

Module 4

Part 1

Cyber Law Indroduction

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❖ 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 walks 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

