trai.gov.in/sites/default/files/QPIR_04072024_0.pdf

Objective, Methodology, and Scope of Study

This assessment adopts the evaluation framework used by Ranking Digital Rights (RDR) in its 2022 Telco Giants Scorecard¹⁶, as part two of its sixth annual rankings, previously released as the RDR Corporate Accountability Index. The 2022 Telco Giants Scorecard is an evaluation of 12 major global telecommunications companies headquartered in 10 different countries, grounded in international human rights standards, including the UN Guiding Principles on Business and Human Rights. The scorecard evaluated over 300 aspects of companies' policies relevant to users' digital rights in three key areas: corporate governance, freedom of expression, and privacy. RDR developed 58 indicators across the three areas, as listed below. Each indicator carries sub-questions to determine companies' disclosure for that element. For example, the 'Policy Commitments' indicator under the Governance category seeks to answer whether the company has published a formal policy commitment to respect users' human rights to freedom of expression and information and privacy.

Category	RDR Indicators
Governance	Policy commitments, Governance and management oversight, Internal implementation, Human rights due diligence, Stakeholder engagement and accountability, Remedy and appeals.
Freedom of Expression	Access to policies, Notification of policy changes, Process for policy enforcement, Process for responding to third-party requests to restrict content or accounts, Data about government demands to restrict for content and accounts, Data about government demands to restrict for content and accounts, User notification about content and account restriction, Network management (telecommunications companies), Identity policy, Algorithmic content curation, recommendation, and/or ranking systems, Automated software agents ("bots").
Privacy	Access to privacy policies, Notification of changes, User information collection and inference, Sharing of user information, Purpose for

¹⁶ Ranking Digital Rights. (n.d.). 2022 RDR Telco Giants Scorecard. Ranking Digital Rights. Retrieved October 1, 2024, from <https://rankingdigitalrights.org/tgs22>

	collecting, inferring, and sharing user information, Retention of user information, Users' control over their own user information, Users' access to their own user information, Collection of user information from third parties, Process for responding to demands for user information, Data about demands for user information, User notification about third-party requests for user information, Security oversight, Addressing security vulnerabilities, Data breaches, Encryption of user communication and private content (digital platforms), Account Security (digital platforms), Inform and educate users about potential risks.
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The RDR methodology only evaluates information that companies disclose publicly, and we replicate this aspect in our approach.

In this report, we evaluate Indian ISPs' publicly available documentation—company policies and reports (such as Annual Reports published by ISPs)— against the indicators developed by RDR. Our methodology differs from the RDR framework in the following aspects:

- While we have not not employed RDR's scoring or ranking system; our approach seeks to provide a comprehensive qualitative comparative assessment of each ISP's policies and practices.
- Our evaluation does not include zero-rating practices. Zero-rating for internet services is prohibited under the net neutrality regulations established by the Telecom Regulatory Authority of India (TRAI), making the assessment of zero-rating practices inapplicable to the Indian ISP landscape.
- Our evaluation does not encompass data on volume and nature of actions taken to restrict user accounts and content enforcement, since such public disclosure is prohibited under Indian law. Rule 16 of the Blocking Rules of 2009 allows the government to keep the reasons for the blocking confidential if the government claims

that the blocking is done for national security reasons,¹⁷ and the ISPs are required to maintain confidentiality.

Accordingly, we collected the necessary publicly available documentation and analysed it to arrive at findings on the indicators listed in the table (above). We developed summaries of ISPs' performance on these indicators, which form the rest of this report.

Separately, three excel sheets carry more detailed findings on Governance, Freedom of Expression and Privacy, accompanying this report. Our evaluation in the excel sheets uses an adapted version of the RDR framework. We focus on qualitative assessment rather than numerical scoring, and our findings are limited to the level of disclosure (“yes”, “partial disclosure”, “no disclosure”, and “no”) by each ISP based on one of the following possible answers: **Yes** means that the ISP's disclosures completely satisfy the assessment criteria. **Partial disclosure** indicates that the ISP's public disclosures are not comprehensive enough to meet all aspects of the assessment criteria. **No disclosure** means that we were unable to find the relevant information on the company's website. On the other hand, **No** indicates that while the company has publicly available information relevant to the question, it does not answer the sub-indicator or specific elements of the question.

Evaluation of ISP Policies and Processes

This section examines the four Internet Service Providers (ISPs) through three critical lenses—governance, freedom of expression, and privacy. We begin with an introduction to each, and their significance in the context of our evaluation. Within each lens, we then analyse each ISP and assess them against a set of specific sub-indicators. This evaluation enables a systematic comparison of how each ISP measures in terms of governance, and their commitment to freedom of expression and privacy.

¹⁷ Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 (n.d.)
<https://cis-india.org/internet-governance/resources/information-technology-procedure-and-safeguards-for-blocking-for-access-of-information-by-public-rules-2009>

A. Governance

Governance indicators for ISPs assess the extent to which these companies integrate human rights considerations into their operations and policies. These indicators examine various aspects of an ISP's approach to human rights, including their formal commitments, management oversight, and practical implementation of human rights principles. They evaluate the ISP's due diligence processes in identifying and mitigating human rights risks across different areas of their business. These indicators also consider how ISPs engage with stakeholders, are transparent in their approach to upholding users' rights, and provide remedies for potential human rights violations. To evaluate how ISPs meet these criteria, we looked at the following policies and processes:

- a. **Annual Reports and Corporate Governance Reports:** These provide comprehensive information of the company's overarching corporate governance structures, and may additionally include details on how human rights issues are managed at the board, executive and management level, company policies and processes, employee training, auditing processes and reports, and details of complaints received and disposed of.
- b. **Business and Sustainability Reports:** These detail the company's approach to stakeholder engagement and social responsibility. Some reports include clear commitments to human rights, although this varies by company.
- c. **Terms and Conditions:** This outlines how the company enforces company policies in its dealings with users and third parties.
- d. **Privacy Policies:** Privacy Policies outline how the company handles user data and is crucial for assessing privacy-related risks and commitments. These usually include a general Privacy Policy, as well as privacy policies for specific services and products.
- e. **Code of Conduct:** This lays out expected behaviour from employees, and often include commitments to ethical practices. Violations of Code of Conduct are usually a primary ground for whistleblower complaints.
- f. **Human Rights Policies:** These explicitly outline the company's commitment to human rights, sometimes including digital rights such as freedom of expression and privacy.
- g. **Human Rights Due Diligence:** Companies are mandated to conduct regular financial and governance audits. While a formal commitment to regular human rights impact

assessments and auditing processes is not mandated by law, it does indicate whether the company proactively identifies and mitigates human rights risks.

- h. **Consumer Telecom Charter:** The company's Consumer Telecom Charter contains specific commitments related to user rights in their contractual relationship with the company.
- i. **Whistleblower Policies:** This policy lays out mechanisms for internal accountability and provides channels for reporting breaches of code of conduct, and in some cases potential digital rights violations.
- j. **Advertising Policies (including for Targeted Advertising):** A company's Advertising Policy provides greater insight into how it manages the potential privacy implications of its advertising practices.
- k. **Grievance and Redressal Mechanisms:** These mechanisms outline processes for addressing violations of privacy and freedom of expression rights.
- l. **Employee Training on Privacy and Freedom of Expression Rights:** Regular employee training demonstrates whether the ISP operationalises its commitments to digital rights.
- m. **Stakeholder Engagement:** The company's proactive engagement with stakeholders on digital rights issues are an important indication of its commitment to upholding the rights of its users.

Findings

In this section, we evaluate how each ISPs fares against the criteria for governance.

Vodafone-Idea (Vi)

- a. **Human rights policy commitments:**
 - Vi lacks a dedicated Human Rights Policy. However, its parent company, Vodafone Group, has a dedicated **Human Rights Policy**¹⁸ which outlines commitments to protect freedom of expression, privacy, child online safety, labour rights, and responsible sourcing and is applicable to all the countries in which it operates.

