

**IN THE SUPREME COURT OF INDIA**

Civil Original Jurisdiction

**Contempt Petition (Civil) No. 411 of 2020**

In the matter of:

**Foundation for Media Professionals** ... **Petitioner**

versus

**Ajay Kumar Bhalla & Ors** ... **Respondents**

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Through:



Shadan Farasat

AOR for Respondent No.1

New Delhi

09.08.2020

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**Contempt Petition (Civil) No. 411 of 2020**In the matter of:**Foundation for Media Professionals** ... **Petitioner**

versus

**Ajay Kumar Bhalla & Ors** ... **Respondents****Written Submissions on behalf of Mr Huzefa Ahmadi,****Senior Advocate, for the Petitioner**

1. These Written Submissions, besides dealing with the issue of contempt raised in the captioned petition, also deal with the issue of restoration of 4G in the UT of Jammu & Kashmir, which has been raised in MA 1086/2020. For the sake of convenience, consolidated Written Submissions are being filed in the captioned matter.
2. The Petitioner submits that the Respondents are guilty of wilful disobedience of the judgment and order dated 11.05.2020 passed by this Hon'ble Court in *Foundation for Media Professionals v. U.T. of Jammu & Kashmir & Anr*, Diary No. 10817/2020 (2020 SCC Online SC 453) ("FMP") because:
  - a) No review of the orders passed by Respondent No.4 has been conducted, as directed by this Hon'ble Court;
  - b) The purported review orders (if any) by the Special Committee have not been published or put in the public domain;

c) Without the publication of the review orders, the said orders are incapable of being judicially reviewed, as it is not possible to discern the manner in which the discretion has been exercised.

3. The Union Territory of Jammu and Kashmir has had unprecedented internet restrictions, which presently involve limiting the internet speed to 2G, for over a period of one year. This is probably one of the longest internet restrictions imposed by any democratic government in the world. As a result of the continued internet restrictions, the entire population of the Union Territory of Jammu and Kashmir continue to suffer especially in the wake of the present pandemic. The said restrictions have a deleterious effect on children's education as online classes, which are being held all over the country cannot be held at 2G internet speed. The restrictions also have a deleterious effect on health as the sick are unable to get medical advice or medicines online. Further, the doctors are unable to get the latest information about the pandemic without access to 4G speed. The life and livelihood of business is also affected as trade through internet, online purchase of commodities etc, is impossible without 4G internet speed. As per the statement made by the Kashmir Chamber of Commerce & Industry, the estimated loss to the Union Territory of Jammu & Kashmir's economy since the communication shutdown was first imposed on 05.08.2019 is over Rs. 40,000 crores. For the acts of terrorists aided from across the border, the entire population of Jammu and Kashmir

cannot be held hostage and deprived of 4G. The aforementioned facts have been placed on record in W. P. (C) Diary No. 10817 of 2020. The petitioner seeks leave to refer to the pleadings and documents in the said Writ Petition if necessary.

4. A conjoint reading of the judgment of this Hon'ble Court dated 11.05.2020 in *FMP* and in *Anuradha Bhasin v. Union of India (2020) 3 SCC 637* (“Anuradha Bhasin”) would *ex-facie* demonstrate the following:
  - a) All orders passed under the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 (“**Telecom Suspension Rules**”) are mandatorily required to be published;
  - b) All orders passed under the above rules must be reviewed within 5/7 days;
  - c) The Special Committee must examine the appropriateness of the alternatives suggested by the Petitioner regarding limiting the restrictions to those areas where it is necessary and allowing faster internet on a trial basis (3G or 4G) over certain geographical areas, *inter alia*, having regard to the doctrine of proportionality etc. The exercise of such discretion cannot be discerned till the Special Committee’s orders are published;
  - d) The internet restrictions can only be for a temporary duration.

