

eF. no. 2(1)/2022-CL
Government of India
Ministry of Electronics and Information Technology (MeitY)
(Cyber-Laws and Data Governance group)

Electronic Niketan, 6, CGO Complex
Lodhi Road, New Delhi – 110 003
Dated 03 November 2023

Office Memorandum

Subject: Gazette Notifications regarding date of appointment on which the provisions of the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), insofar as it relates to serial numbers 32 and 42 and the entries relating thereto in the Schedule to the said Act relating to the Information Technology Act, 2000 (21 of 2000) and the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016), shall come into force

The undersigned is directed to convey that *vide* serial numbers 32 and 42 and the entries relating thereto in the Schedule to “The Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023)” [“Jan Vishwas Act”] enacted on 11th August, 2023, eleven (11) sections of the Information Technology Act, 2000 (“IT Act”) and one (01) section of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (“Aadhaar Act”) were amended through the said Schedule to the Jan Vishwas Act. The same has been published in the Gazette Notification on 11th August, 2023, and is available at the following link:

<https://egazette.gov.in/WriteReadData/2023/248047.pdf>

2. In this connection, the undersigned is also directed to invite the attention of the addressee Ministries/Departments, State Governments/ UT Administrations, UIDAI, Controller of Certifying Authorities and CERT-In, for information and action as appropriate, to this Ministry’s following notifications published through the Official Gazette on 31st October, 2023, namely,—

- (i) Notification (Extraordinary) regarding date of appointment on which the provisions of the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), insofar as it relates to serial number 32 and the entries relating thereto in the Schedule to the said Act relating to the Information Technology Act, 2000 (21 of 2000), shall come into force.

- Date of appointment is 30th November, 2023.

The said Notification *vide* S.O. 4745(E) dated 31.10.2023 is available at the following link:

<https://egazette.gov.in/WriteReadData/2023/249809.pdf>

- (ii) Notification (Extraordinary) regarding date of appointment on which the provisions of the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), insofar as it relates

to serial number 42 and the entries relating thereto in the Schedule to the said Act relating to the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016), shall come into force.

- Date of appointment is 30th November, 2023.

The said Notification *vide* S.O. 4746(E) dated 31.10.2023 is available at the following link:

<https://egazette.gov.in/WriteReadData/2023/249810.pdf>

(iii) Notification (Extraordinary) regarding amendments to the Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Rules, 2003 namely- the Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Amendment Rules, 2023.

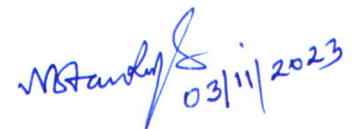
The said Notification *vide* G.S.R. 808(E) dated 31.10.2023 is available at the following link:

<https://egazette.gov.in/WriteReadData/2023/249813.pdf>

Copy of the above notifications *vide* paragraph 2 (i) to (iii) are also enclosed herewith *vide* **Annexures-I to III**.

3. The amendment provisions relating to the IT Act and Aadhaar Act under the Jan Vishwas (Amendment of Provisions) Act, 2023 are enclosed herewith *vide* **Annexure-IV**. Further, the amended provisions in respect of 11 sections under the IT Act and in respect of 01 section under the Aadhaar Act as they stand after enactment of the Jan Vishwas (Amendment of Provisions) Act, 2023, are placed at **Annexure-V**.

4. This issues with the approval of the Secretary, MeitY.

 03/11/2023

(Notan Roy)
Scientist E

Tel.: 011-24301706

Email: notan.roy@meity.gov.in

To:

- (1) All Secretaries to the Government of India (As per list)
- (2) Chief Secretaries/ Administrators, All State Governments / UT Administrations
(As per list)
- (3) CEO, UIDAI, MeitY
- (4) Controller of Certifying Authorities, MeitY
- (5) DG, CERT-In

Important Links for accessing the Gazette Notifications

- (i) Notification (Extraordinary) regarding date of appointment on which the provisions of the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), insofar as it relates to serial number 32 and the entries relating thereto in the Schedule to the said Act relating to the Information Technology Act, 2000 (21 of 2000), shall come into force.

- Date of appointment is 30th November, 2023.

