



To,
Shri K Rajaraman,
Chairman DCC & Secretary (T),
Department of Telecommunications,
Ministry of Communications,
Sanchar Bhawan 20, Ashoka Road,
New Delhi-110001
Email: secy-dot@nic.in

September 30, 2022

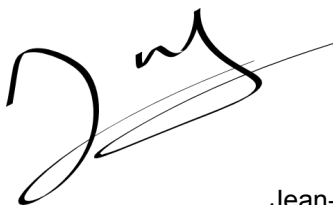
Sub: Legal Notice regarding blocking of the official website of the VideoLAN Organisation

Dear sir,

1. I write to you on behalf of VideoLAN, a not-for-profit organisation that developed the VLC Media Player ('VLC'). VLC is a well-known free and open source, media player software that has been developed since 1996, and released for public use in 2001. It is used for running various kinds of media files and for streaming. Over the years, VLC has grown in scale and has become compatible for use in various devices and platforms. It is one of the most used software on Earth.
2. VLC is available for download on desktop operating systems, Android, iOS and iPadOS, and can be downloaded from digital distribution platforms such as Apple's App Store, Google Play, and Microsoft Store, in addition to its website videolan.org. VLC is currently being used by 80 million Indians, and has consistently seen an average of 25 million downloads per year in India since its release. For millions of Indians VLC is the primary choice for running all kinds of media formats for free.
3. In March 2022, to our shock and dismay, the URL "<https://www.videolan.org/>" ('URL') appeared to have been blocked for viewing in India without any prior notice to me or any other person in the organisation. Despite reportage and uproar on social media, no reasons for blocking the URL were provided to us, or to the Indian public. Several members of the Indian public and civil society filed 'Right to Information' applications ('RTI Applications') with your Department, which was transferred to the Ministry of Electronics and Information Technology ('MeitY'), including by the Software Freedom Law Centre and the Internet Freedom Foundation. However, it appears that MeitY responded to these RTI Applications stating that no information was available with them. A screenshot of the URL taken on August 30, 2022 stating that "*Your requested URL has been blocked as per directions received from the Department of Telecommunications, Government of India*" is annexed herewith as **Annexure 1**.
4. This is particularly shocking to us, since the Government of India itself endorses the use of VLC as a part of its Digital India initiative, where it has expressed its intention to use open-source softwares for government applications. In fact, the Government of India also appears to use VLC Media Player's icon and logo on its website promoting open source softwares. One of the objectives of the National Policy on Information Technology, 2012 is to "*adopt open standards and promote open source and open technologies*". Similarly, the Policy on Adoption of Open Source Software for Government of India states in Paragraph 3 that the "*Government of India shall endeavour to adopt Open Source Software in all e-Governance systems implemented by various Government organisations...*". A screengrab of the url describing open source as an extremely important aspect of Digital India, and using VLC Media Player's icon and logo, is annexed herewith as **Annexure 2**. Copies of National Policy on Information Technology, 2012 and Policy on Adoption of Open Source Software for Government of India are annexed herewith as **Annexure 3** and **Annexure 4**, respectively.

5. Despite this, the URL, which allows users to download VLC was blocked by the Department of Telecommunications without any prior notice. On the basis of legal advice, I have been informed that as per Rule 8 of the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 ('**Blocking Rules**') and the ruling of the Supreme Court in *Shreya Singhal v. Union of India (2015) 5 SCC 1*, government officers responsible for issuing a blocking order are required to: (i) make all reasonable efforts to identify the originator or intermediary hosting the information to be blocked, (ii) issue a notice to such person, (iii) provide a hearing to such person before the concerned authority, and (iv) provide a copy of a reasoned blocking order to the person concerned prior to the hearing. It may be noted that the Hon'ble Supreme Court of India has held in *Shreya Singhal* that if the originator can be identified, then it must be heard. In fact, the Supreme Court in *Shreya Singhal* held that Section 69A of the Information Technology Act, 2000 read with the Blocking Rules passes constitutional muster only because it allows the originator of information to have access to a copy of the blocking order issued against them; enabling them to challenge the order before constitutional courts, if required.
6. In the interest of following legal procedure, I write to you to state that the VideoLAN organisation is the originator of the blocked website, and any and all notices may be sent to the following email address: videolan@videolan.org. Almost six months have passed since the first reporting of the unavailability of videolan.org, and the reasons for blocking the URL have not been communicated to us. We have neither received any notice of hearing nor a copy of the reasoned blocking order.
7. In every system of jurisprudence, the provisions of law, which cast onus on the State to provide reasons for restricting any speech, are incorporated to ensure that no speech is restricted unreasonably. In doing so, procedural safeguards such as providing a notice and an opportunity of hearing are incorporated to ensure compliance with principles of natural justice. Freedom of speech and expression is a paramount human right, recognised under Article 19 of the International Covenant on Civil and Political Rights, and by blocking the URL, your offices are in violation of your international obligations to protect free speech in India. This incident also affects the fundamental rights of all Indian users of VLC who have the right to receive the information freely available on the URL.
8. In light of the facts, circumstances, and concerns raised above, I request your good offices to revisit the matter and provide me with the following:
 - a. a copy of the reasoned blocking order issued for blocking of the the URL; and
 - b. an opportunity to defend my case through a virtual hearing.
9. If you fail to comply with the above, we will be entitled and compelled to initiate legal proceedings against you, for failing to protect our rights as guaranteed by the Constitution of India, for violation of your obligations under international law, and for breach of your own Rules. Any such proceedings, if initiated, shall be solely at your risk, cost and consequences. This notice is without prejudice to any and all of rights, contentions and remedies under law, all of which are hereby expressly reserved.

Kind regards,

A handwritten signature in black ink, appearing to be "Jean-Baptiste Kempf". The signature is stylized and fluid, with a long horizontal stroke extending to the right.

Jean-Baptiste Kempf
President and lead VLC Developer of VideoLAN

Association VideoLAN
18 rue Charcot
75013 Paris
France



CC: Dr. Rajendra Kumar,
Additional Secretary,
Ministry of Electronics and Information Technology,
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Lodhi Road, New Delhi - 110003
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