



I4C-MHA
Government of India

Notice No:11072601011432

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Notification No. : CG-DL-E-14032024-252989 Dated 12/03/2024

**ORDER FOR REASONED INTIMATION TO INTERMEDIARY FOR REMOVAL OR
DISABLING ACCESS TO UNLAWFUL INFORMATION AS PER S. 79(3)(b) OF THE
IT ACT, 2000 r/w RULE 3(1)(d) OF THE IT RULE, 2021**

Whereas, Section 79(3)(b) of the Information Technology Act, 2000 provides that the exemption from liability of intermediaries for third party information, data, or communication link made available or hosted by them shall not apply if upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

2. Whereas, Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (as amended from time to time) (hereinafter referred to as "IT Rules, 2021") provides that an intermediary, on whose computer resource the information which is used to commit an unlawful act which is prohibited under any law for the time being in force in relation to the interest of the sovereignty and integrity of India; security of the State; friendly relations with foreign States; public order; decency or morality; in relation to contempt of court; defamation; incitement to an offence relating to the above, or any information which is prohibited under any law for the time being in force is hosted, displayed, published, transmitted or stored shall, upon receiving the actual knowledge under clause (b) of sub-section (3) of section 79 of the Act on such information, remove or disable access to such information within three hours of the receipt of such actual knowledge, and such actual knowledge shall arise only (i) by an order of a court of competent jurisdiction; or (ii) a reasoned intimation, in writing issued by an officer authorised, for the purpose of issuing such intimation, by the Appropriate Government or its agency.

3. Whereas, Rule 7 of the IT Rules, 2021 provides that where an intermediary fails to observe these rules, the provisions of sub-section (1) of section 79 of the Act shall not be applicable to such intermediary and the intermediary shall be liable for punishment under any law for the time being in force including the provisions of the Act and the Bhartiya Nyaya Sanhita 2023.

The undersigned has been designated as a Nodal Officer for the purpose of notifying the intermediaries in respect to unlawful information as per section 79(3)(b) of the IT Act, 2000 read with Rule 3(1)(d) of the IT Rules, 2021 (as amended from time to time).

4. And whereas, the has found that the contents hosted or published on the GitHub intermediary platform at

the following URLs is prohibited by law or being used to commit the unlawful act:

Sr. No.	IT Intermediary	URL/Page of Website/Content
1	GitHub	https://github.com/permissionlesstech/bitchat
2	GitHub	https://github.com/permissionlesstech/bitchat-android
3	GitHub	https://github.com/permissionlesstech/bitchat-android/releases

Brief Summary of the unlawful act: The Indian Cyber Crime Coordination Centre (I4C), Ministry of Home Affairs, has identified the multiple applications as a communication platform capable of establishing decentralized peer-to-peer messaging over Bluetooth mesh networks without relying on mobile networks, internet connectivity, or centralized servers. The application enables anonymous communication without mandatory user registration, phone number verification, or centralized logging of communications. The technical architecture of the application significantly impedes lawful interception, attribution, and investigation by law enforcement agencies. Since communications occur directly between nearby devices through a decentralized mesh network, the platform can be misused to evade lawful surveillance, facilitate anonymous coordination, and circumvent lawful restrictions imposed by competent authorities during situations involving public disorder, riots, terrorism, organized crime, or internet shutdowns. Intelligence inputs indicate that such decentralized communication platforms are capable of being exploited for coordinating unlawful assemblies, violent protests, dissemination of misinformation, radicalization, criminal conspiracies, and other activities prejudicial to the sovereignty and integrity of India, defence of India, security of the State, public order, and for facilitating the commission of cognizable offences. The absence of a centralized service provider also limits the ability of law enforcement agencies to obtain subscriber information, communication records, or timely assistance during investigations. The application's design, which enables communication even during network restrictions, creates a substantial risk of misuse by anti-national elements, terrorist organizations, organized criminal groups, and cybercriminals seeking to evade lawful detection and continue communication despite legally imposed restrictions.

Sr. No.	Reasons for holding the information unlawful.	Act Violated	Section / Rules
1	Any Information which is Prohibited Under any Law for the time being in force	Information Technology Act, 2000	43, 84B and 84C
2	Any Information which is Prohibited Under any Law for the time being in force	Bharatiya Nyaya Sanhita, 2023	61 r/w 196, 197

5. Now therefore, in accordance with the above-mentioned provisions of law, the intermediary GitHub is hereby notified to remove and disable access to the concerned URLs within 3 hours of the issue of this communication without vitiating the evidence in any manner.