5. The aforesaid legal position is clearly borne out by what is stated hereinafter. The judgment of this Hon'ble Court dated 11.05.2020 in *FMP (supra)* makes it explicit that:

a) The Special Committee will substitute the Review Committee established under the Telecom Suspension Rules and immediately determine necessity and the extent of continuing the restriction in terms of the *dicta* laid down in *Anuradha Bhasin (supra)* and *FMP (supra)*. **Paragraph 23 of the FMP decision which is at Page 47** of the present contempt petition is reproduced herein below for ready reference:

*“23. At the same time, the Court is also cognizant of the concerns relating to the ongoing pandemic and the hardships that may be faced by the citizens. It may be noted that in the earlier judgment of Anuradha Bhasin (supra) this Hon'ble Court had directed that, under the usual course, every order passed under Rule 2 (2) of the Telecom Suspension Rules restricting the internet is to be placed before a Review Committee which provides for adequate procedural and substantive safeguards to ensure that the imposed restrictions are narrowly tailored. However, we are of the view that since the issues involved affect the State, and the nation, the Review Committee which consists of only State level officers, may not be in a position to satisfactorily address all the issues raised. We,*

*therefore, find it appropriate to constitute a Special Committee comprising of the following Secretaries at national, as well as State, level to look into the prevailing circumstances and immediately determine the necessity of the continuation of the restrictions in the Union Territory of Jammu and Kashmir:*

*(a) The Secretary, Ministry of Home Affairs (Home Secretary), Government of India.*

*(b) The Secretary, Department of Communications, Ministry of Communications, Government of India.*

*(c) The Chief Secretary, Union Territory of Jammu and Kashmir.*

*The aforesaid Special Committee shall be headed by the Secretary, Ministry of Home Affairs (Home Secretary), Government of India.” (Emphasis Applied)*

- b) The Special Committee was also directed to examine the contentions and the material placed on record by the Petitioner and the Respondents and also examine the appropriateness of the alternatives suggested by the petitioner regarding area wise restrictions and allowing faster internet (3G/4G) on a trial basis in terms of the earlier directions. **Paragraph 24 of FMP (supra), which is at page 47** of the present contempt petition is reproduced herein for ready reference:

*“24. The Special Committee is directed to examine the contentions of, and the material placed herein by, the Petitioners as well as the Respondents. The aforesaid Committee must also examine the appropriateness of the alternatives suggested by the Petitioners, regarding limiting the restrictions to those areas where it is necessary and the allowing of faster internet (3G or 4G) on a trial basis over certain geographical areas and advise the Respondent No. 1 regarding the same, in terms of our earlier directions.” (Emphasis Applied)*

6. It is apparent from a reading of paragraphs 23 and 24 of the judgment dated 11.05.2020 in *FMP (supra)*, that this Hon’ble Court was pleased to pass the aforesaid directions in terms of its earlier judgment in *Anuradha Bhasin (Supra)*. In *Anuradha Bhasin (supra)*, this Hon’ble Court was pleased to categorically hold that:

a) **All orders must be published so as to enable a party to challenge the same. Paragraphs 23.1 & 23.2 at Pg. 664 and Para 24 at 665 of *Anuradha Bhasin*, (2020) 3 SCC 637 are reproduced below for ready reference:**

*“23.1. First, Article 19 of the Constitution has been interpreted to mandate right to information as an important facet of the right to freedom of speech and expression. A democracy, which is sworn to transparency*

*and accountability, necessarily mandates the production of orders as it is the right of an individual to know. Moreover, fundamental rights itself connote a qualitative requirement wherein the State has to act in a responsible manner to uphold Part III of the Constitution and not to take away these rights in an implied fashion or in casual and cavalier manner.*

23.2. *Second, there is no dispute that democracy entails free flow of information. There is not only a normative expectation under the Constitution, but also a requirement under natural law, that no law should be passed in a clandestine manner. As Lon L. Fuller suggests in his celebrated article “there can be no greater legal monstrosity than a secret statute”.<sup>15</sup> In this regard, Jeremy Bentham spoke about open justice as the “keenest spur to exertion”. In the same context, James Madison stated “a popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or perhaps both. Knowledge will forever govern the ignorance and a people who mean to be their own Governors must arm themselves with the power which knowledge gives.*

*24. As a general principle, on a challenge being made regarding the curtailment of fundamental rights as a result of any order*

*passed or action taken by the State which is not easily available, the State should take a proactive approach in ensuring that all the relevant orders are placed before the Court, unless there is some specific ground of privilege or countervailing public interest to be balanced, which must be specifically claimed by the State on affidavit. In such cases, the Court could determine whether, in the facts and circumstances, the privilege or public interest claim of the State overrides the interests of the petitioner. Such portion of the order can be redacted or such material can be claimed as privileged, if the State justifies such redaction on the grounds, as allowed under the law.”*  
**(Emphasis Applied)**

