

**Draft Rules under section 69A of the Information Technology
(Amendment) Act, 2008**

**Ministry of Communications and Information Technology
(Department of Information Technology)**

New Delhi , Dated -----

G.S.R ---- In exercise of the powers conferred by clause (z) of sub-section (2) of section 87, read with sub-section (2) of section 69A of the Information Technology Act 2000, as amended by the Information Technology (Amendment) Act, 2008 (10 of 2009), the Central Government hereby makes the following rules, namely:

1. (1) These rules may be called the Information Technology (Blocking for public access of any information generated, transmitted, received, stored or hosted in a computer resource) Rules, 2009

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions - In these Rules, unless the context otherwise requires –

(a) “Act” means the Information Technology Act 2000, as amended by the Information Technology (Amendment) Act, 2008;

(b) “Organisation” means –

(i) Ministries/Departments of Government of India;

(ii) State Governments and Union Territories;

(iii) Any other entity as may be notified in Official Gazette by the Central Government.

(c) “Computer resource” means computer resource as defined in section 2(1) (k) of the Information Technology Act, 2000;

(d) “Intermediary” means an intermediary as defined in section 2(1)(w) of the Information Technology (Amendment) Act, 2008;

(e) “Request” means the request for blocking of access by the public any information generated, transmitted, received, stored or hosted in any computer resource;

(f) “Review Committee” means a Review Committee as constituted in Rule 419A of Indian Telegraph (Amendment) Rules, 2007.

3. The Secretary, Department of Information Technology, Ministry of Communications & Information Technology, Government of India shall designate and notify in official Gazette, an officer of the Central Government, not below the rank of a Joint Secretary, for issuing directions for blocking for access by the public any information generated, transmitted, received, stored or hosted in any computer resource

under sub-section (2) of section 69A of the Information Technology (Amendment) Act, 2008 (hereinafter referred to as the said Act).

4. The designated officer may by order direct any Agency of the Government or intermediaries to block for access by the public any information or part thereof generated, transmitted, received, stored or hosted in any computer resource for any of the reasons specified in sub-section (1) of section 69A of the Act.

5. As provided under Rule (3) above, the designated officer shall act on the:

(1) Request received from the Nodal Officer nominated by an Organisation:

Each of the Organisation shall intimate the name of their Nodal Officer to Secretary, Department of Information Technology, Ministry of Communications & Information Technology, Government of India;

(2) direction of the Indian competent court.

6. Any person may send their complaint to the concerned Organisation for blocking of access by the public any information generated, transmitted, received, stored or hosted in any computer resource. The Organisation shall, after due consideration, send the Request to the designated officer through their Nodal Officer nominated under sub-rule (1) of Rule (5). The Designated Officer will not entertain any Request for blocking of information directly from any person.

7. The Request from State Government or Union Territory must be approved by the Chief Secretary of the concerned State or Union Territory before it is sent to the Designated Officer. In case a Union Territory has no Chief Secretary, the Request should be approved by the Adviser to the Administrator of the Union Territory.

8. The Organisation shall examine the complaint to satisfy themselves about the need for action in relation to the reasons enumerated in sub-section (1) of section 69A of the Act. After being satisfied, the Organisation shall send the request through its Nodal Officer to Designated Officer in the format prescribed in schedule I.

9. The Request must be in writing and submitted by Nodal Officer on the letter head of the respective Organisation, completed in all respects as provided under Rule (7) and can be sent either by mail or by fax or by digitally signed e-mail. In case the request is sent by fax or by email which is not digitally signed, the Nodal Officer shall be required to provide an ink-signed copy of the request so as to reach the Designated Officer within 3 days of receipt of the request by fax or e-mail;

10. On receipt, each Request shall be assigned a number alongwith the date and time of its receipt.

11. Each Request shall be acknowledged to the Nodal Officer within 24 hours, of its receipt.

12. The Request alongwith the printed sample content of the alleged offending computer resource or part thereof shall be examined by a duly constituted committee consisting of the officer designated under Rule (3), representatives not below the rank of Joint Secretary in Ministry of Law & Justice, Ministry of Home Affairs, Ministry of Information & Broadcasting and Indian Computer Emergency Response Team. This committee shall be headed by the Designated Officer.

13. The committee as provided under Rule (12) shall examine the request and printed sample content and consider whether the Request is covered within the reasons specified in sub-section (1) of section 69A of the Act and that it is justifiable to block such information or part thereof. The committee shall give specific recommendation in writing with respect to the Request received from the Nodal Officer.

