

Acts and Sections

1. Family Lawyer:

- **Divorce and Separation:**

Relevant Act: Various states have their own family codes that encompass divorce and separation laws.

- **Child Custody and Visitation:**

Relevant Act: Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), adopted by all states.

- **Child Support:**

Relevant Act: Child Support Enforcement Act, part of the Social Security Act.

- **Alimony/Spousal Support:**

Relevant Act: State-specific family codes or statutes.

- **Property Division:**

Relevant Act: State-specific family codes or statutes.

- **Domestic Violence:**

Relevant Act: Violence Against Women Act (VAWA) at the federal level, along with state-specific laws.

- **Adoption:**

Relevant Act: The Adoption and Safe Families Act (ASFA) at the federal level.

- **Guardianship:**

Relevant Act: State-specific family codes or statutes.

- **Child Abuse and Neglect:**

Relevant Act: Child Abuse Prevention and Treatment Act (CAPTA).

- **Interstate Family Support:**

Relevant Act: Full Faith and Credit for Child Support Orders Act (FFCCSOA).

- **Section 498A: Cruelty by Husband or Relatives of Husband**
- **Section 304B: Dowry Death**
- **Section 306: Abetment of Suicide**
- **Section 377: Unnatural Offences**
- **Section 376: Rape**
- **Section 494: Bigamy**

2. Personal Injury Lawyer:

- **Negligence Law:**

Relevant Act: Common law principles and statutes in each state.

- **Tort Law:**

Relevant Act: Common law principles.

- **Intentional Torts:**

Relevant Act: Common law principles.

- **Product Liability:**

Relevant Act: Various state and federal laws, such as the Consumer Product Safety Act.

- **Medical Malpractice:**

Relevant Act: State-specific medical malpractice statutes.

- **Premises Liability:**

Relevant Act: Common law and state statutes.

- **Wrongful Death:**

Relevant Act: State wrongful death statutes.

- **Auto Accidents and Insurance Law:**

Relevant Act: State traffic laws and insurance regulations.

- **Workers' Compensation:**

Relevant Act: State workers' compensation statutes.

- **Statute of Limitations:**

Relevant Act: State statutes of limitations.

3.Cyber Lawyer:

- **Cybersecurity and Infrastructure Security Agency (CISA):**

Relevant Act: Cybersecurity and Infrastructure Security Agency Act of 2018.

- **Computer Fraud and Abuse Act (CFAA):**

Relevant Act: Computer Fraud and Abuse Act.

- **Electronic Communications Privacy Act (ECPA):**

Relevant Act: Electronic Communications Privacy Act.

- **Digital Millennium Copyright Act (DMCA):**

Relevant Act: Digital Millennium Copyright Act.

- **Computer Security Incident Response Teams (CSIRTs):**

Relevant Act: Various state and federal laws may address the establishment and operation of CSIRTs.

- **National Institute of Standards and Technology (NIST) Framework:**

Relevant Act: While not a specific act, the NIST Cybersecurity Framework is widely referenced in shaping cybersecurity policies and practices.

- **Electronic Signature and Records:**

Relevant Act: Uniform Electronic Transactions Act (UETA) and Electronic Signatures in Global and National Commerce Act (ESIGN) in the U.S.

- **Cyber Insurance:**

Relevant Act: No specific federal law, but state regulations and insurance laws may be relevant.

- **International Laws and Treaties:**

Relevant Act: Various international laws and treaties, such as the Budapest Convention on Cybercrime.

- **Information Technology Act, 2000:**

Relevant Sections:

Section 43: Unauthorized access to computer systems.

Section 65: Tampering with computer source documents.

Section 66: Computer-related offenses, including hacking.

Section 66A: Punishment for sending offensive messages through communication services (Note: Struck down by the Supreme Court of India).

- **Indian Penal Code (IPC):**

Relevant Sections:

Section 378: Theft of electronic devices.

Section 420: Fraud, including online fraud.

Section 463: Forgery for electronic records.

Section 464: Making a false document.

Section 468: Forgery for purpose of cheating.

Section 471: Using as genuine a forged document.

- **Data Protection and Privacy:**

Relevant Sections:

Section 43A: Compensation for failure to protect data.

Section 72: Breach of confidentiality and privacy.

