



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

INTERNET SHUTDOWN AND THEIR CONSTITUTIONALITY IN INDIA

~ *Anushka Khandelwal*

I. INTRODUCTION

The internet has become an indispensable tool in modern times. It has integrated itself into communication, commerce, governance and many other sectors as well. The internet has facilitated the daily life of people. In India, from government services to education, increasingly rely on the internet. Thus, disruption of internet services has widespread consequences.

Internet shutdown refers to the action taken by the government to block or suspend internet and electronic communication systems thereby making them unavailable. These measures could include cutting off broadband and mobile data, reducing internet speeds or preventing access to social media. There are different types of internet shutdowns. Complete shutdowns involve total suspension of internet services within a particular region. Partial shutdowns the ones in which only specific services or platforms are restricted. For example, access to Facebook, YouTube, Instagram or any other social media platform may be restricted in this. In mobile data shutdowns, there is suspension of access through mobile networks. In some cases, the authorities may reduce the internet speed but not completely suspend it. These internet shutdowns are done on the grounds of national security, public safety, prevention of dissemination of misinformation, protection from cybercrimes, and law and order. At the same time, critics argue that these shutdowns infringe upon the fundamental rights of people such as access to internet, freedom of speech and expression and right to life and liberty. Critics argue that these shutdowns infringe upon the fundamental rights of the people. This leads to a heated

debate between the obligation to protect digital freedom in a democracy and the necessity to protect national security.

II. STATUTORY AND CONSTITUTIONAL FRAMEWORK IN INDIA

Under Section 144 of Code of Criminal Procedure (CrPC)¹, 1973, a district magistrate, a sub-divisional magistrate or any other administrative magistrate authorised by the state government may issue orders to prevent and treat urgent cases of perceived danger or nuisance. This section is applied where there is imminent nuisance or suspected danger of an incident that could harm human life or property. Public gatherings are generally forbidden under this section. Internet shutdowns and restrictions on telecom services have also been enacted under Section 144.

Section 69A of Information Technology (IT) Act² gives the Central Government or any officer authorised by it, power to issue directions to block of public access of information through any computer resource in the interest of sovereignty and integrity of India, defence of India, the security of state etc.

Internet shutdowns in India are governed by the Telecommunications (Temporary Suspension of Services) Rules, 2024³, issued under the Telecommunications Act, 2023. Section 20(2)(b)⁴ of the Telecommunications Act empowers the Central and State Government to temporarily suspend telecommunication services on the occurrence of any public emergency, or in the interest of public safety, or in the interest of the sovereignty and integrity of India, or for preventing incitement to the commission of any offence.

The power to issue a temporary suspension order under the Rules lies with the “Competent Authority”. In the case of the Central Government, it is the Union Home Secretary and in the case of State Government it is Secretary to the State Government in charge of the Home Department. The Rules also include a exceptions for circumstances where the Competent Authority is unable to issue the suspension order directly. In such cases, an officer of the rank of Joint Secretary or higher, duly authorized by the Competent Authority, may issue the order. However, the order must be confirmed by the Competent Authority within 24 hours otherwise the order will cease to exist. Suspension orders must explicitly state the geographical area in which the shutdown is implemented. The duration of the suspension is maximum 15 calendar

¹ The Code of Criminal Procedure, 1974, § 144, No. 2, Acts of Parliament, 1974 (India)

² Information Technology Act, 2000, § 69A, No. 21, Acts of Parliament, 2000 (India)

³ Telecommunications (Temporary Suspension of Services) Rules, 2024, G.S.R. 724(E) (India)

⁴ The Telecommunications Act, 2023, § 20(2)(b), No. 44, Acts of Parliament, 2023 (India)

days. The Rules mandate the publication of every suspension order. Each order must clearly state the reasons for the suspension. The Rules also mandate the designation of a Nodal Officer for every service area or state by each authorized telecommunications service provider. Nodal Officers are responsible for receiving and implementation of suspension orders and they must be notified of such orders in writing or through secure electronic communication. The Review Committees are required to review suspension orders within 5 calendar days of issuance of the order. If the Committee finds that an order does not comply with the provisions of Section 20(2)(b) of the Telecommunications Act, then it may set aside the order.⁵

Article 19(2) of the Constitution of India allows the Central government to make laws restricting freedom of speech and expression. However, the law must impose reasonable restrictions on the right of freedom and speech and expression to protect the sovereignty, integrity, security, friendly relations with the foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.⁶

