

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT OF ANDHRA PRADESH
FRIDAY, THE TWENTY NINTH DAY OF MAY TWO THOUSAND AND TWENTY

:PRESENT:
THE HON'BLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI
AND
THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION NO: 9166 OF 2020



Between:

The High Court of Andhra Pradesh at Amaravati, High Court Buildings, Nelapadu, Amaravati, Rep. by its Registrar General, Sri.B.Rajasekhar, Aged about 58 years, S/o. Late Venkata Rao, Currently Working as Registrar General (FAC), High Court of Andhra Pradesh at Amaravati.

Petitioner

AND

1. State of Andhra Pradesh, Represented by its Secretary, Department of Law and Legislative Affairs, Velagapudi, Secretariat Buildings, Amaravati.
 2. State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Home, Velagapudi, Secretariat, Amaravati.
 3. The Director General of Police, State of Andhra Pradesh, Police Headquarters, Mangalagiri, Andhra Pradesh.
 4. Additional Director General of Police, CID, Cyber Crime Cell, AP Police, Mangalagiri, Andhra Pradesh.
 5. The Superintendent of Police, CID, Cyber Crime Cell, AP Police, Mangalagiri, Andhra Pradesh.
 6. The Station House Officer, CID P.S., Cyber Crime, AP Police, Mangalagiri, Andhra Pradesh.
 7. The Union of India, Rep. by its Secretary to the Ministry of Home Affairs, North Block, New Delhi-110001.
 8. The Union of India, Rep. by its Secretary to the Ministry of External Affairs, South Block, New Delhi.
 9. The Union of India, Rep. by its Secretary to the Ministry of Electronics and Information Technology (Govt. of India), Electronics Niketan, 6, CGO Complex, Lodhi Road, New Delhi - 110003.
 10. Twitter Inc. (Company incorporated in USA), C/o.Jeremy Kessel 1355 Market Street Suite 900, San Francisco, California, New Mexico, USA, Rep. by its Grievance Officer,
 11. Twitter Communications India Private Limited, Having its Registered Office at C-20, G Block, Near Mca Bandra Kuria Complex, Bandra (E) Mumbai- 400051, Rep. by its Authorised Signatory/ Nodal Officer.
 12. Facebook Inc., 1601, Willow Road, Menlo Park, California, 94025, Rep. by its Grievance Officer.
 13. Facebook India Online Services Pvt Ltd., A Company Incorporated in India, With its Regd Office at Unit Nos. 1203 and 1204, Level 12, Building No.20, Raheja Mindspace, Cyberabad, Madhapur, Hitech City, Hyderabad-500081, Rep. by its Authorised Signatory/ Nodal Officer.
 14. Instagram, inc., 1601, Willow Road, Menlo Park, California, New Mexico, USA- 94025, Rep. by its Grievance Officer.
 15. Whatsapp Inc., 1601, Willow Road, Menlo Park, California, New Mexico, USA, Rep. by its Grievance Officer.
 16. Google Lic., 1600 Amphitheatre Parkway, Mountain View, California, New Mexico, USA, Rep. by its Grievance Officer.
 17. Youtube Lic, 901, Cherry Avenue, San Bruno, California, New Mexico, USA, Rep. by its Grievance Officer.
 18. Google India Pvt Ltd, (Incorporated Under the provisions of Companies Act 1956), Having its Regd Office at No.3, RMZ Infinity Tower E, 4th Floor Old Madras Road, Bangalore 560016, Represented by its Authorized Signatory/ Nodal Officer.
 19. The Union of India, Rep. by its Secretary, Ministry of Law and Justice, 4th Floor, A-Wing, Shastri Bhawan, New Delhi, Delhi 110001.
 20. Mr.Robin Fernandes, Yahoo India, Email id: robinfe@yahoo-inc.com
 21. Ms. Gitanjali Duggal, Legal Director, Google, Email id: gitanjali@google.com
 22. Mr. Ashwani Rana and Mr. Sathya, Facebook, Email id: ashwanirana@fb.com
Email id: saty@fb.com
 23. Ms. Mahima Kaul, Twitter, Email id: mkaul@twitter.com
 24. Mr. Rahul Jain, Youtube Inc, Email id: jainrahul@google.com
 25. Mr. Vikram Langeh, Instagram, Email id: vikraml@fb.com
 26. Mr. Sivinathukral, WhatsApp, Email id: shivnatht@fb.com
- (RR 20 to 26 Suo Motu impleaded as respondents vide Court dt. 29.05.2020 in W.P.No. 9166 of 2020.)

