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**The Kashmir Conundrum: Balancing Rule of  
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# The Kashmir Conundrum: Balancing Rule of Law and Human Rights

## ABSTRACT

*Amidst snow-capped mountains and its mesmerizing beauty, the "Paradise on Earth" has been surrounded by terror and is deprived of light of independence for a long time. In spite of being an inseparable part of India, it has become a battleground witnessing a bitter conflict between Indian security forces and the local Muslim community, since long. As history has it, various reasons evolved for discontentment among the people residing in Kashmir, be it religious, social or political. The most talked about commotion revolved around the Indian government's decision to abrogate Article 370 and 35A of the constitution, splitting the state into two Union Territories, Ladakh and Jammu & Kashmir. A special autonomous status and privileges were granted to the permanent residents of Jammu & Kashmir (J&K), under these articles. This has led to innumerable counts of internet shut downs throughout the valley, which resulted in bifurcation of opinions. On one hand, the abeyance of the internet is said to be violative of basic human right and Article 19(1)(a) of the Constitution of India, guaranteeing the right to freedom of speech and expression and on the other, the government declared the move as a precaution to security concerns of the valley and to maintain national security. This paper tries to balance the aftermath of internet blackout in an area between curtailing of basic human right and the right decision undertaken for national concern. It tries to shed light on the historical background of Article 370 and its regime. It also quests to study the chaos caused by the shutdown of internet in J&K, taking a bird's eye view upon the political unrest of the state and focusses on the path to be followed to maintain the equilibrium by the government in future scenario.*

## KEYWORDS

*Jammu & Kashmir, Article 370, Internet Shutdown, Human Rights, Fundamental Rights*

## PRELUDE

One of the most debated controversies lies with the enjoyment of special privilege in Jammu and Kashmir as per Article 370<sup>1</sup> of the Constitution. Stating it as a temporary provision, it was abrogated in 2019 which led to the imposition of an internet shutdown. In India, according to the real-

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<sup>1</sup> India Const. art. 370

time tracker, Software Freedom Law Centre (SFLC.in), it holds the world's record of longest shutdown of 552 days till date, from Aug. 4, 2019 - Feb. 6, 2021. Internet shutdowns have a major impact, not only on the day-to-day lives of the residents but also on the human and legal rights. The reasons for shutdowns include preclusion of misinformation, hate speech, communal riots, spreading of rumours and to stop proliferation of invisible terrorist activities etc. On the other hand, every citizen has a right to internet. So, curtailing one's right to internet violates human rights law as well as the freedom of right to expression.

As laid down in our constitution, under Article 19(2)<sup>2</sup> provides for 'reasonable restrictions' to be imposed on the fundamental right to freedom of speech and expression under Article 19(1)(a)<sup>3</sup>, for protecting India's sovereignty, security, maintaining decency, morality, public order and to prevent incitement to an offence. This restriction also applies in case of access to internet services.

In this digital era, internet service has become a quintessential part of our lives. Moreover, in the aftermath of the pandemic, it has become more intertwined with our day-to-day chores, without which we are immobilised. Thus, if access to internet is curtailed, it undermines various facets of rights. Internet provides a platform to freely express opinions and views, spreading of information, raising awareness and what not. Since, everything has both advantages and disadvantages associated to it, it applies to internet as well. It can be misused to spread rumours, hate speech, excel terrorism, cyberattacks etc. which can be a threat to the nation. In such situations, it is the duty of the government to impose restrictions on the use of internet to prevent such mishaps as far as possible. Whenever there is a conflict of views in favour or against such suspension, restriction as well as allowance of access is necessary to maintain a state of equilibrium in the country.

### **HISTORICAL BACKDROP OF ARTICLE 370**

We all are very much aware of the fact that India had been under the colonial rule of the British for nearly 200 years. They had a rule of annexation of the Princely States under their control. But, in 1857, after the revolt by the Indians, they decided to reverse their law and stopped further annexing Princely States. Now, in 1947, when India became independent from the British rule, the British India was partitioned into two countries- India and Pakistan. The Princely States were given the freedom to choose to be under the government of either of the two countries or to remain independent. Almost all the states agreed to be within the rule of India due to which an Instrument of Accession (IoA)

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<sup>2</sup> India Const. art. 19, cl. 2

