

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

**PIL No. 25 of 2023**

Aribam Dhananjoy Sharma @  
Paojel Chaoba & ors.

*... Petitioners*

Vs.

State of Manipur & 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**

**07-07-2023**

***A. Bimol Singh, J.***

[1] Heard Mrs. G. Pushpa, learned counsel appearing for the petitioners in PIL No. 25 of 2023, Mr. Kh. Mani, learned senior counsel assisted by Mr. M. Rakesh, learned counsel appearing for the petitioner in PIL No. 29 of 2023, Mr. L. Birjit, learned counsel appearing for the petitioners in PIL No. 30 of 2023, Mrs. W. Geetarani, learned counsel appearing for the petitioners in PIL No. 28 of 2023 and Mr. A. Gautam Sharma, learned counsel appearing for the petitioners in WP(C) No. 441 of 2023.

We have also heard, Mr. M. Devananda, learned Addl. AG and Mr. M. Rarry, learned counsel appearing for the State respondents as well as Mr. Kh. Samarjit, learned DSGI appearing on behalf of the officials of the Central Government. We have also heard, Mr. S. Samarjeet, learned counsel representing Airtel, Reliance and Jio Service Providers, Mr. T. Momo, learned counsel representing Vodafone Service Provider and Mr. B.R. Sharma, learned counsel representing BSNL Service Provider.

[2] As directed earlier, all the officials of the aforesaid service providers, all the members of the Committee constituted earlier as well as the Commissioner (Home) and the Director (IT), Manipur are also present before this court.

[3] After a detailed deliberations and discussions, the members of the Expert Committee and the Technical Experts of the Service Providers gave their expert opinions as well as the means and the solutions for providing limited internet service to the public by safeguarding the concerned of the Government for the security of the State and protecting the life and properties of the citizen. The suggestions and the means given by the Expert Committee and the officials of the service providers are as under:-

- (a) Internet service can be provided by all the service providers operating in the State of Manipur to a limited number of specially identified/ whitelisted mobile numbers if such mobile numbers are identified and furnished by the Home Department, Government of Manipur. It has also been stated by all the officials of the service providers that providing of internet service will be exclusively limited to those specially identified or whitelisted mobile numbers and that there is absolutely no chance or possibility of any leakage. In other words, except for the person who is using the identified/ whitelisted mobile number, no other person can utilize or avail the internet service provided to the said mobile number;
- (b) Providing of internet service through broadband connections, either through Internet Lease Line (ILL) or Fibre To The Home (FTTH) is absolutely possible by ensuring the following safeguards:-
  - (i) Dedicated Lease line or FTTH line with static IP;
  - (ii) Banning of Wifi/ Hotspots from any of the routers and systems;

- (iii) MAC binding at the system level or router;
- (iv) Blocking of social media websites and VPNs at the local level;
- (v) Removing of any existing VPNs softwares from the system and prohibiting installation of new softwares by any user; and
- (vi) Enforcing Physical Monitoring by the concerned authority/ officials.

[4] On the part of the State Government, it has been submitted that in a meeting chaired by the Commissioner (Home), Government of Manipur to discuss on lifting internet ban held on 12-06-2023, certain decisions were taken to adopt the following line of actions:-

- “(i) To propose to the Higher Authority to consider lifting of ban on ILL (Internet Lease Line) with **capping of maximum speed @ 10 MBPS** and subject to **undertaking obtained from the intending / existing subscribers** for not indulging in the illegal spreading and posting of rumors, objectionable/ provocative/ inciting contents or comments which is likely to create mistrust/ misunderstanding which may aggravates the ongoing law and order crisis in the State of Manipur and that in the event of any violation, he or she shall be liable to be punished as per provisions of relevant laws of the land in force and that the subscriber shall be fixed **personally responsible for any leakage/activities done by the Secondary user** of internet through Wi-Fi or hotspot, etc. The primary subscriber shall be made mandatory to maintain log book of secondary user including details of date, time and duration (entry/exit) of internet use.*
- (ii) In case of FTTH (Fibre To The Home), the permission of Home Department on cases to case basis may be made mandatory with the condition specified in the case of ILL and additionally with the condition of ensuring One to One connection and control by the ISP (Internet Service Provider).*

*(iii) This ISPs may be requested to explore options for whitelisting of websites banning social media sites on the line of mode under testing by BSNL on the line of action decided in the meeting chaired by Chief Secretary, Government of Manipur dated 07-06-2023 as a preparatory testing exercise for opening FTTH liberally.”*

**[5]** The Commissioner (Home) and all the expert members present today are of the unanimous view that there will be no problem or difficulty in lifting of the ban in respect of the Internet Lease Line (ILL) by ensuring and following the safeguards given by the expert members mentioned hereinabove. So far as the lifting of the ban on Fibre To The Home (FTTH) is concerned, it has been submitted that lifting of such ban can be carried out by ensuring the safeguards mentioned hereinabove and by permitting the Home Department to consider lifting of such ban on case to case basis.

With regard to the whitelisting of the mobile phone numbers and providing of internet service to those whitelisted mobile numbers, it has been submitted by the State respondents that the State Government may be allowed to carry out a trial to examine and verify the feasibility of whitelisting mobile phone numbers and to submit a detailed report after conducting physical trial, for which the State respondents seeks 15 (fifteen) days' time.

**[6]** After hearing the submissions advanced by the learned counsel appearing for the parties and after careful consideration of the opinions, suggestions and the means given by all the expert officials present today, for providing limited service to the public, we are of the considered view that it will be in the interest of public to issue the following directions to mitigate, at least to some extent, the hardships being faced by the public due to the complete ban imposed by the State Government on providing internet service in the State and at the same time ensuring the security of the State and safety of the life and properties of the citizens:-

- (i) The State Government, more particularly, the Home Department is directed to lift the ban on providing internet service through Internet Lease Line (ILL) throughout the whole State after ensuring that all the stakeholders have complied with the safeguards given by the Expert Committee mentioned hereinabove.
- (ii) In the case of Fibre To The Home (FTTH), lifting of the ban on providing internet service can be carried out by the Home Department on case to case basis and after ensuring that all the stakeholders have duly complied with the above mentioned safeguards given by the Expert Committee.
- (iii) In respect of whitelisting mobile phone numbers, the State Government is directed to carry out physical trial to find out the feasibility of providing internet service to the whitelisted mobile phones without jeopardizing the security of the State and the life and property of the citizen and after such verification, a detailed report should be submitted before this court on the next date of hearing without fail.

As prayed for by all the counsel appearing for the parties, list these cases again on 25-07-2023 at 02:00 p.m. for further consideration.

A copy of this order be furnished to all the learned counsel appearing for the parties for doing the needful.

**JUDGE**

**JUDGE**

*Devananda*