Respondents

WHEREAS the Petitioner above named through his Advocate Sri N. ASHWANI KUMAR, presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ or order or direction more particularly in the nature of Writ of Mandamus, A. To declare the action of the Respondent Nos.2 to 6 in failing to act progressively and to take necessary action and to invoke the appropriate provisions of law, as mandated, pursuant to the registration of FIR.No.16/2020 dated 16.04.2020, and FIR.No.17/2020 dated 18.04.2020 on the file of Respondent No.6 against the said offenders, as being illegal, arbitrary and unconstitutional, and in violation of provisions of Criminal Procedure Code and Information Technology Act, 2000, and B. To declare the action of the Respondent Nos.7-9 and 19, more particularly, Respondent Nos.9 and 19, in failing to act against the Respondent Nos.10 to 18, where under the social networking platforms are being utilised and abused for creating and hatred against the Petitioner herein in the mind and eye of the Public, as being illegal, arbitrary, unconstitutional and in violation of provisions of IPC, Cr.P.C. and I.T.Act, 2000, thereby securing protection to the Judiciary, and C. To declare the action of the Respondent Nos.7 to 9 and 19 in failing to frame guidelines for the intermediaries in compliance of Section 79(2)(c) read with Section 87(2)(zg) of the Information Technology Act which authorises the Respondent Nos.7 to 9 and 19 to prescribe guidelines to intermediaries, thereby securing certain protection to the Judiciary, D. Consequently, in the alternative, transfer the investigation in FIR.No.16/2020 dated 16.04.2020 and FIR.No.17/2020 dated 18.04.2020 to any other competent investigating Agency under the supervision and control of Respondent No.7, or direct the Respondent Nos. 2 to 5 to act progressively and take necessary steps pursuant to the registration of said FIRs, E. Consequently, to direct Respondent Nos.7 to 9 to frame guidelines for the intermediaries in compliance of Section 79(2)(c) read with Section 87(2)(zg) of the Information Technology Act which authorises the Respondent Nos.7 to 9 to prescribe guidelines to intermediaries, F. Consequently, to direct the Respondent Nos. 10 to 18 to devise self-regulatory framework to prohibit the posting of defamatory, incriminatory and abusive contents on their respective platforms with respect to Judiciary in India, and G. Consequently to direct the Respondent Nos. 10 to 18 to forthwith remove all such posts/ comments/ tweets/ videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court as reported in the said FIR.No.16/2020 dated 16.04.2020 and FIR No.17/2020 dated 18.04.2020 on the file of Respondent No.6, in consultation with the Petitioner herein and further desist and cease any such posts/ comments/ tweets/ videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court,

