



सत्यमेव जयते

भारत सरकार
संचार और सूचना प्रौद्योगिकी मंत्रालय
सूचना प्रौद्योगिकी विभाग

प्रमाणन प्राधिकारी नियंत्रक का कार्यालय
इलेक्ट्रॉनिक्स निकेतन, 6 सी.जी.ओ. कॉम्पलेक्स
नई दिल्ली-110003
Government of India



Ministry of Communications and Information Technology

Department of Information Technology

Office of Controller of Certifying Authorities

Electronics Niketan, 6, C.G.O. Complex

New Delhi-110003

Mrs. Debjani Nag

Deputy Controller (Tech.)

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WWW.CCA.GOV.IN

F.No. : CCA/DC(T)/2011- 33
26th August 2011

To,

Mr. Arun Tadanki,
Managing Director,
Yahoo! India Pvt. Ltd.,
14th Floor, Building No. 8,
Tower-C, DLF Cyber City,
DLF Phase-2,
Gurgaon – 122002..

Sub : - Order of the Controller of Certifying Authorities.

Dear Mr. Tadanki,

The order issued by Controller of Certifying Authorities (CCA) is enclosed herewith.

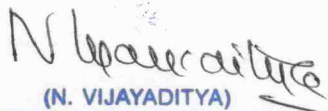
Debjanee Nag
(Debjanee Nag)

o/c

In the matter of: Yahoo India (Pvt.) Ltd.

ORDER

1. **WHEREAS** the Controller of Certifying Authorities (CCA) is a statutory authority under the Information Technology Act, 2000 and has been given powers under section 28 of the Act to investigate any contravention of the provisions of this Act, rules or regulations made thereunder.
2. **AND WHEREAS** CCA has been receiving such requests/references from Intelligence Bureau, Ministry of Home Affairs, Government of India on regular basis on sensitive issues related to national security, integrity and defence. On receipt of such specific requests/references, CCA sends notices under section 28 of the Act to various service providers/intermediaries seeking details for the purpose of investigations.
3. **AND WHEREAS** several notices have been issued by the Office of Controller of Certifying Authorities to Shri Amitabh Lal Das, Legal Director & General Counsel, Yahoo India Pvt. Ltd. (the company) on following dates: (i) 07.1.2011 & 19.1.2011, (ii) 28.1.2011, (iii) 9.2.2011, (iv) 24.3.2011, (v) 18.4.2011, (vi) 6.5.2011, (vii) 16.5.2011, (viii) 24.6.2011, (ix) 29.6.2011, (x) 08.07.2011, and (xi) 13.07.2011 under section 28 of the Information Technology Act, 2000 for the purpose of investigation of any contraventions committed under the Information Technology Act, 2000.

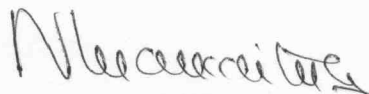

(N. VIJAYADITYA)
Controller of Certifying Authorities
Government of India
Min. of Communications and Information Technology
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6, CGO Complex, New Delhi-110003



4. **AND WHEREAS** the company failed to respond to the above said notices from the Office of Controller of Certifying Authorities during the last six months, which led to avoidable delays in sensitive investigations. That only on 19.07.2011 the company collectively replied to the notices submitting that the Controller is not the competent authority to seek disclosure of user information.

5. **AND WHEREAS** CCA issued a show cause notice, dated 21.07.2011 to the company stating why a penalty of Rs. One Lakh Fifty Thousand for each such failure should not be imposed on the company under section 44(a) of the Information Technology Act, 2000, for its failure to furnish information and/or documents as directed by the Office of Controller of Certifying Authorities. The said notice further stated that by not complying with aforesaid notices, the company has committed contempt of the lawful authority of a public servant, which is an offence punishable under section 174 and 175 of the Indian Penal Code, 1860.

6. **AND WHEREAS** in response to the show cause notices, dated 21.07.2011 the company represented by Shri Amitabh Lal Das, Legal Director & General Counsel, Yahoo India Pvt. Ltd. and Shri Vijay K. Sodhi, Shri Sanjay Kumar, & Shri Anirban Bhattacharya, Advocates, Luthra & Luthra appeared before the CCA on 01.08.2011 and submitted written submissions, dated 28.07.2011 duly signed by Shri Arun Tadanki, Managing Director, Yahoo India Pvt. Ltd., which were taken on record. Further, ample opportunity was given to the representatives of the company to make oral submissions as well and the company reiterated the same.



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