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The Sad Demise of Sec 66A: The Invalid Validity

by
Aarti Tolia*

*Abstract — The Palghar case:— Shaheen's Facebook status update,—
"Every day thousands of people die. But still the world moves on. Just due
to one politician dead, a natural death everyone just goes crazy they should
know. We are resilient by force not by choice. When was the last time did
anyone show some respect or even a 2 minutes silence for Shaheed Bhagat
Singh, Azad, Sukhdev or any of the people because of whom werfree living
Indians...respect is earned not given and definitely not forced.*

Today, Mumbai shuts down due to fear not due to respect!!!"

These 89 words, approximately 7-8 lines, comment on Facebook created havoc in the law enforcement agencies, judiciary and the society. In this paper, I strive to articulate an account of the Hon'ble Supreme Court of India's judgment to squash Section 66A of the Information Technology Act, 2000 and the messed up police system in India.

The hope is that this paper will shed light on several-behind-the internet veil issues that have created online atrocities, if left unmonitored. How the social networking sites have been freed without any section to bring to book the wrongdoers. Among the prevailing online wrongs the easiest and repeated offence/tort is sending menacing messages and posting photos and hurtful messages easily on the social networking sites. Section 66A short lived life was the outcome of few handful bluecoat untrained cyber-tech law enforcement agents influenced by and under the pressure of the politicians power with less or no knowledge by either about the cyber space & cyber law.



INTRODUCTION

Conceived on 22nd December 2008 and born on 5 February 2009 Section 66A waived good-bye to the legal world at an early age of 6 years. The immature interpretation of Section 66A by a handful of tech-untrained law enforcement agents has made the Hon'ble Supreme Court (SC) squash the section 66A. On 24th March 2015, the newspapers and news channel renamed Section 66A as 'draconian', 'unconstitutional' and 'vague' with discussion and debate on the ambit of the Section and its applicability to online actions.

The Information Technology Act, 2000 (ITA-2000) and its amendment in 2008 (ITAA-2008) was a ray of hope to control the online atrocities going on social networking sites (Facebook etc.). Doubtless, the most easy and quick way to show love, hate, affection, in relation or break off, anger or abuse, achievements, awards, boost, business advertisement and show off to the world at large is via online message which cannot be better than posting on the social networking sites like Facebook etc. Every person who is reading this article right now has for sure account on social networking sites and other internet sources. To bring to book all the offences and

abuse rising out of the fearless misuse of the social networking sites has no caretaker legislation making users use it more boldly. The ITAA 2008 as a drop in the ocean had barely anything to address many and all online-offences and was further lamed due to repeal of section 66A.

The police officials screwed-up with Section 66A over and over again making the Act look like an alien section in the eyes of the Indian Judiciary to an extent that the Supreme Court concluded the better way to come out of these botches is to abrogate the section for once and all.

The Amendment to the Act had brought few appreciable welcome changes among which, one was section 66A as a sigh of relief. Section 66A dealt with sending offensive messages, applied to grossly offensive or menacing or false information and also covered cyber-bullying, cyber-harassment, cyber-stalking and phishing.

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

(Introduced vide ITAA 2008)

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



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- 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 makes 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 (Inserted vide ITAA 2008), shall be punishable with imprisonment for a term which may extend to two 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.- 66A (a) information that is grossly offensive or menacing under 66A (b) information that causes annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, or ill will and 66A (c) causes annoyance.

As this section was first time used to block a site in the case of defamation in the Delhi High Court case of *E2labs v. Zone-H.org*¹, in this case the remedy sought was shutting down of a website which allegedly hosted some defamatory content but as the defendant was a foreigner and he did not respond to the notices of the court thus the court passed an interim order to block the website which was not challenged and the website permanently remained closed. This case created a notion that section 66A can be used for defamatory matters posted online and thus 66A is not restricted to the Constitutional Rights under Article 19(1)(a). This section penalises for sending offensive and false message through electronic communication services and internet, including emails and social networking sites which has imprisonment up to three years of jail and penalty. The best example for this can be the arrest on demeaning

comments on Facebook post of Bal-Thackeray and Tweets against Chidambaram's son. (Twitter and Facebook).

