



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.

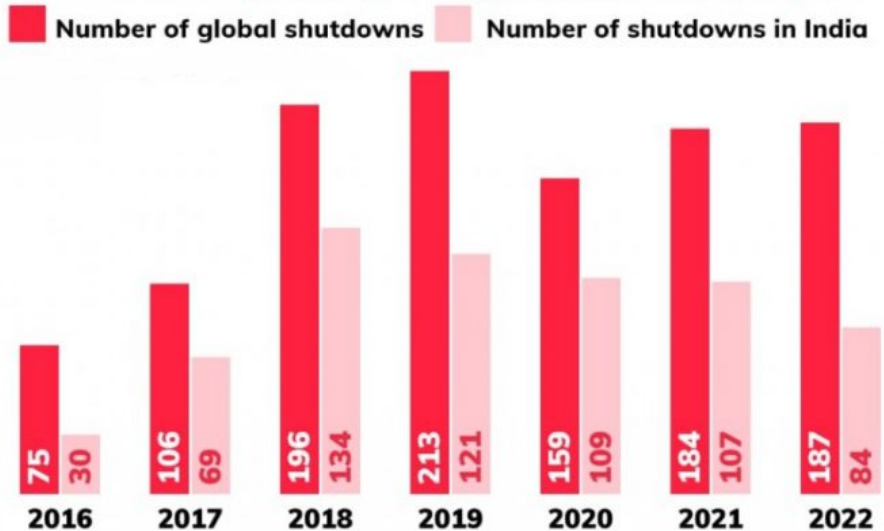
According to a [report by Access Now and the KeptItOn coalition](#), India enforced as many as **84 internet shutdowns in 2022** and was **on top of the list for the fifth year in a row**. According to the **Internet Shutdown Tracker**, a portal maintained by **Software Freedom Law Centre**, a legal 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.