

## BEAR SHOT DEAD

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## FOUR HELD FOR CHURCH ATTACK

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## BILL TO CURB POWERS TABLED

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## GANGULY WINS TITLE

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**LANDMARK JUDGMENT** Court terms IT Act provision 'unconstitutional', says definition of offences 'undefined'

# SC strikes down 'draconian' Section 66A

'It invades right to free speech, every expression used in it is nebulous'

Jayant Sriram

**NEW DELHI:** Section 66A of the Information Technology Act is unconstitutional in its entirety, the Supreme Court ruled on Tuesday striking down a "draconian" provision that had led to the arrests of many people for posting content deemed to be "allegedly objectionable" on the Internet.

"It is clear that Section 66A arbitrarily, excessively and disproportionately invades the right of free speech and upsets the balance between such right and the reasonable restrictions that may be imposed on such right," said a Bench of Justices J. Chelameswar and Rohinton F. Nariman. The definition of offences under the provision was "open-ended and undefined", it said.

The Bench turned down a plea to strike down Sections 69A and 79 of the Act, which deal with the procedure and safeguards for blocking certain websites and exemption from liability of intermediaries in certain cases, respectively.

In the judgment, the court said the liberty of thought

### UPHOLDING RIGHTS

**2008** UPA government amends IT Act, 2000, adds **Section 66A**, punishment up to three years in jail  
**Sept. 10, 2012** Aseem Trivedi held for cartoons allegedly **mocking the Constitution**  
**Nov. 19, 2012** Two girls held in Thane for **Facebook post**



The public's right to know is directly affected by Section 66A of the Information Technology Act — Supreme Court Bench

The law will no longer allow someone to be arrested for posting any content online

**questioning shutdown of Mumbai for Shiv Sena patriarch Bal Thackeray's funeral**  
**Nov. 29, 2012** Shreya Singhal **files a PIL against Act**, seeks amendment in Section 66A  
**May 16, 2013** Supreme Court **issues advisory** that arrests need consent of senior officers

or being grossly offensive or having a menacing character are not offences under the [Indian] Penal Code at all," the court held.

Holding several terms used in the law to define the contours of offences as "open-ended, undefined and vague", the court said: "Every expression used is nebulous in meaning. What may be offensive to one may not be offensive to another. What may cause annoyance or inconvenience to one may not cause annoyance or inconvenience to another."

The court pointed out that a penal law would be void on the grounds of vagueness if it failed to define the criminal offence with sufficient definiteness. "Ordinary people should be able to understand what conduct is prohibited and what is permitted. Also, those who administer the law must know what offence has been committed so that arbitrary and discriminatory enforcement of the law does not take place," the court said.

■ **VICTORY FOR COALITION OF LAWYERS, ACTIVISTS | PAGE 14**  
 ■ **FREE SPEECH VER. 2.0 | COMMENT**

## Centre plans security guidelines

Yuthika Bhargava

**NEW DELHI:** Union Communications and Information Technology Minister Ravi Shankar Prasad on Tuesday hinted that the government could bring out new, improved guidelines if security establishments demanded that the IT Act be strengthened in the wake of the quashing of its Section 66A by the Supreme Court.

He, however, added this will be done "objectively" after the "widest consultation."

"National security is of utmost importance. If, in the light of the Supreme Court judgment, security establishments need a structured response in the case of terrorism, extremist violence, promotion of communal violence through software technology, the government will take a view," he told presspersons.

Mr. Prasad, however, said these would be considered in a proper structured way.

## INSIDE

### PLANE CRASHES IN ALPS

#### All 150 on Germanwings aircraft killed

**SEYNE-LES-ALPES (France):** An Airbus operated by Lufthansa's Germanwings budget airline crashed in a remote snowy area of the French Alps on Tuesday, killing all 150 on board.

INTERNATIONAL | PAGE 16

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**EMPOWER**  
 — Pages 19 & 20

## CBFC turning into censoring body: Kamal

Udhav Naig

**CHENNAI:** Actor Kamal Haasan weighed in heavily on the attempt by Central Board of Film Certification to clamp down on use of expletives, accusing it of turning a 'censoring' body.

"It took us a long time to change the role of the board into a certification body. Today, there are efforts to again turn it into a censor board," he said. He pointed out how Tamil writer Jayakanthan's works cannot be appreciated fully without expletives. "This kind of censorship will stop Indian cinema from truly becoming international," he said.

