

## Sansad TV Perspective: Internet: Regulating the ban

In the series Sansad TV Perspective, we bring you an analysis of the discussion featured on the insightful programme 'Perspective' on Sansad TV, on various important topics affecting India and also the world. This analysis will help you immensely for the [IAS exam](#), especially the mains exam, where a well-rounded understanding of topics is a prerequisite for writing answers that fetch good marks.

In this article, we feature the discussion on the topic: Internet: Regulating the ban

Video link: <https://youtu.be/sp7Gmi2OmYI>

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**Participants:**

1. Sanjay Seth, Member of Parliament, Lok Sabha, BJP
2. T.K Paul, Former DG, Department of Telecommunications, Govt of India
3. Lt. Gen. Dr. S.P. Kochhar (Retd.), Director – General, Cellular Operators Association of India

**Context:**

The Internet is an integral part of everyday lives and forms the functional unit of communication by connecting people, governments and businesses across the globe.

The indispensable characteristic of the internet was witnessed with enormous significance during the pandemic. Recently, the standing committee on communication and information technology has submitted a report on the suspension of internet services along with a series of recommendations.

**The Background:**

- Internet services were suspended by the government in 2020 for an overall period of 8927 hours and incurred a loss of US\$2.8 billion in the country.
- This impacted the economy accompanied by the lives of the citizens to access healthcare services, communication and education.
- Over the years India has experienced the emerging trend of Internet shut downs especially in Jammu & Kashmir and Meghalaya where the ban on internet services is executed without any suspension orders.
- To address such unusual events and the implications of arbitrary internet bans the standing committee on Communication and Technology released a report which includes a thorough scrutiny of the existing legal regime on communication and information technology.

To know more about the [Parliamentary Committees](#) follow the linked article

**Supreme Court Intervention:**

- The Supreme Court, on 10th January, 2020, passed the judgement of the case, Anuradha Bhasin versus Union of India. The petition was filed in the court in the wake of internet suspension in Jammu & Kashmir as an aftermath of abrogation of [Article 370](#).
- This judgement upheld the recognition of the right to freedom of speech and expression under Article [19\(1\)\(a\)](#) and freedom to practice any profession under Article 19 (1)(g) over the medium of internet.
- Moreover, the apex court mandated the legal basis of internet ban that is subjected to public disclosure.

- The [Right to Information](#) requests for the legal basis of internet bans determined that the state governments did not conform with the directives of the apex court.

#### Highlights of the Standing Committee Observations and Recommendations:

- The committee emphasised on the intensity to which internet services act as the lifeline for business, education and daily lives of the people. Thus it recommended the introduction of standard operating procedures for internet shutdowns and their assessments.
- There must be a clear cut principle of proportionality and procedures for lifting the shutdowns so that they are not extended for indefinite periods affecting the life and liberty of the citizens.
- Several loopholes pertaining to the frequent shutdowns of internet services have been addressed by the standing committee such as limited consultation with the stakeholders, opaque mechanisms for internet bans.
- No specific parameters have been mentioned to impose the ban of internet services. Most of the bans have been based on the discretion of the executive that reflects the doctrine of tyranny.
- The committee pointed out the flaw in the execution of [Section 144 of CrPC](#) to order shutdowns instead of employing the telecom suspension rules.
- There has been a proposal to set up a review committee in all the states to examine the authenticity of shutdowns. Such a review committee must include retired judges and members of the public.
- A joint effort by the Department of Telecommunications and the Ministry of Home Affairs to create a central database of all internet shutdown orders in the country along with the reasons and track records of frequency at which section 144 was used to ban net services, is highly recommended.
- Therefore the major recommendation of the committee is clear and firm which suggests the government to frame a proper mechanism at the earliest to decide the appropriateness of telecom/internet shutdowns.

#### Ways Suggested:

- An attempt by the Department of Telecommunications to explore the option of banning selective services such as Facebook, Whatsapp and Telegram instead of banning the entire internet services would be welcoming and a relief to the intent of democracy.
- An advocacy group in India called Access Now coordinates with a campaign called “KeepitOn” against the internet shutdown across the world to convince the government to regulate the irregular bans on the internet services and addresses such instances of overreach by the executive.
- The interventions by the government must be adaptable to create a harmony between the freedom of the citizens and the maintenance of law and order. Such synergies will contribute to the widening scope of freedom of speech and expression as a fundamental right and would further strengthen it.
- The doctrine of liberty forms the core of a vibrant and progressive democracy that is practically in conflict with security and other interests of the executive. Considering the challenges that surround the provision of freedom of speech and expression, it is time to pay a visit to the mind of Voltaire that quotes: ‘I might disagree with your opinion, but I am willing to give my life for your right to express it.’