

Information Technology Act 2000: Overview

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Abstract: In this research paper we are going to show an overview of information technology act which will describe reason behind ITA come in force and positive aspects of ITA 2000, Weak aspects of ITA 2000, and challenges to Indian cyber law in India. The Information Technology Act came into force on October, 2000. With the increment of internet users and new technologies, cyber crimes and crime techniques also increased. For prevention from such crimes and to take legal action against that. IT Act 2008 (Amendment) introduced to make more powerful IT Act and made changes into IT Act 2000 without loopholes or more improvement according to latest technologies. Information Technology Act 2008 came into force from October, 2009.

I. INTRODUCTION

In July 1998 the bill drafted by DoE¹. After that in December 1999 with so many alteration and changes the bill was passed. In that bill there were rules for cyber café owners that they have to maintain a register for all the café users or fill the required entries like name, address, contact number and system number. So by that noted information the suspicious activities, offensive users or cyber criminals can be traced. From October 2000 the ITA came into force and applied to all Indian citizens. India possesses well defined legal system. This deals with possible all the cases and crime that might be happen in future and India has introduced by new phenomena that is Internet. There was no need of any such law before internet was not introduced to all. Since August,1995 internet was publically available for all by VSNL² there was need of an legal reorganization framework that deals with all the possible faults which done through internet using computer system. So finally in 2000 the information technology act was come into force.

II. INFORMATION TECHNOLOGY ACT

Before ITA³ 2000, the ITA has very formal rules and regulation which were applicable to cyber café. The ITA has instructions for cyber café owner's that they will have to maintained a record of internet café user's. That record contains following details like name of user, contact number, address, system number and total time. So that the suspect can be easily traced. But the ITA was not so affected and with lots of loopholes a new ITA was introduced that is known as Information Technology Act 2000. Information Technology act come into force from October 2000. ITA 2000 has 13 chapters which describe law, punishment, penalties and offenses. The 13 chapter has number of sections and sub-section that clearly and deeply describe the rules and regulation. ITA 2000 sections mostly cover E commerce and digital signature⁴ related crime and penalties for them. There are various variations in terminologies and ITA 2008(amendment) passed. That more clearly describes the terminologies and act that are illegal. Information Technology act 2000 does not describe cyber crime it only represent crime related computer or crime committed through electronic medium or by electronic device.

III. NEED OF ITA IN INDIA

India comes into fastest growing country in the world and India technically also growing. So that the increase in technology or activities that are done using technology or through electronic medium there was need of a legal framework which legally recognize or illegal act or provide an powerful action against unlawful act or activist. ITA is applicable to all Indian citizens or to those who are not living in India but crime committed in India from somewhere out of the country. ITA 2000 is most powerful law same as civilian law. ITA 2000 provides the legal reorganization of transmission over internet or using computer system. There are various types of crime committed. Using internet that are negligible by peoples or can say that did not aware about cyber crime or technologies. Information Technology Act 2000 describes computer related offences or penalties, punishment or fine for crime.

¹ DoE: Department of Electronics.

² VSNL: Videsh Sanchar Nigam Limited.

³ ITA: Information Technology Act.

⁴ Digital signature: Electronic signature.

IV. INFORMATION TECHNOLOGY ACT 2000

On May, 2000 the information technology bill was passed by both the house of parliament of India. The Information Technology Act 2000 based on UNCITRAL⁵ model law for E commerce. That supports or covers E commerce, E business related issues or unlawful activities. There are 13 chapter and Sub-Sections in Information Technology Act 2000. That describes creation process of Digital signature⁶, authentication process, rejection and acceptance of digital signature certificate, duties of subscriber, rules for service provider, cyber offences like hacking, phishing, cyber stalking. Cyber bullying, un- authorized access of system, tampering with computer source, identity theft and so on and punishment for related offence and fine. Punishment for cyber terrorism will be life time imprisonment with fine. But the most of the ITA 2000 covers E commerce related description. So that ITA 2008 (Amendment) after lots of alteration and without loopholes into Information Technology Act 2000. Information Technology Act 2008 (Amendment) came into force on October, 2009. This amendment clarify the confusing terminologies like access, network etc. some of acts and sections also applied under IPC⁷ or CrPC⁸ for the offences that are not mentioned or described in Information Technology Act 2000. Like recently Section 66 (a) has been removed from ITA 2000 but the acts that were defined in Section 66 (a) will also treated under IPC or CrPc. As everything has two sides positive as well as negative/ weak side. Same Information Technology Act 2000 has positive side as well as weak side that need to be more implementation.

V. POSITIVE SIDE OF INFORMATION TECHNOLOGY ACT 2000

Prior Information Technology Act 2000 introduced there was no legal system like that or a system has made that is Information Technology Act that was not good enough for this growing period and that contained instructions for online marketing or online business and instructions for cyber café owners. Later Information Technology Act 2000 has been introduced that applicable to all netizen⁹ as well as all citizens of India and applicable to those who reside out of country but committing crime in country. Information Technology act 2000 established strongly that positively supports the E commerce, online transactions, any crime that is committed in cyber space. And wisely describe punishment for such crimes. There is also specified that what is admissible in court as evidence and having rules and regulations for service providers. So overall it is designed well but having lots of weak point as well.

VI. WEAK SIDE OF INFORMATION TECHNOLOGY ACT 2000

As positive side shows that how strongly it supports E commerce and online business. But there is not specified cyber crime or offences related to computer or internet or offences that are committed into cyber space. Only one to two chapter that describes offences and punishment for them but now days there are uncountable crimes and techniques are introduced and day by day crime and cyber criminals are growing so there is need to specify more and more crimes and techniques rather than traditional techniques and should be described clearly. Because there are huge terminologies and activities on internet and related to computer or electronic devices that might confuse the system and alter the decision.

VII. CONCLUSION

Information Technology Act 2000 plays important role in India and it is essential to manage and track and take decision against all the odd or illegal activities that are happening online or at cyber space. But need to more amendment and specification of cyber crimes and rules. As Information Technology Act 2000 is powerful but need to be more powerful and applicable more powerfully.

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⁵ UNCITRAL: The United Nations Commission on International Trade Law.

⁶ Digital signature: Electronic signature.

⁷ IPC: Indian Penal Code.

⁸ CrPC: Code of Criminal Procedure.

⁹ Netizen: Internet users.