

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**

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IN THE MATTERS OF

PUBLIC INTEREST LITIGATION (L) No. 14204 OF 2021:  
NIKHIL MANGESH WAGLE ..... PETITIONER  
Vs.  
UNION OF INDIA ..... RESPONDENT

WITH  
WRIT PETITION (L) No. 14172/2021:  
AGIJ PROMOTION NINTEENONIA MEDIA PRIVATE LTD. & ORS  
..... PETITIONER  
Vs.  
UNION OF INDIA & ANR ..... RESPONDENTS

SHORT AFFIDAVIT OPPOSING GRANT OF INTERIM RELIEF TO  
PETITIONERS ON BEHALF OF RESPONDENTS

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**SHORT AFFIDAVIT OPPOSING GRANT OF INTERIM RELIEF TO  
PETITIONERS ON BEHALF OF RESPONDENTS (MINISTRY OF  
INFORMATION AND BROADCASTING AND MINISTRY OF  
ELECTRONICS AND INFORMATION TECHNOLOGY)**

I, Amarendra Singh, s/o Shri Kashi Nath Singh presently working as Deputy Secretary to the Government of India in the Ministry of Information & Broadcasting, do hereby solemnly affirm and state as under :-



1. I state that I am authorized in my official capacity to swear and depose to the present affidavit and as such, I am aware of the facts and circumstances based on the records of the case.

2. I state and submit that I have read and understood the contents both the petitions i.e. Writ Petition (L) No. 14172 of 2021 and Public Interest Litigation (L) No. 14204. Writ Petition (L) No. 14172 of 2021 inter-alia, prays for interim and ad-interim reliefs for restraining Respondents Nos. 1 and 2 from taking any coercive action or steps for enforcement against the Petitioner No.1, or its employees, directors, shareholders, authors, and other personnel, for any failure to comply with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (hereinafter referred to as "IT Rules, 2021"); and pending hearing and final disposal of the Petition for an order staying the operation of the Rules.

3. Public Interest Litigation (L) No. 14204 of 2021, inter-alia, prays for interim and ad-interim reliefs of a stay on the effect, operation and enforcement of the IT Rules, 2021 issued by the Ministry of Electronics and Information Technology (MeitY) under the Information Technology Act, 2000.

4. It is submitted that MeitY, in the exercise of the powers conferred by sub-section (1), clauses (z) and (zg) of sub-section (2) of section 87 of the Information Technology Act, 2000 (21 of 2000), and in supersession of the Information Technology (Intermediaries Guidelines) Rules, 2011, notified the IT Rules, 2021 on 25th February 2021 in the Official Gazette.

5. The IT Rules 2021 seek to regulate intermediary platforms, publishers of news and current affairs content, and publishers of online curated content



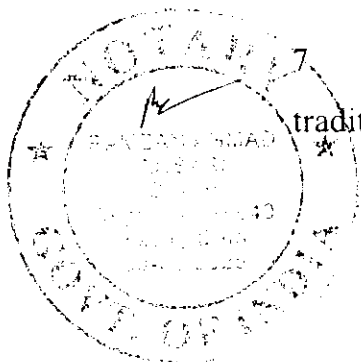
from publishing unlawful content. The Rules seek to govern the following three aspects in specific parts:

- (i) Part I – This section contains defines the various governing aspects and entities that are covered under the rules;
- (ii) Part II – Due diligence by intermediaries and grievance redressal mechanism, being administered by MeitY; and
- (iii) Part III – Code of Ethics and Procedure and Safeguards in relation to publishers of news and current affairs content, and publishers of online curated content on digital media, being administered by Ministry of Information & Broadcasting (MIB).

6. With respect to publishers of news and current affairs content, Part-III of the Rules has three broad features:

- (i) A Code of Ethics which requires adherence, by the digital news publishers, to the Norms of Journalistic Conduct of the Press Council of India under the Press Council Act, 1978; Programme Code under section 5 of the Cable Television Networks Regulation) Act, 1995; and prohibits them from publishing content which is prohibited under any law;
- (ii) A three-tier Grievance Redressal Mechanism, for redressal of grievance related to violation of the Code of Ethics, with two levels of self-regulation- Level I being the publisher, and Level II being the Self Regulatory Body, and the third level being the Oversight Mechanism under the Ministry of Information & Broadcasting; and
- (iii) Furnishing of information by publishers to the Government, and periodic disclosure of grievances received by them.

7. The Code of Ethics for digital news publishers is same as the norms for traditional news publishers (Print and TV), thereby creating a level playing

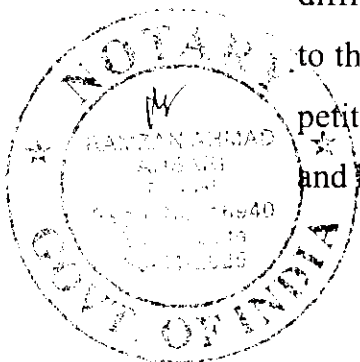


field between online and offline news publishers. Furthermore, it is submitted that the citizen-centric grievance redressal mechanism would ensure accountability of online news publishers thereby helping to fight fake news on digital media.

