



Internet Freedom

For Prelims: [Citizenship Amendment Act, 2019](#), [Article 370, 2019](#), [Section 144 of the Code of Criminal Procedure](#).

For Mains: Internet Freedom, E-governance- applications, models, successes, limitations, and potential, Transparency and accountability.

[Source: TH](#)

Why in News?

For five straight years, India has topped the global list of countries imposing internet bans, with about 60% of all blackouts recorded in **the world, between 2016 and 2022** having been in India.

- State imposed shutdowns in the last decade have cited national security and threats to public order. However, rights groups have argued that these shutdowns also violate court directives.

What are the Key Trends of Internet Shutdown in India?

- **Instances of Internet Shutdown:**
 - The Indian government imposed a **total of 780 shutdowns between 1st January, 2014, and 31st December, 2023**, according to data collected by the Software Freedom Law Centre (SFLC).
 - Shutdowns flared up during the protests against the [Citizenship Amendment Act in 2019](#), the abrogation of [Article 370 in 2019](#), and the introduction of [Farm Bills in 2020](#).
 - Internet disruptions in India accounted for **more than 70% of the total loss to the global economy in 2020**.
 - India shut down the internet for over 7,000 hours in 2023.
 - Regionally, Jammu and Kashmir saw the highest number of shutdowns — at 433 — in the last 12 years.
 - The longest blackout in 2023 took place in Manipur from May to December, amid ethnic clashes.
 - Between 2015 and 2022, more than 55,000 websites were blocked, according to SFLC data.
 - The biggest share of content censored was done under [section 69A of the IT Act](#), by the Ministry of Electronics and Information Technology and the Ministry of Information and Broadcasting.
 - URLs were blocked due to links to organizations banned under the [Unlawful Activities \(Prevention\) Act](#).
- **Global Internet Freedom:**
 - Global Internet freedom has declined for the 13th consecutive year, and the environment for human rights online has deteriorated in 29 countries, according to the latest Freedom House report.

- India's ranking has hovered around the same benchmark in the last three years.
- This is a dip from 2016 and 2017, when India scored 59 points, to 50 points in 2023.

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.**
 - However, the law does not define what qualifies as an emergency or safety issue. The Supreme Court, in the landmark [Anuradha Bhasin v. Union of India case, 2020](#) **reiterated** that internet shutdowns violate fundamental rights to freedom of expression and shutdowns lasting indefinitely are unconstitutional.
- **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 Arguments Regarding Internet Shutdown?

- **Prevents Hate Speech and Misinformation:**
 - 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.
- **Prevents any Anti-National Activities:**
 - Internet shutdowns can help 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.
- **Protects National Security:**
 - Internet shutdowns can help 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.
- **Curb on Objectionable Content from Consumption:**
 - Internet shutdowns can help control the distribution and consumption of content that could be harmful or offensive to certain groups or individuals.
 - For example, the **government blocks internet access in some regions** to prevent the circulation of objectionable images or videos.

What are the Concerns Related to Internet Shutdown?

- **Violation of 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 enjoy 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**.

▪ **Lack of Accountability:**

- Shutdowns are **often implemented without clear legal frameworks** or oversight mechanisms, leading to arbitrary and disproportionate restrictions on internet access.
- The absence of accountability mechanisms exacerbates the risk of abuse of power by authorities, who may impose shutdowns without adequate justification or recourse for affected individuals.

▪ **Economic Disruption:**

- Beyond the immediate social and political implications, **internet shutdowns have significant economic repercussions**. Disruptions to online commerce, communication, and financial transactions disrupt business operations, hinder economic growth, and deter investment, ultimately undermining long-term development objectives.
 - According to Top10VPN, India lost Rs 2,091 crore (\$255.2 million) in the first half of 2023 because of internet shutdowns.

▪ **Social Disruption:**

- Shutdowns disrupt the fabric of society by impeding **communication networks, hindering access to vital services**, and isolating individuals from their communities. Social cohesion may suffer as a result, as people are unable to connect, organize, or mobilize effectively, leading to feelings of isolation and alienation.

Way Forward

- The Government 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**.
- 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 constitutional and human rights standards.
- 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.

Drishti Mains Question:

Q: Evaluate the constitutional and human rights concerns associated with these shutdowns and suggest measures to address them in line with international standards

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. Right to Privacy is protected as an intrinsic part of Right to Life and Personal Liberty. Which of the following in the Constitution of India correctly and appropriately imply the above statement? (2018)

(a) Article 14 and the provisions under the 42nd Amendment to the Constitution.

(b) Article 17 and the Directive Principles of State Policy in Part IV.

(c) Article 21 and the freedoms guaranteed in Part III.

(d) Article 24 and the provisions under the 44th Amendment to the Constitution.

Ans: (c)

Mains:

Q. What do you understand by the concept of “freedom of speech and expression”? Does it cover hate speech also? Why do the films in India stand on a slightly different plane from other forms of expression? Discuss. (2014)

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