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SC Refuses to Restore 4G Services in J&K

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Why in News

Recently, the Supreme Court **refused to restore 4G services in Jammu & Kashmir** and ordered **setting up of a high-powered committee** to look into the contentions raised by petitioners against limited 2G services in the Union Territory.

- In August 2019, the Central government had suspended all modes of communications in the wake of **revocation of Jammu and Kashmir's special status, granted under Article 370**. Eventually, services were partially restored, with internet speed restricted to 2G.
- A plea was filed by 'Foundation for Media Professionals' for restoration of high-speed internet in Jammu and Kashmir in view of the **Covid-19** situation.

Key Points

- **Balance of Human Rights and National Security:** The Court ruled that the special circumstances occur in the Union Territory which requires **delicate balancing of national security concerns and human rights**.
- **Reference to the Previous Judgement:** The bench also referred to its earlier decision in the **Anuradha Bhasin case (2020)** wherein it ordered **review of restrictions placed in J&K** in the wake of abrogation of Article 370 of the Constitution.
- **Constitution of Special Committee:**
 - The bench ordered the constitution of a Special Committee, headed by the Union Home Secretary, **to determine the necessity of the continuation of limiting mobile Internet to 2G speed in the region**.
 - The committee is expected to suggest the **alternatives regarding limiting the restrictions** to those areas where it is necessary and the **possible ways of allowing faster Internet (3G or 4G)** on a trial basis over certain geographical areas.

Need of 4G and National Security

- **Need of 4G in the wake of Covid-19 Pandemic:**
 - **Health:** 4G services are necessary to provide access to the medical fraternity including patients to access latest information, advisories, and guidelines.
 - **Education:** The petition also argued that the schools across the country have shifted to online classes in view of the lockdown but lack of the 4G internet puts J&K students at a disadvantage.
 - **Trade and Business :** The lower internet service speed has also affected businesses dependent on the online mode.
- **National Security Concerns:**
 - An issue of infiltration of outside sources through the borders and destabilizing the integrity of the nation was raised during the hearing.
 - Even the J&K administration stated that high-speed internet will enable the spread of fake news/rumours and transfer of heavy data files (audio/video files) will become prevalent and may be utilised by terror outfits for incitement as also in planning attacks.

Anuradha Bhasin vs Union of India (2020)

- **Fundamental Rights Under Article 19 :**
 - The judgement declared that the **freedom of speech and expression** and the **freedom to practice any profession** or carry on any trade, business or occupation **over the medium of Internet enjoys constitutional protection under Article 19(1)(a) and Article 19(1)(g)** respectively.
 - It also ruled that such freedom is **not absolute**, the restrictions imposed on it should be in consonance with the mandate under **Article 19(2) and Article 19(6) of the Constitution.**
- **Territorial Extent of Internet Suspensions:**

It had also directed authorities to pass internet suspension orders with respect to **only those areas, where there is absolute necessity of such restrictions to be imposed.**

- **Constitution of Review Committee:**

- The Court also directed the government **to constitute a review committee** to review orders **leading to suspension and shutting down of Internet, mobile and fixed line telecommunication services.**
 - All orders leading to suspension and shutting down of Internet, mobile and fixed line telecommunication services are issued under **Rule 2 (2) of the Temporary Suspension of Telecom Services [Public Emergency or Public Service] Rules, 2017.**
 - These are the rules to be followed if the government intends to temporarily suspend telecom services in any part of the country.
 - These rules have been framed by the government on the basis of the powers conferred by **section 7 of the Indian Telegraph Act, 1885.**
- The Review Committee shall consist of **State as well as Central level officials** as the issue involved affects not only the UT of Jammu and Kashmir but also the whole country.

Source:IE