<sup>3</sup> India Const. art. 19, cl. 1(a)

was signed under the leadership of Sardar Vallabhbhai Patel. Three states were left out of the agreement which are- Hyderabad, Junagarh and Jammu & Kashmir. Jammu & Kashmir then had been ruled by Maharaja Hari Singh. He was unable to decide whether to sign IoA or not. In the meanwhile, Pakistan attacked the state. As a result, he turned to the Indian government for assistance because of concern about the state's integrity. Thereafter, an Instrument of Accession (IoA) was signed, giving India the authority over J&K in the fields of communication, defence, and external affairs. But wars used to continue and this uncontrolled situation was posed before the UN in order to have an international discourse. UN was of the view to let the inhabitants of the place decide whether they wanted to be a part of India or Pakistan. Subsequently, the Indian government in order to maintain a friendly relation and democracy with the state, decided to introduce Article 370<sup>4</sup> in to the constitution which is a temporary provision that gave J&K a special standing in the country.

### SCRAPPING OF ARTICLE 370

By virtue of introduction of Article 370, only Article 1 and Article 370 of the Indian constitution were applicable to J&K. One exception was also introduced through IoA that the Indian government had the power to make laws regarding communication, defence and external affairs in J&K, otherwise, for making any article of Indian constitution to be implemented in J&K, a Presidential order shall ratify it in concurrence with the State Legislative Assembly. Moreover, Article 370 can only be revoked by the President but he has to take an approval from the Constituent Assembly of the State of Jammu and Kashmir, as per clause (3). Amidst various debates and controversies, other articles and provisions of the Indian constitution were proposed to be implemented in J&K. In 1954, a presidential order was made to pass by which Article 35A<sup>5</sup> was introduced which empowered J&K to determine who is a 'permanent resident' of the state and only permanent residents of the region can purchase the land and apply for the posts in government jobs in the state of J & K. In 1957, Constituent Assembly in J&K adopted the State's Constitution. In the meantime, Bharatiya Janata Party came to power in India in 2019, which had the resolution of scrapping down the special status of Article 370 enjoyed by J&K. A situation of unrest could be seen in the state of J&K due to which governor's rule was implemented for six months and thereby president's rule was declared. In this situation, it can be observed that in case of emergency, the work of State Legislative Assembly is performed by the Parliament of the country and that of the State government is substituted by the Governor.

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<sup>4</sup> India Const. art. 370

<sup>5</sup> India Const. art. 35A

In 2019, a new presidential order was passed stating that all the clauses and articles of Indian Constitution will be applicable to J&K. And we know as per Article 370(2), the presidential order has to be ratified with the state's constituent assembly. But, during the emergency, the state government was under suspension and the Indian government was in power. As a result, all of the articles in Indian constitution were made applicable to J&K. Now, through Article 367<sup>6</sup>, by the Parliament's recommendation, Article 370 was revoked.

Thereafter, through a plethora of cases, questions arose regarding the integrity of revocation of Article 370 and the presidential order. Also, the constitutionality of bifurcation of the state into two Union Territories under the Jammu and Kashmir Reorganisation Act, 2019 was challenged. The Supreme Court upheld the reorganization, contending that the Parliament had the power to reorganize states under Article 3 of the Constitution.

### CONSTITUTIONALITY OF THE ABROGATION

In the case of *In Re: Article 370 of the Constitution*<sup>7</sup>, the special status of Jammu & Kashmir and its reorganisation into two union territories was addressed. It was held that Article 370 was a temporary provision and after its revocation, the state became an integral part of India. Moreover, the President's power to unilaterally issue a notification declaring Article 370 inoperative was upheld too.

### LEGAL FRAMEWORK GOVERNING INTERNET SHUTDOWN

There are three statutory provisions used by governments to impose internet shutdowns: -

- i. Section 144 of the Code of Criminal Procedure, 1973 (Section 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023)
- ii. Section 69A of the Information Technology (Amendment) Act, 2008 (The IT Act) read with the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 (Blocking Rules)
- iii. Section 5(2) of the Telegraph Act, 1885 read with the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017

#### ➤ *The CrPC and the BNSS-*

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<sup>6</sup> India Const. art. 367

<sup>7</sup> *In Re: Article 370 of the Constitution*, 2023 INSC 1058

Section 144 of CrPC<sup>8</sup>, same as Section 163 of BNSS<sup>9</sup> empowers the District Magistrate to issue written orders to stop unlawful assembly (usually 5+ people), carrying weapons, or any act threatening life, health, or public tranquillity to prevent urgent apprehension of danger or nuisance, ensuring public order.

