

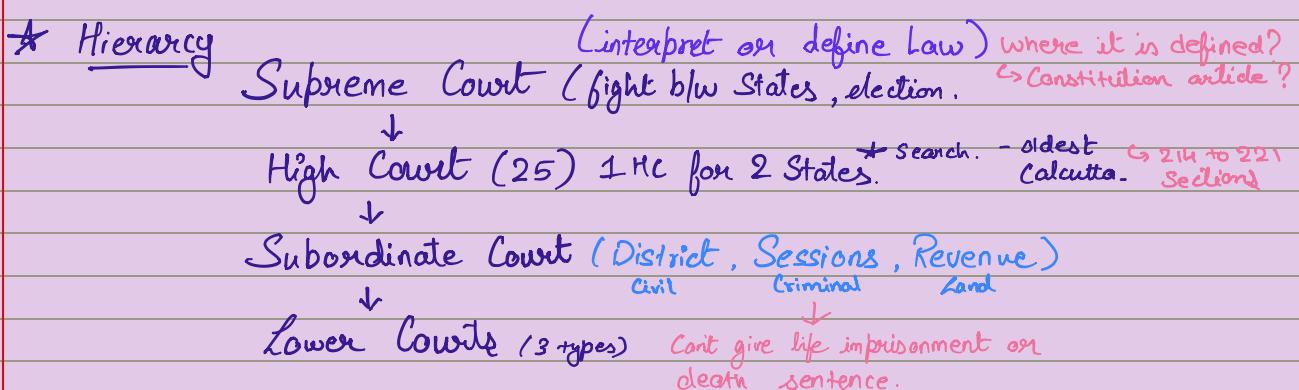
⇒ Indian Judgement :-

① Legal Definition (BNS Sec 2 (5))

→ Judge - empowered by law to act judicially alone or
a body of Judges empowered to act judicially as a group
Must be empowered by law to Act.

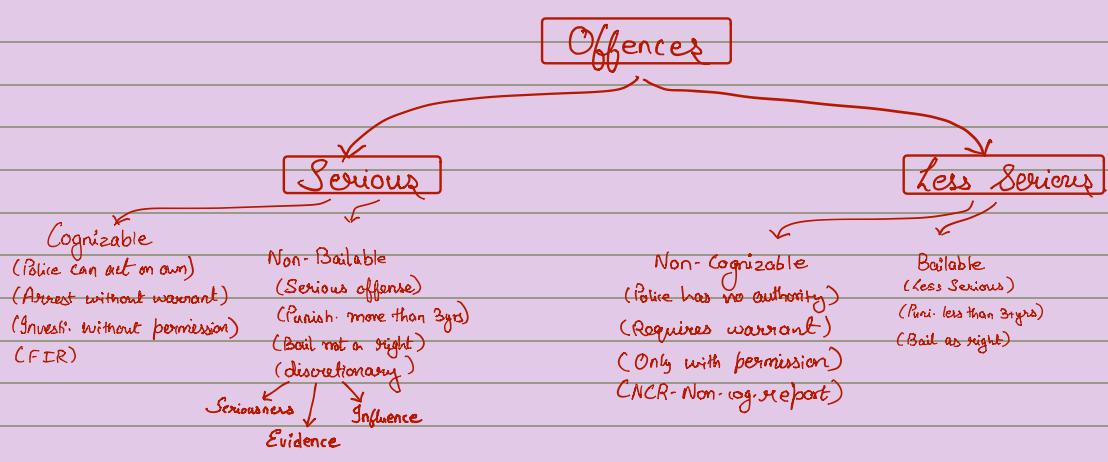


* 5 types of courts



Chief Justice of India Power = PM Power (Not official)

