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8th September 2016

Respected Prime Minister,

I write to you to draw your attention to the worrying point that thousands of arrests continue to be made under the draconian Section 66A of the IT Act by police in various states and ironically also some courts. This despite the fact that Section 66A was struck down by the Supreme Court in March 2015. As one of the petitioners who impleaded the court in the matter, I am obviously deeply disturbed at this

Data reported by the National Crime Records Bureau (annexed with this letter for your perusal) suggest that over 4154 cases have been registered under the infamous Section 66A of the IT Act, which the Supreme Court had rightly deemed as "arbitrarily, excessively, and disproportionately invading the right to free speech" and "upsetting the balance between such right and reasonable restrictions that may be imposed on such right". Further, in 2015, 1510 charge sheets were issued against 2105 persons. I was also troubled to note that as of January 1st this year, as many as 575 individuals continue to languish in jails, after being convicted under a section that was struck down by the Highest Court of the Land. These arrests, you will appreciate, are illegal and void.

What especially concerns me as a representative of the people who has been persistently advocating for the Freedom of Speech over the internet, is that the police forces across



the country have not taken cognizance of this important legal development, and instead appear to be on an overdrive to file charge sheets against people under section 66A – as evidenced by the fact that the 1,500 charge sheets filed in 2015, being nearly double the figure for 2014.

I have been amongst the most vocal proponents of your vision for Digital India, but must bring to your attention the fact that these illegal arrests are sending a completely contrary message to India's citizens. If we are indeed serious about transforming India into a *"Digitally Empowered Society and Knowledge Economy"*, then our institutions and policies must back this intent by aligning to this goal. The current data, however, points to a disconnect between the verdict of the Apex Court, the police and the lower courts, and may give citizens the impression that this Government too, like the UPA, is keen on playing Big Brother.

In the light of the above, I would urge to you to direct the Home Ministry and Law Ministry to immediately call for a cancellation of all matters pertaining to Section 66A, and ensure that the police forces and courts in all states/UTs are informed about the March 2015 Verdict of the Supreme Court, and thus prevent arrests and prosecutions under this section.

The fight for repealing Section 66a, which saw its genesis during the UPA's flawed drafting of the IT Rules in 2011, has been a long and arduous battle. After multiple interventions in Parliament and letters to the then Government failed, I had joined the petition in the Supreme Court 2013. I am certain, that the community of Digital Indians join me in expressing my anguish against this current situation – which indicates that



despite our unrelenting efforts, the draconian and unconstitutional Section 66A continues to impede citizen's right to Freedom of Expression.

I am confident that you will address this issue at the earliest and thank you in anticipation.

Yours sincerely,

RAJEEV CHANDRASEKHAR

Shri Narendra Modi
Hon'ble Prime Minister
Government of India
New Delhi

Annexure:

Excerpts from "*Crime in India 2015*" published by National Crime Records Bureau:

- a) Table 18.2 on Disposal of Cyber Crimes (IT Act, IPC & SLL) by Police during 2015
- b) Table 18.4 on Persons Arrested Under Cyber Crimes (IT Act, IPC Crimes, SLL Crimes) by Age Group and Sex during 2015

TABLE 18.2
Disposal of Cyber Crimes Cases (IT Act, IPC & SLL) by Police During 2015