Jurisdiction of Family courts

Sr. No.	Title	Citation	Question involved	Held
1	Balram Yadav vs Fulmaniya Yadav	AIR 2016 SC 2161	Over riding effect of Family Courts Act over other laws	<ul style="list-style-type: none"> Under Section 7(1) Explanation (b), a Suit or a proceeding for a declaration as to the validity of both marriage and matrimonial status of a person is within the exclusive jurisdiction of the Family Court, since under Section 8, all those jurisdictions covered under Section 7 are excluded from the purview of the jurisdiction of the Civil Courts. In case, there is a dispute on the matrimonial status of any person, a declaration in that regard has to be sought only before the Family Court. It makes no difference as to whether it is an affirmative relief or a negative relief. What is important is the declaration regarding the matrimonial status. Section 20 also endorses the view which we have taken, since the Family Courts Act, 1984, has an overriding effect on other laws.
2	Narayan vs Baba sahib and ors	AIR 2016 SC 1666; (2016) 6 SCC 725	Alienation of property of minor by guardian, Legal necessity, limitation Act.	<ul style="list-style-type: none"> When mandatory permission of district court was not obtained u/s 8(2)(a) of HA&GA and sale was not done for legal necessity, then it was held that minor can impeach the sale transaction within 3 years after attaining majority
3	Shamima Farooqui Vs Shahid Khan	AIR 2015 SC 2025	Approach of Family Court Judge	<ul style="list-style-type: none"> Family Courts have been established for adopting and facilitating the conciliation procedure and to deal with family disputes in a speedy and expeditious manner. Further held – Family judges expected to be sensitive to the issue pertaining to the marriage and issues ancillary thereto. Family judge should remember that procrastination is the greatest assassin of the list before it. Further held – There has to be a pro active approach in this regard and the said approach should be instilled in the family court judges by the judicial academies functioning under the High Court.
4	Surya Vadnan Vs State of Tamil Nadu & Ors	AIR 2015 SC 2243	Judgments of Foreign Court	<ul style="list-style-type: none"> If there exists pre existing order of foreign court of competent jurisdiction and the domestic court decides to conduct elaborate enquiry, it must have special reasons to do so Elaborate enquiry must not be ordered as a matter of course While deciding whether summary or elaborate enquiry should be conducted, domestic court must take into

				<p>consideration full factors</p> <ul style="list-style-type: none"> • Nature & effect of interim or interlocutory order passed by foreign court • Existence of special reasons for repatriating or not, the child to jurisdiction of foreign court • That repatriation of child does not cause any moral or physical ,social or cultural or psychological harm to the child • Nor should it cause any legal harm to the parent with whom the child is in India • The electricity with which the parent moves the concerned foreign court or concerned domestic court is also relevant • If time gap is unusually large and is not reasonably unexplainable and child has developed firm roots in India- domestic court may be well advised to conduct elaborate enquiry.
5	Bhuwan Mohan Singh Vs Meena and others	AIR 2014 SC 2875; (2015) 6 SCC 353	Maintenance Section 125 Crpc	<ul style="list-style-type: none"> • Whether the Family Court while deciding an application under Section 7 of the Family Court Act, should allow adjournments in an extremely liberal manner. • Held - Family Courts have been established for adopting and facilitating the conciliation procedure and to deal with family disputes in a speedy and expeditious manner. • Further held – Family judges are expected to be sensitive to the issue pertaining to the marriage and issues ancillary thereto. Family judge should remember that procrastination is the greatest assassin of the list before it.
6	P. Sunderraj Vs P Sarika Raj	AIR 2015 P&H 83; Law Finder Id # 667859	Jurisdiction to set aside decree passed by family court of another place	<ul style="list-style-type: none"> • Judgment and decree passed by Family Court at Hyderabad dissolving the marriage on the ground of cruelty. • District Judge Family Court Gurugaon vide impugned judgment and decree, cancelled the judgment and decree passed by Family Court Hyderabad. • Held – according to Section 7(1) of the Family Courts Act, Family Court is a civil court and has all the powers, jurisdiction and trappings of a civil court. • The family court has the jurisdiction to set aside of nullified a decree passed by it or by a co-ordinate court. A decree of a family court cannot be set aside in a declaration suit before a regular civil court.
7	Kusum	AIR 2015	Procedure to be	<ul style="list-style-type: none"> • The Family Courts Act adopts a less formal procedure. Although Section

	Sharma Vs Mahinder Kumar Sharma	Delhi 53	adopted	<p>10 of the Act makes the procedure laid down under the Code of Civil Procedure, 1908 applicable to Family Court proceedings, it also lays down that the Family Court is free to evolve its own rules of procedure.</p> <ul style="list-style-type: none"> • Section 10(3) of the Family Courts Act specifically uses the word 'truth' and casts a duty on the Family Court to lay down procedure to determine the truth of the facts alleged by one party and denied by the other • Truth should be the Guiding Star in the Entire Judicial Process 9.1 It is the duty of the Court to ascertain the true income of the parties and then pass the appropriate order relating to maintenance. Truth is the foundation of justice. Dispensation of justice, based on truth, is an essential feature in the justice delivery system. People would have faith in Courts when truth alone triumphs.
8	Davu Gopal Lunani Vs. Siva Gopal Lunani	AIR 2014 AP 29; 2014 (1) ALT 396	Section 7 of Family Courts Act vis-à-vis jurisdiction of Civil Court	<ul style="list-style-type: none"> • With reference to Section 7 (1) of Family Courts Act. • A suit for declaration filed a person claiming that defendant was the father and that plaintiff was born to defendant No.2 out of a long cohabitation between defendant No.1 and defendant No.2 as man and wife. • Question – Jurisdiction of Family Court under Family Courts Act. • Held – a suit or proceeding between parties to marriage alone is dealt with under Clause (a) to Section 7 (1). • To come within clause (e) – that third party, who has filed the suit, should be obviously be off spring of persons having a matrimonial relationship. • Family Court cannot entertain any suit or proceeding for a declaration as to legitimacy of any person without establishing validly any claim of marital relationship of parents. • Therefore, matter will not fall under the purview of Clause (e) to Sub Section (1) of Section 7. • Jurisdiction of the Civil Court is not barred by Section 8 of Family Courts Act.
9	Syamala Devi Vs Sarala Devi	2009 (5) RCR Civil 421 (Kerela HC)	Declaration of Status as legally wedded wife.	<ul style="list-style-type: none"> • Dispute between two parties, seeking declaration that plaintiff is legally wedded wife of a deceased. • Even if the dispute is not between parties to alleged marriage, or even after the death of either or parties to marriage. • Such dispute falls within purview of Section 7 (b) of Family Courts Act.