- * Special Courts
 - Labour
 - Fast track
 - Company disputes



Diff b/w
Lawyer Judges
Advocate Magistrate

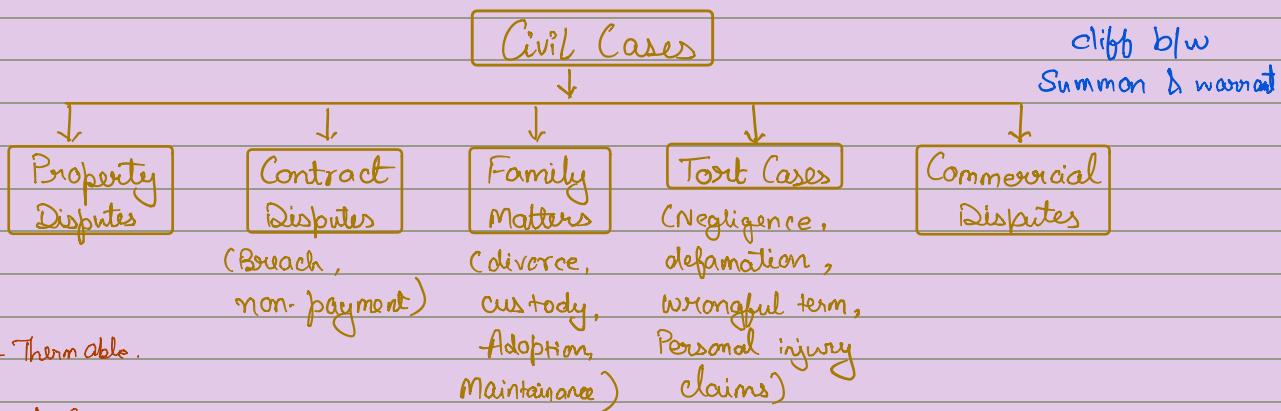
Writs

5 Types of Writs
↳ Comes from article 32.

Article 226

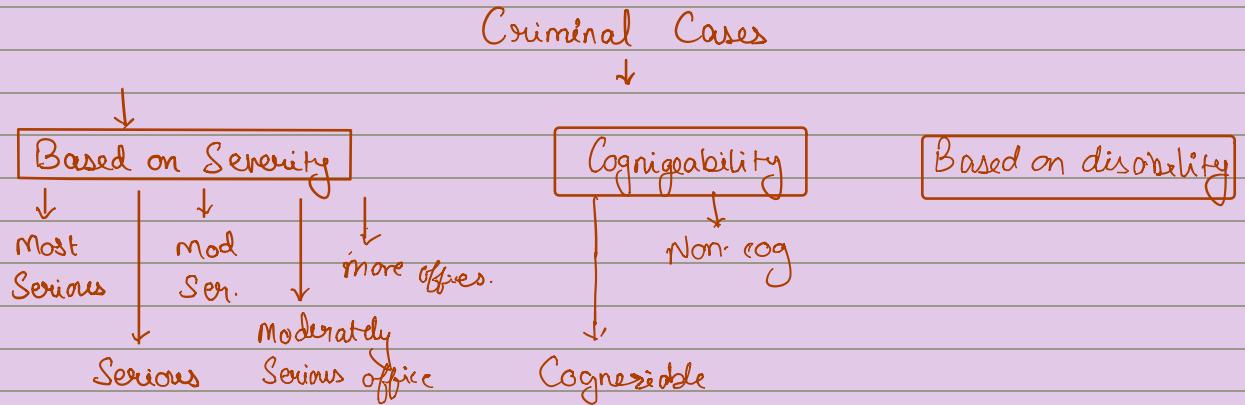
↳ HC is powerful than supreme court

- Habeas Corpus
- Mandamus
- Prohibition
- Certiorari
-



cliff b/w
Summon & warrant

Snatching, theft - decrysti (5 or more)
(speedy) robs
(rob (3 ppl))



* LAW :- BNS Sec 2(15).

* Court :- BNS Sec 2(5)

* Judge :- BNS Sec 2(16)

* Act :- Sec 2(1)

* Dishonestly :- Sec 2(7)

* Document :- Sec 2(8)

* Fraudulently :- Sec 2(9).

* Injury :- Sec 2(14)

* Offence :- Sec 2(24) ↗
 ↘ Serious - Cognizable , Non-bailable
 ↘ Less serious - Non Cognizable , Bailable

* Voluntarily :- Sec 2(33)

* Wrongful Grain :- Sec 2(36)

* Wrongful Loss :- Sec 2(37)

* Public Servant :- Sec 2(28)

1. Supreme Court :-

↳ CJ + 33 other Judges (Total 34)

↳ Jurisdiction : dispute b/w state & center.

↳ Death sentence cases (mandatory review)

↳ Advisory Jurisdiction : Can advise President on legal matters.

↳ Powers

↳ Issue writs for right protection :- Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto

↳ Interpret constitution

↳ Set binding precedents for all lower courts.

↳ Special Role

↳ Final approval of death sentences ↳ Reviews HC judgements ↳ Protects Constitutional rights

2. High Court

↳ 1 or more per state ↳ Chief Justice + Multiple Judges

↳ Jurisdiction :

- Original
- Appellate
- Supervisory
- Revisional

↳ Powers :- Issue writs, Ensure administration of justice, Grant bail in serious cases

3. District level Court (BNS Sec - 6 to 8)

↳ Judges (Appointed by HC) - One session Court per district

↳ Criminal Trials

↳ Sentencing power :- Death Sentence (need to confirm by HC BNS Sec 22(2)). - life imprisonment, fine ✓ any

↳ CJM (Chief Judicial Magistrate) - BNSS Sec 23(1)

- Can't sentence death
 - 7 years or 1 LK fine
- FIRST CLASS
- BNSS Sec 23(2)
 - Imp. upto 3 yrs
 - Fine 50K
 - Community service
 - Can't give death or 7 yrs imp
 - less serious offences

SECOND CLASS

- BNSS Sec 23(3)
- Imp upto 1 yr
- Fine 10K
- Community service
- Can't give death or long imp or more fine
- Minor Offences

Cr PC :- Criminal Procedure Code

BNSS :- Bhartiya Nagrik Suraksha Samhita (2023)

(Replaced CrPC 1973, Effective from July 1, 2024)

↳ 531 sections 39 chapters

* FIR :- BNSS Sec 173 [Zero FIR - Can be filed in ANY police station, NO territorial restrictions].

⇒ Civil & Criminal Law

Objects of Punishment

- Deterrence : discourage
- Rehabilitation : Reforming
- Retribution : moral condemnation
- Incapacitation : remove dangerous offenders
- Restitution: offenders to compensate victims

Kinds of Punishment

- Death (BNSS Sec 22(2))
- Imprisonment for life (BNS Sec 6)
- Simple or Rigorous Imprisonment
- Fine : BNS Sec (8) - If fine not paid imprisonment (Sec 8(2)-(3))
- Community Service (BNS Sec 8(5))
- Forfeiture of Property (Confiscation as punishment for offender's property)

* Court Discretion: BNS Sec 7: Court can direct imprisonment to be wholly rigorous/simple or partly both

* Primary Rights

States Primary Rights

- Rt. prosecute offenders
- maintain public order
- protect citizens
- enforce law
- investigate crimes

Individuals Primary Rights

- Rt. life & liberty
- fair trial (BNSS Sec 5,6)
- legal representation
- informed of charges
- bail (BNSS Sec 50 onwards)
- Cross-examine witnesses
- to appeal

Judge's Primary Rights

- Power to hear cases & deliver judgement
- Pt. interpret laws
- Award punishment within statutory limits
- Grant bail
- issue warrants

* Sanctioning Rights

1. Hierarchy of Sentencing (BNSS Sec 22 & 23)
(HC - SJ - CJM - JMFC - 2nd Class m.)

2. Execution of Judgement

3. Supervisory Power

* Functions of Court :

- | | |
|-------------------------------|-----------------------------|
| Primarily | Secondary |
| 1. Adjudication of disputes | 1. Supervisory Jurisdiction |
| 2. Fact Finding | 2. Rule-making Power |
| 3. Interpretation of Statutes | 3. Review & Appeal |
| 4. Protection of Fun Rights | 4. Record keeping |
| 5. Awarding Punishments | 5. Issuing Writs |
| 6. Granting Remedies | 6. Advisory Role |
| 7. Determining legal Validity | 7. Preventive Justice |
| 8. Ensuring Fair Trial | 8. Law Development |

* Elements Of Crime

Human Being

Mens rea

"Guilty Mind"

'The act doesn't make a person guilty unless the mind is also guilty.'

