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## PART IV-B

Rules and Orders (Other than those published in Part I, I-A and I-L) made  
by the Government of Gujarat under the Gujarat Acts.

### DEPARTMENT OF SCIENCE AND TECHNOLOGY

#### NOTIFICATION

Sachivalaya, Gandhinagar, 24<sup>th</sup> June, 2004

#### Information Technology Act, 2000.

No.:- GST/2004-01/CYC-2003-GOI-3-DST In exercise of the powers conferred by Section 90 of the Information Technology Act, 2000 (Act No. 2108, 2000), the Government of Gujarat hereby makes the following rules, namely:-

1. **Short Title:-** These rules may be called The Gujarat Information Technology Rules, 2004.
2. **Commencement:-** They shall come into force on the date of their publication in the official gazette.
3. **Definition -** In these Rules, unless the context otherwise requires, -
  - (a) "Act" – means the Information Technology Act, 2000.

- (b) "Log Register" – means a register maintained by the Cyber Café licensee for browsing.
- (c) "Browser" – means any person who accesses the internet in any of its forms or protocols whether now in existences

"Cyber Café" – means and includes any establishment by what so ever name called where the general public have an access to the internet in any of its forms, protocols either on payment or free of charge for any purpose including recreation or amusement and a cyber café shall be deemed to be a place of public amusement as defined under the Sub-section (9) of Section 2 of the Bombay Police Act, 1951 (Act No. XXII of 1951).

#### 4. **Responsibility of the Cyber Café Owners**

- (a) A Cyber Café owner is required to obtain a license from the competent authority as defined in sub-section (3) of Section 2 of the Bombay Police Act, 1951 (Act No. XXII of 1951) and he shall attach and furnish relevant documents with the application form as per Schedule - I. He shall fulfill every condition required to obtain the license, failure to which the competent authority may not issue the license.
- (b) It shall be the responsibility of the Cyber Cafe owner or employee or attendant after satisfying himself with the identity of the browser ensure that each browser makes the entries in a Log Register maintained for this purpose as per Schedule – III.
- (c) A log register for browsers shall be maintained by the cyber café owner and shall remain in his possession for a minimum period of three year and the same will be provided to law enforcement agencies on demand. Any lapses or failure in this connection shall be considered as an offence and the owner shall be booked by the law enforcement agency for committing the offence.
- (d) All the computers in the cyber café shall be equipped with the safety software so as to the avoid access to the web sites relating to pornography, obscene, terrorism and other objectionable materials. A competent authority is empowered to download any necessary software to block, monitor or retrieve any content or material of the website.
- (e) The information regarding Internet Service Provider certificate, Internet Protocol address, total bandwidth, other services provided by Internet Service Provider like video conferencing, Internet Protocol telephony should be furnished to competent and Licensing authority.
- (f) A cyber café owner is required to execute undertaking as per Schedule – II and indemnity bond on the necessary Stamp Paper before obtaining the license.
- (g) Information regarding the identity of the hardware or storage media of the computers in the cyber café shall be supplied to the licensing authority and any replacement, repair shall be acknowledged to the licensing authority with the code, made and numbers of the hardware.
- (h) The cyber café owner shall be responsible for storing and maintaining backups of logs and internet records for atleast six months in following manner.

- (i) Internet browser cache
- (ii) Web site history
- (iii) Internet cookies
- (iv) Modem logs
- (v) Internet downloads
- (vi) Proxy logs
- (vii) Other logs created by network software

(i) **Personal Identification**

- (i) Every browser visiting a cyber café be required to produce any authentic photo Identity card (school or college Identity, Passport, voters card, Permanent Account Number card, Driving license).
- (ii) Children without photo Identity card shall be accompanied by an adult with a photo Identity card.
- (iii) Such browser who cannot produce any photo Identity card to establish their identity to the satisfaction of the cyber café management, shall be photographed using a web camera hooked on to one of the computer or computer systems in the cyber café and the browser shall be explained that his photograph shall be taken and loaded into the hard-disk of the computer for the verification of law enforcement agencies whenever required. If the intending browser does not agree, he shall not be allowed to use computer, computer system and computer network in the cyber café or access to the internet.
- (j) Such browser who cannot produce a valid Photo Identity Card shall be denied access to the Computer System in the Cyber Cafe.
- (k) All time clocks in the Cyber Cafe System shall be synchronized with the Indian Standard Time.
- (l) Log Register shall be maintained for a minimum period of one year and shall be provided to law enforcement agencies on demand.
- (m) Law enforcement agencies are authorized to check or inspect any Cyber Cafe to ensure compliance of the rules.
- (n) The Licensing Authority shall reserve the right to impose any condition subject to the changing circumstances and future development in the technology.
- (o) The Licensing Authority shall reserve the right to impose any other condition if it appears that the location of the Cyber Cafe is likely to cause obstruction, inconvenience, annoyance, risk, danger or damage to the residents, passersby or adds to the traffic problem in the locality or harm national interests or cause law and order problem.

