

Information technology

act, 2000

Unit 5

Service provider not to be liable
in certain cases

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Section 79 of I.T. ACT-

- For the removal of doubts, it is hereby declared that no person providing any service as a network service provider shall be liable under this Act, rules or regulations made thereunder for any third party information or data made available by him if he proves that the offence or contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.
- Explanation.-For the purposes of this section, -
- "network service provider" means an intermediary.
- "third party information" means any information dealt with by a network service provider in his capacity as an intermediary.

Restrictions For NSP And intermediary.

- This section seeks to restrict the liabilities of a network service provider in
- certain cases. Let us first understand the term “network service provider”
- (NSP). Section 79 says that an NSP is an intermediary. The IT Act has
- defined the term “intermediary”.

Intermediary?

- According to section 2(1)(w) of the IT Act
- "intermediary" with respect to any particular
- electronic message means any person who
- on behalf of another person receives,
- stores or transmits that message or
- provides any service with respect to that
- message;

Characteristics of NSP

- An NSP, in respect of a particular electronic message, therefore has the
- following characteristics:
- 3. It receives the message on behalf of
- another person, or
- 4. It stores the message on behalf of
- another person, or
- 5. It transmits the message on behalf of
- another person, or
- 6. It provides any service with respect to
- that message.

- Liability of ISPs in India
- In respect to ISPs in India, their liabilities are also determined by the
- License for Internet Services based on guidelines dated 24th August,
- 2007.
- The license as applicable on 30th October
- 2007 is provided in the CD ROM
- accompanying the ASCL publication titled

An illustration featuring two hands, one on the left and one on the right, holding up a rectangular orange banner. The hands are depicted in a simple, flat style with light skin tones and are wearing dark grey or black suit sleeves with white cuffs. The banner is held taut between the hands and has the words "THANK YOU" written on it in a bold, white, sans-serif font. The background is a solid, light blue color. The overall style is clean and modern.

**THANK
YOU**