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Regulating the Cyber Space: National and International Jurisprudence

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6.	Trisha Ray, Shravishtha Ajaykumar et al, <i>The Draft Digital Personal Data Protection Bill 2022: Recommendations to the Ministry of Electronics and Information Technology</i> , Special Report No. 205, Observer Research Foundation, New delhi, January (2023)	135
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8.	<p>Case Law Jurisprudence:</p> <p><i>(Please note that the full text judgments are provided as soft copy)</i></p> <p>A. Indian Cases –</p> <ul style="list-style-type: none"> ✓ <i>Tata Sons Private Limited v. Hakunamatata Tata Founders</i>, 2021 SCC OnLine Del 4810 ✓ <i>Swami Ramdev v. Facebook, Inc.</i>, 2019 SCC OnLine Del 10701 ✓ <i>Impresario Entertainment & Hospitality Pvt. Ltd. v. S & D Hospitality</i>, (2018) 246 DLT 337 ✓ <i>World Wrestling Entertainment Inc v. M/s. Reshma Collection</i>, (2017) 237 DLT 197 ✓ <i>Lalitha Lakshaman v. CBI</i>, 2017 SCC OnLine Del 6435 ✓ <i>Thota Venkateswarlu v. State of Andhra Pradesh</i>, (2011) 9 SCC 527 ✓ <i>Banyan Tree Holding (P) Limited v. A. Murali Krishna Reddy</i>, (2010) 42 PTC 361 ✓ <i>(India TV) Independent News Service Pvt. Ltd. v. India Broadcast Live LLC.</i>, 2007 SCC OnLine Del 965, ILR (2007) 2 Delhi 1231 ✓ <i>Om Hemranjani v. State of U.P.</i>, (2005) 1 SCC 617 ✓ <i>SIL Import, USA v. Exim Aides Silk Exporters, Bangalore</i>, (1999) 4 SCC 567 ✓ <i>Ajay Aggarwal v. Union of India</i>, (1993) 3 SCC 609 ✓ <i>Indian Performing Rights Society Ltd. v. Sanjay Dalia</i>, 2015 (63) PTC 1 ✓ <i>Exxon Mobile Corp. v. Exxoncorp Pvt. Ltd.</i>, (2019) 79 PTC 335 ✓ <i>Zenner International GMBH & Co. KG v. Anand Zenner Company Pvt. Ltd.</i>, 2018 SCC OnLine Del 7011 ✓ <i>Wipro Ltd. v. Oushadha Chandrika Ayurvedic India (P) Ltd.</i>, AIR 2008 Mad 165 ✓ <i>Pratap Singh v. Bank of America</i>, 1976 SCC OnLine Bom 111 <p>B. U.S. Cases –</p> <ul style="list-style-type: none"> ✓ <i>Rose v. Himely</i>, 8 US 241 (1808) : 4 Cranch 241 ✓ <i>Hudson & Smith v. Guestie</i> 10 U.S. 281 (1810) ✓ <i>American Banana Co. v. United Fruit Co.</i>, 213 U.S. 347 (1909) 	

	<p>✓ <i>Zippo Manufacturing Company v. Zippo Dot Com, Inc</i> 952 F. Supp. 1119</p> <p>C. E.U. Cases –</p> <p>✓ <i>H.K. v. Prokuratuur</i>, Case C-746/18, ECLI:EU:C:2021:152</p> <p>✓ <i>Court of Appeal, Ireland</i>, [2021] IECA 45</p> <p>D. Dynamic Injunctions & Other Forms of Evolving Injunctions –</p> <p>✓ <i>Dabur India Limited v. Ashok Kumar</i>, 2022 SCC OnLine Del 1784; (2022) 91 PTC 360</p> <p>✓ <i>Snapdeal Pvt. Ltd. v. Snapdeal lucky draws.org.in</i>, 2020 SCC OnLine Del 2125</p> <p>✓ <i>Gujarat Cooperative Milk Marketing Federation Ltd. v. Amul Franchise.in</i>, CS(COMM) No. 350/2020, order dated 28-08-2020</p> <p>✓ <i>HT Media v. Hindustantimes.tech</i>, CS (COMM) No. 352/2022, Order dated 24-05-2022</p> <p>✓ <i>Snapdeal Private Limited v. GoDaddy LLC</i>, 2020 SCC OnLine Del 2044</p> <p>✓ <i>UTV Software Communications Ltd. v. 1337x.to</i>, 2019 SCC OnLine Del 8002</p> <p>✓ <i>Eros International Media Ltd. v. Bharat Sanchar Nigam Limited</i>, 2016 SCC OnLine Bom 10458</p> <p>✓ <i>Warner Brothers Entertainment v. http.otorrents.com</i>, 2022 SCC OnLine Del 1738, (2022) 91 PTC 518</p> <p>✓ <i>Neetu Singh v. Telegram FZ LLC</i>, 2022 SCC OnLine Del 2637</p> <p>E. Geo Blocking Injunctions and Global Injunctions –</p> <p><i>Swami Ramdev v. Facebook, Inc.</i>, 2019 SCC OnLine Del 10701</p>
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	<p>Recommended Reading(s):</p> <p>a) Second Additional Protocol to the Convention on Cybercrime on Enhanced Cooperation and Disclosure of Electronic Evidence</p> <p>b) Cybercrime Judicial Monitor-available at: www.eurojust.europa.eu</p> <p>c) The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021</p>
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SESSION 3

