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

Date of decision: 11th December, 2024

+ **W.P.(CRL) 1563/2024**

SHABANA

.....Petitioner

Through: Ms. Fozia Rahman, Adv (DHCLSC)
alongwith Mr. Sikander A. Siddiqui,
Ms. Rashmi Pandey & Ms. Aafreen
Advs.

versus

GOVT OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Tarveen Singh Nanda (GP) with
Mr. Jitender Singh, ACP for I4C, MHA.
Mr. Harshal Mahayam, IPS, Mr. Manoj
Kumar, ACP, IFSO with Insp. Surjit
Singh, IFSO
SI Gunjan Singh, AHTU/Crime Branch.
ACP Manoj Kr. PS IFSO
Mr. Arvind Datar, Sr. Adv. with Mr.
Tejas Karia; Mr. Varun Pathak; Ms.
Amee Rana; Mr. Dhruv Bhatnagar; Ms.
Prasidhi Agrawal, Advs. for Meta.
Mr Neel Mason, Ms Ekta Sharma, Ms
Pragya Jain & Ms Surabhi Katare,
Advs. for Google LLC.
Mr. Kapil Sibal, Sr. Adv. with Mr.
Vivek Reddy, Ms. Aparajita Jamwal,
Mr. Koshy John, Ms. Swati Agarwal,
Mr. Shashank Mishra & Ms. Shivika
Mattoo, Advs. for WhatsApp LLC.
Mr. Alipak Banerjee Ms. Sreeja
Sengupta & Mr. Brijesh Ujjainwal
Advs. for Reddit Inc.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.



2. On the last date of hearing *i.e.* 13th November, 2024 it was submitted by Mr. Anurag Ahluwalia, Id. CGSC that some time would be required for the Ministry of Home Affairs (*'MHA'*) to determine the manner in which they would like to coordinate with the social media platforms for dealing with requests from Law Enforcement Agencies of the Country. The Court on the said date, considered the position of the MHA and directed it to file a status report by the next date of hearing.

3. Pursuant to the directions passed on the last date of hearing, a status report dated 10th December, 2024 has been handed over by the MHA under the signatures of Mr. Rahul Kant Sahu, Deputy General Manager, I4C, MHA. The said status report has been submitted on behalf of the MHA in coordination with the Ministry of Electronics and Information Technology (MeitY). The Court has perused the said report and the same has been taken on record.

4. It is stated in the said report that the Indian Cyber Crime Coordination Centre (I4C) is an Agency under the MHA. It is the nodal agency dealing with cyber crime complaints and for coordination with all the intermediaries. The I4C has given data relating to the number of cyber crime complaints reported on the National Cyber Reporting Platform (*'NCRP'*) and the type of crimes which are being foreseen by the I4C. The status report further sets out various provisions of the Information Technology Act, 2021 and relevant Rules as also the obligations of the intermediaries. Some of the issues of I4C, which have been pointed out by the Nodal Officers of States and UTs, have been highlighted in paragraph 14 of the report. The relevant portion of the report is set out as under:

"14. During the meeting dated 22.10.2024, the following



key issues were pointed out by the Nodal Officers of all States/UTs faced by them with IT intermediaries in regard to data requests:

i) IT intermediaries insist on FIR to provide data. However, there are number of instances in which for preventive action data requests have to be made.

ii) In matters of cybercrime where offences are committed using VPNs and proxy servers, IT intermediaries often insist on data requests being processed through the MLAT (Mutual Legal Assistance Treaty) channel. **For example, most hoax threats on social media and bomb emails have been made using VPNs.**

iii) Delayed response from IT Intermediaries ranging from 15 days to 1 month in responding to the data requests has been a current problem. There is also undue delay in case of emergency requests.