(p) **Physical Layout of the Cyber Café**

- (i) All cyber café that have cubicle or partition be required to ensure that minors are not allowed to use computer in cubicles or behind partitions.
- (ii) All 'open' computer shall face 'outward' i.e, must be facing the common space of the cyber café.
- (iii) A cyber café shall not be permitted to operate within 500 mtrs of an educational institution or hospital or religious place.

5. **Grant of premises license for Cyber Café License**

- (a) Any application for premises license shall be accompanied by site and location plan indicating interallia the distance of the site from any educational institution or hospital or religious place.
- (b) The plan shall be furnished alongwith the diagram of internal computer network setup.
- (c) In case of premises situated in basements, mezzanines and terrace, an applicant shall submit "No Objection Certificate" from the building, communication, health and police authorities.
- (d) The licensing authority may not issue a premises license if a premise appears to likely to cause obstruction, inconvenience, annoyance, risk, danger or damage to the resident or passersby or add to traffic problem in the locality or may harm national interest or cause law and order problem.

6. **Inspection**

- (a) An officer not below the rank of Police Inspector is authorized to check or inspect cyber café and the computer system or network established there in at any time for the compliance of these rules. The owner must supply every related document, registers and any necessary information to the inspecting officer on demand.

SCHEDULE - I**APPLICATION FORM FOR PREMISES LICENSE FOR A CYBER CAFÉ**

To,  
The Commissioner of Police,  
Shahibaugh, Ahmedabad City.

Sub. : Application for the grant of premises/performance license for Cyber café providing services of internet/intranet connectivity in a public place.

Sir,

I, \_\_\_\_\_ the \_\_\_\_\_ undersigned,  
Shri/Smt./Kum. \_\_\_\_\_ Owner/Proprietor  
of Cyber Café (as defined under section 2(9) of Bombay Police Act-1951, definition of  
place of public amusement, by name

\_\_\_\_\_ hereby apply for grant of premises license at the following address. The place belongs to me/us taken on rent / is on lease / leave and license. Details are as follows :-

1. Full Name of Applicant-Owner
2. Address
3. Telephone number(s)
4. Fax
5. E-mail
6. Occupation
7. Date of Birth
8. Nationality
9. Name of Cyber Café
10. Address of Cyber Café (or, if at more than one Location, of each location; use separate sheet, if necessary)
11. Other name, if any, of the establishment
12. Whether premises are owned, leased, rented or Taken on leave and license by applicant-owner? (Specify)

13. If on rental, lease or leave and license, period of tenancy/lease/license.
14. Approximate Sq. ft. area of premises
15. Telephone numbers at the Cyber Café with the name and address of the telephone subscriber (use separate sheet if necessary)
16. Email address of the cyber café
17. Exact nature of activities at the cyber café, (attach Separate sheet if required) (eg. Also serving Beverage and snacks, etc.)
18. Name and address of conductor or operator of Cyber Café if other than applicant-owner
19. Number of branches with address and telephone numbers
20. Whether a similar license has been applied for, if so, give details.

Copies of documents attached (tick all that are applicable)

