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**EDITORIAL ANALYSIS**

# Tackling Takedowns – The Government, Online Censorship, and the Right to Information

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# Tackling Takedowns — The Government, Online Censorship, and the Right to Information

 The Hindu

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## INTERVIEW ANGLE

*"India leads democracies in internet shutdowns and content blocking orders. At what point does the government's use of Section 69A of the IT Act cross from legitimate regulation into censorship — and who should be the arbiter of that line?"*

## THE EDITORIAL ARGUMENT

The state's relationship with online speech has transformed dramatically since the Supreme Court's 2015 ruling in *Shreya Singhal v. Union of India* — which struck down Section 66A of the IT Act as unconstitutional for imposing vague and disproportionate restrictions on online speech. A decade later, the government has not abandoned censorship; it has refined it. The instruments have changed — from a blunt criminal provision to more targeted but equally opaque blocking orders under **Section 69A of the IT Act**, content removal mandates under the **IT (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021**, and emergency takedown powers. The effect remains the same: speech that discomforts authority disappears, often without explanation.

## THE LEGAL ARCHITECTURE OF ONLINE CENSORSHIP

### Section 69A — Blocking Orders

Under **Section 69A of the IT Act, 2000**, the Central Government (through the Ministry of Electronics and IT, MeitY) can direct any intermediary or agency to block online content on grounds of:

- Sovereignty and integrity of India
- Defence of India
- Security of the State

- Friendly relations with foreign States
- Public order
- Preventing incitement to cognisable offences

**The problem:** Blocking orders under 69A are issued secretly. The affected party (the website, app, or content creator) is not informed; the order is not published; no public statement of reasons is made. The Shreya Singhal ruling upheld Section 69A itself (unlike 66A which it struck down) — but required that blocking orders be subject to a review committee. In practice, this review is opaque and non-adversarial.

**Scale:** India is among the world’s top five countries for content blocking orders to social media platforms, according to transparency reports published by Google, Meta, and X (Twitter). In 2024, India’s government sent 78,000+ requests for content removal — among the highest globally.

## IT Rules 2021 and 2023 Amendments

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The **IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021** and their 2023 amendments require:

- “Significant Social Media Intermediaries” (SSMIs) to appoint grievance officers, nodal officers, and compliance officers in India
- First Originator traceability for encrypted messages — requiring platforms like WhatsApp to break end-to-end encryption to identify message originators (under challenge in court)
- A grievance appellate mechanism — allowing users to appeal content moderation decisions
- Automated content moderation under “due diligence” requirements

**The editorial’s critique:** The Rules’ grievance mechanism is positioned as user protection, but its effect is government access to content moderation — creating pressure on platforms to remove content even when legal standards for removal are not met.

## Emergency Powers and Internet Shutdowns

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India leads the world in **internet shutdowns** — temporary or extended suspension of internet access in specific regions. In 2024, India recorded 80+ internet shutdown orders, far more than any other democracy. The legal basis is primarily:

- Section 144 CrPC (now replaced by BNSS 2023 equivalent provisions) — emergency powers for magistrates
- Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017

The *Anuradha Bhasin v. Union of India* (2020) ruling required internet shutdown orders to be published and proportionate — but compliance remains inconsistent across states.

## WHAT THE SHREYA SINGHAL STANDARD REQUIRES

The Supreme Court in *Shreya Singhal v. Union of India* (2015) established a **proportionality standard** for restrictions on online speech:

- ❶ **Proportionality:** The restriction must be the minimum necessary to achieve a legitimate aim — not a blanket block of an entire platform when a specific URL would suffice
- ❷ **Due process:** Affected parties must have notice and opportunity to be heard before content is removed (except in genuine emergencies)
- ❸ **Judicial oversight:** Blocking orders must be subject to independent review, not purely executive discretion

The editorial argues that current practice fails all three tests:

- **Proportionality:** Entire platforms (apps, YouTube channels, Twitter accounts) are blocked when specific pieces of content are at issue
- **Due process:** Blocking orders under 69A are secret; content creators rarely receive notice
- **Judicial oversight:** The review committee is executive, not judicial

## THE RIGHT TO INFORMATION DIMENSION

The right to receive information — a necessary **corollary** of Article 19(1)(a) — is also at stake. When content is blocked, citizens cannot access:

- Journalism on topics of public interest
- Opposition political speech
- Human rights documentation
- Investigative reports on government policy

The Supreme Court has recognised (since *Romesh Thappar v. State of Madras*, 1950) that press freedom — and by extension the right to receive diverse information — is essential to democratic life. Online platforms have become the primary medium through which citizens access news, political commentary, and civic information. Blocking them without judicial oversight is a structural threat to democratic discourse.

## WHAT REFORM LOOKS LIKE

- ❶ **Publish blocking orders:** Section 69A orders should be publicly disclosed (with redactions for genuinely sensitive information) — so affected parties and courts can review them

- ② **Judicial pre-approval:** For non-emergency cases, blocking orders should require judicial authorisation — as with search warrants and wiretapping
- ③ **Proportionality test in law:** Statutory requirement that only specific URLs — not entire platforms — are blocked unless there is a compelling reason
- ④ **Independent appeals body:** A statutory tribunal with judicial character to hear appeals against blocking orders and content removal mandates

## UPSC RELEVANCE

PAPER	ANGLE
GS2 — Polity	Article 19(1)(a), IT Act Section 69A, IT Rules 2021, Shreya Singhal case
GS2 — Governance	Internet governance, content moderation, MeitY, internet shutdowns
GS4 — Ethics	State accountability, transparency, chilling effect on speech

**Mains Keywords:** Section 69A IT Act, IT Rules 2021, Shreya Singhal v Union of India (2015), Article 19(1)(a), internet shutdowns, Anuradha Bhasin v Union of India (2020), content takedowns, SSMI (Significant Social Media Intermediary), proportionality, due process, digital censorship, right to information, MeitY, BNSS 2023

### Prelims Facts Corner

ITEM	FACT
Section 69A IT Act	Empowers Central Govt to block online content; secret orders
Grounds for 69A blocking	Sovereignty, defence, security, public order, friendly foreign relations
Shreya Singhal case (2015)	SC struck down IT Act Section 66A; upheld 69A with proportionality requirement
IT Rules 2021	Intermediary guidelines; SSMI requirements; grievance officer
Anuradha Bhasin (2020)	SC: internet shutdown orders must be published and proportionate
Internet shutdowns	India: world leader; 80+ in 2024
Telecom Suspension Rules	2017; legal basis for internet shutdowns
Section 66A	Struck down 2015 (Shreya Singhal); was IT Act provision on “offensive online content”
Article 19(1)(a)	Freedom of speech and expression; includes press freedom and right to receive information


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