



2025:DHC:1838-DB



\$~4(SDB)

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

Date of decision: 18th March, 2025

+ **W.P.(CRL) 1563/2024**

SHABANA

..... Petitioner

Through: Ms. Fozia Rahman, Adv (DHCLSC)
alongwith Mr. Sikander A. Siddiqui,
Ms. Rashmi Pandey & Ms. Aafreen
Advs.

versus

GOVT OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Amit Tiwari, CGSC
with Mr. Tarveen Singh Nanda, Adv.
with ACP Jitender Singh, MHA with
Inspector Sunil Kumar, PS Special
Cell/IFSO and Inspector Ina Kumari,
PS AHTU/Crime.

Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal,
Adv.

Mr. Kapil Sibal, Sr. Adv. with Mr.
Vivek Reddy, Ms Aparajita Jamwal,
Ms. Swati Agarwal, Mr. Shashank
Mishra, Ms. Shivika Mattoo & Ms.
Anandita Tayal, Advs. for WhatsApp
LLC. (M: 84488 91811)

Mr. Akhil Sibal, Sr. Adv. along with
briefing counsel.

Mr. Arvind Datar, Sr. Adv., Mr. Varun
Pathak, Ms. Amee Rana, Mr. Dhruv
Bhatnagar and Ms. Prasidhi Agrawal,
Advs for Meta Platforms Inc.

Mr. Abhishek K. Singh, Mr. Saurabh
Kumar, Ms. Rose Maria S. and Mr.
Saksham Chaturvedi, Advs. for
LinkedIn Coporation.

Mr. Neel Mason, Ms Ekta Sharma,



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Ms. Pragya Jain & Ms Surabhi Katare,
Advs. for Google LLC.
Ms. Anushka Sharda & Mr. Siddhant
Grover, Advs. for Telegram.
Ms. Shweta Sahu & Ms. Sreeja
Sengupta, Adv. for Reddit, Inc. (M:
9830776856)

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE AMIT SHARMA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 was filed seeking issuance of a writ in the nature of *habeas corpus* for production of the Petitioner's missing son.

Background:

3. The matter has been considered on several dates wherein the Court has been apprised of the steps taken by the concerned investigative agency for tracing the missing boy. Accordingly, on 19th September, 2024 the Court was informed that one of the leads found by the concerned Investigating Officer was that the missing boy had recently used his Instagram account. Considering the nature of the matter, the Court issued notice to Meta Platforms (hereinafter "*Meta*") and directed as under:

"3. As per the said status report the investigation is currently going on and some leads have been received. Further, it is stated that one such lead received by the concerned IO is that on 6th September, 2024 the missing boy was using an Instagram account under the user ID



- shabanashabana8032.

4. A notice under Section 91 of Cr.P.C. is stated to have been given to Instagram, Meta Platforms Inc., to provide the details of the aforementioned account including, the phone number, location/IP address, and the IMEI number of the device used for operating the said account. However, no reply is stated to have been received from Meta Platforms Inc./Instagram as per the concerned IO.”

4. Pursuant to the above order, Id. Counsel for Meta had entered appearance on the next date of hearing i.e., 20th September, 2024. Id. Counsel had submitted that the information, as requested by the investigating authorities, had been duly provided by Meta through the platform usually accessed by Law Enforcement Agencies (hereinafter “LEAs”) for obtaining information. After hearing parties, this Court was of the view that in several such cases involving missing persons, there appears to be a lag in receiving information from the concerned social media platforms and other IT intermediaries (hereinafter collectively “Intermediaries”) during which precious time is lost in tracing the missing person. In order to ensure that there is no delay or lag in receiving information, as and when required by the LEAs, from Intermediaries some steps were required to be taken. Accordingly, the Court on 20th September, 2024 issued notices to various Intermediaries and directed as under:

“3. Mr. Tejas Karia, the Id. Counsel for M/s Meta India Services Private Ltd (hereinafter ‘Meta Inc’) has entered appearance and submits that the information was uploaded on the platform which is used by law enforcement agencies to communicate with Meta. Mr. Sanjay Lao, learned Standing Counsel for the State



affirms that the information has been received this morning.

4. The ld. Counsel for M/s. Meta submits that usually there are training programmes which are conducted with law enforcement agencies with regard to the manner in which the portal functions and the queuing up of the request as also the furnishing of information.

