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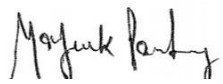
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PROFORMA FOR FIRST LISTING		
The case pertains to (please tick/check the correct box)		
	Central Act: (Title)	Constitution of India, 1950
	Section:	Article 32 of the Constitution of India
	Central Rule: (Title)	N.A.
	Rule No (S)	N.A.
	State Act: (Title)	N.A.
	Section:	N.A.
	State Rule: (Title)	N.A.
	Rule No(s)	N.A.
	Impugned Interim Order: (Date)	N.A.
	Impugned Final Order/Decree: (Date)	N.A.
	High Court: (name)	N.A.
	Names of Judges:	N.A.
	Tribunal/Authority (Name)	N.A.
1.	Nature of matter	Civil
2(a)	Petitioner/appellant No.1:	Ajit Mohan & Ors.
(b)	e-mail ID:	N.A.
(c)	Mobile Phone Number:	N.A.
3 (a)	Respondent No.1:	Legislative Assembly, National Capital Territory of Delhi & Ors. & Ors.
(b)	E mail ID:	N.A.
(c)	Mobile Phone Number:	N.A.
4(a)	Main Category classification:	22
(b)	Sub Classification:	2200
5.	Note to be listed before:	N.A.
6 (a)	Similar disposed of matter with citation, if any, & case details:	Anuradha Bhasin v. Union of India, (2020) 3 SCC 637
(b)	Similar pending matter with case details:	N. Ravi and Ors. v. Speaker, Legislative Assembly, Chennai, W. P. (Crl.) Nos. 206-210 of 2003
7.	Criminal matters	N.A.
(a)	Whether accused/convict has surrendered	N.A.
(b)	F.I.R. No.	N.A.

(c).	Police Station:	N.A.
(d)	Sentence awarded:	N.A.
(e)	Sentence Undergone	N.A.
8.	Land Acquisition Matters:	N.A.
(a)	Date of Section 4 Notification:	N.A.
(b)	Date of Section 6 Notification:	N.A.
(c)	Date of Section 17 notification:	N.A.
9.	Tax Matters: State the tax effect:	N.A.
10.	Special Category (First Petitioner/appellant only)	N.A.
	Senior Citizen SC/ST Woman/child Disable Legal	
	Aid Case in custody	N.A.
11.	Vehicle number (in case of Motor Accident Claim matters:	N.A.
NEW DELHI DATE: 21.09.2020		 Mayank Pandey AOR for petitioner. Registration No:2297 E-mail-advocatemayank@outlook.com

**IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
WRIT PETITION (CIVIL) NO. _____ OF 2020**

A3

IN THE MATTER OF:

Ajit Mohan and Ors.

...Petitioners

Versus

Legislative Assembly, NCT of Delhi and Ors.

...Respondents

WITH

I.A. No. of 2020: Application seeking urgent interim relief

I.A. No. of 2020: Application for temporary exemption from filing

duly affirmed notarised documents.

I.A. No. of 2020: Application for exemption from filing certified

Translations.

PAPER BOOK

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ADVOCATE FOR PETITIONERS: MAYANK PANDEY

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SYNOPSIS

This Petition raises important questions of constitutional law on the powers of a Committee of the Legislative Assembly of the National Capital Territory (“NCT”) of Delhi, Respondent No. 1, including:

1. Whether the privileges of Respondent No. 1, the Legislative Assembly of the NCT of Delhi, include the power to compel the appearance of non-members before Respondent No. 1 to express their views or subject them to examination?
2. Whether the constitutional right to free speech and expression includes the right to silence, and whether compelling a person to speak violates the right to free speech and the right to privacy, which this Hon’ble Court recognized as a fundamental right in *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1?
3. If the answer to question two is in the affirmative, whether the privileges of a State Legislature can be applied in a manner that would violate Part III of the Constitution?

4. Whether a Committee of the Legislative Assembly of the NCT of Delhi can compel witnesses to testify with respect to “*public order*” and “*police*” in the NCT of Delhi, in contravention of Articles 239 and 239AA(3)(a) of the Constitution of India, which confer the power to regulate “*public order*” and “*police*” in the NCT of Delhi exclusively with the Union of India?
5. Whether a Committee of the State Legislature can compel witnesses to testify on the issue of “*communication*”, which is within the exclusive jurisdiction of the Union of India (Entry 31 of List I of Seventh Schedule of the Constitution of India)?

These issues are similar to those pending before a 7-Judge Bench of this Hon’ble Court in *N. Ravi and Ors. v. Speaker, Legislative Assembly, Chennai*, W. P. (Crl.) Nos. 206-210 of 2003, (2005) 1 SCC 603. Petitioners respectfully submit that the present Petition also be placed before a 7-Judge Bench of this Hon’ble Court as it raises similar critical questions of constitutional importance. (Copies of this Hon’ble Court’s Orders in *N. Ravi* are annexed as Annexure P-3 (Order dated December 8, 2003) (**at pages 79 to 81**) and Annexure P-4 (Order dated December 8, 2004) (**at pages 82 to 83**)).

The critical constitutional issues raised in this Petition arise from two summonses dated September 10, 2020 (“**First Impugned Summons**”), (set out as Annexure P-1) (at pages 51 to 56)) and September 18, 2020 (“**Second Impugned Summons**”) (set out as Annexure P-2) (at pages 57 to 78)) (collectively the “**Impugned Summonses**”) issued by the Committee of Peace and Harmony (the “**Committee**”) of Respondent No. 1, which demand that Petitioner No. 1 appear before the Committee to testify on matters within the exclusive jurisdiction of the Union of India and threaten to hold Petitioner No. 1 in breach of privilege of the Committee if he fails to appear.

On August 31, 2020 – even *before* issuing either of the Impugned Summonses to Petitioner No. 1 – the Chairman of the Committee held a press conference announcing that “*Facebook should be treated as a co-accused*” in the Delhi riots and that there was a “*premeditated conspiracy between Facebook, rioters and anti-social elements*”. Shortly thereafter, the Committee issued the First Impugned Summons, which ordered Petitioner No. 1 to appear on September 15, 2020 as a witness and render assistance to the Committee for a “*determination of the veracity of allegations levelled against Facebook in the complaints and depositions made before the Committee*”.

Petitioners responded on September 13, 2020, requesting that the Committee recall the First Impugned Summons, as the subject matter of the summons falls within the exclusive authority of the Union of India and relates to matters that are already under active consideration by the Parliament of India. This includes the subject matter of “*communication*”, the regulation of intermediaries like Petitioner No. 3, and the subject of “*law and order*” and “*police*” in the NCT of Delhi.

In response, on September 18, 2020, the Committee issued the Second Impugned Summons, directing Petitioner No. 1 to appear before the Committee on September 23, 2020. The Second Impugned Summons stated that non-compliance “*will be treated as breach of privilege of the Committee and necessary action as deemed fit, shall be taken against you.*” The Second Impugned Summons was sent with a letter from the Committee asserting that Petitioner No. 1 has an obligation to “*appear before the Committee and offer responses and solutions*”.

As a threshold matter, Petitioners submit that they do not seek judicial review of a State Legislature’s right to merely **discuss** issues outside of its legislative competence, so long as it does not seek to exercise power over non-members. However, when an enquiry into a subject matter over which the Legislature lacks

jurisdiction extends *beyond its members* – whether by summoning non-members at the threat of sanctions for refusing to appear, or by directing agencies to take actions against those non-members – the matter is amenable to judicial review. Petitioners submit that those precise circumstances are present here and require this Hon’ble Court’s intervention. Indeed, the Committee improperly seeks to exercise its powers and privileges in a manner that exceeds the constitutional limits of the Legislative Assembly. (See *Kalpana Mehta v. UOI*, (2018) 7 SCC 1, at para 108; *Special Reference No. 1 of 1964, In Re*, (1965) 1 SCR 413 at page 445).

***I. The Committee lacks the power to summon or hold
Petitioners in breach of its privileges for failing to
appear.***

The Constitution of India, in conferring powers upon Parliament and State Legislatures (see Article 105(3) and Article 194(3)), endows them with the power to hold a non-member in breach of privileges, but only if that non-member has impeded or obstructed the body’s ***legislative functions***. (See *State of Karnataka v. Union of India*, (1977) 4 SCC 608, at para 63; *Markandey Katju v. Lok Sabha*, (2017) 2 SCC 384, at para 37). The Committee’s powers do not extend to compelling non-

members to appear when the non-member has not impeded or obstructed legislative functioning.

Here, the Committee summoned Petitioner No. 1 and threatened to hold him in breach of the Committee's privileges if he does not appear and give testimony. However, it is submitted that there is no law that empowers a State Legislature, including a committee formed by that Legislature, to take coercive action against any person unless it obstructs or impedes its legislative functions. The rights and liberties of persons are protected by Part III of the Constitution, particularly Articles 14, 19 and 21, and coercive action cannot be taken against any citizen unless that action has been authorised by law. As noted above, the privileges bestowed upon a State Legislature relate solely to its legislative functioning and cannot be exercised against non-members other than those who impede or obstruct the legislative functioning. Because Petitioner No. 1 has done nothing to impede or obstruct the legislative functioning of the Delhi Assembly – even by not appearing – the Committee has no authority to compel the testimony of Petitioner No. 1 or hold him in breach of privileges.

II. *The Impugned Summonses impinge upon the exclusive jurisdiction of the Union of India.*

When a Legislative Assembly has been denied powers over subjects exclusively assigned to the Union of India, a Committee of that Assembly cannot compel witnesses to appear and provide evidence on those subjects. (*See Special Reference No. 1 of 1964, In Re*, (1965) 1 SCR 413, at page 507).

Here, the Committee, through the Impugned Summonses, seeks to exercise powers which have been expressly denied to the Legislative Assembly itself. The Committee seeks to compel Petitioner No. 1 to provide testimony on subjects within the exclusive domain of the Union of India. Specifically, the Committee is seeking to make a “*determination of the veracity of allegations levelled against Facebook*” in the Delhi riots, which intrudes into subjects exclusively allocated to the Union of India.

- (a) Regulation of Intermediaries, including in connection with the Facebook service, falls within the exclusive domain of the Union of India under Entry “*communication*” in the Union List (Entry 31 of List I of the Seventh Schedule). Parliament, in exercise of these powers, enacted the Information Technology Act, 2000 to regulate intermediaries. Any assessment of the veracity of allegations against Petitioner No. 3 as an intermediary is exclusively a Union subject.

- (b) Additionally, Petitioner No. 3's alleged role in the Delhi riots is an issue that involves "*public order*" and "*police*" in the NCT of Delhi. Article 239AA(3)(a) of the Constitution (read with Entry 1 and 2 in List II), expressly denies the Delhi Legislative Assembly the power to regulate "*public order*" and "*police*" in the NCT of Delhi.

III. The Impugned Summonses violate Petitioners' fundamental rights.

Even if the Committee could compel non-members who have not obstructed or impeded its legislative functioning to appear, the Impugned Summonses violate Petitioners' fundamental rights:

- (a) The Impugned Summonses violate Petitioner No. 1's (i) right to remain silent under Article 19(1)(a) (*see Selvi v. State of Karnataka*, (2010) 7 SCC 263, at para 225); (ii) right to be let alone, which is part of the right to privacy guaranteed under Article 21 (*see K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1); and (iii) right to personal liberty under Article 21.
- (b) By targeting the Facebook service – a platform that allows users to express themselves – the Impugned

Summonses create a chilling effect on the free speech rights of users of the Facebook service. (*See Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637, at paras 32-33).

In this regard, this Hon'ble Court is considering whether a Committee of a State Legislature can compel a non-member to answer questions, thereby overriding the non-member's fundamental rights under Article 19(1)(a) and Article 21 of the Constitution. This issue is pending in *N. Ravi and Ors. v. Speaker, Legislative Assembly, Chennai*, W. P. (Crl.) Nos. 206-210 of 2003, (2005) 1 SCC 603, where this Hon'ble Court observed that the interplay between Article 19(1)(a) and Article 21 on one hand, and Article 194(3) on the other hand, requires detailed consideration, and referred these issues to a 7-Judge Bench.

For all of these reasons and others set forth below, Petitioners respectfully request, among other relief, that this Hon'ble Court set aside the Impugned Summonses as being without jurisdiction and violative of Petitioners' fundamental rights.

LIST OF DATES

Date	Event
February, 2020	The Delhi riots took place.
March 2, 2020	The Committee was constituted by Respondent No. 1.
March 12, 2020	The Terms of Reference of the Committee were notified by the Legislative Assembly of the National Capital Territory of Delhi.
August 14, 2020	The Wall Street Journal (“ WSJ ”) published an article titled “ <i>Facebook’s hate-speech rules collide with Indian Politics</i> ”.
August 20, 2020	The Parliamentary Standing Committee on Information Technology (“ Parliamentary Committee ”) issued notice to Facebook India and “ <i>requested</i> ” that it appear before the Parliamentary Committee on September 2, 2020, to provide its views on the subject of “ <i>Safeguarding citizens’ rights and prevention of misuse of social/online news media platforms including special emphasis on women security in the digital space</i> ”.

August 25 and 31, 2020	The Committee held televised hearings and heard from journalists.
August 31, 2020	The Chairman of the Committee held a press conference outside the Legislative Assembly asserting that the Committee had, on the basis of testimonies and material produced by the witnesses, taken a <i>prima facie</i> view that “Facebook should be treated as a co-accused in the Delhi riots” and that there was a “premeditated conspiracy between Facebook, rioters and anti-social elements”.
Sept. 2, 2020	Facebook appeared before the Parliamentary Committee and offered its testimony.
Sept. 10, 2020	The First Impugned Summons was issued by the Committee, directing Petitioner No. 1 to appear before the Committee on September 15, 2020.
Sept. 13, 2020	Facebook responded to the First Impugned Summons, stating that it involved issues that are the exclusive domain of the Union of India, and that the matters are under active consideration by Parliament.

Sept. 15, 2020	The Committee held a live televised hearing in which it made observations on Facebook's response to the First Impugned Summons.
Sept. 18, 2020	The Committee issued the Second Impugned Summons to Petitioner No. 1, requiring his appearance before the Committee on September 23, 2020, and stating that his non-appearance will be treated as breach of privilege of the Committee. The Committee therefore has unequivocally decided to proceed against Petitioners despite the complete lack of jurisdiction under the Constitution of India. In terms of the Second Impugned Summons, the Committee stated that <i>“non-compliance of this summon will be treated as breach of privilege of the Committee and necessary action as deemed fit, shall be taken against you.”</i>
21.09.2020	Hence, the present Writ Petition.

IN THE SUPREME COURT OF INDIA

ORIGINAL CIVIL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

1. Ajit Mohan

Vice President and Managing Director,
Facebook India Online Services Private Limited,
Level-17, DLF Horizon Building,
Two Horizon Centre, Golf Course Road,
DLF Phase 5, Sector 43,
Gurugram, Haryana – 122022.

...Petitioner No. 1

2. Facebook India Online Services Pvt. Ltd,

Through, Ms. Saanjh Purohit, PoA Holder,
Unit Nos. 1203 and 1204, Level 12,
Building No. 20, Raheja Mindspace, Cyberabad,
Madhapur, Hitech City,
Hyderabad-500081
Through Ms. Saanjh Purohit, Power of Attorney Holder

...Petitioner No. 2

3. Facebook, Inc.

Through, Mr. Brian Hennessy, PoA Holder,
1601 Willow Road,
Menlo Park, California, 94025,
United States.
Through Mr. Brian Hennessy, Power of Attorney Holder

...Petitioner No. 3

Versus

1. Legislative Assembly, National Capital Territory of Delhi,

Represented by the Secretary,
Old Secretariat,
New Delhi – 110054.

...Respondent No. 1

2. **Union of India**
Represented by the Secretary,
Ministry of Law and Justice,
4th Floor, A-Wing,
Shashtri Bhavan,
New Delhi - 110001.
...Respondent No. 2
3. **Union of India**
Represented by the Secretary,
Ministry of Home Affairs,
North Block,
New Delhi – 110001.
...Respondent No. 3
4. **Union of India**
Represented by the Secretary,
Ministry of Electronics and
Information Technology,
Electronics Niketan,
6, CGO Complex, Lodhi Road,
New Delhi – 110003.
...Respondent No. 4
5. **Lok Sabha**
Represented by the Secretary General,
18, Parliament House,
103, Parliament House Annexe.
...Respondent No. 5
6. **Rajya Sabha**
Represented by the Secretary General,
Room No. 29, Ground Floor,
Parliament House,
103, Parliament House Annexe.
...Respondent No. 6
7. **Delhi Police**
Represented by the Commissioner of Police,
Office of the Commissioner of Police,
Delhi Police Headquarters, MSO Building,
I.P. Estate, New Delhi 110002.
...Respondent No. 7

**PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN
THE NATURE OF MANDAMUS OR ANY OTHER
APPROPRIATE WRIT**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUSTICES OF THE SUPREME COURT OF
INDIA

THE HUMBLE PETITION OF PETITIONERS ABOVE-
NAMED

MOST RESPECTFULLY SHOWETH:

1. Petitioners respectfully approach this Hon'ble Court to challenge the summonses dated September 10, 2020 (the **"First Impugned Summons"**) and September 18, 2020 (the **"Second Impugned Summons"** (collectively the **"Impugned Summonses"**) issued by the Peace and Harmony Committee of Respondent No. 1 (the **"Committee"**). The Second Impugned Summons directed Petitioner No. 1, the Vice President and Managing Director of Petitioner No. 2, to appear before the Committee on September 23, 2020. A copy of the Summons dated September 10, 2020 issued by the Legislative Assembly, National Capital Territory of Delhi along with the typed version are annexed as **Annexure P-1 (at pages 51 to 56)**. A copy of the Summons dated

September 18, 2020 issued by the Legislative Assembly, National Capital Territory of Delhi along with the typed version **Annexure P- 2 (at pages 57 to 78)**.

