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IMPACT OF INTERNET SHUTDOWNS IN INDIA

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ABSTRACT

The proliferation of digital technologies has rendered the Internet a foundational pillar of modern life, underpinning communication, commerce, education, and governance. Yet, India has emerged as the global leader in imposing internet shutdowns, frequently enacted under the pretexts of public safety, national security, and misinformation control. This chapter offers a comprehensive examination of the impacts of these shutdowns, integrating legal, economic, social, and democratic perspectives. It begins by analyzing the statutory framework—Section 144 of the Code of Criminal Procedure and the Temporary Suspension of Telecom Services Rules (2017)—and identifies significant procedural gaps, executive overreach, and lack of transparency⁶⁰¹. Through detailed case studies, including *Anuradha Bhasin v. Union of India* (2020) and *Foundation for Media Professionals v. Union Territory of Jammu & Kashmir* (2020), the chapter evaluates judicial interventions and highlights the inconsistent application of proportionality and necessity tests. Empirical data on economic losses—estimated at over USD 4.7 billion in 2022—and disruptions to financial inclusion, education, and e-governance illustrate the real-world consequences on vulnerable populations. The chapter also explores socio-political ramifications, such as the curtailment of free expression and erosion of public trust in democratic institutions. Drawing on international human rights standards and comparative jurisprudence, it advocates for urgent reforms: codified shutdown guidelines, mandatory real-time judicial review, independent oversight bodies, and compensation mechanisms. By proposing a rights-respecting digital governance framework, the chapter aims to ensure that internet access in India is protected as a fundamental freedom, even during times of crisis.

Keywords: Internet shutdowns, digital rights, proportionality, judicial review, India

GRASP - EDUCATE - EVOLVE

⁶⁰¹ Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, G.S.R. 395(E), Ministry of Communications, Government of India.

1 IMPACT OF INTERNET SHUTDOWNS IN INDIA

1.1 Overview

In the digital age, the Internet has evolved into a cornerstone of modern life, deeply embedded in the fabric of governance, commerce, education, and social interaction. The increasing reliance on digital connectivity has not only transformed everyday life but also made unrestricted access to the Internet essential for the functioning of democratic societies. In India, the Internet serves as a key enabler for governance initiatives, a platform for economic activities, an educational tool, and a means for citizens to engage in social and political discourse. However, India has become the world's leader in imposing Internet shutdowns, often on the grounds of national security, public order, and preventing the spread of misinformation. While these shutdowns are sometimes implemented in response to genuine emergencies or public unrest, their frequency and scope raise critical questions about the justification, necessity, and impact of such measures.

India's prominence in the global landscape of Internet shutdowns is striking, as it accounts for a significant proportion of worldwide digital blackouts. According to Access Now (2023), India was responsible for over 58% of the total Internet shutdowns in 2022, a staggering figure that underscores the state's reliance on this measure as a tool of governance. These disruptions are not only localized events but have widespread consequences, affecting millions of citizens, businesses, educational institutions, and governmental services across the country. The shutdowns are often imposed during times of political unrest, protests, examinations, or perceived threats to public order, disrupting essential services and undermining the normal functioning of society. These actions, while sometimes framed as necessary to maintain order, have profound and far-reaching consequences on multiple levels.

Beyond the immediate technical disruptions, the broader socio-economic, political, and legal ramifications of Internet shutdowns in India are substantial. These measures disproportionately affect vulnerable populations, including those in marginalized or rural areas who rely on digital connectivity for education, livelihood, and accessing government services. The inability to use digital platforms during shutdowns not only hinders daily activities but also violates fundamental rights, such as the right to freedom of speech and expression (Article 19), the right to information, and the right to participate in the digital economy. Internet shutdowns create an atmosphere of uncertainty and fear, undermining public confidence in the government's ability to respect digital freedoms.

