

CYBER LAW IN INDIA

NEED & IMPORTANCE



**Presented by,
Aditya Shukla**

OVERVIEW

- **Need of Cyber Law**
- **Cyber Crime**
- **Introduction of Cyber law**
 - **IT Act-2000**
 - **IT Act Amendment-2008**
- **SOPA & PIPA**
- **World & Cyber Law**
- **Importance of Cyber Law in Present Era**



NEED OF CYBER LAW

"The modern thief can steal more with a computer than with a gun. Tomorrow's terrorist may be able to do more damage with a keyboard than with a bomb".

National Research Council, U S A "Computers at Risk".1991



NEED OF CYBER LAW

- Internet has dramatically changed the way we think, the way we govern, the way we do commerce and the way we perceive ourselves.
- Information technology is encompassing all walks of life all over the world.
- Cyber space creates moral, civil and criminal wrongs. It has now given a new way to express criminal tendencies.



NEED OF CYBER LAW

- **Cyberspace is open to participation by all**
- **“IT” has brought Transition from paper to paperless world**
- **The laws of real world cannot be interpreted in the light of emerging cyberspace to include all aspects relating to different activities in cyberspace**
- **Internet requires an enabling and supportive legal infrastructure in tune with the times**



CYBER LAW ?

- **Cyber Law** **is the law governing cyber space.**
- **Cyber space** **includes computers, networks, software's, data storage devices (*such as hard disks, USB disks etc*), the Internet, websites, emails and even electronic devices such as cell phones, ATM machines etc.**



CYBER LAW DEALS WITH

- **Cyber Crimes**
- **Electronic or Digital Signatures**
- **Intellectual Property**
- **Data Protection and Privacy**



CYBER CRIME ?

- Any crime with the help of computer and telecommunication technology.
- Any crime where either the computer is used as an object or subject.



CATEGORIES OF CYBER CRIME

- Cybercrimes against *persons*.
- Cybercrimes against *property*.
- Cybercrimes against *government*.



AGAINST A PERSON

- **Cyber stalking**
- **Impersonation**
- **Loss of Privacy**
- **Transmission of Obscene Material.**
- **Harassment with the use of computer.**



AGAINST PROPERTY

- **Unauthorized Computer Trespassing**
- **Computer vandalism**
- **Transmission of harmful programmes**
- **Siphoning of funds from financial institutions**
- **Stealing secret information & data**
- **Copy Right**



AGAINST GOVERNMENT

- **Hacking of Government websites**
- **Cyber Extortion**
- **Cyber Terrorism**
- **Computer Viruses**



SOME OTHER CRIMES

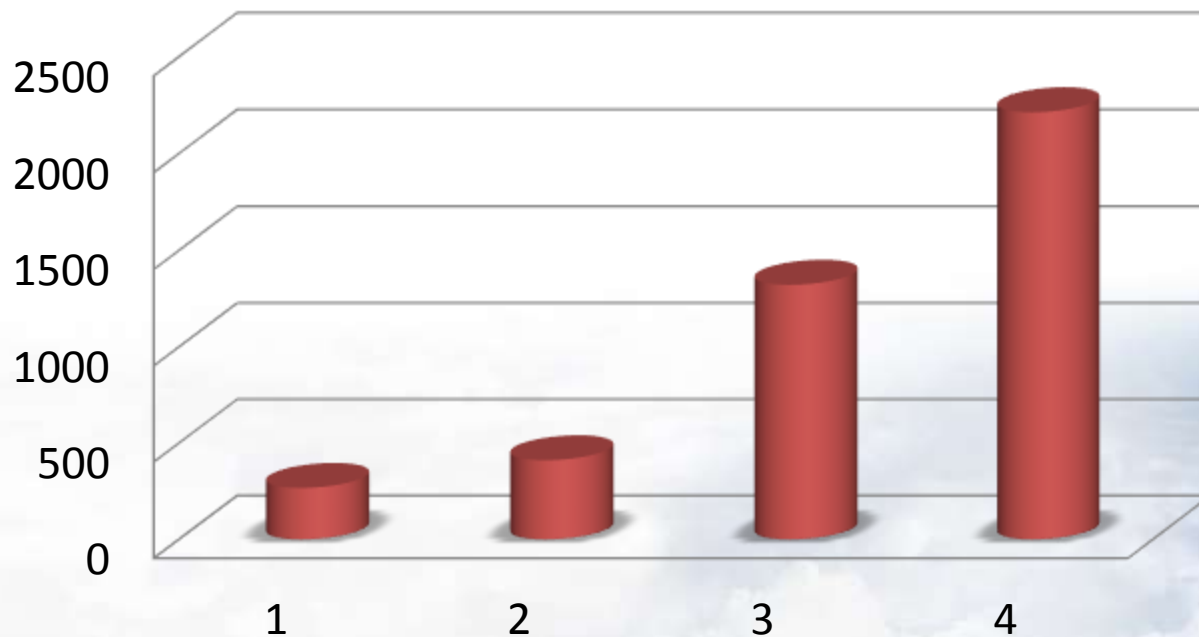
- **Logic Bombs**
- **Spamming**
- **Virus, worms, Trojan Horse**
- **E-Mail Bombing**
- **E-Mail abuse etc.**



