

IN THE HIGH COURT OF DELHI AT NEW DELHI

(EXTRA ORDINARY WRIT JURISDICTION)

WRIT PETITION (C) No. _____ of 2019

IN THE MATTER OF

Sanjay R Hegde

... Petitioner

Versus

The Ministry of Electronics and Information Technology

and Anr.

...Respondents

PAPERBOOK

[KINDLY SEE INSIDE FOR INDEX]

Advocate for the Petitioner : Pranjal Kishore

SYNOPSIS

This Petition raises important questions regarding the nature, scope and applicability of fundamental rights under the Indian Constitution. Specifically, it raises the issue of whether large multi-national corporations, discharging a public function by serving millions of users (and making profit out of them), are amenable to constitutional scrutiny for their actions.

The Petitioner was a member of the social media and micro-blogging website, Twitter (Respondent No.2) since July, 2010. His account was permanently suspended on November 5, 2019. The Petitioner contends that the suspension is:

- a. Contrary to the 'Twitter Rules' and its terms of use and therefore illegal and arbitrary.
- b. A violation of his right to free speech and expression guaranteed by Article 19 (1) (a).
- c. A violation of his right to assembly and right to form association guaranteed by Articles 19 (1) (b) and 19 (1) (c) of the Constitution.

Consequently, the Petitioner seeks an appropriate writ, direction or order, directing Respondent No.1 to frame guidelines to ensure that online speech is not arbitrarily censored by social media websites such as the one run by Respondent No.2. It also seeks a direction to Respondent No.2 to restore the Petitioner's twitter account, "@sanjayuvacha".

Brief Facts:

First Post

Sometime in May, 2017; Ms. Kavita Krishnan, secretary of the All India Progressive Women's Association (AIPWA) and member of the politburo of the Communist Party of India (Marxist-Leninist) (CPI-ML) posted Gorakh Pandey's poem 'Unko phaansi de do' on her Twitter profile. Ms. Krishnan's post was re-tweeted/shared by the Petitioner with the caption "Hang Him". The English translation of the poem is reproduced below for ready reference:

"Hang Him

He says he wants bread and clothes

Not only that, he wants justice too

On top of that he wants genuine freedom too

Hang Him

He says he wants regular work

Not only work, he wants the fruits of his work

And then he wants untrammelled

Possession of both work and fruits

Hang Him

He says he doesn't want empty speeches

Nor false promises, violent rule

Nor a false democratic throne erected on

The burning breasts of hungry and naked people

Hang Him

He says he will march with everyone

Will change the system founded on oppression

He's no doubt allied with some foreign force

He will get just desserts for his treachery without delay

Come, patriotic executioners!

Trustworthy pawns of capital!

Hang him"

Second Post

The second post was a picture of August Landmesser which the Petitioner was using as his profile header/cover photo for over a year. The photograph in question was taken on 13 June, 1936 and shows a large gathering of workers at the Blohm Voss shipyard in Hamburg. Almost everyone in the image has raised his arm in the Nazi salute. The only exception is Landmesser, who stands toward the back of the crowd, with his arms crossed over his chest.

The Petitioner's account was suspended purportedly for the use of the aforesaid posts. He followed the internal appeals procedure of Respondent No.2 However, his appeal was rejected. He was informed that his account had been permanently suspended on November 5, 2019. Subsequently, the Petitioner served a legal notice on the Respondent No.2. However, no

response was received to the same. The Petitioner also made a representation to Respondent No.1. However, no response was received.

Legal Submissions

The Petitioner craves to advance the following legal submissions before this Hon'ble Court:

- i. The Writ Petition is maintainable against Respondent No.2 as it discharges a public function.
- ii. The suspension of the Petitioner's account is illegal, arbitrary and contrary to the Respondent No.2's own terms of use and the twitter rules.
- iii. The suspension of the Petitioner's account violates his right to freedom of speech and expression guaranteed under Article 19 (1) (a) of the Constitution and the Rights to assembly and association guaranteed under Articles 19 (1) (b) and 19 (1) (c) of the Constitution.
- iv. There exists a positive obligation on Respondent No.1 to ensure that rights guaranteed under the Constitution are not violated by private entities such as Respondent No.2.

I.Re': Maintainability of Writ Petition

Legal submissions with respect to maintainability of this Petition are two-fold:

- a. A Petition under Article 226 is maintainable against a private party which discharges a Public Function.
- b. By providing a means for dissemination of and access to information, social media agencies discharge a public function.

a. **Public Function**

Under Article 226, a writ can be issued to "any person or authority", including private bodies. Further, it can be issued for the enforcement of fundamental rights or "for any other purpose."

The words "any person or authority" used in Article 226 are not to be confined only to statutory authorities and instrumentalities of the State. They may cover any other person or body performing public duty. A Writ can be issued for the performance of a public duty that may be imposed by statute, charter, common law, custom or even contract. [See *Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust v. V.R. Rudani*, (1989) 2 SCC 691; *Janet Jeypaul v SRM University and Ors.*, (2015) 16 SCC 530]

An activity/function of a body can be said to be a public function, for the purposes of scrutiny by a writ court when it seeks to achieve some collective benefit for the public or acts in furtherance of social or economic affairs in the interest of the public. [See *Binny Ltd. v. V. Sadasivan*, (2005) 6 SCC 657, Also see *BCCI v Cricket Association of Bihar and Ors*, (2015) 3 SCC 251]

b. **Social Media as a Public Function**

It is humbly submitted that the Internet has the potential to empower, educate and create global communities. It offers the means for any individual to participate in a free flow of information and ideas with others across the world.

Social media includes web-based sites for social networking and micro-blogging, through which users can create communities to share information,

ideas, personal messages etc. Unlike any other medium of communications (such as radio, television and printed publications), which are based on one-way transmission of information, platforms such as Twitter, facilitate participatory information sharing and collaboration. Users are not passive recipients, but active publishers of information.

By enabling individuals to exchange information and ideas instantaneously and inexpensively across national borders, social media sites allow access to information and knowledge that was previously unattainable. This, in turn, contributes to the progress of society as a whole. This has been recognized by the Human Rights Council of the UN General Assembly (“HRC”).

