

HIGH COURT AT CALCUTTA
(APPELLATE SIDE)
CHAPTER- XIX
APPENDIX - II
FORM - A
PRESENTATION FORM

1.	CASE TYPE (See Table-1)	393000
2.	No.	(Filing Number and date to be given by the Office)
2A.	of 20 DISTRICT CODE	10
3.	Petitioner(s)/Appellant(s)/ Applicant(s)	Software Freedom Law Center India (SFLC.IN) & Anr. / Ors.
4.	Respondent(s)/Opposite	State of West Bengal
5.	Petitioner(s)/Appellant(s) Applicant(s)/ Advocate	<i>Indrajit Dey / Mananth Sengupta</i>
6.	Respondent(s)/Opposite Party(Parties)/Advocate	
7.	Subject Category Code (See Table-III)	
8.	Case Stage Code (See Table-II)	Group: IX Sub-Group:
9.	Acts(s)	No Acts
10.	Rule(s)	10
11.	Working Section (See Table-V)	
12.	Date of filing	<i>May 14, 2020</i>
13.	Connected Case type	No. of 20
14.	Lower Court Information(if any)	
	Lower Court details: Dist/High/Tribunal District	
	Coram District Code (See Table-VI)	
	Lower Court Case No.	of 20
	Judgment/Order dated	Date of Transfer
	Connected Lower Court Case	
15.	To be listed as Main Application on In Court No.	Special Division Bench
16.	Special Information, if any	To be listed on May 15, 2020
	Dated	14-05-2020

Signature of the Advocate
for the petitioner(s)

R E C E P T S

Received Case Type No.

of 20

Submitted on

Signature of the Section Officer
Superintendent, Centre/Filing Section

N.B. - Any entry not applicable simply panned through.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE JURISDICTION

IN THE MATTER OF:

W.P No.

(W) of 2020

AND

IN THE MATTER OF:

An Application under Article 226 of the
Constitution of India

AND

IN THE MATTER OF:

Software Freedom Law Center India (SFLC.in)

.....Petitioner

Versus

State of West Bengal and Ors

Advocates on Record :

Indrajeet Dey with

Prasanth Sugathan

Advocates

High Court at calcutta

District- Hoogly

In The High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

WP No. _____ W OF 2020

In the Matter of:

An application under Article 226 of the Constitution of
India;

-And-

In the Matter of:

Software Freedom Law Center India (SFLC.in)

...Petitioner

-Vs-

1. The State of West Bengal, and Others

...Respondents

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District- Hoogly

In The High Court at Calcutta

Constitutional Writ Jurisdiction

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-Vs-

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...Respondents

SYNOPSIS

The present petition under Article 226/227 of the Constitution of India has been filed seeking a relief against the arbitrary and illegal suspension of Internet services in Chandannagar and

Serampore sub divisions in the Hoogly District of West Bengal owing to communal riots in the area. The suspension has been ordered under Section 144 of Criminal Procedure Code, 1973 which goes against the law of the land laid down in *Anuradha Bhasin V. Union of India*. An Internet shutdown during a pandemic where information is a violation of Fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution of India.

LIST OF DATES

Date	Particulars
2012	The research on Internet Shutdowns started by SFLC.in. SFLC.in defines Internet Shutdowns as "a Government-imposed disablement of access to the Internet as a whole within a particular locality or localities for any duration of time". Incidents of Internet shutdowns across India have been tracked by SFLC.in in an attempt to draw attention towards the number and frequency of shutdowns, which are imposed for reasons ranging from curbing unrest to preventing cheating during examinations
07.08.2017	The Government of India notified the "Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017" which was issued under section 7 of the Indian Telegraph Act, 1885.
11.03.2020	World Health Organization declared COVID-19 as a pandemic
24.03.2020	The Government of India imposed a nationwide lockdown for 21 days to tackle COVID-19.

- 15.04.2020 Government of India extended the lockdown for a period of 19 days ending 4th May 2020
- 4.05.2020 Government of India extended the lockdown for a period of 3 weeks ending 18th May 2020
- 12.05.2020 Riots erupted in Tantipara, Segunbagan, Telenipara areas of The city of Sheteshwar in Hoogli District in West Bengal.
- 12.05.2020 District Magistrate of Hoogli District imposed Section 144 and ordered for the suspension of internet under the same section, in Serampore and Chandennagore subdivisions of the district..
- 17.05.2020 Date on which the suspension of the Internet shall end at 5PM.

