

# ADVOCACY



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## **A Critical Analysis Prevention Of Child Marriage Act**

*By Khaladkar Pruthviraj Pandurang*

### **Abstract :-**

Over Girls are disproportionately affected by child marriage, which is defined as a partnership or marriage before the age of 18. It undermines their chances and potential by limiting their access to school, compromising their health, exposing them to violence, and keeping them in poverty. In some regions of Europe and Central Asia, child weddings could be an indication of a hardening of gender norms that perpetuate and restrict the chances for females. The patriarchal views regarding females, such as the desire to uphold family "honour," are frequently related to child marriage. While some boys marry before the age of 18, the vast majority of children who marry are girls, often against their will and with grave consequences.

While rates of officially registered marriages of girls aged 15 to 19 in the region range from just 2 per cent in Ukraine to 23 per cent in Turkey, the true percentages may be far higher, as many child marriages are never registered.

Rates of child marriage spike among marginalized communities in particular, including Roma girl in south-eastern Europe. In parts of the Balkans, half of all Roma women aged 20-24 were married before the age of 18, compared to just 10 per cent nationally .

After being married, a girl's world drastically shrinks. Child brides encounter assault, abuse, and exploitation in addition to being cut off from their families, friends, and communities. Females who marry young frequently become pregnant when they are still in their early teens, posing serious hazards to both their own health and those of their unborn children. Girls who get married before turning 18 are less likely to be in school than their classmates, and girls who drop out of school are more likely to be married. These relationships between child marriage and school drop out are obvious.

### **Introduction:-**

In India, marriage is a social institution that ensures the survival of our community. It is a way to start a familial relationship. It is a marriage of two families rather than merely a girl

and a guy. It practises a wide variety of rites and ceremonies. Around one in four young ladies in India get married before becoming 18 years old. Child marriage is the name given to this union. In India, a marriage is considered a child marriage if either the bride or the groom are under the age of 21. The Prohibition of Child Marriage Act of 2006 defines child marriage as an impending union in which either of the contracting parties is a kid; a child for the purpose of marriage is defined according to the person's gender. It is 18 years old if it is a female and 21 years old if it is a guy.

The Dham sutras state that a girl should wait to get married until she has reached puberty. If the father does not marry his daughter within three years of the time she reaches puberty, she will be able to find a spouse on her own, according to Manu Smriti. According to Medhatithi's Bhashya, a girl should get married at the age of eight. In accordance with Tolkappiyam, females should marry at the age of twelve and boys at sixteen.

In places where there are little or no economic alternatives, child marriage is seen as a way to improve a girl's future since they are viewed as someone else's property from birth.

**Key points:-**

- Children marriage happens because of rampant gender inequality girls' lives are not valued the same as boys' lives.
- It's a global problem spanning countries, cultures, and religions.
- The local social norms are continue generation after generation.
- The families struggling with poverty and looking option for children , girl lacking educational opportunities.
- It is one of the most effective strategies to protect children against marriage.
- When girls are able to continue in school, their attitudes regarding the options available to them in the community may also shift.
- Child marriage ends childhood. It negatively influence childrens rights to education, hehealth and protection.
- While the prevalence of girls getting married before age 18 has declined from 47 per cent to 27 per cent between 2005-2006 and 2015-2016 it is still too high.
- To advise the locals not to indulge in promoting or helping or allowing solemnization of child marriage.

- To create awareness of the evil of such child marriage.
- To sensitize the community on the issue.

### **Case study of child marriage act**

The decision to raise the legal marriage age for women from 18 to 21 years old was approved by the Union Cabinet on December 15, 2021. Therefore, if a girl marries before the age of 21, it would be regarded as child marriage and will be penalized under the Prohibition of Child Marriage Act of 2006. As the legal marriage age for men in India is likewise 21, the basis for this modification is the implementation of the constitutional duty for gender equality

#### **Child Marriage Restraint Act (CMRA), 1929**

On September 28, 1929, the Child Marriage Restraint Act, 1929, was enacted into law. The law set the age of majority for marriage at 14 for girls and 18 for boys. After its sponsor, Harbilas Sarada, it is commonly referred to as the Sharda Act. Further, the legal minimum age for marriage was raised to 18 for females and 21 for males in the 1978 Amendment.

