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SHREYA SINGHAL v. UNION OF INDIA

-Krisika Chhetri

Citation:

(2015) 5 S.C.C 1; AIR 2015 SC 1523

Bench:

Justice Jasti Chelameswar and Justice Rohinton Fali Nariman

INTRODUCTION

This case examines the efficiency of Indian Judiciary by striking down the most important Section of 66A under the Information and Technology Act, 2000 whose provisions stated the punishment for sending or uploading an offensive content or messages through a computer or communication devices such as mobile phone or tablet was of maximum imprisonment of three years in jail along with a fine.

This Section was misused widely and the very large amount of people who were innocent who based their speech and content on the morality and positive criticism which this Section failed to distinguish from the actual abusing content which made public inconvenience or annoyance.¹

Over the past couple of years, it has been observed that the police have arrested many broadcasting agencies that have posted content that was grossly offensive in character or caused annoyance, inconvenience, or obstruction. Another aspect arose from this vague Section was the violation of the fundamental right guaranteed to us by the Constitution Of India that is

¹ *Shreya Singhal V. Union of India*, Manupatra Academy (June 23, 2026, 17:06), <https://www.manupatracademy.com/legalpost/manu-sc-0329-2015>

Article 19(1)(a) Right to Freedom of Speech and Expression. By Quashing Section 66A² The Supreme court not only prevent its misuse targeting the positive criticism, but also gave a new and fresh life to free speech in India and plays a very important role in the Indian Legal system.

BACKGROUND

Mumbai police arrested two girls Shaheen Dhada and Rinu Srinivasan in 2012 for communicating their dismay at a bandh brought in the wake of Shiv Sena boss Bal Thackeray's demise. The girls posted their remarks on the Facebook. The arrested girls were discharged later on and it was decided to drop the criminal cases against them yet the arrests of them pulled in across the country protest. It was presumed that the police have abused its authority by invoking Section 66A at the same time it is a breach of fundamental right of speech and expression. The offence under section 66A of IT act being cognizable, law enforcement agencies have authority to arrest or investigate without warrants, based on charges brought under the information technology act. The outcome of this was many high-profile arrests of people throughout the country for posting their views and opinions, whereas the govt called them 'objectionable content'; more often, this content was dissenting political opinions.

FACTS

On 17th November 2012, the socio-political forum of Maharashtra, India suffered deep trauma due to the death of Shree Babasaheb Thackeray, fondly called as 'Hindurudhay Samrath' by many. To pay homage to the departed Soul, a 'Mumbai band' was announced for two days after his death. Two law students, namely Shaheen Dada³ and Rinu Srinivasan had liked and posted a Facebook status which was offensive and objectionable criticising the decision of the Mumbai band later was arrested by the Mumbai Police under Section 66A of the Information Technology Act of 2000 (ITA), which punishes any person who sends through a computer resource or communication device any information that is grossly offensive, or with the knowledge of its falsity, the information is transmitted for the purpose of causing annoyance, inconvenience, danger, insult, injury, hatred, or ill will. Later, they were released, and the criminal cases against them were closed, but this attracted widespread protest. A writ Petition was filed in the public interest under Article 32 of the Constitution of India by the petitioner to declare 66A, 69A and 79 under The Information Technology Act, 2000, as unconstitutional

² The Information Technology Act, S 66A

³ Mohd. Owais Farooqui, Aftab Alam, *Shreya Singhal V. Union of India: Case analysis*, Volume 1 Issue 1, International Journal of Law, 1 (2015)

because of their broad and vague nature, which made it expose to abuse and thus violated the fundamental Rights of an individual under Article 14, 19(1)(a) and 21.

