



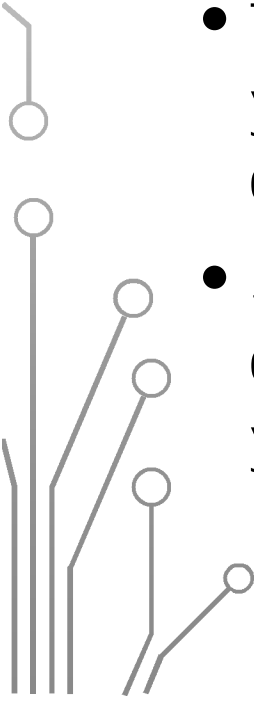
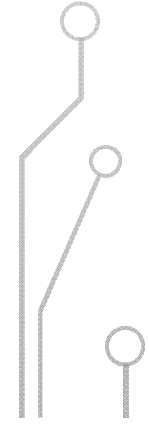
# ARF WORKSHOP ON CYBER CRIME AND REGIONAL COOPERATION

PRESENTATION BY : AKHIL KUMAR  
DIRECTOR (CT)



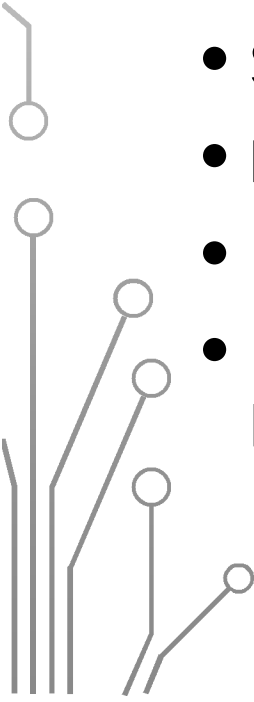
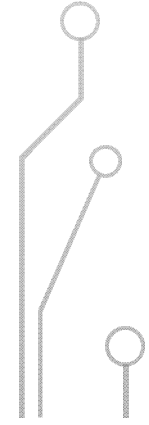
# INTERNET MILIEU



- 73.9 million home and work internet users
    - the 3rd largest after China and the U.S.
  - With 75 percent of its internet users under the age of 35
    - Youngest skewing online population among BRIC countries.
  - The Indian blogging audience grew 48 percent in the past year to 36 million visitors, while 26 percent of category traffic comes from mobile phones and tablets.
  - 54 million internet users in India watched online videos on their computer, representing a 27-percent increase over the past year.
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# INTERNET MILIEU

- IT industry accounts 6.4% of India's GDP
  - Major global supplier of IT software and services.
  - Online Retail is on the rise.
  - Social networking still captures majority of screen time
  - Entertainment and online video continues to grow
  - 13 million users Broadband Users
  - National broadband Plan to connect 160 million to Broadband by 2014
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# TYPES OF CYBER CRIMES

- Hacking and sabotage
- Credit card frauds
- Phishing
- Cyber pornography
- Sale of illegal articles-narcotics, weapons, wildlife
- Online gambling
- Intellectual Property crimes- software piracy, copyright infringement, trademarks violations, theft of computer source code
- Email spoofing
- Forgery
- Defamation
- Cyber stalking
- Cyber terrorism

# LEGAL STATUTES

- IT Act, 2000 - enacted on 17<sup>th</sup> May 2000, India is 12<sup>th</sup> nation in the world to adopt cyber laws
- IT (Amendment) Act, 2008
- Indian Penal Code, 1860
- Criminal Procedure Code, 1973
- NDPS Act
- Arms Act
- Copyright Act, 1957
- Trademarks Act, 1999
- Patents Act, 1970
- Public Gambling Act, 1867
- PML Act, 2002

# IT ACT ,2000

An Act to provide 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, to facilitate electronic filing of documents with the Government agencies and further

to amend the Indian Penal Code, the Indian Evidence Act, 1872, the Bankers' Books Evidence Act, 1891 and the Reserve Bank of India Act, 1934 and for matters connected therewith or incidental thereto.

# APPLICABILITY OF THE ACT

- Geographical/ Territorial Jurisdiction-

- extends to whole of India as well as outside India (Sec1)
- Nationality of accused is irrelevant if act or conduct constituting offence involves computer system or network located in India (Sec. 75)

- Overriding effect of the Act -The provisions of the Act are to have effect notwithstanding anything inconsistent therewith contained in any other law (Sec 81)

# OVERVIEW OF ITA ACT, 2008

The act deals with the following issues:

1. Secure electronic transactions- enable electronic contracts
2. Attribution of electronic messages
3. Electronic records and ELECTRONIC SIGNATURE given legal status.



