

NO MORE PROSECUTIONS UNDER SECTION 66A: SC

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However, the court clarified that this direction would apply only to a charge under Section 66A and not extend to other offences in a case.

The court, in order to make sure that no trace of doubt was left that Section 66A had been wiped off the statute book, directed that law books should contain a short note that the provision was struck down by the Supreme Court as violative of the Constitution.

Police powers

In March 2015, the Supreme Court had found the police powers of Section 66A too wide with scant respect for individual liberty and free expression on the Internet.

The judgment had come on the basis of a petition filed by law student Shreya Singhal, who had highlighted cases of young people being arrested and charged under the ambiguous provision for their social media posts.

Section 66A had prescribed three years' imprisonment if a social media message caused "annoyance" or was found "grossly offensive". The court had concluded the provision to be vague and worded arbitrarily. Three years after the judgment, an NGO, People's Union for Civil Liberties, represented by senior advocate Sanjay Parikh and advocate Aparna Bhat, had drawn the court's attention to the violations. The NGO's petition had first come up before Justice Nariman's court. The judge had said in court that he was "shocked" by the blatant violation on the part of the police. The Centre had maintained a distance by filing an affidavit saying that "prevention, detection, investigation and prosecution of crimes and capacity-building of the police are primarily the responsibility of the States". But the court had asked the Centre to submit a tabulated list of the cases in which people were booked under Section 66A.

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