III. CONSEQUENCES OF INTERNET SHUTDOWNS

A) Violation of fundamental rights

Internet shutdowns lead to the violation of Article 19(1)(a) and Article 19(1)(g) of the Indian Constitution. Article 19(1)(a) gives every citizen the right to freedom of speech and expression.⁷ In the modern times, the internet has become a crucial part of exercising this right. People share their opinions on social media platforms, publish blogs, articles etc. to express themselves. The internet has become an important tool for people to communicate, share ideas, take part in politics, journalism and discuss public policies. Therefore, when the access to internet is suspended, the people are blocked from getting access to information and expressing themselves. Article 19(1)(g) gives all the citizens the right to practice any profession, or to carry on any occupation, trade or business.⁸ In the present world, almost all businesses use internet. Banking, e-commerce, IT sector, educational, healthcare and many more rely on internet to carry on their business. Suspension of internet disrupts the functioning of these businesses.

B) Economic Consequences

⁵ Telecommunications (Temporary Suspension of Services) Rules, 2024, G.S.R. 724(E) (India)

⁶ INDIA CONST. art. 19, cl. 2

⁷ INDIA CONST. art. 19, cl. 1(a)

⁸ INDIA CONST. art. 19, cl. 1(g)

India's expanding digital market relies heavily on internet access to do online payments, run e-commerce, manage banking, handle logistics and communicate. When the internet is suspended, the business is not able to perform these activities which results in loss of money. Internet shutdowns also have a considerable impact on small shop owners and local businesses who rely on online payment mechanism. The IT industry also faces a lot of disruption due to internet suspension. The suspension also disrupts remote work and software processes. This results in delays and eventually lead to financial losses. Ultimately, this harms Indian economy and its reputation in the global world. The tourism sector also takes a hit during the suspension. Online booking of tickets, maps and hotel services are disrupted when there is an internet shutdown.

C) Impact on Education

Many educational institutions use online platforms for teaching. Internet shutdowns disrupt access to educational resources, making it difficult for students to continue their studies. Due to the shutdown, the students are not able to access online educational resources such as e-books and PDFs. Conducting of lessons through virtual classroom is also not possible. The children living in remote areas or rural areas whose only means to study is through electronic means face heavy setback due to this.

D) Impact on Journalism

Internet has become a tool which complements free speech, political engagement and access to information. These shutdowns limits people's ability to share ideas and take part in the democratic process. When the government suspends the use of internet, it also impacts journalism and freedom of press. Organisations and companies which publish articles online face challenges to publish the articles. This leads to lack of transparency and accountability on the part of the government. In areas of conflict, cutting off the internet blocks independent reporting and lowers scrutiny on those in power. Some people argue that internet shutdown is used as means to exercise censorship and control over the press.

IV. JUDICIAL PRECEDENTS

A) Faheema Shirin v. State of Kerala ⁹

Faheema Shirin was a student of Sree Narayanaguru College, Kozhikode and a resident of its women's hostel. The hostel authorities amended the hostel rules and prohibited

⁹ Faheema Shirin v. State of Kerala, AIR 2020 Ker 35

the use of mobile phones during 6 p.m. to 10 p.m. The petitioner objected to these restrictions contending that they adversely affected her studies. She refused to follow the rules and was asked to vacate the hostel. She filed a writ petition before the Kerala High Court challenging the hostel regulations as arbitrary and violative of her fundamental rights. The Court observed that internet access is essential for acquiring knowledge and accessing educational resources. The Kerala High Court held that access to internet is an integral part of the right to education and the right to privacy under Article 21 of the Constitution. The Court also directed that restrictions on internet access must be reasonable, non-arbitrary and proportionate.

B) *Anuradha Bhasin v. Union of India*¹⁰

Following the abrogation of Article 370, the Central Government enforced severe restrictions in the region as well. Section 144 of CrPC, which prohibited public gatherings and freedom of movement, was implemented. This was followed by suspension of internet, mobile and landline services. In this case, the Supreme Court was dealing with the petition filed by Anuradha Bhasin, a journalist, contending that due to internet suspension in Jammu and Kashmir, she was unable to publish her newspaper and this violated the freedom of press. The Supreme Court held the use of internet as a medium is included in freedom of speech and expression under Article 19(1)(a) and right to trade or profession under Article 19(1)(g). Any restriction on internet access must satisfy Articles 19(2) and 19(6). They must be reasonable, necessary and proportionate.

