

**INFORMATION
TECHNOLOGY ACT, 2000
UNIT 5
OFFENCES UNDER IT ACT**

BY

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. TAMPERING WITH COMPUTER SOURCE DOCUMENTS.

- WHOEVER KNOWINGLY OR INTENTIONALLY CONCEALS, DESTROYS OR ALTERS OR INTENTIONALLY OR KNOWINGLY CAUSES ANOTHER TO CONCEAL, DESTROY OR ALTER ANY COMPUTER SOURCE CODE USED FOR A COMPUTER, COMPUTER PROGRAMME, COMPUTER SYSTEM OR COMPUTER NETWORK, WHEN THE COMPUTER SOURCE CODE IS REQUIRED TO BE KEPT OR MAINTAINED BY LAW FOR THE TIME BEING IN FORCE, SHALL BE PUNISHABLE WITH IMPRISONMENT UP TO THREE YEARS, OR WITH FINE WHICH MAY EXTEND UP TO TWO LAKH RUPEES, OR WITH BOTH.

EXPLANATION-

- FOR THE PURPOSES OF THIS SECTION, "COMPUTER SOURCE CODE" MEANS THE LISTING OF PROGRAMMES, COMPUTER COMMANDS, DESIGN AND LAYOUT AND PROGRAMME ANALYSIS OF COMPUTER RESOURCE IN ANY FORM.

HACKING WITH COMPUTER SYSTEM.

- WHOEVER WITH THE INTENT TO CAUSE OR KNOWING THAT HE IS LIKELY TO CAUSE WRONGFUL LOSS OR DAMAGE TO THE PUBLIC OR ANY PERSON DESTROYS OR DELETES OR ALTERS ANY INFORMATION RESIDING IN A COMPUTER RESOURCE OR DIMINISHES ITS VALUE OR UTILITY OR AFFECTS IT INJURIOUSLY BY ANY MEANS, COMMITS HACK:
- WHOEVER COMMITS HACKING SHALL BE PUNISHED WITH IMPRISONMENT UP TO THREE YEARS, OR WITH FINE WHICH MAY EXTEND UPTO TWO LAKH RUPEES, OR WITH BOTH.

PUBLISHING OF INFORMATION WHICH IS OBSCENE IN ELECTRONIC FORM.

- WHOEVER PUBLISHES OR TRANSMITS OR CAUSES TO BE PUBLISHED IN THE ELECTRONIC FORM, ANY MATERIAL WHICH IS LASCIVIOUS OR APPEALS TO THE PRURIENT INTEREST OR IF ITS EFFECT IS SUCH AS TO TEND 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, SHALL BE PUNISHED ON FIRST CONVICTION WITH IMPRISONMENT OF EITHER DESCRIPTION FOR A TERM WHICH MAY EXTEND TO FIVE YEARS AND WITH FINE WHICH MAY EXTEND TO ONE LAKH RUPEES AND IN THE EVENT OF A SECOND OR SUBSEQUENT CONVICTION WITH IMPRISONMENT OF EITHER DESCRIPTION FOR A TERM WHICH MAY EXTEND TO TEN YEARS AND ALSO WITH FINE WHICH MAY EXTEND TO TWO LAKH RUPEES.

POWER OF CONTROLLER TO GIVE DIRECTIONS.

- THE CONTROLLER MAY, BY ORDER, DIRECT A CERTIFYING AUTHORITY OR ANY EMPLOYEE OF SUCH AUTHORITY TO TAKE SUCH MEASURES OR CEASE CARRYING ON SUCH ACTIVITIES AS SPECIFIED IN THE ORDER IF THOSE ARE NECESSARY TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS ACT, RULES OR ANY REGULATIONS MADE THEREUNDER.

CONTINUE...

- ANY PERSON WHO FAILS TO COMPLY WITH ANY ORDER UNDER SUB-SECTION (1) SHALL BE GUILTY OF AN OFFENCE AND SHALL BE LIABLE ON CONVICTION TO IMPRISONMENT FOR A TERM NOT EXCEEDING THREE YEARS OR TO A FINE NOT EXCEEDING TWO LAKH RUPEES OR TO BOTH.

DIRECTIONS OF CONTROLLER TO A SUBSCRIBER TO EXTEND FACILITIES TO DECRYPT INFORMATION.



IF THE CONTROLLER IS SATISFIED THAT IT IS NECESSARY OR EXPEDIENT SO TO DO IN THE INTEREST OF THE SOVEREIGNTY OR INTEGRITY OF INDIA, THE SECURITY OF THE STATE, FRIENDLY RELATIONS WITH FOREIGN STATES OR PUBLIC ORDER OR FOR PREVENTING INCITEMENT TO THE COMMISSION OF ANY COGNIZABLE OFFENCE, FOR REASONS TO BE RECORDED IN WRITING, BY ORDER, DIRECT ANY AGENCY OF THE GOVERNMENT TO INTERCEPT ANY INFORMATION TRANSMITTED THROUGH ANY COMPUTER RESOURCE.

CONTINUE...

- THE SUBSCRIBER OR ANY PERSON INCHARGE OF THE COMPUTER RESOURCE SHALL, WHEN CALLED UPON BY ANY AGENCY WHICH HAS BEEN DIRECTED UNDER SUB-SECTION (1), EXTEND ALL FACILITIES AND TECHNICAL ASSISTANCE TO DECRYPT THE INFORMATION.
- THE SUBSCRIBER OR ANY PERSON WHO FAILS TO ASSIST THE AGENCY REFERRED TO IN SUB-SECTION (2) SHALL BE PUNISHED WITH AN IMPRISONMENT FOR A TERM WHICH MAY EXTEND TO SEVEN YEARS.



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