#### **Prohibition of Child Marriage Act, 2006**

The Child Marriage Restraint Act of 1929 was replaced by the Prohibition of Child Marriage Act (PCMA) of 2006, by the Indian Government in an effort to completely remove child marriage from society. The Act's main goal is to forbid underage marriages from taking place. This Act is equipped with enabling measures that will make child marriage illegal, offer victims' rights protection, and strengthen penalties for those who aid, abet, promote, or solemnize such weddings. According to the law, men and women must be 21 years old to get married, and girls must be 18 years old. Any marriage between two persons who are less than these ages is termed child marriage, which is against the law and is penalized by law.

As per Section 3 of the Act, child marriages are voidable at the instance of the contracting party which was below the legally permissible age at the time of the marriage. Section 5 of the Act provides that where child marriage has been declared void, the children born out of the marriage before the passing of the decree would be deemed to be legitimate children.

Section 10 prescribes a punishment of up to 2 years of rigorous imprisonment along with a fine of up to Rupees 1 lakh for anyone who abets, directs, conducts or performs a child marriage. A similar punishment is prescribed for those who promote child marriages or act negligently and fail to prevent it or attend a child marriage or permit its solemnisation.

### **Laws for child marriage**

**Power of court to issue injunction prohibiting child marriages.**—(1) Notwithstanding anything to the contrary contained in this Act, if, on an application of the Child Marriage Prohibition Officer or on receipt of information through a complaint or otherwise from any person, a Judicial Magistrate of the first class or a Metropolitan Magistrate is satisfied that a child marriage in contravention of this Act has been arranged or is about to be solemnised, such Magistrate shall issue an injunction against any person including a member of an organisation or an association of persons prohibiting such marriage. (2) A complaint under sub-section (1) may be made by any person having personal knowledge or reason to believe, and a non-governmental organisation having reasonable information, relating to the likelihood of taking place of solemnisation of a child marriage or child marriages. (3) The Court of the Judicial Magistrate of the first class or the Metropolitan Magistrate may also take suo motu cognizance on the basis of any reliable report or information. (4) For the purposes of preventing solemnisation of mass child marriages on certain days such as AkshayaTrutiya, the District Magistrate shall be deemed to be the Child Marriage Prohibition Officer with all powers as are conferred on a Child Marriage Prohibition Officer by or under this Act.

**Marriage of a minor child to be void in certain circumstances.**—Where a child, being a minor— (a) is taken or enticed out of the keeping of the lawful guardian; or (b) by force compelled, or by any deceitful means induced to go from any place; or (c) is sold for the purpose of marriage; and made to go through a form of marriage or if the minor is married after which the minor is sold or trafficked or used for immoral purposes, such marriage shall be null and void.

**Court to which petition should be made.**—For the purpose of grant of reliefs under sections 3, 4 and 5, the district court having jurisdiction shall include the district court having jurisdiction over the place where the defendant or the child resides, or where the marriage

was solemnised or where the parties last resided together or the petitioner is residing on the date of presentation of the petition.

**Power of district court to modify orders issued under section 4 or section 5.**—The district court shall have the power to add to, modify or revoke any order made under section 4 or section 5 and if there is any change in the circumstances at any time during the pendency of the petition and even after the final disposal of the petition.

### **Punishment for child marriage**

**Punishment for male adult marrying a child.**—Whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.

**Punishment for solemnising a child marriage.**—Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage.

**Punishment for promoting or permitting solemnisation of child marriages.**—(1) Where a child contracts a child marriage, any person having charge of the child, whether as parent or guardian or 4 any other person or in any other capacity, lawful or unlawful, including any member of an organisation or association of persons who does any act to promote the marriage or permits it to be solemnised.

### **Solution:-**

- For rooting out child marriage, existing laws need tightening. Reviewing the child marriage interventions indicate that reform of legal and policy frameworks is important.
- Child Marriage cannot be curbed without support from the society. There are demands to make child marriage void ab initio under the Prohibition of Child Marriages Act, but the Indian society is complicated and complex, and thus, making child marriages void will only jeopardize the rights of women who are victims of child marriage. Mere legislation

women help unless there is support and backing from the society. Uniform Civil Code can also help in preventing child marriage to some extent.