8. In respect of the implementation of the Rules, it is submitted that over 1,800 digital media publishers, with over 97% of them being publishers of news and current affairs content, have furnished information to the Ministry of Information & Broadcasting under Rule 18. It is submitted that the publishers, including the Petitioner No. 1 in W.P. (C) No. 14172/2021, have established grievance redressal mechanisms, appointed Grievance Officers, and are disposing the grievances in accordance with the provisions of the Rules.

9. Furthermore, many publishers have also communicated to the Ministry regarding formation of the self-regulatory bodies. In this regard, it is submitted that the Petitioner No. 1 in W.P. (C) No. 14172/2021 has also informed, on its website (**Annexure-1**), the name and contact details of the self-regulatory body of which it is a member.

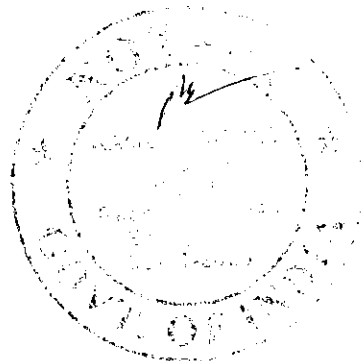
10. Regarding the claims of excessive compliance burden under the Rules for attending to a large number of grievances within a timeframe of 15 days, it is submitted that till date the Government has not received any representation from any particular digital news publisher citing the exact number of grievances received by it relating to the Code of Ethics and the difficulty faced by it in the redressal of grievances. Specifically with respect to the Petitioner No. 1 in W.P. (C) No. 14172/2021, it is submitted that the petitioner's website mentions that it has only received two grievances so far, and has redressed the same.



11. Furthermore, it is hereby submitted that the significance of self-regulation under Part-III of the Rules is evident by the fact that till date, there has not been a single case requiring the intervention by the Oversight Mechanism. It is also submitted that since the notification of the Rules, the Ministry has not issued any single order, direction, or advisory to any digital news publisher, including the petitioners.

12. In light of the above, it is submitted that there is no matter of urgency warranting interim relief to protect the petitioners from any kind of an irreparable damage. It is also submitted that an interim stay on the implementation or operation of Part-III of the Rules would render the legally established institutional framework for digital media publishers inoperative, leading to an environment of impunity, and concomitant spread of fake news and legally prohibited content. It is further submitted that such a situation may not only cause harm to the citizen's right to correct information, but also impact the efforts being made by various stakeholders towards development of a safe online news media ecosystem.

13. With respect to the various Writ Petitions filed before different High Courts challenging the IT Rules, 2021, it is submitted that while some petitions challenge the Part II relating to "Intermediary due diligence", others challenge the Part III of the Rules. Most of these petitions commonly seek to declare the Rules as *ultra vires* both the Constitution of India and the IT Act, 2000.

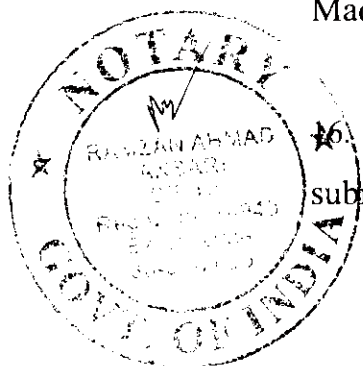


14. In respect of the Writ Petitions W.P. (C) No. 14172/2021(H) and W.P. (C) No. 14204/2021(H), it is submitted that the Union of India has already preferred a Transfer Petition bearing TP (C) No. 1248-1252 of 2021 titled as *Union of India & others Vs. Sayanti Sengupta and Others* in the Hon'ble Supreme Court. The details of the various writ petitions filed before different high courts which are sought to be transferred vide the above transfer petition are as under:-

- (i) *W.P. (C) No. 153/2021: Sayanti Sengupta Vs Union of India & Others in Calcutta High Court*
- (ii) *W.P. (C) 6188/2021: Press Trust of India Vs. UOI in Delhi High Court*
- (iii) *W.P. (C) No. 14204/2021: Nikhil Mangesh Wagle Vs. UOI in Bombay High Court*
- (iv) *W.P. (C) No. 14172/2021: AGIJ Promotion Ninteenonia Media Private Ltd. Vs. UOI in Bombay High Court*
- (v) *W.P. (C) No. 13675/2021: News Broadcasters Association and Ors Vs. UOI and others*

15. In furtherance to the above, two other batch of Transfer Petition(s) [T.P. (C) No. 1147-1152/2021, and T.P. (C) No. 997-1000/2021] have also been filed by Union of India seeking transfer of various writ petition(s) filed before different High Court wherein challenge to the vires of IT Rules, 2021 to the Hon'ble Supreme Court. The three aforementioned Transfer Petitions together relate to 15 Writ Petitions related to maintainability of the IT Rules, 2021, filed before Hon'ble Delhi (5), Bombay (2), Orissa (1), Karnataka (1), Madras (2), Calcutta (1) and Kerala (3) High Courts.

16. With regard to the interim relief sought by the petitioners, it is submitted that it is well settled that there is an inherent presumption in



favour of constitutionality or validity of a subordinate legislation. This position of law has been time and again upheld/reiterated by the Hon'ble Supreme Court in a catena of cases. It is well settled that in an application seeking stay of the operation of a piece of legislation, whether primary or delegated and that too pertaining to a reform or change, until and unless it is shown that such piece of legislation is manifestly unjust or glaringly unconstitutional, judicial restraint has to be observed in staying the applicability of the same. It is further well settled that merely because a statute comes up for examination and some arguable point is raised, which persuades the courts to consider the controversy, the legislative will, should not normally be put under suspension pending such consideration.

