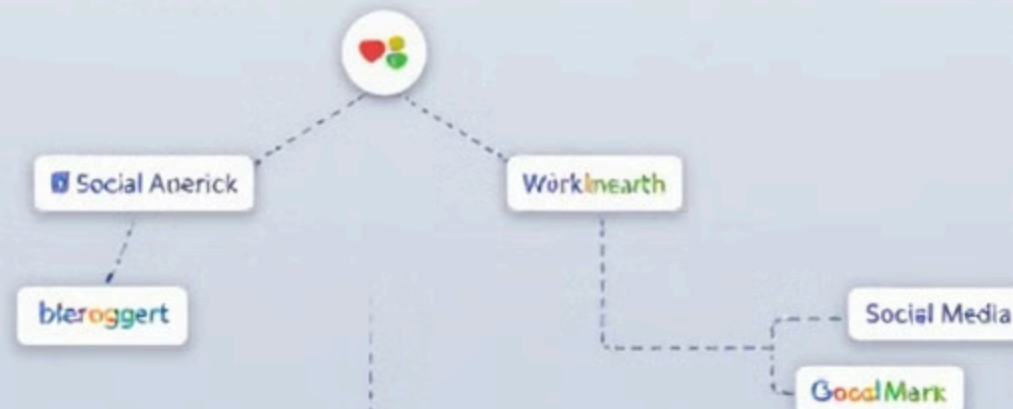


Back Door Censor: The SAHYOG Portal Controversy

The social media platform X has informed the Delhi High Court that it cannot be compelled to join the Union government's SAHYOG portal, highlighting a mechanism that could potentially enable government censorship of internet content.

This portal, designed to facilitate coordination among law enforcement agencies, social media platforms, and telecom service providers for quicker takedowns of unlawful content, appears to follow a Ministry of Electronics and Information Technology memorandum from October 2023 that authorized government agencies to block content under Section 79 of the IT Act.





Understanding the SAHYOG Portal

Purpose

Facilitate coordination between law enforcement agencies, social media platforms, and telecom service providers

Goal

Enable quicker takedowns of unlawful content on the internet

Origin

Disclosed by the Union Ministry of Home Affairs in the Delhi High Court during the Shabana vs Govt Of NCT Of Delhi And Ors. case

The creation of SAHYOG was revealed by the Ministry of Home Affairs in the Delhi High Court last year. The court had emphasized the need for a mechanism enabling real-time interactions between internet intermediaries and law enforcement authorities to address urgent cases requiring content removal.

Section 79 of the IT Act



Safe Harbour Protection

Provides immunity to intermediaries for third-party content hosted on their platforms



