

**IN THE HON'BLE HIGH COURT OF KARNATAKA AT
BENGALURU**

(Original Jurisdiction)

Writ Petition No. _____/2025 (GM)

BETWEEN:

X Corp.

PETITIONER

AND:

Union of India & Ors.

RESPONDENTS

INDEX

Sl. No	Description	Page No.
1.	List of Dates and Synopsis	1-14
2.	Memorandum of Writ Petition under Article 226 of the Constitution of India, 1950 along with supporting affidavit	15-102
3.	Annexure A: The Hon'ble Supreme Court's decision in <i>Shreya Singhal v. Union of India</i> , (2015) 5 SCC 1.	103-283
4.	Annexure B: A copy of the diagram illustrating MeitY's circumvention of the Section 69A process.	284
5.	Annexure C: Respondent No. 2, MeitY's Office Memorandum No. 1(4)/2020-CLES-1 dated 31.10.2023, sent to all Central Ministries and Departments, and all States and Union Territories.	285-287
6.	Annexure D: Respondent No. 3, the Ministry of Home Affairs' notification dated 13.03.2024.	288-289

7.	Annexure E: Respondent No. 5, the Ministry of Defence's notification dated 24.10.2024.	290-292
8.	Annexure F: Respondent No. 6, the Ministry of Railways' notification dated 24.10.2024.	293-298
9.	Annexure G: Respondent No. 4, the Ministry of Finance's notification dated 06.01.2024.	299-300
10.	Annexure H: Government of West Bengal's letter dated 28.10.2024.	301-306
11.	Annexure J: Government of Goa's notification dated 19.11.2024.	307
12.	Annexure K: Government of National Capital Territory of Delhi's notification dated 26.12.2024.	308-309
13.	Annexure L: Government of Punjab's notification dated 31.01.2025.	310-313
14.	Annexure M: Respondent No. 3, Ministry of Home Affairs' letter dated 09.10.2024.	314
15.	Annexure N: X Corp.'s letter to the MHA dated 11.11.2024.	315-316
16.	Annexure P: List of Nodal Officers of Central Ministries / Departments under the Blocking Rules, as published on Respondent No. 2 - MeitY's website.	317-320
17.	Annexure Q: List of Nodal Officers of States under the Blocking Rules, as published on Respondent No. 2 - MeitY's website.	321-323
18.	Annexure R: X Corp.'s letter dated 14.02.2025 notifying the government that it will file the Writ Petition.	324-325
19.	Annexure S: The Ministry of Railways' information blocking order dated 21.02.2025.	326-331
20.	Annexure T: The Ministry of Railways' information blocking order dated 12.02.2025.	332-337

21.	Annexure U: The Ministry of Railways' information blocking order dated 11.02.2025.	338-346
22.	Interlocutory Application under Rule 11 of the Karnataka Writ Proceedings Rules 1977 read with Section 151 of the Code of Civil Procedure, 1908, seeking dispensation of production of certified/original copy.	347-353
23.	Verifying affidavit of Advocate for Petitioner	354
24.	Vakalatnama along with Certificate of Incumbency and Certificate of Incorporation.	355-359

Bengaluru
05.03.2025


Advocate for Petitioner

**IN THE HON'BLE HIGH COURT OF KARNATAKA
AT BENGALURU**

(Original Jurisdiction)

Writ Petition No. _____ / 2025 (GM)

BETWEEN:

X Corp.

PETITIONER

AND:

Union of India & Ors.

RESPONDENTS

LIST OF DATES & SYNOPSIS

S.No.	Date	Events
1.	09.06.2000	Parliament enacted the Information Technology Act, 2000 (IT Act). Section 79 under Chapter XII – “Network Service Providers not to be liable in certain cases” was an exemption provision that provided a safe harbour from liability for third-party content to “network service providers.”
2.	05.02.2009	Parliament passed the Information Technology (Amendment) Act, 2008, which: (i) added Section 69A to the IT Act; and (ii) expanded Section 79’s exemption provision.

Sharma

		The current heading of Chapter XII is – “Intermediaries not to be liable in certain cases” and the marginal note to Section 79 is – “Exemption from liability of intermediary in certain cases”.
3.	05.02.2009	The Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 (Blocking Rules) were issued under Section 69A(2) of the IT Act.
4.	24.03.2015	The Hon’ble Supreme Court in <i>Shreya Singhal v. Union of India</i> , (2015) 5 SCC 1: a) upheld the constitutional validity of Section 69A because Section 69A and the Blocking Rules prescribe necessary safeguards for the exercise of the information blocking power (para 112, 114, 115); and b) read down and held that Section 79 is an exemption provision (para 117, 121) (Annexure A).
	31.10.2023	Respondent No.2, Ministry of Electronics and Information Technology (MeitY) directed all central ministries, all State governments, all States’ deputy generals of police, and countless local police officers, that they are


		authorized to issue information blocking orders under Section 79(3)(b), outside the Section 69A process, and provided them with Template Blocking Orders to use (Annexure C).
6.	13.03.2024	Respondent No. 3, Ministry of Home Affairs (MHA) authorized the Indian Cyber Crime Coordination Centre "to be the agency of the Ministry of Home Affairs to perform the functions under [Section 79(3)(b) of the IT Act]" and to issue information blocking orders, without following the Section 69A process (Annexure D).
7.	09.10.2024	Acting on the instructions of MeitY, the MHA created a Censorship Portal to allow countless central and state agencies and local police officers to issue information blocking orders under Section 79(3)(b), in violation of Section 69A and the Hon'ble Supreme Court's holding in <i>Shreya Singhal</i> . The MHA also sent a letter to X Corp. demanding that it appoint a "Nodal Officer" to ensure compliance with the unlawful blocking orders that will be issued through the Censorship Portal (Annexure M).



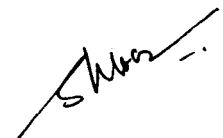
8.	24.10.2024	Respondent No. 5, Ministry of Defence authorized the Additional Directorate General of Strategic Communication in the Indian army to issue information blocking orders under Section 79(3)(b), without following Section 69A (Annexure E).
9.	24.10.2024	Respondent No. 6, Ministry of Railways issued a notification authorizing the Executive Director (Information and Publicity) to issue information blocking orders under Section 79, without following the Section 69A process (Annexure F).
10.	28.10.2024	The Government of West Bengal authorized many local police officers to issue information blocking orders under Section 79(3)(b), without following the Section 69A process (Annexure H).
11.	11.11.2024	X Corp. responded to the MHA's letter dated 09.10.2024 and objected to the Censorship Portal (Annexure N).
12.	19.11.2024	The Government of Goa authorized its local police personnel to issue information blocking orders under Section 79(3)(b), without following the Section 69A process (Annexure J).

Sharma

12.	26.12.2024	The NCT of Delhi authorized countless unnamed police officers to issue information blocking orders under Section 79(3)(b), without following the Section 69A process (Annexure K).
13.	06.01.2025	Respondent No. 4, Ministry of Finance was authorized by the Central Government to issue information blocking orders under Section 79(3)(b), without following the Section 69A process (Annexure G).
14.	29.01.2024	In an unrelated <i>habeas corpus</i> petition against the Government of NCT, Delhi to produce a petitioner's missing son (W.P. (CRL) 1563/2024), the Hon'ble Delhi High Court issued notice to other intermediaries who were not part of the case (including X) to consider their standard operating protocol to deal with requests for information from law enforcement. In this unrelated proceeding, MHA reiterated its assertion that the Censorship Portal is valid and that Section 79(3)(b) authorizes the government to issue information blocking orders.
15.	31.01.2025	The Government of Punjab authorized countless unnamed police officers to issue information blocking orders under Section



		79(3)(b), without following the Section 69A process (Annexure L).
16.	12.02.2025	Respondent No. 6, Ministry of Railways issued information blocking orders to X and other intermediaries, including on 12.02.2025 and 21.02.2025, pursuant to its impugned notification dated 24.10.2024, without following the Section 69A process, and in violation of the Hon'ble Supreme Court's decision in <i>Shreya Singhal</i> (Annexures S, T, U).
17.	14.02.2025	X Corp. notified the government that it will file the Writ Petition challenging its <i>ultra vires</i> actions (Annexure R).
18.	05.03.2025	X Corp. filed this Writ Petition seeking <i>inter alia</i> a declaration that Section 79(3)(b) of the IT Act does not authorize the government to issue information blocking orders in violation of Section 69A, the Blocking Rules, and the Hon'ble Supreme Court's decision in <i>Shreya Singhal</i> .



SYNOPSIS

1. Petitioner X Corp. (**X**) files this Writ Petition under Article 226 of the Constitution to challenge Respondents' circumvention of Section 69A of the Information Technology Act, 2000 (**IT Act**) and the protections recognized by the Hon'ble Supreme Court in *Shreya Singhal v. Union of India*, (2015) 5 SCC 1 (**Shreya Singhal**).
2. X seeks a declaration that Section 79(3)(b) of the IT Act does not authorize the government to issue information blocking orders. That power is governed by Section 69A of the IT Act read with the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 (**Blocking Rules**), the sole statutory provision for information blocking as held in *Shreya Singhal*.
3. In *Shreya Singhal*, the Hon'ble Supreme Court upheld Section 69A as an information blocking power only because it is "a narrowly drawn provision with several safeguards", the government must comply with the safeguards under the Blocking Rules, and blocking can be ordered only in limited circumstances and only under six of the narrow grounds specified in Article 19(2) of the Constitution (para 112, 114-115, 121). The Hon'ble Supreme Court also held that Section 79 is an exemption provision (para 117, 121).
4. Despite the Hon'ble Supreme Court's decision in *Shreya Singhal*, Respondents have impermissibly relied on Section



79(3)(b) to circumvent Section 69A, the Blocking Rules, and the law laid down by the Supreme Court in *Shreya Singhal*.

5. Respondent No. 2 (**MeitY**) is the ministry that is most familiar with Section 69A and the Hon'ble Supreme Court's ruling in *Shreya Singhal*. Yet it has taken steps that will eviscerate Section 69A from the IT Act.
6. MeitY has directed all central ministries (including Respondent Nos. 3 to 6), all State governments, all States' deputy generals of police, and effectively tens of thousands of local police officers, that they are authorized to issue information blocking orders under Section 79(3)(b), outside the Section 69A process. MeitY also provided all central and state government agencies a "Template Blocking Order" to use to issue these unlawful information blocking orders. These *ultra vires* actions circumvent Section 69A and violate the Hon'ble Supreme Court's decision in *Shreya Singhal*.
7. As a result of MeitY's directive, the Ministry of Home Affairs (Respondent No. 3), the Ministry of Finance (Respondent No. 4), the Ministry of Defence (Respondent No. 5), the Ministry of Railways (Respondent No. 6), and countless State government agencies have issued "notifications" purporting to empower their officers to issue information blocking orders under Section 79(3)(b), in circumvention of the Section 69A process (**impugned notifications**).



8. On MeitY's instructions, the Ministry of Home Affairs (**MHA**) has also created an online **Censorship Portal** where central and state agencies and local police officers can issue these unlawful Section 79(3)(b) information blocking orders, outside the Section 69A process. The Censorship Portal creates an impermissible parallel mechanism to Section 69A, but without the procedures or safeguards of Section 69A, in violation of the Constitution, IT Act, Blocking Rules, and the Hon'ble Supreme Court's ruling in *Shreya Singhal*.
9. Section 79 merely exempts intermediaries from liability for third-party content; it does not empower the government to issue information blocking orders in violation of Section 69A. A full 23 years after Section 79 was enacted, and 14 years after the current version went into effect, Respondents are now attempting to misuse Section 79 to create an unlawful blocking regime without any of the protections that exist under Section 69A, the Blocking Rules, and the law laid down by the Supreme Court in *Shreya Singhal*. Construing Section 79(3)(b) as empowering the government to issue information blocking orders in violation of Section 69A and the Blocking Rules would render Section 69A and the Supreme Court's decision in *Shreya Singhal* otiose, ineffective and meaningless.
10. X's main grounds are:
 - a) The plain reading of Section 79(3)(b) does not confer power to issue information blocking orders under the IT Act.

Shreya

- b) Reading Section 79(3)(b) as empowering the government to issue information blocking orders eviscerates Section 69A from the IT Act, and renders Section 69A and the Supreme Court's decision in *Shreya Singhal* otiose, ineffective and meaningless.
- c) The Hon'ble Supreme Court in *Shreya Singhal*, at paragraph 121, recognized that Section 79 is an exemption provision which exempts intermediaries from liability for third-party content. Section 79(3)(b) does not allow the government to circumvent Section 69A.
- d) Respondents' interpretation cannot withstand logic because it would mean that MeitY has the power to issue information blocking orders under Section 79(3)(b), and does not have to follow the Section 69A process.
- e) Respondents' interpretation of Section 79(3)(b) violates Article 14 of the Constitution because the same information may be blocked under Section 69A and Section 79(3)(b), one with safeguards and the other without.
- f) Alternatively, Respondents' interpretation is illogical because it means the government must comply with the safeguards of Section 69A and Blocking Rules to block information affecting the "sovereignty and integrity of India, defence of India, security of the State" — but it can block any "unlawful" information under any law in force pursuant to Section 79(3)(b) without any safeguards whatsoever.

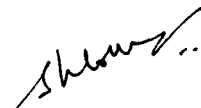
Shreya Singhal

- g) Respondents' incorrect interpretation would render Section 79(3)(b) unconstitutional under the law laid down in *Shreya Singhal*. The Hon'ble Supreme Court upheld Section 69A as an information blocking power only because it is "a narrowly drawn provision with several safeguards", the government must comply with the requirements and safeguards of the Blocking Rules, and blocking can be ordered only in limited circumstances and only under six of the narrow grounds specified in Article 19(2) of the Constitution. Section 79(3)(b) does not contain any of those safeguards or requirements.
- h) The impugned notifications violate the law declared in *Shreya Singhal* and therefore Article 141 of the Constitution.
- i) The Censorship Portal is in contravention of law because it creates an impermissible parallel mechanism to Section 69A, but without the procedures and safeguards of Section 69A, in violation of the Constitution, IT Act, and Blocking Rules.
- j) Respondents' actions are colourable because, through the impugned notifications and Censorship Portal, Respondents are attempting to bypass the multiple procedural safeguards in the Blocking Rules and the specified grounds of Section 69A. This violates the law laid down by the Hon'ble Supreme Court in *Shreya Singhal*.
- k) MeitY seeks to do indirectly through other agencies what it cannot do directly under Section 69A, which is a colourable exercise of power. MeitY has ultimate authority and ability to



use other agencies as proxies to issue information blocking orders that MeitY itself cannot issue under Section 69A.

- l) MeitY's actions are also colourable exercises of power because MeitY has attempted to delegate power to central and state agencies, and countless local police officers, that MeitY itself does not have under the IT Act — i.e., the power to issue information blocking orders under Section 79(3)(b), in violation of Section 69A, the Blocking Rules, and the Supreme Court's decision in *Shreya Singhal*.
- m) **Respondents already have lawful avenues to block information:** All central ministries and state agencies, including local police officers, can seek information blocking under Section 69A and Blocking Rules, which allow for emergency blocking. Any government agency can use the Section 69A process by sending a request to the Designated Officer under Section 69A. Under Rules 4 to 6 of the Blocking Rules, central and state agencies have nodal officers who send blocking requests to the Designated Officer. Any person can approach a nodal officer, who forwards the request for blocking to the Designated Officer. MeitY even publishes on its website a full list of the nodal officers of central ministries and State governments under the Blocking Rules.
- n) Respondents' *ultra vires* actions and the impugned notifications aggrieve X because X's entire business model rests on people sharing lawful information with one another. The X platform derives value and revenue from its user base and the lawful



content they generate. Thus, unlawful or unjustified information blocking orders cause harm to X and its ability to operate. Respondents' *ultra vires* actions of issuing information blocking orders, without following due process of law, aggrieve X by violating X's Article 14 rights and detrimentally impacting its business.

11. Pending final adjudication of this Writ Petition, X requests interim relief to restrain Respondents from taking any coercive or prejudicial action against X in relation to information blocking orders not issued in accordance with Section 69A and the Blocking Rules. X also requests interim relief to restrain Respondents from taking action against X for not joining the Censorship Portal, pending final adjudication of this Writ Petition.
12. X has a *prima facie* case that Respondents' actions and the impugned notifications are unconstitutional and violate the IT Act, Blocking Rules, and the Hon'ble Supreme Court's decision in *Shreya Singhal*. Failure to grant the interim prayer will expose X to *harsh, arbitrary, and excessive* consequences because X would have to comply with illegal blocking orders. No prejudice will be caused to Respondents if the interim prayer is allowed because Respondents have an effective legal mechanism to issue information blocking orders, i.e. the Section 69A process. Grant of the interim order is also in the public interest because the public interest is best served by following the Hon'ble Supreme Court's decision in *Shreya Singhal* and the mandatory safeguards of the Blocking Rules.

Shreya

13. Hence this Writ Petition seeking:

- a) A declaration that Section 79(3)(b) does not authorize Respondents to issue information blocking orders, which are governed by Section 69A;
- b) Quashing of the impugned notifications and restraining Respondents from taking prejudicial action against X related to the illegal blocking orders and Censorship Portal.


Advocate for Petitioner

Place: Bengaluru

Date: 05.03.2025

**IN THE HON'BLE HIGH COURT OF KARNATAKA
AT BENGALURU**

(Original Jurisdiction)

Writ Petition No. _____/2025 (GM)

BETWEEN:

X Corp.

A company incorporated
under the laws of the
United States of America

Having its headquarters at:
865 FM 1209, Building 2,
Bastrop, Texas - 78602, USA

Having its physical contact address in India at:
8th Floor, The Estate,
121 Dickenson Road,
Bengaluru - 560 042

Represented by its
Authorized Signatory,
Mr. Zaur Gajiev, of legal age

...PETITIONER

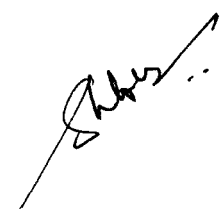
AND:

1. Union of India

Represented by Secretary, Ministry of Law and Justice
4th Floor, A-Wing, Shastri Bhawan
New Delhi - 110001.

2. Ministry of Electronics and Information Technology

Represented by its Secretary
Electronics Niketan,
6, CGO Complex, Lodhi Road
New Delhi - 110003.



3. **Ministry of Home Affairs**
Represented by its Secretary,
North Block, New Delhi - 110001.
4. **Ministry of Finance** (Department of Revenue)
Represented by its Secretary,
North Block, New Delhi - 110001.
5. **Ministry of Defence**
Represented by its Secretary,
Room No 305 - 'B' Wing,
Sena Bhawan, New Delhi - 110011.
6. **Ministry of Railways**
Represented by its Secretary,
256-A, Raisina Road, Rajpath Area,
Central Secretariat, New Delhi - 110001.

...RESPONDENTS

**MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA, 1950**

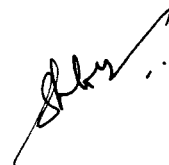
Petitioner X Corp. (X) humbly submits as follows:

1. X's address for service is that of its counsel M/s. Poovayya & Co., Advocates and Solicitors, Manu Kulkarni, Shloka Narayanan, Harleen Kaur Rait, Level Four, The Estate, 121, Dickenson Road, Bengaluru - 560042. Respondents' addresses for service are as stated in the cause title.
2. X files this Writ Petition under Article 226 of the Constitution of India to challenge Respondents' circumvention of Section 69A of the Information Technology Act, 2000 (**IT Act**) and the protections recognized by the Hon'ble Supreme Court in *Shreya Singhal v. Union of India*, (2015) 5 SCC 1 (**Shreya**



Singhal). A copy of the Hon'ble Supreme Court's decision in *Shreya Singhal* is annexed as **Annexure A**.

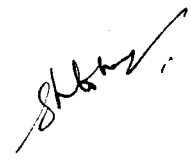
3. X seeks a declaration that Section 79(3)(b) of the IT Act does not authorize central and state government agencies to issue information blocking orders. That power is governed by Section 69A of the IT Act read with the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 (**Blocking Rules**), as held in *Shreya Singhal*.
4. Respondent No. 2, Ministry of Electronics and Information Technology (**MeitY**) is the Ministry that is most familiar with Section 69A and the Hon'ble Supreme Court's ruling in *Shreya Singhal*. Yet it has taken steps that will eviscerate Section 69A from the IT Act.
5. MeitY has directed all central ministries (including Respondent Nos. 3 to 6), all State governments, all States' deputy generals of police, and effectively tens of thousands of local police officers, that they are authorized to issue information blocking orders under Section 79(3)(b), outside the Section 69A process. MeitY has also provided all central and state government agencies a "Template Blocking Order" to use to issue these unlawful information blocking orders to intermediaries. These *ultra vires* actions circumvent Section 69A and violate the Hon'ble Supreme Court's decision in *Shreya Singhal*.



6. As a result of MeitY's directions, the Ministry of Home Affairs (Respondent No. 3), the Ministry of Finance (Respondent No. 4), the Ministry of Defence (Respondent No. 5), the Ministry of Railways (Respondent No. 6), and countless State government agencies have issued "notifications" purporting to empower their officers to issue information blocking orders under Section 79(3)(b), in circumvention of the Section 69A process (**impugned notifications**).
7. Pursuant to the impugned notifications, Respondents and state government agencies have issued numerous information blocking orders to X in violation of Section 69A as interpreted by the Hon'ble Supreme Court in *Shreya Singhal*, and the Blocking Rules.
8. As the Hon'ble Supreme Court held in *Shreya Singhal*, Section 79 is merely an exemption provision. It provides a safe-harbour exemption to intermediaries from liability for third-party information. Section 79(3)(b) merely sets out an instance where an intermediary would not be entitled to the safe-harbour exemption. Section 79(3)(b) is not a source of power for the government to issue information blocking orders without any of the requirements and safeguards of Section 69A as interpreted in *Shreya Singhal*, and the Blocking Rules. Respondents' contrary reading would render Section 69A and the Supreme Court's decision in *Shreya Singhal* meaningless and ineffective.

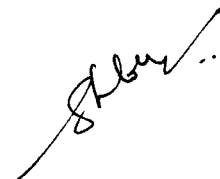
A handwritten signature in black ink, appearing to be 'Shreya', with a long, sweeping underline that extends to the right and slightly upwards.

9. Respondents' interpretation also cannot withstand logic because it would mean that MeitY has the power to issue information blocking orders under Section 79(3)(b), and does not have to follow the Section 69A process.
10. In *Shreya Singhal*, the Hon'ble Supreme Court upheld Section 69A as an information blocking power only because it is "a narrowly drawn provision with several safeguards", the government must comply with the requirements and safeguards of the Blocking Rules, and blocking can be ordered only in limited circumstances and under six of the narrow grounds specified in Article 19(2) of the Constitution (para 112, 114-115, 121).
11. These safeguards and requirements do not exist in Section 79(3)(b), unlike Section 69A. Instead, Section 79(3)(b) refers broadly to an "unlawful act" and contains no procedures for exercising the power to block information. Thus, Section 79(3)(b) cannot confer power to issue information blocking orders. If read as an empowering provision, Section 79(3)(b) would not survive the test of constitutionality and narrow tailoring set out in *Shreya Singhal*.
12. On MeitY's instructions, Respondent No. 3 (**MHA**) has also created an online **Censorship Portal** where central and state agencies and local police officers can issue Section 79(3)(b) information blocking orders to X, outside the

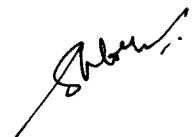


Section 69A process. The Censorship Portal creates an impermissible parallel mechanism to Section 69A, but without the procedures or safeguards of Section 69A, in violation of the Constitution, IT Act, Blocking Rules, and the Hon'ble Supreme Court's ruling in *Shreya Singhal*.

13. The MHA also demands that X appoint a "nodal officer" to ensure compliance with the unlawful information blocking orders that will be issued through the Censorship Portal under Section 79(3)(b). This, too, is impermissible. X has already complied with the IT Act by appointing officers under Rule 4 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (**IT Rules**). There is no statutory backing to direct the appointment of another officer under the IT Act.
14. Neither Section 79, nor any other law, authorizes the MHA to create the Censorship Portal, requires X to join it, or requires X to appoint another officer outside of the requirements of the IT Act.
15. Respondents' unlawful actions and the Censorship Portal will result in significant and unrestrained censorship of information in India. Consequently, X files this Writ Petition under Article 226 of the Constitution.
16. X's main grounds are summarized below:



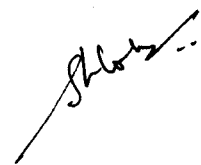
- a. The plain reading of Section 79(3)(b) does not confer power to issue information blocking orders under the IT Act.
 - i. The Hon'ble Supreme Court in *Shreya Singhal*, at para 121, recognized that Section 79 is an exemption provision which exempts intermediaries from liability for third-party content.
 - ii. Parliament enacted Section 79 in 2000 as an exemption provision. In 2009, Parliament added Section 69A and expanded Section 79's exemption provision. A full 23 years after Section 79 was enacted, and 14 years after the current version went into effect, Respondents are now attempting to misuse Section 79 to create an unlawful blocking mechanism without the safeguards of Section 69A as interpreted in *Shreya Singhal*.
 - iii. Section 79 merely exempts intermediaries from liability for third-party content; it does not empower the government to issue information blocking orders in violation of Section 69A.
- b. Reading Section 79(3)(b) as empowering the government to issue information blocking orders in violation of Section 69A and the Blocking Rules would render Section 69A and the Supreme Court's decision in *Shreya Singhal* otiose, ineffective and meaningless.



- c. Respondents' interpretation eviscerates Section 69A from the IT Act. It would mean that MeitY has the power to issue information blocking orders under Section 79(3)(b), and does not have to follow the Section 69A process.
- d. Respondents' interpretation violates Article 14 of the Constitution and will be manifestly arbitrary because the same information may be blocked under Section 69A and Section 79(3)(b), one with safeguards and the other without. While the requirements of Section 69A and Blocking Rules must necessarily be met to order information blocking under Section 69A, Respondents can issue a blocking order for the same information under Section 79(3)(b), without complying with any of the safeguards that exist under Section 69A and Blocking Rules.
- e. Alternatively, Respondents' interpretation is illogical because it means the government must comply with the safeguards of Section 69A and Blocking Rules to block information affecting the "sovereignty and integrity of India, defence of India, security of the State" — but it can block any "unlawful" information under any law in force pursuant to Section 79(3)(b) without any safeguards whatsoever.

Shor

- f. Respondents' incorrect interpretation would render Section 79(3)(b) unconstitutional under the law laid down in *Shreya Singhal*. The Hon'ble Supreme Court upheld Section 69A as an information blocking power only because it is "a narrowly drawn provision with several safeguards", the government must comply with the requirements and safeguards of the Blocking Rules, and blocking can be ordered only in limited circumstances and under six of the narrow grounds specified in Article 19(2) of the Constitution. Section 79(3)(b) does not contain any of those safeguards or requirements.
- g. The impugned notifications violate the law declared in *Shreya Singhal* and therefore Article 141 of the Constitution.
- i. The impugned notifications violate Section 69A, the Blocking Rules, and Article 14 of the Constitution by attempting to create a blocking mechanism that circumvents Section 69A.
- ii. The impugned notifications are colourable exercises of power because they seek to empower the Respondents with the same power exercised by MeitY, except without any safeguards, and without the constitutional requirements set out in *Shreya Singhal*.