2. Petitioners challenge the Impugned Summonses on the grounds that they (i) violate Petitioners' fundamental rights under Article 19(1)(a) and Article 21, guaranteed under Part III of the Constitution; and (ii) interfere in spheres reserved exclusively for the Union of India. These include issues similar to those pending in the reference to a 7-Judge Bench of this Hon'ble Court in *N. Ravi and Ors. v. Speaker, Legislative Assembly, Chennai*, W. P. (Crl.) Nos. 206-210 of 2003, (2005) 1 SCC 603. A copy of the Order dated December 8, 2003 passed by Supreme Court in the case of *N. Ravi and Ors. v. Speaker, Legislative Assembly, Chennai*, W. P. (Crl.) Nos. 206-210 of 2003, (2005) 1 SCC 603 is annexed as **Annexure P-3 (at pages 79 to 81)**. A copy of the Order dated December 8, 2004 passed by Supreme Court in the case of *N. Ravi and Ors. v. Speaker, Legislative Assembly, Chennai*, W. P. (Crl.) Nos. 206-210 of 2003, (2005) 1 SCC 603 is **Annexure P-4 (at pages 82 to 83)**.

DESCRIPTION OF PARTIES

3. Petitioner No. 1 is Ajit Mohan, Vice President and Managing Director of Facebook India Online Services Private Limited.
4. Petitioner No. 2 is Facebook India Online Services Private Limited (**“Facebook India”**), a company incorporated in India to provide online support services, including marketing, technical, and sales support, for Petitioner No. 3. Petitioner No. 2 does *not* operate or control the Facebook Service, as defined below.
5. Petitioner No. 3 is Facebook, Inc., (**“Facebook”**) is a company incorporated under the laws of the State of Delaware, United States of America, and is located at 1601 Willow Road, Menlo Park, California 94025, in the United States of America. Facebook is the entity that offers, operates, and controls the website www.facebook.com and applications for mobile devices and tablets (together, the **“Facebook Service”**).
6. Respondent No. 1 is the Legislative Assembly of the National Capital Territory of Delhi, represented by its Secretary. Respondent No. 1 constituted the Committee following the Delhi riots. The Impugned Summonses were issued by the Committee.

7. Respondent No. 2 is the Union of India, represented by its Secretary, Ministry of Law and Justice.
8. Respondent No. 3 is the Union of India, represented by its Secretary, Ministry of Home Affairs (“MHA”). Respondent No. 3 is responsible for, *inter alia*, matters relating to internal security, public order, and police in the NCT of Delhi.
9. Respondent No. 4 is the Union of India, represented by its Secretary, Ministry of Electronics and Information Technology. Respondent No. 4 is responsible for matters relating to cyber laws and the administration of the Information Technology Act, 2000 (“IT Act”) and other information technology-related laws, including regulation of intermediaries like Facebook under the IT Act.
10. Respondent No. 5 is the Lok Sabha, represented by its Secretary General, the Lower House of the Parliament of India.
11. Respondent No. 6 is Rajya Sabha, represented by its Secretary General, the Upper House of the Parliament of India.

12. Respondent No. 7 is the Delhi Police, which functions under the aegis of the MHA, Respondent No. 3. Respondent No. 7 is the law enforcement agency in the NCT of Delhi and is investigating the Delhi riots.

BACKGROUND

A. Background Regarding Petitioner No. 3

13. Facebook, an “intermediary” as defined under Section 2(1)(w) of the IT Act, provides the Facebook Service, a voluntary online social networking service that allows users to connect and share information with their friends and family. Users of the Facebook Service in India enter into an agreement with Petitioner No. 3 when they register to use the Facebook Service. As an intermediary under the IT Act, Facebook is immune from liability for third-party content on the Facebook Service.
14. The Facebook Service provides a safe place for expression. Notably, Petitioner No. 3 also provides easy-to-use tools that allow users to report objectionable content. Petitioner No. 3 provides users with options to report content that violates its publicly available Community Standards.

B. The Wall Street Journal Article and Testimony Before the Parliamentary Committee

15. On August 14, 2020, the Wall Street Journal published an article titled *“Facebook’s hate-speech rules collide with Indian Politics”* (the **“WSJ Article”**), accusing Petitioner No. 3 of political bias in its content moderation practices. A Typed Copy of Wall Street Journal article dated August 14, 2020 titled *“Facebook’s hate-speech rules collide with Indian Politics”*, is annexed as **Annexure P-5 (at pages 84 to 101)**.
16. On August 20, 2020, the Parliamentary Standing Committee on Information Technology (**“Parliamentary Committee”**), comprising of members of Lok Sabha and Rajya Sabha, issued notice requesting Petitioner No. 1 to appear before the Parliamentary Committee on September 2, 2020, to provide his views on the subject of *“Safeguarding citizens’ rights and prevention of misuse of social/online news media platforms including special emphasis on women security in the digital space”*. A true typed copy of the Parliamentary Standing Committee on Information Technology Notice dated August 20, 2020 to

Facebook India, is annexed as **Annexure P- 6 (at pages 102 to 107)**.

17. On September 2, 2020, at the request of the Parliamentary Committee, Petitioner No. 1 appeared before the Parliamentary Committee and offered his views.
18. As the proceedings of the Parliamentary Committee are confidential, Petitioners are unable to disclose the details of the views provided to the Parliamentary Committee to this Hon'ble Court. The subject matter is currently under the active consideration of Parliament.

C. Background of the Delhi Peace and Harmony Committee

19. On March 2, 2020, Respondent No. 1 established the Committee following the Delhi riots earlier this year. The Committee is chaired by Mr. Raghav Chadha, a Member of the Legislative Assembly from the Aam Aadmi Party. The Terms of Reference of the Committee empower the Committee to, *inter alia*, “*recommend action against such persons against whom incriminating evidence is found or prima facie case is made out for incitement of violence*”. A true typed copy of the Terms of Reference of the Peace

and Harmony Committee dated March 12, 2020, is annexed as **Annexure P-7 (at pages 108 to 112)**.

D. The Committee's Proceedings and Issuance of the Impugned Summonses

20. After the WSJ Article was published, the Committee held hearings and summoned various witnesses to testify before the Committee. On August 25 and August 31, 2020, several witnesses appeared before the Committee purporting to provide evidence on Facebook's alleged criminal liability in connection with the Delhi riots.
21. On August 31, 2020, the Chairman of the Committee held a press conference outside the Legislative Assembly asserting that the Committee had, on the basis of testimonies and material produced by the witnesses, observed that, *"Facebook should be treated as a co-accused and investigated like co-accused in the Delhi riots investigation"*, and that there appeared to be a *"premeditated conspiracy between some rioters, anti-social elements and Facebook as a result of which Delhi's harmony was disturbed in the month of February."*
22. The Committee formed and expressed these views about Facebook's alleged guilt and involvement in criminal

offences even ***before*** issuing the Impugned Summonses. A transcript of the press conference held by Peace and Harmony Committee dated August 31, 2020, as translated in English, is annexed as **Annexure P- 8 (at pages 113 to 121)**.

23. On September 10, 2020 – ***after*** announcing its *prima facie* conclusions – the Committee issued the First Impugned Summons directing Petitioner No. 1 to appear before the Committee on September 15, 2020. The First Impugned Summons asked Petitioner No. 1 to render assistance to the Committee for a “*determination of the veracity of allegations levelled against Facebook in the complaints and depositions made before the Committee*”.
24. On September 13, 2020, Facebook responded to the First Impugned Summons, requesting that the Committee recall the summons because the issues raised therein involved subject matters within the exclusive domain of Union of India, such as “*communication*” and “*public order*” and “*police*” in the NCT of Delhi (See Entry 31 of List I in the Seventh Schedule and Article 239AA of the Constitution of India). A true typed copy of Facebook’s response dated

September 13, 2020 to the First Impugned Summons, is annexed as **Annexure P-9 (at pages 122 to 131)**.

25. On September 15, 2020, the Committee held a live televised hearing in which it made observations on Facebook's response to the First Impugned Summons.
26. On September 18, 2020, the Committee issued the Second Impugned Summons to Petitioner No. 1, which stated that non-compliance "*will be treated as breach of privilege of the Committee and necessary action as deemed fit, shall be taken against you.*" The Second Impugned Summons was sent with a letter from the Committee in which it reiterated its purported powers to summon Petitioner No. 1.
27. The Committee's insistence on compelling Petitioner No. 1 to speak, and its categorical threat to treat Petitioner No. 1's non-appearance as a "*breach of privilege of the Committee and [to take] necessary action as deemed fit*", gives rise to a clear and present danger to the fundamental rights and liberties of Petitioners in the *ultra vires* proceedings before the Committee. Accordingly, Petitioners are compelled to approach this Hon'ble Court to avoid imminent irreparable harm.

GROUNDS

A. Respondent No. 1 does not have the power to hold Petitioner No. 1 in breach of its privileges for failing to appear in response to the Impugned Summonses.

28. The Constitution of India confers certain powers and privileges to Parliament and State Legislatures in order to discharge their functions effectively and without obstruction. (See Article 105(3) and Article 194(3) respectively.) However, coercive action cannot be taken against any citizen unless it has been authorised by law, particularly since such action would implicate the personal rights and liberties of persons protected under Part III of the Constitution, in particular, Articles 14, 19, and 21. There is no law that empowers the Committee to take coercive action against a non-member.

29. This Hon'ble Court has held that the power of privileges afforded to a State Legislature can be exercised against a non-member only if that non-member has impeded or obstructed "*the due performance of its legislative functions*". (See *State of Karnataka v. Union of India*, (1977) 4 SCC 608, at para 63; *Markandey Katju v. Lok Sabha*, (2017) 2 SCC 384, at para 37). This limitation on

the privilege power finds support in Erskine May's "*Parliamentary Practice*" (25th Edition), referred to by this Hon'ble Court in multiple rulings on parliamentary privileges, which defines privilege as any act which obstructs either House of Parliament in the performance of its functions. (See para 12.1).

30. Here, in the Second Impugned Summons, the Committee referred to Section 18(3) of the Government of National Capital Territory of Delhi Act, 1991 ("**GNCTD Act**"), as the basis for compelling Petitioner No. 1 to appear before the Committee. Section 18(3) provides:

"In other respects, the powers, privileges and immunities of a House of the Legislative Assembly and of the members and the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees."

31. However, the invocation of the privilege powers against Petitioner No. 1 is constitutionally impermissible because he is not in any way impeding or obstructing the **legislative functions** of Respondent No. 1. The Legislative Assembly of Delhi is free to go about its legislative functions of

drafting and passing legislation without the testimony of
Petitioner No. 1.

32. Thus, the Committee lacks the constitutional power to hold
Petitioner No. 1 in breach of its privileges for not
appearing and offering his views in response to the
Impugned Summonses.

**B. The Impugned Summonses seek to interfere in spheres
reserved exclusively for the Union of India.**

33. This Hon'ble Court has long held that the validity of a
legislature's proceedings may be called into question if
they are unconstitutional or illegal:

*“...Article 212(1) seems to make it possible
for a citizen to **call in question** in the
appropriate Court of law the **validity of any
proceedings inside the Legislative Chamber**
if his case is that the said proceedings suffer
not from mere irregularity of procedure, but
from an illegality. If the **impugned procedure**
is illegal and unconstitutional, it would be
open to be scrutinised in a Court of law,
though such scrutiny is prohibited if the*

complaint against the procedure is no more than this that the procedure was irregular.”

(See Special Reference No. 1 of 1964, In Re, (1965) 1 SCR 413, at pages 455-456).

34. It is also well-settled that legislatures, including the Delhi Assembly, must function within the limits prescribed by the Constitution – they may not seek to legislate on or otherwise regulate matters that fall outside of their constitutional jurisdiction. *(See Special Reference No. 1 of 1964, In Re, (1965) 1 SCR 413, at page 445).* Indeed, this Hon’ble Court has held that the powers possessed by a Legislature are circumscribed by the limitations imposed under the Constitution of India. *(See Raja Ram Pal v. Speaker, Lok Sabha, (2007) 3 SCC 184, at para 355; Kalpana Mehta v. UOI, (2018) 7 SCC 1, at para 108).*
35. As a result, when assemblies like the Delhi Legislative Assembly do not have the powers to legislate on a subject, a committee of that assembly – which derives its power from the Assembly – cannot regulate, or compel witnesses to testify on, that subject. This principle has been confirmed by highly respected treatises that have been quoted in several judgments of this Hon’ble Court:

*“Disobedience to the order of a committee made **within its authority** is a contempt of the House.”* (Parliament Practice by Erskine May (25th Edition), at para 38.57).

*“... Disobedience to the orders of a Committee of the House is treated as a contempt of the House itself, **provided the order disobeyed is within the scope of the Committee’s authority** ...”* (Practice and Procedure of Parliament by MN Kaul and SL Shakhder (7th Edition), at page 303).

36. Here, as explained below, the Impugned Summonses should be set aside as the Committee seeks to compel witnesses to testify on and regulate matters related to (i) “*public order*” and “*police*” in the NCT of Delhi, and (ii) “*communication*” – both of which fall within the exclusive jurisdiction of the Union of India.

- a. **The Impugned Summonses are *ultra vires* Article 239AA of the Constitution as the Committee seeks to compel non-members to testify on matters related to “law and order” and “police” in the NCT of Delhi, which are within the exclusive jurisdiction of the Union of India.**
37. The Impugned Summonses are unconstitutional as they seek to compel non-members to testify on, and regulate matters related to, the alleged “*disruption of peace and harmony across the NCT of Delhi*”, which is a matter reserved exclusively for the Union of India. Article 239AA(3)(a) of the Constitution categorically provides that the Assembly of the NCT of Delhi may not regulate matters of “*public order*” and “*police*”. Indeed, the Delhi Police (Respondent No. 7), which works under the aegis of the MHA (Respondent No. 3), is currently investigating the issues of disturbance of peace and tranquility in the NCT of Delhi as a result of the Delhi riots.
38. Notably, in *State (National Capital Territory of Delhi) v. Union of India*, (2018) 8 SCC 501, a Constitution Bench of this Hon’ble Court confirmed that Article 239AA limited the powers of the Legislature and Executive by “*carving*

out certain subjects from its competence” and “vesting them in Parliament”.

*“... Hence, the provisions of clause 2 and clause 3 of Article 239AA indicate that while conferring a constitutional status upon the Legislative Assembly of NCT, the Constitution has **circumscribed the ambit of its legislative powers firstly, by carving out certain subjects from its competence (vesting them in Parliament) and secondly, by enabling Parliament to enact law on matters falling both in the State and Concurrent Lists ...**”*

(Para 316).

39. Article 239AA(3), in turn, “carves out” from the competence of the Legislative Assembly of the NCT of Delhi (and vests in Parliament) matters related to Entries 1 and 2 of List II – i.e., public order and police, respectively. As a result, the Impugned Summonses improperly seek to intrude upon a realm reserved exclusively for the Union of India.
40. Moreover, contrary to the Committee’s assertion made in its letter accompanying the Second Impugned Summons,

co-operative federalism does not dictate a different result. Co-operative (or collaborative) federalism merely provides that the Union and State Governments should work together to address any differences that may arise as they pursue their respective pursuits – it does **not** authorize the Committee to intrude upon matters reserved exclusively for the Union of India. Indeed, in discussing the concept of collaborative federalism in *State (National Capital Territory of Delhi) v. Union of India*, (2018) 8 SCC 501, the Hon’ble Supreme observed that it was “*absolutely unequivocal*” that “*States must work within their spheres and not think of any encroachment.*”

“Thus, the idea behind the concept of **collaborative federalism** is negotiation and coordination so as to iron out the differences which may arise between the Union and the State Governments in their respective pursuits of development. **The Union Government and the State Governments should endeavour to address the common problems** with the intention to arrive at a solution by showing

statesmanship, combined action and sincere cooperation.... We are absolutely unequivocal that both the Centre and the States must work within their spheres and not think of any encroachment.” (Para 119).

41. Accordingly, Petitioners respectfully submit that the Impugned Summonses should be set aside as they are *ultra vires* Article 239AA of the Constitution.

b. **The Impugned Summonses are *ultra vires* the Constitution as they seek to compel non-members to testify on matters related to “Communication”, which is within the exclusive jurisdiction of the Union of India.**

42. The Impugned Summonses are unconstitutional as they seek to regulate, and compel non-members to testify on, matters with respect to “*Communication*”, a subject matter falling within the exclusive jurisdiction of the Union of India.

