

## HIGH COURT OF MADHYA PRADESH : JABALPUR

Endt. No. B/1269 (IT Act)  
III-6-4/13

Jabalpur, dt. 19/02/19

The copy the order passed by Hon'ble Supreme Court of India, dt. 24.03.2015 in Writ Petition (Criminal) No.167/2012 Shreya Singhal Vs. Union of India – regarding striking down of Section 66-A of IT Act, is forwarded to –

- (i) The District & Sessions Judges.....(all in the State) with a request to circulate the copy of the same to all the Judges working under your kind control for information & compliance of directions regarding striking down of Section 66-A of IT Act.
- (ii) The District & Sessions Judge (Inspection Vigilance), Jabalpur / Indore / Gwalior;
- (iii) The Director MPSJA for information & needful ,
- (iv) Director General of Police Jahagirabad, Police Headquarter Bhopal
- (v) The Principal Registra, Bench at Indore/Gwalior High Court of M.P., Jabalpur.
- (vi) P.S. to Hon'ble the Chief Justice ,High Court of Madhya Pradesh Jabalpur for placing the matter before His Lordships,
- (vii) P.S. to Registrar General/ Principal Registrar(Judl)/ Principal Registrar (Inspection & Vigilance),/ Principal Registrar (Examination) / Principal Registrar (ILR) High court of Madhya Pradesh Jabalpur,
- (viii) Registrar(J-I),(J-II) /(D.E.)/(A)/ (Vig.)/ (VI.)/ High Court of Madhya Pradesh, Jabalpur.
- (ix) The Registrar(IT) for uploading the same on the Website of High Court of M.P.

  
(B.P. SHARMA)  
REGISTRAR(DE)

**REPORTABLE**

IN THE SUPREME COURT OF INDIA  
CRIMINAL/CIVIL ORIGINAL JURISDICTION  
**WRIT PETITION (CRIMINAL) NO.167 OF 2012**

SHREYA SINGHAL ... PETITIONER

VERSUS

UNION OF INDIA ... RESPONDENT

WITH

**WRIT PETITION (CIVIL) NO.21 OF 2013**

**WRIT PETITION (CIVIL) NO.23 OF 2013**

**WRIT PETITION (CIVIL) NO. 97 OF 2013**

**WRIT PETITION (CRIMINAL) NO.199 OF 2013**

**WRIT PETITION (CIVIL) NO. 217 OF 2013**

**WRIT PETITION (CRIMINAL) NO.222 OF 2013**

**WRIT PETITION (CRIMINAL) NO.225 OF 2013**

**WRIT PETITION (CIVIL) NO.758 OF 2014**

**WRIT PETITION (CRIMINAL) NO.196 OF 2014**

Article 19(2) obviously cannot form any part of Section 79. With these two caveats, we refrain from striking down Section 79(3)(b).

118. The learned Additional Solicitor General informed us that it is a common practice worldwide for intermediaries to have user agreements containing what is stated in Rule 3(2). However, Rule 3(4) needs to be read down in the same manner as Section 79(3)(b). The knowledge spoken of in the said sub-rule must only be through the medium of a court order. Subject to this, the Information Technology (Intermediaries Guidelines) Rules, 2011 are valid.

119. In conclusion, we may summarise what has been held by us above:

(a) Section 66A of the Information Technology Act, 2000 is struck down in its entirety being violative of Article 19(1)(a) and not saved under Article 19(2).

(b)Section 69A and the Information Technology (Procedure & Safeguards for Blocking for Access of Information by Public)

Rules 2009 are constitutionally valid.

(c)Section 79 is valid subject to Section 79(3)(b) being read down to mean that an intermediary upon receiving actual knowledge from a court order or on being notified by the appropriate government or its agency that unlawful acts relatable to Article 19(2) are going to be committed then fails to expeditiously remove or disable access to such material. Similarly, the Information Technology "Intermediary Guidelines" Rules, 2011 are valid subject to Rule 3 sub-rule (4) being read down in the same manner as indicated in the judgment.

(d)Section 118(d) of the Kerala Police Act is struck down being violative of Article 19(1)(a) and not saved by Article 19(2).

All the writ petitions are disposed in the above terms.

.....J.  
(J. Chelameswar)

.....J.  
(R.F. Nariman)

New Delhi,

24th March, 2015