



## Digital Blackout: The Shadow of Internet Shutdowns

This editorial is based on [Not so Digital India](#) which was published in The Indian Express on 30/07/2023. It talks about the internet shutdowns in India and its implications.

**For Prelims:** [Report by Access Now and the KeptItOn Coalition](#), [Article 19\(1\)\(a\) and Article 19\(1\)\(g\) of the Constitution of India](#), [Digital India](#), [Anuradha Bhasin v Union of India \(2020\)](#), [Supreme Court](#), [Article 21](#), [COVID-19](#)

**For Mains:** Various Arguments Related to Internet Shutdowns

Internet shutdowns are **deliberate disruptions of internet or electronic communications**, rendering them **inaccessible or effectively unusable**, for a specific population or within a location, often to exert **control over the flow of information**. They can affect mobile internet, broadband internet, or both.

Nearly **three months after** the initial imposition of an **internet shutdown in Manipur**, the residents of the state are **still facing restricted and obstructed access to the internet**. The Manipur **government granted limited and conditional access** to certain types of **online services**, aligning with some of the suggestions put forth by an expert committee.

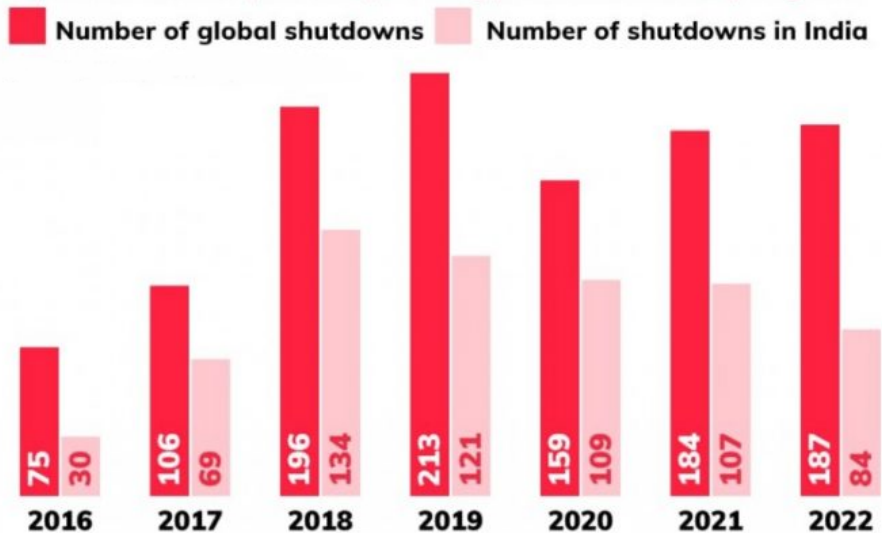
According to a [report by Access Now and the KeptItOn coalition](#), India enforced as many as **84 internet shutdowns in 2022** and was **on top of the list for the fifth year in a row**. According to the **Internet Shutdown Tracker**, a portal maintained by **Software Freedom Law Centre**, a legal services organisation working in this field in India, there have been **a total of 665 internet shutdowns in India since 2012**, and **over 50 per cent of these shutdowns were imposed since 2019**.

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# India is the worst perpetrator of internet shutdowns

## Documented internet shutdowns by year

These numbers reflect the latest data available as of publication of this report and include updates to previously published totals for past years.



## What are the Causes of Internet Shutdowns?

- **Law and Order Concerns:**
  - One of the primary reasons for internet shutdowns is to **maintain law and order** during periods of **civil unrest, protests, or communal tensions**.
  - Authorities may impose shutdowns to prevent the spread of misinformation, curb the organization of protests, or control potential violence.
- **National Security:**
  - Internet shutdowns can be enforced in the name of national security **to prevent terrorist activities, potential threats, or to maintain confidentiality** during critical operations.
- **Preventing Exam Cheating:**
  - In some cases, internet services are temporarily suspended **during important examinations to prevent cheating** and leakage of question papers.
- **Curbing Hate Speech and Fake News:**
  - Governments may order internet shutdowns to **contain hate speech, rumours, and fake news** that could incite violence or create social unrest.
- **Public Safety Concerns:**
  - Shutdowns may be implemented **during natural disasters or emergencies to manage communication channels** and avoid spreading panic or misinformation.
- **Social Media Control:**
  - Shutting down specific social media platforms or apps may be aimed at controlling the **spread of information during sensitive events** or to address concerns related to privacy and security.
- **Controlling Content Circulation:**
  - Internet shutdowns can also be used to prevent the circulation of **specific content, such as videos or images** that are deemed harmful or objectionable.
- **Protests and Dissent:**
  - In some cases, internet shutdowns are **imposed to stifle dissent and prevent the coordination of protests** or opposition against the government.

