

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
STARRED QUESTION NO. *226
TO BE ANSWERED ON: 07.08.2024

**BRINGING FINANCIAL CYBER CRIME OFFENCES UNDER
NON-BAILABLE CATEGORY**

†*226. **SHRI VIVEK THAKUR:**

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether the Government is aware that all the section related to financial cyber crime are bailable under the IT Act;
- (b) if so, the details thereof;
- (c) whether the Government proposes to bring the offences under these sections under the non-bailable offence category; and
- (d) if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI ASHWINI VAISHNAW)

(a) to (d): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN THE REPLY TO LOK SABHA STARRED QUESTION NO. *226 FOR 07.08.2024 REGARDING BRINGING FINANCIAL CYBER CRIME OFFENCES UNDER NON-BAILABLE CATEGORY

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(a) to (d): There are 18 sections under the Information Technology Act, 2000 (“IT Act”) which cover various forms of cyber offences, out of which 6 offences are non-bailable and 12 offences are bailable. Details of all the offences under the IT Act along with their penal consequences are given in Annexure-I.

As per section 77B of the IT Act, an offence punishable with imprisonment of three years and above shall be cognizable and the offence punishable up to imprisonment of three years shall be bailable. Further, the police are empowered to investigate any offence under the IT Act under section 78.

Ministry of Electronics and Information Technology (“MeitY”) regularly engages with and receives inputs from the public and stakeholders, including in respect of changes required to existing legislation and the need to introduce fresh legislation.

Offences under the IT Act along with their penal actions

S. No.	Section No.	Offence	Punishment	Bailable/Cognizable
1	65	Tampering with computer source documents.	Imprisonment up to 3 years or fine up to 2 lakhs or both	Bailable, Cognizable
2	66	Computer related offences: Punishment for doing dishonestly or fraudulently any act cited in section 43 directly or causing any person to do so, such as unauthorised access to or use of, introducing virus to, damages to, disruption of, denial of access to, assistance to access to, wrongful charges to another person's account by tampering with, destroying, deletion or alteration of any information in, computer resource or stealing/ concealing/ destroying any computer source code.	Imprisonment up to 3 years or fine up to 5 lakh or both.	Bailable, Cognizable
3	66B	Punishment for dishonestly receiving stolen computer resource or communication device	Imprisonment up to 3 years or fine up to 1 lakh or both.	Bailable, Cognizable
4	66C	Punishment for identity theft, i.e., making use of	Imprisonment up to 3 years or fine up to 1 lakh or both.	Bailable, Cognizable
5	66D	Punishment for cheating by personation by using computer resource	Imprisonment up to 3 years and fine up to 1 lakh.	Bailable, Cognizable
6	66E	Punishment for violation of privacy.	Imprisonment up to 3 years or fine up to 2 lakh or both	Bailable, Cognizable
7	66F	Punishment for cyber terrorism	Imprisonment which may extend to life.	Non-Bailable, Cognizable
8	67	Punishment for publishing or transmitting obscene material in electronic form	1st Conviction – Imprisonment up to 3 years and fine up to 5 lakh. 2nd Conviction – Imprisonment up to 5 years and fine up to 10 lakh	Bailable, Cognizable
9	67A	Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form	1st Conviction – Imprisonment up to 5 years and fine up to 10 lakh.	Non-Bailable, Cognizable

S. No.	Section No.	Offence	Punishment	Bailable/Cognizable
			2nd Conviction – Imprisonment up to 7 years and fine up to 10 lakh.	
10	67B	Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc., in electronic form	1st Conviction – Imprisonment up to 5 years and fine up to 10 lakh. 2nd Conviction – Imprisonment up to 7 years and fine up to 10 lakh.	Non-Bailable, Cognizable
11	69	Power to issue directions for interception or monitoring or decryption of any information through any computer resource (punishment to intermediary who fails to assist the agency)	Imprisonment up to 7 years and fine	Non-Bailable, Cognizable
12	69A	Power to issue directions for blocking for public access of any information through any computer resource. (punishment to intermediary who fails to comply with such Government direction)	Imprisonment up to 7 years and fine	Non-Bailable, Cognizable
13	69B	Power to authorise to monitor and collect traffic data or information through any computer resource for cyber security. (punishment to intermediary who intentionally or knowingly contravenes by not providing technical assistance)	Imprisonment up to 1 year or fine up to 1 crore or both	Bailable, Cognizable
14	70	Critical Information Infrastructure (CII)/ Protected system: Punishment to any person who secures access or attempts to secure access to any computer resources relating to CII and declared as protected system	Imprisonment up to 10 years and fine	Non-Bailable, Cognizable
15	70B	CERT-In: Indian Computer Emergency Response Team (CERT-In) to serve as national agency for incident response. (punishment to	Imprisonment up to 1 year or fine up to 1 crore or both	Bailable, Non-Cognizable

S. No.	Section No.	Offence	Punishment	Bailable/Cognizable
		any service provider, intermediaries, datacentres, etc., who fails to provide the information called for or comply with the direction issued by the CERT-In)		
16	71	Punishment for misrepresentation to Controller of Certifying Authorities (CCA) or Certifying Authorities	Imprisonment up to 2 years or fine up to 1 lakh or both	Bailable, Non-Cognizable
17	73	Punishment for publishing electronic signature Certificate false in certain particulars	Imprisonment up to 2 years or fine up to 1 lakh or both	Bailable, Non-Cognizable
18	74	Punishment for publication of electronic signature certificate for fraudulent purpose	Imprisonment up to 2 years or fine up to 1 lakh or both	Bailable, Non-Cognizable
