

OFFICE OF THE DIRECTOR GENERAL & INSPECTOR GENERAL OF POLICE:
MEGHALAYA::SHILLONG

CIRCULAR NO. 36/2011.

Sub : **AMENDMENT TO IT ACT, 2000 –REG.**

The IT Act, 2000 was amended in 2008. The amendment came into effect from 27.10.2009. All SsP are requested to refer to the latest IT Act, 2000 and the amendments to the same at the time of investigating cases under the said Act. The following salient features of the major amendments should be brought to the notice of all concerned:-

In Chapter IX of the IT Act, 2000, following 2 sub sections have been added under Sec.43:

(i) Section 43(i) punishment for a person who – “destroys, deletes or alters any information residing in a computer resource or diminishes its value or utility or affects it injuriously by any means”

ii. Section 43 (j) punishment for a person who ` “steals, conceals, destroys or alters or causes any person to steal, conceal, destroy or alter ay computer source code used for a computer recourse with a intention to cause damage.”

Following new subsections have been added under Section 66 :-

New sub sections	<u>Offences</u>	<u>Penalty</u>
66 A	Sending offensive messages through communication service etc.	Imprisonment for a term which may extend to three years and with fine.
66 B	Dishonestly receiving stolen computer resource or communication device.	Imprisonment of either description for a term which may extend to three years or with fine which may extend to one lakh rupees or with both.
66 C	Identity theft	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 D	Cheating by personation by using computer resources.	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	Violations of privacy	Imprisonment which may extend to three years or with fine not exceeding two lakh rupees or with both.
66 F	Cyber Terrorism.	Imprisonment which may extend to imprisonment for life.

4. Following sub sections have been added under sec 67:

New sub sections	<u>Offences</u>	<u>Penalty</u>
67 A	Publishing or transmitting of material containing sexually explicit act in electronic form	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. Second or subsequent conviction with imprisonment of either description for a term which may extend to 7 years and with a fine which may extend to ten lakh rupees.

67 B	Publishing or transmitting depicting children in sexually explicit act in electronic form.	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. Second or subsequent conviction with imprisonment of either description for a term which may extend to 7 years and also with a fine which may extend to ten lakh rupees.
67 C	Omission to preserve and retain information by intermediaries.	Imprisonment for a term which may extend to three years and fine.

Sub Section 72 A prescribes penalty for disclosing information in breach of lawful contract, Sec 77 (A) and 77(A) (2) deal with compounding of offences by a competent court. Section 77 (B) makes all offences with three years imprisonment to be bailable.

As per Section 78, a Police Officer of and above the rank of an Inspector has the power to investigate offences under the Act.

Section 91 (Amendment to the IPC) of the Principal Act has been omitted as per Section 48 of the Amendment Act.

Sections 4, 40, 118, 119, 464 of the IPC have been amended Vide Part III of the Amendment Act.

Sd/-

Director General of Police,
Meghalaya, Shillong.

Dated Shillong the 12th April, 2011.

Memo No. MG/XII-985/2011/12-A

1. The Addl. Director General of Police,(R/PR), Meghalaya, Shillong.
2. The Addl. Director General of Police,(CID), Meghalaya, Shillong.
3. The Addl. Director General of Police,(L&O), Meghalaya, Shillong.
4. The Addl. Director General of Police,(SB), Meghalaya, Shillong.
5. The Addl. Director General of Police,(F&ES),Meghalaya, Shillong.
6. The Addl. Director General of Police,(TAP), Meghalaya, Shillong.
7. The Inspector General of Police,(TAP), Meghalaya, Shillong.
8. The Inspector General of Police (R/PR), Meghalaya, Shillong.
9. The Inspector General of Police (CID), Meghalaya, Shillong.
10. The Inspector General of Police, (SB), Meghalaya, Shillong.
11. The Inspector General of Police (L&O), Meghalaya, Shillong.
12. The Dy. Inspector General of Police (W/R), Meghalaya, Tura.
13. The Spl. Superintendent of Police, (CID), Meghalaya, Shillong.
14. The Superintendent of Police, East Khasi Hills, Shillong
15. The Superintendent of Police, South Garo Hills, Baghmara.
16. The Superintendent of Police, West Khasi Hills, Nongstoin.
17. The Superintendent of Police, Jaintia Hills, Jowai
18. The Superintendent of Police, West Garo Hills, Tura.
19. The Superintendent of Police, Ri-Bhoi District, Nongpoh.
20. The Superintendent of Police, East Garo Hills, Williamangar
21. The Superintendent of Police, (SCRB), Meghalaya, Shillong for information and necessary posting in web.

For favour of kind information.

For information and necessary action.


Asstt. Inspector General of Police, (E),
Meghalaya, Shillong.