¹⁸ Vodafone. (n.d.). *Vodafone Human Rights Policy*. Vodafone. Retrieved October 1, 2024, from <https://www.vodafone.com/sustainable-business/maintaining-trust/human-rights/our-policy>

- Vi's commitment to privacy is contained in its **Privacy Policy**¹⁹ as well as its **Code of Conduct**²⁰, where it commits to implementing the United Nations Guiding Principles on Business and Human Rights in its operations and delineates various human rights commitments that include privacy. It outlines a privacy-by-design approach and emphasizes employee adherence to privacy principles. The Code also addresses the necessity of balancing user privacy with legal obligations when responding to law enforcement requests for personal information.²¹ However, the company lacks any specific commitments to freedom of expression and right to information in its India-specific policies and operations.
 - Notably, Vi lacks any clear policy commitment to human rights concerning its development and use of **algorithmic systems**. However, the Vodafone Group published its approach to responsible use of AI technologies in 2019.
- b. **Internal governance and oversight:** Vi demonstrates an inconsistent approach to its internal implementation of human rights.
- It does not publicly disclose whether its Board or management has dedicated oversight over human rights-related practices.
 - According to the company's **Annual Report (2022-23)**,²² 15,604 employees received training on "human rights issues and policy(ies) of the entity" in FY 2022-23. However, the report does not specify whether these trainings address freedom of expression, information, or privacy issues.
 - Vi's whistleblower **Speak Up Policy**²³ encourages employees to report concerns related to unethical behaviour or breaches of the company's code of conduct—"You must also report abuse of our systems, processes or policies. This

¹⁹Vodafone Idea Limited. (n.d.-c). *Privacy Policy*. MyVi. Retrieved October 1, 2024, from <https://www.myvi.in/privacy-policy>

²⁰ Vodafone Idea Limited. (n.d.-a). *Code of Conduct*. MyVi. Retrieved October 1, 2024, from https://www.myvi.in/content/dam/microsite/pdfs/corporategovernance/CodeOfConduct_VIL.PDF

²¹ Id.

²² Vodafone Idea Limited. (2023, May 25). *Annual Report 2022-23*. MyVi. https://www.myvi.in/content/dam/microsite/pdfs/annual-reports-page/annual-report/2022-23/Annual_Report_2022-23.pdf

²³ Id.

could be bullying or harassment, a conflict of interest, danger to the health and safety of employees or the public, **potential abuses of human rights** or serious environmental issues.” **Breach of data privacy** is explicitly mentioned as an area of concern, but there is no similar mention of freedom of expression and information rights.

c. **Human rights impact assessments:**

- Vi does not disclose any formal human rights impact assessment processes.²⁴
- While the company reports that it conducts regular customer privacy and data security audits, it provides no further details about these processes.
- Additionally, there is no clear evidence of engagement with external stakeholders, particularly its user community, regarding the human rights impacts of its policies.

d. **Grievance redressal:**

- Vi has implemented a two-tier grievance redressal mechanism which is detailed on its website²⁵ and in its **Telecom Consumer Charter**²⁶.
- **Privacy** complaints can be directed to its Privacy Officer, the procedure for which is outlined in its Privacy Policy. However, as a reflection of its overall lack of commitment to freedom of expression and information rights, these particular rights are not explicitly mentioned as areas of complaint within any of its grievance redressal mechanisms.
- Timelines for complaint resolution remain unclear. While the company states that the Appellate Authority will resolve **appeals** within 30 days of receipt, concrete timelines for complaint resolution remain undisclosed.

²⁴ This lack of disclosure extends to assessments of how: local laws may impact privacy, freedom of expression, and information rights; the impact of its targeted advertising (despite operating its own AI/ML advertising platform); the effects of its algorithmic systems; and the implications of its **Terms and Conditions**.

Vodafone Idea Limited. (n.d.-f). *Terms and Conditions*. MyVi. Retrieved October 1, 2024, from <https://www.myvi.in/vodafone-idea/terms-and-conditions>

²⁵ Vodafone Idea Limited. (n.d.-g). *Vi Customer Care Number*. MyVi. Retrieved October 1, 2024, from <https://www.myvi.in/help-support/vi-customer-care-number>

²⁶ Vodafone Idea Limited. (n.d.-e). *Telecom Consumer Charter*. MyVi. Retrieved October 1, 2024, from https://www.myvi.in/content/dam/vodafoneideadigital/StaticPages/consumerimages/misc/Vi_Telecom_Consumer_Charter_ENG.pdf

- On a positive note, Vi's Annual Report discloses the number of **data privacy-related complaints** received. While this demonstrates some degree of transparency, it is silent on complaints related to freedom of expression and information.
- Notably, Vi is the only ISP out of those analysed to maintain a **Responsible Disclosure Policy**²⁷ which encourages external security researchers to proactively report security vulnerabilities.

Airtel

a. Human rights policy commitments:

- Airtel's **Human Rights Policy**²⁸ acknowledges respect for human rights in accordance with the Indian Constitution, applicable Indian labour laws, and international standards such as the UN Universal Declaration of Human Rights. However, the policy's specific commitment to freedom of opinion and expression is limited to its employees, while its commitment to access to information only focuses on information about its services.
- In contrast, Airtel's commitment to privacy is more robust, with explicit principles outlined in its **Human Rights Policy** and **Online Privacy Policy**²⁹. The company pledges to protect data privacy for employees, customers, and suppliers, committing to non-disclosure of information without explicit consent unless required by law. It also strictly prohibits misuse of technologies, electronic devices, and data.

b. Governance and oversight:

- Airtel's Board of Directors, through its Risk Management Committee (RMC) and Audit Committee, oversees privacy-related practices. However, there is no clear

²⁷ Vodafone Idea Limited. (n.d.-d). *Responsible Disclosure*. MyVi. Retrieved October 1, 2024, from <https://www.myvi.in/Responsible-Disclosure-Policy>

²⁸ Bharti Airtel Limited. (n.d.-c). *Bharti Airtel Limited Human Rights Policy*. Airtel. Retrieved October 1, 2024, from <https://www.airtel.in/sustainability-file-embedding-sustainability-human-rights-policy>

²⁹Bharti Airtel Limited. (2024, June 12). *Online Privacy Policy*. Airtel. <https://www.airtel.in/privacy-policy/>

disclosure of board oversight specifically for freedom of expression and information issues.

- While the company does not explicitly mention employee training on human rights, it trains its employees on its **Code of Conduct**³⁰, which includes some human rights aspects. The company's latest **Integrated Report and Annual Financial Statements (2022-23)** state that 99.4% of employees received this training. While privacy is explicitly covered within the CoC, freedom of expression and information are not specifically mentioned, indicating a gap in comprehensive human rights training.³¹
- The company maintains a **Vigil Mechanism/Ombudsperson Policy**³² allowing employees to anonymously report breaches of its Code of Conduct. This mechanism covers privacy concerns but lacks explicit mention of freedom of expression and information rights.

c. Human rights due diligence:

- Airtel conducts annual human rights due diligence, assessing risks across its operations and contractors. This process includes monitoring various human rights subjects, including privacy and information security. However, these assessments do not explicitly address freedom of expression or information risks.
- The company's approach to targeted advertising also raises concerns—Airtel's advertising platform, **Airtel Ads**³³, boasts precision targeting capabilities based on extensive user data. However, there is no disclosure of any privacy or freedom of expression impact assessments related to these practices.

³⁰ Bharti Airtel Limited. (n.d.-b). *Bharti Airtel Limited Code of Conduct*. Airtel. Retrieved October 1, 2024, from <https://assets.airtel.in/teams/simplycms/web/docs/Code-of-Conduct-2022.pdf>

³¹ Bharti Airtel Limited. (n.d.-d). *Integrated Report and Annual Financial Statements 2022-23*. Airtel. Retrieved October 1, 2024, from https://assets.airtel.in/teams/simplycms/ADTECH/docs/Integrated_Report_and_Annual_Financial_Statements.pdf

³² Bharti Airtel. (n.d.-e). *Vigil Mechanism/Ombudsperson Policy*. Airtel. Retrieved October 1, 2024, from https://assets.airtel.in/static-assets/selfcare/pdf/Vigil_Mechanism_Policy.pdf

³³ Bharti Airtel. (n.d.-a). *Airtel Ads*. Retrieved October 1, 2024, from <https://www.airtel.in/ads/marketing.html>

- Stakeholder engagement also appears limited. While Airtel has a **Community Grievance Redressal Policy**³⁴, it functions more as a complaint mechanism than an active engagement platform. The company does not disclose participation in multi-stakeholder initiatives addressing the full range of users' fundamental rights.

d. Grievance redressal:

- As part of its remedy and appeals process, Airtel provides a complaint mechanism on its website³⁵ and in its **Telecom Consumers Charter**³⁶. This mechanism explicitly covers privacy issues, with a dedicated point of contact for privacy concerns. However, it does not specifically address freedom of expression or information rights.
- The company publishes the number of consumer complaints received and pending in its **Integrated Report and Annual Financial Statements (2022-23)**³⁷, including data privacy complaints, but does not identify freedom of expression and information grievances.