				<ul style="list-style-type: none"> • The husband, during the pendency of the proceedings, if dies, the proceeding does not become abated or cease to be triable by the Family Court. • It will be continued by the heirs of the husband claiming themselves to step into the shoes of the husband or by those interested to prosecute the matter. • Such proceedings will certainly fall under the jurisdiction of the Family Court.
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THE PERSONAL INJURIES (COMPENSATION INSURANCE) ACT, 1963

NO.37 OF 1963

[8th October, 1963]

An Act to impose on employers a liability to pay compensation to workmen sustaining personal injuries and to provide for the insurance of employers against such liability.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:--

CHAPTER I

PRELIMINARY

1.Short title, extent and commencement.- (1) This Act may be called the Personal Injuries (Compensation Insurance) Act, 1963.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may be notification appoint.

2.Definitions.- In this Act, unless the context otherwise requires,--

(a) "employer" includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means the latter person while the workman is working for that other person;

(b) the "Fund means the Personal Injuries (Compensation Insurance) Fund constituted under section 13;

(c) "gainfully occupied person" and "personal injury" have the meanings respectively assigned to those expressions in the Personal Injuries (Emergency Provision) Act, 1962 (59 of 1962);

(d) "notification" means a notification published in the Official Gazette;

(e) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time the injury was sustained, and where the disablement is of a permanent nature, such disablement as reduces his earning capacity in any employment which he was capable of undertaking at that time:

Provided that permanent partial disablement shall be deemed to result from every injury, or from any combination of injuries, specified in the Schedule, where the percentage, or the aggregate percentage, of disability as specified in the Schedule against such injury, or combination of injuries amounts to less than one hundred per cent.;

(f) "period of the emergency" means the period beginning with 26 of October, 1962, the date on which the Proclamation of Emergency under clause (1) of article 352 of the Constitution was issued, and ending with such date as the Central Government may by notification declare to be the date on which the emergency shall come to an end;

(g) "prescribed" means prescribed by rules made under section 22;

(h) "total disablement" means such disablement whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time the injury was sustained:

Provided that permanent total disablement shall be deemed to result from every injury, or from any combination of injuries, specified in the Schedule, where the percentage, or the aggregate percentage, of disability as specified in the Schedule against such injury, or combination of injuries, amounts to one hundred per cent.or more;

(i)the "Scheme" means the Personal Injuries (Compensation Insurance) Scheme referred to in sub-section (1) of

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section 8;

(j) "wages" means wages as defined in the Workmen's Compensation Act., 1923, (8 of 1923) and "monthly wages" has the meaning assigned to that expression by section 5 of the Workmen's Compensation Act, 1923, and shall be calculated for the purposes of this Act in the manner laid down in that section;

(k) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is employed in any of the employments specified in section.3.

CHAPTER II

COMPENSATION PAYABLE UNDER THE ACT

3.Workmen to whom the Act applies.-The workman to whom this Act applies are--

(a) workmen employed in any employment or class of employment which is, or has been declared to be, an essential service under rule 126AA of the Defence of India Rules, 1962;

(b) the workmen employed in any factory as defined in clause (m) of section 2 of theFactories Act, 1948; (63 of 1948)

(c) workmen employed in any mine within the meaning of the Mines Act, 1952 (35 of 1952);

(d) workmen employed in any major port;

(e) workmen employed in any plantation as defined in clause(f) of section 2 of the Plantations Labour Act, 1951(69 of1951);

(f) workmen employed in any employment specified in this behalf by the Central Government by notification.

4.Compensation payable under the Act, by whom and how payable. - (1) There shall, subject to such conditions as may be specified in the Scheme, be payable by an employer in respect of personal injury sustained by a gainfully occupied person who is a workman to whom this Act applies, compensation, in addition to any relief provided under the Personal Injuries (Emergency Provisions) Act, 1962, (59 of 1962) of the amount and kind provided by section 7:

Provided that where an employer has taken out a policy of insurance, as required by sub-section(1) of section 9, and has made all payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme or where by the provisions of sub-section(1) of section 9 or of sub-section (2) of section 10 the employer is not required to insure, the Central Government shall assume and discharge on behalf of the employer the employer's liability to pay compensation under this sub-section.

(2) The compensation payable under this Act shall be payable in accordance with the provisions made in this behalf in the Scheme.

(3) This section shall be binding on the Government.

5.Limitation on right to receive compensation otherwise than under this Act and Act of 1962. - Where any person has a right apart from the provisions of this Act and of the Personal Injuries (Emergency Provisions) Act, 1962, to receive compensation (whether in the form of gratuity, pension compassionate payment or otherwise) or damages from an employer in respect of a personal injury in respect of which compensation is payable under this Act, the right shall extend only to so much of such compensation or damages as exceeds the amount of compensation payable under this Act.

