

IN THE HIGH COURT OF DELHI

CM. No. _____ of 2021

In

WP(C) 3659 of 2021

IN THE MATTER OF:

Quint Digital Media Limited & Anr.

...Petitioner

Versus

Union of India & Anr.

...Respondents

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FILED BY: -

**PRASANNA S ADVOCATE
FOR THE
PETITIONER
Sector ABC Vasant Kunj
New Delhi – 110070
Mobile [REDACTED]**

**New Delhi
Filed on; 19.06.2021**

IN THE HIGH COURT OF DELHI AT NEW DELHI

C.M No. _____ of 2021

In

Writ Petition (Civil) No. 3659 of 2021

IN THE MATTER OF:

QUINT DIGITAL MEDIA LIMITED & ANR.

...Petitioner(s)

Versus


UNION OF INDIA & ANR

...Respondent(s)

E-COURT FEES

Forbes INDIA

FILED BY: -

**PRASANNA S
ADVOCATE
FOR THE PETITIONER
Sector ABC Vasant Kunj
New Delhi – 110070
Mobile **

**New Delhi
Filed on; 19.06.2021**

IN THE HIGH COURT OF DELHI

CM. No. _____ of 2021

In

WP(C) 3659 of 2021

IN THE MATTER OF:

Quint Digital Media Limited & Anr.

...Petitioner

Versus

Union of India & Ors.

...Respondents

To,
The Deputy Registrar,
Delhi High Court,
New Delhi


NOTICE OF MOTION & PROOF OF SERVICE

Sir,

The enclosed application in the aforesaid matter as being filed on behalf of the petitioner and is likely to be listed on 21.06.2021 or any date, thereafter please take notice accordingly.

Thanking you

FILED BY: -

**PRASANNA S ADVOCATE
FOR THE
PETITIONER
Sector ABC Vasant Kunj
New Delhi – 110070
Mobile **

Filed on: - 19.06.2021

Place: - New Delhi

Forbes ^{INDIA}

IN THE HIGH COURT OF DELHI**CM. No. _____ of 2021****In****WP(C) 3659 of 2017****IN THE MATTER OF:**

Quint Digital Media Limited & Anr.

...Petitioner

Versus

Union of India & Ors.

...Respondents

URGENT APPLICATION

Sir,

Kindly treat the accompanying Writ Petition as urgent one in accordance with the Delhi High Court Rules. The grounds of urgency are mentioned in the prayer.

FILED BY: -**PRASANNA S ADVOCATE
FOR THE
PETITIONER****Sector ABC Vasant Kunj****New Delhi – 110070****Mobile** 

Filed on: - 19.06.2021

Place: - New Delhi

IN THE HIGH COURT OF DELHI

CM. No. _____ of 2021

In

WP(C) 3659 of 2017**IN THE MATTER OF:**

Quint Digital Media Limited & Anr.

...Petitioner

Versus

Union of India & Ors.

...Respondents

AND IN THE MATTER OF:

1. Quint Digital Media Limited Through its Director & Co-founder of 'The Quint' with Registered Address at 403, Prabhat Kiran, 17, Rajendra Place, Delhi – 110008
2. Ms. Ritu Kapur
Aged about 53 yrs,
D/o Pramod Kapur,
Director & Co-founder of 'The Quint' with Registered Address at 403, Prabhat Kiran, 17, Rajendra Place, Delhi - 110008

...Applicants

FRESH APPLICATION FOR DIRECTIONS UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE , 1908.

To The Hon'ble Chief Justice of the Hon'ble High Court of Delhi and His other Companion Justices of the Hon'ble High Court of Delhi the Humble Application of the Applicants above-named:

MOST RESPECTFULLY SHOWETH THAT:

