

**IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION**

WRIT PETITION (CIVIL)

(Under Article 32 of the Constitution of India)

W.P.(C) No. _____ OF 2019

ANURADHA BHASIN

...PETITIONER

Versus

UNION OF INDIA & ORS.

...RESPONDENTS

WITH

I.A. No. _____ of 2019

(Application for Directions)

PAPER BOOK

(FOR INDEX PLEASE SEE INSIDE)

ADVOCATE FOR THE PETITIONER:

Ms. Sumita Hazarika

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PROFORMA FOR FIRST LISTING**SECTION -PIL**

The Case pertains to (Please tick/check the correct box):

- Central Act: (Title) Constituion of India
- Section Article 14, 19(1)(a), 19(1)(g) and 21
- Central Rule: (title)_____ N.A.
- Rule No(s) _____ N.A.
- State Act: (Title)_____ N.A.
- Section: _____ N.A.
- State rule: (Title) _____ N.A.
- Rule No(s) _____ N.A.
- Impugned interim order (Date) _____ N.A.
- Impugned Final order/Decree: (date) _____ N.A.
- High Court: (Name) _____ N.A.
- Names of Judges: _____ N.A.
- Tribunal/Authority: (Name) _____

1. Name of matter Civil Criminal
2. (a) Petitioner/appellant No. 1: Anuradha Bhasin
 (b) e-mail ID: Sumita_h@rediffmail.com
 (c) Mobile Phone Number Nil
3. (a) Respondent No. 1: Union of India
 (b) e-mail ID: Nil
 (c) Mobile Phone Number Nil
4. (a) Main category classification 18: Ordinary Civil Matters
 (b) Sub Classification 1807: others
5. Not to be listed before _____ Nil

6. (a) Similar disposed of matter with citation,
if any & case details: No similar disposed off matter.
- (b) Similar pending matter with case
details - No similar pending matter
7. Criminal Matters
- (a) Whether accused/convict has surrendered: Yes No
- (b) FIR No. N.A.
- (c) Police Station: N.A.
- (d) Sentence Awarded - N.A
- (e) Period of sentence undergone including period of
detention/custody undergone.
8. Land Acquisition Matters:
- (a) Date of Section 4 notification _____ N/A
- (b) Date of Section 6 notification _____ N/A
- (c) Date of Section 17 notification _____ N/A
9. Tax Matters State the tax effect _____ N/A
10. Special Category (first Petitioner/appellant only)
- Senior Citizen > 65 years SC/ST women/child disabled
- Legal aid case in custody
11. Vehicle number (in case of motor accident claim matters):

Date: 10.8.2019

AOR for Petitioner(s)/appellants)

(SUMITA HAZARIKA)
Registration No. 1376

E-mail: sumita_h@rediffmail.com

SYNOPSIS AND LIST OF DATES

The present Writ Petition is being filed by the Petitioner under Article 32 of the Constitution of India seeking *inter-alia* the issuance of a writ / order / direction to the Respondents to immediately relax all restrictions on mobile, internet and landline services and the strict restrictions on freedom of movement of journalists and media personnel in Kashmir and some districts of Jammu in order to enable journalists to practise their profession and exercise their right to report, in furtherance of their rights under Articles 14, 19(1)(a) and 19(1)(g) and 21 of the Constitution of India as well as the Right to Know of the residents of the Kashmir valley.

That from 04.08.2019 onwards, mobile phone networks, internet services, and landline phone connectivity were all discontinued and shutdown, leaving Kashmir and some districts in Jammu completely isolated and cut off from all possible modes of communication and information. No formal orders under which such action was taken was communicated by the Respondents and the power and authority under which such excessive and arbitrary action was ordered is still unknown to the Petitioner. The communication blockade and strict restrictions on movement of journalists resulted in a virtual blackout, and media reporting and publishing grievously impacted.

On 05.08.2019, orders under Section 144 Cr.P.C. were issued and all of Kashmir was placed under a *de facto* curfew with severe restrictions on movement.. The Press Identity cards of news reporters were not given any attention, and they were effectively disabled from reporting on the situation in

the region by restricting their movement. C

The Petitioner is the Executive Editor of Kashmir Times newspaper, which has a Jammu edition and a Srinagar edition. It is the largest circulated English daily in the State of Jammu and Kashmir, with daily circulation of upto 3.5 lakh copies. Due to the severe and pervasive restrictions imposed by the Respondents, the Petitioner's newspaper, Kashmir Times, Srinagar edition, could not be distributed and circulated on 05.08.2019. Since 06.08.2019 the Petitioner has not been able to print and publish the Kashmir edition, as the complete and absolute restrictions on all communication services and movement has resulted in the imposition of a *de facto* blockade on media activities, including reporting and publishing on the situation in Kashmir.

That the absolute and complete internet and telecommunication shutdown, severe restrictions on mobility and sweeping curtailment on information sharing in the Kashmir valley, at a time when significant political and constitutional changes are being undertaken in Delhi to the status of Jammu and Kashmir, is fuelling anxiety, panic, alarm, insecurity and fear among the residents of the Kashmir. The information blackout set in motion is a direct and grave violation of the right of the people to know about the decisions that directly impact their lives and their future. The internet and telecommunication shutdown also means that the media cannot report on the aforesaid developments, and neither can the opinions of the residents of Kashmir be reported about.

In view of the absolute and debilitating curtailment of the right to report of the press and media, and the violation of the Petitioner's right to practise her profession, the Petitioner is constrained to approach this Hon'ble Court under

Article 32 of the Constitution of India seeking immediate and appropriate reliefs for safeguarding the rights available *inter-alia* under Articles 14, 19(1)(a), 19(1)(g) and 21 of the Constitution of India.

Date	Event
1954	Kashmir Times Newspaper was founded by the Petitioner's father, Late Shri Ved Bhasin, as a weekly newspaper.
1962	Kashmir Times Newspaper was converted from a weekly to a daily newspaper, and soon became Kashmir's most widely circulated English daily.
July-August, 2019	There was a continuous build-up of military and paramilitary presence in Jammu and Kashmir, with Respondent No.1 directing additional troops to be sent to Kashmir valley in large numbers. National media houses reported that as many as 38,000 additional troops had been deployed in Kashmir in less than ten days
02.08.2019	A Security Advisory was issued by the Civil Secretariat, Home Department, Government of Jammu and Kashmir, which stated, <i>"Keeping in view the latest intelligence inputs of terror threats, with specific targeting of the Amarnath Yatra, and given the prevailing security situation in the Kashmir Valley, in the interest of safety and security of the tourists and Amarnath Yatris, it is advised that they may curtail their stay in the valley immediately and take necessary</i>

measures to return as soon as possible.

By Order of the Government of Jammu and Kashmir”

The issuance of the Security Advisory dt. 02.08.2019, led to fear and panic amongst the residents of Jammu and Kashmir, due to the sudden exodus of tourists and Amarnath Yatris from Kashmir.

04.08.2019

Mobile phone networks, internet services, and landline phone connectivity were all discontinued and shutdown in leaving Kashmir and few districts in Jammu completely isolated and cut off from all possible modes of communication. No formal orders under which such action was taken was communicated by the Respondents and the power and authority under which such excessive and arbitrary action was ordered is still unknown to the Petitioner. The communication blockade and strict restrictions on movement of journalists resulted in a virtual blackout, and media reporting and publishing grievously impacted.

05.08.2019

in J&K

Except the districts of Jammu, Samba and Kathua, where orders under section 144 CrPC had been imposed, the rest of the state of Jammu and Kashmir, with heavy military presence, barricades and severance of all communication links; was placed in a state of *defacto* curfew, a complete lockdown. Even within the above named three districts of Jammu, movement of journalists was severely restricted by

barricades and unrelenting checks by security personnel and police deployed on the roads, enforcing an unannounced curfew in some areas. Movement of Journalists holding Press Identity Cards was also prohibited.

The Srinagar issue of Kashmir Times could not be circulated or distributed due to the debilitating nature of restrictions imposed by the State.

05.08.2019 The Constitution (Application to Jammu and Kashmir) in New Delhi Order, 2019, C.O. 272 was published in The Gazette of India, vide which under the powers vested by Article 370(1) of the Constitution of India, Article 367(4) was added to the Constitution. Further, the Jammu and Kashmir Reorganisation Bill, 2019, was introduced in the Rajya Sabha, and passed.

06.08.2019 The Jammu and Kashmir Reorganisation Bill, 2019, was placed before the Lok Sabha, and passed.

The National Security Advisor stated in a report to the Centre that the situation in Kashmir is normal and locals are welcoming the change.

09.08.2019 The Jammu and Kashmir Reorganisation Bill, 2019, received the President's assent and The Jammu and Kashmir Reorganisation Act, 2019, was notified in the Gazette of India, effective from 31st October, 2019.

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Also, the Hon'ble Governor of Jammu and Kashmir, Satya Pal Mallick, stated on 09.08.2019 that the Prime Minister's speech had a calming effect and the situation in Jammu and Kashmir was peaceful.

06.08.2019 -Present date The Srinagar edition of Kashmir Times has not been published and there is no contact or communication between the Petitioner and the Kashmir Time' reporters and staff in Srinagar.

10.08.2019 Hence, the present writ petition under Article 32 of the Constitution of India.

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

W.P.(CIVIL) No. _____ OF 2019

IN THE MATTER OF:

1. ANURADHA BHASIN

D/O LATE SHRI VED BHASIN

EXECUTIVE EDITOR

KASHMIR TIMES NEWSPAPER

KASHMIR TIMES BUILDING

RESIDENCY ROAD,

JAMMU - 180001

AND ALSO AT: 9, PRATAP PARK

RESIDENCY ROAD,

SRINAGAR - 190001

...PETITIONER

Versus

1. UNION OF INDIA

THROUGH THE OFFICE OF

THE SECRETARY,

MINISTRY OF HOME AFFAIRS,

NORTH BLOCK, NEW DELHI - 01

2. STATE OF JAMMU AND KASHMIR

THROUGH ITS CHIEF SECRETARY

R. No. 307, 3RD FLOOR,

CIVIL SECRETARIAT,

SRINAGAR - 190001

3. THE DIVISIONAL COMMISSIONER, KASHMIR,

AMAR NIWAS COMPLEX, TANKI PORA

SRINAGAR - 190001

JAMMU AND KASHMIR

4. THE DIVISIONAL COMMISSIONER, JAMMU,

PANJTIRTHI, JAMMU - 1800001

JAMMU AND KASHMIR

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF
INDIA

To,
The Hon'ble Chief Justice of India
And his companion Justices of
The Hon'ble Supreme Court of India

This humble Petition of
the Petitioner herein

MOST RESPECTFULLY SHEWETH:

1. That the present Writ Petition has been filed by the Petitioner under Article 32 of the Constitution of India seeking *inter-alia* the issuance of a writ / order / direction to the Respondents to immediately relax all restrictions on mobile, internet and landline services in Jammu and Kashmir and the strict restrictions on freedom of movement in order to enable journalists to practise their profession and exercise their right to report and publish, in furtherance of their rights under Articles 14, 19(1)(a), 19(1)(g) and 21 of the Constitution of India as well as the Right to Know of the residents of the Kashmir valley. Due to the severe and pervasive restrictions imposed by the Respondents, the Petitioner's newspaper, Kashmir Times, Srinagar edition, could not be distributed and circulated on 05.08.2019. Since 06.08.2019 the Petitioner has not been able to print and publish the Kashmir edition, of Kashmir Times, as the complete and absolute restrictions on all communication services has resulted in the imposition of a *de facto* blockade on media activities, including reporting and publishing.