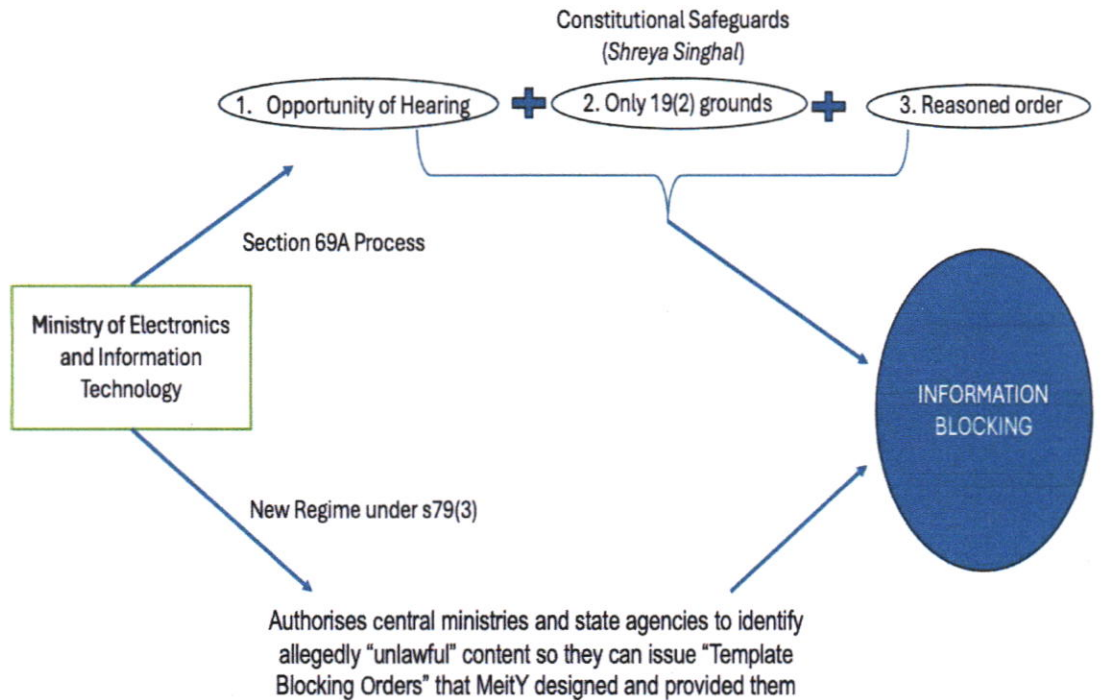
- iii. The impugned notifications violate Separation of Powers because they encroach on a judicial function by allowing Respondents to arbitrarily decide what constitutes an "unlawful" act without due process of law.
- h. Similarly, the Censorship Portal is in contravention of law because it creates an impermissible parallel mechanism to Section 69A, but without the procedures and safeguards of Section 69A, in violation of the Constitution, IT Act, and Blocking Rules.
- i. Respondents' actions are colourable because through the impugned notifications and Censorship Portal, Respondents are attempting to bypass the multiple procedural safeguards in the Blocking Rules and the specified grounds of Section 69A, which are coextensive with six of the specified grounds in Article 19(2) of the Constitution. This violates the law laid down by the Hon'ble Supreme Court in *Shreya Singhal. (K.C. Gajapati Narayan Deo v. State of Orissa, (1953) 2 SCC 178, para 16 and 21)*
- j. MeitY's actions are colourable exercises of power because MeitY has attempted to delegate power to central and state agencies and local police officers, that MeitY itself does not have under the IT Act — i.e., the power to issue information blocking orders under



Section 79(3)(b) in violation of Section 69A, the Blocking Rules, and the Supreme Court's decision in *Shreya Singhal*.

- k. MeitY seeks to do indirectly through other agencies, what it cannot do directly under Section 69A. In *State of Punjab v. Gurdial Singh*, (1980) 2 SCC 471, para 9, the Hon'ble Supreme Court held that when power is exercised to attain ends beyond its sanctioned purposes by simulation or pretension of gaining a legitimate goal, it is a colourable exercise of power. One of the Ministry of Railways' unlawful blocking orders is copied to MeitY, which shows coordination among the two ministries and further demonstrates that MeitY is attempting to circumvent Section 69A through other agencies by using the impugned notifications.
- l. MeitY would have ultimate authority and ability to use other agencies as proxies to issue information blocking orders that MeitY itself cannot issue under Section 69A, as illustrated below. A copy of the diagram is also annexed as **Annexure B**.





m. The impugned notifications also violate Article 77(3) of the Constitution, and the Government of India (Allocation of Business) Rules, 1961 - specifically Rule 2, Rule 3(1) and the Second Schedule.

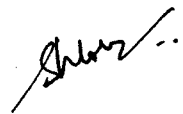
n. Without prejudice, Respondents' *ultra vires* actions and the Censorship Portal are a colourable exercise of power and violate Articles 162 and 246 and the Seventh Schedule of the Constitution.

17. **Respondents already have lawful avenues to block information:** All central ministries and state agencies can seek information blocking under Section 69A and Blocking Rules, which provide for emergency blocking. Any central

Shreya Singhal

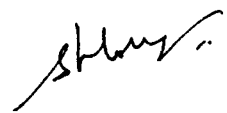
or state government agency can use the Section 69A process by sending a request to the Designated Officer under Section 69A. Under Rules 4 to 6 of the Blocking Rules, central ministries and state governments have nodal officers who send blocking requests to the Designated Officer. Any person can approach a nodal officer to forward the blocking request to the Designated Officer. For this purpose, MeitY already publishes on its website a list of the nodal officers of Central Ministries and State governments under the Blocking Rules. It is open to Respondents to use the existing and effective Section 69A process.

18. Respondents' *ultra vires* actions and the impugned notifications aggrieve X because X's entire business model rests on people sharing lawful information with one another. The X platform derives value and revenue from its user base and the lawful content they generate. Unlawful or unjustified blocking orders cause harm to the X platform and its ability to operate. The issuance of information blocking orders without following due process of law, and in violation of the IT Act and the Constitution, aggrieves X, violates X's Article 14 rights, and detrimentally impacts its business.
19. Respondents' actions also violate X's rights under Articles 21 and 301 of the Constitution, including its right to conduct business and trade without unreasonable interference or arbitrary restriction (*K.S. Puttaswamy*



(Privacy-9J.) v. Union of India, (2017) 10 SCC 1, para 363: "As it is now clearly held by this Court that the rights guaranteed under Articles 14 and 21 are not confined only to citizens but available even to non-citizens, aliens or incorporated bodies even if they are [not] incorporated in India, etc."; State of Punjab v. Devans Modern Breweries Ltd., (2004) 11 SCC 26, para 277: Article 301 applies to both citizens and non-citizens).


20. **Interim Relief:** Pending final adjudication of this Writ Petition, X requests interim relief to restrain Respondents from taking any coercive or prejudicial action against X in relation to information blocking orders not issued in accordance with Section 69A and the Blocking Rules. X also requests interim relief to restrain Respondents from taking action against X for not joining the Censorship Portal, pending final adjudication of this Writ Petition.
21. X has a *prima facie* case that Respondents' actions and the impugned notifications are unconstitutional and violate the IT Act, Blocking Rules, and the Hon'ble Supreme Court's decision in *Shreya Singhal*. Failure to grant the interim prayer will expose X to *harsh, arbitrary, and excessive* consequences because X would have to comply with illegal blocking orders. No prejudice will be caused to Respondents if the interim prayer is allowed because Respondents have an effective legal mechanism to issue information blocking orders, i.e. the Section 69A



process. Granting the interim orders is also in the public interest because the public interest is best served by following the Hon'ble Supreme Court's decision in *Shreya Singhal* and the mandatory safeguards of the Blocking Rules.

PARTIES

22. Petitioner is a company incorporated in the United States of America. It operates a platform called "X" for users in India and is an "intermediary" under Section 2(1)(w) of the IT Act.
23. Respondents are the "State" within the meaning of Article 12 of the Constitution, and are therefore amenable to the writ jurisdiction of this Hon'ble High Court.
24. Respondent No. 1 is the Union of India through the Ministry of Law and Justice.
25. Respondent No. 2 is the Ministry of Electronics and Information Technology (**MeitY**).
26. Respondent No. 3 is the Ministry of Home Affairs (**MHA**).
27. Respondent No. 4 is the Ministry of Finance.
28. Respondent No. 5 is the Ministry of Defense.
29. Respondent No. 6 is the Ministry of Railways.



FACTS**A. The IT Act, Section 69A and Section 79**

30. In 2000, the Parliament enacted the IT Act, which included Section 79's exemption provision that provided a safe harbour from liability for third-party content to "network service providers."
31. The prior version of Section 79 did not empower the government to issue information blocking orders, nor did the government interpret it as such. This is clear from the then heading of Chapter XII - "Network Service Providers not to be liable in certain cases", and the marginal note to Section 79 - "Network Service Providers not to be liable in certain cases".
32. In 2009, the Parliament passed the Information Technology (Amendment) Act, 2008, which: (i) added Section 69A to the IT Act, and (ii) amended Section 79 to its current version to expand the safe-harbour exemption from liability.
33. The current version of Section 79 also does not empower the government to issue information blocking orders. That power is vested in Section 69A. This is clear from the heading of Chapter XII - "Intermediaries not to be liable in certain cases", and the marginal note to Section 79 - "Exemption from liability of intermediary in certain cases".



34. Section 69A is extracted below:

"69A. Power to issue directions for blocking for public access of any information through any computer resource.—(1) Where the Central Government or any of its officers specially authorised by it in this behalf is satisfied that it is necessary or expedient so to do, in the interest of sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above, it may subject to the provisions of sub-section (2), for reasons to be recorded in writing, by order, direct any agency of the Government or intermediary to block for access by the public or cause to be blocked for access by the public any information generated, transmitted, received, stored or hosted in any computer resource.

(2) The procedure and safeguards subject to which such blocking for access by the public may be carried out, shall be such as may be prescribed.

(3) The intermediary who fails to comply with the direction issued under sub-section (1) shall be punished with an imprisonment for a term which may extend to seven years and also be liable to fine."

35. In 2009, the Blocking Rules were issued pursuant to Section 69A(2).

36. Section 69A is the sole mechanism for the government to issue information blocking orders. Under Section 69A, a "Designated Officer" of the Central Government can direct



an intermediary to block information under specified circumstances, after complying with the procedures and safeguards prescribed in the Blocking Rules. The Designated Officer must be a high-ranking official of the Central Government, i.e., not below the rank of Joint Secretary.

37. In 2015, the Hon'ble Supreme Court in *Shreya Singhal* upheld the constitutional validity of Section 69A because Section 69A and the Blocking Rules prescribe necessary safeguards for the exercise of the information blocking power. These safeguards include an obligation to record reasons in writing [per Section 69A(1)]; pre-decisional hearings wherein the intermediary and aggrieved user participate (Rule 8); and post-decisional reviews of information blocking directions (Rule 14).
38. In addition, the Hon'ble Supreme Court upheld Section 69A because it related to six of the specified grounds in Article 19(2) of the Constitution, and therefore did not unreasonably restrict the freedom of speech and expression guaranteed in Article 19(1)(a). The Hon'ble Supreme Court also held that Section 79 is only an exemption provision.
39. The relevant paragraphs of *Shreya Singhal* are:

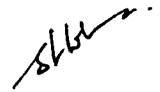
"**112.** Section 69-A of the Information Technology Act has already been set out in para 2 of the



judgment. Under sub-section (2) thereof, the 2009 [Blocking] Rules have been framed. Under Rule 3, the Central Government shall designate by notification in the Official Gazette an officer of the Central Government not below the rank of a Joint Secretary as the Designated Officer for the purpose of issuing direction for blocking for access by the public any information referable to Section 69-A of the Act. Under Rule 4, every organisation as defined under Rule 2(g) (which refers to the Government of India, State Governments, Union Territories and agencies of the Central Government as may be notified in the Official Gazette by the Central Government)—is to designate one of its officers as the "Nodal Officer". Under Rule 6, any person may send their complaint to the "Nodal Officer" of the organisation concerned for blocking, which complaint will then have to be examined by the organisation concerned regard being had to the parameters laid down in Section 69-A(1) and after being so satisfied, shall transmit such complaint through its Nodal Officer to the Designated Officer in a format specified by the Rules. The Designated Officer is not to entertain any complaint or request for blocking directly from any person. Under Rule 5, the Designated Officer may on receiving any such request or complaint from the Nodal Officer of an organisation or from a competent court, by order direct any intermediary or agency of the Government to block any information or part thereof for the reasons specified in Section 69-A(1). Under Rule 7 thereof, the request/complaint shall then be examined by a Committee of Government Personnel who under Rule 8 are first to make all reasonable

Shobhan

efforts to identify the originator or intermediary who has hosted the information. If so identified, a notice shall issue to appear and submit their reply at a specified date and time which shall not be less than 48 hours from the date and time of receipt of notice by such person or intermediary. The Committee then examines the request and is to consider whether the request is covered by Section 69-A(1) and is then to give a specific recommendation in writing to the Nodal Officer of the organisation concerned. It is only thereafter that the Designated Officer is to submit the Committee's recommendation to the Secretary, Department of Information Technology who is to approve such requests or complaints. Upon such approval, the Designated Officer shall then direct any agency of Government or intermediary to block the offending information. Rule 9 provides for blocking of information in cases of emergency where delay caused would be fatal in which case the blocking may take place without any opportunity of hearing. The Designated Officer shall then, not later than 48 hours of the issue of the interim direction, bring the request before the Committee referred to earlier, and only on the recommendation of the Committee, is the Secretary Department of Information Technology to pass the final order. Under Rule 10, in the case of an order of a competent court in India, the Designated Officer shall, on receipt of a certified copy of a court order, submit it to the Secretary, Department of Information Technology and then initiate action as directed by the Court. In addition to the above safeguards, under Rule 14 a Review Committee shall meet at least once in two months and record its findings as to whether directions issued are in



accordance with Section 69-A(1) and if it is of the contrary opinion, the Review Committee may set aside such directions and issue orders to unblock the said information. Under Rule 16, strict confidentiality shall be maintained regarding all the requests and complaints received and actions taken thereof.

...

114. It will be noticed that Section 69-A unlike Section 66-A is a narrowly drawn provision with several safeguards. First and foremost, blocking can only be resorted to where the Central Government is satisfied that it is necessary so to do. Secondly, such necessity is relatable only to some of the subjects set out in Article 19(2). Thirdly, reasons have to be recorded in writing in such blocking order so that they may be assailed in a writ petition under Article 226 of the Constitution.

115. The [Blocking] Rules further provide for a hearing before the Committee set up—which Committee then looks into whether or not it is necessary to block such information. It is only when the Committee finds that there is such a necessity that a blocking order is made. It is also clear from an examination of Rule 8 that it is not merely the intermediary who may be heard. If the "person" i.e. the originator is identified he is also to be heard before a blocking order is passed. Above all, it is only after these procedural safeguards are met that blocking orders are made and in case there is a certified copy of a court order, only then can such blocking order also be made. It is only an intermediary who finally fails to comply with the directions issued who is punishable under sub-section



(3) of Section 69-A.

121. It must first be appreciated that **Section 79 is an exemption provision.** Being an **exemption provision**, it is closely related to provisions which provide for offences including Section 69-A. We have seen how under Section 69-A blocking can take place only by a reasoned order after complying with several procedural safeguards including a hearing to the originator and intermediary. We have also seen how **there are only two ways** in which a blocking order can be passed—one by the Designated Officer after complying with the 2009 Rules and the other by the Designated Officer when he has to follow an order passed by a competent court. The intermediary applying its own mind to whether information should or should not be blocked is noticeably absent in Section 69-A read with the 2009 Rules.”

[Emphasis supplied]

40. For completeness, the Ministry of Information and Broadcasting may also issue information blocking orders **only under Section 69A process**, by following the safeguards and procedures in Rules 13 to 17 of the IT Rules, which are similar to the safeguards and procedures in the Blocking Rules.
41. Thus, Section 69A comprises the sole statutory mechanism to issue information blocking orders under the IT Act.
42. By contrast, Section 79 reads as follows:



"CHAPTER XII
INTERMEDIARIES NOT TO BE LIABLE IN CERTAIN
CASES

79. Exemption from liability of intermediary in certain cases.—

(1) Notwithstanding anything contained in any law for the time being in force but subject to the provisions of sub-sections (2) and (3), an intermediary shall not be liable for any third party information, data, or communication link made available or hosted by him.

(2) The provisions of sub-section (1) shall apply if—

(a) the function of the intermediary is limited to providing access to a communication system over which information made available by third parties is transmitted or temporarily stored or hosted; or

(b) the intermediary does not—

(i) initiate the transmission,

(ii) select the receiver of the transmission, and

(iii) select or modify the information contained in the transmission;

(c) the intermediary observes due diligence while discharging his duties under this Act and also observes such other guidelines as the Central Government may prescribe in this behalf.

(3) The provisions of sub-section (1) shall not apply if—

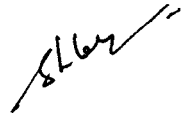


(a) the intermediary has conspired or abetted or aided or induced, whether by threats or promise or otherwise in the commission of the unlawful act;

(b) upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

Explanation.—For the purposes of this section, the expression “third party information” means any information dealt with by an intermediary in his capacity as an intermediary.”

43. The words “appropriate Government or its agency” refer to an information blocking order issued under the Section 69A process, because in *Shreya Singhal* the Hon’ble Supreme Court held at para 121 that Section 79, as an exemption provision, “is closely related to provisions which provide for offences including Section 69-A.”
44. Thus, Section 79 exempts intermediaries from liability for third-party content if they satisfy the conditions therein. Section 79 does not confer any affirmative power to issue information blocking orders. That power is governed by Section 69A.



45. Even prior to the 2009 amendments, Section 79 was an exemption provision, which is clear from its language, which similarly stated:

"Chapter XII

Network service providers not to be liable in certain cases

79. Network service providers not to be liable in certain cases.—For the removal of doubts, it is hereby declared that no person providing any service as a network service provider shall be liable under this Act, rules or regulations made thereunder for any third party information or data made available by him if he proves that the offence or contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.

Explanation.—For the purpose of this section,

(a) "network service provider" means an intermediary;

(b) "third party information" means any information dealt with by a network service provider in his capacity as an intermediary."

46. Thus, Section 79 is an exemption provision. Section 79 does not empower the government to issue information blocking orders in violation of Section 69A.

Shlo

B. Respondents' interpretation of Section 79 in a manner contrary to *Shreya Singhal* violates Article 141 of the Constitution.

47. In *Shreya Singhal*, the Hon'ble Supreme Court read down Section 79, and expressly held that it is an exemption provision:

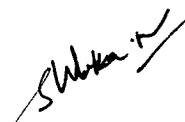
"117. Section 79 belongs to Chapter XII of the Act **in which intermediaries are exempt from liability** if they fulfil the conditions of the section.

...

121. It must first be appreciated that **Section 79 is an exemption provision**. Being an **exemption provision**, it is closely related to provisions which provide for offences including Section 69-A. We have seen how under Section 69-A blocking can take place only by a reasoned order after complying with several procedural safeguards including a hearing to the originator and intermediary. We have also seen how **there are only two ways in which a blocking order can be passed**—one by the Designated Officer after complying with the 2009 Rules and the other by the Designated Officer when he has to follow an order passed by a competent court. The intermediary applying its own mind to whether information should or should not be blocked is noticeably absent in Section 69-A read with the 2009 Rules."

[Emphasis supplied]

48. The law laid down by the Hon'ble Supreme Court is the law of the land (*Kalyani Packaging Industry v. Union of India*,



(2004) 6 SCC 719, para 6). Because the Hon'ble Supreme Court has interpreted Section 79 as an exemption provision, it is not open for the Respondents to assign a different meaning to Section 79.

49. Respondents's attempt to do so violates Article 141 of the Constitution (*CCE v. Ratan Melting & Wire Industries*, (2008) 13 SCC 1, paras 7-8).
50. Tthe Hon'ble Supreme Court has held that even a legislature has no power "to ask the instrumentalities of the State to disobey or disregard the decisions given by courts." (*Municipal Corpn. of City of Ahmedabad v. New Shrock Spg. and Wvg. Co.*, (1970) 2 SCC 280, para 7).
51. Thus, the impugned notifications should be quashed for violating Article 141 of the Constitution and the law declared in *Shreya Singhal*.

C. Respondents impermissibly rely on Section 79(3)(b) as an information blocking power.

52. Despite the Hon'ble Supreme Court's decision in *Shreya Singhal*, Respondents have impermissibly relied on Section 79(3)(b) to circumvent Section 69A.
53. MeitY is the Ministry that is most familiar with Section 69A and the Hon'ble Supreme Court's ruling in *Shreya Singhal*. Yet it has taken steps that will eviscerate Section 69A from the IT Act.



54. Recently, X was informed by the MHA that MeitY has actively directed all central and state government agencies to issue information blocking orders under Section 79(3)(b).
55. MHA provided a copy of MeitY's Office Memorandum No. 1(4)/2020-CLES-1, dated 31.10.2023, that MeitY sent to all Central Ministries and Departments, and all States and Union Territories. A copy of this document is annexed as **Annexure C (MeitY Memorandum)**.
56. The MeitY Memorandum incorrectly states that Section 79(3)(b) empowers "all Central Ministries / Departments" and "all States / Union Territories" to issue information blocking orders.
57. The MeitY Memorandum requests all Central Ministries and State governments to designate agencies to issue information blocking orders under Section 79(3)(b) and to "confirm the same to MeitY for overall co-ordination."
58. The MeitY Memorandum attaches a **Template Blocking Order** titled "[MODEL FORMAT FOR TAKEDOWN NOTICE TO INTERMEDIARIES]." MeitY designed this template and instructed all Central and State agencies to use it to send information blocking orders for any "unlawful information."

A handwritten signature in black ink, appearing to read 'Sharma', is located in the bottom right corner of the page.

D. Countless government agencies have designated their officials to issue information blocking orders under Section 79(3)(b).

59. After MeitY's Memorandum, countless central and state agencies issued "notifications" designating entire departments and scores of officials to issue information blocking orders under Section 79(3)(b).

a. On 13.03.2024, the **MHA** authorized the Indian Cyber Crime Coordination Centre "to be the agency of the Ministry of Home Affairs to perform the functions under [Section 79(3)(b) of the IT Act]" and to issue information blocking orders for any "unlawful" act, without following the Section 69A process. A copy of this notification is annexed as **Annexure D**.

b. On 24.10.2024, the **Ministry of Defence** authorized the Additional Directorate General of Strategic Communication in the Indian army to issue information blocking orders under Section 79(3)(b), without following the Section 69A process. A copy of that notification is annexed as **Annexure E**.

c. On 24.10.2024, the **Ministry of Railways** issued a notification authorizing the Executive Director (Information and Publicity) to issue information blocking orders under Section 79, without following

Shivan

the Section 69A process. A copy of that notification is annexed as **Annexure F**.

- d. On 06.01.2025, the **Ministry of Finance** was authorized by the Central Government to issue information blocking orders under Section 79(3)(b), without following the Section 69A process. A copy of the notification is annexed as **Annexure G**.
- e. On 28.10.2024, the **Government of West Bengal** sent a letter to MeitY, authorizing many of its local police officers to issue information blocking orders under Section 79(3)(b), without following the Section 69A process. A copy of that letter is annexed as **Annexure H**.
- f. On 19.11.2024, the **Government of Goa** issued a notification authorizing its police personnel to issue information blocking orders under Section 79(3)(b), without following the Section 69A process. A copy of that notification is annexed as **Annexure J**.
- g. On 26.12.2024, the **Government of NCT of Delhi** issued a notification authorizing countless unnamed police officers to issue information blocking orders under Section 79(3)(b), without following the Section 69A process. A copy of that notification is annexed as **Annexure K**.

S. Mohan

h. On 31.01.2025, the **Government of Punjab** issued a notice authorizing countless unnamed police officers to issue information blocking orders under Section 79(3)(b), without following the Section 69A process. A copy of that notification is annexed as **Annexure L**.

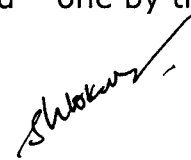
60. Central and state agencies are now issuing the impugned notifications and information blocking orders under Section 79(3)(b) with increasing frequency.

61. Respondents have thus created a parallel mechanism to Section 69A, but without the procedures and safeguards of Section 69A — in violation of the Constitution, IT Act, Blocking Rules and the Hon'ble Court's decision in *Shreya Singhal*.

E. MeitY's and MHA's actions contravene the holdings of the Hon'ble High Courts recognizing that State governments cannot issue information blocking orders under the IT Act.

62. The Hon'ble High Court of Bombay in *Imran Khan v. State of Maharashtra & Ors.*, PIL-CJ-LD-VC-23 of 2020, in its judgment dated 21.08.2020, relied on *Shreya Singhal* to affirm that State Governments cannot issue blocking orders:

"16. ... Suffice it to note, the decision in *Shreya Singhal (supra)* says that **there are only two ways** in which a blocking order can be passed – one by the



Designated Officer after complying with the 2009 [Blocking] Rules and the other by the Designated Officer when he has to follow an order passed by the competent Court. **The position in law is, thus, unambiguous that neither the State nor its police force can issue a blocking order;** it is left to the discretion of the Designated Officer under the 2009 [Blocking] Rules to himself pass an order for blocking, if the circumstances call for such an order, or block in deference to an order of a competent court."

[Emphasis supplied]

63. Similarly, the Hon'ble High Court of Calcutta in *Facebook. Inc v. State Of West Bengal & Anr.*, C.R.R. No. 2332 / 2017, in its judgment dated 03.01.2018, held that even a magistrate court cannot be an "authorized officer" under Section 69A or pass an information blocking order under the IT Act (paras 9-11, 18):

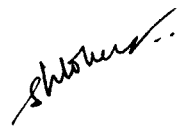
"18. ... An Executive Magistrate cannot pass any order beyond his territorial jurisdiction. Jurisdiction of cyber law is wide enough and for that reason Section 69A of the Act is codified and **our Hon'ble Apex Court clearly held that Information Technology Act is a complete code.**"

[Emphasis supplied]

64. Despite these holdings, MeitY and MHA have informed all State governments that they are authorized to issue information blocking orders under the IT Act.

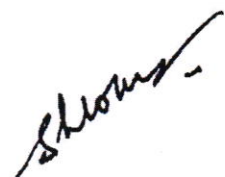


65. This unlawful takedown regime is a colourable exercise of power because it impermissibly allows MeitY to use other central agencies, state governments, and local police officers to issue information blocking orders that MeitY cannot issue itself under Section 69A.
- F. The Censorship Portal violates the IT Act, Blocking Rules, and the Hon'ble Supreme Court's decision in *Shreya Singhal*.**
66. Acting on the instructions of MeitY, the MHA also created a **Censorship Portal** that it refers to as a "Sahyog portal" to make the concept easier to accept. The purpose of the Censorship Portal is to allow countless central and state agencies and local police officers to issue information blocking orders under Section 79(3)(b), in violation of Section 69A and the Hon'ble Supreme Court's holding in *Shreya Singhal*.
67. During a meeting with X on 17.12.2024, the MHA stated that it has only been acting on the instructions of MeitY to create the Censorship Portal.
68. The MHA also demands that X appoint a "Nodal Officer" to ensure compliance with the unlawful blocking orders that will be issued through the Censorship Portal. A copy of MHA's letter dated 09.10.2024 is annexed as **Annexure M**.
69. This, too, is impermissible. X has already complied with the IT Act by appointing the required officers under Rule 4 of



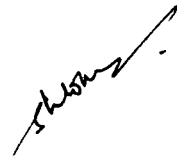
the IT Rules. A copy of X's letter dated 11.11.2024 objecting to the MHA's Censorship Portal is annexed as **Annexure N**.

70. Thus, the Censorship Portal is in contravention of law. Neither Section 79 of the IT Act, nor any statute, authorizes the creation of the Censorship Portal or requires that X join it.
71. In a *habeas corpus* petition against the Government of NCT, Delhi to produce a petitioner's missing son (W.P. (CRL) 1563/2024), MHA reiterated its assertion that the Censorship Portal is valid and that Section 79(3)(b) authorizes the government to issue information blocking orders. That proceeding is different, but for the purpose of full and complete disclosure, the gist of that proceeding is set out:
 - a. The petitioner in that case sought a writ of *habeas corpus* against the Government of NCT, Delhi to produce the petitioner's missing son. Delhi Police filed a status report alleging that another intermediary, Meta Platforms Inc., did not provide information in a timely manner.
 - b. The Hon'ble Delhi High Court issued notice to other intermediaries who were not part of the case (including X) to consider their standard operating protocols to deal with requests for information.
 - c. MeitY and MHA were also made a party to the *habeas corpus* petition and they filed affidavits regarding the



Censorship Portal.

