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INTERNET SHUTDOWNS : INDIA'S INVISIBLE CONFLICT

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ABSTRACT

Internet shutdowns have become normal for the past few years in India and have been very frequent. In developing nations like India, the use of the internet is consistently rising and digital communication tools play a crucial role in conducting protests and gatherings in times of social unrest. Due to the lack of proper governance, Internet freedom for citizens in India is vulnerable. Internet shutdowns don't only have short-term effects but long-term effects also. In the world full of technology, we cannot imagine ourselves without the internet. The repercussions of Internet outages are very dire. Although the Govt. validates internet shutdowns as the instrument to maintain peace and security, these are the hurdles in the free flow of information, freedom of assembly and freedom of expression.

 This research report deals with the perverse social, financial, political and technical impacts that internet shutdowns have caused and how the frequent suspension of internet connectivity has become an authoritarian practice of the Indian Government. In addition, this research examines the way India became the Internet Shutdown capital of the world. This paper explores the dark side of Internet outages. Furthermore, this study discusses the difficulties faced by the people of the Kashmir without 4G internet during the global pandemic COVID-19.

Keywords - Internet Shutdown, Democracy, India, Kashmir, COVID-19, Internet Outage, Internet Shutdown Capital

INTRODUCTION

"If the freedom of speech is taken away, then dumb and silent we may be led, like sheep to the slaughter."- George Washington

The Internet has changed the scenario of society as most of our works are dependent solely on the internet. It has become a vital piece of infrastructure, community formation and governance. It also plays an important role in the development of the country as it becomes much easier to communicate and do business online and helps in international cooperation and interaction.

As the presence of the internet is beneficial for a country, its absence has also a great impact. Internet shutdown or internet blackout is an intentional disruption of internet-based communications. It causes a great impact on the social, political, financial and technical facets of a country. An internet shutdown is always imposed by the government to maintain the law and order which can be disturbed by the rumours and misinformation circulating online and this can only be restored by curbing the access of the internet. Thus, internet shutdown can be defined as *"a government-imposed disablement of access to the internet as a whole within one or more localities for any duration of time."*

In 2019 only, there were 121 shutdowns recorded in India. It affected the private sector as well as government services of the country. Supreme Court of India declared that the rights to freedom of speech and expression and to practice any profession or carry on any trade, business or occupation over the medium of the internet enjoy constitutional protection under Article 19(1) (g) of Constitution of India. Thus, internet freedom is a basic human right and its shutdown for an indefinite time is unconstitutional.[1]

<u>INTERNET FREEDOM</u>

The word 'internet freedom' does not only means to the 'right to internet accesses' but it also includes digital rights, freedom of information, freedom from internet censorship, and net neutrality. This freedom has an impact on everyone that uses the internet to voice or express their opinions on topics that they are passionate about. Internet freedom has political as well as economic aspects. The political aspect generally emphasizes the freedom of expression and human rights and economic aspect of internet freedom deals with free and open networks with economic growth, trade and favorable business environments. Secretary of State Hillary Clinton said *"the internet is a network that magnifies the power and potential of all others. And that's why to believe it's critical that its users are assured certain basics freedoms. Freedom of expression is first among them."[2]*

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[1] Anuradha Bhasin v. Union of India, Writ Petition (Civil) No. 1031 of 2019.
[2] Hillary Clinton, "Remarks on Internet Freedom", http://www.state.gov/secretary/rm/2010/01/135519.html.

United Nations declared the internet as a human right in June 2012. Article 19 of the Universal Declaration of Human Rights (UDHR) states: *"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."*[3] Internet freedom is a vital tool for democracy. It helps the people to be heard and express their view on any political or social topic and silencing these voices controls the narrative. In developing nations, Internet use and growth are consistently increasing, but there is no proper governance and appropriate policies due to which Internet freedom for citizens in these nations is particularly vulnerable. The UN Human Rights Council has pronounced that the intentional measures to prevent or disrupt access to or dissemination of information online are unjustifiable and in violation of international law.