1. The captioned Writ Petition challenges the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“**IT Rules, 2021**” or “**Impugned Rules**”) as being *ultra vires* the Information Technology Act, 2000 (“**parent Act**”), in as much as they seek to regulate publishers of news and current affairs content under Part III of the Rules (“**Impugned Part**”) and impose Government oversight and a Code of Ethics over them, thereby going beyond the object and scope of the parent Act as well as being ultra vires Articles 19(1)(a), 19(1)(g), 14 and 21 of the Constitution.
2. The Applicants herein (who are the Petitioners in the captioned Writ Petition) had also preferred an Application vide. C.M. No. 11097/2021 to stay the operation of the Impugned Part of the Rules qua the Petitioner-Applicants.
3. Vide order dt. 19.03.2021, this Hon’ble Court was pleased to issue notice to the Respondents on both the Writ Petition and the Application for Stay. The Respondents/Union of India prayed for and were granted time until 16.04.2021 to file Replies thereto. However, no such reply had been filed. On the next two days of listing i.e. 16.04.2021 and 27.05.2021, no hearing could take place and the matters were adjourned. The captioned matter along with connected matters are next listed for hearing on 04.08.2021.
4. In the meanwhile, the Respondents have issued notices to the Petitioners insisting on compliance with the Rules – and in particular Rule 18 of the Rules wherein certain information has to be furnished to the Respondent Government. The details to be furnished (as given in Appendix II) include the name of the Grievance Redressal officer appointed (Level 1 body), name of the self-regulating body (Level 2

body) and other details of the publisher. Much of this detail is already in the public domain. However, the Petitioner-Applicants contend that they cannot be subjected to a regulatory regime where digital news publications such as the Petitioner's are in the control and supervision of the government. Such government control and supervision is sought to be imposed over media entities and their published content, an idea that has no place in any modern democracy.

5. Despite several communications from the Petitioner requesting the Respondent Government not to insist on compliance during the pendency of the Writ Petition and Stay Application, Respondent Government has finally *vide* its communication dt. 18.06.2021 has given a deadline until 23.06.2021 for compliance thereof and threatened the Petitioners of consequences for failure. The Petitioner-Applicants have also indicated in their communication how the requested information is already in the public domain and as such it is desirable that the government holds its hand while the captioned Writ Petition, which has a significant impact on the independence and freedom of press in the country, is decided.
6. This Application is preferred to seeking a stay of the communication dt. 18.06.2021 ("hereinafter, "Impugned Notice") and a direction restraining the Respondent Union Government from taking any coercive steps in respect of the Impugned Rules qua the Petitioner Applications, during the pendency of the captioned Writ Petition and/or the Application for Stay. All the averments, pleadings, contentions and submissions in the captioned Writ Petition and the Application for Stay are not repeated herein for the sake of brevity. However, the same may be taken to have been reiterated herein and without prejudice.

7. A copy of the Impugned Notice dt. 18.06.2021 is annexed herewith and marked as ANNEXURE-A-1.
8. It is submitted the Impugned Notice is a palpably coercive step that seeks to foreclose the issue even as the captioned Petition is pending even as this Hon'ble Court has deemed it fit to issue notice and seek Replies inasmuch as the Impugned Rules, wherein government control and supervision is sought to be imposed over media entities and their published content, an idea that has no place in any modern democracy.
9. The Petitioners have been constrained to move this Hon'ble Court vide this Application after a series of communications with the Government urging them not to insist on the compliance with the Rules. They are detailed hereinbelow.
 - i) On 26.05.2021 A public notice was issued requiring information, from digital news media organisations such as the Petitioner No.1/Applicant, to be furnished to the Ministry, as per Rule 18 of the Impugned Rules, within 15 days. The details to be furnished (as given in Appendix II) include the name of the Grievance Redressal officer appointed (Level 1 body), name of the self-regulating body (Level 2 body) and other details of the publisher. A true copy of the notice dt. 26.05.2021 is annexed herewith and marked as ANNEXURE-A-2.
 - ii) On 01.06.2021, A reminder was sent out by the Ministry, stating that the aforementioned information should be furnished by 10 June, 2021.
 - iii) On 03.06.2021, the Petitioners wrote to Mr. Kshtij Agarwal (Assist. Director) MeiTY, who had sent the email on 01.06.2021

- a) bringing to the notice the High Court writ petitions filed by the Petitioner on which notice has been issued and remains pending;
- b) seeking clarity on the list of stakeholders consulted prior to the rules (inasmuch as the Notice indicated that the Rules were finalized after wide consultation with stakeholders)
- c) Seeking a meeting to discuss all the matters and the concerns that the Petitioners have with the Rules.

A true copy of the letter dt. 03.06.2021 from the Petitioner Applicants to the Respondent Government is annexed herewith and marked as **ANNEXURE-A-3**.

