KASHMIR'S INTERNET SIEGE

05.08.2019

an ongoing assault on digital rights

JK
JKCCS

JAMMU KASHMIR COALITION OF CIVIL SOCIETY
PUBLISHED AUGUST 2020

summary

Kashmir's Internet Siege provides an overview of the harms, costs and consequences of the digital siege in Jammu & Kashmir, from August 2019 to the publication of this report in August 2020. We examine the shutdown and network disruptions through a broad-based and multi-dimensional human rights framework that sees internet access as vital in the contemporary world.

India leads the world in ordering internet shutdowns, and both in terms of frequency and duration, Jammu & Kashmir accounts for more than two-thirds of the Indian shutdowns ordered. Mobile internet data speed in Kashmir is currently restricted to 2G internet (250kbps). Even this access remains extremely precarious as localized shutdowns of the internet in specific districts or areas, often accompanied by mobile phone disruptions, are commonplace, sometimes lasting for upto a week.

In this report we contextualise the digital siege in light of long standing, widespread and systematic patterns of rights violations in Kashmir. Digital sieges are a technique of political repression in Kashmir, and a severe impediment to the enjoyment of internationally and constitutionally guaranteed civil, political and socio-economic rights. They curtail circulation of news and information, restrict social and emergency communications, and silence and criminalise all forms of political interactions and mobilisations as "militancy related" "terrorist activity" and threats to "national security".

The **Background** to the report discusses the legal framework and judicial precedents relating to the denial of digital rights in Kashmir, premised on militarised national security policies and practices. Internet shutdowns and restrictions in Kashmir also raise important questions of collective punishment in the context of an ongoing armed conflict, where the framework of international humanitarian laws applies. We argue that under humanitarian law prolonged and blanket internet disruptions are similar to other kinds of disproportionate and impermissible forms of targeting or blockading of essential civilian infrastructure or services. The digital siege is constituted by varied forms and phases of network disruptions and shutdowns.

This report looks at these disruptions through the lens of various international human right norms. **Livelihood** consequences of the shutdown of August 2019 were severe, and losses suffered by various businesses during the first five months alone were estimated at Rs 178.78 billion, with more than 500,000 people having lost their jobs in the valley in the period[1].
Health indices showed a marked decline, with the months of June-August 2019 showing numbers of hospital visits dropping by upto 38%.
Education suffered a major setback, and in August 2020 students enrolled in Kashmir's 30,000 schools and 400 institutes of higher education marked the first anniversary of the internet shutdown as a full year without attending school, or college or university.
Justice saw systemic delays further compounded by ineffective online hearings. Amidst the internet and telecommunications blackout, more than 6000 detentions and over 600 'administrative' detentions took place around August 5th 2019. Of habeas corpus petitions filed for the release of illegal detainees during the period, 99% remain pending[2].
Press freedoms and the right to freedom of speech, expression and **social participation** suffered from the direct impact and chilling effects of online surveillance, profiling and criminal sanctions, with police complaints registered against working journalists and over 200 social media and VPN users.

This report unpacks the contexts of these disturbing facts, situating them in the light of fundamental human rights to livelihood, health, education, access to justice, freedom of press, free speech and expression, and social and cultural participation. The Covid-19 pandemic and the militarised lockdown in Kashmir re-instituted severe restrictions of mobility and public gatherings, compounding and complicating public health and other challenges of the network disruption. Despite widespread calls to restore full internet connectivity, and constitutional litigation before the Indian Supreme Court, the state continues to justify the throttling of internet speeds on grounds of national sovereignty, dismissing the concerns of international and Indian civil society actors.

Through the chapters we focus on the layered impact of the pandemic and trace the consequences for differently located Kashmiris, including students, health workers, and journalists. **Speaking with** five individuals provides qualitative insights that animate and punctuate the narrative, and give us a glimpse into ordinary lives lived, and opportunities lost, amidst these crippling restrictions. Through a granular and detailed **Timeline** we present a temporal visualisation of the fluidity and complexity of the digital siege, as it unfolded through the first 300 days, across different regional geographies within Jammu & Kashmir.

Taken as a whole, Kashmir's Internet Siege argues that the multi-faceted and targeted denial of digital rights is a systemic form of discrimination, digital repression and collective punishment of the region's residents, particularly in light of India's long history of political repression and atrocities. The promise of lasting peace, freedom and justice for the people of Jammu & Kashmir is inextricably tied to digital and human rights in the region.

1   Kashmir Chambers of Commerce and Industry (KCCI) estimates
2   Jammu & Kashmir Bar Association estimates

CONTENTS

background

As this report is being written, Jammu & Kashmir is under lockdown because of the Covid-19 pandemic. Yet, unlike the rest of the world, currently 12.5 million people in the region can barely video call their friends or family, attend online classes, webinars or conferences, use apps to have their groceries or medicines delivered, entertain themselves by streaming a film, or download the latest World Health Organization (WHO) recommendations and health guidelines. For the Internet in Kashmir has been restricted by the government, and mobile internet bandwidth is officially throttled to 2G levels[1] (upto 250 kbps), a speed which does not allow full functionality for most web sites and web based applications. This present situation of highly restricted internet speeds is only the latest development in an on-going situation which saw a complete internet shutdown[2] as well as the blocking of all communications technologies (including voice calling on fixed line and mobile phones). These had been instituted as a "precautionary" security measure in the run-up to the political changes that were initiated in Jammu & Kashmir on August 5th 2019.

This report provides an overview of the harms, costs and consequences of the digital siege in Jammu & Kashmir, from August 2019 to the publication of this report in August 2020. We examine the disruption of network connectivity through a broad-based and multi-dimensional human rights framework that sees internet access as vital to life in the contemporary world. The Internet and social media play an essential role in democratizing the public sphere, facilitating social and economic engagement, mobility and communications, removing barriers to knowledge and information, all while creating an important avenue for solidarity and organizing.

This report moves beyond the most often cited direct impact of network disruptions on political and economic freedoms of speech and association, business and trade. We include studies of the effect on the rights to health, education, and livelihood and examine the effects of network disruptions on access to justice and individual and collective security. We also consider the damage done to social and cultural life, which is the basis of the economy and community. In doing so we hope Kashmir's Internet Siege provides a more integrated, cross-sectoral, and wide ranging view of the devastating and all-encompassing impact of the government's denial of communications and access to the internet (and the throttling of internet speeds once access is restored). Individual chapters that contextualise the situation in Kashmir in the light of particular human rights standards, and a detailed timeline, are interwoven with brief conversations that highlight the intersecting nature of the discrimination and suffering caused. The report distills the voices and experiences of the siege from a multiplicity of media accounts and published sources, as an all India Covid 19 lockdown placed severe constraints on our ability to undertake field visits, carry out primary research, and conduct face-to-face interviews.
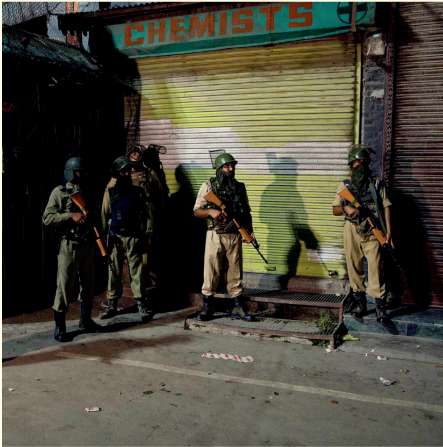
context of the siege

On August 5th 2019, Indian parliament amended Article 370 of the Indian Constitution, which, based on the Instrument of Accession signed by the Maharaja of Jammu & Kashmir, was formulated to enable Jammu & Kashmir a semi-autonomous 'special status' and its own Constitution. The Indian parliament also approved the partition of the State of Jammu & Kashmir into two directly administered Union Territories - Jammu & Kashmir, and Ladakh. While rumours

1   Bandwidth throttling refers to the intentional slowing down of an internet service or a type of internet traffic by an Internet Service Provider.
    https://news.northeastern.edu/2018/09/10/new-research-shows-your-internet-provider-is-in-control
2   Access Now defines an Internet Shutdown as an "intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information."

had been circulating during the week previous to this momentous decision about the impending imposition of security restrictions, and the possible detention of high profile Kashmiri politicians, no one was prepared for the siege that followed. Through the last year, amidst restrictions on the internet that make it difficult to access information—including government notifications—the people of Jammu & Kashmir have been subject to further far reaching and undemocratic changes to laws relating to land and property ownership, governance and permanent residency rights. These legal changes have destroyed every remaining trace of Kashmir's constitutional autonomy or resource sovereignty, both de jure and de facto.

Kashmiris are long accustomed to such 'sieges'[3], which feature highly intrusive security measures that include blockading of arterial roads and entry and exits to the Kashmir valley, curfew-like restrictions on mobility, mass preventive detentions, and telecommunication and internet blackouts. However this time around the intensity of measures underway, including large scale troop movements, the mass evacuations of tourists, of non-Kashmiri students, and of Hindu pilgrims on the Amarnath Yatra pilgrimage, all ostensibly due to a "terrorist" threat, created widespread and unprecedented panic. Finally around 9 pm on August 4th 2019, the government suspended all phone lines as well as the Internet. Although the phone lines were gradually restored a month later, followed by broadband internet and the mobile internet, even a year later internet data speed continues to remain throttled on mobile connections throughout Jammu & Kashmir.

According to statistics published by the Telecom Regulatory Authority of India (TRAI, 2019[4]) undivided Jammu & Kashmir had a total of 11.44 million telecommunications subscribers (both phones and internet) and 6.60 million internet subscribers (more than double of 3.65 million subscribers in 2014.) Broadband internet subscribers

daryasinap ✔ • Following
Srinagar, Jammu and Kashmir

♡ ♡ ▽   🔖

Liked by **sumitdayal** and **1,225 others**

daryasinap KASHMIR NOW this might be the last picture of my insta feed for now as authorities has already started snapping mobile internet.
Indian soldiers stand guard in the night in Srinagar, India, Sunday, Aug. 4, 2019. Tensions have soared along the volatile, highly militarized frontier between India and Pakistan in the disputed Himalayan region of Kashmir, as India has deployed more troops and ordered thousands of visitors out of the region. (AP Photo/ Dar Yasin)#curfew#war#Kashmir#troops#military#clampdown #Pakistan#India#

AUGUST 5, 2019

numbered 5.90 million (up from only 0.53 million in 2014) while wireless internet subscription (referred to as mobile internet) was at 6.49 million. Unsurprisingly, the internet shutdown of August 2019 had an enormous impact on digital access and teledensity in the region. New Indian Express[5] reported that "wireless subscription data released by TRAI shows that the region also recorded a sharp dive in its overall mobile subscriber base during August and September [2019], shedding a net 2.58 lakh [258,000] users." The contraction in mobile user base in the same period saw the region record a net decline of 115,000 wireless subscribers during the period, compared to a net addition of 144,000 mobile connections during the previous quarter ended June 30, 2019. A loss of 1.4 million telecom subscribers and a negative growth of 12.59% of Kashmir's telecom sector were recorded in the first quarter of 2020, the Andalou Agency[6] reported.

a history of blockades

Indian Administered Kashmir, like the other parts of the erstwhile kingdom of Jammu & Kashmir, has been disputed territory ever since the independence of Pakistan and India in 1947[7]. It has been home to a longstanding movement for self-determination, and for thirty years, witness to an armed rebellion. The government's response has been heavy-handed and destructive; amongst other systemic and widespread patterns of human rights violations, documented in landmark reports by the United Nations in 2018[8] and 2019[9], Kashmir has witnessed the ubiquitous use of

3   https://factordaily.com/internet-ban-kashmir-affects-normal-life
4   https://dot.gov.in/sites/default/files/Telecom%20Statistics%20India-2019.pdf?download=1
5   https://www.newindianexpress.com/business/2019/nov/26/jk-lockdown-hits-telecom-companies-revenue-for-second-quarter-trai-data-2067191.html
6   https://www.aa.com.tr/en/asia-pacific/14m-people-give-up-phones-in-indian-kashmir/1737126
7   Indian Administered Kashmir, comprises the southern and southeastern portions of the former princely state of Jammu & Kashmir. It comprises three administrative divisions Jammu, Kashmir and Ladakh, which previously constituted the Indian state of Jammu & Kashmir. Since August 5th 2019 it has been partitioned into two directly ruled Union Territories of "Jammu & Kashmir" and "Ladakh". The northern and western portions of the disputed region are administered by Pakistan and comprise three areas: "Azad Kashmir", Gilgit, and Baltistan. In this report we use "Jammu & Kashmir" to refer to Indian Administered Kashmir, and "Kashmiris" to refer to residents of this territory.
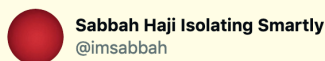8   https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf
9   https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf

internet and telecommunications disruptions. Such prolonged and crippling digital sieges are a technique of political repression and a severe impediment to the enjoyment of constitutionally and internationally guaranteed civil, political and socio-economic rights. They curtail circulation of news and information, restrict social and emergency communications, and silence and criminalise political interactions and mobilisations.

India leads[10] the world in ordering internet shutdowns, and both in terms of frequency and duration Jammu & Kashmir accounts for more than two-thirds[11] of Indian shutdowns. There have been 226 documented[12] internet shutdowns in Jammu & Kashmir since the year 2012. Currently, even the 2G internet access available to Kashmiris remains extremely precarious as localized shutdowns[13] of the internet, often accompanied by mobile phone disruptions, remain commonplace, sometimes lasting for a week. As this report goes to press, there have been 70 separate shutdowns[14] in 2020. Technology researcher, Prateek Waghre estimates[15] a loss of around 3.5 billion hours (and counting) of disrupted internet access for approximately 12.25 million people. After 213 days[16] (before 2G internet was partially restored in March 2020), the internet shutdown that began on August 4th 2019, was described as the longest running[17] Internet shutdown in a democracy, and the second longest[18] in the world, after Myanmar.

Sabbah Haji Isolating Smartly
@imsabbah

When our internet is killed, don't forget we're still in here. #jammu #kashmir

11:17 PM · Aug 3, 2019 · Twitter for Android

841 Retweets and comments   2.1K Likes

The news of the August 5th abrogation of Article 370 and Article 35 A, of vital concern for the political future and rights of Kashmiris, was not available to most due to the overnight shut-down of phones, the internet, as well as cable television channels; though the rest of the world could watch it unfold in real time in the Indian Parliament. In subsequent weeks, it became clear that the internet blackout was one of a slew of repressive and violent measures adopted by India to crackdown on political mobilisations and protests in Kashmir, and to prevent news from Kashmir reaching the world. This was in keeping with long standing practices of using coercive and disproportionate force (such as bans on organisations, prohibitions on public
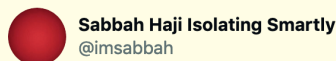
Sabbah Haji Isolating Smartly
@imsabbah

That's when things will go from bad to worse.

11:18 PM · Aug 3, 2019 · Twitter for Android

36 Retweets and comments   135 Likes

gatherings, preventive detention, and criminal and extra judicial sanctions), against all forms of political expression and legitimate dissent in Kashmir, by equating political expression and activism, with threats to national security, "militancy" and "cross border terrorism." Widespread human rights violations were reported[19] in this period, including custodial torture, use of excessive force, enforced disappearances, and thousands of arbitrary detentions including those of children. Large scale societal distress and chaos[20], including loss of lives, ensued, as people could not access health and emergency services, or get in touch with missing loved ones. All of this unfolded in the midst of undeclared martial law, mass detentions with people held incommunicado, military barricading and restrictions on mobility, and an overarching atmosphere of terrifying uncertainty.

The extraordinary efforts and courage of local journalists, and Indian and international news organisations, ensured that news of the escalating humanitarian and human rights crisis began to trickle out despite the communications blackout. Instead, the unprecedented shut down itself became an international news story. In a letter addressed to the Indian government asking for a restoration of the Internet, a group of five UN Human Rights Experts, including the Special Rapporteur for Freedom of Speech and Expression, David Kaye said,[21] "The shutdown of the internet and telecommunication networks, without justification from the Government, are

10 https://internetshutdowns.in
11 https://www.accessnow.org/cms/assets/uploads/2019/07/KeepItOn-2018-Report.pdf
12 https://internetshutdowns.in
13 https://www.outlookindia.com/website/story/india-news-forget-4g-internet-even-no-2g-mobile-services-in-j-k-medical-services-hit/352551
14 http://jkhome.nic.in/88(TSTS)2020.pdf
15 https://thewire.in/tech/kashmir-internet-4g-digital-wall
16 https://internetshutdowns.in
17 https://www.washingtonpost.com/world/asia_pacific/indias-internet-shutdown-in-kashmir-is-now-the-longest-ever-in-a-democracy/2019/12/15/bb0693ea-1dfc-11ea-977a-15a6710ed6da_story.html
18 https://www.accessnow.org/keepiton-2019-report
19 http://jkccs.net/wp-content/uploads/2019/12/2019-Annual-Human-Rights-Review.pdf
20 https://www.nytimes.com/2019/08/10/world/asia/kashmir-india-pakistan.html
21 https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24909&LangID=E%5D

inconsistent with the fundamental norms of necessity and proportionality [...] The blackout is a form of collective punishment of the people of Jammu & Kashmir, without even a pretext of a precipitating offence."

internet governance in a militarised state

Prior to the Constitutional amendments of August 5th 2019, Indian laws and the jurisdiction of regulatory bodies were largely extended to Jammu & Kashmir through notification, or through the enactment of state specific laws (such as the Ranbir Penal Code which dealt with offenses analogous to the Indian criminal laws.) Since the abrogation and consequent legal changes, 106 Indian laws, including the Indian Criminal Procedure Code, 1973 now apply directly to Kashmir, along with those Jammu & Kashmir legislations that have been retained or amended.

The Telecom Regulatory Authority of India (TRAI) and the Telecom Disputes Settlement and Appellate Tribunal are independent regulatory and adjudicatory bodies for the telecommunication sector, empowered to adjudicate disputes, and protect the interests of service providers and consumers of the telecom sector. Their jurisdiction extends to Jammu & Kashmir by virtue of the Telecom Regulatory Authority of India Act, 1997. TRAI ordinarily adopts a consultative process[22] on important issues related to the telecommunication and broadcasting sectors and periodically issues statements and reports on the state of the sector. For instance, it recently issued a directive[23] asking telecom companies to extend the validity of pre-paid SIM cards during the recent nationwide Covid-19 lockdown, to ensure that subscribers get uninterrupted services. In contrast, it has maintained a studied silence on the impact of government policies of severe telecommunications restrictions on stakeholders in Kashmir, including consumers and service providers in the region.

India justifies[24] internet restrictions in Jammu & Kashmir on grounds of national security, public order, and the need to prevent the spread of disinformation, citing the armed conflict and counter-terrorism operations against Pakistan. In practice, internet shutdowns in Kashmir have emerged as a routine law enforcement mechanism instead of an extraordinary measure, imposed both as a reaction to and precaution against a variety of actual and perceived "threats" and events that range from street protests, police action, militant attacks and military operations, to elections, visits by official or diplomatic delegations, public funerals, strikes and even the viral circulation of videos depicting atrocities. The frequency with which restrictions are imposed as a 'precautionary measure', for instance on Indian national holidays like Republic Day and Independence Day, or during religious festivals like Muharram, make clear the routine nature of their deployment.

Digital rights violations in Kashmir also cover a broad plethora of instances, ranging from complete telecommunication blackouts to the throttling of speed, partial and localised shutdowns or content blocking affecting certain kinds of access or users, 'white-listing' and 'black-listing' of websites, 'shadow bans', and the unauthorised use of surveillance and jamming technologies. The legal basis and grounds for imposing such restrictions are rarely made public, although the recent judgments in Anuradha Bhasin v. Union of India[25] and Foundation for Media Professionals v. Union Territory of Jammu & Kashmir[26] have somewhat ameliorated this position in the law. The climate of deniability and lack of accountability for violations is compounded by the multiplicity of legislation, broad discretionary executive powers, and the lack of effective judicial redress.

Although the legal basis of internet restrictions were rarely made public prior to the Bhasin judgment, in practice police authorities issued oral or tersely worded one line written directives

22 https://trai.gov.in/about-us/activities-of-trai
23 https://tech.hindustantimes.com/tech/news/trai-asks-telcos-to-extend-prepaid-validity-so-as-users-can-get-uninterrupted-services-through-lockdown-story-0Wm8HTzuO3sOW9Kn7wJHWI.html
24 https://www.outlookindia.com/website/story/india-news-question-of-national-security-centre-seeks-time-in-sc-to-reply-on-4g-internet-ban-in-jk/351169
25 https://globalfreedomofexpression.columbia.edu/cases/bhasin-v-union-of-india
26 https://indiankanoon.org/doc/123992151

to Internet Service Providers (ISP) instructing them to summarily restrict or suspend operations, and to file 'compliance reports'. An example of such secretive, arbitrary and unlawful orders issued by the Jammu & Kashmir Police, as a 'preventive measure to avoid any law and order problems and passing of rumours by miscreants/anti national elements' was documented by Amnesty International[27] during the course of an earlier prolonged internet shutdown and social media ban in 2016-2017. Such orders are also subject to official deniability: in response to a Right to Information query, asking for copies of orders which formed the basis of the shutdowns of internet and telephone services in July 2016, both the Home Department, Jammu & Kashmir (in charge of the Police) and the Divisional Commissioner, Kashmir (the highest executive authority in the Kashmir districts) stated that no such orders were issued by their office[28].

27 https://amnesty.org.in/news-update/communications-blackout-kashmir-undermines-human-rights
28 RTI Responses Home/ISA/2017/RTI/507 and Div.Com/RA-RTI/08/2017, on file with JKCCS.

3600 SEC
2G NETWORK
50 KBPS

Kashmir's internet is 2,000 to 20,000 times slower than the rest of the world

DATA SOURCE
KSCAN Letter to WHO Dir Gen, 25/03/2020; also Lifewire, quoted in letter
https://kashmirscholarsnetwork.org/kscan/kscan-actions
https://www.lifewire.com/1g-vs-2g-vs-2-5g-vs-3g-vs-4g-578681

KASHMIR

DELHI

0.24 SEC
4G NETWORK
100 MBPS

Time Taken to Download Covid Guidelines

The entrenched control that police authorities nonetheless continue to exercise over internet access is underlined by the practice of compelling users to sign 'personal bonds' of good behaviour. This is a precondition to restoring internet access for 'verified' bureaucrats, businessmen, and even university students after conducting background checks. The bonds imposed six conditionalities: among them the requirement that social media would not be accessed, internet usage would be for "business purposes" only, "contents" and "infrastructure" of internet usage would be shared as and when required by the "security agencies", and no encrypted files containing videos or photos would be uploaded. The Wire[29] reported that the final clearance to restore internet connections was given by the office of the Inspector General of Police (IGP), the highest ranking police official in the region. The IGP also continues to be vested with the powers of an official authorised to pass emergency suspension orders on precautionary public safety grounds, under the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 (through which internet restrictions are now legally imposed, after the judgment in the Anuradha Bhasin case).

During the course of hearings in the Anuradha Bhasin case, despite repeated demands by the Petitioner and multiple 'opportunities' from the Supreme Court, the government of Jammu & Kashmir failed to disclose the specific legal basis and grounds for the complete and indefinite telecommunications shutdown and continuing restrictions. The only public notifications finally placed before the court were two vaguely worded "sample" orders issued by District Magistrates in two districts under Section 144 of the Criminal Procedure Code, 1973, without outlining how these were related to the indefinite and complete internet shutdown across all Kashmir districts, how many other similar orders were passed, by whom, when or under what circumstances.

Section 144 of the Criminal Procedure Code is routinely used in Jammu & Kashmir to impose curfew-like restrictions, particularly on free movement and public assembly. The section, whose origins lie in colonial policing, empower a District Magistrate, a Sub-divisional Magistrate, or

any other Executive Magistrate specially empowered by the government to 'direct any person to abstain from a certain act' or to 'take certain orders with respect to certain property in his possession or under his management', if the Magistrate considers that such direction is 'likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquility, or a riot, of an affray.' Where the circumstances do not admit serving of notice to the person against whom the order is sanctioned this order can be passed ex parte. While no such order can ordinarily remain in force for more than two months, if the government considers it necessary so as to prevent danger to human life, health or safety, or to prevent a riot or any affray, the order can be extended for a period not exceeding six months.

The Software Freedom Law Centre, has documented[30] how Section 144 orders were routinely used as a means of instituting internet shutdowns across India prior to the enactment of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules in 2017. While the Supreme Court of India has held[31] that the government should only use Section 144 as 'a last resort' during emergencies, in February 2016, in the case of Gaurav Sureshbhai Vyas v. State of Gujarat[32], the Gujarat High Court upheld the power of the state governments to restrict access to the internet under Section 144, observing that "It becomes very necessary sometimes for law and order."

In September 2019, while Kashmir was still reeling under a complete internet and communication shutdown, and the Supreme Court was hearing the Anuradha Bhasin petition on the constitutionality of the blackout, the High Court of Kerala in Faheema Shirin v. State of Kerala[33] upheld the right to access the internet as a fundamental right. The court interpreted this right

29 https://thewire.in/government/kashmir-internet-bond
30 https://sflc.in/sites/default/files/reports/Living%20in%20Digital%20Darkness%20-%20A%20Handbook%20on%20Internet%20Shutdowns%20in%20India%2C%20May%202018%20-%20by%20SFLCin.pdf
31 https://indiankanoon.org/doc/17021567
32 https://indiankanoon.org/doc/29352399
33 https://indiankanoon.org/doc/188439981

ANURADHA BHASIN VS UNION OF INDIA

A week after the internet and telecommunications shutdown was imposed, Anuradha Bhasin, the editor of **Kashmir Times**[1], the oldest English language newspaper in Jammu & Kashmir, filed a petition in the Supreme Court of India challenging the unconstitutional restrictions imposed on her fundamental rights of freedom of speech and profession, on account of the complete and indefinite media and internet blackout and curfew-like restrictions.

The hearings stretched over five months, with state respondents repeatedly seeking (and being granted) adjournments citing national security, and the need to ensure a return to 'normalcy', before rights were adjudicated or any orders passed. Each time the matter came up for hearing the state either denied the existence of de jure restrictions, detailed the existence of temporary phone and internet facilities, or stated that restrictions were being eased in a phased manner, even as the Petitioner pressed for urgent orders, asserting the continuing nature of the rights violations on the ground.

Petitioners advanced arguments including the unconstitutionality of an 'undeclared emergency'; the disproportionate, arbitrary, and impermissible nature of the restrictions on free speech and movement, and the illegality of executive actions in the absence of official orders or public notice. The state maintained that the restrictions were 'necessary and proportionate' on grounds of national security, and

were based on executive apprehensions of threats to national security and public order. They accounted for the restrictions on mobility under executive powers of District Magistrates under Section 144, Criminal Procedure Code, but failed to provide any legal basis for the internet and telecommunications disruptions, other than a handful of pro-forma "sample" Section 144 orders.

The final judgment centered on the question of the restrictions on the internet: the Court affirmed Bhasin's right to carry on her trade and profession, and to free speech and expression over the internet, but did not rule on whether there was a right to internet access per se. It also reiterated the test of proportionality and necessity of restrictions on national security grounds. It held that restrictions must be 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. Instead it held that future internet restrictions must be publicly notified, specific, and subject to periodic review by an executive committee as statutorily mandated under the **Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017**[2]. This inaugurated a new phase of the internet blockade and of surveillance in Kashmir, which continues till today, based on routine executive orders that prohibit access to particular websites and throttle internet speeds while citing grounds of national sovereignty and public order.

1 http://www.kashmirtimes.com
2 https://dot.gov.in/circulars/temporary-suspension-telecom-services-public-emergency-or-public-safety-rules-2017

to fall under a person's right to education and right to privacy, which falls under Article 21 of the Indian constitution. Three months later, while Kashmir was still under internet restrictions, and even as the hearings in the Supreme Court case dragged on, the High Court of Assam passed an interim order[34] directing the government of Assam to restore internet services, blocked during protests against the Citizenship Amendment Act. (The court stated that there was a lack of material placed on record that evidenced a law and order problem that might result from permitting unblocking of internet services.) In an article in The Wire[35], human rights lawyer Mishi Chaudhuri notes the continuing existence of this practice, drawing attention to the spate of Section 144 orders for blocking of the internet used recently by Indian authorities to enact ad-hoc communications shutdown in the context of widespread public protests against the Citizenship Amendment Act.

These unchecked executive powers are a means of bypassing the more stringent legal mechanisms for internet blocking laid down under Section 69 A of the Information Technology Act, 2000 and the Indian Telegraph Act, 1885. Under the Information Technology Act, a content removal or blocking request can be sent by authorised officers in the Union Government, on grounds of "the interest of the sovereignty and integrity of India, defence of India, the security of the state, friendly relations with foreign states or public order or for preventing incitement to the commission of any cognisable offence relating to the above." This is the section upheld by the Indian Supreme Court in the case of Shreya Singhal v Union of India[36]. Technology researchers Torsha Sarkar and Gushabad Grover, point out[37] that "the blocking rules envisage the process of blocking to be largely executive-driven and require strict confidentiality to be maintained around the issuance of blocking orders. This shrouds content takedown orders in a cloak of secrecy and makes it impossible for users and content creators to ascertain the legitimacy or legality of the government action in any instance of blocking." Such opaque and arbitrary legal procedures have been used extensively against service providers as well as thousands of users in the Kashmir context. Vaguely worded take down notices are issued to internet based and social media

intermediaries (such as Twitter and Facebook), as the Committee to Protect Journalists[38] noted with alarm in October 2019.

Section 5(2) of the Indian Telegraph Act, 1885 allows authorized officers to block the transmission of any telegraphic message or class of messages (which has been amended to include internet and telecommunications services) during a public emergency or in the interest of public safety. In April 2017, this law and the 2007 rules enacted under it were cited[39] by the state government as the basis of a sweeping social media ban of one month in Kashmir valley, placed on 22 websites. The Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 were enacted in August 2017, under the Indian Telegraph Act. According to these rules, an order for suspension of telecom services can be made by a 'competent authority'. The 'competent authority' in case of the Government of India is the Secretary in the Ministry of Home Affairs. In case of a State Government, the competent authority is the Secretary to the State Government in-charge of the Home Department. After the abrogation of Article 370, in the directly ruled Union Territories of Jammu & Kashmir and Ladakh, (which have in any case been under 'President's Rule' since June 2018, that is, a state of emergency where administration is through a Union executive rather than the state legislature) the Indian Union's Ministry of Home Affairs continues to be the authority in charge.

The rules mandate that in order to be valid an order passed by the competent authority must "contain reasons for such direction" and a copy of the order will be forwarded to a Review Committee by the next working day. The Review Committee must meet within five working days of the issuance of order and record its findings on the suspension order as to whether it is in accordance with the provisions of sub-section (2) of section 5 of the Indian Telegraph Act.

34 https://www.livelaw.in/news-updates/breaking-gauhati-hc-directs-restoration-of-mobile-internet-from-5-pm-today-150949
35 https://thewire.in/rights/digital-india-is-offline
36 https://indiankanoon.org/doc/110813550
37 https://scroll.in/article/953146/how-india-is-using-its-information-technology-act-to-arbitrarily-take-down-online-content
38 https://cpj.org/2019/10/india-opaque-legal-process-suppress-kashmir-twitter
39 https://sflc.in/22-social-media-websites-blocked-kashmir-valley-one-month

Following the Supreme Court judgement in the Anuradha Bhasin case, government orders that only perfunctorily conform to these statutory requirements have been routinely passed by the administration, the latest of which extends the restrictions of Internet speeds to August 19th 2020[40]. In the Foundation of Media Professionals case, under orders of the Supreme Court a special executive committee has been set up for the purpose of reviewing internet restriction orders passed in Kashmir, given the context of the Covid-19 pandemic.

# surveillance, privacy and the criminalisation of online speech

Digital rights including the right to privacy of internet users in Kashmir is also severely harmed by the dense military-intelligence and counter-insurgency grid, which enables multiple "security agencies" to engage in covert monitoring and interception operations with little to no oversight, public information or transparency. Aspects of this normally secretive world came into view recently when news outlets including the Indian Express[41] reported on the police's abilities to monitor and trace Covid-19 contacts, including through phone and internet based call and messaging services, GPS tracking and ATM withdrawals, all the while relying on existing infrastructure and data bases. In a recent court hearing in the petition filed by the Foundation for Media Professionals, which asks for the restoration of unrestricted internet in light of the Covid pandemic, the Solicitor General of India, tangentially referred to the prevailing practices of covert mass surveillance when he justified the continuing restrictions on 4G internet on security grounds saying[42] access had already been granted to "land lines which are traceable and cannot be misused for anti-national activities."

Under Indian law, while the Indian Telegraph Act enables executive authorities to carry out telephone surveillance, electronic surveillance may be authorised only under the Information Technology Act. The landmark judgements of the Supreme Court in People's Union for Civil Liberties

Masrat Zahra
@Masratzahra

VPN effect in Kashmir. This is the homework for our children.
#vpneffect
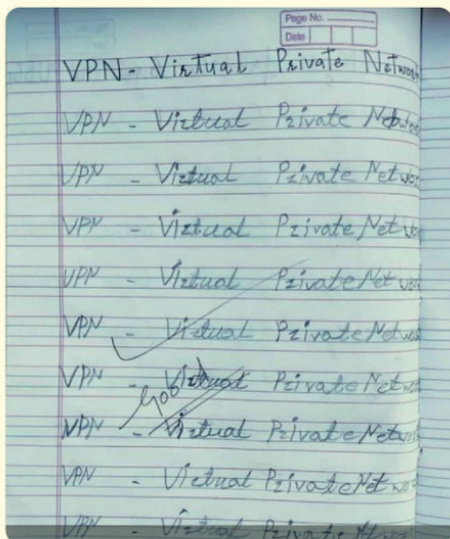
8:07 AM · 25 Feb 20 · Twitter for Android

v. Union of India[43], and K.S. Puttaswamy v. Union of India[44] recognised the fundamental right to privacy, and laid down the constitutional test for the strict scrutiny of privacy invasions on grounds of proportionality. Despite this, a Ministry of Home Affairs (MHA) notification of December 2018 authorised extensive powers to ten federal agencies[45] to intercept and monitor communications. The permissible grounds for such surveillance are extremely broad, drawing from constitutional provisions pertaining to restrictions on free speech and expression, including the maintenance of "friendly relations with foreign States" or "sovereignty and integrity of India."

In Kashmir, legal restrictions and criminal sanctions have been used in conjunction with extra-legal and unlawful censorship and surveillance measures to target social media activists and commentators. For instance, Section 66A of the Information Technology Act 2000 contains a provision prohibiting the dissemination of information that a person knows to be false by means of a computer resource or a communication device 'for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, or ill will.' Though this broadly worded provision has been struck down as unconstitutional[46] by the Supreme Court, it continues to be widely used against social media users, in tandem with police complaints under other widely criticised criminal incitement and hate speech laws under the Indian Penal Code (IPC), such as "exciting disaffection" against the state (Section 124 A, IPC), "promoting enmity between different groups" (Section 153 A, IPC), "incitement to an offence" (Section 505, IPC) and "disobedience of an official order" (Section 188, IPC).

40 http://jkhome.nic.in/88(TSTS)2020.pdf
41 https://indianexpress.com/article/india/with-53-cases-how-jks-srinagar-has-managed-to-tackle-covid-19-effectively-6363990
42 https://www.livelaw.in/buzz/buzz-2299
43 https://globalfreedomofexpression.columbia.edu/cases/peoples-union-of-civil-liberties-pucl-v-union-of-india
44 https://indiankanoon.org/doc/127517806
45 https://www.thehindu.com/news/national/all-computers-can-now-be-monitored-by-govt-agencies/article25792523.ece
46 https://globalfreedomofexpression.columbia.edu/cases/shreya-singhal-v-union-of-india

The Jammu & Kashmir Public Safety Act, 1978, a preventive detention law that allows for imprisonment without trial or charges for up to two years, on grounds of public order and national security, has also been extensively used to target social media users for their posts, including in the recent case[47] of the preventive detention of former Chief Minister Omar Abdullah for seven months. In a further criminalising move, after the partial restoration of the internet in January 2020, cyber crimes police have been increasingly resorting to the use of provisions under the draconian anti-terror law, Unlawful Activities Prevention Act, 1968 to target and terrorise social media users and journalists[48]. This consistent pattern of using criminal laws to target online speech and journalism has been noted with concern in a recent letter addressed to the Government of India by three UN Human Rights experts[49].

