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BALANCING NATIONAL SECURITY AND FREE SPEECH: A CONSTITUTIONAL STUDY OF INTERNET SUSPENSIONS IN INDIA WITH REFERENCE TO J&K AND MANIPUR

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Abstract

For six years in a row, India has shut down the internet more than any other country. This is an uncomfortable fact for a nation that wants to be seen as a global digital leader. The government usually cites national security, public order, or preventing misinformation. But the frequency, duration, and secrecy surrounding these shutdowns raise serious questions about fundamental rights.

This paper looks at internet suspensions through a constitutional lens, focusing on Jammu and Kashmir and Manipur where the impact has been most extreme. In J&K, after Article 370 was abrogated in August 2019, the internet remained cut off for 18 months. Between 2021 and 2023, the Union Territory issued 134 suspension orders without publishing them, despite the Supreme Court clearly directing otherwise in Anuradha Bhasin. In Manipur, following ethnic violence in May 2023, a statewide shutdown lasted over 5,000 hours becoming the world's longest recorded internet blackout.

The legal framework has changed from the old Telegraph Act to the new Telecommunications Act, 2023 and the 2024 Rules. But core problems remain. Key terms like "public emergency" are not defined. Review committees are filled only with executive officials who end up judging their own decisions. Suspensions go on much longer than the permitted 15 days through repetitive orders. Transparency is still missing despite court orders.

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This paper argues that while the Supreme Court has recognized internet access as a constitutional right under Article 19(1)(a) and 19(1)(g), this recognition has not translated into real limits on executive power. What we need is not just more laws but better laws with clear definitions, independent oversight, mandatory publication, and genuine proportionality.

Keywords: Internet Shutdown, National Security, Freedom of Speech, Article 19, Anuradha Bhasin, Jammu and Kashmir, Manipur, Proportionality, Telecommunications Act 2023

1. Introduction

For six consecutive years, India has imposed more internet shutdowns than any country on earth. Between January 2012 and February 2024, there were over 800 government-ordered suspensions across the nation. This is a difficult fact for a country that wants to be a global digital leader.

The government usually justifies these shutdowns on grounds of national security, counterterrorism, maintaining public order, or preventing fake news. These are legitimate concerns. Nobody argues that the State should have no power to act in genuine emergencies.
But here is the question this paper tries to answer: When does legitimate security concern become an excuse for suppressing speech? And more importantly, does India's current legal framework strike the right balance between keeping people safe and keeping them free?
Two regions show us what this balance looks like in practice at its most extreme.

In August 2019, the government abrogated Article 370, removing Jammu and Kashmir's special status. Along with this constitutional change came a complete communications blackout. What was supposed to be temporary lasted 18 months. Through the COVID-19 pandemic, while the rest of India moved classes online and accessed telemedicine, Kashmir remained cut off. Students could not attend online classes. Small businesses using digital payments could not operate. Journalists could not file reports.

The Supreme Court intervened in Anuradha Bhasin v. Union of India (2020). It held that internet access enjoys constitutional protection under Article 19(1)(a) and 19(1)(g). Restrictions must be proportionate and cannot be indefinite. All suspension orders must be published so affected people can challenge them.

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Yet between 2021 and 2023, Jammu and Kashmir issued 134 internet suspension orders. None were published. When the Private School Association challenged these orders, the case dragged on for years. In January 2025, the Supreme Court dismissed it as infructuous because time had passed. The court never decided whether the suspensions were valid.

In May 2023, ethnic violence erupted in Manipur. The state government imposed a statewide internet shutdown. This shutdown became the longest in recorded history over 5,000 hours. People could not access the internet for months. Lawyers could not file cases. Businesses could not operate. Families could not communicate.

The legal framework has evolved from the Telegraph Act, 1885 to the Telecommunications Act, 2023 and the 2024 Rules. But core problems remain. This paper examines whether India's internet suspension regime actually respects constitutional guarantees or whether we are creating new problems while trying to solve old ones.