District- Hoogly

- D -

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELETE JURISDICTION

IN THE MATTER OF:

W.P No. (W) of 2020

AND

IN THE MATTER OF:

Software Freedom Law Center India (SFLC.in)

.....Petitioner

Versus

State of West Bengal and ors

.....Respondents

POINTS OF LAW

- I. WHETHER the authority concerned acted in a manner which was contrary to the procedure established by law;

- II. WHETHER the authority concerned in denying to discharge their duty and have acted in a manner which abrogated the most cardinal principle of Natural Justice;
- III. WHETHER the acts and deeds of the authority concerned indicate a biased and partisan approach of the respondents in dealing with the case of the Public at large;
- IV. WHETHER the public at large is greatly prejudiced by the inaction on the part of the police and the state.
- V. WHETHER the inaction has caused / is causing an irreparable loss and loss.
- VI. WHETHER the inaction on the parts of the respondent has affected the Public at large
- VII. Whether the action of the respondents is in violation of the law laid down by the Hon'ble Supreme Court

District- Hoogly

In The High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

WP No. ____ W OF 2020

In the Matter of:

An application under Article 226 of the Constitution of

India;

-And-

In the Matter of:

Software Freedom Law Center India

...Petitioner

-Vs-

1. The State of West Bengal, Through Chief Secretary to
the Government of West Bengal, having his office at
Nabanna, 325 Sarat Chatterjee Road, Shibpur, Howrah –
711 102;

2. The Secretary Home, Government of West Bengal,
having his office at Nabanna, 325 Sarat Chatterjee Road,
Shibpur, Howrah – 711 102;

3. The District Magistrate, Hoogly, West Bengal
having his office at Hoogly Chinsurah, West Bengal,
712101.

...Respondent

To,

The Hon'ble Chief Justice, Thottathil B. Radhakrishnan and His Companion Justices of the said
Hon'ble Court;

The Humble Petition on behalf Of The Petitioner above
named

Most respectfully Showeth:

1. That the Petitioner is a society registered under the Societies Registration Act, 1860 bearing registration number dated 03-03-2010 that works for the promotion and protection of digital rights and digital freedoms. The Petitioner society has researched and published multiple reports in support of the freedom of speech and expression including on Internet shutdowns, online harassment, surveillance in India and intermediary liability. The petitioner duly represented through it's executive director, who has been authorized by the Executive Committee of the Society. That the Petitioner undertakes to deposit the entire Court fees within 48 hours of the normal resumption of the business of this Hon'ble Court.

2. The Respondent No. 1 is the State of West Bengal represented through its Principal Secretary and others who are *inter alia* responsible for the administration of the state, including the management of the Covid-19 crises, having his office as mentioned in the cause title above. Respondent No. 2 is the Home Secretary and the 3rd respondent is the District Magistrate of Hoogly who has ordered a shutdown of Internet services.
3. The Petitioner is an organization which has had considerable contribution by way of publishing and advocacy and is a responsible and conscientious member of the society who is gravely concerned about the well-being of the public at large, particularly the persons infected with the Covid-19 disease. The Petitioner is preferring the present Petition as a Public Interest Litigation for the public good and in view of the plight of the citizens of the district of Hoogly who have been affected by the internet shutdown that has been imposed in the district in an arbitrary and illegal manner. In the present Petition, the Petitioner is challenging the Order passed by Respondent No. 3, by way of which the Respondent Authority has suspended internet in Chandannagar and Serampore subdivision of Hoogli district, using section 144 of Criminal Procedure Code.
4. That, the present petition under Article 226 of the Constitution of India is being filed by way of Public Interest Litigation and the Petitioner organization has no personal interest herein. This petition is being filed in the interest of the public at large and with a view to discontinue the arbitrary and unjust practice of telecom service and internet shutdowns, as the same is contrary to law and against the essence of the Constitution of India.
5. That, in this instance of internet shutdown, there is a gross violation of fundamental rights to equality, right to freedom of speech and expression, right to privacy, right to freedom of trade, right to life, right to food, and right to education, guaranteed under Articles 14, 19, and 21, of the Constitution of India while imposing telecom service and internet shutdowns.

