

Course Name- B.A.LL.B 4th sem / LL.B 2nd sem
Subject- Cyber Law
Teacher- Mrs. Aakanksha
Concept- Scope of cyber law

Scope of Cyber Law

Cyber law is that stream of law where all the cyber-crimes such as theft, fraud, etc. all of which are subject to the Indian Penal Code are addressed by the Information Technology Act, 2000. With advanced technology and changing times, almost all the processes are now going on IT platform. This is giving rise to increase of cyber-crimes in India as well as abroad.

Cyber-crimes are broadly categorized in two different categories:

Using a computer to target other computer for eg. Virus attacks, hacking, etc.
Using a computer to commit crimes for eg. Credit card frauds, cyber terrorism, etc.

Cyber-crime is a criminal exploitation of the internet. A misconduct that is committed against an individual or groups of individuals with an unlawful intention to hurt the position of the victim or cause any mental or physical harm to the victim directly or indirectly by using advanced IT and related sources such as Internet and mobile phones is termed as cyber-crime. Such crimes may be harmful for a country.

All these activities leading to crimes have given rise to a relatively new field in law for protecting the interests of an individual which is called cyber law. Cyber law is important because it touches almost all aspects of transactions and activities on and concerning the Internet, the World Wide Web and Cyberspace.

Cyber law is concerned with every individual these days. This is primarily because we all use internet in some or the other form daily. Internet is used when we create any account online, while performing e-commerce transactions, net banking, sending or receiving emails, surfing the net to take out some important information, etc.

The rapid development of information technology posed certain challenges for the law that are not confined to a particular category of law but arises in diverse areas of law, such as criminal law, intellectual property law, contract and tort. Of late, owing to the rapid development of the internet and the World Wide Web, various unprecedented problems have emerged. These problems concern the

issues of free speech, intellectual property, safety, equity, privacy, e-commerce and jurisdiction and are governed by the Cyber Law. The branch of law which regulates the technological aspects of information or information processing is called Cyber Law.

The scope of different problems presented by the advancement of technology includes:

- (a) dealing with the computer hackers or those who introduce viruses;
- (b) categorization of 'contract for the acquisition of software' on similar footing with contract which dealing with goods;
- (c) dealing with the phenomenon of mass consumer purchases from other jurisdictions under e-commerce;
- (d) existence of copyright in a computer programme and question of patent protection;
- (e) question of destruction of copyright due to the wide spread dissemination of text on networks;
- (f) regulation of 'cyber squatting' and trafficking in domain names under law;
- (g) the question of regulation of the content of material on the internet and freedom of information and expression; and
- (h) the protection of the privacy of the individual amid the increasing capacity for storing, gathering, and collating information.

There are several advantages of Cyber Law to protect the individuals from getting trapped in any cyber violations. The IT Act 2000 provides several guidelines in this regard.

Organizations shall now be able to carry out e-commerce using the legal infrastructure provided by the Act.

The Act throws open the doors for the entry of corporate companies in the business of being Certifying Authorities for issuing Digital Signatures Certificates.

Under the IT Act, 2000, it shall now be possible for corporates to have a statutory remedy in case if anyone breaks into their computer systems or network and cause loss.

The Act now allows Government to issue notification on the web thus indicating e-governance.

The IT Act also addresses the important issues of security, which are so critical to the success of electronic transactions.

It is to be noted that since cyber law cannot be restricted to a geographical area, therefore, a single transaction may involve the laws of at least three authorities:

(1) the laws of the state/nation in which the user resides, (2) the laws of the state/nation that apply where the server hosting the transaction is located, and 3) the laws of the state/nation which apply to the person or business with whom the transaction takes place.

There is a tremendous scope of cyber law in India as the number of activities through internet is on increase with the changing times, the requirement for cyber laws and their application is gathering momentum.