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## Permissibility of Internet Shutdown in India: An Interminable Enigma

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*Internet Shutdowns are not a new peculiarity. The rise of Internet Shutdowns has been increasing and has nearly transpired across all countries. The reasoning for the orders of Internet Shutdown vis-à-vis the right of Freedom and Expression of the certification by Article 19(2) of the Constitution of India describes in detail the manner and justifications for which restrictions on free speech can be enforced. The dilemma is whether the orders of the shutdown are determined by law, but are forced upon by the Central and State Governments inclusive of the Telegraph Act, 1885, the Code of Criminal Procedure, 1973, and the Information Technology Act, 2000. The government uses the Internet Shutdown as a commonplace that exercises communicable raptures and extinguishes the free flow of media and the freedom of speech and expression. Unless they are reasonable, Internet lockdowns fall under the category of such limitations. The Internet Shutdowns are contemplated both Procedural and Judicial. In *Modern Dental College v State of Madhya Pradesh* (2016). It was held by the Hon'ble Supreme Court that there are only a few absolute constitutional rights. As a result, imposing internet shutdowns is legal as long as it does not become a tool in the hands of the government to repress opposition. Internet shutdowns can be used to prevent riots, similar to how governments impose curfews, and would not be in violation of Article 19. Even the government changed the Temporary Suspension of Services Rules, allowing for a maximum 15-day internet outage. This action would substantially ensure the protection of our constitutional rights.*

**Keywords:** *internet shutdown, article 19, internet lockdown, digital rights, social media, human rights.*

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## INTRODUCTION

India has become known for the country with the maximum number of Internet Shutdowns for four succeeding years for many reasons such as to suppress protests and stop internet frauds, 85 of the 106 shutdowns were discovered in Jammu & Kashmir by itself<sup>1</sup>. The internet was the first shutdown when Article 370 of the Constitution of India<sup>2</sup> was invalidated. When the internet was taken off in Jammu and Kashmir, the administration was concerned about the possibility of bloodshed and disturbances. Internet shutdown is the deliberate interruption of internet services in a specific location. In the year 2020, India authenticated 109 Internet Lockdowns against the 155 lockdowns enacted worldwide<sup>3</sup>. The longest internet blackout, which began in Jammu and Kashmir in 2019 after Article 370 was abrogated, was ultimately removed in February 2021 after a lengthy interval of 18 months. The services of 2G were resumed but that was not enough for the needs of the citizens. The Northern States also faced an Internet Shutdown, due to the Anti-CAA protest. The Supreme Court of India has ruled that unlimited shutdowns are illegitimate<sup>4</sup>. Residents of an affected area are left in an information vacuum without the internet, making it impossible for the press to carry on as usual and for the public to verify or refute official statements. Additionally, these closures paralyze daily life because people are unable to access various basics like financial, medical, and educational services. When internet connections are interrupted, people's capacity to express themselves freely is restricted, journalists struggle to publish pictures and videos, students are kept from class, obtaining health care services is made more challenging, and the economy eventually suffers. Internet outages can happen in the form of a complete blackout or a partial outage. Governments implement partial shutdowns by throttling, which is the practice of reducing internet speeds in a region, blocking specific websites, apps, or material, restricting access to specific media, such as mobile internet, or all of the above.

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<sup>1</sup> Deeksha Bhardwaj, 'India country with most internet shutdowns for 4th time, 85 in J&K alone: Report' (*Hindustan Times*) (28 April 2022)

<sup>2</sup> Constitution of India, 1950, art.370

<sup>3</sup> Anushka Singhal, 'Important cases related to internet shutdowns in India' (*iPleaders*, 1 October 2021) <<https://blog.iplayers.in/important-cases-related-to-internet-shutdowns-in-india/>> accessed 05 July 2022

<sup>4</sup> Nehal Johri, 'India's internet shutdowns function like 'invisibility cloaks' (*DW Made for Minds*, 13 November 2020) <<https://www.dw.com/en/indias-internet-shutdowns-function-like-invisibility-cloaks/a-55572554>> accessed 05 July 2022