- b) Specific reference has been made by this Hon’ble Court to orders passed under the Telecom Suspension Rules. **Pa. 104-105 at Pg. 690** of *Anuradha Bhasin (supra)* are reproduced below for ready reference:

*“104. It must be noted that although the Suspension Rules do not provide for publication or notification of the orders, a settled principle of law, and of natural justice, is that an order, particularly one that affects lives, liberty and property of people, must be made available. Any law which demands compliance of the people requires to be notified directly and reliably. This is the case regardless*

*of whether the parent statute or rule prescribes the same or not. We are therefore required to read in the requirement of ensuring that all the orders passed under the Suspension Rules are made freely available, through some suitable mechanism. (See B.K. Srinivasan v. State of Karnataka.)*

*105. The above requirement would further the rights of an affected party to challenge the orders, if aggrieved. Judicial review of the orders issued under the Suspension Rules is always available, although no appellate mechanism has been provided, and the same cannot be taken away or made ineffective. An aggrieved person has the constitutional right to challenge the orders made under the Suspension Rules, before the High Court under Article 226 of the Constitution or other appropriate forum.”*

**(Emphasis Applied)**

- c) Specific reference has also been made directing a review by the Review Committee within 5/7 working days. In the said context, **Pa. 108 at Pg. 691** of the judgement in *Anuradha Bhasin (Supra)* are reproduced below for ready reference:

*“108. One of the gaps which must be highlighted relates to the usage of the word “temporary” in the title of the Suspension Rules. Despite the above, there is no indication*

*of the maximum duration for which a suspension order can be in operation. Keeping in mind the requirements of proportionality expounded in the earlier section of the judgment, we are of the opinion that an order suspending the aforesaid services indefinitely is impermissible. In this context, it is necessary to lay down some procedural safeguard till the aforesaid deficiency is cured by the legislature to ensure that the exercise of power under the Suspension Rules is not disproportionate. We, therefore, direct that the Review Committee constituted under Rule 2 (5) of the Suspension Rules must conduct a periodic review within seven working days of the previous review, in terms of the requirements under Rule 2 (6). The Review Committee must therefore not only look into the question of whether the restrictions are still in compliance with the requirements of Section 5 (2) of the Telegraph Act, but must also look into the question of whether the orders are still proportionate, keeping in mind the constitutional consequences of the same. We clarify that looking to the fact that the restrictions contemplated under the Suspension Rules are temporary in nature, the same must not be allowed to extend beyond that time period which is necessary.” (Emphasis Applied)*

- d) The operative directions at **Paras 160.1 to 160.7** of the judgement in *Anuradha Bhasin (Supra)* also further emphasise the above. The same are reproduced herein below for ready reference:

*“160.1. The respondent State/competent authorities are directed to publish all orders in force and any future orders under Section 144 CrPC and for suspension of telecom services, including internet, to enable the affected persons to challenge it before the High Court or appropriate forum.*

*160.2. We declare that the freedom of speech and expression and the freedom to practise any profession or carry on any trade, business or occupation over the medium of internet enjoys constitutional protection under Article 19 (1) (a) and Article 19 (1) (g). The restriction upon such fundamental rights should be in consonance with the mandate under Articles 19 (2) and (6) of the Constitution, inclusive of the test of proportionality.*

*160.3. An order suspending internet services indefinitely is impermissible under the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017. Suspension can be utilised for temporary duration only.*

*160.4. Any order suspending internet issued under the Suspension Rules, must adhere to the principle of proportionality and must not extend beyond necessary duration.*

*160.5. Any order suspending internet under the Suspension Rules is subject to judicial review based on the parameters set out herein.*

*160.6. The existing Suspension Rules neither provide for a periodic review nor a time limitation for an order issued under the Suspension Rules. **Till this gap is filled, we direct that the Review Committee constituted under Rule 2 (5) of the Suspension Rules must conduct a periodic review within seven working days of the previous review, in terms of the requirements under Rule 2 (6).***

*160.7. We direct the respondent State/competent authorities to review all orders suspending internet services forthwith.”*  
**(Emphasis Applied)**

7. In the text of the judgment in *Anuradha Bhasin (Supra)*, it has been specifically noted that under Rule 2(6) of the Telecom Suspension Rules, the Review Committee is required to meet within 5 working days of an order being issued. The relevant observation of this Hon’ble Court in **Pa. 96 at Pg. 691** is quoted below:

