

THE ECONOMIC TIMES

- Markets
- News
- Industry
- New** Small Biz
- Politics
- Wealth
- MF
- Tech
- Jobs
- Opinion
- NRI
- Slideshows
- Magazines
- More
- ET NOW
- ET Speed
- ET Portfolio

You are here: ET Home

Search for News, Stock Quotes & NAV's

03:14 PM | 18 JAN **LIVE** SENSEX **24,153.86** ▼ -301.18 NIFTY 50 **7,339.70** ▼ -98.10 GOLD (MCX) (Rs/10g.) **26,049.00** ▼ -63.00 USD/INR **67.68** ▲ 0.07

MARKET DASHBOARD CREATE PORTFOLIO LIVE TV

Like Share 3,475,948 people like this. Sign Up to see what your friends like.

SPOTLIGHT

Slideshows



SpaceX just failed another shot at rocket landing

1st stage of the rocket made it back to the platform, which was floating in the Pacific, but one of the landing legs failed to latch into position.

- Sushma Swaraj's 2-day visit to Israel and Palestine
- 5 smart things to know about retirement planning

Protected systems and networks

By Pavan Duggal, TNN | 13 Apr, 2003, 01:57AM IST

Post a Comment

Ads by Google

Best SIP Investment Plans

www.myuniverse.co.in/ZipSip - Invest in best top funds & avail higher returns. Invest in 2 Mins.

ET SPECIAL: Love visual aspect of news? Enjoy this exclusive slideshows treat!

My query relates to Section 70 of the Information Technology Act 2000 which states that the government may declare any computer, computer system or computer network to be a "protected system".

Could you let me know under what circumstances a computer, etc, can be declared a "protected system"? Also, since the Act does not define "protected system", would you call that an omission? Would you say that Section 70 is arbitrary, giving wide powers to the government and therefore violates Art. 14 of the Constitution of India?

Sanjeev Govindan

The issue raised by you is indeed very pertinent. Section 70 of the Information Technology Act is the only provision in the Indian cyberlaw, which deals with the issue of protected system. The definitional clause under Section 2 of the IT Act 2000 does not define a "protected system".

Under Section 70, the appropriate government — whether Central or state — has the discretion to declare any computer, computer system or computer network as a protected system.

But section 70 does not define a protected system or any parameters or standards which will enable the appropriate government to declare a computer system or a network to be a protected system.

However, in my opinion any computer, computer system or computer network, containing extremely crucial and critical information from the government's perspective can indeed be declared a protected system.

Further any computer, computer system or computer network, which is key to an integral part of crucial sovereign functions of a state, be it defence, maintenance of public order, decency or friendly relations with other nations, can also be designated as a protected system.

A government can also declare a computer, computer system or network as a protected system if it feels, at any point of time, that it is critical for public interest and that any compromise with regard to its security could impact people, groups or even the society. I think that over a period of time, the government will have to draw up appropriate rules and regulations elaborating distinct parameters on the basis of which a protected system can be declared.

This would come within the residual powers granted to the Central government under the provisions of the IT Act wherein it has been provided that the Central government may by notification in the official gazette and in the electronic gazette make rules to carry out the provisions of the Act, including any matter which is required to be prescribed.

I distinctly agree with your suggestion that the IT Act 2000 has committed a glaring omission by not defining the words "protected system". Had it defined the word "protected system" in its definitional clause under Section 2 or by way of explanation under Section 70, life would have been far simpler so that there would have been lesser chances of a debate on the issue.

Regarding your last query, I feel that Section 70 is not at all arbitrary. It is true that

Most Read

Most Shared

Most Commented

Bootstrapping - running a startup without equity funding is the better way forward

Suspicious glitter: Pathankot jewellers under probe agencies' lens

Infosys' Vishal Sikka goes the extra mile for Zero Distance Project

Cola industry stumped by Narendra Modi's juicy idea for aerated drinks

Oil slides to lowest since 2003 as Iran sanctions are lifted

More »

Not to be Missed

RBI Governor Raghuram Rajan will meet bank chiefs next week to review state of bad loans

ET

ET

Pathankot attack: Follow Israel's top-notch technology tricks to protect India-Pakistan border

New to Investing?