43. Under Article 246 of the Constitution, “*Parliament has exclusive power to make laws with respect to any of the*

matters enumerated in List I in the Seventh Schedule [the Union List]". Entry 31 of the Union List, in turn, identifies "*Posts and telegraphs; telephones, wireless, broadcasting and other like forms of communication*" as a field within the Union's exclusive power to legislate. Indeed, in exercise of this power, Parliament enacted the IT Act, which provides the Union of India with exclusive jurisdiction to regulate intermediaries like Facebook.

44. The Committee nonetheless seeks to compel non-members to testify on matters related to content posted on the Facebook Service, *i.e.*, "*Communication*". The Union of India, however, possesses exclusive jurisdiction to do so, and the Committee may not use the Impugned Summonses to overcome this constitutional limitation. If this were allowed, any state Assembly would be allowed to circumvent the constitutional demarcation of legislative powers and issue summonses to do precisely what they are expressly prohibited from doing under the Constitution. Indeed, setting aside the Impugned Summonses is particularly warranted as the Committee purports to engage in fact-finding to determine Petitioners' alleged culpability for the Delhi riots – a function reserved

exclusively for the Judiciary – in violation of the doctrine of separation of powers. (See *Amarinder Singh v. Punjab Vidhan Sabha and Ors*, (2010) 6 SCC 113, at para 89 (“A determination of guilt or innocence by way of fact finding is a role properly reserved for the trial Judge.”); see also *Kalpna Mehta v. Union of India*, (2018) 7 SCC 1, at paras 257, 440, 444).

45. Accordingly, Petitioners respectfully submit that the Impugned Summonses should be set aside as they are *ultra vires* the Constitution by seeking to regulate, and compel non-members to testify on, the matter of Communications, which falls within the exclusive jurisdiction of the Union of India.

C. The Impugned Summonses violate Petitioners’ fundamental rights guaranteed under Part III of the Constitution of India.

46. Even if the Committee had the power to compel Petitioners to appear (which it does not), Petitioners submit that the powers, privileges, and immunities of members of any State Assembly under Article 194(3) of the Constitution of India should be subject to the fundamental rights guaranteed in Part III of the Constitution.

47. As an initial matter, this Hon'ble Court is considering whether a Committee of a State Legislature, exercising its privilege powers under Article 194(3), can demand a non-member to answer questions, thereby overriding the non-member's fundamental rights under Article 19(1)(a) and Article 21 of the Constitution. This issue is pending in *N. Ravi and Ors. v. Speaker, Legislative Assembly, Chennai*, W. P. (Crl.) Nos. 206-210 of 2003, (2005) 1 SCC 603, where this Hon'ble Court observed that the interplay between Article 19(1)(a) and Article 21 on one hand, and Article 194(3) on the other hand, requires detailed consideration, and referred these issues to a 7-Judge Bench. A true typed copy of the Order dated December 8, 2003, passed by this Hon'ble Court in *N. Ravi and Ors. v. Speaker, Legislative Assembly, Chennai*, W. P. (Crl.) Nos. 206-210 of 2003, is annexed as **Annexure P-3 (at pages 79 to 81)**. A copy of the Order dated December 8, 2004, in W. P. (Crl.) Nos. 206-210 of 2003, (2005) 1 SCC 603, is annexed as **Annexure P-4 (at pages 82 to 83)**.

48. In *N. Ravi and Ors.*, this Hon'ble Court noted the conflict between certain observations in a ruling of a 7-Judge Bench in *Special Reference No. 1 of 1964, In Re*, (1965) 1

SCR 413 and a 5-Judge Bench in *Pandit M.S.M. Sharma v. Shri Krishna Sinha*, (1959) Supp. 1 SCR 806 on the issue of whether the privilege powers of the State Legislature under Article 194(3) must yield to the fundamental right to freedom of speech and expression under Article 19(1)(a) and the fundamental right to life under Article 21.

49. In *Pandit M.S.M. Sharma v. Shri Krishna Sinha*, (1959) Supp. 1 SCR 806, this Hon'ble Court held that an individual's fundamental rights under Article 19(1)(a) and Article 21 must yield to the privilege powers of a State Legislature:

“...Article 19(1)(a) and Article 194(3) have to be reconciled and the only way of reconciling the same is to read Article 19(1)(a) as subject to the latter part of Article 194(3) ... In our judgment the principle of harmonious construction must be adopted and so construed, the provisions of Article 19(1)(a), which are general, must yield to Article 194(1) and the latter part of its clause (3) which are special ...” (Page 860).

50. In a 7-Judge Bench decision in *Special Reference No. 1 of 1964, In Re*, (1965) 1 SCR 413, on similar questions of reconciling fundamental rights in Part III of the Constitution with the privilege powers of a State Legislature, this Hon'ble Court (at page 453) agreed with the decision in *Pandit M.S.M. Sharma v. Shri Krishna Sinha*, (1959) Supp. 1 SCR 806. However, at the same time, this Hon'ble Court made the following observations:

“[T]he legislative supremacy of our legislatures including the Parliament is normally controlled by the provisions contained in Part III of the Constitution. If the legislatures step beyond the legislative fields assigned to them, or acting within their respective fields, they trespass on the fundamental rights of the citizens in a manner not justified by the relevant articles dealing with the said fundamental rights, their legislative actions are liable to be struck down by courts in India ...” (Page 445).

“It would thus be seen that in the case of Pandit Sharma [1959 Supp (1) SCR 806], contentions urged by the petitioner did not raise a general issue as to the relevance and applicability of all the fundamental rights guaranteed by Part III at all. The contravention of only two articles was pleaded and they were Articles 19(1)(a) and 21. Strictly speaking, it was, therefore, unnecessary to consider the larger issue as to whether the latter part of Article 19(3) was subject to the fundamental rights in general, and indeed, even on the majority view it could not be said that the said view excluded the application of all fundamental rights, for the obvious and simple reason that Article 21 was held to be applicable and the merits of the petitioner's argument about its alleged contravention in his case were examined and rejected. Therefore, we do not think it would be right to read the majority decision as laying down a general proposition that whenever there is a conflict

between the provisions of the latter part of Article 194(3) and any of the provisions of the fundamental rights guaranteed by Part III, the latter must always yield to the former. The majority decision, therefore, must be taken to have settled that Article 19(1)(a) would not apply, and Article 21 would.” (Page 451).

51. In *N. Ravi and Ors.*, this Hon’ble Court noted this contradiction in *Special Reference No. 1 of 1964, In Re*, (1965) 1 SCR 413, on the effect and operation of Article 19(1)(a) and Article 21 and their interplay with Article 194(3). Here, the Committee derives its privilege powers from Section 18(3) of the GNCTD Act, 1991, which, being a statute, must yield to all fundamental rights in Part III of the Constitution, including Article 19(1)(a) and Article 21. Petitioners respectfully submit that these critical questions of constitutional importance may be placed before a 7-Judge Bench of this Hon’ble Court on similar terms as the Order passed in *N. Ravi and Ors.*
52. Here, the Impugned Summonses violate Petitioner No. 1’s (i) right to remain silent under Article 19(1)(a); (ii) right to

be let alone (which is part of the right to privacy guaranteed under Article 21); and (iii) right to personal liberty under Article 21. Indeed, this Hon'ble Court has recognised *“the importance of personal autonomy in aspects such as the choice between remaining silent and speaking”*. (See *Selvi v. State of Karnataka*, (2010) 7 SCC 263, at para 225). This Hon'ble Court has held that an *“individual's decision to make a statement is the product of a private choice and there should be no scope for any other individual to interfere with such autonomy, especially in circumstances where the person faces exposure to criminal charges or penalties”*. (See *Selvi v. State of Karnataka*, (2010) 7 SCC 263, at para 225). The importance of ensuring that this private choice is protected is even more critical in light of *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1, in which a 9-Judge Bench of this Hon'ble Court held that the right of privacy under Article 21 is a fundamental right that includes the right to be let alone. (*Puttaswamy I*, at paras 299, 307).

53. The Committee's infringement of these rights is especially problematic given that the Impugned Summonses and the Committee's statements in press conferences demonstrate

that Petitioners are being treated as an accused and guilty-as-charged. At the same time, Petitioner No. 1 is not even being accorded the constitutional right to be silent, and is instead being compelled to speak against himself and the other Petitioners in response to the Committee's assertions that Facebook was complicit in the Delhi riots. This is impermissible under law and constitutes a gross violation of due process and Petitioner No. 1's rights under Article 19(1)(a) and Article 21 of the Constitution.

54. Accordingly, Petitioners respectfully submit that the Impugned Summonses should be set aside as they violate Petitioner No. 1's fundamental rights. Further, the Impugned Summonses, by targeting a platform used for communication, creates a chilling effect on even lawful speech, in violation of the fundamental right to freedom of speech and expression. (See *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637, at paras 32-33 (holding that speech over the internet, as a medium of dissemination of information, is protected under Article 19(1)(a)).
55. Petitioners have not filed any other petition regarding the subject matter of the present Writ Petition in this Hon'ble Court or in any High Court in India.

56. In the circumstances, Petitioners are approaching this Hon'ble Court by invoking Article 32 of the Constitution to enforce their fundamental rights as guaranteed under Part III of the Constitution. Petitioners have no alternative remedy, much less an equally efficacious remedy, with respect to the subject matter of the present Petition. In addition, the Petition raises critical questions of constitutional importance relating to the interplay between the right to freedom of speech and expression under Article 19(1)(a) of the Constitution and powers, privileges, and immunities of members of a Legislature, which have already been referred to a 7-Judge Bench in *N. Ravi and Ors. v. Speaker, Legislative Assembly, Chennai*, W. P. (Crl.) Nos. 206-210 of 2003, (2005) 1 SCC 603.

57. Petitioners reserve their right to request leave of this Hon'ble Court to add to or amend this Petition at a later stage, as may be appropriate.

PRAYERS

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- a. Issue a writ/order or direction in the nature of Mandamus setting aside the Impugned Summonses dated September 10, 2020 and September 18, 2020;
- b. Issue a writ/order or direction in the nature of Prohibition restraining Respondent No. 1 from taking any coercive action against Petitioners in furtherance of the Impugned Summonses;
- c. Issue or pass any writ, direction or order, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS
IN DUTY BOUND SHALL EVER PRAY.

DRAWN ON: 20.09. 2020

FILED ON: 21.09. 2020

Drawn and Filed by.



Mayank Pandey

Advocate for the Petitioners

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Also At:

AZB House
Plot No. A-8, Sector 4,
Noida-201301

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Writ Petition (C) No. _____ of 2020

In The Matter Of:

Ajit Mohan & Ors.

...Petitioners

VERSUS

Legislative Assembly, NCT of Delhi & Ors.

...Respondents

AFFIDAVIT ON BEHALF OF PETITIONER NO. 1

I, Ajit Mohan, son of Mr. Kumaran Mohan, aged about 45 years, R/o 415, Tower 4, The Magnolias, Golf Course Road, Sector 42, Gurgaon, Haryana 122002, do hereby solemnly affirm and state as under:

1. I am Petitioner No. 1 in the present Writ Petition. I am fully conversant with the facts and circumstances of the present case and, therefore, competent to swear and depose the present affidavit.

2. I have read and understood the contents of the accompanying Synopsis at pages B to J , List of Dates at pages K to M , Writ Petition with Prayers for Relief from pages 1 to 32 , along with the accompanying applications, and say that the facts stated therein are true to the best of my knowledge as per the records of the case and the submissions made therein are based on legal advice received by me and believed to be true and correct.

3. I further state that the annexures filed along with the Writ Petition are typed, true copy of their respective originals.

SOLEMNLY AFFIRMED AT NEW DELHI, ON THIS DAY
THE 20TH DAY OF SEPTEMBER, 2020.



DEPONENT

VERIFICATION

I, Ajit Mohan, the deponent named above, do hereby verify that the contents of my above Affidavit are true to my knowledge based on the records of the case and nothing material is concealed therefrom.

Verified at New Delhi on this the 20th day of September, 2020.



DEPONENT

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Writ Petition (C) No. _____ of 2020

In The Matter Of:

Ajit Mohan & Ors. ...Petitioners

VERSUS

Legislative Assembly, NCT of Delhi & Ors. ...Respondents

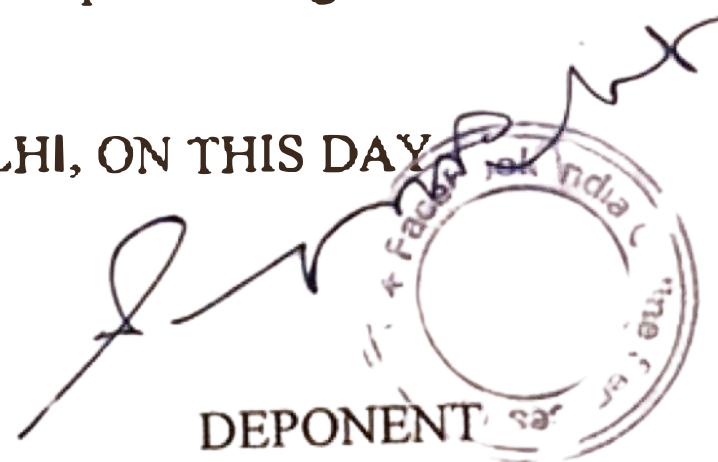
AFFIDAVIT ON BEHALF OF PETITIONER NO. 2

I, Saanjh Purohit, aged about 38 years, daughter of Ashoke Purohit, do hereby solemnly affirm and state as follows:

1. I am the power of attorney holder of Petitioner No. 2, Facebook India Online Services Private Limited, having its office at Unit Nos. 1203 and 1204, Level 12, Building No. 20, Raheja Mindspace, Cyberabad, Madhapur, Hitech City, Hyderabad-500081. I am fully conversant with the facts and circumstances of the present case and, therefore, competent to swear and depose the present affidavit.
2. I have read and understood the contents of the accompanying Synopsis at pages B to J, List of Dates at pages K to M, Writ Petition with Prayers for Relief from pages 1 to 32 along with the accompanying applications, and say that the facts stated therein are true to the best of my knowledge as per the records of the case and the submissions made therein are based on legal advice received by me and believed to be true and correct.

3. I further state that the annexures filed along with the Writ Petition are typed, true copy of their respective originals.

SOLEMNLY AFFIRMED AT NEW DELHI, ON THIS DAY
THE 20TH DAY OF SEPTEMBER, 2020.



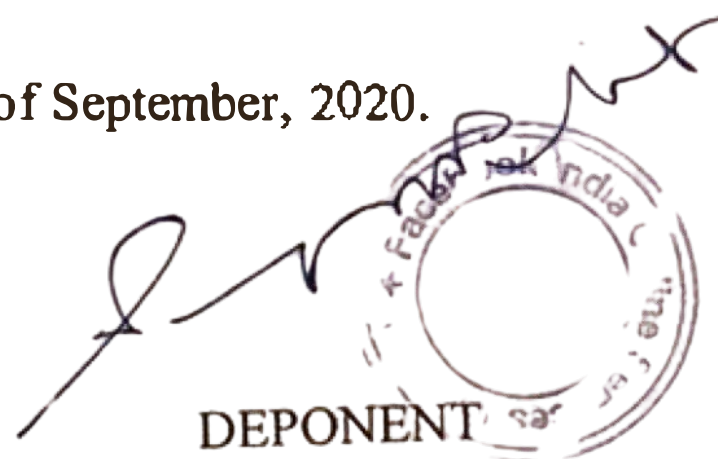
DEPONENT

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VERIFICATION

I, Saanjh Purohit, the deponent named above, do hereby verify that the contents of my above Affidavit are true to my knowledge based on the records of the case and nothing material is concealed therefrom.

Verified at New Delhi on this the 20th day of September, 2020.



DEPONENT

A circular stamp is visible, containing the text "FACED BY INDIA C" and "JAN 2020".

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Writ Petition (C) No. _____ of 2020

In The Matter Of:

Ajit Mohan & Ors.

...Petitioners

VERSUS

Legislative Assembly, NCT of Delhi & Ors.

...Respondents

AFFIDAVIT ON BEHALF OF PETITIONER NO. 3

I, Brian Hennessy, aged about 40 years, son of Mark Hennessy, do hereby solemnly affirm and state as under:

1. I am the power of attorney holder of Petitioner No. 3, Facebook, Inc., having its office at 1601 Willow Road, Menlo Park, California 94025, USA. I am fully conversant with the facts and circumstances of the present case and, therefore, competent to swear and depose the present affidavit.
2. I have read and understood the contents of the accompanying Synopsis at pages B to J , List of Dates at pages K to M , Writ Petition with Prayers for Relief at pages 1 to 32, along with the accompanying applications, and say that the facts stated therein are true to the best of my knowledge as per the records of the case and the submissions made therein are based on legal advice received by me and believed to be true and correct.

3. I further state that the annexures filed along with the Writ Petition are typed, true copy of their respective originals.

SOLEMNLY AFFIRMED AT 22401 SAN VICENTE
AVENUE, SAN JOSE, CALIFORNIA 95120, ON THIS DAY
THE 20TH DAY OF SEPTEMBER, 2020.



DEPONENT

VERIFICATION

I, Brian Hennessy, the deponent named above, do hereby verify that the contents of my above Affidavit are true to my knowledge based on the records of the case and nothing material is concealed therefrom.

