

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) 1943-1946 OF 2019

IN THE MATTER OF:

FACEBOOK INC.

...PETITIONER

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENTS

REPLY AND OBJECTIONS ON BEHALF OF RESPONDENT NOS.

6-7 TO THE TRANSFER PETITION

1. The instant Transfer Petition (Civil) arises *inter alia* from proceedings that are an advanced stage before the Hon'ble High Court of judicature at Madras, in W.P. No. 20774 of 2018 and 20214 of 2018.
2. The present Statement of Objections to the Transfer Petition is being filed on behalf of Respondent Nos. 6-7.
3. The present Transfer Petition has been filed suppressing material facts and documents on record before the Hon'ble High Court, and has been filed in a clearly malafide manner in an abuse of process of this Hon'ble Court, and deserves to be dismissed *in limine*.
4. It is submitted that the Respondents herein deny each and every averment that is contrary to the tone and tenor of this statement of objections, as well as the Respondents' pleadings in the courts below. The averments that are not specifically

denied are herewith denied as false and the Petitioner is put to the strict proof of the same.

5. It is submitted that no new fact has been pleaded or stated in this reply and objections on behalf of Respondents. The facts stated are part of the pleading and records of the High Court at Madras, and are within specific knowledge of the Petitioner herein.

PRELIMINARY OBJECTIONS

6. The instant Petition has been filed by the Petitioner seeking transfer of proceedings pending before High Courts of Madras, Bombay and Madhya Pradesh to this Hon'ble Court, on the sole ground that the reliefs sought in the petitions seek linking of social media accounts with Aadhaar, and as a petition challenging the Aadhaar and Other Laws (Amendment) Bill is pending before this Hon'ble Court, this Court should hear the matter.

Expansion of scope of proceedings- High Court not going into question of linking with Aadhaar.

7. It is stated that the same is an absolute misrepresentation before this Court, as the Hon'ble Madras High Court had expressly expanded the scope of the proceedings, called them a suo moto lis, and effectively abandoned the prayer with respect to linking of social media accounts with Aadhaar. In this regard, the Hon'ble Madras High Court vide its order dated 28.08.2018 held as follows:

"14. On the facts and circumstances of this case, and in exercise of powers under Article 226 of the Constitution of India, we are of the prima facie view that the Information Technology Act, 2000 Act and rules made thereunder, have to be implemented, in letter and spirit, and **therefore, decide to enlarge the scope of the writ petition.**" (Emphasis added)

8. Further, on 27.06.2019, the Hon'ble High Court held as follows:

"4. We have gone through the averments in the above said applications. Internet Freedom Foundation (IFF), New Delhi, cannot be said to be a proper and necessary party, in the effective adjudication of the suo moto lis, taken up by this Court..." (Emphasis added)

9. At any rate, after this Hon'ble Court was pleased to issue notice in the instant transfer petition, the High Court has clarified its stance vide order dated

"14. Though prayers in WP.Nos.20774 and 20214 of 2018 are for a direction to the respondents therein to direct linking of Aadhar or any other identity proof, as mandatory with the social media, after going through the contents of the counter affidavit, filed by the Additional Commissioner of Police, Central Crime Branch, Chennai and the need to have effective implementation of the provisions of the Information Technology Act, 2000 and the rules framed thereunder, towards effective and proper investigation, we expanded the scope of the writ petitions, and decided not to address the prayers as such in the writ

petitions, more so, taking note of the decision of the Hon'ble Supreme Court in K.S.Puttaswamy Vs. Union of India reported in (2019) 1 SCC 1.

...

