

# Attribution, Acknowledgement and Dispatch of Electronic Records

**Attribution of electronic records** is dealt with under Sec.11 of the IT Act, 2000. An electronic record will be attributed to the originator - if it was sent by the originator himself; by a person who had the authority to act on behalf of the originator in respect of that electronic record; or by an information system programmed by or on behalf of the originator to operate automatically.

## **Acknowledgement of Electronic Records**

According to Section 12, the addressee may acknowledge the receipt of the electronic record either in a particular manner or form as desired by the originator and in the absence of such requirement, by communication of the acknowledgement to the addressee or by any conduct that would sufficiently constitute acknowledgement. Normally if the originator has stated that the electronic record will be binding only on receipt of the acknowledgement, then unless such acknowledgement is received, the record is not binding. However, if the acknowledgement is not received within the stipulated time period or in the absence of the time period, within a reasonable time, the originator may notify the addressee to send the acknowledgement, failing which the electronic record will be treated as never been sent.

## **Dispatch of Electronic Records**

Time and place of dispatch and receipt of electronic record is covered under Sec.13 of the IT Act, 2000. The dispatch of an electronic record occurs when it enters a computer resource outside the control of the originator Unless otherwise agreed between the originator and the addressee, the time of receipt of an electronic record will be determined as follows, namely –

a) if the addressee has designated a computer resource for the purpose of receiving electronic records

i. receipt occurs at the time when the electronic record enters the designated computer resource; or

ii. if the electronic record is sent to a computer resource of the addressee that is not the designated computer resource, receipt occurs at the time when the electronic record is retrieved by the addressee;

b) if the addressee has not designated a computer resource along with specified timings, if any, receipt occurs when the electronic record enters the computer resource of the addressee. An electronic record is generally deemed to be dispatched at the place where the originator has his place of business, and is deemed to be received at the place where the addressee has his place of business.

If the originator or the addressee has more than one place of business, the principal place of business will be the place of business. If the originator or the addressee does not have a place of business, his usual place of residence will be deemed to be the place of business. "Usual Place of Residence", in relation to a body corporate, means the place where it is registered.