

ITEM NO.31+51

COURT NO.1

SECTION PIL-W

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 (Civil) No.943/2017

SNEHA KALITA

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

WITH W.P.(C) No.872/2017

Date : 20-11-2017 This petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Vijay Hansaria, Sr. Adv.  
Ms. Sneha Kalita, AOR  
Mr. Avnish Pandey, Adv.  
Mr. Gagandeep Kaul, Adv.  
Mr. Anupam Mishra, Adv.  
Ms. Shobha, Adv.  
Ms. Pinky Behera, Adv.  
Ms. Renuka Saha, Adv.  
Mr. Sanjouy Nuli, Adv.

WP(C) 872/17 Mr. C.R. Jaya Sukin, Adv.  
Mr. Saurav Arora, Adv.  
Mr. S. Gokula Krishnan, Adv.  
Mr. Narender Kumar Verma, Adv.  
Mr. Ashutosh Kumar Srivastava, Adv.

For Respondent(s) Mr. K.K. Venugopal, AG  
Mr. P.S. Narasimha, ASG  
Ms. Madhavi Divan, Adv.  
Ms. Nidhi Khanna, Adv.  
Mr. Sarad Kumar Singhania, Adv.  
Mr. Ayush Puri, Adv.  
Mr. G.S. Makker, Adv.  
Mr. B.V. Balram Das, Adv.

Ms. Shobha, Adv.  
Ms. Joyshree Barman, Adv.

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

When the matter was listed on 27<sup>th</sup> October, 2017,  
this Court had passed the following order:-

"The present writ petitions were filed to take immediate measures to ban/block all sites linked with the Blue Whale online game or any other form of violent and immoral games similar in nature. Mr. Vijay Hansaria, learned senior counsel specifically emphasised on the Blue Whale online game by referring to various steps that the game suggests. According to Mr. Hansaria, it leads people in such a path, where they are brain-washed and dragged to commit suicide. We are not inclined to get into any further details of the various paths that have been enumerated in the petition. Suffice it to say that 50 steps that the Blue Whale game conceives of are dangerous to life and whatever endangers life has to be condemned and can never be allowed to be permitted.

Mr. P.S. Narsimha, learned Additional Solicitor General of India, on the basis of instructions obtained by him, submits that the Ministry of Electronics and Information Technology has set up CERT-In which is engaged in stopping the aforesaid games, so that unwarranted incidents do not occur. He would further submit that CERT-In has entered into various communications and correspondences with many an agency and is getting cooperation, and the Central Government is determined to stop such games as they have the potentiality to destroy the marrows of life. He would pray for further three weeks' time to submit the final report and is optimistic that by that date, the investigation will be over, and in all likelihood, corrective steps shall be implemented. That apart, Mr. Narsimha submits that he will file an affidavit within the said period, indicating what steps have been taken by the Ministries of Home Affairs; Women & Child Development; and Electronics and Information Technology. Apart from this, we think it appropriate to direct as follows:

- (a) Doordarshan may prepare a programme in consultation with the

Ministries of Women & Child Development; and Human Resource Development to telecast educative messages/clips of appropriate duration at the relevant time about the evil impact of Blue Whale and such harming and life threatening games, so that the parents and the children get properly instructed that a child cannot be involved in those kinds of games, or, to put it differently, trapped in such games. Needless to say that the programme has to be conceived by Doordarshan in consultation with the aforesaid two departments as expeditiously as possible, preferably within a week. The competent authority may also explore the possibility to telecast the said messages/clips at the appropriate time in private channels.

(b) The competent authority may also consider spreading awareness through other mediums, so that awareness in this regard is spread.

Let the matter be listed on 20.11.2017."

In pursuance of the aforesaid order, the Central Government through Scientist-G & Group Coordinator in the Ministry of Electronics and Information Technology (MeitY), New Delhi, has filed an affidavit.

Mr. K.K. Venugopal, learned Attorney General for India and Mr. P.S. Narasimha, learned Additional Solicitor General have drawn our attention to paragraphs 16, 18, 22, 23, 24 and 25 of the affidavit. Paragraph 16 states about the meetings that have been held by the Central Government at various levels. Paragraph 18 deals with the high-level Committee that has been constituted under the Chairmanship of Director General of CERT-In to investigate all cases where suicides have been committed or attempted allegedly using

'Blue Whale Challenge Game' and the Committee was asked to submit a report after carrying out thorough technical analysis of the personal computers/laptops/mobile devices seized by the police. The composition of the said Committee is reproduced herein-below:-