17. Besides, with regard to the interim relief sought by Shri Nikhil Mangesh Wagle in WP (C) No. 14204/2021 it is submitted that Part –II of the IT Rules, 2021 applies only to Intermediaries, as defined, in the Rules. Part II of the IT Rules 2021 does not contain any coercive provision which threatens the Petitioner or any organization as such. The Rules merely states that the intermediary, on failure to observe these rules, loses the intermediary status and shall be liable for action under any law for the time being in force for violation of that law.

18. It is submitted that the aforesaid position of law has been upheld by the Hon'ble Supreme Court in a catena of cases, most notably in, ***State of T.N. v. P. Krishnamurthy, (2006) 4 SCC 517***, wherein it was held that:

*"15. There is a presumption in favour of constitutionality or validity of a subordinate legislation and the burden is upon him who attacks it to show that it is invalid. It is also well recognised that a*

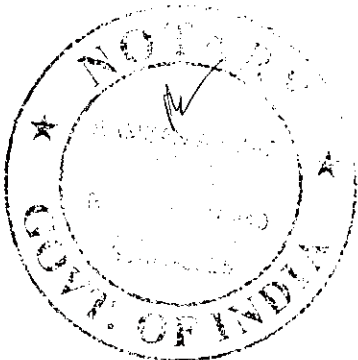




*subordinate legislation can be challenged under any of the following grounds:*

- (a) Lack of legislative competence to make the subordinate legislation.*
- (b) Violation of fundamental rights guaranteed under the Constitution of India.*
- (c) Violation of any provision of the Constitution of India.*
- (d) Failure to conform to the statute under which it is made or exceeding the limits of authority conferred by the enabling Act.*
- (e) Repugnancy to the laws of the land, that is, any enactment.*
- (f) Manifest arbitrariness/unreasonableness (to an extent where the court might well say that the legislature never intended to give authority to make such rules).*

*16. The court considering the validity of a subordinate legislation, will have to consider the nature, object and scheme of the enabling Act, and also the area over which power has been delegated under the Act and then decide whether the subordinate legislation conforms to the parent statute. Where a rule is directly inconsistent with a mandatory provision of the statute, then, of course, the task of the court is simple and easy. But where the contention is that the inconsistency or non-conformity of the rule is not with reference to any specific provision of the enabling Act, but with the object and scheme of the parent Act, the court should proceed with caution before declaring invalidity."*

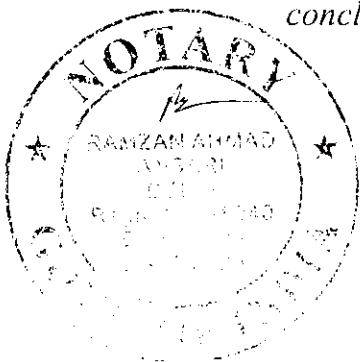


Further in *P.M. Ashwathanarayana Setty v. State of Karnataka*, 1989 Supp (1) SCC 696 it was held that:

"82. The lack of perfection in a legislative measure does not necessarily imply its unconstitutionality. It is rightly said that no economic measure has yet been devised which is free from all discriminatory impact and that in such a complex arena in which no perfect alternatives exist, the court does well not to impose too rigorous a standard of criticism, under the equal protection clause, reviewing fiscal services. In *G.K. Krishnan v. State of Tamil Nadu* [(1975) 1 SCC 375 : (1975) 2 SCR 715, 730] this Court referred to, with approval, the majority view in *San Antonio Independent School District v. Rodriguez* [411 US 1, 41, 109 : 36 L Ed 2d 16, 48, 87] speaking through Justice Stewart: (SCC p. 389, para 38)

"No scheme of taxation, whether the tax is imposed on property, income or purchases of goods and services, has yet been devised which is free of all discriminatory impact. In such a complex arena in which no perfect alternatives exist, the court does well not to impose too rigorous a standard of scrutiny lest all local fiscal schemes become subjects of criticism under the Equal Protection clause."

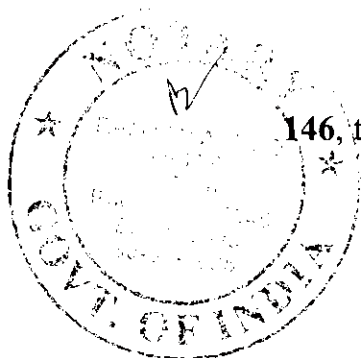
and also to the dissent of Marshall, J. who summed up his conclusion thus: (SCC p. 389, para 38)



*“In summary, it seems to me inescapably clear that this Court has consistently adjusted the care with which it will review State discrimination in light of the constitutional significance of the interests affected and the invidiousness of the particular classification. In the context of economic interests, we find that discriminatory State action is almost always sustained, for such interests are generally far removed from constitutional guarantees. Moreover, (t)he extremes to which the court has gone in dreaming up rational bases for State regulation in that area may in many instances be ascribed to a healthy revulsion from the court's earlier excesses in using the Constitution to protect interests that have more than enough power to protect themselves in the legislative halls [Darbridge v. Williams, 397 US 471, 520 : 25 Law Ed 2d 491] .”*