Because the State does not appear to be considering the potential implications or ramifications of these shutdowns, it is concerning that they appear to have become a preferred instrument of the union and state governments. A significant internet outage in Assam took place in December 2019 to quell demonstrations against the Citizenship Amendment Act<sup>5</sup>, which was scheduled to be introduced in the Rajya Sabha. Following the protests in 24 North Pargana, the state of Bengal also had such a shutdown, and if we count, we can see that quite a few Indian cities and states suffered the most from internet outages. To stop violence and riots, internet blackouts have thus become a routine occurrence, and officials do not hesitate if there is a protest or a threat to public or national security. According to a petition submitted to the Supreme Court on Friday, the government's arbitrary and irrational Internet shutdowns constitute a violation of the fundamental freedoms of information, education, and speech guaranteed by the Constitution. Internet access should be considered to be a fundamental right, according to the petition submitted by Supreme Court counsel Ehtesham Hashmi<sup>6</sup>. It is challenging to get data on shutdowns since many governments refuse to admit to ordering any interference in communications and occasionally exert pressure on businesses to stop them from disclosing information about communication being banned or slowed down. *"Internet shutdowns have emerged as the digital world has become ever more important, indeed essential, for the realization of many human rights. Switching off the Internet causes incalculable damage, both in material and human rights terms"* Michelle Bachelet, the UN High Commissioner for Human Rights stated.

## RESEARCH METHODOLOGY

This research paper is primarily based on the qualitative methodology and the main source of this research is digital media. We sought help from a few research papers and books on Internet Shutdowns in India. Some newspaper editorials also helped us in our research work.

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<sup>5</sup> Citizenship (Amendment) Act, 2019

<sup>6</sup> Krishnadas Rajagopal, 'Arbitrary Internet shutdowns violate fundamental rights, says plea in SC' (*The Hindu*, 17 January 2020) <<https://www.thehindu.com/news/national/arbitrary-internet-shutdowns-violate-fundamental-rights-says-plea-in-sc/article30588825.ece>> accessed 05 July 2022

<sup>7</sup> 'Internet shutdowns: UN report details 'dramatic' impact on people's lives and human rights' (United Nations Human Rights, 23 June 2022) <<https://www.ohchr.org/en/press-releases/2022/06/internet-shutdowns-un-report-details-dramatic-impact-peoples-lives-and-human>> accessed 05 July 2022

To understand the severity of how it violates the Fundamental Rights of the people by Internet outrage we took help from bare acts. We read articles and essays written on Internet Shutdowns online to understand the legal aspects of this matter. We have also gone through the magazines and different newsletters of various colleges.

### **INDIA'S ARBITRARY INTERNET SHUTDOWNS: ARE THEY LEGAL?**

The Internet has developed into our daily life's mainstay over the years. The Covid-19 pandemic epidemic has increased the importance of the Internet. It makes sense that having access to the Internet serves as a platform from which we can explore the full breadth of the digital world and associated subjects. Thus, having access to the Internet is now necessary for exercising one's right to life. For people to exercise their rights to free speech, association, and peaceful assembly while also becoming informed citizens, they must have access to the Internet. Following some limitations, Article 19 of the Indian Constitution<sup>8</sup> guarantees us the right to free speech and expression, as well as the right to peacefully gather, establish unions, travel around freely, live anywhere we choose, and engage in whatever trade or profession we choose. It has been argued in court numerous times that internet shutdowns infringe our right to free speech and expression and our ability to engage in trade and profession. Shutdowns were primarily implemented until 2017 under Section 144 of the Code of Criminal Procedure (CrPC), The District Magistrate and the police were given the authority to forbid unauthorized gatherings of individuals and to order anyone to refrain from engaging in a certain activity under Section 144 of the Criminal Procedure Code, The Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rule 2017 was however published by the government in 2017 after the law was revised<sup>9</sup>. Since having access to the Internet can encourage both online crime and physical crime, countries frequently impose temporary restrictions on Internet access in areas where there are signs of public disorder or where there is a high probability of the commission of crimes that are punishable by law.

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<sup>8</sup> Constitution of India, 1950, art.19

<sup>9</sup> Ayush Shukla, 'The Legality of Internet Shutdowns in India' (*Legal Service India*, 20 July 2020) <<https://www.legalserviceindia.com/legal/author-6417-ayush464.html>> accessed 06 July 2022