- There is requirement of enhancing the accessibility and quality of formal schooling for girls; and offer economic support and incentives for girls and their families to keep girls in school or marry later.
- Women should participate in the decision-making process because only through a woman's participation and voice in the decision-making, can a girl's or woman's aspirations for her children be realized.

### **Conclusion:-**

The practice of child marriage has historical roots in both India and it remains prevalent today. The reasons that have allowed this dangerous abuse of young girls to continue are that both cultures struggle with poverty and place too much emphasis on the purity of women while patriarchal views are heavily ingrained into societies.[27] Poverty causes the society to view the marriage of young girls as an economic transition rather than a violation of human rights. Monetary desires frequently motivate marriage, no matter of the child's best interest. Patriarchal views, which are incredibly prevalent in India, lead men to believe that they are superior to women. As a result, women are usually silenced, and the desires and well-being of young girls are considered irrelevant. Women and girls are often treated as objects belonging to men who should aspire to nothing more than to please men, even if this means early marriage and child bearing.[28] The effects of child marriage can be felt across the world, with negative impacts on children's health and well-being and reinforcing the acceptability of violence. Hence, child marriage itself can be considered a form of violence against girls. Gender norms that devalue girls and ladies and drive the practice of the child marriage can also promote the acceptability of violence.

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Child marriage copyright by delhi divorce court and legal advice.

## Should Euthanasia Be Legalized In India?

*By Sonu Singh*

### **Abstract**

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Clinicians in our culture are increasingly concerned about palliative care and quality of life issues for patients with terminal illnesses like this advanced cancer and AIDS. Another contentious topic has emerged in parallel to this one: the euthanasia or "mercy killing" of terminally ill persons. Physician-assisted suicide (PAS) proponents believe that a person's autonomy inevitably gives him the right to select a painless death. Others believe that a doctor's involvement in someone's death contradicts a fundamental principle in the healthcare sector. The ethical foundations of such an act are further called into question by untreated depression and the potential for social "coercion" in those who request euthanasia. Due to such concerns, specific criteria for applying PAS have been created. It becomes necessary to evaluate the patient's mental health prior to their signing the PAS consent form, and this is where the psychiatrist's role is crucial. Despite being illegal in our nation, PAS has a number of supporters in the form of nonprofit groups like the "death with dignity" foundation. The recent honorable Supreme Court ruling in the Aruna Shaunbag case has given this some momentum. How long it will take for this delicate subject to ruffle the Indian legislative is still up in the air.<sup>i</sup>

### **INTRODUCTION**

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Euthanasia is the act of intentionally ending an individual's life to end their suffering.<sup>ii</sup> Euthanasia literally translates to "good death" from two Ancient Greek words: "Eu" for "good" and "thantos" for "death." It is an act or practice to end the life of a person by injection or by ceasing extraordinary medical care in order to relieve him of intolerable agony or from a terminal sickness if that person has a terminal illness or is in an incurable condition. Euthanasia is defined as the purposeful killing of a person whose life is deemed to be unworthy of living by an act or omission. It can also be referred to as "Mercy Killing," which is an act where a person who is in an unfixable situation or has no prospect of survival because he is experiencing excruciating pain ends his life in a painless way. It is a painless, easy, and compassionate dying. It entails arranging for someone to pass away in order to avoid or stop their misery or suffering, especially if they have an incurable sickness.

Euthanasia's primary goal is to ensure a less painful death for a person who will in any event pass away after enduring a lot of agony. The practice of euthanasia allows a person to live and die with dignity. In the simplest terms, it refers to sending a person to a painless death when they have a terminal illness or when their physical or mental impairment has rendered their existence meaningless or hopeless.<sup>iii</sup>

Religious opponents of euthanasia believe that life is created by god and only god can decide when it should be ended. Many people are concerned that if euthanasia becomes legal, the laws governing it will be misused, and people who do not want to die would be killed.<sup>iv</sup>

**KEYWORDS:**Legalization of euthanasia,Euthanasia in India, Right to Die, Is Euthanasia legal? , Law on Euthanasia, Assisted suicide by doctors, Pain management

## **TYPES OF EUTHANASIA**

Euthanasia is a complicated issue; there are several methods of euthanasia. These are the several methods of euthanasia based on consent.

