Internet Shutdowns and Their Ramifications

This editorial is based on "**In Manipur, another internet shutdown, a conflict intensified**" which was published in The Indian Express on 06/10/2023. It talks about the internet shutdowns in India and argues that these shutdowns are harmful to the economy, democracy, and human rights.

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.

On September 23, 2023, the Manipur government announced the restoration of full internet access, attributing it to "improved" law and order. This ended **India's second-longest internet blackout,** which had stretched for over 143 days since May 3. The news was greeted with relief by citizens — from students planning their return to Manipur to aid workers scrambling for essential supplies.

What are the Provisions Related to Internet Shutdown?

- **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 tranquility.
  - Such orders can include the suspension of internet services in a particular area for a specified period.

What are the Impacts of Internet Shutdowns?

- **Violation of Fundamental Rights:** Internet shutdowns violate Fundamental Rights under **Article 19(1)(a) and Article 19(1)(g).**

- The freedom of speech and expression and freedom to practice any profession over the medium of the internet enjoys constitutional protection under Article 19(1)(a) and Article 19(1)(g) - the Supreme Court in **Anuradha Bhasin vs Union of India case (2020).**
    - Internet Shutdown also violates **Right to Information** which has been declared as a Fundamental Right under **Article 19** by the Supreme Court in **Raj Narain vs State of UP (1975)** case.
    - Internet Shutdowns also violate the **Right to Internet** which was declared a Fundamental Right under **Article 21** by the Kerala High Court in **Faheema Shirin v. State of Kerala** case.
- **Economic Consequences:** Internet shutdowns can have severe economic consequences. **Businesses that rely on the internet for operations, sales, and communication can suffer financial losses**. Startups and small businesses may be particularly vulnerable.
    - According to Top10VPN, India lost Rs 2,091 crore ($255.2 million) in the first half of 2023 because of internet shutdowns.
- **Disruption of Education:** Many educational institutions use online platforms for teaching and learning. Internet shutdowns disrupt access to educational resources, making it difficult for students to continue their studies.
- **Trust and Censorship Concerns:** Internet shutdowns **can erode trust in government and authorities.** They can also lead to concerns about censorship and a lack of transparency.
- **Impediment to Disaster Response:** They affect the communication and coordination of people, especially during emergencies and crises. A UN-backed report has highlighted that shutting down the internet affects people's safety and well-being, hampering information flow and humanitarian assistance.
- **Disruption in Health Care:** Studies have shown the significant impacts of shutdowns on health systems, including on **mobilizing urgent medical care, disrupting the delivery of essential medicines and maintenance of equipment, limiting the exchange of health information** between medical personnel and disrupting essential mental health assistance.
- **International Repercussions:** Internet shutdowns can attract international attention and condemnation, potentially damaging a country's reputation and relationships with other nations.
    - India has the most internet shutdowns in the world. **In the first half of 2023, India was second in the world** for internet shutdowns.
    - According to a report by the US digital rights advocacy group Access Now, **India accounted for 58% of all documented shutdowns globally.**
- **Impact on Journalism and Reporting:** Journalists rely on the internet to report on events and share news with the public. Shutdowns can obstruct their ability to gather and disseminate information, compromising the public's right to know.
    - **Right to Freedom of Press** is a Fundamental Right declared by the Supreme Court in **Indian Express vs Union of India (1986)** and **Bennett Coleman vs Union of India (1972)** cases.

What are the Arguments Regarding Internet Shutdowns?

Arguments in Favor:

- Internet shutdowns **can help to prevent the spread of hate speech and fake news** that could incite violence and riots. For example, the government announced the **internet shutdown in Delhi NCR following the farmers' protest** on **Republic Day** to combat misinformation and maintain law and order.
- Internet shutdowns **can help to curb the organization and mobilization of protests that could disrupt public order and security**. For example, the government imposed **internet shutdowns in Kashmir** and other parts of the country after the abrogation of **Article 370** to prevent any anti-national activities and separatist movements.
- Internet shutdowns can help to protect national security and sovereignty from external threats and **cyberattacks.** For example, the government suspended internet services in some border areas during the **standoff with China** to prevent any espionage or sabotage.
- Internet shutdowns **can help to control the distribution and consumption of content that could be harmful or offensive to certain groups or individuals**. For example, the government blocked internet access in some regions to prevent the circulation of objectionable images or videos.

- Internet shutdowns **undermine democracy and accountability,** as they prevent citizens from accessing information, expressing opinions, participating in public debates, and holding authorities responsible for their actions.
  - Internet shutdowns can also **enable authoritarian governments to silence critics** and create distorted information echo chambers.
- Many critics have argued that **internet shutdowns are ineffective and counterproductive, as they do not address the root causes of the problems** that they are supposed to solve.
  - For example, internet shutdowns do not stop violence or terrorism, but rather fuel anger and resentment among the affected populations.
  - Internet shutdowns also **do not prevent misinformation or hate speech, but rather create information vacuums** that can be exploited by malicious actors.
- Internet shutdowns **are arbitrary and prone to abuse, as they are often imposed without following due process, transparency, or judicial oversight.** Many internet shutdowns are ordered by local authorities who do not have the legal power to do so.
  - Internet shutdowns also lack clear and objective criteria, duration, and scope, making them susceptible to political interference and human rights violations.

What Steps can be Taken to deal with Internet Shutdowns ?

- **Strengthening the Existing Framework:** Strengthening the legal and regulatory framework that governs internet shutdowns, and **ensuring that they are only used as a** last resort, in accordance with international human rights standards.
  - The government should amend the Telegraph Act and its rules, which are outdated and vague, and do not comply with the constitutional and human rights standards.
- **Ensuring Accountability of the Authorities:** Increasing transparency and accountability of the authorities that order and implement internet shutdowns, and providing effective remedies for those affected by them.
- **Look for Alternate options:** 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.
- **Adhere to Supreme Court's Guidelines:** The authorities should follow the directions of the Supreme Court in the Anuradha Bhasin case (2020). The Supreme Court issued following guidelines:
  - Suspension can be utilized for a **temporary duration only.**
  - Any order suspending the internet issued under the Suspension Rules must adhere to the principle of proportionality and must not extend beyond the necessary duration.
  - Any order suspending the internet under the Suspension Rules is **subject to** judicial review.

Drishti Mains Question:

Discuss the arguments both in favor and against these measures, and suggest policy reforms that could strike a balance between maintaining public order and safeguarding individual liberties.