6. That, the Petitioner organization is filing the present Petition on its own and not at the instance of any other party. The litigation cost is being borne by the Petitioner.
7. According to news articles, in the early hours of 12.05.2020, violence erupted and spread around Tantipara, Segunbagan, Telenipara areas of The city of Sheteshwar. In response to the situation, Respondent No. 3 issued an Order which was addressed to the various telecom and internet service providers and local cable channels broadcasting within the jurisdiction under Hoogly District. The Order stated that due to the spread of fake news through whatsapp groups and other social media platforms in Serampore and Chandennagore subdivisions of the district and that *"internet facility may be misused by the mischievous elements for possibility of spreading of rumours and causing violence throughout the district"*. The areas affected by this internet shutdown In the Chandannagar district are - areas falling under Police stations of Chandannagar, Bhadreswar, Singur, Haripal and Tarakeshwar and In the Serampore district - Police stations of Serampore, Rishra, Uttarpa, Dankuni, Chanditala, Jangipara. The ban on the internet has been imposed from 2:30PM on 12th May 2020 and shall continue till 5PM on 17th May 2020 A true copy of the impugned Order passed by Respondent No. 3 dated 12.05.2020 is marked and attached hereto as ANNEXURE A. News article titled *"Mobile internet shutdown in parts of Hoogly in West Bengal till May 17: Report"* published by medianama, dated 13.05.2020 is marked and attached hereto as ANNEXURE B. News article titled *"Internet services suspended in Hooghly district to stop the spread of fake news"* published by ANI, dated 13.05.2020 is attached and marked hereto as ANNEXURE C.
8. The Petitioner has also learnt that Respondent number 3 has suspended internet services under Section 144 of Criminal Procedure Code, 1973. On 08.08.2017, Ministry of Communications, Government of India notified the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 under Section 7 of the Indian Telegraph Act, 1885, published in The Gazette of India, Regd. No. D. L. - 33004/99, dated August 8, 2017. It can be established that ordering an internet suspension using

Section 144 Criminal Procedure Code, 1973 when there is a specific law, viz., Telecom Suspension Rules is a misuse of the Provision and is illegal.

9. Additionally, ordering an internet shutdown under Section 144 of Criminal Procedure Code, 1973 goes against the dictum laid down by the Apex Court in *Anuradha Bhasin V. Union of India* (Writ Petition (C) No. 1031 OF 2019/1164 OF 2019). The Supreme Court of India in *Anuradha Bhasin* had held that power under Section 144 of CRPC is remedial as well as preventive and can be exercised when there is both a present danger as well as apprehension of danger. The danger should be in the nature of an Emergency. Further, Section 144 cannot be used to suppress expression of opinion. Any order passed under Section 144 should state material facts to enable judicial review. Principles of Proportionality should be used and the least intrusive measure applied. There shouldn't be repetitive use of Section 144 as it would amount to abuse of power. In *Anuradha Bhasin* judgment it was held:

The position has changed since 2017, with the passage of the Suspension Rules under Section 7 of the Telegraph Act. With the promulgation of the Suspension Rules, the States are using the aforesaid Rules to restrict telecom services including access to the internet (Para 83)

10. That a ban on the internet on this day is not limited to restricting the Rights under Article 19 of the Constitution of India but it is equivalent to suppression of all legal and constitutional rights owing to the fact that the Courts are being accessed through video Conference facilities, which can be facilitated only through uninterrupted internet services.
11. It is pertinent to mention that the Petitioner got the information through citizens on the ground and the news of the shutdown was not to be found anywhere. No advance notice was given to the citizens in any part of the district and even a copy of the Order was not made available to the public nor was it put up on any government website till the time of

drafting of this Petition. It is submitted that this modality of implementation of an internet shutdown goes against the principle of publication as was laid down in *Anuradha Bhasin* Judgment which states that any Order has to be made accessible to the public through all means of publication. The Hon'ble Supreme Court has elaborated upon this principle in the following words:

"96. It must be noted that although the Suspension Rules does not provide for publication or notification of the orders, a settled principle of law, and of natural justice, is that an order, particularly one that affects lives, liberty and property of people, must be made available. Any law which demands compliance of the people requires to be notified directly and reliably. This is the case regardless of whether the parent statute or rule prescribes the same or not. We are therefore required to read in the requirement of ensuring that all the orders passed under the Suspension Rules are made freely available, through some suitable mechanism."

