

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 30TH DAY OF MARCH 2023 / 9TH CHAITHRA, 1945

RP NO. 107 OF 2023

AGAINST THE JUDGMENT DATED 22.12.2022 IN WP(C)NO.6687/2017

REVIEW PETITIONER/RESPONDENT NO.2:

GOOGLE INC, 1600, AMPHITHEATRE PARKWAY,
MOUNTAIN VIEW, CA 94043, USA,
REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV C.M.ANDREWS

RESPONDENTS/PETITIONER & RESPONDENTS 1,3 TO 5:

1XXXXXXXXXX

XXXXXXXXXX XXXXXXXXXXXX

2 UNION OF INDIA, REPRESENTED BY THE SECRETARY TO
THE GOVERNMENT OF INDIA, MINISTRY OF INFORMATION
AND TECHNOLOGY, ELECTRONICS NIKETAN, 6, CGO
COMPLEX, LODHI ROAD, NEW DELHI - 110 001.

3 GOOGLE INDIA PVT. LTD., NO.3 RMZ
INFINITY - TOWER E, OLD MADRAS ROAD,
4TH AND 5TH FLOORS, BANGALORE - 560 016.

4 THE REGISTRAR GENERAL, HIGH COURT OF KERALA,
ERNAKULAM- 682 031.

5 GOOGLE LLC, 1600, AMPHITHEATRE PARKWAY,
MOUNTAIN VIEW, CA 94043, USA.

BY ADV. ADARSH MATHEW
BY ADV.SANTHOSH MATHEW
BY ADV.B.G.HARINDRANATH
BY SRI.MANU S., DSG OF INDIA
BY SRI.SUVIN R. MENON, CGC

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
24.02.2023, ALONG WITH RP.108/2023, 109/2023 AND CONNECTED
CASES, THE COURT ON 30.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 30TH DAY OF MARCH 2023 / 9TH CHAITHRA, 1945

RP NO.108 OF 2023

AGAINST THE JUDGMENT DATED 22.12.2022 IN WP(C) 2604/2021

REVIEW PETITIONER/RESPONDENT NO.4:

GOOGLE LLC, 1600, AMPHITHEATRE PARKWAY,
MOUNTAIN VIEW, CA 94043, USA.

BY ADV.C.M.ANDREWS

RESPONDENTS/PETITIONER & RESPONDENTS 1 TO 3:

1XXXXXXXXXX

XXXXXXXXXX XXXXXXXXXXXX

2 THE REGISTRAR GENERAL, REPRESENTED BY
GOVERNMENT PLEADER, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031.

3 WWW.INDIANKANOON.ORG,
NO PHYSICAL ADDRESS FOUND, E-MAIL
API@INDIANKANOON.COM

4 WWW.MYNATION.NET,
NO PHYSICAL ADDRESS FOUND, E-MAIL
ADMIN@MYNATION.NET

BY ADV.ANITHA MATHAI MUTHIRENTHYBY
ADV.B.G.HARINDRANATH

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
24.02.2023, ALONG WITH R.P.NO.107/2023 AND CONNECTED CASES,
THE COURT ON 30.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 30TH DAY OF MARCH 2023 / 9TH CHAITHRA, 1945

RP NO. 109 OF 2023

AGAINST THE JUDGMENT DATED 22.12.2022 IN WP(C)NO.7642/2020

REVIEW PETITIONER/RESPONDENT NO.8:

GOOGLE LLC (A LIMITED LIABILITY CO.)
1600, AMPHIETHEATRE, PARKWAY, MOUNTAIN VIEW,
CA, 94043, USA.

BY ADV. C.M.ANDREWS

RESPONDENTS/PETITIONER & RESPONDENT NOS.1-7:

- 1 DR. KRISHNA MOHAN, AGED 60 YEARS,
S/O. DR.P.G.MENON, SASTHARAM, RAMANATHAPURAM,
PALAKKAD DISTRICT-678 001.
- 2 HIGH COURT OF KERALA, HIGH COURT ROAD,
MARINE DRIVE, KOCHI-682 031, REPRESENTED BY ITS
REGISTRAR.
- 3 UNION OF INDIA, REPRESENTED BY SECRETARY TO
GOVERNMENT, MINISTRY OF TELECOMMUNICATIONS,
NEW DELHI-110 001.
- 4 INDIAN KANOON, POST BOX NO.3804, BENGALURU,
KARNATAKA, PIN-560038, REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER.
- 5 GOOGLE INDIA PVT. LTD., HEAD OFFICE AT BLOCK-1,
DIVYASREE OMEGA, SURVERY NO.13, KONDAPUR VILLAGE,
HYDERABAD, ANDHRA PRADESH-500 032, REPRESENTED BY
ITS CHIEF EXECUTIVE OFFICER.
- 6 STATE OF KERALA, REPRESENTED BY SECRETARY TO
GOVERNMENT, DEPARTMENT OF ELECTRONICS AND
INFORMATION TECHNOLOGY, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

