

**INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES**

[ISSN 2581-5369]

Volume 5 | Issue 2

2022

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Virtual Curfew in India: A Study of Socio-Economic Ramifications of Internet Shutdowns

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ABSTRACT

Article 19 of the Indian Constitution deals with the basic fundamental right of freedom of speech and expression, incorporated by the Constituent Assembly members after extensive debates and discussion in the Constituent Assembly. However, since the inception of information and communication technology via the medium of the internet, this basic fundamental right of freedom of speech and expression under Article 19 has changed drastically as the internet platform has taken over the arena of information by storm as the internet do not have any geographical limitations. Though, this right to freely access the internet has been repeatedly restricted during the pandemic too under the cloud of censorship and internet shutdown on the nebulous ground of public order and law issues; this, in turn, affects several individual rights at large. Apart from this, the internet shutdown also curtails an individual's virtual social autonomy as one is unable to assert his/her financial and social concerns. It has also been reported by UNESCO that India has witnessed the highest number of internet shutdowns in the world. Based on doctrinal research and an analytical approach, this research work attempts to analyze how the policy of censorship and internet shutdown severely curtails the social, political, and financial rights of an individual. Some of the primary data used in this work are constitutional assembly debates, information technology acts, official orders, rules, newspapers reports, internet shutdown tracker network reports, etc.

I. EVOLUTION OF FREEDOM OF SPEECH AND EXPRESSION

Article 19 of the Constitution of India which deals with the basic fundamental right of freedom of speech and expression (among other things) is said to be one of the basic canons of any progressive democracy. This important right was incorporated by the members of the Constituent Assembly after having extensive debates and discussions in the Constituent Assembly. The members of the Constituent assembly were quite aware of the fact how this impeccable right might be curtailed in future by successive governments as it was done by the

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Britishers during their struggle for independence, so they planted this right in part three of the Constitution in order to make it less prone to dilution. The basic idea to incorporate it in part three of the constitution was to make it explicitly justiciable by the Constitutional Courts of the country and to treat freedom of speech as the mother of all liberties as it is widely believed that a free and progressive society can be adjudged on the basis of how an individual can freely express his/her ideas without any fear or hindrance through any medium for the exchange of his/her ideas. The right is so indispensable for the development of the nation and for maintaining proper check and balance of parliamentary democracy. It is also pertinent to note that in a democracy the right to free expression is not only the right of an individual but rather a right of the community to hear and be informed.² As it is a well-established fact that no right is absolute, this right is also circumscribed by Article 19(2) of the Constitution. Before the First Amendment, the relevant part of Article 19(2) allowed the government to restrict speech that dealt with libel, slander, defamation, contempt of court or any matter which offends against decency or morality or which undermines the security of, or tends to overthrow, the State. Thereafter, clause 2 of Article 19 was amended by the First and the Sixteenth Amendments to the Constitution in 1951 and 1963 enabling restrictions on freedom of speech and expression, on the following grounds namely on the basis of security of the State, friendly relations with foreign State, public order, decency or morality, contempt of court, defamation, incitement to offence, sovereignty and integrity of India.

However, since the inception of information and communication technology (hereafter ICT) via the medium of the internet, this right under Article 19 has changed drastically as the internet platform has taken over the arena of information by storm. Now, ICT has become like a lifeline for the majority of people all around the world. With the advent of economical data subscriptions and smartphones, information today travels faster than the speed of light. With the ongoing continuous advancement of telecommunication technology and its enhancing viability at low cost has resulted in a great enabler for individuals to exercise several fundamental rights, for example, the right to free speech, right to access information, right to associate, right to practice any profession and right to education. The Internet revolution has changed the way people shared and access information. Internet as a medium for the exchange of information has also facilitated people to mobilize, voice their dissent for multifarious issues like for instance, “The Arab Spring,” “Sunflower Revolution,” “Jan Lokpal” movement and Me-Too movement to name a few. The other web-based services like online shopping, food delivery, cab services, online courses have also opened up enormous educational and business

² Sujata V. Manohar, *T.K Tope's, Constitutional Law of India* 143 (Eastern Book Company, Lucknow, 2010).

opportunities for individuals. Precisely, the internet has now become an integral part of everybody's lifestyle.

