

Anuradha Bhasin v. Union of India is a significant legal case in India related to freedom of speech and expression, particularly in the context of internet shutdowns. Here are the key details of the case:

Background: The case was filed in the Supreme Court of India by Anuradha Bhasin, a senior journalist and the executive editor of the Kashmir Times. The petition was filed in 2019 amidst a prolonged internet shutdown in the Jammu and Kashmir region. The shutdown was imposed after the abrogation of Article 370 of the Indian Constitution, which granted special autonomy to Jammu and Kashmir.

Internet Shutdown: The central issue in the case was the extended and blanket internet shutdown imposed in Jammu and Kashmir, which severely affected the rights of citizens to access information, communicate, and practice freedom of speech and expression.

Arguments: Anuradha Bhasin argued that the internet shutdown violated the fundamental rights of the residents of Jammu and Kashmir, including their right to freedom of speech and expression under Article 19(1)(a) of the Indian Constitution. She contended that the government's actions were disproportionate and arbitrary.

Legal Proceedings: The case was heard by the Supreme Court of India. The court issued various orders and directions during the course of the proceedings, including a review of the internet shutdown orders, the need for periodic review, and transparency in the orders. The court also emphasized the importance of the freedom of the press.

Verdict: The Supreme Court of India delivered its judgment in January 2020. While recognizing the importance of national security and public safety, the court ruled that the indefinite and blanket internet shutdowns were unconstitutional. It stressed that such shutdowns should be temporary, for a limited duration, and subject to regular review. The court also directed the government to publish all orders regarding internet shutdowns to ensure transparency.

This case is significant because it established guidelines for the imposition of internet shutdowns in India and underscored the importance of upholding fundamental rights, particularly freedom of speech and expression, even in times of security concerns. It set a precedent for future cases involving internet shutdowns in the country and has broader implications for freedom of speech and digital rights.