Cyber Laws of India

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Cyber Laws

In Simple way we can say that cyber crime is unlawful acts wherein the computer is either a tool or a target or both.

0Cyber crimes can involve criminal activities that are traditional in nature, such as theft, fraud, forgery, defamation and mischief, all of which are subject to the Indian Penal Code.

The abuse of computers has also given birth to a gamut of new age crimes that are addressed by the Information Technology Act, 2000.

We can categorize Cyber crimes in two ways

The Computer as a Target :-

using a computer to attack other computers.
e.g. Hacking,Virus/Worm attacks,DOS attack etc.

computer as a weapon :-

using a computer to commit real world crimes.
e.g. Cyber Terrorism, IPR violations,Credit card frauds,EFT frauds, Pornography etc.

CyberSpace

Cyber law (also referred to as cyberlaw) is a term used to describe the legal issues related to use of communications technology, particularly "cyberspace", i.e. the Internet.

It is less a distinct field of law in the way that property or contract are as it is an intersection of many legal fields, including intellectual property, privacy, freedom of expression, and jurisdiction.

In essence, cyber law is an attempt to integrate the challenges presented by human activity on the Internet with legacy system of laws applicable to the physical world.

why Cyber Laws in India

Due to the anonymous nature of the Internet, it is possible to engage into a variety of criminal activities with impunity and people with intelligence, have been grossly misusing this aspect of the Internet to perpetuate criminal activities in cyberspace. Hence the need for Cyberlaws in India.

New Cyber Laws

Section 65 – Tampering with computer Source Documents

A person who intentionally conceals, destroys or alters any computer source code (such as programmes, computer commands, design and layout), when it is required to be maintained by law commits an offence and can be punished with 3 years' imprisonment or a fine of 2 Lakhs INR or both

Section 66 - Using password of another person

If a person fraudulently uses the password, digital signature or other unique identification of another person, he/she can face imprisonment up to 3 years or/and a fine of 1 Lakh INR.

Section 66D - Cheating Using computer resource

If a person cheats someone using a computer resource or a communication device, he/she could face imprisonment up to 3 years or/and fine up to 1 Lakh INR

Section 66E - Publishing private Images of Others

If a person captures, transmits or publishes images of a person's private parts without his/her consent or knowledge, the person is entitled to imprisonment up to 3 years of fine up to 2 Lakhs INR or both

Section 66F - Acts of cyber Terrorism

A person can face life imprisonment if he/she denies an authorized person the access to the computer resource or attempts to penetrate/access a computer resource without authorization, with an aim to threaten the unity, integrity, security or sovereignty of the nation.

This is a non-bailable offence.

Section 67 - Publishing Child Porn or predating children online

If a person captures, publishes or transmits images of a child in a sexually explicit act or induces anyone under the age of 18 into a sexual act, then the person can face imprisonment up to 7 years or fine up to 10 lakhs INR or both

Section 69 - Govt.'s Power to block websites

If the government feel it necessary in the interest of sovereignty and integrity of India, it can intercept, monitor or decrypt any information generated, transmitted, received or stored in any computer resource.

The power is subject to compliance of procedure. Under section 69A, the central government can also block any information from public access.

Section 43A - Data protection at Corporate level

If a body corporate is negligent in implementing reasonable security practices which causes wrongful loss or gain to any person, such body corporate shall be liable to pay damages to the affection person.

What is Cybercrime against Government ?

The third category of Cybercrimes relate to Cybercrimes against Government. Cyber Terrorism is one distinct kind of crime in this category.

The growth of Internet has shown that the medium of Cyberspace is being used by individuals and groups to threaten the international governments as also to terrorise the citizens of a country.

This crime manifests itself into terrorism when an individual &"cracks&" into a government or military maintained website.

Thank you