5. This Court has noticed in some habeas corpus petitions, that there is a lag between the seeking of information by police and receipt of the same from various platforms. The Court, has time and again, requested counsels appearing for these platforms, to enable furnishing of the information expeditiously.

6. In order to ensure that such delay and lag does not impede the process of tracing out missing persons who are sometimes even children and minors, it is necessary that proper timelines ought to be adhered to by the concerned online platforms and their concerned officials. It is also necessary that the IOs are also properly acclimatised to the manner in which requests ought to be posted, how the portal is to be monitored and immediately upon receipt how the same is to be downloaded from these platforms.

7. Meta Inc. and Whatsapp Inc. are represented before the Court today. Additionally, let notice be issued to the following Social Media Platforms through their counsels:

[...]

The platforms shall place on the next date, their standard operating protocol for dealing with requests for information from law enforcement agencies including the timelines.



- 8. In addition, Mr. Lao, shall hold a meeting with the concerned police officials and place a note on any challenges that they are facing and any training that may be required.”*
5. On 8th October, 2024, a status report on behalf of the Deputy Commissioner of Police, Legal Division, PHQ, New Delhi was placed on record. Further, on the said date, the concerned Nodal Officer from the Ministry of Home Affairs (hereinafter “MHA”) also informed the Court that the MHA also wishes to place on record the issues which they face dealing with platforms and their suggestions in this regard. Accordingly, the Court directed various Intermediaries and other parties to file their respective standard operating procedures along with their submissions *qua* the manner in which requests from LEAs are dealt with by them. The relevant paragraphs of the said order read as under;

“2. As per the last order dated 20th September, 2024, notices were issued to the various social media platforms, who are represented through their respective Counsels before this Court.

3. The said platforms shall place on record the affidavits/submissions demonstrating the Standard Operating Procedure ‘SOP’ as also the details of the manner in which the requests from law enforcement agencies are dealt, by 25th October, 2024.

4. Mr. Sanjay Lao also places on record a status report on behalf of the Deputy Commissioner of Police, Legal Division, PHQ, New Delhi. Copy of this report has been served upon the ld. Counsels for platforms. The said platforms shall also respond to this report in their affidavits/submissions.



- 5. In addition, it is submitted that the concerned Nodal Officer from the Ministry of Home Affairs also wishes to place on record the issues which they face when dealing with platforms and their suggestions in this regard. Let Mr. Anurag Ahluwalia, Id. CGSC, obtain instructions regarding the same and file a reply by 25th October, 2024.”*
6. Pursuant to the above directions, several Intermediaries including M/s Google LLC (hereinafter “Google”), Meta, WhatsApp LLC (hereinafter “WhatsApp”) and Telegram FZ LLC (hereinafter “Telegram”) had filed their respective written submissions. In addition, Mr. Sanjay Lao, Id. Standing Counsel for the State, had placed on record a note on behalf of the Special Cell, Delhi Police, enumerating the challenges and issues faced by LEAs in seeking information from Intermediaries. The said note also identified specific grievances of LEAs against various Intermediaries in respect of obtaining information from the said entities. Further, the issues faced in receiving information from telecom service providers were also highlighted in the said note.
7. The Court had perused the affidavits/ submissions filed by various Intermediaries and it was noted that the same do not provide the period within which the said entities usually respond to a request for information from the LEAs. The Court expressed concern that despite the provisions under the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (hereinafter “*Intermediary Rules, 2021*”) requiring them to respond to any request for information within an upper limit of 72 hours, the said upper limit cannot be considered as a norm in each case. Further, this Court was of the view that the entire process, including the human to human interaction, needs



to be made simpler and robust enough to facilitate live interaction between the Intermediaries and LEAs. Accordingly, the Court had *vide* order dated 28th October, 2024 observed as under:

“6. Pursuant to the direction vide order dated 24th September, 2024 Mr. Lao, ld. Standing Counsel has also handed over a note on behalf of the Special Cell, Delhi Police where the challenges faced by the law enforcement authorities in seeking information from social media platform has been categorized and separately identified qua each of the platforms namely i.e Google, Meta, WhatsApp, Telegram, Snapchat, Apple, Instagram, X (Twitter), Signal, LinkedIn, Reddit. The note also sets out the challenges faced in seeking information from telecom service providers, namely, Jio, Airtel, Vodafone, MTNL/BSNL. The Delhi Police has also stated in the said note, that there are several discrepancies between the information provided by social media platforms and the information provided by telecom service providers. After having perused the note which has been handed over, this Court is of the opinion that the same reveals that there is a need for better coordination between the social media platforms and telecom service providers with the law enforcement agencies.