12. It is submitted that the Respondents are guilty of having trivialized the imposition of internet shutdown which consequently has had serious implications on freedom of speech and expression and other fundamental rights of the citizens. In an earlier instance, Respondent No. 1 had imposed an internet shutdown in districts of Murshidabad, Malda, South Dinajpur, North Dinajpur, Birbhum, Jalpaiguri and Cooch Behar, citing potential or possible adoption of unscrupulous means/cheating by minors, being the candidates who were appearing in the Madhyamik Shiksha Board Examination conducted by the State Government. The Petitioner had filed a Writ Petition bearing W.P.No. 3963 of 2020, challenging the imposition of internet shutdown in the aforementioned case which is pending adjudication before this Hon'ble Court. In a subsequent event, the Respondent No. 1 had imposed a ban on mobile phones in and around Covid-19 hospitals, possibly with the intent of preventing any person from disclosing the deplorable state of affairs prevailing within COVID hospitals, which would bring out the inefficiencies that have gripped the state machinery in tackling and dealing with the Covid-19 crisis. The Petitioner has learnt that a Writ Petition challenging the said ban on mobile phones has

also been filed before this Hon'ble Court which is still pending adjudication. Recent events therefore suggest that Respondent No. 1 has adopted the imposition of internet shutdowns well beyond the scope given within the statutory framework.

13. Adoption of internet shutdowns across the country for illegitimate reasons is a sad reality that is unbecoming of a democratically elected government, in the world's largest democracy. Statistically, India tops the list of internet shutdowns in the world and some countries run by authoritarian regimes fare better than us in this aspect. According to the Internet shutdown tracker maintained by the Petitioner which is regularly cited by institutions and media houses across the nation and the world, India had imposed a total of 106 shutdowns in 2019. itself. The number of shutdowns for 2020 have reached 10 till date. The number of Internet shutdowns in the state of West Bengal from 18.06.2017 till date have been 12, where three of the shutdowns have occurred in 2020 itself.
14. That imposing an internet shutdown during the COVID-19 lockdown situation which has arisen out of a global pandemic of an unprecedented measure, is a recipe for disaster. Such an imposition is a hindrance upon the ability of citizens to get information on infection counts, social distancing measures imposed in their area, medical advice and the guidelines which are to be followed. An internet shutdown also means that people will not be able to communicate with each other or be able to call for medical assistance. It also means that doctors will not be able to follow the guidelines or learn and adopt certain life saving measures and procedures which can only be accessed through the internet. According to the data released by the Ministry of Health and Family welfare, 110 new coronavirus cases were reported as of 8:00 AM on 13.05.2020, in Bengal and the total number of cases in Hoogly district stood at 12. Under these circumstances, imposing a shutdown for a total of 6 days is a barbaric step that has been taken by the Respondents. It violates the necessity and the proportionality principle as mentioned in *Anuradha Bhasin V. Union of India*. Following is a relevant extract from the judgment in this regard:

(Para. 70) *“In the first stage itself, the possible goal of such a measure intended at imposing restrictions must be determined. It ought to be noted that such a goal must be legitimate. However, before settling on the aforesaid measure, the authorities must assess the existence of any alternative mechanism in furtherance of the aforesaid goal. The appropriateness of such a measure depends on its implication upon the fundamental rights and the necessity of such measures. It is undeniable from the aforesaid holding that only the least restrictive measures can be resorted to by the State, taking into consideration the facts and circumstances. Lastly, since the order has serious implications on the fundamental rights of the affected parties, the same should be supported by sufficient material and should be amenable to judicial review.”*

15. The right to have access to the internet is a part of the right to information as well as the right to health, without which a person would be unable to lead a life of dignity, knowledge and liberty. The restriction on such right by the Respondent in the form of the said ban on the internet affects the ability of citizens to access information related to Covid-19 and affects the ability of health personnel to disseminate the information. Thus, this action is an infringement of the right to life and personal liberty of all affected persons, being violative of Article 21 of the Constitution of India.
16. The said ban on the internet is also infringing upon the freedom of speech and expression of the concerned patients, thereby being violative of Article 19(1)(a) of the Constitution, particularly in view of the fact that internet access is the gateway to communicating with individuals, groups and the world at large, especially in times when interpersonal communication is otherwise impossible owing to the lockdown restrictions.
17. The imposition of internet shutdown is depriving the citizens of their right to practice their profession and to carry on their occupation, business and trade as guaranteed under Article 19(1)(g) of the Constitution of India. In *Anuradha Bhasin V. Union of India*, the Apex Court held that:

'We declare that the freedom of speech and expression and the freedom to practice any profession or carry on any trade, business or occupation over the medium of internet enjoys constitutional protection under Article 19(1)(a) and Article 19(1)(g).'

