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TOPIC: BALANCING NATIONAL SECURITY AND PERSONAL LIBERTY UNDER ARTICLE 21

SUB TOPIC: THE SECURITY SHIELD AND THE DISSENTING CITIZEN: REBALANCING ARTICLE 21 AMIDST THE NEET PROTESTS

~ *ROUBLE SRIVASTAVA*

Introduction

The dramatic resignation of Union Education Minister Dharmendra Pradhan, forced by weeks of relentless, nationwide student agitation led by the Cockroach Janta Party (CJP), marks a watershed moment for youth-led democracy in India. Yet, behind the triumphant images of celebration at Jantar Mantar lies a deeply troubling constitutional subtext. In his official parting statement given on the online platform X (formerly Twitter), the outgoing minister claimed he stepped down to ensure that "*anti-national forces do not take advantage of this situation*" and to safeguard "*national unity*." ¹

This defense mechanism exposes a persistent and problematic executive reflex: the automatic framing of democratic civic dissent as a national security vulnerability. When a peaceful demand for academic transparency is treated as an existential threat to the state, the state inevitably justifies deploying an overreaching security apparatus. Under the Indian constitutional framework, the absolute barrier against this overreach is **Article 21**², which guarantees the Right to Life and Personal Liberty³. As modern political movements

¹ TOI News Desk, '*To ensure anti-national elements don't benefit from situation*': Dharmendra Pradhan resigns - read full text of letter, The Times of India (July 25, 2026), <https://timesofindia.indiatimes.com/india/to-ensure-anti-national-elements-dont-benefit-from-situation-dharmendra-pradhan-resigns-read-full-letter/articleshow/132622487.cms> (last visited July 26, 2026).

² INDIA CONST. art. 21.

³ *Article 21 of the Constitution of India*, Indian Kanoon, indiankanoon.org (last visited July 26, 2026).

increasingly organize online, we must confront a critical constitutional puzzle: Can the state hollow out digital rights and civil liberties under the pretext of maintaining national security?

The Digital Evolution of Article 21

The scope of Article 21 has transitioned remarkably from a literal, physical interpretation of liberty in *A.K. Gopalan v. State of Madras*⁴ to the expansive jurisprudence of *Maneka Gandhi v. Union of India*⁵. Following *Maneka Gandhi*, any "procedure established by law" that deprives a person of liberty must be **just, fair, and reasonable**, rather than arbitrary or oppressive.

In our current hyper-digitized society, this protection naturally encompasses digital rights. In the historic *Justice K.S. Puttaswamy v. Union of India* (2017)⁶ judgment, the Supreme Court held that **informational privacy** is an intrinsic component of personal liberty and human dignity under Article 21. Because our digital footprints reveal our associations, thoughts, and political beliefs, any state intrusion into this domain requires strict constitutional scrutiny even when wrapped in the banner of national security.

The Live Case Study: Digital Suppression as a Security Instrument

The recent NEET paper leak protests illuminate exactly how national security considerations are leveraged to suppress digital rights and undermine personal liberty.

1. Strategic Digital Bans under Section 69(A)

Long before the physical demonstrations reached a boiling point in New Delhi, the Ministry of Electronics and Information Technology wielded Section 69(A) of the Information Technology Act⁷ to officially block the Cockroach Janta Party's main social media handles, citing "inputs about threats to national security." By labelling satirical political mobilization as "inflammatory" and dangerous to state sovereignty, the executive effectively shut down the primary digital avenue for peaceful association. Stripping away a movement's digital presence

⁴ *A.K. Gopalan v. State of Madras*, A.I.R. 1950 S.C. 27 (India).

⁵ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India).