Examining Other Potential Adjudicatory Challenges

Conflicting Constitutional Rights – (a) Right to be Forgotten (RTBF) v. Freedom of Speech & Expression; (b) RTBF v. Public Rights

1.	Ben Wolford, <i>Everything you need to know about the “Right to be forgotten”</i> , GDPR.EU, a projected founded by Horizon 2020 Framework Programme of the European Union. Website operated by Proton Technologies AG, which is co-funded by Project REP-791727-1	426
2.	Yogesh Shelke, <i>Rethinking Cyber Security through Blockchain</i> , Emerging Technologies and Cloud Security Services, (2020)	428
3.	Kamrul Faisal, <i>Balancing between Right to Be Forgotten and Right to Freedom of Expression in Spent Criminal Convictions</i> , 4:e157. https://doi.org/10.1002/spy2.157 , Wiley Online Library, (2021)	433
4.	Giannis PIERIS, Yuhang ZHOU et al, <i>Right to be Forgotten v Right to Freedom of Expression, Who Wins?</i> , reflect.ucl.ac.uk-privacy-data-surveillance-law, February (2021)	447
Evolving Technologies Impacting Cybercrimes –		
5.	Jacopo Bellasio, Erik Silfversten et al, <i>How Could Technological Developments Influence the Future of Cybercrime?</i> , Research Brief, RAND Corporation (2020)	450
6.	Alok Shankar Pandey et al, <i>Data Protection Framework for India</i> , 13 (1) 36-46 Telecom Business Review (2020)	459

7.

Case Law Jurisprudence:

(Please note that the full text judgments are provided as soft copy)

A. Right to Privacy v. Right to Information & Transparency in Judicial Records –

Supreme Court:

- ✓ *Kaushal Kishore v. State of Uttar Pradesh*, (2023) 4 SCC 1
- ✓ *XXXX v. YYYY*, (2022) SCC OnLine SC 1123
- ✓ *Jigyada Yadav v. CBSE*, (2021) 7 SCC 535

High Court(s):

- ✓ *Princess Anaryaa Milind Ramteke v. State of Maharashtra*, (2021) SCC OnLine Bom 10861
The Bombay High Court considering the precedential value settled by the apex court in *Jigyada Yadav Case*, ruled on the same lines.
- ✓ *Vijay Kumar v. CBSE*, (2023) SCC OnLine Del 703; and
- ✓ *Tanishka Maheshwari v. CBSE*, (2023) SCC OnLine Del 711
The Delhi High Court ruled on the same line as the law had been settled by the apex court in *Jigyada Yadav Case*.
- ✓ *Regional Officer CBSE v. Sanifa Mustafa*, (2021) SCC OnLine Ker 6756; and
- ✓ *CBSE v. Robin Moses*, (2021) SCC OnLine Ker 2590;
- ✓ *CBSE v. Vineeth J*, (2021) SCC OnLine Ker 2971; and such many others
The Kerala High Court ruled citing *Jigyada Yadav Case* as a precedent.
- ✓ *Sachin Yadav v. CBSE*, (2021) SCC OnLine Raj 3291; and
- ✓ *Ojashvi v. CBSE* (2021) SCC OnLine Raj 3331,
The Rajasthan High Court ruled citing *Jigyada Yadav Case* as a precedent.
- ✓ *Gunja Kumari v. CBSE*, (2022) SCC OnLine 5368; and
- ✓ *Mahendra Kishore Singh v. CBSE*, (2021) SCC OnLine Pat 1367
The Patna High Court ruled citing *Jigyada Yadav Case* as a precedent.
- ✓ *Varun Kaushal v. CBSE*, (2022) SCC OnLine HP 931
The Himachal Pradesh High Court ruled citing *Jigyada Yadav Case* as a precedent.
- ✓ *Shweta Pathak v. UoI*, (2022) SCC OnLine All 274
The Allahabad High Court ruled citing *Jigyada Yadav Case* as a precedent
- ✓ *X v. You Tube*, (2021) SCC OnLine Del 4193

