



ANURADHA BHASIN V. UNION OF INDIA (2020)

Constitutional Interpretation & Basic Structure

PRELIMS SNAPSHOT

◆ 1. Prelims Snapshot (Fact Box)

- 📅 Year: 2020
- ⚖️ Case: Anuradha Bhasin v. Union of India
- 👤 Bench Strength: 3 Judges
- 📖 Key Articles Involved: Article 19(1)(a), Article 19(1)(g), Article 21; Temporary Suspension of Telecom Services Rules, 2017
- 🧠 Doctrine Evolved: Internet access is integral to freedom of speech and trade; indefinite internet shutdowns are unconstitutional
- 💬 Famous Line: "Freedom of speech and expression through the internet is a fundamental right."

CONTEXT & BACKGROUND

The petition was filed by journalist Anuradha Bhasin following the internet shutdown and communication blackout in Jammu & Kashmir post abrogation of Article 370 in August 2019. The shutdown impacted



press freedom, public services, education, and business.

The petition challenged the proportionality and legality of the internet suspension, raising broader concerns about democratic rights in the digital age.

CONSTITUTIONAL ISSUES RAISED

- Is access to the internet protected under Article 19(1)(a) as a medium of free speech?
- Are indefinite internet shutdowns constitutionally valid under the Telecom Suspension Rules, 2017?
- What are the standards of proportionality and judicial review for such executive actions?

VERDICT & RATIO DECIDENDI

The Supreme Court held that:

- Freedom of speech and trade through the internet is constitutionally protected
- Suspension of internet services must be temporary, proportionate, and necessary
- The government must publish shutdown orders, which are subject to judicial review



- Indefinite suspension of internet services is unconstitutional
- The Court did not restore internet immediately but laid down binding procedural safeguards
- The judgment did not go into the merits of the J&K situation but laid a powerful precedent for future executive actions.

DOCTRINE / PRINCIPLE EVOLVED

- Right to internet access is protected as part of Article 19(1)(a) and Article 19(1)(g)
- Proportionality principle must guide restrictions on fundamental rights
- State-imposed restrictions must be published, justified, and open to judicial scrutiny



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IMPACT & LEGACY

- Became the foundation of digital rights jurisprudence in India
- Reinforced judicial oversight on executive use of national security powers
- Encouraged policy discourse on balancing national security with digital freedoms
- Frequently cited in later cases and public discourse on internet bans during protests or exams



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RELEVANCE FOR UPSC

- GS Paper 2:
 - Freedom of expression in the digital age
 - Proportionality doctrine and fundamental rights
 - Role of judiciary in digital governance
- GS Paper 4 (Ethics):
 - Transparency, accountability, digital ethics
- Essay Paper:
 - Apt for essays on Liberty in a Digital Democracy, Balancing Security and Rights, Tech and Governance
- UPSC Interview:
- Useful in discussions on internet bans, national security, media freedom, and rule of law.

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