

# Cyber Laws With special Reference to : India

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Crime is as old as human civilization. our ancient books and stories are narrated with crime committed by individuals and punished accordingly to the laws of the than society. The Nature of crime changes as society developed. Social and economic crime is as old as society evolution.

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- As crime has adverse impact on society and its impact is far and far on different sections of human activity. Due to advancement of human civilization and adding new tools and technology the nature of crime changed with new advancement.

# New information technology and crime

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- As new technologies application gradually increases the crime aspects of cyber crime increase. The fraud cases of cyber world increasing day to day at a rapid speed of COVID19. It affected a large no of people as well as Govt. organization and society also. This lead to Govt. to enact a new law that will be able to handle the new emerged cyber crime

# Importance of cyber law in India

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- As India is a developing country and application of new technology with IT infrastructure is a new atmosphere for Indian mentality. Our country is rapidly changing from paper society to digital society. Some newly learned technocrat started hacking/fraud with the help of new technology. Such type of technological fraud persist to think to enact Cyber Law for the sake of protection of individuals as well as socio, economic and country interest.

# What is Cyber Crime

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- The Indian Penal code, 1860 dealt with offence or crime elaborately listed Acts and Punishment for each crime.
- Cyber crime can be defined as it is a consideration of crime with computer.
- It is just like crime and punishment.
- In simple way we can say that any offence or crime in which a computer or electronic gadget is used for illegal deeds can be define as a cyber crime. It may be simple stealing of data, hacking etc.

# Types of cyber crime

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- **Identity Theft** : When personal information is stolen and used for taking loan or credit in the name of original person, such type of act is known as identity theft.
- **Hacking** :The most common things in practice in such type of crime a hacker get access to the personal details of the personal computer or credit cards / debit cards / passwords and do wrongful acts.
- **Cyber Bulling** : when a person of adolescent defame someone using phone, chat, or other social media such type of crime comes under the category of cyber bulling.
- **Cyber Terrorism** : When a person or organization threats for extortion to a person ,Govt. or corporate computer system, such type of act comes under cyber terrorism.

- **Copy Right** : The advent of INTERNET and its application has made easy to copy and paste. This types of action comes under the violation of copy right. Any type of use of copyright materials without permission of the person concerned comes under violation of copy right and is a punishable .
- **Trade Secret** :Technocrats, R&D personals, Researchers, Scientists spent lots of time , energy ,money for development of new things /ideas. Their rights should be protected.
- **Freedom of speech** : Now a day social media has become an easy platform for expressing their views and ideas. But one should know that there is a hair thin line between freedom of speech and cyber law. So it is necessary to think before speak.
- **Harassment and Stalking** :Freedom of speech and commenting on social media has become a fashion in running time . Comments can heart any one sentiments , religious feelings and that can be drag you in court or suit a defamation on your comments or writings.

# Need for cyber Law in India

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- The 21<sup>st</sup> century world is techno savvy. More and more people are using INTERNET. Internet made the world a global village. This resulted in people coming together and resulted in so many disadvantages and misuse of the technology in cyber crime. Internet fraud cases increases in Indian Contest and needed to enact cyber law.

# Background of IT Law in India

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- The mid 90 decade witness more and more application of computer in the global world. This was a global Phenomena. Earlier printed documents and fax were means of fast communication.
- Govt. of India enacted its Information technology act in 2000. The objective of the Act was :
  - ❖ Legal recognition of electronic document.
  - ❖ Legal recognition of Digital signature.
  - ❖ Offences and contraventions.
  - ❖ Protection of online privacy and stopping cyber crime

❖ Continued...

- ❖ IT Act is a cyber security law which amendment from time to time to suit the present situation. It law was a cyber security law enacted to secure cyber security amended under IPC 1860, Indian evidence act 1872, the banker's Book evidence act 1891, and reserve Bank of India Act 1934.
- ❖ IT act 2000 went through amendments in 2008 and law of cyber crime added in it. The law came into force in 2009 to strength the cyber security with modification and addition some new.
- ❖ There are many sections and sub sections mentioning clearly crime and punishment.
- ❖ Section – 43 Deals with compensation for damage of computer and computer system.
- ❖ Section – 43 A Deals with compensation for failure to protect data.
- ❖ Section -65 Tampering with source documents.
- ❖ Section – 66 Computer related offence.

- ❖ Section – 66 A Sending offensive message.
- ❖ Section - 66 B Receiving stolen computer.
- ❖ Section - 66 C Electronic signature, theft password.
- ❖ Section - 66 D Cheating.
- ❖ Section - 66 E Privacy violation.
- ❖ Section - 67 Deals with publishing and transmitting obscene materials in e form.
- ❖ Section - 67 A Transmitting of materials like sexually explicit.
- ❖ Section - 67 B Child pornography.
- ❖ Section - 69 Empowered Govt. agency to intercept , Monitor, Computer Resources.

## How to minimize cyber crime.

- Downloading on mobile : Everything should not be allowed download. Generally we allow or agree in every downloading.
- Personal information should not be shared such as CVV, DEBIT/CREDIT CARD NO. ,OTP, etc.
- Rating feedback this should also be avoid.

## **Conclusion :**

As the e-application is spreading like wide spread it is tough to make society crime free or it is a dreamland .Only awareness and protective measure can minimize the cyber crime. Technology is a doubled edged sword . Which can be used for good or bad.



THANKS