The Supreme Court declared that the Government had to produce the order placing restrictions under Section 144 of CrPC and suspension of telecom services before the court. Any restriction on fundamental rights must be in accordance with the four-pronged test of proportionality - legitimacy, suitability, necessity and fair balance or proportionality.¹¹ The Court also said that indefinite suspension of internet is not permissible under the law. Internet suspension must comply with the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 and the orders must be reviewed every 7 days by a Review Committee. The Court directed the government to publish all orders imposing the restrictions. This was done so that the orders could be legally challenged. The Court further said that Section 144 of CrPC

¹⁰ *Anuradha Bhasin v. Union of India*, AIR 2020 SC 1308

¹¹ *Modern Dental College & Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353

cannot be applied to generally to the public. The orders under this section must be based be based on objective evidence and be applied to specific people. The Court found that a blanket internet shutdown was disproportionate and not the least restrictive means to achieve the goal. The courts have the power of judicial review to review such orders.

V. WAY FORWARD

Although internet shutdowns may be necessary in certain circumstances, some reforms could improve accountability and constitutional compliance. A statutory definition of internet shutdown should be made. The current legislative framework does not provide a definition of internet shutdown.

The words “public safety” and “public emergency” are also not explicitly defined in the concerning statutes. This results in government imposing internet shutdowns in the name of public emergency and public safety. This also leads to abuse of authority and arbitrary decisions.

The publication of suspension orders should be made mandatory. All orders should be published on official government sites. This would make the government accountable and lead to transparency. The publication will also allow the order to be challenged in a court of law.

VI. CONCLUSION

Internet shutdowns represent one of the most significant constitutional challenges of the digital era. While the State may legitimately restrict telecommunications services to address threats to national security and public order, such restrictions must be reasonable and cannot be arbitrary, indefinite or disproportionate. The Supreme Court's decision in *Anuradha Bhasin v. Union of India* marked an important step toward constitutional accountability by recognizing that freedoms guaranteed under Articles 19(1)(a) and 19(1)(g) are frequently exercised through the internet.

The constitutional validity of internet shutdowns ultimately depends upon adherence to the principles of legality, necessity, proportionality, transparency and judicial review. As India continues its transition toward a digital economy and governance model, protecting both national security and digital freedoms will remain an essential constitutional imperative.

BIBLIOGRAPHY

Bajaj, Nidhi. *The Legality of Internet Shutdowns in a Democracy*. iPleaders (July 27, 2020), <https://blog.ipleaders.in/the-legality-of-internet-shutdowns-in-a-democracy/>

Bhardwaj, Shrutanjaya, Nakul Nayak, Raja Venkata Krishna Dandamudi, Sarvjeet Singh & Veda Handa. *Rising Internet Shutdowns in India: A Legal Analysis*. 16 *Indian Journal of Law and Technology* 122 (2020).

Chauhan, Akruti & Ashutosh Mishra. *Balancing National Security and Digital Freedom: Constitutional Validity of Internet Shutdowns*. 8 *Indian Journal of Law and Legal Research* 12621 (2025).

Gupta, Rishita, Varsha Agarwal & Gautam Badlani. *Anuradha Bhasin v. Union of India, 2020: Case Analysis*. iPleaders (Feb. 21, 2024), <https://blog.ipleaders.in/anuradha-bhasin-v-union-of-india-case-analysis/>

Shanker, Apurva. *The Paradox of Prevention: Individualistic Aspect of Internet Shutdowns*. 12(2) *NLIU Law Review* 63 (2023).

Anuradha Bhasin v. Union of India (2020). Drishti Judiciary, <https://www.drishtijudiciary.com/landmark-judgement/constitution-of-india/anuradha-bhasin-v-union-of-india-2020> (last visited June 17, 2026).

Anuradha Bhasin v. Union of India. Dhyeya Law, <https://www.dhyeyalaw.in/anuradha-bhasin-v-union-of-india> (last visited June 17, 2026).

Faheema Shirin v. State of Kerala, AIR 2020 Ker 35

Anuradha Bhasin v. Union of India, AIR 2020 SC 1308

Constitution of India, 1950 (India).

The Code of Criminal Procedure, 1974

Information Technology Act, 2000

The Telecommunications (Temporary Suspension of Services) Rules, 2024

The Telecommunications Act, 2023