## What are Laws Governing Internet Shutdowns in India?

- **Section 5(2) of the Indian Telegraph Act, 1885, read with Temporary Suspension of Telecom Services (Public Emergency and Public Safety) Rules, 2017:**
  - These rules **allow the union or state home secretary** to order the suspension of any telegraph service (including internet) in case of public emergency or public safety.

- Such an order **must be reviewed by a committee within five days and cannot last for more than 15 days.** In an urgent situation, an officer of joint secretary level or above, authorized by the union or state home secretary, can issue the order.
- **Section 144 of the Code of Criminal Procedure:**
  - This section empowers a district **magistrate, a sub-divisional magistrate** or any other executive magistrate specially empowered by the state government to issue orders to prevent or stop any nuisance or disturbance of public tranquillity.
  - Such orders can include the suspension of internet services in a particular area for a specified period.
- **Section 69A of the Information Technology Act, 2000:**
  - This section empowers the central government to block access to any information on the internet that it considers to be prejudicial to the **sovereignty, integrity, defence, security or friendly relations of India, or to public order or decency, or to incitement of any offence.**
  - However, this section only applies to blocking specific websites or content, not the entire internet.

## What are the Impacts of Internet Shutdowns?

- **Impacts Freedom of Expression and Information:**
  - Internet shutdowns violate the **right to free expression and information, which is guaranteed by Article 19(1)(a)** of the Constitution of India and **Article 19 of the Universal Declaration of Human Rights.**
  - They prevent people from sharing and accessing information, expressing opinions, participating in online civic spaces, and holding authorities accountable.
  - They also affect the flow of information from and to regions affected by shutdowns, weakening reporting and public awareness.
- **Economic Impact:**
  - Internet shutdowns also have very real economic costs that impact individuals as well as the country at large.
  - They directly contribute to economic loss and unemployment, especially for those who depend on online platforms for their livelihoods.
  - They also **disrupt digital payments, online services, e-commerce, education, health care,** and other sectors that rely on internet connectivity.
    - According to one estimate by **Top10VPN.com**, a UK-based digital privacy group, internet shutdowns cost India over Rs 20,000 crore (\$2.8 billion) in 2020 alone.
  - **Kashmir's Six-Month Communication Blockade in 2019:**
    - The communication blockade in Kashmir, which lasted for six months in 2019, resulted in **over five lakh people losing their jobs.** This prolonged internet shutdown severely disrupted businesses and economic activities in the region.
  - **Rajasthan's Losses Due to Shutdowns in 2021:**
    - In Rajasthan, shutdowns over one month in **2021 led to losses of Rs 800 crore.**
    - This highlights the **immediate and significant financial toll that even short-term internet shutdowns** can have on the local economy.
  - **Internet Shutdown at a Country Level:**
    - In 2022, internet shutdowns across the country **caused economic losses of over Rs 1,500 crore.**
    - This figure demonstrates the cumulative impact of multiple shutdowns carried out in different regions of the country during that period.
    - In just the **first half of 2023, internet shutdowns have already cost an estimated Rs 2,091 crore.** This indicates a worsening situation in terms of the financial consequences of internet disruptions in the country
- **Deepen Digital Divide:**
  - Internet shutdowns also deepen the **digital divide between those who have access to reliable** and affordable internet and those who do not.
  - They disproportionately affect marginalised groups such as **rural populations, women, minorities, low-income households, and people with disabilities.**
  - They also contradict the government's vision of a **Digital India** that aims to empower citizens through digital public infrastructure and services.

## What are the Important Judgments Related to internet shutdowns in India?

### ▪ **Anuradha Bhasin v Union of India (2020):**

- In this landmark case, the **Supreme Court** delivered a significant judgment, **recognizing that the right to free speech and the right to carry out trade and business through the internet** are fundamental rights protected under [Article 19\(1\)\(a\) and Article 19\(1\)\(g\) of the Constitution of India](#), respectively.
- The court also held that **internet shutdowns are subject to constitutional scrutiny and must adhere to the principles of necessity and proportionality**. The court emphasized that any restriction on internet access must be based on relevant material facts and be the least restrictive measure to achieve the objective sought.
- The judgment **laid down guidelines to ensure that internet shutdowns** are not imposed indefinitely, and any order suspending internet services must be published and subject to judicial review. The judgment **provided a significant legal precedent and framework for evaluating the legality and constitutionality** of internet shutdowns in India.