1. Ms. Rina Mitra, SS(IS), Chairperson MHA
2. Dr. Gulshan Rai NSCS
3. Shri Anuj Sharma, Director (NE) MHA
4. Shri Sunil Pant, DS (PM-III) MHA
5. Shri R.K. Soni, US (PM-III) MHA
6. Dr. Sanjay Bahl, DG Cert-In
7. Shri Rakesh Maheshwari, Sr. Dir. MeitY
8. Shri N.S. Balan, Scientist D MeitY
9. Shri Arvind Kumar, Scientist G MeitY
10. Dr. N.C. Asthana, DGP West Bengal
11. Shri Sanjay Saxena, Jt. CP Mumbai Police
12. Shri S.W. Naqvi, ADG Madhya Pradesh
13. Shri Akash Magharia, SP, CID West Bengal
14. Shri Prasana Shrivastava, Dy. Secy. MEA
15. Shri Janardan Singh, DD IB
16. Shri Rajiv Gupta, ADD IB
17. Shri Chakit Swarup, Prod. Manager MHA

It is also asserted in paragraph 20 that an advisory/awareness document regarding the Blue Whale Challenge Game has been published on the website of MeitY. MeitY has approached leading academic bodies, R&D institutions & cyber security organizations to find out as to how children are accessing this game and what is the source

of information. That apart, the Ministry of Human Resource Development has also issued circulars to the schools coming directly under it. It is affirmed in the affidavit that the children are sharing Blue Whale Challenge Game among secretive groups on social media networks and the creators seek out their players/victims who are in depression and send them an invitation to join the game.

In paragraph 24, the action taken by the technical investigation team has been referred to. We think it appropriate to reproduce the said paragraph:-

“Based on MeitY’s request, CERT-In on 24.10.2017 has shared their interim findings of technical investigations carried out by them. The Interim findings indicated that CERT-In could not establish any involvement of Blue Whale suicidal game in any of incidents reported to them. On further follow ups, CERT-In on 14.11.2017, conveyed that the committee report is being forwarded to Ministry of Home Affairs.”

There is a reference in the affidavit to Section 69A of the Information Technology Act, 2000, which empowers MeitY to issue directions for blocking of public access to any information through any computer resource in the interest of sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above. While stating this, it has also been put forth that as there are no downloadable applications of the game, there is very little scope for using technical solutions to identify or block the game.

In the course of hearing, Mr. Venugopal and Mr. Narasimha submitted that the interim report has come, but the efforts are being made to eradicate the evil through technical means as far as practicable.

Mr. Vijay Hansaria, learned senior counsel appearing for the petitioners, in his turn, has submitted that the Central Government should have included some scientists and other experts in the Committee. Mr. Venugopal, learned Attorney General has drawn our attention to page 41 of the affidavit to show that scientists are also part of the Committee. Be that as it may, we grant liberty to Mr. Hansaria and his assisting counsel to give their suggestions with regard to the persons, who can be invited to the meetings of the Committee so that a holistic approach can be taken. That apart, suggestions on how the problem can be tackled can be given by the petitioners and the counsel through Mr. P.S. Narasimha, learned Additional Solicitor General, to the Committee.

We will be failing in our duty if we do not note another aspect that has also been reflected in the affidavit viz., that MeitY has issued directives to Google India, Microsoft India, Facebook India and Yahoo India, directing them to ensure that all links of the Blue Whale Challenge Game and of any similar game are immediately removed from their platforms.

In the course of hearing, Mr. Venugopal has submitted that it is the primary duty of the parents as well as the teachers to see that the children of young age do not get into the traps of this game because it is in solitude that they watch/play this game. His further submission is that parental care, concern, love, affection and instilling sense of optimism in children will keep them away from even searching for these kinds of games. It is also propounded by Mr. Venugopal that when the children leave home and come to school, the responsibility of the teachers is high and, therefore, the Union Ministry of Human Resource Development should issue circulars to its schools and this Court may

direct so. Being aware that the swings of life matter the most, someone may feel that his/her mild failure or not obtaining the desired marks fixed by his/her mind is a jurassic mental deterioration and there is no other option, but to meet death with glory. However, he or she must be made to understand that the beauty of life is not to have a meeting with death, but to keep death away and that makes the mind victorious. Not for nothing has it been said that nothing is worth ruining oneself.

Keeping the aforesaid in view, we direct the Chief Secretaries of the States and the Union Territories through their concerned departments to spread awareness in the schools run by the State, who in their turn shall make aware the children about the danger such games propagate by bringing people into a trap. We may hasten to clarify that making people aware about a danger has to be done with clarity, concern and taking it within the sweep of the duty of the State. There may not be such a problem in that State, but the children must grow up with an awareness that such a thing exists and they shall scrupulously avoid it. The awareness campaign need not be about the game, but about the dignity of life and not to waste it and not to fall in anyone's trap.

The Chief Secretaries while issuing the circulars may keep in view the advisory that has been brought on record as Annexure R-13.

The Registry of this Court is directed to send a copy of the order passed today along with Annexure R-13 to the Chief Secretaries of all the States and the Union Territories to do the needful.

With the aforesaid directions and observations, we part with the case hoping that the parents, the children, the educators and, eventually, the State shall live up to their respective rules.

The writ petitions stand disposed of accordingly.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Assistant Registrar