Advocate's Check List (To Be Certified By Advocate-On-Record)

Indicate Yes or NA

1.	SLP (C) has been filed in Form No. 28 with certificate.		**NA**
2.	The Petition is as per the provisions of Order XV Rule 1.		**Yes**
3.	The papers of SLP have been arranged as per Order XXI, Rule (3) (1) (f).		**NA**
4.	Brief list of dates/events has been filed.		**Yes**
5.	Paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index.		**Yes**
6.	Proper and required number of paper books (1 + 1) have been filed.		**Yes**
7.	The contents of the petition, applications and accompanying documents are clear, legible and typed in double space on one side of the paper.		**Yes**
8.	The particulars of the impugned judgment passed by the court(s) below are uniformly written in all the documents.		**NA**
9.	In case of appeal by certificate the appeal is accompanied by judgment and decree appealed from and order granting certificate		**NA**
10.	If the petition is time barred, application for Condonation of delay mentioning the no. of days of delay, with affidavit and court fee has been filed.		**NA**
11.	The annexures referred to in the petition are true copies of the documents before the court(s) below and are filed in chronological order as per List of Dates.		**Yes**
12.	The annexures referred to in the petition are filed and indexed separately and not marked collectively.		**Yes**
13.	The relevant provisions of the Constitution, statutes, ordinances, rules, regulations, bye laws, orders etc. referred to in the impugned judgment/order has been filed as Appendix to the SLP.		**NA**
14.	In SLP against the order passed in Second Appeal, copies of the orders passed by the Trial Court and First Appellate Court have been filed.		**NA**
15.	The complete listing proforma has been filled in, signed and included in the paper books.		**Yes**
16.	In a petition (PIL) filed under clause (d) of Rule 12 (1) Order XXXVIII, the petitioner has disclosed:		**NA**
	a.	His full name, complete postal address, e-mail address, phone number, proof regarding personal identification, occupation	**NA**

		and annual income, PAN number and National Unique Identity Card Number, if any;	
	b.	The facts constituting the cause of actions;	**NA**
	c.	The nature of injury caused or likely to be caused to the public;	**NA**
	d.	The nature and extent of personal interest, if any, of the petitioner(s);	**NA**
	e.	Details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation;	**NA**
17.	If any identical matter is pending/disposed of by the Hon'ble Supreme Court, the complete particulars of such matters have been given.		**NA**
18.	The statement in terms of the Order XIX Rule 3 (1) of the Supreme Court Rules 2013 has been given in the Petition of Appeal.		**NA**
19.	Whether a Bank Draft of Rs. 50, 000/- or 50% of the amount whichever is less, has been deposited by the person intending to appeal, if required to be paid as per the order of the NCDRC, in terms of Section 23 of the Consumer Protection Act, 1986.		**NA**
20.	In case of appeals under Armed Forces Tribunal Act, 2007, the petitioner/appellant has moved before the Armed Forces Tribunal for granting certificate for leave to appeal to the Supreme Court.		**NA**
21.	All the paper-books to be filed after curing the defects shall be in order.		**Yes**

I hereby declare that I have personally verified the petition and its contents and it is in conformity with the Supreme Court Rules 2013. I certify that the above requirements of this Check List have been complied with. I further certify that all the documents necessary for the purpose of hearing of the matter have been filed.

New Delhi
Date : **28/05/2023**

AoR's Name: **Shadan Farasat**
AoR Code: **1985**
Contact No.: **+91-9818009824**

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PROFORMA FOR FIRST LISTING

SECTION - _____

The case pertains to (Please tick/check the correct box):

- ❖ Central Act : (Title) The Constitution of India
- ❖ Section : Article 32
- ❖ Central Rule : (Title) _____NA_____
- ❖ Rule No(s): _____NA_____
- ❖ State Act : (Title) _____NA_____
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- ❖ Impugned Final Order/Decree : (Date) _____NA_____
- ❖ High Court : (Name) _____NA_____
- ❖ Name of Judges : _____NA_____
- ❖ Tribunal/Authority : (Name) _____NA_____

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1. Nature of matter : _____Civil_____

2. **(a)** Petitioner/appellant No. 1: Chongtham Victor Singh & Anr.

(b) e-mail ID : _____NA_____

(c) Mobile phone number: _____NA_____

3. **(a)** Respondent No. 1 : State of Manipur

(b) e-mail ID : _____NA_____

(c) Mobile phone number: _____NA_____

4. **(a)** Main category classification : 18 Ordinary Civil Matters

(b) Sub classification : 1807 Other

5. Not to be listed before: _____NA_____

6. (a) Similar disposed of matter with citation, if any & case details: No similar disposed of matters

(b) Similar pending matter with case details: No similar pending matters

7. Criminal Matters:

(a) Whether accused/convict has surrendered: __NA_____

(b) FIR No. _____NA_____ Date: ____/____/_NA____

(c) Police Station: ____NA_____

(d) Sentence Awarded: ___NA_____

(e) Period of sentence undergone including period of Detention/Custody Undergone: ___NA_____

8. Land Acquisition Matters :

(a) Date of section 4 notification: _____NA_____

(b) Date of section 6 notification: _____NA_____

(c) Date of section 17 notification: _____NA_____

9. Tax Matters: State the tax effect: _____NA_____

10. Special Category (first petitioner/appellant only): Senior citizen > 65 years ____, SC/ST____, Woman/Child____, Disabled____, Legal Aid Case ____, In Custody _NA_.

11. Vehicle Number (in case of Motor Accident Claim matters) _____NA_____

Date: 28/05/2023

AOR for Petitioner(s)/Appellant(s)
(Name): **Shadan Farasat**
Registration No. **1985**
Email: sfarasat@farasatlaw.com

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2023

(Writ Petition under Article 32 of the Constitution of India seeking, inter alia, a declaration that the internet shutdown orders issued by the Respondent on 03.05.2023, 04.05.2023, 07.05.2023, 11.05.2023, 16.05.2023, 21.05.2023 and 26.05.2023 were illegal and a direction to restore the internet in the State of Manipur with supporting affidavit.)

IN THE MATTER OF:

Chongtham Victor Singh & Anr. **… Petitioners**

Versus

State of Manipur **… Respondent**

AND WITH

I. A. No. OF 2023

An application seeking ad interim relief

FOR PAPER-BOOK INDEX

KINDLY SEE INSIDE PAPERBOOK

Advocate for the Petitioners: Mr. Shadan Farasat

SYNOPSIS

Both Petitioners in this case are residents of the State of Manipur. Their lives and livelihoods have been severely affected by the state-wide internet shutdown that was imposed on 03.05.2023, and remains in effect. Petitioner No. 1 is a practising advocate in the Hon'ble Manipur High Court and subordinate courts in Imphal, while Petitioner No. 2 is the proprietor of M/s MK Enterprises, a brand communications company with its headquarters in Imphal, Manipur. The aforementioned shutdown has had a significant economic, humanitarian, social, and psychological impact on both the Petitioners and their families. They have been unable to send their children to school, access funds from banks, receive payments from clients, distribute salaries, or communicate via email or WhatsApp.

The imposition of the impugned internet shutdown was a response to reported incidents of violence during rallies organized by volunteers and youth protesting the demand for inclusion of the Meitei/Meetei community within the Scheduled Tribe category. These clashes escalated into widespread arson, violence, and killings across the state, which justified a *temporary* and *time-bound* shutdown of the internet.

A few days after the initial shutdown, tensions were diffused, and aside from sporadic incidents of violence that could be addressed at the district level, there was a clear and admitted de-escalation of the situation. Despite this gradual return to normalcy, the state-wide internet shutdown order issued by the Respondent on 03.05.2023, and 04.05.2023 was mechanically extended on 07.05.2023, 11.05.2023, 16.05.2023, 21.05.2023 and

26.05.2023, effectively resulting in an indefinite shutdown of the internet.

Consequently, there has been a complete blockade of internet access across the state for more than 24 days, causing significant harm to the rights of the Petitioners and other residents. Not only have they experienced feelings of fear, anxiety, helplessness, and frustration as a result of the shutdown, but they have also been unable to communicate with their loved ones or office colleagues, straining personal, professional, and social relationships. Additionally, they have been unable to send their children to school, access their bank accounts, receive or send payments, obtain essential supplies and medicines, and more, bringing their lives and livelihoods to a standstill.

In light of this grossly disproportionate interference with the Petitioners' constitutional rights to freedom of speech and expression under Article 19(1)(a) and the right to carry on any trade or business under Article 19(1)(g) through the constitutionally protected medium of the internet, the Petitioners have filed this petition seeking a direction to the Respondent to restore internet access in the state of Manipur. They also request a declaration that the internet shutdown orders issued by the Respondent on 03.05.2023, 04.05.2023, 07.05.2023, 11.05.2023, 16.05.2023, 21.05.2023 and 26.05.2023 were illegal. Furthermore, the Petitioners seek consequential directions to ensure that the Respondent respects their fundamental right to access the internet under Articles 19 and 21 of the Constitution of India, the decision of the Hon'ble Supreme Court in ***Anuradha Bhasin v. Union of***

***India*, (2020) 3 SCC 637**, Section 5(2) of the Telegraph Act, 1885, and the Telecom Suspension Rules, 2017.

Substantive and procedural irregularities with the impugned orders

A perusal of these orders reveals the following illegalities:

A. In all 5 orders, the Respondent failed to provide reasons which warranted the continual suspension of internet services across the state. The orders merely state that there has been a threat to "*law and order"*, and that "*anti-social elements"* may use social media to spread rumours and incite the public, which may have "*serious repercussions"* on law and order in the state of Manipur. Thus, it is an admitted position that no there was no protracted risk to "*public emergency*" or "*public safety*" interest, but, at its highest, repeated internet shutdowns were imposed to mitigate jeopardy to the "*law and order*" situation in the state. This is a violation of Rule 2(2) of the Telecom Suspension Rules 2017, does not meet the pre-condition of "*public emergency"* or "*public safety*" necessary to suspend the internet under the Indian Telegraph Act, and does not fall within the contours of Article 19(2) of the Constitution;

B. The Respondent Authority has continued to issue shutdown orders, several days after the tension in the state has been defused, as a pre-emptive measure and to prevent a threat to law and order due to rumour-mongering and the spread of misinformation. This is patently *ultra-vires* Article 19(2) and the scope of

powers conferred to the Competent Authority Telecom Suspension Rules and the guidelines laid down by this Hon'ble Court in ***Anuradha Bhasin*** **(supra).**

C. To the best of the Petitioners' knowledge, orders dated 03.05.2023, 04.05.2023, 07.05.2023, and 21.05.2023 were not reviewed by the Review Committee stipulated under Rule 2 of the Telecom Suspension Rules, which constitutes the elimination of a significant statutory and constitutional step. The Petitioners were able to access the confirmation of suspension orders dated 11.05.2023 and 16.05.2023 passed by the Chief Secretary, Government of Manipur from media reportage.

D. The orders have been repeatedly issued in a cyclostyled format, reflecting a clear non-application of mind on the part of the Respondent.

E. In not publishing the impugned shutdown orders or the orders passed by the Review Committee on their official website or social media handles, the Respondents have acted in blatant contravention of the *Anuradha Bhasin* directions, which mandated the proactive publication of all internet shutdown orders as a measure of transparency and accountability.

On the basis of these substantive and procedural irregularities in the impugned suspension orders, they are being challenged in terms of:

(i) The impugned suspension orders purportedly do not block the internet for reasons under Article 19(2) of the

Constitution; therefore, they violate Rule 2(2) of the Telecom Suspension Rules 2017, and do not pass constitutional muster

In order to restrict the public's right to access the internet, the Respondent-authority must pass an order under Rule 2(1) of the Telecom Suspension Rules 2017. As per Rule 2(2) of the Telecom Suspension Rules 2017, this order *must* contain reasons for the issuance of such a direction.

Since the right to access the internet is constitutionally protected under Article 19(1)(a), it can only be restricted by conditions laid down in Article 19(2), i.e., in the interest of the sovereignty and integrity of India, the security of the State, public order, decency or morality or in relation to contempt of court, defamation or incitement of an offence. Therefore, following from the above, an order passed by the Respondent to suspend the internet *must explicitly state* that it has been passed to protect the sovereignty and integrity of India, the security of the state, etc.

The impugned suspension orders do not explicitly mention reasons that fall within the contours of Article 19(2) of the Constitution; therefore, they violate Rule 2(2) of the Telecom Suspension Rules, and do not pass constitutional muster. For this reason alone, they must be declared unconstitutional and illegal.

(ii) Continuous suspension of the internet, even after, there has admittedly been a de-escalation of the clashes in the state, is not captured within the contours of Article 19(2) of the Constitution. Therefore, the impugned shutdown orders infringe upon the Petitioners' constitutional right to access the internet

Although the impugned shutdown orders do not explicitly state an imminent threat to public order, the Petitioners acknowledge that the initial ethnic clashes between the Meitei and tribal groups resulted in widespread killings, arson, and violence. Therefore, a temporary suspension of the internet could be considered a reasonable restriction under Article 19(2). However, since then, tensions between the Meitei and tribal groups have significantly subsided, and apart from sporadic incidents of violence that can be addressed at the district level, there has undeniably and admittedly been a de-escalation of the situation. Despite the absence of a broader threat to the public once the tensions were diffused, the Government has issued more than five shutdown orders to extend the internet suspension across the entire state. This represents an unreasonable limitation on the right to freedom of speech and expression. Consequently, all orders issued after the de-escalation of the clashes must be declared unconstitutional, and internet access must be immediately restored to all districts in the state, except for those where violence persists.

(iii) <u>The impugned shutdown order is grossly disproportionate in its interference with Petitioners' constitutional right to freedom of speech and expression under Article 19(1)(a) and the right to carry on any trade or business under Article 19(1)(g), using the constitutionally protected medium of the internet</u>

An order restricting the fundamental rights of citizens enshrined under Article 19 must be in strict accordance with the doctrine of proportionality. This was established in ***Modern Dental College v. State of Madhya Pradesh***, **(2012) 4 SCC 707**

and endorsed in ***KS Puttaswamy v. Union of India & Ors*** **(2017 and 2019)**. To meet the test of proportionality (a) a measure restricting a right must have a legitimate goal; (b) the measure must constitute a suitable means of furthering this goal; (c) there must not be any less restrictive but equally effective alternative; (d) the measure must not have a disproportionate impact on the right holder.

1st prong

The Respondent authority cannot justify the continued suspension of the internet long after the tensions in the state of Manipur have subsided, as it cannot claim to prevent loss of life, damage to public or private property, and disturbances to public tranquillity and communal harmony. Despite a gradual return to normalcy in the state, the Respondent has prolonged the internet shutdown for more than 24 days, making it clear that the impugned orders were not passed to achieve a legitimate goal.

2nd prong

For a restriction to be deemed reasonable in the interest of maintaining public order, it must have a direct and immediate connection to the preservation of public order. The impugned suspension orders fail to demonstrate how a state-wide shutdown of internet services would effectively address the existing law and order threats, which are currently limited to specific districts or local levels. Hence, they do not meet the requirement of a proximate and direct nexus, which constitutes the second prong of the proportionality test.

3rd prong

Given that the violence in the state has been sporadic and confined to certain districts, a state-wide internet shutdown is not the least restrictive measure that could be employed to curb the violence. Less restrictive measures, such as targeted internet shutdowns at the district level, increased deployment of law enforcement in affected areas, fact-checking of fake news and rumours through social media channels, and blocking the use of specific social media platforms, could be utilized to restore law and order. Implementing these measures would avoid disproportionately impacting the right to freedom of speech and expression, as well as the right to freedom of trade and profession, for the 3.2 million residents of Manipur. Consequently, the suspension of the internet fails to meet the third prong of the proportionality test.

4th prong

The prevention of disinformation campaigns, rumour-mongering, and sporadic threats to public safety cannot justify the significant economic loss suffered by the Petitioners, the general public, and the State itself during the 24-day internet shutdown. A 2017 report by Deloitte titled "*Economic Impact of Disruptions to Internet Connectivity*" estimates that the cost of an internet shutdown for every 10 million inhabitants per day is nearly 24 million dollars. With Manipur's population approximately reaching 3 million, the loss incurred over 24 days amounts to a staggering 57 million dollars. Hence, the internet suspension order also fails to pass the fourth prong of the proportionality test, which involves striking a balance between competing interests.

(iv) In ***Anuradha Bhasin***, the Supreme Court also recognises that the right to access the internet is protected under Article 19(1)(g); therefore, it can only be restricted under the conditions laid down under Article 19(6)

Anuradha Bhasin **(supra)** acknowledges that the constitutional protection of freedom of trade and commerce extends to the internet under Article 19(1)(g). However, as the impugned suspension orders do not pass the proportionality test and cannot be deemed as a reasonable restriction on the Petitioners' rights under Article 19(1)(g), these orders are clearly illegal and unconstitutional. Therefore, they must be promptly declared illegal and revoked.

(v) The continued suspension of the Internet for the purpose of preventing rumour-mongering and the spread of misinformation does not pass the threshold prescribed by the Telecom Suspension Rules 2017

As per Rule 2(6) of the Telecom Suspension Rules 2017, an order suspending telecom services should be in accordance with the provisions of the main statute, *viz*., Section 5(2) of the Indian Telegraph Act 1885. Section 5(2) of the Act allows for the suspension of the Internet "*on the occurrence of any public emergency, or in the interest of the public safety"* or if the Central or State Government is 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*".

The Respondent has failed to explicate the circumstances which warranted the continued suspension of internet services across the state. Each time the shutdown orders are renewed, the Respondent merely state that there has been a threat to "*law and order"*, and that "*anti-social elements"* may use social media to spread rumours and incite the public, which may have "*serious repercussions"* on law and order in the state of Manipur. Thus, it is an admitted position that no "*public emergency*" or "*public safety*" interest is at stake, but, at its highest, internet shutdowns are being continued to be imposed to mitigate jeopardy to the "*law and order*" situation in the state. This clearly does not meet the pre-condition of "*public emergency"* or "*public safety*" necessary to suspend the internet under the Telegraph Act and Telecom Suspension Rules.

The second requirement of Section 5(2) of the Telegraph Act is for the competent authority to be satisfied that it is "*necessary*" or "*expedient*" to pass the orders in the interest 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, and must record reasons thereupon. The terms "*necessity*" and "*expediency*", are, in this context, significant. They imply that the Respondent-authority is liable to triangulate the necessity/expediency of imposition of an internet shutdown after satisfying the four prongs of the proportionality test (***Anuradha Bhasin*** **(supra).** The Petitioners have already established that the Respondent has tailored the impugned shutdown beyond the failed

test of proportionality; therefore, they are not "*necessary*" or "*expedient*".

Since the internet has been indefinitely suspended, even when the situation has ceased to be a "public emergency" and is not necessary for ensuring "public safety", it is violative of the Telegraph Act and the Telecom Suspension Rules. Therefore, it must be struck down and declared illegal.

(vi) The impugned suspension orders have not been reviewed by the State Review Committee, which amounts to the elimination of a necessary constitutional step

To the best of the Petitioner's knowledge, orders dated 03.05.2023, 04.05.2023, 07.05.2023, and 21.05.2023 have not been confirmed by the Review Committee, as provided under Rule 2(5)

Review is a necessary means of evaluating whether restriction of access to the Internet is proportionate, and constitutional, and to prevent an overbroad interpretation of Section 5(2) of the Indian Telegraph Act 1885. In forsaking review by the Review Committee, the Respondents have missed a significant constitutional step. .

(vii) The orders of the Competent Authority and Review Committee have not been published, which is a violation of the Apex Court's directions in *Anuradha Bhasin*

The Respondents have, to date, not published the impugned orders imposing a suspension of Internet services — either on their website or on the Twitter handle @manipurmygov. Additionally, they have not published a confirmation of the order by the Review Committee. This is in direct contravention of the Hon'ble

Supreme Court's holding in ***Anuradha Bhasin*** **(supra)** where it held that orders directing the suspension of internet service must be made freely available, directly and reliably, to the people, thereby enabling them to (a) make appropriate alternative arrangements so that their life and livelihood is not disproportionately affected by the suspension of internet services; and (b) challenge the suspension order if it constituted an unreasonable restriction on the exercise of their fundamental rights.

(viii) By repeatedly extending internet shutdown orders, for a period extending beyond 15 days, the Respondent-authority is violating the doctrine of colourable legislation.

On 10.11.2020, the Government amended the Telecom Suspension Rules 2017. It inserted Rule 2A which states that "*the suspension order issued by the competent authority under sub-rule (1) shall not be in operation for more than fifteen days*." By repeatedly extending the impugned internet shutdown orders in a mechanical and cyclostyled fashion for a period exceeding fifteen days, the Respondent is doing indirectly what it cannot do directly. This is a violation of the doctrine of colourable legislation.

That, in view of the above, the Petitioners seek, inter alia, that this Hon'ble Court strikes down the impugned suspension orders as unconstitutional and illegal, and restore internet in the state of Manipur.

N

LIST OF DATES AND EVENTS

DATES	EVENTS
21.08.1972	Section 5 of the Indian Telegraph Act, 1885 was inserted by Act 38 of 1972. It permitted the the Central Government or the State Government to issue internet suspension orders first, only on '*the occurrence of any public emergency'* or '*in the interest of public safety'*; second, if it is "*necessary*" or "*expedient*" to do so in the interest of 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.
07.08.2017	The Central Government promulgated the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules 2017 ("**Telecom Suspension Rules**") because of the rising concern about the indiscriminate shutting down of the Internet by the Indian authorities. The Rules impose the following safeguards: **a.** Rule 2(1) of the Telecom Suspension Rules requires that any directions to suspend the telecom services cannot be issued except by a reasoned order made by a Secretary to the Government of India in the Ministry of Home Affairs, or by Secretary to the State

	Government in-charge of the Home Department ('**Competent Authority**'). **b.** Rule 2(5) of the Telecom Suspension Rules states that the legality of an order suspending internet services has to be examined and recorded by a Review Committee, which comprises three high-level government officials **c.** Rule 2(6) of the Telecom Suspension Rules lays down that such a review has to take place within five working days of the issuance of a suspension order
10.01.2020	In ***Anuradha Bhasin v. Union of India,*** **(2020) 3 SCC 637**, a three-judge bench of this Hon'ble Court recognised that (a) access to the internet is a necessary feature of how Indians may exercise their Article 19 rights. Therefore, suspension of the internet violated the fundamental rights of citizens; (b) Impairment of Article 19 rights by suspending internet access can pass constitutional muster only if it complies with the narrow restrictions carved out by Articles 19(2) to 19(6) of the Constitution Accordingly, any restriction on internet services must be lawful, necessary and proportionate; (c) Internet suspension orders must be published to enable affected persons to challenge them before the High Court and

	Supreme Court; (d) Internet shutdown cannot be indefinitely suspended. To prevent an indefinite shutdown of the internet, a Review Committee constituted under Rule 2(5) of the Telecom Suspension Rules must conduct a review within 5 days and then again after 7 days.
10.11.2020	The Central Government amended the Telecom Suspension Rules 2017. It inserted Section 2A which states that "*the suspension order issued by the competent authority under sub-rule (1) shall not be in operation for more than fifteen days*."
03.05.2023	The Respondent ordered a suspension of mobile data services across the state of Manipur, because of certain reported incidents of violence amongst volunteers/youth at rallies organised to demonstrate against the demand for inclusion of the Meitei/Meetei community within the Scheduled Tribe category. The order cited a possibility of false rumours and disinformation spreading through social media.
04.05.2023	The Respondent passed another order suspending internet/data services, including broadband viz. Reliance Jio Fiber, Airtel Xtreme Black, BSNL FTTH, etc. in addition to mobile data services.
07.05.2023	The Respondent passed an order extending the suspension of the internet for another five days.

-	There was widespread arson, violence and killings across the State in the following few days, which formed the basis for a temporary and time-bound shutdown of the internet. In a few days however, tensions were defused and, barring sporadic incidents of violence which could be tackled at the district level, there was admittedly a de-escalation of the situation.
11.05.2023	The Respondent passed an order extending the suspension of the internet for another five days. This order was confirmed by the Chief Secretary of the Government of Manipur (who is also the chairman of the State Review Committee) on 12.05.2023.
16.05.2023	The Respondent passed an order extending the suspension of the internet for another five days. This order was confirmed by the Chief Secretary of the Government of Manipur (who is also the chairman of the State Review Committee) on 17.05.2023.
21.05.2023	The Respondent passed an order extending the suspension of the internet for another five days. i.e., till 3:00 PM on 26.05.2023.
26.05.2023	The Respondent passed an order extending the suspension of the internet for another five days. i.e., till 3:00 PM on 31.05.2023.

	The impugned shutdown, which subsists as of date, has been in force for more than 24 days, causing grave harm to the rights of the Petitioners as well as the general public. This is despite the fact that tensions have been defused and, barring sporadic incidents of violence which could be tackled at the district level, there has admittedly been a de-escalation of the situation. Therefore, the impugned shutdown, which operates across the date, is grossly disproportionate in its interference with Petitioners' constitutional right to freedom of speech and expression under Article 19(1)(a) and the right to carry on any trade or business under Article 19(1)(g), using the constitutionally protected medium of the internet.
28.05.2023	Hence, the present petition.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO OF 2023

(Writ Petition under Article 32 of the Constitution of India seeking, inter alia, a declaration that the internet shutdown orders issued by the Respondent on 03.05.2023, 04.05.2023, 07.05.2023, 11.05.2023, 16.05.2023, 21.05.2023 and 26.05.2023 were illegal and a direction to restore the internet in the State of Manipur with supporting Affidavit)

IN THE MATTER OF:

1. Chongtham Victor Singh, S/o Shri Chongtham Mahendra Singh, aged about 44 years, R/o Khonghampat Awang Leikai, P.O. Mantripukhri, P.S. Sekmai, Imphal West, Manipur **… Petitioner No. 1**

2. Mayengbam James MC, S/o Shri Mayengbam Krishna Kumar, aged about 42 years, R/o Keishamthong Elangbam Leikai, Imphal West, Manipur – 795001 **… Petitioner No. 2**

Versus

State of Manipur, Through its Commissioner (Home), Babupara, Imphal West, Manipur – 795001 **… Respondent**

(Writ Petition under Article 32 of the Constitution of India seeking, inter alia, a declaration that the internet shutdown orders issued by the Respondent on 03.05.2023, 04.05.2023, 07.05.2023, 11.05.2023, 16.05.2023, 21.05.2023 and 26.05.2023 were illegal and a direction to restore the internet in the State of Manipur with supporting affidavit)

To

The Hon’ble the Chief Justice of India

And His Companion Justices of the
Hon'ble Supreme Court of India

The Petition of the Petitioner above named.

MOST RESPECTFULLY SHOWETH:

1. The instant petition has been filed by the Petitioners to seek a direction directing the Respondent to restore the internet in the State of Manipur, and a declaration that the internet shutdown orders issued by the Respondent on 03.05.2023, 04.05.2023, 07.05.2023, 11.05.2023, 16.05.2023, 21.05.2023 and 26.05.2023 were illegal. The Petitioner also seeks consequent directions to ensure that the Respondent respects the Petitioners' fundamental right to access the Internet under Articles 19 and 21 of the Constitution of India, the decision of the Hon'ble Supreme Court in ***Anuradha Bhasin v. Union of India,* 2020 3 SCC 637**, Section 5(2) of the Telegraph Act, 1885, and the Telecom Suspension Rules, 2017.

2. On 03.05.2023, the Respondent blocked mobile data services across the State of Manipur due to reports of violence amongst volunteers/youth at rallies organised to demonstrate against the demand for inclusion of the Meitei/Meetei community within the Scheduled Tribe category. The next day, i.e., on 04.05.2023, the Respondent passed an order suspending internet/data services, including broadband viz. Reliance Jio Fiber, Airtel Xtreme Black, BSNL FTTH, etc. *in addition to* mobile data services.

3. There was widespread arson, violence and killings across the State in the following few days, which formed the basis for a temporary and time-bound shutdown of the internet.

4. The next week, however, tensions were defused and, barring sporadic incidents of violence which could be tackled at the district level, there was admittedly a de-escalation of the situation.

5. Despite the gradual return to normalcy, the state-wide internet shutdown order issued by the Respondent on 03.05.2023 and 04.05.2023 were mechanically extended on 07.05.2023, 11.05.2023, 16.05.2023, 21.05.2023, and 26.05.2023, essentially amounting to an indefinite shutdown of the Internet.

6. Therefore, there has been a complete blockage of the internet across the State for more than 24 days, causing grave harm to the rights of the Petitioners as well as the other residents. Not only have they experienced feelings of fear, anxiety, helplessness and frustration in the wake of the shutdowns, but been unable to communicate with their loved ones/office colleagues which has strained personal, professional, and social relationships, send their children to school, access their bank accounts, receive/send payments, obtain essential supplies and medicines, etc, thereby bringing lives and livelihoods to a standstill.

7. The impugned internet shutdown is illegal and unconstitutional for several reasons. *First,* the impugned shutdown order which has operated across the State of Manipur for more than 24 days is grossly disproportionate in

its interference with Petitioners' constitutional right to freedom of speech and expression under Article 19(1)(a) and the right to carry on any trade or business under Article 19(1)(g), using the constitutionally protected medium of the internet; *second*, the protracted, and now indefinite, suspension of the Internet even after the violence in the State has subsided does not pass the threshold of "public emergency" and "public safety" prescribed by Section 5(2) of the Indian Telegraph Act, 1885; *third*, to the best of the Petitioner's knowledge, orders dated 03.05.2023, 04.05.2023, 07.05.2023 and 21.05.2023 have not been confirmed by the Review Committee, which is violative of Rule 2(6) of the Telecom Suspension Rules 2017; *fourth,* the Respondent has, till date, not published the impugned orders imposing a suspension of Internet services — either on their website or social media handles. Additionally, they have not published a confirmation of the order by the Review Committee. Non-publication is violative of the Hon'ble Supreme Court's guidelines in ***Anuradha Bhasin*** **(supra**).

8. It is submitted that this is not the first time that the Respondent is issuing shutdown orders that are *ex facie* violative of the Telecom Suspension Rules 2017 and contrary to the fundamental freedoms secured by the Constitution. The Respondent-authority has issued similar shutdown orders on at least 14 different occasions, making Manipur the state with the eighth-highest number of internet shutdowns. Therefore, it is imperative that the Respondent is restrained from

disproportionately and arbitrarily restricting the Petitioners' right to access the internet in the future.

9. In view of the above, and in light of the continuing suspension on the internet, the Petitioners have preferred the instant writ.

DESCRIPTION OF PARTIES

10. Petitioner No. 1 is an advocate (Enrolment No: D/274/2004) practising before the Hon'ble Manipur High Court and subordinate courts in Imphal. The impugned internet shutdown, which has now been in force for more than 24 days, has had a significant economic, humanitarian, social and psychological impact on the Petitioner, his family, and the residents of Manipur. The Petitioner, in particular, has been unable to send emails/WhatsApp messages because of which he finds it difficult to communicate with clients, is unable to access the daily causelist and display board of the Hon'ble Manipur High Court because of which he has often missed matters, and cannot access his case files (all of which are stored on the cloud).

A true copy of the Bar ID along with certificate of enrolment issued to the Petitioner by the Bar Council of Delhi on 10.04.2004 annexed herewith and marked as **Annexure P-1** at pages **37** to **38**.

11. Petitioner No. 2 is the proprietor of M/s MK Enterprises, an MSME headquartered in Imphal, Manipur. The MSME registration number of the Petitioner's enterprise is UDYAM-MN-05-0003025 and the registered office is at Nagamapal Imphal, Hidungmayum Nabakanta Sharma,

Nagamal, Imphal. MK Enterprises is a brand communications company. The business depends entirely on the Internet since their data, marketing, liaisoning, business leads generation systems and financial transactions take place on the Web; therefore, the impugned shutdown has paralysed his business. Furthermore, for the past 24 days, Petitioner No. 2 has been unable to disburse salaries to his employees or receive payments from their clients, which has led to a cash-flow crunch. Petitioner No. 2's grievances are representative of those faced by many business owners in the state.

A true copy of Petitioner No. 2's Aadhaar card bearing number 9606 0285 9202 is annexed hereto and marked as **Annexure P-2** at pages **39** to **NIL**.

12. Petitioners No. 1 and 2 are citizens of India and therefore eligible to invoke the extraordinary writ jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India.

13. Respondent is the State of Manipur, represented by Commissioner-cum-Secretary, Home Department. The Respondent is the Competent Authority under the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 ('**Telecom Suspension Rules'**) to suspend internet services.

APPLICABLE LAW

i. Indian Telegraph Act, 1885 and rules thereunder

14. Section 5(2) of the Indian Telegraph Act, 1885 ('**Telegraph Act**') permits the Central Government or the State Government to issue internet suspension orders first, only on

'*the occurrence of any public emergency'* or '*in the interest of public safety'*; second, if it is "*necessary*" or "*expedient*" to do so in the interest of 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.

15. In ***Vinit Kumar v. CBI*, 2019 SCC OnLine Bom 3155**, the Bombay High Court said that the phrases "*occurrence of any public emergency"* and "*in the interest of public safety"* are *sine qua non*. Unless a public emergency has occurred and the interest of public safety demands, the authorities have no jurisdiction under this section. Therefore, the suspension of internet services cannot be a preventive or a pre-emptive action, such as in the instant case. While the Respondent may have initially suspended the internet on the occurrence of a public emergency, the shutdown has since been disproportionately extended, for weeks after the public emergency has been mitigated, as a preventive and preemptive measure. This is evident from the text of the impugned orders which state that they are based on an "*apprehension"* that some anti-social elements "*might"* use social media for transmission of images, hate speech and hate video messages. Therefore, the impugned suspension orders are in violation of the Bombay High Court's ruling in ***Vinit Kumar* (supra)**.

16. The second requirement of Section 5(2) of the Telegraph Act is for the competent authority to be satisfied, and record reasons thereupon, that it is "*necessary*" or "*expedient*" to

pass the orders in the interest 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, and must record reasons thereupon. The terms "*necessity*" and "*expediency*", are, in this context, significant. They imply that the Respondent-authority is liable to triangulate the necessity/expediency of imposition of an internet shutdown after satisfying the four prongs of the proportionality test ***Anuradha Bhasin* (supra).**

17. That the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules 2017 ("**Telecom Suspension Rules**") were issued in exercise of powers conferred by Section 7 of the Telegraph Act because of the rising concern about the indiscriminate shutting down of the Internet by the Indian authorities. For the purposes of this writ, the following rules are of import:

a. Rule 2(1) of the Telecom Suspension Rules requires that any directions to suspend the telecom services cannot be issued except by a reasoned order made by a Secretary to the Government of India in the Ministry of Home Affairs, or by Secretary to the State Government in-charge of the Home Department ('**Competent Authority**').

b. Rule 2(2) Telecom Suspension Rules provides than order passed by the Competent Authority under Rule 2(1) must be accompanied by reasons. This provision was further interpreted by this Hon'ble Court in ***Anuradha Bhasin* (supra),** in which it held that the

Competent Authority should not only indicate the necessity of the measure but also what the "unavoidable" circumstance was that necessitated his passing the order. The purpose of the aforesaid rule is to integrate the proportionality analysis within the framework of the Rules.

c. Rule 2(5) of the Telecom Suspension Rules states that the legality of an order suspending internet services has to be examined and recorded by a Review Committee, which comprises three high-level government officials

d. Rule 2(6) of the Telecom Suspension Rules lays down that such a review has to take place within five working days of the issuance of a suspension order

e. Rule 2A of the Telecom Suspension Rules, which was inserted through amendment dated 10.11.2020, states that "*the suspension order issued by the competent authority under sub-rule (1) shall not be in operation for more than fifteen days*."

A true copy of the Telecom Suspension Rules 2017 is annexed as **Annexure P-3** at pages **40** to **44**.

ii. Judgments recognising the fundamental right to the internet

18. The internet has become a staple of modern society — not only as a major means of information diffusion but also as a very important tool for trade and commerce. This has been acknowledged by the Indian judiciary on numerous occasions:

a. A Division Bench of the Allahabad High Court in ***In Re: Reference to the Discontinuation of Internet Services by State Authorities*** (order dated 20.12.2019) noted that "*in the absence of Internet all day-to-day activities stands still*" and that "*in present days where each and every activity of life is dependent on Internet services, the Administration must adopt other mode and methods to meet with different eventualities pertaining to law and order issues*". Therefore, the right to have continuous internet service is an extension of the right to live and, as such, discontinuation of that is in violation of Article 21 of the Constitution, said the Court. The Court held that the internet, therefore, must be shut down only in the "*rarest of rare*" cases.

b. *In* ***Faheema Shirin. R.K v. State Of Kerala,*** **2019 SCC OnLine Ker 2976** the Kerala High Court noted Resolution 26/13 adopted by the United Nations Human Rights Council for "*promotion, protection, and enjoyment of human life on the internet"* and calling upon states to "*promote and facilitate access to the Internet and international cooperation in the development of the media and information and communication facilities and technologies in all countries"*. In light of Articles 51(c) and 253 of the Constitution and the role of the judiciary envisaged in the Beijing Statement, the Kerala High Court held that international conventions and norms are to be read into the fundamental rights guaranteed in the Constitution

and, therefore, the right to have access to the internet becomes part of the right to education as well the right to privacy under Article 21 of the Constitution of India.

c. In ***Anuradha Bhasin*** **(supra)** the Supreme Court acknowledged that the importance of the internet cannot be underestimated. From morning to night, we are encapsulated within cyberspace and our most basic activities are enabled by the use of the Internet, the Court said. They also recognised that the freedom of speech and expression through the internet is an integral part of Article 19(1)(a) and therefore any restriction on the same must be in accordance with Article 19(2) of the Constitution. In addition to being protected under Article 19(1)(a), the Supreme Court, in ***Anuradha Bhasin*** **(supra)**, held that the right to access Internet was protected under Article 19(1)(g), which recognises the right to practice any profession, or to carry on any occupation, trade, or business. The Court observed that *"there is no doubt that there are certain trades that are completely dependent on the internet. Such a right of trade through the internet also fosters consumerism and availability of choice. Therefore, the freedom of trade and commerce through the medium of the internet is also constitutionally protected under Article 19(1)(g), subject to restrictions provided under Article 19(6)".* Apart from the above, the Hon'ble Supreme Court held that internet suspension orders must be published to

enable affected persons to challenge them before the High Court.

d. Thus, impairment of Article 19 rights by suspending internet access can pass constitutional muster if it complies with the narrow restrictions carved out by Articles 19(2) to 19(6) of the Constitution. Accordingly, any restriction on internet services must be lawful, necessary and proportionate.

e. An order that is not in accordance with the law laid down in *Anuradha Bhasin* (supra) and the aforesaid judgments must, therefore, be revoked.

IMPUGNED CONDUCT OF THE RESPONDENT-AUTHORITY

19. According to Access Now's report titled '*Shattered Dreams and Lost Opportunities: A Year in the Fight to #KeepItOn*', India "*consistently shuts down the Internet more than any country in the world".* A true copy of Access Now's report titled '#KeepItOn' published in March 2021 is annexed as **Annexure P-4** at pages **45** to **65**. That Internet shutdowns in India have been exponentially increasing over the last few years. From only 3 reported shutdowns in 2012, the number increased to 132 in 2020, 101 in 2021 and 77 in 2022. This data has been collated by the Software Freedom Law Centre India on their website www.internetshutdowns.in. A screenshot of the website 'www.internetshutdowns' is annexed as **Annexure P-5** at pages **66** to **67**.

20. Recently, the Respondent Authority has become a significant contributor to the number of shutdowns. There have been 14 reported internet shutdowns in Manipur, which makes it the state to impose the eighth-largest number of internet shutdowns.

21. On 03.05.2023, the Commissioner (Home), Government of Manipur (Respondent herein) ordered another suspension of mobile data services across the state of Manipur, because of certain reported incidents of violence amongst volunteers/youth at rallies organised to demonstrate against the demand for inclusion of the Meitei/Meetei community within the Scheduled Tribe category. The order cited a possibility of false rumours and disinformation spreading through social media. The next day. i.e., on 04.05.2023, Commissioner (Home) passed an order suspending internet/data services, including broadband viz. Reliance Jio Fiber, Airtel Xtreme Black, BSNL FTTH, etc. in addition to mobile data services. This order was further extended on 07.05.2023, 11.05.2023, 16.05.2023, 21.05.2023, and 26.05.2023.

22. The aforementioned orders have not been published by the Respondent on their website — a flagrant contravention of this Hon'ble Court's judgment in ***Anuradha Bhasin*** **(supra),** which mandates the publication of all internet shutdown orders as a measure of transparency and accountability**.** With great difficulty, and after spending several hours trawling the Web, the Petitioners' counsel was able to procure copies of the orders passed by the Respondent on 04.05.2023,

07.05.2023, 11.05.2023, 16.05.2023, 21.05.2023, and 26.05.2023 from media websites. Notably, the Petitioners' counsels have been unable to find a copy of order dated 03.05.2023. A true copy of order No. H-3607/4/2022-HD-HD dt. 04.05.2023 issued by the Home Department, Govt. of Manipur is annexed herewith and marked as **Annexure P-6** at pages **68** to **NIL.** A true copy of order No. H-3607/4/2022-HD-HD dt. 07.05.2023 issued by the Home Department, Govt. of Manipur is annexed herewith and marked as **Annexure P-7** at pages **69** to **NIL.** A true copy of order No. H-3607/4/2022-HD-HD dt. 11.05.2023 issued by the Home Department, Govt. of Manipur is annexed herewith and marked as **Annexure P-8** at pages **70** to **71**. A true copy of order No. H-3607/4/2022-HD-HD dt. 16.05.2023 issued by the Home Department, Govt. of Manipur is annexed herewith and marked as **Annexure P-9** at pages **72** to **NIL.** A true copy of order No. H-3607/4/2022-HD-HD dt. 21.05.2023 issued by the Home Department, Govt. of Manipur is annexed herewith and marked as **Annexure P-10** at pages **73** to **74** and A true copy of order No. H-3607/4/2022-HD-HD dt. 26.05.2023 issued by the Home Department, Govt. of Manipur is annexed herewith and marked as **Annexure P-11** at pages **75** to **76** **.**

23. A perusal of these orders reveals the following illegalities:

A. In all 5 orders, the Respondent failed to detail the circumstances which warranted the suspension of internet services across the state. The orders merely state

that there has been a threat to "*law and order"*, and that "*anti-social elements"* may use social media to spread rumours and incite the public, which may have "*serious repercussions"* on law and order in the state of Manipur. Thus, it is an admitted position that no "*public emergency*" or "*public safety*" interest was at stake, but, at its highest, internet shutdowns were imposed to mitigate jeopardy to the "*law and order*" situation in the state. This clearly does not meet the pre-condition of "*public emergency"* or "*public safety*" necessary to suspend the internet under the Telecom Suspension Rules and as per the judgment of this Hon'ble Court in ***Anuradha Bhasin*** **(supra).**

B. The Respondent Authority has continued to issue shutdown orders, several days after the tension in the state has been defused, as a pre-emptive measure and to prevent a threat to law and order due to rumour-mongering and the spread of misinformation. This is patently *ultra-vires* the scope of powers conferred to the Competent Authority Telecom Suspension Rules and the guidelines laid down by this Hon'ble Court in ***Anuradha Bhasin*** **(supra).**

C. To the best of the Petitioners' knowledge, orders dated 03.05.2023, 04.05.2023, 07.05.2023, and 21.05.2023 were not reviewed by the Review Committee stipulated under Rule 2 of the Telecom Suspension Rules, which constitutes the elimination of a significant statutory and constitutional step. The Petitioners were able to access

the confirmation of suspension orders dated 11.05.2023 and 16.05.2023 passed by the Chief Secretary, Government of Manipur from media reportage. True copies of the orders dated 12.05.2023 & 17.05.2023 issued by the Home Department, Govt. of Manipur are annexed herewith and marked as **Annexure P-12** at pages **77** to **78** **.**

D. The orders have been repeatedly issued in a cyclostyled format, reflecting a clear non-application of mind on the part of the Respondent.

