

IN THE SUPREME COURT OF INDIA

M.A. NO. 901 OF 2021

IN

WRIT PETITION (CRIMINAL) NO. 199 OF 2013

IN THE MATTER OF:

PEOPLE'S UNION FOR CIVIL LIBERTIES

...Petitioner

VERSUS

UNION OF INDIA AND ORS.

...Respondents

COUNTER AFFIDAVIT TO MA 901/21 FOR SETTLEMENT
ON BEHALF OF
UNION OF INDIA

PAPER BOOK

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ADVOCATE FOR THE RESPONDENT:

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IN THE SUPREME COURT OF INDIA
M.A. NO. 901 OF 2021
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WRIT PETITION (CRIMINAL) NO. 199 OF 2013

IN THE MATTER OF:

PEOPLE'S UNION FOR CIVIL LIBERTIES ...Petitioner

VERSUS

UNION OF INDIA AND ORS. ...Respondents

**COUNTER AFFIDAVIT TO MA 901/21 ON BEHALF OF
RESPONDENTS/UNION OF INDIA**

I, Rakesh Maheshwari

have read and understood the contents of
the petition and having gone through the records of the case do hereby solemnly
affirm and state as under:

1. That I am presently working as Scientist-G and, as such, in my official capacity, I am well conversant with the facts and circumstances of the case and am competent and authorized to swear this affidavit on behalf of the Union of India.

The present application, M.A. No. 901/2021 has been filed by People's Union
for Civil Liberties regarding the status of compliance with the judgement of

the Hon'ble Supreme Court dated 24.03.2015 which struck down Section 66A of the IT Act, 2000. The Petitioner's seek the following prayers.

“(a) Direct Respondent No. 1, through the NCRB or any other agency, to collect all the data/information regarding FIRs/investigations where Section 66A has been invoked as well as pendency of cases in the Courts (District Courts/High Courts) throughout the country where proceedings under Section 66A are continuing in violation of the judgment in Shreya Singhal;

(b) Direct the Registry of the Supreme Court to communicate to all the District Courts throughout the country (through respective High Courts) to take cognizance of the judgment in Shreya Singhal v. Union of India, (2015) 5 SCC 1, by which Section 66A of the IT Act has been struck down in its entirety - in all proceedings where Section 66A has been invoked either at the stage of framing of charge or subsequent thereto, so that no person should suffer or face any adverse consequences which violate his Fundamental Rights under Article 21 of the Constitution.

(c) Direct the Registry of the Supreme Court to communicate to all the High Courts (through its Registrar) to collect the information from all the District Courts within its jurisdiction regarding pendency of cases under Section 66A at different stages and issue directions for due compliance of judgment of this Hon'ble Court in Shreya Singhal.

(d) Direct the Union of India through its Ministry of Home Affairs to issue an advisory to all the police stations not to register cases under the repealed Section 66A of the Information Technology Act;

(e) Direct Union of India to publish in all leading newspapers, both English and in the official vernacular informing the general public that section 66A of the Information Technology Act having been struck down by this Hon'ble Court is no longer law;"

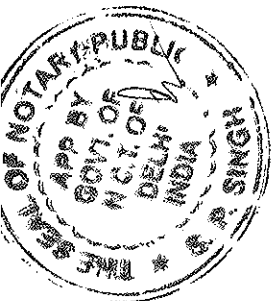
3. This Hon'ble Court on 05.07.2021, was pleased to issue notice and passed the following Order:

"Issue notice. Counter Affidavit be filed within two weeks. Rejoinder Affidavit, if any, be filed within one week thereafter. List on 02.08.2021."

4. This Counter Affidavit is being filed pursuant to the Order dated 05.07.2021 passed by this Hon'ble Court based on inputs from both the Ministry of Information and Technology (hereinafter 'MeitY') as well as the Ministry of Home Affairs. It is submitted that both Ministries have been making every effort to disseminate knowledge about the judgement of this Hon'ble Court in ***Shreya Singhal v. Union of India*** [WP (Crl.) 167 of 2012] (hereinafter '***Shreya Singhal***') dated 24.03.2015. The various steps taken by the Ministries are discussed in the paragraphs below. Thereafter, details of pending prosecutions across the country under Section 66A of the IT Act, 2000, to the extent of information available with the Central Government till ~~date~~ have also been provided.

ACTIONS TAKEN BY MEITY

5. It is respectfully submitted that the answering Respondent, has, in addition to the efforts placed on record before this Hon'ble Court in M.A. No. 3220/2018 also taken a series of actions as will be highlighted in the foregoing Paras.
6. MeitY had publicized the judgement of this Hon'ble Court by publishing it on their website which is available at www.meity.gov.in/content/important-court-orders.
7. MeitY wrote to the Ministry of Home Affairs vide letter no. 4(13)/2012-CLFE dated 21.09.2016 with the request to intimate Chief Secretaries of States and Union Territories, Law Enforcement Agencies and concerned authorities about the court judgment in *Shreya Singhal* where Section 66A of the IT Act, 2000 had been struck down in its entirety being violative of Article 19(1)(a) and not saved under Article 19(2). A True Copy of letter no. 4(13)/2012-CLFE dated 21.09.2016 is annexed herewith as **Annexure R-1**.
8. As law and orders are State subjects, MeitY had requested the Chief Secretaries, administrators of all States and Union Territories vide letter no. 4(13)/2012-CLFE Vol II dated 11.01.2019 to sensitize the police departments to ensure compliance of the Hon'ble Supreme Court's judgement dated 24.03.2015 rendering Section 66A of the IT Act, 2000 null and void and that no crime can be booked under this section. It was further stated that if any case has been booked under this section, it should immediately be withdrawn. A True Copy of the letter no. 4(13)/2012-CLFE Vol II dated 11.01.2019 is annexed herewith as **Annexure R-2**. A reminder letter was also sent on



06.03.2019 following the order of Hon'ble Supreme Court on 15.02.2019 stating that if any case is booked in a state under Section 66A, it should immediately be withdrawn. A True Copy of the reminder letter No. 4(13)/2012-CLFE/Vol.II dated 06.03.2019 is annexed herewith as **Annexure R-3**.