There are two conditions to be fulfilled while exercising the power under this section- a) It must be exercised only in cases of immediate prevention and requirement of speedy remedy. b) A written order stating the material facts of the case has to be passed by the Magistrate where written orders act as the first check for the existence of a good cause for exercising extraordinary powers.

These safeguards are often breached in certain circumstances, as discussed later in the paper where internet shutdowns are imposed without any just cause.

➤ *The IT Act and the Blocking Rules-*

Section 69A of the IT Act<sup>10</sup> empowers the Central Government to direct any agency of the government to block access by the public, any information generated, transmitted, received, stored or hosted in any computer resource. There are two important safeguards embedded in this provision- i) The Government should record its reasons in writing and ii) The exercise of this power is in relation to any other procedure and safeguards that may be prescribed through rules.

The Blocking Rules were framed under Section 69A. Here, a Designated Officer should provide a detailed procedure to be adopted before making the order which requires the designated authority to maintain written records of those orders. A review mechanism has to be followed after the shutdown order has been issued. A Review Committee is to meet at least once every two months to verify the various blocking directions issued in the said duration.

➤ *The Telegraph Act and Suspension Rules*

Section 5(2) of the Telegraph Act, 1885<sup>11</sup> is a source of power for imposing internet shutdowns. It empowers the higher authority to issue an order by virtue of which any message from any person to be transmitted or received through telegraph is not permitted. Since

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<sup>8</sup> The Code of Criminal Procedure, 1898, S. 144

<sup>9</sup> The Bharatiya Nagarik Suraksha Sanhita, 2023, S. 163

<sup>10</sup> The Information Technology (Amendment) Act, 2008, S. 69A

<sup>11</sup> The Telegraph Act, 1885, S.5(2)

'telegraph' includes any appliance, instrument used for transmission or reception of signs, signals, images etc and 'message' includes any communication sent by telegraph or through telegraph officer, internet falls under the definition of telegraph, capable of transmission and reception. There are three conditions to be fulfilled for attaching the provision: - i) Such an order may be issued only by the Central Government, the State Government or any officer specifically authorized in this behalf by either government, reasons recorded in writing ii) It is issued only in case of public emergency or for public safety iii) Such order must satisfy the interests of the sovereignty, integrity of India, friendly relations with foreign States.

The Suspension Rules were enacted as a result of Section 7 of the Telegraph Act<sup>12</sup> conferring power on the Central Government to make rules. Such directions to suspend telecom services shall be issued by the Union Home Secretary or the State Home Secretary. On the next day, the order must be reviewed by a three-member Review Committee which must decide whether the order is in consonance with Section 5(2).

### **IMPACT ON DIGITAL REALM IN KASHMIR**

Kashmir witnessed a drastic change in its livelihood due to the prolonged blackout in the region. The suspension of digital services is considered a casual affair in this region which also include curfew-like restrictions on mobility, mass preventive detentions, and telecommunication and internet blackouts. Rather, decision regarding uplifting the ban hits the headlines of the eminent newspapers on the very next day. The period in 2019-2020 where the whole world was reeling because of the COVID-19 pandemic and became immensely dependent on internet services for not only buying medicines or groceries or attending online classes but also to know about the latest surge in the virus multiplication, Kashmir got grilled to another level when the mobile internet bandwidth was throttled to 2G levels- the speed which barely opens a full website and there was a complete block on voice lines and cable television channels throughout the region. While the world was warming up for 5G, even the high-speed 3G and 4G internet services remained abrogated in Kashmir for the whole of 2020. Such crippling digital sieges are a creative technique of political repression and a severe impediment to the enjoyment of constitutionally guaranteed civil, political and socio-economic rights. As pointed out by a Kashmiri journalist, the first challenge during the ban on communications is the inability to share or access information. It pushed people into a bubble and created a fertile ground for rumours. They were

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<sup>12</sup> The Telegraph Act, 1885, S.7

secluded from the other parts of the country and pushed into an information blackhole.