6.Special provisions in relation to employees of Government.- Where any person in the employ of Government has under the rules regulating the conditions of his service a right apart from the provisions of this Act or of the Personal Injuries (Emergency Provisions) Act, 1962, (59 of 1962) to receive any sum, whether as extraordinary pension, gratuity, compassionate payment or damages, from the Government in respect of a personal injury in respect of which compensation is payable under this Act, then, notwithstanding anything contained in this Act or the Personal Injuries (Emergency Provisions) Act, 1962, that person shall have the right to receive the sum admissible under those

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rules and if the sum so admissible is less than the amount payable as compensation under this Act and the Personal Injuries (Emergency Provisions) act, 1962, then, he shall have a further right to receive an amount equal to the difference between the sum admissible under those rules and the amount of compensation payable under this Act.

7.Amount of compensation. - (1) The compensation payable under this Act shall be as follows:

(a) where death results from the injury, the amount payable in a like case under the Workmen's Compensation Act, 1923, (8 of 1923) reduced by the value in lump sum of the amount payable under the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962);

(b) where permanent total disablement results from the injury, the amount payable in a like case under Workmen's Compensation Act, 1923, reduced by the value in lump sum of the amount payable under the personal Injuries(Emergency Provisions) Act, 1962;

(c) where permanent partial disablement results from the injury--

(i) in the case of an injury specified in the Schedule--such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of disablement'

(ii) in the case of an injury not specified in the Schedule--the percentage of such compensation specified in the Schedule for disablement held by a competent medical authority acting under the Scheme made the Personal Injuries (Emergency Provisions) Act, 1962, (59 of 1962) to be of corresponding degree;

(iii) where more injuries than one are sustained-- the aggregate of the compensation payable in respect of those injuries, so however as not to exceed in any case the compensation which would have been payable if permanent total disability had resulted from the injuries;

(d) where temporary disablement, whether total or partial, results from the injury, the half-monthly payments payable in a like case under the Workmen's Compensation Act, 1923, (8 of 1923) reduced in each case, so long as he receives any payment under the Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962, by the amount under the said Scheme.

(2) Where the monthly wages of a workman are more than five hundred rupees, the compensation payable under this Act shall be the amount payable under the provisions of sub-section (1) in the case of a workman whose monthly wages are more than four hundred rupees.

CHAPTER III

PERSONAL INJURIES (COMPENSATION INSURANCE) SCHEME

8.Personal Injuries (Compensation Insurance) Scheme. - (1) The Central Government shall, by notification, put into operation a Scheme to be called the Personal Injuries (Compensation Insurance) Scheme whereby provision is made for all matters necessary to give effect to the purposes of this Act and whereby the Central Government undertakes, in relation to employers of workmen to whom this Act applies, the liabilities of insuring such employers against liabilities incurred by them to workmen under this Act the Scheme.

(2) The Scheme shall secure that any liability of the Central Government as insurer under the Scheme is determined by a policy of insurance issued in the prescribed form by a person acting on behalf of the Central Government.

(3) The Scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(4) The Scheme may be amended at any time by the Central Government.

(5) Without prejudice to the generality of the provisions of sub-section (1), the Scheme may--

(a) make provisions regulating the payment of the compensation payable under this Act and the Scheme, including provisions for punishment by fine not exceeding two thousand rupees for the contravention of any requirement of the Scheme;

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- (b) make provisions specifying the persons to whom and the proportions and manner in which payments under this Act shall be made;
- (c) make provisions for determining the value in lump sum of the amount payable under the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962);
- (d) specify conditions or circumstances which will disentitle a workman to the compensation payable under this Act, and make it an express or implied condition of any policy of insurance issued under the Scheme that the payment of compensation in defiance of such specification is not covered by the policy;
- (e) specify the conditions or circumstances under which the compensation payable to a workman may be withheld, cancelled, reduced or reviewed if the award made under the Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962, is withheld, cancelled, reduced or reviewed;
- (f) provide for cases in which an employer has of his own accord undertaken a part or the whole of the liability imposed by this Act;
- (g) provide for the final assessment of the total premium due on a policy of insurance under the Scheme either as the equivalent of all advances payments of premium already made by an employer, or as a percentage of the total wages bills of an employer for the periods with reference to which the amount of any advance payments made by him was fixed or as a percentage of the total wages bill of an employer for a period of not less than twelve or more than fifteen months immediately preceding the expiry of the period of the emergency, and for the assessment of the total premium due on a policy which has ceased to be in force before the expiry of the period of the emergency owing to the employer having gone out of business;
- (h) provide for the recovery from an employer of the total premium due on a policy of insurance including provision for its recovery by periodic advance payments of an amount based on a percentage of his total wages bill for any prescribed period, the separate funding of the payments so made by each employer, and the eventual adjustment of the total premium as finally assessed against the total of such periodic payments:

Provided that where the amount of the periodic payment based on the total wages bill of the prescribed period is less than eight rupees, it shall be increased to eight rupees:

Provided further that the first of such periodic payments shall, subject to the aforesaid minimum of eight rupees, be at such rate as the Central Government may specify in this behalf:

Provided further that such periodic payments shall not be more frequent than once in each quarter of a year:

Provided further that the rate of any periodic payment after the first shall, subject to the aforesaid minimum of eight rupees, be such as the Central Government may, after considering its liabilities under this Act, fix from time to time, and the Central Government may, where the total amount in the Fund so requires, either waive or postpone any periodic payment.