There has been a lot of criticism of section 66A of the IT Act as unconstitutional as it infringes the Constitutional Right to Expression as provided under Article 19(1)(a) of the Indian constitution. Article 19(1)(a) is subject to reasonable restrictions as stated in Article 19(2) providing the government with discretionary powers to frame and implement laws infringing freedom of expression under the following conditions, namely-in the interests of the



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sovereignty and integrity of India, security of the State, friendly relations with foreign State, decency or morality or in relation to contempt of court, incitement to an offence. As such the police action in the case of *Ravi Srinivasan* and the Palghar ladies where the police took an action as they considered section 66A as an exception under Article 19(1), but in practical section 66A falls within the purview and constitutional validity of the Article 19(2).²

The Table below shows the misuse of section 66A at the hand of few untrained cyber law bluecoat authorities who interpreted it in a subjective manner and misread the section. Attitude of police: *Layman v. Politicians*—

SECTION 66A

Arrests	Matter	Target
Two girls — Shaheen Dhada and Rinu Shrinivasan — were arrested in Palghar in Thane district, Mumbai 2012	Posted a comment against the shutdown in Mumbai following Shiv Sena leader Bal Thackeray's death and the other 'liked' it.	Politician — Shiv Sena leader
19-year-old Class 11 student in Uttar Pradesh	Social media posts on Facebook linking UP minister Azam Khan with a communal incident	Politician — UP Minister
Varanasi tourism officer Ravinder Kumar Mishra was arrested	Uploading "objectionable" pictures of Mulayam Singh Yadav, Akhilesh Yadav and Azam Khan on Facebook.	Politician — EX-UP Chief Minister
Ambikesh Mahapatra and Subrata Sengupta of Jadavpur, were arrested- April 2012	Forwarding & circulating a cartoon that lampooned West Bengal chief minister Mamta Banerjee.	Politician — Mamta Banerjee
In Goa last year, police booked a young shipping professional	Facebook post which said that the Prime Minister-elect Narendra Modi would start a holocaust in India	Politician — PM Narendra Modi
A businessman Ravi Srinivasan was arrested, Puducherry— October, 2012	Posting 'offensive' messages on Twitter that Karti Chidambaram, son of then union minister P Chidambaram was 'corrupt'.	Politician — Chidambaram son

Aseem Trivedi, Mumbai, was arrested-September 2012	Displaying cartoons on his website and Facebook page that mocked parliament and corruption in high places	Parliament
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Air India cabin crew members Mayank Mohan Sharma and K.V.J. Rao were arrested, Mumbai, May 2012	Posting indecent jokes about the Prime Minister and other politicians and for insulting the national flag	Politician — the then CM Narendra Modi
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Kishori Sharma, Bansi Lal and Moti Lal Sharma from Kishtwar district were arrested and sent to jail for 40 days, Jammu and Kashmir, October 2012	Blasphemous video posted and desecrating religious symbols and inciting communal hatred on Facebook	Comment inciting communal hatred
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Kanwal Bharti was arrested, Uttar Pradesh, August 2013	Posting a message on Facebook that criticized the Uttar Pradesh government for suspending IAS officer Durga Shakti Nagpal, who had cracked down on the sand mafia.	Politician -Samajwadi Party leader Azam Khan
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CPI-M worker Rajeesh Kumar was arrested, Kerala, Aug 2014	Posting "abusive" comments and photos on Facebook about Prime Minister Narendra Modi	Politician — PM Narendra Modi
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Chodankar was booked under IPC and ITA-2008, Goa, May 2014	Posting a comment against PM Narendra Modi on Facebook	Politician - PM Narendra Modi
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A teenage student of Class 11 in Uttar Pradesh was arrested and sent to jail, March 2015	Posting on Facebook "objectionable" comments attributed to Uttar Pradesh minister Azam Khan,	Politician — UP Minister Azam Khan
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Five students were arrested, Bangalore May 2014 ³	Anti-Narendra Modi messages on smartphone messenger WhatsApp	Politician - PM Narendra Modi
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Boy arrested in Ulhasnagar, Maharashtra, December 2012	sending a cake to a girl's house with her picture on top of it.(which was complaint to be stolen from the girls social media account)	Misuse OF Social Networking Site
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The arrest was justified by many and to an extent it has to be debated that there has to be a clear line drawn between "Freedom of Speech" and "Hatred Speech" on

social media. But who draws the line and when does anyone draw the line?⁴

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Failure on the part of the Indian police reflecting lack of knowledge in cyber matters:

Complainant	Matter	Result
14 years girl and father of Kandivali, Mumbai, 2013	Daughter & father had approached the police station to report a complaint about a boy, who was harassing her by posting harmful comments through his Facebook profile, was not registered by the police.	Suicide of the minor girl - police did not take cognizance of her complaint and later registered the case as accidental death
18-year-old Indian girl, Siliguri Government Polytechnic College, 2010	The girl studying in the Siliguri Government Polytechnic College after falling prey to MMS, She lodged a complaint with the police but no action was taken, upset due to the humiliation she committed suicide by hanging herself by the fan in the college hostel.	Committed suicide — police did not take cognizance of her complaint.

