NOTIFICATION
New Delhi, the 27th October, 2009

G.S.R. 781 (E).— 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, (21 of 2000), the Central Government hereby makes the following rules, namely:

1. **Short title and commencement.**— (1) These rules may be called the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) 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 (21 of 2000);

(b) "computer resource" means computer resource as defined in clause (k) of sub-section (1) of section 2 of the Act;

(c) "Designated Officer" means an officer designated as Designated Officer under rule 3;

(d) "Form" means a form appended to these rules;

(e) "intermediary" means an intermediary as defined in clause (w) of sub-section (1) of section 2 of the Act;

(f) "nodal officer" means the nodal officer designated as such under rule 4;

(g) "organisation" means –

(i)Ministries or Departments of the Government of India;

(ii) state Governments and Union territories;

(iii) any agency of the Central Government, as may be notified in the Official Gazette, by the Central Government;

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

(i) "Review Committee" means the Review Committee constituted under rule 419A of Indian Telegraph Rules, 1951.

3. Designated Officer.— The Central Government shall designate by notification in Official Gazette, an officer of the Central Government not below the rank of a Joint Secretary, as the "Designated Officer", for the purpose of issuing direction 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 Act.

4. Nodal officer of organisation.— Every organisation for the purpose of these rules, shall designate one of its officer as the Nodal Officer and shall intimate the same to the Central Government in the Department of Information Technology under the Ministry of Communications and Information Technology, Government of India and also publish the name of the said Nodal Officer on their website.

5. **Direction by Designated Officer.**— The Designated Officer may, on receipt of any request from the Nodal Officer of an organisation or a competent court, by order direct any Agency of the Government or intermediary 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.

6. **Forwarding of request by organisation.**— (1) Any person may send their complaint to the Nodal Officer of the concerned organisation for blocking of access by the public any information generated, transmitted, received, stored or hosted in any computer resource:

Provided that any request, other than the one from the Nodal Officer of the organisation, shall be sent with the approval of the Chief Secretary of the concerned State or Union territory to the Designated Officer.

Provided further that in case a Union territory has no Chief Secretary, then, such request may be approved by the Adviser to the Administrator of that Union territory.

(2) The organisation shall examine the complaint received under sub-rule (1) to satisfy themselves about the need for taking of action in relation to the reasons enumerated in sub-section (1) of section 69A of the Act and after being satisfied, it shall send the request through its Nodal Officer to the Designated Officer in the format specified in the Form appended to these rules.

(3) The Designated Officer shall not entertain any complaint or request for blocking of information directly from any person.

(4) The request shall be in writing on the letter head of the respective organisation, complete in all respects and may be sent either by mail or by fax or by e-mail signed with electronic signature of the Nodal Officer.

Provided that in case the request is sent by fax or by e-mail which is not signed with electronic signature, the Nodal Officer shall provide a signed copy of the request so as to reach the Designated Officer within a period of three days of receipt of the request by such fax or e-mail.

(5) On receipt, each request shall be assigned a number alongwith the date and time of its receipt by the Designated Officer and he shall acknowledge the receipt thereof to the Nodal Officer within a period of twenty four hours of its receipt.

7. **Committee for examination of request.**— The request alongwith the printed sample content of the alleged offending information or part thereof shall be examined by a committee consisting of the Designated Officer as its chairperson and representatives, not below the rank of Joint Secretary in Ministries of Law and Justice, Home Affairs, Information and Broadcasting and the Indian Computer Emergency Response Team appointed under sub-section (1) of section 70B of the Act.

8. **Examination of request.**— (1) On receipt of request under rule 6, the Designated Officer shall make all reasonable efforts to identify the person or intermediary who has hosted the information or part thereof as well as the computer resource on which such information or part thereof is being hosted and where he is able to identify such person or intermediary and the computer resource hosting the information or part thereof which have been requested to be blocked for public access, he shall issue a notice by way of letters or fax or e-mail signed with electronic signatures to such person or intermediary in control of such computer resource to appear and submit their reply and clarifications, if any, before the committee referred to in rule 7, at a specified date and time, which shall not be less than forty-eight hours from the time of receipt of such notice by such person or intermediary.

(2) In case of non-appearance of such person or intermediary, who has been served with the notice under sub-rule (1), before the committee on such specified date and time, the committee shall give specific recommendation in writing with respect to the request received from the Nodal Officer, based on the information available with the committee.

(3) In case, such a person or intermediary, who has been served with the notice under sub-rule (1), is a foreign entity or body corporate as identified by the Designated Officer, notice shall be sent by way of letters or fax or e-mail signed with electronic signatures to such foreign entity or body corporate and any such foreign entity or body corporate shall respond to such a notice within the time specified therein, failing which the committee shall give specific recommendation in writing with respect to the request received from the Nodal Officer, based on the information available with the committee.

