

Text of DIT's Response to Second RTI on Website Blocking

Centre for Internet and Society | 2011-10-27

Pranesh Prakash

CIS had filed a request under the Right to Information Act with the government, asking a number of questions relating to blocking of content under the IT Act. We have reproduced below the response we got from the government.

Government of India Ministry of Communications & Information Technology** Department of Information Technology Electronics Niketan, 6 CGO Complex, New Delhi-110003**

No: 14(12)/2011-ESD 10.6.2011

Shri Pranesh Prakash, Centre for Internet and Society, 194, 2C Cross, Domlur Stage II, Bangalore - 560071

Subject: Request for information under RTI Act, 2005.

Sir, Reference your request dated 13 May 2011, which was received in this office on 18.5.2011 on the above subject. The information as received from the custodian of information is attached herewith (Annexure-I, II and III).

Yours faithfully, (A.K.Kaushik) Additional Director & CPIO Cyber Laws & E-Security Division Tel: 011-24364803

Annexure I

Reply to Shri Pranesh Prakash

1. How many orders have been issued for blocking of computer resources prior to the coming into force of the Information Technology (Amendment) Act, 2008 (i.e., before October 27, 2009) under the Information Technology Act, 2000, or any other law for the time being in force.**Reply** - Five orders were issued for blocking access to web content.
2. Please provide a list of all the websites for which the DIT has issued blocking orders and the dates on which each website was blocked.**Reply** - The following websites have been blocked pursuant to court orders

Sl	Website	Date of issuing direction by designated officer
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1.	www.zone-h.org	08.03.2010
2.	http://donotdiall00.webs.com (IP 216.52.115.50)	08.08.2010
3.	www.bloggernews.net/124029	15.11.2010
4.	http://www.google.co.in/#hl=en&source=hp&biw=-1276&bih=843&=dr+babasaheb+ambedkar+wallpaper&aq=4&aqi=gl0&aql=&oq=dr+babas&gs_rfai=&fp=e791fe993fa412ba	20.12.2010
5.	http://www.cinemahd.net/desktopenhancements/wallpaper/23945-wallpapers-beautiful-girl-wallpaper.html	20.12.2010
6.	http://www.chakpak.com/find/images/kamasutra-hindi-movie	20.12.2010
7.	http://www.submitlink.khatana.net/2010/09/jennifer-stano-is-engaged-to.html	20.12.2010
8.	http://www.result.khatana.net/2010/11/im-no-panty-girl-yana-gupta-wardrobe.html	20.12.2010
9.	http://www.facebook.com/pages/I-Hate-Ambedkar/172025102828076	25.02.2011
10.	www.indybay.org	17.03.2011
11.	www.arizona.indymedia.org	17.03.2011

3. Please provide a list of all the persons to whom such orders were issued. **Reply** - The directions were issued to Department of Telecommunications.
4. Please provide a list of all the requests for blocking of information that have been received by the Designated Officer under the Information Technology (Procedures and Safeguards for Blocking Access of Information by Public) Rules, 2009 ("Rules").
5. Please provide a list of all persons/authorities from whom the Designated Officer under the Rules has received requests for blocking of information and the dates these requests were received. **Reply 4 & 5** - The details are given in Annexure-II.
6. Please provide the files on all the complaints and requests that have been rejected, including file noting.

7. Please provide the files on all the complaints and requests that have been accepted, including file noting.
8. Please provide the files on all the complaints and requests that are still being processed (e.g. more information has been sought on the request), including file notings.**Reply 6,7 & 8** - Files are available in section and can be viewed.
9. Please provide us copies of the minutes of all meetings held by the Committee for Examination of Requests under Rule 8(4) of the Rules.
10. Please provide copies of all the recommendations of the Committee for Examination of requests under Rule 8(4) of the Rules.**Reply 9 & 10** - Copy of the minutes/recommendation of the meeting of the Committee is at Annexure III.
11. Please provide us the dates and copies of the minutes of all meetings held by the Review Committee under Rule 14 of the Rules to periodically review the blocked resources.
12. Please provide us copies of all the findings of the Review Committee.
13. If the Review Committee has not met, please provide us the reason for the meetings not happenings as per the requirement of Rule 14 of the Rules.**Reply 11, 12 & 13** - This meeting is coordinated by Department of Telecommunications and DIT is not in possession of details.
14. Does "intermediary" in Rule 13 include intermediaries not located in India?**Reply** - Such type of information is not permitted under RTI Act as per DOPT OM No. 1/7/2009 - IR dated 1st June 2009.
15. Has any block ordered by the DIT ever been revoked by the DIT or any other governmental authority?**Reply** - Such questions are not permitted under RTI Act as per DOPT OM No. 1 /7/2009 IR dated 1st June 2009.
16. On what basis does the DIT decide whether the appropriate intermediary is the person who has put up content, the web host, or the different Internet service providers in India?**Reply** - Such type of information is not permitted under RTI Act as per DOPT OM No. 1/7/2009 - IR dated 1st June 2009.
17. Does Rule 16 of the Rules override the Right to Information Act?**Reply** - Such type of information is not admissible under RTI Act as per DOPT OM No. 1/7/2009 - IR dated 1st June 2009.
18. If the answer to the previous question is yes, please provide any correspondence with any legal officer who provided the DIT advice that it could override the Right to Information Act through delegated legislation.**Reply** - Such type of information is not admissible under RTI Act as per DOPT OM No. 1/7/2009 - IR dated 1st June 2009.

