

SHREYA SINGHAL v. UNION OF INDIA¹

The internet's growing usage and the quick development of technology have made digital communication an effective means of exchanging and expressing ideas. But this also sparked worries about how internet communication is regulated and the possibility that legal measures could be abused to subdue free speech. Section 66A of the IT Act, 2000 provided to penalise any messages sent through mobiles or computers which have menacing or offensive information spread to cause annoyance and inconvenience. The words 'annoyance and inconvenience', repeatedly used were vague in character and gave way to restrictions not permissible under Article 19(2). In the historic ruling in *Shreya Singhal v. Union of India*[ii], the constituent assembly's aim was reaffirmed, upholding the importance of the right to free speech and expression guaranteed by Article 19 of the Constitution.

Facts of the Case

Two women were detained by police under Section 66A of the IT Act (2000) for reportedly making inappropriate and disrespectful remarks on Facebook over the rightness of closing Mumbai by a political party following the passing of their founding leader. The girls were later released and the charges against them were dropped, but the incident caused huge public outcry. The central government responded to the public outcry by issuing an advice in January 2013 that said no one may be arrested under Section 66A without the inspector general of police or another high official's prior consent.

Later, Shreya Singhal filed a public interest litigation (PIL) contesting the constitutionality of Section 66A of the IT Act. Originally not included in the IT Act of 2000, section 66A was added through an amendment. The petitioner contended that Article 19(1)(a) of the Constitution's guarantee of the fundamental right to freedom of speech and expression was breached by Section 66A. Terms such as "annoyance," "inconvenience," and "obstruction," were vaguely defined and were left to subjective interpretations. The clause violated [Article 14](#) of the Constitution by establishing an irrational distinction between citizens and netizens. Although most citizens had the right to free speech and expression, Section 66A placed more stringent limitations on netizens.

Question of Law

¹ AIR 2015 SC 1523

The main issue raised before the Hon'ble Apex Court, was that section 66A was beyond the bounds of Article 19 (1) (a) of the constitution because the offense being defined did not fall under the definition of "reasonable restriction" as stated in Article 19 (2).

Whether the clause's ambiguity and broad space for interpretation made it unconstitutional and allowed arbitrary enforcement. Another issue raised was whether Article 14 of the Constitution was broken by treating internet speech differently than other types of speech.

if Section 66A could be preserved in accordance with the Constitution's Article 19(2) acceptable limits.

Judgement

The Court addressed three ideas essential to comprehending the fundamental right under Article 19(1)(a) and declared that Section 66A restricts a citizen's right to freedom of speech and expression. The Court also held Section 69A and IT (procedure & safeguard for blocking for access of info by the public) rules Constitutional and valid. The similar Section 118(d) of the Kerala Police Act was also struck down by the apex court.

The Supreme Court's ruling made clear the legal requirements for regulating speech on the internet. It underlined the necessity of specific and unambiguous legislation that guard against abuse and guarantee that speech limitations are appropriately commensurate to the interest being safeguarded.

References

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