However, this right to freely access the internet has also been repeatedly restricted under the cloud of censorship often under Section 5(2)³ of the Indian Telegraph Act, 1885 and under Section 69A⁴ of the Information and Technology Act, 2000. Earlier, in addition, the internet shutdown was often been imposed under Section 144 of the Code of Criminal Procedure (CrPC), 1973. Until August 2017⁵, there existed a regulatory gap as there was no specific/direct legal basis for shutting down the internet. There was a total of three nebulous laws with each having different assorted degrees of unsuitability namely Section 144 of the Cr.PC, Section 69A of the Information Technology Act 2000, and Section 5(2) of the Telegraph Act, 1885. It is also an established fact that earlier internet services were normally disrupted under Section 144 of the Cr.PC, which gives a District Magistrate power to "direct any person to abstain from a certain act." This section further granted the power to the magistrate to pass an *ex parte* order in case of emergencies.

On the other hand, internet censorship (partial censorship) which infringes the basic constitutional rights is also becoming the new normal in India which has its deep roots in ancient times when rulers and religious leaders imposed restrictions on the press in order to block the spread of information that they deemed to challenge their power base and belief system. Caso⁶ also asserts that censorship is an abuse of powers "to forbid speech, writing, and images they considered a threat to their authority or contrary to divine law". It has also been observed that authoritarian regimes utilize the tool of censorship more often than any other democratic country. Countries like China, Syria, Zimbabwe and Vietnam have laws and regulations that effectively limit the freedom of the press and impose severe restrictions upon speech both offline and online.

This paper deals with the concept of internet shutdown and virtual censorship in India and how

³ On the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government may, if satisfied that it is necessary or expedient so to do in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states or public order or for preventing incitement to the commission of an offence, for reasons to be recorded in writing, by order, direct that any message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by or transmitted or received by any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government making the order or an officer thereof mentioned in the order: Provided that the press messages intended to be published in India of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under this sub-section.

⁴ Power to issue directions for blocking for public access of any information through any computer resource.

⁵ New Suspension Rules were brought up in August, 2017 by the Department of Telecommunication.

⁶ Frank Caso, Censorship, Facts on File, Global Issues. June 2008.

it disables individual autonomy (among other things) in the virtual world of communication. The law that deals with the regulation of internet shutdown & censorship have also been discussed in the paper vis-à-vis the disputes that have occurred due to the exercise of a right under Article 19 of the Constitution. This paper will present a brief analysis of India with regard to censorship of online speech and expression and lastly how it impedes access to various services online.

II. THE INCEPTION OF CENSORSHIP AND INTERNET SHUTDOWN IN INDIA: A JURISPRUDENTIAL ANALYSIS

The term censor can be traced back to the office of censor that was established in Rome in 443 BC. In ancient Rome, freedom of speech was reserved for the people who were either in the position of some power or authority. During the Roman regime, the office of censor or regimen morum became so powerful that it became the supreme authority for adjudicating moral and ethical conduct. Nobody was spared from the whip of the censor and the common people alike were held accountable, even shunned or banned for any deviation from morals and ethics prevalent at that time. Arguably the practice of censorship has been carried all over the world including India since ancient times, though the module of censorship has differed from country to country; it was mainly done upon books, plays, songs, pamphlets and any other form of expressive art of that particular time. So, earlier the mode of censorship was too harsh and it was enforced to maintain the status quo of religious or moral orthodoxy that was prevalent in the societal norms of a particular area.

According to Britannica, Censorship is the changing or the suppression or prohibition of speech or writing that is deemed subversive of the common good. It occurs in all manifestations of authority to some degree, but in modern times it has been of special importance in its relation to government and the rule of law.⁷ During the initial working years of our constitution, the censorship of Article 19 of the Constitution was challenged in the Constitutional Courts of India and the issues were generally revolving around the freedom of the press and media. For example, before the coming of the First Amendment, the relevant part of Art.19(2) empowered the State government to restrict speech *inter alia* that undermined the security of or tends to overthrow the State apart from other grounds. The scope of the power to impose restrictions was examined by the Supreme Court in the case of *Romesh Thappar v. State of Madras*⁸ (periodical ban) and *Brij Bhushan v. State of Delhi*⁹ (magazine ban). In these cases the

⁷ Britannica, *Censorship*, available at: <https://www.britannica.com/topic/censorship> (Accessed on 05.01.2022)

⁸ AIR 1950 SC 124.