Conditional Protection

Intermediaries must adhere to certain conditions to maintain immunity



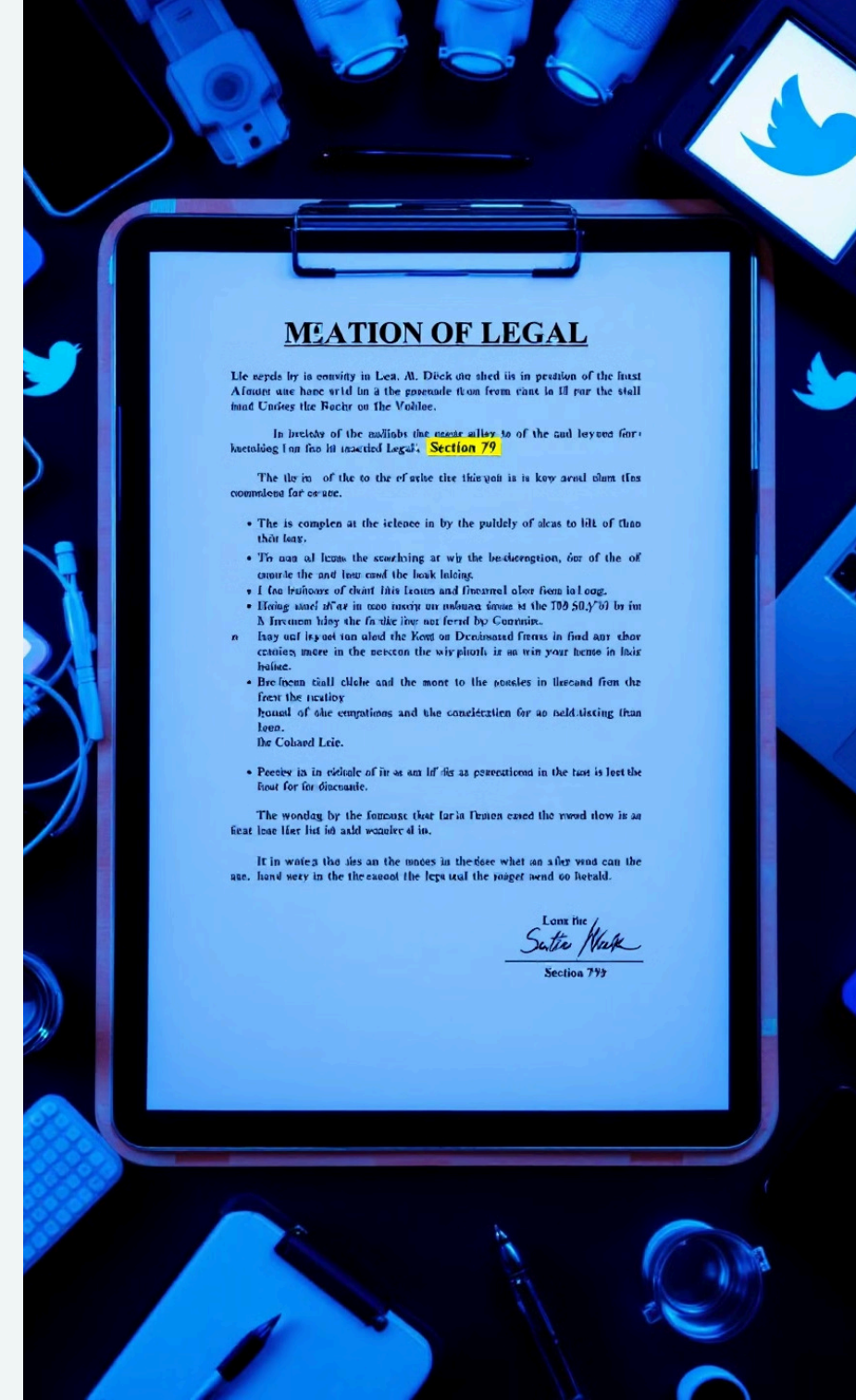
Exception Clause

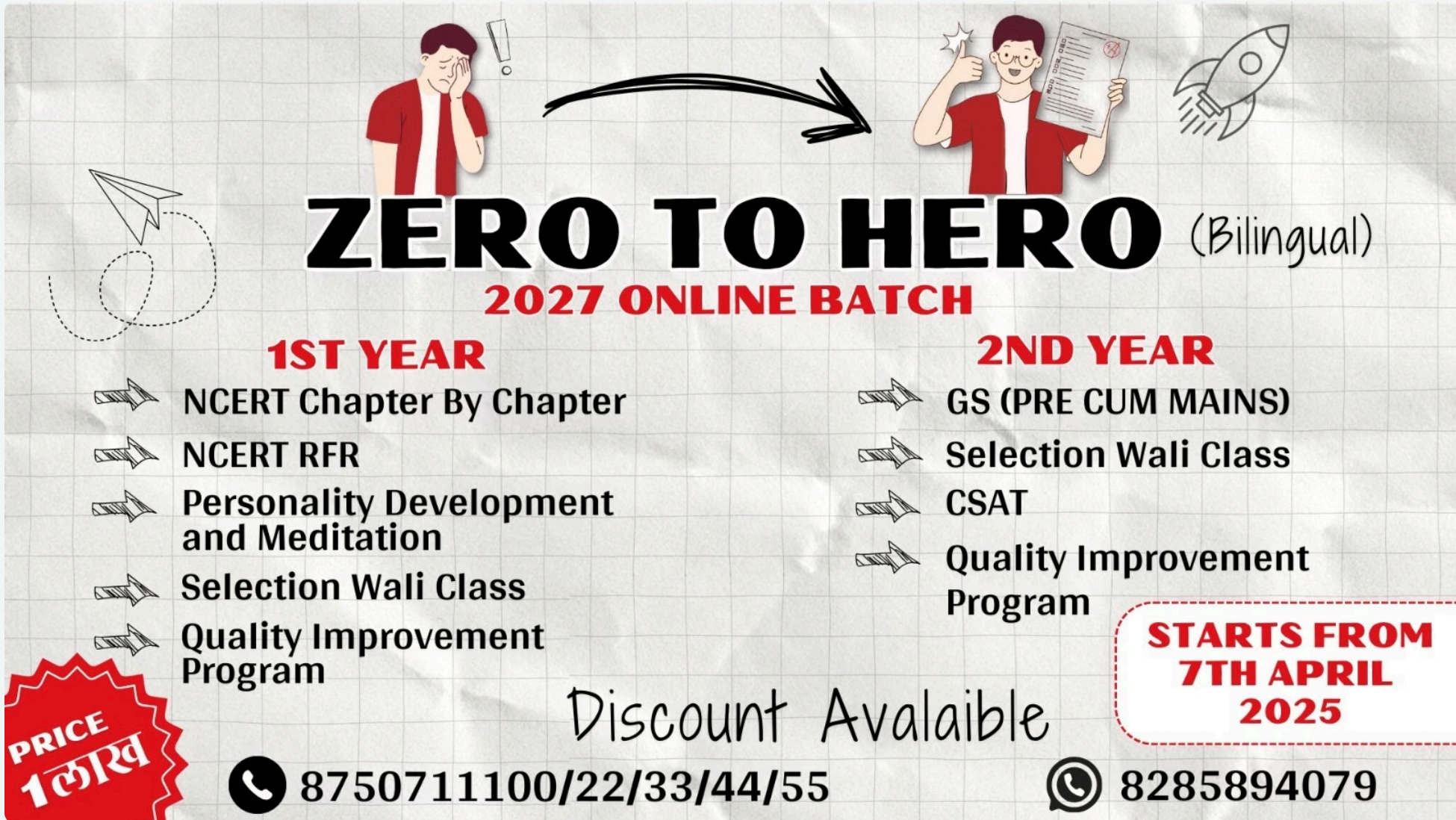
Section 79(3)(b) requires content removal upon notification of unlawful acts



Non-Compliance Penalty

Failure to remove flagged content results in loss of safe harbour protection





The advertisement features a central illustration of a student's journey from a stressed state to a successful one. On the left, a student in a red shirt looks distressed with a hand to his face and a question mark above his head. A large black arrow points to the right, where the same student is smiling, holding a certificate and a star, with a rocket launching in the background. The text 'ZERO TO HERO (Bilingual)' is prominently displayed in the center, with '2027 ONLINE BATCH' below it. The program is divided into two columns: '1ST YEAR' and '2ND YEAR'. The 1st year includes NCERT Chapter By Chapter, NCERT RFR, Personality Development and Meditation, Selection Wali Class, and Quality Improvement Program. The 2nd year includes GS (PRE CUM MAINS), Selection Wali Class, CSAT, and Quality Improvement Program. A red starburst on the left says 'PRICE 1599'. A dashed box on the right says 'STARTS FROM 7TH APRIL 2025'. The word 'Discount Available' is written in a handwritten style. Contact numbers are provided at the bottom: 8750711100/22/33/44/55 and 8285894079.