*“96. The second requirement under Rule 2 (2) is the forwarding of the reasoned order of the competent authority to a Review Committee which has been set up under the Suspension Rules, within one working day. The composition of the Review Committee is provided under Rule 2 (5), with two distinct Review Committees contemplated for the Union and the State, depending on the competent authority which issued the order under Rule 2 (1). Rule 2 (6) is the final internal check under the Suspension Rules with respect to the orders issued thereunder. **Rule 2 (6) requires the Review Committee concerned to meet within five working days of issuance of the order suspending telecom services, and record its findings about whether the order issued under the Suspension Rules is in accordance with the provisions of the main statute viz. Section 5 (2) of the Telegraph Act.” (Emphasis Supplied)***

It was further held in Pa. 108 at Pg. 691, that a further review be conducted every 7 working days. **Pa. 108 at Pg. 691** is quoted below for ready reference:

*“108. One of the gaps which must be highlighted relates to the usage of the word “temporary” in the title of the Suspension Rules. Despite the above, there is no indication of the maximum duration for which a suspension order can be in operation. Keeping in mind the requirements of proportionality expounded in the earlier section of*

*the judgment, we are of the opinion that an order suspending the aforesaid services indefinitely is impermissible. In this context, it is necessary to lay down some procedural safeguard till the aforesaid deficiency is cured by the legislature to ensure that the exercise of power under the Suspension Rules is not disproportionate. We, therefore, direct that the Review Committee constituted under Rule 2 (5) of the Suspension Rules must conduct a periodic review within seven working days of the previous review, in terms of the requirements under Rule 2 (6). The Review Committee must therefore not only look into the question of whether the restrictions are still in compliance with the requirements of Section 5 (2) of the Telegraph Act, but must also look into the question of whether the orders are still proportionate, keeping in mind the constitutional consequences of the same. We clarify that looking to the fact that the restrictions contemplated under the Suspension Rules are temporary in nature, the same must not be allowed to extend beyond that time period which is necessary.” (Emphasis Supplied)*

8. In the above context, this Hon’ble Court may take judicial notice of the counter affidavit filed by Respondent No. 3, the Union of India. *Ex-Facie*, even as per the counter affidavit, the orders passed by the Special Committee which steps into the shoes of the Review

Committee, have not been published and therefore, the Respondents are in breach of the aforementioned directions.

9. It is also noteworthy that even as per the counter affidavit, the Special Committee has only met twice, on 15.05.2020 and 10.06.2020. The counter affidavit further goes on the state that the next meeting of the Special Committee would be carried out after two months. Thus, the direction of this Hon'ble Court to carry out a review within 5/7 working days is also not complied with. As the Special Committee would now meet after 2 months, the question of complying with the orders of this Hon'ble Court of a review within 5/7 days *qua* the order dated 17.06.2020 and 08.07.2020 and 29.07.2020 does not arise. Besides, without publication of orders in review, which is a statutory exercise of power under Rules 2 (5) and 2 (6) of the Telecom Suspension Rules, it is not possible to discern as to whether the orders passed by this Hon'ble Court with regard to examining the appropriateness of the alternatives regarding limiting the restrictions to those areas which are necessary, allowing faster internet (3G/4G) over certain geographical areas proportionality, etc have been factored by the Special Committee.
10. Therefore, the orders passed by this Hon'ble Court have not been complied with in letter or in spirit. Paragraph 7-8 of the counter affidavit which bear out the aforementioned factual position are reproduced below for ready reference:

*“7. I further submit that on 15.05.2020 (i.e. 4 days after the pronouncement of the judgment by this Hon’ble Court) the Special Committee constituted by this Hon’ble Court had its first meeting. All aspects of the matter were elaborately discussed, including the prevailing security situation in Jammu and Kashmir and the impact of the restrictions placed on 4G services in the region. The suggestions made by the petitioners before this Hon’ble Court were also discussed and debated. The Special Committee decided to obtain further detailed inputs, in regard to the prevailing situation on the ground level, before taking a decision in regard to the possibility of easing the restrictions on 4G services.*

