

No. W.12017/19/2017 -PNDT
Government of India
Ministry of Health & Family Welfare
(PNDT Section)



Nirman Bhawan, New Delhi.
Dated the 05 February, 2015

To

The State Appropriate Authority
(PC-PNDT Act, 1994)
All States/UTs.

Subject - **The Directions of Hon'ble Supreme Court of India dt. 28/01/2015 in the WP (C) No. 341/2008.**

Sir/Madam,

Please find enclosed a copy of the Directions of Hon'ble Supreme Court of India dt. 28/01/2015 in the WP (C) No. 341/2008 regarding blocking of content/advertisement under Section 22 of PC-PNDT Act, 1994 on internet for your information, compliance and necessary action.

Encl. - As above

Yours faithfully,

(D K Sahu)

Under Secretary to the Govt. of India
Tele. No. 011- 23062666

Dr. Swadha Chopra
OSD (PNDT)

26/2

on file *26/2*

19/2

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
R E C O R D O F P R O C E E D I N G S

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.

Signature Not Verified
Digitally signed by
Gulshan Kuper, Avoca
Date: 2016.01.28
17:19:25 IST
Reason: 

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 thepetitionoer,
 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. X

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. " X X "

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