14. The recommendation of the Committee in respect of the Request received for blocking of information alongwith the details sent by the Nodal Officer in the prescribed format shall be submitted by the Designated Officer to the Secretary, Department of Information Technology, Ministry of Communications & Information Technology, Government of India.

15. In cases of Requests of emergency nature, the Designated Officer, shall examine the Request and printed sample content and consider whether the request is covered within the reasons specified in sub-section (1) of section 69A of the Act and that it is justifiable to block such information or part thereof and submit the case with specific recommendations in writing to Secretary, Department of Information Technology, Ministry of Communications & Information Technology, Government of India.

16. In the event of approval of the Request by the Secretary, Department of Information Technology, Ministry of Communications & Information Technology, Government of India, under Rule (14) and Rule (15), the Designated Officer will direct the Intermediaries to block the offending information generated, transmitted, received, stored or hosted in their computer resource for public access within the time limit specified in the direction. In case the Request of the Nodal Officer is not approved by the Secretary, Department of Information Technology, Ministry of Communications & Information Technology, Government of India, the Designated Officer shall convey the same to the Nodal Officer.

17. In case of an order from the competent Indian court for blocking of any information or part thereof generated, transmitted, received, stored or hosted in a computer resource, the designated officer, shall immediately on receipt of certified copy of the court order, submit it to Secretary, Department of Information Technology, Ministry of Communications & Information Technology, Government of India and initiate action as directed by the court.

18. Efforts shall be made to process the request received from Nodal officer under Rule (7) expeditiously which in any case shall not be more than seven working days from the date of receipt of the Request.

19. In the event of Intermediary failing to comply with the directions issued to them under Rule (16), the appropriate action as needed to comply with the provisions of sub-section (3) of section 69A of the Act, may be initiated only by the Designated Officer after taking approval from the Secretary, Department of Information Technology, Ministry of Communications & Information Technology, Government of India.

20. The Intermediaries shall designate at least one person to receive and handle such directions for blocking such information or part thereof for access by the public.

21. The designated person of the Intermediaries shall issue acknowledgement letters to the Designated Officer within two hours on receipt of his direction under Rule (16).

22. The Review Committee shall meet at least once in two months and record its findings whether the directions issued under Rule (16) are in accordance with the provisions of sub-section (2) of section 69A of the Act. When the Review Committee is of the opinion that the directions are not in accordance with the provisions referred to above, it may set aside the directions and order for unblocking of said information generated, transmitted, received, stored or hosted in a computer resource for public access.

23. The Designated Officer shall maintain complete record, in electronic database as also in paper/file/registers of the cases of blocking for public access of the information generated, transmitted, received, stored or hosted in a computer resource.

24. Strict confidentiality shall be maintained regarding all the Requests and complaints thus received.

Schedule I
(See Rule 8)

A. Complaint

1. Name of the complainant : -- _____
(Person who has sent the complaint to the Ministry/Department/State Govt./Nodal Officer)

2. Address : _____

City : _____ Pin Code: _____

3. Telephone: _____ (prefix STD code) 4. Fax (if any) : _____

5. Mobile (if any): _____

6. Email (if any): _____

B : Details of website/ offending Information hosted on the website
(Please give details wherever known)

7. URL / web address : _____

8. IP Address : _____

9. Hyperlink : _____

10. Server/Proxy Server address : _____

11. Name of the Intermediary : _____

12. URL of the Intermediary : _____

(Please attach screenshot/printout of the offending information)

C. Details of Request for blocking

13. Recommendation/Comments of the Ministry/State Govt : _____

14. The level at which the comments/ recommendation have been approved
(Please specify designation) : _____

15. Have the complaint been examined in Ministry/State Government : Y/N

16. If yes, under which of the following reasons it falls (please tick):

- (i) Interest of sovereignty or integrity of India
- (ii) Defence of India
- (iii) Security of the State
- (iv) Friendly relations with foreign States
- (v) Public order
- (vi) For preventing incitement to the commission of any cognisable offence relating to above

D. Details of the Nodal Officer forwarding the complaint alongwith recommendation of the Ministry/State Govt. and related enclosures

17. Name of the Nodal Officer: _____

18. Designation : _____

19. Organisation : _____

20. Address : _____

City : _____ Pin Code: _____

21. Telephone: _____ (prefix STD code) 22. Fax (if any): _____

23. Mobile (if any): _____

24. Email (if any): _____

E. Any other information :

F. Enclosures :

- 1.
- 2.
- 3.

Date :

Place:

Signature