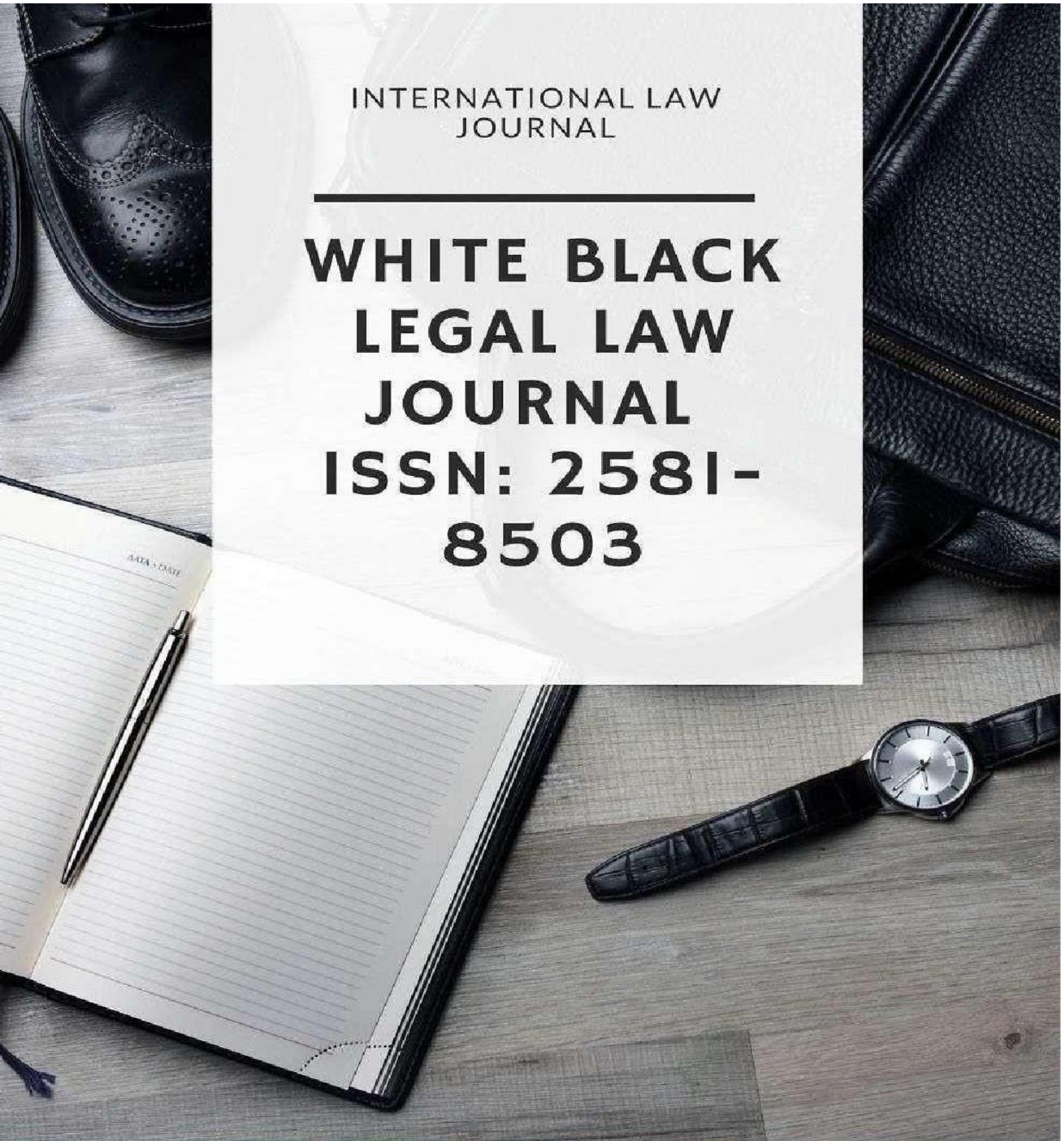




INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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SHUTDOWN BY DEFAULT: HOW INDIA'S INTERNET SHUTDOWN SUSPENSION REGIME OUTPACES ITS CONSTITUTIONAL SAFEGUARDS

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Abstract

One of the eye-opening things about India is that while the country positions itself as a global leader in digital inclusion also simultaneously holds the record for the highest number of internet shutdowns in the world imposed by a democratic nation. A contradiction that exposes the widening gap between constitutional principles and administrative practice. The statutory framework of the Telecom Suspension rules, 2017 which has been enacted hasn't been followed thoroughly. Using case studies from Jammu & Kashmir and Manipur, alongside comparative jurisprudence from the ECtHR and Kenya, it argues that judicial safeguards have been reduced to procedural formalities, and propose reforms to restore genuine constitutional accountability.