RP NO. 109 OF 2023

-:2:-

7 NATIONAL INFORMATICS CENTRE,
CDAC BUILDINGS, KELTRON COMPOUND VELLAYAMBALAM,
MANAVEEYAM ROAD, NANDAVANAM, VELLAYAMBALAM,
THIRUVANANTHAPURAM-695 033, REP. BY ITS DEPUTY
DIRECTOR, GENERAL.

8 YAHOO INDIA PVT. LTD.,
UNIT NO.1261, 6TH FLOOR, BUILDING NO.12,
SOLITTARE CORPORATE PARK NO.167,
GURU HARGOVINDJI MARG, ANDHERI GHATKOPAR LINK
ROAD, ANDHERI EAST, MUMBAI-400 093, REPRESENTED
BY ITS CHIEF EXECUTIVE OFFICER.

BY ADV.JACOB SEBASTIAN

BY ADV.SANTHOSH MATHEW

BY ADV.B.G.HARINDRANATH

BY SRI.MANU S., DSG OF INDIA

SHRI RIJI RAJENDRAN

BY SENIOR GOVERNMENT PLEADER, SMT.PRINCY XAVIER

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
24.02.2023, ALONG WITH R.P.NO.107/2023 AND CONNECTED CASES,
THE COURT ON 30.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS.JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 30TH DAY OF MARCH 2023 / 9TH CHAITHRA, 1945

RP NO. 112 OF 2023

AGAINST THE JUDGMENT DATED 22.12.2022 IN WP(C)NO.20387/2018

REVIEW PETITIONER/RESPONDENT NO.6:

GOOGLE LLC, 1600, AMPHITHEATRE PARKWAY,
MOUNTAIN VIEW, CA 94043, USA.

BY ADV C.M.ANDREWS

RESPONDENTS/PETITIONER & RESPONDENTS 1 TO 5:

- 1 VINU JOHN ALEXANDER, AGED 26 YEARS,
S/O.ALEXANDER, PUTHANPURATH VEEDU, AADARSH NAGAR,
HOUSE NO.71, PATTOM VILLAGE, THIRUVANANTHAPURAM
DISTRICT, PIN - 695004.
- 2 UNION OF INDIA, REPRESENTED BY THE SECRETARY TO
THE GOVERNMENT OF INDIA, MINISTRY OF INFORMATION
AND TECHNOLOGY, NEW DELHI - 110001.
- 3 STATE OF KERALA, REPRESENTED BY SECRETARY TO
GOVERNMENT, DEPARTMENT OF ELECTRONICS AND
INFORMATION TECHNOLOGY SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 4 THE HIGH COURT OF KERALA,
REPRESENTED BY ITS REGISTRAR GENERAL,
HIGH COURT ROAD, ERNAKULAM - 682 031.
- 5 NATIONAL INFORMATICS CENTRE,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
CDAC BUILDINGS, KELTRON COMPOUND, VELLAYAMBALAM,
THIRUVANANTHAPURAM - 695 031.
- 6 INDIAN KANOON, POST BOX NO.3804, BENGALURU,
KARNATAKA, PIN-560 038.

RP NO. 112 OF 2023

-:2:-

BY ADV C.A.CHACKO

BY ADV.SANTHOSH MATHEW

BY SRI.MANU S., DSG OF INDIA

BY SRI.M.N.SURESH KUMAR, CGC

BY SENIOR GOVERNMENT PLEADER, SMT.PRINCY XAVIER

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 24.02.2023, ALONG WITH R.P.NO.107/2023 AND CONNECTED CASES, THE COURT ON 30.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 30TH DAY OF MARCH 2023 / 9TH CHAITHRA, 1945

RP NO. 113 OF 2023

AGAINST THE JUDGMENT DATED 22.12.2022 IN WP(C)

NO.12699/2021

REVIEW PETITIONER/RESPONDENT NO.7:

GOOGLE LLC, 1600, AMPHITHEATRE PARKWAY,
MOUNTAIN VIEW, CA 94043, USA.

