

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION No. 2796
TO BE ANSWERED ON 24.3.2023

GUIDELINES FOR ETHICAL HACKING

2796. DR. PRASHANTA NANDA:
SHRI SUJEET KUMAR:

Will the Minister of Electronics and Information Technology be pleased to state:

- (a) the position of Government with respect to whether ethical hacking is legal;
- (b) whether there is an issue of insufficiency under Sections 43, 66 and 72 of the Information Technology Act, 2000; and
- (c) whether guidelines shall be introduced to formalise the trend of ethical hacking in India?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAJEEV CHANDRASEKHAR)

(a) to (c): Section 43 of the Information Technology Act, 2000 provides that if any person, without the permission of the owner or other person in charge of a computer, computer system or computer network, among other things, accesses or damages or disrupts such computer etc., he shall be liable to pay damages by way of compensation to the person affected. Section 66 of the said Act provides punishment for any person dishonestly or fraudulently doing any act referred to in section 43. Section 72 thereof provides punishment for any person who has secured access to any electronic record etc. in pursuance of powers conferred under the Act or rules or regulations made there under disclosing the same without the consent of the person concerned to any other person. It may be seen that liability for compensation or punishment under the said provisions arises only if the acts referred to therein are done without permission or consent. Any act, including an act of ethical hacking, undertaken with the permission/consent of its owner does not attract liability under the said or other provisions of the Act.