18. While clarifying that the scope of the instant writ petitions has been expanded for effective implementation of the provisions of Information Technology Act, 2000 and the rules made thereunder, insofar as prevention and detection of crimes and investigation and not as prayed for in WP Nos.20774 and 20214 of 2018, we deem it fit to adjourn the hearing of the writ petitions. (Emphasis added)

A true copy of the Order dated 21.08.2019 passed by the Hon'ble Madras High Court in WP 20774 and 20214 of 2018 is annexed hereto as **Annexure R-1.** (P. 164 to 171)

10. As such, there is no question of any overlap/conflict/divergent views between the petitions pending before this Hon'ble Court and the other High Courts from which petitions are sought to be transferred on common grounds.
11. It is further reiterated that the question before the Hon'ble Madras High Court relates to the prevention and detection of crimes, and traceability of originator information to counter fake news and mob violence in the State. As such, this is a question that deserves to be gone into by the Hon'ble High Court and decided at the earliest.

Proceedings in Courts other than Madras High Court at nascent stage – no hearings have taken place- not even remotely connected.

12. Proceedings pending before the Bombay and Madhya Pradesh High Courts are at very nascent stages, wherein even notice has not been issued in the writ petitions. As such, the question of having them transferred to this Hon'ble Court, at the instance of the Petitioner hereinto whom even notice has not been issued, does not arise at all.
13. At best, this Hon'ble Court may be pleased to transfer the proceedings pending in those Hon'ble Courts to the Hon'ble Madras High Court, so that all petitions can be heard together and decided by the Court where all the parties including the Petitioner have already submitted to the jurisdiction of the Court. In the alternate, this Court may be pleased to stay those proceedings pending outcome of proceedings before the Hon'ble Madras High Court.
14. The Petition before this Hon'ble Court relating to the validity of the Aadhaar and other Laws (Amendment) Ordinance, 2019 has no bearing on the instant case, as demonstrated above.
15. Further, the proceedings before the Hon'ble Madras High Court are at an advanced stage wherein pleadings are complete, comments and views from stakeholders have been received, and the matter is ripe for hearing. The Petitioner has so far been actively participating in the proceedings in that Court, and chose not to file a transfer petition at any time before

the instant stage, belatedly and in a clear abuse of process of this Court.

Petitioner has submitted to the jurisdiction of the Madras High Court- hearing is at an advanced stage - the instant petition is an abuse of process.

16. Having once submitted and acquiesced to the jurisdiction of the Hon'ble Madras High Court, it does not lie in the mouth of the Petitioner to seek a transfer to this Court, on grounds that are blatantly contrary to the record.

17. In this regard, the statements made by the counsel for the Petitioner before the Hon'ble Madras High Court have been recorded by that Court vide its order dated 31.10.2018, whereby it was recorded that:

"He further submitted that instructions have been issued by Facebook Inc., to respond to the instant writ petition. He further submitted that Facebook Inc. would submit to the jurisdiction of this Court."

18. It is pointed out at this stage that the writ petition filed before the Hon'ble Bombay High Court, that is sought to be transferred vide the instant petition, were already pending before that Court as on the date of the order referred to supra, and despite that the Petitioner chose to submit to the High Court's jurisdiction.

19. Additionally, the High Court has considered the matter in great detail, having heard not just all the parties to the petition including counsel for Facebook, Google, Whatsapp and Twitter,

but also interveners including Professor V. Kamakoti from IIT Chennai as well as the Internet Freedom Foundation.

20. Under the orders of the High Court, all stakeholders have conducted joint meetings and filed a report before this Court as to how the Information Technology Act and the Rules can be properly implemented in letter and spirit. It is in this respect that the Court is going to continue hearing the matter, subject to the orders of this Hon'ble Court.

21. All parties have also filed detailed pleadings, giving not just their stance on the technology and enforcement mechanism, but also past conduct of the Petitioner and other companies in terms of compliance with requests for information by the State authorities.

22. It is at this advanced stage, solely on the apprehension of facing adverse orders, that the Petitioner herein has filed the instant transfer petition, in a bid to scuttle the proceedings before the High Court and have the matter heard afresh by this Court. The Transfer Petition is an abuse of process, filed mala fide, is hit by delay and latches that have not been explained by the Petitioner, and deserves to ex facie be rejected by this Hon'ble Court.

