



**Speech on 31.1.2010 on Launching of Cyber
Law Enforcement Programme & National
Consultation Meeting at A.P.Shinde
Symposium Hall, NASC Complex, ICAR, DPS
Marg, Pusa New Delhi.**

By

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New Delhi.**

At the outset I welcome Dr. Justice K.G. Balakrishnan, Hon'ble the Chief Justice of India, Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Chairman of National Project Committee on Enforcement of Cyber law, Dr. Veerappa Moily, Hon'ble Minister for Law & Justice, Mr. G.E. Vahanvati, Attorney General for India, Prof. S. Sivakumar, Co-ordinator of the Committee, Respected My Lords of the Apex Court, Chief Justices of the States, All State Legal Services Authorities, President of all State Judicial Academies, Director General of Police of all the States, Director General of Prosecution of all the States, Experts/Academics, the media persons, Advocates and the persons belonging to judicial fraternity, Secretary, IT, Additional Secretary and personnels belonging to the DIT and all other dignitaries present.

It is a matter of pleasure that today we have assembled for Launching of Cyber Law Enforcement Programme and National Consultation Meeting. The entire credit goes to Hon'ble Dr. Justice K.G. Balakrishnan, Chief Justice of India. My Lord has wide vision and was pleased to constitute a National Project Committee on Enforcement of Cyber Law and thereafter in pursuance of the said Committee, we are launching programmes relating to the of the Cyber Jurisprudence in various fields i.e. Executive Chairpersons of the State Legal Services Authorities, Presidents of the State Judicial Academies, Director General of Police of all States, Director General of Prosecution of all States and Experts/Academics amongst the Judges, Bar Members, Bar Councils and Police personnels.

Lower judiciary shall be benefitted by the participation of the Chairman, Legal Services Authorities of their States. Similarly the police personnel's will also be benefitted by the presence of the Officers present.

The Information Technology Act, 2000 was introduced on 9th June, 2000. Motivation which has led to the introduction of the

Information Technology Act,2000 was the model law of electronic commerce known as the United Nation Commission of International Trade Law which was introduced in the general assembly of UN by its resolution No.51 of 162 dated 30th January,1997 which has recommended that all the States should give favourable consideration to the said model law which contained equal legal treatment of user of electronic communication and paper based communication. The preamble of Act 21 of 2000 provided the legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as “electronic commerce”, which involve the use of alternatives to paper-based methods of communication and storage of information.

However, the Act was amended vide Notification dated 27th October,2009. By the new amendment Cyber Terrorism, Cyber Pornography and Cyber café have also been introduced.

A new Section has been introduced as Section 70B regarding Indian Computer Emergency Response Team containing the National Modal agency for incident response.

In the field of Security, the Act has introduced “asymmetric crypto system which provides a system to secure key pair consisting of a private key for creating a digital signature and a public key to verify the digital signature;

The offences under the Information Technology Act are as under:

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| (1) Tampering computer source documents. | Section 65 |
| (2) Hacking with Computer System
Data alteration | Section 66. |
| (3) Punishment for sending offensive messages through
communication service etc. | Section 66A |

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| (4) Punishment for dishonestly receiving stolen computer resource or communication device. | Section 66B |
| (5) Punishment for identity theft. | Section 66C |
| (6) Punishment for cheating by personation by using computer resource. | Section 66D |
| (7) Punishment for violation of privacy. | Section 66E. |
| (8) Publishing obscene information . | Section 67 |
| (9) Punishment for publishing or transmitting of material containing sexually explicit act, etc. in electronic form. | Section 67A |
| (10) Punishment for publishing or transmitting of material depicting children in sexually explicit act etc. in electronic form. | Section 67B |
| (11) Preservation and retention of information by Intermediaries. | Section 67C |
| (12) Un-authorized access to protected system. | Section.70 |
| (13) Penalty for misrepresentation. | Section 71 |
| (14) Breach of Confidentiality and Privacy | Section 72 |
| (15) Punishment for disclosure of information in breach of lawful contract. | Section 72A |
| (16) Publishing false Digital Signature Certificates. | Section 73 |

It is also a matter of pleasure that Cyber Jurisprudence is in the mids of the Technologists of the World. We are in the world of digital technology and communication system which has brought a revolution through the Ecommerce and electronic governance.

Coming to the laws of the other States, US legal system, some of the US Legislation relevant to the cyber crime are to the following effect:-

1. No Electronic Theft Act. (1997).
2. The Digital Millennium Copyright Act.(1998)
3. The Child Online Protection Act (1998)

4. The U.S.Trademark Cyber piracy Prevention Act. (1999)
5. The Children's Internet Protection Act (2001) and
6. The USA Patriot Act (2001).