What can be concluded from the above two tables is the manner in which the law enforcement agents are influenced by the political pressure and how care-freely they handle a layman's complaint, easy analyzes of the above can conclude that pressure of a politician weighs more than a layman. The above tables reflects the police chaos, now let's take a look at the nix-fix Judiciary on cyber and tech-space with contradictory statements—

COURTS IN INDIA: Muddled & Befuddled

The Supreme Court	The Delhi High Court
"Governments may come and Governments may go but Section 66A goes off forever." 24th March 2015	"You don't have a law for protection of minor on social networking sites? You are behind the time...the world has gone much ahead," the court said. The court also asked the central government to tell it as to what law it had for the online protection of children from being abused through social networking sites." July 2013

With already and existing and alive Section 66A,-The sex and smoke party was the latest outcome of the non-compliance of guidelines by Facebook but now with no section 66A or alike law, the social networking sites and its users are left without a watchdog. The misconception that Section 66A is against freedom of speech, enters the minds of few wrongdoers, who use electronic media to harass others wherein

women and children are the most vulnerable and targeted section on the online space.
For

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that matter, every law can be misused why only Section 66A? Taking into account section between 500 and 506 of IPC, there are several provisions that can be a substitute and amount to arrest for the same reasons as several cyber-cases, so can we predict a misuse from the law enforcement may lead many laws and dire sections being squashed?


CYBER OFFENCES-A GLOBAL EFFORT TO CONTROL THE 'JURISDICTION-LESS' MONSTER

Food, clothing, shelter and internet have become the basic needs of human beings in the tech-age. As such with a huge global population online there are fair chances of its misuse as stated above and also the increase in number of cases being registered. With a package full of goody bundles the internet also has darker side of the coin which should not be overlooked, especially by the Legislation in India.

Children and adults prefer internet and social networking sites for every mini and micro activity on every step of life. Everything that we do in real world today is an outcome and result of the internet.

Hurting someone in the real world may be physically or verbally, but hurting someone online, would surely be online abusive language, message or hateful comments. If such offences are not recognised as contempt of humanity and illegitimate act, there are fair chances of cyber offences and related issues to be worsened and intensified under the rule 'Free Speech'. It can be said, without any room for doubt, that the worst form of cyber-abuse is where users send, post humiliating and hurting words online which may result in depression, humiliation and sometimes drive to suicide as their own comrades relish harassing the targets to gratify their own perverse barbarous gratification.

US recognises the right to privacy in its fourth amendment that has provision on privacy of the person and possession, also Title 18 Part I attracts invasion of privacy and illegal and harmful-speech, photos and videos as an offence like Part I, chapter 13 title 18 U.S. section 249 - Hate crime acts⁵ and in Title 18, Part I of Chapter 121 under section 2701, it addresses computer and internet related offences and has penal provisions for intentional invasion in online privacy of another's personal data and account details. The online privacy can be said to bypass even when an obscene or offensive video is uploaded and hence in Title 18, Part I under Chapter 88, section 1801 prohibits video voyeurism. In short the inventors of technology (internet), have left no stone unturned to take care with several laws at the state level to protect children and women from the online abuse and harms.

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Civil damages and civil remedies are covered in Title 18, Part I of chapter 119 in section 2520 which grants civil damages by the way of compensation. Title 18 Part I of Chapter 121 in section 2708 provides civil remedies for breach of confidence and invasion of privacy.

Hence, it can be seen that a civil as well as criminal suit can be bought for defamation, torts or infringement of civil and fundamental rights against the wrongdoer who hacks into other accounts or uploads cropped photos, invades online privacy or infringes the proprietor's rights of ownership. Privacy laws in U.S. have various legal concepts one of which is the tort allowing an aggrieved party to file a suit against an individual who knowingly and on purpose interferes in the personal and private affairs and discloses or publishes such private information and appropriates his or her name for personal gain. 'Right to privacy' in the U.S. is defined broadly as 'the right to be let alone.' In the U.S., privacy lawsuits can be brought under the 'Fourth Amendment' right to be free from search and seizure, the 'First Amendment' right to free speech and expression and the 'Fourteenth Amendment' privacy right recognized by the Supreme Court as protecting a general right to privacy within the family, marriage, motherhood, procreation and child bearing. Even the First Amendment as such is not a right explicitly guaranteed by the constitution; privacy laws have developed over the last few decades with four different kinds of privacy emerging under the topic- (1) Public Disclosure of Private and Embarrassing Facts (2) False Light (3) Intrusion and (4) Misappropriation.

