

## **Scrapped Law in Use - Sec 66A of the IT Act**

### **Why in news?**

Section 66A of the Information Technology Act, 2000, scrapped in 2015 by the Supreme Court, is still being used by law enforcement agencies of various states.

### **What is Section 66A about?**

- Sec 66A of the IT Act relates to sending messages through computer or any other communication device like a mobile phone or a tablet.
- Sending messages that were “offensive” or “menacing” or for the purposes of causing annoyance, inconvenience, etc. was made a criminal offence.
- The police had the discretion to decide upon such cases and were empowered to make arrests.
- The conviction could fetch a maximum of 3 years in jail.
- In its landmark judgment in Shreya Singhal (2015), the Supreme Court struck down Section 66A.
- It called the provision “open-ended and unconstitutionally vague.”
- The provision upset the balance between the exercise of the free speech right and the imposition of reasonable restrictions on it.
- The judgement thus expanded the boundaries of free speech to the Internet.

### **What is the recent case on?**

- A petition by the People’s Union for Civil Liberties (PUCL) came up for hearing.
- The invalidated Sec 66A is being used by the police to register cases based on complaints.
- Police headquarters and prosecutors in various States had not disseminated the effect of the Court ruling among officers manning police stations.
- There were also instances of courts framing charges under Section 66A even after lawyers had cited the 2015 judgment.
- Possibly, police officers may not be aware of the judgment.
- But it cannot be ruled out that the section was also being invoked deliberately as a tool of harassment.
- In January 2019, too, the Court’s attention was drawn to the same problem.
- The PUCL has said as many as 745 cases are still pending in district courts in 11 States.

- The Supreme Court termed the continued use of an invalid law as “a shocking state of affairs” and sought a response from the Centre.

### **What is the way forward?**

- Ignorance of the law is no excuse for the citizen.
- It must equally be no excuse for police officers who include invalidated sections in FIRs.
- The current hearing may result in directions to States and the police, as well as the court registries.
- There has to be appropriate advisories to both station-house officers and magistrates.
- Police chiefs and the directorates of prosecution must begin a process of conveying to the lower courts and investigators all important judgments from time to time.

**Source: The Hindu, The Indian Express**

