

A A CHAUS,

ADVOCATE,

OFFICE: F-91, 1st Floor, Abul Fazal Enclave Part I,

Jamia Nagar, New Delhi- 110025

MOBILE- 08149757883, **EMAIL-** aachus@gmail.com

BY SPEED POST/EMAIL

Date: 19.10.2020

To

Facebook India Online Services Private Limited,

Regd. office: Unit Nos. 1203 and 1204,

Level 12, Building No.20, Raheja Mindspace,

Cyberabad, Madhapur, Hitech City, Hyderabad

Telangana 500081

Email- tvk@fb.com

Sir,

Under the instructions from and on behalf of my client Mr. Mohd Abuzar, residence at [REDACTED]

[REDACTED] I hereby serve you with the following legal Notice:

1. That you, the Noticee is an incorporated company under the Companies Act (as amended upto date) as a subsidiary of a foreign company i.e. Facebook Inc. having registered office at

Unit Nos. 1203 and 1204, Level 12, Building No.20, Raheja Mindspace, Cyberabad, Madhapur, Hitech City, Hyderabad Telangana 500081. That you, the Noticee run a social networking Website and Application i.e. www.facebook.com and Facebook App (hereinafter to be referred to as 'the said platform').

2. That my client is a concerned citizen of India and a social activist and associated with a Non-governmental Organization ANHAD (Act Now for Harmony and Democracy).
3. That you, the Noticee have started the said platform in 2006 and have made public offers through various means including public advertisements etc. to join the said platform and made assurances about privacy and safety of information of users. It is pertinent to mention here that you, the Noticee maintain a webpage at <https://www.facebook.com/safety>, wherein you, the Noticee claims that 'Our mission is to give people the power to share and to make the world more open and connected. We want everyone to feel safe when using Facebook. We work with external experts, including a Safety Advisory Board, and gather feedback from our community to develop policies, tools and resources to keep you safe.'
4. That my client in pursuance of your said offers and assurances has signed up and opened a user account 'facebook.com/abuzar.choudhary' in year 2010 and also advised his friends and relatives to join the said platform and accordingly developed a network of friends and relatives on the

said platform. At present my client is connected with 4600 friends and more than 700 followers.

5. To the utter shock and dismay of my client, on 13th September 2020, my client woke up with a number of phone calls from friends and relatives expressing their grief and many friends visited his house with the same grief. They informed to my client that you, the Noticee has published a public message on my client's user account of the said platform asking friends and relatives to tribute my client and to share stories, commemorate a special day.
6. That my client immediately turned to the said platform and tried to log in, but a message appeared 'Account unavailable This account is in a special memorialised state. If you have any questions, please visit the help centre for more information'. My client followed the instructions provided by you, the Noticee through the said message and accordingly received email dated 13.09.2020, the said email asked my client to upload a photo holding a government ID, accordingly my client uploaded the same, but received no response.
7. That my client again approached you, the Noticee and received a mail dated 16.09.2020, and my client followed the instructions provided by you, the Noticee, however the issue remained unresolved. It appears to my client that you, the Noticee have made the account of my client unavailable and spread unsubstantiated information of his death with a view to cause mental trauma and harassment, the same is evident from the

fact that you, the Noticee have not taken the cognizance of requests made by my client on the said website.

8. That my client genuinely believes that you, the Noticee have abruptly, whimsically and arbitrarily suspended his account with malafide intent, as the same is evident from the fact that you, the Noticee have not followed any procedure nor attempted to confirm the information, if any received to you, the Noticee. Further, you, the Noticee have not taken cognizance to the requests made by my client despite the compliance of my client to the instructions made by you, the Noticee.
9. That the friends and relatives of my client have made various requests on twitter by tagging you, the Noticee to restore the account of my client and to make a public apology, however the efforts of his friends and relatives also failed.
10. That you, the Noticee remained adamant and not even responded to the aforesaid requests of my client, his friends and relatives; such inaction on your part is completely unbearable and intolerable in the eyes of Indian Legal System. The said inaction of you, the Noticee also reveals that you, the Noticee does not have transparency and accountability in your organisational structure, and grievance redressal mechanism.
11. That it appears to my client from the conduct of you, the Noticee that you, the Noticee have initiated the abovesaid action with evil design and intent to cause mental agony and harassment to my client only because he is vocal on the issues affecting and relating to the public.

12. That you, the Noticee are bound by law to act in accordance with the Indian Constitution. It is pertinent to mention here that the impugned action of you, the Noticee to terminate the user account of client on a false and frivolous reason is violative of most precious and celebrated right of freedom of speech under Article 19 (1) (a) of the Constitution of India. Further, the said impugned action of you, the Noticee being arbitrary also violates the fundamental right guaranteed under the Article 14 of the Constitution of India.
13. That you, the Noticee have caused immense trauma and torture to my client and to his friends and relatives by publishing the abovesaid false and frivolous statement/message on the said platform. Further, the termination of the said account has also caused irreparable loss to my client. It is pertinent to mention here that you, the Noticee do not have any right or authority to publish such uncorroborated and false information which severely affects my client. By indulging in such activities as narrated above, you, the noticee have also committed series of cognizable offences under the Indian Penal Code, 1860.
14. By this Legal Notice, you, the Noticee, are hereby immediately called upon to-
- a) tender an unconditional apology to my client; both in writing as well as by way of publishing an unconditional apology on the said platform and on your official page in the same

manner and on the same level of prominence as the above-mentioned information was published.

- b) revoke the termination of the said facebook account i.e. 'facebook.com/abuzar.choudhary'.
- c) A compensation of Rs. 5,00,000/- for causing immense trauma, torture by publishing the abovesaid information.

In the light of the aforesaid factual matrix, we, hereby call upon you, the Noticee through this legal notice to comply with the demands as mentioned in the preceding para, failing which, we have positive instructions to initiate appropriate legal proceedings, both civil and criminal against you, the Noticee which shall entirely be at the risks and cost of you the Noticee.

Please take further notice that in case of the failure on your part to comply with the above said demands within a period of seven days from the receipt of the present notice my client will have no option but to initiate legal proceedings as mentioned above.

A copy of this legal notice has been retained in our office for further record and future reference.

Thanking You.

Chaus Abdul Aziz

Advocate

Enrl. No. MAH/8061/2018