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Progression of Information Technology Act 2000 and the Role of Judicial Construal

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ABSTRACT

In an age of technological innovation and increased use of social media, every person portrays one or other viewpoint that is relevant to politics, current affairs and many other subjects, but what if one could be legally convicted for expressing opinions. The landmark judgment of Shreya Singhal Case³, if any person posts "offensive content" on social media may be arrested under the section 66A of the IT Act, this was held unconstitutional. The Supreme Court took cognizance of all petitions pertaining to the constitutionality of provisions relating to 66A, 69A, and 79 of the IT Act of 2000, as well as the regulations issued under those sections. Pursuant to section 66 A of IT Act where in there where the arrests being made which were violating Article 19(1)(a) of the Constitution of India. This legislation, arbitrarily unfairly and disproportionately, infringes the right to freedom of expression and has no immediate connection with the stimulation to commit an offence. The apex court for indepth study for impact and content of free speech was comprehensively focused on American judgments. In addition, the Supreme Court recognized that the same degree of procedural oversight must be extended to laws that aim to restrict internet content as would be applied to laws that regulate more conventional media. This landmark Judgment signifies the triumph of freedom of expression in India.

Keywords: Social Media, Free Speech, Information Technology and Section 66A of the IT Act.

I. INTRODUCTION

In an age of technological innovation and increased use of social media, every person portrays one or other viewpoint that is relevant to politics, current affairs and many other subjects, but what if one could be legally convicted for expressing opinions. Anyone who posts "offensive content" on social media can be arrested under section 66A of the in the landmark judgment of Shreya Singhal Case. All petitions challenging the validity of sections 66A, 69A, and 79 of the Information Technology Act of 2000, as well as the rules enacted under those sections, were

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³ Shreya Singhal v. Union Of India, AIR 2015 SC 1523

considered by the Supreme Court.

The arrests were made under section 66 an of the IT Act, and they were for infringing Article 19(1)(a)of the Constitution. This Act infringes on the right to freedom of expression in an arbitrarily unjust and excessive manner, and has no significant link to the provocation to conduct an offence.

This Shreya Singhal vs Union of India case provided a much-needed remedy to curtail Section 66A's arbitrary and unjustified rights, which amounted to a gross breach of an individual's basic human right to freedom of speech. In this case, the Supreme Court has redefined the boundaries of an individual's rights. The Supreme Court, by striking down Section 66A, has not only granted free expression in India a new perspective, but it has also fulfilled its position as a constitutional court for Indians. The Supreme Court has restored uniformity to the law of free speech, which has been weakened in recent times. It is also significant in the history of the Supreme Court for a variety of reasons. The Shreya Singhal a special case in which the court goes to the extreme of finding a censorship legislation enacted by Parliament to be completely unconstitutional. It's also encouraging to note that the ruling has elucidated the extent of our right to freely express ourselves, as well as the narrow space allowed to the state in limiting this right to only the most uncommon or exceptional of cases.

As per Justice Nariman's opinion the freedom of expression and speech is "a cardinal right that is of utmost importance in our constitutional system, not only an aspirational concept. As a result, the court has protected the Constitution's tolerance principles with vibrancy and honesty. It must also give us the trust to think that we can now confront India's noxious censorship community. Finally, it is crucial to remember that the advancement of print and social media is one of the most important aspects for expanding the scope of human rights to the general public, and that needless legislative restrictions should not be able to obstruct this significant development.”

The Supreme Court for in depth study for impact and content of free speech was comprehensively focused on American judgements. In addition, the Supreme Court recognized that the same degree of procedural oversight must be extended to laws that aim to restrict internet content as would be applied to laws that regulate more conventional media. This landmark Judgment signifies the triumph of freedom of expression in India

(A) Research problem

The problem statement in this research study is that today, in the age of internet world, the method of sharing and communicating has been enhanced and it has developed the era of

Speech and expression each and every moment any place to any or through someone from anything anywhere due to the sheer technological advancement and its development in digital form in the context of e- devices like internet, mobile phones, and accessibility of the espoused information 24x7 on social networking sites like Facebook, YouTube and WhatsApp. Mahatma Gandhi once stated that if things are made visible, even the most illiterate person may comprehend the message and thought⁴. A whole other primary reason is an absence of governmental or statutory consent; while there are various statutory laws for governing electronic media, they are still not entirely appropriate to alter or fix the situation since the enactments statutory acts deals with the technicalities of electronic media rather than the information and content. The concept that freedom of speech and expression through electronic media is eroding harmony, stability, and unity is cause for considerable caution and should be addressed carefully⁵. The research problem has focused about how social media have used/misused freedom of speech and expression, as well as the reasonable restrictions that come with it. This research article intends to highlight the consequences of the broad freedom enjoyed on the social media and to propose methods for more effectively controlling and regulating the social media which would aid in good governance.

