

# Cyber laws.

Date: ( ) ( )

## IT Act 2000 (As amended 2008)

- Enacted on 9<sup>th</sup> June 2000
- Commenced from 17<sup>th</sup> Oct 2000
- On 24<sup>th</sup> March 2015, Section 66A,

IPC, 1860

SEA 1872

## Cyber laws:-

94 sections, 13 ch, 4 schedules  
e-governance,

## Scope <sup>Imp</sup>

- Crypto law - crypto currencies, blockchain assets, CBDC, Defi, ....
- E-commerce law
- Cyber Crime Prosecution & Defence.
- Presenting Digital Evidence in Court - bitcoinnemail, IoT devices, laptops, etc.
- IP registration & licence, drafting, services - apps, software, source code, digital content, etc.

GMA [2 Questions]

7/10

Date: 10/10

## Chronology of Indian Cyber Law.

2000

- ITA, 17<sup>th</sup> October.
- IPC amended by IT Act.
- Code of Criminal Procedure,  
Code Civil Procedure Code and the  
IT Act.
- Bankers' Book Evidence Act
- RBI Act.

2001

- IT (Certifying Authority) Regulation

~~2002~~

{

2009 → ITA (Amendment) 21<sup>st</sup> Oct.

1 → Def<sup>n</sup>

Short Question.

True false

MCQ

% System Root%

↳ ci/windows

S&D → Security ID

⇒ Central Bank Digital Currency (CBDC)

⇒ chapter XI offences

⇒ Email - Forensics

IANA → Internet assigned Number authority,  
APNIC

⇒ Applicability of IT Act.

- Indian Penal Code 1860!
- Indian Evidence Act 1872!  
↳ 65B
- Code of Criminal Procedure.
- Bankers Book evidence Act.



## ⇒ Non Applicability of IT Act.

- Negotiable instrument (other than a cheque)
- Power of attorney.
- Trust
- Any Contract for the sale of immovable property;
- Will
- Any such class of documents or transactions as may be notified by the Central Government in the Official Gazette.

u.smp.

## ⇒ Key terms under IT act.

- Access → Section 2(1)(a) of IT act.
- Computer → Section 2(1)(i)
- Data → Section 2(1)(d)
- Computer system → Section 2(1)(e)
- Computer Network → Section 2(1)(j)

>> append  
> overwrite

history

Date: 

~~Access~~

Netcat (nc)

ip → ipconfig / ifconfig.

nc <ip addr> <port no>

nc -lvp <port no>

l:- listening.

v:- Verbose

p:- port no.

⇒ Transferring files.

nc -lvp <port> > <filename>

nc <ip> <p> << <file>

@s | nc -lvp <port>

dd if= modes.7z . of= ip 4444

# ⇒ RAID

Redundant Array of Independent Disks.

Raid - 0 - striping.

- 1 - mirroring

- 5 - striping with parity ✓

- 6 - " " " double "

- 10 - Combining mirroring & striping.

Raid 0 + Raid 1.

## ⇒ Certifying authorities & Subscribers.

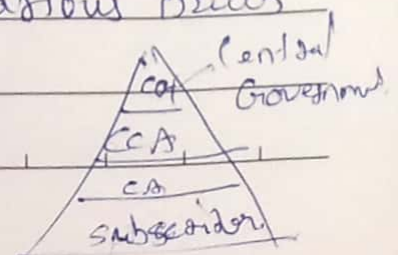
→ A CA is a business organization that issues electronic signature certificates to the subscribers.

Subscriber means a person in whose name electronic certificate is issued.

20)

## ⇒ CA & Controller of CA.

→ IT (CA) Rules, 2000 covers various issues related to CAs including:





# PI: Police Inspectors.

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→ Investigative Framework under IT Act.

→ Minimum officer rank to investigate: PI.