E. The Respondents have acted in blatant contravention of the *Anuradha Bhasin* directions, which mandated the proactive publication of all internet shutdown orders as a measure of transparency and accountability.

24. Even though the illegal internet shutdown orders dated 03.05.2023, 04.05.2023, 07.05.2023, 11.05.2023, 16.05.2023 and 21.05.2023 are not in force that does not extinguish the cause of action and the declaratory and consequential reliefs sought by the Petitioners, especially since, *first*, the aftershock of such illegal acts continue to be felt in the form of irreparable economic losses and emotional, psychological, and social costs; *second*, the Petitioners seek to stay the subsisting order dated 26.05.2023 which in operation till 3:00 PM on 31.05.2023; *third*, they seek directions to prevent subsequent illegal internet shutdowns in the state of Manipur.

25. The aforementioned illegal orders are being passed by the Respondent despite empirical studies demonstrating that telecom shutdowns may actually be counterproductive to a

threat to law and order. In a study titled '*Of Blackouts and Bandhs: The Strategy and Structure of Disconnected Protest in India*', researchers at Stanford University conducted a statistical analysis of network shutdowns in India in 2016 and found that blocking the Internet as an effort to stop political demonstrations, communal violence, rumour mongering, *etc*., can suddenly change "*a predictable situation into one that's highly volatile, violent, and chaotic*". A true copy of the paper dated 07.02.2019 is annexed as **Annexure P-13** at pages **79** to **132** **.**

26. On ground, media reports published by The Sentinel on 15.05.2023 titled "*Steep rise in price of essentials, internet shutdown hit banking services*" state in the midst of a skyrocket in the prices of essential commodities, banking facilities remain affected due to the suspension of internet services, making life more miserable for the people of Manipur. Another article titled "*Net ban affects normal life in strife-torn Manipur*", published by The Print on 21.05.2023, speaks of, inter alia, the strife of a mother who is unable to get her son due admitted into a college without having to go through the usual net-based admission procedure and that of an associate manager of an information technology company whose work has been jeopardised. True copy of article titled *"Steep rise in price of essentials, internet shutdown hit banking services*" published by The Sentinel is annexed herewith and marked as **Annexure P-14** at pages **79** to **132** and A true copy of the article titled "*Net ban affects*

normal life in strife-torn Manipur" is annexed herewith and marked as **Annexure P-15** at pages **139** to **141** **.**

27. That being aggrieved by the grave social, economic and psychological impact of the blatantly illegal actions of the Respondents, the Petitioner prefers this writ petition on the following amongst other grounds.

GROUNDS

The impugned suspension orders have not been passed for reasons specified within the contours of Article 19(2) of the Constitution. Therefore, they infringe upon the Petitioners' constitutional right to access the internet

(i) The impugned suspension orders are not buttressed by reasons that fall within the narrow contours of Article 19(2); hence, they don't pass constitutional muster

A. BECAUSE in order to restrict the public's right to access the internet, the Respondent-authority must pass an order under Rule 2(1) of the Telecom Suspension Rules 2017. As per Rule 2(2) of the Telecom Suspension Rules 2017, this order *must* contain reasons for the issuance of such a direction.

B. Since the right to access the internet is constitutionally protected under Article 19(1)(a), it can only be restricted by conditions laid down in Article 19(2), i.e., in the interest of the sovereignty and integrity of India, the security of the State, public order, decency or morality or in relation to contempt of court, defamation or incitement of an offence. Therefore, following from the above, an order passed by the Respondent to suspend the

internet must explicitly state that it has been passed to protect the sovereignty and integrity of India, the security of the state, etc.

C. BECAUSE the impugned suspension orders cite 'law and order' as a ground for disrupting the internet — as opposed to public order.

D. BECAUSE it is a well-settled principle that the maintenance of 'law and order' is different from the maintenance of 'public order'. The difference between 'public order' and 'law and order' has been explained in ***Ram Manohar Lohia v. State of Bihar & Anr*, (1966) 1 SCR 709**, where the Supreme Court has imagined three concentric circles — law and order representing the largest circle within which is the next circle representing public order and the smallest circle representing security of the State. Therefore, an act may affect 'law and order' but not 'public order', just as an act may affect 'public order' but not the 'security of the State'. The judgment also states that by maintenance of public order what was meant was prevention of disorder of a grave nature whereas maintenance of law and order means prevention of disorder of a comparatively lesser gravity.

E. The impugned suspension orders do not explicate reasons that fall within the contours of Article 19(2) of the Constitution; therefore, they violate Rule 2(2) of the Telecom Suspension Rules, and do not pass

constitutional muster. For this reason alone, they must be declared unconstitutional and illegal.

(ii) Continuous blockage of the internet, even after the initial threat to public order has been quelled, is unconstitutional

F. BECAUSE even though the impugned shutdown orders do not explicate an exigent threat to public order, the Petitioners submit that they cannot negate that the initial ethnic clashes between the Meitei and tribal groups caused widespread killings, arson and violence on ground; therefore, a temporary suspension of the internet constituted a reasonable restriction under Article 19(2). However, since then, tensions between the Meitei and tribal groups have been substantially quelled and, barring sporadic incidents of violence which can be tackled at the district level, there has admittedly been a de-escalation of the situation. Despite there being no threat to the public at large once the tensions were defused, the Government has passed more than five shutdown orders to extend the internet shutdown across the State. This is an unreasonable restriction on the right to freedom of speech and expression. Therefore, all orders passed after the de-escalation of the clashes must be declared unconstitutional and internet must be restored to all districts in the state (barring those in which violence persists) immediately.

iii. The impugned internet shutdown has been in force for more than 24 days; this fails the test of proportionality, and, therefore, does not constitute a reasonable restriction on the right to free speech and expression

G. BECAUSE in any case, an order restricting the fundamental rights of citizens enshrined under Article 19 must be in strict accordance with the doctrine of proportionality. This was established in ***Modern Dental College v. State of Madhya Pradesh***, (**2012) 4 SCC 707** and endorsed in ***KS Puttaswamy v. Union of India & Ors*** **(2017 and 2019)**. In order to meet the test of proportionality (a) a measure restricting a right must have a legitimate goal; (b) the measure must constitute a suitable means of furthering this goal; (c) there must not be any less restrictive but equally effective alternative; (d) the measure must not have a disproportionate impact on the right holder.

H. BECAUSE the Respondent authority cannot claim to continue to suspend the internet to prevent the loss of life, damage to public/private property and widespread disturbances to public tranquillity and communal harmony much after the tensions in the state of Manipur have subsided. Since Respondent has continued to shutdown of the internet for more than 24 days, despite a gradual return to normalcy in the state, the impugned orders cannot be stated to have been passed to achieve a legitimate goal.

I. BECAUSE unless a restriction has a proximate and direct nexus to the achievement of public order, it cannot be called a reasonable restriction in the interest of maintaining public order. The impugned suspension orders do not indicate how a state-wide suspension of the internet services would curb law and order threats which, at present, only exist in certain districts/at the local level. Therefore, they fail the proximate and direct nexus test, which forms the second prong of the proportionality test.

J. BECAUSE the violence in the State has been sporadic and restricted certain districts, a state-wise internet shutdown cannot be the least restrictive measure that can be employed to curb the violence. Restoration of law and order in districts in which tensions flare can be achieved through less restrictive measures such as the internet shutdown at the district level, increased deployment of law enforcement in the area in which the violence is taking place, use of social media channels to fact check fake news and rumours, blocking the use of social media channels, etc — all measures which would not disproportionately affect the right to freedom of speech and expression and the right to freedom of trade and profession of the 32.2 lakh residents of the state of Manipur. Since the suspension of the Internet was not the least restrictive measure that the Government could have used to maintain law and order, the impugned

measure can be said to have failed the third prong of the test of proportionality.

K. BECAUSE prevention of disinformation campaigns and rumour mongering and sporadic, confined threats to public threats do not justify the disproportionate economic loss sustained by the Petitioners, the general, and the State itself, during this 24-day internet shutdown. (Deloitte's 2017 report titled 'Economic Impact of Disruptions to Internet Connectivity' calculates the cost of the shutdown of the Internet for every 10 million inhabitants per day to be nearly 24 million dollars. Since the population of Manipur is approximately 3 million, the loss sustained over 24 days is close to a whopping 57 million dollars). Therefore, the Internet suspension order also fails the fourth prong of the test of proportionality — the balancing stage.

L. BECAUSE for the reasons aforestated, the impugned suspension orders fail the proportionality test. Therefore, they constitute an unreasonable restriction on the right to access the internet protected under Article 19(1)(a).

In *Anuradha Bhasin,* the Supreme Court also recognises that the right to access the internet is protected under Article 19(1)(g); therefore, it can only be restricted under the conditions laid down under Article 19(6)

M. BECAUSE ***Anuradha Bhasin* (supra)** recognises that the freedom of trade and commerce through the medium of the Internet is constitutionally protected under Article

19(1)(g). Therefore, access of this right can only be restricted under Article 19(6) of the Constitution.

N. BECAUSE the impugned suspension orders fail the test of proportionality and, therefore, does not constitute a reasonable restriction on the Petitioners' rights under Article 19(1)(g), the orders are *ex facie* illegal and unconstitutional and must be declared illegal/revoked immediately.

Continued suspension of the Internet for the purpose of preventing rumour-mongering and the spread of misinformation does not pass the threshold prescribed by the Telecom Suspension Rules 2017

O. BECAUSE as per Rule 2(6) of the Telecom Suspension Rules 2017, an order suspending telecom services should be in accordance with the provisions of the main statute, *viz*., Section 5(2) of the Indian Telegraph Act 1885. Section 5(2) of the Act allows for suspension of the Internet "*on the occurrence of any public emergency, or in the interest of the public safety"* or if the Central or State Government is 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*".

P. BECAUSE the Respondent has failed to detail the circumstances which warranted the <u>continued</u> suspension of internet services across the state. Each

time the shutdown orders are renewed, the Respondent merely state that there has been a threat to "*law and order"*, and that "*anti-social elements"* may use social media to spread rumours and incite the public, which may have "*serious repercussions"* on law and order in the state of Manipur. Thus, it is an admitted position that no "*public emergency*" or "*public safety*" interest is at stake, but, at its highest, internet shutdowns are being continued to be imposed to mitigate jeopardy to the "*law and order*" situation in the state. This clearly does not meet the pre-condition of "*public emergency"* or "*public safety*" necessary to suspend the internet under the Telegraph Act and Telecom Suspension Rules.

28. BECAUSE in ***Vinit Kumar v. CBI*, 2019 SCC OnLine Bom 3155**, the Bombay High Court said that the phrases "*occurrence of any public emergency"* and "*in the interest of public safety"* are sine qua non. Unless a public emergency has occurred or the interest of public safety demands, the authorities have no jurisdiction under this section. Therefore, the suspension of internet services cannot be a preventive or a pre-emptive action, such as in the instant case. While the Respondent may have initially suspended the internet on the occurrence of a public emergency, the shutdown has since been disproportionately extended, for weeks after the public emergency has been mitigated, as a preventive and pre-emptive measure. This is evident from the text of the impugned orders which state that they are based on an "*apprehension"* that some anti-social elements "*might"* use

social media for transmission of images, hate speech and hate video messages. Therefore, the impugned suspension orders are in violation of the Bombay High Court's ruling in ***Vinit Kumar*** **(supra)**.

Q. BECAUSE in ***Anuradha Bhasin*** **(supra)**, the Apex Court, while referring to ***Hukam Chand Shyam Lal v. Union of India, (1976) 2 SCC 128***, and ***People's Union for Civil Liberties v. Union of India, (1997) 1 SCC 301*** interpreted the terms 'public safety' and 'public emergency' in conjunction. The Court stated that the two phrases take colour from each other, and although the term public emergency has not been defined under the Telegraph Act, it relates to situations pertaining to *"public safety, 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".*

R. BECAUSE the second requirement of Section 5(2) of the Telegraph Act is for the competent authority to be satisfied that it is "*necessary*" or "*expedient*" to pass the orders in the interest 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, and must record reasons thereupon. The terms "*necessity*" and "*expediency*", are, in this context, significant. They imply that the Respondent-authority is liable to triangulate the necessity/expediency of imposition of an

internet shutdown after satisfying the four prongs of the proportionality test (***Anuradha Bhasin*** **(supra).** The Petitioners have already established that the Respondent has tailored the impugned shutdown beyond the failed the test of proportionality; therefore, they are not "*necessary*" or "*expedient*".

S. Since the internet has been indefinitely suspended, even when the situation has ceased to be a "public emergency" and is not necessary for ensuring "public safety", it is violative of the Telegraph Act and the Telecom Suspension Rules. Therefore, it must be struck down and declared illegal.

The Review Committee's oversight is a necessary constitutional step that cannot be forsaken

T. BECAUSE the Supreme Court in ***Anuradha Bhasin*** **(supra)** states that Rule 2(2) Telecom Suspension Rules is extremely important as it lays down "*twin requirements*" for orders passed under Rule 2(1). The first requirement is that that the reasoning of the authorised officer should not only indicate the necessity of the measure, but also the unavoidable circumstance which necessitated their passing the order. The purpose of the rules is, therefore, to "*integrate the proportionality analysis within the framework of the [Telecom Suspension] Rules*". The second requirement is the forwarding of the reasoned order to the Review Committee. The Review Committee acts as the final internal check under the Telecom Suspension Rules

2017. The Review Committee must not only look into the question of whether the restrictions are in compliance with Section 5(2) of the Indian Telegraph Act 1885, but must also look into the question of whether the orders are proportionate.

U. BECAUSE review is a necessary means of evaluating whether restriction of access to the Internet is proportionate, constitutional, and to prevent an overbroad interpretation of Section 5(2) of the Indian Telegraph Act 1885. In forsaking review by the Review Committee, the Respondents have missed a significant constitutional step.

V. BECAUSE, to the best of the Petitioner's knowledge, orders dated 03.05.2023, 04.05.2023, 07.05.2023, and 21.05.2023 have not been confirmed by the Review Committee, as provided under Rule 2(5) and are, therefore, *ex facie* illegal.

Non-publication of the orders of the Competent Authority or Review Committee is a violation of the Apex Court's directions in *Anuradha Bhasin*

W. BECAUSE the Hon'ble Supreme Court, in ***Anuradha Bhasin*** **(supra),** held that orders directing the suspension of internet service must be made freely available, in a direct and reliable manner, to the people. Despite this, multiple State Governments, and even, on occasion, the Central Government has refused to publish internet shutdown orders.

X. BECAUSE the Respondents have, till date, not published the impugned orders imposing a suspension of Internet services — either on their website or social media handles. Additionally, they have not published a confirmation of the order by the Review Committee.

Y. BECAUSE the Respondents have a constitutional duty to publish the impugned suspension order *before* the suspension of internet services for the benefit of the residents of Manipur in order to allow them to: firstly, make appropriate alternative arrangements so that their life and livelihood was not disproportionately affected by the suspension of internet services; and, secondly, challenge the suspension order if it constituted an unreasonable restriction on the exercise of their fundamental rights.

Z. BECAUSE non-publication hinders the right of a petitioner to challenge the violation of their fundamental rights, it is violative of Art 32(1). The suspension of such fundamental rights has also not followed any norm prevailing in the Constitution as per Art 31(4). In the case of ***Ram Jethmalani v Union of India*, (2011) 8 SCC 1**, it was clearly established that "*it is imperative that in such proceedings the petitioners are not denied the information necessary for them to properly articulate the case and be heard, especially where such information is in the possession of the State*." The Respondent authority must, therefore, be directed to publish immediately publish all orders suspending

internet services under the Telecom Services (Public Emergency or Public Safety) Rules, 2017 on its official websites and social media handles.

By repeatedly extending internet shutdown orders, for a period extending beyond 15 days, the Respondent-authority is violating the doctrine of colourable legislation.

AA. On 10.11.2020, the Central Government amended the Telecom Suspension Rules 2017. It inserted Rule 2A which states that "*the suspension order issued by the competent authority under sub-rule (1) shall not be in operation for more than fifteen days*." By repeatedly extending the impugned internet shutdown orders in a mechanical and cyclostyled fashion for a period exceeding fifteen days, the Respondent is doing indirectly what it cannot do directly. This is a violation of the doctrine of colourable legislation, which states that an action that is unlawful is always unlawful and cannot be made illegal by changing its colour, language, form, or hidden purposes; therefore, the shutdown orders, which have been in force for roughly 24 days, must be declared illegal.

24. That the Petitioners have not been left with any other alternate efficacious remedy except to approach this Hon'ble Court by filing the present writ petition.

25. That the Petitioners have not filed any such similar writ petition earlier before this Hon'ble Court.

PRAYER

It is, therefore, most humbly and respectfully prayed that this writ petition may kindly be allowed and this Hon'ble Court by appropriate writ, order or direction:

a. Declare that orders suspending the internet services namely, Order No. H-3607/4/2022-HD-HD dt. 03.05.2023, Order No. H-3607/4/2022-HD-HD dt. 04.05.2023, Order No. H-3607/4/2022-HD-HD dt. 07.05.2023, Order No. H-3607/4/2022-HD-HD dt. 11.05.2023, Order No. H-3607/4/2022-HD-HD dt. 16.05.2023, Order No. H-3607/4/2022-HD-HD dt. 21.05.2023 and Order No. H-3607/4/2022-HD-HD dt. 26.05.2023 are illegal;

b. Direct the Respondent to restore internet services in all districts of the State of Manipur;

c. Direct the Respondent to comply with the directions of the Hon'ble Supreme Court of India in ***Anuradha Bhasin v. Union of India,*** **(2020) 3 SCC 637** as well as the Indian Telegraph Act 1885 and Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules 2017;

d. Direct the Respondent to immediately publish all orders suspending internet services under the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules 2017 passed after the decision in ***Anuradha Bhasin*** on its official websites and social media profiles ;

e. Direct the Respondent to publish the findings of the Review Committee under Rule 2(6) of the Review Committee for

each instance of internet suspension after the decision in ***Anuradha Bhasin***;

f. Any other relief, order or direction that this Hon'ble Court deems fit in the interest of equity, justice and good conscience.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IS DUTY BOUND SHALL EVER PRAY.

Drawn By: **Filed By:**

Natasha Maheshwari, Adv.

Place: New Delhi

Dated: 28.05.2023

Mr. Shadan Farasat

Advocates for the Petitioners

33

Rs.20

TWENTY RUPEES

OATH COMMISSIONER (JUDICIAL) IMPHAL WEST MANIPUR

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO OF 2023

IN THE MATTER OF:

Chongtham Victor Singh & Anr ...Petitioner

Versus

State of Manipur ...Respondent

AFFIDAVIT

I, Chongtham Victor Singh, s/o Shri Chongtham Mahendra Singh, aged about 44 years, having registered address at Khonghampat Awang Leikai, P.O. Mantripukhri, P.S. Sekmai, Imphal West, Manipur, do hereby solemnly affirm and declare as under:

1. That I am Petitioner No. 1 in the above mentioned Petition and as such I am conversant with the facts and circumstance of the present case.
2. That the contents in the Synopsis and List of Dates at Pages B to Q, the contents in the accompanying Petition from paras 1 to 25 at pages 1 to 32, and the accompanying applications are true and correct to the best of my knowledge and belief, based on information derived from the record of the case and the legal submissions made therein are as per the advice of the counsel and are believed to be true and correct.

Th. Jogen Singh 23/05/23
Oath Commissioner (Judicial)
Imphal West, Manipur.

3. That the **Annexures** are true copies of the respective Originals.

4. That the averments of facts stated herein above are true to the best of my knowledge and belief and no part of it is false and nothing material has been concealed thereof.

OATH COMMISSIONER (JUDICIAL) IMPHAL WEST, MANIPUR

DEPONENT

CH. VICTOR

Verification:

Verified at Imphal on this 23/05/2023 that the contents of my above affidavit are true and correct and no part of has been concealed thereof.

DEPONENT

CH. VICTOR

Solemnly affirm before me on 23/05/2023 at 9:46 AM at the Court Premises by the declarant who is identified by Th. Linda Chanda Advocate.

The declarant seems to understand the contents fully well on their being read over and explained to him/her.

Th. Jogen Singh 23/05/23
Oath Commissioner (Judicial)
Imphal West, Manipur.

35

Rs.20 INDIA TWENTY RUPEES CANCELLED 23/5/2023

OATH COMMISSIONER (JUDICIAL) IMPHAL WEST, MANIPUR

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO OF 2023

IN THE MATTER OF:

Chongtham Victor Singh & Anr ...Petitioner

Versus

State of Manipur ...Respondent

AFFIDAVIT

I, Mayengbam James MC, s/o Shri Mayengbam Krishna Kumar, aged about 42 years, having registered address at Keishamthong Elangbam Leikai, Imphal West, Manipur - 795001, do hereby solemnly affirm and declare as under:

1. That I am Petitioner No. 2 in the above mentioned Petition and as such I am conversant with the facts and circumstance of the present case.
2. That the contents in the Synopsis and List of Dates at Pages B to Q, the contents in the accompanying Petition from paras 1 to 32 at pages 1 to 36, and the accompanying applications are true and correct to the best of my knowledge and belief, based on information derived from the record of the case and the legal submissions made therein are as per the advice of the counsel and are believed to be true and correct.

(Th. Jogen Singh) 23/05/23
Oath Commissioner (Judicial)
Imphal West, Manipur.

3. That the **Annexures** are true copies of the respective Originals.

4. That the averments of facts stated herein above are true to the best of my knowledge and belief and no part of it is false and nothing material has been concealed thereof.

OATH COMMISSIONER (JUDICIAL) IMPHAL WEST, MANIPUR

DEPONENT

M. James. MC.

Verification:

Verified at Imphal on this 23/05/2023 that the contents of my above affidavit are true and correct and no part of has been concealed thereof.

DEPONENT

M. James. MC.

Solemnly affirm before me on 23/05/2023 at 9.48 AM at the Court Premises by the declarant who is identified by Th. Tumchandra Advocate

The declarant seems to understand the contents fully well on their being read over and explained to him/her.

Th. Jogen Singh 23/05/23
Oath Commissioner (Judicial)
Imphal West, Manipur.

Annexure P-1

S. No. 2363

IDENTITY CARD

BAR COUNCIL OF DELHI

(Statutory Body Under The Advocates Act, 1961)

H.O. ... Institutional Area, Khel Gaon Marg, New Delhi-49 Ph. 26498356, 26495195, 26495196
8, ... Chambers, High Court of Delhi, New Delhi-110003 Phone 23387701, 23385...

No. 1815/C/19 Valid upto 31.12.2009

CHONGTHAM VICTOR SINGH

Advocate

Enrolment No. D/274/2004

K. K. SAREEN
Chairman

ABHAY KUMAR VERMA
Hony Secretary

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Diabetic No. XXXXX) Date Of Birth 1.2.1979

Residence 1537/B, 2nd Floor, Wazir Nagar, Kotla Mubarakpur, New Delhi-110003. Ph. 0-9312904607

Office 372, New Chamber, Patiala House Courts, New Delhi.

Ph. 011-23388690

Holder's Signature

Checked by

No.: D/ 274 / 2004

38

BAR COUNCIL OF DELHI

Certificate of Enrolment

AS

ADVOCATE

Under the Advocates Act, 1961

Number on the Roll D/ 274 / 2004

This is to certify that Shri/Miss/Smt. Chongtham Victor Singh *son/daughter/wife of Shri* Chongtham Mahendra Singh *has this day been admitted to be an Advocate of the Bar Council of Delhi and that his/her name has been entered in the Roll of Advocates maintained by this Council.*

Given under my hand and the seal of the Bar Council this 16 th *day of* April, 2004.

(Sri Tiwari)
. Secretary

Sd/-

(Altaf Ahmed)

CHAIRMAN

Bar Council of Delhi

//TRUE COPY//

Annexure P-2

भारतीय विशिष्ट पहचान प्राधिकरण
भारत सरकार
Unique Identification Authority of India
Government of India

आधार

Enrolmnt No/Enrolment No.: 2009/90147/02091

Date: 09/09/2016

Mayengbam James Mc (Mayengbam James Mc)

S/O: Mayengbam Krishnakumar, KEISHAMTHONG ELANGBAM LEIKAI, Imphal, Imphal West, Manipur - 795001

Your **Aadhaar** No/ Your **Aadhaar** No.:

9606 0285 9202

MERA AADHAAR, MERI PEHACHAN

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INFORMATION

- **Aadhaar** is a proof of identity, not of citizenship.
- To establish identity, authenticate online.
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भारत सरकार
GOVERNMENT OF INDIA

Mayengbam James Mc
DOB: 22/02/1981
Male / MALE

9606 0285 9202

MERA AADHAAR, MERI PEHACHAN

AADHAAR
भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

Address:
S/O: Mayengbam Krishnakumar,
KEISHAMTHONG ELANGBAM
LEIKAI, Imphal, Imphal West,
Manipur - 795001

9606 0285 9202

MERA AADHAAR, MERI PEHACHAN

//TRUE COPY//

Annexure P-3

रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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संचार मंत्रालय

(दूरसंचार विभाग)

अधिसूचना

नई दिल्ली, 7 अगस्त, 2017

सा.का.नि. 998(अ).—केन्द्रीय सरकार, भारतीय तार अधिनियम, 1885 (1885 का 13) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, लोक आपात या लोक सुरक्षा के कारण दूरसंचार सेवाओं के अस्थायी निलंबन का विनियमन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1. (1) इन नियमों का संक्षिप्त नाम दूरसंचार अस्थायी सेवा निलंबन (लोक आपात या लोक सुरक्षा) नियम, 2017 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. (1) दूरसंचार सेवाओं को निलंबित करने के लिए निदेश भारत सरकार के मामले में भारत सरकार के गृह मंत्रालय के सचिव द्वारा या राज्य सरकार के मामले में गृह विभाग के राज्य सरकार के भार साधक सचिव (जिसे इसमें इसके पश्चात् सक्षम प्राधिकारी कहा गया है), द्वारा किए गए आदेश द्वारा ही जारी किए जाएंगे अन्यथा नहीं और अपरिहार्य परिस्थितियों में, जहां पूर्व निदेश अभिप्राप्त करना व्यवहार्य नहीं है, वहां ऐसा आदेश ऐसे किसी अधिकारी द्वारा, जो भारत सरकार के संयुक्त सचिव की पंक्ति से नीचे का न हो, जिसे, यथास्थिति, केन्द्रीय गृह सचिव या राज्य गृह सचिव द्वारा सम्यकतः प्राधिकृत किया गया हो, द्वारा जारी किया जा सकेगा :

परंतु केन्द्रीय गृह सचिव या राज्य गृह सचिव द्वारा प्राधिकृत अधिकारी द्वारा जारी दूरसंचार सेवाओं के निलंबन के लिए आदेश, ऐसे आदेश के जारी किए जाने के चौबीस घंटे के भीतर सक्षम प्राधिकारी से प्राप्त पुष्टि के अध्यधीन होगा :

परंतु यह और कि दूरसंचार सेवाओं के निलंबन का आदेश उक्त चौबीस घंटे की अवधि के भीतर सक्षम प्राधिकारी की पुष्टि के प्राप्त न होने की दशा में अस्तित्वहीन हो जाएगा।

(2) उप-नियम (1) के अधीन सक्षम प्राधिकारी द्वारा जारी किए गए आदेश में, ऐसे निदेश के लिए कारण अन्तर्विष्ट होंगे और ऐसे आदेश की प्रति अगले कार्य दिवस तक सम्बद्ध पुनर्विलोकन समिति को अग्रेषित की जाएगी ।

(3) उप-नियम (1) के अधीन जारी किए गए निलंबन के लिए निदेश तार प्राधिकारी के पदाभिहित अधिकारियों को या ऐसे सेवा प्रदाताओं, जिन्हें उक्त अधिनियम की धारा 4 के अधीन अनुज्ञप्तियां अनुदत्त की गई हैं, के पदाभिहित अधिकारियों को, पुलिस अधीक्षक की पंक्ति या समतुल्य पंक्ति से अन्यून अधिकारी द्वारा लिखित में या सुरक्षित इलैक्ट्रॉनिक संसूचना द्वारा सूचित किए जाएंगे और सुरक्षित इलैक्ट्रॉनिक संसूचना और उसके कार्यान्वयन का ढंग तार प्राधिकारी द्वारा अवधारित किया जाएगा ।

(4) तार प्राधिकारी और सेवा प्रदाता, यथास्थिति, प्रत्येक अनुज्ञप्त सेवा क्षेत्र या राज्य या संघ राज्यक्षेत्र में अधिकारियों को दूरसंचार सेवाओं के निलंबन के लिए ऐसी अध्यपेक्षाओं को प्राप्त करने और उन पर कार्रवाई करने के लिए नोडल अधिकारियों के रूप में पदाभिहित करेंगे ।

(5) यथास्थिति, केन्द्रीय सरकार या राज्य सरकार पुनर्विलोकन समिति का गठन करेगी ।

(i) केन्द्रीय सरकार द्वारा गठित की जाने वाली पुनर्विलोकन समिति निम्नलिखित से मिलकर बनेगी, अर्थात् :-

(क) मंत्रिमंडल सचिव -अध्यक्ष

(ख) भारत सरकार के विधि कार्य विभाग के भारसाधक सचिव - सदस्य

(ग) भारत सरकार के दूरसंचार विभाग के सचिव -सदस्य

(ii) राज्य सरकार द्वारा गठित की जाने वाली पुनर्विलोकन समिति निम्नलिखित से मिलकर बनेगी, अर्थात् :-

(क) मुख्य सचिव -अध्यक्ष

(ख) भारसाधक विधि सचिव या विधि परामर्शी-विधि कार्य -सदस्य

(ग) सचिव, राज्य सरकार (गृह सचिव से भिन्न) -सदस्य

(6) पुनर्विलोकन समिति लोक आपात या लोक सुरक्षा के कारण सेवाओं के निलंबन के लिए निदेश जारी करने के पांच कार्य दिवसों के भीतर बैठक करेगी और इस बारे में अपने निष्कर्ष अभिलिखित करेगी कि क्या उप-नियम (1) के अधीन जारी किए गए निदेश उक्त अधिनियम की धारा 5 की उप-धारा (2) के उपबंधों के अनुसार हैं ।

[फा. सं. 800-37/2016-एएस.II]

प्रमोद कुमार मित्तल, वरिष्ठ उप-महानिदेशक (एएस)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 7th August, 2017

G.S.R. 998(E).—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885) (hereinafter referred to as the said Act), the Central Government hereby makes the following rules to regulate the temporary suspension of telecom services due to public emergency or public safety, namely:-

1. (1) These rules may be called the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. (1) Directions to suspend the telecom services shall not be issued except by an order made by the Secretary to the Government of India in the Ministry of Home Affairs in the case of Government of

India or by the Secretary to the State Government in-charge of the Home Department in the case of a State Government (hereinafter referred to as the competent authority), and in unavoidable circumstances, where obtaining of prior direction is not feasible, such order may be issued by an officer, not below the rank of a Joint Secretary to the Government of India, who has been duly authorised by the Union Home Secretary or the State Home Secretary, as the case may be:

Provided that the order for suspension of telecom services, issued by the officer authorised by the Union Home Secretary or the State Home Secretary, shall be subject to the confirmation from the competent authority within 24 hours of issuing such order:

Provided further that the order of suspension of telecom services shall cease to exist in case of failure of receipt of confirmation from the competent authority within the said period of 24 hours.

(2) Any order issued by the competent authority under sub-rule (1) shall contain reasons for such direction and a copy of such order shall be forwarded to the concerned Review Committee latest by next working day.

(3) The directions for suspension issued under sub-rule (1) shall be conveyed to designated officers of the telegraph authority or to the designated officers of the service providers, who have been granted licenses under section 4 of the said Act, in writing or by secure electronic communication by an officer not below the rank of Superintendent of Police or of the equivalent rank and mode of secure electronic communication and its implementation shall be determined by the telegraph authority.

(4) The telegraph authority and service providers shall designate officers in every licensed service area or State or Union territory, as the case may be, as the nodal officers to receive and handle such requisitions for suspension of telecom services.

(5) The Central Government or the State Government, as the case may be, shall constitute a Review Committee.

(i) The Review Committee to be constituted by the Central Government shall consist of the following, namely:-

(a) Cabinet Secretary -Chairman;

(b) Secretary to the Government of India In-charge, Legal Affairs -Member;

(c) Secretary to the Government, Department of Telecommunications -Member.

(ii) The Review Committee to be constituted by the State Government shall consist of the following, namely:-

(a) Chief Secretary -Chairman;

(b) Secretary Law or Legal Remembrancer In-Charge, Legal Affairs -Member;

(c) Secretary to the State Government (other than the Home Secretary) -Member.

(6) The Review Committee shall meet within five working days of issue of directions for suspension of services due to public emergency or public safety and record its findings whether the directions issued under sub-rule (1) are in accordance with the provisions of sub-section (2) of section 5 of the said Act.

[F. No. 800-37/2016-AS.II]

PRAMOD KUMAR MITTAL, Senior Dy. Director General (AS)

RAKESH SUKUL Digitally signed by RAKESH SUKUL
Date: 2017.08.09 20:18:50 +05'30'

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रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-10112020-223025
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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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संचार मंत्रालय

(दूरसंचार विभाग)

अधिसूचना

नई दिल्ली, 10 नवम्बर, 2020

सा.का.नि.694(अ).—केन्द्रीय सरकार, भारतीय तार अधिनियम, 1885 (1885 का 13) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दूरसंचार अस्थायी सेवा निलंबन (लोक आपात या लोक सुरक्षा) नियम, 2017 का संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1. (1) इन नियमों का संक्षिप्त नाम दूरसंचार अस्थायी सेवा निलंबन (लोक आपात या लोक सुरक्षा) संशोधन नियम, 2020 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. दूरसंचार अस्थायी सेवा निलंबन (लोक आपात या लोक सुरक्षा) नियम, 2017 के नियम 2 के उपनियम (2) के पश्चात् निम्नलिखित उपनियम अंत:स्थापित किया जाएगा, अर्थात् :--

"(2क) उपनियम (1) के अधीन सक्षम प्राधिकारी द्वारा पारित किया गया निलंबन आदेश पंद्रह दिवस से अधिक के लिए प्रचालन में नहीं रहेगा।"

[फा.सं. 800-37/2016-एएस-II/भाग I]

एस.बी. सिंह, डीडीजी (एएस)

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना सं. सा.का.नि. सं. 998(अ) तारीख 7 अगस्त, 2017 द्वारा प्रकाशित किए गए थे ।

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 10th November, 2020

G.S.R. 694(E).—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby makes the following rules to amend the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, namely:-

1. (1) These rules may be called the Temporary Suspension of Telecom Services (Amendment) Rules, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, in rule 2, after sub-rule (2), the following sub-rule shall be inserted, namely:-

"(2A) The suspension order issued by the competent authority under sub-rule (1) shall not be in operation for more than fifteen days."

[F.No.800-37/2016-AS.II/Part-I]

S. B. SINGH, DDG(AS)

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R 998(E), dated the 7th August, 2017.

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Bangladesh: September 2029 - August 2020

Belarus: August - December 2020

Ethiopia: June - August 2020

Myanmar: June 2019 - Ongoing

India: August 2019 - January 2020

Yemen: July 2020 -

SHATTERED DREAMS AND LOST OPPORTUNITIES

A year in the fight to #KeepItOn

#KeepItOn

A note on our data

This #KeepItOn report looks at incidents of internet shutdowns in 2020. While we try to be comprehensive, our data relies on technical measurement as well as contextual information, such as news reports or personal accounts. The constraints of our methodology mean that there may be cases of internet shutdowns that have gone unnoticed or unreported, and numbers are likely to change if and when new information becomes available. For further reading, please visit https://accessnow.org/keepiton-2020-data-methodology.

March 2021

#KeepItOn

The #KeepItOn campaign unites and organizes the global effort to end internet shutdowns. The coalition is growing rapidly, and so far 243 organizations from 105 countries around the world have joined the movement, ranging from research centers to rights and advocacy groups, detection networks, foundations, and media organizations.

This report is a publication of Access Now for the #KeepItOn coalition and was written by Berhan Taye in collaboration with the Access Now team.

The author would like to specially thank Rafael Bezerra Nunes, Felicia Anthonio, Sage Cheng, Peter Micek, Natalia Krapiva, Donna Wentworth, Carolyn Tackett, Raman Jit Singh Chima, Laura O'Brien, Verónica Arroyo, Alexia Skok, Eric Null, Jennifer Brody, Isedua Oribhabor, Marwa Fatafta, Dima Samaro, Bridget Andere, Melody Patry, and Gustaf Björksten for their contributions. She would like to thank Data4Change, the Software Freedom Law Center India (SFLC.in), Yodet, VeSinFiltro, Southeast Asia Freedom of Expression Network (SAFEnet), and other members of the #KeepItOn coalition for providing valuable information about case studies, reviewing data and sources, and contributing to the report.

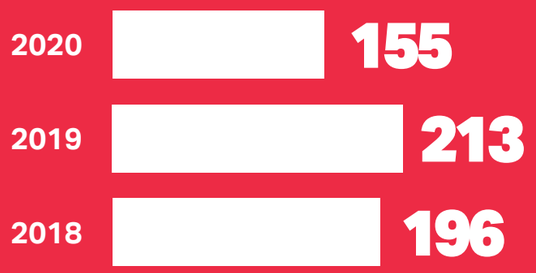
Table of contents

I. Internet shutdowns in 2020: [redacted] a global overview [redacted]

Even as the COVID-19 pandemic swept through the world and those with access to the internet depended on it to continue with their education, communicate with loved ones, and continue to earn a living, Access Now and the #KeepItOn Coalition documented **at least 155 internet shutdown[1] incidents around the world in 29 countries**.[2] When compared to 2018 and 2019, this is a lower number of shutdowns. However, the smaller number of shutdowns is not an indication of the lessened impact of a shutdown or an overall increase in digital rights.

For a world that was and continues to be under lockdown or at least some forms of movement restriction, 155 intentional communication disruptions came at a high cost to the fundamental human rights of people around the world. Countries like Bangladesh, Myanmar, Yemen, Ethiopia, and others entrenched the use of shutdowns even during the COVID-19 pandemic. For instance, Ethiopia's national internet blackout affected more than 100 million people for more than two weeks during the height of the pandemic in the country. Rohingya refugees in Bangladesh implored the government of Bangladesh to turn on the internet as COVID-19 spread through the refugee camps, but they were ignored.[3] In 2019 and 2020, Myanmar perpetrated one of the world's longest internet shutdowns, affecting some of the world's most vulnerable people. The Burmese government proceeded to expand mobile internet throttling across the nine townships in Rakhine and Chin states even as the pandemic spread, restricting residents of these townships from access to critical and life-saving information.[4] These restrictions were only lifted[5] after a military coup attempt in February 2021,[6] when factions of the Arakan National Party came out in support of the coup;[7] meanwhile, the military has continued to impose shutdowns elsewhere.[8] In Jammu and Kashmir, the administration, which is directly supervised by India's federal government as a union territory, issued internet shutdown orders every two weeks in 2020 despite concerns from doctors, journalist associations, and other residents on the additional challenges it posed to COVID response.[9]

Documented internet shutdowns by year



Number of countries that shut down the internet

29 in 2020
- Africa: 10
- MENA: 8
- Asia Pacific: 6
- LatAm and the Caribbean: 3
- Europe: 2

33 in 2019
- Africa: 12
- Asia Pacific: 9
- MENA: 8
- LatAm and the Caribbean: 2
- Europe: 2

25 in 2018
- Africa: 10
- Asia Pacific: 8
- MENA: 5
- LatAm and the Caribbean: 1
- Europe: 1

* It is important the international community does not prematurely celebrate the lower number of shutdowns in 2020. Although it would take extensive research to investigate the underlying factors, it is possible this decline can be attributed to the peculiar realities of the year.

Impact of shutdowns in the COVID-19 pandemic

100 million

people were in a national internet blackout for more than two weeks in Ethiopia during the height of the COVID-19 pandemic in the country.

355+ days

of shattered and throttled internet and telecommunications affected nearly one million residents of the Rohingya refugee camps in Cox's Bazar, Bangladesh.

19 months

of mobile network restrictions impeded people from getting critical health information across nine townships in Myanmar's Rakhine and Chin states.

Every two weeks

people in Jammu and Kashmir endured yet another extension or new mobile network shutdown ordered by. the administration throughout the year of 2020.

1 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." An internet shutdown happens when someone — usually a government — intentionally disrupts the internet or mobile apps to control what people say or do. Access Now (n.d.) Retrieved Jan 22, 2021, from https://www.accessnow.org/keepiton-faq/.

2 The methodology for confirming, counting, and classifying a shutdown event can be found at: Access Now (2020). *Shutdown Tracker Optimization Project (STOP) CodeBook*. Retrieved Feb 10, 2021 from https://accessnow.org/keepiton-2020-data-methodology.

3 Rohingya Students Network - RNS. (@NetworkRsn) (2020) May 15, 2020, Retrieved Jan 22, 2021 from https://twitter.com/NetworkRsn/status/1261285024478883841.

4 Enlightened Myanmar Research Foundation (2020, September). *Rapid Situational Analysis of Covid-19 in Rakhine and Chin States*. Retrieved Jan 26, 2021, from https://www.emref.org/sites/emref.org/files/publication-docs/emref_rapid_situational_analysis_in_rakhine_and_chin_stateeng.pdf.

5 On February 3, 2021, in the days following a coup attempt by the Myanmar military, full internet access was restored in the eight townships in Rakhine and Chin states. Telenor (2021). *Network restored in eight townships in Myanmar*. Retrieved Feb 9, 2021, from https://www.telenor.com/network-restored-in-eight-townships-in-myanmar/.

6 BBC (2021, February 1). *Myanmar coup: Aung San Suu Kyi detained as military seizes control*. Retrieved Feb 10, 2021, from https://www.bbc.com/news/world-asia-55882489.

7 BNI Multimedia group (2021, February 8). *ANP says it will cooperate with coup leaders to resolve Arakan cris*. Retrieved Feb 11, 2021, from https://www.bnionline.net/en/news/anp-says-it-will-cooperate-coup-leaders-resolve-arakan-crises; The Irrawaddy (2021, February 5). *Anti-NLD Ethnic Politicians Picked by Military Regime for Governing Council*. Retrieved Feb 11, 2021, from https://www.irrawaddy.com/news/burma/anti-nld-ethnic-politicians-picked-military-regime-governing-council.html.