<u>INTERNET SHUTDOWN AS AN AUTHORITARIAN PRACTICE</u>

Internet shutdown is a disruption of internet-based communications, rendering them inaccessible or effectively unavailable, for a specific period, population, location, or mode of access, often to exert control over the flow of information. Between Jan 2012 and Apr 2018, the internet shutdowns in India were ordered under Section 144, Criminal Procedure Code, which deals with prohibitory orders to maintain law and orders. After passing the **Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017,**[4] an officer, of no less than joint secretary rank in the state or Union government, may order the suspension of telecom services. Suspension of internet services is ordered, mostly, by the government of a country. They do this mainly because of the rumor-mongering on social media that eventually led to public unrest, and

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[3] Catherine Howell and Darrell M. West ,"The Internet as a Human Right",
https://www.brookings.edu/blog/techtank/2016/11/07/the-internet-as-a-human-right/.

[4] A legal framework to govern internet shutdowns was created for the first time in the year 2017 with the intention of directing how such shutdowns may be ordered. Rules were issued for this purpose by the government and these Rules are called the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 (hereinafter referred to as "the Rules"). They provide for the manner in which directions to suspend telecom services are to be issued. These Rules were issued under the Indian Telegraph Act, 1885. However, there is no definition of "telecom services" in the Rules or the Telegraph Act, 1885. A broad definition has been provided in the Telecom Regulatory Authority of India (TRAI) Act of 1997, which has defined it to include all telephonic services.

sometimes to violent protests, etc. They justify it by saying that the objective behind the shutdown is to protect national security and the lives of ordinary civilians. Besides the imposition by the government, there are other reasons also which are responsible for internet shutdown. The Internet shutdowns are the 'new normal' as the restrictions on internet access rises globally.

Internet Shutdowns are of two types: partial and total. When there is targeted blocking of a specific website or social media services, it is a partial internet shutdown. However, Total shutdown is imposed when all Internet services are blocked without specific targeting of applications or websites.

The trend of using internet shutdown for managing the protests gained global attention during the Egypt uprising in 2011. Since then, many countries shut down their internet services whenever they feel that there may be a threat to national security. Last year in India, during the protests against the new Citizenship Law, the government suspended internet services in many parts of the country, including, several districts of U.P., West Bengal and Assam. On 4 Aug 2019, the government shut down the internet in Jammu and Kashmir after the Centre abrogated provisions of Article 370 of the Constitution. Many Kashmiris, including journalists, politicians and intellectuals, were jailed without any charges. In 2018, during the protest by Dalits in Meerut, U.P. internet was shut down on 14 April for about 24 hours. In the same year on 2 April, internet services were suspended in Rajasthan when SC/ST was protesting on general category traders. In Madhya Pradesh also, on 6 Jun 2017, internet services were suspended when the farmers were protesting for higher prices to their products. There are several other instances also when the government shut down the internet, like, after the Judgment on Ram Mandir- Babri Masjid Case (2019) or to prevent cheating during examinations (Rajasthan. 2018). Such type of shutdowns has the effect not only on the protestors or the persons involved in politics but also to those people who are just trying to make a living, as the internet becomes more integral to all aspects of life.

LITERATURE REVIEW

During the last few years, as the number of internet shutdowns has increased globally, different articles and journals regarding the Internet Shutdowns have surfaced. Knowledge about the Internet Outages and the significance of the internet in various spheres of human activities exist for many years. The Internet and associated services have significantly transformed all facets of society and it is now regarded as a "general-purpose technology" (Rajat et al., 2016. The concept of communicative ruptures develops to better understand intentional government shutdowns of communications (Ben Wagner, 2018). Democratic and nondemocratic regimes want to control the Internet infrastructure in and out of their territories (Patricia Vergas-Leon, 2016). The growing scope of internet disruptions is creating significant detrimental impacts on economic activity in a number of nations around the world (Darrel M. West, 2016). The Indian Council for Research on International Economic Relations (ICRIER), New Delhi has studied the impact of Internet shutdowns on the economy of India and recently released a report- The Anatomy of an Internet Blackout: Measuring the Economic Impact of Internet Shutdowns in India on 25 April 2018 at the India Habitat Centre, New Delhi. Throttling and shutting down the internet has the same effect as pulling the plug on a machine said - (Gohdes, 2015). The current landscape of the nature and scale of the use of digital media in India through relationship typologies between citizens, intermediaries and the State – says (Nupur Chowdhury, 2018).