S. No.	Crime Head	Cases Pending Investigation from Previous Year	Cases Reported During the Year	No. of Cases Withdrawn by the Govt. During Investigation	Cases Transferred to other Police Station/ Magistrate	Cases Not Investigated U/S 157(1)(b) of Cr.PC	Total Cases for Investigation (Col. 3+4-5-6-7)	Cases Ended as Final Report False
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
CRIME HEAD:								
1	IT - Tampering Computer Source Documents	77	88	0	2	0	163	3
2	IT - Computer Related Offences	4891	6567	1	171	0	11286	219
	2.1 Computer Related Offences-Under Section 66A	3525	4154	1	106	0	7572	155
	2.2 Computer related Offences-Under Section 66B	70	132	0	8	0	194	6
	2.3 Computer related Offences-Under Section 66C	753	1081	0	37	0	1797	36
	2.4 Computer related Offences-Under Section 66D	484	1083	0	19	0	1548	19
	2.5 Computer related Offences-Under Section 66E	59	117	0	1	0	175	3
3	IT - Cyber terrorism	2	13	0	0	0	15	0
4	IT - Publication/Transmission of Obscene/Sexually Explicit Content	605	816	1	5	0	1415	22
	4.1 Under section 67A	594	792	1	5	0	1380	20
	4.2 Under section 67B	6	8	0	0	0	14	1
	4.3 Under Section 67C	5	16	0	0	0	21	1
5	IT - Intentionally not Complying with the Order of Controller	3	2	0	0	0	5	0
6	IT - Failure to Provide or Monitor or Intercept or Decrypt Information	2	0	0	0	0	2	0
7	IT - Failure to Block Access any Information Hosted etc	1	0	0	0	0	1	0
8	IT - Not Providing Technical Assistance to Govt. to Enable Online Access	0	3	0	0	0	3	0
9	IT - Un-authorized Access/Attempt to Access to Protected Computer Syster	0	8	0	0	0	8	0
10	IT - Misrepresentation/suppression of Fact for Obtaining License etc	4	4	0	0	0	8	0
11	IT - Breach of Confidentiality/Privacy	14	20	0	0	0	34	1
12	IT - Disclosure of Information in Breach of Lawful Contract	1	4	0	1	0	4	0
13	IT - Publishing /Making Available False Elect. Signature Certificate	0	3	0	0	0	3	0
14	IT - Create/Publish/Make Available Elec. Signature Certificate for Unlawful Purpose	2	3	0	0	0	5	0
15	IT - Others	666	514	0	10	1	1169	31
	Total Offences under IT Act	6268	8045	2	189	1	14121	276
1	IPC - Offences by Public Servant	0	0	0	0	0	0	0
2	IPC - Fabrication/Destruction of Electronic Records for Evidence	2	4	0	0	0	6	0
3	IPC - Cheating	874	2255	1	7	0	3121	14
4	IPC - Forgery	81	45	0	0	0	126	0
5	IPC - Data theft	48	84	0	0	0	132	1
6	IPC - Criminal Breach of Trust/Fraud	32	42	0	0	0	74	0
	6.1 IPC - Credit / Debit Card	8	18	0	0	0	26	0
	6.2 IPC - Others	24	24	0	0	0	48	0
7	IPC - Counterfeiting	8	12	0	0	0	20	0
	7.1 IPC - Currency	8	12	0	0	0	20	0
	7.2 IPC - Stamps	0	0	0	0	0	0	0
8	IPC - Others	636	980	1	0	0	1615	44
	Total Offences under IPC	1681	3422	2	7	0	5094	59
1	Copyright Act, 1957	65	113	0	0	0	178	1
	1.1 Under Section 63	49	55	0	0	0	104	1
	1.2 Under Section 68A	0	18	0	0	0	18	0
	1.3 Others	16	40	0	0	0	56	0
2	Trade Marks Act, 1999	0	0	0	0	0	0	0
	2.1 Under Section 102	0	0	0	0	0	0	0
	2.2 Under Section 103	0	0	0	0	0	0	0
	2.3 Under Section 104	0	0	0	0	0	0	0
	2.4 Others	0	0	0	0	0	0	0
3	Other SLL Offences	18	12	0	0	0	30	0
	Total SLL Offences	83	125	0	0	0	208	1
Total Cyber Crimes (IT Act+IPC+SLL)		8032	11592	4	196	1	19423	336

TABLE 18.2 (Concluded)