■ **COUNTERS PLAGIARISM CHARGES | PAGE 2**

## HIGH FIVE FOR HAIDER

WINNERS OF THE 62ND NATIONAL FILM AWARDS

### BEST FILM



**Court**, Chaitanya Tamhane [Marathi]

### BEST HINDI FEATURE FILM



**Queen**, Vikas Bahl



■ **BEST ACTOR**  
 Sanchari Vijay, **Nanu Avanalla Avalu** [Kannada]



■ **BEST ACTRESS**  
 Kangana Ranaut, **Queen** [Hindi], second national award



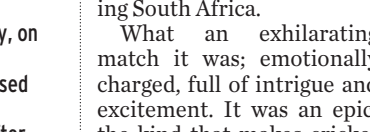
■ **HAIDER [HINDI]**  
 1 Best music director & Best dialogues  
 2 Vishal Bhardwaj



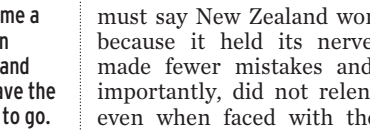
3 Best male playback singer  
 Sukhwinder Singh, **Bismil**



4 Best choreography  
 Sudesh Adhana



5 Costume design  
 Dolly Ahluwalia



Best popular film  
**Mary Kom**

REPORTS ON PAGES 4 &amp; 24

## Twitter Samvad to keep the conversation going

Yuthika Bhargava

**NEW DELHI:** The Union government launched a new platform, in association with Twitter, on Tuesday for direct communication among leaders, government agencies and citizens through tweets and text messages, helping boost e-governance plans.

To start with, the service has 16 partners, including Prime Minister Narendra Modi; the Chief Ministers of Andhra Pradesh, Gujarat, Uttar Pradesh and West Bengal, Chandrababu Naidu, Anandiben Patel, Akhilesh Yadav and Mamata Banerjee, respectively; the Railway Ministry; and the Bengaluru City Police.

"Based on Indian techno-

logical innovation, Twitter Samvad is dedicated [to], and specially built, for the largest democracy of the world. As part of the Prime Minister's Digital India initiative, this tweet-powered service enables citizens to be the first to know about the government's actions by receiving political content in real-time on their mobile devices anywhere in the country," said Dick Costolo, chief executive officer of Twitter, who met Mr. Modi on Tuesday.

Through Twitter Samvad, a set of curated tweets will be delivered every day from the accounts of the government and the leaders to mobile phone users as text messages.

■ **IT WILL COME IN HANDY IN CRISIS | PAGE 14**

## Elliott breaks jinx, takes Kiwis to final

### An epic contest befitting two gifted sides



It was a great day of cricket for New Zealand as it made World Cup history with its maiden entry to the final of the tournament by eliminating South Africa.

What an exhilarating match it was; emotionally charged, full of intrigue and excitement. It was an epic, the kind that makes cricket such a sporting spectacle. It was a reality show of human passion coming to the fore.

It left the South Africans shattered and in tears. But I must say New Zealand won because it held its nerve, made fewer mistakes and, importantly, did not relent even when faced with the harsh prospect of fumbling at the final hurdle.

The Kiwis had toiled for this moment of reckoning and deliverance. New Zealand was the superior side, giving its best in crunch situations. It was hugely motivated and credit to Brendon



South Africa-born Grant Elliott's knock was vital in ensuring New Zealand's victory. — PHOTO: AFP

McCullum as he tore into Dale Steyn and Co. to lay the foundation for a dramatic chase.

Rain played spoilsport for South Africa in World Cup matches in the past, and returned to haunt it in this match too. On resumption, all it got was five more overs in which it garnered 65 runs.

But South Africa fought. It fielded with gusto even as McCullum and the rest were on the rampage. But winning a game of this magnitude boils down to holding your

nerve. There were two turning points — when Rilee Rossouw and AB de Villiers missed running out Corey Anderson and then the dropped catch of Grant Elliott.

McCullum's inspiring captaincy and exploits with the bat stood out. But what stole everyone one's heart was the grace he showed in victory by lauding the opposition. Hard luck AB. You gave it your all to create this classic. It was indeed a game befitting a semifinal between two gifted sides.

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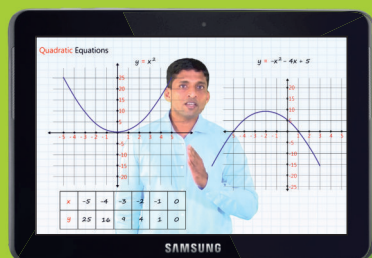
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