CYBERCRIME AND NECESSITY OF CYBER SECURITY

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INTRODUCTION

God has created man and left rest of the things to be done by him for his survival but gave a gift of mind and brainpower, which in comparison to the other creatures of the world is far much developed. This is the power, which distinguishes human being with other creatures and makes man superior among other living beings of the world. It is the demand of time that changed and used the human mind differently that all lead to the discovery and inventions of various notions. From the need for survival to the need of luxury, man has changed the world according to his needs i.e. from the invention of fire to the present use of automatic cars. Human mind is a source of science, which developed on the desire for knowledge and the motivation, which led to the search of truth behind the usual concepts. This growth and development of science is the result of mental abilities of human beings.

HISTORY

Since the beginning of the civilization, man has always been motivated by the need to make progress and to explore out of the world new technologies leading to tremendous development and progress, which has been a launching pad for further development of all the significant advances made by humankind from the beginning till date, making computer as one of them. The evolution of computers made life easier and comfortable for man so that he can do whatever he likes. Earlier things, which a man had not even thought of doing himself, are now in the present world performed by machines and technologies. Internet is the result of the continuous exploring tendency of man that now it made possible for a person to sit and chat a person from any part of the world in a way that such person is just sitting in front of him. This is not just like telephone that a person can here voice of another but now he can also make conversation and discussion with him by virtually seeing him.

It is important to note that the machine called “computer” can be considered revolutionary with other medium of communication, which has increased our capacity to store, search and retrieve any information externally in the present system. With the changes brought out by the changes in technology from the invention of telephone, radio and television to the present internet system

increasing the capacity to communicate over long distances on the frequency waves only without any requirement of physical connection.

The internet, as we know it today, is a vast global network of computers storing information on every conceivable subject of interest to humankind. But its origins were very specific.

This idea of linking computers or the concept of the internet stems from a US Department of Defense project called the ARPANET (Advanced Research Project Administration Network), which was developed in the late 1960s funding a research project to link computers in universities and research laboratories. The initiation of the project is to determine a method of linking together many disparate packet networks to enable cross-network communication.

This initiative was referred to as the Internetworking project and the resulting mesh of linked packet networks was called the Internet. The Internet at that time was an aggregation of packet networks funded and hosted by government and educational enterprises throughout the United States. Enabling this inter-communication was the development of the Internet Protocol (IP), which defined how data packets are routed across the various networks.The primary aim of this mini-network (ARPANET) was to enable transmission of data files and long distance computing, including accessing data and research files at distant sites. In 1973 the first international connections to ARPANET were established with Britain and Norway." Until the 1980 is, the Internet was a combination of public networks that allowed primarily academic and government to communicate freely and openly.

The significant growth of internet taken place after the introduction of World Wide Web (WWW), through which it became graphical and interactive. The World Wide Web is a network of the sites that can be searched and retrieved by a special protocol known as Hyper Text Transfer Protocol (HTTP). The protocol simplified the writing of addresses; automatically searched the internet for the address indicated and 'called-up' the document for viewing."

The crimes, which take place on or using the medium of the internet, are known as cybercrimes. These include a plethora of illegal activities. The term "cybercrimes" is an umbrella term, under which many activities may be grouped. Today there are many disturbing things occurring in cyberspace because of the anonymous nature of the internet, which makes it possible to engage

into variety of criminal activities with impunity. The people with intelligence have been grossly misusing this aspect of the internet to facilitate criminal activities in cyber space.

It is interesting to note that the first recorded cybercrime took place in the year 18201 That is not surprising considering the fact that the abacus, which is thought to be the earliest form of a computer, has been around since 3500 B.C. in India, Japan and China. The era of modern computers, however, began with the analytical engine of Charles Babbage.

In 1820, Joseph-Marie Jacquard, a textile manufacturer in France, produced the loom. This device allowed the repetition of a series of steps in the weaving of special fabrics. This resulted in a fear amongst Jacquard's employees that their traditional employment and livelihood were being threatened. They committed acts of sabotage to discourage Jacquard from further use of the new technology. This is the first recorded cybercrime.

Presently the cybercrimes are on the increase throughout the world with new dimensions, latest, being the cyber terrorism. The factor responsible for this, to name a few are, large scale computerization in the economy sector, computer network being readily accessible, more people becoming computer literate and last but not the least, the growing number of computer users in all sections of life. The proliferation and integration of computers into every aspect of society has inevitably led to computer related criminal activities. Criminals have adopted advancement of computer technology to further their own illegal acticities.

