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By Brief Cases / Pawan Duggal, | 3 Feb, 2002, 01:47AM IST [Post a Comment](#)

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IT HAS recently been reported that digital signatures will be available in our country in the end of February 2002. Which are the government that have a proper digital signature regime in place? Sonika Aggarwal, Mumbai Many governments have various endeavours in the area of digital signatures and have enacted laws for the purpose. India, as you probably know has adopted cyberlaws, and so have many other countries. Thailand is latest to have passed its cyberlaw, based on the UNCITRAL Model Law on E-commerce. There have also been reports that Germany's federal government is about to introduce electronic signatures for its employees. Last year, Germany passed a legislation, which made digital signatures legally binding. This means that over 200,000 employees of various governmental ministries and agencies would now be in a position to authenticate legal documents by means of electronic signatures. These electronic signatures are given the same legal standing as real world signatures. It is expected that this step is likely to contribute towards making security procedures generally acceptable in Germany in the context of the electronic environment. Thus, different countries and governments are beginning to attach immense importance to digital signature and their usage. HAS ANY Asian country taken appropriate legal steps against controlling spam /mail.cms? T R Venkateshwar, Kerala By and large, spam or the process of sending unsolicited electronic mails is regarded as a violation of privacy. By and large, Asia Pacific as a region has not been much concerned about the need to control spam. Korea, reportedly, has become the first country in this part of the world to take some effective steps against spam mail, apparently so as to help ease the traffic jams on the web, besides of course protecting user privacy. Korea's ministry of information and communication has introduced new regulations on unsolicited email or spam. These new regulations cover not only email but also other media such as short messaging on mobile handsets, telephone calls and faxes. These steps have been taken due to the immense flooding of spams on the Korean population. As per a study conducted by the Korea Information Security Agency (KISA), Korean email users are receiving an average of 32.65 spam messages per week as of November end 2001 as compared to 16.87 a year earlier. Further, according to the study, 52.8 per cent of such messages were meant to promote products and services, while adult content advertisement accounted for 18.5 per cent and lottery and online money making information for 14.3 per cent. The ministry of information and communication has also stated that it is likely to push for revision of existing laws to prevent the spread of spam messages. The revisions will include giving options to recipients to block emails. The ministry has further warned that violators will be slapped up to 5 million won and they would also be the subject to criminal investigations. It has also been stated that email service providers will filter illegal spam mail coming from foreign countries voluntarily. Thus, Korea seems to be serious about protecting its netizens against spam. WHAT IS the latest on cyber attacks on a global level? Is there a need for legally addressing this issue? Sanjay Singh, Delhi Cyber attacks are becoming

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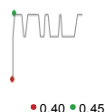


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extremely common. They are also becoming far more focused and sharper in their approach. The number of cyber attacks have reportedly gone up, especially after September 11. Recently, a study conducted by internet security firm Riptech on security breaches. said it verified at least 128,678 attacks from July to December 2001 as compared to 52,628 breaches and attacks in 2000. These statistics have once again emphasised the fact that the challenges of computer attacks have to be legally met with and there is an urgent need for companies and other entities in different countries to adopt appropriate mandatory security mechanisms. There is an urgent need for coming up with appropriate legal measures and mechanisms to ensure that companies implement available security measures so as to decrease the level of vulnerability to cyber attacks. The Indian cyberlaw also addresses the issue of security has been addressed. I AM a supporter of free speech and I believe that there should be no restrictions on the freedom of speech on the internet. Can any action be taken against me if I choose to speak and write whatever I like on the internet? Lotika, Bangalore. It is true that the internet as a medium affords ample opportunities to freely express what one wants to. The freedom of speech offered seems to be absolute and unconditional. However, this is not the case. We are beginning to see governments enacting legislation to define limits of such free speech on the internet. For example, if you display or publish pornographic information, you are in trouble. Under Section 67 of the Indian IT Act, this is clearly a penal offence punishable with imprisonment and fine. Similarly, if your speech is aimed at inciting hatred, racism or other elements, which are not conducive to public order, you could be booked. For example, recently a votary of free speech found himself on the wrong side of law. He happened to be Wolf A. Hess, grandson of Adolf Hitler's deputy Rudolf Hess, and he was trying to assemble historical documentation online about his grandfather. In connection therewith, Wolf quoted Hess as saying there were no gas chambers in the Dachau concentration camp in Munich during the Second World War and that the Americans installed them afterwards to scare tourists. Obviously the government did not take kindly to these remarks and Wolf A. Hess was fined \$1184 for public incitement. Thus, you will need to be careful about what limits you can go up to while exercising your freedom of speech. It will be prudent to note that the internet does not mean that you have unbridled speech. Like in the real world, you have rights and duties. HOW VULNERABLE is the Asia Pacific region to cyber frauds? Are there any legal steps being taken to counter this challenge? Rajat Buttan, Pune It is important to note that cyber fraud is beginning to emerge strongly on the Asia Pacific horizon. Asia Pacific does not have enough internet penetration, but it does contribute its bit towards cyber fraud. Recently, the Australian Institute of Criminology published a report on its study, which was commissioned by the Confederation of Asia and Pacific Accountants. This study has held that one in 10 internet transactions in the Asia Pacific region involves some kind of fraud. The study further reported that cyber fraud, by and large, went unreported in Asia Pacific and was hard to track down. It also noted that normal consumers, government agencies and businesses were increasingly being targeted by fraudsters, with organized crime using the internet to launder such illegal activities at the international level. The study further noted that bringing prosecutions against cyber fraud was difficult and getting convictions even harder. Considering that business-to-business transactions in Asia Pacific are forecast to be worth \$910 billion in two years, internet fraud does present tremendous challenge for nations and law enforcement agencies. There is a need for laws of different countries to specifically deal with cyber fraud. Further, companies and consumers must ensure that there must be authentication and security for internet transactions in order to prevent cyber fraud. Legislation in different countries of Asia Pacific have tried to deal with issues relating to cyber frauds, but much more needs to be done. There is a need to launch a tirade against cyber fraud. This is all the more so, in the light of the fact that by 2005, the Asia Pacific region is likely to account for nearly 30 per cent of all global inter-business commerce. WE ARE now in the year 2002. What, in your opinion, still needs to be done in India towards a more definitive, regulated and orderly cyberspace, and towards evolving a regulated code of conduct for online activities in the context of the electronic medium? Murli, Hyderabad A lot more needs to be done for a more definitive, regulated and orderly cyber space and for evolving a regulated code of conduct for online activities in the context of the electronic



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medium. The digital signature regime has to be implemented immediately, a couple of loopholes and grey areas in the digital signature regime need to be addressed. We need to have a distinct legislation, which legalises electronic fund transfer in the country. This is absolutely essential in order to legalise electronic payments in the country, which would become the basis for successful e-commerce. We also need to come up with distinct legislation to protect Intellectual Property Rights in the context of the online environment. This is more so as the IT Act has not amended any of the Intellectual Property Rights legislation of the country. As cyber crime increases, we are beginning to realise that the IT Act is not sufficient to deal with all of them. There is an urgent need for a distinct code, which can be supplemental to the Indian Penal Code. We need a distinct law on data protection. The electronic revolution is based upon data and information in electronic form. Unfortunately, India still lacks any legislation, which ensures protection of data. Enacting legislation on data protection may go a long way in the direction of making India an IT superpower. In addition, we need legislation dealing with confidentiality and privacy since these are extremely important for e-commerce transactions anywhere in the world.

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