

# INDIA'S CYBERCRIME PROBLEM AND THE NEED FOR LEGAL SYSTEM REFORM

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## Abstract

Law is necessary to prevent crime; if the law is weak, justice will be unable to serve its purpose; and if the law is just and proper, but the institutions charged with enforcing it are weak, results will not be realized. To address crimes that are constantly evolving with the times, it is occasionally necessary to make adjustments to institutions and regulations. One such instance is cybercrime, which is currently a major issue for the nation. Currently, changes are an imperative necessity.

Keywords: *Cybercrime, computers, internet, cyber laws, cyber law reforms.*

## PART I: INTRODUCTION

Around the world, cybercrime is on the rise, and offenders are employing new techniques. India is one example of a developing nation that has become reliant on technology to advance. And using technology has become a necessity in everyday life. Lack of knowledge and a lack of information among the populace have both been linked to an increase in crime. The strategy was developed with the understanding that change was desperately needed because the present environment for cybercriminals is poor in terms of escalating cybercrime and innovative approaches to fight it. The police investigation system, which was

developed for the investigation of traditional crimes, is currently dealing with the challenge of investigating crimes related to cybercrime, which has necessitated the implementation of necessary changes, whether they relate to the law, local jurisdiction, or digital evidence. In the current court system, there are no special cyber courts, similar to how family courts are set up for family-related matters and consumer courts are set up for consumer-related matters. If a solution is not found to the problem of obtaining these problems, the investigation will not be following cybercrime. For the investigation of comparable cybercrime-related offenses, a cyber court should be established. A special judge should be appointed for these cases, and attorneys who handle these cases should receive specialized training. Because new, more dangerous types of cybercrime will emerge in the future, it is imperative that the person's side be presented properly and that the appropriate justice be served. Change has become a need, so he should make it a must to include a subject on cybercrime in order to raise awareness among the general public and students at all educational levels, including high school and college. Through education, people should develop an understanding of cybercrime prevention strategies. This will help prevent cybercrimes.

## PART II: CLASSIFICATION OF CYBER-CRIMES

Cybercriminals use a variety of methods to conduct crimes; as a result, new methods are always being developed by criminals. In this situation, the public's lack of knowledge and reliance on studying technology are to blame for the birth of new crimes. Since the majority of labor is now done online, cybercriminals are finding new ways to do it. This is because, over time, people have become more conscious of crime, which has led to an increase in cybercrime. If people know how something happens, they will devise means to defend it, which

prompts cybercriminals to start committing crimes in new ways right away. Financial Fraud, Cyber Terrorism, Cyber Extortion, Cyber War, Cyber Pornography, Online Drug Trafficking, Computer Virus, Hacking, Phishing Using Computer, Identity Theft, Copyright Violation, Cyber Bullying, Cyber Stalking, Online Gambling, etc. are examples of ways that cybercriminals invent new ways to trick people into falling prey to their schemes and becoming victims of cybercrime.<sup>1</sup>

### PART III: EXISTING LAWS IN INDIA TO PREVENT CYBER-CRIMES

With a focus on the commercial perspective, the International Trade Law Commission of the United Nations Organization in India produced the Cyber Crime connected IT Act 2000, which has sections 1 to 90, of which sections 65 to 78 are connected to cybercrime. There are many sections in the Indian Penal Code that deal with cases involving cybercrime, and sections like 65b of the Evidence Act deal with special references to required digital evidence. These provisions and those like them govern the procedure for the trial of cybercrime-related cases in India.<sup>2</sup>

### PART IV: REFORMS IN THE PRESENT LEGAL SYSTEM

#### ➤ Reform for law-

According to the Trade Law Commission of the United Nations, the IT Act 2000 Global Convention, which was made by India under trade-related issues, was made on the topic of cybercrime and is used to control it. Due to the current emergence of new cybercrimes, it has become necessary to update the law. As a result, a law that exclusively serves to prevent cybercrimes should be created, with the police acting as the

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<sup>1</sup> <https://en.wikipedia.org/wiki/Cybercrime#Classifications>

<sup>2</sup> Information and Technology Act,2000.

investigating authority for such cases. Other required measures should be introduced that will help deal with present and future cybercrimes, and entities should be given jurisdiction and other necessary capabilities to decrease or prevent cybercrimes.<sup>3</sup>

➤ Reform for court-

A cyber-cell has been established by the police in each state in response to the current cyber crimes in India, however, no separate cyber court has been established in India to hear matters that are only related to cybercrime. Or, even if one is established, that court will hear ordinary cases as well as those involving cybercrime, much like there is a consumer court for issues involving consumers and a family court for those involving families. A cyber court should be established, and judges should be chosen who are knowledgeable about the subject and who receive regular training on it so that there are no issues when hearing such cases. Cybercrime experts should be appointed to the court, and they should provide the judges with the information they need regarding related cases involving the pertinent subject. There should also be periodic training sessions for attorneys on this topic, as cybercrime is a technical issue. It is related that the advocates will know that only then will they be able to give proper justice to victim and put his case before the vote properly. Such necessary changes have become an absolute necessity for the court at present as it has become necessary to go.

➤ Reform for police –

The Police Act, which founded the police force in 1861, said that it was created to uphold law and order. In the modern world, with people becoming more and more reliant on technology, the police are

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<sup>3</sup> Gyanvati Dhakad, Cyber Law & Cyber-crimes 11 (India Publication Company 2017).

responsible for investigating crimes, gathering evidence, and presenting that evidence in court. Modernization is also causing an increase in cyber-related crimes. As a result, the police who are tasked with investigating classic crimes as well as current cyber-crime-related concerns are having difficulties conducting their investigations. When someone commits a cybercrime while working from anyplace, it can be challenging to collect and maintain the necessary digital evidence. If this person is working from a different nation, it can also be challenging to apprehend him. Shortcomings As a result, a special cyber cell has been created to look into cases of cybercrime. However, as a result of this, the legislation and the legal system have also changed. Now, doing so is very necessary.<sup>4</sup>

#### PART V: CONCLUSION AND SUGGESTIONS

Because of people's reliance on technology and the modernity of the globe, cybercrime has become a severe issue not only in India but throughout the entire world. In the current era, the majority of work is completed through online mediums. Due to the need for severe regulations to address this and the use of new Cyber-crime individuals to carry out crimes utilizing a better medium of computer internet, the related structure is also changing. It has become necessary that unless there is a necessary change in the law, it will not be possible to stop the crime properly and according to that law, it has become necessary to make necessary reforms in the whole process till the punishment of the guilty person. Considering the cases' technological nature, the evidence's technical level, and the entity conducting the cybercrime-related investigation's need to raise concerns about collecting the evidence and jurisdictional rights, this conclusion

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<sup>4</sup> Dejey & Murugan cyber forensics oxford publication 2018.

can be drawn. It turns out that in order to fight cybercrime, it is currently imperative to change the way traditional crimes are investigated, as the cyber law that was written while businesses were operating is failing to do so. completely Cyber-crime To stop this, comprehensive cybercrime legislation should be created, and in police investigations—which presently look into traditional crimes—only those individuals with specialized experience in the relevant field should be selected, so it should be changed and Establishment of special courts in the court system, which will hear only and only Cyber-crime related cases, like there is a family court, like there is a consumer court, similar cyber court should be established in all the courts and the judge and advocate on the related subject. Periodically hold training sessions and discussions on topics linked to cybercrime so that people at both the bar level and the bench may learn about these issues and protect their skin. Because justice is delivered slowly and is not justice if it is perceived vaguely, clear justice will be obtained.

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