

Media Cos. In the earlier Petition, Government as well as Social Media Companies had assured that they will make a effective mechanism for removal of illegal groups in order to protect the children in cyberspace. The unwanted episodes like 'Bois Locker Room' and suicide of a Gurgaon resident reflects the failure of social media companies in performing their obligations. Moreover, these incidents are only the tip of the iceberg, which are causing a big shockwave in the students, schools and society.

True Typed Copy of News Reports titled "Gurgaon teen suicide: Police to look into social media posts" and "In viral chat, police say girl pretended to be boy" published by the Indian Express are attached herewith as **ANNEXURE-1/COLLY**.

3. That in this Civil Misc. Application, the Petitioner is highlighting the unlawful nature of illegal groups, which are not removed by the social media platforms for their huge business profit. Due to the negativity, fake news and illegal content, many young lives are destroyed. Such groups are criminal in nature and do not deserve any protection of free/creative speech. It is submitted that the most of the groups relate to the following subject matters-

- i. Pornography
- ii. Nudity
- iii. Graphic Violent Content

- iv. Rave Parties
- v. Drugs
- vi. Prostitution
- vii. Child Pornography
- viii. Hate Speech or Content which incites violence
- ix. Content intended for intimidation or harassment of others
- x. Alcohol & Smoking
- xi. Dating & Date Rapes
- xii. Unauthorized commercial transactions
- xiii. Unauthorized multi level marketing

Above groups are illegal and also against the community standards and terms of agreements of social media companies, viz. Instagram, Facebook, Snapchat, TikTok etc.

True Copy of Chart showing excerpts from Community Standards of social media platforms is attached herewith as **ANNEXURE-2**.

4. That this Hon'ble Court had ordered on 23.08.2013 that children below 13 years of age cannot join social media. The said order was passed in a Writ Petition filed by the Petitioner, which was heard over a period of four years, and had 45 hearings. Thus, the illegality of minors having accounts on social media cannot be disputed and same needs to be enforced.

True Copy of Order dated 23.08.2013 in Writ Petition (C) 3672/2012 is attached herewith as **ANNEXURE-3**.

5. Due to cheap data and rising smart phones, usage of social media has risen exponentially, but adequate safeguards are not being implemented in India. During Lockdown, the world has moved online, and schools are conducting classes online. Invariably, with increased access to internet, more and more minors have joined social media, and this includes children who are less than 13 years of age. It is most humbly submitted that it is our collective responsibility to ensure a safe cyberspace for our children.
6. That the incident of 'Bois Locker Room' over Instagram shows one of the vilest forms of social media. It is submitted that presence of such accounts/groups/content on social media is not about boys or girls, but relates to the overall well-being of juveniles in general. That the presence of fake users is one of the core reasons behind such content. Social Media companies are direct beneficiaries of fake users, as it increases their advertisement benefits. These fake users are also part of vested groups, who push illegal content to corrupt the minds of innocent children.
7. That the culpability of social media companies is also visible from the fact that they have set up a business model of "Influencers". In fact, there are influencers who are as young as 6 years of age, and children between 6-12 years of age are considered a whole market category. On many occasions, social media

companies utilize these influencers for harmful and illegal content, such as distribution of liquor, promoting profanity etc. Such content is directly accessible to children, many of whom are below 13 years, and the results of the same are much more dangerous than coronavirus.

8. To maintain their charade of being bonafide, social media companies take steps such as removal of accounts and blocking content, as has been detailed in the Writ Petition (C) 2705/2020. But the lack of sincerity in those steps is visible from the fact that multitude of such illegal content is continue to grow on their platforms, which is impermissible as per their own terms of usages.
9. That the social media companies claim to have employed thousands of content moderators. They also claim to use technologies like Artificial Intelligence (AI) to remove illegal content. Many social media platforms have set up their internal boards, highlighting a parallel adjudicatory process. Yet, their contempt towards Indian laws is visible from the fact that they fail to comply with lawful directions of Courts and other authorities.
10. That seven years that have gone by since various orders passed by this Hon'ble Court in Writ Petition (C) 3672/2012 filed by the Petitioner. The Petitioner most humbly submits that for the failure to remove such

objectionable groups, Social Media platforms must be held liable under penal provisions of Information Technology Act, 2000 as well as The Protection of Children from Sexual Offences Act, 2012 (POCSO).

11. That the Delhi Police is continuing with its investigation and has reportedly sought details about the Instagram accounts from Instagram India. It has been reported that the social media company's reply is not satisfactory. However, it is not known to whom the Police is addressing their questions, and who is replying to the same. In 2013, a woman was raped inside an Uber Cab in Delhi. For many hours after the incident, the Police did not know who to contact in Uber, and what is the address of Uber. Years have gone by, but the situation has remained as it is.

True Typed Copy of News Report "Sex Chatroom: Delhi Police not happy with Insta Reply" published in the Time of India is attached herewith as **ANNEXURE-4**.

12. That the notices/communication with the social media company by the Government/Investigative agencies should be with the Designated Officer of those websites. In the present case, it is clear that the communication issued by Delhi Commission for Women (DCW) was not addressed to the Designated Officer, but was addressed to Country Head, Facebook Inc, which looks to be a non-existent position.

True Typed Copy of Communication issued by DCW to Facebook is attached herewith as **ANNEXURE-5/COLLY.**

13. It is submitted that social media website promote unlawful groups of children and don't remove them for business profit. That recently, the Delhi Police arrested a woman who was using WhatsApp Group to sell intoxicants to minors. The buyers were the members of the WhatsApp group, and the payments were made through PayTM. In view of non fulfilment of legal obligations and safeguards despite having various sophisticated mechanism, social media companies be also held liable for such offences as per India Penal Code and POCSO provisions.

True Typed Copy of News Report "Delhi woman held for selling intoxicant through WhatsApp" published by the Times of India is attached herewith as **ANNEXURE-6.**

14. That the Petitioner has highlighted in Writ Petition (Civil) 2705/2020 that the social media companies remove content on their own, as well as on the requests made by the Government. The Petitioner submits that any such process has to be through Designated Officer of intermediary (social media website), which are mandated as per Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009, Information Technology (Procedure and Safeguards for Interception, Monitoring,

and Decryption of Information) Rules, 2009 and Information Technology (Procedure and Safeguard for Monitoring and Collecting Traffic Data or Information) Rules, 2009. The Respondents have not filed their Counter Affidavit to the Writ Petition. Members of the public and other authorities have right to know details designated persons of Intermediaries in India. That the Hon'ble Court needs to direct for urgent action to ensure a safer internet.

PRAYER

In view of the above facts and circumstances, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

- i. Direct the Government Respondents to direct social media companies to remove illegal groups on their platforms for the safety and security of children in cyberspace;
- ii. Pass any other writ, order or direction, which may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice.

Petitioner

Through

Place: New Delhi
Dated: 11.05.2020

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Enrol. No.- D/1286/2016