Annexure II

Request received by Designated Officer

Website	Date of receipt of request	Request by
www.tamil.net.in	29.03.2010	Secretary Public (Law & Order) Deptt. Secretariat, Chennai 600 009
www.betfair.com	28.06.2010	Sr. Inspector, Cyber Crime Cell, Mumbai
http://www.youtube.com/ch?watv=tHUNESaC0E4	05.07.2010	Jt. Commissioner of Police (Crime), Mumbai
http://ulaginazhagiya muthalpenn.blogspot.com	21.07.2010	Principal Secretary, IT Department, Chennai-600 009
en.wikipedia.org/Wiki/Sukhbir Singh Badal	11.08.2010	Principal Secretary to Govt. of Punjab, Dept. of IT, Chandigarh
http://www.exbii.com http://www.topix.net	05.10.2010	Commissioner, Maharashtra State, Colaba, Mumbai-400 001
http://ashsyumul.blogspot.com/2009/12/penginaan-terhadap-islam.html	20.08.2010	Shri Haneef Ali, State President, Bharatiya Janata Minority Morcha, Andhra Pradesh
http://www.angelsofindia.com/ http://www.adult-gals.com/ http://www.indianangels.net/ http://www.arabexposed.com/ http://indiamafia.com/	25.11.2010	Jt. Commissioner of Police (Crime), Mumbai

<p>http://www.indianasfuckers.com http://www.indianpornvideos.in/ http://www.peterporntube.com http://www.bollywoodsex.net/ http://www.indianworldsex.com/ http://indianhomevideo.com/ http://indian-pakistani-girls.com http://indianvidz.com http://indianparadise.net/ http://bollywoodscandals.net/ http://indiansexpics.net/ http://www.indian-hardcore-movies.com/ http://www.bollywoodnudesex.net/ http://www.bangmyindianwife.com/ http://www.indian-angel-teens.com/ http://south-indiansex.com/ http://www.indianseducation.com/ http://www.indiansexuniversity.com http://www.indianpassion.com/ http://fuckmyindianass.com http://indiansexwebcams.com/ http://exoticpics4u.com/</p>		
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Annexure III

Minutes of the meeting held on 24-08-2010 for the request for blocking of website www.betfair.com

A meeting of "Committee for examination of request" constituted under the provisions of Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 under section 69A of the Information Technology Act, 2000 was held on 24.08.2010 at Electronics Niketan, New Delhi to examine the Request sent by Government of Maharashtra to block the website www.betfair.com. The meeting was participated by the following members:

1. Dr. Gulshan Rai, Group Coordinator, Department of Information Technology
2. Shri Dharmendra Sharma, Joint Secretary, Ministry of Home Affairs
3. Shri Arvind Kumar, Joint Secretary, Ministry of Information & Broadcasting
4. Shri Ashok C. Prakash, Additional L.A., Department of Legal Affairs
5. Shri B.J. Srinath, Sr. Director, CERT-In

The Committee discussed the case and observed that Govt. of Maharashtra has requested for blocking of website www.betfair.com on the grounds of "public

order". The Committee also noted the reply from Cyber Crime Cell, Mumbai that no case has been registered against www.betfair.com. Further, no details suggesting the "impact" of the said site on public order has been made available by the State Government.

Keeping in view the directions of the Hon'ble High Court to dispose the application strictly as per law, the Committee assessed that based on the data/facts/details provided by Government of Maharashtra and Cyber Crime Cell, Mumbai, violation of section 69A of the Information Technology Act, 2000 is not being established.

Download a scanned version of the letter received from the DIT office here [PDF, 1.74 MB]