Therefore, this Internet connection can only be denied in compliance with the legal precepts. There is no denying that any government of a sovereign state has the authority to ban access to the Internet. If it is necessary or advantageous to do so, in the interest of the relevant country's sovereignty, integrity, or defence, security of the state, friendly relations with other states, public order, or to prevent incitement to the commission of any cognizable offence, this sovereign power may be used. People have started to protest because they believe that it is a violation of their Fundamental Rights. Additionally, the legality of Internet shutdown orders is frequently contested in legal proceedings around the globe. Cyber legal frameworks are required to explicitly and categorically specify the narrow range of uses for the authority to order an Internet shutdown. The Information Technology (IT) Act, 2000 is the pertinent mother legislation in India in this regard. The Act makes no specific reference to dealing with Internet outages. It does, however, provide provisions for information blocking under Section 69A of the Act. Under Section 69A, the Central Government has the authority to direct the barring of public access to any information via any computer resource, the government has the authority to order an agency to prevent public access to any material generated, received, stored, or hosted on any computer resource, according to Section 69A of the law<sup>10</sup>. In the case of *Shreya Singhal v Union of India*<sup>11</sup>, the Supreme Court upheld Section 69A's constitutional validity. There has to be more transparency and accountability concerning Internet shutdowns, according to several experts.

The Information Technology (Procedure and Precautions for Blocking for Access of Information by Public) Rules, 2009, which were already developed by the Indian government, set forth several safeguards and processes that must be followed while blocking access by the general public. The complete realization of people's fundamental rights is entwined with effective governance. Therefore, the core of the governance issues raised by internet shutdowns is the negative effects on fundamental rights. According to Article 21 of the Indian

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<sup>10</sup> Pavan Duggal, 'Internet shutdowns warrant fresh legal view' (*The Tribune*, 8 February 2021) <<https://www.tribuneindia.com/news/comment/internet-shutdowns-warrant-fresh-legal-view-209366>> accessed 06 July 2022

<sup>11</sup> *Shreya Singhal v Union of India* (2015) 5 SCC 1

Constitution<sup>12</sup>, the right to internet access is "part of the right to education as well as the right to privacy," as the Kerala High Court put it<sup>13</sup>. According to a survey by the Indian Council for Research on International Economic Relations, about \$3.04 billion was lost by the Indian economy between 2012 and 2017 as a result of internet outages<sup>14</sup>. The United Nations Human Rights Council (UNHRC) passed a resolution denouncing internet blackout in July 2021. It acknowledges that the internet makes it possible to defend and exercise human rights, particularly those related to privacy and freedom of expression. The resolution further states that people's rights and freedoms must be respected and safeguarded online.

### CASES OF INTERNET OUTAGES

*Bansashree Gogoi v Union of India*: In this case, the court of appeal upheld the decision that the government must immediately end the internet blockade, according to the Honorable Court's order. The Court held that, while the situation was quiet, the government could not impose such needless limitations, but it might halt internet services in the public's interest and for its protection<sup>15</sup>.

*Foundation of Media Professionals v Union Territory of Jammu & Kashmir*: In this case, the court gave the decision to look into the account of the situation and decided that 4G internet was essential. However, it also maintained that national security was of the utmost importance and could not be compromised (upholding the Anuradha Bhasin judgment). The Court also acknowledged that 4G services can be restarted in the territory, albeit with limitations in some locations. To investigate the entire matter and consider the petitioners' counsel, it commanded the government to form a committee<sup>16</sup>.

*Faheema Shirin R.K v State of Kerala*: This case shed light on excessive limitations on the use of phones and the internet as well as the breach of Article 19 of the Indian Constitution. It was

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<sup>12</sup> Constitution of India, 1950, art.21

<sup>13</sup> Aditi Chaturvedi, 'Digital India dream and arbitrary internet shutdowns can't go together. Just see the loss' (*The Print*, 23 March 2022) <<https://theprint.in/opinion/digital-india-dream-and-arbitrary-internet-shutdowns-cant-go-together-just-see-the-loss/884234/>> accessed 06 July 2022

<sup>14</sup> Bansari Kamdar, 'Democracy in Digital Darkness: Internet Shutdowns, New Indian Normal?' (*The Diplomat*, 20 December 2019) <<https://thediplomat.com/2019/12/democracy-in-digital-darkness-internet-shutdowns-new-indian-normal/>> accessed 07 July 2022

<sup>15</sup> *Bansashree Gogoi v Union of India* (2019) SCC OnLineGau 5584

<sup>16</sup> *Foundation of Media Professionals v Union Territory of Jammu & Kashmir* (2020) 3 Supreme Court Cases (Cri) 194

not entirely about the widespread internet shutdown. In a case where a student was expelled from the dorm simply because she objected to the rule prohibiting the use of the internet and mobile devices, it was determined that the right to the internet is a fundamental right under Articles 19 and 21 of the constitution and cannot, therefore, be arbitrarily violated<sup>17</sup>.