8 BBC (2021, February 1). *Myanmar coup: Internet shutdown as crowds protest against military*, Retrieved Feb 10, 2021, from https://www.bbc.com/news/world-asia-55960284.

9 Adi Radhakrishnan (2020 April). COVID-19: Restricted Internet Impacts on Health in Kashmir. Retrieved Feb 10, 2021, from https://www.hhrjournal.org/2020/04/covid-19-restricted-internet-impacts-on-health-in-kashmir/.

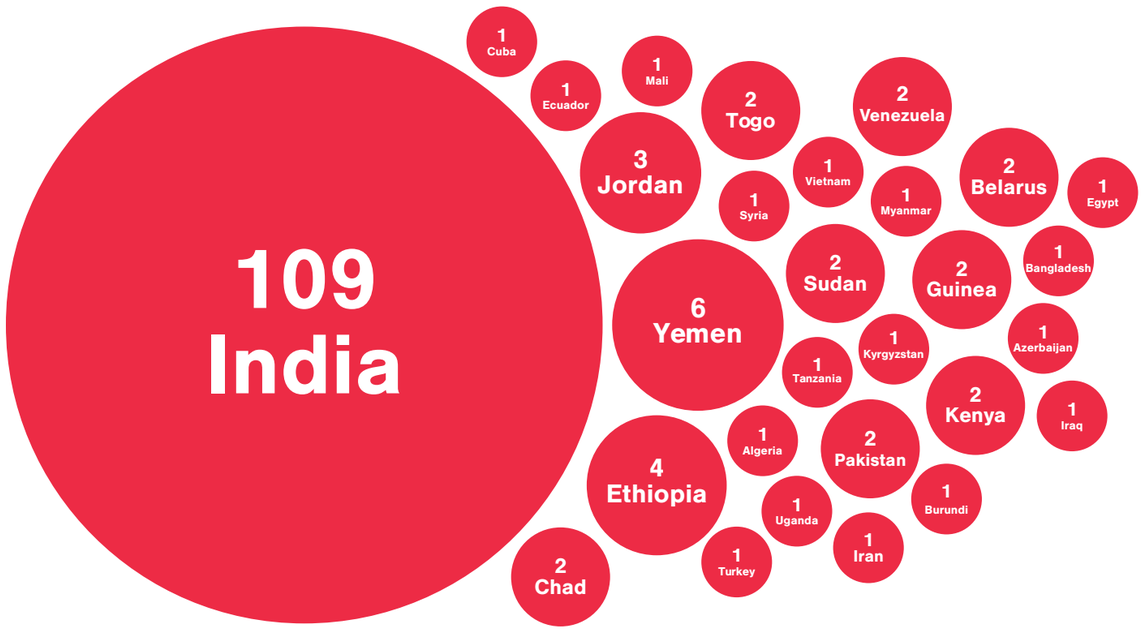
During this deadly pandemic, as billions turned to the internet to go to school, work, and communicate, new countries that have never shut down the internet before, like Tanzania, Cuba, and others, joined the internet shutdown shame list. Other countries, like Belarus, Ethiopia, and Tanzania, continued to interfere with or cut access to the internet during critical political moments such as elections and protests. In Vietnam, the government throttled Facebook, making it nearly impossible for people to access the platform.

Facebook also succumbed to demands by the authorities to take down content the government deemed illegal, putting profit before human rights in order to stay in the market.[10] In the United States, former U.S. President Donald Trump threatened to ban TikTok and WeChat if the companies did not meet his demands.[11] In Yemen, warring parties persisted in using internet infrastructure as a bargain chip for the protracted conflict in the country.

Regional and country-specific details

Number of internet shutdowns by country in 2020

Like it did in previous years, India once again topped the list of internet shutdowns with at least 109 in 2020, followed by Yemen with at least six shutdowns, Ethiopia with four, and Jordan three. India, Yemen, and Ethiopia had been among the worst disruptors of the internet in 2019.[12]

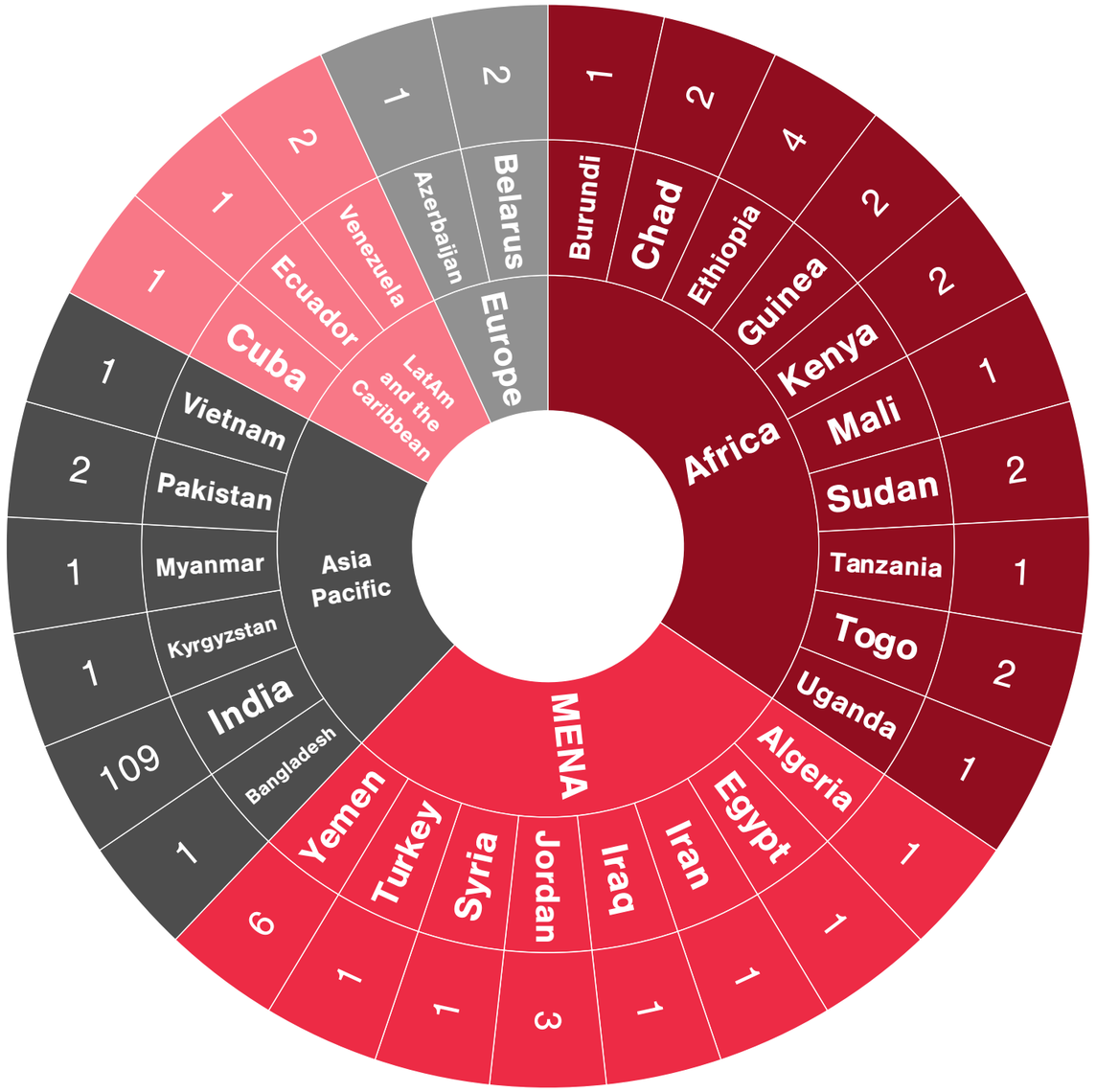


10 Vu, Khanh (2019, January 8). *Vietnam says Facebook violated controversial cybersecurity law*. Reuters. Retrieved Jan 22, 2021 from https://www.reuters.com/article/us-vietnam-facebook/vietnam-says-facebook-violated-controversial-cybersecurity-law-idUSKCN1P30AJ.

11 Access Now (2020, September 18). *Trump executive orders targeting China-linked apps fail to protect privacy, harm human rights*. Retrieved Jan 27, 2021, from https://www.accessnow.org/trump-executive-orders-targeting-china-linked-apps-fail-to-protect-privacy-harm-human-rights/.

12 Access Now (2020). *Targeted, cut off, and left in the dark: The #KeepItOn report on internet shutdowns in 2019*. Retrieved Jan 22, 2021 from https://www.accessnow.org/keepiton-2019-report.

Internet shutdowns by region in 2020



- Ten countries in Africa shut down the internet 18 times.
- Eight countries in the Middle East and North Africa (MENA) shut down the internet 15 times. Yemen makes up almost half of the documented shutdowns in this region.
- Six countries in Asia Pacific shut down the internet 115 times. India alone shut down the internet at least 109 times.
- Three countries in Latin America and the Caribbean (LatAm and the Caribbean) shut down the internet four times.
- Two countries in Europe shut down the internet in 2020.

The impact of internet shutdowns in the year of COVID-19

Internet shutdowns disrupt lives and livelihoods, damage human rights, and hurt public health and safety. The negative impact of shutdowns is deepened during COVID-19.[13] Those who have had access to the internet during the pandemic have depended on it to get the most recent and often life-saving information. Not only are those connected better able to protect themselves and stay safe, most have used the internet to work, continue their education, teach their children from home, communicate with their loved ones, get medical help information, seek employment, and so on. Those without internet access or deliberately cut off do not have these resources, and are living in fear.

1. Lost opportunities and dreams

The choice to shut down the internet during a global pandemic had a compounded effect on the most vulnerable around the world. For example, before getting cut off, the Rohingya in Myanmar could take classes online. With the shutdown and lockdown in effect, they were left without a vital pathway to get educated. In the words of one resident, "I cannot go to school in another place because I am a Muslim. The internet is the place where I can study advanced education."[14] When the shutdown came into effect, many Rohingya talked about having to pause their education, "missed opportunities," and in some cases, being "unable to dream" about their future.[15]

2. Information saves lives, now more than ever

All deliberate disruptions of the internet are an attack on human rights, but when a government imposes a blanket shutdown, where people are completely cut off from the internet, it has a deeper impact. This type of shutdown is all the more damaging during the COVID-19 pandemic. When people are cut off from the internet, they are prevented from accessing often life-saving information to protect themselves and their families. While those who are able to get online grapple with misleading information about the pandemic, its remedies, origins, and other information, ensuring open access to the internet and other media channels is critical to help people get accurate information to combat this misinformation and disinformation. In short, access to information saves lives, now more than ever.

Unfortunately, even as false information about COVID-19 spread, some governments moved to disrupt the free flow of information. In the early days of the pandemic in April 2020, as Pakistan confirmed more than 2,000 cases of COVID-19, an ongoing internet shutdown kept the residents of the former Federally Administered Tribal Area (FATA) dangerously uninformed.[16] Since June of 2016, authorities had kept more than 3.7 million people living in the FATA region deliberately in the dark.

In the Rakhine and Chin states of Myanmar, while some people who had access to the internet said they could get COVID-19-related information using radio, television, the internet, and other channels,

13 Taye, Berhan, and Felicia Anthonio (2020, March 17). *#KeepItOn: internet shutdowns during COVID-19 will help spread the virus!* Access Now. Retrieved Jan 26, 2021, from https://www.accessnow.org/keepiton-internet-shutdowns-during-covid-19-will-help-spread-the-virus/; and Human Rights Watch (2020, March 31). *End Internet Shutdowns to Manage COVID-19*. Retrieved Jan 26, 2021, from https://www.hrw.org/news/2020/03/31/end-internet-shutdowns-manage-covid-19.

14 The Peace and Development Initiative – Kintha; and Rohingya Youth Association et. al. (2021, January). *Lockdown and Shutdown Exposing the Impacts of Recent Network Disruptions in Myanmar and Bangladesh*. Retrieved Jan 22, 2021 from https://clinic.cyber.harvard.edu/files/2021/01/Lockdowns-and-Shutdowns.pdf.

15 Ibid.

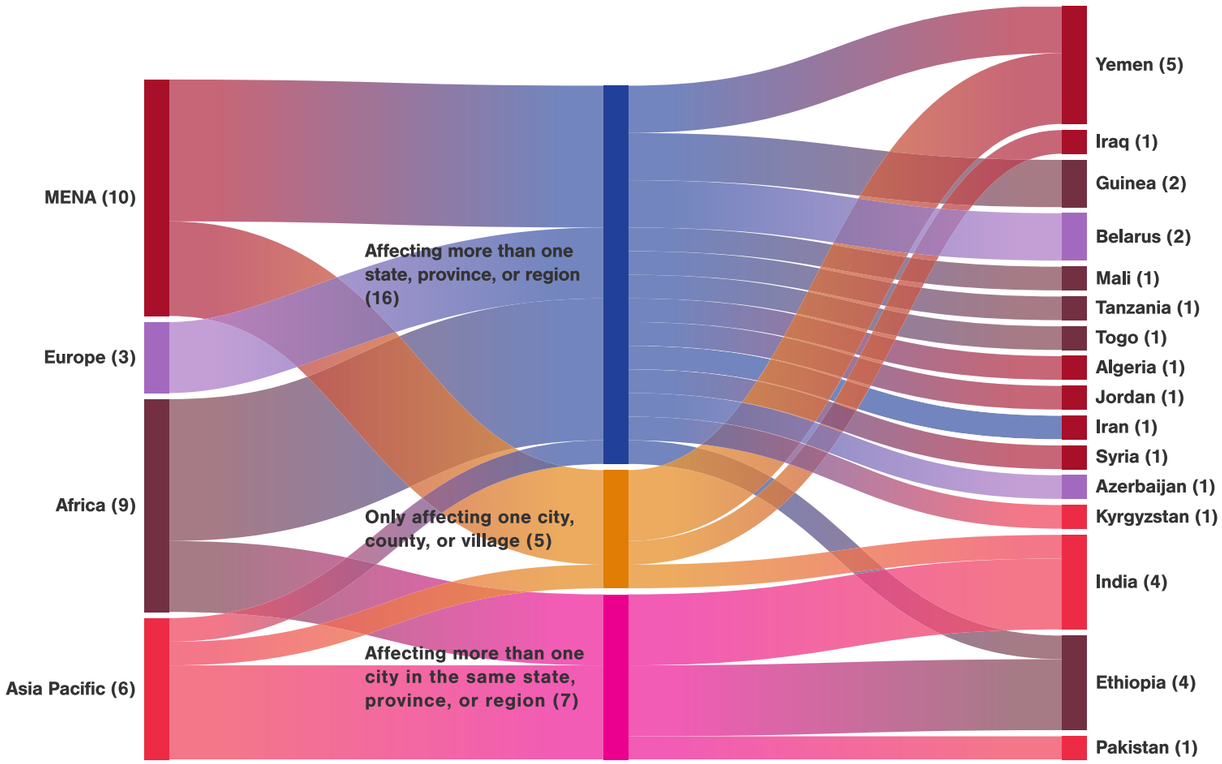
16 Kamran, Hija (2020, April 1). *An Internet Shutdown Is Keeping Coronavirus Information From Millions in Pakistan*. Slate Magazine. Retrieved Jan 26, 2021 from https://slate.com/technology/2020/04/coronavirus-covid19-pakistan-internet-shutdown-fata.html.

others living in areas cut off through prolonged and targeted internet shutdowns had more difficulty. For instance, Kyauktaw residents struggled to get this information because an intentional shutdown forced them to rely on pamphlets, which are expensive and difficult to distribute during the pandemic.[17] In Maramagyi, the lack of internet access and national lockdowns had a compounded effect. Residents had to use phones to pass along COVID-19-related information.[18]

II. Trends in 2020

In 2020, there were 28 complete internet blackouts that plunged people, often the most marginalized, into digital darkness, as authorities disabled both broadband and mobile connectivity. Governments in Yemen, Ethiopia, India, Belarus, Guinea, Algeria, Pakistan, Jordan, Azerbaijan, Iraq, Kyrgyzstan, Mali, Syria, Tanzania, Iran, and Jordan entirely cut off at least one city. Ethiopia imposed at least four complete internet outages in 2020. One of the four was a nationwide internet shutdown that lasted for more than two weeks and affected more than 100 million people,[19] while the rest were regional shutdowns that were more restricted in scope.

Scope of impact of complete internet blackouts in 2020



17 *See supra* note 4.

18 *See supra* note 4.

19 Access Now (2020, July 16). *Back in the dark: Ethiopia shuts down internet once again.* Retrieved Jan 26, 2021, from https://www.accessnow.org/back-in-the-dark-ethiopia-shuts-down-internet-once-again/.

Dissecting an internet shutdown

Not all shutdowns are the same, nor are they undertaken in the same manner. Analyzing the different types of shutdown can shed light on the tactics governments are using, and help us understand why they carry out particular acts of censorship — under what circumstances and for what purpose. In our work at Access Now with the #KeepItOn coalition, we have learned through documenting, investigating, and fighting internet shutdowns that they are typically an extension and escalation of traditional forms of censorship. Governments often deploy them to further silence and infringe on the human rights of particular populations, entrenching existing patterns of censorship. For example, in countries where governments deliberately shut down the internet, we often see that press freedom is under attack, journalists are harassed or arrested, websites are blocked, and political rights are restricted. By shutting down the internet, these countries not only ramp up censorship and hurt free expression and access to information, however; they also interfere with a broad range of other human rights.

1. Throttling

Governments and internet providers that intentionally disrupt the internet throttle (or slow down) internet traffic, cut off internet access entirely, or combine these tactics. A provider can throttle all internet traffic, affecting both broadband and mobile internet, or only slow down access to specific sites, apps, or segments of traffic. Out of the 155 internet shutdowns in 2020, six incidents were bandwidth throttling.[20] For instance, beginning in August 2020, Myanmar had been throttling mobile data in Rakhine and Chin states, and this continued through the end of the year. As we note above, full access was only restored after the military coup attempt in 2021,[21] during which the military has strategically imposed full internet shutdowns and blocked social media platforms elsewhere.[22] Bangladesh has throttled mobile data in refugee camps where Rohingya refugees reside for more than 355 days. Other countries, like Vietnam and Uganda, throttled social media platforms like Facebook, making it almost impossible to use these apps or share images and videos. It appears that in 2020, governments used throttling to inflict longer restrictions on the free flow of information, while avoiding the burden and cost of a complete shutdown.

Authorities in both Bangladesh and Myanmar combined throttling with other tactics that exacerbated the effect of the shutdown. In Myanmar, the Posts and Telecommunications Department (PTD) issued a directive in 2020 to restrict the purchase of Subscriber Identity Module (SIM) cards to two per operator, and required all SIM-card holders to re-register with a valid identification document.[23] Those who did not have access to the internet because of a deliberate shutdown were not able to re-register because they could not upload their identification documents online to complete the registration.[24] This meant that, due to the shutdown and ill-conceived and discriminatory SIM card directive, people in the townships affected by the throttling were being denied other telecommunication services, including voice connectivity and Short Message Service (SMS). It was already a difficult situation: due to the pandemic and lockdown, numerous SIM card vendors were closed, making it harder to

20 Bandwidth throttling is the intentional slowing of an internet service or a type of internet traffic.

21 Telenor (2021). *Network restored in eight townships in Myanmar*. Retrieved Feb 9, 2021, from https://www.telenor.com/network-restored-in-eight-townships-in-myanmar/.

22 *See supra* note 8.

23 Free Expression Myanmar (2020, April 29). *Deactivating SIM cards during Covid-19 violates rights*. Retrieved Jan 26, 2021 from http://freeexpressionmyanmar.org/deactivating-sim-cards-during-covid-19-violates-rights-covid-19/.

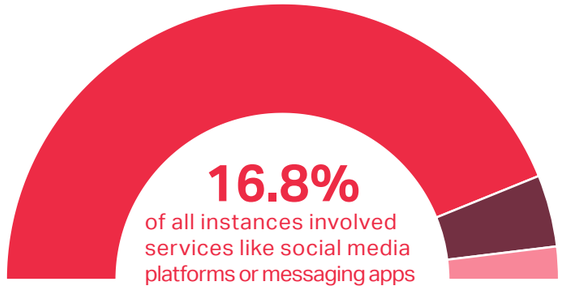
24 Myanmar Times (2020, April 29). *Millions in Myanmar risk having mobile phones cut off after SIM registration deadline*. Retrieved Jan 26, 2021 from https://www.mmtimes.com/news/millions-myanmar-risk-having-mobile-phones-cut-after-sim-registration-deadline.html.

re-register.[25] Moreover, those without identification documents were unable to re-register. As a result, telecom companies were forced to de-register and cut off people using 34 million SIM cards.[26] This situation is not unique to Myanmar. Bangladesh also denied SIM cards to refugees for at least a year.[27]

2. Mobile and broadband internet and service shutdowns

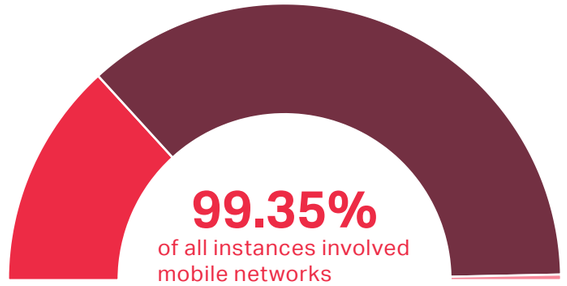
When governments do not slow down the internet, they shut it down. Like they do with throttling, service providers can target shutdowns, cutting access to mobile or fixed-line internet, or blocking access to communications platforms like Facebook, Twitter, WhatsApp, or Telegram. The majority of the shutdowns in 2020 were of this type, and affected people using mobile or broadband internet access or social media apps and other platforms.

Types of network and service restrictions in 2020



- Shutdown: 87.74%
- Shutdown and throttling: 8.39%
- Throttling: 3.87%

Affected networks in 2020



- Broadband and mobile networks: 26.45%
- Mobile networks: 72.90%
- Unknown: 0.65%

It appears that most of the time, governments would rather shut down mobile internet service than fixed-line internet service. In the majority of countries that order network disruptions, the population gets access to the internet primarily via their mobile phones.[28] In most contexts, those who have access to fixed broadband internet are businesses, government institutions, universities, and other establishments.[29] Access to mobile internet is typically much cheaper than broadband internet, making it the more affordable choice for ordinary citizens. When governments shut down broadband internet service and mobile data, in many cases it is fixed-line services that are the first to be restored, while mobile internet is the last.

25 Aung, Naing (2020, October 27). *Telecoms ministry says it has deactivated more than 34 million SIM cards*. Myanmar Now. Retrieved Jan 26, 2021 from https://www.myanmar-now.org/en/news/telecoms-ministry-says-it-has-deactivated-more-than-34-million-sim-cards.

26 Ibid.

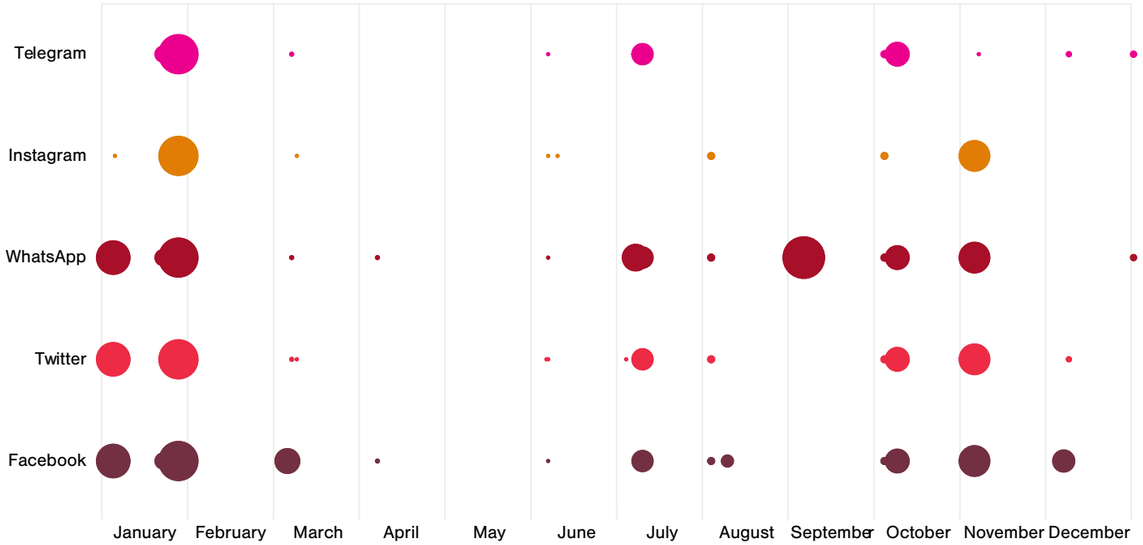
27 Kamruzzaman, Md (2020, August 25). *Bangladesh to restore phone, internet at Rohingya camps*. Anadolu Agency. Retrieved Jan 22, 2021, from https://www.aa.com.tr/en/asia-pacific/bangladesh-to-restore-phone-internet-at-rohingya-camps/1952124.

28 Keelery, Sandhya (2020). *Fixed and mobile broadband internet subscription penetration in India from 2011 to 2017*. Statista. Retrieved Jan 22, 2021, from https://www.statista.com/statistics/482142/fixed-and-mobile-broadband-internet-penetration-india/; and The World Bank. *Mobile cellular subscriptions (per 100 people) - Sub-Saharan Africa, Chad, Tanzania, Guinea, Ethiopia, Togo, South Sudan*. Retrieved Jan 22, 2021, from https://data.worldbank.org/indicator/IT.CEL.SETS.P2?locations=ZG-TD-TZ-GN-ET-TG-SS.

29 International Telecommunication Union (2020). *Measuring Digital Developments: facts and figures*. Retrieved Jan 22, 2021, from https://www.itu.int/en/ITU-D/Statistics/Documents/facts/FactsFigures2020.pdf.

Following similar patterns in 2018 and 2019, governments continued to shut down social media and communications platforms in 2020. There were at least 26 attempts to deny people access to these platforms in 2020. These shutdowns targeted those using Facebook, Twitter, WhatsApp, Instagram, Telegram, and other platforms.

Social media blocking in 2020
Size of the dot indicates the duration of each block



How did they justify the shutdown?

In 2020, many governments failed to confirm their internet shutdown orders, leaving the affected populations to guess why they imposed this form of arbitrary censorship. Publishing shutdown orders is essential to maintaining the rule of law. If a government does not give notice of why certain behaviors or services are prohibited, the law fails to set precedent. How is one to conform to a rule that's unwritten, and arbitrarily enforced — or fight that rule in court? More lawyers are challenging shutdowns via lawsuits, and published orders help jurists determine who issued the decree, on which grounds, and on whose authority. The public is safer and has more certainty when authorities clarify the duration, scope, and purpose of any restriction on speech, shutdowns included. In some cases, when victims have sued telcos that carry out shutdowns, the telcos have revealed the shutdown orders, providing crucial transparency that governments denied to affected communities.[30] Some governments have attempted to justify shutdown orders by insisting they were to stop the spread of "fake news" or hate speech and incendiary or violence-inciting content. In other cases, they have cited national security, and in a few instances, exam cheating.

In India, the Jammu and Kashmir administration has been forced to publish their internet shutdown demands and the political and legal justification for the disruptions, so it has become easier to document and understand why they are carried out. They previously resisted disclosing this information. It was only after journalists and civil society groups challenged the lack of transparency, bringing the case to India's Supreme

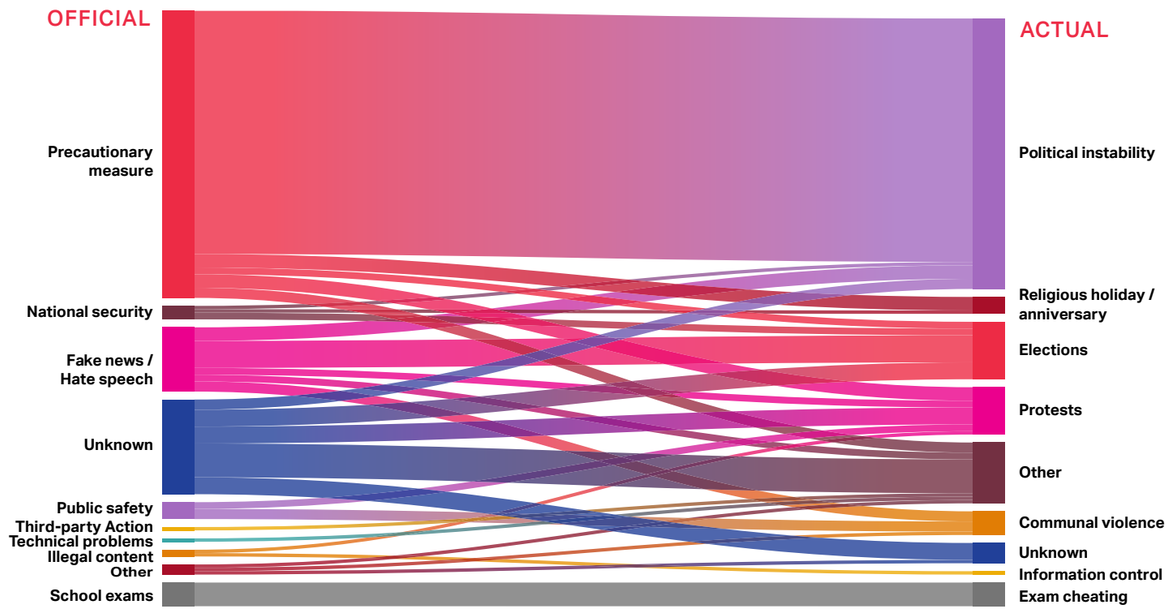
30 Access Now (2019). *The State of Internet Shutdowns Around the World: The 2018 #KeepItOn Report*. Retrieved Jan 22, 2021, from https://accessnow.org/kio-2018-report.

Court, that the government began to publish the orders.[31] Although this is a welcome development, both the union government of India and the Jammu and Kashmir administration have refused to publish previous internet shutdown orders from 2019.[32] Moreover, the union government has informed members of parliament that they do not have data on shutdown orders and have provided confusing answers regarding the hundreds of shutdowns India has carried out.[33] India's government has also refused to centrally collate and publish information on shutdowns going forward, nor will it encourage states to provide similar information. It appears we can only get the true picture of why disruptions are ordered, when — and only when — all states publish their orders and provide legal justifications for these disruptions, or the government finally takes central responsibility for transparency on this issue.

From what we can determine through the published shutdown orders and media reports in 2020, the most common rationale for a shutdown in India during the year was "precautionary measure." The go-to rationale for shutting down the internet was to preemptively fight an "impending security incident" or "stop anti-national elements from sharing false information on social media."

However, governments rarely mean what they say when it comes to internet shutdowns. When officials say they are using shutdowns to fight "fake news" or hate speech, it can mask an attempt to hide or distort information around political instability, obscure police clashes or targeted attacks that take place during communal violence, or stop people from organizing protests.

Official justifications vs. actual causes of internet shutdowns worldwide in 2020
The largest portion of claims of "precautionary measure" during observed "political instability" came from India's shutdowns.



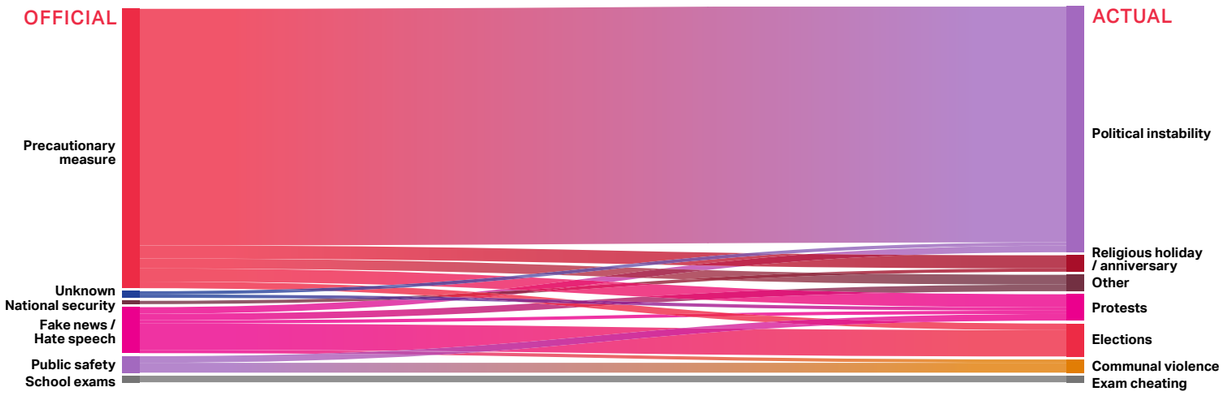
31 Deutsche Welle (2020). *Indian court: Kashmir indefinite internet shutdown illegal*. Retrieved Jan 26, 2021, from https://www.dw.com/en/indian-court-kashmir-indefinite-internet-shutdown-illegal/a-51954255.

32 TheWire.in (2020). *J&K Internet Shutdown Based on 'Dubious' Legal Framework: Report*. Retrieved Feb 10, 2021, from https://thewire.in/government/jammu-and-kashmir-internet-shutdown-jkccs.

33 Chunduru, Aditya (2020, September). *Parliament Watch: Confusing, Indirect Answers From Govt During Week 2*. Medianama. Retrieved Jan 26, 2021, from https://www.medianama.com/2020/09/223-parliament-watch-indirect-answers-week-2/.

In India, which consistently shuts down the internet more than any country in the world, the official justification does not always match the reality on the ground. The government may justify most shutdowns as precautionary, but India has a history of ordering shutdowns targeting political demonstrations, a trend that appears to be accelerating and spreading across all Indian states and union territories. Likewise, a shutdown to fight "fake news" or "hate speech" online may be justified by local or state authorities as an effort to stop communal violence. An altercation between different communities that is amplified on social media can result in targeted attacks on specific communities. In Manipur, for example, the state government shut down the internet for three days in 2020, fearing clashes between two villages over a land dispute.[34] However, while authorities justified the shutdown by observing that "social media has become a useful tool for rumor-mongers and is being used extensively to incite the public," there is little evidence to suggest that cutting access to the internet stops violence in these situations. To the contrary, there is research to show that such blocking in India can suddenly change "a predictable situation into one that's highly volatile, violent, and chaotic." [35]

Official justifications vs. actual causes of India's shutdowns in 2020



What triggers a shutdown?

Continuing the pattern from 2019 and 2018, governments shut down the internet in evident attempts to hide political instability, respond to communal violence, suppress opposition groups, claim purported victory in disputed elections, thwart protests, and stop students from cheating during exams.

One notable trend in 2020 is an increased number of internet shutdowns being deployed in response to ongoing violence — particularly in active conflict zones. We have long pointed out that amid conflict, shutdowns can hide human rights violations or war crimes, thwart journalism, and put people's lives in danger. In Yemen, Syria, and Rakhine and Chin states of Myanmar, which have long been in a protracted conflict,

One notable trend in 2020 is an increased number of internet shutdowns being deployed in response to ongoing violence — particularly in active conflict zones during this year.

34 Ningomba, Bozendra (2020). *Mobile Internet shut after Manipur clash*. The Telegraph India. Retrieved Jan 22, 2021, from https://www.telegraphindia.com/north-east/mobile-internet-shut-after-manipur-clash/cid/1754384.

35 Rydzak, Jan. *Of Blackouts and Bandhs: The Strategy and Structure of Disconnected Protest in India*. Retrieved Jan 26, 2021 from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3330413.

authorities have nevertheless continued to cut access to the internet, and new countries have now joined the list. When war broke out between Armenia and Azerbaijan, for example, Azerbaijan shut down the internet for more than six weeks.[36] In Ethiopia, as the conflict between the Ethiopian Defense Forces and regional forces in Tigray erupted, the internet and mobile network vanished.[37]

Internet shutdowns during armed conflict make it much harder for anyone to capture and document the reality on the ground, including the extent of the fighting and the human toll it is taking. Those responsible for mass atrocities can shroud their actions in digital darkness and dispute civilian narratives, and people who are lucky enough to survive are left in desperate conditions and unable to reach out to the rest of the world. In Ethiopia, Tigrayans living outside the conflict area and in the global diaspora could not check on the safety of their loved ones for months on end,[38] and media coverage and documentation of the mass atrocities and human rights violations committed during the conflict has been delayed.[39] In Azerbaijan, even as the government started throttling internet access, the Minister of Defense set up a Telegram channel to encourage internet users to sign up for updates by state-owned media, in a clear attempt to control the narrative around the dispute.[40] Under these conditions, human rights advocates, activists, journalists, and others find it immensely difficult to monitor and document human rights violations.[41]

The 2020 ranking of the actual causes of internet shutdowns

36 Azerbaijan Internet Watch (2020, September 27). *Country-wide internet disruptions reported in Azerbaijan*. Retrieved Jan 26, 2021, from https://www.az-netwatch.org/news/country-wide-internet-disruptions-reported-in-azerbaijan/.

37 The East African (2020, November 5). *Ethiopia shuts down telephone, internet services in Tigray.* Retrieved Jan 26, 2021, from https://www.theeastafrican.co.ke/tea/rest-of-africa/ethiopia-telephone-internet-services-tigray-2731442.

38 Getachew Temare (@getachew_temare) (2021). Getachew Temare Twitter post. Twitter, 3:10 a.m. January 26, 2021, Retrieved Jan 26, 2021, from https://twitter.com/getachew_temare/status/1353948305496166401.

39 Amnesty International (2020, November 12). *Ethiopia: Investigation reveals evidence that scores of civilians were killed in massacre in Tigray state*. Retrieved Jan 26, 2021, from https://www.amnesty.org/en/latest/news/2020/11/ethiopia-investigation-reveals-evidence-that-scores-of-civilians-were-killed-in-massacre-in-tigray-state/.

40 Arzu Gerybullayeva (2020, November 4). *Azerbaijan, the Internet in times of war*. Balcani Caucaso. Retrieved Jan 26, 2021, from https://www.balcanicaucaso.org/eng/Areas/Azerbaijan/Azerbaijan-the-Internet-in-times-of-war-205919.

41 *See supra* note 30. *See* also, Human Rights Watch (2020, November 25). *Q&A: Conflict in Ethiopia and International Law*. Retrieved Jan 26, 2021, from https://www.hrw.org/news/2020/11/25/qa-conflict-ethiopia-and-international-law# and Beatrice Martini (@Beatrice Martini) (2019). Beatrice Martini Twitter post. Twitter, 5:07 a.m. April 24, 2019, Retrieved Jan 26, 2021, from https://twitter.com/beatricemartini/status/1120962335819149313.

Fighting "fake news" or "illegal content" at any cost

An internet shutdown is an inherently disproportionate interference with the right to free expression, yet in 2020, numerous countries imposed shutdowns on the pretext of combating "fake news," violence-inciting hate speech online, and to respond to other content moderation issues. As we note above, authorities in India shut down the internet repeatedly while citing "rumors spread on social media," including in Manipur, where the state government cut access to the internet for three days in an attempt to prevent clashes between two villages over a land dispute.[42] The official rationale was that social media had become useful for rumor-mongers to incite violence, and unless the use of internet and mobile data was curbed temporarily, "there is a likelihood of deterioration of law and order and communal violence in the state."[43] Yet as we have noted, research suggests that internet shutdowns may encourage, not discourage, violence.[44]

Both democratic and authoritarian regimes raise a legitimate concern over the spread of violence-inciting, misleading, and hateful content online. However, it is not clear how shutting down the internet would address this pernicious problem. When Ethiopia shut down the internet in June 2020, officials argued it was a way to preserve law and order and protect people. But even though the whole country was cut off from the internet, the violence did not disappear. Moreover, the shutdown left in its wake a disputed narrative around what transpired during the complete blackout.[45] Disruptions like this frustrate fact-finding and hinder transparency and accountability.

Dangerously, governments in Nigeria,[46] Singapore,[47] and Hong Kong SAR[48] have proposed or passed legislation to facilitate the blocking of social media platforms, denying internet service to specific internet end users that violate these laws, or shutting down the internet to cut off the public as a whole. While the spread of false and misleading information and violence-inciting expression is an enormous challenge, cutting access to the internet or blocking major communications channels is a disproportionate response with profoundly negative cascading effects.

In countries where social media platforms resist irrational and illegal government demands, authorities are using access to their services as a bargaining chip for compliance. In Vietnam, when Facebook did not take down content the government deemed illegal, authorities throttled the platform for around 50 days until the company gave in. Prior to taking this action, Vietnam had introduced cybersecurity legislation that forces online platforms and others to store data locally, monitor and take down illegal content, and set up local offices in Vietnam.[49] When the law came into force, the government accused Facebook of violating it.[50] One year later, authorities

42 *See supra* note 34.

43 *See supra* note 34.

44 *See supra* note 35.

45 Bearak, Max (2020, July 1). *Ethiopia protests spark Internet shutdown and fears of high death toll after popular singer killed*. Retrieved Jan 22, 2021, from https://www.washingtonpost.com/world/africa/ethiopia-protests-spark-internet-shutdown-and-fears-of-high-death-toll-after-popular-singer-killed/2020/07/01/ff18e5de-bb76-11ea-97c1-6cf116ffe26c_story.html.

46 Amnesty International (2019, December 4). *Nigeria: Bills on hate speech and social media are dangerous attacks on freedom of expression*. Retrieved Jan 22, 2021, from https://www.amnesty.org/en/latest/news/2019/12/nigeria-bills-on-hate-speech-and-social-media-are-dangerous-attacks-on-freedom-of-expression/.

47 Protection from Online Falsehoods and Manipulation Act 2019 (Singapore). Retrieved Jan 22, 2021 from https://sso.agc.gov.sg/Acts-Supp/18-2019.

48 Access Now (2020, July 6). *New Police Powers in Hong Kong Threaten Human Rights Online*. Retrieved Jan 22, 2021 from https://www.accessnow.org/new-police-powers-in-hong-kong-threaten-human-rights-online/.

49 McLaughlin, Timothy (2019, March 16). *Under Vietnam's new cybersecurity law, U.S. tech giants face stricter censorship*. Retrieved Jan 22, 2021, from https://www.washingtonpost.com/world/asia_pacific/under-vietnams-new-cybersecurity-law-us-tech-giants-face-stricter-censorship/2019/03/16/8259cfae-3c24-11e9-a06c-3ec8ed509d15_story.html.

50 *See supra* note 10.

ordered telecommunications companies to block connection to the company's servers in the country.[51]

In countries like Vietnam, platforms have to navigate difficult legal terrain to provide their services. They weigh the benefits of providing services and consequently getting served with arbitrary orders against exiting a market so they will not be used as a tool for oppressive governments. These decisions are difficult, but all platforms have a duty to respect human rights and must always work within the principles of harm reduction. In the case of Vietnam, Facebook's compliance demonstrates that the company is more interested in maintaining its significant market presence than protecting the fundamental rights of the Vietnamese. Facebook's decision to act as an extension of the government's censorship and propaganda machine sets a dangerous precedent. The company should reconsider and take steps to safeguard users' rights.

Human rights violations and violence during shutdowns

Not only do internet shutdowns interfere with the rights to access information, freedom of expression, and other fundamental freedoms, they are used in attempts to hide egregious human rights violations. In 2020, at least 17 incidents of internet shutdowns were accompanied by blatant rights violations. In Ethiopia, Belarus, India, Guinea, and other countries, human rights organizations and civil society groups reported patterns of abuse taking place during a shutdown.

