

# RTI Applications on Blocking of Websites

*Centre for Internet and Society* | 2011-03-08

Pranesh Prakash

*In recent weeks, an increasing number of incidents have come to light on government-ordered blocking of websites. In one case involving Zone-H.org, it is clear who has ordered the block (a Delhi district court judge, as an interim order), even though the block itself is open to constitutional challenge.*

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While under the law (i.e., s.69A of the Information Technology Act), the Department of Information Technology (DIT) has the power to order blocks (via the 'Designated Officer'), in some cases it has been noted that the ISPs have noted that the order to block access to the websites have come from the Department of Telecom (DoT). Due to this, we have sent in RTI applications to both the DIT and the DoT.

## **RTI Application to Department of Information Technology**

To

Shri B.B.Bahl, Joint Director and PIO (RTI) Office of PIO (RTI) Room No 1016, Electronics Niketan Department of Information Technology (DIT) Ministry of Communications and Information Technology 6, CGO Complex, New Delhi

Dear Sir,

**Subject: Information on Website Blocking Requested under the Right to Information Act, 2005**

**1. Full Name of the Applicant:** Pranesh Prakash

**2. Address of the Applicant:** E-mail Address: pranesh[at]cis-india.org

Mailing Address: Centre for Internet and Society 194, 2-C Cross, Domlur Stage II, Bangalore – 560071

**3. Details of the information required:**

It has come to our attention that Airtel Broadband Services (“Airtel”) has recently blocked access to a blog host called TypePad (<http://www.typepad.com>) (“TypePad”) for all its users across the country. In this regard, we request

information on the following queries under Section 6(1) of the Right to Information Act, 2005:

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

**4. Years to which the above requests pertain: 2008-2011**

**5. Designation and Address of the PIO from whom the information is required:**

Shri B.B.Bahl, Joint Director and PIO (RTI) Office of PIO (RTI) Room No 1016, Electronics Niketan Department of Information Technology (DIT) Ministry of Communications and Information Technology 6, CGO Complex, New Delhi

To the best of my belief, the details sought for fall within your authority. Further, as provided under section 6(3) of the Right to Information Act (“RTI Act”), in case this application does not fall within your authority, I request you to transfer the same in the designated time (5 days) to the concerned authority and inform me of the same immediately.

To the best of my knowledge the information sought does not fall within the restrictions contained in section 8 and 9 of the RTI Act, and any provision

protecting such information in any other law for the time being in force is inapplicable due to section 22 of the RTI Act.

Please provide me this information in electronic form, via the e-mail address provided above.

This to certify that I, Pranesh Prakash, am a citizen of India.

A fee of Rs. 10/- (Rupees Ten Only) has been made out in the form of a demand draft drawn in favour of “Pay and Accounts Officer, Department of Information Technology” payable at New Delhi.

Date: Monday, February 28, 2011 Place: Bengaluru, Karnataka

(Pranesh Prakash)

## **RTI Application to Department of Telecom**

To

Shri Subodh Saxena Central Public Information Officer (RTI) Director (DS-II) Room No 1006, Sanchar Bhawan Department of Telecommunications (DoT) Ministry of Communications and Information Technology 20, Ashoka Road, New Delhi — 110001

Dear Sir,

**Subject: Information on Website Blocking Requested under the Right to Information Act, 2005**

**1. Full Name of the Applicant:** Pranesh Prakash

**2. Address of the Applicant:** E-mail Address: pranesh[at]cis-india.org

Mailing Address: Centre for Internet and Society 194, 2-C Cross, Domlur Stage II, Bangalore – 560071

**3. Details of the information required:**

It has come to our attention that Airtel Broadband Services (“Airtel”) has recently blocked access to a blog host called TypePad (<http://www.typepad.com>) (“TypePad”) for all its users across the country. Airtel subscribers trying to access this website receive a message noting “This site has been blocked as per request by Department of Telecom”. In this regard, we request information on the following queries under Section 6(1) of the Right to Information Act, 2005:

- i. Does the Department have powers to require an Internet Service Provider to block a website? If so, please provide a citation of the statute under which power is granted to the Department, as well as the the safeguards prescribed to be in accordance with Article 19(1)(a) of the Constitution of India.
- ii. Did the Department order Airtel to block TypePad or any blog hosted by TypePad? 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?

- iii. Has the Department ever ordered the blocking of any website? If so, please provide a list of addresses of all the websites that have been ordered to be blocked.
- iv. Please provide use the present composition of the Committee constituted under rule 419A of the Indian Telegraph Rules, 1951.
- v. Please provide us the dates and copies of the minutes of all meetings held by the Committee constituted under rule 419A of the Indian Telegraph Rules, 1951, and copies of all their recommendations.

**4. Years to which the above requests pertain: 2005-2011**

**5. Designation and Address of the PIO from whom the information is required:** Shri Subodh Saxena Central Public Information Officer (RTI) Director (DS-II) Room No 1006, Sanchar Bhawan Department of Telecommunications (DoT) Ministry of Communications and Information Technology 20, Ashoka Road, New Delhi — 110001

To the best of my belief, the details sought for fall within your authority. Further, as provided under section 6(3) of the Right to Information Act (“RTI Act”), in case this application does not fall within your authority, I request you to transfer the same in the designated time (5 days) to the concerned authority and inform me of the same immediately.

To the best of my knowledge the information sought does not fall within the restrictions contained in section 8 and 9 of the RTI Act, and any provision protecting such information in any other law for the time being in force is inapplicable due to section 22 of the RTI Act.

Please provide me this information in electronic form, via the e-mail address provided above.

This to certify that I, Pranesh Prakash, am a citizen of India.

A fee of Rs. 10/- (Rupees Ten Only) has been made out in the form of a demand draft drawn in favour of “Pay and Accounts Officer (HQ), Department of Telecom” payable at New Delhi.

Date: Monday, February 28, 2011 Place: Bengaluru, Karnataka

(Pranesh Prakash)