*Anuradha Bhasin v Union of India*: In the matter of the Internet Shutdown in Jammu & Kashmir, the Supreme Court ruled that Article 19 of the Constitution protects freedoms of speech and expression as well as the freedom to engage in any profession or conduct any trade, company, or occupation online. As a result, any limitations on these fundamental rights must comply with Articles 19(2) and 19(6) of the constitution. Based on this, the SC has established several directives that must be followed before passing an order to shut down the internet<sup>18</sup>. The following is the directions brief:

**Proportionality Test:** The Supreme Court ruled that limits on the internet must be based on balancing out the rights of citizens and the restrictions the government intends to impose. The government shall select the least intrusive measures after weighing both.

**Judicial Review:** The law stipulated that all orders to shut down the internet must be subject to judicial review. This allows for judicial oversight to prevent unnecessarily suspending the internet.

**Only in the direst of situations:** A government might issue a decree suspending internet access in the event of a public safety or security threat. Such a directive, however, may only be issued if the public is in immediate danger.

**Speech and expression restrictions:** A democracy cannot exist without the freedom of speech and expression. As a result, the government is prohibited from using the order to suspend internet access as a means of repressing people's right to free speech.

**Indefinite Ban:** As of right now, the expression rules do not specify a time limit for a suspension or a requirement for a periodic review. Because of this, SC mandated that the

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<sup>17</sup> *Faheema Shirin R.K v State of Kerala* (2019) Writ Petition (Civil) No. 19716/2019

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

review committee established under R.5 of the suspension rules of 2017 perform a periodic review within seven days of the prior review.

*Gaurav Vyas v State of Gujarat (Gujarat High Court)*: Following large protests, the State of Gujarat stopped mobile Internet connection for one week in late August 2015. Gujarat issued the order following Section 144 of the Code of Criminal Procedure, which allows the government to prevent unlawful assembly when disruption is anticipated. Gaurav Sureshbeai Vyas contested the action before the High Court of Gujarat, claiming that Section 144 did not grant the state the authority to block Internet access. She also asked the court to issue a writ to permanently enjoin the state from doing so because it did so in violation of Articles 14, 19, and 21 of the Constitution. The Court determined that the restriction was not only minimal enough to prevent impinging on the petitioner's right to free expression but also that the State was justified in issuing the order.<sup>19</sup>

## DEMOCRATIC MEDIATION AND INTERNET CENSORSHIP

The largest democracy in the world, India, is also the country with the most internet outages. The internet will abruptly go dark if there is even a remote chance of resistance. There have been 385 shutdowns reported in India between January 2012 and March 15, 2020, according to the internet shutdown tracker maintained by the SFLC group<sup>20</sup>. The Indian government has stripped its citizens of their fundamental rights, which are supposed to be preserved even in times of emergency, in the blatant expectation of a law-and-order problem.

In India, many of the shutdowns were pointless and unjustified. In times of crisis, governments are using shutdowns more frequently, claiming they are necessary for public safety or to stop the spread of misinformation. But rather than being a tactical response, such drastic measures resemble collective punishment. When the internet is down, people have less freedom to express themselves, the economy suffers, it's difficult for journalists to upload images and videos showing government abuse and overreach, students can't access their classes, taxes can't be paid on time, and people who need access to healthcare frequently can't

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<sup>19</sup> *Gaurav Sureshbeai Vyas v State of Gujarat* (2016) SCC OnLine SC 1866

<sup>20</sup> 'Indian Democracy in Indian Democracy' (*iPleaders*, 1 July 2020) <<https://blog.ipleaders.in/internet-shutdown-indian-democracy/>> accessed 21 July 2022

get it. Internet censorship was implemented in India not only to reduce violence but also to prevent exam fraud in the state of Rajasthan.

Digital Emergency in Rajasthan is being used to describe the 85 times that Internet services have been suspended over the last 10 years. People in Rajasthan had been suffered problems since they are unable to book cabs or go to online classes. Making payments online has also grown more difficult. *"My phone screen was damaged and I had to go to the service centre, which asked me to pay Rs 19,000 via UPI or cash. "As the internet was not working, I had to rush to ATMs where there were long queues. By the time my turn came, the cash was exhausted. Now I am managing without a phone, as I have no patience to go to another ATM and face similar woes<sup>21</sup>"* said a Jaipur resident.

