

THE RAJASTHAN CYBER CAFE RULES, 2007

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Notification No. F.5(92)/DoIT/Tech/99/Part-II/ML-178, dated April 18, 2007,
G.S.R.6.- In exercise of the powers conferred by section 90 of the Information Technology Act, 2000 (Central Act No. 21 of 2000), the State Government hereby makes the following rules; namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Cyber Cafe Rules, 2007.

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

2. Definitions.- In these rules, unless the context otherwise requires;

(a) “Act” means the Information Technology Act, 2000 (Central Act No. 21 of 2000);

(b) “Log Register” means the Register maintained by the Cyber Cafe Owner/Network Service Provider for using the Cyber Cafe or Network Services;

(c) “User” Means a person who uses the Computer in a Cyber Cafe;

(d) “Cyber Cafe” means premises where the Cyber Cafe Owner/Network Service Provider provides the computer services including Internet access to the public in any of its forms, either on payment or free of charge for any purpose including recreation or amusement; and

(e) “Police Authority” mean the Police officers not below the rank of Deputy Superintendent of Police.

3. Responsibilities of the Cyber Cafe Owners.- (1) The owner of the Cyber cafe shall take sufficient precaution so that computers and computer systems in the Cyber Cafe are not used for any illegal or criminal activity.

(2) Cyber Cafe Owner/Network Service Provider shall not allow any User to use his Computer, Computer System and/or Computer Network without the identity of the User being established before him. The intending user may establish his identity by producing any Photo Identity Card Issued by any school or College or a Photo Credit Card of any bank or Passport or Voters Identity Card or PAN Card issued by Income-Tax authorities or Photo Identity Card issued by the Employer or Driving License to the satisfaction of Cyber Cafe Owner.

(3) After the identity of the User is established, the owner of the Cyber Cafe or the manager or the attendant or on his behalf any authorized person managing the Cyber Cafe shall obtain and maintain the following information in the Log Register for each user:

- (i) Name of the User
- (ii) Age and Sex of the User
- (iii) Proof of Identity Produced and its details/Number
- (iv) Present residential address of the User
- (v) IP address of the computer used
- (vi) Name of Network service provider
- (vii) Log in time
- (viii) Log out time
- (ix) Photograph of the user taken by Cyber Cafe Owner through Web Cam
- (x) Signature of User.

(4) The Cyber Cafe Owner/Network Service Provider will keep on record the photo copy of the proof of identity.

(5) All the computers in the Cyber cafe shall be equipped with the safety software so as to avoid access to the web sites relating to pornography, obscenity, terrorism and other objectionable materials.

(6) All time clocks in Cyber Cafes must be regularly checked and synchronized with Indian Standard Time (IST).

(7) Maintaining proper account of the User as explained shall be the responsibility of the Cyber Cafe Owner/Network Service Provider.

(8) Log Register and the Photograph of the User shall be maintained by the Cyber Cafe Owner/Network Service Provider for a minimum period of One Year and shall be provided to Law enforcement agencies as and when required.

(9) The Cyber Cafe owner shall be responsible for storing and maintaining backup of following logs for at least six months:

- (A) Proxy logs
- (B) Any other logs created by network software, if any.

(10) If any activity of the Visitor/user is of suspicious nature, the owner of the Cyber Cafe shall immediately inform the nearest Police Station.

4. Inspection of Cyber Cafes.- (1) Police authorities may inspect Cyber Cafes at all reasonable time to ensure compliance of these rules.

(2) If any Cyber Cafe Owner/Network Service Provider fail to maintain the Log register and records, he shall be liable for penalties as provided in the Act or any other Law, for the time being in force.