1A. The Petitioner has not approached the Respondents herein in for the reliefs prayed for in this Petition as they are in the nature that can only be given by a constitutional court such as this Hon'ble Court.

2. That the parties to the present writ petition are described below:

2.1. The present Writ Petition is being filed by Ms. Anuradha Bhasin, the Executive Editor of Kashmir Times newspaper. Kashmir Times is the most widely read English newspaper in Jammu and Kashmir. It was registered with The Registrar of newspapers in 1965, and is presently published by Prabodh Jamwal, who is also The Editor. The Petitioner is a

prominent journalist and a well known peace activist of Jammu and Kashmir. The Petitioner has been working as a journalist for over thirty years, of which for about eighteen years she worked as an Editor and now holds the position of the Executive Editor. The Petitioner has accomplished long term research projects on media reportage, conflict, human rights and gender. Her writings are included in several academic anthologies and her work has been quoted by academics and journalists in their reports and books. The Petitioner is also a Commonwealth Fellow and has served in various capacities in many organizations and social forums such as The Art Foundation, South Asian for Human Rights, South Asia Women in Media, and South Asia Free Media Association.

[True copy of the Press Card of the Petitioner is marked and annexed herein as Annexure P-1] (Page No. 24)

2.2. The Respondent No. 1 is the Union of India, through the office of the Secretary of The Ministry of Home Affairs, being the concerned authority for maintenance of law and order in the territory of India.

2.3. The Respondent No. 2 is State of Jammu and Kashmir, through the office of the Chief Secretary, being the appropriate government in-charge of law and order in Jammu and Kashmir.

2.4. The Respondent No. 3 is the Divisional Commissioner of Kashmir, being the concerned authority for maintenance of law and order in the Kashmir Division, and having the function of coordinating with the Police and Security Forces to sort out problems faced by the public.

2.5. The Respondent No. 4 is The Divisional Commissioner of Jammu, being the concerned authority for maintenance of law and order in the Jammu Division, and having the function of coordinating with the Police and Security Forces to sort out problems faced by the public.

3. That the brief facts giving rise to the present Petition are stated below:

BRIEF FACTS

3.1. That the English newspaper, Kashmir Times, was founded by the Petitioner's father, Shri Ved Bhasin, in 1954 as a news weekly. It was

later converted to a daily newspaper in 1962 and has regularly been in print and circulation ever since. Kashmir Times is the most widely read English newspaper in Jammu and Kashmir, and also has significant readership in the neighbouring states of Punjab, Delhi and Himachal Pradesh with daily circulation of approximately 3.5 lakh copies. Kashmir Times publishes two editions - a Jammu edition and a Srinagar edition, on a daily basis from its Jammu and Srinagar offices respectively. The online edition of the newspaper is available at <http://www.kashmirtimes.com/>.

3.2. That over the years Kashmir Times has served as a window into Kashmir for readers from across India, as well as a gateway into other parts of India for its Kashmiri readers. It has served as a bridge of information and communication, and even in the most troubled times has upheld journalistic principles of fair and accurate reporting. It is for this unblemished reputation that its Founder and Editor from 1964 to 2000, Shri Ved Bhasin, was famously referred to in Kashmir as the “*Grand Old Man*” of English journalism.

3.3. That on 02.08.2019, a Security Advisory was issued by the Civil Secretariat, Home Department, Government of Jammu and Kashmir, which stated,

“Keeping in view the latest intelligence inputs of terror threats, with specific targeting of the Amarnath Yatra, and given the prevailing security situation in the Kashmir Valley, in the interest of safety and security of the tourists and Amarnath Yatris, it is advised that they may curtail their stay in the valley immediately and take necessary measures to return as soon as possible.

By Order of the Government of Jammu and Kashmir”

[True Copy of the Security Advisory dated 02.08.2019 is marked and annexed herein as **Annexure P-2**] (*Page no. 25*)

3.4. That the issuance of the Security Advisory dt. 02.08.2019, led to fear and panic amongst the residents of Jammu and Kashmir, due to the sudden exodus of tourists and Amarnath Yatris from Kashmir. Pursuant to the aforesaid Security Advisory, special flights were pressed into service by orders of the Director General of Civil Aviation (DGCA) to

fly out the tourists and Amarnath Yatris, and the same led to more speculation, insecurity, fear and alarm amongst the residents of Kashmir.

[True Copy of a news report dated 02.08.2019 in India Today, titled, "Kashmir terror threat: Airlines waive off cancellation fee, advised to fly extra flights", is marked and annexed herein as **Annexure P-3**] (Page.No.26-30)

3.5. That thereafter, all schools, colleges, educational institutions and offices were ordered by the Respondents to be closed until further orders, and student hostels were asked to be vacated with immediate effect. Such official orders further contributed to fanning misinformation and breeding fear, and the lack of any credible information about the situation left the residents of Kashmir living under a cloud of fear, uncertainty and anxiety.

3.6. That parallel to the sudden exodus of tourists and shut down of institutions, there was also a continuous build-up of military and paramilitary presence in Jammu and Kashmir, with Respondent No.1 directing additional troops to be sent to Kashmir valley in large numbers. National media houses reported that as many as 38,000 additional troops had been deployed in the valley in less than ten days, and there was no explanation given for the same. All the aforesaid factors combined to create an impending sense of doom, fear and panic in Kashmir. The complete blackout of information sharing between the Union and the people in Kashmir contributed to fear, panic and chaos in the minds and hearts of the residents.

[True copy of a news report dt. 02.08.2019 in India today, titled, "Another 28,000 troops rushed to Kashmir Valley week after 10,000 were deployed", is marked and annexed herein as **Annexure P-4**] (Page.No.31-34)

3.7. That on 04.08.2019, sometime during the day, mobile phone networks, internet services, and landline phone connectivity were all discontinued in the valley, leaving Kashmir and few districts in Jammu completely isolated and cut off from all possible modes of communication. No formal orders under which such action was taken was communicated to the residents of Kashmir in a proper manner. The power and authority under which such action was ordered is still unknown to the Petitioner. The communication blockade resulted in a

virtual blackout, and media reporting became impossible. Media reporting came to a standstill due to this communication blockade. A first person account of the debilitating impact of the communication blackout has been published in a news report titled, "Diary of Srinagar Lockdown", authored by veteran journalist Sankarshan Thakur. In the said report, Thakur states,

"By the time I get home, another friend has called me from Srinagar and informed me she is on her way to secure a curfew pass. "When are they imposing curfew?" I ask her. "Tomorrow morning, I am told; speak to you later."

She texts me shortly after. "Relief. No curfew tomorrow. I was told to keep in touch, but no curfew tomorrow."

"Are you certain?" I text her.

"So I was told," she replies, "But very frightened and uneasy. Take care, speak soon."

An hour later, as I mull the weariness of heaping my newspaper with another "nobody knows, everything's uncertain" report, I receive a missive from a friend in the police control room.

"The phones are going off in a while, everything." "Meaning?" I ask.

"Meaning everything's off, and no movement tomorrow. See you on the other side."

My friend who'd gone seeking a curfew pass has been walked up the path.

I make several calls to people in Srinagar who may know, but nobody responds. My friend and host tells me sagely: "Relax, they are busy. Everything is shutting down, get used to the idea."

At 10.54, the Internet on my friend's phone snaps. He has a local number; mine, a Delhi number, is still working.

I send a text to my editor, R. Rajagopal: "They have begun snapping Internet services incrementally."

At 11.04, I send him another text: "It can safely be added that the administration is bracing for imposing 'restrictions' on movement tomorrow in the Valley."

At 12.26, I begin writing another text to Rajagopal: "Don't know what the cabinet will decide in Delhi tomorrow, but the iron curtain is about to...." My phone snaps.

Like at the throw of some switch somewhere. Internet gone. WhatsApp

gone. Connectivity gone. The signal towers have collapsed.

I run down to the landline. "This line is currently out of service, please try later."

I will only ever be able to try whenever it is I am in Srinagar next.

I try heading out, but there's nowhere to go. There are pickets and barricades, and soldiers frilled out around spools of concertina wires. Lockdown.

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.

All through the widespread eruption of armed militancy and the consequent flight of Pandits from the Valley in 1989-90, there was always the old reliable Post and Telegraph Office to carry your typewritten copy to for transmission.

This was not even censorship, not about what you can or cannot report. This was being cut out and left cold."

[True copy of a news report dt. dated 08.08.2019 titled, "Diary of Srinagar Lockdown", authored by journalist Sankarshan Thakur and published in The Telegraph, is marked and annexed herein as **Annexure P-5**]. (Page no. 35-44)

3.8. That from the morning of 05.08.2019, except the districts of Jammu, Samba and Kathua, where orders under section 144 CrPC had been imposed, the rest of the state of Jammu and Kashmir including Rajouri, Poonch, Doda and Kishtwar, with heavy military presence, barricades and severance of all communication links, was placed in a state of *defacto* curfew, a complete lockdown. Even within the above named three districts of Jammu, movement of journalists was severely restricted by barricades and unrelenting checks by security personnel and police deployed on the roads, enforcing an unannounced curfew in some areas.

3.9. That Kashmir Times Srinagar edition was not distributed on 05.08.2019, and it has not been published since 06.08.2019, due to complete and absolute lockdown, including communication and internet

blackout enforced by the Respondents. The reporters of the Petitioners newspaper are prevented and hindered from carrying out their profession and work, which necessarily involves that the reporters are allowed to freely move across Kashmir and interact with officials and the public to discharge their responsibility as journalists. The Petitioner has been unable to communicate or contact her reporters and staff stationed in the Srinagar Office, due to the communication shutdown and this has gravely disrupted and harmed the Petitioner's work.

3.10. That other newspapers and journalists are also facing similar barriers and are unable to report from and discharge their professional duty in Kashmir.

a) In a news report in The Indian Express dt. 07.08.2019, authored by Muzamil Jaleel, Bashaarat Masood and Adil Akhzer, titled, "Kashmir Valley has seen many a lockdown but why this time it is so different", the manner in which media reporting is being throttled has been described. The report states,

"The Valley's connection with the inside and the outside world has been cut — all internet connectivity, cellular, landline, and cable TV services have been snapped. Residents are not allowed outside their neighbourhoods. The administration hasn't issued curfew passes to even its own employees and security personnel don't accept government IDs as passes.

The press isn't welcome. Most of the TV crew that have flown in are parked in a 1-sq-km area of Zero Bridge in the city. There is some easing of security here, on the road to the airport and the Rajbagh-Jawaharnagar stretch — this is the one that visiting TV cameras film. Elsewhere, roads are barricaded with spools of concertina wire and regular checkpoints with police and armed paramilitary personnel on patrol."

It further goes on to state,

"For the past two days, The Indian Express reporters have been holed up in their office from where they walk around to meet residents and then return. In the office building itself, dozens of policemen have moved in, the corridors their temporary shelter. For, space is short — most government buildings, schools, colleges, courts have been occupied by

paramilitary forces flown from outside the state. On Tuesday, half a dozen busloads of Border Security Force personnel came from Rajasthan and they moved into an empty parking lot in the city centre.”

b) An article dt. 08.08.2019 published by the Committee to Protect Journalists titled “In Kashmir, obstruction, confiscated equipment, and hand-carrying stories and photos on flash drive”, described the plight of journalists in the region under the complete communication lockdown. The article states, inter-alia, that,

““You are from the press, you are not allowed,” a local Kashmiri news editor says Indian security forces told him yesterday at one of the dozens of checkpoints set up across the region.

