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Information Technology Act, 2000

Section 43 - Penalty and Compensation for Damage to Computer, Computer System, Etc

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If any person without permission of the owner or any other person who is incharge, of a computer, computer system or computer network,

(a) accesses or secures access to such computer, computer system or computer network; 1[or computer resource]

(b) downloads, copies or extracts any data, computer data base or information from such computer, computer system or computer network including information or data held or stored in any removable storage medium;

(c) introduces or causes to be introduced any computer contaminant or computer virus into any computer, computer system or computer network;

(d) damages or causes to be damaged any computer, computer system or computer network, data, computer data base or any other programmes residing in such computer, computer system or computer network;

(e) disrupts or causes disruption of any computer, computer system or computer network;

(f) denies or causes the denial of access to any person authorised to access any computer, computer system or computer network by any means;

(g) provides any assistance to any person to facilitate access to a computer, computer system or computer network in contravention of the provisions of this Act, rules or regulations made thereunder;

(h) charges the services availed of by a person to the account of another person by tampering with or manipulating any computer, computer system, or computer network,

2["he shall be liable to pay damages by way of compensation to the person so affected"]

Explanation.For the purposes of this section,

(i) "computer contaminant" means any set of computer instructions that are designed

(a) to modify, destroy, record, transmit data or programme residing within a computer, computer system or computer network; or

(b) by any means to usurp the normal operation of the computer, computer system, or computer network;

(ii) "computer database" means a representation of information, knowledge, facts, concepts or instructions in text, image, audio, video that are being prepared or have been prepared in a formalised manner or have been produced by a computer, computer system or computer network and are intended for use in a computer, computer system or computer network;

(iii) "computer virus" means any computer instruction, information, data or programme that destroys, damages, degrades or adversely affects the performance of a computer resource or attaches itself to another computer resource and operates when a programme, data or instruction is executed or some other event takes place in that computer resource;

(iv) "damage" means to destroy, alter, delete, add, modify or rearrange any computer resource by any means.

(v) "computer source code" means the listing of programme, computer commands, design and lay out and programme analysis of computer resource in any form."

1[(i) destroys, deletes or alters any information residing in a computer resource or diminishes its value or utility or affects it injuriously by any means,

(j) steal, conceal, destroys or alters or causes any person to steal, conceal, destroy or alter any computer source code used for a computer resource with an intention to cause damage".]

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1. Inserted vide Information Technology (Amendment) Act, 2008.

2. Substituted vide Information Technology (Amendment) Act, 2008 Prior to substitution text read as under :-

"he shall be liable to pay damages by way of compensation not exceeding one crore rupees to the person so affected."