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EDITORIAL ANALYSIS

When the Signal Dies: Internet Shutdowns and the Rule of Law

THE HINDU

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The Hindu 23 July 2026 GS2

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THE LIFT LINE

A shutdown is not the absence of governance; it is a governance decision, and every such decision must answer to the law that authorised it.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

The suspension of mobile internet across an entire district during a spell of protests is not merely a law-and-order story. It sits at the intersection of fundamental rights, administrative law and the new statutory architecture of India's telecom sector. When the State switches off the network, it restricts speech, commerce, education and access to emergency services at a single stroke, which is why the courts have insisted that such power be hedged with strict conditions.

For the aspirant, this editorial is a case study in **proportionality** as a constitutional doctrine and in how a modern statute either strengthens or dilutes older safeguards.

GS Paper 2: This is core Polity and Governance. It links Part III rights to executive action, the role of judicial review, and the accountability of the administrative State. It also touches citizens' charters, transparency and the tension between security and liberty.

For **Prelims**, hold the specifics: internet-suspension powers now flow from **Section 20(2) of the Telecommunications Act, 2023**, operationalised through the **Temporary Suspension of Services Rules**, which succeed the older **Temporary Suspension of Telecom Services Rules, 2017**. The safeguards include written reasons, a maximum period of suspension, a mandatory **review committee**, and the **least-restrictive-means** test. In **Anuradha Bhasin v. Union of India (2020)**, the Supreme Court held that indefinite shutdowns are impermissible, that access to the internet is protected under **Article 19(1)(a)** and **Article 19(1)(g)**, and that every suspension order must be published, reasoned, proportionate and reviewable.

For **Mains**, the demand is analytical: can you weigh legitimate security concerns against a rights-based standard, and can you propose institutional fixes that make shutdowns rare, brief and accountable rather than routine.

BACKGROUND AND CONTEXT

India has for several years figured among the world's most frequent users of internet shutdowns, a distinction that sits uneasily with its self-description as the world's largest democracy and a digital-first economy. Shutdowns were long ordered under Section 144 of the Criminal Procedure Code or under the 2017 Suspension Rules framed under the Indian Telegraph Act, 1885. The pattern that troubled observers was one of quiet, blanket orders: entire regions cut off for days, orders that were never published, and review committees that met as a formality.

The **Telecommunications Act, 2023**, which repealed and replaced the colonial-era Telegraph Act, was meant to modernise this framework. Its **Section 20(2)** carries forward the power to suspend services on grounds of public emergency or public safety, and the successor Suspension Rules retain the language of reasons, time limits and review. The current episode, in which mobile data was cut across a wide area during protests, is the first major stress test of whether the new statute has changed practice on the ground or merely relabelled it.

THE CORE ARGUMENT / ISSUE

The safeguards exist, but on paper

The architecture of restraint is well designed. An order must be in writing, must record reasons, must specify a maximum period, and must be placed before a review committee. Crucially, **Anuradha Bhasin** converted these procedural checks into constitutional requirements by grounding internet access in Article 19 and importing the proportionality test. The problem is not the absence of rules but the gap between the rule and its enforcement.

Proportionality demands the narrowest tool

Proportionality asks four questions: Is the goal legitimate? Is the measure suitable? Is it the least restrictive option? Is the harm to rights outweighed by the benefit? A district-wide data blackout rarely survives the third question. If the concern is the viral spread of a specific rumour, targeted action against specific accounts or a short, localised suspension is available. Shutting off a whole population's connectivity, including that of people with no connection to the disturbance, is almost by definition not the least restrictive means.

Transparency is the missing keystone

SAFEGUARD	WHAT THE LAW REQUIRES	WHAT OFTEN HAPPENS IN PRACTICE
Written reasons	Order must record specific grounds	Reasons are vague or generic
Publication	Bhasin requires orders to be public	Many orders remain unpublished
Maximum period	Suspension capped, renewable only with fresh review	Effective extension by successive orders
Review committee	Independent scrutiny within a fixed window	Meets as a formality, rarely reverses
Least restrictive means	Narrowest workable measure	Blanket district-wide blackout

When orders are not published, citizens cannot challenge them, journalists cannot scrutinise them, and courts cannot review them in time. Opacity is what turns an exceptional emergency power into a routine instrument.

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Frame the issue as a contest between two logics. The **security logic** treats connectivity as a channel for coordination and rumour, and so sees the off-switch as a quick, cheap tool. The **rights-and-development logic** treats connectivity as the substrate of speech, livelihood, healthcare and education, and so sees the off-switch as a blunt instrument with large collateral costs, including to the very trust that keeps public order.

The reconciling principle is **proportionality plus accountability**. Proportionality narrows the tool; accountability ensures that even a narrowed tool is used honestly. A useful test for any answer: does the measure pass the Bhasin standard of necessity, publication and review? If a shutdown cannot be justified in a published, reasoned order that a review committee could genuinely reverse, it should not be ordered at all.

THE DIAGRAM IN WORDS

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Public emergency / safety concern -> Section 20(2) order in writing with reasons -> least-restrictive-means test -> narrowest, time-bound suspension -> publication of order -> review committee scrutiny -> judicial review under Article 19 -> restoration and disclosure
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WAY FORWARD

1. **Publish every order by default.** No suspension should take effect unless the reasoned order is placed in the public domain, so that citizens and courts can test it in real time.

2. **Prefer targeted action over blanket blackouts.** Mandate that authorities first attempt account-level or platform-level measures and localised, short-duration suspensions before any district-wide cut.
3. **Strengthen the review committee.** Include an independent member outside the executive, impose tight timelines, and require the committee to record whether the least-restrictive-means test was met.
4. **Legislate a sunset and reporting duty.** Cap the duration of any single order tightly, require fresh justification for renewal, and mandate an annual public report on the number, duration and grounds of all shutdowns.

PYQ LINKAGE AND PRACTICE

UPSC has repeatedly probed the balance between fundamental rights and reasonable restrictions, and the accountability of executive action. A 2017 GS2 question asked about the freedom of speech and expression in the context of hate speech, and questions on the right to privacy and proportionality flow naturally from the **K.S. Puttaswamy** and **Anuradha Bhasin** line of judgments. Digital rights are an increasingly likely theme.

Practice question: "Internet shutdowns test the constitutional promise of proportionality more sharply than almost any other executive power." Critically examine the statutory safeguards under the Telecommunications Act, 2023 and evaluate whether they meet the standard laid down in Anuradha Bhasin v. Union of India (2020). (15 marks, 250 words)

Sources: The Hindu Editorial, Supreme Court in Anuradha Bhasin v. Union of India, 2020

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