Journalists aren't able to report, it's hard to move around, and many have been restricted from shooting videos or taking photographs, the journalist told CPJ via a messaging app. He is the only journalist that CPJ has been able to reach on the ground in Kashmir since the near total communications blackout in the region began on August 4”

[True copy of a news report in The Indian Express dt. 07.08.2019, authored by Muzamil Jaleel, Bashaarat Masood and Adil Akhzer, titled, “Kashmir Valley has seen many a lockdown but why this time it is so different”, is marked and annexed herein as **Annexure P-6;** (Page.No. 45-49)

True Copy of an article dt. 08.08.2019 published by the Committee to Protect Journalists is marked and annexed herein as **Annexure P-7]** (Page. 50-55)

3.11. That on 05.08.2019, the Constitution (Application to Jammu and Kashmir) Order, 2019, C.O. 272 was published in The Gazette of India, vide which under the powers vested by Article 370(1) of the Constitution of India, Article 367(4) was added to the Constitution. On 05.08.2019, the Jammu and Kashmir Reorganisation Bill, 2019, was introduced in the Rajya Sabha, and passed. On 06.08.2019, the said Bill was passed by the Lok Sabha. The President's assent was given to the Bill on 09.08.2019. The Gazette Notification, dt 09.08.2019 states that the Jammu and Kashmir Reorganisation Act, 2019, will come into effect from 31st October, 2019, and that there shall be a new Union Territory of Jammu and Kashmir.

3.12. That the absolute and complete internet and telecommunication shutdown, severe restrictions on mobility and sweeping curtailment on information sharing in the Kashmir valley, at a time when significant political and constitutional changes are being forged by the Parliament of India to the status of Jammu and Kashmir, is fuelling anxiety, panic, alarm, insecurity and fear mongering among the residents of the Kashmir valley. The information blackout set in motion is a direct and grave violation of the right of the people to know about the decisions that directly impact their lives and their future. The internet and telecommunication shutdown also means that the media cannot report on the aforesaid developments, and the residents of Kashmir thus do not get access to information that is otherwise publicly available to the rest of India.

3.13. That the United Nations Special Rapporteur on Freedom of Speech, David Kaye, in a statement dt. 08.08.2019 reported by The Guardian, commenting on the communication blackout in the Kashmir Valley, has stated that the same is unprecedented and sets a worrying new standard for democratic states. The news report states,

“The unprecedented communications blackout imposed on Indian-administered Kashmir could signal a departure in the way in which democratic states clamp down on information in contentious areas, the UN’s special rapporteur on freedom of expression, David Kaye, has said.”

It further states,

“Communications are often blocked in Indian-administered Kashmir, but the current clampdown is unprecedented in a time of relative peace. Unlike previous instances, landline phones and cable TV have been cut off. A strict curfew also means people are unable to leave their homes during the day, while only limited movement has been allowed at night.

“I can’t recall a situation where there has been a total blackout of not only the two-way, multi-point communication systems that we are familiar with now – anything on the internet, WhatsApp etc – but also the one-direction communications like TV,” Kaye said.”

[True copy of The Guardian’s news report dt. 08.08.2019, titled, “Kashmir: India’s ‘draconian’ blackout sets worrying precedent, warns

UN” is marked and annexed herein as **Annexure P-8**] (Page No. 56-59)

3.14. That the media freedoms continue to be abridged, as the sweeping communication shutdown and curtailment of movement continues. The lack of information continues to fuel speculation and mistrust as the Kashmir valley remains an information blackhole. In view of the same, it is imperative that conditions that enable the media to carry out its work of news gathering, reporting, writing, publishing and distribution and dissemination of news, as the fourth pillar of democracy, are restored at the earliest. In fact it would be beneficial in the current context if communication channels are kept open and the free flow of information vide media reporting is facilitated through the removal of all such restrictions which hinder media reportage.

3.15. That top government functionaries and officials of Respondent No.1 have repeatedly stated that following the legislative developments since 05.08.2019, there is peace and normalcy in Kashmir

i) The Hon'ble Governor of Jammu and Kashmir, Satya Pal Mallick, stated on 09.08.2019 that the Prime Minister's speech had a calming effect and the situation in Jammu and Kashmir was peaceful.

[True Copy of a news report dt. 09.08.2019 in India Today titled “PM Modi's speech had calming effect, J&K situation peaceful: Satya Pal Malik” is marked and annexed herein as **Annexure P-9**] (Page No. 60-61)

ii) The National Security Advisor is reported to be in Kashmir and images of him interacting with some local men on the road were telecast by Television channels and it was reported that the NSA's report to the Centre states that the situation in Kashmir was peaceful.

[True Copy of a news report dt. 06.08.2019 in India Today titled “Situation normal: NSA Ajit Doval sends ground report from Kashmir, says locals welcoming change” is marked and annexed herein as **Annexure P-10**] (Page No. 62-64)

3.16. That the Petitioner has not filed any similar petition before any court of law seeking the reliefs sought in the present Petition.

3.17. That the prevailing situation in Jammu and Kashmir has left the Petitioner with no alternate remedy than to approach this Hon'ble Court under Article 32 of the Constitution of India.

4. That the present Writ Petition is being filed inter alia on the following grounds which are to be read individually and collectively:

GROUNDS

Freedom of Press

- A. Because media is the fourth estate of a democracy, and its freedoms are essential to the preservation of a democratic ethos in the day to day life of the polity. In *Indian Express Newspapers vs Union of India* (1985) 1 SCC 641, the role of the media and the essence of its freedoms has been detailed by this Hon'ble Court, which held,

"In today's free world freedom of press is the heart of social and political intercourse. The press has now assumed the role of the public educator making formal and non-formal education possible in a large scale particularly in the developing world, where television and other kinds of modern communication are not still available for all sections of society. The purpose of the press is to advance the public interest by publishing facts and opinions without which a democratic electorate cannot make responsible judgments. Newspaper being surveyors of news and views having a bearing on public administration very often carry material which would not be palatable to governments and other authorities."

- B. Because the freedom of the press guaranteed under Article 19(1)(a) of the Constitution of India has been held by this Hon'ble Court in a catena of judgments to mean freedom from interference from authority which would have the effect of interference with the content and circulation of newspapers, and that there cannot be any interference with that freedom in the name of public interest. In *Indian Express Newspapers* (Supra), this Hon'ble Court explained the role of national courts in protecting media freedoms by stating, *inter-alia*, that,

"The authors of the articles which are published in newspapers have to be critical of the action of government in order to expose its weaknesses. Such articles tend to become an irritant or even a threat to power. Governments naturally take recourse to suppress newspapers publishing

such articles in different ways. Over the years, the governments in different parts of the world have used diverse methods to keep press under control. They have followed carrot-stick methods. Secret payments of money, open monetary grants and subventions, grants of lands, postal concessions, Government advertisements, conferment of titles on editors and proprietors of newspapers, inclusion of press barons in cabinet and inner political councils etc. constitute one method of influencing the press. The other kind of pressure is one of using force against the press. Enactment of laws providing for pre-censorship, seizures, interference with the transit of newspapers and demanding security deposit, imposition of restriction on the price of newspapers, on the number of pages of newspapers and the area that can be devoted for advertisements, withholding of Government advertisements, increase of postal rates, imposition of taxes on newsprint, canalisation of import of newsprint with the object of making it unjustly costlier etc. are some of the ways in which Governments have tried to interfere with freedom of press. It is with a view to checking such malpractices which interfere with free flow of information, democratic constitutions all over the world have made provisions guaranteeing the freedom of speech and expression laying down the limits of interference with it. It is, therefore, the primary duty of all the national courts to uphold the said freedom and invalidate all laws or administrative actions which interfere with it, contrary to the constitutional mandate.”

C. Because the shutting down of all means of communication including mobile services, internet services and landline phone communications, results in disabling on-ground reporters and journalists who cannot then relay news inputs to their Editors and publishers. The State has thus completely disabled journalists and trampled over press freedoms in an arbitrary, unreasonable, and constitutes an abuse of State power. This snatching away of the means of news reporting is an assault on the very right of the media to report, and the same is an unconstitutional use of administrative power by the State. In *Sakal Papers (Pvt) Ltd v Union of India* (1962) 3 SCR 842, this manner of using indirect means to impinge on the freedom of newspapers was held unconstitutional, stating inter-alia that,

“Its object thus is to regulate something which, as already stated, is

directly related to the circulation of a newspaper. Since circulation of a newspaper is a part of the right of freedom of speech, the Act must be regarded as one directed against the freedom of speech. It has selected the fact or thing which is an essential and basic attribute of the conception of the freedom of speech viz., the right to circulate one's views to all whom one can reach or care to reach for the imposition of a restriction. It seeks to achieve its object of enabling what are termed the smaller newspapers to secure larger circulation by provisions which without disguise are aimed at restricting the circulation of what are termed the larger papers with better financial strength. The impugned law far from being one, which merely interferes with the right of freedom of speech incidentally, does so directly though it seeks to achieve the end by purporting to regulate the business aspect of a newspaper. Such a course is not permissible and the courts must be ever vigilant in guarding perhaps the most precious of all the freedoms guaranteed by our Constitution. The reason for this is obvious. The freedom of speech and expression of opinion is of paramount importance under a democratic Constitution which envisages changes in the composition of legislatures and governments and must be preserved."

- D.** Because the strict and harsh curfew like restrictions on movement imposed by the State through the heavy presence of police and military forces, using barricades, checkpoints, etc. are enforced in a manner so as to restrict and block the movement of reporters and journalists in the Kashmir valley, and the same is excessive, disproportionate and gross abuse of State power in violation of the rights and in derogation of the duty of the free press.
- E.** Because the Kashmir Times Srinagar edition could not be circulated on 05.08.2019, and has not been published thereafter, as the Petitioner operating from Jammu has no means to communicate with the Srinagar branch office of the newspaper due to the communication blackout enforced by the State. As Executive Editor, the Petitioner fears for the safety of the journalists, reporters and other staff of Kashmir Times working in the Srinagar office, with whom she is unable to have any contact or communication since 05.08.2019.

- F. Because press cards are not being considered as valid for movement of journalists within the Kashmir valley. Thus, security forces have completely disabled news reporters from moving around the region, and only some reporters are being permitted to move, subject to the arbitrary whims and fancies of state and security personnel.
- G. **Because** any measure that interferes, takes away or restricts access to the principal means of exercising such a right is a measure that is necessarily restricting such a right, and as such would invite scrutiny as to its constitutionality under Article 19(2) of the Constitution of India even if the said measure is not directed at the content of the speech, but merely a manner of exercise of speech.
- H. **Because** the European Court on Human Rights has further reiterated the position of how the medium of communication also receives protections from interference in *Cengiz and Others v. Turkey* (applications nos. 48226/10 and 14027/11).
- I. **Because** moreover, in respect of modern communication channels, and particularly the internet, the ECHR has held in *Ahmet Yıldırım v. Turkey* (application no. 3111/10) “52. *In modern democracies, the Internet has acquired significant importance in terms of the exercise of fundamental rights and freedoms, especially the freedom of expression. Social media constitute a transparent platform ... affording individuals the opportunity to participate in creating, publishing and interpreting media content. Social media platforms are thus indispensable tools for the exercise of the right to freedom to express, share and impart information and ideas. Accordingly, the State and its administrative authorities must display considerable sensitivity not only when regulating this area but also in their practice, since these platforms have become one of the most effective and widespread means of both imparting ideas and receiving information.*”
- J. **Because** India is a signatory to the International Covenant on Civil and Political Rights (ICCPR), and has also ratified it in 1979, thereby making it a part of the bundle of rights enforceable in India by its citizens. The ICCPR recognizes the right to know as an inalienable right of every

person by stating that every person shall have the right to seek, receive and impart information, thereby guaranteeing the freedom of the press to report. Article 19(2) of the ICCPR is reproduced below for perusal:

“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.”