Under the UK law, a person is guilty of an offence if-

- (a) he does any unauthorized act in relation to a computer.

However, the need is for a world wide law at the International level on the Cyber jurisprudence, world wide forensic labs, world wide data protection system, tracking software piracy, recovering deleted data and preserving digital evidence for production in the court. I hope and trust that the Lordships present from all the High Courts will soon organize conference at their level at their States in order to analyse the judicial procedure adopted by various States in relation to the International Cyber crime. We have technical experts like Dr.Gulsan Rai. We have ready slides to be safeguard the security measure and full material from Asia School of Cyber Law from Pune. We will soon proceed to demonstrate the same wherever it is required in order to create awareness.

Section 66 (C) and (D) of the Act covers the cases of Phishing which is very common in these days. Sending an e-mail from somebody else's e-mail ID is the simplest form of Email spoofing. Innumerable tools exist on the Internet which can easily be used to send e-mails appearing to have been sent by somebody else.

Intellectual Property is the most important part of the modern business. Intellectual property which is a combination of copyright, trademark, design, geographical indication, patent, industrial design, integrated circuit, is valuable assets of any Company.

In the year 1999 the word `Intellectual property organization drafted for resolving the disputes over domain name. Those standards became the basis for the Uniform disputes Resolution Policy on which the Internet administration body has based its own draft rules.

Jurisprudentially, Cyber law covers the whole of the world. World being one Unit treaties agreements made under the Intellectual Property Rights i.e. Trade Related Aspects known as Trips and General agreement on Tariff and Trade known as GATT and World Trade Organization known as W.T.O are required to be entered.

As per report, during the year 2007, the Laboratory scientists gave expert testimony in 261 courts in Delhi and other parts of India and examined 82 Scene(s) of crime at Delhi and outside for scientific investigation of crimes. The services of this forensic science were also provided to Delhi Police, CBI and Judicial courts. Forensic assistance was also provided to Directorate of Revenue Intelligence, Banks, Cabinet Secretariat Board and other public undertakings on regular basis.

As per copy of the report of Computer Forensic Division, Central Forensic Science Laboratory, (CBI) Lodhi Road, New Delhi, in the year 2008 cases received were 17, cases reported were 18 and exhibits examined were 90. As per report the cases pending for examination are 5 and the certificates are being issued

by National Accreditation Board of Testing and Calibration Laboratories.

From the report submitted by the Director, National Crime Records Bureau, Ministry of Home Affairs, Govt.. Of India, R.K.Puram, New Delhi, it transpired that the cases which are pending are to the following extent.

	2002	2003	2004	2005	2006	2007
STATES	63	55	63	167	135	206
Union Territories	7	5	5	12	7	11
Total	70	60	68	179	142	217

In the Kerala State from the year 2005 to April,2009, 135 cases under IPC and Sections 43,65,66,66(2),67 and 72 of the I.T.Act are under investigation.

As per statistics of Cyber Crime cases registered in Kochi city from the year 2005 to April,2009 , there are 27 cases registered under IPC and Sections 66,67 and 72 of the I.T.Act upto April,2009 which are under investigation.

At the end I may say that Governors of States have taken steps to formulate the law under the Information Technology Act and the cases which are being pending under the IT Act are increasing day by day.

Gujarat, Andhra Pradesh, Kolkatta and IIIT, Allahabad have set up the security on mobile sector. Foransic Labs and Data Centers have also been established. These are the achievements under the IT Act and the credit goes to our Government for their co-operation.

In the end I can say that man attains the highest perfection by worshipping through his natural duties. As has been stated in BHAGWAT GEETA in Shalok No.46

It means that man attains the highest perfection by worshipping through his own natural duties from whom the tide of creation has streamed forth and by whom all his universe is pervaded.

In the words of Bhagwat Geeta, MATRA KARAM APNE LEEYE KARNA BANDHAN HAIN, SANSAR KE LEEYE KARNA SEWA HAIN, AUR BHAGWAN KE LEELYE KARNA POOJA HAIN.

BIODATAS

Hon'ble Dr.M.Veerappa Moily is the Minister of Law, Justice and Company Affairs.Currently Dr.Moily is working as Chairman of various Committees. He was also the President of the Media Wing of the Congress and head Spokesperson of the party for many years. He also practiced law in the Courts of Karkala, Mangalore, High Court and the Supreme Court of India. He is also author of many books. He was also awarded Awards in 2000, 2001 and 2002.