(B) Literature Review

The following are the articles, research papers and books, which are referred in this paper, and following are literature reviewed below:

“The Striking Down of 66A: How Free Speech Jurisprudence in India Found Its Soul Again” by Gautam Bhatia⁶, In this article the researcher notes that "it is the decision that has given the Indian Rule of Free Speech back its soul." The author further examines how the judgment in Section 66A of the IT Act makes it more straightforward and clear. Proximity, ambiguity and chilling effect are all expressly invoked in order to lay down a statute. The research study which further stated that they have been expressly introduced into the case law of Indian free expression and can be invoked in prospective free speech

“Regulation of social media in cyber space: A critical study of regulatory mechanism with special reference to India” by A Maurya⁷. The researcher in this research thesis has discussed

⁴Lukose Lisa. “Section 66A of Information Technology Act vis-a-vis Freedom of Speech and Expression: An Analysis in the Light of ShreyaSinghal v. Union of India”, Journal of Constitutional and parliamentary studies,(2014).

⁵Gupta Neeti, “Freedom of Speech Restored- 66A of IT Act Struck Down - A Case Commentary”, Indian Journal Of Applied Research (2015)

⁶Bhatia Gautam, “The Striking Down of 66A: How Free Speech Jurisprudence in India Found Its Soul Again”, Indian Constitutional Law and Philosophy (2015)

⁷Maurya Anil Kumar, “Regulation of social media in cyber space a critical study of regulatory mechanism with

about the issues that social media may cause, such as hate speech on social media, as well as the laws and institutions that regulate social media. The researcher also focused into extraterritorial jurisdiction in the context of social social media offences and laws governing social media in the United States, the United Kingdom, and India. Lastly, the international bodies that control the internet as well as significant challenges and suggested approaches have been discussed. The thesis objective is to perform a detailed examination of the efficiency of regulating laws and media regulatory authorities, as well as to examine the legal system's extraterritorial jurisdiction in cases of social media offences committed outside of its jurisdiction.

“Section 66A of Information Technology Act vis-a-vis Freedom of Speech and Expression: An Analysis in the Light of Shreya Singhal v. Union of India” by Lisa Lukose⁸, In this article the researcher highlights the history of the Indian Supreme Court's involvement with freedom of expression has been complicated and contradictory, As a result, whenever the Supreme Court rules on a significant free expression issue, the implications extend well beyond the particular judgment. Every case involving free speech supports conflicting ideals while undermining the other. The researcher further concludes that Shreya Singhal Case⁹ is a landmark case of the Supreme Court taking the drastic step of finding a censorship statute established by Parliament to be completely invalid.

“Challenging So-called Fake Media's Power Abuse with Social Media Verbal Abuse: Analysis of Twitter Interactions.” by Muhammad Hafeez & Tilwani¹⁰, The article highlights the question of how the current government is restricting rights of media and abusing its powers. The researcher n especially discusses the investigations undertaken by the CBI on the news channels in this article. The author of this article further outlines Article 19 of the Constitution and the limitations it imposes. This article is useful in comprehending Article 19 and understanding about the abuse of power by the current government.

“Republic of Rhetoric: Free Speech and the Constitution of India” by Abhinav Chandrachud¹¹ The The author of this book examines into India's sociopolitical and legal history from the British period to the present. This book explores the concept of 'free speech,'

special reference to India”, Department of Legal Studies RMNLU (2015)

⁸ Lukose Lisa. “Section 66A of Information Technology Act vis-a-vis Freedom of Speech and Expression: An Analysis in the Light of Shreya Singhal v. Union of India”, Journal of Constitutional and parliamentary studies, (2014).

⁹ Shreya Singhal v. Union of India, AIR 2015 SC 1523

¹⁰ Muhammad Hafeez & Tilwani. “Challenging So-called Fake Media's Power Abuse with Social Media Verbal Abuse: Analysis of Twitter Interactions.” Asian EFL Journal (2021).

