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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 1563/2024

SHABANA

.....Petitioner

Through: Ms. Fozia Rahman Adv from
DHCLSC along with Mr. Sikander A.
Siddiqui, Ms. Aafreen, Mr. Kartikay
Dixit, Advs. (M:9810989707)

versus

GOVT OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal
& Mr. Abinav Kumar Arya, Advs.
SI Kamal, Insp. Sandeep PS
Bhajanpura.
Mr. Anurag Ahluwalia CGSC with
Mr. Tarveen Singh Nanda GP Ms.
Hridyanshi Sharma Adv. for UOI (M:
9811199806).
Mr. Alipak Bannerjee, Ms. Karishma
Karthik, Ms. Sreeja Sengupta and Mr.
Brijesh Ujjainwal Advs. for Rddit Inc.
(M: 9987115749).
Mr. Vivek Reddy, Senior Advocate
with Ms. Swati Agarwal, Mr.
Shashank Mishra, and Ms. Shivika
Mattoo, Advocates for WhatsApp
LLC (M: 9811424168).
Mr. Tejas Karia, Mr. Varun Pathak,
Ms. Ameer Rana, Mr. Dhruv
Bhatnagar, Ms. Prasadhi Agrawal and
Mr. Vishwajeet Deshmukh, Advocates
for Meta Platforms, Inc. (M:
8676805952).

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA



ORDER

% 28.10.2024

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by Ms. Shabana under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagrik Suraksha Sanhita seeking issuance of writ in the nature of *habeas corpus* for the production of her son. It is noted that the son went missing for the third occasion after his release from the rehabilitation centre. Mr. Sanjay Lao, Id. Standing Counsel has filed one status report dated 28th October 2024 which sets out the steps taken to locate the missing person.
3. It was noticed that one of the leads which the police had obtained was from the Instagram handle. The police had then requested the platform for information which was however delayed. Noting the same, vide order dated 24th September, 2024 the court had directed various social media platforms to place their standard operating protocol for dealing with requests for information from law enforcement agencies along with the timelines.
4. In compliance of the said direction the Court has received submissions/affidavits on behalf of the following entities :
 - (i) M/s Google LLC
 - (ii) Meta Platforms, Inc.
 - (iii) WhatsApp LLC
5. In addition two affidavits have been filed by Telegram FZ-LLC
6. Pursuant to the direction *vide* order dated 24th September, 2024 Mr. Lao, Id. 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, Id. 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, Id. 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.

13. Let notice be issued to MeitY to appear and make its submissions on



the next date of hearing. Mr. Anurag Ahluwalia appearing for the UOI shall take instructions to appear for MeitY as well.

14. Insofar as X Corp. is concerned, Id. Counsel-Ms. Shloka Narayanan submits that she does not directly appear for X and thus prays for notice be issued to X Corp. Accordingly, let the notice be issued by the Registry to the grievance officer of Platform X through the following Link (**Report to Grievance Officer Form - <https://help.x.com/en/forms/report-to-grievance-officer-india>**) and address - 8th Floor, The Estate, 121 Dickenson Road, Bangalore 560 042. If there is no appearance on the next date, the Court shall proceed further.

15. List on 13th November, 2024.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

OCTOBER 28, 2024

MR/Am