K. Because the UN Human Rights Committee in its 102nd Session held in Geneva in July 2011 issued General Comment No. 34 (hereinafter referred to as “GC 34”), wherein the freedoms of the press under the ICCPR were detailed. The GC 34 states, inter-alia, that,

i) *The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. The public also has a corresponding right to receive media output.*

ii) *State parties should take account of the extent to which developments in information and communication technologies, such as internet and mobile based electronic information dissemination systems, have substantially changed communication practices around the world. There is now a global network for exchanging ideas and opinions that does not necessarily rely on the traditional mass media intermediaries. States parties should take all necessary steps to foster the independence of these new media and to ensure access of individuals thereto.*

iii) *A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society.*

iv) *Any restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system, including systems to support such communication, such as*

internet service providers or search engines, are only permissible to the extent that they are compatible with paragraph 3 [of Article 19 of the International Covenant on Civil and Political Rights, governing the restrictions that may be imposed on the exercise of the right to freedom of expression]. Permissible restrictions generally should be content-specific; generic bans on the operation of certain sites and systems are not compatible with paragraph 3. It is also inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government. [emphasis supplied]

L. Because General Comment No. 27 of the UNHRC stated, inter-alia, that,

i) *Restrictions must not be overbroad. The principle of proportionality has to be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law. (This was reiterated from General Comment No. 27. See also Communications No. 1128/2002, Marques v. Angola; No. 1157/2003, Coleman v. Australia)*

ii) *When a State party imposes restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself. The Committee recalls that the relation between right and restriction and between norm and exception must not be reversed.*

M. Because further, The UN Human Rights Council's Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated the following in his report of 16 May 2011 to the Human Rights Council (A/HRC/17/27), had this to say:

"60. The Internet, as a medium by which the right to freedom of expression can be exercised, can only serve its purpose if States assume their commitment to develop effective policies to attain universal access to the Internet. Without concrete policies and plans of action, the Internet will become a technological tool that is accessible only to a certain elite while perpetrating the "digital divide"... "Given that the Internet has become an

indispensable tool for realizing a range of human rights, combating inequality, and accelerating development and human progress, ensuring universal access to the Internet should be a priority for all States. Each State should thus develop a concrete and effective policy, in consultation with individuals from all sections of society, including the private sector and relevant Government ministries, to make the Internet widely available, accessible and affordable to all segments of population."

- N. Because the import of Article 19(1)(a) and 19(1)(g) in so far as it relates to news reporters and journalists is that the press shall have the right to report and that there is a positive obligation upon the State to provide an enabling environment for press freedoms to thrive in any given circumstance. There is no freedom of speech and expression of the media if there is a constant impending fear of harm to a reporter seeking to discharge her professional duties. Thus, the freedoms enshrined in the Constitution for the press become operational only when the State provides and creates a conducive environment for news reporting. This principle is also recognized in international law under provisions of the ICCPR and European Convention of Human Rights (Article 10).

Right to Know

- O. Because the freedom of the press is a right enjoyed both by the press and the citizenry at large. The freedom of the press under Article 19(1)(a) further stems from the Right to Know available to all citizens under Article 21 of the Constitution of India. This Hon'ble Court in a series of judgments from *Dinesh Trivedi v Union of India* (1997) 4 SCC 306 onwards has held that citizens have a right to know about government decisions and actions.
- P. Because the shutting down of access to communication and information through mobile, internet, landline and television services has created an information and communication blackhole in the Kashmir valley, and the same is an assault on the right to know of the people of the Kashmir about the Union Government's decisions and policies pertaining to abrogation of Article 370 and reorganization of the state into a Union Territory. The systematic discontinuation of such services has denied access to Parliamentary debates and the Prime Ministerial address on the

issues critical to the future of the people in the Kashmir, and the same is wholly excessive and unconstitutional.

Q. Because the shutting down of communication and flow of information, including denial of access to television, also amounts to a denial of information which is otherwise available as part of the public records for public consumption and use, and such denial of information is undemocratic and unconstitutional. It is submitted that information which cannot be denied under The Right to Information (RTI) Act, cannot be indirectly denied in some other form. Thus, access to Parliamentary debates, which are a matter of public record and are telecast live on television, cannot be denied to the people of the Kashmir valley by shutting down internet and cable television services.

R. Because the order authorising the shutting down of mobile, internet, telephone and television services was not made readily available in the public domain, and has not been widely published and circulated, and this renders the same illegal and an abuse of state power.

S. Right to Practise one's Profession

Because the right of the Petitioner to practise her profession and carry out business as the Executive Editor of Kashmir Times has been subjected to arbitrary and unreasonable restrictions and is violative of her Fundamental Rights as enshrined in Article 19(1)(g) of The Constitution of India.

a) Kashmir Times has been unable to publish its Srinagar issue since 06.08.2019, and the circulation of the Jammu issue in the other parts of the Kashmir valley has also been significantly impacted as hawkers and newspaper delivery persons are unable to distribute newspaper due to strict restrictions on movement and barricades manned by security forces.

b) The Indian Express reported on 07.08.2019 that on 05.08.2019 and 06.08.2019, their reporters in Kashmir were holed up in their offices and were not allowed to go out and report in discharge of their work. This is symptomatic of the press lockdown effected by the state machinery in

the region.

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c) The complete shutdown of internet services has also meant that online news websites and portals have not been able to carry out their business of news reporting, and the same is a violation of their Article 19(1)(g) right(s).

d) The arbitrary and excessive shutdown of all communication systems has resulted in financial and opportunity loss for the Petitioner, as the Kashmir edition of Kashmir Times cannot be published and the same has gone out of circulation due to the pervasive curtailment of access to communication services and curbs on movement.

Scope of Administrative and Executive fetters on Freedoms of the Media under Article 19 of the Constitution

T. Because the orders passed by a Magistrate u/Sec 144 Cr.P.C. are amenable to judicial review as per the law laid down in a catena of judgments of this Hon'ble Court, including in *Madhu Limaye v Sub-Divisional magistrate Monghyr & Ors.* (1970) 3 SCC 746, *Gulam Abbas & Ors. v State of Uttar Pradesh & Ors.* (1982) 1 SCC 71, and *In Re Ramlila Maidan incident* (2012) 5 SCC 1.

U. Because the Internet serves as a platform for exercising the right of freedom of speech and expression, along with acting as the backbone for a growing economy. The law laid down by this Hon'ble Court *In Re Ramlila Maidan* (Supra) and *Babulal Parate v State of Maharashtra* AIR 1961 SC 884 states that power under Section 144 CrPC is to be used with caution and only when there is "an actual and prominent threat endangering public order and tranquility"; it should neither be arbitrary, nor subvert the rights protected by the Constitution. Section 144 Cr.P.C. should only be used as the last resort, when a lesser invasive alternative is not available.

V. Because the right to report and other allied freedoms of the press and media form the cornerstone of transparency and accountability, which fuels the ethos of a democratic society. Any curtailment of such an essential right through executive or administrative orders must thus

withstand judicial scrutiny for the necessity and proportionality of the said order; and whether or not it is a constitutional fetter on the rights of the press and media

W. Because any administrative or executive order curtailing the constitutional rights and freedoms of the press and media must be informed by reason, based on material available on record and should not suffer from the vice of arbitrariness in order to withstand the test of constitutionality under Article 14 of the Constitution of India.

5.

PRAYER

In light of the facts and circumstances detailed in the present writ petition, as well as the legal grounds relied upon therein, it is most humbly prayed that this Hon'ble Court may be pleased to:

A. Issue a writ in the nature of certiorari or in the nature of mandamus or any other appropriate writ, order or direction setting aside or quashing any and all order(s), notification(s), direction(s) and/or circular(s), whatever the case may be, issued by any of the Respondents herein or any other authority of the State, by/under which any and/or all modes of communication including Internet, mobile and fixed-line telecommunication services have been shutdown or suspended or in anyway made inaccessible or unavailable in any locality/area/district or division or region of the State of Jammu and Kashmir for being *ultra vires, inter alia*, Articles 14, 19 and 21 of the Constitution of India; and

B. Pass an appropriate writ, order or direction directing the Respondents to immediately restore all modes of communication including mobile, internet and landline services throughout Jammu and Kashmir in order to provide an enabling environment for the media to practice its profession; and

C. Pass an appropriate writ, order or direction directing the Respondents to take any and all steps necessary ensuring free and safe movement of reporters, journalists and other media personnel; and

D. Frame guidelines ensuring that the right and means of media personnel to report and publish news is not unreasonably curtailed though the issuance of orders by the Respondents or any other authority suspending telecom and/or internet services; and

E. Pass any such further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.

AND FOR SUCH ACT OF KINDNESS THE PETITIONER SHALL AS IN DUTY BOUND FOREVER PRAY

DRAWN BY: Soutik Banerjee, Ratna
Appnender, Prasanna S.,
Advocates

SETTLED BY: Vrinda Grover, Advocate

FILED BY: Sumita Hazarika
Advocate on Record
235, New Lawyers Chambers,
Supreme Court of India

NEW DELHI

DATE: 10.08.2019



IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) No. _____/2019

IN THE MATTER OF:
ANURADHA BHASIN

... PETITIONER

VERSUS

UNION OF INDIA AND ORS

... RESPONDENTS

AFFIDAVIT

I, ANURADHA BHASIN, D/O LATE SHRI VED BHASIN aged about 51 years, resident of 307 EP FLATS, WAZARAT ROAD, JAMMU, do hereby solemnly affirm on oath and state as under:

1. That I am the Petitioner in the above Petition and being conversant with the facts of the case, am competent to swear this affidavit. That I have read the accompanying Writ Petition and I state that the facts stated in the List of Dates at pages B to _____ of the Petition, and the facts contained at paragraphs 1 to 3 of the Petition, and the miscellaneous applications filed therein are true and correct to the best of my knowledge and belief. The contents of Paragraph 4 of the Petition are believed to be true and correct as per legal counsel received, and the rest is my humble prayer.
3. That the Annexures annexed at P-1 to P-_____ filed along with the Petition are true copies of their respective originals.
4. The facts stated in the above paragraphs 1 to 4 are true and correct.

Anuradha Bhasin
DEPONENT

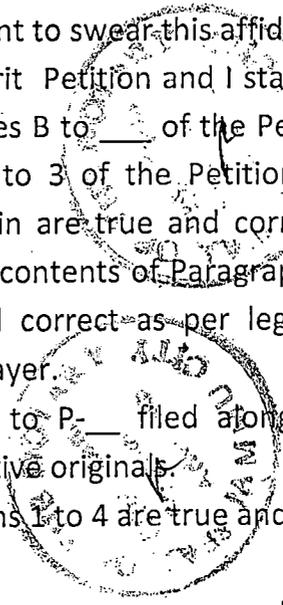
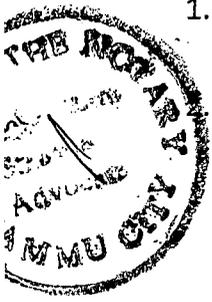
VERIFICATION:

Verified at Jammu on this 9/6 day of April, 2019, that the facts stated in the above affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Anuradha Bhasin
DEPONENT

Verdict
Sanjay Kumar Singh
Navidatt
Dal walsged
on

Solemnly Affirm & Swore Before me
9/6/19
Notary Public
Jammu City
Am 16/



24
Annexure - P/L



सूचना विभाग

J&K Government

EDITORIAL SPECIAL CARD

MEDIA COVERAGE



Director of Information

Anuradha Bhasini Jamwal

Agency :- Kashmir Times

Card No.:- 493-K

(T.C.)