The HRC first recognized “the importance of all forms of the media, including the printed media, radio, television and the Internet, in the exercise, promotion and protection of the right to freedom of opinion and expression” vide its resolution - A/HRC/RES/12/16 dated 12th October, 2009. Subsequently it has passed a number of resolutions, recognizing the importance of the internet and social media to the free exercise of civil rights.

The impact and importance of the Internet was first alluded to by the US Supreme Court in *Reno v. American Civil Liberties Union*, 521 U. S. 844, 868 (1997), wherein the Court referred to it as a “vast democratic field”. More recently, the Court in *Packingham v. North Carolina*, (2017) SCC Online SC US SC 82 observed that ‘social media is the most important place for the exchange of views’. While comparing social media to a ‘modern public square’, the Court observed that it provides “*perhaps the most powerful mechanisms available to a private citizen to make his or her voice heard.*”

Similar observations were made by the European Court of Human Rights whilst recognizing the role of the internet and social media in exercise of the freedom of expression. In *Cengiz and Ors. v. Turkey*, nos. 48226 /10 and 14027/11 (2015), the Court observed that “*the Internet has now become one of the principal means by which individuals exercise their right to freedom to receive and impart information and ideas...*” The Court went on to hold that “*...User-generated expressive activity on the Internet provides an unprecedented platform for the exercise of freedom of expression ...*”

It is humbly submitted that even Indian jurisprudence recognizes that the freedom of speech includes the freedom to communicate or circulate one's opinion without interference to as large a population in the country, as well as abroad, as is possible to reach. The Court in *LIC v. Manubhai D. Shah (Prof.)*, (1992) 3 SCC 637 and *Secy., Ministry of Information & Broadcasting, Govt. of India v. Cricket Assn. of Bengal*, (1995) 2 SCC 161 has taken note of the importance of “modern communication mediums” to a healthy democracy.

The aforesaid observations of various judicial bodies go to show the use and importance of social media today. It is pertinent to note that Twitter members including the Petitioner, use the platform to directly communicate with public representatives and government officials. Officials also provide ‘e-governance services’, including the publication of public policy, press releases etc. This is recognized in the “Framework and Guidelines for Use of Social Media by Government Departments” issued by the Department of Electronics and Information Technology, Ministry of Electronics and Information Technology, Government of India. The guidelines note:

*“Given its characteristics to potentially give “voice to all”, immediate outreach and 24*7 engagement, Social Media offers a unique opportunity to governments to engage with their stakeholders especially citizens in real time to make policy making citizen centric. Many governments across the world as well many government agencies in India are using various social media platforms to reach out to citizens, businesses and experts to seek inputs into policy making, get feedback on service delivery, create community based programmes etc.”*

It is humbly submitted that as per its website, “Twitter’s purpose is to serve the public conversation”. Over the years, Twitter has emerged as one of the largest media of communication across the world. For instance, during the 2016 U.S. presidential election, Twitter was the largest source of breaking news on the day. Reporters and news agencies ‘break’ news on platforms such as Twitter, before they do so anywhere else.

It is clear from the above that the website ‘Twitter’ serves as a medium for citizens the Petitioner to communicate their grievances and concerns with elected officials and government representatives. It serves as a source of news and information - as the “marketplace of ideas”, that was alluded to in Justice Holmes dissent in *Abrams v. United States*, 250 US 616 (1919) and subsequently by the Indian Supreme Court in *Shreya Singhal v. Union of India*, (2015) 5 SCC 1. It therefore performs a public function and is amenable to the jurisdiction of this Court under Article 226.

II.Re’ : Illegal suspension of Petitioner’s Twitter Account

It is submitted that the suspension of the Petitioner’s account is ex-facie illegal. Neither the poem ‘Unko Phaansi De Do’ nor the picture of August Landmesser violate any of the Respondent No.2’s terms. The poem by

revolutionary Indian poet Gorakh Pandey was written against the first death penalties meted out (to two peasant revolutionaries), in independent India. It is a comment against a capitalist system which denies basic rights to the poor. The photograph of August Landmesser is seen as a symbol of resistance for his refusal to perform the “sieg heil” salute before Hitler who was at the shipyard.

It is pertinent to mention that as per its own publically available rules, Respondent No.2 prohibits posts that exhibit any of the following:

- a. Violence
- b. Terrorism/violent extremism
- c. Child sexual exploitation
- d. Abuse/Harassment
- e. Hateful Conduct
- f. Suicide or self-harm
- g. Sensitive media, including graphic violence and adult content
- h. Illegal or certain regulated goods or services
- i. Publication of another person's private information
- j. Publication of Non-consensual nudity
- k. Platform manipulation and spam
- l. Manipulating with election integrity
- m. Impersonation

n. Infringement of Copyright and Trademark

A bare perusal of the posts put up by the Petitioner shows that none of these criteria are met. It is humbly submitted that the suspension of the Petitioner's account is illegal and contrary to the Respondent No.2's own rules and terms of use. The arbitrariness of Respondent No.2's conduct is clear from the fact that while the Petitioner's account was suspended for sharing a post/tweet by another user, no action has been taken against the user who wrote the original tweet. The same continues to be in public domain.

It is pertinent to note that after the Petitioner's account was suspended, there was an outcry on traditional as well as social media. Many twitter users shared the picture of August Landmesser as well as the poem by Gorakh Pandey on their timelines, as a way to protest against the arbitrary and illegal actions of Respondent No.2. However, no action was taken against any of these users.

III.Re' : Violation of rights conferred by Article 19

A. Infringement of the Freedom of Speech

Various judgments of the Hon'ble Supreme Court have referred to the importance of freedom of speech and expression both from the point of view of the liberty of the individual and from the point of view of our democratic form of government. [See *Sakal Papers (P) Ltd. v. Union of India* (1962) 3 SCR 842, *Bennett Coleman & Co. v. Union of India* [(1972) 2 SCC 788, *Shreya Singhal (supra)*]

The right to speech includes the right to know, as well as the right to disseminate one's views. The freedom of speech includes the freedom to

communicate or circulate one's opinion without interference to as large a population in the country, as well as abroad, as is possible to reach. It also includes the right to circulate one's views through any communication channel. Access which enables the right to be so exercised is also an integral part of the said right. [See *LIC v. Manubhai D. Shah (Prof.)*, (1992) 3 SCC 637; *Secy., Ministry of Information & Broadcasting, Govt. of India v. Cricket Assn. of Bengal*, (1995) 2 SCC 161]

It is humbly submitted that Respondent No.2 with its worldwide reach, is crucial to the dissemination of speech to a wide section of the population. A suspension from the medium also precludes the Petitioner from access to information shared by users and announcements made by public functionaries. Thus, the illegal suspension of the Petitioner's account directly curtails his right to speech under Article 19 (1) (a) of the Constitution.