Verified at 22401 San Vicente Avenue, San Jose, California 95120, on this the 20th day of September, 2020.



DEPONENT

APPENDIX - 1

List of Relevant Provisions of the Constitution of India, 1950

Articles 13, 19, 21, 32, 105, 194, 208, 212, 239, 239AA, 246, Entry 31 of List I and Entry 1 and 2 of List II of the Constitution of India, 1950.

Article 13 of the Constitution of India**Laws inconsistent with or in derogation of the fundamental rights**

13. (1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

(2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.

(3) In this article, unless the context otherwise requires,—

(a) “law” includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law;

(b) “laws in force” includes laws passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas.

(4) Nothing in this article shall apply to any amendment of this Constitution made under Article 368.

Article 19 of the Constitution of India

Protection of certain rights regarding freedom of speech, etc.

19. (1) All citizens shall have the right—

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions 18[co-operative societies];
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India; 19[and]
- (f) 20[* * *]
- (g) to practise any profession, or to carry on any occupation, trade or business.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of 23[the sovereignty and integrity of India or] public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of 24[the sovereignty and integrity of India or] public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any

law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—

(i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

Article 21 of the Constitution of India.

Protection of life and personal liberty.

21. No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 32 of the Constitution of India.

Remedies for enforcement of rights conferred by this Part.

32. (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

(3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within

the local limits of its jurisdiction ill or any of the powers exercisable by the Supreme Court under clause (2).

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

Article 105 of the Constitution of India.

Powers, privileges, etc., of the Houses of Parliament and of the members and committees thereof.

105. (1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.

(2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of that House and of its members and committees immediately before the coming into force of Section 15 of the Constitution (Forty-fourth Amendment) Act, 1978.

(4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of, a House of Parliament or any committee thereof as they apply in relation to members of Parliament.

Article 194 of the Constitution of India

Powers, privileges, etc., of the Houses of Legislatures and of the members and committees thereof.

194.¹ (1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature of every State.

(2) No member of the Legislature of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a House of such a Legislature of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the members and the committees of a House of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and, until so defined, shall be those of that House and of its members and committees immediately before the coming into force of Section 26 of the Constitution (Forty-fourth Amendment) Act, 1978.

(4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of, a House of the Legislature of a State or any committee thereof as they apply in relation to members of that Legislature.

Article 208 of the Constitution of India

Rules of procedure.

¹ Article 194 prior to the Constitution (Forty-Fourth Amendment) Act, 1978

(1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature of every State.

(2) No member of the Legislature of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a House of such a Legislature of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the members and the committees of a House of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and, until so defined, shall be those of the house of commons of the Parliament of the United Kingdom, and of its members and committees at the commencement of this constitution.

(4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of a House of the Legislature of a State or any committee thereof as they apply in relation to members of that Legislature.

208. (1) A House of the Legislature of a State may make rules for regulating, subject to the provisions of this Constitution, its procedure [* * *] and the conduct of its business.

(2) Until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature for the corresponding Province shall have effect in relation to the Legislature of the State subject to such modifications and adaptations as may be made therein by the Speaker of the Legislative Assembly, or the Chairman of the Legislative Council, as the case may be.

(3) In a State having a Legislative Council the Governor, after consultation with the Speaker of the Legislative Assembly and the Chairman of the Legislative Council, may make rules as to the procedure with respect to communications between the two Houses.

Article 212 of the Constitution of India.

Courts not to inquire into proceedings of the Legislature.

212. (1) The validity of any proceedings in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislature of a State in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

Article 239 of the Constitution of India

Administration of Union territories.

239. (1) Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.

(2) Notwithstanding anything contained in Part VI, the President may appoint the Governor of a State as the administrator of an adjoining Union territory, and

where a Governor is so appointed, he shall exercise his functions as such administrator independently of his Council of Ministers.

Article 239AA of the Constitution of India

Special provisions with respect to Delhi.

239AA. Special provisions with respect to Delhi.—(1) As from the date of commencement of the Constitution (Sixty-ninth Amendment) Act, 1991, the Union territory of Delhi shall be called the National Capital Territory of Delhi (hereafter in this Part referred to as the National Capital Territory) and the administrator thereof appointed under Article 239 shall be designated as the Lieutenant Governor.

(2)(a) There shall be a Legislative Assembly for the National Capital Territory and the seats in such Assembly shall be filled by members chosen by direct election from territorial constituencies in the National Capital Territory.

(b) The total number of seats in the Legislative Assembly, the number of seats reserved for Scheduled Castes, the division of the National Capital Territory into territorial constituencies (including the basis for such division) and all other matters relating to the functioning of the Legislative Assembly shall be regulated by law made by Parliament.

(c) The provisions of Articles 324 to 327 and 329 shall apply in relation to the National Capital Territory, the Legislative Assembly of the National Capital Territory and the members thereof as they apply, in relation to a State, the Legislative Assembly of a State and the members thereof respectively; and any reference in Articles 326 and 329 to ‘appropriate Legislature’ shall be deemed to be a reference to Parliament.

(3)(a) Subject to the provisions of this Constitution, the Legislative Assembly shall have power to make laws for the whole or any part of the National Capital Territory with respect to any of the matters enumerated in the State List or in the Concurrent List in so far as any such matter is applicable to Union territories except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of that List in so far as they relate to the said Entries 1, 2 and 18.

(b) Nothing in sub-clause (a) shall derogate from the powers of Parliament under this Constitution to make laws with respect to any matter for a Union territory or any part thereof.

(c) If any provision of a law made by the Legislative Assembly with respect to any matter is repugnant to any provision of a law made by Parliament with respect to that matter, whether passed before or after the law made by the Legislative Assembly, or of an earlier law, other than a law made by the Legislative Assembly, then, in either case, the law made by Parliament, or, as the case may be, such earlier law, shall prevail and the law made by the Legislative Assembly shall, to the extent of the repugnancy, be void:

Provided that if any such law made by the Legislative Assembly has been reserved for the consideration of the President and has received his assent, such law shall prevail in the National Capital Territory:

Provided further that nothing in this sub-clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislative Assembly.

(4) There shall be a Council of Ministers consisting of not more than ten per cent of the total number of members in the Legislative Assembly, with the Chief Minister at the head to aid and advise the Lieutenant Governor in the exercise of his functions in relation to matters with respect to which the Legislative Assembly has power to make laws, except in so far as he is, by or under any law, required to act in his discretion:

Provided that in the case of difference of opinion between the Lieutenant Governor and his Ministers on any matter, the Lieutenant Governor shall refer it to the President for decision and act according to the decision given thereon by the President and pending such decision it shall be competent for the Lieutenant Governor in any case where the matter, in his opinion, is so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary.

(5) The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister and the Ministers shall hold office during the pleasure of the President.

(6) The Council of Ministers shall be collectively responsible to the Legislative Assembly.

(7)(a) Parliament may, by law, make provisions for giving effect to, or supplementing the provisions contained in the foregoing clauses and for all matters incidental or consequential thereto.

(b) Any such law as is referred to in sub-clause (a) shall not be deemed to be an amendment of this Constitution for the purposes of Article 368 notwithstanding that it contains any provision which amends or has the effect of amending, this Constitution.

(8) The provisions of Article 239-B shall, so far as may be, apply in relation to the National Capital Territory, the Lieutenant Governor and the Legislative Assembly, as they apply in relation to the Union territory of Puducherry, the administrator and its Legislature, respectively; and any reference in that article to ‘clause (1) of Article 239-A’ shall be deemed to be a reference to this article or Article 239-AB, as the case may be.

Article 246 of the Constitution of India

Subject-matter of laws made by Parliament and by the Legislatures of States

(1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the “Union List”).

(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the “Concurrent List”).

(3) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the

matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the “State List”).

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List.

Entry 31 of List 1 of Schedule VII of the Constitution of India

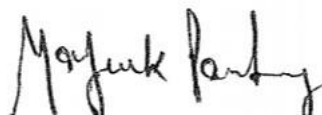
List-I - Union List

31. Posts and telegraphs; telephones, wireless, broadcasting and other like forms of communication.

Entry 1 and 2 of List II of Schedule VII of the Constitution of India

List-II - State List

1. Public order (but not including the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof in aid of the civil power).
2. Police (including railway and village police) subject to the provisions of Entry 2A of List I.



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APPENDIX - 2

List of Relevant Provisions of the Government of National Capital Territory Act, 1991

Section 18 and 37 of the Government of National Capital Territory Act, 1991

Section 18 of the Government of National Capital Territory Act, 1991**Powers, privileges, etc., of members**

(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly.

(2) No member of the Legislative Assembly shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof and no person shall be so liable in respect of the publication by or under the authority of such Assembly of any report, paper, votes or proceedings.

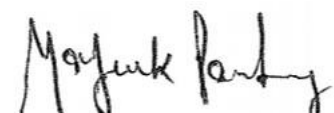
(3) In other respects, the powers privileges and immunities of the Legislative Assembly and of the members and the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly or any committee thereof as they apply in relation to members of the Assembly.

Section 37 of the Government of National Capital Territory Act, 1991**Courts not to inquire into proceedings of Legislative Assembly**

37. (1) The validity of any proceedings in the Legislative Assembly shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislative Assembly in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.



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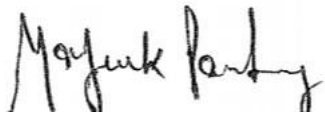
APPENDIX - 3

List of Relevant Provisions of the Information and Technology Act,
2000

Section 2(1)(w) of the Information and Technology Act, 2000.**Definitions**

(1) In this Act, unless the context otherwise requires,--

(w) "intermediary", with respect to any particular electronic records, means any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-marketplaces and cyber cafes.



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ANNEXURE P-1

**LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI
OLD SECRETARIAT, DELHI 110054.**

Notice/ Summon for Appearance

No.24/3/P&H/2020/LAS-VII/Leg./33

Date: 10.09.2020

To,

Mr. Ajit Mohan,

Vice President & Managing Director,
India- Facebook,

Address:- 1,

Facebook India online Services Pvt Limited
Level- 17, DLF horizon building,
Two Horizon Centre, Golf Course Road,
DLF Phase 5, Sector 43,
Gurugram, Haryana 122022

Address:- 2,

One BKC
Bandra Kurla Complex
Bandra (E)
Mumbai, India- 400051

Subject: Notice for Appearance before the Delhi Legislative Assembly's Committee on Peace and Harmony, NCT of Delhi.

The Delhi Legislative Assembly's committee on 'Peace and Harmony', headed by Hon'ble Member of Legislative Assembly of NCT of Delhi, Mr. Raghav Chadha as its chairman along with other Hon'ble members of the Legislative Assembly, assisting and facilitating the state's endeavor to maintain and promote an irenic atmosphere in the city as well as establishing a conducive milieu of concordance, peace and pacification amongst different communities residing in NCT of Delhi.

Pertinently, the committee has received numerous complaints alleging inter alia intentional omission and deliberate inaction on the part of social media platform-Facebook to apply hate speech rules and Policies which has allegedly led to serious repercussions and disruption of peace and harmony across the NCT of Delhi. A few complainants have also drawn considerable strength from the news report published by The Wall Street Journal on 14.08.2020, titled as '*Facebook's Hate- Speech Rules Collide With Indian Politics*'. The committee had promptly taken cognizance of serious allegations set out in the vetted complaints and have begun the proceedings in this regard, pursuant to which numerous witnesses have been examined.

Significantly, in the wake of serious allegations levelled against Facebook India unit which you have been spearheading since 2019, you, the addressee, as the Vice- President and Managing Director of Facebook India and as a representative of the same, are best suited to deliver insights to the committee with respect to Facebook India's internal functioning and enforcement of policies, and thus, your special knowledge in this regard would be imperative for the committee while examining the current issue in hand.

In view thereof, the committee, under the Chairmanship of Hon'be MLA Sh. Raghav Chadha, calls you, the addressee, as a witness for testifying on oath and for rendering your assistance by providing the relevant information and explanations in order to smoothly expedite the determination of the veracity of allegations levelled against Facebook in the complaints and depositions made before the committee. In pursuance thereof, we hereby summon you, the addressee, to appear before the committee on 15th September, 2020 at 12 Noon at MLA Lounge- 1, Delhi Vidhan Sabha, for the purpose of recording your deposition on oath and participating in the proceedings carried out by the committee.



(Deputy Secretary)

The Committee on Peace and Harmony,
NCT of Delhi
PH- 011- 23890384
E- mail ID dvscommittee@delhi.gov.in

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LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI
OLD SECRETARIAT, DELHI 110054.

Notice/ Summon for Appearance

No.24/3/P&H/2020/LAS-VII/Leg./33

Date: 10.09.2020

TO,

Mr. Ajit Mohan,

Vice President & Managing Director,

India- Facebook,

Address:- 1,

Facebook India online
Services Pvt Limited
Level- 17, DLF horizon
building,
TWO Horizon Centre, Golf
Course Road,
DLF Phase 5, Sector 43,
Gurugram,
Haryana 122022

Address:- 2,

One BKC
Bandra Kurla Complex
Bandra (E)
Mumbai, India- 400051

Subject: Notice for Appearance before the Delhi
Legislative Assembly's Committee on Peace
and Harmony, NCT of Delhi.

The Delhi Legislative Assembly's
committee on 'Peace and Harmony', headed by

Hon'ble Member of Legislative Assembly of NCT of Delhi, Mr. Raghav Chadha as its chairman along with other Hon'ble members of the Legislative Assembly, assisting and facilitating the state's endeavor to maintain and promote an irenic atmosphere in the city as well as establishing a conducive milieu of concordance, peace and pacification amongst different communities residing in NCT of Delhi.

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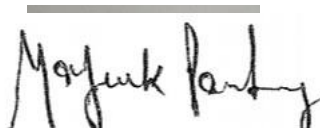
the determination of the veracity of allegations levelled against Facebook in the complaints and depositions made before the committee. In pursuance thereof, we hereby summon you, the addressee, to appear before the committee on 15th September, 2020 at 12 Noon at MLA Lounge- 1, Delhi Vidhan Sabha, for the purpose of recording your deposition on oath and participating in the proceedings carried out by the committee.

Sd/- (Deputy Secretary)

The Committee on Peace and Harmony,

NCT of Delhi PH- 011- 23890384

E- mail ID dvscommittee@delhi.gov.in



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ANNEXURE P-2

**LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI
OLD SECRETARIAT, DELHI 110054.**

F.No.24(3)/P&H/2020/LAS-VII/472

Date: 18.09.2020

To,

- I. Ajit Mohan,
Vice-President and MD,
Facebook India Online Services Private Limited,
One BKC,
Bandra Kurla Complex,
Bandra (E),
Mumbai, India- 400051
- II. Vikram Langeh,
Director, Trust and Safety,
Facebook.

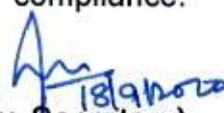
Sub: Reply to your response dated 13.09.2020 with respect to the Notice of Appearance before the Delhi Legislative Assembly's Committee on Peace and Harmony, dated 10.09.2020

Dear Mr. Ajit Mohan and Mr. Vikram Langeh,

1. The Committee is in receipt of your letter dated September 13, 2020 where, instead of appearing before this Committee on 15.09.2020 as mandated by the summons dated September 10, 2020, you objected to the summons and requested for recalling it.
2. It will be clear from the Terms of Reference of this Committee, a copy of which is enclosed herewith, that this a Committee to further Good Governance and many aspects of the responsibility of the State under the Chapters of the Constitution dealing with Fundamental Rights and Directive Principles of State Policy. Hence, governance covers a wide area and its contours can be related to many areas of competence. (Enclosure: A)

Contd....2

3. It is necessary to stress that the purpose of the committee is to invite the public to join this exploratory process. Its remit may well include making suggestions to the Union Government in areas of its competence beyond using only the mechanisms of Inter-State Council. This is line with the principle of co-operative federalism, a principle of constitutional governance emphasised most recently by a Constitution Bench of the Supreme Court of India in **State (NCT of Delhi) v. Union of India(2018) 8 SCC 501**. The principle of co-operative federalism encompasses large number of areas and includes making recommendations to the Union Government when the same is required.
4. As a matter of Law and Constitution, it is imperative that those who are sent Notices/Summons by the Committee, must appear before the committee and offer responses and solutions and raise all questions including those relating to the remit of the Committee.
5. It is inconsistent with law of privileges of a legislature, which extends to the Committee and its Members to refuse to appear and send a letter, questioning the jurisdiction of not just the Committee but of the Assembly of the NCT of Delhi itself.
6. We request Mr. Ajit Mohan to appear before the Committee on 23rd September, 2020 at 3:00 P.M. at MLA Lounge- 1, Delhi Vidhan Sabha, in the spirit of democratic participation and constitutional mandates, including Section 18 and Section 37 of the Government of National Capital Territory Act, 1991, extracts of which are enclosed herewith. (Enclosure: B)
7. Fresh summons for Mr. Ajit Mohan is enclosed for full compliance. (Enclosure: C)


(Deputy Secretary)

The Committee on Peace and Harmony,
NCT of Delhi
PH- 011- 23890384
E- mail ID dvscommittee@delhi.gov.in

**LEGISLATIVE ASSEMBLY SECRETARIAT
NATIONAL CAPITAL TERRITORY OF DELHI
BULLETIN PART-II**

(General information relating to legislative and other matters)

Thursday 12th March, 2020/ 22, Phalgun, 1941(Shaka)

No.: 11

Subject: Terms of Reference of the Committee on Peace and Harmony.