72. X submits that neither the interpretation of Section 79(3)(b) nor the impugned notifications are challenged before the Hon'ble Delhi High Court. X has not filed any other similar Writ Petition relating to the subject matter of the present Writ Petition, either in this Hon'ble Court or before any other Court in India.
73. Through the impugned notifications and the Censorship Portal, Respondents are attempting to bypass the safeguards in the Blocking Rules and the grounds of Section 69A, which are coextensive with six of the specified grounds in Article 19(2) of the Constitution. This is colourable because information that cannot be blocked under Section 69A is sought to be blocked without complying with the safeguards of the Blocking Rules and Section 69A as interpreted by the Hon'ble Supreme Court in *Shreya Singhal (K.C. Gajapati Narayan Deo v. State of Orissa, (1953) 2 SCC 178, para 16 and 21)*.
74. Respondents' unlawful actions and the Censorship Portal will result in significant and unrestrained censorship of information in India and will have a chilling effect on free speech.



G. The Central Government and the States already have a legal mechanism to issue information blocking orders under Section 69A and Blocking Rules.

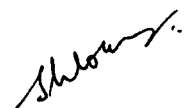
75. All government agencies, including any local police officers, can seek information blocking under Section 69A and the Blocking Rules, which provide emergency blocking procedures. Any government agency can use the Section 69A process by sending a request to the Designated Officer under Section 69A. Under Rules 4 to 6 of the Blocking Rules, central ministries and state governments have nodal officers who send blocking requests to the Designated Officer. Any person, including local police officials, can approach a nodal officer to forward the request for blocking to the Designated Officer.
76. MeitY already publishes on its website a list of the nodal officers of Central Ministries and State governments: <https://www.meity.gov.in/documents/act-and-policies/section-69a-of-it-act-2?pageTitle=Section-69A-of-IT-Act>. Annexed as **Annexure P** is the List of Nodal Officers of Central Ministries/Departments under the Blocking Rules. Annexed as **Annexure Q** is the List of Nodal Officers of States under the Blocking Rules.
77. It is open to Respondents to use the existing and effective Section 69A process, instead of circumventing Section 69A of the IT Act and the Hon'ble Supreme Court's decision in *Shreya Singhal*.

Shreya

78. Respondents would suffer no prejudice by a declaration that Section 79(3)(b) does not confer authority to issue information blocking orders, because Respondents already have a lawful mechanism to issue information blocking orders under Section 69A.
79. X having been left with no other alternative or efficacious remedy, notified the government on 14.02.2025 that it will file this Writ Petition. A copy of that letter is annexed as **Annexure R.**
80. Each of the grounds in this Writ Petition is made in the alternative and without prejudice to the other grounds:

GROUND S

- A. The text of Section 79(3)(b) establishes that it is an exemption provision and not a power to issue information blocking orders under the IT Act.**
81. As discussed above, Section 79 is an exemption provision. It provides a safe-harbour exemption from liability for third-party content. Section 79 does not empower the government to issue information blocking orders. That power is governed by Section 69A.
82. The literal text of Section 79 makes this conclusion clear (*UoI v. Exide Industries*, (2020) 5 SCC 274, para 33).
83. Section 79(3) begins with the words: "(3) The provisions of sub-section (1) shall not apply if-". It is evident from these



words that the sole object of Section 79(3) is to stipulate circumstances when the safe harbour conferred under Section 79(1) ceases to be available. Section 79(3)(a) and (b) illustrate the circumstances when 79(3) comes into effect, i.e. the safe harbour is lost. Consequently, 79(3)(b) cannot be construed as an empowering provision.

84. That Section 79(3)(b) does not confer power to issue information blocking orders is also clear from the heading of Chapter XII – “Intermediaries not to be liable in certain cases”, and the marginal note to Section 79 – “Exemption from liability of intermediary in certain cases”. As the Hon’ble Supreme Court held, these headings and marginal notes may be used to determine the sense of any doubtful expression in the statute. (*Tata Power Co. v. Reliance Energy*, (2009) 16 SCC 659, paras 91-93, 95, 100).
85. Even before the 2009 amendment, Section 79 was an exemption provision which is clear from the heading of Chapter XII – “Network Service Providers not to be liable in certain cases”, and marginal note to Section 79 – “Network Service Providers not to be liable in certain cases”.
86. Thus, the plain language of Section 79, along with the chapter heading and the marginal note as well as the legislative history, lead to the inescapable conclusion that Section 79 is an exemption provision and not a provision empowering the government to circumvent Section 69A.



B. Section 69A is the sole mechanism for Respondents to issue information blocking orders under the IT Act.

87. The Hon'ble Supreme Court in *Shreya Singhal* held that Section 69A is the **only** power by the government to issue information blocking orders:

"121. ... We have also seen how **there are only two ways** in which a blocking order can be passed – one by the Designated Officer **after complying with the 2009 [Blocking] Rules** and the other by the Designated Officer when he has to follow an order passed by a competent court..."

[emphasis added]

88. Therefore, Section 79(3)(b) cannot be a power to issue blocking orders. When the law explicitly states one thing, it implicitly excludes all others (*expressio unius est exclusio alterius*) (*Lalita Kumari v. Govt. of U.P.*, (2014) 2 SCC 1, para 85).

89. Because the Parliament expressly provides a mechanism for information blocking in Section 69A, a parallel mechanism that does not contain the procedures and safeguards that are built in Section 69A is necessarily excluded.

90. Section 69A was inserted in the IT Act by the same amendment which amended Section 79 to its current version, i.e., the Information Technology (Amendment) Act, 2008. Therefore, the Parliament deliberately enacted

Shobhu...

Section 69A as the sole power to order information blocking, and the current version of Section 79 expanded the safe-harbour exemption from liability. This conscious segregation by the Parliament is further evidence that Section 79 was not enacted as the power to order information blocking.

91. In *R.S. Raghunath v. State of Karnataka*, (1992) 1 SCC 335, para 12, the Hon'ble Supreme Court holds that, "The court must ascertain the intention of the legislature by directing its attention not merely to the clauses to be construed but to the **entire statute**; it must compare the clause with **other parts of the law** and the setting in which the clause to be interpreted occurs."
92. Applying this rule, Section 79 cannot be read in isolation and must be read with Section 69A. This is what the Hon'ble Supreme Court did in *Shreya Singal*, para 121, where it held: "It must first be appreciated that Section 79 is an exemption provision. Being an exemption provision, it is closely related to provisions which provide for offences including Section 69-A."
93. Obviously, the two sections have not been enacted to serve the same purpose. The setting of Section 79 makes it apparent that Section 79 was enacted as an exemption provision and Section 69A was enacted as empowering the issuing of information blocking orders.

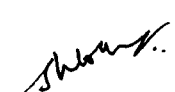
Shreya

94. Moreover, in *Rajnarain Singh v. Chairman, Patna Administration Committee*, (1954) 2 SCC 82, paras 30-31, the Hon'ble Supreme Court held that the Legislature cannot delegate legislative functions to the executive branch: "To alter the essential character of an Act or to change it in material particulars is to legislate, and that, namely, the power to legislate, all authorities are agreed cannot be delegated by a legislature..." If the Legislature had wanted Section 79(3)(b) to establish a parallel information blocking regime outside of the Section 69A process, it could have done so expressly by legislative enactment in the IT Act. It did not do so.

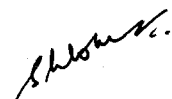
C. Respondents' interpretation of Section 79(3)(b) eviscerates Section 69A from the IT Act and renders it meaningless and ineffective.

95. If Section 79(3)(b) authorized the government to issue information blocking orders, it would mean that MeitY has the power to issue information blocking orders under Section 79(3)(b), and does not have to follow the Section 69A process.

96. It would mean that government agencies do not have to follow Section 69A at all, which would defeat the entire purpose of Section 69A and the Supreme Court's holding in *Shreya Singhal*.



97. Respondents' interpretation of Section 79(3)(b) eviscerates Section 69A from the IT Act. It renders Section 69A and the Supreme Court's holding in *Shreya Singhal* otiose, meaningless and ineffective.
98. The Hon'ble Supreme Court holds in *H.S. Vankani v. State of Gujarat*, (2010) 4 SCC 301, at para 43: "It is a well-settled principle of interpretation of statutes that a construction should not be put on a statutory provision which would lead to manifest absurdity, futility, palpable injustice and absurd inconvenience or anomaly."
99. In *CIT v. Hindustan Bulk Carriers*, (2003) 3 SCC 57 at para 18, the Hon'ble Supreme Court also holds that a "statute must be read as a whole and one provision of the Act should be construed **with reference to other provisions** in the same Act so as to make a consistent enactment of the whole statute."
100. Applying this rule, Section 69A is the mechanism to issue information blocking orders, and Section 79 is an exemption provision, as the Hon'ble Supreme Court held in *Shreya Singhal* (para 121). Such a construction renders the IT Act consistent and meaningful.
101. By contrast, construing both Section 69A and Section 79 as conferring a power to issue information blocking orders, one with safeguards and the other without safeguards, would render Section 69A meaningless and ineffective.

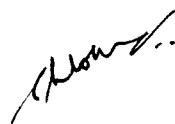


102. It is a settled principle of interpretation that all the provisions should be harmoniously interpreted to give effect to all the provisions and no part thereof rendered surplusage or otiose (*Rajendra Prasad Yadav v. State of M.P.*, (1997) 6 SCC 678, para 51). Interpreting Section 79 as a power to block would render Section 69A otiose because government authorities can pass blocking orders under Section 79 without any safeguards at all, instead of following the Section 69A process.

D. Respondents' interpretation violates Article 14 because the same information may be blocked under Section 69A and Section 79(3)(b), one with safeguards and the other without.

103. Respondents' interpretation of Section 79(3)(b) also violates Article 14 of the Constitution. If both Section 69A and Section 79(3)(b) empower blocking, then the same information can be blocked by two separate mechanisms — one mechanism with the safeguards of Section 69A and the Blocking Rules, and another mechanism under Section 79(3)(b) without any protections whatsoever.

104. This interpretation violates Article 14 of the Constitution because it violates the law laid down by the Hon'ble Supreme Court in *Rustom Cavasjee Cooper (Banks Nationalisation) v. Union of India*, (1970) 1 SCC 248, at p. 296:



"69. *Protection of Article 14.*—By Article 14 of the Constitution the State is enjoined not to deny to any person equality before the law or the equal protection of the laws within the territory of India. The Article forbids class legislation, but not reasonable classification in making laws. The test of permissible classification under an Act lies in two cumulative conditions: (i) classification under the Act must be founded on an intelligible differentia distinguishing persons, transactions or things grouped together from others left out of the group; and (ii) the differential has a rational relation to the object sought to be achieved by the Act; there must be a nexus between the basis of classification and the object of the Act."

105. As the Hon'ble Supreme Court also explained in *U.P. Power Corpn. v. Ayodhya Prasad Mishra*, (2008) 10 SCC 139, for a governmental action to be constitutionally valid under Article 14, it must meet the twin test below:

"37. Every classification, to be legal, valid and permissible, must fulfil the twin test, namely:

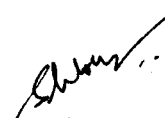
(i) the classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group; and

(ii) such differentia must have a rational relation to the object sought to be achieved by the statute or legislation in question.

...

40. It is well settled that equals cannot be treated unequally."

106. Respondents' interpretation violates these tests because the same information may be blocked under Section 69A or Section 79(3)(b).
107. While the safeguards under Section 69A and Blocking Rules must necessarily be met to order information blocking under Section 69A, Respondents can issue a blocking order for the same information under Section 79(3)(b), without complying with any of the safeguards that exist under Section 69A. There is no 'intelligible differentia' justifying such a distinct blocking mechanism without any safeguards.
108. Similar information is being treated dissimilarly and there is neither intelligible differentia nor any basis for such classification. As such, the impugned notifications are *ex facie* violative of Article 14 and the standard laid down by the Hon'ble Supreme Court.
109. Alternatively, Respondents' interpretation of Section 79(3)(b) is also illogical. It means that the government must follow the requirements and safeguards under Section 69A and the Blocking Rules, in order to block information affecting *inter alia* the "sovereignty and integrity of India, defence of India, security of the State" — but it can block any "unlawful" information under any law in force under Section 79(3)(b) without following any safeguards whatsoever.



E. Construing Section 79(3)(b) as an information blocking power would render it unconstitutional under *Shreya Singhal*.

110. Without prejudice to the submission that Section 79(3)(b) can only bear the meaning assigned to it in *Shreya Singhal*, it is submitted that interpreting Section 79(3)(b) to empower information blocking orders would render it unconstitutional under the law laid down by the Hon'ble Supreme Court in *Shreya Singhal*.
111. In *Shreya Singhal*, the Hon'ble Supreme Court upheld Section 69A as an information blocking power only because it is "a narrowly drawn provision with several safeguards", and blocking can be ordered only in accordance with the Blocking Rules, and only under six narrow grounds in Article 19(2) of the Constitution (para 112, 114-115, 121):

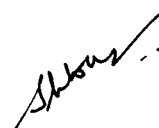
"114. It will be noticed that Section 69-A unlike Section 66-A is a narrowly drawn provision with several safeguards. First and foremost, blocking can only be resorted to where the Central Government is satisfied that it is necessary so to do. Secondly, such necessity is relatable only to some of the subjects set out in Article 19(2). Thirdly, reasons have to be recorded in writing in such blocking order so that they may be assailed in a writ petition under Article 226 of the Constitution."

112. For example, the Hon'ble Supreme Court explained at para 121:



"121. ... under Section 69-A blocking can take place only by a reasoned order after complying with several procedural safeguards including a hearing to the originator and intermediary."

113. Section 79(3)(b) does not contain any of the above safeguards or requirements. Thus, construing Section 79(3)(b) as an information blocking power would render it unconstitutional under *Shreya Singhal*.
114. It is settled law that a statutory provision should be interpreted to save it from unconstitutionality. (See *Tinsukhia Electric Supply v. State of Assam*, (1989) 3 SCC 709, para 118 ("*The courts strongly lean against any construction which tends to reduce a statute to futility. The provision of a statute must be so construed as to make it effective and operative...*"); *CIT v. S. Teja*, 1958 SCC OnLine SC 30, para 9).
115. In addition, construing Section 79(3)(b) as empowering the issuance of blocking orders, without any procedure to govern this power such as the constitutional safeguards of Section 69A and the Blocking Rules, renders Section 79(3)(b) unconstitutional under Article 14 of the Constitution as manifestly arbitrary. (*Shayara Bano v. Union of India*, AIR 2017 SC 4609, para 87: "*What is manifestly arbitrary is obviously unreasonable and being contrary to the rule of law, would violate Article 14*").



116. Respondents' interpretation of Section 79(3)(b) also violates Article 14 because information blocking can be ordered without affording a hearing to the originator and intermediary. This violates the principles of natural justice, which is guaranteed under Article 14 (*Union of India v. Tulsiram Patel*, (1985) 3 SCC 398, para 101).
117. Respondents' *ultra vires* actions also violate X's rights under Article 14, which include the right to fair and equal treatment, and a fair and effective opportunity of hearing. (*Mithu v. State of Punjab*, (1983) 2 SCC 277, para 18, holding the deprivation of rights and safeguards "*bound to result in injustice is harsh, arbitrary and unjust.*").
- F. Respondents' interpretation of Section 79(3)(b) violates the Separation of Powers and encroaches on a judicial function by allowing Respondents to arbitrarily determine what constitutes an "unlawful act" without due process of law.**
118. Respondents' interpretation of Section 79(3)(b) encroaches on a judicial function by allowing countless central and state government officials, and local police officers, to unilaterally and arbitrarily adjudicate what constitutes an "unlawful act" and order blocking throughout all of India.
119. The impugned notifications purport to allow those officials to issue information blocking orders for any allegedly "unlawful" information or "any information which is prohibited under any law". The impugned notifications give

absolute discretion to countless government officials to decide what is unlawful and block it from the Internet.

120. Thus, information that only a court must adjudicate to be "unlawful" after a full fledged trial can now be determined by central ministries, state government agencies, and local police officers as unlawful under Section 79(3)(b) without even hearing the originators or users — this is manifestly arbitrary and strikes at the root of the Separation of Powers.

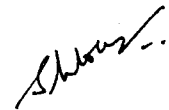
121. It is settled law that discretion means sound discretion guided by law. The Hon'ble Supreme Court held in *Naraindas Indurkha v. State of M.P.*, (1974) 4 SCC 788, para 21:

"If power conferred by statute on any authority of the State is vagrant and unconfined and no standards or principles are laid down by the statute to guide and control the exercise of such power, the statute would be violative of the equality clause, because it would permit arbitrary and capricious exercise of power, which is the anti-thesis of equality before law."

122. This is all the more relevant because the language of Section 79(3)(b) applies to any "unlawful" act, unlike Section 69A which applies to six of the narrow grounds in Article 19(2) of the Constitution.



123. Respondents' incorrect interpretation bears a significant similarity to the circumstances that the Hon'ble Supreme Court struck down in *Shreya Singhal*. In *Shreya Singhal*, the Hon'ble Supreme Court struck down Section 66-A of the IT Act and Section 118 of the Kerala Police Act for creating an overbroad and vague offence similar to the language in the impugned notifications.
124. By contrast, Section 69A was upheld because it grants the government power to block information only in specific and limited scenarios prescribed under Section 69A(1), such as in the interest of sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign States, and public order. Section 69A does not involve a broad and sweeping determination of what is "unlawful" across all statutes in force across the country. The Hon'ble Supreme Court held that Section 69A is constitutional because of its "narrowly tailored grounds." By contrast, the impugned notifications give countless officers the supposed power to determine what is "unlawful" across all statutes in force across the country.
125. The impugned notifications also violate the Separation of Powers because they encroach on a judicial function by allowing countless officers to adjudicate what is "unlawful" without due process of law.

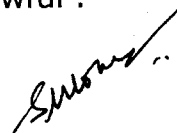


126. The Hon'ble Supreme Court defines a judicial function as "the interpretation of the law and its application by rule or discretion to the facts of particular cases" (*Bank of New York v. Zenith Infotech Ltd.*, (2017) 5 SCC 1, para 23). It is trite that the determination of lawfulness is reserved for the judiciary, not the executive branch. As the Hon'ble Supreme Court held:

"23. ...The judicial function consists in the interpretation of the law and its application by rule or discretion to the facts of particular cases. This involves the ascertainment of facts in dispute according to the law of evidence. The organs which the State sets up to exercise the judicial function are called courts of law or courts of justice. Administration consists of the operations, whatever their intrinsic nature may be, which are performed by administrators; and administrators are all State officials who are neither legislators nor Judges.

Judicial function is exercised under legal authority to decide on the disputes, after hearing the parties, maybe after making an enquiry, and the decision affects the rights and obligations of the parties. There is a duty to act judicially. The Judge may construe the law and apply it to a particular state of facts presented for the determination of the controversy."

127. In *Amish Devgan v. Union of India*, (2021) 1 SCC 1, the Supreme Court outlines the difficulties and fact-specific analysis that the judiciary must conduct to determine whether speech and information can be "unlawful".



128. Thus, the interpretation of what constitutes an "unlawful act" requires judicial scrutiny to ensure compliance with constitutional principles and the protection of fundamental rights. The judiciary, through due process, is equipped to weigh evidence, hear arguments, and deliver reasoned judgments that determine whether a specific act is unlawful. In contrast, Respondents lack the authority and have no defined procedural framework to perform this critical judicial function.
129. Allowing central and state government officials to unilaterally decide on the lawfulness of information would bypass the checks and balances inherent in the judicial process and the legislative power to pass laws. The Section 79(3)(b) blocking regime is an unconstitutional delegation of judicial and legislative power to the executive, violating the principle of Separation of Powers and Article 14 of the Constitution.
130. Reading Section 79(3)(b) as giving unbridled discretion to Respondents to decide what constitutes an "unlawful act" and to arbitrarily determine violations of any law in force, would be the exercise of a judicial function and violate the doctrine of separation of powers. Similarly, the impugned notifications encroach on a judicial function by allowing Respondents to unilaterally determine what is "unlawful" under any law in force.

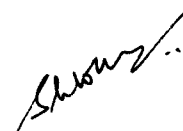
Shaw

131. Therefore, reading Section 79(3)(b) as a power to order information blocking would violate the doctrine of separation of powers.

132. A violation of the doctrine of separation of powers is a violation of Article 14 of the Constitution. As the Hon'ble Supreme Court held in *Madras Bar Assn. v. Union of India*, (2022) 12 SCC 455:

"26. The doctrine of separation of powers informs the Indian constitutional structure and is an essential constituent of rule of law. In other words, the doctrine of separation of powers, though not expressly engrafted in the Constitution, its sweep, operation and visibility are apparent from the scheme of the Indian Constitution. The Constitution has made demarcation, without drawing formal lines between the three organs—legislature, executive and judiciary. Separation of powers between three organs—the legislature, executive and judiciary—is also nothing but a consequence of principles of equality enshrined in Article 14 of the Constitution of India. Accordingly, breach of separation of judicial power may amount to negation of equality under Article 14. Stated thus, a legislation can be invalidated on the basis of breach of the separation of powers since such breach is negation of equality under Article 14 of the Constitution."

133. Therefore, Section 79(3)(b) should not be read as an information blocking power as it would violate Article 14.



G. Respondents' interpretation of Section 79(3)(b) and the impugned notifications are void for vagueness and for being manifestly arbitrary.

134. Construing Section 79(3)(b) as granting Respondents broad and undefined power to decide what constitutes an "unlawful" act renders their authority vague and susceptible to arbitrary enforcement. This vagueness undermines legal certainty and the rule of law, and carries gross potential for misuse and overreach by the executive.
135. As the Hon'ble Supreme Court explained in *Shreya Singhal*, when a law uses *vague expressions* capable of misuse or abuse, it impermissibly confers unfettered powers on authorities to arbitrarily curtail freedom of speech and expression (paras 53-85). Thus, Section 79 can only be interpreted as an exemption provision, not a power to issue information blocking orders.
136. If Section 79(3)(b) is construed as a power to issue information blocking orders, it would have to be struck down for vagueness because it does not provide manageable standards for issuing information blocking orders — in fact, Section 79(3)(b) does not provide **any** standards at all. The only requirement is to "notify" an intermediary.
137. Section 79(3)(b) neither elaborates any procedure for issuing information blocking orders, nor does it provide any

Shreya

safeguards whatsoever against the arbitrary exercise of an information blocking power. Respondents can simply send a written demand to comply.

138. As the Hon'ble Supreme Court held in *Shreya Singhal*, Courts must ensure that arbitrary and discriminatory enforcement of the law does not take place. (Paras 55 to 68). The Supreme Court quoted with approval a decision in *United States v. Reese*, 92 US 214, in which it was stated that "*the Constitution does not permit a legislature to set a net large enough to catch all possible offenders and leave it to the Court to step in and decide who could be held guilty.*"
139. Similarly, in *Shreya Singhal*, the Hon'ble Supreme Court struck down Section 66-A for vagueness and for not providing manageable standards (paras 53-85).
140. The Hon'ble Supreme Court also held in *Shreya Singhal*, that a provision cannot be saved on the basis of the government's assurance that it would be administered in a reasonable manner. A statutory provision must be judged on its own merits without reference to how well it may be administered or any assurance in that regard from the government of the day. (Paras 95-96).
141. As the Hon'ble Supreme Court held in *Shreya Singhal*, Section 79 is merely an exemption provision. (Paras 117, 121). Section 79(3)(b) does not provide any of the

Shreya

safeguards that the Supreme Court explained are necessary to make a statute like Section 69A valid as an information blocking power. (Paras 112, 114-115, 121).

142. In *Sharat Babu Digumarti v. Government of NCT*, (2017) 2 SCC 18 at para 31, the Hon'ble Supreme Court again reiterated that "*Section 79, as has been interpreted, is an exemption provision...*".

143. The Hon'ble Supreme Court explained in *Shreya Singhal* that Courts may not read into a provision something or add something which is not there. Doing so would do violence to the language of the provision and constitute a wholesale substitution of the provision (paras 51-52). As the Supreme Court held at para 52:

"The State submitted that the statute should be made workable by reading into Section 66-A several matters suggested by it. But that is not possible since what the State is asking the Court to do is not to read down Section 66-A, instead, it is asking for a wholesale substitution of the provision which is obviously not possible."

144. For these reasons, Section 79(3)(b) can only be interpreted as an exemption provision, not a power to issue information blocking orders, which is governed by Section 69A.

145. Likewise, the impugned notifications are void for vagueness because they grant Respondents unbridled

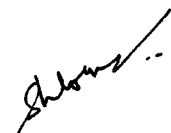


discretion to determine what constitutes an "unlawful act" and to arbitrarily determine violations of any law in force in India. The term "unlawful" covers a broad, vague and indeterminate legal area, and is not "narrowly tailored" in contrast to Section 69A. It is the basic principle of legal jurisprudence that an enactment is void for vagueness if its prohibitions are not clearly defined.

146. Respondents cannot delegate basic policy matters to policemen for resolution on an *ad hoc* and subjective basis, because of the dangers of arbitrary and discriminatory enforcement. (*Kartar Singh v. State of Punjab*, (1994) 3 SCC 569, para 130; *Shreya Singhal*, paras 55-60: "[I]f arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them.")
147. Thus, the impugned notifications violate the doctrine of Separation of Powers, Article 14 of the Constitution, and are void for vagueness.

H. Respondents' interpretation of Section 79(3)(b) violates the law laid down by the Hon'ble Supreme Court in *Shreya Singhal*.

148. Respondents assert that Section 79(3)(b) allows central and state government agencies to issue information blocking orders if they deem the information is "unlawful." This violates every principle laid down in *Shreya Singhal*.

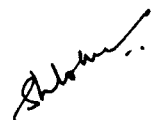


149. In *Shreya Singhal*, the Supreme Court explained that:

- a. The Constitution protects liberty of thought, expression, belief, faith and worship. Freedom of speech and expression of opinion is of paramount importance under a democratic constitution which envisages changes in the composition of legislatures and governments and must be preserved. It lies at the foundation of all democratic institutions. (Paras 8-10)
- b. The discussion and advocacy of viewpoints, howsoever unpopular, are the core of freedom of speech and expression, and are at the heart of Article 19(1)(a). Even if they cause annoyance, inconvenience or grossly offend, they cannot be curbed by law. (Paras 12-21, 87).
- c. Only when discussion or advocacy reaches the level of incitement which is proximately related to the specified grounds in Article 19(2) that a law imposing reasonable restrictions on freedom of speech and expression can be validly enacted. (Paras 13, 32-43)
- d. A restriction in order to be reasonable must be narrowly tailored so as to abridge or restrict only what is absolutely necessary. (Paras 16-24). Any restriction on freedom of speech and expression must be couched in the narrowest possible terms. (Paras 87, 90, 94)

Shreya Singhal

- e. A law restricting freedom of speech and expression cannot pass muster if it is merely in the interest of the general public. Such law has to be covered by one of the eight subject-matters set out under Article 19(2). If it is outside the pale of Article 19(2), Indian Courts will strike down such law. (Paras 16-24, 32-33, 100)
150. The Hon'ble Supreme Court also rejected the government's argument that a relaxed standard of restriction should apply to speech on the internet on the ground that it differs from other mediums. The Hon'ble Supreme Court held: "*we do not find anything ... to relax the Court's scrutiny of the curbing of the content of free speech over the internet*", and "*the content of the right under Article 19(1)(a) remains the same whatever the means of communication including internet communication*". (Paras 30-31, 90)
151. The Hon'ble Supreme Court has re-emphasized the above principles in later cases, such as *Amish Devgan v. Union of India*, (2021) 1 SCC 1.
152. Construing Section 79(3)(b) as authorizing the government to issue information blocking orders, outside of the Section 69A process, would violate every one of the above principles laid down by the Hon'ble Supreme Court.
153. In *Shreya Singhal*, the Supreme Court struck down Section 66-A of the IT Act because it criminalized the dissemination



of "information" through a computer resource or communication device causing "annoyance or inconvenience" to others. The Supreme Court held that Section 66-A violated Article 19(1)(a) because of its overbroad and over-inclusive scope, which could rope in information that falls within the realm of permissible discussion and advocacy.

