

Report on One day workshop on

# Cyber Law

conducted in Mumbai on 15 May 2010



Asian School of Cyber Laws

[www.asianlaws.org](http://www.asianlaws.org)

## The Information Technology Act provides for imprisonment, fine and compensation in case of wrongful disclosure of third party information.

### What is Cyber Law?

Cyber Law is the law governing computers and the Internet. In today's highly digitalized world, almost everyone is affected by cyber law. Let us take a few examples:

- Almost all transactions in shares are in demat form.
- Almost all companies extensively depend upon their computer networks and keep their valuable data in electronic form.
- Government forms including income tax returns, company law forms etc are now filled in electronic form.
- Consumers are increasingly using credit cards for shopping.
- Most people are using email, cell phones and SMS messages for communication.
- Even in "non-cyber crime" cases, important evidence is found in computers / cell phones e.g. in cases of divorce, murder, kidnapping, tax evasion, organized crime, terrorist operations, counterfeit currency etc.
- Cyber crime cases such as online banking frauds, online share trading fraud, source code theft, credit card fraud, tax evasion, virus attacks, cyber sabotage, phishing attacks, email hijacking, denial of service, hacking, pornography etc are becoming common.
- Digital signatures and e-contracts are fast replacing conventional methods of transacting business.

#### Recent amendments to India's cyber law

Nine years after the birth of cyber laws in India, the new improved cyber law regime in India became a reality. The Information Technology Act initially came into force on 17th October 2000. Major changes to this law were made by the Information Technology (Amendment) Act, 2008 with effect from 27th October, 2009.

Most of these changes relate to cyber crimes. The last decade has seen a spurt in crimes like cyber stalking and voyeurism, cyber pornography, email frauds, phishing and crimes through social networking. All these and more are severely dealt with under the new law.

The amended Information Technology Act imposes stringent liabilities for unauthorised disclosure of third party information. The Act also penalizes non-compliance with cyber security standards and practices.

### Series of workshops on Cyber Law

Asian School of Cyber Laws is conducting a series of workshops under the guidance and supervision of the Cyber Appellate Tribunal (CAT), Ministry of Communication & Information Technology, Department of Information Technology, Government of India.

The first workshop in this series was conducted in Mumbai on 15th May 2010.

The workshop was inaugurated by Hon'ble Justice Rajesh Tandon, Chairperson, Cyber Appellate Tribunal, New Delhi & Hon'ble Justice Alok Singh, Judge, Punjab & Haryana High Court, Chandigarh. Speakers included

1. Hon'ble Justice Rajesh Tandon, Chairperson, Cyber Appellate Tribunal, New Delhi .
2. Prashant Nayak, Director Global Security, South Asia, The Walt Disney Company (India) Pvt. Ltd.
3. Terence Sequeira, Associate Director, Digital Forensics & Investigation, Asian School of Cyber Laws.
4. Ninad Nawaghare, Associate Director, Data64 Techno Solutions Pvt. Ltd.
5. Prashant Jhala, Tech Juris Law Consultants.

Personnel from the following organisations attended the program:

- HSBC Bank •ICICI Bank •IDBI Bank •Indian Oil Cororation
- Air India •DSP Merrill Lynch •Uninor Wireless Ltd. •ALMT Legal
- SunGard •General Insurance Corporation of India •Police Training School •Directorate of Revenue Intelligence •Maharashtra Police
- Enforcement Directorate

**The second workshop in this series is scheduled to be conducted on Saturday 28th August 2010 at International Convention Center, Pune.**

Additional workshops are planned in major Indian cities and towns including Delhi, Chennai, Hyderabad, Kolkata, Bangalore etc.

# This workshop is intended to help organizations in understanding and addressing corporate liability under the Indian Cyber Law regime

## Cyber Appellate Tribunal

Cyber Appellate Tribunal is the appellate body constituted under the Information Technology Act, 2000. The Tribunal is seated at New Delhi and is presently headed by Hon'ble Justice Rajesh Tandon.

Adjudicating Officers decide on cyber crime cases where the compensation claim is below Rs 5 crore. These cases include unauthorised access, computer virus attacks, denial of service attacks, computer fraud, source code theft etc. Appeals from the orders of Adjudicating Officers are filed before the Cyber Appellate Tribunal.

## Workshop Topics

1. Cyber Law - Corporate Scenario
2. Cyber Law & Adjudication Issues in India
3. Cyber Crime Investigation Technologies
4. Information Technology Act, 2000 Vs. 2008
5. Digital Evidence - Technical Issues

## Asian School of Cyber Laws

Established in 2000, Asian School of Cyber Laws (ASCL) is a global pioneer in cyber law, cyber crime investigation and digital forensics.

- We have assisted the Government of India in framing draft rules and regulations under the Information Technology Act and drafting model rules for the functioning of Cyber Cafes and drafting the Information Age Crimes Act.
- We have assisted the Controller of Certifying Authorities in drafting regulations relating to the recognition of foreign certifying authorities.
- Our Computer Emergency Response Team has handled thousands of cyber crime cases.
- Law enforcement personnel in India and abroad extensively use our Cyber Crime Investigation Manual.
- ASCL Computer Crime & Abuse Report (India) is the only study of its kind quoted by the United Nations in its E-commerce & Development Report (2003).
- We were invited to make a presentation on "Indian Legal Position on Cyber Terrorism, Encryption and Preventive Measures", on behalf of the Karnataka Police, for Otto Schily, Interior Minister, Federal Republic of Germany.
- We have conducted training programs on Cyber Crime Investigation, Incident Response and Cyber Forensics for senior Government and Police officials from Malaysia and Mauritius.
- We were part of the Organizing Committee for the World Congress on Informatics and Law at Spain, Cuba and Peru.
- We have conducted training programs for income tax, police, banking and insurance officials at the National Academy of Direct Taxes (Nagpur), National Police Academy (Hyderabad), National Institute of Bank Management (Pune) and National Insurance Academy (Pune).
- We have provided academic support to the National Consultation meeting on Enforcement of Cyber Law at New Delhi in 2010. This meeting was organized by National Project Committee on Enforcement of Cyber Law (Supreme Court of India).