(A copy of letter dated 23.10.2024 issued by Office of the Superintendent of Police, Police Head Quarters, UT Administration of Dadra & Nagar Haveli and Daman & Diu, is attached herewith and marked as **Annexure R-2**).

iv) Each IT intermediary has its own distinct portal for processing data requests, often requiring LEAs to create separate login IDs and follow complex, lengthy procedures, which complicates the process of raising requests efficiently. While cyber cells may have the capability to manage these requests, local police stations encounter challenges in doing so. Such an arrangement also does not permit accountability and compliance monitoring. LEAs wanted a single portal for data requests in which all IT intermediaries are onboarded & requests made through it.

v) There are no designated nodal officers for raising requests, which complicates communication. In many cases, grievance officers are based abroad and do not respond to emails. Law Enforcement Agencies (LEAs) have requested that foreign intermediaries providing services in India appoint resident grievance officers.

vi) When asked for IP addresses, IT intermediaries often only provide the last logged-in IP, instead of the complete IP logs, which are crucial for thorough investigations. Due to the unavailability of complete logs, the process of investigation is hampered.



vii) *In several cases, unlawful content found in the post shared on online platforms during elections, has also not been taken down after due request of the LEAs against the advisories issued by the Election Commission of India vide which the social media platforms/intermediaries have to takedown such contents within 3 hours.*

viii) *LEAs unanimously requested the establishment of a centralized portal to resolve these issues. This portal can be acknowledged as a potential solution to bring all stakeholders onto a single platform, ensuring faster and more efficient handling of data requests and take down of unlawful contents found on social media intermediaries under section 79(3)(b) of IT Act 2000.*

15. *It is also submitted that the Indian Cyber Crime Coordination Centre (I4C) has scheduled and convened multiple meetings with Social Media Intermediaries (SMIs) and Significant Social Media Intermediaries (SSMIs) to address critical issues related to data disclosure requests. These discussions have specifically focused on the challenges faced by Law Enforcement Agencies (LEAs) in obtaining timely and adequate information, emphasizing the need for improved cooperation and compliance mechanisms.*

16. *Under Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, read with Section 79(3)(b) of the Information Technology Act, 2000, the Appropriate Government or its authorized agency are empowered to issue directives to intermediaries for the removal or disabling of access to specific unlawful information. Such information may include content that threatens the sovereignty, security, or integrity of India, impacts public order, or violates any prevailing laws. These notifications must be routed through an authorized agency as notified by the Appropriate Government.”*

5. However, the significant aspect of this report is the development of the portal called ‘SAHYOG’. The said portal is currently stated to be on a pilot run. According to the report, this portal will be the main portal on which all the authorised agencies of Central Government, States and UTs, social media intermediaries and IT intermediaries will have joint access. The purpose of



the same would be for all agencies to work together to create a safe cyberspace. In the first phase of the portal, the focus has been on taking down unlawful content. As per the report, in the second phase, the portal's functionality will be extended to include lawful data requests and other similar submissions.

6. Mr. Jitender Singh, ACP from I4C, who is present in Court, has submitted that within the next one month it is expected that the first phase of *SAHYOG* would be fully operational with all the designated officers of the various States and UTs being included on board along with all the other authorised agencies. Further, as per the report, 9 IT intermediaries, namely, Josh, Quora, Telegram, Apple, Google, Amazon, YouTube, PI Data Center and Sharechat, are already on board of this portal. The relevant portion of the report dated 10th December, 2024 is set out as under:

“17. In order to facilitate a single channel issuing notice under Section 79(3)(b) of Information Technology, 2000 r/w Rule 3(1)(d) if the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, I4C, MHA has developed a portal called SAHYOG. On this portal MeitY, DoT, Authorised Agencies of Central Government, Authorized Agencies of State/UTs, Social Media Intermediaries and IT Intermediaries are the main stakeholders who will work in tandem to create a safe cyberspace. This is a central portal that will facilitate the removal or disabling of access to any information, data or communication link being used to commit an unlawful act. It will bring together all Authorized Agencies of the country and all the intermediaries on one platform to ensure immediate action against unlawful online information.

18. The SAHYOG portal is under pilot run to take down requests under Section 79(3)(b) of the IT Act, 2000. Initially, I4C, MHA will process requests



through the portal, and in a phased manner, this facility will be extended to all States/UTs. So far, 09 IT intermediaries have been onboarded such as Josh, Quora, Telegram, Amazon, Apple, Google, YouTube, PI Data Center and Sharechat on the portal. The LEA's of 16 State/UTs have notified the nodal officers/authorized agency under Section 79(3)(b) of the IT Act, 2000 for the takedown of unlawful content. The remaining 20 States/UTs are yet to notify their nodal officers. The other remaining IT Intermediaries have also been requested to be onboard at the SAHYOG portal and LEAs of States/UTs who have not yet notified authorized agencies were requested to expedite the notification of authorized officers as per the provisions of Section 79(3)(b). In Phase II, the portal's functionality will be expanded to include lawful data requests and other similar submissions. This initiative will enable transparent and effective monitoring of LEA requests and will ensure timely compliance by IT intermediaries. It is expected to curtail the delay in receiving data from IT Intermediaries.”

