



LEGAL FRAME WORK OF CYBER CRIME AND RIGHT TO PRIVACY

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Abstract-- Privacy and the freedom issue to cyber security with reference of Indian information law takes on importance critical new importance in the internet security (or) privacy and flexibility of articulation is said to be universally known for any personal's fundamental rights. But, then we it may, when we discussed these privileges terms in cyber space, which means turns meaning comes out to be very different. Our constitution have various laws assumes to online and offline privacy and freedom of expression. Cyber world is both informational technology and interactive with lost of autonomy. Then, private data of an fundamental should be accessible to the government. India presently does not have any specific legislation society data protection or privacy especially in information technology law. The constitution of Indian article 21 where gives right to privacy and section 19A which deals with freedom of expression under cyber crime. Although the India has considered the information technology law and the subsequent amendments it the 2008. Yet it able to cover complete boundaries of internet crime. As an, everything is available on computer which people do their personal convenience behinds the personal details, professional details, bank details and even private key an individual's. The paper will raising the issues and discuss the legal implications on the intrusion of the freedom speech along with some cases studying on privacy information. Key words:- cyber crime, crime law, right to privacy.

INTRODUCTION

Cyber Crime

Cyber crime is a criminal activity is carried by a computer or internet. The cyber crime, is also called a computer crime. It is any illegal activity involves a network connected device. Such as a mobile, laptop. The cyber crime can be divided into three categories:-

- Crimes in which targeting the computer device, Example: To profit for internet access.
- Crimes in which computer is used as a weapon, Example: To launched a denial of device for DOS attack.
- Crimes involving a computer system in accessory crime, Example: To store illegally obtained data.

Types Of Cyber Crime

- Phishing
- Email spoofing
- Cyber terrorism
- Credit card frauds
- Child pornograph
- Defamation

HISTORY OF CYBER CRIME

The first cyber crime is recorded by the year of 1820. The first spam email took place in the year of 1976. When it's was sent out over the ARPANT.

CYBER LAW

Cyber law is the part of general legal framework that arrangement with the web, the internet, and their individual lawful issues the cyber law covers a fairly broad range, incorporating a few subtopics including, flexibility of articulation, access to the usage of internet and online privacy.



IMPORTANCE LAW OF CYBER CRIME

Objectives of IT Act, 2000.

- According to Information Technology Act, 2000 any private or government sector of company can store their data in electronic device of storage.
- It is objective Information Technology Act 2000, is legal recognition to transactions of electronic way.
- To stop cyber crime in internet.
- To make high (or) more power of Indian Evidence Act for restricting electronic crimes.
- To give legal recognition for keeping company accounts in electronic device.

The various offence related to internet to which has been punishable under the Information Technology Act and the Indian Penal Code are enduring the below list of following cases.

- 1) Cyber Crimes Under The Information Technology (IT) Act, 2000
 - Section 65 - Tampering source of computer.
 - Section 66 – Hacking with computer.
 - Section 67 – Publishing obscene of Information
 - Section 70 – Un-authorized access to protected system.
 - Section 72 – Breach of privacy.
 - Section 73 – Publishing false digital signature certificate.
- 2) Cyber Crime Under Indian Penal Code (IPC) And Special Laws
 - Section 503 IPC – Sending threading message by e-mail.
 - Section 500 IPC – E-Mail Abuse.
 - Section 499 IPC – Sending defamatory message by e-mail.
 - Section 469 IPC – Forgery purpose of harming reputation.
 - Section 468 IPC – Forgery purpose for cheating.
 - Section 464 IPC – Making false documents.
 - Section 463 IPC – E-Mail spoofing.
 - Section 420 IPC – Cyber frauds.
 - Section 383 IPC – Web Jacking.
- 3) Cyber Crime Under The Special Acts
 - Online sale of Arms Act under NDPS, in 1959.
 - Online sale of Drugs Act, in 1985.

RIGHT TO PRIVACY

The right to privacy is refer to as an fundamental's legal personal rights, is not explicitly providing in the united state of the constitution, is to be, a left alone from a unwarranted publicity. Privacy rights is considering to the individual human rights.certaining, I got, the personal fundamental right to protecting under the constitution of rights.

International Concepts Of Right

Article 12: Universal declaration of the human rights act (1948), states that, no one subjecting to arbitrary to the inference with a his right to privacy in family, home or correspondence to his honour reputations.

Article 18: International Covent of civil and the political rights of states, no shall be subjected to unlawful inference with privacy, family, home and correspondence to the lawful attacks on his reputations.

Article 8: An European convention of human right Acts in states. Every body has right to privacy of rights in family, home, life, his home and his correspondence. Here will to be a in fluently of the government authority of law is necessary the society in the interesting of national security, public or government safety of economic well-being of the states for the protection health of rights and privacy , in other issues.

