

Dated: 20<sup>th</sup> May, 2024

**Sub: Corrigendum: Study Material of Jurisprudence, Interpretation and General Laws (Syllabus 2017), Page No. 415 and 416 & Study Material of Jurisprudence, Interpretation & General Laws, Executive Programme, (Syllabus 2022) Page No. 543 and 544**

The Jan Vishwas (Amendment of Provisions) Act, 2023 has amended section 33, 44, 45, 46, 67C, 68, 69B, 70B, 72 and 72A of the Information Technology Act, 2000(the Act). Further section 66A has also been omitted. These amended sections have come into effect from 30<sup>th</sup> November, 2023.

Few important sections are reproduced for the ready reference of students:

**Penalty for failure to furnish information, return, etc. (Section 44)**

If any person who is required under this Act or any rules or regulations made thereunder to—

- (a) furnish any document, return or report to the Controller or the Certifying Authority fails to furnish the same, he shall be liable to a penalty not exceeding fifteen lakh rupees for each such failure;
- (b) file any return or furnish any information, books or other documents within the time specified therefor in the regulations fails to file return or furnish the same within the time specified therefor in the regulations, he shall be liable to a penalty not exceeding fifty thousand rupees for every day during which such failure continues;
- (c) maintain books of account or records, fails to maintain the same, he shall be liable to a penalty not exceeding one lakh rupees for every day during which the failure continues.

**Residuary penalty (Section 45)**

Whoever contravenes any rules, regulations, directions or orders made under this Act, for the contravention of which no penalty has been separately provided, shall be liable to pay a penalty not exceeding one lakh rupees, in addition to compensation to the person affected by such contravention not exceeding—

- (a) ten lakh rupees, by an intermediary, company or body corporate; or
- (b) one lakh rupees, by any other person.

## **Power to adjudicate (Section 46)**

(1) For the purpose of adjudging under this Act whether any person has committed a contravention of any of the provisions of this Act or of any rule, regulation, direction or order made thereunder which renders him liable to pay penalty or compensation, the Central Government shall, subject to the provisions of sub-section (3), appoint any officer not below the rank of a Director to the Government of India or an equivalent officer of a State Government to be an adjudicating officer for holding an inquiry in the manner prescribed by the Central Government.

(1A) The adjudicating officer appointed under sub-section (1) shall exercise jurisdiction to adjudicate matters in which the claim for damage does not exceed rupees five crore:

Provided that the jurisdiction in respect of the claim for damage exceeding rupees five crores shall vest with the competent court.

(2) The adjudicating officer shall, after giving the person referred to in sub-section (1) a reasonable opportunity for making representation in the matter and if, on such inquiry, he is satisfied that the person has committed the contravention, he may impose such penalty or award such compensation as he thinks fit in accordance with the provisions of that section.

(3) No person shall be appointed as an adjudicating officer unless he possesses such experience in the field of Information Technology and legal or judicial experience as may be prescribed by the Central Government.

(4) Where more than one adjudicating officers are appointed, the Central Government shall specify by order the matters and places with respect to which such officers shall exercise their jurisdiction.

(5) Every adjudicating officer shall have the powers of a civil court which are conferred on the Appellate Tribunal under sub-section (2) of section 58, and—

(a) all proceedings before it shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code;

(b) shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973;

(c) shall be deemed to be a civil court for purposes of Order XXI of the Civil Procedure Code, 1908.

**Further, students are advised to read entry 32(Page no. 60-62) with reference to the amendments in Information Technology Act, 2000 by virtue of The Jan Vishwas (Amendment of Provisions) Act, 2023.**

For details: <https://egazette.gov.in/WriteReadData/2023/248047.pdf>

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