

## India: Stop Online Repression in Kashmir

(Bangkok/Kathmandu, 3 October 2016) – The Asian Forum for Human Rights and Development (FORUM-ASIA) is deeply concerned over the continuous and prolonged shut-down of mobile network and Internet services in Jammu and Kashmir.

Since the death of Burhan Wani, a Hizbul Mujahedeen leader in July, violent unrest has flared up across the valley. To quell protests and demonstrations organised by citizens, Indian security forces have resorted to excessive use of force, resulting in over 90 people losing their lives and dozens of protesters being fatally wounded<sup>1</sup>.

Government authorities have resorted to shutting down mobile networks and Internet services, creating online barriers to access information, express dissent, carry out online campaigns, and publish news stories on online portals, all of which is compromising citizens' right to freedom of expression and information. Internet penetration in Kashmir has increased from three percent in 2011 to 28 percent in 2016<sup>2</sup>. The Internet shut-down was publicly announced on 8 July 2016 and the administration ordered telecommunication companies to shut-down Internet and mobile phone access<sup>3</sup>. The publication and distribution of print newspapers was also blocked for five days from 16 to 20 July 2016<sup>4</sup>. Internet connectivity was partially restored on 27 July, when only broadband Internet was unblocked.

On 13 August, the limited broadband connectivity was further restricted to only a few areas in the valley, compromising a free flow of information online. Private service providers, like CNS shut their operations down following a directive issued by the authorities<sup>5</sup>. All private mobile and broadband services were barred. Only a limited number of post-paid phones operated by the Government-owned Bharat Sanchar Nigam Limited (BSNL) were working. Pre-paid Internet connections, irrespective of the operator, continued to be blocked for the last two months.

Again on 12 September, on the day of Eid festival, the Jammu and Kashmir Government ordered the shut-down of Internet services of all telecommunications and mobile communication networks, with the exception of BSNL. The shut-down lasted 72 hours as a precautionary measure against the tense law and order situation in the State<sup>6</sup>.

<sup>1</sup><http://www.bbc.com/news/world-asia-india-37422761>

<sup>2</sup><http://www.ndtv.com/opinion/burhan-wani-and-the-power-of-the-Internet-misread-in-kashmir-144302>

<sup>3</sup><https://www.privateInternetaccess.com/blog/2016/08/month-since-indian-government-shut-Internet-access-jammu-kashmir/>

<sup>4</sup><http://www.kashmirmonitor.in/Details/107061/newspapers-resume-publication-after-5-days>

<sup>5</sup><http://www.risingkashmir.com/news/Internet-ban-police-and-the-government>

<sup>6</sup><http://www.firstpost.com/india/kashmir-govt-orders-shutdown-of-all-Internet-services-except-bsnl-for-next-72-hours-3001464.html>

Restriction of Internet access in Kashmir has a long history. In September 2015, public Internet services were suspended four times. Mobile Internet services were suspended for two days on 25 and 26 September 2015 in Jammu and Kashmir over apprehension of violence following a beef ban in the State<sup>7</sup>.

Mobile Internet services were suspended in five districts in Kashmir in April 2015 due to protests over the death of four people in clashes with the security forces. It was again cut-off in Jammu in June 2016 following tension over an incidence of vandalism in a temple<sup>8</sup>.

To shut-down Internet, the authorities use Section 144 of the Criminal Procedure Code (CrPC). However, Section 144 does not have the mandate to order suspension of mobile networks and Internet services since the power to regulate telegraphs (or the Internet in this case) is vested with the Union and not with the State. The former empowers the Union Government to intercept or prevent the transmission of messages in certain circumstances while the latter refers to the blocking of specific websites<sup>9</sup>.

According to a report by The Wire, from January 2012, there have been at least 12 reported instances of the Central or State Government ordering a shut-down or partial blocking of Internet services<sup>10</sup>. It is also reported that the Internet blocking orders come in a number of shapes and forms. Blocking of social media platforms like Facebook and YouTube is quite common<sup>11</sup>. Of late, use of messenger applications like WhatsApp is also restricted. On 20 April 2016, the District Magistrate of Kupwara issued a circular making registration of WhatsApp news groups mandatory after protests were organised in the district over allegations of molestation of a girl by a soldier<sup>12</sup>.

The United Nations Human Rights Council passed a resolution on 1 July 2016, condemning countries that prevent or disrupt access to the Internet<sup>13</sup>. The resolution, [A/HRC/32/L.20](#), on “the promotion, protection and enjoyment of human rights on the Internet” passed by consensus “condemns unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law and calls on all States to refrain from and cease such measure.”<sup>14</sup> The resolution asserts that “the same rights that people have offline must also be protected online.”

<sup>7</sup><http://indianexpress.com/article/india/india-others/to-avoid-tension-during-eid-ul-zuha-govt-ban-Internet-in-jk-for-two-days-from-tomorrow/>

<sup>8</sup><http://www.medianama.com/2016/07/223-mobile-Internet-services-continues-to-be-blocked-in-jammu-and-kashmir/>

<sup>9</sup><http://www.thehoot.org/media-watch/digital-media/kashmir-cut-off-why-Internet-bans-are-bad-for-democracy-9506>

<sup>10</sup><http://thewire.in/29857/jammu-kashmir-has-lost-18-days-of-mobile-Internet-access-over-last-four-years/>

<sup>11</sup><http://thewire.in/29857/jammu-kashmir-has-lost-18-days-of-mobile-Internet-access-over-last-four-years/>

<sup>12</sup><http://indiatoday.intoday.in/story/registration-now-a-must-for-whatsapp-groups-in-jammu-and-kashmir/1/658529.html>

<sup>13</sup><http://www.theverge.com/2016/7/4/12092740/un-resolution-condemns-disrupting-Internet-access>

<sup>14</sup>[https://www.article19.org/data/files/Internet\\_Statement\\_Adopted.pdf](https://www.article19.org/data/files/Internet_Statement_Adopted.pdf)

FORUM-ASIA urges the Government of Jammu and Kashmir to immediately lift the Internet ban and restore all digital connectivity to enable free expression by online campaigning, which helps form a healthy public opinion. FORUM-ASIA strongly believes that network disconnection is a disproportionate response to the prevailing emergency situation in Jammu and Kashmir. This only makes it harder for citizens to communicate, who are already facing hardships because of the curfew in certain parts of the state. FORUM-ASIA further urges the Government to refrain from re-imposing shut-down orders.

**About FORUM-ASIA:**

*FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratization.*

**For further information, please contact:**

**- South Asia Programme, FORUM-ASIA, [sasia@forum-asia.org](mailto:sasia@forum-asia.org)**

Regional Office: S.P.D Building 3rd Floor, 79/2 Krungthoburi Road, Khlongtsai, Khlongsan, Bangkok 10600, Thailand

International Office: Rue de Varembé 1, 2<sup>nd</sup> Floor, 1202 Geneva, Switzerland

Tel: +41 (0)22 740 2947 Fax: +41 (0)22 740 2948

Jakarta Office: c/o KontraS - Jalan Kramat 2 no.7, Senen, Jakarta Pusat  
10420 Indonesia +62(0)213919006

Kathmandu Office: c/o INSEC – Syuchatar, Kalanki, Kathmandu, Nepal, +9779(0)14278770

Website: [www.forum-asia.org](http://www.forum-asia.org), Email: [info@forum-asia.org](mailto:info@forum-asia.org)