↳ Degree (based on culpability)

- Intentional
- Recklessness
- Negligence

↳ Exceptions

- Act by Child under 7 (BNS 20)
- Child 7-12 (BNS 21)
- Insanity (BNS 22)
- Intoxication (BNS 23)
- Accident (BNS 18)
- Necessity /Dureas (BNS 19)

Actus rea

(BNS Sec 2(33))

- Action
 - direct harm
 - Conscious
- Murder (BNS 101)
- Theft (BNS 303)
- Rape (BNS 64)

Commission
(doing Something)

Omission
(Failure)

Injury

* Bail Decisions

↳ BNSS Sec 50-69

50: Police can grant bail for bailable offences

51: Bail bond Conditions & Sureties

54: Court can grant bail for non-bailable offences considering

- | | |
|---------------------|------------------------|
| • Nature of offense | • Criminal history |
| • Strength of case | • Community tie |
| • Flight risk | • Character references |

* Stages of Crime.

1. Intention - It is not culpable - no punishment.

(You must do everything to reach the stage of act; but due to external circumstances commission didn't happen arms.)

2. Preparation - Buying instruments - not culpable (generally) - exceptions

3. Attempt - All attempts are culpable, attempt to murder or theft.

4. Commission - Actual act - like murder, theft etc.

→ Sec 62 - If attempt is not punished anywhere, it can be punished from here.

→ Sec 24 - SEBT attempt = commission punishment.

(has special court

not in BNS).

Both trial will take place.

Exceptions

- Right to private defense
- Mistake of mind
- Insane - Insanity
- Improper mental state.

→ Proving intention is difficult.

BSA : Bhartiya Sakshya Adhiniyam , 2023

↳ Modern Evidence Law

↳ Replaced Indian Evidence Act, 1872

* Effective Date : July 1, 2024.

↳ Consolidates & provides general rules & principles of evidence for fair trials in all judicial proceedings.

* Evidence - BSA Sec 2(1)(e).

Oral

- Can be given in court
- Or electronically
- Addresses facts under inquiry
- Witness speaks on oath or affirmation
- Subject to examination, cross-ex., re-ex.

Documentary

- Physical or electronic
 - Produced for court inspection
 - Includes: Written, electronic, digital, photos, maps, diagrams, audio or video recordings
- ⇒ Document (BSA Sec 2(1)(d))

⇒ Examination-in-chief : initial questioning by party calling witnesses to establish supporting facts.

⇒ Cross-Examination : Opposing party's ques to challenge credibility, expose inconsistencies & test witness's truthfulness.

⇒ Re-Examination : Clarification by original party, focus on issues raised during cross exam.

⇒ Exceptions : Addressing new matters if allowed.

Section 3-14 : Relevancy Of Facts.

Sec 3 : Legal define: Fact in issue

Sec 2(k) : Relevant - counted as relevant to other in any of the ways referred to in the provisions of this Adhiniyam

Sec 4 : Closely Connected Facts (Same Transaction)

Sec 5 : Cause, Effect & Circumstances [Pre-crime, Post-crime evidences, Opportunity factors]

Sec 6 : Motive, Preparation, Conduct

Sec 7 : Explanatory Facts (Eg: Expert witness, Lab Report)

Sec 8 : Conspiracy - 2 or more person conspired together to commit an offence

Sec 9 : Inconsistency & Probability : Facts inconsistent with Fact in issue / or which makes guilt/innocence highly improbable.

Sec 10 : Damages Evidence

Sec 12 : State of Mind - Facts showing existence of state of mind - intention, knowledge, rashness etc.

Sec 13 : Series of Similar Acts -

Sec 14 : Course of Business

Section 15-27 : Admission & Confession (22-27)

(15-21)

Admission of guilt by a criminal suspect

Statement that suggests an inference

about a fact in dispute

Sec 15 : Definition of Admission

Sec 16 : Add. by Party or Agent

Sec 17 : Add. by Persons whose Position must be Proved

Sec 18 : Add. by Persons Expressly Referred to

Sec 19 : Proof of Admissions

Sec 20 - 21 : Restrictions on Admissions

* Key Elements for Confession Irrelevance

- Inducement
- Threat
- Coercion
- Promisc
- From Person in Authority
- Reasonab

* Proviso :- If confession is made after the impression caused by these are fully removed, it is irrelevant.

Sec 23 : Confession to Police Officer 23(1)
Sec 24 : Joint trial Confessions 23(2) : Proviso

Sec 25 : Extra-Judicial Confession - 3rd person can be judges, magistrates, civils, written form etc.

Sec 26 : Dying Declaration.

* Sec 39 : Opinion of Expert

Sec 39 (2) : Electronic Evidence Expert

• What Qualifies as Expert Opinion

• Role of Expert Witnesses : • Assist Court • NOT to decide • Provide methodology

• Requirements - Qualification, Basis, Methodology, Reliability, Proper Foundation

* Sec 57 - Primary Evidence - original doc / record itself presented directly to the Court for inspection

Characteristics : Original doc

Direct Production

Inspection

Authenticity

Exceptions : Loss or disruptions (BSA 60)

Possession of Opposite Party

Mechanical Process Accuracy

Electronic Record

* Sec 58 - Secondary Evidence - Certified, Mechanical, Counterparts, Oral.

• Rules

a. Notice Required

b. Explanation Req.

c. Reliability

d. Accuracy

e. Competence

* Sec 61 : Electronic & Digital Records

* Sec 63 : Admissibility of Electronic Records

Requirements : Authorized Creation / Storage

Ordinary Course of Business

No Material Alteration

Other records produced or Explained

Reliable Production, Storage, Transmission & Archival

Process : 1. Authenticate Record

2. Show Compliance with Reg.

3. Expert Foundation

4. Court Determination

* Sec 136 - Exclusion from witness examination upon production of Documents

* Sec 140-144 : Examination & Cross Examination

Sec 142 - 3 Types of Examination (+ Re-examination)

142(1) - Examination-in-chief : Non-leading Ques, Establishes facts favorable to calling party.

142(2) - Cross-Examination : leading ques, Challenge witness credibility, test accuracy

Sec 143 - Scope of Cross Examination :

Sec 146 - Leading Ques during Cross Examination

142(3) - Re-Examination - Clarify ambiguous answers, Explain inconsistency raised - Can't have leading ques,

↳ Can't introduce new evidence

* Sec 158 - Impeaching Credit of Witness

* Sec 165 - Production of Documents

• Mandatory Production upon Summons

• Court decides on Objections

• Exceptions to Mandatory production

★ BNSS - Bharatiya Nagrik Suraksha Sankita

↳ Replaced CrPC (1973)

↳ Establishes procedures for investigation, inquiry, trial

Sec 6 : Classes of Criminal Courts

Sec 2(1)(t) : FIR

"Police report" means report submitted to Magistrate by Police officer (193(3))

Sec 173 : FIR Registration

↳ Can be registered by oral, written, electronic etc.

