

Panaji, 17th September, 2009 (Bhadra 26, 1931)

SERIES I No. 25

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE

There is one Extraordinary issue to the Official Gazette, Series I No. 24 dated 10-9-2009 namely, Extraordinary dated 10-9-2009 from pages 2091 to 2092 regarding Notification from Department of Women & Child Development (Directorate of Women & Child Development).

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GOVERNMENT OF GOA

Department of Civil Supplies & Consumer Affairs

Notification

DCS/ENF/Naphtha-01/09/171

Order No. GSR 381(E) dated 29th May, 2009 issued by the Ministry of Petroleum and Natural Gas, Government of India, New Delhi. Published in Part II-Section 3(1) of the Gazette of India (Extraordinary) dated 29th May, 2009 making the Order further to amend the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000 is hereby re-published for general information of the public.

Sunil Masurkar, Director of Civil Supplies & Consumer Affairs ex officio Joint Secretary.

Panaji, 4th September, 2009.

MINISTRY OF PETROLEUM AND NATURAL GAS

Order

New Delhi, the 29th May, 2009

G.S.R. 381(E).— In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000, namely:—

1. (1) This Order may be called the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Amendment Order, 2009.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile)

Order, 2000, after sub-clause (v) of clause 3, the following proviso shall be inserted, namely:—

“Provided that the provisions of sub-clauses (i), (iv) and (v) shall not be applicable to the following companies, namely:—

- (i) Indian Oil Corporation Limited (IOCL).
- (ii) Bharat Petroleum Corporation Limited (BPCL).
- (iii) Hindustan Petroleum Corporation Limited (HPCL).
- (iv) IBP Co. Limited.
- (v) Oil and Natural Gas Corporation Limited (ONGC).
- (vi) Gas Authority of India Limited (GAIL).
- (vii) Oil India Limited (OIL).
- (viii) Kochi Refineries Limited (KRL).
- (ix) Chennai Petroleum Corporation Limited (CPCL).
- (x) Bongaigaon Refinery and Petro-chemicals Limited (BRPL).
- (xi) Numaligarh Refinery Limited (NRL).
- (xii) Lubrizol India Limited (LIL).
- (xiii) Biecco Lawrie and Co. Limited.
- (xiv) Indian Additives Limited (Subsidiary of CPCL).
- (xv) Indian Oil Blending Limited (Subsidiary of IOC).
- (xvi) ONGC Videsh Limited (a wholly owned subsidiary of ONGC).
- (xvii) Balmer Lawrie and Co. Limited.
- (xviii) Mangalore Refinery and Petrochemicals Limited (subsidiary of ONGC).
- (xix) Essar Oil Limited (EOL).

[F. No. P-11013/13/2007-Dist.]
APURVA CHANDRA, Jt. Secy.

Note: The Principal Order was promulgated vide G.S.R. 518(E), dated 5th June, 2000 published in the Gazette of India Extraordinary in Part II Section 3 sub-section (i) and subsequently amended vide GSR 577(E), dated 30th June, 2000, GSR No. 579(E), dated 30th June, 2000 and GSR 594(E), dated 25th September, 2006.

Notification

DCS/ENF/Solven01/09/172

Order No. GSR 382(E) dated 29th May, 2009 issued by the Ministry of Petroleum and Natural Gas, Government of India, New

Delhi. Published in Part II-Section 3(1) of the Gazette of India (Extraordinary) dated 29th May, 2009 making the Order further to amend the Solvent, Raffinate & Slop (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000 is hereby re-published for general information of the public.

Sunil Masurkar, Director of Civil Supplies & Consumer Affairs ex officio Joint Secretary.

Panaji, 4th September, 2009.

Order

New Delhi, the 29th May, 2009

G.S.R. 382(E).— In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Solvent, Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order, 2000, namely:—

1. (1) This Order may be called the Solvent, Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Amendment Order, 2009.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Solvent, Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order, 2000, after sub-clause (4) of clause 3, the following proviso shall be inserted, namely:—

“Provided that the provisions of sub-clauses 1, 3 and 4 shall not be applicable to the following companies, namely:—

- (i) Indian Oil Corporation Limited (IOCL).
- (ii) Bharat Petroleum Corporation Limited (BPCL).
- (iii) Hindustan Petroleum Corporation Limited (HPCL).
- (iv) IBP Co. Limited.
- (v) Oil and Natural Gas Corporation Limited (ONGC).
- (vi) Gas Authority of India Limited (GAIL).
- (vii) Oil India Limited (OIL).

- (viii) Kochi Refineries Limited (KRL).
 (ix) Chennai Petroleum Corporation Limited (CPCL).
 (x) Bongaigaon Refinery and Petro-chemicals Limited (BRPL).
 (xi) Numaligarh Refinery Limited (NRL).
 (xii) Lubrizol India Limited (LIL).
 (xiii) Biecco Lawrie and Co. Limited.
 (xiv) Indian Additives Limited (Subsidiary of CPCL).
 (xv) Indian Oil Blending Limited (Subsidiary of IOC).
 (xvi) ONGC Videsh Limited (a wholly owned subsidiary of ONGC).
 (xvii) Balmer Lawrie and Co. Limited.
 (xviii) Mangalore Refinery and Petrochemicals Limited (subsidiary of ONGC).
 (xix) Essar Oil Limited (EOL).

THE JHARKHAND APPROPRIATION
(VOTE ON ACCOUNT) ACT, 2009

AN

ACT

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Jharkhand for the services of a part of the financial year 2009-10.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

[F. No. P-11013/13/2007-Dist.]
APURVA CHANDRA, Jt. Secy.

Note: The Principal Order was promulgated vide G.S.R. 519(E), dated 5th June, 2000 published in the Gazette of India Extraordinary Part II Section 3 sub-section (i) and amended vide GSR 576(E), dated 30th June, 2000, 578(E), dated 30th June, 2000, GSR 856(E), dated 21st November, 2001, GSR 470(E), dated 2nd July, 2002, GSR No. 404(E), dated 4th July, 2006, GSR 743(E), dated 7th December, 2006 and GSR 689(E), dated 1st November, 2007.



Department of Law and Judiciary

Legal Affairs Division

Notification

10/1/2009-LA/235

The Jharkhand Appropriation (Vote on Account) Act, 2009 (Central Act No. 18 of 2009), which has been passed by Parliament and assented to by the President of India on 6-3-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 6-3-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

1. *Short title.*— This Act may be called the Jharkhand Appropriation (Vote of Account) Act, 2009.

2. *Withdrawal of Rs. 9014,95,71,531 from and out of the Consolidated Fund of the State of Jharkhand for the financial year 2009-10.*— From and out of the Consolidated Fund of the State of Jharkhand there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of nine thousand fourteen crore, ninety-five lakhs, seventy-one thousand and five hundred thirty-one rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10 in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Jharkhand by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote/ /App- ropri- ation	Services and purposes	Sums not exceeding			
		Voted by Parliament	Charged on the Consoli- dated Fund	Total	
1	2	3			
		Rs.	Rs.	Rs.	
1	Agriculture Department	Revenue	128,77,17,333	...	128,77,17,333
		Capital	83,33,333	...	83,33,333
2	Animal Husbandry and Fisheries Department..	Revenue	67,65,03,200	...	67,65,03,200
		Capital	16,66,66,667	...	16,66,66,667
3	Building Construction Department	Revenue	29,19,56,167	...	29,19,56,167
		Capital	33,56,66,667	...	33,56,66,667
4	Cabinet Secretariat and Coordination Department	Revenue	11,89,33,000	...	11,89,33,000
5	Secretariat of the Governor	Revenue	...	5,81,91,000	5,81,91,000
6	Election	Revenue	88,07,83,000	...	88,07,83,000
7	Vigilance	Revenue	2,98,64,667	...	2,98,64,667
8	Civil Aviation Department	Revenue	38,43,47,667	...	38,43,47,667
9	Co-operative Department	Revenue	30,71,74,333	...	30,71,74,333
		Capital	2,53,33,333	...	2,53,33,333
10	Energy Department	Revenue	158,38,10,000	...	158,38,10,000
		Capital	105,33,33,333	...	105,33,33,333
11	Excise and Prohibition Department	Revenue	5,60,44,333	...	5,60,44,333
12	Finance Department	Revenue	20,41,63,333	...	20,41,63,333
		Capital	5,33,33,333	...	5,33,33,333
13	Interest Payment	Revenue	...	2428,50,80,000	2428,50,80,000
14	Repayment of Loans	Capital	...	269,83,40,667	269,83,40,667
15	Pension	Revenue	458,33,50,000	1,83,33,333	460,16,83,333
16	National Savings	Revenue	78,30,000	...	78,30,000
17	Finance (Commercial Tax) Department	Revenue	10,77,92,667	...	10,77,92,667
18	Food, Supply and Commerce Department	Revenue	104,19,51,333	...	104,19,51,333
19	Forest and Environment Department	Revenue	89,10,57,667	...	89,10,57,667
		Capital	5,00,000	...	5,00,000
20	Health, Medical Education and Family Welfare Department	Revenue	340,84,81,268	...	340,84,81,268
		Capital	54,10,29,065	...	54,10,29,065
21	Higher Education Department	Revenue	153,68,63,667	...	153,68,63,667
22	Home Department	Revenue	602,86,70,000	...	602,86,70,000
		Capital	46,74,69,333	...	46,74,69,333
23	Industries Department	Revenue	50,69,74,000	...	50,69,74,000
		Capital	40,00,000	...	40,00,000
24	Information and Public Relation Department	Revenue	13,90,22,333	...	13,90,22,333