- ✓ *Saanvi Singh v. State of Odisha*, 2023 SCC OnLine Ori 1191
- ✓ *Jorawer Singh Mundy v. Union of India*, 2021 SCC OnLine Del 2306
- ✓ *NT1 and NT2 v. Google LLC*, [2018] EWHC 799 (QB)

B. Right to be Forgotten v. Right to Privacy –

Supreme Court:

- ✓ *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1
- ✓ *Gobind v. State of MP.*, (1975) 2 SCC 148

High Court(s):

- ✓ *Mahendra Kumar Jain v. State of W.B.*, (2022) SCC OnLine Cal 3060
- ✓ *X v. Youtube*, 2021 SCC OnLine Del 4193
- ✓ *Subhranshu Rout v. State of Odisha*, 2020 SCC OnLine Ori 878
- ✓ *Zulfiqar Ahman Khan v. Quintillion Businessman Media*, 2019 SCC OnLine Del 8494

Conflicting positions of High Courts –

	<ul style="list-style-type: none"> ✓ <i>Sri. Vasunathan v. The Registrar General, High Court of Karnataka</i>, 2017 SCC OnLine Kar 424 ✓ <i>X v. Youtube</i>, 2021 SCC OnLine Del 4193 ✓ <i>Dharamraj Bhanushankar Dave v. State of Gujarat</i>, 2017 SCC OnLine Guj 2493 <i>Karthick Theodore v. Registrar General Madras High Court</i>, 2021 SCC OnLine Mad 2755 	
Session 4		
Admissibility & Appreciation of Digital Evidence		
Electronic Evidence: Admissibility & Appreciation –		
1.	Justice Raja Vijayaraghavan V., <i>Electronic Evidence</i> , Workshop on Adjudicating Terrorism Cases National Judicial Academy, Bhopal-January 24, (2021)	470
2.	Dr. Justice S. Muralidhar, <i>Compilation of Judgments on Electronic Evidence</i> , Workshop of Additional District Judges, National Judicial Academy, Bhopal-August 18, (2018)	487
3.	Dr. Swati Mehta, <i>Cyber Forensics and Admissibility of Digital Evidence</i> , (2011) 5 SCC J-54	526
4.	Orin S. Kerr, <i>Searches and Seizures in a Digital World</i> , 119 Harvard Law Review 531-585 (2005)	531
Digital Forensics: Search, Seizure & other SoPs for Electronic Records		
5.	<i>Standard Operating Procedures for the collection, analysis and presentation of electronic evidence</i> , Prepared by Cybercrime Programme Office of the Council of Europe (C-PROC) – 12 th September (2019)	599
6.	<p>Case Law Jurisprudence: <i>(Please note that the full text judgments are provided as soft copy)</i></p> <p><u>Supreme Court:</u></p> <ul style="list-style-type: none"> ✓ <i>Ravinder Singh Alia Kaku v. State of Punjab</i>, (2022) 7 SCC 581 ✓ <i>Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantayal</i>, (2020) 3 SCC 216 <ul style="list-style-type: none"> ○ Mandatory for digital evidence in secondary form. ○ Not-mandatory when original device itself is produced. ○ Can be filed at any stage of the trial. ○ Court can direct MSP & ISP to retain info. ○ Court can direct concerned to produce 65B Cert. ✓ <i>P. Gopalkrishnan v. State of Kerala</i>, (2020) 9 SCC 161 ✓ <i>State by Karnataka Lokayukta v. M.R. Hiremath</i>, (2019) 7 SCC 51 ✓ <i>Madhukara v State of Karnataka</i>, (2018) SCC OnLine Kar 3813 ✓ <i>UoI v. Cdr. Ravindra V. Desai</i>, (2018) 16 SCC 273 ✓ <i>M/s Jaimin Jewellery Export Pvt. Ltd. v. State of Maharashtra</i>, (2017) SCC OnLine Bom 1771 ✓ <i>Sonu v. State of Haryana</i>, (2017) 8 SCC 570 ✓ <i>Shamsher Singh v. State of Haryana</i>, (2016) 15 SCC 485 <i>Tomaso Bruno v. State of UP</i>, (2015) 7 SCC 178 ✓ <i>Anvar P.V. v. Basheer P.K.</i>, (2014) 10 SCC 473 ✓ <i>Gajraj v. State (NCT of Delhi)</i>, (2011) 10 SCC 675 ✓ <i>K.K. Velusamy v. N Palaanisamy</i>, (2011) 11 SCC 275 ✓ <i>Tukaram S. Dighole v. Manikrao Shivaji Kokate</i>, (2010) 4 SCC 329 ✓ <i>Jagjit Singh v. State of Haryana</i>, (2006) 11 SCC 1 ✓ <i>State (NCT of Delhi) v. Navjot Sandhu</i>, (2005) 11 SCC 600 ✓ <i>State of Maharashtra v. Praful B. Desai (Dr)</i>, (2003) 4 SCC 601 	