1. Voluntary euthanasia- when the individual being killed requests to be killed.
2. Non-voluntary- euthanasia occurs when the person being killed makes no request and gives no permission. In other words, it is done when the individual is unconscious and unable to communicate his wishes.
3. Involuntary euthanasia- when the individual being killed expresses a desire to be killed. In other words, it is involuntary when the person who is murdered expresses his desire not to die.

Passive euthanasia comprises the withholding of regular medications, such as antibiotics, essential for the continuity of life. Active euthanasia includes the work of deadly chemicals or forces to kill and is the most contentious means.

1. Aggressive euthanasia

Also referred to as active euthanasia or positive suicide. It alludes to directly interfering with another person's life with the purpose to kill them. It is a direct action taken to put a stop to a

pointless life and existence. For instance, by administering a deadly dosage of a drug or a lethal injection. Active euthanasia is typically a faster way to bring about death, and all forms are prohibited.

## 2. Passive euthanasia

Also referred to as negative or non-aggressive suicide. By failing to provide basic, routine care, food, and drink, it is intentionally causing death. It suggests stopping, removing, or withdrawing mechanical life support. In general, passive euthanasia is slower and more uncomfortable than aggressive euthanasia. Euthanasia that is done voluntarily, passively, or infrequently, involuntarily, passively, is lawful in most cases.

## **EUTHANASIA IN INDIA**

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A person has fundamental human rights from the moment of his birth. One basic and fundamental right that is necessary for the fulfillment of all other rights is the right to life. The term "right to life" refers to a person's fundamental freedom to exist, specifically the freedom from being killed by another person. But if someone has the right to live, does that mean they also have the right to die, or is that even a question? The Indian courts stated various perspectives while providing this response. In *M.S. Dubal v. State of Maharashtra*, the Bombay High Court determined that article 21 of the Indian Constitution provides a right to life. In contradiction, the AP High Court determined in *Chenna Jagadeeswar v. State of AP* that the right to die is not a protected right under Article 21. Yet, the Supreme Court of India noted in the case of *P. Rathinam* that the "right to live" also involves the "right not to live," or the right to die or end one's life. However, in *Gain Kaur v. State of Punjab*, a five-member panel overturned *P. Rathinam*'s argument and determined that Article 21's right to life does not encompass the right to death or to be killed.<sup>v</sup>

## **THE REALITY IN INDIA**

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Euthanasia is illegal in India. These acts are punishable under Sections 309 and 306 of the Indian Penal Code (IPC), which deal with attempts at suicide and aiding suicide, respectively. Only brain deceased patients can be removed from life support with a loved one's assistance. The Honorable Supreme Court also holds the opinion that the right to die is not included in

the protection of life provided by Article 21 of the constitution.<sup>vi</sup>The court concluded that Article 21 cannot reasonably be interpreted to ensure the extinction of life because it is a provision guaranteeing protection of life and personal liberty.

On March 7, 2011, a significant development in this sector occurred. In a momentous decision, the Supreme Court approved passive euthanasia. A two-judge bench refused to perform a mercy killing on Aruna Shaunbag, who had been in a vegetative condition in a Bombay hospital for 37 years, and instead established stringent rules under which passive euthanasia may be made permissible under the supervision of the supreme court. The court additionally declared that the patient's parents, spouses, or close relatives could submit such a request to the high court. Upon receiving such a plea, the top justices of the high courts would form a bench to hear it. A committee of at least three eminent physicians would be appointed by the bench to advise them on the topic.<sup>vii</sup>

## **HINDUISM AND EUTHANASIA**

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While Hinduism does not have a formal teaching on euthanasia or assisted suicide, there is a general belief that taking someone's life too soon may have a negative effect on their karma, according to Deepak Sharma, a professor of South Asian religions and philosophy at Case Western Reserve University in Cleveland. Given that Hindus believe in reincarnation, the idea of karma is based on the notion that both good and bad things that happen in a person's existence are a result of their actions in previous lives. According to us, any suffering you are currently going through is a result of something you did in the past, adds Sharma. Therefore, if you try to avoid karma by doing something to end your pain, you will pay for it in the future. In reality, according to Sharma, postponing suffering may result in more negative karma in the next life.