- iv) On 09.06.2021, the Ministry responded to the Petitioner's representations and said that because this Hon'ble Court has not issued a stay, the compliance is mandatory. The communication also informed the Petitioners of the Union Government having preferred a transfer petition before the Hon'ble Supreme Court to transfer the proceedings challenging the Impugned Rules before various High Courts vide TP (C) 997-1000/2021. As on date, the Transfer Petitions have not been listed for hearing by the Supreme Court. It is also not known whether the Transfer Petitions seek a transfer to one High Court or to transfer all proceedings to the Supreme Court. A true copy of the letter dt. 09.06.2021 is annexed herewith and marked as **ANNEXURE-A-4**.
- v) On 10.06.2021 and on 12.06.2021, the Petitioners once again wrote to the ministry urging them not to insist on the compliance with the Rules, impressing upon them how eventhough stay has not been granted, the Rules are clearly contrary to several

pronouncements of the Hon'ble Supreme Court and also pointing to how the Government has not even filed a reply to the Petition and the Stay Application pending before this Hon'ble Court. A true copy of the communication from the Petitioners dt. 10.06.2021 and 12.06.2021 are annexed herewith and marked as ANNEXURE-A-5 and ANNEXURE-A-6 respectively.

- vi) It is thereafter that the Impugned Notice dt. 18.06.2021 has been issued, granting merely five more days time for compliance and with a threat of further coercive steps in the event of failure of compliance.

10. It is submitted that in the event that the Impugned Notice dt. 18.06.2021 is not stayed and there is no restraint on further coercive steps, grave prejudice would be caused to the Petitioner Applicants inasmuch as they would be liable to penalty under Section 44 of the Information Technology Act, 2000 as well as other consequences. On the other hand, no prejudice whatsoever is caused to the Respondent Government if the Petitioner does not comply with the Rules – and in particular Rule 18 – inasmuch as the information requested is already in public domain, as has been stated in the communications above. Furthermore, the same would only be the extension of the *status quo* as on date.

11. It is therefore submitted that the triple test of *prima facie* case, balance of convenience as well as the irreparable injury that would accrue to the Petitioner in the event of non-grant of the protective reliefs prayed for herein, lie in the favour of the Petitioner Applicant.

12. The instant Application is *bonafide*.

13. In view of the above facts and circumstances of the case, this Hon'ble Court may be pleased issue:

a. A direction staying the operation of the Impugned Notice i.e. the E-mail Communication dt. 18.06.2021 on the file number No. A-50013/31/2021-DM from the Respondent No.1 to the Applicant during the pendency of the captioned Writ Petition.

b. An Order restraining the Respondents from taking any further coercive steps in respect of compliance with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 during the pendency of the captioned Writ Petition, including, steps pursuant to or in respect of the Public Notice dt. 26.05.2021 on the file number No. A-50013/31/2021-DM for the furnishing of information under Rule 18.

c. Pass any other or further order or direction as this Hon'ble Court may deem fit in the facts and circumstances of this case;

AND FOR THIS ACT OF KINDNESS, THIS HUMBLE APPLICANT
AS IN DUTY BOUND, SHALL FOREVER PRAY

FILED BY: -

**PRASANNA S ADVOCATE
FOR THE
PETITIONER**

**Sector ABC Vasant Kunj
New Delhi – 110070**

Mobile 

Filed on: - 19.06.2021

Place: - New Delhi

IN THE HIGH COURT OF DELHI
CM. No. _____ of 2021

In
WP(C) 3659 of 2017

IN THE MATTER OF:

Quint Digital Media Limited & Anr. ...Petitioner

Versus

Union of India & Ors. ...Respondents

AFFIDAVIT

I, Ritu Kapur, aged about 53 years, daughter of Mr. Pramod Kapur, a director at the Quint Digital Media Limited, having its registered office in Delhi at 403, Prabhat Kiran, 17, Rajendra Place, Delhi – 11008 solemnly affirm and declare as under.

1. That the Deponent is the Applicant No.2 in the captioned Application and the Petitioner No.2 in the captioned Writ Petition as well as the authorised signatory of the Applicant No.1/Petitioner No.1 Company.
2. The Deponent is aware of the facts and circumstances of the case and is competent to swear this Affidavit in all respects.
3. That the accompanying Application has been drawn up on behalf of the Applicants under the instructions of the Deponent.
4. That the Deponent has perused the contents of the Application running from Paras 1 through 12 and the same are true to the best of the knowledge and belief of this Deponent and nothing material has been concealed therefrom.
5. That all the documents annexed as annexures numbered as ANNEXURE-A-1 through ANNEXURE-A-5 are true copies of their respective originals.

