

It will be a test case, say experts

Mohit M. Rao

The arrest of software engineer Mehdi Masroor Biswas under cyber-terrorism charges is being followed keenly by experts who believe this will set a “precedent” in the application of the Information Technology Act.

“This is the first case of its kind under cyber terrorism in the country, and the way it is handled by the police will determine the usage of the Act for these offences,” said Pavan Duggal, a Mumbai-based advocate specialising in cyber law.

Apart from collecting digital evidence, tweets and information about followers — who may or may not be in the country — he believes the local police will be confronted with the challenge of proving intent. “The Act applies to striking terror in the minds of the people, or action likely to cause injury — which covers a broad range of activities. There is definitely a need to bring in more specifics,” he said.

A. Nagarathna, of the National Law School of India University, believes the “entirety of all cognisable offences” under the Indian Penal Code is distilled into the sections of the IT Act. The police, she said, would be dealing with a dilemma inherent in the law: ascertaining whether it was merely an expression of an ideology that has not specifically been banned under the Indian law or whether there was an actual intention to cause harm.

This could be one reason why investigators are working on establishing a “real world link,” as that would make the case more conventional and stronger in a court of law, say experts.

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