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Cyber Laws and Crimes in India

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Abstract : Cyber law is a term used to describe the legal issues related to use of communications technology, particularly "cyber laws" that is the internet. It is less of 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.Cyber crime is a generic term that refers to all criminal activities done using the medium of computers, the Internet, cyber space and the world wide web.

Key Words: Data theft, Hacking, Email Spoofing, Identity theft.

What is Cyber Law?

Cyber law is a term used to describe the legal issues related to use of communication technology, particularly "cyber space" that is the internet. It is less of a distinct field of law in the way that property or contract are, as it is intersection of many legal fields, including intellectual property, privacy, freedom of expression and jurisdiction.

In essence, cyber law is an attempt to apply laws designed for the physical world, to human activity on internet. In India, The IT act 2000 as amended by the IT Act 2008 is known as the Cyber law. It has a separate chapter XI entitled "offences" in which various cyber crimes have been declared as penal offences punishable with imprisonment and fine.

What is Cyber Crime?

Cyber crime is a generic term that refers to all criminal activities done using the medium of computers, the Internet, cyber space and the world wide web.

There isn't really a fixed definition for cyber crime. The Indian Law has not given any definition to the term "cyber crime". In fact, the Indian Penal Code does not use "cyber crime" at any point even after its amendment by the Information Technology(amendment) Act 2008, the Indian Cyber Law. But "cyber security" is defined under section(2)(b) means protecting information, equipment, device computer, computer resource, communication device and information stored there in form unauthorized access, use, disclosure, disruption, modification or destruction.

1.Hacking

Hacking is not defined in the amended IT Act 2000. According to wiktionary, Hacking means unauthorized attempts to bypass the security mechanisms of an information system or network, also in simple words hacking is the unauthorized access to a computer system, programs, data and network resources. (The term "hacker" originally meant a very gifted

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programmer. In recent years though with easier access to multiple systems, it now has negative implications).

Law and Punishment:

Under Information Technology (Amendment) Act, 2008, section 43(a) read with section 66 is applicable and section 379 and 406 of Indian Penal Code, 1860 also are applicable.

If crime is proved under IT Act, accused shall be punished for imprisonment, which may extend to three years of five lakh rupees or both.

Hacking offence is cognizable, bailable, compoundable with permission of the court before which the prosecution of such offence is pending and triable by any magistrate.

2.Data Theft

According to Wikipedia, Data theft is a growing problem, primarily perpetrated by office workers with access technology such as desktop computers and handheld devices, capable of storing digital information such as flash drives, ipods and even digital cameras. The damage caused by data theft can be considerable with today's ability to transmit very large files via email, web pages, USB devices, DVD storage and other hand-held device. According to Information Technology(Amendment) Act, 2008, crime of data theft under section 43(b) is stated as – if any person without permission of the owner or any other person, who is in charge of a computer, computer system of computer network – downloads, copies or extracts any data, computer database from such computer, computer system or computer network including information or data held or stored in any removable storage medium, then it is data theft.

Law and Punishment:

Under Information Technology(Amendment) Act, 2008, section 43(b) read with section 66 is applicable and under section 379,405 & 420 of Indian Penal code, 1860 also applicable.

3.Spreading Virus and Worms

In most cases, viruses can do any amount of damage, the creator intends them to do. They can send your data to a third party and then delete your data to a third party and the delete your data from your computer. They can also ruin/mess up your system and render it usable without a re-installation of the operating system. Most have not done this much damage in the past, but could easily do them in the future. Usually the virus will install files on your system so that virus program is run every time you start your system. It will then attempt to replicate itself by sending itself to other potential victims.

Law and Punishment:

Under Information Technology(Amendment) Act, 2008, section 43(c) and 43(e) read with section 66 is applicable and under section 268 of Indian Penal code, 1860 also applicable.

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4.Identify theft

According to Wikipedia Identify theft is a form of fraud or cheating of another person's identify in which someone pretends to be someone else by assuming that person identity, typically in order to access resources or obtain credit and other benefits in that person's name. Information Technology (Amendment) Act, 2008, crime of identify theft under section 66(c), whoever fraudulently or dishonesty make use of the electronic signature, password or any other unique identification features of any person known as identify theft.

Identify theft is a term used to refer to fraud that involves stealing money or getting other benefits by pretending to be someone else. The term is relatively and is actually a misnomer, since it is not inherently possible to steal an identify, only to use it. The person whose identify is used can suffer various consequences when they are held responsible for the perpetrator's actions. At one time the only way for someone to steal somebody else's identity was by killing that person and taking his place. It was typically a violent crime. However, since then, the crime has evolved and today's white collared criminals are a lot loss brutal. But the ramifications of a identity theft are still scary.

Law and Punishment:

Under Information Technology(Amendment) Act, 2008, section 66(c) and under section 419 of Indian Penal code, 1860 also applicable.

5.E-mail Spoofing

According to Wikipedia, e-mail spoofing is e-mail activity in which the sender addresses and other parts of the e-mail header are altered to appear as through the e-mail originated from a different source. E-mail spoofing an e-mail to another person in such a way that it appears that the e-mail was sent by someone else. A spoof e-mail is one that appears to originate from one source but actually has been sent from another source. Spoofing is the act of electronically disguising one computer as another for gaining as the password system. It is becoming so common that you can no longer take for granted that the e-mail you are receiving is truly from the person identified as the sender.

E-mail spoofing is a technique used by hackers to fraudulently send email messages in which the sender address and other parts of the email header altered to appear as though the email originated from a source other that its actual source.

Hackers use this method to disguise the actual e-mail address from which phishing and spam messages are sent and often use email spoofing in conjunction with Web page spoofing to trick users into providing personal and confidential information.

Law and Punishment:

Under Information Technology(Amendment) Act, 2008, section 66(d) and under section 417,419 and 465 of Indian Penal code, 1860 also applicable.

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6.Email Fraud

Fraud whether financial, banking and social committed with the aid of an email would be called as email fraud.

Many types of fraud exist and e-mail is an inexpensive and popular method for distributing fraudulent messages to potential victims. According to the US Secret Service hundreds of millions of dollars are lost annually and the losses continue to escalate.

Most fraud is carried out by people obtaining access to account numbers and passwords. Never respond to any e-mail message that asks you to send cash or personal information.

Law and Punishment:

Under Information Technology(Amendment) Act, 2008, section 66(c) and 66(d) is applicable and Sections 415 and 420 of Indian Penal code, 1860 also applicable.(He / She can file a complaint to the nearest police station with the documents)

7.Pornography

The graphic sexually explicit subordination of woman through pictures and / or words that also includes pornography is verbal or pictorial materials which represents or describes sexual behaviour that is degrading or abusive to one or more of the participants in such a ways to one or more of the participants in such a ways as to endorse the degradation. Behaviour that is degrading or abusive includes physical harm or abuse or devalues the real interest, desires and experiences of one or more participants in any way is degrading. Finally that a persons has chosen are consented to be harmed, abused or subjected to coercion does not alter the degrading character of such behaviour.

Law and Punishment:

Under Information Technology(Amendment) Act, 2008, section 66(a) is applicable and Sections 292/293/294, 500/506 and 509 of Indian Penal code, 1860 also applicable and the victim can file a criminal complaint to the nearest police station.

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