

## BOMBAY HC STAYS PROVISIONS OF NEW IT RULES

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The Bombay High Court on Saturday partially stayed the operation of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

The court said, “We have found that prima facie it is in intrusion of petitioner’s rights and goes beyond substantive law and the Information Technology Act.”

A Division Bench of Chief Justice Dipankar Datta and Justice G.S. Kulkarni stayed Rule 9(1) and Rule 9(3) of the new IT Rules.

The portion which is stayed brings Code of Ethics under the IT Rules and directs self-regulation by the publishers, self-regulation by the self-regulating bodies of the publishers and oversight mechanism by the Central government.

The court said, “Rule 9 (observance and adherence to the code) prima facie seems to be against the freedom of speech. We have stayed Rule 9 (1) and (3).”

“We may observe that as far as Rule 14 (inter-departmental committee) is concerned, no immediate urgency as committee is not set up. In these circumstances, the oversight committee itself has not taken effect. We urge petitioners to come as and when it is set up,” it added.

Referring to Rule 16 (blocking of information in case of emergency), the court said, “We find no case is made out for a stay on Rule 16. Hence that is not stayed.”

The court was hearing a petition filed by legal news website *The Leaflet* and a public interest litigation by journalist Nikhil Wagle.

The petitions urged for direction from the court to restrain authorities from taking any coercive action against the petitioners for any failure to comply with the new rules.

### ‘Vague and draconian’

Senior advocate Darius Khambata, representing *The Leaflet*, argued that the rules go far beyond the permissible restrictions of freedom of speech and freedom of trade for a digital news publisher. They are vague and draconian and can have a chilling effect on free speech, so much so that they have to be stayed immediately, he said.

Advocate Abhay Nevagi, appearing for Mr. Wagle, contended that the rules were arbitrary, illegal, irrational and unreasonable and contrary to the provisions of law, including Article 14 (equality before the law), Articles 19 (1) (a) (to freedom of speech and expression), 19 (1) (g) (to practise any profession, or to carry on any occupation, trade or business) of the Constitution.

### [Our code of editorial values](#)

END

CrackIAS.com