

Section 66A: Punishment for sending offensive messages through communication service, etc.

Any person who sends, by means of a computer resource or a communication device,-

- a) any information that is grossly offensive or has menacing character; or
- b) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, or ill will, persistently by making use of such computer resource or a communication device,
- c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages,

shall be punishable with imprisonment for a term which may extend to three years and with fine.

Explanation: For the purposes of this section, terms "Electronic mail" and "Electronic Mail Message" means a message or information created or transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, image, audio, video and any other electronic record, which may be transmitted with the message.

More Information on Section 66A of Information Technology Act, 2000:

[Download Supreme Court Judgment \(in PDF\) as to scrapping of Section 66A in the matter of Shreya Singhal V Union of India](#)
(Dated: 25 March 2015)

[Advisory to State/UT Govt. on implementation of Section 66A of the IT Act, 2000](#)] (Dated: 09 January 2013)

News #1: [Supreme Court rejects PIL alleging presence of repealed section in IT law](#) (July 24, 2017)

The Supreme Court today refused to hear a plea seeking a direction to the Centre to notify that Section 66A of the Information Technology Act has been struck down and it should not find a place in the statute book. Section 66-A of IT Act, struck down by the apex court on March 24, 2015 as being unconstitutional, still finds a mention in the law books and strangely, some courts are still entertaining cases under the provision, the plea alleged.

News #2: [SC on IT Act: Will examine Section 66A as it stands](#) (February 4, 2015)

The Supreme Court Tuesday asserted that it would not wait and examine the law as it stands today even as the Centre said a panel has been set up to review applicability of Section 66A of the Information Technology Act, which empowers the police to make arrests over contentious social posts.

News #3: [Sec 66A draconian, but is needed: Govt](#)](Feb 5, 2015)

Posting pictures and comments on social networking sites which hurt religious sentiments cannot be tolerated and people must be

prosecuted under Section 66A of the Information Technology Act, the Centre told the Supreme Court on Wednesday.

Justifying the need for such penal provision in the Act, the government said hurting religious sentiments comes under the category of "grossly offensive" under the provision and such acts must be penalized.

News #4: [Language of AIB vulgar, not obscene: Bombay High Court](#) [16 February 2015]

Granting interim relief to AIB, the Bombay High Court on Monday restrained the police from arresting any of the four stand-up comedians regarding the FIR registered against them in Pune. AIB has filed petitions seeking quashing of FIRs against them.

It said the language used in the show was vulgar and not obscene, as contended by complainants.

The petition also cited Supreme Court judgments regarding relief in cases where there was use of vulgar language.

The second petition, which seeks quashing of FIR filed against them in Mumbai, will be heard by the court on Tuesday.

The Bundgarden police had registered an FIR against the performers and organisers of AIB Roast held in Mumbai in December last year.

Just a few days ago, a Mumbai metropolitan court had directed the Tardeo police to file an FIR against the organisers of the show, actors Arjun Kapoor and Ranvir Singh, Deepika Padukone and Alia Bhatt, director-producer Karan Johar and the AIB team.

The court had issued directions after a private complaint was filed before it by Santosh Daundkar, an activist.

A PIL has also been filed against them in the Bombay High Court.

News #5: [Supreme Court rules Section 66 A of IT Act as unconstitutional for being vague](#) [24 March 2015]

The bench said the public's right to know is directly affected by Section 66 A and the Section clearly affects the right to freedom of speech and expression enshrined under the Constitution of India.

Further, the court said Section 66 A was unconstitutional because it failed two major tests ? the clear and present danger test and the tendency to create public disorder test. The court also found the language used in the Section vague and nebulous saying it doesn't properly define words like "offensive" or even "persistent".

The court said it can't go by government assurances that the Section won't be misused as any assurance would not bind on successive governments. Section 66 A it said, would have to be judged on its own merits.

The court said there is a difference between discussion, advocacy and incitement. Discussion & advocacy, no matter if annoying to some people, has to be allowed, it said.

A bench of justices J. Chelameswar and R.F. Nariman had on 26 February reserved its judgement on one of the most controversial issues regarding the freedom of expression that the court has had to deal with in recent times. The verdict was reserved after the government concluded its arguments contending that section 66A of the Information Technology Act cannot be declared unconstitutional merely because of the possibility of its ?abuse?.

The court, however, allowed the government to block websites if their content had the potential to create communal disturbance, social disorder or affect India's relationship with other countries.

News #6: [More Arrests under Sec 66A under IT Act](#)](dated 7 September 2016)

The Police made 3137 arrests under the defunct Section 66A of the IT Act in 2015, according to the National Crime Records Bureau. Of this, 82 citizens were juveniles, or under 18 years of age.

Overall 4,154 cases were reported under Section 66A during the year 2015 of which only 155 ended as 'final report false'. Considering the pending cases from the previous year (2014), the total cases under investigation for offences under this section stands at 7,572. The total arrests made under the IT act stood at 5,102, meaning arrests under Section 66A of Information Technology Act, that was declared unconstitutional by the Supreme Court of India in 2015 accounted for nearly 61.5% of all cases in which arrests were made.