*88. Having regard to the nature and complexity of this matter it is, perhaps, difficult to say that the ad valorem principle which may not be an ideal basis for distribution of a fee can at the same time be said to be so irrational as to incur any unconstitutional infirmity. The presumption of constitutionality of laws requires that any doubt as to the constitutionality of a law has to be resolved in favour of constitutionality. Though the scheme cannot be upheld, at the same time, it cannot be struck down either.”*

Further, in *Saurabh Chaudri v. Union of India*, (2003) 11 SCC 146, this Hon'ble court held that:



*“65. Hence, we may also notice the argument, whether institutional reservation fulfils the aforementioned criteria or not must be judged on the following:*

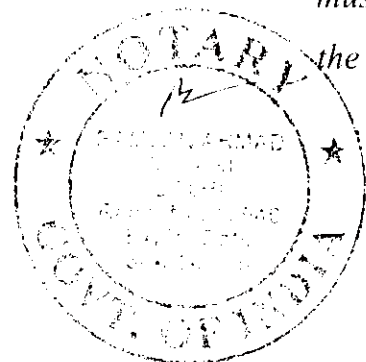
- 1. There is presumption of constitutionality.*
- 2. The burden of proof is upon the writ petitioners as they have questioned the constitutionality of the provisions.*
- 3. There is a presumption as regards the State's power on the extent of its legislative competence.*
- 4. Hardship of a few cannot be the basis for determining the validity of any statute.*

*66. The court while adjudicating upon the constitutionality of the provisions of the statute may notice all relevant facts whether existing or conceived.”*

19. It is also respectfully submitted that the Hon'ble Supreme Court in a series of judgments has reflected sternly on the stay of legislation by the High Courts, when there is a presumption in favour of constitutional validity.

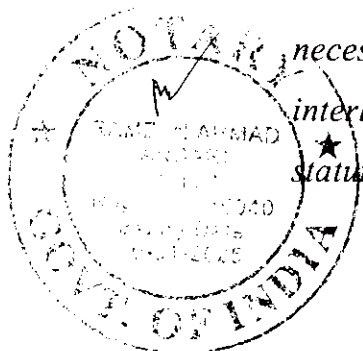
In *Bhavesh D. Parish v. Union of India*, (2000) 5 SCC 471, Hon'ble Supreme Court held that:

*“30. Before we conclude there is another matter which we must advert to. It has been brought to our notice that Section 45-S of the Act has been challenged in various High Courts and a few of them*



*have granted the stay of provisions of Section 45-S. When considering an application for staying the operation of a piece of legislation, and that too pertaining to economic reform or change, then the courts must bear in mind that unless the provision is manifestly unjust or glaringly unconstitutional, the courts must show judicial restraint in staying the applicability of the same. Merely because a statute comes up for examination and some arguable point is raised, which persuades the courts to consider the controversy, the legislative will should not normally be put under suspension pending such consideration. It is now well settled that there is always a presumption in favour of the constitutional validity of any legislation, unless the same is set aside after final hearing and, therefore, the tendency to grant stay of legislation relating to economic reform, at the interim stage, cannot be understood. The system of checks and balances has to be utilised in a balanced manner with the primary objective of accelerating economic growth rather than suspending its growth by doubting its constitutional efficacy at the threshold itself.*

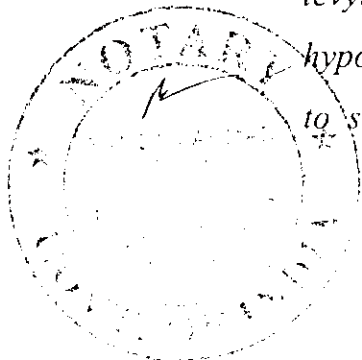
*31. While the courts should not abrogate (sic abdicate) their duty of granting interim injunctions where necessary, equally important is the need to ensure that the judicial discretion does not abrogate from the function of weighing the overwhelming public interest in favour of the continuing operation of a fiscal statute or a piece of economic reform legislation, till on a mature consideration at the final hearing, it is found to be unconstitutional. It is, therefore, necessary to sound a word of caution against intervening at the interlocutory stage in matters of economic reforms and fiscal statutes.”*



Further in *Siliguri Municipality v. Amalendu Das*, (1984) 2 SCC 436, it was held that:

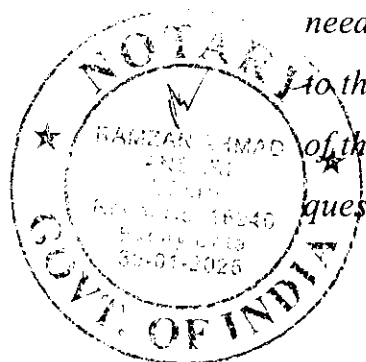
*“2. We are constrained to make the observations which follow as we do feel dismayed at the tendency on the part of some of the High Courts to grant interlocutory orders for the mere asking. Normally, the High Courts should not, as a rule, in proceedings under Article 226 of the Constitution grant any stay of recovery of tax save under very exceptional circumstances. The grant of stay in such matters, should be an exception and not a rule.*