Introduction

The use of the internet has become a part of our day-to-day life and continues to expand rapidly around the globe. India has more than 800 million people having access to the internet, only coming 2nd to China. Despite being a major digital market, India's large population and rural infrastructure challenges result in the country having contributed to one of the largest offline populations in the world. Roughly, around 45% of the Indian population still don't have access to the internet even though it actively positions itself as a global leader in digital inclusion and accessibility.¹ The significance of Internet connectivity in India is directly connected to the economic growth, job creation, e-commerce, financial services and online learning. However, the country faces a spectrum of difficulties such as infrastructure limitation, affordability of devices, lack of digital literacy and rural infrastructure are among the primary reasons.² A

¹ Data report portal - DIGITAL 2025: INDIA
<https://datareportal.com/reports/digital-2025-india>

² Internet Connectivity in India – Significance & Challenges – Explained Pointwise

nation that takes pride in being the world's largest democracy is also the country that leads the world in the suspension of internet service, revealing a troubling contradiction between democratic governance and digital suppression.

India imposed 84 shutdowns in 2024, one less than Myanmar. However, India recorded the most number of shutdowns among all the democratic nations.³ There is a pattern in which the citizens have been unheard and the constitutional rights are adversely affected during internet shutdowns, thereby there is a violation of fundamental rights guaranteed under Article 14,19 and 21 of the Constitution of India. In the matter pertaining to Internet shutdowns, the Supreme Court landmark judgement of *Anuradha Bhashin v Union of India* is widely recognised as the watershed moment. The court endeavoured to harmonize the tension between the preservation of fundamental rights through the medium of internet and the state's overarching mandate to maintain national security and communal peace.⁴ Frequent internet shutdown is seen in the states of Jammu and Kashmir and in the state of Manipur. This paper also delves into the legal framework governing internet shutdowns, the three part test, the gap between practice and principle, the economic, social and democratic cost due to internet shutdowns and a comparative perspective to see the outlook of India compared to global standards and proposed reforms to restore the constitutional balance. What was originally intended as an exceptional emergency measure has turned into a mechanism deployed during protests, examination, communal violence and political unrest. The growing normalisation of internet shutdowns reflects transforming constitutional safeguards into mere procedural formalities.

The legal Framework governing government shutdown

Internet shutdowns are regulated in India under a layered statutory framework. The primary framework is the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 and it's in exercise of the powers conferred under section 7 of the Indian Telegraph Act, 1885. Rule 2 of the Temporary Suspension of Telecom Service rules empowers the Secretary of the Government of India or by the State Government in-charge of the Home Department in the case of State Government to order for suspension of telecom service including internet in case of public emergency or public safety and for an unavoidable circumstances such order may be issued by an officer, not below the rank of a Joint Secretary

³ <https://thewire.in/rights/india-top-democratic-country-internet-shutdowns-2024-report>

⁴ https://ili.ac.in/pdf/20._Taniya_Malik.pdf

to the Government of India, who has been duly authorised by the Union Home Secretary or the State Home Secretary, provided that the order shall be subject to the confirmation from the competent authority within 24 hours of issuing such order and failure of receipt of confirmation results into the cessation of the telecom services or internet within the stipulated 24 hours.⁵

Despite the enactment of the Suspension Rules in 2017, internet shutdowns have continued to be imposed under Section 144 of the CrPC. In practice, authorities often prefer using Section 144 because it does not provide the same procedural safeguards as the Suspension Rules. Orders under Section 144 are issued at the District Magistrate level rather than by the Home Secretary, and they are not subject to mandatory review by a review committee within a prescribed time frame. Moreover, the provision does not require periodic review of such orders and thus it is a much more convenient method to impose internet shutdowns. The Indian Telegraph Act, 1885 was a legacy of Colonial Rule. It was used by the British empire to take possession of or prevent any telegraphic message.⁶