18. The internet shutdown imposed by Respondent No. 3 also fails the test of reasonableness and proportionality. There is no evidence that imposing an internet shutdown would achieve the purpose it seeks to achieve. On the contrary, the ban affects the ability to provide the right information to people. Thus, the action of ordering an Internet shutdown fails the tests of proportionality and reasonableness. The ban is tantamount to aggravating the agony of citizens who are facing a pandemic situation. The Supreme court in *K. S. Puttaswamy and Anr. vs. Union of India and others*. (supra), observed:

"Proportionality is an essential facet of the guarantee against arbitrary State action because it ensures that the nature and quality of the encroachment on the right is not disproportionate to the purpose of the law..."

19. The Petitioner, therefore, begs to move this petition in public interest and upon finding that the rights of a large number of people who are not in a position to approach this Hon'ble Court, are being infringed, your petitioner begs to move this Hon'ble Court under Article 226 of the Constitution of India on the following amongst other grounds which are without prejudice to one another:

GROUND

- i. For that the internet shutdown imposed by the Respondents is a violation of Right to health, enshrined under Article 21 of the Constitution, in a situation of aggravated difficulty due to the COVID-19 pandemic.

- ii. For that in the situation of a lockdown, imposing an internet shutdown makes it impossible for students to access information and lessons being provided through the internet, rendering the shutdown to be a violation of Right to Education, guaranteed under Article 21-A of the Constitution.
- iii. For that without access to the internet, professionals who are earning their bread and butter by working from home and other businesses which are functioning through the usage of internet, are deprived of their right to freedom of trade and commerce through the medium of internet which is guaranteed under Article 19(1)(g), as was held in the *Anuradha Bhasin* judgment. The restrictions imposed by the Respondent are not justifiable as they violate Article 19(1)(g), especially taking into consideration the COVID situation.
- iv. For that it was held in the *Anuradha Bhasin* judgment that “*freedom of speech and expression through the medium of internet is an integral part of Article 19(1)(a) and accordingly, any restriction on the same must be in accordance with Article 19(2) of the Constitution*” It is submitted that the internet shutdown imposed by the Respondents stands in violation of the right to freedom of speech and expression, without falling into the reasonable restrictions given under Article 19(2).
- v. For that imposing an internet shutdown under Section 144 of the CrPC, despite there being a special law that governs the field is a gross misuse of the provision. The Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 were notified to ensure that there are sufficient safeguards to prevent arbitrary shutdowns. These Rules provide for an order imposing shutdown of the Internet to be issued at the highest level of the Secretary, Home Department in a State and it also provides for a review mechanism. The procedural safeguards of this special law cannot be short circuited by issuing an order under Section 144 of the CrPC.

- vi. For that the Respondents have failed to establish a nexus between imposition of internet shutdowns and the control of communal tensions.
- vii. For that the Respondents have a past track record of imposing internet shutdowns for trivial reasons including but not limited to imposition of shutdown to prevent illegal cheating during Madhyamik Board examination to prevent alleged crimes committed by minors.
- viii. For that the imposition of internet shutdown during the COVID-19 situation, is a betrayal of the Government's own mandate as all the directives issued and the measures taken by the government including but not limited to contact tracing through the Aarogya Setu app, advisories relating to maintaining social distancing and staying at home, ordering essentials through online processes and seeking medical assistance through telemedicine etc, require access to high speed internet.
- ix. For that the said ban is not in accordance with any procedure established by law.
- x. For that the said ban is totally unreasonable and has been imposed without application of mind and without examining any material or having regard to the law.
- xi. For that the said ban is violative of Articles 14, 19 and 21 of the Constitution of India inter alia.
- xii. For that the said ban has been imposed with ulterior motives for the purpose of preventing the possibility of any person disclosing the deplorable state of affairs prevailing within government hospitals, which would conspicuously expose the incompetence of the state machinery in tackling and dealing with the Covid-19 crisis.