↳ Cognizable offence, date, time, place, immediate start

173(1) = Zero FIR

↳ No territorial restrictions

↳ Automatic Forwarding

↳ Time Recording

↳ Procedural Compliance

- Info Recording
- Immediate Registration
- If Police Refuses to register

Benefits → Faster Evidence Preservation

→ Witness Protection

→ Victim Support

→ Evidence Trail

Sec 197 - Inquiry & Trial

Sec 105 & 185 - Videography of search & seizure

↳ Recording of search & seizure through audio-video electronic means

↳ Improves Transparency, Evidence integrity, legal protection, Witness Doe

Sec 176 - Procedure For Investigation

- Case memorandum. (date, time, place, informant details, initial obs, evidence identified etc)

Sec 178 - Magistrate's Power in Case Investigation

↳ Act upon police record - investigate, preliminary inquiry or dispose case.

Sec 180 - Examination of Witnesses By Police

Sec 180 - Special Provision - Sexual offence cases (See 67-71 BNSS & POCSO Act)

↳ If witness Not examined in Court - Sec 162 of BNSS applies

Sec 184 - Medical Examination of Victims of Rape

↳ Medical Examination: Physical Examination, Evidence Collection, Medical Tests

Sec 193 - Report of Police Officer on Completion of Investigation

a. Parties to Case : Informant, Accused, Victim

b. Substance Info : Original Complaint / FIR, Facts of case

c. Witness Details : Eye witness, Scientific Witnesses, Character witness

d. Evidence Collected : Physical, Documentary, Digital, Forensic evidence

e. Investigation Findings : Facts, Suspicious circumstances, Alibis checked

f. Officer's Opinion : 1. Made Out 2. Offence NOT made out

g. Attachments with Report

90 Days - Normal crimes 2 months - sexual offences

Serious crimes - 6 months

Sec 194 - Police Report on suicide & related matters

- ↳ Procedure
 - i) Crime Scene Securing
 - ii) Death Circumstances Assessment
 - iii) Preliminary Evidence Collection
- ↳ Magistrate's Options:
 - i) Order Autopsy
 - ii) Further Investigation
 - iii) Record Statements

Sec 329 - Report of Govt. Scientific Experts

★ BNS : Bhartiya Nyaya Sahita

↳ Replaced IPC (1860).

↳ Defines all criminal offences in India & prescribes punishments for them.

Sec 3: General Explanations-

- ↳ Chapter III, Sections 14-26 - automatically apply to ALL offences, even tho not mentioned repeatedly
- ↳ Ensure consistency & standardization of terminology across all sections
- ↳ Possession through spouse, Clerk, or Servant
- ↳ Criminal Acts include omissions

○ Mensrea : "Guilty Mind"

- Knowledge
- Negligence
- Recklessness

○ Actusreus : "Guilty Act" - physical act or omission that constitutes criminal offense.

- a. Voluntary Action
- b. Unlawful
- c. Causation
- d. Resulting Harm

Sec 3(5) : Common Intention

- a. More than 1 person
- b. Common intention
- c. Act done in furtherance
- d. All liable equally

Sec 3(6) : Criminal Knowledge / intention with multiple Acts

Sec 3(7) : Combined Action & Omission

↳ Committing crime through both doing something AND failing to do something

culpable homicide

Sec 3(8) : Cooperation in multi-act offences

↳ Multiple actors in multi-step crime.

Sec 3(9) : Different Offences from same act. → Diff liability despite same act.

Sec 45 : Abetment - helping or encouraging someone to commit a crime (instigates, engages, aids)

Sec 45(a) : Instigation

MODE 1

- | | | |
|---------------------|---------------|-----------------|
| • Direct Incitement | • Inducements | • Encouragement |
| • Threats | • Deception | |

Sec 45 (b) : Conspiracy :	Conspiracy (4s)	Common Intention (3(s)).
MODE 2	Before ACT	During ACT
	Agreement to commit crime	Acting Together with common goal

Sec 45 (c) : Aiding :- Assisting or supporting the commission of an offence

MODE 3

- Material Aid
- Presence
- Information
- Omission
- Facilitation

Sec 46 : Abetment liability → punished as if they committed it themselves

Sec 61 : Criminal Conspiracy :

- ↳ Minimum Punishment req.
- ↳ Agreement b/w person
- ↳ With intent
- ↳ Actual acts in pursuance

Punishment

or rigorous imp (2-7 years)

↳ Death or life imprisonment OR 10 yrs + fine

Sec 62 : Attempt - substantial step towards committing a crime

- Intent → Act → Crime not completed
- Preparation
- Attempt.

Punishment : one-half of the longest term of imprisonment for offence

• Attempt to murder - imp 10+ yrs

rob - $\frac{7 \text{ yrs}}{3 \text{ yrs}}$ - 3-4 yrs
theft - $\frac{3 \text{ yrs}}{\text{max.}}$ - $\frac{1.5 \text{ yrs}}{\text{for attempt}}$

Sec 63 : Rape (Sexual Offences)

- Key elements
- Penetration
 - Without consent - Physical Force, Threat, Intoxication, Unconsciousness, Child, Subst.
 - No valid consent

Sec 64 : Punishment for Rape

64(1) : Std. Rape - Rigorous imprison. (min 10 yrs) + fine

64(2) : Rape of Child below 12 yrs - Rigorous imprison. (min 20 yrs) + fine

64(3) : Rape committed multiple times - life imprisonment - No remission except by President clemency

Sec 101 : Murder → Intention, Knowledge, Act

Culpable Homicide → NOT Murder → WITHOUT intention (Sec 104-106)

Sec 103 : Punishment for Murder

- Ordinary Murder - → same.
- Murder of Child - death sent / life imp. (no remission) / Rigorous imp. (20+ yrs) + Fine
- Multiple Convictions - death (no remission)

Sec 178 : Counterfeiting - Imitating or creating fake currency, coins or gov. doc. with intent to deceive or defraud. (Stamp, coin, note)

- Resemblance Causing
- Deceptive Intent
- Substantial Accuracy NOT Required

- Types :
- Coin (metallic currency)
 - Gov. Stamps
 - Currency Notes
 - Bank Notes (checks, drafts)

Sec 179 - Punishments for Counterfeiting

179(1): Without knowledge of true Nature \rightarrow RI + yrs + fine

179(2): with knowledge \rightarrow RI 10-15 yrs + fine

179(3): with intent to use \rightarrow RI 10 yrs + fine

179(4): dealing in counterfeite \rightarrow RI 10 yrs + fine

Sec 317 - Receiving Stolen Property

a. Stolen Property

b. Knowledge or reason to believe

c. Dishonest retention

Receiving vs Retaining

• Taking possession

• Continuing to keep stolen property

Sec 318 - Punishment

(1) Ordinary Case - 3 yrs imp OR 2yr.

