

Government of Tripura,  
Office of the Director General of Police,  
Tripura :: Agartala,

No. 413-28 /R-51/DGP/LC/2019, Dated, the 18th, Feb, 2019,

To  
The Superintendent of Police,  
North/Unakoti/Dhalai/KhowaiWest/  
Sepahijala/Goamat and South Tripura District.

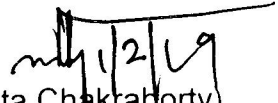
The Superintendent of Police (GRP)  
/(SCRB)/(Serious Crime & E.O),  
Tripura, Agartala.

Subject:- Regarding implementation of Hon'ble Supreme Court Order dated 24-03-2015 in the matter of Shreya Singhal -Vs- Union of India striking down of Section 66A of IT Act, 2000

Please find enclosed copy of letter No. F.13(29)-PD/2013 dated 24-01-2019 of the Home Department alongwith letter No. 21021/46/2016-IS-II/M dated 14-01-2019 of the Joint Secretary (CIS), MHA, Govt. of India, letter No. 4(13)/2012-CLFE/Vol.II dated 11-01-2019 of the Additional Secretary, Ministry of Electronics & Information Technology, Govt. of India and Judgment dated 24-03-2015 passed by the Hon'ble Supreme Court of India in case No. WP(C) – 167 of 2012 (Shreya Singhal -Vs- Union of India), contents of which is self explanatory.

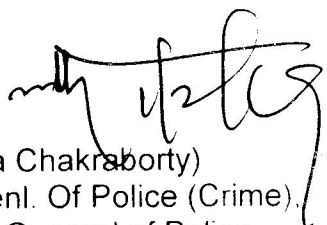
It is requested to circulate the copy of Judgment dated 24-03-2015 passed by the Hon'ble Supreme Court of India alongwith Home Department letter dated 24-01-2019 and its enclosures to all the O/C PSs/SDPOs and filed level officers for compliance the same in letter and spirit. Action taken in this regard may please be intimated to this office.

Encl:- As stated.

  
(Subrata Chakraborty)  
Asstt. Insp. Genl. Of Police (Crime),  
For Director General of Police,  
Tripura.

Copy alongwith its enclosures to:-

- (I) The DIGP(S/R), Tripura for information please.
- (II) The DIGP(N/R), Tripura for information please.
- (III) The Principal, PTA, Narsingarh, Tripura for information and necessary action please.
- (IV) I/C, E-Governance Cell, PHQ for uploading the same in the Tripura Police Website.

  
(Subrata Chakraborty)  
Asstt. Insp. Genl. Of Police (Crime),  
For Director General of Police,  
Tripura.

**URGENT**  
**Supreme Court Matter**

F.13 (29)-PD/2013  
GOVERNMENT OF TRIPURA  
**HOME DEPARTMENT**

Dated, Agartala, the <sup>24<sup>th</sup></sup> January, 2019.

To  
The Director General of Police,  
Tripura, Agartala.

The Director,  
Information and Technology,  
Government of Tripura, Agartala.

Subject:- Regarding implementation of Hon'ble Supreme Court order dated 24-03-2015 in the matter of Shreya Singhal-Vs-Union of India striking down of Section 66A of IT Act, 2000.

Sir,


I am directed to enclose here with a copy of the letter of MHA Government of India, vide No.21021/46/2016-IS-II/M dated 14-01-2019 on the subject cited above, wherein Hon'ble Supreme Court has directed for filing a counter affidavit w.r.t. implementation of judgment dated 24-03-2015 in W.P. (Criminal) No. 167 of 2012. The Hon'ble Supreme Court vide judgment dated 24-03-2015 has struck down the section 66A of the IT Act, 2000.

Hence, it is request to kindly send Action Taken Report on implementation of the judgment dated 24-03-2015 in totality and also furnish data for prosecution invoking Section 66A after 24-03-2015 to this Department on urgent basic for further necessary action.

**Matter may be treated as Most Urgent.**

Yours faithfully.