- xiii. For that the said ban does not classify or qualify as a reasonable restriction as per the guidelines laid down by the Hon'ble Supreme Court in the *Anuradha Bhasin* Judgment.
- xiv. For that the said ban does not pass the cardinal tests or proportionality and/or reasonableness.
- xv. For That a ban on the internet on this day is not limited to restricting the Rights under Article 19 of the Constitution of India but it is additionally also a violation of the right to access to justice, owing to the fact that the Courts are being accessed through video Conference , which can be facilitated only through uninterrupted internet services.
- xvi. For that there is grave urgency in the matter and each and everyday people at large are suffering.
20. The Petitioner has not filed any other proceedings on the same cause of action which forms the subject matter of the present petition.
21. The entire geographical region i.e. the State of West Bengal who's management and administration lies under the control of the Respondent No. 1 Authority for part of the jurisdiction of this Hon'ble Court.
22. There is extreme urgency in the matter, given that in the backdrop of the Covid-19 situation and the ongoing lockdown in the country, the internet is an indispensable and irreplaceable tool and is the lifeline of communication. The imposition of internet shutdown in the district of Hoogly has been done without taking into account the proportionality principle and is an arbitrary step, taken illegally by routing it through Section 144 of the CrPC, despite there being a specific law governing the field which has

reasonable safeguards. It is therefore just and necessary that taking into consideration the arbitrary decisions taken by the Respondent No. 1 state in the past with respect to imposition of internet shutdowns during school exams and a ban on the use of mobile phones, indicating incessant attempts at curtailment of the right to freedom of speech and expression in the state, the decision of the Respondent authority imposing internet shutdowns in the district of Hoogly be stayed, pending the final hearing and disposal of the present petition, otherwise grave and irreparable loss would be caused to the affected citizens and the public at large, and the situation will worsen drastically, defeating the purpose of the present petition.

23. That the balance of conveyance is entirely in favour of passing of orders as prayed for herein by the Petitioner. Unless orders as prayed for herein are passed, the concerned citizens and the public at large will suffer irreparable loss, prejudice and injury.

This petition is made bona fide and in the interest of justice and in public interest.

In the circumstances, the Petitioner most humbly prays that Your Lordships would be graciously pleased to pass the following orders:-

- a. Call for the records and issue a writ of or in the nature of Certiorari, quashing and setting aside the Order dated 12.05.2020 imposing Internet shutdown in Hoogly between 2:30PM on 12.05.2020, till 5PM on 17.05.2020, issued by the District Magistrate, Hoogly;
- b. A writ of or in the nature of Mandamus to issue commanding the Respondent Authority, each one of them, their men, agents, assigns, servants to forthwith rescind and/or recall and/or cancel

and/or revoke its decision to impose internet shutdown in any of the districts of West Bengal;

- c. A writ of or in the nature of Mandamus commanding the respondent authorities not to order any suspension of telecommunication services during the period of lock-down an/or continuance of the COVID-19 pandemic situation;
- d. Rule NISI in terms of prayers above;
- e. Ad-interim order in terms of prayers above;
- f. An order directing the exemption of the filing of an affidavit duly affirmed by your petitioner, owing to the lockdown and the present crisis;
- g. An order in allowing leave under Rule 26 to the Appendix IV to the Appellate Side Rules of the High Court at Calcutta
- h. Such further and/or other order and/or orders be passed, direction or directions be given as this Hon'ble Court may deem fit and proper.

And your petitioners, as in duty bound, shall ever pray.

ANNEXURE A

Office of the District Magistrate,

Hooghly

ORDER 32/144 CRPC/INTERNET SHUTDOWN/12052020

To

The Nodal Officer,

MTS / Vodafone / Reliance Jio / IDEA / Aircel / Tata Tele Services / BSNL / M/s Alliance Broadband / M/s Digicable / M/s Hathway Cable & Datacom Ltd. / M/s GTPL - KCBPL / M/s TataSky / M/s Dish TV / M/s Manthan Broadband / M/s Citicable / M/s Bharati Airtel Ltd / M/s Reliance Communications / M/s Wish Net / M/s Wireless Net Zone / M/s Sinet / M/s Siti Broadband / M/s Amar Cable / M/s Dishnet Wireless Ltd / and other local cable channels and internet service providers operating or transmitting / broadcasting inside the jurisdiction under Hooghly District.

Whereas the information has been received that some antisocial/miscreants and unscrupulous persons are indulging in spreading fake news through WhatsApp groups and other social media platforms in Serampore and Chandennagore Subdivisions of this district and that internet facility may be misused by the mischievous elements for possibility of spreading of rumors and causing violence throughout the district,




tranquillity of the region shall not be transmitted / broadcasted by local cable channels, signal distributors, intermediaries and internet service providers operating or transmitting / broadcasting within the of Hooghly District.