These legal precedents and enactments relating to internet governance in Kashmir must be contextualised within a generalised climate of entrenched impunity and repressive media laws, including for instance The Jammu & Kashmir State Press and Publication Act, 1932, which empowers the government to "seize any printing press, used for the purpose of printing or publishing any newspaper, book, or other document, containing any words, signs or visible representation which incites or encourages or tends to incite or encourage, the commission of any offence of murder or any cognizable offence involving violence[...]; seduces any military force officer or soldier or any police officer from his allegiance to his duty." This provision was used in October 2016 to impose a three-month ban on the publication of a Srinagar based newspaper, Kashmir Reader. Instances of illegal prohibitions and expansive restrictions on popular mediums of communication and broadcast, including cable news television, short messaging services (SMS) and mobile internet services have been common since 2008, after the armed rebellion in the region had largely given way to mass civilian protests and political mobilisations. For example, on May 5th 2017, the Jammu & Kashmir government ordered all Deputy Commissioners of the state to take action against the transmission of 34 TV channels, including all news, sports and religious channels broadcast from Pakistan and Saudi Arabia, citing their potential to 'incite violence and

create law and order situation' under the extensive emergency powers of the Cable Television Networks (Regulation) Act, 1995. This law was also used in 2010, when news and current affairs programmes were prohibited on channels operated by local cable operators. The ban continues to be in place.

the right to access the internet

In April 2020, during a spate of heavy artillery shelling between India and Pakistan, residents of Panzgam, a village 20 kilometres away from the massively fortified border inside Indian territory, staged protests against the stationing and firing of artillery guns from a nearby military encampment in the playing fields of their village. Videos and images of women and elderly villagers confronting the military men, with their homes and the 155 mm Bofors artillery guns as a backdrop, began to circulate on social media. Mobile data services were immediately shut down in the entire district, through an emergency order issued by the IGP Kashmir, citing the standard grounds of the "likelihood of misuse of data services by anti-national elements for uploading inciting/objectionable material having the potential of disturbing the public order." While the official order mentioned a suspension of services for six hours, the shutdown inevitably continued for several days.

47 https://thewire.in/law/omar-abdullah-kashmir-detention-supreme-court
48 https://thewire.in/media/use-of-uapa-against-journalists-is-last-nail-in-coffin-for-press-freedom-in-kashmir
49 https://kashmirlife.net/3-un-officials-take-up-case-of-4-kashmir-scribes-with-delhi-240158

FOUNDATION FOR MEDIA PROFESSIONALS VS UNION TERRITORY OF JAMMU & KASHMIR

In April, 2020 The foundation for Media Professionals (FMP), a New Delhi based association of journalists, Soayib Qureshi, a lawyer from Kashmir, and the Private Schools Association of Jammu & Kashmir, filed a joint petition before the Supreme Court of India, seeking restoration of 4G internet in the region in context of the Covid pandemic and the consequent nationwide lockdown.

The Petitioners sought the quashing of the latest executive order restricting internet in the union territory of Jammu & Kashmir, which they saw as unconstitutional, and asked for the restoration of 4G internet service. They contended that the suspension of internet services was a violation of their fundamental rights to health, education, freedom of speech, freedom of business and access to justice. The first petitioner, FMP, submitted affidavits by doctors, journalists, teachers, students, lawyers and business people from the region, as well as the testimony of a technology expert, to demonstrate the importance of 4G internet service. They asserted that the Respondent state had failed to comply with the constitutional standards for restricting internet access laid down by the Supreme Court in the Anuradha Bhasin case and the statutory requirements of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 (Telecom Suspension Rules).

The Respondent state, represented by the Attorney General of India, focused on the necessity of an internet shutdown in defence of national security. They submitted that matters of national security lay exclusively in the legislative domain of 'policy making' and must not be subject to judicial review. They submitted that the "continuing insurgency in the region, the spreading of fake news to incite violence, etc." required an ongoing restriction of internet services. They stated that as no restriction was imposed over fixed line internet, information relating to Covid-19 could be received through internet as well other forms of print and electronic media, radio broadcasts, and social media.

In its judgment the Supreme Court primarily upheld the necessity of balancing national security concerns against the fundamental rights of citizens. It reiterated the importance of the test of proportionality and necessity of restrictions in order to minimize the impact on the enjoyment of fundamental rights. Despite acknowledging that the blanket restrictions across Jammu & Kashmir did not conform to the proportionality requirements in the Anuradha Bhasin case, the Court did not strike down the restriction order. Instead, keeping in mind national security implications, the Court directed that a special Review Committee consisting of officials from the state and Union executive, should examine the Petitioner's contentions with regard to the extent and duration of the restrictions. (In effect this meant that the authorities empowered to pass the restriction orders were now to review those same decisions.) In June 2020, the Petitioners further pointed out that the government had failed to constitute the special Review Committee as directed by the Supreme Court, and filed a contempt petition for failure to comply with its directions. Hearings in the contempt of court proceedings are ongoing.

Amidst the internet blackout and the complete restrictions on mobility imposed in the wake of the Covid lockdown, the border war continued. The placement of the artillery guns had brought the village into the direct line of Pakistani bombardment, and amounted to using them as human shields, a grave violation of human rights law and the laws of war. Three civilians, a woman and two children aged 16 and 8 were killed, and a 78 year old man injured. Middle East Eye[50] reported that "Villagers said that not only were they placed in the direct line of retaliatory attacks but the deafening sound from Bofors artillery guns had damaged homes, terrorised children and turned the quiet village into a war zone."

Internet shutdowns in belligerent or politically violent contexts often function as a means of preventing international monitoring of systemic repression and war crimes. A report[51] by Jan Rydzak for the Global Network Initiative (GNI) that details the human rights impacts of network disruptions states that "[n]etwork disruptions and shutdowns provide an invisibility cloak for violence as well as gross violations of human rights and/or the laws of war. Shutdowns enable governments and non-state actors to conceal violations of the right to bodily (or physical) integrity and security of persons behind a digital smokescreen." In Kashmir, local human rights groups like the Association of Parents of Disappeared Persons (APDP), which advocates for rights of victims of enforced disappearance, were unable to hold their iconic public monthly sit-ins in Srinagar. They lost all connection with families they work with. These connections, representing years of painstaking work in the community, were not restored even after the mobile services started working as most people had lost their old phone connections, and had changed their connection from prepaid to postpaid mobile services.

Recent developments in International Human Rights law affirm[52] that the right to access internet and communications technology is not a privilege but a core component of rights to freedom of expression and opinion, and an enabler of other fundamental human rights, cutting across the public and private dimensions of human security and dignity, as well as social, political and

economic life. Governments therefore have a responsibility to ensure that Internet access is available, and they may not unreasonably restrict an individual's access to the Internet.

A 2011 report[53] presented by Frank La Rue, the UN Special Rapporteur 'on the promotion and protection of the right to freedom of opinion and expression', concluded that disconnecting people from the internet is a human rights violation and against international law. The Special Rapporteur called upon all states to ensure that internet access is maintained at all times, including during times of political unrest, asserting that shutting it off in its entirety would not meet the requirement of proportionality of restrictive measures. The UN Human Rights Council passed a non-binding resolution[54] on 27 June 2016, unequivocally condemning measures to "intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law" and called on all States "to refrain from and cease such measures." The resolution also affirms that "the same rights that people have offline must also be protected online, in particular freedom of expression."

While international human rights law recognises[55] that governments may derogate from human rights obligations under exceptional situations of public emergencies and conditions of existential threat or grave peril, such restrictions must be narrowly construed and fulfil the tests of necessity and proportionality. The 2017 Report[56] of the Special Rapporteur 'on the promotion and protection of the right to freedom of opinion and expression' is categorical in its view that large scale, routine, shutdowns on vaguely defined national security grounds, of the sort that have been endemic to Jammu & Kashmir, are illegal: "Network shutdowns invariably fail to meet the

50 https://www.middleeasteye.net/news/india-accused-kashmir-human-shields-border-war-pakistan
51 https://globalnetworkinitiative.org/disconnected-human-rights-network-disruptions
52 https://www.amnestyusa.org/is-internet-access-a-human-right
53 http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf
54 https://digitallibrary.un.org/record/845728?ln=en
55 https://www.unodc.org/e4j/en/terrorism/module-7/key-issues/derogation-during-public-emergency.html
56 https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/SR2017ReporttoHRC.aspx

standard of necessity. Necessity requires a showing that shutdowns would achieve their stated purpose, which in fact they often jeopardize [...] Duration and geographical scope may vary, but shutdowns are generally disproportionate. Affected users are cut off from emergency services and health information, mobile banking and e-commerce, transportation, school classes, voting and election monitoring, reporting on major crises and events, and human rights investigations. Given the number of essential activities and services they affect, shutdowns restrict expression and interfere with other fundamental rights." Commenting on the earlier internet shutdown in Kashmir in 2016-2017, two UN human rights experts, David Kaye and Michael Forst, issued a statement asking for the internet to be immediately restored, stating[57] that "The scope of these restrictions has a significantly disproportionate impact on the fundamental rights of everyone in Kashmir, undermining the Government's stated aim of preventing dissemination of information that could lead to violence"

The communication blockade in Kashmir also raises essential questions of the human rights responsibilities of private corporations, particular digital access providers. In his 2017 report[58] to the Office of the High Commision on Human Rights, UN Special Rapporteur David Kaye specifically addressed this issue stating "What governments demand of private actors, and how those actors respond, can cripple the exchange of information; limit journalists' capacity to investigate securely; deter whistle-blowers and human rights defenders." Unlawful state actions blockading the internet enabled telecommunication and internet service providers to exploit the vulnerability and helplessness of Kashmiris.

On the basis of TRAI data the Business Standard[59] estimated that Telecom operators' suffered losses worth Rs 40-50 million per day. Government policies accorded preferential access to government owned service providers like Bharat Sanchar Nigam Limited (BSNL), as well as private actors such as the Reliance group. After 45 days of a complete communications blackout, BSNL

landline phones were the first to be restored. Despite the continuing restrictions on mobility people started queuing up to get new BSNL landline connections, or attempted to restore connections that had largely been surrendered after the entry of mobile phones. The limited relief provided by restoring BSNL landline service can be gauged by the fact that for a population of approximately 8 million in the Kashmir valley districts, there were only 45,000 BSNL landline connections[60] till August 5th 2019. A senior BSNL officer said the company has provided over 14,000 additional landline connections in the valley since the communication clampdown.

A day after a communication blockade was imposed Jio-Fibre[61], a fibre cable internet service launched by the Reliance group, began operations in Jammu introducing high speed postpaid services via fibre cable in the region. According to data by TRAI[62], in December 2019 only Jio was able to add to its subscriber base in Jammu & Kashmir, with its dominance of the postpaid segment through heavily discounted schemes. Citizen Matters[63] also reported on the basis of TRAI data that out of 26,000 prepaid connections, 20,000 subscribers switched over to post-paid subscriptions, and once mobile internet was restored, a majority shifted to Jio postpaid numbers. However despite the disruption and lack of services all companies continued to charge subscribers for all services, Andalou Agency[64] reported, including for 4G internet,

In keeping with the concerns expressed by the UN experts cited earlier, human rights groups such as Amnesty International[65], Human Rights Watch[66], and Reporters Without Borders[67] have

57 https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21604&LangID=E
58 https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/SR2017ReporttoHRC.aspx
59 https://www.business-standard.com/article/current-affairs/telcos-to-lose-rs-4-5-crore-a-day-as-internet-services-suspended-in-kashmir-119080501815_1.html
60 https://telecom.economictimes.indiatimes.com/news/bsnl-finds-ali-babas-treasure-trove-in-kashmir/71549784
61 https://citizenmatters.in/kashmir-business-impact-internet-suspended-post-article-370-15069
62 https://www.business-standard.com/article/current-affairs/telcos-to-lose-rs-4-5-crore-a-day-as-internet-services-suspended-in-kashmir-119080501815_1.html
63 https://citizenmatters.in/kashmir-business-impact-internet-suspended-post-article-370-15069
64 https://www.aa.com.tr/en/asia-pacific/14m-people-give-up-phones-in-indian-kashmir/1737126
65 https://www.accessnow.org/keepiton-open-letter-to-the-government-of-india-on-lifting-internet-restrictions-in-jammu-and-kashmir
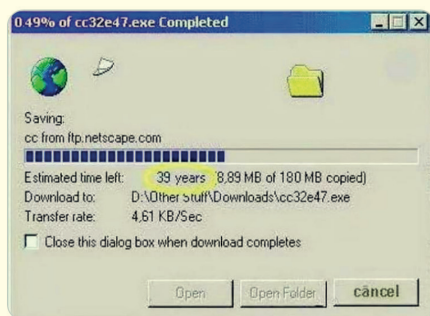66 https://www.hrw.org/news/2019/08/28/india-restore-kashmirs-internet-phones
67 https://rsf.org/en/news/indian-administered-kashmir-cut-world

condemned the disruption of network connectivity in Jammu & Kashmir, highlighting the egregious violations of rights and freedoms such disruption entails and demanding full restoration of network connectivity. These demands have intensified in light of the Covid-19 pandemic, given the grave implications of throttling the internet for medical and humanitarian work. In April 2020 a consortium of digital and human rights groups led by Access Now[68], wrote to the Government of India reiterating their call for the full restoration of internet connectivity in Jammu & Kashmir. "The absence of 4G internet has particularly hindered the work of health professionals who are on the front lines combating this global pandemic. Doctors in Jammu & Kashmir are struggling to access important information, often waiting hours to download and access information such as guidelines for intensive care management of the virus and best practices recommended by the WHO. The restriction of high-speed internet access has also impeded the work of human rights defenders, journalists, and other actors working in the region," the letter read.

A report[69] by Global Network Initiative argues that "Large-scale disruptions constitute a radical form of digital repression—one that curbs multiple rights established in international treaties while undermining local, regional, and national economies." In discussing the issue of the right to equality and the global trend towards digital discrimination against disenfranchised communities, the report goes on to say, "Shutdowns may constitute a targeted form of digital repression that disproportionately affects a marginalized community and thus constitutes collective punishment." This assessment of the targeted denial of internet as a systemic form of discrimination and the violation of rights rings true in the case of Kashmir, given its Muslim majority population and a long history of political repression and atrocities.

The digital siege in Kashmir raises important questions of human right violations, and collective punishment, in the context of intense and organised political violence

Adil Hussain
@adilhussain_pj

And downloading things on #2G mobile Internet is same as it was copying things on desktop during my school days. Ten months have passed and we are still without 3G/4G internet yet we are paying for high speed tariff plans to telecom service providers. #kashmir @internetfreedom

9:19 PM · Jun 6, 2020 · Twitter for Android

113 Retweets and comments   291 Likes

amounting to an armed conflict[70], where not just international human rights law, but the framework of international humanitarian laws applies as well. International humanitarian law is premised on a distinction between civilian and military targets and objectives, in addition to specifying rules about the necessity and proportionality of military actions. In the digital age, the internet and communications network are vital civilian infrastructure, as essential to everyday life as highways or the postal system were when these rules were first framed. Prolonged internet disruptions and attacks on the internet network are similar to other kinds of disproportionate collective punishment and impermissible forms of civilian targeting, such as sieges and military blockades.

The Tallin Manual 2.0[71], an authoritative treatise by legal experts on the international law applicable to cyber warfare is quite categorical that "an attack that shuts down a network shared by civilians would be unlawful in the same way carpet bombing of cities is prohibited. Further, shutting down the internet would amount to the "collective punishment" prohibited by Additional Protocol I of the Geneva Convention. Accordingly, the Tallinn experts have concluded that shutting down internet access amounts to "impermissible brutality." In an interview[72] addressing the Kashmir shutdown, the UN Special Rapporteur for Free Speech and Expression, David Kaye underlined this broader view when he stated "I would like to see the political bodies, including the [UN] Security Council and General Assembly, recognise that assaults on communications amount not only to a violation of human rights, as they have in the past, but also potential threats to peace and security."

The promise of lasting peace, freedom and justice for the people of Kashmir is inextricably tied to digital and human rights in the region.

68 https://www.accessnow.org/keepiton-open-letter-to-the-government-of-india-on-lifting-internet-restrictions-in-jammu-and-kashmir
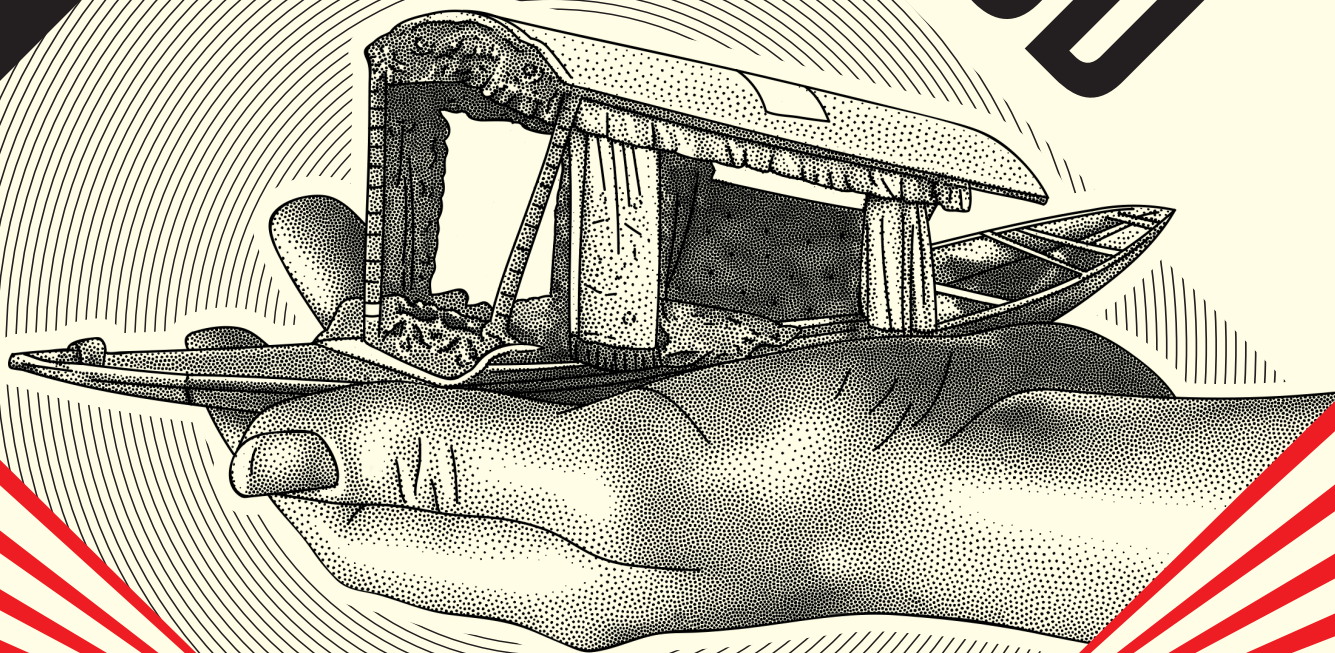69 https://globalnetworkinitiative.org/disconnected-human-rights-network-disruptions
70 http://www.rulac.org/browse/conflicts/international-armed-conflict-between-pakistan-and-india
71 https://www.law.georgetown.edu/international-law-journal/wp-content/uploads/sites/21/2018/05/48-3-The-Tallinn-Manual-2.0.pdf
72 https://caravanmagazine.in/government/david-kaye-kashmir-draconian-undemocratic-human-rights-violation

RIGHT TO LIVELIHOOD

international covenant on economic, social and cultural rights

article 6

1 The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2 The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

enterprise runs aground

In Jammu & Kashmir the months between August and December are critical for tourism, horticulture, and handicrafts, which together constitute a major segment of its economy. The shutdown of August 2019 had severe economic consequences and the losses suffered by various businesses in the five months after were estimated[1] by the Kashmir Chambers of Commerce and Industry (KCCI) at Rs 178.78 billion. The KCCI report also estimated[2] that more than 500,000 people lost their jobs in the valley in the same period.

The communications blockade that accompanied the lockdown also made apparent how reliant business, trade and manufacture in Kashmir had become on the internet. A report from the Indian Council for Research on International Economic Relations (ICRIER 2018[3]) had previously drawn attention to the fact that internet curbs between 2012-2017 had cost Kashmir's economy Rs 40 billion. In comparison the first five months of the 2019 shutdown cost the economy more than the intermittent shutdowns of five previous years.

1 https://indianexpress.com/article/business/jk-industry-body-says-states-economy-lost-rs-17878-crore-in-5-months-6215291
2 https://www.thekashmirmonitor.net/kcci-releases-report-kashmir-lost-rs-17800-cr-in-120-days
3 https://icrier.org/pdf/Anatomy_of_an_Internet_Blackout.pdf

BANKING AND FINANCE

Accustomed to the frequent disruptions in physical movement in the region, including those caused by curfews and hartals, small business and trade in J&K had quickly adapted to e-banking. J&K Bank, a prominent bank in the region, first introduced e-banking around 2007, and its convenience and cost-effectiveness can be measured by the fact that almost 1.1 million traders and businessmen have signed up for these services with the bank. Most retail shopkeepers in Kashmir have also moved their cash collection to Point-of-Sale machines, which rely on mobile internet. One sharp indicator of the distress caused by the shutdown was the increase in defaults in instalment payments[4] to the J&K Bank: they rose from 125 before August 5th, 2019 to 11,578 in September 2019.

For the retail consumer the internet shutdown disabled access to all modes of netbanking, as well as various online payment portals, including mPay and Paytm. For those who had children studying outside Kashmir, or family members in hospitals far away from home, this meant that the speedy transfer of money through online services came to a dead halt. Locally too there were immediate repercussions. "The number of utility bills we used to handle had dropped significantly as people would pay these online," a JK Bank official told the Economic Times[5], "But now everyone has to come to the bank, resulting in long queues, which has affected our productivity also."

> For those who had children studying outside Kashmir, or family members in hospitals far away from home, this meant that the speedy transfer of money through online services came to a dead halt.

This loss of e-banking had other direct costs. For any bank the average 'cost per transaction'—depositing cash or a cheque, or transferring money—is approximately Rs 70-80. Conducted via ATM, this cost drops to Rs 18-20. Online banking brings per transaction costs down to around Rs 4-5. In J&K Bank where 80% of the transactions are to do with funds transfer and cash (withdrawal or deposit), e-banking is more than a convenience for retail customers. These savings play a crucial role in shoring up the bottom-line of the Bank, JKCCS researchers[6] learnt.

Operating within a conflict zone has provided bankers in Kashmir with some training for such internet shutdowns. However the August 2019 shutdown was unprecedented in the complete disabling of broadband, mobile telephones as well as landline phones. Without access to email or SMS, J&K Bank had to place notices in newspapers to reach out to their customers. (Even to place the advertisement someone had to physically carry the material on a pen-drive to the newspaper office.) Within the bank, only the controlling office had a leased line, and working internet. For the rest, drivers and peons were assigned the job of carrying information from one office to another, and from the headquarter to different zones. Eventually the Bank had to revive a long-neglected intranet, a privately owned network for communication within the organisation. In order to access important clients in other cities and across the world, officials in J&K Bank were reaching out to their colleagues in other branches. Until the end of October, they were running parallel offices in Mumbai and Delhi, JKCCS researchers[6] were told, incurring huge costs, and facing the loss of many clients due to their inability to provide services.

4   Response to RTI filed by JKCCS: JKB/ZKC1/RTI/2020-31 received 07.04.2020
5   https://economictimes.indiatimes.com/news/politics-and-nation/145-days-of-internet-shutdown-in-kashmir-no-word-on-service-restoration/articleshow/72996839.cms?from=mdr
6   Telephone interview / Ejouz Ayoub, J&K Bank / 03.05.2020

HANDICRAFTS

The internet siege caused major disruptions in the handicrafts sector, a major industry in Kashmir with more than 250,000 registered weavers and artisans. The President of KCCI estimated[7] that 60,000 to 70,000 of these artisans had been rendered unemployed. For the handicrafts industry the months of August and September are the main period when orders flow in from all across the world, in preparation for the winter and Christmas holiday season. Kashmir Box, an online store for Kashmiri handicrafts, which ships local products to over 50 countries worldwide, reported lost orders to the tune of $420,000. "We've seen more than 400 shutdowns," founder Muheet Mehraj told the New York Times[8], "this has been the worst of them all." Incoming orders could not be received, he added, and communicating with suppliers was impossible – with 25 employees idle, the extended shutdown would soon put all of them out of work. Omaira, co-owner of an online venture called Craft World Kashmir has been working to revive the art of crochet. Without the overheads of a retail presence she has developed a vast following on social media sites with nearly 40,000 followers (and potential buyers) on Twitter alone. Without orders she was unable to pay any of her employees during the shutdown, she told Newsclick[9]. "Artisans work on looms, do embroidery at home and all of them are dependent on a constant supply of material and work orders," Pervaiz Ahmed Bhat, President of Artisan Rehabilitation Forum told Outlook[10], "What happened due to the lockdown and communication blockade is that artisans had no contact with suppliers and they couldn't complete their work," he said. The President of the Chamber of Commerce and Industries Kashmir (CCIK), Ghulam Mohiuddin Khan, estimated a loss of Rs 10 billion to the industry since August 5th. "We couldn't even send photographs of sample products over email or WhatsApp to customers and prospective buyers outside the state," he told The Wire[11].

Meanwhile, V K Saraswat[12], a senior member of the NITI Aayog, the Government of India's top policy think tank, was reported[13] as saying, "What difference does it make if there's no internet in Kashmir? What do you watch on internet there? What e-tailing is happening there? Besides watching dirty films, you do nothing there. If there is no internet in Kashmir, it does not have any significant effect on the economy."

ANI ✔ @ANI · Jan 19

#WATCH: NITI Aayog's VK Saraswat says "...They (politicians) use social media to fuel protests. What difference does it make if there's no internet in Kashmir? What do you watch on internet there? What e-tailing is happening? Besides watching dirty films, you do nothing. (18.01)

0:00 / 0:58

💬 128   ⟲ 222   ♡ 527

7   https://theprint.in/india/kashmir-internet-shutdown-hit-valley-industries-hard/312659
8   https://www.nytimes.com/2019/08/14/technology/india-kashmir-internet.html
9   https://www.newsclick.in/online-start-up--kashmir-hit-hard-internet-shutdown
10 https://www.outlookindia.com/magazine/story/india-news-under-internet-lockdown-kashmirs-shawl-and-handicraft-industry-lose-their-bandwidth/302621
11 https://thewire.in/trade/cancelled-orders-missed-exhibitions-jks-handicrafts-industry-is-in-its-worst-ever-phase
12 https://www.hindustantimes.com/india-news/niti-ayog-member-vk-saraswat-justifies-internet-ban-in-kashmir/story-VloW6aj8EDmnPjRdIg6b8O.html
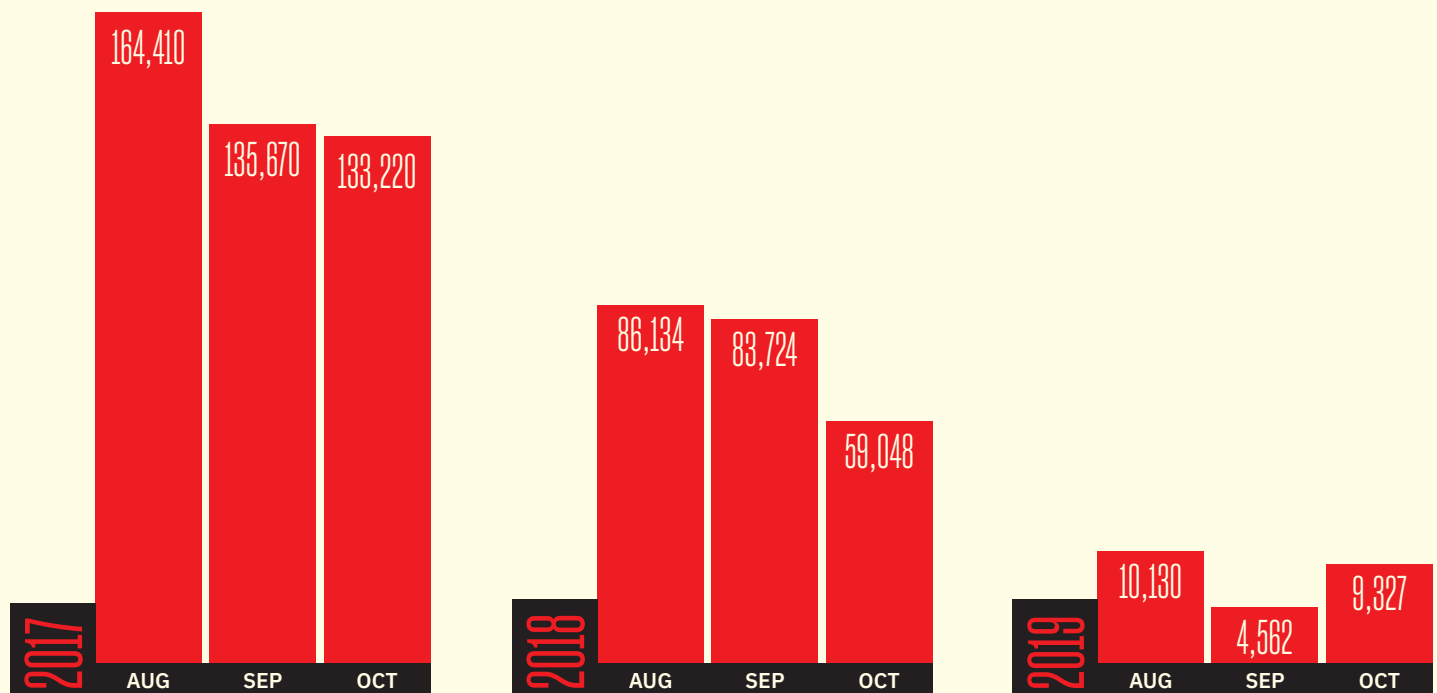13 https://twitter.com/ANI/status/1218805567822684162?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1218805567822684162%7Ctwgr%5E&ref_url=https%3A%2F%2F

TOURISM & TRAVEL

The most severe impact of the internet shutdown in Jammu & Kashmir fell upon the tourism industry. A KCCI report[14] for the first 120 days in 10 districts of Kashmir division alone shows the services sector taking the biggest cumulative hit of Rs 91.91 billion, with job losses estimated at 140,500. Around 1100 hotels had reported zero occupancy (against a normal-year average of 60-70% for the months August to October[15].) The lockdown also affected thousands employed in operating House Boats, Shikaras, Taxis, as well as those working as Photographers, Pony-wallahs, Guides, in Rafting and Adventure Sports, and other allied services. Apart from Inbound tourists, losses suffered by Outbound Tour Operators were also assessed, with the latter servicing over 40,000 Kashmiris who travel abroad for the Hajj pilgrimage every year. With everything to do with travel—including online visa processing—no longer possible, this too had taken a hit.

Immediately after the August 5th travel advisory was issued, asking tourists and pilgrims to cut short their trips, Business Today[16] reported that flight prices for travelling from Srinagar had sky-rocketed, with airlines such as IndiGo, SpiceJet, GoAir and AirAsia charging between Rs 10,000-22,000 for a one-way direct flight to Jammu (typical prices are around Rs 3000-5000.) With the Internet shutdown in place, travellers from Srinagar were faced with a situation of black marketeering and over-pricing of air tickets, as they could not buy tickets or verify prices online (or even go to the Airport to purchase tickets in person due to the prevailing mobility restrictions.) Kashmir Observer[17] reported that administrative authorities tried to persuade private airlines to open booking counters at the Tourist Reception Centre (TRC) in central Srinagar, which they refused citing logistical issues. Eventually, this task was given to the Tourism Department which in turn allotted counters to seven major private tour operators, leading to widespread customer allegations of irregularities in the allocation, exploitative over pricing, and price manipulations.

Tourist Figures for Kashmir Valley

	2017			2018			2019		
	AUG	SEP	OCT	AUG	SEP	OCT	AUG	SEP	OCT
	164,410	135,670	133,220	86,134	83,724	59,048	10,130	4,562	9,327

DATA SOURCE
Tourism Dept. J&K Govt, RTI filed by The Wire, Muzamil Bhat & Chitrangada Choudhury, 26/01/2020
https://thewire.in/government/kashmir-tourism-article-370-rti

14 https://www.thekashmirmonitor.net/kcci-releases-report-kashmir-lost-rs-17800-cr-in-120-days
15 https://theprint.in/india/kashmir-internet-shutdown-hit-valley-industries-hard/312659/
16 https://www.businesstoday.in/sectors/aviation/jk-unrest-flight-fares-from-srinagar-spike-after-terror-threats-on-amarnath-yatra-route/story/370257.html
17 https://kashmirobserver.net/2019/11/12/air-ticket-counters-at-trc-fleecing-customers-authorities-mum/

HORTICULTURE

The loss of Whatsapp access was even more critical for apple growers. They would use WhatsApp to send photographs of their produce to commission agents, and depending on the quality would be able to obtain an approximate rate.

J&K exports around 200,000 metric tons of apples every year[18], most of which is headed to the markets of north India. The horticulture industry[19] as a whole is pegged to be worth around Rs 80-90 billion annually, and contributes 10% of the state's gross domestic product (GDP). As profitability in the sector has grown, the area under horticulture has gone up steadily over the years. In an area like Sopore, Indiaspend[20] reported, a family with five acres of land under apple trees could get a yield of 5,000 boxes every year, fetching a profit of approximately Rs 500,000.

When the internet and communication shutdown was put into place on August 5th 2019, many growers were about ready to go to the market with their produce. "I had the best fruit of my life but I could not coordinate with the market," Shahnawaz Khan of Pinjura, Shopian told JKCCS researchers[21]. "The buying of fruit is all done through commission agents, most of whom are them in the Azadpur Mandi in Delhi, and the absence of phones made things very difficult. I had to go to the DC office to make calls, but lines were so long that it took me 2-3 days to even make that call," he said, speaking of the facilities set up by the administration to allow phone calls. The loss of Whatsapp access was even more critical for apple growers. They would normally use WhatsApp to send photographs of their produce to commission agents, and depending on the quality would be able to obtain an approximate rate. (An eventual variation of Rs 10-20 on a final price was acceptable for the growers, Shahnawaz pointed out.)

When they had access to the phone and internet, growers had options for selling, negotiating with several traders before dispatching the fruit. In August 2019, with the local Mandi shut and phone communications blocked, the commission agent in Azadpur Mandi, Delhi sold Shahnawaz's first consignment at Rs 500 (per 10 kg), when it should have sold for anything between Rs 700-1200.

It was only in the middle of September, after Shahnawaz's personal landline got working and he called the agent asking him to transfer the money—and cancel the next deal—that he was able to better it to Rs 750. "The genuine rate for what I gave him should have been at least Rs 1000," Shahnawaz told JKCCS researchers, "If I had internet and phone I could have negotiated and told him I can sell to someone else – could have sent to Bombay or another state, not Delhi."

Other Whatsapp groups are equally important for those in horticulture. In the winter of 2019 the fruit crops suffered heavy losses and fruit trees suffered permanent damage due to the heavy snowfall and the non-availability of weather updates, which are usually made available through Whatsapp. Communications between apple growers in Kashmir and commission agents, as well as with officials from the horticulture department, also rely on the popular messaging service. Scientists from the Sher-i-Kashmir University of Agricultural Science & Technology would also recommend good practices via Whatsapp, including timely suggestions for new techniques of harvesting.

The communications blockade affected the transportation of produce too, as coordinating with truck owners and drivers became difficult. Tariff shot up, and transport that would cost Rs 60-70 per box was now costing Rs 180 per box. Even the simplest of things became difficult, Shahnawaz pointed out, including just finding the truck driver: "I had to constantly go to his house to find him. I went to his house but he was not there and his family said he's at a shop... I spent half my day looking for the truck driver!"

18 https://www.firstpost.com/india/kashmirs-rich-apple-harvest-comes-as-unexpectedly-sweet-news-for-indian-government-7477301.html
19 https://economictimes.indiatimes.com/news/politics-and-nation/apple-export-from-kashmir-dips-by-1-35-lakh-metric-tonnes/articleshow/71626722.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst
20 https://www.indiaspend.com/we-will-not-survive-this-disaster-kashmiri-entrepreneurs-as-lockdown-continues
21 Telephone interview / Shahnawaz Khan / 18.06.2020

The Saffron industry in Kashmir also relies heavily on the internet, for it is interlinked with multiple markets for Kashmiri saffron - international, Indian, local Kashmiri, and tourist. In each of these segments the bulk of communications is via WhatsApp or email. Buyers ask for photos and videos of the product and only then make purchases. Iqbal Ahmed Ganai, who is involved in the saffron business in Pampore, told JKCCS researchers[22]. "I needed a phone and internet to contact the producers and the clients. Without both, my business was completely gone. Even payments to the producers was online via mPay. After the internet shutdown, we had to give them cheques which made things very difficult because payments were delayed and there was a lot of running around involved. We lost 70% of our sales due to the internet shutdown."

Buyers from Delhi and Gujarat who were accustomed to buy saffron after looking at pictures of the product were reluctant to send large amounts of money without being sure of the material. When phone services restarted many buyers got back in touch with traders like Ganai. "But we could still not send photos so we could not make any sales. Even after 2G started, it did not get better for us as internet speed was too slow to send videos and photos. Sending videos of saffron or of processing the saffron, that is, cleaning and cutting them, was also not possible," he said. Saffron producers also lost business due to their inability to check market rates via trade sites like IndiaMART, which previously enabled them to negotiate their selling price with buyers. Domestic buyers shifted to the competitor, Iranian saffron, which sold for Rs 55,000 per kilogram while Kashmir Saffron, while being of better quality, with higher crocin content, was still selling at Rs 72,000.

> **Even after 2G started, it did not get better for us as internet speed was too slow to send videos and photos. Sending videos of saffron or of processing the saffron, that is, cleaning and cutting them, was also not possible," he said.**

In Kargil, where the apricot trade generates revenue of up to Rs 320 million annually, the produce is normally routed through the horticultural trade of the Kashmir valley. Growers here also faced major losses after the August 5th shutdown, Newsclick[23] reported.

