



A Study of Cyber Laws in India

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Abstract

ICT and internet has been developed and advanced drastically and the changes in them taking place every day. With the increase of internet users, mobile users and the maximum possible use of the online financial and non-financial transaction in the world, there is a certain possibility of the online frauds, or internet related crimes which is generally called as the cyber crimes or cyber security crimes. With the constant utilization of the internet, digitization of almost every transaction, growth of the online data, there is also an issue related to privacy of the data and protection of the data which is also called as the cyber security. The paper is deal with the review of cyber laws in India.

Keywords: ICT, internet, internet users, mobile users, financial and non-financial transaction, online frauds, and internet related crimes, cyber crimes, cyber security

Introduction:

The information and communication technology has changed the working of entire world. The world has been connected directly with the help of ICT and particularly the internet. All transaction in the world right from sending and receiving message to other online transaction has become very fact with real time transaction. Everything in the world is now available in the online format which can be accessed everywhere and every time through various devices like desktop, smart phones etc. all merchant has developed their own trading websites, all government as well as non government and private organizations has their own websites, all

social media has become easy due to facebook and whatsapp applications. Supplementary to this every merchant, organization has developed the mobile applications for delivery of the various services etc. in this way the ICT and internet has been developed and advanced drastically and the changes in them taking place every day. With the increase of internet users, mobile users and the maximum possible use of the online financial and non-financial transaction in the world, there is a certain possibility of the online frauds, or internet related crimes which is generally called as the cyber crimes or cyber security crimes. With the constant utilization of the internet, digitization of almost every transaction, growth of the online data, there is also an issue related to privacy of the data and protection of the data which is also called as the cyber security. In a simple way the cyber crimes is an unlawful act which involve the criminal activity related with the computer, internet, data security and includes the theft, fraud, forgery, defamation and mischief.

Objectives:

1. To study the cyber crimes in India
2. To study the cyber law in India

Research methodology:

The present research paper is based on the secondary data and the review of literature. The secondary data has been collected from various published sources like bare act, ministry of electronics and information technology, online journals and other related websites. These data has been classified into cyber crimes and cyber law in India.

Review of literature:

Animesh Sarmah et. al (2017) the internet technology has been using by the few people for criminal activities like unauthorized access to other's network scams etc. These criminal activities or the offense/crime related to the internet is termed as cyber crime.

Hemraj Sainiet. All (2012) The attacks those are processed knowingly can be considered as the cyber crime and they have serious impacts over the society in the form of economical disrupt, psychological disorder, threat to National defense etc. Restriction of cyber crimes is dependent on proper analysis of their behavior and understanding of their impacts over various levels of society.

P. N. Vijaya Kumar (2016) Cybercrime covers a wide range of different attacks such as Cyber extortion, Cyber warfare, spreading Computer viruses or Malware, Internet fraud, Spamming, Phishing, carding (fraud), child pornography and intellectual property rights violation etc

Chouhan, Raksha (2014) Cyber criminals have new tools at their disposal and are becoming more adaptive than ever. In the present scenario, advent of technological revolution has given broader opportunities and scope to Internet users, but at the same time this has led to the global high-tech cyber crime.

V. K. Gunjan, A. Kumar and S. Avdhanam, (2013) With the increasing popularity of online banking, online shopping which requires sensitive personal and financial data, it is a term that we hear in the news with some frequency.

V.Karamchand Gandhi (2012) Cyber crime is emerging as a serious threat. Worldwide governments, police departments and intelligence units have started to react. Initiatives to curb cross border cyber threats are taking shape. Indian police has initiated special cyber cells across the country and have started educating the personnel.

A. K. Roy (2012) Cyber crimes can involve criminal activities that are traditional in nature, such as theft, fraud, forgery, defamation and mischief, all of which are subject to the Indian Penal Code. The abuse of computers has also given birth to a gamut of new age crimes that are addressed by the Information Technology Act, 2000.