¹¹ ABHINAV CHANDRACHUD, “REPUBLIC OF RHETORIC: FREE SPEECH AND THE CONSTITUTION OF INDIA” [Penguin Random House India (2017)]

often known as freedom of expression, in the United States. This book assesses whether the Constitution's enactment made a substantial change to the right to free speech by analysing current legislation pertaining to obscenity and free speech. This book, which is well-researched, authoritative, and anecdotal, presents points that have never been addressed before.

“Speech and law in Free Society” by Franklyn S. Haiman¹² in his book has stated that to maintain the peace and avoid harm to life and property should be the main objective of government is the measures fail the transgressors shall be punished. Further in his book, the author also compares *Brandenburg v. Ohio*¹³ to its precedents for a principle governing the law of incitement and he prefers the Supreme Court of the United States' judgement in *Brandenburg* as an appropriate viewpoint on laws restricting freedom of speech and expression because it requires a contextual analysis of every situation where speech is to be punished.

“Freedom to Express Includes Free Speech with Freedom to Offend” by Anand Mishra¹⁴, the author in this article highlights that the right to offend is important to our rights and that it should be included within the constraints of "freedom of speech" provided by the Indian Constitution. Every original and revolutionary thought, in the writer's opinion, is objectionable the first time it is presented. Darwin's theory on species evolution was objectionable to the churches, Galileo's vision of the universe was objectionable to the churches, and Gandhiji's concept of 'Satyagraha' was objectionable to Britishers but those ideas only served to accelerate human civilization forward in terms of development and progress.

(C) Hypothesis

In this current research paper we shall be focusing on how *ShreyaSinghal’s Case* has evolved the freedom of speech and expression in India. The research will try to find answers to certain questions such as-

1. Does Section 66A of the IT Act infringe on the fundamental right to free speech and expression?
2. Whether the landmark case of *ShreyaSinghal’s Case* has an impact on Freedom of Speech and expression in India
3. How far citizens may use the Internet to exercise their right to freedom of speech and expression?

¹² FRANKLYN S. HAIMAN, “SPEECH AND LAW IN FREE SOCIETY” [University of Chicago Press (2013)]

¹³ *Brandenburg v. Ohio*, 395 U.S. 444

¹⁴ Anand Mishra, “*Freedom to Express Includes Free Speech with Freedom to Offend*”, *Madras Law Journal* (2011)

4. What are the similarities and differences in the judicial interpretation of the freedom of speech and expression in USA and India

(D) Research Objectives

In this research study we are trying to critically analyze how the landmark case of Shreya Singhal's Case has impacted on IT Act 2000. The objectives of this research study are as follows:

- The primary objective of this paper is to delve into the landmark case of Shreya Singhal's Case and to understand the judicial contribution and judicial activism relating to Freedom of speech and expression
- To examine new aspects of the right to freedom of expression and speech.
- To critically examine the Shreya Singhal's Case and ascertain the constitutionality of 66A of IT ACT 2000
- To understand the judicial contribution and judicial activism relating to Freedom of speech and expression.

(E) Research Methodology

The study will follow a doctrinal research method that would involve an elucidation of articles, research papers and books examining the impact of Shreya Singhal's Case on Information Technology Act 2000. The study shall include an analysis of non-empirical data obtained from different books and journals sources. This research article has been analyzed by focusing on secondary sources of data such as papers, articles and other online sources.

II. FREEDOM OF EXPRESSION AND SPEECH: ASSESSMENT BETWEEN A DEVELOPED COUNTRY AND INDIA

The United States of America and India, two of the world's biggest democracies, both guarantee the right to free expression and expression. The US and Indian constitutions are nearly identical in terms of free expression provisions. Article 19(1)(a) of the Indian constitution applies to the First Amendment to the Constitution of United State which states, "Congress shall make no statute... abridging the freedom of expression or the press."

The words "blessing of liberty on ourselves" appear in the preamble of the US constitution, much as they do in India. In 1787, George Washington presided over the signing of the country's constitution in Philadelphia. The Bill of Rights, which was enacted by the parliament in 1791, was the first important change to the constitution. The ten amendments to the constitution specifically give human dignity and freedom to the citizens of the United States.

The first amendment under United States Constitution guarantees the right to free speech and expression as "Congress shall make no statute abridging the freedom of expression." By concept, speech communication is a social experience that requires the participation of at least two people.

