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Information Technology (Amendment) Act 2008

Section 35 - In section 70 of the principal Act

698. (I) The Central Government may, to enhance cyber security and for identification, Po...er 10analysis and prevention of intrusion or spread of computer contaminant in the country, by IUUloruc to monitor Indnotification in the Official Gazette, authorise any agency of the Qovernment to monitor and collecl uaffiecollect traffic data or information generated, transminded, received or stored in any computer Uti Ofresource. ilironn&IJoli duoq.b ally (2) The intermediary or any person in-eharge or the. computer resource shall, when compllircalled upon by the agency which has been authorised under sub-section (I), provide technical ~Iltu for C)'bc:r ncunl)'_assistance and extend all facilities to such agency 10 enable online access or to secure andprovide onlineaccss to the computer resource generating, transmitting, receiving or storingsuch uafftcdata or information. (J) The p~dure and safeguards for monitoring and collecting traffic data orinformation, shall be such as tr.ay be prescribed (~Any intennediary who intentionally or knowingly contravenes the provisions ofsub-section (1) shall be punished with an imprisonment for a term which any extend 10 threeyears and shall also be liable to fine. Explonation.-For the purposes of this .sction,- (I) "computer contaminant" shall have the meaning assigned to it 10 section 43j (il) "mffic data" means any data identifying or purporting (0 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, date, size, dUJ1tion or l)'PC of uDderlying service and any other mfonmllion.'. Amc::Ddmml of section 70 (a) for sub-section (I), the following subsection shall be substituted, namely:- \ '(/)11\e appropnateGovenuncnt may, by notification in the Official Gazette, declare an)' computer resource which directly or indirectly affects the facilityof CriticalInfonnation Infrastructure, to be a protected system. Explonation.-For the purposes of lhis section, "Critical Information Infrastrucruc" means the computer resource, the incapacattation or destruction of which, shall have debilitating impact OD national security, economy, public health or safety 'j . 14 THE GAZETTE OF INIJA EXTRAORDINARY [PARTU- (6) after sub-section (3), the follo\,ing sub-section shall be inserted, namely:- "(4') The Cenrral Government shall prescribe the infonnation security practices and procedures for such protected system." .I.u-mon of