As the “Digital India” project, 2015 aims to use technology to improve delivery of public services, implement government programs and makes every work faster, the internet no longer remained a luxury but became a necessity for everyone. The real and the virtual world have become thoroughly intertwined for rapidly growing numbers of people around the world. This blanket ban had crippled Kashmiri media impacting the quality of journalism and making many journalists redundant as they failed to send their contributions to their media organizations. It left no difference between a layman and a journalist as the latter had no means to collect and disseminate information to the former. The reporters had to travel long distances to access internet and send their collections. Moreover, all of their stories were not reported at times, citing queries and errors being reported by the editors which got unnoticed and unrectified. This had also severely affected the news industry as the readers were not able to access the e-editions of the newspapers on their mobile phones.

The children of J&K were the most effected during this shutdown. Their education was at stake due to the suspension and the pandemic of 2020 made it worse, where everything became internet-based. They lost three years of education nearly. People were unable to access anything beyond text messages. The limiting of networks to 2G made it impossible for online classes to function appropriately. Graduate students and teachers were unable to participate in conferences or have their papers published, causing intentional harm to their careers and violating their rights to education.

The 2019 communications shutdown in Jammu and Kashmir, coupled with movement restrictions, severely affected access to medical and other emergency services, education, and livelihood. For months, Kashmiris could not use online banking system, or make digital payments, or order supplies. There was imprisoned in their own residence as clearly described by a 28-year-old Kashmiri professional- “It felt like the silence of the graveyard.”

### **ISSUES RELATED TO INTERNET SHUTDOWN**

Internet shutdowns have been defined in diverse approaches which include phrases like ‘blackouts’, ‘digital curfews’, ‘kill switches’ and others. Internet closure is an absolute restriction imposed on the use of internet and its services because of a command issued by a central authority frame. There are two kinds of internet shutdowns- partial and total shutdown. In a total shutdown, the internet access is completely cut off in the area. It may be limited to a particular place and to precise

length, time or range of days. Many times, it can be extended endlessly. And in case of partial internet shutdown, it may be confined to mobile internet which on smartphones, or the wired broadband that normally attach a computer - or both at the same time.

We have seen that internet shutdowns have been imposed by the government, citing national security and public order. At times, arbitrary internet shutdowns have been implemented in many within the country.

Rajasthan shut down the internet in response to the Right to Information requests. Here, the power to suspend internet services has been delegated to divisional commissioners, violating the Telecom Suspension Rules that require that only a union or state home secretary can issue the suspension orders. But at times, divisional commissioners issue orders for 24 hours and then keep extending the shutdown by another 24 hours, making the confirmation from competent authority redundant. It was also noticed that the authorities issued shutdowns frequently, followed a copy-paste template, and failed to ensure they were lawful, necessary, and proportionate. When members of an Adivasi community decided to hold an indefinite protest by blocking a national highway over discrimination in recruitment of teachers in government schools, the Udaipur authorities ordered 18 of the 26 shutdowns. Arunachal Pradesh imposed internet shutdown in the interest of public safety and to maintain public order to prevent cheating in examinations and one was imposed after a protest was called by a group named All Nyishi Youth Association demanding the chief minister's resignation. West Bengal is also not behind here. Out of 6 times, three times were imposed to prevent cheating in examinations and after a communal conflict. The suspension order in Haryana during protests by farmers in 2021 failed to illustrate how these shutdowns fail the necessity and proportionality test. The order laid that the shutdown was very important to prevent "disruption of public utilities and safety, damage to public assets & amenities" and linked it to the ability of the internet to "spread inflammatory material and false rumours," but failed to explain the threat.

## **HUMAN RIGHTS VERSUS NATIONAL SECURITY**

There is a bifurcation of arguments in favour and against internet shutdowns. Undoubtedly, it affects a range of fundamental rights including the right to disseminate information, form associations, assembly, right to education and livelihood as well. Be it children or elderly persons, none is spared from the impediments. Communication shutdowns have a disproportionate effect on poor and marginalized communities, many of whom only access the internet on their phones

and cannot afford or access fixed line internet. Article 19(1)(a)<sup>13</sup> of the constitution provides for the right of freedom of expression with reasonable restrictions enforced by the state in matters related to public morality, national security etc. Digital media stands as the primary vehicle of information across various societal strata. Thus, denying access to free speech and expression also denies the freedom of press, as stated in *Sakal Papers (P) Ltd v Union of India*<sup>14</sup>. Many political experts worldwide are of the opinion that these bans are arbitrary actions meant to suppress dissent and inflict "collective punishment" on the people of Kashmir. For instance, if journalists by any chance succeeded to publish evidence of human rights violation, they faced arrest or became targets of the Indian army. A photojournalist of Kashmir, Masrat Zahra, was arrested for publishing what the government called 'anti-national posts' on social media.