MANUFACTURE

Although Kashmir is not a major industrial zone, manufacturing still generates significant economic activity. The largest of these industrial pockets is at Rangreth, the SIDCO Industrial Estate and Electronics Complex on the outskirts of Srinagar, and houses 193 units spread across 1147 kanals of land (approximately 143 acres). Apart from Cold Storage Units, and spice processing factories (including Kanwal Spices with a turnover of close to Rs 1 billion) it houses several small units that manufacture local essentials, including electric blankets, heaters, and wires. During the Covid-19 crisis several manufacturers located here were drawn in to provide essential supplies, including oxygen cylinders and masks, which continue to be in acute demand due to the pandemic. Several Small & Medium Scale Enterprises working in the Information Technology[24] sector are also located within the Rangreth Estate. (See next section)

For local manufacturers the shutdown of August 2019 came on the back of a series of setbacks that began in September 2014 with unprecedented floods that inundated several industrial areas, shutting them down for close to six months. In July 2016 large-scale public protests in the aftermath of the killing of the militant leader Burhan Wani brought business to a halt for several months. In November 2016 the sudden demonetisation of currency notes caused massive

22 Telephone interview / Iqbal Ahmed Ganai / 24.06.2020
23 https://www.newsclick.in/Kargil-Apricot-Farmers-Growing-Despair-After-Article-370
24 http://www.findglocal.com/IN/Srinagar/115259811896317/STC

economic dislocation in the consumer base. Finally in July 2017 the shift from the Value Added Tax (VAT) to Goods & Services Tax (GST) caused serious losses to most of these entrepreneurs.

"Our ease of doing business was hampered massively," Nasir Bukhari, manufacturer of electrical cables at the Shalteng Industrial Estate outside Srinagar told JKCCS researchers[25]. "We relied on WhatsApp and E-mail heavily for communication, for example, even sending a photo of a bill which included quantities and cost of all material." Without the internet the need to physically interact with suppliers of raw materials as well as customers made everything more time consuming. "The work that I used to do, involving sheet metal work, most of it was on WhatsApp. I used to send photos to the person who used to make the final material. He used to instantly check it and reply. That instant communication was gone" he said. With a strong customer base in remote places like Gurez and Kupwara, where cellular network connection remains poor even in normal times, Nasir Bukhari would rely on the internet for communication, using WhatsApp or Email: "We lost complete touch with our customers in those areas" he reported after the Internet Shutdown. At the Rangreth Industrial area manufacturers eventually arranged for a dedicated line from a private internet service provider (ISP) but after the killing of Riyaz Naikoo on May 8th 2020, that too was snapped, and was restored only much later.

"Although the government has set up facilitation centres at various places, these are not enough," a businessman told Economic Times. "For example, I have to shut my shop for a day to be able to give GST returns. It is not only cumbersome but humiliating as well."

Filing the complex GST returns is essential for all businesses and only possible through an online portal. Despite the absence of the internet, there was no relaxation on filing GST returns for business, and the government instead announced the setting up of public 'kiosks', meant to service students, job applicants, contractors filing tenders and others. "Although the government has set up facilitation centres at various places, these are not enough," a businessman told Economic Times[26]. "For example, I have to shut my shop for a day to be able to give GST returns. It is not only cumbersome but humiliating as well."

"I had to go all the way to Pathankot to file my GST returns. I drove 400 km to Lakhanpur and only when I reached Madhopur, I got internet connection. I parked the car on the side of the road and as soon as I got connected, I did my work," Iqbal Ahmed Ganai told JKCCS researchers[27] about his experience of filing his GST. It took him three full days to file it – he spent the nights at Jammu, driving across the border to Madhopur (in Punjab) every morning, and after finishing his internet related work, including filing GST returns and checking emails, returned to Jammu. "The kiosk set up at S.P. College used to get so crowded, the rush was too much. People had to wait for 2-3 days for their turn," Iqbal Ahmed said. He added, "If we only spend time filing GST then when can we do other work?"

25 Telephone interview / Nasir Hussain Bukhari / 08.05.2020
26 https://economictimes.indiatimes.com/news/politics-and-nation/145-days-of-internet-shutdown-in-kashmir-no-word-on-service-restoration/articleshow/72996839.cms?from=mdr
27 Telephone interview / Iqbal Ahmed Ganai / 24.06.2020

INFORMATION TECHNOLOGY

The nascent Information Technology industry in Kashmir, with an estimated revenue of Rs 4.5-5 billion, and employing 25,000 people across the Valley, was heavily impacted by the shutdown. YSS Microtech Pvt. Ltd., a software development and technology support company lost contact with their clients for almost four months: they eventually forfeited 150 of their 400 hard-won clients. Its founder, Shahid Nazir Shah spoke to JKCCS researchers[28] of their venture into Diagnostic Labs. With its heavy dependence on the internet, it had to be wound up after the August 5th shutdown despite the fact that it had several premium clients in Kashmir.

At the end of January 2020 when the company's internet connection was finally restored, access was conditional and "mac-bound," with restrictions on exactly which terminals could access the connectivity. The responsibility for restoring connections lay with 'Nodal officers', who usually had little insight into the technical requirements of business entities to whom internet access was being provided. Users were further restricted to a 'white-list' of 150 (later expanded to 400) websites, few of which were useful for software developers. The list included Zomato, a restaurant aggregating website which does not operate in Kashmir, while those essential for business remained unavailable. It was only when 2G services were restored in Kashmir in mid-January 2020 that YSS Microtech was once again able to access the open source websites that are critical for their work.

Other IT firms tried to shift to New Delhi and Chandigarh, in what was referred to as 'internet migration', but relocation costs far exceeded revenues. The head of an IT company, with more than 150 staff and clients spread across the world, told Quartz magazine[29] about moving out of Kashmir: "We had to spend more than we earned. We had to do it so that our clients retained their faith in us."

The cost of shifting business outside Kashmir was too high for small companies like YSS technologies and they had to instead lose clients and lay off workers – with 12 employees before the lockdown the company was left with only 5. A young woman entrepreneur who runs a center where students from across Kashmir take online exams like the TOEFL, told Buzzfeed[30] "I've pleaded so many times before [the authorities]. I told them to give it to us on just one laptop. I told them, 'Track the usage on that computer if you want.' But no. They haven't budged," Ismat Salaria said. "This is the worst thing that could have happened to my business," she said with regret.

He estimated that there are about 12 other similar companies in Rangreth, and 50 other software companies in Srinagar, earning a revenue of Rs 5 billion and employing 1,500 men and women. "The IT sector in Kashmir is dead," he told Indiaspend.

In August 2019, immediately after the internet was shut down, a senior official of a Rangreth based IT company and ISP was detained by authorities, and kept for eight days in a cell six feet long and six feet wide. He was charged with keeping communication lines open for an hour after an official shutdown was ordered, the CEO of the company told Buzzfeed. "I can't tell you how worried his family was," he said. "I will speak to you to unburden myself and because they [government] cannot harm us more than they already have," a software entrepreneur at the Industrial Estate at Rangreth, who spoke on conditions of anonymity told IndiaSpend[31]. The entrepreneur had left a well-paying job at an American multinational and returned home to set

28 Telephone interview / Shahid Nazir Shah / 04.04.2020
29 https://qz.com/india/1803539/kashmirs-internet-shutdown-makes-startups-students-flee
30 https://www.buzzfeednews.com/article/pranavdixit/no-email-no-whatsapp-no-internet-this-is-now-normal-life-in
31 https://www.indiaspend.com/we-will-not-survive-this-disaster-kashmiri-entrepreneurs-as-lockdown-continues

up his own enterprise, with 174 skilled employees, most of them of Kashmiri origin. He estimated that there are about 12 other similar companies in Rangreth, and 50 other software companies in Srinagar, earning a revenue of Rs 5 billion and employing 1,500 men and women. "The IT sector in Kashmir is dead," he told Indiaspend.

STARTUPS

In 2018 the government had made public a 'J&K Start-up Policy' to buoy the entrepreneurial spirit of Kashmiri youth, aiming to "facilitate and nurture the growth of at least 500 new start-ups in J&K in the next 10 years."[32] The internet shutdown certainly put an end to those plans. Fastbeetle, an online "courier and parcel service company" for local businesses in Kashmir suffered a major loss in its customer base of over 15,000 at the start of August 2019. "Internet is the oxygen for start-ups. The Centre pulled that plug on August 5th. The virtual world was our space for growth. Now that's gone," Sheikh Sami Ullah of FastBeetle told The Hindu[32]. Lalchowk, a valley based online platform for books, had to shut down their operations and the founders were forced to leave Kashmir to find other jobs. Captivating Kashmir, founded by young Kashmiris as a digital marketing platform also had to suffer major losses, and lost all their partnerships after the internet shutdown, co-founder, Zaid Qureshi told JKCCS researchers[33]. Unable to provide service they had to refund all payments received. Another business initiative of online delivery of groceries too had to be shut down after the communication blockade, he said. Seven months of work came to a grinding halt as soon as the internet snapped and Zaid soon joined the ranks of the 'internet migration', compelled to move to Delhi to finish his pending projects. Kashmir Art Quest, an online initiative that brought 435 local artists together to display contemporary art on social media to prospective buyers across the world also went under. "The Internet provided a rare window to young artists

in Kashmir to highlight their work. We managed to develop economic linkages for artists. People started buying local art," Mujtaba Rizvi, its founder told The Hindu[32], "All that collapsed. There is no communication. We are fast losing the network we had managed to put together since 2010."

GOVERNMENT BUSINESS

With almost all government work mandated to be tendered online, or involving procedures that require online intervention, these projects were badly hit by suspension of the internet. Those hit hardest by the shutdown included some of the most vulnerable sections of society, including those covered under the Mahatma Gandhi National Rural Employment Guarantee Act. Aimed at enhancing livelihood security in rural areas, MGNREGA attempts to provide at least 100 days of wage employment in a year to every household whose adult members volunteer to do unskilled manual work. J&K State has over 1.55 million active workers under this scheme, a substantial number of them in the Kashmir division. One official told the Indian Express[34] that "According to Government of India rules, all the work at the rural level, whether through panchayats or the MGNREGA, has to be geo-tagged. Pictures of projects need to be uploaded at different stages of work completion and digital signatures are required for approval of payments. These can happen only after an SMS is received on the registered mobile number. None of this is working as of now, so no work can take off either."

32 https://www.thehindu.com/news/national/in-a-land-without-internet-how-the-communication-blackout-is-forcing-young-entrepreneurs-out-of-kashmir-valley/article30219792.ece
33 Telephone interview / Zaid Qureshi / 29.03.2020
34 https://indianexpress.com/article/india/jk-shutdown-internet-ban-take-toll-projects-stuck-govt-work-hit-6078229

With an aim of bringing about greater transparency, tendering for Government projects has also moved online in J&K. Despite the communication lockdown e-tendering however continued, adversely affecting bidders from the region. The tenders covered the improvement of road surfaces, construction of culverts, manholes and drains, and a range of other developmental works. Registered contractors, The Tribune[35] reported, were told that the date and time of bids would be notified on the website www.jktenders.gov.in and conveyed to the bidders through email, neither of which was available to them due to the shutdown. Bidders were also instructed to download the 'bid submission manual' from this website, and told that "the bids of responsive bidders shall be opened online on the same website." The notifications made it clear to bidders that "No bid will be accepted in physical form." Months later, and even after basic internet services became available via crowded government-run internet kiosks, there was no significant improvement. One contractor told Kashmir Reader[36] that "for OTP generation while filing tenders it is necessary to have a functional mobile. That is why we have to visit other states to file tenders."

It seems the government wanted us out of this business to leave the field open for outsiders. Else, how will they justify inviting tenders online when there was no Internet in Kashmir?"

In February, 2020 Jammu & Kashmir's Geology and Mining department announced that 'sand blocks' in Pulwama, Srinagar and Baramulla districts had been auctioned against a bidding amount of Rs 720 million for a period of five years. This was a record high and for the first time ever individuals and companies from outside Kashmir had bagged a majority of contracts for the extraction of minerals from its water bodies. More than 200 mineral blocks in the Jhelum and its tributaries, across all 10 districts of the valley, had been opened up for the mining of boulders, gravel, sand and other river bed material, The Wire[37] reported.

Applications for the auction had been invited online in December 2019, thethirdpole.net[38] had reported earlier, at a time when internet connectivity in Kashmir was completely blocked. The auction was particularly significant as J&K's erstwhile special status had barred businesses from outside the state leasing or renting local mineral blocks. With the scrapping of Article 370 individuals and private companies from outside J&K were allowed to participate in these auctions for the first time in October 2019. It is noteworthy that this happened despite recent recommendations to the contrary by the Central Water & Power Research Station, as well as by a World Bank supported study[39] that said that dredging and sand mining of the main channel of Jhelum was not advisable and may cause difficulties for flood management. The environmental concerns seemed not to be a priority for the department. "The revenue realisation will be far higher. It was in lakhs of rupees in the past, now the revenue will jump to crores of rupees," Imtiyaz Ahmad Khan, joint director of the Geology and Mining Department told The Wire[40]. "The higher the revenue, things will be better for the government," Khan told reporters.

Although many of the local contractors and sand diggers associated with the extraction had participated in the bidding, waiting for hours outside crowded 'e-kiosks' in Srinagar, or travelling to other parts of the country to complete the formalities, most were deprived of a level playing field. Given the backdrop of transformations of land ownership and citizenship laws against which the internet shutdown was occuring, Kashmiri fears of a resource grab deliberately benefiting outsiders seem well founded. Speaking to The Wire[40], a contractor who had been in the field for the past 26 years summed it up: "It seems the government wanted us out of this business to leave the field open for outsiders. Else, how will they justify inviting tenders online when there was no Internet in Kashmir?"

35 https://www.tribuneindia.com/news/archive/j-k/amid-net-shutdown-govt-invites-e-tenders-for-works-835659
36 https://kashmirreader.com/2019/09/29/e-tendering-hit-by-internet-blockade
37 https://thewire.in/government/kashmir-jhelum-mineral-blocks-bidding-online
38 https://www.thethirdpole.net/2020/02/17/mining-expands-on-kashmiri-rivers-despite-dire-warnings
39 http://jtfrp.in/wp-content/uploads/2019/03/Task1_Report_Final.pdf
40 https://thewire.in/government/kashmir-jhelum-mineral-blocks-bidding-online

Yasmin Rashid was 27 when she got married in April 2019 to a man whose parents did not approve of the match. She belongs to a Hanji family, a community of traditional dwellers on water bodies in Kashmir. Growing up on the Dal Lake in Srinagar, her family ran their own houseboat, of which she was the manager. Yasmin is eager to talk: "I want to talk about caste in Kashmir, because I have faced this discrimination myself. I'm from Dal and my husband is from land, (and) for a long time, my husband's family did not accept me. It was only after months of living alone that they allowed me into their home, where we now live."

This isolation was not easy–after the communication blockade on August 4th, 2019, Yasmin and her husband were completely cut off from friends and relatives. That night her husband had a motorcycle accident. The communication blockade had set in, and the young couple were completely cut off from friends and relatives "We could not call the hospital because there was no network–so we went from one hospital to the next... one would be closed, the other would send us somewhere else," says Yasmin. "Eventually when we got to the JVC Hospital in Bemina, and there I was all alone with my husband, they were recommending surgery. But I couldn't call anyone for a second opinion, (so) we just got the plaster and went home."

With a strict curfew and a complete communication shutdown, Yasmin would step out early in the morning to get medicines for her husband–after that the shutters would go down on all stores. "We were in Soura, where there were clashes, the forces would come, windows and glass would shatter. Having lived in the Dal I had never seen this, and since me and my husband were alone, with no communication, we would just constantly live in fear," she says.

YASMIN RASHID

By October 2019, even as the restrictions eased somewhat, Yasmin was pregnant. But with the Covid-19 lockdown in March 2020, access to doctors became even more difficult. "The visits I had to do twice monthly started to happen only once a month. I couldn't access any healthcare online, could not order medicines online because there was no internet," she recalls. This meant having to walk to a clinic, potentially exposing herself to risk of contracting the virus.

When it was time for the delivery, Yasmin tried to apply online on the link given by government hospitals for an ambulance–the page did not load. This time there was a complete shutdown in Srinagar as the armed forces had just killed Riyaz Naikoo, a militant commander of the Hizb-ul Mujahideen, and as always, all communication was suspended. It was in the midst of this that Yasmin was struggling to make calls on the number provided by the hospital. Eventually, she was forced to resort to private healthcare, which was significantly more expensive.

This was not an easy prospect, since the economic impact of the internet shutdown, Yasmin says, has been catastrophic: "The internet was our livelihood–all the bookings came from there, but since August 5th we had no access. Only we know how the family is managing to survive." Along with the management of the houseboat, Yasmin ran a handicrafts business, wherein she would sell locally made wares to tourists, as well as take orders from a company in New Delhi. "The loss has been immense, I had an order worth around Rs 50-60,000 in August, and I could not complete it since I couldn't reach my workers, I couldn't reach the company. They had an exhibition in London and the stuff could not be delivered. It took really long to explain to them what we are going through here," says Yasmin.

With the tourism industry taking a major hit, those on the economic and social fringe have been hit particularly hard. With the Covid-19 lockdown, Yasmin worries about the future of both her child and her business, her parental home, their houseboat, all of which are presently struggling to stay afloat.
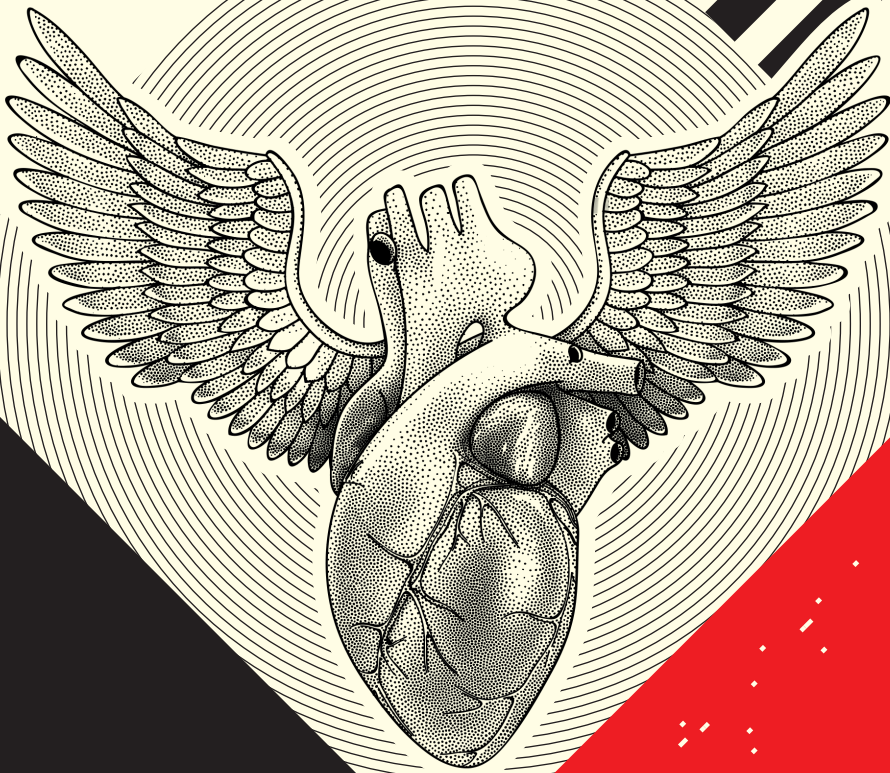
blinded amidst a pandemic

In early March 2020 as people in Jammu & Kashmir emerged from seven months of an internet blackout, they faced a new regime of highly controlled internet speeds, and unpredictable and ever-changing access. This was also the time when the Corona pandemic finally began to be taken note of by the Indian Government, and the scale of the crisis began to unfold. The unknown character of Covid-19, and the virulence and velocity with which it had travelled across the globe, meant that evolving information about its spread, and life-saving protocols for its treatment and prevention, circulated in real time over the internet. Many of these urgent updates, including those provided internationally by the World Health Organisation, were in the form of data heavy PDFs and videos. The reduced Internet speed in J&K was simply not equipped to handle these: one medical practitioner in Sringar described his predicament on Twitter[1] – "Trying to download the guidelines for intensive care management as proposed by docs in England... 24 Mbs and one hour... Still not able to do so...."

The slowdown in internet speeds in place since March 2020 (and which continues through to the publication of this report) effectively cut off doctors in J&K from participating in and learning from conversations taking place between doctors across international boundaries, often on a daily basis. Preparing for Emergency Response duties, another doctor pointed out on Twitter[2] that "an internet connection, especially in a pandemic, is like an eye to the emergency physician. Kindly don't blind us in that eye."

"Complete shutdowns or restricting of internet speed or access makes it difficult for people to navigate their way through a difficult time further undermining their trust in the authorities," Amnesty International[3] said in a statement, "The Government of India needs to adopt a rights-respecting approach to protect public health and restore access to 4G speed internet." An open

1   https://twitter.com/DrIqbalSaleemM1/status/1240632850812030977?s=20
2   https://twitter.com/khawar_achakzai/status/1241668873801191424?s=20
3   https://www.amnesty.org/en/latest/news/2020/03/mitigate-risks-of-covid-19-for-jammu-and-kashmir-by-immediately-restoring-full-access-to-internet-services

letter issued by the Kashmir Scholars Consultative and Action Network (KSCAN[4]) pointed out that "in these times of a global pandemic—where timely access to critical information by the doctors and the public might be a key to survival—India is punishing Kashmiris via an internet 2,000 to 20,000 times slower than the rest of the world. The actions of the Indian government constitute denial of critical and humanitarian assistance and as such are criminal and a breach of the Geneva Conventions."

Iqbal Saleem @DrIqbalSaleem... · Mar 19
This is so frustrating.. Trying to download the guidelines for intensive care management as proposed by docs in England.. 24 Mbs and one hour.. Still not able to do so...
@MirzaWaheed @naseerganai @islahmufti @Samaanlateef @DrKaloo

💬 110   🔁 569   ♡ 841

Khawar Khan @khawar_achak... · Mar 22
I wish i had 4G, it took me whole night downloading a paper so that i could prepare for an upcoming ER duty. an internet connection, especially in a pandemic, is like an eye to the emergency physician. Kindly don't blind us in that eye.

#COVID2019
#CoronavirusPandemic

💬 25   🔁 427   ♡ 1.2K

HOSPITALS AND PATIENTS

The denial of access to medical and humanitarian assistance in Kashmir did not begin with the Covid-19 pandemic. A highly militarised lockdown was already in place from August 5th, 2019, as Section 144 was imposed all across the region, train and road transport services were suspended, and markets and schools shut down. In this atmosphere of uncertainty and fear, access to accurate information was of even greater importance. In its absence, people were forced to turn to rumour and word of mouth advice.

The shutdown that had been imposed in August 2019 had already severely impacted public access to hospitals, emergency services and health systems across J&K. The total shutdown of all phone systems, landline and mobile, meant that patients were unable to reach doctors, hospitals, and most critically, even the ambulances that could possibly have carried them past the security barriers. Patients who had recently undergone serious surgical procedures could not be contacted for post-op care by their doctors, Dr Omar Akhtar, a urologist in Srinagar, told JKCCS researchers[5]. Some took an early discharge from hospital, anxious because they could not contact their relatives any more. With crippling barriers on road movement, patients with scheduled surgeries were unable to travel to hospitals for several months, and surgeries that had been planned months in advance were cancelled. Dr Akhtar spoke out about the possibility of a humanitarian crisis following the shutdown in Kashmir, with some operation theatres remaining closed till the middle of September 2019.

Administrators of health services were equally without access to mobile phones or landlines. The exceptions were known[6]: mobile phones were said to be active only for the Head of the Shri Maharaja Hari Singh Hospital (SMHS) in Srinagar (who also heads four other hospitals in the city), the Director of Health Services, and the Chief Medical Officers of the Districts. But even these officials were unable to reach out to any of the institutions under their care, and could only report up the hierarchy of the medical bureaucracy.

Without public transportation and with restrictions on movement, hospitals were forced to send ambulances to ferry hospital staff to and from work. Without landline or mobile phones this too became a major hurdle. Called upon to fetch a specialist doctor late one night to deal with an

4   https://www.inversejournal.com/2020/03/22/amid-covid-19-pandemic-over-170-academics-from-around-the-world-demand-india-restore-high-speed-internet-release-kashmiri-political-prisoners
5   Telephone interview / Dr Omar Salim Akhtar / 10.03.2020
6   https://www.indiaspend.com/in-jk-shutdown-pms-health-scheme-grinds-to-halt-healthcare-crisis-grows

emergency, an ambulance driver at SMHS hospital told Al Jazeera[7] that since he didn't know the doctor's house, and could not call him either, he had to literally knock on every door in the neighbourhood in the middle of the night. Within the premises of Srinagar's Government Lal Ded Hospital, one of the largest tertiary care maternity hospitals in Kashmir, the inability to reach out to the doctors on phone was resolved by mounting a loudspeaker on top of the building, Al Jazeera reported, and doctors were loud-hailed when required. A full month into the shutdown Srinagar's SMHS, one of the region's two major government hospitals, was still without a working landline, Indiaspend[6] noted.

Although doctors, hospital owners and health officials had been instructed by the government not to speak to the media, the information that trickled out was telling. In anticipation of widespread civic disturbances Government hospitals had been told to prepare themselves for emergencies, and postpone "routine" procedures. Patient access to critical care was consequently severely curtailed. In the month of August 2019 the privately owned Khyber Hospital saw its angioplasties, a procedure to treat blocked blood vessels in the heart, drop from an average of 30-40 to a quarter of that number. At the Sher-e-Kashmir Institute of Medical Sciences, a doctor told The New Humanitarian[8] that the hospital's PET scan machine, used to detect cancerous growths, sat virtually unused through the month of August 2019 "because patients couldn't reach the hospital – and because the communications blackout prevented doctors from ordering the drugs used with cancer tests."

7   https://www.aljazeera.com/news/2019/09/chaos-crisis-kashmir-hospitals-month-long-lockdown-190905205741695.html
8   https://www.thenewhumanitarian.org/news/2019/09/19/Kashmir-lockdown-healthcare-access-rights-crisis

Outpatient Visits

KHYBER HOSPITAL, SRINAGAR

PATIENT VISITS

JUNE — 11,184
JULY — 14,768
AUGUST — 7,073

The privately owned Khyber Hospital saw its average of 30-40 angioplasties, drop to a quarter.

SUPER SPECIALITY SECTION, SMHS HOSPITAL, SRINAGAR

PATIENT VISITS

JUNE — 9,955
JULY — 13,429
AUGUST — 8,308

Visits dropped by 38.13%

The shutdown affected everything from the lowest level up. Pediatric and maternity services were the hardest hit. Unable to call an ambulance, a woman with a complicated pregnancy was forced to walk seven miles to the nearest hospital, which took hours in her worsening condition. "Had there been a phone working, I would have called an ambulance right to my house," her husband told the New York Times[9]. By the time they made it to a hospital in Srinagar, the couple had lost their baby. One doctor who did not want to be identified out of fear of reprisal told the New York Times that "at least a dozen patients have died because they could not call an ambulance or could not reach the hospital on time, the majority of them with heart-related disease".

SHARING EXPERTISE

Without the ability to contact senior consultants in the eventuality of an emergency, many surgeons, especially those in smaller private hospitals, decided against operating on "high-risk cases" after August 5th. The widespread use of Whatsapp groups amongst doctors, and between doctors and patients was also seriously affected. Many patients come to Srinagar's tertiary care hospitals from remote areas and find it difficult to return for follow up appointments. To prevent patients skipping on post-operative protocols, many doctors choose to video call them to assist with potential changes in medications or side effects. The shutdown suddenly and completely isolated those dependent on this crucial, yet inexpensive, measure.

"We were doing very good for the past few months. We were managing patients at the district hospital, advising doctors through the Save Heart Initiative how to treat the cardiac patients and how to save heart attack patients. Now, all of a sudden, they snapped the lifeline which connects us with doctors throughout the Valley," a medical doctor told Outlook.

A Kashmir centered WhatsApp based intervention, the Save Heart Initiative, has in fact helped patients, mostly in remote and inaccessible areas, to even survive cardiac emergencies by giving doctors the ability to intervene during the 'golden hour', The Hindu[10] reported. Save Heart Initiative had been celebrated as a Kashmiri success story, with over 13,000 interventions, and with hundreds of Kashmiri doctors (including some in the United States) part of the group, uploading electrocardiograms and other vital information, and then getting life-saving advice from one another. After August 5th this initiative too had been silenced. Heart attacks did not stop, a senior cardiologist told Indiaspend[11], especially in circumstances of attenuated stress. Patients were simply not able to reach the hospital. When the internet—at reduced 2G speeds—returned to the region Save Heart Initiative was able to resume its services. But frequent shut offs in service meant that the service was simply not as reliable any more. The internet shutdown that followed the killing of militant commander Riyaz Naikoo caused a major disruption. "We were doing very good for the past few months. We were managing patients at the district hospital, advising doctors through the Save Heart Initiative how to treat the cardiac patients and how to save heart attack patients. Now, all of a sudden, they snapped the lifeline which connects us with doctors throughout the Valley," a medical doctor told Outlook[12].

Medical diagnostics equipment, with its fairly sophisticated–if routine–maintenance and software needs, was also crippled without the internet. At the Bone & Joint Hospital, Srinagar, the MRI machine–one of three in government hospitals here–is run as a public-private partnership. Without software updates technicians were soon dealing with frequent glitches. Prior to the

9   https://www.nytimes.com/2019/10/07/world/asia/kashmir-doctors-phone.html
10   https://www.thehindu.com/news/national/other-states/a-whatsapp-network-helps-protect-hearts/article25185237.ece
11   https://www.indiaspend.com/in-jk-shutdown-pms-health-scheme-grinds-to-halt-healthcare-crisis-grows
12   https://www.outlookindia.com/website/story/india-news-forget-4g-internet-even-no-2g-mobile-services-in-j-k-medical-services-hit/352551

communications siege, when a problem became evident technicians at the diagnostic centre would use WhatsApp to send screen-shots of the MRI machine's display screen to the company. Problems were usually "promptly resolved," staff at the diagnostic centre told Indiaspend. Without internet access this was no longer possible.

GOVERNMENT HEALTH SCHEMES

In 2015 the Government of India launched 'Digital India', an ambitious campaign, with the aim of making government services more easily available to citizens through the internet. Digital technology was a major thrust of this scheme, and equitable access to the Internet was the basis for accessing many essential services through it. Several pre-existing schemes and programmes were also included under this initiative, making their effective functioning ever more reliant on the internet.

One such scheme was the Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (Prime Minister's Public Health Scheme), which provided persons falling below the poverty line healthcare services upto Rs 500,000 a year. In the first 6 months of its implementation J&K had reported a coverage of 57% of all eligible households, the best figures in the country in terms of penetration, The Tribune[13] reported. Since registration and processing of claims took place entirely over the internet, there was no way to continue providing treatment without that access. Persons falling under this scheme suddenly found hospitals not being able to honour claims. Presuming that the internet would be restored soon, Srinagar's Khyber Hospital allowed free services for 'golden' card holders for almost three weeks. But some weeks later, with these bills adding to the amount that was already due to them from the central government, hospital authorities stopped free treatment

for Ayushman Bharat beneficiaries. Urologist Omar Akhtar recounted to JKCCS researchers[14] how some of his patients were unable to access the Ayushman Bharat scheme due to the lack of internet access, and ended up paying out of pocket for dialysis.

PHARMACEUTICALS

The internet has grown to be central to the pharmaceutical business. With no significant drug manufacturing units in Kashmir (or the Ladakh region), all medicines—from paracetamol to insulin to anti-cancer drugs—need to be ordered from outside. Kashmir gets more than 80% of its medical supplies from Jammu, The Wire[15] reported, while the rest is sourced from Chandigarh, New Delhi, Mumbai and other Indian cities. Pharmaceutical distributors must order–and pay–online for their supplies, as well as to fulfill requests from pharmacies in rural areas of the Valley. Without the internet or access to phones, the supply-link between the drug stores, stockists and depots was broken. Traders who ventured outside of J&K in order to do so ran into other hurdles: since they had not filed their GST returns after the August 5th shutdown, they found themselves unable to enter the e-way bill generation system, which showed them as defaulters, the Economic Times[16] said. A saving grace was that pharmacies in the city, used to frequent disturbances in supply, usually kept a few months' worth of essential medicine, Arshid Ahmed, co-convenor of the J&K Chemists and Distributors Association told JKCCS researchers[17]. This was the safety net used to get through the first few months of the lockdown.

13 https://www.tribuneindia.com/news/archive/j-k/centre-lauds-j-k-efforts-for-health-scheme-778769
14 Telephone interview / Dr. Omar Akhtar / 10.03.2020
15 https://thewire.in/rights/kashmir-life-saving-drugs-clampdown-continues
16 https://economictimes.indiatimes.com/news/politics-and-nation/cant-buy-medicines-amid-net-ban-kashmir-traders/articleshow/72450613.cms?from=mdr
17 Telephone interview / Arshid Ahmed / 02.05.20

Pharmaceutical distributors must order–and pay–online for their supplies, as well as to fulfill requests from pharmacies in rural areas of the Valley. Without the internet or access to phones, the supply-link between the drug stores, stockists and depots was broken.

MENTAL HEALTH

Areas that have seen a continued period of violence and conflict often have a higher prevalence of mental disorders[18]. The international NGO Médecins Sans Frontières and the Srinagar-based Institute of Mental Health and Neurosciences (IMHANS) had pointed out in a pioneering 2016 study[19], that 45% (1.8 million) of the Kashmiri population showed signs of living with a mental illness, the highest rates being for Anxiety, Depression, and Post Traumatic Stress Disorders. In 2016 IMHANS collaborated with ActionAid on a study[20] that estimated that 11.3 percent of the population had a mental health disorder – higher than the Indian national prevalence of around seven percent[21]. But few were able to get treatment, it had pointed out.

In treating mental illness in addition to medication and therapy, it is important that a support system be established, so as to prevent relapses or further episodes. In December 2019 Dr. Arshad Hussain, a psychiatrist who had also co-authored the 2016 ActionAid study, told The New Humanitarian[22] that Kashmir was one of the "saddest places in the world." This was magnified by months of a physical and communications blockade, since most people who needed help were unable to access any treatment at all. The ramped-up security and checkpoints during the initial months of the lockdown had simply made an already difficult situation much worse. With almost all mental health services concentrated in Srinagar, these are

often inaccessible to patients in rural areas. Shortly after the August lockdown Médecins Sans Frontières shut down their mental health services in four districts of Kashmir valley as they were unable to reach their staff, The Wire[23] reported.

Many mental health patients also use the internet to communicate with their psychologists and psychiatrists, or with their primary support structures of friends and family. Frequent communication shutdowns are more than just disruptions in individual relationships, for they isolate individuals and trigger pre-existing vulnerabilities. The effects manifest themselves in many different ways, some of which are a clear indicator of worsening mental health.

Dr Anirudh Kala, a Ludhiana based psychiatrist and writer, who visited Kashmir as part of a civil society fact-finding team[24] at the end of September 2019 reported that follow up rates at IMHANS were 30-40 percent of the average prior to the August 5th lockdown. It would follow, he pointed out, that there would have been a proportionate increase in relapses. The effect a clampdown can have on the mental health of a region like Kashmir is immense. The feeling many describe is one of being in limbo - feeling unable to do anything because of the prevailing uncertainties. Schools have been shut for over 11 months, offices and businesses shut for even longer periods of time, and restrictions on movement have meant that people have been largely confined indoors. Clinical psychologists have noted an increase in the number of patients, The Guardian[25] reported, with many showing symptoms triggered by recent events. The exact impact of the communication blockade on people's mental health, even in the medium term, will only be known after a few

18 Charlson, Fiona, et al. "New WHO prevalence estimates of mental disorders in conflict settings" The Lancet 394.10194 (2019): 240-248.
19 https://www.msfindia.in/msf-scientific-survey-45-kashmiri-population-experiencing-mental-distress
20 https://www.actionaidindia.org/publications/mental-health-illness-in-the-valley
21 https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2956997
22 https://www.thenewhumanitarian.org/news/2019/09/19/Kashmir-lockdown-healthcare-access-rights-crisis
23 https://thewire.in/health/kashmir-blackout-report-mental-health
24 http://sanhati.com/wp-content/uploads/Report-final-.pdf
25 https://www.theguardian.com/society/2019/oct/23/people-are-panicked-kashmir-curfew-takes-toll-mental-health

years, a psychiatrist at IMHANS told IndiaSpend[26]: "The average lag between people facing mental health issues and seeking treatment is about 3-5 years."

The impact of the communications lockdown in Kashmir was felt equally sharply even amongst those Kashmiris who were living outside the region. The inability to speak to families, to share news or even receive financial support, was particularly hard on the well-being of the large number of students studying all over India, and abroad, as well as the large numbers of medical patients who were undergoing treatment in hospitals across India. Kashmiri students in India were targeted by other students and colleagues, who accused them of being "terrorists" or "anti-nationals," several young Kashmiris told the authors of the #Kashmir Civil Disobedience[27] report. These forms of a cruel "othering" were the most difficult to deal with, they said.