Hon'ble Members are hereby informed that Hon'ble Speaker has approved the following Terms of Reference for the Committee on Peace and Harmony constituted on 02.03.2020:

1. There shall be a Committee on Peace and Harmony *inter-alia* to consider the factors and situations which have the potential to disturb communal harmony in the National Capital Territory of Delhi and suggest measures to eliminate such factors and deal with such situations so as to establish harmony among different religious or linguistic communities or social groups.

2. The Committee shall consist of nine members who shall be nominated by the Speaker.

3. The term of the Committee shall be one year.

4. The functions of the Committee shall be: -

(i) to consider the petitions, complaints or reports from the members of the public, social organisations, journalists etc. on the situations prevailing in a particular area/ areas which have the potential to disturb communal peace and harmony or where communal riots have occurred and to examine in detail and identify the factors responsible for it.

(ii) to recommend suitable measures to defuse the situation and restore harmony among religious communities, linguistic communities or social groups.

(iii) to recognise, reward and felicitate individuals who played a role in the protection of fellow citizens during acts of communal violence, or undertook any activity that led to the restoration of peace in the state

(iv) to recognise, reward and felicitate individuals whose information resulted in the registration of First Information Reports (FIRs) in relation to the crimes committed during the communal riots

(v) to undertake scientific study of the religious, linguistic and social composition of the population of NCR Delhi, with a view to identifying and strengthening the factors which unite the people despite the diversity in terms of their social, religious, economic and cultural tradition

(vi) to recommend measures to be undertaken by the government towards establishing communal harmony and peace in the state

(vii) to recommend action against such persons against whom incriminating evidence is found or prima facie case is made out for incitement to violence

(viii) to examine such other matters, broadly in conformity with the objectives of the Committee, as may seem fit to the Committee or are specifically referred to it by the House or the Speaker

(ix) The Committee shall submit its report to the House. If the House is not in session the Committee may submit the report to the Speaker who may forward the same to the Govt. for necessary action thereon. The Secretary shall lay the report on the Table of the House on the first day of the next session.

(x) As soon as may be after the submission of the report to the House by the Committee, the Govt. shall take appropriate action in the matter dealt with in the report and a complete statement on the action taken by all the authorities thereon shall be laid in the House within two weeks after the report is presented in the House.

(xi) In considering/ examining the complaints/ reports etc., the Committee may engage the services of experts.

(xii) The Speaker shall reconstitute the Committee on the expiry of its term.

(xiii) Except in respect of matters provided in these rules, other matters in connection with the Committee shall be dealt with under the general rules relating to the Committees.

(xiv) The Speaker may issue such directions as he may consider necessary for regulating the procedure in connection with all matters involving the consideration of any question that may be brought up before the Committee.

(xv) The Committee shall have all the powers, privileges and immunities as are available to the Committees of the Legislative Assembly of National Capital Territory of Delhi.

C. Velmurugan
Secretary

ENCLOSURE: B

**THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
ACT, 1991**

Relevant Provisions:

18. Powers, privileges, etc., of members.—

(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly.

(2) No member of the Legislative Assembly shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof and no person shall be so liable in respect of the publication by or under the authority of such Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly or any committee thereof as they apply in relation to members of that Assembly.



37. Courts not to inquire into proceedings of Legislative Assembly.—

(1) The validity of any proceedings in the Legislative Assembly shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislative Assembly in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.





**LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI
OLD SECRETARIAT, DELHI 110054.**

No.24/3/P&H/2020/LAS-VII/487

Date: 18.09.2020

SUMMON

To

Mr. Ajit Mohan
Vice-President and MD,
Facebook India Online Services
Private Limited.
One BKC,
Bandra Kurla Complex,
Bandra (E),
Mumbai, India-400051.

Sub:- Notice for appearance under Rule 172 of Rules of Procedure and conduct of Business in the Legislative Assembly of NCT of Delhi.

Sir,

I am directed by the Hon'ble Chairman, Committee on Peace and Harmony to call you to attend the meeting of Committee on Peace & Harmony scheduled on 23.09.2020 at 03.00 P.M in the MLA Lounge-1, Assembly Complex, Old Secretariat, Delhi-110054.

Please note that non-compliance of this summon will be treated as breach of privilege of the Committee and necessary action as deemed fit, shall be taken against you.


Deputy Secretary (Committee)

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LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI
OLD SECRETARIAT, DELHI 110054.

F.No.24(3)/P&H/2020/LAS-VII/472

Dated: 18.09.2020

To,

- I. Ajit Mohan,
Vice-President and MD,
Facebook India Online Services Private Limited,
One BKC,
Bandra Kurla Complex,
Bandra (E),
Mumbai, India- 400051
- II. Vikram Langeh,
Director, Trust and Safety,
Facebook.

Sub: Reply to your response dated 13.09.2020
with respect to the Notice of Appearance
before the Delhi Legislative Assembly's
Committee on Peace and Harmony, dated
10.09.2020

Dear Mr. Ajit Mohan and Mr. Vikram Langeh,

1. The Committee is in receipt of your letter dated September 13, 2020 where, instead of appearing before this Committee on 15.09.2020 as mandated by the summons dated September 10, 2020, you objected to the summons and requested for recalling it.
2. It will be clear from the Terms of Reference of this Committee, a copy of which is enclosed herewith, that this a Committee to further Good Governance and many aspects of the responsibility of the State under the Chapters of the Constitution dealing with Fundamental Rights and Directive Principles of State Policy. Hence, governance covers a wide area and its contours can be related to many areas of competence. (Enclosure: A)
3. It is necessary to stress that the purpose of the committee is to invite the public to join this exploratory process. Its remit may well include making suggestions to the Union Government in areas of its competence beyond using only the mechanisms of Inter-State Council. This is

line with the principle of co-operative federalism, a principle of constitutional governance emphasised most recently by a Constitution Bench of the Supreme Court of India in *State (NCT of Delhi) v. Union of India* (2018) 8 SCC 501. The principle of co-operative federalism encompasses large number of areas and includes making recommendations to the Union Government when the same is required.

4. As a matter of Law and Constitution, it is imperative that those who are sent Notices/Summons by the Committee, must appear before the committee and offer responses and solutions and raise all questions including those relating to the remit of the Committee.
5. It is inconsistent with law of privileges of a legislature, which extends to the Committee and its Members to refuse to appear and send a letter, questioning the jurisdiction of not just

the Committee but of the Assembly of the NCT of Delhi itself.

6. We request Mr. Ajit Mohan to appear before the Committee on 23rd September, 2020 at 3:00 P.M. at MLA Lounge- 1, Delhi Vidhan Sabha, in the spirit of democratic participation and constitutional mandates, including Section 18 and Section 37 of the Government of National Capital Territory Act, 1991, extracts of which are enclosed herewith. (Enclosure: B)
7. Fresh summons for Mr. Ajit Mohan is enclosed for full compliance. (Enclosure: C)

Sd/- 18.09.2020

(Deputy Secretary)

The Committee on Peace and Harmony,

NCT of Delhi

PH- 011- 23890384

E- mail ID dvscommittee@delhi.gov.in

ENCLOSURE-A

LEGISLATIVE ASSEMBLY SECRETARIAT
NATIONAL CAPITAL TERRITORY OF DELHI
BULLETIN PART-II

(General information relating to legislative and other matters)

Thursday 12th March. 2020/ 22, Phalgun,
1941(Shaka)

No.: 11

Subject: Terms of Reference of the Committee on
Peace and Harmony.

Hon'ble Members are hereby informed that
Hon'ble Speaker has approved the following
Terms of Reference for the Committee on Peace
and Harmony constituted on 02.03.2020:

1. There shall be a Committee on Peace and Harmony inter-alia to consider the factors and situations which have the potential to disturb communal harmony in the National Capital Territory of Delhi and suggest measures to eliminate such factors and deal with such

situations so as to establish harmony among different religious or linguistic communities or social groups.

2. The Committee shall consist of nine members who shall be nominated by the Speaker.
3. The term of the Committee shall be one year.
4. The functions of the Committee shall be: -
 - (i) to consider the petitions, complaints or reports from the members of the public, social organisations, journalists etc. on the situations prevailing in a particular area/ areas which have the potential to disturb communal peace and harmony or where communal riots have occurred and to examine in detail and identify the factors responsible for it.
 - (ii) to recommend suitable measures to defuse the situation and restore harmony among religious communities, linguistic communities or social groups.

- (iii) to recognise, reward and felicitate individuals who played a role in the protection of fellow citizens during acts of communal violence, or undertook any activity that led to the restoration of peace in the state
- (iv) to recognise, reward and felicitate individuals whose information resulted in the registration of First Information Reports (FIRs) in relation to the crimes committed during the communal riots
- (v) to undertake scientific study of the religious, linguistic and social composition of the population of NCR Delhi, with a view to identifying and strengthening the factors which unite the people despite the diversity in terms of their social, religious, economic and cultural tradition
- (vi) to recommend measures to be undertaken by the government towards establishing communal harmony and peace in the state

- (vii) to recommend action against such persons against whom incriminating evidence is found or prima facie case is made out for incitement to violence
- (viii) to examine such other matters, broadly in conformity with the objectives of the Committee, as may seem fit to the Committee or are specifically referred to it by the House or the Speaker
- (ix) The Committee shall submit its report to the House. If the House is not in session the Committee may submit the report to the Speaker who may forward the same to the Govt, for necessary action thereon. The Secretary shall lay the report on the Table of the House on the first day of the next session.
- (x) As soon as may be after the submission of the report to the House by the Committee, the Govt, shall take appropriate action in the matter dealt with in the report and a complete statement on the action taken by all the authorities thereon

shall be laid in the House within two weeks after the report is presented in the House.

- (xi) In considering/ examining the complaints/ reports etc., the Committee may engage the services of experts.
- (xii) The Speaker shall reconstitute the Committee on the expiry of its term.
- (xiii) Except in respect of matters provided in these rules, other matters in connection with the Committee shall be dealt with under the general rules relating to the Committees.
- (xiv) The Speaker may issue such directions as he may consider necessary for regulating the procedure in connection with all matters involving the consideration of any question that may be brought up before the Committee.
- (xv) The Committee shall have all the powers, privileges and immunities as are available to the Committees of the Legislative Assembly of National Capital Territory of Delhi.

C. Velmurugan

Secretary

ENCLOSURE: B

THE GOVERNMENT OF NATIONAL CAPITAL
TERRITORY OF DELHI ACT, 1991

Relevant Provisions:

18. Powers, privileges, etc., of members.—

- (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly.
- (2) No member of the Legislative Assembly shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof and no person shall be so liable in respect of the publication by or under the authority of such Assembly of any report, paper, votes or proceedings.
- (3) In other respects, the powers, privileges and immunities of the Legislative Assembly and of

the members and the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees.

- (4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly or any committee thereof as they apply in relation to members of that Assembly.

37. Courts not to inquire into proceedings of Legislative Assembly.—

- (1) The validity of any proceedings in the Legislative Assembly shall not be called in question on the ground of any alleged irregularity of procedure.
- (2) No officer or member of the Legislative Assembly in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in the Legislative Assembly shall be subject to the

jurisdiction of any court in respect of the exercise by him of those powers.

ENCLOSURE :C

LEGISLATIVE ASSEMBLY

NATIONAL CAPITAL TERRITORY OF DELHI

OLD SECRETARIAT, DELHI 110054.

NO.24/3/P&H/2020/LAS-VII/ 487

Date: 18.09.2020

SUMMON

To

Mr. Ajit Mohan

Vice-President and MD,

Facebook India Online Services

Private Limited.

One BKC,

Bandra Kurla Complex,

Bandra (E),

Mumbai, India-400051.

Sub:- Notice for appearance under Rule 172 of Rules
of Procedure and conduct of Business in the
Legislative Assembly of NCT of Delhi.

Sir,

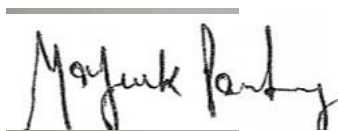
I am directed by the Hon'ble Chairman,
Committee on Peace and Harmony to call you to
attend the meeting of Committee on Peace &
Harmony scheduled on 23.09.2020 at 03.00

P.M in the MLA Lounge-1, Assembly Complex,
Old Secretariat, Delhi-110054.

Please note that non-compliance of this
summon will be treated as breach of privilege of
the Committee and necessary action as deemed
fit, shall be taken against you.

Sd/- 18.09.2020

Deputy Secretary (Committee)

A handwritten signature in black ink, appearing to read 'Mayank Panty', is written over a horizontal line.

//True Copy//

ANNEXURE P-3

W.P(Crl.)No. 206-210 OF 2003

ITEM No.28 & 68

Court No. 5

SECTION X
A/N MATTERS U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Crl.) No. 206-210/2003

N. RAVI & ORS.

Petitioner (s)

VERSUS

SPEAKER,LEGISLATIVE ASSEMBLY,CHENNAI&ORS

Respondent(s)

(With Appln(s). for stay) (With Office Report)

With W.P(C)No.508/2003

(With appln. for stay and office report)

Writ Petition (Crl.)No.D25750/2003

(With office report)

Date : 08/12/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Attorney General:Mr. Soli J. Sorabjee, A.G.

Mr. Man Mohan, Sr.Adv.

Mr. Preetesh Kapur, Adv.

Mr. P. Parmeswaran, Adv.

For Petitioner (s)

in WP 206/03:Mr. Harish N. Salve, Sr.Adv.

Mr. Bhargava V. Desai, Adv.

Mr. A. Sasidharan, Adv.

Ms. Aparajita Singh, Adv.

Mr. Sam Mathew K., Adv.

Mr. Siddhartha Chowdhury, Adv.

Mr.Sanjeev K. Singh, Adv.

Mr. Pradeep Malik, Adv.
 Ms. Meenakshi Sakhardande, Adv.
 Ms. Gayatri Goswami, Adv.
 Mr. Nikhil Mehra, Adv.
 Mr. Puneet Jain, Adv.
 Mr. Rain Karanjawala, Adv.
 Mr. Arunabh Chowdhury, Adv.
 Ms. Avantika Keswani, Adv.
 in WP.D25750/03:Mr. Harish N. Salve, Sr.Adv.
 Mr. Gopal Jain, Adv.
 Mr. R.N. Karanjawala, Adv.
 Mrs. Nandini Gore, Adv.
 Mr. Arunabh Choudhury, Adv.
 Mrs. Manik Karanjawala, Adv.

For Petitioner (s)
 in WP 508/03:Mr. Kapil Sibal, Sr.Adv. (N/P)
 Mr. Vivek Sibal, Adv.
 Mr. Vishnu Bakhru, Adv.
 Mr. P.N. Puri, Adv.
 Ms. Pooja M. Saigal, Adv.
 For Respondent (s)

-State of T.N.:Mr. Kailash Vasudev, Sr.Adv.
 Mr. P.N. Ramalingam,Adv.
 Mr. V. Balaji, Adv.

Res.No.2:Mr. T.L.V. Iyer, Sr.Adv.
 Mr. Subramonium Prasad.,Adv.

Res.No.7:Mr. Raju Ramachandran, A.S.G.
 Ms. Smeeta I., Adv.
 Mrs. Anil Katiyar, Adv.

St.of Karnataka:Mr. Sanjay R. Hegde, Adv.
 Mr. Anil K. Misra, Adv.

For Inpleading parties:
 Mr. P. Chidambaram, Sr.Adv.
 Ms. Indu Malhotra, Adv.
 Ms. V. Deepa, Adv.

Mr. P.H. Parekh, Adv.

UPON hearing counsel the Court made the following
O R D E R

Writ Petition (Crl.) Nos.206-210/2003 & 508/2003:

Heard the learned Attorney General and the learned counsel for the parties.

Applications for impleadment, one filed by journalists and the other by the Press Council of India, are allowed.

It is evident that substantial questions of law as to the interpretation of Articles 194(3), 19(1)(a), interplay between these two articles, Article 21 and also as to the interpretation of other provisions of the Constitution of India are involved. In this view, while issuing rule, we direct that these petitions be placed before a Bench of atleast five Judges as required under Article 145(3) of the Constitution of India.

The interim order will continue.

The Registry will obtain necessary orders from Hon'ble the Chief Justice.

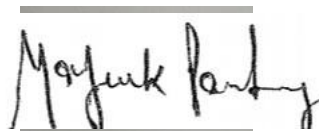
Writ Petition (Crl.) No.D25750/2003:

On request of the learned counsel, list the petition on 15th December, 2003.

Liberty is given to file additional documents.