7. Mr. Lao under instructions from the officials of the Ministry of Home Affairs (hereinafter “MHA”), has also pointed out that even recently, during the bomb hoax calls which were being received, challenges were faced by the Government in obtaining the information from the platforms. The MHA wishes to place the same on record by way of an affidavit within two weeks.

8. The Court also notices that, in the submissions filed on behalf of the platforms i.e, Google, WhatsApp, Meta, Telegram and Reddit, no specific timelines have been given as to the period within which the platforms



respond especially in the case of emergencies such as missing children, bomb hoax calls, etc., Though the IT Rules does prescribe a threshold that intermediaries have to personally acknowledge the request from the law enforcement within 24 hours and provide the information as 'soon as possible' but no later than 72 hours, in case of emergencies, such as missing children, bomb hoax calls, etc., the upper limit cannot be obviously taken as the time period during which the platforms can respond. Moreover, the processing of requests from law enforcement agencies cannot be made extremely complex and challenging. Suggestions from platforms would also be required to ensure not just providing of IT infrastructure but also human to human interaction between the platforms and the law enforcement agencies for timely providing of information.

9. The mechanism has to be robust enough to facilitate a live interaction between the intermediary and the law enforcement agencies so that immediate and instantaneous action can be taken, especially, when the incidents have the larger impact on the society, economy and the country as a whole.

10. The note relating to the challenges faced by the Delhi Police be handed over to all the Counsels for various platforms appearing today. Let better affidavits be filed by these platforms, setting out proper timelines and giving illustrations as to the manner in which they have responded be filed within two weeks. In addition the said affidavits of the platforms shall also address the concerns raised by the Delhi Police in the note handed over to them.

11. Let the affidavit by MHA be filed within two weeks with an advance copy to the Platforms. If the Platforms wish to respond to the same, they should do so on the



next date of hearing by means of submissions only.

12. It is submitted on behalf of Mr. Lao, ld. Standing Counsel that even the Ministry of Electronics and Information Technology (hereinafter 'MeitY') has taken various steps in this issue and MeitY may be a relevant party in the present case. Mr. Karia, ld. Counsel for Meta Platforms Inc has pointed out an advisory recently issued by MeitY in respect of the bomb threats which were recently received. Let the said advisory be placed on record. Let MeitY be, accordingly, impleaded as Respondent No. 4."

Position of the Intermediaries

8. On 13th November, 2024, various Intermediaries made submissions before the Court including Meta, WhatsApp, Telegram, Google and Reddit. The Court was informed that each platform has its own system for receiving and responding to requests for information by LEAs, such as the Law Enforcement Online Request Systems ('LEORS') operated by Meta. It was the common stand of all the platforms that any request for information *qua* emergency situations such as bomb threats etc. are dealt with in an expeditious manner and the time limit of 72 hours under the Intermediary Rules, 2021 is not treated as the norm for responding to such requests. The said platforms informed the Court that they are willing to extend complete co-operation to LEAs for training and preparation of any material for optimal utilization of the information request systems. The relevant portion of the order dated 13th November, 2024 reads as under:

"3. The submission made by Mr. Arvind Datar, learned Senior Advocate appearing for Meta Platforms Inc., is that Meta has established a Law Enforcement Online Request System (LEORS) which is a platform used by



Law Enforcement Agencies to put in their request for data disclosure. According to Meta, the volume of data disclosure requests are substantial in number and over a lakh in one year, for example, in 2023.

4. In addition, it is submitted that a separate provision has been made for making emergency requests which are also substantial in number. Data relating to the same has been set out in the written submissions. It is also urged that in case of emergency requests which are received, responses have been given by the platform in a matter of minutes for example, 18 minutes and 30 minutes in case of missing children etc.

5. The submission on behalf of the Meta, therefore, is that the platform is working diligently with the Law Enforcement Agencies to provide whatever data is in its possession. While Meta discloses Basic Subscriber Information (BSI), which includes the name of the user at the time of registration, the email-address, the telephone number and the date and time of registration, sometimes other data which is unavailable with it cannot be produced.