2. Objectives of the Study

- To examine the constitutional framework governing internet suspensions in India, particularly the scope of Article 19(1)(a) and 19(1)(g) and the restrictions permitted under Article 19(2) and 19(6).
- To trace how courts have recognized the right to internet access over time, from the Kerala High Court's decision in Faheema Shirin to the Supreme Court's judgment in Anuradha Bhasin.
- To analyze the statutory framework for internet suspensions from the Telegraph Act, 1885 through the Temporary Suspension Rules of 2017 and 2020 to the Telecommunications Act, 2023 and the 2024 Rules.
- To study what actually happened in Jammu and Kashmir: the 18-month shutdown after August 2019, the 134 suspension orders between 2021 and 2023, and the Private School Association litigation that was dismissed as infructuous.
- To study what happened in Manipur: the May 2023 shutdown following ethnic violence, the legal challenges in the Supreme Court and High Court, and the expert committee constituted for limited restoration.
- To evaluate how courts have applied the tests of proportionality and necessity in internet suspension cases.

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- To identify procedural and transparency deficits in the current framework including review committee composition, publication requirements, and duration limitations.
- To suggest reforms that can bring India's internet suspension regime into better constitutional compliance.

3. Methodology

This is mostly a doctrinal study which means I spent time reading and analyzing legal texts rather than doing surveys or interviews. The primary materials I relied on include the Constitution of India, the Telecommunications Act, 2023, the old Indian Telegraph Act, 1885, and the Temporary Suspension Rules of 2017, 2020, and 2024. I also went through important Supreme Court judgments like Anuradha Bhasin, Faheema Shirin, and Puttaswamy because judicial interpretation has shaped this field more than anything else.

For secondary sources, I looked at articles written by legal scholars, reports from organizations like the Internet Freedom Foundation and SFLC.in, and news reports covering the J&K and Manipur shutdowns. To make the analysis richer, I also did a comparative study looking at how other jurisdictions like the United States, United Kingdom, and European Union approach similar issues. The idea was to see what works elsewhere and whether any of those solutions could work in India.

4. Literature Review

Scholars have been writing about internet shutdowns for quite some time now, and the way people think about this issue has changed with every major court judgment.

The big moment came in 2020 with *Anuradha Bhasin v. Union of India*. The Supreme Court finally told us what the constitutional status of internet access is. It said that the freedom of speech and expression and the freedom to practice any profession or carry on any trade over the internet are protected under Article 19(1)(a) and Article 19(1)(g). The Court also said that any restrictions have to be proportionate and cannot go on forever. This was an important judgment, but as we will see later, what the Court said and what actually happened on the ground turned out to be very different things.

Before this, the Kerala High Court in *Faheema Shirin v. State of Kerala* (2019) had already said something similar. It recognized that the right to internet access is part of the right to

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education and privacy under Article 21. The court made a simple but powerful point: when education is increasingly moving online, cutting off internet access is effectively cutting off the right to learn. It was a judgment that understood how the internet had become part of everyday life, not just a luxury for some.

Bhardwaj and others wrote a comprehensive analysis in 2020 about internet shutdowns and how they stack up against the three requirements of Article 19(2): lawfulness, legitimate grounds, and reasonableness. They looked at the laws under the Telegraph Act, the CrPC, and the IT Act, and argued that every internet shutdown has to be tested against these constitutional standards. Their work is helpful for understanding what the law requires, but it does not tell us what happens when those requirements are ignored.

Then there is the work of Peerzada, Sharma and Kannan from 2025. They examined the Jammu and Kashmir shutdown in detail, tracing how we got here from colonial-era laws to the regulations we have today. Their argument is that when legal definitions are not clear, you end up with discretionary censorship. If words like "public emergency" are not defined properly, the executive can basically decide what counts as an emergency whenever it wants, with no one looking over their shoulder. This is an important point because it explains how shutdowns can drag on for months without anyone being able to stop them.