1. Shops & Establishments License.
2. Eating house license. (if applicable)
3. Grade License (if applicable)
4. Copy of partnership deed, if partnership firm.
5. Rent Receipt, if the place is on rent / lease.
6. Tax assessment / paid receipts
7. Owner of the Cyber Face has to ensure that no dangerous / harmful electrical appliances are fitted in the Cyber Café.
8. Document for fire safety equipment installed and its maintenance.
9. Bill of telephone(s) installed in the cyber café.
10. Details showing educational institution within a radius of 500 mtrs.
11. Ownership document if the place is owned by the applicant
12. Copy of memorandum & articles of association (if applicable)
13. Certificate mentioning that the owner of the cyber café is the member of the Association. The Association has to submit the detailed list of the member of their Association with the Memorandum of Article.
14. Certificate from the ISP regarding particulars of ISP connection including user name and allocation of static (fixed) IP address. This has to be (regularly maintained in the logbook maintained in the cyber café) by the Cyber Café Owner.
15. Certificate from the ISP that the Applicant is allowed to share, resell, distribute the ISP services in any manner. (if applicable)
16. Full particulars of number of machines installed, along with hardware configurations of each client and server machine, all peripherals (list modems, scanners, webcams, microphones, audio systems and Hard-disk) with make and brand. The details are to be furnished with the form and then thereafter as and when it is changed the changes are to be maintained in the logbook of the cyber face by the Cyber Café Owner.
17. To prevent minors from viewing the pornographic sites they will be allowed only on the computers which are installed in open space. No cabins will be allowed in the cyber café and the height of the partitions should not be more than 2.5 feet from the top of the screen.

18. Particulars of internal networking computer and other peripherals and the site map of the network along with Ethernet addresses.
19. Particulars of Hardware/Software Engineer/consultant.

Copies of above documents are attached herewith.

If any other documents are required the same will be submitted as soon as we are informed.

Thanking You,

Yours faithfully,

**SCHEDULE - II**  
**PRO FORMA UNDERTAKING**  
 (On appropriate amount of Stamp Paper)

I, \_\_\_\_\_ S/o., D/o., W/o.,  
 \_\_\_\_\_, an adult Indian Inhabitant, aged \_\_\_\_\_ Yrs,  
 residing at \_\_\_\_\_  
 do hereby solemnly affirm and state as follows :

- A. I say that I am the Sole Proprietor/ Partner/ Owner of M/s.  
 \_\_\_\_\_ situated at postal address  
 \_\_\_\_\_.
- B. I say that I have familiarized my self with the laws and regulations in force which concern the operation of my Cyber Café and accordingly I hereby give the following undertaking :-
- 1) That I shall permit use of the Cyber Café only against production of a suitable Photo ID Card (like Driving License, Election Photo ID Card, Passport, Pan Card, other authorized ID card, etc.). I shall ensure that no unauthorized or illegal activity takes place within the said premises. In case of minors they will be allowed only after producing a certificate from school/college and ID if his/her parents.
  - 2) That if it comes to my knowledge that a person is viewing some illegal/unauthorized/terrorist related sites then I will inform the police about it.
  - 3) That I will obtain the premises license as prescribed by the Commissioner of Police, Ahmedabad City and act accordingly.
  - 4) That I will ensure that minor will be allowed only on the machine which are installed in the open space and will not provide any partition for them. If it is not possible then they will be allowed on the machines which are close to and are under the direct supervision of the owner of the cyber café.
  - 5) That I will extend full co-operation to the police by immediately providing them with all records / documents and when called upon to do so. (for the officer not below the rank of PSI will visit the cyber café).

- 6) That I will maintain the details in the logbook at the cyber café about the particulars of any changes in the data storage media (eg. Hard disks, tape drives, zip drives, JAZ drive, CD/DVD RW and other similar hardware for storage media) made.
- 7) That I will maintain the details of the customers as per the prescribed format (Date, Name of the customer, Address, email address, telephone/mobile number, Type of ID, in time, out time)
- 8) That I will ensure that no cabins are allowed in the cyber café.

Solemnly affirmed at \_\_\_\_\_ Before me,

Ahmedabad, this \_\_\_\_\_

Day of \_\_\_\_\_ 20.,....

Identified by me :-

Notary Public

**SCHEDULE – III**  
**Format for Register**

| Sr. No. | Computer Number | User's Name, Age, Sex, Address, Telephone Number & E-mail Address | Signature | In Time | Out Time | Details of Identify | Issue by Identify | Remarks |
|---------|-----------------|---|-----------|---------|----------|---------------------|-------------------|---------|
|         |                 |   |           |         |          |                     |                   |         |
|         |                 |   |           |         |          |                     |                   |         |
|         |                 |   |           |         |          |                     |                   |         |

- Notes : 1. Said details are to be filled by the user/client of the cyber cafe  
2. The said register is to be maintained for last three years.

By order and in the name of the Governor of Gujarat,

**VICTOR MECWAN**  
Under Secretary to Government  
Department of Science & Technology

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Government Central Press, Gandhinagar.