It is pertinent to note that in *Shreya Singhal (supra)*, the Hon'ble Supreme Court read down Section 79 (3) (b) of the IT Act which deals with the responsibility of an intermediary to remove or disable access to certain material. The court held that it was mandatory to remove material only in response to a court order. It went on to specify the "*Court order and/or the notification by the appropriate Government or its agency must strictly conform to the subject-matters laid down in Article 19(2).*"The logical sequitur to this is that any suo-motu takedown of material by intermediaries must conform to Article 19 (2). The same has not been followed herein.

B. Infringement of the Rights to Assembly and Association

The Hon'ble Supreme Court has gone beyond upholding the right to assembly as a fundamental right and has held that the State must aid the exercise of the right. [See *Mazdoor Kisan Shakti Sangathan v. Union of India*, (2018) 17 SCC 324 at Paragraph 51]. "Public streets" are natural places for the exercise of the right to assembly. [See *Himat Lal K. Shah v. Commr. of Police*, (1973) 1 SCC 227 at Paragraph 69]

With the advent of technology, the exercise of the right to assembly (as indeed the right to form associations) has shifted from physical streets to "the modern public square" of social media. [See *Packingham supra*]

In October, 2013 the HRC passed a resolution "*reiterating the important role of new information and communications technologies in enabling and facilitating the enjoyment of the rights to freedom of peaceful assembly and of association, and the importance for all States to promote and facilitate access to the Internet and international cooperation aimed at the development of media and information and communications facilities in all countries.*"

It is humbly submitted that the fundamental right to assembly and form associations in the Constitution have to be interpreted in light of advancements in technology. This was recognized by the Supreme Court in *K.S. Puttaswamy (Privacy-9J.) v. Union of India*, (2017) 10 SCC 1. Justice Chandrachud, speaking for the majority of the Court noted that "*information technology together with the internet and the social media and all their attendant applications have rapidly altered the course of life in the last decade.*" The Learned Judge went on to observe:

"262.....*Today's technology renders models of application of a few years ago obsolescent. Hence, it would be an injustice both to the draftsmen of*

the Constitution as well as to the document which they sanctified to constrict its interpretation to an originalist interpretation. Today's problems have to be adjudged by a vibrant application of constitutional doctrine and cannot be frozen by a vision suited to a radically different society. We describe the Constitution as a living instrument simply for the reason that while it is a document which enunciates eternal values for Indian society, it possesses the resilience necessary to ensure its continued relevance.”

Citizens (including the Petitioner) and civil society have used social media for social and political causes. There are many examples of like-minded citizens rallying for a cause or coming together informally, whether in a geographical location or across borders, utilising growing access to the internet. The use of ‘hashtags’ to ‘trend’ (highlight) an issue is common. Examples of this include the ‘#metoo’ movement, ‘#blacklivesmatter’, #notinmyname etc. Broadly construed, these are instances of citizens exercising their right to assembly and association on the ‘democratic spaces of the internet.’ Suspension of the Petitioner’s account directly infringes on this right and is thus violative of Articles 19 (1) (b) and 19 (1) (c) of the Constitution.

IV.Re’ : Positive Obligation on the State

The Hon’ble Supreme Court has noted that there exists a positive obligation on the State to aid the exercise of Article 19 rights. [See *Himat L K. Shah and Mazdoor Kisan Shakti Sangathan (supra)*, Also see *Ramlila Maidan Incident, In re*, (2012) 5 SCC 1].

Given that most communication services over the internet are run and maintained by private companies, the private sector has gained unprecedented influence over individuals’ right to freedom of expression

and access to information. They are used by millions of people across the country for everyday communication.

In his report to the HRC dated 16th May, 2011; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression observed that intermediaries indulge in “self-protective and over-broad private censorship, often without transparency and the due process of the law.” He went on to recommend that “censorship measures should never be delegated to a private entity.”

It is humbly submitted that India is a signatory to the ICCPR. Article 19(2) of the ICCPR states,

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.”

The General Comment 34 of the Human Rights Committee, while defining the scope of application of the freedom under Article 19, explicitly lays down the positive obligation of the States in ensuring protection to freedom of expression. It states,

“17. ... The obligation also requires States parties to ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression to the extent that these Covenant rights are amenable to application between private persons or entities.”

The General Comment 34 further states the forms of expression that are protected under Article 19(2) of the ICCPR. It states,

“12. Paragraph 2 protects all forms of expression and the means of their dissemination. ... They include all forms of audio-visual as well as electronic and internet-based modes of expression.”

The HRC has also acknowledged the danger to freedom of expression from media monopolies and the relation of Article 19 with the Internet.

“40. The Committee reiterates its observation in general comment No. 10 that ‘because of the development of modern mass media, effective measures are necessary to prevent such control of the media as would interfere with the right of everyone to freedom of expression’. ... Consequently, State parties should take appropriate action, consistent with the Covenant, to prevent undue media dominance or concentration by privately controlled media groups in monopolistic situations that may be harmful to a diversity of sources and views.”

“States parties should take account the extent to which developments in information and communication technologies, such as internet and mobile based electronic information dissemination systems, have substantially changed communication practices around the world. ... States parties should take all necessary steps to foster the independence of these new media and to ensure access of individuals thereto...”

The above goes to show that the State has a positive obligation to ensure that the right to free speech is not impeded due to the conduct of private parties. The Hon’ble Supreme Court has consistently held that in the absence of any law to the contrary, rights under international instruments have to be read into the Fundamental Rights guaranteed by the Constitution.

The Petitioner submits that arbitrary ‘take-downs’ or suspensions have a chilling effect on free speech. The power to regulate the same is provided in the IT Act. Section 79 (2) (c) read with Section 87 (2) (zg) of the Information Technology Act authorize the Central Government to prescribe guidelines to intermediaries. In exercise of these powers, the Central Government has laid down various guidelines regarding when content is to be removed. However, no guidelines to ensure that legal speech is not censored have been laid down.