BY ADV C.M.ANDREWS

RESPONDENTS/PETITIONER & RESPONDENTS 1 TO 6:

1XXXXXXXXXX

XXXXXXXXXXXX XXXXXXXXXXXX

2 UNION OF INDIA, 4TH FLOOR, A-WING, BHAWAN,
NEW DELHI-110 001, REPRESENTED BY THE SECRETARY-
MINISTRY OF LAW AND JUSTICE.

3 THE HIGH COURT OF KERALA, HIGH COURT ROAD,
MARINE DRIVE, KOCHI-682 031, KERALA REPRESENTED
BY THE REGISTRAR GENERAL.

- 4 MINISTRY OF TELECOMMUNICATION,
SANCHAR BHAWAN, 20, ASHOKA ROAD, NEW DELHI-110
001, REPRESENTED BY THE SECRETARY DEPARTMENT OF
TELECOMMUNICATION.
- 5 GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, KERALA-695 001, REPRESENTED
BY THE CHIEF SECRETARY.
- 6 GOOGLE INDIA PVT. LTD., NO.3, RMZ INFINITY TOWER
E, OLD MADRAS ROAD, BANGALORE, KARNATAKA-560 016,
REPRESENTED BY ITS CEO.

RP NO. 113 OF 2023

-:2:-

- 7 INDIAN KANOON, 1ST FLOOR, 9TH CROSS, 10TH MAIN,
INDIRA NAGAR, BENGALURU, KARNATAKA-560 038,
REPRESENTED BY ITS PROPRIETOR SUSHANT SINHA.

BY ADV. RAJIT

BY SRI.MANU S., DSG OF INDIA
BY SRI.SUVIN R. MENON, CGC
BY SENIOR GOVERNMENT PLEADER, SMT.PRINCY XAVIER

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
24.02.2023, ALONG WITH R.P.NO.107/2023 AND CONNECTED CASES,
THE COURT ON 30.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 30TH DAY OF MARCH 2023 / 9TH CHAITHRA, 1945

RP NO.114 OF 2023

AGAINST THE JUDGMENT DATED 22.12.2022 IN WP(C)NO.21917/2020

REVIEW PETITIONER/RESPONDENT NO.5:

GOOGLE LLC (A LIMITED LIABILITY CO.),
1600, AMPHITHEATRE, PARKWAY, MOUNTAIN VIEW,
CA, 94043, USA.

BY ADV. C.M.ANDREWS

RESPONDENTS/PETITIONER & RESPONDENTS 1-4:

- 1 DR.NIKHIL S. RAJAN, AGED 37 YEARS, SON OF SOMARAJAN, RESIDING AT BHARGAVI, NELLIMUKKU, KOLLAM, KERALA-691 012.
- 2 UNION OF INDIA, REPRESENTED BY THE JOINT SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING, ROOM NO.552, A WING SHASTRI BHAVAN, NEW DELHI, PIN - 110001.
- 3 THE REGISTRAR GENERAL, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031.
- 4 THE WEBMASTER, INDIAN KANOON, WEBMASTER@INDIANKANOON.COM
- 5 GOOGLE INDIA PVT. LTD., 1ST FLOOR, 3 NORTH AVENUE, MAKER MAXITY, BANDRA KURLA COMPLEX, BANDRA EAST, MUMBAI, INDIA, 400051.

BY ADV.JOHNSON GOMEZ

BY ADV.SANTHOSH MATHEW

BY SRI.MANU S., DSG OF INDIA

BY SRI.SUVIN R. MENON, CGC

BY SENIOR GOVERNMENT PLEADER, SMT.PRINCY XAVIER

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 24.02.2023, ALONG WITH R.P.NO.107/2023 AND CONNECTED CASES, THE COURT ON 30.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 30TH DAY OF MARCH 2023 / 9TH CHAITHRA, 1945

RP NO. 116 OF 2023

AGAINST THE JUDGMENT DATED 22.12.2022 IN WP(C)

NO.29448/2021

REVIEW PETITIONER/RESPONDENT NO.2:

GOOGLE INC, 1600, AMPHIETHEATRE, PARKWAY, MOUNTAIN VIEW, CA, 94043, USA, REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV C.M.ANDREWS

RESPONDENTS/PETITIONER & RESPONDENTS 1 AND 3:

- 1 ADITHYA GOKUL M.S., GOKULAM HOUSE, KANJIRANOOJI,

PERUVAYAL P.O, KOZHIKODE - 673008, PIN - 673008

2 UNION OF INDIA, REPRESENTED BY THE SECRETARY TO
THE GOVERNMENT OF INDIA, MINISTRY OF INFORMATION
AND TECHNOLOGY, NEW DELHI - 110 001.

