**Network disruptions**

BY U S A M A K H I L J l 2020-12-06

CITIZENS of Pakistan continue to suffer from the short-sighted policy of shutting down apps and websites, to shutting down entire networks arbitrarily; sometimes for years. In November, again citizens of Islamabad and its adjoining districts were rendered without mobile phone connectivity. The Covid-19 pandemic has highlighted how the internet and mobile phone connectivity are all the more important in times when physical interaction even in places such as schools and hospitals is not possible.

The questions that arise are whether this is a practical solution to issues the government sees, whether it is rooted in law, how it impacts basic rights of citizens, and why this policy should be done away with.

There are several ways in which these disruptions take place. Sometimes, it is for a few hours when a protest is taking place; sometimes the disruption lasts more than a day, including on religious or national holidays (ironically, even on Independence Day). For instance, there was a network shutdown in Islamabad on Pakistan Day in 2019, Bajaur saw a network shutdown during by-elections in July 2019, and an interior ministry circular to the PTA ordered a network shutdown in Chaman on July 30, 2020, when protests led state forces to retaliate. The interior ministry order said this was because `anti-state/ illegal material is being uploaded by some elements on social media/ internet`.

However, sometimes a network disruption can last for years. For instance, most tribal districts in Khyber Pakhtunkhwa such as North and South Waziristan, Mohmand, Orakzai, Khyber, and Kurram have experienced a mobile internet shutdown since 2016. A lot of areas in these districts do not even have regular network connectivity. In Balochistan,Panjgur,Kalat,Wushuk,Kharan,Kech, Turbat, and Dera Bugti do not have mobile internet connectivity. In Gilgit-Baltistan and Azad Jammu and Kashmir, one company the military-run SCO has a monopoly on mobile connectivity. It is costly, slow, and not available throughout the region.

When Pakistanis belonging to these regions came home due to the shutting down of educational institutes and workplaces because ofCovid-19, they could not attend online classes or work from home. Some climbed mountains and rooftops to catch slow internet signals, and many had to relocate so that they would not lose their jobs. Such a reality should be unimaginable in a state in the year 2020 if the government wants its citizens to succeed and the country to develop.

Why is the multibillion-rupee Universal Service Fund not being used to extend mobile and internet connectivity in these underserved areas? The excuse of security must not be used to clamp down on rights without substantive evidence that network shutdowns improve security.

What they do is disproportionately impact basic rights and services that are fundamental to citizens`right to life. The chief justice of the Islamabad High Court in a landmark judgement in February 2018 said that `[...] the suspension of mobile phone services by the Authority is ultra vires ... section 54; the fundamental rights guaranteed under Articles 10-A, 9, 15, 16, 17, 18, 19 and 19-A are violated when mobile phone users are deprived [of] availing the services; access to telecommunication services has become a fundamental right`.

The listed articles of the Constitution pertain to right to life and liberty, fair trial and due process, freedom of movement, freedom of assembly, freedom of association, freedom of trade, business or profession, freedom of speech, and the right to information.

Additionally, the Covid-19 pandemic has shown us the impact that lack of internet access has on the right to education (which is guaranteed under Article 25-A) when students cannot access online education or online medical examinations.

This means that all aspects of life are impacted by internet shutdowns, including livelihood.

Drivers or ride-hailing apps, food delivery riders, small business owners, people who need to call police or an ambulance during an emergency, and others are allaffected.

Research by the Global Network Initiative shows that network disruptions in a low-connectivity country costs the economy around half a million dollars per day on average. The GNI also mentions that some countries have started includingnetwork shutdowns in their travel advisories, so this impacts tourism, as well as foreign investment in an economy.

Moreover, the Sustainable Development Goals that Pakistan has also signed on to require countries to `significantly increase access to information and communications technology and strive to provide universal and affordable access to the internet` as per Goal 9.

Policies and laws related to the internet need to keep up with changes in technology and their usefulness and need in the current day and age.

Measures such as networl( disruptions restrict access to information, cause panic, are a disproportionate response to protests and events, and end up causing way more damage than benefit.

It is also important for telecom operators and companies to push back against such requests from the government by demanding written requests, the citation of relevant laws and transparency, as well as to question the proportionality of an action such as disruption of an entire network.

We have seen a similar approach to the Rules relating to content on theinternet;they threaten to ban entire social media platforms. This is counterproductive to the goal of a Digital Pakistan as envisaged by the prime minister. The chief justice of the Islamabad High Court remarked recently that the Rules in their current form `are prima facie against Article 19 and 19-A of the Constitution`.

In a democratic dispensation, a government should not wait for citizens to appeal to the courts on every move they mal(e and for the courts to tell the government that their policy and lawmal(ing procedures as well as the substance of these laws and procedures violate the Constitution. Surely, a federal government cannot be devoid of experts in matters of the law and Constitution for them to constantly flout the two. Citizens can only tolerate so much of autocratic overtures in a modern democracy. The writer is director of Bolo Bhi, an advocacy forum for digital rights.

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