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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7123/2018 & CM Appl. 27132/2018

NIKHIL BHALLA

..... Petitioner

Through: Mr. Shashank Garg, Mr. Tariq Khan
& Mr. Debojyot Sengupta, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Rajesh Gogna, CGSC with
Mr. Kamaldeep & MR. P. Upendra
Sai, Advs. for R-1 & 2.

Mr. C.M. Lall, Sr. Adv. with Mr.
Karan Bajaj & Ms. Kangan Roda,
Advs. for R-3.

Mr. Harshvardhan Jha, Ms. Mayuri
Shukla, Advs. for R- 4 to 6.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **09.04.2019**

1. The relief sought by the petitioner in this public interest litigation has been amended during the course of the proceedings. What is pressed today is a direction for an appropriate writ with respect to framing of guidelines in regard to the Over The Top (OTT) Media Service Providers, on the allegation that the content published by them is offensive. Such entities make content available online.

2. During the course of hearing, the Court was informed of the decision in *Justice for Rights Foundation vs. Union of India* [W.P.(C) 11164/2018] dated 08.02.2019, where the Court after considering similar arguments and also having regard to the provisions of the Information Technology Act, 2000 – specially Section 67, 67A, 67B and 69, stated as follows:-

“5. Accordingly, it is stated that no general power for regulation or material in the internet platform is available. But if the internet platform is misused for carrying information or material which are not permissible under law then the provisions of the Information Technology Act provides for deterrent action to be taken and as and when complaints are received, the statutory competent authority takes action in the matter.

6. Keeping in view the aforesaid, namely, the provisions of the Information and Technology Act and the Rules framed thereunder and, particularly, the provision provided in the Sections as detailed hereinabove, we are of the considered view that in a public interest litigation, this Court cannot issue a mandamus for framing general guidelines or provisions when there are stringent provisions already in place under the Information and Technology Act. In case the petitioner feels that any of the contents exhibited or transmitted by the organizations detailed in the writ petition violates the statutory provisions of the Information and Technology Act or the Rule and contains prohibitory material as is detailed therein, the petitioner can very well make a complaint under the aforesaid provision to the statutory authority and we are hopeful that the authorities shall look into the matter.

7. In the facts and circumstances of the case, we see no reason to issue any mandamus for bringing into place any guidelines or statutory regulation for the said purpose when the Information and Technology Act itself

provide for enough procedural safeguards for taking action in the event of any prohibited act being undertaken by the broadcasters or organizations in the internet/online platform.”

3. The claim in the proceedings is identical to what was sought in *Justice For Rights* (supra). In these circumstances, the Court is of the opinion that a different view cannot be taken.
4. The writ petition is dismissed; however, it is open to the petitioner to avail relevant remedies in accordance with law.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

APRIL 09, 2019

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