The Madras High Court is on the question of effective compliance with the provisions of the Information Technology Act, 2000, by companies like the Petitioner, insofar as prevention and detection of crimes is concerned.

23. The Madras High Court is proceeding on the sole premise on whether large social media companies like the Petitioner are compliant with the Information Technology Act, 2000 and the rules made thereunder, and are sharing details with law enforcement agencies essential for the prevention and detection of crimes committed.

24. This may be seen by the orders passed by the Hon'ble High Court, including order dated 28.08.2018, where the Court recorded the averments in the affidavit filed by the Additional Commissioner of Police, Central Crime Branch, Greater Chennai, stating *inter alia*:

"(ii) It is submitted that during the year 2016-2018, the Chennai City Police, Cyber Crime Cell had sent about 1940 requests to such online social media companies. Among which 885 requests were sent to Facebook, 101 requests were sent to Gmail, 155 requests were sent to Youtube, and 11 requests were sent to Whatsapp. Out of which, IP logs details were received for only 484 requisitions. Out of the said replies, 211 replies received were from Facebook, 1 reply from twitter, 268 replies from Gmail, 4 replies from Youtube and no reply received from Whatsapp. It is necessary to state that remaining 1456 IP requisitions were rejected by social media companies."

25. Similarly, vide order dated 25.04.2019, the Court below was pleased to take on record the submission made by the Additional Government Pleader, stating:

"17. Mr. E. Manoharan, learned Additional Government Pleader appearing for official respondents, submitted that there is a difference between Internet Service Providers (ISP) and Internet Protocol (IP). He further submitted that Internet Protocol numbers varies frequently, which according to him, is dynamic and not static.

18. Learned Additional Government Pleader further submitted that standards of obscenity, morality, communal or religious clashes, and such other related to law and order problem, may vary according to the standards prescribed by the intermediaries, as emergent, but according to the Law Enforcement Agencies, if information is shared by them, it would immediately facilitate, not only prevention of crime, but also detection of the same. **Therefore, there is some difficulty in tracking the alleged culprit, the organisers and it causes delay in investigation. According to the learned Additional Government Pleader, this is a critical issue, where the Law Enforcement Agencies are unable to track the originator.**" (Emphasis added)

25. The reason the Petitioner is seeking transfer of the proceedings from the Hon'ble High Court to this Court is found in the submission of Whatsapp's counsel (Whatsapp is wholly owned by Facebook, and for all practical purposes are the same entity before this Court) recorded by the Court in its order dated 06.06.2019, stating:

"2. On behalf of Whatsapp, Mr. Kapil Sibal, learned Senior Counsel and Mr. P. Datar, learned Senior Counsel for Whatsapp, submitted that in respect of the content removal on sharing the hash value/originator identity/maintaining log of voice calls, Whatsapp, does not have any mechanism to identify the originator of the information nor Whatsapp maintains details of log of voice calls."

26. This is in the face of the requests of the authorities as well as the report filed by the intervener before that Court, and apprehending orders on this particular aspect, the instant transfer petition has been moved before this Court at this belated stage.

The matter must be allowed to be heard by the High Court and decided expeditiously

27. It is stated that the matter before the Hon'ble High Court is one of grave importance, seeking effective compliance of large multinational companies with the letter and spirit of Indian laws, where in the past, despite operating in India, these companies have rejected requests for information and sought for requests to be made through Letters Rogatory or through Mutual Legal Assistance Treaties, a time consuming process which defeats the investigation and frustrates the job of the law enforcement agencies to prevent and detect crimes.

