

**Bill No. 214 of 2022**

THE PREVENTION OF INTERNET SHUTDOWN BILL, 2022

By

DR. T. SUMATHY(A) THAMIZHACHI THANGAPANDIAN, M.P.

ARRANGEMENT OF CLAUSES

CLAUSES

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

CONDITIONS FOR SUSPENDING TELECOM SERVICES

3. Suspension of internet services.
4. Principles to be observed while suspending internet services.
5. Graded scheme for degree of suspension of internet services.

CHAPTER III

REGULATORY FRAMEWORK

6. Content of Orders of or suspension of Internet Services.
7. Duration of the Internet suspension.
8. Review of order for suspension of internet services.
9. Appeal to lie to the High Court.

CHAPTER IV

CONSTITUTION, FUNCTIONS AND POWERS OF REVIEW BOARD

10. National Review Board.
11. Functions of the Board.
12. Powers of the National Board.
13. Establishment of the State Review Board.
14. Functions of the State Board.
15. Powers of the State Board.
16. Removal of the Chairperson and the Member from Office.
17. Secretary, Officers and Other Employees of Board.
18. Vacancies, etc. not to invalidated proceedings of the Board.
19. Chairperson and Members to be Public Servants.
20. Proceedings before Board to be Judicial.

CLAUSES

CHAPTER V

COMPENSATION

21. Compensation.

CHAPTER VI

TECHNICAL ASSISTANCE

22. Technical Assistance.

CHAPTER VII

FINANCE, AUDIT AND ANNUAL REPORT

23. Grants by the Central Government.

24. Accounts and Audit.

25. Annual Report.

CHAPTER VIII

MISCELLANEOUS

26. Empowerment of Concerned Authority.

27. Bar of Jurisdiction.

28. Protection of action taken in good faith.

29. Act to have overriding effect.

30. Power to make rules.

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A  
BILL

*to provide for the establishment of an effective system to prevent internet shutdown, provide procedural safeguards to bring greater transparency and accountability for internet shutdown and to provide for monitoring of shutdowns and for matters connected therewith.*

WHEREAS the Constitution of India provides to all citizens freedoms of speech and expression and the freedom to practice any profession or carry on any trade, business or occupation and enjoy constitutional protection under articles 19(1)(a) and 19(1)(g);

AND WHEREAS the Supreme Court have reasoned that suspension of internet services is illegal and that orders for internet shutdown should satisfy the tests of necessity and proportionality;

AND WHEREAS India has acceded to all major International Human Rights Instruments and demonstrated its commitment to international law and human rights norms including the right to freedom of speech and expression;

AND WHEREAS there is a need to consolidate, streamline and harmonize the varied practices, policies and standards applicable to internet shutdowns in India.

BE it enacted in the Parliament in the Seventy-third Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