New to investing in shares? Take FirstStep



Sponsored by ShareKhan

ET

Mahindra launches all new micro-SUV 'KUV100' at Rs 4.42 lakhs

ET

The right partner for M2M solution and strategy

ET

Indian Railways gets first model rake of luxury 'Make in India' coaches

ET

In pics: Russia's second largest hydel power station in Krasnoyarsk

ET

6 m-Governance applications that are leveraging mobile technology to extend the reach of e-Governance

Gainers

Pan India Corporation Ltd.

0.35 0.05 16.67



ET

Housing employees threaten to take action over phantom stocks gifted by former chief Rahul Yadav

ET

A bank is known by the network it keeps, literally!

ET

Agree to our 3 terms, will clear GST Bill in 15 minutes: Rahul Gandhi to government

ET

Array of aircrafts gear up for 50th Paris Air Show

Section 70 does give wide powers to the government but to say that it violates Article 14 of the Constitution of India is an argument, which may not, in all likelihood, gain acceptability in a court of law.

This is so because though the Fundamental Rights granted under Constitution of India are sacrosanct, it does not mean that there cannot be restrictions on them. It is true that under Article 14 of the Constitution of India, it has been stipulated that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. This does not mean that a person has right to absolute equality. The law has introduced the concept of equality among equals.

In the totality of the discussions detailed above, I feel that Section 70 of the IT Act is not arbitrary and can be seen to be a reasonable restriction which can be imposed upon the right of equality under Article 14 of the Constitution of India. Of course, it would be interesting to see what would be the outcome of such an issue, should it reach a court of law.

It is important to note that at the time of writing, the provisions of the IT Act has not been tested in judicial waters. It will be interesting to see the developments in this regard.

IS THE use of video conferencing for recording evidence legally permitted in India?
BS

Video conferencing represents one of the latest advancements of technologies which have been put into service for public good and dispensation of justice. Till now video conferencing has always been in a grey area in terms of its legality. However, in a recent landmark judgement, the Supreme Court has given a verdict which promises to change the course of criminal trial and procedure in India.

In this case by its order, the Supreme Court permitted the use of technology in the courtroom.

In a matter of medical negligence, the Supreme Court held that video conferencing has nothing to do with virtual reality. The court observed that advances in science & technology has shrunk the world so as to enable a person to see and hear events which are taking place far away.

The Supreme Court in order to substantiate its viewpoint cited the example of the live telecast of World Cup Cricket matches. The court held that both the person sitting inside the stadium and the person in the drawing room can watch what's happening at the same time.

This is not virtual reality as one is actually seeing what's happening. The court has described video conferencing as an advancement in technology that permits a person to see, hear and talk to someone far away.

The court has clearly taken the view that as long as an accused or his pleader is present when the evidence is being recorded by video conferencing, that evidence is being recorded in the "presence" of the accused. This judgement is of immense significance.

Seen from another angle, video conferencing is nothing but the exchange of data in electronic form and covered under the Information Technology Act 2000. In a country, where dispensation of justice is relatively very slow, video conferencing promises to expedite the process.

IS THE law effective in tackling the menace of the new kinds of email worms that are spreading all across the world?

Ritesh

Your question raises an important concern for email and internet users. It is true that in some jurisdictions, the law does make an effort to address issues such as the proliferation and distribution of email worms.

However, many jurisdictions do not address it. It is important to note here that technology is always ahead of the law and the laws against dissemination of email worms are not very effective the world over.

Existing statistics makes it clear that far from deterring worms, there are more and more of them spreading globally.