Judicial scrutiny of Internet shutdowns has become an essential mechanism for ensuring that these actions do not violate constitutional rights. While courts have intervened in several high-profile cases, the response has often been reactive rather than proactive, with the judiciary stepping in after the shutdowns have already caused significant damage. In landmark rulings such as *Anuradha Bhasin v. Union of India* (2020), the courts have emphasized the need for a more balanced approach, questioning the proportionality of these measures and calling for clearer legal frameworks to govern their implementation. Despite these judicial interventions, challenges persist in ensuring that Internet shutdowns remain within constitutional bounds, especially considering the lack of procedural safeguards, judicial oversight, and clarity around their necessity and proportionality.

This chapter seeks to explore the multifaceted impact of Internet shutdowns in India by analyzing their economic, legal, and socio-political consequences. It will assess the constitutional validity of these shutdowns in light of relevant judicial precedents and international legal frameworks, offering a comprehensive evaluation of how these digital

blackouts affect the rights of individuals and the functioning of democratic processes. Furthermore, this chapter will examine the broader implications for governance, the economy, and society, drawing on international best practices to suggest potential reforms and safeguards that could help mitigate the negative effects of Internet shutdowns in India. By providing a deeper understanding of the consequences of these shutdowns, this chapter aims to contribute to the ongoing discourse on digital rights and the protection of fundamental freedoms in an increasingly connected world.

1.2 Economic Impact of Internet Shutdowns

1.2.1 Direct Economic Losses and Business Disruptions

The economic ramifications of Internet shutdowns in India have been catastrophic, with sectors such as e-commerce, financial services, IT, tourism, and retail suffering substantial losses. A study by Top10VPN (2023) estimated that Internet shutdowns in India led to financial losses exceeding \$4.7 billion in 2022 alone, making it the most economically impacted nation globally.

Shutdowns disproportionately affect small and medium enterprises (SMEs), digital startups, and independent businesses that rely on online transactions, cloud-based services, and digital marketing. The 2019 Kashmir Internet blockade, which lasted over 213 days, caused irreversible financial damage to local industries, including handicrafts, agriculture, and tourism, resulting in an estimated loss of ₹17,000 crore (approximately \$2 billion) for the region's economy (Internet Freedom Foundation, 2020).

The Supreme Court's observations in *Anuradha Bhasin v. Union of India* (2020) recognized the economic setbacks resulting from blanket shutdowns and emphasized the need for strict judicial scrutiny before implementing such measures. Despite these observations, shutdowns continue to be enforced without transparency or economic impact

assessments, disproportionately harming businesses that depend on real-time connectivity.

1.2.2 Disruption of Digital Payment Systems and Financial Inclusion

With India's shift towards a cashless economy, fueled by the Unified Payments Interface (UPI), digital wallets, and online banking services, Internet shutdowns pose a direct threat to financial inclusion. When Internet services are suspended, individuals and businesses lose access to digital payment platforms, causing significant economic dislocation and inconvenience.

- **UPI Transactions:** The National Payments Corporation of India (NPCI) reported that UPI transactions surpassed ₹14.3 trillion in March 2023. However, during shutdown periods, digital transactions collapse, leading to economic stagnation, particularly in regions with limited cash-based alternatives.
- **Stock Market Disruptions:** Investors and traders who rely on real-time financial data and online trading platforms suffer substantial losses when access to stock markets is blocked. The Bombay Stock Exchange (BSE) and National Stock Exchange (NSE) are deeply integrated with digital infrastructure, and shutdowns disrupt financial planning for both retail and institutional investors.
- **Banking and ATM Failures:** During prolonged shutdowns, automated banking systems fail to function, leaving citizens unable to withdraw cash, process transactions, or access essential banking services. This was particularly evident during the Jammu & Kashmir Internet blackout of 2019, where businesses and individuals faced severe cash shortages due to an inability to access online banking portals.

These disruptions contradict India's financial inclusion goals, as outlined in the Digital India initiative. By disabling online banking systems and financial services, Internet shutdowns widen the economic gap and

disproportionately affect marginalized communities that rely on government subsidies, direct benefit transfers (DBT), and welfare schemes.