	<ul style="list-style-type: none"> ✓ <i>Salem Advocate Bar Association v. UoI</i>, (2003) 1 SCC 49 at 55 ✓ <i>Ram Singh v. Col. Ram Singh</i>, 1985 Supp SCC 611 ✓ <i>Ziyauddin Burhanuddin Bukhari v. Brijmohan Ramdass Mehra</i>, (1976) 2 SCC 17 ✓ <i>Nagabhushan Rao v. State of Karnataka</i>, 1975 (2) Kar. L.J. 47 SN ✓ <i>R.M. Malkani v. State of Maharashtra</i>, (1973) 1 SCC 471 <p>High Court(s):</p> <ul style="list-style-type: none"> ✓ <i>Chirag Dipakbhai Sulekha v. State of Gujarat</i>, (2021) SCC OnLine Guj 11 ✓ <i>Virendra Khanna v. State of Karnataka</i>, 2021 SCC OnLine Kar 5032 ✓ <i>Rakesh Shetty v. State of Karnataka</i>, 2020 SCC OnLine Kar 4638 ✓ <i>Shafi Mohammad v. State of Himachal Pradesh</i>, (2018) SCC OnLine HP 799 ✓ <i>National Lawyers Campaign for Judicial Transparency and Reforms v. UoI</i>, 2017 SCC OnLine Del 8564 ✓ <i>Kamal Patel v. Ramkishore Dogne</i>, 2016 SCC OnLine MP 938 ✓ <i>Kishan Tripathi v. The State</i>, 2016 SCC OnLine Del 1136 ✓ <i>Abdul Rahaman Kunji v. State of West Bengal</i>, 2014 SCC OnLine Cal 18816 ✓ <i>Dharambir v. CBI</i>, (2008) 2008 SCC OnLine Del 336 ✓ <i>Amitabh Bagchi v. Ena Bagchi</i>, 2004 SCC OnLine Cal 93 <p><i>Twentieth Century Fox Film Corporation v. NRI Film Production Associates (P) Ltd.</i>, 2003 SCC OnLine Kar 22</p>
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SESSION 5

Safeguarding Judicial Institutions from Cyber-attacks

1.	<i>Cyber Security Basics for Courts, Prepared by JTC Resource Bulletin - December, 2019</i>	645
2.	<i>Data Governance Policy Guide, National Center for State Courts, December 2019</i>	686
3.	<i>CPEJ Report, Toolkit for supporting the implementation of the Guidelines on how to drive change towards Cyberjustice, Strasbourg 14 June 2019, CEPEJ (2019) 7</i>	724
4.	<i>Data Protection & Cybersecurity, Prepared by Law and Practice contributed by ANA Law Group – April, 2019</i>	771
5.	<i>Brian J. McLaughlin, Cybersecurity: Protecting Court Data Assets 2018 Trends in State Courts 67-72 (2018)</i>	788
6.	<i>Logan Finucan, Erika Barros Sierra, et.al., Smart Courts: Roadmap for Digital Transformation of Justice in Africa, 29 June 2018</i>	794
7.	<p>Case Law</p> <ul style="list-style-type: none"> ✓ <i>Swapnil Tripathi v. Supreme Court of India</i>, (2018) 10 SCC 639 ✓ <i>Pradyuman Bisht v. Union of India</i>, (2018) 15 SCC 433 ✓ <i>State of Maharashtra v. Praful B. Dasai</i>, (2003) 4 SCC 601 	
	<p>Additional Recommended Readings:</p> <ul style="list-style-type: none"> ✓ Wang Rui, <i>ASEAN Cybersecurity Policy and China-ASEAN Cooperation</i>, 98 CHINA INT'L Stud. 55 (2023) ✓ Dafina Bucaj, <i>The Obligation to Prevent Transboundary Cyber Harm: Expand the Regulatory Regime or Continue Deflecting Responsibility</i>, 54 GEO. Wash. INT'L L. REV. 219 (2022) <p><i>Anna Dmitrieva, Shadi Alshdaifat & Pavel Pastukhov, The Features of the Use of Information Technologies in Criminal Proceedings in the BRICS Countries</i>, 10 BRICS L.J. 88 (2023).</p>	

Guidelines/Rules/Bill
(Suggestive Reading)

1.	<i>The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011</i>
2.	<i>The Information Technology (Guidelines for Cyber Cafe) Rules, 2011</i>
3.	<i>Budapest Convention on Cybercrime, 2001</i>
4.	<i>Newsletter Reports for P-1271, 1273, & 1295 (Available at NJA Website)</i>