The said Notification *vide* S.O. 4745(E) dated 31.10.2023 is available at the following link:

<https://egazette.gov.in/WriteReadData/2023/249809.pdf>

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- Date of appointment is 30th November, 2023.

The said Notification *vide* S.O. 4746(E) dated 31.10.2023 is available at the following link:

<https://egazette.gov.in/WriteReadData/2023/249810.pdf>

- (iii) Notification (Extraordinary) regarding amendments to the Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Rules, 2003 namely- the Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Amendment Rules, 2023.

The said Notification *vide* G.S.R. 808(E) dated 31.10.2023 is available at the following link:

<https://egazette.gov.in/WriteReadData/2023/249813.pdf>


सत्यमेव जयते

भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-31102023-249809
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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 4557]

नई दिल्ली, मंगलवार, अक्टूबर 31, 2023/कार्तिक 9, 1945

No. 4557]

NEW DELHI, TUESDAY, OCTOBER 31, 2023/KARTIKA 9, 1945

इलैक्ट्रानिक और सूचना प्रौद्योगिकी मंत्रालय

अधिसूचना

नई दिल्ली, 31 अक्टूबर, 2023

का.आ. 4745(अ).—केन्द्रीय सरकार, जन विश्वास (उपबंधों का संशोधन) अधिनियम, 2023 (2023 का 18) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 30 नवंबर, 2023 को उस तारीख के रूप में नियत करती है जिसको सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) से संबंधित उक्त अधिनियम की अनुसूची में जहाँ तक क्रम संख्या 32 और उससे संबंधित प्रविष्टियों का संबंध है, उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा.सं. 2(1)/2022-सीएल]

संदीप चटर्जी, वैज्ञानिक 'जी'

टिप्पण : मूल अधिनियम भारत के राजपत्र, असाधारण, भाग II, खंड 1 में 2000 का अधिनियम संख्यांक 21, तारीख 9 जून, 2000 द्वारा प्रकाशित किया गया था और तत्पश्चात् 2009 का अधिनियम संख्यांक 10, तारीख 5 फरवरी, 2009 द्वारा संशोधित किया गया था।

MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY**NOTIFICATION**

New Delhi, the 31st October, 2023

S.O. 4745(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), the Central Government hereby appoints the 30th day of November, 2023 as the date on which the provisions of the said Act, insofar as it relates to serial number 32 and the entries relating thereto in the Schedule to the said Act relating to the Information Technology Act, 2000 (21 of 2000), shall come into force.

[F. No. 2(1)/2022-CL]

SANDIP CHATTERJEE, Scientist 'G'

Note : The principal Act was published in the Gazette of India, Extraordinary, Part II, Section 1, *vide* the Act number 21 of 2000, dated the 9th June, 2000 and subsequently amended *vide* the Act number 10 of 2009, dated the 5th February, 2009.


सत्यमेव जयते

भारत का राजपत्र The Gazette of India

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सं. 4558]

नई दिल्ली, मंगलवार, अक्तूबर 31, 2023/कार्तिक 9, 1945

No. 4558]

NEW DELHI, TUESDAY, OCTOBER 31, 2023/KARTIKA 9, 1945

इलैक्ट्रॉनिक और सूचना प्रौद्योगिकी मंत्रालय

अधिसूचना

नई दिल्ली, 31 अक्तूबर, 2023

का.अ. 4746(अ).—केन्द्रीय सरकार, जन विश्वास (उपबंधों का संशोधन) अधिनियम, 2023 (2023 का 18) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 30 नवंबर, 2023 को उस तारीख के रूप में नियत करती है जिसको आधार (वित्तीय और अन्य सहायिकियों, प्रसुविधाओं और सेवाओं का लक्ष्यित परिदान) अधिनियम, 2016 (2016 का 18) से संबंधित उक्त अधिनियम की अनुसूची में जहाँ तक क्रम संख्या 42 और उससे संबंधित प्रविष्टियों का संबंध है, उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा. सं. 2(1)/2022-सीएल]

संदीप चटर्जी, वैज्ञानिक 'जी'

टिप्पण : मूल अधिनियम भारत के राजपत्र, असाधारण, भाग II, खंड 1 में 2016 का अधिनियम संख्यांक 18, तारीख 26 मार्च, 2016 द्वारा प्रकाशित किया गया था और तत्पश्चात् 2019 का अधिनियम संख्यांक 14, तारीख 24 जुलाई, 2019 द्वारा संशोधित किया गया था

MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY**NOTIFICATION**

New Delhi, the 31st October, 2023

S.O. 4746(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), the Central Government hereby appoints the 30th day of November, 2023 as the date on which the provisions of the said Act, insofar as it relates to serial number 42 and the entries relating thereto in the Schedule to the said Act relating to the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016), shall come into force.