The NLS Forum did an analysis in 2025 showing that the J&K shutdown lasted eighteen months. It kept going even through the COVID-19 pandemic. So while the rest of India moved classes online and started using telemedicine, Kashmir was cut off. Students could not attend classes. People could not consult doctors. Businesses could not operate. The numbers are stark, but they do not capture what it actually felt like to live through that.

The Internet Freedom Foundation did some digging and found something shocking. Between 2021 and 2023, even after the Supreme Court's directions in *Anuradha Bhasin*, J&K issued 134 internet suspension orders without complying with the publication requirements. Think about that. One hundred and thirty-four orders, and none of them were made public in a way that would let affected citizens challenge them. The Court had said orders must be published so people know their rights have been restricted and can do something about it. The executive just ignored this, and nothing happened.

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There was a petition called *Private School Association of J&K v. Union of India* that challenged these orders. The argument was that frequent suspension of internet services violated the right to education under Articles 21 and 21A. But in January 2025, the Supreme Court dismissed the petition as infructuous because too much time had passed. The Court said the dismissal was not on merits, which means they did not actually decide whether the suspensions were lawful or not. For the petitioners, this was cold comfort. The suspensions had already happened. The harm had already been done. And the court declined to give them an answer.

Then there is Manipur. The Supreme Court Observer documented in 2023 that the shutdown there lasted over five thousand hours, making it the longest recorded internet shutdown in the world. The petitioners in *Chongtham Victor Singh v. Union of India* argued that the shutdown violated Articles 19 and 21, and that the orders did not even mention "public emergency" as required under Section 5(2) of the Telegraph Act. The Supreme Court let them withdraw the petition and approach the Manipur High Court instead, which set up an expert committee for limited restoration. The shutdown eventually ended, but the constitutional questions remain unanswered.

If you look at the literature, a concerning trend emerges. The threshold for imposing internet suspensions seems to be getting lower and lower. There was the Assam shutdown in September 2024 to prevent examination cheating. Then the Bareilly shutdown in October 2025 during Dussehra festivities. These are not situations where there is any real threat to public order. They are preemptive measures based on perceived rather than tangible threats. The Supreme Court has questioned whether internet shutdowns are a proportionate response when there are multiple other methods of prevention available. But the question remains: if the Court keeps questioning and the executive keeps doing it, who is really in charge?

Here is what struck me while reading all this. Most of the scholarship focuses on Supreme Court judgments and what the law should ideally be. There is not enough writing about what actually happens on the ground and how ordinary people cope when the internet goes down for months. This paper tries to fill that gap a little by connecting the legal framework with the institutional realities that exist outside the Supreme Court. Because the law on paper is one thing, but what matters in the end is whether people can live their lives, run their businesses, and educate their children. And when the internet goes down, all of that stops.

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5. The Legal Framework In India

Provisions that had nothing to do with the internet. Section 144 of the Code of Criminal Procedure, 1973, gave district magistrates the power to issue orders in urgent cases of nuisance or apprehended danger. It was meant for assemblies and crowds, not for cutting off an entire population from the digital world. Section 5(2) of the Indian Telegraph Act, 1885, allowed the government to take possession of telegraph services in the interest of public safety or public tranquility. Both provisions were pre-digital, designed for a different time, and neither had any procedure for how, when, or for how long internet services could be suspended. Orders were issued administratively, often without public notification, without detailed reasoning, and without any real opportunity for affected people to challenge them while the shutdown was actually happening.

In 2017, the government finally recognised that this was not sustainable. The frequency and scale of internet suspensions had grown too large to ignore. It introduced the Temporary Suspension of Telecom Services Rules, which for the first time created a basic procedural framework. The Rules specified who the competent authorities were and introduced some internal review. It was a start, but only just.