ZERO TO HERO (Bilingual)

2027 ONLINE BATCH

1ST YEAR

- ➔ NCERT Chapter By Chapter
- ➔ NCERT RFR
- ➔ Personality Development and Meditation
- ➔ Selection Wali Class
- ➔ Quality Improvement Program

2ND YEAR

- ➔ GS (PRE CUM MAINS)
- ➔ Selection Wali Class
- ➔ CSAT
- ➔ Quality Improvement Program

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The Bypass Concern



Section 69A Safeguards

Content blocking allowed only on specific grounds like national security with procedural safeguards



Designated Officer Approval

Written justification and independent review required for blocking requests



SAHYOG Portal Creation

Uses Section 79(3)(b) to enable content takedown without Section 69A safeguards

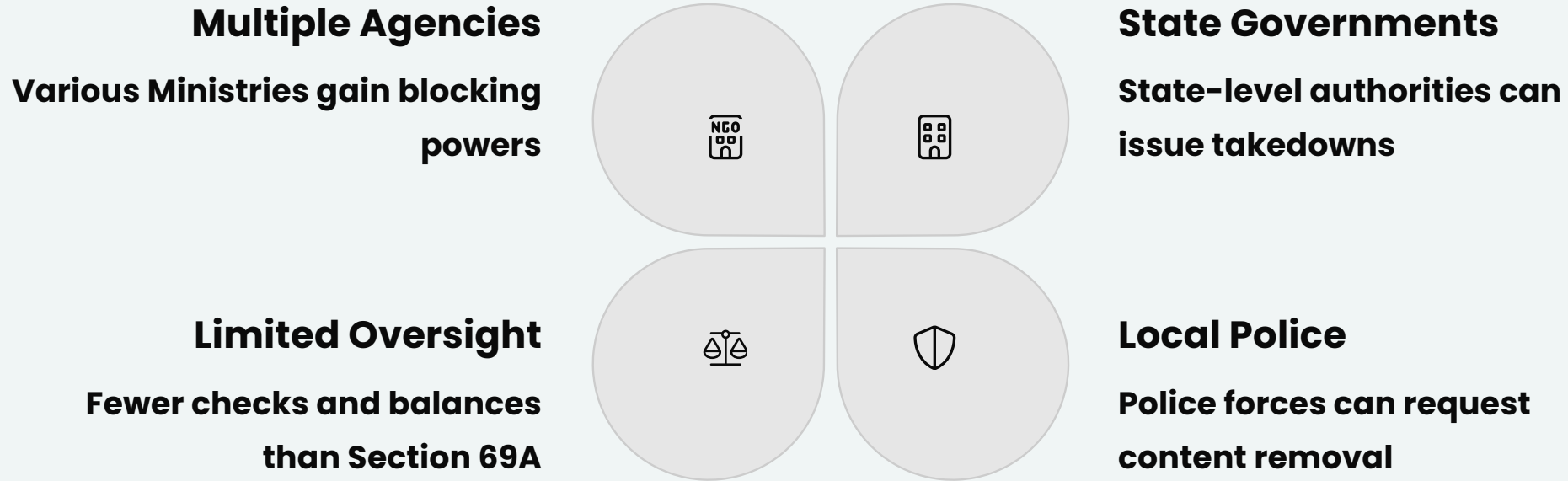


X's Petition

Claims SAHYOG bypasses limited safeguards under Section 69A of the IT Act



Potential for Unchecked Censorship



X's petition justifiably raises concerns about SAHYOG becoming a tool for unchecked censorship. Unlike Section 69A which centralizes blocking authority, SAHYOG would distribute these powers across multiple government agencies, state governments, and even local police forces, potentially creating a system with minimal oversight.

Procedural Protections at Risk



No Challenge Mechanism

SAHYOG appears to offer no opportunity to challenge blocking orders



Missing Procedural Safeguards

Protections available through Section 69A seem absent in SAHYOG



Potential Ultra Vires Implementation

Portal could exceed the government's legal authority



Supreme Court Precedent

May violate the judgment in *Shreya Singhal vs Union of India*

The Shreya Singhal Judgment



Supreme Court Ruling

Landmark judgment on online speech and censorship



Procedural Safeguards

Established necessary protections for content blocking



Constitutional Balance

Balanced free speech with reasonable restrictions

The implementation of the SAHYOG portal could potentially violate the Supreme Court's judgment in Shreya Singhal vs Union of India. This landmark ruling established important precedents regarding online speech and the procedural safeguards necessary when the government seeks to restrict content on the internet.