However, some Hindus think that there are instances in which mortality could be hastened. Some people, according to Sharma, "believe that you are justified in asking your doctor to hasten your death if you have reached a stage in your life where you can no longer worship properly [due to illness or infirmity]." He claims that the majority of Hindus, however, presumably do not share this viewpoint.<sup>viii</sup>

## **COURT RULINGS REGARDING EUTHANASIA**

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The Supreme Court of India legalized passive euthanasia on March 9, 2018, when patients in a permanent vegetative condition had their life support removed. The choice was made as

part of the judgment in a case involving Aruna Shanbaug, who passed away in 2015 after being in a persistent vegetative state (PVS).

No law is being proposed at this time to address this issue, and everyone must abide by the Hon. Supreme Court's ruling. In a written response submitted to the Rajya Sabha, Health Minister J. P. Nadda made this claim.

The high court denied lethal injection-based active euthanasia. The court decided that because India does not yet have a law prohibiting euthanasia, its decisions will take place until the Indian government passes an appropriate law. In India and the majority of other nations, active euthanasia, which includes the administration of lethal substances with the intention of ending life, is still prohibited.<sup>ix</sup>

## **CURRENT STATUS OF EUTHANASIA IN INDIA**

India forbids euthanasia. Suicide and aiding in suicide are both crimes under the Indian Penal Code under Sections 309 and 306, respectively. However, India legalized passive euthanasia in 2018. When life support systems are turned off or withheld, it is considered passive euthanasia and the patient dies naturally. In the case of *Common Cause v. Union of India*, the Supreme Court of India reached this conclusion. According to Article 21 of the Indian Constitution, the court determined that the right to pass away with dignity is a basic right. Additionally, the court permitted advance directives, which allow a person to indicate their preferences for end-of-life care in the event that they become incompetent in the future.

## **ARGUMENTS IN FAVOUR OF LEGALIZING EUTHANASIA IN INDIA**

### **1. The Right to Die with Dignity:**

The fact that euthanasia permits a person to pass away with dignity is one of the main arguments in favour of legalizing it. When a person has a terminal illness or is in a vegetative condition, they might not wish to live longer and put themselves through needless pain. They may have the choice to terminate their lives peacefully and with dignity through euthanasia.

### **2. Patient autonomy:**

The right of a patient to choose their own course of treatment for a medical condition. By making euthanasia legal, people could exercise their autonomy and choose the time of their death.

### 3. Relief of Suffering:

Patients with fatal illnesses who are suffering from agony and misery may find relief through euthanasia. Palliative treatment might not always be sufficient to relieve a patient's pain and suffering.

### 4. Reducing the Burden on the Healthcare System:

By releasing resources that would otherwise be required to keep terminally ill patients alive, the legalization of euthanasia can lessen the demand on the healthcare system. The patient and the healthcare system may both save money as a result of this.

### 5. Reduces Suicide Rates:

Euthanasia being made legal can also aid in lowering suicide rates. Many people who make suicide attempts do so because they are in excruciating agony or are sick and have no chance of recovering. Euthanasia can be made lawful so that those who need it can do so in a more humane and secure manner.

## **ARGUMENTS AGAINST LEGALIZING EUTHANASIA IN INDIA**

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### 1. Sanctity of Life:

The fact that euthanasia violates the value of life is one of the main arguments against legalizing it. Many religions hold the belief that life is sacred and that intentionally eliminating it is sinful.

### 2. Slippery Slope:

Legalizing euthanasia could create a slippery path where individuals who are not suffering from a terminal illness or are not in a vegetative state may ask to be put to death for reasons unrelated to their health. This might result in systemic abuse.

### 3. Medical Ethics:

Euthanasia goes against the fundamentals of medical ethics, where physicians are expected to protect life and give their patients the best treatment possible. Legalizing

assisted suicide may place medical professionals in a precarious situation where they may be forced to decide whether to uphold medical ethics or the wishes of their patients.

