Cyber law implementation in India one milestone but several challenges:

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Abstract:

Cyber law often called as internet law is the branch of law that deals with the protection of information access, retain privacy, secure communication, maintain intellectual property related to the use of electronic media & internet, websites, email via computer or cell phones. It involves software and hardware including storage media.

Cybercrime involves criminal activities such as theft, fraud, forgery, defamation, hacking and mischief. Dealing with all, abuse of cybercrime & electronic commerce , Indian parliament has given birth to address all those forgery as act is called as "Information Technology Act, 2000".

Introduction:

Internet has become indispensable for day to day life activities for everybody for every life aspects like: business, study, research, shopping and many more. Despite being positive tool, many users started using internet in negative ways such as online fraud, identity theft, hacking, defamation and many more. Therefore government of India has already taken a step to overcome such problems and to step to provide legal recognition for electronic transaction introducing a new act called as "IT Act 2000".

The cyber law of India encompasses laws relating to cybercrimes, electronic & digital signatures, intellectual property, Data protection & Privacy. Cybercrimes differs from other crimes as mainly computer is used either as a tool or target or both. Sometimes mobile phone or ATM card or electronic cards are used as a tool to commit such unlawful act. The victim would be either persons or property or government or all at a time. The act emerged into India with the purpose to provide legal recognition to electronic commerce and to facilitate the safety and privacy of electronic record.

Electronic commerce is introduced to facilitate electronic filling of documents with government or non-government agencies which involve the use of alternative way to paper based method of communication & storage of information. This law is applicable to any kind of information in the form of data or message used for commercial purpose. Cyber law grants legal recognition to digital signature or electronic signature which overcomes the traditional hand signature. The main advantage of e-commerce is it facilitates electronic storage of data. Government official and government department can store, access data as electronic documents.

Cyber law provides legal recognition and legal sanction for those data security & integrity. Additionally it facilitates legal sanction to electronic fund transfer between the banks and financial institutions.

Nowadays cybercrime like child pornography and cyber terrorism has increased with internet era. Cybercrimes, electronic & digital signatures, intellectual property and data protection with privacy. There are various types of computer crime also known as cybercrime which are as follows:

1) Fraud   2) Hackers   3)phreakers

4)pornography   5)viruses   6)pedophiles

7)Harassment   8)E-mail security destruction 9)Data fiddling

10)Violation of privacy   11)Crackers   ….etc.
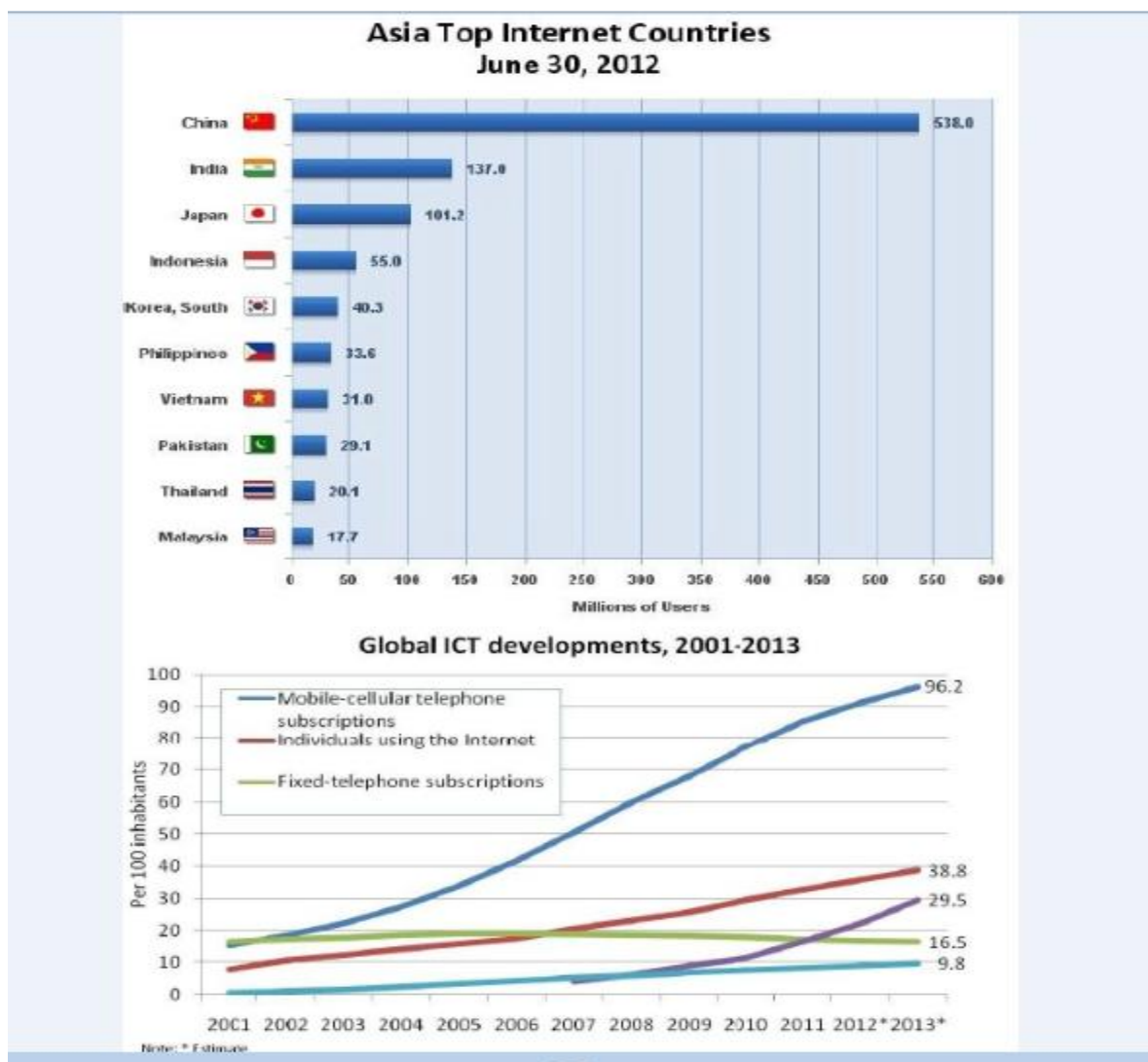
The e-commerce users in graphical chart.