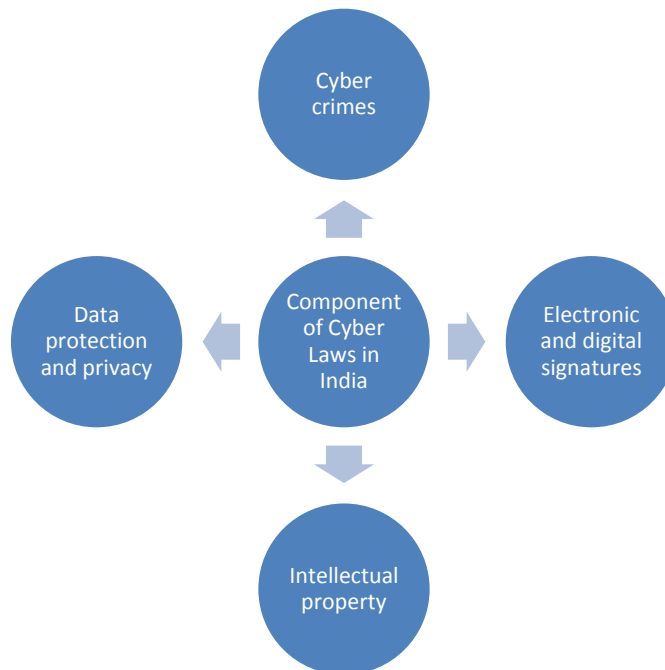
Kandpal & Singh (2013) All cyber crime is based on lack of awareness. This is a duty of Government, print media to educate unwary persons about the dangerous areas of the cyber-world because prevention is better than cure.

S. Mehta, V. Singh (2013) India may succeed in combating the problem of cybercrimes by adopting a synergetic approach wherein technological measures and proper legislative framework with a properly trained human resource in a tech-savvy society.

Cyber crimes in India

The cases of cyber crimes have been increasing in India. There are various causes of these cyber crimes but like their targets often are rich people or organizations like banks and financial firms where transactions of huge amounts often are made on a daily basis. The cyber crimes includes financial crimes, cyber pornography, sale of illegal articles, online gambling, intellectuals property crimes, email spoofing, forgery, cyber defamation, cyber stalking, etc.

Cyber law in India



In order to regulate cyber crime activities that violate the rights of an Internet user, Information Technology Act, 2000 has been enforced in India having provision through various sections:

- Section 65 – Tampering with computer Source Documents
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- Section 66 - Using password of another person
- Section 66D - Cheating Using computer resource
- Section 66E - Publishing private Images of Others
- Section 66F - Acts of cyber Terrorism
- Section 67 - Publishing Child Porn or predated children online
- Section 69 - Govt.'s Power to block websites
- Section 43A - Data protection at corporate level

Further Section 378 of the IPC relating to "theft" of movable property, Section 424 of the IPC is related with data theft, Section 425 of the IPC deals with mischief, Section 411 of the IPC too prescribes punishment for dishonestly receiving stolen property, The provisions of sections 463, 465 and 468 of the IPC dealing with forgery and "forgery for the purpose of cheating.

In order to provide the basic and advanced training related with Law Enforcement the government has set up Indian Computer Emergency Response Team (CERT-In) and Centre for Development of Advanced Computing (CDAC), Cyber forensic training lab under Training Academy of Central Bureau of Investigation (CBI), Cyber forensic lab in collaboration with Data Security Council of India (DSCI), NASSCOM, Cyber Forensic.

Conclusion:

There is constant proliferation of new digital technologies and digitization of almost all financial and non financial transaction taking place all over the world. With the increase of usage of the ICT and internet there are possibilities of technological threats. The protection of the mankind is at most important for the government. In India IT Act, 2000 to deal with cybercrimes plays an important role in the protection of from cybercrimes along with the IPC, 1860, the IEA (Indian

Evidence Act), 1872, the Banker's Books Evidence Act 1891 and the Reserve Bank of India Act, 1934. There is a greater need for international harmonizing efforts, coordination and co-operation among various nations. More Focus Should Be Given On E-commerce, online contract, IPR, e-governance etc.

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