> The impact of the communications lockdown in Kashmir was felt equally sharply even amongst those Kashmiris who were living outside the region. The inability to speak to families, to share news or even receive financial support, was particularly hard on the well-being of the large number of students studying all over India, and abroad

26 https://www.indiaspend.com/communications-blockade-creates-new-mental-health-challenges-in-kashmir/
27 http://sanhati.com/wp-content/uploads/Report-final-.pdf

Hakima Banoo Ali returned to Kargil from Srinagar ten days before the shutdown of August 2019. A Master's student of Convergent Journalism in the Central University of Kashmir, she was supposed to attend her sister's wedding on August 4, and then go back to university a day later. "There were rumours about a threat on the border, which brought back fears of the 1999 war. And then just as suddenly everything was shut down and Article 370 was abrogated," says the twenty-five-year-old. On a harsh winter morning in Kargil, Hakima explained how the curfew as well as the internet shutdown had completely derailed her studies, for even though the internet shutdown was lifted in Kargil, it persists in Kashmir. "Our internal exams were on in December, but I couldn't go back as the roads were closed, and even if possible, how would I have done any self-study without the internet?" asks Hakima. "I left my books and notes behind because I was only supposed to be back for ten days, and then to be unable to go online? It's completely impossible." She finally made it to Kashmir—via Delhi—for her exams in January, then taking the same route back to Kargil. Her classes eventually began in early March, only to be shut down again owing to the pandemic.

An aspiring journalist, Hakima Banoo has also been taking online courses through this time—including a digital correspondence course in Persian, from Iran. She says she would receive calls from teachers pulling her up for being inactive and absent—"I was missing the semester exams and they kept calling me for those. When I told them I didn't have internet access, that was the end of that, they could not keep waiting for me and extending deadlines."

SPEAKING WITH AB

HAKIMA BANOO ALI

A few kilometres away from the main town is Drass, known as the second coldest inhabited place in the world. Since many of their school teachers come from Srinagar—only 150 km away—and with no internet services for about 5 months, teaching services had been suspended and learning had almost entirely ceased for students in the high school. "Usually the roads close by December, but this year the teachers went back by September," said a young student from class 12. With the Covid-19 lockdown, this suspension of education has only persisted. Since teachers in Srinagar have no access to mobile data, and very limited access to the internet, online classes are ruled out for the children in Drass.

While people in Kargil had initially protested the August 5th abrogation of Article 370 and Ladakh's bifurcation from J&K, the Leh region had celebrated it. However, owing to their continued exclusion from the Sixth Schedule of the Constitution of India—which would have granted Ladakhis the right to administer tribal areas through autonomous district and regional councils—students and activists in Leh too took to the streets in protest.

In Kargil, the internet shutdown persisted for over 150 days—this and the annual shutting down of roads during winter meant nearly every business suffered. The tourism industry took a major hit, losing the online bookings that come through during December. Eventually with the extended Covid-19-related lockdown, and renewed border tensions between India and China since June 2020, tourism too has seen a complete wash-out.

human rights council: resolution 26/13

The promotion, protection and enjoyment of human rights on the Internet

1 *Emphasizing that access to information on the Internet facilitates vast opportunities for affordable and inclusive education globally, thereby being an important tool to facilitate the promotion of the right to education, while underlining the need to address digital literacy and the digital divide, as it affects the enjoyment of the right to education.*

2 *Stressing the importance of empowering all women and girls by enhancing their access to information and communications technology, promoting digital literacy and the participation of women and girls in education and training on information and communications technology, and encouraging women and girls to embark on careers in the sciences and information and communications technology.*

a year written off

In late July 2020, a parent from Kashmir tweeted an image of a schoolboy's plain white shirt on a hanger. It had been stitched in the summer of 2019, as part of a young boy's school uniform, and readied in anticipation of a school term opening. "The Kid has grown up without even wearing this shirt, this happens only in Kashmir?" the parent had noted in anguish.

For students of all ages in Kashmir, the first anniversary of the internet shutdown in August 2020 marked the end of a full year without school, or college or university. This was unprecedented even by the miserably low standards of Kashmir, where students, teachers and institutions have learnt to cope with frequent disruptions to the educational calendar. In 2017, schools had been shut for several months following a wave of student protests against a violent raid on a college campus in Pulwama; in 2016, they were closed consequent to the wide-spread protests that followed the killing of the militant commander Burhan Wani; in 2014, schooling stopped when massive and widespread floods caused a disruption for months across the valley. Going back even earlier, each of the years 2010, 2009, and 2008 were marked by long periods of mass protests, with educational institutions closed for weeks at a time.

As in any armed conflict, decades of political violence in Kashmir have had a devastating impact on Kashmir's children and youth, and on their fundamental rights. Adolescents and young people have been at the forefront of the new phase of public protests that began in 2008, and adolescent boys, profiled and criminalised as "stone pelters," have faced the brunt of the state's violent crackdowns. They have been subject to unlawful detentions, torture and the use of disproportionate force, including mass-blindings and maiming caused by shotgun pellets. Meanwhile, young women and girls have been targets of sexual violence, trafficking and harassment. High School and university campuses are sites of intense surveillance and state violence including raids, targeted tear gas shelling, and pellet gun firing during protests. Cultural and Islamic studies scholar Idrisa Pandit writes[1], "Kashmir's children of war have grown up under

rtimuzaffar
@rtimuzaffar

This school shirt was stitched last summer , my Son was eager to wear it & we had 370 lock-down & again COVID 19 lockdown this summer... For almost 2 years our kids are in home.. The Kid has grown up without even wearing this shirt , this happens only in Kashmir ?

@AtharParvaiz and 8 others

11:23 AM · Jul 28, 2020 · Twitter Web App

80 Retweets and comments   **445** Likes

1   https://www.researchgate.net/publication/330895933_Kashmir%27s_Children_of_War_Understanding_Youth_Resistance_in_a_Global_Context

the shadow of the gun, enduring tremendous trauma and pain. Since the early years of the militant uprising in the 1990s, youth have played a crucial role in resistance to Indian occupation. They have been advocates for change as well as targets of state-sponsored violence."

This time around, the shutdown of schools, colleges and universities was precipitated by the abrogation of Article 370, and stayed in place for nine months, reopening only at the end of February 2020. A month later, just as they had finally sputtered to a start amidst the winter cold, India's Prime Minister Modi called for a nationwide lockdown on account of the Covid-19 pandemic, and educational institutions were closed once again.

All across the world, the Covid-19 pandemic had seen educational institutions shifting online. With video calling services (such as Zoom, Skype, Google Meet), as well as online repositories (JSTOR[2], Oxford University Press[3]) making their services free (if only for a fixed period of time), online teaching got an unexpected boost. International organizations like UNESCO have further introduced programs like the Global Education Coalition[4] to facilitate remote access for education. Globally, access is meant to be freely available for teachers, to assist them in their efforts to move online.

The internet is undoubtedly an essential educational infrastructure in any context, for it is the base of almost all virtual learning. The same cannot be said for the approximately 30,000 schools[5] and 400 institutions of higher education[6] in Jammu & Kashmir, which are all systematically denied access to the internet. Globally, teachers and professors began sending assignments and homework, and even setting exams, online. While the shift online has been rocky for many, since all do not have equal access to the internet, or to smartphones, the problems in Kashmir have been compounded by the prolonged and unpredictable nature of the shutdown, and are therefore of a different order.

INTERNET DISABILITY

When the restriction on mobile internet was lifted on 26 January 2020, it brought a "tentative end to the world's longest internet shutdown in a democracy."[7] The internet services restored were however both intermittent as well as restricted by the bandwidth provided. As teachers in the region took to holding classes over WhatsApp they have met with varying degrees of success. Classes happening in real time are still patchy and easily interrupted, with many students forced to guess what the teacher is saying. "This happens regularly. Sometimes the screen of my phone turns blank and at times even the audio is erratic," eleven-year-old Waseem told The Wire[8]. Of the 21 students from his class only eight had joined the online classes. Other students, he reported, simply don't have smartphones at home. In an online video made to demand the restoration of 4G services, one teacher spoke about the problems of holding online classes via Facebook: "While we were in the middle of a class, a student kept repeatedly saying that he can neither see the board nor hear my voice clearly," the teacher told The Wire. "I felt so helpless, but there was hardly anything I could have done."

Holding classes online makes it harder to hold the interest of students, since it becomes a one-sided interaction for the most part. Younger students, or those unfamiliar with online applications, have to be additionally trained, and in some cases, their parents as well. Meanwhile there is pressure put on teachers to ensure that the syllabus is completed in time and that exams are held.

2   https://about.jstor.org/covid19/
3   https://global.oup.com/about/Covid-19
4   https://en.unesco.org/news/unesco-rallies-international-organizations-civil-society-and-private-sector-partners-broad
5   http://righttoeducation.in/resources/states/jammu-and-kashmir
6   https://www.mhrd.gov.in/educational-statistics-glance-2018
7   https://www.nytimes.com/2020/01/26/world/asia/kashmir-internet-shutdown-india.html
8   https://thewire.in/education/kashmir-2g-online-classes

Dr Asgar Hassan Samoon IAS
@AsgarSamoon

kids have no ipads/no access to desktops; cant download text books as internet is slow; Rs 2030.87 lac released for 1st-8th classes; DSEJ Rs 1105.44 lac & DSEk Rs. 925.43 lac; kmr div/ distributed books; remaining Jmu districts–dsej/ ceos/zeos to expedite in 2 wks

2:03 PM · Apr 10, 2020 · Twitter for iPhone

62 Retweets and comments   **659** Likes

As a result few students learn well, if they learn at all.

One option to real-time classes was to post lectures on YouTube, but even here teachers succeeded only with much effort and time, with the slow internet speed proving particularly irksome. "I record a video of 10 minutes and the uploading ... is taking place in 3-4 hours," Jahangir Ahmad, a private school teacher who had been asked to record teaching videos by his school administration told The Diplomat[9]. Uploading and sharing a 30-minute video for his students took five days.

In April 2020 Prateek Waghre undertook a "theoretical comparison"[10] between 2G and 4G network speeds while comparing the completion of common tasks on the internet. He also analysed the effect that 2G can have on video streaming (broadcast) and video conferencing (interactive) applications. He performed these tests to demonstrate the difference in user experience on 2G and 4G speeds "in the context of the mandated internet speed restrictions in

the union territory of Jammu & Kashmir in India." Based on 'observed' 2G speeds, tasks could take 50 times as long. Even when users lowered the settings of the platforms observed (including YouTube) to the lowest recommended levels, these settings proved to be higher than the speeds made available (both at the 'observed' 2G speed and the 'theoretical peak' 2G speed), resulting in significant quality degradation. This degradation is also expected in applications like Zoom and Skype, and worsen with multitasking, the report said. Most applications currently written presume upon higher speeds, which means that there is a higher likelihood of a server timeout if too much time is taken to download content. (Waghre's paper was also referred to in the case of Foundation for Media Professionals v UT of Jammu & Kashmir & Another, which is currently being heard in the Supreme Court.)

Students and faculty members pursuing online courses from various platforms that offer Distance Learning were also severely disadvantaged. While an encouraging array of learning options were available via the 'massive open online courses' (MOOCs), access still seemed remote. Mudasir Ahmad, from Anantnag, told The Diplomat[11] that he is not able to watch the video lessons on the Swayam Central platform due to continuous buffering caused by low internet speed: a 10-15 minute video takes about 45 minutes to watch, he said. (Swayam[12] is an initiative by the Government of India, "designed to achieve the three cardinal principles of Education Policy viz., access, equity and quality. The objective of this effort is to take the best teaching learning resources to all, including the most disadvantaged.")

Recognizing the problem of slow internet, the Education Department in Kashmir began audio classes in collaboration with All India Radio, and tele-classes with Doordarshan Kashir. Unfortunately, these provide an even lower level of interaction than that offered by a virtual

9   https://thediplomat.com/2020/06/as-life-moves-online-amid-the-pandemic-kashmiri-education-is-being-left-behind
10 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3580803
11 https://thediplomat.com/2020/06/as-life-moves-online-amid-the-pandemic-kashmiri-education-is-being-left-behind
12 https://swayam.gov.in

classroom, and are more in the nature of supplemental lectures or teaching aids, rather than a substitute for synchronous teaching and learning. As of now, these 90 minute classes, broadcast daily, carry the impossible burden of providing education for all age groups and for all subjects.

Competitive exams scheduled to be held after March 2020 have mostly been shifted online as well. These online exams can stretch over many hours, and to avoid disruptions require a stable internet connection throughout. This is simply not possible with the current internet service in J&K. During earlier internet shutdowns, students could choose an examination centre in a relatively more 'stable' location[13] (Jammu City, for instance), but in post Covid-19 times, this seems less than feasible.

13 https://www.thehindu.com/news/national/were-in-the-stone-age-say-kashmir-students-on-internet-shut-down/article30653509.ece

Comparison of Time Taken

2G **54x**
1296 SEC

2G **11x**
1595 SEC

DOWNLOADING AROGYA SETU APP (23.6 MB)

4G
145 SEC

SAMPLE PDF FROM MINISTRY OF HEALTH & FAMILY WELFARE SITE (5.8 MB)

2G **37x**
55.5 SEC

4G
24 SEC

COVID-19 AWARENESS IMAGE ON TWITTER

did not work on 2G

4G
1.5 SEC

WHO SITUATION DASHBOARD

4G **2G**
1.58 DCL
1.6 PL

4G vs 2G

DIGITAL REFUGEES

To protect their children from the deprivations and upheavals of living in a perpetual conflict, a significant number of parents in Kashmir are compelled to send them outside the region for schooling[14]. Many college students and research scholars also migrate to India and abroad seeking a stable and undisrupted education, and access to opportunities. This displacement from their homes and separation from families is premised on the implicit acknowledgement that life in Kashmir is subject to constant violence, interruptions and curfews, and cannot provide a nurturing environment for a student. Some parents are also reluctant to keep their children home for fear of violence, which is often especially directed against the youth. Adolescents are therefore forced to make an impossibly hard choice at an early age, between continuing to stay with their family, or pursuing better career options elsewhere. These students must contend not only with interruptions in communications, but with the underlying fear of the uncertain.

As the Covid-19 pandemic forced educational institutes across India to physically close their doors, many Kashmiri students found themselves having to go back home. This population included undergraduate students, research scholars in various fields, as well as those preparing for competitive exams. These students suddenly found themselves having to continue their courses on a new platform, but at an unenviable disadvantage. While their counterparts elsewhere are able to submit assignments and write exams online, students at home in Kashmir are hobbled with 2G internet speeds, and the threat of frequent disruptions, and without notice, as First Post[15] reported. In cities, areas with approved broadband services are relatively better served than those relying exclusively on mobile internet. But Kashmiri students are now at a competitive disadvantage with a cohort across India who are able to participate in seminars and events, and even manage internships and work responsibilities on the side.

FISH OUT OF WATER: SCHOLARS AND RESEARCHERS

For graduate students, or those pursuing research, high speed internet is an essential tool, especially when access to physical libraries is restricted. Methods used earlier to circumvent the internet problem are also unusable now (travelling to other areas to access the syllabi and resources, ferrying in hard drives with necessary content). In order to avail of the fixed line internet services on campus, Kashmir University made research scholars and university staff sign bonds. Amongst the conditions it laid down, there was to be no social networking, no use of VPNs, and no encrypted files to be uploaded or downloaded. Additionally, the username of the person using the service would be linked to their usage, and violation of the conditions would result in a bar on internet access on campus for them.

Those working in the sciences have been hit especially hard, since they are unable to keep themselves updated on their fields. In a fiercely competitive market this could have adverse effects on their future employability. Those attempting to register for higher education institutions are also facing difficulties in accessing university websites and in uploading documents online. The overall impact of it all could be students turning away from fields they see as difficult to pursue (such as computer technology). A report in Times of India[16] detailed the travails of conducting scholarly and advanced research work amidst a digital siege. Shunaid, who has completed a year of his doctoral studies in nanotechnology at the Kashmir University, described how the internet shutdown brought his work to a sudden halt. "I have also completed the first year of a project for Dept of Science and Technology. Only if I submit the progress report will I get the funding for the second year," he told the Times of India. Shunaid tried the Tourist Reception Centre, Srinagar,

14 https://www.hindustantimes.com/india-news/students-prefer-to-study-outside-amid-unrest-in-kashmir/story-iViiAJlOLkWLpp9LJ78KJJ.html
15 https://www.firstpost.com/india/in-kashmir-internet-shutdown-cripples-study-of-phd-students-research-scholars-many-lose-out-on-grants-fellowships-7833921.html
16 https://timesofindia.indiatimes.com/india/how-internet-shutdown-has-hurt-students-in-kashmir/articleshow/73356950.cms

where the internet could be accessed to check mail: "A policeman would be stationed there. He would decide on whether to grant permission to access the net for 10 minutes. Mostly, if you had to download a roll number or something." Shunaid eventually travelled 400 km to Ladakh to check the status of two manuscripts that he had sent to a peer-reviewed scientific journal in solid-state physics. For a five-day stay in Ladakh in September, Shunaid spent over Rs 25,000. Without the internet, a research scholar is like "a fish out of water" he said, and described how the commercial software he uses for his nanotech course-work needs to be annually renewed. The licence renewal certificate lay idle in his email, which he could not access. Even his offline work went poorly.

Prasanta Chakravarty
3 hrs · 🌐

Dear Sir, I am unable to attend today's afternoon session on Machiavelli and Imperialism. The internet connection just got snapped in our district owing to the J&K Govt's policy to block the net connection during an operation in Anantnag, where I am stuck since the lock-down began. I hope you will understand.
~Sincerely, Shahnawaz Wani, MPhil-2020.

😢👍😠 Gargi Sen, Trina Nileena Banerjee and 70 others   2 Comments

Not just scholars, professors helming research projects and guiding advanced students were adversely impacted too. "Look at the irony," said M Tariq Banday, who has taught in KU since 2002, and currently heads the department of electronics: "I am an investigator for a [Government of India] project of almost Rs 50 lakh on cryptography security solutions for the Internet of Things. How am I supposed to work?" Calling the suspension of the web the worst thing to happen in the Valley in the last 20 to 30 years, Banday detailed how in the field of electronics "everything is obsolete within six months." He notes wryly, "I have lost six months."

The Diplomat[17] reported that many scholars who were ready for the submission or final presentation of their research work encountered problems in communicating with their advisors and research supervisors, throwing years of work into jeopardy. One such user said that he received a WhatsApp message from his supervisor one morning asking him to send a chapter of his thesis by email. Arif says, "I tried to open Gmail on my laptop but it was responding with a temporary error. Finally, after 3 hours, I was able to mail him the entire document."

While it is important to assess the internet shutdown in terms of the economic impact it has had on the region, a larger understanding requires an assessment of its socio-political effects, especially on already vulnerable populations. The young people in Kashmir are an example of a group that has lived through situations of extreme stress and uncertainty. Having missed out on a year of schooling, they find themselves trying to catch up now, but without access to an essential service. Even as the entire world rallies together to share ways to work through the pandemic, Kashmir finds itself sidelined from the world, its citizens conspicuous by their absence online.

17 https://thediplomat.com/2020/06/as-life-moves-online-amid-the-pandemic-kashmiri-education-is-being-left-behind

COURT RULING

A month after the shutdown in Kashmir began, the High Court of Kerala pronounced a constitutional judgment[18] that acknowledged the vital role that the internet plays in access to education. "When the Human Rights Council of the United Nations has found that the right of access to Internet is a fundamental freedom and a tool to ensure right to education, a rule or instruction which impairs the said right of the students cannot be permitted to stand in the eye of law," it held. In sharp contrast the J&K administration's response[19] to the petition filed in the Supreme Court by the Foundation for Media Professionals, challenging the throttling of internet speeds in the context of the Covid-19 pandemic, takes the position "that the right to access the internet is not a fundamental right." The rejoinder further elaborates that "internet is an enabler of rights and not a right in itself and that the present 2G speed of internet does enable one to create, access, utilize and share information and knowledge."

Lawyer Salman Khurshid, appearing for the Private Schools Association of J&K, submitted that the current speed restrictions have affected online education, The Wire[20] reported. "Private schools are under government directions to provide education via video-conferencing. We have obligation under Right to Education Act to provide education" he said, pointing out how students are being deprived of access to education during the lockdown.

The Centre and the J&K administration justified the restrictions by citing the threat of terrorism. Attorney General K.K. Venugopal said only fixed-line internet was permitted because "we can keep check on who is giving information and disseminating terrorist propaganda," adding that the move was a "policy decision" in which the court should not interfere.

Bar & Bench ✔
@barandbench

[Breaking] Supreme Court directs setting up of Committee headed by MHA Secy to look into ban on 4G internet services in Jammu & Kashmir #4grestoration #Kashmir #SupremeCourt #4G [Read full story]
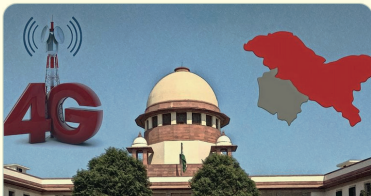
[Breaking] Supreme Court directs setting up of Committee headed by MHA Secy to look into ban ...
🔗 barandbench.com

12:10 PM · May 11, 2020 · Twitter Web App

19 Retweets and comments   **23** Likes

18 https://indiankanoon.org/doc/188439981
19 https://drive.google.com/file/d/1PXpflHeGKkjLjuQ53-R6_G5IAdW5F169/view
20 https://thewire.in/law/supreme-court-jammu-kashmir-4g-internet-special-committee

Quratulain Rehbar started her MA in journalism from Central University, Kashmir in 2016, when internet services were snapped in the valley for close to five months. On July 8 that year Hizb-ul Mujahideen leader Burhan Wani was killed by Indian forces, resulting in the government imposing major restrictions on movement and communication. "We were journalism students, we don't just read a textbook. We research things online, go for YouTube lectures. It was a huge problem," says Quratulain.

The shutdown had a huge impact on her: eventually her final year college project was on the digital shutdowns in the valley. "In Pulwama, where I come from, and South Kashmir in general, there are a lot of internet shutdowns," she says. "Even before August 5th, 2019, Pulwama has had some of the highest number of internet shutdowns in Kashmir. Whenever there is a gun fight, the internet is shut down."

The real sting, though, came with the blackout in 2019, after the revocation of Article 370. Quratulain had just left her job at The Kashmirwala, where she had worked for nearly a year, to become a freelance journalist. "As a journalist, you need to do research," she says, "you need to study the background. Especially when it comes to Kashmir. It is a conflict ridden area and when you do a story for an international publication, they need to know the background of the conflict."

This became impossible, as journalists could access the internet only at the government created Media centre. There were never enough terminals, journalists complained, and very close surveillance. "I would have to tell publications that we have no internet here and the only information I can send is what I can access on the ground—I can't research. People sometimes think the reporter doesn't want to work hard. It's really bad for your credibility as a journalist," says Quratulain.

SPEAKING WITH AB

QURATULAIN REHBAR

Over the last year, there has been a serious clampdown on journalists. One example is Qazi Shibli, who runs the online portal The Kashmiriyat. He was first arrested in July 2019 for a period of 9 months, and then, a few months after his release, he was again detained in July 2020. Others like photojournalist Masrat Zahra were booked under the draconian UAPA, and many other journalists were also called in for questioning. Meanwhile a new media policy was announced in 2020—among other restrictions, it authorises government officers to decide on what is "fake news" and take action against journalists.

"The state says they ban internet because access to the internet is what results in the spreading of rumours. It's actually the opposite. When there is no flow of information, that's when rumours spread," says Quratulain, whose work has been featured in publications such as The Wire, The Caravan and Huffington Post.

This censorship has resulted in a major clash of narratives, with the mainstream Indian media reporting only the official state position, and limiting the circulations of reports from the ground, and produced by local journalists. Against these odds, journalists like Quratulain continue to do their jobs with diligence, using a host of VPNs, finding ways to verify information, and keeping their ear to the ground.

"Since August 5th, I have done a lot of work… around 20-25 stories on human rights violations. I did ground reports from SMHS Hospital—I was there for 4-5 days continuously. I saw torture victims coming in, pellet victims would come there. I compiled everything and made a report," she says. "Whenever there were instances of torture, it was very difficult for journalists to reach immediately. Families would keep things saved—there was an instance of torture in Shopian, so his mother had taken pictures to keep a record. Since there was no internet, when reporters went the family passed on pictures through ShareIt." This Chinese origin app, which allows transfer of media without internet, has since been banned after the July 2020 border stand-off between India and China.

ACCESS TO JUSTICE

international covenant on civil and political rights

article 2-3

1   *To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.*

2   *To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy.*

3   *To ensure that the competent authorities shall enforce such remedies when granted.*

mass detentions amidst shutdown

In September 2019, an all-woman fact-finding team from India visited Kashmir and reported[1] that in the run-up to August 5th, and in the weeks immediately after, an estimated 13,000 Kashmiris[2], many of them teenagers, were picked up from their homes and arbitrarily detained by police and armed forces, often in midnight raids. There was frequently no record of their arrest, and authorities remained tight-lipped about the numbers taken into custody as well as the legal basis for their detentions. J&K government spokesman Rohit Kansal could only confirm that more than 100 local politicians, activists and academics were detained in the first few days after the lockdown began, and said there was "no centralised figure"[3] for the total number of people detained. The detenus included three former chief ministers of J&K State: Farooq Abdullah, Omar Abdullah, and Mehbooba Mufti. On November 20th 2019, Parliament was informed by the Government of India that "5,161 persons were detained since August 5th out of whom 609 were [still] under detention while rest were released." There was no official statement on how many were booked under the Public Safety Act, 1978 (PSA) a widely criticised preventive detention law that permits imprisonment without charges or trial. Data obtained by JKCCS[4], showed that 662 fresh PSA detentions were registered in 2019, two-thirds of them after August 5th, 2019.

"Most of the people arrested were from poor families and did not know what they had to do once their relative was arrested," Habeel Iqbal, a lawyer practicing at the Shopian District Court told researchers from JKCCS[5] about those arrested after August 5th, 2019. "A key document for those detained under the PSA is the Detention Order containing the charges, and for it to be challenged in court, it has to first be accessed from the District Commissioner's office. Contacting a lawyer was impossible amidst the lockdown, especially for those living in rural areas, and in the absence of public transport so was going to Srinagar to find legal representation," Iqbal added.

1   https://countercurrents.org/2019/09/all-woman-team-releases-fact-finding-report-on-kashmir
2   https://www.newsclick.in/99%25-Habeas-Corpus-Filed-Jammu-Kashmir-HC-August-2019-Pending
3   https://www.deccanchronicle.com/nation/current-affairs/190819/at-least-4000-detained-over-fears-of-unrest-most-flown-out-of-region.html
4   http://jkccs.net/annual-human-rights-review-2019-2
5   Telephone interview / Habeel Iqbal / 03.05.2020

The mass incommunicado detentions of children and young adults, the absence of access to news and information about their names, locations or numbers, combined with the lack of means to contact lawyers or judicial or law enforcement officials, created widespread panic. In Kashmir this has a particular edge given the decades-long history of systemic enforced disappearances, and torture and custodial killings[6]. Despite the shutdown, accounts of ill treatment and torture of detainees circulated by word of mouth, further heightening fears and anxiety. A crucial safeguard against violations of prisoners' rights, which are routinely flouted with impunity[7] in Kashmir, are the rules regarding the physical production of under-trials and detainees before a Magistrate twenty-four hours after an arrest. Because of the restrictions on mobility, absence of court staff and court closures, these too were temporarily suspended, Kashmir Life[8] reported.

In a report submitted to the Indian Supreme Court, which was hearing a constitutional petition on child rights, the Juvenile Justice Committee of the Jammu & Kashmir High Court submitted (on the basis of a police report) that as many as 144 children were taken into police custody, including 86 into "preventive" custody, in violation of juvenile justice and criminal procedure laws. Some of the children in question were as young as nine years old. Despite this admission, the police report questioned "why reports from foreign media and digital media networks carried stories of allegations of arrest and torture of children which were not there in local media." The Juvenile Justice Committee was asked to file a fresh report by the Supreme Court. The Petition was eventually dismissed by the Supreme Court, stating that they were satisfied that there were no instances of illegal detentions of minors.

With a blackout of independent media, and an absence of judicial remedies, those deprived of their liberty were held hostage by the state, with no means to effectively challenge their detentions or in some cases even send word to their families. Hearings for bail and for pending criminal trials were indefinitely delayed in the early weeks, thereby denying the right to habeas corpus, fair trial and due process.

Amongst the first people arrested after the lockdown were lawyers, including the President of J&K High Court Bar Association, Mian Abdul Qayoom, and its former president, Nazir Ahmad Ronga. Also booked under the PSA were Fayad Sodagar, president of Anantnag District Bar Association, and Abdul Salam Rather, president of the Baramulla District Bar Association, Scroll[9] reported. Mian Abdul Qayoom, who handled innumerable PSA cases as a lawyer, was himself arrested on the night of 4th August 2019, booked under PSA, and spirited away to Agra Jail the next day. On 30th January 2020, Mian Qayoom suffered a cardiac arrest while in Agra jail, and after a short time in a local hospital, the 76-year-old was moved to Delhi's Tihar jail.

The members of the High Court Bar Association went on a protest strike against the detentions of these prominent lawyers, Al Jazeera[10] reported, though a specially appointed group of lawyers continued to appear in urgent matters concerning deprivation of liberty. The arrests of lawyers

The mass, incommunicado detentions of children and young adults, the absence of access to news and information about their names, locations or numbers, combined with the lack of means to contact lawyers or judicial or law enforcement officials, created widespread panic, particularly given the decades-long history of systemic enforced disappearances, torture and custodial killings in Kashmir.

6   https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf
7   https://law.yale.edu/sites/default/files/documents/pdf/Intellectual_Life/Kashmir_MythofNormalcy.pdf
8   https://kashmirlife.net/justice-delayed-issue-34-vol-11-219671
9   https://scroll.in/article/937856/even-as-thousands-are-detained-in-kashmir-courts-and-legal-system-remain-frozen
10 https://www.aljazeera.com/news/2019/09/crackdown-lawyers-shrinks-road-justice-kashmir-190920073101403.html

nonetheless had a chilling effect on the legal community's ability to approach the courts, compounding the problems of those seeking legal redress. In November, 2019, the Bar Council and Bar Human Rights Committee of England and Wales wrote a letter[11] to Indian Prime Minister Narendra Modi, expressing concerns about the state of "near collapse" of the justice system in Kashmir in the context of widespread alleged rights violations—including the illegal detentions of senior lawyers of the Jammu & Kashmir bar. They urged the Indian state to allow independent investigators entry into Kashmir to ensure accountability for its actions under international law, and to take urgent steps to lift all restrictions, restore internet and communications, and publish the names of all individuals, including lawyers who have been detained.

Live Law ✓
@LiveLawIndia

Justice Gita Mittal (CJ Jammu & Kashmir HC) says her internet connection is posing problems.

"I had to come to the court to make sure today's webinar is delivered from my end as connection is a problem otherwise."

7:14 PM · Jun 10, 2020 · Twitter Web App

49 Retweets and comments   **90** Likes

ISOLATION OF UNDERTRIALS

After August 5th 2019, at least 300 people were arrested under PSA. Most of these detenus were sent to jails across the northern Indian state of Uttar Pradesh (Agra, Bareilly) and some to Haryana, Hindustan Times[12] reported. Meanwhile families who were aware of their arrest and imprisonment, were completely in the dark about where they were taken. Due to a complete communication shutdown, families could not make enquiries, and neither could the imprisoned call their families to inform them about where they were taken. Many could not meet their relatives in jails for months, First Post[13] reported.

Undertrials are required to appear in court on each date of the hearing, but since many were taken to jails far away from the courts, they were simply not produced, leading to repeated deferments of hearings. Some judges started video conferencing to ensure the undertrial is virtually present in court. Although video-conferencing of cases has helped ensure speedier trials, judges cannot physically verify the wellbeing of the prisoner. Aside from this, families no longer have the opportunity to meet under-trials when they are brought to court. During the internet shutdown, even when video conferencing happened on the court's own leased line, it was frequently ridden with technical difficulties. In a habeas corpus petition filed for Mian Qayoom, the High Court itself noted the difficulties in conducting hearings of complicated matters. Live Law[14] reported: "We, while sitting at two different places through Video Conferencing, faced great difficulty in the process of hearing the matter via Video Conferencing. Despite that being the position, we were continuing to hear the parties, but Mr B. A. Dar, learned Senior Additional Advocate General, got disconnected on account

11 https://www.livelaw.in/top-stories/justice-system-in-kashmir-in-a-state-of-near-collapse-uk-lawyers-body-write-to-pm-read-letter-150034
12 https://www.hindustantimes.com/india-news/234-prisoners-from-jammu-and-kashmir-in-up-jails-27-in-haryana-prisons-govt-tells-rajya-sabha/story-cMMXGYpZDj1mDdqbQqKhiJ.html
13 https://www.firstpost.com/india/in-bareilly-jail-i-was-the-guardian-of-all-kashmiris-says-journalist-qazi-shibli-after-9-months-of-detention-under-psa-8310161.html
14 https://www.livelaw.in/news-updates/jk-hc-difficult-to-conduct-vc-hearing-due-to-poor-connectivity-notes-concerns-of-government-counsel-expressing-lack-of-vc-facility-156275

of poor connectivity." On another occasion, Chief Justice Gita Mittal too noted[15] the unreliability of internet connectivity while appearing in a webinar: "I had to come to the court to make sure today's webinar is delivered from my end as connection is a problem otherwise."

The communication blockade also compromised the transparency and efficiency of the court process due to the reliance on private electronic communications between Court registries and litigants/lawyers, rather than through the established public filing and electronic listing system. Asifa Shah, wife of Mubeen Shah, a civil society activist detained on August 4th 2019, filed a Habeas Corpus Petition in the Supreme Court for his release. She was unaware, The Wire[16] reported, that the Jammu & Kashmir High Court had already been approached by another relative – via e-mail. The Supreme Court dismissed her Petition asking the High Court to decide the case "expeditiously." For two months the case was not heard, while Shah's health continued to deteriorate. Finally, the relative withdrew the case pending in the High Court, and Asifa Shah filed a fresh Petition in the Supreme Court. Mubeen Shah was finally released in December 2019 after the government revoked his detention order, and just prior to his Supreme Court hearing, Indian Express[17] reported.

ROUTINE COURT PROCEDURE TRIPPED UP

Not all of the cases that found themselves in limbo were directly connected to the abrogation of Article 370, or the events flowing from it. As in any legal system, a large proportion of civil litigation in Kashmir is related to claims for spousal maintenance and child support payments. "Many of the women who file these cases are extremely poor and need the intervention of the court to receive their money," lawyer Habeel Iqbal pointed out. With husbands and fathers frequently defaulting

on their payments, and the court system paralysed, women and children dependent on monthly maintenance payments suffered.

With the snapping of internet and phone services it follows that lawyers and their clients lost communications. But it was more than that, for the court's dependence on the internet has grown in recent years. Even at the level of the District Courts lawyers make substantial use of the e-courts platform[18]. Once a case is filed, the application provides all the details, and an automated SMS intimates the plaintiff (as well as the lawyer). It also provides basic details of the case along with the next date of hearing. Although most of these processes came to a standstill with the communications lockdown, it is important to note that a few of the procedural parts of the Court were made operational after only three weeks. "In Shopian, where I work, and which is considered a most volatile region, Judges did sit in court 20-25 days after 5th August," Habeel Iqbal pointed out to JKCCS researchers[19], "mainly because police had made arrests and they had to report them in front of a judicial magistrate."

Families who were aware of their arrest and imprisonment, were completely in the dark about where they were taken. Due to a complete communication shutdown, families could not make enquiries, and neither could the imprisoned call their families to inform them about where they were taken. Many families could not meet their relatives in jails for months.

15 https://www.livelaw.in/top-stories/access-to-justice-cannot-be-understood-to-mean-access-to-courts-justice-gita-mittal-145678
16 https://thewire.in/communalism/supreme-court-asks-jk-hc-to-expeditiously-decide-plea-on-detention
17 https://indianexpress.com/article/india/businessmans-detention-under-psa-revoked-by-jk-admin-6159007
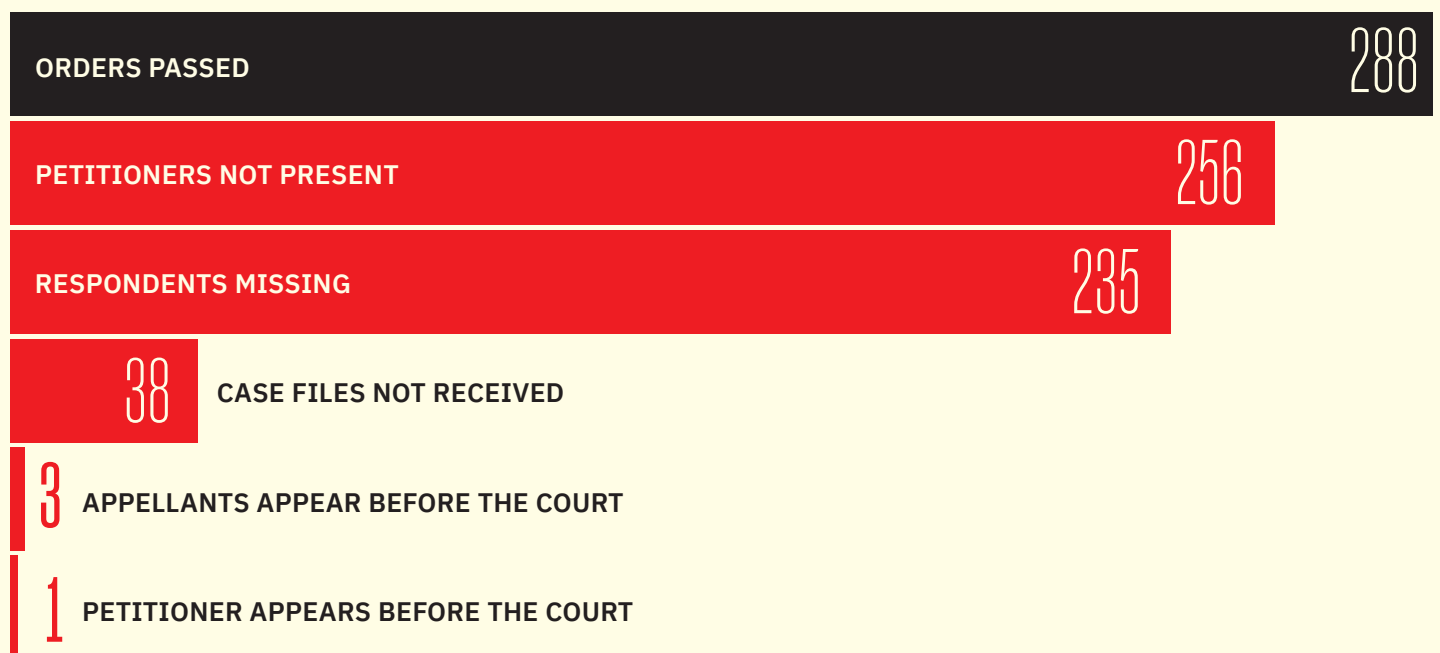18 http://jkhighcourt.nic.in/index.php
19 Telephone interview / Habeel Iqbal / 03.05.2020

The digital siege affected the Jammu & Kashmir High Court with equal severity. The website of every High Court publishes a weekly and daily 'Cause-list', which provides a list of cases to be heard by the court on the following day or week. It informs the parties involved in a case (along with their lawyers) about the bench that will hear their case, the court in which it would be heard, and the order in which cases would proceed. After the internet shutdown in August 2019, the manner in which lawyers and litigants interacted with the courts was seriously disrupted. Multiple photocopies of the cause-list were printed, and simply placed on a desk in court for all lawyers to access. Supplementary matters, which were not listed in the cause-list, were made available on the notice board of the High Court. The J&K High Court also has a virtual display board which provides a real time display of matters being heard in each court room. Post the internet shutdown even this critical function of the court became redundant. Orders and judgments passed by courts, which were previously uploaded regularly on the high court website, also stopped. The problem was made more acute by "the nearly dysfunctional postal service which the legal system relies on heavily" Al Jazeera[20] reported. "In habeas corpus cases, we have to send notices to the state and jail authorities. How do we do that when the administration has shut down the post offices services in the Valley?" an advocate representing those arrested from Bandipora district told reporters.