9. In view of the facts brought to our notice through Miscellaneous Application No. 901/2021 in W.P. (Crl.) 199/2013 MeitY had once again approached both the Ministry of Home Affairs and the Chief Secretaries and administrators of all States and Union Territories for the compliance with the judgement of this Hon'ble Court in *Shreya Singhal* vide letter no. 4(13)/2012-CLFE --VOL-II dated 13.07.2021, stating that the concerned authorities must ensure that no case is booked under Section 66A and that there are also no active cases. It was further requested that each of the authorities inform the MeitY of the details of cases filed under Section 66A in different States and Union Territories. A True Copies of the letter dated 13.07.2021 to the Ministry of Home Affairs in F. No. 4(13)/2012-CLFE --VOL-II has been annexed herewith as **Annexure R-4**; and a True Copy of the letter dated 13.07.2021 to the Chief Secretaries of States and Administrators of Union Territories in F. No. 4(13)/2012-CLFE --VOL-II has been annexed herewith as **Annexure R-5**.

ACTION TAKEN BY THE MINISTRY OF HOME AFFAIRS:

The Ministry of Home Affairs had also approached the Chief Secretaries and administrators of all States and Union Territories vide letter No.

21021/46/2016-IS-II/M dated 14.01.2019, directing the authorities to ensure compliance of the judgement of this Hon'ble Court in *Shreya Singhal* and requesting them to inform the Ministry of the number of cases booked under Section 66A of the IT Act, 2000. A True Copy of the letter No. 21021/46/2016-IS-II/M dated 14.01.2019 is annexed herewith as **Annexure R-6**. The Ministry of Home Affairs followed up on the aforementioned letter vide letters dated 30.01.2019 and 01.04.2019 seeking data on the prosecutions invoking Section 66A and further directing that if any such prosecution exists, it must be immediately withdrawn. A True Copy of the letters dated 30.01.2019 and 01.04.2019 are annexed herewith as **Annexure R-7** and **Annexure R-8** respectively.

11. In furtherance of the MeitY's letter F. No. 4(13)/2012-CLFE –VOL-II dated 13.07.2021, the Ministry of Home Affairs on 14.07.2021 vide letter No. 21021/46/2016-IS-II/M, has also directed the Chief Secretaries of all States, Administrators of all Union Territories and the DGP's of all States and Union Territories to further direct all police stations not to register cases under Section 66A, to sensitise law enforcement agencies. They were directed to ensure compliance with the judgement of this Hon'ble Court in *Shreya Singhal* dated 24.03.2015 and to immediately withdraw cases booked under Section 66A, if any, as the Section has become null and void with effect from the date of the judgement. A True Copy of the Ministry of Home Affairs' letter No. 21021/46/2016-IS-II/M dated 14.07.2021 has been annexed herewith as **Annexure R-9**.

12. That, till date, the MeitY has also received letters from twenty-one States and Union Territories regarding implementation of this Hon'ble Courts judgment in *Shreya Singhal* dated 24.03.2015. The MeitY has received letters from the following states – Odisha, Rajasthan, Uttarakhand, Karnataka, Goa, Himachal Pradesh, Gujarat, Madhya Pradesh, Chandigarh, Mizoram, Assam, Haryana, Sikkim, Punjab, Kerala, Lakshadweep, Andaman & Nicobar, Tripura, Maharashtra, West Bengal and Meghalaya. The responses received are detailed in the table below –

S. No.	Name of the State/UT	Date on which response/reply sent	Brief
1	Odisha	15.02.2019; 02.03.2019	Direction issued to Police Department and also complied with Court Judgment order.
2	Rajasthan	22.02.2019	Direction issued to Police Department and also complied with Court Judgment order.
3	Uttarakhand	18.02.2019	Direction issued to Police Department and also complied with Court Judgment order.
4	Karnataka	26.02.2019; 25.03.2019	Direction issued to Police Department and also complied with Court Judgment order.
5	Goa	21.02.2019	Direction issued to Police Department and also complied with Court Judgment order.
6	Himachal Pradesh	30.01.2019; 23.02.2019	Direction issued to Police Department and also complied with Court Judgment order.
7	Gujarat	08.02.2019	Direction issued to Police Department and also complied with Court Judgment order.
8	Chandigarh	29.07.2019	Direction issued to Police Department and also complied with Court Judgment order.
	Mizoram	26.03.2019	Direction issued to Police Department and also complied with Court Judgment order.

10	Assam	22.05.2019	Direction issued to Police Department and also complied with Court Judgment order.
11	Haryana	10.05.2019	Direction issued to Police Department and also complied with Court Judgment order.
12	Sikkim	26.04.2019	It is informed that no cases is booked u/s 66A of IT Act, 2000.
13	Kerala	19.01.2019	Direction issued to Police Department and also complied with Court Judgment order.
14	Lakshadweep	23.03.2019	Direction issued to Police Department and also complied with Court Judgment order.
15	Andaman & Nicobar	28.02.2019; 27.03.2019	Direction issued to Police Department and also complied with Court Judgment order.
16	Tripura	22.03.2021	Direction issued to Police Department and also complied with Court Judgment order.
17	Maharashtra	21.02.2019	Complied with Court Judgment order. It is also informed that no prosecution had been initiated post 24.03.2015 u/s 66A of the IT Act, 2000.
18	West Bengal	08.02.2019	Direction issued to Police Department and also complied with Court Judgment order.
19	Meghalaya	19.02.2019	Direction issued to Police Department and also complied with Court Judgment order.
20	Punjab	08.03.2019	Direction issued to Police Department and also complied with Court Judgment order.
21	Madhya Pradesh	28.02.2019	Direction issued to State Home Department and also complied with Court Judgment order.

13. It is also submitted that "Police" and "Public Order" are State subjects as per the Constitution of India; and prevention, detection, investigation and prosecution of crimes; and capacity building of police personnel are primarily

responsibility of States. The Law Enforcement Agencies (LEAs) take legal action as per provisions of law against the cyber-crime offenders. Accordingly, the LEAs share equal responsibility to comply with the said judgement order by Hon'ble Supreme Court.

14. The Union of India is always committed to enforcing all final judgements of this Hon'ble Court as enjoined under Article 144 of the Constitution of India.
15. That, it is humbly submitted that in view of the aforesaid submissions, the instant application may be disposed of accordingly.

