IT ACT AS AMENDED BY INFORMATION TECHNOLOGY (AMENDMENT) ACT 2008

Definitions : Sec 2

(na) "Cyber cafe" means any facility from where access to the Internet is offered by any person in the ordinary course of business to the members of the public.

(nb) "Cyber Security" means protecting information, equipment, devices, computer, computer resource, communication device and information stored therein from unauthorized access, use, disclosure, disruption, modification or destruction.

(ta) "electronic signature" means authentication of any electronic record by a subscriber by means of the electronic technique specified in the second schedule and includes digital signature

(tb) "Electronic Signature Certificate" means an Electronic Signature Certificate issued under section 35 and includes Digital Signature Certificate"

(w) "Intermediary" with respect to any particular electronic records, means any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web hosting service providers, search engines, online payment sites, online-auction sites, online market places and cyber cafes.

Sec 3A Electronic Signature
A subscriber may authenticate any electronic record by such electronic signature or electronic authentication technique which is considered as reliable

Sec 7A Audit of Documents etc in Electronic form
Where in any law for the time being in force, there is a provision for audit of documents, records or information, that provision shall also be applicable for audit of documents, records or information processed and maintained in electronic form

Sec 10A Validity of contracts formed through electronic means
Where in a contract formation, the communication of proposals are expressed in electronic form or by means of an electronic record, such contract shall not be deemed to be unenforceable solely on the ground that such electronic form or means was used for that purpose.

Sec 20 Omitted vide Information Technology (Amendment) Act 2008

Sec 43 :
Intruder shall be liable to pay damages by way of compensation not exceeding **Rs. 1 Crore** to the person so affected.

Sec 43A Compensation for failure to protect data
Where a body corporate dealing any sensitive personal data or information in a computer resource which it owns, 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 Rs.5 Crores** , to the person so affected.

XI. OFFENCES

Sec 65. Tampering with Computer Source Documents
Imprisonment for a term up to 3 years, or with fine which up to Rs. 2 lakh, or both.

Sec 66. Computer Related Offences
Imprisonment for a term upto 3 years or with fine upto Rs.5 lakh or both.

Sec 66 A Punishment for sending offensive messages through communication service
Imprisonment for a term upto three years and with fine.

66 B. Punishment for dishonestly receiving stolen computer resource or communication device
Imprisonment for a term up to three years or with fine up to Rs. 1 lakh or both.

66C Punishment for identity theft
Fraudulent or dishonest make use of the electronic signature, password or any other unique identification feature of any other person, shall be punished with imprisonment for a term up to 3 years and shall also be liable to fine which may extend to Rs. 1 lakh.

66D 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 for a term up to three years and shall also be liable to fine which may extend to Rs.1 lakh.

66E 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, shall be punished with imprisonment which may extend to 3 years or with fine not exceeding two lakh rupees, or with both.

66F. Punishment for cyber terrorism
Punishable with imprisonment which may extend to imprisonment for life.

67. Punishment for publishing or transmitting obscene material in electronic form
First conviction with imprisonment for a term up to three years and with fine up to Rs. 5 lakh and in the event of a second or subsequent conviction with imprisonment of for a term up to five years and also with fine up to Rs.10 lakh.

67A Punishment for publishing or transmitting of material containing sexually explicit act, in electronic form

First conviction with imprisonment of for a term up to five years and with fine up to Rs.10 lakh and in the event of second or subsequent conviction with imprisonment of for a term up to seven years and also with fine which up to Rs.10 lakh .

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

First conviction with imprisonment of for a term up to five years and with fine up to Rs.10 lakh and in the event of second or subsequent conviction with imprisonment of for a term up to seven years and also with fine which up to Rs.10 lakh .

Sec 69A : Power to issue directions for blocking for public access of any information through any computer resource

Punished with an imprisonment for a term up to seven years and also be liable to fine.

Sec 72 A. Punishment for Disclosure of information in breach of lawful contract

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

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