



Understanding Offences under IT Law

This presentation introduces offenses governed by the Information Technology (Amendment) Act, 2008, focusing on three key areas: Abetment, Attempt to Offend, and Misrepresentation. These laws are crucial for maintaining digital security and integrity in an increasingly interconnected world.

We will explore the legal definitions, implications, and punishments associated with each type of offense. Understanding these provisions is essential for law students and legal professionals navigating the complexities of cyber law. Let's delve into the specifics of each area to gain a comprehensive understanding.

Abetment

As per Section 107 of the Indian Penal Code (IPC), “**Abetment**” means instigating, encouraging, assisting, or conspiring with someone to commit a crime. Abetment includes instigating someone to commit a crime, conspiring for a crime, and aiding in committing the crime. Even if a person does not commit the crime themselves, they are punishable if involved in any of the above ways.

Instigation

Directly provoking someone to commit an offense.

Conspiracy

Planning a crime together with one or more individuals.

Aiding

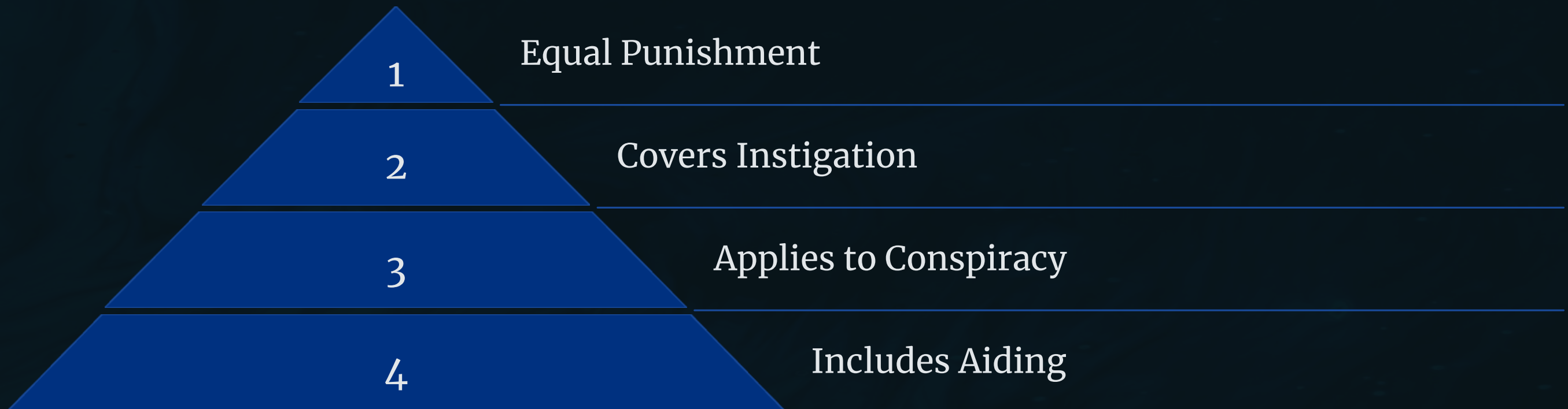
Providing support or resources to facilitate the commission of a crime.

EXAMPLE FOR ABETMENT



Punishment for Abetment under IT Law

Section 84B of the IT (Amendment) Act, 2008, states that if a person abets an offence and it is committed as a result, they shall be punished as per the punishment for that offence. This applies when no separate punishment for abetment is specified in the Act. Abetment covers instigation, conspiracy, and aiding in offences. The punishment is equivalent to the offence committed.



Attempt to Commit Offences

Section 84C of the IT (Amendment) Act, 2008, addresses attempts to commit offences. If a person attempts to commit an offence and does any act towards it, they can be punished even if the offence is not completed. The punishment, when no specific provision exists, can be up to half of the longest imprisonment term for that offence, or a fine as applicable, or both. A cyber offence attempt is punishable if the person has done something substantial toward committing the crime.



Incomplete Offence



Partial Punishment



Fine Applicable





Misrepresentation

Section 71 of the IT (Amendment) Act, 2008, deals with misrepresentation in digital certification. Anyone who misrepresents or hides a material fact from the Controller or Certifying Authority (CA) to obtain a license or Electronic Signature Certificate is punishable. The punishment includes imprisonment up to 2 years, or a fine up to ₹1,00,000, or both. This ensures individuals provide truthful information when applying for digital certifications.



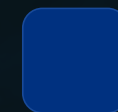
Hiding Facts

Concealing important details from authorities.



False Info

Providing incorrect details to the Certifying Authority.



License

Misleading info to acquire a digital license



Legal Nature of Misrepresentation Offence

Section 77B of the IT Act defines the legal nature of misrepresentation. The offence under Section 71 is Non-cognizable, meaning the police need the court's permission to arrest. It is also Bailable, ensuring the accused has the right to get bail. Although it's a serious issue, the law treats it with moderate gravity, allowing bail and limiting arrest powers.

1

Non-Cognizable

Requires court permission for arrest.

2

Bailable

Accused has the right to bail.



Summary & Importance

In summary, abetment and attempts to commit cyber offences are taken seriously under the IT Act, while misrepresentation affects digital trust and has legal consequences. These provisions protect digital interactions, e-governance, and data integrity, forming a comprehensive framework for cybersecurity. Understanding these laws is critical for all legal professionals and law students.

Digital Trust

Protects integrity of online interactions.

E-Governance

Secures government digital operations.

Data Integrity

Maintains accuracy of digital information.

Thank you