DEPONENT

VERIFICATION:

Verified at New Delhi on the day of 19th July, 2021 that the averments and submissions made above are true to the best of my knowledge, which is based on the records of the case which are under my charge and nothing material has been concealed there from.

DEPONENT

26 JUL 2021

Dr. Ajay Kumar
Additional Secretary
Tel: 011 24360160
Fax: 011 2463079
Email: ajay@deity.gov.in



भारत सरकार
 Government of India
 इलेक्ट्रॉनिक्स और सूचना प्रौद्योगिकी मंत्रालय
 Ministry of Electronics & Information Technology
 इलेक्ट्रॉनिक्स निकेतन / Electronics Niketan
 6, सी जी ओ कॉम्प्लेक्स / 6, C G O Complex
 नई दिल्ली-110003 / New Delhi-110003
 Website: www.meity.gov.in

फ़ोन / Tele:

सं. 4(13)/2012-CLFE

दिनांक / Dated.....

21.09.2016

Subject: Non-applicability of section 66A of IT Act 2000

Dear *Shri Singla*

This is with reference to news article entitled "Thousands booked under dead Section 66A of IT Act" published in Hindustan Times dated 7th September, 2016 stating that cases have been booked and police arrested people under Section 66A of the Information Technology Act, 2000, even though Supreme Court scrapped Section 66A. This basis of the news report is the year Crime Report for the year 2015 released by NCRB.

2. You are aware that a Division Bench of Supreme Court consisting of Justices J. Chelameswar and R.F. Nariman vide its judgement dated 24.03.2015 in Shreya Singhal vs Union of India case, struck down Section 66A of the Information Technology Act, 2000 (21 of 2000) in its entirety being violative of Article 19(1)(a) and not saved under Article 19(2).

3. Hence, we would request you to kindly intimate Chief Secretaries of the States/UTs, Law Enforcement Agencies and concerned authorities that Section 66A of the Information Technology Act 2000 has been struck down in its entirety with effect from 24.03.2015 and cannot be enforced.

4. A copy of the instruction issued may kindly be sent to this Ministry for our record.

With regards,

Yours sincerely,

(Dr. Ajay Kumar)

Issued.
Mr.
27/9/16
Shri Mahesh Kumar Singla
Special Secretary (Internal Security)
Ministry of Home Affairs
North Block, New Delhi - 110001





Pankaj Kumar, IAS
Additional Secretary

दूरभाष / Tele: 24360160

अ. सं. पत्र सं. 4(13)/2012-CLFE/Vol.II

D.O.No.

भारत सरकार
Government of India
इलेक्ट्रॉनिक्स और सूचना प्रौद्योगिकी मंत्रालय
Ministry of Electronics & Information Technology
इलेक्ट्रॉनिक्स निकेतन / Electronics Niketan
6, सी जी ओ कॉम्प्लेक्स / 6, C G O Complex
नई दिल्ली-110003 / New Delhi-110003
Website: www.meity.gov.in

11.01.2019

दिनांक / Dated.....

Subject: Regarding implementation of Hon'ble Supreme Court Order dated 24.03.2015 in the matter of Shreya Singhal Vs. UOI – regarding the striking down of Section 66 A of IT Act, 2000.

As you are aware, Hon'ble Supreme Court vide its order dated 24.03.2015 in the matter of Shreya Singhal Vs. UOI has struck down Section 66A of Information Technology Act, 2000, Section 66A, therefore, become null and void with effect from the date of the order and no crime can be booked under this section. The relevant extract of the Hon'ble Supreme Court order is enclosed. *Copy of the order is already available on meity website.*

2. It has been brought to our notice through an application – MA 3220 of 2018 filed in Hon'ble Supreme Court that provision of this Section is still being used by some law enforcement agencies.

3. I, therefore, request you to direct the concerned law enforcement agencies in your State to ensure compliance of Hon'ble Supreme Court Order dated 24.03.2015. If any case has been booked in your State under this Section, it should immediately be withdrawn.

With regards,

Yours sincerely,

(Pankaj Kumar)

To

1. Chief Secretaries of States.
2. Administrators of UTs.
3. DG Police of all States/UTs.

Cc to :

The Secretary,
Ministry of Home Affairs,
North Block, New Delhi – 110001.

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL/CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CRIMINAL) NO.167 OF 2012

SHREYA SINGHAL

... PETITIONER

VERSUS

UNION OF INDIA

... RESPONDENT

WITH

WRIT PETITION (CIVIL) NO.21 OF 2013

WRIT PETITION (CIVIL) NO.23 OF 2013

WRIT PETITION (CIVIL) NO. 97 OF 2013

WRIT PETITION (CRIMINAL) NO.199 OF 2013

WRIT PETITION (CIVIL) NO. 217 OF 2013

WRIT PETITION (CRIMINAL) NO.222 OF 2013

WRIT PETITION (CRIMINAL) NO.225 OF 2013

WRIT PETITION (CIVIL) NO.758 OF 2014

WRIT PETITION (CRIMINAL) NO.196 OF 2014

Article 19(2) obviously cannot form any part of Section 79. With these two caveats, we refrain from striking down Section 79(3)(b).

118. The learned Additional Solicitor General informed us that it is a common practice worldwide for intermediaries to have user agreements containing what is stated in Rule 3(2). However, Rule 3(4) needs to be read down in the same manner as Section 79(3)(b). The knowledge spoken of in the said sub-rule must only be through the medium of a court order. Subject to this, the Information Technology (Intermediaries Guidelines) Rules, 2011 are valid.

119. In conclusion, we may summarise what has been held by us above:

(a) Section 66A of the Information Technology Act, 2000 is struck down in its entirety being violative of Article 19(1)(a) and not saved under Article 19(2).

(b) Section 69A and the Information Technology (Procedure & Safeguards for Blocking for Access of Information by Public)

Rules 2009 are constitutionally valid.

(c) Section 79 is valid subject to Section 79(3)(b) being read down to mean that an intermediary upon receiving actual knowledge from a court order or on being notified by the appropriate government or its agency that unlawful acts relating to Article 19(2) are going to be committed then fails to expeditiously remove or disable access to such material. Similarly, the Information Technology "Intermediary Guidelines" Rules, 2011 are valid subject to Rule 3 sub-rule (4) being read down in the same manner as indicated in the judgment.