This study will further explore the impacts of internet shutdowns, not only economic but social, political and psychological impacts also and will further assist in assessing the problems faced by the people due to blockade in connectivity. Although there has been elaborate work on Internet Shutdown Laws, Research work and Studies on "India as an Internet Shutdown Capital of the World" have been few and far between. In Addition, the difficulties faced by the people of Kashmir during Global Pandemic Covid-19 will also be discussed briefly.

RESEARCH METHODOLOGY

India is by far the most interesting case internationally in this regard and no other country can even come close to the no. of internet shutdowns India has witnessed in the past eight years. Shutdowns have become so common that they are an established part of precautionary measures taken within the security apparatus.

A mix of primary and secondary research has been done in drafting this paper. Existing material on the topic such as books, research papers, reports, news articles and blogs have been consulted while drafting. All information on the reported instances of Internet shutdowns in India come from the dynamic Internet Shutdown Tracker i.e. www.internetshutdowns.in, which in turn sources its data primarily from reports published in national and regional newspapers and the Reports by Statista.Com (a German online portal for statistics, which collects data by market and opinion research institutes) have also been incorporated. The international KeepItOn campaign by the NGO AccessNow, which has developed its own shutdown tracker, was also accessed while doing this research. Reports by the Indian Council for Research on International Economic Relations also collaborates with this study. Some information is also provided by residents from areas affected by Internet shutdowns via personal interviews conducted by us.

This study has targeted such states of India which have experienced the episode of Internet shutdowns frequently. Our goal is to provide a veracious, principled, parsimonious and felicitous record of internet outages and the perverse impacts internet shutdowns have caused.

1. A particularized study as to what are the causes of internet shutdowns and the social, financial, political, and technical impacts of Internet outages on Indian society.
2. An Elaborate and thorough study of Internet outages in the states of India and the impacts on the Internet-based GDP economy.
3. A comparative analysis of Outages among Democracies and how India became the Internet Shutdown Capital of the world.
4. A detailed methodology and data sources that can be followed to compute economic impacts caused by the Internet outage in India.

5. A brief study of difficulties faced by the people of Kashmir during Global Pandemic Covid-19 without any access to internet connectivity.

We have considered newspaper reports of Internet shutdowns to be more or less accurate by default and therefore have not verified each and every report separately unless we have a reason to do so. We also verify all information on Internet shutdowns that have reached us by word-of-mouth by soliciting corroborating reports from our sources. Only verified instances are added to our study. Even so, we advise that our record of shutdowns be treated as an indicative one, and not exhaustive.

INDIA: THE WORLD LEADER IN INTERNET SHUTDOWNS

How India became internet shutdown capital of the world? Why India Shutdowns Internet more than any other country? There are so many questions that come to mind when someone gets to know that India leads the world in internet shutdowns. India has the second-highest number of internet users after China and is shifting very fast towards digitalization in every field. Ironically, the country also has the highest number of internet outages in the world. Longer internet blackouts than this have occurred only in countries like China and Myanmar, not in countries like India which calls itself the largest democracy of the world. India has Shutdown the Internet more times than any other nation in the entire world in the last few years. The constant obstruction in internet connectivity restricts people from expressing themselves freely- a right given to every Indian under Article 19 of the Indian constitution.

India experienced six Internet shutdowns in the year 2014 which gradually rose to 14 in 2015 and doubled to 31 in 2016. By the end of 2017, it reached 79. The shutdowns were at a peak in 2018 to 134, and by December 15, 2019, the nation witnessed 106 Internet shutdowns.

