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IT ACT 2008  
Snehal Sir's Portion  
Compiled by U19CS012

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### 1.) Section 69 of IT Act

Powers to issue directions for **interception or monitoring or decryption** of any information through any computer resource

Punishment if violated: An imprisonment for a term which may extend to **seven years** and shall also be liable to fine.

### 2.) Section 69A of IT Act

Power to issue directions for **blocking for public access** of any information through any computer resource.

Punishment if violated: An imprisonment for a term which may extend to **seven years** and shall also be liable to fine.

### 3.) Section 69B of IT Act

Power to **authorize to monitor and collect traffic data** or information through any computer resource for Cyber Security.

Punishment if violated: An imprisonment for a term which may extend to **three years** and shall also be liable to fine.

#### 4.) Section 70 of IT Act

Protected system / "Critical Information Infrastructure"

Punishment if violated: Any person who **secures access or attempts to secure access** to a protected system in contravention of the provisions of this section shall be punished with imprisonment of either description for a term which may extend to **ten years** and shall also be liable to fine.

#### 5.) Section 70A of IT Act

National nodal agency

The national nodal agency designated shall be responsible for all measures including **Research and Development** relating to protection of Critical Information Infrastructure.

#### 6.) Section 70B of IT Act

Indian **Computer Emergency Response Team (CERT)** to serve as national agency for incident response

Punishment if violated: A imprisonment for a term which may extend to **one year** or with fine which may extend to **one lakh rupees** or with both

## **PENALTIES, COMPENSATION AND ADJUDICATION**

### **7.) Section 43 of IT Act [a-j]**

Penalty and Compensation for damage to computer, computer system, etc
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If any person without permission of the owner or any other person who is incharge of a computer, computer system or computer network –

- (a) **accesses or secures access** to such computer, computer system or computer network or computer resource (ITAA2008)
- (b) **downloads, copies or extracts** any data, computer data base or information from such computer, computer system or computer network including information or data held or stored in any removable storage medium;
- (c) introduces or causes to be introduced any computer contaminant or **computer virus** into any computer, computer system or computer network;
- (d) **damages** or causes to be damaged any computer, computer system or computer network, data, computer data base or any other programmes residing in such computer, computer system or computer network;
- (e) **disrupts** or causes disruption of any computer, computer system or computer network;
- (f) denies or causes the **denial of access** to any person authorised to access any computer, computer system or computer network by any means;
- (g) provides any **assistance** to any person to facilitate access to a computer, computer system or computer network in contravention of the provisions of this Act, rules or regulations made thereunder,
- (h) **charges** the services availed of by a person to the account of another person by tampering with or manipulating any computer, computer system, or computer network,

(i) destroys, deletes or alters any information residing in a computer resource or **diminishes its value** or utility or affects it injuriously by any means (Inserted vide ITAA-2008)

(j) Steals, conceals, destroys or alters or causes any person to **steal**, conceal, destroy or alter any computer **source code** used for a computer resource with an intention to cause damage, (Inserted vide ITAA 2008)

## 8.) Section 43A of IT Act

### Compensation for failure to protect data

Where a **body corporate**, possessing, dealing or handling any **sensitive personal data or information** in a computer resource which it owns, controls or operates, is negligent in implementing and maintaining reasonable security practices and procedures and thereby causes wrongful loss or wrongful gain to any person, such body corporate shall be liable to pay damages by way of compensation, not exceeding **five crore rupees**, to the person so affected.

## 9.) Section 65 of IT Act

### Tampering with Computer Source Documents

Whoever **knowingly** or **intentionally** conceals, destroys or alters or intentionally or knowingly causes another to conceal, **destroy** or alter any computer source code used for a computer, computer programme, computer system or computer network, when the computer source code is required to be kept or maintained by law for the time being in force, shall be punishable with imprisonment up to **three years**, or with fine which may extend up to **two lakh rupees**, or with both.

## 10.) Section 66 of IT Act

### Computer Related Offences

If any person, **dishonestly**, or **fraudulently**, does any act referred to in section 43, he shall be punishable with imprisonment for a term which may extend to **three years** or with fine which may extend to **five lakh rupees** or with both.

## 11.) Section 66A of IT Act – UNCONSTITUTIONAL BY SUPREME COURT

Punishment for sending **offensive messages** through communication service

Why? – Freedom of Speech is Violated

## 12.) Section 66B of IT Act

Punishment for dishonestly receiving **stolen computer resource** or communication device

Whoever dishonestly receives or retains any stolen computer resource or communication device knowing or having reason to believe the same to be stolen computer resource or communication device, shall be punished with imprisonment of either description for a term which may extend to **three** years or with fine which may extend to rupees **one lakh** or with both.

## 13.) Section 66C of IT Act

Punishment for **identity theft**

Whoever, fraudulently or dishonestly make use of the electronic signature, password or any other unique identification feature of any other person, shall be punished with imprisonment of either description for a term which may extend to **three** years and shall also be liable to fine which may extend to rupees **one lakh**.