In *Anuradha Bhasin v. Union of India*<sup>15</sup>, the Supreme Court recognized the importance of the internet as a tool for dissemination of information and for trade and commerce in modern times, and finally concluded that the right to freedom of speech and expression under Article 19(1)(a), and the right to carry on any trade or business under 19(1)(g), using the medium of internet is constitutionally protected. Internet access is a basic human right, and cutting it off can never be justified under the principles of human rights law – even in times of unrest. By silencing the digital voice of the people, the government not only breaches Article 19(1)(a) but also diminishes the democratic spirit of the nation. While officials claimed the shutdown was necessary for security in the Valley, the deeper intent was to reshape its constitutional identity under the banner of national integration. Yet, this blackout starkly contradicts the very vision of "Digital India," a campaign that promises empowerment through technology. Denying citizens their online freedom is not just a policy misstep – it is a grave violation of their fundamental rights.

The two organizations, Human Rights Watch and Internet Freedom Foundation examined whether Indian state governments are in compliance with the court's directives and found that decisions to snap internet access are often erratic and based on a vague and unsubstantiated understanding of a law and order problem, which does not satisfy the international legal threshold of a public emergency or a threat to public safety. Shutting down the internet for organising protests and criticise the government does not constitute a legitimate aim and instead violates the right to peaceful assembly. Rights groups condemned the shutdowns, stating that the government was using them

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<sup>13</sup> India Const. art. 19, cl. 1(a)

<sup>14</sup> *Sakal Papers (P) Ltd v Union of India*, AIR 1962 SC 305

<sup>15</sup> *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637

to extinguish the free flow of information related to peaceful assembly and the fundamental right to protest.

In 2021, the Parliamentary Standing Committee noted that so far, there is no proof to indicate that internet shutdown has been effective in addressing public emergency and ensuring public safety. It reflects poorly on the part of the law-and-order machinery of the State to deal with such issues. Many critics are of the view that internet shutdowns also do not prevent misinformation or hate speech, rather create information vacuums that can be exploited by malicious actors. These are frequently implemented without transparency, legal oversight, or adherence to proper procedure. They also lack clear and objective criteria, duration and scope making them vulnerable to political interference and human rights violations.

Though a significant gap remains between the pronouncement and ground realities, both state and central governments continue to exercise considerable discretion in imposing internet shutdowns across the country. The legal framework in favour of these shutdowns comes from the doctrine of “proportionality”. As per this doctrine, the government is permitted to curb one’s fundamental right of right to free speech and expression, if it is necessary to preserve national security, prevent the spread of disinformation, citing the armed conflict and counterterrorism. The case of *Anuradha Bhasin* reiterated the test of proportionality and necessity of restrictions on national security grounds. It held that restrictions must be just, reasoned, specific, temporary and minimally disruptive, and that blanket and indefinite shutdowns are unconstitutional. However, it did not apply this test to the situation of the continuing network disruptions in Kashmir and declare them unconstitutional. Rather it held that future internet restrictions must be publicly notified and specific.

## JUDICIAL APPROACH TO INTERNET SUSPENSION

### *i. Foundation for Media Professionals v. UT of J&K, 2020<sup>16</sup>*

An NGO named Foundation for Media Professionals filed a PIL in the Supreme Court challenging the restriction of internet services in Jammu & Kashmir to 2G bandwidth. The main argument which was raised that the restriction on 4G internet is disproportionate considering the special circumstances posed by COVID-19. This, in turn, undermines various fundamental rights like freedom of speech, right to health, education, trade and livelihood.

The government of J&K was of the view that right to internet is not a

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<sup>16</sup> Foundation for Media Professionals v. UT of J&K, (2020) 5 SCC 746

fundamental right, so, it can be restricted as a medium of communication. When the matter of proportionality is taken into account, there were high chances of social media being misused to spread fake information and hate speech by terror groups and in order to curb a war like situation, it was imposed. The Court was of the view that cross border terrorism in J&K amounted to compelling circumstances which cannot be ignored. In certain regions, the restriction was lifted but whose rights were continuously affected, for them, a Special Committee was formed to determine the necessity of the restrictions.