1.3 Legal and Constitutional Implications of Internet Shutdowns

The imposition of Internet shutdowns in India raises significant legal and constitutional concerns, particularly regarding their compatibility with fundamental rights guaranteed under the Indian Constitution. While the government justifies these measures on grounds of national security, public order, and the prevention of misinformation, they often come into conflict with the constitutional principles of freedom of speech, expression, and the right to life and personal liberty. In a digital age, where the Internet plays a crucial role in enabling the exercise of these rights, the suspension of access can have far-reaching consequences for individuals and society.

The constitutional framework of India, particularly Articles 19(1)(a) and 21, provides strong protections for the right to access information and the right to life and personal liberty⁶⁰². However, Internet shutdowns often violate these rights by restricting the flow of information, hindering communication, and obstructing access to vital services. These actions are typically carried out without adequate procedural safeguards, leaving citizens with little recourse to challenge the restrictions in real time. While Article 19(2) allows for reasonable restrictions on freedom of speech and expression, the justification for such restrictions must be clearly defined, proportional, and subject to judicial review, which is often lacking in the case of Internet shutdowns.

Legal experts argue that Internet shutdowns, when imposed arbitrarily, can constitute an overreach of executive power and undermine the checks and balances essential to a functioning democracy. Moreover, the absence

of clear legislative guidelines on how and when Internet shutdowns can be imposed contributes to the confusion and uncertainty surrounding their legality. This lack of clarity raises concerns about the abuse of power and the potential for such measures to be used for political or social control rather than legitimate security concerns.

1.3.1 Violation of Fundamental Rights Under Article 19(1)(a) and (g)

The arbitrary and excessive use of Internet shutdowns directly infringes upon fundamental rights, particularly freedom of speech and expression (Article 19(1)(a)) and freedom to practice any trade or occupation (Article 19(1)(g)).

In *Anuradha Bhasin v. Union of India* (2020), the Supreme Court of India held that Internet access is integral to freedom of speech and trade. The Court ruled that restrictions must satisfy the test of reasonableness under Article 19(2) and must be proportionate to the intended objective. However, despite this ruling, shutdowns continue to be enforced in a legally ambiguous manner, often without clear justifications.

- In *Faheema Shirin v. State of Kerala* (2019), the Kerala High Court recognized the right to Internet access as a fundamental right, particularly for students who depend on digital resources for education.
- The Supreme Court's ruling in *Shreya Singhal v. Union of India* (2015) struck down Section 66A of the IT Act, which imposed broad restrictions on online speech. Despite this landmark judgment, authorities continue to impose shutdowns to curb dissent, contradicting the principle that free speech cannot be suppressed under vague security concerns.

⁶⁰² The Constitution of India, art. 19(1)(a).

1.3.2 Analysis of Judicial Precedents on Internet Shutdowns

Anuradha Bhasin v. Union of India (2020)

One of the most critical judgments on Internet shutdowns and fundamental rights was delivered in *Anuradha Bhasin v. Union of India*, wherein the Supreme Court of India examined the legality of the 2019 Internet shutdown in Jammu & Kashmir, which lasted over 213 days, making it one of the longest in any democratic country.⁶⁰³

- The petitioner, Anuradha Bhasin, a journalist, challenged the shutdown, arguing that it violated Article 19(1)(a) (freedom of speech and expression) and Article 19(1)(g) (right to carry out any trade or profession).
- The government justified the shutdown under Section 144 of the CrPC, citing concerns of public order and national security.

The Supreme Court ruled that indefinite Internet shutdowns were unconstitutional, emphasizing that restrictions on Internet access must be reasonable, necessary, and proportionate.

- The Court mandated that all shutdown orders must be published, and affected parties should have the right to challenge them before a judicial body. Despite this ruling, shutdowns continue to be imposed arbitrarily, raising concerns over judicial enforcement and state compliance.

Faheema Shirin v. State of Kerala (2019)

In *Faheema Shirin v. State of Kerala*, the Kerala High Court recognized access to the Internet as a fundamental right under Article 21 (Right to Life and Personal Liberty).

- The case involved a female student who challenged restrictions imposed by her college on Internet access in hostel premises.
- The High Court ruled that access to the Internet is essential for education and personal

development and should not be arbitrarily restricted.