AND WHEREAS the High Court upon perusing the petition and affidavit/memorandum of grounds filed herein and upon hearing the arguments of Sri N. ASHWANI KUMAR, Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Secretary, Department of Law and Legislative Affairs, State of Andhra Pradesh, Velagapudi, Secretariat Buildings, Amaravati.
2. The Principal Secretary, Department of Home, State of Andhra Pradesh, Velagapudi, Secretariat, Amaravati.
3. The Director General of Police, State of Andhra Pradesh, Police Headquarters, Mangalagiri, Andhra Pradesh.
4. The Additional Director General of Police, CID, Cyber Crime Cell, AP Police, Mangalagiri, Andhra Pradesh.
5. The Superintendent of Police, CID, Cyber Crime Cell, AP Police, Mangalagiri, Andhra Pradesh.
6. The Station House Officer, CID P.S., Cyber Crime, AP Police, Mangalagiri, Andhra Pradesh.
7. The Secretary to the Ministry of Home Affairs, Union of India, North Block, New Delhi-110001.
8. The Secretary to the Ministry of External Affairs, Union of India, South Block, New Delhi.
9. The Secretary to the Ministry of Electronics and Information Technology (Govt. of India), Union of India, Electronics Niketan, 6, CGO Complex, Lodhi Road, New Delhi - 110003.
10. The Grievance Officer, Twitter Inc. (Company incorporated in USA), C/o.Jeremy Kessel 1355 Market Street Suite 900, San Francisco, California, New Mexico, USA,

11. The Authorised Signatory/ Nodal Officer, Twitter Communications India Private Limited, Having its Registered Office at C-20, G Block, Near Mca Bandra Kuria Complex, Bandra (E) Mumbai- 400051.
12. The Grievance Officer, Facebook Inc., 1601, Willow Road, Menlo Park, California, 94025.
13. The Authorised Signatory/ Nodal Officer, Facebook India Online Services Pvt Ltd., A Company Incorporated in India, With its Regd Office at Unit Nos. 1203 and 1204, Level 12, Building No.20, Raheja Mindspace, Cyberabad, Madhapur, Hitech City, Hyderabad- 500081.
14. The Grievance Officer, Instagram, inc., 1601, Willow Road, Menlo Park, California, New Mexico, USA- 94025.
15. The Grievance Officer, Whatsapp Inc., 1601, Willow Road, Menlo Park, California, New Mexico.
16. The Grievance Officer, Google Lic., 1600 Amphitheatre Parkway, Mountain View, California, New Mexico, USA.
17. The Grievance Officer, Youtube Llc, 901, Cherry Avenue, San Bruno, California, New Mexico, USA.
18. The Authorized Signatory/ Nodal Officer, Google India Pvt Ltd, (Incorporated Under the provisions of Companies Act 1956), Having its Regd Office at No.3, RMZ Infinity Tower E, 4th Floor Old Madras Road, Bangalore 560016.
19. The Secretary, Ministry of Law and Justice, Union of India, 4th Floor, A-Wing, Shastri Bhawan, New Delhi, Delhi 110001.
20. Mr.Robin Fernandes, Yahoo India, Email id: robinfe@yahoo-inc.com
21. Ms. Gitanjali Duggal, Legal Director, Google, Email id: gitanjali@google.com
22. Mr. Ashwani Rana and Mr. Sathya, Facebook, Email id: ashwanirana@fb.com
Email id: saty@fb.com
23. Ms. Mahima Kaul, Twitter, Email id: mkaul@twitter.com
24. Mr. Rahul Jain, Youtube Inc, Email id: jainrahul@google.com
25. Mr. Vikram Langeh, Instagram, Email id: vikraml@fb.com
26. Mr. Sivnathukral, WhatsApp, Email id: shivnatht@fb.com

are directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent Nos.10 to 18 to cease and desist such posts/ comments/ tweets/ videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court within their respective operations within the territorial limits of India in respect of their online social media platforms, pending disposal of WP No. 9166 of 2020, on the file of the High Court.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent Nos.2 to 6, 7 to 9 and 19 to forthwith identify the offenders, their IP address and take necessary steps as mandated under Cr.P.C, in pursuance of FIR.No.16/2020 dated 16.04.2020 and FIR.No.17/2020 dated 18.04.2020, pending disposal of WP No. 9166 of 2020, on the file of the High Court.

IA NO: 3 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent Nos. 10 to 18 to forthwith remove all such posts/ comments/ tweets/ videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court as reported in the said FIR.No.16/2020 dated 16.04.2020 and FIR.No.17/2020 dated 18.04.2020 on the file of Respondent No.6, in consultation with the Petitioner herein and further desist and cease any such posts/ comments/ tweets/ videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court, pending disposal of WP No. 9166 of 2020, on the file of the High Court.