[F. No. 2(1)/2022-CL]

SANDIP CHATTERJEE, Scientist 'G'

Note : The principal Act was published in the Gazette of India, Extraordinary, Part II, Section 1, *vide* the Act number 18 of 2016, dated the 26th March, 2016 and subsequently amended *vide* the Act number 14 of 2019, dated the 24th July, 2019.

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भारत का राजपत्र
The Gazette of India

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असाधारण
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भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
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सं. 629]

नई दिल्ली, मंगलवार, अक्टूबर 31, 2023/कार्तिक 9, 1945

No. 629]

NEW DELHI, TUESDAY, OCTOBER 31, 2023/KARTIKA 9, 1945

इलैक्ट्रॉनिक और सूचना प्रौद्योगिकी मंत्रालय

अधिसूचना

नई दिल्ली, 31 अक्टूबर, 2023

सा.का.नि. 808(अ).—केन्द्रीय सरकार, सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) की धारा 87 की उपधारा (2) के खंड (त) और खंड (थ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सूचना प्रौद्योगिकी (न्याय निर्णायक अधिकारी की शैक्षणिक अहर्ताएँ तथा अनुभव और जाँच करने की विधि) नियम, 2003 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

- (1) इन नियमों का संक्षिप्त नाम (न्याय निर्णायक अधिकारी की शैक्षणिक अहर्ताएँ तथा अनुभव और जाँच करने की विधि) संशोधन नियम, 2023 है।
- (2) ये तारीख 30 नवंबर, 2023 को प्रवृत्त होंगे।
- सूचना प्रौद्योगिकी (न्याय निर्णायक अधिकारी की शैक्षणिक अहर्ताएँ तथा अनुभव और जाँच करने की विधि) नियम, 2003 के नियम 4 के खंड (क) में "सूचना प्रौद्योगिकी अधिनियम, 2000 के अध्याय IX से संबंधित उल्लंघनों" शब्दों और अंकों के स्थान पर "इस अधिनियम या इसके अधीन बनाए गए नियम, विनियम, निदेश या आदेश के उपबंधों का उल्लंघन" शब्द और अंक रखे जाएंगे।

[फा.सं. 2(1)/2022-सीएल]

सदीप चटर्जी, वैज्ञानिक 'जी'

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में अधिसूचना संख्या सा.का.नि. 220(अ), तारीख 17 मार्च, 2003 द्वारा प्रकाशित किए गए थे।

MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY

NOTIFICATION

New Delhi, the 31st October, 2023

G.S.R. 808(E).—In exercise of the powers conferred by clauses (p) and (q) of sub-section (2) of section 87 of the Information Technology Act, 2000 (21 of 2000), the Central Government hereby makes the following rules further to amend the Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Rules, 2003, namely:—

1. (1) These rules may be called the Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Amendment Rules, 2023.

(2) They shall come into force on the 30th day of November, 2023.

2. In the Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Rules, 2003, in rule 4, in clause (a), for the words and figures “the contraventions in relation to Chapter IX of IT Act, 2000”, the words and figures “or the contravention of the provisions of this Act or any rule, regulation, direction or order made thereunder” shall be substituted.

[F. No. 2(1)/2022-CL]

SANDIP CHATTERJEE, Scientist ‘G’

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* notification number G.S.R. 220(E), dated the 17th March, 2003.

