

ITEM NO.4

COURT NO.6

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s).341/2008

SABU MATHEW GEORGE

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for permission to file additional documents)

Date : 28/01/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Sanjay Parikh, Adv.
Mr. Anitha Sharma, Adv.
Ms. Mamta Saxena, Adv.
Mr. Ritwik Parikh, Adv.
Mr. A.N. Singh, Adv.
Ms. Manjula Gupta, Adv.

For Respondent(s) Mr. Ranjit Kumar, Solicitor General of India
Ms. Binu Tamta, Adv.
Ms. Sunita Sharma, Adv.
Ms. Gunwant Dara, Adv.
Mr. R.R. Rajesh, Adv.
Mr. D.S. Mahra, Adv.

Respondent No.3 Mr. Shyam Dewan, Adv.
Mr. Sumit Atri, Adv.
Mr. Parveen Sehrawat, Adv.
Mr. Sujoy Chatterjee, Adv.

Respondent No.4 Mr. Anupam Lal Das, Adv.
Mr. Anirudh Singh, Adv.

Respondent No.2 Mr. Arvind Kumar Sharma, Adv.
Mr. E.C. Agrawala, Adv.

Respondent No.5 Mr. K.V. Vishwanathan, Sr. Adv.
 Mr. Manu Nair, Adv.
 Mr. Anuj Berry, Adv.
 Mr. Tanju Bhushan, Adv.
 Mr. Vishal Nijhawan, Adv.
 For M/s Suresh A. Shroff & Co., Adv.

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

Heard Mr. Sanjay Parikh, learned counsel for the petitioner, Mr. Ranjit Kumar, learned Solicitor General of India, Mr. Shyam Divan, learned senior counsel for Respondent No.3, Mr. Anupam Das Gupta, learned counsel for Respondent No.4 and Mr. Vishwanathan, learned senior counsel for Respondent No.5.

All the affidavits are taken on record.

It is submitted by Mr. Ranjit Kumar, learned Solicitor General of India, relying on the additional affidavit filed by the Union of India, that it can stop the presentation of any kind of thing that relates to sex selection and eventual abortion, if the URL and the I.P. addresses are given along with other information by the respondents, regard being had to the key words, namely, "pre-natal diagnostic tests for selection of sex before or after conception, pre-natal conception test, pre-natal diagnostic, pre-natal foetoscopy for sex selection, pre-natal ultrasonography for sex selection, sex selection procedure, sex selection technique, sex selection test, sex selection administration, sex selection prescription, sex selection services, sex selection management, sex selection process, sex selection conduct, pre-natal image scanning for sex selection, pre-natal diagnostic procedure for sex selection, sex determination using scanner, sex determination using machines, sex determination using equipment, scientific sex determination and sex selection" It is his submission that such blocking/filtering on key-words advertisements links can be effectively or regularly done by the respondents as they have access to their respective mathematical algorithms all the time. In essence, either the respondents can block themselves or on certain details being provided the Union of India can block it.

Learned counsel for the respondents have referred to Section 22 of the PCPNDT Act 1994 and Section 69A of the Information Technology Act, 2000, apart from other provisions.

Mr. Sanjay Parikh, learned counsel appearing for the petitioners has submitted that throughout the world, the search

engines have been directed to block certain service/giving of information which are not permissible to be shown in that country despite the issues of jurisdiction and technical problems being raised. He undertakes to file a convenience volume of judgments by the next date.

Having heard the learned counsel for the petitioner, as an interim measure, it is directed, the respondents, namely, Google, yahoo and Micro Soft shall not advertise or sponsor any advertisement which would violate Section 22 of the PCPNDT Act, 1994. If any advertise is there on any search engine, the same shall be withdrawn forthwith by the respondents.

At this juncture, Mr. Parikh, learned counsel appearing for the petitioner submitted that the order passed today shall be put on the policy page as also on the page containing 'terms and conditions of service' by respondent Nos. 4 to 6. The prayer is accepted and accordingly so directed.

The matters relating to total blocking of the items that have been suggested by the Union of India and providing the URL and IP addresses by Google, Yahoo and Micro Soft shall be taken up on 11.02.2015 when the matter shall be taken up for further hearing.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master