



SNS COLLEGE OF ENGINEERING

Coimbatore-35
An Autonomous Institution



Accredited by NBA – AICTE and Accredited by NAAC – UGC with 'A+' Grade
Approved by AICTE, New Delhi & Affiliated to Anna University, Chennai

DEPARTMENT OF CSE (IoT, Cyber Security including Blockchain Technology)

19SB623 – ETHICAL HACKING AND CYBER LAWS

III YEAR/ VI SEMESTER

UNIT 2 – REGULATION TO CYBERCRIMES

TOPIC 5 – Penalty and Compensation for Damaging to Computer System

Penalties and Compensation under IT ACT



- ☐ Damage to Computer, Computer System
- ☐ Failure to Protect Data
- ☐ Failure to furnish information
- ☐ Cyber Appellate Tribunal functions and Powers
- ☐ Judicial Review under Constitution of India



- ❑ Computer Contaminant
- ❑ Computer Database
- ❑ Computer Virus
- ❑ Computer Damage
- ❑ Computer Source Code

Damage to Computer, Computer System (Section 43)



- Any person without the permission of the owner or any other person who is in charge of a computer, computer system or computer network
 - ▣ Access such computer/computer system/computer network/computer resource.
 - ▣ Downloads, Copies or extracts any data and stored in any removable storage medium.
 - ▣ Computer contaminant or computer virus.
 - ▣ Damage or causes to computer Programmes.
 - ▣ Disrupts or causes disruption of any computer system or network.
 - ▣ Denial of Access to any person authorized to access.
 - ▣ Destroys, Deletes or alters any information in a computer resource or diminishes its value or utility or affects it injuriously by any means;
 - ▣ Steal, conceals, destroys or alters or cause any person to steal, conceal or destroy or alter any computer source code used for a computer resource with an intention to cause damage shall be liable with a **Max penalty of 1 Crore**

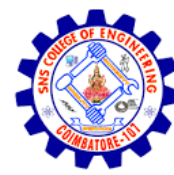
Compensation for Failure to Protect Data (Section 43A)

Protection of data in electronic medium by providing that when an *body corporate* is negligent in implementing and maintaining '*reasonable security practices and procedures*' in relation to any '*sensitive personal data or information*' which it possesses, deals or handles in a computer resource which it owns, controls or operates and such negligence causes *wrongful loss or wrongful gain to any person*, such entity shall be *liable to pay damages by way of compensation to the person so affected*.

Failure to Furnish Information, Return or any Penalty

- Fail to furnish any document – Max . *Fine 1.5 Lakhs for each such failure.*
- Fails to return or furnish the same within the time – *5K per day.*
- Fail to furnish Books of account or records – *10K per day*
- Residuary Penalty – Someone Contravenes any rules and regulations – *25K*

Cyber Appellate Tribunal functions and Powers



- ❑ Establishment of Cyber Appellate Tribunal (Section 48)
- ❑ The composition of Cyber Appellate Tribunal (Section 49)
- ❑ The qualifications for appointment as Presiding Officer of the Cyber Appellate Tribunal (Section 50)
- ❑ The Term of Office (Section 51)
- ❑ Filling up of vacancies (Section 53)
- ❑ Resignation and removal (Section 54)
- ❑ Orders constituting Appellate Tribunal to be final and not to invalidate its proceedings (Section 55)
- ❑ Appeal to Cyber Appellate Tribunal (Section 57)

Cyber Appellate Tribunal functions and Power



- ❑ *Procedure and powers of the Cyber Appellate Tribunal (Section 58)*
- ❑ *Right to Legal Representation (Section 59)*
- ❑ *Limitation (Section 60)*
- ❑ *Civil Court not to have jurisdiction (Section 61)*
- ❑ *Appeal to High Court (Section 62)*
- ❑ *Compounding of contraventions (Section 63)*
- ❑ *Recovery of Penalty (Section 64)*



Powers

- ❑ Summoning and enforcing the attendance of any person and examining him under oath
- ❑ Ensuring the availability of the required documents or electronic records
- ❑ Receiving evidence on affidavits
- ❑ Issuing commissions for examining witnesses or documents
- ❑ Reviewing its decisions
- ❑ Dismissing an application for default or deciding it ex-parte, etc.

PS: Every proceeding deemed to be judicial under Section 196 of IPC & Section 195 and Chapter XXV of Code of criminal procedure, 1973.