1	2	3	4	5
		Rs.	Rs.	Rs.
25	Institutional Finance and Programme Implementation Department	Revenue 1,19,72,000	...	1,19,72,000
26	Labour, Employment and Training Department..	Revenue 229,24,52,000	...	229,24,52,000
27	Law Department	Revenue 49,70,53,667	...	49,70,53,667
28	High Court of Jharkhand.....	Revenue ...	9,09,12,000	9,09,12,000
29	Mines and Geology Department	Revenue 8,38,57,333	...	8,38,57,333
		Capital 15,00,000	...	15,00,000
30	Minorities Welfare Department	Revenue 44,33,833	...	44,33,833
		Capital 3,41,33,333	...	3,41,33,333
31	Parliamentary Affairs Department	Revenue 6,04,667	...	6,04,667
32	Legislature	Revenue 13,61,90,333	9,00,000	13,70,90,333
33	Personnel and Administrative Reforms Department	Revenue 4,99,45,333	...	4,99,45,333
34	Jharkhand Public Service Commission	Revenue ...	2,95,57,000	2,95,57,000
35	Planning and Development Department	Revenue 41,08,16,667	...	41,08,16,667
36	Drinking Water and Sanitation Department	Revenue 58,36,95,667	...	58,36,95,667
		Capital 141,69,66,667	...	141,69,66,667
37	Rajbhasha Department	Revenue 3,05,91,333	...	3,05,91,333
38	Registration Department	Revenue 4,27,27,000	...	4,27,27,000
39	Disaster Management Department	Revenue 78,03,58,667	...	78,03,58,667
40	Revenue and Land Reforms Department	Revenue 87,00,53,667	...	87,00,53,667
		Capital 333	...	333
41	Road Construction Department	Revenue 59,73,02,333	...	59,73,02,333
		Capital 211,48,33,333	...	211,48,33,333
42	Rural Development Department	Revenue 321,66,31,000	...	321,66,31,000
		Capital 193,63,50,333	...	193,63,50,333
43	Science and Technology Department	Revenue 35,63,83,833	...	35,63,83,833
		Capital 20,68,33,333	...	20,68,33,333
44	Secondary, Primary and Public Education Department	Revenue 1029,55,46,000	...	1029,55,46,000
		Capital 7,33,33,333	...	7,33,33,333
46	Tourism Department	Revenue 4,15,52,000	...	4,15,52,000
		Capital 8,38,33,333	...	8,38,33,333
47	Transport Department	Revenue 4,52,37,000	...	4,52,37,000
		Capital 18,26,66,667	...	18,26,66,667
48	Urban Development and Housing Department..	Revenue 64,67,40,333	...	64,67,40,333
		Capital 204,03,16,667	...	204,03,16,667
49	Water Resources Department	Revenue 88,99,54,333	...	88,99,54,333
		Capital 166,06,66,667	...	166,06,66,667
50	Minor Irrigation Department	Revenue 20,90,24,000	...	20,90,24,000
		Capital 28,06,66,667	...	28,06,66,667
51	Welfare Department	Revenue 344,97,85,167	...	344,97,85,167
		Capital 38,46,00,000	...	38,46,00,000
52	Youth, Art and Culture Department	Revenue 20,34,03,000	...	20,34,03,000
		Capital 22,62,90,667	...	22,62,90,667
	Total	6296,82,57,531	2718,13,14,000	9014,95,71,531

Notification

10/1/2009-LA/236

The Jharkhand Appropriation Act, 2009 (Central Act No. 19 of 2009), which has been passed by Parliament and assented to by the President of India on 6-3-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 6-3-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

**THE JHARKHAND APPROPRIATION
ACT, 2009**

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Jharkhand for the services of the financial year 2008-2009.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Jharkhand Appropriation Act, 2009.

2. *Issue of Rs. 1501,03,57,991 from and out of the Consolidated Fund of the State of Jharkhand for the financial year 2008-09.*— From and out of the Consolidated Fund of the State of Jharkhand there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand five hundred one crore, three lakhs, fifty-seven thousand and nine hundred ninety-one rupees towards defraying the several charges which will come in course of payment during the financial year 2008-09, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Jharkhand by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote/ /App- ropri- ation	Services and purposes	Sums not exceeding			
		Voted by Parliament	Charged on the Consoli- dated Fund	Total	
1	2	3			
		Rs.	Rs.	Rs.	
1	Agriculture Department	Revenue	11,45,05,966	...	11,45,05,966
2	Animal Husbandry and Fisheries Department..	Revenue	13,24,32,962	...	13,24,32,962
3	Building Construction Department	Revenue	4,29,77,230	...	4,29,77,230
4	Cabinet Secretariat and Coordination Department	Revenue	2,04,56,022	...	2,04,56,022
5	Secretariat of the Governor	Revenue	...	83,72,637	83,72,637
6	Election	Revenue	68,52,639	...	68,52,639
7	Vigilance	Revenue	1,25,99,343	...	1,25,99,343
8	Civil Aviation Department	Revenue	63,04,29,323	...	63,04,29,323
9	Co-operative Department	Revenue	4,17,92,356	...	4,17,92,356
10	Energy Department	Revenue	79,07,907	...	79,07,907
11	Excise and Prohibition Department	Revenue	2,45,99,612	...	2,45,99,612
12	Finance Department	Revenue	4,64,75,809	...	4,64,75,809

1	2	3			
		Rs.	Rs.	Rs.	
15	Pension	Revenue	412,00,00,000	...	412,00,00,000
16	National Savings	Revenue	28,21,833	...	28,21,833
17	Finance (Commercial Tax) Department	Revenue	4,47,62,223	...	4,47,62,223
18	Food, Supply and Commerce Department	Revenue	48,71,57,101	...	48,71,57,101
19	Forest and Environment Department	Revenue	19,70,44,254	...	19,70,44,254
20	Health, Medical Education and Family Welfare Department	Revenue	58,35,04,215	...	58,35,04,215
21	Higher Education Department	Revenue	13,42,546	...	13,42,546
22	Home Department	Revenue	222,41,27,032	...	222,41,27,032
		Capital	8,58,57,045	...	8,58,57,045
23	Industries Department	Revenue	3,92,03,258	...	3,92,03,258
24	Information and Public Relation Department	Revenue	1,18,47,282	...	1,18,47,282
25	Institutional Finance and Programme Implementation Department	Revenue	15,60,227	...	15,60,227
26	Labour, Employment and Training Department..	Revenue	10,39,99,488	...	10,39,99,488
27	Law Department	Revenue	20,56,54,909	...	20,56,54,909
28	High Court of Jharkhand.....	Revenue	...	3,54,23,243	3,54,23,243
29	Mines and Geology Department	Revenue	2,79,19,512	...	2,79,19,512
30	Minorities Welfare Department	Revenue	10,02,827	...	10,02,827
31	Parliamentary Affairs Department	Revenue	37,190	...	37,190
32	Legislature	Revenue	4,24,92,979	7,91,688	4,32,84,667
33	Personnel and Administrative Reforms Department	Revenue	1,60,94,348	...	1,60,94,348
34	Jharkhand Public Service Commission	Revenue	...	51,87,380	51,87,380
35	Planning and Development Department	Revenue	11,35,04,394	...	11,35,04,394
36	Drinking Water and Sanitation Department	Revenue	16,49,51,315	...	16,49,51,315
37	Rajbhasha Department	Revenue	1,37,27,567	...	1,37,27,567
38	Registration Department	Revenue	113,52,436	...	113,52,436
39	Disaster Management Department	Revenue	21,67,304	...	21,67,304
40	Revenue and Land Reforms Department	Revenue	69,89,69,028	...	69,89,69,028
41	Road Construction Department	Revenue	13,17,86,503	...	13,17,86,503
42	Rural Development Department	Revenue	47,98,52,242	...	47,98,52,242
		Capital	50,00,00,000	...	50,00,00,000
43	Science and Technology Department	Revenue	3,76,38,945	...	3,76,38,945
44	Secondary, Primary and Public Education Department	Revenue	279,00,20,310	...	279,00,20,310
46	Tourism Department	Revenue	4,32,56,437	...	4,32,56,437
		Capital	10,00,00,000	...	10,00,00,000
47	Transport Department	Revenue	1,07,31,613	...	1,07,31,613
48	Urban Development and Housing Department..	Revenue	86,59,946	...	86,59,946
49	Water Resources Department	Revenue	38,29,45,328	...	38,29,45,328
50	Minor Irrigation Department	Revenue	7,71,85,123	...	7,71,85,123
51	Welfare Department	Revenue	10,37,67,875	...	10,37,67,875
52	Youth, Art and Culture Department	Revenue	1,26,09,239	...	1,26,09,239
	Total		1496,05,83,043	4,97,74,948	1501,03,57,991

Notification

10/1/2009-LA/226

The Science and Engineering Research Board Act, 2008 (Central Act No. 9 of 2009), which has been passed by Parliament and assented to by the President of India on 17-1-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 19-1-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

THE SCIENCE AND ENGINEERING
RESEARCH BOARD ACT, 2008

AN

ACT

to provide for the constitution of a Board for promoting basic research in Science and Engineering and to provide financial assistance to persons engaged in such research, academic institutions, research and development laboratories, industrial concerns and other agencies for such research and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Science and Engineering Research Board Act, 2008.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Board” means the Science and Engineering Research Board constituted under sub-section (1) of section 3;

(b) “Chairperson” means the Chairperson of the Board;

(c) “Fund” means the Fund for Science and Engineering Research constituted under sub-section (1) of section 10;

(d) “member” means a member of the Board and includes the Chairperson;

(e) “Oversight Committee” means the Oversight Committee of Experts constituted under sub-section (1) of section 5;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “Secretary” means the Secretary of the Board appointed under sub-section (1) of section 4.

CHAPTER II

Science and Engineering Research Board

3. *Constitution and incorporation of Board.*— (1) The Central Government shall, by notification in the Official Gazette, constitute, for the purposes of this Act, a Board to be called the Science and Engineering Research Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to contract and shall, by the said name, sue and be sued.

(3) The Board shall consist of the following persons, namely:—

(a) Secretary to the Government of India in the Department of Science and Technology, *ex officio* —Chairperson;

(b) Member-Secretary, Planning Commission, *ex officio* —Member;

(c) Secretary to the Government of India in the Department of Biotechnology, *ex officio* —Member;

(d) Secretary to the Government of India in the Department of Scientific and Industrial Research, *ex officio* —Member;

(e) Secretary to the Government of India in the Ministry of Earth Sciences, *ex officio* —Member;

(f) Secretary to the Government of India in the Department of Expenditure, Ministry of Finance or his nominee, *ex officio* —Member;

(g) Secretary to the Government of India in the Department of Health Research, *ex officio* —Member;

(h) not more than three members to be appointed by the Central Government from amongst persons having experience in scientific research in different disciplines in academic institutions;

(i) not more than three members to be appointed by the Central Government from amongst persons having experience in scientific research in different disciplines in Government research laboratories;

(j) not more than four members to be appointed by the Central Government from amongst persons having experience in scientific research in different disciplines in the industry, international projects on science and technology, socio-economic sectors and other Government research laboratories.

(4) The Head Office of the Board shall be at Delhi or in the National Capital Region.

(5) The qualifications and experience, term of office and allowances of the members specified in clauses (h) to (j) of sub-section (3) shall be such as may be prescribed.

(6) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties, as may be prescribed or delegated to him by the Board.