(d) Section 118(d) of the Kerala Police Act is struck down being violative of Article 19(1)(a) and not saved by Article 19(2).

All the writ petitions are disposed in the above terms.

.....J.
(J. Chelameswar)

.....J.
(R.F. Nariman)

New Delhi,

24th March, 2015

भारत सरकार
Government of India
इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय
Ministry of Electronics & Information Technology
इलेक्ट्रॉनिक्स निकेतन, 6, सी जी ओ कॉम्प्लेक्स, नई दिल्ली-110003
Electronics Niketan, 6, C G O Complex, New Delhi-110003
Website: www.meity.gov.in

संख्या 4(13)/2012-CLFE/Vol.II
No.....

दिनांक 06.03.2019
Date.....

To

1. Chief Secretaries of States
2. Administrators of UTs

Subject: Regarding implementation of Hon'ble Supreme Court Order dated 24.03.2015 in the matter of Shreya Singhal Vs. UoI -- regarding the striking down of Section 66A of IT Act, 2000.

Dear Sir/Madam,

1. Reference is made to MeitY's letter of even no dated 11th January 2019, on the above subject (copy enclosed).
2. Further, on **15th February 2019**, Hon'ble Supreme Court (in the matter MA 3220 /2018 in WP (CrI) 199/2013, titled as Peoples Union for Civil Liberties Vs Union of India), has directed for circulation Court Order dated 24th March 2015 in the matter of WP (CrI) 199/2013- Shreya Singhal Vs. Union of India, in the country.
3. Accordingly, as directed the copy of Court order dated 15th Feb 2019 and relevant extract of Court order dated 24th March 2015, are enclosed herewith. The full Court order dated 24th March 2015, in the matter of WP (CrI) 199/2013 - Shreya Singhal Vs. Union of India, is available at the following web page on MeitY website : <https://meity.gov.in/content/important-court-orders>
4. As per the directions of Hon'ble Supreme court, I kindly request you to sensitize Police Departments in your State / UTs, to ensure the compliance of Hon'ble Supreme Court Order dated 24th March 2015. If any case is booked in your State under Section 66A of Information technology Act, 2000, it should be immediately be withdrawn.
5. Copy of the Court Order and the relevant extract of the Shreya Singhal decision is enclosed herewith for your kind perusal please.

Yours sincerely,

(Rakesh Maheshwari)
Group Coordinator (CLoS)
Email: gcecyberlaw@mcity.gov.in

Encls: As above.

Cc to : Joint Secretary, (CIS)
Ministry of Home Affairs
North Block, New Delhi-110001.



ITEM NO.52

COURT NO.6

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

M.A. No. 3220/2018 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.170338/2018-CLARIFICATION/DIRECTION)

Date : 15-02-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Sanjay Parikh, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Apar Gupta, Adv.
Mr. Abhinav Sekhri, Adv.
Ms. Sanjana Srikumar, Adv.
Mr. Ritwick Parikh, Adv.

For Respondent(s) Mr. K. K. Venugopal, AG.
Mr. Tushar Mehta, SG.
Mr. Zoheb Hossain, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. G. S. Makker, Adv.

Mr. Siddhesh Kotwal, Adv.
Ms. Bansuri Swaraj, Adv.
Ms. Shreya Bhatnagar, Adv.
Mr. R. Sethupathy, Adv.
Mr. Gagan Narang, Adv.
Ms. Arshiya Ghose, Adv.

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

Signature Not Verified
Digitally signed by
NIDHI ANAND
Date: 2019.02.16
15:22:01 IST
Reason: I

The learned Attorney General appears before us and has
made a concrete suggestion, which we accept.

M.A. No. 3220/2018 in W.P. (Cr1.) No. 199/2013

The suggestion is that copies of this Court's judgment in '*Shreya Singhal v. Union of India*' [(2015) 5 SCC 1] will be made available by every High Court in this country to all the District Courts. This should be done within a period of eight weeks from today.

Also, we direct the Union Government to make available copies of this judgment to the Chief Secretaries of all the State Governments and the Union Territories. This should be done within a period of eight weeks from today. The Chief Secretaries will, in turn, sensitise the police departments in this country by sending copies of this judgment to the Director General of Police in each State, within a period of eight weeks thereafter.

The application stands disposed of accordingly.

(NIDHI AHUJA)
COURT MASTER (SH)

(HARI SWAROOP PARASHER)
ASSISTANT REGISTRAR

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL/CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CRIMINAL) NO.167 OF 2012

SHREYA SINGHAL

... PETITIONER

VERSUS

UNION OF INDIA

... RESPONDENT

WITH

WRIT PETITION (CIVIL) NO.21 OF 2013

WRIT PETITION (CIVIL) NO.23 OF 2013

WRIT PETITION (CIVIL) NO. 97 OF 2013

WRIT PETITION (CRIMINAL) NO.199 OF 2013

WRIT PETITION (CIVIL) NO. 217 OF 2013

WRIT PETITION (CRIMINAL) NO.222 OF 2013

WRIT PETITION (CRIMINAL) NO.225 OF 2013

WRIT PETITION (CIVIL) NO.758 OF 2014

WRIT PETITION (CRIMINAL) NO.196 OF 2014

Article 19(2) obviously cannot form any part of Section 79. With these two caveats, we refrain from striking down Section 79(3)(b).

118. The learned Additional Solicitor General informed us that it is a common practice worldwide for intermediaries to have user agreements containing what is stated in Rule 3(2). However, Rule 3(4) needs to be read down in the same manner as Section 79(3)(b). The knowledge spoken of in the said sub-rule must only be through the medium of a court order. Subject to this, the Information Technology (Intermediaries Guidelines) Rules, 2011 are valid.

119. In conclusion, we may summarise what has been held by us above:

(a) Section 66A of the Information Technology Act, 2000 is struck down in its entirety being violative of Article 19(1)(a) and not saved under Article 19(2).

(b) Section 69A and the Information Technology (Procedure & Safeguards for Blocking for Access of Information by Public)

Rules 2009 are constitutionally valid.