Various law enforcement and implementing agencies throughout the world are working to prevent the law-abiding citizens from the new advanced cybercrimes and to

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Cyber law is a better answer for such mechanism. Cyber law or Internet law as it is also known has given new dimensions in the society. This different borderless medium of internet has increased new and innovative crimes that need to be channelised and regulated by the medium of cyber law. Cyber law is a law that encompasses a wide variety of political and legal issues related to the Internet and other communications technology, including intellectual property, privacy, freedom of expression, and jurisdiction. Thus cyber law is that branch of law which deals with the newly emerging legal issues arising as a result of the development of the internet and other communication mediums functioning over cyber space.

The Internet in India is growing rapidly. It has given rise to new opportunities in every field we can think of- be it entertainment, business, sports or education. With its advantages Internet has also its own disadvantages. One of the major disadvantages is Cybercrime-illegal activity committed on the Internet. The Internet, along with its advantages, has also exposed us to security risks that come with connecting to a large network. Computers today are being misused for illegal activities like e-mail espionage, credit card fraud, spams, and software piracy and so on, which invade our privacy and offend our senses. Criminal activities in the cyberspace are on the rise.

Thus, it can be said that cybercrimes are those acts whereby the criminal activity is performed by the criminal either aiming to damage the computer or treating it as an instrument for such activity. The computer may be used as a tool in the following kinds of activity- financial crimes, sale of illegal articles, pornography, online gambling, intellectual property crime, e-mail spoofing, forgery, cyber defamation, cyber stalking.

The term ‘cybercrime’ is a misnomer. This term has nowhere been defined in any statute /Act passed or enacted by the Indian Parliament. The concept of cybercrime is not radically different from the concept of conventional crime. Both include conduct whether act or omission, which cause breach of rules of law and counterbalanced by the sanction of the state.

In Indian context defining cybercrimes, as “acts that are punishable by the Information Technology Act” would be inappropriate as the Indian Penal Code also covers many cybercrimes, such as email spoofing and cyber defamation, sending threatening emails etc. A

simple yet sturdy definition of cybercrime would be “unlawful acts wherein the computer is either a tool or a target or both”can be easily accepted to define the term.

At the inception, it is necessary that we can define “cybercrime” and differentiate it from "conventional crime". Computer crime 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 to the Information Technology Act, 2000.

An ordinary crime may be said to be any conduct accompanied by act or omission prohibited by law and consequential breach of which is visited by penal consequences.

OFFENCES UNDER THE INDIAN PENAL CODE

The first code in India which tried to define and handle this annoyance created by cybercrimetill the enactment of the Information Technology Act is Indian Penal Code, which covered computer related crimes along with the traditional crimes to help in the justice delivery system. After the enforcement of IT Act 2000, amendments in the IPC, 1860 were made that widened the scope of its different provisions to include offences involving electronic records. In beginning, the original sections, which were later amended by the IT Act, covered only offences relating to documents and paper-based transactions but by the effect of the changes now, the amended provisions will also include offences relating to documents as well as electronic records. The Information Technology Act, 2000 has inserted Section 29A after Section 296 under IPC. Section 29A reads,

“Electronic record - The words “electronic record” shall have the meaning assigned to them in clause (1) of sub-section (1) of section 2 of the Information Technology Act, 2000.”

Section 2(1)(1) of the Information Technology Act, 2000 defines an electronic record as“data, record or data generated, image or sound stored, received or sent in an electronic form or micro film or computer generated micro fiche”.

Thus most of the provisions under IPC used the word documents while defining or describing crimes relating to the documentary proof and evidence but after the amendments such provisions have also inserted and substituted the word “document(s)” by “document(s) or electronic

record(s).” So all such crimes related to documents now also includes electronic records under there circumference. A number of amendments have been made to sections 29, 167, 172, 192, 463, 464 and the like. The key amendment relates to the widening of term document to include electronic records. Section 464 now recognizes the concept of digital signature.

SUGGESTIONS AND CONCLUSION

“Technology has made us a ‘global’ community in the literal sense of the world. Whether we are ready or not, mankind now has a completely integrated information marketplace capable of moving ideas to any place on this planet in minutes. Information and ideas will go where they are wanted and stay where they are well treated. It will flee from manipulation or onerous regulation of its value or use, and no government can restrain it for long.”