(N. Annapurna)
Court Master

(V.P. Tyagi)
Court Master



//True Copy//

ANNEXURE P-4

N. RAVI v. SPEAKER, LEGISLATIVE ASSEMBLY

603

- petition, but almost simultaneously he filed a compromise petition wherein a consent order was passed giving him time to vacate the premises on or before
- a 1-3-1988. The specific case of the plaintiffs is that Anand never appeared before the Rent Controller and the whole thing was managed by Sethi by setting up an impostor. Having regard to the facts and circumstances of the case, we consider it appropriate in the interest of justice that the suit filed by the appellants itself may be decided at a very early date and their possession may be protected during the pendency of the suit.
- b 10. The appeal is accordingly allowed and the orders dated 22-11-2003 passed by the learned Additional District Judge and also the order dated 26-3-2004 passed by the High Court are set aside. The learned Additional District Judge shall take up the suit on priority basis and decide the same as expeditiously as possible, preferably within one year from the date of communication of this order to him. The appellants shall not be dispossessed
- c from the premises in their occupation during the pendency of the suit. It is further directed that the parties shall make all endeavours for an early decision of the suit and shall not take adjournments unless absolutely necessary. If the plaintiffs cause obstruction in the progress of the suit or adopt delaying tactics, it will be open to the respondents to apply to this Court for vacating the injunction order.
- d 11. It is made clear that any observation made in this order is only for the purpose of deciding the appeal and shall not be construed as an expression of opinion regarding the merits of the claim of the parties.

(2005) 1 Supreme Court Cases 603

(Record of Proceedings)

(BEFORE R.C. LAHOTI, C.J. AND B.N. AGRAWAL, H.K. SEMA, G.P. MATHUR AND P.K. BALASUBRAMANYAN, JJ.)

N. RAVI AND OTHERS

.. Petitioners;

Versus

f SPEAKER, LEGISLATIVE ASSEMBLY,
CHENNAI AND OTHERS

.. Respondents.

Writ Petitions (Crl.) Nos. 206-10 of 2003 with WP (C) No. 508 of 2003
and SLP (C) No. 11540 of 2004, decided on December 8, 2004

g **Constitution of India — Arts. 145(3) & 141 and Arts. 19(1)(a), 21, 121 & 194 — Conflict between seven-Judge decision in *Powers, Privileges and Immunities of State Legislatures*, Re, AIR 1965 SC 745, and five-Judge decision in *M.S.M. Sharma case*, AIR 1959 SC 395 — Matter referred to seven-Judge Bench**

Pandit M.S.M. Sharma v. Sri Krishna Sinha, 1959 Supp (1) SCR 806 : AIR 1959 SC 395; *Special Reference No. 1 of 1964*, Re, (1965) 1 SCR 413 : AIR 1965 SC 745, referred to

D-M/30982/C

h

604 SUPREME COURT CASES (2005) 1 SCC

Chronological list of cases cited **on page(s)**

1. (1965) 1 SCR 413 : AIR 1965 SC 745, *Special Reference No. 1 of 1964*,
Re 604c, 604c-d a
2. 1959 Supp (1) SCR 806 : AIR 1959 SC 395, *Pandit M.S.M. Sharma v. Sri*
Krishna Sinha 604b-c, 604c, 604c-d

ORDER

SLP (C) No. 11540 of 2004

1. Service is not complete.
2. The hearing in this matter is separated. b
3. List after service is complete.

WPs (Crl.) Nos. 206-10 of 2003 and WP (C) No. 508 of 2003

4. We have heard the learned counsel for the parties. *Pandit M.S.M. Sharma v. Sri Krishna Sinha*¹ is a Constitution Bench decision (five Judges). Certain observations made in *Special Reference No. 1 of 1964*, *Re*² extensively read out by Mr Harish N. Salve, the learned Senior Counsel, run in conflict with the law laid down in *Pandit M.S.M. Sharma case*¹; though in *Special Reference No. 1 of 1964*, *Re*² a seven-Judge Bench (at p. 453) expressed an opinion that they were in agreement with the majority decision in *Pandit M.S.M. Sharma case*¹. Shri Salve further submitted that the issue has very wide ramifications and is likely to arise in future and needs to be settled authoritatively. c

5. Let the matter be placed for consideration by a seven-Judge Bench.
Court Masters

(2005) 1 Supreme Court Cases 604 e

(BEFORE S.N. VARIAVA, DR. AR. LAKSHMANAN AND S.H. KAPADIA, JJ.)

STATE OF PUNJAB AND OTHERS .. Appellants;

Versus

PUNJAB FIBRES LTD. AND OTHERS .. Respondents. f

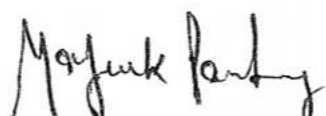
Civil Appeals Nos. 2726-28 of 1999[†], decided on December 14, 2004

A. Sales Tax — Concession — Purchase tax — Entitlement to concessional rate of — Punjab Government Noti. No. S.O. 82 dated 23-11-1979 prescribing concessional rates of purchase tax for textile mills of the prescribed description and stipulating that such mills “shall not dispatch yarn in the course of inter-State trade” — A single dispatch outside the State, held, disentitled the mill to the benefit of the said notification even in respect of sales made by it within the State — Object and clear and unambiguous wording of the notification taken into consideration — Also, said sales could not be considered as branch transfers when they had been g

1 1959 Supp (1) SCR 806 : AIR 1959 SC 395

2 (1965) 1 SCR 413 : AIR 1965 SC 745

[†] From the Judgment and Order dated 31-8-1998 of the Punjab and Haryana High Court in LPAs Nos. 1179-81 of 1992 : (1999) 112 STC 154 h



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<https://www.wsj.com/articles/facebook-hate-speech-india-politics-muslim-hindu-modi-zuckerberg-11597423346>

Facebook's Hate-Speech Rules Collide With Indian Politics

Company executive in vital market opposed move to ban controversial politician; some employees allege favoritism to ruling party

By Newley Purnell and Jeff Horwitz

Aug. 14, 2020 12:47 pm ET

In Facebook FB -0.2% posts and public appearances, Indian politician T. Raja Singh has said Rohingya Muslim immigrants should be shot, called Muslims traitors and threatened to raze mosques.

Facebook Inc. employees charged with policing the platform were watching. By March of this year, they concluded Mr. Singh not only had violated the company's hate-speech rules but qualified as dangerous, a designation that takes into account a person's off-platform activities, according to current and former Facebook employees familiar with the matter.

Given India's history of communal violence and recent religious tensions, they argued, his rhetoric could lead to real-world violence, and he should be permanently banned from the company's platforms world-wide, according to the current and former employees, a punishment that in the U.S. has been doled out to radio host Alex Jones, Nation of Islam leader Louis Farrakhan and numerous white supremacist organizations.

Yet Mr. Singh, a member of Indian Prime Minister Narendra Modi's Hindu nationalist party, is still active on Facebook and Instagram, where he has hundreds of thousands of followers. The company's top public-policy executive in the country, Ankhi

Das, opposed applying the hate-speech rules to Mr. Singh and at least three other Hindu nationalist individuals and groups flagged internally for promoting or participating in violence, said the current and former employees.

Ms. Das, whose job also includes lobbying India's government on Facebook's behalf, told staff members that punishing violations by politicians from Mr. Modi's party would damage the company's business prospects in the country, Facebook's biggest global market by number of users, the current and former employees said.

A worker from India's ruling BJP party watches a live telecast of Prime Minister Modi in August.

PHOTO: HIMANSHU VYAS/HINDUSTAN
TIMES/GETTY IMAGES

Facebook faces a monumental challenge policing hate speech across the enormous volume of content

posted to its platforms world-wide. The way it has applied its hate- speech rules to prominent Hindu nationalists in India, though, suggests that political considerations also enter into the calculus.

“A core problem at Facebook is that one policy org is responsible for both the rules of the platform and keeping governments happy,” Facebook’s former chief security officer, Alex Stamos, now director of Stanford University’s Internet Observatory, wrote on Twitter in May. He was referencing a Wall Street Journal article about Facebook executives halting internal efforts to make the site less divisive in the U.S. amid concerns that potential changes might be perceived as partisan. People who have worked in Facebook’s public- policy department said they agreed with Mr. Stamos’s assertion.

Leading Market

Facebook has more users in India than in any other country.

Top five Countries by Facebook Users

	0 Million	100	200	300
India				
U.S.				
Indonesia				
Brazil				
Mexico				

Note: As of April 2020

Source: We Are Social

How Facebook polices content has emerged as a major issue in the U.S., where the company faces regular accusations of political bias. Some high-profile advertisers recently boycotted the platform over its handling of hateful content. Facebook says it doesn't tolerate efforts to use its platforms to instigate violence anywhere in the world. Chief Executive Mark Zuckerberg has been trying to reassure employees and advertisers in the U.S. that the company won't let its platform be used to incite violence or interfere with the democratic process.

"People should be able to see what politicians say" on Facebook, Mr. Zuckerberg said in May when asked about President Trump's online

activity, but “there are lines, and we will enforce them.”

The current and former Facebook employees said Ms. Das’s intervention on behalf of Mr. Singh is part of a broader pattern of favoritism by Facebook toward Mr. Modi’s Bharatiya Janata Party and Hindu hard-liners.

A Facebook spokesman, Andy Stone, acknowledged that Ms. Das had raised concerns about the political fallout that would result from designating Mr. Singh a dangerous individual, but said her opposition wasn’t the sole factor in the company’s decision to let Mr. Singh remain on the platform. The spokesman said Facebook is still considering whether a ban is warranted.

IMAGE

Ankhi Das, Facebook's top public-policy executive in India, in 2014.

PHOTO: PRIYANKA PARASHAR/MINT/GETTY

IMAGES

The spokesman said Facebook prohibits hate speech and violence globally “without regard to anyone’s political position or party affiliation,” adding that it took down content that praised violence earlier this year during deadly protests in New Delhi.

Neither Ms. Das nor Mr. Singh nor a spokesman for his political party, the BJP, responded to requests for comment. A spokesman for the prime minister’s office declined to comment.

Facebook sometimes adapts its policies to meet political realities in key markets. In Germany, Facebook agreed to abide by stricter hate-speech rules than in the U.S. or elsewhere. In Singapore, where its Asia operations are based, it has agreed to append a “correction notice” to news stories deemed false by the government. And in Vietnam, it agreed to restrict access to dissident political content deemed illegal in

exchange for the government ending its practice of disrupting Facebook's local servers, which had slowed the platform to a crawl.

IMAGE

Demonstrators opposing a new citizenship law clashed with supporters of the law and police in New Delhi in February.

PHOTO: DANISH SIDDIQUI/REUTERS

India is a vital market for Facebook, which isn't allowed to operate in China, the only other nation with more than one billion people. India has more Facebook and WhatsApp users than any other country, and Facebook has chosen it as the market in which to introduce payments, encryption and initiatives to tie its products together in new ways that Mr. Zuckerberg has said will occupy Facebook for the next decade. In April, Facebook said it would spend \$5.7 billion on a new partnership with an Indian telecom operator to expand operations in the country—its biggest foreign investment.

In June, India banned TikTok, a Chinese video app, amid tensions with China. Facebook, too,

has encountered resistance from Indian regulators.

Its proposal to provide a free, Facebook-centric telecommunications service called “Free Basics” was blocked in 2016 on the grounds that it violated net neutrality, the concept that all traffic on the internet should be treated equally. The company’s plans to launch WhatsApp payments nationwide have been stalled for two years as it awaits government approvals.

Ms. Das joined Facebook in 2011. As public-policy head for India, South and Central Asia, she oversees a team that decides what content is allowed on the platform., one of the former employees said.

Big Bet

Facebook's \$5.7 billion stake in India's Jio Platforms ranks among its biggest investments.

■ Acquisition ■ Stake

WhatsApp (Messaging, 2014)

\$22 billion

Jio (Telecom, 2020)

5.7 billion

Oculus (Virtual reality, 2014)

2.0 billion

Instagram (Photo sharing, 2012)

10.7 billion

Source: the companies

That team took no action after BJP politicians posted content accusing Muslims of intentionally spreading the coronavirus, plotting against the nation and waging a “love jihad” campaign by seeking to marry Hindu women, that former employee said.

Ms. Das has provided the BJP with favorable treatment on election-related issues, current and former employees said.

SHARE YOUR THOUGHTS

What role do you think Facebook should play in controlling hate speech on its platforms? Join the conversation below.

In April of last year, days before voting began in India's general election, Facebook announced it had taken down inauthentic pages tied to Pakistan's military and the Congress party, the BJP's main rival party. But it didn't disclose it also removed pages with false news tied to the BJP, because Ms. Das intervened, according to former Facebook employees.

In 2017, Ms. Das wrote an essay, illustrated with Facebook's thumbs-up logo, praising Mr. Modi. It was posted to his website and featured in his mobile app.

On her own Facebook page, Ms. Das shared a post from a former police official, who said he is Muslim, in which he called India's Muslims traditionally a "degenerate community" for whom "Nothing except purity of religion and implementation of Shariah matter."

IMAGE

India is Facebook's biggest global market by number of users.

PHOTO: MANJUNATH KIRAN/AGENCE
FRANCE-PRESSE/GETTY IMAGES

The post “spoke to me last night,” Ms. Das wrote. “As it should to [the] rest of India.

Mr. Singh, a BJP state-level lawmaker, has drawn national attention for the stridency of his anti-Muslim rhetoric and his stated efforts to form a vigilante army to hunt down “traitors.”

He has used Facebook, where his own page and those dedicated to him have more than 400,000 followers, to say that Muslims who kill cows—animals revered by Hindus—should be slaughtered like them. He has posted a photo of himself with a drawn sword alongside text declaring that Hindus’ existence depends on taking extrajudicial action against Muslims.

Facebook Followings

Indian Prime Minister ...and his political party Narendra Modi's has nearly three times as Facebook page has more many likes as its main likes than any other rival in India. world leader's

Narender Modi	45	Bhartiya Janta Party (BJP)	16 Million
Donald Trump	28	Indian National Congress	5.5 Million
Queen Raina	16	U.S. Republication Party	2.1
Hun Sen	12	U.S. Democratic Party	1.6
Jair Bolsonaro	10		

Note figures as of July 2020

Source: BCW

Facebook's safety staff concluded that the lawmaker's rhetoric warranted his permanent ban under Facebook's "Dangerous Individuals and Organizations" policy, the current and former employees said. Applied to white

supremacists such as Richard Spencer in the U.S., it results in the company's harshest punishment-removal from the platform.

Facebook deleted some of Mr. Singh's postings after the Journal asked about them. It said Mr. Singh no longer is permitted to have an official, verified account, designated with a blue check mark badge.

Another BJP legislator, a member of Parliament named Anantkumar Hegde, has posted essays and cartoons to his Facebook page alleging that Muslims are spreading Covid-19 in the country in a conspiracy to wage "Corona Jihad." Human-rights groups say such unfounded allegations, which violate Facebook's hate speech rules barring direct attacks on people based on "protected characteristics" such as religion, are linked to attacks on Muslims in India, and have been designated as hate speech by Twitter Inc.

While Twitter has suspended Mr. Hegde's account as a result of such posts, prompting him to call for an investigation of the company, Facebook took no action until the Journal sought comment from the company about his "Corona Jihad" posts. Facebook removed some of them on Thursday. Mr. Hegde didn't respond to a request for comment.

In February, the former BJP lawmaker Kapil Mishra gave a speech warning police that if they didn't clear protesters demonstrating against a citizenship bill that excludes Muslims, his supporters would do so by force.

IMAGE

Former BJP lawmaker Kapil Mishra in 2017.

PHOTO: ARUN SHARMA/HINDUSTAN
TIMES/GETTY IMAGES

Within hours of the videotaped message, which Mr. Mishra uploaded to Facebook, rioting broke

out that left dozens of people dead. Most of the victims were Muslims, and some of their killings were organized via Facebook's WhatsApp, according to court documents filed by police and published in Indian newspapers.

Mr. Zuckerberg cited Mr. Mishra's post, without naming him, in an employee town hall meeting in June, as an example of the sort of behavior that the platform wouldn't tolerate from a politician. The company took down the video post.

Mr. Mishra acknowledged that Facebook had removed the video, which he said hadn't prompted any violence. He said his postings don't amount to hate speech, and that he believes neither he nor the BJP receives preferential treatment from Facebook.

Facebook took down some of Mr. Mishra's posts on Thursday after the Journal sought comment on them.

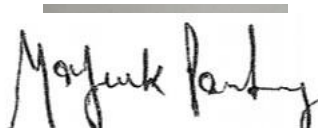
Data from CrowdTangle, a Facebook-owned analytics tool, shows that within two months of the video of the speech being posted, the engagement for Mr. Mishra's Facebook page grew from a couple hundred thousand interactions a month to more than 2.5 million.

Write to Newley Purnell at newlev.purnell@wsi.com and Jeff Horwitz at Jeff.Horwitz@wsi.com

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ANNEXURE P-6

MOST IMMEDIATE

LOK SABHA SECRETARIAT
(STANDING COMMITTEE ON INFORMATION
TECHNOLOGY BRANCH)FAX: 23010756
ANNEXE

PARLIAMENT

HOUSE

NEW DELHI-110 001

No.18/1(iv)/IT/2020

20th August 2020

From

Y.M. Kandpal

Director

To

Shri Ajit Mohan,

Vice President & MD,

Facebook India Online Services Pvt. Ltd.,

7th Floor, Parsvnath Capital Towers,

Bhai Veer Singh Marg, Gole Market,

New Delhi-110001.

