



VIT[®]
Vellore Institute of Technology
(Deemed to be University under section 3 of UGC Act, 1956)

Legal Aspects of Business

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Recapitulate

Information Technology Act, 2000

- Regulation of Certifying Authorities
- Appointment and functions of CCA
- Approval, Renewal and Revocation of Certifying Authorities
- Duties of Subscribers

Information Technology Act, 2000

Offence and Penalties

Penalty and compensation for damage to computer, computer system, etc. (Sec.43)

If a person does any of the things given below, without permission of the owner or any other person who is in charge of a computer, computer system or computer network, he shall be liable to pay damages by way of compensation not exceeding Rs.1 crore to the person so affected, i.e., if he;

- a. Access or secure access
- b. Downloads, copies or extracts of any data
- c. Introduces or causes contaminant or virus into it
- d. Damages or causes to be damaged to the database or programmes
- e. Disrupts
- f. Denial of access to any person authorized to access
- g. Tampering or manipulating
- h. Destroys, deletes or alters any information
- i. Steals, conceals, destroys or alters source code

Information Technology Act, 2000

Offence and Penalties

Penalty for failure to furnish information, return, etc.

- a. Fails to furnish any document, return or report to the Controller or the Certifying Authority, fails to furnish the same, shall be liable to pay penalty not exceeding Rs.1,50,000
- b. File any return or furnish any information, books or other documents within the time specified, shall be liable to a penalty not exceeding Rs.5,000 for every day during such failure continues
- c. Maintain books of account or records, fails to maintain the same, shall be punishable with penalty not exceeds Rs.10,000 for every day during which the failure continues

Information Technology Act, 2000

The Cyber Appellate Tribunal

The Central Government shall, by notification, establish one or more appellate tribunals to be known as the Cyber Appellate Tribunal.

Composition of Cyber Appellate Tribunal

Consist of Chairperson and such other number of members decides by the Central Government.

Qualification for Appointment as Chairperson and Members of Cyber Appellate Tribunal

Chairperson – Judge of a High Court

Members – Experienced in the field of ICT and served in the post of Additional Secretary to the Government of India or any equivalent post for not less than 1 year or any equivalent post in the Central or State Government for a period of not less than 7 years.

Information Technology Act, 2000

The Cyber Appellate Tribunal

- **Term of Office, Conditions of Services, etc., of the Chairperson and Members**

Shall hold the office for a term of 5 years from the date on which enters upon his office or until attains the age of 65 years, whichever is earlier.

- **Salary, allowances and other terms and conditions of service of chairperson and members**
- **Powers of superintendence, direction, etc.**
- **Distribution of business among Benches**
- **Power of chairperson to transfer cases**
- **Decision by majority**
- **Resignation**
- **Removal**
- **Disposal of appeal**
- **Appeal to High Court**

Information Technology Act, 2000

Offences and Penalties

Tampering with computer source documents

If a person knowingly conceals, destroys or alters, any computer source code, computer programme, computer system and computer network, shall be punishable with imprisonment upto 3 years, or with fine which may extend to Rs.2,00,000 or with both

Computer related offence (Refer Sec.43)

Shall be punishable with imprisonment for a term which may extend to 3 years or with fine which may extend to Rs.5,00,000 or with both

Punishment for sending offensive messages through communication services, etc.

Shall be punishable with imprisonment or with fine or both

Punishment for dishonestly receiving stolen computer resource or communication device

Shall be punishable with imprisonment for a term which may extend to 3 years or with fine which may extend to Rs.1,00,000 or with both.

Information Technology Act, 2000

Offences and Penalties

Punishment for identity theft

Shall be punishable with imprisonment for a term which may extend to 3 years or with fine which may extend to Rs.1,00,000 or with both

Punishment for cheating by personation by using computer resource

Shall be punishable with imprisonment for a term which may extend to 3 years or with fine which may extend to Rs.1,00,000 or with both

Punishment for violation of privacy

Shall be punishable with imprisonment for a term which may extend to 3 years or with fine which may extend to Rs.2,00,000 or with both

Punishment of cyber terrorism

Shall be punishable with imprisonment which may extend to life time.

Punishment for publishing or transmitting obscene material in electronic form

First conviction with imprisonment or fine extend to Rs.5,00,000, in the event of second or subsequent conviction with imprisonment or fine extend to Rs.10,00,000

Information Technology Act, 2000

Offences and Penalties

Punishment for publishing, transmitting of material containing sexually explicit act, etc.

Shall be punishable on First conviction with imprisonment which extend to 5 years or fine extend to Rs.10,00,000, in the event of second or subsequent conviction with imprisonment which extend to 7 years or fine extend to Rs.10,00,000

Penalty for misrepresentation

Shall be punishable with imprisonment for a term which may extend to 2 years or with fine which may extend to Rs.1,00,000 or with both

Penalty for breach of confidentiality and privacy

Shall be punishable with imprisonment for a term which may extend to 3 years or with fine which may extend to Rs.5,00,000 or with both

Penalty for disclosure of information in breach of lawful contract

Shall be punishable with imprisonment which may extend to life time.

Confiscation: Any computer, disks, tape drives, etc. shall be liable to confiscation

Review Questions

Answer

Thank You