Unit V
I.T ACT

CYBERSPACE

Cyberspace can be defined as an intricate environment that involves interactions between people, software, and services. It is maintained by the worldwide distribution of information and communication technology devices and networks.

With the benefits carried by the technological advancements, the cyberspace today has become a common pool used by citizens, businesses, critical information infrastructure, military and governments in a fashion that makes it hard to induce clear boundaries among these different groups. The cyberspace is anticipated to become even more complex in the upcoming years, with the increase in networks and devices connected to it.

REGULATIONS

There are five predominant laws to cover when it comes to cybersecurity:

Information Technology Act, 2000 The Indian cyber laws are governed by the Information Technology Act, penned down back in 2000. The principal impetus of this Act is to offer reliable legal inclusiveness to eCommerce, facilitating registration of real-time records with the Government.

But with the cyber attackers getting sneakier, topped by the human tendency to misuse technology, a series of amendments followed.

The ITA, enacted by the Parliament of India, highlights the grievous punishments and penalties safeguarding the e-governance, e-banking, and e-commerce sectors. Now, the scope of ITA has been enhanced to encompass all the latest communication devices.

The IT Act is the salient one, guiding the entire Indian legislation to govern cybercrimes rigorously:

Section 43 - Applicable to people who damage the computer systems without permission from the owner. The owner can fully claim compensation for the entire damage in such cases.

Section 66 - Applicable in case a person is found to dishonestly or fraudulently committing any act referred to in section 43. The imprisonment term in such instances can mount up to three years or a fine of up to Rs. 5 lakh.

Section 66B - Incorporates the punishments for fraudulently receiving stolen communication devices or computers, which confirms a probable three years imprisonment. This term can also be topped by Rs. 1 lakh fine, depending upon the severity.

Section 66C - This section scrutinizes the identity thefts related to imposter digital signatures, hacking passwords, or other distinctive identification features. If proven guilty, imprisonment of three years might also be backed by Rs.1 lakh fine.

Section 66 D - This section was inserted on-demand, focusing on punishing cheaters doing impersonation using computer resources.

Indian Penal Code (IPC) 1980

Identity thefts and associated cyber frauds are embodied in the Indian Penal Code (IPC), 1860 - invoked along with the Information Technology Act of 2000.

The primary relevant section of the IPC covers cyber frauds:

Forgery (Section 464)

Forgery pre-planned for cheating (Section 468)

False documentation (Section 465)

Presenting a forged document as genuine (Section 471)

Reputation damage (Section 469)

Companies Act of 2013

The corporate stakeholders refer to the Companies Act of 2013 as the legal obligation necessary for the refinement of daily operations. The directives of this Act cements all the required techno-legal compliances, putting the less compliant companies in a legal fix.

The Companies Act 2013 vested powers in the hands of the SFIO (Serious Frauds Investigation Office) to prosecute Indian companies and their directors. Also, post the notification of the Companies Inspection, Investment, and Inquiry Rules, 2014, SFIOs has become even more proactive and stern in this regard.

The legislature ensured that all the regulatory compliances are well-covered, including cyber forensics, e-discovery, and cybersecurity diligence. The Companies (Management and Administration) Rules, 2014 prescribes strict guidelines confirming the cybersecurity obligations and responsibilities upon the company directors and leaders.

NIST Compliance

The Cybersecurity Framework (NCFS), authorized by the National Institute of Standards and Technology (NIST), offers a harmonized approach to cybersecurity as the most reliable global certifying body.

NIST Cybersecurity Framework encompasses all required guidelines, standards, and best practices to manage the cyber-related risks responsibly. This framework is prioritized on flexibility and cost-effectiveness.

It promotes the resilience and protection of critical infrastructure by: Allowing better interpretation, management, and reduction of cybersecurity risks – to mitigate data loss, data misuse, and the subsequent restoration costs Determining the most important activities and critical operations - to focus on securing them Demonstrates the trust-worthiness of organizations who secure critical assets Helps to prioritize investments to maximize the cybersecurity ROI Addresses regulatory and contractual obligations Supports the wider information security program By combining the NIST CSF framework with ISO/IEC 27001 - cybersecurity risk management becomes simplified. It also makes communication easier

throughout the organization and across the supply chains via a common cybersecurity directive laid by NIST.

