

Formulation of Cyber Laws

Asian School of Cyber Laws (ASCL) has been associated with and is assisting the Department of Information Technology, Ministry of Communications and Information Technology, Government of India in framing draft rules and regulations under the Information Technology Act, 2000 and the Information Age Crimes Act.

We are also assisting the Ministry in framing the model rules for Code of Conduct and Practices to be adopted for the functioning of Cyber Cafes / Chat Room centers.

The various draft rules and regulations under the Information Technology Act, 2000 that the ASCL has assisted the Department of Information Technology, in drafting are:

1. **Rule u/s 87(2)(b)-**

This rule relates to the electronic form in which filing, issue, grant or payment shall be effected for the purpose of giving effect to electronic governance;

2. **Rule u/s 87(2)(c)-**

The above rule relates to the manner and format in which electronic records shall be filed, or issued and the method of payment for the purpose of making online payments to any government agency;

3. **Rule u/s 87(2)(e)-**

This rule relates to the security procedure that has to be adopted for the purpose of creating a secure electronic record and secure digital signature;

4. **Rule u/s 87(2)(g)-**

The above rule relates to the additional standards that are to be observed by the Controller to ensure that the secrecy and security of the digital signatures are assured.;

5. **Rule u/s 87(2)(o)-**

This rule relates to the fees that are to be paid to the Certifying Authority by users for issue of a Digital Signature Certificate;

6. **Rule u/s 87(2)(s)-**

The above rule relates to the procedure that has to be adopted for investigation of misbehaviour or incapacity of the Presiding Officer of the Cyber Regulations Appellate Tribunal that has been established under the Act;

7. **Rule u/s 87(2)(v)-**

This rule relates to any other power of a civil court required to be prescribed for the purpose of the Cyber Regulations Appellate Tribunal; and

8. **Rules u/s 87(2)(w)-**

The rules framed related to:

1. The information that Network Service Providers were bound to disclose to the Police for the purpose of investigation of any offence.
2. The user information collected by Network Service Providers (NSP), which the NSP is bound to keep private and confidential.
3. The security procedure that the Central Government should adopt for the security of computer systems that have been declared as protected under the Information Technology Act, 2000.
4. The use of technical means by the law enforcement agencies for the purpose of collecting information residing in the computers of suspected persons or intercepting information being transmitted from such computers.

9. **Regulation u/s 89 (2)(a)-**

The regulations relate to the particulars relating to maintenance of database containing the disclosure record of every Certifying Authority.

10. **Regulation u/s 89 (2)(b)-**

The above regulations related to the conditions and restrictions subject to which the Controller may recognize any foreign Certifying Authority.

11. ASCL has also drafted the model rules for "Code of Conduct and Practices to be adopted for the functioning of Cyber Cafes / Chat Room centers"
12. ASCL has also given its opinion on the draft "The Information Age Crimes Act" to the Department of Information Technology, Ministry of Communications and Information Technology, Government of India

Besides drafting of the various rules and regulations ASCL has also made several recommendations to the Ministry of Communications and Information Technology, Government of India for amendments and changes to the Information Technology Act, 2000

ASCL also provides consultancy to various multinational corporations, governments and law enforcement agencies on matters related to cyber crime investigation. Consultancy in this field includes issues related to setting up a Cyber Crime Investigation Cell & Cyber Forensics Laboratory.