*3. It is needless to stress that a levy or impost does not become bad as soon as a writ petition is instituted in order to assail the validity of the levy. So also there is no warrant for presuming the levy to be bad at the very threshold of the proceedings. The only consideration at that juncture is to ensure that no prejudice is occasioned to the rate payers in case they ultimately succeed at the conclusion of the proceedings. This object can be attained by requiring the body or authority levying the impost to give an undertaking to refund or adjust against future dues, the levy of tax or rate or a part thereof, as the case may be, in the event of the entire levy or a part thereof being ultimately held to be invalid by the court without obliging the tax-payers to institute a civil suit in order to claim the amount already recovered from them. On the other hand, the Court cannot be unmindful of the need to protect the authority levying the tax, for, at that stage the Court has to proceed on the hypothesis that the challenge may or may not succeed. The Court has to show awareness of the fact that in a case like the present a*



*municipality cannot function or meet its financial obligations if its source of revenue is blocked by an interim order restraining the municipality from recovering the taxes as per the impugned provision. And that the municipality has to maintain essential civic services like water supply, street lighting and public streets etc. apart from running public institutions like schools, dispensaries, libraries etc. What is more, supplies have to be purchased and salaries have to be paid. The grant of an interlocutory order of this nature would paralyze the administration and dislocate the entire working of the municipality. It seems that these serious ramifications of the matter were lost sight of while making the impugned order.*

*4. We will be failing in our duty if we do not advert to a feature which causes us dismay and distress. On a previous occasion, a Division Bench had vacated an interim order passed by a learned Single Judge on similar facts in a similar situation. Even so when a similar matter giving rise to the present appeal came up again, the same learned Judge whose order had been reversed earlier, granted a non-speaking interlocutory order of the aforesaid nature. This order was in turn confirmed by a Division Bench without a speaking order articulating reasons for granting a stay when the earlier Bench had vacated the stay. We mean no disrespect to the High Court in emphasizing the necessity for self-imposed discipline in such matters in obeisance to such weighty institutional considerations like the need to maintain decorum and comity. So also we mean no disrespect to the High Court in stressing the need for self-discipline on the part of the High Court in passing interim orders without entering into the question of amplitude and width of the powers of the High Court to*

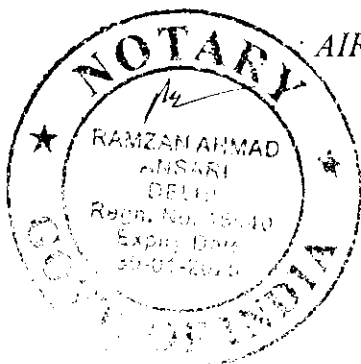


*grant interim relief. The main purpose of passing an interim order is to evolve a workable formula or a workable arrangement to the extent called for by the demands of the situation keeping in mind the presumption regarding the constitutionality of the legislation and the vulnerability of the challenge, only in order that no irreparable injury is occasioned. The Court has therefore to strike a delicate balance after considering the pros and cons of the matter lest larger public interest is not jeopardized and institutional embarrassment is eschewed."*

Further in *State of U.P. v. Hirendra Pal Singh, (2011) 5 SCC 305* it was held that:

*"Leave granted. These appeals have been filed against the interim orders passed by the High Court of Allahabad (Lucknow Bench) dated 4-9-2008 in Writ Petition No. 7851 (MB) of 2008 and dated 30-11-2009 in Writ Petition No. 11170 (MB) of 2009, by which the High Court has stayed the operation of amended provisions of the U.P. Legal Remembrancer Manual (hereinafter called "the LR Manual") and further directed the State Government to consider the applications for renewal of the all District Government Counsel whose term had already expired, resorting to the unamended provisions of the LR Manual and they be allowed to serve till they attain the age up to 62 years.*

13. In *Bhavesh D. Parish v. Union of India [(2000) 5 SCC 471 AIR 2000 SC 2047]* this Court observed that (SCC p. 486, para 26)



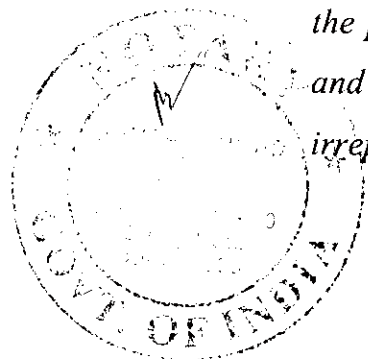


*while considering the constitutional validity of statutory provisions, the court should be very slow in staying the operation of the statutory provisions. It is permissible for the court to interfere at interim stage “only in those few cases where the view reflected in the legislation is not possible to be taken at all”. Thus, the court should not generally stay the operation of law.*

*14. In Siliguri Municipality v. Amalendu Das [(1984) 2 SCC 436 : 1984 SCC (Tax) 133 : AIR 1984 SC 653] this Court had taken note of the fact that the High Court had been passing stay orders in some cases involving the same question of law and facts though it vacated the interim orders passed earlier in some of the identical cases. In the said case, the validity of statutory provision was under challenge. This Court observed that the High Court should exercise self-restraint in passing interim orders, for maintaining consistency in similar cases.*

*15. The Court in Siliguri Municipality case [(1984) 2 SCC 436 : 1984 SCC (Tax) 133 : AIR 1984 SC 653] observed as under: (SCC p. 439, para 4)*

*“4. ... The main purpose of passing an interim order is to evolve a workable formula or a workable arrangement to the extent called for by the demands of the situation keeping in mind the presumption regarding the constitutionality of the legislation and the vulnerability of the challenge, only in order that no irreparable injury is occasioned. The Court has therefore to strike*

