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In Karnataka HC's rejection of X plea against Sahyog, 3 red lines for social media

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Written by Soumyarendra Barik

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In March, Elon Musk-owned X had filed a case lawsuit against the Central Government challenging the use of Section 79 (3) (b) of the Information Technology Act, 2000, to issue blocking orders, claiming that it leads to creation of a "parallel" and "unlawful" content censorship regime. (Freepik)

In rejecting social media platform X's plea against the Central Government's Sahyog portal, the Karnataka High Court also drew some key red lines for social media companies operating in India: that regulation of speech on platforms is a given and it can not be left unchecked, India's law is unique to the country's context where American judicial thought can not be transplanted, "laws of the land" would have to be followed by companies, and that the landmark 2015 *Shreya Singhal* judgement can not be used as a lens to interpret the changed regulatory needs of today.

The High Court even called the Sahyog portal "an instrument of public good," which "stands as a beacon of cooperation" between citizens and social media intermediaries, through which the State endeavours to combat the growing menace of cybercrime. "To assail its validity is to misunderstand its purpose. Hence, the challenge is without merit," Justice Nagaprasanna held in his oral remarks.

In March, Elon Musk-owned X had filed a case lawsuit against the Central Government challenging the use of Section 79 (3) (b) of the Information Technology Act, 2000, to issue blocking orders, claiming that it leads to creation of a "parallel" and "unlawful" content censorship regime. The company also sought protection for its representatives and employees against coercive action for not joining Sahyog, a Ministry of Home Affairs portal, which it alleged, was a "Censorship Portal".

Central and state agencies and local police officers can issue blocking orders to social media platforms through the Sahyog portal. According to **information obtained by *The Indian Express*** through RTI applications, 65 online intermediaries and nodal officers from all states, union territories and seven Central agencies were onboarded to the portal by April 2025. Between October 2024 and April 2025, the government issued 130 content takedown notices through Sahyog to platforms like Google, YouTube, Amazon and Microsoft, among others.

The three red lines

1. Need for regulation: 'Social media can't be left in state of anarchic freedom'

Justice Nagaprasanna said that the spread of information has always been a matter of regulation. "From Orient to the Occident, The march of civilisation has borne witness to the inescapable truth that information and communication, its spread or its speed has never been left unchecked and unregulated," he said.

"As and when technology developed from messengers to the postal age till the age of WhatsApp, Instagram and Snapchat; all have been regulated by regulators, subsisting then and subsisting today both globally and locally…. Social media as a modern amphitheater of ideas cannot be left in a state of anarchic freedom," he added.

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"In the light of the observations made in the course of the order, the content on social media needs to be regulated and its regulation is a must, more so in cases of offences against women in particular, failing which the right to dignity as ordained in the constitution of a citizen gets railroaded," the judge said.

He said that every sovereign nation has the right to regulate social media. "Regulation of information in this domain is neither novel nor unique. The United States of America regulates it, every sovereign nation regulates it, and India's resolve likewise, cannot by any stretch of constitutional imagination be branded as unlawful," the judge said.

2. Law of the land: 'Don't treat India as a mere playground'

No social media platform in the modern day agora may even feign the semblance of exemption from rigour or discipline of the laws of the land, the judge said.

"None may presume to treat the Indian marketplace as a mere playground where information can be disseminated in defiance of statutes or disregard to legality, and later adopting a posture of detachment or hands-off… Every platform that seeks to operate within the jurisdiction of our nation, which they do, must accept that liberty is yoked with responsibility, and the privilege of access carries with it the solemn duty of accountability," he added.

Justice Nagaprasanna said that X chooses to take content down in the US, but refuses to do so in India. "Under the Take It Down Act of the United States, it (X) chooses to follow the said Act as it criminalises the violation of orders of takedown. But the same petitioner refuses to follow the same in the source of this nation of similar takedown orders which are founded upon illegality," he said.

"American jurisprudential edifice or American judicial thought cannot be transplanted into the soil of Indian constitutional thought is a clear law enunciated by the apex court right from 1950

till this date," he added.

3. *Shreya Singhal* not applicable: 'New regulation needs new interpretation'

In its petition, X had said that by issuing takedown orders via the Sahyog portal, the government was violating the Supreme Court's 2015 landmark *Shreya Singhal* judgment, which declared that content could only be censored by a court order, or under Section 69A of the Information Technology (IT) Act.

However, the Karnataka High Court said that the *Shreya Singhal* judgement could not be "transposed" into the present controversy.

"*Shreya Singhal* spoke of 2011 rules now consigned to history… The 2021 (IT) Rules, fresh in their conception and distinct in their design, demand their own interpretative frame, unsaddled by precedents that address the bygone regime," Justice Nagaprasanna said.

Soumyarendra Barik