28. In this regard, details of content requests made to Social Media companies and their rate of responses is captured as below:

S. No.	Company	Response Rate
1.	Facebook	0%
2.	Twitter	0%
3.	Whatsapp	0%
4.	Google	0%
5.	Youtube	0%

29. Similarly, details of 'Account Information and IP log requests' are as follows:

S. No.	Company	Response Rate
1.	Facebook	52%
2.	Twitter	58%
3.	Whatsapp	24%
4.	Google	77%
5.	Youtube	4%

30. As is evident, these companies(including the Petitioner) are continually failing to comply/cooperate with law enforcement agencies, and are not in compliance with the law and as such do not deserve any discretionary relief from this Court. Further, it is reiterated that these proceedings have been filed to scuttle the proceedings before the High Court, and to keep the issue in question pending for the foreseeable future.

The privacy 'red herring' raised by the Petitioner

31. The Petitioner has feebly sought to contend that the matter relates to privacy of citizens and that the submissions of the State seeking originator information would in some manner be contrary to the dictum of this Hon'ble Court in **Justice K.S. Puttaswamy v. Union of India (2017) 10 SCC 1**.
32. The argument does not lie in the mouth of the Petitioner, whose primary business model is the use and commercialisation of users data, which is in turn shared with businesses and political parties for targeted advertising. In this regard, the Petitioner has been in the news globally for its role in *inter alia* the 'Cambridge Analytica' scandal.
33. The argument is further fallacious in law as this Court in *Puttaswamy* (supra) expressly recognized several exceptions to the right to privacy, including the maintenance of law and order. In any case, the concept of reasonable restrictions/limitations to fundamental rights is a concept that flows from the Constitution itself. The same has been raised by the Petitioner for the sole purpose of distracting this Hon'ble Court from its own non compliance and attempts to not comply with Indian law and not cooperate with Indian law enforcement agencies.
34. Further, it is stated that Whatsapp (a subsidiary of the Petitioner, Facebook) is cognizant of the issue of 'fake news' on its platform, and to that end as recently as April 2019 set up an 'India tipline' number to allow users to cross check information received on their phone. Significantly, they have chosen not to involve law enforcement agencies in this process, and are vide

the instant petition trying to repel further attempts by these statutory agencies to uphold the law.

35. It is clear that the whole attempt of the Petitioner is to evade compliance with Indian law, a stand that cannot be countenanced in law.

PARA WISE REPLY

36. Without prejudice to the foregoing and fully relying thereon, the Respondents now deals with the averments made in the Petition filed by the Petitioner. The contents of the preliminary submissions be treated as part and parcel of each paragraph hereunder:

37. **Paragraph 1 and 1A:** The contents need no specific traverse.

38. **Paragraph 2:**The contents are denied as false, and misrepresented. The cases sought to be transferred do not involve the same questions of law, nor are they connected to the issue before this Court in WP(C) 679 of 2019, and nor is there any possibility conflicting decisions, as all petitions operate in different spheres and also the proceedings before the Bombay and Madhya Pradesh High Court are at a very nascent stage. All other grounds raised are frivolous and/or only consequential in nature to the main grounds that are not made out, and are hence denied.

39. **Paragraph 3:** It is denied that there are any common questions of general importance in the cases sought to be

transferred, especially in light of the expansion of the proceedings by the Hon'ble Madras High Court.

40. **Paragraph 4.1-4.2:** The contents need no reply.
41. **Paragraph 4.3:** The contents are denied in light of what is stated supra.
42. **Paragraph 4.4-4.7:** The contents are a matter of record.
43. **Paragraph 5:** While the factum of the cases being pending is a matter of record, it is denied that the question in WP(C) 679 of 2019 would have any impact on the case pending before the Hon'ble Madras High Court. The attempts of the Petitioner to misrepresent the status of proceedings before the Court below is deprecated.
44. **Paragraph 6-I:** It is denied that the cases pending involve same questions of law or fact or that they are covered by the judgments cited in the paragraph under reply.
45. **Paragraph 6-II:** It is denied that the case pending before this Court would in any manner cover the proceedings before the Hon'ble Madras High Court. The contents of the paragraph under reply are misconceived, hence denied.
46. **Paragraph 6-III:** While the services of social media companies are used throughout India, and the world, it is essential that these companies comply with the laws of each state in which they operate, and not try to evade their responsibility/liability in the instant fashion. Equally, infeasibility of certain tasks would not render the High Court without jurisdiction or be a ground to transfer a petition to this Court. Hence denied.

