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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 16206/2023

SHAIK RAHEEM

..... Petitioner

Through: Mr. Amish Aggarwala, Ms. Antara Mishra, Mr. Gaurav Pachauri, Mr. Kuldeep Jauhari, Mr. Anubhav Tyagi, Mr. Nishant Sharma, Ms. Nandini Agrawal, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vaibhav Gagar, Mrs. Monika Lakhnopal Gagar, Mr. Amit Gupta, Mr. Saurabh Tripathi, Mr. Vikramditya Singh and Ms. Shefali Munde, Advocates for UOI

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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19.12.2023

1. Present writ petition has been filed seeking a direction to the respondents to ban / prevent online gambling websites from operating in NCT of Delhi and other States.
2. Learned counsel for the petitioner states that online gambling websites such as jeetwin.com, oppabet.com, lotusing.com, diam247.com, world777.com, probate777.com, pooabet.com, coexch9.com etc. are developed and strategized in such a manner that initially a player (who could be anybody) signs up to play a game but later on is lured in such a way that



he is persuaded to spend his hard-earned money on the game. She states that it is only after reaching an advance stage of these games that the player realizes that he has got himself into a vicious cycle, wherein there is no going back and in the process loses all his hard-earned money – as happened to the petitioner.

3. She further states that such games are not only games of chance but they provide an opportunity of betting, the outcome of which is based entirely on luck and out of the player's intellectual or physical control.

4. Learned counsel for the petitioner states that the petitioner had informed the concerned police station at Hyderabad, Telangana about the schemes of online gaming and betting apps, but the petitioner was offered money by the local police to let go off the matter.

5. Learned counsel for the respondents, who appears on advance notice, has drawn this Court's attention to the Information Technology (Procedure and Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009. The relevant Rules to which attention has been drawn are reproduced hereinbelow:-

“3. Direction for interception or monitoring or decryption of any information.— No person shall carry out the interception or monitoring or decryption of any information generated, transmitted, received or stored in any computer resource under sub-section (2) of section 69 of the Act, except by an order issued by the competent authority;

Provided that in an unavoidable circumstances, such order may be issued by an officer, not below the rank of Joint Secretary of the Government of India, who has been duly authorised by the competent authority;

Provided further that in a case of emergency--

(i) in remote areas, where obtaining of prior directions for interception or monitoring or decryption of information is not feasible; or

(ii) for operational reasons, where obtaining of prior directions for interception or monitoring or decryption of any information generation, transmitted, received or stored in any computer resource is not feasible,



the interception or monitoring of decryption of any information generated, transmitted, received or stored in any computer resource may be carried out with the prior approval of the Head or the second senior most officer of the security and law enforcement agency (hereinafter referred to as the said security agency) at the Central level and the officer authorised in this behalf, not below the rank of the inspector General of Police or an officer of equivalent rank, at the State or Union territory level;

Provided also that the officer, who approved such interception or monitoring or decryption of information in case of emergency, shall inform in writing to the competent authority about the emergency and of such interception or monitoring or decryption within three working days and obtain the approval of the competent authority thereon within a period of seven working days and if the approval of competent authority is not obtained within the said period of seven working days, such interception or monitoring or decryption shall cease and the information shall not be intercepted or monitored or decrypted thereafter without the prior approval of the competent authority.

4. Authorisation of agency of Government.— *The competent authority may authorise an agency of the Government to intercept, monitor or decrypt information generated, transmitted received or stored in any computer resource for the purpose specified in sub-section (1) of section 69 of the Act.*

5. Issue of decryption direction by competent authority.— *The competent authority may, under Rule (3), give any decryption direction to the decryption key holder for decryption of any information involving a computer resource or part thereof.*

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10. Direction to specify the name and designation of the officer to whom information to be disclosed.— *Every directions under Rule (3) shall specify the name and designation of the officer of the authorised agency to whom the intercepted or monitored or decrypted or stored information shall be disclosed and also specify that the use of intercepted or monitored or decrypted information shall be subject to the provisions of sub-section (1) of section 69 of the said Act.”*

6. Since the petitioner has approached this Court without filing any representation with the Union of India or approaching either the nodal or designated officer, the present writ petition is disposed of with a direction to the designated officer appointed by the Ministry of Electronics &



Information Technology, Government of India (in accordance with Rule 5) to treat the present writ petition as a representation and to decide the same in accordance with law.

7. With the aforesaid direction, the present writ petition stands disposed of. Let a copy of this order be communicated to the designated officer by the petitioner.

8. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MINI PUSHKARNA, J

DECEMBER 19, 2023
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