

Unit 9: Cyber Law in the Context of Nepal [Lecture Hours: 4]

9.1 Cyber Law in the Context of Nepal

- **Definition of Cyber Law:** Cyber law refers to the legal framework governing internet usage, electronic transactions, and cybercrimes. In Nepal, it aims to address the challenges posed by the digital environment.
- **Purpose:**
 - Regulate online behavior and digital transactions.
 - Protect individuals and organizations from cyber threats.
 - Ensure a secure environment for digital business and communication.
- **Scope:**
 - E-commerce regulation.
 - Cybercrimes such as hacking, identity theft, and online fraud.
 - Data privacy and protection.
 - Digital intellectual property rights.

9.2 Legal Perspective of Cybercrime

- **Cybercrime Definition:** Crimes committed using computers, networks, or the internet, including theft, fraud, defamation, and data breaches.
- **Types of Cybercrimes:**
 - **Financial Crimes:** Phishing, credit card fraud, and money laundering.
 - **Data Crimes:** Hacking, data theft, and ransomware.
 - **Social Crimes:** Cyberbullying, online defamation, and stalking.
 - **Content-Related Crimes:** Publishing or distributing illegal or harmful content.
- **Legal Provisions in Nepal:**
 - Cybercrimes are addressed under the **Electronic Transaction Act (ETA) 2063**.
 - Prosecution and penalties for cyber offenses are clearly defined.

9.3 Electronic Transaction Act (ETA) 2063

- **Overview:** The ETA 2063 is the cornerstone of Nepal's cyber law framework, enacted to regulate electronic transactions and prevent cybercrimes.
- **Key Features:**
 - Legal recognition of electronic documents, signatures, and transactions.
 - Regulation of digital certificates and certification authorities.
 - Definition and penalties for cyber offenses.
 - Provisions for data protection and privacy.
- **Offenses Covered:**
 - Unauthorized access to systems or data.
 - Cyber fraud, identity theft, and digital defamation.
 - Sending harmful or offensive content via digital means.
- **Penalties:**
 - Monetary fines and imprisonment for violators, depending on the severity of the crime.

9.4 Electronic Transaction Rules (ETR)

- **Purpose:** Complement the ETA by defining the operational and procedural aspects of electronic transactions.
- **Key Provisions:**
 - Guidelines for registering digital certification authorities.
 - Standards for maintaining the confidentiality and integrity of electronic records.
 - Procedures for filing complaints related to cybercrimes.

9.5 IT Policy of Nepal

- **Objectives:**
 - Promote the use of information technology in development.
 - Enhance digital literacy and IT infrastructure.
 - Encourage the growth of e-governance and e-commerce.
- **Provisions Related to Cyber Law:**
 - Security standards for IT systems.
 - Incentives for private sector investment in IT.
 - Policies for protecting intellectual property in digital formats.

9.6 Information Security and Policies

- **Importance of Information Security:**
 - Prevent unauthorized access, misuse, or destruction of information.
 - Ensure confidentiality, integrity, and availability of data.
- **Components of Information Security Policy:**
 - **Access Control:** Restricting data access to authorized individuals.
 - **Data Encryption:** Protecting sensitive data through encryption techniques.
 - **Incident Response:** Procedures for handling cyber incidents.
 - **Regular Audits:** Monitoring and reviewing security measures.
- **Nepal's Approach:**
 - Development of national standards for cybersecurity.
 - Encouraging businesses to adopt information security policies.
 - Building awareness of data protection and secure practices among citizens.