Subject: Examination of the subject 'Safeguarding
citizens' rights and prevention of misuse of
social/online news media platforms
including special emphasis on women
security in the digital space'

XXXXXX

Sir,

I am directed to state that the Standing Committee on Information Technology are examining the subject 'Safeguarding citizens' rights and prevention of misuse of social/online news media platforms including special emphasis on women security in the digital space'.

2. Keeping in view the importance of the subject and its wider implications in the present context, the Committee have decided to hear the views of representatives of Facebook India on the above subject at their sitting scheduled to be held on Wednesday, 2nd September, 2020 from 1600 hrs. onwards in Main Committee Room, Parliament House Annexe, New Delhi.
3. It is, therefore, requested that senior most representatives of Facebook India may make it convenient to appear before the Committee on the said date, time and venue. The names/designations of the representatives from Facebook India who will appear before the Committee may be intimated to this Secretariat

by 27 August, 2020 or before positively. In view of the COVID-19 pandemic, you are requested to restrict the number of representatives who will attend the scheduled sitting on 2nd September, 2020 to a maximum of 5 persons.

4. You may like to submit a brief note highlighting your views/comments on the subject matter to the Committee before sitting. The same can be e-mailed at comit@sansad.nic.in.
5. Entry passes to the venue of the sitting may be collected from the IT Committee Branch in advance.
6. A copy of the points of Conduct and Etiquette to be observed by non-official witnesses appearing before the Committee is enclosed at Annexure-I for your guidance.

Yours faithfully,

Sd/-

Director

Tel No. 23034388/5235

comit@sansad.nic.in

POINTS OF CONDUCT AND ETIQUETTE FOR THE
GUIDANCE OF WITNESSES APPEARING BEFORE
PARLIAMENTARY COMMITTEES OR THEIR SUB-
COMMITTEES.

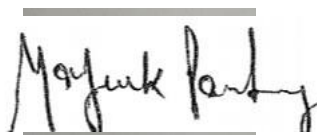
The witnesses should note the following points while appearing before Parliamentary Committee:

1. Due respects to the Chairman and the Committee/Sub-Committee should be shown by the witness by bowing while taking his seat.
2. The witness should take the seat earmarked for him opposite to the seat of the Chairman.
3. The witness should take the oath, or make affirmation, if so asked by the Chairman. The oath or affirmation will be administered by the Secretary. The witness will take the oath or make affirmation standing in his seat and bow to the Chair just before taking the oath or making the affirmation and immediately afterwards.

4. The witness should answer specific questions put to him either by the Chairman, or by a Member of the Committee or by any other person authorized by the Chairman. The witness may be asked to place before the Committee any other points that have not been covered and which a witness thinks are essential to be placed before the Committee.
5. All submissions to the Chair and the Committee should be couched in courteous and polite language.
6. When the evidence is completed, and the witness is asked to withdraw, he should, while leaving, bow to the Chair.
7. The witness should not smoke or chew when he is seated before the Committee.
8. Subject to the provisions of Rule 270 of the Rules of Procedure and Conduct of Business in the Lok Sabha, the witness should note that following acts shall constitute breaches of privilege and contempt of Committee:-

- (a) Refusal to answer questions.
 - (b) Prevarication or willfully giving false evidence or suppressing the truth or misleading the Committee.
 - (c) Trifling with the Committee; returning insulting answers.
 - (d) Destroying or damaging a material document relative to the enquiry.
9. The witness should not bring cellular phones inside the Parliament House Complex.

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ANNEXURE P-7LEGISLATIVE ASSEMBLY SECRETARIAT
NATIONAL CAPITAL TERRITORY OF DELHI

BULLETIN PART-II

(General information relating to legislative and other matters)

Thursday 12th March, 2020/ 22, Phalgun,
1941(Shaka)

No: 11

Subject: Terms of Reference of the Committee on
Peace and Harmony.

Hon'ble Members are hereby informed that
Hon'ble Speaker has approved the following
Terms of Reference for the Committee on Peace
and Harmony constituted on 02.03.2020:

1. There shall be a Committee on Peace and Harmony *inter-alia* to consider the factors and situations which have the potential to disturb communal harmony in the National Capital Territory of Delhi and suggest measures to eliminate such factors and deal with such situations so as to establish harmony among

different religious or linguistic communities or social groups.

2. The Committee shall consist of nine members who shall be nominated by the Speaker.
3. The term of the Committee shall be one year.
4. The functions of the Committee shall be: -
 - (i) to consider the petitions, complaints or reports from the members of the public, social organisations, journalists etc. on the situations prevailing in a particular area/ areas which have the potential to disturb communal peace and harmony or where communal riots have occurred and to examine in detail and identify the factors responsible for it.
 - (ii) to recommend suitable measures to defuse the situation and restore harmony among religious communities, linguistic communities or social groups.
 - (iii) to recognise, reward and felicitate individuals who played a role in the protection of fellow

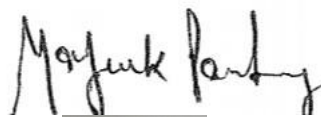
citizens during acts of communal violence, or undertook any activity that led to the restoration of peace in the state

- (iv) to recognise, reward and felicitate individuals whose information resulted in the registration of First Information Reports (FIRs) in relation to the crimes committed during the communal riots
- (v) to undertake scientific study of the religious, linguistic and social composition of the population of NCR Delhi, with a view to identifying and strengthening the factors which unite the people despite the diversity in terms of their social, religious, economic and cultural tradition
- (vi) to recommend measures to be undertaken by the government towards establishing communal harmony and peace in the state
- (vii) to recommend action against such persons against whom incriminating evidence is found

or prima facie case is made out for incitement to violence

- (viii) to examine such other matters, broadly in conformity with the objectives of the Committee, as may seem fit to the Committee or are specifically referred to it by the House or the Speaker
- (ix) The Committee shall submit its report to the House. If the House is not in session the Committee may submit the report to the Speaker who may forward the same to the Govt, for necessary action thereon. The Secretary shall lay the report on the Table of the House on the first day of the next session.
- (x) As soon as may be after the submission of the report to the House by the Committee, the Govt. shall take appropriate action in the matter dealt with in the report and a complete statement on the action taken by all the authorities thereon shall be laid in the House within two weeks after the report is presented in the House.

- (xi) In considering/ examining the complaints/ reports etc., the Committee may engage the services of experts.
- (xii) The Speaker shall reconstitute the Committee on the expiry of its term.
- (xiii) Except in respect of matters provided in these rules, other matters in connection with the Committee shall be dealt with under the general rules relating to the Committees.
- (xiv) The Speaker may issue such directions as he may consider necessary for regulating the procedure in connection with all matters involving the consideration of any question that may be brought up before the Committee.
- (xv) The Committee shall have all the powers, privileges and immunities as are available to the Committees of the Legislative Assembly of National Capital Territory of Delhi.



C. Velmurugan

Secretary

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ANNEXURE P-8

We welcome you all to this press conference.
The Committee on Peace and Harmony of the Delhi Legislative Assembly convened its ongoing proceedings on 31 August 2020 on the issue related to alleged inaction on hateful content by Facebook.
In today's meeting, 3 people appeared before the committee.
The first person was Awesh Tiwari, who is a journalist and was also a newspaper editor in the past.
Second person Kunal Purohit, he is also a journalist who has extensively investigated and reported on the issues of Facebook and WhatsApp.
The third person is Subhash Ghatak, he is also a journalist who has investigated and reported on how Facebook has colluded in spoiling the communal harmony in several countries with vested interest.
Mr. Ghatak is aware of the community standards and policies of Facebook applicable in various countries. He appeared before the committee and recorded his testimony.

First witness Awesh Tiwari as a journalist and as a Complainant has submitted new evidences and recorded his statements before the committee about the Delhi riots which took place in the beginning of year 2020.
Based on the complaints that we have received during the hearings of the past few days and after hearing the witnesses who have appeared before the committee, and the evidences put forward by them, this committee after examining the evidences has reached to the preliminary conclusion.
Prima facie it seems that Facebook had colluded with the vested interest during the Delhi riots.
Facebook should be treated as a co-accused and investigated like co-accused in the Delhi riots investigation.
As the issue of Delhi riots is still going in the court, a supplementary charge sheet should be filled considering Facebook as a co-accused.
If the independent agency finds after investigation that the charges against them are substantial and have strong evidence, then a supplementary charge sheet should be filed against Facebook in the court.

Many things were put in front of this committee today, for fairness and transparency we have brought the whole proceeding live before the media.

Many things were put in front of this committee today, for fairness and transparency we have brought the whole proceeding live before the media.

A lot of findings have come out of this proceeding, of which 3-4 are of significant importance. Like, how does Facebook host incriminating materials on its platform inspite of continuous requests to remove such materials form its users.

Due to these incriminating materials, brotherhood, love, peace and harmony are disturbed, still such contents are not removed.

Facebook has also tied up with several web channels which are non-accredited fly-by- news channels.

These web news channels have a sole agenda to produce content that disturbs social harmony, creates communalism, polarizes society, and deepens the already existing fault lines.

Facebook colludes with such channels and promotes and publishes such contents along with these channels.

Surprisingly, a very important thing that came to the committee's notice is the evidence that the content which is harmonious in nature, that promotes unity and amity between two communities i.e. brotherhood, love, peace and harmony, Facebook removes that content.

And the content that is disharmonious, which creates a riot, conflict between two communities, between two religions, between people; such content is promoted.

It was also demonstrated in front of this committee today how a man named George Floyd was killed in the month of May in the United States, after which a movement started as black lives movement all over America by giving a slogan "black life matter".

There were clashes and protests among the American-African community and among some other communities, but at that time Facebook enforced its community standards and followed its bylaws to promote mutual brotherhood.

And the content which would have hurt mutual brotherhood, was removed or suppressed on their platform.

But the same law and community standards, which was

enforced in America, were not implemented by Facebook in India during Delhi riots.

Facebook's double standards of hypocrisy came out clearly during the Delhi riots and Committee is of the view that prima facie they should be treated like a co-accused, and after investigation if strong evidence found, a supplementary charge-sheet should also be filed against them.

In this context, after finding this prima facie, it becomes imperative that this committee should ask Facebook India officials to appear before them to present their case.

This committee has decided that they would summon Facebook officials in the next meeting, issue a notice and ask them to appear before this committee.

In the end, all I want to say is that prima facie view of the allegations brought by the witnesses of this committee, and the evidence brought before this committee, is that it definitely appears that there was a premeditated conspiracy between some rioters, anti social elements and Facebook as a result of which Delhi's harmony was disturbed in the month of February.

The evidence put up by a witness demonstrates that the

attempt was to have a riot before Delhi elections. He even spoke and showed the evidence that the kind of actions, material and propaganda was being done on Facebook.
The attempt before the Delhi Assembly elections in the first week of February, was to disturb the communal harmony of Delhi thereby deteriorating the law-and-order situation culminating into riots.
The politics of polarization came to a climax. But it took sometime to peak and hence implementation of premeditated conspiracy got delayed.
This led to the riot just weeks after the election ended.
Hence one needs to investigate what was the role of Facebook in this riot. What lapses were committed intentionally.
Or what things were deliberately promoted. For this, this committee will summon Facebook in the next meeting.
If you have any question regarding this, you are most welcome.
Questioner 1:- Has the decision to summon Facebook officials been taken or will it be taken in the next meeting?
Raghav Chaddha:- The decision has been taken. They

would be summoned in the next meeting.
Questioner 2:- By name or otherwise...
Raghav Chaddha:- Now, it is upon the committee to decide whom to call and how to call.
Questioner 3:- You just said that Facebook should also be considered as co-accused.
Raghav Chaddha:- You have asked a good question.
Look! We said this earlier also.
The proceedings of this committee will be incomplete until the officials of Facebook do not come forward to this committee and present their side of the story.
Because the Principle of natural justice says that if so much evidence and so much incriminating material has been gathered against whoever is being accused.
He must be testified before he is convicted.
Committee must listen to them, know their side as well.
This is the principle of natural justice of our country.
The serious things which have been presented before this committee and because of the evidences that have come out a prima facie view is that Facebook is a co-accused and hence an investigation must be carried out about

their role during Delhi riots.
After investigation a supplementary charge sheet will be filed.
After that the court will start its trial.
Based on evidence a proper decision will be made by the court that would be fair.
But before that, before taking any action for this committee, before taking any action in writing, it is mandatory that we give Facebook a chance to appear before us.
Questioner 4:- Is evidence placed before you about any other social media?
Raghav Chadha:- You are right, today, along with Facebook, a lot of allegations and evidence regarding WhatsApp were placed before this committee.
Many things and evidence regarding the role of WhatsApp and what was the role of WhatsApp in Delhi riot 2020 were kept today.
But it has to be seen from the same perspective because whether it is facebook.com or whatsapp messenger, the ownership and administration of both is run by Facebook INC.

Facebook is also the owner of WhatsApp and Facebook is also the owner of Facebook.com.

So we also included the role of WhatsApp in the proceedings of today's committee and increased the scope of the committee.



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ANNEXURE P-9

FACEBOOK

September 13, 2020

To,

The Hon'ble Chairman,
The Committee on Peace and Harmony,
Delhi Legislative Assembly, NCT of Delhi.

Subject: Response to Notice for Appearance before
the Delhi Legislative Assembly's
Committee on Peace and Harmony, NCT of
Delhi dated September 10, 2020

Hon'ble Chairman,

Facebook India Online Services Private Limited
is in receipt of the notice dated September 10,
2020 ("Notice") issued by the Delhi Legislative
Assembly's Committee on Peace and Harmony
("Committee").

Facebook, Inc. ("Facebook") operates and
manages the Facebook platform, and provides
the Facebook service to users in India.
Facebook shares the Committee's concerns

regarding the dissemination of hate speech online and has implemented robust measures to curb its spread on Facebook's platforms. Facebook bans individuals and groups that proclaim a hateful and violent mission from having a presence on its platforms. Facebook seeks to apply its comprehensive standards uniformly and has identified a range of such individuals and groups across the globe.

Facebook has also built some of the most advanced systems in the world to protect its users' safety and security, investing billions of dollars in technology and hiring tens of thousands of people to work on safety and security. Based on these efforts, we removed 22.5 million pieces of hate speech content in the second quarter of 2020 (up from just 1.6 million pieces of hate speech removed in the last quarter of 2017), nearly 95 percent of which we removed before it was reported to us. Facebook is committed to being more transparent about how it combats hate speech and routinely

publishes a Transparency Report, which provides details about steps taken by Facebook to prevent and action content that violates its policies.

In view of the importance of this subject, the Parliament's Standing Committee on Information Technology ("Parliamentary Standing Committee") is examining the issues raised in your Notice as a part of its inquiry into "Safeguarding citizens' rights". We gave testimony before the Parliamentary Standing Committee. We are enclosing the notice received from the Parliamentary Standing Committee for your reference. (Annexure A)

As you are well aware, the regulation of intermediaries like Facebook falls within the exclusive authority of the Union of India and in exercise of this power to regulate "communications", Parliament has enacted the Information Technology Act, 2000. Further, the subject of "law and order" in the National

Capital Territory of Delhi also falls within the exclusive domain of the Union of India.

Given that the issues raised by the Notice involve subject matter within the exclusive domain of the Union of India, and that the matters are under active consideration by Parliament, we respectfully object to the Notice and request that you recall it.

Facebook responds to the Notice without prejudice to, and expressly reserving, any and all of its rights.

Sincerely,
For Facebook.

Vikram Langeh,
Director,
Trust & Safety, Facebook.

MOST IMMEDIATE

LOK SABHA SECRETARIAT
(STANDING COMMITTEE ON INFORMATION
TECHNOLOGY BRANCH)

FAX: 23010756
ANNEXE

PARLIAMENT HOUSE

NEW DELHI-110 001

No.18/l(iv)/IT/2020

20th August 2020

From

Y.M. Kandpal

Director

To

Shri Ajit Mohan,

Vice President & MD,

Facebook India Online Services Pvt. Ltd.,

7th Floor, Parsvnath Capital Towers,

Bhai Veer Singh Marg, Gole Market,

New Delhi-110001.

Subject: Examination of the subject 'Safeguarding
citizens' rights and prevention of misuse of
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Sir,

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2. Keeping in view the importance of the subject and its wider implications in the present context, the Committee have decided to hear the views of representatives of Facebook India on the above subject at their sitting scheduled to be held on Wednesday, 2nd September, 2020 from 1600 hrs. onwards in Main Committee Room, Parliament House Annexe, New Delhi.
3. It is, therefore, requested that senior most representatives of Facebook India may make it convenient to appear before the Committee on the said date, time and venue. The names/designations of the representatives from Facebook India who will appear before the Committee may be intimated to this Secretariat

by 27 August, 2020 or before positively. In view of the COVID-19 pandemic, you are requested to restrict the number of representatives who will attend the scheduled sitting on 2nd September, 2020 to a maximum of 5 persons.

4. You may like to submit a brief note highlighting your views/comments on the subject matter to the Committee before sitting. The same can be e-mailed at comit@sansad.nic.in.
5. Entry passes to the venue of the sitting may be collected from the IT Committee Branch in advance.
6. A copy of the points of Conduct and Etiquette to be observed by non-official witnesses appearing before the Committee is enclosed at Annexure-I for your guidance.