Jio

a. Human rights policy commitments:

³⁴Bharti Airtel Community Grievance Redressal Policy. (n.d.). *Bharti Airtel Community Grievance Redressal Policy*. Retrieved October 1, 2024, from <https://assets.airtel.in/teams/simplycms/web/docs/Community-210222.pdf>

³⁵ Bharti Airtel. (n.d.-a). *How to contact Airtel customer care?* Airtel. Retrieved October 1, 2024, from <https://www.airtel.in/contact-us>

³⁶ Bharti Airtel. (n.d.-b). *Telecom Consumers Charter (Mobile and Fixed Line Services)*. Airtel. Retrieved October 1, 2024, from https://assets.airtel.in/teams/simplycms/ADTECH/docs/Airtel_Telecom_Consumers_Charter_Sept_23.pdf

³⁷ Bharti Airtel Limited. (n.d.-d). *Integrated Report and Annual Financial Statements 2022-23*. Airtel. Retrieved October 1, 2024, from https://assets.airtel.in/teams/simplycms/ADTECH/docs/Integrated_Report_and_Annual_Financial_Statements.pdf

- Jio lacks its own clearly defined and explicit human rights policy, partially relying on its parent company's (Reliance India Ltd.) broader commitments.
- RIL's **Code of Conduct**³⁸ mentions a commitment to human rights, focusing on issues such as child labour, human trafficking, and forced labour. However, this commitment does not explicitly address freedom of expression and the right to information, resulting in only partial alignment with international human rights standards.
- On the privacy front, Jio incorporates commitments within various privacy policies and governance frameworks. The company's general **Privacy Policy**³⁹ and **JioOnline Privacy Policy**⁴⁰ outline this commitment. Its most recent **Annual Report (2023)**⁴¹ identifies “Data Privacy & Information Security” as a high-priority area.
- However, in line with all the other ISPs analysed, the company does not disclose any policy commitment to human rights in its development and use of algorithmic systems.

b. Governance and oversight:

- Jio does not clearly disclose any board-level or executive-level oversight specifically for freedom of expression and information issues. However, the company has established an Ethics and Compliance Task Force (ECTF) that oversees ethical business practices, including aspects related to privacy. The ECTF reports to the Audit Committee quarterly regarding ethics and non-compliance complaints.
- Jio's approach to internal implementation of human rights principles appears inadequate. While the company conducts various training programs for

³⁸Reliance Industries Limited. (n.d.). *Code of Conduct*. RIL. Retrieved October 1, 2024, from <https://www.ril.com/sites/default/files/2022-12/Code-of-Conduct.pdf>

³⁹ Reliance Jio Infocomm Limited. (n.d.-f). *Privacy Policies*. Jio. Retrieved October 1, 2024, from <https://www.jio.com/jcms/en-in/jio-privacy-policy/>

⁴⁰ Reliance Jio Infocomm Limited. (n.d.-e). *JioOnline Privacy Policy*. Jio. Retrieved October 1, 2024, from <https://www.jio.com/jiobusiness/jioonline-privacy-policy>

⁴¹ Reliance Jio Infocomm Limited. (n.d.-a). *Annual Report 2023*. Jio. Retrieved October 1, 2024, from <https://jep-asset.akamaized.net/jio/investor-relations-debenture/rjl/other-documents/annual-report-of-fy-2022-23.pdf>

employees on general ethical conduct, there is no specific disclosure of training on privacy, freedom of expression, or information rights.

- The company has implemented a **Vigil Mechanism and Whistle-Blower Policy**⁴², which allows for reporting of unethical behaviour and breaches of the company's Code of Conduct. However, this policy does not explicitly mention freedom of expression or information rights as specific categories for reporting. Privacy-related concerns are implicitly covered under breaches of the Code of Conduct, but are not explicitly mentioned.

c. Human rights due diligence:

- Jio's human rights due diligence processes also appear to be lacking. There is no evidence of formal assessments regarding how local laws impact freedom of expression, information rights, or privacy. The company seems to focus more on compliance and alignment with governmental regulations rather than proactively assessing impacts on user rights.
- The company's approach to targeted advertising raises additional concerns. While Jio's various **Privacy Policies** outline how personal information is collected and used for purposes including targeted advertising, there is no disclosure of any assessment of privacy, freedom of expression, or information risks in this context. Similarly, there is no disclosure of impact assessments for algorithmic systems.
- Stakeholder engagement appears to be a significant weakness, with no evidence of participation in multi-stakeholder initiatives or systematic engagement with non-industry stakeholders on these issues.

d. Grievance redressal: Jio's public disclosures of its grievance redressal mechanisms are inconsistent in their comprehensiveness and accessibility.

⁴²Reliance Jio Infocomm Limited. (n.d.-b). *Jio Platforms Limited Vigil Mechanism and Whistle-blower Policy*. Jio. Retrieved October 1, 2024, from <https://jep-asset.akamaized.net/jio/policy/Vigil-Mechanism-and--Whistle-blower-Policy.pdf>

- For instance, Jio's grievance redressal mechanism is easily accessible on its **website**⁴³. However, the Appellate Authority is only mentioned in the company's **Consumer Telecom Charter**⁴⁴, which is not easily accessible to general users. While the company's **Privacy Policy**⁴⁵ provides for a Privacy Grievance Officer, this information is not included in its Consumer Charter.
- Importantly, there is no clear disclosure of procedures to rectify privacy, freedom of expression, and information-related grievances.
- Additionally, the company does not disclose the number of complaints it has received, or any concrete timelines for resolution of these complaints.

BSNL

- Human rights policy commitments:** BSNL's formal human rights commitments are limited and lack clarity.
 - While the company's **social commitment**⁴⁶ aligns with the national goal of expanding telecommunications services, including to underserved areas, it does not outline a formal human rights policy or a clear commitment to individual rights such as freedom of expression.
 - As a Government of India enterprise, BSNL falls within the purview of the **Right to Information Act, 2005**⁴⁷, which mandates a commitment to the right to information of citizens of India. As such, the company has established

⁴³ Reliance Jio Infocomm Limited. (n.d.-c). *Jio Support*. Jio. Retrieved October 1, 2024, from <https://www.jio.com/help/contact-us#/>

⁴⁴ Reliance Jio Infocomm Limited. (n.d.-l). *Telecom Consumer Charter*. Jio. Retrieved October 1, 2024, from <https://jep-asset.akamaized.net/jio/regulatory/rjil-telecom-charter-2024.pdf?downloadPdf=true&pdfname=rjil-telecom-charter-2024.pdf>

⁴⁵ Reliance Jio Infocomm Limited. (n.d.-f). *Privacy Policies*. Jio. Retrieved October 1, 2024, from <https://www.jio.com/jcms/en-in/jio-privacy-policy/>

⁴⁶ Bharat Sanchar Nigam Limited. (n.d.-f). *Social Commitment*. BSNL. Retrieved October 1, 2024, from https://www.bsnl.co.in/opencms/bsnl/BSNL/about_us/others/social_commitment.html

⁴⁷ Right to Information Act, 2005. https://cic.gov.in/sites/default/files/RTI-Act_English.pdf

structured processes for information access, including appointing designated officers and providing online facilities for RTI requests.⁴⁸

- Regarding privacy, BSNL provides a general commitment via its **Privacy Policy**⁴⁹, which outlines the collection, use, disclosure, and security of personal information. However, this policy lacks specific assurances or detailed practices for user privacy protection.
- There is no disclosure of any policy commitment to human rights in the development and use of algorithmic systems.

b. Governance and oversight:

- BSNL does not adequately disclose any governance and management oversight over human rights issues. While the company's management is vested in its Board of Directors, including various committees such as the Audit Committee and Corporate Social Responsibility Committee, there is no indication of formal oversight over how company practices affect privacy, freedom of expression, and the right to information.
- The company's internal implementation of human rights principles is inadequate. BSNL's **Human Resources Development**⁵⁰ focuses primarily on technological skills training for employees, with only a brief mention of conducting employee training to "advance understanding of RTI."
- The company maintains a **Whistle Blower Policy**⁵¹ allowing employees to report unethical behaviour or violations of company guidelines. However, this policy does not explicitly identify violations against users' privacy, freedom of expression, or information rights as reportable concerns.

