

ABSTRACT

Now a days we see around there are many crime occur day to day life the most common and we can say a serious crime occur i.e Cyber crime and in this crime our data and our essential information is hacked so in this paper I have discuss about the Data and privacy and how we safe ourself and others for such a crime and I have also discuss the current scenario.

DATA AND PRIVACY



Now a days we can see there are many cyber crimes are occur due to hacking and tracing of data, there are cyber security laws which will help us to save our data and many things.

There are lots of of cyber crimes¹ :-

- Identity theft – In this crime personal information of a person is stolen for the purpose of committing the crime for the financial resource.
- Hacking :- It is the most common cyber crime in this the person hack or trap the other person password of any social networking site or any kind for the purpose of his own gain.
- Defamation :- In this crime the person harm the reputation or publishing wrongfull statement of the other person and they have punish under the ‘Defamation law’.
- Copyright :- It is a kind of punishable offence in which the product or particular brand is safe that nobody can made or issue it for the same. Copyright is a security which help the producer to safe and secure its product any kind.
- Trade secrets :- In this personal information of the person is safe that nobody stole it. It provide helps for the cyber attack for not leak the information.
- Freedom of Speech :- In Article 21 of the Indian constitution every person has their right to speech.

¹ <https://www.myadvo.in/blog/what-is-the-cyber-law-in-india/>

- Harassment and Stalking :- Due to the help of social networking sites hackers committing this offence and they were punishable for their act, Cyber crime protect the victim against this offence.

Why we need cyber laws ?

In the present scenario we see our day to day life that there are many crime or offences occur and due to digitalization, using internet; Internet is essential part in now a days Right to internet is a fundamental right. Internet is most demanding thing then cyber crime will occur and then to prevent the cybercrime it made special laws regarding cyber attack. It is a punishable offence.

Information Technology Act, 2000²

Information technology act, 2000 or cyber act or internet law came to force in India. Indian internet law was drafting to being on electronic record to legal recognition. The objective of cyber law to eradicate for the electronic transaction, Bankruptcy and forgery & computer crime.

How to prevent cyber crime ?

² <http://www.legalservicesindia.com>

It is essential for us that how we protect or being safe for the cybercrime. Now a days cyber crime problem is mostly occur Its depends on us that how we safe ourself for the crime. There are certain points which will helps us to safe the cyber crime:-

- Unkown text messages
- Unknown Emails
- Personal information
- Rapidly changing the password

Privacy bill, 2011

Each and every person has their right to privacy for the confidential and its personal information regarding electronic modes, messages, mail , communication sharing its data for one and another while their family information and so on. It will defame the reputation of the person, This bill is passed to provide information about the privacy and data access to the people it provide awareness that the cyber rights. It provide confidentiality to the banking activities, electronic transactions, medical and legal information.

There are certain case laws related to right to privacy

Kharak Singh V.s State Of Up (1962)³.

A marginal view acknowledged the right to privacy as a fundamental right. The majority judges said that right to privacy was both the right to personal liberty and freedom of movement as well.

Unique Identification Authority of India & Anr. v. Central Bureau of Investigation (2014).

The essential department of Investigation required right of entry to the massive record comply by the exclusive individuality power for the purposes of investigating a criminal offence. The Supreme Court , said that the UIDAI was not to transmit any biometrics without the assent of the individual.

R. Rajagopal v. Union of India (1994).

Supreme court observe that right of a individual in the direction of personal liberty that is guaranteed under the Constitution. It auxiliary acknowledged in the direction of the right to privacy preserve be present both an actionable claim and also a fundamental right.

Govind v. State of M.P. (1975).

³ <https://www.news18.com/news/india/right-to-privacy-a-fundamental-right-landmark-cases-that-have-recognised-it-1499989.html>

In this case, the SC established that the right to privacy is a fundamental right. The right was said to keep personal intimacies of the residence, wedding, ancestors, parenthood, etc. other than it also pragmatic that it was focus to “persuasive status subject matter”.

The landmark case of **Shreya Singhal v Union of India (2015)**⁴

It is a landmark case that plays a very important role in the Indian legal system. The container revolve approximately the fundamental right of freedom of speech and expression under Article 19(1)(a) of the Constitution of India, which challenge the legitimate legality of section 66A and lead toward the strike losing of section 66A of the Information Technology Act 2000 Section 66A is the penalty intended for transfer unpleasant mail throughout announcement armed forces, etc.

Right to Access the use of Internet is a Fundamental right or Not ?

Supreme Court held Right to internet is a fundamental right because internet is a medium of freedom of speech and expression for carrying trade and business. our government

⁴ <http://www.legalservicesindia.com/article/2473/Shreya-Singhal-v-U.O.I.>

initiates 'Digitalization' to become the work easier and faster it provides helps us for economic activities, financial activities, customer activities etc. Internet is a fundamental right under the interpretation of Article 19(1) (a) and Article 19 (1) but not in Jammu & Kashmir, Its govt. told Supreme court that right to access internet is not a fundamental right it violate, disturb peace as we already know the terrorism in J& k its govt. taking the right decision because of terrorist attack mostly offences will occur in Jammu and Kashmir hence in Jammu & Kashmir right to access internet is not a fundamental right⁵.

Current Situation In lockdown

As we already know about during this lockdown we are at home our office work, education, entertainment etc is work at home due to lockdown our consumption of data or internet is more, Our Government taking the right decision that not to use Chinese apps it violate or leak our personal information it is not a secure app due to 'Digitalization' our day to day life work become easier and faster like banking, educational, office work and so on. It become our life easier and faster and our govt. promoting 'Make in India' campaign it is a kind of platform that we build our product for its own and use it, Narendra modi ji while giving its speech it says we have to import less in other

⁵ <https://sabrangindia.in/article/right-internet-it-fundamental-right-india>

countries. While we are at home our activities is going on and environment is not polluted our lakes, river mountain is very much neat and clean due to this lockdown our environment is hygienic as we know when we see Narmada river it is too polluted and lot of money is spend on it but during this lockdown it is very much far better than its previous condition. We have to face air pollution it affect our health due to the use of essential use of vehicles it prevent for the air pollution. When our work is going on connviently without harm the envt. and so on. So why we harm the envt for our own benefit. Due to the use of access of internet our government provides various guidelines to us about hacking and tracing of data that not to reply, see or provide personal information for the unkown mail or messages etc to protect syber attack. Cyber crime is a punshiable offence and there are laws for it.

Aadhaar Act, 2016

Aadhar act was passed in lok sabha in this act it is mandatory for all the citizens for the country for using the Aadhar card it provide our right for the citizens for the country. It is applicable for all the country people and all the level of income group, Now our bank account our financial status our previous record is link between the Aadhar card our govt. of India know about the Aadhar card each and every individual person activities. Aadhar provides helps for our government for the black money, corruption and bankruptcy & forgery it will easily reach to their person for their personal information.

Our data and Information is confidential to the govt. Due to this government easily reach to the poor income of people group who actually deserve the financial help. Aadhar eradicate the role of middle men for not to provide such benefits to the poor people.