S. No.	Crime Head	Cases Ended as Mistake of Fact or of Law	Cases in Ended as Final Report as Non Cognizable Submitted During the Year	Cases in Which Charge-sheets were Submitted	Cases in Which Chargesheets were not laid but Final Report as True submitted	Total Cases Disposed of by Police (Col. 9+10+11+12+13)	Cases Pending Investigation at the End of the Year (col. 8 - col. 14)	Charge-Sheeting Rate {Col.12/{Col.12+Col.13}} X 100	Cases Pendency Percentage {Col.15/{Col.3+Col.4}} x 100
(1)	(2)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
CRIME HEAD:									
1	IT - Tampering Computer Source Documents	5	0	36	36	80	83	50.0	50.3
2	IT - Computer Related Offences	193	67	1841	2355	4675	6611	43.9	57.7
	2.1 Computer Related Offences-Under Section 66A	133	40	1510	1676	3514	4058	47.4	52.8
	2.2 Computer related Offences-Under Section 66B	5	0	38	31	80	114	55.1	56.4
	2.3 Computer related Offences-Under Section 66C	25	14	160	376	611	1186	29.9	64.7
	2.4 Computer related Offences-Under Section 66D	28	13	100	247	407	1141	28.8	72.8
	2.5 Computer related Offences-Under Section 66E	2	0	33	25	63	112	56.9	63.6
3	IT - Cyber terrorism	0	0	1	3	4	11	25.0	73.3
4	IT - Publication/Transmission of Obscene/Sexually Explicit Content	27	3	335	341	728	687	49.6	48.3
	4.1 Under section 67A	27	3	329	335	714	666	49.5	48.1
	4.2 Under section 67B	0	0	5	2	8	6	71.4	42.9
	4.3 Under Section 67C	0	0	1	4	6	15	20.0	71.4
5	IT - Intentionally not Complying with the Order of Controller	0	0	3	0	3	2	100.0	40.0
6	IT - Failure to Provide or Monitor or Intercept or Decrypt Information	0	0	0	2	2	0	0.0	0.0
7	IT - Failure to Block Access any Information Hosted etc	0	0	0	0	0	1	-	100.0
8	IT - Not Providing Technical Assistance to Govt. to Enable Online Access	0	0	0	1	1	2	0.0	66.7
9	IT - Un-authorized Access/Attempt to Access to Protected Computer System	0	0	3	2	5	3	60.0	37.5
10	IT - Misrepresentation/suppression of Fact for Obtaining License etc	0	0	5	1	6	2	83.3	25.0
11	IT - Breach of Confidentiality/Privacy	2	0	5	4	12	22	55.6	64.7
12	IT - Disclosure of Information in Breach of Lawful Contract	0	0	1	3	4	0	25.0	0.0
13	IT - Publishing /Making Available False Elect. Signature Certificate	0	0	0	2	2	1	0.0	33.3
14	IT - Create/Publish/Make Available Elec. Signature Certificate for Unlawful Purpose	0	0	2	0	2	3	100.0	60.0
15	IT - Others	48	10	164	256	509	660	39.0	55.9
	Total Offences under IT Act	275	80	2396	3006	6033	8088	44.4	56.5
1	IPC - Offences by Public Servant	0	0	0	0	0	0	-	-
2	IPC - Fabrication/Destruction of electronic records for evidence	0	0	2	0	2	4	100.0	66.7
3	IPC - Cheating	19	26	259	430	748	2373	37.6	75.8
4	IPC - Forgery	0	0	13	11	24	102	54.2	81.0
5	IPC - Data theft	1	0	19	10	31	101	65.5	76.5
6	IPC - Criminal Breach of Trust/Fraud	0	0	21	7	28	46	75.0	62.2
	6.1 IPC - Credit / Debit Card	0	0	10	4	14	12	71.4	46.2
	6.2 IPC - Others	0	0	11	3	14	34	78.6	70.8
7	IPC - Counterfeiting	0	0	10	1	11	9	90.9	45.0
	7.1 IPC - Currency	0	0	10	1	11	9	90.9	45.0
	7.2 IPC - Stamps	0	0	0	0	0	0	-	-
8	IPC - Others	33	8	386	174	645	970	68.9	60.0
	Total Offences under IPC	53	34	710	633	1489	3605	52.9	70.6
1	Copyright Act, 1957	2	0	90	3	96	82	96.8	46.1
	1.1 Under Section 63	1	0	54	1	57	47	98.2	45.2
	1.2 Under Section 68A	0	0	12	0	12	6	100.0	33.3
	1.3 Others	1	0	24	2	27	29	92.3	51.8
2	Trade Marks Act, 1999	0	0	0	0	0	0	-	-
	2.1 Under Section 102	0	0	0	0	0	0	-	-
	2.2 Under Section 103	0	0	0	0	0	0	-	-
	2.3 Under Section 104	0	0	0	0	0	0	-	-
	2.4 Others	0	0	0	0	0	0	-	-
3	Other SLL Offences	2	0	10	4	16	14	71.4	46.7
	Total SLL Offences	4	0	100	7	112	96	93.5	46.2
	Total Cyber Crimes (IT Act+IPC+SLL)	332	114	3206	3646	7634	11789	46.8	60.1

TABLE 18.4

Persons Arrested under Cyber Crimes (IT Act, IPC Crimes, SLL Crimes)by Age Groups & Sex During 2015

