

31.05.2021. Present: Petitioner in person.

Mr. Ashok Sharma, Advocate General with Mr. J.S.Guleria and Mr. Bhupinder Thakur, Deputy Advocate Generals, for respondents No. 1 and 3.

Mr. Balram Sharma, ASGI, for respondent No.4.

(Through Video Conferencing)

CMP No. 6028 of 2021.

Infructuous. The application stands disposed of.

CWP No. 3123 of 2021 & CMP No. 6029 of 2021.

Notice confined to respondents No. 1, 3 and 4 at this stage. Mr. Bhupinder Thakur, learned Deputy Advocate General, appears and waives service of notice on behalf of respondents No. 1 and 3. Mr. Balram Sharma, learned Assistant Solicitor General of India, appears and waives service of notice on behalf of respondent No.4.

The instant petition has been filed as *Pro bono Publico* by the petitioner highlighting therein the plight of the residents of the State, more particularly, the residents of the rural and backward areas of the State, in the matters regarding Internet services.

The Government of India had formulated a new telecom policy in the year 1994 aimed at giving highest priority to the development of telecom services in the Country in conformity and in furtherance of Government of India's Economic Policy. Thereafter, various guidelines for streamlining the provisions of right of way to telecom service licensees and also to the infrastructure providers were laid down. These

mobile guidelines were formulated, keeping in view the object of creating a robust telecommunication infrastructure with adequate bandwidth at affordable rates and in order to promote Development and Proliferation of Information Technology, Electronic Governance, E-Commerce, convergence of Information, Communication and Entertainment sectors so as to improve the state of economy, enhance the quality of life of the citizens and to ensure development of urban and rural areas with equity throughout the Country.

The importance of access to Internet services has assumed great importance on account of Covid-19 pandemic. The need of the hour is to provide adequate bandwidth, network attached storage and routers etc. to facilitate the conducting of educational courses, conferences, court proceedings etc. on virtual platform.

The Ministry of Home Affairs, CIS Division, Government of India had issued a letter dated 07.09.2020, the contents whereof read as under:-

“1. The undersigned is directed to say that Bharat Net is a project to create Network to connect all the Gram Panchayats (GPs) by broadband. This project is under implementation and the infrastructure created will be a national asset, accessible on a non-discriminatory basis to the service providers. The project aims to provide affordable broadband services to citizens and institutions in rural and remote areas, in partnership with States and the

private sector, towards realization of the vision of Digital India.

2. Bharat Net project is being implemented by Government of India for providing high speed broadband connectivity to all the Gram Panchayats (GPs) in the Country. Work covering more than 1,00,000 GPs has already been completed and Phase-II work is under implementation for connecting remaining GPs.

3. For Bharat Net Phase-I, CSC e-Governance India Ltd. (a Special Purpose Vehicle under the Ministry of Electronics & Information Technology) has been assigned the work of provisioning of 5 Fibre to the Home (FTTH) connections to Government institutions such as Anganwadi, Health & Wellness Centres, Government Schools, Public Distribution System, Post Offices and Police Stations etc. It has been observed that during the provisioning of FTTH connections to the Government Institutions, following issues are being faced by the CSC teams (Common Service Centre): i. Government institutions at GP level are not aware about the scheme and they ask for the letter issued by their respective state authority in this regard. ii. Some institutions are not able to provide documents required for KYC for providing FTTH connection. iii. Power connection is also required at Government institutions for FTTH connection.

4. In view of above, suitable instructions may kindly be issued to sensitise the concerned Government Institutions at GP level to accept and provide necessary cooperation in provisioning at FTTH connections.

5. This issues with the approval of the Competent Authority.”

Let 4th respondent file response regarding the follow-up action taken pursuant to the aforesaid letter and roadmap prepared for the implementation of programmes set-out in this letter by the next date of hearing.

List on **04.06.2021**.

(Tarlok Singh Chauhan)
Judge

31st May, 2021.
(gr)

(Chander Bhusan Barowalia)
Judge

High Court of HP