(7) No act or proceeding of the Board shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board;

(b) any defect in the appointment of a person acting as a member of the Board;

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

4. *Secretary and other officers and employees of Board.*— (1) The Board may appoint an eminent Scientist not below the rank of Additional Secretary to the Government of India as the Secretary of the Board, in consultation with the Central Government.

(2) The Board may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

(3) The qualifications and experience, terms and conditions of service including salary and allowances of the Secretary and other officers and employees of the Board shall be such as may be specified in the regulations made by the Board.

(4) The Board may engage the services of personnel, both from within and outside the country as consultants, visiting scientists on such terms and conditions and remunerations as may be specified in the regulations made by the Board and shall facilitate their operations within the country.

5. *Oversight Committee of Experts.*— (1) Subject to the rules made in this behalf, the Board shall constitute an Oversight Committee of Experts consisting of experts, eminent scientists and academics to advise and assist the Board.

(2) The Oversight Committee shall consist of the following persons, namely:—

(i) a scientist of eminence and international repute —Chairperson;

(ii) Secretary to the Government of India in the Department of Science and Technology, *ex officio* —Vice-Chairperson;

(iii) Presidents of Indian National Science Academy, Indian Academy of Sciences and Indian National Academy of Engineering, *ex officio* —Members;

(iv) not more than three members to be appointed by the Central Government from amongst distinguished experts in different areas of science and technology; and

(v) Secretary to the Board, *ex officio* —Member.

6. *Committees of Board.*— (1) Subject to the rules made in this behalf, the Board may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.

(2) The Board shall have the power to co-opt as members of any committee appointed under sub-section (1), such number of persons who are not members of the Board as it may think fit, and the person so co-opted shall have the right to attend the meetings of the committee, and take part in the proceedings of the committee.

7. *Powers and functions of Board.*— (1) The Board shall serve as a premier multi-disciplinary research funding agency for planning, promoting and funding basic research in the emerging areas of science and engineering.

(2) The powers and functions of the Board shall, *inter alia*, include—

(i) serving as a premier multi-disciplinary research agency for planning, promoting

and funding of internationally competitive research in emerging areas;

(ii) considering and taking decisions on the recommendations and suggestions made by the Oversight Committee;

(iii) identifying major inter-disciplinary research areas, and individuals, groups or institutions and funding them for undertaking research;

(iv) evolving nationally coordinated programmes in various identified areas involving institutions that will have a multiplier effect in promoting research;

(v) assisting in setting up infrastructure and environment for scientific pursuit;

(vi) achieving synergy between academic institutions, research and development laboratories and industry for promoting basic research in science and engineering;

(vii) evolving a management system to speedily provide for funding research, including monitoring and evaluation, by adopting modern management practices;

(viii) evolving participation in international collaborative projects, wherever necessary or desirable; and

(ix) taking over and continuance of the basic research projects and programmes undertaken or funded by the Central Government under the existing Science and Engineering Research Council scheme.

(3) The Board may provide financial assistance for the purposes specified in sub-section (2), in the form of grants and loans to individuals, academic institutions, research and development laboratories, industries and other organisations.

CHAPTER III

Application for Sanction of Financial Assistance

8. *Application for availing of financial assistance.*— (1) An application for availing of financial assistance for the purposes specified in sub-section (1) of section 7 shall be made to the Board in such form as may be prescribed.

(2) The Board may, after examining the application and after making such enquiries or seeking such clarifications as it considers necessary, by order in writing, either sanction the financial assistance or refuse the same.

CHAPTER IV

Finance, Accounts and Audit

9. *Grants and loans by Central Government.*— The Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Board grants and loans of such sums of money as that Government may consider necessary.

10. *Fund for Science and Engineering Research.*— (1) There shall be constituted a Fund to be called the Fund for Science and Engineering Research and there shall be credited to the Fund—

(a) any grants and loans made to the Board by the Central Government under section 9;

(b) all sums received by the Board including donations from any other source;

(c) recoveries made of the amounts granted from the Fund; and

(d) any income from investment of the amount of the Fund.

(2) The Fund shall be applied for meeting—

(a) expenses on the object and for the purposes authorised by this Act;

(b) salaries, allowances and other expenses of the members, officers and other employees of the Board;

(c) remunerations of the consultants and visiting scientists; and

(d) expenses of the Board in the discharge of its functions under this Act.

11. *Budget.*— The Board shall prepare, in such form and at such time in each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

12. *Annual report.*— The Board shall prepare, in such form and at such time in each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

13. *Accounts and audit.*— (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the auditing of the accounts of the Board under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the office of the Board under this Act.

(3) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India annually and any

expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(4) The Board shall furnish to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report.

14. *Annual report and auditor's report to be laid before Parliament.*— The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER V

Miscellaneous

15. *Returns to be furnished to Board.*— (1) An industrial concern or an institution receiving financial assistance from the Board shall furnish return to the Board in such form and at such time as may be specified by regulations.

(2) The Board may authorise an officer to visit any industrial concern or institution referred to in sub-section (1) at any time to verify the accuracy of any return made under this section.

16. *Power of Central Government to issue directions.*— (1) Without prejudice to the foregoing provisions of this Act, the Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of the policy or not, shall be final.

17. *Power of Central Government to supersede Board.*— (1) If at any time the Central Government is of the opinion—

(a) that on account of grave emergency, the Board is unable to discharge the functions and the duties imposed on it by or under the provisions of this Act; or

(b) that the Board has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Board or the administration of the Board has deteriorated; or

(c) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months, as may be specified in the notification.

(2) Upon the publication of a notification under sub-section (1) superseding the Board,—

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Board shall, until the Board is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all property owned or controlled by the Board shall, until the Board is reconstituted under sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification

issued under sub-section (1), the Central Government may reconstitute the Board by a fresh appointment and in such case any person or persons who vacated their offices under clause (a) of sub-section (2), shall not be deemed to be disqualified for appointment:

Provided that the Central Government may, at any time, before the expiration of the period of supersession, take action under this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

18. *Delegation.*— The Board may, by general or special order in writing, delegate to the Chairperson or any other member or to any officer of the Board subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act (except the power under section 21) as it may deem necessary.

19. *Protection of action taken in good faith.*— No prosecution or other legal proceeding shall lie against the Central Government or the Board or any committee appointed by it or any member of the Board or such committee, or any officer or employee of the Government or the Board or any other person authorised by the Central Government or the Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

20. *Power of Central Government to make rules.*—

(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the qualifications and experience, term of office and other allowances of the members of the Board, under sub-section (5) of section 3;

(b) the powers and duties of the Chairperson under sub-section (6) of section 3;

(c) the constitution of Oversight Committee under section 5;

(d) the constitution of committees under sub-section (1) of section 6;

(e) the form of application under sub-section (1) of section 8;

(f) the form in which, and the time at which the Board shall prepare its budget under section 11 and its annual report under section 12;

(g) the form of annual statement of accounts under sub-section (1) of section 13 and the date before which audited copy of the accounts may be furnished to the Central Government under sub-section (4) of that section;

(h) any other matter which is to be or may be prescribed or in respect of which provision is to be, or may be, made by rules.

21. *Power of Board to make regulations.*— (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the qualifications and experience, terms and conditions of service including salaries and allowances of the Secretary and other officers and employees of the Board under sub-section (2) of section 4;

(b) the form in which and the time at which the returns may be furnished to the Board under sub-section (1) of section 15.

22. *Rules and regulations to be laid before Parliament.*— Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Notification

10/1/2009-LA/227

The Information Technology (Amendment) Act, 2008 (Central Act No. 10 of 2009), which has been passed by Parliament and assented to by the President of India on 5-2-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 5-2-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

**THE INFORMATION TECHNOLOGY
(AMENDMENT) ACT, 2008**

AN

ACT

further to amend the Information Technology Act, 2000.

Be it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

PART I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Information Technology (Amendment) Act, 2008.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

PART II

Amendments to the Information Technology Act, 2000

2. *Substitution of words “digital signature” by words “electronic signature”.*— In the Information Technology Act, 2000 (hereinafter 21 of 2000. in this Part referred to as the principal Act), for the words “digital signature” occurring in the Chapter, section, sub-section and clause referred to in the Table below, the words “electronic signature” shall be substituted.

TABLE

S. No.	Chapter/section/sub-section/clause
1	2
(1)	clauses (d), (g), (h) and (zg) of section 2;
(2)	section 5 and its marginal heading;
(3)	marginal heading of section 6;
(4)	clauses (a), (b), (c) and (e) of section 10 and its marginal heading;
(5)	heading of Chapter V;
(6)	clauses (f) and (g) of section 18;
(7)	sub-section (2) of section 19;
(8)	sub-sections (1) and (2) of section 21 and its marginal heading;

1	2
(9)	sub-section (3) of section 25;
(10)	clause (c) of section 30;
(11)	clauses (a) and (d) of sub-section (1) and sub-section (2) of section 34;
(12)	heading of Chapter VII;
(13)	section 35 and its marginal heading;
(14)	section 64;
(15)	section 71;
(16)	sub-section (1) of section 73 and its marginal heading;
(17)	section 74; and
(18)	clauses (d), (n) and (o) of sub-section (2) of section 87.

3. *Amendment of section 1.*— In section 1 of the principal Act, for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) Nothing in this Act shall apply to documents or transactions specified in the First Schedule:

Provided that the Central Government may, by notification in the Official Gazette, amend the First Schedule by way of addition or deletion of entries thereto.

(5) Every notification issued under sub-section (4) shall be laid before each House of Parliament.”.

4. *Amendment of section 2.*— In section 2 of the principal Act,—

(A) after clause (h), the following clause shall be inserted, namely:—

‘(ha) “communication device” means cell phones, personal digital assistance or combination of both or any other device used to communicate, send or transmit any text, video, audio or image;’;

(B) for clause (j), the following clause shall be substituted, namely:—

‘(j) “computer network” means the inter-connection of one or more computers or computer systems or communication device through—

(i) the use of satellite, microwave, terrestrial line, wire, wireless or other communication media; and

(ii) terminals or a complex consisting of two or more inter-connected computers or communication device whether or not the inter-connection is continuously maintained;’;

(C) in clause (n), the word “Regulations” shall be omitted;

(D) after clause (n), the following clauses shall be inserted, namely:—

‘(na) “cyber cafe” means any facility from where access to the internet is offered by any person in the ordinary course of business to the members of the public;

(nb) “cyber security” means protecting information, equipment, devices, computer, computer resource, communication device and information stored therein from unauthorised access, use, disclosure, disruption, modification or destruction;’.