154. The impugned notifications should be set aside for the same reasons.
155. As noted above, the Supreme Court has already upheld Section 79 because it is an exemption provision. It is settled law that a statutory provision should be interpreted to save it from unconstitutionality (*Tinsukhia Electric Supply v. State of Assam*, (1989) 3 SCC 709, para 118).
156. It is Respondents' reading of Section 79(3)(b) that is unconstitutional and therefore, the Respondents' interpretation must be rejected.
- I. Since Rule 3(1)(d) refers back to Section 79(3)(b), it also does not empower the government to issue information blocking orders to circumvent the Section 69A process.**
157. Respondents rely on Rule 3(1)(d) of the IT Rules to argue that they have power to issue information blocking orders, outside the Section 69A process. That is also wrong.
158. Because Rule 3(1)(d) refers back to Section 79(3)(b), it



also does not empower the government to circumvent Section 69A, Blocking Rules, and the safeguards laid down in *Shreya Singhal*.

159. At most, Rule 3(1)(d) relates to the circumstances under which an intermediary may lose the safe-harbour exemption from liability for third-party information that it is otherwise entitled to.
160. Therefore, Rule 3(1)(d) – like Section 79(3)(b) – does not empower Respondents to issue information blocking orders outside the mandatory process of Section 69A and the guidelines laid down by the Hon'ble Supreme Court in *Shreya Singhal*.

J. The impugned notifications and the Censorship Portal are unconstitutional and *ultra vires* the IT Act.

161. As explained above, Respondents' interpretation of Section 79(3)(b) is *ultra vires* the IT Act because it violates Section 69A as interpreted by the Hon'ble Supreme Court in *Shreya Singhal*.
162. Consequently, the impugned notifications are *ultra vires* because they rely on Section 79(3)(b) as a source of power to issue information blocking orders, in violation of Section 69A, the Blocking Rules, and *Shreya Singhal*.
163. The IT Act and Blocking Rules already provide a lawful mechanism for information blocking. Respondents'



interpretation of Section 79(3)(b) is done only with the discernible purpose of bypassing the safeguards provided under Section 69A and the Blocking Rules.

164. Respondents are fully aware of Section 69A and *Shreya Singhal*, and are attempting to bypass them *vide* the impugned notifications. In furtherance of this, MeitY has directed all central and state government agencies to issue Template Blocking Orders to block information that MeitY has no power to block itself.
165. MeitY also seeks to do indirectly through other agencies, what it cannot do directly under Section 69A. MeitY has ultimate authority and ability to use other agencies as proxies to issue information blocking orders that MeitY itself cannot issue under Section 69A.
166. Furthermore, on MeitY's instructions, the MHA created the Censorship Portal for central and state agencies and local police officers to issue Section 79(3)(b) information blocking orders - including MeitY's Template Blocking Orders - outside of the Section 69A process. The Censorship Portal creates an impermissible parallel mechanism to Section 69A, but without the procedures or safeguards of Section 69A, in violation of the Constitution, IT Act, Blocking Rules, and the Hon'ble Supreme Court's ruling in *Shreya Singhal*.



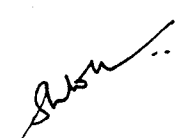
167. Thus, the impugned notices and the Censorship Portal are unconstitutional and *ultra vires* the IT Act.

K. Respondents are engaged in a colourable exercise of power by attempting to circumvent Section 69A, Blocking Rules, and the Hon'ble Supreme Court's decision in *Shreya Singhal*.

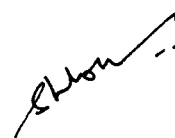
168. The Hon'ble Supreme Court held in *State of Punjab v. Gurdial Singh*, (1980) 2 SCC 471, para 9, that when power is exercised in bad faith to attain ends beyond the sanctioned purposes of power by simulation or pretension of gaining a legitimate goal, it is a colourable exercise of power.

169. MeitY is the ministry that is most familiar with Section 69A and the Supreme Court's decision in *Shreya Singhal*. Yet it has taken steps that will eviscerate Section 69A from the IT Act.

170. The MeitY Memorandum (**Annexure C**) and the impugned notifications (**Annexures D-G**) are colourable exercises of power. They seek to circumvent Section 69A and *Shreya Singhal* by empowering Respondents (and scores of government agencies and local police officers) with the same power exercised by MeitY, except without due process of law or the safeguards laid down by the Supreme Court in *Shreya Singhal*.



171. Specifically, the MeitY Memorandum seeks to authorize other agencies and state governments to do something that it cannot do itself. In fact, MeitY sent Template Blocking Orders to all central and state government agencies to enable them to issue blocking orders without following the requirements of Section 69A, the Blocking Rules, and the Hon'ble Supreme Court's decision in *Shreya Singhal*.
172. While Section 69A permits information blocking orders only on narrowly tailored grounds, the impugned notifications sweep very broadly and cover any matter that is allegedly "unlawful". While Section 69A and the Blocking Rules prescribe an opportunity of hearing, the impugned notifications contemplate no opportunity of hearing at all. Section 69A and the Blocking Rules contemplate multiple levels of consideration i.e. by the Inter-ministerial Committee under Rule 7; the Secretary MeitY under Rule 8, and a review by the Review Committee under Rule 14. In contrast, the impugned notifications prescribe neither consideration nor a mandatory review process. It is therefore evident that, in order to sidestep the rigours of the Section 69A mechanism, MeitY has advised the other Respondents to issue the impugned notifications.
173. MeitY's actions are not only colourable but also violate the settled principle that what cannot be done directly also cannot be done indirectly. For example, one of the unlawful



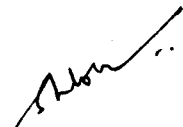
information blocking orders issued by the Ministry of Railways under Section 79(3)(b) is copied to MeitY, which shows coordination among the two ministries and further demonstrates that MeitY is attempting to circumvent Section 69A through other agencies by using the impugned notifications (**Annexure T**).

174. The impugned notifications should be quashed as colourable exercises of power because they are designed to avoid and sidestep the mandatory requirements and safeguards under Section 69A as interpreted by the Hon'ble Supreme Court in *Shreya Singhal*.
175. For the same reasons, the Censorship Portal is in contravention of law because it is designed to allow central and state government agencies to circumvent Section 69A, Blocking Rules, and the Hon'ble Supreme Court's decision in *Shreya Singhal*.
- L. MeitY's attempted delegation of power that it itself does not have is colourable and should be struck down.**
176. MeitY's actions are also colourable exercises of power because MeitY has attempted to delegate power to central and state agencies and local police officers that MeitY itself does not have under the IT Act — i.e., the power to issue information blocking orders under Section 79(3)(b) in violation of Section 69A, the Blocking Rules, and the



Supreme Court's decision in *Shreya Singhal*.

177. The MeitY Memorandum is unlawful because MeitY has no power to directly or indirectly instruct other central ministries or any States or local police officers to issue information blocking orders. Nor does MeitY have any power of "overall co-ordination" of this impermissible exercise.
178. Under Section 69A and the Blocking Rules, only the Central Government may issue information blocking orders after complying with multiple procedural and legal safeguards, as interpreted by *Shreya Singhal*. MeitY cannot create any other mechanism to issue information blocking orders. Also, the power under Section 69A cannot be delegated because there is no power to delegate under the statute.
179. MeitY has no power either under Section 69A or the Blocking Rules to delegate its information blocking power to state government agencies and local police officers throughout all of India — or to provide them "Template Blocking Orders" to use.
180. MeitY has also impermissibly directed Respondent Nos. 3 to 6 to pass information blocking orders under Section 79(3)(b), including the Ministry of Finance, the Ministry of Railways, State government agencies, and countless local police officers.



181. MeitY's actions and the impugned notifications are therefore colourable exercises of power, and should be struck down.

M. The impugned notifications violate Article 77(3) and the Allocation of Business Rules because only MeitY is allocated the "administration of the Information Technology Act and other IT related laws".

182. Article 77(3) of the Constitution states that the President **shall** make rules for allocating the business of the Government among the various ministries.

183. Under Article 77(3), the President issued the Government of India (Allocation of Business) Rules, 1961 (**AOB Rules**).

184. The AOB Rules state at page 6:

"2. The business of the Government of India **shall** be transacted in the Ministries, Departments, Secretariats and Offices specified in the First Schedule to these rules (all of which are hereinafter referred to as 'departments').

3. Distribution of Subjects - The distribution of subjects among the departments **shall** be as specified in the Second Schedule to these Rules..."

185. The word "shall" in Article 77(3) and the AOB Rules means that the above requirements are mandatory (*Delhi International Airport v. International Lease Finance Corpn.*, (2015) 8 SCC 446, para 23).

186. Under the Second Schedule of the AOB Rules, each Respondent has certain business allocated to it.
187. The Second Schedule at page 57 allocates only to MeitY:
- "5. Matters relating to Cyber Laws, administration of the Information Technology Act. 2000 (21 of 2000) and other IT related laws."
188. Under the maxim *expressio unius est exclusio alterius* which means the expression of one thing is the exclusion of the other, the business of administration of the IT Act is solely allocated to MeitY and to no other ministry. Consequently, any "notification" under the IT Act can only be issued by MeitY.
189. Because the impugned notifications are issued by ministries other than MeitY, all the impugned notifications are *ultra vires* Article 77(3) of the Constitution and the AOB Rules – Rules 2, 3(1) and Second Schedule.
190. It is a settled principle that when a law prescribes a particular body to exercise a power, it must be exercised only by that body. It cannot be exercised by others unless it is delegated, and the law must expressly provide for such delegation (*Marathwada University v. Seshrao Balwant Rao Chavan*, (1989) 3 SCC 132, para 20).
191. Thus, the impugned notifications are *void ab initio* because they violate the AOB Rules and Article 77(3) of the

Shlok

Constitution.

N. The Censorship Portal is a colourable exercise of power and violates Articles 162 and 246 of the Constitution.

192. Without prejudice to any other arguments herein, by creating the Censorship Portal, the MHA is attempting to enforce State laws, in violation of Articles 162 and 246 of the Constitution read with List II of the Seventh Schedule of the Constitution, Entries 1, 2 and 64.

193. For example, State governments have exclusive executive power over "police" and "public order" because they are exclusive State subjects under List II of the Seventh Schedule. Thus, the Central Government is encroaching on the State Government's exclusive power.

194. For these reasons too, the Censorship Portal is a colourable exercise of power, violates Articles 162 and 246 of the Constitution and should be held unconstitutional.

O. Respondents' *ultra vires* actions aggrieve X.

195. Respondents' *ultra vires* actions harm X because X's entire business model rests on people sharing lawful information with one another. The X platform derives value and revenue from its user base and the lawful content they generate. Unlawful or unjustified blocking orders cause harm to the X platform and its ability to operate. The issuance of information blocking orders without following



due process of law, and in violation of the IT Act and the Constitution, aggrieves X, violates X's Article 14 rights, and detrimentally impacts its business.

P. Respondents' *ultra vires* actions violate X's rights under Article 14 of the Constitution.

196. Respondents' *ultra vires* actions violate Article 14 of the Constitution, which reads as under:

"The State shall not deny to **any person** equality before the law or the equal protection of the laws within the territory of India."

197. Section 2(42) of the General Clauses Act, 1897 defines a "person" to "*include any company or association...*".

198. In *State Trading Corporation of India Ltd. v. Commercial Tax Officer & Ors.*, (1964) 4 SCR 99, the Hon'ble Supreme Court held:

"5. ... Some fundamental rights are available to "any person", whereas other fundamental rights can be available only to "all citizens". "Equality before the law" or "equal protection of the laws" within the territory of India is available to any person (**Article 14**). The protection against the enforcement of ex-post facto laws or against double-jeopardy or against compulsion of self-incrimination is available to all persons (Article 20), so is the protection of life and personal liberty under **Article 21** and protection against arrest and detention in certain cases, under Article 22. Similarly, freedom of conscience and free profession, practice and propagation of religion is

guaranteed to all persons. Under Article 27, no person shall be compelled to pay any taxes for the promotion and maintenance of any particular religious denomination. All persons have been guaranteed the freedom to attend or not to attend religious instructions or religious worship in certain educational institutions (Article 28). And, finally, no person shall be deprived of his property save by authority of law and no property shall be compulsorily acquired or requisitioned except in accordance with law, as contemplated by Article 31. These in general terms, without going into the details of the limitations and restrictions provided for by the Constitution, are the fundamental rights which are **available to any person irrespective of whether he is a citizen of India or an alien or whether a natural or an artificial person.** ...

...But irrespective of whether a person is a citizen or a **non-citizen** or whether he is a natural person or a juristic person, the right to move the Supreme Court by appropriate proceedings for the enforcement of their respective rights has been guaranteed by Article 32."

[Emphasis supplied]

199. The 9-Judge bench of the Hon'ble Supreme Court in *K.S. Puttaswamy (Privacy-9J.) v. Union of India*, (2017) 10 SCC 1, also held:

"363. ...As it is now clearly held by this Court that the rights guaranteed under **Articles 14 and 21** are not confined only to citizens but available even to non-citizens, aliens or incorporated bodies even if they are [not] incorporated in India, etc."

[Emphasis supplied]



200. Without prejudice, as the Hon'ble Supreme Court has held, even *obiter dicta* of the Hon'ble Supreme Court is binding. In *Municipal Committee, Amritsar v. Hazara Singh*, (1975) 1 SCC 794, para 4, it was held:

"Judicial propriety, dignity and decorum demand that being the highest judicial tribunal in the country even obiter dictum of the Supreme Court should be accepted as binding. Declaration of law by that Court even if it be only by the way has to be respected."

201. In *M/s Mohandas Issardas v. A.N. Sattanathan*, (1955) ILR BOM 318, the Hon'ble High Court of Bombay also held at page 322, that:

"...The Supreme Court is the highest judicial tribunal in India to-day and it is as much necessary in the interests of judicial uniformity and judicial discipline that all the High Courts must accept as binding the obiter dicta of the Supreme Court in the same spirit as the High Courts accepted the obiter dicta of the Privy Council."

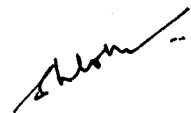
202. In *Erbis Engineering v. State of West Bengal*, 2011 SCC OnLine Cal 835, para 8, the Hon'ble High Court of Calcutta also held that a foreign corporation is entitled to protection under Article 14. Further, the Hon'ble Calcutta High Court, in *Hongkong and Shanghai Banking Corporation v. Union of India*, 2011 SCC OnLine Cal 5631, held that:



"4. ...None of these authorities however support the argument of the private respondent that a company incorporated outside the country cannot invoke the Constitutional Writ Jurisdiction of the High Court to enforce their legal right. In the cases of State Trading Corporation (supra) and British India Steam Navigation Co. Ltd. (supra), it has been held that an incorporated company cannot claim to be a citizen of India, and hence cannot be entitled to rely upon the rights guaranteed under Article 19(1) of the Constitution of India. **But in the event an incorporated company, being a juridical person suffers an adverse order emanating from a public body having been passed without the authority of law, then such a company would be entitled to apply for relief under Article 226 of the Constitution of India.** Their claim, however, would not be based on any right preserved or guaranteed for citizens only under the Constitution or under any other law.

5. This position would not change in respect of a company incorporated outside this country. A foreign company in any event has a right to sue and there is no bar under the Civil Procedure Code also in that regard. In the Constitution of India, rights under Article 19 can be enforced by a citizen alone. **So far as Articles 14 and 21 are concerned, the expression 'citizen' has been omitted and the fundamental right guaranteed under these Articles protect the citizens and non citizens alike."**

[Emphasis supplied]



203. Even Rule 8(3) of the Blocking Rules expressly takes into consideration foreign intermediaries and stipulates that notice is to be issued to such person or foreign intermediaries:

"8. Examination of request -

...

(3) In case, such a person or intermediary, who has been served with the notice under sub rule (1), **is a foreign entity or body corporate as identified by the Designated Officer**, notice shall be sent by way of letters of fax or e-mail signed with electronic signatures to such foreign entity or body corporate and any such foreign entity or body corporate shall respond to such a notice within the time specified therein, failing which the committee shall give specific recommendation in writing with respect to the request received from the Nodal Officer, based on the information available with the committee."

[Emphasis supplied]

204. As discussed above, Respondents' *ultra vires* actions violate X's Article 14 rights because they are manifestly arbitrary and deprive X of the equal protection of the laws by circumventing Section 69A, as interpreted by *Shreya Singhal*, and the Blocking Rules. Respondents have issued the impugned notifications and unlawful information blocking orders, and have established the Censorship Portal, to bypass the numerous procedural safeguards and protections under the IT Act. Respondents' *ultra vires* actions also deprive X of the protections that exist under

Shreya

Section 69A, including the right to a fair and effective opportunity of hearing before a blocking order is issued.

Q. Respondents' *ultra vires* actions violate X's rights under Article 21 of the Constitution.

205. In addition, Respondents' actions violate Article 21 of the Constitution, which provides that:

"No person shall be deprived of his life or personal liberty except according to procedure established by law."

206. The words "procedure established by law" have been interpreted by the Hon'ble Supreme Court in *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 to mean a procedure that is not arbitrary, fanciful or oppressive:

"7....Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment. The principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non-arbitrariness pervades Article 14 like a brooding omnipresence and the procedure contemplated by Article 21 must answer the test of reasonableness in order to be in conformity with Article 14. It must be "right and just and fair" and not arbitrary, fanciful or oppressive; otherwise, it would be no procedure at all and the requirement of Article 21 would not be satisfied."

207. Respondents' *ultra vires* actions in issuing information blocking orders outside the 69A procedure, establishing a Censorship Portal and issuing the impugned notifications



are arbitrary and therefore violate the requirements of Article 21.

208. Furthermore, Respondents' arbitrary determinations that information is "unlawful", without any of the safeguards or protections that exist under Section 69A as interpreted by the Hon'ble Supreme Court in *Shreya Singhal*, and the Blocking Rules, results in the illegal and arbitrary blocking of lawful content from the X platform, which detrimentally affects X's ability to conduct business. Therefore, X's Article 21 rights are violated by Respondents' actions.

R. Respondents' *ultra vires* actions also violate Article 301 of the Constitution, which protects the right to conduct business and trade without unreasonable governmental interference or arbitrary restriction.

209. Respondents' *ultra vires* actions also violate Article 301, which provides:

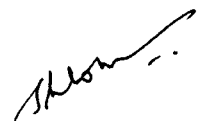
"Article 301. *Freedom of trade, commerce and intercourse: Subject to the other provisions of this Part, trade, commerce and intercourse throughout the territory of India shall be free."*

210. Article 301 protects the right to conduct business and trade without unreasonable governmental interference or arbitrary restriction. The right under Article 301 is available to X (*State of Punjab v. Devans Modern Breweries Ltd.*, (2004) 11 SCC 26, para 277: *Article 301 applies to citizens and non-citizens*).



211. Respondents' *ultra vires* actions and the impugned notifications violate X's right to carry on business in India under Article 301 because X's business model rests on people sharing lawful information with one another. Censoring lawful content and engagement on X's platform unreasonably interferes with and arbitrarily restricts X's constitutionally protected right to conduct business and trade under Article 301.
212. Thus, Respondents' *ultra vires* actions unreasonably interfere with and arbitrarily restrict X's constitutionally protected right to conduct business and trade. (Reliance is placed on *Shri Sitaram Sugar Co. Ltd. v. Union of India*, (1990) 3 SCC 223, para 52, "*The true position, therefore, is that any act of the repository of power, whether legislative or administrative or quasi-judicial, is open to challenge if it is in conflict with the Constitution or the governing Act or the principles of the law of the land or it is so arbitrary or unreasonable that no fair minded authority could ever have made it.*").
213. Accordingly, Respondents' *ultra vires* actions violate X's rights under Article 301 of the Constitution.

214. For all the reasons stated above, Section 79 is an exemption provision and Section 79(3)(b) is not a power to order information blocking, and this Hon'ble Court should



issue such a declaration.

215. X has no other alternate or equally efficacious remedy except to approach this Hon'ble Court under its Writ Jurisdiction under Article 226 of the Constitution.
216. X has not filed any other similar Writ Petition relating to the subject matter of the present Writ Petition either in this Hon'ble Court or before any other Court in India.
217. This Writ Petition falls within this Hon'ble Court's territorial jurisdiction since X has its physical presence in India through its physical contact address under Rule 4(5) of the IT Rules, in Bengaluru. Additionally, the impact of information blocking orders issued under the impugned notifications is felt within the territorial jurisdiction of this Hon'ble Court. Therefore, the cause of action arises within the territorial jurisdiction of this Hon'ble Court.
218. The cause of action for the instant petition arose on 17.12.2024, when the MHA notified X that MeitY had directed all central and state government agencies to issue information blocking orders using a Template Blocking Order that MeitY designed and provided. The cause of action also independently arose on 09.10.2024 when the MHA demanded that X onboard onto the Censorship Portal, and on 24.10.2024, 24.12.2025 and 06.01.2025 when Respondent Nos. 4 to 6 issued the impugned notifications. The cause of action is continuing as on the date of filing

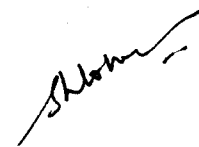


this Writ Petition.

219. X craves liberty to raise additional and/or supplemental grounds at the time of hearing.
220. That the instant Writ Petition is being filed *bona fide* and may be allowed in the interest of justice.

GROUNDNS FOR INTERIM PRAYER

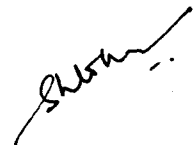
221. Pending final adjudication of this Writ Petition, X requests interim relief to restrain Respondents from taking coercive or prejudicial action against X or its employees in relation to blocking orders not issued in accordance with Section 69A and the Blocking Rules. X also requests interim relief to restrain Respondents from taking coercive or prejudicial action against X for not joining the Censorship Portal, pending the final adjudication of this Writ Petition.
222. ***Prima facie case:*** X has a *prima facie* case that Section 79(3)(b) does not empower the government to issue information blocking orders because the Hon'ble Supreme Court's decision in *Shreya Singhal* is instructive on the issue. Further, Respondents are attempting to bypass the safeguards of Section 69A, as interpreted by the Hon'ble Supreme Court in *Shreya Singhal*, and the Blocking Rules. Reliance on Section 79 is being misused to establish a separate blocking mechanism in violation of Section 69A and the principles laid down in *Shreya Singhal*.



223. **Irreparable injury if interim prayer is not granted:** If the interim prayer is not granted, X will be put to great hardship and prejudice because it will be forced to comply with unlawful information blocking orders, even when X has filed this Writ Petition challenging the authority to issue such blocking orders. Respondents' impugned notifications and unlawful information blocking orders detrimentally affect X's business, which relies on users being able to share ideas and lawful content with one another.
224. Thus, the failure to grant the interim prayer will expose X to *harsh, arbitrary, and excessive* consequences because X would have to comply with illegal blocking orders that violate the IT Act, Blocking Rules, and the Hon'ble Supreme Court's decision in *Shreya Singhal*.
225. Also, if X is coerced to join the Censorship Portal, it will be required to receive unlawful information blocking orders issued under Section 79(3)(b) from all central and state government agencies pursuant to the MeitY Memorandum, in violation of the Blocking Rules and the safeguards laid down by the Hon'ble Supreme Court in *Shreya Singhal*. Through the Censorship Portal, X will be required to receive unconstitutional blocking orders that violate the Hon'ble Supreme Court's decision in *Shreya Singhal*. This will result in significant censorship and unlawful blocking of lawful information on the X platform, which will prejudice X and detrimentally impact its business.

Shreya N

226. Furthermore, X is at imminent risk because the Ministry of Railways recently issued information blocking orders under Section 79(3)(b) for hundreds of posts on X, seeking to censor *inter alia* commentary, videos, news articles, news footage and press reports about matters of public interest. The Ministry of Railways seeks to censor this noteworthy information from the internet. Such information could not have been the subject matter of Section 69A, and only to circumvent that law, the Ministry of Railways has impermissibly invoked Section 79(3)(b).
227. Copies of some of these information blocking orders are annexed as **Annexure S, T, U**. These unlawful information blocking orders were issued without following the Section 69A process, and in violation of the Hon'ble Supreme Court's decision in *Shreya Singhal*. Further, none of the Article 19(2) grounds are attracted to the information that the blocking orders seek to censor. The blocking orders are *ultra vires* the IT Act and violate the law laid down in *Shreya Singhal*.
228. The Ministry of Railways issued those unlawful information blocking orders pursuant to its impugned notification dated 24.10.2024 (**Annexure F**). One of the blocking orders is copied to MeitY, which shows coordination among the two ministries and further demonstrates that MeitY is attempting to circumvent Section 69A through other agencies (**Annexure S, T, U**). If this Hon'ble Court does



not grant interim relief, Respondents will continue to issue such unlawful blocking orders to X in violation of the IT Act, Blocking Rules, and *Shreya Singhal*. Thus, X will suffer irreparable harm if the interim prayer is not granted.

229. The effect would be irreparable and irreversible to X's business. For these reasons, *grave prejudice* and *irreparable injury* will be caused to X, if this Hon'ble Court does not grant the interim relief. Such injury and harm is incapable of being compensated in any other form, much less damages. (See *American Cyanamid Co. v. Ethicon Ltd.*, (1975) 1 All ER 504, at pg 509).

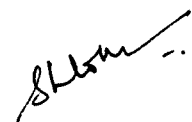
230. **No prejudice to Respondents if interim order allowed:** No prejudice will be caused to Respondents if the interim prayer is granted because Respondents already have an effective legal mechanism to issue information blocking orders, i.e. the Section 69A process.

231. All central ministries and state agencies, including local police officers, can seek information blocking under Section 69A and the Blocking Rules, which allow for emergency blocking. Any government agency can use the Section 69A process by sending a request to the Designated Officer under Section 69A. Under Rules 4 to 6 of the Blocking Rules, central and state agencies have nodal officers who send blocking requests to the Designated Officer. Any person can approach a nodal officer, who forwards the



request for blocking to the Designated Officer. MeitY publishes on its website a full list of the nodal officers of Central Ministries and State governments. See **Annexure P** for the list of nodal officers of Central Ministries under the Blocking Rules, and **Annexure Q** for the list of nodal officers of States under the Blocking Rules.

232. Indeed, in *Shreya Singhal*, the Supreme Court at para 121, affirmed that Section 69A is the sole IT Act provision to issue information blocking orders: "We have also seen how **there are only two ways in which a blocking order can be passed** – one by the Designated Officer after complying with the 2009 [Blocking] Rules and the other by the Designated Officer when he has to follow an order passed by a competent court..." (emphasis added).
233. Thus, Respondents will have lawful methods to block information under Section 69A. This ensures that Respondents will not be prejudiced if the interim relief is granted. Therefore, the balance of convenience is in favour of X and against Respondents (See *American Cyanamid Co. v. Ethicon Ltd.*, (1975) 1 All ER 504, pg 509; *Dalpat v. Prahlad*, (1992) 1 SCC 719, para 4).
234. Grant of the interim order is also in the public interest because Respondents' actions are *ultra vires* the IT Act, Blocking Rules, Constitution, and the law laid down by the Hon'ble Supreme Court in *Shreya Singhal*, which are meant

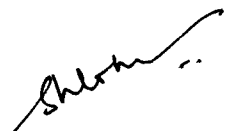


to protect the public. The public interest is best served by following the Hon'ble Supreme Court's decision in *Shreya Singhal* and the mandatory safeguards of the Blocking Rules.