BELARUS

In Belarus, the government not only used internet shutdowns to dissuade protesters from going out into the streets, organizing, and sharing critical information, there were reports of arbitrary arrest, torture, and other human rights violations.[52]

ETHIOPIA

At the onset of the conflict between the federal and regional forces in the Tigray region of Ethiopia, authorities cut off mobile networks, landline phones, and fixed-line internet. As the war engulfed the Tigray region and fighting escalated, civil society, human rights organizations, journalists, and others struggled to investigate and document reports of massive human rights violations.[53] To make matters worse, according to the Ethiopian Human Rights Commission, there were deliberate attempts to stop people from accessing alternative communication channels. In Mai kadra, Tigray zone of Ethiopia, "scores, and likely hundreds, of people were stabbed or hacked to death"[54] during the total communications blackout, Amnesty International and the Ethiopian Human Rights Commission report. As the perpetrators of the violence organized to kill, they also allegedly "collected and destroyed Sudanese

51 Pearson, James (2020, April 21). *Facebook agreed to censor posts after Vietnam slowed traffic*. Reuters. Retrieved Jan 22, 2021, from https://www.reuters.com/article/us-vietnam-facebook-exclusive-idUSKCN2232JX.

52 Amnesty International (2020, August 13). *Belarus: Mounting evidence of a campaign of widespread torture of peaceful protesters*. Retrieved Jan 22, 2021, from https://www.amnesty.org/en/latest/news/2020/08/belarus-mounting-evidence-of-a-campaign-of-widespread-torture-of-peaceful-protesters/; Anthonio, Felicia, and Peter Micek (2020, August 13). *Belarusian election tainted by internet shutdown and state-sponsored violence*. Retrieved Jan 22, 2021, from https://www.accessnow.org/belarusian-election-tainted-by-internet-shutdown-and-state-sponsored-violence/; Human Rights Watch (2021, January 13). *Belarus: Unprecedented Crackdown*. Retrieved Jan 22, 2021, from https://www.hrw.org/news/2021/01/13/belarus-unprecedented-crackdown; and Melnichuk, Tatsiana (2020, August 13). *Belarus elections: Shocked by violence,people lose their fear*. BBC. Retrieved Jan 22, 2021, from https://www.bbc.com/news/world-europe-53762995.

53 BBC (2020, December 5). *Ethiopia's Tigray crisis: Cutting through the information blackout*. Retrieved Jan 22, 2021, from https://www.bbc.com/news/world-africa-55189607.

54 *See supra* note 39.

SIM cards."[55] According to testimonies from survivors of the Tigray massacre, "Ethiopian SIM cards had already stopped working by then, and the motive for confiscating and destroying the Sudanese SIM cards was to prevent any communications or call for help during the attack."[56]

Crackdown on the use of VPNs

Governments often do not stop at shutting down the internet. They go further and make sure citizens do not have alternative channels of communications or a way to circumvent state blocking and censorship. This was a trend in 2019 and it continued in 2020.

Countries including Uganda,[57] Tanzania,[58] and India (within Jammu and Kashmir),[59] have banned the use of Virtual Private Networks (VPNs) and other tools for security, anonymity, and circumvention, such as those from the Tor Project, or they have specifically blocked VPN providers and the Tor site, as Belarus has done since 2015,[60] Many also restrict access to app stores such as Google Play so that citizens can't download VPNs and other tools, and in some cases, threaten arrest if people download and use these apps anyway. The Jammu and Kashmir administration has repeatedly ordered telecom and internet service providers to shut down 2G internet service so people cannot use VPNs.[61] In February 2020, on at least two occasions, the government said it was shutting down 2G mobile internet because of "rumors circulating on social media through misuse of VPNs."[62] In March 2020, the media reported that at least five people were arrested for allegedly using VPNs in Kashmir. In Tanzania, the government introduced new regulations in an attempt to restrict people's access to blocked websites and social media apps, prohibiting use or distribution of tools that let people access censored content and restricting people's capacity to stay anonymous online.[63]

VPNs enable people to exercise their right to access information and free expression, bypassing the arbitrary blocking of websites, online content, and social media platforms. In contexts where the government restricts access to sites and platforms, people cannot freely navigate the internet without a VPN. They are also prevented from surfing the web anonymously and can no longer access, share, or distribute information in private.

55 Due to the proximity to the Sudanese border and difficulty over accessing roaming services over prepaid SIM cards, people use both Ethiopian and Sudanese SIM cards in this region.

56 Ethiopian Human Rights Commission (2020, November 24). *Rapid Investigation into Grave Human Rights Violation in Maikadra Preliminary Findings*. Retrieved from Jan 22, 2021, from https://addisstandard.com/wp-content/uploads/2020/11/Maikadra-Preliminary-Findings-English-Final.pdf.

57 Daily Monitor (2021, January 22). Government threatens to arrest VPN users. Retrieved Jan 26, 2021, from https://www.monitor.co.ug/uganda/news/national/government-threatens-to-arrest-vpn-users-3265618.

58 Taye, Berhan (2020, October 22). Internet censorship in Tanzania: the price of free expression online keeps getting higher. Retrieved Jan 22, 2021, from https://www.accessnow.org/internet-censorship-in-tanzania/.

59 Government of Jammu and Kashmir Home Department (2020, February 13). Government order no: Home 12(TSTS) of 2020. Retrieved Jan 22, 2021, from http://jkhome.nic.in/12(TSTS)of2020_0001.pdf.

60 Lokot, Tanya (2015, February 25). *Belarus Bans Tor and Other Anonymizers. Global Voices Advox*. Retrieved from Jan 26, 2021 from https://advox.globalvoices.org/2015/02/25/belarus-bans-tor-and-other-anonymizers/; Newman, Lily Hay. *Belarus Has Shut Down the Internet Amid a Controversial Election*. WIRED. Retrieved Jan 23, 2021, from https://www.wired.com/story/belarus-internet-outage-election.

61 *See supra* note 59.

62 *See supra* note 59.

63 *See supra* note 58.

III. Internet shutdowns during elections and protests

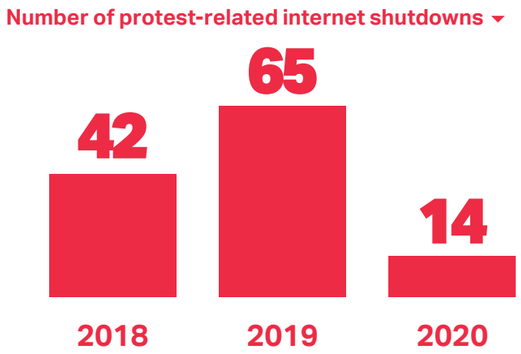
Elections and shutdowns

As the internet became a primary channel for people to access information, authorities that regulate or control traditional media outlets have sought to extend this control online, including as a way to influence elections or undermine democratic processes. This includes disrupting the internet before, during, and after elections, in order to manipulate the free flow of information, restrict opposition groups from reaching out to the electorate for campaigns and organizing, limit election observers' capacity to document and report on election irregularities, and ultimately to rig elections. During shutdowns like this, citizens around the world are prevented from getting information about candidates to weigh their voting options, campaigning for the candidates they support, getting access to basic information such as the location of polling stations, finding out about the election results, and much more. A citizen's access to information during elections is vital to a democratic election and today, the internet is central to the process. From Belarus to Togo and beyond, governments undermined the legitimacy of elections by shutting down the internet, and in some cases, those elections were followed by protests and violence. In 2020, there were at least 17 internet shutdowns related to elections in seven countries.

Governments that shut down the internet in the election period in 2020

On election day in February 2020, as voters in Togo went to the polls to elect their president, authorities blocked access to instant messaging apps.[64] In Guinea, not far from Togo, the government shut down the internet during elections not once, but twice in 2020. The first shutdown was in March 2020 and took place during a referendum on constitutional reform, and the second took place during the presidential election in October 2020. After the second shutdown, violence broke out when the opposition declined to accept the results of the tainted process.[65] In May 2020, Burundi shut down social media during its election.[66] In August 2020 during its election, Belarus repeatedly shut down the internet, blocked social media platforms, and cut access to mobile data, off and on, for more than 120 days. In October 2020, Kyrgyzstan throttled social media and mobile and broadband internet during its contested elections. As the election results were announced, people flooded into the streets to challenge them, ultimately triggering another election in 2021.[67] A few days after the Kyrgyzstan election shutdown, Tanzania first filtered SMS messaging, then blocked social media platforms, and finally shut down the internet entirely.[68] In November 2020, India shut down the internet numerous times in all Jammu and Kashmir districts in anticipation of the District Development Council constituencies by-elections.[69] Lastly, the Burmese government decided to continue to shut down the internet in Rakhine and Chin states in Myanmar even during the highly anticipated elections.[70]

Protests and network disruption



From Black Lives Matter movements across the world, to India's discriminatory Citizenship Amendment Act (CAA) protests, to the Belarus protests, 2020 was a monumental year for the freedom of peaceful assembly and association.[71] The COVID-19 pandemic, and subsequent lockdowns and curfews around the globe, put limits on gathering and made protests dangerous. These and other factors might have contributed to the surprisingly lower number of protest-related shutdowns we documented in 2020. In addition, in 2019, we had documented numerous

64 Xynou, Maria, and Arturo Filastò (2020, October 24). *Togo: Instant messaging apps blocked amid 2020 presidential election*. Retrieved Jan 22, 2021, from https://ooni.org/post/2020-togo-blocks-instant-messaging-apps/.

65 BBC News (2020, October 24). *Guinea elections: Alpha Condé wins third term amid violent protests*. Retrieved Jan 22, 2021, from https://www.bbc.com/news/world-africa-54657359.

66 Taye, Berhan, and Felicia Anthonio (2020, May 20). *Burundi: #KeepItOn: Burundi silences the majority on election day*. Retrieved Jan 26, 2021, from https://www.accessnow.org/keepiton-burundi-silences-the-majority-on-election-day/.

67 Freedom House (2020). *Freedom of the Net: Kyrgyzstan*. Retrieved Jan 26, 2021, from https://freedomhouse.org/country/kyrgyzstan/freedom-net/2020; and BBC News (2021, January 11). Kyrgyzstan election: Sadyr Japarov wins presidency with landslide. Retrieved Jan 26, 2021, from https://www.bbc.com/news/world-asia-55613552.

68 Access Now (2020, October 24). *Tanzania government censoring mobile networks ahead of presidential election*. Retrieved Jan 26, 2021, from https://www.accessnow.org/tanzania-censoring-mobile-networks-before-election/.

69 Government of Jammu and Kashmir Home Department (2020, November 12). Government order no: Home 120 (TSTS) of 2020. Retrieved Jan 22, 2021, from http://jkhome.nic.in/TSTS%2012.11.20.pdf.

70 Anthonio, Felicia et. al. (2020, October 15). *How internet shutdowns are threatening 2020 elections, and what you can do about it*. Access Now. Retrieved Feb 9, 2021, from https://www.accessnow.org/internet-shutdowns-2020-elections/.

71 Access Now (2020). *Defending peaceful assembly and association in the digital age: takedowns, shutdowns, and surveillance*. Retrieved Jan 22, 2021, from https://accessnow.org/defending-peaceful-assembly-and-association-in-the-digital-age.

targeted internet shutdowns that affected a region, neighborhood, or specific ethinic communities.[72] That type of shutdown is often difficult to monitor and document because it's harder to verify on a technical level; observers may not necessarily see a decline in internet traffic or the areas affected are so small they escape notice or get scant media attention. While Access Now and the #KeepItOn coalition reported more than 65 protest-related shutdowns in 2019, in 2020, the number significantly decreased. There were at least 14 shutdowns triggered by a protest, including in Cuba, India, Jordan, Ethiopia, Mali, Uganda, and Iraq. The evident motivation: to silence dissenting voices and get protesters off of the streets.

IV. New countries added to the shame list

Cuba, Tanzania, and Kenya are three countries that had not shut down the internet previously, but joined the list in 2020. In Kenya, it was not the government shutting down the internet, but a non-state actor, Al Shabab, a jihadist fundamentalist group, that deliberately destroyed communications infrastructure on at least two occasions, as we explain in our discussion of Kenya's situation below. This is an indication that the deteriorating security situation at the border of Kenya and Somalia not only affects the security infrastructure in the country but also has an impact on internet service delivery. There is a similar concern in Yemen, Syria, Ethiopia, and other countries where conflict is ongoing and there is a risk of attack on telecommunications infrastructure. Cuba presents an interesting case because the country recently liberalized access to mobile internet, and as we explore in detail below, the shutdown in 2020 shows that while improving connectivity can lead to better civic discourse, it can also be used to organize civil disobedience — which can in turn provoke a government response. Last but not least, the shutdown in Tanzania is a terrifying blueprint for a government's systematic closure of civic space, where authorities chip away at the digital rights of citizens day by day, until they ultimately decide to flip the killswitch.

CUBA

Cuba has a long history of censorship, with restrictions to press freedom, surveillance, and strict control over internet infrastructure. There was some progress in 2018 when the government allowed citizens to access mobile internet (albeit with limited reliability), but most Cubans access the internet through public WiFi hotspots. In 2020, the Cuban government took its censorship a step further, blocking Telegram, WhatsApp, Twitter, and other social media platforms for three days, evidently to silence a rare protest by the San Isidor Movement.[73] As more Cubans use mobile data and the internet to organize around social-political issues, they could see more challenges to their ability to access an open, secure, reliable, and accessible internet. It is worth mentioning that in October 2020, there were numerous reports that people could not access Telegram, a popular messaging app, or circumvention tools such as VPNs, in Cuba. Members of the #KeepItOn coalition sent a letter[74] to Empresa de Telecomunicaciones de Cuba S.A.(ETECSA), a state-run enterprise and sole gatekeeper for internet access in Cuba, requesting information as to why the application was not accessible. As of February 2021, ETECSA had not replied.

72 *See supra* note 12.

73 France 24 (2020, January 14). *Mobile internet: Cuba's new revolution*. Retrieved Jan 22, 2021, https://www.france24.com/en/live-news/20210114-mobile-internet-cuba-s-new-revolution; David Aragort (@DavidAragort) Twitter post. 10:16 p.m. Nov 26, 2020. Retrieved Jan 26, 2021 from https://twitter.com/DavidAragort/status/1332131089746366464; Norges Rodríguez (@Norges14) Twitter post. 10:10 p.m. Nov 26, 2020. Retrieved Jan 26, 2021 from https://twitter.com/norges14/status/1332129539166785541.

74 Access Now (2020, November 4). *Telegram blocked in Cuba? Civil society demands answers*. Retrieved Feb 23, 2021, from https://www.accessnow.org/telegram-blocked-in-cuba-civil-society-demands-answers/.

TANZANIA

While 2020 marked the first time Tanzania has shut down the internet, the government's callous action did not surprise the human rights community. For the past few years, Tanzania has restricted freedom of expression online and off, targeting vulnerable groups like the LGBTQ+ community with harassment, arbitrary arrests, and persecution.[75] The government's introduction of a blogger registration fee, its banning of VPNs, and its clampdown on the media created the breeding ground[76] for the digital rights violations authorities perpetrated during Tanzania's election. A few days before the election, the government installed equipment that would enable authorities to censor content and throttle the internet.[77] Shortly after, citizens started reporting that they could not access Twitter, Facebook, and other social media platforms.[78] In addition, the Tanzania Communication Regulatory Authority (TCRA) ordered[79] telecom service providers to suspend access to bulk SMS messages and voice services. On election day itself, people reported internet disruptions, mainly through the government telecom service provider. As of February 2021, Twitter was still inaccessible in Tanzania without a VPN. Access Now collected stories from victims,[80] detailing the harm to people's ability to work, study, and organize.

The act of shutting down internet services has violated my right as a Tanzanian citizen to the access of information, especially during an election period; it has been extremely difficult to stay apprised of what is happening, especially because not everyone has access to traditional media forms—such as television and radio—at all times. Some of us also do a lot of work online and [internet] shutdowns made it very difficult to perform our duties, affecting even our turnaround times. Work that would normally take a couple of days would end up taking two weeks to complete.

75 Human Rights Watch (2020, February 3). *"If we don't get services, we will die."* Retrieved Jan 26, 2021 from https://www.hrw.org/report/2020/02/03/if-we-dont-get-services-we-will-die/tanzanias-anti-lgbt-crackdown-and-right.

76 *See supra* note 58.

77 Olewe, Dickens (2020, December 22). *Tanzania 'using Twitter's copyright policy to silence activists.'* BBC. Retrieved Jan 22, 2021, from https://www.bbc.co.uk/news/world-africa-55186932.

78 Access Now (@accessnow) (2020). Access Now Twitter post. Twitter, 10:06 a.m. October 27, 2020. Retrieved Jan 26, 2021 from https://twitter.com/accessnow/status/1321075713273958402.

79 Tanzania Communication Regulatory Authority (2020, October 21). Directive on Temporal Suspension of Bulk Messaging and of Bulk Calling Services. Retrieved Jan 22, 2021, from https://www.accessnow.org/cms/assets/uploads/2020/10/TCRA-Directive-to-telcos-in-TZ-to-filter-content.jpeg.

80 Antonio, Felicia et. al. (2020, December 16). *Tanzania is weaponizing internet shutdowns. Here's what its people have to say.* Access Now. Retrieved Jan 22, 2021, from https://www.accessnow.org/tanzania-internet-shutdowns-victim-stories/.

KENYA

In Mandera County of Kenya, which borders Somalia and Ethiopia, there were at least two communication network disruptions in 2020. As security along the border has deteriorated, there have been numerous reports to indicate that foreign actors have disabled the telecom towers for some areas of Mandera. In March 2020, as the fighting between the Somali military and Al Shabaab spilled toward the Kenyan border, signal from a Safaricom tower was jammed[81] for a few hours while the fighting continued. In December 2020, media reports indicated that Al Shabaab destroyed the only Safaricom tower in the Elele area of Mandera, leaving residents without access to communication networks.[82]

V. Who stood out in 2020?

Yemen: ICT infrastructure a war bargaining chip

In 2020, Access Now and the #KeepItOn coalition were able to record at least six incidents of network disruptions in Yemen. Due to the ongoing armed conflict and lack of information as to the cause of the shutdowns, we were unable to independently verify the other network disruptions that were reported.

The different armed groups in Yemen have in one way or another threatened to use internet shutdowns as collective punishment and a bargaining chip to advance their interests, with complete disregard for the needs of the people impacted.[83] For instance, in July 2020, communications networks were reportedly targeted by aerial bombardment,[84] which left at least 15 districts in Yemen disconnected from the rest of the world. When the internet wasn't shut down intentionally, natural disasters[85] and heavy rains[86] have denied Yemenis access. When it wasn't natural disasters, there were outstanding payments[87] to international submarine cable providers and other service providers, resulting in suspended services to some parts of Yemen and the threat of further suspension.

Due to the politicization of the internet infrastructure, telecom companies have been unable to provide regular services or expand

81 Goldaman, David (2020, March 2). *Agent Saboteurs Within Somalia Army Jam Kenya's Safaricom BTS-Mast in Mandera Frontier*. Strategic Intelligence. Retrieved Jan 22, 2021, from https://intelligencebriefs.com/agent-saboteurs-within-somalia-army-jam-kenyas-safaricom-bts-mast-in-mandera-frontier/.

82 The Star (2020, December 18). *Al Shabaab destroys Safaricom mast in Mandera*. Retrieved Jan 22, 2021, from https://www.the-star.co.ke/news/2020-12-18-al-shabaab-destroys-safaricom-mast-in-mandera/.

83 News Yesmen (2020). *Al Houthi militia threatens to stop telecommunication and internet services*. Retrieved Jan 22, 2021, from https://newsyemen.net/new/61334.

84 YPA Agency (July 22, 2020). عمران.. طيران التحالف يقصف شبكة اتصالات عيال سريح Retrieved Jan 22, 2021, from http://www.ypagency.net/279308.

85 News Yesmen (2020). *The return of the internet service in Hadhramaut after a two-days of interruption*. Retrieved Jan 22, 2021 from https://newsyemen.net/new/59042.

86 News Yesmen (2020). *Torrential torrents cause the interruption of Internet service in Hadhramaut*. Retrieved Jan 22, 2021, from https://newsyemen.net/new/58962.

87 News Yesmen (2020). *Al-Houthi stops the system of paying internet bills via "Yemen Net" in Aden*. Retrieved Jan 22, 2021, from https://newsyemen.net/new/59213; and News Yesmen (2020). *Internet returns after repair of the submarine cable "Falcon."* Retrieved Jan 22, 2021, from https://newsyemen.net/new/51632.

their businesses. For instance, according to the World Bank, TeleYemen has failed to develop its services and use the capacity it acquired in 2017 due to the political rivalry in Yemen around telecom infrastructure.[88] The fragility of the internet infrastructure has also put Yemen on the world's map. In early January 2020, the Falcon submarine cable in the Suez Canal had two significant cable cuts. While Ethiopia, Kuwait, Saudi Arabia, Sudan, Yemen, and other countries were affected, Yemen suffered the worst impact. Eighty percent of Yemen was cut off the internet, and as there were no other alternatives for connection, the majority of the country went offline,[89] a disruption that affected financial transactions, banking services, and other critical service provisions.[90] There were also numerous reports of vandalism of telecom infrastructure and sabotage by third parties and groups, and these attacks left many disconnected for weeks.[91] According to media reports, Yemeni Telecom had at least 10 incidents of unknown saboteurs stealing their batteries and equipment. The war and these shutdowns have had a devastating impact on digital rights in Yemen.

Belarus: 121 days of internet shutdowns

Belarus is one of the most alarming cases in 2020, showing just how far a government will go to censor dissent during an election. According to the Net Observatory, on June 19 2020, the government tested the Deep Packet Inspection (DPI) equipment, previously bought from Sandvine[92] through the Russian supplier Jet Infosystems, evidently in preparation for the internet shutdowns during the August 9 elections.[93] On the day of the election, the Belarusian government first blocked YouTube, and shortly after, WhatsApp, Telegram, Viber, Vkontakte, and other social media platforms. Authorities proceeded to block VPN providers, Tor Project, and app stores including Google Play.[94] After authorities announced incumbent President Alexander Lukashenko's purported victory in the contested election, people rushed to the streets to protest.[95] Shortly after, the government imposed a full three-day complete outage, starting on August 9 and ending August 12. According to Net Observatory, most telecom service providers were completely offline.[96]

Then the blame game and denial started. Belarus's National Center for Response to Computer Incidents claimed that the disruption was due to a Distributed Denial of Service (DDoS) attack.[97] At the same time, some telecom service providers, notably A1, pointed the finger at the government and announced that the internet access would be restored as soon as the "upstream provider" resumed service.[98] While A1 announced the shutdowns on Twitter and its website, and offered its customers compensation for the interrupted service, civil society demanded more from Belarusian telcos, including that they disclose which government agencies ordered the shutdowns.[99]

For the next 121 days, authorities continued to shut down mobile networks, block websites and social media, and throttle mobile data, in particular on Sundays when Belarusians regularly held demonstrations. This has severely impacted the free flow of information in Belarus. December 6, 2020 marked the first day since the internet and information disruptions started in August that the government did not impose a mobile shutdown in Belarus, but Telegram and other VPNs were still blocked. The protests continue, and it is not clear when Belarus will stop deliberately interfering with internet access and communications.

355 days of internet shutdowns in Rohingya refugee camps in Bangladesh

On September 9, 2019, the Bangladesh Telecommunication Regulatory Commission ordered telecom service providers to disable high-speed mobile internet in the refugee camps Rohingya refugees inhabit. The commission continued to deny high-speed internet to refugees for the next 355 days, and the Rohingya, who had fled to Bangladesh fearing the Myanmar military's ethnic cleansing campaign,[100] were forced to rely on 2G internet speed. This shutdown did not end until late 2020.

A 2G internet speed offers a 250Kbps rate, while 3G and 4G mobile internet connections would normally render 3Mpbs and up to 100Mpbs, respectively. Being restricted to 2G means that users do not have meaningful access to the internet. They are not able to download multimedia content, livestream content online, or access any content that requires more than 250 Kbps speed at a time. They cannot join online video calls, send pictures or videos on Signal or WhatsApp, or place a Facebook Messenger call. They cannot effectively use any service that requires high-speed connection.

This effort to silence the most vulnerable continued even when COVID-19 swept through the refugee camps. On May 15, as the first two cases of COVID-19 were confirmed in the camps, the Rohingya Students Network wrote an open letter to Prime Minister Sheikh Hasina imploring her government to lift the internet ban.[101] These students wanted to use social media and other platforms to get and share information about protecting yourself during the pandemic. They pointed out that internet traffic speed throttling in Bangladesh kept them from getting vital information about the spread of the pandemic, and blocked them from seeking and getting help. According to one resident of the camp, "The last three months I was sick seriously, but I didn't go anywhere due to fear of COVID-19 pandemic [and] my condition [became] serious. I tried to contact a doctor who is a friend of mine but I couldn't talk to him even after calling so many times due to weakness of the network…."[102] The government ignored these pleas for assistance for almost six months.[103]

88 World Bank (2020). *Yemen Monthly Economic Update*.Retrieved Jan 22, 2021, from http://pubdocs.worldbank.org/en/901061582293682832/Yemen-Economic-Update-January-EN.pdf.

89 News Yesmen (2020). *Internet outage and its impact on the lives of citizens in Mouze (field tour).* Retrieved Jan 22, 2021, from https://newsyemen.net/new/50556.

90 *See supra* note 88. *See also* Casey Coombs (2020). *In Yemen, the internet is a key front in the conflict*. Coda. Retrieved Jan 22, 2021, from https://www.codastory.com/authoritarian-tech/yemen-internet-conflict/.

91 Al-Ayyam (2020). *Yemen Mobile operates in Al-Anad again after service interruption and cable theft (in Arabic)*. Retrieved Jan 22, 2021 from https://www.alayyam.info/news/8COYJD3V-URW9YS-3401.

92 Krapiva, Natalia, and Peter Micek (2020, September 2020). *Francisco Partners-owned Sandvine profits from shutdowns and oppression in Belarus*. Retrieved Jan 22, 2021 from https://www.accessnow.org/francisco-partners-owned-sandvine-profits-from-shutdowns-and-oppression-in-belarus/.

93 Net Observatory (2020). *Internet Shutdown in Belarus.* Retrieved Jan 22, 2021 from https://netobservatory.by/belarus-shutdown-2020-en/.

94 Ibid.

95 Reevell, Patrick (2020, August 9). *Protests break out across Belarus following a contested election as police crack down on demonstrators*. ABC News. Retrieved Jan 22, 2021 from https://abcnews.go.com/International/police-military-units-crack-protesters-belarus-contested-election/story?id=72272884.

96 *See supra* note 93.

97 *See supra* note 93.

98 A1 Belarus (@a1belarus) Twitter post. Twitter, 5:32 a.m. August 9, 2020, Retrieved Jan 22, 2021, from https://twitter.com/a1belarus/status/1292378297490460672

99 A1 Belarus (@a1belarus) Twitter post. Twitter, 8:32 a.m. Nov30, 2020, Retrieved Jan 22, 2021, from https://twitter.com/a1belarus/status/1333373287850708992; Petition 4330. Retrieved Jan 22, 2021, from https://petitions.by/petitions/4330; Access Now (2020, November 4). *Shutdowns in Belarus: Austrian telco must denounce actions and commit to accountability.* Retrieved Jan 22, 2021, from https://www.accessnow.org/austrian-telco-must-denounce-internet-shutdowns-in-belarus/.

100 Human Rights Watch (2019, September 13). *Bangladesh: Internet Blackout on Rohingya Refugees*. Retrieved Jan 22, 2021, from https://www.hrw.org/news/2019/09/13/bangladesh-internet-blackout-rohingya-refugees.

101 Rohingya Students Network - RNS. (@NetworkRsn) Twitter post. Twitter, 10:19 a.m. May 15, 2020, Retrieved Jan 22, 2021, from https://twitter.com/NetworkRsn/status/1261285024478883841.

102 *See supra* note 14.

103 Sakib, SM Najmus (2020, October 29). *Internet, mobile network restored for Rohingya refugees.* Anadolu Agency. Retrieved Jan 22, 2021, from https://www.aa.com.tr/en/asia-pacific/internet-mobile-network-restored-for-rohingya-refugees/1957098.

Myanmar: 19 months and counting

Beginning in 2019 and continuing throughout 2020 and into 2021, Myanmar imposed the longest shutdown recorded to date. In 2019, the government ordered the shutdown in nine townships of Rakhine and Chin states. The Ministry of Transport and Communications issued the order, citing "disturbances of the peace and use of internet service to coordinate illegal activities."[104] In September 2019, after 71 days, the government restored mobile data in five townships, but then reinstated it in February 2020.

In August of 2020, authorities ordered telecom service providers to lift the complete mobile data blackout and re-start 2G internet services, while also throttling 3G and 4G services. Although 2G internet is better than a total blackout, 2G does not provide meaningful access to the internet. This was supposed to last until March 31, 2021, but as we note above, the military launched a coup attempt, and after it got political support from factions of the Arakan National Party, authorities restored full internet access in Rakhine and Chin states on February 3, 2021. Unfortunately, the military junta cut access to the internet at the beginning of the coup, and has since strategically cut access to the internet and censored social media platforms[105] in a clear attempt to control the communications of people in Myanmar.[106]

In 2020, as Myanmar grappled with the COVID-19 pandemic and most of the world was under lockdown, the government continued to deny its most vulnerable and marginalized populations access to the internet and life-saving information. It appears the internet shutdown was used to hide the human toll of the conflict between the Tatmadaw and the Arakan Army in 2019-2020, as well as the army's "clearance operations."[107] The combination of active violent conflict, COVID-19, and the prolonged and targeted internet shutdown had a devastating impact on the Rohingya.

A collaborative report by civil society in Myanmar and the Cyberlaw Clinic and International Human Rights Clinic at Harvard Law School details the human impacts of these shutdowns in Myanmar. Researchers found "a distinct gendered impact, which hinders women from accessing information more so than their male counterparts," and numerous ways in which the information blackout compounded the damage wrought by COVID-19.[108]

Desperate to access information about COVID-19, connect with their loved ones, and continue their education, the Rohingya suffering the digital blackout were forced to commute long and dangerous distances, "cross checkpoints," and sustain extra expenses to access the internet.[109] One resident described the ordeal as follows:

> **"You have to suffer a lot when you really need to use the internet. In some places, you can get internet access…We have to use a Mytel SIM card. And we have to use the places close to the military compound. I don't want to use that much. But when I really must use the internet, I have to go outside the town and try to get access near the military compound. Sometimes, it rains so hard. It is really a pain when you have to stand up beside the highway while holding an umbrella all the time, to use the internet."[110]**

104 Telenor (2020, June 21). *Network shutdown in Myanmar, 21 June 2019*. Retrieved Jan 22, 2021 from https://www.telenor.com/network-shutdown-in-myanmar-21-june-2019/#:~:text=21%20June%2C%202019%3A%20On%2020,in%20Rakhine%20and%20Chin%20States.

105 *See supra* note 8.

106 *See supra* note 7.

107 108 109 110 *See supra* note 14.

Noting the dire situation in Rakhine and Chin states, human rights advocates launched online campaigns such as #StopInternetShutdownMM and organized protests offline to convince the government to end the information blackout. Some of the protesters organizing or participating in these peaceful protests and campaigns were arrested, fined, or both.[111]

Timeline: Myanmar shutdown actions from 2019-2020

June 21, 2019

Mobile data shut down

Affected area: Buthidaung, Paletwa, Rathedaung, Ponnagyun, Mrauk-U, Kyauktaw, Minbya, Myebon, and Maungdaw

September 1, 2019

Mobile data restored in five townships

February 3, 2020

Mobile shutdown reinstated in all townships

May 2, 2020

Shutdowns reinstated in four townships

Affected area: Buthidaung, Rathedaung, Myaebon, and Paletwa

May 2, 2020

Shutdown lifted in Maungdaw

August 1, 2020

3G and 4G internet throttled in eight townships

August 1, 2020

2G internet enabled in eight townships

October 31, 2020

Restrictions extended to December 31

December 29, 2020

Restrictions extended to March 31, 2021

111 Freedom House. *Myanmar Freedom of the Net (2020) report*. Retrieved Jan 22, 2021 from https://freedomhouse.org/country/myanmar/freedom-net/2020.

India entrenches use of shutdowns to suppress protests, cuts off Jammu and Kashmir

India imposed the lion's share of internet shutdowns in 2020, topping the global shame list — just as it did in 2018 and 2019. The government shut down the internet at least 109 times. While this figure is lower than the totals in the previous two years, India had instituted what had become a perpetual, punitive shutdown in Jammu and Kashmir beginning in August 2019. Residents in these states had previously experienced frequent periodic shutdowns, and in 2020 they were deprived of reliable, secure, open, and accessible internet on an ongoing basis.[112]

In January 2020, the Jammu and Kashmir government did restore 2G internet connection, but such connection was not meaningful.[113] No one in Jammu and Kashmir, except in Ganderbal and Udhampur, had access to 3G and 4G mobile internet, and there were numerous times in 2020 that the government cut off access even to 2G internet.

In some instances, when the inspector general of police for Kashmir shuts down 2G mobile internet, which is later confirmed by the home department of the government of Jammu and Kashmir, they also suspend voice calling and SMS services, leaving people in the area cut, including journalists, entirely off the grid and unable to access alternative means of communications.[114] In places like Anantnag, authorities repeatedly turned off 2G internet citing "the misuse of data services by anti-national elements."[115] In most cases, when people are cut off from 2G in Jammu and Kashmir, there are security incidents between the military and armed groups.[116]

As we have noted above, it is almost impossible to view, upload, and download images, large PDF documents or videos on a 2G internet connection. Disabling 2G means cutting off even the slowest and most minimal internet connection. Notably, when the government suspends mobile services for people using prepaid mobile services in places like Srinagar, they often spare those using post-paid services.[117] In many countries, most ordinary citizens can only afford or get access to prepaid services.[118] This kind of shutdown not only cuts people off from the internet during conflict when residents are in danger and struggling to stay safe, it expands the digital divide among people of different classes and income levels.

112 After 18 months of total shutdown and later mobile internet services throttling, 4G internet services are being restored in Jammu and Kashmir, as the government announced on February 5, 2021 it was lifting the restrictions. Singh, Manish (2021, February 5). *India is restoring 4G internet in Jammu and Kashmir after 18 months*. TechCrunch (2021, February 5). Retrieved Feb 9, 2021, from https://techcrunch.com/2021/02/05/india-is-restoring-4g-internet-in-jammu-and-kashmir-after-18-months/; and The Indian Express (2021, February 5). *Restoration of internet services in Jammu and Kashmir: A timeline.* Retrieved Feb 9, 2021, from https://indianexpress.com/article/india/jk-4g-internet-mobile-timeline-7176408/.

113 Chima, Raman Jit Singh (2020, January 11). *SC order on internet lockdown in J&K makes right noises but leaves matters of relief to the future.* The Indian Express. Retrieved Jan 22, 2021, from https://indianexpress.com/article/opinion/columns/jammu-and-kashmir-internet-shutdown-supreme-court-article-370-6210489/.

114 Government of Jammu and Kashmir Home Department (2020, January 26). Government order no: Home 06(TSTS) of 2020. Retrieved Jan 22, 2021, from http://jkhome.nic.in/G.O%20No.%2006(TSTS)%20of%202020%20dt.%2026.01.2020.pdf.

115 Government of Jammu and Kashmir Home Department (2020, January 28). Government order no: Home 07(TSTS) of 2020. Retrieved Jan 22, 2021, from http://jkhome.nic.in/G.O%20No.%2007(TSTS)%20of%202020%20dt.%2028.01.2020.pdf; and Government of Jammu and Kashmir Home Department (2020, February 20). Government order no: Home 14(TSTS) of 2020. Retrieved Jan 22, 2021, from http://jkhome.nic.in/14(TSTS)20200001.pdf.

116 Many of the internet shutdown orders contain information about security incidents. For instance, see this one: Government of Jammu and Kashmir Home Department (2020, April 30). Government order no: Home 38(TSTS) of 2020. Retrieved Jan 22, 2021, from http://jkhome.nic.in/38(TSTS)of2020.pdf, and similar ones can be found on this page: http://jkhome.nic.in/orders.html.

117 The Print (2020, May 19). *Internet services snapped in Srinagar after CRPF jawan, cop injured in encounter.* Retrieved Jan 22, 2021, from https://theprint.in/india/internet-services-snapped-in-srinagar-after-crpf-jawan-cop-injured-in-encounter/424671/.

118 *See supra* note 29.

With COVID-19 sweeping through India, numerous digital rights groups called for restoration of 3G and 4G internet in Jammu and Kashmir. Health care workers and others asked the government to restore meaningful internet access so they could download essential information like intensive care unit guidelines.[119] The government did not listen. In fact, in March of 2020, the principal secretary of Jammu and Kashmir's government extended the blackout, stating that "anti-national elements [are] spreading propaganda/ideologies through the transmission of fake news and targeted messages aimed at disturbing the public order…."[120]

There were also shutdowns in India for other reasons in 2020, and these may be ripe for challenge. Notably, in West Bengal, the West Bengal Board of Secondary Education and the state government's Home Department previously introduced a curfew-style internet blackout during the Madhyamik (secondary school) examinations, cutting off internet access every day during certain hours. This internet curfew lasted for more than nine days. However, in 2019, the Jodhpur bench of the Rajasthan High Court warned the state government that it could not order internet shutdowns during exams because it is beyond the scope of the Temporary Suspension of the Telcom Services (Public Emergency and Public Safety) Rules of 2017.[121] This rebuke of this state government practice from the Rajasthan High Court could inform court cases before other Indian high courts. The use of internet shutdowns in December 2019 to combat protests launched across India in response to the discriminatory Citizenship Amendment Act (CCA) resulted in other high courts seizing the issue. The Gauhati High Court on December 19, 2019 directed that the internet shutdown ordered for the entire state of Assam had to be rescinded early,[122] and a bench of the Allahabad High Court in the state of Uttar Pradesh took up a suo moto public interest hearing against the internet shutdown ordered there , observing on January 4, 2020 that it believed that continuous internet access fell with the right to life and liberty under Article 21 of India's constitution.[123]

THE COURT DECISION

A 2019 case against the shutdown in Kashmir made its way to the Indian Supreme Court. In January 2020, the highest court in the country ruled on the merits, declaring that shutdowns interfere with the fundamental right to freedom of expression and the right to life and liberty, that shutdown orders must be publicly available, and that indefinite shutdowns are unconstitutional, among other positive findings. The court also recommended that the existing Network Suspension Rules of 2017 be modified.[124]

119 Majid, Maqbool (2020). *'An Hour to Download ICU Guidelines': Amid COVID-19, Kashmir Doctors Struggle With Slow Internet.* The Wire. Retrieved Jan 22, 2021, from https://thewire.in/rights/coronavirus-kashmir-slow-internet.

120 Government of Jammu and Kashmir Home Department (2020, April 3). Government order no: Home 22(TSTS) of 2020. Retrieved Jan 22, 2021, from http://jkhome.nic.in/22(TSTS)of2020.pdf.

121 SFLC (2018, November 29). *Home Department, State Of Rajasthan: No More Internet Shutdowns For Prevention Of Cheating In Examinations.* Retrieved Jan 22, 2021, from https://sflc.in/home-department-state-rajasthan-no-more-internet-shutdowns-prevention-cheating-examinations.

122 The Print (2019, December 20). *Assam High Court dismisses govt review plea on order to resume internet services.* Retrieved Feb 10, 2021, from https://theprint.in/judiciary/assam-high-court-dismisses-govt-review-plea-on-order-to-resume-internet-services/338537/.

123 Emmanuel, Meera (2020, January 3). *Right to continuous internet part of right to live: Allahabad HC registers suo motu PIL over suspension of internet in UP.* Bar and Bench. Retrieved Feb 10, 2021, from https://www.barandbench.com/news/litigation/right-to-continuous-internet-part-of-right-to-live-allahabad-hc-registers-suo-motu-pil-over-suspension-of-internet-in-up.

124 Internet Freedom Foundation (2020, January 10). *SC's Kashmir communication shutdown judgement is just the beginning of a long uphill campaign.* Retrieved Feb 11, 2021, from https://internetfreedom.in/scs-judgement-on-kashmir-communication-is-just-the-beginning/.

The threat of an internet shutdown in the United States

Countries including the United States and India have laws on the books that facilitate internet shutdowns and communication blackouts. While having a body of law can make legal challenges easier, these laws can also represent a danger in and of themselves. For instance, currently the U.S. president has the authority to shut down the internet, under the communications war powers statute.[125] While this authority has never been used, the amount of deference granted to the president under the statute is unacceptable. All that is required to trigger the president's nearly unchecked powers to shut down communications platforms nationwide is a "state of public peril" or "other national emergency."

While Access Now opposes internet shutdowns in all forms as an inherently disproportionate interference with human rights, the U.S. Congress has proposed limiting the president's war powers through the Preventing Unwarranted Communications Shutdowns Act of 2020.[126] The legislation would restrict powers under the statute in key ways and require more checks and balances, making abuse of the provision less likely.

There are also other ways the U.S. could impose a shutdown. There is the power of presidential executive orders, which former U.S. President Donald Trump leveraged when he threatened to ban WeChat and TikTok in the U.S.[127] Trump issued orders stating that U.S. persons and companies, and others within the U.S., would be prohibited from doing business with ByteDance Ltd. (the China-incorporated firm that owns TikTok and other apps) and Tencent Holdings (including its WeChat service), starting 45 days after the orders were issued. This essentially set a deadline for companies to sell these apps to U.S. companies to continue operating.

In issuing the orders, the Trump administration did not offer evidence that these applications posed any new specific privacy or security threats to people in the U.S. Instead, the administration pointed more generally to a mix of vague privacy and national security concerns centering on the relationship between TikTok and WeChat's U.S. operations and the operation of their parent companies. Under Chinese law, the parent companies can be forced to give the Chinese government access to any data and insights they retain. TikTok claims that the company locates data outside the reach of the Chinese government, but the Trump administration never addressed those claims. Unless current U.S. President Joe Biden rescinds the actions taken by the prior administration, we can expect to see court cases play out in 2021. Regardless of what happens in this particular instance, however, the threat of an internet shutdown in the U.S. remains.

International organizations standing against shutdowns

The United Nations (U.N.) and other international organizations have boldly spoken out against internet shutdowns worldwide. Such efforts — including unanimous statements from the world's highest human rights body, resolutions, and joint statements from U.N. experts — clarify and confirm that internet shutdowns can never be justified under international human rights law.[128] Governments must therefore refrain from blocking, throttling, or shutting down the internet in order to comply with their international human rights obligations.

125 4.7 U.S. Code, § 606 (1934), Retrieved Jan 27, 2021, from https://www.law.cornell.edu/uscode/text/47/606.

126 Access Now (2020, October 22). *Shutting down the internet shouldn't be so easy*. Retrieved Jan 27, 2021, from https://www.accessnow.org/shutting-down-the-internet/.