(E) after clause (t), the following clauses shall be inserted, namely:—

‘(ta) “electronic signature” means authentication of any electronic record by a subscriber by means of the electronic technique specified in the Second Schedule and includes digital signature;

(tb) “Electronic Signature Certificate” means an Electronic Signature Certificate issued under section 35 and includes Digital Signature Certificate;’;

(F) after clause (u), the following clause shall be inserted, namely:—

‘(ua) “Indian Computer Emergency Response Team” means an agency

established under sub-section (1) of section 70B;'

(G) in clause (v), for the words "data, text", the words "data, message, text" shall be substituted;

(H) for clause (w), the following clause shall be substituted, namely:—

'(w) "intermediary", with respect to any particular electronic records, means any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, webhosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes;'

5. *Amendment of heading of Chapter II.*— In Chapter II of the principal Act, for the heading, the heading "DIGITAL SIGNATURE AND ELECTRONIC SIGNATURE" shall be substituted.

6. *Insertion of new section 3A.*— After section 3 of the principal Act, the following section shall be inserted, namely:—

"3A. *Electronic signature.*— (1) Notwithstanding anything contained in section 3, but subject to the provisions of sub-section (2), a subscriber may authenticate any electronic record by such electronic signature or electronic authentication technique which—

(a) is considered reliable; and

(b) may be specified in the Second Schedule.

(2) For the purposes of this section any electronic signature or electronic authentication technique shall be considered reliable if—

(a) the signature creation data or the authentication data are, within the context in which they are used, linked to the signatory or, as the case may be, the authenticator and to no other person;

(b) the signature creation data or the authentication data were, at the time of signing, under the control of the signatory or, as the case may be, the authenticator and of no other person;

(c) any alteration to the electronic signature made after affixing such signature is detectable;

(d) any alteration to the information made after its authentication by electronic signature is detectable; and

(e) it fulfils such other conditions which may be prescribed.

(3) The Central Government may prescribe the procedure for the purpose of ascertaining whether electronic signature is that of the person by whom it is purported to have been affixed or authenticated.

(4) The Central Government may, by notification in the Official Gazette, add to or omit any electronic signature or electronic authentication technique and the procedure for affixing such signature from the Second Schedule:

Provided that no electronic signature or authentication technique shall be specified in the Second Schedule unless such signature or technique is reliable.

(5) Every notification issued under sub-section (4) shall be laid before each House of Parliament."

7. *Insertion of new section 6A.*— After section 6 of the principal Act, the following section shall be inserted, namely:—

'6A. *Delivery of services by service provider.*— (1) The appropriate

Government may, for the purposes of this Chapter and for efficient delivery of services to the public through electronic means authorise, by order, any service provider to set up, maintain and upgrade the computerised facilities and perform such other services as it may specify by notification in the Official Gazette.

Explanation:— For the purposes of this section, service provider so authorised includes any individual, private agency, private company, partnership firm, sole proprietor firm or any such other body or agency which has been granted permission by the appropriate Government to offer services through electronic means in accordance with the policy governing such service sector.

(2) The appropriate Government may also authorise any service provider authorised under sub-section (1) to collect, retain and appropriate such service charges, as may be prescribed by the appropriate Government for the purpose of providing such services, from the person availing such service.

(3) Subject to the provisions of sub-section (2), the appropriate Government may authorise the service providers to collect, retain and appropriate service charges under this section notwithstanding the fact that there is no express provision under the Act, rule, regulation or notification under which the service is provided to collect, retain and appropriate e-service charges by the service providers.

(4) The appropriate Government shall, by notification in the Official Gazette, specify the scale of service charges which may be charged and collected by the service providers under this section:

Provided that the appropriate Government may specify different scale of service charges for different types of services.'

8. *Insertion of new section 7A.*— After section 7 of the principal Act, the following section shall be inserted, namely:—

"7A. *Audit of documents, etc., maintained in electronic form.*— Where in any law for the time being in force, there is a provision for audit of documents, records or information, that provision shall also be applicable for audit of documents, records or information processed and maintained in the electronic form."

9. *Insertion of new section 10A.*— After section 10 of the principal Act, the following section shall be inserted, namely:—

"10A. *Validity of contracts formed through electronic means.*— Where in a contract formation, the communication of proposals, the acceptance of proposals, the revocation of proposals and acceptances, as the case may be, are expressed in electronic form or by means of an electronic record, such contract shall not be deemed to be unenforceable solely on the ground that such electronic form or means was used for that purpose."

10. *Amendment of section 12.*— In section 12 of the principal Act, in sub-section (1), for the words "agreed with the addressee", the word "stipulated" shall be substituted.

11. *Substitution of new sections for sections 15 and 16.*— For sections 15 and 16 of the principal Act, the following sections shall be substituted, namely:—

'15. *Secure electronic signature.*— An electronic signature shall be deemed to be a secure electronic signature if—

(i) the signature creation data, at the time of affixing signature, was under the exclusive control of signatory and no other person; and

(ii) the signature creation data was stored and affixed in such exclusive manner as may be prescribed.

Explanation.— In case of digital signature, the “signature creation data” means the private key of the subscriber.

16. *Security procedures and practices.*— The Central Government may, for the purposes of sections 14 and 15, prescribe the security procedures and practices:

Provided that in prescribing such security procedures and practices, the Central Government shall have regard to the commercial circumstances, nature of transactions and such other related factors as it may consider appropriate.’.

12. *Amendment of section 17.*— In section 17 of the principal Act,—

(a) in sub-section (1), for the words “and Assistant Controllers”, the words “,Assistant Controllers, other officers and employees” shall be substituted; and

(b) in sub-section (4), for the words “and Assistant Controllers”, the words “,Assistant Controllers, other officers and employees” shall be substituted.”.

13. *Omission of section 20.*— Section 20 of the principal Act shall be omitted.

14. *Amendment of section 29.*— In section 29 of the principal Act, in sub-section (1), for the words “any contravention of the provisions of this Act, rules or regulations made thereunder”, the words “any contravention of the provisions of this Chapter” shall be substituted.

15. *Amendment of section 30.*— In section 30 of the principal Act,—

(i) in clause (c), after the word “assured”, the word “and” shall be omitted;

(ii) after clause (c), the following clauses shall be inserted, namely:—

“(ca) be the repository of all Electronic Signature Certificates issued under this Act;

(cb) publish information regarding its practices, Electronic Signature Certificates and current status of such certificates; and”.

16. *Amendment of section 34.*— In section 34 of the principal Act, in sub-section (1), in clause (a), the words “which contains the public key corresponding to the private key used by that Certifying Authority to digitally sign another Digital Signature Certificate” shall be omitted.

17. *Amendment of section 35.*— In section 35 of the principal Act, in sub-section (4),—

(a) the first proviso shall be omitted;

(b) in the second proviso, for the words “Provided further”, the word “Provided” shall be substituted.

18. *Amendment of section 36.*— In section 36 of the principal Act, after clause (c), the following clauses shall be inserted, namely:—

“(ca) the subscriber holds a private key which is capable of creating a digital signature;

(cb) the public key to be listed in the certificate can be used to verify a digital signature affixed by the private key held by the subscriber;”.

19. *Insertion of new section 40A.*— After section 40 of the principal Act, the following section shall be inserted, namely:—

“40A. *Duties of subscriber of Electronic Signature Certificate.*— In respect of Electronic Signature Certificate the subscriber shall perform such duties as may be prescribed.”.

20. *Amendment of heading of Chapter IX.*— In Chapter IX of the principal Act, in the heading, for the words “PENALTIES AND

ADJUDICATION”, the words “PENALTIES, COMPENSATION AND ADJUDICATION” shall be substituted.

21. *Amendment of section 43.*— In section 43 of the principal Act,—

(a) in the marginal heading, for the word “Penalty”, the words “Penalty and Compensation” shall be substituted;

(b) in clause (a), after the words “computer network”, the words “or computer resource” shall be inserted;

(c) after clause (h), the following clauses shall be inserted, namely:—

“(i) destroys, deletes or alters any information residing in a computer resource or diminishes its value or utility or affects it injuriously by any means;

(j) steal, conceals, destroys or alters or causes any person to steal, conceal, destroy or alter any computer source code used for a computer resource with an intention to cause damage;”;

(d) for the portion beginning with the words “he shall be liable to pay damages” and ending with the words “persons so affected” the following shall be substituted, namely:—

“he shall be liable to pay damages by way of compensation to the person so affected”;

(e) in the *Explanation*, after clause (iv), the following clause shall be inserted, namely:—

“(v) “computer source code” means the listing of programmes, computer commands, design and layout and programme analysis of computer resource in any form.”.

22. *Insertion of new section 43A.*— After section 43 of the principal Act, the following section shall be inserted, namely:—

‘43A. *Compensation for failure to protect data.*— Where a body corporate, possessing, dealing or handling any sensitive personal data or information in a computer resource which it owns, controls or operates, is negligent in implementing and maintaining reasonable security practices and procedures and thereby causes wrongful loss or wrongful gain to any person, such body corporate shall be liable to pay damages by way of compensation to the person so affected.

Explanation:— For the purposes of this section,—

(i) “body corporate” means any company and includes a firm, sole proprietorship or other association of individuals engaged in commercial or professional activities;

(ii) “reasonable security practices and procedures” means security practices and procedures designed to protect such information from unauthorised access, damage, use, modification, disclosure or impairment, as may be specified in an agreement between the parties or as may be specified in any law for the time being in force and in the absence of such agreement or any law, such reasonable security practices and procedures, as may be prescribed by the Central Government in consultation with such professional bodies or associations as it may deem fit;

(iii) “sensitive personal data or information” means such personal information as may be prescribed by the Central Government in consultation with such professional bodies or associations as it may deem fit.’.

23. *Amendment of section 46.*— In section 46 of the principal Act,—

(a) in sub-section (1), for the words “direction or order made thereunder”, the words “direction or order made thereunder

which renders him liable to pay penalty or compensation," shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The adjudicating officer appointed under sub-section (1) shall exercise jurisdiction to adjudicate matters in which the claim for injury or damage does not exceed rupees five crore:

Provided that the jurisdiction in respect of the claim for injury or damage exceeding rupees five crore shall vest with the competent court.”;

(c) in sub-section (5), after clause (b), the following clause shall be inserted, namely:—

“(c) shall be deemed to be a civil court for purposes of Order XXI of the Civil Procedure Code, 1908.”.

24. *Amendment of heading of Chapter X.*— In Chapter X of the principal Act, in the heading, the word “REGULATIONS” shall be omitted.