Individual Decisions Of Privacy



The individual choice of processing concerning protecting the influence and hampered various elements. Among these, deficient data, limited discernment and precise to mental deviations from judiciousness recommended that the supposition of immaculate reasonability may not enough catch the substation of a person's security touchy conduct.

CYBER CRIME CASE IN INDIA

Syed Asifuddin And Ors Vs The State Of The Andhra Pradesh

According to case registered the IT ACT ,2000.[Tampering with computer source document].

According to Explanation to Sec. 65, "Computer source code" means the listing of programme, computer commands, design and layout and programme analysis of computer resource in any form.

Facts Of The Case

In TATA Indicom employees were arrested for manipulation of the election 32. It number [ESN] programmed into cell phones that where exclusively franchised to Reliance Infocom.

The Court held that such manipulation amounted to tampering with computer source code of envisaged by the section-65 of the Information Technology Act, 2000 handset. Since the handset was a high caliber the market reaction the plan was in credible.

Unidentified people reached Reliance clients with an offer to change to a lower valued TATA Indicom plot. As a major aspect of the arrangement, their telephone would be innovation opened with the goal that the elite Reliance handsets could be utilised for the TATA Indicom benefit.

The case registered the Syed Asifuddin and ors Vs The State of the Andhra Pradesh Anr . 2006 (1)ALD Cri96,2005CriLJ 4314

Details Of The Case

Reliance info com propelled a plan under which a mobile phone was supported was given an advanced handset worth is Rs:-10,500/- and additionally benefits package for a long term with a underlying Instalment of Rs:- 3,350/- and month to month surge of Rs:- 600/-. The supporter was likewise given a 1 year guarantee and 3year protection on the handset.

The conditions was the handset was innovative bolted so it would just work with a Reliance info com Administrations on all chances that the clients needed to leave Reliance Administrations could need to pay a few changes including the genuine cost of the reliance authorities came to think to about his opening by TATA workers and help up a First Data Workers and help up a First Data Report (FIR) under different arrangement of the Indian corrective Code, Data Innovation Act and the copy right Demonstration.

The police at that point assaulted a few workplaces of TATA Indicom in Andhra Pradesh and captured a workers of TATA Tele Administrations constrained authorities for a re-programming the Reliance handsets.

These captured people moved towards the High court asking for the court to subdue the FIR in light of the fact that their demonstrations did not disregard the said lawful arrangements.

Judgement Of The Case

Such manipulation of amounted to tampering with computer source code is U/S Section 65 of Information Technology Act (IT ACT) and the Copyright Infringement U/S Section 63 of copy right.

Punishment For Case In Tampering With Computer Source Document

[Section 65 of IT Act] :- Imprisonment upto 3 years or fine upto Rs:-2 lakhs or with both.

Comments Of The Case

According to this, case judgement is correct

Comparative study Of Another Country

As an against of the alone of legislation of Information Technology Act [IT Act] 2000, in India in many other legislations hovering in the constitution of e- commerce and cyber crimes going into all the facts of cyber crimes cases. In Data internet communication, storage material, child pornographers, and electronic records of data privacy have been all addressed in separates Acts rules and regulations giving thrust in the particular area focused in the Act.



RELATED TO UNITED KINGDOM VS INDIA

- In the UK, the Data Protection Act and the Privacy and electronic communications, Regulations etc are all regulating legislations already existing in the area of Information security and cyber crime prevention, besides cyber crime law passed recently in August 2011.
- Similar to these countries we add cyber crime regulations and other rules in the country. Then regulations of other nations like Australia, New Zealand, China etc.

CONCLUSION

In cyber crime is another type of crime doing that has been risen, because of computerisation of different exercising in an association of different organised situation. With the quick development of data internet violations are an increasing danger of the world in action of crime.

Innovation has a negative angle as it encourages sector's customarily the law keeps place with an adjustments in innovation. Yet a place of mechanical advancements in the current offences of world. Particularly in the field of data and innovation is difficult to keep in lawful frame. A critical concern identifies with modernity reforming the laws of numerous nations with originated before of legal perspective of individual's person. The requirements for law in reformation assurance is principles of India as to manage the speculator. Certainly, Information insurance is basic for outsourcing courses of action that depends on an Indian organisations with a remote organisations, private information (or) The Right to privacy.

REFERENCE

- [1] A.P. Bharadwaj. 2016- previous-More edition.
- [2] Thomas K. Chancy. 2011
- [3] Debarati. Holder.K. Jaishankar.
- [4] Uchenna Jerome.
- [5] Carl Shapiro, Halo R. Varian.