Then came the Supreme Court's landmark judgment in *Anuradha Bhasin v. Union of India* in 2020. The Court made it clear that internet access enjoys constitutional protection and that any suspension must be necessary, proportionate, and temporary. Orders had to be reasoned and subject to judicial review. Following this, the Rules were amended to incorporate some of these safeguards. Suspension orders were limited to a maximum of fifteen days at a time and had to be reviewed by a designated committee.

In 2023, Parliament enacted the Telecommunications Act, repealing the colonial-era Telegraph Act. Section 20 of the new Act empowers the government to suspend telecom services upon the occurrence of a "public emergency" or in the interest of "public safety," provided it is satisfied that such suspension is necessary for sovereignty, integrity, defence, national security, public order, or for preventing incitement to offenses. In November 2024, the Telecommunications (Temporary Suspension of Services) Rules were notified under this Act. The new Rules vest primary authority in high-ranking officials like the Union Home Secretary and State Home Secretaries. Lower-ranking officers can act only in undefined "unavoidable circumstances," subject to subsequent confirmation. Review committees exist but are

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composed entirely of executive officials. The fifteen-day limit continues, with extensions possible through fresh orders. Publication requirements are meant to enhance transparency.

But here is the thing. Despite this legislative overhaul, critical terms like "public emergency" and "public safety" remain undefined. Review committees have no independent or judicial members. Their findings are not mandatorily made public. And that "unavoidable circumstances" clause creates a broad and flexible exception that could easily dilute whatever procedural safeguards exist on paper. The framework has evolved, but whether it has truly reformed is another question entirely.

6. Problems with Internet Suspensions

6.1 Undefined Terms Give Broad Discretion

Here is the problem in its simplest form: the Telecommunications Act, 2023 does not define what "public emergency" or "public safety" actually mean. These are the two conditions that must exist before the government can suspend telecom services. Without definitions, the law leaves it to the officials who want to impose the shutdown to decide whether the situation qualifies. This is not a minor drafting oversight. It has serious constitutional consequences.

In any democracy that respects the rule of law, restrictions on fundamental rights must be based on clear and narrow standards. When the law is vague, it hands over wide discretionary power to the executive. Officials can then interpret the law according to whatever political or administrative priorities they have at the moment. A law that does not tell you what counts as a "public emergency" effectively lets the authority seeking to exercise the power decide for itself whether the power should be exercised.

Look at what happened during the Manipur shutdown. The suspension orders reportedly referred to "anti-social elements" and concerns relating to "law and order." They did not explicitly invoke or substantiate the existence of a "public emergency." If routine law and order disturbances become enough to trigger a shutdown, then the threshold has become dangerously low. In a country as large and diverse as India, localized tensions happen all the time. If each such incident can be called a public emergency, then the exception swallows the rule. Internet suspension stops being an extraordinary measure of last resort and becomes just another tool in the administrative toolkit.

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6.2 Review Committees Have No Independent Members

The 2024 Rules create review committees to examine suspension orders. On paper, this looks like a safeguard. In practice, these committees are made up entirely of executive officials. The same branch of government that orders the shutdown is also responsible for reviewing whether that shutdown was legal and necessary.

Think about what this means. It is the equivalent of a student grading their own exam paper and being asked to report honestly on whether they cheated. Natural justice requires that no one should be a judge in their own cause. When fundamental rights like free speech, education, and access to information are at stake, independent oversight becomes even more critical. Yet the current framework does not require any judicial members, independent experts, or civil society representatives on these committees.

The empirical evidence is not encouraging. Review committees rarely, if ever, find that a suspension was unjustified. Their powers are also limited. They can only "record findings" about compliance. They cannot actually revoke or suspend an order they find disproportionate. And here is the kicker: the Rules do not require their findings to be made public. So even if someone on the committee raises concerns internally, the affected public may never know whether the suspension was scrutinized at all. Transparency is supposed to be the bedrock of democratic accountability, but here it is almost entirely absent.

