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Internet Shutdown

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Why is in news? Lift ban on Internet services with safeguards, Manipur HC tells State

The Manipur High Court on Friday directed the Home Department of the Manipur government to lift the ban on providing Internet through Internet Lease Lines (ILLs) throughout the State to facilitate limited access to Internet services for the public, and to consider Fibre To The Home (FTTH) connections on a case-to-case basis, provided the safeguards put on record by an expert committee are complied with.

Internet shutdowns are a means to **wipe out online communication, which directly impacts day to day functioning in an increasingly digital world**, but they also have important and serious knock-on effects on democratic movements, and sometimes provide cover for violence, as reporting crime and making contact for support becomes hard to do.

Internet shutdowns are measures taken by a government or by any entity on behalf of a government, to intentionally disrupt access to and the use of information and communications systems online.

Global Scenario:

The first major internet shutdown that captured global attention took place in Egypt in 2011 and was accompanied by hundreds of arrests and killings.

As many as 12 countries implemented more than 10 shutdowns during that period. Globally, all regions have experienced multiple shutdowns, but the majority reported occurred in Asia and Africa.

As many as 132 of the shutdowns recorded by civil society groups were officially justified by the need to control the spread of hate speech, disinformation, or other forms of content deemed illegal or harmful.

India blocked or disrupted internet connections 106 times and at least 85 of India's internet shutdown episodes were in Jamm& Kashmir.

Almost half of all shutdowns recorded by civil society groups from 2016-2021 were carried out in the context of protests and political crises, with 225 shutdowns recorded during public demonstrations relating to a vast range of social, political or economic grievances.

Procedure followed by the government to suspend Internet services:

Before 2017, Internet suspension orders were issued **under section 14 of the CrPC**.

In 2017, the central government notified the **Temporary Suspension of Telecom Services (Public Emergency or Public Service) Rules** under the Telegraph Act to govern suspension of Internet.

These Rules **derive their powers from Section 5(2) of the Indian Telegraph Act**, which talks **about interception** of messages in the **"interests of the sovereignty and integrity of India"**.

Despite the 2017 rules, the government has often used the broad powers under **Section 144**.

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Cases related to internet shutdown:

The High Court of Kerala made a start to the **domestic recognition of the right to Internet access** with its judgment in **Faheema Shirin R.K. v. State of Kerala & Others** which can be replicated pan India

In **Anuradha Bhasin versus the Union of India, 2020**, the Supreme Court ruled that an **undefined restriction of internet services would be illegal** and that orders for internet shutdown must satisfy the tests of necessity and proportionality.

Reasons for Shutdowns:

To ensure peace during a festival procession.

To prevent cheating in exams.

To block the flow of information about government actions or to end communication among activists

To curb uploading, downloading, and circulation of provocative videos, guard against rumour-mongering/fake news, prevent the use of encrypted messaging and coordinating terror activities.

To defeat the nefarious designs from across the border to propagate terrorism.

To prevent the misuse of data services by elements that have the potential to scale up violent activities and disturb public order.