

Lecture- 35



Indian Evidence Act, 1872 & Cyber Crime

Amendments related to the evidence Act were contained in Sec.92 and the Second Schedule of the IT Act, 2000. Pursuant to the enactment of the Information Technology (amendment) Act, 2008, Sec.92 was deleted and the provisions with regard to the Indian Evidence Act were mentioned in Part IV of the amendment Act.

1) Amendment of Sec.3 –

In section 3 relating to interpretation clause, in the paragraph appearing at the end, for the words "digital signature" and "Digital Signature Certificate", the words "Electronic signature" and "Electronic Signature Certificate" shall be respectively substituted.

2) Insertion of new Sec.45A – Opinion of Examiner of Electronic evidence – 45A:

When in a proceeding, the Court has to form an opinion on any matter relating to any information transmitted or stored in any computer resource or any other electronic or digital form, the opinion of the Examiner of Electronic Evidence referred to in section 79A of the Information Technology Act, 2000, is a relevant fact. Explanation: For the purposes of this section, an Examiner of Electronic Evidence shall be an expert

3) Amendment of Sec.47A –

In section 47A, - (i) for the words "digital signature", the words "electronic signature" shall be substituted; (ii) for the words "Digital Signature Certificate", the words "Electronic Signature Certificate" shall be substituted.

4) Amendment of Sec.67A –

In section 67 A, - for the words "digital signature", the words "electronic signature" shall be substituted.

5) Amendment of Sec.85A –

In section 85A, for the words "digital signature", wherever they occur, the words "electronic signature" shall be substituted.

6) Amendment of Sec.85B –

In section 85B, - for the words "digital signature", wherever they occur, the words "electronic signature" shall be substituted.

7) Amendment of Sec.85C –

In section 85C, for the words "Digital Signature Certificate", the words "Electronic Signature Certificate" shall be substituted.

8) Amendment of Sec.90A –

In section 90A, the words "digital signature", at both places where they occur, the words "electronic signature" shall be substituted.