

Cyber Crimes Offenses & Penalties In India

India Information Technology Act has been protecting citizens from white-collar crimes to attacks by terrorist

The laws for cyber crime safeguard citizens from dispensing critical information to a stranger online. The rise of the 21st century marked the evolution of cyberlaw in India with the **Information Technology Act, 2000**.

Most of the cyber crimes – Hacking, Data theft, Illegal tampering with source codes are listed under the Information Technology Act (IT Act), which was amended in 2008. The Act explains the types of cyber-crime as well as the associated punishment. The complete table is provided to create cyber awareness among the people of India.

Section 65

Offence : Tampering with computer source documents

If a person 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.

Penalty : Imprisonment up to three years, or/and with fine up to ₹200,000

Section 66

Offence : Hacking with computer system

If a person with the intent to cause or knowing that he is likely to cause wrongful loss or damage to the public or any person destroys or deletes or alters any information residing in a computer resource or diminishes its value or utility or affects it injuriously by any means, commits hack.

Penalty: Imprisonment up to three years, or/and with fine up to ₹500,000

Section 66B

Offence : Receiving stolen computer or communication device

A person receives or retains a computer resource or communication device which is known to be stolen or the person has reason to believe is stolen.

Penalty: imprisonment up to three years, or/and with fine up to ₹100,000

Section 66C

Offence : Using password of another person

A person fraudulently uses the password, digital signature or other unique identification of another person.

Penalty: Imprisonment up to three years, or/and with fine up to ₹100,000

Section 66D

Offence : Cheating using computer resource

If a person cheats someone using a computer resource or communication.

Penalty: Imprisonment up to three years, or/and with fine up to ₹100,000

Section 66E

Offence : Publishing private images of others

If a person captures, transmits or publishes images of a person's private parts without his/her consent or knowledge.

Penalty: Imprisonment up to three years, or/and with fine up to ₹200,000

Section 66F

Offence : Acts of cyberterrorism

If a person denies access to an authorised personnel to a computer resource, accesses a protected system or introduces contaminants into a system, with the intention of threatening the unity, integrity, sovereignty or security of India, then he commits cyberterrorism.

Penalty: Imprisonment up to life.

Section 67

Offence : Publishing information which is obscene in electronic form.

If a person 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.

Penalty: Imprisonment up to five years, or/and with fine up to ₹1,000,000

Section 67A

Offence : Publishing images containing sexual acts.

If a person publishes or transmits images containing a sexual explicit act or conduct.

Penalty: Imprisonment up to seven years, or/and with fine up to ₹1,000,000

Section 67B

Offence : Publishing child porn or predating children online

If a person captures, publishes or transmits images of a child in a sexually explicit act or conduct. If a person induces a child into a sexual act. A child is defined as anyone under 18.

Penalty: Imprisonment up to five years, or/and with fine up to ₹1,000,000 on first conviction.
Imprisonment up to seven years, or/and with fine up to ₹1,000,000 on second conviction.

Section 67C

Offence : Failure to maintain records

Persons deemed as intermediary (such as an ISP) must maintain required records for stipulated time. Failure is an offence.

Penalty: Imprisonment up to three years, or/and with fine.

Section 68

Offence : Failure/refusal to comply with orders

The Controller may, by order, direct a Certifying Authority or any employee of such Authority to take such measures or cease carrying on such activities as specified in the order if those are necessary to ensure compliance with the provisions of this Act, rules or any regulations made thereunder. Any person who fails to comply with any such order shall be guilty of an offence.

Penalty: Imprisonment up to 2 years, or/and with fine up to ₹100,000

Section 69

Offence : Failure/refusal to decrypt data

If the Controller is satisfied that it is necessary or expedient so to do in the interest of the sovereignty or integrity of India, the security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence, for reasons to be recorded in writing, by order, direct any agency of the Government to intercept any information transmitted through any computer resource. The subscriber or any person in charge of the computer resource shall, when called upon by any agency which has been directed, must extend all facilities and technical assistance to decrypt the information. The subscriber or any person who fails to assist the agency referred is deemed to have committed a crime.

Penalty: Imprisonment up to seven years and possible fine

Section 70

Offence : Securing access or attempting to secure access to a protected system

The appropriate Government may, by notification in the Official Gazette, declare that any computer, computer system or computer network to be a protected system. The appropriate Government may by order in writing, authorise the persons who are authorised to access protected systems. If a person who secures access or attempts to secure access to a protected system, then he is committing an offence.

Penalty: Imprisonment up to ten years, or/and with fine.

Section 71

Offence : Misrepresentation

If anyone makes any misrepresentation to, or suppresses any material fact from, the Controller or the Certifying Authority for obtaining any license or Digital Signature Certificate.

Penalty: Imprisonment up to 2 years, or/and with fine up to ₹100,000

