

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

MISCELLANEOUS APPLICATION NO.901 OF 2021

IN

WRIT PETITION (CRIMINAL) NO.199 OF 2013

PEOPLES UNION FOR CIVIL LIBERTIES

APPLICANT(S)/
PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

NON-APPLICANT(S)/
RESPONDENT(S)

O R D E R

This Miscellaneous Application submits that despite the ruling of this Court in *Shreya Singhal vs. Union of India*, reported in (2015) 5 SCC 1, the mandate is still not followed by various States or State Functionaries. The applicant, therefore, prays for the following reliefs:

- (a) Direct Respondent No.1 to ensure full compliance immediately with the judgment and final order dated 24.03.2015 in *Shreya Singhal v. Union of India*, reported as (2015) 5 SCC 1 through issuance of appropriate circulars/advisories addressed to the Chief Secretaries of all States and Union Territories, and the Director Generals of Police of all States and Union Territories,

or equivalent officers thereof for onward circulation to the Police Stations;

- (b) Direct the Supreme Court Registry to dispatch a copy of the Judgment and final order dated 24.03.2015 in *Shreya Singhal v. Union of India*, reported as (2015) 5 SCC 1, to all High Courts to pass appropriate orders in pending cases concerning Section 66A of the IT Act as well appropriate circulars, bringing the *Shreya Singhal* judgement to the notice of all district courts within their jurisdiction to prevent failures of justice;
- (c) Direct Respondent No.1 to collect and furnish data for all prosecutions invoking Section 66A after 24.03.2015 before this Hon'ble Court in order to secure compliance with the *Shreya Singhal* Judgement."

In terms of the directions issued by this Court from time to time, certain information has been placed on record. Thereafter, the respondents herein were directed to file a comprehensive status report.

Mr. Zoheb Hussain, learned Advocate appearing for the Union of India, has placed on record All-India status report with regard to the pending cases under Section 66A of the Information Technology Act, 2000 (for short, 'the 2000 Act').

The information given in tabular form shows that despite the issue regarding validity of Section 66A of the 2000 Act having been pronounced upon by this

Court, number of crimes and criminal proceedings still reflect and rely upon the provisions of Section 66A of the 2000 Act and citizens are still facing prosecution for the alleged violation of Section 66A of the 2000 Act. Such criminal proceedings, in our view, are directly in the teeth of the directions issued by this Court in *Shreya Singhal* (supra). Consequently, we issue following directions:

- (a) It needs no reiteration that Section 66A of the 2000 Act has been found by this Court in *Shreya Singhal* (supra) to be violative of the Constitution of India and as such no citizen can be prosecuted for alleged violation of offence under Section 66A of the 2000 Act.
- (b) In all those case where alleged violation of Section 66A of the 2000 Act has been projected and citizens are facing prosecution for such alleged violation, the reference to Section 66A of the 2000 Act from all these crimes or criminal proceedings shall stand deleted.

- (c) We direct all the Directors General of Police as well as Home Secretaries of the States and Competent Officers in Union Territories to instruct the entire police force in their respective States/Union Territories not to register any complaint or crime with respect to alleged violation of Section 66A of the 2000 Act.
- (d) It is clarified here that these directions shall apply with respect to offence punishable under Section 66A of the 2000 Act. However, if the crime in question has other facets, namely, other offences are also alleged, the matter with respect to offences other than Section 66A of the 2000 Act can be gone into in accordance with law.
- (e) Whenever any publication, whether Government, Semi Government or Private, about Information Technology Act is made and Section 66A is quoted, the readers must adequately be informed about the fact that the provisions of Section 66A of the 2000 Act have already been found by this Court to

be violative of the Constitution of India.

With these directions, the instant Miscellaneous Application and other pending applications are disposed of.

.....,CJI.
(UDAY UMESH LALIT)

.....,J.
(AJAY RASTOGI)

.....,J.
(S. RAVINDRA BHAT)

NEW DELHI;
OCTOBER 12, 2022

ITEM NO.35

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 901/2021 in W.P.(Cr1.) No. 199/2013

(Arising out of impugned final judgment and order dated 24-03-2015 in W.P.(Cr1.) No. No. 199/2013 passed by the Supreme Court Of India)

PEOPLES UNION FOR CIVIL LIBERTIES

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.54799/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.54796/2021-APPROPRIATE ORDERS/DIRECTIONS)

Date : 12-10-2022 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

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Petitioner(s)

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UPON hearing the counsel the Court made the following
O R D E R

The instant Miscellaneous Application and other pending applications are disposed of in terms of the signed order.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
COURT MASTER

(Signed order is placed on the file.)