

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.6.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.7982 of 2020
and
W.M.P.No.9423 of 2020

Saranya.S.

Petitioner

vs

1. The Union of India,
rep. by the Secretary,
Ministry of Information & Broadcasting,
Sastri Bhavan,
New Delhi-110 001.
2. The Secretary to Government of India,
Ministry of Information & Technology,
Electronic Niketan,
C.G.O. Complex, New Delhi-110 003.
3. The Official In-charge,
Computer Emergency Response Team,
Ministry of Communications,
Government of India, New Delhi.
4. The Principal Secretary to Government,
Home Department,
Government of Tamil Nadu,
Fort St. George, Chennai.
5. The Director of Social Welfare,
Government of Tamil Nadu, Chennai.

6. The Commissioner of Police,
Cyber Crime (CBCID),
Police Department, Chennai.
7. The Director of School Education,
DPI Campus College Road, Chennai.
8. The Chairman,
Central Board of Secondary Education,
"Siksha Sadan",
No.17, Institutional Area, Rouse Avenue,
Delhi 110 002.
9. Chairperson,
Central Board of Secondary Education,
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi 110 092.
10. Regional Officer,
Central Board of Secondary Education,
New No-3, Old No. 1630 A,
"J" Block, 16th Main Road
Anna Nagar West,
Chennai -600 040.
11. Padmashree CBSE School
Rep by its Correspondent,
Nehru St, Raghavendra Nagar,
Korattur, Chennai, 600 099.

Respondents

Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the Respondents from conducting Online classes without framing proper schemes and guidelines as prescribed under the Information Technology Act, 2000 read alongwith the Information Technology (Procedure and Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009, The Information Technology (Procedure and Safeguard for Monitoring and Collecting Traffic Data or Information) Rules 2009, and The Information Technology

(Reasonable Security Practices and Procedures and Sensitive Personal Data of Information) Rules 2011 for such online portals and classes from accessing illegal, immoral adult websites thereby preventing students from accessing any such Websites through any and every pop-up re-directs.

For Writ Petitioner : Mr.S.Prabhakaran, Senior Counsel
for Mr.R.Krishnakumar
For Union of India : Mr.G.Rajagopalan,
Additional Solicitor General assisted by
Mr.Venkataswamy Babu, Standing Counsel
For the State of T.N. : Mr.V.Jayaprakash Narayanan
Government Pleader
For Education Dept. : Mr.C.Munusamy, Special Govt. Pleader

ORDER

(Made by Dr.Vineet Kothari,J)

Heard Mr.S.Prabhakaran, learned Senior Counsel for the Petitioner, Mr.G.Rajagopalan, learned Additional Solicitor General and Mr.Venkataswamy Babu for the Union of India, Mr.R.Munusamy, learned Special Government Pleader for Education Department.

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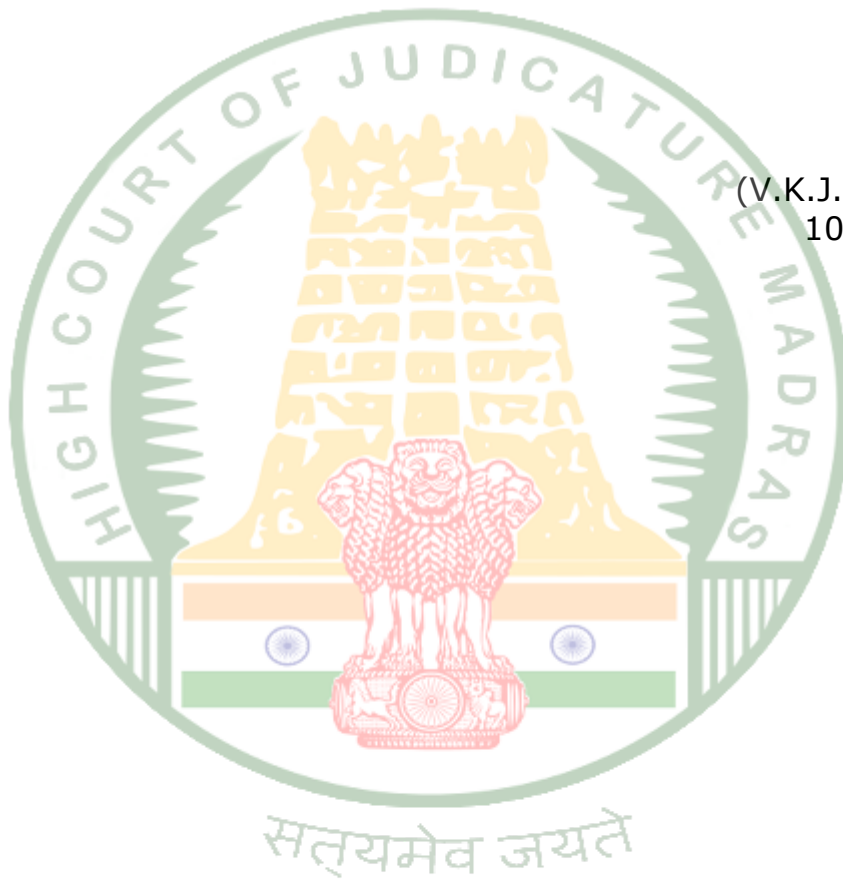
2. The Petitioner has raised a grievance in the present PIL Petition that Online Education started during the Covid period, which may continue in future for the Students of Schools and Colleges has attendant problems in that and the existing Rules viz., **Information Technology**

