Minutes of the Cyber Regulation Advisory Committee meeting
held on 5th September, 2014 in DeitY

The meeting of the Cyber Regulation Advisory Committee was held on 5th September, 2014 in the Conference Room No. 1007 at DeitY under the Chairmanship of Shri Ravi Shankar Prasad, Hon'ble Minister of Communications and IT. The other members who attended the meeting are:

1. Shri Anil Goswami, Secretary, Ministry of Home Affairs
2. Shri P.K. Malhotra, Secretary, Department of Legal Affairs
3. Shri R.S. Sharma, Secretary, Department of Electronics and IT
4. Shri Rakesh Garg, Secretary, Department of Telecommunications
5. Dr. Sanjay Singh, Secretary, Legislature Department
6. Shri Ravikant, Addl. Secretary, Ministry of Defence
7. Shri Sudhanshu Pandey, Jt. Secretary, Department of Commerce
8. Shri O.P. Galhotra, Joint Director, Central Bureau of Investigation
9. Shri Niket Kaushik, IG ATS, Maharashtra
10. Dr. Kamlesh Bajaj, CEO, DSCI, NASSCOM
11. Shri Rajesh Chharia, President, Internet Service Providers Association of India
12. Shri Ajay Sharma, Sr. Director, ASSOCHAM
13. Shri Babulal Jain, ASSOCHAM
14. Shri Sujit Haridas, DDG, Confederation of Indian Industry
15. Shri Akanksha Kumar, Confederation of Indian Industry
16. Shri Vijay Madan, Chairman, Cyber Security Committee, FICCI
17. Ms. Sarika Gulyani, Head – IT & Telecom Divn., FICCI
18. Shri R.K. Vyas, Computer Society of India
19. Dr. Subho Ray, President, Internet and Mobile Association of India (IAMAI)
20. Dr. Gulshan Rai, DG, CERT-In, DeitY.   :   Member Secretary
21. Shri A.S.A. Krishnan, Sr. Director, DeitY.
22. Shri. Gaurav Gupta, JD, DeitY

2.   Hon'ble Minister extended warm welcome to the members. After introduction of the members, DG(CERT-In) briefly presented the background for convening the Cyber Regulation Advisory Committee meeting. It was informed that a writ petition has been filed by Shri Kamlesh Vasvani in Supreme Court. The objective of the writ petition is to block pornography websites and related contents. The petitioner has submitted that easy access to porn websites results in illegal activities like rape, harassment, molestations of women. The respondents in the writ petition are DeitY, DoT, Ministry of I&B, Home Affairs and Internet Service Provider Association of India. DeitY, DoT and Internet Service Provider Association of India have filed their counter affidavits. The case was listed number of times before different benches in the Supreme Court. The last hearing was on 29th August 2014 before the bench headed by Hon'ble Chief Justice of India. The Additional Solicitor General suggested that the issue of availability of Pornography material and the filtering of the same is a social matter and cuts across all the sections of Society. The Supreme Court was also apprised of the technical issues and challenges involved in blocking the pornographic content and websites. The Supreme Court in its Order directed that it would be appropriate, if the Government places the copy of the writ petition and interlocutory

applications before the Cyber Regulation Advisory Committee, which has members from all sections of the Society including Government, Industry, Civil Society and Academy, for its consideration.   DG(CERT-In), further, mentioned that there are approximately 40 million pornography sites on the Internet and these sites keep changing name and IP address to avoid blocking. He also brought out the existing provisions in Information Technology Act 2000 and Indian Penal Code to deal with pornography as well as the provision of IT Act through which objectionable sites are blocked as and when reported by various agencies. He also presented the mechanism through which countries like UK and European Countries & USA propose to address the challenge. UK and Australian Governments are working with NGOs to spread education and awareness to control the menace of pornography. Further, UK Government freely distributes filtering software which can be installed at homes by parents to make Internet browsing safer for the children. It was also pointed out that these countries are largely focusing on child pornography as it is classified as crime, while pornography is not crime in many of the countries. Countries like Saudi Arabia and some Middle East Countries have installed filters at Telecom / ISP level, which has been reported to be not adequately effective. He also informed that we intimated Shri. Kamlesh Vaswani through letters & phone calls. He, however, could not be present in the meeting. The petition was placed before the Advisory Committee. A copy of the presentation made by DG, CERT-In in the meeting is at Annexure. Regarding the second agenda point for the meeting, Dr. Gulshan Rai informed that Shri Sharad Pawar, Hon'ble member of Parliament and Leader of the NCP Party, in his letter to the Prime Minister has raised the recent incidents of communal and related violence in Maharastra triggered by objectionable profiles posted on the social networking sites, hurting sentiments of certain sections of society.

3.	Secretary, Deity explained that proxy servers are used to bypass filters deployed by ISPs. He added that "https" websites with encrypted content are also used to transmit the pornographic material which makes filtering difficult as the data is encrypted. He added that Deity takes prompt action under Section 69A of IT 2000 for blocking of web sites with objectionable contents whenever requests are received from law enforcement agencies. With regard to pornography sites, he suggested that, to start with list of child pornography sites for blocking may be obtained from sources of other countries, where such sites are banned strictly.

