Internet Shutdowns in India

What is the issue?

- It has become common for law enforcement and government officials to cut off the Internet during moments of tension.
- With rise in such instances in the recent period, here is a look at the trend, the legal provisions, and the implications in regards to internet shutdowns.

What are the recent instances?

- The Delhi-based non-profit Software Freedom Law Centre (SFLC) tracks these shutdowns nationally.
- It says there have been 55 internet blockades in J&K in 2019.
- There were 11 in Rajasthan in the same period.
- Network disruptions have also become increasingly common around the world.
- The Iranian government recently ordered near-complete suspension of internet services as a response to protests over a hike in petrol prices.
- Between mid-2015 to mid-2016, over 19 countries suspended internet access.
- The number increased to more than 30 in 2017.
- However, it is India that has the distinction of witnessing the most number of shutdowns in the world.
- According to an estimate, in 2018, of the 196 internet shutdowns collated from 25 countries, India was responsible for the majority.
- With 134 incidents, 67% of the world's documented shutdowns took place in India, in 2018.

How has the trend been?

- Most often, the internet shutdown orders restrict only mobile data services.
- This is because, 95.13% of Indian internet users access the internet over mobile networks (phones and dongles).
- In terms of duration, the longest-running shutdown was in the erstwhile state of J&K in 2016.
- Services remained suspended for nearly 5 months after the death of Hizb-ul-Mujahideen commander Burhan Wani.

- This is followed by the ongoing shutdown in the valley since 5 August, 2019 (when special status was revoked).
- The third longest was a 100-day shutdown in West Bengal's Darjeeling in June 2017 linked to the agitation for Gorkhaland.

- **Limitations** - SFLC's primary sources to track shutdowns are RTI (right to information) applications, news reports and citizen reporting on its website.
- But, several shutdowns are not reported in the news.
- Moreover, even RTI is not a reliable method as many states deny giving information under Section 8 of the RTI Act.
- Estimates then are, in fact, limited, especially given that there is no centralized count of internet shutdowns in India.

What are the legal provisions?

- Until 2 years ago, shutdowns were imposed largely under Section 144 of the Code of Criminal Procedure (CrPC).
- This gave the police and district magistrate powers to prevent unlawful gatherings of people and "direct any person to abstain from a certain act".
- However, in August 2017, the Centre promulgated the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.
- It did this under the authority granted to it by the Indian Telegraph Act, 1885.
- These rules trace the legal source of the power to issue shutdown orders to the Union home secretary or the secretary in charge of the home department in a state.
- This order must then be forwarded to a review committee, which is required to decide on its reasonability within 5 working days.

What are the concerns with 2017 rules?

- The 2017 Shutdown Rules result in arbitrary shutdown orders due to inadequate oversight and safeguards.
- In effect, a specific legal basis for internet shutdowns has enhanced the general power under Section 144 of the CrPC, rather than displacing it.
- The telecom service providers (TSPs) suffer heavy losses with every shutdown.
- TSPs have little option but to comply.
- In India, TSPs' licence can be cancelled or a penalty of up to Rs. 50 crore per service area imposed for every violation.

- The 2017 rules also list the circumstances under which the government may order shutdowns.

- These include situations of public emergency, or to ensure public safety.
- Over the years, these have been invoked in a variety of circumstances, including conflict, militancy, caste and communal uprisings, or protests.

How significant has internet become, and what are the implications of a shutdown?

- **Education** is now inextricably linked to the internet.
- Enabling students to have access to internet will only enhance opportunities of students to acquire knowledge from all available sources.
- The Kerala high court too acknowledged this in the case involving Faheema Shirin, an 18-year-old BA student.
- She filed a petition seeking to set aside the rule that denied internet access to women students at night in her hostel.
- **Women safety** - The Kashmir Women's Collective (KWC) is an organization in the valley that helps women who are targets of violence, domestic or otherwise, and familial disputes.
- The team counsels complainants, who reach out primarily via Facebook.
- It helps them pursue legal recourse or provides support through other channels.
- With communication shutdown in J&K after Centre's decision to revoke special status, services as the above came to a standstill.
- The gendered impact of a communication blockade, especially in areas ridden with conflict, is often missed in the clamor of politics.
- **Human right** - For a lot of people, the internet has become a very vital way to connect them to their professional and personal lives.
- In 2016, the UN declared that access to the internet is a human right.
- **Democracy** - The internet today is a platform where dissent can be registered meaningfully.
- It creates a democratized space cutting across distinctions of caste, class and gender in an unprecedented way.
- Also, many of the schemes rolled out by the government are linked to the internet.
- **Financial** - The financial setback as a result of internet shutdowns can be crippling for businesses both in the formal and informal sectors.
- The internet shutdowns in India between 2012-17 cost the economy approximately $3.04 billion (around Rs. 21,584 crore).

Source: Indian Express



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