

AKHILESH VYAS

ADVOCATE

PUNJAB & HARYANA HIGH
COURT,
CHANDIGARH

Office-cum-residence:

8174, SECTOR 125,

SUNNYENCLAVE, KHARAR,

MOHALI

M. No.98550-04557

To,

1. Facebook India Online Services Pvt. Ltd.
Through its Chief Managing Director
Facebook India, Building no.14,
MindSpace IT Park, Hi-Tec City,
Madhapur, Hyderabad, AP-500081, India.
2. Grievance Officer, Facebook India Online Services
Pvt. Ltd.
Facebook India, Building no.14,
MindSpace IT Park, Hi-Tec City,
Madhapur, Hyderabad, AP-500081, India.
3. Armin Navabi C/o Atheist Republic, 2443, Fillmore,
St # 380-8406, San Francisco, CA-94115.
4. Twitter Communications India Private Limited
Through Director
C-20, G Block, Near MCA BandraKurla Complex,
Bandra (E), Mumbai-400051,
Maharashtra.
5. **Twitter, Inc.**
c/o Jeremy Kessel
1355 Market St #900
San Francisco, California 94103
United States
grievance-officer-in@twitter.com

6. **Resident Grievance Officer for India (Interim)**

DharmendraChatur

4th Floor, The Estate

121, Dickenson Road,

Ber.galuru - 560 042

Karnataka, India

grievance-officer-in@twitter.com

Subject: Legal notice for deleting the offensive content on your platform by Atheist Republic/ Armin Navabi.

That under the instruction of my client Nirmal Sharma son of ChandarShekharSehajpal, resident of B-17, 118 Old Dana Mandi, Nawashahar, Punjab. I, hereby send you the present legal notice on the following grounds as under:-

1. That my client is a law student who is also public spirited person and he is compelled by the circumstances to send the present legal notice. My client is a user of Facebook whereby, he came across very abusive and offensive post put on your platform by user account arminnavabi.
2. That the post depicts very abusive, filthy language written about Hindu Gods and Goddesses. The user of the account had put obscene, filthy, abusive and demeaning graphics for Hindu religion and Gods on its Instagram account/profile. I was left shocked and deeply hurt after coming across the posts as I mentioned above.

3. That it is pertinent to mention here that after going through the entire post of that user, it can easily be concluded that it is a deliberate attempt on the part of the user to willfully outrage and hurt the religious sentiments of the Hindus in order to promote religious animosity amongst the people of this country.
4. That it is submitted that Armin Navabi from his twitter handle @ arminnavabi and facebook account <https://www.facebook.com/atheistrepublic> and <https://www.facebook.com/arminnavabi>, where he has written such tweets and posted such photographs which are completely hurting the sentiments of the Hindu Society. It is submitted that earlier he started of with posts on twitter by saying "*okay ! I am in love with Hindusim. I never knew you had sexy goddesses like these. Why would anyone pick any other religion ?*" and in the second tweet he wrote that "*we said we will design our own sexy god and goddesses. Here's the first ! # Sexy Kali. Get it on a shirt here: bit.ly/2RkNE61. We will design a new god every month if we*".
5. That he is insulting Hindu religion and Hindu Community across the globe with his online links as <https://www.facebook.com/atheistrepublic> and <https://www.facebook.com/arminnavabi>, this is to inform you that all the photographs depicting wrong and

illegal content against Hindu Society has been posted on the facebook profile. He has intentionally and knowingly in-conivance with facebook officials posted some malicious contents which cannot be termed legal in any manner. That account is being followed by many other people and it is regularly being liked or abusive comments are being passed regarding Hindu religion on such post. He is promoting hatred among society by posting such content. He is also polluting the mind of general public especially against Hindu religion by depicting false and untrue statements pertaining to Hindu Gods and goddesses. Such content can really create riots in the society as he is misusing his right of speech and expression by spreading such hatred have no knowledge regarding the culture and religion. It is to be noticed that due to his website, communal content, it has given chance to others to speak and put more messages against Hindu Gods and Goddesses without even understanding the entire issue. He has created Atheist Republic in 2012 to build Global Atheist Community as a platform for his activism. The photographs and the contents named 'Blasphomous Art' under its Atheist Republic Art group has also shown photos of goddess Kali, Prophet Muhammad, Lord Rama,

Lord Krishna etc. which may not be accepted in any form (screenshot images annexed).

6. That Facebook India Online Services Pvt. Ltd. and Twitter Inc. are liable for such illegal posts because the posts are lying online on their platforms since long. Earlier complaints were also forwarded but no action was taken rather it should have been removed immediately. So, the willful conduct of your companies also shows that you are also liable to be falls in the category of accused as you are intermediary. would like to bring in your kind notice that as per Rule 3 (1) (b) of Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, you are under statutory obligation of doing due diligence on your platform while discharging your duties. However, to the contrary you have failed in keeping that diligence in place.
7. That it is further pertinent to mention here that earlier you have further failed to comply with the requirement of prominently publishing, on your platform, the information about your Grievance Officer as mandated by Rule 2 (2) (b) of Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 due to which I have not been able to register my complaint against these obscene, offensive and vulgar

posts. Now I am also sending this notice to your Grievance Officer, who may also take notice to the complaint and take action as per IT Rules.

8. That it is pertinent to mention here that Since you have failed to comply with the requirements as mandated by Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, the safe harbor provided to you under section 79 (1) should be stripped from you and I reserve my legal right to take action against you under the relevant provisions of law separately.
9. That the offence is apparently committed under section 153-A, 295-A, 198 IPC and also under various provisions of Information Technology Act, 2005. Therefore, both of your companies through your grievance officers are directed to take strict action as per law against the offenders.
10. That in the light of abovementioned facts and circumstances, by way of this demand notice I strictly demand you to take the following steps with immediate effect:
 - (a) Block the user account in the name of "Atheist Republic Armin Navabi" and other URLs as mentioned above on your platform and remove all the offensive content posted

thereon within 24 hours from receiving this legal notice.

- (b) Preserve all the information and records associated with the offensive content put by this user account, so that the evidence is not vitiated for future legal proceedings.
- (c) Identify and remove other such user accounts having similar and identical offensive content.

11. That it is further reiterate here, by way of this legal notice that your failure to comply with the directions as mentioned in paragraph 8 shall make your forfeit your immunity provided under section 79(1) of Information Technology Act and I will be constrained to take legal action against Facebook India Online Services Private Limited.

It is therefore prayed that immediate action may be taken against Armin Navabi or its Atheist Republic online account and strict action be taken against him, otherwise my clients reserves their rights to file Civil/ Criminal case against both of you before the competent court of law. Facebook India Online Services Pvt. Ltd. is directed to take criminal action by lodging an FIR against the accused and ban his account on Facebook. Further in addition to this Twitter Inc is also directed to delete any wrong post posted by the accused persons

through their Twitter handle and both the companies are also directed to provide the information if any required for proper investigation against the accused persons. The accused has committed the offence under Indian Penal Code 1860 and also under Information Technology Act, therefore, the FIR may be lodged against the accused persons by Facebook and Twitter Inc. and any such illegal action may be restrained further.

Dated: 22.06.2021

Through counsel


Akhilesh Vyas
Advocate