(2) Dealing in stolen property - Business - 7 yrs + fine

(3) Subsequent offences - Increased punishment

Rajdeep Grosh's Session.

Criminal law is objective in nature.

\hookrightarrow It shows what is punished

offence is only used in criminal aspect

\rightarrow Proof of guilty [not for innocence] - innocent until proven guilty.

\rightarrow Accused of committing an offence - BNSS - Procedure to go ahead with trial.

• Power of court & police

• Duties of police

• Trial process post trial } given in BNSS

• Appealing to court

\rightarrow BSA - Satish Adhiniyam - Confessions made in front of police is of no value.

\hookrightarrow What is valid in court is given in BSA.

\hookrightarrow Stage, who will bring evidence,

\hookrightarrow when you in court, what proves your innocence.

\hookrightarrow motives, intention is included in this.

• Crime is not used, offence is a legal word

1. Actus reus

\hookrightarrow Cause of death

\hookrightarrow Consequence of act.

Act can be singular,
consequences are diff.

Eg; Act - Stabbing

die
 \downarrow
hurt

2. Mens rea

\hookrightarrow Mental state while committing crime

\hookrightarrow Guilty mind, or motive

Eg; In BNS - child below 7 can't have mensrea

Kidnapping - no mensrea.

This both should go together - consequence of
Actus reus or mensrea.

dishonest misinterpretation.

* Objects of Punishment.

Lowest

- Comm. Sentence - Some work for society.
- Fine - (Penalty - Compensation) - Fine will go to state bank
- Imprisonment - Behind the bars
 - Simple (SI) - work is simple
 - Rigorous (RI) - work is harsher
 - Life Imp.^(L.I) - Can be both SI & RI.

4. Death Penalty - Highest / Capital

(High, Supreme, Punishment / Sentencing session.)

post conviction orders can be passed
• 14 yrs

Eg: trespassing, defamation, Covid outgoing.

Chirag Rana, Pancholi - 2008
14 yrs - parol.

Sec 61 - Criminal Conspiracy.

↳ Need to have 2 or more person. (Delhi blast)

Agreeing to commit unlawful activity.

a. Offense (murder) - agreement is enough - no act

b. Something prohibited (maternity leave - some act)

c. Something furnishes ground for civil action

• Agreement here itself is actus rebus
thinking is mens rea.

* Sec 8 of BSA - how to prove C.C.

45-60 Offense of Abetment. - 2 pp - Abettor Abetted person

Instigation

Conspiracy

Intentional aid
changed.

(main)

(act & will do).

Abettor - 100% intent

so-so partners to do an offense
↓
Some act done apart from agreement
↓
1st person will be changed

↓
abetted person wants to commit crime

Eg, 2nd person wants to kill X, 1st person gives knife or rod.
Final act should happen only when the murder is done by weapon given by abettor.

(act is needed). (only abettor gets charged)

Criminal consp - can be for offense, civil action, prohibited (no act needed) (both gets charged).

* Bhartiya Sankhya Adhiniyam

Last seen theory
Plan of alibi - Incapacitation of a person to commit a crime. (Sec 4)
motive

accused - convicted.

→ Evidence - What can we bring in court of law, who will bring & process
Homicide, Suicide, accidental death.

Sec 2(1)(a) Evidence: (Lawyer can't testify in civil matters) - in criminal he right [documents, oral]

criminal
inculpative facts - proves u to be a
exculpatory facts - excludes u from crime

Fact ↓ Fact in issue ↓ Relevant fact ↓
anything that can be perceived by sense of sight
↓
Creates a liability or disability of a person.
(Ques which affects the liability of a person)

All facts can't be called relevant
Any fact which contributes in fact in issue is relevant fact.
→ Chap 2 -

previous & subsequent conduct - why its relevant?
↓
before crime happens after crime happens

of FIR.
questioning - high court
discharge - court where it has to be supposed to

Admissions & Confessions are relevant. -

Trial

Only applicable if proves your guilt
that's against your interest.
↓
Not be made in threat made in front of police
is not relevant.

→ State vs X. accused

248 - Every trial is conducted by public prosecutor
249 - Opening by the prosecutor. - Story.
250 -

date for prosecution evidence

255 - aquitted - if prosecution is not able to prove the case - after few evidences are given in court.
↳ If it doesn't happen - case goes ahead

256 - argue. 2 stages judgment on guilt 14 yrs - good behavior
Judgment - Sentence hearing

Unit 5 : Cyber Law.

Components of Computer Hardware

1] CPU: Fetch, decode, Execute, Store

- Clock speed
- Cores
- Cache Memory

2] Motherboard :

- ICs
- Bus systems
- Chipset
- BIOS / UEFI
- Power Supply unit

3] RAM : Random Access Memory

- Volatile
- Addressable
- DDR
- Speed
- SRAM
- DRAM
- SDRAM (Syn with CPU clock)

4] Storage Devices

1° - Volatile - RAM

2° - Non-volatile - HDD - SSD - Hybrid drives (SSHD)

5] Graphics Processing Unit (GPU)

↳ unauthorized cryptomining

6] Power Supply Unit (PSU) → AC to DC

7] Cooling System: Air & liquid Cooling

8] Peripheral devices :- Input, Output , Storage

* Computer Architecture Models : Von Neumann Architecture

- ↳ Memory Unit
- ↳ Control Unit
- ↳ Arithmetic Logic Unit
- ↳ I/O Systems

* Storage Media & Devices

- a. Access Method (Seq vs Random)
- b. Storage Medium (mag, optical, electronic) [Optical - CD, DVD, Blu-ray disc]
- c. Volatility (Vol & Non-vol)
- d. Permanence (Temp & Permanent)

⇒ Flash Memory Devices: USB , SD , Micro SD

Types TLC, MLC, SLC
Slow Fast
more capacity lower capacity

⇒ Cloud & Network Storage = NAS - Network Attached Storage

- Architecture
- RAID Support

• Multiple Protocols : NFS, SMB, AFP

= SAN - Storage Area Network - High speed network providing block level storage access to servers.

