

Lecture- 18



Information Technology Act, 2000

One day, you wake up in the morning and check your phone. You are shocked to see that every piece of data of yours stored in different applications like your phone's gallery, Facebook, Instagram and Whatsapp has been hacked. You then check your laptop and observe that it has been hacked. What will you do? Will you sue these social media for not protecting your data or search the hacker?

This is where the Information Technology Act of 2000 comes into the picture. The Act defines various offences related to breach of data and privacy of an individual and provides punishment or penalties for them. It also talks about intermediaries and regulates the power of social media. With the advancement of technology and e-commerce, there has been a tremendous increase in cyber crimes and offences related to data and authentic information. Even the data related to the security and integrity of the country was not safe, and so the government decided to regulate the activities of social media and data stored therein. The article gives the objectives and features of the Act and provides various offences and their punishments as given in the Act.

Background of Information Technology Act, 2000

The United Nations Commission on International Trade Law in 1996 adopted a model law on e-commerce and digital intricacies. It also made it compulsory for every country to have its own laws on e-commerce and cybercrimes. In order to protect the data of citizens and the government, the Act was passed in 2000, making India the 12th country in the world to pass legislation for cyber crimes. It is also called the IT Act and provides the legal framework to protect data related to e-commerce and digital signatures. It was further amended in 2008 and

2018 to meet the needs of society. The Act also defines the powers of intermediaries and their limitations.

Schedule of Information Technology Act, 2000

The Act is divided into 13 chapters, 90 sections and 2 schedules. The following are the chapters under the Act:

Chapter 1 deals with the applicability of the Act and definitions of various terminologies used in the Act.

Chapter 2 talks about digital and electronic signatures.

Electronic governance and electronic records are given under Chapters 3 and 4 respectively.

Chapter 5 is related to the security of these records and Chapter 6 deals with regulations of certifying authorities.

Chapter 7 further gives the certificates needed to issue an electronic signature.

Chapter 8 gives the duties of subscribers and Chapter 9 describes various penalties.

Chapter 10 provides sections related to the Appellate Tribunal.

Chapter 11 describes various offences related to breach of data and their punishments.

Chapter 12 provides the circumstances where the intermediaries are not liable for any offence or breach of data privacy.

The final chapter, i.e., Chapter 13 is the miscellaneous chapter.

The 2 schedules given in the Act are:

Schedule 1 gives the documents and data where the Act is not applicable.

Schedule 2 deals with electronic signatures or methods of authentication.

Applicability of Information Technology Act, 2000

According to Section 1, the Act applies to the whole country, including the state of Jammu and Kashmir. The application of this Act also extends to extra-territorial jurisdiction, which means it applies to a person committing such an offence outside the country as well. If the source of the offence, i.e., a computer or any such device, lies in India, then the person will be punished according to the Act irrespective of his/her nationality.

The Act, however, does not apply to documents given under Schedule 1. These are:

Any negotiable instrument other than a cheque as given under Section 13 of the Negotiable Instruments Act, 1881.

Any power of attorney according to Section 1A of the Powers of Attorney Act, 1882.

Any sort of trust according to Section 3 of the Indian Trusts Act, 1882.

Any will including testamentary disposition given under the Indian Succession Act, 1925.

Any contract or sale deed of any immovable property.

Objectives of Information Technology Act, 2000

The Act was passed to deal with e-commerce and all the intricacies involved with digital signatures and fulfill the following objectives:

- The Act seeks to protect all transactions done through electronic means.
- E-commerce has reduced paperwork used for communication purposes. It also gives legal protection to communication and the exchange of information through electronic means.
- It protects the digital signatures that are used for any sort of legal authentication.

- It regulates the activities of intermediaries by keeping a check on their powers.
- It defines various offences related to data privacy of citizens and hence protects their data.
- It also regulates and protects the sensitive data stored by social media and other electronic intermediaries.
- It provides recognition to books of accounts kept in electronic form regulated by the Reserve Bank of India Act, 1934.