

2023 LiveLaw (SC) 604

**IN THE SUPREME COURT OF INDIA
ORIGINAL CRIMINAL JURISDICTION
B.R. GAVAI; J., VIKRAM NATH; J.**

SUO MOTO WRIT PETITION (CRL.) NO. 3 OF 2015; August 01, 2023

IN RE: PRAJWALA LETTER DATED 18.2.2015 VIDEOS OF SEXUAL VIOLENCE AND RECOMMENDATIONS

Videos of Sexual Violence - The Supreme Court closed the Public Interest Litigation (PIL) filed for controlling indiscriminate circulation of child pornography and videos of gang rape and rape through WhatsApp and other social media after the expert committee constituted by the Court for the matter, submitted its report on how it proposes to address the issue. The expert committee had reached a consensus on the larger issue and had made substantial progress in addressing it. Held that, what was left to be monitored, were technical aspects of implementation, which could be done by the Union. (Para 7 – 11)

For Petitioner(s) Ms. Aparna Bhat, AOR Ms. Karishma Maria, Adv. Ms. N.S. Nappinai, Advocate (Amicus Curie)

For Respondent(s) Mr. Tushar Mehta, Solicitor General Ms. Aishwarya Bhati, A.S.G. Ms. R.Bala, Sr. Adv. Ms. Swati Ghidiyal, Adv. Ms. Suhashini Sen, Adv. Ms. Priyanka, Adv. Dr. N. Visakamurthy, Adv. Mr. Prashant Singh (I), Adv. Ms. Ruchi Kohli, Adv. Ms. Shivika Mehra, Adv. Ms. Shagun Thakur, Adv. Mr. BLN Shivani, Adv. Ms. Shreya Jain, Adv. Mr. Aditya Goyal, Adv. Ms. Shraddha Deshmukh, Adv. Ms. Swarupma Chaturvedi, Adv. Mr. Amrish Kumar, Adv. Mr. Anil Hooda, Adv. Mr. Harish Pandan, Adv. Mr. Apoorv Kurup, Adv. Ms. Priyadarshini Priya, Adv. Mr. Shashwat Praihar, Adv. Ms. Sansriti Pathak, Adv. Ms. Megha Karanwal, Adv. Mr. Shafik Ahmed, Adv. Ms. Anju, Adv. Mr. Anjay Sharma, Adv. Mr. Shreekant Neelappa Terdal, AOR Mr. A.K. Sharma, AOR Mr. Kapil Sibal, Sr. Adv. Mr. Arvind Datar, Sr. Adv. Mr. Tejas Karia, Adv. Ms. Binsy Susan, Adv. Mr. Shashank Mishra, Adv. Ms. Ameer Rana, Adv. Ms. Akshi Rastogi, Adv. Mr. Yash Karunakaran, Adv. Mr. Vishesh Sharma, Adv. Ms. Ramayni Sood, Adv. Ms. Vedika Rathore, Adv. Mr. S. S. Shroff, AOR Mr. Thejesh Rajendran, Adv. Mr. Sajjan Poovayya, Sr. Adv. Ms. Ruby Singh Ahuja, Adv. Ms. Tahira Karanjawala, Adv. Mr. Vishal Gehrana, Adv. Mr. Lakshya Khanna, Adv. Ms. Akanksha Thapa, Adv. Ms. Alvia Ahmed, Adv. M/S. Karanjawala & Co., AOR Mr. Mukesh Kumar Maroria, AOR Mr. Chanchal Kumar Ganguli, AOR Mr. Amar Gupta, Adv. Mr. Divyam Agarwal, AOR Mr. Aniket Aggarwal, Adv. Mr. Samir Ali Khan, AOR Ms. Sushma Suri, AOR Mr. Abhimanyu Tewari, AOR Ms. Eliza Bar, Adv. M/S. K J John And Co, AOR Mr. Shridhar Y Chitale, Adv. Mr. Pranay S Chitale, Adv. Ms. Sujata Kurdukar, AOR Mr. P. S. Sudheer, AOR Mr. Gopal Prasad, AOR Mr. Nishe Rajen Shonker, AOR Mrs. Anu K Joy, Adv. Mr. Alim Anvar, Adv. Mr. Joseph Aristotle S., AOR Ms. Vaidehi Rastogi, Adv. Ms. Shubhi Bhardwaj, Adv. Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya Aniruddha Pande, AOR Mr. Bharat Bagla, Adv. Mr. Sourav Singh, Adv. Mr. Aditya Krishna, Adv. Ms. Muskan Surana, Adv. Ms. Astha Sharma, AOR Ms. K. Enatoli Sema, AOR Ms. Limayinla Jamir, Adv. Mr. Amit Kumar Singh, Adv. Ms. Chubalemla Chang, Adv. Mr. Prang Newmai, Adv. Mr. Shibashish Misra, AOR Mr. Narendra Kumar, AOR Mr. Raghvendra Kumar, Adv. Mr. Anand Kumar Dubey, Adv. Mr. Raghvendra Kumar, AOR Mr. Anand Kumar Dubey, Adv. Mr. Sabarish Subramanian, AOR Mr. Vishnu Unnikrishnan, Adv. Mr. C Kranthi Kumar, Adv. Mr. Naman Dwivedi, Adv. Mr. Danish Saifi, Adv. Mr. Abhishek, AOR Ms. Ruchira Goel, AOR

