

Lecture- 07



In India, the Cyber Crimes have grown from 9,622 and 11,592 to 12,317 during 2014, 2015, and 2016 respectively. The National Crime Records Bureau (NCRB) and Indian Computer Emergency Report Team (CERT-In) had reported that approximately 80 phishing incidents affecting 20 Financial Organization, 13 incidents affecting various Automated Teller Machines, Point of Sales systems, and Unified Payments Interface (UPI).

Legislations

The principal source of cyber law in India is the Information Technology Act, 2000 (IT Act) with the primary purpose to provide legal recognition to electronic commerce and to facilitate filing of electronic records with the Government. This Act penalizes various cyber crimes and provides stringent punishments including imprisonment terms up to 10 years and compensation up to Rs 1 crore. Some of the major Acts got amended after the enactment of ITA:

The Indian Penal Code, 1860: The word 'electronic' was added, thereby treating the electronic records and documents on a par with physical records and documents. The Sections dealing with false entry in a record or false document[5] have since been amended as 'electronic record and electronic document' to bring it within the ambit of IPC.

Now, electronic records and electronic documents have been treated on par with physical records and documents during the commission of acts of forgery or falsification of physical records in a crime.

The investigating agencies started filing the cases and charge-sheets quoting the relevant sections from IPC read with the ITA/ITAA in like offense in order to ensure that the evidence

and/or punishment can be brought under its scope and be proved under either of these or both the legislation.

The Indian Evidence Act 1872: Before enactment of ITA, all pieces of evidence in a court were in the physical form only and now the electronic records and documents were recognized as the definition part of Indian Evidence Act was amended as “all documents including electronic records”.

Words like ‘digital signature’, ‘electronic form’, ‘secure electronic record’ ‘information’ as used in the ITA were also inserted after this amendment to be a part of the evidentiary importance under the Act.

The identification and recognition of admissibility of electronic records as evidence as enshrined in Section 65B of the Act was seen as a significant amendment.

The Bankers’ Books Evidence (BBE) Act 1891: Previously banks were required to produce the original ledger, other physical registers, and document during evidence before a Court but now the definitions part of the BBE Act stood amended as: “bankers ‘ books’ include ledgers, day-books, cashbooks, account-books and all other books used in the ordinary business of a bank whether kept in the written form or as printouts of data stored in a floppy, disc, tape or any other form of electromagnetic data storage device”.

This amendment in the provisions in Bankers Books Evidence Act recognized the printout from a computer system and another electronic document as a valid document during evidence, provided, such print-out or electronic document is accompanied by a certificate by a person-in-charge of computer system.