4. Alternative Options: There are different possibilities.

## CONCLUSION

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As in the rest of the world, medical knowledge is advancing, and as a result, we now have technologies that artificially extend life. This may unintentionally prolong final pain and end up costing the families of the patient in question a lot of money. As a result, end-of-life issues are increasingly important ethical dilemmas in India's modern medical science. In India as well as the rest of the world, there are ardent supporters and opponents of PAS and euthanasia. However, it doesn't appear that the Indian legislative is sensitive to these. Although there is still a long way to go before it is passed by the parliament, the historic Supreme Court decision has given pro-euthanasia supporters a significant boost. Before it is become a law in our nation, it should also be addressed that worries about its misuse are still a big problem.<sup>x</sup>

The issue of whether or not suicide should be permitted in India is complicated. While there are strong reasons in favour of legalizing suicide, there are also legitimate worries about the possibility of mistreating and taking advantage of weak patients. Euthanasia legalization decisions ultimately need to strike a compromise between patient rights and the need to safeguard weaker people from damage. It is a choice that needs to be made carefully, thoughtfully, and with feedback from all parties involved.

## SUGGESTION

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There is no simple method for ending someone's life. Nonetheless, it is really difficult to witness someone you care about in agony and pain. And because of the discomfort, the patient may want to end their life.

Euthanasia is not simple to legalize, though. Several social groups will respond differently to legalization.

Maybe brain death is one of the conditions in which euthanasia is justified.

The decision to legalize euthanasia in India needs to be carefully thought out and all the ethical, legal, and societal implications must be thoroughly examined. It is up to the Indian government and society to have a discussion and make a choice regarding this matter in



accordance with their values, principles, and views. Before making a definitive choice, it's crucial to weigh the advantages and disadvantages of legalizing euthanasia.

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## ANALYTICAL STUDY OF CYBERCRIME IN INDIA

*By Abhijeet Jaywant Nikalje*

### **ABSTRACT :-**

Cybercrime has emerged as a significant threat in India, with a rapid increase in the number of cyber attacks in recent years. This analytical study aims to explore the nature and extent of cybercrime in India, its impact on various sectors, and the response of the Indian government to combat cybercrime. The study also examines the role of technology in facilitating cybercrime, the motivation of cybercriminals, and the challenges faced in investigating and prosecuting cybercrime cases. Based on a comprehensive analysis of various sources, the study suggests that a multi-pronged approach that involves strengthening cyber security infrastructure, improving law enforcement, and creating awareness among citizens is required to combat cybercrime effectively in India.

**KEYWORDS:-** Cyber-crime , cyber-law , cyber attacks , laws, analysis, india.

### **INTRODUCTION:-**

Cybercrime has emerged as a significant threat to India's security and economy in recent years. With the growth of the internet and digital technologies, cybercrime has become increasingly sophisticated, diverse, and global in nature. The growing dependence of individuals, businesses, and governments on digital technologies has made them vulnerable to cyber attacks, resulting in financial loss, data theft, and reputational damage. Cybercrime in India is on the rise, with a sharp increase in the number of incidents reported in recent years. This analytical study aims to provide an overview of the nature and extent of cybercrime in India, its impact on various sectors, and the response of the Indian government to combat cybercrime.

In its developing digital economy, India has the second-highest client-based internet in the world. Singh and Loura (2002). Cybercrime is the term for illegal computer usage. A new revolution in the world economy occurred in the new millennium with the transition from the physical to the digital sphere .Conventional crimes can be committed with or without the aid of a computer, however cybercrimes include more specialised types of crimes like viruses and phishing scams (22Ma2). Cybercrime, also referred to as "online crime" or "computer

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crime," is any illegal activity that is carried out online. Cybercrime is a relatively recent type of illegal acts. The term "cybercrime" refers to any illegal activity.

### **ANALYSIS OF CYBER CRIMES :-**

IN INDIA According to the latest data from National Crime Record Bureau (NCRB), a total of 27,248 cases of cybercrimes were registered in India

**Total number of cyber-crimes reported in India from 2012-2021**

2021	68,045
2020	50,035
2019	44,735
2018	27,248
2017	21,796
2016	12,317
2015	11,592
2014	9,622
2013	5,693
2012	3,377

From the above table, it is clear that there has been increase in the number of cybercrimes cases in India after the passage of each year. The main kinds of cyber-crimes are fraud, scam, credit card fraud, identity theft scam, online harassment, cyber stalking, cyber bullying, invasion of privacy, etc.

