IT Act Notifications GSR 582

THE GAZETTE OF INDIA

EXTRAORDINARY

Part II- Section 3, Sub-Section (i)

PUBLISHED BY AUTHORITY

GOVERNMENT OF INDIA

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Electronics and Information Technology)

IndiaCode

Notification

New Delhi, the 6th September, 2004

G.S.R.582(E).:-

In exercise of the powers conferred by clauses (b) and (c) of sub-section(2) of section 87, read with sub-sections (1) and (2) of section 6 of the Information Technology Act, 2000 (21 of 2000), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement:-

1. These rules may be called the Information Technology (Use of electronic records and digital signatures) Rules,2004.
2. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:-

In these rules, unless the context otherwise requires:-

1. "Act" means the Information Technology Act, 2000 (21 of 2000);
2. "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;
3. words and expressions used herein and not defined but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Filing of form, application or any other document:-

Any form, application or any other document referred to in clause (a) of sub-section (1) of section 6 of the Act may be filed with any office, authority, body or agency owned or controlled by the appropriate Government using the software specified by it and such office, authority, body or agency shall, while generating such software, take into account the following features of the electronic record, namely:-

1. life time
2. preservability
3. accessibility
4. readability
5. comprehensibility in respect of linked information
6. evidentiary value in terms of authenticity and integrity
7. controlled destructibility and

8. augmentability

4. Issue or grant of any licence, permit, sanction or approval:-

Any licence, permit, sanction or approval whatever name called referred to in clause (b) of sub-section (1) of section 6 of the Act may be issued or granted by using the software specified under rule 3.

5. Payment and receipt of fee or charges:-

The payment of receipt of any fee or charges for filing, creation or issue of any electronic record under clause (a) of sub-section (2) of section 6 of the Act may be made in a cheque in the electronic form.

Explanation :-

For the purposes of this rule, "a cheque in the electronic form" has the meaning assigned to it in clause (a) of Explanation 1 to section 6 of the Negotiable Instrument Act, 1881 (26 of 1881).

F.No.[9(7)/2003-EC]
(S. Lakshminarayanan)
Additional Secretary to the Government of India

IndiaCode