

ITEM NO.3

COURT NO.1  
S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SECTION PIL-W

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

Respondent(s)

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

Date : 06-09-2022 These matters were called on for hearing today.  
CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

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UPON hearing the counsel the Court made the following

O R D E R

The grievance raised in this miscellaneous application is about non-implementation of the decision of this Court in *Shreya Singhal v. Union of India*, (2015) 5 SCC 1, which struck down Section 66A of the Information Technology Act, 2000 ("the Act", for short).

It is submitted that despite clear directions issued by this Court and pronouncement of this Court, the provisions of Section 66A of the Act are still being invoked in various crimes/offences. The instances in that behalf have been given in the application.

This Court therefore issued notices to all the States/UTs which are being represented before us. Most of the States/UTs have unequivocally submitted that the directions issued in *Shreya Singhal* are being scrupulously followed and that no case is presently pending in respect of alleged offences under said Section 66A. However, there are some instances where the concerned provisions were and are still being invoked; and that offences in

that behalf are still pending consideration.

It is a matter of serious concern that despite authoritative pronouncement by this Court, the offences under said Section which was struck down by this Court are still being registered and continued.

In the circumstances, we request Mr. Zoheb Hossain, learned counsel who appears on behalf of the Union of India, to get in touch with the Chief Secretaries of the respective States/UTs where the offences are still being registered or stand registered and impress upon the Chief Secretaries to take remedial measures as early as possible.

Mr. Zoheb Hossain, learned counsel, shall be rendered due assistance by the learned Advocates appearing for the States/UTs in order to have complete assessment of the entire problem. He shall be at liberty to write communications to the concerned Chief Secretaries asking for relevant information. Learned Advocates appearing for the States/UTs in turn are directed to supply all the information in the form of affidavits already represented before this Court or such other material as may be required by Mr. Zoheb Hossain, learned counsel. Let the entire exercise be undertaken within three weeks from today.

List the matter for further consideration on 11.10.2022.

(SANJAY KUMAR-II)  
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)  
BRANCH OFFICER