



INFORMATION TECHNOLOGY ACT 2000

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INTRODUCTION

- This Act may be called the Information Technology Act, 2000.
- It shall extend to the whole of India and, save as otherwise provided in this Act, it applies also to any offence or contravention thereunder committed outside India by any person
- The **Information Technology Act, 2000** (also known as **ITA-2000**, or the **IT Act**) is an Act of the Indian Parliament (No 21 of 2000) notified on 17 October 2000. It is the primary law in India dealing with cybercrime and electronic commerce. It is based on the UNCITRAL (United Nations commission on International trade law)model.

Objectives of the IT Act

To provide legal recognition for transactions:-

- ◆ Carried out by means of electronic data interchange, and other means of electronic communication, commonly referred to as "electronic commerce"
 - ◆ To facilitate electronic filing of documents with Government agencies and E-Payments
 - ◆ To amend the Indian Penal Code, Indian Evidence Act, 1872, the Banker's Books Evidence Act 1891, Reserve Bank of India Act, 1934
 - ◆ Aims to provide for the legal framework so that legal sanctity is accorded to all electronic records and other activities carried out by electronic means.
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IT Act 2000 Objectives

- ◆ **Legal Recognition for E-Commerce**
 - Digital Signatures and Regulatory Regime
 - Electronic Documents at par with paper documents
 - ◆ **E-Governance**
 - Electronic Filing of Documents
 - ◆ **Amend certain Acts**
 - ◆ **Define Civil wrongs, Offences, punishments**
 - Investigation, Adjudication
 - Appellate Regime
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NON APPLICABILITY OF THE IT ACT 2000

Nothing in this Act shall apply to –

- a negotiable instrument as defined in section 13 of the Negotiable Instruments Act, 1881.
- a power-of-attorney as defined in section 1A of the Powers-of-Attorney Act, 1882.
- a trust as defined in section 3 of the Indian Trusts Act, 1882.
- a will as defined in clause (h) of section 2 of the Indian Succession Act, 1925 including any other testamentary disposition by whatever name called.
- any contract for the sale or conveyance of immovable property or any interest in such property.
- any such class of documents or transactions as may be notified by the Central Government in the Official Gazette.

AMENDMENTS TO THE IT ACT 2000

- The IT Act has been amended in 2002, 2008, 2017 and 2019.
- In 2002 sec 81 was inserted which provided that the Information Technology Act shall be applicable to electronic cheques and truncated cheque also.
- In 2008 comprehensive changes were introduced in the existing provisions to provide protection to the internet users against cyber offences and cyber terrorism. It also brought all kinds of cell phones, smart phones, tablets and personal digital assistants within the ambit of Indian cyber law.
- May 2017 IT Act was amended by the finance act 2017 that provided for the merger of Cyber Appellate Tribunal under IT Act with TDSAT (Telecom Dispute settlement and Appellate Tribunal) under TRAI (Telecom regularity authority of India) act 1997.
- The IT Act (Certifying authority) Rules , 2000 have been recently amended in 2019 in the light of supreme court verdict on validity of Aadhar.



KEY DEFINITIONS

(SEC 2)

- ❖ **Access** with its grammatical variations and cognate expressions means gaining entry into, instructing or communicating with the logical, arithmetical, or memory function resources of a computer, computer system or computer network;
- ❖ **Addressee** means a person who is intended by the originator to receive the electronic record but does not include any intermediary;
- ❖ **Adjudicating officer** means an adjudicating officer appointed under sub-section (1) of section 46;
- ❖ **Affixing Electronic signature** means adoption of any methodology or procedure by a person for the purpose of authenticating an electronic record by means of digital signature;
- ❖ **Appellate Tribunal** means the Appellate Tribunal referred to in sub-section (1) of section 48
- ❖ **Asymmetric crypto system** means a system of a secure key pair consisting of a private key for creating a digital signature and a public key to verify the digital signature
- ❖ **Certifying Authority** means a person who has been granted a licence to issue an electronic signature Certificate under section 24
- ❖ **certification practice statement** means a statement issued by a Certifying Authority to specify the practices that the Certifying Authority employs in issuing electronic signature Certificates

- ❖ **communication device** means cell phones, personal digital assistance or combination of both or any other device used to communicate, send or transmit any text, video, audio or image
- ❖ **computer** means any electronic, magnetic, optical or other high-speed data processing device or system which performs logical, arithmetic, and memory functions by manipulations of electronic, magnetic or optical impulses, and includes all input, output, processing, storage, computer software or communication facilities which are connected or related to the computer in a computer system or computer network
- ❖ **computer network** means the inter-connection of one or more computers or computer systems or communication device through—
 - (i) the use of satellite, microwave, terrestrial line, wire, wireless or other communication media; and
 - (ii) terminals or a complex consisting of two or more interconnected computers or communication device whether or not the inter-connection is continuously maintained
- ❖ **computer resource** means computer, computer system, computer network, data, computer data base or software;
- ❖ **Information** includes data, message, text, images, sound, voice, codes, computer programmes, software and data bases or micro film or computer generated micro fiche;

- ❖ **Data** means a representation of information, knowledge, facts, concepts or instructions which are being prepared or have been prepared in a formalised manner, and is intended to be processed, is being processed or has been processed in a computer system or computer network, and may be in any form (including computer printouts magnetic or optical storage media, punched cards, punched tapes) or stored internally in the memory of the computer.
- ❖ **Digital signature** means authentication of any electronic record by a subscriber by means of an electronic method or procedure in accordance with the provisions of section 3
- ❖ **Intermediary** with respect to any particular electronic records, means any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes.
- ❖ **key pair** in an asymmetric crypto system, means a private key and its mathematically related public key, which are so related that the public key can verify a digital signature created by the private key.
- ❖ **Private key** means the key of a key pair used to create a digital signature.
- ❖ **Public key** means the key of a key pair used to verify a digital signature and listed in the Digital Signature Certificate

❖ **secure system** means computer hardware, software, and procedure that—

- (a) are reasonably secure from unauthorized access and misuse;
- (b) provide a reasonable level of reliability and correct operation;
- (c) are reasonably suited to performing the intended functions; and
- (d) adhere to generally accepted security procedures;

❖ **Cyber Appellate Tribunal (CAT)** omitted by Finance Act 2017.

❖ **Electronic record** means data, record or data generated, image or sound stored, received or sent in an electronic form or micro film or computer generated micro fiche;

❖ **"originator"** means a person who sends, generates, stores or transmits any electronic message; or causes any electronic message to be sent, generated, stored or transmitted to any other person but does not include an intermediary;

❖ **subscriber** means a person in whose name the 1 [electronic signature] Certificate is issued;

❖ **Verify** In relation to a digital signature, electronic record or public key, with its grammatical variations and cognate expressions, means to determine whether— (a) the initial electronic record was affixed with the digital signature by the use of private key corresponding to the public key of the subscriber; (b) the initial electronic record is retained intact or has been altered since such electronic record was so affixed with the digital signature.