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India Puts Tight Leash on Internet Free Speech

By Vikas Bajaj

MUMBAI, India — Free speech advocates and Internet users are protesting new Indian regulations restricting Web content that, among other things, can be considered “disparaging,” “harassing,” “blasphemous” or “hateful.”

The [new rules](#), quietly issued by the country’s Department of Information Technology earlier this month and only now attracting attention, allow officials and private citizens to demand that Internet sites and service providers remove content they consider objectionable on the basis of a long list of criteria.

Critics of the new rules say the restrictions could severely curtail debate and discussion on the Internet, whose use has been growing fast in India.

The list of objectionable content is sweeping and includes anything that “threatens the unity, integrity, defense, security or sovereignty of India, friendly relations with foreign states or public order.”

The rules highlight the ambivalence with which Indian officials have long treated freedom of expression. [The country’s constitution](#) allows “reasonable restrictions” on free speech but lawmakers have periodically stretched that definition to ban books, movies and other material about sensitive subjects like sex, politics and religion.

An Indian state, for example, [recently banned an American author’s new biography](#) of the Indian freedom fighter Mohandas Gandhi that critics have argued disparages Mr. Gandhi by talking about his relationship with another man.

Although fewer than 10 percent of Indians have access to the Internet, that number has been growing fast — especially on mobile devices. There are more than 700 million cellphone accounts in India.

The country has also established a thriving technology industry that writes software and creates Web services primarily for Western clients.

Even before the new rules — known as the Information Technology (Intermediaries guidelines) Rules, 2011 — India has periodically tried to restrict speech on the Internet. In 2009, the government banned a popular and graphic online comic strip, Savita Bhabhi, about a housewife

with an active sex life. Indian officials have also required social networking sites like Orkut to take down posts deemed offensive to ethnic and religious groups.

Using a freedom of information law, the Center for Internet and Society, a Bangalore-based research and advocacy group, recently obtained and [published a list of 11 Web sites](#) banned by the Department of Information Technology. Other government agencies have probably blocked more sites, the group said.

The new Internet rules go further than existing Indian laws and restrictions, said Sunil Abraham, the executive director for the Center for Internet and Society. The rules require Internet “intermediaries” — an all-encompassing group that includes sites like YouTube and Facebook and companies that host Web sites or provide Internet connections — to respond to any demand to take down offensive content within 36 hours. The rules do not provide a way for content producers to defend their work or appeal a decision to take content down.

“These rules overly favor those who want to clamp down on freedom of expression,” Mr. Abraham said. “Whenever there are limits of freedom of expression, in order for those limits to be considered constitutionally valid, those limits have to be clear and not be very vague. Many of these rules that seek to place limits are very, very vague.”

An official for the [People’s Union for Civil Liberties](#), an advocacy group based in New Delhi, said on Wednesday that it was considering a legal challenge to the constitutionality of the new rules.

“What are we, Saudi Arabia?” said Pushkar Raj, the group’s general secretary. “We don’t expect this from India. This is something very serious.”

An official at the Department of Information Technology, Gulshan Rai, did not return calls and messages.

The rules are based on a 2008 information technology law that India’s Parliament passed shortly after a three-day siege on Mumbai by Pakistan-based terrorists that killed more than 163 people. That law, among other things, granted authorities more expansive powers to monitor electronic communications for reasons of national security. It also granted privacy protections to consumers.

While advocates for free speech and civil liberties have complained that the 2008 law goes too far in violating the rights of Indians, Internet firms have expressed support for it. The law removed liability from Internet intermediaries as long as they were not active participants in creating content that was later deemed to be offensive.

Subho Ray, the president of the Internet and Mobile Association of India, which represents companies like Google and eBay, said the liability waiver was a big improvement over a previous law that had been used to hold intermediaries liable for hosting content created by others. In 2004, for instance, the police arrested eBay’s top India executive because a user of the company’s Indian auction site had offered to sell a video clip of a teenage couple having sex.

“The new I.T. Act (2008) is, in fact, a large improvement on the old one,” Mr. Ray said in an e-mail response to questions.

Mr. Ray said his association had not taken a stand on the new regulations. An India-based spokeswoman for Google declined to comment on the new rules, saying the company needed more time to respond.

Along with the new content regulations, the government also issued rules governing data security, Internet cafes and the electronic provision of government services.

http://www.nytimes.com/2011/04/28/technology/28internet.html?_r=1&nl=todaysheadlines&emc=tha26