6.3 Publication Requirements Are Not Enforced

In the *Anuradha Bhasin* case, the Supreme Court gave a clear and simple direction: all suspension orders must be published. The reasoning was straightforward. If people do not know what an order says or why it was issued, they cannot challenge it in court. Publication is not just a formality; it is a precondition for judicial review and for informed public debate.

Despite this clear mandate from the highest court in the land, compliance has been patchy at best. Between 2021 and 2023, the administration in Jammu and Kashmir issued 134 suspension orders without following the publication requirement. One hundred and thirty-four orders, and not one of them was made public in a way that would allow affected citizens to know what was happening or to challenge it. This tells us something important: having a legal requirement on paper is not enough if there are no consequences for ignoring it.

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The 2024 Rules repeat the publication requirement, which in theory strengthens transparency. But the J&K experience shows that codifying a requirement does not guarantee compliance. Without penalties for non-compliance, without independent monitoring, without enforceable timelines, publication becomes a procedural checkbox rather than a substantive protection. The law can say all the right things, but if no one enforces it, the words mean nothing.

6.4 Duration Limits Are Circumvented

The 2020 amendments introduced a 15-day cap on individual suspension orders, and the 2024 Rules keep this limit. At first glance, this seems like a meaningful constraint. No single order can last more than fifteen days.

But here is how the system gets around it. Authorities can issue successive orders, one after another. Each individual order complies with the 15-day limit, but together they add up to a prolonged or even continuous shutdown. The Manipur shutdown is the starkest example. It lasted over five thousand hours. That is not fifteen days; that is months. Each individual order may have been technically compliant, but the cumulative effect was a years-long suspension of connectivity. This completely undermines the purpose of having a duration limit in the first place.

The Supreme Court in *Anuradha Bhasin* warned against this exact practice. It said that repetitive or indefinite suspension orders would amount to an abuse of power. Restrictions must be temporary and proportionate. But in practice, back-to-back orders have allowed authorities to maintain extended shutdowns while staying technically within the rules. There is a gap between formal compliance and substantive limitation, and that gap is wide enough to drive a truck through.

6.5 The Threshold for Suspension Is Being Lowered

Beyond all these technical gaps, there is a broader and more troubling trend. The threshold for imposing internet shutdowns seems to be getting lower and lower. What started as a power to be used in grave emergencies is slowly becoming normalized for purposes that have little to do with public emergencies.

Take the Assam shutdown in September 2024. The government suspended mobile internet across the entire state for several hours to prevent malpractice during a recruitment

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examination. Now, examination integrity is important. But is a blanket suspension affecting millions of people a proportionate response? Were there no less restrictive alternatives available? Could there have been localized signal blocking, or surveillance measures, or technological safeguards? The Supreme Court has itself questioned whether internet shutdowns can meet the test of proportionality in such contexts.

Then there was the Bareilly shutdown in October 2025, imposed during Dussehra festivities based on generalized security concerns. There was no specific or imminent threat identified publicly. It was entirely preventive. When shutdowns are imposed not in response to a concrete danger but as a precaution against potential disorder, the boundaries of the power become dangerously unclear.

If the internet can be suspended to stop students from cheating on an exam, or to manage a festival crowd without evidence of a specific threat, then what limiting principle remains? At what point does an exceptional emergency power become an ordinary administrative convenience? The threshold is shifting, and with each shift, the exceptional becomes normal. This matters because it reshapes the relationship between the state, the digital infrastructure that people depend on, and the fundamental rights that are supposed to be protected. It is a trend that deserves far more scrutiny than it has received.

7. Constitutional Questions: Fair Trial and Due Process

Article 21 of the Constitution says no one can be deprived of life or personal liberty except according to procedure established by law. In Maneka Gandhi, the Supreme Court said this procedure has to be fair, just, and reasonable not arbitrary or oppressive.

