

Definitions. –

(1) In this Act, unless the context otherwise requires,-

(a) "access", with its grammatical variation and cognate expressions, means gaining entry into, instructing or communicating with the logical, arithmetical or memory function resources of a computer, computer system or computer network;

(b) "addressee" means a person who is intended by the originator to receive the electronic record but does not include any intermediary;

(c) "adjudicating officer" means an adjudicating officer appointed under sub-section (1) of section 46;

"affixing digital signature", with its grammatical variations and cognate expressions means adoption of any methodology or procedure by a person for the purpose of authenticating an electronic record by means of digital signature;

"appropriate Government " means as respects any matter- enumerated in List II of the Seventh Schedule to the Constitution;

relating to any State law enacted under List III of the Seventh Schedule to the Constitution,

the State Government and in any other case, the Central Government;

"asymmetric crypto system" means a system of a secure key pair consisting of a private key for creating a digital signature and a public key to verify the digital signature;

"Certifying Authority" means a person who has been granted a license to issue a Digital Signature Certificate under section 24;

"certification practice statement" issued by a Certifying Authority to specify the practices that the Certifying Authority employs in issuing Digital Signature Certificates;

"computer" means electronic, magnetic, optical or other high-speed data processing device or system which performs logical, arithmetic and memory functions by manipulations of electronic, magnetic or optical impulses, and includes all input, output, processing, storage, computer software or communication facilities which are connected or relates to the computer in a computer system or computer network;

"computer network" means the inter-connection of one or more computers through-

(i) the use of satellite, microwave, terrestrial lime or other communication media; and

(ii) terminals or a complex consisting of two or more interconnected computers whether or not the interconnection is continuously maintained;

"computer resources" means computer, computer system, computer network, data, computer database or software;

"computer system" means a device or collection of devices, including input and output support devices and excluding calculators which are not programmable and capable being used in conjunction with external files which contain computer programmes, electronic instructions, input data and output data that performs logic, arithmetic, data storage and retrieval, communication control and other functions;

"Controller" means the Controller of Certifying Authorities appointed under sub-section (1) of section 17'

"Cyber Appellate Tribunal" means the cyber Regulations Appellate Tribunal established under sub-section (1) of section 48;

"data" means a representation of information, knowledge, facts, concepts or instruction which are being prepared or have been prepared in a formalized manner, and is intended to be processed, is being processed or has been processed in a computer system or computer network, and may be in any form (including computer printouts magnetic or optical storage media, punched cards, punched tapes) or stored internally in the memory of the computer.

"digital signature" means authentication of any electronic record by a subscriber by means of an electronic method or procedure in accordance with the provisions of section 3;

"Digital Signature Certificate " means a Digital Signature Certificate issued under sub-section (4) of section 35;

"electronic from", with reference to information. Means, any information generated, sent, received or stored in media, magnetic, optical, computer memory, micro film, computer generated micro fiche or similar device;

"Electronic Gazette" means Official Ga
[01/04, 9:51 am] Dr. Anu Jain: Electronic Gazette" means Official Gazette published in the electronic form;

"electronic record" means data, record or data generated, image or sound stored, received or sent in an electronic form or micro film or computer generated micro fiche;

"function", in relation to a computer, includes logic, control, arithmetical process, deletion, storage and retrieval and retrieval and communication or telecommunication from or within a computer;

"information' includes data, text, images, sound, voice, codes, computer programmes, software and databases or micro film or computer generated micro fiche;

"intermediary" with respect to any particular electronic message, means any person who on behalf of another person receives, stores or transmits that message or provides any service with respect to that message;

"key pair", in an asymmetric crypto system, means a private key and its mathematically related public key., which are so related that the public key can verify a digital signature created by the private key;

"law" includes any Act of Parliament or of a State Legislature, Ordinances promulgated by the President under article 240, Bills enacted as President's Act under sub-clause (a) of clause (1) of article 375 of the Constitution and includes rules, regulations, bye-laws and order issued or made thereunder;

"license" means a license granted to a Certifying Authority under section 24;

(za) "originator" means a license granted to a Certifying Authority under section 24;

(zb) "prescribed" means prescribed by rules made under the Act;

(zc) "private key" means the key of a key pair used to create a digital signature;

(zd) "public key" means the key of a key pair used to verify a digital signature and listed in the Digital Signature Certificate;

(ze) "secure system" means computer hardware, software and procedure that-

(a) are reasonably secure from unauthorized access and misuses;

(b) provide a reasonable level of reliability and correct operation;

(c) are reasonably suited to performing the intended functions; and

(d) adhere to generally accepted security procedures;

(zf) "security procedure" means the security procedure prescribed under section 16 by the Central Government;

(zg) "subscriber" means a person in whose name the Digital Signature Certificate is issued;

(zh) "verify", in relation to a digital signature, electronic record or public key, with its grammatical variations and cognate expressions, means to determine whether-

(a) the initial electronic record was affixed with the digital signature by the use of private key corresponding to the public key of the subscriber;

(b) the initial electronic record is retained intact or has been altered since such electronic record was so affixed with the digital signature.

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

[01/04, 9:52 am] Dr. Anu Jain: . What are the objectives of the Information Technology Act, 2000?

Answer:

The primary objectives of the IT Act, 2000 are:

Granting legal recognition to all transactions done through electronic data exchange, other means of electronic communication or e-commerce in place of the earlier paper-based communication.

Providing legal recognition to digital signatures for the authentication of any information or matters requiring authentication.

Facilitating the electronic filing of documents with different Government departments and also agencies.

Facilitating the electronic storage of data

Providing legal sanction and also facilitating the electronic transfer of funds between banks and financial institutions.

Granting legal recognition to bankers for keeping the books of accounts in an electronic form. Further, this is granted under the Evidence Act, 1891 and the Reserve Bank of India Act, 1934.