Internet shutdowns

Why in news?

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A recent report shows that in India about 55 Internet shutdowns were triggered by government till October 2017.

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What is government triggered internet shutdown?

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- During an aggressive political instability situation in a particular region, to preserve law and order government will decide to cut-off essential supplies or resource to that region.
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- In the 21st century, the Internet has become an increasingly important essential resource.
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- This growing importance of the Internet in personal life, at times poses a great challenge to governmental authorities.
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- Governments therefore attempt to re-orient the relationship between the individual and the state in their favour by controlling the Internet.
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- In India, one ubiquitous form of such control is the “Internet shutdown”.
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What are the instances of internet cut offs?

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- Recently government had cut-off Internet access to prevent violent protests (Kashmir) and cheating in exams (Gujarat).

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- There are instances of 37 Internet shutdowns, triggered by 11 States over a two-year period.
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- It has serious consequences both for civil rights, and for businesses.
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- The sheer ubiquity of Internet shutdowns makes it clear that it is being used as a routine card in the ever-expanding “law and order” toolkit of the state.
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What are the issues with legal basis of these shutdowns?

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- For a long time, the legal basis of Internet shutdowns was unclear.
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- A few years ago, the High Court of Gujarat invoked Section 144 of the Code of Criminal Procedure (CrPC) to uphold an Internet shutdown.
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- Section 144 is primarily used to secure an area from damage or harm in the case of a potential or actual law and order disturbance, and more notoriously, to ban protests or other forms of political action in places such as central Delhi.
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- The key flaw in the Gujarat High Court’s decision was its failure to understand that the provisions of the CrPC cannot directly be transposed into the online world.
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What needs to be done?

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- Government plan to achieve a temporary illusion of security at the cost of a permanent loss of freedom must be avoided.
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- There must to be no invasion of the individual’s right than what is strictly necessary to achieve the state’s goal.
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- To adjudicate a fair constitutional balance Courts must take into account the exceptional character of Internet shutdowns and their impact on core civil liberties before validating them.
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- The government must, by law, subject Internet shutdowns to judicial scrutiny as soon as reasonably possible.
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- Government to preserve law and order must use less drastic ways, such as increasing security, or addressing grievances of the citizens.
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Source: The Hindu

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