⁴⁸ Bharat Sanchar Nigam Limited. (n.d.-e). *Right to Information*. BSNL. Retrieved October 1, 2024, from https://www.bsnl.co.in/opencms/bsnl/BSNL/about_us/right_to_information.html

⁴⁹ Bharat Sanchar Nigam Limited. (n.d.-d). *Privacy Policy*. BSNL. Retrieved October 1, 2024, from <https://portal.bsnl.in/myportal/PrivacyPolicy.jsp>

⁵⁰ Bharat Sanchar Nigam Limited. (n.d.-b). *Human Resources Development*. BSNL. Retrieved October 1, 2024, from https://www.bsnl.co.in/opencms/bsnl/BSNL/about_us/hrd/index.html

⁵¹ Bharat Sanchar Nigam Limited. (n.d.-h). *Whistle Blower Policy*. BSNL. Retrieved October 1, 2024, from

https://bsnl.co.in/opencms/bsnl/BSNL/about_us/pdf/WHISTLE_BLOWER_POLICY_OF_BSNL.pdf

c. Human rights due diligence:

- BSNL's human rights due diligence processes appear to be non-existent or undisclosed.
- There is no indication that the company actively monitors or assesses the implications of laws and regulations on privacy, freedom of expression, or information rights.
- The company does not disclose whether it assesses risks associated with enforcing its terms of service or its targeted advertising practices.
- In its approach to algorithmic systems, while BSNL engages in some technological initiatives that may involve such systems (e.g., **BSNL SaaS**⁵²), there is no public disclosure of impact assessments related to these systems.
- Stakeholder engagement is another area of significant weakness. BSNL explicitly states in its **Information Manual**⁵³ that as a commercial organisation, it does not require consultation with members of the public prior to formulating its internal policies.

d. Grievance redressal: BSNL's remedy and appeals processes are structured and comprehensive in comparison to the other examined ISPs, but lack specific redressal for rights violations.

- a. The company's **Consumer Grievances** page⁵⁴ and **Telecom Consumer Charter**⁵⁵ detail a grievance mechanism for user complaints via various channels. However, there is no explicit mention of complaints regarding violations of freedom of expression or privacy.

⁵² Bharat Sanchar Nigam Limited. (n.d.-a). *About BSNL SaaS*. BSNL. Retrieved October 1, 2024, from https://www.bsnl.co.in/opencms/bsnl/BSNL/index_L.html

⁵³ Bharat Sanchar Nigam Limited. (n.d.-c). *Information Manual*. Retrieved October 1, 2024, from https://bsnl.co.in/opencms/export/finresult/INFORMATION_MANUAL_2023-24_Final_Jun.pdf

⁵⁴ Bharat Sanchar Nigam Limited. (n.d.). *Consumer Grievances*. BSNL. Retrieved October 1, 2024, from https://www.bsnl.co.in/opencms/bsnl/BSNL/about_us/others/consumer_grievances.html

⁵⁵ Bharat Sanchar Nigam Limited. (n.d.-a). *About BSNL SaaS*. BSNL. Retrieved October 1, 2024, from https://www.bsnl.co.in/opencms/bsnl/BSNL/index_L.html

- b. The company discloses timeframes for its grievance procedures and publishes the number of RTI applications and appeals disposed of annually. However, there is no disclosure of complaints related to freedom of expression or privacy, nor any evidence of providing remedy for these types of grievances.

B. Freedom of Expression

In the freedom of expression category, we examine how transparent ISPs are about their policies around advertising, data and content restrictions; and their policies on government and private requests for restricting content, and network shutdowns. To evaluate how ISPs meet these criteria, we looked at the following policies and processes:

- a. **Terms and Conditions:** Terms and Conditions constitute the legal relationship between the company and user, and lay down permissible and prohibited activities for users. They provide the basis for restricting and/or removing content and user accounts. Companies should publish user-comprehensible Terms and Conditions, with a high standard of transparency.
- b. **Content removal and restriction:** This pertains to procedures applied in response to government and private requests to restrict content or accounts. Further, whether companies notify users regarding actions on their accounts and content.
- c. **Advertising Policy and Advertising-targeting Policies:** Users should have clarity on which types of advertising content are permitted and prohibited, along with grounds for prohibiting ads. Also, companies regularly share personal data with third-parties to deliver ads to users, and should make available information to users about what personal data is being shared.
- d. **Use of algorithmic systems:** The company's use of AI systems while providing service to users should be disclosed in a special policy or in its privacy policy.
- e. **Network shutdowns:** Companies should strive to be as transparent as possible regarding the procedure of enforcing internet-shutdowns, and notifying users.

Findings

In this section, we evaluate how each ISPs fares against the criteria for freedom of expression.

Vodafone-Idea (Vi)

- a. **Terms and Conditions:** Vi's terms and conditions are neither easy to access nor understand. Vi's **Terms and Conditions of Service**⁵⁶, only concern the use of the website. The Terms and Conditions for its prepaid and postpaid services are only available in the **Telecom Consumer Charter**⁵⁷ (which is not navigable via its website⁵⁸), and further states that the customer is additionally bound by the Customer Application Form (CAF). The Terms and Conditions for its broadband convergence service, Vi One, are available only on You Broadband's (You Broadband is Vi's broadband service provider partner) website, and the CAF could not be located online.

- b. **Content removal and restriction:** Vi prohibits uses on the basis of overbroad and vague grounds. Users are prohibited from uses which may constitute *"any unlawful, antisocial or abusive purposes or for sending obscene, indecent, threatening, harassing, unsolicited messages or messages affecting/infringing upon national/state security or social interest nor create any damage or risk to company or to this network of customers or any other persons."* You Broadband's Terms and Conditions also prohibit users from engaging in *"gambling, solicitation, email attacks or denial of service attacks on any party or server, willful transmission of viruses, malicious or nuisance emailing or messaging, diffusion of immoral or pornographic material, commercial fraud, breach of copyright, breach of law and/or other offences."* Customers are also required to comply with *"Information Technology Act, 2000, the Indian Telegraph Act 1855, the Copyright Act, 1956 the Trademark Act, 1958"*. Neither Vi nor You Broadband disclose their processes to remove content or restrict accounts.

⁵⁶ Vodafone Idea Limited. (n.d.-f). *Terms and Conditions*. MyVi. Retrieved October 1, 2024, from <https://www.myvi.in/vodafone-idea/terms-and-conditions>

⁵⁷ Vodafone Idea Limited. (n.d.-e). *Telecom Consumer Charter*. MyVi. Retrieved October 1, 2024, from https://www.myvi.in/content/dam/vodafoneideadigital/StaticPages/consumerimages/misc/Vi_Telecom_Consumer_Charter_ENG.pdf

⁵⁸ Vi One - a convergence product - is an instance of Vi's complex agreements with consumers. Vi alongwith You Broadband and other entertainment service providers offers a converged product (prepaid connection, wired broadband, OTT entertainment pack - in a single bundle), named Vi One. You Broadband Vi's partner for providing fixed-line internet services in 18 Indian cities. The terms and conditions for Vi One state that Vi's privacy policies and terms and conditions apply to Vi One's prepaid connection offering, whereas You Broadband's terms and conditions apply to the wired broadband connection. However, Vi also owns You Broadband - resulting in lack of clarity on applicable policies. You Broadband's Terms and Conditions: <https://youbroadband.in/disclaimer.php>

- c. **Advertising Policy and Advertising Targeting Policies:** You Broadband discloses that it engages in targeted advertising, however, there is no policy outlining its approach. Vi discloses that it only shares personal data with marketing agencies based on consent. Vi's **Do not Disturb** register provides customers a provision to manage consent and opt-out from receiving unwanted commercial SMSes and calls.
- d. **Use of algorithmic systems:** There are no disclosures on deployment of algorithmic systems although Vi's and You Broadband's **privacy policies**⁵⁹ suggest use of such systems. In comparison, it is worth noting that its parent company Vodafone Group published a policy on the usage of algorithmic systems, explaining how the company engages with AI and its use cases in 2019, including its endeavours to clearly inform customers and employees when they communicate directly with AI systems. Such disclosures and transparency are not reflected in Vi's policies.
- e. **Network shutdowns:** There is no policy regarding network shutdowns.

Airtel

- a. **Terms and Conditions:** Airtel's terms and conditions are neither easy to access nor understand. Airtel has **specific Terms and Conditions** for every service and offering, which are available in English on their website on a dedicated webpage.⁶⁰ However, the Terms and Conditions for their postpaid, prepaid, and fixed-line services on the webpage differ from the Terms and Conditions in its **Telecom Consumers Charter**⁶¹ for the same services. Hence, it is not easy to locate which types of users' content or activity is permitted over the network.
- b. **Content removal and restriction:** The Telecom Charter states that the *"customer shall not use the service for any improper, immoral, unlawful or abusive purpose, or for*

⁵⁹ Vodafone Idea Limited. (n.d.-c). *Privacy Policy*. MyVi. Retrieved October 1, 2024, from <https://www.myvi.in/privacy-policy>

⁶⁰ Bharti Airtel. (n.d.-c). *Terms and Conditions*. Airtel. Retrieved October 1, 2024, from <https://www.airtel.in/mobile/terms-conditions>

⁶¹ Bharti Airtel. (n.d.-b). *Telecom Consumers Charter (Mobile and Fixed Line Services)*. Airtel. Retrieved October 1, 2024, from https://assets.airtel.in/teams/simplycms/ADTECH/docs/Airtel_Telecom_Consumers_Charter_Sept_23.pdf

sending obscene, indecent, threatening, harassing, unsolicited commercial communication.” Here, the language is quite broad and subjective. Airtel also underlines that it is entitled to “*refuse, limit, suspend, vary or disconnect the services at any time, for any reasonable causes including at the directive of the government.*” Further, Airtel reserves the right to change its terms of service at its sole discretion with or without notice in the Charter.