6. It is also submitted by learned Senior Counsel that continuous awareness programmes and training are held with Law Enforcement Agencies for sharing and educating agencies and its officials on the standard operating procedures for requesting information from the platforms.

7. Similarly, on behalf of WhatsApp LLC, Mr. Kapil Sibal, learned Senior Counsel has reiterated a similar stand of WhatsApp which he submits, also receives a substantial number of data disclosure requests and emergency requests. The stand of WhatsApp is that there are instances when information relating to terrorist activities have been disclosed by WhatsApp within 12



minutes of receiving the request. The WhatsApp platform also provides the Basic Subscriber Information available with it - though it does not have information relating to the International Mobile Equipment Identity (IMEI) of devices.

8. On behalf of Telegram, it is submitted by Mr. Rajshekar Rao, ld. Senior Counsel that a nodal officer has, in fact, been appointed to deal with even further emergency requests and most of the times, information is provided as expeditiously as possible.

9. On behalf of Google, Mr. Neel Mason, ld. Counsel submits that even Google has a Law Enforcement Request System (LERS) which processes and deals with requests received from Law Enforcement Agencies. According to Google, it has created a dedicated platform for the Indian Government even for content removal. A PPT document has been handed over by ld. Counsel showing the manner in which the requests can be submitted in the LERS.

10. Similarly, on behalf of Reddit Inc., the submissions which have been filed show that in case of emergency involving imminent death or serious bodily harm or other emergencies, there are separate processes put in place for seeking information by Law Enforcement Agencies.

11. As on today, the current status is that most of the platforms are unanimous on the position that when there are emergency requests made by Law Enforcement Agencies, the deadline of 72 hours, which is prescribed in the Rule 3(1)(j) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, is merely treated as a maximum time and in most case of emergencies, the same are dealt with and information is provided as quickly as possible.



12. It is also not disputed by any of the platforms present before this Court that complete cooperation would have to be rendered to Law Enforcement Agencies whenever information is sought, especially when the same relates to serious crimes.

13. The Platforms express their clear intent to work with the agencies for the purpose of training and preparation of any material that may enable all the features on their platform to be utilised to the fullest possible extent.”

‘SAHYOG’ Portal

9. Further, on 13th November, 2024, the Id. CGSC appearing for the MHA and Ministry of Electronics and Information Technology (hereinafter “Meity”) had sought time to compile the current position and the manner in which the MHA would prefer coordinating with the Intermediaries for dealing with requests of LEAs. Considering the same, the Court had directed MHA to place on record a status report by the next date of hearing.

10. Accordingly, a status report dated 10th December, 2024 was placed on record by the MHA on 11th December, 2024. As per the said report the nodal agency under the MHA dealing with cyber crime complaints and for coordination with all intermediaries is the **Indian Cyber Crime Coordination Centre (hereinafter “I4C”)**. The said report also highlighted the number and nature of offences reported on the National Cyber Reporting Platform (hereinafter “NCRP”) as also the issues which have been raised by the nodal officers of States and Union Territories.

11. Further, as per the said report MHA was developing a common portal called ‘**SAHYOG**’ to which all authorised agencies of Central Government,



States and UTs as also the Intermediaries will have joint access. The first phase of the portal focused on taking down unlawful content and the second phase would be for extending the functionality to include lawful information requests from LEAs. The relevant paragraphs of the status report *qua* SAHYOG portal are extracted hereunder:

“17. In order to facilitate a single channel issuing notice under Section 79(3)(b) of Information Technology, 2000 r/w Rule 3(1)(d) if the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, I4C, MHA has developed a portal called SAHYOG. On this portal MeitY, DoT, Authorised Agencies of Central Government, Authorized Agencies of State/UTs, Social Media Intermediaries and IT Intermediaries are the main stakeholders who will work in tandem to create a safe cyberspace. This is a central portal that will facilitate the removal or disabling of access to any information, data or communication link being used to commit an unlawful act. It will bring together all Authorized Agencies of the country and all the intermediaries on one platform to ensure immediate action against unlawful online information.