⁹ AIR 1950 Supp SCR 245.

respective State laws empowered the government to restrict the circulation of written material in the interest of public order. However, the Supreme Court struck down the law as unconstitutional as it held that the imposition of pre-censorship on publication is a restriction on the freedom of the press, which is an essential part of the right to freedom of speech and expression under Article 19(1)(a) of the Constitution. After adjudication of these two verdicts, there were ample cases that dealt with the issue of censorship of the free press and media and that developed the jural of freedom of speech and expression post-independence.

In the context of the 21st century, everything revolves around technology as the technological advancement of the internet has made the usage of the internet a basic necessity today. Though earlier it was used to be a luxury. During the last couple of years and due to the Covid-19 pandemic, we all have been forced to do all sorts of stuff online now; be it education, jobs, healthcare, banking, shopping, trading and other food delivery services. Given the pandemic is still in operation internet as a medium of communication is a great enabler for accessing diversified online services. Even during the pandemic itself, India has maintained the number one position globally in censoring the internet fully and partially in some places.

In the context of the internet shutdown, the exact period of when it was started is not known, though it is believed that it began with the advent of the internet itself. Initially, it started with censoring the content online under the Indian Penal Code and other information technology laws; thereafter repressive governments all over the world have been taking an easy-going step to order and implement internet blackouts for multifarious reasons ranging from law and order issues, hate speech, morality, fake news, public order etc. According to Access Now an internet shutdown means:

“An internet shutdown is an intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information.¹⁰”

So, an internet shutdown simply includes a complete suppression of internet services by an official order of the government stating the duration, reasons, time and jurisdiction of the shutdown order. In a lucid term, an internet shutdown simply means the intentional suspension of internet services in a specific area, for a given amount of time, generally by the orders of the government.

On August 8, 2017, the Government notified the new suspension rules on the backdrop of

¹⁰ #KeepitOn: Fighting internet shutdown around the world: available at: <https://www.accessnow.org/keepiton/#resources> (Accessed on 22.01.2022)

increasing mounting criticism it has been facing for the capricious nature of the internet shutdown under Section 144 of the Cr.P.C. It was notified under Section 7(2)(e) of the Telegraph Act as it provided for “the conditions and restrictions subject to which any telegraph line, appliance or apparatus for telegraphic communication shall be established, maintained, worked, repaired, transferred, shifted, withdrawn or disconnected”. However, it is important to note here that these new rules were notified without any prior public consultation between the interested stakeholders of society such as citizens, telecom operators or skilled technocrats. Although, this is not a mandatory requirement and unfortunately, this confidential method of notifying and drafting rules is perfectly compliant with Indian laws and is also legally sound.

Although the new Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 brought specific laws for governing internet shutdown in India, these new rules do not require compliance with the principle of natural justice. So, the jurisprudence of the internet shutdown is still at the evolving stage and we have yet to see how our judiciary is going to adjudicate upon these rules and future litigations.

In India, the issue of shutting down the internet has gained tremendous momentum over the last decade. It is ironic that India which is proclaimed the world’s largest democracy has been the frontrunner globally in imposing the majority of internet shutdown in 2020.¹¹ According to the report published by Access Now, a global non-profit organization that works on online digital rights has found that out of 155 global instances of internet shutdown a total of 109 shutdowns were reported from India. India also maintained this position in the years 2018 & 2019.¹²

It has been most commonly used by several district magistrates in several parts of the country.¹³ Internet shutdowns or virtual curfew over the recent years have been becoming the new normal for shutting down the internet on the pretext of the vague ground like public order. It has also been reported by UNESCO that India has witnessed the highest number of internet shutdowns in the world¹⁴ in 2016 and 2017. Most widely internet shutdowns have been ordered in the states of Jammu and Kashmir, Rajasthan, Uttar Pradesh, Madhya Pradesh, West Bengal and

¹¹ Anam Ajmal, *70% of global internet shutdowns in 2020 were in India: Report*, Times of India, available at: <https://timesofindia.indiatimes.com/india/70-of-global-internet-shutdowns-in-2020-were-in-india-report/articleshow/81321980.cms> (Accessed on 22.01.2022)

¹² *Ibid.*

¹³ Arunabh Saikia, *India's Internet shutdown: Most states block services without following Centre's new rules*, Scroll, available at: <https://scroll.in/article/874565/internet-shutdown-most-states-continue-to-block-services-without-adhering-to-the-centres-new-rules> (Accessed on 22.01.2022)

¹⁴ India witnessed highest number of Internet shutdowns in 2017-18: UNESCO report, Economic Times, available at: <https://economictimes.indiatimes.com/tech/internet/india-witnessed-highest-number-of-internet-shutdowns-in-2017-18-unesco-report/articleshow/64150543.cms> (Accessed on 22.01.2022.)