4.	Secretary, Ministry of Legal Affairs brought out that pornography is a social problem and apart from legal provisions to tackle the issue, cooperation is required from all sections including public for restricting the availability. Further, he mentioned that the legality of viewing pornography content in private need to be examined, though hosting and transmission such content is punishable. He also expressed that it is not desirable to submit the plea to Supreme Court that it is difficult to filter / block pornography sites and we must try to evolve a solution.

5.	Secretary, DoT informed that orders for blocking are implemented through ISPs immediately when orders are received for blocking. However, when large number of pornography sites are to be blocked, the latency for Internet access would increase, which would slow down the Internet. The infrastructure at ISPs end need to be upgraded to deal with such large number of web sites for blocking. He expressed that incremental efforts in phases can be considered for implementation for filtering at gateways by upgrading the infrastructure at Internet gateways and distributing filtering software for installation at homes / offices.

6.   Secretary, MHA mentioned that MHA and CERT-In are working together to block websites containing objectionable contents having the potential to create communal violence and law and order problem as well as sensitive from the national security point of view. He further added that Ministry of I&B has set up National Media Centre to monitor contents of various websites on the Internet on 24 x 7 basis.

7.   Shri. O.P Galhotra, from CBI felt that help from Interpol may be sought with reference to illegal sites hosted outside the country. He also mentioned that there is a need for awareness creation among agencies with regard to blocking provisions and procedure to be followed when such sites need to be blocked. Further, after blocking, Ministry of Home affairs may need to be approached for possible prosecution, he added.

8.   Shri Rajesh Chharia of ISPAI mentioned that the websites are located outside India; in US, UK and Australia adult pornography is legal and only child pornography is banned in these countries. China deploys firewalls at the ISPs' Internet gateways to filter and block objectionable contents. However, proxy servers are used to bypass such filters. In addition most of the sites, including payment based sites employ "https" based encryption, due to which ISPs are not in a position to block such sites. Blocking at the source is one of the effective solutions to control viewing of pornography. However, pornography sites are located in countries where such content is legally allowed, due to which blocking may not be possible at the source. It was also brought out that sites containing pornography contents enable spreading Malware. Since payment is involved for viewing some of the sites, financial crimes are committed by students for accessing pornography on Internet. It was suggested that repository of blacklisted pornography sites by autonomous bodies / NGOs may be required to be built for blocking such sites and media campaigns would also help in containing the menace. He informed that ISPAI is already conducting education & awareness programmes in schools and colleges to sensitize the matter.

9.   Shri Subho Ray of IAMAI stated that filtering of pornographic content at the level of cable landing stations before such content reaches ISPs may be explored. However, it was clarified that identifying the content for filtering at the IP packet level is difficult to implement at the cable landing stations. It was suggested that a mechanism with hot lines for reporting objectionable sites may need to be created. Also complaints may be registered to police regarding such sites.

10.   Dr. Bajaj, representing NASSCOM, brought out that since servers with objectionable contents are located outside the country, MLAT mechanism needs to be employed, which is time consuming and may not to be successful always. Unintended consequences of filtering of legitimate traffic need to be taken into account when blocking is carried out. However, the Chairman stressed that larger issue of respecting cultural values of the country and sentiments of the Indian society need to be considered and all possible ways and means may have to be devised in this context.

11.   Shri Sujit Haridas of CII indicated the importance of maintaining repository of blacklisted pornography sites by autonomous bodies / NGOs. It was also brought out that simultaneously creating awareness among home users / citizens encouraging them to install filters to block porn content on individual machines may be an effective step towards controlling objectionable content.

12.   Shri. Vijay Madan, from FICCI also reiterated that education and awareness among public regarding ill effects of viewing pornography available on the Internet should be undertaken by the Government with the help of NGOs. Further he endorsed the views expressed by others with regard to making available filtering software free of cost by Government for installation at homes.

13.   Dr. Arvind Gupta, who was invited for the meeting, could not attend the meeting due to prior commitments.   However, he conveyed that a solution may need to be worked out to prevent availability of pornography on Internet considering the cultural sensitivities of the country.

14.   MCIT emphasized that the matter is to be viewed in the context of Indian culture and moral obligation towards society. Capturing the essence of discussions and views expressed by members, he said that NGOs will have to play a lead role and work together with Government in creating awareness & education for sensitizing ill effects of the subject matter. He requested IAMAI, being an Association of members from content providers to lead the effort, as social responsibility, to monitor and collect the list of pornography sites from various sources, which can be provided to ISPs to enable blocking. IAMAI may set up a group to prepare list of such sites and provide the same to DeitY who will take further action for their blocking. Govt. will provide necessary support to IAMAI to carry out the task. IAMAI agreed to take up the task as requested by MCIT. Further, MCIT directed DeitY and DoT to work together to upgrade the blocking infrastructure at ISPs in order to implement blocking effectively.   He reiterated that the mechanism followed by UK for distributing filtering software for installation at home computers through ISPs may also be studied and replicated with necessary modification for Indian context. Regarding the misuse of social media for disturbing social harmony in the country, MCIT requested MHA to look into the matter and evolve steps to prevent misuse.

        The meeting ended with thanks to Chair.