

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

PIL No. 23 of 2023

Aribam Dhananjoy Sharma @ Paojel Chaoba & 2 Ors.

...Petitioners

- Versus -

State of Manipur & 4 Ors.

...Respondents

With

MC(PIL) No. 12 of 2023

PIL No. 28 of 2023

PIL No. 29 of 2023

PIL No. 30 of 2023

WP(C) No. 441 of 2023

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER

10-08-2023

A. Bimol Singh, J.

Heard Mr. A. Gautam Sharma, learned counsel appearing for the petitioners in WP(C) No. 441 of 2023; Mr. M. Rakesh, learned counsel appearing for the petitioner in PIL No. 29 of 2023; Mr. Tim Haobam, learned counsel appearing for the petitioner in PIL No. 28 of 2023; Mr. L. Birjit, learned counsel appearing for the petitioners in PIL No. 30 of 2023 and Mrs. G. Pushpa, learned counsel appearing for the petitioners in PIL No. 25 of 2023.

We have also heard Mr. M. Rarry, learned counsel; Mr. Kh. Samarjit, learned DSGI; Ms. N. Jyotsana, learned counsel; Mr. T. Momo, learned counsel; and Mr. S. Samarjeet, learned counsel appearing for the respondents and internet service providers.

Mr. M. Rarry, learned counsel representing the State authorities submitted that in terms of the directions given by this Court, the State Government has issued necessary orders lifting the ban on providing internet through broadband services (ILL & FTTH) in a liberalized manner subject to fulfillment of certain safeguards/terms and conditions and as of now, many of the public have availed such internet services. The learned counsel for the State authorities further submitted that so far as the representations submitted by some of the petitioners are concerned, the State Government has issued an order dated 07-08-2023 thereby disposing of the said representations on the grounds mentioned in the said order. It has further been submitted that in terms of the earlier directions given by this Court, the authorities have conducted physical trial with regard to the opening internet ban through mobile phones by whitelisting certain mobile numbers and as per the report submitted by the service providers, there is no data leakage to any other numbers which are not whitelisted.

Learned counsel appearing for the petitioners submitted that since there has been no data leakage with regard to providing internet services to the whitelisted mobile phones, appropriate order can be passed by this Court directing the State Government to take necessary steps for whitelisting mobile phones in a gradual manner for providing internet services.

In this regard, Mr. M. Rarry, learned counsel representing the State authorities submitted that the State authorities may be given two weeks' time to devise certain measures/mechanism for whitelisting mobile phones and the liberty to consider whitelisting of mobile numbers on case to case basis and in a phase-wise manner.

After hearing the submissions advanced by the counsel appearing for the parties, we are of the considered view that the State authorities, specially, the Home Department should consider for devising mechanism/methods for providing internet services through mobile phones by whitelisting the mobile numbers on case to case basis and in a phase-wise manner. Accordingly, the State authorities are directed to consider this aspect and to submit a report on the next date.

As prayed for, list these cases again on 31-08-2023.

Copies of this order be furnished to all the counsel appearing for the parties for doing the needful.

JUDGE

JUDGE

Victoria

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