Challenges in implementation of cyber law in India:

"Cyber security"is defined under section(2b) in amendment act 2008 in Indian cyber law. But there is not really fixed definition for cybercrime. The Indian law is not precise & clear. In fact the Indian penal code does not use the term "Cyber Crime".

But Cybercrime is increasing day by day & criminal activities done using the medium of electronic media like computer and cell phone via internet and cyberspace, World Wide Web (WWW) is very high in India.We would find united Nations definition of cybercrime is very clear which defines equipment, computer device & information stored there.The malpractices such as unauthorized access, unauthorized use, disclosure, disruption, modification or destruction comes under cybercrime.

It is found that cyber act 2000 is likely to cause a conflict of jurisdiction. Electronic commerce is based on the system of domain names. The IT Act 2000 does not even touch the issue relating to domain names. Even domain names have not been defined and the rights and liabilities of domain name owners do not find anything mentioned in the law. Today's most unlawful activities online copying without copyright is not explained in this act. The IT Act does not deal with any issues concerning the protection of intellectual property right especially online environment.

There are several important issues like copyrights, trademark and patent rights which has been untouched by this law. Many forms and current manifestations of cybercrimes which include could data storage hacking, cyber stalking, cyber harassment, chat room abuse, debit and credit card misuse. It is found that IT Act 2000 has not tackled several vital issues pertaining to e-commerce spheres. The act need to be updated to address the current scenarios and developments. Few other issues can be pointed as below :

A) Ethical issue:
Hackers do not have ethical grievances which increases the process of hacking. The challenge is to train and impart ethical knowledge of grievances and laws.

B) Lack of standardization & Globalization:
The law related to cyberspace in India is not standardized and globalized. The law is constrained within India & and cannot face global challenges irrespective of global territory & boundaries.

C)Unable to adopt new evolved technology . ICT (Information and communication technology) is changing day by day but Indian cyber law still follows a decade back obsolete technology.

D) Increasing of social network: The social network like Facebook, twitter &LinkedIn is the main issue of cybercrime.

E) Lack of cyber lawyer: Still in Indian context, Lawyer are not much professional for e-commerce and Cyber law.

Cyber law needs day to day updating, effective law enforcement, regular improvements and amendments of IT Act.Implementation of tech-legal corporate with legal policies, dedicated cyber law form ……etc. etc.

In Indian scenario, it is not yet fulfilled which seem the main challenges.

Common Criminal offences on Cyber law:
  These activities are categorized as criminal offences as per cyber law:
1) Publishing false digital certificate.
2) Unauthorized access to protected certificate.
3) Confiscation of computers, data &Network….etc.
4) Electronic forgery for the purpose of cheating, harming reputation or making false digital signature or false electronic record.
5) Breach of confidentiality & privacy in electronic form.
6) Hacking with computer system and tampering with computer source documents.

Conclusion:

 The surfing of internet, storing and accessing data electronically is needed for every aspect of life commonly nowadays. Despite being positive tool, Many experts started using it in negative ways like hacking, fraud, theft, defamation and many more. To overcome this government of India has introduced and implemented a law called as "Cyber law 2000". Due to diversified nature of technology & nature of crime, Implementation of law in India is challenging one. Neither cyber law in India meet global standard nor every aspect of e-commerce are well explained. Additionally cyber act seems to be conflict of jurisdiction of Indian law. Globalization of cyber law is very difficult. But in future the global techo-legal corporate can be incorporated to reduce the cybercrime & terrorism in India to meet the issues and challenges of cyber law.

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