47. **Paragraph 6-IV – 6-V:** The contents are mere repetition and hence denied. Further, while the interpretation of the IT Act would have implications for the country, the Hon'ble Madras High Court, seized and proceeding with the matter, is fully competent to adjudicate on the matter. It has further already been clarified that the Court is not going into the question of mandatory linking of Aadhaar.
48. **Paragraph 6-VI:** The contents are denied as it is not the same issue that is under challenge in different Courts.
49. **Paragraph 7:** The contents need no reply.

PRAYER

It is in light of the instant facts and circumstances, that the instant petition deserves to be dismissed outright with exemplary costs.

Drawn By:

Balaji Srinivasan

Additional Advocate General

Settled by

Mr. Vijay Narayan

Advocate General of Tamil Nadu

Place:- New Delhi

Date:-12-9-2019

Filed by

T.R.B. Sivakumar

Advocate on Record for
Respondent No. 6 & 7

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION (C) 1943-1946 OF 2019

IN THE MATTER OF:

FACEBOOK INC. ...PETITIONER
VERSUS
UNION OF INDIA AND ORS. ...RESPONDENTS

AFFIDAVIT

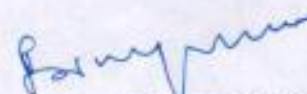
I S. BALARAMAN, S/o E. Sambasivareddy, aged about 60 years, working as Deputy Secretary to Government, Legal Cell Tamil Nadu House, New Delhi, do hereby solemnly affirm and state as under:

1. That I am filing this affidavit on behalf of the Respondents 6-7 and I am well conversant with the facts of the case. Hence I am competent to swear this affidavit.
2. That I have read the accompanying Reply affidavit filed by Respondent No. 6-7 and understood the contents thereof. The facts stated therein are true and correct to the record of the case, which I believe to be true.
3. The annexures are true copies of the original.


 S. BALARAMAN, M.A., B.Ed.
 Deputy Secretary to Government
 (Legal Cell)
 Tamil Nadu House, New Delhi- 21

VERIFICATION:

Verified at New Delhi on this the 12th day of 2019. I the above named deponent do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.


 DEPONENT
 S. BALARAMAN, M.A., B.Ed.
 Deputy Secretary to Government
 (Legal Cell)
 Tamil Nadu House, New Delhi- 21

Annexure P-1
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WP Nos.20774 & 20214 of 2018

WP Nos.20774 & 20214 of 2018
and WMP Nos.17128, 17135, 17139, 17140, 17145,
17149, 17162, 17164, 24351 & 24358 of 2019

S.MANIKUMAR, J.,
AND
SUBRAMONIUM PRASAD, J.,

[Order of the Court was made by S.MANIKUMAR, J.]

In WP No.20774 of 2018, Mr.Antony Clement Rubin, has sought for a writ of mandamus, directing the respondents to declare that linking of Aadhaar or anyone of the Government authorized identity proof as mandatory for the purpose of authentication while obtaining any email or user account (Social Media Accounts - Facebook, Instagram, YouTube and Twitter or Utility Accounts, Paytm, Uber, Ola, Gmail, yahoo and Hotmail) thereof and to appoint a special and skilled task force to monitor into the rising instances of all sorts of cyber defamations and cyber stalking and to protect the innocent victimized E-Citizens of India every day.

2. In WP No.20214 of 2018, Mrs.Janani Krishnamurthy, has sought for a similar prayer.

3. Responding to the notices ordered in the above writ petitions, Additional Commissioner of Police, Central Crime Branch, Chennai in his Counter affidavit, submitted that though request has been made by Cyber

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WP Nos.20774 & 20214 of 2018

Crime Cell Commissionerate of Chennai, to furnish details, for the purpose of investigation, Social Media companies have not furnished the details sought for and in many cases, rejected the request sought for.