STATISTICS OF CYBER CRIMES

Year	2008	2009	2010	2011
Cyber Crimes	267	411	1322	2213

Cyber Crime in India



IT Act-2000

- The Information Technology Act, 2000 (IT Act), came into force on *17 October 2000*.
- The primary purpose of the Act is to provide legal recognition to electronic commerce and to facilitate filing of electronic records with the Government.
- Information Technology Act 2000 consisted of *94 sections segregated into 13 chapters*.



IT ACT-2000 : OBJECTIVES

- To provide legal recognition for transactions
- To facilitate electronic filing of documents with the Government agencies.
- To amend the *Indian Penal Code, The Indian Evidence Act, 1872, The Banker's Book Evidence Act, 1891 and the Reserve Bank of India Act, 1934.*
- Aims to provide the legal framework to all electronic records.



IT ACT-2000

Snapshot of Important Cyber Law Provisions in India

Offence

Section under IT Act

**Tampering with Computer source documents
(with out the permission of in charge)**

Sec.43

Hacking with Computer systems, Data alteration

Sec.66

Publishing obscene information

Sec.67

Un-authorized access to protected system

Sec.70

Breach of Confidentiality and Privacy

Sec.72

Publishing false digital signature certificates

Sec.73



IT ACT-2000

Crimes under Indian Penal Code and Special Laws

Offence

Sections

Sending threatening & Defamatory messages by email

Sec 503 & 499 IPC

Forgery of electronic records

Sec 463 IPC

Bogus websites, cyber frauds

Sec 420 IPC

Email spoofing & Abuse

Sec 463 & 500 IPC

Web-Jacking

Sec 383 IPC

Online sale of Drugs

NDPS Act

Online sale of Arms

Arms Act



SECTION 43

If any person uses a computer or system network without permission of the owner or any other person who is incharge &

- Access, download, Copy any data from such computer
- Introduces Computer Virus into any computer.
- Damages any computer network or computer.
- Changes Account Settings.

Punishment

He shall be liable to pay damages by the way of compensation not exceeding *1 Crore* to affected person.



SECTION 66

Hacking with Computer System

➤ Information residing in a computer resources must be either:

- Destroyed
- Deleted
- Altered
- Diminished in value or utility
- Affected Injuriously

Punishment

3 yrs. Or Fine up to 2 lakh.



SECTION 67

- Publication or transmitted in the electronic form any material which contains sexually explicit acts or conduct.

Punishment

- 1st conviction with *2 to 5 years* of imprisonment and fine of *1 lakh rupees*.
- 2nd or subsequent conviction with the imprisonment up to *7-10 years* and also with fine which may extend to *10 lakh rupees*.