 (RITU KAPUR)
DEPONENT

Verification:

Verified at New Delhi on this the 19th day of June, 2021 that the contents of para 1 through para 5 of the above affidavit are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

 (RITU KAPUR)
DEPONENT

**No. A-50013/31/2021-DM
Government of India
Ministry of Information & Broadcasting
Digital Media Division**

Shastri Bhawan, New Delhi
Dated: 18 June, 2021

To,

Quint Digital Media Private Limited
[Kind attn: Shri Tarun Belwal]
Carnousties's Building, Plot No. 1, 9th Floor,
Sector 16A, Film City, Noida-201301
Email: cs@thequint.com

Subject: Furnishing of information by digital media publishers under Rule 18 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Codes) Rules, 2021

Madam/Sir,

The undersigned is directed to refer to your emailed communications dated 10.06.2021 and 12.06.2021, and state as under.

2. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 inter-alia establish a Code of Ethics for the digital media publishers and provide for a three tier grievance redressal mechanism for redressal of grievances related to the Code of Ethics.
3. Rule 18 of the aforementioned rules requires digital media publishers to inform the Ministry about the details of its entity by furnishing information for the purpose of enabling communication and coordination.
4. Vide Public Notice No. A-50013/31/2021-DM dated 26.05.2021 (copy enclosed), publishers on digital media were informed to furnish certain basic information to the Ministry, in the applicable format, within 15 days of the issue of the notice i.e. by 10.06.2021. A reminder (copy enclosed) in this regard was also issued on 01.06.2021.
5. In response to your communication dated 03.06.2021, the Ministry informed your organization, vide communication dated 09.06.2021 (copy enclosed), that ongoing cases in the various Hon'ble High Courts do not entail non-compliance to the provisions

of rules, including the rule 18, as the concerned Hon'ble High Court while issuing Notice has not granted any Stay in any matter regarding the implementation of the rules.

6. Your communication dated 12.06.2021 states that furnishing information to the Government in a specified format seems "inappropriate as well as unnecessary". In this regard, for the purpose of clarity, Rule 18(1) is reproduced hereunder:

"18. Furnishing of information.— (1) A publisher of news and current affairs content and a publisher of online curated content operating in the territory of India, shall inform the Ministry about the details of its entity by furnishing information along with such documents as may be specified, for the purpose of enabling communication and coordination."

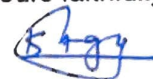
The formats for furnishing information have been specified as per the provisions of the rule.

7. With regard to the cases pending in the various Hon'ble High Courts, it is reiterated that ongoing cases do not entail non-compliance to the rules, and being a publisher of news and current affairs content, your organization is mandated to furnish information to the Ministry in accordance with the provisions of the Rule 18.

8. It is hereby informed that despite repeated communications from the Ministry, non-furnishing of information in the applicable format would be treated as willful non-compliance of the statute. Accordingly, you are hereby directed to furnish the required information, in the applicable format, to the Ministry on an immediate basis and in any case not later than 5 days from today, failing which the Ministry would be constrained to take appropriate action for non-compliance.

9. This issues with the approval of the Competent Authority.

Yours faithfully,



18/06/2021

(Kshitij Aggarwal)

Assistant Director (DM)

Email: kshitij.aggarwal@gov.in

Encl:

1. Public Notice No. A-50013/31/2021-DM dated 26.05.2021.
2. Reminder for furnishing information dated 01.06.2021.
3. Ministry's communication to your organization dated 09.06.2021

ANNEXURE-A-2

**F. No. A-50013/31/2021-DM
Government of India
Ministry of Information & Broadcasting
Digital Media Division**

Shastri Bhawan, New Delhi
Dated: 26 May, 2021

PUBLIC NOTICE

Subject: Furnishing of information by digital media publishers under Rule 18 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Codes) Rules, 2021

Attention is invited to the Information Technology (Intermediary Guidelines and Digital Media Ethics Codes) Rules, 2021, notified by the Government of India on 25th February, 2021.

