

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

(Original Jurisdiction)

W.P. No. _____/2019 (PIL)

In the matter of Public Interest Litigation:

Between:

..... Petitioner

And:

1) Union of India

Through its Secretary to Government of India,
Department of Higher Education,
Ministry of Human Resource and Development,
Shastri Bhavan,
New Delhi-110001

2) State Of Karnataka

Through its Commissioner,
Department of Collegiate Education,
Ministry of Higher Education,
2nd Floor, Technical Education
Department Building,
Bangalore-560001

..... Respondents

**Memorandum of Writ petition under Article 226 of the
Constitution of India in the matter of Public Interest Litigation**

- 1) That the petitioner is filing the instant writ petition in public interest. The petitioner has no personal interest, individual gain, private motive or oblique reasons in filing this PIL. It is not guided by self-gain or for gain of any other person / institution / body and that there is no motive other than of public interest in filing the writ petition.
- 2) That the petitioner is a public spirited person and an Advocate by profession, is associated with the couple of non-profit organization based in Tumkur, Karnataka which are in forefront for the education of rural children, Environmental protection and also fighting for the cause of human dignity, civil liberty and social justice.

- 3) There is no civil, criminal or revenue litigation, involving Petitioner, which has or could have legal nexus with the issue involved in this petition. It is totally bona-fide.
- 4) There is no requirement to move concerned government authority for relief sought in this PIL. There is no other remedy available except approaching this Hon'ble Court.

Facts of the case

- 5) It is submitted that the Ministry of Human Resource Development, Government of India, Respondent No.1 herein, is said to have taken a decision to connect private **social media account viz. Twitter/Facebook/Instagram** of all the students and teachers of all **Higher Educational Institutions (HEIs)** to their respective institution account to be created and designated as **'Social Media Champion'** which in turn to interconnect with all other HEIs and finally to Ministry of Human Resource Development account. A copy of the impugned Notification/Circular bearing number **D.O.No.Secy(HE)/07/2019 Dated: 03.07.2019** has been enclosed herewith for the kind perusal of this Hon'ble Court as **Annexure-A**.
- 6) It is further submitted that the Petitioner gathered information about the apprehension of large number of students studying in many Higher Educational Institutions (**HEIs**) in **Karnataka State**, about the need to link their private social media account to Respondent No.1's account which would affects their fundamental **'Right to Privacy' and 'Freedom of Speech and Expression'**.
- 7) Petitioner submits that he tried to obtain the Notification/Circular of the Respondent No.1 in that regard **so that he could make a representation to Respondent No.1 in conveying the grievance of many students and teachers** of **HEIs** in the state, but unable to obtain any such Notification/Circular, **which was not published/uploaded even in the official website of the Respondent No.1**. A copy of the screenshot of the Respondent No.1's official website, wherein Petitioner searched for the impugned Notification/Circular, has been produced herewith for the kind perusal of this Hon'ble Court as **Annexure-B**.
- 8) Petitioner from his reliable sources, obtained a copy of the impugned

Notification/Circular bearing number **D.O.No.Secy(HE)/07/2019**
Dated: 03.07.2019 which has been sent to all HEIs in the State to create a '**Social Media Champion**' to connect social media accounts of all the students and teachers in their respective institutions which in turn to interconnect with every other HEIs and finally with the Respondent No.1's account.

- 9) It is submitted that the above referred impugned Notification/Circular of the Respondent No.1 infringes '**Fundamental Right to Privacy**' and affects the social educational life of large number of students and teachers of HEIs and also restricts their '**Fundamental Right to Freedom of Speech and Expression**' and **would therefore offends Article 19(1)(a) and 21 of the Constitution of India**. Hence this petition in the nature of Public Interest Litigation, challenging the impugned Notification/Circular of the Respondent No.1 on the following grounds.

Grounds

- 10) The direction issued by the Respondent No.1 via impugned Notification/Circular to all the HEIs in the country to connect social media account viz. Twitter/Facebook/Instagram of all the students and teachers of all HEIs to share their achievement, **is arbitrary, unmindful and without application of mind**.
- 11) It is submitted that in Higher Educational Institutions(HEIs), students and teachers have so many other platforms to learn, educate, share and publicize, advances in academics to project their achievements and publish their research articles. These things can be done with the institutions and also with collaboration of other institutions. **For instance, in medical institutions, they have CME(Continuous Medical Education) programs** which is regularly conducted by various departments to know the progress in the medical service. In this students and teacher from other institution also can participate.
- 12) In medical college students can do their research project under **ICMR(Indian Council of Medical Research)** and each year **B.C Roy award** will be given to eminent teacher to recognize their work. The most important point of all this is, the students and teachers can participate in this platform with their own will, voluntarily without mandatory restrictions. The institution will conduct regularly the **conferences, State and National level** which give full opportunities for the students

and teachers to participate. The research articles by teachers and students can be published in **indexed scientific journals** which can be read by medical fraternity.

- 13) Usually each higher educational institution has its own website, in that teachers and students can share their ideas, views and achievements. **Social media accounts viz. Twitter/Facebook/Instagram, are the private accounts of any person to interact and communicate with other individual whom an account holder desire to communicate.** Any attempt by the State or any other authority to impose mandatory rule to connect such a personal account with the Respondent No.1 forcibly would **amount to violation of 'Fundamental Right to privacy' guaranteed under the ambit of Life and Personal liberty of Article 21 of the Constitution of India.**
- 14) The attempt by the Respondent No.1 or any other authority for that matter, to connect **Social media accounts viz. Twitter/Facebook/Instagram** of all the students and teachers of the HEIs to Respondent No.1's account, results in **indirect surveillance to be kept on the attitude and thoughts of the individual** which will be an impediment to express one's own ideas, views and hence amounts **to infringement of their 'Fundamental Right to Freedom of Speech and Expression' guaranteed under Article 19(1)(a) of the Constitution of India.**
- 15) **Hon'ble Supreme Court of India**, in its recent judgement in 2017, **K.S. Puttuswamy (privacy) judgment, had asked the government to always carefully and sensitively balance individual privacy and the legitimate concerns of the state, even if national security was at stake.**
- 16) The academics and scientific are serious matters, which requires a serious official academic platforms and not the social media.
- 17) Having no other alternative and efficacious remedy, the Petitioner has filed this writ petition before this Hon'ble Court. The Petitioner has not filed any other petition, claim, suit or proceeding in any court or tribunal throughout the territory of India regarding this matter.

PRAYER

1. Issue a writ in the nature of certiorari to quash the **Notification/Circular bearing number D.O.No.Secy(HE)/07/2019 Dated: 03.07.2019** of the Respondent No.1 cited in **Annexure-A**.
2. Pass such other order or orders as this Hon'ble Court deems fit to grant in the facts and circumstances of the case, so as to meet the ends of justice and equity.

Bengaluru,

Date :

Advocate for Petitioner/Petitioner-In-Person

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W.P. No. _____/2019 (PIL)

In the matter of Public Interest Litigation:

Between:

Ramesh Naik. L

...Petitioner

And:

Union of India & Ors.

...Respondents

VERIFYING AFFIDAVIT

I,

now at Bangalore do hereby solemnly affirm and state on oath as follows :

1. I state that I am the petitioner and I am well conversant with the facts of the case.
2. I state that the averments contained in the accompanying writ petition are true and correct.
3. I state that the Annexure A to B are the true copies of the originals.

VERIFICATION

I, the deponent, do hereby verify and declare that the averments contained in para 1 to 3 are true and correct.

Identified by me,

Advocate,

Deponent

Bengaluru,

Date :

No. of corrections