Cybercrimes Against Individuals

↳ target personal data, privacy & dignity

a. Email Spoofing : 66C, 66D - IT Act 2000

3 yrs imprisonment or ₹1LK fine

b. Phishing : 66D, 66E same

c. Spamming : 66A (now unconstitutional), Sec 43 - civil liability

d. Cyberstalking : 66E, IPC 354D (harassment) - 3 yrs or ₹1LK fine

e. Cyber Defamation : IT Act Sec 43, IPC Sec 499-500

f. Cyber Harassment & Bullying : 66E, IPC 354A (sexual harassment)

Cyber crimes Against Property.

↳ Target IP, fin assets & proprietary info.

a. Credit Card fraud - 66C, 66D, IPC 420 (cheating) - 3 yrs imprisonment & ₹5LK fine

b. Intellectual property crimes - Copyright act 1957, Patent Act 1970 - IIPA (International intellectual property alliance)

c. Internet Auction Fraud

d. Internet Time Theft

Cybercrimes Against Organization

a. Unauthorized Access - Hacking - 66 - 3 yrs & ₹1LK fine

b. DOS/DDOS - 66 - Imprisonment & fines

c. Malware Acts - 66

d. Email Bombing - 66 IT

e. Salami Attack - 43 & 66 IT

f. Data Diddling - unauthorized alteration of data before processing

g. Industrial Espionage - 43

h. Logic bomb - 66 IT

i. Software Piracy - unauthorized copying & distribution of software - Copyright Act, DMCA (us), Software Piracy Act

Cybercrime Against Society.

a. Cyber Terrorism - WannaCry Ransomware (2017) - North Korea - infected NHS Systems

↳ 66F IT Act - Life Imprisonment

↳ Int. Framework - Budapest Convention, UN regulations

b. Hacking critical infrastructure

c. Website defacement / Web Jacking

d. Cyber Warfare - Stuxnet worm (2010), NotPetya (2017), SolarWinds Supply Chain (2020)

e. Distribution of Obscene material - 67 - 5 yrs + ₹10LK fine



* Cyber Law :-
↳ Virtual world
↳ Government

Scope

1. Criminal
2. Civil
3. Administrative
4. International
5. Substantive
6. Procedural

Purpose & Objective

1. Protection
2. Justice
3. Regulation
4. Facilitation
5. Harmonization

Key Stakeholders

1. Gov
2. Private
3. International

IT Act, 2000 was enacted as Act No 21 of 2000 by Indian Parliament.

IT ACT 2000.

- Passed in budget session of 2000
- Signed by President KR Narayana on May, 2000
- Notified on Oct 17, 2000.
- Minister of IT, Pramod Mahajan
- 94 sections - 13 chapters
- 4 schedules (3 & 4 omitted later)
- External territory applicable if Indian computers or networks

Addressee (Section 2(1)(B))
Subscriber (Section 2(1)(ZG))
Digital Signature (Sec 2(1)(P))
Electronic Signature (Sec 2(1)(TA))

Sec 43 : Civil Liability

Unauthorized access to comp	→ Upto 1 LK
Data alteration / destruction	→ Compensation for actual loss
System interference	→ "
DOS	"
Transmission of malicious code	"

Sec 46(1) : Adjudicating officer

Aggrieved person files complaint with adjudicating officer
He investigates & determine damages
Max compensation ₹1 cr per incident
Non criminal remedy.

Sec 65 : Tampering with Comp. Source Documents

3 yrs imp or 2 LK fine

Sec 66 : Hacking / Unauthorized Comp Access

3 yrs 5 Lk fine

↪ intentional, without permission, knowledge

66(A) : Sending Offensive Msgs (Struck down-2015)

↪ too vast & vague

↪ violated freedom of speech 19(C)(a)

↪ Susceptible to misuse by authority

66(B) : Receiving Stolen Computer Property

3 yrs or ₹1 lk fine

↪ receiving & retaining with knowledge

66(C) : Using Electronic Password of Another Person

3 yrs or ₹1 lk fine

66(D) : Cheating using Comp. Resource

3 yrs or ₹1 lk fine

↪ Fraud using internet

66(E) : Invading Privacy / Publishing Private images

3 yrs or ₹2 lk fine

66(F) : Cyber Terrorism (Terrorism threshold)

lifetime imprisonment

Sec 67 : Publishing Obscene Material in Electronic Form

1st time - 3 yrs &/or 5 lk fine

2nd time - 5 yrs &/or 10 lk fine

67(A) : Publishing Sexually Explicit Content

7 yrs & ₹10 lk fine

67(B) : Punishment for Publishing Material depicting Children in Sexual Act (CSAM)

1st - 5 yrs 2nd - 8 yrs (higher penalty if victim is under 12)

Sec 68 : Failure to comply with orders

2 yrs &/or 1 lk fine

Sec 69 : Govt. Authority for Data Interception (Govt notification specifying reasons)

Non-compliance - 7 yrs

69(A) : Blocking of Info on Internet

Non-compliance - 7 yrs

69(B): Monitoring & Collection of Traffic data

1 yr or 1 cr fine

Sec 70 : Protection of Critical Info Infrastructure (Power grid, banks, Telecommunication)

10 yrs imprisonment

Sec 71: Misinterpretation to Controller

2 yrs &/or 1 lk fine

(Providing false info to certifying authority)

Sec 72 : Breach of Conf. & Privacy

2 yrs &/or 1 lk fine

72(A): Disclosure in Breach of lawful Contract

3 yrs &/or 5 lk fine

Sec 73 : False Digital Signature Certificate

2 yrs &/or 2 lk fine

74: Publication for Fraudulent Purpose

2 yrs &/or 1 lk fine

* 2008 Amendments

Cheating by Personation	66 D	3 yrs / ₹ 1 lk
Identity theft	66 C	"
Violation of privacy	66 E	3 yrs / ₹ 2 lk
Cyber Terrorism	66 F	life
Obscene Content Children	67 A	7 yrs / ₹ 10 lk

69 - decryption Authority

69A - enabled blocking of public access

69B - added traffic data monitoring

* Cyber Ethics & Morality (shall or should do)

Must do - Law.