Government of Jammu and Kashmir
Civil Secretariat Home Department

-0-

25
Annexure- P12

Subject: Security Advisory

Government Order No. Home- 881 of 2019

Dated; 02.08.2019

Keeping in view the latest intelligence inputs of terror threats, with specific targeting of the Amarnath Yatra, and given the prevailing security situation in the Kashmir Valley, in the interest of safety and security of the tourists and Amarnath Yatis, it is advised that they may curtail their stay in the valley immediately and take necessary measures to return as soon as possible.

By Order of the Government of Jammu and Kashmir

(Shaleen Kabra) IAS
Principal Secretary of Government
Home Department

No. Home/ISA/2019/155/Yatra

Dated: 02.08.2019

Copy to:

1. Financial Commissioner to Hon'ble Governor, J & K.
2. Director General of Police, J & K, Srinagar.
3. Principal Secretary to Government, Tourism Department.
4. Commissioner & Secretary to Government, Information Department for giving wide publicity.
5. Divisional Commissioner, Kashmir.
6. Divisional Commissioner, Jammu.
- 7-11. OSDs to the Hon'ble Advisors.
12. Special Secretary to Chief Secretary.
13. Government Order file W.2.s.c.

(T.C)

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Annexure-P/3

Kashmir terror threat: Airlines waive off cancellation fee, advised to fly extra flights

National carrier Air India took this decision in the view of the prevailing circumstances in Jammu and Kashmir. The DGCA also asked airlines to be ready to operate extra flights from Srinagar.



India Today Web Desk

New Delhi

August 2, 2019 UPDATED: August 3, 2019 02:08 IST

At around 8.45 pm, the situation at the Srinagar airport was checked by the DGCA and it was found to be normal: Source | File photo from REUTERS

HIGHLIGHTS

Air India announced a full fee waiver on rescheduling and cancellation for all its flights to and from Srinagar

Air India will give full fee waiver till August 15

DGCA advised airlines on Friday to remain ready to operate additional flights from Srinagar airport if need arises

Air India has decided to give a full fee waiver on rescheduling and cancellation for all its flights to and from Srinagar, Jammu and Kashmir till August 15.

Several other airlines including IndiGo, Spicejet and Vistara have also decided to give a full fee waiver on rescheduling and cancellation for all its flights to and from Srinagar, Jammu and Kashmir till August 9.

National carrier Air India and other airlines took this decision in the view of the prevailing circumstances in Jammu and Kashmir.

With situation appearing turbulent in Kashmir, aviation regulator Directorate General of Civil Aviation (DGCA) advised airlines on Friday to remain ready to operate additional flights from the Srinagar airport if the need arises, according to a source.

The advisory came hours after the Indian Army, citing intelligence inputs, said Pakistan-based terrorists were planning to target the ongoing Amarnath Yatra.

"The DGCA has advised airlines to remain ready. If there is a need, airlines should be ready to run extra flights," a source privy to the development told

PTI.

"At around 8.45 pm, the situation at the Srinagar airport was checked by the DGCA and it was found to be normal. It was found that there is no need to run extra flights right now. But if the need arises later on, the airlines have been advised to remain ready to run extra flights," the source added.

"At around 8.45 pm, the situation at the Srinagar airport was checked by the DGCA and it was found to be normal. It was found that there is no need to run extra flights right now. But if the need arises later on, the airlines have been advised to remain ready to run extra flights," the source added.

On Friday evening, IndiGo said on Twitter, "In view of the current security situation in Srinagar and the Government advisory regarding it, we are providing a full fee waiver on rescheduling/cancellation for all flights to/from Srinagar till Aug 09, 2019."



In view of the current security situation in Srinagar and the Government advisory regarding it, we are providing a full fee waiver on rescheduling/cancellation for all flights to/from Srinagar till Aug 09, 2019. Reach out to us on Twitter, FB or chat at bit.ly/2Gp7SIF.

♥ 205 · 7:52 PM - Aug 2, 2019

🗨 169 people are talking about this

With around 49 per cent share in the domestic air-passenger market, IndiGo is the leading airline in the country.

Vistara tweeted, "Due to prevailing security situation in Kashmir, we are waiving change and cancellation fees for flights to/from Jammu and Kashmir for next seven days (till August 9, 2019). Only fare difference, if any, will be applicable for date changes."



#TravelUpdate



Travel Update : Jammu and Kashmir, August 2nd, 2019

Due to the prevailing security situation in Kashmir, we are waiving change and cancellation fee for flights to/from Jammu and Kashmir for next 7 days.(Till 9th August 2019)

Only fare difference, if any will be applicable for date changes.

Customers may contact our Airport Ticketing offices or call 24X7 customer service centre on +919289228888 for assistance.

Thank you.

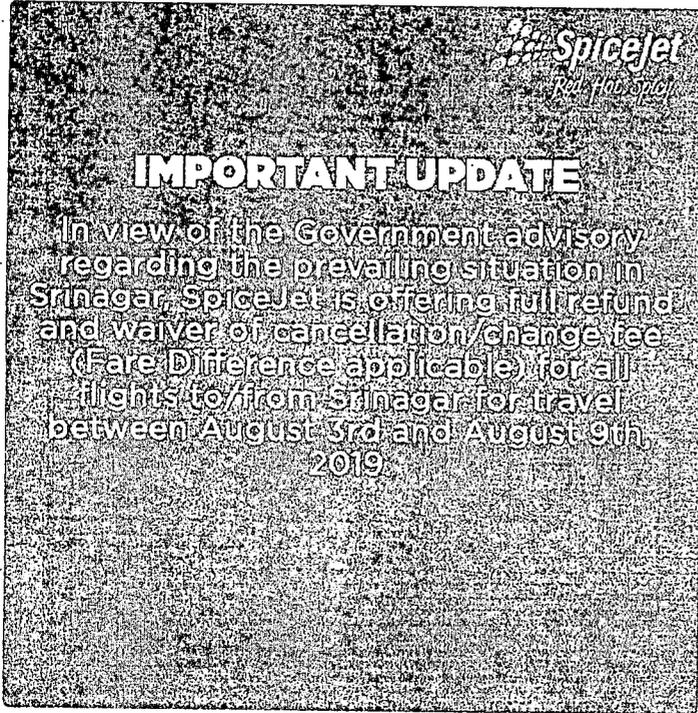
Team Vistara



129 8:47 PM - Aug 2, 2019

90 people are talking about this

SpiceJet
@flyspicejet



86 10:33 PM - Aug 2, 2019

81 people are talking about this

(With inputs from Pankaj Upadhyay in Mumbai and PTI)

(T-C)

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Amnecure-P/14

Another 28,000 troops rushed to Kashmir Valley week after 10,000 were deployed

The forces, mostly CRPF personnel, are being deployed in vulnerable spots in the city and other parts of the valley. No reason was given for the sudden deployment of over 28,000 troops late in the evening.

Kamaljit Kaur Sandhu

New Delhi

August 2, 2019 UPDATED: August 2, 2019 10:04 IST



All major entry and exit points of the city have been taken over by the CAPF with token presence of local police. (Representational Image: Reuters)

As many as 28,000 troops of the Central Armed Police Force (CAPF) are being deployed in Kashmir Valley, in addition to the 10,000 troops which were deployed there last week.

Verbal orders were issued to the security forces in wake of the leaks of 'troop movement', causing anxiety in Jammu and Kashmir.

Over 281 companies of paramilitary forces have been received in Kashmir Valley in the last four days, a top official told India Today.

A top source said the deployment was to guard against the "possible" protests about a decision or event of the government. The forces have been put on high alert.

Several shifting statements at the top level have added to the confusion. Initially, top J&K cop, ADG Muneer Khan said, "It was to rest and recuperate forces in valley."

While government sources said that an input of a possible terror attack was received. One of the top BJP leaders also said, "Government was pumping in security to have Indian flags flying on August 15 by Panch and Sarpanch.

While the J&K BJP core group met in Delhi and spoke of the party's preparation for the Assembly polls."

The decision to send the troops came after National Security Advisor Ajit Doval returned from a three day (from July 24 to 26) visit to Kashmir Valley last week. Sources said he met senior security and intel grid officers and reviewed the law and order situation in the state, which is still under the President's rule. He has also said to have met the COAS at the Amarnath cave for half an hour.

Jammu and Kashmir Governor Satya Pal Malik said, "There is no plan to scrap Article 35A". Article 35A defines permanent residents of the state and bars outsiders from purchasing and owning immovable property.

A concerned former Chief Minister Omar Abdullah along with National Conference chief Farooq Abdullah and MP Justice (retired) Masoodi met Prime Minister Narendra Modi and expressed their concerns over the Centre's move over Article 35A.

Omar Abdullah tweeted on Thursday that the party will discuss the situation with other parties in Valley. He said in tweet: "Having received a number of requests especially from @MehboobaMufti Sahiba & as a follow up to today's meeting with @PMOIndia, @JKNC_President Dr Farooq Abdullah Sb will be reaching out to political leaders of the state to meet on Sunday to discuss the prevailing situation."

The troop build-up has fueled speculations in Kashmir over abrogation of Article 35A with Kashmir-based parties warning the Centre of dire consequences if Centre chooses to do so.

Former Chief Minister Mehbooba Mufti warned saying, "Touching Article 35A will be like touching a dynamite, it will burn not just the hand but also the entire body will turn to ashes."

Before the Lok Sabha polls, Home Minister Amit Shah had announced the scrapping of Article 35A and Article 370 to ensure the state, which has special status, completely merges with India.

ALSO READ | Why are Kashmiri people being provoked: Sajad Lone on deployment of 10,000 troops in J&K

ALSO WATCH | Pakistan violates ceasefire along LoC in J&K's Poonch

(T.C.)