(4) The committee referred to in rule 7 shall examine the request and printed sample information and consider whether the request is covered within the scope of sub-section (1) of section 69A of the Act and that it is justifiable to block such information or part thereof and shall give specific recommendation in writing with respect to the request received from the Nodal Officer.

(5) The designated Officer shall submit the recommendation of the committee, in respect of the request for blocking of information alongwith the details sent by the Nodal Officer, to the Secretary in the Department of Information Technology under the Ministry of Communications and Information

Technology, Government of India (hereinafter referred to as the "Secretary, Department of Information Technology").

(6) The Designated Officer, on approval of the request by the Secretary, Department of Information Technology, shall direct any agency of the Government or the intermediary 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.

Provided that in case the request of the Nodal Officer is not approved by the Secretary, Department of Information Technology, the Designated Officer shall convey the same to such Nodal Officer.

9. Blocking of information in cases of emergency.— (1) Notwithstanding anything contained in rules 7 and 8, the Designated Officer, in any case of emergency nature, for which no delay is acceptable, shall examine the request and printed sample information and consider whether the request is within the scope of sub-section(1) of section 69A of the Act and it is necessary or expedient and justifiable to block such information or part thereof and submit the request with specific recommendations in writing to Secretary, Department of Information Technology.

(2) In a case of emergency nature, the Secretary, Department of Information Technology may, if he is satisfied that it is necessary or expedient and justifiable for blocking for public access of any information or part thereof through any computer resource and after recording reasons in writing, as an interim measure issue such directions as he may consider necessary to such identified or identifiable persons or intermediary in control of such computer resource hosting such information or part thereof without giving him an opportunity of hearing.

(3) The Designated Officer, at the earliest but not later than forty-eight hours of issue of direction under sub-rule (2), shall bring the request before the committee referred to in rule 7 for its consideration and recommendation.

(4) On receipt of recommendations of committee, Secretary, Department of Information Technology, shall pass the final order as regard to approval of such request and in case the request for blocking is not approved by the Secretary, Department of Information Technology in his final order, the interim direction issued under sub-rule (2) shall be revoked and the person or intermediary in control of such information shall be accordingly directed to unblock the information for public access.

10. **Process of order of court for blocking of information.** — In case of an order from a competent court in India 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 the Secretary, Department of Information Technology and initiate action as directed by the court.

11. **Expeditious disposal of request.**— The request received from the Nodal Officer shall be decided expeditiously which in no case shall be more than seven working days from the date of receipt of the request.

12. **Action for non-compliance of direction by intermediary.**— In case the intermediary fails to comply with the direction issued to him under rule 9, the Designated Officer shall, with the prior approval of the Secretary, Department of Information Technology, initiate appropriate action as may be required to comply with the provisions of sub-section (3) of section 69A of the Act.

13. **Intermediary to designate one person to receive and handle directions.** — (1) Every intermediary shall designate at least one person to receive and handle the directions for blocking of access by the public any information generated, transmitted, received, stored or hosted in any computer resource under these rules.

(2) The designated person of the intermediary shall acknowledge receipt of the directions to the Designated Officer within two hours on receipt of the direction through acknowledgement letter or fax or e-mail signed with electronic signature.

14 **Meeting of Review Committee.**— The Review Committee shall meet at least once in two months and record its findings whether the directions issued under these rules are in accordance with the provisions of sub-section (1) of section 69A of the Act and if is of the opinion that the directions are not in accordance with the provisions referred to above, it may set aside the directions and issue order for unblocking of said information generated, transmitted, received, stored or hosted in a computer resource for public access.

15. **Maintenance of records by Designated Officer** — The Designated Officer shall maintain complete record of the request received and action taken thereof, in electronic database and also in register of the cases of blocking for public access of the information generated, transmitted, received, stored or hosted in a computer resource.

16. **Requests and complaints to be confidential.**— Strict confidentiality shall be maintained regarding all the requests and complaints received and actions taken thereof.

FORM

[See rule 6(2)]

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/ computer resource/intermediary/ 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)

13. Address or location of intermediary in case the intermediary is telecom service provider, network service provider, internet service provider, web-hosting service provider and cyber café or other form of intermediary for which information under points (7), (8), (9), (10), (11) and (12) are not available.

_____

_____

_____

C. Details of Request for blocking

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

_____

_____

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

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

17. 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

18. Name of the Nodal Officer: _____
19. Designation : _____
20. organisation : _____
21. Address : _____

_____

City : _____ Pin Code: _____

22. Telephone: _____(prefix STD code) 23. Fax (if any): _____

24. Mobile (if any): _____

25. Email (if any): _____

E. Any other information :

F. Enclosures 1.
2.
3.

Date : Place: Signature

[No. 9(16)/2004-EC]
N. RAVI SHANKER, Jt. Secy

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