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SHORT ARTICLE

## A SOCIO-CONSTITUTIONAL ANALYSIS OF INTERNET SHUTDOWNS AND HUMAN RIGHTS VIOLATION IN INDIA

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### Introduction

During the last decade, the number of internet shutdowns has been alarmingly rising. Access Now, in its annual report “Keep It On,” noted that there have been more than 1,600 instances of internet shutdowns globally. In India alone, as reported by the same report, there have been approximately 860 cases, which accounts for a huge share of the total.<sup>1</sup> If we look at the “Shutdown History” published by the Internet Society, it presents quite disturbing statistics on the pattern of internet shutdowns. Since 2018, 434 instances have been tracked, totaling 91,603 hours, and the country has also witnessed 27 shutdowns during the last 12 months.<sup>2</sup>

The article delves deeper into the misuse of executive power and how it hinders the public's rights. It also examines whether these discretionary and arbitrary powers are an overreach of constitutional protection by the administration.

### *Internet Shutdowns*

When the law and order of any particular area is brutally murdered, rendering a situation of paramount chaos in the society, one of the contemporary extremist preventive methods employed

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<sup>1</sup> Access Now, *Lives on Hold: Internet Shutdowns in 2024* (2024), <https://www.accessnow.org/internet-shutdowns-2024/> (last visited May 10, 2026)

<sup>2</sup> *Internet Suspended in Assam, India* (Dec. 2025), Internet Soc'y Pulse, <https://pulse.internetsociety.org/en/shutdowns/internet-suspended-in-assam-india-december-2025/> (last visited Apr. 19, 2026).

by the government these days is “internet shutdown”. As defined by the Internet Freedom Foundation, it is an arbitrary and despotic suspension of internet services in a particular area/territory, either for a fixed time or an indefinite period.<sup>3</sup> Centre for Communication Governance, sardonically remarked on it as “internet kill switch,” whereas a report published by Ritu Srivastava also referred to them as “Virtual curfews” or “network disconnections”.<sup>4</sup>

This measure is an antithesis to the citizens' fundamental rights guaranteed under Article 19 (1)(a), and Article 21, which guarantees freedom of speech and expression to all the citizens of India.<sup>5</sup> and the right to pursue life and personal liberty, except by the procedure established by law.<sup>6</sup> Hence, it is often debated and quite controversial, as its implementation has time and again caused public backlash.

### **Case Study- Manipur Violence**

Internet shutdown, as a means of preventive measure, has become a very frequently used weapon in the government’s arsenal. In the last few years, as technology and media platforms have become the biggest sources of information, the first thing that happens in any jumbled territory is an internet shutdown. This has been a very predictable step nowadays.

The state of Manipur, in the north-eastern belt of India, has been facing this periodic and chronic series of violence since 2023. Since that time, internet services in the area have been seriously disrupted. Internet shutdowns have been announced since May 16th, 2023, and have recently been extended until April 18<sup>th</sup>, 2026, as notified by the ministries.<sup>7</sup> The Chief Minister of the State has justified their internet shutdown measure as just another incident of crowd control, nothing unusual.<sup>8</sup>

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<sup>3</sup> Access Now, *Embolden Offenders, Endangered Communities: KeepItOn 2024 Internet Shutdowns Annual Report* (Feb. 2025), <https://www.accessnow.org/wp-content/uploads/2025/02/KeepItOn-2024-Internet-Shutdowns-Annual-Report.pdf> (last visited Apr. 19, 2026).

<sup>4</sup> Ritu Srivastava, *Anatomy of Virtual Curfews: Human Rights v. National Security*, Digital Empowerment Foundation, <https://drive.google.com/file/d/0B9LKE-1DkhtFcZhZX1ZIMUVUSEk/view> (last visited Apr. 18, 2026).

<sup>5</sup> India Const. art. 19, § 1(a).

<sup>6</sup> India Const. art. 21.

<sup>7</sup> *Curfew and Internet Shutdown in India's Violence-Hit Manipur State*, BBC News (2023), <https://bbc.com/news/articles/cy4k52q283zo> (last visited Apr. 19, 2026).

<sup>8</sup> *CM Biren Says '100s of Similar Cases' Happened*, The Wire, <https://thewire.in/rights/manipur-video-arrest-biren-singh-supreme-court> (last visited Apr. 19, 2026).