When we talk about internet shutdowns, this becomes very important. Prolonged suspensions affect several fundamental rights:

- **Right to education** – When schools and colleges move online, students without internet cannot attend classes. The Kerala High Court in Faheema Shirin recognized that the right to internet access is part of the right to education.
- **Right to livelihood** – Millions of Indians rely on the internet for their work. Small shops use UPI. Gig workers get orders through apps. Freelancers find clients online. When the internet goes down, all of this stops.

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- **Right to health** – Telemedicine has become essential, especially in areas with limited healthcare access. Shutting down the internet cuts off this lifeline.
- **Right to information** – Citizens cannot access news or government updates. Journalists cannot report on events as they happen.
- **Right to free speech** – People cannot express opinions, participate in discussions, or access diverse viewpoints.

After the Puttaswamy judgment, we also know that privacy is a fundamental right. When the government monitors communications during shutdowns or collects data without safeguards, this right is affected.

8. How Other Countries Handle This

When you look at how different countries deal with internet shutdowns, some interesting patterns emerge. It is not that other places have solved the problem entirely, but they have made different choices about where to place the emphasis, and those choices tell us something about what might be possible.

The United States operates under the First Amendment, which provides strong protection for free speech. Courts there have consistently required that any restriction on speech be narrowly tailored to achieve a compelling government interest. Blanket restrictions are disfavored. Now, it is true that the US has not faced the same frequency of shutdowns as India, so the comparison is not perfect. But the underlying philosophy is worth noting: the emphasis is on targeted measures that block specific content rather than shutting down the entire internet. If there is a problem, you deal with the problem, not with everything else.

The United Kingdom has a framework for communications interception under the Communications Act and the Investigatory Powers Act. Courts play a role in authorizing and reviewing restrictions. The emphasis there is on judicial oversight and independent review. Before you can do certain things, you have to go to a court and get permission. After you do them, there is a mechanism for review. It is not perfect, but it creates a system of checks that is largely absent in our framework.

The European Union has developed a robust framework for digital rights. The Charter of Fundamental Rights protects freedom of expression and information. The Court of Justice of the European Union applies proportionality analysis strictly, meaning that any restriction on

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digital rights has to be both necessary and proportionate. If there is a less restrictive way to achieve the same goal, you have to use it. This is not just a suggestion; it is a legal requirement that courts enforce.

What stands out when you look at these systems is that other countries have designed their frameworks with certain features in common: independent oversight, clear definitions of when power can be exercised, and a preference for targeted measures over blanket restrictions. India has chosen a different path. Our framework gives the executive broad discretion without meaningful checks. We have not figured out how to balance genuine security concerns with fundamental rights in a way that commands confidence. The result is a system that is vulnerable to abuse, and that vulnerability has been exploited time and again.

9. What Needs to Change

Meaningful reform of India's internet suspension framework is not complicated in concept, though it may be difficult in practice. There are things that need to change, and they fall into two categories: the substance of the law and the structure of oversight.

First, the law itself needs to be clearer. Key terms like "public emergency" and "public safety" must be defined in the Telecommunications Act. Not in some vague, open-ended way, but clearly and narrowly. The threshold for suspension should be objective and measurable. What level of threat is required? What kind of situation justifies cutting off millions of people from the digital world? The law should answer these questions, not leave them to the official who happens to be in office.

Second, review committees need to be reconstituted. Right now they are made up entirely of executive officials. This is the equivalent of letting students grade their own exams and report honestly on whether they cheated. It does not work. Committees should include independent members—retired judges, civil society representatives, technical experts—so that oversight reflects the basic principle that no authority should be a judge in its own cause. These committees should also have real power, not just the ability to record findings. They should be able to revoke or modify orders that fail the tests of legality, necessity, or proportionality. And their decisions should be published. Transparency is not optional; it is essential.

