

Cyber-Crime in India and Necessary Reforms in the Present Legal System

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Abstract – Law is needed to prevent any crime, if there is a deficiency in the law itself then justice will not be able to achieve its purpose and if the law is fair and right but there is a lack in the institutions that implement it, then the results will not be achieved. Crimes which keep on changing according to the time, the need for necessary changes in laws and institutions is needed from time to time, such as Cyber-crime which is currently a serious problem for the country, necessary changes in the laws crime and institutions accordingly. Changes have become an absolute necessity at present.

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INTRODUCTION

Cyber-crime is increasing rapidly all over the world; new methods are being used by cyber criminals. Developing countries like India, who want to achieve the goal of being developed, have become dependent on technology. And the necessity of technology use has become an essential part of life. Lack of information among people, lack of education has proved to be helpful in increasing these crimes in the country. The approach was made keeping in mind but the current situation of cyber criminals is proving to be weak in increasing Cyber-crime and new ways to stop them, there is a great need for change in it. And the police investigation system which was created for investigation of traditional crimes is going through the problem of investigation of Cyber-crime related crimes in which it has become necessary to make necessary changes whether it is a law related problem, area jurisdiction problem or digital evidence. The problem of obtaining these problems, unless the solution is taken out, the investigation will not be in accordance with the Cyber-crime, in the present court system, there is a lack of special cyber courts, the manner in which family courts have been made for family related matters, consumer Courts, consumer related matters. Cyber court should be established for investigation of similar Cyber-crime related cases where special judge is appointed on Cyber-crime related subject and advocates who deal with Cyber-crime related matters should have special training so that they can In view of the fact that the person's side can be put in the right way and the right justice is received, in the future, new formidable forms of Cyber-crime will be seen, in view of this, it is necessary at present. Change has become an essential need, so for awareness among the

people and student level whether it is school and college or other fields related subjects, he should compulsorily add cybercrime subject so that people from school college level to cybercrime. Understand the ways to avoid and ways to avoid cybercrime should arise in the minds of people through education so that Cyber-crimes can be avoided.

CLASSIFICATION OF CYBER-CRIMES

Cyber-crimes are committed in different ways, according to the time, new ways of committing Cyber-crimes are being created by criminals, in such a situation, lack of information by people and dependence on studying technology has become the reason for the emergence of new crimes. Currently, most of the work is being done online, which is making cyber criminals new ways to commit Cyber-crime because after some time the Cyber-crime that is being done by criminals is due to the awareness of crime people. If it is known how it happens, then people find ways to protect it, in such a situation, cyber criminals immediately commit Cyber-crimes in a new way. Cyber-crime people invent new ways in which people do not know whether this work is coming under the category of Cyber-crime or not and get caught in the trap and become victims of Cyber-crime in the following ways are being done-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.[1]

EXISTING LAWS IN INDIA TO PREVENT CYBER-CRIMES

Cyber Crime Related IT Act 2000 was created by the International Trade Law Commission organized by United Nations Organization in India keeping in mind the business point of view, in which sections 1 to 90 have been given in which sections 65 to 78 related to Cyber-crime. Provisions have been made and there are many sections in the Indian Penal Code which are related to cases related to Cyber-crime and sections like 65b in the Evidence Act which deals with special reference to necessary digital evidence, this rule for the process related to the trial of Cyber-crime related cases in India.[2]

NECESSARY REFORMS IN THE PRESENT LEGAL SYSTEM

Reform for law-IT Act 2000 has been made in India on Cyber-crime related subject, through which Cyber-crimes are controlled IT Act 2000 Global Convention which was made by India under trade related subject according to Trade Law Commission by United Nations. At present, according to the new Cyber-crimes being born, it has become imperative to make necessary amendments in the law, so such a law should be made which is helpful only to prevent Cyber-crimes and in that the police is investigating body which is involved in cybercrime investigation. Entities should be given jurisdiction and other necessary powers so that Cyber-crimes can be reduced or prevented and other necessary methods should be added which will prove helpful in dealing with current and future Cyber-crimes.[3]

Reform for court-In view of Cyber-crimes in India at present, a cyber-cell has been created by the police in every state, which deals with the investigation on Cyber-crime subjects, but special cyber court has not been formed in India to hear only and only Cyber-crime related cases. Or even if it is formed, then that court hears cases related to cybercrime, as well as hears other traditional cases, in the same way that there is a consumer court for consumer related disputes, there is a family court for family related disputes in the same way. Cyber court should be set up and such judges should be appointed in it who have expertise on the subject and their proper training should be given from time to time on the related subject so that there is no problem while trying such cases. And Cyber-crime related experts should be appointed in that court, who should provide necessary information on the related case of the judges on the relevant subject and training of advocates should be done from time to time on this subject so that such crime which is related to technical and related subject. It is related that the advocates will have the knowledge for that only then he will 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-Police was established in the year 1861 by the Police Act, its purpose is to maintain law and order, and the work of dealing with crimes and collecting evidence and presenting it in court is done by the police, at present the increasing dependence of people on technology. And modernization is giving rise to cyber related crimes and increasing, in such a situation, the police who are doing the work of investigation of traditional crimes, along with the present day Cyber-crime related issues, are facing problems in investigation in Cyber-crime. There is digital evidence which is a difficult task to obtain and preserve and a person who commits Cyber-crime sits from anywhere and does his work, in such a situation, if he commits Cyber-crime sitting in another country, then it becomes a lot of trouble to catch him. Shortcomings Cyber Police is battling in Cyber-crime related cases, in such a special cyber cell has been made to investigate Cyber-crime related cases, but according to that the law and court process also changes. It has become an absolute necessity to do so.[4]

CONCLUSION AND SUGGESTIONS

Cyber-crime has emerged as a serious problem not only in India, but in the whole world, people's dependence on technology and modernization of the world, computers want to achieve their tasks and objectives through the Internet, in today's era, and most of the work is done through online medium. Due to which new Cyber-crime people are being used to complete their crimes by using a better medium computer internet, along with the need of strict laws to deal with this, the related structure is also being changed. 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. The cases being technical, the evidences are of technical level and the problems related to obtaining the evidence and the jurisdictional rights have to be raised by the organization doing the Cyber-crime related investigation, keeping all these things in mind, this conclusion It turns out that at present it is absolutely necessary to change the way of investigation of traditional crimes so that Cyber-crime can be stopped such as cyber law which was created while keeping business is failing to prevent Cyber-crime. completely Cyber-crime To prevent this, complete Cyber-crime law should be made and police investigation, which currently investigates traditional crimes, in which there is a shortage of Cyber-crime specialist, only those persons should be appointed who have special knowledge in the concerned particular, 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. Training should be

given and discussion should be done on Cyber-crime related topic from time to time so that both bar and bench level can get the knowledge on the related subject so that the skin Clear justice will be achieved because justice is delivered late and it is not justice if received vaguely.

REFERENCE

1. <https://en.wikipedia.org/wiki/Cybercrime#Classifications>
2. Information and Technology Act,2000.
3. Gyanvati Dhakad, Cyber Law & Cyber-crimes 11 (India Publication Company 2017).
4. Dejey & Murugan cyber forensics oxford publication 2018.

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