Three weeks after the lockdown, the New Delhi based Indian Express[21] carried a startling analysis of the workings of the J&K Courts. A scrutiny of orders in all cases heard between August 5th and August 26th, and accessed by their reporters from the e-court platform[22], revealed a telling pattern. Of the 288 cases where orders were passed, petitioners were not present in 256 cases, and respondents were missing in 235 cases. In at least 38 cases Chief Justice Gita Mittal and Justice Rashid Ali Dar could not even receive case files. The main explanation, the analysis revealed, was that "due to restrictions on the movement of traffic in the State, counsel for the parties were not available." In only three cases did the appellant appear before the court, and in only one case did the petitioner manage to appear. Hearings were deferred in over 70 per cent of the cases, to dates in either October or November 2019. Even as the state sought to establish the narrative of

J&K High Court - Orders in Cases Heard - Aug 5 to Aug 26 2019

ORDERS PASSED	288
PETITIONERS NOT PRESENT	256
RESPONDENTS MISSING	235
38 **CASE FILES NOT RECEIVED**	
3 **APPELLANTS APPEAR BEFORE THE COURT**	
1 **PETITIONER APPEARS BEFORE THE COURT**	

DATA SOURCE
Indian Express, Apurva Vishwanath, Kaunain Sheriff M, 27/09/2019
https://indianexpress.com/article/india/in-interest-of-justice-justice-postponed-in-jammu-kashmir-high-court-5939711

20 https://www.aljazeera.com/news/2019/09/crackdown-lawyers-shrinks-road-justice-kashmir-190920073101403.html
21 https://indianexpress.com/article/india/in-interest-of-justice-justice-postponed-in-jammu-kashmir-high-court-5939711
22 http://jkhighcourt.nic.in/index.php

normalcy, the issue became highly contested. The High Court had been disposing of cases daily, India Today[23] reported, countering accounts by Petitioners to the Supreme Court who maintained that the Courts were dysfunctional and inaccessible. The Chief Justice of India, Ranjan Gogoi eventually passed orders in September 2019, seeking clarity on whether courts were functional, Economic Times[24] reported and the High Court later filed a report which stated that the courts were hearing matters. (The full report was not made public).

Despite these assertions by the state, reports from the situation on the ground continued to be dismal. In November 2019, Kashmir Life[25] quoted court officials as stating that only 1438 new cases were filed in the High Court Srinagar from August 5th until November 17th, 2019, including 1069 civil cases and 369 Habeas Corpus petitions relating to illegal detentions. Detailing the immense problems faced by litigants, it mentioned that a "hot line" to the Chief Justice had been set up to deal with urgent issues, and that only four courts were fully functional. In June 2020, Newsclick[26] reported, the Bar Association of Jammu & Kashmir at Srinagar made a representation to the Chief Justice of the High Court, apprising her of the continuing difficulties faced by lawyers and litigants after August 5th, and stating that 99% of Habeas Corpus petitions pertaining to the illegal detentions after that date remained pending due to the constant delays.

COVID-19 LOCKDOWN

"The Covid pandemic and the ensuing highly militarised lockdown in Kashmir added a further layer of challenges to access to justice in Kashmir. All court complexes in Jammu, Kashmir and Ladakh were initially ordered to be closed for a 21 day period, and a circular asked the Principal District and Sessions Judges to make arrangements for hearing of any exceptionally urgent civil or criminal matter from the residence of designated judicial officers," the Indian Express[27] said. With regard to regular hearings of civil, criminal and appellate matters at both trial courts and High Courts the circular stated that, "The hearings shall be on the virtual mode only." Covid lockdown measures were eased gradually in May 2020 and thereafter reinstated in July 2020, but the full physical functioning of courts has still not resumed, leaving lawyers and litigants dependent on low speed internet to access the courts.

In the initial period, lawyers could file applications via WhatsApp message to the judicial registrar or in accordance with detailed guidelines for other modes of electronic filing. Once the application was sent in the requisite format, the registrar decided if the matter was urgent. If they were considered urgent, lawyers were called and told when their matter would be listed. "Any convenient mode is allowed to send petitions or arguments which includes SMS, e-mail, WhatsApp, video conference calls," lawyer Habeel Iqbal told JKCCS researchers[28]: "In order to argue the matter, lawyers can either call the judge and argue over the phone, or send an audio or video of their arguments. But this has certainly affected the adversarial form of justice." Altaf

23 https://www.indiatoday.in/india/story/jammu-and-kashmir-high-court-disposing-off-cases-1593258-2019-08-30
24 https://economictimes.indiatimes.com/news/politics-and-nation/jk-hc-report-does-not-support-claims-on-inability-to-access-court-there-says-sc/articleshow/71213903.cms?from=mdr
25 https://kashmirlife.net/justice-delayed-issue-34-vol-11-219671
26 https://www.newsclick.in/99%25-Habeas-Corpus-Filed-Jammu-Kashmir-HC-August-2019-Pending
27 https://indianexpress.com/article/coronavirus/all-court-complexes-in-jammu-kashmir-ladakh-closed-till-april-14-6333404
28 Telephone interview / Habeel Iqbal / 03.05.2020

Khan, a practicing lawyer in the J&K High court, told JKCCS researchers[29] that despite a circular stating that urgent matters must be heard during the Covid-19 lockdown, the courts and registry were disinclined to list and hear urgent liberty related cases, citing the example of a bail plea from Budgam, which the court had declined to hear on the grounds it was not urgent.

The wide discretion given to the court registry to decide on matters of urgency, and the lack of internet access restricted the ability of lawyers to make representations. There was also the problem of presenting complex legal arguments and applications over a messaging service, with no opportunity for synchronous engagements with the opposite party, court or registry officials. As the Covid lockdown was eased, courts were partially re-opened, although with social distancing norms. The J&K High Court Bar Association wrote to the Chief Justice of the Supreme Court of India in June 2020, Newsclick[30] reported, stating that "Because of restrictions of operation of 4G in J&K, it is very difficult to argue the matters through virtual mode, though an option is given to the counsel to appear before the Court. The lawyers whose cases are listed are allowed to enter the court premises but their clerks and juniors are not allowed disabling the lawyers to assist the courts properly." This situation was further exacerbated by the frequent internet shutdowns in different parts of the valley.
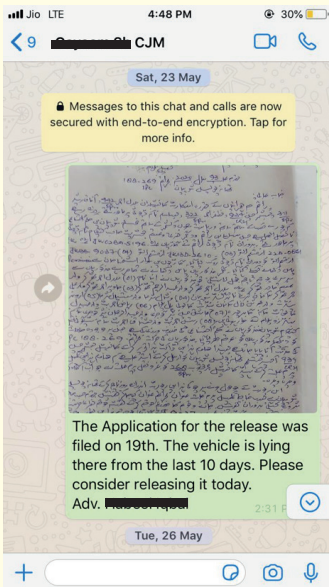
Significantly, during the Covid lockdown the High Court has itself expressed considerable difficulties in its functioning, and has intervened on the issue of the limited e-connectivity of courts. This is in contrast to its role during the post August 5th period, where it maintained that courts were functional. Chief Justice Gita Mittal and Justice Rajnesh Oswal in a hearing regarding non-availability of routers in Udhampur court observed that, "the availability of e-connectivity to the courts is an issue of ensuring access to justice to the citizens.[31]" This report also noted that internet service provider BSNL had sent a letter to the Department of Justice in November 2019 on the need for VSAT facilities for 10 sites but had received no response. The court now directed BSNL to install the converter and router in the Udhampur court, and also asked for a fresh report
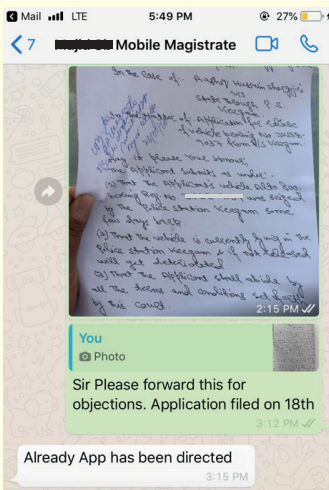
from BSNL on the status of providing e-connectivity to courts in the Union Territories of Jammu & Kashmir and Ladakh.

The issue of low internet speed affecting access to justice was also taken up suo moto by the J&K High Court, The New Indian Express[32] reported, when the Chief Justice summoned Home Secretary Shaleen Kabra to appear before a bench and apprise it of the impact of the restrictions on e-connectivity of courts. The court remarked that that "despite best efforts on the part of our IT experts, it has been impossible today to have even a bare semblance of a hearing." The division bench noted that access to justice is a fundamental right "and cannot be impeded."

29 Telephone interview / Altaf Khan / 29.03.2020
30 https://www.newsclick.in/99%25-Habeas-Corpus-Filed-Jammu-Kashmir-HC-August-2019-Pending
31 https://theprint.in/judiciary/e-connectivity-necessary-for-access-to-justice-amid-covid-19-jammu-kashmir-high-court/437202
32 https://www.newindianexpress.com/nation/2020/jul/14/jammu-and-kashmir-hc-summons-home-secretary-over-poor-internet-speed-2169724.html

Khytul Abyad is a 27-year-old artist from Islamabad town in southern Kashmir. "Do you remember the rumours about war in the time leading up to 5th August, 2019?" asks Khytul. "What I did was, I brought all my art work, stacked it, wrapped it in a piece of cloth. Then I stored it in an old trunk. I wrote a note with it, saying 'I don't know if anybody is ever going to see this but this is here and this is my treasure'." Khytul's art turned distinctly political after 2016; as she puts it, "when all I could see around was violence, people getting shot, people getting blinded." "Before 2016, I would draw and paint about social issues that concerned me–patriarchy for instance. In 2016, my work switched from being personal to political. Now, today, I can't really differentiate between political and personal," says Khytul.

The social media platform, Instagram, was the space she used to share her art–as she points out, Kashmir does not have enough physical spaces for this purpose, and through the internet her work was reaching a much wider audience. When the communication lines were snapped after August 5th, Khytul found it difficult to continue to make art, since she no longer had the means to share it. She kept a journal, but that was personal, and she completely abandoned art as a medium of expression.

It was also a particularly difficult time for her family. Her brother, Qazi Shibli, editor of the news portal, The Kashmiriyat, had been called in for questioning by the police in late July 2019, but never came home. After August 5th, the family knew things would get even harder. Khytul went from the Deputy Commissioner, Anantnag's office to various police stations, to try and trace her brother. Eventually after close to two months, her family were told he had been transported to a jail in Bareilly, in northern India. Qazi Shibli was eventually charged under the Public Safety Act, and released only in April 2020, when prisons were being decongested owing to the pandemic.

KHYTUL ABYAD

Three months later, in July 2020, Shibli has once again been detained and charged under Section 107 of the CrPC. "Shibli is in detention right now and it is so difficult for us to get to him even when there is a phone and internet, and we know where he is. We know what he's doing. We have all sorts of info, but it's still so difficult to get to him and to convince officers to let us meet him," says Khytul.

In September 2019, Khytul had taken a flight to Delhi, and along with a brother who lives in the Capital, a train to Bareilly. When the siblings arrived to visit Shibli, carrying permission from the Senior Superintendent Police, Anantnag, they were turned away, and told the document was not valid. They had to return to Delhi, Khytul recalls, since hotels in Bareilly were not allowing any Kashmiri guests. Eventually the correct documents to meet him were organised by her between Delhi and Kashmir.

"I think tracking him down would itself have been so much easier with communication lines open, because we could have called so many people....We would not have had to go all the way there and be sent back," says Khytul. "The only reason we didn't have to come all the way back to Kashmir was that landlines had started working just then and we could call from Delhi and wait. The second permission took two days because we could connect to people. Finding him had taken two months."

As a young artist, Khytul believes that in a region where information comes at a premium, the internet was the only truly democratic space that people had. "If it wasn't a helpful tool for us, they wouldn't ban it. We live in this place where every kind of news is filtered, but the internet is a place that everyone and no one controls. If I'm posting, for that moment, I am in power," she says.
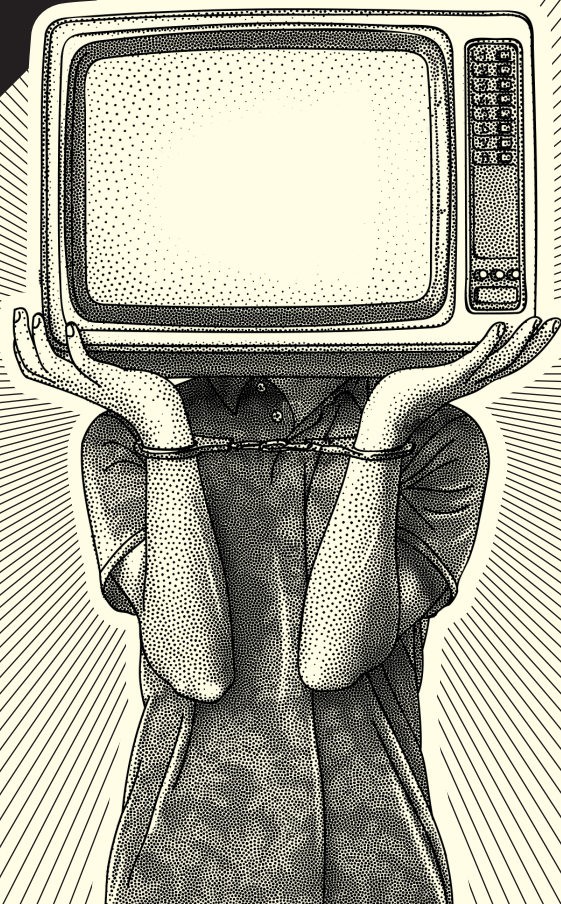
international covenant on civil and political rights

article 19

1 *Everyone shall have the right to hold opinions without interference.*

2 *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*

3 *The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*

a *For respect of the rights or reputations of others;*

b *For the protection of national security or of public order (ordre public), or of public health or morals.*

journalism is not a crime

On 12th November 2019, Kashmir entered its 100th day without internet access. Outside the modest Kashmir Press Club in Srinagar dozens of journalists gathered, as they had done the previous month[1], and participated in a protest march[2] demanding that internet services be restored immediately. Some of them held up their darkened laptops, others handbills that read "100 Days No Internet," and a few held placards that said "Journalism Is Not a Crime."

Almost everybody present made a connection with an image familiar to them from just over a year ago: of journalist Asif Sultan being produced in handcuffs before a Srinagar court[3]. Asif was arrested in September 2018 in connection with an article he wrote for a local magazine, Kashmir Narrator. It was a profile of Burhan Wani, an important militant commander who had been killed in an encounter the previous year, and in his article Asif had included interviews with non-combatant members of the Hizbul Mujahideen to which Wani belonged. As he came out of court in handcuffs, his T-shirt caught the eye of everyone present: "Journalism Is Not a Crime" it said in bold letters. The image went viral in 2018.

As of early August 2020, Asif Sultan continues to be incarcerated, his trial pending, and the violations of rights that the journalists were protesting are still in place. These exist on a continuum of state violence, censorship and surveillance faced by the media community in Kashmir, as journalists operate in a context of deeply repressive media policies, including

1 https://www.huffingtonpost.in/amp/entry/kashmir-journalists-protest-against-internet-ban_in_5d96a82ae4b02911e11853c4
2 https://www.newslaundry.com/2019/11/12/kashmir-journalists-march-to-protest-100-days-of-internet-shutdown
3 https://scroll.in/latest/912339/j-k-police-file-chargesheet-against-journalist-9-others-for-allegedly-harbouring-militants

press licensing and regulations, censorship, and preventive detention laws.

The violations of journalistic freedoms include a long history of extra-judicial killings and targeted attacks on working journalists in Kashmir. Following the 2018 killing of senior journalist Shujaat Bukhari, founder-editor of the daily Rising Kashmir, who was shot multiple times just outside his office, Free Press Kashmir[4] produced a list of 19 journalists who had lost their lives in Kashmir since 1990. The comparison with numbers gathered from across India by the Committee to Protect Journalists was telling, as The Wire[5] pointed out, where 27 journalists have been killed at work since 1992. In Kashmir the list of attacks on journalists that have not resulted in death is long too. "From being the targets of explosions, parcel bombs and having grenades being thrown at their homes, to being held as hostages, shot at, having their family members harassed, and even being arrested, journalists in Kashmir face this all on a nearly daily basis," The Wire said.

World Press Freedom Index 2019

INDIA FELL TO 142ND POSITION OUT OF 180 COUNTRIES

138	139	140	141	142	143	144	145	146
SOUTH SUDAN	MYANMAR	THAILAND	ESWATINI	**INDIA**	MEXICO	CAMBODIA	PAKISTAN	ALGERIA

DATA SOURCE
2020 World Press Freedom Index
https://rsf.org/en/ranking

In 2019 India fell to 142nd position in the World Press Freedom Index[6], produced annually by Reporters Without Borders (RSF). "India's score in this year's World Press Freedom Index is heavily affected by the situation in Kashmir where, after rescinding the state's autonomy, the federal government shut down fixed line and mobile Internet connections completely for several months, making it virtually impossible for journalists to cover what was happening in what has become a vast open prison," RSF noted.

A BLACK HOLE OF INFORMATION

The communications shutdown in Kashmir significantly worsened the considerable risks of being a frontline reporter in a volatile armed conflict Kashmir. The severity and omniscience of the repressive apparatus were unprecedented this time. Without phones or internet, and with no road transport of any kind, reporters in Srinagar and across other districts of Kashmir found themselves cut off from their news desks, from their sources, and perhaps as importantly, from government, police and military spokespersons.

Outside the formal structures of 'the media', the vigorous activity of Whatsapp groups—always the first off the starting block with local news from distant and poorly connected places in Kashmir— also went silent. At a time when the people of the region were being put through a series of critical and consequential political transformations, news and information had disappeared, as if at the throw of a switch. A September 2019 report titled News behind the barbed wire[7], filed by

4   https://freepresskashmir.news/2017/09/23/journalismisnotacrime-list-of-journalists-killed-in-kashmir-proves-otherwise
5   https://thewire.in/media/kashmir-journalists-safety-numbers
6   https://rsf.org/en/ranking
7   http://www.nwmindia.org/research/news-behind-the-barbed-wire-kashmir-s-information-blockade-2

Network of Women in Media (NWMI) and Free Speech Collective, said that in Kashmir "editors expressed concern that their district correspondents and stringers who were the backbone of their information ecosystem, have not been contactable for the last one month. There is no information at all about them, much less of the areas they live in and the condition of the people residing there."

During previous shutdowns, even when the internet and phones were cut off, journalists in Srinagar had been able to get curfew passes to move around. This time the authorities were not issuing curfew passes, citing the absence of publicly declared "curfew" restrictions on movement or assembly (under Section 144 of the Code of Criminal Procedure). Yet the capital Srinagar was, in anthropologist Saiba Varma's[8] words, "a razor-wire city [where] Paramilitary and militarized police appeared at every intersection, blocking crossings, roads, bridges, and highways with coils of concertina wire." On August 6th a local news editor was beaten by police in downtown Srinagar, as he walked along with other journalists in the Khanyar area and after one of the photographers had reportedly clicked a photo of a barricade. Media credentials did not mean much, a report filed by the Committee to Protect Journalists[9] said, as the police and paramilitary snatched cameras and phones and deleted photos.

Among those detained and held incommunicado in the week before the lockdown began was the Editor of online portal Kashmiriyat, Qazi Shibli. For over a month and a half his whereabouts remained unknown to his family, Huffington Post[10] reported, before they received official confirmation that he was being held in a jail in Uttar Pradesh, hundreds of kilometers away, incarcerated under the Public Safety Act, 1978. In April 2020, Qazi Shibli was released after 9 months of detention, and in an article he wrote for Firstpost[11] described the circumstances of his abduction and enforced disappearance. "On the morning of 9 August last year, we were taken [from the police station] to Srinagar airport and we had no idea about where we were being taken. For the first two months, we weren't even told where we were lodged. [Later we learned] it was Bareilly District Jail." In its entry on "Indian Kashmir," the Freedom House index[12] reported that

at least two other journalists were detained in the month of August 2019. The internet ban obstructed citizens from reaching out to the press, and prevented journalists from getting leads on social media, pushing Kashmir into a "black hole" of information, one journalist told Newslaundry[13].

8   https://www.apnews.com/aa7048cf325646298fb773d7cb12d3b6
9   https://cpj.org/2019/08/in-kashmir-obstruction-confiscated-equipment-and-h
10 https://www.huffingtonpost.in/entry/journalist-vanishes-in-jammu-and-kashmir-under-psa_in_5d80dabce4b077dcbd6485ef
11 https://www.firstpost.com/india/in-bareilly-jail-i-was-the-guardian-of-all-kashmiris-says-journalist-qazi-shibli-after-9-months-of-detention-under-psa-8310161.html
12 https://freedomhouse.org/country/indian-kashmir/freedom-world/2020
13 https://www.newslaundry.com/2020/02/05/a-panopticon-of-fear-and-rumours-inside-kashmirs-media-centre-during-lockdown

A STATE OF DENIAL

The black-out not only blinded the world to events in Kashmir, but actively prevented independent verification, corroboration and authentication of news, in an environment rife with official denials, media disinformation, and counter-insurgency 'perception management[14]' operations. On August 9th-10th 2019, BBC[15], Al Jazeera[16] and Reuters[17] reported on massive public processions in Srinagar, which were met with tear gas, rubber bullets and shot-gun pellets fired by state forces. Despite the significance of these events, no local or Indian media outlets reported the story. The reports were met with official denial, The Telegraph[18] reported, with the Ministry of Home Affairs tweeting[19] that the footage was "completely fabricated & incorrect," and endorsing police statements that they had "not fired a single bullet in the 6 days." Three days later, the Ministry walked back these claims blaming[20] "miscreants" for "widespread unrest" and denying that forces had opened fire on the crowds. But as a fact-check of the story by Scroll[21] described, "By this time, the claim that news reports about the protests were "fabricated" had already become fodder for many [Indian right wing news outlets and commentators]."

The journalist Sankarshan Thakur offered testimony in his "Diary of a Srinagar lockdown" in The Telegraph[22]: "I may have never ever felt so shut out and so shut down. Not during the protracted military operations of the IPKF in northern Sri Lanka. Not during the many weeks I was on the frontier reporting the Kargil war. Not during the Tahrir Square uprising in Cairo. Not even during the darkest I have witnessed in Kashmir over the past decades.... This was not even censorship, not about what you can or cannot report. This was being cut out and left cold."

In the week the NWMI team was in Kashmir they posed a question about the shooting of a shopkeeper to the official spokesperson of the J&K police, a senior police officer. Journalists who

BBC News Press Team
@BBCNewsPR

BBC statement on #Kashmir coverage

> The BBC stands by its journalism and we strongly refute any claims that we have misrepresented events in Kashmir. We are covering the situation impartially and accurately. Like other broadcasters we are currently operating under severe restrictions in Kashmir but we will continue to report what is happening.

4:45 PM · Aug 11, 2019 · Twitter for iPhone

9.6K Retweets and comments   **18.1K** Likes

14 https://salute.co.in/shaping-the-information-environment-in-jk
15 https://www.bbc.com/news/av/49306816/article-370-tear-gas-at-kashmir-rally-india-denies-happened
16 https://www.youtube.com/watch?v=SEWWZsLkKeE
17 https://in.reuters.com/article/india-kashmir-370/thousands-protest-in-kashmir-over-new-status-despite-clampdown-idINKCN1UZ0OO
18 https://www.telegraphindia.com/india/kashmir-protest-how-the-government-version-changed/cid/1697637
19 https://twitter.com/PIBHomeAffairs/status/1161224075680931841?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1161224075680931841%7Ctwgr%5E&ref_url=https%3A%2F%2Fscroll.in%2Farticle%2F933758%2Ffact-check-did-bbc-al-jazeera-and-reuters-fabricate-reports-about-a-large-protest-in-kashmir
20 https://twitter.com/PIBHomeAffairs/status/1161224075680931841?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1161224075680931841%7Ctwgr%5E&ref_url=https%3A%2F%2Fscroll.in%2Farticle%2F933758%2Ffact-check-did-bbc-al-jazeera-and-reuters-fabricate-reports-about-a-large-protest-in-kashmir
21 https://scroll.in/article/933758/fact-check-did-bbc-al-jazeera-and-reuters-fabricate-reports-about-a-large-protest-in-kashmir
22 https://www.telegraphindia.com/india/diary-of-srinagar-lockdown/cid/1696258

sought follow ups could obtain more details on Twitter, he said to them, as the administration was constantly updating information via their handles. "The irony of expecting journalists who have little or no access to the Internet to check social media networks for official information was hard to ignore," senior journalists Laxmi Murthy and Geeta Seshu noted in their report News Behind the Barbed Wire[23]. Twitter handles of government spokespersons in J&K were particularly active during this period, carrying reactions to different news reports, including frequent critical commentary on media reportage. "Clearly, these are for the consumption of national and international readers and audiences, completely beyond the ken of a population that is unable to access the Internet even as it is the subject of social media chatter," Murthy and Seshu concluded.

"One of the biggest difficulties has been that authorities have not been made available to cross-check the information or to seek their responses on what we find on the ground," journalist Parvaiz Bukhari told TRT World[24]. "Even in warzones, you go with communication facilities but there was nothing here; they stymied our basic capabilities of reporting," Bukhari concluded: "In actual terms, this does amount to censorship."

FACILITATION AS CENSORSHIP

"Reporting has been one of the biggest casualties of the government clampdown in J&K," The Telegraph newspaper said on August 7, in a statement that accompanied a brief report[25] from their Srinagar correspondent, Muzaffar Raina. Over the next few days the newspaper carried several other reports by Raina, all of which he had first typed out on his computer, then taken screenshots of, before sending them on a USB drive[26] to New Delhi, from where they were transmitted to the newspaper's office in Kolkata. This sort of transmission had become the norm for the dozens of

> **Rahul Pandita** ✔
> @rahulpandita
>
> If one wishes one can report from anywhere, even outside informal 'press enclaves'. Some people are unhappy, but some people are happy as well. They wish peace returns to Kashmir now, violence is over, and Kashmiris can live normal life
>
> 10:00 PM · Aug 6, 2019 · Twitter for iPhone
>
> **278** Retweets and comments **824** Likes

> **Rahul Pandita** ✔
> @rahulpandita
>
> The main window to New Delhi remains satellite TV. Last night a TV channel claimed there is green zone for journalists. That is wrong. Journalists are able to move freely, even without curfew passes. They are living in hotels all over. There is NO green zone.
>
> 9:58 PM · Aug 6, 2019 · Twitter for iPhone
>
> **306** Retweets and comments **886** Likes

accredited correspondents, reporters, and video-journalists as well as the large community of freelance media persons in Kashmir. Without any couriers operational, even sending a USB drive to Delhi was a difficult task. The only way was to physically get to the airport, which is on the outskirts of the city, wait outside the security area, and corral someone willing to carry a flash drive to Delhi. For several weeks this became the template for international wire-service photographers and reporters, whose inputs are often the basis from which a global audience begins to learn about all that is happening on the ground.

There were exceptions to these restrictions of course. Indian TV networks, most of them Delhi based and unlikely to report anything that went against the grain, were able to use their Outside Broadcast Vans, which are connected through narrow aperture satellite links. Their reporters were able to continue communicating unhindered. The government seemed to have divided journalists reporting on Kashmir into two categories, with those based in Delhi getting more access to officials and other facilities in Kashmir, Muzamil Jaleel, Deputy Editor of the Indian Express, told TRT World[27]. He was in Kashmir on August 5th and pointed out that most of the Delhi-based journalists, especially TV journalists, got all the access they needed, and that "they even use their mobile phones and internet, and I have no idea how they do that."

In the immediate aftermath of August 5th the Government set up a 'facilitation centre' in Srinagar, as a courtesy for the huge media contingent that had arrived from New Delhi. Conveniently located in a private hotel where many of the visiting journalists were staying, it was where government spokespersons hosted press conferences[28], and it included an internet centre. Since the widespread unrest they had come expecting did not materialise, the visiting press pack

23 http://www.nwmindia.org/research/news-behind-the-barbed-wire-kashmir-s-information-blockade-2
24 https://www.trtworld.com/magazine/kashmiri-journalists-get-sucked-up-in-an-information-black-hole-29863/amp
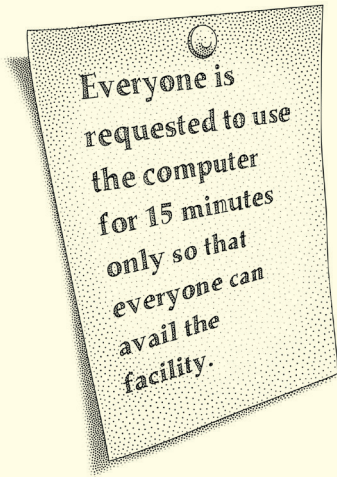25 https://www.telegraphindia.com/india/crushing-blockade-on-flow-of-information-in-srinagar/cid/1696279
26 https://www.telegraphindia.com/india/unfamiliar-indifference-and-an-unspoken-question-in-srinagar/cid/1696261?ref=top-stories_home-template
27 https://www.trtworld.com/magazine/kashmiri-journalists-get-sucked-up-in-an-information-black-hole-29863/amp
28 https://www.news18.com/news/india/kashmir-dispatch-8-100-journalists-4-computers-1-mobile-phone-and-lousy-internet-reporting-live-ish-from-kashmir-2273359.html

eventually left. But for several months this 'facilitation centre' continued to be the only source of communication for the entire media in Kashmir - local, Indian, and international.

The 'facilitation' began with a single mobile phone and four computers. Sometime later, four more computers were added, and then two more (one was thoughtfully reserved for women journalists). The pressure on the facility was unimaginable. On average, more than 200 journalists arrived at the centre, with 400 on peak days. Most of them usually came in the late afternoon when it was time for them to file their stories, leading to long hours of waiting for brief access to the internet. Notices printed on plain paper were pinned on the walls, declaring the time limit per computer to be 15 minutes: at that rate the 200 journalists would have needed a 50 hour day. Managers of the centre told Kashmir Life[29] that between August 5th and October 14th they registered 16,250 telephone calls and 28,500 internet sessions. Internet speed at the facilitation centre was abysmal. "My mail wasn't loaded even after seven minutes, such was the speed," CNN-News18's bureau chief[30] told reporters, and left after noting "it is not working" in the daily register.

Everyone is requested to use the computer for 15 minutes only so that everyone can avail the facility.

Describing this crowded space as a "Panopticon of fear and rumours," Newslaundry[31] reported on the humiliation of professional journalists trying to upload their stories and images in the full glare of other competing journalists. Disconcertingly, in the general crush anyone with access to the government-managed facility–from pharmaceutical representatives to political workers of the BJP–also had access to the same facilities. There were frequent reports of prying eyes peering over the shoulders of the working journalists, security personnel in the guise of government employees, and often in the uniform of hotel employees. Ironically the huge crush at the "facilitation centre" was also turned into an achievement by the government, Newsclick reported[32]. A policeman, equipped with a hand-held body scanner, checked journalists at the entrance, after which they had to enter their details in a register. This log allowed the government to issue a press release in January 2020 claiming that "more than 50,000 internet sessions were facilitated for scribes at the media centre after August 5th."

In a working day of about eight or nine hours, at least four were spent in the 'facilitation centre', trying to file stories on whatever information could be gathered in the first half of the day. If a pen-drive containing news articles needed to be shipped to Delhi, then a couple of hours would be taken up by a trip to the airport. The lack of access to information and various other restrictions on the ground meanwhile came in the way of journalists reporting several incidents, TRT World[33] wrote, or confirming whatever information they did manage to get—while making it easier for officials to deny the reports. This meant that journalists in Kashmir were not able to even skim the surface of what was happening around them.

The situation was even worse for journalists outside of Srinagar. In December 2019, four months after the shutdown, limited internet access was provided at a government office in Anantnag, in southern Kashmir. It didn't really help local journalists, the BBC reported[34]. The office was always crowded, with "only four desktops for a scrum of officials, students and youngsters who want to log on to respond to emails, fill exam forms, submit job applications or even check their social media." Eventually the Srinagar 'facilitation centre' was shifted from the private hotel to a government office, and six more terminals[35] became available where journalists were able to connect with their own laptops. Some media houses managed to obtain leased internet lines[36], but these were expensive and accessible to only two or three of the larger newspapers. For the rest, restricted to grindingly slow internet speeds, the problem continues.

29 https://kashmirlife.net/rationing-bandwidth-issue-33-vol-11-219328
30 https://www.news18.com/news/india/kashmir-dispatch-8-100-journalists-4-computers-1-mobile-phone-and-lousy-internet-reporting-live-ish-from-kashmir-2273359.html
31 https://www.newslaundry.com/amp/story/2020%2F02%2F05%2Fa-panopticon-of-fear-and-rumours-inside-kashmirs-media-centre-during-lockdown
32 https://www.newsclick.in/journalism-today-kashmir-communications-lockdown-8-computers-queues
33 https://www.trtworld.com/magazine/kashmiri-journalists-get-sucked-up-in-an-information-black-hole-29863/amp
34 https://www.bbc.com/news/amp/world-asia-india-51441830
35 https://www.newslaundry.com/amp/story/2020%2F02%2F05%2Fa-panopticon-of-fear-and-rumours-inside-kashmirs-media-centre-during-lockdown
36 https://www.newsclick.in/journalism-today-kashmir-communications-lockdown-8-computers-queues

CYBER CURFEW: NEWSPAPERS ARE CHOKED OFF

Despite a history of media restrictions, Kashmir has a vigorous local media landscape, with about 150 daily newspapers in English and Urdu. Almost all of the major newspapers have websites where they post their content online, and many have a strong presence on social media; Greater Kashmir has over 2 million likes on its Facebook page. There are several independent news web-portals as well, with a subscriber base that run into tens of thousands. While print editions of the major newspapers did eventually return after the August 5th shutdown, their websites and web-exclusive portals came to a complete halt. Online editions of most local dailies remained suspended for more than three months after internet services were snapped across the valley (one local daily, Kashmir Monitor, updated its web edition by accessing the internet from outside the state). Editors, columnists and freelancers working with online portals of different newspapers and web-exclusive portals were left without work, The Polis Project[37] reported.

The pressures on local newspapers did not however start with the August 5 shutdown, and the current internet blockade in Kashmir must be viewed as part of the general environment of increasing censorship and control over the media in Kashmir[38]. Most newspapers depend on revenues from government advertisements to keep them going. For at least six months before the communications and security clampdown was imposed, authorities had deprived at least two prominent dailies, Greater Kashmir and Kashmir Reader, of all government advertisements. The editors of these two newspapers had also been summoned for questioning by a federal investigation agency in connection with cases concerning the conflict in Kashmir, The Wire[39] reported. Kashmir Reader was also banned for three months in 2016, and had not received any advertisements even as late as February 2020, the Andalou Agency[40] reported.

