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डीजी-परिपत्र संख्या-12 /2019

पुलिस महानिदेशक,
उत्तर प्रदेश
1 तिलकमार्ग, लखनऊ।
दिनांक : लखनऊः फरवरी 28 ,2019

विषयः रिट पिटीशन (क्रिमिनल) संख्या-167/2012 श्रेया सिंघल बनाम यूनियन आफ इण्डिया में मा0 सर्वोच्च न्यायालय द्वारा पारित निर्णय दिनांक 24.03.2015 के अनुपालन के सम्बन्ध में।

प्रिय महोदय,

आप अवगत है कि मा0 सर्वोच्च न्यायालय द्वारा रिट पिटीशन (क्रिमिनल) संख्या-167/2012 श्रेया सिंघल बनाम यूनियन आफ इण्डिया में पारित अपने निर्णय दिनांक 24.03.2015 के द्वारा सूचना प्रौद्यौगिकी अधिनियम-2000 की धारा 66A को असंवैधानिक पाते हुये उसे समाप्त कर दिया गया है। मा0 सर्वोच्च न्यायालय द्वारा पारित उपरोक्त सन्दर्भित निर्णय का कार्यकारी अंश निम्नवत् है :-

> *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).*

2. मेरे संज्ञान में यह तथ्य आया है कि मा0 सर्वोच्च न्यायालय के उपरोक्त निर्णय के उपरान्त भी प्रदेश के विभिन्न जनपदों में धारा 66A सूचना प्रौद्योगिकी अधिनियम-2000 के अन्तर्गत प्रथम सूचना रिपोर्ट पंजीकृत की जा रहीं है। भारतीय संविधान के अनुच्छेद-142 के अनुसार मा0 सर्वोच्च न्यायालय का उक्त निर्णय विधि का प्रभाव रखता है। मा0 सर्वोच्च न्यायालय का यह निर्णय आ जाने के बाद किसी भी व्यक्ति के विरुद्ध सूचना प्रौद्यौगिकी अधिनियम-2000 की धारा 66A के अन्तर्गत प्रथम सूचना रिपोर्ट अंकित किया जाना विधि के प्रतिकूल है।

3. रिट पिटीशन (क्रिमिनल) संख्या-167/2012 में दिनांक 24.03.2015 को पारित मा0 सर्वोच्च न्यायालय के निर्णय की छायाप्रति तथा गृह मंत्रालय, भारत सरकार के पत्र संख्या-21021/46/2016-IS0IIM दिनांक 14.01.2019 की छायाप्रति इस निर्देश के साथ प्रेषित की जा रही है कि सूचना प्रौद्योगिकी अधिनियम-2000 की धारा 66A के सम्बन्ध में मा0 सर्वोच्च न्यायालय द्वारा पारित आदेश का कड़ाई से अनुपालन सुनिश्चित किया जाये।

संलग्नक-यथोपरि।

भवदीय,

(ओ0पी0सिंह)

समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, प्रभारी जनपद
उत्तर प्रदेश।

प्रतिलिपिः निम्नलिखित को सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु।

1. समस्त अपर पुलिस महानिदेशक, उ0प्र0 फायर सर्विस/प्रशिक्षण/ई0ओ0डब्लू0/प्रोन्नति एवं भर्ती बोर्ड/ दूरसंचार/ तकनीकीसेवायें/ रेलवे/ सीबीसीआईडी/ अभिसूचना/ भ्र0नि0सं0 /विशेष जॉच/ जांच/पीएसी/यातायात/रेलवे/उ0प्र0 पुलिस मुख्यालय/एस0आई0टी0/विशेष अनुसंधान शाखा सहकारिता, उ0प्र0।
2. समस्त जोनल अपर पुलिस महानिदेशक, उ0प्र0
3. समस्त परिक्षेत्रीय पुलिस महानिरीक्षक/पुलिस उपमहानिरीक्षक, उ0प्र0।

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.

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 24th 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 24th March, 2015, in the matter of Shreya Singhal Vs UOI.

महानिदेशक (लो०शि०)
पुलिस महानिदेशक
प्रदेश, लखनऊ

SPO Sir kulotaap.

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-CLFE/VOL.II dated 11.1.2019 of MeitY. You are requested to defend the matter in the Hon'ble Court.

ITEM NO.52 COURT NO.6 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

M.A. No. 3220/2018 in W.P. (Crl.) No. 199/2013

(Arising out of impugned final judgment and order dated 24-03-2015 in W.P.(Crl.) No. No. 199/2013 passed by the Supreme Court of India)

PEOPLES' UNION FOR CIVIL LIBERTIES Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(FOR ADMISSION and IA No.170338/2018-CLARIFICATION/DIRECTION)

Date : 15-02-2019 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Sanjay Parikh, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Apar Gupta, Adv.
Mr. Abhinav Sekhri, Adv.
Ms. Sanjana Srikumar, Adv.
Mr. Ritwick Parikh, Adv.

For Respondent(s) Mr. K. K. Venugopal, AG.
Mr. Tushar Mehta, SG.
Mr. Zoheb Hossain, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. G. S. Makker, Adv.

Mr. Siddhesh Kotwal, Adv.
Ms. Bansuri Swaraj, Adv.
Ms. Shreya Bhatnagar, Adv.
Mr. R. Sethupathy, Adv.
Mr. Gagan Narang, Adv.
Ms. Arshiya Ghose, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The learned Attorney General appears before us and has made a concrete suggestion, which we accept.

The suggestion is that copies of this Court's judgment in '*Shreya Singhal* v. *Union of India*' [(2015) 5 SCC 1] will be made available by every High Court in this country to all the District Courts. This should be done within a period of eight weeks from today.

Also, we direct the Union Government to make available copies of this judgment to the Chief Secretaries of all the State Governments and the Union Territories. This should be done within a period of eights weeks from today. The Chief Secretaries will, in turn, sensitise the police departments in this country by sending copies of this judgment to the Director General of Police in each State, within a period of eights weeks thereafter.

The application stands disposed of accordingly.

(NIDHI AHUJA)
COURT MASTER (SH)

(HARI SWAROOP PARASHER)
ASSISTANT REGISTRAR