|   |  |   |
|---|--|---|
| Short title,<br>extent and<br>commencement. | <p><b>1.</b> (1) This Act may be called the Prevention of Internet Shutdown Act, 2022.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>  | 5   |
| Definitions.                                | <p><b>2.</b> (1) In this Act, unless the context otherwise requires—</p> <p>(a) “appropriate Government” means in the case of State, the Government of that State and in other cases, the Central Government;</p> <p>(b) “Domain Name System (DNS) interference” means an interface at the network or ISP level where DNS traffic is funneled to a modified DNS server that may be configured to block lookups of certain domain names including the interface where ISP’s resolver is working correctly and a DNS injector has been inserted to respond more quickly, resulting in users receiving forged answers in an attack known as ‘cache poisoning’;</p> <p>(c) “Deep Packet Inspection (DPI)” means evaluation of the data part and the header of a packet that is transmitted through an inspection point, weeding out any non-compliance to protocol, spam, viruses, intrusions, and any other defined criteria to block the packet from passing through the inspection point;</p> <p>(d) “IP and protocol-based blocking” means blocking where barriers are inserted in the network, such as firewalls, that block all traffic to Definitions certain IP addresses;</p> <p>(e) “National Review Board” means the Review Board constituted by Central Government under section 10;</p> <p>(f) “person” does not includes any company or association or body of individuals, whether incorporated or not;</p> <p>(g) “prescribed” means prescribed by rules made under this Act;</p> <p>(h) “public emergency” means problems concerning the interest of the public safety, the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or the prevention of incitement to the commission of an offence, necessary to protect against an imminent and specific threat to human life or an imminent and specific threat to national security;</p> <p>(i) “public safety” means obviation of danger to the general public or public property due to disturbances connected with serious internal disorder or such disturbances of public tranquillity which jeopardizes the security of the State;</p> <p>(j) platform based blocking means where authorities work with ISPs to block information within their geographic region without blocking the entire platform. This includes platform filtering of major search engine providers or social media sites;</p> <p>(k) “State Review Board” means the Review Board constituted by State Government under section 13;</p> <p>(l) “throttling” means impairing or degrading lawful Internet traffic where connectivity is substantially slowed for specific sites, apps, or segments of traffic on the basis of Internet content, application or service or use of a non harmful device, subject to reasonable network management practices;</p> <p>(m) “suspension of internet services” means restriction of access to the internet to a segment of the population irrespective of the provider or access medium that they utilize;</p> | <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> |

(n) “URL-based blocking” means where a blocking device contains a list of web URLs in which to restrict access and internet users trying to view any of the URLs on the list will encounter an interruption.

## CHAPTER II

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### CONDITIONS FOR SUSPENDING TELECOM SERVICES

3. (1) The appropriate Government or 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, if satisfied that there exists a public emergency or it is necessary in the interest of public safety may issue orders for temporary suspension of internet services in the State or part thereof:

Suspension of internet services.

Provided that every order for suspension of internet services issued by the officer authorised by the Union Home Secretary or the State Home Secretary, shall be subject to the confirmation from the appropriate Government within twenty-four hours of issuing such order:

15 Provided further that the order of suspension of internet services shall cease to exist in case of failure of receipt of confirmation from the appropriate Government within the said period of twenty-four hours.

20 (2) The appropriate Government or an officer authorized while issuing an order of suspension of internet services under sub-section (1) shall proceed with the least restrictive means with successive steps having increased disruption of telecom technology.

4. The appropriate Government while suspending the internet services under section 3 shall take into considerations that:—

Principles to be observed while suspending internet services.

(a) any kind of communication disruption shall be the last resort to respond to a situation of public emergency or public safety;

25 (b) all alternative remedies were exhausted or were not available;

(c) any kind of communication disruption is minimal to achieve stated objectives and have direct nexus with the objective of the suspension of internet services;

(d) framework for gradation to every situation which necessitates an internet shutdown has been applied;

30 (e) even when the state is fighting the threat of terrorism, it may prohibit speech only if it is likely to lead to imminent violence;

(f) dissemination of information regarding issue of orders has not been denied citing logistical inconvenience; and

(g) lack of technical ability shall not be an excuse for lack of granularity.

35 5. The appropriate Government shall have the power to direct the following order for suspension of internet services:—

Graded scheme for degree of suspension of internet services.

(a) platform based blocking;

(b) URL-based blocking;

(c) Domain Name System (DNS) interference;

40 (d) Deep Packet Inspection (DPI);

(e) IP and protocol-based;

(f) throttling;

(g) partial suspension of internet; and

(h) full suspension of internet:

Provided that the appropriate Government may, by notification in the Official Gazette, amend the grades for suspension of internet services by including therein any other gradation or the ones already specified therein and on the publication of such notification, such gradation shall be deemed to be included in or, as the case may be, omitted from the section: 5

Provided further that the appropriate Government shall not directly order for a full suspension of internet services unless a notification is issued by the Central Government and laid before each House of Parliament.

### CHAPTER III

#### REGULATORY FRAMEWORK 10

Content of  
Orders of or  
suspension  
of Internet  
Services.

