

GAHC010310492019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL 78/2019

1: BANASHREE GOGOI
D/O- LT. GOLAP CH. GOGOI, R/O- 1B DISHA ENCLAVE, MANIK NAGAR, P.S.
DISPUR, GHY, PIN- 781005

VERSUS

1: UNION OF INDIA AND 7 ORS.
TO BE REP. BY THE SECY. TO THE GOVT. OF INDIA, MINISTRY OF HOME
AND POLITICAL, NEW DELHI-01

2: SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF INFORMATION AND TECHNOLOGY
GOVT. OF INDIA
NEW DELHI-01

3: SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF TELECOMMUNICATION
NEW DELHI-01

4: THE STATE OF ASSAM
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GHY-06

5: THE ADDL. CHIEF SECY. TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPTT.
ASSAM SECRETARIAT
DISPUR
GHY-06

6: THE DIRECTOR GENERAL OF POLICE
ASSAM
POLICE HEAD QUARTER

ULUBARI
GHY-07

7:THE COMMISSIONER OF POLICE
GUWAHATI CITY PANBAZAR
GHY-01

8:THE DY. COMMISSIONER
KAMRUP (M)
GHY-01

ASSA

Counsel for the petitioner(s) : Mr. K.K. Mahanta, Sr. Advocate
Mr. U.K. Nair, Sr. Advocate
Mr. B. Chetry, Advocate
Mr. R. Goswami, Advocate
Mr. A. Gautam, Advocate
Mr. M. Smith, Advocate
Mr. N.B. Gohain, Advocate
Ms. P. Phukan, Advocate
Swati Bidhan Baruah, Advocate

Counsel for the Respondent(s) : Mr. D. Mozumder,
Addl. Advocate General, Assam
Mr. S.C. Keyal,
Asstt. Solicitor General of India

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA
HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

17.12.2019:
(Ajai Lamba, CJ)

1. Banashree Gogoi, a practising lawyer has preferred this petition in public interest with the plea that Notification dated 11.12.2019 was issued whereby internet/mobile data services were suspended for 24 hours w.e.f. 7 p.m., and subsequently the period of suspension has been extended. Even till date the services have not been restored.

2. Mr. K.K. Mahanta and Mr. U.K. Nair have impressed on the Court that although in the last three days it is absolutely visible that the conditions are normal, only

demonstrations are being held in peaceful manner, there has not been any untoward incident in Guwahati which might be of violent nature, traffic has not been disrupted, working in the public offices has not been disrupted and yet the situation has not been pragmatically reviewed by the respondents. The suspension of internet and mobile data services continues. This is causing freeze in the entire functioning in the city, and in the State.

3. It has been impressed on the Court that even electricity supply has been snapped to certain houses of the lawyers because pre-paid meters have been installed, which can only be charged through internet. It has been impressed on the Court that the functioning of the Court has been seriously interfered with in so much as the cause list cannot be accessed without provision of internet/mobile data services. It has been pointed out that all the business establishments are only relying on data that flows through internet. Under the circumstances, none of the business establishments is able to transact business causing serious disruption in normal living of the citizens in the area. It has been pleaded that although curfew has been relaxed in a phased manner, so much so today there is no curfew, however, no due consideration has been given to lift the suspension of internet and mobile data services. It has been impressed on the Court that the credit card and debit cards cannot be used. Even household essentials cannot be purchased. There are long queues outside ATM Kiosks. It has been pleaded that on account of such unreasonable action of the respondents, lives of all the residents of the area have been seriously affected. Even children are not able to fill forms for admission to the next course.

4. Mr. D. Mozumder and Mr. Keyal have informed the Court that broadband services has been restored today. It has been stated that review of the situation has been done. Mr. Mozumder contends that the order passed subsequent to passing of Annexure-I would be brought to the notice of the Court.

5. Having considered all the aspects of the case and in particular the dependence of the citizens on internet services which on suspension has virtually resulted in serious disruption of the lives of the residents, we deem it just and proper to observe that the respondents on considering inputs from various sources, may take a considered

decision for restoration of mobile data and internet services etc. during the afternoon hours of the day beyond 3 o'clock. In case there is no disruption or untoward incident, the respondents may consider longer period of continuance of internet/mobile data services so that normalcy is returned in all walks of life.

6. We make it clear that maintenance of law and order shall remain the predominant factor. This provision is being made considering the improvement in the situation as observed in the last 3-4 days.

7. We hereby direct the respondents to place on record the entire material that weighed with the respondents in continuing suspension of internet/mobile data services.

8. List on **19.12.2019** at 10.30 a.m.

9. Copy of the order be given under signature of the Court Master to all concerned.

10. List along with PIL 76/2019, PIL 77/2019, PIL 79/2019 on **19.12.2019**.

Sd/- AM Bujar Barua
JUDGE

Sd/- A. Lamba
CHIEF JUSTICE

Comparing Assistant


17/12/19
**COURT MASTER
GAUHATI HIGH COURT**