

Information Technology (Amendment) Act 2008

Section 6 - After section 3 of the principal Act, the following section shall be insened, Insertion of

new scetlonnamcly:- 3A- "3A. (J) Notwithstanding anything contained in section 3, but subject to the previsions of sub-section (2), a subscribt may authetltiate any electronic record by such electronic signature or electronic authentication technique \Iticb- (o) is ronsidered reliable; and (b) may be specified in the Second Schedule. (2) For the purposes of this section any electronic signature or electronic authentication technique shall be considered reliable jf- (a) the signature creation data or the authentication data are, within the conteXi in which they are u.sed, linked to the signatory or, as thecase may be, the authenticator anC\ to no other person; (b) the signature crution data or the authentication data were, at the time of signing, under the control of the signatory or, as the taSe may be, the atheotieator and of no other person; (c) any ahenltion to the electronic signature made after aftlxing such signature is detectable; (d) any alteration to the infonnalion made IIIfter its authentication by. electronic signature is dctectable; and (c) it fulfils such other conditions which may be prescribed. 4 THE OAZETIE OF INDIA EXTRAORDINARY [p"" ,n- (3) "The Central Government may prescdbe the procedure for the purpose of ascertaining whether electronic signature 15 that ohhe peon byhom it is purponed to have been affixed or authenticated. ()The Central Goveimmelll may, by notification in the Official Gazette, add to or omit any electronic signatUre or electronic arthmtication technique and the procedure for affixing such signatUre from the Second Schedule: Provided that no electtonic signature or authentication technique shall be specified in the Second Schedule unless suchl sigDJture: or technique is reliable. (5) Every notification issued under sub-section () shaJI be laid before each House ofParliamenL". IDSUIIOD or