Punjab on the ground of various public order situations.¹⁵ It was used extensively on a large scale only after 2014, wherein it was exhaustively used in Jammu & Kashmir, Rajasthan, Haryana, Gujrat during Patel agitation, Delhi riots, farmer protests, Jat agitations and during abrogation of Article 370 of the Constitution of India.¹⁶ In the State of Jammu and Kashmir internet shutdown was the longest one in the history of India that started in 2019 with the abrogation of Article 370 and it was finally revoked after a long gap of eighteen months in February 2021.

It is also pertinent to note here that apart from Section 144 of CrPC, the government is also empowered to block certain websites under Section 69A¹ of the Information and Technology Act, 2000 (hereafter I&T Act,2000), this issue also came up before Gujrat High Court in the case of *Gaurav Sureshbhai Vyas v. the State of Gujarat*¹ wherein the petitioner, Gaurav Sureshbhai Vyas, a law student through his counsel contended that shutdown of mobile internet was violative of Article 14, 19 and 21 of the Constitution and he prayed for an appropriate writ to be issued for stopping the State and its officers from imposing such ban. It was also argued that State could have used Section 69A of the I&T Act, 2000 for blocking certain websites and there was no need of imposing a blanket ban under Section 144 of the Cr.P.C. The court however rejected the petition on the ground that the state authorities have the power to take actions under the relevant section for maintaining public order and peace as they deem fit.

In another case of *Anuradha Bhasin v. Union of India*,¹⁷ the court again dwelt upon the issue of internet shutdown in the State of Jammu & Kashmir, wherein petitioners journalist Anuradha Bhasin and Gulam Nabi Azad challenged the security order that blocked the internet services of both landline and mobiles. After this, there were absolute restrictions on movement and gatherings. Therefore, the petitioners filed a writ petition in the Supreme Court of India challenging the validity of the order by contending that it violated Articles 19 & 21 of the Constitution. However, the court upheld the validity of the order by articulating that it is done in the interest of public safety as it contemplated the prevalent situation of terrorism in the State. Although the court wanted to dwell upon the question of whether the internet is a fundamental right or not; it remained hesitant to comment on that as it was not contended in the prayer by the petitioners. However, the court dwelt on the principle of proportionality and asserted that firstly State should try to incorporate the least restrictive measures for imposing

¹⁵ Supra 13 (Accessed on 22.01.2022.)

¹⁶ Shikhar Goel, "Internet Shutdowns: Strategy to Maintain Law and Order or Muzzle Dissent?" Economic and Political Weekly, Vol. 53, Issue No. 42, 20 Oct, 2018.

¹⁷ AIR 2020 SC 1308.

restrictions including internet shutdowns.

Gauhati High Court in the case of *Bansashree Gogoi v. Union of India*¹⁸ was hearing a PIL for getting relaxation on the ban of mobile internet services in Assam due to the passing of the Citizenship Amendment Act (CAA) in the Parliament in 2019. The notifications issued under Section 5(2) of the Indian Telegraph, 1885 read with the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 provided for a complete ban on internet services with the only exception of broadband internet services. The court after hearing arguments from both sides gave interim relief to the petitioners on the ground that although the law permits suspension in severe situations when normalcy is there then there should be the restoration of internet services unless the situation rebounds. So, this was a pragmatic judgement given by the Hon'ble High Court of Assam as it considered the implications of an internet blackout to be severe on the general life and liberty of the people at large.

In another interesting case titled *Faheema Shirin R.K v. the State of Kerala*,¹⁹ the Kerala High Court was hearing a writ petition by an 18-year-old student named Faheema Shirin, who was expelled from her hostel for not following a circular which banned the usage of mobile internet services in the hostel from 10:00 pm to 6:00 am. The High Court of Kerala held that the circular imposing restriction upon the usage of mobile internet services was an unreasonable restriction of the right to access the internet, the right to education and the right to privacy too under Article 21 of the Constitution. So, the Kerala High Court in this case propounded that right to access the internet is a fundamental right²⁰.