127 Access Now (2020, September 18). *Trump executive orders targeting China-linked apps fail to protect privacy, harm human rights*. Retrieved Jan 27, 2021, from https://www.accessnow.org/trump-executive-orders-targeting-china-linked-apps-fail-to-protect-privacy-harm-human-rights/.

128 Organization for Security and Co-operation in Europe (OSCE) (2015, May 4). *Joint declaration by the United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, on Freedom of Expression and Responses to Conflict Situations*. Retrieved Jan 22, 2021, from http://www.osce.org/fom/154846.

In 2020, leaders at the U.N. became acutely aware of the fundamental importance of access to the internet as the global organization moved the majority of its operations online, while trying to meaningfully reach the global community and advance international cooperation amid a global health crisis, systemic racism, climate change, and rising authoritarianism. Indeed, in 2020 the U.N. Secretary General specifically highlighted the mass digitization of human relations during the health crisis and the inevitable impact this has on the world.[129] It is therefore no surprise that international policy initiatives in 2020 reflected the need to address this reality.

In his final report to the U.N. Human Rights Council in 2020, David Kaye, the former U.N. Special Rapporteur on Freedom of Opinion and Expression, recalled existing international norms condemning internet shutdowns, putting them in the context of the pandemic. In his report, Kaye stresses "there is no room for limitation of internet access at the time of a health emergency that affects everyone from the most local to the global level."[130] Adding to the progress represented by Kaye's report, the international community made huge strides at the U.N. Human Rights Council in connecting and condemning the use of government-ordered internet shutdowns to quell protests and dissenting voices.[131]

Also among the notable developments in 2020 was the launch of the U.N. Secretary-General's Roadmap on Digital Cooperation, a document centering human rights in the digital age. In the Roadmap, the Secretary-General affirms that "blanket internet shutdowns and generic blocking and filtering of services are considered by United Nations human rights mechanisms to be in violation of international human rights law."[132] That statement brings internet shutdowns to the forefront of ongoing efforts on digital cooperation and internet governance worldwide.

Overall, the U.N. provided important guidance and clarified human rights norms surrounding internet shutdowns in 2020. Future advocacy efforts should therefore build on these norms at the local, national, and regional level.

VI. Enabling and profiting from censorship: the case of Sandvine and Allot [redacted]

Shutdowns are not just ordered by governments and implemented by telcos. They are also facilitated by tech companies that supply the censorship technologies. In 2020 we saw Sandvine, a U.S. company with Canadian roots, provide Deep Packet Inspection (DPI) equipment to the Belarusian regime, technology that enabled shutdowns and website blocking during election protests. When a Bloomberg investigation revealed Sandvine's involvement in the Belarus

129 Villar, Mario (2020, April 2). *Antonio Guterres: tras el coronavirus el mundo y las relaciones humanas 'serán distintos'*. Euractiv. Retrieved Jan 25, 2021, from https://euroefe.euractiv.es/section/politicas/interview/antonio-guterres-tras-el-coronavirus-el-mundo-y-las-relaciones-humanas-seran-distintos/.

130 David Kaye (2020, April 23). *Report of the U.N. Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*. Disease pandemics and the freedom of opinion and expression, U.N. Doc A/HRC/44/49. Retrieved Jan 22, 2021, from https://undocs.org/A/HRC/44/49; Berena, Carolina Gonçalves et. al. (2020, June 30). COVID-19 & the right to protest: pressing issues at the 44th Human Rights Council. Access Now. Retrieved Jan 22, 2021, from https://www.accessnow.org/covid-19-the-right-to-protest-pressing-issues-at-the-44th-human-rights-council-this-week/.

131 Berena, Carolina Gonçalves et. al. (2020, June 30). *Pandemics, protests, and power in digital spaces: the 44th U.N. Human Rights Council Session in review*. Access Now. Retrieved Jan 22, 2021, from https://www.accessnow.org/pandemics-protests-and-power-in-digital-spaces-the-44th-u-n-human-rights-council-session-in-review/.

132 United Nations (2020, May). *UN Secretary-General's 'Digital Cooperation Roadmap*. Retrieved Jan 22, 2021, from https://undocs.org/A/74/821; and Organization for Security and Co-operation in Europe (May 2015). *Joint Declaration on Freedom of Expression and Responses to Conflict Situations*. Retrieved Jan 22, 2021, from https://www.osce.org/fom/154846.

shutdowns, the company initially denied all responsibility, claiming that internet access was not "a part of human rights."[133] However, bowing to pressure from the civil society, U.S. elected officials, and the public,[134] Sandvine announced that it would end its contract with Belarusian government, backtracking on its prior statement and acknowledging that access to the internet is a part of freedom of expression, a human right.[135] Sandvine later demanded that the Belarusian government return its DPI equipment and refrain from choking the internet to prevent the free flow of information to Belarusians.[136] It remains to be seen, however, whether Sandvine will take action to address past human rights violations, or undertake clear steps to prevent them going forward.[137] Since the company announced it was leaving Belarus, there have been multiple reports implicating Sandvine technology in rights violations in countries beyond Belarus, including Russia, Turkey, Pakistan, Sudan, Azerbaijan, Uzbekistan, and countries across the Middle East and North Africa region.[138] Will Sandvine refrain from working with these governments to choke and censor the internet, stifling freedom of expression and access to information?

Another company implicated in internet shutdowns in 2020 is the Israeli company Allot. The firm has struck deals in Kenya,[139] Azerbaijan,[140] and Tanzania,[141] and Access Now is aware that this company is trying to set shop in other East African countries. Like Sandvine, Allot sells DPI technology, which enables those using the equipment to read the contents of each packet of information traversing through the network. Allot promotes the surveillance capacity of its products, including the ability to see who is using which applications online, what they're doing in the apps, where they're logged on from, what videos they're watching, and with whom they interact. The firm also touts the technology's censorship capacities,

133 Gallagher, Ryan (2020, August 28). *Belarusian Officials Shut Down Internet With Technology Made by U.S. Firm*. Bloomberg. Retrieved Jan 22, 2021, from https://www.bloomberg.com/news/articles/2020-08-28/belarusian-officials-shut-down-internet-with-technology-made-by-u-s-firm; Gallagher, Ryan (2020, September 11). *U.S. Company Faces Backlash After Belarus Uses Its Tech to Block Internet*. Bloomberg. Retrieved Jan 22, 2021, from https://www.bloomberg.com/news/articles/2020-09-11/sandvine-use-to-block-belarus-internet-rankles-staff-lawmakers.

134 Access Now (2020, September 22). *Sandvine, Francisco Partners facing mounting pressure for accountability around censorship tool*. Retrieved Jan 22, 2021, from https://www.accessnow.org/sandvine-francisco-partners-facing-mounting-pressure-for-accountability-around-censorship-tools/.

135 Gallagher, Ryan (2020, September 15). *Francisco-Backed Sandvine Nixes Belarus Deal. Bloomberg*. Retrieved Jan 22, 2021, from https://www.bloomberg.com/news/articles/2020-09-15/sandvine-says-it-will-no-longer-sell-its-products-in-belarus.

136 Business & Human Rights Resource Centre (2020, September 25). *Sandvine demands that the National Traffic Exchange Center (NTEC) in Belarus refrain from choking the internet to prevent the free flow of information to Belarusians*. Retrieved Jan 22, 2021, from https://www.business-humanrights.org/en/latest-news/sandvine-demands-that-the-national-traffic-exchange-center-ntec-in-belarus-refrain-from-choking-the-internet-to-prevent-the-free-flow-of-information-to-belarusians/.

137 Access Now (2020, September 16). *Censorship tech company Sandvine's human rights "commitments" are too little too late*. Retrieved Jan 22, 2021, from https://www.accessnow.org/sandvine-human-rights-commitments-too-little-too-late/.

138 Gallagher, Ryan (2020, Oct. 8). *American Technology Is Used to Censor the Web From Algeria to Uzbekistan*. Bloomberg. Retrieved Jan 22, 2021, from https://www.bloomberg.com/news/articles/2020-10-08/sandvine-s-tools-used-for-web-censoring-in-more-than-a-dozen-nations; and Technology & Law Community (2020, October 24). *Sandvine … the surveillance octopus in the Arab region*. Retrieved Jan 22, 2021, from https://masaar.net/en/sandvine-the-surveillance-octopus-in-the-arab-region/.

139 Allot (2020). *Safaricom Gains Valuable Insights and Rolls Out Security-as-a-Service (SECaaS) For Its Customers*. Retrieved Jan 22, 2021, from https://www.allot.com/resources/success-stories/safaricom/.

140 QURIUM (April 10, 2018). *Corruption, Censorship, and Deep Packet Inspector Vendor*. Retrieved Jan 22, 2021, from https://www.qurium.org/alerts/corruption_censorship_and_a_dpi_vendor/.

141 Peter Micek (@lawyerpants) (2020). Peter Micek Twitter post. Twitter, 11:17 a.m. October 30, 2020, Retrieved Jan 22, 2021 from https://twitter.com/lawyerpants/status/1322179746160062464.

including the ability to "block harmful content," "record detailed web activity logs," and "control dangerous traffic."[142]

But this equipment can do more. It can shut down entire networks, websites, or services, degrade traffic so people cannot transmit video or photos, and speed up and slow down, redirect, or block traffic to or from certain users and servers. From a remote vantage point, the operator of these "middleboxes" can control traffic flows, or sit back and monitor our data as it transits the network.

In the lead-up to the October 28, 2020 presidential election in Tanzania, the Tanzania Communication Regulatory Authority, acting under the repressive Magufuli government, forced telecom and internet service providers to install internet filtering equipment made by Allot, and then deliberately disrupted Twitter, WhatsApp, and Telegram one day before the election. As of February 2021, Twitter was still blocked in Tanzania.[143]

In the same time frame in 2020, Allot's technology was likely being used simultaneously by the governments of Azerbaijan and Tanzania to unlawfully block internet traffic in their respective countries.[144]

In both Belarus and Tanzania, the evidence shows the sitting governments installed DPI technology before elections that challenged their hold on power, indicating that the ensuing censorship and internet shutdowns were premeditated. Sandvine, Allot, and other suppliers of this kind of censorship technology have a responsibility to heed clear signs their tools will be used to violate human rights, and to walk away from these kinds of sales.

VII. Challenging internet shutdowns on legal grounds: the case of Togo and Indonesia

We saw a number of court victories in the fight against internet shutdowns in 2020. These wins not only set a very important precedent, but are also a testament to the work civil society is doing to show courts and the public that internet shutdowns are a violation of human rights. We are used to governments ignoring appeals from citizens and the international community to #KeepItOn, so it is refreshing to have courts confirm that the fight for an open, secure, reliable, and accessible internet is not in vain, and that those challenging shutdowns are on the right side of history.

One such victory was in Indonesia, where the Jakarta Administrative court ruled that the deliberate 2019 internet shutdowns in Papua and West Papua were unlawful.[145] The case was brought by a coalition of civil society groups working on freedom of expression issues in Southeast Asia, including the Alliance for Independent Journalists (AJI) and Southeast Asia Freedom of Expression Network (SAFEnet). In their lawsuit against the Indonesian Ministry of Communication and Information and the president of Indonesia, the civil society claimants argued that the network disruptions violated the

142 Allot. *URL Traffic Filtering*. Retrieved Feb 10, 2021, from https://www.allot.com/service-providers/url-traffic-filtering/.

143 *See supra* note 80.

144 *See supra* note 140. *See also* Tackett, Carolyn et. al. (2020, October 15). *As conflict escalates, Azerbaijan's internet shutdown puts lives further at risk*. Retrieved Feb 9, 2021 from https://www.accessnow.org/azerbaijan-armenia-internet-shutdown/; and Geybulla, Arzu (2019). *Surveillance and Internet Disruption in Baku*. Coda Story. Retrieved Feb 9, 2021 from https://www.codastory.com/authoritarian-tech/surveillance-and-internet-disruption-in-baku/.

145 Access Now (2020, June 3). *Court rules the internet shutdowns in Papua and West Papua were illegal*. Retrieved Jan 22, 2021, from https://www.accessnow.org/court-rules-the-internet-shutdowns-in-papua-and-west-papua-are-illegal/.

fundamental rights of Indonesians. In particular, as a result of the internet shutdowns, journalists reporting from the regions of Papua and West Papua could not undertake their daily work to fulfill the right to provide timely and accurate information to the public. Access Now intervened with an amicus brief, arguing that internet shutdowns violated the right to free expression and access to information, freedom of assembly, as well as impacting economic and cultural rights, which are firmly rooted in Indonesia's Constitution and international human rights law.[146] The court ruled that internet shutdowns were a violation of the law by government officials.[147]

Another victory against internet shutdowns came from the Economic Community of West African States (ECOWAS) Community Court of Justice, which ruled that the September 2017 internet shutdown ordered by the Togolese government during protests were illegal and an affront to the applicants' right to freedom of expression.[148] The lawsuit was filed by Amnesty International Togo and other applicants, represented by Amnesty and Media Defence.[149] Access Now led a coalition of eight organizations to intervene, arguing that the shutdown was inconsistent with regional and international frameworks and violated the fundamental human rights of the Togolese people. While the government argued that it implemented the shutdowns on national security grounds, the court decision clearly stated that the justifications were inadequate and that the shutdowns violated the applicants' right to freedom of expression under the African Charter on Human and People's Rights.[150]

With the growth of the Digital Rights Litigators Network, Access Now and our partners commit to bringing more lawsuits against governments and companies to achieve transparency and accountability for internet shutdowns. In 2021, we plan to develop resources that will help our #KeepItOn coalition members and the broader digital rights community successfully challenge internet shutdowns in their respective jurisdictions and allow digital rights litigators to share experiences and lessons learned in Togo, Indonesia, India, and beyond. We invite jurists in institutions like law schools, bar associations, pro bono initiatives, and judges' organizations to collaborate with our network, and encourage them to fight shutdowns from their own perches.

Challenges and opportunities

1. #KeepItOn challenges and opportunities

The #KeepItOn coalition continues to face challenges in galvanizing efforts to strengthen policy and advocacy against internet shutdowns and highlight their impact on human rights globally. Given the dynamic and unpredictable nature of internet shutdowns as an issue, the coalition has over the years identified the need to employ a holistic and coordinated response, entailing gaining an understanding of the digital rights and political ecosystem, having the technical expertise for monitoring and running measurement tests, the ability to make a determination of how a shutdown has been implemented, and much more. The coalition continues to explore ways to ensure that

146 Krapiva, Natalia et. al. (2020, May 13). *Indonesians seek justice after internet shutdown.* Retrieved Jan 22, 2021, from https://www.accessnow.org/indonesians-seek-justice-after-internet-shutdown/.

147 The Jakarta Post (2020, June 3). *Jokowi 'violates the law' for banning internet in Papua, court declares.* Retrieved Jan 22, 2021, from https://www.thejakartapost.com/news/2020/06/03/jokowi-violates-the-law-for-banning-internet-in-papua-court-declares.html.

148 Anthonio, Felicia et. al. (2020, June 25). *ECOWAS Court upholds digital rights, rules 2017 internet shutdowns in Togo illegal.* Retrieved Jan 22, 2021, from https://www.accessnow.org/internet-shutdowns-in-togo-illegal/.

149 Media Defence (2020, Jun 25). *Landmark Judgment: ECOWAS Court Finds Togo Violated FoE with Internet Shutdown.* Retrieved Jan 22, 2021, from https://www.mediadefence.org/news/landmark-judgment-ecowas-court-finds-togo-violated-foe-with-internet-shutdown.

150 Kapriva, Natalia (2020, July 14). *ECOWAS Togo court decision: Internet access is a right that requires protection of the law.* Retrieved Jan 22, 2021, from https://www.accessnow.org/ecowas-togo-court-decision/.

the right partners get the necessary resources at the right time to carry out these tasks. We struggle to ensure that those offering measurement tools at minimum follow the principles of do no harm and continue to empower and put those affected by shutdowns at the center of focus. Moreover, we continue to see governments further narrow or close civic spaces in contexts where shutdowns are most prevalent, making it harder for grassroots advocacy movements to take hold or grow.

For these reasons, we are seeing the number and capacity of civil society organizations operating in such countries, and the number of people who have the skills needed for a holistic response, dwindle. However, the coalition does provide the opportunity to highlight these risks and threats to internet freedom at a global level, and this may help reduce the risks partner organizations in these countries are likely to face.

Coordinating these moving parts is a big task, but Access Now Grants, our grassroots grants program, is providing support to groups for capacity-building initiatives focused on internet shutdowns, and we believe this support can help to mitigate and improve the situation.[151]

Despite the challenges human rights advocates faced this year in fighting shutdowns, there are also new opportunities to push back against these acts of repression. Civil society groups and stakeholders across the globe share a common goal and passionate commitment to end internet shutdowns worldwide. We are seeing increased interest among governments, development partners, academia, regional and international blocs, the private sector, telecommunications and tech companies, and the general public in stopping shutdowns. While 2020 was a difficult year due to the COVID-19 pandemic, it also brought new recognition and emphasis on the internet as a means of ensuring continuity in work, education, and other critically important aspects of people's lives. It is therefore heartwarming to see that civil society has remained resilient and now has more support in our efforts to keep governments accountable through the #KeepItOn campaign.

2. Lessons learnt

As the coalition becomes increasingly strategic and innovative in fighting internet shutdowns, using diverse approaches, governments are also proactively preparing to impose shutdowns, learning from one another, and investing millions in the resources and infrastructure to control the online space. We don't have millions. However, we do have more than 240 civil society organizations globally that are dedicated to stopping shutdowns for good.

The #KeepItOn coalition now represents more than 100 countries, and we are continuing to explore opportunities for growth while building on lessons learnt. Shutdowns continue to be arbitrary and in many cases unpredictable, so we have identified strategic collaboration with grassroot groups as continuing to be a high priority. This campaign needs to become progressively more proactive rather than reactive. For instance, elections have shown to be a trigger point for internet shutdowns. Our elections calendar helps us map the countries where governments are likely to cut internet access or otherwise interfere with online communications during an election. In 2020, we have worked together to preemptively warn people against election-related shutdowns, provide them with the appropriate circumvention tips and tools in advance, and then actively monitor internet traffic before, during, and after the elections. In 2021, we will take this fight to the next level, doubling down on the effort to ensure everyone has access to an open, accessible, secure, and reliable internet that is necessary for democratic elections around the world. We will invest more in helping election observers around the world identify the different forms of internet shutdowns that can undermine the integrity of an election.

151 Access Now (nd). Access Now Grants. Retrieved Feb 9, 2021, from https://www.accessnow.org/grants/.

Even though Access Now coordinates the #KeepItOn coalition, the model for our coalition's work is decentralized — and that is a strength. We work very closely with organizations and individuals who have first-hand experience of internet shutdowns and we strive to define our campaign by these lived experiences. In providing guidance and resources to the coalition partners, Access Now aims to foster its development with the explicit aim of being inclusive and raising up the true diversity of experiences. This kind of collaboration and inclusiveness is crucial to the coalition's effort to stop shutdowns wherever they are ordered, and we pledge to keep improving that collaboration.

We also see an urgent need for stakeholders and groups that provide humanitarian support to at-risk communities, particularly international civil society organizations, to support the fight against internet shutdowns and highlight the impact shutdowns have on vulnerable populations. Moving forward, Access Now and the #KeepItOn coalition will go further to understand and document how people who are already targeted for discrimination and exclusion, particularly women, LGBTQ+ groups, ethnic and religious minorities, and others left at the margins of society, are disproportionately affected by internet shutdowns. We hope you will join us in this just fight.

CONTACT

For questions and more information, please visit
https://www.accessnow.org/keepiton/

Or reach out to
Felicia Anthonio at **felicia@accessnow.org**

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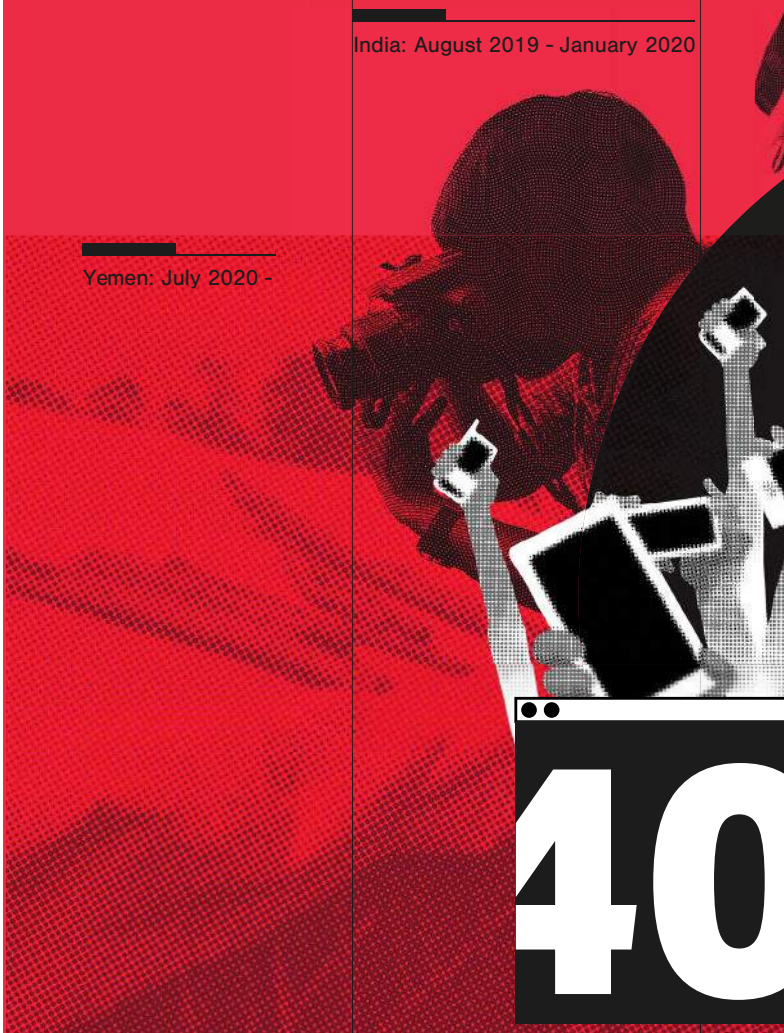
Bangladesh: September 2029 - August 2020

Belarus: August - December 2

Myanmar: June 2019 - Ongoing

India: August 2019 - January 2020

Yemen: July 2020 -



SHATTERED DREAMS AND LOST OPPORTUNITIES

A year in the fight to #KeepItOn

#KeepItOn

//TRUE COPY//

Annexure P-5

internetshutdowns.in

Bookmarks | CryptDrive | (9) Inbox | castles... | Gmail | Netflix | DuckDuckGo — Pr... | Privacy Policies | User Agreement |... | FRT | Turkey | Viewability

sflc.in INTERNET SHUTDOWNS

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India's Shutdown Numbers

2023	2022	2021	2020
35	77	101	132

2019	2018	2017	2016
109	135	79	31

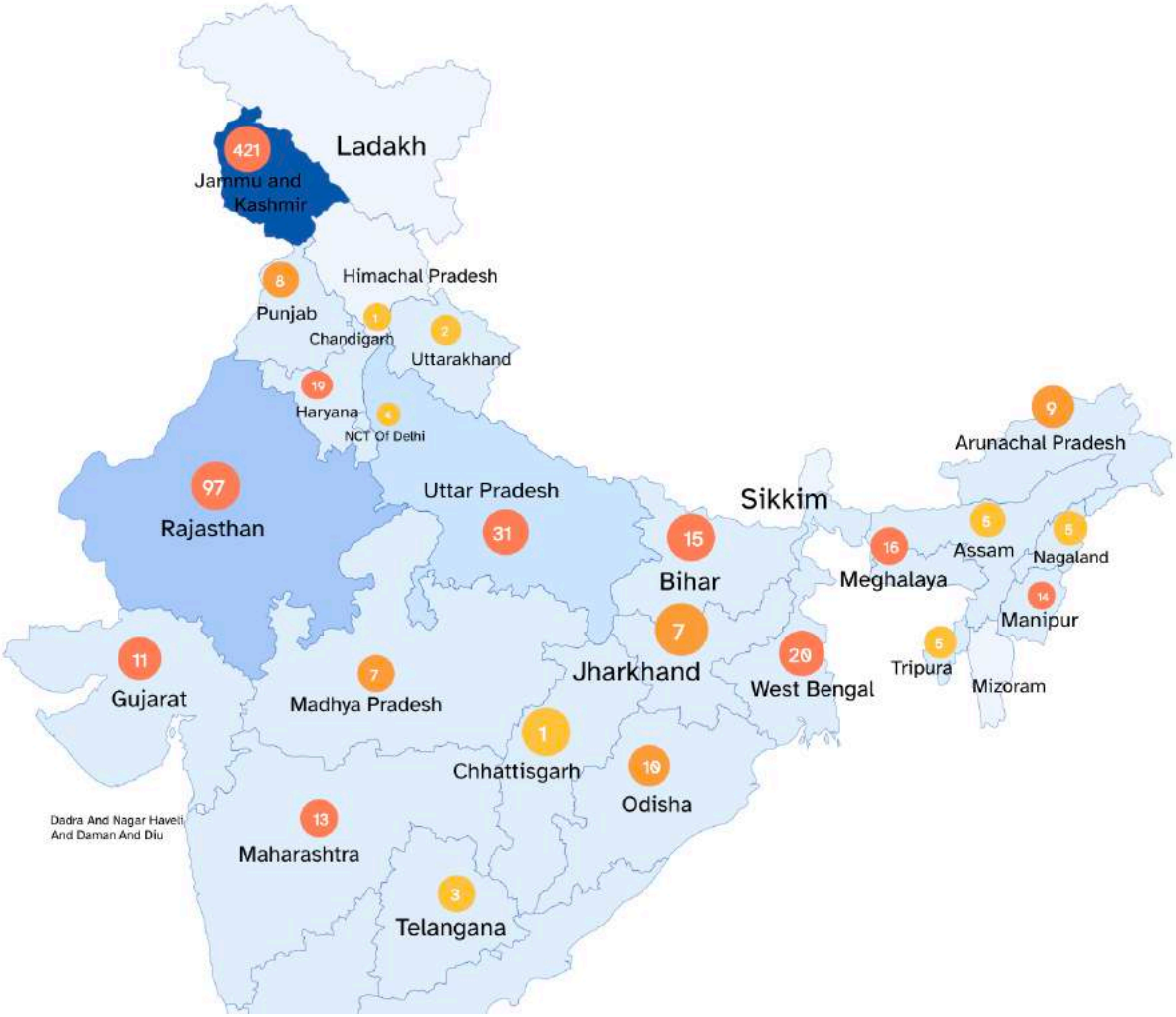
2015	2014	2013	2012
14	6	5	3

Total Shutdowns	727
Most Shutdowns	Jammu and Kashmir, 421

S.No	State	Total ShutDowns
1	Jammu and Kashmir	421
2	Rajasthan	97
3	Uttar Pradesh	31
4	West Bengal	20

India

727



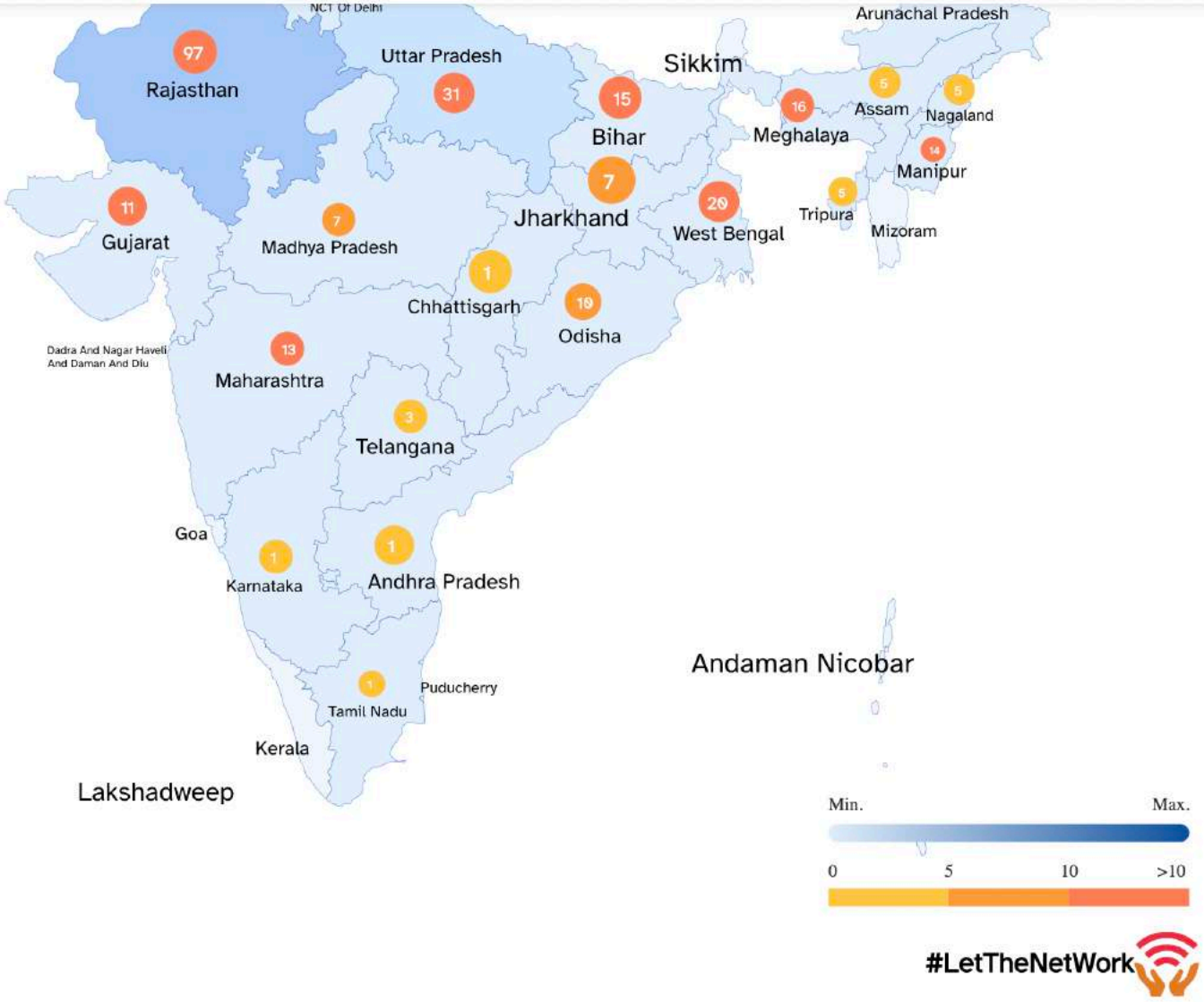
2015 2014 2013 2012

Total Shutdowns	727
Most Shutdowns	Jammu and Kashmir, 421

S.No	State	Total ShutDowns
1	Jammu and Kashmir	421
2	Rajasthan	97
3	Uttar Pradesh	31
4	West Bengal	20
5	Haryana	19
6	Meghalaya	16
7	Bihar	15
8	Manipur	14
9	Maharashtra	13
10	Gujarat	11

Pull down to see detailed information

Recent Shutdowns



GOVERNMENT OF MANIPUR
SECRETARIAT : HOME DEPARTMENT

Annexure P-6

O R D E R S

Imphal, the 4th May, 2023

No.H-3607/4/2022-HD-HD : In continuation of State Home Department's order of even number dated 03-05-2023 regarding temporary suspension of mobile data services in the territorial jurisdiction of Manipur State for a period of 5(five) days, it is hereby ordered that due to prevailing law and order situation in the State and in exercise of the powers conferred under Rule 2 of Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, having satisfied that the above situation is likely to cause serious disturbances to the entire peaceful co-existence of the communities and maintenance of public order, do hereby order to bar **internet/data services including broadband viz. Reliance Jio Fiber, Airtel Xtreme Black, BSNL FTTH etc.** in the territorial jurisdiction of the State of Manipur. All Mobile Service providers are hereby directed to ensure compliance of this order immediately.

2. This order is issued to prevent any disturbances of peace and public order in the jurisdiction of the State of Manipur for a period of **next 5(five) days with immediate effect** from the time this suspension order becomes operational.

3. The order is being passed ex-parte in view of the emergent situation. It shall be published for the information of public through press and electronic media.

4. Any person found guilty for violation of aforesaid orders will be liable for legal action.

By orders & in the name
of the Governor,

(H. Gyan Prakash)
Commissioner (Home),
Government of Manipur

Commissioner (Home)
Government of Manipur

Memo No. H-3607/4/2022-HD-HD Imphal, the 4th May, 2023

Copy to:-

1. Chairman, State Review Committee.
2. Director General of Police, Manipur.
   -With request for communicating to the DDG, DoT and Nodal Officer of Mobile Service provider in the State of Manipur by an Officer not below the rank of Superintendent of Police as laid down in Rule 3 of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.
3. DDG, DoT, Manipur, LSA
4. Secretary (IT), Government of Manipur.
5. Director (IT), Manipur.
6. Director, IPR, Manipur.
   - with request for publication in the electronic and print media.

To following to ensure immediate compliance :

1. The Nodal Officer of Mobile Service Provider-
   Airtel NE Shillong/ Vodafone Idea NE Shillong/ JIO NE Shillong/
   BSNL/Cellone NE Imphal/ WLL/CDMA (BSNL), Imphal
   (Through DGP, Manipur.)

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Annexure P-7

MOST IMMEDIATE

69

GOVERNMENT OF MANIPUR
SECRETARIAT : HOME DEPARTMENT

O R D E R S

Imphal, the 7th May, 2023

No.H-3607/4/2022-HD-HD : Whereas, Director General of Police, Manipur vide letter No.IC/11(163)/2008-PHQ(Pt) dated 07-05-2023 reported that there are still reports of incidents like fighting amongst volunteers/youths of major communities residing in the State with report of arson of houses and premises, which started after the rally organised by the All Tribal Student's Union Manipur (ATSUM) on 03-05-2023 in protest against the demand for inclusion of Meitei/Meetei in Scheduled Tribe (ST) category.

2. And whereas, there is apprehension that some **anti-social elements** might use social media extensively for transmission of images, hate speech and hate video messages inciting the passions of the public which might have **serious repercussions for the law and order** situation in the State of Manipur.

3. And whereas, there is an imminent danger of loss of life and /or damage to public/private property, and wide spread disturbances to public tranquillity and communal harmony, as a result of inflammatory material and false rumours, which might be transmitted/circulated to the public through social media/ messaging services on mobile services, SMS services and dongle services.

4. And whereas, to thwart the design and activities of anti-national and anti-social elements and to maintain peace and communal harmony and to prevent any loss of life or danger to public/private property, it has become necessary to take adequate measures to maintain law and order in public interest, by stopping the spread of disinformation and false rumours, **through various social media platform such as Whatsapp, Facebook, Instagram, Twitter etc. on mobile phone** and SMS, for facilitating and/or mobilization of mobs of agitators and demonstrators, which can cause loss of life and/or damage to public/private property by indulging in arson/vandalism and other types of violent activities.

5. Now, therefore, in continuation to this office order **No.H-3607/4/2022-HD-HD dated 03-05-2023**; **No.H-3607/4/2022-HD-HD dated 04-05-2023** and **No.H-3607/4/2022-HD-HD (A) dated 04-05-2023**, and in exercise of the powers conferred under Rule 2 of Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, having satisfied that the above situation is likely to cause serious disturbances to the peaceful co-existence and maintenance of public order, do hereby order further suspension/curbing of **mobile data services, internet/data services including broadband viz. Reliance Jio Fiber, Airtel Xtreme Black, BSNL FTTH etc. and internet/data services through VSATs of Bharatnet Phase-II** in the territorial jurisdiction of the State of Manipur. All Mobile Service providers are hereby directed to ensure compliance of this order.

6. This order is issued to prevent any disturbances of peace and public order in the jurisdiction of the State of Manipur and shall be in force for another **5(five) days with immediate effect** from the time this suspension order becomes operational.

7. The order is being passed ex-parte in view of the emergent situation. It shall be published for the information of public through press and electronic media.

8. Any person found guilty for violation of aforesaid orders will be liable for legal action.

By orders & in the name
of the Governor,

(H. Gyan Prakash)
Commissioner (Home),
Government of Manipur

Commissioner (Home)
Government of Manipur

//TRUE COPY//

Annexure P-8

MOST IMMEDIATE

GOVERNMENT OF MANIPUR
SECRETARIAT : HOME DEPARTMENT

O R D E R S

Imphal, the 11th May, 2023

No.H-3607/4/2022-HD-HD : Whereas, Director General of Police, Manipur vide letter No.IC/11(163)/2008-PHQ(Pt) dated 11-05-2023 reported that there are still reports of incidents like fighting amongst volunteers/youths of major communities residing in the State with report of arson of houses and premises.

2. And whereas, there is apprehension that some **anti-social elements** might use social media extensively for transmission of images, hate speech and hate video messages inciting the passions of the public which might have **serious repercussions for the law and order** situation in the State of Manipur.

3. And whereas, there is an imminent danger of loss of life and /or damage to public/private property, and wide spread disturbances to public tranquillity and communal harmony, as a result of inflammatory material and false rumours, which might be transmitted/circulated to the public through social media/ messaging services on mobile services, SMS services and dongle services.

4. And whereas, to thwart the design and activities of anti-national and anti-social elements and to maintain peace and communal harmony and to prevent any loss of life or danger to public/private property, it has become necessary to take adequate measures to maintain law and order in public interest, by stopping the spread of disinformation and false rumours, **through various social media platform such as Whatsapp, Facebook, Instagram, Twitter etc. on mobile phone** and SMS, for facilitating and/or mobilization of mobs of agitators and demonstrators, which can cause loss of life and/or damage to public/private property by indulging in arson/vandalism and other types of violent activities.

5. Now, therefore, in continuation to this office order of even **No.H-3607/4/2022-HD-HD dated 07-05-2023**, and in exercise of the powers conferred under Rule 2 of Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, having satisfied that the above situation is likely to cause serious disturbances to the peaceful co-existence and maintenance of public order, do hereby order further suspension/curbing of **mobile data services, internet/data services including broadband viz. Reliance Jio Fiber, Airtel Xtreme Black, BSNL FTTH etc. and internet/data services through VSATs of Bharatnet Phase-II** in the territorial jurisdiction of the State of Manipur. All Mobile Service providers are hereby directed to ensure compliance of this order.

6. This order is issued to prevent any disturbances of peace and public order in the jurisdiction of the State of Manipur and shall be in force for another **5(five) days with immediate effect** from the time this suspension order becomes operational.

7. The order is being passed ex-parte in view of the emergent situation. It shall be published for the information of public through press and electronic media.

8. Any person found guilty for violation of aforesaid orders will be liable for legal action.

By orders & in the name
of the Governor,

(H. Gyan Prakash)
Commissioner (Home),
Government of Manipur

Commissioner (Home)
Government of Manipur

Memo No. H-3607/4/2022-HD-HD Imphal, the 11th May, 2023

Copy to:-

1. Chairman, State Review Committee.
2. Director General of Police, Manipur.
   -With request for communicating to the DDG, DoT and Nodal Officer of Mobile Service provider in the State of Manipur by an Officer not below the rank of Superintendent of Police as laid down in Rule 3 of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.
3. Mr. Vishwa Mohan, DDG/ ADG Term Cell, Department of Telecommunication.- *with request that Internet Service Providers (ISPs) providing internet through lease line connection shall be barred immediately except for customers who are Government agencies and banking and related units supporting banking services*
4. DDG, DoT, Manipur, LSA- *with request that Internet Service Providers (ISPs) providing internet through lease line connection shall be barred immediately except for customers who are Government agencies and banking and related units supporting banking services.*
5. Secretary (IT), Government of Manipur.
6. Director (IT), Manipur.
7. Director, IPR, Manipur.
   - with request for publication in the electronic and print media.

To following to ensure immediate compliance :

1. The Nodal Officer of Mobile Service Provider-
   Airtel NE Shillong/ Vodafone Idea NE Shillong/ JIO NE Shillong/ BSNL/Cellone NE Imphal/ WLL/CDMA (BSNL), Imphal
   (Through DGP, Manipur.)
2. All Internet Service providers in Manipur.

Commissioner (Home)
Government of Manipur

//TRUE COPY//

Annexure P-9

MOST IMMEDIATE

GOVERNMENT OF MANIPUR
SECRETARIAT : HOME DEPARTMENT

O R D E R S

Imphal, the 16th May, 2023

No.H-3607/4/2022-HD-HD : Whereas, Director General of Police, Manipur vide letter No.IC/11(163)/2008-PHQ(Pt) dated 15-05-2023 reported that there are still reports of incidents like fighting amongst volunteers/youths of major communities residing in the State with report of arson of houses and premises.

2. And whereas, there is continued apprehension that some **anti-social elements** might use social media extensively for transmission of images, hate speech and hate video messages inciting the passions of the public which might have **serious repercussions for the law and order** situation in the State of Manipur.

3. And whereas, the imminent danger of loss of life and /or damage to public/private property, and wide spread disturbances to public tranquility and communal harmony still exists, as a result of inflammatory material and false rumours, which might be transmitted/circulated to the public through social media/ messaging services on mobile services, SMS services and dongle services.

4. And whereas, to thwart the design and activities of anti-national and anti-social elements and to maintain peace and communal harmony and to prevent any loss of life or danger to public/private property, it is still necessary to take adequate measures to maintain law and order in public interest, by stopping the spread of disinformation and false rumours, **through various social media platform such as Whatsapp, Facebook, Instagram, Twitter etc. on mobile phone** and SMS, for facilitating and/or mobilization of mobs of agitators and demonstrators, which can cause loss of life and/or damage to public/private property by indulging in arson/vandalism and other types of violent activities.

5. Now, therefore, in continuation to this office order of even **No.H-3607/4/2022-HD-HD dated 11-05-2023**, and in exercise of the powers conferred under Rule 2 of Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, having satisfied that the above situation is likely to cause serious disturbances to the peaceful co-existence and maintenance of public order, do hereby order further suspension/curbing of **mobile data services, internet/data services including broadband viz. Reliance Jio Fiber, Airtel Xtreme Black, BSNL FTTH etc. and internet/data services through VSATs of Bharatnet Phase-II** in the territorial jurisdiction of the State of Manipur. All Service providers are hereby directed to ensure compliance of this order.

6. This order is issued to prevent any disturbances of peace and public order in the jurisdiction of the State of Manipur and shall be in force for another **5(five) days with immediate effect** from the time this suspension order becomes operational.

7. The order is being passed ex-parte in view of the emergent situation. It shall be published for the information of public through press and electronic media.