ORDER

1. The issue revolves around the objectionable videos pertaining to child pornography, gang-rape, rape, etc. which are published on various wide-reaching platforms.
2. The Court, while considering the issue, has passed orders from time to time.
3. A Committee of Experts was also appointed by this Court. This Court had also directed Ms. N.S. Nappinai, learned Amicus Curiae as well as Ms. Aparna Bhat, learned counsel appearing for the petitioner to be involved in the deliberations in order to find out a solution to these issues.
4. It appears that, on certain issues there was consensus and on certain issues there was no consensus.

5. When the matter was listed before us on 29th November, 2022, we had directed the Committee to reconsider the issues and also directed that the suggestions given by the learned Amicus Curiae and learned counsel for the petitioner, be taken into consideration.
6. After due deliberations, a Report dated 07th June, 2023 has been placed before us. The Report is signed by the Chairperson, Additional Secretary, Ministry of Electronics and Information Technology, Director General, CERT-In, Joint Secretary, Ministry of Home Affairs and Group Coordinator (Cyber Laws) Ministry of Electronics and Information Technology. The Report is also signed by the learned Counsel for the petitioner, learned Amicus Curiae and the representatives of the intermediaries.
7. We find that on larger issues, there has been consensus and substantial progress has been made to prevent the publicity of the videos pertaining to child pornography, gang-rape, rape, etc.
8. This is not an adversarial litigation and the Committee with the assistance of the learned counsel for the petitioner, learned Amicus Curiae and the representatives of the intermediaries have come to a satisfactory conclusion.
9. No doubt that there are certain non-consensus issues on which the resolution was not possible.
10. However, substantial issues have been resolved.
11. We find that it will not be necessary for this Court to further monitor the issue, inasmuch as various technicalities are involved, which could not be monitored by this Court.
12. If any of the parties are aggrieved with the non-compliance of any of the provisions made in the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, they are always at liberty to bring it to the notice of the Union of India, which shall take into consideration these aspects and make an attempt to resolve the issues. If issues still remain unresolved, the parties are always at liberty to approach this Court to seek appropriate relief(s).
13. In that view of the matter, we dispose of the Suo Moto Writ Petition.
14. We place on record our appreciation for the valuable assistance rendered by Ms. Aparna Bhat, learned counsel appearing for the petitioner, Ms. N.S. Nappinai, learned Amicus Curiae, Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the Union of India and Mr. Kapil Sibal, Mr. Arvind Datar, Mr. Sajan Poovayya, learned senior counsel appearing for the respective intermediaries.
15. Pending applications, if any, stand disposed of.

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