

(FRESH SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE SIXTEENTH DAY OF JUNE, TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI
AND

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR
WRIT PETITION No. 9166 OF 2020



Between :-

The High Court of Andhra Pradesh at Amaravati,, High Court Buildings, Nelapadu, Amaravati, Rep. by its Registrar General, Sri B. Rajasekhar, Aged about 58 years, S/o. Late Venkata Rao, Currently Working as Registrar General (FAC), High Court of Andhra Pradesh at Amaravati.

..Petitioner—

AND

1. State of Andhra Pradesh, Represented by its Secretary, Department of Law and Legislative Affairs, Velagapudi, Secretariat Buildings, Amaravati.
2. State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Home, Velagapudi, Secretariat, Amaravati.
3. The Director General of Police, State of Andhra Pradesh, Police Headquarters, Mangalagiri, Andhra Pradesh.
4. Additional Director General of Police, CID, Cyber Crime Cell, AP Police, Mangalagiri, Andhra Pradesh.
5. The Superintendent of Police, CID, Cyber Crime Cell, AP Police, Mangalagiri, Andhra Pradesh.
6. The Station House Officer, CID P.S., Cyber Crime, AP Police, Mangalagiri, Andhra Pradesh.
7. The Union of India,, Rep. by its Secretary to the Ministry of Home Affairs, North Block, New Delhi-110001.
8. The Union of India, Rep. by its Secretary to the Ministry of External Affairs, South Block, New Delhi.
9. The Union of India, Rep. by its Secretary to the Ministry of Electronics and Information Technology (Govt. of India), Electronics Niketan, 6, CGO Complex, Lodhi Road, New Delhi - 110003.
10. Twitter Inc. (Company incorporated in USA), C/o. Jeremy Kessel 1355 Market Street Suite 900, San Francisco, California, New Mexico, USA, Rep. by its Grievance Officer.
11. Twitter Communications India Private Limited,, Having its Registered Office at C-20, G Block, Near Mca Bandra Kuria Complex, Bandra (E) Mumbai- 400051, Rep. by its Authorised Signatory/ Nodal Officer.
12. Facebook Inc., 1601, Willow Road, Menlo Park, California, 94025, Rep. by its Grievance Officer.
13. Facebook India Online Services Pvt Ltd.,, A Company Incorporated in India, With its Regd Office at Unit Nos. 1203 and 1204, Level 12, Building No.20, Raheja Mindspace, Cyberabad, Madhapur, Hitech City, Hyderabad-500081, Rep. by its Authorised Signatory/ Nodal Officer.
14. instagram, inc., 1601, Willow Road, Menlo Park, California, New Mexico, USA- 94025, Rep. by its Grievance Officer.
15. Whatsapp Inc., 1601, Willow Road, Menlo Park, California, New Mexico, USA, Rep. by its Grievance Officer.
16. Google Lic., 1600 Amphitheatre Parkway, Mountain View, California, New Mexico, USA, Rep. by its Grievance Officer.
17. Youtube Llc, 901, Cherry Avenue, San Bruno, California, New Mexico, USA, Rep. by its Grievance Officer.
18. Google India Pvt Ltd, (Incorporated Under the provisions of Companies Act 1956), Having its Regd Office at No.3, RMZ Infinity Tower E, 4th Floor Old Madras Road, Bangalore-560016, Represented by its Authorized Signatory/ Nodal Officer.

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19. The Union of India, Rep. by its Secretary, Ministry of Law and Justice, 4th Floor, A-Wing, Shastri Bhawan, New Delhi, Delhi 110001.
 20. Mr. Robin Fernandes, Yahoo India, Email id - robinfe@yahoo-inc.com
 21. Ms. Gitanjali Duggal, Legal Director, Google, Email id- gitanjali@google.com
 22. Mr. Ashwani Rana and Mr. Sathya, Facebook, Email id- ashwanirana@fb.com
Email id- saty@fb.com
 23. Ms. Mahima Kaul, Twitter, Email id- mkaul@twitter.com
 24. Mr. Rahul Jain, Youtube Inc, Email id- jainrahul@google.com
 25. Mr. Vikram Langeh, Instagram, Email id- vikraml@fb.com.
 26. Mr. Sivnathukral, WhatsApp, Email id- shivnatht@fb.com
- (RR 20 to 26 Suo motu impleaded as respondents vide Court order Dt.29.05.2020 in W.P.NO. 9166 of 2020)

....Respondents.

WHEREAS the Petitioner above named through its Advocate SRI N. ASHWANI KUMAR, presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ or order or direction more particularly in the nature of nature of Writ of Mandamus,

A. to declare the action of the Respondent Nos.2 to 6 in failing to act progressively and to take necessary action and to invoke the appropriate provisions of law, as mandated, pursuant to the registration of FIR.No.16/2020, dated 16.04.2020, and FIR.No.17/2020 dated 18.04.2020 on the file of Respondent No.6 against the said offenders, as being illegal, arbitrary and unconstitutional, and in violation of provisions of Criminal Procedure Code and Information Technology Act, 2000, and

B. to declare the action of the Respondent Nos.7-9 and 19, more particularly, Respondent Nos.9 and 19, in failing to act against the Respondent Nos.10 to 18, where under the social networking platforms are being utilized and abused for creating and hatred against the Petitioner herein in the mind and eye of the Public, as being illegal, arbitrary, unconstitutional and in violation of provisions of IPC, Cr.P.C. and I.T.Act, 2000, thereby securing protection to the Judiciary, and