This order should be valid from 2.30PM on 12th May 2020 till 6PM on 17th May 2020.

Given under my hand and seal of my office this day, on 12th May 2020.

Enclosure Annexure-1


Yelochuri Ratnakara Rao, IAS

District Magistrate
Hooghly

ANNEXURE - I

Name of Sub-Division	Name of Police Station	PIN Code
Chandannagar	Chandannagar	712136
	Bhadreswar	712124
	Singur	712409
	Haripal	712403
	Tarakeswar	712410
Serampore	Serampore	712201
	Rishra	712248
	Uttarpara	712258
	Dankuni	712310
	Chanditala	712702
	Jangipara	712404

Internet services suspended in Hooghly district to stop the spread of fake news

ANI | Updated: May 13, 2020 14:43 IST

Hooghly (West Bengal) [India], May 13 (ANI): Hooghly District Magistrate Yeluchuri Ratnakara Rao on Wednesday suspended internet services in Chandennagore and Srerampore sub-divisions after receiving information that some people were spreading fake news which could lead to violence in the region.

"Whereas the information has been received that some anti-social/miscreants and unscrupulous persons are indulging in spreading fake news through WhatsApp groups and other social media platforms in Srerampore and Chandennagore Sub-divisions of this district and that internet facility, may be misused by the mischievous elements for possibility of spreading rumors and causing violence throughout the district," a letter from the Hooghly District Magistrate read.

"And whereas in view of the recent events there is apprehension of grave risk of these kinds of mischievous and unlawful activities are spread if the normal broadband internet services of the 'intermediaries' as defined in the IT Act, 2000 continue through services freely. And whereas the Constitution of India guarantees freedom of expression of Indian citizens but at the same time allows for reasonable restrictions on the same," he further said.

The District Magistrate also said that "no restriction" is being imposed in voice calls and SMS and newspapers, hence communication and dissemination of knowledge and information is not being stopped in any way. (ANI)

Signature

VAKALATNAMA High Court at Calcutta

District: Hoogly

Software Freedom Law Center India (SFLC-IN) No. _____ of _____
 { Appellant(s)/Petitioner(s)

- Versus -

State of West Bengal & Ors _____
 { Respondent(s)/Opposite Party

Vakalatnama on behalf of _____

KNOW ALL MEN by these presents that by Vakalatnama I/We hereby constitute and appoint the under mentioned Advocate, Pleaders, Vakils jointly and each of them severally to be pleader of ME/US and on MY/OUR behalf to appear for ME/US in the above for filing the memorandum or appeal or petition/of entering appearance matter for appearing introducing and arguing the same for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and putting in papers petitions etc. on my behalf for filing or taking back any document for withdrawing suits or appeals or petitions with permission to institute fresh suits etc. for signing and filing petitions for compromise in connection with the said matter and for taking copies of paper from the Record and I/WE further say that any act done by MY/OUR said Advocate or Advocates or by any one of them after signing this Vakalatnama, shall be considered as MY/OUR own lawful act.

And I/WE further hereby agree and undertake to pay the said Advocates his or their fees as settled and all other sums that may be necessary to carry out the requisition if the Court and otherwise to enable the said Advocates to conduct the case properly. Failing which the said Advocates after notice to ME/US will be at liberty to withdraw from the further conduct of the case.

IN WITNESS WHEREOF I/WE sign and execute this Vakalatnama on this the 14th day of May 2020

NAME OF ADVOCATE/ADVOCATES

Indrajeet Dey Prasanth Sugathan
 Advocates

High Court at Calcutta
 Ch- 43/2B Suhasini Ganguly Sarani
 Kolkata- 700025 Ph- 01-2224255

District- Hoogly

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE JURISDICTION

IN THE MATTER OF:

W.P No. (W) of 2020

AND

IN THE MATTER OF:

An Application under Article 226 of the
Constitution of India

AND

IN THE MATTER OF:

SFLC.inPetitioner

Versus

State of West Bengal and Ors

Advocate on Record :

Indrajeet Dey with

Prasanth Sugathan

Advocates

High Court at calcutta

14C/1 Kapalitola Lane, Kolkata 700012

Ch-43/2B, Suhasini Ganguly Sarani,

Kolkata 700025

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