4. Having regard to the affidavits in support of the writ petitions and counter affidavit, filed by the Additional Commissioner of Police, Central Crime Branch, Chennai and *prima facie* observing that the provisions of the Information Technology Act, 2000 and the rules made thereunder have to be implemented in letter and spirit, we decided to enhance the scope of the writ petitions. Thus, we observed that Social Media viz., Facebook, Twitter, YouTube, Whatsapp and Goggle from whom information is sought for, for investigation, have to be heard and thus, on 28.08.2018, we issued notices to the above Social Media companies.

5. Responding to the notices and submitting to the jurisdiction of this Court, Social Media companies have filed their respective counter affidavits, *inter alia* making preliminary objections to the maintainability of the writ petitions.

6. Thereafter, on 24.07.2019, we passed the following order.

"Learned counsel appearing for social media, viz., Facebook, Twitter, Whatsapp, Google, You Tube etc., have

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WP Nos.20774 & 20214 of 2018

submitted their reports with documents and copies have been furnished to the Government, and Mr.Suhrith Parthasarathy, learned counsel appearing for the intervener.

2. Government to respond. On behalf of Dr.V.Kamakoti, Professor, Indian Institute of Technology, Chennai, his team comprising C.S.Madhusudhanan, Adjunct Faculty, Indian Institute of Technology, Chennai appeared before this Court and submitted that the difficulties expressed by social media, viz., Facebook, Twitter, Whatsapp, Google, You Tube etc., to provide information regarding originator, can be solved. Remarks/views of Dr.V.Kamakoti, Professor, Indian Institute of Technology, Chennai, and his team have to be submitted in writing, so that the same can be furnished to the learned counsel appearing for social media, viz., Facebook, Twitter, Whatsapp, Google, You Tube etc.,

3. Hence, we direct Dr.V.Kamakoti, Professor, Indian Institute of Technology, Chennai, and his team to submit their views on or before 31.07.2019. Government of Tamil Nadu, shall furnish the said information to the learned counsel on record for social media, viz., Facebook, Twitter, Whatsapp, Google, You Tube etc., respectively. They shall forthwith forward the same to the above.

4. Social Media, stated supra, shall respond to the Government on or before 14.08.2019. Mr.Suhrith Parthasarathy, learned counsel for the intervener has also submitted his report.

Post on 21.08.2019."

7. Material on record discloses that Dr.V.Kamakoti, Professor, Indian Institute of Technology, Chennai and his team have submitted their views to

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WP Nos.20774 & 20214 of 2018

the Social Media companies and that response from Whatsapp and Google, respectively, have also been filed.

8. On this day, when the matter came up for further hearing, inviting the attention of this Court to an order made in a Transfer Petition(s)(Civil) No(s).1943-1946/2019, Mr.Mukul Rohatgi, learned Senior Advocate submitted that in the above transfer petitions, while ordering notice to the unserved respondents through e-mail at their e-mail addresses, returnable by 13.09.2019, the Hon'ble Supreme Court ordered as hereunder.

"In the meantime, hearing before the Madras High Court may go on but no effective order be passed till further order."

9. Pointing out the above, Mr.Mukul Rohatgi, learned Senior Advocate submitted that when notices have been ordered in the transfer petitions, returnable on 13.09.2019, and directions have been issued by the Hon'ble Supreme Court that no effective order can be passed, High Court may not proceed further. Learned Senior Advocate further submitted that all the interim orders passed by this Court were brought to the notice of the Hon'ble Supreme Court.

10. Mr.Vijay Narayan, learned Advocate General, prayed for hearing of the writ petitions and on completion to reserve the same for orders.

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According to him, if hearing does not take place, then it would amount to the Social Media indirectly achieving, what in the transfer petitions they sought for.

