

Understanding India's Internet Censorship Regime: Laws, ISP Blocking, and Challenges in Internet Censorship Regime

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- Internet access in India depends on the **Internet Service Provider (ISP)**, not just in terms of price and quality, but also which websites are accessible.
- ISPs block websites based on government and court orders, but implementation differs, leading to varying blocklists across providers.
- Under the **Information Technology Act, 2000** (Sections 69A and 79), the government has the power to order such blocks.
- ISP licensing agreements require providers to comply with blocking orders, which are confidential and binding.

Internet Censorship in India

- Internet censorship refers to the control or suppression of what can be accessed, published, or viewed on the internet.
- In India, it sits at the intersection of free speech, national security, public order, and digital governance.

Constitutional Basis

- Article 19(1)(a) guarantees freedom of speech and expression, which courts have extended to online speech.
- Article 19(2) permits reasonable restrictions on grounds of sovereignty, security of state, public order, decency, and morality.
- Internet shutdown or censorship must pass the test of reasonableness and proportionality.

Legal Framework

- **Information Technology Act, 2000**
 - **Section 69A** — Empowers the Central Government to block websites/content in the interest of sovereignty, security, public order, etc.
 - **Section 66A (now struck down)** — Criminalised “offensive” online speech; declared unconstitutional in *Shreya Singhal v. Union of India* (2015).
 - **Section 79** — Safe harbour provision for intermediaries.
- **IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**
 - Mandates traceability of message originators (threatens end-to-end encryption).
 - Requires significant social media intermediaries to appoint Grievance Officers.
 - Controversial for placing heavy compliance burdens on platforms.
- **Telecom Act, 2023**
 - Replaces the Telegraph Act; consolidates powers related to telecom suspension, including internet services.

Types of Censorship Practiced in India

- **Website Blocking** — Blocking of URLs/domains by ISPs on government orders (e.g., pornographic sites, piracy sites, separatist content).
- **Internet Shutdowns** — Suspension of mobile/broadband internet in specific regions during unrest (e.g., Jammu & Kashmir, Manipur).
- **Social Media Takedowns** — Government directives to platforms to remove specific posts, accounts, or content.
- **App Bans** — Banning of Chinese apps (e.g., TikTok, PUBG Mobile) under Section 69A citing national security.

How ISPs Block Websites: DNS and Protocols

- The Internet works through protocols like Hypertext Transfer Protocol (HTTP), Transport Layer Security (TLS), and Domain Name System (DNS) among others. ISPs can use any of these to block websites.
- DNS (Domain Name System) is the first step when accessing a website, converting domain names into IP addresses.

- ISPs often block websites at the DNS level using DNS poisoning, where incorrect addresses are returned instead of the real ones.
- As a result, users are redirected away from the actual website.
- Most Indian ISPs prefer DNS blocking because it is cheap and easy to implement without advanced inspection.

What the Data Shows: Inconsistent and Opaque Website Blocking

- **Scale of the Study** – Analysis of 294 million domains across six ISPs in 2025 found 43,083 blocked domains.
- **Lack of Uniform Blocking** – Only 1,414 domains were blocked by all six ISPs. ISPs do not block the same websites despite receiving similar orders.
- **Variation by Content Type** – Majority of blocked sites include: Piracy, peer-to-peer sharing, pornography, and gambling. Blocking is inconsistent across ISPs for these categories.
- **Higher Consistency in Sensitive Cases** – Domains related to terrorism and militancy show higher blocking consistency. Some cases (e.g., Weibo, The Kashmir Walla) show uniform enforcement.
- **Arbitrary and Uneven Implementation** – ISPs engage in arbitrary blocking practices. Lack of standard guidelines leads to a haphazard blocking system.
- **Issue of Opacity** – The blocking system is non-transparent. There is a need for disclosure of blocked domains, except in sensitive cases.

Source: **TH**

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