LIST OF DATES

Date	Event
July, 2010	The Petitioner joined the micro-blogging and social networking site, Twitter.
May, 2017	Kavita Krishnan, secretary of the All India Progressive Women's Association (AIPWA) and member of the politburo of the Communist Party of India (Marxist-Leninist) (CPI-ML) posted Gorakh Pandey’s poem ‘Unko phaansi de do’ on her Twitter profile. The poem was written after the hanging of two peasant revolutionaries, and is a comment on a capitalist system which denies basic rights to the poor. The post was re-tweeted/shared by the Petitioner with a caption “Hang Him”. This was simply the translation of the title of the poem.
2018	The Petitioner used the picture August Landmesser as the ‘header’/ ‘cover picture’ of his Twitter profile. The photograph in question was taken on 13 June, 1936 and

	shows a large gathering of workers at the Blohm Voss shipyard in Hamburg. Almost everyone in the image has raised his arm in the Nazi salute, with the most obvious exception of a man toward the back of the crowd, who grimly stands with his arms crossed over his chest. For decades, the photograph has been seen as a symbol of resistance for the man's (Landmesser's) refusal to perform the "siege heil" salute before Hitler who was at the shipyard.
26.10.2019	The Petitioner's account was suspended by Respondent No.2 purportedly for the use of the August Landmesser photograph as his header image. The suspension was briefly revoked on 27th October 2019.
28.10.2019	The Petitioner's account was once again suspended. This time, the suspension was purportedly on account of the Petitioner sharing/'quote-tweeting', Ms. Kavita Krishnan's tweet which shared Gorakh Pandey's poem 'Usko Phaansi De Do' along with its English translation 'Hang Him'.
30.10.2019	The Petitioner had followed the internal appeals procedure of Respondent No.2. However, he did not receive any response to the same. The Petitioner wrote to the Grievance Officer of Respondent No.2 informing her about the suspension of the profile. He also attached links containing the background of the two posts, and requested that the suspension be revoked.

30.10.2019	The Petitioner received an automated email from Respondent No.2 confirming receipt of his communications.
05.11.2019	The Petitioner was informed that his account had been permanently suspended and would not be restored.
07.11.2019	The Petitioner sent a legal notice to Respondent No.2 seeking revocation of the illegal suspension of his account. On the same day, the Petitioner also sent a representation to Respondent No.1, seeking the ministry's intervention in the matter. The Petitioner also requested the ministry to lay down guidelines prescribing any censorship by Respondent No.2 or other social media agencies to be strictly in accordance with Article 19 (2) of the Constitution.
12.11.2019	Respondent No.2 wrote to the Petitioner informing him that his account had been permanently suspended and would not be restored.

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... Petitioner

Versus

The Ministry of Electronics and Information Technology

and Anr.

...Respondents

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA INTER ALIA SEEKING DIRECTIONS TO RESPONDENT NO.1 TO LAY DOWN GUIDELINES IN EXERCISE OF ITS POWERS UNDER SECTION 79 (2) (C) READ WITH SECTION 87 (2) (ZG) OF THE INFORMATION TECHNOLOGY ACT

To,

The Hon'ble Chief Justice of the High Court of Delhi and

Her other Companion Justices of the Hon'ble High Court of Delhi

The Humble Petition of the Petitioner above-named:

MOST RESPECTFULLY SHOWETH:

1. The Petitioner is a Senior Advocate, designated by the Hon'ble Supreme Court of India. Since July, 2010, the Petitioner was a member of the micro-blogging and social networking site Twitter.
2. Respondent No.1 is the Ministry of Electronics and Information Technology (Government of India). The Ministry inter-alia seeks to promote

e-Governance and enhance India's role in Internet Governance. It is also the nodal ministry for policy matters relating to information technology, the internet and matters relating to Cyber laws, administration of the IT Act and other IT related laws. It is submitted that as such, the Ministry is also responsible for ensuring that arbitrary and illegal actions of an intermediary (such as Respondent No.2) do not result in the infringement of the fundamental rights of an individual.

3. Respondent No.2, Twitter Inc. runs an online social networking and micro-blogging service –‘Twitter’. It has more than 321 million active users across the world. As per its website, *“Twitter's purpose is to serve the public conversation”*. Over the years, Twitter has emerged as one of the largest media of communication across the world. At the outset it is submitted that though Respondent No.2 is a private entity, it discharges a public function, i.e. dissemination of and access to information. It is therefore amenable to the jurisdiction of this Court under Article 226 of the Constitution.

4. The Petitioner seeks a Writ in the nature of Mandamus directing Respondent No.1 to frame guidelines in order to secure the effective implementation of the rights guaranteed by Article 19 of the Constitution on privately owned entities like the Respondent No.2 herein. The Petitioner further seeks a writ, direction or order, directing Respondent No.2 to revoke the suspension of the Petitioner's twitter account “@sanjayuvacha.”

5. The facts leading to this Petition are as follows:

6. The Petitioner joined the micro-blogging and social networking site, Twitter in July, 2010. He regularly used his handle - @sanjayuvacha, as a medium to comment on topics of social and political relevance. He also used the same to interact with members of public office and receive and

disseminate information about various issues. At the time his account was suspended, the Petitioner had more than 99 thousand 'followers'.

7. Sometime in May, 2017; Kavita Krishnan, secretary of the All India All India Progressive Women's Association (AIPWA) and member of the politburo of the Communist Party of India (Marxist-Leninist) (CPI-ML) posted Gorakh Pandey's poem 'Unko phaansi de do' on her Twitter profile. The poem was written after the hanging of two peasant revolutionaries, and is a comment on a capitalist system which denies basic rights to the poor. The post was re-tweeted/shared by the Petitioner with a caption "Hang Him". This was simply the translation of the title of the poem. An English translation of the same is reproduced below for ready reference:

"Hang Him

He says he wants bread and clothes

Not only that, he wants justice too

On top of that he wants genuine freedom too

Hang Him

He says he wants regular work

Not only work, he wants the fruits of his work

And then he wants untrammelled

Possession of both work and fruits

Hang Him

He says he doesn't want empty speeches

Nor false promises, violent rule

Nor a false democratic throne erected on

The burning breasts of hungry and naked people

Hang Him

He says he will march with everyone

Will change the system founded on oppression

He's no doubt allied with some foreign force

He will get just desserts for his treachery without delay

Come, patriotic executioners!