25. *Amendment of section 48.*— In section 48 of the principal Act, in sub-section (1), the word “Regulations” shall be omitted.

26. *Substitution of new sections for sections 49 to 52.*— For sections 49 to 52 of the principal Act, the following sections shall be substituted, namely:—

“49. *Composition of Cyber Appellate Tribunal.*— (1) The Cyber Appellate Tribunal shall consist of a Chairperson and such number of other Members, as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the person appointed as the Presiding Officer of the Cyber Appellate Tribunal under the provisions of this Act immediately before the commencement of

the Information Technology (Amendment) Act, 2008 shall be deemed to have been appointed as the Chairperson of the said Cyber Appellate Tribunal under the provisions of this Act as amended by the Information Technology (Amendment) Act, 2008.

(2) The selection of Chairperson and Members of the Cyber Appellate Tribunal shall be made by the Central Government in consultation with the Chief Justice of India.

(3) Subject to the provisions of this Act—

(a) the jurisdiction, powers and authority of the Cyber Appellate Tribunal may be exercised by the Benches thereof;

(b) a Bench may be constituted by the Chairperson of the Cyber Appellate Tribunal with one or two Members of such Tribunal as the Chairperson may deem fit;

(c) the Benches of the Cyber Appellate Tribunal shall sit at New Delhi and at such other places as the Central Government may, in consultation with the Chairperson of the Cyber Appellate Tribunal, by notification in the Official Gazette, specify;

(d) the Central Government shall, by notification in the Official Gazette, specify the areas in relation to which each Bench of the Cyber Appellate Tribunal may exercise its jurisdiction.

(4) Notwithstanding anything contained in sub-section (3), the Chairperson of the Cyber Appellate Tribunal may transfer a Member of such Tribunal from one Bench to another Bench.

(5) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member of the Cyber Appellate Tribunal that the case or matter is of such a nature that it ought to be heard by a Bench consisting of more Members,

the case or matter may be transferred by the Chairperson to such Bench as the Chairperson may deem fit.

50. *Qualifications for appointment as Chairperson and Members of Cyber Appellate Tribunal.*— (1) A person shall not be qualified for appointment as a Chairperson of the Cyber Appellate Tribunal unless he is, or has been, or is qualified to be, a Judge of a High Court.

(2) The Members of the Cyber Appellate Tribunal, except the Judicial Member to be appointed under sub-section (3), shall be appointed by the Central Government from amongst persons, having special knowledge of, and professional experience in, information technology, telecommunication, industry, management or consumer affairs:

Provided that a person shall not be appointed as a Member; unless he is, or has been, in the service of the Central Government or a State Government, and has held the post of Additional Secretary to the Government of India or any equivalent post in the Central Government or State Government for a period of not less than one year or Joint Secretary to the Government of India or any equivalent post in the Central Government or State Government for a period of not less than seven years.

(3) The Judicial Members of the Cyber Appellate Tribunal shall be appointed by the Central Government from amongst persons who is or has been a member of the Indian Legal Service and has held the post of Additional Secretary for a period of not less than one year or Grade I post of that Service for a period of not less than five years.

51. *Term of office, conditions of service, etc., of Chairperson and Members.*— (1) The Chairperson or Member of the Cyber Appellate Tribunal shall hold office for a

term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(2) Before appointing any person as the Chairperson or Member of the Cyber Appellate Tribunal, the Central Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member.

(3) An officer of the Central Government or State Government on his selection as the Chairperson or Member of the Cyber Appellate Tribunal, as the case may be, shall have to retire from service before joining as such Chairperson or Member.

52. *Salary, allowances and other terms and conditions of service of Chairperson and Members.*— The salary and allowances payable to, and the other terms and conditions of service including pension, gratuity and other retirement benefits of, the Chairperson or a Member of the Cyber Appellate Tribunal shall be such as may be prescribed.

52A. *Power of superintendence, direction, etc.*— The Chairperson of the Cyber Appellate Tribunal shall have powers of general superintendence and directions in the conduct of the affairs of that Tribunal and he shall, in addition to presiding over the meetings of the Tribunal, exercise and discharge such powers and functions of the Tribunal as may be prescribed.

52B. *Distribution of business among Benches.*— Where Benches are constituted, the Chairperson of the Cyber Appellate Tribunal may, by order, distribute the business of that Tribunal amongst the Benches and also the matters to be dealt with by each Bench.

52C. *Power of Chairperson to transfer cases.*— On the application of any of the

parties and after notice to the parties, and after hearing such of them as he may deem proper to be heard, or *suo motu* without such notice, the Chairperson of the Cyber Appellate Tribunal may transfer any case pending before one Bench, for disposal to any other Bench.

52D. *Decision by majority.*— If the Members of a Bench consisting of two Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson of the Cyber Appellate Tribunal who shall hear the point or points himself and such point or points shall be decided according to the opinion of the majority of the Members who have heard the case, including those who first heard it.”.

27. *Amendment of section 53.*— In section 53 of the principal Act, for the words “Presiding Officer”, the words “Chairperson or Member, as the case may be,” shall be substituted.

28. *Amendment of section 54.*— In section 54 of the principal Act, for the words “Presiding Officer” wherever they occur, the words “Chairperson or the Member” shall be substituted.

29. *Amendment of section 55.*— In section 55 of the principal Act, for the words “Presiding Officer”, the words “Chairperson or the Member” shall be substituted.

30. *Amendment of section 56.*— In section 56 of the principal Act, for the words “Presiding Officer”, the word “Chairperson” shall be substituted.

31. *Amendment of section 64.*— In section 64 of the principal Act,—

(i) for the words “penalty imposed”, the words “penalty imposed or compensation awarded” shall be substituted;

(ii) in the marginal heading, for the word “penalty”, the words “penalty or compensation” shall be substituted.

32. *Substitution of new sections for sections 66 and 67.*— For sections 66 and 67 of the principal Act, the following sections shall be substituted, namely:—

‘66. *Computer related offences.*— If any person, dishonestly or fraudulently, does any act referred to in section 43, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five lakh rupees or with both.

Explanation:— For the purposes of this section,—

(a) the word “dishonestly” shall have the meaning assigned to it in section 24 of the Indian Penal Code; 45 of 1860.

(b) the word “fraudulently” shall have the meaning assigned to it in section 25 of the Indian Penal Code. 45 of 1860.

66A. *Punishment for sending offensive messages through communication service, etc.*— Any person who sends, by means of a computer resource or a communication device,—

(a) any information that is grossly offensive or has menacing character; or

(b) 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; or

(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 purposes 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, image, audio, video and any other electronic record, which may be transmitted with the message.

66B. *Punishment for dishonestly receiving stolen computer resource or communication device.*— Whoever dishonestly received or retains any stolen computer resource or communication device knowing or having reason to believe the same to be stolen computer resource or communication device, shall be punished with imprisonment of either description for a term which may extend to three years or with fine which may extend to rupees one lakh or with both.

66C. *Punishment for identity theft.*— Whoever, fraudulently or dishonestly make use of the electronic signature, password or any other unique identification feature of any other person, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to rupees one lakh.

66D. *Punishment for cheating by personation by using computer resource.*— Whoever, by means for any communication device or computer resource cheats by personation, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one lakh rupees.

66E. *Punishment for violation of privacy.*— Whoever, intentionally or knowingly captures, publishes or transmits the image of a private area of any person without his or her consent, under circumstances violating the privacy of that

person, shall be punished with imprisonment which may extend to three years or with fine not exceeding two lakh rupees, or with both.

Explanation:— For the purposes of this section—

(a) “transmit” means to electronically send a visual image with the intent that it be viewed by a person or persons;

(b) “capture”, with respect to an image, means to videotape, photograph, film or record by any means;

(c) “private area” means the naked or undergarment clad genitals, public area, buttocks or female breast;

(d) “publishes” means reproduction in the printed or electronic form and making it available for public;

(e) “under circumstances violating privacy” means circumstances in which a person can have a reasonable expectation that—

(i) he or she could disrobe in privacy, without being concerned that an image of his private area was being captured; or

(ii) any part of his or her private area would not be visible to the public, regardless of whether that person is in a public or private place.

66F. *Punishment for cyber terrorism.*— (1) Whoever,—

(A) with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people by—

(i) denying or cause the denial of access to any person authorised to access computer resource; or

(ii) attempting to penetrate or access a computer resource without

authorisation or exceeding authorised access; or

(iii) introducing or causing to introduce any computer contaminant,

and by means of such conduct causes or is likely to cause death or injuries to persons or damage to or destruction of property or disrupts or knowing that it is likely to cause damage or disruption of supplies or services essential to the life of the community or adversely affect the critical information infrastructure specified under section 70; or

(B) knowingly or intentionally penetrates or accesses a computer resource without authorisation or exceeding authorised access, and by means of such conduct obtains access to information, data or computer database that is restricted for reasons of the security of the State or foreign relations; or any restricted information, data or computer database, with reasons to believe that such information, data or computer database so obtained may be used to cause or likely to cause injury to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence, or to the advantage of any foreign nation, group of individuals or otherwise,

commits the offence of cyber terrorism.

(2) Whoever commits or conspires to commit cyber terrorism shall be punishable with imprisonment which may extend to imprisonment for life.

67. *Punishment for publishing or transmitting obscene material in electronic form.*— Whoever publishes or transmits or causes to be published or transmitted in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave

and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and with fine which may extend to five lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to five years and also with fine which may extend to ten lakh rupees.

67A. *Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form.*— Whoever publishes or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees.

67B. *Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc., in electronic form.*— Whoever,—

(a) publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct; or

(b) creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner; or

(c) cultivates, entices or induces children to online relationship with one

or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource; or

(d) facilitates abusing children online; or

(e) records in any electronic form own abuse or that of others pertaining to sexually explicit act with children,

shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees:

Provided that provisions of section 67, section 67A and this section does not extend to any book, pamphlet, paper, writing, drawing, painting representation or figure in electronic form—

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting representation or figure is in the interest of science, literature, art or learning or other objects of general concern; or

(ii) which is kept or used for *bonafide heritage* or religious purposes.

Explanation:— For the purposes of this section, “children” means a person who has not completed the age of 18 years.

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.

(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 shall also be liable to fine.’

33. *Amendment of section 68.*— In section 68 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(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.”.

