



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

CASE COMMENT: GOOGLE INDIA PVT. LTD. V. VISAKA INDUSTRIES LTD., (2020) 4 SCC 162

- Kalyani Chaple

In the Supreme Court of India

Decided on 16th October, 2019

Bench: Hon'ble Justice Ashok Bhushan, Hon'ble Justice Navin Sinha

ABSTRACT

This case analysis is about the landmark judgment of *Google India Pvt. Ltd. v. Visaka Industries Ltd.*, it deals with the liability of digital intermediaries for defamatory content posted by third parties¹. The case mainly focuses on the interpretation of Sec. 79 of the Information Technology Act, 2000², and the circumstances in which intermediaries can get themselves of the safe harbour protection. It was observed by Hon'ble Supreme Court that intermediaries are protected from liability for third-party content but should act on notice of unlawful material. This ruling is central to delineating the duties of online platforms, new requirements for content moderation & balancing freedom speech with reputation interests.

INTRODUCTION

Google India Pvt. Ltd. v. Visaka Industries Ltd. is one of the landmark judgments concerning about the intermediary liability and online defamation under Indian laws. The case was arisen when Visaka Industries alleged that some defamatory statements about the company had been posted on Google Groups, an online discussion platform which is operated by Google. As a

¹ *Google India Pvt. Ltd. v. Visaka Indus. Ltd.*, (2020) 4 S.C.C. 162 (India)

² Information Technology Act, No. 21 of 2000, § 79 (India).

result, Google India was made a party in the proceedings for its role as an intermediary hosting the platform.

Earlier issue before the Supreme Court was whether Google India can claim immunity from liability under Sec. 79 of the Information Technology Act, 2000, for defamatory content posted by a third parties. The Court first examined the scope of the safe harbour provisions and the circumstances in which an intermediary may lose such kind of protection. This judgment is significant because it clarified the legal duties of digital intermediaries and strengthened the principles which governs intermediary liability and online content regulation in India.

FACTS OF THE CASE

The dispute was arisen when Visaka Industries Ltd. alleged that the defamatory statements had been posted by certain individuals on "**Ban Asbestos India**," an online discussion platform which has been hosted on Google Groups. The posts accused the company for engaging in unethical and corrupt business practices, that according to the plaintiff, it caused serious harm to their reputation and adversely affected the business.

After knowing about the posts, the plaintiff issued notices to Google requesting the removal of that allegedly defamatory content. But the content was not removed immediately. Aggrieved by Google's non-intervention, the plaintiff had filed criminal complaints for defamation against Google India and other parties.

Google India later challenged the criminal proceedings, contending that it acts merely as an intermediary and could not be held liable for any kind of content created and published by the third parties. They argued that it neither authored nor exercised any editorial control over the disputed posts and was therefore entitled to the protection available under Sec. 79 of the Information Technology Act, 2000.

ISSUES INVOLVED

1. Whether Google India qualifies the definition of "intermediary" in terms of Sec. 2(w) of Information Technology Act, 2000.
2. Whether Google India has been able to prove its immunity as per Sec. 79 of the Information Technology Act, 2000 (Safe Harbour Protection) for visible defamatory content posted by third parties.
3. Whether, The Google India failed to act when it learned of the presence of defamatory content on their platform.

4. Whether an intermediary that just hosts user-generated content, can be held criminally liable for defamatory content published by third parties.

ARGUMENTS BY THE PARTIES

COMPLAINANT (VISA KA INDUSTRIES LTD.)

The Visaka Industries Ltd. argued that such defamatory and factually inappropriate statements published on Google Groups had damaged their commercial reputation and also misled the public regarding the safety of its products. The complainant later argued that Google India had received notice of the defamatory content but still failed to remove it within a reasonable given time. According to the Visaka Industries, such inaction had led to negligence as they allowed that objectionable material to remain accessible to the public. It was further contended that once an intermediary obtains actual knowledge of unlawful content, then it has a legal obligation to act promptly. As Google India failed to discharge the duty, it was not authorized to ask for the safe harbour protection which is available under Sec. 79 of the IT Act, 2000. The complainant also emphasized that the intermediaries must held accountable when they intentionally allow the defamatory content to remain on their platforms.

ACCUSED (GOOGLE INDIA PVT. LTD.)