III. TYPES OF SHUTDOWNS

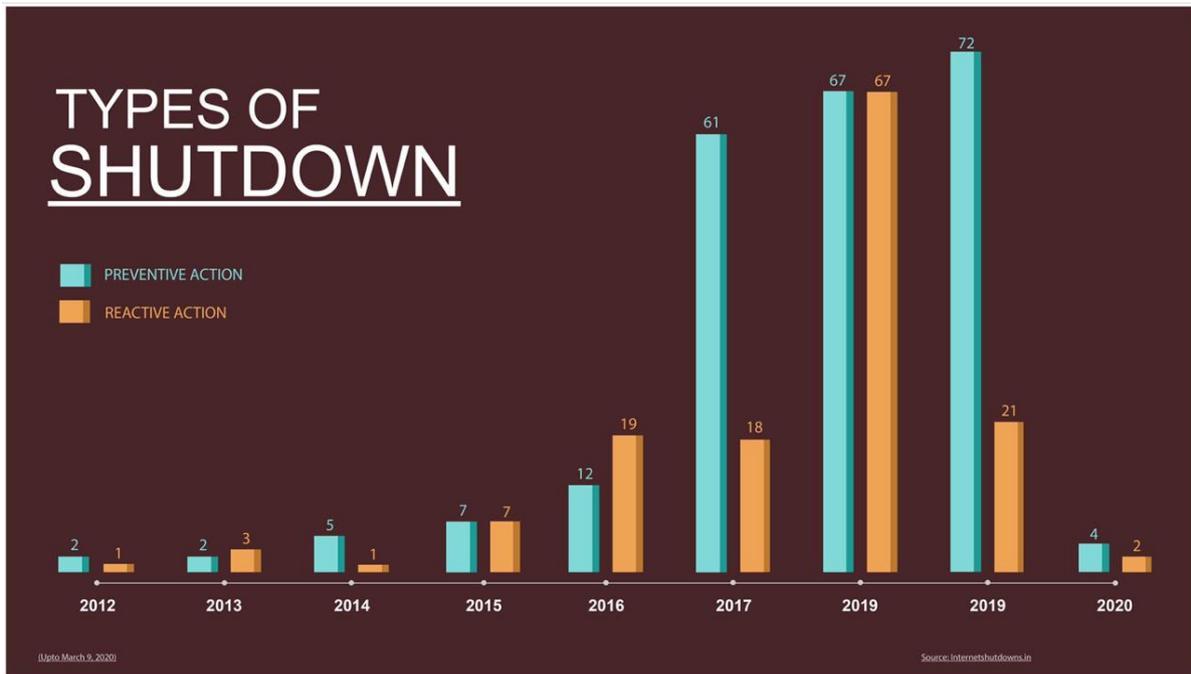
There are several online websites that are tracing the ordeal of internet shutdowns both officially and non-officially via several resources and methods. Although the data provided by these websites are not 100 % accurate, still the data provided by websites gives us a glimpse of the frequency of internet shutdowns that are currently happening in India. A similar website with the domain name <https://internetshutdowns.in/> has been tracking the frequency and duration of the internet over the few years. Below mentioned are three graphs that represent the types of (Fig. 1) internet shutdowns (preventive and reactive shutdown), the duration of shutdown (Fig. 2) and what kind of services were restricted during an internet shutdown from 2012 to 2020(Fig 3).²¹

¹⁸ 2019 SCC OnLine Gau 5584.

¹⁹ Writ Petition(C) No.19716 OF 2019 (L).