In the very first landmark first landmark cases in which the Supreme Court of United States was approached to invalidate a statute that violated the Free Speech Clause was *Schenck v. United States*¹⁵. This case was related to invalidate the Sedition Act of 1918 which made offensive, disloyal comments against the government unlawful. "The issue in any case is whether the terms used are used in certain cases and are of such a kind that they can bring on the substantive horrors that Congress has a right to avoid," the Supreme Court said in this case. As a result of this case, the court developed a new theory known as "clear and present risk."

The Article 19 of the legislation the Universal Declaration of Human Rights (UDHR) provides the right to free speech and expression. It declares that everyone without interference has the fundamental freedom right to freely express their own opinions and beliefs. freedom of expression apart from UDHR is protected under Article 19 of the "International Covenant on Civil and Political Rights" (ICCPR). It states "everyone shall have the right to freedom of expression; this right shall entail the freedom to search, obtain, and impart knowledge and ideas of all sorts, regardless of frontiers, orally, in literature, or in print, in the medium of art, or in any other media of his choice."

The United Nations Human Rights Council unanimously declared on July 5, 2012, to protect each and every individual's right to free expression and speech on the internet. It was the first UN declaration asserting that citizens' human rights must be protected in the same way that they are protected in the physical world.

The Indian Supreme Court has imported United States (US) jurisprudence in a contradictory way. Some courts have held that the first amendment under American constitution has no exceptions and therefore is incompatible with Indian law, although others have relied on American precedent where necessary. The cases of *K A Abbas*¹⁶ and *Ranjit Udeshi*¹⁷ show how Indian courts have sometimes added an additional limit to the eight available in 19(2) the basis of public interest. In India while first amendment of American constitution is applicable, the bench emphasises in its decision, which Prakash Pranesh described as a masterpiece in free expression jurisprudence, that the sole exception is the US law's "serving the general public

¹⁵ *Schenck v. United States*, 249 U.S. 47 (more)63 L. Ed. 470

¹⁶ *K A Abbas v. Union of India*, 1971 SCR (2), 446

¹⁷ *Ranjit Udeshi v. State of Maharashtra*, 1965 SCR (1) 65.

interest." This well-written judgment will hopefully help future judges understand how to apply precedent from American free speech issues in their own contexts.

As a result, the only distinction between the United States and India in regards of freedom of expression and speech is that in the United States, there is an undeniable need to achieve an intrinsic independent approach or pass the muster test, while in the India, Freedom of expression and speech will be limited only if it did not satisfy the 8 conditions stated in Indian Constitution under the Article 19(2).¹⁸ The Apex Court upheld the people's right to free expression and speech under Article 19(1)(a) of the Indian Constitution and restricted the executive branch from abusing its authority.¹⁹

III. ANALYSIS OF SHREYA SINGHAL CASE

The division bench of Supreme Court in the Shreya Singhal case upheld the people's right to freedom of expression and speech, as guaranteed by Article 19(1) (a) of the Constitution, and limited the executive branch's irrational use of force. The court in this judgement has also provided the legislature with crystal simple rules for enacting legislation relating to Freedom of expression and speech, with some fair limitations. However, it should be noted that each and every viewer has a democratic right to know whether he or she is being restricted from viewing particular content in the digital world, which the Apex Court failed to mention in its decision.²⁰

Because of the Internet's global reach and privacy, crimes perpetrated through it are more severe. It acts as a virtual barrier for the content creator, making it very rare that he or she will be captured. Apart from that, the intermediaries will never invest time in safeguarding third-party material and will fail to engage in some form of conflict. As a result, notwithstanding the executive authorities' proclamation to the contrary, the material available on the internet will be accessible to a wider audience around the globe. While deciding this case, the Supreme Court emphasised precedents stating that the fundamental right to free expression and speech is also safeguarded in Indian Constitution under Article 19, which provides that any citizen of the country is allowed to express his or her opinions and thoughts.²¹

This was reaffirmed in the case of *Maneka Gandhi v. Union of India*²². The Supreme Court

¹⁸THE HINDU, <https://www.thehindu.com/opinion/lead/the-judgment-that-silenced-section-66a/article7032656>. (Last visited on April 03, 2022 at 3.39 AM)

¹⁹ S R MYNENI, INFORMATION TECHNOLOGY LAW (CYBER LAWS), (Asia Law House 2017)

²⁰Dr. Shilpa Jain, "Shreya Singhal V. Union Of India: A Reinforcement Of Freedom Of Speech And Expression", Bharati Law Review, 2015

²¹Lukose Lisa. "Section 66A of Information Technology Act vis-a-vis Freedom of Speech and Expression: An Analysis in the Light of Shreya Singhal v. Union of India", Journal of parliamentary and Constitutional studies, (2014).

