

DIT's Response to RTI on Website Blocking

Centre for Internet and Society | 2011-04-07

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For the first time in India, we have a list of websites that are blocked by order of the Indian government. This data was received from the Department of Information Technology in response to an RTI that CIS filed.

Quick Analysis of DIT's Response to the RTI

Blocked websites

The eleven websites that the DIT acknowledges are blocked in India are:

1. <http://www.zone-h.org>
2. <http://donotdial100.webs.com>
3. <http://www.bloggernews.net/124029> [**accessible from Tata DSL, but not from others like Reliance Broadband and BSNL Broadband**]
4. http://www.google.co.in/#h1=en&source=hp&biw=1276&bih=843&=dr+babasaheb+ambedkar+wallpaper&aq=4&aqi=g10&aql=&oq=dr+babas&gs_rfai=&fp=e791fe993fa412ba
5. <http://www.cinemahd.net/desktop-enhancements/wallpaper/23945-wallpapers-beautiful-girl-wallpaper.html>
6. <http://www.chakpak.com/find/images/kamasutra-hindi-movie>
7. <http://www.submitlink.khatana.net/2010/09/jennifer-stano-is-engaged-to.html>
8. <http://www.result.khatana.net/2010/11/im-no-panty-girl-yana-gupta-wardrobe.html>
9. <http://www.facebook.com/pages/I-Hate-Ambedkar/172025102828076>
10. <http://www.indybay.org>
11. <http://arizona.indymedia.org>

Of the eleven blocked websites, one was still accessible on a Tata Communications DSL connection. Two of the blocked websites are grassroots news organizations connected to the Independent Media Centre: IndyBay (San Francisco Bay Area IMC) and the Arizona Indymedia website. The Bloggernews.net page that is on the blocked list is in fact an article by N. Vijayashankar (Naavi) from March 12, 2010 titled "Is E2 labs right in getting zone-h.org blocked?", criticising the judicial blocking of Zone-H.org by E2 Labs (with E2 Labs being represented by lawyer Pawan Duggal). The Zone-H.org case is still

going through the judicial motions in the District Court of Delhi, but E2 Labs managed to get an *ex parte* (i.e., without Zone-H being heard) interim order from the judge asking Designated Officer (Mr. Gulshan Rai of DIT) to block access to Zone-H.org.

As has happened in the past, the government (or the court) accidentally ordered the blocking of all of website host webs.com, instead of blocking only http://donotdial100.webs.com (which subdomain apparently hosted 'defamatory' and 'abusive' information about mafia links within the Maharashtra police and political circles).

It is interesting to note that for most of the websites on most ISPs one gets a 'request timed out' error while trying to access the blocked websites, and not a sign saying: "site blocked for XYZ reason on request dated DD-MM-YYYY received from the DIT". On Reliance broadband connections, for some of the above websites an error message appears, which states: "This site has been blocked as per instructions from Department of Telecom".

Judicial blocking

As per the response of the government, all eleven seem to have been blocked on orders received from the judiciary. While they don't state this directly, this is the conclusion one is led to since the Department admits to blocking eleven websites and also notes that there have been eleven requests for blocking from the judiciary. Normally the judiciary is often thought of as a check on the executive's penchant for banning (seen especially in the recent book banning cases in Maharashtra, for instance, where the Bombay High Court has overturned most of the government's banning orders). However, in these cases the ill-informed lower judiciary seem to be manipulated by lawyers to suppress freedom of speech and expression, even going to the extent of blocking grassroots activist news organizations like the Independent Media Centre.

Websites not blocked by DIT

The DIT also notes that the blocks on Typepad.com was not authorized by it (nor, according to the RTI response received by Nikhil Pahwa of Medianama was the Mobango.com block authorised by the DIT). Typepad.com, Mobango.com, and Clickatell.com don't seem to be blocked currently. However, as was reported by Medianama, for a while when they were being blocked, some sites and ISPs (such as Typepad.com on Bharti Airtel DSL) showed a message stating that the website was blocked on request from the Department of Telecom, which we don't believe has the authority to order blocking of websites. While we still await a response from the Department of Telecom to the RTI we filed with them on this topic, in a letter to the Hindu, the Department of Telecom has clarified that it did not order any block on Typepad.com or any of the other websites. This leaves us unsure as to who ordered these blocks. Further, it points out a lacuna in our information policy that ISPs can *suo motu* block websites without

justifications (such as violation of terms of use), proper notice to customers, or any kind of repercussions for wrongful blocking.

