



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.

WHEN SOVEREIGNTY MEETS CONNECTIVITY: INTERNET SHUTDOWNS AND THE LIMITS OF STATE POWER

Sreenidi R.N

On 3 May 2023, in the North East of India, Manipur switched off. Mobile internet was suspended by the State under the Temporary Suspension of Telecom Services Rules, 2017, following ethnic clashes between the Meitei and Kuki-Zo communities.¹ This had been an order meant to last days, but was extended for months, thus making it one of the longest shutdowns ever imposed by a democracy. However, Manipur is only one data point in a global pattern, in which states switch off connectivity and claim the act is an exercise of sovereign authority over their own digital space. The framing is contestable when looked through a legal lens: internet shutdowns are increasingly the clearest test of whether “digital sovereignty” can override clearly defined human rights guarantees, or must submit to the same scrutiny as any other restriction on fundamental freedoms.

THE COMPETING FRAMES

“Digital sovereignty” may be defined as a state’s claim to control the data, platforms, and infrastructure within its territory. This claim may also be invoked, not unreasonably, against foreign surveillance and unaccountable platforms. But when it is used to justify switching connectivity off entirely, it comes in conflict with the international consensus that internet access is instrumental to rights already guaranteed in law such as expression, assembly, and information, and in emergencies, life and health as well. This also falls in line with the emerging fourth generation of human rights which are being created around digital and technological

¹Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, Gazette of India, pt. II, § 3(i) (Aug. 7, 2017); see also SFLC.in, Internet Shutdown Tracker, <https://internetshutdowns.in> (last visited July 12, 2026).



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.

developments, building upon French Jurist Vasak's concept of generations of human rights.² The legal question is not whether states may ever restrict access, but whether such restrictions must meet the same threshold as any other rights restriction, instead of being shielded from scrutiny by an appeal to national sovereignty.

THE LEGAL BASELINE AND THE CASE LAW

Article 19(3) of the ICCPR supplies the operative test, that any restriction on expression must be provided by law, necessary, and proportionate.³ The UN Human Rights Council has extended this online, affirming that offline rights apply equally on the internet and later condemning shutdowns outright.⁴ Courts have also begun applying this test directly. In *Anuradha Bhasin v. Union of India*, concerning the 2019 Jammu and Kashmir shutdown, the Apex Court held that internet access came under the ambit of the freedom of speech and the freedom to carry on trade under Articles 19(1)(a) and 19(1)(g) of the Constitution. Due to this the Court required that suspension orders satisfy necessity and proportionality, be limited in duration, and face periodic review.⁵ It did not invent a new right; it merely anchored connectivity to existing ones. Notably, Manipur's shutdown occurred after this judgment, which proves how despite the doctrine existing, compliance did not follow. Comparable reasoning also appears internationally. The ECOWAS Community Court held Togo's 2017 shutdown violated the African Charter and the ICCPR,⁶ and Zimbabwe's High Court struck down its 2019 shutdown for exceeding statutory authority.⁷ Observing these three legal systems, courts converge on the same position, that shutdowns restrict already-recognised rights,

² WIKIPEDIA, https://en.wikipedia.org/wiki/Three_generations_of_human_rights (last visited July 12, 2026).

³ International Covenant on Civil and Political Rights art. 19(3), Dec. 16, 1966, 999 U.N.T.S. 171.

⁴ Human Rights Council Res. 32/13, U.N. Doc. A/HRC/RES/32/13, ¶ 1 (July 1, 2016); Human Rights Council Res. 50/15, U.N. Doc. A/HRC/RES/50/15, ¶ 12 (July 14, 2022).

⁵ *Anuradha Bhasin v. Union of India*, (2020) 3 S.C.C. 637, ¶¶ 105-110, 152-154 (India).

⁶ *Amnesty Int'l Togo & Ors. v. Togo*, ECW/CCJ/JUD/09/20 (Cmty. Ct. of Justice, ECOWAS, June 25, 2020).

⁷ *Zimb. Laws. for Hum. Rts. v. Minister of State for Nat'l Sec.*, HH 91-19 (High Ct. Zim. 2019).



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.

and there is no exemption provided from necessity, proportionality, and legality review, for the appeal of sovereignty.

THE ENFORCEMENT GAP

The primary issue in regards to this doctrine is that it remains largely unenforced. UN resolutions are soft law with no binding mechanism, and domestic judgments depend on executive compliance that is inconsistently secured. Shutdowns are also increasingly used pre-emptively — timed to exams, elections, or anticipated protests, a pattern present in existing jurisprudence, and built around shutdowns usually already underway⁸. The result is a legal framework which is more developed than the practice it is meant to regulate.

CONCLUSION

Groups such as Access Now, through the #KeepItOn coalition, now document shutdowns systematically, building the evidentiary record that litigation depends on.⁹ The next challenge is a requirement of prior judicial authorisation before a shutdown can take effect. Review must be shifted to become a precondition for state action rather than as litigation post shutdown implementation. Until then, the gap between what courts have said and what states continue to do remains the real battleground, and connectivity remains a right that exists more clearly on paper than in practice. This is a cause for concern, as in today's day and age, legal frameworks are constantly evolving to keep up with the ever-expanding technological developments. Internet connectivity has become a vital infrastructural medium upon which many internationally established human rights rest upon, and warrants careful consideration by the State.

⁸ Jan Rydzak, Moses Karanja & Nicholas Opiyo, *Dissent Does Not Die in Darkness: Network Shutdowns and Collective Action in African Countries*, 14 *INT'L J. COMM.* 4264, 4264–87 (2020).

⁹ Access Now, *The #KeepItOn Report: 2024 in Review* (2025), <https://www.accessnow.org/keepiton> (last visited July 12, 2026).