

INTRODUCTORY SESSION CYBER SPACE, LAW AND CRIMES

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The modern thief can steal more with a computer than with a gun. Tomorrows terrorists may be able to do more damage with a key board than with a Bomb.

National Research Council, USA.

What is cyber space:

Origin of cyberspace

cyber(netic) + space: coined by William Gibson, United States -Canadian writer, in his novel *Neuromancer* (1984)

the notional environment in which communication over computer networks occurs.

An online electronic medium connected by computer network where information dissemination happens unbounded by distance or other physical limitation

Cyber space and Internet – Not the same:

Cyberspace	Internet
1. Symbolic and figurative space existing within the scope of Internet	Network of Networks. Global network created out of smaller network
2. Led to introduction of words like cyber security cyber crime, cyber war, cyber terrorism	Usage of limited terminology like Internet security etc. , new terminologies like INTRANET evolved
3. Cyber space preceded Internet = Came in 1960	Internet came in 1969
4. Data transferred within cyberspace	Allows the transfer of data
5. Eg : A reader imagining and playing out the character in book with virtual reality	The book itself since it contains information like story or text to be conveyed from author to the reader.

Challenges of Cyber Space:

Relationship between law and tech has always been uneasy

Law had been slow and lethargic to respond to new technologies

Till recently the law makers handled problems presented by tech with out break down of legal resources

Convergence of computers and internet posed a much more grave problem

Legal policy makes find it difficult to address.

Cyber space – what does it encompass:

cyberspace includes tangible elements. This would imply that cyberspace can not exist without tangible elements.

cyberspace must include information eg stored data, signaling between processes and/or devices , transmission of data

While including tangibles cyber space is also virtual

What is cyber Law:

A term used to describe Legal issues relating to the use of communication, technology, the internet, the hardware, the software and the various mediums offered by the internet. It can be safely stated that cyber law is an attempt to apply law designed for a physical world to human activity on Internet.

What does Cyber Law encompass

Cyber crimes

Electronic and Digital signature

Intellectual Property

Data Protection and Privacy.

What is cyber Crime:

No global definition of Cyber crime. Only functional definitions have been adopted.

Some of them are.

1. Any illegal action wherein the computer is used as the tool/weapon to achieve the object of crime.
2. Any crime the means or purpose of which is to influence the function of the computer.
3. Any incident associated with computer technology in which a victim suffered or could have suffered a loss and a perpetrator, by intention, made or could have made a gain.

The difference between Cyber crime and Computer crime - 1

No clear cut definition propounded

Both are interlinked

Cyber crime is a generic word and also includes computer crimes.

Cyber crime is an act as a result of remote access via internet either on one system or on a network of systems.

Computer crime is limited to one system or network of systems only on a local intranet. There is no access via the net.

If the crime is done within a intranet but by using the internet then it would constitute a cyber crime.

The difference between Cyber crime and Computer crime - 2:

If an accused uses his system and accesses another system within intranet it's a computer crime

If the accused uses his system and gains unauthorized access to another system over net it's a cyber crime

If the accused gains access to another system and uses it to gain unauthorized access to a system within intranet it's a computer crime

If the accused gains access to another system and uses it to gain unauthorized access to a system over the internet it's a cyber crime.

Cyber crime – starting point :

Any unauthorized access to computer programs or data

Unauthorized modification of computer material

Unauthorized access with a criminal intent

Publishing unsolicited material

Interface of Technology and law

Means interaction between two systems

Interface between law and Technology is conflicting as well as complimentary

There is a dialectical relation ship – how can technology supplement law?

Issues that arose:

Law was slow while technology was fast

Problem was not the technology but exploitation of same

Anonymity and pseudonimity initially was challenge

Spread information or get information at speed of light.

Archich laws that were not enough to deal with new technologies

Approach of such an interface

Reformation of Legal system through Technology -

E-committee was constituted head by Jus. G.C. Bharuka
National Policy and Action Plan for Implementation of
Information and Communication Technology in Indian
Judiciary

Results:

Launch of e-courts project

E filing of documents in Courts

Computerized allocation of cases

Online tracking of cases

Approach of such an interface

Administration of Justice and Technology – Criminal Law

Application of Technology for investigation of crimes

Software is now supplementing the previously existing technologies in constructing a crime scene.

Digital Forensics

Digital foot printing and analysis

Court proceedings through video conferencing.

Drawback:

Difficulty in understanding new technology by courts – wifi, remote server access, vpn.

Difficulty in understanding new concepts like phishing, cyber squatting, cyber terrorism

Approach of such an interface

Administration of Justice and Technology – Civil Law

Transaction of business and consequence non performance

Agreement – Offer and acceptance on digital medium
(whatsapp, mail, cell phone, facebook)

Click wrap agreements

Shrink wrap agreements

Even divorce is done on net

Non conventional process of agreement adopted while retaining the legal requirement

Offer +Acceptance+ Consideration = Contract.

Exponential growth of IT

The first major IT reform - creation of STPI – a corporation.

Provided satellite links to major IT developers

Reduced costs saw outsourcing to India

Indian IT sector boomed and outsourcing in demand.

Rectification of the Y2K bug outsourced to the Indian IT industries.

The Indian IT industry has helped provide a national GDP of more than 6% since these economic reforms took place 20 years ago and today, India is known as the **IT hub of the world.**

Cyber Law – Indian Scenario

In May 2000, both the houses of the Indian Parliament passed the Information Technology Bill.

The Bill received assent of the President in August 2000

India's codified Cyber law is the Information Technology Act, 2000 (Act 21 of 2000).

-Bill passed by the Indian Parliament in May, 2000.

-Amended on 27-10-2009

Necessity to bring in IT Act

Rapid advancement in IT – inadequacy to deal with cyber security concerns

Technology entering every sphere of life.

Liberalization in 90's saw huge increase in E-transactions

Technology was faster than the existing legislation

The archaic criminal and other laws were insufficient to handle new emerging cyber crimes

The borderless aspect of commission of crimes

THANK Q

Questions Please

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