According to Shutdown Tracker accessnow.com, a website based on Internet activism, 67 percent of the world's Internet shutdowns in 2018 occurred in India. The same organization collected reports which show that India continues to be the Internet shutdown capital of the world. By the end of July 2019, the number of internet shutdowns occurred was 80, which again forms 67 percent of the world's total Internet shutdowns (120). India tops the list of countries with the most Internet

shutdowns, accounting for 134 of the 196 documented shutdowns in 2018, as reported by Access Now. We are further followed by our neighbors Pakistan with 12 reported internet shutdowns, and Yemen, Iraq, Ethiopia & Bangladesh, each with greater than five shutdowns. The most protracted Internet shutdown in India, which lasted 133 days, was enforced in Kashmir in 2016 after the killing of Burhan Wani. But the recent communications blockade in Kashmir, since August 4, 2019, broke this dubious record. India leads the world in internet outages by a considerable margin. The number of states that shut down the internet in one or more districts has gradually increased, from just Jammu and Kashmir in 2012, to 14 states in 2019.

As of 2020, there were a total of 35 internet shutdowns all over India, and most of the shutdowns were from Jammu and Kashmir alone, as reported by Statista.co (a German online portal for statistics). The western region of Rajasthan comes second in internet blackouts imposed.

KASHMIR: LONGEST INTERNET OUTAGE EVER IN A DEMOCRACY

After scrapping the special provisions from the constitution regarding the Jammu and Kashmir state, the Indian government banned public gatherings, detained local leaders, cut off telephone lines and imposed a complete blackout of the internet for 175 days — the second-longest shutdown globally in 2019 and the longest shutdown ever in a democracy. Also, it was amongst the longest internet outage ever occurred in India. As of now, residents in India-administered Kashmir are able to access only slow 2G internet connections, are obstructed from accessing most social media platforms, and can only visit white-listed websites that are vetted by the government. Shutdowns in Jammu and Kashmir comprised about 68% of the shutdowns in India, followed by Uttar Pradesh, Rajasthan, and West Bengal," according to a report by Access Now.

IMPACTS OF INTERNET SHUTDOWN

It has been seen that the consequences of the internet shutdown on the political, economic, technical and social aspects of society are deleterious. These internet blackouts also have a far-reaching impact on people's daily lives as it becomes more entwined with the online world.

Besides this, they also undermine the rule of law and constrain freedom of expression. Thus, the government should make some policies to meet the necessary and proportionate requirements.

1. Social Impact

Internet shutdown has a direct impact on the social life of individuals. Nowadays people are relying on the social media internet for basic communication, submitting school and college assignment, transportation, online payments, complete online job applications etc., and shutdowns adversely affect the access to essential services leading to disruptions in daily life. This has been the case of Aligarh, Uttar Pradesh, where internet services have been suspended on 15 Dec 2019, as the student movement against the new Citizenship Amendment Act grew. Khizra Rehmani, A student of Aligarh Public School, states that they were left with no social activities and recreational activities take place online. They were unable to check their Facebook accounts or WhatsApp messages. Parents also did not allow them to play outside as heavy police officers were deployed there. These situations lead to a feeling of listlessness and frustration.

In Darjeeling also, internet services were suspended on 15 June 2017. The entire state had been in shutdown mode and even the schools were closed. This led to a detrimental impact on the citizens' access to leisure and well-being. Thus, the Internet and social media have become such a firm part of socializing that without it, people are left devoid.

2. Impact on Human Rights

UDHR declared the Internet as Human Right and its disruption has a direct impact on it. A resolution passed by UNHRC says that the human rights which the people have offline must be protected online. People are affected by internet shutdowns as they cut off emergency services and health information, mobile banking and e-commerce, transportation, school classes, etc. Burhaan Kinu, Sr. Photojournalist, Hindustan times opined that "curbing Internet services violates basic human rights and does irreversible economic and social damage to common citizens of the state"[5].

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[5] Living in Digital Darkness: A Handbook on Internet Shutdowns in India, available at: https://www.sflc.in.