While severe restrictions on physical mobility affected everything from the transportation of staff, to the running of printing presses and the distribution of newspapers, some of the papers did crawl back to life. When Greater Kashmir, the largest circulated daily published from Kashmir, and its companion Urdu daily Kashmir Uzma, re-appeared, they were virtually unrecognisable. From a normal spread of 30 pages the paper was down to a spare 6-8 pages. Considerable space was taken up by classified advertisements, with notices of cancellation for the hundreds of wedding receptions that had to be called off in what was the busy marriage season in Kashmir. The shrinkage did not simply extend to the reduced number of pages. Greater Kashmir was published without an editorial page for several days, and for months after August 5th it avoided editorials on the situation in J&K, even as the government revoked the special status of, and bifurcated, the state into two union Territories. The front page of the newspaper was taken up by pieces extolling the virtues of the new arrangement that replaced the abrogated Article 370. (The only opinion piece the newspaper did publish, in the third week of the clampdown, The Telegraph[41] pointed out, argued in favor of the revocation of the special status.) There was little or no coverage of how people suffered in the weeks after the communication blockade and clampdown was imposed. Instead international news found an exaggerated prominence. "We know more about what is happening in the world than what is happening in Kashmir after reading
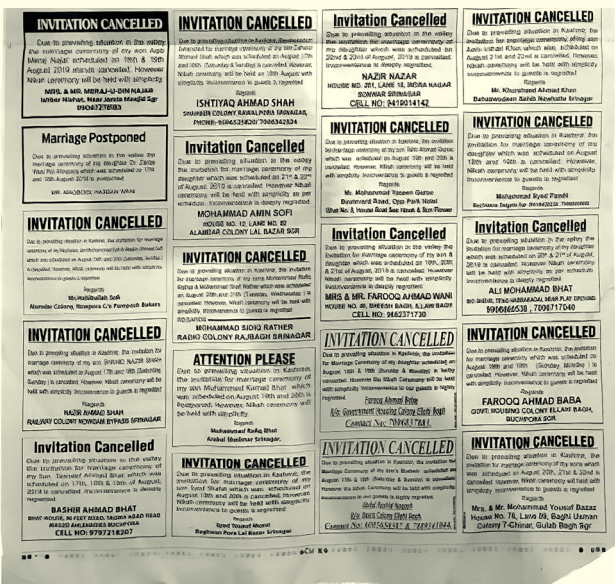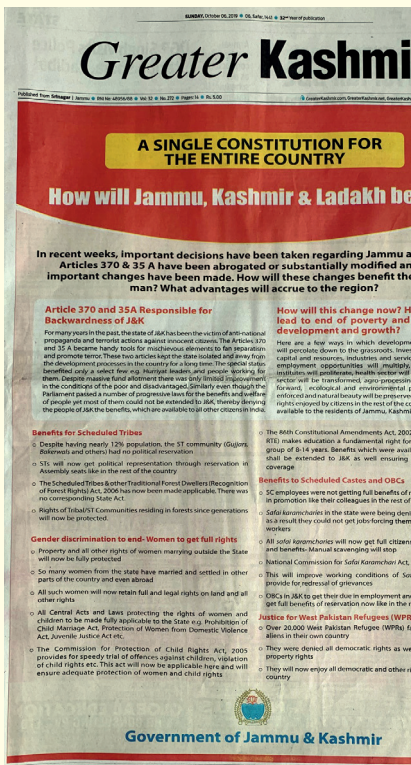
37 https://thepolisproject.com/we-may-have-to-shut-down-permanently-online-media-in-kashmir-has-come-to-a-grinding-halt-by-zafar-aafaq/#.Xv7eW_JS_om
38 https://adimagazine.com/articles/war-against-words/
39 https://thewire.in/security/nia-questions-greater-kashmir-editor-over-articles-in-newspaper
40 https://www.aa.com.tr/en/asia-pacific/journalists-in-kashmir-cant-work-freely/1730112
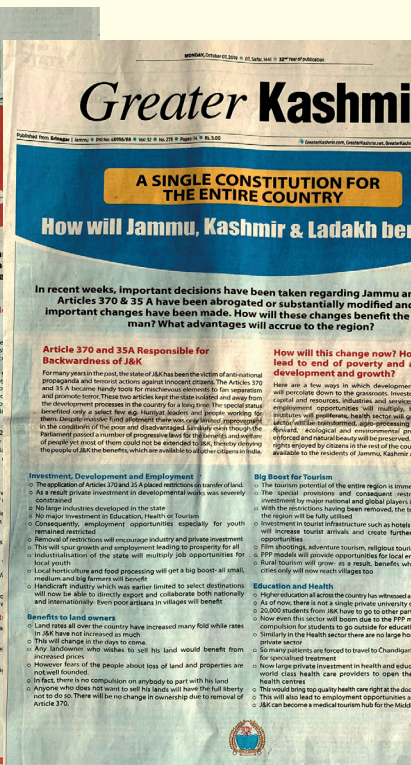41 https://www.telegraphindia.com/amp/india/press-in-kashmir-forced-into-silence/cid/1730719

the newspaper," one Srinagar resident told The Wire[42].

Online news portals were already leading a precarious existence, since many of them are dependent on very modest revenues based on hits. "We were able to raise ten dollars from Google ads in the third month since our inception," Sheik Uzair, who had started a news website called PostcardKashmir.com in May 2019, told The Polis Project[43]. Qazi Zaid, the editor and owner of Free Press Kashmir, an independent news website, said that "The revenue model is destroyed, and all advertisers have pulled out, which basically means we cannot pay the salaries of the staff. We may have to shut down permanently."
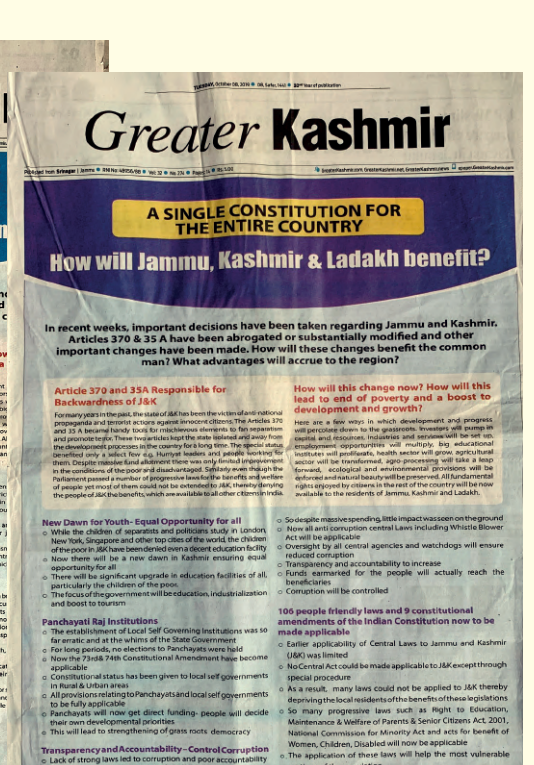
The absence of the editorial voice in major newspapers in Kashmir sent a clear message about the state of the media, the report by Network of Women in Media[44] (NWMI) and Free Speech Collective stated. "Editorials, Op-eds and leads are now on topics such as: "Vitamin A foods: Uses, benefits and top 10 dietary sources"; "Want to ditch junk food?"; "Should you consume caffeine during summer? The answer will surprise you"; "Fruit produce"; "Planetary thinking"; "Our oceans and us." Urdu papers too, while overall faring better in news reportage, for the most part have avoided editorials on the current crisis, instead carrying editorials such as "Ghar ki safai kaisey ho" (How to keep the house clean) or "Jodon ka dard (Joint pain)"" journalists Murthy and Seshu noted during their visit. Even five months after the August 5th shutdown, as journalists gathered at the Kashmir Press Club for a January 2020 seminar titled 'Cyber Curfew', the situation had not changed very much. "I can tell you what is happening in New York, but I don't know what is happening in Sopore," the editor of a Srinagar-based newspaper said to Outlook Magazine[45]. (Sopore is 50 km from Srinagar.) As journalists spoke about the impact of the Internet shutdown on their work, the editor of the Urdu daily Nida-i-Mashriq summarised it most pithily: "Internet ban is the ban on newspapers."

6 OCT 2019

7 OCT 2019

8 OCT 2019

42 https://thewire.in/media/in-jk-more-international-news-on-front-pages-than-news-on-kashmir
43 https://thepolisproject.com/we-may-have-to-shut-down-permanently-online-media-in-kashmir-has-come-to-a-grinding-halt-by-zafar-aafaq/#.Xv7eW_JS_om
44 http://www.nwmindia.org/research/news-behind-the-barbed-wire-kashmir-s-information-blockade-2
45 https://www.outlookindia.com/website/story/india-news-it-is-a-ban-on-newspapers-kashmiri-journalists-on-internet-shutdown-in-valley/345315

Meanwhile The Press Council of India (PCI), a statutory watch-dog body set up for "preserving the freedom of the press and of maintaining and improving the standards of press in India" filed an intervention during the proceedings in the Anuradha Bhasin case, justifying the restrictions on communications as being "in the interest of the integrity and sovereignty of the nation," The Wire[46] reported. The PCI chair-person, (Retired) Justice Chandramauli Prasad told the Huffington Post[47] that "No matter how liberal one is, it has to be faced — the fact that some news is best not reported." In response to trenchant criticism and public demands that they withdraw the application, both by the Editor's Guild and the wider media fraternity in India, the PCI eventually changed its stand, stating that it did not support restrictions on press freedoms, the Times of India[48] reported.

JOURNALISM IS STILL A CRIME

As the post August 5th restrictions fell into the shadow of the Covid-19 lockdown, and against a backdrop of renewed civil society demands that full internet connectivity be restored in light of the pandemic, Kashmir witnessed a fresh onslaught on press freedoms and online speech, this time in the guise of measures to curb the spread of "fake news". The J&K Police's 'Cyber Crime' cell at Srinagar, formed "to counter fake news, rumors, threats and pro-militancy propaganda on social media and track people involved in these activities, [was] now using its expertise to combat the Covid-19 pandemic," the Economic Times[50] reported. "The cyber police has increased vigil on social media, which J&K government in its several orders has blamed for political unrest in Kashmir. The continued restriction on high speed 4G mobile internet, government believes is also a deterrent against misuse of Internet and social media," it said. In an atmosphere of heightened mass surveillance, police complaints were registered against social media handles and several

anonymous social media users were traced and summoned to the police station for questioning. The police officer heading the cyber cell, Tahir Ashraf, had tweeted that "13 FIRs for misuse of social media registered in Kashmir zone so far. Fake news promoters, rumour mongers and handles promoting terrorism are under watch. More action to follow," Outlook[49] reported. A press release issued by the Cyber Crime cell also said that "The cyber police of Kashmir are monitoring all the profiles and the content uploaded by the users." Ashraf, an active social media user himself, issued public threats and warnings on his twitter account, against specific anonymous handles. Several of the targeted handles then issued public apologies, which were retweeted by Ashraf. He was quoted in the Economic Times[50] as saying "It became necessary to identify and catch this [named] user otherwise it emboldens everybody else." According to officials at the cyber police station, around 20 teenagers, with scores of fake handles spreading propaganda and fake news, were detained and released after "counseling" as "they were too young and were involved in such activity for the first time."

This criminalizing of social media discourse, often backed by legal and police sanction, is deeply inimical to a free and open media environment, and exerts a chilling effect on all forms of public expression. Information control is exercised not just against individual users, but by getting corporations such as Facebook and Twitter to comply with official requests for censorship, all made and acted upon in a non-transparent manner. Analysis by the Committee to Protect Journalists[51] of 53 blocking requests sent to Twitter by the Indian Government, concerning several hundred distinct URLs, found a majority of the targeted handles "straddling the lines of activism, information sharing, and commentary. Many were operated by international observers or Kashmiris based abroad." CPJ found that 95 entire accounts were affected, and 51% of all accounts withheld worldwide during the study period.

46 https://thewire.in/media/press-council-of-india-media-restrictions-kashmir
47 https://www.huffingtonpost.in/entry/kashmir-article-370-press-freedom_in_5d652716e4b008b1fd2140a5?ncid=other_huffpostre_pqylmel2bk8&utm_campaign=related_articles
48 https://timesofindia.indiatimes.com/india/after-backlash-pci-to-tell-sc-it-does-not-approve-of-restriction-on-media/articleshow/70867436.cms
49 https://www.outlookindia.com/newsscroll/13-firs-filed-in-kashmir-over-misuse-of-social-media-ld/1804966
50 https://economictimes.indiatimes.com/news/politics-and-nation/cyber-police-surveillance-aiding-fight-against-covid-19-outbreak-in-kashmir/articleshow/75155188.cms
51 https://cpj.org/2019/10/india-opaque-legal-process-suppress-kashmir-twitter

Omar Abdullah ✓
@OmarAbdullah

If you are going to restore our 4G then please just go ahead & do it. Stop messing with our heads with these "orders" "fake orders" & "denials". Why should we be made to feel like beggars for restoration of basic services the rest of the nation take for granted?

9:15 PM · Mar 25, 2020 · Twitter for iPhone

4.6K Retweets and comments   **23.2K** Likes

The exigencies of the pandemic were weaponised against the media fraternity too, resulting in increased surveillance and blocking of news handles. The Print[52] reported on an eight-page list of twitter handles "under surveillance" of the J&K police and inadvertently circulated on a mailing list by a police official. On the list were German news channel DW News, Turkish broadcaster TRT World, Pakistani channels ARY News and Samaa English, and Radio Pakistan. The Twitter handles of Pakistani Prime Minister Imran Khan and journalist Hamid Mir, as well as Kashmiri journalist Ahmed Ali Fayyaz were also on the list.

The problem of disinformation and rumours was compounded by the continuous throttling of internet speeds and the social media ban, as accurate information and credible sources continued to be hard to discern and access, and it was effectively impossible to fact-check or counter misinformation. A Firstpost[53] report that 178 people had been arrested pursuant to the police's crackdown on "fake news" pointed out the flaw in the strategy. "With no independent means to check the veracity of most of the posts that are circulated on Whatsapp groups, Twitter and Facebook, fake orders—some of which are attributed to the government—have also brought to the

fore the trust deficit between locals and the authorities. After an order about 4G mobile internet services being restored went viral on social networking sites, the government issued a clarification that it was fake. Former chief minister Omar Abdullah tweeted[54], "If you are going to restore our 4G then please just go ahead & do it. Stop messing with our heads with these 'orders', 'fake orders' & 'denials'."

Journalists have also been subject to police investigations and violations of privacy and journalistic privilege, including warrantless searches and seizures of cameras, computers, phones and notes, as well as repeated interrogations to disclose the identities of confidential sources in this crackdown on "fake news." A recent communication[55] by three UN Special Experts expressed concern at the "pattern of silencing independent reporting on the situation in Jammu & Kashmir through the threat of criminal sanction." It referred specifically to the criminal proceedings, under serious charges of "glorifying anti-national activities" and "incitement to violence" initiated against four Kashmiri journalists, Naseer Ganai, Gowhar Geelani, Peerzada Ashiq and Masrat Zahra, for journalistic activities that included reposting news photographs and reporting and commentary on the official pandemic response. The J&K police maintained that their actions had no bearing on journalistic freedoms in Kashmir. In their letter the UN experts reiterated[56] the internationally held position that "general prohibitions on the dissemination of information based on vague and ambiguous ideas, including "false news" or "non objective information" are incompatible with international standards for restrictions on freedom of expression."

52 https://theprint.in/india/jk-police-send-media-list-of-twitter-handles-theyre-monitoring-then-ask-them-to-ignore/325182
53 https://www.firstpost.com/india/jammu-and-kashmir-police-struggles-to-combat-fake-news-on-coronavirus-outbreak-and-internet-restrictions-178-people-arrested-in-valley-8288081.html
54 https://twitter.com/omarabdullah/status/1242840041522528257?lang=en
55 https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25237
56 https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25237

MINISTRY OF TRUTH

More recently the government's practices of coercive information control and its criminalisation of "fake news" have been formalised in the form of the Jammu & Kashmir Media Policy, 2020[57] a 53 page document aimed at "creating a sustained narrative on the functioning of the government in media" and building "a genuinely positive image of the government based on performance." The policy makes no mention of the continuing restrictions on internet in Kashmir, despite an avowed special focus on 'social media,' 'AV' and 'online mediums'. It contemplates the setting up of a monitoring mechanism, empowered to examine the content of print, electronic and other media. "Any individual or group indulging in fake news, unethical or anti national activities or in plagiarism shall be de-empaneled besides being proceeded against under law," the policy reads. An editorial in the Indian Express[58] titled Ministry of Truth provided a snap-shot of the surreal state of press freedoms in Kashmir: "The internet has still not been restored to its full strength. Restrictions on the media ensured that there was no first draft of history from the ground. At a time when democratic political voices remain missing in J&K, the 'new media policy' is a further affront, intended to keep control of the narrative of J&K."

A recent communication by three UN Special Experts expressed concern at the "pattern of silencing independent reporting on the situation in Jammu & Kashmir through thethreat of criminal sanction." It referred specifically to the criminal proceedings, including under serious charges of "glorifying anti-national activities" and "incitement to violence" initiated against four Kashmiri journalists

57 https://kashmirlife.net/jammu-and-kashmir-media-policy-2020-236330
58 https://indianexpress.com/article/opinion/editorials/jammu-kashmir-new-media-policy-6454570

Aijaaz Ahmed Bund is a queer activist based in Srinagar. "As Kashmiris, clampdowns are nothing new for us, we're used to it, we've seen it throughout our lives," says Aijaaz. "But as part of the LGBTQ+ community, we are already marginalised, so this lockdown is one more layer of that oppression. It is just pushing our community to the wall."

The 30-year-old assistant professor started Sonzel (Kashmiri for rainbow) when he saw first-hand the discrimination against the trans community in the valley. A trans person, working as meanzimyoar (matchmaker) came to his home for the festivities at his eldest sister's wedding. She was initially not allowed to enter, and then treated with disdain by the family. What started as an advocacy movement in 2011, slowly turned into the Sonzel Welfare Trust by 2017, providing a safe space for the LGBTQ+ community in Kashmir, where members can air their grievances, avail of psychotherapy, and even access legal support if required.

A lot of people would reach out to Sonzel via phone, or on their Facebook page, which has over 4,000 followers. But after August 5th, 2019, this access ceased entirely. "Those from the community who were suicidal, dealing with trauma or just needed a space to speak had been cut off from the only support system they knew. There were so many people who had not even heard their partner's voices until the landlines were restored. They didn't know if they were alive or dead," says Aijaaz. "And all that when you don't have a platform where you can vent out your feelings, and you have to live locked down with your abuser—mostly it is members of the family."

Very little has been written about the valley's queer people, and gender-and sexuality-based violence remains under-researched, journalist Haris Zargar pointed out in the New Frame. "In a traditional conservative society such as Kashmir," he writes, sex and sexuality are considered taboo or deeply private, and "This way, the Kashmiri so-

SPEAKING WITH AB

AIJAAZ AHMED BUND

ciety mostly denies the existence of the LGBTQIA+ community." The trans community is the most visible—in some contexts they are the only people with a recognizable public presence—but they too have been relegated to the margins. They are discriminated against from their early years, often forced to drop out of educational institutions, and shamed more generally.

As Aijaaz reminds us, "In Kashmir, we have our own share of homophobia. Because of this the community doesn't really have any open physical spaces where they can feel safe. On the internet, we are connected to others from the community. Without it, we are completely isolated."

The shutdown of August 5th, as well as the Covid-19 lockdown that followed, led to the heightened stigmatisation and economic devastation of the trans community. Without work or income, many are faced with the threat of eviction. This, Aijaaz says, has been severely detrimental to the mental health of members of the community.

There was also a shutdown of their limited media of expression. "Here a lot of young members from the trans community would use TikTok as a medium of expression—they would put up videos, cross-dress. It's all gone," Aijaaz says. "There are also apps like Grindr, which are the only options for our community here in Kashmir. We don't have parties etc, so that is one medium through which people could meet and date. All that stopped as well."

"The internet is something the whole world needs, but I can't express to you how much we need it here as a community—when it is lost, the sense of belonging breaks completely. You feel alienated, socially isolated," says Aijaaz. He concludes mournfully, "Your support system within the community, even with the global movement is completely disrupted. You are alone."

RIGHT TO SOCIAL LIFE

Resolution A/HRC/32/L.20 Article 19
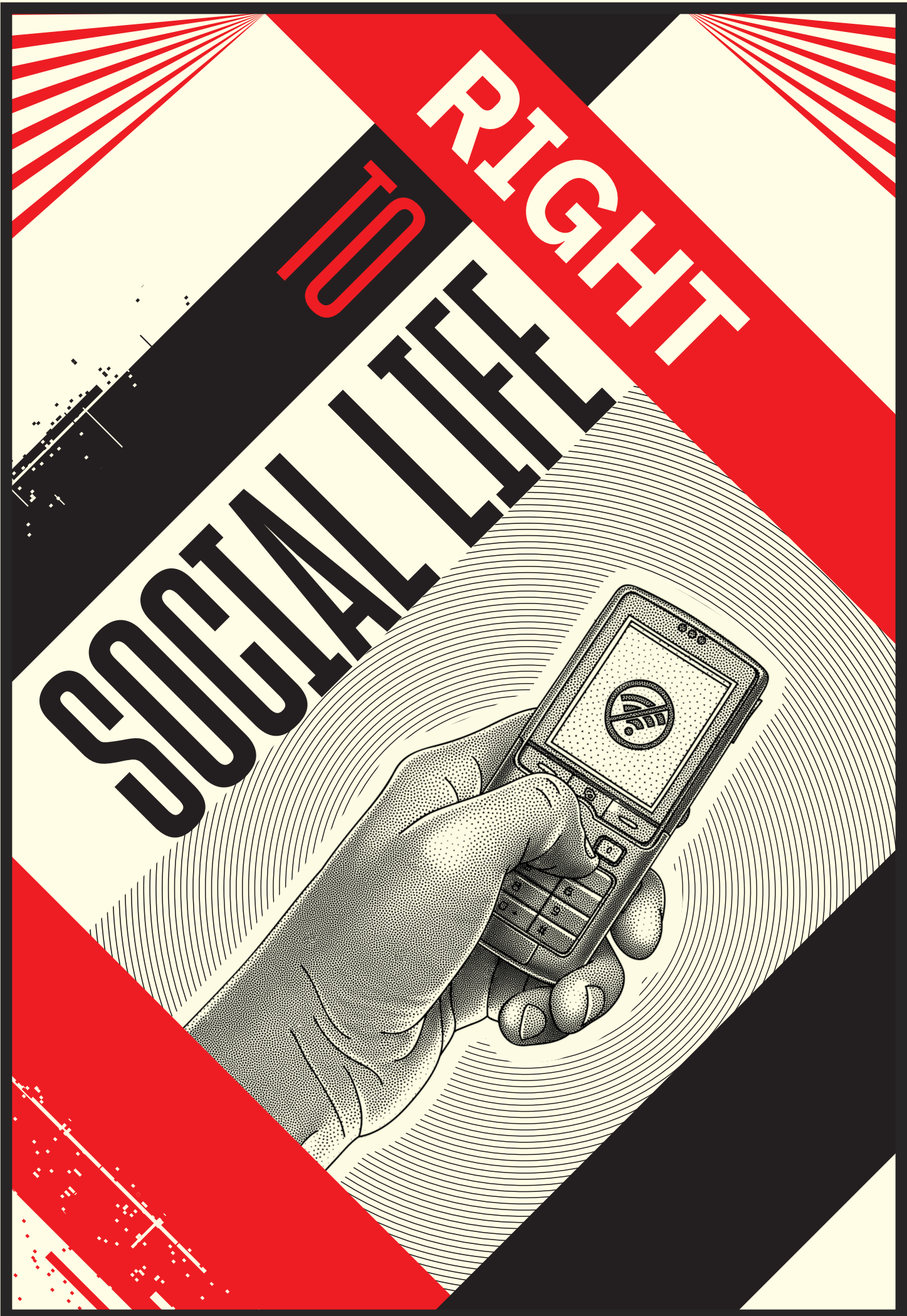
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

1   *Affirms that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;*

8   *Calls upon all States to address security concerns on the Internet in accordance with their international human rights obligations to ensure protection of freedom of expression, freedom of association, privacy and other human rights online, including through national democratic, transparent institutions, based on the rule of law, in a way that ensures freedom and security on the Internet so that it can continue to be a vibrant force that generates economic, social and cultural development;*

collective punishment

In the immediate aftermath of August 5th 2019, very little information emerged about everyday life in Kashmir. Overnight, and with no prior warning, landlines and mobile phones stopped working, text messaging went dead, and broadband and mobile internet lost connectivity. Unable to connect with each other or with the outside world, the 8 million people of Kashmir felt nothing short off besieged. Internet and telecommunications shutdowns are familiar to the people of Kashmir. "Banning internet access is not a preventative measure when it happens so often," Muhammad Faysal, the 25-year-old founder of WithKashmir.org, a blogging platform for "opinionated Kashmiris" had told Buzzfeed[1] in April 2017, "It's a collective punishment — a way to crush dissent."

In what has been described as the first instance of "sweeping social media censorship,"[2] in 2017 the Jammu & Kashmir Government directed Internet Service Providers to block access to 22 social media sites in all the districts of Kashmir for up to one month under the Indian Telegraph Act, 1885 and rules (2007)[3]. The order noted[4] that "social media is increasingly being used by anti-national elements to disturb public order and tranquility, that such misuse of social media comes with no accountability on the part of the miscreants, that such incidents have been observed to cause large-scale damage to life and property." The decision was taken at a meeting of the Unified High Command Headquarters, the Indian Express[5] reported, which was headed by the Chief Minister, Mehbooba Mufti and consisting of the highest civilian and military authorities.

1   https://www.buzzfeednews.com/article/pranavdixit/a-local-government-just-blocked-social-media-in-kashmir-for
2   https://thewire.in/politics/kashmir-internet-ban-social-media
3   Government Order No: HOME/ISA/476 of 2017 dated 26/04/2017 on file with JKCCS
4   https://sflc.in/22-social-media-websites-blocked-kashmir-valley-one-month
5   http://indianexpress.com/article/india/social-media-sites-blocked-in-valley-for-a-month-public-order-cited-unrest-protest-mufti-4629850

The August 5th shutdown was the 55th time the internet in Kashmir had been snapped in 2019, the SFLC reported[6]. What was unprecedented this time around was the scale, for it included all means of communications–including most TV channels. Due to the strict curfew and the extensive deployment of forces on every street, hardly anyone dared to venture out, and the totalizing nature of the shutdown created an atmosphere of intimidation, panic, and terror. Even as the situation in Kashmir was becoming a major international news story, Kashmiris were imprisoned in their homes, with no knowledge of each other's lives and deaths[7], cut off from their loved ones both inside and outside Kashmir[8]. The blockade effectively paralysed normal social life and daily interactions, and seemed designed to break the will of the people.

The importance of social media to the social, cultural and political lives of Kashmiris cannot be overestimated. In a context of frequent and severe restrictions on physical movement, and the relentless and militarised control over community spaces, including market places, cinema halls, mosques and campuses, it is social media that enables conversations across the public and private spheres, from the most intimate and everyday communications to wider debates and discussions about current events. In an atmosphere of intense surveillance, censorship, and state control over print and television media, social media remains a vital means for Kashmiris to share local and breaking news, as well as express their views. As Faysal of WithKashmir.org told Buzzfeed, "Social media has allowed Kashmiris to humanize their struggles through photos and videos. In a region torn by violence, platforms like WhatsApp, Facebook and Twitter are 90% of our social lives. That's what you're taking away when you block them."

"Technological and social media advancements can potentially transform human rights movements by giving voice and means to the remotest of areas and issues [...] says Kept in the dark[9], a report by the Association for Progressive Communications that looks at the psycho-social impacts of frequent internet shutdowns in India." As has been detailed by Human Rights Watch in its work on the benefits of ICTs[10] for data gathering and distribution, "attention to

actual or potential abuse can be drawn instantly, and redressal sought in real time via "live-tweeting…" "This is especially relevant in India in conflicted areas like Jammu & Kashmir. Residents have realised the power of social media and the Internet in disseminating information and have been using it to reveal to the world the atrocities that take place in the region," it goes on to say. In response, state authorities claim to have banned mobile Internet services under the guise of "national security." They also claim that they throttle and block the internet as a precautionary measure, with the ostensible rationale of curbing the spread of "fake news" and "terrorist propaganda"[11] over social networks, on the grounds that such false information is likely to "incite" violence and cause "law and order" problems. For the government the denial of access to the internet has now become the quickest and most convenient mode of unbridled censorship and information control, despite research[12] which shows such bans are ineffectual and counterproductive with regard to both minimising disinformation and preventing political violence.

Frequent and prolonged internet shutdowns enact a profound digital apartheid by systematically and structurally depriving the people of Kashmir of the means to participate in a highly networked and digitised world. "Social exclusion has become a major consequence of network shut-downs. Social exclusion refers to both individual exclusion and group exclusion from society or other groups. It results in denial of access to opportunities, public goods, public information, and self-respect in the public sphere…" the 'Kept in the Dark'[13] report states, adding that "[...] Social exclusion is crucially related to the issue of equal opportunity." Arguing that in Kashmir India is fighting "ideas, not terrorism," Indian commentator Manoj Joshi writes in The Wire[14] that "the

6   https://www.buzzfeednews.com/article/pranavdixit/kashmir-communications-blackout?bfsource=relatedmanual
7   https://thewire.in/rights/kashmir-370-communication-blockade
8   https://www.hindustantimes.com/india-news/communication-blackout-sparks-panic-among-kashmiris-outside-j-k-states-assure-safety/story-JqS51dy8OQ1ilP6nn70LHK.html
9   https://www.apc.org/en/pubs/kept-dark-social-and-psychological-impacts-network-shutdowns-india
10 https://www.hrw.org/news/2014/03/26/will-technology-transform-human-rights-movement
11 https://www.indiatoday.in/india/story/terrorists-inciting-people-fake-news-supreme-court-1673246-2020-05-01
12 https://firstdraftnews.org/latest/telling-fact-from-fiction-inside-kashmirs-internet-blackout
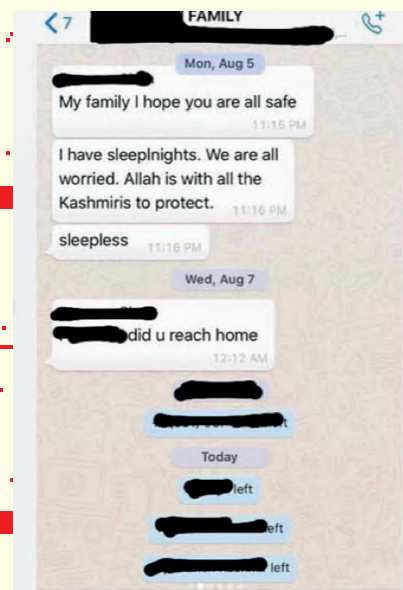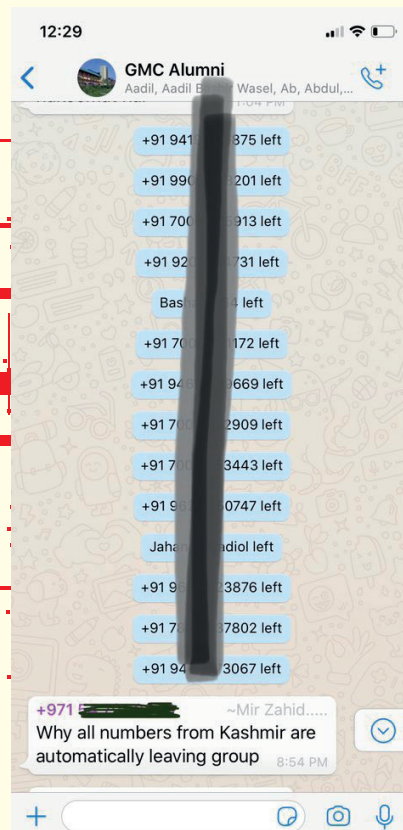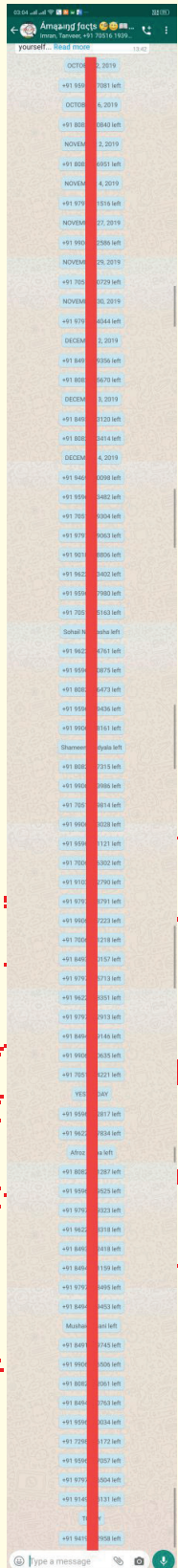13 https://www.apc.org/en/pubs/kept-dark-social-and-psychological-impacts-network-shutdowns-india
14 https://thewire.in/rights/the-throttling-of-internet-speeds-in-kashmir-is-aimed-at-fighting-ideas-not-terrorism

purpose of the exercise of keeping the Internet at the 2G level is to punish the Kashmiri people and deprive them of the means to avail of the freedom of speech, expression, the right to carry on any trade or occupation — as they have the right to do under the Constitution of India."

'DISAPPEARED' FROM WHATSAPP

On December 5th, dozens of Whatsapp messaging groups in India (and across the world) saw a sudden exodus of members, with scores of participants shown as having "left" the group.By the end of the day these unexplained and near simultaneous exits had run into the thousands. One thing common to those 'leaving' was that they were all people from Kashmir, an indicator of the growing social isolation of people in the region. Explanations came quickly enough: it was 4 months to the day from August 5th, 2019, and the 'disappearing' Whatsapp users had been unable to access these groups during this period. "To maintain security and limit data retention, WhatsApp accounts generally expire after 120 days of inactivity," Facebook, the owners of Whatsapp, told Buzzfeed[15]. "When that happens, those accounts automatically exit their WhatsApp groups. People will need to be re-added to groups upon regaining access to the Internet and joining WhatsApp again."

One poignant example of the consequences of this summary ejection was a WhatsApp group with hundreds of young Kashmiris, set up in February 2019 for students from all over India. Many of these student had faced a violent backlash in the wake of an attack by a suicide bomber on a convoy of paramilitary soldiers in Kashmir's Pulwama district. "We created a WhatsApp help group and received 1,700 calls over the next three days, all seeking help as right-wing elements were hounding them," Nasir Khuehmi, a 21-year-old student who had formed the group told Outlook[16].

15 https://www.buzzfeednews.com/article/pranavdixit/hundreds-of-kashmiris-are-disappearing-from-their-whatsapp?bfsource=relatedmanual
16 https://www.outlookindia.com/magazine/story/india-news-then-they-came-for-us/301320

There was a pressing need for such a group: "Girls were crying for help, it made my heart sink. That day I realised what it means to be a Kashmiri outside Kashmir." On December 5th 2019 Khuehmi watched the group begin to rapidly empty out. "I was shocked and disappointed," he told Buzzfeed[17]. "It was heartbreaking."

MATTERS OF LIFE AND DEATH

Nowhere was the humanitarian tragedy of the communications blackout more apparent than in the stories that emerged of people unable to get news about life events, accidents, births, and deaths among friends and loved ones. On the evening of August 27th, seventy-three-year old Azee Begum was rushed to Srinagar's Sher-i-Kashmir Institute of Medical Sciences from the nearby Anchar locality. She had developed a tumour in her head a year ago, and as her condition deteriorated fast, she passed away late in the night on August 31st. Even though their house in Anchar is barely a kilometre away, Azee's son was unable to inform anyone at home, and the volatile situation in the area forced him to stay back at the hospital for the night. "We all were having tea and my uncles entered the house carrying the body of granny," a family member told The Wire[18] of the next morning: "The sight of the body left us shell shocked." Azee Begum's daughter Mahjabeen learnt of her mother's death only three days later, when a relative arrived at her home in Pattan—a township only 30 kms north of Srinagar—to inform her.

Channels of everyday communication between families inside the besieged region also broke down, as also with relatives travelling or living outside Kashmir. A Kashmiri woman died in tragic circumstances when a fire broke out[19] in Delhi's Zakir Nagar. Her family in Kashmir couldn't be informed because of the communication blackout. The news of her death was publicly shared on

social media groups in Kashmir in the hope that someone travelling back could get the information across. Another wrenching instance, reported by the Times of India[20], described the struggles of a family to raise funds for a critically ill woman undergoing chemotherapy at Mumbai's Tata Memorial hospital in early August 2019. Her husband had returned to Kashmir to make financial arrangements when the shutdown was imposed, cutting off all communications, and leaving him stranded, until a week later when flights were restored. (His ticket had to be booked outside Kashmir, and then sent to him through a contact at J&K Bank.) Without the funds to shift her to the ICU, and despite her deteriorating health, the patient was sent back to the general ward, even as the family made desperate attempts to send word to their relatives back home through social media and officials.

NARRATIVES OF NORMALCY

Addressing a gathering of former civil servants[21] in New Delhi a month after the lockdown of August 5th, Indian Home Minister Amit Shah stated there are no restrictions in the Kashmir Valley, and the entire world has supported the move to abrogate the special status given to Jammu & Kashmir under Article 370. "Where are the restrictions? It is only in your mind. There are no restrictions. Only misinformation about restrictions is being spread," he said. "But people are trying to create hue and cry over lack of mobile connections for few days. Lack of phone connection is not a human rights violation," Shah said. He added that 10,000 new landline

17 https://www.buzzfeednews.com/article/pranavdixit/hundreds-of-kashmiris-are-disappearing-from-their-whatsapp?bfsource=relatedmanual
18 https://thewire.in/rights/kashmir-370-communication-blockade
19 https://www.hindustantimes.com/delhi-news/woman-dies-in-delhi-fire-how-cops-struggled-to-reach-parents-in-kashmir/story-vvaEB1IWcSE3iegry5RqkL.html
20 https://timesofindia.indiatimes.com/city/mumbai/kashmiri-family-struggles-to-treat-critical-58-year-old-in-mumbai/articleshow/70636721.cms
21 https://www.newindianexpress.com/nation/2019/sep/29/restriction-only-in-your-mind-lack-of-phone-connection-not-a-human-rights-violation-shah-on-jk-2040812.html

connections were given in Jammu & Kashmir while 6,000 PCOs had been established in the last two months.