6. (1) Every order of suspension of internet services issued under section (3) shall contain,—

(a) the geographic scope of such action and reasons for such direction; and

(b) the time period of effectiveness of the order of suspension of internet services for which the appropriate Government is requesting authorization to maintain such action and reasons for such direction. 15

(2) A copy of order issued under section (3) shall be forwarded to the National Review Board or the State Review Board, as the case may be, latest by next working day of the issuance of such order:

**Provided that a copy of the order shall also be published in local or national newspaper and endeavour shall be made to disseminate the order to be made available to general public in such manner as may be prescribed:** 20

Provided further that the appropriate Government may withhold the publication of the order when maintenance of secrecy of such order or portion thereof is necessary to protect against an imminent and specific threat to national security; or such portion of the order contains classified information, as the case may be. 25

(3) The directions for suspension issued under section 3 shall be conveyed to the 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 Indian Telegraph Act, 1885 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. 30

(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 internet services. 35

Duration of  
the Internet  
suspension.

7. The suspension order issued under section 3 shall not be in operation for more than fifteen days at a time:

Provided that any order for successive suspension of internet services may be notified only after the National or the State Review Board, as the case may be, is satisfied that the sufficient conditions are met and the first order was legal and the situation has improved considerably: 40

Provided further that the National or the State Review Board, as the case may be, is satisfied for issue of successive order which shall be in writing specifying the reasons for arriving at the decision and shall be published within forty-eight hours in such manner as may be prescribed. 45

Review of order  
for suspension of  
internet services.

8. The National Review Board or the State Review Board, as the case may be, upon receipt of the order under section 3 for suspension of internet services due to public emergency or public safety, meet within twenty-four hours and record its findings whether the directions issued are in accordance with the provisions of section 3.

9. Any person aggrieved by a decision of the National Review Board or the State Review Board, as the case may be, made under this Act, may, within sixty days from the date of such decision and in such manner and form, as may be prescribed, prefer an appeal to the High Court:

Appeal to lie to the High Court.

5            Provided that the High Court may accept an appeal after the stipulated time period if reasonable cause for the delay is shown.

#### CHAPTER IV

##### CONSTITUTION, FUNCTIONS AND POWERS OF REVIEW BOARD

10           **10. (1)** The Central Government shall, by notification, establish, with effect from such date as may be specified therein, a National Board to be known as the National Review Board to exercise the jurisdiction, powers and authority conferred on such Board by or under this Act.

National Review Board.

(2) The National Review Board shall consist of—

(a) Cabinet Secretary — Chairperson;

15           (b) Secretary to the Government of India, Department of Legal Affairs, Ministry of Law and Justice — Member;

(c) Secretary to the Government of India, Department of Telecommunications, Ministry of Communication — Member;

20           **(d) a Judicial Member and an expert member to appointed by the Central Government in such manner as may be prescribed;**

(e) an Official from National Human Rights Commission to be appointed by the Central Government in such manner as may be prescribed; and

(f) a Member of Parliament from the House of People to be nominated by the Speaker of the House of the People:

25           Provided that a person shall not be qualified for appointment as—

(i) a Judicial Member unless he—

(a) is, or has been, a judge of a High Court; or

(b) is, or has been, a District Judge for at least five years; or

(c) has, for at least ten years been an advocate of a court;

30           *Explanation.*— For the purposes of computing the period during which a person has been an advocate of a court, there shall be included any period during which the person has held judicial office or the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law after he become an advocate; and

(ii) an expert member, unless he, —

35           (a) has a Bachelor degree in Law, Political Sciences or International Relations, technology or related fields; and

40           (b) is a person of proven ability, integrity and standing having special knowledge and experience having an experience of fifteen years in the relevant field including five years practical experience in the field of technology, law and policy, or not less than ten years of litigation experience in the field of human rights.

