

# SC seeks response from the Government as arrests continue under scrapped draconian Law



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The Supreme Court today expressed shock on the continued use of the scra Section 66A of the IT Act and sought the response of the Central government

The petitioner, People's Union for Civil Liberties(PUCL) was heard by a bench of Justices Rohinton Nariman and Vineet Saran.

The Court issued notice to the Centre and directed that it's reply be filed within four weeks.

PUCL has stated in its plea that despite the clear and unequivocal holding of the Supreme Court in Shreya Singhal, Section 66A of the IT Act continues to be applied in the legal system.

A recent working paper by the Internet Freedom Foundation demonstrates that pending prosecutions under Section 66A of the IT Act not been terminated, and further that it continues to be invoked by police across India in First Information Reports registered after the judgment in Shreya Singhal.

The petition states that there are several quashing petitions filed before High Courts, from which it is apparent that trial courts and prosecutors are not




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actively implementing the decision of the Supreme Court, and the burden of terminating illegal prosecutions based on Section 66A of the IT Act is unfairly falling upon accused persons.

PUCL has submitted that the harm emanating from this state of affairs is enormous. Besides indicating disregard for the Constitution and the Supreme Court, the continued use of Section 66A of the IT Act is a direct violation of the fundamental rights under Articles 19(1)(a) and 21 of the persons against whom the provision is invoked.

It has therefore prayed that a direction be issued to the Central government to ensure compliance with the judgment in Shreya Singhal by issuance of appropriate circulars / advisories addressed to the Chief Secretaries of all States and Union Territories, and the Director Generals of Police of all States and Union Territories.

In March 2015, a Bench of Justices J Chelameshwar and Rohinton Nariman in Shreya Singhal v. Union of India struck down Section 66A of the IT Act as unconstitutional.



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