

EXTRACTS FROM THE INFORMATION TECHNOLOGY ACT, 2000

(21 OF 2000)

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| 2. | <i>(1)</i> | In this Act, unless the context otherwise requires,— | | | Definitions. |
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| | <i>(e)</i> | "appropriate Government" means as respects any matter,— | | | |
| | <i>(i)</i> | enumerated in List II of the Seventh Schedule to the Constitution; | | | |
| | <i>(ii)</i> | relating to any State law enacted under List III of the Seventh Schedule to the Constitution, | | | |
| | | the State Government and in any other case, the Central Government; | | | |
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| 33. | <i>(1)</i> * | | | | Surrender of licence. |
| | <i>(2)</i> | Where any Certifying Authority fails to surrender a licence under sub-section <i>(1)</i> , the person in whose favour a licence is issued, shall be guilty of an offence and shall be punished with imprisonment which may extend up to six months or a fine which may extend up to ten thousand rupees or with both. | | | |
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| 44. | | If any person who is required under this Act or any rules or regulations made thereunder to— | | | Penalty for failure to furnish information, return, etc. |
| | <i>(a)</i> | furnish any document, return or report to the Controller or the Certifying Authority fails to furnish the same, he shall be liable to a penalty not exceeding one lakh and fifty thousand rupees for each such failure; | | | |
| | <i>(b)</i> | file any return or furnish any information, books or other documents within the time specified therefor in the regulations fails to file return or furnish the same within the time specified therefor in the regulations, he shall be liable to a penalty not exceeding five thousand rupees for every day during which such failure continues; | | | |
| | <i>(c)</i> | maintain books of account or records, fails to maintain the same, he shall be liable to a penalty not exceeding ten thousand rupees for every day during which the failure continues. | | | |
| 45. | | Whoever contravenes any rules or regulations made under this Act, for the contravention of which no penalty has been separately provided, shall be liable to pay a compensation not exceeding twenty-five thousand rupees to the person affected by such contravention or a penalty not exceeding twenty-five thousand rupees. | | | Residuary penalty. |
| 46. | <i>(1)</i> | For the purpose of adjudging under this Chapter whether any person has committed a contravention of any of the provisions of this Act or of any rule, regulation, direction or order made thereunder which renders him liable to pay penalty or compensation, the Central Government shall, subject to the provisions of sub-section <i>(3)</i> , appoint any officer not below the rank of a Director to the Government of India or an equivalent officer of a State Government to be an adjudicating officer for holding an inquiry in the manner prescribed by the Central Government. | | | Power to adjudicate. |
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| 66A. | | Any person who sends, by means of a computer resource or a communication device,— | | | Punishment for sending offensive messages through communication service, etc. |
| | <i>(a)</i> | any information that is grossly offensive or has menacing character; or | | | |
| | <i>(b)</i> | any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, | | | |

enmity, hatred or ill will, persistently by making use of such computer resource or a communication device;

(c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages,

shall be punishable with imprisonment for a term which may extend to three years and with fine.

Explanation.—For the purpose of this section, terms "electronic mail" and "electronic mail message" means a message or information created or transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, images, audio, video and any other electronic record, which may be transmitted with the message.

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| Preservation and retention of information by intermediaries. | 67C. (1) * | * | * | * | * |
| | (2) any intermediary who intentionally or knowingly contravenes the provisions of sub-section (1) shall be punished with an imprisonment for a term which may extend to three years and also be liable to fine. | | | | |

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| Power of Controller to give directions. | 68. (1) * | * | * | * | * |
| | (2) Any person who intentionally or knowingly fails to comply with any order under sub-section (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding one lakh rupees or with both. | | | | |

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| Power to authorise to monitor and collect traffic data or information through any computer resource for cyber security. | 69B. (1) * | * | * | * | * |
| | (4) Any intermediary who intentionally or knowingly contravenes the provisions of sub-section (2) shall be punished with an imprisonment for a term which any extend to three years and shall also be liable to fine. | | | | |

Explanation.—For the purposes of this section,—

(i) "computer contaminant" shall have the meaning assigned to it in section 43;

(ii) "traffic data" means any data identifying or purporting to identify any person, computer system or computer network or location to or from which the communication is or may be transmitted and includes communications origin, destination, route, time, data, size, duration or type of underlying service and any other information.

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| Indian Computer Emergency Response Team to serve as national agency for incident response. | 70B. (1) * | * | * | * | * |
| | (7) Any service provider, intermediaries, data centres, body corporate or person who fails to provide the information called for or comply with the direction under sub-section (6), shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees or with both. | | | | |

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| Penalty for Breach of confidentiality and privacy. | * | * | * | * | * |
| | 72. Save as otherwise provided in this Act or any other law for the time being in force, if any person who, in pursuance of any of the powers conferred under this Act, rules or regulations made thereunder, has secured access to any electronic record, book, register, correspondence, information, document or other material without the consent of the person concerned discloses such electronic record, book, register, correspondence, information, | | | | |

document or other material to any other person shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both.

72A. Save as otherwise provided in this Act or any other law for the time being in force, any person including an intermediary who, while providing services under the terms of lawful contract, has secured access to any material containing personal information about another person, with the intent to cause or knowing that he is likely to cause wrongful loss or wrongful gain discloses, without the consent of the person concerned, or in breach of a lawful contract, such material to any other person, shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.

Punishment for disclosure of information in breach of lawful contract.

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EXTRACTS FROM THE METRO RAILWAYS
(OPERATION AND MAINTENANCE) ACT, 2002
(60 OF 2002)

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6. (1) * * * * *
(2) Without prejudice to the generality of the foregoing provision, such power shall include the power to —

Powers of metro railway administration.

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(h) lay down or place electric supply lines for conveyance and transmission of energy and to obtain license for that purpose; and

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CHAPTER XI
OFFENCES AND PENALTIES

59. (1) * * * * *
(2) If any metro railway official is in a state of intoxication while on duty, he shall be punishable with fine which may extend to two hundred and fifty rupees or, where the improper performance of the duty would be likely to endanger the safety of any passenger travelling or being upon the metro railway, with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

Drunkenness or nuisance on metro railway.

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63. If any passenger travels on the roof of a train or persists in travelling in any part of a train not intended for the use of passengers or projects any part of his body out of a train after being warned by any metro railway official to desist, he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both, and shall also be liable to be removed from the train by any metro railway official authorised by the metro railway administration in this behalf.

Penalty for travelling on roof, etc., of a train.

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65. If any metro railway official, when on duty endangers the safety of any passenger,—
(a) by any rash or negligent act or omission; or
(b) by disobeying any rule, regulation or order which such official was bound by the terms of his employment to obey, and of which he had notice,
he shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to six thousand rupees, or with both.

Endangering the safety of passengers by metro railway official.

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