9. Compulsory insurance.- (1) Every employer of workmen to whom this Act applies or is subsequently made applicable, except an employer whose total wages bill for any quarter after the commencement of this Act has never exceeded fifteen hundred rupees, shall, before such date as may be prescribed, or before the expiry of such period as may be prescribed after his having first become such an employer, take out a policy of insurance issued in accordance with the Scheme, where by he is insured until the expiry of the period of the emergency or until the date, if any, prior to the expiry of the period of the emergency at which he ceases to be an employer to whom this section applies, against all liabilities imposed on him by this Act.

(2) Whoever contravenes the provisions of sub-section(1) or, having taken out a policy of insurance as required by that sub-section, fails to make any payment by way of premium thereon which is subsequently due from him in accordance with the provisions of the Scheme, shall be punishable with fine which may extend to two thousand rupees and shall also be punishable with a further fine which may extend to one thousand rupees for every day after having been so convicted on which the contravention or failure continues.

(3) This section shall not bind the Government.

10. Principals and contractors.- (1) Where a person (in this section referred to as the principal) uses, in the course of or for the purposes of his trade or business, the services of workmen temporarily lent or let on hire to him by

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or for the purposes of his trade or business, the services of workmen temporarily lent or let on hire to him by arrangement with another person with whom the workmen have entered into contracts of service or apprenticeship, or in the course of or for the purposes of his trade or business, contracts with any other person for the execution by or under such other person of the whole or any part of any work which is ordinarily part of the trade or business of the principal (either such other person being in this section referred to as the contractor) the principal shall obtain from the contractor the name of the agent of the Central Government acting under section 11 with whom he intends to insure, and shall report to that agent the existence of his arrangement or contract with the contractor.

(2) Notwithstanding anything elsewhere contained in this Act, in any such case as is referred to in sub-section (1), it shall not be necessary for the contractor to insure against the liabilities imposed on him by this Act in respect of workmen employed by him whose Services are lent or let on hire on such an arrangement or used in the execution of work on such a contract as is referred to in sub-section (1), where the arrangement or contract is for a term of less than one month.

(3) The Scheme may make provision for the supply by a contractor to a principal of any information necessary to enable the purposes of this section to be carried out including provision for punishment by the fine not exceeding two thousand rupees for the contravention of any requirement of the Scheme.

11. Employment of agents by the Central Government.- The Central Government may by notification employ or authorise the employment of any person to act as its agent for any of the purposes of this Act and to pay to the person so employed such remuneration as it may think fit.

12. Prohibition of certain insurance business.- (1) After the date on which the Scheme is put into operation, no person shall, except as a person authorised by the Central Government as its agent to issue policies in pursuance of the Scheme, carry on the business of insuring employers in India against the liabilities for insurance against which the Schedule provides.

(2) Nothing in sub-section (1) applies to any policy of insurance entered into before the date on which the Scheme is put into operation and current after date or to any policy of insurance covering liabilities undertaken in excess of the liabilities imposed by this Act.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention continues.

13. Personal Injuries (Compensation Insurance) Fund.- (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, transfer in each financial year to a fund to be called the Personal Injuries (Compensation Insurance) Fund (hereinafter referred to as the "Fund") such sums, as may be considered necessary, not exceeding the sums received by the Central Government by way of insurance premiums under the Scheme, or by way of payments made on composition of offences under section 18 or by way of expenses or compensation awarded by a court under section 545 of the Code of Criminal Procedure, 1898 (5 of 1898) out of any fine imposed in any prosecution under this Act or by way of penalties imposed under the Scheme.

(2) There shall be paid from out of the Fund all sums required for the discharge by the Central Government of any of its liabilities under this Act or the Scheme or for the payment by the Central Government of the remuneration and expenses of agents employed for the purposes of the Scheme or for the payment by the Central Government of the cost of administering the Scheme:

Provided that no payment from the Fund shall be made in discharge of any liability of the Government to pay compensation to workmen employed by it.

(3) If at any time when a payment is to be made out of the Fund, the sum standing to the credit of the Fund is less than the sum required for the making of that payment, an amount equal to the deficiency shall, after due appropriation made by Parliament by law, be paid into the Fund as an advance out of the Consolidated Fund of India.

(4) If at any time the amount standing to the credit of the Fund exceeds the sum which, in the opinion of the Central Government, is likely to be required for the making of payments out of the Fund, the excess shall be disposed of in such manner as the Central Government may think fit.

(5) The Central Government shall prepare in such form and manner as may be prescribed and shall publish either annually or at such shorter intervals as may be specified therein, an account of all sums received into and paid out of

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annually or at such shorter intervals as may be specified therein, an account of all sums received into and paid out of the Fund.

CHAPTER IV

MISCELLANEOUS

14. Power of Central Government to obtain information.- (1) Any person authorised in this behalf by the Central Government may, for the purpose of ascertaining whether the requirements of this Act and of the Scheme have been complied with, require any employer to submit to him such accounts, books or other documents or to furnish to him such information or to give such certificates as he may reasonably think necessary.

(2) Whoever wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with any request made thereunder shall, in respect of each occasion on which any such obstruction or failure takes place, be punishable with fine which may extend to one thousand rupees.

(3) Whoever in purporting to comply with his obligations under this section knowingly or recklessly makes a statement false in a material particular shall be punishable with fine which may extend to one thousand rupees.