In USA out of 50 states, according to the National Conference of State Legislatures, 50 states have passed laws against digital harassment. Moves are made to strengthen all these laws for electronic intimidation and harassment.

THE MALICIOUS COMMUNICATIONS ACT 1988

Under section 1 of the Malicious Communication Act, 1988, it is an offence to send an indecent, offensive or threatening message, letter, electronic communication, or other articles to another person attracts a punishment of six months imprisonment or fine. In many cases where malicious communication is involved there will be more than one offensive letter or telephone call there by the chances of the offender are more likely to be booked under section 2 of Protection from Harassment Act, 1997, and therefore it is seen in many cases that though they may fall or be booked under other act or the Malicious Communication Act, they attract the Protection from Harassment Act, 1997 and hence this Act is said to be the prime and main law in UK to address and book any and all types of the harassment, sometimes may depend on the facts of the case.

Section 1 considers any act as an offence which intends to send an indecent, grossly offensive and threatening letter, electronic communication or other articles to another person with the intention to cause anxiety and distress. Under Section 1(1) A person is said to be guilty who send to another person 1(1)(a) a letter, electronic communication or article of any description which conveys(i) a message as which is indecent or grossly offensive(ii) a threatening message(iii) intentionally sending a false message. 1(1)(b) any article or electronic communication which wholly or partly amounts to indecent offensive nature causing another person anxiety or distress. Section 1(2A) explains what is included in electronic communication as 1(2A)(4) has punitive measure if a person is found guilty under this act will be liable for convictions not exceeding six months or a fine not exceeding level 5 on standard scale or both.⁶

THE COMMUNICATION ACT 2003

Section 127 of the Communication Act, 2003 has similar specific offences relating to sending postal telephone messages which are indecent, offensive or threatening.

Section 127 covers all forms of public communication and subsection (1)(a), defines a person guilty of an offense if he send by means of public electronic communication network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character (1)(b) or causes any such message or matter to be sent. (2) states that if a person causes annoyance, inconvenience or needless anxiety to another person (a) a message that he knows to be false (b) causes such message to be sent (c) use of electronic communication network is done persistently, and found to be guilty shall be liable (3) to imprisonment not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

These are the laws applicable in UK which address harassing, but when offensive messages or bullying is done by hacking into others account then other criminal laws will be applicable such as Computer Misuse Act, 1990 along with civil laws addressing confidentiality and privacy. A civil action also can be bought for defamation by an individual and the victim does not have to prove that the material is false thereby shifting the burden of proof to the publisher that what they have written or published is true. When such defamatory content is written online or posted on a website, the affected person can inform the host about such defamatory content and the host has to remove it, the person so affected can also get court orders, injunction to remove that matter and can sue the host or the person who posted the material for defamation.



With the above discussion I would like to summarize that UK has sufficient laws to pull the offender under any of the following Acts for a cyber-bullying offence-

Section 1 of the Malicious Act-it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person

Section 43 of the Telecommunications Act, 1984 it is a similar offence to send a telephone message which is indecent offensive or threatening. In both cases the offence is punishable with up to six months imprisonment and/or a fine.

Section 2 of the Protection from Harassment Act, 1997 runs as - it is offence to send threatening letter or telephone call or cyber stalking.

But over and above if the offender is booked under the Protection from Harassment Act, 1997, there are less chances of the offender skipping law as the victim can enjoy the benefit of the section by getting court orders which can make a Restraining Order preventing offender from contacting the victim again. Breach of a Restraining Order is punishable with up to Five years imprisonment. A Restraining Order cannot be imposed for a conviction under the Malicious Communications or Telecommunications Acts.

The Data Protection Act, 1998 has setup eight principles² with which an individual must comply when they collect, store, retrieve or organize data. In the UK, disclosure of personal information to third parties may also amount to a breach of confidence.