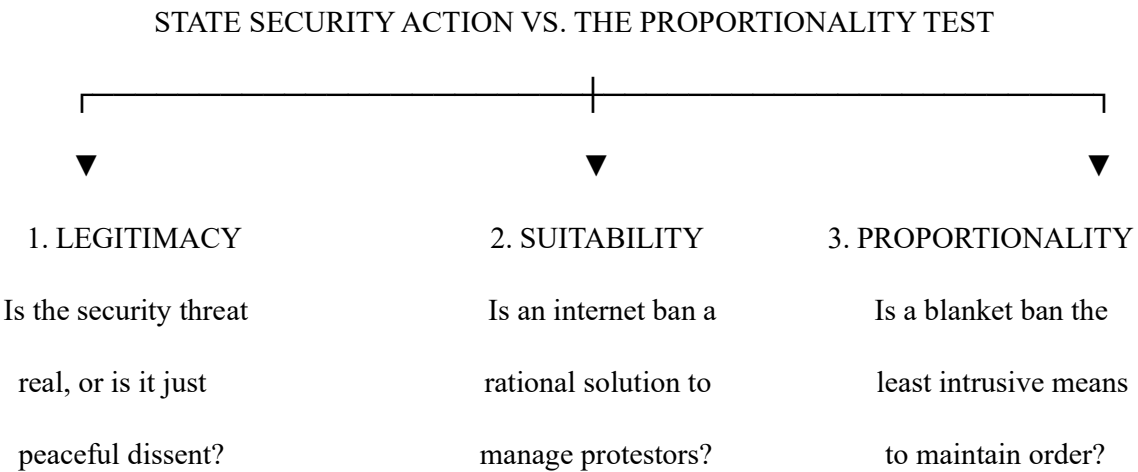
⁶ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1 (India).

⁷ The Information Technology Act, 2000, No. 21, Acts of Parliament, 2000, § 69(A) (India).

without robust transparency or judicial review represents a direct assault on the digital personal liberties safeguarded by *Puttaswamy*^{8 9}.

2. Localized Internet Shutdowns and Physical Deterrents

As massive crowds descended upon central Delhi, the state responded not only with police batons and tear gas but with localized mobile internet blackouts around the protest venues. In the modern era, communication blackouts are a sweeping weapon. As the Supreme Court recognized in *Anuradha Bhasin v. Union of India (2020)*¹⁰, internet restrictions instantly paralyze trade, access to information, and fundamental speech under article 19¹¹. Disabling internet access for thousands of students to pre-emptively control public disorder fails the constitutional test of proportionality; it uses a sledgehammer to fix a problem that requires a scalpel.



⁸ Supra note 6
⁹ *The Rising Trend of Internet Shutdowns and Public Order Restrictions*, Drishti IAS (July 23, 2026), drishtiiias.com (last visited July 26, 2026).
¹⁰ *Anuradha Bhasin v. Union of India*, (2020) 3 S.C.C. 637 (India).
¹¹ INDIA CONST.art.19

The Leverage of Criminalization

A critical turning point in the CJP agitation occurred when protest leaders initially refused to end their strike until the government offered an absolute, written guarantee that all First Information Reports (FIRs) filed against student protestors would be completely withdrawn.

The weaponization of arbitrary criminal cases or counter-terror statutes against student agitators is a classic manifestation of security overreach. When the state utilizes its punitive powers to incarcerate or legally entangle peaceful dissenters, it bypasses a "fair and reasonable" legal procedure. Forcing the state to retract these cases is an explicit victory for Article 21, reinforcing that the threat of state prosecution cannot be used as a political muzzle.

Resolving the Paradox: A Framework for Reform

To ensure that future political movements are not swallowed by arbitrary national security mandates, India's legal landscape must integrate institutional safeguards:

- 1. Independent Surveillance Reviews:** The power to ban digital handles under Section 69(A) or intercept data under the IT Act must be stripped from a purely executive committee. These orders should require authorization from an independent judicial or bipartisan oversight body.
- 2. Narrowing Security Exemptions:** Legislative frameworks like the Digital Personal Data Protection (DPDP) Act, 2023 must be amended to remove blanket exemptions for state security agencies. State surveillance or data restrictions during civil unrest must remain targeted and suspicion-based.
- 3. Strict Proportionality Audits:** Before enforcing localized digital blackouts under the Telecommunications Act, the state must be legally mandated to publish an immediate impact assessment, proving that less restrictive measures were exhausted.

Conclusion

A democracy cannot protect its constitutional framework by adopting the tools of an authoritarian state. While safeguarding the state against authentic threats to sovereignty is a legitimate executive duty, the casual expansion of "national security" to cover youth-led democratic protests undermines our constitutional structure. If the defense of the nation requires dismantling digital privacy, blocking peaceful digital assembly, and abusing criminal

procedures, the constitutional battle is lost from within. True national security does not lie in a silent public square, but in fiercely protecting the robust, chaotic freedoms guaranteed under Article 21.