

Lecture- 21



Penalties under Information Technology Act, 2000

The Act provides penalties and compensation in the following cases:

- Penalty for damaging a computer system
- If a person other than the owner uses the computer system and damages it, he shall have to pay all such damages by way of compensation (Section 43). Other reasons for penalties and compensation are:
 - If he downloads or copies any information stored in the system.
 - Introduces any virus to the computer system.
 - Disrupts the system.
 - Denies access to the owner or person authorised to use the computer.
 - Tampers or manipulates the computer system.
 - Destroys, deletes or makes any alteration to the information stored in the system.
 - Steals the information stored therein.
 - Compensation in the case of failure to protect data

According to Section 43A, if any corporation or company has stored the data of its employees or other citizens or any sensitive data in its computer system but fails to protect it from hackers and other such activities, it shall be liable to pay compensation.

Failure to furnish the required information

If any person who is asked to furnish any information or a particular document or maintain books of accounts fails to do so, he shall be liable to pay the penalty. In the case of reports and documents, the penalty ranges from Rupees one lakh to Rupees fifty thousand. For books of accounts or records, the penalty is Rs. 5000. (Section 44)

Residuary Penalty

If any person contravenes any provision of this Act and no penalty or compensation is specified, he shall be liable to pay compensation or a penalty of Rs. 25000.

Appellate tribunal

According to Section 48 of the Act, the Telecom dispute settlement and appellate tribunal under Section 14 of the Telecom Regulatory Authority of India Act, 1997 shall act as the

appellate tribunal under the Information Technology Act, 2000. This amendment was made after the commencement of the Finance Act of 2017.

All the appeals from the orders of the controller or adjudicating officer will lie to the tribunal, but if the order is decided with the consent of the parties, then there will be no appeal. The tribunal will dispose of the appeal as soon as possible but in not more than 6 months from the date of such appeal. (Section 57)

According to Section 62 of the Act, any person if not satisfied with the order or decision of the tribunal may appeal to the High Court within 60 days of such order.

Powers

According to Section 58 of the Act, the tribunal is not bound to follow any provisions of the Code of Civil Procedure, 1908 and must give decisions on the basis of natural justice. However, it has the same powers as given to a civil court under the Code. These are:

- Summon any person and procure his attendance.
- Examine any person on oath.
- Ask to discover or produce documents.
- Receive evidence on affidavits.
- Examination of witnesses.
- Review decisions.
- Dismissal of any application.

Offences and their punishments under Information Technology Act, 2000

S.no.	Offences	Section	Punishment
1	Tampering with the documents stored in a computer system	<u>Section 65</u>	Imprisonment of 3 years or a fine of Rs. 2 lakhs or both.
2	Offences related to computers or any act mentioned in Section 43.	<u>Section 66</u>	Imprisonment of 3 years or a fine that extends to Rs. 5 lakhs or both.
3	Receiving a stolen computer source or device dishonestly	<u>Section 66B</u>	Imprisonment for 3 years or a fine of Rs. 1 lakh or both.
4	Identity theft	<u>Section 66C</u>	Imprisonment of 3 years or a

			fine of Rs. 1 lakh or both
5	Cheating by personation	<u>Section 66D</u>	Either imprisonment for 3 years or a fine of Rs. 1 lakh or both.
6	Violation of privacy	<u>Section 66E</u>	Either imprisonment up to 3 years or a fine of Rs. 2 lakhs or both
7	Cyber terrorism	<u>Section 66F</u>	Life imprisonment
8	Transmitting obscene material in electronic form.	<u>Section 67</u>	Imprisonment of 5 years and a fine of Rs. 10 lakhs.
9	Transmission of any material containing sexually explicit acts through an electronic mode.	<u>Section 67A</u>	Imprisonment of 7 years and a fine of Rs. 10 lakhs.
10	Depicting children in sexually explicit form and transmitting such material through electronic mode	<u>Section 67B</u>	Imprisonment of 7 years and a fine of Rs. 10 lakhs.
11	Failure to preserve and retain the information by intermediaries	<u>Section 67C</u>	Imprisonment for 3 years and a fine.