Trustworthy pawns of capital!

Hang him"

A screen-shot of the original post by Ms. Kavita Krishnan taken from Respondent No.2's website on 14.12.2019 along-with its typed and translated copy is attached herewith and marked as **Annexure P1**. A screen-shot of the post put up by the Petitioner is attached herewith and marked as **Annexure P2**.

8. Sometime in 2018, the Petitioner put up a picture of August Landmesser as the 'header'/ 'cover picture' of his Twitter profile. The photograph in question was taken on 13 June, 1936 and shows a large gathering of workers at the Blohm Voss shipyard in Hamburg. Almost everyone in the image has raised his arm in the Nazi salute. The only exception is Landmesser, who stands toward the back of the crowd with his

arms crossed over his chest. For decades, the photograph has been seen as a symbol of resistance for his refusal to perform the “sieg heil” salute before Hitler who was at the shipyard. A copy of the picture of August Landmesser put up by the Petitioner is attached herewith and marked as **Annexure P3**. Copies of articles published in various newspapers and publications regarding the picture of August Landmesser and its symbolic significance are attached herewith and marked as **Annexure P4 [Colly]**.

9. The Petitioner’s account was suspended by Respondent No.2 on 26.10.2019. This was purportedly for the use of the August Landmesser photograph as his header image. The suspension was briefly revoked on 27th October 2019. The Petitioner’s account was once again suspended on 28.10.2019. This time, the suspension was on account of the Petitioner sharing/‘quote-tweeting’, Ms. Kavita Krishnan’s tweet which shared Gorakh Pandey’s poem ‘Usko Phaansi De Do’ along with its English translation ‘Hang Him’.

10. The Petitioner complied with the internal appeals procedure of the Respondent No.2 company. When no action was taken on the same, the Petitioner wrote to the Grievance Officer of Respondent No.2 informing her about the suspension of the profile. He also attached links containing the background of the two posts, and requested that the suspension be revoked. A copy of the email dated 30.10.2019 sent by the Petitioner to the grievance redressal officer of Respondent No.2 is attached herewith as **Annexure P5**. A copy of the automated response received by the Petitioner to his email is attached herewith as **Annexure P6**.

11. The Petitioner received a communication dated 05.11.2019 from Respondent No.2 informing him that his account had been suspended and

would not be restored. A copy of the email dated 05.11.2019 sent by Respondent No.2 to the Petitioner is attached herewith and marked as **Annexure P7.**

12. On 07.11.2019, the Petitioner sent a legal notice to Respondent No.2 seeking revocation of the illegal suspension of his account. On the same day, the Petitioner also sent a representation to Respondent No.1, seeking the ministry's intervention in the matter. The Petitioner also requested the ministry to lay down guidelines prescribing any censorship by Respondent No.2 or other social media agencies to be strictly in accordance with Article 19 (2) of the Constitution. A copy of the legal notice dated 07.11.2019 sent by the Petitioner to the Respondent No.2 is attached herewith and marked as **Annexure P8.** A copy of the representation dated 07.11.2019 sent by the Petitioner to Respondent No.1 is attached herewith and marked as **Annexure P9.**

13. On 12.11.2019, Respondent No.2 wrote to the Petitioner informing him that his account had been permanently suspended and would not be restored. A copy of the email dated 12.11.2019 by Respondent No.2 to the Petitioner is attached herewith and marked as **Annexure P10.**

14. It is pertinent to note that after the Petitioner's account was suspended, there was an outcry on traditional as well as social media. Many twitter users shared the picture of August Landmesser as well as the poem by Gorakh Pandey on their timelines, as a way to protest against the arbitrary and illegal actions of Respondent No.2. No action was taken against these users by Respondent No.1.

15. No response was received by the Petitioner to his notice or to Representation made by him to Respondent No.1. The Petitioner reiterates

that the posts put up by him were not contrary to Twitter's Rules. It is pertinent to mention that as per its own publically available rules, Respondent No.2 prohibits posts that exhibit any of the following:

- a. Violence
- b. Terrorism/violent extremism
- c. Child sexual exploitation
- d. Abuse/Harassment
- e. Hateful Conduct
- f. Suicide or self-harm
- g. Sensitive media, including graphic violence and adult content
- h. Illegal or certain regulated goods or services
- i. Publication of another person's private information
- j. Publication of Non-consensual nudity
- k. Platform manipulation and spam
- l. Manipulating with election integrity
- m. Impersonation
- n. Infringement of Copyright and Trademark

None of these criteria are met in this case. A copy of the 'Twitter Rules' is attached herewith and marked as **Annexure P11**.

16. The Petitioner has been left with no other efficacious remedy available and has therefore been constrained to approach this Hon'ble Court by way of this Writ Petition.

17. **GROUND**S

A. Because private bodies which perform a public function are amenable to the jurisdiction of this Hon'ble Court under Article 226 of the Constitution. A Writ can be issued for the performance of a public duty that may be imposed by statute, charter, common law, custom or even contract. Reliance is placed on Judgments of the Hon'ble Supreme Court in *Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust v. V.R. Rudani*, (1989) 2 SCC 691. The Court therein has held

"20.....The words "any person or authority" used in Article 226 are, therefore, not to be confined only to statutory authorities and instrumentalities of the State. They may cover any other person or body performing public duty. The form of the body concerned is not very much relevant. What is relevant is the nature of the duty imposed on the body. The duty must be judged in the light of positive obligation owed by the person or authority to the affected party. No matter by what means the duty is imposed, if a positive obligation exists mandamus cannot be denied."

The Court went on to hold:

"22. Here again we may point out that mandamus cannot be denied on the ground that the duty to be enforced is not imposed by the statute.

Commenting on the development of this law, Professor de Smith states: "To be enforceable by mandamus a public duty does not necessarily have to be one imposed by statute. It may be sufficient for the duty to have been imposed by charter, common law, custom or even contract." [Judicial Review of Administrative Action, 4th Edn., p. 540] We share this view. The judicial control over the fast expanding maze of bodies affecting the rights of the people should not be put into watertight compartment. It should remain flexible to meet the requirements of variable circumstances. Mandamus is a very wide remedy which must be easily available "to reach injustice wherever it is found. Technicalities should not come in the way of granting that relief under Article 226."