35

Anneziuri-8/5

Diary of Srinagar lockdown

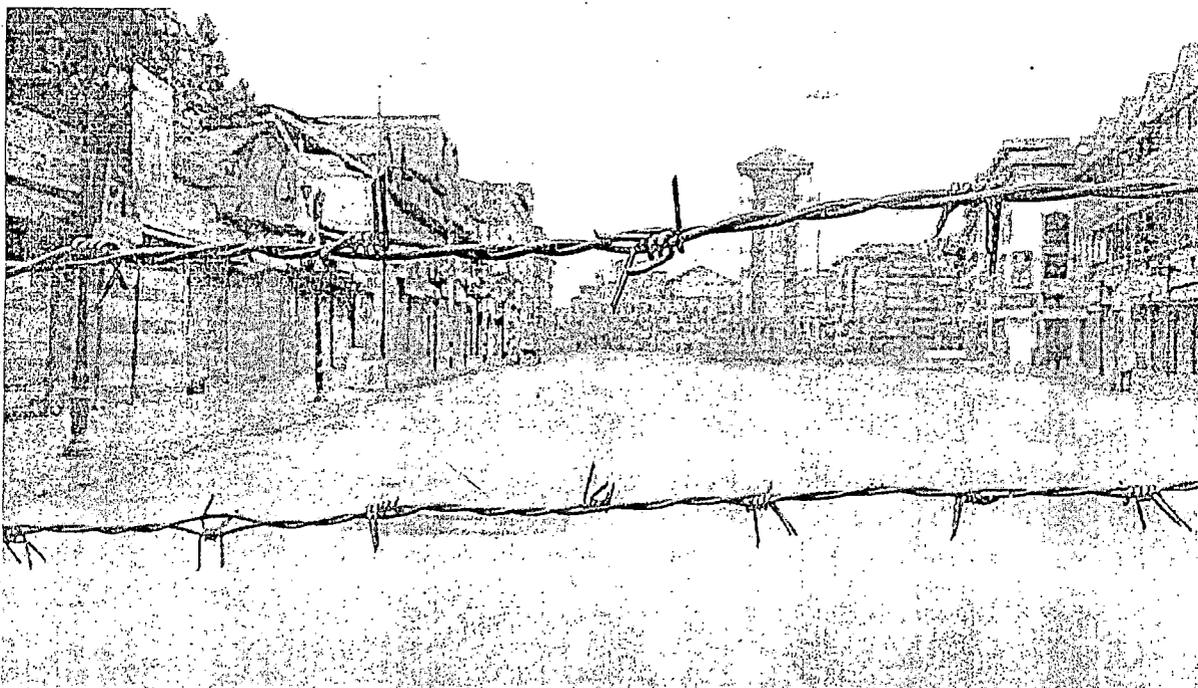
Cut out like never before

By Sankarshan Thakur

Published 8.08.19, 2:49 AM

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6 mins read



A Srinagar street is seen through barbed wire on Tuesday

AP

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"

-The Telegraph's Sankarshan Thakur returned to New Delhi from Srinagar on Wednesday and wrote this diary on the information blackout

A reporter's worst nightmare is not being able to tell the story; this week, the powers enacted it coldly, and with singular completeness. But it's poor form to

complain of being pinched when everything around you is being hammered. The reporter in Kashmir this week was a niggling collateral to seismic enactments whose impulsive after-tremors have been stilled by jackboots and commanded at gunpoint to behave.

These are fragments from a diary that lay proscribed for days:

Saturday, August 3

Shortly after I arrive in Srinagar mid-afternoon, a friend of several decades comes around and insists on ferrying me home. "No point getting locked up in a room with nowhere to go. It isn't safe, a big lockdown is coming."

"How do you know a lockdown is coming?" I ask him, a little irritably.

"If a lockdown isn't coming, why are you even here?" he retorts.

Argument over.

We visit a retired bureaucrat whose sense and instinct I have long trusted. He isn't himself; he is unshaven and has a bedraggled look about him. "What news have you got from Delhi?" he asks me. "You tell me, I've merely arrived sensing something, nothing more," I reply.

He throws up his hands. "I've been burning the phones, but is there anyone here I know who knows? Nobody. Something is happening but what? I am at wits' end."

We drive around Srinagar, through the arterial Maulana Azad Road, and dip into the warren of the downtown and weave about — Khanyar, Nowhatta, Zainakadal, Alikadal, Amirakadal, Idgah, Soura, singed flashpoints that haven't ceased from erupting.

There's a hint of panic in the traffic and all the honking that suggests more than just weary weekend rush. Folks are queued up at ATMs. Long, gnarled lines of cars at petrol bunks. Boys waving bottlefuls of diesel or petrol like trophies. Jostling around chemists' counters.

"Can you not see everyone's panicked?" my friend fumes. "What are they up to? Are they telling us all this is for nothing? That they have abrogated the Amarnath Yatra and whistled away the tourists for nothing?"

He's on edge, he is breathlessly running through the gamut of possibilities. "What plans do they have for us? Take away 35A? Trifurcate us? Kill 370? Do you think they can do that? Is that even possible? But they can do anything, can't they?"

It's dark by the time we reach. The outskirts of Srinagar have turned, the air is less hurried. Governor Satya Pal Malik is exhorting calm on television. "Nothing is happening. Why is everybody panicking? There is no reason to. I know of nothing happening, but I don't know about tomorrow."

It rains for a bit — black, dark rain — and it puts a shine on the road. Presently a convoy carrying troops passes by, sweeping up the shine, the tyres mulching in the

rain. Nothing else moves, or can be heard. Not even birds. Just the convoys, and later into the night, the report of boots getting deployed.

Sunday, August 4

I drive into Srinagar. It's a washed, sunny morning. The traffic's thin; it's a Sunday. But no, it's not thin. On the edges of Srinagar, barricades have come up overnight. And many more platoons are moving up and down, taking position. The troops are calm at the back of the trucks; some of them look tired and lost, as if they don't yet know where they've been ordered to. Boys are at cricket in neighbourhood fields.

The regulation Sunday street bazaar has unfurled on Residency Road; it's churning with hawkers and buyers, multicoloured candyfloss is flying off the carts like there won't be a tomorrow. I see people buying cigarettes in stacks; the bakery shelves are thinning by the minute, its loaves of bread are vanishing the fastest:

I spot an elderly woman screaming down her boy for spilling a bagful of cookies on the pavement: "Now don't ask me for biscuits a whole month, you deserve that, you clumsy!"

Central Srinagar is a whirl all its own. Did anyone even pay any heed to Malik's plea for calm? Or do these folks know better?

"It's practice, Sir," a restaurateur known to me for years tells me. "Kashmiris have a keen sense of foreboding, they've been trained by you for years and years. If there's panic, there must be a reason."

I try knocking a few important doors on Srinagar's most important street. But I run into a barricade at Gupkar Road. It's where Farooq and Omar Abdullah live; it's where Mehbooba Mufti is too.

"Permission *nahin hai*," the paramilitary guard tells me. I try to reason with him. I show him an exchange of texts I had earlier had with Omar and push for access. He pulls the roller gates shut and waves me off. "Permission *nahin hai*."

I take a detour to more approachable doors — homes of civil servants and the odd police officer I've known, senior journalists in town. For every question I ask, I get a question in return: "But why don't you tell us what's happening? You're the one from Delhi."

Something's about to happen; nobody has a farthing's clue what.

I get called by a friend on my way back. "Two truckfuls of troops just took over a polytechnic in front of our house. They were in riot gear, helmets, rubber knee-caps, helmets, guns. There are many of them, two truckfuls in just our narrow lane."

I call my Srinagar-based colleague Muzaffar Raina to find out if he's well and any wiser. "I don't know, I don't know, people are saying many things, all sorts of things, but something may happen tonight, *hai na?*"

We exchange "take care and keep in touch" advisories. That is the last I have spoken to Muzaffar since.

By the time I get home, another friend has called me from Srinagar and informed me she is on her way to secure a curfew pass. "When are they imposing curfew?" I ask her. "Tomorrow morning, I am told; speak to you later."

She texts me shortly after. "Relief. No curfew tomorrow. I was told to keep in touch, but no curfew tomorrow."

"Are you certain?" I text her.

"So I was told," she replies, "But very frightened and uneasy. Take care, speak soon."

An hour later, as I mull the weariness of heaping my newspaper with another "nobody knows, everything's uncertain" report, I receive a missive from a friend in the police control room.

"The phones are going off in a while, everything."

"Meaning?" I ask.

"Meaning everything's off, and no movement tomorrow. See you on the other side."

My friend who'd gone seeking a curfew pass has been walked up the path.

I make several calls to people in Srinagar who may know, but nobody responds. My friend and host tells me sagely: "Relax, they are busy. Everything is shutting down, get used to the idea."

At 10.54, the Internet on my friend's phone snaps. He has a local number; mine, a Delhi number, is still working.

I send a text to my editor, R. Rajagopal: "They have begun snapping Internet services incrementally."

At 11.04, I send him another text: "It can safely be added that the administration is bracing for imposing 'restrictions' on movement tomorrow in the Valley."

At 12.26, I begin writing another text to Rajagopal: "Don't know what the cabinet will decide in Delhi tomorrow, but the iron curtain is about to...."

My phone snaps.

Like at the throw of some switch somewhere. Internet gone. WhatsApp gone. Connectivity gone. The signal towers have collapsed.

I run down to the landline. "This line is currently out of service, please try later."

I will only ever be able to try whenever it is I am in Srinagar next.

I try heading out, but there's nowhere to go. There are pickets and barricades, and soldiers frilled out around spools of concertina wires. Lockdown.

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.

All through the widespread eruption of armed militancy and the consequent flight of Pandits from the Valley in 1989-90, there was always the old reliable Post and Telegraph Office to carry your typewritten copy to for transmission.

This was not even censorship, not about what you can or cannot report. This was being cut out and left cold.

Monday, August 5

Touch phones don't come alive from rubbing them; only their screens do. I rub my phone nevertheless. I switch it off and restart it. Meantime, I coo into the landline's receiver like I could seduce it to come back to life. I rub my phone again. But for all the magic these instruments possess, they are no Aladdin's lamp; and the djinn was never at my command.

But bless the skies and satellites. The television was working — not cable networks, but we were blessed, we had a dish overhead.

A bombshell came down it a little past 11 in the morning.

Home minister Amit Shah had announced to the world a bouquet of decisions that would be received in Kashmir, the core intended area, as a bunch of nettles: the spirit of Article 370 lay snuffed, Article 35A had been killed as consequence, Jammu and Kashmir itself had been both bifurcated and downgraded to a Union Territory.

Jubilation and uproar flickering off the live screen from the Rajya Sabha. Astonished silence where I sat with others gathered around, as if everything had turned to wood.

“Haaaaah, that is it then, wham-bam thank you Sam,” one of them recovered to remark. “Oh, so Kashmiris had set out to demand *azadi*, and now they are being asked to demand statehood. That’s how far we have come. Bravo! Bravo!”

You had to hear that tone to sense the depth and pathos of the sarcasm.

“Kashmir?” the voice rang out again, “Oh, its now forever lost.”

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Annexure- P16

 **The Indian EXPRESS**

Friday, August 9, 2019

English Today's Paper #Page

Kashmir Valley has seen many a lockdown but why this time it is so different

The Kashmir Valley's connection with the inside and the outside world has been cut — all internet connectivity, cellular, landline, and cable TV services have been snapped.

Written by Muzamil Jaleel, Bashaarat Masood, Adil Akhzer |Srinagar |

Updated: August 7, 2019 5:00:46 pm

A question mark the size of the Kashmir Valley hangs over its residents who are under an unprecedented lockdown as security personnel patrol deserted streets, two former Chief Ministers are in detention, one is under house arrest and several activists of major mainstream parties are being rounded up.

Advertising

So staggering is the sweep of the change scripted in New Delhi and passed by Parliament today, the amendments to Article 370, scrapping the special Constitutional position of Jammu and Kashmir and its reduction to a Union Territory after bifurcation of the state that residents are stunned trying to wrap their heads around what these will translate into.

“It’s a huge shock, the feeling is still sinking in,” said a National Conference leader on the condition that he not be named. “There will be a reaction to this unilateral decision... this is the biggest act of disempowerment since the 1846 Treaty of Amritsar (between the British and Raja Gulab Singh) when Kashmiris were sold, along with their land, water and sky over their heads.”

For a place where the weight of history is always heavy, rarely has the future seemed so uncertain.

The Valley’s connection with the inside and the outside world has been cut — all internet connectivity, cellular, landline, and cable TV services have been snapped. Residents are not allowed outside their neighbourhoods. The administration hasn’t issued curfew passes to even its own employees and security personnel don’t accept government IDs as passes.

The press isn't welcome. Most of the TV crew that have flown in are parked in a 1-sq-km area of Zero Bridge in the city. There is some easing of security here, on the road to the airport and the Rajbagh-Jawaharnagar stretch — this is the one that visiting TV cameras film. Elsewhere, roads are barricaded with spools of concertina wire and regular checkpoints with police and armed paramilitary personnel on patrol. Most police personnel are equipped with lathis, not guns.