(3) The Judicial Member and the Expert Member shall not—

(a) hold any other office during their tenure as such; and

(b) for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the National Review Board under this Act:

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in section 2(45) of the Companies Act, 2013. 5

**(4) The Salary and allowances payable to, and other terms and conditions of services of judicial member and expert member of the National Board shall be such as may be prescribed.** 10

**(5) The Chairperson of the National Board may, if considered necessary, invite one or more person having specialised knowledge and experience in a particular case to assist the National Board in such manner as may be prescribed.** 15

(6) The Central Government may, by notification, specify the ordinary place or places of sitting of the National Board and the territorial jurisdiction falling under each such place of sitting.

(7) The Central Government may, in consultation with the Chairperson of the National Board, make rules regulating the practices and procedure of the Composition of National Review Board. 20

Functions of the Board.

**11. (1) The National Board shall,—**

(a) declare the validity, necessity, legality and proportionality of the orders for the suspension of the internet services, in accordance with the principles envisaged under section 4; 25

(b) record information on the number of decisions on orders of suspension of internet services;

(c) from time to time, assess the impact of suspension of internet services on the Indian economy as well their effectiveness in dealing with public emergencies;

(d) issue documentation in accordance with provisions contained in this Act; 30

(e) inquire, *suo moto* or on an application presented to it either by any person aggrieved or by someone acting on their behalf, in respect of the following—

(i) suspension of the internet services; or

(ii) any conditions or consequent orders be passed following the suspension of the internet; or 35

(iii) any other order that may be necessary under this Act.

(f) maintain a record of the details, as prescribed, of orders of suspension of the internet services under the terms of this Act and shall make the same periodically available to the Central Government in such manner as may be prescribed; and

(g) undertake such measures and give such directions or pass such orders as are necessary for the purpose of discharging its functions under this Act. 40

Powers of the National Board.

**12. (1) The National Board shall, in the discharge of its functions, be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules made by the Central Government, the Board shall have the power to regulate its own procedure.** 45



(2) The Chairperson and the members shall have the power to delegate to one another such powers or functions as may be prescribed.

(3) In particular and without prejudice to the generality of the foregoing provisions, the powers of the National Board shall include the power to determine the extent to which persons interested, or claiming to be interested, in the subject-matter of any proceeding before it may be allowed to be present or to be heard, either by themselves or by their representatives, or to examine witnesses, or otherwise take part in the proceedings:

Provided that any such procedure as may be prescribed or followed shall be guided by the principles of natural justice.

(4) The National Board, for the purposes of any inquiry or for any other purpose under this Act, shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908, while trying suits in respect of the following matters, namely—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavit;

(d) the requisitioning of any public record from any court or office;

(e) the issuing of any commission for the examination of witnesses; and

(f) any other matter which may be prescribed.

(5) The National Board may cause an inquiry to be made into the compliance of its orders or directions made in the exercise of its powers under this Act, and may impose such penalties as may be prescribed.

(6) The National Board, with a view to rectifying any mistake apparent from the record, shall have the power to amend any order or direction passed by it under the provisions of this Act:

Provided that the Board shall not, while rectifying any mistake apparent from the record, amend the substantive part of such order or direction.

**(7) The National Board may, appoint such administrative, technical, and other staff as it may consider necessary.**

**(8) The Salary and allowances payable to, and other terms and conditions of services of staff of the National Board shall be such as may be prescribed.**

**13. (1)** The State Government shall, by notification, establish, with effect from such date as may be specified therein, a State Board to be known as the State Review Board to exercise the jurisdiction, powers and authority conferred on such Board by or under this Act.

Establishment of  
the State Review  
Board.

(2) The State Board shall consist of—

(a) Chief Secretary — Chairperson;

(b) Secretary to the State Government, Department of Legal Affairs — Member;

**(c) a Judicial Member and an expert member to be appointed by the State Government in such manner as may be prescribed;**

(d) an Official from State Human Rights Commission to be appointed by the State Government in such manner as may be prescribed;

(e) two Members of the State Legislative Assembly one each from the ruling party and the main opposition party to be nominated by the Presiding Officer of the State Legislative Assembly concerned.