Similar observations were made by the Hon'ble Supreme Court in *Binny Ltd. v. V. Sadasivan*, (2005) 6 SCC 657. The Court therein held:

"At the same time, there are private bodies also which may be discharging public functions. It is difficult to draw a line between public functions and private functions when they are being discharged by a purely private authority. A body is performing a "public function" when it seeks to achieve some collective benefit for the public or a section of the public and is accepted by the public or that section of the public as having authority to do so. Bodies therefore exercise public functions when they intervene or participate in social or economic affairs in the public interest"

B. Because the Respondent No.2 performs a public function. Social media agencies enable individuals to participate in a free flow of information and ideas with others across the world. Twitter users can create communities to share information, ideas, personal messages etc. Unlike any other medium of communication (such as radio, television and printed

publications), which are based on one-way transmission of information, platforms such as Twitter, facilitate participatory information sharing and collaboration. Users are not passive recipients, but active publishers of information.

It is humbly submitted that by enabling individuals to exchange information and ideas instantaneously and inexpensively across national borders, social media sites allow access to information and knowledge that was previously unattainable. The Human Rights Council of the United Nations has recognized “the importance of all forms of the media, including the printed media, radio, television and the Internet, in the exercise, promotion and protection of the right to freedom of opinion and expression” vide its resolution - A/HRC/RES/12/16 dated 12th October, 2009. Subsequently it has passed a number of resolutions, recognizing the importance of the internet and social media to the free exercise of civil rights.

C. Because the importance of social media as a tool for the exercise of civil rights has been recognized in jurisdictions across the world. The impact and importance of the Internet was first alluded to by the US Supreme Court in *Reno v. American Civil Liberties Union*, 521 U. S. 844, 868 (1997), wherein the Court referred to it as a “vast democratic field”.

More recently, the Court in *Packingham v. North Carolina*, (2017) SCC Online SC US SC 82 was called upon to adjudicate whether legislation that prohibited sex offenders from use of any social media was constitutional. The Court struck down the legislation as overbroad and in violation of the first amendment rights of the US Constitution. Some of the observations made by the Court go to highlight the important role of social media and are reproduced below:

“A fundamental principle of the First Amendment is that all persons have access to places where they can speak and listen, and then, after reflection, speak and listen once more. The Court has sought to protect the right to speak in this spatial context. A basic rule, for example, is that a street or a park is a quintessential forum for the exercise of First Amendment rights. See Ward v. Rock Against Racism, 491 U. S. 781, 796 (1989). Even in the modern era, these places are still essential venues for public gatherings to celebrate some views, to protest others, or simply to learn and inquire.

While in the past there may have been difficulty in identifying the most important places (in a spatial sense) for the exchange of views, today the answer is clear. It is cyberspace—the “vast democratic forums of the Internet” in general, Reno v. American Civil Liberties Union, 521 U. S. 844, 868 (1997), and social media in particular.”

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Social media offers “relatively unlimited, low-cost capacity for communication of all kinds.” Reno, supra, at 870. On Facebook, for example, users can debate religion and politics with their friends and neighbors or share vacation photos. On LinkedIn, users can look for work, advertise for employees, or review tips on entrepreneurship. And on Twitter, users can petition their elected representatives and otherwise engage with them in a direct manner. Indeed, Governors in all 50 States and almost every Member of Congress have set up accounts for this purpose. See Brief for Electronic Frontier Foundation 15–16. In short, social media users employ these websites to engage in a wide array of protected First Amendment activity on topics “as diverse as human thought.” Reno, supra, at 870.

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By prohibiting sex offenders from using those websites, North Carolina with one broad stroke bars access to what for many are the principal sources for knowing current events, checking ads for employment, speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge. These websites can provide perhaps the most powerful mechanisms available to a private citizen to make his or her voice heard. They allow a person with an Internet connection to “become a town crier with a voice that resonates farther than it could from any soapbox.” Reno, 521 U. S., at 870.

Similar observations were made by the European Court of Human Rights whilst recognizing the role of the internet and social media in exercise of the freedom of expression. In *Cengiz and Ors. v. Turkey*, nos. 48226 /10 and 14027/11 (2015), the Court held :

“The Internet has now become one of the principal means by which individuals exercise their right to freedom to receive and impart information and ideas, providing as it does essential tools for participation in activities and discussions concerning political issues and issues of general interest. ... Moreover, as to the importance of Internet sites in the exercise of freedom of expression, ‘in the light of its accessibility and its capacity to store and communicate vast amounts of information, the Internet plays an important role in enhancing the public’s access to news and facilitating the dissemination of information in general’. User-generated expressive activity on the Internet provides an unprecedented platform for the exercise of freedom of expression ...”

D. Because even Indian Jurisprudence recognizes that the freedom of speech includes the freedom to communicate or circulate one's opinion without interference to as large a population in the country, as well as abroad, as is possible to reach. The Court in *LIC v. Manubhai D. Shah (Prof.)*, (1992) 3 SCC 637 and *Secy., Ministry of Information & Broadcasting, Govt. of India v. Cricket Assn. of Bengal*, (1995) 2 SCC 161 has taken note of the importance of “modern communication mediums” to a healthy democracy.

E. Because Twitter members including the Petitioner, use the platform to directly communicate with public representatives and government officials. Officials also provide ‘e-governance services’, including the publication of public policy, press releases etc. This is recognised in the “Framework and Guidelines for Use of Social Media by Government Departments” issued by the Department of Electronics and Information Technology, Ministry of Electronics and Information Technology, Government of India. The guidelines note:

*“Given its characteristics to potentially give “voice to all”, immediate outreach and 24*7 engagement, Social Media offers a unique opportunity to governments to engage with their stakeholders especially citizens in real time to make policy making citizen centric. Many governments across the world as well many government agencies in India are using various social media platforms to reach out to citizens, businesses and experts to seek inputs into policy making, get feedback on service delivery, create community based programmes etc.”*

As per its website, “Twitter’s purpose is to serve the public conversation”. Over the years, Twitter has emerged as one of the largest media of communication across the world. For instance, during the 2016 U.S.

presidential election, Twitter was the largest source of breaking news on the day. Reporters and news agencies 'break' news on platforms such as Twitter, before they do so anywhere else.