Across the river, at Jehangir Chowk, a journalist was roughed up by a police officer trying to film the curfew.

For the past two days, The Indian Express reporters have been held up in their office from where they walk around to meet residents and then return. In the office building itself, dozens of policemen have moved in, the corridors their temporary shelter. For, space is short — most government buildings, schools, colleges, courts have been occupied by paramilitary forces flown from outside the state. On Tuesday, half a dozen busloads of Border Security Force personnel came from Rajasthan and they moved into an empty parking lot in the city centre.

The Indian Express spoke to several residents including government employees and policemen. Signalling deep distrust and anger, an overwhelming majority of them fear that the reorganisation of the state is aimed at “changing the demography of Jammu and Kashmir with an aim to reduce the share of Muslims in the population.”

“We know what they are up to,” said a 30-year-old man from Abi Guzar in Srinagar who didn’t want to be identified. “This will first come in the name of investment.”

While the chorus among separatists is “we-told-you-so,” the entire pro-India political ecosystem is rattled.

“This government has undermined those Muslim voices here who not only disagreed with their own people and even shed their own blood because they believed in a secular India and wanted the state to be part of that secular India,” a leader of the Peoples Democratic Party said. “There is nothing left for these (mainstream) parties now. From National Conference to newcomer Shah Faesal, they are all in the same boat”. Many in the Valley say they are expecting mainstream politicians to stand up to this “challenge” and forge a unity for a “joint resistance.”

“The argument that kept them alive for the last 70 years is in pieces within 15 minutes in Parliament,” said Mohammad Umar, a student at Kashmir University. “They have nothing to say. Their only way forward is to apologise to people and stand up.”

Said a National Conference activist, whose father was killed by militants: “My father died for the idea of India and I joined mainstream politics for this idea. He took militant bullets because he thought Kashmir is safer with secular India. After this, I question his and my wisdom. If we (mainstream) don’t stand up against this, I will have to decide about my political future.”

A senior PDP leader told The Indian Express that leaders of four political parties had an informal meeting. Calling the move to reorganise the state a "Constitutional fraud," he said: "There is no sanctity of the Instrument of Accession. Our participation in elections will be signing our own death sentence. There is a growing feeling that the only way forward at this moment is to start a joint resistance."

"First, the NIA, Enforcement Directorate and other agencies were used to harass and intimidate separatists. We thought they are doing it to purge the separatists," the leader said. "We didn't know they will come for us too, those who have held the Tricolour for the last 70 years, those who were true Indians in Kashmir."

Roads are closed, many ATMs are without money, fuel stations are shut and daily essentials are drying up across homes.

At Nowgam, a 22-year-old man was hit by a speeding vehicle. A Maruti van driver picked him up and rushed him to Shri Maharaja Hari Singh (SMHS) hospital. "We were stopped at every checkpoint and not allowed to move forward. After pleading with them, they allowed us to move ahead," said the driver of the vehicle. "It took us two and a half hours to reach here (Jehangir Chowk)". The vehicle was stopped at Jehangir Chowk and not allowed to move forward. An ambulance came and shifted the patient but not before he died.

Many professionals and students who were in the Valley for the summer vacation and in anticipation of Eid are finding it hard to return. As the net is

49A

down, they can't book air tickets and only way out is to reach the airport. But the airport road is barricaded every 300 m and people are not allowed inside the airport premises without a valid air ticket. Srinagar Deputy Commissioner Shahid Choudhary's office is shut to persons asking for curfew passes.

“This is the prescription from SMHS hospital and we need to reach there but they are not allowing me,” said a Srinagar resident from Rajbagh. “The government cites Section 144 but how can that be a reason for not being allowed to go to a hospital? We are asked to fetch curfew passes but we can't reach the DC's office.”

Sure, the Valley has seen many a strike, many a curfew, but this time there's no escaping the difference — with neighbourhoods locked away from each other, too, Kashmir has been turned invisible even inside Kashmir.

CPJ Committee to Protect Journalists

In Kashmir, obstruction, confiscated equipment, and hand-carrying stories and photos on flash drive

By Kunal Majumder and Aliya Iftikhar/CPJ Asia Program on August 8, 2019

5:20 PM ET

“You are from the press, you are not allowed,” a local Kashmiri news editor says Indian security forces told him yesterday at one of the dozens of checkpoints set up across the region.

Journalists aren't able to report, it's hard to move around, and many have been restricted from shooting videos or taking photographs, the journalist told CPJ via a messaging app. He is the only journalist that CPJ has been able to reach on the ground in Kashmir since the near total communications blackout in the region began on August 4. We are withholding his name for security reasons. “I fear that they will arrest journalists, especially those who will report what is happening,” he said.

What is happening is that the government of Prime Minister Narendra Modi has taken measures to toss constitutional provisions that underpinned Kashmir's agreement to join India 72 years ago, removing the legal framework supporting its limited autonomous rule. The decision in the world's largest democracy was made

without asking the people of Kashmir—or even telling them. Authorities have set up military-manned checkpoints and concertina wire throughout the city of Srinagar. They've arrested key local political figures, according to news reports, but since they have also cut off any and all forms of communication, including landline phones, people in the region have no easy way, or any way at all, to find out.

India has had plenty of practice blocking communications, having frequently unplugged the internet in Kashmir and elsewhere, according to the Software Freedom Law Centre. But the move is only likely to exacerbate fear and frustration among Kashmiri people, who have long fought for self-determination. As reports of protests, injuries, and casualties trickle out, increasing the environment of uncertainty, accurate and verified information from Kashmir is crucial.

Over the past few days, we have attempted to reach any and all contacts we have in the region to get a better understanding via phone calls, emails, and messaging services, with little luck. One wire service reporter based in New Delhi told CPJ that photojournalists in Kashmir were having difficulty sending photos, so they have loaded them on flash drives and given them to people flying out of the region. He spoke on condition of anonymity given company policy. *The Telegraph's* Srinagar reporter, Muzaffar Raina, reported that he typed out his reports on his computer, took screenshots, and sent them on a flash drive to New Delhi, from where they were transmitted to the newspaper's office in Kolkata.

At CPJ we have had to largely rely on accounts of journalists who have left the region, aside from the one editor we were able to reach on the ground. Here is what the journalists told us:

The local news editor cited above, messaging with CPJ today:

I along with a few other journalists were thrashed by police on August 6th in downtown Srinagar near Khanyar after one of the photographers had clicked a photo of the barricade. They also took a photo of one of our ID cards, snatched cameras and phones, deleted photos and then also clicked photo of the vehicle plate.

And the same editor messaging with CPJ on August 6:

Hundreds of arrests are being made here and the communication is jammed. I guess the state would be keen on looking at what information goes out. I am writing several stories using prohibited network and I guess that could become an issue in a day or two. So please do take care of things if anything happens.

Freelance reporter Adnan Bhat, on a call over messaging app today from New Delhi, after leaving Kashmir:

Very few newspapers have published, but mostly being circulated late at night. Last night I saw copies of *Greater Kashmir* and *Daily Alsafa*. *Greater Kashmir*, which usually comes out with 30-odd pages, is only printing five to six pages. Journalists had gone to the District Magistrate's office for curfew pass but they were asked to come back later. Even government officials are confused as it is not officially a curfew. In fact, it is easier to move around

without a press card. If you tell the security personnel that you are a journalist, they try to stop you.

Ahmer Khan, a freelance reporter, told CPJ today on a call over messaging app, after leaving Kashmir:

When I tried to move around in Srinagar, I was stopped at barricades and abused by the security forces. I decided not to argue and took another route.

Local journalists are not reporting because they are being constantly harassed.

The following are excerpts from published reports by journalists:

Deputy editor Muzamil Jaleel and reporters Bashaarat Masood and Adil Akhzer, *Indian Express*, yesterday:

For the past two days, the *Indian Express* reporters have been holed up in their office from where they walk around to meet residents and then return. In the office building itself, dozens of policemen have moved in, the corridors their temporary shelter ... The press isn't welcome. Most of the TV crew that have flown in are parked in a 1-sq-km area of Zero Bridge [a historical bridge connecting the Rajbagh and Sonwar neighborhoods] in the city. There is some easing of security here, on the road to the airport and the Rajbagh-Jawaharnagar stretch [neighborhoods in southern part of city] — this is the one that visiting TV cameras film. Elsewhere, roads are barricaded with spools of concertina wire and regular checkpoints with police and armed paramilitary personnel on patrol.”

Muzaffar Raina, *The Telegraph*, today:

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The “curfew” in large areas means reporters have little freedom to move. The crushing information blockade, with mobile and landline phones shut down and Internet suspended, means they have no way to send their stories. The authorities have not issued curfew passes to journalists because officially there is no curfew.

In the Jammu region, where section 144, which restricts public meetings, is also imposed, journalists told CPJ there are restrictions on the media, though not as severe as in Kashmir valley.

Anuradha Basin, editor of *Kashmir Times*, told CPJ via messaging app and email yesterday from Jammu:

Within the Jammu region mobile data, and mobile communication was suspended and movement of journalists was restricted except for in the cities of Jammu, Samba, and Kathua ... Newspaper distributors have been stopped in some areas, particularly north of Jammu city.

Raqib Hameed Naik, reporter for the U.S.-based *The Globe Post* said in a call today over messaging app:

While journalists in some cities of Jammu are not facing major restriction, the same can't be said of Kishtwar and Doda districts in Chenab Valley. Some journalists here are being stopped and not allowed to perform professional duties by the security forces ... Journalists in north and south Kashmir are facing the maximum brunt. They usually email their stories as they live in faraway places. In

absence of internet, you can't expect them to travel to Srinagar every day to file their stories. This is directly impacting the newspapers which are completely now dependent on Delhi-based agencies like IANS and PTI for news stories.

CPJ's WhatsApp, text messages, and email seeking comment from police in Srinagar, the Home Ministry and the Information and Broadcast Ministry were not immediately returned.

Read CPJ's safety notes on covering civil disorder and digital security.

CPJ's India correspondent Kunal Majumder has worked for outlets including the Indian Express, Rajasthan Patrika, Tehelka and Vice. He is a winner of the Statesman Award for Rural Reporting and UNDP-Laadli Award for Gender Sensitivity. He is on the steering committee of the Impulse NGO Network Press Lab, which supports reporters who cover human trafficking. He is based in New Delhi.

Kashmir: India's 'draconian' blackout sets worrying precedent, warns UN

Exclusive: special rapporteur speaks as Modi calls revoking special status start of 'new era'

Rebecca Ratcliffe *in Delhi*

Thu 8 Aug 2019 18.01 BST

First published on Thu 8 Aug 2019 10.15 BST

Indian security forces guard a street in Srinagar, Kashmir, where movement has been restricted. Photograph: Saqib Mugloo/AFP/Getty Images

The unprecedented communications blackout imposed on Indian-administered Kashmir could signal a departure in the way in which democratic states clamp down on information in contentious areas, the UN's special rapporteur on freedom of expression, David Kaye, has said.

India's Hindu nationalist prime minister, Narendra Modi, made his first public statement on Thursday since the decision to remove Kashmir's special status, describing it as the start of a "new era" that will help end decades of terrorism and separatism.

Kaye told the Guardian: "There's something about this shutdown that is draconian in a way other shutdowns usually are not."