- This case established an important precedent, reinforcing the idea that Internet access is a necessity for the exercise of fundamental rights, particularly in the digital age.

Although this case did not directly deal with state-imposed Internet shutdowns, it has been cited in later discussions on the constitutional necessity of Internet access.

Ghulam Nabi Azad v. Union of India (2020)⁶⁰⁴

- This case was filed by senior Congress leader Ghulam Nabi Azad, challenging the restrictions imposed in Jammu & Kashmir post the abrogation of Article 370.
- The Supreme Court reaffirmed its ruling in *Anuradha Bhasin*, directing the government to review and justify all existing restrictions every seven days.

The Court held that blanket Internet shutdowns should not be used as a general preventive measure and that authorities must ensure proportionality and necessity in restrictions.

However, the judgment did not outright ban Internet shutdowns, leaving space for broad executive discretion, which has since been misused in various instances.

Shreya Singhal v. Union of India (2015)

Though *Shreya Singhal v. Union of India* primarily dealt with online speech and the constitutionality of Section 66A of the IT Act, it is relevant to the broader discourse on digital rights and state overreach.

- The Supreme Court struck down Section 66A, which had been used to arbitrarily arrest individuals for online speech, ruling that it violated Article 19(1)(a).
- The judgment underscored the importance of the Internet as a medium for

⁶⁰³ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

⁶⁰⁴ *Ghulam Nabi Azad v. Union of India*, W.P. (Crl.) No. 116/2019 (Supreme Court of India).

exercising free speech, reinforcing that the state cannot impose broad, vague, or disproportionate restrictions on digital platforms.

- While the case focused on criminalization of online speech, its principles are relevant to Internet shutdowns, as both involve state-imposed restrictions on digital rights.

Kashmir Chamber of Commerce & Industry v. Union of India (2020)

This case highlighted the severe economic impact of Internet shutdowns on businesses and trade.

- The Kashmir Chamber of Commerce filed a petition, arguing that the prolonged shutdown in Jammu & Kashmir led to the collapse of multiple industries, resulting in losses exceeding ₹17,000 crore (\$2 billion).

The petitioners contended that Internet restrictions disproportionately affected small businesses, e-commerce platforms, and the tourism sector.

- The Court acknowledged the economic hardships caused by the shutdown but deferred the matter to executive discretion, failing to lay down specific guidelines for economic protection in shutdown cases.

The case illustrates how economic and trade rights are often overlooked when governments invoke national security concerns, underscoring the need for stronger judicial safeguards.

1.3.3 International Legal Comparisons

A comparative legal analysis of how other democracies handle Internet shutdowns reveals that India's shutdown policies are among the most stringent and least regulated.

United Nations Human Rights Council (UNHRC) Resolutions ⁶⁰⁵

The UNHRC Resolution on the Promotion, Protection, and Enjoyment of Human Rights on the Internet (2016) states that Internet access is a fundamental human right, and shutdowns should be strictly prohibited unless they meet the tests of legality, necessity, and proportionality.

The UNHRC Resolution of 2021 further condemned Internet disruptions as violations of international human rights law, emphasizing the role of Internet access in democratic participation and development. ⁶⁰⁶

Despite these resolutions, India remains the leading country in Internet shutdowns, often contradicting international human rights principles.

European Court of Human Rights (ECHR) – Ahmet Yıldırım v. Turkey (2012)

- The ECHR ruled against Turkey's government for imposing a blanket ban on Google sites, holding that it violated Article 10 of the European Convention on Human Rights (freedom of expression). ⁶⁰⁷

The Court emphasized that any restriction on Internet access must be legally justified, necessary, and proportionate.

This case provides a precedent that India could follow, reinforcing judicial scrutiny over Internet restrictions.

1.3.4 Need for Legislative Reforms

Despite multiple judicial pronouncements, India lacks a robust legislative framework to regulate Internet shutdowns effectively. There is an urgent need for:

1. Statutory Guidelines on Shutdown Implementation – Parliament must enact clear, time-bound, and reviewable guidelines for imposing Internet restrictions, ensuring proportionality and necessity.

