

Twitter takes Centre to court over some orders for takedown of content

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The U.S. social media company's attempt to get a judicial review is part of a growing confrontation with New Delhi over content regulation. (Image Source: Reuters)

In its latest faceoff with the Ministry of Electronics & Information Technology (MeitY), Twitter has initiated legal action against some of the government missives ordering it to take down certain content posted on the microblogging site, according to sources with knowledge of the matter.

Last month, the IT Ministry had written to Twitter, asking it to [comply with its orders by July 4](#) or lose its safe harbour protection under the intermediary rules.

Alleging disproportionate use of power by officials, the social media company moved the Karnataka High Court Tuesday against the Ministry's content-blocking orders issued under Section 69 (A) of the Information Technology Act, 2000.

It is learnt that in its filing, Twitter has claimed that many of these blocking orders are procedurally and substantively deficient under Section 69 (A) of the Act. This includes aspects such as not giving prior notice to users before taking down content posted by them.

According to another source, the company alleged that MeitY has failed to demonstrate how some of the content it wants taken down falls under the purview of Section 69 (A).

In several cases, Twitter has claimed that the basis on which multiple accounts and content flagged by the Ministry are either “overbroad and arbitrary” and “disproportionate”.

Twitter has also told the court that some of the content flagged by the Ministry may pertain to official accounts of political parties, blocking which could be violative of the right to free speech, a source said.

MeitY did not respond to a request for comment on Twitter’s allegations. An email sent to Twitter also went unanswered.

Between January and June 2021, India had the fourth highest number of legal takedown requests, according to a Twitter report. In this time, Twitter saw a 1,060% rise in blocking accounts, and said the spike was particularly the result of compliance of an Indian order.

Speaking to media persons at the Entrepreneurship Development Institute of India in Gandhinagar, [Ashwini Vaishnaw](#), Union Minister for Railways, Communications and Electronics & Information Technology, said countries across the world, including India, are moving towards making social media accountable.

“Social media is a powerful medium. It has a lot of influence in our lives today. Its accountability is a valid question across the world. Countries and societies across the world are moving in the direction to make social media accountable,” he said.

“How to make it accountable? The first is self-regulation. Content that can create a harmful impact in society should be removed by self,” he said, adding that industry regulation and government regulations could also help. “An ecosystem and a thought process is currently building up across the world and India that social media should be accountable,” he said.

Vaishnaw said if social media is earning revenue from news content, then a part of it should be shared with news organisations. “Secondly, you all work hard and get into journalism. You create content by going to different places and asking questions. The benefit should come to you. If social media is earning revenue — for instance, if [Facebook](#) is earning revenue — then a part of it should come to you,” he said.

Rajeev Chandrasekhar, Minister of State for Electronics & Information Technology, in a Twitter post, said, “In India, all including foreign Internet intermediaries/platforms have right

to court and judicial review. But equally ALL intermediary/platforms operating here, have unambiguous obligation to comply with our laws and rules.”

Over the last year, Twitter has been asked by government authorities to act on content including accounts supportive of Khalistan, posts alleged to have spread misinformation about protests by farmers, and tweets critical of the government’s handling of the [Covid-19](#) pandemic.

Section 69 (A) of the IT Act, 2000 allows the Centre to issue blocking orders to social media intermediaries “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 cognisable offence relating to above”.

As per rules that govern these blocking orders, any request made for blocking by the government is sent to a review committee, which then issues these directions. Blocking orders issued under Section 69 (A) of the IT Act are typically confidential in nature.

Twitter’s lawsuit against the Ministry comes days after MeitY had given the company “one last opportunity” to comply with its blocking orders. In a missive issued late last month, the Ministry warned that if content flagged by it is not taken down by the microblogging platform, the company will risk losing its immunity as an intermediary. The Ministry had given Twitter time until July 4 to comply with its blocking orders.

The MeitY notice, addressed to Twitter’s chief compliance officer, had said that while a designated officer of the Ministry has issued various directions for blocking certain pieces of content and accounts under Section 69 (A) of the IT Act, the company has “failed to comply with the directions on multiple occasions”.

On June 26, Twitter submitted a list of over 80 accounts and tweets that it had blocked based on a request from the government in 2021. While the request from the government was to block multiple accounts and some tweets from the international advocacy group Freedom House, journalists, politicians and supporters of the farmers’ protest, a senior official at MeitY had said that the company was yet to comply with many takedown notices.

According to Twitter’s latest global transparency report, between January and June 2021, India accounted for the fourth highest number of legal content takedown requests to the company. In this particular reporting timeframe, Twitter received 43,387 legal demands to

remove content specifying 196,878 accounts, of which India accounted for 11 per cent of global legal demands.

In the same period, Twitter saw a 1,060 per cent increase in blocking accounts, and said that the “spike in accounts withheld was particularly the result of Twitter’s compliance of an Indian blocking order issued under India’s Information Technology Act, 2000.”