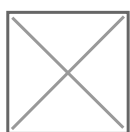


News

The Delhi High Court received a PIL challenging the Delhi Police's authority to remove content off the internet.



A recent directive from Delhi LG VK Saxena gave Delhi Police the authority to issue notifications requesting that content be taken down from the internet.

In a plea contesting a notification enabling Delhi Police to issue notices for the removal of online content, the Delhi High Court on Wednesday sent notices to the Union Ministry of Electronics and Information Technology (MEITY) and the office of the Lieutenant Governor (LG) of Delhi [**Software Freedom Law Centre, India v State of NCT of Delhi & Ors**].

The Software Freedom Law Centre (SFLC), a non-profit organization, filed a public interest litigation (PIL) suit, and a Division Bench consisting of **Chief Justice Devendra Kumar Upadhyaya and Justice Tushar Rao Gedela** issued the ruling.

The next hearing on the case is scheduled for September.

The Delhi Police's designation as the Nodal Agency under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules, 2021) that gives it the authority to issue takedown notices for online content has been contested by SFLC as unconstitutional.

Since neither Section 79 of the Information Technology Act, 2000 (IT Act) nor the IT Rules, 2021 grant any jurisdiction to designate such a nodal body, it has been contended that this

designation lacks legal support.

According to Section 69A of the IT Act and the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 ("Blocking Rules, 2009"), the Central Government alone has the statutory authority to block or remove online content. The plea claims that the contested notification is ultra vires the parent legislation since it goes beyond constitutional and legislative bounds by giving the police these powers.

The petition argues that unfettered censorship and arbitrary restriction of constitutionally protected speech would result from enabling police officers to unilaterally issue takedown notices without independent or judicial scrutiny.

On behalf of SFLC, advocate Talha Abdul Rahman presented the case. Advocate Faizan Ahmed helped him.

The legal team also included Syed Mohammad Haroon, Prasanth Sugathan, Arjun Adrian D'souza, Mishi Choudhary, and Musheer Zaidi, who filed and briefed Off-Counsel.