

## **Case name**

Shreya Singhal v. Union of India (2015) 10 SCC 459 (2015)

## **Case**

- The case involved a batch of petitions challenging the constitutional validity of Section 66A of the Information Technology Act, 2000.
- The Section made it an offence to send offensive messages through communication service, thus, messages sent with intent to cause annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, harassment, defamation or annoyance to the public, or to cause disloyalty to the Constitution or incitement to an offence.

## **Brief Summary**

- The Supreme Court observed that the right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India is subject to reasonable restrictions imposed by the State in the interests of the general public.
- The Court held that Section 66A of the Information Technology Act, 2000 is unconstitutional as it violates the right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India.
- The Court observed that the expression "grossly offensive or menacing character" used in Section 66A is vague and violative of Article 19(1)(a) of the Constitution.

## **Main Arguments**

- The main argument of the plaintiff was that Section 66A of the Information Technology Act, 2000 is unconstitutional as it restricts the freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India.
- The main argument of the defendant was that Section 66A of the Information Technology

Act, 2000 is a reasonable restriction on the freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India.

### **Legal Precedents or Statutes Cited**

- Article 19(1)(a) of the Constitution of India.
- Article 19(2) of the Constitution of India.
- Section 66A of the Information Technology Act, 2000.
- Faruk v State of Madhya Pradesh (1969) 1 SCR 156.

### **Quotations from the court**

- "The right to freedom of speech and expression under Article 19 (1) (a) is subject to the reasonable restrictions under Article 19 (2) of the Constitution. The right to freedom of speech and expression is not an absolute right. It is subject to reasonable restrictions imposed by the State under Article 19 (2)."
- "The expression "grossly offensive" or "menacing character" is vague and violative of Art 19(1)(a). The expression "grossly offensive" is not defined in Section 66A. The expression "menacing character" is also not defined."

### **Present Court's Verdict**

- The Supreme Court held that Section 66A of the Information Technology Act, 2000 is unconstitutional and violative of Article 19(1)(a) of the Constitution of India.
- The Court observed that the expression "grossly offensive or menacing character" used in Section 66A is vague and violative of Article 19(1)(a) of the Constitution.

### **Conclusion**

- The Supreme Court observed that the right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India is subject to reasonable restrictions

imposed by the State in the interests of the general public.

- The Court held that Section 66A of the Information Technology Act, 2000 is unconstitutional as it violates the right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India.