The policies are silent on the process for responding to government demands (including judicial orders) and private demands to remove, filter, or restrict content or accounts. The **Telecom Charter** only states that Airtel holds the right to limit or suspend service in line with government direction or TRAI regulation.⁶²

- c. **Advertising Policy and Advertising Targeting Policies:** Airtel does collect and use personal data to target ads and display customised content.⁶³ However, there are no disclosures as to which types of personal data are shared for advertising (or even other purposes), or how ads are being or should be targeted to users. **Airtel Ads Terms of Service** lists the types of content which advertisers are prohibited from publishing on its Ad Platform. It includes vague categories such as ‘*Ads which under reasonable public consensus deem to be improper or inappropriate*’ and ‘*any type of Content that contain overtly political communication.*’ It puts the onus on advertisers to take ad-targeting decisions with respect to their ads. The Airtel Ads Terms of Service states that Airtel may in its sole discretion reject or remove a specific Ad at any time for any or no reason⁶⁴, and the company follows the guidelines issued by the Advertising

⁶² Id.

⁶³ Airtel’s Online Privacy Policy states that personal data may be used to conduct market analysis and research, and target services to individuals. Airtel Digital’s Privacy Policy states that it may collect personal data to display customised content and engage in targeted advertising.

Bharti Airtel Limited. (2024, June 12). *Online Privacy Policy*. Airtel.
<https://www.airtel.in/privacy-policy/>

⁶⁴ Bharti Airtel Limited. (n.d.-d). *Integrated Report and Annual Financial Statements 2022-23*. Airtel. Retrieved October 1, 2024, from https://assets.airtel.in/teams/simplycms/ADTECH/docs/Integrated_Report_and_Annual_Financial_Statements.pdf

Standards Council of India (ASCI)⁶⁵ and the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements issued by the Department of Consumer Affairs.⁶⁶ The lack of transparency around targeted advertising and use of algorithmic systems is concerning since Airtel was one of the first companies to apply an AI-filter service to reduce fraud by spammers.⁶⁷ TRAI has instituted regulations to control the problem of spam calls and SMSes, and Vi's **Do not Disturb** register provides customers a provision to manage consent and opt-out from receiving unwanted commercial SMSes and calls.

- d. **Use of algorithmic systems:** Airtel runs an ad platform - **Airtel Ads** - which enables targeting advertising via automated processes. Airtel does not disclose a clear policy regarding development and use of such systems.
- e. **Network shutdowns:** There are no specific details about its network shutdown policy, it is housed in the policy that Airtel, without any liability, whatsoever, is entitled to refuse, limit, suspend, vary or disconnect the Services at any time, for any reasonable cause. However, Airtel states that as part of their endeavour towards transparent communication, the company proactively communicates outages and sends notifications during disruptions due to unplanned events.

⁶⁵ Bharti Airtel Limited. (n.d.-d). *Integrated Report and Annual Financial Statements 2022-23*. Airtel. Retrieved October 1, 2024, from https://assets.airtel.in/teams/simplycms/ADTECH/docs/Integrated_Report_and_Annual_Financial_Statements.pdf

<https://www.ascionline.in/the-asci-code/>

⁶⁶ Department of Consumer Affairs, *Central Consumer Protection Authority Notification*. (2022) https://consumeraffairs.nic.in/sites/default/files/CCPA_Notification.pdf ;

Advertising Standards Council of India, *The code for self-regulation of advertising content in India*. (2024) <https://www.ascionline.in/the-asci-code/> . The ASCI guidelines are a code for self-regulation of advertising content and aim to promote “truthful representation” and content that is non-offensive to the public. The Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements highlight the regulations advertisers need to abide by including prevention of surrogate advertising and bait advertising.

⁶⁷Pandey, K. (2023, May 2). *TRAI mandates use of AI spam filters for calls and SMS*. Medianama. <https://www.medianama.com/2023/05/223-trai-mandate-ai-spam-filters-calls-sms-2/>

Further, in response to a consultation paper by TRAI, it states that AI currently does not need regulation within the industry. In a whitepaper on its website, Airtel states that it currently uses AI/ML to help reduce spam calls for businesses.

Jio

- a. **Terms and Conditions:** Jio's **General Terms and Conditions**⁶⁸, along with the Terms and Conditions for its various services, are readily accessible via the company's official website. The terms also detail prohibited activities, encompassing the dissemination of inflammatory, indecent, or obscene material.
1. **Content removal and restriction:** The company's policies lack specificity in crucial areas. While its **Telecom Consumer Charter**⁶⁹ details a comprehensive list of criteria for suspension or termination of user accounts, they are couched in language that grants Jio broad discretionary powers that extend beyond the list. It also affirms Jio's authority to impose service restrictions in compliance with government directives, Telecom Regulatory Authority of India (TRAI) mandates, or judicial orders.
2. **Advertising Policy and Advertising Targeting Policies:** Jio bears no liability for advertising content displayed on its platform. While the company outlines advertising policies (including targeted advertising), this information is spread across multiple documents and service-specific websites, and is not easily accessible. Users are forced to explore individual platform policies in order to gather a complete understanding of Jio's advertising targeting practices.

Jio's **2022-23 Environment, Social and Governance Report**⁷⁰ articulates the company's commitment to minimising personal data collection and processing. The report further indicates that access to such data is granted on a strictly need-to-know basis, with assurances of non-disclosure to external entities. However, there is a notable absence

⁶⁸ Reliance Jio Infocomm Limited. (n.d.-j). *General - Terms and Conditions*. Jio. Retrieved October 1, 2024, <https://www.jio.com/jcms/en-in/general-terms-and-conditions/>

⁶⁹ Reliance Jio Infocomm Limited. (n.d.-l). *Telecom Consumer Charter*. Jio. Retrieved October 1, 2024, from <https://jep-asset.akamaized.net/jio/regulatory/rjil-telecom-charter-2024.pdf?downloadPdf=true&pdfname=rjil-telecom-charter-2024.pdf>

⁷⁰ Reliance Jio Infocomm Limited. (n.d.-k). *Report on Environment, Social and Governance 2022-23*. Jio. Retrieved October 1, 2024, from <https://jep-asset.akamaized.net/jio/investor-relations-debenture/rjil/other-documents/report-environment-social-governance-2022-23.pdf>

of publicly available information regarding Jio's protocols for responding to governmental or private requests for content restriction or account suspensions.

3. **Use of algorithmic systems:** The company's policies do not address the implementation or governance of algorithmic systems and automated software bots in its operations.
4. **Network shutdowns:** There is no disclosure regarding network shutdowns.

BSNL

Of the ISPs surveyed, BSNL has the least degree of transparency and fails to meet almost all freedom of expression parameters.

1. **Terms and Conditions:** BSNL's **Terms and Conditions**⁷¹ are accessible on their official website and available in Hindi and English, which are two major languages spoken in India.
2. **Content removal and restriction:** The policy does provide some clarity by providing conditions for potential service disconnection. However, it lacks a comprehensive explanation of the processes employed to identify content or accounts that violate company guidelines.⁷² BSNL's lack of transparency is further exemplified by its explicit refusal to disclose, in response to a Right to Information (RTI) request, a list of URLs blocked within India and copies of related government-issued blocking orders.⁷³ This stance contradicts the provisions of the Right to Information Act. BSNL does not indicate whether it will inform users when their content has been subject to restriction.