*8. The Special Committee met again thereafter on 10.06.2020. After detailed inputs in regard to the prevailing situation were obtained and analysed. A thorough and comprehensive consideration of all facets of the matter including the feasibility of the alternatives suggested by the petitioners as well as the recent occurrences of terrorism related incidents in the region was carried out. Ultimately, based on a considered and wide-ranging assessment of the prevailing situation in this sensitive region, the committee arrived at a decision that no further relaxation of the restrictions on internet services including 4G*

*services could be carried out at present. It was also decided that the next review by the special committee would be carried out after two month. However, the situation would be reviewed regularly by the other competent authorities and if there is an improvement in the security situation appropriate action would accordingly be taken. A report to this effect was duly submitted by the Special Committee to the Government of the Union Territory of Jammu & Kashmir. A copy of this report which sets out in detail the entire exercise carried out by the Special Committee as well as the considerations which weighed with its members is being placed before this Hon'ble Court in original. A reading of this report would establish beyond doubt that there is no merit whatsoever in the allegations levelled against the respondents in the contempt petition.” (Emphasis Supplied)*

11. A plain reading of the counter affidavit bears out the following breaches of the directions issued by this Hon'ble Court:
- a) The purported deliberations, report, orders, etc of the Special Committee are not published nor put in the public domain;
  - b) There has been no review within 5/7 days as directed by this Hon'ble Court;

- c) The internet restrictions for over a period of one year have now acquired a permanent character as opposed to having a temporary duration.

**12.** In fact, the entire proceedings of the Special Committee including the purported meetings dated 15.05.2020 and 10.06.2020 have been shrouded in secrecy and have not been in the public domain. The Petitioner first came to know of the said meetings only after perusing the counter affidavit. This is despite the Petitioner having made repeated representations to the Special Committee, to which there has been no acknowledgement let alone a response. Such secrecy and covertness flies in the face of the transparency and fairness emphasized by this Hon'ble Court in the aforementioned decisions. The directions of this Hon'ble Court clearly militate against such secrecy and 'reports' which are kept locked in a drawer and neither published nor put in the public domain.

**13.** The Petitioner submits that the continuance of internet restrictions in the Union Territory of Jammu and Kashmir are palpably arbitrary and have been found to be untenable even by voices within the establishment:

- a) In a statement made by Mr. Ram Madhav, the National General Secretary of the Bharatiya Janata Party, in his opinion editorial in the Indian Express on 21.05.2020, it was stated as under (**Pg. 84 at 86 of the contempt petition**):

*“It is time the state administration appreciates this and pays the people handsomely for their*

*openness. Certain harsh measures like denial of 4G services, which were necessary under special circumstances, can now be done away with, as the state administration and security apparatus are capable of handling difficult situations. The Constitution allows for the administrative handling of units for some duration under special circumstances. Those circumstances have more or less passed in J&K. It is time the UT is allowed full-fledged political activity.” (Emphasis Supplied)*

- b) In an interview dated 22.07.2020 by the Indian Express of Mr. G.C. Murmu, then Hon’ble LG of J&K (the present CAG), it was stated as under: **(Pg. 95 at 98 of the Rejoinder)**:

*“4G internet is still not allowed in J&K. Why?*

*Court has formed a committee, it’s monitored by the court. I wish that we should be given this permission, so that 4G should start.”*

**(Emphasis Supplied)**

- c) Further, in a news report in the Indian Express dated 26.07.2020, the Hon’ble former LG was pleased to state as follows: **(Pg. 104 of Rejoinder)**:

*“Change in stand: 4G won’t be a problem, J&K to Home Ministry*

.....

*‘Pak will do its propaganda, whether it is 2G or 4G’*

*The Union Territory of Jammu and Kashmir has told the Union Ministry of Home Affairs that it did not have any objection in restoring 4G internet services, and that high-speed Net connectivity would not pose any problem.*

*“We have been making (a) representation for this... I feel that 4G will not be a problem.*

*I am not afraid how people will use this. Pakistan will do its propaganda, whether it is 2G or 4G. It will always be there... But I don’t see an issue,” Lieutenant Governor G C Murmu told The Sunday Express here Friday.”*  
**(Emphasis Supplied)**

14. The continuance of the Internet restrictions is made further untenable in view of the fact that even according to the Union of India, terrorist attacks have been at its lowest since August 2019. In an interview to the Indian Express on 31.05.2020, it was stated by the Hon’ble Home Minister as follows: **(Pg. 87 at 90 of the contempt petition):**