Internet shutdown was imposed on 4th August 2019 in Jammu and Kashmir which is the longest shutdown in India. The internet shutdown that started in Jammu and Kashmir (J&K) on August 5, 2019, and was eased only on January 15, 2020, is the longest internet shutdown ever in any democracy. [6] This blackout is not just a violation of International Law but also affected the persons who are humanitarian aid workers and to students who are unable to access study material either provided by universities or available on the Internet and fill forms of important examinations that will be conducted in 2020. On 10th Jan 2020, in the case of *Anuradha Bhasin v. Union of India,*[7] Supreme Court declared that the right to access the internet is a fundamental right under Article 19 of the Indian Constitution and a five-month internet blockade in Jammu and Kashmir is unconstitutional. Later on, on 15th Jan, 2G services were restored for verified users only.

3. Political Impact

As for political impact, the internet shutdown helps to disperse the protesters as the state imposes it usually on the time of protests or social unrest. State also shut down the internet at the time of the election for the national security and fears of the spread of fake election results. There are several countries, like Algeria, Uganda, Ethiopia, Zimbabwe, etc. prefer to blackout the country during elections. In India also, in April 2019 during the elections, some states of India were denied access to the internet. In Jammu and Kashmir, the internet was suspended during the poll to maintain law and order. After all these, there is no evidence that the election was free and fair. But, on the other hand, the internet can help the politicians in a positive way as they are able to communicate and talk about their agendas with the citizens easily and also can get feedback from them. There are also other political effects of shutdowns which include the breakdown of the rule of law and the use of the law as a weapon of repression.

4. Economic Impact

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[6] Mitch Prothero, "India's 134-day-long internet shutdown in Kashmir is now the longest ever imposed by a democratic state,'' Insider, December 16, 2019, https://www.insider.com/kashmir-internet-shut-down-imposed-india-longestever-by-democracy-2019-12 (https://www.insider.com/kashmir-internet-shutdown-imposed-india-longest-ever-by-democracy-2019-12).
[7] Writ Petition (Civil) No. 1031 of 2019.

The role of the internet, in the modern economy, is rapidly expanding in a developed country as well as in a developing country. The modern economy is mostly based on information and communication and there is a huge impact of internet shutdown on it. India lost around $ 3 billion, due to the mobile internet and broadband shutdowns, during the span of five years from 2012 to 2017 (Indian Council for Research on International Economic Relations). According to another report, 'Global Cost of Internet Shutdowns Report', India lost $1.3 billion in the year 2019 where the total economic loss of the world is around $8.05 and India is the third most affected country.

According to the ICUBE, the number of mobile Internet users in India reached 566 million in 2018 and can be exceeded to 627 million by the end of 2019. And according to the ICRIER (2016), a 10 percent increase in Internet subscribers results in a 2.4 percent increase in the rate of GDP growth per capita and its losses at least 1.9% of GDP daily when Internet services are shut down. This shows that how the internet helps in the growth of the economy and the slightest disruption in internet services has an impact on it. India adopted the digital method for businesses; internet shutdown even for a few hours can cause a big loss to the economy. This is because of the breakdown of communication between seller and customers, delivery personnel, payment gateway operators and other intermediary parties involved. Businesses, like, Swiggy, Zomato, Paytm, Uber, Ola, etc. are mainly dependent on electronic transactions and they have serious consequences, like, bankruptcy. It affects small business also, like, Internet café owners, sim card and recharges shops, the leisure service sector and e-commerce. According to the Director-General of Cellular Operators Association of India (COAI), a telecom operator, under a state where there is total internet shutdown, incurs a minimum loss of $15 million in a single day. OLA or Uber lose around Rs 2500 every day as people cannon book cabs on the said apps due to the internet shutdown.

Kashmir has faced the highest number and longest periods of Internet shutdowns in the country. In Kashmir, there was a loss of Rs 10,000 crore in three months only from Aug 2019. Sheikh Ashiq, president of the Kashmir Chamber of Commerce and Industry (KCCI), told that the main factor of the loss is the suspension of internet services. Online food delivery apps have a 10-20% economic loss during internet shutdown in UP and NCR in Dec 2019.

According to COAI, Indian mobile operators lose around 24.5 million every hour due to the suspension of internet services by the government to control the protests against CAA.