# CONTRAVENTIONS

The Act delineates two separate type of penal provisions

- Contraventions
- Information technology offences

While the contraventions have resultant monetary penalties, the offences may result in the offender being imprisoned, or paying a fine or both

# CONTRAVENTIONS

The following acts, if done without permission of the owner or any other person who is in charge of a computer/network, etc. are contraventions

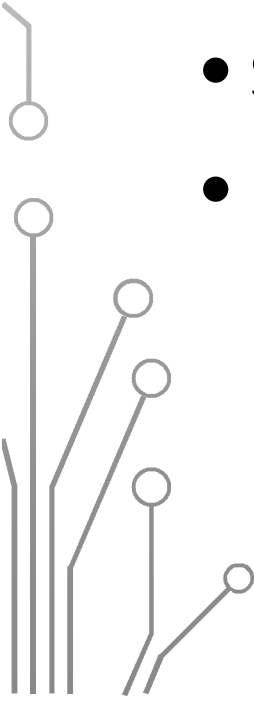
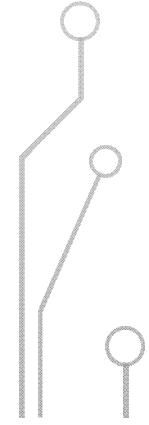
- Accessing or securing access to the computer/network
- Downloading any data or information from the computer/network
- Introducing or causing to be introduced any computer contaminant or computer virus into the computer/network
- Damaging or causing to be damaged the computer/network, data, computer database or any other programmes residing in it

# CONTRAVENTIONS

- Disrupting or causing the disruption of the computer/network
- Denying or causing the denial of access to any person authorised to access the computer/network by any means
- Providing assistance to any person to facilitate access to the computer network in contravention of the provisions of the Act, rules or regulations made thereunder
- Charging the services availed by a person to the account of another person by tampering with or manipulating any computer/network



# CYBERCRIME :ENFORCEMENT FRAMEWORK

- National level
    - Central Bureau of Investigations(CBI)
      - Handles inter-state and transnational cases
  - State level and district level cyber cells
  - Cyber Crime Research and development Unit
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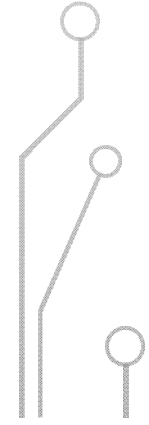
# CYBERCRIME- ENFORCEMENT FRAMEWORK



- 5 Cyber Forensics Science Laboratory (CFL) and 28 Forensic labs
  - Data Security Council of India labs
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# INTERNATIONAL COOPERATION CHALLENGES

- **JURISDICTIONAL** : Transnational and borderless nature of cyber crimes
  - **LEGAL** : Harmonisation of laws, LRs and MLATs mixed experience, Different periods of preservation of data,
  - **TECHNICAL** : Lack of technical know how, human as well as technical capacity
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# INTERNATIONAL COOPERATION

- G-8 24/7 Point of Contact( Police to Police)
- INTERPOL
- MLAT/Extradition Treaty/ LR
- CERT
- Joint Working Groups/MoUs




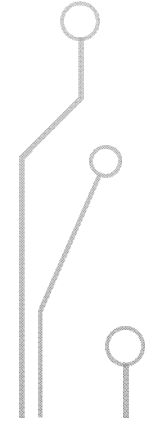
## ROAD AHEAD

- BUDAPEST CONVENTION
  - OPEN ENDED INTER-GOVERNMENTAL EXPERT GROUP(OEIG)
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# INTERNATIONAL COOPERATION

## STARTING POINTS:

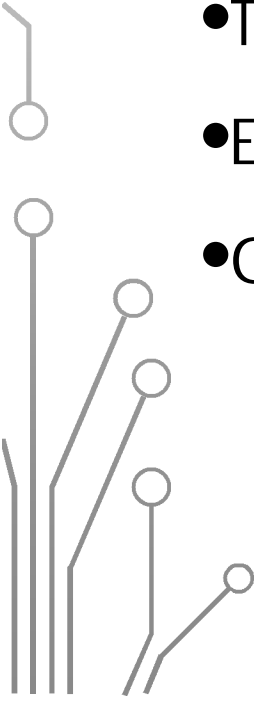
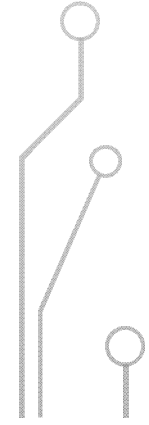
- Preservation of logs on e-mail and confirmation
  - IP address login details
  - User ID registration and accesses on servers
  - Domain name registration
  - Payment trail
  - Discreet verifications about locations of suspect, their criminal antecedents
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# INTERNATIONAL COOPERATION

Other Exchanges:

- Modus operandi
  - Tools and techniques of investigation
  - Exchange of facilities and participants
  - Online Courses/ Workshops/Seminars
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HOPE, THIS WAS USEFUL. . .

Please send feedback to:

**Akhil Kumar**  
**Director(CT and Global Cyber**  
**Issues) , MEA.**

New Delhi

Email :[direct@mea.gov.in](mailto:direct@mea.gov.in)