## 14.) Section 66D of IT Act

Punishment for **cheating by personation** by using computer resource

Whoever, by means of any communication device or computer resource cheats by personation, shall be punished with imprisonment of either description for a term which may extend to **three** years and shall also be liable to fine which may extend to **one lakh** rupees.

## 15.) Section 66E of IT Act

### Punishment for **violation of privacy**

Whoever, intentionally or knowingly **captures, publishes or transmits the image** of a private area of any person **without his or her consent**, under circumstances violating the privacy of that person, shall be punished with imprisonment which may extend to **three** years or with fine not exceeding **two lakh** rupees, or with both

## 16.) Section 66F of IT Act

### Punishment for **cyber terrorism**

Whoever commits or conspires to commit cyber terrorism shall be punishable with imprisonment which may extend to imprisonment for life.

## 17.) Section 67 of IT Act

### Punishment for publishing or transmitting obscene material in electronic form

Whoever publishes or transmits or causes to be published in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to **two three** years and with fine which may extend to **five lakh rupees** and in the event of a second or subsequent conviction with imprisonment of either description for a term which may extend to **five years** and also with fine which may extend to **ten lakh rupees**.

## 18.) Section 67A of IT Act

### Punishment for publishing or transmitting of material containing **sexually explicit act**,etc. in electronic form

Whoever publishes or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct shall be punished on first conviction with imprisonment of either description for a term which may extend to **five years** and with fine which may extend to **ten lakh** rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to **seven years** and also with fine which may extend to **ten lakh** rupees.

This section and section 67 does not **extend** to any book, pamphlet, paper, writing, drawing, painting, representation or figure in electronic form-

- (i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of **science, literature, art, or learning** or other objects of general concern; or
- (ii) which is kept or used bona fide for **religious purposes**.

## 19.) Section 67B of IT Act

Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc. in electronic form.

Whoever,-

- (a) publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct or
- (b) creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner or
- (c) cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource or
- (d) facilitates abusing children online or
- (e) records in any electronic form own abuse or that of others pertaining to sexually explicit act with children,

shall be punished on first conviction with imprisonment of either description for a term which may extend to **five** years and with a fine which may extend to **ten** lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to **seven** years and also with fine which may extend to **ten lakh** rupees.

## 20.) Section 67C of IT Act

Preservation and Retention of information by **intermediaries**

Intermediary shall preserve and retain such information as may be specified for such duration and in such manner and format as the Central Government may prescribe.

## 21.) Section 72 of IT Act

Breach of **confidentiality** and **privacy**

Punishment: Person shall be punished with imprisonment for a term which may extend to **two** years, or with fine which may extend to **one lakh** rupees, or with both.

## 22.) Section 72 A of IT Act

Punishment for Disclosure of information in breach of lawful contract

Punished with imprisonment for a term which may extend to **three** years, or with a fine which may extend to **five** lakh rupees, or with both

## 23.) Section 76 of IT Act

Confiscation

Any computer, computer system, floppies, compact disks, tape drives or any other accessories related thereto, in respect of which any provision of this Act, rules, orders or regulations made there under has been or is being contravened, shall be liable to confiscation:



Provided that where it is established to the satisfaction of the court adjudicating the confiscation that the person in whose possession, power or control of any such computer, computer system, floppies, compact disks, tape drives or any other accessories relating thereto is found is not responsible for the contravention of the provisions of this Act, rules, orders or regulations made there under, the court may, instead of making an order for confiscation of such computer, computer system, floppies, compact disks, tape drives or any other accessories related thereto, make such other order authorized by this Act against the person contravening of the provisions of this Act, rules, orders or regulations made there under as it may think fit.

## 24.) Section 77B of IT Act

Offences with three years imprisonment to be cognizable
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Notwithstanding anything contained in Criminal Procedure Code 1973, the offence punishable with imprisonment of **three years and above** shall be **cognizable** and the offence punishable with **imprisonment of three years** shall be **bailable**.

## 25.) Section 84B of IT Act

Punishment for <b>abetment</b> of offences
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Whoever abets any offence shall, if the act **abetted** is committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be **punished with the punishment provided for the offence under this Act**.

Explanation: An Act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

## 26.) Section 84C of IT Act

Punishment for <b>attempt</b> to commit offences
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Whoever attempts to commit an offence punishable by this Act or causes such an offence to be committed, and in such an attempt does any act towards the commission of the offence, shall, where no express provision is made for the punishment of such

attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to **one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence or with both.**

## 27.) Section 354D of IPC

### Cyber Stalking

Any man who--

- (i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or
- (ii) monitors the use by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking

Whoever commits the offence of stalking shall be punished on **first conviction** with imprisonment of either description for a term which may extend to **three years**, and shall also be liable to **fine**; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to **five years**, and shall also be liable to **fine**.

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