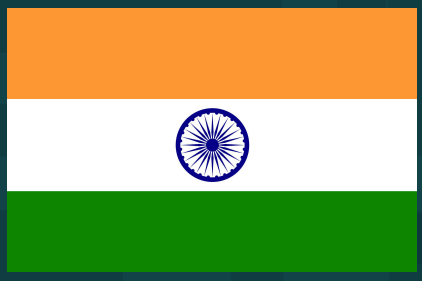
Internet Shutdowns in India:
A Needs and Capacity Assessment to Prepare, Prevent, Resist

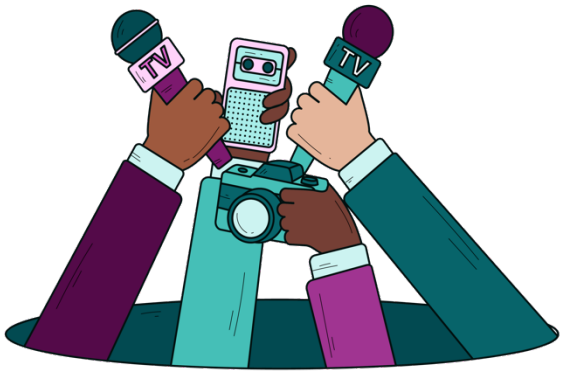


About the Report

Since 2019, Internews' OPTIMA project has been working with civil society organizations in countries around the world to better prepare for, prevent, and advocate against internet shutdowns. In 2022, Internews worked closely with two organizations, Software Freedom Law Centre and the Bachchao Project, to engage in a comprehensive needs assessment process to understand Indian civil society's capacity to engage in internet shutdown advocacy.

Through a survey of civil society stakeholders, interviews, focus groups and a series of four co-design workshops in Delhi, Guwahati, Hyderabad, and Jaipur, this report examines how Indian civil society views advocacy challenges related to internet shutdowns, perceptions on future internet shutdown risks, and the resources required to better prepare for and prevent shutdowns.

The full report, available at preparepreventresist.org, provides a detailed legal analysis as well as an extensive review of the survey findings, and focus group discussions. The report ends with recommendations for civil society actors, policymakers, and international organizations to support Indian actors' capabilities to build sustainable long-term advocacy to prevent shutdowns.



DEFINING INTERNET SHUTDOWN

For the purpose of this report, an "internet shutdown" is defined broadly to include not only internet blackouts (when the government completely cuts off access to the internet) but also internet throttling (when the network is deliberately slowed) and major instances of blocking (when major social media platforms and messaging applications are blocked).

Executive Summary

For four years running, India has held the notorious distinction of being the country with the greatest number of internet shutdowns,[1] according to data from the digital-rights organization Access Now. It also has some of the longest-lasting imposed shutdowns in the world.[2] These shutdowns have been carried out in a variety of contexts and under a range of rationales -- from protests to incidents of violence, and even for the prevention of cheating in competitive exams. The geographic distribution and frequency of internet shutdowns have increased over the years.

In India, a significant number of internet shutdowns target mobile internet services, which is the most common way people access the internet. As a result, in almost all cases of internet shutdown, a suspension order impacts a significant number of people in the affected area, widening the scope of harms done. In addition to suspension orders, the government has also been known to order the slowing of internet speeds in certain parts of the country ("throttling"), as well as whitelisting only a select number of websites that residents of an affected area can use ("filtering"). Research conducted or maintained by the Software Freedom Law Center[3], Access Now[4], and Internews' OPTIMA project[5] considers such instances to count as internet shutdowns for advocacy purposes, because the events cut access to major internet services to segments of a population.

India has a vibrant civil society and tech sector that have huge potential to collaborate on advocacy to challenge and, ideally, prevent internet shutdowns. Resistance to shutdowns, both via public advocacy and litigation, is vital and can be effective: Over the past few years, persistent civil society advocacy, both at domestic and international levels, have led to some gains. Early in 2022, the Kolkata High Court intervened and successfully reversed an ongoing shutdown order. A constitutional challenge to the legal framework that permits internet shutdowns is currently pending in front of the Guwahati High Court in north-eastern India. Additionally, the Supreme Court of India has admitted a petition challenging four states – Arunachal Pradesh, Rajasthan, Gujarat and West Bengal -- for ordering internet shutdowns to prevent cheating during state civil service exams.[6] Such instances offer avenues for directed strategic advocacy efforts to demonstrate the impact of shutdowns on fundamental rights, the economy, and civic participation.

