




Internet Curfew

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Ensuring unhindered access to the internet at all levels is a top priority under **Digital India programme**. Ironically, a new report from the **Center for Technology and Innovation at the Brookings Institute** shows that **India** and Iraq share the dubious position of reporting the **highest number of incidents** involving the government-mandated shutdown of internet access.

Increasingly governments are resorting to shutting down the internet as the go-to solution for **maintaining law and order** like in case protests emanating from **Citizenship Amendment Act**, Ayodhya dispute judgement etc. **These shutdowns curb free speech online and have other multidimensional implications.**

According to a report by Software Freedom Law Centre (SFLC), since 2012, India has witnessed at least 254 internet shutdowns, of which 107 took place in 2018 alone.

Related Internet Shutdown Laws

- Home Departments in the states are mostly the authorities that enforce shutdowns, drawing powers from the **Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017**. Powers have now been given to the Secretary of the Union Government, Secretary of the state government, to issue orders related to internet shutdown.
- **Section 144 of the Code of Criminal Procedure, 1973** has enabled many of the shutdowns in the recent past, especially until the time the telecom suspension Rules came into force in 2017.
- The **Indian Telegraph Act, 1885**, whose Section 5(2) allows central and state governments to prevent the transmission of messaging during a “public emergency or in the interest of public safety”, or “in the interests of the sovereignty and integrity of India, the security of the state”.
- The **Information Technology Act** (India’s principal information technology sector law), has provided limited power to the government to issue individual web content blocking orders, instead of a larger suspension of internet itself.

Rationale of Internet Shutdown

- **Check Fake News:** Internet shutdowns are typically used **when there is civil unrest**, in order to block the flow of information about government actions or to end communication among activists and prevent the spread of rumours and fake news.

- **Preventive Response:** Cutting off the Internet is both an **early and preventive response** to block restive groups to organise riots against the Government.
- **National Interest:** The Internet **cannot be independent of national sovereignty**. Therefore, the necessary regulation of the internet is a reasonable choice of sovereign countries based on national interests.

Arguments Against Internet shutdown

Curbing Free Speech:

- **Constitutionalism** envisages limited powers of the government (which is a trustee and custodian of taking forward certain constitutional values).
- The promise of **free speech is preserved in Article 19(1)(a)** of the Constitution.
- Supreme Court in its landmark **Shreya Singhal judgment** recognised the **internet as an essential medium to further our constitutional right to freedom of speech and expression**.
- **Supreme Court in Sakal Papers judgement**, held that no policy of the state can so much as regulate the circulation of a newspaper, as any such programme will directly impinge on the right to freedom of expression.

Since today publishing a newspaper without access to the Internet is an unimaginable task.

Therefore, a blanket ban placed on the web will also transgress the guarantee of free speech.

Economic Losses:

- According to SFLC, there is a **collective loss of 16,000 hours** to Internet shutdowns in India. This has led to a loss of \$3 billion to the Indian economy.
- **Gig economy** (Ola, Uber, Swiggy, Zomato etc), **e-commerce sector**, online banking all suffer due to restrictions on the internet.
- The Internet has become so fundamental to our lives that the economic impact is only going to be higher in the future.

Social Cost:

- Mobile-based essential services like mobile banking, health, education will also be denied due to internet shutdown.
- It prevents even people who are caught in the midst of these kinds of law-and-order problems, people fleeing from arsonists, people who want to send word of safety to families, who want to arrange ambulances for someone who's injured.

UN Human Rights Council also pitches for the promotion, protection and enjoyment of human rights on the Internet.

Conclusion

State interests like security are important because they are the prerequisites for us to exercise our freedoms. However, in pursuing this, the freedoms themselves cannot be suspended.

Therefore, the government needs to clearly lay down a comprehensive framework, stating the conditions behind such Internet shutdowns.

Drishti Mains Question

State interests like security are important because they are the prerequisites for us to exercise our freedoms. However, in pursuing this, the freedoms themselves cannot be suspended. Analyse the statement in the context of increasing internet shutdowns in India.