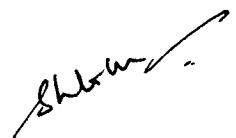
235. In view of the aforementioned facts and circumstances, this Hon'ble High Court may be pleased to restrain Respondents from taking coercive/prejudicial action against X in relation to information blocking orders not issued in accordance with Section 69A and the Blocking Rules, as well as for not joining the Censorship Portal, pending final adjudication of this Writ Petition.

PRAYERS

236. Petitioner therefore humbly prays that this Hon'ble Court be pleased to:
- a) Issue a writ declaring that Section 79(3)(b) of the Information Technology Act, 2000 (**IT Act**) does not confer authority to issue information blocking orders under the IT Act, and further declare that information blocking orders can only be issued under Section 69A of the IT Act read with the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 (**Blocking Rules**);



- b) Issue a writ restraining Respondents from taking coercive or prejudicial action against X Corp., its representatives, employees or officers in relation to any information blocking orders issued other than in accordance with Section 69A of the IT Act read with the Blocking Rules;
- c) Issue a writ restraining Respondents from taking coercive or prejudicial action against X Corp., its representatives, employees or officers, for not joining the Censorship ("Sahyog") Portal;
- d) Consequently, issue an appropriate writ quashing:
- i. Respondent No. 2 - Ministry of Electronics and Information Technology's Office Memorandum dated 31.10.2023 bearing No. 1(4)/2020-CLES-1 (**Annexure C**)
 - ii. Respondent No. 3 - Ministry of Home Affairs' notification dated 13.03.2024 bearing F. No. 22003/21/2019-I4C (**Annexure D**)
 - iii. Respondent No. 5 - Ministry of Defence's notification dated 24.10.2024 bearing F. No. A/34514/MI-10 (**Annexure E**)
 - iv. Respondent No. 6 - Ministry of Railways' notification dated 24.12.2024 bearing F. No. 2024/PR/13/63 (**Annexure F**)
 - v. Respondent No. 4 - Ministry of Finance's notification dated 06.01.2025 bearing F. No. N-24015/3/2024-Computer Cell (**Annexure G**),



and

- vi. any actions taken pursuant thereto.

- e) Pass such other further orders in the interest of justice and as this Hon'ble Court may deem fit and proper.

INTERIM PRAYERS

237. It is most respectfully prayed that this Hon'ble Court may be pleased to:

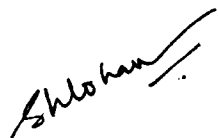
- a) Restrain Respondents from taking coercive or prejudicial action against X Corp., its representatives, employees or officers in relation to any information blocking orders issued other than in accordance with Section 69A of the IT Act read with the Blocking Rules, pending final adjudication of this Writ Petition;

- b) Restrain Respondents from taking coercive or prejudicial action against X Corp., its representatives, employees or officers, for not joining the Censorship ("Sahyog") Portal, pending final adjudication of this Writ Petition;

- c) Pass such other further orders in the interest of justice and as this Hon'ble Court may deem fit and proper.

Bengaluru

05.03.2025


Advocate for the Petitioner

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

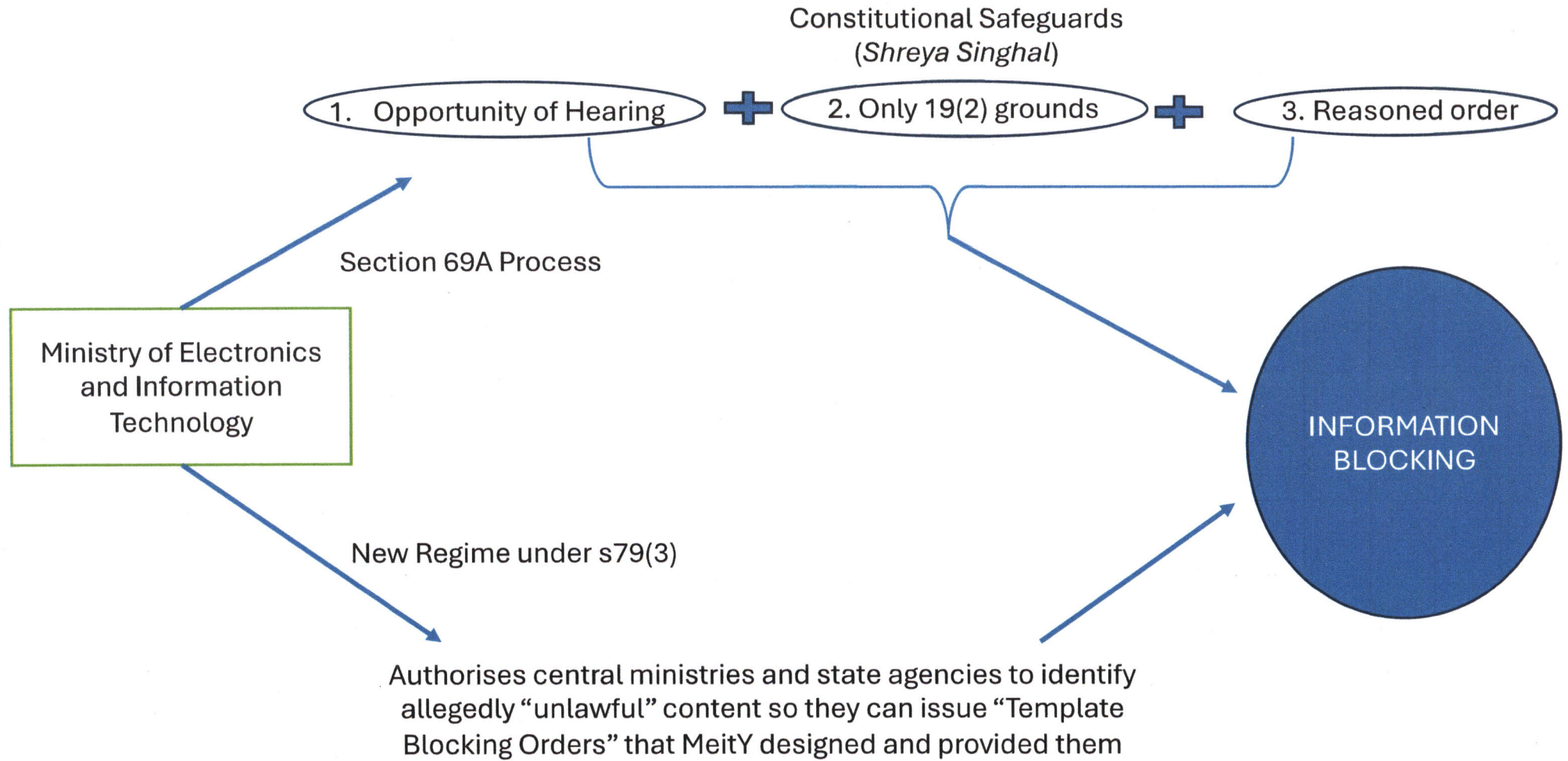
Subscribed and sworn to (or affirmed) before me on this 24th
day of February, 2025, by Zaur Gajiev

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature Elena Bonett



285

भारत सरकार

Government of India

इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय

Ministry of Electronics & Information Technology

इलेक्ट्रॉनिक्स निकेतन, 6, सी जी ओ कॉम्प्लेक्स, नई दिल्ली-110003

Electronics Niketan, 6, C G O Complex, New Delhi-110003

Website: www.mcit.gov.in

Annexure C

संख्या

No. 1(4)/2020-CLES -1

No.....

दिनांक

October 31, 2023

Date.....

Office Memorandum

Subject: Designate and notify nodal officer to handle Unlawful content / information / activities in Cyber Space, as per the provisions of the act / law administered by the Appropriate government

The content which is considered unlawful in the physical world is also unlawful in the online world. However, the way the Internet technologies work, disabling/ taking down of content can happen only at the country level/ global level. The contents cannot be blocked/removed at regional level. It is, therefore, necessary that a suitable and effective mechanism is developed for receiving and / or co-ordinating such requests for taking down in a way based on the subject matter dealt by each Ministry/ Department. The aim is to ensure effective and timely removal of such unlawful content over the internet through appropriate government framework, as these are presently dealing with that domain and its related unlawful activities in the physical/ online world.

2. The "intermediary" has been defined under section 2(1) (w) of the IT Act and also includes Social media platforms, Websites, Mobile Apps, e-commerce websites, various online aggregators, Internet Service providers, webhosting platforms etc. The Information Technology Act, 2000 also provides for the definition of Appropriate government based on the VII schedule of the Constitution.

3. Section 79(3)(b) of the Information Technology Act, 2000 ("IT Act") and the Information Technology (Intermediary guidelines and Digital Media Ethics Code) Rules, 2021" (hereinafter referred to as the "IT Rules, 2021) empowers "Appropriate Government or its authorized agency" to issue notice to an intermediary to disable access / takedown of any unlawful material residing in or connected to a computer resource, controlled by that intermediary. The provisions of Rule 3(1)(d) of the IT Rules, 2021 is reproduced below for your ready reference:

"...an intermediary, on whose computer resource the information is stored, hosted or published, upon receiving actual knowledge in the form of an order by a court of competent jurisdiction or on being notified by the Appropriate Government or its agency under clause (b) of sub-section (3) of section 79 of the Act, shall not host, store or publish any unlawful information, which is prohibited under any law for the time being in force in relation to the interest of the sovereignty and integrity of India; security of the State; friendly relations with foreign States; public order; decency or morality; in relation to contempt of court; defamation; incitement to an offence relating to the above, or any information which is prohibited under any law for the time being in force:

Provided that any notification made by the Appropriate Government or its agency in relation to any information which is prohibited under any law for the time being in force shall be issued by an authorised agency, as may be notified by the Appropriate Government:

contd/.....



Provided further that if any such information is hosted, stored or published, the intermediary shall remove or disable access to that information, as early as possible, but in no case later than thirty-six hours from the receipt of the court order or on being notified by the Appropriate Government or its agency, as the case may be:

Provided also that the removal or disabling of access to any information, data or communication link within the categories of information specified under this clause, under clause (b) on a voluntary basis, or on the basis of grievances received under sub-rule (2) by such intermediary, shall not amount to a violation of the conditions of clauses (a) or (b) of sub-section (2) of section 79 of the Act:"

4. Therefore, it is imperative that the corresponding Nodal Ministries/ Departments, as an Appropriate Government for the law / act administered by them, may address the issue of online unlawful contents in an effective manner.

5. In this regard, each appropriate government may consider the following:

- i. Designate and notify a Nodal Officer in the nodal Ministry/ Department and also in each state (if the subject matter is of the State Govts.) and such other designated official(s) for issuing takedown notice to the appropriate intermediary if any online content violates their act / law administered by them.
- ii. Confirm the same to MeitY for overall co-ordination.

The existing record with reference to the above is attached herewith for further updation, if any, from your side.

6. For issuing notices to the appropriate Intermediary platform, hosting or controlling the said unlawful information (brought to your knowledge either through grievances, complaints or as suomoto), a sample templates for content removal requests / takedown notice is placed in Annexure I. Since this is an evolving process, MeitY will facilitate resolving any technological/ feasibility issue or any other technical support as may be required to identify the right intermediary.

Encl: As above



(Dr Sandip Chatterjee)

Group Coordinator (Cyber Law & Data Governance) & Scientist G

Tel.: 011-24363094

Email: gccyberlaw@meity.gov.in

To

1. All Central Ministries / Departments
2. The Chief Secretaries and DGPs of all States / Union Territories

**[MODEL FORMAT FOR TAKEDOWN NOTICE TO INTERMEDIARIES]
[On the Letter Head of the Appropriate Government or its Agency]**

No: Date: <Insert Date>

NOTICE

To,
<The Nodal Contact Person of SSMI/> Other contact as available in case of other Intermediaries
<Name of Intermediary>
<address>

Subject: Notice issued under the rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 for Removal / disabling of prohibited/unlawful online information

Dear Sir/Madam,

This notice is being issued as per the provisions of clause (d) of sub-rule (1) of rule 3 of Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules, 2021").

We have identified that certain information available on your platform violates the provisions of

<Name of Legislation / Provision and specific clause including its text >.

The unlawful information can be found at:

<Insert URLs/ Content Identifier/ HASH>.

Please refer to the enclosed document for complete detail on the unlawful material as supporting evidence.

I, being the Nodal Officer representing <the name of the Law Enforcement Agency>, an authorized agency of the <Appropriate Govt. name>, issue this notice to disable access, and/ or remove the information identified in the enclosed document as soon as possible and in no case later than 36 hours, without vitiating the evidence in any manner.

Please note that failing to do so may amount to aiding/abetting the transmission of such unlawful information or conduct of such unlawful activity, as the case may be, and you may be prosecuted for hosting such information, data, or communication links. Further, failure to take necessary action may render your platform to lose intermediary exemptions as provided under the IT Act and attract legal proceedings under the IT Act and/or the <insert name of legislation>.

In case of any dispute/issue you may contact _____ at the earliest and in no case later than 36 hours.



भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-14032024-252989
CG-DL-E-14032024-252989

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 180]

नई दिल्ली, बृहस्पतिवार, मार्च 14, 2024/फाल्गुन 24, 1945

No. 180]

NEW DELHI, THURSDAY, MARCH 14, 2024/PHALGUNA 24, 1945

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 13 मार्च, 2024

सा.का.नि. 193(अ).—केंद्रीय सरकार, जो कि समुचित सरकार है, सूचना प्रौद्योगिकी अधिनियम 2000 की धारा 79 की उपधारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, गृह मंत्रालय की एजेंसी का समुचित सरकार के रूप में प्रतिनिधित्व करने, सूचना प्रौद्योगिकी अधिनियम, 2000 की धारा 79 की उप-धारा (3) के खंड (ख) के अधीन भारतीय साइबर अपराध समन्वय केंद्र (I4C) को, सूचना प्रौद्योगिकी अधिनियम, 2000 की धारा 79 की उपधारा (3) के खंड (ख) के अधीन कृत्यों का पालन करने के लिए और मध्यवर्ती द्वारा नियंत्रित कंप्यूटर संसाधन में विद्यमान या उससे सम्बद्ध ऐसी सूचना, डाटा संसूचना संपर्क के दृष्टांतों को अधिसूचित करने के लिए, जिनका उपयोग विधि विरुद्ध कार्य के लिए किया जा रहा है, गृह मंत्रालय का अभिकरण अभिहित करती है।

[फा. सं. 22003/21/2019-I4C]

आशीष कुमार, संयुक्त सचिव

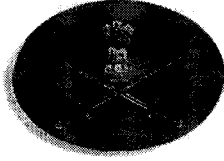
MINISTRY OF HOME AFFAIRS**NOTIFICATION**

New Delhi, the 13th March, 2024

G.S.R. 193(E).—In exercise of the powers conferred by clause (b) of sub-section (3) of section 79 of the Information Technology Act 2000, Central Government being the appropriate government hereby designate the Indian Cyber Crime Coordination Centre (I4C), to be the agency of the Ministry of Home Affairs to perform the functions under clause (b) of sub-section (3) of section 79 of Information Technology Act, 2000 and to notify the instances of information, data or communication link residing in or connected to a computer resource controlled by the intermediary being used to commit the unlawful act.

[F. No. 22003/21/2019-I4C]

ASHISH KUMAR, Jt. Secy.



Additional Directorate General
Strategic Communication
Directorate General of
Information Warfare
Integrated HQ of MoD (Army)
Room No: B-30, South Block
New Delhi – 110011

0332004H/85005/ADGSC

20 Nov 2024


Nodal Officer
X (Twitter)
Twitter-legal@twiter.com

**OFFICE OF ADDITIONAL DIRECTORATE GENERAL OF STRATEGIC
COMMUNICATION DESIGNATED AS NODAL OFFICER TO ISSUE NOTICE TO
INTERMEDIARIES**

1. Refer Ministry of Defence Notification ID CG-DL-E-24102024-258222 Part II- Section 4 published on 24 October 2024.
2. Office of Additional Directorate General of Strategic Communication has been designated as the nodal officer for the purpose of issuing notice to intermediaries in relation to any information which is prohibited under any law for the time being in force, pertaining to the Indian Army and its components.
3. The undermentioned officers of Additional Directorate General of Strategic Communication are authorised to initiate correspondence on the subject :-

Colonel Ashish Upreti	Lieutenant Colonel Viral Tyagi
Mobile No – 9971190718	Mobile No – 8670864333
Nic mail ID – webmaster.indianarmy@nic.in	Nic mail ID – webmaster.indianarmy@nic.in

4. Official email ID (webmaster.indianarmy@nic.in) as mentioned in para above may please be noted for subsequent correspondence on the subject matter.


 (Ashish Upreti)
 Colonel
 Colonel (Social Media)
 Additional Directorate General of Strategic Communication



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-24102024-258222
CG-DL-E-24102024-258222

असाधारण
EXTRAORDINARY

भाग II—खण्ड 4
PART II—Section 4

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 136]

नई दिल्ली, बृहस्पतिवार, अक्टूबर 24, 2024/कार्तिक 2, 1946

No. 136]

NEW DELHI, THURSDAY, OCTOBER 24, 2024/KARTIKA 2, 1946

रक्षा मंत्रालय

अधिसूचना

नई दिल्ली, 24 अक्टूबर, 2024

का.नि.आ. 136(अ).—केंद्रीय सरकार, सूचना प्रौद्योगिकी (मध्यवर्ती दिशानिर्देश और डिजिटल मीडिया आचार संहिता) नियम, 2021 के नियम 3 के उपनियम (1) के खंड (घ) के साथ पठित सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) की धारा 79 की उपधारा (3) के खंड (ख) के अनुसरण में, भारतीय सेना में सामरिक संचार अपर महानिदेशक (केन्द्रीय सरकार का ऐसा अधिकारी हो जो उप-सचिव के पंक्ति के नीचे का न हो) को किसे ऐसी जानकारी के सम्बन्ध में जो भारतीय सेना और इसके संघटकों से संबंधित तत्समय प्रवृत्त किसी विधि के अधीन प्रतिषिद्ध हैं, मध्यवर्तियों को नोटिस जारी करने के प्रयोजन हेतु नोडल अधिकारी के रूप में पदाभिहित करती हैं।

[फा. सं. A/34514/MI-10]

मेजर जनरल जीएस चौधरी, संयुक्त सचिव

MINISTRY OF DEFENCE

NOTIFICATION

New Delhi, the 24th October, 2024

S.R.O. 136(E).—In pursuance of clause (b) of sub-section (3) of section 79 of the Information Technology Act, 2000 (21 of 2000) read with clause (d) of sub-rule (1) of rule 3 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, the Central Government hereby designates Additional Directorate General of Strategic Communication (being an officer of the Central Government not below the rank of Deputy Secretary), in the Indian Army, as the nodal officer for the purpose of issuing notice to intermediaries in relation to any information which is prohibited under any law for the time being in force, pertaining to the Indian Army and its components.

[F. No. A/34514/MI-10]

MAJOR GENERAL G S CHOUDHRY, Jt. Secy.



Notification of Executive Director (Information and Publicity), Railway Board, Ministry of Railways, For the purpose of issuing notice to the intermediaries-reg.

From: **Deputy Director** <pr.rlybd@gmail.com>

Date: Wed, Jan 8, 2025 at 3:09 PM

Subject: Notification of Executive Director (Information and Publicity), Railway Board, Ministry of Railways, For the purpose of issuing notice to the intermediaries-reg.

To: <fbncpindia@fb.com>, <wancpindia@meta.com>, <nodal.officer@kooapp.com>, <india-nodal-officer@google.com>, <twitter-legal@twitter.com>, <lawenforcement@snapchat.com>, <lawenforcement@reddit.com>, <Twitter-legal@twiter.com>, <nodalofficer@sharechat.co.in>, <tmampilly@linkedin.com>, <NCP@quora.com>, <ncclimops@reliancejio.com>, <nodal.officer@myjosh.in>, <nodalofficer@mygov.in>, <abhimanyu@telegram.org>, <indiacc1@microsoft.com>, <legal@wikimedia.org>, <kchoudhary@wikimedia.org>, <IndiaLEInquiries@godaddy.com>, <ler@quora.com>, <indiaccl@microsoft.com>

Ma'am/Sir,

Please find attached herewith copy of The Gazette of India : Extraordinary (G.S.R. 781 (E) dated 24.12.2024 through which Central Government of India being the appropriate Government hereby notifies (In pursuance of the relevant clauses of the Information Technology Act detailed in the subjected Gazette Notification) Executive Director (Information and Publicity), Railway Board, Ministry of Railways, For the purpose of issuing notice to the intermediaries in relation to any information which is prohibited under any law for the time being in force pertaining to the Ministry of Railways and its attached offices.

The Contact details of present incumbent as Executive Director (Information and Publicity), Railway Board, Ministry of Railways are as under :

Shri Dilip Kumar

Executive Director (Information and Publicity),

Railway Board, Ministry of Railways

email : edip.railway@rb.railnet.gov.in, pr.rlybd@gmail.com

Phone : 01147845487

Mobile No. : 9717732788

It is requested that please arrange to update these details in your record for further communications and necessary actions please.

Regards

Prashant Kumar Pattnaik

Dy. Director/Public Relations

Ministry of Railways, Railway Board

New Delhi

 **Gazette Notification.pdf**
2253K



Notification of Executive Director (Information and Publicity), Railway Board, Ministry of Railways, For the purpose of issuing notice to the intermediaries-reg.

From: **Dilip Kumar** <edip.railway@rb.railnet.gov.in>

Date: Wed, Jan 8, 2025 at 5:27 PM

Subject: Notification of Executive Director (Information and Publicity), Railway Board, Ministry of Railways, For the purpose of issuing notice to the intermediaries-reg.

To: <fbncpindia@fb.com>, <wancpindia@meta.com>, <nodal.officer@kooapp.com>, <india-nodal-officer@google.com>, <twitter-legal@twitter.com>, <lawenforcement@snapchat.com>, <lawenforcement@reddit.com>, <Twitter-legal@twiter.com>, <nodalofficer@sharechat.co.in>, <tmampilly@linkedin.com>, <NCP@quora.com>, <ncclimops@reliancejio.com>, <nodal.officer@myjosh.in>, Nodal Officer <nodalofficer@mygov.in>, <abhimanyu@telegram.org>, <indiacc1@microsoft.com>, <legal@wikimedia.org>, <kchoudhary@wikimedia.org>, <IndiaLEInquiries@godaddy.com>, <ler@quora.com>, <indiaccl@microsoft.com>

Ma'am/Sir,

Please find attached herewith copy of The Gazette of India : Extraordinary (G.S.R. 781 (E) dated 24.12.2024 through which Central Government of India being the appropriate Government hereby notifies (In pursuance of the relevant clauses of the Information Technology Act detailed in the subjected Gazette Notification) Executive Director (Information and Publicity), Railway Board, Ministry of Railways, For the purpose of issuing notice to the intermediaries in relation to any information which is prohibited under any law for the time being in force pertaining to the Ministry of Railways and its attached offices.

The Contact details of present incumbent as Executive Director (Information and Publicity), Railway Board, Ministry of Railways are as under :

Shri Dilip Kumar
Executive Director (Information and Publicity),
Railway Board, Ministry of Railways
email : edip.railway@rb.railnet.gov.in, pr.rlybd@gmail.com
Phone : 01147845487
Mobile No. : 9717732788

It is requested that please arrange to update these details in your record for further communications and necessary actions please.

Regards

Prashant Kumar Pattnaik
Dy. Director / Public Relations
Ministry of Railways, Railway Board
New Delhi

75
Azadi Ka
Amrit Mahotsav

 **Gazette Notification.pdf**
2253K


सत्यमेव जयते

भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-29122024-259679
CG-DL-E-29122024-259679

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 719]

No. 719]

नई दिल्ली, मंगलवार, दिसम्बर 24, 2024/पौष 3, 1946
NEW DELHI, TUESDAY, DECEMBER 24, 2024/PAUSHA 3, 1946

रेल मंत्रालय

अधिसूचना

नई दिल्ली, 24 दिसम्बर, 2024

सा.का.नि. 781(अ).—सूचना प्रौद्योगिकी (मध्यवर्ती दिशा-निर्देश और डिजिटल मीडिया आचार नीति संहिता) नियम, 2021 के नियम 3 के उप-नियम (1) के खंड (घ) के साथ पठित, सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) की धारा 79 की उप-धारा (3) के खंड (ख) के अनुसरण में, उपयुक्त सरकार के रूप में केन्द्र सरकार, कार्यकारी निदेशक (सूचना एवं प्रचार), रेलवे बोर्ड, रेल मंत्रालय को, रेल मंत्रालय और उसके संबद्ध कार्यालयों से संबंधित किसी भी समय लागू कानून के तहत निषिद्ध किसी भी सूचना के संबंध में मध्यवर्ती संस्थाओं को नोटिस जारी करने के प्रयोजनार्थ अधिसूचित करती है।

[फा. सं. 2024/पीआर/13/63]

टी. श्रीनिवास, संयुक्त सचिव

MINISTRY OF RAILWAYS**NOTIFICATION**

New Delhi, the 24th December, 2024

G.S.R. 781(E).— In pursuance of clause (b) of sub-section (3) of section 79 of the Information Technology Act, 2000 (21 of 2000), read with clause (d) of sub-rule (1) of rule 3 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, the Central Government being the appropriate Government hereby notifies Executive Director (Information and Publicity), Railway Board, Ministry of Railways, for the purpose of issuing notice to the intermediaries in relation to any information which is prohibited under any law for the time being in force pertaining to the Ministry of Railways and its attached offices.

[F. No. 2024/PR/13/63]

T. SRINIVAS, Jt. Secy.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-06012025-259972
CG-DL-E-06012025-259972

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-section (II)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 93]

No. 93]

नई दिल्ली, सोमवार, जनवरी 6, 2025/पौष 16, 1946
NEW DELHI, MONDAY, JANUARY 6, 2025/PAUSHA 16, 1946

वित्त मंत्रालय

(राजस्व विभाग)

अधिसूचना

नई दिल्ली, 6 जनवरी, 2025

का.आ. 95(अ).—सूचना प्रौद्योगिकी (मध्यस्थों और डिजिटल मीडिया आचार संहिता के लिए दिशानिर्देश) नियमावली, 2021 के नियम 3 के उप-नियम (1) के खंड (घ) के साथ पठित सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) की धारा 79 की उप-धारा (3) के खंड (ख) के अनुसरण में, केंद्र सरकार एतद्वारा, एकीकृत माल और सेवा कर अधिनियम, 2017 (2017 का 13) की धारा 14क(3) के संबंध में उक्त नियमों के प्रयोजनों के लिए वित्त मंत्रालय के राजस्व विभाग में केंद्रीय अप्रत्यक्ष कर और सीमा शुल्क बोर्ड के जीएसटी आसूचना मुख्यालय महानिदेशालय (डीजीजीआई-एचआई) के अपर/संयुक्त निदेशक (आसूचना) को नोडल अधिकारी के रूप में नामित करती है।

2. यह अधिसूचना सरकारी राजपत्र में प्रकाशन की तारीख से लागू रहेगी।

[फा. सं. एन-24015/3/2024-कंप्यूटर प्रकोष्ठ]
मुकेश सुंदरियाल, अवर सचिव (कंप्यूटर प्रकोष्ठ)

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

New Delhi, the 6th January, 2025

S.O. 95(E).—In pursuance of clause (b) of sub-section (3) of section 79 of the Information Technology Act, 2000 (21 of 2000) read with clause (d) of sub-rule (1) of rule 3 of the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021, the Central Government hereby designates the Additional/ Joint Director (Intelligence) of Directorate General of GST Intelligence Headquarters (DGGI-Hq), Central Board of Indirect Taxes and Customs in Department of Revenue, Ministry of Finance, as the nodal officer for the purposes of the said rules in respect to section 14A(3) of Integrated Goods and Services Tax Act, 2017 (13 of 2017).

