

07th January, 2019

**PUCL Welcomes Notice Issued by SC on
Continuing Prosecutions u/s 66A IT Act despite the provision having been struck down
by SC as Unconstitutional in 2015**

In 2013, PUCL had filed a Writ Petition in the Supreme Court over the constitutionality of Section 66A of the Information Technology Act. By a landmark judgement in '*Shreya Singhal v. Union of India*', (2015) this provision which criminalised online speech was declared unconstitutional by the Supreme Court. A core problem with the provision, as noticed by the Hon'ble Supreme Court, was its vagueness which was leading to arbitrary and indiscriminate arrests.

Unfortunately, despite the Court's judgement of March, 2015 striking down sec. 66A of the IT Act as void and unconstitutional, a study of legal databases by the Internet Freedom Foundation (IFF) found that Section 66A cases were continuing and fresh criminal cases were being registered. This violated not only the Supreme Court judgement but the fundamental right to freedom of speech and expression and personal liberty of the individuals.

Concerned by this continuing abuse of an unconstitutional and non-existent criminal provision, PUCL filed an application in which prayers were sought to ensure that the abuse must stop, existing cases of Section 66A cease and fresh ones are not registered. Finding merit at the threshold in the application, the Hon'ble Supreme Court today, i.e. Jan. 7, 2019 issued notice and directed the Union Government to respond within 4 weeks.

PUCL is committed to protection of freedom of speech and expression and civil liberties and will continue to follow this matter and other related issues. PUCL was represented by Mr. Sanjay Parikh Adv and assisted by a legal team. This step of PUCL will be helpful in several other areas where in spite of declaration of law by Supreme Court, it is not followed, which results in breach of fundamental rights of the people.



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Dr. V. Suresh,
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