
(2015) 01 SC CK 0078

In the Supreme Court Of India

Case No : Writ Petition (s) (Civil) No. 341 of 2008

Sabu Mathew George

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 28-01-2015

Acts Referred:

Information Technology Act, 2000 — Section 69A

Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 — Section 22

Citation : (2015) 1 RCR(Civil) 797 : (2015) 1 RCR(Criminal) 801

Hon'ble Judges : Prafulla C. Pant, J.;Dipak Misra, J.

Bench : Division Bench

Advocate : Sanjay Parikh, Anitha Sharma, Mamta Saxena, Ritwik Parikh, A.N. Singh and Manjula Gupta, for the Appellant; Ranjit Kumar, Solicitor General of India, Binu Tamta, Sunita Sharma, Gunwant Dara, R.R. Rajesh and D.S. Mahra, Advocates for the Respondent

Final Decision : Disposed Of

Judgement

1. Heard Mr. Sanjay Parikh, learned Counsel for the Petitioner, Mr. Ranjit Kumar, learned Solicitor General of India, Mr. Shyam Divan, learned senior counsel for Respondent No. 3, Mr. Anupam Das Gupta, learned Counsel for Respondent No. 4 and Mr. Vishwanathan, learned senior counsel for Respondent No. 5.

All the affidavits are taken on record.

It is submitted by Mr. Ranjit Kumar, learned Solicitor General of India, relying on the additional affidavit filed by the Union of India, that it can stop the presentation of any kind of thing that relates to sex selection and eventual abortion, if the URL and the LP. addresses are given along with other information by the Respondents, regard being had to the key words, namely, "prenatal diagnostic tests for selection of sex before or after conception, pre-natal conception test, pre-natal diagnostic, pre-natal fetus copy for sex selection, pre-natal ultrasonography for sex selection, sex selection procedure, sex selection technique, sex selection test, sex selection administration, sex selection

prescription, sex selection services, sex selection management, sex selection process, sex selection conduct, pre-natal image scanning for sex selection, pre-natal diagnostic procedure for sex selection, sex determination using scanner, sex determination using machines, sex determination using equipment, scientific sex determination and sex selection" It is his submission that such blocking/ filtering on key-words advertisements links can be effectively or regularly done by the Respondents as they have access to their respective mathematical algorithms all the time. In essence, either the Respondents can block themselves or on certain details being provided the Union of India can block it.

2. Learned Counsel for the Respondents have referred to Section 22 of the PCPNDT Act 1994 and Section 69A of the Information Technology Act, 2000, apart from other provisions.

3. Mr. Sanjay Parikh, learned Counsel appearing for the Petitioners has submitted that throughout the world, the search engines have been directed to block certain service/giving of information which are not permissible to be shown in that country despite the issues of jurisdiction and technical problems being raised. He undertakes to file a convenience volume of judgments by the next date.

4. Having heard the learned Counsel for the Petitioner, as an interim measure, it is directed, the Respondents, namely, Google, yahoo and Micro Soft shall not advertise or sponsor any advertisement which would violate Section 22 of the PCPNDT Act, 1994. If any advertise is there on any search engine, the same shall be withdrawn forthwith by the Respondents.

5. At this juncture, Mr. Parikh, learned Counsel appearing for the Petitioner submitted that the order passed today shall be put on the policy page as also on the page containing "terms and conditions of service" by Respondent Nos. 4 to 6. The prayer is accepted and accordingly so directed. The matters relating to total blocking of the items that have been suggested by the Union of India and providing the URL and IP addresses by Google, Yahoo and Micro Soft shall be taken up on 11.02.2015 when the matter shall be taken up for further hearing.