2. Since the notification of the aforementioned rules, the Hon'ble Minister of Information & Broadcasting has held interactions with the publishers of online curated content, as well as the publishers of news on digital media. The Ministry has also established communication with many digital media publishers, and their associations, regarding the rules and their compliance requirements. A total of around 60 publishers, and their associations, have also informed the Ministry that they have already initiated the process of formation of self-regulatory bodies under the rules. Some publishers have also written to the Ministry regarding registration with the Ministry under the rules.

3. In this regard, it is hereby informed that there is no requirement for prior registration of digital media publishers with the Ministry. Rule 18 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Codes) Rules, 2021 instead provides for furnishing of certain information by the publishers of news and current affairs content, and publishers of online curated content, to the Ministry.

4. Since newspapers are registered under Press and Registration of Books Act, 1867, and private satellite TV channels are permission holders under the Uplinking and Downlinking Guidelines (2011) of the Ministry, a separate format for furnishing information, as in **Appendix I**, has been devised for such entities publishing news and

current affairs on digital media. For all other digital news publishers, the relevant format is at **Appendix II**, while for OTT platforms, the format for furnishing information is at **Appendix III**.

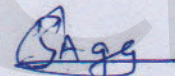
- Appendix I for digital news publishers which also publish/telecast news on traditional media (TV and newspaper);
- Appendix II for other digital news publishers;
- Appendix III for publishers of online curated content (OTT platforms)

5. The publishers may furnish the information to the Ministry in the applicable format within 15 days of the issue of this notice. The information, as a pdf file duly signed by the authorised person on behalf of the publisher, may be sent via email to:

- Shri Amarendra Singh, Deputy Secretary, Ministry of Information & Broadcasting (Email: amarendra.singh@nic.in), or
- Shri Kshitij Aggarwal, Assistant Director, Ministry of Information & Broadcasting (Email: kshitij.aggarwal@gov.in).

6. For any doubts or clarifications, the publishers may contact the above mentioned.

7. This issues with the approval of the competent authority.



26/05/2021

(Kshitij Aggarwal)

Assistant Director (DM)

Email: kshitij.aggarwal@gov.in

Appendix I**Format for Furnishing Information from Digital News Publishers which also publish/telecast news on traditional media (TV and newspaper)****I. Basic Information**

- A. Name of the Title:
- B. Language(s) in which content is published:
- C. Website URL:
- D. Mobile App(s):
- E. Social media account(s):

II. Entity Information

- A. Name of Entity:
- B. RNI Registration Number or TV Channels permitted by the Ministry:

III. Contact Information (in India)

- A. Contact person(s):
- B. Address:
- C. Telephone Number (Landline):
- D. Mobile:
- E. E-mail:

IV. Grievance Redressal Mechanism

- A. Grievance Redressal Officer (in India):
- B. Name of the Self Regulating Body of which the publisher is a member:
- C. Particulars of News Editor(s):

(Note: In case of any changes in the particulars given above, the entity should inform the competent authority within 30 days of any such change taking place)

Appendix II**Format for Furnishing Information from Digital News Publishers**

(other than those referred to in Appendix I)

1. Basic Information:

- A. Name of the Title:
- B. Language(s) in which content is published:
- C. Website URL:
- D. Mobile App(s):
- E. Social media (all outlets) account(s):

II. Entity Information

- A. Name of Entity:
- B. PAN No. (optional):
- C. Month and Year of Incorporation:
- D. Month and Year of commencement of operations as digital news publisher:
- E. Company Identification Number (for companies only):
- F. Board of Directors (for companies only):

IV. Contact Information (in India)

- A. Contact person(s):
- B. Address:
- C. Telephone Number (Landline):
- D. Mobile:
- E. E-mail:

V. Grievance Redressal Mechanism

- A. Grievance Redressal Officer (in India):
- B. Name of the Self Regulating Body of which the publisher is a member:
- C. Particulars of News Editor(s):

(Note: In case of any changes in the particulars given above, the entity should inform the competent authority within 30 days of any such change taking place)

Appendix III

Format for Furnishing Information from OTT Platforms**I. Basic Information**

- A. Name of OTT Platform:
- B. Website URL:
- C. Mobile App(s):

II. Entity Information

- A. Name of Entity:
- B. PAN No. (optional):
- C. Month and Year of Incorporation (for Indian companies):
- D. Country of registration (in respect of foreign entities):
- E. Month and Year of commencement of operations in India:
- F. Company Identification Number (for Indian companies):
- G. Names of Board of Directors (for companies):

