



Free Software Hardware Movement Puducherry
Societies Registration No. 490/2015
Affiliated to Free Software Foundation Tamilnadu
No 56, 2nd Floor, Laporte Street, Puducherry – 605001

31/01/2019

Puducherry

To,

Ministry of Electronics & Information Technology

Sir / Mam,

Sub: Response to invitation for public opinion on amendments to draft Information Technology (Intermediaries Guidelines) Rules 2018

The following is an open letter signed by 416 people belonging to over 20 organizations, given at an awareness / signature campaign conducted by Free Software Hardware Movement Puducherry & Free Software Foundation Tamil Nadu from Jan 26, 2019 to Jan 31, 2019.

Thank you for accepting public opinion on the proposed amendments to the Intermediaries Guidelines of the Information Technology Act, 2000. This helps increase public trust for MEITY.

We understand the need for such amendments which would be driven by the need to address fake news, hate speech, misinformation & sexual harassment. We however feel that expecting technology to solve deep rooted social problems can be detrimental to free, private and secure Indian cybersphere which is an integral part of the every day of atleast 40% (48 crores) of the Indian population.

We request MEITY not to proceed with the proposed amendments as it empowers the Intermediaries to indulge in various practices detrimental to the Indian citizen and the Indian society at large with no place for the Intermediary or the citizen to avail redressal of their queries and grievances.

We present the following demands for consideration in addition to the request.

1. Kindly wait for a strong data privacy law before permitting wider use of Personally Identifiable Information.

India doesn't have a data protection law. We have seen numerous reports of data leaks which are cases of malicious intent and criminal behaviour, we don't have a stringent data protection bill which has a framework for Govt, Private & Intermediaries. A data privacy law is required to facilitate the lawful use of Personally Identifiable Information given by due consent by an Indian citizen to 'appropriate government' or an 'intermediary'. Such a law would also bring in safety measures, checks, accountability, due procedure to be followed when requesting data and what punishment should be given in case of non compliance by the government and the intermediaries.

2. Only courts orders should empower data requests or termination of services by the Intermediary.

The amendment in Section 8 empowers any 'appropriate government' issuing a 'lawful order' to request Personally Identifiable Information or terminate access to services by Intermediaries, however the time to respond to such a request is only 72 hours in case of data requisition or 24 hours in case of termination of service. There is no scope for the Intermediary to challenge the lawful validity of an order at appropriate judicial courts. There are numerous instances of government departments and agencies continuing to use antiquated laws which has been changed / improved by newer regulations, laws or court orders / judgements. Thus lawful validity of orders can only be ensured when courts are approve data requisition.

3. No automatic measures as it would legalize mass surveillance & mass censorship while being ineffective to restrict fake news, hate speech or misinformation.

Corporations like Google, Facebook, Whatsapp are being investigated by various governments across the worlds for their mass surveillance and misuse of Personally Identifiable Information. The proposed amendments through its

mandate in Section 9 legalizes the harvesting of data by Intermediaries. The technological tools employed are unequipped to handle the complexity of data. This is evident by the numerous amounts of accounts blocked by Youtube due to misidentification of uploaded content. A similar mandate by the European Union named 'Article 13' was opposed by the general public and the Intermediaries as it is not accurate. The mandate also requires the Intermediaries to proactively block content and disable public access to the same. This is a responsibility of the government which should not be offloaded to the Intermediary.

Signed,

Lakshmi Raj

BharathKumarM

Ganesh Gopal

Aditya

Anas V Ajayan

Mega

Sunny bhatiya

Nishtha

Saumya

Devipriya

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Ashik

Bala Kumaran

Abees Khan B

Abees Khan

Abhas Abhinav

Abhidatta

Abhijeet Cherungottil

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Achraff

adam shamsudeen

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Aravind
Aravind
Aravindan
Aravind
Arjun
Arjun Santhosh
Survesh
arunekumar
Athul
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Arunachalam
Arun I
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gowri shankar
Gowtham
Gnaneshwar

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harthi
Haritha
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Kevin Cherian
Ilakya sundar
Jagannath Bhat
Jalendra Kumar
Jasmine
Jay kanj
Jayaraj
Ganesh
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Jijin
Jishnu
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Kaartic Sivaraam
Kamali

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Kshitij Kapoor
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Meenu
Malavikha sathish
Malavika P
Manimaran
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Rasul
Mohammed Asif
Mohabraj
Fran
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Nathan
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Naveen Prasanth
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Palanivel
Abhinav Penuballi
Prakash
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Prabha Bharathi
Prabhakar Jayaprakash
Prabhakaran
pranav
Pranav Balu
PRANAV H KUMAR
Prasanna Vijayan
prasanth
Prasanna Venkadesh
Pratap
Pratima Sahu
Amudhan
Aravind Gopalakrishnan
Muhammed Rustham
Tamil
Radhakrishnan
Ragavan
raghuraman
Ragul Kanth
Rajan Anbazhagan
Rajeeve Kannan S
Ramaseshan
Ram Raja
Ranjith kumar
Ranjith Kumar

Ranjithkumar
rasyam
Ravikanth kothuri
Balaji
YESHWANTH REDDY
Rejin Saji
Revanth Kausikan
Revathi
Rizma
Rizwan
Riz
Kamal
ROGINI
lakshmipriya
Sathyavelan
Sadhana
Safwana
Saimadhu
Sakthi Narpavi
Yaswanth Sanagapalli
Sanju K S
Sankar
Sivasankare
Sanket Tambare
Santhiya
Santhosh
Sarankumar
Sedu
Surya
sathish
Sathish
Sathyaraj
Senthil Kumar
Muru Selvakumar
Ram
Muthu
Selvi

Shahina
Shahir
Shahsad
Shajakan
Sakthi Vel
Lo shanthi
Himanshu
Sharmila
Sharmila
Shashank
kiruthiga
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Mohammed Sadiq
Alok
Silambarasan
Sindhuja
Siprus
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Renjith
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Karkee

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Vanaja

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Vishnu K

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Vijay

Vikneshwaren

Vimal Kumar

Vimal Kumar

Vinod

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