This is the enlargement of technology which brought with it changes and the development in the society. It is seen from the experience that every technological change brings with it some kind of problems and disturbances. Such advancements make room for the persons who want to explore technology for their ulterior and selfish motives increasing the opportunity for committing crime. Infact such crimes not only affects quantitatively but also qualitatively by transcending borders throughout the world. Internet is one of the results of this technological development. This global computer based communication system had conked out the territorial borders creating a distinct field of human activity posing different questions regarding the need for regulation of this virtual problem.

A crime related to such activities is the question which arises from such development. Internet in the present world became all pervasive and omnipresent. That also brought with it similar kind of troubles before the humanity. The internet is, in a

Section 259: Destruction of private electronic-magnetic records: Any person who destroys any documents or electronic-magnetic records relating to take, loss or change of property of others shall be imprisoned at hard labor not more than 5 years.

Section 264: Prosecution: Anyone who commits any crimes as set forth in Section 259 or Section 261 shall not be prosecuted without any accusation by victim. Walter B. Wriston, “The Twilight of Sovereignty: How the IT Revolution is Transforming our World,” 80 lown L. 431.

Remote sense, analogous to the “high Seas.” No one owns it, yet people of all nationalities use it. Cyber crime is one of them, resulting in various kinds of criminal activities taking place in the cyber space with the help of global communication and information medium Le. Internet. It is an evil having its origin in the growing dependence on computers in modern life. Reason is that the computers despite being such high technology devices, are extremely vulnerable. Thus where any crime or criminal activity takes place with the use of computer falls under the category of computer crime. Cyber crimes in general were defined as “unlawful acts wherein the computer is either a tool or a target or both.”From the earlier discussion in the foregoing chapters it is clear that cyber crimes are such harmful activities in the cyber space leading to the damage against person. property as well against the State. In total there are many kinds of cyber crimes which are committed by various classes of persons throughout the world. But this new technological crime is in many aspects different from the general crime. For this created a headache for the law makers and law enforcers throughout the world for taking steps for prevention and control from the threatening environment generated by it.Though for combating this cyber crime various steps had been taken so far and also laws were drafted to control or regulate the transaction and information from the internet but then also due to its universal nature it proves difficult for prescribing any particular legislation on the subject to make a complete check over it. This cyber crime has threatened the whole world with its impact. In the area of Information Technology new types of crime have emerged as well as the commission of traditional crimes by means of the new technologies but no such new protection measures are laid.

It is not that one or two countries are the target of this evil but the whole world is suffering the technological reward. India is not an exception to this therefore the Indian parliament had drafted the Information Technology Act, 2000 to control the cyber functions. It is a giant step to take India ahead in the new internet era. The Act categorically defines offences relating to cyber space e.g. tampering with computer source document, hacking with computer system, breach of confidentiality and privacy etc. It is not that earlier to this act there was no legislation to fight such theme but Indian Penal Code, 1860 was there which makes some check over few kinds of cyber crimes even it is not fully equipped with the technicalities of the technology. The reason lies in the antiquity of the law because it was passed when no one knows even about the computer rather than internet.

At last it can be said that internet has a wide scope in every field of life in the Present world. It is so commonly and frequently used that in future the circumstances are going to be developed where no one can even think of life without internet. In such stage as well in the present scenario it is good if we make use of this technology in the right spirit and to make efforts pro avoiding its misuse collectively. There are number of websites in the cyber space that provides powerful tools for communicating, storing and processing information. For the protection it is also a serious responsibility on the web service providers to be careful regarding the information pasted by them in their web page. The ease with which the data and information flows through the internet across the counties leading to a serious concern about the protection laws which are to be implemented and drafted all through the world.

Similar attempts like the IT Act, 2000 are to be made in the global framework so as to check the cyber transactions of information legally throughout the cyber space. The present situation as apparent from the discussion is alarming and calls for urgent action for evolving some universal regulatory technique. Thus the regulatory mechanisms which are to be formed must be brought out only after consideration and satisfaction as per the universal requirements but not on the sole consideration of cultural and political backgrounds of any particular nation. For this uniform and universally pervasive medium of internet it is needed that some consistent and comprehensive law to be drafted globally for tackling its unique problems and potentialities.

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