

Lecture- 24



Loopholes in Information Technology Act, 2000

The Act provides various provisions related to digital signatures and electronic records, along with the liability of intermediaries, but fails in various other aspects.

These are:

No provision for breach of data

The provisions of the Act only talk about gathering the information and data of the citizens and its dissemination. It does not provide any remedy for the breach and leak of data, nor does it mention the responsibility or accountability of anyone if it is breached by any entity or government organization. It only provides for a penalty if an individual or intermediary does not cooperate with the government in surveillance.

No address to privacy issues

The Act failed in addressing the privacy issues of an individual. Any intermediary could store any sensitive personal data of an individual and give it to the government for surveillance. This amounts to a violation of the privacy of an individual. This concern has been neglected by the makers.

Simple punishments

Though the Act describes certain offences committed through electronic means, the punishments given therein are much simpler. To reduce such crimes, punishments must be rigorous.

Lack of trained officers

With the help of money and power, one can easily escape liability. At times, these cases go unreported because of a social stigma that police will not address such complaints. A report shows that police officers must be trained to handle cybercrimes and have expertise in technology so that they can quickly investigate a case and refer it for speedy disposal.

No regulation over Cyber Crimes

With the advancement of technology, cyber crimes are increasing at a greater pace. The offences described in the Act are limited, while on the other hand, various types of cyber crimes are already prevailing, which if not addressed properly within time, may create a menace. These crimes do not affect any human body directly but can do so indirectly by misusing the sensitive data of any person. Thus, the need of the hour is to regulate such crimes. This is where the Act lacks.

Conclusion

The Act is a step toward protecting the data and sensitive information stored with the intermediaries online. It gives various provisions which benefit the citizens and protect their data from being misused or lost. However, with the advancement of e-commerce and online transactions, it is necessary to deal with problems like internet speed and security, transactions that are struck, the safety of passwords, cookies, etc. Cyber crimes are increasing at a great pace, and there is a need to have a mechanism to detect and control them.