



2024 : DHC : 2749-DB



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

+ **W.P.(C) 4912/2024 & CM APPL. 20090/2024**

T.V. TODAY NETWORK LIMITED AND ANR. Petitioners
Through: Mr. Abhishek Malhotra, Ms.
Subhalaxmi Sen and Mr. Raghav
Shukla, Advocates

versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. Kirtiman Singh, CGSC with Mr.
Waize Ali Noor, Mr. Varun Pratap
Singh, Mr. Kartik Baijal and Mr.
Varun, Advocates for UOI

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Date of Decision: 04th April, 2024

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

CM APPL. 20091/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

W.P.(C) 4912/2024 & CM APPL. 20090/2024

1. Present writ petition has been filed seeking a declaration that Rule 3(1)(c) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 is unconstitutional and/or that it be read



down in a manner that is consistent with the intent and object of Section 79 of the Information Technology Act, 2000, Section 52 of the Copyright Act, 1957 and Articles 14, 19 and 21 of the Constitution. The petitioners are aggrieved by suspension of petitioner no. 1's Instagram account created for its magazine Harper's Bazaar India i.e., "@bazaarindia" based on third-party copyright complaints.

2. Learned counsel for the petitioners contends that impugned action has been undertaken without following any safeguards as provided for the takedown under Rule 4(8) of unlawful/infringing content specifically identified to be unlawful or infringing under Rule 3(1)(b) of the IT Rules. He states that restricting or terminating the petitioner no. 1's access to the platform is violative of petitioners' constitutional rights under Articles 14 and 19 of the Constitution. According to him, respondent no. 2 is exploiting the ambiguity created by the language of Rule 3(1)(c) and the third proviso to Rule 3(1)(d) of the IT Rules to operate and enforce policies that provide Respondent No. 2 the absolute and unlimited discretion to suspend and/or terminate its user's accounts without due process or giving the user a fair opportunity to contest such punitive action.

3. Issue notice. Mr. Kirtiman Singh, CGSC for UOI/R-1 accepts notice.

4. Issue notice to unserved Respondents by all modes, returnable on 17th May, 2024.

5. At this stage, learned counsel for the Petitioner states that the Petitioner would file an appeal before the Grievance Appellate Committee as provided for under Rule 3A of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 by tomorrow i.e., 5th April, 2024.



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6. In the event such an appeal is filed, this Court directs the Grievance Appellant Committee to decide the Petitioners' appeal as expeditiously as possible, preferably, within two weeks.
7. List on 17th May, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 4, 2024/rhc