18. The SAHYOG portal is under pilot run to take down requests under Section 79(3)(b) of the IT Act, 2000. Initially, I4C, MHA will process requests through the portal, and in a phased manner, this facility will be extended to all States/UTs. So far, 09 IT intermediaries have been onboarded such as Josh, Quora, Telegram, Amazon, Apple, Google, YouTube, PI Data Center and Sharechat on the portal. The LEA's of 16 State/UTs have notified the nodal officers/authorized agency under Section 79(3)(b) of the IT Act, 2000 for the takedown of unlawful content. The remaining 20 States/UTs are yet to notify their nodal officers. The other remaining IT Intermediaries have also been requested to be onboard at the SAHYOG portal and LEAs of States/UTs who



have not yet notified authorized agencies were requested to expedite the notification of authorized officers as per the provisions of Section 79(3)(b). In Phase II, the portal's functionality will be expanded to include lawful data requests and other similar submissions. This initiative will enable transparent and effective monitoring of LEA requests and will ensure timely compliance by IT intermediaries. It is expected to curtail the delay in receiving data from IT Intermediaries."

12. The Court was also informed that few of the Intermediaries have held meetings with I4C. Ld. Counsels for X Corp. (earlier Twitter) and LinkedIn had submitted that the said platforms did not receive any request from I4C, however, they would be willing to hold meetings to resolve any technical issues. Thus, the Court directed that a meeting be held between I4C officials and Intermediaries as also X Corp and LinkedIn. It was also clarified that in case there are any issues that remain unresolved, the parties may place the same on record by way of an affidavit.

13. Today, further to the previous order dated 11th December, 2024, a detailed status report has been filed by the I4C, MHA. The Court has also heard the submissions of the Ld. Counsel appearing for the MHA as also Mr. Jitender Singh, ACP from I4C who is present in Court. A further status report dated 29th January, 2025 has been filed on behalf of MHA and the Court has perused the same.

14. As per the submissions made and the status report which has been placed on record, the following facts can be gleaned:

- i. That 38 Intermediaries have already onboarded on the *SAHYOG* platform. The details of the said intermediaries are as under:



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S.No.	Intermediary Name
1.	Quora
2.	Telegram
3.	Amazon
4.	Apple
5.	Google
6.	Sharechat
7.	Josh
8.	Pi DATACENTERS
9.	Snapchat
10.	LinkedIn
11.	sify
12.	YouTube
13.	Oracle India Private Limited
14.	Microsoft
15.	Zoho
16.	BigRock
17.	Public Domain Registry
18.	DeleteWeb
19.	Vedhan Technology and Solutions
20.	V2Technosys
21.	AppCroNix Infotech Private Limited, d/b/a VEBONIX



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22.	PrimeCrown Technologies Pvt. Ltd.
23.	Suryanandan.net
24.	Netlink Technologies
25.	Bharat Domains dba Bharat.in
26.	Business Solutions
27.	1 Indian Domains dba mitsu.in
28.	101domain GRS Limited
29.	Datject Infotech Private Limited
30.	Hostin Services Private Limited
31.	IN Registrar d.b.a. inregistrar.com
32.	INFOXLY
33.	Laxweb Technologies Pvt. Ltd.
34.	LEGAL HOUSE
35.	SIFY DIGITAL SERVICES LIMITED
36.	The Institute of Chartered Accountants of India
37.	TVMSERVER
38.	CloudLinks Technologies Pvt. Ltd.



ii. Further, 15 Intermediaries are in the process of being onboarded on the portal which are as under:

S. No.	Intermediary Name
1.	Datject Infotech Private Limited
2.	NetBharat Technology
3.	Ipfy Enterprise Private Limited
4.	INDYADOT
5.	Marcaria.com International LLC
6.	DomainPe.com (Cynoq Technologies Pvt Ltd)
7.	Laxweb Technologies Pvt. Ltd.
8.	Cybersites India Technologies Pvt. Ltd.
9.	V2 Technosys
10.	Zoom Inc.
11.	Facebook
12.	Instagram
13.	WhatsApp
14.	Threads
15.	Github

iii. In respect of 33 Intermediaries which include cryptocurrency exchanges, for the purpose of data disclosures, approvals are being obtained. Details of the said cryptocurrency exchanges are as under:

S. No	Name	Trade Name
1.	Neblio Technologies Private Limited	Coin DCX
2.	ANQ Digital Finserv Privare Limited	ANQ Finance



3.	Unocoin Technologies PVT LTD	Unocoin
4.	Buyhatke internet private limited	Onramp
5.	Giottus Technologies Pvt Ltd	Giottus
6.	Bitbns Internet Private Limited	Bitbns
7.	Awlencan Innovations India Limited	Zebpay
8.	Zanmai Labs PVT LTD	WazirX
9.	Bitcipher Labs LLP	Coinswitch
10.	Nextgendev Solutions Private Limited	CoinswitchX
11.	RPFAS Technologies Private Limited	Mudrex
12.	IBLOCK Technologies Private Limited	Buyucoin
13.	WOLLFISH Labs Pvt Ltd	Coindhan
14.	Angelic Infotech Private Limited	Suncrypto
15.	Carretx Technologies Pvt. Ltd.	Carret
16.	ABHIBHA Technologies Private Limited	Onmeta
17.	UCY Technology Private Limited	Pyor
18.	Transak Technology India Private Limited	Transak
19.	REMIZO Technologies India Private Limited	Getbit
20.	FIN GENIE Tech Private Limited	Bytex
21.	ARDOUR Labs Private Limited	-
22.	Inocyx Technologies Private Limited	Inocyx
23.	Metatoken Technologies Private Limited	Fanztar
24.	Flitpay Private Limited	Flitpay
25.	Fincrypt LLP	Stable Pay
26.	Arthbit Private Limited	ArthBit
27.	Lightningnodes Technologies Private Limited	pi42



28.	Kooz Advisors and Technologies Private Limited	KoinBX
29.	Mindless Pandora Tech Solutions Private Limited	CryptoShatabdi
30.	ALSD Technologies Private Limited	Alpyne
31.	Damsol Pvt Ltd	Square
32.	Eclipton Technologies Private Limited	Eclipton
33.	Blockoville OU	Blockoville

15. The report also states that all States and Union Territories as also two central agencies namely the Ministry of Finance (DGCI) and the Ministry of Defence have notified the authorised agency/nodal officers under Section 79(3)(b) of the Information Technology Act, 2000 (hereinafter “*IT Act*”) and they have also onboarded on the *SAHYOG* portal. It is, further, submitted that the phase two development of the portal for data disclosure requests is also underway. Mr. Jitender Singh, ACP from the I4C submits that within a month this development would also be concluded for data disclosure requests.

16. Insofar as Meta is concerned, Mr. Arvind Datar Sr. Adv., and Mr. Kapil Sibal Sr. Adv., appearing for Facebook and Whatsapp respectively, submit that the process of API integration for both Facebook and WhatsApp is underway and the same would be concluded very soon.

Issues of X Corp (earlier Twitter) qua SAHYOG Portal

17. Insofar as X Corp (earlier Twitter) is concerned, they have taken the position *vide* letter dated 11th November, 2024 submitted to I4C that in view of the law declared by the Supreme Court in *Shreya Singal v. Union of India, 2015 (5) SCC 1*, the *SAHYOG* portal would fall outside the statutory scheme of Section



69A of the IT Act. It is their case that the said portal would create a parallel mechanism to the existing mechanism under Section 69A of the IT Act *albeit* without any procedures or safeguards. Thus, it is stated that X Corp cannot be compelled to come on the *SAHYOG* portal. It is also stated that X Corp has its own portal to process valid legal requests.

18. I4C agency has followed up with X Corp and various meetings have been held with X Corp. However, the stand of X Corp. remains that they are not bound to come on the *SAHYOG* portal.

19. The I4C agency has a grievance against platform X on the ground that even in the past when requests have been made in respect of sexual offences against children, such as child sexual exploitation and abuse material (hereinafter “*CSEAM*”) content, no response has been received from X Corp. This is contained in paragraphs 9 & 10 of the status report which read as under:

“9. That, in response to the aforesaid MoM dated 25.12.2024, the X Corp. has informed I4C vide email dated 07.01.2025 wherein X reiterated its previous stance that Section 69A of the Information Technology Act, 2000 (“IT Act”) is the only statutory power for information blocking. Section 79(3)(b) of the IT Act does not provide authority to order information blocking and establishing the contemplated portal to order information blocking would also create an impermissible parallel mechanism to the already existing Section 69A mechanism, but without the procedures or safeguards of Section 69A. This would contravene the Hon'ble Supreme Court's decision in Shreya Singhal.

