

INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION

[ISSN 2581-9453]

Volume 5 | Issue 2

2023

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Contemporary Problems related to Cyber Crimes and Security: An Abbreviated Evaluation

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ABSTRACT

Cyber – Crime in the contemporary times has become a squander and well an acquiesce to many nations across the world thus, making it an international or perhaps an unidentifiable global crime which needs to be addressed forthwith. It is a paradigm where the jurisdiction of many atone nations have not been able to surpass unless a multi-lateral treaty has been furnished to tackle this heightened global terror and a crime. Wherefore, coming to the main context in the standpoint of India, it has been hoodwinking since the laws are weak and cannot imbue the local jurisdiction of the Courts and legal enforcements which fail to trace the source and provide any security towards the common citizens of India. Additionally, looking at the advancements in tackling cyber-crime in India, it conceptualised the Information of Technology Act, 2002 which was later amended in the year 2008, but did not engulf to safeguard the interests and swipe the prevalent issue in question of nabbing cyber-criminalities in India. Therefore, it is a need of an hour to resolve the cyber- crimes in India including the crimes such as hacking, illegal access, misuse of devices, illegal interception, computer related fraud or forgery, offences related to copyright, neighbouring rights, cyber bullying and child pornography which are some of the pertinent crimes new to the mainstream of the population in India. Therefore, it is portent to address these issues and redress it in accordance with the existing laws and measures which could curb such widespread crimes to meet the ends of justice. Furthermore, this research would highlight and address the inception of cyber-crimes and its impact in the Indian society with an overview of the investigative procedures including counter-measures to tackle, deter, apprehend.

Keywords: Cyber-crime, Investigation, Internet, Legal Framework, Information Technology.

I. INTRODUCTION

Cyber – crimes is a global fear engulfing the world in present times. India being one of the

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victims of such adverse crime. It is apt to brief this crisis as soon as possible. Therefore, cyber-crimes are offences that plunges criminal objective and artificial intelligence with the doubts neglected and inadequately addressed by the government in India and globally which has obstructed justice and emends.²

II. WHAT IS A CYBER CRIME?

The term “Cyber Crime” was promulgated by Sussman and Heuston in the year 1995. These crimes has no clarity and is seen as compilation of acts or conduct based on the definite breaches and modus operandi³. Cybercrime can also be construed as the use of modern-day technology to facilitate quintessential crimes such as robbery, theft, misrepresentation, or an orchestrated strike, such as hacking a warning system before entering to any realm and disrupt with the privacy, password, virus attacks, financial crimes, sale of illegal articles, pornography, cyber phishing, cyber stalking, unauthorised access to computer system, theft of information contained in the electronic mode etc⁴.

The term Cybercrime is not essentially defined in the I.T. Act, 2000 nor in its amendment of 2008 or in other legislations in India. Moreover, the definition of Cybercrime cannot be established but can be posited through the effect it has on India with the use of the modern-day workstation and assets⁵.

III. CLASSIFICATION OF CYBERCRIMES:

The cybercrimes are proliferating, and their impact is not limited to India but the nations worldwide. It has become hard to forecast and discern with the conventional crimes⁶.

The information technology has been set off for many illicit events as it has interoperable links which can trespass or perpetrate crimes against the governments, individuals and institutions of imperative nature⁷.

² Anirudh Gupta, The rise of Cyber Crime in India, INDIAN LAW PORTAL (Feb. 8, 2023, 9:15 AM), The rise of Cyber Crime in India - Indian Law Portal.

³ Juneed Iqbal, Bilal Maqbool Beigh, *Cybercrime in India: Trends and Challenges*, 6 INT. JR. INN & ADV. COM. SCI. 187- 194 (2017).

⁴ Vineet Kandpal and R.K.Singh, *Latest Face of Cybercrime and its Prevention in India*, 4 INT. JR. B & A. SCI. 151-154 (2013).

⁵ OVERVIEW OF CYBER LAWS IN INDIA, [cyber-laws-overview.pdf \(taxguru.in\)](#) (last visited Feb. 5, 2023)

⁶ CYBERCRIME – LAW AND PRACTICE, [Cyber_Crime_Law_and_Practice.pdf \(icsi.edu\)](#) ([last visited Feb 6, 2023](#)).