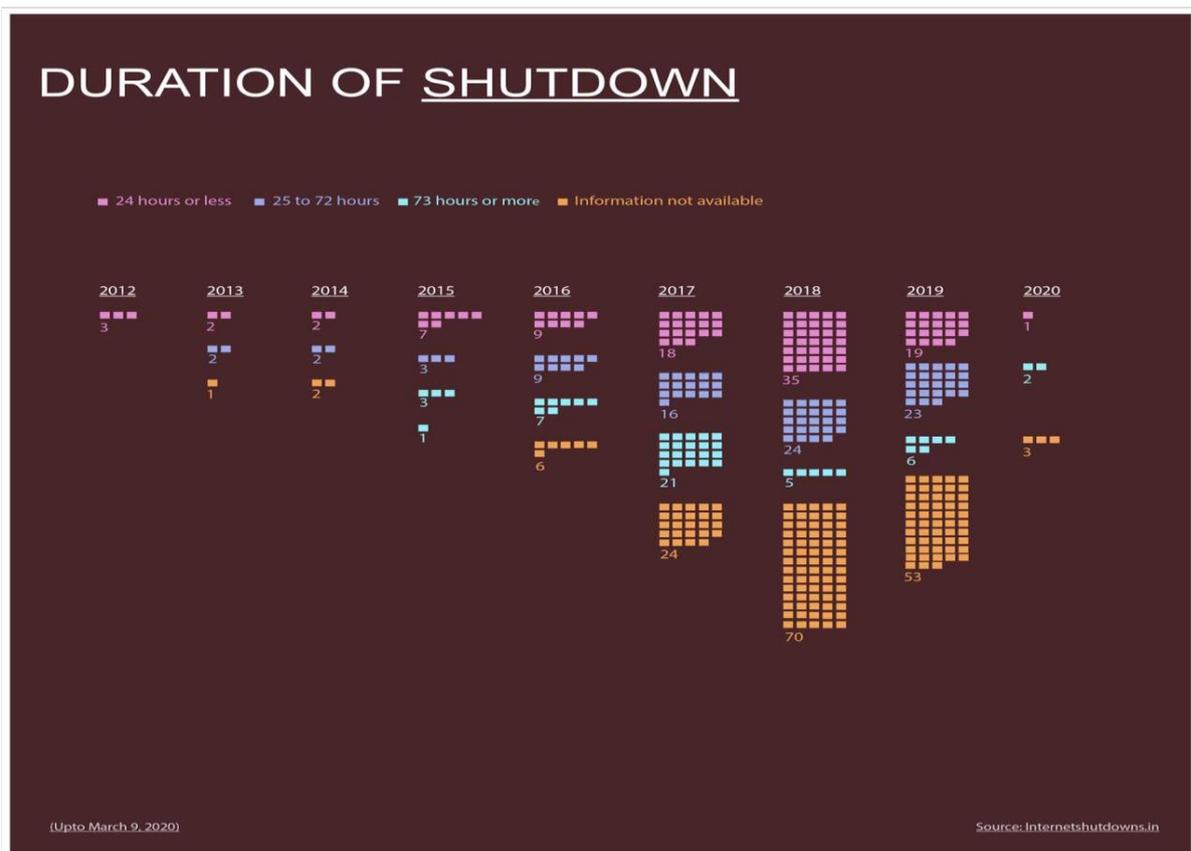
²⁰ Supra note 17 at 7.

