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New content control rules leave netizens sore

By: IANS

Date: 2011-05-11 Place: New Delhi

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In the age of internet-fuelled information explosion, the government's new rule allowing telecom companies and blogging sites, among others, to remove "objectionable" content from the web without informing users is a violation of the right to freedom of speech, say netizens and cyber law experts.

The Information Technology (Due Diligence Observed by Intermediaries Guidelines) Rules, 2011, say that intermediaries - which include telecommunication companies, internet service providers (ISP), blogging sites, search engines, as well as cyber cafes - can remove "objectionable" content without notifying the user.

The Ministry of Communications and Information Technology announced the rules last month.

Pavan Duggal, cyber law expert and Supreme Court advocate, said: "It (the new rules) is in direct violation to the freedom of speech, which is a fundamental right and mentioned in article 19 of the constitution."

"The new rules say that intermediaries should remove such kind of objectionable items within 36 hours without informing the users. They have the right to remove any post on a blog or site, work with the user to correct the post or disable access to their services altogether," Duggal told IANS.

According to InternetWorldStat.com, India stands fourth in the world in internet surfing with 8.5 percent of the country's population using the internet.

Nishant Shah, director (research) of the Centre for Internet and Society, Bangalore, said the government should recognise blogging as the right of the people and that the new rule is "against the fundamental right of freedom of speech".

Pushkar Raj, general secretary of the People's Union for Civil Liberties (PUCL), plans to knock the door of the Supreme Court in a week's time on the issue.

"The biggest problem of this rule is that it gives a lot of power to lower-ranking police officials without any kind of supervision. In this era of information flow, it is very hard to define the term 'intermediaries'," Raj told IANS.

The rules also say that the intermediaries will preserve such kind of information and maintain records for at least 90 days for investigation purposes.

Taha Sahil, a management student in Amity University, said the internet was the only weapon to spread the truth and these rules would curb that.

"It's like snatching away our freedom of speech. We all know that the media is biased and blogs and other web portals are the only unbiased source through which people can write and spread the truth. Moreover, this rule does not give any opportunity to the user to defend his work or even appeal," Sahil said.

The new IT rule specifies that the intermediaries should not display, upload, modify or publish any information that is "harmful, threatening, abusive, harassing, blasphemous, defamatory, pornographic, libellous, invasive of another's privacy, hateful, disparaging, racially, ethnically or otherwise objectionable, relating to money laundering or gambling".

Bloggers say the new rule is too tedious and will discourage them from blogging.

Shivam Vij, a Delhi-based journalist and blogger, said: "This rule is so vast that it causes confusion and annoyance. Who defines that the content is objectionable and how?"

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The new rule also gives the government easier access to content from the intermediaries. The intermediaries will be required to provide information to authorised government agencies for investigation and cyber security.

Ghulam Muhammed, a Mumbai-based blogger, is one of the net users who partly agreed with the reasons behind the government's initiative.

"The government's control on internet is in essence a draconian measure. But on the good side, it will control things like the spread of pornography," Muhammad said.

Internet service providers argue that the rules are transparent enough and it was high time such legislation was put in place as people had suffered in the past because of malicious content being posted against them.

"There are sets of words defined and most of them are illegal under the law, though there are a few loose words which need to be taken care of," said Subho Ray, president, Internet and Mobile Association of India.

"If the user has a problem with his content being removed, he can move court and if the court agrees to his appeal his content can be put back again," he added.

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