IA NO: 4 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the Petitioner to amend the

Main Prayer in the above Writ Petition at **Para 24-II**, as below, 24-II. "Consequently to direct the Respondent Nos.7 to 9 and 19 to frame, formulate and promulgate Uniform Guidelines/ Regulations to protect the image, reputation and sanctity of the Hon'ble Supreme Court of India and the Hon'ble High Courts of all States in India, and also, the Hon'ble Judges of the Hon'ble Supreme Court of India and Hon'ble Judges of the Hon'ble High Courts of all States in India, and also the paraphernalia attached to the Hon'ble Courts, from any sort of attack through the print, electronic and social networking media, or in a manner of insulting, threatening, derogatory, discriminatory, provocative in nature or even such that it incites and encourages use of violence, either through social media or any other forum or platform, by appropriately amending the statutes and penal laws governing the print and electronic media'. And **Para 9A** in the Affidavit filed in support of the Writ Petition, is as below, "It is submitted apart from recent spate of unprecedented attack on this Hon'ble Court on the various social networking platforms and fora, the following incidents similar in nature were reported all over India, in the recent times, viz., The Hon'ble High Court of Madras initiated sup motu contempt proceedings against a political figure in the State of Tamil nadu, for making abusive remarks against the Judiciary and Police. (ii.) The Hon'ble High Court of Madras took a serious view of the growing trend of defamatory comments against Constitutional authorities by several people on social media, and the Police Chief was directed to file a comprehensive report on whether there exists any mechanism to nab those making such attacks, including creation of any special cells. (iii.) The Hon'ble Supreme Court of India sought for the opinion of the Central Government, Social media platforms and NGOs to consider devising a mechanism to stop circulation of derogatory comments against institutions like Parliament and the Supreme Court on social media." and pass, pending disposal of WP No. 9166 of 2020, on the file of the High Court.

IA NO: 5 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent Nos 7 to 9 and 19 to forthwith take immediate and appropriate steps against the Respondent Nos 10 to 18 in terms of Cr P C , IPC and Information Technology Act, 2000, for forthwith removal all such posts/ comments, tweets/ videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court as reported in the said FIR No 16/2020 dated 16.04.2020 and FIR No 17/2020 dated 18.04.2020 on the file of Respondent No.6, in consultation with Petitioner herein and further desist and cease any such comments/ tweets/ videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court, pending disposal of WP No. 9166 of 2020, on the file of the High Court.

IA NO: 6 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent Nos. 7 to 9 and 19 to forthwith take immediate and appropriate steps against the Respondent Nos. 10 to 18 in terms of Cr P C, IPC and Information Technology Act. 2000, for forthwith removal all such posts/ comments/ tweets/ videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court as reported in the said FIR No.16/2020 dated 16.04.2020 and FIR No. 17/2020 dated 18.04.2020 on the file of Respondent No 6, in consultation with the Petitioner herein and further desist and cease any such posts/ comments/ tweets/ videos and those contents which are defamatory incriminatory and abusive in nature pertaining to this Hon'ble Court, pending disposal of WP No. 9166 of 2020, on the file of the High Court.

IA NO: 7 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to receive the material papers of CC NO.501 of 2020 as Additional Material Papers in the above writ petition.

The Court made the following: ORDER

"Pursuant to an order passed by this Court on 26-5-2020, the Assistant Solicitor General placed on record, the list of intermediaries of Respondent Nos. 10 to 18 in India. He submits that for proper adjudication of the dispute, it is necessary to add the intermediaries of Respondent Nos. 10 to 18 stationed in India as parties. Though no address is given, but their names and email I.Ds. are furnished, which will enable the concerned to take necessary steps.

Hence, the intermediaries along with the names of the Officers of Yahoo India, Google, Facebook, Twitter, Youtube Inc, Instagram, Whatsapp be added as respondents to the petition.