34. *Substitution of new sections for section 69.*— For section 69 of the principal Act, the following sections shall be substituted, namely:—

‘69. *Power to issue directions for interception or monitoring or decryption of any information through any computer resource.*— (1) Where the Central Government or a State Government or any of its officers specially authorised by the Central Government or the State Government, as the case may be, in this behalf may, if satisfied that it is necessary or expedient so to do, in the interest of the sovereignty or integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above or for investigation of any offence, it may subject to the provisions of sub-section (2), for reasons to be recorded in writing, by order, direct any agency of the appropriate Government to intercept, monitor or decrypt or cause to be intercepted or monitored or decrypted any information generated, transmitted, received or stored in any computer resource.

(2) The procedure and safeguards subject to which such interception or monitoring or decryption may be carried out, shall be such as may be prescribed.

(3) The subscriber or intermediary or any person in-charge of the computer resource shall, when called upon by any agency referred to in sub-section (1), extend all facilities and technical assistance to—

(a) provide access to or secure access to the computer resource generating, transmitting, receiving or storing such information; or

(b) intercept, monitor, or decrypt the information, as the case may be; or

(c) provide information stored in computer resource.

(4) The subscriber or intermediary or any person who fails to assist the agency referred to in sub-section (3) shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

69A. *Power to issue directions for blocking for public access of any information through any computer resource.*— (1) Where the Central Government or any of its officers specially authorised by it in this behalf is satisfied that it is necessary or expedient so to do, in the interest of sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above, it may subject to the provisions of sub-section (2), for reasons to be recorded in writing, by order, direct any agency of the Government or intermediary to block for access by the public or cause to be blocked for access by the public any information generated, transmitted, received, stored or hosted in any computer resource.

(2) The procedure and safeguards subject to which such blocking for access by the public may be carried out, shall be such as may be prescribed.

(3) The intermediary who fails to comply with the direction issued under sub-section (1) shall be punished with an imprisonment for a term which may extend to seven years and shall also be liable to fine.

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.

(2) The intermediary or any person in-charge or the computer resource shall, when called upon by the agency which has been authorised under sub-section (1), provide technical assistance and extend all facilities to such agency to enable online access or to secure and provide online access to the computer resource generating, transmitting, receiving or storing such traffic data or information.

(3) The procedure and safeguards for monitoring and collecting traffic data or information, shall be such as may be prescribed.

(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 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.’.

35. *Amendment of section 70.*— In section 70 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

‘(1) The appropriate Government may, by notification in the Official Gazette, declare any computer resource which directly or indirectly affects the facility of Critical Information Infrastructure, to be a protected system.

Explanation:— For the purposes of this section, “Critical Information Infrastructure” means the computer resource, the incapacitation or destruction of which, shall have debilitating impact on national security, economy, public health or safety.’;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The Central Government shall prescribe the information security practices and procedures for such protected system.”.

36. *Insertion of new sections 70A and 70B.*— After section 70 of the principal Act, the following sections shall be inserted, namely:—

“70A. *National nodal agency.*— (1) The Central Government may, by notification published in the Official Gazette, designate any organisation of the Government as the national nodal agency in respect of Critical Information Infrastructure Protection.

(2) The national nodal agency designated under sub-section (1) shall be responsible for all measures including Research and Development relating to protection of Critical Information Infrastructure.

(3) The manner of performing functions and duties of the agency referred to in sub-section (1) shall be such as may be prescribed.

70B. *Indian Computer Emergency Response Team to serve as national agency for incident response.*— (1) The Central Government shall, by notification in the Official Gazette, appoint an agency of the Government to be called the Indian Computer Emergency Response Team.

(2) The Central Government shall provide the agency referred to in sub-section (1) with a Director-General and such other officers and employees as may be prescribed.

(3) The salary and allowances and terms and conditions of the Director-General and other officers and employees shall be such as may be prescribed.

(4) The Indian Computer Emergency Response Team shall serve as the national agency for performing the following functions in the area of cyber security,—

(a) collection, analysis and dissemination of information on cyber incidents;

(b) forecast and alerts of cyber security incidents;

(c) emergency measures for handling cyber security incidents;

(d) coordination of cyber incidents response activities;

(e) issue guidelines, advisories, vulnerability notes and whitepapers relating to information security practices, procedures, prevention, response and reporting of cyber incidents;

(f) such other functions relating to cyber security as may be prescribed.

(5) The manner of performing functions and duties of the agency referred to in sub-section (1) shall be such as may be prescribed.

(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.

(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.

(8) No court shall take cognizance of any offence under this section, except on a complaint made by an officer authorised in this behalf by the agency referred to in sub-section (1)."

37. *Insertion of new section 72A.*— After section 72 of the principal Act, the following section shall be inserted, namely:—

"72A. *Punishment 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 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."

38. *Substitution of new sections for section 77.*— For section 77 of the principal Act, the following sections shall be substituted, namely:—

"77. *Compensation, penalties or confiscation not to interfere with other punishment.*— No compensation awarded, penalty imposed or confiscation made under this Act shall prevent the award of compensation or imposition of any other penalty or punishment under any other law for the time being in force.

77A. *Compounding of offences.*— A court of competent jurisdiction may compound offences, other than offences for which the punishment for life or imprisonment for a term exceeding three years has been provided, under this Act:

Provided that the court shall not compound such offence where the accused is, by reason of his previous conviction, liable to either enhanced punishment or to a punishment of a different kind:

Provided further that the court shall not compound any offence where such offence affects the socio economic conditions of the country or has been committed against a child below the age of 18 years or a woman.

(2) The person accused of an offence under this Act may file an application for compounding in the court in which offence is pending for trial and the provisions of sections 265B and 265C of the Code of Criminal Procedure, 1973 shall apply.

2 of 1974.

77B. *Offences with three years imprisonment to be bailable.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable with imprisonment of three years and above shall be cognizable and the offence punishable with imprisonment of three years shall be bailable.

2 of 1974.

39. *Amendment of section 78.*— In section 78 of the principal Act, for the words “Deputy Superintendent of Police” the word “Inspector” shall be substituted.

40. *Substitution of new Chapters for Chapter XII.*— For Chapter XII of the principal Act, the following Chapters shall be substituted, namely:—

‘CHAPTER XII

Intermediaries not to be liable in certain cases

79. *Exemption from liability of intermediary in certain cases.*— (1) Notwithstanding anything contained in any law for the time being in force but subject to the provisions of sub-sections (2) and (3), an intermediary shall not be liable for any third party information, data, or communication link made available or hosted by him.

(2) The provisions of sub-section (1) shall apply if—

(a) the function of the intermediary is limited to providing access to a communication system over which information made available by third parties is transmitted or temporarily stored or hosted; or

(b) the intermediary does not—

(i) initiate the transmission,

(ii) select the receiver of the transmission, and

(iii) select or modify the information contained in the transmission;

(c) the intermediary observes due diligence while discharging his duties under this Act and also observes such other guidelines as the Central Government may prescribe in this behalf.

(3) The provisions of sub-section (1) shall not apply if—

(a) the intermediary has conspired or abetted or aided or induced, whether by threats or promise or otherwise in the commission of the unlawful act;

(b) upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

Explanation:— For the purposes of this section, the expression “third party information” means any information dealt with by an intermediary in his capacity as an intermediary.

CHAPTER XIII

Examiner of Electronic Evidence

79A. *Central Government to notify Examiner of Electronic Evidence.*— The Central Government may, for the purposes of providing expert opinion on electronic form evidence before any court or other authority specify, by notification in the Official Gazette, any Department, body or agency of the Central Government or a State Government as an Examiner of Electronic Evidence.

Explanation:— For the purposes of this section, “electronic form evidence” means any information of probative value that is either stored or transmitted in electronic form and includes computer evidence, digital audio, digital video, cell phones, digital fax machines.’

41. *Amendment of section 80.*— In section 80 of the principal Act, in sub-section (1), for the words “Deputy Superintendent of Police”, the word “Inspector” shall be substituted.

42. *Amendment of section 81.*— In section 81 of the principal Act, the following proviso shall be inserted at the end, namely:—

“Provided that nothing contained in this Act shall restrict any person from exercising any right conferred under the Copyright Act, 1957 or the Patents Act, 1970.”. 14 of 1957.
39 of 1970.

43. *Amendment of section 82.*— In section 82 of the principal Act,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Chairperson, Members, officers and employees to be public servants.”;

(b) for the words “Presiding Officer”, the words “Chairperson, Members” shall be substituted.

44. *Amendment of section 84.*— In section 84 of the principal Act, for the words “Presiding Officer”, the words “Chairperson, Members” shall be substituted.

45. *Insertion of new sections 84A, 84B and 84C.*— After section 84 of the principal Act, the following sections shall be inserted, namely:—

“84A. *Modes or methods for encryption.*— The Central Government may, for secure use of the electronic medium and for promotion of e-governance and e-commerce, prescribe the modes or methods for encryption.

84B. *Punishment for abetment of offences.*— Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be punished with the punishment provided for the offence under this Act.

Explanation:— An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

84C. *Punishment for attempt to commit offences.*— Whoever attempts to commit an offence punishable by this Act or causes such an offence to be committed, and in such an attempt does any act towards the commission of the offence, shall, where no express provision is made for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both.”.