Insufficient information on Committee for Examination of Requests

All requests for websites blocking (except those directly from the judiciary) must be vetted by the Committee for Examination of Requests (CER) under Rule 8(4) of the Rules under s.69A of the IT Act. Given that the DIT admits that the Designated Officer (who carries out the blocking) has received 21 requests to date, there should be at least 21 recommendations of the CER. However, the DIT has not provided us with the details of those 21 requests and the 21 recommendations. We are filing another RTI to uncover this information.

Text of the DIT's Response

Government of India Ministry of Communications & Information Technology
Department of Information Technology Electronics Niketan, 6 CGO Complex,
New Delhi-110003 No : 14(3)/2011-ESD

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

Subject: Request for information under RTI Act,

Sir, Reference your request dated 28th February 2011 on the above subject. The point wise information as received from the custodian of Information is enclosed for your reference and records.

sd/- (A.K.Kaushik) Additional Director & CPIO Tel: 011-24364803

Subject : RTI on website blocking requested by Shri Pranesh Prakash

(i) Did the Department order Airtel to block TypePad under S.69A of the Information Technology Act ("IT Act"), 2000 read with the Information Technology (Procedures and Safeguards for Blocking Access of Information by Public) Rules, 2009 ("Rules") or any other law for the time being in force? If so, please provide a copy of such order or orders. If not, what action, if at all, has been taken by the Department against Airtel for blocking of websites in contravention of S.69A of the IT Act?

Reply - This Department did not order Airtel to block the said site.

(ii) Has the Department ever ordered a block under s.69A of the IT Act? If so, what was the information that was ordered to be blocked?

Reply - The Department has issued directions for blocking under section 69A for the following websites: (a) www.zone-h.org. (b) <http://donotdial100.webs.com> (IP 216.52.115.50)

(c) www.bloggernews.net/124029 (d) http://www.google.co.in/#hl=en&source=hp&biw=1276&bih=843&dr=babasaheb+ambedkar+wallpaper&aq=4&aqi=g10&aql=&oq=dr+babas&gs_rfai=&fp=e791fe993fa412ba
(e) <http://www.cinemahd.net/desktop-enhancements/wallpaper/23945-wallpapers-beautiful-girl-wallpaper.html> (f) <http://www.chakpak.com/find/images/kamasutra-hindi-movie> (g) <http://www.submitlink.khatana.net/2010/09/jennifer-stano-is-engaged-to.html> (h) <http://www.result.khatana.net/2010/11/im-no-panty-girl-yana-gupta-wardrobe.html>. (i) <http://www.facebook.com/pages/1-Hate-Ambedkar/172025102828076> (j) www.indybay.org
(k) www.arizona.indymedia.org

(iii) How many requests for blocking of information has the Designated Officer received, and how many of those requests have been accepted and how many rejected? How many of those requests were for emergency blocking under Rule 9 of the Rules?

Reply - Designated Officer received 21 request for blocking of information. 11 websites have been blocked on the basis of orders received from court of law. One request has been rejected. For other requests, additional input/information has been sought from the Nodal Officer.

No request for emergency blocking under rule 9 of the Rules have been received.

(iv) Please provide use the present composition of the Committee for Examination of Requests constituted under Rule 7 of the Rules.

Reply - The present composition of the Committee is : (a) Designated Officer (Group Coordinator - Cyber Law) (b) Joint Secretary, Ministry of Home Affairs (c) Joint Secretary, Ministry of Information and Broadcasting (d) Additional Secretary and Ministry of Law & Justice (e) Senior Director, Indian Computer Emergency Response Team

(v) Please provide us the dates and copies of the minutes of all meetings held by the Committee for Examination of Requests under Rule 8(4) of the Rules, and copies of their recommendations.

Reply - The Committee had met on 24-08-2010 with respect to request for blocking of website www.betfair.com.

(vi) Please provide us the present composition of the Review Committee constituted under rule 419A of the Indian Telegraph Rules, 1951. (vii) Please provide us the dates and copies of the minutes of all meetings held by the Review Committee under Rule 14 of the Rules, and copies of all orders issued by the Review Committee.

Reply - This Department do not have details for above. The said information may be available with Department of Telecommunications.