In a democracy, the internet is used not only to express disagreement with the government but also to help hold more fair elections through the use of electronic voting. Citizens can now actively participate, a crucial component of democracy. The majority of internet outages are planned attempts to muzzle public speech while maintaining the appearance of public calm. The ultimate line is that the judiciary or any other institution must thoroughly regulate internet shutdowns. The lockdown and the target of the search must be closely related. Lockdowns must have a set duration and cannot last indefinitely. Shutting down the internet should only be used as a last resort after all other attempts to maintain peace have failed. These outages have a significant financial impact since they make it difficult for a region to conduct business, offer education, and develop infrastructure. According to a report by Top10VPN titled "Global Cost of Internet Shutdowns," India lost \$2.8 billion in 2020 as a result of the government's indiscriminate use of internet shutdowns. India is responsible for \$3. 8 billion (\$2.8 billion) of the \$4 billion worldwide deficit.

The Supreme Court has received a Public Interest Litigation petition requesting that internet outages be recognised as "unconstitutional, illegal and unenforceable", According to the appeal submitted by Dipa Tiwari, Arshad Hussain, and Ehtesham Hashmi, a lawyer, India had been

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<sup>21</sup> Ians, 'Digital Emergency: Rajasthan govt suspended Internet 85 times in 10 yrs' (*Business Standard*, 3 July 2022) <[https://www.business-standard.com/article/current-affairs/digital-emergency-rajasthan-govt-suspended-internet-85-times-in-10-yrs-122070300123\\_1.html](https://www.business-standard.com/article/current-affairs/digital-emergency-rajasthan-govt-suspended-internet-85-times-in-10-yrs-122070300123_1.html)> accessed 07 July 2022

experiencing arbitrary internet shutdowns<sup>22</sup>. Blackouts are mandated by governments, but they are carried out by internet service providers. Companies commonly claim that complying with these requests is necessary to uphold local law and that failing to do so could result in them losing their licences. The most widely acknowledged set of business-related rights principles, the UN Guiding Principles on Business and Human Rights, should be heeded by providers, who should then rethink their unquestioning participation.

The UN Human Rights Council has categorically denounced as a violation of international human rights law any actions that aim to obstruct or purposefully restrict online information access or distribution. Shutdowns make headlines, but less obvious yet no less harmful methods of manipulating the internet merit attention as well. *Access Now*, the organisation in charge of the *#KeepItOn* campaign, and other groups have committed themselves to fighting against blanket shutdowns and influencing the discourse about better regulations, Internet service providers might be prevented from overly suppressing content to avoid legal action by sophisticated approaches to intermediary liability, Prioritizing the creation of rights-respecting rules that support people's online safety while defending and promoting a free internet should be a top priority for businesses, Otherwise, they run the risk of turning into tools used by governments to crush peaceful dissent and opposition. Shutting down the Internet does not definitively prove that public order is maintained or restored. *“Information blackouts compel participants in collective action in India to substitute non-violent tactics for violent ones that are less reliant on effective communication and coordination,<sup>23</sup>”* said Jan Rydzak of Stanford Global Digital Policy Incubator.

Therefore, it is necessary to consider when, if ever, Internet shutdowns are a legitimate response to protests. Democratic administrations must be transparent with the public and give a good reason before interrupting Internet connections. All governments should, in the interest of openness, record the justifications, duration, alternatives examined, decision-making

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<sup>22</sup> 'Declare Internet Shutdowns As Unconstitutional': PIL Filed In SC [Read Petition]' (*Live Law*, 17 January 2020) <<https://www.livelaw.in/top-stories/declare-internet-shutdowns-as-unconstitutional-pil-filed-in-sc-read-petition-151728?infinitemscroll=1>> accessed 08 July 2022

<sup>23</sup> Jan Rydzak, 'Of Blackouts and Bandhs: The Strategy and Structure of Disconnected Protest in India' (*SSRN E-Journal*, 11 February 2019) <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3330413](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3330413)> accessed 08 July 2022

authority, and guidelines under which the shutdowns were implemented, then make the materials available to the public for review. This is how civil society may force governments to uphold the high standards of accountability and transparency that are appropriate for a democracy. In today's day and age, indiscriminate Internet blockades are unlikely to protect public order. Shutdowns conducted randomly incur significant social and financial costs and are frequently ineffectual, at this point, it is crucial to do a cost-benefit analysis and a proportionality and necessity test to decide the best course of action, A transparent and responsible framework that enables greater Internet governance needs to be promoted by Indian civil society.