46. *Amendment of section 87.*— In section 87 of the principal Act,—

(A) in sub-section (2),—

(i) for clause (a), the following clauses shall be substituted, namely:—

“(a) the conditions for considering reliability of electronic signature or electronic authentication technique under sub-section (2) of section 3A;

(aa) the procedure for ascertaining electronic signature or authentication under sub-section (3) of section 3A;

(ab) the manner in which any information or matter may be authenticated by means of electronic signature under section 5;”;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(ca) the manner in which the authorised service provider may collect, retain and appropriate service charges under sub-section (2) of section 6A;”;

(iii) for clause (e), the following clauses shall be substituted, namely:—

“(e) the manner of storing and affixing electronic signature creation data under section 15;

(ea) the security procedures and practices under section 16;”;

(iv) in clause (f), for the words “and Assistant Controllers”, the words “Assistant Controllers, other officers and employees” shall be substituted;

(v) clause (g) shall be omitted;

(vi) after clause (m), the following clause shall be inserted, namely:—

“(ma) the form of application and fee for issue of Electronic Signature Certificate under section 35;”;

(vii) after clause (o), the following clauses shall be inserted, namely:—

“(oa) the duties of subscribers under section 40A;

(ob) the reasonable security practices and procedures and sensitive personal data or information under section 43A;”;

(viii) in clause (r), for the words “Presiding Officer”, the words “Chairperson and Members” shall be substituted;

(ix) in clause (s), for the words “Presiding Officer”, the words “Chairperson and Members” shall be substituted;

(x) for clause (w), the following clauses shall be substituted, namely:—

“(w) the powers and functions of the Chairperson of the Cyber Appellate Tribunal under section 52A;

(x) the information, duration, manner and form of such information to be retained and preserved under section 67C;

(y) the procedures and safeguards for interception, monitoring, or decryption under sub-section (2) of section 69;

(z) the procedure and safeguards for blocking for access by the public under sub-section (2) of section 69A;

(za) the procedure and safeguards for monitoring and collecting traffic data or information under sub-section (3) of section 69B;

(zb) the information security practices and procedures for protected system under section 70;

(zc) manner of performing functions and duties of the agency under sub-section (3) of section 70A;

(zd) the officers and employees under sub-section (2) of section 70B;

(ze) salaries and allowances and terms and conditions of service of the Director General and other officers and employees under sub-section (3) of section 70B;

(zf) the manner in which the functions and duties of agency shall be performed under sub-section (5) of section 70B;

(zg) the guidelines to be observed by the intermediaries under sub-section (4) of section 79;

(zh) the modes or methods for encryption under section 84A;”;

(B) in sub-section (3),—

(i) for the words, brackets, letter and figures “Every notification made by the Central Government under clause (f) of sub-section (4) of section 1 and every rule

made by it”, the words “Every notification made by the Central Government under sub-section (1) of section 70A and every rule made by it” shall be substituted;

(ii) the words “the notification or” wherever they occur, shall be omitted.

47. *Amendment of section 90.*— In section 90 of the principal Act, in sub-section (2), clause (c) shall be omitted.

48. *Omission of sections 91, 92, 93 and 94.*— Sections 91, 92, 93 and 94 of the principal Act shall be omitted.

49. *Substitution of new Schedules for First Schedule and Second Schedule.*— For the First Schedule and the Second Schedule to the principal Act, the following Schedules shall be substituted, namely:—

“FIRST SCHEDULE

[See sub-section (4) of section 1]

Documents or Transactions to which the Act shall not apply

Sl. No.	Description of documents or transactions	
1.	A negotiable instrument (other than a cheque) as defined in section 13 of the Negotiable Instruments Act, 1881.	26 of 1881.
2.	A power-of-attorney as defined in section 1A of the Powers-of-Attorney Act, 1882.	7 of 1882.
3.	A trust as defined in section 3 of the Indian Trusts Act, 1882.	2 of 1882.
4.	A will as defined in clause (h) of section 2 of the Indian Succession Act, 1925, including any other testamentary disposition by whatever name called.	39 of 1925.
5.	Any contract for the sale or conveyance of immovable property or any interest in such property.	

THE SECOND SCHEDULE

[See sub-section (1) of section 3A]

Electronic signature or electronic authentication technique and procedure

Sl. No.	Description	Procedure
(1)	(2)	(3)

50. *Omission of Third Schedule and Fourth Schedule.*— The Third Schedule and the Fourth Schedule to the principal Act shall be omitted.

PART III

Amendment of the Indian Penal Code

51. *Amendment of Indian Penal Code.*— In the Indian Penal Code— 45 of 1860.

(a) *Amendment of section 4.*— in section 4,—

(i) after clause (2), the following clause shall be inserted, namely:—

“(3) any person in any place without and beyond India committing offence targeting a computer resource located in India.”;

(ii) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

‘Explanation.— In this section—

(a) the word “offence” includes every act committed outside India which, if committed in India, would be punishable under this Code;

(b) the expression “computer resource” shall have the meaning assigned to it in clause (k) of sub-

-section (1) of section 2 of the Information Technology Act, 2000.’; 21 of 2000.

(b) *Amendment of section 40.*— in section 40, in clause (2), after the figure “117”, the figures and word “118, 119 and 120” shall be inserted;

(c) *Amendment of section 118.*— in section 118, for the words “voluntarily conceals, by any act or illegal omission, the existence of a design”, the words “voluntarily conceals by any act or omission or by the use of encryption or any other information hiding tool, the existence of a design” shall be substituted;

(d) *Amendment of section 119.*— in section 119, for the words “voluntarily conceals, by any act or illegal omission, the existence of a design”, the words “voluntarily conceals by any act or omission or by the use of encryption or any other information hiding tool, the existence of a design” shall be substituted;

(e) *Amendment of section 464.*— in section 464, for the words “digital signature” wherever they occur, the words “electronic signature” shall be substituted;

PART IV

Amendment of the Indian Evidence Act, 1872

52. *Amendment of Indian Evidence Act.*— In the Indian Evidence Act, 1872,— 1 of 1872.

(a) *Amendment of section 3.*— in section 3 relating to interpretation clause, in the paragraph appearing at the end, for the words “digital signature” and “Digital Signature Certificate”, the words “electronic signature” and “Electronic Signature Certificate” shall respectively be substituted;

(b) *Insertion of new section 45A.*— after section 45, the following section shall be inserted, namely:—

“45A. *Opinion of Examiner of Electronic Evidence.*— When in a proceeding, the court has to form an opinion on any matter relating to any information transmitted or stored in any computer resource or any other electronic or digital form, the opinion of the Examiner of Electronic Evidence referred to in section 79A of the Information Technology Act, 2000, is a relevant fact. 21 of 2000.

Explanation.— For the purposes of this section, an Examiner of Electronic Evidence shall be an expert.”;

(c) *Amendment of section 47A.*— in section 47A,—

(i) for the words “digital signature”, the words “electronic signature” shall be substituted;

(ii) for the words “Digital Signature Certificate”, the words “Electronic Signature Certificate” shall be substituted;

(d) *Amendment of section 67A.*— in section 67A, for the words “digital signature” wherever they occur, the words “electronic signature” shall be substituted;

(e) *Amendment of section 85A.*— in section 85A, for the words “digital signature” at both the places where they occur, the words “electronic signature” shall be substituted;

(f) *Amendment of section 85B.*— in section 85B, for the words “digital signature” wherever they occur, the words “electronic signature” shall be substituted;

(g) *Amendment of section 85C.*— in section 85C, for the words “Digital Signature Certificate”, the words “Electronic Signature Certificate” shall be substituted;

(h) *Amendment of section 90A.*— in section 90A, for the words “digital signature” at both the places where they occur, the words “electronic signature” shall be substituted;

Law (Establishment) Division

**Notification by the High Court of
Judicature at Bombay**

(For insertion in the Goa Government
Gazette)

P. 0703/2009

THE GOA, DAMAN & DIU AND DADRA & NAGAR HAVELI DISTRICT COURTS, RIGHT TO INFORMATION RULES, 2009. In exercise of the powers conferred by Section 28 of the Right to Information Act, 2005, the Chief Justice of the High Court of Judicature at Bombay being the Competent Authority makes the following Rules to enforce the provision of the said Act.

CHAPTER I

General

1. *Short title and commencement.*— (i) These Rules shall be called the Goa, Daman & Diu and Dadra and Nagar Haveli District Courts, Right to Information Rules, 2009.

(ii) These Rules shall also apply, *mutatis mutandis*, to the Industrial and Labour Courts. Administrative Tribunal and all other Subordinate Courts and Tribunals in the State of Goa and Union Territories of Daman & Diu and Dadra & Nagar Haveli and falling under the superintendence and control of the High Court of Judicature at Bombay except the Tribunals established by the Central Government under an Act of Parliament.

(iii) These Rules shall come into force from the date of their publication in the Official Gazette.

2. *Definitions.*— (1) In these Rules, unless the context otherwise requires:—

(a) ‘Act’ means the Right to Information Act, 2005 (No. 22 of 2005);

(b) ‘Appellate authority’ means the authority designated as such by the Chief Justice of the Bombay High Court;

(c) ‘Authorised person’ means Public Information Officers and Assistant Public Information Officers designated as such by the Chief Justice of the Bombay High Court;

(d) ‘Form’ means the Form appended to these rules;

(e) ‘Section’ means a Section of the Act;

(f) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. *Office Hours.*— Generally, the office hours shall be from 10.30 a.m. to 5.00 p.m. on all working days.

CHAPTER II

Procedure for application and its disposal

4. A person who desires to obtain information under the Right to Information Act, 2005, shall make a requisition in a self signed application in Form - A appended hereto to the Public Information Officer, accompanied by a fee of rupees ten by way of cash against proper receipt or by demand draft or banker’s cheque or money order payable to the public authority or by affixing a court fee stamp of rupees ten and a self addressed envelope bearing postal stamps equivalent to the rate prescribed for Registered Post with Acknowledgment Due (R.P.A.D.) along with the application.

Procedure to be adopted after presentation of application

5. The Public Information Officer shall register the Application for Information in the Register in Form - D appended hereto and requisition the records regarding the information desired in the application in his office. He shall instruct the applicant to appear on the fifth day from the date of submission of application.

6. The Public Information Officer shall decide as to whether the information desired by the applicant can be provided or the inspection of record can be carried out as per rules. If he decides affirmatively then he shall inform the applicant in Form - B appended hereto about the fee prescribed for supplying of such information and approximate postal charges therefor before providing the desired information. In case the application is received by post, the Public Information Officer shall inform the applicant about the prescribed fee in Form-B through the envelope received alongwith the application. He shall supply the desired information or record for inspection only after the deposit of prescribed fee as per Rule 15 by the applicant. If the applicant desires to seek information by post, he shall submit a self addressed envelope with postal stamps equivalent to the rate prescribed for Registered Post with Acknowledgment Due (R.P.A.D.) alongwith the prescribed fee on receipt of intimation by the Public Information Officer to that effect. If the said fee is not deposited within 15 days, the application shall stand rejected.

7. (a) After receipt of the prescribed fee, a date not exceeding seven days shall be fixed for preparation and providing information to the applicant. As far as possible, arrangement shall be made to provide the desired information by the said date. If, for any reason the information cannot be provided by the prescribed date, next date shall be given to the applicant. However, the intervening period between the above two dates shall not exceed 7 days. If, even on the said next date

for any reason, the information cannot be supplied to the applicant, the Public Information Officer shall fix another date, but the total extended period shall not be more than 30 days. The information shall necessarily be provided within 30 days from the date of receipt of the prescribed fees. In the case of an application received by post, the information shall necessarily be sent within 30 days of receipt of the prescribed fee.

(b) After preparation of the desired information, the Public Information Officer shall certify it by putting his signature and Seal alongwith following details/particulars:

1. No. and date of submission of application.
2. The date fixed for appearance of the applicant.
3. Date of appearance of applicant.
4. Date of preparation of information.
5. Date of supply of information.
6. Details of fee.
7. Signature of Officer preparing information.