7. Mr. Arvind Datar and Mr. Kapil Sibal, Id. Senior Counsels appearing for META and WhatsApp respectively have submitted that their clients' teams are holding meetings with the MHA in order to resolve the technical issues relating to SAHYOG and the meeting is scheduled with the MHA officials of I4C today at 03:30 pm.

8. Let all the intermediaries, who have any other technical or other issues, resolve the same in a meeting with I4C to be held on a convenient date in close coordination.

9. Insofar as the X (earlier Twitter) and LinkedIn are concerned, it is submitted by Mr. Abhishek Singh and Mr. Ankit Parihar, Id. Counsels that the said platforms have not received any request from I4C, however, X (earlier



Twitter) and LinkedIn are willing to hold meetings with the I4C to understand their concern and resolve technical issues.

10. Let the meetings of I4C officials be held by I4C with teams from X and LinkedIn. They shall endeavour to resolve any technical or other issues faced. If any issues are not resolved, the said platforms shall place an affidavit on record, detailing the said issues, by the next date of hearing.

11. Accordingly, **a meeting of Platform X (Twitter) and LinkedIn shall be held with the I4C officials on 17th December, 2024 at 11:00 am.** The officials of these two platforms shall coordinate with Mr. Jitender Singh, ACP (M:9821022294).

12. Insofar as the Delhi Police is concerned, on behalf of the ld. Standing Counsel a report dated 11th December, 2024 has been submitted. The mandate for the Delhi Police was preparation of a handbook. The report *inter alia* seeks information from the intermediaries in respect of the following aspects.

“I. How long is the data of deleted accounts, basic subscriber information or otherwise stored? Furthermore, how many days after the account is deleted can the above-mentioned details be availed by the police officials?”

II. SOPs of individual intermediaries regarding the provisions of electronic evidence.

III. Contact details of Chief Compliance Officers, 24x7 Nodal Contact Persons, and Resident Grievance Officers in compliance with Rules 4(1)(a), 4(1)(b), and 4(1)(c) of The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

IV. Segregated guidelines for providing BSI and other critical information under emergency or special circumstances.



V. Responses to 121 queries raised by Investigating Officers during investigations, shared to the respective intermediaries on 6.12.2024.

VI. Within how many days since the request for information is made, information be provided for each specific category of crime? (Below is an attached list of categories of crimes)

- i) Extortion*
- ii) Online financial fraud*
- iii) Fake Account / Impersonation*
- iv) Indecent Content*
- v) Crimes against Women*
- vi) POCSO*
- vii) Terrorism*
- viii) Fake News*
- ix) Human Trafficking*
- x) Life Threatening Messages/Emails*
- xi) Kidnapping/ abduction*

VII. What mechanism exists to track the status of the complaint? Is there any nodal officer/agency to whom any Investigating Officers can contact to know the status/clarification about the reply received? What is the procedure or point of contact to whom the Investigating Officer can approach if no reply is received within time period mentioned in the answer to the aforementioned question (Question VI)?”

13. Let the above queries of the Delhi Police be answered by all the intermediaries by 10th January, 2025 and a further meeting be held with the Delhi Police for enabling preparation of a handbook as directed in the previous order dated 13th November, 2024.

14. Insofar as the status report of the Union of India is concerned, if any of the platforms wish to file a reply to the status report, they are free to do so within four weeks.

15. After holding the meetings, if there are any outstanding issues, the



Union of India shall file a further status report.

16. The Delhi Police shall also file a further status report.

17. The child has not yet been recovered in this matter. Accordingly, let a further status report be filed by the AHTU, Crime Branch.

18. The AHTU Crime Branch shall continue to seek help from any of the platforms, if required, for cooperation or the information for tracing the missing boy.

19. List on 30th January, 2025.

20. This shall be treated as a part heard matter.

PRATHIBA M. SINGH
JUDGE

AMIT SHARMA
JUDGE

DECEMBER 11, 2024/gs/dk/rks