In addition to legal strategies, there is a need to work intensively in specific communities that are most affected by shutdowns to truly understand their digital needs and how they can participate actively in advocacy and internet-shutdown preparation and readiness.

1 https://www.accessnow.org/cms/assets/uploads/2022/05/2021-KIO-Report-May-24-2022.pdf
2 https://internetshutdowns.in/static-page/jammu-kashmir/
3 https://internetshutdowns.in/
4 https://www.accessnow.org/internet-shutdown-types/
5 https://internews.org/wp-content/uploads/2021/03/Optima_Needs_Assessment_Report_2020.pdf
6 https://www.forbes.com/sites/emmawoollacott/2022/09/13/indias-supreme-court-demands-clarity-on-internet-shutdowns/?sh=764bb96e108e

Given the alarming number of internet shutdowns in India, Internews, in partnership with The Center for Internet and Society (CIS), engaged in a collaborative and community-based needs assessment around civil society's capacities and needs when it comes to confronting internet shutdowns. The recommendations are based on collective reflections and determinations of key needs and strategic priorities of the communities consulted for this research and the wider Indian "Prepare & Prevent" network, coordinated by the Software Freedom Law Center (SFLC) and The Bachchao Project.

Key Findings from the India Internet Shutdown Needs Assessment

- **Internet shutdowns are a common experience in India**. Most respondents (76%) of the survey of digital rights advocates and others related to the field reported having experienced internet shutdowns.

- **Internet shutdowns target key states**. Internet shutdowns are disproportionately experienced by those living in the states of Rajasthan and Jammu and Kashmir, followed by Assam, Manipur, West Bengal, Uttar Pradesh, and Haryana.

- **Internet shutdowns disproportionally impact specific localities and populations.** Respondents living within the same state sometimes reported different experiences. That may be in part because in India, district authorities and local administrative bodies often have significant power to order shutdowns.

- **Key stakeholders feel they have low levels of technical and legal understanding and expertise**. While many respondents had experienced shutdowns, most (60%) said they don't understand how these incidents occur technically or how related laws apply. While 38% of respondents said they considered themselves experts on shutdowns and related issues, a significant number of respondents lacked the expertise to fully assess and document their own experiences of such occurrences.

- **Shutdowns occur for many perceived reasons.** Almost a quarter of respondents (22.2%) said they believed that internet shutdowns are triggered by protests, followed by incidents of communal violence (17%), and cheating on exams (12.4%).

- **Internet shutdowns are likely to continue**. Many respondents (49%) found it likely or very likely that authorities would shut down the internet in the year 2022-23, while 22% found it somewhat likely, and only a handful (8%) of respondents found such a possibility very unlikely.

- **Knowledge about circumvention tools and strategies is low**. Indian digital rights activists and others, especially minorities or other vulnerable groups, need more familiarity with strategies and tools for overcoming internet shutdowns. Many survey respondents reported that they do not

use VPNs and circumvention tools, perhaps in part because of concerns about their legality due to persistent targeting of VPN users by police and even Parliament. Additionally, more than half (58%) of the respondents who answered that they were worried about using VPNs identified as belonging to a minority linguistic, ethnic, caste, or religious group.

- **There is a need for more advanced network measurement skills**. Respondents report that there is medium- to low capacity for network measurement, but less than 10% capacity to collect/analyze that data using the following tools (OONI Probe, OONI Run, IODA Dashboard, NDT Speed Test, RIPE Atlas, Censored Planet Data, and Google Transparency Reports).

- **Respondents reported mixed levels of their own capacity to carry out various forms of advocacy against shutdowns**. While there was moderate to high capacity reported for strategic litigation and research, capacity to support more vulnerable communities during shutdowns was reported as low.

- **Engagement with ISPs and telcos is a challenge.** Groups reported that they need support to more effectively engage on the issue of shutdowns with a variety of stakeholders, particularly with internet service providers (ISPs) and telecommunications companies (telcos). Enthusiasm on the part of private companies, including ISPs, to engage seems to have dropped significantly in the past seven to eight years, perhaps in part because authorities are using this tactic more aggressively and the companies involved depend on the government's regulatory approval and therefore are not only obliged to carry out official orders but also reluctant to be seen as non-compliant.

- **Engagement with other powerful stakeholders is also a challenge, as is expanding advocacy beyond human rights communities.** Survey respondents reported difficulties engaging with other powerful groups, such as information ministries and legislators. There is a need to develop targeted advocacy strategies and narratives for specific policymakers at the local, regional, and national level. There is also a need to consider better and more extensive outreach to tech-reliant communities and sectors that could be allies in anti-shutdown campaigning.