Section 5(2) of the Indian Telegraph Act gives the government the power to monitor, stop, or intercept communications during situations involving public emergency or public safety. The government acts when there is a serious threat to the sovereignty and integrity of India, the national security, public order or to prevent an incitement to the commencement of an offence. The reasons for such order should be recorded in writing.⁷ The Telecommunication Act, 2023 was meant to improve this regime however under section 20 both the central and the state government can suspend telecom services subjected to clear procedure guardrails. The 2024 rules particularly Rule 3(2)(b)(i) states that a suspension order can only be mandated after they have specified the geographical region in which the services are being restricted.⁸

Constitutional Safeguards Against Arbitrary Internet Shutdowns

In a constitutional democracy governed by the principles of justice, liberty, and equality, internet shutdowns cannot be capriciously exercised. While reasonable restrictions imposed for maintaining public order and peace, security of the State, decency, and morality, among others,

⁵ THE TEMPORARY SUSPENSION OF TELECOM SERVICES (PUBLIC EMERGENCY OR PUBLIC SAFETY) RULES, 2017

⁶ <https://www.orfonline.org/expert-speak/internet-suspension-in-india>

⁷ The Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017

⁸ <https://ifex.org/revisiting-indias-internet-shutdown-regime-through-the-lens-of-legal-reform-and-ground-realities/>

do operate as crucial exceptions to fundamental rights, actions taken by the State are always subject to the utmost scrutiny to ensure that they are in consonance with constitutional values and provisions enshrined in the golden triangle of Articles 19, 21, and 14.

Article 19 is one of the most expansive and exhaustive fundamental rights guaranteed by the Constitution. In the landmark judgment delivered by a three-judge bench consisting of Justice N.V. Ramana, Justice R. Subhash Reddy, and Justice B.R. Gavai in the watershed case of *Anuradha Bhasin v. The Union of India*⁹ emphasised the significance of access and use of the internet for exercising the right to freedom of speech and expression under Article 19(1)(a) and to carry out trade or business under Article 19(1)(g) of the Constitution.

“Expression through the internet has gained contemporary relevance and is one of the major means of information diffusion. Therefore, the freedom of speech and expression through the medium of internet is an integral part of Article 19(1)(a) and accordingly, any restriction on the same must be in accordance with Article 19(2) of the Constitution. In this context, we need to note that the internet is also a very important tool for trade and commerce. The globalization of the Indian economy and the rapid advances in information and technology have opened up vast business avenues and transformed India as a global IT hub. There is no doubt that there are certain trades which 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 the restrictions provided under Article 19(6).”

Further, the Hon’ble Supreme Court has held that freedom of speech and expression includes the right to internet access through judgments such as *Anuradha Bhasin v. Union of India* and *Faheema Shirin v. State of Kerala*, and that subsequent rights flow through it, such as the right to propagate one’s views and the right to disseminate and circulate information through digital and electronic platforms as essential to democracy, as recognised in *Romesh Thappar v. State of Madras*, and the right to freedom of the press, as affirmed in the landmark judgment of *Bennett Coleman & Co. v. Union of India*. In *Bennett Coleman*, the Court held that restrictions on newsprint page numbers, circulation, and new editions violated the freedom of the press

⁹ *Anuradha Bhasin v. The Union of India* (2020) [28817_2019_2_1501_19350_Judgement_10-Jan-2020.pdf](#)

guaranteed under Article 19(1)(a). The Hon'ble Court further observed that restricting newspaper size was not merely a measure regulating newsprint, but a direct restriction on the content, circulation, and growth of newspapers. Additionally, The right to telecast, whereby the government does not enjoy a monopoly over electronic media and the right to post information and videos on the internet and social media has also been accorded significance. This recognition of access to the Internet in a digital world goes beyond the mere expression of ideas and dissemination of information, and extends to a wide array of essential as well as recreational services. Today, the Internet is extensively used by small business owners through social media platforms, by large conglomerates for transactions and marketing, and by individuals for availing services such as coaching, among others. The trade and commercial industry is heavily dependent upon the Internet, and consequently, any restriction imposed upon its access carries far-reaching implications.

The Golden Triangle of Fundamental Rights highlights the close relationship between Articles 14, 19, and 21 of the Constitution of India. Thus, when one of these rights is affected, the others are impacted as well. This interrelationship makes it essential to examine the effect of internet shutdowns not only on Article 19, but also on Articles 14 and 21.

