**Internet blockade, Supreme Court intervention and 2G pun: high voltage drama of Kashmir**

Chanchal Manohar Singh January 30, 2020

On January 10, Apex Court of India expressed its discontent over continuous ban on the internet in Kashmir Valley and declared that access to the internet is a fundamental right. Court also ruled that the five-month long digital lockdown is unlawful and gave the administration seven days to justify its continued use.

Following the reprimand from the Supreme Court, the administration instead of justifying the ban provided access of 2G service initially in the Jammu region and subsequently in Kashmir Valley. The move of the administration appeared to be a hasty decision, as they did not lift the ban, but only provided limited access, which was not only contempt to court, but also in violation of fundamental human rights.

I may say the restoration of 2G service in Kashmir is contempt of court because court had directed the administration to make public the reasons behind continuous use of digital lockdown or restore the services within a week time, but the administration neither came out in public with strong reasons for the blockade, nor they restored the complete internet. It is in violation of fundamental human rights because, the administration continued to control the communication modules, as people in Jammu and Kashmir are deprived of the use of social networking sites. The administration has issued an advisory, mentioning around 150 or say couple of more such websites which can be accessed by the user in Kashmir. Rationally, out of 150 and so websites, around 60 to 70 percent of websites are of government departments. Thus, claiming that the administration respected the fundamental human rights by resorting internet in Kashmir is a farce and bogus. Whereas people across the globe are heading towards 5G and more service, people in Jammu and Kashmir are pushed to the stone age with 2G speed that too without access to social media. It is believed that there are more than 4.1 billion websites operational across the globe, but people in Jammu and Kashmir are restricted to mere 150 websites, thus the freedom to access is also controlled by the administration in the name of respecting Supreme Court orders.

However, the Supreme Court has declared that a government cannot deprive the citizens of fundamental rights except under certain conditions explicitly mentioned in the Constitution. The ruling came on hearing of a plea in connection with Internet blockade in Jammu and Kashmir since August 5 — in the view of revoking of Article 370 in the Union Territory.

Indian constitution makes the right to freedom of speech and expression a fundamental right for all citizens. It has been listed in Article 19 (1)(a) of the Constitution. The Supreme Court has on many occasions expanded the scope of the right to freedom of speech and expression. The latest expansion makes the constitutional provision keep pace with the innovation of technology. The Internet is the primary source of information to millions of Indian citizens. A non-citizen can avail the same benefits but cannot claim it as her fundamental right. The Supreme Court ruling is also in sync with the United Nations recommendation that every country should make access to the Internet a fundamental right. In India, Kerala had become the first state in 2017 to declare access to the Internet “a basic human right”. As the union government’s shutdown of internet service in the Kashmir valley continued for more than 150 days, the region has become paralyzed. Shopkeepers dealing with drugs and medicine claimed that vital supplies like insulin and baby food, which they typically ordered online, were running out. The information blockade was an integral part of India’s unilateral decision to wipe out the autonomy of Jammu and Kashmir, an area of 12.5 million people that is claimed by both India and Pakistan and has long been a source of tension. That has brought everyday transactions, family communications, online entertainment and the flow of money and information to a halt.

As the union government’s shutdown of internet service in the Kashmir valley continued for more than 150 days, the region has become paralyzed

“Shutting down the internet has become the first go-to the moment the police think there will be any kind of disturbance,” Mishi Choudhary, founder of SFLC in, a legal advocacy group in New Delhi told New York Times. Muheet Mehraj, founder and chief executive of Kashmir Box, a start-up that buys traditional handicrafts like pashmina shawls and pottery from local artisans and sells them online, said he could not check incoming orders or communicate with his suppliers. His 25 employees are idle. If the shutdown lingers, they will soon be out of work. Restrictions on movements and communication blackout in Jammu and Kashmir has also frustrating journalists in the region. With internet access, mobile phone services remaining suspended and no access to the wires, just a few local newspapers were published. Journalists representing national and international media were dependent on the government’s media facilitation center in Srinagar, which has an internet, but no Wi-Fi access. Talking to an international the news agency, Ishfaq Tantry, general secretary of Kashmir Press Club narrated difficulties to report stories from Kashmir under such circumstances. “The communications blockade has indeed adversely affected the ground reporting. In the absence of internet and telephones, including the mobile phones, journalists found it difficult to verify and cross-check information,” he said.

Further, reporters were unable to get playbacks to check their edited stories or even to receive phone calls from their offices for fact-checking. Though the government has restored 2G services in dribs and drabs, connectivity remains a major issue. Peerzada Fawaz Qureshi, 22, pursuing a B.Tech in Computer Science from S.S.M. Engineering College in Srinagar has already earned a name as an ethical hacker after identifying bugs on known platforms including Facebook, Oath, Tesla, Uber, Mastercard and Adobe in the past few years. His work which also help him earn money. “It’s a very, very tough competition online. I am out of the race since August 5 (when Internet services to the Valley were cut off). Internet to a security researcher is what water is to fish,” Mr. Qureshi told The Hindu. For Khursheed Saiqa, a Class 11 student from Srinagar’s Zaina Kadal area, it’s literally back to the chalk-and-board era. “I was used to reading on the Kindle for many years now. [But] no new books could be downloaded in the past five months. We paid a friend to ferry course material and references on a hard disk from Delhi and then distributed it here,” Mr. Saiqa was quoted by The Hindu. The Internet blackout has impacted students pursuing national-level professional examinations the most.

While authorities have restored 2G mobile Internet services, the speeds are insufficient for data-heavy sites. Further, access is limited to only 153 so-called ‘whitelist’ websites which excludes all social media platforms including YouTube and WhatsApp. Srinagar is yet to see any Internet restored. The administration has overtly bluffed the Supreme Court by claiming that they restored internet, but the fact position is that the administration has further extended its control on the users by forcing them to use those websites that administration wishes to.

*The writer is a senior journalist and Indo-Pak peace activist*