* Cyber Ethics

1. Accountability :- Responsibility for actions & decisions in digital environments.
2. Transparency :- Openness in information sharing & communication practices.
3. Confidentiality :- Protection of private information from unauthorized access or disclosure.
4. Integrity :- Absence of unauthorized modification.
5. Availability :- Accessible to authorized users when needed.
6. Compliance :- Follow standards & appropriate guidelines.
7. Continuous learning :-

* Ethical issues

1. Hacking
2. Identity theft
3. Plagiarism
4. Cyberbullying
5. Fake News
6. Privacy Invasion

* Cyber Etiquette (Netiquettes)

1. Respect & Civility
2. Clarity & Professionalism
3. Relevance & focus
4. Privacy Respect
5. Legal & Safe Behaviour
6. Acknowledgment & Credit

* Diff b/w Pornography & Child Sexual Abuse (CSAM)

↓ ↓
Requires consent of 2. No consent.

* Categories of CSAM

IT - 67A, 67B, BNIS - 294A & 294B
obscene material broadly defined

1. Contact CSAM - Origin, Creator, Documentation, Characteristics, Prevalence
2. Self-Generated CSAM - Child creates sexually explicit images of themselves
3. Pseudo or Morphed CSAM - Images created through digital manipulation.
4. Cartoon/Animated - Animated or drawn depictions of children in sexual acts
5. Text-Based CSAM - Content, Format, Challenge

* CSAM Distribution

1. Live Streaming
2. Peer-to-Peer
3. Darknet Markets
4. Social Media
5. Cloud Storage

* Offender Characteristics

1. Age - 13-70+
2. Motivation
3. Behavioural Pattern
4. Organizational level

* Victim Impact

1. Immediate: trauma, fear, conf.
2. Long-term: PTSD, depression
3. Re-victimization: online circulation
4. Cumulative Harm

* POCSO Act :- Protection of Children from Sexual Offences Act (2012).

* Technical Challenges

1. Encryption
2. Anonymity
3. Darknet
4. Volume
5. File Verification

* Prevention Strategies

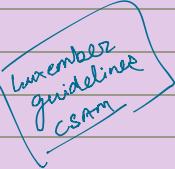
- A. Tech Based
- B. Edu. Based

* Legal Challenges

1. Jurisdiction
2. Extradition
3. CoC
4. Victim Identification

Response Protocol

1. Immediate Reporting - IIIFC



A. Grievance Redressal Mechanism

1. Designated grievance officer
2. Response Timelines : Ack (24 hrs), Resolution (15 days), Removal date 24-72 hrs (depending on severity)
3. Appeal Mechanism

B. Content Removal & Moderation

1. Immediate removal of content (Threatening national integrity, sovereignty, security).
2. Due diligence
3. Prohibited Actions

C. User Verification & Traceability

1. Originator Identification
2. Non-compliance Consequences - Loss of safe harbor immunity

D. Transparency & Accountability

1. Quarterly transparency reports.
2. Privacy Policy Disclosures.

Online Grooming - 5-10 yrs imp & 1 lk fine

Solicitation of Child Sexual Material - 3-8 yrs & ₹50k fine

Fabricated Material - 3-8 yrs imp

Distribution & Transmission - 3-8 yrs imp & ₹50k fine.

BNS Sec 356 (2) 2

* Defamation (Section 356 BNS) - imprisonment upto 2 yrs or fine or both on community serv

* Sexual Harassment (Section 75 BNS) - 3 yrs or fine on both

* Criminal Intimidation (Section 351 BNS) - Basic 351(2), Aggravated 351(3), Anonymous 351(4)
2 yrs or fine 7 yrs or life imprisonment 2 yrs+

* Outrage of Modesty - (Section 74 BNS) - 1-5 yrs & fine mandatory

* Use of criminal force to disrobe a Woman (Sec 76 BNS) 3-7 yrs + fine mandatory

* Word, Gesture or Act - (Sec 79 BNS) 3 yrs + fine

* Privacy & Security in Cyber domain

Article 21 - Right to life & Personal Liberty. - interpreted to include right to privacy
DPDP Act - 2023

→ Data Fiduciary (Controller)

Instagram - Why & How

Data Processor

AWS

Digital Personal data

PIT

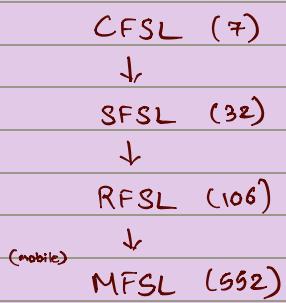
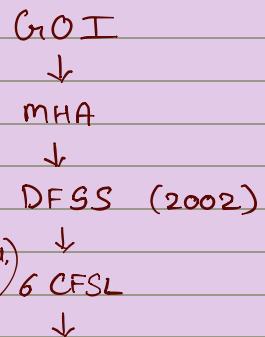
→ Principles :- Lawfulness, Data Minimization, Erasure, Accountability, T & C, Storage limitation, Accuracy & Quality, Purpose limitation

→ Rights :- Informed, Changed, Erasure, Access, Portability & Grievance Redressal.

Unit : 3.

Academic Institutions involvement

1. NFSU, Gnr
2. IFS, Indian Education Dep, Pune
3. Lady Hardinge Medical College, New Delhi
4. AIIMS, New Delhi
5. IFS, Mumbai
6. LNJP, New Delhi



Total = 697.

GQED :- Gov Examiners Of Questioned Documents.

(1906)

West Bengal created the post → later shifted to Shimla, under control of Criminal investigation department
1904 → CR Handless appointed for this post & Currently its under DFSS, MHA, GOI.

Types :- Cheques, Currency, Wills, Burned papers, Stamps, licences, photocopies, Typed letters, Suicide notes, passports, agreements, laminated docs etc. (Impressions, burned or shredded docs)

Fingerprint Bureaus

(CFPB)

(1905)

- ↪ On recommendation of Royal Police Commission, 1st Central FPB was established in Shimla
- ↪ Started functioning from 1955 in Delhi under administrative Control of IB.
- ↪ Tracing & locating inter-state criminals.
- ↪ 1973 → control given to CBI
- ↪ 1986 → Control given to NCRB
- ↪ Since 1956 → Examination every year.
- ↪ "Finger Print in India" - in-depth study of performance & activities of all FPB of country
- ↪ Conduct comp. of Police at All India Police Duty meet.