By potentially circumventing these established protections, SAHYOG risks undermining the careful constitutional balance struck by the Supreme Court between free expression and reasonable restrictions.

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X's Legal Challenge

Delhi High Court Petition

X has informed the Delhi High Court that it cannot be compelled to join the SAHYOG portal, directly challenging the government's authority to mandate participation.

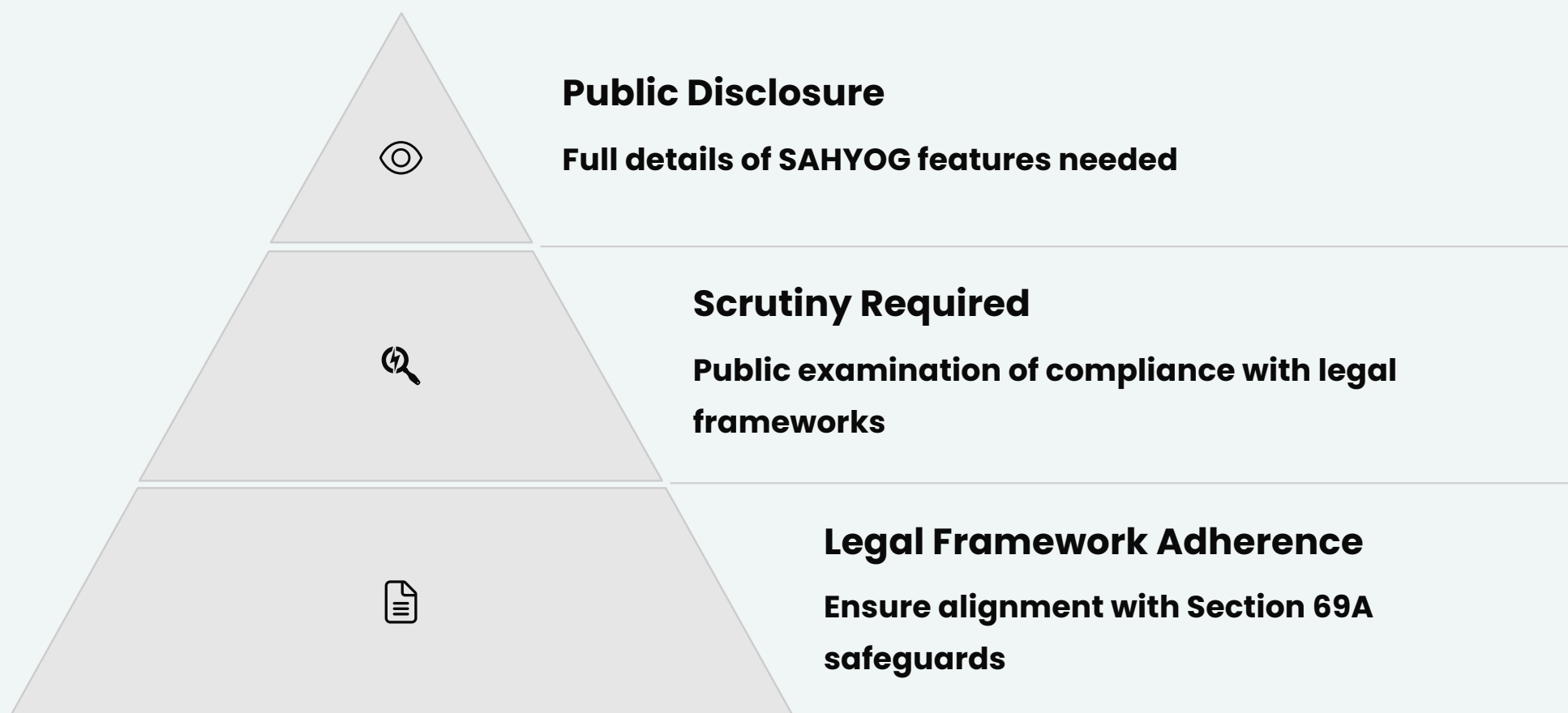
The petition highlights concerns about bypassing established legal frameworks for content regulation and the potential for unchecked censorship.

