

ITEM NO.301

Virtual Court 2

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 411/2020 IN WRIT PETITION(C) (DIARY)NO.10817/2020

FOUNDATION FOR MEDIA PROFESSIONALS

Petitioner(s)

VERSUS

AJAY KUMAR BHALLA & ORS.

Respondent(s)

(FOR ADMISSION)

WITH

MA NO.1086/2020 WITH INTERLOCUTORY APPLICATION NO.54114 OF 2020 FOR
APPROPRIATE ORDERS/DIRECTIONS IN WRIT PETITION(C) (DIARY)
NO.10817/2020

Date : 11-08-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s)

Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Shadan Farasat, AOR

For Union of India Mr. K.K. Venugopal, AG

Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. B.V. Balaram, Das, AOR

For UT of J&K

Mr. Tushar Mehta, SG
Ms. Shashi Juneja, Adv.
Ms. Pinky Behera, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

We have heard Mr. Huzefa Ahmadi, learned Senior counsel
appearing for the petitioner, Mr. K.K. Venugopal, learned Attorney
General appearing for the Union of India and Mr. Tushar Mehta,

learned Solicitor General appearing for the Union Territory of Jammu & Kashmir, at length.

On the last date of hearing, we directed the respondents to explore the possibility of restoration of high speed internet in certain parts of the Union Territory of Jammu & Kashmir.

Today, the learned Attorney General has drawn our attention to the additional affidavit filed by Respondent- Union of India, on 10-8-2020 and the same is taken on record. Paras 3 and 4 of the said additional affidavit are reproduced below:-

"3. It is submitted that the Special Committee held its third meeting on 10.08.2020. After considering the views expressed by the security agencies and the local agencies in the Union Territory of Jammu and Kashmir, the pros and cons of multiple options that are available were further considered keeping in mind the security of the nation, the border security, public security, etc. It is submitted that the Committee was of the considered view that the threat perception on the security front in Jammu and Kashmir continues to be high. It was also of the view that internet speed related restrictions are not posing any hindrance to COVID control measures, access to education programmes or carrying out business activities. The Committee was of the considered view that there is adequate access to internet through broadband services available over land line to business and health care institutions. The Committee was of the considered view that given the current security scenario, both in Jammu and Kashmir and in surrounding areas, the overall situation is still not conducive to lifting the limited restrictions on high speed internet through mobile devices whilst allowing broadband and 2G across the board.

4. It is submitted that however, on trial basis and taking into consideration the option to try-out of opening up high speed internet despite the current security situation as reflected in the inputs of the security agencies, the Special Committee was also of the view, that the present situation could permit a carefully calibrated easing of some restrictions in limited and specified geographical areas which are comparatively less sensitive from a national security, internal security, border security and

public order standpoint, subject to strict monitoring and periodical review. The Committee has, for the present time, decided that :-

- a. Access to high speed internet could be provided on a trial basis in a calibrated manner in specified limited areas to assess the impact on the security scenario;
- b. Any opening on a trial basis should not be in any area adjoining the International Border/Line of Control (LoC);
- c. The area where should have low intensity of terrorist activities and minimal spillover effects on neighbouring areas;
- d. The impact of the trial should be assessed by the State Level Committee periodically but at least once in seven working days;
- e. The Central Committee will review the outcome of the trial after a period of 2 months or before that if so required;
- f. The relaxation from 2G to 4G should be limited for the present to one district each in the Jammu Division and Kashmir Division, so that both regions of the UT are covered;
- g. Keeping in view the heightened threat perception, these relaxations would come into effect after 15-8-2020.

It is submitted that in the light of the above, and in view of the fact that the Committee has been duly constituted which has weighed each and every relevant factor [including the specific factors suggested by this Hon'ble Court], no case of contempt is made out whatsoever. It is submitted that by no stretch of imagination can it be suggested that the Committee or the Union of India has shown any wilful disobedience of any judgment of this Hon'ble Court."

Taking into consideration the additional affidavit filed by Respondent— Union of India, learned Senior counsel appearing for the petitioner has fairly submitted that he is not pressing the

Contempt Petition. However, the learned Solicitor General appearing on behalf of the Union Territory of Jammu & Kashmir objected for the withdrawing of the Contempt Petition and submitted that no case for contempt is made out.

In view of the additional affidavit dated 10-8-2020 and upon hearing the learned Attorney General, learned Solicitor General and the learned Senior counsel appearing for the petitioner, we find there is no case made out to proceed further in this contempt petition, and the same is accordingly closed.

On the Interlocutory Application filed by the petitioner, learned Senior counsel, has filed detailed written submissions on behalf of the petitioner. The learned Attorney General seeks two weeks' time to file reply submissions on behalf of the Respondent-Union of India. He is further directed to give a copy of the same to the Senior counsel for the petitioner also.

The order is reserved.

(VISHAL ANAND)
COURT MASTER (SH)

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