15. Recovery of premium unpaid.- (1) Without prejudice to the provisions of sub-section (2) of section 9, where any person has failed to insure as or to the full amount required by this Act and the Scheme and has thereby evaded the payment by way of premium of any money which he would have had to pay in accordance with the provisions of the Scheme but for such failure, an officer authorised in this behalf by the Central Government, may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2).

(2) Any sum payable in accordance with the provisions of the Scheme by way of premium on a policy of insurance issued under the Scheme and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land-revenue.

(3) Any person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Central Government whose decision shall be final.

16. Payment of compensation where any employer has failed to insure.- Where an employer has failed to take out a policy of insurance as required by sub-section (1) of section 9, or having taken out a policy of insurance as required by that sub-section, has failed to make the payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme, payment of any compensation for the payment of which he is liable under this Act may be made out of the Fund, and the sum so paid together with a penalty of such amount not exceeding the sum so paid as may be determined by an officer authorised in this behalf by the Central Government shall be recoverable from the employer as an arrear of land-revenue for payment into the Fund.

17. Limitation of prosecutions.- No prosecution for any offence punishable under this Act shall be instituted against any person except by or with the consent of the Central Government or an authority authorised in this behalf by the Central Government.

18. Composition of offences.- Any offence punishable under sub-section (2) of section 9 may, either before or after the institution of the prosecution, be compounded by the Central Government or by any authority authorised in this behalf by the Central Government on payment for credit to the Fund of such sum as the Central Government or such authority, as the case may be, thinks fit.

19. Power of magistrate to impose any sentence.- Where any offence against this Act is tried by a Presidency Magistrate or a magistrate of the first class, then, notwithstanding anything contained in the Code of Criminal Procedure, 1898, (5 of 1898) the magistrate trying the offence may pass any sentence authorised by this Act.

20. Bar of legal proceedings.- (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done intended to be done under this Act.

(2) No suit shall be maintainable in any civil court against the Central Government or a person acting as its agent under section 11 for the refund of any money paid or purporting to have been paid by way of premium on a policy of insurance taken out or purporting to have been taken out under this Act.

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21. Power to exempt employers.- The Central Government shall exempt any employer from the provisions of this Act on the employer's request, if satisfied that he has before the commencement of this Act entered into a contract with insurers substantially covering the liabilities imposed on him by this Act, for so long as that contract continues.

22. Power to make rules.- (1) The Central Government may be notification make rules to carry into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may prescribe--

(a) the principles to be followed in ascertaining the total wages bill of an employer, including provision for the exclusion therefrom of certain categories of wages or of certain elements included in the definition of wages;

(b) the form of the policies of insurance referred to in sub-section (2) of section 8;

(c) the period referred to in clause (g) of sub-section (5) of section 8;

(d) the date and the period referred to in sub-section (1) of section 9;

(e) the form of and the manner of preparing and publishing the account referred to in sub-section (5) of section 13;

(f) the periods referred to in sub-section (3) of section 15;

(g) any other matter which has to be or may be prescribed.

23. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, and in particular, if any doubt arises as to whether any compensation is payable under this Act or as to the amount thereof the Central Government may, by order, make such provision or give such direction, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the doubt or difficulty; and the decision of the Central Government, in such cases, shall be final.

24. Scheme to be laid before both Houses of Parliament.- Every Scheme and every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the Scheme or the rule or both Houses agree that the Scheme or the rule should not be made, the Scheme or the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Scheme or the rule.

THE SCHEDULE

[See sections 2 and 7 (1)]

Description of injury	Percentage of disablement	Upper Limb Loss of both hands or of all fingers and thumbs . . .	100
Amputation of Right arm through shoulder	90		
Amputation of Left arm through shoulder	90		
Amputation below shoulder stump exceeding 6 inches from tip of acromion (Right).	80		
Amputation below shoulder stump not exceeding 6 inches (Right)	90		
Amputation below shoulder stump not exceeding 6 inches (Left)	80		
Amputation below shoulder from tip of acromion stump exceeding 6 inches (Left)	70		
Amputation through elbow or below elbow with stump not exceeding 5 inches (Right)	80		
Amputation through elbow or below elbow with stump not exceeding 5 inches (Left)	70		
Amputation below elbow stump exceeding 5 inches (Right) . .	70		

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Amputation below elbow stump exceeding 5 inches (Left) . . 50
 Loss of thumb (Right) 50
 Loss of thumb (Left) 40
 Loss of 4 fingers (Right) 50
 Loss of 4 fingers (Left) 40
 Loss of 2 fingers on either hand 20
 Lower Limb
 Loss of 2 or more limbs 100
 Amputation of both feet 100
 Amputation of one leg at hip or below hip with stump not exceeding 5 inches 90
 Lisfranc's Operation both feet 80
 Amputation below hip with stump exceeding 5 inches . . 80
 Amputation through both feet proximal to the metatarso-phalangeal joint 80
 Loss of all toes of both feet through the metatarso-phalangeal joint 40
 Loss of all toes of both feet proximal to the proximal inter-phalangeal joint 30
 Loss of all toes of both feet distal to the proximal inter-phalangeal joint 20
 Amputation of leg below middle thigh knee or below knee with stump not exceeding 4 inches 70
 Amputation of leg below knee with stump exceeding 4 inches . . 60
 Lisfranc's amputation of one foot 40
 Amputation through one foot proximal to the metatarso-phalangeal joint 30
 Loss of all toes of one foot proximal to the proximal inter-phalangeal joint including amputations through the metatarso-phalangeal joint 20
 Specific injury
 Loss of hand and foot 100
 Other disablements
 Very severe facial disfigurement 100
 Total loss of speech 70