### **Type of cyber-Crime :-**

- **Identity Thief :**

The act of obtaining another person's personal or financial information with the intent to use it to perpetrate fraud, such as carrying out unlawful transactions or purchases, is known as identity theft. Identity theft can be performed in a variety of ways, and the victims often suffer consequences to their reputation, wealth, and credit.

1. When someone uses your personal information and credentials to perpetrate fraud, it is called identity theft.

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2. Although identity theft can take many different forms, the most prevalent one is financial.
  3. An expanding sector called identity theft prevention monitors people's credit records, financial transactions, and use of Social Security Numbers.

- **Ransomware attack :**

causing a device to lock up or become unusable, stealing, erasing, or encrypting data, seizing control of your devices to attack other businesses, obtaining credentials that give you access to your company's systems or services, "mining" crypto-currency using services that might cost you money, or using your devices to attack other organisations (e.g. premium rate phone calls).

Malware known as ransomware prevents you from using your computer (or the data that is stored on it). It's possible for the computer to lock up or for the information on it to be destroyed, encrypted, or stolen. Certain ransomware, like the Wannacry software that affected the Wannacrycryptocurrency, will also attempt to propagate to other computers on the network.

- **Man in middle attack:**

A Man-in-the-Middle (MITM) attack is a type of cyber attack where an attacker intercepts communication between two parties who believe they are communicating directly with each other. The attacker then relays messages between the two parties, potentially modifying the content of the messages or stealing sensitive information, such as login credentials, credit card numbers, or other confidential data.

- **Phishing:**

Phishing is a type of cyber attack that uses social engineering to trick people into revealing sensitive information, such as login credentials, credit card numbers, or other personal information. Phishing attacks typically come in the form of emails, text messages, or websites that appear to be from a legitimate source, such as a bank, social media platform, or online retailer.

- **Social Engineering:**

Social engineering is a tactic used by cybercriminals to manipulate people into divulging sensitive information or performing actions that may be detrimental to the individual or

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organization. Social engineering attacks rely on psychological manipulation, deception, and impersonation to trick people into believing that the attacker is a trusted entity or authority figure.

Social engineering attacks can take many forms, including:

1. **Phishing:** This involves sending emails or messages that appear to be from a legitimate source, such as a bank or social media platform, to trick people into revealing personal information or clicking on malicious links.
  2. **Spear phishing:** This is a more targeted form of phishing that is aimed at a specific individual or group of individuals, such as employees of a company.
  3. **Pretexting:** This involves creating a false scenario or pretext to gain the trust of the victim and obtain sensitive information, such as a password or login credentials.
  4. **Baiting:** This involves offering something of value, such as a free gift card or software, in exchange for personal information.
  5. **Tailgating:** This involves following an authorized person into a secure area or building by posing as a delivery person or other authorized personnel
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### **Nature and Extent of Cybercrime in India :-**

Cybercrime in India includes a wide range of criminal activities that use digital technologies, such as hacking, phishing, identity theft, cyber-bullying, and cyber-stalking. According to the National Crime Records Bureau (NCRB), cybercrime cases in India have increased by 63.5% in the last five years. In 2020 alone, 44,546 cybercrime cases were registered, a 11.8% increase compared to the previous year. The majority of these cases were related to financial fraud, online harassment, and cyberstalking.

#### **• Impact of Cybercrime on Various Sectors:**

The impact of cybercrime is not limited to individuals, but it also affects various sectors such as banking, healthcare, education, and government. Cyber-attacks on banks and financial institutions result in financial loss, data theft, and reputational damage. The healthcare sector is vulnerable to cyber-attacks that can result in the compromise of patient data, denial of service attacks, and ransomware attacks. The education sector is also at risk from cyber-attacks that target online learning platforms, data theft, and cyber-bullying. The government sector is vulnerable to cyber-attacks that can result in data theft, disruption of critical infrastructure, and espionage.

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- **Response of Indian Government to Combat Cybercrime:**

The Indian government has taken several measures to combat cybercrime, including the establishment of the National Cyber Security Policy, the setting up of cybercrime investigation cells, and the enactment of the Information Technology (Amendment) Act, 2008. The government has also launched various cyber-security initiatives, such as Cyber Swachhta Kendra, Cyber Surakshit Bharat, and Cyber Crime Prevention Against Women and Children. However, the effectiveness of these initiatives is limited by the lack of adequate resources, expertise, and coordination among various agencies.