²² Maneka Gandhi v. Union of India, 1978 SCR (2) 62

in this case held that your right to express and have personal opinions there no geographical jurisdictions it can even exist to both national and foreign jurisdiction. In the other landmark case of *Romesh Thappar v. State of Madras* the Apex Court went on to interpret and examine the meaning of Article 19, correctly arguing that the freedom of the media to share thoughts and viewpoints is indeed required by the universal right to speech and expression.²³

To decide the parties skill and competence, the Apex Court of India depends on the state's technological, complicated, and risky mechanism. For example, laws pertaining to website blocking have been enforced on the assumption that first, the laws regulating website blocking allow a reasonable probability of being reached and revealed to the suspected criminal, and second, the intermediaries will explain and safeguard online content from being removed by a government-created executive authority. In addition, these deductions are inept and trivial.²⁴

The Supreme Court's judgment has no impact on this legislation, despite the fact that it was challenged in the *Shreya Singhal* case. As a result, a notice notifying government blocking orders for the identified material should be put on the hosting website to preserve the accountability doctrine. This will not only inform copyright owners and viewers of the content that the executive authority has demanded be excluded, but it will also improve digital accountability.²⁵

IV. CONSTITUTIONAL VALIDITY OF SECTION 66A OF IT ACT 2000

Section 66A of the IT Act was incorporated in a hastily enacted provision. Unfortunately, this provision's wording was a mix of out-of-date international legislation, including the US Telecommunications Act of 1996, the Malicious Communications Act of 1988, and UK Communications Act of 2003. This provision has been abused since the amendment to allow public evidence of innocent but uncomfortable speech.²⁶

The Supreme Court while admitting the *Shreya Singhal* case, the following are the key points raised by the petitioners in the writ petitions opposing section 66A: Section 66A violates the constitutional right to free expression granted by Article 19(1)(a), which is not covered by Article 19(2) of the Constitution. Section 66A is fraught with controversy and has a negative effect on Freedom of expression and speech; Section 66A violates Article 14 of the

²³*Romesh Thappar v. State Of Madras* (AIR 1950 SCC 124)

²⁴Bhatia Gautam, *"The Striking Down of 66A: How Free Speech Jurisprudence in India Found Its Soul Again"*, Indian Philosophy and Constitutional Law (2015)

²⁵INDIASPEND, <https://www.indiaspend.com/police-continue-to-make-arrests-using-unconstitutional-section-66a-of-it-act-struck-down-by-supreme-court-3-years-ago> (Last visited on April 07, 2022 at 1.25 AM)

²⁶Dube Dipa, *"Section 66 A, Information Technology Act, 2000: A Critique In Wake Of Supreme Courts' Judgments"*, Bharati Law Review (2016)

Constitution's right to freedom; Section 69A and the laws enacted under it are discriminatory because they lack procedural protections. Section 79 is ambiguous and subjective, and the Intermediary Guidelines Rules, 2011, go beyond the limitations set out in Article 19(2); The Section 118(d) of Kerala Police Act is not protected by article 19(2) and violates article 19(1)(a). The court in *Kameshwar Prasad v. The State of Bihar* ruled that section 66A was illegal because it failed to pass two main tests: the "simple and present test" test and the "tendency to cause public disturbance" test. The Court also found that the wording in the challenged section is ambiguous and nebulous, with no clear meanings for terms such as "inflammatory" or "persistent."

The connection between the message and possible actions based on the message is conspicuously missing. The court ruled that where expression is restricted for the sake of good order, the statute imposing the restriction would meet a "simple and present test" requirement. For information to be prohibited or restricted, it must have the power to (i) instigate or provoke public disorder, and it must be proximately related with such disorder. The court used the *Kameshwar Prasad*²⁷ and *Lohia*²⁸, as well as the "Holmes J used the "Clear and Present Danger-Tendency to Affect" test in *Schenck v. United States*.²⁹, to find that the section lacks some feature of any potential to cause disorder in public, In order for it to be legally justified, it should be a major component of the offence that it produces.

The Supreme Court ruled that Section 66A is unconstitutional as it includes both protected expression and harmless speech, preventing it from being used in a way that restricts free speech, and thus must be repealed owing to overbreadth. Using Romesh Thappar's judgment as a precedent, the court held that Section 66A does not come within any of the subject matters listed in Article 19(2). Because the court recognised that it may be used for reasons other than those mentioned, it decided that no component of section 66A is severable and that the statute as a whole is unconstitutional.