⇒ AFIS

- ↪ Indian version called 'FACTS' → Co developed by NCRB & cmc.
- ↪ Current version 5.0 → System uses Image Processing & Pattern recognition techniques to capture → encode → store → match → Types of FB.
- ↪ Apart from this it also stores non-fp info like gender, religion & conviction details.

NCRB

- ↳ Responsible for collecting & analysing crime data. defined by IPC & Special & Local Laws (SLL).
- ↳ HQ in Delhi - Part of MHA
- ↳ Setup in 1986 (to fun as repository of info on crime & criminals)
- ↳ Functions.

Police & Detective Training Schools.

- ↳ Responsible for in-service training related to common subjects
- ↳ Coordinates training with other country through Foreign Security agencies.
- ↳ Developed standardized training method for skill upgradation
- ↳ BPRD & MEA allows foreign officers to get trained in India.
- ↳ Training intervention scheme BPRD - pool of trained officers.
- ↳ BPRD supervises 5 Central Detective Training schools
 - Kolkata • Hyderabad • Jaipur • Ghaziabad • Chandigarh.
 - ↳ which runs courses for central / state police officers.
- ↳ CAPT = Central Academy for Police Training - established by BPRD at Bhopal
 - ↳ Conducts training programs for Dy SSP Rank officers

NIA.

- ↳ Federal agency of India - MHA, GOI. * HQ - Delhi
- ↳ NIA 2008 Act was passed by Indian Parliament on Dec 31, 2008 - (Mumbai terror attack) ^{26/11}
- ↳ has jurisdiction of entire country & can investigate cases from other country as well.
- ↳ Power to investigate & prosecute offences
 - including Unlawful Activities (Prevention) Act
 - Explosive Substances Act
 - Arms Act
- ↳ 9 Places - Delhi, Hyderabad, Lucknow, Mumbai, Kochi, Jammu, Raipur, Guwahati, Kolkata.

CCTNS

- ↳ Online police systems in India
- ↳ launched in 2009 by MHA.
- ↳ Create nationwide integrated DB of crimes & criminals to facilitate info sharing b/w police stations & law enforcement agencies.
- ↳ 2021, implemented in all 36 states & union territories of India. covering 16,000 police stations
- ↳ Improve citizen-centric deliveries through effective ICT usage.
- ↳ Functions
- ↳ Benefits to Police dep., MHA, Citizens.

Bureau of Police Research & Development.

- ↳ Established on Aug 28, 1970 - Comes under MHA.
- ↳ 4 Divisions
 - ↳ Research & Correctional division
 - ↳ Development
 - ↳ Administrative
 - ↳ Training (UNDP, UNESCO & Colombo Plan)
- ↳ Releases 'Data on Police organization' - woman police, expenditure, constable ratio, castes, police training cent ^{transport facility etc.}
- ↳ Objective - To take direct & active interest
 - Add tech & sci in methods & tech used by police
 - promote speedy & systematic study of police problems

DFSS & Mobile Forensic Vans (MFV)

↳ Launched by GFSU & Helik Advisory Ltd.

↳ Roles: Provide Professional & technical assistance

Preliminary analysis of clue materials

Interpretation of forensic results.

↳ Benefits: - On spot analysis

- Reduced Response time

- Customization available

- Identification & Collection of evi

- Storage & transport of evi

↳ Distribution - 1 Nepal, 13 Guj State, 45 Maharashtra, 2 DFSS Delhi

Police Academies

Sardar Vallabhai Patel National PA

↳ 15 Sep, 1948 - Hyderabad - MHA, GOI

↳ Civil Service training institute

Assam Rifles

↳ 15 Sep, 1948. HQ Meghalaya.

↳ CAPF but under control of Indian Army

↳ Protect Indo-Myanmar border

Central Reserve Police Force Academy (CRPF)

↳ 1949 - Hyderabad - MHA, GOI

↳ Civil Service Training Institute

Central Industrial Security Force

↳ 1969 HQ New Delhi CAPF

↳ 356 industrial units (13 Private Sector)

BSF

↳ 1 Dec, 1965 - MHA GOI - Civil Service Training Institute

↳ HQ New Delhi

↳ Border guard & security

N.S.G.

↳ 16 Oct 1984, HQ: New Delhi

↳ Black Cats - counter terrorism unit

Indo-Tibetan Border Police Academy (ITBP)

↳ 1962 - HQ-New Delhi - MHA, GOI

↳ Type CAPF

↳ Guards 3,488 Km long India-China Borders starting from Karakoram Pass in Ladakh to Jachap La in Arunachal Pradesh

SSB - Sashastra Seema Bal

↳ 20 Dec 1963

↳ Border guarding Nepal & Bhutan

IB.

↳ 1947.

↳ gather intell from India & also execute counter-intelligence & counter terrorism attack

Enforcement Directorate

↳ 1st May 1956

1999 ↳ Foreign Exchange Manag. Act (FEMA)

2002 Prevention of Money Laundering (PMLA)

2018 Fugitive Economic Offenders (FEOA)

NCB

↳ 1947

↳ drug trafficking & use of illegal sub. under Narcotic drugs & Psychotropic Sub. Act.

* FBI

- ↳ 1908 - Attorney General Charles Joseph Bonaparte
- ↳ principle investigative arm of US Dep. of Justice
- ↳ Originally called Bureau of Investigation (1909)
Renamed FBI in 1935.

* MISSION

- a. Protect & defend US against terrorist & foreign intelligence threats
- b. Uphold & enforce US criminal laws
- c. Provide leadership & services to federal, state & municipal & international partners
- d. Perform responsibilities in a manner faithful to US Constitution.

- ↳ Continuously evolves to address emerging threats & tech-driven crimes.
- ↳ Balances both national security & law enforcement.
- ↳ Balances investigation rigor with public accountability

* Major Priorities

- * Support & Community Engagement
 - Partnership
 - Training
 - Interagency initiatives
 - Provide criminal justice info & id service

* Core Funcs.

- ↳ Conduct investigation & intelligence operations against domestic & international threats
- ↳ Perform counterintelligence & coordinate with other agencies
- ↳ Protect critical infra
 - ↳ Investigate federal law violations
 - ↳ Disrupt & dismantle
- ↳ Analyse intelligence to prevent criminal acts

* Technology & Research

- Develop new tech, sys, device
- Conduct research
- Ensure efficient, effective & lawful operation

* Comm & Accountability