During the last year, there have been several instances where the internet has been promptly suspended as soon as the disorder arises. Major incidents include the internet suspension in Karbi Anglong, in the state of Assam, as a preventive measure to control local turmoil. It was observed from December 23<sup>rd</sup>, 2025, to 28<sup>th</sup> December 2025.<sup>9</sup>

The government is empowered to deploy this means under the authority of Telecom Services Rules, 2017, and the Temporary Suspension of Telecom Service Rules, 2017. The following provisions are relevant:

1. Section **5(2), Indian Telegraph Act, 1885**, bestows power upon the government to acquire telegraphs and interception of messages, and during any public disorder, safety or public emergency, for any time period, till the emergency exists. The government can administer full control over their transmission, interception, and can even restrict them.<sup>10</sup>
2. The **Temporary Suspension of Telecom Services Rules, 2017**, formed under the abovementioned act,
  - The State or Central Government is empowered to order a shutdown
  - There needs to be some reasonable logic before the commencement of this order
  - This order of suspension is subject to review and examination by a committee
  - The shutdown can be ordered for any temporary time<sup>11</sup>

### **Constitutional Standpoint**

The Constitution of India bestows fundamental rights on the citizens of the country, which cannot be breached, and the State is obliged to protect and uphold them. **Article 19(1)(a)** guarantees Freedom of speech and expression. In modern times, the internet has become such an integral part of our lives, and it is also a growing platform for the expression of thoughts through social media. Whereas **Article 19(1)(g)** gives the right to practice any profession, or to carry on any occupation, trade, or business, the internet has been an intrinsic part of contemporary digital business owners, who provide online services or are small traders. **Article 21** bestows the freedom to pursue life

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<sup>9</sup> *Internet Suspended in Assam, India* (Dec. 2025), Internet Soc'y Pulse, <https://pulse.internetociety.org/en/shutdowns/internet-suspended-in-assam-india-december-2025/> (last visited Apr. 19, 2026)

<sup>10</sup> Indian Telegraph Act, 1885, § 5(2) (India)

<sup>11</sup> Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 (India).

and personal liberty except curtailed by the procedure established by law. Pursuing life includes having access to all the necessities and amenities.<sup>12</sup>

It was held in **E.P. Royappa v. State of Tamil Nadu**, that arbitrariness is the antithesis of equality, and any action of government that is arbitrary in nature and is done without any reasonable nexus is a direct violation.<sup>13</sup> of the public's right to equality and is violative of their fundamental right to equal protection of laws under Article 14.<sup>14</sup>

### **International Protection of Human Rights**

The United Nations Organization has recognized access to the internet as an essential for the expression of human rights.

**Article 19 of the Universal Declaration of Human Rights (UDHR)**, signed in 1948, declares that everyone is entitled to the freedom of opinion and expression; it consists of the right to present opinions, without interference, and transmit information through any medium of media, regardless of international frontiers.<sup>15</sup> **Article 19 of the International Covenant on Civil and Political Rights (ICCPR)**, adopted in 1966, guarantees the right to hold opinions without interference, including the rights to information and expression.<sup>16</sup> This article 19 includes a three- part test, under sub- clause (3), which allows restrictions to be valid only if they are provided by law, playing a necessary part in safeguarding the public's rights and implemented for the protection of national security or public order.<sup>17</sup>

### **Role of Authorities**

The internet shutdown implemented by the government should be well- reasoned, mainly for the maintenance of public order and safety. The reason needs to be justified to prevent the

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<sup>12</sup> India Const. art. 21.

<sup>13</sup> *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.

<sup>14</sup> India Const. art. 14.

<sup>15</sup> Universal Declaration of Human Rights art. 19, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>16</sup> International Covenant on Civil and Political Rights art. 19, opened for signature Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>17</sup> International Covenant on Civil and Political Rights art. 19(3), opened for signature Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

dissemination of false information that can escalate the chaos in society. It is mostly implemented in situations of protests, communal tensions, riots, public unrest, violence, etc.

There are specified institutions and authorities to implement and ascertain orders, under the Indian Telegraph Act, 1885, the State or Centre Government is empowered to order an internet shutdown. Under the TSTS Rules, 2017, the district magistrates or any other competent authorities can take forward such steps as a measure of crowd control.

