

LAWS AGAINST CYBERCRIMES

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Abstract : The usage of digital devices is increasing at a rapid speed daily and so are the crimes associated with it. Many people are victim of various cybercrimes daily. From personal data to data at high value, anything can be in danger. So it's important to have a proper knowledge of laws against cybercrimes. The purpose of this research is to study the various laws that deals with various cybercrimes.

IndexTerms - cybercrime, Indian laws, hackers, digital devices, internet

I. INTRODUCTION

When we talk about “Cyber Crimes”, we are talking about all the Unlawful or illegal activity on Digital Platforms. These crimes are related to activities related to Information Technology, Computers, and Electronic/Digital Devices. These activities revolve around Theft, Forgery, Fraud, Inciting any Unlawful Behavior and Defamation in the Cyber Space.

All of these crimes are subject to the **Indian Penal Code**. A separate Act known as the **Information Technology Act, 2000** was passed in the Indian Parliament signed by the President K. R. Naryanan on 9th May 2000. The Bill was later finalized by a group of officials headed by then Pramod Mahajan, who was then the Minister of Information Technology.

There are certain provisions in both IT ACT, 2000 and IPC, 1860 which deal with different Cyber Crimes. The main motive to introduce the IT ACT, 2000 was to bring change in the several outdated laws. Thus this act gives people a feeling of security from being misused on digital platforms.

One must be aware of Cyber Laws for their own benefit so that if in future they are the victim of any such cyber crime, they can take necessary steps to take legal actions against it.

II. Important Sections under IT ACT 2000

2.1 Section 65

This section of IT ACT, 2000 deals with the Offence of Tampering with Computer Source Documents. This offence states that if there is any Computer Source Code, Document, Programmes or Commands used by a computer, Computer Systems or a Computer Network which has been preserved or kept by the law and is intentionally being harmed, destroyed or altered, then Section 65 is set for such crimes.

Criminals in this are punished with imprisonment up to 3 years or a fine up to Rs. 2,00,000 or both.

2.2 Section 66

This section of IT ACT, 2000 is for pc connected offences or hacking with system. If an individual designedly tries to cause wrongful loss or injury to the general public or any individual destroys or deletes or alters any info residing during a pc resource or diminishes its worth or utility or affects it injuriously by any suggests that, commits hack.

Criminals in this are punished with imprisonment up to three years or a fine upto Rs. 5,00,000 or each.

2.3 Section 66A

This section of IT ACT, 2000 was an amendment in 2008. Later on after few years it was found as unconstitutional since it violated the right of free speech under the Article 19 of the Constitution of India.

This section dealt with the offence of Publishing offensive, false or threatening information.

Criminals in this were punished with was imprisonment up to 3 years with fine.

2.4 Section 66B

This section of IT ACT, 2000 deals with the offence of Receiving stolen computer or communication device. If any stolen device or a computer is found with a person, he will be charged under this ACT.

Criminals in this are punished with imprisonment up to 3 years or fine up to Rs. 1,00,000 or both.

2.5 Section 66C

This section of IT ACT, 2000 deals with the offence of Using password of another person. It is applied when a person is found using any unique identification (passwords, digital signatures) of another person fraudulently.

Criminals in this are punished with imprisonment up to 3 years or fine up to Rs. 1,00,000 or both.

2.6 Section 66D

This section of IT ACT, 2000 deals with the offence of Cheating using computer resource. Applicable when a person is indulged in cheating someone using any computer resource.

Criminals in this are punished with imprisonment up to 3 years or fine up to Rs. 1,00,000 or both.

2.7 Section 66E

This section of IT ACT, 2000 deals with the offence of Publishing personal pictures of others which may or may not demonstrate nudity, without any consent or knowledge of the person.

Criminals in this are punished with imprisonment up to 3 years or fine up to Rs. 2,00,000 or both.

2.8 Section 66F

This section of IT ACT, 2000 deals with the offence of any act pertaining to Cyberterrorism. It is applicable when a person tries to penetrate or gain access to a computer or a computer resource without any authorization or the person tries to deny the access to an authorized personnel to the system, with the intention of threatening the unity, integrity, sovereignty or security of India.

Criminals in this are punished with life Imprisonment and it is a non-bailable offence.

2.9 Section 67A

This section of IT ACT, 2000 deals with the offence of publishing images containing sexual explicit act or conduct.

Criminals in this are punished with imprisonment up to 5 years or fine up to Rs. 10,00,000 or both.

2.10 Section 67B

This section of IT ACT, 2000 deals with the offence of publishing obscene content such as Child Pornography. It is applicable when the person is captured with publishing or transmitting any image which is obscene or sexually explicit and includes a minor (Under the age of 18).

Criminals in this are punished with imprisonment up to 5 years or fine up to Rs. 10,00,000 or both. Imprisonment can increase to 7 years on 2nd conviction.

2.11 Section 69

This section of IT ACT, 2000 is applicable once the Government has issued directions for interception or observance of any info through any digital resource and therefore the subscriber or negotiant or any individual should extend all facilities and technical help to decipher the knowledge. If they didn't do thus, it'll be treated as a criminal offense.

Criminals in this are punished with imprisonment up to seven years or a doable fine or each.

2.12 Section 71

This section of IT ACT, 2000 deals with the offence of Misrepresentation of any material or facts from the certified higher authority for obtaining any license or a certificate.

Criminals in this are punished with imprisonment up to 2 years or fine up to Rs. 1,00,000 or both

III. Conclusion

An understanding of such laws for everyone is a necessity. The higher authority should focus on such platforms which could incite such things. An education portal could be taken as an initiative to make sure that people are well educated to deal with such crimes and to educate people about securing their data from getting breached or stolen. With the increase in the usage of digital devices, more and more cyber crimes are taking place. Strictly imposing punishments on criminals could lead to decrease in cyber crimes at low level. People should learn about the importance of security in their digital devices. There should be fast response by the law enforcement to the cybercrimes which could cause any social imbalance.

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