8. Any person found guilty for violation of aforesaid orders will be liable for legal action.

By orders & in the name
of the Governor,

(H. Gyan Prakash)
Commissioner (Home),
Government of Manipur

Commissioner (Home)
Government of Manipur

Annexure P-10

MOST IMMEDIATE

73

GOVERNMENT OF MANIPUR
SECRETARIAT : HOME DEPARTMENT

O R D E R S

Imphal, the 21st May, 2023

No.H-3607/4/2022-HD-HD : Whereas, Director General of Police, Manipur vide letter No.IC/11(163)/2008-PHQ(Pt) dated 21-05-2023 reported that there are still reports of incidents like arson of houses and premises;

2. And whereas, there is apprehension that some **anti-social elements** might use social media extensively for transmission of images, hate speech and hate video messages inciting the passions of the public which might have **serious repercussions for the law and order** situation in the State of Manipur;

3. And whereas, there is an imminent danger of loss of life and /or damage to public/private property, and wide spread disturbances to public tranquility and communal harmony, as a result of inflammatory material and false rumours, which might be transmitted/circulated to the public through social media/ messaging services on mobile services, SMS services and dongle services;

4. And whereas, to thwart the design and activities of anti-national and anti-social elements and to maintain peace and communal harmony and to prevent any loss of life or danger to public/private property, it has become necessary to take adequate measures to maintain law and order in public interest, by stopping the spread of disinformation and false rumours, **through various social media platform such as Whatsapp, Facebook, Instagram, Twitter etc. on various electronic equipments like tablet, computer, mobile phone etc.** and sending bulk SMS, for facilitating and/or mobilization of mobs of agitators and demonstrators, which can cause loss of life and/or damage to public/private property by indulging in arson/vandalism and other types of violent activities;

5. Now, therefore, in exercise of the powers conferred under Rule 2 of Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, having satisfied that the above situation is likely to cause serious disturbances to the peaceful co-existence and maintenance of public order, do hereby order further suspension/curbing of **mobile data services, internet/data services including broadband viz. Reliance Jio Fiber, Airtel Xtreme Black, BSNL FTTH etc. and internet/data services through VSATs of Bharatnet Phase-II** in the territorial jurisdiction of the State of Manipur. All Service providers are hereby directed to ensure compliance of this order.

6. This order is being issued to prevent any disturbances of peace and public order in the jurisdiction of the State of Manipur and shall be in force for another **5(five) days with immediate effect** from the time this suspension order becomes operational **till 3:00 P.M. of 26-05-2023**.

7. The order is being passed ex-parte in view of the emergent situation. It shall be published for the information of public through press and electronic media.

8. Any person found guilty for violation of aforesaid orders will be liable for legal action.

By orders & in the name
of the Governor,

(H. Gyan Prakash)
Commissioner (Home),
Government of Manipur

Commissioner (Home)
Government of Manipur

Memo No. H-3607/4/2022-HD-HD Imphal, the 21st May, 2023

Copy to:-

1. Chairman, State Review Committee.
2. Director General of Police, Manipur.
   -With request for communicating to the DDG, DoT, DDG/ADG Term Cell and Nodal Officer of Mobile Service provider in the State of Manipur by an Officer not below the rank of Superintendent of Police as laid down in Rule 3 of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.
3. Mr. Vishwa Mohan, DDG/ ADG Term Cell, Department of Telecommunication. - *with request that Internet Service Providers (ISPs) providing internet through lease line connection shall be barred immediately except who have been specifically exempted by the Government and banking and related units supporting banking services.*
4. Secretary (IT), Government of Manipur.
5. Director (IT), Manipur.
6. Director, IPR, Manipur.
   - *with request for publication in the electronic and print media.*

To following to ensure immediate compliance :

1. The Nodal Officer of Mobile Service Provider-
   Airtel NE Shillong/ Vodafone Idea NE Shillong/ JIO NE Shillong/
   BSNL/Cellone NE Imphal/ WLL/CDMA (BSNL), Imphal
   (Through DGP, Manipur.)

2. All Internet Service providers in Manipur.

Commissioner (Home)
Government of Manipur

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Annexure P-11

MOST IMMEDIATE

75

GOVERNMENT OF MANIPUR
SECRETARIAT : HOME DEPARTMENT

ORDERS

Imphal, the 26th May, 2023

No.H-3607/4/2022-HD-HD : Whereas, Director General of Police, Manipur vide letter No.IC/11(163)/2008-PHQ(Pt) dated 26-05-2023 reported that there are still reports of incidents like arson of houses and premises;

2. And whereas, there is apprehension that some **anti-social elements** might use social media extensively for transmission of images, hate speech and hate video messages inciting the passions of the public which might have **serious repercussions for the law and order** situation in the State of Manipur;

3. And whereas, there is an imminent danger of loss of life and /or damage to public/private property, and wide spread disturbances to public tranquillity and communal harmony, as a result of inflammatory material and false rumours, which might be transmitted/circulated to the public through social media/ messaging services on mobile services, SMS services and dongle services;

4. And whereas, to thwart the design and activities of anti-national and anti-social elements and to maintain peace and communal harmony and to prevent any loss of life or danger to public/private property, it has become necessary to take adequate measures to maintain law and order in public interest, by stopping the spread of disinformation and false rumours, **through various social media platform such as Whatsapp, Facebook, Instagram, Twitter etc. on various electronic equipments like tablet, computer, mobile phone etc.** and sending bulk SMS, for facilitating and/or mobilization of mobs of agitators and demonstrators, which can cause loss of life and/or damage to public/private property by indulging in arson/vandalism and other types of violent activities;

5. Now, therefore, in continuation to this office order of even **No.H-3607/4/2022-HD-HD dated 21-05-2023**, and in exercise of the powers conferred under Rule 2 of Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, having satisfied that the above situation is likely to cause serious disturbances to the peaceful co-existence and maintenance of public order, do hereby order further suspension/curbing of **mobile data services, internet/data services including broadband viz. Reliance Jio Fiber, Airtel Xtreme Black, BSNL FTTH etc. and internet/data services through VSATs of Bharatnet Phase-II** in the territorial jurisdiction of the State of Manipur. All Mobile Service providers are hereby directed to ensure compliance of this order.

6. This order is issued to prevent any disturbances of peace and public order in the jurisdiction of the State of Manipur and shall be in force for another **5(five) days with immediate effect** from the time this suspension order becomes operational **till 3:00 P.M. of 31-05-2023.**

7. The order is being passed ex-parte in view of the emergent situation. It shall be published for the information of public through press and electronic media.

8. Any person found guilty for violation of aforesaid orders will be liable for legal action.

By orders & in the name
of the Governor,

(H. Gyan Prakash)
Commissioner (Home),
Government of Manipur

Commissioner (Home)
Government of Manipur

Memo No. H-3607/4/2022-HD-HD

Imphal, the 26th May, 2023

Copy to:-

1. Chairman, State Review Committee.
2. Director General of Police, Manipur.
   -With request for communicating to the DDG, DoT , DDG/ADG Term Cell and and Nodal Officer of Mobile Service provider in the State of Manipur by an Officer not below the rank of Superintendent of Police as laid down in Rule 3 of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.
3. Mr, Vishwa Mohan, DDG/ADG Term Cell, Department of Telecommunication.- *with request that Internet Service Providers (ISPs) providing internet through lease line connection shall be barred immediately except who have been specifically exempted by the Government and banking and related units supporting banking services.*
4. Secretary (IT), Government of Manipur.
5. Director (IT), Manipur.
6. Director, IPR, Manipur.
   - with request for publication in the electronic and print media.

To following to ensure immediate compliance :

1. The Nodal Officer of Mobile Service Provider-
   Airtel NE Shillong/ Vodafone Idea NE Shillong/ JIO NE Shillong/ BSNL/Cellone NE Imphal/ WLL/CDMA (BSNL), Imphal
   (Through DGP, Manipur.)

2. All Internet Service providers in Manipur.

Commissioner (Home)
Government of Manipur

//TRUE COPY//

Annexure P-12

MOST IMMEDIATE

GOVERNMENT OF MANIPUR
SECRETARIAT: HOME DEPARTMENT

ORDERS BY THE GOVERNOR: MANIPUR

Imphal, the 12th May, 2023

No. H-3607/4/2022-HD-HD : Whereas, the Commissioner (Home), Government of Manipur issued order No.H-3607/4/2022-HD-HD dated 11-05-2023 in continuation to Home Department's orders No.H-3607/4/2022-HD-HD dated 07-05-2023 for further suspension/ curbing of **mobile data services, internet/data services including broadband viz. Reliance Jio Fiber, Airtel Xtreme Black, BSNL FTTH etc. and internet/data services through VSATs of Bharatnet Phase-II,** in exercise of the powers conferred under Rule 2 of Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, in the territorial jurisdiction of State of Manipur, having satisfied with the report that situation is likely to cause serious disturbances to the peaceful co-existence and maintenance of public order and to prevent any loss of life or danger to public/private properties, for a period of another 5(five) days with effect from the time of suspension orders become operational.

2. Now, therefore in exercise of the powers conferred under Sub-Rule 2(1) of Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, after having satisfied with the reasons for suspension of mobile data/internet services including broadband etc. in the territorial jurisdiction of State of Manipur, hereby confirms the order No. H-3607/4/2022-HD-HD dated 11-05-2023 issued by Commissioner (Home), Government of Manipur.

By orders & in the name
of the Governor

12/5/23

(Dr. Vineet Joshi)
Chief Secretary,
Government of Manipur

Memo No. H-3607/4/2022-HD-HD

Imphal, the 12th May, 2023

Chief Secretary
Government of Manipur

Copy to:-

1. Chairman, State Review Committee.
2. Director General of Police, Manipur.
   -With request for communicating to the DDG/ADG Term Cell, DDG, DoT and Nodal Officers of Mobile Service provider in the State of Manipur by an Officer not below the rank of Superintendent of Police as laid down in Rule 3 of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.
3. DDG/ ADG TERM Cell.
4. DDG, DoT, Manipur, LSA
5. Secretary (IT), Government of Manipur.
6. Director (IT), Manipur.

Copy also to:-

1. The Nodal Officer of Mobile Service Provider-
   -Airtel NE Shillong/ Vodafone Idea NE Shillong/ JIO NE Shillong/ BSNL/Cellone NE Imphal/ WLL/CDMA (BSNL), Imphal (Through DGP, Manipur.)
2. All Internet Service providers in Manipur.

MOST IMMEDIATE

GOVERNMENT OF MANIPUR
SECRETARIAT : HOME DEPARTMENT

ORDERS BY THE GOVERNOR : MANIPUR

Imphal, the 17th May, 2023

No. H-3607/4/2022-HD-HD : Whereas, the Commissioner (Home), Government of Manipur issued order No. H-3607/4/2022-HD-HD dated 16-05-2023 in continuation to Home Department's order No. H-3607/4/2022-HD-HD dated 11-05-2023 for further suspension/curbing of **mobile data services, internet/data services including broadband viz. Reliance Jio, Fiber, Airtel Xtreme Black, BSNL FTTH etc. and internet/data services through VSATs of Bharatnet Phase-II**, in exercise of the powers conferred under Rule 2 of Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, in the territorial jurisdiction of State of Manipur, having satisfied with the report that situation is likely to cause serious disturbances to the peaceful co-existence and maintenance of public order and to prevent any loss of life or danger to public/private properties, for a period of another 5(five) days with effect from the time of suspension orders become operational.

2. Now, therefore in exercise of the powers conferred under Sub-Rule 2(1) of Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, after having satisfied with the reasons for suspension of mobile data/ internet services including broadband etc. in the territorial jurisdiction of State of Manipur, hereby confirms the order No. H-3607/4/2022-HD-HD dated 16-05-2023 issued by Commissioner (Home), Government of Manipur.

By orders & in the name
of the Governor

(Dr. Vineet Joshi)
Chief Secretary,
Government of Manipur

Chief Secretary
Government of Manipur

Memo No. H-3607/4/2022-HD-HD
Imphal, the 17th May, 2023

Copy to:-

1. Chairman, State Review Committee.
2. Director General of Police, Manipur.
   -With request for communicating to the DDG, DoT, DDG/ADG Term Cell and Nodal Officer of Mobile Service provider in the State of Manipur by an Officer not below the rank of Superintendent of Police as laid down in Rule 3 of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.
3. DDG/ ADG Term Cell, Department of Telecommunication.
4. DDG, DoT, Manipur, LSA
5. Secretary (IT), Government of Manipur.
6. Director (IT), Manipur.

Copy also to:-

1. The Nodal Officer of Mobile Service Provider-
   Airtel NE Shillong/ Vodafone Idea NE Shillong/ JIO NE Shillong/
   BSNL/Cellone NE Imphal/ WLL/CDMA (BSNL), Imphal
   (Through DGP, Manipur.)

2. All Internet Service providers in Manipur.

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Annexure P-13

Of Blackouts and Bandhs:
The Strategy and Structure of Disconnected Protest in India

Jan Rydzak
Global Digital Policy Incubator, Stanford University

Working Paper

Abstract

State governments in India have executed approximately half of the world's known network shutdowns – large-scale, deliberate disruptions of Internet connectivity, cell phone service, or social media. India is also a hotbed of collective action with widely varying degrees of organization and coordination, which are partially determined by the identities of the primary participants. However, no independent assessment of the effects of such information vacuums on the strategy and structure of collective action exists, for India or any other state. In this study, I expand on a previously formulated theory of *disconnective action* by examining how structural and strategic characteristics affect collective action responses during a network shutdown in an extreme case via statistical analysis. Shutdowns are found to be much more strongly associated with increases in violent collective action than with non-violent mobilization. However, a breakdown of the structure of individual protest events reveals weak effects for both organized and 'leaderless' collective action during a shutdown. On the other hand, the co-occurrence of state violence with a shutdown is found to encourage non-violent action. The findings imply that information blackouts compel participants in collective action in India to substitute non-violent tactics for violent ones that are less reliant on effective communication and coordination. At the same time, while they may sometimes disrupt structured and non-violent protest, this effect is highly inconsistent. The analysis creates a precedent for other subnational studies of digital repression and adds to the discussion on extreme means of controlling (dis)information flows online.

Introduction

On July 8, 2016, a young Kashmiri militant commander named Burhan Wani was gunned down by Indian Army and police units in the Anantnag district of the Indian state of Jammu and Kashmir. Wani, a 22-year-old man from an educated family, had been one of the leading figures of the Hizbul Mujahideen, a separatist group designated as a terrorist organization by India, the European Union, and the United States. What distinguished Wani from thousands of other fighters was his prolific use of social media as a tool of recruitment and communication with

civilians, particularly Kashmiri youth. The militant's funeral was attended by 200,000 mourners and precipitated years of violent unrest in what is popularly called the *Burhan aftermath*. With news of Wani's death spreading rapidly on social media, riots erupted across the state in the first twelve hours following the incident. In an effort to restore public safety and prevent "rumor-mongering," the state government of Jammu and Kashmir then suspended mobile and landline telephone service across the state. Through parallel bans on newspaper distribution and cable television, the Vale of Kashmir entered a state of complete information blackout. Although Internet and mobile services were intermittently available in the aftermath, the network shutdown only was only lifted completely after 203 days, with dozens of additional flare-ups thereafter (Rao 2016).[1] State authorities invariably claim that these deliberate blackouts, which occur more frequently in India than in any other country in the world, are useful in pacifying or preventing protest. However, empirical evidence is never presented.

This study applies the *theory of disconnective action*, as described in a previous working paper (Rydzak 2019), to the subnational level, narrowing the scope of analysis to the 36 states and union territories of India. Disconnective action refers to the series of changes that take place in the organization, coordination, and outcomes of collective action when access to digital communication is abruptly and deliberately revoked. In disconnective action, the affordances of digital technology, as described in Bennett & Segerberg (2013)'s *logic of connective action*, are truncated or nullified because the communication network itself (or major parts of it) are unavailable. Network shutdowns are the primary instrument of these restrictions, whose ultimate goal is most often to quell public dissent. The theory of disconnective action stipulates that a shift to offline protest will occur in the short run as a result of a network shutdown, as a low-cost (and sometimes low-engagement) alternative to collective action in the streets is extinguished. However, in the long run, sustained shutdowns (or *digital sieges*) will bring about a

[1] A year after Wani's death, his successor, Sabzar Ahmad Bhat, was also killed in a gunfight with the Indian Army. Internet services were shut down almost immediately following the encounter amid reports of youth coordinating stone-pelting mobs via WhatsApp. While the resulting protests were violent and widespread, they did not reach the momentum of the Burhan aftermath, which had left 94 protesters dead in the first several months.

premature decline in protest as the societal costs of collective action escalate and the government remains intransigent. This implies that the temporality of disconnected protest matters.

The first goal of this study is to supplement these findings with a closer examination of *strategy* in disconnective action while maintaining a temporal component in the analysis. This approach, applied subnationally, allows me to engage with new, country-specific information and pursue more detailed, exploratory findings. Newly released data enable us to examine the subnational availability of digital platforms that facilitate collective action. While cross-national data on the daily level are valuable even without examining subnational administrative units, this approach carries a considerable risk of ecological bias, i.e., the application of macro-level conclusions to the micro level (Rokkan et al. 1970, Snyder 2001). India is unique in the scale, number, and diversity of both protest and network shutdowns, and connectivity levels vary widely. Several social movements in India have generated or inspired nationwide demonstrations; however, most are circumscribed in space, and blackouts are invariably executed on a district or state level. Hence, in this case, the assumption that the phenomena under investigation (collective action and network shutdowns) are occurring in the same physical space would probably be erroneous. Resolving this weakness is only achievable through a closer look at state- or district-level dynamics.

Second, I take advantage of newly available data as well as the idiosyncratic nature and composition of collective action in India to pose the following question: does *structure* matter in disconnected protest? Highly structured unrest benefits from the affordances of digital technology, which offers platforms for organization and coordination. On the other hand, the momentum of rumors and false information traveling in social media may provoke spontaneous, unstructured outrage (Tucker et al. 2018, Snow & Moss 2014). Breaking down the type and participants of collective action events can help to address structural questions about both collective and disconnective action, enabling us to better distinguish between those two scenarios. Finally, this article provides a brief discussion of an alternate, institutional explanation that speaks to aspects of the Indian case which are difficult to quantify. The study thus creates a foundation for future case studies on new forms of repression and resistance.

Why is India worth a closer subnational examination? The common notion that burgeoning and stable democracies with strong growth in Internet connectivity interfere less with technology's affordances is cast into doubt in India, which executed 134 networks shutdowns in 2018 alone and more than 100 in 2016-17 (Rydzak 2018). At the same time, the government's national digitization campaign has enabled rapid advances in the penetration of digital information channels, embodying the contradiction of facilitating information flows while attempting to control them. Largely absent from existing work is any consideration of protest strategy as it relates to communication technology. A rich body of work in the social movements literature and an emerging strand in research on the repression-dissent nexus discuss the distinct dynamics of violent and non-violent collective action (Chenoweth & Stephan 2011, Carey 2010, Lichbach 1987, Moore 2000, Sullivan 2016, Braithwaite et al. 2015). Conversely, neither technology nor its absence have been empirically linked to either violence or non-violence, and findings on the mixed use of technology and protest strategies on the ground are sometimes at odds with one another (Bohdanova 2014, Metzger & Tucker 2017). How do strategies of protest change amid an information and communication vacuum? The abundance of non-violent demonstrations and violent riots in India as well as the diversity of government responses thereto reinforce the choice of India as a focus for a quantitative subnational study of strategy in disconnective action.

It is also important to account for the uneven spatial distribution of network shutdowns and collective action. A cursory look at the trajectory of shutdowns in India shows that the northern border states have acted as 'innovators' and shutdown contagion has advanced south with time. In India, shutdowns are not concentrated in a single state and are never executed on the national level. This variance allows us to draw broader conclusions on the spread of shutdowns rather than attempting to explain a highly localized phenomenon, of which shutdowns are an example in many other countries. Previous research has also shown that collective action among the majority of India's population is largely associational (through alliances with political parties and NGOs) and primarily targets state governments, though the intensity of grievance and incidence of protest vary (Ren 2017). Thus, shutdowns in India are localized responses to largely localized grievances. The frequency and geographic precision of shutdowns and the fast expansion of

Internet access further commend India as a suitable case with which to explore localized dynamics that cannot be pinpointed cross-nationally.

Similarly, few conclusions can be drawn from national-level studies about the decision process or institutional characteristics of government actors addressing localized expressions of dissent, whether via shutdowns or violent crackdowns. India's democracy prominently relies on allocating authority to state (subnational) actors. Since responses to local protest tend to be spatially targeted and rarely orchestrated as a countrywide, centrally coordinated campaign, the ultimate responsibility for implementing them belongs to state- and district-level actors whose authority is rarely overridden by central actors. This strengthens the credibility of any relationships that are uncovered. India therefore offers a strong starting point for probing dynamics that could not be captured at the cross-national level.

Patterns of Digital Expansion and Information Control in India

Technology and politics are increasingly intertwined in India. The Bharatiya Janata Party (BJP), a Hindu nationalist party with a near-absolute majority in India's lower house as of 2018, has consistently supported efforts to expand digital literacy through urban and rural connectivity programs, including a countrywide initiative to provide high-speed Internet to rural areas through the Digital India program. It has also linked digitization to otherwise unrelated policies such as the demonetization scheme of 2016, which abruptly removed most of the country's currency from circulation and produced a surge in the use of digital payments (Gupta & Auersald 2017). The controversial Aadhar program is advancing in its goal of creating digital identity documents for every citizen of India, including biometric information and bank account data. This has generated heated debates on privacy and potential theft of personal data. BJP's endorsement and adoption of digital tools for political purposes have extended into the party's own campaigns, ensuring high visibility for BJP on social media through a combination of active engagement and the employment of ostensibly independent users as political agents (Bradshaw & Howard 2017, Narayan & Narayanan 2016).

But India's accelerated entry into the ranks of connected countries has been accompanied by widespread misinformation and disinformation whose spread is enabled by the increased availability of connected mobile devices and digital communication tools. The dissemination of such content has been circumstantially linked to escalations of communal tension[2], protests, and riots. WhatsApp and Facebook, the dominant social media platforms in India, are also the primary digital conduits of false information (Kaur et al. 2018).[3] Users of these services have both created new rumors and magnified the reach of existing ones. Allegations shared widely on WhatsApp contributed to the lynching of several individuals falsely suspected of kidnapping in the state of Jharkhand in 2017, while rumors of cattle slaughter disseminated through similar channels emboldened a mob of 'cow vigilantes' to murder a Muslim villager in Uttar Pradesh two years earlier (Abraham 2017). In West Bengal, decades of communal peace between Hindus and Muslims were broken by violent riots sparked by a student's sharing of a cartoon of Muhammad, the news of which spread from village to village (Daniyal 2017). At least 23 deadly violent incidents and at least as many that did not prove fatal were linked to WhatsApp between mid-2017 and November 2018 (Nazmi et al. 2018). In brief, the expansion of access to digital communication has both widened the space for free expression and accelerated the proliferation of false information in India, mirroring trends in other countries. However, the ways in which variation in the availability of new communication technologies has affected displays of public anger remain understudied.

India's drive toward a digital economy is paired with an incongruous approach to information control. Network shutdowns are the most overt strategy of controlling information flows to be sanctioned by government actors on all levels. Widespread institutional support makes India the most shutdown-prone sovereign state in the world by several orders of magnitude. Between 2016 and 2017, regional executive governments and judiciary entities ordered approximately one hundred blackouts and disruptions of specific communication

[2] In the Indian context, the term *communal* is usually typically used to describe Hindu-Muslim relations (Dhattiwala & Biggs 2012).

[3] India is WhatsApp's largest market, its 200 million users constituting a fifth of the total number of users in the world as of 2017.

networks – more than all other countries combined (Mawii et al. 2018, SFLC 2018, Rydzak 2018). Recent estimates have placed the total duration of shutdowns in India between 2012 and 2017 at 16,315 hours (680 days), generating an economic loss of approximately $3.04 billion (Kathuria et al. 2018). The resulting expansion of economic grievances may become a catalyst for more collective action even in the absence of digital networks. While the absolute number and cumulative duration of shutdowns are growing in India, it appears that their average duration is decreasing, indicating a more targeted but consistent approach that may stem from awareness of the extent of the economic damage they create.

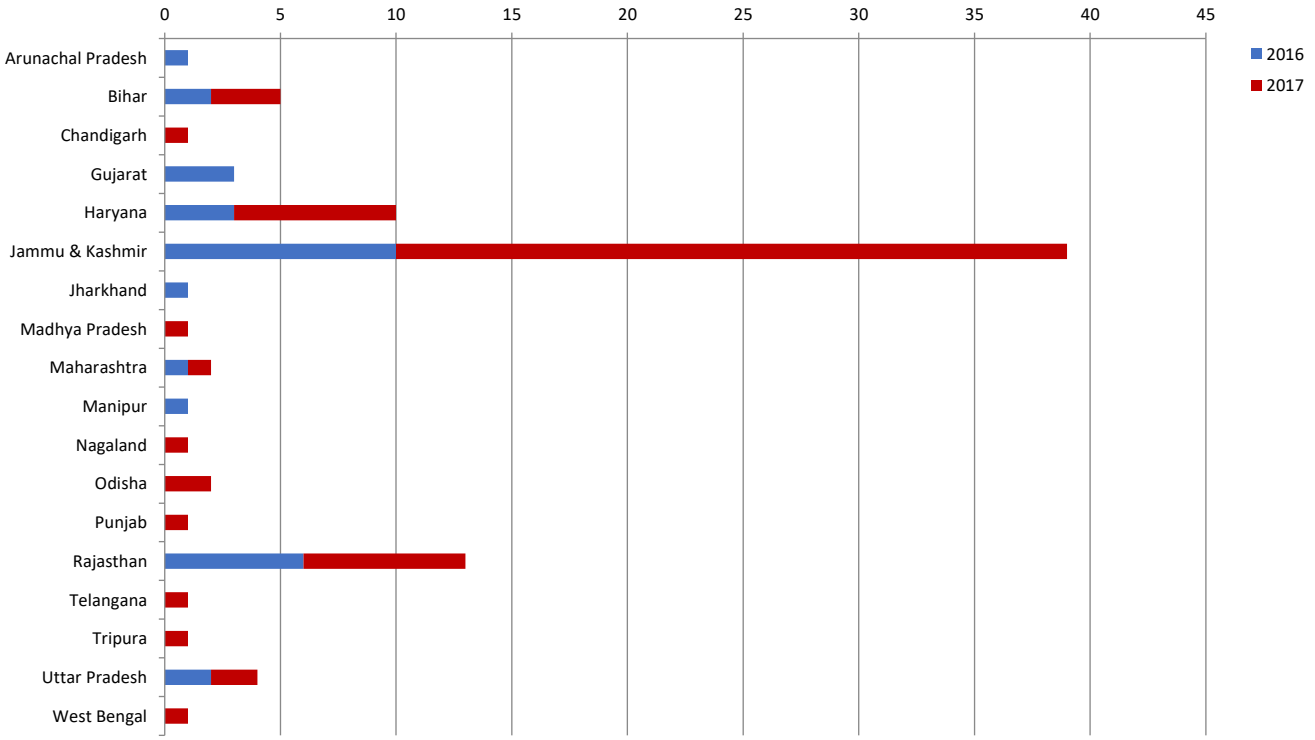


Figure 1 Number of network shutdowns across India in 2016-17, by state. States that did not experience any shutdowns in this period are not shown. Sources: Own work based on SFLC (2018), Kathuria et al. (2018), and Mawii et al. (2018).

Despite the prolific use of network shutdowns across the country, neither India nor any other national government has conducted publicly acknowledged studies on the effectiveness of shutdowns as a means of suppressing unrest. India's case is particularly noteworthy for a number

of reasons. First, it has a rich and diverse history of social movements, of which some are rooted in the Gandhian ideals of peaceful resistance and inter-caste unity while others coalesce around one caste or religion (Varshney 2001, Behar & Prakash 2004). Second, it hosts an immense variety of ethnic and caste-based configurations as well as extreme inter-state disparities in levels of human development. Nineteen out of 36 states and union territories have implemented shutdowns as of April 2018, with no clear common socioeconomic thread aside from political unrest connecting them (SFLC 2018). The heterogeneity of India's economy and society thus lends itself to the analysis of factors that support and impair 'disconnected protest.' Daily event data and the use of socioeconomic variables that vary subnationally enable us to capture a degree of variance that increases the generalizability of the findings (Snyder 2001). Third, India's status as an extreme case on both the dependent and independent variables creates an opening for exploratory studies that identify new variables to be considered (see Case Selection section below). In India, the causal link from protests to blackouts is sometimes confirmed by the official shutdown orders published by government actors; this study pursues the opposite pathway to question the effectiveness of this measure while exploring local effects that are particular to India. The results will have practical policy implications for political settings similar to India, including developing countries with rapid rates of growth in connectivity.

In India, the majority of shutdown events occur in the relatively volatile western or northwestern states of Gujarat, Rajasthan, Haryana, and particularly the contested territory of Jammu and Kashmir (J&K). Out of 36 states and union territories, these four regions account for more than 75% of all recorded shutdown events in India (2012-17), while Jammu and Kashmir alone comprises about 47%. While shutdowns are occasionally spurred by security concerns during peaceful mass events such as festivals and processions, a large proportion of known cases are implemented with the explicit goal of ensuring or restoring public order. In most instances, this has been tantamount to preventing or quashing protests, riots, or collective violence.

Preemptive shutdowns are used to combat rumors, which the central and state governments link to the escalation of protest.[4]

Institutional variables play a significant role in the expansion of network shutdowns as a form of information control in India. A permissive legal environment has enabled both the proliferation of blackouts as a means of maintaining public order and the decentralization of responsibility for restrictions to access. Before August 2017, shutdowns were executed primarily under Section 144 of the Code of Criminal Procedure – a legal provision with roots in the British Raj which grants states broad powers to prevent or disperse unlawful assemblies during curfews. Blackouts are thus perceived as "a logical extension of curfews" and measures whose purpose is to inhibit public gatherings (Narrain 2018).[5] Colonial-era laws such as the Telegraph Act of 1885 have also been used to justify blackouts such as the disconnection of 22 social media services in Jammu and Kashmir in April 2017 (Human Rights Watch 2017).[6] In August 2017, India's Ministry of Communication announced new regulations governing the suspension of telecommunication services, amending the Telegraph Act (DoT 2017). These amendments introduce a degree of checks and balances, such as vesting the authority to implement shutdowns exclusively in senior civil servants. However, numerous terms and clauses remain open to interpretation.[7] Empirically, these regulations have done little to dampen shutdown occurrence or usher in more prudence in executing them; 29 incidents were recorded in the final five months of the year and a further 45 in the first four months of 2018.

Shutdowns in India arise in a variety of environments and conditions. The socioeconomic diversity of these environments has also produced different combinations of protest actors whose

[4] According to a senior BJP official, suspending access to the Internet is acceptable "where rumour-mongering or motivated misinformation could lead to the incitement of violence" (Bhatia 2017).
[5] India is not unique in equating shutdowns with curfews conceptually or operationally. In 2016, Gabon implemented 12-hour 'Internet curfews' for 25 days following a controversial election. Nightly curfews were also in place in the town of Duraz (Bahrain) for at least a year (2016-17).
[6] The government's authority to enforce shutdown orders is also codified in many of the license agreements that allow companies to operate (Narrain 2018).
[7] This includes "threats to public safety" and "public emergency," the two causes underlying the amendment.

importance may rise or fall when they are forced to coordinate disconnective rather than collective action.

Literature Review

Structural Resources and Collective Action in India

Historically, major waves of collective action in India have used a diverse set of strategies of mobilization, and each has benefited from specific structural affordances (McAdam et al. 2001). Many formulations of resource mobilization theory emphasize the structural role of entrepreneurs, or first movers, who serve as catalysts and coordinators of collective action; nearly all formulations highlight the general importance of the structural characteristics of protest networks (Gurr 1970). The focus on structure sets resource mobilization theory apart from grievance-based approaches. This perspective rejects the claim that assembled crowds succumb to mob mentality or the act as an irrational, aggrieved collective. Instead, it advances that participants of movements operate as rational actors who devise structures and methods of coordination based on strategy and allocation of resources (Canel 1997). Maintaining formation amid state repression may prevent the movement from both unraveling completely and disintegrating into chaos and riots (Pearlman 2012, Chenoweth & Ulfelder 2017). This link between the structural, organizational aspect of collective action and differing levels of violence manifests itself vividly in India, where spontaneous mobs usually do not riot under the banner of a publicly known, organized entity. It also justifies a joint examination of structure and violence in both connected and disconnected protest.

Social movements vary structurally in the composition and diversity of their participant base. An individual's calculus of whether to join a protest is strongly affected by his or her profile and social group. This is captured in Karklins & Petersen (1993)'s interpretation of *assurance games*, which employs game theory to deepen informational and structural theories of collective action by distinguishing among types of actors. Assurance games involve potential protesters continuously reevaluating the option of joining a protest based on the actions of others as well as their own predictions of the actions others will take (Schelling 1985). This strengthens the notion

that the overall structural characteristics of a communication network translate to the propensity for a group to mobilize against the state. Assurance games, however, are not easily transferrable from their original region of application (Eastern Europe) to South Asia or to national contexts like India, where multiple collectives with varying degrees of formal organization protest against a range of localized issues and do not necessarily respond sequentially in communicating their dissent (Seymour et al. 2016). Thus, it is imperative to formulate new approaches that more accurately reflect the structural features of dissent in individual countries. Disconnective action, where coordination and socio-organizational resources come into play, creates an opening for this.

The articulation of popular discontent is deeply ingrained in civic life in India. The use of synchronized strategies is regarded as particularly effective, with movements commanding extensive social networks and organizational support successfully paralyzing commercial activities and transit on numerous occasions (Mitra 2002). Protests in India, commonly called *agitations*, vary significantly by type and tactics on a spectrum ranging from radical and often disorganized riots to highly institutionalized demonstrations.[8]

Resource mobilization and the nature or magnitude of societal grievances both influence the trajectories of collective action in India. Structural resources and dependencies are at the heart of several studies on the Indian subcontinent (Brass 1997, Varshney 2001, Wilkinson 2004, Dhattiwala & Biggs 2012). Scholars like Wilkinson (2004) and Brass (1997) have described political brokerage systems that incite interethnic violence in India. While Wilkinson tackles the motivations of political instigators, Brass establishes concept of the 'institutionalized riot system' – an informal network of "riot professionals" instigating and maintaining ethnic and religious

[8] The vernacular reflects this: unique forms of dissent in India include *bandh* (a general stay-away strike), *dharna* (a sit-in protest that typically involves groups congregating at their target's door until the target yields to their demands), *gherao* (similar to a *dharna*, but with workers demanding concession from employers), *jail bharo* (voluntary mass arrests), and *roko* (obstruction of a road or railroad), among others (McHenry 2015). These categories, according to the Armed Conflict Location and Event Data (ACLED) project, collectively make up about a quarter of all protests in India between 2016 and April 2018, with the other 75% falling into the traditional categories of demonstrations, riots, and strikes (Raleigh et al. 2010). Government responses also vary significantly. Use of force against riotous groups constitutes a minority of cases, primarily in Northern India, while arrests are common during large or destructive protests across the country.

strife.[9] Brass argues that ostensibly spontaneous, violent protests are typically sparked by a group of insiders with institutional ties to political parties, and that the resulting unrest both leverages and alters the political opportunity structure for the participants. Critical components of an IRS include effectively targeted dissemination of rumors meant to stir unrest as well as a precipitating event that can generate violent expressions of outrage.[10] Political opportunity structures therefore lay the foundation for riots, but their continuation and expansion relies on the resources that can be mobilized. This nexus between violence and resource mobilization via tacit political support was exemplified in the Gujarat riots of 2002, where the greatest devastation occurred in areas with greater electoral competition (Dhattiwala & Biggs 2012).[11]

While Brass holds informal, politically connected organizational structures responsible for violent dissent, some evidence suggests that the impetus toward interethnic violence in India is tempered by countervailing forces in areas where a rich network of organizations creates a basis for associational life (Varshney 2001).[12] Such structures – professional associations, trade unions, networks of craftspeople, civil society, and political parties that refrain from calls for violence – contribute to an 'institutionalized peace system' that is based on stronger interethnic ties and synergy among its participants. Strong underlying identities – often revolving around caste, religion, and ethnicity – create common fronts that are at once clusters of grievance, as described in much of the social movement literature (Tilly 1978). While these considerations are useful in the case of violent unrest, collective action is naturally diverse, and few equivalent structural approaches have been made to address the broader range of protest types in India, let alone in a disrupted information environment (McHenry 2015). Information blackouts allow us to test whether these India-specific concepts hold years after they were originally described, with the emergence of communication technology as an intervening development.

[9] Wilkinson (2004)'s focus on ethnic riots is more analytical and cross-sectional than either Brass (1997) or Varshney (2001). His key argument is that both Hindu and Muslim and politicians seek to polarize their constituencies to obtain an electoral advantage, and this determines their reaction to violence.

[10] A fluctuating balance of power between two or more rivals, a background of contentious events such as mass mobilizations or elections, prominent political supporters, and institutional weakness all aid in the development of coordinated riots.

[11] In the elections that followed, these were also the areas where the nationalist BJP's vote increased the most.

[12] This perspective draws from Putnam (1993)'s idea of social capital.

Research on structured protest has shown that organizational density promotes the diffusion of protest (Minkoff 1997). In India, too, the concentration of associational life into organized entities has been linked to the proliferation of protest. For instance, the Bureau of Police Research and Development (BPRD) estimates that around 45 percent of all agitations (protests) in 2016 were organized by political parties, labor unions, or student bodies, while communal dissent and uncategorized incidents accounted for about six and 29 percent, respectively (BPRD 2017).[13] At the same time, civil society in India is energetic and growing rapidly, mirroring trends in the "associational revolution" in other developing countries (Salamon 1993). Estimates from 2008 place the number of NGOs in the country at approximately 18,000; publicly available data suggest that this number has grown to 38,323 in 2018 (CSRIdentity 2018). Environmental organizations, women's rights groups, poverty alleviation collectives, and associations working for the social advancement of children and youth are among the most active emerging civil society actors.

Beyond sheer numbers, the relationships among civil society actors – as well as those between them and other types of actors – can contribute to or detract from the organizational capacity of protest organizers (Minkoff 1997). Collective action in India revolves primarily around domestic issues, and organizations such as professional societies, unions, youth groups, or local wings of political parties often take primacy in protest.[14] Structured networks of domestic organizations operating on a local, state, or national level play an important role in coordinating demonstrations. Leadership in such cases is often spread across a variety of groups, particularly as protest contagion wins a protest movement additional support from actors in other states. For instance, a *Bharat bandh* (nationwide shutdown protest) in April 2018, one of the larger lower-

[13] BPRD does not explain the methodology used in assigning these labels to individual protests or provide more detailed definitions of these designations.

[14] While civil society organizations in India do organize collective action, other organized actors are much more prominent. The Indian government's legislative provisions restrain domestic organizations that focus on 'high politics' issues such as marginalized minorities or religious rights by limiting the registration privileges of these organizations and cracking down on transnational funding directed toward them (Jalali 2008). This contributes to an "uneasy partnership" between NGOs on the one hand and state governments on the other – one that depends as much on organizational capacity as it does on state institutions' approaches to alleviating poverty (Kudva 2005). Additionally, the deep links between civil society actors and state governments have sown seeds of distrust toward NGOs in Indian society, where they are occasionally perceived as beholden to the state, dominated by middle-class interests, and less representative of social grievances than mass social movements driven by a variety of actors (Brown 2014, Kudva 2005, Ray & Katzenstein 2005).

caste protest movements of the 2010s, began with a call from a small Punjab-based organization and ultimately attracted more than 200 unions, associations, castes, and tribes, most of which led marches in support of Dalit interests in their respective states (Mitra & Tomar 2018).[15] In disrupted digital environments, organized calls to action of this kind may not travel as far, constraining the size and spread of collective action.

The distinction between violent and non-violent resistance has also been at the center of recent research, and its relevance to India stems from the abundance of one or both forms of dissent across the country, with non-violent mobilization remaining the more centrally organized of the two.[16] Non-violent and violent methods of contention emerge in different structural environments: non-violent collective action involves a broader coalition of actors, a greater likelihood of attracting new participants, and a larger set of organizational resources that these actors are prepared to engage (Chenoweth & Lewis 2013, Chenoweth & Stephan 2011, Chenoweth & Ulfelder 2017). Non-violent and violent collective action are often viewed as substitutes; protesters' relative reliance on them is dynamic, fluctuating in line with government strategies of accommodation and repression (Lichbach 1987, Moore 2000). Indian Army and police forces regularly alternate between peaceful crowd control methods and physical intimidation or outright attacks using tear gas, water cannons, rubber bullets, and occasionally live fire, as well as coordinated baton charges (*lathi charges*) (Swartzendruber 2018). It is reasonable to expect that the pendulum of tactics swings both ways for both sides, which respond to each other's actions.

Digital Technology and Connective Action in India

Connective action, as described in Bennett & Segerberg (2013), takes advantage of digital technology to reduce the need for formal organizational control, common identity frames, and central coordination. In India, connective action is expressed in the growing use of social media to catalyze or bolster both organized social movements and less coordinated collective action.

[15] Despite initial suspicions that the protests were spontaneous and leaderless, police later claimed that banners, posters, and simple stick weapons were provided to participants and funded by unknown parties.

[16] Chenoweth & Ulfelder (2017) point out that non-violent demonstrations and violent riots are only individual expressions of two broader categories of resistance, but I treat them as representative of those two approaches here.

While Internet connectivity remains relatively low at 34.9 percent (2018), it is rising rapidly, bringing with it novel political functions. 'Networked protest' and highly connected social movements in India are young and evolving. Consequently, they have been the subject of very little empirical work, and much of the scholarly work in existence is descriptive.

Prior to the emergence of social media, digital technologies were of limited use in political mobilization in India. Jeffrey and Doron (2013) trace the origins of technologically enabled grassroots movements to the electoral campaign of the Bahujan Samaj Party (BSP) in Uttar Pradesh in 2007. Uttar Pradesh is India's most populous state as well as one of its poorest; marginalized castes (Scheduled Castes) comprise a fifth of its population.[17] The BSP, who scored an upset victory in the election, took advantage of the falling cost of cell phones to reach wider audiences among the marginalized castes. Social media also played a role in offline protest following the terrorist attack in Mumbai in 2008, and in voter registration and transparency campaigns during 2009's general election (Meti et al. 2015).

The turning point in the history of India's 'connective action' came two years later, in the form of the India Against Corruption (IAC) campaign (Narayanan & Pradhan 2016, Kumar 2015). Activist and organizer Anna Hazare, who had previously led grassroots movements in the state of Maharashtra, inspired widespread protest that called for the new anti-corruption measures to be applied against members of the Indian government.[18] The combined online and offline drive to release Hazare from prison comprised direct calls to the government, high visibility on all major social media platforms, abundant text messaging, and active television coverage.[19] This was mirrored in 2012 in the Delhi gang rape case, where a young woman was brutally beaten and raped while returning to her home in Delhi; the woman, who became known as Nirbhaya ("fearless" in Hindi) in the media, later died of her injuries (Narayanan & Pradhan 2016). A wave

[17] Only five countries have populations higher than that of Uttar Pradesh.

[18] Hazare was a prominent and experienced organizer who had previously scaled a local Rajasthan movement in support of an Indian Right to Information Act (RTI) to the national level. The act was passed by the central government in 2005.

[19] While the relative contributions of new and traditional communication technologies to the recruitment of IAC supporters are uncertain, Facebook had 46 million Monthly Active Users (MAUs) in India (3.7% of the population) at the end of 2011 while television penetration stood at 47.2% (ITU 2018).

of protests across India followed, decrying a culture of impunity and victim-blaming. Facebook, Twitter, and WhatsApp were instrumental in both spreading information and organizing the movement, with high-profile celebrity support and a range of NGOs assisting in scheduling marches.