C. to declare the action of the Respondent Nos.7 to 9 and 19 in failing to frame guidelines for the intermediaries in compliance of Section 79(2)(c) read with Section 87(2)(zg) of the Information Technology Act which authorizes the Respondent Nos.7 to 9 and 19 to prescribe guidelines to intermediaries, thereby securing certain protection to the Judiciary, and

D. Consequently, in the alternative, transfer the investigation in FIR.No.16/2020 dated 16.04.2020 and FIR.No.17/2020 dated 18.04.2020 to any other competent investigating Agency under the supervision and control of Respondent No.7, or direct the Respondent Nos. 2 to 5 to act progressively and take necessary steps pursuant to the registration of said FIRs and

E. Consequently, to direct Respondent Nos. 7 to 9 to frame guidelines for the intermediaries in compliance of Section 79(2)(c) read with Section 87(2)(zg) of the Information Technology Act which authorizes the Respondent Nos.7 to 9 to prescribe guidelines to intermediaries,

F. Consequently, to direct the Respondent Nos. 10 to 18 to devise self-regulatory framework to prohibit the posting of defamatory, incriminatory and abusive contents on their respective platforms with respect of Judiciary in India, and

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G. Consequently to direct the Respondent Nos.10 to 18 to forthwith remove all such posts/ comments/tweets/ videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court as reported in the said FIR No.16/2020 dated 16.04.2020 and FIR No.17/2020 dated 18.04.2020 on the file of Respondent NO.6, in consultation with the Petitioner herein and further desist and cease any such posts/comments/ tweets/video and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court.

AND WHEREAS the High Court upon perusing the petition and affidavit/memorandum of grounds filed herein and upon hearing the arguments of Sri N ASHWANI KUMAR Advocate for the Petitioner, directed issue of Fresh notice to the Respondent Nos. 10 and 25 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

- 1.The Grievance Officer, Twitter Inc. (Company incorporated in USA),
C/o.Jeremy Kessel 1355 Market Street Suite 900, San Francisco, California,
New Mexico, USA.
2. Mr. Vikram Langeh, Instagram, Email id- vikraml@fb.com.

are directed to show cause either appear in person or through an advocate as to why in the circumstances set out in the petition/appeal and the affidavit/memorandum of grounds filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

The Court made the following ORDER :-

"Mr. N.Ashwani Kumar, Advocate appearing for the Petitioner.

Learned Advocate General appearing for Respondents 1 to 3 and 6.

Mr. S. Niranjan Reddy, learned Senior Counsel assisted by Sri M. Bala Satyanarayana Reddy, Advocate appearing for Respondents 4 and 5.

Learned Assistant Solicitor General appearing for Respondents 7, 8, 9 and 19.

Mr. Harish Salve, learned Senior Counsel appearing for Respondents 12, 13 and 22.

Mr.Mukul Rohatgi, learned Senior Counsel appearing for Respondent No.14.

Mr.Kapil Sibal, learned Senior Counsel assisted by Sri Vimal Varma Vasireddy appearing for Respondents 15 and 26.

Mr. Sajjan Poovayya, learned Senior Counsel assisted by M/s.Shireen Seethnia Baria, Advocate appearing for Respondents 16 and 17.

Mr. L.Ravi Chander, learned Senior Counsel assisted by Sri P.Sasidhar Reddy, Advocate appearing for Respondents 18, 21 and 24.

Mr. Abhishek Singh, learned Senior Counsel assisted by Sri Sai Sanjay Suraneni, Advocate appearing for Respondent 20.

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Mr.Kulkarni, learned Senior Counsel assisted by Sri A.P.Suresh Ram,
Advocate appearing for Respondents 11 and 23.

Issue fresh notice to Respondents 10 and 25.

List after 3 (three) weeks.

Sd/- M. RAMESH BABU
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The Grievance Officer, Twitter Inc. (Company incorporated in USA),
C/o.Jeremy Kessel 1355 Market Street Suite 900, San Francisco, California,
New Mexico, USA.
(By Air Mail with a copy of Petitions & Affidavit)
2. Mr. Vikram Langeh, Instagram, Email id- vikraml@fb.com.
(By E-Mail with a copy of Petitions & Affidavit)
- 3.Two CCs to the Advocate General, High Court of A.P., at Amaravati(OUT)
- 4.Two CCs to the Assistant Solicitor General, High Court of A.P., at Amaravati(OUT)
- 5.One CC to Sri N. Ashwani Kumar, Advocate(OPUC)
- 6.One CC to Sri M. Bala Satyanarayana Reddy, Advocate(OPUC)
- 7.One CC to Sri Harish Salve, Senior Counsel(OPUC)
- 8.One CC to Sri Mukul Rohatgi, Senior Counsel(OPUC)
- 9.One CC to Sri Vimal Varma Vasireddy, Advocate(OPUC)
- 10.One CC to M/s. Shireen Seethnia Baria, Advocate(OPUC)
- 11.One CC to Sri P Sasidhar Reddy, Advocate(OPUC)
- 12.One CC to Sri Sai Sanjay Suraneni, Advocate(OPUC)
- 13.One CC to Sri A.P. Suresh Ram, Advocate(OPUC)
- 14.Two spare copies.✓

TKK

HIGH COURT

HC.J & CPK.J

DT.16-06-2020.

FRESH NOTICE BEFORE ADMISSION
TO R. 10 AND 25.

W.P.No. 9166 of 2020.