⁷ Pallavi Kapila, *Cyber-crimes and cyber laws in India: An Overview*, (Feb. 5, 2023, 7:30 PM), (PDF) Cyber Crimes and Cyber Laws in India: An Overview ([researchgate.net](#))

1. Crime Against Individuals:

It includes crimes against an individual or a person related to Child Pornography⁸, Harassments via Cyber Defamation, E-Mail Spoofing⁹, Spamming, Hacking, Net Extortion, Trafficking, Phishing¹⁰, Credit Card Fraud, and Software Piracy¹¹. The probable loss of such transgressions can hardly be flouted and resistant to swift redressal.

2. Crime Against Property:

The crimes are associated to all kinds or forms of property. This is primarily due to emerging globalisation and trade worldwide.¹² These crimes arise due to the soaring use of new expertise and knowledge as a means to underlying constructs¹³. This form of crimes are not limited but include crimes related to Intellectual Property Crimes¹⁴, Computer vandalism, Software piracy, copyright breach etc.¹⁵

3. Crime Against Organization:

These crimes are related against organization.¹⁶ The growth of the cyber terrorism and other crimes such as DOS attack, Email bombing, Cyber Bullying¹⁷ and Salami attacks are to cite a few under this context.¹⁸

4. Crimes Against Society:-

These are associated with the society and encompasses illicit acts with an intent to cause harm to the society at large.¹⁹ This includes offences related to Forgery, Cyber Terrorism, Financial Crimes, Net Extortion²⁰, Data Diddling, Data Distribution²¹ etc.

⁸ Prabhash Dalei and Tannya Brahme, *Cyber Crime and Cyber Law in India: An Analysis*, 2 INT. JR.HUM. & APP. SCI. (IJHAS) 108-109 (2013).

⁹ Animesh Sarmah, Roshni Sarmah, Amlan Jyoti Baruah, *A Brief Study on Cyber-Crime and Cyber Law's of India*, 4 INT. R. JR. ENG. & TECH. (IRJET) 1634-1635 (2017).

¹⁰ Jatin Patil, *Cyber Laws in India: An Overview*, IV IND. JR. L & L. R 5-8 (2022).

¹¹ Dr. Ajeet Singh Poonia, *Cyber Crime: Challenges and its Classification*, 3 INT. JR EM. T & TECH. COM. SCI (IJETICS), 120-121 (2014).

¹² Kamini Dashora, *Cyber Crime in the Society: Problems and Preventions*, 3 JR. ALT. P. S. SCI 242-247 (2011).

¹³ Supra note 6.

¹⁴ Febin Prakash, Dr. Harsh Kumar Sadawarti, Dr. Kala Baskar, *Cyber Crime: Challenges and its Classification*, INT. MUL. DIS AC. R. C. (IMARC-2019).

¹⁵ Supra note 8.

¹⁶ Supra note 9.

¹⁷ Sumanjit Das and Tapaswini Nayak, *Impact of Cyber Crime: Issues and Challenges*, 6 INT. J. ENG. SCI & E. TECH. 143-147 (2013).

¹⁸ Supra note 8.

¹⁹ Supra note 6.

²⁰ Supra note 9.

²¹ Saquib Ahmad Khan, *Cyber Crime in India: An Empirical Study*, 11 INT. J. SCI. & ENG. R. 691-692 (2020).

IV. CYBER LAWS IN INDIA: A PRE-EMPTIVE ANALYSIS

Cybercrimes have become inscrutable with an escalating use of modern availability of internet. In India, to combat such crimes with shifting dimensions the idea of I. T. Act, 2000 and actions indictable under this law²² in lieu of numerous Sections i.e., Section 65 to Section 74 of the Act²³ and the procedure to search and arrest under Section 80 of the Act²⁴. Consequently, the Act was amended in the year 2008²⁵ to improvise the functionality and administration in India. Whereupon, Indian Penal Code, 1860,²⁶ Indian Evidence Act, 1872, Banker's Book Evidence Act, 1891 and The Reserve Bank of India Act, 1934 have certain laws to be in conformity with the Act of 2000 to deal with such impending issues.²⁷