(c) Section 79 is valid subject to Section 79(3)(b) being read down to mean that an intermediary upon receiving actual knowledge from a court order or on being notified by the appropriate government or its agency that unlawful acts relating to Article 19(2) are going to be committed then fails to expeditiously remove or disable access to such material. Similarly, the Information Technology "Intermediary Guidelines" Rules, 2011 are valid subject to Rule 3 sub-rule (4) being read down in the same manner as indicated in the judgment.

(d) Section 118(d) of the Kerala Police Act is struck down being violative of Article 19(1)(a) and not saved by Article 19(2).

All the writ petitions are disposed in the above terms.

.....J.
(J. Chelameswar)

.....J.
(R.F. Nariman)

New Delhi,

24th March, 2015

F. No. 4(13)/2012-CLFE-VOL-II
Government of India
Ministry of Electronics and Information Technology
Cyber Law Group

New Delhi
Date: 13.07.2021

Subject: Regarding implementation of Hon'ble Supreme Court Order dated 24.03.2015 in the matter of Shreya Singhal Vs. Uol — regarding the striking down of Section 66A of IT Act, 2000.

Dear Sir,

1. Reference is made to MeitY's letter No. 4(13)/2012-CLFE dated 21st September, 2019, in compliance with the Court order in the matter of Shreya Singhal Vs Uol & Ors {WP (CrI.) – 167 of 2012 at Hon'ble Supreme Court of India} (copy enclosed).
2. Further, on 15th February 2019, Hon'ble Supreme Court (in the matter MA 3220 /2018 in WP (CrI) 199/2013, titled as Peoples Union for Civil Liberties Vs Union of India), has directed for circulation Court Order dated 24th March 2015 in the matter of WP (Cr) 199/2013- Shreya Singhal Vs. Union of India, in the country. Accordingly, as directed the copy of Court order dated 15th Feb 2019 and relevant extract of Court order dated 24th March 2015, were also shared with the Chief Secretaries and Administrators of the States and UTs vide letter No. 4(13)/2012-CLFE Part II dated 6th March, 2019.
3. In view of the above, it is requested to kindly intimate Chief Secretaries and Administrators of the States/UTs, Law Enforcement Agencies and concerned authorities to ensure that no case under Section 66A of the Information Technology Act, 2000 is being filed and there is no active case also. It is also requested to inform the details of cases filed under Section 66A of the Information Technology Act, 2000 in different States/UTs, as recorded by I4C and CCTNS.

Yours sincerely,

(Rakesh Maheshwari)
Scientist – G and Group Coordinator
Cyber Law Group
email: gccyberlaw@meity.gov.in

To:

Joint Secretary, CIS Division,
Ministry of Home Affairs,
North Block, New Delhi - 110001

F. No. 4(13)/2012-CLFE-VOL-II
Government of India
Ministry of Electronics and Information Technology
Cyber Law Group

New Delhi
Date: 13.07.2021

To

1. Chief Secretaries of States
2. Administrators of UTs

(Through e-mail)

Subject: Regarding implementation of Hon'ble Supreme Court Order dated 24.03.2015 in the matter of Shreya Singhal Vs. Uoi — regarding the striking down of Section 66A of Information Technology (IT) Act, 2000.

Dear Sir/Madam,

1. This has reference to MeitY's letter of even no dated 11th January 2019, on the above subject (copy enclosed).
2. Further, on 15th February 2019, Hon'ble Supreme Court (in the matter MA 3220 /2018 in WP (Cr) 199/2013, titled as Peoples Union for Civil Liberties Vs Union of India), has directed for circulation Court Order dated 24th March 2015 in the matter of WP (Cr) 199/2013- Shreya Singhal Vs. Union of India, in the country.
3. Accordingly, as directed, the copy of Court order dated 15th Feb 2019 and relevant extract of Court order dated 24th March 2015, were also shared vide letter of even number dated 6th March, 2019 (enclosed). The full court order is also available at www.meity.gov.in/content/important-court-orders.
4. It has also come to our notice that still now cases are being booked under section 66A of IT Act, 2000. In view of that and as

per the directions of Hon'ble Supreme court, you are once again requested to sensitize Police Departments in your State / UTs, to ensure the compliance of Hon'ble Supreme Court Order dated 24th March 2015. It is also requested to inform the number of cases booked under the Section 66A of the IT Act, 2000, if any. In that case, it should be immediately withdrawn. Please ensure and confirm that no case is presently registered under Section 66A of the IT Act, 2000.

Yours sincerely,

(Rakesh Maheshwari)
Scientist – G and Group Coordinator
Cyber Law Group

CC to:

Joint Secretary, CIS Division,
Ministry of Home Affairs,
North Block, New Delhi - 110001

: With request to ensure
compliance of the above said
Supreme Court Order.

भारत सरकार
Government of India
इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय
Ministry of Electronics & Information Technology
इलेक्ट्रॉनिक्स निकेतन, 6, सी जी ओ कॉम्प्लेक्स, नई दिल्ली-110003
Electronics Niketan, 6, C G O Complex, New Delhi-110003
Website: www.meity.gov.in

संख्या 4(13)/2012-CLFE/Vol.II
No.....

दिनांक 06.03.2019
Date.....

To

1. Chief Secretaries of States
2. Administrators of UTs

Subject: Regarding implementation of Hon'ble Supreme Court Order dated 24.03.2015 in the matter of Shreya Singhal Vs. UoI – regarding the striking down of Section 66A of IT Act, 2000.

Dear Sir/Madam,

1. Reference is made to MeitY's letter of even no dated 11th January 2019, on the above subject (copy enclosed).
2. Further, on 15th February 2019, Hon'ble Supreme Court (in the matter MA 3220 /2018 in WP (Crl) 199/2013, titled as Peoples Union for Civil Liberties Vs Union of India), has directed for circulation Court Order dated 24th March 2015 in the matter of WP (Crl) 199/2013- Shreya Singhal Vs. Union of India, in the country.
3. Accordingly, as directed the copy of Court order dated 15th Feb 2019 and relevant extract of Court order dated 24th March 2015, are enclosed herewith. The full Court order dated 24th March 2015, in the matter of WP (Crl) 199/2013 - Shreya Singhal Vs. Union of India, is available at the following web page on MeitY website : <https://meity.gov.in/content/important-court-orders>
4. As per the directions of Hon'ble Supreme court, I kindly request you to sensitize Police Departments in your State / UTs, to ensure the compliance of Hon'ble Supreme Court Order dated 24th March 2015. If any case is booked in your State under Section 66A of Information technology Act, 2000, it should be immediately be withdrawn.
5. Copy of the Court Order and the relevant extract of the Shreya Singhal decision is enclosed herewith for your kind perusal please.