It is clear from the above that the website 'Twitter' serves as a medium for citizens the Petitioner to communicate their grievances and concerns with elected officials and government representatives. It serves as the "marketplace of ideas", that was alluded to in Justice Holmes dissent in *Abrams v. United States*, 250 US 616 (1919) and subsequently by the Indian Supreme Court in *Shreya Singhal v. Union of India*, (2015) 5 SCC 1. It therefore performs a public function and is amenable to the jurisdiction of this Court under Article 226.

F. Because various users have been able to reach out to government functionaries, including ministers at times of distress. The same goes to show that Twitter and other social media platform are often used by the State to conduct official business. This being the case, it is incumbent on the State to ensure that access of citizens to such media is not illegally blocked.

G. Because a Division Bench of this Hon'ble Court in *Dr. Sangamitra Acharya and Anr v State (NCT of Delhi) and Ors*, WP (Crl) 1804 of 2017 has held Article 19 rights are enforceable horizontally. An aggrieved person can invoke constitutional remedies to seek the protection and enforcement of such rights against invasion by a non-state actor. Similarly, the US Supreme Court in *Marsh v. Alabama* (326 U.S. 501 (1946)) held that a privately-owned company town was subject to First Amendment principles even though it was private. The Court held:

“The more an owner, for his advantage, opens up his property for use by the public in general, the more do his rights become circumscribed by the statutory and constitutional rights of those who use it.”

Marsh has been cited with approval by the Hon'ble Supreme Court of India in *Sukhdev Singh v. Bhagatram Sardar Singh Raghuvanshi*, (1975) 1 SCC 421 and *Board of Control for Cricket in India v. Cricket Association of Bihar*, (2015) 3 SCC 251.

It is humbly submitted that rights under Article 19 are not merely defensive rights of individuals against the state. They also influence the relations between the citizens and non-state actors. Reliance is placed on a Judgment of the Federal Constitutional Court of Germany in the ‘*Lüth-decision*’, BVerfGE 7, 198. The Court therein held:

“The primary purpose of the basic rights is to safeguard the liberties of the individual against interferences by public authority. They are defensive rights of the individual against the state It is equally true, however, that the Basic Law is not a value-neutral document. Its section on basic rights establishes an objective order of values, and this order strongly reinforces the effective power of basic rights. This value system, which centers upon dignity of the human personality developing freely within the social community, must be looked upon as a fundamental constitutional decision affecting all spheres of law (public and private). It serves as a yardstick for measuring and assessing all actions in the areas of legislation, public administration, and adjudication. Thus it is clear that basic rights also influence the development of private Law. Every provision of private law must be compatible with this system of values, and every such provision must be interpreted in its spirit.”

H. Because the suspension of the Petitioner's account is ex-facie illegal. Neither the poem 'Unko Phaansi De Do' nor the picture of August Landmesser violate any of the Respondent No.2's terms. The poem by revolutionary Indian poet Gorakh Pandey was written against the first death penalties meted out (to two peasant revolutionaries), in independent India. It is a comment against a capitalist system which denies basic rights to the poor. The photograph of August Landmesser is seen as a symbol of resistance for the man's (Landmesser's) refusal to perform the "sieg heil" salute before Hitler who was at the shipyard.

It is pertinent to mention that as per its own publically available rules, Respondent No.2 prohibits posts that exhibit any of the following:

- a. Violence
- b. Terrorism/violent extremism
- c. Child sexual exploitation
- d. Abuse/Harassment
- e. Hateful Conduct
- f. Suicide or self-harm
- g. Sensitive media, including graphic violence and adult content
- h. Illegal or certain regulated goods or services
- i. Publication of another person's private information
- j. Publication of Non-consensual nudity
- k. Platform manipulation and spam

- I. Manipulating with election integrity
- m. Impersonation
- n. Infringement of Copyright and Trademark

A bare perusal of the posts put up by the Petitioner shows that none of these criteria are met. It is humbly submitted that the suspension of the Petitioner's account is illegal and contrary to the Respondent No.2's own policy.

I. Because the arbitrariness of Respondent No.2's conduct is clear from the fact that while the Petitioner's account was suspended for sharing a post/tweet by another user, no action has been taken against the user who wrote the original tweet. The same continues to be in public domain. It is pertinent to note that after the Petitioner's account was suspended, there was an outcry on traditional as well as social media. Many twitter users shared the picture of August Landmesser as well as the poem by Gorakh Pandey on their timelines, as a way to protest against the arbitrary and illegal actions of Respondent No.2. However, no action was taken against any of these users by Respondent No.1.

J. Because the right to speech includes the right to know, as well as the right to disseminate one's views. The freedom of speech includes the freedom to communicate or circulate one's opinion without interference to as large a population in the country, as well as abroad, as is possible to reach. It is humbly submitted that Respondent No.2 with its worldwide reach, is crucial to the dissemination of speech to a wide section of the population. A suspension from the medium also precludes the Petitioner from access to information shared by users and announcements made by

public functionaries. Thus, the illegal suspension of the Petitioner's account directly curtails his right to speech under Article 19 (1) (a) of the Constitution.

K. Because in *Shreya Singhal* (supra), the Hon'ble Supreme Court read down Section 79 (3) (b) of the IT Act which dealt with the responsibility of an intermediary to remove or disable access to certain material. The court held that it was mandatory to remove material only in response to a court order. It went on to specify the "Court order and/or the notification by the appropriate Government or its agency must strictly conform to the subject-matters laid down in Article 19(2)." The logical sequitur to this is that any suo-motu takedown of material from intermediaries must conform to Article 19 (2).

L. Because access to social media entities like Respondent No.2 is crucial to the exercise of the right to assembly and the right to association guaranteed by the Constitution. Citizens (including the Petitioner) and civil society have used social media for social and political causes. There are many examples of like-minded citizens rallying for a cause or coming together informally, whether in a geographical location or across borders, utilising growing access to the internet.