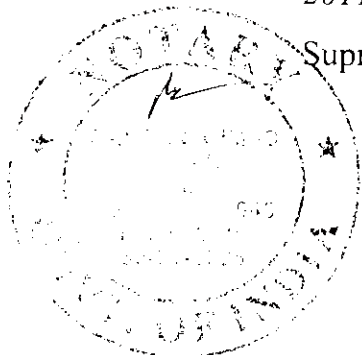


*a delicate balance after considering the pros and cons of the matter lest larger public interest is not jeopardised and institutional embarrassment is eschewed.”*

*18. Admittedly, this Court has stayed the operation of the interim orders passed by the High Court in a large number of identical cases and all such orders have been placed on record. Some of such cases are SLP (C) No. 32910 of 2009 dated 14-12-2009; SLP (C) No. 35279 of 2009 dated 5-1-2010; and SLP (C) No. 11261 of 2010 dated 23-4-2010.”*

20. It is respectfully submitted that the Central Government is competent to enact the IT Act which is administered by the Ministry of Electronics and Information Technology (MeitY) of the Government of India. Furthermore, the subjects- “News and current affairs content on online platforms” and “Films and Audio-Visual programmes made available by online content providers” lie within the administrative ambit of the Ministry of Information & Broadcasting (MIB), therefore, Part III of the Rules are to be administered by MIB utilizing the powers delegated by MeitY for this purpose. In this regard, it is submitted that from the perspective of administration of the Rules, Part III is well within the legislative competence of MeitY to make such subordinate legislation.

21. It is stated and submitted that Part-II of the IT Rules, 2021 is not new, but an amendment to the already existing Rules (*Intermediary Guidelines 2011*) which has been upheld as constitutionally valid by the Hon’ble Supreme Court in the *Shreya Singhal Vs UOI*. Furthermore, scope of the



Information Technology Act includes recognition and regulation of electronic records which are in the nature of media content, and therefore, Part III of the Rules is within the ambit of the Act. In this regard, it is submitted that from the perspective of scope of the Rules, the Rules are well within the legislative competence of MeitY.

22. It is stated and submitted that while, at present, there are 15 Writ Petitions filed before Hon'ble Delhi (5), Bombay (2), Orissa (1), Karnataka (1), Madras (2), Calcutta (1) and Kerala (3) High Courts, except Hon'ble Kerala High Court, no other high court has passed any interim order in any of the petition filed before it. In this regard, the Kerala High Court has passed two interim orders:

- (i) In *W.P. (C) No. 6272/2021 Live Law Media Private Limited & Ors. Vs. Union of India and Anr.*, vide order dated 10.03.2021, the Hon'ble Court has ruled that the Union of India shall not take any coercive action against the petitioners for non-compliance of the provisions contained in Part III of the IT Rules, 2021;
- (ii) In *W.P. (C) No. 13675/2021 News Broadcasters Association and Ors. vs Union of India & Ors.*, the Hon'ble Court relied on the aforementioned order, and ruled, vide order dated 09.07.2021, that the Union of India shall refrain from taking coercive action against the petitioners for non-compliance of the provisions of Part III of the IT Rules, 2021 pending disposal of the Writ Petition.

23. In this regard, it is submitted that Hon'ble High Court without considering or even advertent to the cardinal points of the matter, has passed a no coercive order. With respect to the aforementioned orders passed by the Hon'ble Kerala High Court, it is respectfully submitted that:-

- (i) There is no discussion or finding that there was lack of legislative competence to make the impugned subordinate legislation;
- (ii) There is also no finding that there has been violation of fundamental rights of the petitioner;
- (iii) No finding of violation of any other provision of the Constitution of India is also given;
- (iv) There is no discussion or finding that the impugned subordinate legislation fails to conform to the parent statute or transgress the limits of authority conferred by the enabling Act; and
- (v) The present case was neither a case of repugnancy nor was a case of Manifest arbitrariness/unreasonableness (to an extent where the Hon'ble court could have held that the legislature never intended to give authority to the delegatee to make such rules).

24. In respect of the Hon'ble Kerala High Court order in *W.P. (C) No. 6272/2021*, it is respectfully submitted that the precedents established by the Hon'ble Supreme Court in *State of T.N. v. P. Krishnamurthy, (2006) 4 SCC 517*, as mentioned above in paragraph 17, with respect to the test for legality of subordinate legislation was not duly applied by the Hon'ble High Court. In this regard, it is also submitted that for the same reason, the Kerala High Court's interim order in *W.P. (C) No. 13675/2021 News Broadcasters Association and Ors. vs Union of India & Ors.*, can also not be relied upon.

25. In light of the above, it is further submitted that the Union of India has preferred SLP (C) No. 011163/2021 and SLP (C) No. 11566/2021 in the Hon'ble Supreme Court against the aforementioned orders of the Hon'ble Kerala High Court.

