

News

Telegram is temporarily banned until June 22 by the Delhi High Court.

The verdict was delivered this morning by Justice Tejas Karia.

Delhi

High Court vs Telegram



The Central government's decision to temporarily prohibit the instant messaging app Telegram in advance of the National Eligibility cum Entrance Test undergraduate (NEET-UG) re-examinations was maintained by the Delhi High Court on Friday.

The verdict was delivered this morning by **Justice Tejas Karia**. **Section 69A gave R1 (Government)** the authority to directly ban access to Telegram. The proportionality test is passed. The least restrictive policies are those implemented by the government. The Court dismissed Telegram's petition against the prohibition, ruling that "it cannot be held that the order is disproportionate."

Tejas Karia, Justice

Given the emergent circumstances surrounding the government's decision, the Court determined that the government's justifications for the interim prohibition were adequate. The Court further ruled that the **Information Technology Act's Section 69A (blocking powers)** due process was adhered to.

The Court determined that the government's blocking orders were reasonable and **well-founded**. **The lack of application of mind does not affect the orders**. The Court further stated, "We have also held that there is no reason to exclude the platform from the ambit of 'information,' under the IT Act."

Because of worries that organized cheating networks engaged in the **NEET-UG scandal had been using the chat app, the government had temporarily banned it**.

Following accusations of extensive paper leaks and irregularities, the initial NEET exam was canceled.

In accordance with Section 69A of the Information Technology Act, 2000, the Ministry of Electronics and Information Technology (MEITY) issued a directive limiting access to the **Telegram platform in India till June 22**. **Additionally**, it instructed the platform to disable the ability to edit messages that have already been uploaded until June 30.

See also "Shocking activities on Telegram": **SG Tushar Mehta challenges Delhi High Court's request for a temporary ban**

Telegram contested the ruling, claiming that it violated Article 14 of the Indian Constitution by singling it out while other social media companies are free to operate.

According to the corporation, it met with government agencies many times starting in May

and provided thorough answers including both proactive and reactive moderation procedures.

Telegram claimed that it eliminated the content that had been detected within an hour after receiving specific URLs from authorities on June 9. Additionally, the corporation claimed to have removed over 900 links to illegal NEET content and to have used machine learning, artificial intelligence, and manual moderation to find infractions.

After hearing thorough arguments from **Senior Advocate Dhruv Mehta for Telegram and Attorney General (AG) R Venkataramani and Solicitor General (SG) Tushar Mehta for the Central government**, the Court reserved its decision in the case on June 18.

Senior Advocate Mehta argued that the blocking order was issued without consideration by the Secretary of the Ministry of Electronics and Information Technology (MEITY). He made the following argument about the blocking order: **"The order says, 'in the interest of sovereignty and integrity of India?' Will an exam such as NEET impact India's integrity and sovereignty?** What does the application of mind entail?

He restated that aggressive measures were made to remove flagged URLs and channels, and that the platform maintained continuous communication with the authorities.

He claimed that Telegram was abiding by the regulations and responded to the worries about its structural problems.

According to SG Tushar Mehta, the government has satisfied the proportionality test by taking the least restrictive action to stop document leaks.

He argued that Telegram's architecture makes it impossible for them to take the necessary action in these situations. He went on to say that Telegram's privacy policy stipulates that all saved data, messages, and media are deleted when an account is deleted.

The SG asked the Court to refrain from interfering since the **"potential harm is huge"**.

"The (blocking) order is complete in itself," AG Venkataramani had remarked. This platform is a Frankenstein due to its architecture. Where do we go if a nation like ours is unable to take preventative measures? Proportionality, according to a framework designed for money? The proportionality argument is wholly erroneous.

Advocate Madhav Khosla had submitted Telegram's writ petition.

The Central government was represented by Central Government Standing Counsel (**CGSC**)

Ashish Dixit and Additional Solicitor General Chetan Sharma.

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