Amendment provisions relating to the Information Technology Act, 2000 and the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 under the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023)

THE SCHEDULE

Sl. No.	Year	No.	Short title	Amendments
(1)	(2)	(3)	(4)	(5)
32.	2000	21	The Information Technology Act, 2000	<p>(***)</p> <p>(A) In section 33, in sub-section (2), for the words “punished with imprisonment which may extend up to six months or a fine which may extend up to ten thousand rupees or with both”, the words “liable to penalty which may extend to five lakh rupees” shall be substituted.</p> <p>(B) In section 44,—</p> <p>(i) in clause (a), for the words “one lakh and fifty thousand” the words “fifteen lakh” shall be substituted;</p> <p>(ii) in clause (b), for the words “five thousand”, the words “fifty thousand” shall be substituted;</p> <p>(iii) in clause (c), for the words “ten thousand”, the words “one lakh” shall be substituted.</p> <p>(C) In section 45,—</p> <p>(i) for the words “rules or regulations”, the words “rules, regulations, directions or orders” shall be substituted;</p> <p>(ii) for the words “compensation not exceeding twenty-five thousand rupees to the person affected by such contravention or a penalty not exceeding twenty-five thousand rupees”, the following shall be substituted, namely:-</p>

				<p>“penalty not exceeding one lakh rupees, in addition to compensation to the person affected by such contravention not exceeding—</p> <p>(a) ten lakh rupees, by an intermediary, company or body corporate; or</p> <p>(b) one lakh rupees, by any other person.”.</p> <p>(D) In section 46,—</p> <p>(i) in sub-section (1), for the words “under this Chapter”, the words “under this Act” shall be substituted;</p> <p>(ii) in sub-section (1A), the words “injury or” at both the places where they occur shall be omitted.</p> <p>(E) Section 66A shall be omitted.</p> <p>(F) In section 67C, in sub-section (2), for the words “punished with an imprisonment for a term which may extend to three years and also be liable to fine”, the words “liable to penalty which may extend to twenty-five lakh rupees” shall be substituted.</p> <p>(G) In section 68, in sub-section (2), for the words “on conviction to imprisonment for a term not exceeding two years or a fine not exceeding one lakh rupees or with both”, the words “to penalty which may extend to twenty-five lakh rupees” shall be substituted.</p> <p>(H) In section 69B, in sub-section (4), for the words “three years and shall also be liable to fine”, the words “one year or shall be liable to fine which may extend to one crore rupees, or with both” shall be substituted.</p> <p>(I) In section 70B, in sub-section (7), for the words “one lakh”, the words “one crore” shall be substituted.</p>
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				<p>(J) In section 72, for the words “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”, the words “liable to penalty which may extend to five lakh rupees” shall be substituted.</p> <p>(K) In section 72A,—</p> <p>(i) in the marginal heading, for the word “Punishment”, the word “Penalty” shall be substituted;</p> <p>(ii) for the words “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”, the words “liable to penalty which may extend to twenty-five lakh rupees” shall be substituted.</p>
42.	2016	18	The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016	In section 41, for the words “punishable with imprisonment which may extend to one year or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both”, the words “liable to penalty which may extend to one lakh rupees, or in the case of a company, with penalty which may extend to ten lakh rupees” shall be substituted.

The amended provisions in respect of 11 sections under the IT Act and in respect 01 section under the Aadhaar Act as they stand after enactment of the Jan Vishwas (Amendment of Provisions) Act, 2023

Act	Sections	Earlier provisions	Amended provisions
(1)	(2)	(3)	(4)
The Information Technology Act, 2000	33	<p>33. Surrender of licence.—(1) Every Certifying Authority whose licence is suspended or revoked shall immediately after such suspension or revocation, surrender the licence to the Controller.</p> <p>(2) Where any Certifying Authority fails to surrender a licence under sub-section (1), the person in whose favour a licence is issued, shall be guilty of an offence and shall be <u>punished with imprisonment which may extend up to six months or a fine which may extend up to ten thousand rupees or with both.</u></p>	<p>33. Surrender of licence.—(1) Every Certifying Authority whose licence is suspended or revoked shall immediately after such suspension or revocation, surrender the licence to the Controller.</p> <p>(2) Where any Certifying Authority fails to surrender a licence under sub-section (1), the person in whose favour a licence is issued, shall be <u>liable to penalty which may extend to five lakh rupees.</u></p>
	44	<p>44. Penalty for failure to furnish information, return, etc.—If any person who is required under this Act or any rules or regulations made thereunder to—</p> <p>(a) 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 <u>one lakh and fifty thousand</u></p>	<p>44. Penalty for failure to furnish information, return, etc.—If any person who is required under this Act or any rules or regulations made thereunder to—</p> <p>(a) 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 <u>fifteen lakh</u> rupees for each such failure;</p>