Yours sincerely,

(Rakesh Maheshwari)
Group Coordinator (CLoS)
Email: gccyberlaw@meity.gov.in

Encls: As above.

Cc to : Joint Secretary, (CIS)
Ministry of Home Affairs
North Block, New Delhi-110001.



ITEM NO.52

COURT NO.6

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

M.A. No. 3220/2018 in W.P. (Crl.) No. 199/2013

(Arising out of impugned final judgment and order dated 24-03-2015 in W.P.(Crl.) 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.170338/2018-CLARIFICATION/DIRECTION)

Date : 15-02-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Sanjay Parikh, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Apar Gupta, Adv.
Mr. Abhinav Sekhri, Adv.
Ms. Sanjana Srikumar, Adv.
Mr. Ritwick Parikh, Adv.

For Respondent(s) Mr. K. K. Venugopal, AG.
Mr. Tushar Mehta, SG.
Mr. Zoheb Hossain, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. G. S. Makker, Adv.

Mr. Siddhesh Kotwal, Adv.
Ms. Bansuri Swaraj, Adv.
Ms. Shreya Bhatnagar, Adv.
Mr. R. Sethupathy, Adv.
Mr. Gagan Narang, Adv.
Ms. Arshiya Ghose, Adv.

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

Signature Not Verified
Digitally signed by
NIDHI AHOJA
Date: 2019.02.16
15:22:01 IST
Reason:

The learned Attorney General appears before us and has

made a concrete suggestion, which we accept.

M.A. No. 3220/2018 in W.P. (Crl.) No. 199/2013

The suggestion is that copies of this Court's judgment in '*Shreya Singhal v. Union of India*' [(2015) 5 SCC 1] will be made available by every High Court in this country to all the District Courts. This should be done within a period of eight weeks from today.

Also, we direct the Union Government to make available copies of this judgment to the Chief Secretaries of all the State Governments and the Union Territories. This should be done within a period of eight weeks from today. The Chief Secretaries will, in turn, sensitise the police departments in this country by sending copies of this judgment to the Director General of Police in each State, within a period of eight weeks thereafter.

The application stands disposed of accordingly.

(NIDHI AHUJA)
COURT MASTER (SH)

(HARI SWAROOP PARASHER)
ASSISTANT REGISTRAR

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL/CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CRIMINAL) NO.167 OF 2012

SHREYA SINGHAL

... PETITIONER

VERSUS

UNION OF INDIA

... RESPONDENT

WITH

WRIT PETITION (CIVIL) NO.21 OF 2013

WRIT PETITION (CIVIL) NO.23 OF 2013

WRIT PETITION (CIVIL) NO. 97 OF 2013

WRIT PETITION (CRIMINAL) NO.199 OF 2013

WRIT PETITION (CIVIL) NO. 217 OF 2013

WRIT PETITION (CRIMINAL) NO.222 OF 2013

WRIT PETITION (CRIMINAL) NO.225 OF 2013

WRIT PETITION (CIVIL) NO.758 OF 2014

WRIT PETITION (CRIMINAL) NO.196 OF 2014

Article 19(2) obviously cannot form any part of Section 79. With these two caveats, we refrain from striking down Section 79(3)(b).

118. The learned Additional Solicitor General informed us that it is a common practice worldwide for intermediaries to have user agreements containing what is stated in Rule 3(2). However, Rule 3(4) needs to be read down in the same manner as Section 79(3)(b). The knowledge spoken of in the said sub-rule must only be through the medium of a court order. Subject to this, the Information Technology (Intermediaries Guidelines) Rules, 2011 are valid.

119. In conclusion, we may summarise what has been held by us above:

(a) Section 66A of the Information Technology Act, 2000 is struck down in its entirety being violative of Article 19(1)(a) and not saved under Article 19(2).

(b) Section 69A and the Information Technology (Procedure & Safeguards for Blocking for Access of Information by Public)

Rules 2009 are constitutionally valid.

(c) Section 79 is valid subject to Section 79(3)(b) being read down to mean that an intermediary upon receiving actual knowledge from a court order or on being notified by the appropriate government or its agency that unlawful acts relating to Article 19(2) are going to be committed then fails to expeditiously remove or disable access to such material. Similarly, the Information Technology "Intermediary Guidelines" Rules, 2011 are valid subject to Rule 3 sub-rule (4) being read down in the same manner as indicated in the judgment.

(d) Section 118(d) of the Kerala Police Act is struck down being violative of Article 19(1)(a) and not saved by Article 19(2).

All the writ petitions are disposed in the above terms.

.....J.
(J. Chelameswar)

.....J.
(R.F. Nariman)

New Delhi,

24th March, 2015



Pankaj Kumar, IAS
Additional Secretary

दूरभाष / Tele: 24360160

अ. स. पत्र स. 4(13)/2012-CLFE/Vol.II

D.O.No.

भारत सरकार
Government of India
इलेक्ट्रॉनिक्स और सूचना प्रौद्योगिकी मंत्रालय
Ministry of Electronics & Information Technology
इलेक्ट्रॉनिक्स निकेतन / Electronics Niketan
6, सी जी ओ बॉम्बेलेक्स / 6, C G O Complex
नई दिल्ली-110003 / New Delhi-110003
Website: www.meity.gov.in

11.01.2019

दिनांक / Dated.....

Subject: Regarding implementation of Hon'ble Supreme Court Order dated 24.03.2015 in the matter of Shreya Singhal Vs. UOI – regarding the striking down of Section 66 A of IT Act, 2000.

As you are aware, Hon'ble Supreme Court vide its order dated 24.03.2015 in the matter of Shreya Singhal Vs. UOI has struck down Section 66A of Information Technology Act, 2000, Section 66A, therefore, become null and void with effect from the date of the order and no crime can be booked under this section. The relevant extract of the Hon'ble Supreme Court order is enclosed. Copy of the order is already available on meity website.