### **Failure of Authorities:**

Although the power distribution and law are clear about it, the pattern is problematic. The shutdowns are implemented quite often in disturbed areas, without any proper information or reason. The authorities escape their liabilities under the vague justification of upholding “public interest.” There is no transparency in the method of implementation and public justification. This creates confusion and also gives birth to sudden problems for the ordinary public, without pre-defined reasons. The period of implementation is often extended by the authorities without any review or valid examination; it is completely discretionary in the hands of the authorities. In Manipur, it has been extended for the last three years, and no committee has ever publicly presented its review on that; in this way, the protection given by the laws is also defeated.

### **Legal Remedies**

The aggrieved parties can approach the Supreme Court or the High Court of their respective states, under **Article 32 and 226**, respectively. The courts have sufficient jurisdiction and authority to demand a reasoned justification by the authorities and offer remedies for the public. The Courts can review the legality of these shutdowns, and if it doesn't have any reasoned basis, they can strike down the orders for being arbitrary in nature and being violative of the public's rights.

### **Judiciary:**

The judiciary held in the case of **Anuradha Bhasin v. UOI** that while implementing an internet shutdown, the government needs to follow the principles of necessity, procedural safeguards, and proportionality. Indefinite shutdowns are violative of people's fundamental rights. In this case, the Supreme Court held that the right to access the internet is covered under the ambit of the right to life. This case was related to the suspension of internet services in the State of Jammu and Kashmir.

The court held it violative of people's right to equality, freedom of expression, freedom to profession, and right to life, guaranteed under **Articles 14, 19 (1)(a), (g), and 21** respectively.<sup>18</sup>

### **Critical Analysis**

The suspension of the internet in Manipur, for over 142 days, was a prolonged period of time that blocked the transmission of important information. If the administrative majority had handled the situations, they could have been resolved much earlier. The standards of proportionality, necessity, and procedural safeguards, as laid down by the Supreme Court in the *Anuradha Bhasin Case*, weren't implemented in the state of Manipur. The president's rule was lifted, ending the state emergency in February 2026. Later in April, internet facilities were restored.<sup>19</sup>

#### ***Proportionality test***

In the case of *Modern Dental College v. State of Madhya Pradesh*, 2016<sup>20</sup> The government's act, which provided reservations for people of marginalized communities, was given a specific reservation in professional universities, but it also placed certain restrictions on their occupation; this restriction was challenged. The Supreme Court then came up with the "doctrine of proportionality," restrictions made for the general and common interest of the public, can be classified as a reasonable restriction. It included four conditions. In order to be classified as reasonable, the restriction must be:

- i. Restriction must have a legitimate aim envisioned by the state
- ii. Proportionality *stricto sensu*: it should aim at attaining equilibria between harm and aim sought
- iii. There should be a direct correlation and nexus with the aim
- iv. The implementation of the restriction is deemed necessary, as all other alternatives have been exhausted.

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<sup>18</sup> *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

<sup>19</sup> *Mobile Internet Suspended in Manipur*, Internet Soc'y Pulse, <https://pulse.internetsociety.org/en/shutdowns/mobile-internet-suspended-in-manipur/> (last visited May 9, 2026).

<sup>20</sup> *Modern Dental College & Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353.

This case established a strong framework for implementing any restriction on fundamental rights.<sup>21</sup> This proportionality test wasn't duly applied while assessing the consequences and intentions for the implementation of the internet blackout in Manipur.

### ***Blanket Suppression***

The frequency of these digital curfews has transitioned into routine measures exercised by the government rather than being a preventive measure to be exercised during incidents of exceptionally difficult situations. It has also become a blanket, which suppresses people's rights, rendering them wounded without proper disclosure; it also protects the unlawful and arbitrary discourses being carried on by the government under immunity. It is a collective prohibition that halts people's lives; it also affects small business owners, students, freedom of expression, and the press. Besides all these legal assurances and laws, the issues hide between the layers of distorted truths and inconsistencies during implementation.