The use of mobilizing structures in the Nirbhaya movement (in the form of logistical posts that served to coordinate protest) was of some importance. However, studies have noted that the key strength of social media in the movement was the opening of new opportunity structures by recruiting prominent adopters remotely (Ray & Tarafdar 2017). Twitter in particular, despite its low penetration in India, emerged as an *ad hoc* connector of civilian participants and journalists in ways that would resurface in protests around the world (Barnard 2017, Poell & Rajagopalan 2015). Further network analysis revealed that the key figures of online mobilization during the unrest were at once some of the primary organizers of the street protests (Ahmed & Jaidka 2013).[20] The distrust toward traditional media, which reluctantly broadcast images of police using tear gas and batons against the crowds, contributed to the rise of alternate sources of information, which rivaled mainstream outlets in popularity (Ahmed & Jaidka 2013). Similar dynamics have since been replayed in large, national movements such as 2017's student protests against a ban on a traditional Tamil bull taming sport and numerous, more localized mobilizations.

Widely shared content has prompted both mass protest and blackouts, with at least four videos filmed in four different states allegedly mobilizing crowds and triggering shutdowns between 2015 and 2017.[21] State governments and security forces, aware of the mobilizing effect of content diffusion for collective action since the IAC and Nirbhaya movements, have increasingly relied on network shutdowns to stem information flows before or in the course of unrest. These

[20] Additional studies have suggested changing dynamics in the flow of information and conversation throughout the Nirbhaya movement, both online and offline. The primary emotions conveyed in the early phase of the protests were anger, anxiety, and individualism; as the movement progressed, they shifted towards achievement and collectivism (Ahmed et al. 2017). This emphasis on sociopolitical change in this discourse distinguished it from previous collective action around the topic, arguably ensuring its continued presence in Indian politics.

[21] Officials in Nagaland (2015), Bihar (2016), and Rajasthan (2017) have referred to viral videos, which depicted violent incidents and vandalism, to justify network shutdowns. A 2017 shutdown in Jammu and Kashmir officially aimed to curtail rumors during a by-election; however, once connectivity returned, a video of Indian Army forces using a protester as a human shield was spread widely on social media, provoking further anger in the streets.

events did not occur in a vacuum; tracing the evolution of connective action in India is critical to capturing the motivations and consequences of disconnective action across the country.

Theory and Hypotheses

The *theory of disconnective action*, outlined in Rydzak (2019), predicts that incidence of protest will increase immediately following a blackout and begin to decline once the blackout turns into a *digital siege*, or sustained shutdown. However, digital sieges are Pyrrhic victories for the government, as the economic costs of the shutdown are typically very high. Thus, shutdowns are ineffective in the short run and economically devastating in the long run. Most shutdowns in India are short, rarely exceeding five days in duration, but their financial impact is considerable (Kathuria et al. 2018). The structural diversity of collective action in India and the considerable variance in participants' choice of strategy are matched by similarly varied responses by security forces. Thus, in this study, I move away from short- and long-term impacts and adjust the theoretical expectations to examine more specific local responses in the midst of blackouts in India.

The distinction between non-violent and violent forms of protest is critical in India. Abundant riots in Kashmir, the hypothesized 'institutionalized riot system,' and the organizational sponsorship that underpins many non-violent movements underscore this distinction (Brass 1997, Varshney 2001, Chenoweth & Lewis 2013). Some evidence suggests that the diffusion of non-violent social movements is more likely to be supported by social media and digital communication channels than that of violent movements (Rane & Salem 2012). Since the former are structurally more robust than the latter and shutdowns target that organizational capacity, shutting off communication is expected to reduce levels of non-violent protest.

Structurally, riots are less inclusive, less diverse, less likely to achieve success, and less coordinated than non-violent mobilization (Chenoweth et al. 2017, Chenoweth & Stephan 2011). If shutdowns truly disrupt the spread of rumors and the coordinated collective action that stems from it, a disproportionate increase in riots, which are more disorderly and more loosely coordinated than peaceful resistance, should follow. The codependency between repression and

dissent also merits investigation. Many researchers argue that violent and non-violent mobilization are substitutable for one another once a change of tactics occurs on the government's side. A new strategy of repression, for instance, may induce previously peaceful protest to turn violent in the face of an unconventional threat (Moore 2000, Shellman et al. 2013). The 'punishment puzzle,' described by Davenport (2007) as the contradictory and imbalanced set of findings in the literature to date on the effects of repression on dissent, also argues in favor of teasing out separate effects for different types of collective action, as shutdowns may not be uniformly (in)effective (see Sullivan 2016). In brief, it is as important to consider whether particular patterns of repression are effective as it is to determine whether they produce uniform patterns of dissent. Considering differences in levels of coordination, I expect that the incidence of riots will increase and that of non-violent demonstrations will decline when a blackout is in place. Hypothesis 1 addresses the differing expectations in relation to non-violent protest and its riotous counterpart:

Hypothesis 1a: *Network shutdowns decrease the incidence of non-violent collective action.*

Hypothesis 1b: *Network shutdowns increase the incidence of violent collective action.*

Beyond the protest-riot binary, the structural aspects of collective action can be magnified further to encompass the socio-organizational resources behind each event – specifically, the principal participating or organizing actors. This perspective allows us to directly tackle the question of whether disconnective action is more or less dependent on formal organizational structures than collective action as it typically unfolds, and where digital networks play at least some role. Does the *composition* of protest change when protesters face a blackout? The information age has raised questions about the value of careful planning, organization, leadership, structure, and cohesion. One emerging view is that digitally enabled social movements are highly effective at rapid mobilization and momentum-building but fragile in sustained action (Tufekci 2017). This is sometimes ascribed to the weakness of organizational structures, especially in 'leaderless' movements. The impromptu, weak-tie-heavy nature of the

networks that make up the Internet has led both scholars and media outlets to frame these networks as originators of spontaneous collective action (Steinert-Threlkeld 2017, Dolata & Schrape 2018, Howard & Hussein 2013).[22] In contrast, I argue that organizations, civil society, and other formalized collectives use the affordances of the Internet to organize collective action in times when connectivity is not disrupted, to complement their standard procedures of recruitment and identity-building (Dolata & Schrape 2018). In India, where even small NGOs and social movement organizations (SMOs) usually have dedicated Facebook pages, this is especially plausible.

Previous research has found that the removal of leaders and organizing structures may precipitate either chaos or backfire, depending on opportunity and ideology, but also the movement's pre-existing unity and institutional formalization of its structures (Bob & Nepstad 2007, Davenport 2014). When lines of communication are severed, individuals and organizations are detached from various platforms that improve coordination, communication, and diffusion of information. With no access to these resources, actors that rely on these and other structural resources to communicate and disseminate the call for protest may find their role diminished. The protests that result from the chaos of the information blackout are therefore likely to be less structured and more informally assembled than those where the underlying organizational capacity is upheld (see Sutton et al. 2014). This question is critical because organizational cohesion has been viewed as a key factor underlying the resilience of (non-violent) movements and, ultimately, explaining their success (Pearlman 2011, Sutton et al. 2014). The role of formal organizations is expected to diminish in the midst of a network shutdown as the organizational capacity that enables highly structured protest is weakened, affecting or removing focal points for collective action. As a corollary, engagement in less structured protest is expected to increase. This leads to a second hypothesis:

[22] Recently, most of these framings have acknowledged the limitations of such forms of collective action. This ties into a more skeptical view of the Internet's role in perpetuating democracy, which is increasingly pervasive in the academic community (Persily 2017).

Hypothesis 2: *Network shutdowns diminish the role of formal organizations in collective action.*

Finally, broader patterns of policing and state violence may yield changes in protest dynamics when a shutdown is imposed. This follows from studies that focus on whether strategies of collective action and state repression complement or substitute each other (Rasler 1996, Chenoweth et al. 2017, Moore 2000). Is it possible that the intensity of violent crackdowns changes participants' reasoning when such actions by security forces are conducted in tandem with a disruption to the information flow? An abundant literature indicates that violent coercion is typically used in response to increasing levels of threat and violent dissent (Regan & Henderson 2002, Davenport 2000; see also DeMerritt 2016). If shutdowns are meant to quash organized collective action (which tends to be non-violent), repressive policing and domestic military operations carried out jointly with a shutdown may indicate to protesters that a shift to non-violent mobilization is still the more desirable option, if indeed the combination of tactics does not completely scatter a protest. The final hypothesis reflects this.

Hypothesis 3: *The co-occurrence of state violence with a network shutdown leads to an increase in non-violent protest.*

Research Design

Case Selection

India is notable for both the prevalence of collective action and the use of network shutdowns as a means of repressing it. In the context of this study, it is therefore an extreme case. Extreme cases contain values that are very far from the mean on either a dependent (Y) or independent (X) variable (Gerring 2008). Why pursue India as an extreme case on protests (Y) and shutdowns (X)? Extreme case analysis is an emerging approach to research in comparative politics. Its most consequential advantage is the high chance of discovering omitted variables when deviant values are registered on the dependent and especially independent variables (Seawright 2016). India embodies both of these scenarios. Cross-sectional (especially cross-national) models and typical

case selection both risk omitting confounders – the former due to overgeneralization and the latter due to the close relationship of typical cases with the population average, which may inhibit the discovery of new causal effects and mask sources of measurement error (King et al. 1994). The exploratory potential of this approach is amplified by the emerging nature of shutdowns as a modern strategy of repression. Today's extreme case may become tomorrow's typical case – or be surpassed by a more repressive regime intent on testing the effectiveness of frequent information blackouts.

India qualifies as an extreme case in several respects. First, it accounts for 132 of the 277 shutdown episodes (48 percent) in the data assembled to support this study, which span the years 2011-17. While shutdowns escalated in 2017 (63 percent of the total), India's contribution to their total count has never been smaller than 23 percent, with a clear increasing trend. The raw number of shutdowns also belies India's consistent record of democratic rule; indeed, it is one of the few democracies to have exercised the power to shut down communication networks, let alone as assiduously as it has.

Extreme values are also present in the dependent variable. A cursory analysis of protest data reveals that the average number of protests of any kind on any given day in 2011 hovered around six. While this starting point already exceeds the daily averages of most other countries in the same year, public dissent in India has also been on a steady upward trajectory, with every previous year surpassing the number of events in the previous. On an average day in 2016, for instance, ICEWS records nearly 22 individual protests across India, as well as the single largest flare-up on any day of the last decade.[23] The climb towards higher protest incidence between 2011 and 2016 is visible in **Figure 2.**

[23] Seventy-four protests were registered on February 19, 2016. A considerable proportion of these protests occurred in Haryana, where the Jat community paralyzed movement and business in the state. The Jat demanded inclusion in the Other Backward Classes (OBC) category in order to gain access to social, educational, and employment benefits reserved for members of OBCs. Both this and subsequent Jat 'agitations' (June 2016, March 2017, November 2017) triggered network shutdowns.

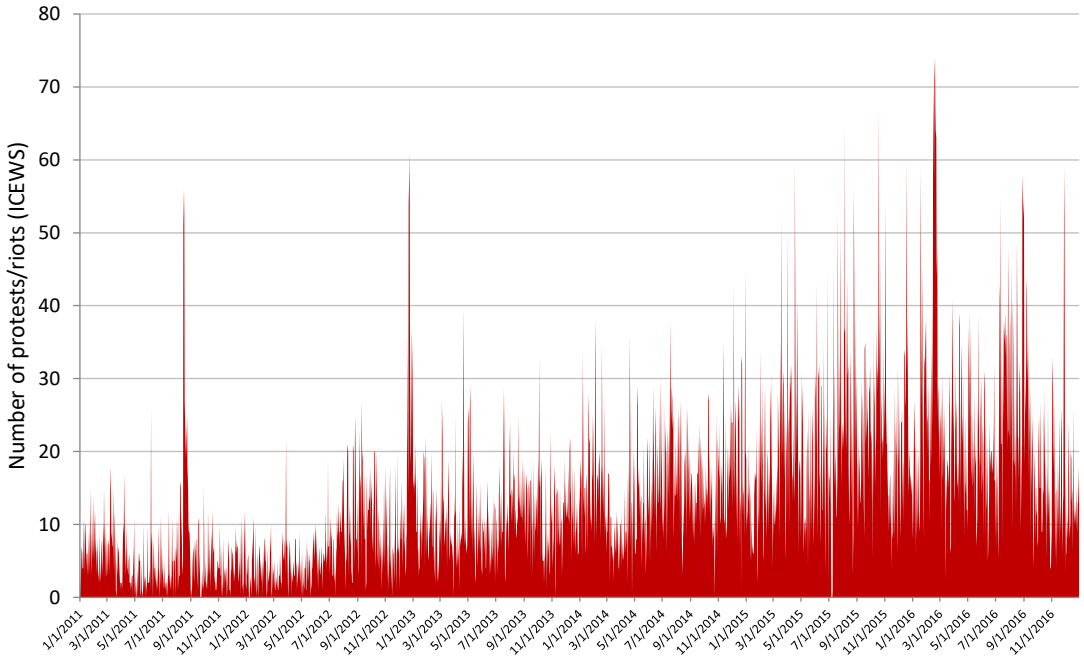


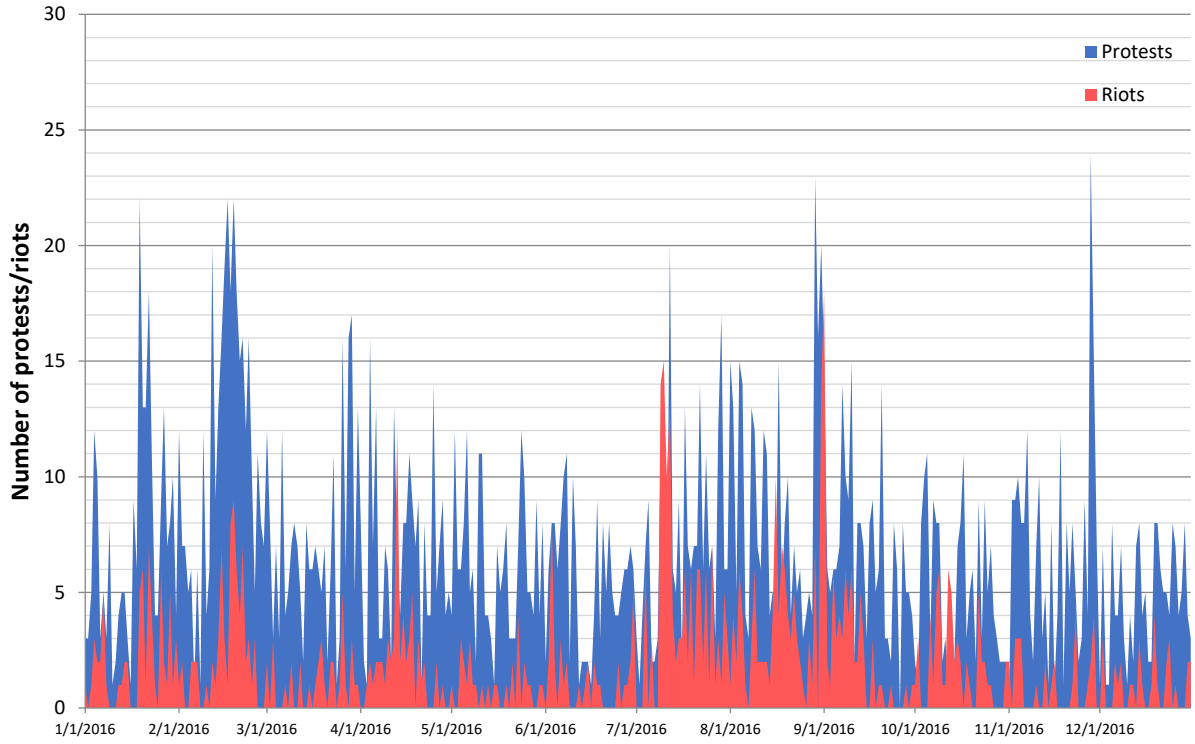
Figure 2 Combined incidence of protests and riots in India, 2011-16, based on ICEWS (Boschee et al. 2015).

But collective action in India is not only more commonly observed than in many other countries; it is also qualitatively different. Partially rooted in and inspired by three far-reaching movements in the colonial period – the Non-Cooperation Movement (1920-22), the Civil Disobedience Movement (1930-34), and the Quit India Movement (1942) – collective dissent was also at the heart of the democracy-building process in India (Swain 2013). Following independence, colonial struggles were quickly channeled into nation-building and grassroots caste emancipation movements that built on one another, emulating examples from both neighboring and remote states. Strategic shifts to broad-based, inclusive, organized social movements gained particular prominence in the 1960s, when the death of Jawaharlal Nehru created opportunities for collective mobilization among marginalized groups (Ray & Katzenstein 2005). This led to the rise and persistent presence of pro-poor movements in the politics of states like Kerala and Tripura, where platforms focused on underserved groups brought the

Communist Party of India to power multiple times (Heller 2005). Some of the most active social movements stemmed from joint campaigns by civil society organizations and left-leaning political parties.

By the 1990s, organized public protest had become a mainstay of the democratic process across India. The diversity of causes and tactics espoused by the resulting movements is considerable, ranging from lower-caste dissent in Bihar, through mobilization against inequalities between landowners and informal laborers, to modern nationalist and feminist movements as well as less organized stone-pelting mobs in areas of communal tension (Nielsen & Nilsen 2016). Social media have magnified the visibility of many of these movements, doubling as a method of recruitment (Kumar 2015). In short, protest in India is significantly more common than the global average; it is also qualitatively different in that manifestations of dissent have played an enduring role in its process of democratization. **Figure 3** expands the previous figure into one distinguishing parameter – non-violent protests and violent riots.

Figure 3 Aggregate number of daily protests (non-violent) and riots (violent) in India, 2016. *Source*: ICEWS (Boschee et al. 2015).



In this study, the analysis is bolstered by a quantitative approach that disaggregates the states and union territories of India. The primary benefits of such an approach are greatly increased variance on quantifiable variables, a method of addressing the ecological inference problem, and a way of accounting for factors that are idiosyncratic to India, such as varying caste proportions or elections to State Assemblies occurring at different times. Subnational studies, supported by data that track precise event trajectories, are an effective way to resolve 'whole-nation bias' – an ecological inference issue where causal pathways are blurred by extrapolating from a single national-level observation to its constituent units (Rokkan et al. 1970, Snyder 2001). Such analyses are particularly useful when a country's subnational units exhibit considerable variation on multiple variables, as is the case in India.

Pairing this approach with extreme case selection helps to identify the factors that make the case extreme, and trace them back to other national contexts for greater generalizability. India is an extreme case on the national level, but neither public dissent nor shutdowns are equally distributed. For instance, the neighboring states of Jharkhand and Bihar register some of the lowest tallies of protest in official police records, while Tamil Nadu, a significantly more prosperous state, recorded nearly 110,000 protests between 2009 and 2014 – 577 times higher than Jharkhand (BPRD 2017).[24] Thus, some of India's subnational units are more representative of cross-national tendencies, and are more readily comparable to cases beyond India. Applying quantitative methods to a single country that is highly heterogeneous internally can strengthen the precision of the findings (Gerring 2008, Coppedge 1999, Fearon 1991, Flyvbjerg 2006).

Dependent Variables

The study uses two broad measures of collective action – daily counts of peaceful demonstrations and riots – as dependent variables, deriving them from the Integrated Conflict

[24] According to police records, Tamil Nadu is the state most prone to public expression of dissent. Several states and union territories (e.g., Jharkhand, Meghalaya, and Nagaland) see little to no protest, while others occupy an intermediate space (e.g., Odisha, Karnataka, and Assam). This ranking is not borne out in the ICEWS or the ACLED data.

Early Warning System (ICEWS) dataset (Boschee et al. 2015). The initial analysis covers daily protest events across India in 2016 – the most recent full year for which ICEWS event data was available at the time of writing. **Figure 4** shows the distribution of protests and riots across India.[25] It is immediately noticeable that the National Capital Territory of Delhi leads the country in peaceful collective action as the territory closest to the national structures of governance, followed by Uttar Pradesh, India's most populous state. Conversely, 40% of all riots occurred in Jammu and Kashmir as part of that state's increasingly volatile communal conflict.

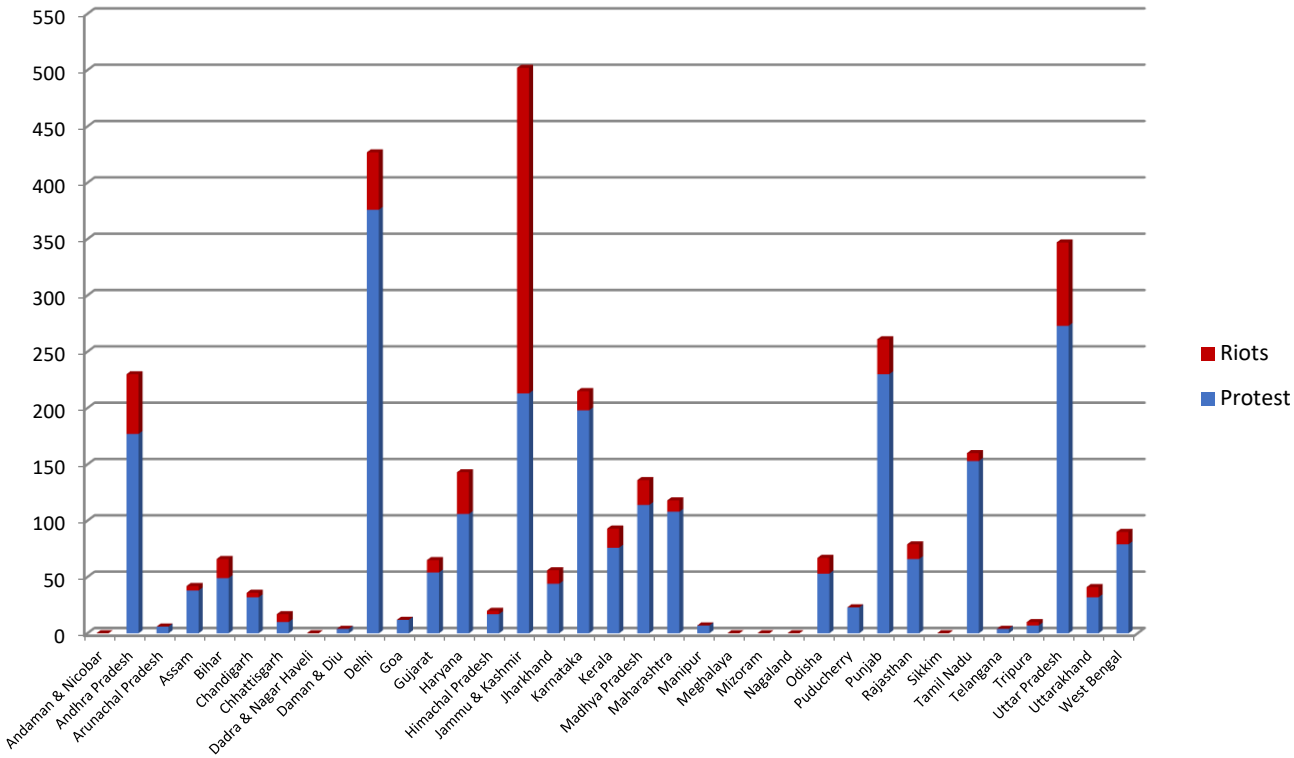


Figure 4 Number of protests and riots by state in India, 2016. *Source*: ICEWS (Boschee et al. 2015).

To capture the structural aspects of collective action events in India, I use a second set of dependent variables based on newly released data from the ACLED (Armed Conflict & Event

[25] Due to the small *N* (63), I folded strikes and hunger strikes into peaceful protest. I also do not distinguish between the idiosyncratic forms of collective action in India described earlier in the study, leaving such distinctions for future research.

Location Data) project (Raleigh et al. 2010).[26] ACLED's data on India, released in April 2018, cover demonstrations, riots, battles, and violence against civilians that occurred between 2016 and early 2018, totaling 22,891 events. Each event contains a marker denoting its primary participants, ranging from specific organizations or political parties (e.g., All Migrant Employees Association of Kashmir, Communist Party of India, All India Trinamool Student Congress) to less formally defined professional collectives (e.g., teachers, lawyers) and general categories (e.g., mob, people, women, men), which reflect lesser degrees of formalization. I classified each of the named groups into one of seven categories, based in part on ACLED's informal typology (Swartzendruber 2018).[27] These, categories, described in **Table 1**, correspond to political parties (1), labor unions (2), students and youth (3), ethnic, religious, and caste groups (4), farmers and farmers' associations (5), other professions, professional organizations, and civil society organizations (6), and unidentified, unclassified, or vaguely described participants (7). The availability of this information allows us to examine the structural side of disconnected protest, represented both by the balance of protests and riots and by the degree of formal organization that disconnected protest tends to assume in light of the disappearance of certain means of digital communication.

In this way, we will be able to infer the effect of network shutdowns on protest coordination – and hypothesize further on the role of digital communication networks as hubs of organized collective action when connectivity is not impaired.

[26] The ICEWS data do not enable me to break down collective action by type as well as the ACLED data do. For the purpose of future studies, I have submitted a Right to Information Act request (roughly equivalent to a Freedom of Information Act request in the U.S.) to India's Bureau of Police Research and Development, which also breaks down protest by type.

[27] To improve the clarity of the analysis in the context of this study and increase the number of data points in each category, I aggregated several of the groups identified by ACLED as corresponding to a profession (Teacher, Health Worker, and Journalist Groups) into a separate category that encompasses organizations and associations, particularly formal vocational groups and NGOs. This enhances the study given the structural focus of my framework, which places more emphasis on levels of organization than on the exact identity of the participants.

Table 1 Typology of protest and riot events in India by primary participant.

Actor	Description
Political parties/actors	A specific political party/parties, politician(s), or supporters of a political entity (including youth wings) are named as primary participants or organizers.
Labor unions	One or more unions are explicitly named as organizers. Does not include non-unionized professional associations or student unions.
Student/youth groups	Student unions and other organized collectives of youth.
Ethnic, communal, caste	A specific caste, tribe, or religious group is named as a primary participant or organizer. This includes organized entities that revolve around religious doctrine (e.g., Hindutva groups not affiliated with any political party). Includes organized separatist protest.
Farmers' groups	Farmers' organizations with varying degrees of coordination.
Organizations and professions	Civil society organizations (but not labor unions) or organized representatives of a specific profession (e.g., jewelers, teachers, doctors) are named as primary participants or organizers.
Unidentified or vague	No specific actor is defined, actors are described vaguely or ambiguously, or a loosely defined group of people is named as primary participants or organizers (e.g., residents, villagers, women, men).

Of the 22,891 events recorded by ACLED in 2016-17, 7,379 (32.2%) do not have a primary participant explicitly specified in the corresponding variable. In most instances, however, the description of each case offers a clear indication of the groups involved. To parse this sizable subset of the full dataset, I recruited 395 students from a large upper-division political science course, each of whom received identical coding instructions, based on previous scholarship on micro-task crowdsourcing (Difallah et al. 2015, Hauser & Schwarz 2016).[28] The students, all of whom had voluntarily signed up for the study, were divided into 66 groups of six and individually tasked with classifying 100 observations.[29] A total of 325 coders (82.3%) submitted

[28] The instruction sheet is included in the Supplementary Materials available online.

[29] While college subject pools suffer from certain weaknesses, upper-division courses offer a more focused sample of coders than the average population of students, especially with a built-in incentive structure (Hauser & Schwarz 2016). In human-coded event data with a low expected response rate, it is important to establish a balance between the number of observations and the number of coders assigned, as well as between validity and reliability (accuracy vs. consistency; King et al. 1994, Eckstein 2000). Despite the simplicity of the task and the advanced level of the class, I expected a relatively high attrition rate as well as bias generated by lack of extensive training, and therefore assigned

complete responses; the most frequent coding was generally adopted for the final dataset, following a manual review of a subsample of 5 per 100. A simple percentage agreement calculation was made for each observation (count of most frequent designation divided by number of coders for each set) to obtain a basic measure of inter-coder reliability. The average joint probability of agreement across the subsample was 62.8% – a relatively strong result given the availability of seven options and coder idiosyncrasies.[30] I performed additional validity tests by selecting five random samples of observations and self-coding them, then comparing the outcome with the category generated for each observation using the crowdsourcing exercise. Scoring agreement ranged from 71% to 91%, increasing the overall confidence in the coding mechanism.

Independent Variables

The primary independent variable used in this study is a factor variable corresponding to the consecutive day of a network shutdown in a given state or union territory of India on any given day. Shutdowns in India are generally short, but frequent. Few exceed two weeks in length, but several may occur in the same area for several days at a time. Digital sieges of the kind seen in Cameroon (2017) are rare; however, in the Kashmir region, communication is often inaccessible several times a month. The data for India were collected by cross-referencing sources, including reports from civil society (particularly the Delhi-based Software Freedom Law Centre, SFLC 2018) and news publications based in India, where at least two news sources had to confirm the shutdown for the incident to be recorded. While countrywide shutdowns (as seen in Togo in 2017 or Egypt during the Arab Spring) are often relatively easy for specialized network analytics services to detect, subnational incidents of the kind seen across India are much more challenging, preventing such services from being used as a source for triangulation. However, most of the

six students to every hundred observations while coding the remainder of the observations myself. As a result, 6,600 observations were assigned to the students. Students were assigned into coding groups randomly and were not informed of the composition of their group. Two sets reported identical results and were discarded.

[30] A large number of categories bolsters this statement, as this decreases the likelihood that two or more coders will select a given category by chance (Gwet 2014).

incidents reported by civil society were also separately described in news outlets, increasing confidence in their veracity, even though intent is not always easy to establish.

To respond to H3, I use a measure of *state violence* from the ICEWS dataset, which includes violent suppression of gatherings by police and army units, demonstrations of military or police power, and torture.[31] This will help to pinpoint the tactical shifts (if any) that occur under shutdowns, particularly when methods of control are applied simultaneously.

Control Variables

India's case requires a particular set of control variables to account for country-specific dynamics.[32] Demographic variables – *youth population, Scheduled Castes, Scheduled Tribes, Muslim population*, *literacy*, and *rural population* (all percentages) – are drawn from the 2011 Census.[33] All four figure into the everyday trajectories of protest in India. Large youth cohorts have occasionally been linked to mobilization (Nordås & Davenport 2013), and circumstantial evidence suggests that use of social media to mobilize is relatively widespread among young people (see Ahmed et al. 2017). Proportions of youth vary across India from 16 (Kerala) to 33 percent (Andhra Pradesh) of the population. Youth and students assembled into collectives with varying degrees of coordination have participated in 'stone-pelting' riots in Jammu and Kashmir, organized student strikes on numerous occasions, and played critical roles in national initiatives such as the Nirbhaya movement (2012) and the leaderless Jallikattu protests (2017).[34] Scheduled Castes (SCs) and Scheduled Tribes (STs), historically disadvantaged and entitled to reservations (allocations) of certain resources and privileges, have called for or led *bandhs* and other forms of protest to secure them. Communal tensions between Muslims and Hindus are a thread of daily life in Kashmir and several other northern states where a more even population balance between the

[31] These data were tested against the "Violence against Civilians" measure from ACLED, with somewhat weaker but broadly similar results.
[32] Missing data for most of the control variables exist for the state of Telangana, created in 2014 as a result of the Andhra Pradesh Reorganisation Act. Data for Andhra Pradesh generally include Telangana in the calculation for 2016.
[33] While more up-to-date data would have been useful, the only state-level variable for which the Office of the Registrar General and Census Commissioner has a projection for 2016 and 2017 is the raw population count. Inferring dynamics of change within this space through intepolation or calculating percentages based on data from two different years would have significantly biased the results.
[34] This movement revolved around preserving a traditional Tamil bull-taming sport.

two polarized communities has led to frequent outbreaks of protest. Literacy rates are linked to political outcomes in India via differences between the flow of information in highly literate communities and those with low literacy rates (Rozenas & Sadanandan 2018). A similar argument can be made with respect to proclivity toward protest in a low-information environment. Finally, grievances over land evictions and other sources of discontent have led to farmers' protests across India. Rural mobilization is relatively common, bolstered by the sizable rural population in certain states. In Assam, Bihar, and Himachal Pradesh, for instance, more than 80% of all citizens live in rural areas. These variables are supplemented with monthly data on *Gross State Domestic Product per capita*, combining information from the Reserve Bank of India with sources from India's Open Government Data platform.

Another set of control variables accounts for other events that have been deemed potentially important in the mechanics of protest. The India data produced by ICEWS were parsed thoroughly to ensure that only domestic events were covered. *Arrests* form a separate variable given the frequency of their occurrence during protests. *Restrictions on political rights* include limitations on freedom of expression (e.g., shutting down traditional media outlets), administrative sanctions, and curfews under Section 144, which play an important role in state governments' strategies of protest control (Narrain 2018). I also account for the strategy of government concessions to domestic actors via a composite *Yield* variable, which may either placate or invigorate protesters. India's separatist and communal movements periodically turn to violence or militancy that doesn't fall under the definition of protest (Dhattiwala & Biggs 2012). To represent such cases (e.g., militant attacks against domestic targets), I add a *Collective violence* variable to the analysis. Additionally, some of India's most notable social movements have revolved around the country's rape epidemic. Reported rapes surged by 60% between 2012 and 2016, reaching 39,000 cases according to India's National Crime Records Bureau (NCRB 2016, Dhillon 2018). Unfortunately, NCRB only provides state-by-state aggregates of rape reports that are devoid of any temporal component, rendering the data less useful for a dynamic analysis. I therefore settle for the much more limited event data on rapes provided by ICEWS. Finally, the *Election* variable comprises data on State Assembly elections from the Trivedi Centre for Political

Data (Jensenius & Verniers 2017).[35] The binary variable is coded as 1 for the month leading up to an election, the election itself, and the month following the announcement of the results.[36]

Variations in connectivity are intimately linked to the debate on connective action, with numerous studies using Internet or mobile penetration as a proxy for networked political engagement (Barnard 2017, Zeitzoff 2017, Pierskalla & Hollenbach 2013). By extension, they are a key consideration in the debate on disconnective action, providing a foundation upon which to contrast the two. Wireless connectivity in particular is growing rapidly in India and other developing countries, spurred by greater competition and falling costs in the smartphone market, which has displaced fixed-line Internet as the primary conduit of connectivity. Unfortunately, the monthly data available from the Telecom Regulatory Authority of India (TRAI) clusters states in a way that precludes state-by-state analysis.[37] To remedy this with a measure closer to the study's argument, I gathered data on Facebook availability ("reach") through Facebook's advertising platform.[38] This approach has recently been employed to estimate demographic data such as the size of migrant populations (Zagheni et al. 2017). Facebook, YouTube, and WhatsApp have relatively large user bases in India, and all three have been identified as sources or accelerators of disinformation and (Bhakto 2018).[39] Facebook's advertising platform gauges user behaviors, demographics, and location to provide micro-level data on the reach of the social network, which can be used as an imperfect proxy for the total number of Facebook users in a given area.[40] For this study, I obtained data for each state that reflects the upper bound of the user base estimate and divided it by the Indian government's projection of the population of each state for 2016.

[35] Five states and UTs – Assam, Kerala, Puducherry, Tamil Nadu, and West Bengal – held legislative elections in 2016.
[36] An additional variable accounting for a change in ruling party is included in the dataset.
[37] For instance, the "North East" region includes Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, and Tripura, while six other states include aggregate numbers for six other states and UTs.
[38] To my knowledge, this is the first use of data from the Facebook advertising platform in the context of protest.
[39] Business intelligence firms WeAreSocial and GlobalWebIndex estimate that all three platforms have an estimated penetration of 30% (about 400 million accounts); 19% of the population is relatively active on these platforms.
[40] Twitter's reach is more limited in India, and the corresponding advertising platform does not provide information about several key states where shutdowns occur, limiting the usefulness of the data.

Discussion of Results

Quantitative Analysis of Disconnected Protest

The correlation matrix (**Table 2**) reveals that few of the variables are strongly correlated. The exceptions are Facebook reach and percentage rural population (0.79), Facebook reach and Gross State Domestic Product per capita (0.81), and percentage of rural population and Gross State Domestic Product per capita (0.76). All of the final regressions were also run with two of the problematic variables excluded; none of these resulted in significant differences in the strength or direction of the effects presented below.

Table 2 Correlation matrix of variables used in regressions. Correlations above 0.65 are shown in bold.

	Non-violent protests	Riots	Shutdown *consecutive days*	Protests *consecutive days*	Riots *consecutive days*	State violence	Collective violence	Political rights restriction	Arrest	Rape	Yield (gov't)	Facebook reach	Election	Rural (%)	Scheduled Tribes	Scheduled Tribes	Muslim (%)	Literacy (%)	GSDP per capita
Non-violent protests	1																		
Riots	0.3042	1																	
Shutdown *consecutive days*	0.0929	0.3287	1																
Protests *consecutive days*	**0.6693**	0.2547	0.1307	1															
Riots *consecutive days*	0.2417	0.6218	0.3471	0.3624	1														
State violence	0.1712	0.3455	0.3386	0.241	0.3675	1													
Collective violence	0.1533	0.1796	0.205	0.169	0.1692	0.4471	1												
Political rights restriction	0.0799	0.0994	0.1222	0.086	0.1472	0.2027	0.0811	1											
Arrest	0.1761	0.0467	-0.0324	0.1904	0.0403	0.184	0.2371	0.0946	1										
Rape	0.0418	0.0243	-0.0103	0.0624	0.0155	0.0774	0.0933	0.0209	0.1592	1									
Yield (gov't)	0.0846	0.03	0.0043	0.082	0.015	0.0609	0.0912	0.0392	0.188	0.0488	1								
Facebook reach	0.0667	-0.006	-0.0268	0.0539	-0.0062	0.0245	0.0107	0.0248	0.0264	0.0061	0.0486	1							
Election	0.0014	-0.0155	-0.0251	-0.0026	-0.0155	-0.0078	-0.0005	0.014	0.0258	-0.0054	0.004	-0.0532	1						
Rural pop. (%)	-0.0986	0.0133	0.0604	-0.0847	0.0137	-0.04	-0.0365	-0.0397	-0.1701	-0.0247	-0.0779	**-0.7941**	-0.0394	1					
Scheduled Castes	0.1733	0.0394	-0.0727	0.2103	0.0547	0.1254	0.2403	0.0246	0.4199	0.1552	0.1161	-0.305	0.0676	0.1998	1				
Scheduled Tribes	0.003	-0.0162	-0.0551	0.0001	-0.0151	0.0349	-0.0044	0.0314	0.1789	0.0548	0.055	-0.3596	-0.041	0.262	0.2432	1			
Muslim (%)	0.1117	0.2419	0.5431	0.1408	0.2465	0.3235	0.2508	0.1252	0.0569	0.0249	0.0177	-0.1375	0.1223	0.109	0.1361	-0.0343	1		
Literacy (%)	-0.0588	-0.0942	-0.1589	-0.0795	-0.0992	-0.1158	-0.1252	-0.018	-0.0254	-0.0441	-0.0127	0.4832	0.0807	-0.6031	-0.4253	-0.4275	-0.2196	1	
GSDP per capita	0.0664	-0.0349	-0.1095	0.0443	-0.0372	-0.0128	-0.0213	0.02	0.116	0.0073	0.0518	**0.8164**	-0.0016	**-0.7622**	-0.3112	-0.3604	-0.2218	0.5707	1

	Model 1	*Model 2*	*Model 3*	*Model 4*	*Model 5*	*Model 6*
Dependent variable	**Non-violent protest**	**Non-violent protest**	**Non-violent protest**	**Riots**	**Organized collective action**	**Leaderless collective action**
Shutdown $_{t-1}$	1.673** (.265)					
Shutdown *consecutive days*						
1		1.275 (.311)	1.171 (.302)	3.888** (1.174)	.853 (.273)	1.068 (.518)
2		2.711** (.523)	2.382** (.504)	4.673** (1.543)	1.974** (.502)	1.161 (.576)
3		1.513 (.448)	1.574 (.460)	5.362** (1.783)	1.589 (.526)	1.153 (.660)
4		.596 (.339)	.626 (.359)	3.519* (1.921)	.755 (.428)	.654 (.662)
5		.661 (.471)	.689 (.491)	1.511 (1.528)	1.040 (.688)	.000 (.000)
Lagged DV	1.152** (.016)					
DV *consecutive days*						
1		1.268** (.050)	1.310** (.053)	1.460** (.170)	1.337** (.055)	1.286** (.100)
2		1.305** (.081)	1.353** (.090)	1.395 (.300)	1.319** (.087)	1.177 (.154)
3		1.392** (.132)	1.501** (.150)	1.663† (.472)	1.458** (.145)	.992 (.216)
4		1.570** (.199)	1.664** (.219)	2.743** (.902)	1.531** (.210)	1.556† (.386)
5		.842 (.174)	.910 (.199)	1.557 (.612)	1.011 (.203)	.297* (.173)
State violence $_{t-1}$	1.020 (.015)	.999 (.010)	1.000 (.011)	1.043** (.017)	1.008 (.011)	1.018 (.285)
Arrests $_{t-1}$	1.003 (.011)	1.002 (.007)	.997 (.007)	.998 (.015)	1.007 (.007)	1.000 (.986)
Political rights restriction $_{t-1}$	1.069 (.076)	1.022 (.046)	1.033 (.048)	.917 (.070)	.987 (.050)	.900 (.235)
Yield (gov't) $_{t-1}$	1.061 (.044)†	.976 (.030)	.992 (.792)	.989 (.066)	.965 (.032)	1.003 (.966)
Collective violence $_{t-1}$	1.012 (.014)	1.008 (.008)	1.013 (.136)	.978 (.014)	1.008 (.009)	.976 (.156)
Rape $_{t-1}$	.947 (.052)	1.085* (.035)	1.081* (.038)	1.015 (.074)	1.054 (.038)	1.058 (.404)
Election (recent, occurring, upcoming)	1.103 (.180)	.974 (.098)	.820* (.079)	2.851** (.441)	1.430** (.135)	1.284 (.177)
Facebook reach	1.005* (.010)	1.082** (.012)		1.019 (.018)	1.089** (.012)	1.006 (.794)
Scheduled Castes (%)	1.000 (.000)**	1.000 (.000)		1.000 (.000)	1.000 (.000)	1.000 (.259)
Scheduled Tribes (%)	1.000 (.000)	.999** (.000)		1.000 (.000)	1.000** (.000)	1.000† (.071)
Muslim (%)	1.453 (.674)	.784 (.261)		.422† (.198)	.685 (.224)	.409 (.168)
Literacy (%)	.967 (.015)†	.984 (.012)		.991 (.015)	.968** (.010)	.973 (.268)
Rural (%)	.671 (.764)	.922 (.646)		.010** (.013)	1.528 (1.097)	1.915 (.725)
GSDP per capita	1.000 (.000)	.999** (.000)		1.000** (.000)	1.000** (.000)	1.000 (.437)
Constant	1.656 (3.494)	.221 (.314)		.633 (1.477)	.320 (.440)	.003 (.010)
Fixed effects (Time = Weeks)	NO	NO	YES	NO	NO	NO
No. of observations	11,680	11,680	12,775	11,680	11,680	11,680
No. of groups	32	32	35	32	32	32

Table 3 Random-effects negative binomial regression results. Significance levels (two-tailed): †90%, *95%, **99%. Incidence rate ratios (IRR) reported with standard errors in parentheses.

