

**GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA**

STARRED QUESTION NO:318

ANSWERED ON:12.02.2014

OBJECTIONABLE CONTENTS ON WEBSITES

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Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether the Government has blocked or banned some of the websites and Uniform Resource` Locators (URLs) during the last three years and the current year;
- (b) if so, the number of such websites and URLs, year wise including the reasons for blocking / banning them;
- (c) the number of requests made to various social networking sites for removing objectionable / pornographic material particularly child pornography during the last three years and the current
- (d) whether there is any ombudsman in the Ministry to monitor contents of the channels and networking websites and If so, the details thereof and if not, the action taken by the Government in this regard; and
- (e) the measures taken to ensure that channels and websites do not indulge in displaying or showing objectionable contents?

Answer

MINISTER FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

(a) to (e) : A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 318 FOR 12.02.2014 REGARDING OBJECTIONABLE CONTENTS ON WEBSITES

(a),(b) and (c): Section 69A of the [nformation Technology Act 2000 empowers Government to block any information generated, transmitted, received, stored or hosted in any Computer Resource in the interest of Sovereignty and Integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the Commission of any cognizable offence relating to above. Provisions of Section 69A of the Information Technology Act 2000 have been invoked during the calendar year 2012 and 2013. A total of 362 Uniform Resource Locators (URLs) were blocked in the year 2012. out of which 312 URLs were blocked in a single instance at the time of exodus of North East people from different parts of the country. Further, a total of 62 URLs were blocked invoking process of the Government under Section 69A during 2013. The Web pages were hosting objectionable information and had the potential to disturb the public order in the country and blocked for access to Public in the country on the request of Law Enforcement Agencies. Further Social Networking Sites were requested to block 8, 21, 352 URLs during 2010, 2011 and 2012 respectively and 1299 URLs up to January 31, 2014 including 2013 to comply with the Court orders. Besides, Indian Computer Emergency Response Team (CERT-In) gets requests for blocking of objectionable content from individuals and organisations, which merely forwards those requests to the Social Networking Sites for appropriate action. The Rule 16 of the Information Technology (Procedure and Safeguards for access of Information by public) Rules, 2009 requires strict confidentiality to be maintained regarding all such requests and complaints received and action taken thereof.

(d): There is no institutional monitoring mechanism for monitoring social networking sites. At present, Law Enforcement and Intelligence / Security Agencies make searches on the Internet on specific case-to-case basis. There is no ombudsman in the Ministry to monitor contents of the. channels and networking websites and there is no proposal to appoint ombudsman in this regard.

(e): The Information Technology Act 2000 together with the Indian Penal Code 1860 provides legal framework for countering pornographic sites including child pornography- Sections 67, 67A and 67B of the Information Technology Act provides stringent punishment and fine for publishing or transmission of pornography in electronic form as well as hosting on website any information which is lascivious, or contains sexually explicit act or conduct, or depicts children engaged in sexually explicit acL Section 67 provides imprisonment up to three years and fine up to five lakh rupees for first conviction and imprisonment up to five years and fine up to ten lakh rupees for subsequent convictions. Section 67A and section 67B provides punishment up to five years and fine up to ten lakh rupees for first conviction and imprisonment up to seven years and fine up to ten lakh rupees for subsequent convictions.

Further, the Information Technology (Intermediary Guidelines) Rules 2011 under Section 79 of the Information Technology Act requires that the Intermediaries shall observe due diligence while discharging their duties and shall inform the users of Computer resources not to host, display, upload, modify, publish, transmit, update or share any information that is harmful, objectionable, affect minors and unlawful in any way. The said rules also require the intermediaries to appoint Grievance Officers to address the grievances received from users and affected individuals / organizations as and when received by them.

An Advisory was issued on August 17, 2012 under Section 69A and Sub-Section 3(B) under Section 79 of Information Technology Act 2000 and Rules therein to all intermediaries asking them to take necessary action to disable inflammatory and hateful content hosted on their website on priority basis.