Act, 2000 read alongwith the Information Technology (Procedure and Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009, The Information Technology (Procedure and Safeguard for Monitoring and Collecting Traffic Data or Information) Rules 2009, and The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data of Information) Rules 2011 are not suficient and there is no guidelines restricting or checking the material which pops up on the Screen which may not be congenial for the education of the Students, who are constrained to undergo the Online Education.

3. We consider it to be a matter of larger public importance and therefore; we **issue Notice** to all the Respondents arrayed in the present Writ Petition. The learned Additional Solicitor General for the Union of India, the learned Government Pleader for the State of Tamil Nadu and Mr.C.Munusamy, Special Govt. Pleader for the Education Department have put in their appearance and they have prayed for some time to take instructions and file their respective Counters in the matter.

4. Put up after two weeks on **25.6.2020**. In the meanwhile, all the Respondents shall file their respective Counters in the matter.

ssk.



(V.K.J.) (R.S.K.J.)
10.6.2020

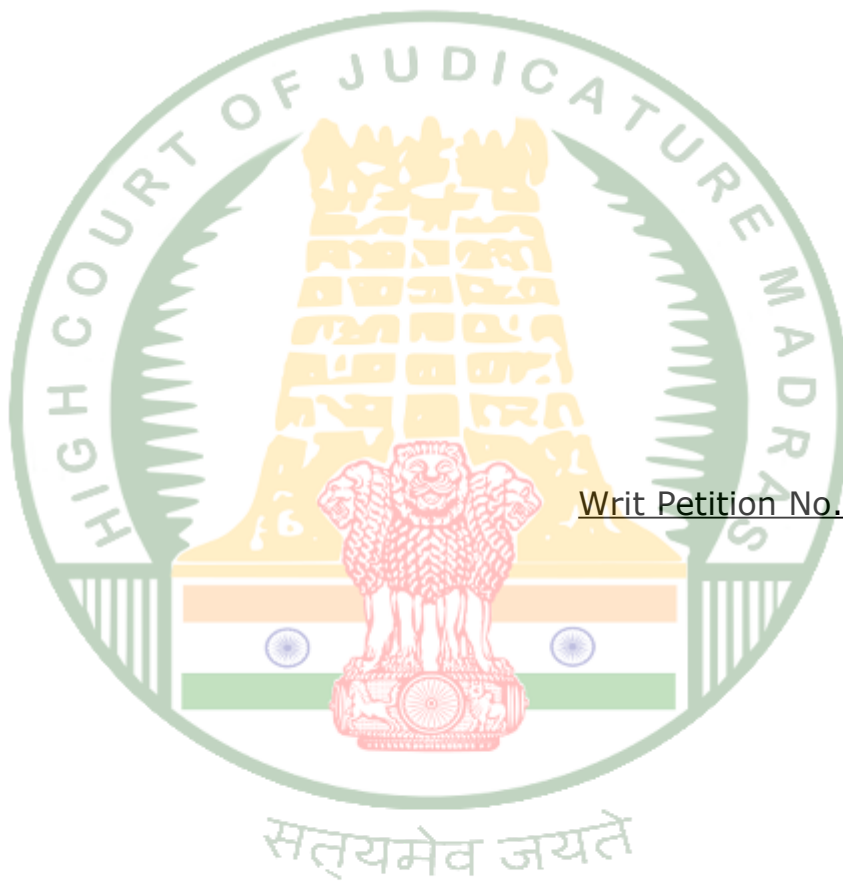
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Order dt.10.6.2020 in WP No.7982/2020
[Saranya.S v. Union of India & ors.]

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Dr.VINEET KOTHARI, J.
and
R.SURESH KUMAR, J.

ssk.



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