Dr.K.G.Balakrishnan, Hon'ble the Chief Justice of India was enrolled as an Advocate of Kerala Bar Council in 1968. In 1985, His Lordship was appointed as a Judge of the Kerala High Court and in 2000 elevated as the Judge, Supreme Court of India.

Hon'ble Mr.Justice Altamas Kabir was enrolled as an Advocate in 1973 and practiced in the District Court and the Kolkata High Court. His Lordship was appointed as a permanent Judge in the Kolkata High Court in 1990 and was appointed as a Judge of Supreme Court of India in2005. He is also a Chairman of this Committee constituted by Hon'ble the Chief Justice of India.

Sh.G.E.Vahanvati is Attorney General for India. He was appointed as Attorney General for India in 2009 and will remain on this post upto 2012.

Brother Justice B.D.Ahmed is Judge of Delhi High Court. He was Lecturer in Economics (Hons) for Second and Final year Students in St.Stephen's College, Delhi. Enrolled as an Advocate in 1980 and started practice in Supreme Court of India and Delhi High Court. He is keenly interested in computers and knows software programming languages. Elevated as Judge of Delhi High Court in 2002 . He is a keen sportsman and played Cricket and Football.

Hon'ble Mr.Justice V.S.Sirpurkar hails from a Lawyers' family. His Lordship practiced at Nagpur in the High Court on Constitutional and Criminal sides. His Lordship was elevated as a Judge of Bombay High Court in 1992. His Lordship is Member of the World Wild Life Fund. His Lordship was elevated as Chief Justice of Uttranchal High Court at Nainital in 2004 where I have had the occasion to work under His Lordship's supervision. In 2007 His Lordship was elevated to Supreme Court of India.

Brother Justice Kurian Joseph is a Judge of Kerala High Court. He started legal practice in 1979 and also remained as Advocate General during the period 1994-96. He was elevated as Judge of Kerala High Court in 2000. Also served as Acting Chief Justice of Kerala High Court for four days in March,2009.

Hon'ble Sh.Sachin Pilot was inducted into the Congress party on 10th February,2002 on the birth day of his father Sh.Rajesh Pilot. At present he is the Minister of Communications and Information Technology. He is the youngest Member of Parliament in the country. He is also a Member of different Committees.

Hon'ble Mr.Justice Altamas Kabir was enrolled as an Advocate in 1973 and practiced in the District Court and the Kolkata High Court. His Lordship was appointed as a permanent Judge in the Kolkata High Court in 1990 and was appointed as a Judge of Supreme Court of India in 2005. He is also a Chairman of this Committee constituted by Hon'ble the Chief Justice of India.

Hon'ble Mr.Justice S.H.Kapadia, was enrolled as an Advocate in 1974, practiced in the Bombay High Court on different sides. In 1991, His

Lordship was appointed as an Additional Judge of the Bombay High Court. His Lordship was elevated to the Bench of the Supreme Court of India in 2003. His Lordship has keen interest in Economics, Public Finance, Theoretical Physics and Hindu and Buddhist Philosophies.

Hon'ble Sh.Thiru A Raja is the Minister of Communications and Information Technology. He took a number of controversial decisions in the most brazen manner in a sector said to be the one of the best performing since liberalization. He pushed through an ad-hoc administrative fiat to the national telecom policy,1999, which allowed unlimited operators in a circle. He first encouraged a lot of new firms with no prior experience in telecom to apply for new licenses. Towards the end of his tenure, he got mired in a Rs.60,000 crore worth scam when he passed RAI,s recommendations on awarding auctioning licence to new players.

Prof.S.Sivakumar is Co-ordinator of the Cyber Law Enforcement Committee. He is Research Officer and Professor in Indian Law Institute.

Hon'ble Mr.Justice R.V.Raveendran was enrolled as an Advocate in 1968. His Lordship was appointed as a permanent Judge of the Karnataka High Court in 1993 and became Chief Justice of Madhya Pradesh High Court in 2004. His Lordship was elevated to Supreme Court of India in 2005.

Hon'ble Mr.Justice Aftab Alam was enrolled as an Advocate in 1973 and practiced in the Patna High Court in Labour, Service and Constitutional Law cases. At a relatively young age, His Lordship was designated as Senior Advocate in 1984. In 1990, His Lordship was appointed as Judge of the Patna High Court and was elevated to the Supreme Court in November,2007. Besides Law, His Lordship is deeply interested in Classical Urdu and Persian Poetry and studies in Sufism.

