

No.20(13)/2026-CERT-In
Indian Computer Emergency Response Team (CERT-In)
(a statutory body of Ministry of Electronics and IT, Govt. of India)
DMRC IT Shastri Park, Delhi-110053

Dated:06.7.2026

Subject: Supplementary Representation of Shri Nitish Kumar in terms of Supreme Court order dated 19.5.2026- regarding

Reference is invited to email communication dated 20.5.2026 of Shri Nitish Kumar Son of Late Shri Dilip Kumar addressed to Ministry of Electronics and Information Technology (MeitY) with copy to CERT-In, MHA, I4C, PMO etc., wherein it has been brought out that Hon'ble Supreme Court has disposed the writ petition no. 163 of 2026 directing that the same be treated as formal supplementary representation.

2. In the email communication and writ petition, it has been stated by Shri Nitish Kumar that he has approached the offices of MeitY, MHA/I4C, RBI, SCI, PMO, and NCSC during the year 2022 to 2025 and after receiving no investigative response, has approached Hon'ble Supreme Court of India imploding MeitY, MHA, Enforcement Directorate as Respondents. Although, Shri Nitish Kumar has termed this representation as supplementary representation but as far as CERT-In is concerned, it has neither received any previous representation in this matter from him nor he has mentioned about sending any previous representation to CERT-In.

3. The averments made in the Writ Petition no.163 of 2026 and order dated 19.05.2026 passed by Hon'ble Court has been examined in CERT-In and found out that Hon'ble Supreme Court of India has observed that Shri Nitish Kumar, the petitioner have approached this court seeking a direction to various Ministries and Agencies of the Union of India to recover/destroy personal data of Indian citizens allegedly stolen by some foreign nationals, which is stored at their servers and also for seeking extradition of some persons accused of having committed data theft and consequential offences besides seeking to operationalize the Digital Personal Data Protection Act, 2023. It has also been averred in the Writ Petition that five nationals of a particular country are the principal architects, who indulged in stealing the data of the Indian nationals, and as a consequence thereto, various crimes like digital arrest and online extortion are being committed seeking putting in place the comprehensive mechanism for protection and systematic destruction of stolen data so as to prevent its misuse.

4. Hon'ble Supreme Court of India in its' order has observed that the issue sought to be raised by the petitioner being highly technical in nature with limited legal issues involved, it is the appropriate recourse for the petitioner would be to approach the Ministry of Electronics and Information Technology, Government of India. As a continuation of his previous representations, the petitioner is permitted to submit this writ petition as a supplementary representation to the above-stated Ministry for their consideration.

5. Indian Computer Emergency Response Team (CERT-In) is a statutory body established as national agency for incident response under section 70B of the Information Technology Act, 2000. CERT-In acts on the cyber security incidents in terms of the Information Technology (Indian Computer Emergency Response Team and Manner of Performing Functions & Duties) Rules, 2013 and cyber security directions dated 28th April, 2022 and these incidents are to be reported in prescribed format, within the stipulated timelines.

6. Shri Nitish kumar has mentioned that CERT-In as per its mandate monitors network-level and infrastructure threats generally and individual Consumer-applications are not within the ambit.

6.1 In this regard, it is brought out that if any cyber security incident is caused by any app., CERT-In analysis the same and advise remedial measures.

6.2 In respect of apps. mentioned in the Writ Petition, it is brought out that no cyber security incidents related to SilverPush and InMobi have been reported to CERT-In. However, it has now been discerned that SilverPush is a B2B platform, the source code could not be obtained. CERT-In has analyzed the InMobi SDK and it has been observed that this software collects information such as:

(a) Device identifiers like iOS devices' Identifier for Advertising (IDFA), Google Advertising ID (GAID)

(b) Location information.

(c) Network information, including mobile carrier, ISP, IP address etc.

(d) Information about apps or sites and their Software Development Kit (SDK)

(e) Other information about/on the device, including Device type, OS etc.

(f) Advertisement information including ad type, where it is being served etc

while collection of such information may be according to their business model, appropriate mechanism may be placed concerning user consent, privacy related issues etc. in accordance with DPDP Act.

7. The issue of collection and exfiltration of digital personal data, which needs to be destroyed or recovered to ward off potential threats, raised in the representation pertains to regulating and administering the digital personal data of citizens of this country. As far as administration and operationalization of the Digital Personal Data Protection Act, 2023 is concerned, the Ministry of Electronics and Information Technology is concerned entity and petitioner has also sought the operationalization of the DPDP Act.

7.1 Further, the subject of cyber-crime and extradition of persons alleged to be involved with collecting or stealing and exfiltration of biometric and personal data is concerned, the matter is within the domain of MHA and Law Enforcement Agencies. CERT-In is neither vested with statutory mandate nor possess wherewithal to do so.

8. In view of above, concerned divisions of Ministry of Electronics and IT are requested to take appropriate action in the matter, may be in coordination with I4C, MHA. If there are any specific technical issues, the same may be referred to CERT-In to render assistance in the matter.

This issues with the approval of DG, CERT-In.



(Rajesh Suri)
Legal Officer

To,

1. GC, Cyber law Division
Ministry of Electronics and Information Technology,
Electronics Niketan, CGO Complex, New Delhi-11003.
2. GC, Cyber Security Division
Ministry of Electronics and Information Technology,
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