Provided that a person shall not be qualified for appointment as—

(i) a Judicial Member unless he— 5

(a) is, or has been, a judge of a High Court; or

(b) is, or has been, a District Judge for at least five years; or

(c) has, for at least ten years been an advocate of a court.

*Explanation.*—For computing the period during which a person has been an advocate of a court, there shall be included any period during which the person has held judicial office or the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law after he become an advocate. 10

(ii) an expert member, unless he,—

(a) has a Bachelor degree in Law, Political Sciences or International Relations, technology or related fields; and 15

(b) is a person of proven ability, integrity and standing having special knowledge and experience having an experience of fifteen years in the relevant field including five years practical experience in the field of technology, law and policy, or not less than ten years of litigation experience in the field of human rights. 20

(3) The Judicial Member and the Expert Member shall not—

(a) hold any other office during their tenure as such; and

(b) for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the State Review Board under this Act: 25

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in section 2(45) of the Companies Act, 2013. 30

(4) The Salary and allowances payable to, and other terms and conditions of services of judicial member and expert member of the State Board shall be such as may be prescribed.

(5) The Chairperson of the State Board may, if considered necessary, invite one or more person having specialised knowledge and experience in a particular case to assist the State Board in such manner as may be prescribed. 35

(6) The State Government may, by notification, specify the ordinary place or places of sitting of the State Board and the territorial jurisdiction falling under each such place of sitting.

(7) The State Government may, in consultation with the Chairperson of the State Board, make rules regulating the practices and procedure of the Composition of State Review Board. 40

Functions of the State Board.

**14. (1)** The State Board shall,—

(a) declare the validity, necessity, legality and proportionality of the orders for the

suspension of the internet services, in accordance with the principles envisaged under section 4;

(b) record information on the number of decisions on orders of suspension of internet services;

5 (c) from time to time, assess the impact of suspension of internet services on the Indian economy as well their effectiveness in dealing with public emergencies;

(d) issue documentation in accordance with provisions contained in this Act;

(e) inquire, *suo moto* or on an application presented to it either by any person aggrieved or by someone acting on their behalf, in respect of the following—

10 (i) suspension of the internet services; or

(ii) any conditions or consequent orders be passed following the suspension of the internet; or

(iii) any other order that may be necessary under this Act.

15 (f) maintain a record of the details, as prescribed, of orders of suspension of the internet services under the terms of this Act and shall make the same periodically available to the State Government in such manner as may be prescribed; and

(g) undertake such measures and give such directions or pass such orders as are necessary for the purpose of discharging its functions under this Act.

20 **15. (1)** The State Board shall, in the discharge of its functions, be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules made by the State Government, the Board shall have the power to regulate its own procedure.

Powers of the State Board.

(2) The Chairperson and the members shall have the power to delegate to one another such powers or functions as may be prescribed.

25 (3) In particular and without prejudice to the generality of the foregoing provisions, the powers of the State Board shall include the power to determine the extent to which persons interested, or claiming to be interested, in the subject-matter of any proceeding before it may be allowed to be present or to be heard, either by themselves or by their representatives, or to examine witnesses, or otherwise take part in the proceedings:

30 Provided that any such procedure as may be prescribed or followed shall be guided by the principles of natural justice.

(4) The State Board, for the purposes of any inquiry or for any other purpose under this Act, shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908, while trying suits in respect of the following matters, namely—

35 (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavit;

(d) the requisitioning of any public record from any court or office;

40 (e) the issuing of any commission for the examination of witnesses; and

(f) any other matter which may be prescribed.

(5) The State Board may cause an inquiry to be made into the compliance of its orders or

directions made in the exercise of its powers under this Act, and may impose such penalties as may be prescribed.

(6) The State Board, with a view to rectifying any mistake apparent from the record, shall have the power to amend any order or direction passed by it under the provisions of this Act:

5

Provided that the Board shall not, while rectifying any mistake apparent from the record, amend the substantive part of such order or direction.

(7) The State Board may, appoint such administrative, technical, and other staff as it may consider necessary.

(8) The Salary and allowances payable to, and other terms and conditions of services of staff of the State Board shall be such as may be prescribed.