### **HYPOTHESIS**

1. How a network outage affects the economy?
2. Why does India censor the internet more than any other democracy?
3. How the loss of the Internet harms democracy?
4. Flowing From the Right to Life, Can the Right to Internet Access?
5. Internet outages: the new normal in India for democracy?
6. Are internet blackouts beneficial for India?
7. Why it's outrageous to order an internet shutdown?

### **CONCLUSION**

Shutdowns of the internet will continue to pose a danger to India's freedom in the future. The government now has a new tool in its arsenal: internet shutdowns. When it anticipates protests that could degenerate into catastrophes, the government uses them as a safety valve. Shutdowns, which are more frequent in BJP-ruled areas, are typically caused by intentionally stoked communal tensions. Shutdowns have also become a normal and accepted response to societal unrest as a result of being overused. However, one must keep in mind that such blackouts should only be used as a last option. After food, clothing, and shelter, the internet has become a need for existence, hence it should only be severely restricted. It is concerning that India tops the list of countries with the greatest internet outages. We also looked into the

possibility that some cops may eventually view censorship of Internet services as their first choice, Although the prompt and effective deployment of police forces could avert a shutdown in many, including those known as therapeutic measurement, some officers hold the opinion that there is no alternative to extreme-law Internet suspension and order situations.<sup>24</sup>

The right to the internet ought to be made a fundamental right that cannot be restricted until an emergency arises. In *Maneka Gandhi v Union of India*<sup>25</sup>, the Supreme Court ruled that Article 21 must be read widely and that those rights that are fundamental to human existence must be safeguarded, and it was also recognized "procedure which deals with the modalities of regulating, restricting or even rejecting a fundamental right falling within Article 21 has to be fair, not foolish, carefully designed to effectuate, not to subvert, the substantive right itself"<sup>26</sup>. Governments should be aware that Internet outages affect many different parts of society, and it is essential to engage in open communication with them to discover creative solutions to real issues rather than using outages as a tool for policymaking.

It is crucial to carry out a proportionality and necessity test before completely censoring the Internet. It is critical to think about whether a less intrusive and more practical alternative could accomplish the same goal. Additionally, it is crucial to perform a cost-benefit analysis and select a course of action that minimises any immediate and long-term social and financial implications.<sup>27</sup>

Governments should prioritise alternatives to Internet shutdowns while identifying best practices for resolving problems at their root. Sharing knowledge between regions could lead to the development of solutions that do not rely on access constraints<sup>28</sup>. State's justifications for shutting down the Internet because they endanger civil security should be scrutinised in

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<sup>24</sup> Raveena Panicker, 'Internet Shutdown: Is It Violation of Fundamental Rights?' (*SSRN E-Journal*, 18 September 2020) <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3667818](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3667818)> accessed 09 July 2022

<sup>25</sup> *Maneka Gandhi v Union of India* (1978), AIR 597

<sup>26</sup> Utkarshshara, 'Right to Internet and Fundamental Rights' (*Legal Service India*, 25 June 2020) <<https://www.legalserviceindia.com/legal/article-2967-right-to-internet-and-fundamental-rights.html>> accessed 09 July 2022

<sup>27</sup> Utkarsh Narain, 'Are Internet Shutdowns Healthy For India?' (*The Hindu*, 19 December 2019) <<https://www.thehindu.com/thread/politics-and-policy/are-internet-shutdowns-healthy-for-india/article30348873.ece>> accessed 05 July 2022

<sup>28</sup> 'Policy Brief: Internet Shutdowns' (*Internet Society*, 18 December 2019) <<https://www.internetsociety.org/policybriefs/internet-shutdowns/>> accessed 09 July 2022

light of the ideas of justice, validity, and proportionality. Although there exist laws in India that allow for internet shutdowns, these laws are now unclear due to unclear wording, and the only way the courts' future rulings will be able to resolve this issue. Following numerous court rulings and interpretations issued to date, the right to access the internet is now also regarded as a basic right. The State must likewise abide by the laws as written and refrain from serving as an arbiter. Additionally, the biggest democracy in the world needs to prioritise human rights after realising the negative effects these internet shutdowns are having on its citizens.