### ▪ **Foundation for Media Professionals v. Union Territory of Jammu and Kashmir (2020):**

- In this case, the **Supreme Court of India directed** the Jammu and Kashmir administration to **review all existing restrictions on internet access**, stating that the right to internet access is a fundamental right and must be respected.

### ▪ **Internet Freedom Foundation v. Union of India (2020):**

- The Supreme Court of India heard a petition filed by the Internet Freedom Foundation (IFF) challenging the internet shutdowns in various parts of the country, including during the protests against the Citizenship Amendment Act (CAA).
- The court **issued notice to the government, seeking a response to the IFF's contentions**.

## What are Various Arguments Related to Internet Shutdowns?

### ▪ **Arguments For:**

#### ◦ **Preventing Hate Speech and Fake News:**

- The internet can be used to spread hatred and hostility against different religious and ethnic groups.
- Internet shutdowns **can help to counter xenophobic tendencies and misinformation**.

#### ◦ **Maintaining Law and Order:**

- Internet shutdowns can be used as a last resort by the authorities to deal with mass protests and civil unrest, by stopping the circulation of provocative messages and rumours that can incite violence and chaos.

#### ◦ **Avoiding Anarchy:**

- In some extreme situations where social media platforms become a source of disruption and confusion, it may become necessary to suspend internet services to restore calm and order.

### ▪ **Arguments Against:**

#### ◦ **Violating Human Rights:**

- The Kerala High Court in **Faheema Shirin v/s State of Kerala case** recognised the **right to internet access as a fundamental right** that is part of the right to privacy and the right to education under [Article 21 of the Constitution](#).
- Internet shutdowns infringe on these rights and limit people's ability to communicate, express, learn, and access information.

#### ◦ **Imposing Social Costs:**

- Internet shutdowns affect essential services such as **education, health, public services, etc. that rely on internet connectivity**.
- Internet shutdowns also create a **digital divide and disparity in education**, especially during the **Covid-19** pandemic when online learning has become crucial.

#### ◦ **Failing to Achieve the Objective:**

- There is **no conclusive evidence that internet shutdowns lead to the preservation or restoration of public order**.
- In fact, internet shutdowns can have the opposite effect of creating more

resentment, frustration, and anger among the people.

- **Creating Social Chaos:**
  - Shutting the internet results in a lack of information and transparency that **can also cause panic and hysteria**.
  - It can also **hamper the efforts of civil society, media, and human rights defenders** to monitor and report on the situation on the ground.

## What Should be the Way Forward?

- **Reforming the Legal Framework:**
  - The government **should repeal or amend the Telegraph Act and its rules**, which are **outdated and vague, and do not comply with the constitutional and human rights standards** that require any restriction on internet access to be necessary, lawful, proportionate, and time bound.
  - The government should **also issue clear guidelines for state governments** on when and how to impose internet restrictions in exceptional circumstances, **as recommended by a parliamentary panel report on internet shutdowns**.
- **Respecting the Supreme Court Judgment:**
  - The authorities should **follow the directions of the Supreme Court in Anuradha Bhasin case**, which recognised the right to internet access as a fundamental right and laid down the principles of reasonableness and proportionality for any internet restriction.
  - The authorities should **also publish all orders suspending internet services** and make them accessible to the public and subject to judicial review.
- **Exploring Alternatives to Shutdowns:**
  - The government should consider other less intrusive measures to **deal with law-and-order disturbances, communal violence, terrorist attacks, examinations, and political instability**, such as blocking specific websites or content, issuing warnings or advisories, engaging with civil society and media, or deploying more security forces.
- **Assessing the Impact of Shutdowns:**
  - The government should **conduct regular impact assessments of internet shutdowns on human rights, democracy, and development**.
  - It should also compensate those who suffer losses or damages due to internet shutdowns, especially the vulnerable groups such as rural populations, women, minorities, low-income households, and people with disabilities.

### **Drishti Mains Question:**

Analyze the implications of internet shutdowns as a measure to control information flow and exert control over populations, examining their impact on freedom of expression, access to information, economic activities, and democratic principles in the context of India.