Abstract

Privacy and freedom issues in cyber security with reference to IT law takes on important new meaning in cyberspace. Privacy and freedom of expression is said to be universally known for any individual’s fundamental right. But when we talk about these right in terms of cyber space, meaning comes out to be very different. Our constitution have various laws regarding this, how these laws plays different role when evaluated online and offline privacy and freedom of expression. This comes to be true when the source of the information is outside the jurisdiction of those endeavoring to control speech. Cyber world is both informational and interactive with lots of autonomy. As everything is available on internet which people do for their personal convenience including personal details, professional details, bank details, and even private keys of individuals. All these information can lead to a serious privacy risk. Along with that how much private data of an individual should be accessible to government. Also, Hate speech on internet, or speech designed to target, oppress or incite hatred or violence against a person or group based on cast, creed, race, religion, nationality, gender, sexual orientation, disability or other group characteristic, do not get effected by locations, time and boundaries. Due to the freely
available internet services worldwide, incidents of profane talk has become known throughout the world within seconds and can cause serious repercussion. India presently does not have any specific legislation governing data protection or privacy especially in IT law. However, as per Article-21 which gives right to privacy and Section- 19A which deals with freedom of expression under The Constitution of Indian but still there working is not actively involved when it comes under cybercrime. Although India has come up with IT Act, 2000 and the subsequent amendment to it in 2008 yet it is not able to cover the complete boundaries of cybercrimes, like a very crucial issue of right to privacy. This only shows the imbalance between age old procedure adopted in India and the advancement which Indian society has made. The session focuses on the dynamics of cyber world with respect of privacy concerns and freedom issues with special reference to cyber laws of countries like India, European Nations and United States of America. The problem of how to reconcile all the conflicting claims arising out of the issues of privacy in the context of Internet exposure and the right to freedom of speech. The paper will raise all these issues and discuss the legal implications on the intrusion of the freedom of speech along with some case studies on privacy intrusion.

References

15. Report on ‘Cyber Security and Right to Privacy’ submitted by the Parliamentary Standing Committee on Information Technology presented on Feb. 12, 2014 under the Chairmanship of Rao Inderjit Singh to the fifteenth Lok Sabha.
27. Cyber laws related to privacy and freedom issues retrieved from http://www.cyberlawsindia.net/lawyering.html
35. “Cyber Crimes and the Society”, Post Graduate Diploma in Cyber laws & Cyber Forensics, Distance Education Department National Law School of India University, p-84.
37. Maria Grazia Porcedda, “DATA PROTECTION AND THE PREVENTION OF CYBERCRIME: THE EU AS AN AREA OF SECURITY?”, EUI Working Papers, European University Institute, Department of law

Index Terms

Computer Science
Security

Keywords

Cyber, cyberspace, freedom of speech, privacy, cybercrime.