### ***Reasonable Restriction under Article 19(2)***

These shutdowns are often justified as a 'public order' and 'security of state', reasonable restrictions under 19(2) by the government, but these frequent and continuous digital curfews lead to the extent of this restriction. Its implementation should be qualified and restrained; uncontrolled powers lead to despotism. This indiscriminate power doesn't satisfy the standards laid out in the landmark judgment.<sup>22</sup>

### ***Suppression of Ethnic voices***

Internet blackouts by the government are often justified as a 'necessity', but the case of Manipur specifically points towards the broader question that was public order the only necessity? It is argued that the internet blackout was used as a tool for 'ethnic- silencing', blocking of internet services, also blocking the transmission of information into the outer world. The only credible source for the rest of the country was the government order; there was no representation from the people's end. The points and concerns of the ethnic groups were left unheard. It helped the

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<sup>21</sup> Modern Dental College and Research Centre and Ors. vs. State of Madhya Pradesh and Ors, 2016, Manupatra Academy, <https://www.manupatracademy.com/legalpost/manu-sc-0495-2016>

<sup>22</sup> Natasha Maheshwari, *Constitutionality of the Manipur Internet Shutdown*, SLR Forum, Nat'l L. Sch. India Univ. (Aug. 2023), <https://forum.nls.ac.in/slr-forum-blog/the-constitutionality-of-the-manipur-internet-shutdown/>.

government to conceal many atrocities, such as sexual harassment of two women belonging to the Kuki- community, which resurfaced on the internet after more than two months of the incident. Another category of monstrosity that was being carried beneath the government's eyes was also concealed, such as the misuse of powers by military and police forces.<sup>23</sup>

### ***Review Meeting***

The review meeting that has to be mandatory, deriving powers under Telecom Suspension Rules, has to present its investigative report within the stipulated time of five days. But in this case, the shutdown didn't follow any such Review Committee initiated by the government; instead, the judiciary stepped in, and a 12-member panel was constituted, under the honorable High Court, on 27<sup>th</sup> June 2023. It suggested finding a middle path to prevent harmful materials from reaching the violence- prone areas while restoring internet services.<sup>24</sup>

### ***Recurring Pattern***

These procedural gaps aren't something new; this is a repetitive pattern all across the country. The government, using its administrative powers, suppresses the people's right to information. Here, the public is also at fault, as after a few months, as the tension calms, people tend to forget these causes, and return to their routine. This isn't a minute and isolated case, but instead part of a bigger circuit of inconsistencies.

### ***Non- Compliance with Article 19(3) ICCPR***

The three- part test laid under Article 19(3) ICCPR, validating any restriction only if it is provided by law, deemed necessary, and is commensurate with public order. Whereas there is no apparent embodiment of this principle in Indian laws. Rendering the laws vague and ambiguous.

## **Policy Recommendations**

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<sup>23</sup> *83 Days of Darkness: Analyzing Manipur's Internet Shutdown*, SFLC.in / Suno India, <https://www.sunoindia.in/the-suno-india-show/83-days-of-darkness-analyzing-manipurs-internet-shutdown> (last visited Apr. 19, 2026).

<sup>24</sup> Lakshman Abhinay, *Manipur HC Panel to Check If Internet Can Be Restored by Blocking VPNs, Social Media*, The Hindu, <https://www.thehindu.com/news/national/other-states/manipur-hc-panel-to-check-if-internet-can-be-restored-by-blocking-vpns-social-media/article67019105.ece> (last visited May 9, 2026).

To improve the current excessive and frequent usage of this loophole, the following guidelines shall be inserted in the policies, placing more authority on the authorities, by strengthening the laws:

- By limiting the duration of shutdowns to months, it should be fixed, and after that duration is fulfilled, it would be an obligation on the state to lift the ban, without any extension.
- There should be a compulsory review; the committee shall include officials, journalists, stakeholders, and representatives of the public.
- There needs to be proper disclosure of the reasons behind such suspension, deliberations of the committee, and the final report should be publicly disclosed.
- Instead of these absolute restrictions, there can be selective restrictions, rather than cutting off the people from the public in general.
- Institutions like the press and judiciary shall also be vigilant to ensure the protection of people's rights.

## **Conclusion**

In contemporary times, the internet has become an indispensable part of people's lives, which cannot be separated from their lives; it has integrated itself into the fabric of our lives. Rather than being just a means of communication, it has grown as a platform for earning, employment, sources of news information, and social interaction around the globe. With such importance in life, measures like internet blackouts are meant to maintain an equilibrium between state security and civil liberties, and the internet is an important component of society these days. The backdrops aren't just the apparent ones, but it acts as a blanket over people's rights and shield the government's atrocities. Through constitutional lenses, this measure should be used as a preventive method for the upholding of public order, but looking at current statistics, it is used as an administrative tool for suppression, which hampers the public's right and concealment of executive actions. There is an alarming need to fix these loopholes and prevent administrative violations of people's rights. It is high time to hold the power-holders accountable for their decisions, to protect people's rights.