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Author:

Siddhant Khare

Symbiosis Law School, Noida

1st Year, BA LL.B.

SHREYA SINGHAL VS UNION OF INDIA**INTRODUCTION**

In a landmark judgment, the Supreme Court threw down **Section 66A of the Information Technology Act of 2000**, which authorized for the arrest of anyone who uploaded allegedly offensive content on the internet, supporting freedom of expression. Section 66A stipulates the penalty for sending "offensive" messages through computer or any other communication device such as a mobile phone or tablet, and a conviction can result in up to three years in prison and a fine.

Over the last several years, there have been numerous examples in which police have detained people for broadcasting material through a computer resource or a communication device that was "grossly insulting" or "menacing" in nature, or that caused "annoyance," "inconvenience," or "obstruction." The Court has now stated that Section 66A is not only imprecise and arbitrary, but also "disproportionately infringes on the right to free expression," in a ruling authored by **Justice R.F.Nariman** on behalf of a bench consisting of himself and **Justice J. Chelameswar**.

Shreya Singhal v Union of India (2015) is a landmark case that has a significant impact on the Indian judicial system. The case centers around the basic right to free speech and expression under Article 19(1)(a) of the Indian Constitution, which challenged the constitutional validity of section 66A and resulted in the repeal of section 66A of the Information Technology Act 2000. Section 66A is the penalty for sending offensive messages via communication services, and so forth.

It states that-Anyone who sends, via a computer resource or a communication device,-

1. any information that is grossly offensive or has menacing character; or
2. any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, persistently by making use of such computer resource or a communication device,

3. any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages,

shall be punishable with imprisonment for a term which may extend to three years and with fine.

The terms "electronic mail" and "electronic mail message" refer to a message or information created, transmitted, or received on a computer, computer system, computer resource, or communication device, including attachments in text, images, audio, video, and any other electronic record that may be transmitted with the message.

BRIEF FACTS OF THE CASE

In 2012, Mumbai police detained two females, **Shaheen Dhada and Rinu Srinivasan**, for protesting a bandh called in the aftermath of **Shiv Sena president Bal Thackeray's** death. The women shared their thoughts on Facebook. The arrested women were ultimately released, and the criminal cases against them were dropped, but the arrests sparked enormous public outrage. It was felt that the police had abused their authority by invoking Section 66A, claiming, among other things, that it violated the freedom of speech and expression.

ANALYSIS

For a variety of reasons, the Shreya Singhal decision is monumental in the history of the Supreme Court. In a rare occurrence, the Supreme Court has gone so far as to declare a censorship law established by Parliament to be completely invalid. The Judgment broadened the extent of our right to freely express ourselves, while also limiting the state's ability to restrict this freedom in all but the most extraordinary cases. As Justice Nariman has stated, the freedom of thought and expression is more than an idealistic ideal. It is also "a cardinal value of utmost importance under our constitutional structure."

The Supreme Court agreed with the plaintiffs that none of the grounds in Section 19(2) could be used as viable defence to the legitimacy of Section 66A of the IT Act. "Any statute trying to impose a constraint on freedom of expression can only pass scrutiny if it is proximately related to any of the eight subject topics set out in Article 19(2)," wrote Justice Nariman.

Section 66A was subjected to two tests: clear and present danger and the likelihood of inciting hatred. Section 66A failed those requirements because the posts for which people were imprisoned did not stir public hostility or undermine law and order.

The term "offensive" under section 66A of the IT Act, in my opinion, is extremely broad. What is offensive to one person may not be offensive to another. Furthermore, it was not an inflammatory comment or statement; rather, it was a statement questioning the logic of the Mumbai shutdown. Should the death of a person, regardless of prominence or stature, result in the entire shutdown of our country's commercial capital? This explanation makes

no sense to me. I believe the cops were hasty in their actions and had no grounds to arrest the girl. It's possible that the cops acted in haste because political parties were engaged.

Freedom of expression cannot be absolute, but the circumstances or situations in which it is not absolute must be practical and sensible. Defamation is one such case, and it makes perfect sense in that regard. Several decisions of this Court have emphasized the importance of free speech and expression, both from the standpoint of individual liberty and from the one of our democratic form of government. For example, in the early case of **Romesh Thappar v. State of Madras, [1950] S.C.R. 594 at 602**, this Court declared that freedom of expression is at the heart of all democratic institutions.

Aside from that, if we look closely at section 66A, we may see two faults. The first is that the definition is all-encompassing. Second, the definition makes no mention of the information's content. In reality, it only refers to the medium via which such information is delivered. As a result, it is evident that the petitioners are accurate in asserting that Section 66A directly affects the public's right to know. Material of all kinds is included; this information may be scientific, literary, or artistic in nature, it may allude to current events, or it may be indecent or seditious. The infraction is based on the fact that such information may cause annoyance or inconvenience to some people. It is apparent that Section 66A is drawn to the right of the people to know - the marketplace of ideas - that the Internet affords to individuals of all kinds. The fact that the information sent must be annoying, inconvenient, grossly offensive, and so on, demonstrates that no distinction is made between mere discussion or advocacy of a particular point of view, which may be annoying, inconvenient, or grossly offensive to some, and incitement, in which such words lead to an imminent causal connection with public disorder, state security, and so on.

The petitioners are correct in claiming that Section 66A's creation of an offence against persons who use the internet and annoy or cause inconvenience to others clearly affects the freedom of speech and expression of the Indian citizenry at large, as such speech or expression is directly curtailed by the creation of the offence contained in Section 66A.

CONCLUSION

Section 66A of the Information Technology Act of 2000 has frequently been misconstrued and misapplied. The legal system of any democratic country places a high value on freedom of speech and expression. Our country should not follow in the footsteps of North Korea, where residents are afraid to speak up and share their views and opinions. I entirely agree that defamation and sedition are two examples of logical exceptions to freedom of speech and expression.

In the most recent case of **Kanhaiya Kumar**, the words spoken were such that they could cause danger and public disorder, and they were spoken aloud, but in the given case, the girl had no intention of committing any of the listed misconduct in section 66A, but rather had questioned the reasoning for the Mumbai shut down, which she did through a comment on Facebook. What kind of democracy are we living in if a citizen of a democratic country does not even have the right to question what is going on in the country and if it makes sense?

We have a national holiday on **October 2nd in honour of Mahatma Gandhi** since he is the father of our nation, and while Bal Thackeray played a prominent and vital part in Indian politics, should the commercial capital be closed down?

Freedom of speech and expression is critical to our country's growth and development, and its absence would negate the fundamental meaning of democracy. It is a fundamental right that has a direct impact on the attitudes of 1.3 billion people toward their country. I believe that while the closure of Mumbai on that day for that specific note was not acceptable, the comment made by Shreya Singhal was, and hence I believe that the Supreme Court decision to grant the verdict in favour of Shreya Singhal was reasonable.



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