



# CURRENT AFFAIRS



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## **Behind the great Indian Internet shutdown(The Hindu, GS-2, Governance)**

**Context:-** The Supreme Court of India on January 10, 2020, held that access to information via the Internet is a fundamental right under the Indian Constitution. This was in the **case of Anuradha Bhasin vs Union of India**, where the top court also ruled that any restriction on Internet access by the Government must be temporary, limited in scope, lawful, necessary and proportionate. The Court reiterated that the Government's orders restricting Internet access are subject to review by Courts.

### **Why do we need internet shut down:-**

- To counter the exceptional situations where there is a public emergency or a threat to public safety.
- To maintain the public order and ensure peace.

## **Current situation in India about internet shutdown:-**

- India saw more instances of Internet shutdown than the year preceding it.
- India's Internet restrictions also accounted for more than 70% of the total loss to the global economy in 2020 and India remains infamous as the Internet shutdown capital of the world.
- Currently the Government of the Union Territory of Jammu and Kashmir ( J&K) has restricted access to mobile data in the Valley of Kashmir.
- Similar restrictions have been ordered by the government of Haryana in five different districts following farmers' protests that were organised there.
- The government of J&K suspended Internet services on five separate occasions in July and August in the districts of Baramulla, Pulwama and Shopian. The suspension orders for these instances have still not been uploaded on the government's websites.
- The Union government in 2020 amended the Telecom Suspension Rules, 2017 to limit Internet suspension orders to a maximum of 15 days.

## **Effect of internet shutdown:-**

- The importance of the publication of Internet suspension orders cannot be understated. Those aggrieved with the restriction cannot approach a court of law to question an order's legality in the absence of the order.
- This non-publication of orders also undermines public confidence in the Government.

- The Internet is a necessity and restrictions without publicly disclosed reasons create a trust deficit.
- In 2020, the Indian economy suffered losses to the tune of \$2.8 billion due to 129 separate instances of Internet suspension, which affected 10.3 million individuals.
- The harm is on the all front be it economic, psychological, social or journalistic caused by such suspensions outweighs any speculative benefits.
- Internet suspensions ought to be imposed in times of emergency and not to stifle the democratic exercise of the right to protest. In those times, the Internet is a necessity to seek help.

## What is the issue:-

- The experience with Section 66A of the Information Technology Act has shown that if Supreme Court decisions are not statutorily recognised for example supreme court has mandated not to take frequent shut down in Anuradha bhasin case.
- The Public officials enforce the law incorrectly simply because of a lack of awareness.
  - For example the State of Meghalaya in reply to RTI application stated that it was not even aware of the judgment in Anuradha Bhasin even though eight months had passed since the Supreme Court's pronouncement.
- The Internet is also a tool to verify rumours, and enables individuals and the Government to disseminate the truth.
- According to a 2019 Telecom Regulatory Authority of India (TRAI) report on Indian Telecom Services Performance Indicators, mobile device users (dongle and phone) constituted 97.02% of total Internet users.
  - Only 3% of users have access to broadband Internet. These numbers are not likely to have changed significantly since then, since broadband Internet continues to be expensive.

- Internet suspension also remains a problem independent of non-compliance with the directions of the Supreme Court.

## **Way forward:-**

- Parliament must enact a law which should encompass all the dimensions and must inculcate the objectivity for example on what ground internet shut down can take place and upto what period.
- An awareness campaign at all levels to sensitize the public and the people.

## **Source:- The Hindu**

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