



Press Release - August 17, 2013

Update on Writ Petition filed by Mouthshut.com before the Hon'ble Supreme Court

Mouthshut.com has been flooded with takedown notices after the Central Government notified the Information Technology Rules (Intermediaries Guidelines), 2011 in April 2011. We approached the Hon'ble Supreme Court in April 2013 challenging these Rules. We believe that the rules are unconstitutional as they affect the right to freedom of speech and expression of citizens. It also affects the right to practice a profession or to carry on any trade or business. The Hon'ble Supreme Court admitted the matter and issued notice to the Central Government and a few state Governments.

The matter again came up on August 16, 2013 and the Court heard an Interim application we had filed praying that no coercive action may be initiated against us in relation to the Information Technology Rules (Intermediaries Guidelines), 2011.

The Hon'ble Court observed that notice has already been issued in the main matter and an interim application **seeking stay of the Rules** was part of the main matter. Thus all merits will be discussed when the main matter is heard. As such an Interim application was already on record, we withdrew the current Interim application. **There was no dismissal of any application.** The Court asked questions about removal of online content and expressed the view that free speech is subject to only reasonable restrictions as provided under Article 19(2).

We brought to the notice of the Court a takedown notice that we had received in which a fake order of the Hon'ble Supreme Court of India was produced. The title of the order stated the case as *Shailesh Gupta & Ors. V. Mouthshut.Com* and it contained a direction for removal of a link. A search on the Supreme Court website had revealed that the petition number provided was of another matter that was disposed of on July 5th, 2011. There was no case by the title *Shailesh Gupta v. Mouthshut.com* listed on the Supreme court listed on July 29th, 2013 as per the cause list for that date. The Court observed that one of the judges whose name appeared in the Court order had in fact retired. **The Hon'ble Court directed us to file an affidavit and to bring the fake order on record.** We propose to file a fresh affidavit before the Court bringing the fake order on record.

This incident of sending a fake court order asking for a takedown of a genuine review underscores the risks faced by organizations running an online business in India. Ambiguous laws do not augur well for the growth of the Internet in India.



Mouthshut.com has, for all these years, served a strong consumer need by providing a platform for users to share their feedback on products and services. It is essential for consumers to know that their reviews will not be edited or taken down arbitrarily for them to express their views freely. We propose to take stern legal action against the perpetrators of this illegal act, as such acts are a threat to online businesses as well as to the rights of Internet users in this country.

About Mouthshut.com

Founded in 2000, MouthShut.com is India's first and largest online community for consumer feedback on products and services. Several lakh reviews have been published over the past decade via online feedback, SMS or video, and they are made available free of cost to everyone. MouthShut.com is a very popular and highly trusted destination for consumers who wish to better inform themselves before making purchasing decisions. Besides offering consumers a free platform to express their opinions or benefit from the opinions of others, MouthShut.com also has several programs for businesses and brands that wish to benefit from the large repository of reviews to improve their products, service and brand reputation.

To learn more on the issues that are discussed in this release, contact:

Sagar Khatar

sagar_khatar@mouthshut.com

+91-96193-00064