The territory faces its fifth day in a lockdown imposed hours before the Indian government revoked Kashmir's special status, stripping away the autonomy it

was granted in exchange for joining the Indian union after independence in 1947.

Communications are often blocked in Indian-administered Kashmir, but the current clampdown is unprecedented in a time of relative peace. Unlike previous instances, landline phones and cable TV have been cut off. A strict curfew also means people are unable to leave their homes during the day, while only limited movement has been allowed at night.

“I can’t recall a situation where there has been a total blackout of not only the two-way, multi-point communication systems that we are familiar with now – anything on the internet, WhatsApp etc – but also the one-direction communications like TV,” Kaye said.

“That’s pretty extensive and one of my concerns would be – in part because this is happening in a democratic state – it could be seen as a new departure for many states that are thinking about how to clamp down on the flow of information.”

He added that it was hard to identify a set of circumstances where a country shutting down access to the internet, especially for an extensive period of time, was legal under international law.

Before the announcement on Monday, thousands of extra troops were deployed to Kashmir, where the government is likely to face major opposition. An insurgency against Indian rule has been waged for decades, and tens of thousands of people have been killed in the conflict. Despite a heavy security presence and strict curfew, protests have occurred.

The restrictions have prevented people from calling for ambulances, accessing information or checking on family members. On Thursday, an opposition activist filed a petition in India's highest court challenging the security lockdown and communications block.

In his first address to the nation since parliament was told article 370 – the part of the constitution guaranteeing Jammu and Kashmir special status – had been revoked, Modi described the changes as historic and attempted to assure residents the situation would soon become normal.

“The scrapping of article 370 is the beginning of a new era,” Modi said. Kashmir's special status had been used by Pakistan “as a weapon to incite people of the region against India”, but now India would rid the region of “terrorism and terrorists”, he added. “There will be a lot of development,” Modi said. “All the citizens will be given their rights.”

Modi said the “mainstreaming” of the Kashmiri people with the rest of the nation would expedite development and create new jobs with investment from public and private companies, and even suggested a cinema industry could flourish. “I think the whole world will come and shoot their films there,” he said. “[This will] bring employment for the people there.”

In other developments on Thursday, the state-run All India Radio reported more than 500 people had been arrested since the clampdown began, and Pakistan had suspended a key rail service with India and banned the screening of Indian films.

A Pakistani foreign ministry spokesman also said authorities were considering approaching the international court of justice for a case against India. The two countries have fought two of their three wars over control of Kashmir.

Indian-administered Kashmir has had a special status since 1954, giving it a degree of autonomy including its own constitution, as well as rules that prevented people from outside the state from buying land in the territory. Many Kashmiris believe this is crucial to protecting the demography and traditions of India's only Muslim-majority state. Delhi has insisted the ending of autonomy for the region is an internal matter.

On Wednesday, one man arriving at Delhi's airport from Srinagar, Kashmir's biggest city, described the state as being "like a prison". Soayib Qureshi, a Delhi-based lawyer who arrived on the same day, said he had been given a handwritten boarding pass for the flight because systems were down.

Agence France-Presse contributed to this report

INDIA TODAY

PM Modi's speech had calming effect, J&K situation peaceful: Satya Pal Malik

New Delhi | August 09, 2019 23:45 IST

Restrictions were eased to allow people in Kashmir to offer Friday prayers.

With situation relatively peaceful in Jammu, security forces were put on high alert across Kashmir preempting possible protests against the scrapping of special status to Jammu and Kashmir. This came after Prime Minister Narendra Modi addressed the nation on Kashmir on Thursday. In his televised address, PM Modi said the decision was taken to usher in development in Jammu, Kashmir and Ladakh and assured that the state will not be a Union Territory for long. The PM also assured the people that the people won't face any difficulties in celebrating Eid on August 12.

23:36 PM IST Posted by Chanchal Chauhan

Modi's speech had calming effect, situation in J&K peaceful: Satya Pal Malik

Jammu & Kashmir Governor Satya Pal Malik on Friday said that Prime Minister Narendra Modi's speech had a calming effect on the people in Jammu and Kashmir and the situation is peaceful in the Valley. He also said that relaxations will be given before and on Eid. "The festival will be celebrated in a proper manner," Satya Pal Malik said.

"I today visited the Lalla Ded Hospital and GB Pant Children Hospital. There are round the clock services at hospitals. Cash has been disbursed for medicines, patient welfare and for fuel for ambulances," he said, adding, "'Langars' are operating at TRC, hospitals and other public places in Srinagar. For Eid, 2.5 lakh sheep/goat have been arranged. 30 lakh poultry also arranged. We have two months stock of ration. There is sufficient stock of petrol, diesel and regular supply for LPG."

The J&K Governor said, "1600 employees are on duty to ensure essential services like power supply, water and sanitation. 10,000 people in Kashmir are reporting for their duties. Most bank ATMs are operational. We've released advance salary for August of daily wage workers."

INDIA TODAY

Situation normal: NSA Ajit Doval sends ground report from Kashmir, says locals welcoming change

On ground to review security preparations in Srinagar, NSA Ajit Doval told the Centre in his report that the Centre's decision to revoke Article 370 has been welcomed by the people of Kashmir.

HIGHLIGHTS

In his report, NSA Ajit Doval has said situation is normal in Kashmir

NSA Doval said locals feel reassured with Amit Shah's statement on J&K becoming a state again

NSA Doval is in Kashmir to ensure smooth transition of power and responsibilities

National Security Advisor (NSA) Ajit Doval, stationed in Kashmir, has sent a report to the Home Ministry saying the situation is normal in Kashmir.

On ground to review security in Srinagar, NSA Ajit Doval told the Centre in his report that the Centre's decision to revoke Article 370 has been widely welcomed by the people of Kashmir. There is peace and normalcy in J&K and it had been event free. No agitation and people are also moving about for essential work," NSA Ajit Doval said.

Further in his report, NSA Ajit Doval said locals feel reassured with Amit Shah's statement on Jammu and Kashmir becoming a state again. Home Minister Amit Shah's statement that J&K will become a state again one day at the appropriate time if situation improves and that we don't want it to remain UT forever has been welcomed by local population, Doval said.

Locals are supportive and feel the change was well-planned and feel sufficiently reassured by statements and actions of Centre, Doval mentioned in his report to the Centre.

Why is Ajit Doval in Srinagar?

NSA Doval has been stationed in Kashmir to ensure smooth transition of power and responsibilities to the new administrative structure in Jammu and Kashmir.

NSA Ajit Doval will hold discussions with all stakeholders, including bureaucracy and security forces, on the creation of structures for the new administrative set up in the two new Union Territories.

Sources say the priority of the Narendra Modi-led government is to ensure that the local population does not face any issues due to the implementation of the decision and so have sent NSA Ajit Doval in Srinagar to handle the situation.

ADVERTISEMENT

Top government sources believe that once the news of Article 370 and bifurcation of Article 370 spreads, there may be disturbance in Kashmir as well as attempts by Pakistan to disturb peace.

On the deployment of the heavy security forces in Kashmir, sources say it is to ensure that there is no communal flare up and to tackle anti-India activities by Pakistan-backed forces.

To meet with such external threats, the counter infiltration and counter terrorist grid of the Army has been strengthened on the LoC and in hinterland. Paramilitary deployments have been done in case of internal disturbances.

Sources say government's stand is clear that despite provocations and attempts by separatists to target security personnel, there will be zero tolerance to cases of excesses against common people.

No more Article 370 in Jammu and Kashmir

The Narendra Modi government revoked Article 370 which accorded special status to Jammu and Kashmir. Rajya Sabha approved the resolution abrogating Article 370 for J&K and a bill to bifurcate the state into two Union Territories, Jammu and Kashmir and Ladakh.

As per the new set up, the Delhi model of union territory for Jammu and Kashmir will ensure that the state police forces are controlled by the Centre to help in better coordination with the state. Land, police and civil services will be controlled by the Centre.

IN THE HON'BLE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. No. _____ of 2019

IN

W.P.(CIVIL) No. _____ OF 2019

IN THE MATTER OF:

ANURADHA BHASIN

...Petitioner

Versus

UNION OF INDIA & ORS.

...Respondents

APPLICATION SEEKING AD INTERIM *EX - PARTE* DIRECTIONS

To,

The Hon'ble Chief Justice of India

And his companion Justices of

The Hon'ble Supreme Court of India

This humble application of
the Applicant herein

MOST RESPECTFULLY SHEWETH:

1. That the present Writ Petition has been filed by the Petitioner under Article 32 of the Constitution of India seeking *inter-alia* the issuance of a writ / order / direction to the Respondents to immediately relax all restrictions on mobile, internet and landline services in Jammu and Kashmir and the strict restrictions on freedom of movement in order to enable journalists to practise their profession and exercise their right to report and publish, in furtherance of their rights under Articles 14, 19(1)(a) and 19(1)(g) and 21 of the Constitution of India as well as the Right to Know of the residents of the Kashmir valley. Due to the severe and pervasive restrictions imposed by the Respondents, the Petitioner's newspaper, Kashmir Times, Srinagar edition, could not be distributed and circulated on 05.08.2019. Since 06.08.2019 the Petitioner has not been able to print and publish the Kashmir edition, of Kashmir Times, as the complete and absolute restrictions on all communication services has resulted in the imposition of a *de facto* blockade on media activities, including reporting and publishing.

2. That the contents of the accompanying Writ Petition, including all averments made in Paras 1 to 3 and annexures contained therein, as well as the Grounds relied on in Para 4, may be read as part of this present application, and the same is not being reproduced herein for the sake of brevity.
3. That it is reiterated that a communication blockade, including a complete internet and telecommunication shutdown, as well as the excessive curbs and restrictions on movement of journalists including photo journalists, reporters and other media personnel has severely obstructed the right of the press to report, and the right of the people to know. The imposed restrictions being unreasonable, excessive, disproportionate and arbitrary need to be relaxed immediately in order to enable free, accurate and democratic news reporting from the Kashmir valley.
4. That the present application is bonafide and in the interest of justice, and shall not cause any prejudice to the Respondents whatsoever.

5.

PRAYERS

In light of the facts and circumstances detailed in the present application and accompanying writ petition, as well as the legal grounds relied upon therein, it is most humbly prayed that this Hon'ble Court may be pleased to:

A. Issue an appropriate order or direction calling for the record(s) of any and all order(s), notification(s), direction(s) and/or circular(s), whatever the case may be, issued by any of the Respondents herein or any other authority of the State, by/under which any and/or all modes of communication including Internet, mobile and fixed-line telecommunication services have been shutdown or suspended or in anyway made inaccessible or unavailable in any locality/area/district or division or region of the State of Jammu and Kashmir; and

B. Issue an appropriate order or direction granting liberty to the Petitioner to suitably amend the captioned Writ Petition enabling her to specifically challenge any or all order(s), notification(s), instruction(s)

and circular(s) or any other material disclosed by the Respondents under Prayers A herein above.

C. Issue a direction to the Respondents to immediately relax all restrictions on communication services including mobile, internet and landline services, in order to facilitate media personnel to carry out their profession; and

D. Issue a direction to the Respondents to immediately relax all restrictions on the movement of journalists and all media personnel holding a Press identity card, and provide an enabling environment for media to carry out its profession; and

E. Issue a direction to the Respondents to ensure that the Kashmir edition of Kashmir Times can be published, circulated and distributed without any restrictions; and

F. Pass any such further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.

AND FOR SUCH ACT OF KINDNESS THE PETITIONER SHALL AS IN DUTY BOUND FOREVER PRAY

Through:

Sumita Hazarika
Advocate on Record

D/115/95