

## The Information Technology Act, 2000<sup>1</sup>: Revolutionalising the Cyberspace and Regulating the Web

Celebrating almost 27 years of internet services in India<sup>2</sup> might prompt a question in the minds of some - Is the internet a safe space? Is it regulated enough to ensure that the data we feed in, is used in the way that we want, or is there something in the shadows beyond our control?

With cybercafes, online banking services, mobile portability networks, internet service providers, etc taking up space in the Indian economy, the legislature realised the need to develop laws that catered to data protection, regulation of such technological services, and mechanism to check cybercrime (which simultaneously grew as digitalisation did.)

This is what brought about the Information Technology Act 2000 - to standardise the ever-expanding digital space and regulate the growing e-commerce in the country. Some of the objectives of the Act<sup>3</sup> are -

- Authentication of electronic records (Section 3)
- Legal recognition of electronic records (Section 4)
- Legal recognition of digital signatures (Section 5)
- Publication of Official Gazette in electronic form (Section 8)
- Data Protection (Section 43 & 66)
- Various types of computer crimes defined and stringent penalties provided under the Act (Section 43 and Section 66, 67, 72)
- Establishment of Cyber Appellate Tribunal under the Act (Section 48-56)
- Interception of information from computer to computer (Section 69)
- Offences by the Companies (Section 85)

<sup>1</sup> [https://www.indiacode.nic.in/bitstream/123456789/13116/1/it\\_act\\_2000\\_updated.pdf](https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf)

<sup>2</sup> <https://economictimes.indiatimes.com/tech/internet/the-internet-turns-25-in-india-a-timeline/the-1980s/slideshow/77589569.cms>

<sup>3</sup> [https://prsindia.org/files/bills\\_acts/bills\\_parliament/2006/scr1198750551\\_Information\\_Technology.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2006/scr1198750551_Information_Technology.pdf)



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This Act also involves the provision to constitute the Cyber Regulations Advisory Committee that is advice the government with regards to legislation or regulations that are in connection with the IT Act 2000. With four Schedules amending other extremely important legislations/codes like the Indian Penal Code, 1860, the Indian Evidence Act, 1872, The Bankers' Books Evidence Act, 1891, The Reserve Bank of India Act, 1934 is a proof of the vision and realisation of the makers that in order to truly make the act effective and stand true to the objectives enlisted, it was pivotal to make other laws in sync with the sections of the IT Act 2000.<sup>4</sup>

The IT Bill was brought before the Indian Parliament in the month of December, 1999 along with being referred to the Standing Committee on Science and Technology, Environment and Forests for the purpose of extensively examining and preparing a critical report along with constructive suggestions.

The Standing Committee, upon reviewing the first of its kind' legislation, the IT Bill 1999, proposed some strict measures to further enhance and strengthen the proposed legal infrastructure of the Bill. One commendable observation/suggestion of the report was the recommendation to insert the definition and punishment for the then not very well known concept of "hacking."<sup>5</sup>

Amidst the rapid development of strong Artificial Intelligence (AI) and softwares turning 'smart', concerns regarding data privacy and protection have once again started to rise just as swiftly as the technological growth that its a side-effect of.

With increasing incidents of data leaks, exposure to sensitive content, and the uncountable online scams that plague the service that more than half the world uses, close to the billion users in India<sup>6</sup> should also look back upon the Information Technology Act, 2000.

Next in this series, we shall look at the follow up to the IT Act 2000, which was the amendment of 2008 and Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules 2011, and The Information Technology (Intermediaries Guidelines) Rules, 2011, which have now been superseded by The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, to cater to conceptualising the liability of social media intermediaries as such platforms continue to grow at unprecedented rates across the globe. This is being done with the intent to keep the law at par with our fast-paced society.

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<sup>4</sup><https://www.mondaq.com/india/it-and-internet/13430/cyberlaw-in-india-the-information-technology-act-2000--some-perspectives>

<sup>5</sup> Ibid. 10

<sup>6</sup><https://www.statista.com/statistics/255146/number-of-internet-users-in-india/>

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