III. Contact Information (in India)

- A. Contact person(s):
- B. Address:
- C. Telephone Number (Landline):
- D. Mobile:
- E. E-mail:

IV. Grievance Redressal Mechanism

- A. Grievance Redressal Officer (in India):
- B. Name of the Self Regulating Body of which the publisher is a member:
- C. Particulars of Content Manager(s):

(Note: In case of any changes in the particulars given above, the entity should inform the competent authority within 30 days of any such change taking place)

Dated 03.06.2021

To

Kshitij Aggarwal,
Assistant Director (DM),
Ministry of Information & Broadcasting,
Government of India,
Shastri Bhawan, New Delhi - 110001

Sir,

Subject: Furnishing of information by digital media publishers under Rule 18 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Codes) Rules,2021Reg.

Quint Digital Media Limited ("We") are in receipt of your notice dt. 01.06.2021 and the previous public notice dt. 26.05.2021 numbered as No. A-50013/31/2021- DM, calling upon all digital publishers, including Us, to furnish certain information to the Ministry in accordance with Rule 18 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Codes)Rules,2021(hereinafter,"Rules").

In this regard, we wish to bring to your kind notice that the said Rules, and in particular the part of the Rules pertaining to the Digital Media Ethics code, are the subject matter of challenge before the Hon'ble High Court of Delhi in W.P.(C) 3659/2021 titled 'Quint Digital Media Limited v.Union of India & Anr' and the connected matters. The Hon'ble High Court has been pleased to issue notice on the Writ Petition as well as the connected Stay Application and the matters remain pending before the Hon'ble Court, and are slated to be taken up for hearing on 04.08.2021.

We urge you to kindly consider extending the date for compliance as mentioned in the Notice until such date.

Further, We may also bring to your notice that Digipub, a representative organisation as also other major stakeholders in the media have written to you seeking a meeting. Yet the government has not met with them either jointly or individually. We are therefore intrigued by the averment in your covering letter that the Rules enabling pervasive government control over the digital news media, have been formulated in consultation with media stakeholders. Please consider making the list of stakeholders consulted as purported, public.

QUINT DIGITAL MEDIA LIMITED

(Formerly known as Gaurav Mercantiles Limited)

Registered Office: 403 Prabhat Kiran, 17, Rajendra Place, Delhi- 110008 Tel: 011 45142374

Corporate Office: Carnousties's Building, Plot No. 1, 9th Floor, Sector 16A, Film City, Noida-201301 Tel: 0120 4751818

Website: www.quintdigitalmedia.com, email: cs@thequint.com, CIN: L74110DL1985PLC373314



We therefore request a meeting with your good self at a time convenient to you, where we may be able to put across our point of view on the matter - either as Quint Digital, or as part of a delegation of similarly placed digital news media entities.

Yours Sincerely,

For Quint Digital Media Limited

QUINT DIGITAL MEDIA LTD.

Company Secretary

Tarun Belwal
Company Secretary

INDIA
Forbes

QUINT DIGITAL MEDIA LIMITED

(Formerly known as Gaurav Mercantiles Limited)

Registered Office: 403 Prabhat Kiran, 17, Rajendra Place, Delhi- 110008 Tel: 011 45142374

Corporate Office: Carnousties's Building, Plot No. 1, 9th Floor, Sector 16A, Film City, Noida-201301 Tel: 0120 4751818

Website: www.quintdigitalmedia.com, email: cs@thequint.com, CIN: L74110DL1985PLC373314

**No. A-50013/31/2021-DM
Government of India
Ministry of Information & Broadcasting
Digital Media Division**

Shastri Bhawan, New Delhi
Dated: 9 June, 2021

To,

Quint Digital Media Private Limited
[Kind attn: Shri Tarun Belwal]
Carnousties's Building, Plot No. 1, 9th Floor,
Sector 16A, Film City, Noida-201301
Email: cs@thequint.com

Subject: Furnishing of information by digital media publishers under Rule 18 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Codes) Rules, 2021

Sir,

The undersigned is directed to refer to your emailed communication dated 03.06.2021, and state that the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 inter-alia establish a Code of Ethics for the digital media publishers and provide for a three tier grievance redressal mechanism for redressal of grievances related to the Code of Ethics.

2. Rule 18 of the above rules provides that digital media publishers shall inform the Ministry about the details of its entity by furnishing information for the purpose of enabling communication and coordination. Vide Public Notice dated 26.05.2021, certain basic information has been sought from the publishers, in a given format, in accordance with the same.