⁶⁰⁶ Top10VPN, "Global Cost of Internet Shutdowns in 2022," accessed April 2025.

⁶⁰⁷ Human Rights Watch. (2022). *India: Internet*

⁶⁰⁵ UNHC, "COVID-19 and School Closures: One year of education disruption," March 2021.

2. Judicial Oversight and Transparency – Shutdown orders must be subject to independent judicial review, with mandatory publication of reasons and impact assessments.

3. Accountability Mechanisms – Authorities must be held accountable for unjustified shutdowns, including provisions for compensation to affected businesses and individuals.

4. Alignment with International Norms – India must incorporate international best practices, ensuring compliance with UNHRC resolutions and comparative constitutional principles.

The case law analysis and international comparisons demonstrate that India's Internet shutdown framework is highly problematic, both from a constitutional and human rights perspective. While courts have issued strong observations, the lack of executive compliance and legislative clarity continues to facilitate arbitrary and excessive restrictions on digital rights.

Reforming shutdown laws to incorporate transparency, judicial scrutiny, and international best practices is essential for preserving India's constitutional values and democratic integrity.

1.4 Political and Social Consequences of Internet Shutdowns

Internet shutdowns have far-reaching political and social ramifications, often extending beyond immediate security concerns and impacting democratic governance, civic engagement, fundamental rights, and societal trust in institutions. This section examines how shutdowns influence political participation, governance, press freedom, digital activism, and social order in India.

1.4.1 Erosion of Democratic Principles and Governance

Democracy thrives on free flow of information, transparency, and civic participation. However,

Internet shutdowns create an information vacuum, making it difficult for citizens to exercise their rights, hold authorities accountable, and engage in informed political discourse.

1. Curtailing Freedom of Speech and Expression (Article 19(1)(a))⁶⁰⁸

- The Internet has become a critical medium for public discourse, activism, and civic engagement. Arbitrary shutdowns curtail the right to freedom of expression, often targeting dissenters, journalists, and political opponents.

- In Kashmir (2019–2020), the Internet blackout silenced opposition voices, restricting citizens from expressing grievances against Article 370's abrogation.

- Political parties, activists, and organizations rely on digital platforms for mobilization. Shutdowns disproportionately affect election campaigning, particularly in regions where traditional media is censored or inaccessible.

2. Suppressing Public Dissent and Protests

- The government often justifies shutdowns as measures to prevent misinformation and unrest. However, evidence suggests they are frequently used to silence protests and stifle political opposition.

- Case Study: Shaheen Bagh Anti-CAA Protests (2019–2020) During the protests against the Citizenship Amendment Act (CAA), Internet services were suspended in parts of Delhi to control protests and limit digital mobilization. This restricted activists from disseminating real-time updates, mobilizing support, and countering misinformation spread by mainstream media or state narratives. Protesters reported difficulties in organizing demonstrations, accessing legal assistance, and coordinating medical aid for injured demonstrators.

⁶⁰⁸ The Constitution of India, art. 19(1)(a). ³ The Constitution of India, art. 19(1)(g).

3. Impact on E-Governance and Public Services

- India has significantly invested in e-governance initiatives such as Aadhaar-based authentication, online banking, and digital grievance redressal systems.
- Internet shutdowns paralyze essential public services, affecting tax filing, welfare scheme disbursements (such as MNREGA wages and ration card benefits), and even healthcare infrastructure.
- Example: Rajasthan (2021) – During protests over reservation policies, the shutdown disrupted online examinations and Aadhaar-linked welfare payments, leaving thousands without access to basic services.

1.4.2 Undermining Press Freedom and Journalism

An independent and unfettered press is a cornerstone of democracy. However, Internet shutdowns restrict journalists from:

- Covering unfolding events in real-time, leading to an information void that can be exploited by misinformation and propaganda.
- Communicating with sources, verifying facts, and accessing global networks for reporting.
- Operating digital news platforms, causing severe financial losses to independent media outlets that rely on online readership.