A survey conducted by ISS's X-Force Threat Analysis Services Division between January 1 and March 31, 2003 found that computer security incidents and attacks detected at businesses worldwide soared by 84 per cent between the fourth quarter of 2002 and the first quarter this year. There was a surge in the number of mass-mailing worms in that

 [6 BYOD Oversight Enterprises Must Avoid](#)

 [Best ways to save tax under section 80C of the Income Tax Act](#)

 [Cola industry stumped by Narendra Modi's juicy idea for aerated drinks](#)

 [Look into the cloud before you leap](#)

Poll

Will government's new initiatives give the necessary impetus to startups in India?

- Yes
- No
- Can't say

VOTE

 [Presenting Kitch design company Chumbak's open plan office](#)

 [Rahul Gandhi's speech had 'too much politics', say students](#)

 [6 Essentials to Look for in Your Collaboration Service](#)

Provider



 [Bootstrapping - running a startup without equity funding is the better way forward](#)

 [PM Modi's start-up action plan: 3-year tax holiday, Rs 10,000 crore fund](#)

 [Government mulling to bring large hydropower units under renewable energy ambit](#)

Sneak peek: Google's new Canadian engineering

period.

The number of worms and hybrid threats between January 1 and March 31 totalled 752, compared with 101 in the fourth quarter of 2002, the report found.

It gave a detailed analysis of the businesses attacked and found that retail businesses were attacked the most, accounting for 35 per cent of attacks; financial services accounted for 11.5 per cent, healthcare and manufacturing 9 per cent each, and federal and local government 1 per cent. It further found that 26 per cent of security breaches occurred over weekends in the first quarter of 2003, most of them on a Friday. The Slammer worm began its propagation on Saturday, January 25.

This study indicates that the law will have to be substantially changed to prevent the spread of worms and other security breaches across the world.

However, these are still early days and it will be interesting to see the reaction of governments and law makers on these issues. We all know that drafting law and implementing it is a time-consuming process.

But one does hope that given the severity of the problem, legislatures and governments across the world will take up the challenge and enact laws that are effective against email worms and other security breaches.

Stay on top of business news with The Economic Times App. [Download it Now!](#)   

 [Recommend](#) [Sign Up](#) to see what your friends recommend.

HDFC Home Loan upto 30yrs
home-loans.hdfc.com/Home-Loan - **Lowest Interest Rates of 9.50%*p.a. Lower EMI of just Rs.841/Lakh!**

Ads by Google

Follow this section for latest news on

 Like 250k  Email  RSS



 [headquarters](#)

 [India has huge opportunity for app driven economy in consumer space](#)

 [Proposed three-year tax holiday for startups to be available over five-year window: Government](#)

 [Suspicious glitter: Pathankot jewellers under probe agencies' lens](#)

 [China avalanche stokes fears of global recession](#)

Get a Quote

Get Quote

Browse Companies

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#) | [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#)

Browse Mutual Funds

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

THE ECONOMIC TIMES



Live Market



News



Portfolio



Mobile



Live TV



Newsletter



Commodities



Speed



QnA



Blogs



Alerts

Other Times Group news sites

Times of India | इकनॉमिक टाइम्स
ईशेनोमिक्स रॉयल्टी | Mumbai Mirror
Times Now | Indiatimes
नवभारत टाइम्स | महाराष्ट्र टाइम्स
മലയം ദിനപത്രം | Lifehacker
Gizmodo | Eisamay | IGN India
NavGujarat Samay

Living and entertainment

Timescity | iDiva | Bollywood
Zoom | Luxpresso
Online Songs | Travel
Guides | Hotel
Reviews | Cricbuzz.com | Prepaid
Mobile Recharge

Networking

itimes | MensXP.com

Hot on the Web

Daily Horoscope | Weather in Delhi
Mumbai Map | Horoscope 2016
Hotels in Delhi | Xiaomi Mobile
Phones

Services

Book print ads | Online shopping
Matrimonial | Astrology | Jobs | Property | Buy car | Bikes in India
Used Cars | Online Deals | Restaurants in Delhi | Movie Show Timings in
Mumbai
Remit to India | Buy Mobiles | Listen Songs | Voice Greetings | Technology
News | Augmented Reality | Mobile Recharge | Compare Mobile Phones