Section 66A applies to persistence sending offensive messages with the purpose to create annoyance which is the effect of stalking. The common use of words 'use of internet or email' overlaps with section 354D Indian Penal Code 1860. If compared with the stalking definition of UK and USA, it seems to be that section 354D has been framed as per the stalking laws in UK and US. In US stalking laws emphasizes more on breach of privacy by repeated harassment, repeated communication which creates threat, alarm and fear. In UK under section 2A of PHA emphasizes is put on repeated


harassing communication creating fear and alarm. The same definitions have been used to frame the stalking in India under section 354D which reflects the privacy invasion, creation of fear factor, alarm and annoyance. The social networking sites are aware about the fact that defamatory laws differ from country to country and they may be held liable for any claim arising out of defamation which amount to heavy compensation

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and is covered as a tort of libel, have framed their policy guidelines in a manner that it is always the user who has to take care of his or her self-respect online. Defamation is divided in two main wrongs one is written defamation means libel and verbal defamation means slander. As the posting on the social networking sites such as Facebook or Twitter is in written form hence it amounts to libel. In the US, while claiming for a defamation suit online, the plaintiff has to prove the online content was libelous along with proving that the content had actual malice in it.⁸ The European Union² has taken outstanding initiative and is the only international Council that has framed guidelines for cyber ethics i.e. protect online-freedom, security and human rights, and aids to protect societies worldwide from the risk of cyber-crimes. The draft TWO of the EU Human Rights Guidelines on Freedom of Opinion & Expression Online and Offline in its clause A(6) states that every signatory state member of the EU are committed to protect and ensure freedom of opinion and expression, within their boundaries and all over the world. India, United Kingdom (UK) & USA has ratified the treaties and various global documents to administer cybercrimes in their local Legislations.

In 2009 on the Safer Internet Day, European Commission came with an agreement on Social Networking thereby creating a protective shield and to recognise their responsibility and identify potential risk for children under 18s. It becomes the responsibility of the social networking sites to assess their sites for potential risks and put in place pertinent measures and tools designed to alleviate those perils. 17 leading firms have signed the EU agreement for the safety and protection of children under 18 among them are Facebook, Google, YouTube, Arto, Bebo, Dailymotion, Giovani.it, Hyves, Microsoft Europe, Myspace, Nasza-klaza.pl, Netlog, One.it, Skyrock, StudiVZ, Sulake/Habbo Hotel, Zap.lu, Yahoo! Europe.

"The Safer Social Networking Principles for the EU" have been developed by social networking services providers in consultation with the European Commission, as part of its Safer Internet Plus Programme, and a number of NGOs, to provide good practice recommendations for the providers of social networking and other user interactive sites, to enhance the safety of children and young people using their services."¹⁰

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In April 2015 European Union's data protection authorities formed a task force to investigate Facebook's privacy practices wherein Facebook combines data from its various services viz. Instagram and WhatsApp targeting its users and focused on the way it uses its "like" button to track user internet browsing activities.¹¹ A Similar seven months long investigation was undertaken by the EU data protection authorities in 2012 against the internet giant 'Google' with negotiations then directed to

implement corrective measures.

Comparatively India has the Information Technology Act, 2000, as amended in 2008, as an exclusive legislation to address online offences. It seems as if the amended IT Act had only one thing within its focus and that was to provide legal recognition for the transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as "Electronic Commerce", which involve the use of alternatives to paper based methods of communication and storage of information, to facilitate electronic filings of documents with the Government agencies. As such with a clear intention mentioned in the preamble of the Act there are fewer chances of other issues been given more importance. If looked into the preamble of the Act, Already this law had nothing to bring to book each and all online offences,

Section 66A needed an appropriate amendment to bring clarity, as it provided the opportunity for its subjective use. Else online community will have complete freedom, for any and all offences or inciting violence. Blocking a website is not a viable option, as these people will find on or the other way to carry on their job if they are not arrested. There were few vague words which either needed to be removed or substituted appropriately. Again speech that is innocent in nature who will evaluate the *mens rea* here

CONCLUSION

"I completely agree on the principles of free speech. But, in social network sites and internet, today there are lots of paid trolls to intentionally defame or spread bad information about people. They are sometime politically motivated, *very active and spread false information. I feel they must be controlled by some manner.*"¹²



Why alone section 66A in fact the challenge India faces is the discretion provided to the Police in registering a case under *Indian Penal Code 1860*, provisions evaluating a post or statement offensive under Sections 153 and 505 of *Indian Penal Code 1860*. The distinction between a pure free speech from offensive statements by the police is the challenge. And it is this discretion with police that is often misused.