3. As mentioned in your communication, the Hon'ble High Court of Delhi has issued notice on the W.P.(C) 3659/2021 titled 'Quint Digital Media Limited v. Union of India & Anr'. In this regard, the Government has filed a transfer petition T.P. (C) No. 000997-001000/2021 in the Hon'ble Supreme Court regarding the above mentioned case and other cases pending in various High Courts related to the rules. However, it is hereby informed that ongoing case(s) does not entail non-compliance to the provisions of rules, including the rule 18, as the Hon'ble High Court while issuing Notice has not granted any Stay in the matter regarding the implementation of the rules.

4. It is accordingly requested that the information, in the applicable format, may be furnished urgently.

Encl: as above

Yours faithfully,



09/06/20 21

(Kshitij Aggarwal)

Assistant Director (DM)

Email: kshitij.aggarwal@gov.in

INDIA
Forbes

Dated 10.06.2021

To

Kshitij Aggarwal,
Assistant Director (DM),
Ministry of Information & Broadcasting,
Government of India,
Shastri Bhawan, New Delhi – 110001

Sir,

Quint Digital Media Limited ("We") are in receipt of your e-mail response dt. 09.06.2021 to our communication to you on 03.06.2021.

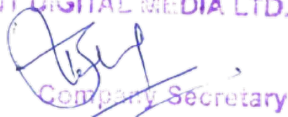
One clarification we had raised in our e-mail dt. 03.06.2021 was about the consultations held prior to the publication of the Rules and to make the list of the stakeholders consulted public. We had also sought a meeting to discuss these matters. Can you kindly let us know regarding these requests?

The matter in relation to compliance with Rule 18 is under our active consideration.

Yours Sincerely,

For Quint Digital Media Limited

QUINT DIGITAL MEDIA LTD.

A handwritten signature in blue ink, appearing to read 'Tarun Belwal', is written over a purple circular stamp. The stamp contains the text 'Company Secretary' in a purple, sans-serif font.

Tarun Belwal
Company Secretary

QUINT DIGITAL MEDIA LIMITED

(Formerly known as Gaurav Mercantiles Limited)

Registered Office: 403 Prabhat Kiran, 17, Rajendra Place, Delhi- 110008 Tel: 011 45142374

Corporate Office: Carnousties's Building, Plot No. 1, 9th Floor, Sector 16A, Film City, Noida-201301 Tel: 0120 4751818

Website: www.quintdigitalmedia.com, email: cs@thequint.com, CIN: L74110DL1985PLC373314

Dated 12.06.2021

To
Kshitij Aggarwal,
Assistant Director (DM),
Ministry of Information & Broadcasting,
Government of India,
Shastri Bhawan, New Delhi – 110001

Dear Sir,

This is further to our communication to you dated 10.06.2021, and your response of the same date, regarding information that you seek quoting Rule 18 of the Information Technology (Guidelines For Intermediaries And Digital Media Ethics Code) Rules, 2021.

There is no secret or concealment of the above information. It is already in the public domain, and any reader of the site would be able to get it easily. Also, we had put in place, much before the 2021 Rules, a functional grievance redressal mechanism. We have informed you that DIGIPUB is an association of many digital media publishers, of which we are a part. DIGIPUB has set up a mechanism, headed by Justice Madan Lokur, to examine grievances which the publisher has not addressed to the satisfaction of the aggrieved person. This is in keeping with the Supreme court's emphatic ruling that any regulatory mechanism for the media should be free of government control and interference. In light of this for any Central Government agency, to control or impose itself in regulation of the media, would not be right. And in light of this binding law, your reference to the absence of a stay in the pending challenges may be of little avail.

Four high courts have seen fit to entertain a challenge to the 2021 Rules. Even in our petition, notice on the interim application has been issued to the Union of India, but no opposition has been filed within the time stipulated by the court or at all. The matters in the Delhi High Court have not come up for hearing during this pandemic. You have informed us that the Central Government has moved a Transfer Petition to escalate some of the petitions, including our Writ Petition, to the Supreme Court. We would therefore, urge you to hold back on the implementation of the Rules.

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As mentioned earlier, the information requested vide the public notice dt. 26.05.2021 and the reminder is already in the public domain. Provision for the media to report to the Government/ Ministry is at the heart of the matter that is pending before the high courts. To insist that this be furnished to the government in a specified format seems inappropriate as well as unnecessary.

