

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 3rd October, 2012

+ **W.P.(C) No.6325/2012**

% **MOHD. AMANULLAH & ORS. Petitioners**

Through: Mr. Kirti Uppal, Sr. Adv. with Mr. Jagat, Mr. Mubin, Mr. Sarfraz Khan, Ms. S. Anjum & Ms. Firdos Wani, Adv.

Versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Rajeev Mehra, ASG with Mr. Sumeet Pushkarna, Mr. Ashish Virmani & Mr. Gaurav Varma, Adv. for UOI.

CORAM :-

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

RAJIV SAHAI ENDLAW, J.

1. This petition filed in public interest seeks a direction to the Union of India to completely remove and block the links of the entire movie / trailer of the movie, 'Innocence of Muslims' and all the clips emanating from the said movie, uploaded on 'YouTube' (respondent No.3) owned by 'Google India Private Ltd.' (respondent No.2).

2. Learned ASG appearing on advance notice has handed over a summary of submissions with documents informing that in pursuance to the

orders of the different District Courts in the country it has, in exercise of powers under Section 69A of the Information Technology Act, 2000, already blocked as many as 157 Uniform Resource Locators (URLs) hosting content related to clipping titled 'Innocence of Muslims'; that contravention of Section 69A invites imprisonment of seven years and / or fine; that inspite of the same, variants of the film are still available on the internet, resurfacing on different servers from different locations by changing the addresses; that hosting of such blocked content is an offence under the Indian laws and intermediaries like 'You Tube' and 'Google', in accordance with the Intermediaries Guidelines Rules, 2011 notified on 11.04.2011 under Section 79 of the Information Technology Act, 2000, upon being informed of such illegal content, are required to initiate action and work with the person who posted such content for disablement wherever applicable within 36 hours; that as and when intimation of any new URL hosting the said film is received, the same is also being blocked.

3. We are of the view that the Delhi Police, whose Economic Offences Wing has a Cyber Crime Cell, is a necessary and proper party to this petition. On oral request of the counsel for the petitioner, Delhi Police is impleaded as respondent No.4.

4. Though the counsel for the petitioners states that notices of this petition be issued to respondent No.2 Google India Private Ltd. and respondent No.3 YouTube but finding that the petitioners before filing this petition claiming mandamus have neither made any demand for justice / representation nor made any complaint to the Police and further, that no purpose will be served in keeping this petition pending in as much as direction for enforcement of law is to be issued, we dispose of this petition with a direction to the Union of India and the Delhi Police to treat this writ petition as a representation of the petitioners and to deal therewith in accordance with law and if any offence is found to have been committed, to take necessary action in respect thereto in accordance with law. We also grant liberty to the petitioners to forward a copy of this order to the Delhi Police for compliance.

The petition is disposed of.

No costs.

Dasti.

RAJIV SAHAI ENDLAW, J

CHIEF JUSTICE

OCTOBER 03, 2012

‘gsr’