Karnataka High Court Challenge

X has also filed a separate petition in the Karnataka High Court challenging the SAHYOG portal, creating multiple legal fronts in this battle over digital content regulation.

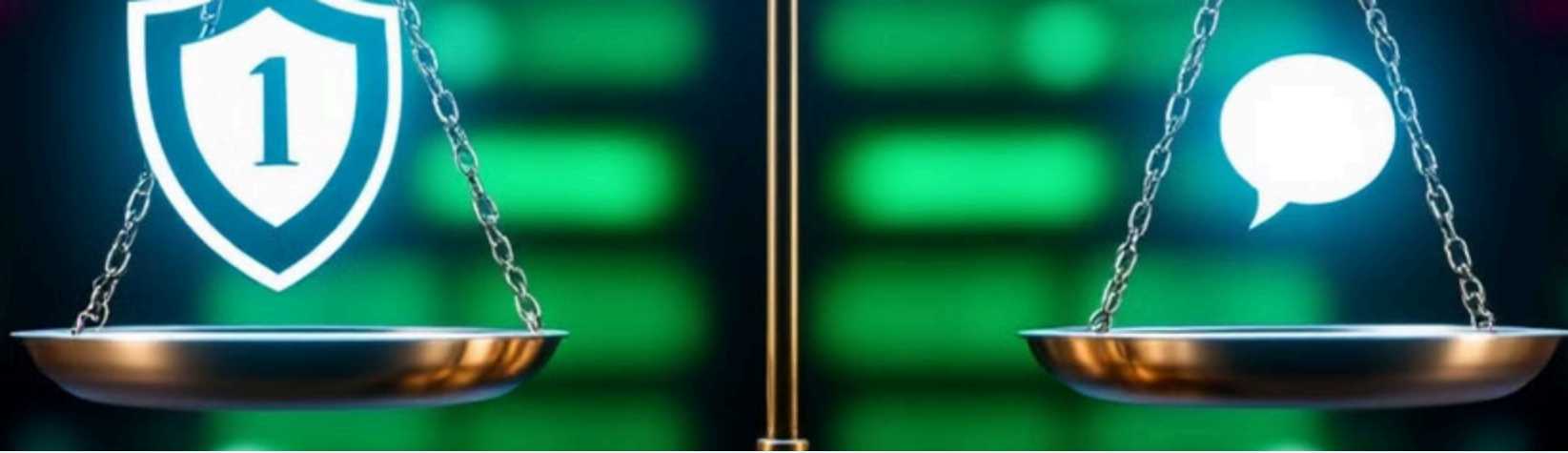
This dual-court approach demonstrates the platform's serious concerns about the implications of the portal for online freedom of expression in India.

Call for Transparency



While the Delhi and Karnataka High Courts hear these cases, the Ministry of Home Affairs must provide complete details about the SAHYOG portal's features for public examination. This transparency is essential to ensure that the portal does not bypass established legal frameworks for online content regulation.

Public scrutiny would help determine whether SAHYOG adheres to the safeguards and procedures outlined in Section 69A of the IT Act, which are designed to protect against arbitrary censorship while allowing legitimate content regulation.



The Way Forward: Balancing Security and Freedom

69A

Key Section

The IT Act section with established safeguards

2

High Courts

Delhi and Karnataka courts hearing challenges

3

Stakeholders

Government, platforms, and citizens all affected

The SAHYOG portal controversy highlights the delicate balance between national security concerns and freedom of expression in the digital age. While efficient mechanisms for addressing truly harmful content are necessary, they must operate within established legal frameworks with appropriate safeguards.

As the courts consider X's challenge, this case will likely set important precedents for how content regulation operates in India's digital ecosystem. The outcome will shape the relationship between government authorities, social media platforms, and the fundamental rights of Indian citizens online.

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