		<p>rupees for each such failure;</p> <p>(b) 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 <u>five thousand</u> rupees for every day during which such failure continues;</p> <p>(c) maintain books of account or records, fails to maintain the same, he shall be liable to a penalty not exceeding <u>ten thousand</u> rupees for every day during which the failure continues.</p>	<p>(b) 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 <u>fifty thousand</u> rupees for every day during which such failure continues;</p> <p>(c) maintain books of account or records, fails to maintain the same, he shall be liable to a penalty not exceeding <u>one lakh</u> rupees for every day during which the failure continues.</p>
	45	<p>45. Residual penalty.—Whoever contravenes any <u>rules or regulations</u> made under this Act, for the contravention of which no penalty has been separately provided, shall be liable to pay a <u>compensation not exceeding twenty-five thousand rupees to the person affected by such contravention or a penalty not exceeding twenty-five thousand rupees.</u></p>	<p>45. Residual penalty.—Whoever contravenes any <u>rules, regulations, directions or orders</u> made under this Act, for the contravention of which no penalty has been separately provided, shall be liable to pay a <u>penalty not exceeding one lakh rupees, in addition to compensation to the person affected by such contravention not exceeding—</u></p> <p>(a) <u>ten lakh rupees, by an intermediary, company or body corporate, or</u></p> <p>(b) <u>one lakh rupees, by any other person.</u></p>

	46	<p>46. Power to adjudicate—(1) For the purpose of adjudging <u>under this Chapter</u> 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 (3), 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.</p> <p>(1A) The adjudicating officer appointed under sub-section (1) shall exercise jurisdiction to adjudicate matters in which the claim for <u>injury or</u> damage does not exceed rupees five crore: Provided that the jurisdiction in respect of the claim for <u>injury or</u> damage exceeding rupees five crores shall vest with the competent court.</p>	<p>46. Power to adjudicate—(1) For the purpose of adjudging <u>under this Act</u> 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 (3), 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.</p> <p>(1A) The adjudicating officer appointed under sub-section (1) shall exercise jurisdiction to adjudicate matters in which the claim for damage does not exceed rupees five crore: Provided that the jurisdiction in respect of the claim for damage exceeding rupees five crores shall vest with the competent court.</p>
	66A	<p>66A. Punishment for sending offensive messages through communication service, etc.— Any person who sends, by</p>	<p>Section 66A shall be omitted</p>

		<p>means of a computer resource or a communication device,—</p> <p>(a) any information that is grossly offensive or has menacing character; or</p> <p>....</p>	
	67C	<p>67C. Preservation and retention of information by intermediaries.—(1) Intermediary shall preserve and retain such information as may be specified for such duration and in such manner and format as the Central Government may prescribe.</p> <p>(2) Any intermediary who intentionally or knowingly contravenes the provisions of sub-section (1) shall be <u>punished with an imprisonment for a term which may extend to three years and also be liable to fine.</u></p>	<p>67C. Preservation and retention of information by intermediaries.—(1) Intermediary shall preserve and retain such information as may be specified for such duration and in such manner and format as the Central Government may prescribe.</p> <p>(2) Any intermediary who intentionally or knowingly contravenes the provisions of sub-section (1) shall be <u>liable to penalty which may extend to twenty-five lakh rupees.</u></p>
	68	<p>68. Power of Controller to give directions.—(1) The Controller may, by order, direct a Certifying Authority or any employee of such Authority to take such measures or cease carrying on such activities as specified in the order if those are necessary to ensure compliance with the provisions of this Act, rules or any regulations made thereunder.</p> <p>(2) Any person who intentionally or knowingly fails to comply with any order under sub-section (1) shall be</p>	<p>68. Power of Controller to give directions.—(1) The Controller may, by order, direct a Certifying Authority or any employee of such Authority to take such measures or cease carrying on such activities as specified in the order if those are necessary to ensure compliance with the provisions of this Act, rules or any regulations made thereunder.</p> <p>(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 <u>to</u></p>

