

Information Technology (Amendment) Act 2008

Section 37 - After section 72 of the principal Act, the following section shall be inserted,

708. (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, (j) general and such other officers and employees as may be prescribed. (3) The salaries and allowances and terms and conditions of the Director, (j) 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 notices and whitepapers relating to information security practices, prevention, response and reporting of cyber incidents; (j) 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 centre, 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).". Sec. 72A. Save as otherwise provided in this Act or any other law for the time being in force, any person including an intermediary who, while providing services under the terms of lawful contract, has secured access to any material containing personal information about another person, with the intent to cause or knowing that he is likely to cause wrongful loss or wrongful gain discloses, without the consent of the person concerned, or in breach of a lawful contract, such material to any other person.