²¹ Source: internetshutdown.in

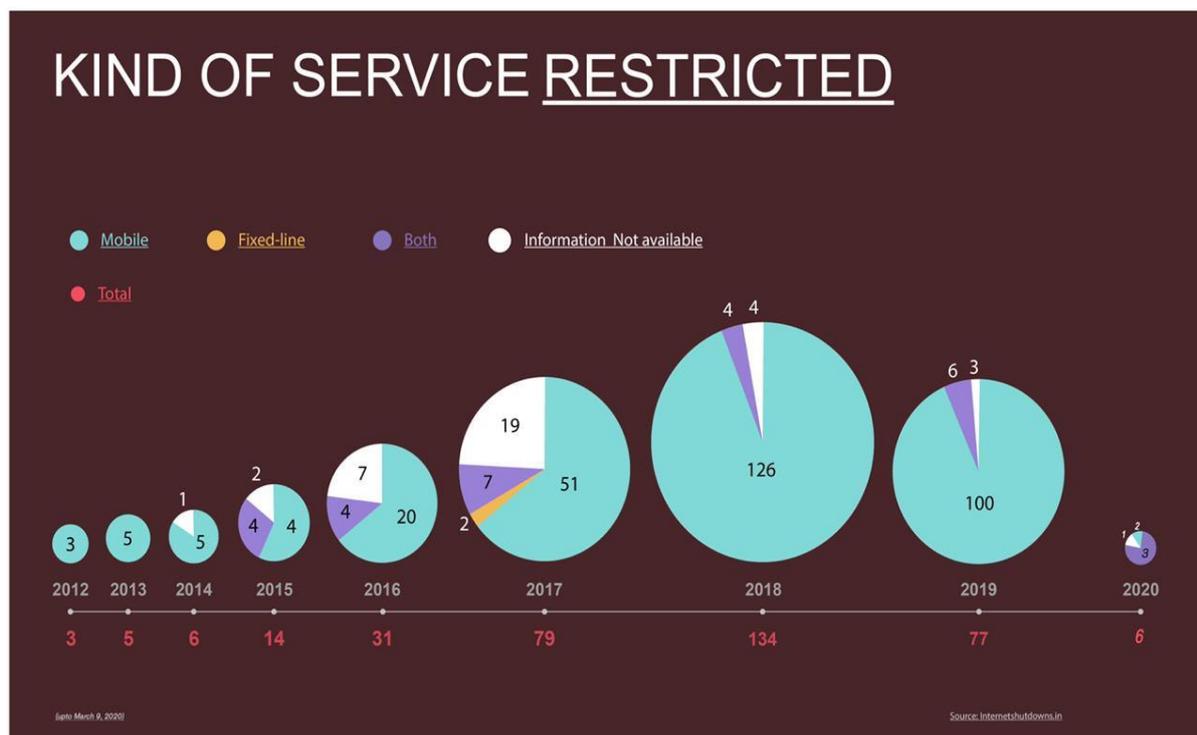


As we can see from the above-mentioned graph that in the majority of cases (232 in numbers) the shutdown was imposed as a preventive action rather than as a reactive action (139 in numbers) to any law and order & other issues. So, the government of the day as a means of preventive measure have been implementing shutdowns in respective areas.

1. Duration of Shutdowns:



2. Kind of Services Restricted:



As we can see from figure 3 that from 2012 to 2020 the majority of the population who have suffered severely due to the internet shutdown was mobile users across India. It is quite a fact that the majority of people have access to the internet via smartphones only and the recent pandemic has also made people dependent upon the internet with the help of smartphones for several reasons like online classes, interviews, shopping etc.

3. Social and Economic Impact of Internet Shutdown.

The severity and intensity of an internet shutdown vary from the place where it has been imposed to and the individual on whom it has been imposed. Let's take an example of the State of Jammu and Kashmir, where 4g internet services were restored almost after two years after the abrogation of Article 370 of the Constitution of India that granted the special status to the State of Jammu and Kashmir. Now, let's decode what the people of Jammu and Kashmir must have gone through during this 2-year long suspension of 4g services. First of all, the basic fundamental constitutional rights that are incorporated in Articles 14²², 19²³ and 21²⁴ are severely violated. Apart from not being able to express oneself virtually, one is also not able to access education portals for filing an application for getting admission to college and

²² The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India

²³ Protection of certain rights regarding freedom of speech, etc.

²⁴ Protection of life and personal liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law

Universities. Given the corona, the pandemic is still in continuing phase, at times internet shutdowns take a severe toll on education, though it is rarely reported in media. Kashmir specifically which generally faces the heat of internet blackout on several occasions due to political turmoil, social unrest, law and order situation witnesses further marginalisation due to lack of access to education. One can imagine the agony of a student who is unable to fill his/her admission or job application form online in his/her home state.

It is also important to note here that earlier the right to education was incorporated in directive principles of state policy, which was earlier a non-justiciable right under the Constitution of India. However, later on, this right was elevated to the status of fundamental right through Supreme Court jurisprudence. It is ironic that in spite of the pandemic and due to frequent internet shutdowns this fundamental right has been curtailed on several occasions without being any heed paid to it by stakeholders of the society.

Internet blackout also severely affects individual social interaction and access to social activities as one is unable to communicate virtually; be it what's an app or any other social media platform. Let's take the case of Darjeeling, where an internet shutdown was imposed for more than 100 days²⁵ after it was imposed on June 15, 2017. The entire state was in shutdown mode as both schools and colleges were closed due to the overall shutdown (including the internet shutdown). Teenagers were left with no choice as their physical and online social discourse was shut down completely at once. Physical & Online recreational and social activities of students and teenagers also came completely to a halt, which further amplified the agony, idleness, listlessness and frustration of the teenagers and their parents also. Societal segregation is one of the consequences that a person has to go through during an internet blackout. Social segregation includes both individual and group exclusion from society. By barring citizens from exercising their right to access information for their social and financial well-being, the State shutdowns jeopardize their basic constitutional rights.