S. No.	Crime Head	Below 18 Years (Juveniles)			18 Years & Above – Below 30 Years			30 Years & Above – Below 45 Years		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
CRIME HEAD:										
1	IT - Tampering Computer Source Documents	0	0	0	28	0	28	34	0	34
2	IT - Computer Related Offences	70	3	73	2576	91	2667	1257	26	1283
	2.1 Computer Related Offences-Under Section 66A	63	1	64	2007	68	2075	897	13	910
	2.2 Computer related Offences-Under Section 66B	0	0	0	49	1	50	28	1	29
	2.3 Computer related Offences-Under Section 66C	6	2	8	252	17	269	201	11	212
	2.4 Computer related Offences-Under Section 66D	0	0	0	207	2	209	98	1	99
	2.5 Computer related Offences-Under Section 66E	1	0	1	61	3	64	33	0	33
3	IT - Cyber terrorism	0	0	0	3	0	3	0	0	0
4	IT - Publication/Transmission of Obscene/Sexually Explicit Content	10	0	10	346	6	352	165	1	166
	4.1 Under section 67A	7	0	7	345	6	351	159	1	160
	4.2 Under section 67B	3	0	3	1	0	1	3	0	3
	4.3 Under Section 67C	0	0	0	0	0	0	3	0	3
5	IT - Intentionally not Complying with the Order of Controller	0	0	0	2	0	2	1	0	1
6	IT - Failure to Provide or Monitor or Intercept or Decrypt Information	0	0	0	0	0	0	0	0	0
7	IT - Failure to Block Access any Information Hosted etc	0	0	0	0	0	0	0	0	0
8	IT - Not Providing Technical Assistance to Govt. to Enable Online Access	0	0	0	0	0	0	0	0	0
9	IT - Un-authorized Access/Attempt to Access to Protected Computer System	0	0	0	3	0	3	1	0	1
10	IT - Misrepresentation/suppression of Fact for Obtaining License etc	0	0	0	2	0	2	0	0	0
11	IT - Breach of Confidentiality/Privacy	0	0	0	3	0	3	2	0	2
12	IT - Disclosure of Information in Breach of Lawful Contract	0	0	0	0	0	0	2	0	2
13	IT - Publishing /Making Available False Elect. Signature Certificate	0	0	0	0	0	0	0	0	0
14	IT - Create/Publish/Make Available Elec. Signature Certificate for Unlawful Purpose	0	0	0	1	0	1	0	0	0
15	IT - Others	15	0	15	125	2	127	84	0	84
	Total Offences under IT Act	95	3	98	3089	99	3188	1546	27	1573
1	IPC - Offences by Public Servant	0	0	0	0	0	0	0	0	0
2	IPC - Fabrication/Destruction of electronic records for evidence	0	0	0	0	0	0	2	0	2
3	IPC - Cheating	12	0	12	312	6	318	358	7	365
4	IPC - Forgery	1	0	1	37	4	41	28	0	28
5	IPC - Data theft	1	1	2	84	2	86	47	0	47
6	IPC - Criminal Breach of Trust/Fraud	2	0	2	808	0	808	376	0	376
	6.1 IPC - Credit / Debit Card	0	0	0	11	0	11	7	0	7
	6.2 IPC - Others	2	0	2	797	0	797	369	0	369
7	IPC - Counterfeiting	0	0	0	9	0	9	4	0	4
	7.1 IPC - Currency	0	0	0	9	0	9	4	0	4
	7.2 IPC - Stamps	0	0	0	0	0	0	0	0	0
8	IPC - Others	35	0	35	315	6	321	208	5	213
	Total Offences under IPC	51	1	52	1565	18	1583	1023	12	1035
1	Copyright Act, 1957	2	0	2	40	0	40	80	2	82
	1.1 Under Section 63	2	0	2	18	0	18	41	0	41
	1.2 Under Section 68A	0	0	0	8	0	8	7	0	7
	1.3 Others	0	0	0	14	0	14	32	2	34
2	Trade Marks Act, 1999	0	0	0	0	0	0	0	0	0
	2.1 Under Section 102	0	0	0	0	0	0	0	0	0
	2.2 Under Section 103	0	0	0	0	0	0	0	0	0
	2.3 Under Section 104	0	0	0	0	0	0	0	0	0
	2.4 Others	0	0	0	0	0	0	0	0	0
3	Other SLL Offences	0	0	0	3	0	3	13	0	13
	Total SLL Offences	2	0	2	43	0	43	93	2	95

TABLE 18.4 (Concluded)