10. It is pertinent to mention that there have been instances of hosting unlawful information on the X's platform. I4C has proactively identified such unlawful information including “child sexual exploitation and



abuse material" (CSEAM) content and sent notices u/s 79(3)(b) of IT Act, 2000 r/w rule 3(1)(d) of IT Intermediary Rule 2021, for removal and disabling of such information. Till date X has not communicated any compliance to a notice issued by I4C on 17.12.2024. Section 69A of IT Act 2000 provides for blocking of access under specific circumstances which is defined in the section itself. Contents like CSEAM do not fit in under those circumstances and hence requests for removing/ disabling CSEAM and other unlawful content not fitting in can be sent for blocking under section 69A of the IT Act 2000. The IT intermediaries have been casted with proactive obligation for suo motto removal of such unlawful contents including CSEAM under Rule 3 (1)(b) of IT intermediaries Rule 2021. However, CSEAM and other unlawful contents have been found hosted on the X platform. It is a bounden duty of the authorized agencies notified by the appropriate Governments to get such unlawful contents removed in the interest of the society exercising the legal provision provided under section 79(3)(b) of IT Act 2000 and Rule 3(1)(d) of IT Intermediary Rules 2021."

20. The submission of I4C, therefore, is that even platform X Corp. ought to come on board the SAHYOG portal.

21. Mr. Akhil Sibal, Id. Sr. Counsel appearing for X Corp. submits that platform X has also filed a writ petition before the Karnataka High Court challenging the SAHYOG portal. Be that as it may, the objections for onboarding on the SAHYOG portal on behalf of X Corp. shall be heard on the next date of hearing.

22. Insofar as the objections relating to the CSEAM, content is concerned, Mr. Akhil Sibal, Id. Sr. Counsel submits that the objectionable content was taken down within 24 hours as per the IT Act and, thus, X Corp. had duly



complied with the concerned order.

23. At this stage, Mr. Arvind Datar, Id. Sr. Counsel and Mr. Kapil Sibal, Id. Sr. Counsel pray that the intermediaries who are cooperating and are onboard with the *SAHYOG* portal can be discharged in this matter.

24. Since the status report dated 29th January, 2025 states that except X Corp. almost all the major intermediaries are onboard *SAHYOG* portal or are in the process of being onboarded, these platforms are no longer required to appear in this matter unless specially called upon by the Court at a subsequent stage. It is expected that all platforms shall extend cooperation in furnishing of information to LEAs especially when the same relate to incidents concerning missing children, missing persons, incidents involving security & safety, serious crimes etc.,

25. In the meantime, let I4C also file an updated status report by the next date of hearing.

Handbook for LEAs by the Delhi Police

26. On 13th November, 2024 the Court had noted that in a large number of cases the concerned Investigating Officers may not be fully aware of the manner and process by which information may be requested from different Intermediaries. Accordingly, the Court had directed the matter to be escalated to the Commissioner of Police, Delhi Police for preparation of a handbook for the said purposes. The relevant paragraphs of the order dated 13th November, 2024 read as under:

“17. It is noticed by this Court in a large number of cases that Investigation Officers (IOs) may not be fully aware of the manner in which information can be obtained from the various platforms and sometimes precious time is lost. Accordingly, insofar as the Delhi Police is concerned, the



matter may be escalated to the Commissioner of Police at the Delhi Police Headquarters (PHQ) for coordinating with the platforms and for taking steps towards preparation of a handbook that may be utilised and disseminated to all police stations, who may need urgent information from these platforms. The said handbook can include the details of the manner in which the requests have to be made and the details of the Nodal Officers of these platforms. In case any training is required, the Commissioner of Police may also call for meeting with the platforms and hold training sessions for Police Officials, so that, in serious cases there is proper cooperation, collaboration and timely furnishing of information by the platforms to avert the commission of crime or to obtain information which may be required during the course of any investigation.

18. Mr. Sanjay Lao, learned Standing Counsel (Criminal) is directed to coordinate with the Office of the Commissioner of Police and the Id. Counsels appearing for the various platforms for holding a meeting and placing the minutes of meetings on record by the next date of hearing.”

