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Information Technology Act, 2000

Section 87 - Power of Central Government to Make Rules

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

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

2[(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;]

(b) the electronic form in which filing, issue, grant or payment shall be effected under sub-section (1) of section 6;

(c) the manner and format in which electronic records shall be filed, or issued and the method of payment under sub-section (2) of section 6;

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

(d) the matters relating to the type of 1[Electronic] signature, manner and format in which it may be affixed under section 10;

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

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

(f) the qualifications, experience and terms and conditions of service of Controller, Deputy Controllers and 5[Assistant Controllers, other officers and employees] under section 17;

6[***]

(h) the requirements which an applicant must fulfil under sub-section (2) of section 21;

(i) the period of validity of licence granted under clause (a) of subsection (3) of section 21;

(j) the form in which an application for licence may be made under subsection (1) of section 22;

(k) the amount of fees payable under clause (c) of sub-section (2) of section 22;

(l) such other documents which shall accompany an application for licence under clause (d) of sub-section (2) of section 22;

(m) the form and the fee for renewal of a licence and the fee payable thereof under section 23;

3[(ma) the form of application and fee for issue of Electronic Signature Certificate under section 35]

(n) the form in which application for issue of a 1[Electronic] Signature Certificate may be made under sub-section (1) of section 35;

(o) the fee to be paid to the Certifying Authority for issue of a 1[Electronic] Signature Certificate under sub-section (2) of section 35;

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

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

(p) the manner in which the adjudicating officer shall hold inquiry under sub-section (1) of section 46;

(q) the qualification and experience which the adjudicating officer shall possess under sub-section (3) of section 46;

(r) the salary, allowances and the other terms and conditions of service of the 7[Chairperson and Members] under section 52;

(s) the procedure for investigation of misbehaviour or incapacity of the 7[Chairperson and Members] under sub-section (3) of section 54;

(t) the salary and allowances and other conditions of service of other officers and employees under sub-section (3) of section 56;

(u) the form in which appeal may be filed and the fee thereof under subsection (3) of section 57;

(v) any other power of a civil court required to be prescribed under clause (g) of sub-section (2) of section 58; and

8[(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 69A;

(z) the procedures and safeguards for blocking for access by the public under sub-section (3) of section 69 B;

(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 70 A;

(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 subsection (40 of section 79;

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

(3) 9[Every notification made by the Central Government under sub-section(1) of section 70 A and every rule made by it] 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 10[***] the rule or both Houses agree that 10[***] the rule should not be made, 10 [***] the rule 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 notification or rule.

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1. Substituted vide Information Technology (Amendment) Act, 2008. Previous text was digital

2. Substituted vide Information Technology (Amendment) Act, 2008 Prior to substitution text read as under :-

> "(a) the manner in which any information or matter may be authenticated by means of digital signature under section 5;"

3. Inserted vide Information Technology (Amendment) Act, 2008.

4. Substituted vide Information Technology (Amendment) Act, 2008 Prior to substitution text read as under :-

> "(e) the security procedure for the purpose of creating secure electronic record and secure digital signature under section 16;"

5. Substituted vide Information Technology (Amendment) Act, 2008 Prior to substitution text read as under :-

"Assistant Controllers"

6. Omitted vide Information Technology (Amendment) Act, 2008 Prior to omission text read as under :-

"(g) other standards to be observed by the Controller under clause (b) of subsection (2) of section 20;"

7. Substituted vide Information Technology (Amendment) Act, 2008 Prior to substitution text read as under :-

"Presiding Officer"

8. Substituted vide Information Technology (Amendment) Act, 2008 Prior to substitution text read as under :-

"(w) any other matter which is required to be, or may be, prescribed."

9. Substituted vide Information Technology (Amendment) Act, 2008 Prior to substitution text read as under :-

"Every notification made by the Central Government under clause (f) of sub-section (4) of section 1 and every rule made by it"

10. Omitted vide Information Technology (Amendment) Act, 2008 Prior to omission text read as under :-

"the notification or"

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