- **Role of Technology in Facilitating Cybercrime:**

Technology plays a crucial role in facilitating cybercrime in India. The widespread availability of digital technologies, such as smartphones and social media platforms, has made it easier for cybercriminals to target individuals and organizations. The use of sophisticated tools and techniques, such as malware, ransomware, and botnets, has enabled cybercriminals to launch attacks on a large scale. The emergence of new technologies, such as the Internet of Things (IoT) and artificial

## **CYBER LAW IN INDIA**

In India, cyber laws are contained in the Information Technology Act, 2000 ("IT Act") which came into force on October 17, 2000.

### ***IT Act, 2000***

The Information Technology Act, 2000 was enacted by the Indian Parliament in 2000. It is the primary law in India for matters related to cybercrime and e-commerce.

- Crime involving a computer or a network located in India, foreign nationals can also be charged.
- Penalties for various cybercrimes and fraud through digital/electronic format.
- Legal recognition to digital signatures.
- Indo-China border clash, the Government of India banned various Chinese apps under the Information Technology Act.(Tiktok banned)

***IT Act – 2008 Amendments.***

**Sec. 65:** It has to do with altering digital sources and documents. Any person who knowingly or intentionally conceals, destroys, or modifies any computer system faces a maximum sentence of three years in prison and a fine of two lakh rupees, or both.

**Sec.66:** It goes into detail about computer system hacking and tampering with computers and data. Any person who commits a dishonest or fraudulent act that is listed and described in Section 43 of this Act faces a sentence of three years in prison and/or a fine that cannot exceed 5 lakh rupees, or both, depending on the severity of the offence.

**Sec. 66A:** It explains the potential jail time of up to three years as well as the fine associated with sending offensive texts. The term "electronic mail" refers to any message or information sent via computer resource or communication device, including any attachments that may be sent along with messages, such as text, images, audio, or video files.

**Sec.66B:** It goes into detail about the punishment and penalty for dishonestly receiving any stolen computer resources or communication equipment, as well as for anyone who has cause to believe that the resources are stolen. If both fine and imprisonment are imposed, the maximum penalty is three years in prison.

**Sec.66C:** It goes into detail about the penalties and punishments for identity theft, as well as the repercussions for anyone who fraudulently uses the electronic signature, password, or any other special means of identification of another person. The fine cannot be more than one lakh rupees, and the penalty is a term of imprisonment up to three years.

***Information Technology Intermediary Guidelines (Amendment) Rules, 2018***

The Rules have been framed under Section 79 of the Information Technology Act. This section covers intermediary liability.

- Section 79(2)(c) of the Act states that intermediaries must observe due diligence while discharging their duties, and also observe such other guidelines as prescribed by the Central Government.

- Information Technology Intermediary Guidelines (Amendment) Rules were first released in 2011 and in 2018, the government made certain changes to those rules.

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- In 2018, there was a rise in the number of fake news & rumours and messages circulated on social media platforms like Whatsapp.
  - social media intermediaries should publish rules and privacy policy to curb users from engaging in online material which is pornographic, hateful, racially and ethnically objectionable, invasive of privacy, etc.
  - The 2018 Rules further provide that whenever an order is issued by the government agencies seeking information or assistance concerning cybersecurity, then the intermediaries must provide them the same within 72 hours

### **CONCLUSION:-**

In conclusion, cyber security in India is a growing concern, as the country has become an attractive target for cybercriminals due to its increasing reliance on technology and digital platforms. The government and private sector have taken steps to improve cyber security, such as launching national cyber security initiatives and investing in cyber security infrastructure and training programs. However, there are still challenges to be addressed, including a lack of awareness and education among the general public, the need for stronger laws and regulations, and the need for greater collaboration between government, industry, and academia.

Overall, cyber security in India is an evolving landscape that requires ongoing attention and investment to stay ahead of the constantly evolving threat landscape. By taking a comprehensive and collaborative approach to cyber security, India can better protect its citizens and businesses from the growing threat of cybercrime and maintain its position as a leader in the global digital economy