

# INFORMATION TECHNOLOGY ACT 2000



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# SECTION 60

- ⌘ Limitation.-The provisions of the Limitation Act, 1963 (36 of 1963), shall, as far as may be, apply to an appeal made to the Cyber Appellate Tribunal.



# SECTION 61

- ⊠ Civil court not to have jurisdiction
- ⊠ No court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an adjudicating officer appointed under this Act or the Cyber Appellate Tribunal constituted under this Act is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.



# SECTION 62

## ⌘ Appeal to High Court

- ⌘ Any person aggrieved by any decision or order of the Cyber Appellate Tribunal may file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Cyber Appellate Tribunal to him on any question of fact or law arising out of such order Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days



# SECTION 63

## ⌘ Compounding of contraventions

- ⌘ (1) Any contravention under this Chapter may, either before or after the institution of adjudication proceedings, be compounded by the Controller or such other officer as may be specially authorised by him in this behalf or by the adjudicating officer, as the case may be, subject to such conditions as the Controller or such other officer or the adjudicating officer may specify: Provided that such sum shall not, in any case, exceed the maximum amount of the penalty which may be imposed under this Act for the contravention so compounded.



- ⌘ (2) Nothing in sub-section (1) shall apply to a person who commits the same or similar contravention within a period of three years from the date on which the first contravention, committed by him, was compounded.



- ⌘ (3) Where any contravention has been compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the person guilty of such contravention in respect of the contravention so compounded.



# SECTION 64

- ⊠ Recovery of penalty
- ⊠ A penalty imposed under this Act, if it is not paid, shall be recovered as an arrear of land revenue and the licence or the Digital Signature Certificate, as the case may be, shall be suspended till the penalty is paid.





# SECTION 65

- ⌘ 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



# SECTION 66

## ☒ Computer related offences

- ☒ If any person, dishonestly or fraudulently, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five lakh rupees or with both.
- ☒ 66(A)- Punishment for sending offensive messages through communication service, etc shall be punishable with imprisonment for a term which may extend to three years and with fine



- ⊠ 66(B)- Punishment for dishonestly receiving stolen computer resource or communication device, shall be punished with imprisonment of either description for a term which may extend to three years or with fine which may extend to rupees one lakh or with both.
- ⊠ 66(C)- Punishment for identity theft, 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
- ⊠ 66(D)-Punishment for cheating by personation by using computer resource, 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



- ⊠ 66(E)-Punishment for violation of privacy, shall be punished with imprisonment which may extend to three years or with fine not exceeding two lakh rupees, or with both.
- ⊠ 66(F)-Punishment for cyber terrorism- Life imprisonment.



# SECTION 67

- ❑ Publishing of information which is obscene in electronic form.
- ❑ on first conviction person will be punished with imprisonment of either description for a term which may extend to five years and with fine which may extend to one lakh rupees
- ❑ 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.



- ⌘ 67(A)-Punishment for publishing or transmitting of material containing sexually explicit act, etc in electronic form, 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 ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees
- ⌘ 67(B)-Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc., in electronic form 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 ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees



- ⌘ 67(C)-Preservation and retention of information by intermediaries, shall be punished with an imprisonment for a term which may extend to three years and also be liable to fine.



# SECTION 68

- ⌘ Power of Controller to give directions.
- ⌘ (1) 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
- ⌘ (2) 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.





# SECTION 69

- ⊠ Directions of Controller to a subscriber to extend facilities to decrypt information.
- ⊠ 69(A)- Power to issue directions for blocking for public access of any information through any computer resource
- ⊠ 69(B)- Power to authorise to monitor and collect traffic data or information through any computer resource for cyber security



# SECTION 70

- ⌘ Protected system- The appropriate Government may, by notification in the Official Gazette, declare any computer resource which directly or indirectly affects the facility of Critical Information Infrastructure, to be a protected system.
- ⌘ 70(A)-National nodal agency.– The Central Government may, by notification published in the Official Gazette, designate any organisation of the Government as the national nodal agency in respect of Critical Information Infrastructure Protection.



- ⌘ 70(B)-Indian Computer Emergency Response Team to serve as national agency for incident response. The Central Government shall, by notification in the Official Gazette, appoint an agency of the Government to be called the Indian Computer Emergency Response Team



# SECTION 71

- ⊠ Penalty for misrepresentation, shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both.



# SECTION 72

- ⊠ Penalty for Breach of confidentiality and privacy
- ⊠ 72(A)-Punishment for disclosure of information in breach of lawful contract, , shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.



# SECTION 73

- ⌘ Penalty for publishing [electronic signature] Certificate false in certain particulars, shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both.



# SECTION 74

- ⊠ Publication for fraudulent purpose, shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both



# SECTION 75

- ⊠ Act to apply for offence or contravention committed outside India. the provisions of this Act shall apply also to any offence or contravention committed outside India by any person irrespective of his nationality.





# SECTION 76

- ⊠ Confiscation.—Any computer, computer system, floppies, compact disks, tape drives or any other accessories related thereto, in respect of which any provision of this Act, rules, orders or regulations made thereunder has been or is being contravened, shall be liable to confiscation.



# SECTION 77

- ⊠ Compensation, penalties or confiscation not to interfere with other punishment.
- ⊠ 77(A)-. Compounding of offences.—A court of competent jurisdiction may compound offences, other than offences for which the punishment for life or imprisonment for a term exceeding three years has been provided, under this Act.
- ⊠ 77(B)-Offences with three years imprisonment to be bailable



# SECTION 78

- ⊠ Power to investigate offences- a police officer not below the rank of [Inspector] shall investigate any offence under this Act.



# SECTION 79

- ⌘ Exemption from liability of intermediary in certain cases- an intermediary shall not be liable for any third party information, data, or communication link made available or hosted by him.
- ⌘ 79(A)- Central Government to notify Examiner of Electronic Evidence. –The Central Government may, for the purposes of providing expert opinion on electronic form evidence before any court or other authority specify, by notification in the Official Gazette, any Department, body or agency of the Central Government or a State Government as an Examiner of Electronic Evidence.