Digital access in the 21st century acts as a precondition to equality. When citizens are deprived of equal access to the Internet, it creates a developmental gap within society. Today, welfare services, education, employment opportunities, and even grievance redressal mechanisms are largely dependent on online platforms. Therefore, unequal or restricted access to the Internet deprives citizens of an equal opportunity to exercise their rights and avail consequential benefits and entitlements guaranteed to them. Arbitrary and excessive action refusing access to these basic amenities fail to pass the reasonable classification violating article 14 of the Constitution.

Article 21 of the Indian Constitution ensures the right to life and personal liberty. The Article encompasses the rights to education, healthcare, choice, and privacy. These rights are violated when internet shutdowns cut off access to such essential services, thereby making basic necessities a privilege rather than the norm. Since the 2020 pandemic, online education has become the new normal, and denial of access to the internet creates a developmental gap among the youth of the country. Similarly, access to services such as Ayushman Bharat Digital Mission, eSanjeevani, and Tele-MANAS, along with other healthcare facilities that are

digitally accessible, becomes severely restricted, thereby creating a gap in welfare services and violating the right to healthcare.

Practice vs Principle

In principle, The State's duty to maintain public order, security, and peace is the fundamental idea behind the use of internet shutdowns. The idea is that during sensitive situations, uncontrolled circulation of information may intensify panic, violence, misinformation, or unrest, making it difficult for authorities to restore order. Therefore, internet shutdowns are often imposed as preventive measures to temporarily control the flow of information in extraordinary circumstances.

At the same time, such shutdowns directly affect the daily lives of ordinary people by disrupting communication, education, healthcare, employment, banking, and access to emergency services. For this reason, although internet shutdowns may restrict fundamental rights, their validity depends upon whether they satisfy the tests of necessity, proportionality, and reasonableness. The legality of these shutdowns is derived from the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.

A commonly cited example demonstrating the dangers of unrestricted dissemination of information is the 2008 Mumbai attacks. During the attacks, live media coverage reportedly revealed operational details and unintentionally assisted the terrorists by informing them about security movements. While this was not a direct case of an internet shutdown, it illustrates how uncontrolled information during emergencies can sometimes worsen an already dangerous situation, thereby explaining the rationale behind temporary restrictions in exceptional circumstances.

However, the practice of internet shutdowns paints a different picture. Internet shutdowns have increasingly proven to be arbitrary and unconstitutional, often defeating their very purpose and objective. Though imposed for ostensibly justified reasons such as security and maintenance of public order, they have been subjected to widespread criticism for being arbitrary and politically motivated. The lack of transparency in the process of imposing internet shutdowns results in excessive, disproportionate, and arbitrary restrictions affecting the life, liberty, and dignity of citizens. They deny people access to basic human rights and have increasingly

become a tool of control over the people of India. In many cases, shutdowns create fear, mistrust, isolation, and a breakdown of the social fabric, particularly in already underdeveloped or conflict-prone areas.

When such practices which are arbitrary thrive, people usually try to adjust to it which is evident from the instance of November 2019 when In November 2019, when fixed line internet services were restored in Jammu but not Kashmir, thousands of Kashmiris took a train to Banihal, a hill town about 60 miles south of Srinagar, to access the internet for essential services. Internet cafes in town were packed by young professionals and students submitting forms and applications and customers filing taxes, conducting banking transactions, and submitting official documents, from driver's licenses to tenders. The train, dubbed the "Internet Express" by local residents, became a lifeline for Kashmiris at that time. While others move out like Insha, 22 a college student who did not see a future in Kashmir. These instances prove how normal lives get affected if internet shutdowns fails to pass the test of proportionality and reasonableness.

Case Studies

- Jammu & Kashmir

Jammu and Kashmir has been subjected to some of the most restrictive policies of governance. The first recorded internet shutdown in India took place in Jammu and Kashmir in 2012, when mobile internet services were suspended for a few hours during protests against a movie that allegedly hurt religious sentiments. Subsequently one of the most repressive shutdowns came amid the abrogation of the special status under Article 370, Jammu and Kashmir experienced severe political and social protests. The internet shutdown began in 2019 and lasted until 2021 for approximately 522 consecutive days, making it the longest internet shutdown ever imposed in a democracy. During the citizenship law protests in December 2019, the internet was shut down 12 times in different states. Most recently, Jammu and Kashmir witnessed another set of internet shutdowns in March 2026 amid the death of Iran's Supreme Leader, Ayatollah Ali Khamenei.

