

Critical Analysis of Cyber Law

Till year 2000, Bharat did not have any governing governing cyber space or Information Technology Law. To provide consideration to the Model Law on Electronic Commerce adopted by the United Nations Commission on International Trade Law (UNCITRAL) and to provide legal acceptance to electronic mercantilism the Information Technology Act, 2000 was enacted. Though this is comparatively a new governing as farther as others areas of accumulation are concerned, ease 8 eld have passed since this behave was enacted and in these 8 eld Technology has denaturalized at a much faster pace. Though accumulation cannot mayhap be expected to keep measure with changes in technology, ease there are few areas in the current cyber laws which need some attention.

Spamming

Spam haw be defined as Unsolicited Bulk E-mail. Initially it was viewed as a mere nuisance but now it is posing major economic problems. I conceive almost all of us receive many unwanted mails daily. Though there are some theoretical methods to deal with spam, they are not rattling effective and competent in handling with this menace. In the absence of any competent theoretical protection, stringent governing is required to deal with the problem of spam. The Information Technology Act does not handle the issue of spamming at all. USA and the dweller Union have enacted anti spam legislation. In fact state has rattling stringent spam laws under which the spammers haw be fined up to 1.1 meg dollars per day.

Pornography

Though the Information Technology Act talks most business of aggregation which is “obscene” in nature, it doesn’t specifically define what is obscene and what haw be classified as pornography. Even the penalisation for smut is not sufficient in India. In China the penalisation for maintaining pornographic website is life imprisonment but by the proposed amendment in IT Act the imprisonment is being low to digit eld from the inform fivesome year imprisonment. Also the intermediaries are exempted from any liability. Though legislations worldwide contain severe provisions for female smut there is no name of female smut in the Indian Act. It is interesting to state downbound that the Information Technology Act prohibits business of smut but viewing of smut is not an offence under the act.

Phishing

According to Wikipedia, phishing is the criminally fraudulent impact of attempting to take huffy aggregation much as usernames, passwords and credit bill details, by masquerading as a reliable entity in an electronic communication. Phishing is typically carried discover by e-mail and ofttimes directs users to enter personal and financial info at a website. Phishing is an example of social engineering technique used to fool users. There is no accumulation against phishing in the Information Technology Act though the Indian Penal Code talks most cheating, it is not sufficient to check the state of phishing. Recently a phishing attack was detected on the customers of State Bank of Bharat in which a clone of the SBI website was used. What is worse is that even SBI has not alerted its customers. So the need of the hour is a governing which prohibits the state of phishing in India.

Data Protection in cyberspace Banking

Data endorsement laws primarily aim to safeguard the interest of the individual whose accumulation is handled and computerized by others. cyberspace Banking involves not just the banks and their customers, but numerous third parties too. Information held by banks most their customers, their transactions etc. changes hand several times. It is impossible for the banks to retain aggregation within their possess machine networks. High risks are involved in preventing leakage or tampering of accumulation which communicate for competent legal and theoretical protection. Bharat has no accumulation on accumulation endorsement leave alone a accumulation governing an area as limited as endorsement of accumulation in electronic banking.

The Information Technology Act talks most unauthorized access but it does not talk most maintaining state of customer transactions. The behave does not place downbound any duty upon banks to protect the info of customers and clients. U.K has a accumulation endorsement accumulation which was enacted 10 eld backwards that is in 1998 under which banks or any person holding huffy aggregation haw be held liable for damages if it fails to maintain competent section endorsement in respect of data. In India, a bank’s liability would arise discover of lessen as there is no enactment on the point.

Privacy Protection

Privacy and accumulation endorsement are important issues that need to be addressed today as aggregation profession assumes greater importance in personal, professed and commercial spheres. The dweller Union and the United States have demanding policies relating to privacy and endorsement of personal accumulation when much accumulation or

aggregation is being transferred discover of their domain.

It also pertinent to state here, that the absence of a limited privacy accumulation in Bharat has resulted in a expiration of substantial foreign investment and other business opportunities. This deficiency has also served as an obstacle to the real growth of electronic commerce. Thus, a enactment addressing various issues related to privacy is of utmost importance today, if not an entire behave can be brought into force, then at least limited provisions relating to privacy and accumulation endorsement be incorporated into the Act.

Conclusion

These were some of the most important shortcomings of the Information Technology Act, 2000. Though an amendment was proposed in the Act in 2005, the bill has ease not been passed and moreover the bill also fails to come these issues and shortcomings. It seems quite evident that by the time the bill is passed, it would have become obsolete and ineffective.