2. This Notification shall remain in force from the date of its publication in the Official Gazette.

[F. No. N-24015/3/2024-Computer Cell]

MUKESH SUNDRIYAL, Under Secy. (Computer Cell)



301

Govt. of West Bengal
Office of the Addl. Director General & Inspector General of Police
West Bengal Cyber Crime Wing
Smart Connect Building, Action Area II, New Town
Kolkata-700161
E-mail: ciso@wb.gov.in

Annexure H



- 1) To
Shri Sanket S Bhondve, IAS
Joint Secretary & Designated Officer u/s 69A,
Ministry of Electronics and Information Technology,
Government of India, New Delhi.
- 2) To
The CEO
Indian Cybercrime Co-ordination Centre (I4C)
Ministry of Home Affairs
Government of India, New Delhi.

Ref: Memo No. 1060-JS(IT), Dated 16/10/2024

Memo No: WB-CCW/SMC-752024

Date: 28/10/2024


Subject: Authorized Officers for Content Takedown Orders in West Bengal under section 79(3)(b) of the Information Technology Act, 2000, as well as the rule 3(1)(d) of Information technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

In compliance with Memo No. 1060-JS(IT), dated 16/10/2024, issued by the Department of Information Technology & Electronics, Government of West Bengal, we are pleased to submit the attached list of authorized officers designated for issuing content takedown orders under Section 79(3)(b) of the Information Technology Act, 2000, as well as the rule 3(1)(d) of Information technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.


You are requested to inform all social media intermediaries regarding the order issued related to 79(3)(b) of the Information Technology Act, 2000.

Enclosure:

1. List of Authorized Officers for Content Takedown Orders.
2. Oder copy of Department of Information Technology & Electronics, Government of West Bengal.


28-10-2024
/ ADG & IGP (Cyber Cell)
West Bengal

Copy to: All social media intermediaries.


28.10.2024
/ ADG & IGP (Cyber Cell)
West Bengal

302

Govt. of West Bengal
Department of Information Technology & Electronics
Moni Bhandar (5th & 6th) Floor, Block – EP&GP
Sector-V, Salt Lake, Kolkata – 700 091
Phone : 2357-2545, Fax: 2357-2534.

Memo. No. 1060-JS(IT)

Dated: 16 /10/2024

ORDER

Sub: Designation of Authorised Officers to handle unlawful Content/Information under information Technology intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 & 79(3)(b) of Information Technology Act, 2000.

Rule 3 (1) (d) of Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 issued by Ministry of Electronics & Information Technology, Govt. of India under sub-section 3 Clause (b) of section 79 of Information Technology Act, 2000 empower the State Government to notify 'Authorized Officer' to issue content take down orders to Intermediaries in order to restrict any offence relating to public order, decency or morality, deformation or incitement.

In exercise of the power under above mentioned Rule, following officers are notified as "Authorised Officers" to issue content take down orders to intermediaries under Clause (d) sub-section-(1) Rule 3 of Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 under section 79 (3)(b) of Information Technology Act' 2000 -

Sl No.	Designation	Jurisdiction
1.	ADG & IGP, Cyber Crime Wing, West Bengal	Entire State
2.	DC, Cyber Cell & DC, STF, Kolkata Police	Kolkata Police Jurisdiction
3.	SP/DCP of the Police District/Police Commissionerate in charge of Cyber Crime	Respective Police District/Police Commissionerate

This is issued with the approval of the competent authority..



Joint Secretary to the
Government of West Bengal

Memo. No. 1060/1(2)-JS(IT)

Dated: 16/10/2024

Copy forwarded for information and necessary action:

- i) All CsP/SsP under West Bengal Police
- ii) DC, Cyber Cell & DC, STF, Kolkata Police



Joint Secretary to the
Government of West Bengal

Memo. No. 1060/1(6)-JS(IT)

Dated: 16/10/2024

Copy forwarded for kind information:

- i) DG & IGP, West Bengal
- ii) Commissioner of Police, Kolkata
- iii) ADG & IGP, Cyber Cell, West Bengal
- iv) Director, Indian Cybercrime Coordination Centre (I4C), MHA, New Delhi
- v) Joint Secretary, Ministry of Home Affairs, Govt. of India
- vi) Joint Secretary, Ministry of Electronics & Information Technology (MeitY), Govt. of India



Joint Secretary to the
Government of West Bengal

SL.No.	State Name	Rank of Officer	Designated officer Name	Designated officer mobile number	Designated NIC mail id to be authorized to submit
1	West Bengal	ADG & IGP	H.K.KUSUMAKAR	9147890406	smc-ccw@policewb.gov.in

SL.No.	Kolkata Police Jurisdiction	Rank of Officer	Designated officer Name	Designated officer mobile number	Designated NIC Mail ID to be authorized to submit
1	Kolkata Police	DCP	Bhola Nath Pandey, IPS	6290427732	dcseast@kolkatapolice.gov.in
2	Kolkata Police	DCP	HARIKRISHNA PAI, IPS	+919748392444	cybercellpd@kolkatapolice.gov.in
3	Kolkata Police	DCP	BIDISHA KALITA DASGUPTA, IPS	9831022658	ssdcybercell@kolkatapolice.gov.in
4	Kolkata Police	DCP	AMIT KUMAR SHAW, IPS	7003192529	dcstf@kolkatapolice.gov.in cysurv.stf@kolkatapolice.gov.in
5	Kolkata Police	DCP	ABHISHEK MODI, IPS	9874902700	dccyber@kolkatapolice.gov.in

SL.No.	District Name	Rank of Officer	Designated officer name	Designated officer mobile number	Designated NIC mail id to be authorized to submit
1	Siliguri Police Commissionerate	DCP	Shri Tanmoy Sarkar, IPS	9147889592	dc-dd-smp@policewb.gov.in
2	Chandannagar Police Commissionerate	DCP	Ms. Alaknanda Bhowal, IPS	9147889332	dcpchandannagar@wb.gov.in
3	Purba Bardhaman	SP	Sayak Das, IPS	9147888570	sp-ebwn.wb@policewb.gov.in
4	Baruipur PD	SP	Shri Palash Chandra Dhali IPS	9147888001	cyber-s24pgs@policewb.gov.in
5	Islampur	SP	Dr Joby Thomas	9147889132	cybercrimeps-isl@policewb.gov.in
6	Kalimpong	SP	Shri Shrihari Pandey	9147889079	spkalimpong@policewb.gov.in
7	Jalpaiguri PD	SP	Sri Khandbahale Umesh Ganpat	9147889155	sp-jpg@policewb.gov.in
8	Jhargram	SP	Arijit Sinha, IPS, Superintendent	9147888710	spihargram@policewb.gov.in

SL.No.	District Name	Rank of Officer	Designated officer name	Designated officer mobile number	Designated NIC mail id to be authorized to submit
9	Barrackpore Police Commissionerate	DCP	Shri Ganesh Biswas, IPS	9147889518	dcddbkp@policewb.gov.in
10	Barasat PD	SP	Ms. Pratiksha Jharkhariya , IPS	9147888137	cybercellbst@policewb.gov.in
11	Purulia	SP	Aashish Maurya	9147888749	dysp-deb-pla-wb@policewb.gov.in
12	Alipurduar	SP	Y. Raghuvamshi, IPS	9147889188	apd-cybercrimeps@policewb.gov.in
13	Birbhum	SP	Shri Raj Narayan Mukherjee,	9147888481	sp-bhm@nic.in
14	Bidhannagar Police Commissionerate	DCP	Shri Aneesh Sarkar, IPS	9147889489	dcp-bdn@policewb.gov.in
15	Jangipur PD	SP	ANANDA ROY, IPS	9147888367	sp-jpd@policewb.gov.in
16	Diamond HarbourPD	SP	Shri Rahul Goswami, IPS	9147888088	sp.diamondharbour@policewb.gov.in
17	Hooghly Rural	SP	KAMANASISH SEN	9147888441	sphooghly-wb@nic.in
18	Krishnanagar PD	SP	Amarnath K IPS	9147888283	sp-krishnanagarpd@policewb.gov.in
19	Bongaon PD	SP	Shri. Dinesh Kumar, IPS	9147888211	sp-bongaon-pd@policewb.gov.in
20	Howrah Police Commissionerate	DCP	Sri Subimal Paul IPS	9147889273	dccentralhpc@policewb.gov.in
21	Coochbehar	SP	Dyutiman Bhattacharya, IPS	9147889251	spcbr@policewb.gov.in
22	Darjeeling	SP	Shri Praween Prakash, IPS	9147889045	cybercrimeps-djg@policewb.gov.in
23	Murshidabad PD	SP	Shri Surya Pratap Yadav, IPS	9147888400	sp-murshidabadpd@policewb.gov.in
24	Bankura	SP	Shri Vaibhav Tiwari, IPS	9147888929	iccyberps-bnk@policewb.gov.in
25	Paschim Medinipur	SP	Shri Dhritiman Sarkar, IPS	9147888600	spmdpwest@policewb.gov.in
26	Sealdah GRP	SP	Ms. J. Mercy, IPS, SRP Sealdah	9147889611	srpsldgrp@policewb.gov.in

SL.No.	District Name	Rank of Officer	Designated officer name	Designated officer mobile number	Designated NIC mail id to be authorized to submit
27	Siliguri GRP	SP	Dr. Kunwar Bhushan Singh	8376869847	srpslg@policewb.gov.in
28	Asansol-Durgapur Police Commissionerate	DCP	Dr. Arvind Kumar Anand, IPS	9147889369	adpc.cybercop-wb@nic.in
29	Purba Medinipur	SP	Shri Soumyadip Bhattacharya	9147888650	sp-purbamidnapur@policewb.gov.in
30	Sundarban PD	SP	IPS Dr Koteswara Rao	9147888098	sp-spd@policewb.gov.in
31	Ranaghat PD	SP	Shri Kumar Sunny Raj, IPS	9147888356	occcps-ranaghatpd@policewb.gov.in
32	Basirhat PD	SP	Dr. Hossain Mehedi Rehman	9147888210	cyberps-bhtpd@policewb.gov.in
33	Dakshin Dinajpur	SP	Shri Chinmay Mittal, IPS	9147889031	ic-cyberpsblg@policewb.gov.in
34	Raiganj	SP	Md. Sana Akhtar, IPS	9147889120	cybercrimeps-rnj@policewb.gov.in
35	Howrah Rural PD	SP	Ms. Swati Bhangalia	9147888235	cybercrimeps-hr@policewb.gov.in
36	Malda	SP	Sri Pradeep Kumar Yadav	7501307326	ccp-ic-malda@policewb.gov.in

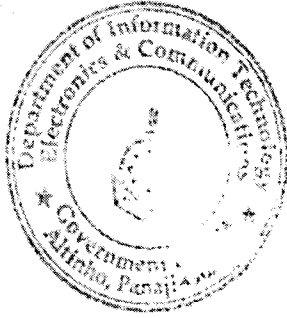
Department of Information Technology, Electronics & Communications
Government of Goa
2nd Floor, IT HUB, Altinho,
Panaji, Goa - 403 001

No.10(131)/2024/DITE&C/Cyber Security Incidents/1573


Dated: 19/11/2024

NOTIFICATION

In pursuance of section 79(3)(b) of the Information Technology (IT) Act, 2000 read with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021; Government is pleased to designate the Superintendent of Police (SP), Cybercrime Cell, Goa as the Nodal Officer to handle Unlawful content/information/activities in Cyber Space and for issuing take down notice to appropriate intermediary, if any online content on social media platform violates the law or any act under section 79(3)(b) of the Information Technology Act, 2000 read with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.



By order & in the name of the
Governor of Goa


(Prasanna Acharya, IAS)
Director (ITE&C)

Copy to:

1. The P.S. to CS, Secretariat, Porvorim-Goa
2. The P.S. to Secretary (ITE&C), Secretariat, Porvorim-Goa
3. The Director General of Police, Goa Police Headquarters, Near Azad Maidan, Panaji, Goa
4. O.S.D. to Hon'ble Chief Minister, Ministerial Block, Secretariat, Porvorim-Goa
5. O.S.D. to Hon'ble Minister (ITE&C), 2nd floor, IT HUB, Altinho, Panaji, Goa
6. Collector (North), North Goa District Collectorate, Collectorate Building, Panaji, Goa
7. Collector (South), Office of the Collector and District Magistrate, South Goa District, Mathany Saldanha Administrative Complex, Margao, Goa
8. Superintendent of Police (North), Goa Police Headquarters, Near Azad Maidan, Panaji-Goa
9. Superintendent of Police (South), Office of Superintendent of Police, South Goa District, Margao -Goa
10. The Under Secretary (Home-I), Department of Home (General), Secretariat, Porvorim-Goa
11. Guard File

308

Annexure K

रजिस्ट्री सं. बी.एल.- 33002/99

REGD. No. D. L.-33002/99

भारत सरकार
GOVERNMENT OF INDIA

दिल्ली राजपत्र
Delhi Gazette

एस.जी.-डी.एल.-अ.-28122024-259672
SG-DL-E-28122024-259672

असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 335] No. 335]	दिल्ली, बृहस्पतिवार, दिसम्बर 26, 2024/पौष 5, 1946 DELHI, THURSDAY, DECEMBER 26, 2024/PAUSHA 5, 1946	[प.रा.रा.के.दि. सं. 305 [N. C. T. D. No. 305
----------------------	--	---

भाग IV
PART IV

राष्ट्रीय राजधानी राज्य क्षेत्र दिल्ली सरकार
GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI

गृह विभाग
अधिसूचना

दिल्ली, 26 दिसम्बर, 2024

फा. सं. 11/24/2024/गृह पुलिस-11/4236-4244.—सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का केंद्रीय अधिनियम 21) की धारा 79 की उप-धारा (3) के खंड (ख) के साथ पठित सूचना प्रौद्योगिकी (मध्यवर्ती दिशा-निर्देश और डिजिटल मीडिया आचार संहिता) नियमावली, 2021 के नियम 3 के उप-नियम (1) के खंड (घ) के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उप राज्यपाल उपयुक्त सरकार होने के नाते, एतद् द्वारा निम्नलिखित आदेश देते हैं :-

- दिल्ली पुलिस, सूचना प्रौद्योगिकी अधिनियम, 2000 की धारा 79(3)(ख) के अंतर्गत कार्यों के निष्पादन हेतु राष्ट्रीय राजधानी क्षेत्र दिल्ली की नोडल एजेंसी होगी।
- संयुक्त आयुक्त पुलिस, आई एफ एस ओ, विशेष प्रकोष्ठ, राज्य नोडल अधिकारी के रूप में होंगे। (आई एफ एस ओ, इंटेलेजेंस फ्यूजन और स्ट्रैटेजिक ऑपरेशंस का संक्षिप्त नाम है।)
- पुलिस उपायुक्त, आई एफ एस ओ राज्य नोडल अधिकारी की सहायता के लिए सहायक राज्य नोडल अधिकारी के रूप में होंगे।

4. जिलों के पुलिस उपायुक्तों, आई एफ एस ओ, ई ओ डब्ल्यू अपराध, विशेष प्रकोष्ठ, विशेष शाखा, आई जी आई ए, रेलवे और मेट्रो अपने-अपने क्षेत्राधिकार में दर्ज मामलों से संबंधित नोटिस जारी करने तथा विधि विरुद्ध कार्यों को करने के लिए उपयोग किए जा रहे मध्यस्थ द्वारा नियंत्रित कंप्यूटर संसाधन में मौजूद या उससे जुड़े सूचना, डेटा या संचारलिक के मामलों को अधिसूचित करने के लिए नामित अधिकारी के रूप में होंगे।

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उप राज्यपाल
के आदेश से तथा उनके नाम पर,
कुलविंदर सिंह उप-सचिव (गृह)

HOME DEPARTMENT

NOTIFICATION

Delhi, the 26th December, 2024

F. No. 11/24/2024/HP-II/4236-4244.—In exercise of powers conferred by first proviso to clause (d) of sub-rule (1) of rule 3 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 read with clause (b) of sub-section (3) of Section 79 of the Information Technology Act, 2000 (Central Act 21 of 2000), the Lieutenant Governor being the appropriate Government, hereby, orders the following:-

1. Delhi Police to be the nodal agency of the National Capital Territory of Delhi, to perform the functions under Section 79(3) (b) of The Information Technology Act, 2000.
2. Joint Commissioner of Police, IFSO, Special Cell, as State Nodal Officer (IFSO being an acronym for Intelligence Fusion and Strategic Operations).
3. Deputy Commissioner of Police, IFSO as the Assistant State Nodal Officer to assist the State Nodal Officer.
4. Deputy Commissioners of Police of Districts, IFSO, EOW, Crime, Special Cell, Special Branch, IGIA, Railways and Metro as designated officers for issuing take down notice pertaining to cases reported in their respective jurisdiction and to notify the instances of information, data or communication link residing in or connected to a computer resource controlled by the intermediary being used to commit the unlawful act.

By the order and in the name of Lieutenant Governor of National Capital
Territory of Delhi

KULVINDER SINGH, Dy. Secy. (HOME)

HOMIE-HM-40/MISC/33/2024-CH

VA17976/2024 FSA 02-09-2024

Government of Punjab
Department of Home Affairs & Justice
(Home - 4 Branch)
Order

In exercise of the powers conferred under Section 79(3)(b) of the Information Technology Act, 2000, the Governor of Punjab is pleased to designate Cyber Crime Wing, Punjab as the Nodal agency to handle unlawful content and information activities in cyberspace under the provision of the Information technology (IT) Act. The Nodal Agency shall send a monthly report to the State Government, containing a summary of the decisions taken in the preceding month in the following format by the 7th day of every month:-

Source of Material (Website Server etc)	Reason for removal of source of material (Law & Order, etc)	Total number of decisions to move disable access to material (Total number only)

2. The Additional Director General of Police, Cyber Crime, Punjab is designated as the Nodal officer for the said purpose. The details of the Nodal officer are as under:-

1. Additional Director General of Police, Cyber Crime
Email : adgp.statecybercrime@punjab.gov.in
sp.scc@punjabpolice.gov.in

Dated, Chandigarh:
26.08.2024

Gurkirat Kirpal Singh, IAS,
Secretary to Govt. of Punjab,
Department of Home Affairs and Justice

A copy is forwarded to the following for information & necessary action:-

1. Sh. Deepak Goel, Group Coordinator, Cyber Law Division, Department of Electronics and Information Technology, Ministry of Communication and Information Technology, Govt. of India, New

Ms 6727/Cand
11.05/9/24

Delhi, 6 CGO Complex, Lodhi Road, New Delhi-110003 with the request to publish the Nodal officer of the State of Punjab in your gazette website in reference to the matter cited above.

2. Joint Secretary & Designated Officer u/s 79(3)(b), of the Information Technology Act, 2000, Ministry of Electronics and Information Technology, Govt. of India, New Delhi, 6 CGO Complex, Lodhi Road, New Delhi-110003.

3. Director General of Police, Punjab (Secret Section-1) in reference to their office letter No. 11040 Con.SA-4(1) dated 29.05.2024. You are also requested to depute a person to coordinate with Ministry of Communication and Information Technology, Govt. of India for next further necessary action in this regard and after the procedure is done, endorse the copies of the order of Govt of India and Govt. of Punjab to all the concerned and to do the needful at your end to publish it on the official website of the Punjab Government and other related websites under intimation to this office. (A 12?)

4. Director, Governance Reforms.

Special Secretary Home.

(2)

“Typed Copy of Annexure L”

HOME-HM-40MISC/93/2024-25

I/917976/2024

02-09-2024

Government of Punjab

Department of Home Affairs & Justice

(Home - 4 Branch)

Order

In exercise of the powers conferred under Section 79(3)(b) of the Information Technology Act, 2000, the Governor of Punjab is pleased to designate Cyber Crime Wing, Punjab as the Nodal agency to handle unlawful content and information activities in cyberspace under the provision of the Information Technology (IT) Act. The Nodal Agency shall send a monthly report to the State Government, containing a summary of the decisions taken in the preceding month in the following format by the 7th day of every month:-

Source of Material (Website Server etc.)	Reason for removal source of material (Law & Order, etc.)	Total number of decisions to move disable access to material (Total number only)

2. The Additional Director General of Police, Cyber Crime, Punjab is designated as the Nodal officer for the said purpose. The details of the Nodal officer are as under:-

1. Additional Director General of Police, Cyber Crime

Email: adgp_statecybercrime(@punjab.gov.in

313

sp.scc@punjabpolice.gov.in

Dated, Chandigarh
26.08.2024

Gurkiran Kirpal Singh, IAS
Secretary to Govt. of Punjab,
Department of Home Affairs and Justice

A copy is forwarded to the following for information & necessary action:

1. Sh. Deepak Goel, Group Coordinator, Cyber Law Division, Department of Electronics and Information Technology, Ministry of Communication and Information Technology, Govt. of India, New Delhi, 6 CGO Complex, Lodhi Road, New Delhi-110003 with the request to publish the Nodal officer of the State of Punjab in your gazette website in reference to the matter cited above.
2. Joint Secretary & Designated Officer u/s 79(3)(b) of the Information Technology Act, 2000. Ministry of Electronics and Information Technology, Govt. of India, New Delhi, 6 CGO Complex, Lodhi Road, New Delhi-110003.
3. Director General of Police, Punjab (Secret Section-1) in reference to their office letter No. 11040 Con.SA-4(1) dated 29.05.2024. You are (A 27) also requested to depute a person to coordinate with Ministry of Communication and Information Technology, Govt. of India for next further necessary action in this regard and after the procedure is done, endorse the copies of the order of Govt of India and Govt. of Punjab to all the concerned and to do the needful at your end to publish it on the official website of the Punjab Government and other related websites under intimation to this office.
4. Director, Governance Reforms.

Sd/-

Special Secretary Home.

22003/176/2024-I4C
Government of India
Ministry of Home Affairs
Indian Cyber Crime Coordination Centre (I4C)
(CIS Division)

314 Annexure M

5th Floor, NDCC-II Building
Jai Singh Road New Delhi
Dated, 9th October, 2024


Subject: Regarding on-boarding of IT intermediaries on Sahyog Portal.

Kindly refer to Letter No. NCRP/Sahyog/DoT/OCBMS/2024/38 dated 19.08.2024 (copy attached) on the cited subject matter.

The Sahyog Portal for takedown of unlawful content under Section 79(3)(b) of IT Act, 2000 is developed and ready for implementation. All the agencies of States/UT's and Government of India authorised to issue notices for removal of unlawful content are being onboarded to the portal. Being an IT intermediary, you are requested to get onboarded to the portal. For this email giving out the following details may be sent to dgmi4c@mha.gov.in

- i. Name of the Nodal officer
- ii. Designation
- iii. Email address for sending notices
- iv. Mobile number

In this regard, MeitY is requested to issue instructions to all the IT Intermediaries to get on-boarded on Sahyog Portal at the earliest.


Roopa M.
Director, I4C
9/10/24

To,
All IT intermediaries offering Services in India.

Copy to:

Shri Bhuvnesh Kumar
Additional Secretary
Room No 4007, Electronics Niketan
6 CGO Complex Lodhi road New Delhi- 110003
Ph: +91-11-24363114
Email: bhuvnesh.k@meity.gov.in

WITHOUT PREJUDICE

11.11. 2024

Mr. Rajesh Kumar
CEO (I4C)
5th Floor, NDCC -II Building,
Jai Singh Road,
New Delhi -110001

Dear Sir,

Sub: Your letter dated 19.08.2024 bearing NCRP/Sahyog/DoT/OCBMS/2024/38; and your letter dated 05.11.2024 bearing e.File. No. 14(6)/2024-CL&DG

We write in response to your letters requesting X Corp. ("X") to nominate a "Nodal Officer" for a "Sahyog Portal" that will be used to issue information blocking orders to X outside of the statutory scheme under Section 69A.

1. Section 69A of the Information Technology Act, 2000 ("IT Act") is the only statutory power for information blocking. Section 79(3)(b) of the IT Act does not provide authority to order information blocking.
2. The Hon'ble Supreme Court in *Shreya Singhal v. Union of India*, (2015) 5 SCC 1 ("*Shreya Singhal*") has held that Section 79 is an exemption provision. Therefore, Section 79 cannot be the source of power to block information. Since Rule 3(1)(d) of the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules") merely refers back to Section 79, it also does not confer authority to order information blocking.
3. Establishing the contemplated portal to order information blocking would also create an impermissible parallel mechanism to the already existing Section 69A mechanism, but without the procedures or safeguards of Section 69A. This would contravene the Hon'ble Supreme Court's decision in *Shreya Singhal*.
4. X Corp. has already complied with the IT Act by appointing officers under Rule 4 of the IT Rules. There is no statutory backing to direct the appointment of another officer under the IT Act.
5. Without prejudice, X has dedicated portals to process valid legal requests. More information is available at:

t.co/lr or legalrequests.twitter.com
6. This letter is issued without prejudice to X's rights in law and should not be construed as a waiver of any of those rights.