On August 22, 2019, United Nations human rights experts issued a joint statement on Jammu and Kashmir urging the government to end the communications shutdown:

"The shutdown of the internet and telecommunication networks, without justification from the Government, are inconsistent with the fundamental norms of necessity and proportionality. The

blackout is a form of collective punishment of the people of Jammu and Kashmir, without even a pretext of a precipitating offence.”

Jammu and Kashmir has been a land of constant conflict, and is vulnerable to militant and terrorist activities since partition between India and Pakistan. The Government of Jammu and Kashmir submitted through their counsel in the Anuradha Bhasin case that since 1990 to 2019 there have been 71,038 recorded incidents of terrorist violence, 14,038 civilians have died, 5292 security personnel were martyred, 22,536 terrorists were killed. The geopolitical struggle cannot be played down or ignored. In line with the aforesaid requirement, we may note that even the broadest guarantee of free speech would not protect the entire gamut of speech.¹⁰ The majority of Internet shutdowns in the state have been concerning national security, social order and integrity of the nation.

However, in the case of *Anuradha Bhasin v. Union of India*, the judgment observed that “There is ample merit in the contention of the Government that the internet could be used to propagate terrorism thereby challenging the sovereignty and integrity of India. This Court would only observe that achievement of peace and tranquillity within the erstwhile State of Jammu and Kashmir requires a multifaceted approach without excessively burdening the freedom of speech. In this regard the Government is required to consider various options under Article 19(2) of the Constitution, so that the brunt of exigencies is decimated in a manner which burdens freedom of speech in a minimalist manner”

Essentially, the judgment emphasised a balanced approach towards the protection of the rights of citizens in accordance with the proportionality test laid down by the Court and the interests of the State. This is important since internet shutdowns in the valley of Jammu and Kashmir have a lasting impact, impairing the development of an already underdeveloped region. They lead to loss of livelihoods, disruption of access to education and healthcare, restricted movement, lack of accurate information regarding political developments, loss of trust, and a breakdown of the social fabric. Such consequences amount to severe violations of Articles 19, 21, and 14 of the Constitution.

No doubt, the government is right to take the approach of imposing shutdowns in the sensitive areas during critical times however, there is a need for a proper structure in place which does not affect normal lives and is transparent enough that the common man does not feel targeted by these restrictions.

¹⁰ https://api.sci.gov.in/supremecourt/2019/28817/28817_2019_2_1501_19350_Judgement_10-Jan-2020.pdf

- Manipur -

Manipur, once celebrated as the “Jewel of India” is now engulfed in flames of turmoil and deep unrest. The Manipur ethnic conflict commenced in May 2023 arose from tensions over the demand of scheduled tribe status by the Meitei community which was strongly opposed by the Kuki-Zo community. What started as a mere opposition soon enough escalated into widespread violence, resulting in significant loss of life, mass displacement of citizens, destruction of religious properties and the deployment of central forces in the state. Paradoxically, the conflict catalysed the emergence of armed militant groups, with cycles of raids and counter-raids against civilians further deepening the humanitarian crisis.¹¹ It was against this backdrop that the government of Manipur sought to impose internet shutdowns, making it one of the longest only after the abrogation of Article 370 in Jammu & Kashmir.

In 2023, Manipur experienced 36 internet shutdowns, leading to a blockade lasting close to 4,374 hours. Many of these shutdowns were imposed as preventive measures aimed at curbing rising tensions, while others were introduced in response to ongoing violence. Notably, the longest internet shutdown lasted for 15 days in December. Mostly, the shutdowns were for the internet, however several shutdowns included broadband suspensions too.¹²

There has been substantial socio-economic loss in the state due to which it has affected the sectors of communication, healthcare, corporations, banking institutions and students. In one such case, Dr. Ngaijavang, a radiologist in the Churachandpur area, was compelled to manually mail radiology reports and thus it shows this case the interference of the shutdowns in the internet sector. Moreover, businesses that completely rely on the internet have faced significant losses. Communication has already been deeply hampered because of the internet shutdowns due to which relevant information cannot be transmitted. The internet shutdowns in Manipur has faced a lot of backlash from the citizens residing there as this is a direct infringement of people’s right to free speech. There is a clear violation of the basic fundamental rights guaranteed under the Constitution.¹³