V. CHALLENGES TO CYBER-CRIME INVESTIGATIONS:

The challenges to the perceptible investigations could be deciphered into the following sub headings:

1. Surveillance and interception versus privacy

These are vital components of cybercrime investigations. The right to privacy is a basic human right protected by the domestic and international accords. Several nations have recognised it either expressly or covertly in the realm of India and other nations. Furthermore, these crimes are receptive towards the forgoing questions and are immune to the right to privacy which are encrypted and directed in supporting the authorities on manoeuvring the India's capability and interplay. The Information Technology and protections for monitoring and decryption of Information Rules, 2009 summarily states the procedures to be followed during the interference²⁸.

2. Search and Seizure Issues

The notion of search and seizure of evidence in cybercrime investigations are meagre and complicated due to factors involving storing of digital data and issue a search warrant under section 93 of the Cr. P.C, 1973 for obtaining reasonable procedure related to cyber search

²² Manju Sharma, *Cyber laws: Issues and Legal Consequences*, 7 INT. J. SCI. & ENG. R. 169-170 (2016).

²³ MS. PREETI JAIN, *CYBER CRIMES – AN INDIAN PERSPECTIVE*, 184- 201 (Bharati Law Review 2016).

²⁴ Shruti Gupta, *How is Cyber-Crime Investigation Conducted*, IPLEADERS BLOG (Feb.6, 6:30 PM), *How is cyber-crime investigation conducted - iPleaders*.

²⁵ Supra note 22.

²⁶ Supra note 2.

²⁷ Supra note 12.

²⁸ Priyanka Singh, *Investigation of Cybercrime: Issues and Concerns*, YLCC BLOG (Feb.6,2023, 6:30 PM), *Investigation Of Cybercrime: Issues And Concerns - YLCC (yourlegalcareercoach.com)*.

warrants for digital evidence or in cases of summons.

3. Encryption

It is process of converting something into a code or symbols that cannot be altered or intercepted. It is a science of transforming legible data into an incomprehensible form which cannot be read or understood by unauthorized individuals to preserve confidentiality, privacy, and authenticate integrity²⁹.

4. Anonymity

The contemporary methods which are both legitimate and obtained for criminal usages are genuine hacks for seeking anonymity and retain protection. Whereof, the individuals can participate in events without disclosing their identities or behaviours to others since they are anonymous.

5. Attribution

This is another issue in consonance with the cybercrime investigations. It is the process of determining to blame an individual for a cybercrime. This technique aims to link cybercrime to a specific digital device, its user, and those who are accountable for the crime.

VI. RECOMMENDATIONS AND CONCLUSION

The advancements and progress in the Information Technology have subliminally triggered to the inception of cybercrimes in India and worldwide. It varies from email hacking to infringing software piracy and evermore. In view of preventing such crimes the following indication are as:

1. The I.T. Act, 2000, together with other penal laws dealing with cybercrime in India, needs to be vigilant with the rampant crimes by supervising and delivering rigorous penalties in the states and territories of the Union government³⁰.
2. The need for domestic plan to combat cybercrime in the society through international cooperation which would guarantee criminal justice system in tackling cybercrime³¹.
3. The need for coordination and enhancement in expertise at international, national, state and local levels. The need of robust training of law enforcement agencies including the infrastructural development by establishing more cyber cells, courts and forensic labs.³²

²⁹ Supra note 28.

³⁰ Supra note 21.

³¹ Supra note 6.

³² CYBER ATTACKS AND CYBER SECURITY IN INDIA – EXPLAINED POINTWISE, Cyber attacks and Cyber Security in India | ForumIAS Blog.

VII. CONCLUSION

The initial purpose of this research has shed luminosity on the evolution and dominance of cybercrimes throughout India and worldwide. This paper concludes numerous questions and analyses the existing portfolios which have become torment and constantly evolving. It is need of the hour to quote the problems and deal persistently by offering comprehensive legislation and safeguard in concoct with the appropriate delivery of governmental policies and admonitions.