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Removal of the Chairperson and the Member from Office.

**16.** The appropriate Government may remove from office a Chairperson or Member from the National Review Board or the State Review Board, as the case may be, who—

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

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(c) is unfit to continue in office by reason of infirmity of mind or body; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) is convicted for an offence which in the opinion of the Central Government involves moral turpitude; or

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(f) has acquired such financial or other interest as is likely to affect prejudicially the functions of his office; or

(g) has so abused his position as to render his continuance in office prejudicial to the public interest.

Secretary, Officers and Other Employees of Board.

**17. (1) The appropriate Government shall appoint a Secretary to exercise and perform, under the control of or such powers and duties as may be prescribed or as may be specified by the National Board or the State Board as the case may be.**

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(2) The Secretary shall have the powers of general superintendence, direction and control in respect of all administrative matters of the National Board or the State Board as the case may be:

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Provided that the Secretary may delegate such of his powers, as he may think fit, to any other officer of the National Board or the State Board as the case may be.

(3) The salaries and allowances payable to, and the conditions of service of, the Secretary and other officers and employees of the National Board or the State Board as the case may be, shall be such as may be prescribed.

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Vacancies, etc. not to invalidate proceedings of the Board.

**18.** No act or proceeding of the Board, shall be questioned on the ground merely of the existence of any vacancy or defect in the appointment of the Chairperson or Member, or any defect in the appointment of a person acting as the Chairperson, or Member.

Chairperson and Members to be Public Servants.

**19.** The Chairperson, Members and other permanent staff of the National Board or the State Board as the case may be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

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Proceedings before Board to be Judicial.

**20.** The National Board or the State Board as the case may be deemed to be a civil court every proceeding shall be deemed to be a judicial proceeding.

## CHAPTER V

## COMPENSATION

21. Any person who is adversely affected or who have suffered loss or injury as a result of suspension of internet services, may approach the High Court for compensation in such manner as may be prescribed. Compensation.

## CHAPTER VI

## TECHNICAL ASSISTANCE

22. The appropriate Government or the National Board or the State Board, as the case may be, may seek the good offices of the United Nations or other relevant agencies for its expertise, technical assistance and guidance in relation to any matter arising under this Act in such manner as may be prescribed. Technical Assistance.

## CHAPTER VII

## FINANCE, AUDIT AND ANNUAL REPORT

23. (1) **The Central Government, shall after due appropriation made by Parliament, by law in this behalf, pay to the National Board or the State Board, by way of grants, such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.** Grants by the Central Government.

(2) The National Board or the State Board may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

24. (1) The National Board or the State Board shall maintain proper accounts and other relevant records, and prepare an annual statement of accounts, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. Accounts and Audit.

(2) The Accounts of the National Board or the State Board shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General or any person appointed by him in connection with the audit of the accounts of the National Board or the State Board under this Act, shall have the same rights, privileges, and authority in connection with such audit, as the Comptroller and Auditor-General generally has in connection with the audit of Central Government accounts:

Provided further that the Comptroller and Auditor-General shall, in particular, have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the National Board or the State Board, as the case may be.

(4) The accounts of the National Board or the State Board, as certified by the Comptroller and Auditor General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government by the Board.

(5) The Central Government shall cause the audit report forwarded under sub-section (4) to be laid before each House of Parliament as soon as may be after it is received.

25. (1) The National and the State Review Board shall prepare, once in every year, in such form and at such time as may be prescribed, an annual report giving a full account of its activities during the previous year, copies of which shall be forwarded to the Central Government. Annual Report.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