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Third, the publication requirements that already exist on paper must be enforced. The Supreme Court said orders must be published. That direction has been ignored, most notably in Jammu and Kashmir where over a hundred orders were issued without publication. There need to be consequences for non-compliance. Perhaps an order that is not published should automatically lapse after a certain period. Perhaps there should be penalties for officials who deliberately ignore the requirement. Something has to change, because right now the requirement is just words.

Fourth, the fifteen-day duration limit needs to be strengthened. As it stands, authorities can issue back-to-back orders and create a continuous shutdown while technically complying with the limit. This is an abuse of the rule, and it should be treated as such. Any extension beyond the initial fifteen days should require rigorous fresh justification. Repetitive orders should be presumed to be an abuse of power unless the government can show otherwise.

Fifth, before imposing a blanket shutdown, authorities should be legally required to consider less restrictive alternatives. Could specific platforms be blocked instead of the entire internet? Could bandwidth be limited while keeping basic services like 2G running? This analysis should be documented and made public. If there is a less restrictive way to achieve the same security goal, that is the way that should be used.

Sixth, courts need to develop expedited procedures for hearing challenges to internet suspensions. These cases are inherently time-sensitive. If a shutdown lasts for months and the court hears the case only after it is over, the matter becomes infructuous and the court never decides whether it was lawful. That cannot continue. There has to be a way to get these questions decided while they still matter.

Seventh, there should be a pathway to compensation for individuals and businesses harmed by unlawful suspensions. Right now, even if a shutdown is later found to be illegal, the people who suffered losses have no remedy. Creating a compensation mechanism would serve two purposes: it would provide justice to those harmed, and it would create a tangible incentive for officials to act lawfully and proportionately.

Eighth, there should be democratic accountability through mandatory annual reports to Parliament. How many shutdowns were there? How long did they last? Where did they

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happen? What were the stated reasons? This information should be compiled and presented every year, so that Parliament and the public can see what is being done in their name.

Finally, India should adopt a clear human rights-based approach consistent with the guidance of the United Nations Human Rights Committee. Internet shutdowns should be treated strictly as measures of last resort, to be used only in the rarest circumstances, for the shortest possible duration, and subject to rigorous oversight at every stage. This is not a radical idea. It is simply what respect for fundamental rights requires.

None of these changes would prevent the government from responding to genuine emergencies. They would simply ensure that when the government does respond, it does so in a way that is lawful, transparent, and accountable. That is not too much to ask.

10. Conclusion

There is no doubt that the government needs powers to deal with genuine security threats. When violence breaks out, when lives are at risk, the State must be able to act.

But India's position as the world leader in internet shutdowns for six consecutive years suggests that something has gone wrong. The balance has tilted too far toward security and too far away from freedom.

The experiences of Jammu and Kashmir and Manipur show what this imbalance looks like in practice. In J&K, an 18-month shutdown followed by 134 suspension orders issued without publication despite Supreme Court directions. In Manipur, a shutdown lasting over 5,000 hours, justified on grounds that may not meet constitutional thresholds.

The legal framework has evolved from the Telegraph Act to the Telecommunications Act, from the 2017 Rules to the 2024 Rules. But the core problems remain. Undefined terms give broad discretion. Executive-only review committees provide no real oversight. Publication requirements are ignored. Duration limits are circumvented through repetitive orders.

Laws alone don't deliver justice. If we give the executive broad powers without clear definitions, if we create review committees without independent members, if we require publication without enforcement, then the framework becomes just words on paper.

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The goal should be a system that protects both security and freedom. A system where suspensions are truly exceptional, genuinely proportionate, and subject to meaningful oversight. A system where the government can act when necessary, but where citizens can challenge those actions and receive remedies when rights are violated.

Technology can help, but only if we build the institutions and procedures to support it. Otherwise, the gap between what the Constitution promises and what actually happens on the ground will keep growing. And in that gap, ordinary people seeking to exercise their fundamental rights will be the ones who suffer.

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