*“Shah on Kashmir*

*Speaking on Jammu-Kashmir today, he said, "Article 370 and the Citizenship Amendment Act, both of which are related to the unity and integrity of the country. Whoever has spread the fear on*

*CAA are now worried. The lowest terrorist incidents after 90 have occurred after the removal of 370 and during 2014-2020''''*

15. The aforementioned statements made by different organs of the State, further buttress the stand of the Petitioner in the petition and the IA for directions that the grant of 4G speed has no nexus with terrorism or national security and, is therefore arbitrary, intrusive, not least restrictive or proportionate as directed by this Hon'ble Court. Detailed submissions in this regard have been made in the Writ Petition and in M.A. No. 1086 of 2020 which are not repeated herein to avoid prolixity.
16. A perusal of the orders dated 11.05.2020 (**Pg. 48 of the contempt petition**), 27.05.2020 (**Pg. 63 of the contempt petition**), as well as the subsequent orders dated 17.06.2020 and 08.07.2020 and 29.07.2020, indicate that the same are passed in a stereotypical manner without factoring the criteria for such restrictions laid down by this Hon'ble Court in *Anuradha Bhasin (supra)* or in the judgment dated 11.05.2020 in *FMP (supra)*. A copy of the orders dated 17.06.2020, 08.07.2020 and 29.07.2020 is annexed herewith as **Annexure A**.
17. It is therefore submitted that such restrictions *ex-facie* being untenable, this Hon'ble Court may be pleased to direct complete restoration of internet services at 4G speed in terms of the prayer made in I.A. no. 54114 of 2020 in M.A. no. 1086 of 2020 and take suitable contempt action against the respondents.

**Subject: Temporary suspension of Telecom Services-directions reg;**

Reference: i. Letter No. KZ/PS/Restoration/1471-72 dated 17.06.2020 from IGP, Kashmir.  
ii. Letter No. JZ/Internet/400-41/2020 dated 17.06.2020 from IGP, Jammu.

**Government Order No: Home- 66 (TSTS) of 2020  
Dated: 17.06.2020**

Whereas, the directions for regulation of internet services have been issued from time to time and reviewed by the appropriate authority at regular intervals to ensure that these directions, apart from meeting other requirements, are least restrictive and satisfy the principle of proportionality; and

2. Whereas, the present position with regard to availability of the internet services, with limited restrictions, is as under:-

**I. Mobile data Services:**

- i. The internet is available at 2G speed.
- ii. The post-paid sim card holders have been given access to the internet. However, in respect of pre-paid sim cards, such access is available after verification as per the norms applicable for post-paid connections.

**II. Fixed line Internet connectivity:**

Internet connectivity is available with Mac-binding; and

3. Whereas, the restrictions on high speed mobile internet have been placed, *inter-alia*, to prevent/reduce rumor mongering and fake news by anti-national elements, to curb uploading/downloading/circulation of provocative content on the social media and to counter attempts of recruiting youth into the terrorist ranks. The restrictions on access to internet have been eased in a gradual manner, with social media having been made available without any constraints like whitelisting of websites, etc.; and

4. Whereas, it has been observed that these restrictions have not caused any impediment in the efforts of the Government towards addressing health related issues and COVID control measures. Also, there has been no handicap of any nature in the sphere of education or in carrying out the business activities; and

5. Whereas, since the issuance of the latest directions, on 27<sup>th</sup> May, 2020, regarding regulation of internet services, many terrorists have been eliminated by the security forces with minimum collateral damage and without adversely impacting the public order. This has, to a large extent, been possible by ensuring that the data services are not misused by the anti-national elements/OGWs for mobilizing crowds at the encounter sites or at other places that have potential of getting affected; and

24  
6. Whereas, there are intelligence inputs about the preparedness of terrorists to infiltrate from across the border, as is also borne out from recent infiltration attempts by the terrorists in the Kalakot and Naushera sector (on the LoC) of the Jammu province, and umpteen number of ceasefire violations all along the border. Reports further indicate that services that rely on availability of high speed internet are extensively utilized for coordinating and facilitating infiltration.