2. It has been brought to our notice through an application – MA 3220 of 2018 filed in Hon'ble Supreme Court that provision of this Section is still being used by some law enforcement agencies.

3. I, therefore, request you to direct the concerned law enforcement agencies in your State to ensure compliance of Hon'ble Supreme Court Order dated 24.03.2015. If any case has been booked in your State under this Section, it should immediately be withdrawn.

With regards,

Yours sincerely,

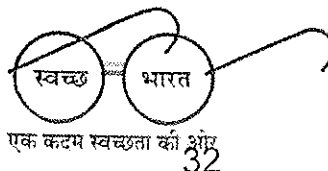
(Pankaj Kumar)

To

1. Chief Secretaries of States.
2. Administrators of UTs.
3. DG Police of all States/UTs.

Cc to :

The Secretary,
Ministry of Home Affairs,
North Block, New Delhi – 110001.



REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL/CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CRIMINAL) NO.167 OF 2012

SHREYA SINGHAL ... PETITIONER
VERSUS
UNION OF INDIA ... RESPONDENT
WITH

WRIT PETITION (CIVIL) NO.21 OF 2013
WRIT PETITION (CIVIL) NO.23 OF 2013
WRIT PETITION (CIVIL) NO. 97 OF 2013
WRIT PETITION (CRIMINAL) NO.199 OF 2013
WRIT PETITION (CIVIL) NO. 217 OF 2013
WRIT PETITION (CRIMINAL) NO.222 OF 2013
WRIT PETITION (CRIMINAL) NO.225 OF 2013
WRIT PETITION (CIVIL) NO.758 OF 2014
WRIT PETITION (CRIMINAL) NO.196 OF 2014

Article 19(2) obviously cannot form any part of Section 79. With these two caveats, we refrain from striking down Section 79(3)(b).

118. The learned Additional Solicitor General informed us that it is a common practice worldwide for intermediaries to have user agreements containing what is stated in Rule 3(2). However, Rule 3(4) needs to be read down in the same manner as Section 79(3)(b). The knowledge spoken of in the said sub-rule must only be through the medium of a court order. Subject to this, the Information Technology (Intermediaries Guidelines) Rules, 2011 are valid.

119. In conclusion, we may summarise what has been held by us above:

(a) Section 66A of the Information Technology Act, 2000 is struck down in its entirety being violative of Article 19(1)(a) and not saved under Article 19(2).

(b) Section 69A and the Information Technology (Procedure & Safeguards for Blocking for Access of Information by Public)

Rules 2009 are constitutionally valid.

(c) Section 79 is valid subject to Section 79(3)(b) being read down to mean that an intermediary upon receiving actual knowledge from a court order or on being notified by the appropriate government or its agency that unlawful acts relating to Article 19(2) are going to be committed then fails to expeditiously remove or disable access to such material. Similarly, the Information Technology "Intermediary Guidelines" Rules, 2011 are valid subject to Rule 3 sub-rule (4) being read down in the same manner as indicated in the judgment.

(d) Section 118(d) of the Kerala Police Act is struck down being violative of Article 19(1)(a) and not saved by Article 19(2).

All the writ petitions are disposed in the above terms.

.....J.
(J. Chelameswar)

.....J.
(R.F. Nariman)

New Delhi,

24th March, 2015

Most Immediate
Supreme Court matter

No. 21021/46/2016-IS-II/M
Government of India
Ministry of Home Affairs

1. Chief Secretaries of States/ Administrators of UTs
2. Directors General of all States/UTs

Subject: Regarding implementation of Hon'ble Supreme Court Order dated 24.03.2015 in the matter of Shreya Singhal VS. Uol- striking down of Section 66A of IT Act, 2000.

I am directed to refer to d.o. letter no. 4(13)/2012-CLFE/VOL.II dated 11.1.2019 of MeitY (copy enclosed) regarding above mentioned subject and to say that the Section 66A of the Information Technology Act, 2000 was struck down by the Hon'ble Supreme Court of India in WP (Criminal) No. 167 of 2012 in Shreya Singhal Vs Union of India on 24th March, 2015. Consequently, Section 66 A of the AT Act, 2000 became null and void and no action can be taken under this section.

2. An application no. MA No. 118 in Writ Petition (Criminal) No. 199/2013 has been filed by People's Union for Civil Liberties in Hon'ble Supreme Court of India stating that section 66A of the IT Act 2000 is still being used by some law enforcement agencies and has sought *inter alia* to collect and furnish data for all prosecutions invoking Section 66A after 24.3.2015.

3. Hon'ble Court has passed an order dated 7-1-2019 directing UOI (Meity) to file a counter affidavit in response to petitioner's prayer seeking compliance w.r.t. the implementation of judgement dated 24th March, 2015, in the matter of Shreya Singhal Vs UOI.

4. You are, therefore, requested to kindly confirm that the Hon'ble Supreme Court's judgment has been implemented in its totality, and may also kindly furnish data for prosecutions invoking Section 66A after 24.3.2015, if any, to the Secretary, Meity, to enable filing of Counter affidavit in the Hon'ble Supreme Court by Meity. Kindly furnish the requisite information by 20.1.2019.

(Anuj Sharma)
Joint Secretary (CIS)
North Block, New Delhi
Dated 14 January, 2019

Copy:

The Secretary, Meity: For kind information w.r.t. your d.o. letter no. 4(13)/2012-CLFE/VOL.II dated 11.1.2019 of MeitY. You are requested to defend the matter in the Hon'ble Court.

Reminder
Most Immediate
Supreme Court Matter

No. 21021/46/2016-IS-II/M
Government of India
Ministry of Home Affairs

North Block, New Delhi
Dated 30th January, 2019

1. Chief Secretaries of States/Administrators of UTs (Except NCR Delhi & Kerala State)
2. Directors General of all States/UTs

Subject: Regarding implementation of Hon'ble Supreme Court Order dated 24.03.2015 in the matter of Shreya Singhal Vs. Uoi – Striking down of Section 66A of IT Act, 2000

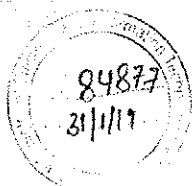
I am directed to refer this Ministry's letter of even number dated 14th January, 2019 on the subject cited above wherein you were requested to confirm that the Hon'ble Supreme Court's judgment has been implemented in its totality, and to furnish data for prosecutions invoking Section 66A after 24.03.2015, if any, to the Secretary, MeitY, to enable filing of Counter Affidavit in the Hon'ble Supreme Court by MeitY.

