

## **Criminal Liability for misuse of Information Technology**

### **under Information Technology Act, 2000 and Indian Penal Code, 1860 - A Snapshot**

<b>SNO</b>	<b>SECTION</b>	<b>OFFENCE NAME</b>	<b>DESCRIPTION</b>	<b>PENALTY</b>
1	65	Tampering with computer source document	Intentional concealment, destruction or alteration of the computer source code which is required to be kept or maintained by law	Imprisonment up to 3 years or with fine up to 2 lakh Rupees or with both.
2	66	Hacking with Computer System	Destruction, deletion or alteration of any information residing in a computer resource, decreasing its value or utility or affecting it injuriously by whatever means intentionally or knowingly.	Imprisonment up to 3 years or with fine up to 2 lakh Rupees or with both.
3.	67	Publishing of information which is obscene in electronic form	Publication or transmission by a person or through someone else in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is such which tends 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.	On first conviction with imprisonment up to 5 years and with fine up to 1 lakh Rupees and in the event of a second or subsequent conviction with imprisonment up to 10 years and also with fine up to 2 lakh Rupees.
4	71	Misrepresentation to the Controller or the Certifying Authority	Making any misrepresentation to, or suppression of any material fact from, the Controller or the Certifying Authority for obtaining any licence or Digital Signature Certificate, as the case may be.	Imprisonment for a term which may extend to 2 years, or with fine up to 1 lakh Rupees, or with both
5	72	Penalty for breach of confidentiality and privacy	Any person who, in pursuance of any of the powers conferred under IT Act, has secured access to any electronic record, book, register, correspondence, information or document without the consent of the person concerned discloses such electronic record, book., register, correspondence, information, document to any other person.	Imprisonment for a term which may extend to 2 years, or with fine up to 1 lakh Rupees, or with both.

6	73	Publishing Digital Signature Certificate false in certain particulars	Publishing a Digital Signature Certificate or otherwise making it available to any other person with the knowledge that the Certifying Authority listed in the certificate has not issued it or the subscriber listed in the certificate has not accepted it or the certificate has been revoked or suspended, unless such publication is for the purpose of verifying a digital signature created prior to such suspension or revocation.	Imprisonment for a term which may extend to 2 years, or with fine which may extend to 1 lakh Rupees.
7	74	Publication for fraudulent purpose	Creation, publication or otherwise making available a Digital Signature Certificate for any fraudulent or unlawful purpose.	Imprisonment for a term which may extend to 2 years, or with fine up to 1 lakh Rupees, or with both.
8	Various sections		The IT Act amends the IPC. The word document now includes an electronic record. The result is that any one using forged electronic record or certificates is punishable under the IPC for offences related to false evidences and certificates.	Imprisonments for terms which may extend to 10 years or with fine or with both.
9	120 A	Criminal Conspiracy	Two or more persons agree to do an illegal act or an act by illegal means themselves or through some other persons or means.	Depending on the object of Conspiracy imprisonment for term from 6 months to life imprisonment with or without fine.
10	153 A (1)	Promoting enmity between different groups	By words spoken or written, signs, visible representations or otherwise attempting to promote or promotion of enmity between different groups on grounds of religion, race, domicile, residence, language etc.	Imprisonment for a term which may extend to 3 years, or with fine or with both.
11	292	Sale, etc., of obscene books, etc	Selling, hiring, distribution, public exhibition or putting into circulation of obscene material, taking part or receiving profits of such business, advertisement etc .	On first conviction imprisonment up to 2 years with fine of 2000 Rupees on second or sequent conviction imprisonment up to 5 years with fine of 5000 Rupees.
12	295 A	Deliberate and malicious acts, intended to outrage religious feelings of any class	Using words, signs or visible representations with deliberate and malicious intention to outrage religious feelings of a religious class.	Imprisonment for a term which may extend to 3 years, or with fine or with both.

13	463	Forgery	Making any false electronic record or a part of it with the intention to cause damage or injury to public or any person to commit any fraud or enter into any express or implied contract.	Imprisonment for a term which may extend to 2 years, or with fine or with both.
14	416	Cheating by personation	Cheating by pretending to be some other person or by knowingly substituting one person for another person representing that he or any other person is a person other he or such other person really is. Person personated could be a real or imaginary person.	Imprisonment for a term which may extend to 2 years, or with fine or with both.
15	499	Defamation	Whoever by words either spoken or intended to be read or by signs or by visible representations makes or publishes any imputation concerning any person intending to harm the reputation of such person is said to defame.	Imprisonment for a term which may extend to 2 years, or with fine or with both.
16	501	Printing or engraving matter known to be defamatory	Printing or engraving any matter knowing or having good reason to believe that such matter is defamatory.	Imprisonment for a term which may extend to 2 years, or with fine or with both.
17	503	Criminal Intimidation	Threatening another with any injury to his person, reputation or property or to some person in whom one is interested with the intention to cause alarm to that person or causing him to do any illegal act in order to avoid the threat.	Imprisonments for a term which may extend from 2 years till 7 years, with fine or with both depending on the kind of threat given.
18	505(1), (2)	Statements conducing to public mischief	Making, publishing or circulating any rumour or false report about armed forces of India or with intention to create enmity, hatred or ill-will between classes.	Imprisonment for a term which may extend to 3 years, or with fine or with both.
19	507	Criminal Intimidation by anonymous communication	Criminal Intimidation by anonymous communication or having taken precaution to conceal name and whereabouts of the person giving threat.	Imprisonments for a term which may extend from 2 years till 7 years, with fine or with both depending on the kind of threat given and 2 years additional imprisonment.
20	509	Word, gesture or act intended to insult the modesty of a woman	Utterance of words, making of sound, gesture or exhibition of object in order to intrude the privacy or insult the modesty of a woman.	Imprisonment for a term which may extend to 1 year, or with fine or with both.