The Manipur case is the most significant post Anuradha Bhasin case study available right now. The supreme court held in the Anuradha Basin case that the rights guaranteed under Article 19(1)(a) and Article 19(1)(g) can be exercised through internet however access to internet as a standalone is not a fundamental right, the court laid down the proportionality test, direction on duration and public review and limits to section 144 of the CrPC. In the case of Manipur, the

¹¹ <https://www.sai.uni-heidelberg.de/en/events-at-sai/understanding-the-roots-of-manipur-conflict-2025-11-24>

¹² <https://thewire.in/government/internet-shutdown-manipur-haryana-bihar>

¹³ <https://gmj.manipal.edu/issues/Dec2024/P8.pdf>

extension orders were not published regularly and there is no record of the review committee proceedings being conducted in accordance with what the Supreme Court had established. The three main Articles that are violated are as follows: Article 21, Article 19 and Article 14.

Article 21- The right to life and liberty comes under Article 21. It includes the right to livelihood, access to healthcare and access to education was jeopardized during the Manipur shutdowns that took place. Residents were unable to conduct basic financial transactions; students were not able to attend online classes or have access to online study materials. Journalists were unable to file reports and thus the local residents began printing makeshift handwritten newspapers to bridge the information gap. In such crises, Internet connectivity becomes a lifeline.

Article 19(1)(a) - The internet shutdown imposed in Manipur in May 2023 led to a serious violation of the freedom of speech and expression which is guaranteed under article 19(1)(a) of the Constitution. One of the most disturbing consequences of the shutdown is the suppression of information relating to the violence taking place in the state. A video showing two tribal women being paraded naked by a mob surfaced on July 19, 2023, even though the incident had occurred on May 4, shortly after the internet shutdown was imposed. The video was prevented by the public for more than 2 months and thus it delayed awareness, public outrage and accountability and when the video finally became public. The supreme court took suo moto cognisance of the matter and questioned the delayment of the officials to take action. This incident highlighted how internet shutdowns can obstruct free flow of information and weaken transparency in the society. Moreover, the government failed to comply with the constitutional standards that were laid down in *Anuradha v Union of India*; the prolonged continuation of the internet shutdowns without proper justification demonstrated a failure to adhere to the principles established by the supreme court in the case.¹⁴

Article 19(1)(g) - The shutdown also affected the freedom to practice trade and business which is guaranteed under article 19(1)(g) of the Constitution. In today's digital era, internet access has become very closely connected with trade, communication, education, employment and healthcare. The Supreme Court in the case of *Anuradha Bhasin v. The Union of India* observed that access to the internet is essential for carrying out commercial activities. In Manipur, the prolonged shutdowns have distressed businessmen that engage digitally, online transactions and educational institutes. The government has failed to explore less severe alternatives such as imposing restrictions on more sensitive districts instead of a global blanket

¹⁴ <https://forum.nls.ac.in/slr-forum-blog/the-constitutionality-of-the-manipur-internet-shutdown/>

shutdown throughout the state.

Article 14 - The Manipur Internet shutdown also posits serious concerns under Article 14 of India, which guarantees equality before the law and equal protection of laws. The ethnic violence was concentrated in specific districts of Manipur however the internet shutdown was imposed throughout the state even when in the relatively peaceful district there was no violence and thus there was no discrimination between affected and unaffected areas by the government. Under the doctrine of reasonable classification, any restriction imposed by the state must be on intelligible differentia and must have a rational nexus with the objective that it seeks to achieve. In the present case, the blanket wide shutdown failed to distinguish between the affected and unaffected areas, making the shutdown geographical overboard and constitutionally disproportionate.

- State Level Patterns (Routinization of Exception) -

Beyond Jammu & Kashmir and Manipur being the cases in which the internet shutdown is the most prevalent, various data and reported sources reveal the Routinization of internet shutdowns for purposes far from any genuine security emergencies. Haryana imposed shutdowns in anticipation of communal violence and in the state of Bihar, the government imposed a shutdown aimed at preventing cheating during government exams.¹⁵

In India, Internet shutdowns are imposed through two primary approaches which are as follows: A) Preventive and B) Reactive

1. Preventive Shutdowns take place when there is an anticipation of law and order issues in a state such as ahead of protest, government recruitment examination and religious events. The main goal of this is to prevent the spread of rumors and stop the mobilisation of crowds before it turns out to be an uprising.
2. Reactive shutdown takes place after an incident has already occurred such as the aftermath of communal violence or civil unrest. This is used to prevent the flow of information spread through and prevent any further escalation of tensions.