3 GOOGLE INDIA PVT. LTD., NO. 3 RMZ INFINITY -
TOWER E, OLD MADRAS ROAD, 3RD, 4TH AND 5TH
FLOORS, BANGALORE - 560 016.

BY ADV.BIMALA BABY

BY SRI.MANU S., DSG OF INDIA

BY SRI.SUVIN R. MENON, CGC

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
24.02.2023, ALONG WITH R.P.NO.107/2023 AND CONNECTED CASES,
THE COURT ON 30.3.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 30TH DAY OF MARCH 2023 / 9TH CHAITHRA, 1945

RP NO. 118 OF 2023

AGAINST THE JUDGMENT DATED 22.12.2022 IN WP(C)NO.8174/2020

REVIEW PETITIONER/RESPONDENT NO.5:

GOOGLE LLC, 1600, AMPHITHEATRE, PARKWAY,
MOUNTAIN VIEW, CA, 94043, USA.

BY ADV.C.M.ANDREWS

RESPONDENTS/PETITIONER 1-2 & RESPONDENT NOS.1-4:

- 1 JOMINI SAMUEL, AGED 41 YEARS,
W/O. SAMUEL, KOYIKALETH HOUSE, KOZHENCHERRY,
PATHANAMTHITTA, PIN - 689641.
- 2 SHEBA ANNA SAMUEL, D/O. SAMUEL, KOYIKALETH HOUSE,
KOZHENCHERRY, PATHANAMTHITTA, PIN - 689641.
- 3 UNION OF INDIA, REPRESENTED BY SECRETARY TO
GOVERNMENT, MINISTRY OF COMMUNICATION AND
DEPARTMENT OF ELECTRONIC AND INFORMATION
TECHNOLOGY, ELECTRONICS NIKETAN, 6, CGO COMPLEX,
LODHI ROAD, NEW DELHI-110003.

- 4 GOOGLE INDIA (PVT.) LTD., D OFFICE AT BLOCK 1,
DIVYASREE OMEGA, SURVEY NO.13, KONDAPUR VILLAGE,
HYDERABAD, ANDHRA PRADESH, 500032, REPRESENTED BY
ITS CHIEF EXECUTIVE OFFICER, PIN - 500032.
- 5 INDIAN KANOON, POST BOX NO.3804, BENGALURU,
KARNATAKA, 560038, REPRESENTED BY ITS CHIEF
EXECUTIVE OFFICER, PIN - 500038.
- 6 HIGH COURT OF KERALA, MARINE DRIVE, ERNAKULAM-
682031, REPRESENTED BY ITS REGISTRAR GENERAL.

RP NO. 118 OF 2023

-:2:-

BY ADV.B.S.SWATHI KUMAR

BY ADV.B.G.HARINDRANATH

BY SRI.MANU S., DSG OF INDIA

BY SRI.SUVIN R. MENON, CGC

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
24.02.2023, ALONG WITH RP.107/2023 AND CONNECTED CASES, THE
COURT ON 30.3.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 30TH DAY OF MARCH 2023 / 9TH CHAITHRA, 1945

RP NO. 120 OF 2023

AGAINST THE JUDGMENT DATED 22.12.2022 IN WP(C)NO.26500/2020

REVIEW PETITIONER/RESPONDENT NO.5:

GOOGLE LLC, 1600, AMPHITHEATRE PARKWAY, MOUNTAIN
VIEW, CA 94043, USA, PIN - 94043

BY ADV. C.M.ANDREWS

RESPONDENTS/PETITIONER & RESPONDENTS 1-4:

- 1 VYSAKH K.G., AGED 31 YEARS, S/O.GOKUL DAS
KONDRAPPASSERY HOUSE, KUNDALIYOOR, ENGANDIYOOR
P.O., THRISSUR, PIN - 680616.

- 2 UNION OF INDIA, REPRESENTED BY THE SECRETARY TO
THE GOVERNMENT OF INDIA, MINISTRY OF INFORMATION
AND TECHNOLOGY, NEW DELHI - 110 001.
- 3 THE REGISTRAR GENERAL, HON'BLE HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031.
- 4 THE WEBMASTER, WEBMASTER@INDIANKANOON.COM.
- 5 GOOGLE INDIA PVT. LTD.,
NO. 3 RMZ INFINITY - TOWER E, OLD MADRAS ROAD,
3RD, 4TH AND 5TH FLOORS, BANGALORE - 560 016.