Final Thoughts As human dependence on technology intensifies, cyber laws in India and across the globe need constant up-gradation and refinements. The pandemic has also pushed much of the workforce into a remote working module increasing the need for app security. Lawmakers have to go the extra mile to stay ahead of the impostors, in order to block them at their advent.

Cybercrimes can be controlled but it needs collaborative efforts of the lawmakers, the Internet or Network providers, the intercessors like banks and shopping sites, and, most importantly, the users. Only the prudent efforts of these stakeholders, ensuring their confinement to the law of the cyberland - can bring about online safety and resilience.

ROLE OF INTERNATIONAL LAWS

In various countries, areas of the computing and communication industries are regulated by governmental bodies λ There are specific rules on the uses to which computers and computer networks may be put, in particular there are rules on unauthorized access, data privacy and spamming λ There are also limits on the use of encryption and of equipment which may be used to defeat copy protection schemes λ There are laws governing trade on the Internet, taxation, consumer protection, and advertising λ There are laws on censorship versus freedom of expression, rules on public access to government information, and individual access to information held on them by private bodies λ Some states limit access to the Internet, by law as well as by technical means.

INTERNATIONAL LAW FOR CYBER CRIME

Cybercrime is "international" that there are ‘no cyber-borders between countries’ λ The complexity in types and forms of cybercrime increases the difficulty to fight back \ fighting cybercrime calls for international cooperation λ Various organizations and governments have already made joint efforts in establishing global standards of legislation and law enforcement both on a regional and on an international scale

THE INDIAN CYBERSPACE

Indian cyberspace was born in 1975 with the establishment of National Informatics Centre (NIC) with an aim to provide govt with IT solutions. Three networks (NWs) were set up between 1986 and 1988 to connect various agencies of govt. These NWs were, INDONET which connected the IBM mainframe installations that made up India’s computer infrastructure, NICNET (the NIC NW) a nationwide very small aperture terminal (VSAT) NW for public sector organisations as well as to connect the central govt with the state govts and district administrations, the third NW setup was ERNET (the Education and Research Network), to serve the academic and research communities.

New Internet Policy of 1998 paved the way for services from multiple Internet service providers (ISPs) and gave boost to the Internet user base grow from 1.4 million in 1999 to over 150 million by Dec 2012. Exponential growth rate is attributed to increasing Internet

access through mobile phones and tablets. Govt is making a determined push to increase broadband penetration from its present level of about 6%1. The target for broadband is 160 million households by 2016 under the National Broadband Plan.

NATIONAL CYBER SECURITY POLICY

National Cyber Security Policy is a policy framework by Department of Electronics and Information Technology. It aims at protecting the public and private infrastructure from cyberattacks. The policy also intends to safeguard "information, such as personal information (of web users), financial and banking information and sovereign data". This was particularly relevant in the wake of US National Security Agency (NSA) leaks that suggested the US government agencies are spying on Indian users, who have no legal or technical safeguards against it. Ministry of Communications and Information Technology (India) defines Cyberspace as a complex environment consisting of interactions between people, software services supported by worldwide distribution of information and communication technology.

VISION

To build a secure and resilient cyberspace for citizens, business, and government and also to protect anyone from intervening in user's privacy.

MISSION

To protect information and information infrastructure in cyberspace, build capabilities to prevent and respond to cyber threat, reduce vulnerabilities and minimize damage from cyber incidents through a combination of institutional structures, people, processes, technology, and cooperation.

OBJECTIVE

Ministry of Communications and Information Technology (India) define objectives as follows:

- To create a secure cyber ecosystem in the country, generate adequate trust and confidence in IT system and transactions in cyberspace and thereby enhance adoption of IT in all sectors of the economy.
- To create an assurance framework for the design of security policies and promotion and enabling actions for compliance to global security standards and best practices by way of conformity assessment (Product, process, technology & people).
- To strengthen the Regulatory Framework for ensuring a SECURE CYBERSPACE ECOSYSTEM.
- To enhance and create National and Sectoral level 24X7 mechanism for obtaining strategic information regarding threats to ICT infrastructure, creating scenarios for response, resolution and crisis management through effective predictive, preventive, protective response and recovery actions.