



# General Assembly

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## Human Rights Council

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the World Muslim Congress, a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[09 May 2017]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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## India's internet crackdown in Indian administered Kashmir

From regulation to outright ban, India's crackdown on Internet is unprecedented, requires urgent attention.

Access to the Internet empowers citizens worldwide to exercise various human rights, i.e. civil and political rights as well as economic, social and cultural rights.

The Government of India has introduced programs like the Digital India initiative and National Optical Fibre Network (NOFN) to widen access to e-services in India. But a cursory overview of the state of Internet freedoms in India indicate a substantial gap between policy, programs and the reality on ground.

Freedom of assembly and association is fundamental to democracy and as such is protected in the Constitution of India under Article 19. The exercise of this right, including the right to association and assembly, does not necessarily occur in physical spaces. Increasingly, civil society groups and activists are using the Internet to mobilize, disseminate information and resources and campaign online, particularly when the right to assemble peacefully is denied.

In India, human rights defenders and peaceful political activists face reprisals and perpetrators continue to enjoy impunity. There is a dramatic increase in the number of state-led crackdowns on freedom of expression and speech on the internet.

In its editorial on Aug. 17, 2015, the New York Times raised the issue of India's Government Censorship. An excerpt:

"Since his election in May 2014, Prime Minister Narendra Modi has trumpeted India's open society and vibrant democracy when he speaks to foreign heads of states and business leaders. But, at home, his government is seeking to restrict freedom of expression, including recent attempts to limit access to the Internet and the freedom of Indian television networks to report the news."

In 2016, Indian journalist Jyoti Panday summed up the battle for online freedoms in India in one line in an article in The Wire magazine. Panday wrote: "In India, information access blockades have become commonplace and are increasingly enforced across the country for maintaining political stability, for economic reasons, in defence of national security or preserving social values."

Online censorship in India ranges from censorship of URLs, websites, network shutdowns to arrests of citizens for engaging in online activities to form associations; especially on social media platforms and digital communication applications such as Twitter, Facebook and WhatsApp.

Extensive use of national legislation including the Sedition Law (Section 124A of the IPC) to curtail freedom of expression, freedom of assembly and association, and regressive provisions such as Sections 66A, 67, 67A, 69, 69A and 69B of the Information Technology Act, 2000 against freedom of expression has been on the rise.

National legislation is a formidable tool available to Government of India to censor freedom of expression under various pretexts. In 2010, India banned the book Shivaji by American author James Laine because he discussed religion. Rights defenders in India persevered to lift the ban and finally succeeded when the Supreme Court of India upheld the Maharashtra High Court's decision to revoke the ban on the book.

Social media is often the only outlet left to report human rights violations that are common in a country like India. Two cases in 2017 from Chattisgarh in the northeast and from Indian administered Kashmir provide strong examples of how effectively violations are reported through social media and why Government of India is keen to block them.

The incident of Indian soldiers tying a young Kashmiri man to the front of an army jeep and parading him through villages in Kashmir and using him as human shield. This one incident, captured on a smartphone and shared on social media did more to highlight Indian army abuses and violations in Kashmir than dozens of articles. The video clip

helped journalists in India shed the official narrative on Kashmir and show the Indian people why Kashmiris resented Indian control and sought freedom under United Nations resolutions.

The most commonly cited excuse by the Government of India for violating freedom of expression and freedom of assembly and association online and offline is the interest of national security and maintaining public order. The specific case of repeated shutdowns in Jammu and Kashmir is a stark example of this. Kashmir was invaded and annexed by India in 1947. UN Security Council has called for a referendum in the disputed territory that India rejects, and the conflict remains on the Council's agenda.

The Government of India and the occupation administration (government) of Indian administered Kashmir continue to follow shutdown policy of Internet and social media networks and censorship of local print and electronic media. The Government of India has shutdown Internet and phone networks in Kashmir on multiple occasions. In July 2016, there was no Internet in Kashmir continuously for 133 days under the pretext of blocking disinformation. India was concerned that visual evidence of the excesses of Indian army would leak.

In March 2014, the internet was shut down in Jammu and Kashmir to bar HRDs and others from having access to the proceedings of UN Human Rights Council session in Geneva.

On March 30, 2017, local media in Indian administered Kashmir reported that authorities have blocked 10,000 Facebook accounts and 500 WhatsApp groups.

From 2012-2016, India blocked Internet services 31 times, not counting the intermittent closure of Internet and cellular services prior to 2012.

On April 26, 2017 Government of India imposed a month-long ban on 22 popular social media networks in Indian administered Kashmir. Facebook, Twitter and WhatsApp have been blocked. The reason being cited is that "Social media is being misused by antinational and antisocial elements." Earlier on March 30, 2017 local media in Indian administered Kashmir reported that authorities blocked 10, 000 Facebook and 500 WhatsApp groups.

It is not only the social media, but print and electronic media and journalists have been facing various challenges and threats, ranging from intimidation to death. While official censorship is commonplace, the threats, overt or covert, also encourage self-censorship on part of the editors.

The latest Internet and social media ban in Kashmir comes after the Government of India failed to improve human rights situation in the disputed region. The crackdown could also be a reaction to the video showing a young man being used as human shield by members of Unit 53 RR of Indian Army on April 9, 2017. There is no denying the fact that the Internet has also been responsible for spreading awareness about the reality of Kashmir amongst those Indians who cared to know, hence changing perspectives for many Indian youth. Thanks to social media, many Indians now want to speak to Kashmiris directly to know what the Indian government and military is doing to them instead of learning about it from government-sensitized TV news. That also means that the internet poses a threat to the state, bringing down its huge wall of lies. Hence, the Internet gets banned.

According to the former UN Special Rapporteur Frank La Rue's report on the promotion and protection of the right to freedom of opinion and expression, Internet shutdowns violate freedom of speech. The ban not only violates right to freedom of expression and free speech but it is a violation of basic human rights in contemporary times. Banning Internet is unethical, says Mr. La Rue

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