Rajasthan is known throughout India for its competitive exam preparation, prestigious engineering and medical colleges. Rajasthan has repeatedly made use of internet shutdowns during examinations to curb malpractices that is seen in the state quite often. Paper leaks in Rajasthan have been a worrisome problem for the government and thus the government makes

¹⁵ <https://thewire.in/government/internet-shutdown-manipur-haryana-bihar>

sure that the examinations held are impartial and fair. These repeated shutdowns have severely caused disruption during the time period in sectors like banking, business and medical facilities. Other states do not resort to such frequent shutdowns without students seeking unfair methods. Such blanket shutdowns fails to satisfy the reasonable classification test under Article 14 and thus the restriction imposed on the entire population bears no rational nexus to the legitimate objective of preventing malpractice among examination candidates alone.¹⁶

Economic, Social and Democratic costs

Internet shutdowns often affect Economic, Social and Democratic costs in India. This impact can cause long lasting effects on the country even though the government justifies the shutdowns on grounds of public order or national security. In today's digital era, everything is connected to the internet in one way or another. Internet access today is not only valuable for freedom of expression but also for protecting economic, social and democratic rights.

One of the most immediate effects is the economic loss that happens after an internet shutdown is imposed. Sectors like Reporting, Healthcare, Public Services, Businesses, and Employment face the most significant losses due to internet shutdown.¹⁷ To put things into perspective, the estimated global cost of shutdown in the world in 2024 was \$7.69 billion in 2024 whereas India alone nearly contributed \$320 million to that figure. Back in 2020, it was way worse, India contributed 75% of the total global loss (\$2.8 billion of the \$4 billion loss). With FDI hesitating to invest in India due to the recurring internet shutdowns happening in India and them not getting invested in the unfavourable market that will eventually bring them loss a lot of economic loss to India. For context, India lost \$118 Million due to these shutdowns in FDI between the months of January to June 2023. Moreover, the UPI transactions and card transactions isn't possible due to these disruptions.¹⁸ Businesses that are dependent on the internet face a huge hurdle to conduct their business due to these frequent disruptions.

The social shutdowns are equally significant. There is a disruption of basic needs and livelihood. During Covid, online education became normalised and still to this date, online education is pursued by a lot of students. With these disruptions, students lose access to online

¹⁶ <https://theleaflet.in/education/why-is-the-rajasthan-government-using-internet-shutdowns-to-curb-malpractices-in-public-examinations>

¹⁷ <https://www.jatit.org/volumes/Vol102No4/24Vol102No4.pdf>

¹⁸ <https://finshots.in/archive/the-economic-costs-of-internet-shutdowns-india-government/>

education and material sources. Many people cannot avail of the subsidized foods to which they are entitled to. One such instance is that in a village in Rajasthan, there is a ration shop dealer and he uses Aadhar- based biometric authentication.¹⁹ That machine requires internet access to authenticate biometric id so that people can get their subsidised free food or food grains. Schemes like Mahatma Gandhi National Rural Employment Guarantee Act (NREGA) requires the worker to upload geo-tag photos so that they can mark attendance and claim attendance however without internet they wouldn't be able to upload geo-tagged photos due to which they won't get their wages. Furthermore, the health sector is also affected, Telemedicine & Remote Care, Electronic Health Records (EHR), Public Health Tracking are some of the many services in the health sector that are completely on the internet.

Shutdowns undermine public trust in democratic governance. There is a violation of Article 19(1)(a), Article 14, Article 21. The internet shutdowns by the government is an opaque way to suppress the voice of the citizens that are outraged by such shutdowns. The right to freedom of speech and the right to practice any profession is frequently violated by the government. Most of the time when a shutdown occurs, it is due to suppression of criticism or public discourse. The democratic values regarding shutdowns that are laid down after the abrogation of Article 370 still to this day aren't made use of, that is, the guidelines and proportionality standards that are enunciated by the Supreme Court in the case of Anuradha Bhasin (2020).

Comparative perspective

India has been dominating the area of internet shutdowns over the several consecutive years. The shutdown imposed in Jammu and Kashmir after the revocation of Article 370 in August 2019 which lasted over 213 days is perhaps the starkest illustration on how far the administrative practice has drifted from the constitutional principles.

