

Cyberlaw highlights in 2017

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The year 2017 was a significant year in the growth & development of the cyber ecosystem in the country. With Digital India initiative driving service providers to offer affordable plans for broadband services and mobile telephony, the mobile internet users in India was expected to reach 420 million by June 2017 itself. While India continues to *bridge the digital divide* in the country, an IAMAI survey in 2017 indicates mobile internet users in rural India continued to grow at much faster pace than in urban India. A report issued by CISCO in 2017 indicates India's internet users would double by 2021. Digital movement is expected to take India's internet users from 373 million in 2016 to 829 million by 2021.

Last year proved to be also a milestone year in the development of cyberlaw in India. In a landmark ruling, nine judge bench of the Supreme court of India held the *Right to Privacy is a fundamental right* guaranteed by Art.21 of the Constitution of India. The 547 pages judgment overruled the 1958 judgment in M.P Sharma 's case and 1961's Kharak Singh Judgment. The right to privacy exists both in the online and offline world and the ruling strengthened extant laws protecting privacy in India making breach of privacy more deterrent for violators of law .

Last year was marked with new incidents of cybercrime such as *ransomware attacks* that affected computers in India and other countries in the world. According to CERTin, 37 incidents of ransomware attacks were reported in India till June 2017 . Wanna cry ransomware targeted systems running Microsoft Windows Operating system and encrypted data and demanded ransom to be paid to decrypt data in bitcoin cryptocurrency. According to security services company, Quickheal ,60% of attacks of wannacry virus were on enterprises and remaining 40% on individuals. Law enforcement agencies and service providers such as Microsoft took immediate steps to combat the problem.

Another controversial issue online remained the *bitcoin cryptocurrency* which continued to puzzle the the law regulators who are unable to control the currency, being a decentralized peer to peer currency. The Reserve Bank of India issued circulars and advisories on risks of investing in such currency markets, as the legality of the currency still remains a question mark or a grey area.

The Supreme court of India received petitions challenging Government's policy of *linking of Aadhar card* with Mobile phones, PAN, and bank accounts and the court began examining whether it can be made mandatory . Government would give 3-6 months to link Aadhar with PAN in case it rules in favour of linking Aadhar , after which non linked PAN cards would be cancelled. Citizens have been apprehensive of data protection mechanism and laws in the country as Aadhar captures sensitive personal information such as Biometric details of citizens. The apprehension intensified in 2017 as several leaks

of Aadhar data were reported in media and recently an FIR was filed by UIDAI itself alleging data breach due to the misuse of the grievance redressal facility at the office of the Surat district administration. However, UIDAI claimed no sensitive information was revealed. These issues are being deliberated at an apt time when an Expert Committee has been appointed by the Government with Justice Srikrishna as chairperson to frame the Data protection law in India.

The Supreme court of India also heard petition filed by Prajwala, an NGO questioning lack of enforcement of law *banning child pornography* in India. The service providers claimed it was technically infeasible to block child pornography on internet. A high level meeting was convened on directions of the Apex court by stakeholders such as Google, yahoo to find a solution to the issue. The centre banned number of sites running child pornography. The Apex Court has directed the Government of India to put in place the portal of the nodal agency which can ask search engines like Google, yahoo, Facebook and WhatsApp to block such videos.

The *blue whale game on internet* posed a serious challenge to law enforcement agencies to track the publishing pages of the game on social media or otherwise as service providers lacked technical knowhow to block the content. The game was played on a secret encrypted one to one communication channel making it not possible to identify, decrypt or intercept the game. The blue whale game, popularly known as the suicide challenge game entrapped young people to commit acts of self harm leading to final challenge of committing suicide. Media reported various suicide deaths in the country and other parts of the world such as in Russia or China as the cause of the incidents. Petitions were filed before Supreme court of India seeking directions to the centre to ban and block blue whale games online and possible measures were adopted by law enforcement to track and block such content as was available. The Supreme court directed media channels to create awareness about the dangers of the game in order to prevent such crimes.

Both the judiciary & the Government of India made significant efforts to spread cyber awareness in the country in 2017. In order to educate and empower school children on threats to children on internet, under the direction of the Acting Chief Justice of India, Justice Gita Mittal, DLSA prepared a cyber education module to educate the school children in Delhi & NCR. The GCCS summit was organized by the Government of India to discuss the cybersecurity challenges and invoke collaborative mechanisms to combat cybercrimes. Several countries were represented through foreign delegates and effective deliberations took place to pave the way forward.

Overall, the year 2017 made significant contributions towards the growth & development of cyber laws in India. The year also brought new challenges for law makers & enforcers to think, legislate & act!