Hence, the Registry is directed to implead them as parties the Writ Petition as Respondent No 20 to 26 and notice be issued to them."

SD/- V.SAVITRAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Secretary, Department of Law and Legislative Affairs, State of Andhra Pradesh, Velagapudi, Secretariat Buildings, Amaravati.
2. The Principal Secretary, Department of Home, State of Andhra Pradesh, Velagapudi, Secretariat, Amaravati.
3. The Director General of Police, State of Andhra Pradesh, Police Headquarters, Mangalagiri, Andhra Pradesh.
4. The Additional Director General of Police, CID, Cyber Crime Cell, AP Police, Mangalagiri, Andhra Pradesh.
5. The Superintendent of Police, CID, Cyber Crime Cell, AP Police, Mangalagiri, Andhra Pradesh.
6. The Station House Officer, CID P.S., Cyber Crime, AP Police, Mangalagiri, Andhra Pradesh.
7. The Secretary to the Ministry of Home Affairs, Union of India, North Block, New Delhi- 110001.
8. The Secretary to the Ministry of External Affairs, Union of India, South Block, New Delhi.
9. The Secretary to the Ministry of Electronics and Information Technology (Govt. of India), Union of India, Electronics Niketan, 6, CGO Complex, Lodhi Road, New Delhi - 110003.
10. The Grievance Officer, Twitter Inc. (Company incorporated in USA), C/o.Jeremy Kessel 1355 Market Street Suite 900, San Francisco, California, New Mexico, USA,
11. The Authorised Signatory/ Nodal Officer, Twitter Communications India Private Limited, Having its Registered Office at C-20, G Block, Near Mca Bandra Kuria Complex, Bandra (E) Mumbai- 400051.
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15. The Grievance Officer, Whatsapp Inc., 1601, Willow Road, Menlo Park, California, New Mexico.
16. The Grievance Officer, Google Lic., 1600 Amphitheatre Parkway, Mountain View, California, New Mexico, USA.
17. The Grievance Officer, Youtube Llc, 901, Cherry Avenue, San Bruno, California, New Mexico, USA.
18. The Authorized Signatory/ Nodal Officer, Google India Pvt Ltd, (Incorporated Under the provisions of Companies Act 1956), Having its Regd Office at No.3, RMZ Infinity Tower E, 4th Floor Old Madras Road, Bangalore 560016.
19. The Secretary, Ministry of Law and Justice, Union of India, 4th Floor, A-Wing, Shastri Bhawan, New Delhi, Delhi 110001. (Addressee Nos. 1 to 19 by RPAD- along with a copy of petition and memorandum of grounds)
20. Mr.Robin Fernandes, Yahoo India, Email id: robinfe@yahoo-inc.com
21. Ms. Gitanjali Duggal, Legal Director, Google, Email id: gitanjali@google.com
22. Mr. Ashwani Rana and Mr. Sathya, Facebook, Email id: ashwanirana@fb.com
Email id: saty@fb.com
23. Ms. Mahima Kaul, Twitter, Email id: mkaul@twitter.com
24. Mr. Rahul Jain, Youtube Inc, Email id: jainrahul@google.com
25. Mr. Vikram Langeh, Instagram, Email id: vikraml@fb.com
26. Mr. Sivnathukral, WhatsApp, Email id: shivnatht@fb.com (Addressee Nos. 20 to 26 by Email - along with a copy of petition and memorandum of grounds)

27. One CC to Sri N.Ashwani Kumar Advocate [OPUC]
28. Two CCs to GP for Law Legislative Affairs, High Court Of A.P. [OUT]
29. Two CC's to the Advocate General, High Court of A.P. [OUT]
30. Two CC's to the Assistant Solicitor General, High Court of A.P. [OUT]
31. One spare copy

MSR

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HIGH COURT

HCJ
&
CPKJ

DATED: 29/05/2020

NOTICE BEFORE ADMISSION

WP.No.9166 of 2020

