

Google LLC vs Jomini Samuel

Google LLC vs Jomini Samuel

SooperKanoon Citation : sooperkanoon.com/1334030

Court : Kerala

Decided On : Mar-30-2023

Judge : Honourable Mr. Justice a.Muhammed Mustaque,Honourable Mrs. Justice Shoba Annamma Eapen

Appeal No. : RP/118/2023

Appellant : Google LLC

Respondent : Jomini Samuel

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED 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: 1 XXXXXXXXXXXX

XXXXXXXXXXXX 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: 1 XXXXXXXXXXXX XXXXXXXXXXXX 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:

1 XXXXXXXXXXXX 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

ORDER

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

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