Section 66A prevented the spread of offensive material that could incite public anger or violence & meant to deter people from uploading grossly offensive material which can lead to lawlessness by inciting public anger and violence. The social networking sites are like wild forest fire and cannot be left unattended without Section 66A or an alike substitute section in the ITA there are full and fair chances that it may infuse social network site addicts with a sense of unrestricted freedom of expression, as it is the internet has no boundaries and no jurisdiction and without local and national law mimic unfenced cyber-space.

If seen the facts it can be analyzed that section 66A was at the mercy of few amateurish bluecoats lacking the cyber-tech knowledge. The improper implementation by the inexpert police agents has triggered the Hon'ble Supreme Court to abolish the section.

Section 66A had an appropriate mechanism to put checks and balances on this medium", because the Internet doesn't "operate in an institutional form."

SUGGESTIONS

There was a need to let be the section 66A active & to remove the inconsistency and add/delete-amend few words which prima facie looked vague. The word

'persistence' may have been ordered to look into as to be applied in each sub-section. The huge cyber world cannot be left unregulated.

- 1) Section 66 A had words like 'insult' 'injury' which were vague, open-ended and undefined hence such unclear words in the section needed to be defined clearly by in-depth briefing how they may apply to a comment posted on social networking sites.
- 2) Each and every local police station and all the law enforcement agents irrespective of their post should be provided rigorous cyber-tech training on regular basis (where they may be explained how to apply ITA and/or *Indian Penal Code 1860*, in appropriate manner)
- 3) New appointments in the police may be made mandatory after passing a cyber-tech course specially framed for those proposing to join the law enforcement.

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* SNTD Law School, Mumbai

¹ Apar Gupta, 'The Utilitarian Critique of E2 Labs v. Zone-H' (ILTB, 28 April 2010) <<http://www.iltb.net/2010/04/the-utilitarian-critique-of-e-2-labs-v-zone-h>> accessed 6 October, 2015.

² Vijayashankar Na, 'Mis-perceptions about Section 66A' (Cyber laws by Naavi, 24 January 2013) <<http://www.naavi.org/wp/?p=683>>., accessed 6 October 2015.

³ Bangalore: Youth arrested for sharing anti-Modi messages on WhatsApp' Firstpost (Bangalore, 26 May 2014) <http://www.firstpost.com/printpage.php?idno=1542047&sr_no=0> accessed 6 October, 2015.

⁴ HT Correspondent, 'Facebook trouble: 10 cases of arrests under Sec 66A of IT Act' Hindustan Times (Delhi, 24 March 2015 <<http://www.hindustantimes.com/india-news/facebook-trouble-people-arrested-under-sec-66a-of-it-act/article1-1329883.aspx>> accessed 6 October, 2015.

⁵ Cornell University of Law, 'Hate crime acts' (Legal Information Institute) <http://www.law.cornell.edu/uscode/text/18/249>> accessed 6 October, 2015.

⁶ Criminal Justice Act, 1982, S 37.

⁷ The Data Protection Act, 1998 'Data Protection' (Gov. UK) <<https://www.gov.uk/data-protection/the-data-protection-act>> accessed 6 October, 2015.

⁸ (About.com) <<http://journalism.about.com/od/ethicsprofessionalism/a/libel.htm>> accessed 6 October, 2015.

⁹ Anirban Bhaumik, 'India, allies to combat cybercrime India, allies to combat cybercrime' Deccan Herald (New Delhi, 16 May 2012) <<http://www.deccanherald.com/content/249937/india-allies-combat-cybercrime.html>> accessed 6 October, 2015.

¹⁰ 'Office of Internet Safety'—<http://www.internetsafety.ie/website/ois/oisweb.nsf/page/DPCY-7P5N4N178910-en> accessed on 6 October, 2015.

¹¹ Carol AFUmhoefer and Caroline Chance, Carol A.F. 'Umhoefer and Caroline Chancé' (Lexology) <<http://www.lexology.com/library/detail.aspx?g=b5062aa7-e0cd-4b86-b447-68cd853b3228>> accessed on 6 October 2015.

¹² J Santhosh, 'Will Abolition of Sec 66A Let Loose Women Stalkers?' The Indian Express (Chennai, 25 March 2015). <<http://www.newindianexpress.com/cities/chennai/Will-Abolition-of-Sec-66A-Let-Loose-Women-Stalkers/2015/03/25/article2728798.ece>> accessed on 6 October 2015.

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