SOME OTHER SECTIONS

- **Section 65 : Tampering with computer source document.**

Punishments

**Offences are punishable with imprisonment up to 3 yrs.
And/or fine up to Rs. 2 lakh.**

- **Section 69: Interception, monitoring of any information regarding the integrity, Security or defense of India, friendly relations with foreign countries.**

Punishment

2 lakh and /or jail not extending 5 yrs



SOME OTHER SECTIONS

- **Section 502A: Publishing, Transmitting images of the private area of a person without his or her consent.**
Punishment : 2yrs./2 lakh.
- **Section 419A: Cheating by any communication device or computer resource**
Punishment : 5yrs.
- **Section 417A: Identity Theft**
Punishment: 2yrs.
- **Section 72: Violation of the privacy policy**
Punishment: Fine up to 5 lakh jail not extending 2 yrs.



IT ACT AMENDMENT-2008

- **The Information Technology Amendment Act, 2008 (IT Act 2008) has been passed by the parliament on *23rd December 2008.***
- **It received the assent of President of India on *5th February, 2009.***
- **The IT Act 2008 has been notified on *October 27, 2009.***



IT ACT AMENDMENT-2008

- ITA-2008, is a new version of IT Act 2000.
- Provides additional focus on Information Security.
- Added several new sections on offences including *Cyber Terrorism* and *Data Protection*.
- 124 sections and 14 chapters.
- Schedule I and II have been replaced & Schedules III and IV are deleted.



SALIENT FEATURES

- *Digital signature* has been replaced with *Electronic signature*.
- Section 67 of the old Act is amended.
- Sections 66A to 66F prescribe punishment for obscene electronic message transmissions & cyber terrorism.



SALIENT FEATURES

- Amended section 69 gives power to the state.
- Sections 69 A and B, grant power to the state to direct blocking for public access of any information through any computer resource.



SOPA & PIPA

United States America have many rules to regulate internet content, Currently He is working on :

- **SOPA (Stop Online Piracy) is a United States bill to expand the ability to fight online trafficking in copyrighted intellectual property.**
- **PIPA (Protect IP Act) is a proposed law of U.S. government.**



WORLD & CYBER LAWS

- **The Great firewall of China monitors every movement in cyber space and protect to publish any offensive content.**
- ***China* have a hold on every content which is harmful of dangerous for the government of China.**
- ***Brazil* is considered world's biggest airport for Hackers.**
- ***Iran* is also a dangerous country for the Netizens. He also have a Crime Police unit for crime in Cyber Space.**



IMPORTANCE OF CYBER LAW

- We are living in highly digitalized world.
- All companies depend upon their computer networks and keep their valuable data in electronic form.
- Government forms including income tax returns, company law forms etc are now filled in electronic form.
- Consumers are increasingly using credit cards for shopping.



IMPORTANCE OF CYBER LAW

- Most people are using email, cell phones and SMS messages for communication.
- Even in "non-cyber crime" cases, important evidence is found in computers /cell phones e.g. in cases of divorce, murder, kidnapping, organized crime, terrorist operations, counterfeit currency etc.
- Since it touches all the aspects of transactions and activities on and concerning the Internet, the World Wide Web and Cyberspace therefore Cyber Law is extremely important.



REFERENCES

- www.cyberlawclinic.org/
- <http://cyberlawsindia.net/>
- <http://mit.gov.in/hindi/node/1435#>
- <http://www.samvadsetu.com/?p=325>
- <http://slideshare.net>
- <http://www.icicibank.com/hindi/safe-banking/phishing.html>
- http://www.indiancybersecurity.com/dwn_cyber_law.html
- <http://inextlive.jagran.com/What-is-SOPA--201201180029>
- <http://hi.articlestreet.com/legal/cyber-law/filters-that-enforce-cyber-law-regulations.html>
- <http://www.ahyep.com>
- www.leawo.com/free-powerpoint-templates/
- <http://www.mrmcharity.org/wp-content/uploads/2012/07/Divorce-Law.jpg>
- [http:// www.ncrb.nic.in](http://www.ncrb.nic.in)



THANK YOU