Our Internet Shutdown Advocacy Objectives

During the four workshops, participants were asked to reflect on the survey findings and establish goals and objectives to fill existing skill gaps and establish advocacy networks better able to prepare for, prevent, and respond to internet shutdowns. These goals include:

- **Develop a strategy for involving ISPs in advocacy to prevent and minimize the impact of internet shutdowns.** One starting point could be to understand what contributes to their increasing reticence in recent years to be involved with civil society organizations on these issues. It also

might be informative to scrutinize the licenses for ISPs to understand more clearly what leeway they might have to share information and engage with the public. Research participants further suggested carefully phased engagement, such as starting with a discussion of technical methods used to carry out internet shutdowns, which might open avenues for further discussion. Industry organizations might be valuable interlocutors as well, perhaps providing their companies some collective protection for engagement with civil society and digital-rights advocates.

- **To increase the potential for engagement with government players, assess the interests of various government ministries (other than the information ministries), legislators, and local authorities in maintaining consistent, quality internet connectivity for their own purposes.** This might yield insight into how to work constructively with them to advocate for maintaining connectivity and avoid shutdowns. An agriculture ministry that relies on the internet for distribution of public goods, for example, might want allies to help support its mission. The 2021 report of the Parliamentary Standing Committee on Information Technology, which recommended a significant overhaul of the legal process related to internet shutdowns in India, could be a powerful aid in this advocacy, both in engaging members of that committee and in pressing for the recommendations to be implemented.[7] Advocates also could raise awareness of these recommendations in national and regional multi-stakeholder events, including the national and regional Internet Governance Forums (IGFs), and international meetings such as the EU Trade and Tech Council.[8]

- **Understanding that preventing shutdowns entirely is unlikely in the near future, help local communities in shutdown-prone areas understand the impacts on others around them, even if some individuals may not be directly or significantly affected.** These local communities also need support so that they can better document these shutdowns and plan in advance for alternative means of access in the event a shutoff affects their areas. This support could take the form of creating simple guides and resources in local languages that inform people of the basic steps they can take before, during, and after a shutdown. Another action could be to create simplified and visual versions of existing reports and research findings on internet shutdown that explain how relevant lessons could be applied in local contexts. Given that part of the issue is capacity and resources, especially in local communities and among rights organizations that could provide such assistance, it will be necessary to also advocate for and secure funding for such initiatives.

- **Support training and exchange of best practices for local communities and civil society organizations in the use of technical tools and strategies before, during, and after an internet shutdown.** This might include a range of skills; from tips and tools they can use personally to facilitate communication with friends and family members during a shutdown to network-measurement training that increases the capacity to collect and analyze technical data and incorporate that into their advocacy. As the OPTIMA Needs Assessment Process in 2020 noted,

[7] https://internetfreedom.in/concerned-with-frequent-internet-suspensions-parliamentary-committee-recommends-an-overhaul/
[8] https://internews.org/wp-content/uploads/2021/03/Optima_Needs_Assessment_Report_2020.pdf

there is a need for "collective standards regarding what we consider a shutdown as well as knowledge on how to measure different types of shutdowns and how to collect and interpret data from multiple sources."[9]

- **Increase and improve collaboration and identify synergies among digital rights advocates, civil society groups, and other organizations and individuals.** Citing the example of India's successful campaign for net neutrality, attendees in the Delhi workshop noted that mainstream involvement from popular media and arts collectives was critical for that campaign to go viral and achieve its objectives. Similar efforts to truly mainstream the issues of internet shutdowns could be similarly effective, especially considering that the most socio-economically vulnerable classes often are the most severely impacted by shutdowns. Bringing these issues to the popular consciousness would help ensure more long-term, sustainable advocacy to reduce the impact of internet shutdowns and ultimately prevent them from occurring in the first place.

These recommendations are currently being implemented through Internews' OPTIMA project and with the Prepare, Prevent, Resist Network in India, led by the Bachchao Project and the Software Freedom Law Center. We encourage interested parties to contact the authors to participate in coalition activities and to support this work.

Please reach out to us (torsha@cis-india.org, radhika@sflc.in, theteam@thebachchaoproject.org & lhenderson@internews.org) for more information on this and other OPTIMA internet shutdown advocacy needs reports, our methodology, and our Prepare & Prevent networks and resources.

[9] https://internews.org/wp-content/uploads/2021/03/Optima_Needs_Assessment_Report_2020.pdf