

Literature

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INFORMATIONAL RIGHTS PROTECTION IN INDIA

Nowadays our states' societies may be honestly called as informational. New technologies help us in our daily routine. At the same time, using them we open our private information that, of course, is needed to be protected. Unfortunately, not always and not in every country there are sufficient means to their protection. First of all, we have to pay our attention to legislative mechanisms to declare and define procedures to defend our informational rights and freedoms. But we have to emphasize that just their effective implementation may give us the real possibility to be protected in every country.

When Internet was developed, the founding fathers of Internet hardly had any inclination that Internet could transform itself into an all pervading revolution which could be misused for criminal activities and which required regulation. Today, there are many disturbing things happening in cyberspace. Due to the anonymous nature of the Internet, it is possible to engage into a variety of criminal activities with impunity and people with intelligence, have been grossly misusing this aspect of the Internet to perpetuate criminal activities in cyberspace. Hence the need for Cyber laws in India [1].

In countries across the world, we're witnessing escalating efforts to turn Internet intermediaries into chokepoints for online free expression. Internet intermediaries – Internet Service Providers (ISPs), online service providers like Twitter and Google, and even Internet cafes – are increasingly subject to legal demands by private citizens and governments worldwide for allegedly infringing or illegal content to be removed, filtered or blocked, and for mandatory collection and disclosure of Internet users' personal data. At the same time, whether Internet intermediaries have liability for content posted by their users, and in what circumstances, remains unsettled in most of the world [2].

Cyber law is important because it touches almost all aspects of transactions

and activities on and concerning the Internet, the World Wide Web and Cyberspace. Initially it may seem that Cyber laws is a very technical field and that it does not have any bearing to most activities in Cyberspace. But the actual truth is that nothing could be further than the truth. Whether we realize it or not, every action and every reaction in Cyberspace has some legal and Cyber legal perspectives [1].

After a particularly notorious caseholding the managing director of a popular online marketplace, Banzee.com, personally liable for a user's offer to sell an obscene video, the Indian Parliament amended the Information Technology Act in 2008, ostensibly to curb the liability of intermediaries for user content. Taking the EU E-Commerce Directive as its model, the Act extends safe harbor protection to services that 1) are merely transmission conduits, 2) temporarily cache content, or 3) host content and exercise "due diligence" in complying with the Act and other government regulations. Unfortunately, the scope of safe harbor immunity is unclear, with some courts arguing that secondary liability for copyright infringement is not precluded [2].

The original Act contained 94 sections, divided in 13 chapters and 4 schedules. The laws apply to the whole of India. Persons of other nationalities can also be indicted under the law, if the crime involves a computer or network located in India. The Act provides legal framework for electronic governance by giving recognition to electronic records and digital signatures. The formation of Controller of Certifying Authorities was directed by the Act, to regulate issuing of digital signatures. It also defines cyber crimes and prescribed penalties for them. It also established a Cyber Appellate Tribunal to resolve disputes arising from this new law. The Act also amended various sections of Indian Penal Code, 1860, Indian Evidence Act, 1872, Banker's Book Evidence Act, 1891, and Reserve Bank of India Act, 1934 to make them compliant with new technologies [3].

According to the Information Technology Act, there are following informational offences in India: Tampering with computer source documents (section 65), Hacking with computer system (section 66), Publishing offensive, false or threatening information (section 66A), Receiving stolen computer or communication device (section 66B), Using password of another person (section 66C), Cheating using computer resource (section 66D), Publishing private images of others (section 66E), Acts of cyberterrorism (section 66F), Publishing information which is obscene in electronic form (section 67), Publishing images containing sexual acts (section 67A), Publishing child porn or predating children online (section 67B), Failure to maintain records (section 67C), Failure/refusal to comply with orders (section 68), Failure/refusal to decrypt data (section 69), Securing access or attempting to secure access to a protected system (section 70), Misrepresentation (section 71) [4].

Summarizing the mentioned above, we have to stress that in India the same

as in Ukraine in spite of raising the level of informatization and informational literacy of Ukrainian society, the level of its information culture remains low, and the question of an adequate level of security in the information sphere remains open today [5, p. 140].

Literature

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LEGAL ASPECTS OF RIGHT TO LIFE

Every human has an honorable value for being born and exists as a social and biological being. Because of this existence, every human is legally recognized as a person and vested with inalienable and non-assignable rights by law, which include fundamental rights and freedoms. As most of these fundamental rights and freedoms are guaranteed by the constitutions of countries, a large amount of them are covered by international conventions and court practices. Right to life basically describes a person's right to live and although there cannot be a comparison of importance between human rights, it is considered as the prior fundamental and inalienable right among others. To exemplify, in a case where a person's right to life is violated, it would not matter whether their right to fair trial is protected.

Even though its importance is indisputable, the concept and context of right to life only evolved with the development of human rights. The term of right to