

*The Cyber Cafe regulations announced by TN Police under the TNCP Act, has put Cyber Cafe owners in Chennai in a dilemma. Should they continue in business? ..or Not?. It is clear from the notification which has drawn inspiration from the Mumbai and Karnataka Regulations that the conditions indicated are impractical and can not be fulfilled by any of the Cyber Cafe owners in the normal course. Many of the conditions are unclear and ambiguous and will place the cyber cafe owners under doubt as to what is right and what is wrong.*

*Under the circumstances, it is advisable for Cyber Cafe owners to review their functioning before deciding to continue to be in business.*

Following the incident where an e-mail was sent through a Cyber Cafe in Tirunelveli suggesting Bombing of the Parliament and the difficulties experienced by the Police in tracing the sender, Tamil Nadu Police have issued a notification under the Police Act making it mandatory for Cyber Cafes to register and obtain license.

The guidelines have been issued under the Tamil Nadu City Police Act 1899 and the salient features are as follows.

1. Every Browsing Center needs to register and obtain a license. A Copy of the application form is provided for the purpose.
2. Browsing Center owner has to give an undertaking and an indemnity bond on the necessary stamp paper before obtaining license.
3. Log Register of visitors needs to be maintained as prescribed and maintained for three years and provided to the law enforcement authorities on demand.
4. All the computers are to be equipped with software to avoid access to the websites relating to pornography, obscene, terrorism and other objectionable materials.
5. ISP certificate, IP address, total bandwidth etc need to be provided to the competent authority.
6. Information on hardware and storage media of the computers in the Browsing center shall be supplied to the licensing authority and any replacement, repair shall be acknowledged to the licensing authority with the code, make and numbers of the hardware.
7. Owners would be responsible for maintaining the following records for 6 months.
  - a) Internet Browser Cache
  - b) Website History
  - c) Internet Cookies
  - d) Modem Logs
  - e) Internet Downloads
  - f) Proxy logs
  - g) Other logs created by Network software
  - i) Personal Identification
8. Every Browser needs to provide a photo identity card. (Children without card shall be accompanied by an adult with photo identity card). Persons without photo identity card should be photographed using a web camera and photograph stored in the hard disk for a minimum period of 3 years.
9. All time clocks should be synchronized to IST

10. Law Enforcement authorities are authorized to check or inspect compliance.

11. Minors shall not be allowed to use cubicles or partitions.

12. Owner should take sufficient precautions so that computers are not used for any illegal or criminal activity.

13. Officer not below the rank of an Inspector of Police is authorized to check and inspect the centers.

It is recommended that the Police may review the notification and make it practical since any regulation which is prima-facie impossible to implement will breed non compliance and corruption.