Limited restriction of movement of joint through injury without penetration, or limited function of limb through fracture, or compound fracture of thumb or 2 or more fingers of either hand with impaired function 20

Ankyloses in optimum position, i.e., the position of greatest usefulness
 Right Left Arm
 Shoulder.40% 30%

Elbow40% 30%

Wrist. 30% 20%

Leg

Hip 60%

Knee 40%

Ankle 30%

Defective vision

Loss of sight 100%

Loss of one eye without complications, the other eye being normal40%

Loss of vision of one eye with complications or disfigurement,

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the other eye being normal. 40%

Loss of vision of one eye without complications or disfigurement, the other eye being normal 30% Other degree of defective vision

When best obtainable When one eye acuity in Assessment removed--best Assessment obtainable One eye The other acuity in remaining
Per cent. eye, with or without Per cent. glasses is

1. 6/6 6/24 15.19 1. 6/6 or 6/36 2. 6/9 40

2. 6/9 6/60 20 3. 6/12 or 3/60

3. 6/12 Nil 30 4. 6/18 50

4. 6/18 6/18 15.19 5. 6/24 70

5. 6/18 6/24 30 6. 6/36 80

6. 6/18 6/36

7. 6/18 6/60 40 7. 6/60 90

8. 6/18 6/60 8. 3/60

9. 6/18 Nil 50

10. 6/24 6/24 30 9. Nil 100

11. 6/24 6/36 40

12. 6/24 6/60 50

13. 6/24 3/60

14. 6/24 Nil 70

15. 6/36 6/36 50

16. 6/36 6/60 60

17. 6/36 3/60

18. 6/36 Nil 80

19. 6/60 6/60 80

20. 6/60 3/60

21. 6/60 Nil 90

22. 3/60 3/60 80

23. 5/60 Nil 90

24. Nil Nil 100

Defective hearing

Assessment should be based on the Grade attained using both ears together; the percentage assessment

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appropriate to the Grade thus attained is given in the last column.

Grade of hearing attained Assessment of both ears used together

- 1.Total deafness 80%
 - 2.Shout not beyond 3 feet 70%
 - 3.Conversational voice not over 1 foot . . . 60%
 - 4.Conversational voice not over 3 feet . . . 40%
 - 5.Conversational voice not over 6 feet . . . 20%
 - 6.Conversational voice not over 9 feet--.
- (a) one year to totally deaf 20%
- (b) otherwise 20%

A case in which the right ear attained grade 4, the left ear grade 2 and both ears together grade 3 should, therefore, be recorded thus:

R.4 L2.R plus L3 Assessment 60 per cent.

The assessment given above take into account minor ailments such as headache, vertigo tinnitus, sleeplessness, etc., which generally accompany deafness.

Offences and Relevant Penal Sections in Cyber Crime

S.No.	Nature of Complaint	Applicable section (s) and punishments under IT Act 2000	Applicable section(s) under other Laws and punishment
1.	Mobile phone lost/stolen		Section 379 IPC up to 3 years imprisonment or fine or both
2.	Receiving stolen computer/mobile phone /data (data or computer or mobile phone owned by you is found in the hands of someone else	Section 66 B of IT Act 2000 – Up to 3 years imprisonment or Rupees one lakh fine or both	Section 411 IPC – up to 3 years imprisonment or fine or both
3.	Data owned by you or your company in any form is stolen	Section 66 of IT Act 2000 - Up to 3 years imprisonment or fine up to Rupees five lakh or both	Section 379 IPC up to 3 years imprisonment or fine or both
4.	A password is stolen and used by someone else for fraudulent purpose	Section 66C of IT Act 2000 - Up to 3 years imprisonment or Rupees one lakh fine Section 66 D of IT Act 2000 - Up to 3 years imprisonment or Rupees	Section 419 IPC – upto 3 years imprisonment or fine Section 420 IPC - upto 7 years imprisonment or fine

		one lakh fine	
5.	An e-mail is read by someone else by fraudulently making use of password	Section 66 of IT Act 2000 - Up to 3 years imprisonment or fine up to Rupees five lakh or both Section 66C of IT Act 2000 - Up to 3 years imprisonment or Rupees one lakh fine	
6.	A bio metric thumb impression is misused	Section 66C of IT Act 2000 - Up to 3 years imprisonment or Rupees one lakh fine	
7.	An electronic signature of digital signature is misused	Section 66C of IT Act 2000 - Up to 3 years imprisonment or Rupees one lakh fine	
8.	A Phishing e-mail is sent out in your name, asking for login credentials	Section 66 D of IT Act 2000 - Up to 3 years imprisonment or Rupees one lakh fine	Section 419 IPC – upto 3 years imprisonment or fine
9.	Capturing, publishing or transmitting the image of a private area without any person's consent or knowledge	Section 66 E of IT Act 2000 - Up to 3 years imprisonment or fine not exceeding Rupees two lakh or both	Section 292 IPC- upto 2 years imprisonment and fine Rupees 2000 and upto 5 years and rupees 5000 for second and subsequent conviction

