

**No. 1(3)/2016-CLFE**  
Government of India  
Ministry of Electronics & Information Technology  
Cyber Laws & E-Security Division

Date: 18<sup>th</sup> April, 2017

**ORDER**

**Subject: Measures to Curb Online Child Sexual Abuse Material (CSAM)**

*In exercise of the powers conferred by clause(zg) of sub-section 2 of section 87 read with sub-section (2) of section 79 of the Information Technology Act, 2000 (21 of 2000), the Central Government hereby makes the following Order:*

WHEREAS the publication or transmission of material depicting children in sexually explicit act or conduct in electronic form is a heinous crime, specifically prohibited by Section 67B of the Information Technology Act, 2000 (21 of 2000).

Containing the spread of online child sexual abuse material (hereinafter called "CSAM") is an important public policy goal for India, and the Central Government intends to take immediate action to contain this menace. The Hon'ble Supreme Court in *Kamlesh Vaswani v Union of India* [W.P. (Civil) No. 177 of 2013] has also directed the Union of India to take positive steps to tackle the issue of CSAM, in its order dated 12.7.2013.

In December 2016, the Central Government constituted an Inter-Ministerial Committee ("IMC") vide its Order No. 4(12)/2013-CLFE (Vol.V), to recommend specific solutions to address the issue of online CSAM. The IMC observed that:

- 1) Most of such online CSAM is being hosted outside India and the websites/URLs to access such unlawful content are dynamic in nature and frequently changing, making it difficult to identify and block such content.
- 2) No centralized mechanism exists in India to monitor online CSAM
- 3) Globally, there exists only a few major resources that provide a dynamic list of websites/URLs identifying online CSAM
- 4) The Internet Watch Foundation (hereinafter called the "IWF") maintains such a list of dynamically updated websites/URLs containing online CSAM (hereinafter referred to as "IWF Resources"). IWF has been adopted by many countries and is already being implemented by leading online service providers in other jurisdictions. Further, IWF resources are available to ISPs on a subscription basis, either individually or collectively.

Accordingly, the IMC recommended that till such time a centralized mechanism is built in India to dynamically monitor websites/URLs containing online CSAM, the relevant ISP's in India should adopt and disable/remove the online CSAM dynamically based on IWF list.

Currently, all Internet Service Providers ("ISPs") have an obligation to observe certain due diligence requirements and remove or disable access to content which is considered pedophilic or harms minors in any way, as per Section 79(2) (c) read with Section 2(1) (w) of

the Information Technology Act, 2000 and sub-rule (2) and (4) of Rule 3 of the Information Technology (Intermediary Guidelines) Rules, 2011.

THEREFORE, based on the recommendations of the IMC, and in exercise of the powers conferred on the Central Government under Section 79(2) (c) of the Information Technology Act 2000 to prescribe due diligence requirements to be observed by intermediaries, it is hereby ordered that:

- a) ISP's having Cable Landing Station Gateways / International Long Distance licenses in India shall be required to adopt and implement IWF Resources on or before 31<sup>st</sup> July 2017 to prevent the distribution and transmission of online CSAM into India.
- b) All ISP's shall continue to observe the existing due diligence requirements prescribed by the Central Government under the Information Technology Act, 2000 and Rules and Regulations thereunder, including the obligation to expeditiously remove or disable access to any unlawful content brought to its notice by relevant authorities.

This order shall take immediate effect.

A. Z. / 18/04/2017  
(Arvind Kumar)  
Group Co-ordinator,  
Cyber Laws and e-Security

**To:**

1. Internet Service Providers Association of India (ISPAI), with a request to forward this Order to relevant ISPs having Cable Landing Station Gateways / International Long Distance licenses in India
2. Department of Telecommunications, Government of India, with a request to forward this Order to relevant ISPs having Cable Landing Station Gateways / International Long Distance licenses in India