The Google India argued that they just act as an intermediary, as defined under Sec. 2(w)³ of the Information Technology Act, 2000, and does not have editorial or supervisory control over any content uploaded by the users on Google Groups. It is also submitted that the alleged defamatory content had been created and published by third parties and they do not have role in selecting or modifying that content. Relying on Sec. 79 of the Act, Google later contended that intermediaries are always protected from the liability for third-party content, as they do not initiate the transmission or alter the information. They later argued that holding the intermediaries criminally liable for such user-generated content can impose an unreasonable burden on the digital platforms and can loss the legislative intention provided under the safe harbour provisions. Thus, Google claimed that they are empowered to immunity from criminal liability under the Information Technology Act, 2000.

PRECEDENTS CITED

³ Information Technology Act, No. 21 of 2000, § 2(w) (India).

The Hon'ble Supreme Court referred to different landmark judgments while deciding this case of *Google India Pvt. Ltd. v. Visaka Industries Ltd.*... These precedents helped to determine the scope of intermediary liability and the applicability of criminal proceedings.

- **SHREYA SINGHAL V. UNION OF INDIA (2015):** The Court firstly relied on this landmark judgment to interpret Sec. 79 of the Information Technology Act, 2000, mainly the concept of "actual knowledge" of objectionable content and the circumstances in which an intermediary can get safe harbour protection.⁴
- **STATE OF HARYANA V. BHAJAN LAL (1992):** This judgement was cited to explain the principles governing the revocation criminal proceedings under Sec 482 of the Code of Criminal Procedure, 1973 and the conditions under which such powers can be exercised.⁵
- **MOHD. ABDULLA KHAN V. PRAKASH K. (2018):** The Court referred to this judgment to inspect the essential ingredients of criminal defamation and the conditions which are required for imposing criminal liability.⁶

JUDGMENT

- In *Google India Pvt. Ltd. v. Visaka Industries Ltd (2020)* the Supreme Court, in *Google India Pvt. Ltd. v. Visaka Industries Ltd (2020)* had found that Google India is an Intermediary member under Sec. 2(w)⁷ of the Act, However the Immunity granted an Intermediary as per sec. 79⁸ is not unequivocally but conditional. The Apex Court also reserved its ruling on whether Google was liable for defamation or not and only clarified the scope of intermediary liability under the Information Technology Act, 2000.
- The Court also observed that an intermediary can claim the safe harbour protection under sec. 79, only if it complies with the due diligence requirements prescribed under the IT Act and the Information Technology (Intermediary Guidelines) Rules, 2011⁹. Once an intermediary gets actual knowledge of defamatory content, they expected to take fast steps to remove or disable the access of such content. Failure to do so may result in the loss of statutory immunity.

⁴ *Shreya Singhal v. Union of India*, (2015) 5 S.C.C. 1 (India).

⁵ *State of Haryana v. Bhajan Lal*, 1992 Supp. (1) S.C.C. 335 (India).

⁶ *Mohd. Abdulla Khan v. Prakash K.*, (2018) 1 S.C.C. 615 (India).

⁷ Information Technology Act, No. 21 of 2000, § 2(w) (India).

⁸ Information Technology Act, No. 21 of 2000, § 79 (India).

⁹ Information Technology (Intermediary Guidelines) Rules, 2011, G.S.R. 314(E), Gazette of India, Apr. 11, 2011.

- Accordingly, the Hon'ble Supreme Court declined to revoke the criminal proceedings and directed the trial court to determine whether Google India had received any notice of the defamatory content and whether they had taken reasonable steps in their response. The judgment also held that the intermediary status does not provide blanket immunity and confirmed that due diligence after receiving the notice is a key factor in determining intermediary liability.

CONCLUSION

Google India Pvt. Ltd. v. Visaka Industries Ltd. is one of the landmark judgments that significantly shaped the law on intermediary liability and online defamation in India. The Supreme Court clarified that the safe harbour protection available under Sec. 79 of the Information Technology Act, 2000, is conditional and cannot be claimed by intermediaries that fail to act upon receiving the actual knowledge of defamatory content posted on their platform. The judgment also strengthened the accountability of digital platforms while recognizing the need to protect individuals from defamatory online content.

The decision also highlighted the need of greater clarity regarding the scope of intermediary obligations and the standard of "actual knowledge" required to attract liability. While it promotes the responsible content moderation, it also raises concerns about the possibility of imprudent censorship. Overall, the judgment remarks as an important precedent in Indian cyber law, influencing the evolving legal framework which governs online platforms and intermediary responsibility.