ISSUES

The following issues were raised in this case:-

- (i) Whether Section 66A of IT Act is Violative of Article 19(1)(a) of Constitution of India? ⁴
- (ii) Whether Sections 69A and 79 of IT Act are Constitutionally valid?
- (iii) Whether Section 118(d) of the Kerala Police Act is liable to be struck down

JUDGEMENT

The Supreme Court after persuading both the sides delivered a unanimous judgement where the main issue was whether Section 66A of ITA violated the right to freedom of expression guaranteed under Article 19(1)(a) of the Constitution of India. As an exception to the right, Article 19(2) permits the government to impose reasonable restrictions in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.⁵

The Petitioners argued that 66A was unconstitutional as it intended protection from any annoyance, danger, insult, or injury etc. That by this Section Article 19(2) of the Indian Constitution was also violated and the law was vague in nature. They also included that it had a chilling effect on the right to freedom of expression. On the other hand, the Government argued that mere presence of abuse in the Section may not be a ground for declaring it unconstitutional. The Court first discussed three fundamental concepts in understanding the freedom of expression: discussion, advocacy, and incitement. The Court first discussed three fundamental concepts in understanding the freedom of expression: discussion, advocacy, and incitement. The Court also addressed whether Section 66A is capable of imposing chilling effect on the right to freedom of expression. It held that because the provision fails to define

⁴ *Shreya Singhal v. UOI: Section 66A Struck Down*, SCRIBD (23 June,2026, 21:00), <https://www.scribd.com/document/480466012/BLUEBOOK-STYLE-OF-CITATION-20TH-EDITION-2>

⁵ Abhinav K Shukla, *Shreya Singhal v. Union of India: A Critical Analysis*, The Society for Constitutional Law Discussion, (2024)

terms, such as inconvenience or annoyance, a very large amount of protected and innocent speech could be curtailed.

The judgment has preserved and saved the freedom of speech and expression given to people under article 19 (1) (a) of Indian Constitution and also restraining state from arbitrary apply of power in context to freedom mentioned under article 19 of the constitution. Eventually, Section 66A is struck down entirely; Sections 69A and 79 were held valid after examining the sections, and Section 118(d) of the Kerala Police Act was also struck down⁶. The Petitioner's arguments were therefore upheld in the judgment.

ANALYSIS

Upon the analysis of the Judgement, there are multiple observations which follow which are as follows: -

Victory of Free Speech: - The Judgement affirmed that free speech is important in a democracy. By striking down Section 66A, the Court prevented arbitrary criminalisation of online speech. This is an example of how the judiciary steps in to protect the fundamental rights of a citizen when they have been violated by the executive authority.

Failure of Legislative Drafting: - Section 66A of The Information Technology Act, 2000 was drafted in such a manner that it gave the provisions a broader scope without highlighting the restrictions or limitations of any kind, and the main purpose of preventing any cyber threats was weak; other existing laws addressed these concerns.⁷

Vagueness: -Section 66A doesn't clearly define the expression stated in its provisions, and the scope has been widened, and it has a vague meaning. What may cause annoyance or inconvenience to one cannot cause the same annoyance to another. This Section clearly, arbitrarily and excessively invades the person's right to free speech.

Chilling effect and overbreadth: - Section 66A of the IT Act, 2000 is cast so widely that virtually any opinion on any subject would be covered by it, as any serious opinion dissenting with the mores of the day would be caught within its net. Such is the reach of the Section, and if it is to withstand the test of constitutionality, the chilling effect on free speech would be total.

⁶ *Shreya Singhal v. Union of India*, Global Freedom of Expression (24 June, 2026, 15:00), <https://globalfreedomofexpression.columbia.edu/cases/shreya-singhal-v-union-of-india/>

⁷ Saiprasad Ameet Vaidya, *Case Comment: Shreya Singhal v Union of India: A War against Draconian Executive Power*, Jus Corpus Law Journal, 1 (2025)

Therefore, the Section is unconstitutional as it takes within its sweep protected speech and speech that is innocent in nature and is liable, therefore, to be used in such a way as to have a chilling effect on free speech and would, therefore, have to be struck down on the ground of overbreadth.

CONCLUSION

The Honourable Supreme Court in this Landmark Judgement proves the efficiency of the Indian Judiciary in curtailing the excessive and arbitrary power of the executive organ of the body, which violated the fundamental rights of a citizen in a draconian way.

The Shreya Singhal v Union of India Judgment marks a monumental victory for the protection of individual liberties in the digital age and sets a precedent for the preservation of democratic values in India. By striking down Section 66A of the Information Technology Act, the Supreme Court not only upheld the sanctity of Article 19(1)(a) but also reinforced the principle that vague and arbitrary laws cannot be allowed to curb the fundamental freedoms of citizens. The verdict is a testament to the judiciary's role as the guardian of the Constitution and a necessary check on the misuse of executive powers.