

Standing Committee Report Summary

Suspension of Telecom Services/Internet and its Impact

- The Standing Committee on Communications and Information Technology (Chair: Dr. Shashi Tharoor) submitted its report on ‘Suspension of Telecom Services/Internet and its Impact’, on December 1, 2021. Currently, suspension of telecom services (including internet shutdowns) is governed by the Temporary Suspension of Telecom Services (Public Emergency & Public Safety) Rules, 2017, notified under the Indian Telegraph Act, 1885. The 2017 Rules provide for temporary shutdown of telecom services in a region on grounds of public emergency (up to 15 days at once). The 1885 Act empowers the central government to regulate various types of telecom services including internet services and grant licenses for them. Key observations and recommendations of the Committee include:
 - **Regulation of suspension of telecom services:** The Committee noted that before the notification of the 2017 Rules, telecom/internet shutdowns were being ordered under the Code of Criminal Procedure, 1973 in an arbitrary manner. In 2020, the Supreme Court observed that the 2017 Rules lacked adequate safeguards. Following the judgement, certain amendments were made to the 2017 Rules in November 2020. However, the Committee observed that the amendments are not adequate and many of the provisions have been left open-ended. It highlighted concerns such as lack of definitions of the grounds for suspension, and composition of oversight committee being largely confined to the Executive. The Committee recommended: (i) reviewing the Rules to address all aspects of internet shutdown, (ii) bringing the Rules in tune with changing technology to ensure minimum disturbance to the public, and (iii) issuing uniform guidelines for states/UTs, required to be followed while ordering an internet shutdown. Further, it recommended the Department of Telecommunication (DoT) to conduct a study analysing internet shutdown rules in other democratic countries and adopt best global practices that suit the specific context of India.
 - **Grounds for suspension of telecom services:** Under the 2017 Rules, telecom/internet shutdowns may be ordered on grounds of public emergency and public safety. Public emergency and public safety have not been defined in the 1885 Act or the 2017 Rules. The Committee noted that no parameters have been laid down to decide the merit of internet shutdowns and shutdowns have been ordered based on subjective assessment. It further noted that state governments have ordered shutdowns for routine policing, and administrative purposes such as preventing cheating in exams and preventing local crime. The Committee recommended: (i) codifying defined parameters that constitute as public emergency and public safety, and (ii) putting in place a mechanism to decide the merit of an internet shutdown.
 - **Review Committee:** Under the 2017 Rules, a three-member Review Committee headed by Cabinet Secretary at the central level and Chief Secretary at the state level reviews the telecom/internet shutdown orders by the central government and the state government, respectively. Other members of the Review Committee include Secretaries of Legal Affairs, and Telecommunications at the central level; and Secretaries of Legal Affairs and Home Affairs at the state level. The Committee recommended to make the review committees more inclusive by including non-official members such as retired judges and public members. The Committee noted that the DoT did not have data on the constitution of review committees in all states/UTs. It recommended the DoT to ensure review committees are constituted in all states, and maintain data regarding their constitution.
 - **Selective banning of services:** Internet shutdowns in their current form prohibit access to all types of information and services on the internet. The Committee recommended the DoT to formulate a policy to selectively restrict the use of certain services instead of banning the internet as a whole. This will ensure minimum inconvenience to the general public and at the same time, meet the objectives such as curbing misinformation.
 - **Effectiveness of internet shutdowns:** The Committee observed that internet shutdowns have implications on national economy, freedom of press, education, and healthcare services. It observed that the DoT and the Ministry of Home Affairs have not conducted any study to assess the impact of internet shutdowns. The Committee recommended conducting a study on the impacts of internet shutdowns and its effectiveness in dealing with public safety and public emergency.

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