316

Yours sincerely,

X

CC: Deepak Goel
Scientist G and Group Coordinator,
Cyber Laws and Data Governance Division,
MeitY

List of Nodal Officers from Ministries/Departments of Central Government under the provisions of Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009

S.N.	Ministry/Deptt.	Name	Designation	Address	Contact	Email
1.	D/o of Agriculture	Ms. Dimple Verma	Director	Department of Agriculture, Room No.284-A, Krishi Bhawan, New Delhi	23386053	d.verma@nic.in
2.	Assam Rifles, MHA	Sh. Abhishek Bharadwaj	Lt. Col	Directorate General Assam Rifles, Shillong-793010	9906355544	abhvaj.189k@gov.in
3.	D/o Atomic Energy	Shri E.Ravendiran	Director	3rd Floor, Anushakti Bhawan, C.S.M. Marg, Mumbai 400001	022-22862531	diradmn@dae.gov.in
4.	D/o Biotechnology, Ministry of Science & Technology	Dr. Rajeev Goel	Scientist 'F', NIC	Dept. of Biotechnology, Room - 603, Block-2, CGO Complex, New Delhi- 110003	24363501 9810077128	-
5.	M/o Chemicals and Fertilizers	Sh. Vijay Kumar Srivasatava	Dy. Secretary	Room No. 304, Janpath Bhawan, New Delhi 110001	011-23327718	vijayk.srivastava25@nic.in
6.	M/o Coal	Shri Mahendra Pratap	Deputy Secretary	Room No.301-B Wing, Shastri Bhawan, New Delhi-110001	011-23382787	mahendra.pratap23@nic.in
7.	M/o Consumer Affairs, Food & Public Distribution	Sh. Devendra S. Uikey	Deputy Secretary,	Room No. 474-A, Krishi Bhawan, Delhi	011-23383924	devendras.uikey27@nic.in
8.	M/o Corporate Affairs	Shri Manoj Pandey	Joint Secretary	A-Wing, Shastri Bhawan, Rajendra Prasad Road, New Delhi-110001	-	jsmp-mca@gov.in
9.	Council of Scientific & Industrial Research	Dr. Dilip Ranjan Das	Scientist 'G',	Technology Bhavan, New Mehrauli Road, Delhi, Delhi 110016	-	dilip.ranjan@nic.in
10.	Defence Research & Development Organization (DRDO)	Shri Rajiv Thaman	Scientist 'G'	Scientific Analysis Group (SAG), Metcalfe House, Delhi- 110054	9810344909	rthaman@gov.in
11.	M/o Defence	Shri Nikhil Saxena	DS (Genl/IT)	Room No. 208-G, South Block, New Delhi	23019713	dirit-mod@gov.in
12.	D/o Ex-servicemen Welfare	Sh. M.M. Singh	Deputy Secretary (res-l)	Dept. of Ex-servicemen Welfare, Room No. 237, B-Wing, Sena Bhawan, New Delhi-11	23015772	-
13.	D/o Defence Production	Shri Gaurav Sharma	Deputy Secretary (coord/DD P)	Room No. 11-A, South Block, New Delhi-110011	23013705	gauravsharma-cwc@nic.in
14.	D/o Drinking Water & Sanitation	Shri Rajeev Jauhari	Deputy Secretary		24361062 9582381088	rajeev.j@nic.in
15.	M/o Development of North Eastern Region	Dibyojit Dutta	Senior Technical Director	Ministry of Development of North Eastern Region	9968666599	
16.	D/o Expenditure	Shri Vijay Kumar Gupta	Dy. CISO(Exp.) & Sr. Technical Director	Room No. 35AB, North Block, New Delhi	23095595, 9810502951	
17.	D/o Economic Affairs	Sh. V.K. Sharma	Dy. Secy (Budget Monitoring)	Dept. of Economic Affairs, Room No. 238-B, North Block, New Delhi-110001	23095069,	sharma.vijayk@nic.in

S.N.	Ministry/Deptt.	Name	Nodal Officer	Address	Contact	Email
18.	M/o Earth Sciences	Dr.Bhavya Khanna	Scientist D	Ministry of Earth Sciences, Prithvi Road, Lodhi Road, New Delhi-110003	24669647	bhavya.khanna@gov.in
19.	M/o Environment & Forest	NA	Deputy. Secretary	Room 122, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi-3	-	-
20.	M/o External Affairs,	Ms. Ankita Wakekar	Under Secretary	145, A-Wing, Shastri Bhawan, External Publicity and Public Diplomacy Division, MEA, New Delhi	011-23388946	dsdd@mea.gov.in
21.	D/O Fisheries, M/o Fisheries, Animal Husbandry and Dairying	Dr. Niyati Joshi	Director	Ground Floor, Chanderlok Building, New Delhi-110001	9818371443 011-23710005	niyati.joshi@nic.in
22.	D/o Financial Services, M/o Finance	Ms. Kirti	Joint Director	3rd Floor, Jeevandeep, Parliament Street, N Delhi-1	23364063	kirti.15@gov.in
23.	M/o Food Processing Industries	Md. Rehan Zaheer	Under Secretary	Room no-216, Panchsheel Bhawan , August Kranti Marg New Delhi-110049	011-266406536	rehan.zaheer@nic.in
24.	D/o Health & Family Welfare	Biswa Bandan Senapati	Director	2nd Floor, IRCS Building Red Cross Road, New Delhi	011-23736090	b.senapati@nic.in
25.	D/o Higher Education	Shri Syed Ekram Rizwi	Director	Room No.419, C-Wing, Shastri Bhawan, New Delhi	23383872, 8506012112	syed.rizwi@gov.in
26.	M/o Heavy Industries	Shri Rama Kant Singh	Director (IT)	Room No. 172-D, Ministry of Heavy Industries, Udyog Bhawan, New Delhi-110011	011-23061862	singh.ramakant59@nic.in
27.	M/o Home Affairs	Shri Rahul Kant Sahu	DGM, I4C	5th Floor, NDCC-II Building, Jai Singh Road, New Delhi	911123438207	dgmi4c@mha.gov.in
28.	M/o Housing and Urban Affairs	Sh. N.K.Joshi	Deputy Secretary (Admin)	Room No. 212-C ,Wing, Nirman Bhawan	011- 23062195	nk.joshi@nic.in
29.	D/o Justice, M/o Law & Justice	Shri Ashok Kumar	Director(e-Courts)	Room No. 12 Jaisalmer House, 26 Man Singh Road, New Delhi- 110001	01123072145, 9418094189	dir-ecourts-doj@gov.in
30.	International Boundary Directorate (SGO), Survey of India	Bindu Manghat	Director	L-II Block, Brassey Avenue, Church Road, N Delhi	011-23092766	ibd.dli soi@gov.in
31.	D/o Land Resources	Shri Mitter Sain	Deputy Director General	Room No. 011 G, Ground Floor, G Wing, NBO Building, Nirman Bhawan, New Delhi-110011	011-23062454	secy-dolr@nic.in, mitter.sain@gov.in
32.	Legislative Department	Shri Manoj Kumar	Additional Secretary	Ministry of Law and Justice, Room No. 416, A-Wing, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi-110001	011-23073497, 9810409090	as-ld-molj@gov.in
33.	D/o Legal Affairs	Smt. Sher Singh Dagar	Joint Secretary & Legal Adviser	4th Floor, A-Wing Shastri Bhawan, New Delhi	011-23387543	sherdagar@gov.in
34.	M/o Information and Broadcasting	Sh. Amarendra Singh	Deputy Secretary	Room No. 760, A-Wing, 7th Floor, Shashtri Bhawan, N. Delhi	011-23381592	amarendra.singh@nic.in

S.N.	Ministry/Deptt.	Name	Nodal Officer	Address	Contact	Email
35.	M/o Micro, Small and Medium Enterprises	Shri Vinamra Mishra	Director (T&P)	Room No. 254, Udyog Bhawan, New Delhi	011-23063198	vinamra.mishra@gov.in
36.	M/o Mines	Sh. Sanjeev Verma	Director	Room No. 315 -D, Shastri Bhawan, New Delhi.	011-23070260, 8769043021	sanjeev.verma79@gov.in
37.	M/o New and Renewable Energy	Dr A K Tripathi	Scientist-G	Room No-213, Block -14, CGO Complex, Lodhi Road, New Delhi	011-24361830	jsit-mnre@gov.in
38.	M/o Panchayati Raj	Shri Subhash Sangwan	Under Secretary	Room No.7, Tower-II, 9th Floor, Jeevan Bharti Building, Sansad Marg, New Delhi	011-23725309	subhash.sangwan@nic.in
39.	M/o Parliamentary affairs	Dr. Satya Prakash	Additional Secretary	Room No. 87, Parliament House, Sansad Marg, New Delhi-110001	011-23034734, 23017893	secympa@nic.in, asmpa@gov.in
40.	D/o Personnel, Public Grievances and Pension	Somdudd Sharma	Joint Secretary	North Block, New Delhi	23093668	Js.admin-dopt@gov.in
41.	D/o Posts	Shri Manoj Pragada	ADG(Tech)	Dak bhavan, sansad marg, New Delhi, 110001	8800262976	adgtech@indiapost.gov.in
42.	D/o Public Enterprises	Sh. G.S. Basran	Dy. Secretary	Room No. 410, Block-14, Public Enterprises Bhavan, CGO Complex, N Delhi-110003	24360736,	dsadm-dpe@nic.in
43.	M/o Petroleum & Natural Gas	Sh. Rohit Mathur	JS (Admin)& CIO	Min. of Petroleum & Natural Gas, Shastri Bhawan, New Delhi-110 001	011-23380025	rohit.mathur@nic.in
44.	M/o Power	Sh. M. Ravi Kanth	Joint Secretary	Room No.202, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001	237148842	-
45.	D/o Pharmaceuticals	Shri Parveen Kumar	Dy. Secretary	Shastri Bhawan New Delhi	011-23327718/80 10979994	parveen.19@gov.in;
46.	M/o Road Transport & Highways	Shri Mahmood Ahmed	Joint Secretary	Room No. 523, Transport Bhawan, 1, Sansad Marg, New Delhi-110001	011-23318321	mahmood.ahmed@nic.in
47.	M/o Railways	Shri R.B.Das	Executive Director (C&IS)	Railway Board, Rail Bhawan, Raisina Road, New Delhi-110001	011- 23384751	edcis@rb.railnet.gov.in
48.	D/o Revenue, M/o Finance	Shri Vinod Kumar	Director	Room No. 66A, North Block, New Delhi-110001	011-23092686 9810016777	dirnc-dor@nic.in
49.	D/o Rural Development, M/o Rural Development	Shri Sanjay Kumar Pandey	DDG, NIC	Jeevan Bharati Building, Sansad Marg, New Delhi-110001	9893287688	hodddr-nic@nic.in
50.	D/o Sports	Shri Kunal	Joint Secretary (Development)	Room No. 504, B-Wing, Fifth Floor, Shastri Bhawan, New Delhi	011- 23384152	kunal.ias@nic.in
51.	M/o Shipping	Sh. Ashwani Kumar	Deputy Secretary	Room 428, Transport Bhawan, Sansad Marg, N Delhi-110001	23710220,	ashwani.hub@nic.in
52.	D/o Space	Shri Darukesha BHM	Scientist/Engineer-G, Director	Directorate of Information Systems and Management, Office of Media and Public Relations (OMPR), ISRO HQ, Antariksha Bhawan, New BEL Road, Bengaluru-560094	080-22172276	darukesha@isro.gov.in

S.N.	Ministry/Deptt.	Name	Nodal Officer	Address	Contact	Email
53.	M/o Skill Development and Entrepreneurship	Shri Sandesh Tilekar	Director (ENP)	Room No. 325, Shram Shakti Bhawan, Rafi Marg, New Delhi- 110001	011-23465855, 9822039212	sandesh.tilekar@gov.in & sandeshatilekar@gmail.com
54.	M/o Steel	Shri Devidatta Satapathy	Dy. Secy	185, Udyog Bhawan, Rafi Marg, New Delhi-110011	011-23062386	devidatta.satapathy@gov.in
55.	D/o Science and Technology	Dr.Bipin Joshi	Scientist 'F'	O/o Secretary, DST, Technology Bhawan, New Mehrauli Road,, New Delhi-110 016	011-26590214	bipin.joshi@nic.in
56.	D/o Telecom	Shri Jitender Prakash	Director (Security Audit)	Room No 1407, Sanchar Bhawan, New Delhi, 110001	011 23372325	dirsa-dot@gov.in
57.	M/o Textile	Shri Shubendu Kumar	Sr. Technical Director, NIC	Room No. 269, Udyog Bhawan, New Delhi	9810727757	shub@nic.in
58.	M/o Tribal Affairs	Dr. Naval Jit Kapoor	Joint Secretary	Room No. 741 –A wing, Shastri Bhawan, New Delhi.	23073489	kapoor.naval@gov.in
59.	M/o Tourism	Shri Pankaj Kumar Devrani	Under Secretary	IT Division , Transport Bhawan,1 Parliament Street	870092812, 23311237	pankaj.devrani@gov.in
60.	M/o Urban Development	Sh. Vijay Kumar Sharma	Director (Admn)	Ministry of Urban Development, Room No. 235, "C" Wing, Nirman Bhawan, New Delhi	23061979,	dir-adm-mud@nic.in
61.	Union Public Service Commission	Shri Vijay Singh	Director	UPSC, Dholpur House, Shahjahan Road, New Delhi-110069	9899842881	vijaysingh65-upsc@gov.in
62.	M/o Water resources	Sh. Srikanta Panda	Director (IT)	Ministry of Water Resources, 627, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001	23714374,	dirit-mowr@nic.in
63.	M/o Women & Child Development	Shri Navendra Singh	Director	Shastri Bhawan, A-Wing, Dr. Rajendra Prasad Road, New Delhi-110001	011-23384714	navendra.singh@nic.in
64.	D/o Youth Affairs	Shri Pankaj Kumar Singh	Director	Room No. 502, B-Wing, Fifth Floor, Shastri Bhawan, New Delhi	011-23073302	pankajkumar.singh08@ips.gov.in

List of Nodal Officers from States of India under the provisions of Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009

S.N.	State/UT	Name	Designation	Address	Email	Contact
1.	A & N Islands	Sh. A. James	OSD(IT)-2	IT Section, A&N Admin., Govt. Polytechnic Campus, Junglighat (P.O.), Pahargaon, Port Blair -744 103	james@and.nic.in	03192-232820, 03192-250587
2.	Andhra Pradesh	Sh. K Pullarao	Special Officer (Portal)	Room No. 248, First Floor, 4 th building, A.P. Secretariat, Velagapudi, Guntur District, AP, 522237	so_portal_itc@ap.gov.in	040-23456408, 040-23451092
3.	Arunachal Pradesh	Dr. Navdeep Singh Brar, IPS	Superintendent of Police	Police Headquarters, Itanagar	spsit@arunpol.nic.in	9915912113
4.	Assam	Shri Ghanshyam Dass	Secretary, IT	Information Technology Department, Block C, Second Floor, Janta Bhavan, Dispur, Guwahati, 781006	ghans.dass@ias.nic.in itdassam@gmail.com	8132851222
5.	Bihar	Sh. Rahul Singh	Secretary	Department of Information Technology, 2nd Floor, Technology Bhawan, Bailey Road, Patna - 800015	prsec_it@bihar.gov.in	0612-2545315, 0612-2545316
6.	Chandigarh	Sh. Anil k Prashar	Head SeMT	Department of Information Technology, Addl. Delux Building, Sector 9, Chandigarh - 160009	anilkprashar@yahoo.com	0172-2740641,
7.	Chhattisgarh	-	ADG/IG(Intelligence)	Police Headquarters, Atal Nagar, Nava Raipur, Chhattisgarh	igpint-phq@cg.gov.in aigtech-phq.cg@gov.in	0771-2436525
8.	D&N Haveli & DD	Sh. Krishna Chaitanya	Director (IT)	4 th Floor, Vidyut Bhawan Kanchigam, Near Indian Oil Petrol Pump, Daman-396215	ddgs-dd@ddd.gov.in dspers-dnh@nic.in	8375065282
9.	Delhi NCT	Shri K.Murugan	Joint Director (IT)	Information Technology Department, Govt. Of NCT of Delhi, 9 th Floor, Delhi Secretariat	k.murugan@nic.in	011-23392311
10.	Goa	Shri Harshad Pawar	Deputy Director (IT)	Department of Information Technology, 2nd Floor, IT Hub, Altinho, Panji, Goa-403001		
11.	Gujarat	Sh. Dhananjay Dwivedi, IAS	Secretary	Science & Tech. Dept. Block - 7, 5th Floor, New Sachivalaya, Gandhinagar- 382 010	secdst@gujarat.gov.in	079-23259999, 979-23250325
12.	Haryana	Shri Ajay Singh Tomar	Special Secretary	Haryana Civil Secretariat, Sector-1, Chandigarh	sit@hry.nic.in	-
13.	Himachal Pradesh	Sh. Rajeev Sharma	Additional Director (IT)	Department of Information Technology IT Bhawan, Mehli, Shimla-171013	rajeev.sharma@hp.gov.in	-
14.	Jammu & Kashmir	-	Inspector General of Police, CID, JK	Govt of J&K, Information Technology Department, Civil Secretariat, Jammu/Srinagar	dyspciocdhqrs- eo@jkpolice.gov.in	-
15.	Jharkhand	Sh. Amitabh Kumar	Regional Dy. Director	Revenue & Land Reforms Department, Project Bhawan, Dhurva, Ranchi-834002	-	0651-2400930 0651-2401083
16.	Karnataka	Sh. H.S. Shankar	Project Officer	HRMS Project, Room No. 145-A, M.S. Building, Gate No. 2, Dr. B R Ambedkar Veedhi, Bangalore 560001	srprog3-egov- dpar@karnataqka.gov.in	080-22372410, 22032547, 080-22259109

Data as per the records as received from the respective State/Union Territory- Subject to change as and when received (As on January 2025)

List of Nodal Officers from States of India under the provisions of Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009

S.N.	State/UT	Name	Designation	Address	Email	Contact
17.	Kerala	-	Principal Secretary	Information Technology Department, Central Secretariat, Trivandrum - 695 001	secy@it.kerala.gov.in	0471-2327438, 0471-2314284
18.	Ladakh	Sh Stanzin Losal	SSP CID	UT Secretariat Home Department, Ladakh	sp-cid01@police.ladakh.gov.in	
19.	Lakshadweep	Sh. S. S. Parihar	Special Secretary cum Director, IT	Department of Information Technology, Administration of the UT of Lakshadweep, Kavaratti - 682 555	lak-dit@nic.in	04896-263125
20.	Madhya Pradesh	Shri Pramod Agrawal	Principal Secretary	Department of Science & Technology, Govt. Of Madhya Pradesh	psit@mp.gov.in	0755-2441025
21.	Maharashtra	Dr. Saurabh Tripathi	Deputy Commissioner (Analysis), SID, Maharashtra	Old council road, 2nd floor, Shahid Bhagatsingh Marg, Colaba, Mumbai-400001	Dcanalysis.sid-mum@mahapolice.gov.in	022-22024161
	Maharashtra	Sh. Sanjay Saxena	Jt. Commissioner of Police (Crime)	Annex-II bldg, 1st floor, Crawford market, D.N.Road, Mumbai-400001	cp.mumbai.jtcp.crime@mahapolice.gov.in	022-22620406, 022-22024185
22.	Manipur	N. Deben	Additional Director (IT)	Department of Information Technology, 4th Floor, Western Block, New Secretariat, Imphal- 795001	n.deben@nic.in	7085055187
23.	Meghalaya	Sh. B. Tiwari	Special Officer	Information Technology & Communication Department, Government of Meghalaya, NIC Building, Ground Floor, Shillong - 793001	birentiwari@gmail.com,	+913642505174
24.	Mizoram	Dr. Lalthlamuana	CIO & JS,	Department of ICT, Mizoram Secretariat Annexe - I, Third floor, Treasury Square, Aizawl - 796001, Mizoram	muana.mizo@gmail.com ictsectt@gmail.com	0389- 2319637, 9436140113
25.	Nagaland	Er Sabou Yashu	Director IT&C	Directorate of IT&C, Thizama Road Kohima - 797004	Dit-ngl@nic.in	9402012562 0370-2270430
26.	Odisha	NA	ADGP CID CB	Odisha Police, Criminal Investigation Department, Crime branch, Odisha	Socialmedia.cyber@odishapolice.gov.in	06742916800
27.	Puducherry	Shri Yasam Lakshmi Narayana Reddy	Director (IT)	Directorate of IT, No. 505 Kamraj Salai, PRD Complex, Saram, Puducherry - 605 013	dit.pon@nic.in	0413-2246090, 0413-2246090
28.	Punjab	NA	Addl Director General of Police	State Cyber Crime Building, Phase-4 Mohali, SAS Nagar, Punjab	igp.cyber.c.police@punjab.gov.in	0172-2226258,
29.	Rajasthan	NA	Inspector General of Police	IGP, State Crime Record Bureau, Jaipur, Rajasthan	-	

List of Nodal Officers from States of India under the provisions of Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009

S.N.	State/UT	Name	Designation	Address	Email	Contact
30.	Sikkim	Tsering Samdup	Director	Department of Information Technology, Secretariat, Annexure I, Top floor, Gangtok, 737101	t.samdup@nic.in	9647853159
		NA	Deputy Inspector General of Police	Criminal Investigation Department, Sikkim Police Headquarters	dlt-sik@nic.in	
31.	Tamil Nadu	The Superintendent of Police	Crime Branch - (CID), Cyber crime cell	Office of DGP, Mylapore, Chennai, 60004	cbc cyber@nic.in spccdtgp@tn.gov.in	044-28447712, 044-28447712
32.	Telangana	Sh. Jayesh Ranjan, IAS	Principal Secretary to Govt., ITE&C Department	D Block, 3rd Floor, Secretariat, Government of Telangana, Hyderabad	secy_its@telangana.gov.in	040-23456401 9848148485
		Dr. Jitender, IPS	Principal Secretary to Govt, Home Department	D Block, 3rd Floor, Secretariat, Government of Telangana, Hyderabad	prlsecy_home@telangana.gov.in	9440627796
33.	Tripura	Mihir Lal Das	Superintendent of Police (Cyber Crime)	Old Secretariat Complex, Agartala, Tripura-799001	spcybercrime@tripurapolice.nic.in	0381-2304346, 9436123743/9402367527 0381-235-5751
34.	Uttar Pradesh	Ms. Neha Jain	Special Secretary	IT & Electronics Dept. Room No. 722, 7 th Floor, C-Block, Lok Bhawan, U.P. Secretariat	Neha.jain14@ias.nic.in ltelelectronicsdepartmentsec1@gmail.com	9559774423
35.	West Bengal	Shri Hari Kishore Kusumkar, IPS	Additional Director General (Cyber Cell) Chief Information Security Officer	Criminal Investigation Department, West Bengal	ciso@wb.gov.in	8978540202

Data as per the records as received from the respective State/Union Territory- Subject to change as and when received (As on January 2025)



POOVAYYA
ADVOCATES & SOLICITORS
BENGALURU • NEW DELHI

Annexure R

14.02.2025

1. Ministry of Electronics and Information Technology
Electronics Niketan,
6, CGO Complex, Lodhi Road,
New Delhi - 110003
secretary@meity.gov.in
bhuvnesh.k@meity.gov.in
dpk_goel@nic.in
2. Ministry of Home Affairs
5th Floor, NDCC-II Building,
Jai Singh Road,
New Delhi
ceo-i4c@mha.gov.in
diri4c@mha.gov.in

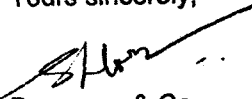
Dear Sirs,

Sub: Letter on behalf of our client, X Corp.

We write on behalf of and on instructions from our client, X Corp. We have been instructed by our client to deliver the enclosed letter to you.

Kindly acknowledge receipt.

Yours sincerely,



Poovayya & Co.

Encl: X Corp.'s letter dated 14.02.2025

14.02.2025

**Ministry of Electronics and Information Technology**

Electronics Niketan, 6, CGO Complex,

Lodhi Road, New Delhi - 110003

secretary@meity.gov.in

bhuvnesh.k@meity.gov.in

dpk_goel@nic.in

Ministry of Home Affairs5th Floor, NDCC-II Building,

Jai Singh Road, New Delhi

ceo-i4c@mha.gov.in

diri4c@mha.gov.in

Dear Sirs,

Subject: Writ Petition Challenging the Executive's Circumvention of Section 69A of the Information Technology Act, 2000 ("IT Act")

X Corp. hereby notifies you of its intent to challenge the government's incorrect interpretation of Section 79(3)(b) of the IT Act as authorizing the issuance of information blocking orders.

Section 69A of the IT Act is the sole mechanism to issue information blocking orders and is subject to the protections and legal safeguards that are recognized by the Honorable Supreme Court in *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

MeitY's directive to other Central Ministries, scores of state government agencies, and thousands of local police officers that they are authorized to issue information blocking orders under Section 79(3)(b), outside the Section 69A process, circumvents the requirements of the IT Act and violates the Honorable Supreme Court's decision in *Shreya Singhal*.

Neither Section 79 nor any law authorizes the executive to create an online portal for central and state government agencies and local police officers to issue blocking orders outside the Section 69A process. Nor does Section 79 mandate an intermediary to appoint a "nodal officer" to ensure compliance with the unlawful blocking orders that will be issued through the impugned portal.

As the Supreme Court recognized in *Shreya Singhal*, Section 79 is only an exemption provision. Section 79(3)(b) merely sets out an instance where an intermediary would not be entitled to exemption from liability for third-party content that it is otherwise entitled to under Section 79(1). Thus, Section 79(3)(b) is not a source of power to order information blocking, and the impugned portal's stated purpose is in contravention of law.

The executive's *ultra vires* actions will result in the significant and unrestrained censorship of information in India. Consequently, X will file a writ petition to address these issues.

This letter is issued without prejudice to X's rights in law and should not be construed as a waiver of any of those rights.

Sincerely,

X



Notice under rule 7 of the IT rules,2021 for restricting public access of content on specific URLs/Links1 message

From: **Deputy Director** <pr.rtybd@gmail.com>
Date: Fri, Feb 21, 2025 at 9:10 PM
Subject: Notice under rule 7 of the IT rules,2021 for restricting public access of content on specific URLs/Links
To: <fbncpindia@fb.com>, <twitter-legal@twitter.com>
Cc: <ministerofrailwaysoffice@gmail.com>, <cyberlaw@meity.gov.in>

Dear Ma'am/Sir,

Please find attached herewith a notice issued from the nodal officer of Ministry of Railways (alongwith copy of Gazette notification authorizing him as the nodal officer for the purpose) wherein it is requested that the sensitive and disturbing content shown in the links/URLs provided as appendix-1 may please be restricted from public access immediately. An acknowledgement in this regard shall be highly appreciated

Regards

Dilip Kumar
Executive Director (Information and Publicity)
Railway Board, New Delhi
edip.railway@rb.railnet.gov.in

2 attachments

 **Railway Notice 21Feb.pdf**
1242K

 **Gazette Notification.pdf**
2253K


सत्यमेव जयते

भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-29122024-259679
CG-DL-E-29122024-259679

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 719]

नई दिल्ली, मंगलवार, दिसम्बर 24, 2024/पौष 3, 1946

No. 719]

NEW DELHI, TUESDAY, DECEMBER 24, 2024/PAUSHA 3, 1946

रेल मंत्रालय

अधिसूचना

नई दिल्ली, 24 दिसम्बर, 2024

सा.का.नि. 781(अ).—सूचना प्रौद्योगिकी (मध्यवर्ती दिशा-निर्देश और डिजिटल मीडिया आचार नीति संहिता) नियम, 2021 के नियम 3 के उप-नियम (1) के खंड (घ) के साथ पठित, सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) की धारा 79 की उप-धारा (3) के खंड (ख) के अनुसरण में, उपयुक्त सरकार के रूप में केन्द्र सरकार, कार्यकारी निदेशक (सूचना एवं प्रचार), रेलवे बोर्ड, रेल मंत्रालय को, रेल मंत्रालय और उसके संबद्ध कार्यालयों से संबंधित किसी भी समय लागू कानून के तहत निषिद्ध किसी भी सूचना के संबंध में मध्यवर्ती संस्थाओं को नोटिस जारी करने के प्रयोजनार्थ अधिसूचित करती है।

[फा. सं. 2024/पीआर/13/63]

टी. श्रीनिवास, संयुक्त सचिव

MINISTRY OF RAILWAYS**NOTIFICATION**

New Delhi, the 24th December, 2024

G.S.R. 781(E).— In pursuance of clause (b) of sub-section (3) of section 79 of the Information Technology Act, 2000 (21 of 2000), read with clause (d) of sub-rule (1) of rule 3 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, the Central Government being the appropriate Government hereby notifies Executive Director (Information and Publicity), Railway Board, Ministry of Railways, for the purpose of issuing notice to the intermediaries in relation to any information which is prohibited under any law for the time being in force pertaining to the Ministry of Railways and its attached offices.

[F. No. 2024/PR/13/63]
T. SRINIVAS, Jt. Secy.

भारतसरकार GOVERNMENT OF INDIA
रेलमंत्रालय MINISTRY OF RAILWAYS
रेलवेबोर्ड RAILWAY BOARD

No. 2022/DDPR/1

New Delhi, dated: 21.02.2025

NOTICE TO INTERMEDIARY FOR DISABLING ACCESS TO UNLAWFUL INFORMATION

Whereas, section 79(3)(b) of the Information Technology Act, 2000 provides that the exemption from liability of intermediaries for third party information, data, or communication link made available or hosted by them shall not apply if upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

Whereas, rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (hereinafter referred to as "IT Rules, 2021") provides that an intermediary, on whose computer resource the information is stored, hosted or published, upon receiving actual knowledge in the form of an order by a court of competent jurisdiction or on being notified by the Appropriate Government or its agency under clause (b) of sub-section (3) of section 79 of the Act, shall not host, store or publish any unlawful information, which is prohibited under any law for the time being in force in relation to the interest of the sovereignty and integrity of India; security of the State; friendly relations with foreign States; public order; decency or morality, in relation to contempt of court; defamation; incitement to an offence relating to the above, or any information which is prohibited under any law for the time being in force.

And whereas, rule 7 of the IT Rules, 2021 provides that where an intermediary fails to observe these rules, the provisions of sub-section (1) of section 79 of the Act shall not be applicable to such intermediary and the intermediary shall be liable for punishment under any law for the time being in force.