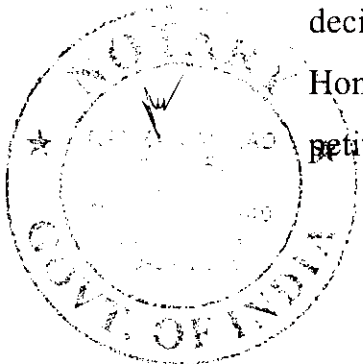
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26. It is stated and submitted that before the notification of the IT Rules, 2021, following matters related to regulation of content on digital media were already tagged together and being heard in the Hon'ble Supreme Court:

- (i) *S.L.P. (C) No. 10937/2019: Justice for Rights Foundation Vs. Union of India & Ors.*
- (ii) *T.P.(C) No.100-105/2021: Union of India Vs. Sudesh Kumar Singh,* involving transfer of 6 Writ Petitions filed before various High Courts
- (iii) *W.P.(C) No.1080/2020: Shashank Shekhar Jha Vs. Union of India*

27. The Hon'ble Supreme Court, vide order dated 09.07.2021, had directed two transfer petitions [T.P. (C) No. 001147- 001152/2021, and T.P. (C) No. 997-1000/2021] regarding the maintainability of the Rules to be listed on 16.07.2021 alongwith S.L.P. (C) No.10937/2019 before the appropriate Bench. In this regard, it is submitted that the matters regarding regulation of digital media content, whether filed before the notification of the Rules or thereafter, are being tagged together for common hearing in the Hon'ble Supreme Court. Furthermore, in respect of the matters earlier tagged along with the *S.L.P. (C) No. 10937/2019* in the Hon'ble Supreme Court, the Court, vide order dated 23.03.2021, (**Annexure-2**) had stayed further proceedings before all the High Courts in the pending writ petitions.

28. In light of the above, it is respectfully submitted that based on the legal precedents, facts of the present case, and the potentially spiralling impact of decision in this Court on the various related matters being heard by the Hon'ble Supreme Court, the prayer for interim and ad-interim reliefs by the petitioners be declined.



29. It is also prayed that liberty may kindly be granted to us, the respondents, to file a detailed reply on merits later.

Advocate for Respondents



DEPONENT

DR. ANANDRAJ BHARDWAJ  
Notary Public for the State of Delhi  
Ministry of Information & Public Relations  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

VERIFICATION

I, the deponent above named, do hereby verify that the contents of paras 1 to 29 of the affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

11 AUG 2021

30. Verified at New Delhi on August, 2021.

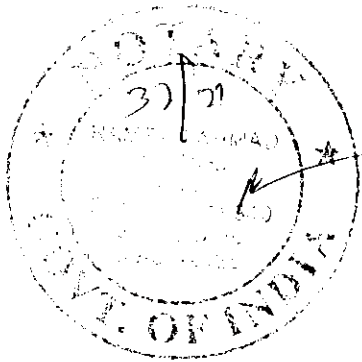
Advocate for Respondents



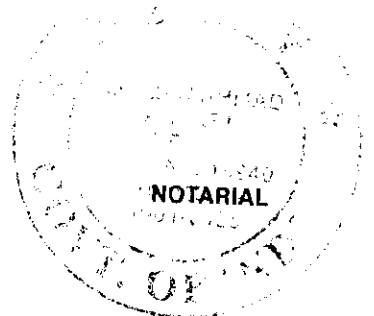
DEPONENT

DR. ANANDRAJ BHARDWAJ  
Notary Public for the State of Delhi  
Ministry of Information & Public Relations  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

30/8/21  
Notary Public for the State of Delhi  
Ministry of Information & Public Relations  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi



CERTIFIED THAT THE DEPONENT has solemnly affirmed before me at Delhi that the contents of the affidavit which have been sworn by him are true and correct to his knowledge.



11 AUG 2021

# THE LEAFLET

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## Grievance Redressal Mechanism

Any person residing in India having a grievance regarding the content published by The Leaflet in relation to the Code of Ethics can register a complaint.

The complaint can be raised with our Grievance Officer. Her particulars are:

**Shweta Velayudhan**

Advocate

Email: [grievance@theleaflet.in](mailto:grievance@theleaflet.in)

Kindly fill out all the details of the Grievance Redressal Form below. You can submit the duly filled form as is or download and email it directly to our Grievance Officer, within a suitable period of time of the publication of the content. [Click here](#) to download the form.

Please note that any section of the Grievance Redressal Form left blank or anonymous or fake submissions will not be accepted.



The Leaflet is a member of DIGIPUB News India Foundation. You may direct any appeals against decisions by our grievance officer, to the self-regulating body setup thereunder at the following address: selfregulatorybody@digipubindia.in.

## Grievance Redressal Form

Any person residing in India can register a complaint related to the content of The Leaflet within a suitable period of time of the publication of the content.

\* Required

First Name \*

Your answer

Last Name \*

Your answer

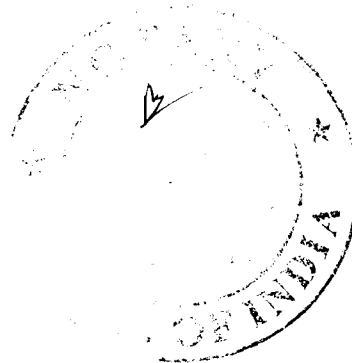
Mobile Phone No. \*

Your answer

Email \*

Your answer

Full Address \*





Full Address \*

Your answer

PIN \*

Your answer

Link to the content for which complaint needs to be filed \*

Your answer

Date of publication \*

Date

mm/dd/yyyy

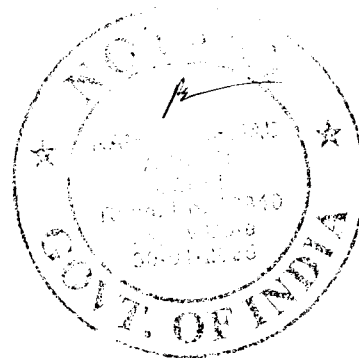
Exact details of the content that you feel contains a violation. Please specify exact words or para of the article, or exact time stamps for videos and podcasts.