These statements came after a month that had been particularly difficult for people in Kashmir. In the days before the festival of Eid the impact of the lockdown[22] was felt even more poignantly. This is a time of the year when many thousands of Kashmiris return home, from India and all over the world. Their numbers are swelled by students studying outside Kashmir, young people who have left the region on account of the disturbed conditions. Now they were unable to return, while the communications blockade made it impossible for them to reach out to their families and friends, even if it was just to say that all was well. People were forced to send paper notes to friends in order to contact relatives. One note sent by a woman working in Delhi took three days to be hand-delivered to her father in Kashmir, The Guardian[23] reported. The note simply said, "I am fine, do not worry about me. You take care of yourself."

Meanwhile in Srinagar the civil administration announced that "300 special telephone booths were being set up to help public communicate with relatives" reported Timesnow[24]. They said that "officers have been activated through [the] Resident Commissioner in New Delhi [and] at various places including Aligarh to help students from Jammu & Kashmir get in touch with their families on the occasion of Eid." The reality was at odds with these numbers. The days before Eid saw people queued for hours at the Deputy Commissioner's office in central Srinagar, to use one of the few phones that were made available for people to talk to their relatives living outside J&K. "We stood in the queue for more than four hours on Saturday. Late in the evening, the man handling the service abruptly closed down the booth saying 'no more phones today'," an anxious Maimoona told The Wire[25]. A government school teacher, Maimoona and her husband Wajahat Nabi had already made the rounds of the 'D.C. Office' for several days to try and contact their only son, a student of medicine in Bengaluru. "We pleaded with him, begged him to give us one chance, but he wouldn't listen," she said of the government employee handling the phone service: "If he had kept the booth open for a few more minutes, he would have got the blessing of a mother." "Our hearts are on fire," Habibullah Bhat, 75, told Associated Press[26], who said he came to the mosque to offer Eid prayers despite his failing health. "India has thrown us into the dark ages, but God is on our side and our resistance will win."

A month into a near-total communications blackout the government announced the restoration of landline telephone service. With only about 100,000 landline subscribers in the state of Jammu & Kashmir (as compared to 11.33 million mobile users) people had to line up at offices or homes with landline telephones to try to contact family and friends. "Our landlines have been restored

22 https://www.aljazeera.com/news/2019/08/indian-activists-release-report-visiting-desolate-kashmir-190814120848149.html
23 https://www.theguardian.com/world/2019/aug/12/our-hearts-are-on-fire-kashmir-spends-eid-al-adha-in-lockdown
24 https://www.timesnownews.com/india/article/ahead-of-eid-300-special-telephone-booths-to-be-set-up-in-jammu-and-kashmir-to-help-locals-communicate/467196
25 https://thewire.in/rights/kashmir-restrictions-curfew-communication-article-370
26 https://www.scmp.com/news/asia/article/3022484/indian-troops-kashmir-allow-muslims-walk-mosques-eid-holiday-many-stay

but we are still unable to talk to people. It is frustrating. I have been trying to call people since morning, but I am not getting through," Syed Musahid, told Associated Press[27] in Srinagar. Kashmiris living outside the region also had trouble getting in touch with their families inside Kashmir. "I kept trying a hundred times to reach my family in Kashmir, and only then did my call go through," Bint-e-Ali, a Kashmiri in the Indian city of Bengaluru told reporters. "I hope I live to tell this horrendous tale to our next generation about how India didn't even let us talk to our family and friends," she added. "All these days, when I couldn't reach out to my family, I managed to reach out to Srinagar's prominent radio station. The radio station was taking requests from Kashmiris staying outside the state who wanted to send across messages to their families. And that's exactly what happened," one Delhi based Kashmiri wrote on Quint[28].

In the days before the festival of Eid the impact of the lockdown was felt even more poignantly. This is a time of the year when many thousands of Kashmiris return home, from India and all over the world. Their numbers are swelled by students studying outside Kashmir, young people who have left the region on account of the disturbed conditions.

INTERNET NOMADS

The ban on the SMS service combined with the shutting down of the internet, compounded delays, expenses and frustrations, with people unable to access OTP (One Time Pin) codes sent to their registered phone numbers, a mandatory verification step in online transactions, as well as for many government filings, tax returns, and job and educational applications. Forcing people offline made it impossible for them to even pay utility bills, or just send a message to family outside the besieged zone. Some Kashmiris began to make special trips from the regional capital Srinagar, flying out to New Delhi, or driving 300 kms to Leh or eight hours to Jammu city.

A report in the Economic Times[29] highlighting the cross-sectoral impact of the SMS ban described how students had to either travel outside Kashmir (or register the phone numbers of their relatives who are outside Kashmir) to be able to submit forms. "I had to give the phone number of my relative who is in Kolkata for being able to receive the OTP. My friend had to go to Jammu to submit the form," one young person told reporters. Another described the difficulties of making an application to the Road & Transport Office (RTO) which issues and renews driving licences and vehicular permits: "I had to send my SIM card to Jammu where the services work. My relative then read out the OTP over phone and I was able to complete my work," he said.

In early September 2019, the J&K administration announced that an internet kiosk had been set up[30] at the District Collector's office in Kupwara. (The notification was made public by Twitter, which no one in the region had access to at the time.) "Services available to stakeholders including public

27 https://abcnews.go.com/International/wireStory/india-landline-phone-service-fully-restored-kashmir-65405243
28 https://www.thequint.com/my-report/letters-to-kashmir-article-370-abrogation
29 https://economictimes.indiatimes.com/news/politics-and-nation/suspension-of-sms-facility-in-kashmir-affects-services-of-several-sectors/articleshow/72458385.cms
30 https://www.business-standard.com/article/news-ani/internet-kiosk-set-up-in-kupwara-for-essential-purposes-119090601451_1.html

engineering departments and contractors for e-tendering and students, youth for filling up exam, recruitment forms, other essential purposes," the administration said. The civil administration subsequently announced that they had set up centers with Internet access all across the region to help students register for exams. A senior official in the Srinagar district administration told Press Trust of India[31] that "some 65 computer-with-internet kiosks were set up to ensure the facilitation of all students approaching the facilities to register and apply for the scholarships."

The unreliable number (and nature) of the internet kiosks run by the administration in Srinagar and surrounding areas was most sharply reflected in the phenomenon of the "internet express."[32] Soon after train services resumed on November 11th, every day hundreds of Kashmiris began to take the train to Banihal town, about 100 km south of Srinagar, making a beeline for one of its cybercafés. In a town of fewer than 4,000 people, business boomed at the handful of noisy internet cafes. "The speed is very slow," the manager of one of the cafes admitted. "Scores of Kashmiris, mostly students and income tax professionals, come visiting every day," he told AFP[33]. Fumes from the diesel generator required to keep the computers running during frequent power cuts filled the cramped space. "I felt suffocated inside," a student at Kashmir University told Reuters[34]. "This internet gag is driving me crazy."

VIRTUAL INSURGENCY

The phased restoration of the internet was a critical element of the claims made by the Indian authorities, both in the Supreme Court and before the international community, that they were restoring 'normalcy'. However, the intermittent, opaque and arbitrary manner in which connectivity continues to be "partially restored" and frequently re-suspended, or selectively throttled, across

different locations has created new forms of digital discrimination and repression—and hence resistance—in the region and in the diaspora. Many groups were created by Kashmiris on text messaging apps to convey messages from family members and relatives outside Kashmir. People hand carried letters and notes to each other, but transmittal was slow, and even word of mouth networks took days to convey a simple message. Films, e-books, music and news reports were archived on USB drives, which travelled widely from person to person by hand, or were exchanged via Bluetooth and platforms such as Shareit.

For the Kashmiri diaspora, the only means to communicate and check on their parents, siblings, and other relatives was platforms like WhatsApp or FaceTime. With sizeable and long established concentrations in the United States and the United Kingdom, the communication shutdown meant that they lost touch with family in Kashmir. Diaspora groups evolved and grew to take the place of locally based channels of communication and news. Instagram handles like @standwkashmir and @withkashmir and other groups run by the diaspora kept a track of this communication black out, documenting the events that had happened and were still happening in Kashmir, even as the people of Kashmir living through them were reeling under a black out and unaware of these events. Other groups and individuals from outside Kashmir organised humanitarian relief, for example by conveying messages for individual requirements of essential medicines and acting as a phone-based help line. "They are saying everything is fine, but if I have to send basic medicines from Delhi, that means nothing is all right. I am putting it up on the internet and people are watching," entrepreneur Javed Parsa, who ran one such aid group, told Livemint[35].

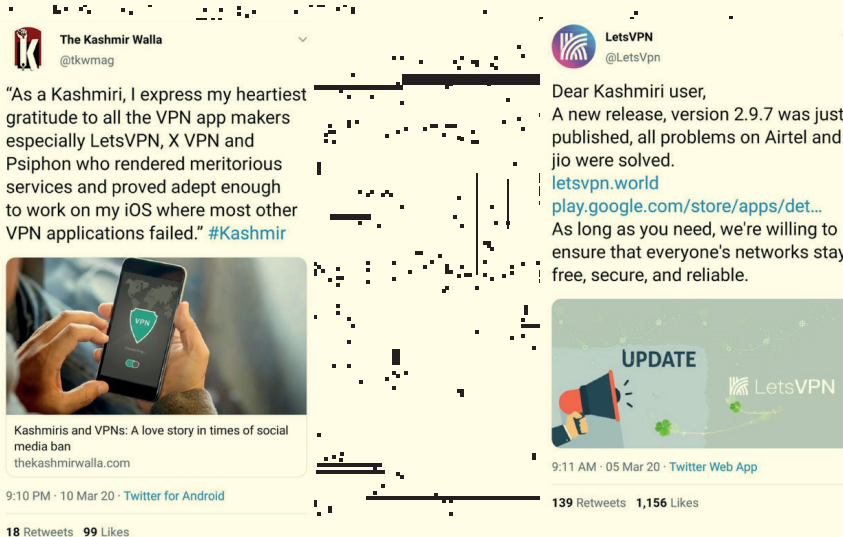The first public notification of internet restrictions, passed in compliance with the Supreme Court's

31 https://www.business-standard.com/article/pti-stories/j-k-thousands-of-students-submit-online-applications-for-pre-post-matric-scholarships-119110300757_1.html
32 https://www.aljazeera.com/indepth/features/internet-express-helping-kashmiris-online-200113032942806.html?utm_source=website&utm_medium=article_page&utm_campaign=read_more_links
33 https://news.yahoo.com/overload-train-kashmirs-internet-oasis-053551177.html
34 https://www.reuters.com/article/india-kashmir-internet/feature-no-web-no-jobs-kashmiris-board-the-internet-express-idUSL8N2971OF
35 https://www.livemint.com/mint-lounge/features/emergency-calls-only-a-home-under-lockdown-1568369662129.html

The Kashmir Walla
@tkwmag

"As a Kashmiri, I express my heartiest gratitude to all the VPN app makers especially LetsVPN, X VPN and Psiphon who rendered meritorious services and proved adept enough to work on my iOS where most other VPN applications failed." #Kashmir

Kashmiris and VPNs: A love story in times of social media ban
thekashmirwalla.com

9:10 PM · 10 Mar 20 · Twitter for Android

18 Retweets 99 Likes

LetsVPN
@LetsVpn

Dear Kashmiri user,
A new release, version 2.9.7 was just published, all problems on Airtel and jio were solved.
letsvpn.world
play.google.com/store/apps/det...
As long as you need, we're willing to ensure that everyone's networks stay free, secure, and reliable.

UPDATE LetsVPN

9:11 AM · 05 Mar 20 · Twitter Web App

139 Retweets 1,156 Likes

judgment in the Anuradha Bhasin Case[36], announced a limited 'whitelist' of 153 websites, which was later extended to 301 websites to include selected news portals. The lack of a coherent policy of what ought to be in the 'whitelist' was manifested by the fact that video-streaming websites such as Netflix, Amazon and Hotstar were included, The Wire[37] pointed out, although these were still impossible to view with the restricted 2G bandwidth. Popular social media platforms including Facebook, Twitter, Instagram and Tiktok were not included in the list of permitted websites. And while online shopping majors like Amazon, Flipkart, and Myntra were white-listed as "utilities," no local e-commerce website was included.

An important analysis by Rohini Lakshane and Prateek Waghre in MediaNama[38] pointed out that a "white-list" is not even technically feasible owing to the interconnected nature of the internet – of the 301 white-listed websites researchers found that only 126 were usable "to some degree." Internet Freedom Foundation[39] explained that even whitelisted sites can become fully functional, "only if the web application is permitted to make network calls to other websites to load JavaScript, style sheets, maps, videos, images, analytics etc." In many cases, while a website's main domain has been whitelisted, subdomains containing the log in page or other important features remain blocked.

As social media remained prohibited and inaccessible, Virtual Proxy Networks kicked in, making 'VPN' a household word across the region. Working through servers that circumvent the government's firewall, VPNs give users full access to the internet through proxy connections in other countries. Free VPN services are particularly popular in regions with restricted internet like China, Iran, and Turkey. Soon many Kashmiris were back on Facebook and Instagram, Al Jazeera reported[40], breathlessly announcing their return with messages like "Viva La VPN." Meanwhile the US-based multinational software firm Cisco Systems had been engaged by the J&K administration to develop a stronger firewall technology to root out VPNs, The Print[41] reported, even as their widespread use led to a perpetual game of catch between authorities and users. "'Which VPN you are using' has replaced 'Salam Alaykum' in Kashmir," wrote another user, referring to the most asked questions on social media.

Users had worked out creative work-arounds, which included having friends from outside Kashmir download the VPN apps and carry them to Kashmir, or upload them onto services like Google Drive

36 https://indiankanoon.org/doc/82461587
37 https://thewire.in/rights/kashmir-internet-white-list-net-neutrality
38 https://www.medianama.com/2020/01/223-analysis-of-whitelisted-urls-in-jammu-and-kashmir-how-usable-are-they
39 https://internetfreedom.in/foundation-for-media-professionals-approaches-j-k-govt-seeking-compliance-with-sc-judgement
40 https://www.aljazeera.com/news/2020/01/la-vpn-kashmiris-vpn-apps-skirt-social-media-ban-20012908025204.html
41 https://theprint.in/india/us-firm-helps-jk-build-firewall-to-keep-social-media-off-limits-even-when-internet-returns/374096/?amp&__twitter_impression=true

or Dropbox, both of which were on the 'white-list'. A VPN on one phone, The Wire[42] reported, could then be shared through a variety of ways, including mobile-to-mobile file sharing applications like Share It and Bluetooth. As specific mobile VPN apps started getting blocked users began to stock multiple VPNs in their phones.

Institutions permitted to resume broadband access had also been asked to sign bonds confirming that they would not allow IP addresses that allowed access to social media. "The bond also barred the use of VPNs, Wi-Fi, encrypted files, videos and uploading of photos. All USB ports of the computer will have to be disabled also," The Wire[42] reported. There was also a clause that made the user or the company "responsible for the breach or misuse of Internet connectivity."

Although the administration was only moderately successful in establishing a firewall, there was some apprehension that VPN users might meanwhile also be putting their data at risk, The Citizen[43] reported. The vast majority of free VPN providers collect user data too, as a reading of their Privacy Policy revealed. Data was provided to "unknown third parties that use it to segment customers into profiles. In some cases, however, free VPN providers allow third parties to access their customer base directly." Although many young people in Kashmir are aware of the risks that come with using free VPN services, they feel helpless. "Paid VPN services are beyond the budget of a commoner, and the few websites the government allows us to access are of no use. These VPN apps are the only option for us to remain connected to the outside world," a student in Srinagar told The Citizen.

In February 2020 the Cyber Cell of the J&K police in Kashmir went on to file an "open" First Information Report against people found using VPNs under the stringent Unlawful Activities (Prevention) Act (UAPA) for defying Government Orders and misusing Social Media platforms, The Wire[44] reported. "Miscreants are propagating rumours with regard to the current security scenario of the Kashmir Valley," a police spokesman told Press Trust of India[45], and said these posts are

"propagating secessionist ideology and glorifying terror acts and terrorists." Incriminating material has also been seized in this regard, the spokesman noted, calling it "a favourite tool" on account of the anonymity it gave its users, as also its wide reach. The first arrests made for misusing VPN were that of Waseem Majeed Dar, a youth from Handwara, and Saqib Ahmed Lone from Budgam, The Federal[46] reported. Following this the police began checking smartphones for VPNs as a part of routine checks. Multiple people spoke to The Wire[47] about instances where local police and Special Operation Group personnel, mostly on national highways, have been frisking people and checking their phones for VPNs. "My mother made me delete all my VPNs before travelling to Delhi for an examination. To confirm it she took my phone to a local mobile shop in our vicinity to check whether I have uninstalled all my VPNs or not," a student told The Wire. One security official in the region noted that although most bans in Kashmir are symbolic in nature and sometimes short-lived, the most recent one on VPNs has had a more tangible effect – becoming emblematic of the people's resistance to Indian rule. "Like a virtual insurgency in the digital world," he told the South China Morning Post[48].

42 https://thewire.in/tech/kashmir-internet-vpn-firewall
43 https://www.thecitizen.in/index.php/en/NewsDetail/index/9/18408/Kashmiris-Using-Free-VPNs-are-Putting-their-Data-at-Risk
44 https://thewire.in/rights/kashmir-fir-vpn-social-media
45 https://www.firstpost.com/india/jammu-and-kashmir-police-registers-case-against-several-people-for-using-vpns-to-circumvent-social-media-ban-8052711.html
46 https://thefederal.com/states/north/jammu-and-kashmir/in-kashmir-crackdown-on-vpn-users-shows-intention-to-muzzle-opinions
47 https://thewire.in/tech/kashmir-police-vpn-smartphone-checking
48 https://www.scmp.com/week-asia/politics/article/3052954/indias-crackdown-vpns-kashmir-seeks-quell-cyber-insurgency

ENFORCEMENT IS BLINDSIDED TOO

Losing internet access may be counterproductive from a security point of view, as a recent study of protests during internet shutdowns in India by Jan Rydzak[49] of Stanford University's Global Digital Policy Incubator. He found that during outages, people are likely to "substitute non-violent tactics for violent ones that are less reliant on effective communication and coordination."

Contrary to the government's claims of countering disinformation and strengthening law enforcement, the moves to ban social media and throttle internet speeds were frequently counterproductive for the State too. "This time, the internet shutdown in Indian-administered Kashmir has actually led to rise of disinformation from social media accounts being operated from Pakistan... [claiming] to show atrocities by the Indian government," a fact checker for Agence France Presse (AFP) in New Delhi told First Draft[50]. "The other half of disinformation is being spread from social media accounts who sympathise with the Indian government, sharing old images or video trying to portray normalcy and calm in Indian administered Kashmir," he added.

"The quality of intelligence has gone down drastically since the shutdown started," a senior intelligence officer who follows the links between narcotics and arms in northern Kashmir, told a reporter from Buzzfeed[51]: "Sure, it's impacted militant networks too, but they don't just rely on phones. Their physical networks and infrastructure are well established as well." To bust these [narcotics] operations, intelligence officials rely on tracking the cellphones of the people involved in them and intercepting calls and messages. "Whistleblowers would rarely call or text us," he says, "because those things aren't encrypted. They would either message or call over an encrypted app like WhatsApp or come and meet us in person." The officer says he's been unable to connect with any of his sources over WhatsApp since August 2019. He now meets them only

in person and has had to reestablish most of his network. "The official reasons for shutting down the internet such as to prevent anti-national activities are true," he says, but "shutting down the internet also impacts your ability to track the bad guys."

For the Armed forces deployed in Kashmir during the shutdown the inability of soldiers to communicate with families, while serving on stressful counter-insurgency operations far from home, added its own pressures. Authorities have usually been tight-lipped about this aspect of the massive military presence in Kashmir, with army and paramilitary formations continuously deployed amidst what they consider a hostile civilian population. In the midst of claims that criticism of the armed forces, and demands for criminal prosecution and accountability[52] for human rights violations by soldiers, demoralises the troops, it must be noted that more soldiers[53] die due to suicides and fratricides in Jammu and Kashmir every year than in combat. The 2019 Annual report[54] of JKCCS, shows a surge in the rate of suicide and fratricide among Indian armed forces in Jammu and Kashmir in the years 2018 and 2019. From August 2019 when the lockdown began there have been 18 suicidal deaths and 4 deaths due to fratricide of the Indian armed forces stationed in Jammu and Kashmir. During the communications shutdown, amidst many anecdotal instances of locally deployed soldiers reaching out to civilians in order to access any form of communication and make contact with their homes in India, one apocryphal story stands out. A uniformed soldier was seen visiting an ATM[55] in Khwaja Bagh, Baramulla every single day. To the mystification of the security guard who had been watching this ritual, all he drew on each visit was Rs 100. Eventually the soldier provided an explanation: "The mobile number linked to my bank account is used by my wife at home. When I withdraw cash from the ATM, she gets the message on her mobile phone.This way, she comes to know that her husband is alive."

49 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3330413
50 https://firstdraftnews.org/latest/telling-fact-from-fiction-inside-kashmirs-internet-blackout
51 https://www.buzzfeednews.com/article/pranavdixit/no-email-no-whatsapp-no-internet-this-is-now-normal-life-in
52 https://frontline.thehindu.com/the-nation/the-army-above-the-law/article10105947.ece
53 https://thewire.in/government/kashmir-armed-forces-suicides-fratricides
54 https://jkccs.net/wp-content/uploads/2019/12/2019-Annual-Human-Rights-Review.pdf
55 https://keralakaumudi.com/en/news/news.php?id=163416&u=this-way-she-comes-to-know-that-her-husband-is-alive-words-of-an-army-man-in-kashmir-163416

afterword

a digital siege amidst armed conflict

Through these pages, we have described how the digital siege affects the lives of ordinary Kashmiris, resulting in a silencing and erasure of their human rights, opportunities, and aspirations. The siege serves as a deliberate means of severing social, economic and political connections between Kashmiris, while also isolating them from the world. For the already vulnerable people of Jammu & Kashmir, who live amidst a state of perpetual war and permanent emergency, it enacts a 'digital apartheid', a form of systemic and pervasive discriminatory treatment and collective punishment.

Since August 5th 2019 armed hostilities between India and Pakistan have shown an increase[1] along the disputed Line of Control (LOC) in Kashmir, with a consequent rise in civilian and military deaths on both sides. Both countries have ignored the imperative for a global humanitarian ceasefire in all ongoing armed conflicts for the duration of the Covid-19 epidemic put forth by the UN Secretary General[2], as ceasefire violations have seen a further alarming spike[3] during the course of the pandemic. In June 2020, hostilities also broke out[4] in eastern Ladakh, at the disputed border (Line of Actual Control, LAC) between India and China. This was followed by a media blockade[5] and three weeks of localized internet shutdown[6] in border villages.

Meanwhile amidst a highly militarised and total Covid lockdown in Kashmir, Indian forces have significantly escalated[7] their military offensive against Kashmiri militants, with continuing internet restrictions, and frequent temporary internet blackouts[8] connected to each such armed encounter. To justify the continuing restrictions on the internet, Indian authorities often cite the necessity to protect the people of Kashmir from cross-border "terrorism" and the capacity of "modern terrorists"[9] to use social media for "recruitment" and "radicalisation." Yet, the examples they have relied upon, such as an armed encounter in Handwara[10], show that the digital blockade had no apparent effect on the ability of insurgents to enter Indian-controlled Kashmir, or carry out attacks on military targets.

from blackout to throttling: after bhasin

The Indian Supreme Court's constitutional judgment in Anuradha Bhasin v. Union of India, was widely acclaimed as a recognition of internet rights. Though the court did not acknowledge internet access as an independent fundamental right, or declare the internet shutdown and restrictions in Kashmir unconstitutional, it found that indefinite and blanket shutdowns of the internet were impermissible, that restrictions must conform to the constitutional tests of proportionality and necessity, and were subject to administrative and judicial review. The judgment did not therefore end the digital siege of Kashmir, but inaugurated a new legalised regime of mass

1   http://indopakconflictmonitor.org/yearwise_cfv.php?year=2019
2   https://news.un.org/en/story/2020/03/1059972
3   https://www.indiatoday.in/india/story/rise-in-ceasefire-violations-amid-coronavirus-spike-makes-lives-of-border-dwellers-difficult-1688622-2020-06-13
4   https://www.nytimes.com/2020/07/11/world/asia/india-china-border-ladakh.html
5   https://kashmirobserver.net/2020/06/17/no-road-ahead-reporting-galwan-from-gagangeer
6   https://www.outlookindia.com/website/story/india-news-always-with-indian-army-but-restore-communication-services-ladakh-councillors-to-govt/355413
7   https://thewire.in/security/jk-militants-commanders-gunfights-army
8   https://www.outlookindia.com/magazine/story/india-news-chinese-tension-haunts-ladakh-even-as-valley-remains-on-the-boil/303384
9   https://sirfnews.com/terrorists-in-handwara-used-mobile-tech
10 https://sirfnews.com/terrorists-in-handwara-used-mobile-tech

surveillance, filtering, and internet-speed throttling through expansive executive orders. These orders are issued every two weeks, and a total of 17 such extension orders have been issued from January 2020 until now.

Fixed-line internet connectivity was first restored, initially for essential services and hospitals, later for hotels and businesses, and then for the general public. It was however subject to monitoring measures, such as scrutiny by a "nodal officer" and "MAC binding"[11]. 2G mobile internet was later restored in a phased way, first to the Jammu districts, and then to two of the most militarised districts in Kashmir – Kupwara and Bandipora. Simultaneously a regime of official 'white-lists' of accessible websites, as well as 'black-lists', including a ban on social media and VPNs, was instituted. Meanwhile voice calling and text facilities were also restored for prepaid sim cards across J&K.

Since March 2020, when 2G mobile internet was finally restored throughout Jammu & Kashmir, the restriction on internet speeds has been routinely extended, through virtually identically-worded orders. These orders cite vague and undefined intelligence and law enforcement inputs, recent political developments, "rumours", or the potential for "unrest" incited by "Anti-national elements" as necessitating the curbs. Before proceeding to extend the restrictions on internet speed one such fairly typical order, issued on April 4th 2020 in the midst of the national Covid lockdown, reads "Where as reports have been received from intelligence and law enforcement agencies, which among other things, bring out the factum of attempts made by Anti-national elements (ANEs) to spread propaganda/ideologies [...] And whereas the internet speed restrictions, have while enabling access to essential services and sites, not posed any hindrance to COVID control measures, or access to educational content, but checked the unfettered misuse of social media for incitement/propagating terror activities..."

Alongside the routine extensions of internet restrictions, frequent complete suspensions of mobile internet connectivity through emergency police orders, that are later reviewed and invariably endorsed by the executive authorities, have continued unabated. Since January 2020, when partial 2G internet was first restored, 70 such temporary suspension orders[12] have been issued. These routinely occur on "high security" days such as Indian Independence day or Republic Day, or in situations where authorities anticipate protests or public gatherings. This includes religious occasions, the killings and funerals of popular militant commanders, instances of the disproportionate use of force against Kashmiri civilians, or other human rights violations.

In one instance, following the July 2020 incident[13] of enforced disappearance and alleged extra-judicial killings of three civilians in Amshipora, Shopian, the police authorities issued an emergency temporary internet suspension order, officially shutting it down for 30 hours throughout the district. The order refers to the "neutralisation of 03 terrorists" and states "there was every likelihood of misuse of data services by the Anti-national elements/OGWs [Over ground Workers] to communicate with their sympathizers for mobilizing crowds, and disturb the law and order situation subsequent to the encounter warranting the issuance of aforesaid directions..."

internet denial as counterinsurgency policy

According to police authorities there are currently between 100 and 200 active militants in Jammu & Kashmir. Shutting down the entire internet and communications network, or causing large scale network disruptions in Kashmir against this threat, are disproportionate responses that target

11 MAC binding forces a particular device to access the internet from a specific IP address. If either the MAC (Media Access Control) address or the IP address changes, the device will not be able to access the internet. MAC-binding also enables authorities to trace a device on the basis of its online activity.
12 See Timeline in this report
13 https://thewire.in/rights/three-militants-killed-in-shopian-encounter-were-ordinary-labourers-families-allege

the civilian population of internet users. All online activity is seen here as a potential breach of national sovereignty and public order, and preemptively controlled. The Indian Army's doctrine of sub-conventional operations[14] which discusses the means of waging a counter-insurgency war, emphasises the "people centric" motivations of such operations. It states "military operations should aim firstly at neutralizing all hostile elements in the conflict zone that oppose or retard peace initiatives and secondly at transforming the will and attitudes of the people...The endeavor should be to bring about a realisation that fighting the government is a 'no win' situation and that their anti-government stance will only delay the return of peace and normalcy.'"

This policy of using a combination of "persuasive" and punitive measures against the Kashmiri population to transform their "attitudes" and break their will to resist, runs through the Indian judicial, executive and political apparatus. Throughout the last year, including in its submissions

THE INTERNET AMIDST CONFLICT

States frequently resort to unlawful suppressions of internet rights particularly in contexts of military occupation, armed conflict and political resistance and protests. The technique of throttling internet speeds was first adopted by Israel in Palestinian Occupied Territories. 3G internet remained unavailable here for twelve years until 2018, as Israel blocked Palestinian mobile companies' access to the necessary frequencies.

The South Asian region has had a particularly dismal record with respect to digital rights and freedoms. **Myanmar** facing an insurgency in the Rakhine province saw the military junta suspend mobile internet communications in eight townships in Rakhine state and one in Chin state in June 2019. Subsequently the shutdown was partially lifted in some areas, but reinstated in all eight Rakhine townships in June 2020, making it the longest internet shutdown in the world. **Afghanistan**, in contrast, which is also engaged in a counter-insurgency war against the Taliban, does not resort to internet disruptions, though it does censor and filter internet content on moral grounds. **Bangladesh** has seen a prolonged internet and telecommunications blackout in the Cox's Bazaar camp since September 2019, targeted at an estimated 700,000 Rohingya refugees. **Pakistan** has had a history of using social media restrictions, targeted regional shutdowns during religious holidays and protests, and prolonged telecommunications shutdowns in the insurgent Federally Administered Tribal Areas (FATA, now dissolved). In the wake of widespread protests against the abrogation of Article 370 by India, Azad Kashmir (the part of Kashmir under Pakistani control) witnessed multiple internet disruptions in Aug-Sep 2019.

Even amidst these egregious examples the sustained and large scale nature of the network disruptions that 12.5 million people in Jammu & Kashmir continue to be subject to are unprecedented, particularly given India's claims to being a stable and functional constitutional democracy.

14 https://www.jstor.org/stable/4419437?seq=1#metadata_info_tab_contents

before the Supreme Court, the Indian state has stressed the necessity for the punitive restrictions, coupled with promise of "phase-wise" internet restoration, dangled as a reward for the "restoration of normalcy." The day before he tendered his resignation the former Lieutenant Governor of Jammu & Kashmir, G.C. Murmu stated[15] that he had no objections if the restrictions were removed. In an editorial[16] titled, 'It is time to allow J&K full-fledged political activity', Ram Madhav, former Kashmir Affairs Minister, and General Secretary of the ruling party wrote, "The region has been largely quiet in the last nine months. The detractors would attribute this calm to the excessive presence of security forces and arrests of leaders. Except for half-a-dozen senior leaders, most politicians have been released. The presence of security forces too has been rolled back significantly. Even then, people are not on the streets pelting stones and shouting azadi [Freedom]. It is time the state administration appreciates this and pays the people handsomely for their openness."

In its latest submission[17] before the Supreme Court in the case of Foundation for Media Professionals v. Union Territory of Jammu & Kashmir, the Solicitor General of India informed the court on August 11th 2020 that the government was considering restoring high speed internet in two (out of twenty) districts on a "trial basis"[18]. The outcome of the experiment would be reviewed after two months and its impact assessed by the State Level Committee every week. This was being done despite the "current security situation" he stated. Like the illegal "bonds of good behaviour"[19] and the undertakings[20] coercively extracted from political prisoners (which make their release conditional upon promises of not further participating in protests or political activity) the digital siege punishes Kashmiris for their political beliefs.

This report is a missive addressed to the human rights and digital rights community about the breadth and forms of this collective punishment. It is also a testament to the resilience and resourcefulness of the people of Jammu & Kashmir, who refuse to be silenced.