INTERNET OUTAGE IN KASHMIR DURING COVID-19

Intentional shutting down or restricting access to the internet abrogates multiple rights and can be deadly during a health crisis such as the COVID-19 pandemic, said Human Rights Watch. Governments that are currently imposing an internet shutdown, such as India, Pakistan, Bangladesh and Myanmar, should lift them immediately to save thousands of lives. During a health crisis, access to timely and accurate information is highly crucial. People use the internet for updates on health measures, education purposes, movement restrictions, and relevant news to protect themselves and others.

The absence of internet connectivity in Kashmir is preventing doctors from fighting the global pandemic Covid-19. India's Health Ministry invited doctors from Jammu and Kashmir to an online training session on managing ventilators – critical equipment for patients with Covid-19. Unfortunately, most of them were unable to attend the same because of the long-running blockade on the internet. Also, the non-access of the internet has debarred many Kashmiris from accessing information about the Coronavirus. The app Aarogya Setu is created by the government of India to create awareness and information regarding Corona-Virus, but it serves no purpose to the people of Kashmir.

"Internet blackouts block people from getting essential information and services, during this global health crisis, shutdowns directly harm people's health and lives, and undermine efforts to bring the pandemic under control", said Deborah Brown, senior digital rights researcher and advocate. For people around the world staying in quarantine, either willingly or because of governmental order, the internet is critical to communicate with doctors, family, and friends. All those children and others seeking education, it is needed to continue learning as schools shutter across the world.

Internet shutdowns can have a greater impact on women, the LGBTQ community, people with disabilities, and older people who may rely on the internet for online support services. Mostly,

these groups rely on the internet to protect their physical safety, access sexual and reproductive health information and care, and participate in social, professional, and economic life, particularly when women are disproportionately taking on more child care and education responsibilities, and when isolation can lead to or exacerbate psychological distress.

We have several classmates from Kashmir who are neither able to attend online classes nor can they take exams. The education of thousands of Kashmiris is at great risk. The connectivity speed that is restored is 2G which is still better than no connection at all. Restricting internet speed and making it harder to access information online is helping nothing but countering the fight against global pandemic Covid-19. The government of India should restore unfettered access to the internet connection as soon as possible. The people of Jammu and Kashmir have the basic right to access vital information that can save their lives. This small step can help stop the spread of the global pandemic.

CONCLUSION AND RECOMMENDATIONS

Arbitrary Internet shutdowns are not only an attack on the civil liberties and the basic constitutional rights of the citizens, by the State, but they have really perverse repercussions with businesses and working professionals losing out on sales and jobs every day. As far as achieving the stated goals of maintaining law and order is concerned, it is really doubtful. Internet and communications shutdowns, when in place, violate the fundamental freedom of expression given under the Indian Constitution. People nowadays depend on the Internet to communicate with friends and family, share news and knowledge, and to hold public institutions accountable. So, it is certainly morally questionable to strip people of a fundamental right by indiscriminately and untimely disabling communications. Internet shutdowns curb dissent and it gives the government excessive control over the dissemination of information and dominance over the narrative. Regular, untimely and indiscriminate shutdowns can have chilling effects on free speech in the long run.

Before completely shutting down the Internet, it is essential to conduct a proportionality and necessity test. It is significant to consider whether the same objective can be achieved by a less intrusive and more effective solution. For example, in the Rajasthan cheating, several other

methods could have been adopted, the restriction on the entry of mobile phones into the examination halls, better invigilation, or even using signal-jammers in the halls were some better options.

Indian government must be accountable to the public and provide a rationale for disrupting Internet services in a timely manner. In the interest of limpidity, all governments should state the reasons, time, alternatives considered, decision-making authorities and the rules under which the shutdowns were imposed and release the documents for public scrutiny. This is the way civil society can hold governments to the high standards of transparency and accountability that befits a democracy. Indiscriminate Internet blockades are not likely to safeguard public order in today's time and age. Indiscriminate outages have high social and economic costs and are often ineffective. Indian civil society needs to push for a limpid, transparent and accountable system that can ensure better Internet governance.

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