

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL) No. 3947 of 2022**

Software Freedom Law Center, India, through Authorised Representative Mamta Verma, having its registered Office at K-9, Second Floor, Birbal Road, PO PS Jangpura, Jangpura Extension, New Delhi 110014.

... **Petitioner**

Versus

The State of Jharkhand through the Chief Secretary, Government of Jharkhand, Dhurwa, Ranchi.

... **Respondent**

**CORAM : SRI SANJAYA KUMAR MISHRA, C.J.
SRI ANANDA SEN, J.**

For the Petitioner : Mr. Shailesh Poddar, Advocate
For the Respondents : Mr. Jay Prakash, AAG IA
Mr. Yogesh Modi, AC to AAG IA
Ms. Omiya Anusha, AC to AAG IA

06/ 11.09.2023 Upon hearing the learned counsel for the parties, this Court passed the following (Per Sanjaya Kumar Mishra, C.J.):-

ORDER

1. By filing this writ petition in the nature of Public Interest Litigation, the petitioner, operating in the name and style of Software Freedom Law Center, India, having its registered Office at K-9, Second Floor, Birbal Road, Jangpura Extension, New Delhi, has prayed for issuance of a direction to the respondents to produce in Court and publish on the web sites the orders passed by the respondents on 07.02.2022, 10.06.2022 and 11.06.2022, by which the suspension of internet was carried out in the State. It has also prayed for issuance of a writ in the nature of certiorari for quashing the orders dated 07.02.2022, 10.06.2022 and 11.06.2022, imposing suspension of internet services in the respective regions of Jharkhand State. It has also prayed for issuance of writ in the nature of mandamus to produce the entire review proceedings and all the orders passed by the Review Committee of the State, if any, relating to abovementioned orders dated 11.06.2022, 10.06.2022 and 07.02.2022, by which the respondents had suspended internet services. It has also prayed that a direction be passed directing the respondent to strictly

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comply with the guidelines framed by the Hon'ble Supreme Court in the case of **Anuradha Bhasin versus Union of India** reported in **(2020) 3 SCC 637**.

2. In course of hearing, learned counsel for the State would submit that on 06.02.2022, it was brought to the notice of the Home Secretary, Government of Jharkhand that some incidents had taken place in certain regions of the State which might lead to breach of public order. The emergent situation necessitated suspension of internet services in the District of Hazaribagh, Giridih, Chatra, Koderma and Ramgarh and accordingly internet services in the aforesaid five districts were suspended temporarily from 23:00 Hrs. on February 06, 2022 till further orders vide order contained in letter No.013 dated 06.02.2022. Such order was issued by the Home Secretary, Government of Jharkhand. The main object was to prevent use of internet to spread rumor and fake information, which could lead to disturbance of law and order by virtue of power conferred under the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 read with sub-rule (2A) of the Temporary Suspension of Telecom Services (Amendment) Rules, 2020. It is the case of the respondents that internet services remained suspended only for short period for two days and order was revoked on 08.02.2022 vide letter No.014 dated 08.02.2022 issued by the Home Secretary. Similarly, internet services were suspended for few hours on two other occasions. It is submitted by learned Senior Counsel Mr. Jai Prakash, AAG IA that such decision was taken because of the exigency of the situation only to prevent loss of life and property, which could have taken place because of breach of public order and law and order in certain Districts.

3. In that view of the matter, we are of the opinion that the suspension of internet services for the said periods by the State Government cannot be found fault with, however, the respondents should have notified the orders suspending the internet services in their web site at appropriate time as per the directions given by the Hon'ble Supreme Court in the case of **Anuradha Bhasin versus Union of India** reported in **(2020) 3 SCC 637**.

4. We dispose of this Writ Petition in the nature of Public Interest Litigation by taking note of the decisions of the Hon'ble Supreme Court in the case of **Anuradha Bhasin versus Union of India [(2020) 3 SCC 637]** as well as in the case of **Foundation for Media Professions versus Union Territory of Jammu & Kashmir & Another [(2020) 5 SCC 746]** with a direction to the State Government to follow the directions given by the Hon'ble Supreme Court

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in the aforesaid cases in future in case they take a decision to suspend internet services. It is also directed that all previous orders suspending internet services be uploaded within 48 hours in the official website of the State Government.

5. With such observations and directions, this Writ Petition in the nature of Public Interest Litigation stands disposed of.

6. There shall be no orders as to costs. Urgent certified copies of this order shall be issued as per the Rules.

7. A free copy of this order be supplied to learned AAG IA for communication to the State authority for compliance.

(Sanjaya Kumar Mishra, C.J.)

(Ananda Sen, J.)