⁷¹ Bharat Sanchar Nigam Limited. (n.d.-g). *Terms & Conditions*. BSNL. Retrieved October 1, 2024, from https://www.bsnl.co.in/opencms/export/sites/default/BSNL/about_us/forms/pdf/terms_cell.PDF

⁷² Bharat Sanchar Nigam Limited. (n.d.-d). *Privacy Policy*. BSNL. Retrieved October 1, 2024, from <https://portal.bsnl.in/myportal/PrivacyPolicy.jsp>

⁷³ Grover, G. (2019, May 9). *RTI Application to BSNL for the list of websites blocked in India*. The Centre for Internet and Society. <https://cis-india.org/internet-governance/blog/rti-application-to-bsnl-for-the-list-of-websites-blocked-in-india>

3. **Advertising Policy and Advertising Targeting Policies:** BSNL's approach to advertising content lacks clarity and a user-centric approach. Its advertising practices are vaguely covered in its **Privacy Policy**⁷⁴ and not as a standalone policy, and states that BSNL may utilise personal information for disseminating promotional and marketing materials to users. The Privacy Policy includes a disclaimer that personal information may be analysed, processed, and utilised by third-party organisations on BSNL's behalf for service provision. However, the policy fails to delineate which specific entities are encompassed within this scope, raising concerns regarding data handling practices and user privacy protection.
4. **Use of algorithmic systems:** Its publicly available policies also do not address the implementation of algorithmic systems or automated software bots in content moderation or service provision.
5. **Network shutdowns:** The **Telecom Consumers Charter** states that services may be suspended without prior notice in the interest of public safety, maintenance of law and order, or other exigencies. However, no such disclosure has been made regarding private requests for service suspension or area-based network shutdowns.⁷⁵

● Privacy

Overview

In the category of privacy, we conduct an examination of ISPs' policies and practices, focusing on the collection, utilisation, dissemination, and retention of users' personal data. Our analysis extends to digital security measures and the ISPs' responses to governmental and private entities' requests for users' personal information. The following documentation and aspects are scrutinised:

1. **Privacy Policies:** We evaluate the transparency of privacy policies regarding:

⁷⁴Bharat Sanchar Nigam Limited. (n.d.-d). *Privacy Policy*. BSNL. Retrieved October 1, 2024, from <https://portal.bsnl.in/myportal/PrivacyPolicy.jsp>

⁷⁵ Bharat Sanchar Nigam Limited. (n.d.-a). *About BSNL SaaS*. BSNL. Retrieved October 1, 2024, from https://www.bsnl.co.in/opencms/bsnl/BSNL/index_L.html

- The spectrum of personal information collected
 - The types of inferences drawn from collected data
 - The nature of sharing personal data with third-parties, including governmental authorities and advertisers
 - The duration of data retention
 - Users' ability to access and expunge their stored personal data
2. **Disclosure regarding data processing by Algorithmic systems:** We assess whether companies disclose the types of personal data and the automated systems used to process them. Use of algorithmic systems may pose a significant risk to privacy.
 3. **Commitments to privacy standards:** We assess ISPs' commitments to privacy principles, such as privacy-by-design and data minimization, as evidenced in their privacy policies, annual reports, or other corporate communications.
 4. **Security Oversight:** We investigate the existence of institutional processes and systems to ensure security.
 5. **Vulnerability Reporting Mechanisms:** We investigate the existence and efficacy of bug and vulnerability reporting systems for users and researchers, including any indemnification provisions for those who report such issues.
 6. **Existence of data breach notification mechanisms:** We examine the presence and robustness of data breach notification mechanisms towards users.
 7. **User Education on Digital Security:** We evaluate ISPs' proactive measures in issuing periodic alerts and advisories to users, aimed at enhancing their protection against digital threats and bolstering account security.

Findings

Vi

You Broadband is Vi's provider of fixed-line internet in 18 Indian cities and is wholly owned by Vi. Vi sells several convergence combination plans (under the brand 'Vi One').

- a. **Privacy Policy:** Privacy policies for Vi's products (prepaid and postpaid) are available only in English; and while they are presented in a readable manner, You Broadband's policy (You Broadband is Vi's fixed-line internet provider partner) is not easily accessible, and there is no clarity on the scope of its applicability.

Vi collects personal data and sensitive personal data, and infers behavioural data (such as roaming pattern, SMS patterns, VAS use patterns, etc.) and conduct text/social media/sentiment analytics. There are no disclosures about what exactly is shared with third-parties (authorised third-parties, government and law enforcement agencies, and marketing agencies). Authorised third-parties include customer verification agencies, credit-reference agencies, IT and website analytics vendors, etc. and Vi contractually obligates the entities to reasonable levels of security practices and procedures. It appears data is shared with marketing agencies only if customers opt-in to receive marketing communication. You Broadband is less nuanced in its approach - it only discloses that it shares personal data with business partners/ 'trusted partners', and with other entities as per company policies or law to comply with an investigative/ legal process. It also clearly states that it collects and shares personal data of its customers to enable targeted advertising.

Vi retains personal data as long as necessary for regulatory requirements, business requirements, or for service provision. While it commits to providing customers with rights of access, correction, erasure, etc. there is no mechanism provided to exercise them. You Broadband is silent on these aspects.

- b. **Disclosure regarding data processing by Algorithmic systems:** Although Vi's AI/ML analytics platform enables Text/Social Media/ Sentiment Analytics (amongst other uses), there is no disclosure about algorithmic use in its policy. In contrast, Vi's parent company, the Vodafone Group, published an Artificial Intelligence framework in 2019 describing its approach to AI deployment. You Broadband discloses that it engages in targeted advertising, however, there is no policy outlining its approach.
- c. **Commitments to privacy standards:** Vi's documentation carries statements such as 'minimising data retention' to ensure privacy, providing customers the rights to access, correct, erase, port, prevent further processing of data, and advice on digital safety of minors. However, these commitments are not substantiated in fine print. It is worth noting that Vi is the only ISP (in our survey) that stated the importance of the "*need to balance our legal obligations to respond and support law enforcement, with respect for our customers' human rights and due process.*"

- d. **Vulnerability Reporting Mechanisms:** It has a **Responsible Disclosure Policy**⁷⁶ for reporting bugs and it indemnifies reporting entities from any legal action (although unlike its parent company's policy (Vodafone Group), there is no option to report anonymously).
- e. **Security Oversight:** Vi discloses that it was audited for data security and customer privacy compliance in 2022 and 2023. Further, privacy policy states that access to customers' personal information within Vi is restricted and shared with Vi personnel on a need to know basis.
- f. **Existence of data breach mechanisms:** There is no policy on data breaches; however, the **Annual Report** suggests initiating disciplinary action in case of data breaches.
- g. **User Education on Digital Security:** Vi has special web pages dedicated to fraud prevention and security awareness.

Airtel

- a. **Privacy Policies:** Airtel's **Online Privacy Policy**⁷⁷ is available on the website only in English. Other relevant policies such as their **Digital Privacy Policy and Airtel Ads - Terms of Service** are not easily discoverable (located on the **Terms and Conditions** webpage), making it difficult for customers to locate information. Although the company discloses the types of personal data it collects, information regarding scope of collection is scattered across various policies. Airtel's policies do not give clarity regarding which types of personal data are mandatory for its services - and Airtel also reserves the right to discontinue its services if the customer withdraws consent. Airtel is relatively less forthcoming about the types of third-parties it shares personal data with - while it clearly states personal data is shared with government and law enforcement agencies, it does not clarify which other third-parties are recipients (such as advertisers or marketing agencies). There is no information on how long it retains personal data for. It claims that customers may access and correct their data, but there is no mechanism provided to request for a copy of the data, and it is not

⁷⁶ Vodafone Idea Limited. (n.d.-d). *Responsible Disclosure*. MyVi. Retrieved October 1, 2024, from <https://www.myvi.in/Responsible-Disclosure-Policy>

⁷⁷Bharti Airtel Limited. (2024, June 12). *Online Privacy Policy*. Airtel. <https://www.airtel.in/privacy-policy/>

clear if the data made available will include all data that the company holds about the user. Although Airtel provides options (in the section on Access and Correction) to customers to disable marketing messages and calls (including the Do not Disturb mechanism), it only suggests that instead of effectively empowering customers with the option to access, correct, and erase their data, Airtel nudges them to opt-out of receiving marketing messages, thereby continuing to store their personal data.

Airtel discloses that users may access their data, but it is not clear if users can request for a copy of the data or if the data made available will include all data that the company holds about the user.

- b. **Disclosure regarding data processing by Algorithmic systems:** Airtel runs an ad platform - **Airtel Ads** - which enables targeting advertising via automated processes. Airtel does not disclose a clear policy regarding development and use of such systems, despite operating an algorithmic systems based ad-targeting service.
- c. **Commitments to privacy standards:** Airtel's disclosures do not refer to principles such as privacy-by-design or data minimisation.
- d. **Vulnerability Reporting Mechanisms:** Airtel only shares an email address to report bugs to; there is no other information regarding anonymity or immunity from legal action.
- e. **Security Oversight:** Airtel claims to adopt reasonable security practices aligned with international standards. However, there are no specific measures to protect user data from unauthorised access, particularly by employees. While Airtel conducts periodic external audits of its security systems, there is limited information about the scope and frequency of internal security audits.
- f. **Existence of data breach mechanisms:** Airtel's documentation indicates that data breaches are taken seriously, and involve investigating and affixing wrongdoing amongst employees and third-parties, with consequences of making responsible individuals personally liable. However, there is no information regarding necessary disclosures to affected parties, authorities, or steps taken to mitigate the impact.
- g. **User Education on Digital Security:** On the "Airtel Important Alerts" page, Airtel provides information about cyber threats and malware.