S. No.	Crime Head	45 Years & Above – Below 60 Years			60 Years & Above			Total of Overall Age-Group		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
(1)	(2)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)
CRIME HEAD:										
1	IT - Tampering Computer Source Documents	0	0	0	0	0	0	62	0	62
2	IT - Computer Related Offences	153	4	157	37	0	37	4093	124	4217
	2.1 Computer Related Offences-Under Section 66A	78	4	82	6	0	6	3051	86	3137
	2.2 Computer related Offences-Under Section 66B	6	0	6	6	0	6	89	2	91
	2.3 Computer related Offences-Under Section 66C	52	0	52	21	0	21	532	30	562
	2.4 Computer related Offences-Under Section 66D	15	0	15	4	0	4	324	3	327
	2.5 Computer related Offences-Under Section 66E	2	0	2	0	0	0	97	3	100
3	IT - Cyber terrorism	0	0	0	0	0	0	3	0	3
4	IT - Publication/Transmission of Obscene/Sexually Explicit Content	22	1	23	4	0	4	547	8	555
	4.1 Under section 67A	22	1	23	4	0	4	537	8	545
	4.2 Under section 67B	0	0	0	0	0	0	7	0	7
	4.3 Under Section 67C	0	0	0	0	0	0	3	0	3
5	IT - Intentionally not Complying with the Order of Controller	0	0	0	0	0	0	3	0	3
6	IT - Failure to Provide or Monitor or Intercept or Decrypt Information	0	0	0	0	0	0	0	0	0
7	IT - Failure to Block Access any Information Hosted etc	0	0	0	0	0	0	0	0	0
8	IT - Not Providing Technical Assistance to Govt. to Enable Online Access	0	0	0	0	0	0	0	0	0
9	IT - Un-authorized Access/Attempt to Access to Protected Computer System	0	0	0	0	0	0	4	0	4
10	IT - Misrepresentation/suppression of Fact for Obtaining License etc	0	0	0	0	0	0	2	0	2
11	IT - Breach of Confidentiality/Privacy	1	0	1	0	0	0	6	0	6
12	IT - Disclosure of Information in Breach of Lawful Contract	0	0	0	0	0	0	2	0	2
13	IT - Publishing /Making Available False Elect. Signature Certificate	0	0	0	0	0	0	0	0	0
14	IT - Create/Publish/Make Available Elec. Signature Certificate for Unlawful Purpose	2	0	2	0	0	0	3	0	3
15	IT - Others	13	0	13	6	0	6	243	2	245
	Total Offences under IT Act	191	5	196	47	0	47	4968	134	5102
1	IPC - Offences by Public Servant	0	0	0	0	0	0	0	0	0
2	IPC - Fabrication/Destruction of electronic records for evidence	0	0	0	0	0	0	2	0	2
3	IPC - Cheating	54	4	58	1	0	1	737	17	754
4	IPC - Forgery	2	0	2	0	0	0	68	4	72
5	IPC - Data theft	0	0	0	0	0	0	132	3	135
6	IPC - Criminal Breach of Trust/Fraud	106	0	106	0	0	0	1292	0	1292
	6.1 IPC - Credit / Debit Card	0	0	0	0	0	0	18	0	18
	6.2 IPC - Others	106	0	106	0	0	0	1274	0	1274
7	IPC - Counterfeiting	1	0	1	0	0	0	14	0	14
	7.1 IPC - Currency	1	0	1	0	0	0	14	0	14
	7.2 IPC - Stamps	0	0	0	0	0	0	0	0	0
8	IPC - Others	28	0	28	1	0	1	587	11	598
	Total Offences under IPC	191	4	195	2	0	2	2832	35	2867
1	Copyright Act, 1957	10	0	10	1	0	1	133	2	135
	1.1 Under Section 63	4	0	4	1	0	1	66	0	66
	1.2 Under Section 68A	3	0	3	0	0	0	18	0	18
	1.3 Others	3	0	3	0	0	0	49	2	51
2	Trade Marks Act, 1999	0	0	0	0	0	0	0	0	0
	2.1 Under Section 102	0	0	0	0	0	0	0	0	0
	2.2 Under Section 103	0	0	0	0	0	0	0	0	0
	2.3 Under Section 104	0	0	0	0	0	0	0	0	0
	2.4 Others	0	0	0	0	0	0	0	0	0
3	Other SLL Offences	1	0	1	0	0	0	17	0	17
	Total SLL Offences	11	0	11	1	0	1	150	2	152