7. Now, therefore, I, Principal Secretary to the Government, Home Department, being satisfied that, it is absolutely necessary so to do in the interest of the sovereignty and integrity of India, the Security of the State and for maintaining public order, in exercise of the powers conferred by sub-section (2) of section 5 of the Indian Telegraph Act, 1885 and sub-rule (1) of rule 2 of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, hereby order that the directions/restrictions indicated at para 2 above shall continue to remain in force till 8<sup>th</sup> July, 2020, unless modified earlier.

8. The IsGP, Kashmir/Jammu shall ensure communication of these directions to the service providers forthwith and also ensure implementation of these directions with immediate effect.

**By Order of the Government of Jammu and Kashmir.**

  
(Shaleen Kabra) IAS,

**Principal Secretary to the Government**

Dated: 17.06.2020

No: Home/TSTS/2020

**Copy to the:**

1. Director General of Police, J&K.
2. Principal Secretary to the Hon'ble Lieutenant Governor.
3. Divisional Commissioner, Kashmir/Jammu for n/a.
4. Inspector General of Police, Jammu Zone, Jammu
5. Inspector General of Police, Kashmir Zone, Srinagar.
6. Director Information, Department of Information and Public Relations, J&K for information and with the request to give wide publicity to the same through publication in the leading dailies, one each of Kashmir & Jammu.
7. All Deputy Commissioners/ SSPs.
8. Director, Archives, Archaeology & Museums.
9. General Manager, Government Ranbir Press for publication in the extraordinary issue of the Gazette.
10. Pvt. Secretary(ies) to Hon'ble Advisor(s) (S), (F) & (B) to the Lieutenant Governor.
11. Pvt. Secretary to the Chief Secretary, J&K.
12. Pvt. Secretary to the Principal Secretary to Government, Home Department.
13. I/c website, Home Department.
14. Government Order file (w2sc).

**Copy also to the:**

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
2. Pvt. Secretary to the Special Security Advisor, Ministry of Home Affairs, Government of India.

## Home Department

Civil Secretariat, Jammu/Srinagar

**Subject: Temporary suspension of Telecom Services-directions reg;**Reference: i. Letter No.KZ/PS/Restoration/1759-60 dated 08.07.2020 from IGP, Kashmir.  
ii. Letter No. JZ/CS/Mont/2020/439 dated 07.07.2020 from IGP, Jammu.**Government Order No: Home- 82(TSTS) of 2020****Dated: 08.07.2020**

Whereas, restriction on access to internet was imposed in the UT of J&K and eased out gradually, consequent upon periodic assessment of the ground situation and inputs from the field agencies, and at present, position regarding availability of internet services is as follows:

**I. Mobile data Services:**

- i. The internet is available at 2G speed.
- ii. The post-paid sim card holders have been given access to the internet. However, in respect of pre-paid sim cards, such access is available only after verification as per the norms applicable for post-paid connections.

**II. Fixed line Internet connectivity:**

Internet connectivity is available with Mac-binding; and

Whereas, the restrictions on access to internet services in the above manner have been put in place to curb misuse of data for uploading/downloading/circulation of provocative content on the social media, prevent/reduce rumor mongering/fake news, counter attempts of recruiting gullible youth into the terrorist ranks, curtail the use of encrypted messaging and VOIP services for infiltration and coordinating terror activities, and defeat the nefarious designs from across the border to propagate terrorism; and

Whereas, the security agencies have been successful in eliminating a large number of terrorists, while ensuring that the public order is maintained primarily because the data services have not been allowed to be misused by the anti-social elements/OGWs to mobilize crowds. Besides, these restrictions have not adversely impacted the efforts of the Government towards COVID control, education and business activities; and

Now, therefore, upon assessment of the reports of the field agencies bringing out in unambiguous terms the necessity for continuation of the restrictions on access to internet services as contained in Government Order No. 66(TSTS) of 2020 dated 17.06.2020, I, Principal Secretary to the Government, Home Department, being satisfied that, it is absolutely necessary so to do in the interest of the sovereignty and integrity of India, the Security of the State and for maintaining public order, in exercise of the powers conferred by sub-section (2) of section 5 of the Indian Telegraph Act, 1885 and sub-rule (1) of rule 2 of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, hereby order that the directions/restrictions contained in the order *ibid* shall continue to remain in force till 29<sup>th</sup> July, 2020, unless modified earlier .

The IsGP, Kashmir/Jammu shall ensure communication of these directions to the service providers forthwith and also ensure implementation of these directions with immediate effect.