BY ADV T.C.GOVINDASWAMY

BY ADV.SANTHOSH MATHEW
BY ADV.B.G.HARINDRANATH

BY SRI.MANU S., DSG OF INDIA
BY SRI.SUVIN R. MENON, CGC

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
24.02.2023, ALONG WITH RP.107/2023 AND CONNECTED CASES, THE
COURT ON 30.03.2023 DELIVERED THE FOLLOWING:

A.MUHAMED MUSTAQUE & SHOBA ANNAMMA EAPEN, JJ.

RP No.107/2023 in W.P. (C) .No.6687/2017,
RP No.108/2023 in W.P. (C) .No.2604/2021,
RP No.109/2023 in W.P. (C) .No.7642/2020,
RP No.112/2023 in W.P. (C) .No.20387/2018,
RP No.113/2023 in W.P. (C) .No.12699/2021,
RP No.114/2023 in W.P. (C) .No.21917/2020,
RP No.116/2023 in W.P. (C) .No.29448/2021,
RP No.118/2023 in W.P. (C) .No.8174/2020,
RP No.120/2023 in W.P. (C) .No.26500/2020

Dated this the 30th day of March, 2023

O R D E R

A.Muhamed Mustaque, J.

These review petitions are filed by Google
Incorporation, one of the respondents in the writ
petitions. They have come up with this review to
expunge certain observations in the judgment. This

Court dealt with an issue regarding judicial information policy in the judgment under review. The Court was called upon to decide the issue in the context of publication of judgments online. While elucidating on the point of law on the rights of the litigants, premised on the right to be forgotten, we stated that a litigant cannot claim

RP.No.107/2023 in WP(C).No.6687/2017
and connected cases

-:2:-

such a right in relation to records of recent origin and further observed that these rights can be claimed by them in future. Recognising it is a fundamental right, this Court observed that Google cannot ignore those fundamental rights and that the safe harbour principles available to them as intermediaries cannot be a defence to honour the fundamental rights of citizens. It was also observed that Google can, with the aid of AI tools, identify such data and remove it from online.

2. The learned Senior Counsel appearing for Google submits that this Court having found that Google is an intermediary, so far as it relates to

publication of the judgment, in para.63 of the judgment further observed that Google cannot claim itself as a mere intermediary which is contradictory to the earlier observation. We make it clear that such observation was made only with

RP.No.107/2023 in WP(C).No.6687/2017
and connected cases

-:3:-

reference to the claim based on fundamental rights and not with reference to any normal activities of Google referable to Information Technology Act and the relevant Rules.

3. We also note in this context, Rule 3(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules 2021" for short). Rule 3(d) reads thus:

(d) an intermediary, on whose computer resource the information is stored, hosted or published, upon receiving actual knowledge in the form of an order by a court of competent jurisdiction or on being notified by the Appropriate Government or its agency under clause (b) of sub-section (3) of section 79 of the Act, shall not host, store or publish any unlawful information, which is prohibited under any law for the time being in force in relation to the interest of the sovereignty and integrity of India; security of the State; friendly relations with foreign States; public order; decency or morality; in relation to contempt of court; defamation; incitement to an offence relating to the above, or any information which is prohibited under any law for the time being in force:

Provided that any notification made by the Appropriate

Government or its agency in relation to any information which is prohibited under any law for the time being in force shall be issued by an authorised agency, as may be notified by the Appropriate Government:

RP.No.107/2023 in WP(C).No.6687/2017
and connected cases

-:4:-

Provided further that if any such information is hosted, stored or published, the intermediary shall remove or disable access to that information, as early as possible, but in no case later than thirty-six hours from the receipt of the court order or on being notified by the Appropriate Government or its agency, as the case may be:

Provided also that the removal or disabling of access to any information, data or communication link within the categories of information specified under this clause, under clause (b) on a voluntary basis, or on the basis of grievances received under sub-rule (2) by such intermediary, shall not amount to a violation of the conditions of clauses (a) or (b) of sub-section (2) of section 79 of the Act;

4. The above rule also requires Google to remove contents based on a Court order. In light of the above, it is clear that our observations do not run contrary to the statutory scheme. The further observation that Google can deploy AI tools to identify and locate data can be construed as only a suggestion and in no way would demand Google to deploy AI tools to identify such data. These are all matters which will have to be decided in future in the absence of any legislation, in appropriate litigation. These observations having

RP.No.107/2023 in WP(C).No.6687/2017
and connected cases

-:5:-

no consequences, we find no reason to expunge the observations from the judgment. Review petitions are accordingly disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

Sd/-

SHOBA ANNAMMA EAPEN, JUDGE

ms

