

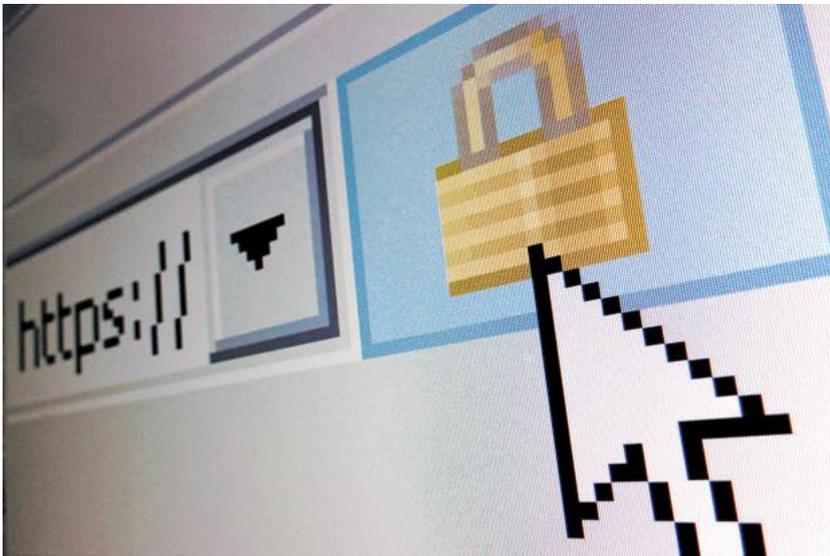
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Porn websites ban: Govt puts the onus on ISPs

ISPs told they are free to unblock any of the 857 websites banned until specific incidents of child pornography are found

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Shauvik Ghosh



The order comes after the government was criticised for its order last Friday, asking ISPs to block 857 URLs. Photo: Reuters

New Delhi: Following a flap, online and offline, over its sudden clampdown on porn websites, the government late on Tuesday decided to lift the ban on 857 websites on Friday, as long as none of them feature child pornography.

The Department of Electronics and Information Technology (DeitY) told the Department of Telecommunications (DoT) in a memorandum to inform Internet Service Providers (ISPs) that they were “free not to disable any of the 857 URLs, as given in the list, which do not have any child pornographic content”.

A copy of the memo was reviewed by *Mint*.

This means that the ISPs do not need to follow Friday's order.

“If in case a complaint is made on finding that there is child pornography on any of these sites, then the DoT will issue the necessary ban at that time,” a senior executive at one of the major ISPs said on condition of anonymity.

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A senior DoT official said that the process of banning such sites was a long one, and in the interim, the ISPs were being asked to lift the ban till specific incidents of child pornography can be found. “Once the court gives its ruling on the case, the government will decide what is to be done,” he added.

The order comes after the government was criticised for its order last Friday, asking ISPs to block 857 URLs. The list of URLs was part of a petition by Indore-based advocate **Kamlesh Vaswani**.

The order sparked a raging debate on social media and other platforms, following which telecom minister **Ravi Shankar Prasad** called for a review meeting on Tuesday. The meeting was attended by DeitY secretary **R.S. Sharma** and additional solicitor general **Pinky Anand**.

“The instant action is basically in obedience to the observation of the Supreme Court where the court asked the department to take action on the list of alleged porn sites provided by the petitioner,” the DoT official said, explaining the rationale behind the original directive.

The DoT, in the order, asked for the “disablement” of URLs of 857 websites under the provision of section 79(3)(b) of the Information Technology Act, 2000, “as the content hosted on these websites related to morality, decency as given in Article 19(2) of the Constitution of India.” It asked for the contents of the letter to be kept confidential.

Prasad said that the government is committed to freedom of communication on the Internet.

On 8 July, the Supreme Court declined to pass an interim order to block pornography websites in India, in response to the public interest litigation (PIL) filed by Vaswani. It said preventing people from watching pornography in private would violate their constitutional rights.

The case is expected to come up again for hearing on 10 August. The Supreme Court also asked the government for an affidavit explaining its stand. In the last hearing, the Supreme Court gave the government a final four weeks to submit an affidavit on what it was doing to tackle child pornography, among other related issues.

The government is looking at asking the Supreme Court to appoint an ombudsman so that the issue can be dealt with on a case-by-case basis—as and when a website with child pornography is found, it will be dealt with by the ombudsman.

Reacting to the outrage against the ban, Prasad said on Monday, “I reject with contempt the charge that it is a Talibani government, as being said by some of the critics. Our government supports free media, respects communication on social media and has respected freedom of communication always.”

PTI contributed to this story.

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