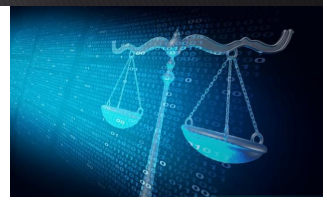
Module 4
Part 1
Cyber Law Indroduction

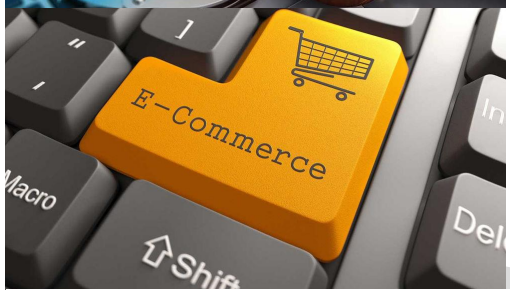
Index



❖ Need for cyber laws

- The advantages of the use of computers and internet are immense in the modern business and our society cannot smoothly function without computers and information technology (IT)
- But the use of internet and computers has brought along many unavoidable misuses of computer and the internet
- This has been easily possible more so because, in the use of the computers, there is no territorial limit and can be used from any jurisdiction
- This sort of freedom has helped many computer experts indulging in unlawful cyber criminal activities across the world

- Hacking, bugging, cheating, pornography, embezzlement, fraud and so on have become very popular on the internet
- It was reported that, according to the Delhi Police, complaints of online credit card frauds have seen a sharp increase in the past two years
- Moreover, there is counterfeiting of plastic money
- It may be that someone got hold of your card details and copied them onto a bogus card, and started spending your money
- It is alarming to find that now a days even terrorists plot terror over the Internet



- The above instances point the importance and need to have proper legislation to curb the menace of modern kinds of cyber crimes on the Internet
- At present legal provisions recognise paper based records and documents, which bear signatures
- But the e-commerce, eliminates to a great extent the need for paper based transactions
- And therefore in order to facilitate and promote it, there is an imminent need for cyber laws

- The United Nations Commission on International Trade Law adopted the Model Law on Electronic Commerce in 1996
- India is a signatory to this
- Keeping in view the urgent need to bring suitable changes in the existing laws to facilitate e-commerce and e-governance, the Information and Technology Bill, 1999 was introduced in the Parliament in India
- Now India has the Information Technology (IT) Act, 2000, which has been enacted keeping in view the necessity of proper regulation of IT to have proper e-commerce and e-governance in India

- At present many legal provisions assume the existence of paper based records and documents and the need for these to bear signatures
- In order to facilitate e-commerce and e-governance, the Information Technology Act, or the IT Act 2000 made changes in the Law of Evidence which is traditionally based upon paper-based records
- The new law also provides for the use and acceptance of electronic records and electronic signatures in government offices and its agencies
- Consequently, the necessary changes in the laws in the Indian Penal Code (IPC) and The Indian Evidence Act 1872 have also been made

❖ Historical perspective

❑ Impact of the Internet and Information Technology (IT) on Business and Society

- The Internet reflects the immense power in cyber space as the latest step in network development
- This network of networks stands in stark contrast to the public telecommunication networks that had slowly developed under central control
- And private telecommunication networks that served limited groups and users

- The Internet has emerged as fundamentally

  1) Decentralised and open
  2) Offers a communication medium to people all over the globe, from all works of life, using all kinds of devices
  3) Digital format and unifying protocols
  4) Support increased connectivity and interaction among networks
  5) The networks in which they operate are digital networks (Computer and computer storage use digital formats)
  6) Sudden interoperability of formally distinct technologies
  7) Images, sound, text and video can all be digitised

- The technological developments occurring today offer new capabilities in processing speed, transport and storage of data
- The constraining influence of bandwidth is beginning to diminish as communication technologies continue to improve
- Improvements in transmission media - optical fiber, twisted-pair copper wire, coaxial cable and various wireless technologies, we can move data more efficiently across communications networks
- Anything that can be digitised can be delivered efficiently to an ever-growing number of users and where the marginal cost of transport approaches zero
- The most fitting example is the development of packet switching, fundamental to the development of the internet