The UN Human Rights Council's Resolution in 2016 affirmed that the rights protected offline must be equally protected online too. The UN special of Rapporteur on Freedom of Expression has said that blanket shutdowns are incapable of satisfying the necessary requirements under Article 19(3) of the ICCPR to which India is a signatory (Kaye, 2017).

¹⁹ <https://www.hrw.org/report/2023/06/14/no-internet-means-no-work-no-pay-no-food/internet-shutdowns-deny-access-basic>

In the case of *Yildirm v. Turkey* (2012), the ECHR struck down a blanket website block not merely for being disproportionate but for bypassing independent judicial oversight entirely. The Court's logic was simple: a restriction that bypasses judicial scrutiny cannot claim to be "prescribed by law." India's 2017 Rules invert that the executive acts first and the judicial challenge depends entirely on the aggrieved party's initiative.²⁰

Kenya offers the closest constitutional parallel. In *Bloggers Association of Kenya v. Attorney General* (2020), the High Court struck down internet restriction provisions lacking prior judicial authorisation, refusing to defer to executive necessity claims. Internet access is not expressly enumerated as a right in Kenya's constitution either and yet its courts have been far more willing to treat executive overreach as immediately unconstitutional. The contrast with the case of *Anuradha Bhasin*, who articulated the right standard but stopped short of striking down the Kashmir shutdown retrospectively, is hard to ignore.²¹

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It has been 10 years since Access Now launched the #KeepItOn campaign in 2016 as a global coalition to end excessive internet shutdowns that harm the economy and violate the rights of people worldwide by encouraging civil societies, NGOs, government bodies, and pressure groups to come together and fight against internet shutdowns. According to its 2025 report, India recorded the highest number of internet shutdowns in the world, with the figure reaching 313 in a single year, the highest number imposed in any democracy.

A systematic approach is needed to control and regulate internet shutdowns in order to maintain a balance between the fundamental rights of the people and the interests of the nation. Firstly, there is a need to keep a check on the arbitrariness of such shutdowns by ensuring strict compliance with the principles of reasonable restrictions and proportionality laid down by the Constitution and the Courts of the country.

Global efforts in emphasising the need for increased legal accountability is necessary. Recognising that governments are for the people, and represent their interests and goals, there emerges a necessity for transparency in such processes which hinder the growth and development of the citizens.

²⁰ *Ahmet Yıldırım v. Turkey*, App. No. 3111/10, Eur. Ct. H.R. (18 Dec. 2012).

²¹ *Bloggers Association of Kenya (BAKE) v. Attorney General & 3 Others*, [2020] eKLR (High Court of Kenya).

Additionally, In emergency situations lack of communication mediums lead to anxiety and panic among the people with no source of communication with loved ones or accurate information of the ongoing situations, this leads to lack of trust in the authorities. Thus, there is a need to protect the communication channels or establish alternative routes of communication as well.

The human rights impact of such Internet shutdowns are to be acknowledged and spread awareness about in order to prevent these complete shutdowns which undermine the freedoms and dignity of the people of the country. Thus, global efforts to change the standards and recognize the need for following certain procedures and guidelines in order to create the balance is necessary. Another important aspect is that with technological advancement and economies increasingly depending upon the internet, the right to trade should not be adversely affected through internet shutdowns.

Conclusion

Internet shutdowns have become one of the biggest messes in modern governance. Obviously, no one expects the government to stand by idly when communal violence breaks out or terrorism threatens public safety. But killing the internet isn't just a minor annoyance anymore. It ruins businesses, cuts students off from classes, blinds journalists, and stops people from getting medical help or welfare benefits. We have a legal framework meant for extreme emergencies, but the reality on the ground is a completely different story. Just look at what happened in Jammu & Kashmir or Manipur. When you cut off connectivity for months on end or blanket entire states, it stops being a security measure and starts looking like a blatant violation of Articles 14, 19, and 21. The Supreme Court actually tried to fix this with the *Anuradha Bhasin* ruling, basically telling the government they need to prove a shutdown is absolutely necessary, proportional, and transparent. But clearly, the bureaucrats didn't get the memo. The fact that India still leads the world in shutdowns shows a massive gap between courtroom ideals and what actually happens on the ground. You can't aggressively push for a digital economy on one hand, and then treat internet access like a luxury that can be switched off on a whim. It's the backbone of everyday life and basic constitutional rights. A democracy shouldn't be destroying the daily lives of its citizens just because it's the easiest way to manage a security crisis.