And whereas, the Ministry of Railways, being the appropriate Government in respect of all subject matters of Indian Railways and its attached offices is empowered under section 79(3)(b) of the IT Act to issue notifications to the intermediaries, including social media platforms, to remove/disable access to URLs, accounts, etc, where unlawful advertisements, endorsements, promotional content, etc, are published. And whereas, vide Ministry of Railways Notification vide GSR no. 781(E) dated 24 December, 2024, the undersigned has been designated as a Nodal Officer for the purpose of notifying the intermediaries in respect to unlawful information as per section 79(3)(b) of the IT Act, 2000 read with rule 3(1)(d) of the IT Rules, 2021. (Copy of Notification in the Gazette of India is enclosed)


It has come to the notice of this Ministry that certain accounts (details in Appendix-1) on the intermediary platforms X.com, Facebook and Instagram are sharing false and misleading content related to Indian Railways. It has also been observed that some of these videos are old footage from Bangladesh in Narsingdi Station Area on 7 Dec 2024 which is being shared in a deceptive manner, provoking unlawful activities among the public.

330

Categorically it is also mentioned that travelling on roof, step or engine of a train is strictly prohibited under section 156 of Indian Railways Act, 1989. Therefore, it is directed that the content in the shared links be taken down immediately.

Now therefore, in accordance with the above mentioned provisions of law, the intermediary x.com or You Tube is hereby notified to remove and disable access to the all the above mentioned accounts within thirty-six hours of the issue of this communication without vitiating the evidence in any manner.

Encl: as above


(Dilip Kumar)
Executive Director/I&P
Railway Board

To,

x.com (formerly known as twitter),(Email: twitter-legal@twitter.com)

Facebook, (Email: fbncpindia@fb.com)

Instagram. (Email: fbncpindia@fb.com)

- Copy to :i) Secretary, Ministry of Electronics and Information Technology, Electronics Niketan,
New Delhi for kind information and necessary action please.
ii) OSD to Hon'ble Minister of Railways for kind information please.

Appendix-1

x.com:-

<https://x.com/asurofficial/status/1892492574608196069?s=48&t=mz5m-YOXBHhEZ6gdFUB6qw>

Facebook:-

<https://www.facebook.com/share/r/1DYJHzDCTu/?mibextid=wwXlfr>

Instagram:-

<https://www.instagram.com/reel/DDQ-gcJTgZQ/?igsh=MXQwaTlwZHZuMHNmNw==>

JG 21/02/25



Fwd: Notice under rule 7 of the IT rules,2021 for restricting public access of content on specific URLs/Links

From: **Dilip Kumar** <edip.railway@rb.railnet.gov.in>
Date: Wed, Feb 12, 2025 at 6:18 PM
Subject: Fwd: Notice under rule 7 of the IT rules,2021 for restricting public access of content on specific URLs/Links
To: <twitter-legal@twitter.com>


From: "pr rlybd" <pr.rlybd@gmail.com>
To: twitter-legal@twitter.com
Sent: Wednesday, February 12, 2025 3:22:05 PM
Subject: Notice under rule 7 of the IT rules,2021 for restricting public access of content on specific URLs/Links

Dear Ma'am/Sir,
Please find attached herewith a notice from the nodal officer of Ministry of Railways (alongwith copy of Gazette notification authorizing him as the nodal officer for the purpose) wherein it is requested that the misleading and provoking content shown in the links/URLs provided as appendix-1 may please be restricted from public access immediately. An acknowledgement in this regard shall be highly appreciated.

Regards

Prashant Kumar Pattnaik
Dy. Director/Public Relations
Ministry of Railways, Railway Board
New Delhi

2 attachments

 **12.02.25.pdf**
1075K

 **Gazette Notification.pdf**
2253K



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-29122024-259679
CG-DL-E-29122024-259679

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 719]

नई दिल्ली, मंगलवार, दिसम्बर 24, 2024/पौष 3, 1946

No. 719]

NEW DELHI, TUESDAY, DECEMBER 24, 2024/PAUSHA 3, 1946

रेल मंत्रालय

अधिसूचना

नई दिल्ली, 24 दिसम्बर, 2024

सा.का.नि. 781(अ).—सूचना प्रौद्योगिकी (मध्यवर्ती दिशा-निर्देश और डिजिटल मीडिया आचार नीति संहिता) नियम, 2021 के नियम 3 के उप-नियम (1) के खंड (घ) के साथ पठित, सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) की धारा 79 की उप-धारा (3) के खंड (ख) के अनुसरण में, उपयुक्त सरकार के रूप में केन्द्र सरकार, कार्यकारी निदेशक (सूचना एवं प्रचार), रेलवे बोर्ड, रेल मंत्रालय को, रेल मंत्रालय और उसके संबद्ध कार्यालयों से संबंधित किसी भी समय लागू कानून के तहत निषिद्ध किसी भी सूचना के संबंध में मध्यवर्ती संस्थाओं को नोटिस जारी करने के प्रयोजनार्थ अधिसूचित करती है।

[फा. सं. 2024/पीआर/13/63]

टी. श्रीनिवास, संयुक्त सचिव

MINISTRY OF RAILWAYS**NOTIFICATION**

New Delhi, the 24th December, 2024

G.S.R. 781(E).— In pursuance of clause (b) of sub-section (3) of section 79 of the Information Technology Act, 2000 (21 of 2000), read with clause (d) of sub-rule (1) of rule 3 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, the Central Government being the appropriate Government hereby notifies Executive Director (Information and Publicity), Railway Board, Ministry of Railways, for the purpose of issuing notice to the intermediaries in relation to any information which is prohibited under any law for the time being in force pertaining to the Ministry of Railways and its attached offices.

[F. No. 2024/PR/13/63]

T. SRINIVAS, Jt. Secy.

335

भारतसरकार GOVERNMENT OF INDIA
रेलमंत्रालय MINISTRY OF RAILWAYS
रेलवेबोर्ड RAILWAY BOARD

No. 2022/DDPR/1

New Delhi, dated: 12.02.2025

NOTICE TO INTERMEDIARY FOR DISABLING ACCESS TO UNLAWFUL INFORMATION

Whereas, section 79(3)(b) of the Information Technology Act, 2000 provides that the exemption from liability of intermediaries for third party information, data, or communication link made available or hosted by them shall not apply if upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

Whereas, rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (hereinafter referred to as "IT Rules, 2021") provides that an intermediary, on whose computer resource the information is stored, hosted or published, upon receiving actual knowledge in the form of an order by a court of competent jurisdiction or on being notified by the Appropriate Government or its agency under clause (b) of sub-section (3) of section 79 of the Act, shall not host, store or publish any unlawful information, which is prohibited under any law for the time being in force in relation to the interest of the sovereignty and integrity of India; security of the State; friendly relations with foreign States; public order; decency or morality, in relation to contempt of court; defamation; incitement to an offence relating to the above, or any information which is prohibited under any law for the time being in force.

And whereas, rule 7 of the IT Rules, 2021 provides that where an intermediary fails to observe these rules, the provisions of sub-section (1) of section 79 of the Act shall not be applicable to such intermediary and the intermediary shall be liable for punishment under any law for the time being in force.

And whereas, the Ministry of Railways, being the appropriate Government in respect of all subject matters of Indian Railways and its attached offices is empowered under section 79(3)(b) of the IT Act to issue notifications to the intermediaries, including social media platforms, to remove/disable access to URLs, accounts, etc, where unlawful advertisements, endorsements, promotional content, etc, are published. And whereas, vide Ministry of Railways Notification vide GSR no. 781(E) dated 24 December, 2024, the undersigned has been designated as a Nodal Officer for the purpose of notifying the intermediaries in respect to unlawful information as per section 79(3)(b) of the IT Act, 2000 read with rule 3(1)(d) of the IT Rules, 2021. (Copy of Notification in the Gazette of India is enclosed)

And whereas, it has come to the notice of this Ministry that the following accounts (details at Appendix-1) on the intermediary platform x.com, facebook.com are accounts which are sharing an old video/content having misleading information being shared to promote unlawful activities i.e. violence and harm to the National Property as some unruly passengers are breaking window pof

336

Railway Bogie carrying passengers which is an offence under section 151 of Indian Railways Act 1989
As sharing of such video may also promote this unlawful activity which may create unwarranted law
and order situation. It is categorically mentioned that the content showed in shared links may be
taken down immediately as in the wake of huge rush in trains now a days it may affect operations of
Indian Railways too.

Now therefore, in accordance with the above mentioned provisions of law, the intermediary x.com or You Tube is hereby notified to remove and disable access to the all the above mentioned accounts within thirty-six hours of the issue of this communication without vitiating the evidence in any manner.

Encl: as above



(Dilip Kumar)
Executive Director/I&P
Railway Board

To,

x.com (formerly known as twitter),(Email: twitter-legal@twitter.com)

Google Inc (YouTube)(Email: legal@support.youtube.com)

Instagram& Facebook (Email: fbncpindia@fb.com)

- Copy to :i) Secretary, Ministry of Electronics and Information Technology, Electronics Niketan,
New Delhi for kind information and necessary action please.
ii) OSD to Hon'ble Minister of Railways for kind information please.

https://x.com/Adv_rj24/status/1889527184014057942

<https://x.com/DSourceInsight/status/1870498250962194730>

<https://x.com/C90284166/status/1870128816762569208>

https://x.com/TheFederal_News/status/1870024355222356336

https://x.com/ltsKhan_Saba/status/1869959973113082266

<https://x.com/htTweets/status/1869978537094197426>

<https://x.com/thequotesnews/status/1870001442687463935>

<https://x.com/latestly/status/1869980166644216076>

<https://x.com/lokmatimeseng/status/1869959934592389234>

<https://x.com/thefirstindia/status/1869805863617343498>

<https://x.com/news11bharat/status/1870361940427751747>

https://www.google.com/imgres?h=1280&w=720&tbnh=300&tbnw=168&osm=1&hcb=1&source=lens-native&usq=A14_-kTIYffNuOxQPXKaOF-IV9jwXQKGoQ&imgurl=https://lookaside.instagram.com/seo/google_widget/crawler/?media_id%3D3527951632639561746&imgrefurl=https://www.instagram.com/piyushmanush/reel/DD1zVFoPZAS/&tbnid=ygLbPwSKIZmBLM&docid=i5V2YIU3Z28erM



Fwd: Notice under rule 7 of the IT rules,2021 for restricting public access of content on specific URLs/Links1 message

From: **Deputy Director** <pr.rlybd@gmail.com>

Date: Wed, Feb 12, 2025 at 5:45 PM

Subject: Fwd: Notice under rule 7 of the IT rules,2021 for restricting public access of content on specific URLs/Links

To: <twitter-legal@twitter.com>

In reference to the trailing mail, Please find more URLs/Links in the attached excel sheet having the same content which need to be restricted from public access.

Regards

Prashant Kumar Pattnaik
Dy. Director/Public Relations
Ministry of Railways, Railway Board
New Delhi

----- Forwarded message -----

From: **Deputy Director** <pr.rlybd@gmail.com>

Date: Wed, Feb 12, 2025 at 1:58 PM

Subject: Notice under rule 7 of the IT rules,2021 for restricting public access of content on specific URLs/Links

To: <twitter-legal@twitter.com>


Dear Ma'am/Sir,

Please find attached herewith a notice from the nodal officer of Ministry of Railways (alongwith copy of Gazette notification authorizing him as the nodal officer for the purpose) wherein it is requested that the misleading and provoking content shown in the links/URLs provided as appendix-1 may please be restricted from public access immediately. An acknowledgement in this regard shall be highly appreciated.

Regards

Prashant Kumar Pattnaik
Dy. Director/Public Relations
Ministry of Railways, Railway Board
New Delhi

3 attachments

 **11.02.25 Take down Notice.pdf**
738K

 **Gazette Notification.pdf**
2253K

 **MAHA KUMBH list .xlsx**
17K


भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-29122024-259679
CG-DL-E-29122024-259679

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 719]

No. 719]

नई दिल्ली, मंगलवार, दिसम्बर 24, 2024/पौष 3, 1946
NEW DELHI, TUESDAY, DECEMBER 24, 2024/PAUSHA 3, 1946

रेल मंत्रालय

अधिसूचना

नई दिल्ली, 24 दिसम्बर, 2024

सा.का.नि. 781(अ).—सूचना प्रौद्योगिकी (मध्यवर्ती दिशा-निर्देश और डिजिटल मीडिया आचार नीति संहिता) नियम, 2021 के नियम 3 के उप-नियम (1) के खंड (घ) के साथ पठित, सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) की धारा 79 की उप-धारा (3) के खंड (ख) के अनुसरण में, उपयुक्त सरकार के रूप में केन्द्र सरकार, कार्यकारी निदेशक (सूचना एवं प्रचार), रेलवे बोर्ड, रेल मंत्रालय को, रेल मंत्रालय और उसके संबद्ध कार्यालयों से संबंधित किसी भी समय लागू कानून के तहत निषिद्ध किसी भी सूचना के संबंध में मध्यवर्ती संस्थाओं को नोटिस जारी करने के प्रयोजनार्थ अधिसूचित करती है।

[फा. सं. 2024/पीआर/13/63]

टी. श्रीनिवास, संयुक्त सचिव

MINISTRY OF RAILWAYS**NOTIFICATION**

New Delhi, the 24th December, 2024

G.S.R. 781(E).— In pursuance of clause (b) of sub-section (3) of section 79 of the Information Technology Act, 2000 (21 of 2000), read with clause (d) of sub-rule (1) of rule 3 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, the Central Government being the appropriate Government hereby notifies Executive Director (Information and Publicity), Railway Board, Ministry of Railways, for the purpose of issuing notice to the intermediaries in relation to any information which is prohibited under any law for the time being in force pertaining to the Ministry of Railways and its attached offices.

[F. No. 2024/PR/13/63]

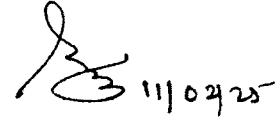
T. SRINIVAS, Jt. Secy.

342

1989 which says 'f any passenger or any other person, after being warned by a railway servant to desist, persists in travelling on the roof, step or footboard of any carriage or on an engine, or in any other part of a train not intended for the use of passengers, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both and may be removed from the railway by any railway servant. As sharing of such video may also promote this unlawful activity which may create unwarranted law and order situation. It is categorically mentioned that the content showed in shared links may be taken down immediately as in the wake of huge rush in trains now a days it may affect operations of Indian Railways too.

Now therefore, in accordance with the above mentioned provisions of law, the intermediary x.com or You Tube is hereby notified to remove and disable access to the all the above mentioned accounts within thirty-six hours of the issue of this communication without vitiating the evidence in any manner.

Encl: as above



(Dilip Kumar)
Executive Director/I&P
Railway Board

To,


x.com (formerly known as twitter),(Email: twitter-legal@twitter.com)

Google Inc (YouTube)(Email: legal@support.youtube.com)

Instagram& Facebook (Email:fbncpindia@fb.com)

- Copy to :i) Secretary, Ministry of Electronics and Information Technology, Electronics Niketan,
New Delhi for kind information and necessary action please.
ii) OSD to Hon'ble Minister of Railways for kind information please.

- 1 <https://x.com/AvinashKS14/status/1888911543204815198>
- 2 <https://x.com/Bharat24Liv/status/1888658944144613742>
- 3 <https://x.com/vivekcool007/status/1888850721430216895>
- 4 <https://x.com/Tumhotoh/status/1888566196137828638>
- 5 <https://x.com/hindustanherald/status/1889577046486954117>
- 6 <https://x.com/lokmatimeseng/status/1889161233028493348>
- 7 <https://x.com/KhalsaVision/status/1888977998084456940>
- 8 <https://x.com/Channel6N/status/1888940633014071679>
- 9 <https://x.com/IndianBackchod/status/1888914562067616139>
- 10 <https://x.com/AvinashKS14/status/1888911658871148881>
- 11 <https://x.com/BhaskarEnglish/status/1888865977527378104>
- 12 <https://x.com/MudassirGoenka7/status/1888851419219849262>
- 13 https://x.com/Samachar_Mumbai/status/1888846674165952532
- 14 <https://x.com/nomadmarkter/status/1888845538491023548>
- 15 <https://x.com/FrontalForce/status/1888843831891681296>
- 16 <https://x.com/HYDDeccanNEWS/status/1888823689971446129>
- 17 <https://x.com/Shubham2350x/status/1888647626490306610>
- 18 <https://x.com/ravipandey2643/status/1888617682229964954>
- 19 https://x.com/DNI_official_X/status/1888586970034582005
- 20 <https://x.com/Tumhotoh/status/1888566196137828638>
- 21 <https://x.com/News9Tweets/status/1888559674267439577>
- 22 <https://x.com/vayambharat/status/1888539556305330506>
- 23 <https://x.com/Rojclash15/status/1888526559264534713>
- 24 <https://x.com/latestly/status/1888501950687121787>
- 25 <https://x.com/DailyUttamHindu/status/1888498021677117554>

 11/02/25

S.NO

LINKS

- 1 <https://x.com/Tumhotoh/status/1888566196137828638>
- 2 <https://x.com/Aravind2114/status/1888855226440184138>
- 3 <https://x.com/RCitizen45056/status/1888874608994005458>
- 4 <https://x.com/yuthavasanth/status/1889197993921741130>
- 5 https://x.com/sidhu_kumar1/status/1888810108819579220
- 6 <https://x.com/TweetoBala/status/1888807364658073978>
- 7 https://x.com/HarshJoshi_HJ/status/1888646591277580623
- 8 https://x.com/ravi_sharma_in/status/1888967313505878452
- 9 <https://x.com/adityagargoo7/status/1888863288785526890>
- 10 <https://x.com/OnindyaC/status/1888825194380468426>
- 11 <https://x.com/chokecb/status/1888625813274423600>
- 12 <https://x.com/Ankitku398183/status/1888920409711476819>
- 13 <https://x.com/AdityaG09646514/status/1888989538594574388>
- 14 <https://x.com/BintehAdam/status/1888828905026355445>
- 15 https://x.com/Amorim_Eraa/status/1888845246840095148
- 16 <https://x.com/AviKaur62165826/status/1888924317229912480>
- 17 https://x.com/s0urr_grapes/status/1888818514997514393
- 18 <https://x.com/FrolicFunn/status/1888823161703329957>
- 19 <https://x.com/ParthKu/status/1888963887694836030>
- 20 https://x.com/Manohar_6705/status/1888858314684948734
- 21 <https://x.com/BabadooTapes/status/1888842071207014799>
- 22 <https://x.com/dalidasroy/status/1888622659258438016>
- 23 <https://x.com/Harshs404/status/1888779130587750837>
- 24 <https://x.com/kunalmh/status/1888606748778639523>
- 25 <https://x.com/innavenum/status/1888806159227977988>
- 26 <https://x.com/WestHyderabad/status/1888628918179246456>
- 27 <https://x.com/deepakv712/status/1888631088572252416>
- 28 <https://x.com/gp5544/status/1888839637067784561>
- 29 https://x.com/thisismk1021_/status/1888802543754682520
- 30 <https://x.com/Sanjeevry/status/1888806460550774870>
- 31 <https://x.com/TheOneDit/status/1888833269963108389>
- 32 <https://x.com/imkawal1/status/1888845746843140218>
- 33 https://x.com/bronx_vz/status/1888625307747496436
- 34 <https://x.com/RibelRana07/status/1888833872902930451>
- 35 <https://x.com/Lingeshan/status/1888870788452995541>
- 36 <https://x.com/thaanaaraa/status/1888823689082507722>
- 37 https://x.com/lky_01/status/1888807258806734907
- 38 <https://x.com/ThalaKeanuReves/status/1888945409562906628>
- 39 https://x.com/alan_shore12/status/1888905322204402048
- 40 https://x.com/Santanu_100/status/1888656617731961088
- 41 <https://x.com/NirastraBhawahh/status/1888606164801429777>
- 42 <https://x.com/KhalsaVision/status/1888977998084456940>
- 43 <https://x.com/Awadhpur108/status/1888894865905180757>
- 44 https://x.com/dead_l_pool/status/1889019686052110519
- 45 https://x.com/Suryateja_23/status/1888846192605360233
- 46 <https://x.com/sriramv512/status/1888823252895859074>
- 47 <https://x.com/AjitSinghRathi/status/1889157599137837210>
- 48 <https://x.com/News9Tweets/status/1888559674267439577>
- 49 <https://x.com/tv13gujarati/status/1888547931936215542>

- 50 <https://x.com/FrontalForce/status/1888843831891681296>
- 51 <https://x.com/mrjethwani/status/1888614295271030839>
- 52 <https://x.com/vivekcool007/status/1888850721430216895>
- 53 <https://x.com/MudassirGoenka7/status/1888851419219849262>
- 54 <https://x.com/statemirrornews/status/1888514838185570748>
- 55 <https://x.com/AvinashKS14/status/1888911543204815198>
- 56 <https://x.com/BhaskarEnglish/status/1888865977527378104>
- 57 <https://x.com/nomadmarkter/status/1888845538491023548>
- 58 <https://x.com/Symbianian/status/1888618776570323080>
- 59 <https://x.com/IndianBackchod/status/1888914562067616139>
- 60 <https://x.com/ravipandey2643/status/188861768229964954>
- 61 <https://x.com/SurendraTi83765/status/1888629354219127077>
- 62 <https://x.com/breakingsatya/status/1889179839619580175>
- 63 <https://x.com/thatsMalayalam/status/1888845628559507830>
- 64 <https://x.com/KanishkaPandey/status/1888584502559051977>
- 65 https://x.com/atheist_vicky/status/1888902182050619809
- 66 <https://x.com/Abhimanyu1305/status/1888789001059946570>
- 68 <https://x.com/ArpanKumar30547/status/1888782258569376131?t=AGDVPxcD0EP8XIVLJe9PTQ&s=19>
- 69 <https://x.com/VANDNAVAND18375/status/1888635497209384983?t=fd5nV42ILN4pAgk70EHrpQ&s=19>
- 70 https://x.com/PankajSing73161/status/1888881476126843027?t=FfbLQOyP-I_puFOM6455zw&s=19
- 71 <https://x.com/ndtv/status/1888878860881801714?t=I3iVvrRt6kwmsuL6z7JxzA&s=19>
- 72 <https://x.com/Deepakkhatri812/status/1888622074161254469>
- 73 <https://x.com/Rojclash15/status/1888526559264534713>
- 74 <https://x.com/lokmattimeseng/status/1889161233028493348>
- 75 https://x.com/Prince_07860/status/1888643174178127919
- 76 <https://x.com/ferinjacob/status/1888605611673190686>
- 77 https://x.com/GulRose_views/status/1888562394894393448
- 78 <https://x.com/NavbharatTimes/status/1888484443079454975>
- 79 <https://x.com/PANCHAYATTV/status/1888572699922047148>
- 80 https://x.com/auto_kaka/status/1888523679367139434
- 81 <https://x.com/deepeshpande4/status/1888536573668675852>
- 82 <https://x.com/priyarajputlive/status/1888485991725638072>
- 83 https://x.com/Salaria_Shikha1/status/1888541069857448098
- 84 https://x.com/romita_tiwari/status/1888516799613784108
- 85 <https://x.com/ePrayagraj/status/1888509246930817306>
- 86 <https://x.com/TusharSrilive/status/1888528450304319543>
- 87 <https://x.com/UPPRD1948/status/1888836936040636851>
- 88 https://x.com/Bhadaini_Mirror/status/1888626413122855341
- 89 <https://x.com/kanpurtak/status/1889212268308820077>
- 90 <https://x.com/Nishantjournali/status/1888545556051476495>
- 91 <https://x.com/AVINASHKHABAR/status/1889212006580007348>
- 92 https://x.com/INC_Television/status/1888787206661374411
- 93 https://x.com/suman_pakad/status/1888625965367959823
- 94 <https://x.com/tejnews24/status/1888544622319722611>
- 95 https://x.com/Satwant_Rana/status/1888563589994234299
- 96 https://x.com/pappu_bhaji_pp/status/1888857631667990612
- 97 <https://x.com/Amarbhartiyalko/status/1888558743450755372>
- 98 <https://x.com/Daminihere/status/1888826135284240496>
- 99 <https://x.com/Avinashtiw32230/status/1888768103879786661>
- 100 <https://x.com/Vnewslive24/status/1888541496808214978>

- 101 <https://x.com/DubeyKedar/status/1888612727327019024>
- 102 <https://x.com/RAJKUMARYa27436/status/1888764100479795475>
- 103 <https://x.com/RajBali47083619/status/1888616088583524562>
- 104 https://x.com/rastogi_me29195/status/1888810233507754173
- 105 <https://x.com/DainikBhaskar/status/1888762309104820682>
- 106 https://x.com/kapil_parod/status/1888631290502803818
- 107 <https://x.com/shivkrishana3/status/1888750339530309691>
- 108 https://x.com/News100_Plus/status/1888532347970347463
- 109 <https://x.com/RahulGhaziabadd/status/1888799605388922906>
- 110 <https://x.com/thevaranasinews/status/1888333043536113704>
- 111 <https://x.com/PeoplesUpdate/status/1888478118060663267>
- 112 <https://x.com/ABPNews/status/1888552214727110748>
- 113 <https://x.com/KhulasaIndia/status/1888576896213934537>
- 114 <https://x.com/vinaysaxenaj/status/1888512569834393841>
- 115 <https://x.com/SkyRjd218/status/1888785440226033680>
- 116 <https://x.com/NEWJplus/status/1888605023002923305>
- 117 <https://x.com/BitterTruth120/status/1888599875983396957>
- 118 <https://x.com/NewsFtr/status/1888553245154639920>
- 119 https://x.com/lalluram_news/status/1888472314552918215
- 120 https://x.com/bk_kanaujiya/status/1888511485451682022
- 121 <https://x.com/vipinku86843734/status/1888574826694291891>
- 122 <https://x.com/AsianetNewsSN/status/1889202072039620813>
- 123 <https://x.com/ZeeBusiness/status/1888555117403648042>
- 124 <https://x.com/BmjJatav/status/1888511775584497766>
- 125 <https://x.com/MediaCellSP/status/1888545890350088461>
- 126 <https://x.com/ManojSh28986262/status/1888507153490845917>
- 127 <https://x.com/OstarMatter/status/1888974588857762059>
- 128 <https://x.com/yatrisangh/status/1888965791418396904>
- 129 <https://x.com/Aajkikhabar1111/status/1888936969578676376>
- 130 <https://x.com/BharatTakNews0/status/1888920371572678741>
- 131 <https://x.com/ncrpatrika/status/1888900032729841851>
- 132 <https://x.com/chandresh1912/status/1888798038241563033>
- 133 <https://x.com/SkyRjd218/status/1888785484874502202>
- 134 <https://x.com/SkyRjd218/status/1888785440423252420>
- 135 <https://x.com/DigitalRaftaar/status/1888775092458406273>
- 136 https://x.com/UpdateIndia_TV/status/1888764993392214226
- 137 <https://x.com/dwivediachyut41/status/1888543383607738698>
- 138 <https://x.com/KarmakshetraTV/status/1888535156866335111>

347

**IN THE HON'BLE HIGH COURT OF KARNATAKA AT
BENGALURU
(ORIGINAL JURISDICTION)**

Writ Petition No. _____ / 2025

BETWEEN:

X Corp.

PETITIONER

AND:

Union of India & Ors.

RESPONDENTS

VERIFYING AFFIDAVIT

I, Shloka Narayan, Advocate, working at Poovayya & Co, The Estate, Level Four, 121 Dickenson Road, Bengaluru-560 043, do hereby solemnly affirm and state on oath as under:

1. I am one of the advocates for Petitioner in the above writ petition and I am aware of the facts and circumstances of this case.
2. I have examined all relevant documents and records and can depose in relation thereto.
3. I state that paragraph numbers 1 to 237 are true, and Annexures A to U annexed to this petition are true copies of their respective originals.

**Bengaluru
Date: 05.02.2025**


Deponent