

(2016) 07 SC CK 0144

In the Supreme Court Of India

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

Sabu Mathew George

APPELLANT

Vs

Union of India & Others

RESPONDENT

Date of Decision : 05-07-2016

Acts Referred:

Constitution of India, 1950 — Article 32

Citation : (2016) 9 Scale 17 : (2016) 14 SCC 418

Hon'ble Judges : Dipak Misra and R. Banumathi, JJ.

Bench : Division Bench

Advocate : Sanjay Parikh, Ms. Ninni Susan Thomas, Ms. Manjula Gupta, Advocates, for the Appellant; Ranjit Kumar, S.G., Binu Tamta, Ms. Sunita Sharma, R.R. Rajesh, Ms. Gunwant Dara, Ajay Sharma, Rajiv Singh, D.S. Mahra, C. Aryama Sundaram, Sr. Adv., Mahesh Agarwal, Praveen Sehrawat, Priyadarshi Banerjee, Vikrant Pachnanda, E.C. Agrawala, K.V. Vishwanathan, Sr. Adv., Manu Nair, Ms. Saanjh N. Purohit, Tanuj Bhushan, S.S. Shroff, Anupam Lal Das, Anirudh Singh, Sahil Monga, Arvind Kumar Sharma, Advocates, for the Respondent

Final Decision : Disposed Of

Judgement

1. On 18th August, 2015, this Court had passed the following order:

"It is submitted by Mr. Sanjay Parikh, learned counsel appearing for the petitioner that he has filed an affidavit on 14th August, 2015, ascertaining that despite the interim order passed by this Court that there should not be any advertisement by the respondent Nos.3 to 5, the advertisement is still carried on.

Mr. Shyam Divan and Mr. K.V. Vishwanathan, learned senior counsel appearing for the respondents, pray for two weeks" time to file response to the said affidavit. Prayer stands allowed.

At this stage, Mr. Sanjay Parikh has drawn our attention to a part of the order dated 12th May, 2015, which reads as follows:

"Mr. Sanjay Parikh, learned counsel appearing for the petitioners submitted that vide order dated 28th January, 2015, this Court had directed to reflect the said order on the "policy page" as also on the page containing "terms and conditions of service", but the "policy page" does not sub-serve the purpose and, therefore, it should be put on the "Home page". Learned counsel for the respondents pray for some time to file response to the same. Be it noted, Mr. Sanjay Parikh, learned counsel, has submitted with immense concern that when it is reflected in the "Home page", there is a real warning, but when it is mentioned in the "policy page", it does not really come within the public domain as is expected."

Mr. Ranjit Kumar, learned Solicitor General appearing for the Union of India, shall file an affidavit of the competent authority in that regard, in addition to the substantive affidavit that is required to be filed by the Union of India with regard to the affidavit filed on 14th August, 2015, by the petitioner. The contesting respondent Nos.2 to 5 shall also file their respective affidavits in that regard."

2. In pursuance of the aforesaid order, the Union of India has filed an affidavit. We have been apprised that some of the respondents have also filed their affidavits. The respondents who have not filed the affidavits shall positively file the same by 08.7.2016.

3. There can be no dispute that the respondents, namely, Google India, Yahoo ! India and Microsoft (I) Pvt. Ltd. cannot, in the name of intermediaries, cannot put anything that violates the laws of this country.

4. Mr. Ranjit Kumar, learned Solicitor General of India submits that the Union of India would convene a meeting with the technical experts of the respondents along with the experts of the Department within ten days hence. In view of the aforesaid, the respondents are directed to attend the meeting on the date and time fixed by the competent authority of the Union of India. As agreed to by Mr. Ranjit Kumar, the petitioner shall also be invited to give his suggestions. A memorandum shall be filed before this Court indicating the steps to be taken so that nothing goes through the search engines that violates any legislation.

5. Let the matter be listed on 25.07.2016.