

## Information Technology (Amendment) Act 2008

### Section 52 - Amendment of Indian Evidence Act

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In the Indian Evidence Act, 1872(1 of 1872),--

(a) Amendment of section 3.- in section 3 relating to interpretation clause, in the paragraph appearing at the end, for the words "digital signature" and "Digital Signature Certificate", the words "electronic signature" and "Electronic Signature Certificate" shall respectively be substituted;

(b) Insertion of new section 45A -after section 45, the following section shall be inserted, namely:--

"45A. Opinion of Examiner of Electronic Evidence.-When in a proceeding, the court has to form an opinion on any matter relating to any information transmitted or stored in any computer resource or any other electronic or digital form, the opinion of the Examiner of Electronic Evidence referred to in section 79A of the Information Technology Act, 2000(21 of 2000),. is a relevant fact.

Explanation.--For the purposes of this section, an Examiner of Electronic Evidence shall be an expert.";

(c) Amendment of section 47A -in section 47A,--

(i) for the words "digital signature", the words "electronic signature" shall be substituted;

(ii) for the words "Digital Signature Certificate", the words "Electronic Signature Certificate" shall be substituted;

(d) Amendment of section 67A -in section 67A, for the words "digital signature" wherever they occur, the words "electronic signature" shall be substituted;

(e) Amendment of section 85A - in section 85A, for the words "digital signature" at both the places where they occur, the words "electronic signature" shall be substituted;

(f) Amendment of section 85B.-in section 85B, for the words "digital signature" wherever they occur, the words "electronic signature" shall be substituted;

(g) Amendment of section 85C in section 85C, for the words "Digital Signature Certificate", the words "Electronic Signature Certificate" shall be substituted;

(h) Amendment of section 90A. in section 90A, for the words "digital signature" at both the places where they occur, the words "electronic signature" shall be substituted;