

India: End four months of Internet blockade and restore right to free expression in Jammu and Kashmir

(Kathmandu/Bangkok, 6 December 2019) – The Asian Forum for Human Rights and Development (FORUM-ASIA) deplores the continuous state-imposed Internet shut down in Jammu and Kashmir. The Internet shut down began on 5 August 2019, when Article 370 of Indian Constitution that gave special status to Jammu and Kashmir was abrogated, and has now gone on for four months, obstructing the right to free expression.

Mobile data; Internet connections; prepaid mobile services; and SMS services: remain suspended in Jammu and Kashmir. Although postpaid mobile phone services are operational, only a small percentage of the population has access to it.

The Government of India has agreed to restore Internet access to companies on the condition they sign a bond declaring their use of the Internet will be for ‘business purposes only’. The bond contains several restrictive clauses, and gives security forces ‘full and complete access to their content and infrastructure’ as and when required.¹ Additionally, their IP addresses are not permitted to access - or give access to - social networking websites, such as VPNs, proxies or WiFi. There has been no further notice on when Internet services will be fully restored.

The disruption of communication means has adversely affected economic activities, health and education services, and other essential services. The education sector has been hit the worst, as schools and colleges remain shut, which has already resulted in students missing more than three months of school.²

Article 19 of the Constitution of India allows for the imposition of ‘reasonable restrictions’ on the exercise of the right to freedom of speech and expression. However, the suspension of vital communication means in Jammu and Kashmir for 122 days and counting is draconian and a blatant violation of the fundamental freedoms guaranteed under the Constitution.

FORUM-ASIA believes that the denial to Internet access is a violation of human rights. In the age of digital communication, every individual should be afforded unmonitored and uncensored access to the Internet, without state-imposed surveillance or restrictions. By imposing the Internet shut down on Jammu and Kashmir, the Government of India continues to violate its obligations under international human rights laws and its commitment to freedom of expression, association and peaceful assembly.

¹ <https://thewire.in/government/kashmir-internet-bond>

² <https://www.aljazeera.com/indepth/inpictures/pictures-100-days-crippling-lockdown-kashmir-191110141155667.html?fbclid=IwAR3vLvc5hpaNIK4fowkULHVbZRR6BkrilrbPzwGtcYdvCPPfV5iJoOXCbxw>

FORUM-ASIA reiterates its earlier call on the Government of India to: restore Internet services with immediate effect; provide unrestricted access to information; and uphold the freedom of expression as enshrined in its Constitution. FORUM-ASIA urges the Government of India to cease and desist imposing restrictions disproportionate to the situation, and to adopt remedial measures to undo the damage done so far in Jammu and Kashmir.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 81 member organisations in 21 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 democratisation.

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