

**We live in the world of computers and internet. While the fastness and reliability of the computers have made our day to day life more easy and convenient, the internet has connected us to the world and provides us a stream of unlimited information. This advent of information technology has brought a new dimension in our lives. But with each new dimension, comes new challenges. And with the rise of the information sharing world, we have problems like hacking, intellectual property theft, credit card cloning, phishing, cyber bullying, privacy issue and the list goes on and on. To regulate the crime in this dimension of our life, governments come up with "Cyber Law".**

**Cyber law is the law that includes a variety of issues related to the internet and other communication technology, including intellectual property, privacy, freedom of expression, and jurisdiction. The Cyber law governs the legal issues of cyberspace. Cyberspace is the electronic medium of computer networks, in which online communication takes place. Cyberspace is a very wide term that includes: computers, computer networks, the Internet data software etc.**

### **Cyber Law of Nepal – Problems and Challenges**

Importance: They provide security to not only the intellectual property of IT companies but also helps to maintain the privacy of the internet users. They check the programs of corporates to make the internet a neutral platform, help to create standard models of use which helps to create tailored facilities to the citizens in order to boost the economy, and so on.

Prior to 2004, cyber crimes were dealt under the Public Offence Act. Electronic Transaction Act (ETA) 2063 was passed in 2004 which is known as the cyber law. It protects users online against cyber crimes.<sup>30</sup> Bhadra 2006<sup>1bs</sup> or 15 sep 2004<sup>AD</sup>.

Although the law is present, it serves little protecting the users online. The law has not been adequately amended as a need of time. The elements and dynamics of the web has been changing over time whereas the ETA remains constant.

Trend of cybercrime has changed in Nepal in comparison to previous years. Before, it was limited to data piracy, email blackmail, SMS blackmail, etc. whereas today it has reached a wide variety such as phishing , unauthorized access, online fraud, online illegal activities, etc. And there's whole another level of social media related crime going on.

Nepal faces a huge hindrance due to its limited policies and regulation.

Lack of investigation and cyber forensic has diminished the chance of catching the criminals. Information Technology is changing all aspects of human activity and in such case Cyber Law is essential to the most. Online communication has risen to a new level and to protect it from being turned to a serious crime, Cyber Law of Nepal has to overcome the challenges it faces.

***The first cyber crime was reported in 1820. It was made against the workers who tried to destroy the physical infrastructures complaining their lost of job due to automated machine adapted by the French Cloth Industry.***

- ***Financial Crime***

- ***Cyber Pornography***
- ***Sale of Illegal Article***
- ***Intellectual Property Crime***
- ***Cyber Stalking***
- ***Cyber Defamation***
- ***Email Bombing***
- ***Salami Attacks***
- ***Virus/Worm Attacks***
- ***Internet Time Theft***

***Crimes as per the "Electronics Transaction Act-2063"***

***Paragraph-9 describes about the guilt and Surcharge regarding computers abuse***

***Article -44: Piracy, Ammendment or Destruction of Computer Source => 3 years jail or Rs. 200000 as Surcharge***

***Article-45: Access to unauthorized Items ==> 3 years jail or Rs. 200000 as Surcharge or BOTH***

***Article-46: Damage to Computer Information System ==> 3 years jail or Rs. 200000 as Surcharge or BOTH***

**Article-47: Publishing illegal things in Electronic Format=>i) 5 years jail or Rs. 100000 as Surcharge or BOTH. ii) If the act is repeated punishment is upto 1.5 times of previous**

**Article-48: Privacy transgress => 2 years jail or Rs. 100000 as Surcharge or BOTH**

**Article-49: Publishing False information=> 2 years jail or Rs. 100000 as Surcharge or BOTH**

**Article-50: Publishing False Licence or Certificate=>i) 2 years jail or Rs. 100000 as Surcharge or BOTH ii) If incomplete, uptoRs 100000 as Surcharge iii) If consciously done, ) 2 years jail or Rs. 100000 as Surcharge or BOTH**

**Article-51: Not admitting assigned description or document=> Surcharge upto 50000**

**Article-52: Computer brummagem=>) 2 years jail or Rs. 100000 as Surcharge or BOTH**

**Article-53: Encouraging for committing cyber crime=>)6 month jail or Rs. 50000 as Surcharge or**

**Article-54: Helper will be assigned half punishment than Committer**

**Article-55: Cybercrime committed Out of Nepal: Issue will be forwarded as per the law**

***Article-56: confiscation: Used computers ,computer system, floppy disk, CDs or related equipments are be confiscated***

***Article-57: Guilt from an Organized Institution: Responsible Person will be taken as guilt.***

***Article-58: Others=>6 month jail or Rs. 50000 as Surcharge or BOTH***

link:<http://www.lawcommission.gov.np/en/downloads>

<https://ictframe.com/cybercrime-in-nepal-cyber-law-and-its-challenge/>

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