11. Transfer Petition(s)(Civil) No(s).1943-1946/2019, have been filed in the Hon'ble Supreme Court contending inter alia that there is a common prayer, in all the writ petitions to link Aadhar information to Social Media Accounts.

12. For brevity prayers sought for, in the writ petitions filed in other Courts are extracted.

"PIL No.147 of 2018 titled "Sagar Rajabhau Suryawanshi Vs. Union of India and Ors." pending before the Hon'ble Bombay High Court ("Suryawanshi"). The Suryawanshi petition, inter alia, seeks a "writ of certiorari, writ of mandamus, order, direction or any other appropriate, writ, order, directing the Respondent No.1 (Union of India) and Respondent No.2 (MeitY) to set up proper mechanism to make it sure that all the users of Facebook and other such sites are linked with Aadhaar in India and responsibility of foreign nationals identification be shouldered upon the social sites including Facebook to verify so that no person should be subjected to fraud or hatred through its fake members / users."

W.P.No.13076 of 2019 titled "Amitabha Gupta Vs. Union of India & Ors.", pending before the Hon'ble High Court of Madhya Pradesh at Jabalpur ("Gupta"). The Gupta petitioner seeks an order

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that "Facebook must ensure that an individual attempting to open an account with facebook provide atleast one number issued by some statutory authority associated with his identity viz., Aadhaar number, driving license number or voter ID number."

13. Common question framed by the transfer petitioners in the petitions filed before the Hon'ble Supreme Court are as hereunder.

3.1 Whether it should be mandatory that Aadhaar (or any government authorized mechanism used to verify a person's identity) be linked to social media accounts (e.g., Facebook), which would potentially allow for the attribution of content to the person who posted such content.

3.2 Whether such mandatory linking to Aadhar (or any government authorized mechanism to verify a person's identity) is contrary to the principles set forth by the Constitution Bench of this Hon'ble Court in *K.S.Puttaswamy Vs. Union of India (2019) 1 SCC 1*.

14. Though prayers in WP.Nos.20774 and 20214 of 2018 are for a direction to the respondents therein to direct linking of Aadhar or any other identity proof, as mandatory with the social media, after going through the contents of the counter affidavit, filed by the Additional Commissioner of Police, Central Crime Branch, Chennai and the need to have effective implementation of the provisions of the Information Technology Act, 2000 and the rules framed thereunder, towards effective and proper investigation, we expanded the scope of the writ petitions, and decided not

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WP Nos.20774 & 20214 of 2018

to address the prayers as such in the writ petitions, more so, taking note of the decision of the Hon'ble Supreme Court in *K.S.Puttaswamy Vs. Union of India* reported in **(2019) 1 SCC 1**.

15. Though Mr.Vijay Narayan, learned Advocate General prayed that hearing may go on, Hon'ble Supreme Court has issued notices to the respondents in the transfer petitions returnable on 13.09.2019 and in the meantime directed that hearing before the Madras High Court may go on, but no effective order be passed.

16. As rightly contended by Mr.Mukul Rohatgi, learned Senior Advocate that Hon'ble Supreme Court has left to the discretion of this Court to hear the writ petitions, but then, no effective order can be passed.

17. We are of the view that when the Hon'ble Supreme Court is seized of the matter regarding transfer, propriety demands to wait till the Hon'ble Supreme Court decides the transfer petitions, returnable on 13.09.2019.

18. While clarifying that the scope of the instant writ petitions has been expanded for effective implementation of the provisions of

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WP Nos.20774 & 20214 of 2018

Information Technology Act, 2000 and the rules made thereunder, insofar as prevention and detection of crimes and investigation and not as prayed for in WP Nos.20774 and 20214 of 2018, we deem it fit to adjourn the hearing of the writ petitions.

19. Post on 19.09.2019.

[S.M.K.,J.] [S.P., J.]
21.08.2019

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