Yours faithfully,

Sd/-

Director

Tel No. 23034388/5235

comit@sansad.nic.in

POINTS OF CONDUCT AND ETIQUETTE FOR THE
GUIDANCE OF WITNESSES APPEARING BEFORE
PARLIAMENTARY COMMITTEES OR THEIR SUB-
COMMITTEES.

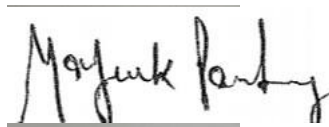
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 - (d) Destroying or damaging a material document relative to the enquiry.
9. The witness should not bring cellular phones inside the Parliament House Complex.

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. NO. _____ OF 2020

IN

WRIT PETITION (CIVIL) NO. _____ OF 2020

In The Matter Of:

Ajit Mohan & Ors.

...Petitioners

VERSUS

Legislative Assembly, NCT of Delhi & Ors.

...Respondents

APPLICATION FOR URGENT INTERIM RELIEF

TO:

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUDGES OF THE

HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF

PETITIONER NOS. 1, 2 & 3

1. Petitioners file the present Application to request urgent interim relief on account of Respondent No. 1 proceeding without jurisdiction and threatening coercive action against Petitioners in gross violation of Petitioners' fundamental rights under Article 19(1)(a) and Article 21 of the Constitution of India.

2. Petitioners have filed the accompanying Writ Petition ("Petition") raising important questions of constitutional

importance on the power of a Legislative Assembly (including a Committee formed by a Legislative Assembly) to compel a non-member to attend proceedings and to exercise powers falling outside the jurisdiction of the Legislative Assembly under the Seventh Schedule of the Constitution.

3. Petitioners repeat and reiterate the facts, questions of law, and grounds set out in the Petition, which are not being reproduced herein for the sake of brevity.
4. These critical constitutional issues arise from summonses dated September 10, 2020 and September 18, 2020 (“**Impugned Summonses**”) issued by the Committee of Peace and Harmony (the “**Committee**”) of Respondent No. 1, demanding that Petitioner No. 1, the Vice President and Managing Director of Petitioner No. 2, appear before the Committee to testify on matters that are within the exclusive jurisdiction of the Union of India and threatening coercive action against Petitioner No. 1, including breach of privilege proceedings, if he fails to appear.
5. A brief summary of the facts leading up to the filing of the Petition and the present Application is set out below:

- a. On August 31, 2020 – even **before** issuing either of the Impugned Summonses – the Chairman of the Committee held a press conference announcing that *“Facebook should be treated as a co-accused in the Delhi riots”* and that there was a *“premeditated conspiracy between FB, rioters and anti-social elements”*. This clearly shows that the Committee had pre-ordained Petitioners’ guilt in connection with the Delhi riots.
- b. On September 10, 2020, the Committee issued its first summons (**“First Impugned Summons”**), which ordered Petitioner No. 1 to appear on September 15, 2020 as a witness and render assistance to the Committee for *“determination of the veracity of allegations levelled against Facebook in the compliance and depositions made before the Committee”*.
- c. On September 13, 2020, Petitioners responded to the First Impugned Summons, requesting that the Committee recall the summons because the issues raised therein involved subject matters within the exclusive domain of Union of India, including

“communications” and “public order” and “police” in the National Capital Territory of Delhi (see Entry 31 of List I in the Seventh Schedule and Article 239AA of the Constitution of India).

d. On September 15, 2020, the Committee held a hearing in which it made observations on Petitioners’ response to the First Impugned Summons.

e. On September 18, 2020, the Committee issued a second summons (“**Second Impugned Summons**”) directing Petitioner No. 1 to appear before the Committee on September 23, 2020.

6. The Committee’s insistence on compelling Petitioner No. 1 to speak, and its categorical threat to treat Petitioner No. 1’s non-appearance as a “*breach of privilege of the Committee and [to take] necessary action as deemed fit*”, give rise to a clear and present danger to the fundamental rights and liberties of Petitioners in the *ultra vires* proceedings before the Committee. Accordingly, Petitioners are compelled to approach this Hon’ble Court to avoid imminent irreparable harm.

7. A committee of a State Legislature, deriving its powers from the Legislative Assembly, cannot exercise its powers and privileges in a manner that exceeds the constitutional limitations on the Legislative Assembly. (See *Powers, Privileges and Immunities of State Legislatures, In Re*, (1965) 1 SCR 413, at page 445; *Kalpana Mehta v. UOI*, (2018) 7 SCC 1, at para 108). Here, the Committee has exceeded its powers and privileges in several respects.

The Committee lacks the power to summon or hold Petitioners in breach of its privileges for failing to appear.

8. As detailed in the Petition, the Committee's powers cannot extend to *compelling* non-members to appear unless they are impeding or obstructing the Committee's legislative functioning – *i.e.*, drafting and enacting legislation. Absent such impediment or obstruction, there can be no breach of the Committee's privileges. (See *State of Karnataka v. Union of India*, (1977) 4 SCC 608 at para 63; *Markandey Katju v. Lok Sabha*, (2017) 2 SCC 384 at para 37). Here, Petitioners have not impeded or obstructed the legislative functioning of the Committee and thus cannot be compelled to appear before it.

9. It is submitted that there is no law that empowers a State Legislature, including a committee formed by that Legislature, to take coercive action against any person. The personal rights and liberties of persons are protected by Part III of the Constitution, particularly Articles 14, 19 and 21, and coercive action cannot be taken against any citizen unless that action has been authorised by law. The privileges bestowed upon a State Legislature relate solely to its legislative functioning and cannot be exercised against non-members other than those who impede or obstruct the legislative functioning. Because Petitioner No. 1 has done nothing to impede or obstruct the legislative functioning of the Delhi Assembly – even by not appearing – the Committee has no authority to compel the testimony of Petitioner No. 1 or hold him in breach of privileges.

The Impugned Summonses impinge upon the exclusive jurisdiction of the Union of India.

10. When the Legislative Assembly has been denied powers over subjects exclusively assigned to the Union of India, a Committee of that very Assembly cannot hold hearings and compel witnesses to appear and provide evidence on these subjects. (See *Powers, Privileges and Immunities of State*

Legislatures, In re, (1965) 1 SCR 413 at page 507). Here, the Committee, through the Impugned Summonses, seeks to exercise powers which have been expressly denied to the Legislative Assembly itself. The Committee is seeking to compel Petitioner No. 1 to provide testimony on subjects within the exclusive domain of the Union of India. Specifically, the Committee is seeking to make a “*determination of the veracity of allegations levelled against Facebook*” in the Delhi riots. This determination of the Committee intrudes into subjects exclusively allocated to the Union of India:

- a. Regulation of intermediaries, including in connection with the Facebook service, i.e. the website www.facebook.com and applications for mobile devices and tablets (together, the “**Facebook Service**”), falls within the exclusive domain of the Union of India under Entry “communication” in the Union List (Entry 31 of List I of VII Schedule). Parliament, in exercise of these powers, enacted the Information Technology Act, 2000 to regulate intermediaries. Any assessment of the veracity of

allegations against Petitioner No. 3 as an intermediary is exclusively a Union subject.

- b. Additionally, Petitioner No. 3's alleged role in the Delhi riots is an issue that involves "*public order*" and "*police*" in the NCT of Delhi. Article 239AA(3)(a) of the Constitution (read with Entry 1 and 2 in List II), expressly denies the Delhi State Legislative Assembly the power to regulate "*public order*" and "*police*" in the NCT of Delhi.

The Impugned Summonses violate the Petitioners' fundamental rights.

11. Even if the Committee could compel non-members who have not obstructed or impeded its legislative functioning to appear, the Impugned Summonses violate Petitioners' fundamental rights:

- a. The Impugned Summonses violate Petitioner No. 1's
 - (i) right to remain silent under Article 19(1)(a) (*see Selvi v. State of Karnataka*, (2010) 7 SCC 263, at para 225);
 - (ii) right to be let alone, which is part of the right to privacy guaranteed under Article 21 (*see K.S.*

Puttaswamy v. Union of India, (2017) 10 SCC 1); and

(iii) right to personal liberty under Article 21.

- b. By targeting the Facebook Service – a platform that allows users to express themselves – the Impugned Summonses create a chilling effect on the free speech rights of users of the Facebook Service. (See *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637, at paras 32-33).

12. In this regard, this Hon'ble Court is considering whether a Committee of a State Legislature, exercising its privilege powers under Article 194(3), can demand a non-member to answer questions, thereby overriding the non-member's fundamental rights under Article 19(1)(a) and Article 21 of the Constitution. This issue is pending in *N. Ravi and Ors. v. Speaker, Legislative Assembly, Chennai*, W. P. (Crl.) Nos. 206-210 of 2003, (2005) 1 SCC 603, where this Hon'ble Court observed that the interplay between Article 19(1)(a) and Article 21 on one hand, and Article 194(3) on the other hand, requires detailed consideration, and referred these issues to a seven-Judge Bench. Pertinently, this Hon'ble Court passed interim directions (Order dated 8.12.2003) restraining the State Legislative Committee in

that case from taking coercive steps against the petitioners.

Petitioners respectfully submit that similar orders should be passed in the present Application and that the present Petition should be placed before a 7-Judge Bench of this Hon'ble Court as it raises similar critical questions of constitutional importance.

13. Petitioners submit that a strong *prima facie* case has been made out in the Petition and herein above for the grant of *ex-parte* ad-interim reliefs prayed for herein and for confirming the same on return of notice. The Petition raises issues of great public and constitutional importance and also demonstrates the manner in which Petitioners' fundamental rights are affected by the acts of Respondents. Indeed, Respondent No. 1 should have considered its lack of jurisdiction to issue the Impugned Summonses before proceeding in a manner that is gravely prejudicial to Petitioners.
14. Petitioners most respectfully submit that in the event the present Application is not allowed, and unless suitable interim orders safeguarding their interest are made prior to the date stipulated in the Impugned Summons, *i.e.*, prior to September 23, 2020, the Petition and this Interim

Application may become infructuous, as Petitioners will suffer irreparable loss and injury. Petitioners have approached this Hon'ble Court at the earliest possible opportunity, as the Second Impugned Summons threatening coercive action was received on Friday, September 18, at 7:02 pm, *i.e.*, after business hours, and the accompanying Petition and this Application are being filed on Monday, September 21, 2020.

15. No harm or injury shall be caused whatsoever to Respondent No. 1 in the event the reliefs are granted. The balance of convenience is thus clearly in favour of grant of the *ex-parte* ad-interim reliefs sought herein.

PRAYER

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- A. Grant an *ex parte, ad interim* stay on the operation of the Impugned Summonses issued by Respondent No. 1 on September 10, 2020, and September 18, 2020, during the pendency of the Petition;
- B. Grant an *ex parte, ad interim* order directing Respondent No. 1 to not issue any other or further

summons to Petitioners, or their employees, officers, representatives or agents, in connection with the functioning of the Committee, during the pendency of the Petition;

- C. Grant an *ex parte*, *ad interim* order directing that no coercive steps be taken by Respondents, either directly or indirectly, against Petitioners, or their employees, officers, representatives or agents, during the pendency of the Petition;
- D. Confirm the orders passed pursuant to prayers (A), (B), and (C) upon return of motion; and
- E. Pass any other order or directions as this Hon'ble Court deems fit and proper.

AND FOR THIS ACT OF KINDNESS, YOUR HUMBLE PETITIONERS, AS IN DUTY BOUND, SHALL EVER PRAY

DRAWN & FILED BY:



MAYANK PANDEY

ADVOCATE ON RECORD FOR PETITIONERS

DRAWN ON: 20 SEPTEMBER 2020

FILED ON: 21 SEPTEMBER 2020

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

I.A. No. _____ of 2020
IN

Writ Petition (C) No. _____ of 2020

In The Matter Of:

Ajit Mohan & Ors.	VERSUS	...Petitioners
Legislative Assembly, NCT of Delhi & Ors.		...Respondents

**APPLICATION FOR TEMPORARY EXEMPTION FROM
FILING DULY AFFIRMED NOTARISED DOCUMENTS**

TO:

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUDGES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF
PETITIONER NOS. 1, 2 & 3

1. Petitioners in the captioned Writ Petition file this Application seeking temporary exemption from filing duly affirmed/notarized/apostilled physical copies of their affidavits and vakalatnamas in connection with the Writ Petition and accompanying Applications.

2. As explained further in the Writ Petition and Application for Interim Relief, Petitioners urgently seek interim orders primarily in light of the summons dated September 18, 2020 issued by the Peace and Harmony Committee of

Respondent No. 1 (the “**Committee**”), directing Petitioner No. 1 to appear before the Committee on September 23, 2020 (the “**Second Impugned Summons**”). Critically, the Second Impugned Summons states that Petitioner No. 1’s failure to appear before the Committee will be considered a breach of privilege and that “necessary action as deemed fit” would be taken against Petitioner No. 1.

3. Unless the present Writ Petition is filed as a matter of urgency and prior to the date stipulated in the Second Impugned Summons, *i.e.*, prior to September 23, 2020, Petitioners will suffer irreparable loss and injury and face risk of continued violation of their fundamental rights, including under Article 19(1)(a) and Article 21.
4. Petitioner No. 3’s signatory resides in the State of California. Given the urgency required in the filing of the Writ Petition, notarized and apostilled copies of its affidavits and vakalatnama were not yet available at the time of filing. The Petitioners undertake to file duly affirmed/notarized/apostilled copies of these documents as soon as possible. The submission of documents without notarization/apostillization is neither intentional nor deliberate, but due to the unavoidable reason stated above.
5. Petitioners further undertake to provide physical copies of their filings, including affidavits and vakalatnamas, along with any further required court fees or other charges, at the earliest.

6. The present application is made *bona fide* and in the interest of justice and equity.
7. No prejudice will be caused to Respondents if Petitioners are granted temporary exemption from filing duly affirmed/notarized/apostilled physical copies of their affidavits and vakalatnamas.

8. PRAYER

Petitioners pray that this Hon'ble Court may be pleased to:

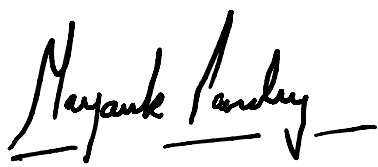
- a. Exempt Petitioners from filing duly affirmed/notarized/apostilled physical copies of their affidavits and vakalatnamas, which Petitioners undertake to file as soon as possible, together with any further required court fees or other charges; and
- b. Pass any such further order(s) as this Hon'ble Court may deem fit and proper, in the facts and circumstances of this present case.

**AND FOR THIS ACT OF KINDNESS PETITIONERS
SHALL, AS IN DUTY BOUND, EVER PRAY.**

DRAWN ON: 20 September 2020

FILED ON: 21 September 2020

FILED THROUGH:



MAYANK PANDEY

Advocate for Petitioners

PLACE: NEW DELHI

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

I.A. No. _____ of 2020
IN

Writ Petition (C) No. _____ of 2020

In The Matter Of:

Ajit Mohan & Ors.	VERSUS	...Petitioners
Legislative Assembly, NCT of Delhi & Ors.		...Respondents

**APPLICATION FOR EXEMPTION FROM FILING
CERTIFIED TRANSLATIONS**

TO:

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUDGES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF
PETITIONER NOS. 1, 2 & 3

1. Petitioners have filed typed, transcribed, translated copy of record necessary for adjudication of the present matter, which is marked Annexure P-8.

2. The original proceedings to which this record pertains was conducted in Hindi. Petitioners have submitted true and correct translation prepared in the office of Petitioners' advocate. Petitioners seek exemption from filing certified translations of this record.

3. The detailed facts and circumstances giving rise to the Writ Petition are set forth therein. As explained further in the Writ Petition and Application for Interim Relief, Petitioners urgently seek interim orders primarily in light of the summons dated September 18, 2020 issued by the Peace and Harmony Committee of Respondent No. 1 (the “**Committee**”), directing Petitioner No. 1 to appear before the Committee on September 23, 2020 (the “**Second Impugned Summons**”). Critically, the Second Impugned Summons states that Petitioner No. 1’s failure to appear before the Committee will be considered a breach of privilege and that “necessary action as deemed fit” would be taken against Petitioner No. 1.
4. Given the urgency required in the filing of the Writ Petition, Petitioners respectfully request that they be exempted from filing certified translation of the record.
5. The present application is made *bona fide* and in the interest of justice and equity.
6. No prejudice will be caused to Respondents if Petitioners are granted exemption from filing certified translation of the record.
7. PRAYER

Petitioners pray that this Hon’ble Court may be pleased to:

- a. Exempt Petitioners from filing in the present Writ Petition certified translation of the record for which

true and correct translation is provided at Annexure P-8; and

- b. Pass any such further order(s) as this Hon'ble Court may deem fit and proper, in the facts and circumstances of this present case.

**AND FOR THIS ACT OF KINDNESS PETITIONERS
SHALL, AS IN DUTY BOUND, EVER PRAY.**

DRAWN ON: 20 September 2020

FILED ON: 21 September 2020

FILED THROUGH:



MAYANK PANDEY

Advocate for Petitioners

PLACE: NEW DELHI