		<p>guilty of an offence and shall be liable <u>on conviction to imprisonment for a term not exceeding two years or a fine not exceeding one lakh rupees or with both.</u></p>	<p><u>penalty which may extend to twenty-five lakh rupees.</u></p>
	69B	<p>69B. Power to authorise to monitor and collect traffic data or information through any computer resource for cyber security.—(1) The Central Government may, to enhance cyber security and for identification, analysis and prevention of intrusion or spread of computer contaminant in the country, by notification in the Official Gazette, authorise any agency of the Government to monitor and collect traffic data or information generated, transmitted, received or stored in any computer resource.</p> <p>(2)</p> <p>(3)</p> <p>(4) Any intermediary who intentionally or knowingly contravenes the provisions of sub-section (2) shall be punished with an imprisonment for a term which may extend to <u>three years and shall also be liable to fine.</u></p>	<p>69B. Power to authorise to monitor and collect traffic data or information through any computer resource for cyber security.—(1) The Central Government may, to enhance cyber security and for identification, analysis and prevention of intrusion or spread of computer contaminant in the country, by notification in the Official Gazette, authorise any agency of the Government to monitor and collect traffic data or information generated, transmitted, received or stored in any computer resource.</p> <p>(2)</p> <p>(3)</p> <p>(4) Any intermediary who intentionally or knowingly contravenes the provisions of sub-section (2) shall be punished with an imprisonment for a term which may extend to <u>one year or shall be liable to fine which may extend to one crore rupees, or with both.</u></p>
	70B	<p>70B. Indian Computer Emergency Response Team to serve as national agency for incident response.—(1) The Central Government shall, by</p>	<p>70B. Indian Computer Emergency Response Team to serve as national agency for incident response.—(1) The Central Government shall, by</p>

		<p>notification in the Official Gazette, appoint an agency of the Government to be called the Indian Computer Emergency Response Team.</p> <p>(2) to (5) ...</p> <p>(6) For carrying out the provisions of sub-section (4), the agency referred to in sub-section (1) may call for information and give direction to the service providers, intermediaries, data centres, body corporate and any other person.</p> <p>(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 <u>one lakh</u> rupees or with both.</p> <p>(8)</p>	<p>notification in the Official Gazette, appoint an agency of the Government to be called the Indian Computer Emergency Response Team.</p> <p>(2) to (5) ...</p> <p>(6) For carrying out the provisions of sub-section (4), the agency referred to in sub-section (1) may call for information and give direction to the service providers, intermediaries, data centres, body corporate and any other person.</p> <p>(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 <u>one crore</u> rupees or with both.</p> <p>(8)</p>
	72	<p>72. Penalty for breach of confidentiality and privacy.— 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,</p>	<p>72. Penalty for breach of confidentiality and privacy.— 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,</p>

		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 <u>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.</u>	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 <u>liable to penalty which may extend to five lakh rupees.</u>
	72A	72A. <u>Punishment</u> for disclosure of information in breach of lawful contract. — 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 <u>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.</u>	72A. <u>Penalty</u> for disclosure of information in breach of lawful contract. —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 <u>liable to penalty which may extend to twenty-five lakh rupees.</u>
The Aadhaar (Targeted Delivery of Financial	41	41. <u>Penalty for non-compliance with intimation requirements.</u> —Whoever, being an enrolling agency or a requesting entity, fails to	41. <u>Penalty for non-compliance with intimation requirements.</u> —Whoever, being an enrolling agency or a requesting entity, fails to comply

<p>and Other Subsidies, Benefits and Services) Act, 2016</p>		<p>comply with the requirements of sub-section (2) of section 3 or sub-section (3) of section 8, shall be <u>punishable with imprisonment which may extend to one year or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.</u></p>	<p>with the requirements of sub-section (2) of section 3 or sub-section (3) of section 8, shall be <u>liable to a penalty which may extend to one lakh rupees, or in the case of a company, with penalty which may extend to ten lakh rupees.</u></p>
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