→ Section 69 IT act: Powers to issue direction, Central / State Govt. have power to give dir'n to any agency of the appropriate Govt. for interception or monitoring or decryption of any info. through computer resource.

• Any person who fails to assist agency shall be punished imprisonment upto 7 years.

→ Section 69A IT Act: power to issue dir'n for blocking public access.

→ Section 69B IT Act: Power to authorize to monitor & collect traffic data or information through any computer resource for Cyber Security.

→ Sect 70 IT act: Protected System.

→ Sect 70A IT act: National Nodal agency.

Sect 70B IT act: ~~Act~~ In-CERT.

(Indian Computer Emergency Response team.)

# MCA or TLF Imp. in ERM

(Supreme Court Judgment)

Date: (2013)

1) Anwar PV VS PK Bashir & others  
- 65B (2013). Compulsory.

2) Sha Fi. Mohommad VS State of UP. Prasad  
- non mandatory. (2017)

3) Aojun Pandit RAO Khotkar VS  
K Pailas Khushnara & others. (2021)  
- mandatory.

## Sec 75 Act

Sec 78 Power to investigate the offences

Sec 76 IT Act Confiscation or Seizure,  
↳ Panchnama.

↳ Chain of Custody & Digital evidence collection form.

Sec 79A. IT Act Central Government to notify Examiners of Electronic Evidence.

CRPC Procedure :-

## CDR Analysis A Scenario.

- Gajraj VS State (NCT Delhi) (2011)  
10 SCC 675.  
IMEI number considered to be conclusive evidence.

Raj Tika



## → Penalty & Compensation Under IT Act.

• Sect 43 IT Act.

↳ compensation.

Civil Remedies.

• Sec 43 A

↳ compensation.

• Sec 65 Source Code Theft

Tampering with Computer Source Documents Intentionally & Knowingly or dishonestly.

upto 3 years or 2 lakh fine or both

& guilty under IPC & other related act

• Sec 66 Computer Related Offences

3 years or 5 lakh or ...

• Sec 66 A --> Offensive Message.

↳ 7 years or fine or ...

• Sec 66 B (Stolen Devices)

3 years or 1 lakh or ...

• Sec 66 C (Identity Theft)

3 years, 1 lakh ...

~~Cognizable~~: police can arrest, check. without  
cognizable. a warrant.

Date: ( ) ( )

• Sec 66D (Cheating by Personation)  
(Pretending to be someone)

3 years, 1 lakh or ...

• Sec 66E (Violation of Privacy) <sup>Body parts</sup>  
3 years, 2 lakh

• Sec 66F (Cyber Stalking)  
life imprisonment.

• Sec 67 (Cyber Pornography)  
(i) 3y + sl (first time)  
(ii) 5y + 10l

• Sec 67A (Cyber Pornograph - Sexually Explicit)  
(i) 5y + 10l (first)  
(ii) 7y + 10l

• Sec 67B (Child Pornography)  
(i) 5y + 10l (first)  
(ii) 7y + 10l

• Sec 67C (Preservation & Retention of  
information by intermediaries)  
3y, fines

if 3 years imprisonment  $\rightarrow$  bailable & cognizable

Date: ( )

• Sec 85 (Offences by Companies)

• Sec 354 D (IPC) (Cyber Stalking)

(i) 3 years, fine.

(ii) 5 years + fine.

• Sec 72 (Penalty for Breach of Confidentiality & privacy)

(i) 2 years, 1 lakh.

• Sec 72A (Punishment for disclosure of info in breach of lawful contract)

3 years, 5 lakh.

• Sec 77B: Offences with 3 years <sup>imprisonment</sup> imprisonment to be cognizable & bailable.

• Sec 84B: Punishment for <sup>(assistance)</sup> abetment of offences.

• 84C: attempt to commit offences,  
(one half of max)  
imprisonment of each lower.



Just for knowledge.

→ Adjudication Under ITAA (2008)

Section no (imp)  
(years imp)