## CHAPTER VIII

## MISCELLANEOUS

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|---|---|----|
| Empowerment of Concerned Authority.       | <b>26.</b> The Central Government may by order empower the concerned authorities to assist and cooperate with the Board for the enforcement of this Act.  |    |
| Bar of Jurisdiction.                      | <b>27.</b> On and from the appointed day, no court or authority shall have, or be entitled to exercise, any jurisdiction, powers or authority in relation to matters specified in this Act, except the Supreme Court and a High Court exercising powers under articles 32, 226 and 227 of the Constitution.   | 5  |
| Protection of action taken in good faith. | <b>28.</b> No suit or other legal proceeding shall lie against the Central Government, State Government, Board or any person acting under the direction either of the Central Government, State Government, Board in respect of anything which is, in good faith, done or intended to be done, in pursuance of this Act or of any rules or any order made thereunder.   | 10 |
| Act to have overriding effect.            | <b>29.</b> The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.   |    |
| Power to make Rules.                      | <b>30. (1)</b> The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.  | 15 |
|   | (2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for—  |    |
|   | (a) the procedure for suspension of internet services in India under section 4;   |    |
|   | (b) the duration and procedure for internet suspension subject to the provisions contained under this Act;  | 20 |
|   | (c) the salaries and allowances and other terms and conditions of service of the judicial and expert member under section 10;   |    |
|   | (d) the compensation provided under section 21; and   |    |
|   | (e) the effective implementation of this Act.   | 25 |
|   | (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. | 30 |

## STATEMENT OF OBJECTS AND REASONS

In recent years, internet shutdowns have become a common answer to any day to day law and order issue or a tool of administrative convenience. It has increased to such an extent that India is now a world leader in the number of Internet shutdowns imposed and no other country is even remotely close to the number of shutdowns imposed in India.

Internet suspension is governed by Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017. Prior to notification of these rules the State government was allowed to suspend the internet through section 144 of the CrPC. After the notification of these rules State governments were meant to follow the law laid down under them, despite that States continue to suspend the internet under section 144. This practice was criticised by the Supreme Court as well in the case of Anuradha Bhasin *vs.* Union of India, yet it continues.

Understanding the problems that such rampant internet shutdowns pose to the economy and the liberties of individuals, the Standing Committee on Communications and Information Technology (hereinafter “the Committee”) headed by Dr. Shashi Tharoor, decided to undertake a detailed review of the governing legal framework, procedure adopted by the States, safeguards to protect from misuse and other ancillary issues. The Committee noted that “the suspension of internet services greatly affects the local economy, healthcare services, freedom of press and education etc.” It also observed that “the perceived tradeoff of internet shutdowns leading to better law and order outcomes with reduced risk of violence or hate speech is dubious in its assumption”. It further observed that as per empirical study internet shutdowns are not effective in pacifying protests and often have unintended consequences of incentivising violent forms of collective action which requires less communication and coordination.

Hence this Bill to cover the grounds for imposing an internet shutdown, directs the government to maintain Official Data on Internet Shutdown, lays down a regulatory framework for suspending internet, and upholds the dictum of the Committee that “it is essential that any interruption to these services should be avoided and where unavoidable, the power to interrupt needs to be exercised with abundant caution”. The bill also attempts to expand the composition/powers and/functions of the Review Board by including Judicial and Expert members as well Member of Parliament/Member of Legislative Assembly, thereby diluting the sway of executive branch.

Hence this Bill.

NEW DELHI;  
*July 7, 2022.*

T. SUMATHY(A) THAMIZHACHI THANGAPANDIAN

## FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for printing of orders for internet shutdown in local and national newspapers for information of general public. Clause 10 provides for appointment of Judicial member and expert member to the National Review Board. Further Clause 12 provides for appointment of staff of National Review Board. Clause 17 provides for appointment of Secretary to National and State Review Board. Clause 23 provides for Grants by Central Government to the National and State Review Board after due appropriation made by Parliament. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees twenty crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved. The expenditure in relation to the State Review Board shall be met from the Consolidated Fund of the respective States.



## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 30 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

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to provide for the establishment of an effective system to prevent internet shutdown,  
provide procedural safeguards to bring greater transparency and accountability  
for Internet shutdown and to provide for monitoring of shutdowns and for  
matters connected therewith.

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*(Dr. T. Sumathy(A) Thamizhachi Thangapandian, M.P.)*