The use of 'hashtags' to 'trend' (highlight) an issue is common. Examples of this include the '#metoo' movement, '#blacklivesmatter', '#notinmyname' etc. Broadly construed, these are instances of citizens exercising their right to assembly and association on the 'democratic spaces of the internet.' Any infringement of the right is violative of Articles 19 (1) (b) and 19 (1) (c) of the Constitution. The importance of the internet to these rights was recognized by the HRC in October, 2013 when it passed a resolution

“reiterating the important role of new information and communications technologies in enabling and facilitating the enjoyment of the rights to freedom of peaceful assembly and of association, and the importance for all States to promote and facilitate access to the Internet and international cooperation aimed at the development of media and information and communications facilities in all countries.”

M. Because the State has a positive obligation to ensure that Article 19 rights of citizens are not infringed by non-state actors. The Hon'ble Supreme Court has noted that there exists a positive obligation on the State to aid the exercise of Article 19 rights. [See *Himat L K. Shah and Mazdoor Kisan Shakti Sangathan (supra)*, Also see *Ramlila Maidan Incident, In re*, (2012) 5 SCC 1].

N. Because India is a signatory to the ICCPR. Article 19(2) of the ICCPR states,

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.”

The General Comment 34 of the Human Rights Committee, while defining the scope of application of the freedom under Article 19, explicitly lays down the positive obligation of the States in ensuring protection to freedom of expression. It states,

“17. ... The obligation also requires States parties to ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression to the extent that

these Covenant rights are amenable to application between private persons or entities.”

O. Because the ICCPR recognizes and protects internet based speech. It is pertinent to note that General Comment 34 further states the forms of expression that are protected under Article 19(2) of the ICCPR. It states,

“12. Paragraph 2 protects all forms of expression and the means of their dissemination. ... They include all forms of audio-visual as well as electronic and internet-based modes of expression.”

The HRC has also acknowledged the danger to freedom of expression from media monopolies and the relation of Article 19 with the Internet.

“40. The Committee reiterates its observation in general comment No. 10 that ‘because of the development of modern mass media, effective measures are necessary to prevent such control of the media as would interfere with the right of everyone to freedom of expression’. ... Consequently, State parties should take appropriate action, consistent with the Covenant, to prevent undue media dominance or concentration by privately controlled media groups in monopolistic situations that may be harmful to a diversity of sources and views.”

“States parties should take account the extent to which developments in information and communication technologies, such as internet and mobile based electronic information dissemination systems, have substantially changed communication practices around the world. ... States parties should take all necessary steps to foster the independence of these new media and to ensure access of individuals thereto...”

The Hon'ble Supreme Court has consistently held that in the absence of any law to the contrary, rights under international instruments have to be read into the Fundamental Rights guaranteed by the Constitution. In this light, the Petitioner submits that there exists a positive obligation on the State to ensure that private parties such as Respondent No.2 do not impede the exercise of fundamental rights.

P. Because Section 79 (2) (c) read with Section 87 (2) (zg) of the Information Technology Act authorize the Central Government to prescribe guidelines to intermediaries. In exercise of these powers, the Central Government has laid down various guidelines regarding when content is to be taken down. However, no guidelines to ensure that legal speech is not censored have been laid down.

18. That under the facts and circumstances of the case there are no delays or laches in filing the present writ petition.

19. The Petitioner has paid the fixed court fee in respect of the subject matter of this Petition.

20. The Petitioner has not filed any other Petition/Petitions with similar or same reliefs before any Court, including this Hon'ble Court or any other Court.

21. The Respondents to the present petition are amenable to the jurisdiction of this Hon'ble Court.

22. That this Hon'ble Court has adequate territorial jurisdiction to issue directions, orders and writs given the cause of action in whole and in part arises within the territories in which it exercises jurisdiction.

23. That the Petitioner has no other equally efficacious alternative remedy and therefore, the Petitioner is approaching this Hon'ble Court by filing the present petition. The facts warrant interference of this Hon'ble Court under Articles 226 of the Constitution of India.

24. PRAYERS

In view of the above, the Petitioner humbly prays that this Hon'ble Court may be pleased to issue:

- a) Issue an appropriate Writ, Order, Declaration or Direction in the nature of Mandamus directing Respondent No.1 to lay down guidelines in exercise of its powers under Section 79 (2) (c) read with Section 87 (2) (zg) of the Information Technology Act to ensure that any censorship on social media is carried out strictly in accordance with the provisions of Article 19 of the Constitution.
- b) Issue an appropriate Writ, Order, Declaration or Direction directing Respondent No.2 to restore the suspended Twitter account, '@sanjayuvacha' of the Petitioner.
- c) Issue guidelines or directions to ensure that any censorship on social media is carried out strictly in accordance with the provisions of Article 19 of the Constitution till such time as rules/guidelines are framed by Respondent No.1
- d) Pass any writ, order or direction that this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

Petitioner

THROUGH
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Phone - +91-9891374383

Dated: ____ 2019

Place: New Delhi

IN THE HIGH COURT OF DELHI AT NEW DELHI

(EXTRA ORDINARY WRIT JURISDICTION)

WRIT PETITION (C) No. _____ of 2019

Sanjay R Hegde

... Petitioner

Versus

The Ministry of Electronics and Information Technology

and Anr.

...Respondents

AFFIDAVIT

I, Sanjay R Hegde, s/o Mrs. Vasanthi Hegde, Aged 54 years, r/o _____, do hereby solemnly affirm and state as follows:

1. That I am the Petitioner in this instant Petition. I am fully conversant with the facts and circumstances related to the instant case and I am competent to affirm this Affidavit.
2. That the accompanying writ petition under Article 226 of Constitution of India has been drafted under my instructions and I say that the averments made therein are true on the basis of the records.
3. That the contents of the list of dates are drafted by my counsel which are true to the best of my knowledge and are derived from the records maintained by me.
4. That the contents of Paragraphs 1 to 16 of the accompanying writ petition are true to my personal knowledge and Paragraphs A to P are the grounds and legal submissions which are based on the legal advice by my counsel, which I believe to be true and Paragraph 24 is the prayer

clause. Nothing material has been concealed therefrom and no part of it is false.

5. That the accompanying annexures are true/typed copies of their originals.

6. That the Deponent has not preferred any similar or other petition in the above-mentioned matter.

DEPONENT

VERIFICATION:

Verified at New Delhi on this the day of December, 2019 that the contents of the above affidavit are true and correct to my knowledge no part of it is false and nothing material has been concealed therefrom.

DEPONENT