

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

TUESDAY, THE 12TH DAY OF MAY,2020/22ND VAISAKHA, 1942

W.P(C) NO.9882 OF 2020

PETITIONER

JACKSON MATHEW,MANAGING PARTNER,
LEETHA INDUSTRIES,REGISTERED OFFICE AT:
MAJOR INDUSTRIAL ESTATE, KD PLOT PO
SOUTH KALAMASSERY, COCHIN- 683104
PRESENTLY RESIDING AT:
VANNIYAMPARAMBIL HOUSE, CARBORUNDUM ROAD
KD PLOT PO, SOUTH KALAMASSERY, COCHIN- 683104

BY ADV.SRI.SANTHOSH MATHEW

RESPONDENTS

1. UNION OF INDIA REPRESENTED BY THE SECRETARY,
MINISTRY OF HOME AFFAIRS,NORTH BLOCK,
CENTRAL SECRETARIAT,NEW DELHI- 110001
2. STATE OF KERALA,REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT OF KERALA,SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
3. MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY
GOVERNMENT OF INDIA,REPRESENTED BY THE SECRETARY,
ELECTRONICS NIKETAN, 6, CGO COMPLEX
LODHI ROAD, NEW DELHI- 110003
4. MINISTRY OF HEALTH & FAMILY WELFARE
GOVERNMENT OF INDIA,REPRESENTED BY THE SECRETARY,
NIRMAN BHAWAN, NEW DELHI- 110011

BY GOVERNMENT PLEADER SRI.K.P.HARISH

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 12.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Admit.

The Assistant Solicitor General of India takes notice for R1, R3 and R4. The learned Government Pleader takes notice for R2. The ASGI shall positively obtain instructions and file a statement on or before 18.05.2020.

List on 18.05.2020 along with connected cases.

**GOPINATH P.
JUDGE**

ncd

APPENDIX

PETITIONERS EXTS:

EXHIBIT P-1: A TRUE COPY OF ORDER NO. 40-3/2020-DM-1(A)
DATED 01.05.2020 ISSUED BY RESPONDENT NO. 1

EXHIBIT P-2: A TRUE COPY OF PIB PRESS RELEASE NO. 1610301
DATED 02.04.2020

EXHIBIT P-3: A TRUE COPY OF NOTIFICATION, FILE NO.
101/2/1/2020-CA.IV DATED 03.04.2020 ISSUED BY THE CABINET
SECRETARIAT

EXHIBIT P-4: A TRUE COPY OF NEWS REPORT TITLED "NO PRIVACY
CONCERNS: UNION MINISTER ON AAROGYA SETU APP" DATED
02.05.2020 PUBLISHED BY NDTV

EXHIBIT P-5: A TRUE COPY OF PIB PRESS RELEASE NO. 1621638
DATED 06.05.2020

EXHIBIT P-6: A TRUE TYPED COPY OF MIT TECHNOLOGY REVIEW'S
COVID TRACING TRACKER AS ON 10.05.2020

EXHIBIT P-7: A TRUE COPY OF THE EUROPEAN COMMISSION'S
DRAFT COMMON TOOLBOX FOR MOBILE APPS TO SUPPORT CONTACT
TRACING IN THE EU'S FIGHT AGAINST COVID-19 DATED
15.04.2020

EXHIBIT P-8: A TRUE COPY OF THE EUROPEAN COMMISSION'S
RECOMMENDATIONS ON A COMMON UNION TOOLBOX FOR THE USE OF
TECHNOLOGY AND DATA TO COMBAT AND EXIT FROM THE COVID-19
CRISIS, IN PARTICULAR CONCERNING MOBILE APPLICATIONS AND
THE USE OF ANONYMISED MOBILITY DATA DATED 08.04.2020

EXHIBIT P-9: A TRUE COPY OF COMMUNIQUE DATED 25.03.2020 BY
THE EUROPEAN DATA PROTECTION SUPERVISOR

EXHIBIT P-10: A TRUE COPY OF ARTICLE TITLED 'AAROGYA SETU:
THE STORY OF A FAILURE' DATED 06.05.2020 BY ROBERT
BAPTISTE

EXHIBIT P-11: A TRUE COPY OF THE EXPERT AFFIDAVIT BY PROF
SUBHASHIS BANEJEE

EXHIBIT P-12: A TRUE COPY OF NEWS REPORT TITLED
'CORONAVIRUS CONTACT-TRACING: WORLD SPLIT BETWEEN TWO
TYPES OF APP' DATED 07.05.2020 PUBLISHED BY BBC.

EXHIBIT P-13: A TRUE COPY OF NEWS REPORT TITLED 'BEHIND AAROGYA SETU APP PUSH: AT LEAST 50% PEOPLE MUST DOWNLOAD FOR IMPACT' DATED 11.04.2020 PUBLISHED IN THE INDIAN EXPRESS.

EXHIBIT P-14: A TRUE COPY OF STATEMENT DATED 07.05.2020 BY THE UNITED KINGDOM INFORMATION COMMISSIONER'S OFFICE

EXHIBIT P-15: A TRUE COPY OF ARTICLE TITLED 'CONTACT TRACING APPS ARE NOT A SOLUTION TO COVID-19 CRISIS' DATED 27.04.2020 PUBLISHED BY BROOKINGS INSTITUTE

EXHIBIT P-16: A TRUE COPY OF ARTICLE TITLED 'NO PROCLIVITY FOR EQUITY: ONE APP TO RULE THEM ALL' DATED 02.05.2020 AUTHORED BY TECHNOLOGIST AND POLICY RESEARCHER, PRATEEK WAGHRE

EXHIBIT P-17: A TRUE COPY OF ARTICLE TITLED 'THE ISRAELI SUPREME COURT CHECKS COVID-19 ELECTRONIC SURVEILLANCE' DATED 05.05.2020 PUBLISHED ON THE LAWFARE BLOG

EXHIBIT P-18: A TRUE COPY OF THE REPORT OF THE JOINT PARLIAMENTARY COMMITTEE ON HUMAN RIGHTS IN THE UNITED KINGDOM DATED 06.05.2020

EXHIBIT P-19: A TRUE COPY OF NEWS REPORT TITLED 'JAIL TERMS FOR THOSE WHO BREACH COVID APP PRIVACY LAW' DATED 04.05.2020 PUBLISHED BY THE SYDNEY MORNING HERALD

EXHIBIT P-20: A TRUE COPY OF ORDER DATED 28.04.2020 IN *KERALA VYDYTHI MAZDOOR SANGHAM VS STATE OF KERALA, W.P. TMP NO. 182 OF 2020*

EXHIBIT

EXHIBIT P-21: A TRUE COPY OF ORDER DATED 24.04.2020 IN *BALU GOPLALAKRISHNAN AND ORS. V STATE OF KERALA (W.P. CIVIL TEMP. NO. 84 OF 2020)*

EXHIBIT P-22: A TRUE TYPED COPY OF THE TERMS OF SERVICE OF THE AAROGYA SETU APP AS ON 10.05.2020

EXHIBIT P-23: A TRUE TYPED COPY OF THE PRIVACY POLICY OF THE AAROGYA SETU APP AS ON 10.05.2020