10.	Tempering with computer source document	Section 65 of IT Act 2000 - Up to 3 years imprisonment or fine upto rupees two lakh or both Section 66 of IT Act 2000 - Up to 3 years imprisonment or fine up to Rupees five lakh or both	
11.	Data Modification	Section 66 of IT Act 2000 - Up to 3 years imprisonment or fine up to Rupees five lakh or both	
12.	Sending offensive messages through communication service , etc.		Section 500 IPC – upto 2 years or fine or both Section 504 IPC - upto 2 years or fine or both Section 506 IPC - upto 2 years or fine or both – if threat be to cause death or grievous hurt, etc. – up to 7 years or fine or both Section 507 IPC - upto 2 years along with punishment u/s 506 IPC Section 508 IPC - upto 1

			years or fine or both Section 509 IPC - upto 1 years or fine or both
13.	Publishing or transmitting obscene material in electronic form	Section 67 of IT Act 2000 – first conviction up to 3 years and 5 lakhs Second and subsequent conviction – upto 5 years and upto 10 lakhs	Section 292 IPC- upto 2 years imprisonment and fine Rupees 2000 and upto 5 years and rupees 5000 for second and subsequent conviction
14.	Publishing or transmitting of material containing sexually explicit act, etc. in electronic form	Section 67 of IT Act 2000 – first conviction up to 3 years and 5 lakhs Second and subsequent conviction – upto 5 years and upto 10 lakhs	Section 292 IPC- upto 2 years imprisonment and fine Rupees 2000 and upto 5 years and rupees 5000 for second and subsequent conviction
15.	Publishing or transmitting of material depicting children in sexually explicit act, etc. in electronic form	Section 67 B of IT Act 2000 – first conviction upto 5 years and upto 10 lakhs Second and subsequent conviction – upto 7years and upto 10 lakhs	Section 292 IPC- upto 2 years imprisonment and fine Rupees 2000 and upto 5 years and rupees 5000 for second and subsequent conviction
16.	Misusing a Wi-fi	Section 66 of IT Act 2000 - Up to 3	

	connection - if done against State	years imprisonment or fine up to Rupees five lakh or both Section 66F of IT ACT 2000 – life imprisonment	
17.	Planting a computer virus- if done against the State	Section 66 of IT Act 2000 - Up to 3 years imprisonment or fine up to Rupees five lakh or both Section 66F of IT ACT 2000 – life imprisonment	
18.	Conducting a denial of service attack against a government computer	Section 66 of IT ACT 2000 - Up to 3 years imprisonment or fine up to Rupees five lakh or both Section 66F of IT ACT 2000 – life imprisonment	
19.	Stealing data from a government computer that has significance from national security perspective	Section 66 of IT ACT 2000 - Up to 3 years imprisonment or fine up to Rupees five lakh or both Section 66F of IT ACT 2000 – life imprisonment	
20.	Not allowing the	Section 69 of IT ACT 2000 –	

	authorities to decrypt all communication that passes through computer or network	Imprisonment upto 7 years and fine	
21.	Intermediaries not providing access to information stored on their computer to the relevant authorities	Section 69 of IT ACT 2000 – Imprisonment upto 7 years and fine	
22.	Failure to block web sites when ordered	Section 69 A of IT ACT 2000 – Imprisonment upto 7 years and fine	
23.	Sending threatening messages by e-mail		Section 504 IPC - upto 2 years or fine or both
24.	Word, gesture or act intended to insult the modesty of a woman		Section 509 IPC - upto 1 years or fine or both – IPC as applicable
25.	Sending defamatory messages by e-mail		Section 500 IPC – upto 2 years or fine or both
26.	Bogus websites, cyber frauds	Section 66 D of IT ACT 2000 - Up to 3 years imprisonment or Rupees one lakh fine	Section 419 IPC – upto 3 years imprisonment or fine Section 420 IPC - upto 7

			years imprisonment or fine
27.	E-mail spoofing	Section 66C of IT ACT 2000 - Up to 3 years imprisonment or Rupees one lakh fine	Section 465 IPC – upto 2 years or fine or both Section 468 IPC – upto 7 years imprisonment and fine
28.	Making a false document	Section 66 D of IT ACT 2000 - Up to 3 years imprisonment or Rupees one lakh fine	Section 465 IPC – upto 2 years or fine or both
29.	Forgery for purpose of cheating	Section 66 D of IT ACT 2000 - Up to 3 years imprisonment or Rupees one lakh fine	Section 468 IPC – upto 7 years imprisonment and fine
30.	Forgery for purpose of harming reputation	Section 66 D of IT ACT 2000 - Up to 3 years imprisonment or Rupees one lakh fine	Section 469 – upto 3 years and fine
31.	E-mail abuse		Section 500 IPC – upto 2 years or fine or both
32.	Punishment for criminal intimidation		Section 506 IPC - upto 2 years or fine or both – if threat be to cause death or

			grievous hurt, etc – upto 7 years or fine or both
33.	Copyright infringement	Section 66 of IT ACT 2000 - Up to 3 years imprisonment or fine up to Rupees five lakh or both	Section 63, 63B Copyright Act, 1957
34.	Theft of computer hardware		Section 379 IPC up to 3 years imprisonment or fine or both
35.	Online Sale of Drugs		NDPS Act
36.	Online Sale of Arms		Arms Act