

**ADDRESS BY HON'BLE MINISTER OF LAW AND JUSTICE
AT THE 2ND GLOBAL CONFERENCE OF ASSOCHAM ON
LAW AND TECHNOLOGY – ISSUES, CHALLENGES
AND NEED FOR CRITICAL EVALUATION
HELD ON 22ND JULY, 2015 AT NEW DELHI.**

I am glad that ASSOCHAM has decided to organise the Second Global Conference on law and technology. Technology is changing at unprecedented speed, and the intensely competitive economic environment impels businesses to deploy latest technology. It is a timely initiative by ASSOCHAM to assess whether the legal and regulatory environment has remained conducive to benefitting from the changing technological environment.

Legal rules and principles have an interactive, dynamic and complex relationship with technological developments. Technology and technological changes affect any legal system directly and indirectly, through impact on economy and society. Society influences law, for law is but a reflection of the society it governs. Business is a broad sub-set of society. It is as sensitive to legal change – and technological change – as any part of society. With this point made, I would like to welcome everyone at this very important Conference and I hope the subsequent sessions provide a lot of learning for you to take back.

The Government is committed to economic development through the use of technology. The Digital India campaign has introduced many new technologies such as cloud computing and mobile technology. In order that these services are accessible from

the remotest corners of the country, National Fibre Optic Network has been taken up in right earnest to connect 2.5 lakh gram panchayats by next year, with Kerala becoming the first State this year to be fully networked. E-Commerce in India, already galloping at a scorching pace for the last few years, has seen fresh infusion of competition with the entry of behemoths like Amazon and Alibaba. With the Pradhan Mantri Jan Dhan Yojana adding crores of new bank users and with the banks encouraging the use of plastic money and electronic transactions, while the country has started benefitting by mainstreaming of cash transactions, it has to address newer technological challenges such as phishing, trojans and worms. The National Cyber Security Policy 2013 has been put in place to protect against cyber attacks and crimes, apart from the e-mail policy of the Government ensuring that sensitive cyber traffic remains secure in servers housed within the country.

Regulating Internet or Cyberspace is a big challenge for all nations. India has also started feeling the pressure of the same as foreign companies and websites have started affecting law and order, peace and tranquillity, national and cyber security of the country. India urgently needs to act on both the fronts of technology and legal framework to make these companies and websites comply with Indian laws. On the technology side, these companies and websites must establish servers in India. In extreme cases, Indian Government can also block the services provided by these companies and websites at the National Gateway Level or selectively on a case to case basis through the Indian Computer Emergency Response Team (Cert-In). Judicial intervention can

also be sought to block the services provided by these companies and websites.

The “Make in India” campaign designed to facilitate investment, foster innovation, enhance skill development, protect intellectual property and build best-in-class manufacturing infrastructure. is another initiative with promise of technological advancement. The decade of 2011-2020 has been declared as the decade of innovation. The 5P (Perspective, Profile, Policy, Projects, People) approach of our Prime Minister to boost manufacturing sector’s growth will help boost the economy as a whole. The Government has approved the National Policy on Electronics to achieve a turnover of about 400 billion US dollars by 2020 involving investment of about 100 billion US dollars and employment to around 28 million. A National IPR Strategy is being finalised to make the best use of innovation while at the same time ensuring that transfer and dissemination of technology for the benefit of the people remains the key objective of innovation. India has the most modern and WTO compliant IPR laws, and Indian courts have repeatedly lent their support in protecting the interests of the common man in the use of IPRs for the common good, the latest being upholding of Section 3 (d) of the Indian Patents Act in the Novartis’ Glivec cancer drug patent case.

The Government has taken many steps to tailor our laws to the demands of emerging technologies. In the effort to improve the ease of doing business in India, India has started the eBiz platform making all business and investment related clearances and compliances available on a 24x7 single portal with an integrated

payment gateway. With 31 Mission Mode projects at various stages of completion, India is on its way to leveraging technology for the benefit of the common man.

However, as society evolves, new challenges are constantly thrown up that require consideration. Recent events related to the news media, such as the proliferation and subsequent curbing of social media, the paid news phenomenon, fake sting operations, trial by media, breach of privacy, etc. pose a set of anxieties. The law applicable to broadcast media is the Cable TV Networks (Regulation) Act 1995. Broadcasting sector is regulated by the Telecom Regulatory Authority of India (TRAI), which notifies rules from time to time. Additionally, the Electronic Media Monitoring Centre established by the Ministry of Information & Broadcasting monitors the content of all TV channels uplinking and downlinking in India. It also monitors content of Private FM Radio Channels.

In the modern times, use of social media such as facebook, twitter, you tube has increased enormously. A balance has to be maintained on the right to express one's views and maintenance of public order and harmony and right of other persons.

The Ministry of Law and Justice has also worked in tandem to achieve these goals. We have taken steps to remove hundreds of obsolete laws from the statute book. We have revised the National Litigation Policy to reduce unwarranted Government litigation. Our eCourts project has already computerised more than 13000 courts in the country, making available online case data, orders/judgments and cause lists to lawyers and litigants alike. If you look at the e-Taal

website, you will see that the public is accessing court websites frequently; the justice sector is next only to the agriculture sector in terms of the number of transactions reported.

Law being a living organ has to grow in order to satisfy the needs of the fast changing society and to keep abreast with the economic developments taking place in the country. Law cannot afford to remain static. If it is found necessary to construct a new principle of law to deal with an unusual situation which has arisen and which is likely to arise in future on account of economic and technical developments, we should not hesitate to evolve new principles and lay down new norms, which would adequately deal with the new problems, which arise, in a highly industrialized economy.

I am confident that participants in the Conference will put forth useful suggestions on reforms in our legal system by application of technology. I thank the organisers for inviting me on this occasion and I wish the Conference all success in achieving its objectives.
