INTERNATIONAL JOURNAL OF LAW

MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Follow this and additional works at: https://www. ijlmh. com/

Under the aegis of VidhiAagaz – Inking Your Brain (https://www. vidhiaagaz. com)

In case of **any suggestion or complaint**, please contact **Gyan@vidhiaagaz.com.**

To submit your Manuscript for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at **submission@ijlmh.com.**

Laws Relating to Phishing Scams (IT Act 2000): A Socio-Legal Analysis

KEERTI TAWAR[1]

ABSTRACT

In this paper, we will analyze whether there are some serious problems related to the working of the IT Act on the grounds. As after watching 'Jamtara- Sabka Number Aayega' (Indian series), one could see there are some serious problem as it is not even considered as a crime, as it becomes the part of your district's economy. It is hard to stop culprits from getting bail, conviction are miles away. Phishing is not a normal crime it is the most intelligent crime. The most dangerous fraud that causes by day-to-day banking activity is Phishing. Phisher's always planned to fraudulently acquire sensitive information like username, password, OTPs and credit card details by masquerading a trustworthy entity . To tackle this, an attempt has also been made to touch the areas wherein, the author's suggesting what could legislation can do for its transparency and also the aim of this paper is to discuss how other countries like the US dealing with these crimes to put an end.

Keywords: Information technology, Phishing, Jamtara, Legislation, Crime.

I. ANALYSIS

If we see 'Jamtara', the story intrigues us as it is based on a true incident that happened in 2015-2016. We could see where the money is involved politicians can't fall behind. Likewise, they start supporting illegal business just to make monetary profits. In this situation, wherein local police usually found bootlicking for their share of the pie. It always becomes very hard to catch the culprits or criminals. Even if a sincere government official like Superintendent of Police, who is determined to stop phishing racket. As if they try to do things in their power, their life will always remain at stake. Jamtara is an economically backward district of Jharkhand where villager hardly gets five hours of electricity and majorly populated by poor farmers and unemployed youth. Digital India gave the unemployed youth of this district an opportunity to make money in the fastest way possible. In this situation of lack of coordination where the superintendent not getting enough support from the local police of that area, because they have

---

fear of local politicians.

Observation new digital users are easier to defraud as they lack complete knowledge. Secondly, Poor quality training of IT graduates will eventually make them unemployable. Most of the time when crimes are reported it will hard to handle all cases due to understaffed and overworked police units. Young Indians usually for the sake of trend downloading apps that are likely to contain Malware and also unfamiliarity with the nature of e-banking results in financial losses to customers. Therefore, Government could step forward to avoid these circumstances. Look for ways to provide better training for young workers, Police units need to be trained to handle cybercrime cases, there has to be an encouragement for domestic research and development. Lastly, to aware the gullible public of these crimes.

II. HOW US TACKLING IN COMPARISON TO INDIA

Phishing is a criminal fraudulent process of attempting to acquire sensitive information such as username, passwords and credit card details, by masquerading as a trustworthy entity. In the Parliament while discussing the "objects and Reasons of ITAA-2006" for the bill passed in 2008. Phishing was part of the statement. But till date there is no provision specifically against Phishing. In India presently we have Information Technology Act, 2000 which is primary law in India dealing with cybercrime and electronic commerce. But, US has anti-phishing Act in place to combat this fraudulent activity named "The Anti-Phishing Act of 2005", a bill to criminalize Internet scams involving fraudulently obtaining personal information, commonly known as Phishing". Thus it allows law enforcement officials to fight Phishing scams, by creating an opportunity to prosecute before the actual fraud takes place[2].

III. CONCLUSION AND SUGGESTION

There is some serious problem in the working of the IT act on the ground. Because inevitably when complaints are made with respect to a person, who is higher in rank or in position. They tend to form a pack with the government official, who is working in that area. Like what we have seen in Jamtara. In many cases, lack of coordination among the officers is the reason. So, to tackle Government can set up a statutory body that is National Commission for scams, in keeping with its working the commission will initiate various steps towards awareness among the public. The commission will with drama/skit, short films, Conduct workshops, and seminars in order to generate awareness among the public in the society against this social evil. Not only this, the commission will review the laws which are related to the scams and it will

---

[2] http://deity.gov.in/sites/upload_files/dit/files/GSR_

identify the loopholes and the reasons for why it is not working on the ground. It will make the law more stringent and effective. And also, we could have a separate Act which is completely dedicated to Anti- Phishing. Could also form a committee for transparency.

We would strongly recommend you to watch the Jamtara series once, as it gave us an idea of how these crimes are taking place around us. We become more cautious and aware of such incidents. It will surely help us to avoid such fraudulent calls or msg. At present, Technology has become part of our daily life. With this, the major drawback we faced is an increase in cybercrimes. To combat this growing challenge, there was an amendment that becomes a need of the hour. Like this guideline, wherein we have a two-tier security system which was given by RBI in 2009 in its guideline. Future perspective there would be such development which help in phishing detection in fastest way possible. At this point, as we are aware of these crimes, we should alert others to the gullible public. And it becomes easy to share our experience in this technological era through WhatsApp or any other platform, this is the positive use of this medium. In this way, we can protect others.

*****