Information Technology Act, 2000

Chapter VIII - Duties of Subscribers

Where any Digital Signature Certificate the public key of which corresponds to the private key of that subscriber which is to be listed in the Digital Signature Certificate has been accepted by a subscriber,1 [***] the subscriber shall generate2[that key] pair by applying the security procedure.

1.Word "then" omitted by S.O. 1015 (E), dated 19th September, 2002 (w.e.f. 19-9-2002).

2.Substituted by S.O. 1015 (E), dated 19th September, 2002, for "the key" (w.e.f. 19-9-2002).

Section 40A - Duties of subscriber of Electronic Signature Certificate

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1**[40A. Duties of subscriber of Electronic Signature Certificate.--**

In respect of Electronic Signature Certificate the subscriber shall perform such duties as may be prescribed.]

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1. Inserted vide Information Technology (Amendment) Act, 2008.

Section 41 - Acceptance of Digital Signature Certificate

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(1) A subscriber shall be deemed to have accepted a Digital Signature Certificate if he publishes or authorises the publication of a Digital Signature Certificate--

(a) to one or more persons;

(b) in a repository; or

otherwise demonstrates his approval of the Digital Signature Certificate in any manner.

(2) By accepting a Digital Signature Certificate the subscriber certifies to all who reasonably rely on the information contained in the Digital Signature Certificate that--

(a) the subscriber holds the private key corresponding to the public key listed in the Digital Signature Certificate and is entitled to hold the same;

(b) all representations made by the subscriber to the Certifying Authority and all material relevant to the information contained in the Digital Signature Certificate are true;

(c) all information in the Digital Signature Certificate that is within the knowledge of the subscriber is true.

Section 42 - Control of private key

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(1) Every subscriber shall exercise reasonable care to retain control of the private key corresponding to the public key listed in his Digital Signature Certificate and take all steps to prevent its disclosure[1] [***].

(2) If the private key corresponding to the public key listed in the Digital Signature Certificate has been compromised, then, the subscriber shall communicate the same without any delay to the Certifying Authority in such manner as may be specified by the regulations.

Explanation.--For the removal of doubts, it is hereby declared that the subscriber shall be liable till he has informed the Certifying Authority that the private key has been compromised.

1.Words "to a person not authorized to affix the digital signature of the subscriber" omitted by S.O. 1015 (E), dated 19th September, 2002 (w.e.f. 19-9-2002).