Jio

- a. **Privacy Policies:** Jio has several privacy policies - each tailored to a specific product or service: the **MyJio** app⁷⁸, **JioAds**⁷⁹, **ActiveAds** service⁸⁰, **Jio AirFiber**⁸¹, **JioSnap**⁸², **JioPhotos**⁸³, and a **general Privacy Policy**⁸⁴. These policies are accessible through the **Policies**⁸⁵ link on Jio's homepage and subsequent pages. The policies are in English only.

The company collects certain information mandatorily, and discloses that it infers recommendations and advertisements for its customers. It also collects and analyses users' location data after anonymisation. It is the only ISP to share the purpose of collection against certain data types - location data, contact data, and voice data. Anonymised location data is collected for the purpose of advertising, contact information for the purpose of verification, and de-identified voice information to allow speech-to-text conversion services. It shares contact information, financial information and anonymised location information, de-identified voice data with partners (contractual entities), and all types of personal data with government agencies and law enforcement.

Personal data and de-identified data is retained as long as necessary to fulfil the purpose, which is concerning. There is no information on how users may control the processing of optional and non-personal information; users are further informed that deletion of certain types of information (not disclosed) can lead to termination of account and services. The Do-not-Disturb mechanism is not mentioned in the policies.

⁷⁸ Reliance Jio Infocomm Limited. (n.d.-f). *Privacy Policies*. Jio. Retrieved October 1, 2024, from <https://www.jio.com/jcms/en-in/jio-privacy-policy/>

⁷⁹ Reliance Jio Infocomm Limited. (n.d.-d). *JioAds Privacy Policy*. Jio Ads. Retrieved October 1, 2024, from <https://www.jio.com/jioads/privacy-policy/>

⁸⁰ Reliance Jio Infocomm Limited. (n.d.-g). *Privacy policy - ActiveAds*. Jio. Retrieved October 1, 2024, from <https://www.jio.com/jcms/en-in/activeads-privacy-policy/>

⁸¹ Jio Platforms Limited. (n.d.). *Privacy Policy - JioAirFiber*. Jio. Retrieved October 1, 2024, from <https://www.jio.com/jcms/en-in/jioairfiber-privacy-policy/>

⁸² Reliance Jio Infocomm Limited. (n.d.-i). *Privacy Policy - JioSnap*. Retrieved October 1, 2024, from <https://www.jio.com/jcms/en-in/jiosnap-privacy-policy/>

⁸³ Reliance Jio Infocomm Limited. (n.d.-h). *Privacy Policy - JioPhotos*. Jio. Retrieved October 1, 2024, from <https://www.jio.com/jcms/en-in/jiophotos-privacy-policy/>

⁸⁴ Reliance Jio Infocomm Limited. (n.d.-f). *Privacy Policies*. Jio. Retrieved October 1, 2024, from <https://www.jio.com/jcms/en-in/jio-privacy-policy/>

⁸⁵ Id.

Amongst the four ISPs surveyed, Jio's policies go the farthest on aspects of user access, correction and deletion of data. Users can request access, correction, updating, and deletion of their information by: contacting Jio via phone call or visiting a Jio Store. Jio shall strive to provide access to "**all the personal and sensitive personal information that they maintain**". However, deletion requests may be limited by legal requirements, technical difficulties, and potential privacy risks to other users.

- b. **Disclosure regarding data processing by Algorithmic systems:** Even though Jio has a dedicated Active Ads service, which is based on an opt-in model to provide recommendations for customers using the MyJio app, there is no explicit disclosure or policy .
- c. **Commitments to privacy standards:** Jio's disclosures do not refer to principles such as privacy-by-design or data minimisation. However, they go the farthest on aspects of user access, correction and deletion of data.
- d. **Vulnerability Reporting Mechanisms:** Jio runs a vulnerability reporting system, however, it is not accessible via the website.
- e. **Security Oversight:** Jio implements several security measures such as annual **Information Security Audits** conducted by field units (internal). Its **Annual Report (2023)**⁸⁶ mentions the existence of a comprehensive framework for detecting, reporting, and managing security incidents, which may include data breach incidents; however, the framework is not publicly available. The company conducted an Information Security External Audit for its network and websites in 2021-22.
- f. **Existence of data breach mechanisms:** There is no policy or information on data breaches.
- g. **User Education on Digital Security:** The Jio Website only carries advisories dating to 2017, as issued by CERT-in.

⁸⁶ Reliance Jio Infocomm Limited. (n.d.-a). *Annual Report 2023*. Jio. Retrieved October 1, 2024, from <https://jep-asset.akamaized.net/jio/investor-relations-debenture/rjl/other-documents/annual-report-of-fy-2022-23.pdf>

BSNL

- a. **Privacy Policies:** BSNL's privacy policy is the least user-comprehensible and privacy-respecting. BSNL's privacy policy is not accessible to users on its website - it can only be discovered via an online search on the web. It is only available in English, which is exclusionary for its user base. It does not disclose the types of data it collects, nor the types of data it shares with third-parties, and neither does it list the purposes. It only lists the types of third-parties with whom data is shared: customer services, mailing services, billing and debt-recovery services, information technology services, service maintenance, market research services, customers' 'duly authorised representatives', credit-reporting and fact-checking organisations, BSNL's professional consultants (which may include accountants, auditors and lawyers), government bodies (including Regulatory Authorities, and other organisations in accordance with the law or as authorised by law), and entities that handle BSNL's business and corporate strategies. There is no information on access, correction, or deletion of personal data; and although the company's users were affected by a serious data breach incident in 2023,⁸⁷ no information on BSNL's policy on data breach is available either.
- b. **Disclosure regarding data processing by Algorithmic systems:** There is no disclosure or indication that BSNL processes data using algorithmic systems.
- c. **Commitments to privacy standards:** BSNL's disclosures do not refer to principles such as privacy-by-design or data minimisation.
- d. **Vulnerability Reporting Mechanisms:** There is no way to report a vulnerability.
- e. **Security Oversight:** BSNL does not share any information about securing its systems.

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TNM Staff. (2024, July 25). Govt confirms BSNL user data breach, to set up committee for review. *The News Minute*.
<https://www.thenewsminute.com/news/govt-confirms-bsnl-user-data-breach-to-set-up-committee-for-review-2>

- f. **Existence of data breach mechanisms:** There is no policy or information on data breaches. In 2023, a data breach occurred affecting BSNL's operations in Kerala. In response, internal BSNL documents show that suggested measures did not involve disclosures to customers or authorities.
- g. **User Education on Digital Security:** BSNL does not share any information to support users with digital security on its website.

Observations

From a **governance** perspective Vi, Jio, Airtel, and BSNL display varying degrees of explicit commitment to human rights. Airtel demonstrates the most developed approach, with a dedicated Human Rights Policy referencing international standards and board-level oversight on privacy issues through its Risk Management Committee and Audit Committee. The company conducts annual human rights due diligence, although it lacks specific focus on freedom of expression. Airtel also provides the most comprehensive employee training, covering human rights aspects in its Code of Conduct training.

In contrast, Vi and Jio present mixed results in their human rights commitments. Vi lacks a dedicated Human Rights Policy but incorporates some commitments through its Code of Conduct, and maintains an Ethics and Compliance Task Force overseeing ethical practices, including privacy. Jio relies on its parent company's (RIL) broader commitments and lacks clear disclosure of board or executive-level oversight for human rights issues.

BSNL demonstrates the least developed human rights governance framework. The company shows no clear governance structure for human rights issues, has limited disclosure on internal implementation, and explicitly states it does not consult the public on internal policies.

All the examined ISPs have whistleblower policies, but lack dedicated training on human rights issues, and show no clear evidence of human rights due diligence processes (with the exception of Airtel).

Across all four companies, significant gaps exist in comprehensive human rights impact

assessments for their targeted advertising and algorithmic systems. Stakeholder engagement practices regarding human rights issues are also notably absent across the board. While Airtel and Vi have grievance mechanisms that include privacy-related issues, Jio lacks clear disclosure, and BSNL (with the exception of its RTI mandate) exhibits an absence of similar procedures for human rights-related complaints.

This indicates an overall need for more robust and standardised human rights governance practices across India's major ISPs. Particular emphasis should be placed on aligning with global human rights standards, increasing transparency in decision-making processes that affect user rights, and addressing the notable gap in explicit focus on freedom of expression and information. As the sector continues to evolve, companies must prioritise comprehensive human rights due diligence, stakeholder engagement, and transparent reporting on human rights-related grievances and remedies to ensure better protection of user rights.

The evaluated ISP's performance on **freedom of expression** indicators reveals little to no commitment to upholding freedom of speech and information across the board, as indicated by varying degrees of transparency and user rights.