2. The requisite information is still awaited. It is therefore requested to furnish the information directly to Secretary, MeitY at the earliest under intimation to this Ministry.

(Rakesh Kumar)
Under Secretary to the Govt. of India
Tele: 23093584

Copy to:

The Secretary, MeitY



O/o Addl. Secy. MeitY

01 FEB 2019

Dairy No. 84877

O/o GC (RM)

Dy. No. 2559

Date: 1/2/2019

Immediate
Supreme Court Matter

21021/46/2016-IS.II/M
Government of India
Ministry of Home Affairs
CIS Division/CIS-IV Desk

North Block, New Delhi
Dated 1 April, 2019

To

The Chief Secretaries,
All State Governments/UT Administrations

Subject: Implementation of Hon'ble Supreme Court Order dated 15.2.2019 and 24-3-2015 - regarding the striking down of section 66A of IT Act, 2000 vide its order dated 24-03-2015

Undersigned is directed to inform that the Supreme Court vide its order dated 15-02-2019 (in the matter MA 3220/2018 in WP(Cr) 199/2013) has issued certain directions regarding the matter of Shreya Singhal Vs. Union of India which was decided vide its order dated 24-03-2015. In this regard, reference is invited to the letter no 4(13)/2012-CLFE/Vol.II dated 6-3-2019 (copy enclosed) issued by Ministry of Electronics and Information Technology requesting for compliance to the directions of Hon'ble Court by the States/UTs. The said orders are available at <http://meity.gov.in/content/important-court-orders>

2. As per the directions of Hon'ble Supreme Court, you are requested to sensitize the police departments/local police authority in your State/UTs to ensure strict compliance of the court order.

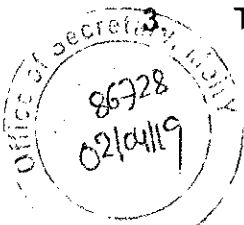
This issues with the approval of Competent Authority.

(S K Bhalla)
Director
Tele: 23093486

Copy w.r.t Meity letter no 4(13)/2012-CLFE/Vol.II dated 6-3-2019:

Secretary, Meity
Ministry of Electronics & Information Technology
6, CGO Complex, Lodhi Road
New Delhi

CC (RM)
2804
By No.
Date 03/04/2019



Most Immediate
Supreme Court matter

No. 21021/46/2016-IS-II/M
Government of India
Ministry of Home Affairs

To,

1. Chief Secretaries of States/ Administrators of UTs,
2. DGPs of all States / UTs

Subject: Regarding implementation of Hon'ble Supreme Court Order dated 24.03.2015 on striking down of section 66A of the Information Technology Act, 2000.

The undersigned is directed to refer to the judgment of the Hon'ble Supreme Court given in the matter of Shreya Singhal Vs. Union of India on 24.03.2015, whereby Section 66A of the Information Technology Act, 2000 was struck down, becoming null and void with effect from the date of order i.e. 24.03.2015 and hence no action could be taken under this section. In this connection, all States & UTs were advised vide MeitY DO letter no.4(13)/2012-CLFE/Vol.II dated 11.01.2019 and MHA letter No. 21021/46/2016/IS-II-M dated 14.01.2019 and 01.04.2019, to sensitise the police department / local police authorities in your State / UT for strict compliance of the Hon'ble Supreme Court order dated 24.03.2015 and withdrawal of the all such cases, if any, which were booked under the section 66A of the IT Act, 2000 in your State / UT.

2. It has been brought to our notice through an application in Hon'ble Supreme Court that FIRs are still being lodged by some police authorities under the struck down provision of Section 66A of IT, Act, 2000. Hon'ble Supreme Court has taken a very serious view in the matter.

3. It is therefore, requested to direct all the police stations not to register cases under the repealed Section 66A of the information Technology Act, 2000 and sensitise the law enforcement agencies for the compliance of the order issued by the Hon'ble Supreme Court on 24.03.2015. If any case has been booked in your State under section 66A of the IT Act, 2000, it should immediately be withdrawn.

(Shailendra Vikram Singh)
Deputy Secretary (CIS)
North Block, New Delhi
Dated: 14 July, 2021

Copy to:

Secretary, MeitY, New Delhi : For kind information

ITEM NO.52

COURT NO.6

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

M.A. No. 3220/2018 in W.P. (Crl.) No. 199/2013

(Arising out of impugned final judgment and order dated 24-03-2015 in W.P.(Crl.) 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.170338/2018-CLARIFICATION/DIRECTION)

Date : 15-02-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Sanjay Parikh, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Apar Gupta, Adv.
Mr. Abhinav Sekhri, Adv.
Ms. Sanjana Srikumar, Adv.
Mr. Ritwick Parikh, Adv.

For Respondent(s) Mr. K. K. Venugopal, AG.
Mr. Tushar Mehta, SG.
Mr. Zoheb Hossain, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. G. S. Makker, Adv.

Mr. Siddhesh Kotwal, Adv.
Ms. Bansuri Swaraj, Adv.
Ms. Shreya Bhatnagar, Adv.
Mr. R. Sethupathy, Adv.
Mr. Gagan Narang, Adv.
Ms. Arshiya Ghose, Adv.

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

The learned Attorney General appears before us and has made a concrete suggestion, which we accept.

M.A. No. 3220/2018 in W.P. (Crl.) No. 199/2013

The suggestion is that copies of this Court's judgment in '*Shreya Singhal v. Union of India*' [(2015) 5 SCC 1] will be made available by every High Court in this country to all the District Courts. This should be done within a period of eight weeks from today.

Also, we direct the Union Government to make available copies of this judgment to the Chief Secretaries of all the State Governments and the Union Territories. This should be done within a period of eight weeks from today. The Chief Secretaries will, in turn, sensitise the police departments in this country by sending copies of this judgment to the Director General of Police in each State, within a period of eight weeks thereafter.

The application stands disposed of accordingly.

(NIDHI AHUJA)
COURT MASTER (SH)

(HARI SWAROOP PARASHER)
ASSISTANT REGISTRAR