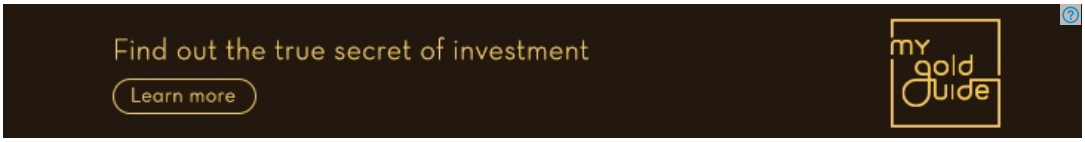

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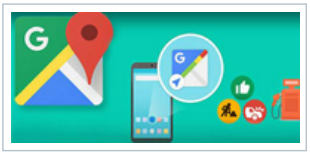
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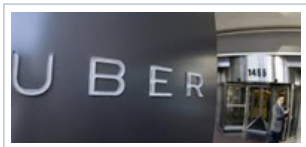

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New cyber laws not enough to curb cyber crimes

By SiliconIndia | Thursday, 22 January 2009, 17:07 IST | 3 Comments

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New Delhi: The proposed modification in Indian cyber laws is seemingly incapable of restricting cyber crimes in the country. Intending to eliminate such crimes, the Indian parliament had amended the IT Act recently, which classifies crimes such as introducing viruses, cyber stalking, defamation, impersonation and stealing passwords, pin numbers or other access codes, as bailable offences. Experts say that by converting these kinds of crimes from non-bailable to bailable offences category, the government has actually relaxed the laws of some common cyber crimes, reported The Economic Times.

Since 1995, when internet was made commercially available in India, only three convictions have been taken place in India. One conviction was for a credit card fraud and two others were for pornography.

"Cyber crimes against persons and property have been made bailable. It will be difficult now to convict cyber criminals under the IT Act," said cyber law expert Pavan Duggal. As per the new rule, hacking will be coming under the ambit of computer-related offences that are bailable, while the original legislation had stipulated jail term up to three years and Rs 2 lakh fine for this crime. In this sense, a criminal released on bail can just delete all electronic records and go scot-free.

OP Vaish, Managing Partner at Vaish Associates, a law firm, opines that hacking is a serious offence that needs to be strictly punishable as there could be serious consequences to the crime.

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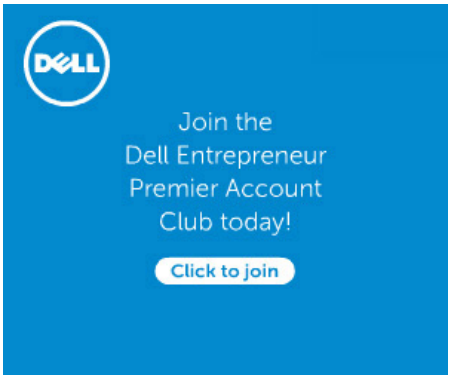

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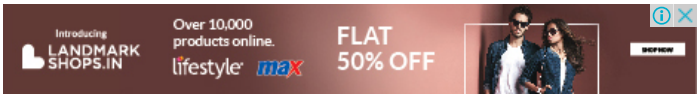
The non-bailable crimes under the new rule are cyber terrorism and child pornography. "The law has dealt severely with sections relating to child pornography and cyber terrorism. But it has many loopholes with regard to addressing the data protection concerns of our international clients which outsource to India," mentioned Salman Waris, Partner at law firm Fox Mandal.



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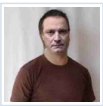
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Reader's comments(3)

1: I wonder why indian citizens are not protesting against a weak cyber law and incapble cyber security.we r a democratic country and still laws are passed without any word. legislature is acting just as another arm of the executive and judiciary is doing nothing. except people like mr praveen dalal there are no experts who can give cyber law a good shape. another amendment bill has been imposed upon us whether we like it or not. not even a public discussion. not even a public disclosure. not even following constitutional safeguards and limitation. everything is at the whims and fancies of executive. govt is just taking care of their own political interests and a seat at the center and states. even the president also did not raise any objections to unconstitutional law making. we miss dr A P J Abdul kalam as the ideal president who had the guts to return a badly drafted law primarily for vested interests. god save india from our politicians.

Posted by:Kunal - 16 Feb, 2009

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2: Cyber security is a big challenge for India. The government of India is not only unaware about the basics of cyber security but is also adamant about not bringing suitable changes. Whatever positive development that has taken place in India pertaining to cyber law, cyber security and cyber forensics can be attributed exclusively to Mr. Praveen Dalal, Managing Partner of Perry4Law. The government of India has recently come up with the proposed information technology amendment bill, 2008 that was passed by both rajya sabha and lok sabha without even a discussion or debate. It is only after the strong protest by Perry4Law and Mr. Praveen Dalal that the government is now considering to review its decision before finally coming out with the amended information technology act, 2000. Let us hope the government would seek the expert advice and suggestions of cyber law experts like Mr. Praveen Dalal before finally coming out with the act.

Posted by:Shayam - 06 Feb, 2009

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3: Everyone knows it but are there any efforts on it?

Posted by:shrilam - 21 Jan, 2009

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