



FACULTY OF JURIDICAL SCIENCES

COURSE:BA.LL.B

Semester : VIII th

SUBJECT: Cyber Law

SUBJECT CODE: BAL-805

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Lecture-24



LECTURE 24:

The 21st century saw a technological revolution which enthralled not only India but the whole world. The use of computers is not limited to established organizations or institutions but available to every individual at swipe of a finger. Information Technology has eased out almost every humanized action. In this age of cyber world as the application of computers became more popular, there was expansion in the growth of technology. The evolution of Information Technology (IT) gave birth to the cyber space wherein internet provides equal opportunities to all the people to access any information, data storage, analyse etc. with the use of high technology. This increasing reliance on electronic means of communications, e-commerce and storage of information in digital form has most certainly caused a need to transform the law relating to information technology and rules of admissibility of electronic evidence both in civil and criminal matters in India. The proliferation of computers and the influence of information technology on society as whole, coupled with the ability to store and amass information in digital form have all necessitated amendments in Indian law to incorporate the provisions on the appreciation of digital evidence. The Information Technology Act, 2000 and its amendment are based on the United Nations Commission on International Trade Law (UNCITRAL) model Law on Electronic Commerce. The Information Technology (IT) Act 2000 was amended to allow for the admissibility of digital evidence. An amendment to the Indian Evidence Act 1872, the Indian Penal Code 1860 and the Banker's Book Evidence Act 1891 provides the legislative framework for transactions in electronic world.¹

With the change in law, Indian courts have developed case law regarding reliance on electronic evidence. Judges have also demonstrated perceptiveness towards the intrinsic 'electronic' nature of evidence, which includes insight regarding the admissibility of such evidence, and the interpretation of the law in relation to the manner in which electronic evidence can be brought and filed before the court.² Digital evidence or electronic evidence is any probative information stored or transmitted in digital form that a party to a court case may use at trial. Before accepting digital evidence it is vital that the determination of its relevance, veracity and authenticity be ascertained by the court and to establish if the fact is hearsay or a copy is preferred to the original. Digital Evidence is "information of probative value that is stored or transmitted in binary form". Evidence is not only limited to that found on computers but may also extend to include evidence on digital devices such as telecommunication or electronic multimedia devices. The e-EVIDENCE can be found in e-mails, digital photographs, ATM transaction logs, word processing, documents, instant message histories, files saved from accounting programs, spreadsheets, internet browser histories databases, Contents of computer memory, Computer backups, Computer printouts, Global Positioning System tracks, Logs from a hotel's electronic door locks, Digital video or audio files. Digital Evidence tends to be more voluminous, more difficult to destroy, easily modified, easily duplicated, potentially more expressive and more readily available.³

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.			
2.			
3.			

4.			
5.			

Answers: 1-(),2-(), 3-(),4-(),5-()