

Offences

Here are some computer crimes and provision for penalties for these offences.

[Section 66] Computer Related Offences (Substituted vide ITAA 2008) :

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 two three years or with fine which may extend to five lakh rupees or with both.

Explanation : For the purpose of this section,-

(a) the word "dishonestly" shall have the meaning assigned to it in section 24 of the Indian Penal Code;

(b) the word "fraudulently" shall have the meaning assigned to it in section 25 of the Indian Penal Code.

[Section 66 A] Punishment for sending offensive messages through communication service, etc.(Introduced vide ITAA 2008) :

Any person who sends, by means of a computer resource or a communication device,-

(a) any **information** that is grossly offensive or has menacing character; or

(b) any **information** which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, or ill will, persistently **by making** use of such computer resource or a communication device,

(c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages **(Inserted vide ITAA 2008)** shall be punishable with imprisonment for a term which may extend to three years and with fine.

Explanation : For the purposes of this section, terms "Electronic mail" and "Electronic Mail Message" means a message or information created or transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, image, audio, video and any other electronic record, which

[Section 66C] Punishment for identity theft. (Inserted Vide ITA 2008) :

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.

[Section 66D] Punishment for cheating by personation by using computer resource (Inserted Vide ITA 2008) :

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.

[Section 66F] Punishment for cyber terrorism :

(1) Whoever,-

(A) with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people by –

(i) denying or cause the denial of access to any person authorized to access computer resource; or

(ii) attempting to penetrate or access a computer resource without authorisation or exceeding authorized access; or

(iii) introducing or causing to introduce any Computer Contaminant and by means of such conduct causes or is likely to cause death or injuries to persons or damage to

or destruction of property or disrupts or knowing that it is likely to cause damage or disruption of supplies or services essential to the life of the community or adversely affect the critical information infrastructure specified under section 70, or

(B) knowingly or intentionally penetrates or accesses a computer resource without authorization or exceeding authorized access, and by means of such conduct obtains access to information, data or computer database that is restricted for reasons of the

security of the State or foreign relations; or any restricted information, data or computer database, with reasons to believe that such information, data or computer database so obtained may be used to cause or likely to cause injury to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence, or to the advantage of any foreign nation, group of individuals or otherwise, commits the offence of cyber terrorism.

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

Publishing of information which is obscene in electronic form

Section 67 provides for punishment to whoever transmits or publishes or causes to be published or transmitted, any material which is obscene in electronic form with imprisonment for a term which may extend to five years and with fine which may extend to Rs.1 lakh on first conviction. In the event of second or subsequent conviction the imprisonment would be for a term which may extend to ten years and fine which may extend to Rs. 2 lakhs.

[Section 67 C] Preservation and Retention of information by intermediaries :

(1) 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.

(2) Any intermediary who intentionally or knowingly contravenes the provisions of sub section (1) shall be punished with an imprisonment for a term which may extend to three years and shall also be liable to fine.

Section 68 provides that the controller may give directions to a Certifying Authority or any employee of such authority to take such measures or cease carrying on such activities as specified in the order, so as to ensure compliance with this law. If any person fails to comply, he shall be liable to imprisonment upto 3 years or fine upto Rs.2 lakhs, or both.