(c) If, the Public Information Officer finds that the information sought by the applicant falls under the exempted category of information referred to under Section 8 or Section 9 of the Act, he shall inform the applicant about the rejection of the said application, in Form - C appended hereto.

8. If the applicant is illiterate and unable to present the application in writing, the Public Information Officer shall help him in getting the application reduced to writing.

9. A Register shall be maintained in the office of Public Information Officer in Form - D containing the following particulars:—

1. Registration No. of application.
2. Date of receipt of application.

3. Name and complete address of the applicant.
4. Date of appearance of the applicant.
5. Details of the desired information.
6. Source of information
7. Date of despatch of application to the concerning department.
8. Date of receipt of information.
9. Date of disposal of application.
10. Decision/Note of Public Information Officer on the application.
11. Mention of fee affixed on the application.
12. Charges paid by the applicant towards information.
13. Applicant's signature, which shall be the acknowledgment.
14. Order of First Appeal.
15. Order of Second Appeal.
16. Remarks.

10. (1) If the applicant seeks any information with respect to a Third Party he shall send/submit an application with the said details, accompanied by a fee of rupees ten by way of cash against proper receipt or by demand draft or banker's cheque or money order payable to the public authority or by affixing a court fee stamp of rupees ten and a self addressed envelope bearing postal stamps equivalent to the rates prescribed for R.P.A.D. alongwith the application.

(2) On receipt of such application, Public Information Officer shall register the application in the register maintained in his office for that purpose and deal with it as provided under Section 11 of the Act.

(3) If the information sought by the applicant, is in respect of judicial proceedings or record, he shall obtain the information as per the procedure prescribed for obtaining certified copies under the Rules and Orders for the time being in force in that behalf.

(4) In the event the Public Information Officer rejects the application for information, he shall inform the applicant in Form-C.

Procedure for Inspection of Records

11. If after having considered the application filed by applicant, the Public Information Officer finds it appropriate that the applicant may be granted permission to inspect the records and if he grants such permission, the Public Information Officer shall requisition the record desired by applicant for perusal, from the concerned Section/Departments and shall give the same to the applicant for inspection in his presence, during office hours, between 2.00 p.m. and 5.00 p.m. While inspecting such record, the applicant shall be allowed use of pencil and the information desired by the applicant shall be noted by him by pencil only. If the applicant brings any writing instrument/s other than pencil, he shall deposit the same with the Public Information Officer and thereafter he shall be allowed to inspect the record.

12. During inspection, the applicant shall not have any right to put any mark on the record. During inspection of record, if the applicant wishes to make notes, he shall make them on a plain paper and after inspection he shall show the note/s to the Public Information Officer, who after being satisfied that the applicant has not tampered with the record in any way, shall return such note/s to the applicant.

13. *Exemption from disclosure of information.*— The information specified under Section 8 of the Act shall not be disclosed and made available, and, in particular the following information shall not be disclosed:—

(a) Such information which is not in the public domain;

(b) Information which relates to Judicial functions and duties of the Courts and matters incidental and ancillary thereto;

(c) Information which has been expressly forbidden to be published by the Court or the disclosure whereof may constitute Contempt of Court; or information which includes commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(d) Information which would impede the process of investigation, apprehension or prosecution of offenders; or information which relates to any public activity or interest, or which would cause unwarranted invasion of privacy of the individual unless the Central Public Information Officer or the State Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information;

(e) Any information affecting the confidentiality of any examination conducted by the Bombay High Court including for the Goa Judicial Service and Goa Higher Judicial Service. The question of confidentiality shall be decided by the Competent Authority whose decision shall be final;

(f) Information/Copy/ies inspection with respect to cases pending in Court, which shall be obtained from the Court, as per the Rules and Orders in force for the time being;

(g) Information which is prohibited under Section 24(4) of the Act;

(h) Information which is contained in published material available to the Public or which is available on the Web Site.

Note: In so far as decisions which are taken administratively or quasi judicially, information therefor, shall be available only to the affected persons.

CHAPTER III

Appeal

14. Any person who does not receive any decision within the time prescribed under clause (a) of sub-section (3) or sub-section (1) of Section 7 of the Act, as the case may be, or who is aggrieved by the decision of Public Information Officer or Assistant Public Information Officer, as the case may be, may prefer an appeal in writing to the Principal District Judge of the District or any other officer not below the rank of the District Judge (Entry Level) as nominated by the Chief Justice, who is the First Appellate Authority accompanied by an appeal fee of rupees twenty by way of cash against proper receipt or by demand draft or banker's cheque or money order payable to the public authority or by affixing a court fee stamp of rupees twenty. The memo of said appeal shall contain in brief, the particulars regarding the case, the grounds of appeal and a certified copy of the order passed by Public Information Officer. The appeal shall be disposed of by the First Appellate Authority, after providing an opportunity of a hearing to the parties.

15. A Register of Appeals shall be maintained in Form E in the office of the District Judge containing the following details:

1. Registration
2. Name and particulars of applicant/
/appellant.
3. Name and particulars of respondent/non-
-applicant.
4. Details of the order of Public Information
Officer against which appeal is preferred.
5. Date of Order.
6. Decision.
7. Remarks.

After the disposal of appeal preferred by the appellant, the decision shall be communicated to the appellant in an appropriate manner.

16. The fee payable for the information sought shall be charged by way of cash against proper receipt or by demand draft or banker's cheque or money order payable to the public authority or by affixing a court fee stamp of rupees twenty.

Sr. No.	Particulars of documents	Fees
1.	For inspection of records	For inspection of records, no fee for the first hour; however a fee of rupees five for each subsequent hour (or fraction thereof) thereafter.
2.	When the concerned Department has already fixed the price of some documents, maps, etc.	The price so fixed plus postal charges.
3.	When the information is readily available, by way of photocopying.	(i) rupees two for each page (in A-4 or A-3 size paper) created or copied plus postal charges; or (ii) actual charge or cost price of a copy in large size paper plus postal charges.
4.	For typed information	Rs. 5/- per page.
5.	For computer printing	Rs. 5/- per page.

The fees received by way of cash against proper receipt shall be credited to the Treasury under following head:

Major Head:

0070 — Other Administrative Services

60 — Other Services

800 — Other Receipts

11 — Right to Information Act, 2005 (Central Act)

17. A Cash Register shall be maintained by the Public Information Officer with following details:—

Name and address of the applicant	Date of application	Date of deposit of amount with challan	Particulars of fees	Refund, if any	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

18. An applicant living below the poverty line shall, on production of a copy of the certificate issued by the Competent Authority alongwith the application, be provided the desired information and copies free of cost under these Rules.

19. *Removal of doubts.*— If any doubt arises as to the application and/or interpretation of any provision of these Rules, the matter shall be referred to the Hon'ble the Chief Justice whose decision thereon shall be final.

Note:— Fees, which shall be deposited in the form of court fees shall be cancelled by the Public Information Officer with a rubber stamp or by punching holes.

CHAPTER IV

Miscellaneous

20. The applications for information shall be preserved for six months from the date of receipt. On expiry of the said period of six months, they shall be destroyed after obtaining orders from the Public Information Officer.

21. The information/copy/ies/inspection with respect to cases pending in Court shall be obtained from the Court, as per orders in force for the time being as applicable to the District Courts or as provided for in the Civil or Criminal Manuals, as the case may be.

22. The Public Information Officer shall have the right to allocate work amongst the Assistant Public Information Officers and other ministerial staff.

High Court of Judicature at Bombay

A. I. S. CHEEMA
Registrar General

Dated: 25th August, 2009.

FORM 'A'

Application for information under Section 6(1) of the Act

To,
The Public Information Officer
(Name of the office with address)

1. Full name of the applicant:
2. Father's/ Spouse's name:
3. Permanent address:
4. Particulars of information acquired:
5. Address to which information is to be sent and the form in which it is desired:
6. Is the information not made available by the Public Authority?
7. Are you ready to pay the prescribed fee?
8. Whether the applicant belongs to BPL category? If yes, have you furnished proof of the same?
9. Whether information is solicited by registered post? If yes, please enclose an envelope alongwith requisite postal stamp/s.

Place:

Full Name and Signature of the applicant

Date:

Address:

FORM -B
Information for Payment

From:
Name and Designation of the
Public Information Officer.

To,
Name of the applicant
Address

Sir,

Please refer to your application dated addressed to the undersigned requesting information on I am to inform you that the following amount towards the fee for providing information may be deposited to enable the undersigned to furnish the said information.

1. Fee towards the information Rs.
2. Approximate postal charges (R.P.A.D.) Rs.

Please make payment within the period of fifteen days from the date of receipt of this intimation failing which the application shall be rejected.

Yours faithfully,

Place:

Public Information Officer

Date:

Seal

FORM 'C'

Intimation of Rejection

To,

Sir,

The undersigned regrets to express his inability to furnish the information asked for on account of the following reasons:—

1. It comes under the exempted category covered under sections 8 and 9 of the Act.
2. The information sought by you pertains to judicial proceedings which can be obtained under existing Bombay High Court Rules.
3. Your application was not complete in all respects.
4. The information is contained in published material available to the public.
5. You did not pay the prescribed fee for providing the information within the prescribed time.
6. The information sought is prohibited as per section 24(4) of the Act.
7. The information would cause unwarranted invasion of the privacy of any person.
8. The information as sought by you is available on our web site You may download the information.
9. For any other reason (please specify)

However, if you feel aggrieved by the above said refusal, you may file an appeal before the within 30 days of the receipt of this letter.

Place:

Name & Designation of Public Information Officer

Date:

FORM 'D'

Format for the Information Register

Registration No. of application	Date of receipt of application	Name and complete address of applicant	Date of appearance of the applicant	Details of the desired information
(1)	(2)	(3)	(4)	(5)

Source of Information	Date of dispatch of application to the concerning department	Date of receipt of information	Date of disposal of the application	Decision/Note of Public Information Officer on the application
(6)	(7)	(8)	(9)	(10)

Mention of fee affixed on the application	Applicant's signature, which shall be the acknowledgement	Order of First Appeal	Order of Second Appeal	Remarks
(11)	(12)	(13)	(14)	(15)

FORM 'E'

Format of the Register for Registration of Appeal

Registration Number	Name and particulars of applicant/ /appellant	Name and particulars of respondent/ /non-applicant	Details of the order of Public Information Officer against which appeal is preferred	Date of order	Decision	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

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