

The Information Technology Act, 2000

Section 43 - Penalty and compensation for damage to computer, computer system, etc

¹[43.²[Penalty and compensation] for damage to computer, computer system, etc.--If any person without permission of the owner or any other person who is in charge of a computer, computer system or computer network,--

(a) accesses or secures access to such computer, computer system or computer network³[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;

⁴[(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;]

⁵[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 data-base" 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.

⁴[(v) "computer source code" means the listing of programme, computer commands, design and layout and programme analysis of computer resource in any form.]

¹Subs. by Act 10 of 2009, s. 20, for "PENALTIES AND ADJUDICATION" (w.e.f. 27-10-2009).

²Subs. by s. 21, *ibid.*, for "Penalty" (w.e.f. 27-10-2009).

³Ins. by s. 21, *ibid.* (w.e.f. 27-10-2009).

⁴Ins. by Act 10 of 2009, s. 21 (w.e.f. 27-10-2009).

5Subs. by s. 21, *ibid.*, for certain words (w.e.f. 27-10-2009).

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