

ICT Trends in India-2006

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In furtherance of our “Corporate Social Responsibility” the Law Firm Perry4Law would provide a regular and annual analysis of Information and Communication Technology (ICT) trends in India. The Law Firm Perry4Law is the First and Exclusive Techno-Legal Firm in India and is managing Perry4Law’s Techno-Legal Base TM/SM * (PTLB TM/SM*) and ICT HELPDESK TM/SM*. PTLB TM/SM* and ICT HELPDESK TM/SM* are coordinating and collaborating International and National initiatives that primarily rely upon ICT for their successful operation and existence. PTLB TM/SM* will provide service pertaining to Cyber Law, Cyber Forensics Cyber Security, Techno-Legal E-learning Services, Due Diligence Compliance Audit, E-commerce, E-governance, ADR and ODR, IPRs, International Trade etc. This is the first trend analysis of Perry4Law.

Information and Communication Technology (ICT) is changing the face of contemporary World. The ICT has not only connected the World at one single platform but it is also helping in the integration of various traditional societies into modern societies. The mandates of globalisation also require an interaction between Indian economy and World’s economy. Globalisation is closely related to ICT and the ICT strategy of a nation is very crucial to put it on a global map. The ICT strategy in India must be techno-legal in nature rather than purely legal or purely technological. Unfortunately, Indian ICT Strategy is not upto the mark and the same is further degraded with the introduction of the proposed amendments to the IT Act, 2000 (if the original recommendations have been accepted as it is). The concepts of cyber forensics in India, cyber security in India, computer security in India, etc have not yet got the attention of the Indian Parliament.[1]

Though India is emerging as a leader in the field of ICT related services yet there seems to be some missing links. They pertain to the following:

(a) The requirement of paying attention to e-security in India that covers cyber forensics, computer and cyber security, etc.

(b) The cyber law in India also imposes certain restrictions and their violations may take the form of offences and contraventions. Cyber crimes in India are taken care of by the Information Technology Act, 2000 (IT Act, 2000) that also mandates adherence to certain compliance requirements. These aspects must be kept in mind by Companies, Individual and even by the Government.

(c) The establishment of digital evidencing base is an absolute requirement in

India. The same is missing for the time being.

(d) There is also a dire need of judicial reforms in India keeping in mind the requirements of ICT.

(e) The establishment of electronic courts in India would be a good step towards implementing the judicial reforms in India in an effective manner.

(f) The electronic era has its own challenges that must be tackled effectively.

(g) The introduction of wireless technology in India would require its own security requirements. Thus, the wireless security in India must be considered on a priority basis.

(h) There are legal risks of electronic commerce as well that also cannot be ignored.

(i) The internet banking in India must also be developed so that a sound e-commerce platform can be established in India.

(j) At the same time the ICT strategy in India must be “reformulated” so that it is conducive for the overall development of Indian economy.

(k) E-learning in India must be used for techno-legal educational purposes in India.

(l) We also need Techno-Legal education in India to cater the need of legal KPO and legal BPO.

(m) The proposed amendments of the cyber law of India, i.e. IT Act, 2000 must be made public and transparent. The IT Act, 2000 must be amended properly and the proposed amendments to the IT Act, 2000, as originally suggested by the Expert Committee, must be rejected at all costs. If some changes have been made in the original recommendations of the Expert Committee, they must be discussed with various segments associated with the cyber law of India.

(n) We must appreciate that e-governance without security is useless.

Nothing short of a techno-legal compliance can provide a viable solution for these missing links. We need initiatives on the lines of PTLB TM/SM . It is apparent that the missing links pertain to securing the ICT infrastructure and cyberspace. It may take the form of on-site security measure or private defence in Cyberspace. This becomes essential to tackle the menace of cyber crimes and cyber terrorism. The preventive measures for ATM Frauds also have their origin in e-security.

Even the legal BPO in India requires a sound base.

The existing deficiencies of the ICT Strategy of India must be removed. The missing links must be put in the chain of ICT so that we can utilise its benefit to maximum extent. Every base requires time, money, energy and resources so that it may mature and suit the requirements. If we consider the “futuristic aspect” of the present cyber law in India that it is clear that this is the high time that we must establish a base. We may face many difficulties but than we will face them in any case. We need to capatilise “collective expertise” and an “ideal public-private partnership” base in India. Even the proposed laws like Broadcasting Bill-06 have certain deficiencies and they must be removed while enacting the ultimate law in this regard.

References

[1] Praveen Dalal, “Cyber Law in India”, <http://legalsolutionsindia.blogspot.com/2006/12/cyber-law-in-india.html>

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