Furthermore, the notice dated 26.05.2021 and the reminders, are premised on the assertion that the IT Rules, 2021 are formulated after consultations with stakeholders. There appears credible information to the contrary. What your notices term 'consultations' is all of two days of a seminar in Mumbai on October 10 and October 11, 2019, the list of invitees to which is unknown, and one meeting between the Ministry of I&B and some OTT operators. Correct us if we are wrong in thinking that this is what you mean by "interaction of the Minister" and "communications with many digital media publishers."

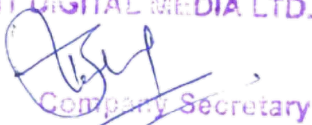
DIGIPUB made a representation to you on 26 February 2021, as soon as the IT Rules, 2021 were notified. However, there is no response from your end."

We would, request you to meet with us and other representatives of the independent digital media and have a real and effective consultation. As stated above, far from being averse to self-regulation, we are already adhering to the same and are happy to improve upon it, but government interference or control is strictly impermissible as per the law laid down by the highest court.

Yours Sincerely,

For Quint Digital Media Limited

QUINT DIGITAL MEDIA LTD.

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Tarun Belwal
Company Secretary

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IN THE HIGH COURT OF DELHI
CM. No. _____ of 2021

In
WP(C) 3659 OF 2021

IN THE MATTER OF:

Quint Digital Media Limited & Anr.

...Petitioner/Applicant

Versus

Union of India & Aner.

...Respondents

**APPLICATION UNDER SECTION 151 OF CPC FOR EXEMPTION
FROM FILING DULY ATTESTED AFFIDAVIT**

MOST RESPECTFULLY SHOWETH THAT:-


1. The Applicant herein is the Petitioner in the Captioned Writ Petition and as such competent to file this Application.
2. That the facts and circumstances giving rise to the submissions and contentions in support of this Application are fully set out in the accompanying Application. For the sake of brevity, the Applicant/Petitioner craves leave to refer to and rely upon the said facts and circumstances and submissions and contentions as if they are reproduced herein.
3. The Applicant/Petitioner has faced difficulties getting the Affidavit in support of the Petition and present Application, notarized and duly attested owing to COVID-19 circumstances. The Applicant/Intervener is therefore constrained to file the present Application for seeking exemption from filing a duly notarized/ affirmed affidavit. The Applicant undertakes to file the same along with physical copies of the Petition as when ordered by this Hon'ble Court.
4. That the Application is being made bona fide and in the interest of justice.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court in the interest of justice, may graciously be pleased to:-

- a) Exempt the Applicants from filing duly attested affidavit and;
- b) Pass such other and further order(s) as this Hon'ble Court may deem fit and proper.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER (S)
IS DUTY BOUND SHALL EVER PRAY**

**FILED BY: -
PRASANNA S ADVOCATE
FOR THE PETITIONER
Sector ABC Vasant Kunj
New Delhi – 110070
Mobile** 

Filed on: - 19.06.2021

Place: - New Delhi

IN THE HIGH COURT OF DELHI
CM. No. _____ of 2021

In
WP(C) 3659 OF 2021

IN THE MATTER OF:

Quint Digital Media Limited & Anr.

...Petitioner/Applicant

Versus

Union of India & Anr.

...Respondents

AFFIDAVIT

I, Ritu Kapur, aged about 53 years, daughter of Mr. Pramod Kapur, a director at the Quint Digital Media Limited, having its registered office in Delhi at 403, Prabhat Kiran, 17, Rajendra Place, Delhi – 11008 solemnly affirm and declare as under.

1. That the Deponent is the Applicant No.2 and as such aware of the facts and circumstances of the case and is as such competent to swear this Affidavit.
2. That the accompanying Application has been drawn up on behalf of the Applicants under the instructions of the Deponent.
3. That the Deponent has perused the contents of the Application running from Paras 1 through 4 and the same are true to the best of the knowledge and belief of this Deponent and nothing material has been concealed therefrom.

 (RITU KAPUR)

DEPONENT

Verification:

Verified at New Delhi on this the 19th day of June, 2021 that the contents of para 1 through para 3 of the above affidavit are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

 (RITU KAPUR)
DEPONENT

INDIA
Forbes