Encl: - As Stated.

  
(Arup Deb) 24/1/2019  
Under Secretary to the  
Government of Tripura.



Handwritten notes: Home, P. Secy, W. Secy, Most Immediate Supreme Court matter

No. 21021/46/2016-IS-II/M  
Government of India  
Ministry of Home Affairs



1. Chief Secretaries of States/ Administrators of UTs
2. Directors General of all States/UTs

**Subject: Regarding implementation of Hon'ble Supreme Court Order dated 24.03.2015 in the matter of Shreya Singhal VS. Uoi- striking down of Section 66A of IT Act, 2000.**

Handwritten: No. 222-53/19 18/1/19

Handwritten: A/M, W/A, 19/1/19

I am directed to refer to d.o. letter no. 4(13)/2012-CLFE/VOL.II dated 11.1.2019 of MeitY ( copy enclosed) regarding above mentioned subject and to say that the Section 66A of the Information Technology Act, 2000 was struck down by the Hon'ble Supreme Court of India in WP (Criminal) No. 167 of 2012 in Shreya Singhal Vs Union of India on 24<sup>th</sup> March, 2015. Consequently, Section 66 A of the AT Act, 2000 became null and void and no action can be taken under this section.

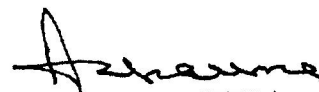
2. An application no. MA No. 118 in Writ Petition (Criminal) No. 199/2013 has been filed by People's Union for Civil Liberties in Hon'ble Supreme Court of India stating that section 66A of the IT Act 2000 is still being used by some law enforcement agencies and has sought *inter alia* to collect and furnish data for all prosecutions invoking Section 66A after 24.3.2015.

3. Hon'ble Court has passed an order dated 7-1-2019 directing UOI (Meity) to file a counter affidavit in response to petitioner's prayer seeking compliance w.r.t. the implementation of judgement dated 24<sup>th</sup> March, 2015, in the matter of Shreya Singhal Vs UOI.

Handwritten: Secy, 17/1/19

Handwritten: No. 295(283)/19 21/1/19

4. You are, therefore, requested to kindly confirm that the Hon'ble Supreme Court's judgment has been implemented in its totality, and may also kindly furnish data for prosecutions invoking Section 66A after 24.3.2015, if any, to the Secretary, Meity, to enable filing of Counter affidavit in the Hon'ble Supreme Court by Meity. Kindly furnish the requisite information by 20.1.2019.

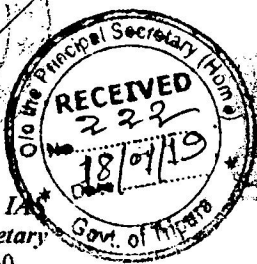
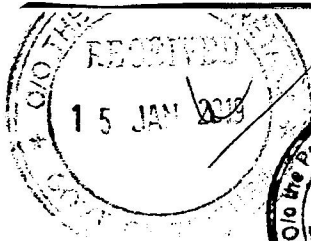


(Anuj Sharma)  
Joint Secretary (CIS)  
North Block, New Delhi  
Dated 14 January, 2019

Copy:

**The Secretary, Meity:** For kind information w.r.t. your d.o. letter no. 4(13)/2012-CLF/VOL.II dated 11.1.2019 of MeitY. You are requested to defend the matter in the Hon'ble Court.

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Ministry of Electronics & Information Technology  
Ministry of Electronics & Information Technology  
इलेक्ट्रॉनिक्स विभाग / Electronics Ministry  
ए. सी. ब्लॉक का कॉम्प्लेक्स / C. S. C. Complex  
नई दिल्ली-110003 / New Delhi-110003  
Website: www.meit.gov.in

Pankaj Kumar, IA  
Additional Secretary

फ़ोन / टेली: 24360160  
सं. सं. पत्र सं. 4(13)/2012-CLFE/Vol.II  
D.O.No.