*ii. Anuradha Bhasin v. Union of India, 2020*<sup>17</sup>

After abrogation of Article 370<sup>18</sup> of the Constitution in Jammu and Kashmir in 2019, the government imposed severe restrictions on movement, public gatherings, blanket ban on internet services etc, citing national security concerns. Anuradha Bhasin challenged these restrictions to be violative of freedom of speech and expression and the right to carry out a profession.

The Court did not strike down the internet restrictions completely. Right to access the internet is a part of right to freedom of speech and expression. It applied the doctrine of proportionality to determine whether internet shutdowns were justified or not. There are four conditions to be fulfilled: - i. The restriction must have a national interest. ii. The restriction must fulfil the objective sought to be achieved. iii. The restriction must be absolute and appropriate. iv. It must not have a disproportionate impact on fundamental rights. It stated that an indefinite suspension of internet services is not permissible and a periodic review of any internet shutdown is mandated.

*iii. Banashree Gogoi v. Union of India, 2019*<sup>19</sup>

The State of Assam suspended broadband internet and mobile services in 2019 in response to protests related to the controversial Citizenship Act. For this, Advocate Banashree Gogoi filed a PIL challenging this. Section 5(2) of the Telegraph Act along with the Suspension Rules were invoked by the government. Restrictions on broadband internet were lifted eventually but not that of mobile internet service. Both the parties posed their arguments in favour and against the lifting of the restrictions. The main issue before the Court was whether the State had sufficient evidence in order to justify the continued suspension of mobile internet services. It was observed that the curfew had been relaxed in a phased manner and broadband had been restored but mobile internet remained

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<sup>17</sup> Anuradha Bhasin v. Union of India, AIR 2020 SC 1308

<sup>18</sup> India Const. art. 370

<sup>19</sup> Banashree Gogoi v. Union of India, 2019 SCC OnLine Gau 5584

suspended despite the detrimental effects on the functioning of the State.

The Court noted the merits and demerits of internet services and held that there was not enough evidence to support disruptions or incidents of violence being held in the State. Hence, it ordered for the immediate restoration of the mobile internet services and it would be the responsibility of the respondents to stop dissemination of such messages which might have a tendency to incite violence.

*iv. Shirin R.K. v. State of Kerala, 2019*<sup>20</sup>

A new regulation was brought at the Women's Hostel of Sree Narayaguru College, Kerala which restricted the use of mobile phones within the hostel from 10:00 pm to 6:00 am and then from 6pm to 10pm, while the use of laptop by undergraduates was prohibited. In response to this rule, Faheema Shirin, a female student, challenged it stating the restriction was inconvenient and discriminatory as it was only imposed in the women's hostel. On complaining to the authorities, she was asked to comply or to vacate the hostel. After that, a notice was issued to Shirin directing her to vacate the hostel within 12 hours. She argued that the right to internet is a part of right to freedom of speech and expression under Article 19(1)(a)<sup>21</sup> of the Constitution of India and such restriction cannot be said to be a reasonable one under Article 19(2)<sup>22</sup>. She further contended that the restrictions imposed and her mandatory removal from the hostel were unlawful, constituting a violation of her fundamental rights to privacy, education, and freedom of expression. The respondents presented their counter arguments saying that they acted within their authority as representatives of an educational institution to enforce discipline, which was integral to their role to cultivate and guide the student's pursuit of education.

The court affirmed the right of students to reside in college hostels and held that restrictive rules violated fundamental rights regarding internet access and personal privacy, which in turn hindered the right to education and future career prospects. Restriction on mobile phones usage was "absolutely unwarranted." Thus, the hostel authorities are expected to modify the rules in tune with modernization of technology and should not undermine students' access to educational resources.

### CONCLUDING REMARKS

Internet shutdowns in India became a source of massive discourse and debates when J&K witnessed longest internet shutdown in the backdrop

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<sup>20</sup> Shirin R.K. v. State of Kerala, AIR 2020 Ker 35

<sup>21</sup> India Const. art. 19, cl. 1(a)

<sup>22</sup> India Const. art. 19, cl. 2

of scrapping down of Article 370. There are two sides to its authenticity as discussed above. In my opinion, shutting down of communication services is feasible to the extent it does not worsen or affect the daily activities for a prolonged time period. The right as well as the restriction - both are necessary to maintain integrity, peace and order in the society and the country as a whole.

Growing awareness of the social and economic harms from shutdowns, combined with ongoing advocacy from civil society groups, scholars, and human rights activists provides a glimmer of hope. Sustained mobilization and resistance could gradually tip the scales toward a digital future that better respects rights.