\*

Your answer

Please summarize details of the content which is in violation and specify how it is a violation with respect to the Code of Ethics. Also, please specify the exact clause from the Code of Ethics

(<https://presscouncil.nic.in/OldWebsite/NORMS-2010.pdf>) that you are referencing in the



2019:1417 that you are referencing in the violation/complaint. \*

Your answer

\*

I hereby declare that I am a resident of India and all the information furnished above is true, complete and correct to the best of my knowledge and belief.

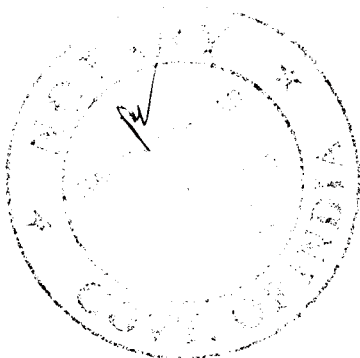
Type this code: P7PUCV \*

This code is to verify you are a human. Protected by xfanatical.

Your answer

## Grievance Information

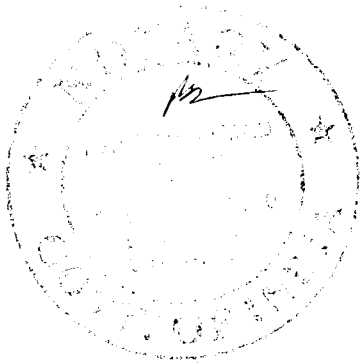
- **Number of grievances received: 2**
- **Number of grievances addressed: 2**



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SLP(C) 10937/2019

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ITEM NO.3

Court 5 (Video Conferencing)

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.10937/2019

(Arising out of impugned final judgment and order dated 08-02-2019 in WPC No.11164/2018 passed by the High Court of Delhi at New Delhi)

JUSTICE FOR RIGHTS FOUNDATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH T.P.(C) No.100-105/2021 (XVI-A)

(With appln.(s) for I.R. and IA No.9093/2021-EX-PARTE STAY)

W.P.(C) No.1080/2020 (PIL-W)

(With appln.(s) for IA No. 106002/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 105999/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-03-2021 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MR. JUSTICE SANJIV KHANNA

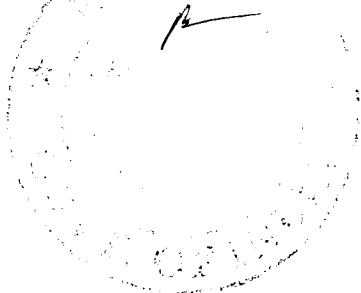
For Petitioner(s) Mr. V.K. Shukla, Sr. Adv.  
Mr. Amit Kumar Sharma, Adv.  
Mr. Satayam Singh, Adv.  
Mr. Rahul Joshi, AOR

TP 100-105/2021 Mr. Amrish Kumar, AOR

WP 1080/2020 Ms. Manju Jetley, AOR

Respondent(s) Mr. Tushar Mehta, SG  
Mr. K.M. Nataraj, ASG  
Mr. Rajat Nair, Adv.

Digitally signed by  
Chetan Kumar  
Date: 2024.03.24  
18:34:50 IST  
Reason: [ ]



SLP(C) 10937/2019

2

Mr. Amrish Kumar, AOR  
Mr. Ashok Panigrahi, Adv.  
Mr. Mohammad Akhil, Adv.  
Mr. S. Vinay Ratnakar, Adv.  
Mr. Nabab Singh, Adv.  
Mr. Tashriq Ahmad, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Gopal Jain, Sr. Adv.  
Ms. Ruby Singh Ahuja, Adv.  
Mr. Sidharth Chopra, Adv.  
Ms. Swikriti Singhania, Adv.  
Mr. Ashutosh P Shukla, Adv.  
Ms. Savni D Endlaw, Adv.  
Ms. Gitanjali Mathew, Adv.  
Mr. Ranjeet Singh Sidhu, Adv.  
Mr. Sudarshan, Adv.  
Ms. Surabhi Pande, Adv.  
M/s. Karanjawala & Co.

Ms. Heena Baig, Adv.  
Ms. Tanuj Bagga, AOR

Ms. Shruti Bisht, Adv.  
Mr. Mithu Jain, AOR

Mr. Harsh Kaushik, Adv.  
Mr. Sachin Akhoury, Adv.  
Ms. Himangi Abhyankar, Adv.  
Ms. Astha Pandey, Adv.  
Mr. Navankur Pathak, Adv.

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 List the cases on 15 April 2021.
- 2 In the meantime, Mr Tushar Mehta, learned Solicitor General has submitted that in CWP No 8089 of 2020, the High Court of Punjab and Haryana is proceeding on the merits of the writ petition and has passed certain orders on 16 March 2021. Since notice has been issued in the Transfer Petitions, we stay further proceedings before all the High Courts in the pending writ petitions.

- 3 Service be completed in the meantime by taking all requisite steps before the next date of listing.

(CHETAN KUMAR)  
A.R. -cum-P.S.

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR

