

**Government of India
Grievance Appellate Committee**

ORDER

Dated 13/08/2026

That the Information Technology (Intermediary guidelines and digital media ethics code) rules, 2021 and its amendments made thereunder empowers the Central Government established Grievance Appellate Committee to issue orders for an intermediary and every order passed shall be complied with by the intermediary concerned and a report to that effect shall be uploaded on its website, if it is satisfied that it is necessary or expedient so to do, in the appeal made by any person aggrieved by a decision of the Grievance Officer.

That Prachi Dubey, appellant on behalf of Shri Saibaba Sansthan Trust has vide appeal 139158/2026 dated 29th July, 2026 brought out that false and incorrect statements of Shri Sai Baba being “Chand Miyan,” and alleging that he was involved in religious conversion, espionage, the death of Rani Lakshmibai, dacoity, rape, murder, and robbery, and claims that he was falsely glorified only for commercial gain have been projected as facts and has consequently harmed and the reputation of Shri Sai Baba and the Shree Saibaba Sansthan Trust.

That the appellant has requested for removal of defamatory content against Shri Sai Baba and Shri Sai Baba Sansthan Trust.

That Intermediary has submitted that the appellant filing a complaint on 15 July 2026 seeking removal of the at-issue videos. The appellant’s complaints were duly acknowledged on the same day itself.

That Intermediary does not agree that the appeal falls within the purview of the Grievance Appellate Committee (GAC).

That the appellant seeks the removal of the 35 videos (as per details in appeal) on the grounds that they contain defamatory statements about Shri Sai Baba and the Shri Saibaba Sansthan Trust.

That at appeal stage, Intermediary has upon re-investigation, determined that the at-issue videos do not violate their Community Guidelines and will remain live on the platform. They are not in a position to adjudicate the veracity of the appellant’s claims and is unable to remove the content based upon mere allegations of defamation. The appellant is encouraged to directly contact the uploader of the content in question.

That Intermediary in not agreeing to the appellant’s grievances has relied on Court’s judgements. These averments are commented in succeeding paragraphs.

That Law on online defamation. Kerala High Court in the case of Mr Anto Augustine and Ors. v/s UoI decided on 22 May 26 has held that “..actual knowledge’ referred to in such provision, it is to be noted that, the Hon’ble Supreme Court read down the said provision to mean that, the intermediary, upon receiving the actual knowledge that, a Court order has been passed asking it to expeditiously remove or disable access to certain material, must then fail to expeditiously remove or disable access to that material... Thus, the event of the actual knowledge referred to above, in the said provision, is deemed to have occurred only when an order has been passed by a Competent Court in respect to the same and not otherwise...” Further Court held that “...The expression “defamatory” was removed from the said provision as per the amendment subsequently brought in, vide G.S.R 794(E) dated 28.10.2022. Thus, the legislature consciously removed “defamation”, from among the matters pertaining to which due diligence is to be

observed by the intermediary. From the above it is clear that, the defamation is not something, which needs to be taken note of by the intermediary, while observing due diligence. This is evidently because, intermediaries, being private entities, it may not be possible or proper for them to decide the question whether a content is defamatory or not, since, such an adjudication requires, consideration of various aspects touching upon the legal aspects of the matter. Thus, it can only be adjudicated by a court or an authority in this regard..."

That Intermediary's reliance on Shreya Singhal Case needs revisit as the Apex Court has not interpreted the IT Rules, 2021 which ostensibly could not, as the Rules have come in 2021 whereas, SHREYA SINGHAL is rendered in 2015. This was also held by Delhi High Court in the case of Mrs : v/s UoI and Karnataka High Court in X Corp v/s UoI that "the IT Rules have now come into place which was not the case when the decision in Shreya Singhal v. Union of India was rendered".

That as regards Intermediary's recommendation to directly contact the uploader of the content in question is not agreed to as In Vysakh K.G. V. Union of India and Ors., the Kerala High Court has observed that "Google cannot be said to be content-blind to publications made online and it is not a mere passive conduit.." As such Intermediaries always have control over the content present on the respective platform.

That as regards need for order of competent jurisdiction, it is submitted that Rule 3(1)(d) of the IT Rules, 2021 mandates only due diligence with conditions to be observed by the Intermediaries. It is surprising that Intermediary does not want to undertake due diligence.

That further, Delhi High Court vide its order dated 11 Aug 26 in WP(C) 11451/2026 has directed that *"direct that the statutory appeal preferred by the petitioner before the Grievance Appellate Committee shall be considered and decided by passing a reasoned order within a period of seven (07) days from this date, under intimation to the petitioner, considering the urgency in the matter and a compliance report shall be filed before this Court on or before the next date of hearing, i.e., 19.08.2026."*

That the grievances of the appellant primarily pertain to misinformation being spread by the reported video. The reported content is about 'Shri Sai Baba', having huge following and treated as God by a large strata of society. An examination of the videos reveals that these have a tendency to hurt religious sentiments, detrimental to the communal harmony and which does not augur well for a society at large. If allowed to continue in the manner it will soon spread like a pandemic with wide uncontrollable repercussions, especially, since it is a social media platform. Also, the perpetual digital availability of such materials, raises serious concerns of enduring reputational harm and stigma and same directly impinge upon the reputation of 'Shri Sai Baba' and Saibaba Sansthan Trust'.

That it is well settled that reputation is an integral part of the dignity of each individual and there is a need to balance between freedom of speech and freedom of expression vis-a-vis the right to reputation which has been considered as a part of the right to life under Article 21 of the Constitution of India.

That from the aforesaid Balance of convenience also lies in favour of the appellant, the Grievance Appellate Committee (GAC) has concluded that Intermediary to bring down the reported videos and articles (as in appeal 139158/2026), which are on the platform, within 24 h of receiving this order.

Grievance Appellate Committee