Section 79 Of It Act 2000 And Its Revocation: Section 79 of the Information and Technology Act of 2000 has an exception provision that allows intermediaries like Facebook and YouTube access to access content submitted by users who utilise their services under certain circumstances. A website will only be blocked under Section 69A of the IT Act after a series of administrative laws and regulations have been violated, including speaking with the originator and intermediary. If violated than the Designated Officer, in accordance with the 2009 Rules,

²⁷ *Kameshwar Prasad and Ors. v. The State of Bihar and Anr.* MANU/BH/0048/1959"

²⁸ *Dr. Ram Manohar Lohia v. State Of Bihar*, 1966 SCR (1) 709

²⁹ *Schenck v. United States*, 249 U.S. 47 (more) 63 L. Ed. 470

if the Designated Officer so orders, or the Hon'ble Court of Law must then take the website down or make it offline.³⁰

The constitutionality of the provisions was upheld by the Supreme Court, but with two caveats. It interpreted the IT Act's section 79(3) (b) on intermediary liability as meaning that an intermediary is only liable if it fails to "immediately delete or disable access to such material" after "having received factual info out of a court order or been told by the respective authority that illegal actions related to Article 19(2) are going to be committed."³¹ It's important to note that the court's order must comply to the subject matter listed Indian Constitution under Article 19(2). The Supreme Court in this context decided that the wrongful conducts are punishable under Article 19(2) are not protected by Section 79, and so denied the petitioner's request to have Section 79 of the IT Act revoked.³² The judgment only addresses half of the problem by requiring intermediaries to give up their protection if they don't adhere to the orders passed by court or government. Without accompanying the authoritative mandates or court judgements the private takedown notices submitted directly to the intermediary are no longer lawful. The Supreme Court also observed that deciding the requests are legitimate and which are not would be almost difficult to go through million of request for intermediaries and websites like Google, Facebook, and others.

V. CONCLUSION & SUGGESTIONS

In 2015, the Supreme Court of India handed down a historic judgement in the case of Shreya Singhal. For a variety of grounds, the decision is landmark in Supreme Court history. It has brought clarification to India's free expression jurisprudence, which could inform legislative drafting and judicial decisions in the future. Free speech is sometimes referred to as negative freedom, and is secured by judicial interference.

- The judiciary has a key role in protecting freedom of expression and speech in a democratic society. The right to free expression must be balanced against the right to preserve one's integrity and honor, and the latter cannot be left solely to the laborious provision of the IPC.
- The judicial system must adapt to the demands, arguments, and desires of the social order under which it operates. In this case, the Indian judiciary could serve as the

³⁰Bindu Sharma, "Repeal Of Section 66a, Information and Technology Act: A Critical Appraisal", Journal of Critical Reviews (2020)

³¹ Superintendent, Central Prison, Fatehgarh v. RamManoharLohia (1960) 2 SCR 821

³²Muhammad Hafeez&Tilwani. "Challenging So-called Fake Media's Power Abuse with Social Media Verbal Abuse: Analysis of Twitter Interactions." Asian EFL Journal (2021).

conscience of the Indian people, upholding the higher principles and beliefs enshrined in the Constitution.

- Though overturning Section 66A, the Supreme Court failed to consider its reasoning in light of the current berserk social media community, which violates others' rights, privacy, and integrity.³³

The need to mitigate the negative consequences of unrestricted online speech and expressions in a multicultural and undereducated environment vulnerable to incitement based on religious and other factors has not been thoroughly recognized. The legislature now bears the responsibility of enacting a contemporaneous new statute that meets all aims, namely protecting the freedom of the masses to free expression while still upholding the quality of life for persons. This statute must be rewritten with the Supreme Court's findings in mind. A suitable version of Section 66A is an immediate condition of a well-functioning society. I agree that the Supreme Court's decision to rule in favor of Shreya Singhal was reasonable.

- After analyzing the whole concept of regulations related to social media, online speech violations of freedom of speech, expression and its impacts this research article suggests that the current out dated legislation and policy's should be updated to support modern standard, especially those that deal with social media communication.
- The research article also suggests that education regarding social media communication and its impacts should be included in curriculum for coming generations, and that children should be taught about the advantages and drawbacks of the information they save or share through social media.

³³DeepaKharb, "Section 66A Of The Information Technology Act, 2000 Quashed As Unconstitutional", Journal for Indian Law Institute (2019)

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