In the context of essential services during a pandemic, there are several services that can be accessed with a click of a button over a basic smartphone. Online services dealing with health like e-opd consultation, e-pharmacy, e-insurance, eDiagnostics etc.; are affected at large even if the shutdown is just only for a few hours or for a few days. Now, given the current pandemic is still in operation, internet shutdowns for longer durations further enlarge sufferings for patients, doctors and hospitals too as one is not able to access his/her right to information.

²⁵ Darjeeling's 100-Day Internet Shutdown | Internet And Banking: A Trust Broken, Medianama, available at: <https://www.medianama.com/2018/10/223-darjeelings-100-day-internet-shutdown-trust-broken-internet-and-banking/> (Accessed on 29.06.2021)

Doctors get severely impacted as they are unable to consult their colleagues or seniors during the course of treatment, who are in other States. It is pertinent to note here that the majority of people don't use landlines for accessing the internet via broadband. So, in the majority of cases, a large population of the area is severely curtailed of their socio and economic rights.

Apart from health and education, several business platforms that operate online are also marred by the imposition of lockdown both nationally and internationally. A report²⁶ published by The Print on the 5th of January 2021 stated that internet shutdowns have cost India over Rs 20,000 crore in 2020 alone.²⁷ Another report published by Brookings Institution also stated that internet shutdowns have cost the Indian economy around USD 968 million in 2016 alone.²⁸ The continuous frequency of internet shutdowns in India is quite concerning as India has become a tall leader globally when it comes to total numbers and duration of internet shutdowns although it is quite contrary to the Digital India programme that was launched in 2015 with a motto of power to empower. Apart from the online business loss, the other sector which suffered the most was the Indian banking sector. Due to shut down several online interlinked banking facilities came to a standstill, thereby causing huge financial constraints to banking and its allied services associated with it. Individuals were not able to transact online for the payment of various services like EMI payment, electricity/water/gas bill payment, the application fee for getting admission or seeking employment in a governmental or non-governmental organization.

It is important here to mention with the advent of information, communication and technology (hereafter ICT) a networked information society is created and it is still in evolving stage this networked society have given ample opportunities to small business owners to manifest their agency independently. Small trade owners now have also incorporated ICT in their commercial projects to allow them greater control over their economic lives. It is quite a fact that in the future modern economy of any global State would be governed by ICT with a rider of free flow of information and data not by censoring or shutting the internet. As we know that the number of smartphone users is continuously growing at a massive pace and due to the coronavirus pandemic, the demand for a smartphone and the internet have boosted sharply and this course of conduct is not going to stop in the near future as the modern global economy is going to

²⁶ ARCHANA CHAUDHARY, Internet shutdowns cost India over Rs 20,000 crore in 2020, The Print, available at: <https://theprint.in/economy/internet-shutdowns-cost-india-over-rs-20000-crore-in-2020/579669/> (Accessed on 1.01.2022)

²⁷ Ibid.

²⁸ Darrell M. West, Internet shutdowns cost countries \$2.4 billion last year, Brookings, available at: <https://www.brookings.edu/research/internet-shutdowns-cost-countries-2-4-billion-last-year/> (Accessed on 1.01.2022)

governed by the free flow of information and data with the aid of ICT.

IV. CONCLUSION

This paper has tried to share a brief insight into the issues of censorship and internet shutdown in the context of information, communication and technology. The Internet now has become an integral part of the majority of the population as it is closely knotted in the social, economic and cultural fabric of the global society and this pandemic has made networked society more dependable upon the use of ICT for multifarious considerations. The discourse of the Indian government for imposing the majority of internet shutdowns was mainly preventive in nature, although the reasons provided for order included vague terms like public order or law and order issues. These rationalisations are quite extensive and include a rather broad range of circumstances wherein internet shutdowns can be ordered, hence causing uneven nuisance and troubles to those in disturbed regions. Apart from social and economic distress, network shutdowns also trigger psychological effects upon individuals depending upon the location, duration and social status of an individual. It may impact mental, emotional, social, and spiritual dimensions of the well-being of an individual and the data to trace the psychological impact is quite scanty so it needs to be researched by appropriate professionals.

Although there are some judicial precedents available on the subject matter of internet shutdown, the High Court and Supreme Court of India is yet to come to authoritative adjudication upon the new rules that were brought in 2017. As network shutdown severely curtails social & economic rights of the individuals apart from the free flow of information, the higher judiciary is yet to balance the triangle of Articles 14, 19 and 21 of the Constitution of India.