Transparency is a concern across all four ISPs. Almost all ISPs publish the most critical terms and conditions in their Telecom Consumers Charter documents as opposed to the Terms of Conditions or Terms of Service documents, which is counter-intuitive and misleading. Airtel's Terms and Conditions are scattered across various documents, making them difficult for users to access and understand. The company reserves the right to change these terms unilaterally, often without notifying users. Similarly, while Jio's documentation is more accessible, it still lacks explicit obligations to inform users about changes to terms. BSNL exhibits the least transparency, with its Terms and Conditions failing to guarantee user notification upon policy changes. Vi's approach is equally concerning —its website's Terms and Conditions only cover website usage, with service-specific terms hidden in a separate Telecom Consumer Charter, which is not referenced on the main site. This fragmented and obscure presentation of terms jeopardises users' awareness of their rights and responsibilities across all ISPs.

User rights are inadequately protected. Airtel and Jio both possess broad discretionary powers to suspend or terminate accounts without clearly defined criteria, with neither

provider outlining a formal appeals process for users affected by service restrictions. BSNL's policies are even more concerning—it does not uphold the right to notification regarding policy changes and fails to provide clear processes for identifying content or accounts that violate guidelines. Vi's Terms and Conditions, as found in their Telecom Charter, lack details about prohibited content or activities, leaving users uncertain about potential restrictions. None of the ISPs outline any formal appeals process for users subjected to service restrictions.

Beyond user rights concerns, data handling practices also present critical concerns. Airtel's online privacy policy indicates that personal data may be used for targeted advertising but lacks transparency regarding what data is shared and how it is utilised. Jio claims to minimise personal data collection but does not publicly disclose its protocols for responding to governmental or private requests for content restriction or account suspensions. BSNL's approach is particularly deficient; its vague privacy policy does not specify how personal information is processed or shared with third parties. Vi discloses sharing personal data with marketing agencies based on consent and provides a process for opting out of commercial communications, as required by TRAI regulations. However, like its counterparts, Vi lacks clarity on data processing and sharing practices overall. This lack of transparency across all ISPs undermines user consent and privacy protection.

Content moderation policies and algorithmic systems usage exhibit notable deficiencies as well. Airtel's Telecom Consumers Charter allows for service limitations based on broad and subjective criteria, without detailing the processes involved in responding to government demands for content removal or account restrictions. Jio's policies similarly lack transparency regarding grounds for content removal or account restrictions. BSNL stands out for its explicit refusal to disclose information related to blocked URLs or government-issued blocking orders. Vi does not provide clear disclosures on the deployment of algorithmic systems across its services, despite its parent company Vodafone having a more transparent policy on AI usage. This lack of transparency leaves users in the dark about potential censorship and algorithmic decision-making affecting their services.

From a **privacy** perspective, CIS published an analysis of privacy policies of five Indian ISPs⁸⁸ nearly a decade ago. A re-evaluation of the sector in 2024 shows little change. Privacy policies remain difficult to access and understand, and key documents carrying terms and conditions such as Customer Application Forms are not available online either. The scope of policies is also not clearly laid out. For example Airtel has multiple policies - which is not disclosed at the outset on the main Online Privacy Policy, Vi is not forthcoming about its partnership with You Broadband and a clear and accessible statement on privacy is absent, and BSNL is quite broad and vague about its applicability. ISPs obtain consent to collect personal data by way of registration, and for various purposes including provision of services and advertising. There are no disclosures or policies about users' personal information being collected and processed by algorithmic systems to target content and ads, - even though Vi and Airtel clearly state that they use an AI/ML based ad-tech platform to target ads and reduce spam.

Regarding sharing personal data - all ISPs share personal data with third parties, classifying them under various terms such as authorised third parties, strategic and business partners, vendors, analytics companies, etc. Personal data is shared with such third-parties pursuant to legal contracts, which require the parties to reasonably protect the data - however, it is not clear if the standards are equivalent to the ISP's internal practices. All ISPs share personal data with governments, as and when orders are issued. Indian law requires ISPs to maintain confidentiality around government-issued directions regarding monitoring and interception of data and content- and accordingly, ISPs' policies employ standard language to share personal data with government and law enforcement agencies without users' consent. However, Vi, in its Code of Conduct for its employees states the importance of the "*need to balance our legal obligations to respond and support law enforcement, with respect for our customers' human rights and due process.*" It directs employees to visit its Privacy and Law Enforcement Policy standard, which is only available internally to company employees. Airtel in its Code of Conduct, as available today, does not carry any reference to the process

⁸⁸ Hickok, E. (2015, January 12). *A Study of the Privacy Policies of Indian Service Providers and the 43A Rules*. The Centre for Internet and Society. https://cis-india.org/internet-governance/blog/a-study-of-the-privacy-policies-of-indian-service-providers-and-the-43a-rules#_Toc406957928

followed. However, in an earlier version (in 2022) of its Employee Code of Conduct it was more transparent regarding its policy.⁸⁹

On providing users control with respect to their information (access, updation, deletion), BSNL fares the worst, whereas Airtel and Jio commit to providing reasonable standards of access and correction rights - however, neither have robust mechanisms in place to truly implement the rights and also carve out vague grounds to deny customers' requests. Personal data is also retained as long as it is required for 'business purposes'. None of the ISPs have a data breach policy in place. Airtel, Vi, and Jio have occasionally published digital security alerts and carry specific guidance on their websites to support customers with digital security.

Conclusion

A 2016 UN report⁹⁰ observes that states often require the cooperation of intermediaries like telecom companies to enforce regulations on private networks. As a condition of their operating licences, ISPs may be more likely to comply with regulations that impinge human rights laws such as state demands to remove content it deems 'inflammatory.'⁹¹ With the government itself being a stakeholder, the company is likely to find it even more difficult to toe the line between freedom of expression and other human rights. The RDR framework provides an extensive structure of the parameters by which we can approach how ISPs intersect with the freedom of expression. However, our analysis reveals that the large

⁸⁹ The Code of Conduct (2022) stated: "*Dealing with government, you must (among other things) contact or engage with the relevant government agency only if authorized to do so on behalf of the company, when seeking resolution or clarification of various legal issues, ensure all engagements must be in line with normal business conduct and based on merit.*" The Code of Conduct also provided applied examples, such as, "*Q. I have been contacted by an investigating police officer to provide call details and personal information of a customer. What do I do? A. It is important to cooperate with law enforcement requests, but please ensure that all the internal procedures are being adhered to. We have to be equally mindful of the customer's right to privacy and the company's obligation to safeguarding customer data even as we comply with the legal obligations. Please check with your manager and your legal team before processing any such requests.*"

⁹⁰ United Nations Human Rights Council. (2016). Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. In *United Nations Official Document System*. <https://documents.un.org/doc/undoc/gen/g16/095/12/pdf/g1609512.pdf>

⁹¹ Ahmed, Y. (2021, December 7). Blocking websites is secret in India, now researchers are probing Airtel and ACT networks to reveal details. *India Today*. <https://www.indiatoday.in/technology/features/story/blocking-websites-is-secret-in-india-now-researchers-are-probing-airtel-and-act-networks-to-reveal-details-1885025-2021-12-07>

majority of the sub-parameters analysed had no relevant disclosures for a lack of specific details within the ISPs' policies and public documentation.

This report highlights critical issues concerning privacy, freedom of expression, and governance within the context of the country's largest ISPs. As India experiences unprecedented growth in internet usage, the findings underscore a pressing need for these ISPs to align their operations with fundamental digital rights principles.

In the realm of **governance**, the analysis reveals significant disparities among the ISPs regarding their commitment to human rights. While Bharti Airtel demonstrates a more robust governance framework, Reliance Jio, Vodafone-Idea (Vi), and BSNL exhibit varying degrees of inadequacy in their human rights commitments. This inconsistency poses a risk to users, as it reflects a lack of accountability and transparency in how these companies manage their responsibilities towards consumers.

The evaluation of **freedom of expression** practices indicates systemic shortcomings across all four ISPs. The fragmented nature of terms and conditions, coupled with broad discretionary powers for account management, raises concerns about user rights. The absence of clear appeal processes and transparency regarding content moderation further exacerbates these issues, limiting users' ability to express themselves freely without fear of arbitrary censorship.

Regarding **privacy**, the report highlights that ISPs have made minimal progress in enhancing user data protection. Persistent issues such as inadequate transparency in data handling practices and insufficient control for users over their personal information remain prevalent. The lack of clear policies on data breach notifications significantly undermines user trust and raises alarms about the security of personal data. With the impending implementation of the Digital Personal Data Protection Act, ISPs will need to make major changes to their policies in terms of consent and provision of services, providing right to erasure, and other user rights with respect to personal data protection.

The findings of this report serve as a clarion call for stakeholders—government, ISPs, and civil society—to work collaboratively towards creating a more accountable and equitable digital future for all users in India.