For Secy, IT  
Pr. Secy Home  
11.01.2019

**Subject: Regarding implementation of Hon'ble Supreme Court Order dated 24.03.2015 in the matter of Shreya Singhal Vs. UOI - regarding the striking down of Section 66 A of IT Act, 2000.**

AS/AM  
gaur

No. 229-5/19  
18/1/19

As you are aware, Hon'ble Supreme Court vide its order dated 24.03.2015 in the matter of Shreya Singhal Vs. UOI has struck down Section 66A of Information Technology Act, 2000, Section 66A, therefore, become null and void with effect from the of the order and no crime can be booked under this section. The relevant extract of the Hon'ble Supreme Court order is enclosed. Copy of the order is already available on meit website.

2. It has been brought to our notice through an application - MA 3220 of 2018 filed in Hon'ble Supreme Court that provision of this Section is still being used by some law enforcement agencies.

3. I, therefore, request you to direct the concerned law enforcement agencies in your State to ensure compliance of Hon'ble Supreme Court Order dated 24.03.2015. If any case has been booked in your State under this Section, it should immediately be withdrawn.

With regards,

Yours sincerely,

*Pankaj Kumar*  
(Pankaj Kumar)

To

1. Chief Secretaries of States.
2. Administrators of UTs.
3. DG Police of all States/UTs.

Cc to :  
The Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi - 110001.

*obey 04  
17/1/19*

*296/2019  
21/1/19*



**REPORTABLE**

IN THE SUPREME COURT OF INDIA  
CRIMINAL/CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (CRIMINAL) NO.167 OF 2012

SHREYA SINGHAL ... PETITIONER  
VERSUS  
UNION OF INDIA ... RESPONDENT  
WITH

WRIT PETITION (CIVIL) NO.21 OF 2013  
WRIT PETITION (CIVIL) NO.23 OF 2013  
WRIT PETITION (CIVIL) NO. 97 OF 2013  
WRIT PETITION (CRIMINAL) NO.199 OF 2013  
WRIT PETITION (CIVIL) NO. 217 OF 2013  
WRIT PETITION (CRIMINAL) NO.222 OF 2013  
WRIT PETITION (CRIMINAL) NO.225 OF 2013  
WRIT PETITION (CIVIL) NO.758 OF 2014  
WRIT PETITION (CRIMINAL) NO.196 OF 2014

Article 19(2) obviously cannot form any part of Section 79. With these two caveats, we refrain from striking down Section 79(3)(b).

118. The learned Additional Solicitor General informed us that it is a common practice worldwide for intermediaries to have user agreements containing what is stated in Rule 3(2). However, Rule 3(4) needs to be read down in the same manner as Section 79(3)(b). The knowledge spoken of in the said sub-rule must only be through the medium of a court order. Subject to this, the Information Technology (Intermediaries Guidelines) Rules, 2011 are valid.

119. In conclusion, we may summarise what has been held by us above:

(a) Section 66A of the Information Technology Act, 2000 is struck down in its entirety being violative of Article 19(1)(a) and not saved under Article 19(2).

(b) Section 69A and the Information Technology (Procedure & Safeguards for Blocking for Access of Information by Public)

Rules 2009 are constitutionally valid.

(c) Section 79 is valid subject to Section 79(3)(b) being read down to mean that an intermediary upon receiving actual knowledge from a court order or on being notified by the appropriate government or its agency that unlawful acts relating to Article 19(2) are going to be committed then fails to expeditiously remove or disable access to such material. Similarly, the Information Technology "Intermediary Guidelines" Rules, 2011 are valid subject to Rule 3 sub-rule (4) being read down in the same manner as indicated in the judgment.

(d) Section 118(d) of the Kerala Police Act is struck down being violative of Article 19(1)(a) and not saved by Article 19(2).

All the writ petitions are disposed in the above terms.

.....J.  
(J. Chelameswar)

.....J.  
(R.F. Nariman)

New Delhi,

24th March, 2015

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