

INFORMATION TECHNOLOGY ACT 2000

IT Act History

In 1996, the United Nations Commission on International Trade Law (UNCITRAL) adopted the model law on electronic commerce (e-commerce) to bring uniformity in the law in different countries. Further, the General Assembly of the United Nations recommended that all countries must consider this model law before making changes to their own laws. India became the 12th country to enable cyber law after it passed the Information Technology Act, 2000. While the first draft was created by the Ministry of Commerce, Government of India as the Ecommerce Act, 1998, it was redrafted as the 'Information Technology Bill, 1999', and passed in May 2000.

Need for information technology act 2000

Need for information technology act 2000 Internet dramatically changed on life. Transition from paper to paperless work. Laws of the real world cannot relate with cyber offences. All companies depend on the computer network and keep the valuable data in electronic form.

IT Act Objectives

- To grant legal recognition to transaction carried out by electronic means.
- To grant legal recognition to digital signature for authentication of information.
- To facilitate e-Filing of documents with government.
- To facilitate e-storage of data by business.
- To facilitate and give legal recognition to EFT.
- To give legal recognition for keeping books of accounts by bankers.
- To amend IPC Indian Evidence Act, Banker Books Evidence Act, RBI Act.

Definitions

Cybercrime: Cybercrime is criminal activity done using computers and the Internet.

E-Commerce: E-Commerce or Electronic commerce is a process of buying, selling, transferring, or exchanging products, services and/or information via electronic networks and computer.

Digital signature and Electronic signature

Digital signature and Electronic signature: Digital Signatures provide a viable solution for creating legally enforceable electronic records, closing the gap in going fully paperless by completely eliminating the need to print documents for signing. Digital signatures enable the replacement of slow and expensive paper-based approval processes with fast, low-cost, and fully digital ones. The purpose of a digital signature is the same as that of a handwritten signature. Instead of using pen and paper, a digital signature uses digital keys (public-key cryptography). Digital signature provides Authentication, Integrity and Non Repudiation. E-Governance: Chapter III discusses Electronic governance issues and procedures and the legal recognition to electronic records is dealt with in detail in Section 4 followed by description of procedures on electronic records, storage and maintenance and according recognition to the validity of contracts formed through electronic means.

Salient features of IT Act 2000

Applicability

According to Section 1 (2), the Act extends to the entire country, which also includes Jammu and Kashmir. In order to include Jammu and Kashmir, the Act uses Article 253 of the constitution. Further, it does not take citizenship into account and provides extra-territorial jurisdiction. Section 1 (2) along with Section 75, specifies that the Act is applicable to any offence or contravention committed outside India as well. If the conduct of person constituting the offence involves a computer or a computerized system or network located in India, then irrespective of his/her nationality, the person is punishable under the Act. Lack of international cooperation is the only limitation of this provision.

Non-Applicability

According to Section 1 (4) of the Information Technology Act, 2000, the Act is not applicable to the following documents:

- Execution of Negotiable Instrument under Negotiable Instruments Act, 1881, except cheques.
- Execution of a Power of Attorney under the Powers of Attorney Act, 1882. §Creation of Trust under the Indian Trust Act, 1882.
- Execution of a Will under the Indian Succession Act, 1925 including any other testamentary disposition by whatever name called.
- Entering into a contract for the sale of 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 Gazette.

Important Section of ITA 2000

SECTION OF THE ACT	Offences	PENALTY
Section 65	Tampering with computer source documents.	Imprisonment up to 3 years or a fine of 2 lakh rupees, or both.
Section 66, Section 66A	Hacking & Breach of confidentiality of personal information as per sec. 43 & 43A Sending offensive messages through communication service etc	Imprisonment up to 3 years or a fine up to 5 lakh rupees or both. (For Hacking, fine is 2 lakh rupees, imprisonment is 3 years) Imprisonment of 3 years & fine.
Section 66B	Dishonestly receiving stolen resource or communication device	Imprisonment of 3 years & fine.
Section 66C & D	Identity theft	Imprisonment up to 3 years & fine up to 1 lakh rupees.
Section 66E	Violation of personal privacy	Imprisonment up to 3 years or fine not exceeding 2 lakh rupees or with both.
Section 66F	Cyberterrorism	Imprisonment for life.
Section 67, 67A & B	Publishing or transmitting obscene material in electronic form	Imprisonment term up to 5/7 years and fine up to 10 lakh rupees.
Section 67C	Failure to preserve and retain information by intermediaries	Imprisonment for 3 years and fine.