15 https://thewire.in/rights/kashmir-4g-ban-internet-high-speed-gc-murmu
16 https://indianexpress.com/article/opinion/columns/jammu-kashmir-article-370-abrogation-kashmir-4g-services-internet-restoration-domicile-certificate-ram-madhav-6419914/
17 https://www.medianama.com/2020/08/223-4g-internet-to-be-restored-in-2-districts-of-jammu-kashmir
18 On August 16th 2020 high speed internet was restored on postpaid mobile connections in 2 out of 20 districts in Jammu & Kashmir through an executive order. The order was effective until 8th September, 2020.
19 https://kashmirreader.com/2020/08/06/504-separatist-leaders-signed-good-behaviour-bond-before-release-from-detention-dgp-dilbagh-singh
20 https://kashmirobserver.net/2020/07/29/will-release-hc-bar-leader-qayoom-detained-under-psa-jk-admin-tells-sc

internet siege timeline

300 days

2019

	02/08	03/08	04/08	05/08	06/08	07/08	08/08	09/08

STATE

Pilgrims and tourists asked to leave [1]

Section 144 imposed in Srinagar [2]

3 former chief ministers of J&K detained

J&K Reorganisation Bill, 2019 passed by Rajya Sabha [3]

J&K Reorganisation Bill, 2019 passed by Lok Sabha

Landlines to be restored "soon", says Govt [4]

UN Chief Guterres urges maximum restraint by India and Pakistan [5]

Ahead of Eid, phones, internet "partially restored", says Govt

4G — 4G INTERNET SHUTDOWN

2G — INTERNET SHUTDOWN

MOB — MOBILE SERVICE SUSPENDED

TEL — LANDLINE SHUTDOWN

PEOPLE

AMARNATH YATRA

DAY 1

Hospitals, emergency services, general public lose phones: Airport exempted

Detention of Syed Ali Shah Geelani, Hurriyat G leader, continues

Public movement restricted, no meetings, rallies

Educational institutions shut down

Srinagar protests: 1 dies, scores arrested [6]

Splitting of J&K opposed in Kargil [7]

Journalist Qazi Shibli booked under PSA

Srinagar protests: Government forces fire live bullets, tear gas, rubber-coated steel bullets [8]

20 with pellet-gun injuries admitted to SMHS hospital [9]

1 https://www.aljazeera.com/news/2019/08/panic-kashmir-india-asks-tourists-pilgrims-leave-190802145955424.html
2 https://www.indiatoday.in/india/story/jammu-and-kashmir-curfew-section-144-imposed-1577218-2019-08-05
3 https://www.thehindu.com/news/national/massive-uproar-in-rajya-sabha-over-abolition-of-provisions-of-article-370/article28821618.ece

Govt accuses BBC, Al Jazeera, Reuters of fabricating news of protests [10]

Anuradha Bhasin vs. Union of India: Petition filed in Supreme Court contends that communication blockade, restrictions on movement violate fundamental rights of journalists in Kashmir

Eid passed peacefully says Govt, "markets open, landlines, ATM's functional" [11]

Tehseen Poonawala vs. Union of India: Supreme Court refuses to interfere with communications lockdown, says authorities need time to restore order [12]

P.M. Modi's Independence Day speech lists Kashmir changes amongst achievements [15]

J&K Governor unfurls Indian flag in Srinagar watched by a handful of officials [16]

2G INTERNET IN PARTS OF JAMMU DIVISION RESTORED

KASHMIR AND BORDER DISTRICT (POONCH, RAJOURI, KISHTWAR, DODA, RAMBAN) SHUTDOWN CONTINUES ▮▮▮▮▮▮

LANDLINE 17/100 EXCHANGES IN KASHMIR ▮▮▮▮▮▮▮▮

Media Facilitation Centre set up with 1 phone, 4 computers [13]

Kashmir remains under curfew on Eid, ban on religious congregations [14]

All flights cancelled

Long queues form at District Collectorates to make calls

Civil society report 'Kashmir Caged' released "The curfew was total... The streets of Srinagar were empty, all institutions and establishments closed (shops, schools, libraries, petrol pumps, government offices, banks). Only some ATMs and chemists' shops—and all police stations—were open" [17]

Local politicians absent from Independence day event, many reported under house arrest [18]

Massive protest in London against abrogation of Art 370 [19]

Protests worldwide as Kashmiri diaspora uses social media to mobilise opinion [20]

4 https://theprint.in/india/landline-connections-to-be-restored-soon-in-jk-mobile-network-will-have-to-wait/274274/
5 https://www.thehindu.com/news/international/un-chief-invokes-shimla-agreement-calls-for-maximum-restraint-on-kashmir/article28919234.ece
6 https://www.aljazeera.com/news/2019/09/india-revokes-kashmir-special-status-190904143838166.html
7 https://apnews.com/e103a1c8076e45159eac161dbce4984e
8 https://www.aljazeera.com/amp/news/2019/08/indian-troops-fire-tear-gas-mass-protests-erupt-srinagar-190809151858216.html?__twitter_impression=true
9 https://thewire.in/rights/pellet-blindings-a-reminder-that-on-the-ground-kashmirs-special-status-continues
10 https://scroll.in/article/933758/fact-check-did-bbc-al-jazeera-and-reuters-fabricate-reports-about-a-large-protest-in-kashmir

18/08　19/08　20/08　21/08　22/08　23/08　24/08　25/08

Govt orders 200 primary schools to open: attendance is low. Eventually they open only 6 months later [21]

UN Human Rights Rapporteurs urge India to end communications shutdown in Kashmir, their statement describes it as "collective punishment" [25]

Whatsapp group admins to register with Police, says Kathua Magistrate, restricts message uploading to 'only admins' [26]

Opposition leaders, including Rahul Gandhi 'sent back' from Srinagar [27]

Anuradha Bhasin vs. Union of India: Press Council of India seeks to intervene but defends the communication blockade "in the interest of the integrity and sovereignty of the nation' [28]

'No shortage of essential items in J&K, curbs saved lives', says J&K Governor [29]

At least 4,000 reported arrested, many under Public Safety Act. "Most of them were flown out of Kashmir because prisons here have run out of capacity," a magistrate told AFP... "Another security official said "thousands are jailed" but that the figure did not include other residents whose detentions at police stations had not been recorded." [22]

Tear gas, pellet gun injuries mount in hospitals, reports Reuters [30]

Indian bureaucrat Kanan Gopinathan resigns over suspension of fundamental rights in Kashmir [31]

Soura area of Srinagar barricades itself to keep security forces out [23]

Gun battle in Baramulla: 2 killed [24]

11 https://www.indiatoday.in/india/story/kashmir-live-updates-eid-ul-azha-in-jammu-and-kashmir-restrictions-curfew-continue-1579871-2019-08-12
12 https://www.hindustantimes.com/india-news/sc-refuses-to-order-lifting-of-curbs-in-jammu-and-kashmir-says-govt-needs-time/story-l7DlVmiz2oHQj1hWS0zP4K.html
13 http://nwmindia.org/international/news-behind-the-barbed-wire-kashmir-s-information-blockade-2
14 http://www.nchro.org/index.php/2019/08/14/kashmir-caged-a-fact-finding-report-by-jean-dreze-kavita-krishnan-maimoona-mollah-and-vimal-bhai/
15 https://thewire.in/politics/independence-day-speech-narendra-modi-kashmir-370
16 https://www.reuters.com/article/us-india-kashmir-srinagar/in-kashmirs-main-city-only-a-few-celebrate-indias-independence-day-idUSKCN1V517M

26/08   27/08   28/08   29/08   30/08   31/08   01/09   02/09

Kashmir Press Club asks Govt "to restore mobile phones, internet and telephone landlines to journalists and media outlets including newspapers..." It said currently, hundreds of journalists—both local and visiting and media workers—are forced to wait in queues for their turn to file assignments at the makeshift Media Facilitation Centre [32]

17 http://www.nchro.org/index.php/2019/08/14/kashmir-caged-a-fact-finding-report-by-jean-dreze-kavita-krishnan-maimoona-mollah-and-vimal-bhai/
18 https://theprint.in/india/on-i-day-governor-assures-jk-identity-safe-as-spectators-chant-bharat-mata-ki-jai/277402/
19 https://in.reuters.com/article/india-kashmir-britain/thousands-protest-in-britain-for-kashmir-outside-indian-high-commission-idINKCN1V51AJ
20 https://www.aljazeera.com/news/2019/08/red-dot-symbolised-kashmiri-resistance-india-move-190815113019954.html
21 https://www.aljazeera.com/news/2019/08/normalcy-kashmir-students-stay-schools-190819104606058.html
22 https://www.france24.com/en/20190818-india-kashmir-4000-detained-region-stripped-autonomy
23 https://www.aljazeera.com/news/2019/08/kashmir-enclave-blocks-entry-indian-troops-190820090426828.html
24 https://www.aljazeera.com/news/2019/08/killed-gun-battle-indian-administered-kashmir-190821062557343.html
25 https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24909&LangID=E
26 https://www.timesnownews.com/india/article/jk-whatsapp-groups-to-be-registered-with-police-in-kathua-to-avoid-rumour-mongering/474794
27 https://in.reuters.com/article/india-kashmir-opposition-leaders/opposition-leaders-denied-entry-to-kashmir-sent-back-from-airport-idINKCN1VE07K

Internet kiosk set up in Kupwara "for essential purposes" Govt says [33]

Internet kiosks set up in all 10 districts, Govt claims [37]

INTERNET SERVICES SHUT

RESTORED KUPWARA / HANDWARA

LANDLINE IN 19 MORE EXCHANGES IN SRINAGAR

Network of Women in Media / Free Speech Collective release report documenting media freedom violations, ask for restoring internet shutdown immediately, enable high speed internet connectivity, and restore all landlines and mobile telephones with priority given to journalists and media houses [34]

Internet kiosks are too few, mostly located inside Govt offices [38]

Teenager with head injuries, pellet wounds received earlier dies in hospital [35]

Long queues at landline phones in offices or homes, calls 'don't go through' say residents [36]

DAY 31

28 https://thewire.in/media/press-council-of-india-media-restrictions-kashmir
29 https://www.hindustantimes.com/india-news/phone-restrictions-helped-save-lives-in-jammu-kashmir-governor-satya-pal-malik/story-YSNWksjorJcx1ss4Ev3M4K.html
30 https://www.aljazeera.com/news/2019/08/150-treated-tear-gas-pellet-gun-injuries-kashmir-190823052847698.html

Ministry of Home Affairs says all landlines restored, schools functioning, health institutions fully operational [39]

Governor launches marketing intervention for fruit growers, to sell directly to government-run NAFED [40]

Enakshi Ganguly and Shanta Sinha vs. Union of India: seeks intervention on illegal detention of children in Kashmir [41]

Former Chief Minister Farooq Abdullah, formally arrested under the Public Safety Act [44]

Former Chief Minister Ghulam Nabi Azad permitted restricted visit to Kashmir following intervention by Supreme Court [45]

UN Security Council holds closed-door meeting on Kashmir - no determinations made [46]

End communications blackout in Kashmir says US Congresswoman Pramila Jayapal. Joins Congressman James P McGovern to ask US Secretary of State to press Indian Govt [42]

Thousands detained in Kashmir crackdown: most listed as "stone pelters and other miscreants" [43]

16 SEPTEMBER 2019
43 Days
#KashmirCaged

#KashmirBetrayed
#StandWithKashmir

Image © www.instagram.com/countingdaysk

31 https://www.ndtv.com/india-news/ias-officer-kannan-gopinathan-quits-says-disturbed-over-restrictions-in-jammu-and-kashmir-2090041
32 https://theprint.in/india/kashmir-press-club-says-restrictions-aimed-at-forcing-journalists-to-toe-a-particular-line/286212/
33 https://www.business-standard.com/article/news-ani/internet-kiosk-set-up-in-kupwara-for-essential-purposes-119090601451_1.html
34 http://nwmindia.org/images/articles_pdf/Kashmir_2019_News_Behind_the_Barbed_Wire_A_Report.pdf
35 https://www.aljazeera.com/news/2019/09/kashmiri-teenager-dies-pellet-tear-gas-shell-wounds-hospital-190904181621345.html
36 https://abcnews.go.com/International/wireStory/india-landline-phone-service-fully-restored-kashmir-65405243
37 https://zeenews.india.com/india/normalcy-returning-to-jammu-and-kashmir-internet-kiosks-installed-in-all-districts-2232824.html
38 https://news.yahoo.com/overload-train-kashmirs-internet-oasis-053551177.html
39 https://www.theweek.in/news/india/2019/09/11/jammu-and-kashmir-mha-says-landlines-restored-schools-functioning.html
40 https://www.hindustantimes.com/india-news/j-k-guv-launches-scheme-for-direct-apple-sale/story-hCEY8VZWH9LVBbC9h3XopK.html

Enakshi Ganguly and Shanta Sinha vs. Union of India:. Supreme Court asks Juvenile Justice Committee of J&K High Court to submit report on allegations of illegal detention of children in the wake of abrogation of Article 370 [47]

US President Trump "willing to mediate" on Kashmir if asked by Pakistan and India [49]

Apples rot in orchards as Kashmir economy goes into tailspin [48]

Indian women's fact-finding team presents report, asks Govt to Immediately restore all communication lines in Kashmir including internet and mobile networks [50]

25 SEPTEMBER 2019
#KashmirCaged

52 Days

#KashmirBetrayed
#StandWithKashmir

DAY 51

Image © www.instagram.com/countingdaysk

41 https://thewire.in/law/kashmir-children-detained
42 https://scroll.in/latest/937056/kashmir-two-us-lawmakers-urge-india-to-end-communication-blockade-release-detained-individuals
43 https://www.reuters.com/article/us-india-kashmir-detentions/thousands-detained-in-indian-kashmir-crackdown-official-data-reveals-idUSKCN1VX142

Anuradha Bhasin vs. Union of India: State argues "all restrictions are temporary and are being periodically reviewed…"

Supporters of JKLF begin march from Pakistan-administered Kashmir to Line of Control [51]

44   https://www.hindustantimes.com/india-news/former-jammu-and-kashmir-cm-farooq-abdullah-detained-under-public-safety-act/story-sO99ydWqolNmQyYyAo3L9K.html

45   https://www.thehindu.com/news/national/sc-allows-ghulam-nabi-azad-to-visit-jammu-and-kashmir-with-riders/article29429551.ece

46   https://edition.cnn.com/2019/08/16/asia/un-security-council-kashmir-intl/index.html

47   https://www.business-standard.com/article/news-ani/sc-adjourns-hearing-of-plea-alleging-illegal-detention-of-children-in-j-k-119101501017_1.html

48   https://www.aljazeera.com/ajimpact/apples-rot-kashmir-orchards-lockdown-puts-economy-tails-190919084034824.html

49   https://www.indiatoday.in/world/story/willing-to-mediate-on-kashmir-issue-if-both-countries-want-donald-trump-to-imran-khan-1602405-2019-09-23

50   http://sacw.net/article14169.html

51   https://www.aa.com.tr/en/asia-pacific/hundreds-from-pakistan-to-march-toward-kashmir-border/1602724

Govt orders colleges to open:
attendance dismal, exams announced [53]

US Congress committee urges India
to lift 'devastating' Kashmir curbs [52]

Illustration Courtesy: Ashmit Khan

68 Days
11 OCTOBER 2019
#KashmirCaged

#StructuralViolence
#MentalHealth
#EndOccupation
#KashmirBetrayed
#StandWithKashmir

Image © www.instagram.com/countingdaysk

52 https://www.business-standard.com/article/pti-stories/us-congress-committee-urges-india-to-end-communication-blackout-in-
    kashmir-119100800255_1.html
53 https://www.newindianexpress.com/nation/2019/oct/10/colleges-open-in-kashmir-government-announces-exams-amid-dismal-student-
    turnouts-2045491.html

STATE

State Legislative Council abolished
New administrative secretariat for
Ladakh announced [55]

4G

2G   MOBILE INTERNET AND INTERNET SERVICE REMAIN BLOCKED
PREPAID REMAIN BLOCKED

MOB   SMS SERVICES BLOCKED HOURS AFTER BEING RESTORED
BSNL POSTPAID RESTORED

TEL

In Shopian attack, driver of
truck carrying apples killed [54]

PEOPLE

54 https://www.business-standard.com/article/news-ani/j-k-two-unidentified-terrorists-kill-truck-driver-in-shopian-119101401394_1.html
55 https://economictimes.indiatimes.com/news/politics-and-nation/jammu-kashmir-legislative-council-abolished/articleshow/71637205.
   cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

21/10

22/10

23/10

24/10

25/10

26/10

27/10

28/10

Anuradha Bhasin vs. Union of India:
State argues that "Law and order
are primarily the domain of the
administrative authorities concerned as
they are best suited to assess the ground
situation and handle such situations..."

Image © www.instagram.com/countingdaysk

29/10 30/10 31/10 01/11 02/11 03/11 04/11 05/11

J&K State formally bifurcated
into Union Territory of J&K and
Union Territory of Ladakh

6 State public commissions terminated
including Human Rights Commission,
Accountability Commission, Information
Commission, Commission for Protection
of Women and Child Rights [56]

56 https://www.thequint.com/voices/opinion/j-and-k-to-lose-six-key-commissions-to-centre-along-with-statehood

06/11

07/11

08/11

09/11

10/11

11/11

12/11

13/11

#StandWithKashmir
#EndOccupation

#KashmirCaged
12 November 2019

100
Days

Illustration Courtesy: Shahba Sumayya

Image © www.instagram.com/countingdaysk

DAY 100

14/11
15/11
16/11
17/11
18/11
19/11
20/11
21/11

Only 1% of Kashmir's apple production procured by Govt. in this season Lok Sabha informed [57]

All schools and colleges open in J&K, says Minister of State for Home, claims 98% attendance; all hospitals and healthcare centres are "fully" operational [58]

57 https://thewire.in/agriculture/kashmir-apple-sales
58 https://www.indiatoday.in/education-today/news/story/all-schools-colleges-in-j-k-open-with-98-attendance-government-1620846-2019-11-20

Anuradha Bhasin vs. Union of India: Supreme Court reserves its verdict says that it is impossible for 7 million people to be "locked down"

STATE

4G

2G

MOB

TEL

PEOPLE

30/11 01/12 02/12 03/12 04/12 05/12 06/12 07/12

#StandWithKashmir
#EndOccupation

When can I
go to school
again, Beni?

I don't know.
I really don't
know.

125
Days

7 December 2019
#KashmirCaged

Image © www.instagram.com/countingdaysk

08/12 09/12 10/12 11/12 12/12 13/12 14/12 15/12

Enakshi Ganguly and Shanta Sinha vs. Union of India: - Supreme Court dismisses petition regarding illegal detention of minors by security forces. It says Juvenile Justice Committee of J&K High Court found no substance in the allegations [59]

Schools close for winter vacation due to cold, to reopen in late Feb 2020

59 https://www.outlookindia.com/newsscroll/no-minor-illegally-detained-in-kashmir-sc-quotes-hc-report/1684717

16/12　17/12　18/12　19/12　20/12　21/12　22/12　23/12

KASHMIR:BROADBAND AND MOBILE PHONE INTERNET BLOCKED

KARGIL RESTORED ▪▪

JAMMU LOW SPEED BROADBAND FUNCTIONAL

Kargil local religious leaders
appeal to people not to misuse
the restored internet facility [60]

60 https://www.outlookindia.com/website/story/india-news-mobile-internet-restored-in-kargil-after-145-days/344748

01/01 02/01 03/01 04/01 05/01 06/01 07/01 08/01

STATE

4G
2G
MOB
TEL

'Digital refugees' observed as people travel out of valley to use internet [61]

PEOPLE

DAY 150

Anuradha Bhasin vs. Union of India: Supreme Court orders review of all restrictions in Kashmir within a week; indefinite suspension of people's rights amounted to an abuse of power it says. But SC does not revoke the shutdown or declare it unconstitutional [62]

Telecom Service Providers to initiate verification of subscribers in order to "consider" restoration of mobile internet to post paid users

400 additional internet kiosks to be set-up

Anuradha Bhasin vs. Union of India: State says 844 e-terminals were established for the general public. Two previous affidavits made no reference to them. Also 69 counters for tourists, separate terminals for GST filing, exam application forms

MOBILE INTERNET SHUTDOWN
RESTORED (1 WEEK) JAMMU 5 DIST, KASHMIR 2 DIST

VOICE & TEXT FOR PREPAID SIMS

Conditional access to broadband internet for hospitals, banks, essential services: with Firewalls, Mac Binding, and restricted to a "white-list"of approved sites. No Social Media. Institutions to ensure access to authorised users only [63]

62 https://globalfreedomofexpression.columbia.edu/cases/bhasin-v-union-of-india/
63 http://jkhome.nic.in/03(TSTS)%202020.pdf

RESTORED (1 WEEK) | ▪▪▪▪▪▪▪▪▪▪

RESTORED (1 WEEK): JAMMU 10 DIST, KASHMIR 2 DIST

Restricted access only to whitelisted sites[64]

#StandWithKashmir
#EndOccupation
#RejectCAA

NORMAL

#KashmirCaged
18 January 2020

167 Days

Illustration Courtesy: Sanjna Acharyya

Image © www.instagram.com/countingdaysk

Data services only on verified prepaid and postpaid sim cards

Access limited to whitelist, no social media apps or VPN[65]

64 https://thewire.in/government/2g-data-services-to-be-restored-throughout-jammu-kashmir-union-territory
65 https://thewire.in/government/2g-data-services-to-be-restored-throughout-jammu-kashmir-union-territory

Indian Republic Day

Suspension on account of encounter "and likelihood of misuse of data services by the Anti National Elements to disturb the law and order situation"

Anuradha Bhasin v. Union of India: Foundation for Media Professionals approaches J&K Govt demanding compliance with Supreme Court guidelines. FMP has also sought disclosure of all past orders and recommendations of the Review Committee [69]

RESTRICTION EXTENDED

ANANTNAG DISTRICT

RESTORED

Mobile internet restored after nearly 6 months

"Temporarily" suspended by evening, to resume after 26th Jan

Several hundred websites unblocked

Tentative end to the world's longest internet shutdown in a democracy [66]

Encounter in Arwani, Anantnag: 1 killed [67]

Analysis of 'whitelist' by researchers: of 301 sites only 126 were usable "to some degree" [68]

DAY 175

66 https://www.nytimes.com/2020/01/26/world/asia/kashmir-internet-shutdown-india.html
67 https://www.indiatoday.in/india/story/anantnag-hizb-militant-killed-in-encounter-18-days-after-he-joined-terror-
     ranks-1640753-2020-01-27

Misuse of VPNs after restoration of internet, say police. Terrorists using it to establish contact with Pakistan says Director General Police [70]

Suspension "in the interest of security of state and maintaining public order"

RESTRICTION EXTENDED

ACROSS KASHMIR (7HOURS)

Death anniversary of Parliament attack accused M Afzal Guru [71]

68 https://www.medianama.com/2020/01/223-analysis-of-whitelisted-urls-in-jammu-and-kashmir-how-usable-are-they/
69 https://mediatrack.in/node/577
70 https://thewire.in/tech/kashmir-internet-vpn-firewall
71 https://www.tribuneindia.com/news/j-k/2g-mobile-internet-services-suspended-in-kashmir-again-38299

10/02 11/02 12/02 13/02 14/02 15/02 16/02 17/02

Suspension "apprehending misuse of data services by the anti national/anti social elements by accessing the social media sites illegally through VPNs"

Suspension "in view of the rumor circulating on social Media through misuse of VPNs"

Govt says social media sites accessed "for coordinating terror activities" and to "upload provocative material aimed at disturbing public order" [74]

Police registers FIR against "social media abusers" under stringent UAPA law [75], as well as Indian Penal Code Act and IT Act. Later withdrew application of Section 66-A (b) IT Act [76] "since this section has been previously struck down by the Supreme Court" [77]

Police focus on VPN use: invoke UAPA for "propagating rumours, secessionist ideology and glorifying terror acts/terrorists" [78]

RESTRICTION EXTENDED

ACROSS KASHMIR (8HOURS)

ACROSS KASHMIR (13HOURS)

Death anniversary of JKLF leader Maqbool Bhat [72]

Rumours about health of Syed Ali Shah Geelani, Hurriyat G leader [73]

ISP's to ensure conditional access: with Firewalls, Mac Binding, and restricted to a "white-list"of approved sites. No Social Media or VPNs

Former bureaucrat Shah Faesal booked under PSA [79]

Checking of smartphones for VPN apps is part of routine security checks on highways, in markets [80]

72 https://www.outlookindia.com/newsscroll/internet-snapped-in-kashmir-on-jklf-leaders-death-anniv/1731293
73 https://kashmirobserver.net/2020/02/13/internet-snapped-in-kashmir-after-rumours-surrounding-geelanis-health/
74 https://www.medianama.com/2020/02/223-jammu-kashmir-social-media-vpn-police/
75 https://thewire.in/rights/kashmir-fir-vpn-social-media
76 https://www.reuters.com/article/us-india-kashmir-internet/india-cracks-down-on-use-of-vpns-in-kashmir-to-get-around-social-media-ban-dUSKBN20D0LT
77 https://www.thehindubusinessline.com/news/national/jk-police-lodges-fir-against-kashmir-people-accessing-internet-via-vpn/article30850846.ece
78 https://indianexpress.com/article/india/jammu-kashmir-police-invoke-uapa-fir-social-media-6273115/
79 https://kashmirobserver.net/2020/02/15/ex-ias-topper-shah-faesal-booked-under-psa/
80 https://thewire.in/tech/kashmir-police-vpn-smartphone-checking

18/02　19/02　20/02　21/02　22/02　23/02　24/02　25/02

Suspension due to encounter "and likelihood of misuse of data by Anti national elements"

Suspension due to encounter "and likelihood of misuse of data by Anti national elements"

Internet Freedom Foundation asks Home Department J&K about unlawful blocking of VPN access

AVANTIPURA POLICE DIST 4H | ▮▮▮▮▮▮▮▮▮
KULGAM 10H
BARAMULLA DIST 8H
ANANTNAG 10H

Amnesty International says "Indian government needs to put humanity first and let the people of Kashmir speak" [81]

Govt forces kill three militants in Tral [82]

Youth from Handwara arrested for "misusing" VPN [83]

Govt forces kill two militants in Anantnag [84]

Schools across Kashmir reopen after nearly seven months [85]

DAY 201

81 https://amnesty.org.in/news-update/jk-police-using-repressive-counter-terrorism-law-to-muzzle-access-to-social-media/
82 https://www.hindustantimes.com/india-news/security-forces-kill-three-terrorists-in-jammu-and-kashmir-s-tral/story-wdnMUfW2WR5nTLNM2DghUI.html
83 https://thekashmirwalla.com/2020/02/youth-from-north-kashmirs-handwara-arrested-for-misusing-vpn/?fbclid=IwAR2tznG1buciMyyPHB-ScmHDKphAmLE1budbaHPXjHABY6M0Cmz6zdpFg70

26/02

27/02

28/02

29/02

01/03

02/03

03/03

04/03

PUCL, J&K High Court Bar Association vs Union of India:. Supreme Court declines reference to a larger 7-judge bench for petitions challenging the constitutional validity of abrogation of Article 370 [86]

Govt Seeks Cisco Help To Block Social Media In J&K [87]

Internet Bandwidth smothered to block VPNs: curtails access to "whitelisted" websites too [88]

84 https://kashmirobserver.net/2020/02/22/south-kashmir-2-militants-killed-in-bijbehara-gunfight/
85 https://thewire.in/rights/kashmir-school-students
86 https://www.indiatoday.in/india/story/supreme-court-refuses-to-refer-article-370-cases-to-larger-bench-1651500-2020-03-02
87 https://kashmirobserver.net/2020/03/03/govt-seeks-cisco-help-to-block-social-media-in-jk/
88 https://www.newsclick.in/Kashmir-Govt-Smothers-Internet-Bandwidth-Block-VPN

05/03

06/03

07/03

08/03

09/03

10/03

11/03

12/03

Suspension due to encounter "and likelihood
of misuse of data by Anti national elements"

KULGAM 7.5H
SHOPIAN DIST 6.5H
ANANTNAG 10H

Ban on social media temporarily lifted [39]

Govt forces kill two militants in Shopian [90]

89 https://techcrunch.com/2020/03/04/india-restores-social-media-access-in-kashmir-for-2-weeks/
90 https://kashmirobserver.net/2020/03/09/south-kashmir-gunfight-underway-in-shopian-militant-killed/

13/03 14/03 15/03 16/03 17/03 18/03 19/03 20/03

Suspension due to encounter "and likelihood of
misuse of data by Anti national elements"

RESTRICTION EXTENDED

KULGAM 12H |
ANANTNAG DIST 10H

Govt forces kill four militants in Anantnag[91]

91 https://kashmirobserver.net/2020/03/15/south-kashmir-4-militants-killed-in-anantnag-gunfight/

21/03

22/03

23/03

24/03

25/03

26/03

27/03

28/03

UN Secy Gen appeals for ceasefire in ongoing armed conflicts in light of global Covid pandemic [92]

PM Narendra Modi announces all India lockdown starting midnight

Foundation for Media Professionals vs Union of India: petition before Supreme Court for restoration of 4G internet in J&K argues that internet slowdown during COVID-19 violative of fundamental rights to healthcare [93]

RESTRICTION EXTENDED

92 https://www.un.org/sg/en/content/sg/statement/2020-03-23/secretary-generals-appeal-for-global-ceasefire
93 https://drive.google.com/file/d/1u8T6zldNXlabjA0igdXObA55fyX2_4Bz/view

Restrictions Extended "in view of attempts made by ANEs to spread propaganda and fake news and disturb public order and co ordinate acts of terrorism and instances of misuse of data and circulation of fake news regarding COVID-19"

Suspension due to encounter "and likelihood of misuse of data by Anti national elements"

Suspension due to encounter "and likelihood of misuse of data by Anti national elements"

RESTRICTION EXTENDED

KULGAM DIST 13H |
KULGAM DIST 9H

Govt forces kill four In Kulgam [94]

International Federation of Journalists starts campaign titled 'Postcards From Kashmir' to end ban on 4G internet [95]

Kupwara gunbattle rages for 5th Day, 5 Soldiers among 10 Killed [96]

94   https://kashmirobserver.net/2020/04/04/south-kashmir-4-militants-killed-in-kulgam-gunfight/
95   https://kashmirobserver.net/2020/04/07/ifj-campaign-to-end-ban-on-4g-internet-titled-postcards-from-kashmir/
96   https://kashmirobserver.net/2020/04/05/5-militants-3-soldiers-killed-along-loc-in-kupwara/

Suspension due to encounter "and likelihood of misuse of data by Anti national elements"

Suspension "in view of the likelihood of misuse of data services by Anti-national elements"District officials said decision of temporary suspension of internet lay with 'higher-ups

Suspension due to encounter "and likelihood of misuse of data services by Anti national elements/OGW for communication"

J&K High Court Seeks Status Report On 4G Restoration as "non-availability of high-speed Internet was hampering studies of students confined to their homes due to the lockdown to curb coronavirus cases [99]

KULGAM DIST 15H

SOPORE POLICE DIST 5.5H

KUPWARA POLICE DIST 6H

Kupwara gunfight: 3 more soldiers succumb [97]

Govt forces kill militant commander in Sopore [98]

Heavy artillery fire exchange on LOC in Kupwara. Village had been used as a base for Bofors artillery guns, locals said [100]

7-yr-old among 3 dead in Kupwara shelling [101]: homes damaged, children terrorised, village turned into a war zone [102]

Militants flee after nocturnal gunfight in Kulgam [103]

DAY 250

97 https://kashmirobserver.net/2020/04/06/kupwara-gunfight-3-more-soldiers-succumb-toll-mounts-to-8/
98 https://kashmirobserver.net/2020/04/08/jaish-commander-killed-in-sopore-gunfight-police/
99 https://kashmirobserver.net/2020/04/11/jk-high-court-seeks-status-report-on-4g-restoration-as-students-suffer/
100 https://thekashmirpress.com/2020/04/13/detailed-read-ammo-landed-60km-deep-inside-loc-in-kupwara-intense-shelling-after-1971-war-say-residents/

14/04	15/04	16/04	17/04		18/04	19/04	20/04	21/04

17/04

Suspension due to encounter "and likelihood of misuse of data services by Anti national elements/ OGW for communication"

21/04

Suspension due to encounter "and likelihood of misuse of data services by Anti national elements/ OGW for communication"

Foundation for Media Professionals vs Union of India: Supreme Court asks about petition pending before J&K High Court, seeks information about number of Covid-19 cases in J&K

S. Quereshi & Private Schools Association of J&K vs Union of India: seeking restoration of 4G internet listed for hearing. 27,00,000 students hampered without access to high speed internet, it says

RESTRICTION EXTENDED

SHOPIAN DIST 11H

SHOPIAN DIST 18.5H

Govt forces kill two militants In Shopian [104]

Govt forces kill four militants in Shopian [105]

Woman photojournalist booked under UAPA for social media posts [106]

Kashmir Police file a case against journalist Gowhar Geelani call his social media posts "prejudicial to the national integrity, sovereignty and security of India" [107]

101 https://www.tribuneindia.com/news/j-k/7-yr-old-among-3-dead-in-kupwara-shelling-70382
102 https://www.middleeasteye.net/news/india-accused-kashmir-human-shields-border-war-pakistan
103 https://kashmirobserver.net/2020/04/11/militants-escape-after-brief-gunfight-in-south-kashmirs-kulgam-police/
104 https://kashmirobserver.net/2020/04/17/2-militants-killed-in-shopian-encounter-crpf-jawan-injured-in-pulwama/
105 https://kashmirobserver.net/2020/04/22/south-kashmir-4-militants-killed-in-overnight-gunbattle/
106 https://kashmirobserver.net/2020/04/20/female-photojournalist-in-kashmir-booked-for-social-media-posts/
107 https://kashmirobserver.net/2020/04/21/kashmir-police-files-case-against-journalist-gowhar-geelani/

22/04 23/04 24/04 25/04 26/04 27/04 28/04 29/04

Suspension due to encounter "and attempt by the terrorists to abduct a police personnel"

Suspension due to encounter "and likelihood of misuse of data services by Anti national elements/OGW for communication"

Suspension due to encounter "and likelihood of misuse of data services by Anti national elements/OGW for communication"

Suspension due to encounter "and likelihood of misuse of data services by Anti national elements/OGW for communication"

Suspension due to encounter "and likelihood of misuse of data services by Anti national elements/OGW for communication"

RESTRICTION EXTENDED ; SHUT FOR 24H

KULGAM DIST 20H

SHOPIAN PULWAMA & ANANTNAG 2G SHUT FOR 19H

KULGAM DIST & AVANTIPORA POLICE DIST 13H

ANANTNAG DIST 2G SHUT FOR 10H

SHOPIAN & PULWAMA 2G SHUT FOR 24H

Govt forces kill two militants in Kulgam [108]

Govt forces kill four militants In Kulgam [110]

Govt forces kill two militants in Awantipora [109]

Govt forces kill three militants in Lower Munda [111]

Govt forces kill one militant in Shopian [112]

Govt forces kill three militants in Shopian [113]

108 https://kashmirobserver.net/2020/04/24/2-militants-killed-during-kidnap-bid-police/
109 https://kashmirobserver.net/2020/04/25/militants-killed-in-awantipora-quietly-buried-in-sonamarg/
110 https://kashmirobserver.net/2020/04/26/4-militants-killed-in-kulgam-gunfight-police/
111 https://kashmirobserver.net/2020/04/27/3-militants-killed-in-qazigund-gunfight/
112 https://www.outlookindia.com/newsscroll/one-militant-killed-in-shopian-encounter/1817550
113 https://www.outlookindia.com/newsscroll/three-militants-killed-in-encounter-in-shopian/1818068

30/04	01/05	02/05	03/05	04/05	05/05	06/05	07/05

Suspension due to encounter "and likelihood of misuse of data services by Anti national elements/OGW for communication"

Suspension due to encounter and "likelihood of misuse of data services by Anti national elements/OGW for communication"

Foundation for Media Professionals vs Union of India: Supreme Court reserves order in petition [117] seeking restoration of 4G internet in J&K Govt argues that the internet was slow enough to foil the activities of terrorists but fast enough to not hamper the activities of ordinary citizens [118]

Suspension due to encounter and "in view of posting of provocative material online and there being an extreme possibility of spreading the same to adjoining areas"

Suspension due to encounter

Suspension due to encounter and "likelihood of misuse of data services by Anti national elements/OGW for communication"

2G SHUT FOR HANDWARA POLICE DIST 24H
2G SHUT FOR PULWAMA DIST 32H
HANDWARA POLICE DIST 6H
KASHMIR VALLEY FROM 0900H
AWANTIPORA POLICE DIST 17H
2G SHUT FOR HANDWARA POLICE DIST 17H
MOBILE SERVICES SHUT IN ENTIRE KASHMIR V...

Two militants killed in Pulwama gunfight [114]

Colonel, Major, 2 soldiers and J&K Police officer killed in Handwara [115]

Govt forces kill two militants in Handwara [116]

Militant strike leaves 3 CRPF personnel dead in Kupwara district [119]

Gunfight on in Awantipora Village, Top Hizb Commander Trapped [120]

Hizb chief Riyaz Naikoo killed in southern Kashmir encounter [121]

114 https://thekashmirwalla.com/2020/05/two-militants-killed-in-pulwama-gunfight-2/
115 https://kashmirobserver.net/2020/05/03/colonel-major-sog-si-among-5-security-men-killed-in-handwara/
116 https://thekashmirwalla.com/2020/05/handwara-gunfight-local-among-two-slain-militants-say-officials/
117 https://internetfreedom.in/sc-reserves-judgement-in-petitions-for-4g-restoration-in-j-k/
118 https://drive.google.com/file/d/1PXpflHeGKkjLjuQ53-R6_G5IAdW5F169/view
119 https://kashmirobserver.net/2020/05/04/3-crpf-personnel-killed-in-militant-attack/
120 https://kashmirobserver.net/2020/05/06/gunfight-breaks-out-in-awantipora-village-top-hizb-commander-trapped/
121 https://thekashmirwalla.com/2020/05/hizb-chief-riyaz-naikoo-killed-in-south-kashmir-encounter/

Foundation for Media Professionals vs Union of India: Supreme Court order: refuses to order restoration of 4G services in the context of COVID; directs constitution of a high-powered Special Committee which will look into the contentions [122]

Suspension following "killing of a suspected person who tried to flee"

Suspension due to encounter and "likelihood of misuse of data services by Anti national elements/OGW for communication"

RESTRICTION EXTENDED

KULGAM 9H

2G SERVICES KASHMIR VALLEY (EXCEPT PULWAMA AND SHOPIAN DISTRICTS)
PULWAMA & SHOPIAN DIST | **BUDGAM DIST 14H |**

2G MOBILE DATA,PULWAMA & SHOPIAN DIST

MOBILE SERVICES RESTORED AROUND 2200H |

ALLEY FROM 1410H

Civilian killed for jumping checkpoint [123], says Police. Eyewitnesses say Mehrajuddin was shot point blank in his back [124]

Kulgam gunfight: No fresh firing reported [125]

122 https://internetfreedom.in/supreme-courts-j-k-4g-restoration-decision-disappointing-but-we-are-determined/
123 https://www.telegraphindia.com/india/kashmiri-youth-jumps-checkpost-shot-dead-by-crpf/cid/1772766
124 https://theprint.in/india/jk-cop-says-crpf-shot-nephew-point-blank-in-budgam-police-lying-too/421003/
125 https://thekashmirwalla.com/2020/05/kulgam-gunfight-no-fresh-firing-reported/

16/05 17/05 18/05 19/05 20/05 21/05 22/05 23/05

Foundation for Media Professionals vs Union
of India: FMP approaches Special Committee
established by Court, says blanket orders
cannot be issued which indiscriminately slow
down internet services in all districts of J&K
without providing district-specific reasons [126]

Suspension due to encounter and "likelihood
of misuse of data services by Anti national
elements/OGW for communication"

PULWAMA DIST 24H
SRINAGAR DIST 88H

MOBILE CELLULAR SERVICE SHUT EXCEPT BSNL 18H

Encounter at Srinagar:
Two killed, 22
houses damaged
in Kanemazaar,
Nawakadal [127]

12 Year old injured in
Srinagar encounter
succumbs to burn injuries [129]

Journalist Fahad Shah
summoned by Cyber police for
reporting from encounter site [128]

126 https://internetfreedom.in/fmp-approaches-special-committee-established-by-sc-for-restoration-of-4g-internet-in-j-k/
127 https://www.aljazeera.com/indepth/inpictures/pictures-kashmir-homes-reduced-rubble-gun-battle-200520081337812.html
128 http://www.kashmirtimes.com/newsdet.aspx?q=102413
129 https://kashmirlife.net/nawakadal-injured-boy-succumbs-233968/

24/05 25/05 26/05 27/05 28/05 29/05 30/05 31/05

Suspension due to encounterand
"likelihood of misuse of data services
by Anti national elements/OGW for
communication"

Foundation for Media Professionals vs Union of India:
FMP asks Special Committee established by Supreme
Court to immediately review 4G internet restrictions:
despite Courts directions the Committee has failed to
take any action in almost three weeks [132]

RESTRICTION EXTENDED

KULGAM & SHOPIAN DIST 15.5H

Two more civilians injured in
Srinagar fire succumb to injuries [130]

2 Militants Killed In Kulgam Encounter [131]

31 May 2020

301 Days

#KashmirCaged
#StandWithKashmir
#EndOccupation

Image © www.instagram.com/countingdaysk

DAY 299

130 https://kashmirobserver.net/2020/05/24/nawa-kadal-encounter-2-more-injured-civilians-die-toll-mounts-to-3/
131 https://kashmirobserver.net/2020/05/25/2-militants-killed-in-kulgam-gunfight-police/
132 https://internetfreedom.in/fmp-demands-compliance-with-sc-judgement-by-special-committee-for-restoration-of-4g-in-j-k/