I use negative binomial regression across all quantitative estimations, which proves to be superior to the Poisson distribution that is typically employed with count data. Visual analysis of the histograms for all the collective action variables clearly indicates a rightward skew with a large number of 0s and isolated events. The variance-to-mean ratio of the dependent variables used for the statistical analysis ranges from 2.59 to 4.34 (variance significantly higher than mean), justifying a negative binomial regression approach, with incidence rate ratios reported for greater ease of interpretation. Values higher than 1 correspond to a positive effect, with larger values generally indicating higher incidence of the outcome variable. The negative binomial regression also registered better results in goodness-of-fit tests across the board, including lower values for the Akaike Information Criterion (AIC), lower mean differences in observed vs. predicted values, and stronger fit for individual counts of protest events. **Figure 5** compares the residuals of the Poisson and negative binomial models to account for my selection of the latter.

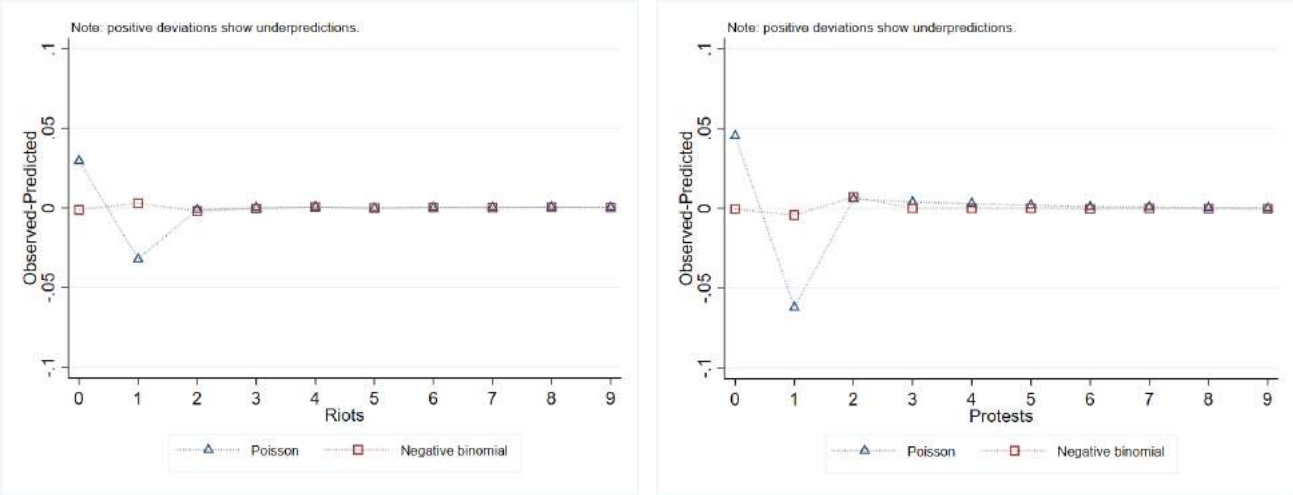


Figure 5 Residuals plot for Poisson and negative binomial regressions using non-violent protests (left) and violent riots (right) as dependent variables. Plots closer to 0 across the board are indicative of better-fitting models. Poisson underpredicts at 0 and overpredicts at 1 in both cases while negative binomial is relatively consistent. Poisson performs especially poorly when estimating the probability of the first event. This suggests that the negative binomial model performs better. The finding is corroborated in additional goodness-of-fit tests. Generated using **countfit** command in Stata 15.1.

In **Table 3,** Models 1-3 focus on the distinction between violent and non-violent collective action in periods of disconnection.[41] Model 1 opens the analysis by examining non-violent protest (based on ICEWS data) as the dependent variable and a binary indicator denoting whether a network shutdown was in place on the previous day. When their exact dynamics are not probed, network shutdowns are positively and significantly associated with non-violent protest, providing some support for *H1a*. Model 2 takes into account the progression of consecutive shutdown days, replacing the binary variable with a more dynamic factor variable. The lagged dependent variable is also switched out for a factor variable that accounts for which consecutive *protest* day it is, in order to facilitate comparisons between the two. Here a clear difference emerges between the regular dynamics of peaceful protest and those that occur in an information vacuum. While the overall trend is positive for the first three days, the escalation of non-violent protest is only significant for the second consecutive day of disconnection. In contrast, consecutive days of protest, without singling out blackout days, tend to see a gradual, statistically significant increase until the fourth day, after which the relationship loses significance. Although the effect is inconsistent, this finding does suggest that the usual dynamics of non-violent mobilization are affected by information and communication blackouts. A secondary trend that reappears in other models (including most not shown here) is the correlation between Facebook reach and non-violent demonstrations. This is one of several clues that imply a link between communication technology, organizational capacity, and non-violence.

These dynamics are replicated in Model 3, which adds fixed effects for 52 weeks of 2016. In mixed time-varying and time-invariant panel data, the use of fixed effects typically requires the removal of time-invariant variables, as fixed effects estimators rely on variation within individuals (Bohlken & Sergenti 2010, Gunasekara et al. 2014). Removing these variables does not change the estimate of the parameter associated with the shutdown variable, which continues to point toward a reality distinct from the broader dynamics of each consecutive day of collective

[41] This generates greater confidence in the results. In additional, unreported regressions, these findings are verified using data from ACLED, yielding similar results.

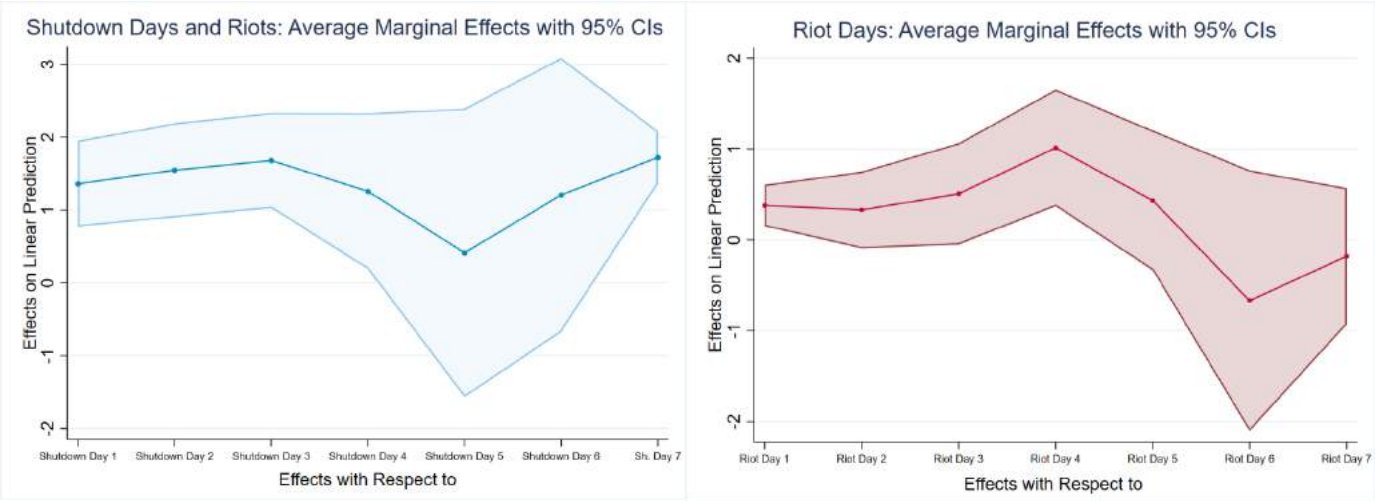
action. While fixed effects capture additional variance, the loss of time-invariant variables is too significant to use them in subsequent analyses.[42]

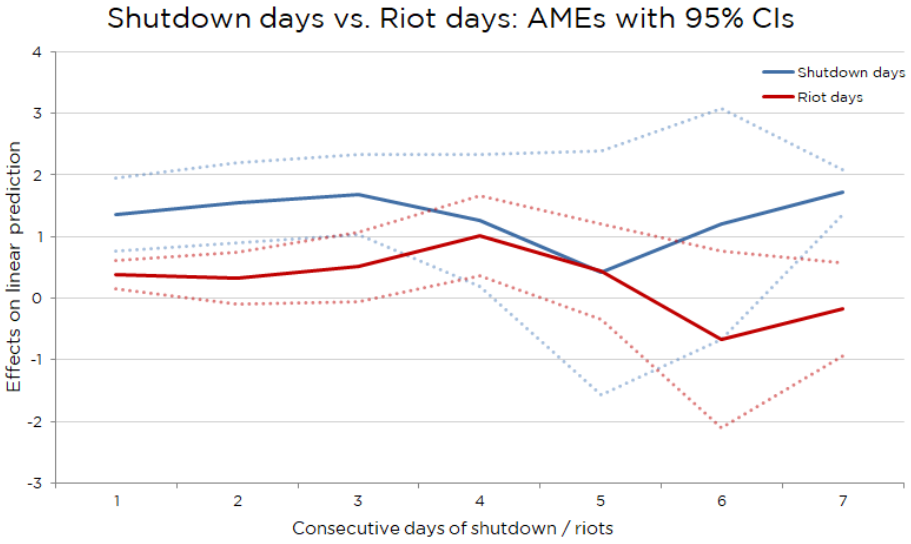
Model 4 examines a more violent form of collective action: riots. The results are a near-inverse image of the findings for non-violent mobilization. Riots continually increase in intensity for the three first days of disconnection. Although the factor variable for consecutive days of riots also registers a positive tendency, it is weaker in both intensity and significance levels, illustrating the chaotic dynamics of violent protest. This result provides support for *H1b*. Despite the chaos and impulsiveness that characterize many riots, maintaining a blackout seems to strengthen and entrench unrest instead of quelling it. A more conservative interpretation is that shutdowns do not compel rioters to prematurely cease rioting, which, in most cases, is the stated objective of a shutdown. In combination with the previous models, this signals that violence and non-violence are substitutes rather than complementary actions in the course of disconnective action, with shutdowns leading to violent outcomes that are more difficult for security forces to harness peacefully and more damaging to both property and the local economy. If shutdowns in India are at once costly, ineffectual, and destabilizing, a solid argument against the practice itself emerges. Additionally, none of the specifications in which riots are the dependent variable point to variations in the availability of Facebook as a driver of violent collective action. Although Facebook penetration is only a proxy for online activity involving mass coordination, this finding adds to the skepticism surrounding the effects of shutdowns, as the measures adopted seem to encourage collective action that does not rely on the Internet to expand.

Figure 6 illustrates the primary finding regarding violent collective action. For the first four consecutive days, average marginal effects for each shutdown day are considerably higher than for each day of rioting without considering shutdowns. They also display higher significance levels before both lose significance on the fifth day.

[42] However, regressions that included them produced patterns similar to the results specified in this section.

Figure 6 Average marginal effects of each consecutive shutdown day (top left; blue line in combined graph below) and each consecutive day of riots (top right; red line in combined graph below) on the linear prediction of the number of riots per day. This allows us to trace the temporal dynamics of violent collective action in two scenarios. Combined graph (below) included to facilitate comparison.





Models 4 and 5 tackle the structural aspects of collective action in India directly. The dependent variable in Model 4 is *organized collective action*, operationalized as the combination of all protest and riot events on any given day with clearly identifiable participants. The exact operationalization used in this regression comprises events where organized collectives (e.g., civil

society or groups representing a profession) were the primary participants.[43] Intriguingly, the dynamics of disconnected protest here resemble those of non-violent mobilization in general. The correlation between the two (.62) exemplifies the link between organization and non-violence while remaining sufficiently low to conduct a separate analysis. The effect is weak and uneven, alternating between a (non-significant) decline in collective action and ephemeral surges. This supports *H2*, suggesting that blackouts do disrupt the socio-organizational resources of the organizing entities, possibly destabilizing participation in organized protest. Amid the strategic shock that shutting down communication channels entails, structured actors and their followers may fall back on more extreme tactics. While technology is not critical for organized collective action, a rapidly escalating situation would call for immediate tactical decisions. A further piece of supporting evidence is the significant and positive connection between larger Facebook user bases and organized protest, which can again be interpreted as a larger-than-average proclivity to use digitally enabled means of coordination in organized collective action.

Model 5 shifts the focus to collective action that does not have an organized coordinating party or clearly defined groups as participants. While such protests cannot be called leaderless in the purest sense, they are less reliant on formally constituted entities and often consist of loosely assembled women and men who do not walk under any organizational banner. With this form of protest as the dependent variable, I encounter a challenge to *H2.* Across several similar specifications, there does not seem to be a significant relationship between blackouts and 'leaderless' or loosely coordinated collective action. This calls into question one expected effect – a surge of organizationally loose protest occurring without central coordination. The consistency of this result also suggests that the dynamics of "locally clustered, but globally diffused protest" led by local vanguard, as demonstrated by Hassanpour (2017) in Egypt and Syria, may not be fully realized in India. Pairing this finding with the others, it appears that loosely coordinated disconnective action neither flares up nor cedes to resurgent, formally organized protest as a

[43] This operationalization omits political parties (or individual political actors), unions, youth groups, and farmers' organizations, as including them increases the correlation between this variable and the broader non-violent protest variable to .89. The risk of conflating structure and non-violence would weaken the analysis. Communal, religious, and caste protests were not included in any version of this set given difficulties in attributing a consistent degree of coordination to such events.

result of a shutdown. Instead, it gives way to violent expressions of dissent, however structured they may be. Coordination and leaderlessness are complementary, not substitutable.

Finally, I construct a model that accounts for the co-occurrence of network shutdowns with violent methods of crowd dispersal, including *lathi* charges and gunfire. In May 2018, for instance, the affluent southern state of Tamil Nadu conducted its first shutdown immediately following a violent anti-pollution protest in which security forces killed more than a dozen demonstrators. How does this simultaneity of repressive strategies affect disconnected protest? The substantive results of an interaction model where consecutive days of blackout are interacted with levels of state violence are the following. Before losing significance on the third day, the joint effect of a blackout and higher levels of state violence on *non-violent* protest is positive, albeit weak ($p < .007$ for the first day, $p < .056$ for the second). One possible interpretation is that this pincer maneuver involving the simultaneous use of two government strategies brings protesters back into the fold of non-violence, as another strategic shift away from violent action occurs. However, much more work has to be conducted to corroborate this.

The direction and significance of the incidence rate ratio for a number of additional models for five consecutive days of blackout is displayed in **Table 4**.

Dependent variable	Day 1	Day 2	Day 3	Day 4	Day 5
Non-violent protests	+	+	+	-	-
Riots	+	+	+	+	+
Organized protests	-	+	+	-	+
Leaderless protests	+	+	+	-	-
Political protests	-	+	+	+	-
Student/youth protests	-	-	+	-	+
Ethnic/communal protests	+	+	+	+	-

Table 4 Direction of effect and significance level for the relationship between network shutdown and different outcome variables. Specification of control variables identical to Model 2. Union and farmers' protests not included due to small number of coinciding cases. Shading denotes non-significance ($p \geq .05$).

The results of these analyses do not take into account negative reporting bias that stems from disrupting communication networks (Earl et al. 2004). Blackouts introduce confusion into the information environment, potentially silencing *reports* of unrest rather than unrest itself. Accounting for this is methodologically challenging. Such bias could be expected to reduce reported incidence of protest rather than inflate it, thus weakening the significance of any escalatory effects. Correcting for this is beyond the scope of the present study, but is likely to introduce more doubt regarding the utility of exercises in digital repression such as network shutdowns.

Alternate Institutional Explanations

In the above, I have explored some of the structural dynamics of disconnected protest, providing evidence that shutdowns may turn non-violent protest (which tends to be organized) into violent riots. The average duration of these outbreaks of violence in periods of disconnection is at least as great as that of riots as a whole, and their concentration in a given area is greater. But are there hidden institutional variables that underlie them both and drive much of the variation? On the government's side, the structural-institutional dynamics that may encourage collective action and responses to it are more nuanced and difficult to capture. Elections to both the Lok Sabha (the lower house of India's parliament) and to individual Vidhan Sabhas (lower houses of state legislative assemblies) have indicated a trend toward fewer coalition governments, with the nationalist BJP gaining ground in most constituencies. By 2016, many rural areas, which had decisively backed BJP in the 2014 elections, were the scene of large protests against continued economic hardship. BJP's rise to power also coincided with increasing preference toward shutdowns as a means of quelling collective action. Studies have demonstrated that India hosts an array of polarized, Duvergerian two-party systems subnationally (Gowda & Sridharan 2010) and that the dynamics of information flows are linked to this polarization (Rozenas & Sadanandan 2018). An extension of veto player theory suggests that risky or ideology-driven policy solutions are more attractive when the number of veto players is small (Tsebelis 1995). Power-sharing, which forms the bedrock of India's democratic system, could discourage government actors from executing shutdowns, which remain largely unpopular in India.

Perhaps, then, the dominance of BJP in state parliaments is the omitted variable that explains both protest and shutdowns, creating a favorable institutional environment for both the former (as protesters can attribute economic woes to a specific political actor) and the latter (as even controversial policies may be easier to implement when partisan preferences are strong and political challengers are weak).

However, this appears to be only partially true for shutdowns (**Table 5**). While BJP was in power in four of the five states that most actively pursued shutdowns in 2016 (Jammu and Kashmir, Rajasthan, Haryana, and Bihar), it ruled in coalition with left-leaning or regionalist parties in two of those states, including Jammu and Kashmir.[44] In 2016, only three (33.3%) of the ten states that executed shutdowns had coalition governments, but six (27.3%) of the 22 states that refrained from shutdowns also featured coalition rule. A similar split with respect to coalition governments exists between high- and low-protest states.[45] The proximity of the results in these two cases does not allow us to infer a correlation between (non-)coalition governments and shutdowns. Nonetheless, the mere existence of a coalition does not imply equality in power-sharing. I therefore examined the fragmentation of coalition and opposition parties using Laakso and Taagepera (1979)'s widely accepted effective number of parties measure, which in this case assigns less weight to small coalition partners.[46] Neither the fragmentation of the coalition nor that of the opposition was consistently related to shutdown proclivity or protest.[47] This lack of association can potentially itself be explained by institutional factors. In practice, the proximate

[44] At the same time, states that did not implement shutdowns in 2016 had a stronger presence of center-left (primarily Congress) and regionalist governments. Only four out of 14 were BJP-dominated. BJP dominance also does not seem to covary with propensity toward state violence (e.g., police crackdowns on protesters, military operations against militants), which casts doubt on its connection with state repression in general.

[45] Using the ACLED protest data, I calculated that 43% of the states where the number of protests was above the mean of $\bar{x}$ = 296.5 had coalition governments while 37.5% of those below the mean had such power-sharing arrangements.

[46] The formula for this measure is $ENP = \frac{1}{\sum_{i=1}^{N} p_i^2}$, where N is the total number of coalition partners (with a minimum of $i = 1$) and p_i corresponds to each partner i's number of seats.

[47] The fragmentation of the opposition, following a common approach, is operationalized as the proportion of seats held by the dominant opposition party out of all opposition seats. All of the results reported in this paragraph remained strong in a robustness check using data on shutdowns, protest, and party fragmentation for 2017, a year in which the number of shutdowns in India spiked further. It should further be noted that parties in India, well over a thousand in number, are not easily placed on the conventional left-right spectrum. For a more nuanced discussion of this point and parties' interactions with local socioeconomic dynamics, see Rozenas & Sadanandan (2018) and Gowda & Sridharan (2010).

actor invoking Section 144 to suspend communication services is usually the District Magistrate rather than the state-level legislature or other executive power, neither of which is required to provide consent. Future work on the institutional drivers of information control amid therefore examine political affiliations among these actors. [48]

	2016					*2017*				
State	**Shutdowns**	**Coalition gov't?**	**Dominant party**	**Effective # of parties**	**Opposition fragmentation**	**Shutdowns**	**Coalition gov't?**	**Dominant party**	**Effective # of parties**	**Opposition fragmentation**
Arunachal Pradesh	**1**	NO	nationalist	1	0.8998	**0**	NO	nationalist	1	0.8998
Bihar	**2**	YES	mixed	2.0899	0.7208	**3**	YES	mixed	2.0899	0.7208
Gujarat	**3**	NO	nationalist	1	0.9242	**0**	NO	nationalist	1	0.9629
Haryana	**3**	NO	nationalist	1.0425	0.5135	**7**	NO	nationalist	1.0425	0.5135
Jammu & Kashmir	**10**	YES	mixed	1.9936	0.5	**29**	YES	mixed	1.9936	0.5
Jharkhand	**1**	YES	nationalist	1.6113	0.6133	**0**	YES	nationalist	1.6113	0.6133
Madhya Pradesh	**0**	NO	nationalist	1	0.9355	**1**	NO	nationalist	1	0.9355
Maharashtra	**1**	NO	nationalist	1	0.9345	**1**	NO	nationalist	1	0.9345
Manipur	**1**	NO	center-left	1	0.3889	**0**	YES	nationalist	1.61	1
Nagaland	**0**	NO	regionalist	1	0.5711	**1**	NO	regionalist	1	0.5711
Odisha	**0**	NO	regionalist	1	0.5714	**2**	NO	regionalist	1	0.5714
Punjab	**0**	YES	ethnoreligious	1	0.5128	**1**	NO	center-left	1.4099	1
Rajasthan	**6**	NO	nationalist	1	0.8333	**7**	NO	nationalist	1	0.8333
Telangana	**0**	NO	regionalist	1	0.4483	**1**	NO	regionalist	1	0.4483
Tripura	**0**	NO	left	1	0.9089	**1**	NO	left	1	0.9089
Uttar Pradesh	**2**	NO	left	1	0.4733	**2**	YES	nationalist	1.0843	0.6352
West Bengal	**0**	NO	regionalist	1	0.5249	**1**	NO	regionalist	1	0.5249

Table 5 Network shutdowns and coalition dynamics in the Vidhan Sabha (lower house) of state legislative assemblies in India (2016-17). States with no shutdowns in this period not shown.

[48] District Magistrates have publicly stated that implementing shutdowns under Section 144 is less cumbersome than other forms of addressing protest, including police engagement. No credible data exist on the names and party affiliations of these actors as of 2019.

Conclusion

This study has explored the dynamics of disconnective action by quantitatively and qualitatively analyzing India as an extreme case study. This subnational approach has revealed that India exhibits potentially unique traits in how collective action is driven when access to information and communication channels is limited. The findings suggest that social media and digital platforms are not critical to collective action, as mass mobilization can occur even in their absence. However, these channels are readily employed as methods of coordination, and removing them can turn a predictable situation into one that is highly volatile, violent, and chaotic. Another policy implication is that network shutdowns in India are clearly not uniformly effective, but remain prohibitively costly when maintained. Extrapolating from Kathuria et al. (2018)'s calculation of the costs of shutdowns in India, a three-day blackout equates to a revenue loss of at least $559,000 while the work of civil society organizations suggests that a blackout of the same duration in J&K would cost the state economy $28.4 million. These calculations do not encompass less palpable economic damage and the aftermath of violent collective action, to which blackouts appear to lead. This is a high price to pay for a tactic that appears to be ineffective as a weapon against collective action.

While I provide limited support for the unanticipated enabling effect of shutdowns on non-violent protest (except possibly when a blackout is paired with state violence), violent mobilization seems to grow in intensity during blackouts. The deterrent might therefore amount to an encouragement to substitute non-violent tactics for violent ones. At the same time, the tests conducted above indicate a strong connection between the reach of Facebook and non-violent protest as well as a non-existent link between Facebook and riots. While the non-significant result suggests the effect of shutdown on non-violence is at least ambiguous, continued targeting of the communication infrastructure is entirely misguided once a tactical shift to violence occurs, as rioters do not typically use Facebook to mobilize. However, much work remains to be done to determine the causal pathways behind these effects. We cannot say with confidence *why* violent collective action rises in the wake of a shutdown while surges in non-violent action lose their

momentum, and the structural factors analyzed here do not seem to explain it well. We can say, however, that the relationship exists.

These findings cast considerable doubt on whether shutdowns are a useful device in the quelling of unrest. Rumors and disinformation continue to spread with or without access to digital communication networks, whose primary role is that of accelerators of information diffusion. Indeed, mobilization may not be primarily driven by these networks themselves or even formal organizations that use them to bolster their showing in the streets, but rather by micro-level information cascades among people with strong private ties, as a number of scholars of social movements have previously argued (Lohmann 1994, McAdam 1986, Passy & Monsch 2014).

Future research can improve upon the approaches taken here in at least four ways: by adding more temporal variation (as both 2017 and 2018 have seen a surge of shutdowns in India that greatly exceeds the numbers for 2016), increasing the level of spatial precision to the district level (as studies of India traditionally assume the district as the level of analysis, per Dhattiwala & Biggs 2012), exploring exogenous variables, and attempting to capture the size rather than simply the incidence of protests. Probing subnational dynamics to the district level may be especially useful, as circumstantial evidence suggests that uniquely outlying cases such as Jammu and Kashmir can harbor additional effects (see **Figure 7**). Explorations of the spatiality of collective action, shutdowns, and violence further should also incorporate more minute-level election data, including *panchayat* (village council) elections, which sometimes spur violent incidents. Finally, scholars must gather better data on the role of social media in non-violent collective action versus its violent equivalent, expanding on a tangential finding in this study.

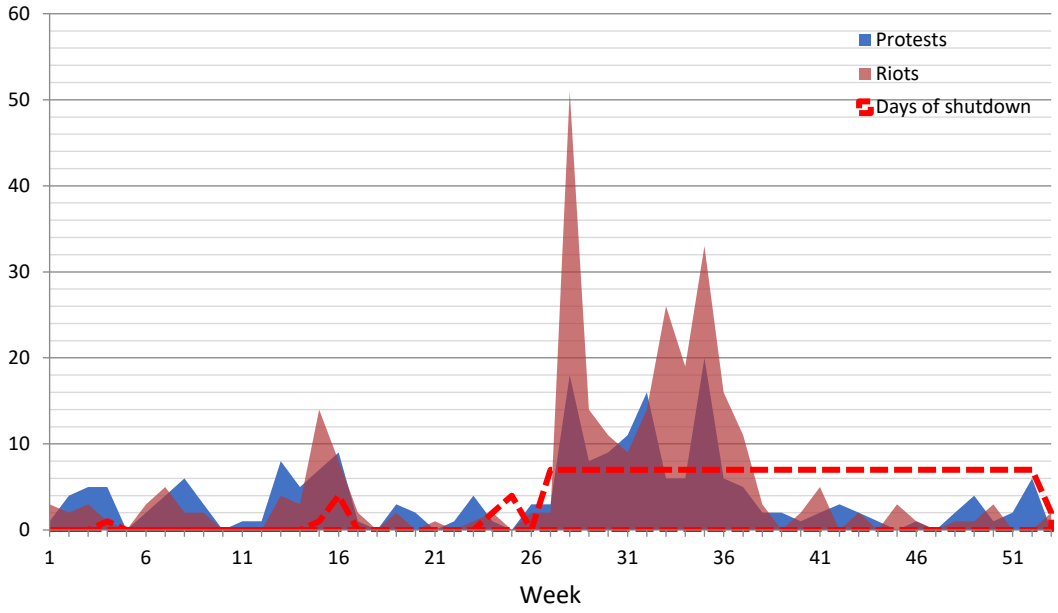


Figure 7 Number of protests and riots in Jammu and Kashmir in 2016, by week, based on ICEWS. Dotted line represents number of days in a given week that a network shutdown was in place. This visualization of dissent trajectories in Jammu & Kashmir suggests that, in some cases, network shutdowns may be followed by a surge in both violent and non-violent mobilization.

In many ways, India is a Petri dish of information control in the developing world. As a democratic state and an emerging economic power, it sets examples for similar countries to follow. However, the rapid growth of the Internet user base in India has had contradictory impacts on both society and democratic governance. A 2015 survey found that more half of all Facebook users in India equated the latter to the broader Internet (Mirani 2015). The level of trust that new users vest in platforms awash in hearsay and disinformation make India, in many ways, a supercharged mirror of trends in high-income countries where individuals find it increasingly challenging to distinguish fact from fiction on social media (Tucker et al. 2018). But in India – as well as other states with similar socioeconomic trajectories and internal tensions – the consequences of conflating the two can be even more dire. It is therefore necessary to hold at least two parallel discussions: one on how information control can turn into digital repression and another on the repercussions of information diffusion in diverse communication environments.

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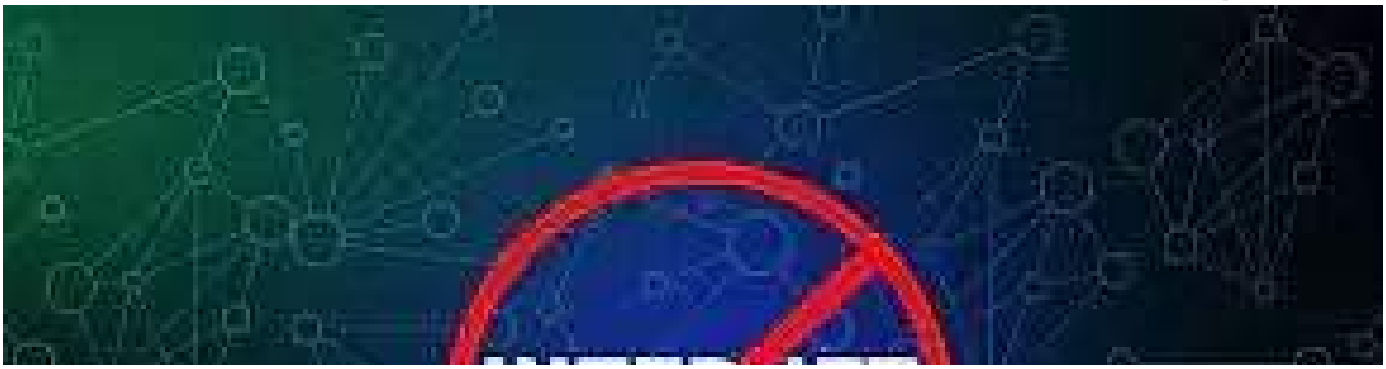
Annexure P-14

Steep rise in prices of essentials, internet shutdown hit banking services

People in ethnic violence-hit Manipur are now experiencing a double whammy as not only prices of essential commodities have skyrocketed in the state,



By : Sentinel Digital Desk | 15 May 2023 1:04 PM

IMPHAL: People in ethnic violence-hit Manipur are now experiencing a double whammy as not only prices of essential commodities have skyrocketed in the state, but banking facilities remain affected due to the suspension of internet services, making life more miserable for them. In most of the 16 districts, internet services continue to be suspended for 12 days, rendering financial institutions like banks and ATM booths without money. The suspension of mobile internet services has also badly affected important government and non-government services since May 3, when Manipur witnessed unprecedented violent clashes, attacks, counter-attacks, and arson of houses, vehicles, and government and private properties in more than 10 districts.

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The transport fuel crisis also put commuters in trouble. The state government authorities are supplying petrol and diesel to two-wheeler and vehicle owners in limited quantities. The curfew in 11 districts is being relaxed for several hours every day in the daytime, allowing the people to procure food and various other essential items. Officials in Imphal said that sporadic incidents of violence and attacks are taking place

these houses are now living in relief camps.

Defence sources said that a joint Army and **Assam Rifles** area domination patrol party was fired upon by a group of unidentified armed miscreants in a forest area near Lailampat in **Churachandpur** district on Saturday.

Two Assam Rifles personnel who sustained gunshot wounds were immediately taken to hospitals. When the security personnel retaliated, the armed miscreants fled from the area. In another incident at Sipijang under Senapati district on Saturday, the area domination patrol team of the Assam Rifles was fired upon by a group of unidentified armed miscreants from the jungle.

Following an effective retaliation, the miscreants ran away, and two rifles and some ammunition were recovered from the area. Meanwhile, the Manipur government's security advisor, Kuldiep Singh, said that during an inspection, some cadres and arms were found missing in some camps where the Kuki militants under the 'Suspension of Operation' agreement have been staying.

After the ethnic violence broke out on May 3, the miscreants and the agitators snatched 1,041 arms and 7,460 pieces of ammunition from the security forces. So far,

423 arms and 6,697 rounds of ammunition have been recovered from them, Singh said.

The central forces, including the Army, also undertook round-the-clock aerial surveillance using drones and military choppers. The Army's three-pronged domination strategy in Manipur is helping the state return to normalcy. The Army is leaving no

Also Read: **Manipur: Amid Sporadic Violence, Internet Services To Remain Suspended For Five More Days**

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Annexure P-15

India

Net ban affects normal life in strife-torn Manipur

PTI 21 May, 2023 07:00 pm IST

Imphal, May 21 (PTI) Thongbam Inaotomba's son in Delhi is likely to be thrown out of his lodgings in Delhi as she has not been able to send money to the young student as the internet has been switched off in Manipur for the last 19 days.

Bimola Thounaojam, the mother of an 18-year-old youth, has been trying frantically trying to work out how to get her son admitted to a college outside Manipur without having to go through the usual net-based admission procedure.

The net was switched off in this picturesque state three weeks ago after it erupted in ethnic clashes in order to stop rumours and misinformation being spread using the net which could result in a spiral of retaliatory violence.

"My son cleared the CBSE Class 12 exam recently. We cannot get information related to online form submission, cut-off marks and last date for application in colleges in

major cities of the country outside Manipur," said Thounaojam, 52, a resident of Imphal.

The academic career of many students is being threatened due to the internet suspension, she told PTI.

"I am unable to send money online to my son; he studies in Delhi. He has told me over the phone that his landlord has threatened to drive him out if he doesn't pay his monthly rent," said Inaotomba, 54, a businessman.

Business activities have been affected as stakeholders are not able to send emails or transfer payments, he said.

Residents argue that instead of a blanket suspension of internet, the government should have curbed the use of social networking sites as only those are used in spreading misinformation, said some of the people of the state which witnessed death of over 70 people in the clashes between Meitei and Kuki communities since the violence began.

Anand Singh Huidrom, 41, who works from home here as an associate manager of a major information technology company, said his office work has been jeopardised.

"It is extremely unfair for the government to completely shut down the internet. If the authorities feel social networking sites might spread misinformation, they could have blocked those sites. Instead, they are paralysing all forms of connection," Huidrom said.

The authorities cannot take away the basic right of access to information just because they are unable to check the handiwork of a few miscreants, asserted a Manipur High Court lawyer.

"I am unable to share important case related documents with my colleagues and clients. The authorities seem to have forgotten that we are part of a democratic system that takes pride in digital India," said the lawyer who does not want to be identified.

The high court is also facing a hard time as it is unable to pro
the dates and timings of cases, creating chaos and confusion

Clashes broke out in Manipur after a 'Tribal Solidarity March' was organised in the hill districts on May 3 to protest against the Meitei community's demand for Scheduled Tribe (ST) status.

The violence was preceded by tension over the eviction of Kuki villagers from reserve forest land, which had led to a series of smaller agitations.

Mei ount for about 53 per cent of Manipur's population and live mostly in the Imphal Valley. Tribals — Nagas and Kukis — constitute another 40 per cent of the population and reside in the hill districts.

The ethnic clashes claimed over 70 lives and some 10,000 army and para-military personnel had to be deployed to bring back normalcy in the northeastern state. PTI COR NN JRC JRC

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I. A. No. OF 2023

IN

WRIT PETITION (CIVIL) NO OF 2023

IN THE MATTER OF:

Chongtham Victor Singh & Anr. **… Petitioners**

Versus

State of Manipur **… Respondent**

AN APPLICATION SEEKING AD INTERIM RELIEFS

To

The Hon'ble the Chief Justice of India
And His Companion Justices of the
Hon'ble Supreme Court of India

The Petition of the Petitioner above named.

MOST RESPECTFULLY SHOWETH:

1. The instant petition has been filed by the Petitioners to seek a direction directing the Respondent to restore the internet in the State of Manipur, and a declaration that the internet shutdown orders issued by the Respondent on 03.05.2023, 04.05.2023, 07.05.2023, 11.05.2023, 16.05.2023, 21.05.2023 and 26.05.2023 were illegal. The Petitioner also seeks consequential directions to ensure that the Respondent respects the Petitioners' fundamental right to access the Internet under Articles 19 and 21 of the Constitution of India, the decision of

the Hon'ble Supreme Court in ***Anuradha Bhasin v. Union of India,*** **2020 3 SCC 637**, Section 5(2) of the Telegraph Act, 1885, and the Telecom Suspension Rules, 2017.

2. The contents of the accompanying petition may kindly be read as part and parcel of the present application.

3. The imposition of the impugned internet shutdown was a response to reported incidents of violence during rallies organized by volunteers and youth protesting the demand for inclusion of the Meitei/Meetei community within the Scheduled Tribe category. These clashes escalated into widespread arson, violence, and killings across the state, which justified a *temporary* and *time-bound* shutdown of the internet.

4. A few days after the initial shutdown, tensions were diffused, and aside from sporadic incidents of violence that could be addressed at the district level, there was a clear and admitted de-escalation of the situation. Despite this gradual return to normalcy, the state-wide internet shutdown order issued by the Respondent on 03.05.2023, and 04.05.2023 was mechanically extended on 07.05.2023, 11.05.2023, 16.05.2023, 21.05.2023 and 26.05.2023, effectively resulting in an indefinite shutdown of the internet.

5. Consequently, there has been a complete blockade of internet access across the state for more than 24 days, causing significant harm to the rights of the Petitioners and other residents. This is grossly disproportionate in its interference with Petitioners' constitutional right to freedom of speech and

expression under Article 19(1)(a) and the right to carry on any trade or business under Article 19(1)(g), using the constitutionally protected medium of the internet. Additionally, it does not pass the threshold of "public emergency" and "public safety" prescribed by Section 5(2) of the Indian Telegraph Act, 1885 and Article 19(2) of the Constitution.

6. To prevent damage to the Petitioners' right to life, trade and commerce and speech and expression, the Petitioner seeks a restoration of internet/data services in all districts in the State of Manipur, except those in which there continues to be unrest and violence.

7. If interim orders are not passed by this Hon'ble Court, the Petitioners will suffer irreparable loss and grave prejudice to its fundamental rights guaranteed under Article (1)(a), 19(1)(g) and Article 21.

8. The Petitioners have a good prima facie case on merits and the balance of convenience lies in favour and in the favour of the grant of interim relief.

9. The present application has been moved bona fide and may be allowed in the interest of justice

PRAYER

In light of the above facts and circumstances, the Petitioners prays that this Hon'ble Court may be pleased to:

i. Grant ad interim direction to restore internet services in all districts of the State of Manipur, except those in which there continues to be violence and unrest;

ii. Pass any other order or relief that this Hon'ble Court may deem fit in the facts and circumstances of the case

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

Drawn By: **Filed By:**

Natasha Maheshwari, Adv.

Place: New Delhi

Dated: 28.05.2023

Mr. Shadan Farasat

Advocates for the Petitioners

No Batch Matter & No Death Case

Section-_____

IN THE SUPREME COURT OF INDIA

Civil/Criminal/Original/Appellate Jurisdiction

SLP/APPEAL/WP/TP/RP/CP (CIVIL/CRIMINAL) No. _____ OF_____

IN THE MATTER OF:

Petitioner(s)

Chongtham Victor Singh & Anr. Appellant(s)

VERSUS

State of Manipur Respondent(s)

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DATE: 28/05/2023

Mr. Shadan Farasat
Advocate for Petitioner(s)/Appellant(s)
Off: J-14 (Basement), Jangpura Extension, New Delhi-110014,
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Clerk of Advocate **Shadan Farasat** **AOR Code: 1985**
Mob: - **+91-7838001284 & +91-8800515913 Email: -** shadanfarasat@gmail.com
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Email: - info@farasatlaw.com

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL/ORIGINAL/APPELLATE/JURISDICTION
S.L.P.(C/Crl.)/Civil/Crl. Appeal/W.P./T.P/R.P. No. _____20____

IN THE MATTER OF:
Chongtham Victor Singh & Anr. ... Petitioner(s)

VERSUS

State of Manipur ... Respondent(s)

VAKALATNAMA

I, **Chongtham Victor Singh**, S/D/W/o **Shri Chongtham Mahendra Singh** aged about **44** years, R/o **Khonghampat Awang Leikai, P. O. Mantripukhri, P. S. Sekmai, Imphal West**, presently at **Manipur**, do hereby appoint and retain **Mr. Shadan Farasat,** Advocate on Record, of the Supreme Court to act and appear for me/us in the above Suit/ Appeal/ Petition/ Reference and on my /our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of my application connected with the same of any decree/order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on my/our behalf in the said Suit/Appeal/Petition/Reference and in application of Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter, I/we agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this **23** day of **May**, 20**23**.

Accepted, Identified, Satisfied & Certified

S/ Farasat

SHADAN FARASAT
ADVOCATE ON RECORD
SUPREME COURT OF INDIA

(CH. VICTOR)
APPELLANT(s)/PETITIONER(s)
INTERVENOR(s)/RESPONDENT(s)

MEMO OF APPEARANCE

To,

The Registrar,
Supreme Court of India
New Delhi

Sir,

Please enter my appearance on behalf on the Petitioner(s) /Appellant(s)/ Respondent(s) /Intervenor in the matter above mentioned.

Dated this **28** day of **May** 20**23**

Yours faithfully,

S/ Farasat

(Mr. Shadan Farasat)
Advocate for Petitioner(s)/Respondent(s)/ Appellant(s)/Intervenor(s)/Caveator(s)
Off: J-14 (Basement), Jangpura Extension, New Delhi-110014,
Mob: +91-9818009824, **AOR Code:** 1985,
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IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/ORIGINAL/APPELLATE/JURISDICTION

S.L.P.(C/Crl.)/Civil/Crl. Appeal/W.P./T.P/R.P. No. _____ 20____

IN THE MATTER OF:

Chongtham Victor Singh & Anr. ... Petitioner(s)

VERSUS

State of Manipur ... Respondent(s)

VAKALATNAMA

I, **Mayengbam James MC**, S/D/W/o **Mayengbam Krishna Kumar**, aged about **42** years, R/o **Keishamthong Elangbam Leikai, Imphal West, Manipur - 795001**, presently at **Manipur**, do hereby appoint and retain **Mr. Shadan Farasat,** Advocate on Record, of the Supreme Court to act and appear for me/us in the above Suit/ Appeal/ Petition/ Reference and on my /our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of my application connected with the same of any decree/order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on my/our behalf in the said Suit/Appeal/Petition/Reference and in application of Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter, I/we agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this 23rd day of May, 2023.

Accepted, Identified, Satisfied & Certified

SHADAN FARASAT
ADVOCATE ON RECORD
SUPREME COURT OF INDIA

(M. James. MC)
APPELLANT(s)/PETITIONER(s)
INTERVENOR(s)/RESPONDENT(s)

MEMO OF APPEARANCE

To,

The Registrar,
Supreme Court of India
New Delhi

Sir,

Please enter my appearance on behalf on the Petitioner(s) /Appellant(s)/ Respondent(s) /Intervenor in the matter above mentioned.

Dated this **28** day of **May** 20**23**

Yours faithfully,

(Mr. Shadan Farasat)

Advocate for Petitioner(s)/Respondent(s)/ Appellant(s)/Intervenor(s)/Caveator(s)

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