**By Order of the Government of Jammu and Kashmir.**

  
(Shafiq Kabra) IAS,  
**Principal Secretary to the Government**

No:Home/TSTS/2020

Dated: 08.07.2020

**Copy to the:**

1. Director General of Police, J&K.
2. Principal Secretary to the Hon'ble Lieutenant Governor.
3. Divisional Commissioner, Kashmir/Jammu for n/a.
4. Inspector General of Police, Jammu Zone, Jammu
5. Inspector General of Police, Kashmir Zone, Srinagar.
6. Director Information, Department of Information and Public Relations, J&K for information and with the request to give wide publicity to the same through publication in the leading dailies, one each of Kashmir & Jammu.
7. All Deputy Commissioners/ SSPs.
8. Director, Archives, Archaeology & Museums.
9. General Manager, Government Ranbir Press for publication in the extraordinary issue of the Gazette.
10. Pvt. Secretary(ies) to Hon'ble Advisor(s) (S), (F) & (B) to the Lieutenant Governor.
11. Pvt. Secretary to the Chief Secretary, J&K.
12. Pvt. Secretary to the Principal Secretary to Government, Home Department.
13. I/c website, Home Department.
14. Government Order file (w2sc).

**Copy also to the:**

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
2. Pvt. Secretary to the Special Security Advisor, Ministry of Home Affairs, Government of India.

**Subject: Temporary suspension of Telecom Services-directions reg;**  
Reference: i. Letter No.KZ/PS/Restoration/1886-87 dated 29.07.2020 from IGP, Kashmir.  
ii. Letter No. JZ/CS/Mont/2020/461 dated 28.07.2020 from IGP, Jammu.

**Government Order No: Home- 89(TSTS) of 2020**  
**Dated: 29.07.2020**

Whereas, restrictions on access to internet through mobile data services have been necessitated in the Union Territory of J&K in view of its misuse in planning and executing terror acts including attacks on Security Forces, political workers and innocent civilians, propagation of ideologies inimical to the interests of the country, misguiding the youth to join terrorist ranks, communicating and coordinating with handlers across the border to facilitate infiltration, etc.; and

Whereas, suspension of the mobile data services in specific areas and for a very limited period of time has also been authorized to prevent disruption of efforts of the Security Forces, during and subsequent to the operations, by various activities including circulation of videos, mobilization of crowds, etc, by the OGWs; and

Whereas, there are inputs suggesting rise in the anti-national activities over the coming weeks, more so in view of completion of an year since implementation of the constitutional changes viz-a-viz J&K, Independence day celebrations, etc.

Therefore, taking note of the overall security situation and reports of the law enforcement agencies, while keeping in view the aspects of reasonability of restrictions with regard to the principle of proportionality and consideration of available alternatives, I, Principal Secretary to the Government, Home Department, being satisfied that it is absolutely necessary so to do, in the interest of the sovereignty and integrity of India, the Security of the State and for maintaining public order, in exercise of the powers conferred by sub-section (2) of section 5 of the Indian Telegraph Act, 1885 and sub-rule (1) of Rule 2 of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, hereby order that internet access across the UT of J&K shall be made available with the following restrictions:

**I. Mobile data Services:**

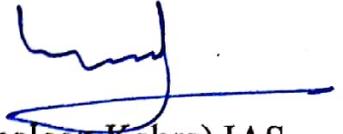
- i. The internet speed shall be restricted to 2G only.
- ii. The post-paid sim card holders shall be provided with access to the internet. However, such access shall not be made available on pre-paid sim cards unless verified as per the norms applicable for post-paid connections.

**II. Fixed line Internet connectivity:**

Internet connectivity, with Mac-binding, shall be made available.

The aforesaid directions shall remain in force upto 19<sup>th</sup> August, 2020, unless modified earlier. The IsGP, Kashmir/Jammu shall ensure communication of these directions to the service providers and ensure implementation of these directions forthwith.

**By Order of the Government of Jammu and Kashmir.**

  
(Shaleen Kabra) IAS,

**Principal Secretary to the Government**

Dated: 29.07.2020

No:Home/TSTS/2020

**Copy to the:**

1. Director General of Police, J&K.
2. Principal Secretary to the Hon'ble Lieutenant Governor.
3. Divisional Commissioner, Kashmir/Jammu for n/a.
4. Inspector General of Police, Jammu Zone, Jammu
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