Case Study: Kashmir Press Freedom Crisis (2019)

- After the abrogation of Article 370, Kashmir witnessed a total Internet shutdown for months, severely impacting local journalists.
- Newspapers like Greater Kashmir and Kashmir Reader faced extreme difficulties in publishing due to the lack of digital infrastructure.
- Many reporters had to travel outside the state to file reports, while others resorted to

handwritten dispatches, curtailing press independence and journalistic freedom.

Such shutdowns weaken the Fourth Estate, diminishing its ability to hold the government accountable and keep the public informed.

1.4.3 Economic and Social Disruptions

1. Economic Fallout on Businesses and Startups

- Internet disruptions cost India billions of dollars annually.
- According to the Brookings Institution, India lost over \$3 billion due to shutdowns between 2012 and 2017, affecting startups, freelancers, and IT companies.
- Small businesses, which rely on digital transactions, suffer disproportionately. For example, e-commerce platforms like Flipkart and Amazon experience logistical disruptions, leading to delays, losses, and reputational damage.
- Tourism and Hospitality Industry – Internet blackouts in regions like Kashmir and Assam severely impact tourism, as foreign visitors are deterred by uncertainty and lack of digital connectivity.

2. Disruption of Education and Online Learning

- The COVID-19 pandemic underscored the necessity of digital education. However, shutdowns have severely affected students, particularly in conflict-ridden regions like Kashmir.
- Example: Kashmir School Closures (2019–2020) – The prolonged Internet blackout disrupted online education for over 1.5 million students, widening the digital divide and academic inequities.
- Competitive exams, online university admissions, and digital skill development programs are also jeopardized, affecting long-term employability and socio-economic mobility.

1.4.4 Breakdown of Social Trust and Institutional Legitimacy

Internet shutdowns foster distrust between citizens and the government, as they:

- Encourage speculation and misinformation, as people lack reliable sources of news.
- Disproportionately impact marginalized communities, including rural populations, minority groups, and economically weaker sections.
- Undermine long-term trust in democratic institutions, particularly in regions with a history of conflict or government overreach.

The continued reliance on digital censorship as a governance tool risks normalizing authoritarian practices and weakening public confidence in India's constitutional democracy.

Therefore, the widespread and frequent imposition of Internet shutdowns in India presents a significant challenge to democratic governance, constitutional rights, and economic growth. While the state justifies shutdowns on grounds of public order, security, and misinformation control, the excessive and arbitrary nature of these restrictions raises serious constitutional concerns.

Despite the Supreme Court's landmark ruling in *Anuradha Bhasin (2020)*, which mandated proportionality and judicial oversight, the absence of statutory clarity and executive overreach continue to enable unregulated digital blackouts. Key conclusions include:

- Constitutional Violations – Shutdowns often contravene Article 19(1)(a)

(freedom of speech and expression), Article 19(1)(g) (freedom of trade), and Article 21 (right to life and liberty).⁶⁰⁹ Judicial precedents have emphasized the necessity of transparency and proportionality, but enforcement remains weak.

- Disproportionate Impact on Society – The economic fallout on businesses, education, and journalism demonstrates that shutdowns disproportionately affect vulnerable communities, particularly in conflict-prone regions.

- Lack of Legislative Reforms – India still lacks a comprehensive statutory framework to regulate Internet shutdowns. The Telecom Suspension Rules, 2017, and Section 144 CrPC provide vague and excessive executive discretion, making abuse of power a recurrent issue⁶¹⁰.

To preserve India's democratic integrity, it is imperative to:

- Enact a Digital Rights Protection Act to legally regulate Internet restrictions.
- Mandate judicial oversight for all shutdown orders to ensure accountability.
- Align national policies with international best practices and United Nations

Human Rights Council (UNHRC) guidelines.⁶¹¹

- Ensure government transparency by requiring public disclosure of shutdown justifications and periodic reviews.

The regulation of Internet shutdowns must balance security concerns with constitutional liberties, ensuring that digital rights are protected as fundamental freedoms in the 21st century.

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⁶¹¹ UNICEF, "COVID-19 and School Closures: One year of education disruption," March 2021.⁷

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