27. Pursuant to the said order, on 11th December, 2024 the Id. Counsel appearing for the Delhi Police had placed on record a status report dated 11th December, 2024 wherein it is stated that the Delhi Police sought information from various intermediaries for preparation of the handbook. The Court had directed the same to be answered by the intermediaries by 10th January, 2025. Further, it was directed that a meeting be held by the Delhi Police for enabling preparation of the handbook. The relevant paragraphs of the order dated 11th December, 2024:

“12. Insofar as the Delhi Police is concerned, on behalf of the Id. Standing Counsel a report dated 11th December, 2024 has been submitted. The mandate for the Delhi Police was preparation of a handbook. The report inter



alia seeks information from the intermediaries in respect of the following aspects.

“I. How long is the data of deleted accounts, basic subscriber information or otherwise stored? Furthermore, how many days after the account is deleted can the above-mentioned details be availed by the police officials?

II. SOPs of individual intermediaries regarding the provisions of electronic evidence.

III. Contact details of Chief Compliance Officers, 24x7 Nodal Contact Persons, and Resident Grievance Officers in compliance with Rules 4(1)(a), 4(1)(b), and 4(1)(c) of The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

IV. Segregated guidelines for providing BSI and other critical information under emergency or special circumstances.

V. Responses to 121 queries raised by Investigating Officers during investigations, shared to the respective intermediaries on 6.12.2024.

VI. Within how many days since the request for information is made, information be provided for each specific category of crime? (Below is an attached list of categories of crimes)

- i) Extortion*
- ii) Online financial fraud*
- iii) Fake Account / Impersonation*
- iv) Indecent Content*
- v) Crimes against Women*
- vi) POCSO*
- vii) Terrorism*
- viii) Fake News*
- ix) Human Trafficking*
- x) Life Threatening Messages/Emails*
- xi) Kidnapping/ abduction*

VII. What mechanism exists to track the status of the complaint? Is there any nodal officer/agency to whom any Investigating Officers can contact to know the status/clarification about the reply



received? What is the procedure or point of contact to whom the Investigating Officer can approach if no reply is received within time period mentioned in the answer to the aforementioned question (Question VI)?”

13. Let the above queries of the Delhi Police be answered by all the intermediaries by 10th January, 2025 and a further meeting be held with the Delhi Police for enabling preparation of a handbook as directed in the previous order dated 13th November, 2024.

14. Insofar as the status report of the Union of India is concerned, if any of the platforms wish to file a reply to the status report, they are free to do so within four weeks.

15. After holding the meetings, if there are any outstanding issues, the Union of India shall file a further status report.”

28. Today, on behalf of the Delhi Police, the office of the Standing Counsel has filed a status report signed by the Joint Commissioner of Police, IFSO, Special Cell, Delhi as per which, the meeting was conducted pursuant to the previous order on 10th January, 2025. The detailed minutes of meeting dated 10th January, 2025 has been handed across by the Id. Counsel and the same is taken on record. The report shows that various major intermediaries including Meta, WhatsApp, LinkedIn, Google, Telegram, Reddit, X Corp. were all present in the said meeting.

29. Mr Sanjay Lao along with Ms. Priyam Aggarwal, Id. Counsels have submitted the draft Standard Operating Procedures (hereinafter “*draft SoP*”) for submitting requests and the final handbook that has been prepared by the Delhi Police. Id. Counsel has handed over the handbook for Investigating



Officers and the manner in which Investigating Officers should deal with cases where information is required to be obtained from various platforms. The said handbook running into 79 pages is taken on record. It is submitted that the said handbook has been approved by the Commissioner of Police. Officials from I4C submit that they have interacted with the Delhi Police in respect to the Handbook and given their feedback.

30. Copy of the handbook has been handed over to Mr. Jitender Singh, ACP for I4C.

31. Let the said handbook be uploaded by the Delhi Police on its website for access, benefit and guidance of LEAs and similar agencies, across the country.

32. In the facts of this case, the missing child has not yet been traced. Accordingly, let a further status report be filed by the Anti-Human Trafficking Unit (hereinafter “AHTU”), Crime Branch setting out the steps taken so far. Let the same be filed by the next date of hearing.

33. The AHTU, Crime Branch shall continue to seek assistance, as and when necessary, from the concerned intermediary for tracing the missing child at the earliest.

34. List on 29th April, 2025.

35. This shall be treated as a part heard matter.

PRATHIBA M. SINGH
JUDGE

AMIT SHARMA
JUDGE

MARCH 18, 2025/dj/msh